

# Universities Legislation Amendment Bill 2016

## Contents

### Part 1 — Preliminary

1.	Short title	2
2.	Commencement	2

### Part 2 — *Curtin University of Technology Act 1966* amended

3.	Act amended	3
4.	Long title amended	3
5.	Part IA heading replaced	3

#### Part 1 — Preliminary

6.	Section 1 amended	3
7.	Section 4 amended	3
8.	Part I heading replaced	5

#### Part 2 — Curtin University

9.	Section 5 amended	5
10.	Section 7 amended	6
11.	Section 8 amended	7
12.	Section 9 amended	7
13.	Section 9AA inserted	9
	9AA. Nominations Committee	9
14.	Section 9A replaced	11
	9A. Term of office of members	11
15.	Section 10 amended	12
16.	Section 10AA amended	13
17.	Section 10A replaced	13
	10A. Casual vacancies	13
18.	Section 11 amended	13
19.	Section 14A inserted	14
	14A. Remuneration and allowances for Council members	14

**Contents**

---

20.	Sections 14 and 15 replaced	14
	14. Vice-Chancellor	14
	15. Delegation by Council	15
21.	Section 17 amended	16
22.	Section 17A replaced	16
	17A. Power of University to provide residential accommodation for staff and students	16
23.	Section 20 amended	17
24.	Section 20A amended	17
25.	Section 21 amended	19
26.	Part I Division 2A deleted	20
27.	Section 21H amended	20
28.	Section 21I replaced	20
	21I. Kalgoorlie Campus	20
29.	Section 21J amended	21
30.	Sections 21L and 21M replaced	21
	21L. Functions of Kalgoorlie Campus Council	21
	21M. Membership of Kalgoorlie Campus Council	22
31.	Sections 21O and 21P replaced	23
	21PA. Remuneration and allowances for Kalgoorlie Campus Council members	23
	21P. Delegation by Kalgoorlie Campus Council	24
32.	Part I Division 2C inserted	24
	<b>Division 2C — Leasing University land for commercial purposes</b>	
	<b>Subdivision 1 — Preliminary</b>	
	22A. Terms used	24
	22B. Object of this Division	26
	22C. Effect of Division on University functions, powers and obligations	26
	<b>Subdivision 2 — Power to lease University land for commercial purposes</b>	
	22D. University may lease University land for commercial purposes with Ministerial approval	27
	22E. Effect of approval to lease University land	28
	22F. Approval in principle of university development proposal	28
	22G. Application for advance determination of approval	29
	22H. Advance determination of approval	31
	22I. Approvals	32
	22J. Notification of decision on application for approval	33
	22K. Alteration of approval	33

	22L. Payment agreements	34	
	22M. Minister may delegate functions under this Division	34	
33.	Section 23 amended		35
34.	Section 24 replaced		36
	24. Borrowing and other ways of raising money	36	
	25A. Notice of borrowing	37	
	25B. Guarantees	37	
	25C. Charges for guarantee	38	
35.	Section 25 amended		38
36.	Section 27 amended		38
37.	Section 28 deleted		39
38.	Section 33 replaced		39
	33. Exemption from rate or tax	39	
	34A. Regulations	39	
39.	Section 34 amended		40
40.	Section 35 replaced		41
	35. Approval, publication, disallowance and proof of Statutes	41	
	36A. Statutes to be made readily available to public	42	
41.	Part II heading replaced		43
	<b>Part 3 — Student Guild</b>		
42.	Section 45 replaced		43
	45. Amenities and services fee	43	
43.	Section 46 amended		44
44.	Part 4 inserted		44
	<b>Part 4 — Transitional provisions for Universities Legislation Amendment Act 2016</b>		
	47. Terms used	44	
	48. Transitional provisions (change of name)	45	
	49. Transitional provisions (Council)	46	
	50. Transitional provisions (Kalgoorlie Campus Council)	47	
	51. Transitional provisions (Vice-Chancellor)	48	
	52. Transitional provisions (guarantees)	48	
	53. Transitional provisions (Statutes)	48	
45.	Schedule 1A clause 5 deleted		49
46.	Schedule 1A clause 6 amended		49
47.	Schedule 2 clauses 2 to 4 replaced		49
	2. Term of office	49	
	3. Casual vacancies	50	
	4. Vacation of office	50	

**Part 3 — *Edith Cowan University*  
Act 1984 amended**

48.	Act amended	52
49.	Long title amended	52
50.	Section 3 amended	52
51.	Part II heading amended	53
52.	Section 4 amended	53
53.	Section 5 amended	54
54.	Section 7 replaced	54
	7. Functions of the University	54
55.	Section 9 amended	56
56.	Section 10 replaced	58
	9A. Nominations Committee	58
	10. Term of office	59
57.	Section 11 replaced	61
	11. Vacation of office	61
58.	Section 11A amended	62
59.	Section 11B inserted	62
	11B. Casual vacancies	62
60.	Section 12 amended	62
61.	Section 15A inserted	63
	15A. Remuneration and allowances for Council members	63
62.	Section 15 amended	63
63.	Section 17 amended	64
64.	Section 20 amended	64
65.	Section 24 amended	65
66.	Sections 25 and 25A inserted	65
	25. Advisory Board of Academy	65
	25A. Remuneration and allowances for Advisory Board members	66
67.	Section 26 amended	67
68.	Section 27 replaced	69
	27. Approval, publication, disallowance and proof of Statutes	69
	28A. Statutes to be made readily available to public	70
69.	Part VI Division 1 heading inserted	70
	<b>Division 1 — Vesting of land in University and by-laws applicable to University lands</b>	
70.	Section 28 amended	70
71.	Section 29 amended	71

72.	Part VI Division 2 inserted	74
	<b>Division 2 — Leasing University land for commercial purposes</b>	
	<b>Subdivision 1 — Preliminary</b>	
	30A. Terms used	74
	30B. Object of this Division	75
	30C. Effect of Division on University functions, powers and obligations	75
	<b>Subdivision 2 — Power to lease University land for commercial purposes</b>	
	30D. University may lease University land for commercial purposes with Ministerial approval	76
	30E. Effect of approval to lease University land	77
	30F. Approval in principle of university development proposal	78
	30G. Application for advance determination of approval	79
	30H. Advance determination of approval	80
	30I. Approvals	81
	30J. Notification of decision on application for approval	82
	30K. Alteration of approval	83
	30L. Payment agreements	83
	30M. Minister may delegate functions under this Division	84
73.	Section 30 replaced	85
	30. Vice-Chancellor	85
74.	Section 31 amended	86
75.	Section 36 amended	86
76.	Section 37 replaced	86
	37. Borrowing and other ways of raising money	86
	37A. Notice of borrowing	87
	37B. Guarantees	88
	37C. Charges for guarantee	89
77.	Section 38B amended	89
78.	Section 41 amended	89
79.	Section 41A replaced	89
	41A. Amenities and services fee	89
80.	Section 41B amended	91
81.	Section 42 amended	91
82.	Sections 43 and 44 replaced	91
	43. Exemption from rate or tax	91
	44A. Regulations	92
83.	Part XI Division 1 heading inserted	92

**Contents**

---

	<b>Division 1 — General</b>	
84.	Sections 45 and 46 deleted	92
85.	Section 52 deleted	92
86.	Part XI Division 2 inserted	93
	<b>Division 2 — Transitional provisions for <i>Universities Legislation Amendment Act 2016</i></b>	
54.	Term used: commencement day	93
55.	Transitional provisions (Council)	93
56.	Transitional provisions (Deputy Chancellor)	94
57.	Transitional provisions (Vice-Chancellor)	95
58.	Transitional provisions (Advisory Board of the Academy)	95
59.	Transitional provisions (Statutes)	96
60.	Transitional provisions (guarantees)	97
61.	Transitional provisions (amenities and services fee)	97
87.	Schedule 1 clause 5 deleted	97
88.	Schedule 1 clause 6 amended	98
	<b>Part 4 — <i>Murdoch University Act 1973</i> amended</b>	
89.	Act amended	99
90.	Part 1 heading inserted	99
	<b>Part 1 — Preliminary</b>	
91.	Section 3 amended	99
92.	Part 2 heading inserted	100
	<b>Part 2 — Murdoch University</b>	
93.	Sections 6 and 7 replaced	100
6.	Functions of University	100
8A.	Power of University to provide residential accommodation for staff and students	102
94.	Part 3 heading inserted	102
	<b>Part 3 — Constitution of University</b>	
95.	Section 8 amended	103
96.	Section 9 replaced	103
9.	Visitor	103
97.	Section 10 amended	103
98.	Section 11 amended	104
99.	Section 12 amended	105
100.	Section 14 replaced	106
13.	Nominations Committee	106

	14. Term of office of members	108
101.	Section 15 amended	109
102.	Section 15A amended	110
103.	Section 16 replaced	110
	16. Casual vacancies	110
104.	Section 17 amended	111
105.	Section 18 replaced	111
	18. Delegation by Senate	111
106.	Section 19 replaced	112
	19A. Remuneration and allowances for Senate members	112
107.	Section 20 amended	112
108.	Section 20A replaced	112
	20A. Amenities and services fee	112
109.	Section 20B amended	113
110.	Section 22 amended	114
111.	Section 23 amended	115
112.	Part 4 heading inserted	115
	<b>Part 4 — By-laws, Statutes and regulations</b>	
113.	Section 24 amended	116
114.	Section 25 amended	118
115.	Sections 26A and 26B inserted	119
	26A. Approval, publication, disallowance and proof of Statutes and by-laws	119
	26B. Statutes and by-laws to be made readily available to public	120
116.	Section 26 amended	121
117.	Section 27 replaced	121
	28A. Regulations made by Governor	121
118.	Part 5 heading and Part 5 Division 1 heading inserted	122
	<b>Part 5 — University lands and financial provisions</b>	
	<b>Division 1 — Vesting of lands in University</b>	
119.	Part 5 Division 2 heading inserted	122
	<b>Division 2 — Financial provisions and dealings in land</b>	
120.	Section 29 amended	122
121.	Section 30A inserted	123
	30A. Exemption from rate or tax	123
122.	Section 31 amended	123
123.	Section 32 replaced	124

**Contents**

---

32A.	Borrowing and other ways of raising money	124
32B.	Notice of borrowing	125
32C.	Guarantees	125
32D.	Charges for guarantee	126
<b>Division 3 — Leasing University land for commercial purposes</b>		
<b>Subdivision 1 — Preliminary</b>		
32E.	Terms used	127
32F.	Object of this Division	128
32G.	Effect of Division on University functions, powers and obligations	128
<b>Subdivision 2 — Power to lease University land for commercial purposes</b>		
32H.	University may lease University land for commercial purposes with Ministerial approval	129
32I.	Effect of approval to lease University land	130
32J.	Approval in principle of university development proposal	131
32K.	Application for advance determination of approval	132
32L.	Advance determination of approval	133
32M.	Approvals	134
32N.	Notification of decision on application for approval	135
32O.	Alteration of approval	136
32P.	Payment agreements	136
32Q.	Minister may delegate functions under this Division	137
<b>Division 4 — Miscellaneous</b>		
124.	Section 33 amended	138
125.	Part 6 inserted	138
<b>Part 6 — Validation and transitional provisions</b>		
<b>Division 1 — Validations</b>		
35.	Certain leases of University land validated	138
<b>Division 2 — Transitional provisions for <i>Universities Legislation Amendment Act 2016</i></b>		
36.	Term used: commencement day	142
37.	Transitional provisions (Senate)	142
38.	Transitional provisions (guarantees)	143
39.	Transitional provisions (Statutes and by-laws)	143
126.	Schedule 1 clause 5 deleted	143
127.	Schedule 1 clause 6 amended	144



**Part 5 — *University of Notre Dame  
Australia Act 1989* amended**

128.	Act amended	145
129.	Section 15C amended	145
130.	Section 25 amended	145

**Part 6 — *University of Western  
Australia Act 1911* amended**

131.	Act amended	146
132.	Section 2 replaced	146
	2. Terms used	146
133.	Section 4 replaced	147
	4. University to consist of Senate, Convocation, staff and students	147
134.	Section 7 amended	147
135.	Section 8 amended	148
136.	Section 9 replaced	149
	9A. Nominations Committee	149
	9. Terms of members	150
137.	Section 11 replaced	151
	11. People disqualified from being Chancellor, Pro-Chancellor or Senate member	151
138.	Section 11A amended	152
139.	Section 11B inserted	152
	11B. Remuneration and allowances for Senate members	152
140.	Section 12 amended	153
141.	Section 12A amended	153
142.	Section 13 amended	154
143.	Section 15 replaced	154
	15. Leasing University lands	154
144.	Section 15A amended	155
145.	Section 15B replaced	155
	15B. Borrowing and other ways of raising money	155
	15C. Notice of borrowing	156
	15D. Guarantees	157
	15E. Charges for guarantee	158
	15F. Power of University to provide residential accommodation for staff and students	158
146.	Section 16AA inserted	158
	16AA. Authorised persons	158
147.	Section 16A amended	160

**Contents**

---

148.	Sections 16B and 16C replaced	161
	16B. Approval, publication, disallowance and proof of by-laws	161
	16C. Penalties	162
	16D. By-laws to be made readily available to public	162
149.	Section 16E amended	163
150.	Section 16F amended	163
151.	Section 16G inserted	164
	16G. Delegation by Senate	164
152.	Section 17 amended	165
153.	Section 18A inserted	165
	18A. Functions of Convocation	165
154.	Section 18 amended	165
155.	Sections 19 to 23 replaced	166
	19. Resignation	166
	20. Vacation of Senate office	166
	22. Casual vacancies	166
	23. Reappointment	166
156.	Section 24 replaced	167
	23A. Chair of Senate	167
	24. Chair of Convocation	167
157.	Section 27 amended	167
158.	Part 5 heading replaced	168
	<b>Part 5 — Student Guild</b>	
159.	Section 28 amended	168
160.	Section 28A replaced	170
	28A. Amenities and services fee	170
161.	Section 28B amended	171
162.	Section 29 replaced	171
	29. Courses of study and degrees	171
163.	Section 30 amended	172
164.	Section 31 amended	172
165.	Section 33 replaced	174
	33. Approval, publication, disallowance and proof of Statutes	174
	34A. Statutes to be made readily available to public	175
166.	Section 34 amended	176
167.	Section 35 amended	176
168.	Section 36 amended	177
169.	Section 37 deleted	177
170.	Sections 39 and 40 deleted	177

171.	Section 42 deleted	177
172.	Part 10 inserted	178
	<b>Part 10 — Transitional provisions for <i>Universities Legislation Amendment Act 2016</i></b>	
43.	Term used: commencement day	178
44.	Transitional provisions (Senate)	178
45.	Transitional provisions (Chancellor and Pro-Chancellor)	179
46.	Transitional provisions (guarantees)	180
47.	Transitional provisions (by-laws)	180
48.	Transitional provisions (Statutes)	181
173.	Schedule 1 clause 5 deleted	181
174.	Schedule 1 clause 6 amended	182
	<b>Part 7 — Amendments to and repeal of other Acts</b>	
	<b>Division 1 — Acts repealed</b>	
175.	<i>Murdoch University Planning Board Act 1970</i> repealed	183
176.	<i>Reserves (University Lands) Act 1972</i> repealed	183
	<b>Division 2 — <i>Animal Resources Authority Act 1981</i> amended</b>	
177.	Act amended	183
178.	Section 5 amended	183
179.	Section 17 amended	183
	<b>Division 3 — <i>Financial Management Act 2006</i> amended</b>	
180.	Act amended	183
181.	Schedule 1 amended	184
	<b>Division 4 — <i>Industrial Relations Act 1979</i> amended</b>	
182.	Act amended	184
183.	Section 7 amended	184
	<b>Division 5 — <i>Land Tax Assessment Act 2002</i> amended</b>	
184.	Act amended	184
185.	Section 33 amended	184
186.	Section 44 deleted	185

**Contents**

---

	<b>Division 6 — <i>Oaths, Affidavits and Statutory Declarations Act 2005</i> amended</b>	
187.	Act amended	185
188.	Schedule 2 amended	185
	<b>Division 7 — <i>Public Sector Management Act 1994</i> amended</b>	
189.	Act amended	185
190.	Schedule 1 amended	185
	<b>Division 8 — <i>Salaries and Allowances Act 1975</i> amended</b>	
191.	Act amended	186
192.	Section 6 amended	186
193.	Section 10 amended	187
	<b>Division 9 — <i>Sentencing Act 1995</i> amended</b>	
194.	Act amended	187
195.	Schedule 1 amended	187
	<b>Division 10 — <i>Superannuation and Family Benefits Act 1938</i> amended</b>	
196.	Act amended	187
197.	Section 67 amended	188

Western Australia

LEGISLATIVE ASSEMBLY

## **Universities Legislation Amendment Bill 2016**

**A Bill for**

**An Act —**

- **to amend the following Acts —**  
the *Curtin University of Technology Act 1966*;  
the *Edith Cowan University Act 1984*;  
the *Murdoch University Act 1973*;  
the *University of Notre Dame Australia Act 1989*;  
the *University of Western Australia Act 1911*;
- **to repeal the following Acts —**  
the *Murdoch University Planning Board Act 1970*;  
the *Reserves (University Lands) Act 1972*;
- **to make consequential amendments to other Acts,  
and for related purposes.**

The Parliament of Western Australia enacts as follows:

1 **Part 1 — Preliminary**

2 **1. Short title**

3 This is the *Universities Legislation Amendment Act 2016*.

4 **2. Commencement**

5 This Act comes into operation as follows —

- 6 (a) Part 1 — on the day on which this Act receives the  
7 Royal Assent;
- 8 (b) the rest of the Act — on a day fixed by proclamation,  
9 and different days may be fixed for different provisions.

**Part 2 — *Curtin University of Technology*  
*Act 1966* amended**

**3. Act amended**

This Part amends the *Curtin University of Technology Act 1966*.

**4. Long title amended**

In the long title delete “**the Curtin University of Technology**”  
and insert:

**Curtin University**

**5. Part IA heading replaced**

Delete the heading to Part IA and insert:

**Part 1 — Preliminary**

**6. Section 1 amended**

In section 1 delete “*of Technology*”.

**7. Section 4 amended**

(1) In section 4(1) delete the definitions of:

***Board***

***branch***

***University***

**s. 7**

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- 1       (2) In section 4(1) insert in alphabetical order:  
2  
3               *residential accommodation* —  
4               (a) means any form of accommodation (including,  
5               without limitation, a residential college, hostel,  
6               hall of residence or form of independent  
7               living); and  
8               (b) includes facilities that are —  
9                       (i) ancillary to residential accommodation;  
10                      and  
11                      (ii) primarily for the use of staff of the  
12                      University, or enrolled students, or both;  
13               *University* means Curtin University established under  
14               this Act;  
15               *Vice-Chancellor* means the Vice-Chancellor of the  
16               University.  
17  
18       (3) In section 4(1) in the definition of *casual vacancy* delete “or a  
19       member of a Board”.  
20       (4) In section 4(1) in the definition of *prescribed* delete “by-law  
21       or”.  
22       (5) In section 4(2):  
23               (a) delete “full-time” (each occurrence);  
24               (b) delete “University or a branch,” and insert:  
25  
26               University,  
27



**8. Part I heading replaced**

Delete the heading to Part I and insert:

**Part 2 — Curtin University**

**9. Section 5 amended**

(1) Delete section 5(1) and (1a) and insert:

(1) There continues to be a body corporate, to be called  
“Curtin University”.

(2A) Curtin University is the same body corporate —

(a) that was established under this Act and  
originally called the “Western Australian  
Institute of Technology”; and

(b) that was renamed the “Curtin University of  
Technology” by the amendments made to this  
Act by the *Western Australian Institute of  
Technology Amendment Act 1986* section 5.

(2) In section 5(2):

(a) in paragraph (ea) delete “Governor; and” and insert:

Minister; and

(b) after paragraph (ea) insert:

(eb) may enter into business arrangements; and

Note: The heading to amended section 5 is to read:

**Establishment of Curtin University**

**s. 10**

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1     **10.     Section 7 amended**

2         (1) In section 7(1):

3             (a) delete paragraph (a) and insert:

4

5                     (a) to provide courses of study appropriate to a  
6                         university, and other tertiary courses;

7

8             (b) delete paragraph (d) and insert:

9

10                     (d) to undertake and support scholarship, pure and  
11                         applied research, invention, innovation,  
12                         education and consultancy, and to apply those  
13                         matters to the advancement and application of  
14                         knowledge —

15                             (i) to the benefit of industry, business and  
16                                 government; and

17                             (ii) to the benefit and wellbeing of the  
18                                 Western Australian, Australian and  
19                                 international communities;

20             (ea) to commercially develop or commercially use,  
21                     for the University's benefit, any facility,  
22                     resource or property (real or personal) of the  
23                     University or in which the University has a  
24                     right or interest (including, for example, study,  
25                     research, knowledge and intellectual property  
26                     and the practical application of study, research,  
27                     knowledge and intellectual property), whether  
28                     alone or with others;

29             (eb) to generate revenue for the purpose of funding  
30                     the carrying out of its functions;  
31

- 1                   (c) after paragraph (f) insert:
- 2
- 3                   (ga) to serve the Western Australian, Australian and
- 4                   international communities and the public
- 5                   interest by —
- 6                         (i) enriching cultural and community life;
- 7                         and
- 8                         (ii) raising public awareness of educational,
- 9                         scientific and artistic developments; and
- 10                        (iii) promoting critical and free enquiry,
- 11                        informed intellectual discussion and
- 12                        public debate within the University and
- 13                        in the wider society;
- 14
- 15       (2) In section 7(1) after each of paragraphs (b), (c), (e) and (f)
- 16       delete:
- 17
- 18       and
- 19
- 20   **11. Section 8 amended**
- 21       In section 8 after “University” insert:
- 22
- 23       (including the Kalgoorlie Campus)
- 24
- 25   **12. Section 9 amended**
- 26       (1) Delete section 9(1) and insert:
- 27
- 28           (1) The Council consists of the following members —
- 29               (a) 3 persons appointed by the Governor on the
- 30               recommendation of the Minister;

**s. 12**

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- 1 (b) the person for the time being holding the office  
2 of Vice-Chancellor;
- 3 (c) one person who is a member of the academic  
4 staff of the University and who is elected by the  
5 academic staff of the University in the manner  
6 prescribed by Statute;
- 7 (d) 2 persons who are enrolled students —  
8 (i) one of whom is an undergraduate  
9 student and who is elected by the  
10 undergraduate students in the manner  
11 prescribed by Statute; and  
12 (ii) one of whom is a postgraduate student  
13 and who is elected by the postgraduate  
14 students in the manner prescribed by  
15 Statute;
- 16 (e) one person who is a member of the  
17 non-academic salaried staff of the University,  
18 and who is elected by the non-academic  
19 salaried staff of the University in the manner  
20 prescribed by Statute;
- 21 (f) 2 persons who are graduates of the University  
22 and who are elected by the graduates of the  
23 University in the manner prescribed by Statute;
- 24 (g) the person who, not being a member of the  
25 Council at the time of their appointment as  
26 Chancellor, is appointed Chancellor under  
27 section 11;
- 28 (h) not more than 5 persons appointed from time to  
29 time by co-option by the Council, but a person  
30 whose sole or principal employment is that of a  
31 member of the staff of the University may not  
32 be so appointed;

1                   (i) the person for the time being the chairperson of  
2                   the Academic Board of the University  
3                   established by Statute.

4           (2A) The fact that a person holds an elective office (for  
5           example, an elective office of the Student Guild) does  
6           not disqualify that person from being appointed or  
7           holding office under subsection (1).  
8

9           (2) Delete section 9(3).

10   **13. Section 9AA inserted**

11           After section 9 insert:  
12

13           **9AA. Nominations Committee**

- 14           (1) The Council must establish and maintain a committee  
15           of the Council called the Nominations Committee.
- 16           (2) The Nominations Committee is to consist of not more  
17           than 6 members appointed by the Council.
- 18           (3) The following members are not eligible to be appointed  
19           to the Nominations Committee —
- 20               (a) the Vice-Chancellor;
- 21               (b) the member referred to in section 9(1)(c);
- 22               (c) the members referred to in section 9(1)(d);
- 23               (d) the member referred to in section 9(1)(e);
- 24               (e) the members referred to in section 9(1)(f);
- 25               (f) the chairperson of the Academic Board of the  
26           University.

**s. 13**

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- 1           (4) The functions of the Nominations Committee are —
- 2               (a) to maintain lists of persons who are eligible and
- 3               willing to be appointed to any vacancy or
- 4               casual vacancy in the office of —
- 5                   (i) any member of the Council who is
- 6                   appointed by the Governor or the
- 7                   Council; or
- 8                   (ii) any member of the Kalgoorlie Campus
- 9                   Council who is appointed by the
- 10                  Minister or the Council;
- 11               (b) to recommend to the Minister suitable
- 12               candidates for appointment to a vacancy or
- 13               casual vacancy in the office of —
- 14                   (i) any member of the Council who is
- 15                   appointed under section 9(1)(a); or
- 16                   (ii) any member of the Kalgoorlie Campus
- 17                   Council who is appointed under
- 18                   section 21M(1)(a), (b) or (c);
- 19               (c) to recommend to the Council suitable
- 20               candidates for appointment by co-option under
- 21               section 9(1)(h).
- 22           (5) The fact that the Nominations Committee or the
- 23               Council has not recommended a person for
- 24               appointment under section 9(1) or 21M(1) does not
- 25               prevent the person from being appointed or holding
- 26               office under section 9(1) or, as the case requires,
- 27               section 21M(1).
- 28           (6) The Nominations Committee may regulate its own
- 29               procedure, but it must comply with any direction given
- 30               by the Council.
- 31

1     **14.     Section 9A replaced**

2             Delete section 9A and insert:

3

4             **9A.     Term of office of members**

5             (1)   Subject to section 10 —

6                 (a)   a member appointed under section 9(1)(a) or  
7                       (h) holds office for a period of 3 years,  
8                       commencing on the day of their appointment,  
9                       unless a shorter term of office is specified  
10                      under subsection (4);

11                (b)   a member elected under section 9(1)(c), (e) or  
12                       (f) holds office for a period of 3 years,  
13                       commencing on the day their election takes  
14                       effect, unless a shorter term of office is  
15                       specified under subsection (5);

16                (c)   a member elected under section 9(1)(d) holds  
17                       office for a period of one year commencing on  
18                       the day their election takes effect, unless a  
19                       shorter term of office is specified under  
20                       subsection (5).

21             (2)   An appointed (which includes co-opted) or elected  
22                      member, on the expiry of their term of office —

23                 (a)   may be again appointed or elected, if they  
24                       continue to be qualified under section 9; but

25                 (b)   on the expiry of a third successive term of  
26                       office (of whatever duration), they are not  
27                       eligible to hold office as a member until  
28                       12 months have elapsed after that expiry.

29             (3)   However, a member elected under section 9(1)(d) may  
30                      be re-elected once, but only once, on the expiry of their  
31                      term of office, if they continue to be qualified under  
32                      section 9.

**s. 15**

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- 1           (4) The Governor or the Council may, when appointing a  
2           person as a member, specify a shorter term of office  
3           where an appointment for a shorter term is desirable to  
4           ensure that —
- 5               (a) the terms of office of members expire at  
6               intervals that will produce reasonable  
7               continuity of membership; or
- 8               (b) the terms of office expire on dates that afford  
9               the convenience of uniformity.
- 10          (5) The Council may, before an election is held for the  
11          purposes of section 9(1), specify that the election of a  
12          person is for a shorter term of office where election for  
13          a shorter term is desirable for a reason referred to in  
14          subsection (4).  
15

16   **15. Section 10 amended**

17          In section 10:

- 18           (a) delete paragraph (b) and insert:
- 19
- 20               (b) resigns their office by written notice given to  
21               the Minister; or
- 22
- 23           (b) delete paragraph (g) and insert:
- 24
- 25               (g) ceases to hold the qualification required under  
26               section 9 for being a member, and in  
27               particular —
- 28                   (i) in the case of a person elected under  
29                   section 9(1)(c), they cease to be a  
30                   member of the academic staff; or
- 31                   (ii) in the case of a person elected under  
32                   section 9(1)(d), they cease to be an  
33                   enrolled student; or



1                                   (iii) in the case of a person elected under  
2   section 9(1)(e), they cease to be a  
3   member of the non-academic salaried  
4   staff,  
5

6                   (c) delete “his office shall become vacant and shall” and  
7                               insert:  
8

9                               their office becomes vacant and must  
10

11   **16.     Section 10AA amended**

12                   In section 10AA(3) delete “2/3” and insert:  
13

14                               two-thirds  
15

16   **17.     Section 10A replaced**

17                   Delete section 10A and insert:  
18

19               **10A.    Casual vacancies**

20                               If a casual vacancy occurs in the office of a member,  
21                                       the vacancy is to be filled in the same manner as if that  
22                                       member’s term of office had expired.  
23

24   **18.     Section 11 amended**

25                   In section 11(5) delete “4 members.” and insert:  
26

27                               3 members.  
28

**s. 19**

---

1     **19.     Section 14A inserted**

2             After section 13 insert:

3

4             **14A.     Remuneration and allowances for Council members**

5             (1)   A member of the Council is entitled to be paid the  
6                   remuneration (if any) and allowances (if any)  
7                   determined by the Salaries and Allowances Tribunal  
8                   under the *Salaries and Allowances Act 1975*.

9             (2)   Any remuneration and allowances payable —  
10                (a)   are, for the purposes of section 23(3),  
11                   expenditure incurred by the Council for the  
12                   purposes of giving effect to this Act; and  
13                (b)   are to be paid out of the funds of the University.

14

15     **20.     Sections 14 and 15 replaced**

16             Delete sections 14 and 15 and insert:

17

18             **14.     Vice-Chancellor**

19             (1)   The Council must appoint a Vice-Chancellor.

20             (2)   The Vice-Chancellor is the chief executive officer of  
21                   the University.

22             (3)   The Vice-Chancellor holds office for the period and on  
23                   the conditions the Council determines.

24             (4)   The Vice-Chancellor has the powers and duties  
25                   prescribed by Statute and, unless otherwise expressly  
26                   provided by Statute, the Vice-Chancellor may delegate  
27                   any of those powers and duties to any person or  
28                   committee of persons.

- 1           (5) In addition to or instead of the title of Vice-Chancellor,  
2           the Vice-Chancellor may use any other title that is —  
3                 (a) approved by the Council; or  
4                 (b) prescribed by Statute.
- 5           (6) The use by the Vice-Chancellor, in accordance with  
6           subsection (5), of any title in addition to or instead of  
7           the title of Vice-Chancellor does not affect the validity  
8           of anything done or omitted to be done by, to or in  
9           relation to the Vice-Chancellor.

10       **15. Delegation by Council**

- 11           (1) The Council may —  
12                 (a) in relation to any matter or class of matters, or  
13                 in relation to any activity or function of the  
14                 University, by resolution delegate all or any of  
15                 its powers, authorities, duties and functions  
16                 under this Act, except its powers in relation to  
17                 the making of Statutes or by-laws, to —  
18                         (i) any member; or  
19                         (ii) a committee, council or other body of  
20                         the University; or  
21                         (iii) any officer of the University;  
22                 and  
23                 (b) in relation to any matter or class of matters  
24                 affecting the Kalgoorlie Campus, or in relation  
25                 to any activity or function of the Kalgoorlie  
26                 Campus, by resolution delegate all or any of its  
27                 powers, authorities, duties and functions under  
28                 this Act, except its powers in relation to the  
29                 making of Statutes or by-laws, to the  
30                 Kalgoorlie Campus Council.
- 31           (2) The Council may by resolution revoke a delegation  
32           given under this section.

**s. 21**

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- 1           (3) A resolution delegating a power, authority, duty or  
2           function may authorise the delegate to further delegate  
3           the delegated power, authority, duty or function to a  
4           person or body.
- 5           (4) A subdelegation under this section must be in writing.
- 6           (5) The *Interpretation Act 1984* sections 58 and 59 apply  
7           to and in relation to a subdelegation under this section  
8           in the same way that they apply to and in relation to a  
9           delegation given under this section.  
10

11   **21.     Section 17 amended**

12           In section 17 delete “Act and any award or agreement in force  
13           under the *Industrial Arbitration Act 1912*,” and insert:  
14

15           Act, any relevant written law and any relevant industrial award  
16           or industrial agreement,  
17

18   **22.     Section 17A replaced**

19           Delete section 17A and insert:  
20

21           **17A.   Power of University to provide residential**  
22           **accommodation for staff and students**

- 23           (1) The University may provide residential  
24           accommodation for staff of the University, or enrolled  
25           students, or both.
- 26           (2) The restrictions imposed by section 5(2)(ea) do not  
27           apply to the lease of any part of the land referred to in  
28           section 5(2)(ea) if the purpose of the lease is the  
29           provision of residential accommodation in accordance  
30           with this section.  
31

1   **23.     Section 20 amended**

2       (1)   In section 20(2) delete “Her Majesty.” and insert:

3

4           the State.

5

6       (2)   Delete section 20(3).

7       (3)   At the end of section 20 insert:

8

9           (4)   Section 22D affects subsection (2).

10

11   **24.     Section 20A amended**

12       (1)   Delete section 20A(1) and insert:

13

14       (1)   In this section —

15           *authorised person* means —

16               (a)   a police officer; or

17               (b)   the Vice-Chancellor; or

18               (c)   a member of the staff of the University, or a  
19                   contractor, who is authorised under  
20                   subsection (2A) for the purposes of the  
21                   provision of this section in which the term is  
22                   used;

23           *contractor* means —

24               (a)   an individual who works under a contract for  
25                   services for the University; or

26               (b)   an employee of a body that provides services to  
27                   the University under a contract;

28           *University lands* means —

29               (a)   land described in Schedule 1; and

**s. 24**

---

- 1 (b) any other land vested in, held by, leased to or  
2 under the care, control and management of the  
3 University for the purposes of this Act; and
- 4 (c) all buildings, structures and erections of  
5 whatsoever kind or nature and whether  
6 permanent or temporary standing or being on  
7 land referred to in paragraph (a) or (b).
- 8 (2A) The Vice-Chancellor may, in writing —
- 9 (a) designate a member of the staff of the  
10 University to be an authorised person for the  
11 purposes of either or both of subsection (2)(k)  
12 or (4); and
- 13 (b) authorise a contractor to be an authorised  
14 person for the purposes of either or both of  
15 subsection (2)(k) or (4); and
- 16 (c) revoke a designation or authorisation made  
17 under this subsection.
- 18 (2B) A designation or authorisation of a person under  
19 subsection (2A) ceases to have effect if —
- 20 (a) the designation or authorisation is revoked; or  
21 (b) the person ceases to be a member of the staff of  
22 the University or a contractor.  
23
- 24 (2) In section 20A(2):
- 25 (a) in paragraph (d) delete “member of the Police Force,”  
26 and insert:  
27  
28 police officer,  
29

- 1           (b) in paragraph (m) delete “member of the Police Force”  
2           (each occurrence) and insert:  
3  
4           police officer  
5  
6           (c) in paragraph (n) delete “member of the Police Force,”  
7           and insert:  
8  
9           police officer,  
10  
11       (3) In section 20A(4) delete “\$500” and insert:  
12  
13       \$1 000  
14  
15       (4) After section 20A(7) insert:  
16  
17       (8A) By-laws made under this section apply to and in  
18       respect of University lands that are leased (whether  
19       under an approval given under section 22I or  
20       otherwise) except to the extent that the application of  
21       the by-laws, or any provision of a by-law, to the leased  
22       lands is expressly excluded by the lease.  
23  
24   **25. Section 21 amended**  
25       In section 21:  
26       (a) in paragraph (a) delete “not below tertiary level”;  
27       (b) in paragraph (b) delete “Staff” and insert:  
28  
29       staff  
30  
31       (c) delete paragraph (d).

**s. 26**

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1   **26.     Part I Division 2A deleted**

2           Delete Part I Division 2A.

3   **27.     Section 21H amended**

4       (1)   In section 21H delete the definitions of:

5           *higher education*

6           *technical and further education*

7       (2)   In section 21H in the definition of *Kalgoorlie Campus Council*  
8           delete “section 21K;” and insert:

9

10           section 21K.

11

12   **28.     Section 21I replaced**

13           Delete section 21I and insert:

14

15       **21I.    Kalgoorlie Campus**

16       (1)   The Council is to maintain the educational facility at  
17           Kalgoorlie established as part of the University and  
18           known as the Curtin University — Kalgoorlie Campus.

19       (2)   The Kalgoorlie Campus —

20           (a)   must include a School of Mines known as the  
21           Western Australian School of Mines; and

22           (b)   may include any other facilities that are for the  
23           purposes of the University or a purpose that is  
24           incidental to the purposes of the University.

25       (3)   It is not necessary for all of the facilities or operations  
26           of the Western Australian School of Mines to be  
27           located on the Kalgoorlie Campus.

28



1     **29.     Section 21J amended**

2             Delete section 21J(a).

3     **30.     Sections 21L and 21M replaced**

4             Delete sections 21L and 21M and insert:

6             **21L.     Functions of Kalgoorlie Campus Council**

- 7             (1)   The Kalgoorlie Campus Council must act in all matters  
8                 concerning the Kalgoorlie Campus in the manner that  
9                 appears most likely to the Council to promote the  
10                objects and interests of the Kalgoorlie Campus and the  
11                University.
- 12            (2)   The Kalgoorlie Campus Council has the following  
13                governance functions —
- 14                (a)   to advise the Council on the promotion,  
15                    development and coordination of the courses  
16                    and programmes that are offered or to be  
17                    offered by the Kalgoorlie Campus and that are,  
18                    or some of which are, offered or to be offered  
19                    elsewhere by the University;
- 20                (b)   to develop a strategic plan for the Kalgoorlie  
21                    Campus for the approval of the Council, and  
22                    review and monitor the implementation of the  
23                    approved strategic plan, in accordance with any  
24                    direction given to it by the Council;
- 25                (c)   to promote the activities carried out on the  
26                    Kalgoorlie Campus in the communities in  
27                    which the Campus operates and with relevant  
28                    government and non-government agencies;
- 29                (d)   to monitor the staffing, infrastructure  
30                    development and financial management of the  
31                    Kalgoorlie Campus.

**s. 30**

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- 1           (3) The Kalgoorlie Campus Council also has the following  
2           functions —
- 3               (a) to comply with any direction given to it by the  
4               Council, including any direction to prepare and  
5               provide to the Council a report;
- 6               (b) not later than 2 months after each 31 December,  
7               to prepare and provide to the Council a report  
8               of the operations of the Kalgoorlie Campus  
9               during the period of 12 months immediately  
10              before that day.

11           **21M. Membership of Kalgoorlie Campus Council**

- 12           (1) The Kalgoorlie Campus Council consists of the  
13           following members —
- 14               (a) a member of the Council who is appointed by  
15               the Minister to be chairperson of the Kalgoorlie  
16               Campus Council;
- 17               (b) 5 persons who are appointed by the Minister  
18               and who are representative of education, the  
19               professions, or industrial, commercial or  
20               community interests;
- 21               (c) one person who is appointed by the Minister  
22               and who is representative of vocational  
23               education and training interests;
- 24               (d) the person appointed to be responsible for the  
25               management of higher education at the  
26               Kalgoorlie Campus;
- 27               (e) the member of the staff of the Kalgoorlie  
28               Campus who is responsible for academic and  
29               administrative leadership at the Kalgoorlie  
30               Campus;
- 31               (f) a member of the higher education academic  
32               staff of the Kalgoorlie Campus and who is  
33               appointed by the Council of the University;

- 1                   (g) a member of the general staff (other than the  
2                   academic staff) of the Kalgoorlie Campus and  
3                   who is appointed by the Council of the  
4                   University;  
5                   (h) an enrolled student of the Kalgoorlie Campus  
6                   and who is appointed by the Council of the  
7                   University;  
8                   (i) the Vice-Chancellor or a person nominated in  
9                   writing by the Vice-Chancellor;  
10                  (j) not more than 3 persons appointed from time to  
11                  time by co-option by the Kalgoorlie Campus  
12                  Council, but a person whose sole or principal  
13                  employment is that of a member of the staff of  
14                  the University may not be so appointed.  
15                  (2) The Minister must endeavour to ensure that at least one  
16                  of the persons appointed under subsection (1)(b) is a  
17                  resident of the Esperance region.  
18

19   **31.       Sections 21O and 21P replaced**

20                  Delete sections 21O and 21P and insert:  
21

22                  **21PA.   Remuneration and allowances for Kalgoorlie**  
23                  **Campus Council members**

- 24                  (1) A member of the Kalgoorlie Campus Council is  
25                  entitled to be paid the remuneration (if any) and  
26                  allowances (if any) determined by the Salaries and  
27                  Allowances Tribunal under the *Salaries and*  
28                  *Allowances Act 1975*.  
29                  (2) Any remuneration and allowances payable —  
30                          (a) are, for the purposes of section 23(3),  
31                          expenditure incurred by the Council for the  
32                          purposes of giving effect to this Act; and  
33                          (b) are to be paid out of the funds of the University.

**21P. Delegation by Kalgoorlie Campus Council**

- (1) The Kalgoorlie Campus Council may by resolution delegate any of its functions to —
- (a) any member of the Kalgoorlie Campus Council; or
  - (b) a committee of persons appointed by the Kalgoorlie Campus Council; or
  - (c) any other person.
- (2) The Kalgoorlie Campus Council may by resolution revoke a delegation given under this section.
- (3) A resolution delegating a function may authorise the delegate to further delegate the delegated function to a person or body.
- (4) A subdelegation under this section must be in writing.
- (5) The *Interpretation Act 1984* sections 58 and 59 apply to and in relation to a subdelegation under this section in the same way that they apply to and in relation to a delegation given under this section.

**32. Part I Division 2C inserted**

After Part I Division 2B insert:

**Division 2C — Leasing University land for commercial purposes**

**Subdivision 1 — Preliminary**

**22A. Terms used**

In this Division —

***advance determination*** means an advance determination granted under section 22H;

- 1           **approval** means an approval granted under section 22I;
- 2           **commercial arrangement** means any of the
- 3           following —
- 4           (a) a company;
- 5           (b) a partnership;
- 6           (c) a trust;
- 7           (d) a joint venture;
- 8           (e) an arrangement for sharing profits;
- 9           (f) an arrangement for sponsorship;
- 10          **commercial purpose** means obtaining income for the
- 11          University through the leasing of University land, if the
- 12          land is not leased for the purposes of the University or
- 13          a purpose that is incidental to the purposes of the
- 14          University;
- 15          **lease** includes sublease;
- 16          **limited company** has the meaning given in the
- 17          *Corporations Act 2001* (Commonwealth) section 9;
- 18          **participate** includes form, promote, establish, enter
- 19          into, manage, dissolve and wind-up;
- 20          **participate in a commercial arrangement** includes —
- 21          (a) acquire, hold and dispose of shares, units or
- 22             other interests in, or relating to, a commercial
- 23             arrangement; and
- 24          (b) exercise any right conferred on the University
- 25             to appoint a director of, or hold office in, a
- 26             commercial arrangement; and
- 27          (c) do anything incidental to participating in a
- 28             commercial arrangement;
- 29          **payment agreement** means an agreement made under
- 30          section 22L;
- 31          **University land** means land vested in the University
- 32          under section 20 or 31;

**s. 32**

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1                    ***university development proposal*** means a proposal in  
2                    respect of which the University intends to seek an  
3                    approval under section 22I to do either or both of the  
4                    things set out in section 22D(1).

5                    **22B.     Object of this Division**

6                    The object of this Division is to enable the University  
7                    to seek and obtain the Minister's approval to lease  
8                    University land for purposes that would not otherwise  
9                    be authorised by this Act.

10                  **22C.     Effect of Division on University functions, powers**  
11                  **and obligations**

- 12                  (1) This Division does not limit —
- 13                      (a) sections 5 and 7; or
- 14                      (b) any function, power, right, privilege, immunity  
15                      or obligation of the University under —
- 16                                  (i) this Act, another written law or a law of  
17                                  the Commonwealth or of another State  
18                                  or a Territory; or
- 19                                  (ii) the principles and rules of common law  
20                                  and equity to the extent that they have  
21                                  effect in this State from time to time.
- 22                  (2) Nothing in this Division is to be taken to impose any  
23                  requirement on the University to seek or obtain the  
24                  Minister's approval to lease any University land.
- 25                  (3) Nothing in this Division affects the University's  
26                  obligation under section 5(2)(ea) to obtain the  
27                  Minister's approval to the grant of a lease for a term  
28                  that exceeds 21 years.

**Subdivision 2 — Power to lease University land for  
commercial purposes**

**22D. University may lease University land for  
commercial purposes with Ministerial approval**

- (1) With the approval of the Minister, the University can —
  - (a) enter into a transaction that has a commercial purpose; or
  - (b) participate, in the State or elsewhere, in any commercial arrangement that has a commercial purpose.
- (2) An approval can authorise the University to enter into a transaction, or participate in a commercial arrangement, either —
  - (a) directly; or
  - (b) through a wholly-owned subsidiary (as defined in the *Corporations Act 2001* (Commonwealth) section 9) of the University.
- (3) An approval to lease University land can be granted on the basis that subleases of that land (whether all subleases, or only subleases of a particular class or granted in particular circumstances) can be granted without the need to seek or obtain an approval to the granting of those subleases.
- (4) Subsection (3) is subject to any conditions attached to the approval.
- (5) An approval —
  - (a) confers power, for the purposes of this Act, on the University to do the thing authorised by the approval; but
  - (b) does not exempt the University or any other person from compliance with, or authorise the

**s. 32**

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1 University or any other person to do or omit to  
2 do anything contrary to —

- 3 (i) any other written law or any law of the  
4 Commonwealth or of another State or a  
5 Territory; or  
6 (ii) any obligation of the University or any  
7 other person, however that obligation  
8 arises.

9 **22E. Effect of approval to lease University land**

- 10 (1) To the extent that an approval authorises the University  
11 to lease University land, land leased in accordance with  
12 the approval is to be taken to be used for the purposes  
13 of the University or for purposes incidental to the  
14 purposes of the University for the purposes of —  
15 (a) compliance with any conditions, restrictions or  
16 limitations (however arising) attaching to the  
17 vesting of that land in the University or the  
18 holding, care, control or management, by the  
19 University, of that land; and  
20 (b) any provision of any written law (including,  
21 without limitation, section 20(2)) that specifies  
22 that something is to happen or not to happen, or  
23 provides for some other consequence, if that  
24 land is not used, or ceases to be used, for the  
25 purposes of the University or for purposes  
26 incidental to the purposes of the University.  
27 (2) The *Land Tax Assessment Act 2002* section 33  
28 overrides this section.

29 **22F. Approval in principle of university development**  
30 **proposal**

- 31 (1) The University may apply to the Minister for the  
32 approval in principle of a university development  
33 proposal.



- 1           (2) The university development proposal submitted for  
2           approval in principle must describe what the University  
3           intends to seek an approval under section 22I for,  
4           including —
- 5               (a) details of the University land that is to be  
6               leased; and
- 7               (b) the purpose for which the land is to be leased.
- 8           (3) If the University applies for an approval in principle —
- 9               (a) the application must be made in the manner and  
10              form, and contain the information, that the  
11              Minister requires; and
- 12              (b) the Minister may request the University to  
13              provide any additional information that the  
14              Minister considers necessary for the proper  
15              consideration of the application; and
- 16              (c) the Minister may grant or refuse to grant the  
17              approval in principle.
- 18           (4) The Minister must —
- 19               (a) notify the University in writing of the  
20               Minister's decision on the application; and
- 21               (b) if the decision is to refuse to grant the approval  
22               in principle, include in that notification the  
23               reasons for the refusal.

24           **22G. Application for advance determination of approval**

- 25           (1) The University may apply to the Minister for a  
26           determination that, if an application is made for an  
27           approval under section 22I in relation to a university  
28           development proposal, the approval will be granted.
- 29           (2) In order to apply for an advance determination, it is not  
30           necessary that the University has applied for or  
31           obtained an approval in principle under section 22F in  
32           relation to the university development proposal.

**s. 32**

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- 1           (3) The university development proposal submitted for  
2           advance determination must describe the transaction or  
3           commercial arrangement for which the University  
4           intends to seek an approval under section 22I,  
5           including —  
6               (a) details of the University land that is to be  
7               leased; and  
8               (b) the purpose for which the land is to be leased;  
9               and  
10              (c) the financial details of the proposal, including  
11              the amount of the investment to be made by the  
12              University, the proposed lessee and any other  
13              parties involved.
- 14           (4) If approval in principle was previously obtained under  
15           section 22F in relation to the proposal, the application  
16           for the advance determination must identify any  
17           material difference between the proposal approved in  
18           principle and the proposal submitted for advance  
19           determination.
- 20           (5) If the University applies for an advance  
21           determination —  
22               (a) the application —  
23                   (i) must be made in the manner and form,  
24                   and contain the information, that the  
25                   Minister requires; and  
26                   (ii) if required by the Minister, must be  
27                   accompanied by a payment agreement;  
28               and  
29               (b) the Minister may request the University to  
30               provide any additional information that the  
31               Minister considers necessary for the proper  
32               consideration of the application.

**22H. Advance determination of approval**

- (1) If the University applies under section 22G for an advance determination in relation to a university development proposal, the Minister may grant or refuse to grant the advance determination.
- (2) The Minister must grant the advance determination if —
  - (a) approval in principle was previously obtained under section 22F in relation to the proposal; and
  - (b) the Minister is satisfied that, in respect of the matters referred to in section 22F(2)(a) and (b), there is no material difference between the proposal approved in principle and the proposal submitted for advance determination; and
  - (c) the Minister is satisfied with the application submitted in relation to the proposal.
- (3) The Minister must —
  - (a) notify the University in writing of the Minister's decision on the application; and
  - (b) if the decision is to refuse to grant the advance determination, include in that notification the reasons for the refusal.
- (4) In granting an advance determination, the Minister may specify a time after which the advance determination lapses.
- (5) Before the advance determination lapses, the Minister may, at the request of the University, by notice in writing to the University, extend the period for which the advance determination is to be in force.

**22I. Approvals**

- (1) The University may apply to the Minister for approval to do either or both of the things set out in section 22D(1).
- (2) If the University applies for an approval —
  - (a) the application —
    - (i) must be made in the manner and form, and contain the information, that the Minister requires; and
    - (ii) if required by the Minister, must be accompanied by a payment agreement;
  - and
  - (b) the Minister may request the University to provide any additional information that the Minister considers necessary for the proper consideration of the application.
- (3) In order to apply for an approval, it is not necessary that the University has applied for or obtained an approval in principle under section 22F, or an advance determination, in relation to the matter for which the approval is sought.
- (4) The Minister may grant or refuse to grant the approval.
- (5) However, the Minister must grant the approval if the Minister is satisfied that —
  - (a) an advance determination is in force in respect of the matter for which the approval is sought; and
  - (b) there is no material deviation from the application for the advance determination.
- (6) For the purposes of subsection (5)(b), there is a material deviation from the application for the advance

determination if any of the following changes have occurred —

- (a) the total area of University land that is to be leased has increased by 20% or more;
- (b) the amount of the investment to be made by the University has increased or decreased by 20% or more.

**22J. Notification of decision on application for approval**

- (1) The Minister must —
  - (a) notify the University in writing of the Minister's decision on an application for an approval; and
  - (b) if the decision is to refuse to grant the approval, include in that notification the reasons for the refusal.
- (2) The Minister may attach conditions to an approval, and those conditions must be specified in the approval.

**22K. Alteration of approval**

- (1) The Minister may, at the request of the University, vary or revoke the conditions attached to an approval or attach new or additional conditions.
- (2) The Minister cannot make changes to the terms of an approval under subsection (1) unless the University agrees to the changes, but —
  - (a) the Minister is not obliged to make any or all of the changes requested by the University; and
  - (b) the Minister may propose variations, alternatives or additions to the changes requested by the University; and
  - (c) the Minister may refuse to change the terms of an approval unless the University agrees to

**s. 32**

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1 variations, alternatives or additions proposed by  
2 the Minister.

3 **22L. Payment agreements**

- 4 (1) If the University intends to apply for an advance  
5 determination or an approval, the Minister may enter  
6 into a written agreement with the University for the  
7 University to reimburse the State for the reasonable  
8 costs and expenses incurred by the Minister in  
9 considering the application.
- 10 (2) If permitted by the regulations, those costs and  
11 expenses may include the reasonable costs and  
12 expenses incurred by, or by the Minister on behalf of,  
13 any person or body appointed to consider and report to  
14 the Minister on the application.
- 15 (3) Regulations may make provision for and in relation to  
16 a payment agreement, including in connection with —
- 17 (a) the ambit of an agreement;
- 18 (b) the making of an agreement;
- 19 (c) the costs and expenses to be paid under an  
20 agreement, including as to the method of  
21 calculating the costs and expenses;
- 22 (d) the methods for resolving any dispute about the  
23 costs and expenses that are to be paid under the  
24 agreement.

25 **22M. Minister may delegate functions under this Division**

- 26 (1) In this section —
- 27 **Department** means the Department of the Public  
28 Service principally assisting the Minister in the  
29 administration of this Act.
- 30 (2) The Minister may delegate to the chief executive  
31 officer of the Department all or any of the functions

- 1                   that the Minister has under this Division, other than  
2                   this power of delegation.
- 3           (3)   A delegation made under subsection (2) must be in  
4               writing signed by the Minister.
- 5           (4)   If the chief executive officer performs a function that  
6               has been delegated to the chief executive officer under  
7               this section, the chief executive officer is to be taken to  
8               do so in accordance with the terms of the delegation  
9               unless the contrary is shown.
- 10          (5)   Nothing in this section limits the ability of the Minister  
11               to perform a function through an officer or agent.  
12

13   **33.       Section 23 amended**

- 14          (1)   After section 23(1)(b) insert:  
15
- 16                   (ca)   moneys received by the Council or the  
17                       University, where the moneys are derived from  
18                       something that the University is authorised to  
19                       do by an approval granted under section 22I;  
20                       and  
21
- 22          (2)   In section 23(2)(b) delete “with the approval of the Treasurer,”.
- 23          (3)   In section 23(2a) delete “of Technology”.
- 24          (4)   In section 23(3) delete “shall, subject to subsection (4), be  
25               charged” and insert:  
26
- 27                   is to be charged
- 28
- 29          (5)   Delete section 23(4).

**s. 34**

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1     **34.     Section 24 replaced**

2             Delete section 24 and insert:

3

4             **24.     Borrowing and other ways of raising money**

5             (1)   In this section —

6                     *debt paper* means inscribed stock, bonds, debentures  
7                     with coupons annexed, bills of exchange, promissory  
8                     notes or bearer securities, or other similar instruments  
9                     evidencing indebtedness.

10            (2)   The University may do all or any of the following —

- 11                   (a)   borrow money;
- 12                   (b)   obtain credit;
- 13                   (c)   issue, acquire, hold or dispose of debt paper;
- 14                   (d)   create and issue capital instruments;
- 15                   (e)   arrange for financial accommodation to be  
16                       extended to the University.

17            (3)   Capital instruments created and issued by the  
18                   University under subsection (2)(d) —

- 19                   (a)   may be described in any way determined by the  
20                       University; and
- 21                   (b)   are to be created and issued on whatever terms  
22                       the University determines.

23            (4)   The University must keep whatever registers for the  
24                   purposes of this section as are prescribed by  
25                   regulations made under this Act.



**25A. Notice of borrowing**

- (1) If the University intends to borrow money and seek a guarantee under section 25B in respect of that borrowing, the University must —
- (a) give the Minister reasonable advance notice of its intention to borrow that money and to seek a guarantee; and
  - (b) notify the Minister of the outcome of the University's application to borrow that money.
- (2) A liability of the University is not unenforceable or in any way affected by the University's failure to comply with subsection (1).

**25B. Guarantees**

- (1) The Treasurer, on the Minister's recommendation, may guarantee the performance by the University in the State or elsewhere, of any financial obligation of the University.
- (2) A guarantee —
- (a) is given in the name and on behalf of the State; and
  - (b) must be in the form, and contain the terms and conditions, that the Treasurer determines; and
  - (c) without limiting paragraph (b), must be subject to the condition that the person for whose benefit the guarantee is given must not, without the consent in writing of the Treasurer, assign or encumber the benefit of the guarantee.
- (3) Before a guarantee is given, the University must —
- (a) give the Treasurer any security that the Treasurer requires; and

**s. 35**

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1                   (b) execute all instruments that are required for that  
2                   purpose.

3           (4) Payments made by the Treasurer under a guarantee are  
4           to be charged to the Consolidated Account, and this  
5           subsection appropriates that Account accordingly.

6           (5) The Treasurer must cause to be credited to the  
7           Consolidated Account any amounts received or  
8           recovered from the University or otherwise in respect  
9           of any payment made by the Treasurer under a  
10          guarantee.

11          **25C. Charges for guarantee**

12          (1) The Treasurer may, from time to time, after  
13          consultation with the University, fix charges to be paid  
14          by the University in respect of a guarantee under  
15          section 25B.

16          (2) Payments by the University in respect of charges fixed  
17          under subsection (1) —

18                  (a) must be made at the times, and in the  
19                  instalments, that the Treasurer determines and  
20                  notifies to the University; and

21                  (b) must be credited to the Consolidated Account.  
22

23          **35. Section 25 amended**

24                  In section 25 delete “of Technology”.

25          **36. Section 27 amended**

26                  Delete section 27(1) and insert:  
27

28                  (1) The Governor is the Visitor of the University, and has  
29                  the functions that Visitors usually have.  
30

1   **37.     Section 28 deleted**

2           Delete section 28.

3   **38.     Section 33 replaced**

4           Delete section 33 and insert:

5

6           **33.     Exemption from rate or tax**

7           (1) No rate may be charged or levied on any property  
8               vested in the University.

9           (2) Subsection (1) does not operate so as to exempt  
10               property that is vested in the University, if it is leased  
11               to or occupied by any person —

12               (a) for any private purpose; or

13               (b) for a commercial purpose (as defined in  
14                   section 22A) under an approval granted under  
15                   section 22I.

16           (3) The *Land Tax Assessment Act 2002* section 33 provides  
17               an exemption from land tax in respect of land owned  
18               by, vested in or held in trust for the University, in the  
19               circumstances set out in that section.

20           **34A.    Regulations**

21           (1) The Governor, on the recommendation of the Minister,  
22               may make regulations prescribing all matters that are  
23               required or permitted by this Act to be prescribed, or  
24               are necessary or convenient to be prescribed for giving  
25               effect to the purposes of this Act.

26           (2) Before making a recommendation under subsection (1),  
27               the Minister must consult with the Council.

28

**s. 39**

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1     **39.     Section 34 amended**

2         (1) In section 34(1):

3             (a) delete paragraph (d) and insert:

4

5                     (d) the staff of the University; and

6

7             (b) delete paragraph (ea);

8             (c) after paragraph (i) insert:

9

10                     (ja) an annual amenities and services fee in  
11                         accordance with section 45; and

12                     (jb) the matters required by section 46 to be defined  
13                         or prescribed by Statute; and

14

15             (d) delete paragraphs (l) and (m) and insert:

16

17                     (la) the establishment by the Council of residential  
18                         accommodation for staff of the University, or  
19                         enrolled students, or both, and the management,  
20                         control and closing of any residential  
21                         accommodation; and

22                     (l) the affiliation of residential accommodation for  
23                         staff of the University, or enrolled students, or  
24                         both, where the residential accommodation is  
25                         not under the control of the Council; and

26                     (m) the licensing and supervision of residential  
27                         accommodation for staff of the University, or  
28                         enrolled students, or both, and for the  
29                         revocation of the licensing of that  
30                         accommodation; and

31

- 1       (2) In section 34(1c) in paragraph (b) delete “\$500; and” and insert:  
2  
3               \$1 000; and  
4
- 5       (3) In section 34(1d):  
6               (a) delete “chief executive officer of the University” and  
7                       insert:  
8  
9                       Vice-Chancellor  
10
- 11               (b) delete “by-law or”;  
12               (c) delete “him” and insert:  
13  
14                       the Vice-Chancellor  
15
- 16               (d) delete “he” and insert:  
17  
18                       the Vice-Chancellor  
19
- 20       (4) In section 34(1e) delete “by-law or”.
- 21       (5) In section 34(3) delete “by-laws or” (each occurrence).
- 22       (6) In section 34(4) delete “by-law or” (each occurrence).

23       **40. Section 35 replaced**

24               Delete section 35 and insert:  
25

26               **35. Approval, publication, disallowance and proof of**  
27                       **Statutes**

- 28               (1) A Statute made by the Council —  
29                       (a) must be sealed with the common seal of the  
30                               University; and

**s. 40**

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- 1 (b) must be submitted to the Governor for  
2 approval; and
- 3 (c) if approved by the Governor, must be published  
4 in the *Gazette*; and
- 5 (d) takes effect on the later of —
- 6 (i) the day after publication in the *Gazette*;  
7 or
- 8 (ii) if a later day is specified for that  
9 purpose in the Statute, that day.
- 10 (2) The *Interpretation Act 1984* section 42 applies to a  
11 Statute approved and published under subsection (1) as  
12 if the Statute were a regulation.
- 13 (3) In any proceedings in any court or before any person  
14 acting judicially, any of the following is sufficient  
15 evidence of a Statute —
- 16 (a) a copy of the Statute under the common seal of  
17 the University;
- 18 (b) a document purporting to be a copy of the  
19 Statute and to have been printed by the  
20 Government Printer;
- 21 (c) a copy of the *Gazette* purporting to contain a  
22 copy of the Statute.
- 23 **36A. Statutes to be made readily available to public**
- 24 (1) The Council must ensure that the following are readily  
25 available to the public by whatever means the Council  
26 considers appropriate —
- 27 (a) all Statutes approved and published under  
28 section 35(1);
- 29 (b) all Statutes that are in effect immediately before  
30 the *Universities Legislation Amendment*  
31 *Act 2016* section 40 comes into operation.

- 1           (2) Publication in the *Gazette* is not sufficient compliance  
2           with subsection (1).
- 3           (3) Subsection (1) ceases to apply to a Statute once it  
4           ceases to be in effect.  
5

6   **41.       Part II heading replaced**

7           Delete the heading to Part II and insert:  
8

9   **Part 3 — Student Guild**  
10

11   **42.       Section 45 replaced**

12           Delete section 45 and insert:  
13

14   **45.       Amenities and services fee**

- 15           (1) A Statute made under section 34 may provide for an  
16           annual amenities and services fee to be payable by  
17           enrolled students, and (without limitation) for that  
18           purpose may —
- 19                   (a) prescribe the procedures to be followed in  
20                   setting that fee;
- 21                   (b) prescribe the persons by whom the fee is  
22                   payable, and exempt or provide for the  
23                   exemption of persons or classes of persons  
24                   from payment of the fee;
- 25                   (c) provide for different levels of the fee to be  
26                   payable by different classes of persons;
- 27                   (d) provide for the reduction, waiver or refund, in  
28                   whole or in part, of the fee;
- 29                   (e) prescribe how much of the total fees collected  
30                   is to be paid to the Student Guild;

**s. 43**

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- 1 (f) prescribe terms and conditions on which any  
2 amount of the total fees collected is to be paid  
3 to the Student Guild, including conditions to be  
4 met before some or all of the amount may be  
5 paid to the Student Guild;
- 6 (g) provide for the Council to decide how the  
7 amount of the total fees collected (after  
8 deducting the amount that is paid to the Student  
9 Guild) is to be spent, after consultation by the  
10 Council with the Student Guild.

11 (2) This section does not limit section 34.

12 (3) This section overrides sections 23(1)(b) and 32.  
13

14 **43. Section 46 amended**

15 (1) Delete section 46(1)(b) and insert:  
16

17 (b) processes for determining those areas.  
18

19 (2) Delete section 46(3).

20 **44. Part 4 inserted**

21 After section 46 insert:  
22

23 **Part 4 — Transitional provisions for *Universities***  
24 ***Legislation Amendment Act 2016***

25 **47. Terms used**

26 In this Part —

27 ***commencement day*** means the day on which the  
28 *Universities Legislation Amendment Act 2016* section 3  
29 comes into operation;



*former name* means —

- (a) the Western Australian Institute of Technology;  
or
- (b) the Curtin University of Technology.

**48. Transitional provisions (change of name)**

- (1) Subsection (2) applies to a reference to a former name, whether by use of that name or a similar or abbreviated form of that name —
  - (a) in a written law passed or made before commencement day; or
  - (b) in any document or other instrument made, executed, entered into or done before commencement day; or
  - (c) made before commencement day in any other manner.
- (2) A reference to a former name is to be read and construed as a reference to Curtin University, unless because of the context it would be incorrect or inappropriate to do so.
- (3) Subsection (4) applies to a reference to the Curtin University of Technology — Kalgoorlie Campus —
  - (a) in a written law passed or made before commencement day; or
  - (b) in any document or other instrument made, executed, entered into or done before commencement day; or
  - (c) made before commencement day in any other manner.
- (4) A reference to the Curtin University of Technology — Kalgoorlie Campus is to be read and construed as a reference to Curtin University — Kalgoorlie Campus, unless because of the context it would be incorrect or inappropriate to do so.

**s. 44**

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- 1           (5) On commencement day, each account established for  
2           the purposes of section 23(2) and existing immediately  
3           before commencement day is renamed the “Curtin  
4           University Account”.

5           **49. Transitional provisions (Council)**

- 6           (1) This section applies despite the amendments made to  
7           section 9, and the replacement of section 9A, by the  
8           *Universities Legislation Amendment Act 2016*  
9           sections 12 and 14.
- 10          (2) Any person who, immediately before commencement  
11          day, holds office under section 9 (as in effect  
12          immediately before commencement day) as an  
13          appointed or nominated or elected member of the  
14          Council —
- 15              (a) continues in office —
- 16                  (i) under and subject to Part I Division 2;  
17                  and  
18                  (ii) for the balance of the person’s term of  
19                  office remaining immediately before  
20                  commencement day;
- 21              but
- 22              (b) vacates office before then in the circumstances  
23              set out in section 10 as that section is in effect  
24              immediately before commencement day.
- 25          (3) For the purposes of subsection (2)(a)(ii) —
- 26              (a) any member who holds office under  
27              section 9(1)(c) or (j) (as in effect immediately  
28              before commencement day) is taken to have a  
29              term of office that expires on the 60<sup>th</sup> day after  
30              the day on which the *Universities Legislation*  
31              *Amendment Act 2016* section 12 comes into  
32              operation;

1                   (b) the member who holds office under  
2                   section 9(1)(k) (as in effect immediately before  
3                   commencement day) is taken to have a term of  
4                   office that expires on the day on which the  
5                   person would vacate office as a member of the  
6                   Council in accordance with the Statute  
7                   establishing the Academic Board of the  
8                   University.

9                   (4) If a question arises under this section as to the balance  
10                  of a person's term of office remaining immediately  
11                  before commencement day, the question is to be  
12                  determined by the Minister.

13                  **50. Transitional provisions (Kalgoorlie Campus**  
14                  **Council)**

15                  (1) This section applies despite the replacement of  
16                  section 21M by the *Universities Legislation*  
17                  *Amendment Act 2016* section 30 and the replacement of  
18                  Schedule 2 clause 2 by section 47 of that Act.

19                  (2) Any person who, immediately before commencement  
20                  day, holds office under section 21M (as in effect  
21                  immediately before commencement day) as an  
22                  appointed or elected member of the Kalgoorlie Campus  
23                  Council —

24                       (a) continues in office —

25                           (i) under and subject to Part I Division 2B  
26                           and Schedule 2; and

27                           (ii) for the balance of the person's term of  
28                           office remaining immediately before  
29                           commencement day;

30                       but

31                       (b) vacates office before then in the circumstances  
32                       set out in Schedule 2 clause 4 as that clause is  
33                       in effect immediately before commencement  
34                       day.

**51. Transitional provisions (Vice-Chancellor)**

- (1) The person who, immediately before commencement day, holds office as chief executive officer of the University under section 14 (as in effect immediately before commencement day) continues to hold office as Vice-Chancellor under section 14 (as in effect on and after commencement day).
- (2) Subsection (3) applies to a reference to the chief executive officer of the University —
- (a) in a written law passed or made before commencement day; or
  - (b) in any document or other instrument made, executed, entered into or done before commencement day; or
  - (c) made before commencement day in any other manner.
- (3) A reference to the chief executive officer of the University is to be read and construed as a reference to the Vice-Chancellor, unless because of the context it would be incorrect or inappropriate to do so.

**52. Transitional provisions (guarantees)**

A guarantee given under section 24 (as in effect immediately before commencement day) and in force immediately before commencement day continues as if it had been given under section 25B.

**53. Transitional provisions (Statutes)**

- (1) In this section —
- former section 35* means section 35 as in effect immediately before it was deleted by the *Universities Legislation Amendment Act 2016* section 40.

- 1           (2) Section 35(2) does not apply to or in relation to any  
2           Statute made and published in the *Gazette* before  
3           commencement day, and former section 35(2) and (3)  
4           apply instead as if the former section 35 had not been  
5           deleted.
- 6           (3) If a Statute has been made but not published in the  
7           *Gazette* before commencement day —
- 8               (a) section 35(2) does not apply to and in relation  
9               to that Statute; and
- 10              (b) former section 35(2) and (3) apply instead as if  
11              the former section 35 had not been deleted.
- 12

13   **45.       Schedule 1A clause 5 deleted**

14       Delete Schedule 1A clause 5.

15   **46.       Schedule 1A clause 6 amended**

16       In Schedule 1A clause 6(1) delete “or 5 or both of them do” and  
17       insert:

18

19       does

20

21       Note: The heading to amended clause 6 is to read:  
22       **Minister may declare clause 3 inapplicable**

23   **47.       Schedule 2 clauses 2 to 4 replaced**

24       Delete Schedule 2 clauses 2 to 4 and insert:

25

26       **2.       Term of office**

- 27           (1) Subject to clause 4, a member —
- 28               (a) appointed under section 21M(1)(a), (b), (c), (f), (g)  
29               or (j) holds office for the term, not exceeding

**s. 47**

---

- 1                               3 years, that is specified in the instrument of their  
2                               appointment;
- 3                               (b)   appointed under section 21M(1)(h) holds office for  
4                               the term, not exceeding 1 year, that is specified in  
5                               the instrument of their appointment.
- 6                               (2)   All retiring members are, unless otherwise disqualified,  
7                               eligible for reappointment, but on the expiry of a third  
8                               successive term of office that member is not eligible to hold  
9                               office as a member until 12 months after that expiry.
- 10                              (3)   However, a member appointed under section 21M(1)(h)  
11                              may be reappointed once, but only once, on the expiry of  
12                              their term, if they continue to be qualified under  
13                              section 21M(1)(h).
- 14                              **3.       Casual vacancies**
- 15                              If a casual vacancy occurs in the office of a member, the  
16                              vacancy is to be filled in the same manner as if that  
17                              member's term of office had expired.
- 18                              **4.       Vacation of office**
- 19                              The office of a member becomes vacant if the member —
- 20                              (a)   resigns the office by written notice addressed to the  
21                              Minister; or
- 22                              (b)   is, according to the *Interpretation Act 1984*  
23                              section 13D, a bankrupt or a person whose affairs  
24                              are under insolvency laws; or
- 25                              (c)   is removed from office by the Minister on the  
26                              grounds of neglect of duty, misbehaviour,  
27                              incompetence or mental or physical incapacity  
28                              impairing the performance of the member's  
29                              functions and proved to the satisfaction of the  
30                              Minister; or
- 31                              (d)   in the case of a member appointed under  
32                              section 21M(1)(a), ceases to be a member of the  
33                              Council; or

- 1                   (e)   in the case of a member appointed under
- 2                         section 21M(1)(f), ceases to be a member of the
- 3                         higher education academic staff of the Kalgoorlie
- 4                         Campus; or
- 5                   (f)   in the case of a member appointed under
- 6                         section 21M(1)(g), ceases to be a member of the
- 7                         general staff (other than the academic staff) of the
- 8                         Kalgoorlie Campus; or
- 9                   (g)   in the case of a member appointed under
- 10                        section 21M(1)(h), ceases to be an enrolled student
- 11                        of the Kalgoorlie Campus.
- 12

1       **Part 3 — *Edith Cowan University Act 1984* amended**

2       **48.       Act amended**

3               This Part amends the *Edith Cowan University Act 1984*.

4       **49.       Long title amended**

5               In the long title delete “**the**”.

6       **50.       Section 3 amended**

7               (1) In section 3(1) delete the definitions of:

8                       ***Board of the Academy***

9                       ***chief executive officer***

10              (2) In section 3(1) insert in alphabetical order:

11

12                       ***Advisory Board*** means —

13                               (a) the ECU South West Campus (Bunbury)

14                                       Advisory Board referred to in section 20(1); or

15                               (b) the Advisory Board of the Academy referred to

16                                       in section 25(1);

17                       ***casual vacancy*** means a vacancy arising in the office

18                               of a member of the Council otherwise than by reason

19                               of the effluxion of time;

20                       ***Deputy Chancellor*** means the Deputy Chancellor of

21                               the University;

22                       ***residential accommodation*** —

23                               (a) means any form of accommodation (including,

24                                       without limitation, a residential college, hostel,

25                                       hall of residence or form of independent

26                                       living); and

27                               (b) includes facilities that are —

28                                       (i) ancillary to residential accommodation;

29                                       and



- 1 (ii) primarily for the use of members of the  
2 staff, or enrolled students, or both;

3 ***Vice-Chancellor*** means the Vice-Chancellor of the  
4 University.  
5

- 6 (3) In section 3(1) in the definition of ***member of staff*** delete “the  
7 chief executive officer,” and insert:

8  
9 the Vice-Chancellor,  
10

- 11 (4) In section 3(1) in the definition of ***prescribed*** delete “by-law  
12 or”.

- 13 (5) In section 3(1) in the definition of ***University***:

14 (a) delete “the”;

15 (b) delete “Act.” and insert:

16  
17 Act;  
18

19 **51. Part II heading amended**

20 In the heading to Part II delete “**The**”.

21 **52. Section 4 amended**

- 22 (1) In section 4(1) delete “called the” and insert:

23  
24 called  
25

- 26 (2) In section 4(2) delete “the Edith” and insert:

27  
28 Edith  
29

**s. 53**

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1       (3) In section 4(2) after paragraph (a) insert:

2

3               or

4

5       **53. Section 5 amended**

6       (1) In section 5(2):

7               (a) in paragraph (ea) delete “Governor;” and insert:

8

9                       Minister; and

10

11               (b) after paragraph (ea) insert:

12

13                       (eb) may enter into business arrangements; and

14

15       (2) In section 5(2) after each of paragraphs (a) to (e) insert:

16

17               and

18

19       **54. Section 7 replaced**

20               Delete section 7 and insert:

21

22       **7. Functions of the University**

23       (1) The functions of the University include the  
24               following —

25               (a) to provide, on a full-time or part-time basis,  
26                       courses of study appropriate to a university, and  
27                       other tertiary courses;

28               (b) to encourage and participate in the development  
29                       and improvement of tertiary education;

- 1 (c) to provide other courses of study approved by  
2 the Council;
- 3 (d) to undertake, aid or support scholarship, pure  
4 and applied research, invention, innovation,  
5 education and consultancy, and to apply those  
6 matters to the advancement and application of  
7 knowledge —
- 8 (i) to the benefit of industry, business and  
9 government; and
- 10 (ii) to the benefit and wellbeing of the  
11 Western Australian, Australian and  
12 international communities;
- 13 (e) to commercially develop or commercially use,  
14 for the University's benefit, any facility,  
15 resource or property (real or personal) of the  
16 University or in which the University has a  
17 right or interest (including, for example, study,  
18 research, knowledge and intellectual property  
19 and the practical application of study, research,  
20 knowledge and intellectual property), whether  
21 alone or with others;
- 22 (f) to generate revenue for the purposes of funding  
23 the carrying out of its functions;
- 24 (g) to foster the general welfare and development  
25 of all enrolled students;
- 26 (h) to promote and encourage collaboration and  
27 consultation between the University and other  
28 institutions and authorities to ensure the  
29 greatest effectiveness and economy in  
30 expenditure and the most beneficial relationship  
31 between the University and other educational  
32 institutions within and outside the State;

**s. 55**

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- 1 (i) to serve the Western Australian, Australian and  
2 international communities and the public  
3 interest by —  
4 (i) enriching cultural and community life;  
5 and  
6 (ii) raising public awareness of  
7 international, scientific and artistic  
8 developments; and  
9 (iii) promoting critical and free enquiry,  
10 informed intellectual discussion and  
11 public debate within the University and  
12 in the wider society;  
13 (j) to provide whatever facilities relating to its  
14 functions the Council thinks necessary or  
15 conducive to their attainment.  
16 (2) The University has all the powers, rights and privileges  
17 it reasonably needs to enable it to carry out its  
18 functions.  
19 (3) The University may carry out its functions and exercise  
20 its powers, including the power to enter into business  
21 arrangements, within or outside the State.  
22

23 **55. Section 9 amended**

- 24 (1) Delete section 9(1) and (2) and insert:  
25  
26 (1) The Council consists of the following members —  
27 (a) 3 persons appointed by the Governor on the  
28 recommendation of the Minister;  
29 (b) the person for the time being the chairperson of  
30 the Academic Board;  
31 (c) the Vice-Chancellor;

- 1                   (d) one person who is a member of the academic  
2                   staff of the University and who is elected by the  
3                   academic staff of the University in the manner  
4                   prescribed by Statute;
- 5                   (e) one person who is a member of the  
6                   non-academic salaried staff of the University,  
7                   and who is elected by the non-academic  
8                   salaried staff of the University in the manner  
9                   prescribed by Statute;
- 10                  (f) 2 persons who are enrolled students —
- 11                      (i) one of whom is an undergraduate  
12                      student and who is elected by the  
13                      undergraduate students in the manner  
14                      prescribed by Statute; and
- 15                      (ii) one of whom is a postgraduate student  
16                      and who is elected by the postgraduate  
17                      students in the manner prescribed by  
18                      Statute;
- 19                  (g) 2 persons who are Alumni of the University  
20                      and who are elected by the Alumni of the  
21                      University in the manner prescribed by Statute;
- 22                  (h) not more than 5 persons appointed from time to  
23                      time by co-option by the Council;
- 24                  (i) if they are not already a member under  
25                      paragraphs (a) to (h), the Chancellor.
- 26                  (2) The fact that a person holds an elective office (for  
27                      example, an elective office of the Student Guild) does  
28                      not disqualify that person being appointed or holding  
29                      office under subsection (1).  
30

**s. 56**

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1       (2) In section 9(3) delete “subsection (1)(a), (aa) or (i) —” and  
2       insert:

3

4       subsection (1)(a) or (h) —

5

6       (3) In section 9(4) delete “subsection (1)(e) —” and insert:

7

8       subsection (1)(f) —

9

10      (4) In section 9(5) delete “subsection (1)(f) —” and insert:

11

12      subsection (1)(g) —

13

14      **56. Section 10 replaced**

15           Delete section 10 and insert:

16

17           **9A. Nominations Committee**

18           (1) The Council must establish and maintain a committee  
19           of the Council called the Nominations Committee.

20           (2) The Nominations Committee is to consist of not more  
21           than 6 members of the Council appointed by the  
22           Council.

23           (3) The following members are not eligible to be appointed  
24           to the Nominations Committee —

25               (a) the Vice-Chancellor;

26               (b) the chairperson of the Academic Board;

27               (c) the member referred to in section 9(1)(d);

28               (d) the member referred to in section 9(1)(e);

29               (e) the members referred to in section 9(1)(f);

- 1                   (f) the members referred to in section 9(1)(g).
- 2           (4) The functions of the Nominations Committee are —
- 3                   (a) to maintain lists of persons who are eligible and
- 4                               willing to be appointed to any vacancy or
- 5                               casual vacancy in the office of —
- 6                               (i) any member of the Council who is
- 7                                       appointed by the Governor or the
- 8                                       Council; or
- 9                               (ii) any member of an Advisory Board who
- 10                                       is appointed by the Council;
- 11                   (b) to recommend to the Minister suitable
- 12                               candidates to a vacancy or casual vacancy in
- 13                               the office of any member who is appointed
- 14                               under section 9(1)(a);
- 15                   (c) to recommend to the Council suitable
- 16                               candidates for appointment by co-option under
- 17                               section 9(1)(h).
- 18           (5) The fact that the Nominations Committee or the
- 19                       Council has not recommended a person for
- 20                       appointment under section 9(1) does not prevent the
- 21                       person from being appointed or holding office under
- 22                       section 9(1).
- 23           (6) The Nominations Committee may regulate its own
- 24                       procedure, but it must comply with any direction given
- 25                       by Council.

26       **10. Term of office**

- 27           (1) Subject to section 11 —
- 28                   (a) a member appointed under section 9(1)(a) or
- 29                               (h) holds office for a period of 3 years,
- 30                               commencing on the day of their appointment,
- 31                               unless a shorter term of office is specified
- 32                               under subsection (4);

**s. 56**

---

- 1 (b) a member elected under section 9(1)(d), (e) or  
2 (g) holds office for a period of 3 years,  
3 commencing on the day their election takes  
4 effect, unless a shorter term of office is  
5 specified under subsection (5);
- 6 (c) a member elected under section 9(1)(f) holds  
7 office for a period of one year commencing on  
8 the day their election takes effect, unless a  
9 shorter term of office is specified under  
10 subsection (5).
- 11 (2) All retiring members are, unless otherwise disqualified,  
12 eligible for reappointment or re-election.
- 13 (3) However —
- 14 (a) a member elected under section 9(1)(f) is not  
15 eligible for re-election more than once;
- 16 (b) a member other than a member elected under  
17 section 9(1)(f) is not eligible to be reappointed  
18 or re-elected on the expiry of a third successive  
19 term of office until 12 months have elapsed  
20 after that expiry;
- 21 (c) a member who is removed from office by the  
22 Council under section 11A is not eligible to be  
23 a member again until 5 years have elapsed  
24 since the removal.
- 25 (4) The Governor or the Council may, when appointing a  
26 person as a member, specify a shorter term of office  
27 where an appointment for a shorter term is desirable to  
28 ensure that —
- 29 (a) the terms of office of members expire at  
30 intervals that will produce reasonable  
31 continuity of membership; or
- 32 (b) the terms of office expire on dates that afford  
33 the convenience of uniformity.



- 1           (5) The Council may, before an election is held for the  
2           purposes of section 9(1), specify that the election of a  
3           person is for a shorter term of office where election for  
4           a shorter term is desirable for a reason referred to in  
5           subsection (4).  
6

7   **57.       Section 11 replaced**

8           Delete section 11 and insert:  
9

10   **11.       Vacation of office**

11           The office of a member becomes vacant if —

- 12           (a) the member resigns their office by written  
13           notice given to the Minister; or  
14           (b) the member is a person in respect of whom an  
15           administration order is in force under the  
16           *Guardianship and Administration Act 1990*  
17           Part 6; or  
18           (c) the member is, according to the *Interpretation*  
19           *Act 1984* section 13D, a bankrupt or a person  
20           whose affairs are under insolvency laws; or  
21           (d) the member is convicted of an indictable  
22           offence; or  
23           (e) the member is removed from office by the  
24           Council under section 11A; or  
25           (f) the member is, or becomes, disqualified from  
26           managing corporations under the *Corporations*  
27           *Act 2001* (Commonwealth) Part 2D.6; or  
28           (g) the member is absent without leave of the  
29           Council from 3 consecutive meetings of the  
30           Council; or  
31           (h) the member ceases to hold any qualification  
32           required for becoming or being a member; or

**s. 58**

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1 (i) the member dies.  
2

3 **58. Section 11A amended**

4 In section 11A(3) delete “2/3” and insert:  
5

6 two-thirds  
7

8 **59. Section 11B inserted**

9 After section 11A insert:  
10

11 **11B. Casual vacancies**

12 If a casual vacancy occurs in the office of a member,  
13 the vacancy is to be filled in the same way as if that  
14 member’s term of office had expired.  
15

16 **60. Section 12 amended**

17 (1) In section 12(1)(b), (2) and (4) delete “Pro-Chancellor” (each  
18 occurrence) and insert:  
19

20 Deputy Chancellor  
21

22 (2) In section 12(6) delete “4 members.” and insert:  
23

24 3 members.  
25

1     **61.     Section 15A inserted**

2             After section 14 insert:

3

4             **15A.     Remuneration and allowances for Council members**

5             (1)   A member of the Council is entitled to be paid the  
6                   remuneration (if any) and allowances (if any)  
7                   determined by the Salaries and Allowances Tribunal  
8                   under the *Salaries and Allowances Act 1975*.

9             (2)   Any remuneration and allowances payable are to be  
10                  paid out of the funds available to the Council under  
11                  section 36.

12

13     **62.     Section 15 amended**

14             (1)   In section 15(1) delete “this power of delegation and”.

15             (2)   Delete section 15(2) and (3) and insert:

16

17             (2)   The Council may by resolution revoke a delegation  
18                   given under this section.

19             (3)   A resolution delegating a power, authority, duty or  
20                   function may authorise the delegate to further delegate  
21                   the delegated power, authority, duty or function to a  
22                   person or body.

23             (4)   A subdelegation under this section must be in writing.

24             (5)   The *Interpretation Act 1984* sections 58 and 59 apply  
25                   to and in relation to a subdelegation under this section  
26                   in the same way that they apply to and in relation to a  
27                   delegation given under this section.

28

**s. 63**

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1     **63.     Section 17 amended**

2         (1) In section 17(1):

3             (a) in paragraph (c) delete “university” and insert:

4

5                     university, or other tertiary courses,

6

7             (b) after paragraph (e) insert:

8

9                     (fa) may provide residential accommodation for  
10                         members of staff, or enrolled students, or both;  
11                         and  
12

13         (2) In section 17(1) after each of paragraphs (a) to (d) insert:

14

15             and

16

17     **64.     Section 20 amended**

18         Delete section 20(2) and (3) and insert:

19

20         (2) The Council may make Statutes —

21             (a) prescribing the method of the appointment and  
22                 selection of the members of the ECU South  
23                 West Campus (Bunbury) Advisory Board by  
24                 the Council;

25             (b) prescribing the terms of office of the members  
26                 of the ECU South West Campus (Bunbury)  
27                 Advisory Board;

28             (c) prescribing the circumstances in which an  
29                 office of member of the ECU South West  
30                 Campus (Bunbury) Advisory Board becomes  
31                 vacant;

- 1                   (d) providing for meetings of the ECU South West  
2                   Campus (Bunbury) Advisory Board;
- 3                   (e) providing for any other matters necessary or  
4                   desirable to ensure the effective exercise of the  
5                   functions of the ECU South West Campus  
6                   (Bunbury) Advisory Board.
- 7           (3) The functions of the ECU South West Campus  
8           (Bunbury) Advisory Board are —
- 9                   (a) to provide the Council with strategic advice in  
10                  relation to the ECU South West Campus  
11                  (Bunbury) and education matters relevant to the  
12                  south-west region of the State; and
- 13                  (b) any other functions relating to the ECU South  
14                  West Campus (Bunbury) and education matters  
15                  relevant to the south-west region of the State  
16                  determined by the Council.
- 17

18   **65.       Section 24 amended**

19       Delete section 24(2) and (3) and insert:

20

- 21           (2) The Council may make Statutes providing for the  
22           control and management of the affairs and concerns of  
23           the Academy.
- 24

25   **66.       Sections 25 and 25A inserted**

26       After section 24 insert:

27

28       **25.       Advisory Board of Academy**

- 29           (1) There is to be an Advisory Board of the Academy.

**s. 66**

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- 1           (2) Without limiting section 24(2), the Council may make  
2           Statutes —
- 3               (a) prescribing the method of the appointment and  
4               selection of the members of the Advisory Board  
5               of the Academy by the Council;
- 6               (b) prescribing the terms of office of the members  
7               of the Advisory Board of the Academy;
- 8               (c) prescribing the circumstances in which an  
9               office of member of the Advisory Board of the  
10              Academy becomes vacant;
- 11              (d) providing for meetings of the Advisory Board  
12              of the Academy;
- 13              (e) providing for any other matters necessary or  
14              desirable to ensure the effective exercise of the  
15              functions of the Advisory Board of the  
16              Academy.
- 17           (3) The functions of the Advisory Board of the Academy  
18           are —
- 19               (a) to provide the Council with strategic advice in  
20               relation to the Academy; and
- 21               (b) any other functions relating to the Academy  
22               determined by the Council.
- 23           (4) The Advisory Board of the Academy is subject to the  
24           direction and control of the Council.
- 25           **25A. Remuneration and allowances for Advisory Board**  
26           **members**
- 27           (1) A member of an Advisory Board is entitled to be paid  
28           the remuneration (if any) and allowances (if any)  
29           determined by the Salaries and Allowances Tribunal  
30           under the *Salaries and Allowances Act 1975*.

- 1           (2) Any remuneration and allowances payable are to be  
2           paid out of the funds available to the Council under  
3           section 36.  
4

5   **67.     Section 26 amended**

- 6       (1) In section 26(1):  
7           (a) after paragraph (i) insert:  
8  
9               (ja) an annual amenities and services fee in  
10              accordance with section 41A; and  
11              (jb) the matters required by section 41B to be  
12              defined or prescribed by Statute; and  
13  
14       (b) delete paragraphs (l) and (m) and insert:  
15  
16               (l) the establishment by the Council of residential  
17              accommodation for members of the staff, or  
18              enrolled students, or both, and the management,  
19              control and closing of any residential  
20              accommodation; and  
21               (m) the affiliation of residential accommodation for  
22              members of the staff, or enrolled students, or  
23              both, where the residential accommodation is  
24              not under the control of the Council; and  
25               (na) the licensing and supervision of residential  
26              accommodation for members of the staff, or  
27              enrolled students, or both, and for the  
28              revocation of the licensing of that  
29              accommodation; and  
30

**s. 67**

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- 1       (2) In section 26(3):
- 2               (a) in paragraph (b) delete “\$250;” and insert:
- 3
- 4                       \$1 000; and
- 5
- 6               (b) in paragraph (d) delete “\$500” and insert:
- 7
- 8                       \$1 000
- 9
- 10       (3) Delete section 26(4) and insert:
- 11
- 12               (4) Without limiting section 30(4), the Vice-Chancellor
- 13               may delegate to any person, class of persons or body of
- 14               persons any of the following powers conferred on the
- 15               Vice-Chancellor under a Statute —
- 16                       (a) a disciplinary power;
- 17                       (b) a power to hear and determine appeals from
- 18                       decisions made in the exercise or purported
- 19                       exercise of disciplinary powers;
- 20                       (c) a power to award or fix costs.
- 21
- 22       (4) In section 26(5) delete “by-law or”.
- 23       (5) In section 26(7) delete “by-laws or” (each occurrence).
- 24       (6) In section 26(8) delete “by-law or” (each occurrence).
- 25       (7) In section 26 after each of subsections (1)(a) to (i), (j) and (k)
- 26       and (3)(a) and (c) to (h) insert:
- 27
- 28               and
- 29



1     **68.     Section 27 replaced**

2             Delete section 27 and insert:

3

4             **27.     Approval, publication, disallowance and proof of**  
5             **Statutes**

- 6             (1) A Statute made by the Council —
- 7                 (a) must be sealed with the common seal of the
- 8                 University; and
- 9                 (b) must be submitted to the Governor for
- 10                approval; and
- 11                (c) if approved by the Governor, must be published
- 12                in the *Gazette*; and
- 13                (d) takes effect on the later of —
- 14                     (i) the day after publication in the *Gazette*;
- 15                     or
- 16                     (ii) if a later day is specified for that
- 17                     purpose in the Statute, that day.
- 18             (2) The *Interpretation Act 1984* section 42 applies to a
- 19             Statute approved and published under subsection (1) as
- 20             if the Statute were a regulation.
- 21             (3) In any proceedings in any court or before any person
- 22             acting judicially, any of the following is sufficient
- 23             evidence of a Statute —
- 24                 (a) a copy of the Statute under the common seal of
- 25                 the University;
- 26                 (b) a document purporting to be a copy of the
- 27                 Statute and to have been printed by the
- 28                 Government Printer;
- 29                 (c) a copy of the *Gazette* purporting to contain a
- 30                 copy of the Statute.

- 1           **28A. Statutes to be made readily available to public**
- 2           (1) The Council must ensure that the following are readily
- 3                 available to the public by whatever means the Council
- 4                 considers appropriate —
- 5                 (a) all Statutes approved and published under
- 6                         section 27(1);
- 7                 (b) all Statutes that are in effect immediately before
- 8                         the *Universities Legislation Amendment*
- 9                         *Act 2016* section 68 comes into operation.
- 10          (2) Publication in the *Gazette* is not sufficient compliance
- 11                 with subsection (1).
- 12          (3) Subsection (1) ceases to apply to a Statute once it
- 13                 ceases to be in effect.
- 14
- 15   **69. Part VI Division 1 heading inserted**
- 16                 At the beginning of Part VI insert:
- 17
- 18                 **Division 1 — Vesting of land in University and by-laws**
- 19                         **applicable to University lands**
- 20
- 21   **70. Section 28 amended**
- 22          (1) In section 28(1) before “management” insert:
- 23
- 24                 care,
- 25
- 26          (2) Delete section 28(3) and (4) and insert:
- 27
- 28          (3) Where any land in the care, management and control
- 29                 of, or vested in, the University under this Act is no
- 30                 longer required for the purposes of this Act, the

- 1 Governor, by Order in Council, may revest it in the  
2 State.
- 3 (4) The restrictions imposed by section 5(2)(ea) do not  
4 apply to the lease of any part of the land referred to in  
5 section 5(2)(ea) if the purpose of the lease is the  
6 provision of residential accommodation in accordance  
7 with section 17(1)(fa).  
8

9 **71. Section 29 amended**

- 10 (1) Before section 29(1) insert:  
11
- 12 (1A) In this section —  
13 **authorised person** means —  
14 (a) a police officer; or  
15 (b) a person authorised under subsection (1B) to be  
16 an authorised person for the purposes of the  
17 subsection in which the term is used;
- 18 **contractor** means —  
19 (a) an individual who works under a contract for  
20 services for the University; or  
21 (b) an employee of a body that provides services to  
22 the University under a contract.
- 23 (1B) The Vice-Chancellor may, in writing —  
24 (a) designate a member of the staff of the  
25 University to be an authorised person for the  
26 purposes of either or both of subsection (3)(k)  
27 or (7A); and  
28 (b) authorise a contractor to be an authorised  
29 person for the purposes of either or both of  
30 subsection (3)(k) or (7A); and

**s. 71**

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- 1 (c) revoke a designation or authorisation made  
2 under this subsection.
- 3 (1C) A designation or authorisation of a person under  
4 subsection (1B) ceases to have effect if —
- 5 (a) the designation or authorisation is revoked; or  
6 (b) the person ceases to be a member of the staff of  
7 the University or a contractor.  
8
- 9 (2) Delete section 29(2)(a) and insert:  
10
- 11 (a) declare any land vested in, held by, leased to or  
12 under the care, management and control of the  
13 University to be University lands; or  
14
- 15 (3) In section 29(3):
- 16 (a) in paragraph (d) delete “member of the Police Force,”  
17 and insert:  
18  
19 police officer,  
20
- 21 (b) in paragraph (k) delete “his” and insert:  
22  
23 the authorised person’s  
24
- 25 (c) in paragraph (l) delete “he” and insert:  
26  
27 the person  
28
- 29 (d) in paragraph (m) delete “member of the Police Force”  
30 (each occurrence) and insert:  
31  
32 police officer  
33

- 1                   (e) in paragraph (n) delete “his” and insert:  
2  
3                   the person’s  
4  
5                   (f) in paragraph (n) delete “member of the Police Force,”  
6                   and insert:  
7  
8                   police officer,  
9  
10               (4) Delete section 29(4).  
11               (5) Delete section 29(6) and insert:  
12  
13                   (6) A by-law may impose a penalty of a fine not exceeding  
14                   \$1 000 for a breach of the by-law.  
15               (7A) Proceedings for the breach of a by-law may be taken  
16                   by an authorised person in the name of the authorised  
17                   person.  
18  
19               (6) In section 29(9) delete “Statutes, by-laws” and insert:  
20  
21                   Statutes  
22  
23               (7) After section 29(9) insert:  
24  
25                   (10) By-laws made under this section apply to and in  
26                   respect of University lands that are leased (whether  
27                   under an approval given under section 30I or  
28                   otherwise) except to the extent that the application of  
29                   the by-laws, or any provision of a by-law, to the leased  
30                   lands is expressly excluded by the lease.  
31

**s. 72**

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1       (8) In section 29(3) after each of paragraphs (a) to (m) insert:

2

3               and

4

5       **72. Part VI Division 2 inserted**

6               At the end of Part VI insert:

7

8                       **Division 2 — Leasing University land for commercial**  
9                                       **purposes**

10                                       **Subdivision 1 — Preliminary**

11       **30A. Terms used**

12               In this Division —

13               *advance determination* means an advance  
14               determination granted under section 30H;

15               *approval* means an approval granted under section 30I;

16               *commercial arrangement* means any of the  
17               following —

18                       (a) a company;

19                       (b) a partnership;

20                       (c) a trust;

21                       (d) a joint venture;

22                       (e) an arrangement for sharing profits;

23                       (f) an arrangement for sponsorship;

24               *commercial purpose* means obtaining income for the  
25               University through the leasing of University land, if the  
26               land is not leased for the purposes of the University or  
27               a purpose that is incidental to the purposes of the  
28               University;

29               *lease* includes sublease;

*limited company* has the meaning given in the  
*Corporations Act 2001* (Commonwealth) section 9;

*participate* includes form, promote, establish, enter  
into, manage, dissolve and wind-up;

*participate in a commercial arrangement* includes —

- (a) acquire, hold and dispose of shares, units or  
other interests in, or relating to, a commercial  
arrangement; and
- (b) exercise any right conferred on the University  
to appoint a director of, or hold office in, a  
commercial arrangement; and
- (c) do anything incidental to participating in a  
commercial arrangement;

*payment agreement* means an agreement made under  
section 30L;

*University land* means land vested in the University  
under section 28;

*university development proposal* means a proposal in  
respect of which the University intends to seek an  
approval under section 30I to do either or both of the  
things set out in section 30D(1).

**30B. Object of this Division**

The object of this Division is to enable the University  
to seek and obtain the Minister's approval to lease  
University land for purposes that would not otherwise  
be authorised by this Act.

**30C. Effect of Division on University functions, powers  
and obligations**

- (1) This Division does not limit —
  - (a) sections 5 and 7; or

**s. 72**

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- 1                   (b) any function, power, right, privilege, immunity  
2                   or obligation of the University under —
- 3                   (i) this Act, another written law or a law of  
4                   the Commonwealth or of another State  
5                   or a Territory; or
- 6                   (ii) the principles and rules of common law  
7                   and equity to the extent that they have  
8                   effect in this State from time to time.
- 9                   (2) Nothing in this Division is to be taken to impose any  
10                  requirement on the University to seek or obtain the  
11                  Minister's approval to lease any University land.
- 12                  (3) Nothing in this Division affects the University's  
13                  obligation under section 5(2)(ea) to obtain the  
14                  Minister's approval to the grant of a lease for a term  
15                  that exceeds 21 years.

16                   **Subdivision 2 — Power to lease University land for**  
17                   **commercial purposes**

18                   **30D. University may lease University land for**  
19                   **commercial purposes with Ministerial approval**

- 20                  (1) With the approval of the Minister, the University  
21                  can —
- 22                   (a) enter into a transaction that has a commercial  
23                   purpose; or
- 24                   (b) participate, in the State or elsewhere, in any  
25                   commercial arrangement that has a commercial  
26                   purpose.
- 27                  (2) An approval can authorise the University to enter into a  
28                  transaction, or participate in a commercial  
29                  arrangement, either —
- 30                   (a) directly; or



- 1                   (b) through a wholly-owned subsidiary (as defined  
2                   in the *Corporations Act 2001* (Commonwealth)  
3                   section 9) of the University.
- 4           (3) An approval to lease University land can be granted on  
5           the basis that subleases of that land (whether all  
6           subleases, or only subleases of a particular class or  
7           granted in particular circumstances) can be granted  
8           without the need to seek or obtain an approval to the  
9           granting of those subleases.
- 10          (4) Subsection (3) is subject to any conditions attached to  
11          the approval.
- 12          (5) An approval —
- 13               (a) confers power, for the purposes of this Act, on  
14               the University to do the thing authorised by the  
15               approval; but
- 16               (b) does not exempt the University or any other  
17               person from compliance with, or authorise the  
18               University or any other person to do or omit to  
19               do anything contrary to —
- 20                       (i) any other written law or any law of the  
21                       Commonwealth or of another State or a  
22                       Territory; or
- 23                       (ii) any obligation of the University or any  
24                       other person, however that obligation  
25                       arises.

26       **30E. Effect of approval to lease University land**

- 27           (1) To the extent that an approval authorises the University  
28           to lease University land, land leased in accordance with  
29           the approval is to be taken to be used for the purposes  
30           of the University or for purposes incidental to the  
31           purposes of the University for the purposes of —
- 32               (a) compliance with any conditions, restrictions or  
33               limitations (however arising) attaching to the

**s. 72**

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- 1 vesting of that land in the University or the  
2 holding, care, control or management, by the  
3 University, of that land; and
- 4 (b) any provision of any written law that specifies  
5 that something is to happen or not to happen, or  
6 provides for some other consequence, if that  
7 land is not used, or ceases to be used, for the  
8 purposes of the University or for purposes  
9 incidental to the purposes of the University.
- 10 (2) The *Land Tax Assessment Act 2002* section 33  
11 overrides this section.
- 12 **30F. Approval in principle of university development**  
13 **proposal**
- 14 (1) The University may apply to the Minister for the  
15 approval in principle of a university development  
16 proposal.
- 17 (2) The university development proposal submitted for  
18 approval in principle must describe what the University  
19 intends to seek an approval under section 30I for,  
20 including —
- 21 (a) details of the University land that is to be  
22 leased; and
- 23 (b) the purpose for which the land is to be leased.
- 24 (3) If the University applies for an approval in principle —
- 25 (a) the application must be made in the manner and  
26 form, and contain the information, that the  
27 Minister requires; and
- 28 (b) the Minister may request the University to  
29 provide any additional information that the  
30 Minister considers necessary for the proper  
31 consideration of the application; and

- 1                   (c) the Minister may grant or refuse to grant the  
2                   approval in principle.
- 3           (4) The Minister must —
- 4                   (a) notify the University in writing of the  
5                   Minister's decision on the application; and
- 6                   (b) if the decision is to refuse to grant the approval  
7                   in principle, include in that notification the  
8                   reasons for the refusal.

9           **30G. Application for advance determination of approval**

- 10           (1) The University may apply to the Minister for a  
11           determination that, if an application is made for an  
12           approval under section 30I in relation to a university  
13           development proposal, the approval will be granted.
- 14           (2) In order to apply for an advance determination, it is not  
15           necessary that the University has applied for or  
16           obtained an approval in principle under section 30F in  
17           relation to the university development proposal.
- 18           (3) The university development proposal submitted for  
19           advance determination must describe the transaction or  
20           commercial arrangement for which the University  
21           intends to seek an approval under section 30I,  
22           including —
- 23                   (a) details of the University land that is to be  
24                   leased; and
- 25                   (b) the purpose for which the land is to be leased;  
26                   and
- 27                   (c) the financial details of the proposal, including  
28                   the amount of the investment to be made by the  
29                   University, the proposed lessee and any other  
30                   parties involved.
- 31           (4) If approval in principle was previously obtained under  
32           section 30F in relation to the proposal, the application

**s. 72**

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- 1                   for the advance determination must identify any  
2                   material difference between the proposal approved in  
3                   principle and the proposal submitted for advance  
4                   determination.
- 5           (5) If the University applies for an advance  
6           determination —
- 7               (a) the application —
- 8                   (i) must be made in the manner and form,  
9                   and contain the information, that the  
10                  Minister requires; and
- 11                  (ii) if required by the Minister, must be  
12                  accompanied by a payment agreement;
- 13                  and
- 14               (b) the Minister may request the University to  
15                  provide any additional information that the  
16                  Minister considers necessary for the proper  
17                  consideration of the application.
- 18           **30H. Advance determination of approval**
- 19           (1) If the University applies under section 30G for an  
20           advance determination in relation to a university  
21           development proposal, the Minister may grant or refuse  
22           to grant the advance determination.
- 23           (2) The Minister must grant the advance determination  
24           if —
- 25               (a) approval in principle was previously obtained  
26                  under section 30F in relation to the proposal;  
27                  and
- 28               (b) the Minister is satisfied that, in respect of the  
29                  matters referred to in section 30F(2)(a) and (b),  
30                  there is no material difference between the  
31                  proposal approved in principle and the proposal  
32                  submitted for advance determination; and

- 1                   (c) the Minister is satisfied with the application  
2                   submitted in relation to the proposal.
- 3           (3) The Minister must —
- 4                   (a) notify the University in writing of the  
5                   Minister's decision on the application; and
- 6                   (b) if the decision is to refuse to grant the advance  
7                   determination, include in that notification the  
8                   reasons for the refusal.
- 9           (4) In granting an advance determination, the Minister may  
10           specify a time after which the advance determination  
11           lapses.
- 12           (5) Before the advance determination lapses, the Minister  
13           may, at the request of the University, by notice in  
14           writing to the University, extend the period for which  
15           the advance determination is to be in force.

16           **30I. Approvals**

- 17           (1) The University may apply to the Minister for approval  
18           to do either or both of the things set out in  
19           section 30D(1).
- 20           (2) If the University applies for an approval —
- 21                   (a) the application —
- 22                           (i) must be made in the manner and form,  
23                           and contain the information, that the  
24                           Minister requires; and
- 25                           (ii) if required by the Minister, must be  
26                           accompanied by a payment agreement;
- 27                   and
- 28                   (b) the Minister may request the University to  
29                   provide any additional information that the  
30                   Minister considers necessary for the proper  
31                   consideration of the application.

**s. 72**

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- 1           (3) In order to apply for an approval, it is not necessary  
2           that the University has applied for or obtained an  
3           approval in principle under section 30F, or an advance  
4           determination, in relation to the matter for which the  
5           approval is sought.
- 6           (4) The Minister may grant or refuse to grant the approval.
- 7           (5) However, the Minister must grant the approval if the  
8           Minister is satisfied that —
- 9               (a) an advance determination granted under  
10              section 30H is in force in respect of the matter  
11              for which the approval is sought; and
- 12              (b) there is no material deviation from the  
13              application for the advance determination.
- 14           (6) For the purposes of subsection (5)(b), there is a  
15           material deviation from the application for the advance  
16           determination if any of the following changes have  
17           occurred —
- 18               (a) the total area of University land that is to be  
19              leased has increased by 20% or more;
- 20              (b) the amount of the investment to be made by the  
21              University has increased or decreased by 20%  
22              or more.

23           **30J. Notification of decision on application for approval**

- 24           (1) The Minister must —
- 25               (a) notify the University in writing of the  
26              Minister's decision on an application for an  
27              approval; and
- 28              (b) if the decision is to refuse to grant the approval,  
29              include in that notification the reasons for the  
30              refusal.
- 31           (2) The Minister may attach conditions to an approval and  
32           those conditions must be specified in the approval.

**30K. Alteration of approval**

- (1) The Minister may, at the request of the University, vary or revoke the conditions attached to an approval or attach new or additional conditions.
- (2) The Minister cannot make changes to the terms of an approval under subsection (1) unless the University agrees to the changes, but —
  - (a) the Minister is not obliged to make any or all of the changes requested by the University; and
  - (b) the Minister may propose variations, alternatives or additions to the changes requested by the University; and
  - (c) the Minister may refuse to change the terms of an approval unless the University agrees to variations, alternatives or additions proposed by the Minister.

**30L. Payment agreements**

- (1) If the University intends to apply for an advance determination or an approval, the Minister may enter into a written agreement with the University for the University to reimburse the State for the reasonable costs and expenses incurred by the Minister in considering the application.
- (2) If permitted by the regulations, those costs and expenses may include the reasonable costs and expenses incurred by, or by the Minister on behalf of, any person or body appointed to consider and report to the Minister on the application.
- (3) Regulations may make provision for and in relation to a payment agreement, including in connection with —
  - (a) the ambit of an agreement;
  - (b) the making of an agreement;

**s. 73**

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- 1                   (c) the costs and expenses to be paid under an  
2                   agreement, including as to the method of  
3                   calculating the costs and expenses;  
4                   (d) the methods for resolving any dispute about the  
5                   costs and expenses that are to be paid under the  
6                   agreement.

7                   **30M. Minister may delegate functions under this Division**

- 8                   (1) In this section —  
9                   **Department** means the Department of the Public  
10                  Service principally assisting the Minister in the  
11                  administration of this Act.  
12                  (2) The Minister may delegate to the chief executive  
13                  officer of the Department all or any of the functions  
14                  that the Minister has under this Division, other than  
15                  this power of delegation.  
16                  (3) A delegation made under subsection (2) must be in  
17                  writing signed by the Minister.  
18                  (4) If the chief executive officer performs a function that  
19                  has been delegated to the chief executive officer under  
20                  this section, the chief executive officer is to be taken to  
21                  do so in accordance with the terms of the delegation  
22                  unless the contrary is shown.  
23                  (5) Nothing in this section limits the ability of the Minister  
24                  to perform a function through an officer or agent.  
25



1   **73.     Section 30 replaced**

2           Delete section 30 and insert:

3

4           **30.     Vice-Chancellor**

- 5           (1) The Council must appoint and may terminate the  
6           appointment of a Vice-Chancellor.
- 7           (2) The Vice-Chancellor is the chief executive officer of  
8           the University.
- 9           (3) The Vice-Chancellor holds office as such for the period  
10          and on the conditions the Council determines.
- 11          (4) The Vice-Chancellor has powers and duties prescribed  
12          by Statute and, unless otherwise expressly provided,  
13          the Vice-Chancellor may delegate any of those powers  
14          and duties to any person or committee of persons.
- 15          (5) In addition to or instead of the title of Vice-Chancellor,  
16          the Vice-Chancellor may use any other title that is —  
17               (a) approved by the Council; or  
18               (b) prescribed by Statute.
- 19          (6) The use by the Vice-Chancellor, in accordance with  
20          subsection (5), of any title in addition to or instead of  
21          the title of Vice-Chancellor does not affect the validity  
22          of anything done or omitted to be done by, to or in  
23          relation to the Vice-Chancellor.
- 24

**s. 74**

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1     **74.     Section 31 amended**

2             In section 31(1) delete “Act and any relevant award or  
3             agreement in force under the *Industrial Relations Act 1979* —”  
4             and insert:

5  
6             Act, any relevant written law and any relevant industrial award  
7             or industrial agreement —  
8

9     **75.     Section 36 amended**

10            (1)    After section 36(1)(b) insert:

11  
12                    (ca)    moneys received by the Council or the  
13                            University, where the moneys are derived from  
14                            something that the University is authorised to  
15                            do by an approval granted under section 30I;  
16                            and  
17

18            (2)    In section 36(2)(b) delete “with the approval of the Treasurer,”.

19            (3)    In section 36(1) after each of paragraphs (a) and (b) insert:

20  
21                    and  
22

23     **76.     Section 37 replaced**

24             Delete section 37 and insert:  
25

26            **37.     Borrowing and other ways of raising money**

27            (1)    In this section —

28                    *debt paper* means inscribed stock, bonds, debentures  
29                    with coupons annexed, bills of exchange, promissory

- 1                   notes or bearer securities, or other similar instruments  
2                   evidencing indebtedness.
- 3           (2)   The University may do all or any of the following —
- 4                   (a)   borrow money;
- 5                   (b)   obtain credit;
- 6                   (c)   issue, acquire, hold or dispose of debt paper;
- 7                   (d)   create and issue capital instruments;
- 8                   (e)   arrange for financial accommodation to be  
9                   extended to the University.
- 10          (3)   Capital instruments created and issued by the  
11               University under subsection (2)(d) —
- 12                   (a)   may be described in any way determined by the  
13                   University; and
- 14                   (b)   are to be created and issued on whatever terms  
15                   the University determines.
- 16          (4)   The University must keep whatever registers for the  
17               purposes of this section as are prescribed by  
18               regulations made under this Act.
- 19          (5)   Nothing in this section or section 37A or 37B affects or  
20               applies to moneys that are applied under  
21               section 38A(b).

22       **37A.   Notice of borrowing**

- 23           (1)   If the University intends to borrow money and seek a  
24               guarantee under section 37B in respect of that  
25               borrowing, the University must —
- 26                   (a)   give the Minister reasonable advance notice of  
27                   its intention to borrow that money and to seek a  
28                   guarantee; and
- 29                   (b)   notify the Minister of the outcome of the  
30                   University's application to borrow that money.

**s. 76**

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- 1           (2) A liability of the University is not unenforceable or in  
2           any way affected by the University's failure to comply  
3           with subsection (1).

4           **37B. Guarantees**

- 5           (1) The Treasurer, on the Minister's recommendation, may  
6           guarantee the performance by the University in the  
7           State or elsewhere, of any financial obligation of the  
8           University.
- 9           (2) A guarantee —
- 10           (a) is given in the name and on behalf of the State;  
11           and
- 12           (b) must be in the form, and contain the terms and  
13           conditions, that the Treasurer determines; and
- 14           (c) without limiting paragraph (b), must be subject  
15           to the condition that the person for whose  
16           benefit the guarantee is given must not, without  
17           the consent in writing of the Treasurer, assign  
18           or encumber the benefit of the guarantee.
- 19           (3) Before a guarantee is given, the University must —
- 20           (a) give the Treasurer any security that the  
21           Treasurer requires; and
- 22           (b) execute all instruments that are required for that  
23           purpose.
- 24           (4) Payments made by the Treasurer under a guarantee are  
25           to be charged to the Consolidated Account, and this  
26           subsection appropriates that Account accordingly.
- 27           (5) The Treasurer must cause to be credited to the  
28           Consolidated Account any amounts received or  
29           recovered from the University or otherwise in respect  
30           of any payment made by the Treasurer under a  
31           guarantee.

**37C. Charges for guarantee**

- (1) The Treasurer may, from time to time, after consultation with the University, fix charges to be paid by the University in respect of a guarantee under section 37B.
- (2) Payments by the University in respect of charges fixed under subsection (1) —
  - (a) must be made at the times, and in the instalments, that the Treasurer determines and notifies to the University; and
  - (b) must be credited to the Consolidated Account.

**77. Section 38B amended**

After section 38B(2) insert:

- (3) Sections 37, 37A and 37B do not apply to or affect moneys that are applied under section 38A(b).

**78. Section 41 amended**

In section 41(6b) before “not being” insert:

being or

**79. Section 41A replaced**

Delete section 41A and insert:

**41A. Amenities and services fee**

- (1) A Statute made under section 26 may provide for an annual amenities and services fee to be payable by

**s. 79**

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- 1 enrolled students, and (without limitation) for that  
2 purpose may —
- 3 (a) prescribe the procedures to be followed in  
4 setting that fee;
- 5 (b) prescribe the persons by whom the fee is  
6 payable, and exempt or provide for the  
7 exemption of persons or classes of persons  
8 from payment of the fee;
- 9 (c) provide for different levels of the fee to be  
10 payable by different classes of persons;
- 11 (d) provide for the reduction, waiver or refund, in  
12 whole or in part, of the fee;
- 13 (e) prescribe how much of the total fees collected  
14 is to be paid to the Student Guild;
- 15 (f) prescribe terms and conditions on which any  
16 amount of the total fees collected is to be paid  
17 to the Student Guild, including conditions to be  
18 met before some or all of the amount may be  
19 paid to the Student Guild;
- 20 (g) provide for the Council to decide how the  
21 amount of the total fees collected (after  
22 deducting the amount that is paid to the Student  
23 Guild) is to be spent, after consultation by the  
24 Council with the Student Guild.
- 25 (2) This section does not limit section 26.
- 26 (3) This section overrides section 36(1)(b) and (3).
- 27

1     **80.     Section 41B amended**

2           (1)   Delete section 41B(2) and insert:

3

4           (2)   The fees collected each year are to be allocated to  
5                broad categories of expenditure and the Council must  
6                specify, by Statute —

7                (a)   the broad categories of amenities and services  
8                within which the fees are to be expended; and

9                (b)   the process for determining those categories.

10

11          (2)   In section 41B(3) delete “the fees” and insert:

12

13                any fees

14

15     **81.     Section 42 amended**

16           Delete section 42(1) and insert:

17

18           (1)   The Governor is the Visitor of the University, and has  
19                the functions that Visitors usually have.

20

21     **82.     Sections 43 and 44 replaced**

22           Delete sections 43 and 44 and insert:

23

24     **43.     Exemption from rate or tax**

25           (1)   No rate may be charged or levied on any property  
26                vested in the University.

- 29 Delete section 52.



**86. Part XI Division 2 inserted**

At the end of Part XI insert:

**Division 2 — Transitional provisions for *Universities  
Legislation Amendment Act 2016***

**54. Term used: commencement day**

In this Division —

***commencement day*** means the day on which the  
*Universities Legislation Amendment Act 2016*  
section 48 comes into operation.

**55. Transitional provisions (Council)**

(1) This section applies despite the amendments made to  
section 9, and the replacement of section 10 by the  
*Universities Legislation Amendment Act 2016*  
sections 55 and 56.

(2) Any person who, immediately before commencement  
day, holds office under section 9 (as in effect  
immediately before commencement day) as an  
appointed or nominated or elected member of the  
Council —

(a) continues in office —

(i) under and subject to Part III; and

(ii) for the balance of the person's term of  
office remaining immediately before  
commencement day;

but

(b) vacates office before then in the circumstances  
set out in section 11 as that section is in effect  
immediately before commencement day.

- 1           (3) For the purposes of subsection (2)(a)(ii), any member  
2           who holds office under section 9(1)(aa) (as in effect  
3           immediately before commencement day) is taken to  
4           have a term of office that expires on the 60<sup>th</sup> day after  
5           the day on which the *Universities Legislation*  
6           *Amendment Act 2016* section 55 comes into operation.
- 7           (4) If a question arises under this section as to the balance  
8           of a person's term of office remaining immediately  
9           before commencement day, the question is to be  
10          determined by the Minister.
- 11          **56. Transitional provisions (Deputy Chancellor)**
- 12          (1) The person who, immediately before commencement  
13          day, holds office as Pro-Chancellor of the University  
14          under section 12 (as in effect immediately before  
15          commencement day) continues to hold office as  
16          Deputy Chancellor for the balance of their term of  
17          office.
- 18          (2) Subsection (3) applies to a reference to the  
19          Pro-Chancellor of the University —
- 20                  (a) in any written law passed or made before  
21                  commencement day; or
- 22                  (b) in any document or other instrument made,  
23                  executed, entered into or done before  
24                  commencement day; or
- 25                  (c) made before commencement day in any other  
26                  manner.
- 27          (3) A reference to the Pro-Chancellor of the University is  
28          to be read and construed as a reference to the Deputy  
29          Chancellor, unless because of the context it would be  
30          incorrect or inappropriate to do so.

**57. Transitional provisions (Vice-Chancellor)**

- (1) The person who, immediately before commencement day, holds office as chief executive officer of the University under section 30 (as in effect immediately before commencement day) continues to hold office as Vice-Chancellor.
- (2) Subsection (3) applies to a reference to the chief executive officer of the University —
  - (a) in a written law passed or made before commencement day; or
  - (b) in any document or other instrument made, executed, entered into or done before commencement day; or
  - (c) made before commencement day in any other manner.
- (3) A reference to the chief executive officer of the University is to be read and construed as a reference to the Vice-Chancellor, unless because of the context it would be incorrect or inappropriate to do so.

**58. Transitional provisions (Advisory Board of the Academy)**

- (1) In this section —

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

*former Board* means the Board of the Academy constituted by a Statute made under section 24(2) (as in effect immediately before commencement day).
- (2) Any person who, immediately before commencement day, holds office as a member of the former Board continues to hold office as member of the Advisory Board of the Academy for the balance of their term of office.

**s. 86**

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- 1           (3) If a question arises under this section as to the balance  
2           of a person's term of office remaining immediately  
3           before commencement day, the question is to be  
4           determined by the Minister.
- 5           (4) Subsection (5) applies to a reference to the former  
6           Board —
- 7               (a) in any written law passed or made before  
8               commencement day; or
- 9               (b) in any document or other instrument made,  
10              executed, entered into or done before  
11              commencement day; or
- 12              (c) made before commencement day in any other  
13              manner.
- 14           (5) A reference to the former Board is to be read and  
15           construed as a reference to the Advisory Board of the  
16           Academy, unless because of the context it would be  
17           incorrect or inappropriate to do so.

18           **59. Transitional provisions (Statutes)**

- 19           (1) In this section —  
20               *former section 27* means section 27 as in effect  
21              immediately before it was deleted by the *Universities*  
22              *Legislation Amendment Act 2016* section 68.
- 23           (2) Section 27(2) does not apply to or in relation to any  
24           Statute made and published in the *Gazette* before  
25           commencement day, and former section 27(2) and (3)  
26           apply instead as if the former section 27 had not been  
27           deleted.
- 28           (3) If a Statute has been made but not published in the  
29           *Gazette* before commencement day —
- 30               (a) section 27(2) does not apply to and in relation  
31              to that Statute; and

- 1                   (b) former section 27(2) and (3) apply instead as if  
2                   the former section 27 had not been deleted.

3           **60. Transitional provisions (guarantees)**

4                   A guarantee given under section 37 (as in effect  
5                   immediately before commencement day) and in force  
6                   immediately before commencement day continues as if  
7                   it had been given under section 37B.

8           **61. Transitional provisions (amenities and services fee)**

9                   (1) In this section —

10                   *former section 41A* means section 41A as in effect  
11                   immediately before it was deleted by the *Universities*  
12                   *Legislation Amendment Act 2016* section 79;

13                   *transition period* means the remainder of the calendar  
14                   year beginning on commencement day.

15                   (2) During the transition period —

16                   (a) section 41A does not apply to the annual  
17                   amenities and services fee set under former  
18                   section 41A; and

19                   (b) former section 41A applies instead to that  
20                   annual amenities and services fee as if former  
21                   section 41A had not been deleted.  
22

23           **87. Schedule 1 clause 5 deleted**

24                   Delete Schedule 1 clause 5.

**s. 88**

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1 **88. Schedule 1 clause 6 amended**

2 In Schedule 1 clause 6(1) delete “or 5 or both of them do” and  
3 insert:

4

5 does

6

7 Note: The heading to amended clause 6 is to read:

8 **Minister may declare clause 3 inapplicable**

**Part 4 — Murdoch University Act 1973 amended**

**89. Act amended**

This Part amends the *Murdoch University Act 1973*.

**90. Part 1 heading inserted**

Before section 1 insert:

**Part 1 — Preliminary**

**91. Section 3 amended**

(1) In section 3(1) delete the definitions of:

***Convocation***

***Pro-Chancellor***

***section***

(2) In section 3(1) insert in alphabetical order:

***casual vacancy*** means a vacancy arising in the office of a member of the Senate otherwise than by reason of the effluxion of time;

***Deputy Chancellor*** means the Deputy Chancellor of the University;

***residential accommodation*** —

(a) means any form of accommodation (including, without limitation, a residential college, hostel, hall of residence or form of independent living); and

(b) includes facilities that are —

(i) ancillary to residential accommodation; and

(ii) primarily for the use of staff of the University, or students, or both;

**s. 92**

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- 1                      ***University land*** means —  
2                      (a) the land described in certificate of title  
3                                      Vol 2812 Folio 355; and  
4                      (b) any land vested in the University under  
5                                      section 28(1);  
6

- 7              (3) In section 3(2):  
8                      (a) after “academic” insert:  
9  
10                                      or other  
11  
12                      (b) delete “or servant” and insert:  
13  
14                                      or employee  
15

16      **92.              Part 2 heading inserted**

17                      After section 3 insert:  
18

19                                      **Part 2 — Murdoch University**  
20

21      **93.              Sections 6 and 7 replaced**

22                      Delete sections 6 and 7 and insert:  
23

24                      **6.              Functions of University**

- 25                      (1) The functions of the University include the  
26                                      following —  
27                                      (a) to provide courses of study appropriate to a  
28    university, and other tertiary courses;



- 1                   (b) to encourage and participate in the development  
2                   and improvement of tertiary education to meet  
3                   the needs of the community;
- 4                   (c) to undertake and support scholarship, pure and  
5                   applied research, invention, innovation,  
6                   education and consultancy, and to apply those  
7                   matters to the advancement and application of  
8                   knowledge —
- 9                         (i) to the benefit of industry, business and  
10                        government; and
- 11                       (ii) to the benefit and wellbeing of the  
12                        Western Australian, Australian and  
13                        international communities;
- 14                   (d) to commercially develop or commercially use,  
15                   for the University's benefit, any facility,  
16                   resource or property (real or personal) of the  
17                   University or in which the University has a  
18                   right or interest (including, for example, study,  
19                   research, knowledge and intellectual property  
20                   and the practical application of study, research,  
21                   knowledge and intellectual property), whether  
22                   alone or with others;
- 23                   (e) to generate revenue for the purposes of funding  
24                   the carrying out of its functions;
- 25                   (f) to serve the Western Australian, Australian and  
26                   international communities and the public  
27                   interest by —
- 28                         (i) enriching cultural and community life;  
29                        and
- 30                        (ii) raising public awareness of educational,  
31                        scientific and artistic developments; and
- 32                        (iii) promoting critical and free enquiry,  
33                        informed intellectual discussion and

**s. 94**

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- 1 public debate within the University and  
2 in the wider society;
- 3 (g) to provide the facilities that are necessary or  
4 conducive to the attainment of the objects of  
5 the University and the performance of its  
6 functions.
- 7 (2) The University has all the powers, rights and privileges  
8 that are reasonably necessary to enable it to carry out  
9 its functions.
- 10 (3) The University may carry out its functions and exercise  
11 its powers, including the power to enter into business  
12 arrangements, within or outside the State.
- 13 **8A. Power of University to provide residential**  
14 **accommodation for staff and students**
- 15 (1) The University may provide residential  
16 accommodation for staff of the University, or students,  
17 or both.
- 18 (2) The restrictions imposed by section 29(1)(ga) do not  
19 apply to the lease of any part of the land referred to in  
20 section 29(1)(ga) if the purpose of the lease is the  
21 provision of residential accommodation in accordance  
22 with this section.  
23

24 **94. Part 3 heading inserted**

25 Before section 8 insert:  
26

27 **Part 3 — Constitution of University**  
28

1     **95.     Section 8 amended**

2         (1)   In section 8 delete paragraph (c) and insert:

3

4                     (c)   graduates of the University; and

5

6         (2)   In section 8 after each of paragraphs (a) and (b) insert:

7

8                     and

9

10    **96.     Section 9 replaced**

11                 Delete section 9 and insert:

12

13         **9.        Visitor**

14                 (1)   The Governor is the Visitor of the University, and has  
15                     the functions that Visitors usually have.

16                 (2)   As Visitor, the Governor may act without obtaining the  
17                     advice and consent of the Executive Council.

18

19    **97.     Section 10 amended**

20         (1)   Delete section 10(1) and insert:

21

22                 (1)   The Senate must elect a person to hold office as  
23                     Chancellor of the University.

24                 (2A)  A person who is not a member of the Senate at the time  
25                     the person is elected to hold office as Chancellor is a  
26                     member of the Senate for so long as the person holds  
27                     office as Chancellor.

28

**s. 98**

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1           (2)   In section 10(2) delete “his” and insert:

2

3                   the

4

5           (3)   In section 10(3) delete “the term of 3 years from the date of his  
6                   election” and insert:

7

8                   a term not exceeding 3 years to be determined by the Senate

9

10          (4)   In section 10(4) delete “he” and insert:

11

12                   the Chancellor

13

14   **98.       Section 11 amended**

15          (1)   In section 11(1) delete “Pro-Chancellor” and insert:

16

17                   Deputy Chancellor

18

19          (2)   Delete section 11(2) and insert:

20

21                   (2)   Subject to subsection (2a) and section 15, the Deputy  
22                           Chancellor holds office for a term not exceeding  
23                           3 years to be determined by the Senate and is eligible  
24                           for re-election.

25

26          (3)   In section 11(2a) delete “Pro-Chancellor” and insert:

27

28                   Deputy Chancellor

29

- 1       (4) In section 11(3):  
2           (a) delete “Pro-Chancellor” and insert:  
3  
4                   Deputy Chancellor

- 5  
6           (b) delete “he” and insert:  
7  
8                   the Deputy Chancellor

9  
10           Note: The heading to amended section 11 is to read:  
11                   **Deputy Chancellor**

12   **99.       Section 12 amended**

- 13       (1) Delete section 12(1) and insert:  
14

- 15       (1) The Senate consists of the following members —  
16           (a) the Chancellor;  
17           (b) the Vice-Chancellor;  
18           (c) one person who is a member of the academic  
19               staff of the University and who is elected by the  
20               academic staff of the University in the manner  
21               prescribed by Statute;  
22           (d) one person who is a member of the  
23               non-academic salaried staff of the University,  
24               and who is elected by the non-academic  
25               salaried staff of the University in the manner  
26               prescribed by Statute;  
27           (e) 2 persons who are students —  
28               (i) one of whom is an undergraduate  
29                 student and who is elected by the  
30                 undergraduate students in the manner  
31                 prescribed by Statute; and

**s. 100**

---

- 1 (ii) one of whom is a postgraduate student  
2 and who is elected by the postgraduate  
3 students in the manner prescribed by  
4 Statute;
- 5 (f) 2 persons who are graduates of the University  
6 and who are elected by the graduates of the  
7 University in the manner prescribed by Statute;
- 8 (g) 3 members appointed by the Governor on the  
9 recommendation of the Minister;
- 10 (h) not more than 5 persons co-opted to serve as  
11 members of the Senate by an absolute majority  
12 of the other members;
- 13 (i) the person for the time being the President of  
14 the Academic Council.
- 15 (1A) The fact that a person holds an elective office (for  
16 example, an elective office of the Guild) does not  
17 disqualify that person from being appointed or holding  
18 office under subsection (1).  
19
- 20 (2) In section 12(2) delete “subsection (1)(e), (f) or (g) —” and  
21 insert:  
22  
23 subsection (1)(f), (g) or (h) —  
24
- 25 **100. Section 14 replaced**  
26 Delete section 14 and insert:  
27
- 28 **13. Nominations Committee**  
29 (1) The Senate must establish and maintain a committee of  
30 the Senate called the Nominations Committee.

- 1           (2) The Nominations Committee is to consist of not more  
2           than 6 members of the Senate appointed by the Senate.
- 3           (3) The following members are not eligible to be appointed  
4           to the Nominations Committee —
- 5               (a) the Vice-Chancellor;
- 6               (b) the member of the Senate referred to in  
7               section 12(1)(c);
- 8               (c) the member of the Senate referred to in  
9               section 12(1)(d);
- 10              (d) the members of the Senate referred to in  
11              section 12(1)(e);
- 12              (e) the members of the Senate referred to in  
13              section 12(1)(f);
- 14              (f) the President of the Academic Council.
- 15           (4) The functions of the Nominations Committee are —
- 16               (a) to maintain lists of persons who are eligible and  
17               willing to be appointed to any vacancy or  
18               casual vacancy in the office of any member of  
19               the Senate who is appointed by the Governor or  
20               the Senate;
- 21               (b) to recommend to the Minister suitable  
22               candidates for appointment to a vacancy or  
23               casual vacancy in the office of any member of  
24               the Senate who is appointed under  
25               section 12(1)(g);
- 26               (c) to recommend to the Senate suitable candidates  
27               for appointment by cooption under  
28               section 12(1)(h).
- 29           (5) The fact that the Nominations Committee or the Senate  
30           has not recommended a person for appointment under  
31           section 12(1) does not prevent the person from being  
32           appointed or holding office under section 12(1).

**s. 100**

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- 1           (6) The Nominations Committee may regulate its own  
2           procedure, but it must comply with any direction given  
3           by the Senate.

4           **14. Term of office of members**

- 5           (1) Subject to section 15 —
- 6               (a) a member appointed under section 12(1)(g) or  
7               (h) holds office for a period of 3 years,  
8               commencing on the day of their appointment,  
9               unless a shorter term of office is specified  
10              under subsection (4);
- 11              (b) a member elected under section 12(1)(c), (d) or  
12              (f), holds office for a period of 3 years,  
13              commencing on the day their election takes  
14              effect, unless a shorter term of office is  
15              specified under subsection (5);
- 16              (c) a member elected under section 12(1)(e) holds  
17              office for a period of one year commencing on  
18              the day their election takes effect, unless a  
19              shorter term of office is specified under  
20              subsection (5).
- 21           (2) An appointed (which includes coopted) or elected  
22           member, on the expiry of their term of office —
- 23               (a) may be reappointed or re-elected, if they  
24               continue to be qualified under section 12; but
- 25               (b) on the expiry of a third successive term of  
26               office (of whatever duration), they are not  
27               eligible to hold office as a member until  
28               12 months have elapsed after that expiry.
- 29           (3) However, a member elected under section 12(1)(e)  
30           may be re-elected once, but only once, on the expiry of  
31           their term of office, if they continue to be qualified  
32           under section 12.



- 1           (4) The Governor or the Senate may, when appointing a  
2           person as a member, specify a shorter term of office  
3           where an appointment for a shorter term is desirable to  
4           ensure that —
- 5                   (a) the terms of office of members expire at  
6                   intervals that will produce reasonable  
7                   continuity of membership; or
- 8                   (b) the terms of office expire on dates that afford  
9                   the convenience of uniformity.
- 10          (5) The Senate may, before an election is held for the  
11          purposes of section 12(1), specify that the election of a  
12          person is for a shorter term of office where election for  
13          a shorter term is desirable for a reason referred to in  
14          subsection (4).  
15

16 **101. Section 15 amended**

- 17          (1) Delete section 15(1) and (2) and insert:  
18
- 19                  (1) The Chancellor may resign their office by written  
20                  notice given to the Minister.
- 21                  (2) The Deputy Chancellor or a member of the Senate may  
22                  resign their office by written notice given to the  
23                  Minister.  
24
- 25          (2) In section 15(3):
- 26                  (a) in paragraph (d) delete “his” and insert:  
27  
28                          their  
29
- 30                  (b) delete “his office” and insert:  
31  
32                          the person’s office  
33

**s. 102**

---

1                      (c)    delete “he is not eligible for re-election or” and insert:

2

3                      the person is not eligible for

4

5                      (3)    Delete section 15(4) and insert:

6

7                      (4)    If a person who is a member of the Senate ceases to  
8                                      hold the required qualification under section 12 for  
9                                      being a member, the person’s office as member  
10                                     becomes vacant.

11

12                      (4)    In section 15(5) delete “he” and insert:

13

14                      the member

15

16                      **102.      Section 15A amended**

17                                      In section 15A(3) delete “2/3” and insert:

18

19                                      two-thirds

20

21                      **103.      Section 16 replaced**

22                                      Delete section 16 and insert:

23

24                      **16.       Casual vacancies**

25                                      If a casual vacancy occurs in the office of a member of  
26                                      the Senate, the vacancy is to be filled in the same  
27                                      manner as if that member’s term of office had expired.

28

1     **104.     Section 17 amended**

2             In section 17(2):

3                 (a)   in paragraph (b) delete “and servants” and insert:

4  
5                         and employees

6  
7                 (b)   in paragraph (c) delete “relating thereto,” and insert:

8  
9                         made under section 26,

10  
11     **105.     Section 18 replaced**

12             Delete section 18 and insert:

13

14     **18.       Delegation by Senate**

15             (1)   The Senate may, in relation to any matter or class of  
16                         matters, or in relation to any activity or function of the  
17                         University, by resolution, delegate all or any of its  
18                         powers and functions under this Act (except its powers  
19                         in relation to the making of by-laws, Statutes, and  
20                         regulations made under section 26) to any —

21                         (a)   member of the Senate; or

22                         (b)   committee, council or other body of the  
23                                 University; or

24                         (c)   officer of the University.

25             (2)   The Senate may by resolution revoke a delegation  
26                         given under this section.

27             (3)   A resolution delegating a power, authority, duty or  
28                         function may authorise the delegate to further delegate  
29                         the delegated power, authority, duty or function to a  
30                         person or body.

**s. 106**

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- 1           (4) A subdelegation under this section must be in writing.
- 2           (5) The *Interpretation Act 1984* sections 58 and 59 apply
- 3           to and in relation to a subdelegation under this section
- 4           in the same way that they apply to and in relation to a
- 5           delegation given under this section.
- 6

7   **106. Section 19 replaced**

8           Delete section 19 and insert:

9

10       **19A. Remuneration and allowances for Senate members**

- 11           (1) A member of the Senate is entitled to be paid the
- 12           remuneration (if any) and allowances (if any)
- 13           determined by the Salaries and Allowances Tribunal
- 14           under the *Salaries and Allowances Act 1975*.
- 15           (2) Any remuneration and allowances payable are to be
- 16           paid out of funds of the University.
- 17

18   **107. Section 20 amended**

19           In section 20(2d) before “not being” insert:

20

21           being or

22

23   **108. Section 20A replaced**

24           Delete section 20A and insert:

25

26       **20A. Amenities and services fee**

- 27           (1) A Statute made under section 25 may provide for an
- 28           annual amenities and services fee to be payable by

1 students, and (without limitation) for that purpose  
2 may —

- 3 (a) prescribe the procedures to be followed in  
4 setting that fee;
- 5 (b) prescribe the persons by whom the fee is  
6 payable, and exempt or provide for the  
7 exemption of persons or classes of persons  
8 from payment of the fee;
- 9 (c) provide for different levels of the fee to be  
10 payable by different classes of persons;
- 11 (d) provide for the reduction, waiver or refund, in  
12 whole or in part, of the fee;
- 13 (e) prescribe how much of the total fees collected  
14 is to be paid to the Guild;
- 15 (f) prescribe terms and conditions on which any  
16 amount of the total fees collected is to be paid  
17 to the Guild, including conditions to be met  
18 before some or all of the amount may be paid to  
19 the Guild;
- 20 (g) provide for the Senate to decide how the  
21 amount of the total fees collected (after  
22 deducting the amount that is paid to the Guild)  
23 is to be spent, after consultation by the Senate  
24 with the Guild.

25 (2) This section does not limit section 25.  
26

27 **109. Section 20B amended**

28 (1) Delete section 20B(1) and (2) and insert:  
29

- 30 (1) The Senate must prescribe, by Statute —
  - 31 (a) the broad categories of amenities and services  
32 to which the Guild may apply the fees paid to  
33 the Guild; and

**s. 110**

---

1 (b) the process for determining those categories.

2

3 (2) Delete section 20B(4).

4 **110. Section 22 amended**

5 (1) In section 22(1):

6 (a) delete “shall have” and insert:

7

8 has

9

10 (b) after “regulations” insert:

11

12 made under section 26

13

14 (2) In section 22(2):

15 (a) delete “shall have” and insert:

16

17 has

18

19 (b) delete “of the University,” and insert:

20

21 made under section 26,

22

23 (3) Delete section 22(3) and insert:

24

25 (3) The University has power to admit any person to an  
26 honorary degree.  
27

1     **111.     Section 23 amended**

2           (1)   In section 23(2) delete “shall hold office at the pleasure of the  
3               Senate” and insert:

4  
5               holds office  
6

7           (2)   In section 23(4) delete “him by the Statutes and regulations of  
8               the University.” and insert:

9  
10           the Vice-Chancellor by the Statutes and the regulations made  
11           under section 26.  
12

13          (3)   Delete section 23(5) and (6) and insert:

14  
15           (5)   Subject to the Statutes and the regulations made under  
16               section 26, the Vice-Chancellor may, in writing,  
17               delegate any function, or any power or duty conferred  
18               or imposed on the Vice-Chancellor, to any person or  
19               committee of persons.  
20

21     **112.     Part 4 heading inserted**

22           After section 23 insert:  
23

24               **Part 4 — By-laws, Statutes and regulations**  
25

**s. 113**

---

1     **113.     Section 24 amended**

2         (1)   Before section 24(1) insert:

3

4             (1A)   In this section —

5                     ***authorised person*** means —

6                         (a)   a police officer; or

7                         (b)   a person authorised under subsection (1B) to be  
8                                 an authorised person for the purposes of the  
9                                 subsection in which the term is used;

10                    ***contractor*** means —

11                         (a)   an individual who works under a contract for  
12                                 services for the University; or

13                         (b)   an employee of a body that provides services to  
14                                 the University under a contract.

15             (1B)   The Vice-Chancellor may, in writing —

16                         (a)   designate a member of the staff of the  
17                                 University to be an authorised person for the  
18                                 purposes of any or all of subsection (7)(ab), (b)  
19                                 or (bb); and

20                         (b)   authorise a contractor to be an authorised  
21                                 person for the purposes of any or all of  
22                                 subsection (7)(ab), (b) or (bb); and

23                         (c)   revoke a designation or authorisation made  
24                                 under this subsection.

25             (1C)   A designation or authorisation of a person under  
26                         subsection (1B) ceases to have effect if —

27                         (a)   the designation or authorisation is revoked; or

28                         (b)   the person ceases to be a member of the staff of  
29                                 the University or a contractor.  
30



1       (2) In section 24(1)(d) delete “\$50” and insert:

2

3               \$1 000

4

5       (3) In section 24(3) delete “persons authorised in writing by the  
6       Senate, or any police officer, — ” and insert:

7

8               an authorised person —

9

10       (4) Delete section 24(4), (5) and (6).

11       (5) In section 24(7):

12               (a) delete “for —” and insert:

13

14                       for any of the following purposes —

15

16               (b) in paragraph (b) delete “a person authorised under that  
17       by-law” and insert:

18

19                       an authorised person

20

21               (c) in paragraph (bb) delete “his further powers in relation  
22       thereto,” and insert:

23

24                       further powers of the authorised person in relation to the  
25       removal of vehicles,

26

27               (d) in paragraph (ha) delete “he” and insert:

28

29                       the person

30

**s. 114**

---

- 1 (e) in paragraph (i) delete “property; and” and insert:  
2  
3 property;  
4
- 5 (f) in paragraph (j) delete “any police constable or officer or  
6 servant of the University;” and insert:  
7  
8 an authorised officer and  
9
- 10 (g) in paragraph (j) delete “lands, and the enforcement of  
11 the by-laws.” and insert:  
12  
13 lands;  
14
- 15 (h) after paragraph (j) insert:  
16  
17 (k) the enforcement of the by-laws.  
18
- 19 (6) In section 24(10):  
20 (a) delete “him” and insert:  
21  
22 the student  
23
- 24 (b) delete “he” and insert:  
25  
26 the student  
27

28 **114. Section 25 amended**

- 29 (1) Delete section 25(1), (2) and (3).

- 1       (2) In section 25(4):
- 2               (a) in paragraph (i) delete “officers and servants” and insert:
- 3
- 4                       and officers and employees
- 5
- 6               (b) delete paragraphs (j) and (k);
- 7               (c) in paragraph (l) delete “Senate, Convocation” and insert:
- 8
- 9                       Senate
- 10
- 11               (d) after paragraph (s) insert:
- 12
- 13                       (ta) an annual amenities and services fee in
- 14                               accordance with section 20A;
- 15                       (tb) the matters required by section 20B to be
- 16                               defined or prescribed by Statute;
- 17

18       **115. Sections 26A and 26B inserted**

19               After section 25 insert:

20

21               **26A. Approval, publication, disallowance and proof of**

22                       **Statutes and by-laws**

- 23               (1) A Statute or by-law made by the Senate —
- 24                       (a) must be sealed with the common seal of the
- 25                               University; and
- 26                       (b) must be submitted to the Governor for
- 27                               approval; and
- 28                       (c) if approved by the Governor, must be published
- 29                               in the *Gazette*; and
- 30                       (d) takes effect on the later of —
- 31                               (i) the day after publication in the *Gazette*;
- 32                                       or

**s. 116**

---

- 1 (ii) if a later day is specified for that  
2 purpose in the Statute, that day.
- 3 (2) The *Interpretation Act 1984* section 42 applies to a  
4 Statute or by-law approved and published under  
5 subsection (1) as if the Statute were a regulation.
- 6 (3) In any proceedings in any court or before any person  
7 acting judicially, any of the following is sufficient  
8 evidence of a Statute —
- 9 (a) a copy of the Statute or the by-law under the  
10 common seal of the University;
- 11 (b) a document purporting to be a copy of the  
12 Statute or the by-law and to have been printed  
13 by the Government Printer;
- 14 (c) a copy of the *Gazette* purporting to contain a  
15 copy of the Statute or the by-law.
- 16 **26B. Statutes and by-laws to be made readily available to**  
17 **public**
- 18 (1) The Senate must ensure that the following are readily  
19 available to the public by whatever means the Senate  
20 considers appropriate —
- 21 (a) all Statutes and by-laws approved and  
22 published under section 26A(1);
- 23 (b) all Statutes and by-laws that are in effect  
24 immediately before the *Universities Legislation*  
25 *Amendment Act 2016* section 115 comes into  
26 operation.
- 27 (2) Publication in the *Gazette* is not sufficient compliance  
28 with subsection (1).
- 29 (3) Subsection (1) ceases to apply to a Statute once it  
30 ceases to be in effect.  
31

1     **116.     Section 26 amended**

2           (1)   In section 26(1) delete “servants” and insert:

3

4                   employees

5

6           (2)   In section 26(2):

7                   (a)   delete “Pro-Chancellor,” and insert:

8

9                           Deputy Chancellor,

10

11                   (b)   delete “servant” and insert:

12

13                           employee

14

15                   Note: The heading to amended section 26 is to read:

16

**Regulations made by Senate**

17     **117.     Section 27 replaced**

18           Delete section 27 and insert:

19

20     **28A.     Regulations made by Governor**

21           (1)   The Governor, on the recommendation of the Minister,  
22                   may make regulations prescribing all matters that are  
23                   required or permitted by this Act to be prescribed, or  
24                   are necessary or convenient to be prescribed for giving  
25                   effect to the purposes of this Act.

26           (2)   Before making a recommendation under subsection (1),  
27                   the Minister must consult with the Senate.

28

3

## 7

10

## 12

17

24

26

28

1           (d) delete paragraph (h).

2           (2) Delete section 29(2) and (3).

3   **121. Section 30A inserted**

4           After section 29 insert:

5

6           **30A. Exemption from rate or tax**

7           (1) No rate may be charged or levied on University land.

8           (2) Subsection (1) does not operate to exempt University  
9           land if it is leased to or occupied by any person —

10               (a) for any private purpose; or

11               (b) for a commercial purpose (as defined in  
12               section 32E) under an approval granted under  
13               section 32M.

14           (3) The *Land Tax Assessment Act 2002* section 33 provides  
15           an exemption from land tax in respect of land owned  
16           by, vested in or held in trust for the University, in the  
17           circumstances set out in that section.  
18

19   **122. Section 31 amended**

20           (1) In section 31(2):

21               (a) in paragraph (a) delete “such rate as the Governor from  
22               time to time approves;” and insert:

23

24               the rate approved by the Minister;

25

**s. 123**

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- 1                   (b) in paragraph (b) delete “shall be repaid shall be such  
2                   number as the Governor approves but in any case shall  
3                   not” and insert:  
4  
5                   are to be repaid is the number approved by the Minister,  
6                   but in any case is not to  
7  
8  
9                   (c) in paragraph (d) delete “him” and insert:  
10  
11                   the Treasurer  
12  
13           (2) In section 31(4) delete “land vested in the University.” and  
14           insert:  
15  
16           University land.  
17  
18   **123. Section 32 replaced**  
19           Delete section 32 and insert:  
20  
21           **32A. Borrowing and other ways of raising money**  
22           (1) In this section —  
23                   *debt paper* means inscribed stock, bonds, debentures  
24                   with coupons annexed, bills of exchange, promissory  
25                   notes or bearer securities, or other similar instruments  
26                   evidencing indebtedness.  
27           (2) The University may do all or any of the following —  
28                   (a) borrow money;  
29                   (b) obtain credit;  
30                   (c) issue, acquire, hold or dispose of debt paper;



- 1                   (d) create and issue capital instruments;  
2                   (e) arrange for financial accommodation to be  
3                   extended to the University.
- 4           (3) Capital instruments created and issued by the  
5           University under subsection (2)(d) —
- 6                   (a) may be described in any way determined by the  
7                   University; and
- 8                   (b) are to be created and issued on whatever terms  
9                   the University determines.
- 10          (4) The University must keep whatever registers for the  
11          purposes of this section as are prescribed by  
12          regulations made under section 28A.

13       **32B. Notice of borrowing**

- 14           (1) If the University intends to borrow money and seek a  
15           guarantee under section 32C in respect of that  
16           borrowing, the University must —
- 17                   (a) give the Minister reasonable advance notice of  
18                   its intention to borrow that money and to seek a  
19                   guarantee; and
- 20                   (b) notify the Minister of the outcome of the  
21                   University's application to borrow that money.
- 22          (2) A liability of the University is not unenforceable or in  
23          any way affected by the University's failure to comply  
24          with subsection (1).

25       **32C. Guarantees**

- 26           (1) The Treasurer, on the Minister's recommendation, may  
27           guarantee the performance by the University in the  
28           State or elsewhere, of any financial obligation of the  
29           University.

**s. 123**

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- 1           (2) A guarantee —
- 2               (a) is given in the name and on behalf of the State;
- 3               and
- 4               (b) must be in the form, and contain the terms and
- 5               conditions, that the Treasurer determines; and
- 6               (c) without limiting paragraph (b), must be subject
- 7               to the condition that the person for whose
- 8               benefit the guarantee is given must not, without
- 9               the consent in writing of the Treasurer, assign
- 10              or encumber the benefit of the guarantee.
- 11           (3) Before a guarantee is given, the University must —
- 12               (a) give the Treasurer any security that the
- 13               Treasurer requires; and
- 14               (b) execute all instruments that are required for that
- 15              purpose.
- 16           (4) Payments made by the Treasurer under a guarantee are
- 17              to be charged to the Consolidated Account, and this
- 18              subsection appropriates that Account accordingly.
- 19           (5) The Treasurer must cause to be credited to the
- 20              Consolidated Account any amounts received or
- 21              recovered from the University or otherwise in respect
- 22              of any payment made by the Treasurer under a
- 23              guarantee.
- 24           **32D. Charges for guarantee**
- 25           (1) The Treasurer may, from time to time, after
- 26              consultation with the University, fix charges to be paid
- 27              by the University in respect of a guarantee under
- 28              section 32C.

- 1           (2) Payments by the University in respect of charges fixed  
2           under subsection (1) —
- 3               (a) must be made at the times, and in the  
4               instalments, that the Treasurer determines and  
5               notifies to the University; and
- 6               (b) must be credited to the Consolidated Account.

7           **Division 3 — Leasing University land for commercial**  
8           **purposes**

9               **Subdivision 1 — Preliminary**

10          **32E. Terms used**

11           In this Division —

12           *advance determination* means an advance  
13           determination granted under section 32L;

14           *approval* means an approval granted under  
15           section 32M;

16           *commercial arrangement* means any of the  
17           following —

- 18               (a) a company;
- 19               (b) a partnership;
- 20               (c) a trust;
- 21               (d) a joint venture;
- 22               (e) an arrangement for sharing profits;
- 23               (f) an arrangement for sponsorship;

24           *commercial purpose* means obtaining income for the  
25           University through the leasing of University land, if the  
26           land is not leased for the purposes of the University or  
27           a purpose that is incidental to the purposes of the  
28           University;

29           *lease* includes sublease;

30           *limited company* has the meaning given in the  
31           *Corporations Act 2001* (Commonwealth) section 9;

- 1                    *participate* includes form, promote, establish, enter  
2                    into, manage, dissolve and wind up;  
3                    *participate in a commercial arrangement* includes —  
4                    (a)    acquire, hold and dispose of shares, units or  
5                    other interests in, or relating to, a commercial  
6                    arrangement; and  
7                    (b)    exercise any right conferred on the University  
8                    to appoint a director of, or hold office in, a  
9                    commercial arrangement; and  
10                    (c)    do anything incidental to participating in a  
11                    commercial arrangement;

12                    *payment agreement* means an agreement made under  
13                    section 32P;

14                    *university development proposal* means a proposal in  
15                    respect of which the University intends to seek an  
16                    approval under section 32M to do either or both of the  
17                    things set out in section 32H(1).

18                    **32F.    Object of this Division**

19                    The object of this Division is to enable the University  
20                    to seek and obtain the Minister's approval to lease  
21                    University land for purposes that would not otherwise  
22                    be authorised by this Act.

23                    **32G.    Effect of Division on University functions, powers  
24                    and obligations**

- 25                    (1)    This Division does not limit —  
26                    (a)    sections 4, 6 and 29; or  
27                    (b)    any function, power, right, privilege, immunity  
28                    or obligation of the University under —  
29                    (i)    this Act, another written law or a law of  
30                    the Commonwealth or of another State  
31                    or a Territory; or

- 1                                   (ii) the principles and rules of common law  
2                                   and equity to the extent that they have  
3                                   effect in this State from time to time.
- 4                   (2) Nothing in this Division is to be taken to impose any  
5                   requirement on the University to seek or obtain the  
6                   Minister's approval to lease any University land.
- 7                   (3) Nothing in this Division affects the University's  
8                   obligation under section 29(1)(ga) to obtain the  
9                   Minister's approval to the grant of a lease for a term  
10                  that exceeds 21 years.

11                                   **Subdivision 2 — Power to lease University land for**  
12                                   **commercial purposes**

13                   **32H. University may lease University land for**  
14                   **commercial purposes with Ministerial approval**

- 15                   (1) With the approval of the Minister, the University  
16                   can —
- 17                                   (a) enter into a transaction that has a commercial  
18                                   purpose; or
- 19                                   (b) participate, in the State or elsewhere, in any  
20                                   commercial arrangement that has a commercial  
21                                   purpose.
- 22                   (2) An approval can authorise the University to enter into a  
23                   transaction, or participate in a commercial  
24                   arrangement, either —
- 25                                   (a) directly; or
- 26                                   (b) through a wholly-owned subsidiary (as defined  
27                                   in the *Corporations Act 2001* (Commonwealth)  
28                                   section 9) of the University.
- 29                   (3) An approval to lease University land can be granted on  
30                   the basis that subleases of that land (whether all  
31                   subleases, or only subleases of a particular class or

**s. 123**

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- 1 granted in particular circumstances) can be granted  
2 without the need to seek or obtain an approval to the  
3 granting of those subleases.
- 4 (4) Subsection (3) is subject to any conditions attached to  
5 the approval.
- 6 (5) An approval —
- 7 (a) confers power, for the purposes of this Act, on  
8 the University to do the thing authorised by the  
9 approval; but
- 10 (b) does not exempt the University or any other  
11 person from compliance with, or authorise the  
12 University or any other person to do or omit to  
13 do anything contrary to —
- 14 (i) any other written law or any law of the  
15 Commonwealth or of another State or a  
16 Territory; or
- 17 (ii) any obligation of the University or any  
18 other person, however that obligation  
19 arises.
- 20 **32I. Effect of approval to lease University land**
- 21 (1) To the extent that an approval authorises the University  
22 to lease University land, land leased in accordance with  
23 the approval is to be taken to be used for the purposes  
24 of the University or for purposes incidental to the  
25 purposes of the University for the purposes of —
- 26 (a) compliance with any conditions, restrictions or  
27 limitations (however arising) attaching to the  
28 vesting of that land in the University or the  
29 holding, care, control or management, by the  
30 University, of that land; and
- 31 (b) any provision of any written law that specifies  
32 that something is to happen or not to happen, or  
33 provides for some other consequence, if that

1                           land is not used, or ceases to be used, for the  
2                           purposes of the University or for purposes  
3                           incidental to the purposes of the University.

4                   (2)   The *Land Tax Assessment Act 2002* section 33  
5                   overrides this section.

6           **32J.   Approval in principle of university development**  
7           **proposal**

8                   (1)   The University may apply to the Minister for the  
9                   approval in principle of a university development  
10                  proposal.

11                  (2)   The university development proposal submitted for  
12                  approval in principle must describe what the University  
13                  intends to seek an approval under section 32M for,  
14                  including —

15                          (a)   details of the University land that is to be  
16                          leased; and

17                          (b)   the purpose for which the land is to be leased.

18                  (3)   If the University applies for an approval in principle —

19                          (a)   the application must be made in the manner and  
20                          form, and contain the information, that the  
21                          Minister requires; and

22                          (b)   the Minister may request the University to  
23                          provide any additional information that the  
24                          Minister considers necessary for the proper  
25                          consideration of the application; and

26                          (c)   the Minister may grant or refuse to grant the  
27                          approval in principle.

28                  (4)   The Minister must —

29                          (a)   notify the University in writing of the  
30                          Minister's decision on the application; and

- 1                   (b) if the decision is to refuse to grant the approval  
2                   in principle, include in that notification the  
3                   reasons for the refusal.

4                   **32K. Application for advance determination of approval**

- 5                   (1) The University may apply to the Minister for a  
6                   determination that, if an application is made for an  
7                   approval under section 32M in relation to a university  
8                   development proposal, the approval will be granted.
- 9                   (2) In order to apply for an advance determination, it is not  
10                  necessary that the University has applied for or  
11                  obtained an approval in principle under section 32J in  
12                  relation to the university development proposal.
- 13                  (3) The university development proposal submitted for  
14                  advance determination must describe the transaction or  
15                  commercial arrangement for which the University  
16                  intends to seek an approval under section 32M,  
17                  including —
- 18                      (a) details of the University land that is to be  
19                      leased; and
- 20                      (b) the purpose for which the land is to be leased;  
21                      and
- 22                      (c) the financial details of the proposal, including  
23                      the amount of the investment to be made by the  
24                      University, the proposed lessee and any other  
25                      parties involved.
- 26                  (4) If approval in principle was previously obtained under  
27                  section 32J in relation to the proposal, the application  
28                  for the advance determination must identify any  
29                  material difference between the proposal approved in  
30                  principle and the proposal submitted for advance  
31                  determination.



- 1           (5) If the University applies for an advance  
2           determination —
- 3           (a) the application —
- 4               (i) must be made in the manner and form,  
5               and contain the information, that the  
6               Minister requires; and
- 7               (ii) if required by the Minister, must be  
8               accompanied by a payment agreement;
- 9           and
- 10          (b) the Minister may request the University to  
11          provide any additional information that the  
12          Minister considers necessary for the proper  
13          consideration of the application.
- 14       **32L. Advance determination of approval**
- 15          (1) If the University applies under section 32K for an  
16          advance determination in relation to a university  
17          development proposal, the Minister may grant or refuse  
18          to grant the advance determination.
- 19          (2) The Minister must grant the advance determination  
20          if —
- 21               (a) approval in principle was previously obtained  
22               under section 32J in relation to the proposal;  
23               and
- 24               (b) the Minister is satisfied that, in respect of the  
25               matters referred to in section 32J(2)(a) and (b),  
26               there is no material difference between the  
27               proposal approved in principle and the proposal  
28               submitted for advance determination; and
- 29               (c) the Minister is satisfied with the application  
30               submitted in relation to the proposal.

**s. 123**

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- 1           (3) The Minister must —
- 2               (a) notify the University in writing of the
- 3               Minister's decision on the application; and
- 4               (b) if the decision is to refuse to grant the advance
- 5               determination, include in that notification the
- 6               reasons for the refusal.
- 7           (4) In granting an advance determination, the Minister may
- 8               specify a time after which the advance determination
- 9               lapses.
- 10          (5) Before the advance determination lapses, the Minister
- 11               may, at the request of the University, by notice in
- 12               writing to the University, extend the period for which
- 13               the advance determination is to be in force.

14           **32M. Approvals**

- 15           (1) The University may apply to the Minister for approval
- 16               to do either or both of the things set out in
- 17               section 32H(1).
- 18           (2) If the University applies for an approval —
- 19               (a) the application —
- 20                   (i) must be made in the manner and form,
- 21                   and contain the information, that the
- 22                   Minister requires; and
- 23                   (ii) if required by the Minister, must be
- 24                   accompanied by a payment agreement;
- 25               and
- 26               (b) the Minister may request the University to
- 27               provide any additional information that the
- 28               Minister considers necessary for the proper
- 29               consideration of the application.
- 30           (3) In order to apply for an approval, it is not necessary
- 31               that the University has applied for or obtained an

- 1 approval in principle under section 32J, or an advance  
2 determination, in relation to the matter for which the  
3 approval is sought.
- 4 (4) The Minister may grant or refuse to grant the approval.
- 5 (5) However, the Minister must grant the approval if the  
6 Minister is satisfied that —
- 7 (a) an advance determination granted under  
8 section 32L is in force in respect of the matter  
9 for which the approval is sought; and
- 10 (b) there is no material deviation from the  
11 application for the advance determination.
- 12 (6) For the purposes of subsection (5)(b), there is a  
13 material deviation from the application for the advance  
14 determination if any of the following changes have  
15 occurred —
- 16 (a) the total area of University land that is to be  
17 leased has increased by 20% or more;
- 18 (b) the amount of the investment to be made by the  
19 University has increased or decreased by 20%  
20 or more.

21 **32N. Notification of decision on application for approval**

- 22 (1) The Minister must —
- 23 (a) notify the University in writing of the  
24 Minister's decision on an application for an  
25 approval; and
- 26 (b) if the decision is to refuse to grant the approval,  
27 include in that notification the reasons for the  
28 refusal.
- 29 (2) The Minister may attach conditions to an approval, and  
30 those conditions must be specified in the approval.

1           **32O.    Alteration of approval**

- 2           (1) The Minister may, at the request of the University, vary  
3           or revoke the conditions attached to an approval or  
4           attach new or additional conditions.
- 5           (2) The Minister cannot make changes to the terms of an  
6           approval under subsection (1) unless the University  
7           agrees to the changes, but —
- 8               (a) the Minister is not obliged to make any or all of  
9               the changes requested by the University; and
- 10              (b) the Minister may propose variations,  
11              alternatives or additions to the changes  
12              requested by the University; and
- 13              (c) the Minister may refuse to change the terms of  
14              an approval unless the University agrees to  
15              variations, alternatives or additions proposed by  
16              the Minister.

17           **32P.    Payment agreements**

- 18           (1) In this section —  
19               *regulations* means regulations made under  
20              section 28A.
- 21           (2) If the University intends to apply for an advance  
22           determination or an approval, the Minister may enter  
23           into a written agreement with the University for the  
24           University to reimburse the State for the reasonable  
25           costs and expenses incurred by the Minister in  
26           considering the application.
- 27           (3) If permitted by the regulations, those costs and  
28           expenses may include the reasonable costs and  
29           expenses incurred by, or by the Minister on behalf of,  
30           any person or body appointed to consider and report to  
31           the Minister on the application.

- 1           (4) Regulations may make provision for and in relation to  
2           a payment agreement, including in connection with —  
3           (a) the ambit of an agreement;  
4           (b) the making of an agreement;  
5           (c) the costs and expenses to be paid under an  
6           agreement, including as to the method of  
7           calculating the costs and expenses;  
8           (d) the methods for resolving any dispute about the  
9           costs and expenses that are to be paid under the  
10          agreement.

11           **32Q. Minister may delegate functions under this Division**

- 12           (1) In this section —  
13           **Department** means the Department of the Public  
14           Service principally assisting the Minister in the  
15           administration of this Act.  
16           (2) The Minister may delegate to the chief executive  
17           officer of the Department all or any of the functions  
18           that the Minister has under this Division, other than  
19           this power of delegation.  
20           (3) A delegation made under subsection (2) must be in  
21           writing signed by the Minister.  
22           (4) If the chief executive officer performs a function that  
23           has been delegated to the chief executive officer under  
24           this section, the chief executive officer is to be taken to  
25           do so in accordance with the terms of the delegation  
26           unless the contrary is shown.  
27           (5) Nothing in this section limits the ability of the Minister  
28           to perform a function through an officer or agent.

29           **Division 4 — Miscellaneous**  
30

**s. 124**

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1 **124. Section 33 amended**

2 In section 33(1) delete “servants” and insert:

3

4 employees

5

6 **125. Part 6 inserted**

7 At the end of the Act:

8

9 **Part 6 — Validation and transitional provisions**

10 **Division 1 — Validations**

11 **35. Certain leases of University land validated**

12 (1) In this section —

13 *commencement day* means the day on which the  
14 *Universities Legislation Amendment Act 2016*  
15 section 89 comes into operation;

16 *relevant lease* means a lease referred to in  
17 subsection (2);

18 *university purposes* means the purposes of the  
19 University or purposes incidental to the purposes of the  
20 University;

21 *University’s South Street campus* means Lot 610 on  
22 Deposited Plan 75377 being the whole of the land  
23 comprised in certificate of title volume 2812 folio 355.

24 (2) For the purposes of this section, each lease set out in  
25 the Table is a relevant lease.

1

**Table**

<b>Item</b>	<b>Parties to lease</b>	<b>Description of interest leased</b>	<b>Date of commencement of lease</b>
1.	Murdoch University and Winthrop Baptist College Inc	A lease of approximately 8,887 square metres of land on the University's South Street campus	3 November 1996
2.	Murdoch University and Somerville Baptist College Inc	A lease of approximately 3,773 square metres of land on the University's South Street campus	12 June 2002
3.	Murdoch University and Serco Australia Pty Ltd	A lease of approximately 868 square metres of land on the University's South Street campus	1 May 2011
4.	Murdoch University and the Minister for Health	A lease of 650 square metres on the third floor of Building 390, Discovery Way on the University's South Street campus	1 July 2009
5.	Murdoch University and the State Animal Resource Authority	A lease of approximately 20,160 square metres of land on the University's South Street campus	1 December 1988
6.	Murdoch University and Wesfarmers Energy Ltd	A lease of approximately 3,360 square metres of land on the University's South Street campus	1 November 2005

**s. 125**

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<b>Item</b>	<b>Parties to lease</b>	<b>Description of interest leased</b>	<b>Date of commencement of lease</b>
7.	Murdoch University and Murdoch Retirement Services Pty Ltd	A lease of land marked L1, L2 and L3 on Deposited Plan 62329	21 May 2009
8.	Murdoch University and Murdoch Retirement Services Pty Ltd	A lease of land marked L4 on Deposited Plan 71892	6 June 2012
9.	Murdoch Retirement Services Pty Ltd and Aged Care Services Australia Pty Ltd	A lease of the Low Care (Avalon) Facility of the University's South Street campus shown marked C and D on Deposited Plan 63241	28 August 2009
10.	Murdoch Retirement Services Pty Ltd and Aged Care Services Australia Pty Ltd	A lease of the High Care Facility of the University's South Street campus shown marked A and B on Deposited Plan 63241	28 August 2009
11.	Murdoch University and Campus Living Villages Murdoch Pty Ltd	A lease of approximately 56,500 square metres of land on the University's South Street campus	30 July 2008



- 1           (3) University land the subject of a relevant lease is to be  
2           taken to be, and since the commencement of the  
3           relevant lease to have always been, used for university  
4           purposes for the purposes of —
- 5               (a) compliance with any conditions, restrictions or  
6               limitations (however arising) attaching to the  
7               vesting of the land in the University or the  
8               holding, care, control or management, by the  
9               University, of that land; and
- 10           (b) any provision of any written law that specifies  
11           that something is to happen or not to happen, or  
12           provides for some other consequence, if that  
13           land ceases to be used for university purposes.
- 14           (4) The rights, obligations and liabilities of all persons  
15           under a relevant lease are to be taken to be, and since  
16           the commencement of the relevant lease to have always  
17           been, the same as if the University land the subject of  
18           the lease is, and since the commencement of the  
19           relevant lease has been, used for university purposes.
- 20           (5) Anything done, or purportedly done, before  
21           commencement day as a result or consequence of, or in  
22           reliance on or in relation to, a relevant lease is to be  
23           taken to be, and to have always been, as valid and  
24           effective as it would have been if the University land  
25           the subject of the relevant lease were used for  
26           university purposes when the thing was done or  
27           purportedly done.
- 28           (6) In subsection (5) a reference to the doing of anything  
29           includes a reference to an omission to do anything.
- 30           (7) A relevant lease is, and is taken always to have been, as  
31           valid as if —
- 32               (a) any approval of the lease required under  
33               section 29(1)(f) as in force immediately before  
34               commencement day had been obtained; and

**s. 125**

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- 1                   (b) any requirement under the *Land Administration*  
2                   *Act 1997* section 75 for the written permission  
3                   of the Minister responsible for the  
4                   administration of that Act to be obtained for the  
5                   transfer of the interest under the lease had been  
6                   complied with.

7                   **Division 2 — Transitional provisions for *Universities***  
8                   ***Legislation Amendment Act 2016***

9                   **36. Term used: commencement day**

10                   In this Division —  
11                   *commencement day* means the day on which the  
12                   *Universities Legislation Amendment Act 2016*  
13                   section 89 comes into operation.

14                   **37. Transitional provisions (Senate)**

- 15                   (1) This section applies despite the amendments made to  
16                   section 12 by the *Universities Legislation Amendment*  
17                   *Act 2016* section 99.
- 18                   (2) Any person who, immediately before commencement  
19                   day, holds office under section 12 (as in effect  
20                   immediately before commencement day) as an  
21                   appointed or nominated or elected member of the  
22                   Senate —
- 23                   (a) continues in office —
- 24                   (i) under and subject to Part 3; and
- 25                   (ii) for the balance of the person's term of  
26                   office remaining immediately before  
27                   commencement day;
- 28                   but
- 29                   (b) vacates office before then in the circumstances  
30                   set out in section 15 as that section is in effect  
31                   immediately before commencement day.

- 1           (3) If a question arises under this section as to the balance  
2           of a person's term of office remaining immediately  
3           before commencement day, the question is to be  
4           determined by the Minister.

5           **38. Transitional provisions (guarantees)**

6           A guarantee given under section 32 (as in effect  
7           immediately before commencement day) and in force  
8           immediately before commencement day continues as if  
9           it had been given under section 32C.

10          **39. Transitional provisions (Statutes and by-laws)**

- 11          (1) In this section —  
12               *commencement day* means the day on which the  
13               *Universities Legislation Amendment Act 2016*  
14               section 117 comes into operation;  
15               *former section 27* means section 27 as in effect  
16               immediately before it was deleted by the *Universities*  
17               *Legislation Amendment Act 2016* section 117.  
18          (2) Section 26A(2) does not apply to or in relation to any  
19               Statute or by-law made and published in the *Gazette*  
20               before commencement day, and former section 27  
21               applies instead as if the former section 27 had not been  
22               deleted.  
23          (3) If a Statute or by-law has been made but not published  
24               in the *Gazette* before commencement day —  
25               (a) section 26A(2) does not apply to and in relation  
26               to that Statute; and  
27               (b) former section 27 applies instead as if the  
28               former section 27 had not been deleted.  
29

30          **126. Schedule 1 clause 5 deleted**

31          Delete Schedule 1 clause 5.

**s. 127**

---

1     **127.     Schedule 1 clause 6 amended**

2                      In Schedule 1 clause 6 delete “or 5 or both of them do not” and  
3                      insert:

4

5                      does not

6

7                      Note: The heading to amended clause 6 is to read:

8                                      **Minister may declare clause 3 inapplicable**

1                   **Part 5 — *University of Notre Dame Australia***  
2                                   ***Act 1989* amended**

3   **128.     Act amended**

4                   This Part amends the *University of Notre Dame Australia*  
5                   *Act 1989*.

6   **129.     Section 15C amended**

7                   In section 15C(3) delete “2/3” and insert:

8  
9                   two-thirds

11   **130.     Section 25 amended**

12                   Delete section 25(1) and insert:

13  
14                   (1)   The University is not a State agency or State  
15                   instrumentality or public statutory body.  
16

**Part 6 — *University of Western Australia  
Act 1911* amended**

**131. Act amended**

This Part amends the *University of Western Australia Act 1911*.

**132. Section 2 replaced**

Delete section 2 and insert:

**2. Terms used**

In this Act —

***casual vacancy*** means a vacancy arising in the office of a member of the Senate otherwise than by reason of the effluxion of time;

***Convocation*** means Convocation of the University;

***regulations*** means regulations made by the Senate under section 16E;

***residential accommodation*** —

(a) means any form of accommodation (including, without limitation, a residential college, hostel, hall of residence or form of independent living); and

(b) includes facilities that are —

(i) ancillary to residential accommodation; and

(ii) primarily for the use of staff of the University, or students, or both;

***Senate*** means the Senate of the University;

***Statutes*** means Statutes of the University made under this Act;

1           ***student*** means a person enrolled in the University as a  
2           student;

3           ***Student Guild*** means the Student Guild referred to in  
4           section 28(1);

5           ***University*** means the University of Western Australia;

6           ***University lands*** —

7                   (a) means the land being Reserve 17331 leased to  
8                   the University under Crown Lease 195321 and  
9                   any other land vested in, held by, leased to or  
10                  under the care, control and management of the  
11                  University for the purposes of this Act; and

12                  (b) includes all buildings, structures and erections  
13                  of any kind (whether permanent or temporary)  
14                  on that land.

15  
16       **133. Section 4 replaced**

17           Delete section 4 and insert:

18  
19               **4. University to consist of Senate, Convocation, staff**  
20               **and students**

21           The University consists of a Senate, Convocation, staff  
22           and students.

23  
24       **134. Section 7 amended**

25           Delete section 7(1) and insert:

26  
27           (1) The Governor is the Visitor of the University, and has  
28           the functions that Visitors usually have.

29

**s. 135**

---

1     **135.     Section 8 amended**

2         (1)   Delete section 8(1) and (2) and insert:

3

4             (1)   The Senate consists of the following members —

5                 (a)   3 persons appointed by the Governor on the  
6                         recommendation of the Minister;

7                 (b)   one person who is a member of the  
8                         non-academic salaried staff of the University,  
9                         and who is elected by the non-academic  
10                        salaried staff of the University in the manner  
11                        prescribed by regulations;

12                (c)   one person who is a member of the academic  
13                        staff of the University and who is elected by the  
14                        academic staff of the University in the manner  
15                        prescribed by regulations;

16                (d)   the Chancellor ex officio;

17                (e)   the Chair of the Academic Board of the  
18                        University, as established under Statute;

19                (f)   the Vice-Chancellor of the University  
20                        ex officio;

21                (g)   2 persons who are students —

22                       (i)   one of whom is an undergraduate  
23                               student and who is elected by the  
24                               undergraduate students in the manner  
25                               prescribed by regulations; and

26                       (ii)   one of whom is a postgraduate research  
27                               student and who is elected by the  
28                               postgraduate research students in the  
29                               manner prescribed by regulations;

30                (h)   2 persons who are members of Convocation  
31                        and who are elected by Convocation in the  
32                        manner prescribed by Statute;



1                   (i) not more than 5 persons coopted as members of  
2                   the Senate by the Senate.

3           (2) The fact that a person holds an elective office (for  
4           example, an elective office of the Student Guild) does  
5           not disqualify that person from being appointed or  
6           holding office under subsection (1).  
7

8           (2) After section 8(3) insert:  
9

10           (3A) A person who is a member of the staff of the  
11           University is not eligible to be a member of the Senate  
12           under subsection (1)(h).  
13

14           (3) Delete section 8(5) and insert:  
15

16           (5) At least 4 members of the Senate must be graduates of  
17           the University.  
18

19   **136. Section 9 replaced**

20           Delete section 9 and insert:  
21

22   **9A. Nominations Committee**

23           (1) The Senate must establish and maintain a committee of  
24           the Senate called the Nominations Committee.

25           (2) The Nominations Committee is to consist of not more  
26           than 6 members of the Senate appointed by the Senate.

27           (3) The following members are not eligible to be appointed  
28           to the Nominations Committee —

29                   (a) the Vice-Chancellor;

30                   (b) the member referred to in section 8(1)(b);

**s. 136**

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- 1 (c) the member referred to in section 8(1)(c);  
2 (d) the members referred to in section 8(1)(g);  
3 (e) the members referred to in section 8(1)(h);  
4 (f) the Chair of the Academic Board of the  
5 University.
- 6 (4) The functions of the Nominations Committee are —  
7 (a) to maintain lists of persons who are eligible and  
8 willing to be appointed to any vacancy or  
9 casual vacancy in the office of any member of  
10 the Senate who is appointed by the Governor or  
11 the Senate;  
12 (b) to recommend to the Minister suitable  
13 candidates for appointment to a vacancy or  
14 casual vacancy in the office of any member of  
15 the Senate who is appointed under  
16 section 8(1)(a);  
17 (c) to recommend to the Senate suitable candidates  
18 for appointment by cooption under  
19 section 8(1)(i).
- 20 (5) The fact that the Nominations Committee or the Senate  
21 has not recommended a person for appointment under  
22 section 8(1) does not prevent the person from being  
23 appointed or holding office under section 8(1).
- 24 (6) The Nominations Committee may regulate its own  
25 procedure, but it must comply with any direction given  
26 by the Senate.
- 27 **9. Terms of members**
- 28 (1) Subject to section 11, the term of office of a member of  
29 the Senate referred to in section 8(1)(a) or (i) is 3 years  
30 from the date of the appointment of the member or the  
31 date the member is coopted as a member.

- 1           (2) Subject to section 11, the term of office of a member of  
2           the Senate referred to in section 8(1)(b), (c) or (h) is  
3           3 years from the date their election takes effect.
- 4           (3) Subject to section 11, the term of office of a member of  
5           the Senate referred to in section 8(1)(g) is one year  
6           from the date their election takes effect.
- 7           (4) A member of the Senate, other than a member referred  
8           to in section 8(1)(g), is not eligible to be reappointed or  
9           re-elected on the expiry of a third successive term of  
10          office until 12 months have elapsed after that expiry.
- 11          (5) A member of the Senate referred to in section 8(1)(g) is  
12          not eligible for re-election more than once.
- 13          (6) The Senate may, in the case of a particular member of  
14          the Senate, increase the number of successive terms  
15          that member may have under subsection (4) if the  
16          Senate is of the view that there are exceptional  
17          circumstances in that member's case.
- 18

19   **137. Section 11 replaced**

20          Delete section 11 and insert:

21

22           **11. People disqualified from being Chancellor,**  
23           **Pro-Chancellor or Senate member**

24           A person must not be appointed or continue to hold  
25           office as Chancellor, Pro-Chancellor or a member of  
26           the Senate if the person —

- 27           (a) is, according to the *Interpretation Act 1984*  
28           section 13D, a bankrupt or a person whose  
29           affairs are under insolvency laws; or
- 30           (b) is removed from office by the Senate under  
31           section 11A; or

**s. 138**

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- 1 (c) is, or becomes, disqualified from managing  
2 corporations under the *Corporations Act 2001*  
3 (Commonwealth) Part 2D.6; or
- 4 (d) has been convicted of an offence and sentenced  
5 to a term of imprisonment, unless the person  
6 has been pardoned or has completed the term of  
7 imprisonment; or
- 8 (e) ceases to hold the qualification required to be  
9 held by the person for appointment as a  
10 member of the Senate; or
- 11 (f) is a person in respect of whom an  
12 administration order is in force under the  
13 *Guardianship and Administration Act 1990*  
14 Part 6.  
15

16 **138. Section 11A amended**

17 In section 11A(3) delete “2/3” and insert:

18

19 two-thirds  
20

21 **139. Section 11B inserted**

22 After section 11A insert:  
23

24 **11B. Remuneration and allowances for Senate members**

- 25 (1) A member of the Senate is entitled to be paid the  
26 remuneration (if any) and allowances (if any)  
27 determined by the Salaries and Allowances Tribunal  
28 under the *Salaries and Allowances Act 1975*.
- 29 (2) Any remuneration and allowances payable —  
30 (a) are expenditure for the purposes of the  
31 University; and

1                               (b) are to be paid out of the funds of the University.

2

3   **140.   Section 12 amended**

4       (1) In section 12(3) delete “4 years,” and insert:

5

6                               3 years,

7

8       (2) In section 12(4) delete “12 years.” and insert:

9

10                             9 years.

11

12       (3) Delete section 12(5) and insert:

13

14                             (5) If the Chancellor is elected from among the members  
15                               of the Senate, the election creates a casual vacancy in  
16                               the office of member of the Senate.

17

18   **141.   Section 12A amended**

19       (1) In section 12A(2) delete “4 years,” and insert:

20

21                             3 years,

22

23       (2) In section 12A(3)(a) delete “12 years; and” and insert:

24

25                             9 years; and

26

**s. 142**

---

1     **142.     Section 13 amended**

2             In section 13:

3                 (a)   delete “Act” and insert:

4

5                     Act, any relevant written law, any relevant industrial  
6                     award or industrial agreement

7

8                 (b)   delete “servants” and insert:

9

10                    employees

11

12     **143.     Section 15 replaced**

13             Delete section 15 and insert:

14

15     **15.       Leasing University lands**

16             (1)   In this section —

17                 *lease* includes a sublease.

18             (2)   The University may grant a lease of any University  
19             lands for a term not exceeding 21 years.

20             (3)   The University may, with the approval of the  
21             Minister —

22                 (a)   grant a lease of any University lands for a term  
23                     that exceeds 21 years but does not exceed  
24                     99 years; or

25                 (b)   mortgage any University lands.

26

1     **144.     Section 15A amended**

2           (1)   In section 15A(3B) delete “Governor shall approve.” and insert:

3

4                   Minister approves.

5

6           (2)   In section 15A(3C) delete “shall be repaid shall be such number  
7                   as the Governor shall approve, but in any case shall not” and  
8                   insert:

9

10                   are to be repaid is the number approved by the Minister, but in  
11                   any case is not to

12

13           (3)   In section 15A(3E) delete “him” and insert:

14

15                   the Treasurer

16

17           (4)   After section 15A(5) insert:

18

19                   (6)   Sections 15B, 15C and 15D do not affect or apply to  
20                   trust moneys used and applied in the manner provided  
21                   and authorised by subsection (1).

22

23     **145.     Section 15B replaced**

24           Delete section 15B and insert:

25

26     **15B.     Borrowing and other ways of raising money**

27           (1)   In this section —

28                   *debt paper* means inscribed stock, bonds, debentures  
29                   with coupons annexed, bills of exchange, promissory

**s. 145**

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- 1 notes or bearer securities, or other similar instruments  
2 evidencing indebtedness.
- 3 (2) The University may do all or any of the following —  
4 (a) borrow money;  
5 (b) obtain credit;  
6 (c) issue, acquire, hold or dispose of debt paper;  
7 (d) create and issue capital instruments;  
8 (e) arrange for financial accommodation to be  
9 extended to the University.
- 10 (3) Capital instruments created and issued by the  
11 University under subsection (2)(d) —  
12 (a) may be described in any way determined by the  
13 University; and  
14 (b) are to be created and issued on whatever terms  
15 the University determines.
- 16 (4) The University must keep whatever registers for the  
17 purposes of this section as are prescribed by  
18 regulations made under subsection (5).
- 19 (5) The Governor may make regulations prescribing  
20 registers that are to be kept for the purposes of this  
21 section and the keeping of those registers.
- 22 (6) Nothing in this section or section 15C or 15D affects or  
23 applies to trust moneys used and applied in the manner  
24 provided and authorised by section 15A(1).
- 25 **15C. Notice of borrowing**
- 26 (1) If the University intends to borrow money and seek a  
27 guarantee under section 15D in respect of that  
28 borrowing, the University must —  
29 (a) give the Minister reasonable advance notice of  
30 its intention to borrow that money and to seek a  
31 guarantee; and



1                   (b)   notify the Minister of the outcome of the  
2                   University's application to borrow that money.

3           (2)   A liability of the University is not unenforceable or in  
4           any way affected by the University's failure to comply  
5           with subsection (1).

6           **15D.   Guarantees**

7           (1)   The Treasurer, on the Minister's recommendation, may  
8           guarantee the performance by the University in the  
9           State or elsewhere, of any financial obligation of the  
10          University.

11          (2)   A guarantee —

12                  (a)   is given in the name and on behalf of the State;  
13                  and

14                  (b)   must be in the form, and contain the terms and  
15                  conditions, that the Treasurer determines; and

16                  (c)   without limiting paragraph (b), must be subject  
17                  to the condition that the person for whose  
18                  benefit the guarantee is given must not, without  
19                  the consent in writing of the Treasurer, assign  
20                  or encumber the benefit of the guarantee.

21          (3)   Before a guarantee is given, the University must —

22                  (a)   give the Treasurer any security that the  
23                  Treasurer requires; and

24                  (b)   execute all instruments that are required for that  
25                  purpose.

26          (4)   Payments made by the Treasurer under a guarantee are  
27          to be charged to the Consolidated Account, and this  
28          subsection appropriates that Account accordingly.

29          (5)   The Treasurer must cause to be credited to the  
30          Consolidated Account any amounts received or  
31          recovered from the University or otherwise in respect

**s. 146**

---

1 of any payment made by the Treasurer under a  
2 guarantee.

3 **15E. Charges for guarantee**

4 (1) The Treasurer may, from time to time, after  
5 consultation with the University, fix charges to be paid  
6 by the University in respect of a guarantee under  
7 section 15D.

8 (2) Payments by the University in respect of charges fixed  
9 under subsection (1) —

10 (a) must be made at the times, and in the  
11 instalments, that the Treasurer determines and  
12 notifies to the University; and

13 (b) must be credited to the Consolidated Account.

14 **15F. Power of University to provide residential**  
15 **accommodation for staff and students**

16 (1) The University may provide residential  
17 accommodation for staff of the University, or students,  
18 or both.

19 (2) The restrictions imposed by section 15(3) do not apply  
20 to the lease of any part of University lands referred to  
21 in section 15(3) if the purpose of the lease is the  
22 provision of residential accommodation in accordance  
23 with this section.  
24

25 **146. Section 16AA inserted**

26 Before section 16A insert:

27 **16AA. Authorised persons**

28 (1) For the purposes of sections 16A to 16F —

29 ***authorised person*** means —

30 (a) a police officer; or

- 1                   (b) the Vice-Chancellor; or
- 2                   (c) a member of the staff of the University, or a
- 3                   contractor, who is authorised under
- 4                   subsection (2) for the purposes of the provision
- 5                   of this section in which the term is used;
- 6                   **contractor** means —
- 7                   (a) an individual who works under a contract for
- 8                   services for the University; or
- 9                   (b) an employee of a body that provides services to
- 10                  the University under a contract;
- 11                  **owner**, in relation to a vehicle, means a person who is
- 12                  the owner of that vehicle for the purposes of the *Road*
- 13                  *Traffic (Administration) Act 2008*.
- 14                  (2) The Vice-Chancellor may, in writing —
- 15                   (a) designate a member of the staff of the
- 16                   University to be an authorised person for the
- 17                   purposes of any or all of section 16A(2)(j) or
- 18                   (k) or (3) or 16C(2); and
- 19                   (b) authorise a contractor to be an authorised
- 20                   person for the purposes of any or all of
- 21                   section 16A(2)(j) or (k) or (3) or 16C(2); and
- 22                   (c) revoke a designation or authorisation made
- 23                   under this subsection.
- 24                  (3) A designation or authorisation of a person under
- 25                  subsection (2) ceases to have effect if —
- 26                   (a) the designation or authorisation is revoked; or
- 27                   (b) the person ceases to be a member of the staff of
- 28                   the University or a contractor.
- 29

**s. 147**

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1     **147.     Section 16A amended**

2         (1)   Delete section 16A(1) and insert:

3

4             (1)   In this section —

5                     *lands of the University* means the lands described in  
6                     subsection (4) and includes all buildings, structures and  
7                     erections of any kind (whether permanent or  
8                     temporary) on that land.

9

10         (2)   In section 16A(2):

11             (a)   delete “time, with the approval of the Governor,” and  
12             insert:

13

14                     time

15

16             (b)   delete “University, hereafter described,” and insert:

17

18                     University

19

20             (c)   in paragraph (d) delete “police constable or an”;

21             (d)   delete paragraphs (j) and (k) and insert:

22

23                     (j)   authorise an authorised person to remove from  
24                     such lands any person guilty of a breach of a  
25                     by-law and to prohibit the obstruction of an  
26                     authorised person; and

27                     (k)   require any person using such lands to give  
28                     their name and address if required to do so by  
29                     an authorised person; and

30

31             (e)   in paragraph (l) delete “and”.

- 1       (3) In section 16A(3):  
2           (a) in paragraph (d)(i) delete “his” and insert:  
3  
4               the owner’s  
5  
6           (b) in paragraph (e) delete “his” and insert:  
7  
8               the authorised person’s  
9  
10          (c) in paragraph (g) delete “he” and insert:  
11  
12               the person  
13  
14       (4) Delete section 16A(7).  
15       (5) In section 16A(2) after each of paragraphs (a) to (i) insert:  
16  
17           and  
18  
19       **148. Sections 16B and 16C replaced**  
20           Delete sections 16B and 16C and insert:  
21  
22           **16B. Approval, publication, disallowance and proof of**  
23               **by-laws**  
24           (1) A by-law made by the Senate —  
25               (a) must be sealed with the common seal of the  
26                   University; and  
27               (b) must be submitted to the Governor for  
28                   approval; and  
29               (c) if approved by the Governor, must be published  
30                   in the *Gazette*; and

**s. 148**

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- 1 (d) takes effect on the later of —  
2 (i) the day after publication in the *Gazette*;  
3 or  
4 (ii) if a later day is specified for that  
5 purpose in the by-law, that day.
- 6 (2) In any proceedings in any court or before any person  
7 acting judicially, any of the following is sufficient  
8 evidence of a by-law —
- 9 (a) a copy of the by-law under the common seal of  
10 the University;  
11 (b) a document purporting to be a copy of the  
12 by-law and to have been printed by the  
13 Government Printer;  
14 (c) a copy of the *Gazette* purporting to contain a  
15 copy of the by-law.

16 **16C. Penalties**

- 17 (1) A by-law may impose a penalty not exceeding a fine of  
18 \$1 000 for any breach or non-observance of the by-law.
- 19 (2) Proceedings for the recovery of a penalty imposed  
20 under a by-law may be taken by an authorised person  
21 in the name of the authorised person.
- 22 (3) All penalties are to be paid to the Senate for the use of  
23 the University.

24 **16D. By-laws to be made readily available to public**

- 25 (1) The Senate must ensure that the following are readily  
26 available to the public by whatever means the Senate  
27 considers appropriate —
- 28 (a) all by-laws approved and published under  
29 section 16B(1);  
30 (b) all by-laws that are in effect immediately before  
31 the *Universities Legislation Amendment*  
32 *Act 2016* section 148 comes into operation.

- 1           (2) Publication in the *Gazette* is not sufficient compliance  
2           with subsection (1).
- 3           (3) Subsection (1) ceases to apply to a by-law once it  
4           ceases to be in effect.  
5

6   **149.   Section 16E amended**

- 7           (1) In section 16E(1) delete “servants” and insert:  
8

9           employees  
10

- 11          (2) In section 16E(2) delete “provisions of section 36 of the  
12          *Interpretation Act 1918*, do not” and insert:  
13

14          *Interpretation Act 1984* section 42 does not  
15

16   **150.   Section 16F amended**

17          In section 16F:

- 18           (a) delete “Pro-Chancellor, Vice-Chancellor, or Registrar of  
19           the University” and insert:  
20

21           Pro-Chancellor or Vice-Chancellor  
22

- 23           (b) delete “servant” and insert:  
24

25           employee  
26

**s. 151**

---

1   **151.   Section 16G inserted**

2           After section 16F insert:

3

4           **16G.   Delegation by Senate**

5           (1) The Senate may in relation to any matter or class of  
6           matters, or in relation to any activity or function of the  
7           University, by resolution delegate all or any of its  
8           powers, authorities, duties and functions under this Act  
9           (except its powers in relation to the making of Statutes,  
10          regulations and by-laws) to —

11               (a) any member of the Senate; or

12               (b) a committee, council or other body of the  
13               University; or

14               (c) any officer of the University.

15           (2) The Senate may by resolution revoke a delegation  
16           given under this section.

17           (3) A resolution delegating a power, authority, duty or  
18           function may authorise the delegate to further delegate  
19           the delegated power, authority, duty or function to a  
20           person or body.

21           (4) A subdelegation under this section must be in writing.

22           (5) The *Interpretation Act 1984* sections 58 and 59 apply  
23           to and in relation to a subdelegation under this section  
24           in the same way that they apply to and in relation to a  
25           delegation given under this section.

26



1     **152.     Section 17 amended**

2             Delete section 17(1) and insert:

3

4             (1)   Convocation consists of the following persons —

5                   (a)   members and past members of the Senate;

6                   (b)   graduates of the University;

7                   (c)   persons not referred to in paragraph (a) or (b)  
8                         who were members of Convocation  
9                         immediately before the coming into operation  
10                        of the *Universities Legislation Amendment*  
11                        *Act 2016* section 152;

12                  (d)   persons who the Senate may, from time to time,  
13                         admit to be members of Convocation.

14

15     **153.     Section 18A inserted**

16             After section 17 insert:

17

18             **18A.     Functions of Convocation**

19                   Convocation has the functions prescribed by Statute.

20

21     **154.     Section 18 amended**

22             After section 18(2) insert:

23

24             (3)   The Warden may resign their office by written notice  
25                   given to the Chancellor.

26

**s. 155**

---

1     **155.     Sections 19 to 23 replaced**

2             Delete sections 19 to 23 and insert:

3

4             **19.     Resignation**

5             (1)    A Chancellor, Pro-Chancellor or a member of the  
6                    Senate described in section 8(1)(a) may resign their  
7                    office by written notice given to the Minister.

8             (2)    Any other member of the Senate may resign their  
9                    office by written notice given to the Chancellor.

10            **20.     Vacation of Senate office**

11            A member of the Senate vacates office if —

12            (a)    the member is or has become disqualified under  
13                    the provisions of this Act; or

14            (b)    the member has, without the leave of the  
15                    Senate, been absent from all meetings of the  
16                    Senate held during a period of at least  
17                    6 months; or

18            (c)    the member dies or resigns.

19            **22.     Casual vacancies**

20            If a casual vacancy occurs in the office of a member of  
21            the Senate, the vacancy is to be filled in the same  
22            manner as if that member's term of office had expired.

23            **23.     Reappointment**

24            Subject to sections 9(4), 12(4) and 12A(3), a person  
25            may at any time be reappointed or re-elected to the  
26            office of Chancellor, Pro-Chancellor, Warden or  
27            member of the Senate, if the person is capable under  
28            this Act of holding that office.  
29

1   **156.   Section 24 replaced**

2           Delete section 24 and insert:

3

4           **23A.   Chair of Senate**

5           (1)   The Chancellor, or in the absence of the Chancellor the  
6               Pro-Chancellor, is to preside as the chair of a meeting  
7               of the Senate.

8           (2)   If the Chancellor and the Pro-Chancellor are not  
9               present at a meeting of the Senate, the members of the  
10              Senate present at the meeting are to elect a person to  
11              preside as the chair of the meeting.

12          **24.   Chair of Convocation**

13          (1)   The Warden is to preside as the chair of a meeting of  
14               Convocation.

15          (2)   If the Warden is not present at a meeting of  
16               Convocation, the members of Convocation present at  
17               the meeting are to elect a person to preside as the chair  
18               of the meeting.

19

20   **157.   Section 27 amended**

21          (1)   Delete section 27(1).

22          (2)   In section 27(3):

23              (a)   delete “by writing under his hand,” and insert:

24

25                      in writing,

26

27              (b)   delete “him” and insert:

28

29                      the Vice-Chancellor

30

**s. 158**

---

1       (3) After section 27(3) insert:

2

3           (4) In addition to or instead of the title of Vice-Chancellor,  
4           the Vice-Chancellor may use any other title that is —

5               (a) approved by the Senate; or

6               (b) prescribed by Statute, regulation or by-law.

7           (5) The use by the Vice-Chancellor, in accordance with  
8           subsection (4), of any title in addition to or instead of  
9           the title of Vice-Chancellor does not affect the validity  
10          of anything done or omitted to be done by, to or in  
11          relation to the Vice-Chancellor.

12

13           Note: The heading to amended section 27 is to read:

14               **Vice-Chancellor**

15   **158. Part 5 heading replaced**

16           Delete the heading to Part 5 and insert:

17

18                                   **Part 5 — Student Guild**

19

20   **159. Section 28 amended**

21       (1) Delete section 28(1) and insert:

22

23           (1) There continues to be a body corporate, to be called the  
24           Student Guild.

25           (1A) The Student Guild is the same body corporate that was  
26           established under this Act and originally called the  
27           Guild of Undergraduates.

28

- 1       (2) In section 28(2) and (2a) before “Guild” (each occurrence)  
2       insert:  
3
- 4       Student  
5
- 6       (3) In section 28(2c) delete “not being a member of the Guild.” and  
7       insert:  
8
- 9       being or not being a member of the Student Guild.  
10
- 11      (4) In section 28(3) before “Guild” insert:  
12
- 13      Student  
14
- 15      (5) Delete section 28(4) and insert:  
16
- 17      (4) The Student Guild —  
18          (a) has perpetual succession; and  
19          (b) is to have a common seal; and  
20          (c) may sue and be sued; and  
21          (d) subject to the Statutes, may do and suffer all  
22              other acts and things that bodies corporate may  
23              by law do and suffer.  
24
- 25      (6) In section 28(5), (6) and (7) before “Guild” (each occurrence)  
26      insert:  
27
- 28      Student  
29
- 30      Note: The heading to amended section 28 is to read:  
31      **Student Guild**

**s. 160**

---

1     **160.     Section 28A replaced**

2             Delete section 28A and insert:

3

4             **28A.     Amenities and services fee**

5             (1) A Statute made under section 31 may provide for an  
6                 annual amenities and services fee to be payable by  
7                 students, and (without limitation) for that purpose  
8                 may —

9                 (a) prescribe the procedures to be followed in  
10                 setting that fee;

11                (b) prescribe the persons by whom the fee is  
12                 payable, and exempt or provide for the  
13                 exemption of persons or classes of persons  
14                 from payment of the fee;

15                (c) provide for different levels of the fee to be  
16                 payable by different classes of persons;

17                (d) provide for the reduction, waiver or refund, in  
18                 whole or in part, of the fee;

19                (e) prescribe how much of the total fees collected  
20                 is to be paid to the Student Guild;

21                (f) prescribe terms and conditions on which any  
22                 amount of the total fees collected is to be paid  
23                 to the Student Guild, including conditions to be  
24                 met before some or all of the amount may be  
25                 paid to the Student Guild;

26                (g) provide for the Senate to decide how the  
27                 amount of the total fees collected (after  
28                 deducting the amount that is paid to the Student  
29                 Guild) is to be spent, after consultation by the  
30                 Senate with the Student Guild.

31             (2) This section does not limit section 31.

32             (3) This section overrides section 38.

33

1     **161.     Section 28B amended**

2             In section 28B:

3                 (a)    before “Guild” (each occurrence) insert:

4                             Student

6                 (b)    before “Guild’s” insert:

7                             Student

8

9     **162.     Section 29 replaced**

10             Delete section 29 and insert:

11

12     **29.       Courses of study and degrees**

13             (1)    The Senate may —

14                 (a)    cause to be provided to students courses of  
15                             study appropriate to a university, and other  
16                             tertiary courses; and

17                 (b)    grant degrees, diplomas and certificates in any  
18                             branch of knowledge appropriate to a  
19                             university; and

20                 (c)    confer honorary degrees or other distinctions on  
21                             persons approved by the Senate.

22             (2)    Subsection (1) is subject to any provision in the  
23                             Statutes relating to the grant or conferral of a degree,  
24                             diploma, certificate or other distinction.

25

**s. 163**

---

1     **163.     Section 30 amended**

2             In section 30(2):

3                 (a)   delete “his” and insert:

4

5                         the person’s

6

7                 (b)   delete “Governor” and insert:

8

9                         Minister

10

11     **164.     Section 31 amended**

12             (1)   Delete section 31(1) and insert:

13

14                 (1)   The Senate may make Statutes with respect to any of  
15                         the following matters —

16                         (a)   the management, good government, and  
17                                 discipline of the University;

18                         (b)   the use and custody of the common seal;

19                         (c)   the election of —

20                                 (i)   the Warden;

21                                 (ii)   officers of Convocation or of a  
22   committee of Convocation;

23                         (d)   procedures for meetings of the Senate and  
24                                 Convocation;

25                         (e)   the tenure of office, and powers and duties of  
26                                 the Vice-Chancellor;

27                         (f)   the number, manner of appointment and  
28                                 dismissal of deans, professors, lecturers,  
29                                 examiners, and other officers and employees of  
30                                 the University;



- 1                   (g) the holding of lectures, classes, and  
2                   examinations;
- 3                   (h) the promotion and extension of University  
4                   teaching;
- 5                   (i) the granting of degrees, diplomas, certificates,  
6                   and honours;
- 7                   (j) the conditions on which degrees, diplomas,  
8                   certificates, and honours may be granted to  
9                   students who are not residents of Australia;
- 10                  (k) the granting of fellowships, scholarships,  
11                  exhibitions, bursaries, and prizes;
- 12                  (l) the admission of students of other universities  
13                  to any corresponding status or of graduates of  
14                  other universities to any corresponding degree  
15                  or diploma without examination;
- 16                  (m) the fees, if any, to be paid for examinations, for  
17                  the granting of degrees, diplomas, and  
18                  certificates, and for attendance at the lectures  
19                  and classes of the University;
- 20                  (n) the annual amenities and services fee in  
21                  accordance with section 28A;
- 22                  (o) the matters required by section 28B to be  
23                  specified or prescribed by Statute;
- 24                  (p) the establishment, management, and control of  
25                  libraries and museums in connection with the  
26                  University;
- 27                  (q) the establishment by the Senate of residential  
28                  accommodation for staff of the University, or  
29                  students, or both, and the management, control  
30                  and closing of any residential accommodation;
- 31                  (r) the affiliation of residential accommodation for  
32                  staff of the University, or students, or both,  
33                  where the residential accommodation is not  
34                  under the control of the Senate;

**s. 165**

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- 1 (s) providing for a scheme of superannuation for  
2 the salaried teachers and officers on retirement;  
3 (t) the control and investment of the property of  
4 the University;  
5 (u) classes of membership and conditions or  
6 qualifications for membership of the Student  
7 Guild;  
8 (v) the powers, authorities and obligations of the  
9 Student Guild, the use and custody of the  
10 common seal of the Student Guild and any  
11 other matters necessary or convenient for the  
12 effective functioning of that body;  
13 (w) academic costume;  
14 (x) any other matters not inconsistent with the  
15 provisions of this Act.  
16

17 (2) In section 31(2) delete “3 months” and insert:  
18

19 28 days  
20

21 **165. Section 33 replaced**

22 Delete section 33 and insert:  
23

24 **33. Approval, publication, disallowance and proof of**  
25 **Statutes**

- 26 (1) A Statute made by the Senate —  
27 (a) must be sealed with the common seal of the  
28 University; and  
29 (b) must be submitted to the Governor for  
30 approval; and

- 1                   (c) if approved by the Governor, must be published  
2                   in the *Gazette*; and
- 3                   (d) takes effect on the later of —
- 4                         (i) the day after publication in the *Gazette*;  
5                         or  
6                         (ii) if a later day is specified for that  
7                         purpose in the Statute, that day.
- 8                   (2) The *Interpretation Act 1984* section 42 applies to a  
9                   Statute approved and published under subsection (1) as  
10                  if the Statute were a regulation.
- 11                  (3) In any proceedings in any court or before any person  
12                  acting judicially, any of the following is sufficient  
13                  evidence of a Statute —
- 14                         (a) a copy of the Statute under the common seal of  
15                         the University;
- 16                         (b) a document purporting to be a copy of the  
17                         Statute and to have been printed by the  
18                         Government Printer;
- 19                         (c) a copy of the *Gazette* purporting to contain a  
20                         copy of the Statute.
- 21                  **34A. Statutes to be made readily available to public**
- 22                         (1) The Senate must ensure that the following are readily  
23                         available to the public by whatever means the Senate  
24                         considers appropriate —
- 25                                 (a) all Statutes approved and published under  
26                                 section 33(1);
- 27                                 (b) all Statutes that are in effect immediately before  
28                                 the *Universities Legislation Amendment*  
29                                 *Act 2016* section 164 comes into operation.
- 30                         (2) Publication in the *Gazette* is not sufficient compliance  
31                         with subsection (1).

**s. 166**

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- 1           (3) Subsection (1) ceases to apply to a Statute once it  
2           ceases to be in effect.  
3

4   **166. Section 34 amended**

- 5       (1) Delete section 34(1) and insert:

- 6  
7       (1) The Senate may make Statutes for —  
8           (a) the affiliation to, or connection with, the  
9           University of any college or educational  
10          institution if the governing body of the college  
11          or educational institution consents to the  
12          affiliation or connection; and  
13          (b) the licensing of persons to provide residential  
14          accommodation for staff of the University, or  
15          students, or both.  
16       (2A) Statutes referred to in subsection (1) may provide for  
17       conditions, including the payment of fees, to apply in  
18       respect of any of the matters referred to in that  
19       subsection.  
20

- 21       (2) In section 34(2) delete “boarding-houses.” and insert:  
22  
23       residential accommodation.  
24

25   **167. Section 35 amended**

- 26       In section 35(1) delete “he may think.” insert:  
27  
28       the Governor thinks.  
29

1     **168.     Section 36 amended**

2           (1)   In section 36 delete “No tax or” and insert:

3

4                   (1)   No

5

6           (2)   At the end of section 36 insert:

7

8                   (2)   The *Land Tax Assessment Act 2002* section 33 provides  
9                           an exemption from land tax in respect of land owned  
10                           by, vested in or held in trust for the University, in the  
11                           circumstances set out in that section.

12

13                   Note: The heading to amended section 36 is to read:

14                           **Exemption from rate or tax**

15     **169.     Section 37 deleted**

16                   Delete section 37.

17     **170.     Sections 39 and 40 deleted**

18                   Delete sections 39 and 40.

19     **171.     Section 42 deleted**

20                   Delete section 42.

1     **172.     Part 10 inserted**

2             After section 42 insert:

3

4                     **Part 10 — Transitional provisions for**  
5                     ***Universities Legislation Amendment Act 2016***

6             **43.     Term used: commencement day**

7                     In this Part —

8                     ***commencement day*** means the day on which the  
9                     *Universities Legislation Amendment Act 2016*  
10                    section 131 comes into operation.

11            **44.     Transitional provisions (Senate)**

12                   (1) This section applies despite the amendments made to  
13                    section 8, and the replacement of section 9 by the  
14                    *Universities Legislation Amendment Act 2016*  
15                    sections 135 and 136.

16                   (2) Any person who, immediately before commencement  
17                    day, holds office under section 8 (as in effect  
18                    immediately before commencement day) as an  
19                    appointed or nominated or elected member of the  
20                    Senate —

21                         (a) continues in office —

22                                 (i) under and subject to Part 4; and

23                                 (ii) for the balance of the person's term of  
24                                 office remaining immediately before  
25                                 commencement day;

26                                 but

27                         (b) vacates office before then in the circumstances  
28                                 set out in section 20 as that section is in effect  
29                                 immediately before commencement day.

- 1           (3) For the purposes of subsection (2)(a)(ii), the member  
2           who holds office under section 8(1)(e) (as in effect  
3           immediately before commencement day) is taken to  
4           have a term of office that expires on —
- 5               (a) 31 December 2016, if the *Universities*  
6               *Legislation Amendment Act 2016* section 135  
7               comes into operation on or before that date; or
- 8               (b) the 60<sup>th</sup> day after the day on which the  
9               *Universities Legislation Amendment Act 2016*  
10              section 135 comes into operation, if that section  
11              comes into operation after 31 December 2016.
- 12           (4) If a question arises under this section as to the balance  
13           of a person's term of office remaining immediately  
14           before commencement day, the question is to be  
15           determined by the Minister.

16           **45. Transitional provisions (Chancellor and**  
17           **Pro-Chancellor)**

- 18           (1) This section applies despite the amendments made to  
19           sections 12 and 12A by the *Universities Legislation*  
20           *Amendment Act 2016* sections 140 and 141.
- 21           (2) The person who, immediately before commencement  
22           day, holds office under section 12 (as in effect  
23           immediately before commencement day) as  
24           Chancellor —
- 25               (a) continues in office —
- 26                   (i) under and subject to Part 4; and
- 27                   (ii) for the balance of the person's term of  
28                   office remaining immediately before  
29                   commencement day;
- 30               but
- 31               (b) vacates office before then in the circumstances  
32               set out in section 20 as that section is in effect  
33               immediately before commencement day.

**s. 172**

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- 1           (3) The person who, immediately before commencement  
2           day, holds office under section 12A (as in effect  
3           immediately before commencement day) as  
4           Pro-Chancellor —  
5           (a) continues in office —  
6               (i) under and subject to Part 4; and  
7               (ii) for the balance of the person's term of  
8               office remaining immediately before  
9               commencement day;  
10           but  
11           (b) vacates office before then in the circumstances  
12           set out in section 20 as that section is in effect  
13           immediately before commencement day.

14           **46. Transitional provisions (guarantees)**

15           A guarantee given under section 15B (as in effect  
16           immediately before commencement day) and in force  
17           immediately before commencement day continues as if  
18           it had been given under section 15D.

19           **47. Transitional provisions (by-laws)**

- 20           (1) In this section —  
21               *former section 16B* means section 16B as in effect  
22               immediately before it was deleted by the *Universities*  
23               *Legislation Amendment Act 2016* section 148.  
24           (2) Section 16B(2) does not apply to or in relation to any  
25           by-law made and published in the *Gazette* before  
26           commencement day, and former section 16B applies  
27           instead as if the former section 16B had not been  
28           deleted.



- 1           (3) If a by-law has been made but not published in the  
2           *Gazette* before commencement day —  
3               (a) section 16B(2) does not apply to and in relation  
4               to that by-law; and  
5               (b) former section 16B applies instead as if the  
6               former section 16B had not been deleted.

7           **48. Transitional provisions (Statutes)**

- 8           (1) In this section —  
9               *former section 33* means section 33 as in effect  
10              immediately before it was deleted by the *Universities*  
11              *Legislation Amendment Act 2016* section 165.  
12           (2) Section 33(2) does not apply to or in relation to any  
13              Statute made and published in the *Gazette* before  
14              commencement day, and former section 33(2) applies  
15              instead as if the former section 33 had not been deleted.  
16           (3) If a Statute has been made but not published in the  
17              *Gazette* before commencement day —  
18               (a) section 33(2) does not apply to and in relation  
19               to that Statute; and  
20               (b) former section 33(2) applies instead as if the  
21               former section 33 had not been deleted.  
22

23           **173. Schedule 1 clause 5 deleted**

24           Delete Schedule 1 clause 5.

**s. 174**

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1     **174.     Schedule 1 clause 6 amended**

2             In Schedule 1 clause 6(1) delete “or 5 or both of them do not” and  
3             insert:

4

5             does not

6

7             Note: The heading to amended clause 6 is to read:

8                     **Minister may declare clause 3 inapplicable**

**Part 7 — Amendments to and repeal of other Acts**

**Division 1 — Acts repealed**

**175.    *Murdoch University Planning Board Act 1970* repealed**

The *Murdoch University Planning Board Act 1970* is repealed.

**176.    *Reserves (University Lands) Act 1972* repealed**

The *Reserves (University Lands) Act 1972* is repealed.

**Division 2 — *Animal Resources Authority Act 1981* amended**

**177.    Act amended**

This Division amends the *Animal Resources Authority Act 1981*.

**178.    Section 5 amended**

Delete section 5(2)(b)(iii) and insert:

(iii)    Curtin University — 1 person.

**179.    Section 17 amended**

Delete section 17(b)(iii) and insert:

(iii)    Curtin University;

**Division 3 — *Financial Management Act 2006* amended**

**180.    Act amended**

This Division amends the *Financial Management Act 2006*.

1 **181. Schedule 1 amended**

2 In Schedule 1 delete the item “Curtin University of Technology”  
3 and insert:

4  
5 Curtin University  
6

7 **Division 4 — *Industrial Relations Act 1979* amended**

8 **182. Act amended**

9 This Division amends the *Industrial Relations Act 1979*.

10 **183. Section 7 amended**

11 In section 7(1) in the definition of *post-secondary education*  
12 *institution* delete “*Curtin University of Technology Act 1966*,”  
13 and insert:

14  
15 *Curtin University Act 1966*,  
16

17 **Division 5 — *Land Tax Assessment Act 2002* amended**

18 **184. Act amended**

19 This Division amends the *Land Tax Assessment Act 2002*.

20 **185. Section 33 amended**

21 In section 33(4):

22 (a) delete paragraph (b) and insert:  
23

24 (b) Curtin University established under the *Curtin*  
25 *University Act 1966*;  
26

1                   (b) delete paragraph (d) and insert:

2

3                   (d) Edith Cowan University established under the  
4                         *Edith Cowan University Act 1984*;

5

6   **186.   Section 44 deleted**

7                   Delete section 44.

8                   **Division 6 — *Oaths, Affidavits and Statutory Declarations***  
9                         ***Act 2005* amended**

10   **187.   Act amended**

11                   This Division amends the *Oaths, Affidavits and Statutory*  
12                         *Declarations Act 2005*.

13   **188.   Schedule 2 amended**

14                   In Schedule 2 item 1 in the 1<sup>st</sup> bullet point delete “*of*  
15                         *Technology*”.

16                   **Division 7 — *Public Sector Management Act 1994* amended**

17   **189.   Act amended**

18                   This Division amends the *Public Sector Management Act 1994*.

19   **190.   Schedule 1 amended**

20                   In Schedule 1 delete item 6 and insert:

21

6                   Curtin University established under the *Curtin University*  
                       *Act 1966*

22

1           **Division 8 — *Salaries and Allowances Act 1975* amended**

2   **191.     Act amended**

3           This Division amends the *Salaries and Allowances Act 1975*.

4   **192.     Section 6 amended**

5       (1)   After section 6(1)(d) insert:

6

7                   (ea)   a person holding any of the following  
8                   offices —

9                       (i)   member of the Council of Curtin  
10                      University;

11                     (ii)   member of the Kalgoorlie Campus  
12                     Council of Curtin University;

13                     (iii)   member of the Council of Edith Cowan  
14                     University;

15                     (iv)   member of the ECU South West  
16                     Campus (Bunbury) Advisory Board of  
17                     Edith Cowan University;

18                     (v)   member of the Advisory Board of the  
19                     Academy of Edith Cowan University;

20                     (vi)   member of the Senate of Murdoch  
21                     University;

22                     (vii)   member of the Senate of the University  
23                     of Western Australia;

24                     and

25

26       (2)   In section 6 after each of subsections (1)(a) to (c) and (2)(a)  
27           insert:

28

29           and

30

1   **193.   Section 10 amended**

2           After section 10(4)(b) insert:

3

- 4                   (ca)   appoint a person nominated from time to time  
5                           in writing by the Public Sector Commissioner  
6                           to assist the Tribunal in an inquiry insofar as it  
7                           relates to the remuneration to be paid or  
8                           provided to persons holding the offices referred  
9                           to in section 6(1)(ea); and  
10

11                   **Division 9 — *Sentencing Act 1995* amended**

12   **194.   Act amended**

13           This Division amends the *Sentencing Act 1995*.

14   **195.   Schedule 1 amended**

15           In Schedule 1 delete the item relating to the Curtin University of  
16           Technology and insert:

17

*Curtin University*           Curtin University  
                  *Act 1966*

18

19                   **Division 10 — *Superannuation and Family Benefits***  
20                           ***Act 1938* amended**

21   **196.   Act amended**

22           This Division amends the *Superannuation and Family Benefits*  
23           *Act 1938*.

**Universities Legislation Amendment Bill 2016**

**Part 7** Amendments to and repeal of other Acts

**Division 10** Superannuation and Family Benefits Act 1938 amended

**s. 197**

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1   **197.   Section 67 amended**

2           In section 67(1a)(a) delete “*Curtin University of Technology*  
3           *Act 1966;*” and insert:

4  
5           *Curtin University Act 1966;*  
6

=====

7