

TEACHER EDUCATION.

No. 93 of 1972.

AN ACT to provide for the continuing Development of Teacher Education and for incidental purposes.

[Assented to 4th December, 1972.]

BE 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 *Teacher Education Act, 1972.* Short title.

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

Arrange-
ment.

3. The arrangement of this Act is as follows—

PART I.—PRELIMINARY.

PART II.—TEACHER EDUCATION AUTHORITY.

Division 1.—Establishment and objects.

Division 2.—The Council.

Division 3.—Staff of the Authority.

PART III.—CONSTITUENT COLLEGES.

Division 1.—Constitution and objects.

Division 2.—College Boards.

Division 3.—Staff of Constituent Colleges.

Division 4.—Academic Staff and Student Associations.

PART IV.—MAINTENANCE OF CONSTITUENT COLLEGES.

PART V.—SUPERANNUATION.

PART VI.—FINANCIAL PROVISIONS.

Division 1.—The Authority.

Division 2.—The Colleges.

PART VII.—MISCELLANEOUS PROVISIONS.

PART VIII.—BY-LAWS, STATUTES AND RULES.

PART IX.—TRANSITORY PROVISIONS.

Inter-
pretation.

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

“affiliated institution” means an institution admitted as an affiliated institution pursuant to paragraph (e) of subsection (2) of section 20;

“appointed day” means the day appointed by the Governor pursuant to section 57;

“Authority” means the Teacher Education Authority established under this Act;

“Authority land” means land vested in the Authority, or in the management and control of the Authority, for the purpose of this Act, pursuant to section 58 or otherwise;

“Board” means the Board of a college;

“casual vacancy” means a vacancy arising in the office of a member of the Council or a Board, as the case requires, otherwise than by effluxion of time;

“Chairman” means—

(a) in relation to the Council, the Chairman of the Council; and

(b) in relation to a Board, the Chairman of the Board;

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

“college” means a constituent college;

“college land” means land vested in a college, or in the management and control of a college, for the purposes of this Act, pursuant to section 58 or otherwise;

“constituent colleges” means the teachers’ colleges for the education of teachers maintained by the Minister under section 10 of the Education Act, 1928 immediately before the appointed day at Churchlands, Claremont, Graylands, Mount Lawley, and Nedlands, respectively and includes any college established under subsection (1) of section 33, and any established institution declared to be a college under subsection (2) of that section, for the purposes of this Act;

“Council” means the Council of the Authority;

“enrolled student” means a student enrolled in a college;

“Minister” means the Minister for Education;

“Order” means an Order in Council published in the *Government Gazette*;

“prescribed” means prescribed by this Act;

“Principal” means a Principal of a constituent college;

“Public Service Board” means the Public Service Board established under the Public Service Act, 1904;

“Scheme” means the Authority Superannuation Scheme established under section 60 and if that Scheme is, under that section, amended means that Scheme as amended from time to time;

“section” means a section of this Act;

“Statute” means a Statute of the Authority in force pursuant to this Act;

“subsection” means a subsection of the section wherein the term is used;

“Superannuation Act” means the Superannuation and Family Benefits Act, 1938;

“Tertiary Education Commission” means the Western Australian Tertiary Education Commission established under the Western Australian Tertiary Education Commission Act, 1970;

“this Act” includes any by-law, Statute, or rule made pursuant to this Act.

(2) If a question arises as to whether a person is a professional officer of the Authority, or as to what persons or classes of persons are professional officers thereof, that question shall be determined by the Minister after consultation with the Council and the Public Service Board, and the decision of the Minister is final thereon.

(3) If a question arises as to whether a person is a member of the academic staff of a college, or as to what persons or classes of persons constitute the academic staff thereof, that question shall be determined by the Council, and the decision of the Council is final thereon.

5. This Act shall be construed subject to the Western Australian Tertiary Education Commission Act, 1970 and any regulation made thereunder.

Construc-
tion.

PART II.—TEACHER EDUCATION AUTHORITY.

Division 1.—Establishment and Objects.

6. (1) An Authority, consisting of constituent colleges and a Council, shall be established for the purposes of this Act.

Establish-
ment and
incorpora-
tion of
Western
Australian
Teacher
Education
Authority.

(2) On the commencement date notwithstanding that the constituent colleges are not then incorporated or that the Council is not then constituted, the Authority shall, by the operation of this section, be incorporated as a body corporate by the name of "Western Australian Teacher Education Authority" and under that 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 Authority;
- (e) may, subject to subsection (3), sell, alienate, assign, and demise real or personal property;

- (f) may, for facilities and privileges provided by the Authority, charge such fees as are determined by the Council in relation thereto; and
- (g) may do and suffer all other things that bodies corporate may by law do and suffer.

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

Common
Seal of the
Authority.

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

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

Objects
of the
Authority.

8. The objects of the Authority shall include the following—

- (a) to provide teacher education and where appropriate professional education in other fields to meet the needs of the community in general and enrolled students in particular;
- (b) to foster the continuing development and improvement of teacher education in the State;
- (c) to actively encourage the diversity of teacher education courses;
- (d) to facilitate co-operation with other educational institutions and to that end provide for the affiliation of other institutions in the State concerned with teacher education;

- (e) to promote the development of academic autonomy of each college;
- (f) to organise, as soon as practicable, the control by each college of its own finances within allocations, and general policies, approved by the Authority;
- (g) to provide general administrative and co-ordinating services for the colleges; and
- (h) to provide such facilities relating to the foregoing objects as the Council considers necessary or conducive to their attainment.

Division 2.—The Council.

9. The Governing body of the Authority is the Council.

Governing
body.

10. The Council shall consist of—

Constitution
of the
Council.

- (a) the Chairman who until a date to be fixed by the Minister shall be appointed by the Governor on the recommendation of the Minister, and who thereafter shall be elected by the Council but who before being so elected need not be a member of the Council;
- (b) five persons appointed by the Minister from institutions in the State employing teachers, three of whom shall be from institutions controlled or maintained by the Minister and two of whom shall be from a panel of names submitted by the Association of Independent Schools and the Catholic Education Commission;
- (c) three persons who are for the time being Principals and who have been elected, in the prescribed manner, by Principals;
- (d) four persons appointed by the Minister from teachers engaged in teaching in schools, two of whom shall be nominated by The State School Teachers' Union of Western Australia (Incorporated);

- (e) not less than two and not more than five persons appointed by the Minister, and being such persons as he considers, by reason of their qualifications, interest, or experience in teacher education, the general community, or otherwise would be capable of making a contribution to the functions, powers, and duties of the Council;
- (f) the person for the time being appointed the chief executive officer of the Authority;
- (g) three persons from the academic staff of the colleges elected, in the prescribed manner, by such staff;
- (h) two persons who are enrolled students and who have been elected, in the prescribed manner, by enrolled students; and
- (i) no more than two persons who may be co-opted and appointed by the Council.

Term of
office.

11. (1) Subject to this Act, each member of the Council other than a member *ex officio* holds office for a term of four years from the date of his appointment.

(2) Each enrolled student member of the Council holds office for the term of one year from the date of his election and shall not be elected as such a member more than twice.

(3) Each co-opted member of the Council holds office for such term not exceeding four years as is specified in the instrument of appointment.

Re-appoint-
ment.

12. All members of the Council, on the expiration of their term, are, unless otherwise disqualified, eligible for re-appointment.

13. Where a casual vacancy occurs in the office of a member of the Council— Casual
Vacancy.

- (a) the vacancy may, subject to paragraph (b) of this section, be filled by a person who has the like prescribed qualifications, if any, as that of a member whose office has become vacant and who has been appointed, elected, or co-opted, as the case requires, in the manner in which the member whose office has become vacant was appointed, elected, or co-opted;
- (b) if the vacancy is in the office of an elected member and it has not, within three months after it occurs, been filled in accordance with paragraph (a) of this subsection, it may be filled by a person who has been appointed by the Governor and has the like prescribed qualification as that of a member whose office has become vacant; and
- (c) 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.

14. (1) Where the Minister is satisfied that the Chairman or any other member of the Council is incapacitated, by illness, absence, or other reasonable cause, from performing the duties of his office, the Minister may appoint a person to be the Acting Chairman to act for the Chairman or a person, who has the like prescribed qualifications, if any, as that other member, to be an acting member to act for that other member as the case may be during his incapacity and that person, while he so acts, shall be deemed to be the Chairman or a member, as the case may be. Acting
members.

(2) The Minister may at any time terminate the appointment of an Acting Chairman or an acting member.

(3) No appointment of an Acting Chairman or an acting member and no act done by him shall in any proceedings be questioned on the ground that the occasion for his appointment had not arisen or had ceased.

Leave of
absence.

15. The Council may grant leave of absence to a member upon such terms and conditions as the Council determines.

Dismissal of
members.

16. The Governor may terminate the appointment of a member for inability, inefficiency, or misbehaviour.

Vacation
of office.

17. If a member of the Council—

- (a) dies;
- (b) resigns his office by writing under his hand addressed to the Minister;
- (c) is an incapable person within the meaning of section 5 of the Mental Health Act, 1962;
- (d) is an undischarged bankrupt or has his affairs under liquidation by arrangement with his creditors;
- (e) is convicted of an indictable offence;
- (f) is absent without leave from the Council from six consecutive meetings of the Council; or
- (g) ceases to hold any qualification required for his becoming or being a member,

his office shall become vacant and shall be filled as a casual vacancy in accordance with section 13.

Meetings
of the
Council.

18. (1) The Council shall hold such meetings as are necessary for the exercise of its functions.

(2) The Minister or the Chairman may at any time convene a meeting of the Council.

(3) The Chairman shall convene the first meeting of the Council as soon as practicable after the commencement date and shall preside at all meetings of the Council at which he is present.

(4) Where the Chairman is absent from a meeting of the Council and an Acting Chairman has not been appointed under section 14, or having been so appointed the Acting Chairman is also absent, the members present at the meeting shall elect a member to preside at that meeting and while so presiding he has all the powers and duties of the Chairman.

(5) At a meeting of the Council—

- (a) not less than one-half of the total number 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; and
- (c) the Chairman has a deliberative vote only.

(6) 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 so long as a quorum of the Council remains.

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

19. The Chairman of the Council shall be paid such remuneration as the Governor from time to time determines.

Remuneration of Chairman.

20. (1) Subject to the powers of the Tertiary Education Commission the Council shall promote, develop, and co-ordinate the operations of the constituent colleges and make recommendations to the Minister and to the Commission on the future development of them, and, in so doing, the Council shall at all times have regard to the desirability of delegation of authority to the constituent colleges to the fullest extent practicable.

Functions, powers, and duties of the Council.

(2) Without limiting the generality of subsection (1) of this section the Council—

- (a) may approve standards of admission of students, and courses of study, and may make awards to successful students;

- (b) may arrange with other institutions for the recognition of work done in those institutions towards awards of the Council and of work done in the constituent colleges towards the awards of other institutions;
- (c) may arrange, by agreement with the persons controlling and maintaining institutions employing teachers, for enrolled students to obtain appropriate practical professional experience through the co-operation of those institutions, and on payment by the Authority to those persons of such fees as are specified in the agreement;
- (d) may make recommendations to the Minister on the general policy to be implemented in relation to the terms and conditions of appointment and employment of staff of the Authority and of the constituent colleges;
- (e) for the purpose of facilitating co-operation in teacher education, may admit other institutions providing teacher education as affiliated institutions and may arrange for the Authority to be affiliated with other institutions;
- (f) may provide where appropriate central administrative and other services to facilitate the operation of the constituent colleges and may, if the Council thinks fit, do likewise for any affiliated institution on request from the governing body of that institution;
- (g) may co-ordinate submissions from the colleges relating to their financial programmes and make recommendations to the appropriate authorities on their financial needs and for the development of those colleges and may, if the Council thinks fit, do likewise for any affiliated institution on request from the governing body of that institution;

- (h) may disburse to the constituent colleges or expend on such activities related to the objects of the Authority, as the Council thinks fit, any funds made available to the Authority; and
- (i) determine the fees to be charged for courses of study or instruction in the constituent colleges, and examinations and awards of the Authority or those colleges, and for such other facilities and privileges, of whatever kind, provided by the Authority or those colleges.

21. The Council may appoint an Advisory Committee with the chief executive officer of the Authority as Chairman constituted otherwise of persons from the communities of the constituent colleges to advise the Council on the exercise of its functions, powers and duties under section 20 and on the needs and welfare of those colleges generally.

Committees
from college
communi-
ties.

22. The Council may do all things necessary or convenient to be done for or in connection with the performance of its functions and without limiting the generality of the foregoing may appoint, in addition to the committee referred to in section 21, other committees to investigate and advise the Council on any aspect of teacher education.

Further
power of
the Council.

23. (1) The Council may in relation to any matter or class of matters, or in relation to any activity or function of the Authority, by resolution delegate all or any of its functions, powers, and duties under this Act, except this power of delegation and its powers in relation to the making of Statutes or by-laws, to any constituent college, any member of the Council, or any committee appointed pursuant to section 21 or section 22, or any officer of the Authority or a constituent college.

Power of
delegation.

(2) The Council may by resolution revoke a delegation given under subsection (1) and no delegation so given prevents the exercise by the Council of any of its functions, powers, or duties.

Report by
committees.

24. Each committee appointed by the Council pursuant to section 21 or 22 shall report to the Council on its activities at such times as the Council directs.

Report by
Council.

25. The Council shall furnish a report to the Minister on the activities of the Authority not later than six months after the 31st day of each December.

Division 3.—Staff of the Authority.

Chief
Executive
Officer.

26. (1) A person shall be appointed to be the chief executive officer of the Authority.

(2) Until a date to be fixed by the Minister the chief executive officer of the Authority shall be appointed by the Governor on the recommendation of the Minister, and thereafter that officer shall be appointed by the Council.

Other
officers and
employees.

27. Subject to this Act, the Council may appoint such other officers or employees of the Authority as the Council thinks fit for the purposes of this Act, subject to the approval of the Minister.

Terms and
conditions
of appoint-
ment and
employment.

28. (1) Subject to any relevant award or industrial agreement under the Industrial Arbitration Act, 1912, and subject to subsection (2), the terms and conditions of appointment and employment of officers or employees of the Authority, including the salary 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 under section 27, other than a professional officer, is in like employment with the Authority to any employment in the Public Service

of the State, that person shall have like terms and conditions of employment with the Authority to those in the employment in the Public Service of the State.

29. Where a person appointed under section 26 or 27 was, immediately before being so appointed, an officer of the Public Service of the State, an officer appointed under the Education Act, 1928, or a member of the staff or an employee of a college—

Preservation
of rights
of officers
and
employees.

(a) 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 Part V of this Act, his rights, if any, under the Superannuation Act; and

(b) for the purpose of determining those rights, his service as such an officer, member of the staff, or employee shall be taken into account as if it were service with the Authority.

30. The provisions of the Government Employees (Promotions Appeal Board) Act, 1945 do not apply to or in relation to an officer or employee of the Authority.

Act No. 38
of 1945 not
to apply.

PART III.—CONSTITUENT COLLEGES.

Division 1.—Constitution and Objects.

31. A constituent college shall consist of a Board, and members of the academic and other staff and the enrolled students of the college.

Constitu-
tion of
colleges.

32. On the appointed day, notwithstanding that the Board of any college is not then constituted, the constituent colleges maintained, immediately before that day, by the Minister under section 10 of the Education Act, 1928 at Churchlands, Claremont,

Incorpora-
tion of
existing
colleges.

Graylands, Mount Lawley, and Nedlands respectively shall, by the operation of this section, be incorporated as bodies corporate by the respective names of—

“Churchlands Teachers College”

“Claremont Teachers College”

“Graylands Teachers College”

“Mount Lawley Teachers College”

“Western Australian Secondary Teachers College”.

New colleges.

33. (1) On the recommendation of the Minister, the Governor, by Order, may establish, on a date specified in the Order, a college for the purposes of this Act by a corporate name so specified.

(2) At the request of the governing body of any established institution that has objects that accord with the objects of a college under this Act, and on the recommendation of the Minister the Governor, by Order, may declare the institution to be, on and from a date specified in the Order, a college for the purposes of this Act by a corporate name so specified and may, in respect of any land or personal property owned by that institution and used for the purposes of that institution immediately before that date, give such directions as to ownership or to management and control as he considers necessary or expedient, and thereupon that institution is a college by that corporate name on and from that date and those directions shall have effect accordingly.

Corporate powers of a college.

34. (1) 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 (2), sell, alienate, assign, and demise real or personal property;
- (f) may, for facilities and privileges provided by the college, charge such fees as are determined by the Council in relation thereto;
- (g) may, in accordance with the college rules, impose fines and other penalties; and
- (h) may do and suffer all other things that bodies corporate may by law do and suffer.

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

35. (1) The common seal of a college shall be kept in such strict custody as the Board directs and shall not be used except upon resolution of the Board or as may be authorised by the Statutes or rules made under the Statutes, or by rules made under section 82.

Common
Seal of
colleges.

(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.

36. Subject to the general policy determined by the Council, the objects of a college shall include providing teacher education courses, and such other courses as may be established from time to time, for such awards of the Council as the Council approves, and being responsible for the internal operations of the college in so providing.

Objects of
the colleges.

Division 2.—College Boards.

Governing
body.

37. The governing body of a college is the Board of the college.

Constitu-
tion of
Boards.

38. (1) A Board of a college—

(a) shall, subject to paragraph (b) of this subsection, be constituted in accordance with the rules of the college; and

(b) shall consist of—

(i) the Principal who shall be the Chairman of the Board;

(ii) five persons from the academic and other staff of the college elected by such staff in accordance with those rules;

(iii) not less than one person and not more than two persons from the enrolled students of the college elected by such students in accordance with those rules; and

(iv) not less than two persons and not more than four persons from the general community appointed in accordance with those rules.

(2) For the purposes of this Act, a Board may be constituted for a new college before it is established or is declared to be a college pursuant to section 33.

Term of
office.

39. (1) Subject to this Act, each member of a Board other than a member *ex officio* holds office for a term of three years from the date of his appointment.

(2) Each enrolled student member of a Board holds office for the term of one year from the date of his election and shall not be elected as such a member more than once.

40. All members of a Board, on the expiration of their term, are, unless otherwise disqualified eligible for re-appointment or re-election. Re-appoint-
ment.

41. Where a casual vacancy occurs in the office of a member of a Board— Casual
vacancy.

- (a) the vacancy may, subject to paragraph (b) of this section, be filled by a person who has the like prescribed qualifications, if any, as that of a member whose office has become vacant and who has been appointed or elected as the case requires, in the manner in which the member whose office has become vacant was appointed or elected;
- (b) if the vacancy is in the office of an elected member and it has not, within three months after it occurs, been filled in accordance with paragraph (a) of this section, it may be filled by a person who has been appointed by the Council and has the like prescribed qualifications as that of a member whose office has become vacant; and
- (c) 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.

42. (1) Where the Council is satisfied that the Chairman or any other member of a Board is incapacitated, by illness, absence, or other reasonable cause, from performing the duties of his office, the Council may appoint a person to be the Acting Chairman to act for the Chairman or a person, who has the like prescribed qualification, if any, as that other member, to be an acting member to act for that other member, as the case may be, during his incapacity and that person, while he so acts, shall be deemed to be the Chairman or a member, as the case may be. Acting
members.

(2) The Council may at any time terminate the appointment of an Acting Chairman or an acting member.

(3) No appointment of an Acting Chairman or an acting member and no act done by him shall in any proceedings be questioned on the ground that the occasion for his appointment has not arisen or had ceased.

Leave of
absence.

43. The Board may grant leave of absence to a member upon such terms and conditions as the Board determines.

Dismissal of
members.

44. The Council may terminate the appointment of a member for inability, inefficiency, or misbehaviour.

Vacation
of office.

45. If a member of a Board—

- (a) dies;
- (b) resigns his office by writing under his hand addressed to the Council;
- (c) is an incapable person within the meaning of section 5 of the Mental Health Act, 1962;
- (d) is an undischarged bankrupt or has arrangement with his creditors;
- (e) is convicted of an indictable offence;
- (f) is absent without leave from four consecutive meetings of the Board; or
- (g) ceases to hold any qualification required for his becoming or being a member,

his office shall become vacant and shall be filled as a casual vacancy in accordance with section 41.

Meetings of
a Board.

46. (1) A Board shall hold such meetings as are necessary for the exercise of its functions.

(2) The Council or the Chairman of the Board may at any time convene a meeting of the Board.

(3) The Chairman shall convene the first meeting of the Board as soon as practicable after the appointed day and shall preside at all meetings of the Board at which he is present.

(4) Where the Chairman is absent from a meeting of the Board and an Acting Chairman has not been appointed under section 42, or having been so appointed the Acting Chairman is also absent, the members present at the meeting shall elect a member to preside at that meeting and while so presiding has all the powers and duties of the Chairman.

(5) At a meeting of the Board—

- (a) not less than one-half of the total number 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; and
- (c) the Chairman has a deliberative vote only.

(6) No act or thing done by the Board is invalidated, prejudiced, or affected by reason of any vacancy in the membership of the Board or any failure to appoint any member so long as a quorum of the Board remains.

(7) Subject to this Act, the Board may regulate its procedure in such manner as it thinks fit.

47. Subject to the general policy determined by the Council, a Board—

Functions,
powers, and
duties of
a Board.

- (a) shall provide courses of teacher education and such other courses as may be established from time to time for such awards of the Council as the Council approves;

- (b) may admit students to courses in the college;
- (c) shall foster the general welfare of staff and enrolled students of the college and the development of those students;
- (d) shall cause to be prepared and submitted to the Council, as and when required by the Council, proposals for the development of the college and the financial programme relating to that development;
- (e) shall allocate financial and other resources within the college;
- (f) may provide such administrative services for the college as are necessary or desirable, and are not provided by the Council;
- (g) shall furnish a report to the Council on the activities of the college not later than three months after the 31st day of each December; and
- (h) may do all other things necessary or convenient to be done for or in connection with the exercise of its functions.

Power of
delegation.

48. (1) A Board may, in relation to any matter or class of matter, or in relation to any activity or function of the Board, by resolution delegate all or any of its functions, powers, and duties under this Act, except this power of delegation and its powers in relation to making rules of the college, to any member of the Board or to a committee consisting of members appointed by the Board or to any officer or officers of the college.

(2) The Board may by resolution revoke a delegation given under subsection (1) and no delegation so given prevents the exercise by the Board of any of its functions, powers, or duties.

Division 3.—Staff of Constituent Colleges.

49. (1) The Council shall appoint a person to be Principal of a college and the Principal shall be the chief executive officer and chief academic officer of the college.

Principal and senior academic staff.

(2) The Council shall appoint the two most senior members of the academic staff of a college below the Principal.

50. Subject to this Act, a Board may appoint such other staff or employees of its college as the Board thinks fit for the purposes of this Act subject to the approval of the Council.

Other staff and employees.

51. (1) Subject to any relevant award or industrial agreement under the Industrial Arbitration Act, 1912 and subject to subsection (2), the terms and conditions of appointment and employment of staff or employees of a college, including the salary payable, are such terms and conditions as the Minister, on the recommendation of the Council, approves.

Terms and conditions of appointment and employment.

(2) Where the Minister, after consultation with the Public Service Board, considers that a person appointed under section 50, 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.

52. Where a person appointed under section 49 or 50 was immediately before being so appointed, an officer of the Public Service of the State, an officer appointed under the Education Act, 1928, an officer or employee of the Authority, or a member of the staff or employee of another college—

Preservation of rights of staff and employees.

- (a) 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 Part V of this Act, his rights, if any, under the Superannuation Act; and

- (b) for the purpose of determining those rights his service as such an officer, member of the staff, or employee shall be taken into account as if it were service with the college.

Transfer of
academic
staff.

53. (1) On the appointed day—

- (a) the person who was, immediately before that day, Principal of a college maintained by the Minister under section 10 of the Education Act, 1928; and
- (b) each person who was immediately before that day, a member of the staff of the college in a substantive office which was advertised under the Education Act, 1928,

shall be transferred on the appointed day as the principal or a member of the staff, as the case requires, of that college as incorporated by section 32 of this Act.

(2) A person transferred as the Principal or a member of the staff of a college by subsection (1) shall be deemed to have been appointed as such pursuant to section 49 or 50 of this Act, as the case requires, but the salary payable shall be not less than that which would be payable if—

- (a) that college were still maintained by the Minister under section 10 of the Education Act, 1928; and
- (b) the person transferred were still employed in that college in a like office to the office in which he was employed there immediately before the appointed day.

(3) At any time within the period of six months after the appointed day, a person transferred to a college by subsection (1) may, by notice in writing delivered to the Minister, elect not to be a Principal or a member of the staff, as the case requires, of the college and, after a month from the day on which he so elects, the provisions of this Division shall not apply to and in relation to his employment, but the provisions of section 77 shall so apply with such modifications as are necessary.

(4) Subject to subsection (3), a person transferred to a college by subsection (1) is deemed to have resigned, with effect on the appointed day, from the office in which he was employed, immediately before that day, in the Public Service of the State or under the Education Act, 1928, as the case may be, at the college maintained by the Minister under section 10 of that Act, but without prejudice to any of the rights retained, under this Act, by the person transferred in relation to his service in that office.

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

Act No. 38
of 1945 not
to apply.

Division 4.—Academic Staff and Student Associations.

55. For the purposes of this Act, there may be established and maintained in a college in accordance with its rules—

Establish-
ment and
mainten-
ance.

- (a) an organised association of academic staff;
- (b) an organised association of enrolled students,

which shall be the recognised means of communication between the academic staff and the enrolled students, respectively, and the Board 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 enrolled students.

56. The primary function of an association established and maintained pursuant to section 55 shall be to further the common interest of its members.

Function.

PART IV.—MAINTENANCE OF CONSTITUENT
COLLEGES.

57. On the recommendation of the Minister, the Governor, by Order, may appoint a day on and from which the constituent colleges shall be maintained under this Act and thereupon they shall be maintained accordingly.

Mainten-
ance of
constituent
colleges.

Power in
respect of
land and
personal
property.

58. (1) On the recommendation of the Minister the Governor, by Order, may transfer to the management and control of the Authority, or of a constituent college, or may vest in the Authority, or in a constituent college—

(a) any land that is—

(i) reserved to Her Majesty under the Land Act, 1933 as sites for schools and other buildings for the purposes of education; or

(ii) vested in the Minister by virtue of section 6 of the Education Act, 1928; or

(b) any personal property that is—

(i) vested in Her Majesty; or

(ii) vested in the Minister by virtue of section 6 of the Education Act, 1928,

and used for the purpose of teacher education immediately before the appointed day,

and the Order shall specify a day, not earlier than the appointed day, on and from which the Order shall take effect and thereupon it shall take effect accordingly.

(2) With the approval of the Governor, the Authority—

(a) may transfer to the management and control of a constituent college any land or personal property under the control and management of the Authority pursuant to subsection (1); and

(b) may vest in a constituent college any land or personal property vested in the Authority pursuant to subsection (1).

(3) The Authority or a constituent college shall hold any land or personal property in its management and control, or vested in it, pursuant to this section under and subject to this Act and for the purposes thereof.

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

PART V.—SUPERANNUATION.

59. (1) The Council and the Board of each college shall request that the inclusion of the Authority or the college, as the case requires, 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.

Power of
Authority
and colleges
to become a
department
for purposes
of Act No.
34 of 1938.

(2) Where the request is so recommended and approved, the Treasurer may—

if the Council or the Board, as the case requires, enters into the agreement and makes arrangements, which it is authorised to do, 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 Authority or college, as the case requires, as a department for the purposes of that Act and it shall, for the purposes of that Act only, be deemed to be a department.

(3) A professional officer of the Authority, or a member of the academic staff of a college, who was immediately before the date of his appointment as such officer or 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.

(4) Any other officer or employee of the Authority or a college is not compelled to be a contributor for pension, superannuation, or benefits under an agreement entered into pursuant to this section unless he is so compelled pursuant to the terms and conditions of his employment under this Act.

Western
Australian
Teacher
Education
Authority
Superannua-
tion Scheme.

60. (1) The Council may establish and maintain a scheme to be called "Western Australian Teacher Education Authority Superannuation Scheme" to make financial provision in respect of the retirement, invalidity, or death of such professional officers of the Authority and members of the academic staff of the colleges as become members of the Scheme.

(2) The Council 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.

(3) The Council may amend the Scheme or by further agreement amend an agreement made under subsection (2) of this section 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.

(4) A professional officer of the Authority or a member of the academic 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 appointment 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.

(5) A professional officer of the Authority or a member of the academic staff of a college who was immediately before the date of his appointment as such officer or 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 VI.—FINANCIAL PROVISIONS.

Division 1.—The Authority.

61. (1) The Council shall, as soon as practicable, after each thirty-first day of December prepare and furnish to the Minister a report on the financial operations of the Authority during the period of twelve months immediately preceding that day, together with financial statements in such form as the Treasurer approves.

Report and financial statements of Authority.

(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 Authority;
- (c) whether the receipt, expenditure, and investment of moneys and other transactions of the Authority during the year to which the financial statements relate have been in accordance with this Act.

(3) The Minister shall lay the report and financial statements of the Authority, 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.

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

Funds of the Authority.

- (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 Authority or the Council;
- (c) moneys borrowed by the Authority under this Act; and
- (d) moneys made available to the Council or the Authority 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 "Western Australian Teacher Education Authority 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 Authority in accordance with this Act shall be paid from the account referred to in subsection (2).

Power to
borrow
money.

63. (1) The Authority has power to borrow money upon the guarantee of the Treasurer of the State for the purposes of carrying out its powers and functions under this Act.

(2) The Authority 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 Authority 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 Authority 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 Authority shall use all moneys borrowed under the power conferred by this section for the purposes of carrying this Act into effect.

64. Where any money standing to the credit of the Western Australian Teacher Education Authority 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.

Power of the Authority to invest certain moneys.

65. (1) The Council 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, powers, and duties of the Council to achieve the objects of the Authority.

Annual estimates of the Authority.

(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.

66. The Council shall apply for the objects of the Authority all fees and other moneys received by it under this Act or otherwise.

Application of moneys received by the Council.

67. (1) The Council shall cause the financial records and accounts kept by the Council to be open to the inspection of the Auditor General and any person authorised by him to inspect them, and shall permit the Auditor General and any person so authorised to make and take copies of or extracts from them.

Audit.

(2) The Auditor General has and shall exercise in respect of such accounts the powers conferred on him by the Audit Act, 1904 in respect of accounts which are required to be inspected, examined, or audited under that Act, but shall arrange for a periodical or continuous audit of the accounts of the Council.

Division 2.—The Colleges.

Funds of
the colleges.

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

- (a) moneys from time to time disbursed by the Council to the Board for that purpose;
- (b) moneys received by the Board by way of fees, charges, gifts, bequests, or otherwise whether paid or made to the college or the Board; and
- (c) moneys made available to the Board 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”.

Financial
records and
accounts.

69. A Board shall keep such financial records and accounts, in a manner approved by the Treasurer, as are necessary for exercising its functions, powers, and duties, and for the purposes of section 70.

Information
to Council.

70. A Board shall provide to the Council, at a time and in a manner directed by the Council, any information required by the Council for the purposes of section 61.

71. A Board shall cause to be prepared and submitted to the Council under such headings and in such manner as the Council directs, annual estimates of the revenue and expenditure of the Board in connection with the exercising of the functions, powers, and duties of the Board to achieve the objects of its college.

Annual estimates of a college.

72. A Board shall apply for the objects of its college all fees, fines, and other moneys received by it under this Act or otherwise.

Application of moneys received by Board.

73. (1) A Board shall cause the financial records and accounts kept by the Board to be open to the inspection of the Auditor General and any person authorised by him to inspect them, and shall permit the Auditor General and any person so authorised to make and take copies of or extracts from them.

Audit.

(2) The Auditor General has and shall exercise in respect of such accounts the powers conferred on him by the Audit Act, 1904 in respect of accounts which are required to be inspected, examined, or audited under that Act, but shall arrange for a periodical or continuous audit of the accounts of the Board.

PART VII.—MISCELLANEOUS PROVISIONS.

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

Prohibition on religious tests.

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

Exemption from rate or tax.

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

Tabling of
report.

76. The Minister shall lay the report mentioned in section 25 before each House of Parliament within twelve sitting days of that House after the receipt of the report from the Council by the Minister.

Preservation
of rights
of officers
not trans-
ferred to
the colleges.

77. (1) Any person who was, immediately before the appointed day, employed as an officer of the Public Service of the State, or an officer appointed under the Education Act, 1928, at a college maintained by the Minister under section 10 of that Act but is not, under section 53 of this Act, transferred to that college as incorporated by section 32 of this Act—

- (a) shall, subject to the terms and conditions of his employment, continue to be employed as such an officer on and after that day, but not at the college as so incorporated;
- (b) while he continues to be so employed shall have a salary payable that is not less than that which would be payable if—
 - (i) that college were still maintained by the Minister under section 10 of the Education Act, 1928; and
 - (ii) he were still employed in that college in a like office to the office in which he was employed there immediately before the appointed day; and
- (c) shall not necessarily be employed on and after that day in an office that is—
 - (i) a like office; or
 - (ii) an office which, apart from this section, has a like salary,to the office in which he was employed immediately before that day in that college maintained by the Minister.

(2) The provisions of the Education Act, 1928, and regulations made thereunder, in relation to the jurisdiction of the Government School Teachers' Tribunal established under section 37 of that Act shall be construed subject to the provisions of

subsection (1) of this section, and that jurisdiction is limited to the extent necessary to give effect to those lastmentioned provisions.

78. In any court of competent jurisdiction—

Recovery of
fees and
fines.

- (a) an officer of the Authority, who is authorised in writing by the Council in that behalf, may recover for the Authority any fees that have been duly charged by the Authority and that have not been paid; and
- (b) an officer of a college, who is authorised in writing by the Board of a college in that behalf, may recover for the college any fees and fines that have been duly charged and imposed by the college and that have not been paid.

PART VIII.—BY-LAWS, STATUTES, AND RULES.

By-laws for
Authority
land and
college land.

79. (1) The Council, with the approval of the Governor—

- (a) may make by-laws in relation to any Authority land;
- (b) may, on the recommendation of the Board of a college, make by-laws in relation to the college land of that college, or Authority land used by that college, and none other, for furthering its objects,

prescribing all matters that are necessary or convenient to be prescribed for regulating the use of such land by the public, by officers and employees of the Authority and of the colleges, and by the enrolled students.

(2) Without limiting the generality of subsection (1) by-laws made thereunder may, in relation to Authority land or college land—

- (a) provide for the safety and preservation of any property in or on the land;
- (b) prescribe and regulate the removal from the land of persons causing any annoyance or inconvenience or using any obscene, blasphemous or indecent language;

- (c) regulate the days and times of admission to the land or to any specified part thereof or to any building thereon or any specified part thereof;
- (d) prohibit persons generally or any specified class or classes of persons from entering or remaining on the land or any specified part thereof;
- (e) regulate and control the use of roadways and footways in or across the land or any part thereof, and in particular prohibit the parking, ranking, driving, and leaving of vehicles, animals, or other thing of whatever kind on the land or part thereof by any person or any class of persons;
- (f) empower persons authorised in writing by the Council, or in relation to by-laws made under paragraph (b) of subsection (1), by the Board—
 - (i) to remove any vehicle, animal, or other thing of whatever kind from the land without assigning a reason;
 - (ii) to request the name and address of any other person on the land, who, in the reasonable belief of the person so authorised, is on the land in breach of a by-law or has committed thereon a breach of a by-law; and
 - (iii) to take proceedings for a breach of a by-law;
- (g) require a person whose name and address is requested in accordance with paragraph (f) of this subsection to comply with that request immediately; and
- (h) impose penalties, not exceeding fifty dollars, for any breach of a by-law.

(3) All penalties imposed in respect of breaches of any by-law under this section shall, notwithstanding the provisions of any other Act, be paid to the Council for the use of the Authority or, in the case of a by-law made under paragraph (b) of subsection (1), to the Board for the use of the college.

80. (1) The Council may, with the approval of the Governor, make Statutes not inconsistent with this Act—

Power to
make
Statutes.

(a) with respect to all matters pertaining to the Authority, or the colleges, generally; and

(b) on the recommendation of the Board of a college, with respect to all matters pertaining to that college,

prescribing all matters that by this Act are required or permitted to be prescribed, or that are necessary or convenient to be prescribed for carrying out or giving effect to this Act.

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

(3) The Statutes may provide for—

(a) empowering the Council to make rules not inconsistent with this Act or any Statute for regulating or providing for the regulation of any specified matter—

(i) pertaining to the Authority, or the colleges, generally; and

(ii) on the recommendation of the Board of a college, pertaining to that college,

with respect to which Statutes may be made, or for carrying out or giving effect to the Statutes, and any of those rules shall have the same force and effect as a Statute;

(b) the manner of promulgation of those rules and rules made by a Board under section 82; and

(c) the revocation or amendment of any of those rules and rules made by a Board under section 82.

81. (1) Section thirty-six of the Interpretation Act, 1918, and the practice of Parliament in relation to regulations, apply to any Statute made under section 80 as though the Statute were a regulation.

Statutes
to be
approved by
Governor
and
published.

(2) The production of a copy of a Statute under the common seal of the Authority is, in all proceedings, sufficient evidence of the Statute.

College
rules.

82. The Board of a college may make rules not inconsistent with this Act or any Statute with respect to all things pertaining to the internal operation of the college including, without limiting the generality of the foregoing, rules with respect to its management and the academic progress, good conduct, and discipline of its enrolled students.

Verification
of rules.

83. The production of a verified copy of any rule made under subsection (3) of section 80, or under section 82, under the common seal of the Authority or the college, as the case requires, is evidence of the making and authenticity of the rule in all courts and before all persons acting judicially.

PART IX.—TRANSITORY PROVISIONS.

First
Council.

84. (1) Notwithstanding the provisions of subsections (1), (2), and (3) of section 11, the respective terms of office of the members, other than an *ex officio* member, of the first Council constituted shall be such terms, not exceeding those provided for the members respectively in those subsections, as the Minister determines for the purpose of establishing, so far as is possible, the annual retirement of a uniform number of members, but those terms of office shall be subject to the other provisions of Division 2 of Part II of this Act.

(2) Notwithstanding the provisions of section 10, for the purpose of constituting the first Council—

(a) the three persons referred to in paragraph (c) of that section shall be—

- (i) the Principal of the Western Australian Secondary Teachers College;
- (ii) the Principal of either Claremont Teachers College or Graylands Teachers College, whichever Principal was, immediately before the

commencement date, the senior of the two; and

- (iii) the Principal of either Churchlands Teachers College or Mount Lawley Teachers College, whichever Principal was, immediately before the commencement date, the senior of the two;

and no election shall be necessary; and

- (b) the three persons referred to in paragraph (g) of that section shall comprise—

- (i) one person from the academic staff of the Western Australian Secondary Teachers College; and
- (ii) one person from the academic staff of each of the two colleges whose Principals are not members of the Council,

each person elected, in the prescribed manner, by the academic staff of the college to which he belongs. .

85. Notwithstanding the provisions of subsections (1) and (2) of section 39, the respective terms of office of the members, other than an *ex officio* member, of the first Board of a college shall be such terms, not exceeding those provided for the members respectively in those subsections, as the Council determines for the purpose of establishing, so far as is possible, the annual retirement of a uniform number of members, but those terms of office shall be subject to the other provisions of Division 2 of Part III of this Act.

First Board
of a college.

86. The Minister—

- (a) shall take all such steps as may be necessary in order that the Council shall be constituted as soon as practicable;
- (b) on and from the commencement date until the appointed day, may, if the Council is not then constituted, or may, on request of the Council, if it is then constituted, provide

Interim
powers and
duties of the
Minister.

such facilities and services relating to the objects of the Authority as the Minister thinks necessary or conducive to their attainment, and for that purpose may exercise all or any of the functions, powers, and duties of the Council, except those relating to the co-option and appointment of members of the Council by the Council or to the election of a Chairman by the Council; and

- (c) on and from the appointed day until a date to be determined by the Minister, may, on the request of the Council, provide such facilities and services relating to the objects of the colleges as the Minister thinks necessary or conducive to their attainment.

Interim
powers and
duties of
Council.

87. The Council—

- (a) shall take all such steps as may be necessary in order that the Boards of colleges are constituted as soon as practicable;

- (b) before the appointed day—

- (i) may, without any recommendation, make the Statutes referred to in paragraph (b) of subsection (1) of section 80 and the rules referred to in subparagraph (ii) of paragraph (a) of subsection (3) of that section; and

- (ii) may make such rules as a Board may make under section 82,

but so that any such Statute or rule does not take effect before the appointed day;

- (c) on and after the appointed day until a date to be determined by the Minister, may, if the Board of a college is not then constituted, or may, on the request of the Board if it is then constituted, exercise all or any of the functions, powers, and duties of the Board.