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**EDITH COWAN UNIVERSITY ACT 1984**  
AMENDING STATUTE NO. 3 OF 2009

It is hereby notified that the Governor in Executive Council, acting under the provisions of section 27 of the *Edith Cowan University Act 1984*, has approved Amending Statute No. 3 of 2009 as set out in the attached schedule.

Dr ELIZABETH CONSTABLE MLA, Minister for Education; Tourism.  
R. KENNEDY, Clerk of the Executive Council.

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**EDITH COWAN UNIVERSITY ACT 1984**  
EDITH COWAN UNIVERSITY  
**Amending Statute No. 3 of 2009**

The University Statutes are hereby amended as follows—

1. This Amending Statute comes into operation on the day it is published in the *Government Gazette*.
2. Statute No. 17 Edith Cowan University Foundation is repealed.
3. Statute No. 17 Edith Cowan University Foundation as set out in the attached Schedule is enacted.

The common seal of Edith Cowan University was affixed by resolution of the Council in the presence of—

KERRY O. COX, Vice-Chancellor.  
WARREN SNELL, Authorised Sealing Officer.

Dated this 21st day of December 2009.

By Command of the Governor,

R. KENNEDY, Clerk of the Executive Council.

***Schedule***

EDITH COWAN UNIVERSITY  
**University Statute No. 17**  
**Edith Cowan University Foundation**

1. Definitions
2. Establishment and Objectives
3. The Foundation Board
4. The Fundraising Plan
5. The Funds
6. Donations or Contributions
7. Rules
8. Repeal

The purpose of this Statute is to establish the Edith Cowan University Foundation.

**1. Definitions**

In this Statute unless the contrary intention appears—

“**Act**” means the *Edith Cowan University Act 1984*.

“**Council**” means the Council of the University and “**Council Member**” means a member of the Council.

“**Donor**” means any person or organisation who has donated or otherwise contributed moneys, property or assets to the University for the objectives of the Foundation, and for the purposes of this definition the term “person” includes a partnership, association, foundation, trust, corporation or company whether incorporated or unincorporated.

“**Foundation**” means the Edith Cowan University Foundation established by Section 2 of this Statute.

“**Foundation Board**” means the Board of the Foundation established by Section 3 of this Statute.

“**Fund**” or “**Funds**” means all property, both real and personal, from time to time held by the University for the objectives of the Foundation pursuant to this Statute and all investments representing such property or any part thereof and any consequential investment income.

“**Fundraising Plan**” means the Fundraising Plan described in Section 4 of this Statute.

“**Rules**” means the Edith Cowan University Foundation Rules made under Section 7 of this Statute.

“**Vice-Chancellor**” means the person for the time being appointed as the chief executive officer of the University under section 30 of the Act, or a person acting in that position.

**2. Establishment and Objectives**

The Edith Cowan University Foundation is established to promote and encourage philanthropic giving to the University, as well as other contributions towards the agreed Fundraising Plan, for the University's advancement and development, to benefit its students and the wider community.

### **3. The Foundation Board**

The affairs of the Foundation shall be overseen by the Foundation Board, constituted under the Rules.

### **4. The Fundraising Plan**

As and when required, Council shall approve a Fundraising Plan which outlines the fundraising priorities of the University.

### **5. The Funds**

(1) The Funds shall be managed and audited separately from the University's other funds and property and accounted for separately in the accounts and records of the University.

(2) Subject to sub-section 5(1) and pending any disposition, application or dealing with the Funds in accordance with sub-section 5(3), the Funds shall be invested by the University in accordance with the Act.

(3) Council may, subject to the Act, this Statute and the Rules, dispose of, apply or otherwise deal with any or all of the Funds as seen fit and having regard to any expressed intention(s) of the relevant Donor(s). Any disposal of, or dealing with, the Funds is subject, under section 5(2)(e) of the Act, to the express trusts of any deed, will, or instrument under which the property was acquired.

### **6. Donations or Contributions**

(1) Subject to the Rules, donations or other contributions to the University for the objectives of the Foundation may be accepted from and for any compatible source and purpose, including (without limitation) from the University.

(2) Donations or contributions may be made in the form of—

- (a) monies;
- (b) personal property; or
- (c) any other class of assets.

(3) Donations or contributions may be made by way of—

- (a) lump sum;
- (b) instalments;
- (c) interest from amounts deposited with the University or otherwise; or
- (d) bequests or by any other means.

### **7. Rules**

Council may make Rules to give effect to this Statute, including Rules relating to—

- (1) the functions, membership and appointment of members of the Foundation Board;
- (2) meetings of the Foundation Board;
- (3) the functions of the Foundation Board and the Vice-Chancellor in the conduct of the affairs of the Foundation;
- (4) the management and disbursement of the Funds;
- (5) the method of reporting to be used in relation to the Funds;
- (6) the appointment of patrons for specific activities of the Foundation;
- (7) the recognition of Donors; and
- (8) any other matters Council considers necessary for the Foundation to achieve its objectives.

### **8. Repeal**

(1) Council may, after seeking such advice as it considers necessary and appropriate, resolve that the Foundation be disestablished by the repealing of this Statute.

(2) In the event that the Foundation is disestablished, the Funds shall continue to be held by the University and be disbursed by Council in such manner, consistent with the Act, as it considers appropriate and having regard to any expressed intention(s) of the relevant Donor(s). Any disbursement of the Funds is subject, under section 5(2)(e) of the Act, to the express trusts of any deed, will, or instrument under which the property was acquired.