

ED401

EDITH COWAN UNIVERSITY ACT 1984

It is hereby notified that the Governor in Executive Council, acting under the provisions of section 27 of the *Edith Cowan University Act 1984*, has approved Edith Cowan University Statute No. 15—Advisory Board of the Western Australian Academy of Performing Arts—as set out in the attached schedule.

Hon. SUE ELLERY, MLC, Minister for Education and Training.
V. MOLAN, Clerk of the Executive Council.

EDITH COWAN UNIVERSITY ACT 1984

Edith Cowan University
Amending Statute No 2 of 2021

The University Statutes are hereby amended as follows—

1. This Amending Statute comes into operation on the day it is published in the *Government Gazette*.
2. Statute No 15 is repealed.
3. Statute No 16 is repealed.
4. Statute No 15 as set out in the attached Schedule is enacted.

The Common Seal of Edith Cowan University was affixed by resolution of the Council in the presence of—

PROFESSOR STEPHEN CHAPMAN, Vice-Chancellor.
JOANNE QUINN, Authorised Sealing Officer.

Dated this 13th day of December 2021.

EDITH COWAN UNIVERSITY ACT 1984

University Statute No. 15—Advisory Board of the Western Australian Academy of Performing Arts

PART 1—PRELIMINARY

This Statute is made by the Council of the University under the powers conferred on it by sections 25(2) and 26 of the *Edith Cowan University Act 1984*.

1.1 Short title

This is *University Statute No. 15—Advisory Board of the Western Australian Academy of Performing Arts*.

1.2 Commencement

This Statute takes effect on the day after it is published in the *Government Gazette*.

1.3 Purpose

The purpose of this Statute is to provide for the membership and operation of the Advisory Board.

1.4 Terms used

(1) In this Statute, unless the contrary intention appears—

Act means the *Edith Cowan University Act 1984*;

Academy has the meaning given in section 3(1) of the Act;

Advisory Board means the Advisory Board of the Academy referred to in section 25(1) of the Act;

Chairperson means the chairperson of the Advisory Board appointed by the Council under section 2.1(2);

Commencement Date means the date that this Statute takes effect under section 1.2;

committee means a committee of the Advisory Board established under section 3.5;

community member means a person who is not an enrolled student in a course administered by the Academy or a member of the staff of the University;

Foundation Board has the meaning given in *University Statute No. 17—Edith Cowan University Foundation*;

Membership Policy means that part of the Council's membership policy, as amended from time to time, that deals with the appointment of community members to the Advisory Board;

previous Statute 15 means *University Statute 15: The Advisory Board of the Western Australian Academy of Performing Arts*, published in the *Government Gazette* on 16 May 1986, and includes the rules made under that Statute;

previous Statute 16 means *University Statute 16: Election of Staff and Enrolled Students to the Board of the Western Australian Academy of Performing Arts*, published in the *Government Gazette* on 16 May 1986, and includes the rules made under that Statute;

staff of the Academy means employees of the University who are engaged to work primarily in the Academy.

(2) Unless otherwise defined in subsection (1), a term used in this Statute has the meaning given in the Act or in *University Statute No. 1—Interpretation*.

PART 2—MEMBERSHIP

2.1 Composition of the Advisory Board

- (1) The Advisory Board consists of the following members—
 - (a) 6 community members appointed by the Council;
 - (b) the Vice-Chancellor, or the Vice-Chancellor's nominee;
 - (c) the Executive Dean of the Academy;
 - (d) a member of the staff of the Academy (other than the Executive Dean of the Academy), appointed by the Council; and
 - (e) an enrolled student in a course administered by the Academy, appointed by the Council.
- (2) The Council is to appoint the Chairperson from among the community members appointed under section 2.1(1)(a).
- (3) The Advisory Board is to appoint the Deputy Chairperson from among the other community members appointed under section 2.1(1)(a).

2.2 Nomination processes

- (1) For each vacancy in the community member category under section 2.1(a), the University is to have regard to the Membership Policy.
- (2) For each vacancy in the membership categories under section 2.1(1)(d) and (e)—
 - (a) the University Secretary is to call for expressions of interest from eligible members of the staff of the Academy or from enrolled students or from both (as the case may be);
 - (b) the call for expressions of interest is to be made—
 - (i) within 3 months following the occurrence of a casual vacancy; or
 - (ii) at least 3 months before the expiry of the term of office of the current occupant or occupants;
 - (c) the Governance and Nominations Committee is to consider the expressions of interest that have been received and is to recommend to the Council which candidate or candidates, if any, should be appointed; and
 - (d) after considering the recommendation of the Governance and Nominations Committee, the Council—
 - (i) is to appoint a member of the staff of the Academy or an enrolled student, or both (as the case may be) to the Advisory Board; or
 - (ii) is to decline to make an appointment to either or both positions and is to request that the University Secretary call for further expressions of interest.
- (3) The Vice-Chancellor is to prepare and publish procedures for filling staff or student vacancies on the Advisory Board that includes—
 - (a) the means of calling for expressions of interest;
 - (b) the content and form of submissions of expressions of interest;
 - (c) the timing for the key components of the process for identifying and appointing candidates; and
 - (d) any other procedural matters to provide for the filling of a vacancy for a member of the staff of the Academy or an enrolled student.

2.3 Term of office

- (1) Subject to section 2.4—
 - (a) a community member appointed under section 2.1(1)(a) holds office for the term, not exceeding 3 years, that is specified in their notice of appointment;
 - (b) the Vice-Chancellor's nominee under section 2.1(1)(b) holds office for the term specified in the written nomination unless the nomination is earlier revoked by the Vice-Chancellor;
 - (c) a member of the staff of the Academy appointed under section 2.1(1)(d) holds office for the term, not exceeding 3 years, that is specified in their notice of appointment;
 - (d) an enrolled student appointed under section 2.1(1)(e) holds office for the term, not exceeding one year, that is specified in their notice of appointment;
 - (e) a Chairperson appointed under section 2.1(2) holds office for the term, not exceeding 3 years, that is specified in their notice of appointment; and
 - (f) a Deputy Chairperson appointed under section 2.1(3) holds office, for the term, not exceeding 3 years, that is specified in their notice of appointment.
- (2) All retiring members are, unless otherwise disqualified, eligible for reappointment.

(3) However—

- (a) a community member appointed under section 2.1(1)(a) cannot be a member for more than 9 years in any 12-year period;
- (b) a member of the staff of the Academy appointed under section 2.1(1)(d) cannot be a member for more than 9 years in any 12-year period; and
- (c) an enrolled student appointed under section 2.1(1)(e) cannot be a member for more than 3 years in any 4-year period.

2.4 Vacation of office

The office of a member becomes vacant if—

- (a) the member resigns their office by written notice to the University Secretary;
- (b) the member is a person in respect of whom an administration order is in force under the *Guardianship and Administration Act 1990* Part 6;
- (c) the member is, according to the *Interpretation Act 1984*, section 13D, a bankrupt or a person whose affairs are under insolvency laws;
- (d) the member is convicted of an indictable offence;
- (e) the member is removed from office by the Council under section 11A of the Act;
- (f) the member is, or becomes, disqualified from managing corporations under the *Corporations Act 2001* (Cth) Part 2D.6;
- (g) the member is absent without leave of the Advisory Board from 3 consecutive meetings of the Advisory Board;
- (h) the member ceases to hold any qualifications required for becoming or being a member; or
- (i) the member dies.

2.5 Transitional

A person who was a member of the Advisory Board immediately before the Commencement Date is to continue as a member until—

- (a) their term of office expires; or
- (b) their office becomes vacant under section 2.4,

whichever occurs first.

PART 3—FUNCTIONS AND MEETINGS

3.1 Functions

(1) The functions of the Advisory Board are set out in section 25(3) of the Act.

(2) Other functions of the Advisory Board are—

- (a) to provide advice to the Council or the University, as appropriate, on—
 - (i) opportunities and mechanisms to promote the objects and interests of the Academy;
 - (ii) enhancing community engagement and outreach activities of the Academy;
 - (iii) opportunities to promote and enhance the reputation of the Academy; and
 - (iv) any other matters referred to the Advisory Board by the Council or the Executive Dean of the Academy for consideration; and
- (b) to provide advice and support to the Foundation Board in relation to the strategic planning and practical implementation of campaigns to raise funds for the Academy; and
- (c) to perform any other functions relating to the Academy determined by the Council.

(3) The Advisory Board, and its members individually, are to act as advocates for the Academy in the broad community, with relevant government agencies and with other external organisations.

3.2 Oversight

The oversight role of the Council is set out in section 25(4) of the Act.

3.3 Reporting

(1) The Advisory Board is to report directly to the Council.

(2) The Chairperson is to provide to the Council reports on the Advisory Board activities—

- (a) at least once each calendar year.
- (b) as and when requested by the Council; and
- (c) as and when resolved by the Advisory Board.

3.4 Meeting procedures and quorum

(1) Subject to this Statute, the Advisory Board may—

- (a) regulate its proceedings in whatever manner it sees fit; and
- (b) adopt meeting procedures.

(2) At a meeting of the Advisory Board—

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

- (b) a resolution cannot be made in the absence of a quorum.

3.5 Establishment of committees

- (1) The Advisory Board may, at any time—
 - (a) establish one or more committees, for general or specific purposes; and
 - (b) require a committee—
 - (i) to advise the Advisory Board in respect of any matter or class of matters; and
 - (ii) to report on its activities to the Advisory Board, at the times and in the manner specified by the Advisory Board.
- (2) The members of a committee are to be determined by the Advisory Board but, in respect of each committee—
 - (a) at least half of the members must be members of the Advisory Board; and
 - (b) unless otherwise resolved by the Advisory Board, the Executive Dean of the Academy must be a member.

3.6 Conflicts of interest

- (1) The Advisory Board must adopt procedures for dealing with any conflict of interest of a member.
- (2) The procedures—
 - (a) must be informed by the relevant provisions in the Act, Schedule 1, Division 2 and in the Council Standing Orders; and
 - (b) may be included in the Advisory Board's meeting procedures (if any) adopted under section 3.4(1).

PART 4—MISCELLANEOUS

4.1 Rules

The Council may make rules, not inconsistent with the Act or any Statute—

- (a) to regulate, or provide for the regulation of, the Advisory Board; or
- (b) to carry out or give effect to this Statute.

4.2 Repealed

Previous Statute 15 and previous Statute 16 are repealed.