

Western Australia

Universities Legislation Amendment Act 2000

As at 07 Dec 2000

No. 75 of 2000

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Universities Legislation Amendment Act 2000

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Western Australia

Universities Legislation Amendment Act 2000

No. 75 of 2000

An Act to amend —

- the *Murdoch University Act 1973*; and
- the *University of Western Australia Act 1911*,

to repeal —

- the *University Endowment Act 1904*; and
- the *University Endowment Act Amendment Act 1927*,

and to make a consequential amendment to the *Public Education Endowment Act 1909*.

[Assented to 7 December 2000]

The Parliament of Western Australia enacts as follows:

Part 1 — Preliminary

1. Short title

This Act may be cited as the *Universities Legislation Amendment Act 2000*.

2. Commencement

- (1) This Act comes into operation on a day to be fixed by proclamation.
- (2) Different days may be fixed under subsection (1) for different provisions.

Part 2 — *Murdoch University Act 1973* amended

3. Section 9 amended

- (1) Section 9(1) of the *Murdoch University Act 1973** is amended by deleting “shall exercise in that capacity such general powers as usually pertain to the office of Visitor” and inserting instead —

“

has authority, as and when he or she thinks fit, to do all things that pertain to the office of Visitor

”.

- (2) Section 9(3) of the *Murdoch University Act 1973** is repealed.

[* *Reprinted as at 26 February 1999.*]

**Part 3 — *University of Western Australia Act 1911*
amended**

4. The Act amended

The amendments in this Part are to the *University of Western Australia Act 1911**.

[* Reprinted as at 11 February 2000.]

5. Section 4 amended

Section 4 is amended by deleting “and graduate and undergraduate members” and inserting instead —

“ staff and graduate and undergraduate students ”.

6. Section 7 replaced

Section 7 is repealed and the following section is inserted instead —

“

7. Visitor

- (1) The Governor shall be the Visitor of the University, and has authority, as and when he or she thinks fit, to do all things that pertain to the office of Visitor.
- (2) Despite section 60 of the *Interpretation Act 1984*, for the purposes of this section the Governor is authorized to act without the requirement of obtaining the advice and consent of the Executive Council.

”.

7. Section 8 amended

Section 8(1) is amended by deleting “25” and inserting instead —

“ 21 ”.

8. Sections 10, 10A and 10B replaced

Sections 10, 10A and 10B are repealed and the following sections are inserted instead —

“

10. Members of the Senate

The Senate shall consist of the following members —

- (a) 4 persons appointed by the Governor;
- (b) 3 persons, who are not persons referred to in section 8(2), elected by Convocation;
- (c) 3 persons, who are persons referred to in section 8(2) (other than the Chairman of the Academic Board of the University), elected by persons referred to in section 8(2);
- (d) the Chancellor *ex officio*;
- (e) the Warden of Convocation *ex officio*;
- (f) the Chairman of the Academic Board of the University *ex officio*;
- (g) the Vice-Chancellor of the University *ex officio*;
- (h) the President of the Guild of Undergraduates *ex officio*;
- (i) one person who is enrolled as a student of the University, elected by students so enrolled;
- (j) the President of the Postgraduate Students' Association *ex officio*;
- (k) 3 persons selected and coopted as members of the Senate by the other members of the Senate;
- (l) one person who is a member of the staff (other than the academic staff), elected by the staff other than the academic staff.

10A. Tenure of office

- (1) Subject to section 11, the tenure of office of a member of the Senate referred to in section 10(a), (b), (c), (k) or (l) is 4 years from the date of the appointment or election of the member or the date the member is selected and coopted as a member.
- (2) Subject to section 11, the tenure of office of a member of the Senate referred to in section 10(i) is 2 years from the date of the election of the member.
- (3) A member of the Senate who has held office by election, appointment or selection and cooption for 3 consecutive terms is not eligible to hold office for a further consecutive term.

10B. Elections to be conducted as prescribed

- (1) The election for a member referred to in section 10(b) shall be held and conducted at the time and place, and in the manner, prescribed by Statute.
- (2) The election for a member referred to in section 10(c), (i) or (l) shall be held and conducted at the time and place, and in the manner, prescribed by regulations.

”.

9. Section 11 amended

Section 11 is amended by inserting after “continuing” the following —

“ as Chancellor, Pro-Chancellor or ”.

10. Section 12 replaced by sections 12 and 12A

Section 12 is repealed and the following sections are inserted instead —

“

12. Chancellor

- (1) On —
 - (a) the expiration of the term of office of the Chancellor; or
 - (b) the position of the Chancellor becoming vacant,the Senate shall elect a person to be the Chancellor of the University.
- (2) A member of the Senate is not on that account incapable of being elected as Chancellor.
- (3) Subject to section 11, the Chancellor holds office for the term of 4 years from the date of election.
- (4) A person who has held office as Chancellor for 3 consecutive terms is not eligible to hold office for a further consecutive term.
- (5) If a member of the Senate, other than an *ex officio* member, is elected to be the Chancellor, the office of member of the Senate to which that person was elected, appointed or selected and coopted becomes vacant and the vacancy shall be filled under section 22.
- (6) The election for the office of Chancellor shall be held and conducted in the manner prescribed by regulations.

12A. Pro-Chancellor

- (1) On —
 - (a) the expiration of the term of office of the Pro-Chancellor; or

s. 11

- (b) the position of the Pro-Chancellor becoming vacant,

the Senate shall elect one of its members to be the Pro-Chancellor of the University.

- (2) Subject to section 11, the Pro-Chancellor holds office for the term of 4 years from the date of election.
- (3) A person who has held office as Pro-Chancellor for 3 consecutive terms is not eligible to hold office for a further consecutive term.
- (4) The election for the office of Pro-Chancellor shall be held and conducted in the manner prescribed by regulations.

”.

11. Section 14 amended

- (1) Section 14 is amended by inserting before “The” the subsection designation “(1)”.
- (2) At the end of section 14 the following subsection is inserted —

“

- (2) The Senate may, subject to the provisions of section 15A relating to trust moneys, invest any moneys belonging to or vested in the University as trust funds may be invested under Part III of the *Trustees Act 1962*.

”.

12. Section 14A inserted

After section 14 the following section is inserted —

“

14A. Sale of endowment land

- (1) The University may, with the consent of the Governor, sell —
- (a) any land granted or demised to or vested in the University under section 35;

- (b) any land acquired from the proceeds of the sale of that land; or
- (c) any land acquired under section 2 of the *University Endowment Act Amendment Act 1927*,

and transfer such land to a purchaser free and discharged from any trust.

- (2) The proceeds of a sale of any land referred to in subsection (1) are to be invested as trust funds may be invested under Part III of the *Trustees Act 1962*.

”.

13. Section 21 replaced

Section 21 is repealed and the following section is inserted instead —

“

21. Vacancy in office of Warden — how filled

- (1) A vacancy which occurs in the office of Warden from any cause other than annual retirement shall be filled by election.
- (2) If a vacancy which occurs in the office of Warden is not filled within 3 months after it occurred, then it shall be filled by the Governor by the appointment of a qualified person to the office.
- (3) Subject to section 11, a person elected or appointed to fill a vacancy referred to in subsection (1) shall hold office for the unexpired part of the term of the office which became vacant.

”.

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14. Section 23 amended

Section 23 is amended by deleting “Nothing” and inserting instead —

“

Subject to section 10A(3), 12(4) or 12A(3), nothing

”.

15. Transitional

Despite section 8, each person who is a member of the Senate under section 10 of the *University of Western Australia Act 1911* immediately before the commencement of this section continues, subject to that Act, to hold office as a member of the Senate for the remainder of his or her tenure as a member of the Senate.

Part 4 — Repeals

16. Repeal of the *University Endowment Act 1904*

The *University Endowment Act 1904* is repealed.

17. Repeal of the *University Endowment Act Amendment Act 1927*

The *University Endowment Act Amendment Act 1927* is repealed.

Part 5 — Consequential amendment

18. Amendment of the *Public Education Endowment Act 1909*

Section 15 of the *Public Education Endowment Act 1909** is amended by deleting “*University Endowment Act 1904*” and inserting instead —

“ *University of Western Australia Act 1911* ”.

[* *Reprinted as at 29 December 1987.*

For subsequent amendments see 1999 Index to Legislation of Western Australia, Table 1, p. 202.]

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