

## COLLEGES.

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No. 100 of 1978.

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**AN ACT to provide for the continuing development of post-secondary education, to repeal the Teacher Education Act, 1972-1978, and for incidental purposes.**

*[Assented to 30th November, 1978.]*

**B**E it enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and the Legislative Assembly of Western Australia, in this present Parliament assembled, and by the authority of the same, as follows:—

### PART I.—PRELIMINARY.

1. This Act may be cited as the *Colleges Act*, Short title. 1978.

Commence-  
ment.

2. This Act shall come into operation on a date to be fixed by proclamation.

Arrange-  
ment.

3. This Act is arranged as follows—

PART I.—PRELIMINARY.

PART II.—ESTABLISHMENT AND FUNCTIONS OF COLLEGES.

PART III.—THE COUNCIL OF A COLLEGE.

*Division 1.—Constitution.*

*Division 2.—Interim Provisions.*

PART IV.—FUNCTIONS, DUTIES AND POWERS OF COUNCILS.

PART V.—STATUTES.

PART VI.—COLLEGE LANDS.

PART VII.—STAFF.

PART VIII.—FINANCIAL PROVISIONS.

PART IX.—MISCELLANEOUS PROVISIONS.

PART X.—TRANSITIONAL PROVISIONS.

Interpre-  
tations.

4. (1) In this Act unless the contrary intention appears—

“advanced education” means education provided by way of a course of instruction which proceeds for at least two years full-time beyond the completion of year 12 of school education;

“Chairman”, in relation to the Council of a college, means the Chairman of that Council;

“commencement date” means the date on which this Act comes into operation;

“Commission” means the Western Australian Post-Secondary Education Commission;

- “college” means a college established under section 6 or a college to which section 47 applies;
- “enrolled student” means a student enrolled in a college;
- “member” means a member of the Council of a college;
- “member of the staff”, in relation to a college, means the chief executive officer, a member of the academic or other staff, an officer or an employee of the college;
- “Minister” means the Minister for Education;
- “post-secondary education” has the meaning given to that expression in the Western Australian Post-Secondary Education Commission Act, 1970;
- “prescribed” means prescribed by this Act, by a by-law made under this Act, by a Statute, or by a by-law made under a Statute;
- “repealed Act” means the Act repealed by section 5;
- “Scheme” means the ‘Western Australian Post-Secondary Education Superannuation Scheme’ established in accordance with section 36 of this Act;
- “section” means section of this Act;
- “Statute”, in relation to a college, means a Statute of the college in force in pursuance of this Act;
- “subsection” means subsection of the section in which the term is used;
- “Superannuation Act” means the Superannuation and Family Benefits Act, 1938;
- “technical and further education” means education provided by way of a course of instruction or training that is, or that is preparatory to, a course of a kind relevant

to a trade, technical or other skilled occupation or that otherwise meets educational needs not being—

- (a) university education;
- (b) advanced education;
- (c) primary and secondary education provided by way of a full-time course in a school;

“university education” means education provided by the University of Western Australia or by Murdoch University.

(2) Any question arising as to whether a person is or is not a member of the academic staff, or a member of the salaried staff, or an officer or employee of a college shall be determined by the Council of the college and the decision of the Council is final.

Repeal.

5. The Teacher Education Act, 1972-1978 is hereby repealed.

#### PART II.—ESTABLISHMENT AND FUNCTIONS OF COLLEGES.

Establish-  
ment of  
colleges.

6. (1) There shall be maintained within the State such colleges as are, in the opinion of the Minister, necessary for the post-secondary education of persons.

(2) On the advice of the Commission the Minister may, by notice published in the *Gazette*, establish a college for the purposes of this Act.

(3) In a notice under subsection (2) the Minister shall specify—

- (a) the date on which the notice takes effect; and
- (b) the corporate name by which the college shall be known,

and on and from that date there shall be a college by that corporate name.

(4) After considering the advice of the Commission the Minister may, by notice published in the *Gazette*,—

- (a) establish an existing institution or part of an existing institution as a college for the purposes of this Act;
- (b) amalgamate two or more existing institutions and establish the amalgamated institutions as a college for the purposes of this Act.

(5) In a notice under subsection (4) the Minister—

(a) shall specify—

- (i) the date on which the notice takes effect (in this subsection called “the effective date”); and
- (ii) the corporate name by which the college shall be known; and

(b) may give such directions with respect to any institution affected by the notice as he considers necessary or expedient in order to carry the notice into effect including, without limiting the generality of the foregoing, directions as to—

- (i) the ownership of, or management and control of, any land or personal property owned by the institution and used for the purposes of the institution immediately before the effective date;
- (ii) the rights, obligations and liabilities of the institution, or its governing authority, existing immediately before the effective date;
- (iii) the rights, interests and welfare of the members of the staff, officers, employees and students of the institution,

and on and from the effective date the institution, part of an institution, or amalgamated institutions, to which the notice applies shall be a college by that corporate name and those directions (if any) shall have effect accordingly.

Closure of colleges.

7. (1) The Minister may, by notice published in the *Gazette*, declare that an institution shall cease to be a college for the purposes of this Act.

(2) In a notice under subsection (1) the Minister—

- (a) shall specify the date on which the notice takes effect (in this subsection called “the effective date”); and
- (b) may give such directions with respect to the institution affected by the notice as he considers necessary or expedient in order to carry the notice into effect including, without limiting the generality of the foregoing, directions as to—
  - (i) the ownership of, or management and control of, any land or personal property owned by the institution and used for the purposes of the institution immediately before the effective date;
  - (ii) the rights, obligations and liabilities of the institution, or its governing authority, existing immediately before the effective date;
  - (iii) the rights, interests and welfare of the members of the staff, officers, employees and students of the institution,

and on and from the effective date the institution shall cease to be a college for the purposes of this Act and those directions (if any) shall have effect accordingly.

8. (1) A college shall consist of a Council, and members of the academic and other staff and the enrolled students of the college.

Constitution and corporate powers of a college.

(2) A college under its corporate name—

- (a) has perpetual succession;
- (b) shall have a common seal;
- (c) may sue and be sued in any court;
- (d) may take, purchase and hold real and personal property, including property devised, bequeathed or given to the college;
- (e) may, subject to subsection (3), grant, sell, alienate, assign and demise real or personal property; and
- (f) may do and suffer all other acts and things that bodies corporate may by law do and suffer.

(3) A college shall not, except with the approval of the Governor grant, sell, alienate, mortgage, charge or demise any real property.

9. (1) The common seal of a college shall be kept in such custody as the Council directs and shall not be used except upon resolution of the Council or as may be authorised by the Statutes.

Common seal of college.

(2) All courts, judges and persons acting judicially shall take judicial notice of the common seal of a college affixed to any document and shall presume that it was duly affixed until the contrary is proved.

10. The functions of a college shall include the following—

Functions of a college.

- (a) to provide, on a full-time or part-time basis, such post-secondary education as it is authorised to provide pursuant to section 11;
- (b) to aid the advancement, development, and practical applications to industry, commerce and the community, of knowledge or any techniques;

- (c) to encourage the development and improvement of post-secondary education;
- (d) to contribute to the general cultural development of the community in the general region of the college;
- (e) to foster the general welfare and development of all enrolled students;
- (f) to promote and encourage collaboration and consultation between the college and other institutions and authorities to ensure the greatest effectiveness and economy in expenditure and the most beneficial relationship between the college and other educational institutions throughout the State;
- (g) to provide such facilities relating to the functions set out in this section as the Council thinks necessary for or conducive to their attainment; and
- (h) to encourage community use of college facilities.

Powers  
of a  
college.  
Courses  
that may be  
provided  
by a  
college.

11. (1) A college may with the approval of the Minister given on the recommendation of the Commission—

- (a) provide advanced education and programmes of continuing education;
- (b) 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 specialise;



- (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 specialise;
  - (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;
- (c) provide such other post-secondary education as the Council considers necessary to meet the needs of the community.

(2) A college may with the approval of the Commission—

- (a) provide such education (including primary and secondary education and university education) as is necessary to

- give effect to an agreement entered into by the Council of the college with the Education Department of Western Australia or with any non-government school, or with any post-secondary education institution, for the establishment, maintenance and conduct by the college of programmes of instruction leading to degrees, diplomas, certificates or other academic awards, if any, of the Education Department or of the non-government school or post-secondary education institution with which the agreement is made;
- (b) provide such education and training programmes as are necessary to give effect to an agreement entered into by the Council of the college with an employer or groups of employers or other persons or authorities;
- (c) co-ordinate all post-secondary education activities within a region specified by the Commission.

### PART III.—THE COUNCIL OF A COLLEGE.

#### *Division 1.—Constitution.*

Council.

12. The governing authority of a college is the Council of that college.

Constitu-  
tion of  
Council.

13. (1) Subject to this Act the Council of a college shall consist of—

- (a) seven persons appointed by the Governor representative of education, the professions, industrial, commercial or other community interests;
- (b) the person for the time being appointed to be the chief executive officer of the college;

- (c) two persons who are members of the full-time academic staff of the college and who are elected by members of that staff in such manner as is prescribed by Statute;
- (d) one person who is a member of the full-time salaried staff, other than academic staff, of the college, and who is elected by members of that staff in such manner as is prescribed by Statute;
- (e) one person who is for the time being an enrolled student of the college, and who is elected by enrolled students of the college in such manner as is prescribed by Statute;
- (f) two persons appointed from time to time by the Minister on the recommendation of the other members of the Council; and
- (g) if he is not already a member pursuant to one of the foregoing paragraphs of this subsection, the Chairman.

(2) A person whose whole or principal employment is that of a member of the staff of the college shall not be appointed under paragraph (a) or (f) of subsection (1).

14. (1) Subject to this Act—

Term of  
office.

- (a) an appointed member holds office for such period not exceeding three years as is specified in the instrument of his appointment;
- (b) an elected member, other than the member referred to in paragraph (e) of subsection (1) of section 13 holds office for a term of three years from the date on which his election takes effect;
- (c) the member referred to in paragraph (e) of subsection (1) of section 13 holds office for a term of one year from the date on which his election takes effect;
- (d) a Chairman holding office as a member pursuant to paragraph (g) of subsection (1) of section 13 shall hold that office for the term of his office as Chairman.

(2) Subject to subsection (3) all retiring members are, unless otherwise disqualified, eligible for re-appointment or re-election.

(3) The member referred to in paragraph (e) of subsection (1) of section 13 is not eligible for re-election more than once.

(4) Where a vacancy occurs in the office of an elected member—

(a) if, at the expiration of three months from the occurrence of the vacancy, the office has not been filled by election, it may be filled by a person who has been appointed by the Governor and has the like prescribed qualification as that of the member whose office has become vacant; and

(b) if the vacancy occurs otherwise than by effluxion of time, the person who fills the vacancy shall, subject to this Act, hold office as member for the residue of his predecessor's term of office.

(5) In this section—

“appointed member” means a member referred to in paragraph (a) or (f) of subsection (1) of section 13;

“elected member” means a member referred to in paragraph (c), (d) or (e) of subsection (1) of section 13.

**Vacation  
of office.**

15. The office of a member becomes vacant if—

(a) his term of office expires by effluxion of time;

(b) he resigns his office by writing under his hand addressed to the Minister;

(c) he becomes permanently incapable of performing his duties as a member;

(d) he is an undischarged bankrupt or has his affairs under liquidation by arrangement with his creditors;

(e) he is convicted of an indictable offence;

- (f) he is absent without leave of the Council from six consecutive meetings of the Council; or
- (g) he ceases to hold any qualification required for his becoming or being a member.

16. (1) Subject to this section the members shall from time to time as occasion arises—

Chairman  
and Deputy  
Chairman.

- (a) elect a person, whether a member or not, to be the Chairman of the Council of a college for a term not exceeding three years;
- (b) elect a member to be the Deputy Chairman of the Council of a college for a term not exceeding three years.

(2) The Governor shall appoint a person, whether a member or not, to be the first Chairman of the Council of a college for a term not exceeding three years.

(3) A person whose whole or principal employment is that of a member of the staff of the college shall not be eligible for election or appointment as Chairman.

(4) The office of the Chairman becomes vacant if—

- (a) the term for which he was elected or appointed expires by effluxion of time;
- (b) his office as a member becomes vacant pursuant to paragraphs (b), (c), (d), (e) or (f) of section 15;
- (c) he becomes a member of the staff of the college; or
- (d) he resigns the office by writing under his hand addressed to the Minister.

(5) The office of the Deputy Chairman becomes vacant if—

- (a) the term for which he was elected expires by effluxion of time;

- (b) he becomes the Chairman;
- (c) his office as a member becomes vacant pursuant to paragraph (a) of section 15 and he is not re-appointed or re-elected as a member;
- (d) his office as a member becomes vacant pursuant to paragraph (b), (c), (d), (e), (f) or (g) of section 15; or
- (e) he resigns the office by notice under his hand addressed to the Chairman.

(6) Where the office of a Chairman appointed pursuant to subsection (2) becomes vacant otherwise than by effluxion of time the Governor may appoint a person, whether a member or not, to fill the vacancy and the person who fills the vacancy shall, subject to this Act, hold office for the residue of his predecessor's term of office.

Meetings.

17. (1) Subject to the Statutes, the Council of a college shall hold such meetings thereof as are necessary for the performance of its functions.

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

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

(4) The Chairman shall preside at all meetings of the Council at which he is present.

(5) At any meeting of the Council at which—

- (a) the Chairman is not present, the Deputy Chairman shall preside at the meeting;
- (b) the Chairman and the Deputy Chairman are not present, the members present at the meeting shall elect a member to preside at that meeting,

and while so presiding the Deputy Chairman or the member, as the case may be, has all the powers and duties of the Chairman.

(6) A member is not entitled to vote either in the Council or in any committee thereof on any question in respect of which he has a direct pecuniary interest, and if the member so votes his vote shall be disregarded.

(7) At a meeting of the Council—

- (a) not less than one-half of the total number of members for the time being forms a quorum;
- (b) a question arising at the meeting shall be determined by a majority of the valid votes of the members present.

(8) No act or thing done by the Council is invalidated, prejudiced or affected by reason of any vacancy in the membership of the Council or any failure to appoint any member, or any defect or irregularity in the appointment of any person purporting to be a member so long as a quorum of the Council remains.

*Division 2.—Interim Provisions.*

18. The Council of a college established under section 6 shall be duly constituted as provided in section 13 on a date to be fixed by the Minister by notice published in the *Gazette*.

Date of  
constitu-  
tion of  
Council.

19. (i) Until the date fixed pursuant to section 18 the operations, affairs, concerns and property of a college shall be governed and administered by an Interim Council as constituted under section 20.

Provision  
for Interim  
Council.

(2) An Interim Council may be constituted for a college before it is established as a college pursuant to section 6.

20. (1) The Interim Council of a college shall consist of the following persons—

- (a) four persons appointed by the Governor representative of education, the professions, industrial, commercial or other community interests;
- (b) the person for the time being appointed to be the chief executive officer of the college; and
- (c) two persons nominated in writing by the Commission,

but until a person is appointed to be the chief executive officer of the college, a person appointed by the Governor on the nomination of the Minister shall be a member of the Interim Council in place of the first-mentioned person.

(2) The Governor shall appoint one of the members of the Interim Council to be the Chairman thereof.

(3) The Chairman of the Interim Council of a College has in respect thereof the same powers, authorities, duties and obligations in all respects as the Chairman has in respect of the Council of a college.

(4) In the absence of the Chairman of the Interim Council from a meeting thereof a member of that Council elected from and by the members present at the meeting shall preside at the meeting.

(5) Subject to this Act, the provisions thereof relating to—

- (a) voting at meetings of the Council of a college;
- (b) the decision of questions by the Council of a college;
- (c) the vacating of office of members;



- (d) the constitution and appointment of and the delegation of powers to committees or others by the Council of a college; and
- (e) the validation of proceedings of the Council of a college and those committees,

apply with the necessary modifications in respect of the Interim Council of a college and the committees constituted and appointed thereby as if they were in terms made applicable to the Interim Council and those committees.

21. (1) Members of the Interim Council shall, subject to this Act, hold office until the constitution of the Council pursuant to this Act.

Term of office of Members of Interim Council.

(2) Upon the constitution of the Council of a college the Interim Council of that college shall be dissolved and its members shall go out of office as such members but are eligible to be appointed members of the Council and any such appointment shall be deemed to be a first appointment.

(3) A college shall be deemed to be the same body corporate before and after the dissolution of its Interim Council and the constitution of its Council and no act or thing done or commenced by the Interim Council abates or is affected by that dissolution.

22. (1) The Interim Council of a college shall, subject to this Act, have all the powers, authorities, duties and obligations of the Council of a college under this Act, except those relating to the appointment of members pursuant to paragraph (f) of subsection (1) of section 13 and the election of a Chairman pursuant to section 16.

Powers and duties of Interim Council.

(2) The Interim Council of a college shall take all such steps as may be necessary in order that the Council of the college may be duly constituted upon the date fixed pursuant to section 18.

PART IV.—FUNCTIONS, DUTIES AND POWERS OF  
COUNCILS.Functions  
and duties  
of the  
Council.

23. Subject to this Act and the Western Australian Post-Secondary Education Commission Act, 1970 the Council of a college shall—

- (a) perform any function or duty conferred or imposed upon the college under this Act;
- (b) act in all matters concerning the college in such manner as appears to it best calculated to promote the objects and interests of the college; and
- (c) control and manage the operation, affairs, concerns and property of the college.

Powers of  
Council.

24. (1) Subject to this Act and the Statutes and to the Western Australian Post-Secondary Education Commission Act, 1970 the Council has power to do all things necessary or convenient to be done for or in connection with the operation, affairs, concerns and property of the college and, in particular, the Council—

- (a) may, on behalf of the college, enter into and execute agreements with Government Departments and with other post-secondary education institutions for the purpose of the academic or other salaried staffing of the college and for the provision of the education that the college is authorised by this Act to provide;
- (b) may, on behalf of the college, enter into and execute contracts for the planning, construction, modification and maintenance of buildings and for minor works and services;
- (c) may provide housing accommodation for members of the staff of the college;
- (d) may, with the approval of the Minister, establish and maintain branches of the college at such places in the State as the Council thinks fit;

- (e) may establish guidelines for the use of college facilities by the community and levy and collect appropriate charges for such use;
- (f) may, on behalf of the college, award—
  - (i) appropriate degrees, diplomas and certificates; and
  - (ii) appropriate honorary awards, to enrolled students and other persons;
- (g) may exercise any other power vested in it under this Act.

(2) Any degree, diploma or certificate or honorary award of the college awarded by the Council shall be evidenced by a certificate given in accordance with the Statutes.

25. (1) The Council of a college may, in relation to any matter or class of matters, or in relation to any activity or function of the college, 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 any member or to a committee consisting of members appointed by the Council or to any officer or officers of the college.

Delegation  
by Council.

(2) The Council may by resolution revoke a delegation given under this section and no delegation so given prevents the exercise or discharge by the Council of any of its powers, authorities, duties or functions.

(3) Each committee appointed by the Council pursuant to this section shall report to the Council on its activities at such times as the Council directs.

#### PART V.—STATUTES.

26. (1) The Council of a college may make Statutes, not inconsistent with this Act, with respect to all matters pertaining to the college and in particular may make Statutes with respect to—

Power  
to make  
Statutes.

- (a) the management, good government and discipline of the college;

- (b) the use and custody of the common seal of the college, and the functions of the Council that may be exercised without the use of the common seal for that purpose;
- (c) the organisation and supervision of the teaching of enrolled students;
- (d) the academic and other staff, officers and employees of the college and its branches;
- (e) the manner and time of convening, holding and adjourning the meetings of the Council, the manner of voting at those meetings, the powers and duties of the Chairman, the conduct and record of the business, the appointment of committees of the Council and the quorum, powers and duties of those committees;
- (f) the entrance standard for students;
- (g) the granting of appropriate degrees, diplomas and certificates or honorary awards by the Council;
- (h) the granting of scholarships, exhibitions, bursaries and prizes;
- (i) the fees to be charged for courses of study or instruction, examinations, degrees, diplomas and certificates of the Council and for such other facilities or privileges of the college as are prescribed;
- (j) the admission of graduates and students of other colleges or educational institutions to any corresponding status in the college without examination;
- (k) the recognition, instead of or for the purpose of any examination or course of study, of any course of study completed or examination passed in any educational institution;
- (l) the establishment by the Council of hostels and halls of residence for enrolled students and the management, control and closing of any of those hostels and halls;

- (m) the government of colleges, hostels and halls of residence that are under the control of the Council, the affiliation of colleges, hostels and halls of residence that are not under the control of the Council and the licensing and supervision of boarding houses catering for enrolled students and for the revocation of the licensing thereof; and
- (n) the control and investment of the property of the college.

(2) Without limiting the powers conferred by subsection (1) the Council of a college may make a Statute furthering or facilitating the objects or operation of this Act with respect to long service leave entitlements of members of the staff of the college and in particular providing for lump sum payments, instead of accrued and *pro rata* long service leave entitlements, to or in respect of persons who cease to be members of the staff, but so that the calculation of any such payment shall be based on the rate of salary of the person at the date of his ceasing to be a member of the staff; and so that no payment that exceeds the equivalent of twelve months' salary shall be paid under the Statute.

(3) Without limiting any of the powers conferred by subsection (1), a Statute with respect to the discipline of a college may—

- (a) prescribe disciplinary offences and disciplinary powers in relation thereto including penalties that may be imposed for the respective offences;
- (b) provide that penalties may be partly of one kind and partly of another but so that no monetary penalty for any one disciplinary offence exceeds fifty dollars;
- (c) prescribe circumstances under which a penalty may be modified or suspended;

- (d) provide, in addition to penalties, for restitution to the college not exceeding one hundred dollars for loss, damage or destruction of college property arising out of the commission of a disciplinary offence;
- (e) prescribe rights of appeal against decisions made in the exercise or purported exercise of disciplinary powers;
- (f) prescribe the persons, classes of persons and bodies of persons who may—
  - (i) make a complaint of a disciplinary offence;
  - (ii) exercise all or any of the prescribed disciplinary powers; or
  - (iii) determine all or any appeals against decisions made in the exercise or purported exercise of disciplinary powers;
- (g) prescribe the practice and procedure in relation to—
  - (i) making a complaint of a disciplinary offence;
  - (ii) exercising disciplinary powers; and
  - (iii) determining appeals against decisions made in the exercise or purported exercise of disciplinary powers;
- (h) prescribe the circumstances under which costs may be awarded to a person the subject of a complaint of a disciplinary

offence, prescribing the persons, classes of persons or bodies of persons who may award and fix those costs; and providing for payment thereof out of college funds;

- (i) prescribe the manner in which penalties may be enforced and, in the case of monetary penalties or amounts for restitution, recovered; and
- (j) prescribe all such other matters as are necessary or expedient to be prescribed for the maintenance of the good order and discipline of the college.

(4) Without limiting the power of delegation conferred on the chief executive officer of the college by section 30, where a Statute, or a by-law or rule made under a Statute, with respect to the discipline of the college confers on him any disciplinary power or any power to hear and determine appeals from decisions made in the exercise or purported exercise of disciplinary powers or any power to award or fix costs, he may delegate the power to any person, class of persons or body of persons.

(5) A Statute or a by-law or rule made under a Statute—

- (a) may be limited in its application to time, place or circumstance; and
- (b) may provide that any act or thing shall be done with the approval or to the satisfaction of a specified person or class of persons and may confer a discretionary authority.

(6) A Statute made under this section may be revoked or amended by a subsequent Statute so made.

(7) The Statutes may provide for—

- (a) empowering the Council to make by-laws or rules, not inconsistent with this Act or with any Statute for regulating, or providing for the regulation of, any specified matter with respect to which Statutes may be made, or for carrying out or giving effect to the Statutes, and any of those by-laws or rules shall have the same force and effect as a Statute;
- (b) the manner of promulgation of those by-laws or rules; and
- (c) the revocation or amendment of any of those by-laws or rules.

(8) The production of a verified copy of any by-law or rule made under subsection (7) of this section under the common seal of the college is evidence of the making and authenticity of the by-law or rule in all courts and before all persons acting judicially.

Statutes to  
be approved  
by Governor  
and  
published.

27. (1) Every Statute made by the Council of a college shall be sealed with the common seal of the college and shall be transmitted by the Council for the approval of the Governor, and when so approved—

- (a) shall be published in the *Gazette*;
- (b) shall take effect from the date it is so published or from a later date to be specified in the Statute.

(2) A copy of each Statute shall be laid before each House of Parliament within fourteen sitting days after it is published in the *Gazette* if Parliament is then in Session, and if not, then within fourteen days after the commencement of the next succeeding Session of Parliament.

(3) If either House of Parliament within the next succeeding fourteen sitting days after a copy of a Statute has been laid before it as provided in this



section, resolves that the Statute be revoked in whole or in part, that Statute or that part is from the date of such resolution of no effect, but without affecting the validity of anything done pursuant to that Statute in the meantime.

(4) The production of a copy of a Statute under the common seal of the college or of a document purporting to be a copy of a Statute and to have been printed by the Government Printer is, in all proceedings, sufficient evidence of the Statute.

#### PART VI.—COLLEGE LANDS.

28. (1) On the recommendation of the Minister the Governor, by Order in Council may transfer to the management and control of a college or may vest in a college any land that is—

Power to  
vest land  
in colleges.

- (a) reserved to Her Majesty under the Land Act, 1933 as sites for schools and other buildings for the purposes of education; or
- (b) vested in the Minister by virtue of section 6 of the Education Act, 1928,

and on the making of the Order in Council the land therein specified shall vest accordingly.

(2) A college shall hold and use any land vested in the college under this Act subject to this Act and for the purposes of this Act.

(3) Where any land in the management and control of, or vested in, a college pursuant to this Act, is no longer required for the purposes of this Act, the Governor, by Order in Council, may re-vest it in Her Majesty of Her Former Estate or in the Minister of his former estate, as the case requires, and thereupon it shall be re-vested accordingly.

(4) A college may lease a portion of the land vested in it to an affiliated residential college, affiliated hostel or hall of residence—

- (a) on condition to use the leased land only as a place for the residence or education and residence of enrolled students and for such other purposes connected therewith or subordinate thereto as are specified in the lease;
- (b) on such other conditions and with such covenants as the Council thinks fit.

By-laws  
relating  
to land.

29. (1) By-laws made by a college under this section apply only within the boundaries of college lands.

(2) For the purposes of this section and by-laws made by a college under this section, the Governor may, by proclamation,—

- (a) declare any land vested in, or under the management and control of the college to be college lands;
- (b) alter the boundaries of any college lands; or
- (c) declare that any land shall cease to be college lands,

and the by-laws shall thereupon apply to that land accordingly and to any building, structure or erection on that land.

(3) A college may, with the approval of the Governor, make by-laws for the purpose of managing, preserving, and protecting college lands and for the purpose of regulating the terms and conditions on which such lands may be visited or used by any persons whomsoever, and the conduct of such persons when on or upon such lands, and in particular may by by-laws—

- (a) prohibit or regulate the admission to such lands of persons, vehicles, or animals;
- (b) prescribe the times when and the purposes for which such lands may be used, and the times when and the purposes for which the

same shall be open or closed, and prohibit the use thereof or access thereto at any other times, or for any other purpose;

- (c) prescribe fees to be charged to all or any persons for admission to or use of such lands;
- (d) provide for the issue to all or any persons using such lands of tickets and requiring the production of such tickets by such persons if and whenever required by any member of the Police Force, or any member of the staff of the college;
- (e) regulate the conduct of persons using or being in or upon such lands;
- (f) prohibit any nuisance, or any offensive, indecent, or improper act, conduct, or behaviour on such lands;
- (g) prohibit the use of abusive or insulting language on such lands;
- (h) prohibit damage or injury to or interference with such lands; or any tree, shrub, hedge, plant or flower thereon, or any fixed or movable article thereon;
- (i) prohibit the writing or printing of any indecent words, or the writing, printing, or drawing, or affixing of any indecent or obscene picture or representation on such lands, or on any fence, wall, tree, shrub, or hedge thereon;
- (j) prescribe, in respect of an alleged breach of the by-laws involving a vehicle, the circumstances under which the owner of the vehicle is deemed to be the driver or person in charge of the vehicle at the time of the alleged breach;
- (k) prescribe the circumstances under which an authorised person may remove a vehicle, or cause it to be removed, from college lands to a specified place, prescribe his further powers in relation thereto, prescribe the scale of charges to be paid

to recover the vehicle from that place, and authorise the college to hold the vehicle until the prescribed charges are paid;

- (l) prescribe a modified penalty or modified penalties payable to a college by a person or one of a class of persons who does not contest an allegation that he committed any specified breach of the by-laws, and provide that the due payment of a modified penalty is a defence to a charge of the breach in respect of which that modified penalty was paid;
- (m) authorise any member of the Police Force or any member of the staff of the college to remove from such lands all persons guilty of any breach of a by-law, and to prohibit the obstruction of any such member of the Police Force or member of the staff;
- (n) require any person using such lands to give his name and address, whenever required so to do by any member of the Police Force, or any member of the staff of the college; and
- (o) generally provide for the carrying out of the purposes of this Act, or any Statute,

but no such by-law shall be contrary to the express provisions of this Act or of any Statute.

(4) In subsection (3) "authorised person" means any member of the Police Force, the chief executive officer of a college, or any member of the staff of a college authorised by the chief executive officer in respect of the matters referred to in the provision wherein the expression is used.

(5) The by-laws—

- (a) may be limited in their application to time, place, or circumstance; and
- (b) may provide that any act or thing shall be done with the approval or to the satisfaction of a specified person or class or persons and may confer a discretionary authority.

(6) Any by-law may impose a penalty not exceeding fifty dollars for any breach thereof and proceedings for the recovery of such penalty may be taken by any authorised person in his own name; but all pecuniary penalties shall, notwithstanding anything to the contrary contained in the Fines and Penalties Appropriation Act, 1909 or any other Act, be appropriated and paid to the college for its use.

(7) In any proceedings for any contravention of any by-law the allegation in the complaint that any place was on college lands shall be sufficient evidence of the fact alleged in the absence of proof to the contrary.

(8) No by-law takes away or restricts any liability, civil or criminal, arising under any provision of any Act other than this Act or at common law.

(9) A breach of a by-law by an enrolled student is a disciplinary offence for which a complaint may be brought, heard, and determined under the disciplinary Statutes, by-laws and rules of the college instead of before a court of summary jurisdiction.

#### PART VII.—STAFF.

30. (1) The Council of a college shall appoint and may terminate the appointment of a person to be the chief executive officer of the college.

Chief  
executive  
officer.

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

(3) The chief executive officer has such title, powers and duties as are prescribed and, unless the contrary is expressly prescribed, the chief executive officer may delegate any of those powers and duties to any person or committee of persons.

Academic  
and other  
staff.

31. (1) Subject to this Act and any relevant award or agreement in force under the Industrial Arbitration Act, 1912—

- (a) the Council of a college may appoint the academic and other staff of the college and other officers and engage employees for the college and may suspend or terminate the employment of any person so appointed or engaged;
- (b) the terms and conditions of employment of the staff, officers and employees of a college, including the salary or wages payable, are such terms and conditions as the Minister on the recommendation of the Council approves.

(2) Where the Minister, after consultation with the Public Service Board, considers that a person appointed or engaged under subsection (1), other than a member of the academic staff, is in like employment with a college to any employment in the Public Service of the State, that person shall have like terms and conditions of employment with the college to those in the employment in the Public Service of the State.

Continu-  
ation of  
existing  
rights.

32. Where a person appointed or engaged under section 30 or 31 was immediately before being so appointed or engaged, an officer of the Public Service of the State, an officer appointed under the Education Act, 1928 or a member of the staff of another college under this Act he retains his existing and accruing rights and in particular his rights in relation to sick leave, long service leave, and retirement and subject to section 35, his rights if any under the Superannuation Act.

Act No. 38  
of 1945 not  
to apply.

33. The provisions of the Government Employees (Promotions Appeal Board) Act, 1945 do not apply to or in relation to a member of the staff of a college.

34. The Minister, in extraordinary circumstances and on the advice of the Commission, may transfer academic and other salaried staff from one college to another college and the provisions of section 32 apply to a person so transferred as if he had been appointed or engaged pursuant to section 30 or 31.

Minister may transfer staff in extraordinary circumstances.

35. (1) The Council of each college shall request that the inclusion of that college as a department for the purposes of the Superannuation Act be recommended by the Minister to whom the administration of that Act is committed and approved by the Treasurer.

Application of Superannuation Act.

(2) Where the request of the Council of a college is so recommended and approved, the Treasurer may if the Council enters into the agreement and makes arrangements, which it is authorised to do, as required by the proviso to the interpretation of "department" in subsection (1) of section 6 of the Superannuation Act approve of the inclusion of the college as a department for the purposes of that Act and the college shall, for the purposes of that Act only, be deemed to be a department.

(3) A member of the staff of a college is not compelled to become a contributor for pension, superannuation or benefits under an agreement entered into by the Council pursuant to this section unless he is so compelled pursuant to the terms and conditions of his employment under this Act.

(4) A member of the staff of a college, who was immediately before the date of his appointment as such a member a contributor within the meaning of the Superannuation Act may continue to be such a contributor unless he becomes a member of the Scheme.

36. (1) The Minister may authorise the establishment and maintenance of a Scheme to be called the "Western Australian Post-Secondary Education Superannuation Scheme" to make financial provision in respect of the retirement, invalidity or death

Western Australian Post-Secondary Education Superannuation Scheme.

of such college staff as are eligible under subsection (2) to be members of the Scheme and become such members.

(2) The following are eligible to be members of the Scheme that is to say—

- (a) the academic staff of a college;
- (b) such classes of other members of the staff of a college as the Minister, on the recommendation of the Commission, determines may be members of the Scheme.

(3) The Scheme shall be established and operated in such manner as the Minister, on the recommendation of the Commission, determines.

(4) The Scheme shall be administered by a Board of Trustees appointed by the Minister consisting of—

- (a) a chairman;
- (b) two persons, each of whom is a member of the full-time staff of a college and is a member of the Scheme, one of whom shall be a person who has been elected by members of the Scheme in such manner as the Minister determines;
- (c) one person who is the chief executive officer of a college;
- (d) the Chairman for the time being of the Superannuation Board constituted by the Superannuation Act, or his nominee.

(5) A trustee referred to in paragraph (a), (b) or (c) of subsection (4) shall hold office for such period, not exceeding four years, as is specified in the instrument of his appointment but may, at any time, resign his office or be removed from office by the Minister.

(6) No act or thing done by the Board of Trustees referred to in subsection (4) is invalidated, prejudiced or affected by reason of any vacancy in the office of any trustee, or any failure to appoint any trustee, or any defect or irregularity in the appointment of any person purporting to be a trustee.



(7) The Minister on the recommendation of the Commission may make agreements with other educational or research institutions for the establishment of joint machinery to facilitate the transfer of members of a superannuation scheme controlled by one of the institutions from that scheme to a superannuation scheme controlled by another of the institutions and generally in relation to matters affecting the scheme.

(8) The Minister, on the recommendation of the Commission, may amend the Scheme or by further agreement amend an agreement made under subsection (7) but any amendment to the scheme or an agreement shall not prejudice any right that has accrued under the scheme or the agreement before the amendment.

(9) A member of the staff of a college is not compelled to be a member of the Scheme unless he is so compelled pursuant to the terms and conditions of his employment under this Act but he shall not be a member of the Scheme if he is a contributor within the meaning of the Superannuation Act.

(10) A member of the staff of a college who was immediately before the date of his appointment or engagement as such a member a contributor within the meaning of the Superannuation Act may, notwithstanding any provision of that Act, retire as such a contributor but only if, within nine months from that date—

(a) he gives, to the Superannuation Board constituted under that Act and to the Council, notice in writing that he intends to so retire; and

(b) he becomes a member of the Scheme,

in which case he shall retire as such a contributor on the day he becomes a member of the Scheme.

## PART VIII.—FINANCIAL PROVISIONS.

Report and  
financial  
statements  
of a  
college.

37. (1) The Council of a college shall, as soon as practicable after each 31st day of December and not later than six months after that day, prepare and furnish to the Minister a report of the operations of the college during the period of twelve months immediately preceding that day together with financial statements in such form as the Treasurer approves.

(2) Before furnishing the financial statements to the Minister, the Council shall submit them to the Auditor General, who shall report to the Minister—

- (a) whether the statements are based on proper accounts and records;
- (b) whether the statements are in agreement with the accounts and records and show a true and correct view of the financial position and transactions of the college;
- (c) whether the receipt, expenditure and investment of moneys and other transactions of the college during the year to which the financial statements relate, have been in accordance with this Act; and
- (d) as to such other matters arising out of the financial statements as the Auditor General considers should be reported to the Minister.

(3) The Minister shall lay the report and financial statements of the college together with the report of the Auditor General before each House of Parliament within twelve sitting days of that House after their receipt from the Council by the Minister.

(4) The Minister, with the approval of the Treasurer, may determine that for the purposes of this section in respect of any operation of the college another date may be substituted for the date referred to in subsection (1) and thereupon this section as modified by the substituted date applies in relation to that operation.

38. (1) The funds available to the Council of a college for the purpose of enabling it to exercise its powers, authorities, duties and functions under this Act are—

Funds of college.

- (a) moneys from time to time appropriated by Parliament for that purpose;
- (b) moneys received by the Council by way of fees, charges, gifts, bequests or otherwise whether paid or made to the college or the Council;
- (c) moneys borrowed by the Council under this Act; and
- (d) moneys made available to the Council or the college for the purposes of this Act.

(2) The moneys referred to in subsection (1) shall be paid into, and be placed to the credit of an account at the Treasury or at a bank approved by the Treasurer to be called “(corporate name of college) Account”.

(3) All expenditure incurred by the Council for the purposes of giving effect to this Act, including the repayment of moneys borrowed by or advanced to the college in accordance with this Act, shall, subject to subsection (4) be paid from the account referred to in subsection (2).

(4) Expenditure incurred for the purposes of giving effect to paragraph (c) of subsection (1) of section 24 of this Act shall be paid out of such moneys in the account referred to in subsection (2) as the Treasurer approves.

39. (1) The Council of a college has power to borrow money upon the guarantee of the Treasurer for the purposes of carrying out its powers and functions under this Act.

Power to borrow money.

(2) The Council of a college is authorised with the prior approval in writing of the Treasurer to borrow money upon such terms and conditions only as the Treasurer approves.

(3) The Treasurer is hereby authorised to so approve and to give the guarantee, including the guarantee of interest in subsection (1), for and on behalf of the Crown in right of the State.

(4) Any moneys borrowed by the Council of a college under this section may be raised as one loan or as several loans and in such manner as the Treasurer may approve, but the amount of the moneys so borrowed shall not in any one year exceed in the aggregate such amount as the Treasurer approves.

(5) Before a guarantee is given by the Treasurer under this section, the Council shall give to the Treasurer such security as the Treasurer may require and shall execute all such instruments as may be necessary for the purpose.

(6) The Council of a college shall use all moneys borrowed under the power conferred by this section for the purposes of carrying this Act into effect.

Power to invest.

40. Where any money standing to the credit of a college account is not immediately required for the purposes of this Act, the Council may invest it in any investments authorised by law as those in which trust funds may be invested.

Annual estimates.

41. (1) The Council of a college shall cause to be prepared and submitted to the Treasurer under such headings and in such manner as the Treasurer directs, annual estimates of the revenue and expenditure of the Council in connection with the carrying out of the functions of the college.

(2) Before the annual estimates referred to in subsection (1) are submitted to the Treasurer as required by that subsection they shall be submitted to, and approved by, the Minister.

Application of moneys.

42. The Council of a college shall apply for the purposes of the college all fees and other moneys received by it under this Act or otherwise.

## PART IX.—MISCELLANEOUS PROVISIONS.

43. (1) For the purposes of this Act there may be established and maintained in a college— Staff  
associations.

- (a) an organised association of academic staff;
- (b) an organised association of other salaried staff,

and those associations shall be a recognised means of communication between academic staff, and other salaried staff, respectively, and the Council, but for those purposes there shall not be at the same time more than one such association of academic staff, and one such association of other salaried staff.

(2) The primary function of an association maintained under subsection (1) shall be to further the common interests of its members.

44. (1) For the purposes of this Act there may be established and maintained in a college an organised association of enrolled students (in this section called “the student association”). Student  
associations.

(2) The primary function of the student association of a college shall be to further the common interests of the enrolled students of the college.

(3) Subject to subsection (4) and to any prescribed conditions or qualifications for membership any enrolled student of a college may be a member of the student association of that college.

(4) The following persons and classes of persons shall not be eligible for any form of membership of the student association of a college, that is to say—

- (a) enrolled students of the college who are members of the full-time academic staff of the college;
- (b) persons who are not enrolled students of the college; and

- (c) such other persons and classes of persons as the Council declares by resolution to be ineligible for membership of the student association.

(5) It shall not be compulsory for any enrolled student of a college to be a member of the student association of the college and no academic benefit, right or privilege shall be denied to or withheld from any enrolled student by reason of his not being a member of the student association.

(6) A student shall, at the time of enrolment at a college, indicate whether he wishes to be a member of—

- (a) the student association of the college;
- (b) any other body specified by the Council in the form of application for enrolment,

during the period to which the enrolment relates.

(7) Any enrolled student of a college (whether a member of the student association of the college or not) may vote at any election held to fill a vacancy in any elective office in the administration of the student association, but a person shall not hold any office mentioned in this subsection unless he is a member of the student association.

(8) The Statutes of a college may provide for the payment of an annual amenities and services fee by enrolled students of the college other than enrolled students who, by reason of subsection (4), are not eligible for membership of the student association of the college.

(9) All amenities and services fees levied pursuant to subsection (8) shall be payable in such manner as the Council of the college determines and the moneys derived from those fees shall be applied in accordance with subsection (13).

(10) Where amenities and services fees levied pursuant to subsection (8) are payable to the Council of the college, the Council may, notwithstanding

subsection (9) or section 42, transmit the whole or any part of the moneys derived from those fees to the student association upon the conditions that the moneys so transmitted are applied in accordance with subsection (13) and that no payment shall be made out of those moneys, whether directly or indirectly, by way of gift.

(11) For the purposes of subsection (10) any payment made to any body that is empowered under its rules or constitution or otherwise to make gifts, or which makes gifts out of funds at its disposal from time to time, shall be deemed to be a payment made indirectly by way of gift.

(12) Subsection (11) does not apply to a payment made in respect of *bona fide* sporting or recreational activities directly related to the college or to a payment made to a body whose objects include the furthering of the common professional interest of persons associated with a particular academic discipline of the college or to a payment made in respect of goods supplied or services rendered to the student association in the course of the normal business of the student association.

(13) Moneys derived from amenities and services fees levied pursuant to subsection (8) shall be applied solely for the purposes of the provision of amenities or services for enrolled students of the college or the development of cultural, social, sporting, or recreational activities directly related to the college.

(14) The Statutes of a college may provide for the payment of an annual subscription to the student association of the college by enrolled students who are members of the student association.

(15) The amounts, respectively, of—

- (a) any amenities and services fee levied pursuant to subsection (8); and
- (b) any annual subscription levied pursuant to subsection (14),

shall be determined by the Council of the college on the recommendation of the student association of the college and may be determined so as to differ according to whether a student is enrolled on a full-time, part-time or external basis.

(16) The Statutes of a college may prescribe—

- (a) the conditions or qualifications for membership of the student association of the college;
- (b) the powers, duties and functions of the student association of the college;
- (c) such other matters and things as are necessary or convenient for the effective exercise of the powers, duties and functions of the student association of the college.

Exemption  
from rate  
or tax.

45. (1) No tax or rate may be charged or levied upon any property vested in a college.

(2) Subsection (1) does not operate so as to exempt property that is vested in a college if it is leased to or ordinarily occupied by any other person.

No religious  
tests.

46. No religious test shall be administered to any person in order to entitle that person to be admitted as an enrolled student of a college or to hold office in a college, or to graduate at a college, or to hold any advantage or privilege of a college.

#### PART X.—TRANSITIONAL PROVISIONS.

Continu-  
ation of  
existing  
colleges.

47. On the commencement date, notwithstanding that the Council of any college is not then constituted, the constituent colleges maintained under the repealed Act as bodies corporate under the names of—

“Churchlands Teachers College”

“Claremont Teachers College”

“Graylands Teachers College”



“Mount Lawley Teachers College” and  
 “Western Australian Secondary Teachers  
 College”,

are preserved and continued in existence as bodies corporate under and subject to the provisions of this Act and, for the purposes of this Act, shall be colleges known by the respective corporate names of—

“Churchlands College”  
 “Claremont Teachers College”  
 “Graylands Teachers College”  
 “Mount Lawley College” and  
 “Nedlands College”.

48. (1) Until an elective office on the Council of a college to which section 47 applies is filled for the first time by the election of a person in the prescribed manner that office shall be filled by a person who has the prescribed qualification for holding that office, and who is appointed by the Minister.

Interim  
 provision  
 for Council  
 membership.

(2) For the purposes of section 14 a member appointed pursuant to subsection (1) shall be deemed to be an elected member and the date on which his appointment took effect shall be deemed to be the date on which his election took effect.

(3) In subsection (1) “elective office” means an office of member referred to in paragraph (c), (d) or (e) of subsection (1) of section 13.

49. (1) Notwithstanding section 13, for a period of two years from the commencement date the Council of the Graylands Teachers College shall be comprised of those persons who immediately before the commencement date were members of the Board of the Graylands Teachers College as established in accordance with section 38 of the repealed Act and the terms of office of those members shall be extended accordingly.

First  
 Council of  
 Graylands  
 Teachers  
 College.

(2) If a vacancy occurs in the office of a member of the Council of the Graylands Teachers College holding office pursuant to subsection (1), the Minister shall appoint a person to fill the vacancy for such period as is specified in the instrument of appointment.

Continuation of by-laws etc.

50. (1) On and after the commencement date any by-law or Statute pertaining to a college to which section 47 applies, or to the lands of such a college, that is in force under the repealed Act immediately before that date shall, subject to this Act and in so far as it is not inconsistent with this Act, continue in force and be deemed to be a by-law or Statute, as the case may be, made by the Council of that college pursuant to this Act.

(2) On and after the commencement date any rule of a college to which section 47 applies that is in force immediately before that date shall, subject to this Act and in so far as it is not inconsistent with this Act, continue in force and be deemed to be a provision of a Statute made by the Council of that college pursuant to this Act.

(3) In any by-law, Statute or rule continued in force by subsection (1) or (2)—

- (a) any reference to the Western Australian Teacher Education Authority, or the Council thereof, shall be read and construed as a reference to the Council of the college;
- (b) any reference to the repealed Act shall be read and construed as a reference to this Act;
- (c) any reference to the college by its corporate name under the repealed Act shall be read and construed as a reference to the college by its corporate name under this Act;
- (d) any reference to the Board of the college shall be read and construed as a reference to the Council of the college;
- (e) any reference to the Principal of the college shall be read and construed as a reference to the chief executive officer of the college.

(4) Until a proclamation is made under subsection (2) of section 29 in respect of a college, by-laws that are continued in force by subsection (1) shall apply to all land vested in or in the management and control of the college.

51. On the commencement date all persons who were, immediately before that date, members of the staff of a college to which section 47 applies, shall become members of the staff of that college under this Act and all such persons shall retain their existing and accruing rights and in particular their rights in relation to sick leave, long service leave, retirement and pension fund benefits and any service regarded as "service" with a college under the repealed Act shall be regarded as "service" with a college under this Act.

Transfer  
of staff.

52. Until the powers and duties of the chief executive officer of a college to which section 47 applies are prescribed, the chief executive officer shall have powers and duties similar to those that were attached to the office of Principal of the college prior to the commencement date.

Powers and  
duties of  
chief  
executive  
officer.

53. On and from the commencement date all property that was, immediately before that date, held and used for the purposes of the repealed Act by a college to which section 47 applies, shall be held and used by that college for the purposes of this Act.

Property.

54. (1) In this section "the former scheme" means the Western Australian Teacher Education Authority Superannuation Scheme maintained under the repealed Act.

Super-  
annuation.

(2) Until the Scheme is established the former scheme shall continue in operation as though it had been established under section 36 and the rights and interest of any contributor or pensioner shall continue unabated.

(3) On and from the commencement date the following references in the former scheme shall have the respective meanings set out hereunder—

- (a) “the Authority” shall mean the Council of the college within which the member is employed;
- (b) “the Trustees” shall mean a Board of Trustees, established by the Minister in accordance with section 36; and
- (c) “the Council” shall mean the Council of the college within which the member is employed, except in regulation 47 of that scheme where “the Council” shall mean the Minister on the recommendation of the Commission.

(4) When the Scheme is established the rights and interests of any contributor or pensioner under the former scheme shall become rights and interests under the Scheme.

Property  
of the  
Teacher  
Education  
Authority.

55. (1) In this section “the Authority” means the Western Australian Teacher Education Authority established under the repealed Act.

(2) All the right, title and interest in and to any property that, immediately before the commencement date, was vested in the Authority is, by force of this subsection, vested in the Minister, and, subject to subsection (3) all obligations and liabilities of the Authority existing immediately before the commencement date are in like manner imposed on the Minister.

(3) Any existing or future obligations and liabilities of the Authority in respect of a loan raised by the Authority to finance the construction of buildings or other facilities at a college to which section 47 applies (not being a consolidated loan raised to finance the construction of facilities at more than one such college) shall, on and from the commencement date, be obligations and liabilities of that college.