

WESTERN AUSTRALIA

**CURTIN UNIVERSITY OF
TECHNOLOGY AMENDMENT
ACT 1996**

No. 35 of 1996

AN ACT to amend the *Curtin University of Technology Act 1966*, to consequentially amend certain other Acts, and for related purposes.

[Assented to 27 September 1996.]

The Parliament of Western Australia enacts as follows:

PART 1 — PRELIMINARY

Short title

1. This Act may be cited as the *Curtin University of Technology Amendment Act 1996*.

Commencement

2. (1) Subject to subsection (2), the provisions of this Act come into operation on the day on which this Act receives the Royal Assent.

(2) Part 2 comes into operation on such day as is fixed by proclamation.

Principal Act

3. In this Act the *Curtin University of Technology Act 1966** is referred to as the principal Act.

[* *Reprinted as at 24 August 1988.*
*For subsequent amendments see 1995 Index to
Legislation of Western Australia, Table 1, p. 56.]*

PART 2 — KALGOORLIE CAMPUS

***Division 1 — Amendments to the Curtin University of
Technology Act 1966***

Section 4 amended

4. Section 4 of the principal Act is amended —

- (a) in subsection (1) by inserting after the definition of “examination” the following definition —

“

“**Kalgoorlie Campus**” means the educational facility established under section 21I;

”;

and

- (b) in subsection (2) by inserting after “salaried” in both places where it occurs the following —

“ or general ”.

Section 9 amended

5. Section 9 (1) of the principal Act is amended by inserting after paragraph (i) the following paragraph —

“

- (ia) the person for the time being appointed chairperson of the Kalgoorlie Campus Council under section 21M (1) (a), or, if the Kalgoorlie Campus Council so resolves, another member of the Kalgoorlie Campus Council nominated by the Kalgoorlie Campus Council, but a person whose sole or principal employment is that of a member of the staff of the Kalgoorlie Campus may not be so nominated;

”.

Section 15 amended

6. Section 15 (1) of the principal Act is repealed and the following subsection is substituted —

“

(1) The Council may —

(a) in relation to any matter or class of matters, or in relation to any activity or function of the University, by resolution delegate all or any of its powers, authorities, duties and functions under this Act, except this power of delegation and its powers in relation to the making of Statutes or by-laws, to —

(i) any member;

(ii) a committee consisting of members appointed by the Council;

(iii) any officer or officers of the University; or

(iv) a Board;

and

(b) in relation to any matter or class of matters affecting the Kalgoorlie Campus, or in relation to any activity or function of the Kalgoorlie Campus, by resolution delegate all or any of its powers, authorities, duties and functions under this Act, except this power of delegation and its powers in relation to the making of Statutes or by-laws, to the Kalgoorlie Campus Council.

”.

Section 20 amended

7. Section 20 (1) of the principal Act is amended by deleting “the Schedule” in both places where it occurs and substituting in each case the following —

“ Schedule 1 ”.

Section 20A amended

8. Section 20A (1) of the principal Act is amended in the definition of “University lands” by deleting “the Schedule” and substituting the following —

“ Schedule 1 ”.

Section 21A amended

9. Section 21A (3) of the principal Act is repealed.

Division 2B of Part I inserted

10. After section 21G of the principal Act the following Division is inserted —

“

Division 2B — Kalgoorlie Campus

Definitions

21H. In this Division, unless the contrary intention appears —

“**higher education**” means instruction or training or both but does not include technical and further education or the

instruction or training of persons who have not attained school leaving age or the instruction or training of persons attending secondary education institutions;

“Kalgoorlie Campus” means the educational facility established under section 21I;

“Kalgoorlie Campus Council” means the body established under section 21K;

“technical and further education” means instruction or training in the categories referred to in section 21J (a).

Kalgoorlie Campus

21I. (1) The Council shall establish and maintain as part of the University an educational facility at Kalgoorlie to be known as the Curtin University of Technology — Kalgoorlie Campus.

(2) The Kalgoorlie Campus shall include —

- (a) an entity known as the Western Australian School of Mines;
- (b) such other facilities for the provision of higher education as are determined by the Council; and
- (c) facilities for the provision of technical and further education.

Functions of Kalgoorlie Campus

21J. In addition to the functions of the University specified under section 7, the functions of the Kalgoorlie Campus include the following —

- (a) to provide technical and further education in any one or more of the following categories —
 - (i) courses for persons preparing to enter professional occupations or for persons engaged in such occupations who wish to update their knowledge or skills or to specialize;
 - (ii) courses (including diploma and certificate courses and special courses similar in complexity and nature) for persons preparing to enter technical and other para-professional occupations or for persons engaged in such occupations who wish to update their knowledge or skills or to specialize;
 - (iii) apprenticeship, pre-apprenticeship and pre-employment courses in apprenticeship trades;
 - (iv) courses for persons wishing to acquire advanced skills in a trade or in any other occupation of a non-technical nature;
 - (v) other skilled trade and vocational courses relevant to basic principles, skills or knowledge including short

training courses in additional working skills that are not included in subparagraphs (iii) or (iv) of this paragraph;

- (vi) preparatory or remedial courses or courses with vocational orientation; and
 - (vii) adult education courses in home handicrafts, hobbies, self-expression and cultural appreciation, including language courses;
- (b) to aid the advancement, development, and practical application to industry, commerce and the community, of knowledge and technology;
 - (c) to contribute to the general cultural development of the community in the south-east region of the State;
 - (d) to promote international recognition of the Western Australian School of Mines;
 - (e) to provide such facilities relating to the functions set out in this section as the Council thinks necessary for or conducive to those functions; and
 - (f) to encourage community use of the Kalgoorlie Campus facilities.

Kalgoorlie Campus Council

21K. A body by the name of the Kalgoorlie Campus Council is established.

Functions of Kalgoorlie Campus Council

21L. (1) Subject to this Act and the direction of the Council, the Kalgoorlie Campus Council —

- (a) shall be the governing body of the Kalgoorlie Campus; and
- (b) shall act in all matters concerning the Kalgoorlie Campus in the manner that to it appears most likely to promote the objects and interests of the Kalgoorlie Campus and the University.

(2) The Kalgoorlie Campus Council shall —

- (a) comply with any direction given to it by the Council, including any direction to prepare and furnish a report to the Council;
- (b) advise the Council on the promotion, development and co-ordination of the courses and programmes which are offered or to be offered by the Kalgoorlie Campus and which are, or some of which are, offered or to be offered elsewhere by the University; and
- (c) not later than 2 months after each 31 December, prepare and furnish to the Council a report of the operations of the Kalgoorlie Campus during the period of 12 months immediately preceding that day.

(3) Subject to this Act, the Kalgoorlie Campus Council may —

- (a) perform any function conferred or imposed upon it by or under this Act;

- (b) select persons for appointment as members of the staff of the Kalgoorlie Campus and recommend the appointment of such persons to the staff of the University in accordance with section 17;
- (c) expend or otherwise apply for the purposes of the Kalgoorlie Campus moneys allocated to the Kalgoorlie Campus; and
- (d) expend or otherwise apply moneys received by the University, the Council, the Kalgoorlie Campus or the Kalgoorlie Campus Council by way of gifts, or bequests for educational, research or other purposes associated with the Kalgoorlie Campus.

Membership of Kalgoorlie Campus Council

21M. (1) Subject to this Act the Kalgoorlie Campus Council shall consist of —

- (a) a person appointed by the Minister to be chairperson of the Kalgoorlie Campus Council;
- (b) 7 persons appointed by the Minister representative of education, the professions, or industrial, commercial or community interests;
- (c) the chief executive officer of the Kalgoorlie Campus;
- (d) the person appointed to be responsible for the management of higher education at the Kalgoorlie Campus;

- (e) the person appointed to be responsible for the management of technical and further education at the Kalgoorlie Campus;
 - (f) a member of the full time higher education academic staff of the Kalgoorlie Campus elected by members of that staff in accordance with the Statutes;
 - (g) a member of the full time technical and further education academic staff of the Kalgoorlie Campus elected by members of that staff in accordance with the Statutes;
 - (h) a member of the full time general staff (other than the academic staff) of the Kalgoorlie Campus elected by members of that staff in accordance with the Statutes;
 - (i) an enrolled student of the Kalgoorlie Campus elected by enrolled students of the Kalgoorlie Campus in accordance with the Statutes;
 - (j) the chief executive officer of the University or a person nominated in writing by that chief executive officer; and
 - (k) not more than 3 persons appointed from time to time by co-option by the Kalgoorlie Campus Council, but a person whose sole or principal employment is that of a member of the staff of the University may not be so appointed.
- (2) The Minister will endeavour to ensure that at least one of the persons appointed under subsection (1) (b) is a resident of the Esperance region.

(3) If a question arises as to whether a person is a member of the full time higher education academic staff of the Kalgoorlie Campus or of the full time technical and further education academic staff of the Kalgoorlie Campus, or as to what persons or classes of persons constitute the higher education academic staff or the technical and further education academic staff of the Kalgoorlie Campus, that question shall be determined by the Council, and the decision of the Council on the question is final.

Constitution and proceedings

21N. The provisions of Schedule 2 have effect with respect to the constitution and proceedings of the Kalgoorlie Campus Council.

Chief executive officer

21O. (1) The Council shall appoint a person to be the chief executive officer of the Kalgoorlie Campus and may terminate that appointment.

(2) The chief executive officer shall hold office for such period and on such conditions as the Council determines.

(3) The chief executive officer has such powers and duties as are determined by the Council and, unless otherwise expressly provided by the Council, the chief executive officer may delegate any of those powers and duties to any person or committee of persons.

committees of the Kalgoorlie Campus Council and the quorum, powers and duties of those committees;

”.

Schedule amended

12. The Schedule to the principal Act is amended by deleting “**Schedule**” and substituting the following —

“ **SCHEDULE 1** ”.

Schedule 2 added

13. After the Schedule to the principal Act the following Schedule is added —

“

SCHEDULE 2

[Section 21N]

**PROVISIONS AS TO CONSTITUTION
AND PROCEEDINGS OF THE KALGOORLIE
CAMPUS COUNCIL**

Interpretation

1. In this Schedule —

“**chairperson**” means chairperson of the Kalgoorlie Campus Council;

“**member**” means a member of the Kalgoorlie Campus Council.

Term of office

2. (1) Except as otherwise provided by this Act, a member —

(a) appointed under section 21M (1) (a), (b) or (k) holds office for the term, not exceeding 3 years, that is specified in the instrument of his or her appointment;

- (b) elected under section 21M (1) (f), (g) or (h) holds office for the term of 3 years from the date on which the person becomes a member, unless that person succeeds to a casual vacancy;
- (c) elected under section 21M (1) (i) holds office for the term of 1 year from the date on which the person becomes a member, unless that person succeeds to a casual vacancy.

(2) Subject to subclause (3), all retiring members are, unless otherwise disqualified, eligible for re-appointment or re-election but on the expiry of a third successive term of office that member is not eligible to hold office as a member until 12 months after that expiry.

(3) A member elected under section 21M (1) (i) is not eligible for re-election more than once.

Casual vacancies

3. (1) Where a casual vacancy occurs in the office of a member, the vacancy shall, subject to this clause, be filled in the same manner as it would be if it had occurred by effluxion of time, except that —

- (a) if the vacancy is in the office of a member elected under section 21M and it has not, within 3 months after it occurs, been filled by election, it may be filled by an appointment by the Minister of a person who has the same qualification under section 21M as that of the former member; and
- (b) the person who fills the vacancy shall, subject to this Act, hold office for the residue of the former member's term of office.

(2) Notwithstanding subclause (1), if a casual vacancy occurs in the office of a member elected under section 21M within 6 months before the expiry of the term of office of that member by effluxion of time, that vacancy shall not be filled for the residue of the term of the office unless the Kalgoorlie Campus Council resolves that exceptional circumstances require that the vacancy be filled.

Resignation, removal, etc.

4. The office of a member becomes vacant if the member —

- (a) resigns the office by written notice addressed to the Minister;

- (b) is an undischarged bankrupt or a person whose property is subject to an order or arrangement under the laws relating to bankruptcy;
- (c) is removed from office by the Minister on the grounds of neglect of duty, misbehaviour, incompetence or mental or physical incapacity impairing the performance of the member's functions and proved to the satisfaction of the Minister;
- (d) in the case of a member elected under section 21M (1) (f), ceases to be a member of the full time higher education academic staff of the Kalgoorlie Campus;
- (e) in the case of a member elected under section 21M (1) (g), ceases to be a member of the full time technical and further education academic staff of the Kalgoorlie Campus;
- (f) in the case of a member elected under section 21M (1) (h), ceases to be a member of the full time general staff (other than the academic staff) of the Kalgoorlie Campus; or
- (g) in the case of a member elected under section 21M (1) (i), ceases to be a person who is an enrolled student attending the Kalgoorlie Campus.

Meetings

5. (1) The first meeting of the Kalgoorlie Campus Council shall be convened by the chairperson and subsequently, subject to the Statutes, the Kalgoorlie Campus Council shall hold such meetings as are necessary for the performance of its functions.

(2) Subject to the Statutes, the chairperson may at any time convene a meeting of the Kalgoorlie Campus Council and shall convene a meeting when requested in writing by the Minister or the Council to do so or when so requested by any 4 members.

(3) The chairperson shall preside at all meetings of the Kalgoorlie Campus Council at which the chairperson is present.

(4) At any meeting of the Kalgoorlie Campus Council at which the chairperson is not present, the members present shall elect a member to preside at that meeting and while so presiding the member elected has all the powers and duties of chairperson of the Kalgoorlie Campus Council.

(5) A member is not entitled to vote on any question in respect of which that member has a direct pecuniary interest, and if a member so votes that vote is to be regarded as invalid.

(6) At a meeting of the Kalgoorlie Campus Council —

(a) not less than one-half of the total numbers of members for the time being forms a quorum; and

(b) a question arising at the meeting shall be determined by a majority of the valid votes of the members present.

(7) Subject to this Act and the Statutes, the Kalgoorlie Campus Council may regulate its own procedure in such manner as it thinks fit.

”.

Division 2 — Transitional and consequential provisions

Interpretation

14. In this Division —

“**asset**” means property, including documents and property held in a fiduciary capacity;

“**commencement day**” means the day on which section 10 of this Act comes into operation;

“**document**” includes any disc, tape or other medium in which information is stored;

“**instrument**” includes a legislative instrument and a judgment, order or process of a court;

“**Kalgoorlie Campus**” means the educational facility established under section 21I of the principal Act as amended by this Act;

“**Kalgoorlie Campus Council**” means the Kalgoorlie Campus Council established under section 21K of the principal Act as amended by this Act;

“**legal proceedings**” includes an arbitration and an administrative proceeding;

“**liability**” means a present, future or contingent liability (arising either at law or in equity) and includes a duty or non-pecuniary obligation;

“**property**” means real or personal property and includes —

- (a) a chose in action; and
- (b) a present, future or contingent right, privilege, interest or power;

“**the College**” means Kalgoorlie College established under section 6 (2) of the *Colleges Act 1978*;

“**the University**” means Curtin University of Technology established under the principal Act.

Western Australian School of Mines

15. On commencement day —

- (a) the Western Australian School of Mines continued under section 21A (3) of the principal Act —
 - (i) ceases to be a branch of the University under the principal Act; and
 - (ii) continues as part of the Kalgoorlie Campus;and
- (b) the members of the Board of the Western Australian School of Mines go out of office.

Kalgoorlie College and Council

16. On commencement day —

- (a) the College ceases to be a college for the purposes of the *Colleges Act 1978*; and
- (b) the members of the Council of the College go out of office.

Interim provision for Kalgoorlie Campus Council membership

17. (1) Until an elective office on the Kalgoorlie Campus Council is filled for the first time by the election of a person in the prescribed manner that office is to be filled by a person who has the prescribed qualification for holding that office, and who is appointed by the Minister on the recommendation of the Council.

(2) For the purposes of Division 2B of Part 1 of the principal Act as amended by this Act a person appointed under subsection (1) is to be taken to be a member of the Kalgoorlie Campus Council holding an elective office and the day on which that person's appointment took effect is taken to be the day on which that person's election took effect.

(3) In subsections (1) and (2) —

“**elective office**” means an office of member referred to in section 21M (1) (f), (g), (h) or (i) of the principal Act as amended by this Act.

Vesting of assets, liabilities, etc.

18. (1) On and from commencement day —

- (a) all assets that were, immediately before that day, vested in, under the control of, or standing to the credit of, the College, together with all claims, rights and remedies that the College then had in respect of those assets, are vested by force of this section in the University; and

- (b) the University becomes, by force of this section, liable to pay, bear or discharge all the liabilities of the College that existed immediately before that day.

(2) Assets vested in the University under subsection (1) are to be held and used for purposes that are purposes of the Kalgoorlie Campus.

Agreements, instruments and proceedings generally

19. (1) On and from commencement day, a reference to the College in any agreement, instrument, licence or other document, is to be read (unless the context otherwise requires) as a reference to the University.

(2) Any agreement or instrument subsisting immediately before commencement day to which the College was a party has effect on and after that day as if the University were substituted for the College as a party to the agreement or instrument.

(3) Anything lawfully commenced by or under the authority of the College before commencement day may be carried on and completed by or under the authority of the University.

(4) Without limiting the generality of subsection (3), any legal proceedings or any remedies that might, but for this Act, have been commenced, continued, discontinued or available by or against or to the College may be commenced, continued, discontinued, and are available, by or against or to the University, as the case requires.

Student association of College

20. (1) In this section —

“**student association**” means the Kalgoorlie College Student Association established under section 44 of the *Colleges Act 1978*;

“Student Guild” means the Student Guild incorporated under section 44 of the principal Act.

- (2) Subject to subsection (3), on commencement day —
- (a) the student association is, by force of this section, dissolved;
 - (b) sections 18 and 19 apply as if a reference in those sections —
 - (i) to the College were a reference to the student association ; and
 - (ii) to the University were a reference to the Student Guild;
- and
- (c) any person who was, on commencement day, a member of the student association becomes, on and from that date a member of the Student Guild.

(3) Assets vested in the Student Guild under this section are to be used for purposes which are, in the opinion of the Student Guild, for the benefit of students of the Kalgoorlie Campus.

Students

- 21.** (1) On commencement day —
- (a) each person who was, immediately before commencement day, enrolled as a student of the College becomes an enrolled student of the Kalgoorlie Campus;
 - (b) each person who was, immediately before commencement day, eligible to be enrolled as a student of the College is eligible to be enrolled as a student of the Kalgoorlie Campus; and

- (c) each person who was, immediately before commencement day, entitled to be, but had not been, awarded a degree, diploma, certificate or honorary award by the College is entitled to be awarded an appropriate degree, diploma, certificate or honorary award by the University.

(2) Without limiting the principal Act, the powers of the Council of the University under section 18 of that Act extend to the conferring of any award to a person who becomes an enrolled student of the University under subsection (1) that the College might have conferred on the person if this Act had not been enacted.

(3) Subject to the Statutes in force under the principal Act, a person who has completed part of a course of study as an enrolled student at the College is deemed to have completed that part of the course of study at the Kalgoorlie Campus.

(4) Students enrolled or registered at the Kalgoorlie Campus under subsection (1) are entitled, on satisfactory completion of their courses, to be awarded an appropriate degree, diploma, certificate or honorary award by the University.

Scholarships, prizes and bursaries

22. Any scholarship, prize or bursary of a continuing nature administered by the College or its Council existing immediately before commencement day is to be administered by the University as if it were a scholarship, prize or bursary of the University, but otherwise in accordance with the terms and conditions to which it was subject immediately before commencement day.

Transfer of staff of Kalgoorlie College

23. (1) In this section —

“**staff member**”, in relation to the College, means a person who, immediately before commencement day, was employed by the College.

(2) On commencement day each staff member of the College becomes a staff member of the University employed at the Kalgoorlie Campus.

(3) A person who becomes a staff member of the University under subsection (2) is entitled to retain all the employment benefits existing and accruing to that person, whether under any written law, award, determination, contract or agreement and including any rights in relation to retirement benefits, and for the purpose of determining such rights that person's service with the University is to be regarded as continuous with that person's service with the College.

(4) A staff member of the College who, under subsection (2), becomes a staff member of the University becomes such a staff member on terms and conditions of employment, including remuneration and duration of appointment, no less favourable than those on which he or she was employed at the College immediately before commencement day.

(5) The terms and conditions of employment of a staff member referred to in subsection (4) are capable of variation in the same manner as immediately before commencement day.

(6) A staff member of the College who, under subsection (2), becomes a staff member of the University is not entitled to claim, both under this Act and any other Act, dual benefits of the same kind in respect of the same period of service.

Statutes and by-laws of College revoked

24. The Statutes of the College and the by-laws made by the College under section 29 of the *Colleges Act 1978* are revoked.

Registration of documents

25. The Registrar of Titles, the Registrar of Deeds, the Minister administering the *Land Act 1933*, the Commissioner for

Corporate Affairs, and any other person authorized by a written law to record and give effect to the registration of documents relating to transactions affecting any estate or interest in land or other property, are to take cognizance of this Act and are empowered to record and register in the appropriate manner such of those documents as are necessary to give effect to this Act.

Financial Administration and Audit Act 1985
— transitional

26. (1) As soon as practicable after commencement day the Council of the College is to cause sections 66, 67 and 68 of the *Financial Administration and Audit Act 1985* to be complied with in relation to the College in respect of the period commencing 1 January 1996 and ending immediately before commencement day.

(2) A report prepared under subsection (1) is deemed to be an annual report for the purposes of section 69 of the *Financial Administration and Audit Act 1985*.

(3) Notwithstanding section 16 the Council of the College as constituted immediately before commencement day is to continue in existence for the purposes of subsection (1).

(4) The University is to provide such clerical and other assistance as is reasonably required for the purposes of subsection (1).

Financial Administration and Audit Act 1985
— consequential amendment

27. Schedule 1 to the *Financial Administration and Audit Act 1985** is amended by deleting "Kalgoorlie College".

[* *Schedule 1 reprinted as at 26 August 1994.*
For subsequent amendments see 1995 Index to
Legislation of Western Australia, Table 1, pp. 77-9 and
Gazette 9 January 1996.]

**Government Employees Superannuation Act 1987
— consequential amendment**

28. Schedule 1 to the *Government Employees Superannuation Act 1987** is amended by deleting “Kalgoorlie College”.

[* Reprinted as at 3 October 1994.
For subsequent amendments see 1995 Index to
Legislation of Western Australia, Table 1, pp. 92-3 and
Gazette 22 March 1996.]

**Public Sector Management Act 1994 — consequential
amendment**

29. Schedule 2 to the *Public Sector Management Act 1994** is amended by deleting item 20.

[* Reprinted as at 16 May 1995.
For subsequent amendments see 1995 Index to
Legislation of Western Australia, Table 1, p. 181.]

Regulations

30. (1) If there is no sufficient provision in this Part to give effect to the purposes of this Part the Governor may make regulations prescribing all matters that are required or necessary or convenient to be prescribed for giving effect to them, including matters of a savings or transitional nature consequent on the enactment of this Act.

(2) Regulations made under subsection (1) may provide that specific provisions of the principal Act, or of by-laws or Statutes made under the principal Act —

- (a) do not apply; or
- (b) apply with specified modifications,

to or in relation to any matter or thing.

(3) Regulations made under subsection (1) may be made so as to have effect on commencement day or a later day.

(4) To the extent that a provision of any regulations made under subsection (1) has effect on a day that is earlier than the day of its publication in the *Gazette*, the provision does not operate so as —

- (a) to affect in a manner prejudicial to any person (other than the State or an authority of the State), the rights of that person existing before the day of its publication; or
- (b) to impose liabilities on any person (other than the State or an authority of the State) in respect of anything done or omitted to be done before the day of its publication.

PART 3 — OTHER AMENDMENTS

Section 5 amended

31. Section 5 (2) (e) of the principal Act is deleted and the following paragraph is substituted —

“

- (e) may grant, sell, alienate, assign or demise real and personal property acquired or held by the University as it thinks fit subject only, in respect of property devised, bequeathed or given to the University, to the express trusts of any deed, will, or instrument under which the property was acquired by the University;

”.

Section 9 amended

32. Section 9 (1) of the principal Act is amended —

- (a) by deleting “and” after paragraph (i);
- (b) in paragraph (j) by deleting “nominated.” and substituting the following —

“ nominated; and ”; and

- (c) by inserting after paragraph (j) the following paragraph —

“

- (k) the person for the time being elected chairperson of the Academic Board of the University, as established by Statute.

”.

Section 20A amended

33. Section 20A (4) of the principal Act is amended by deleting “\$50” and substituting the following —

“ \$500 ”.

Section 21C amended

34. Section 21C of the principal Act is amended —

(a) by deleting “and” after paragraph (f);

(b) in paragraph (g) by deleting “Statute.” and substituting the following —

“ Statute; and ”; and

(c) by inserting after paragraph (g) the following paragraph —

“
(h) 3 persons, representative of local industry, appointed from time to time by co-option by the Board.
”.

Section 21D amended

35. Section 21D (5) of the principal Act is amended in the definition of “appointed member” by deleting “or (d)” and substituting the following —

“ (d), or (h) ”.

Section 22 amended

36. Section 22 (2) of the principal Act is repealed.

Section 31 amended

37. Section 31 of the principal Act is amended —

- (a) in subsection (1) (a), by deleting “as sites for schools and other buildings for the purposes of education”;
- (b) in subsection (1) (b), by inserting after “land” the following —
“ under the *Land Act 1933* ”; and
- (c) in subsection (2), by deleting “under and subject to this Act and for the purposes thereof” and substituting the following —
“ for the purposes of this Act ”.

Section 31A inserted

38. After section 31 of the principal Act the following section is inserted —

“

Application of *Land Act 1933* to land that vests under section 20 or 31 and past vestings validated, etc.

31A. (1) The *Land Act 1933* applies to and in relation to land that vests in the University under section 20 or 31 (1) as if the vesting made under either of those sections were a vesting made under section 33 (2) of that Act.

(2) Land that vested, or purportedly vested, before the coming into operation of Part 3 of the *Curtin University of Technology Amendment Act 1996*, in the University under section 20 or 31 (1) is declared to have validly vested in the University.

(3) The *Land Act 1933* applies to and in relation to, and shall be taken always to have applied to and in relation to, land referred to in subsection (2) as if the vesting, or purported vesting, referred to in that subsection were a vesting made under section 33 (2) of that Act.

(4) A lease granted by the University of land referred to in subsection (2), that would have been valid if granted after the coming into operation of Part 3 of the *Curtin University of Technology Amendment Act 1996*, is declared to be, and always to have been, valid.

(5) If —

(a) under the *Land Act 1933*; and

(b) before the coming into operation of Part 3 of the *Curtin University of Technology Amendment Act 1996*,

land was added to or excised from land referred to in subsection (2), that addition or excision of land is declared to be, and always to have been, valid.

”.

Section 34 amended

39. Section 34 of the principal Act is amended —

(a) in subsection (1c) (b), by deleting “\$50” and substituting the following —

“ \$500 ”; and

- (b) in subsection (1c) (d), by deleting “\$100” and substituting the following —

“ \$1 000 ”.