

CURTIN UNIVERSITY ACT 1966
STATUTE NO. 3 – RULES AND BY-LAWS

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CURTIN UNIVERSITY ACT 1966
STATUTE NO. 3 – RULES AND BY-LAWS

This Statute is made by the Council of the University under the powers conferred on it by section 34 of the *Curtin University Act 1966*.

Part 1 - Preliminary

1. Short title

This Statute is *Statute No. 3 – Rules and By-laws*.

2. Commencement

This Statute takes effect on the day after publication in the *Government Gazette*.

3. Purpose

The purpose of this Statute is to establish the framework for dealing with -

- (a) the making of rules, as authorised by section 34(3) of the Act, under the Statutes; and
- (b) the making of by-laws, as authorised by section 20A(2) of the Act.

4. Terms used

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

Act means the *Curtin University Act 1966*;

by-law means a by-law made by the University under section 20A of the Act;

Previous Statute No. 3 means Statute No. 3 – Rules published in the *Government Gazette* on 25 February 1977;

rule means a rule made under a Statute; and

Statute has the meaning given in section 4(1) of the Act.

*Note: section 4(1) of the Act defines **Statute** to mean ‘a statute of the University in force in pursuance of this Act’.*

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

Part 2 - Rules

5. Power to make rules

- (1) The Council may make rules, not inconsistent with the Act or any Statute –
 - (a) to regulate, or provide for the regulation of, any specified matter with respect to which a Statute may be made; or
 - (b) to carry out or give effect to a Statute.

Note: under section 34(3)(a) of the Act, a rule 'shall have the same force and effect as a Statute'.

- (2) The Council may revoke or amend a rule made under this section.

6. Making a rule

- (1) A rule –
 - (a) must be made by resolution of the Council;
 - (b) must be sealed with the common seal of the University in accordance with section 8 of *Statute No. 1 – Common Seal and Graduation Seal*;
 - (c) must be promulgated by –
 - (i) being published on the University's website; and
 - (ii) whatever other means (if any) the Council determines to be appropriate, either generally or in the case of a particular rule; and
 - (d) takes effect on the later of –
 - (i) the day after being published on the University's website; or
 - (ii) if a later day is specified for that purpose in the rule, that day.
- (2) The Administrative Secretary must ensure that a copy of each rule is available for inspection by any person during the University's normal business hours.

Part 3 - By-laws

7. Power to make by-laws

The power to make by-laws is dealt with in the Act.

Note: section 20A(2) of the Act enables the University, with the approval of the Governor, to 'make by-laws for the purpose of managing, preserving and protecting University lands and for the purpose of regulating the terms and conditions on which such lands may be visited or used by any persons whomsoever, and the conduct of such persons when on or upon such lands, and in particular may make by-laws ... [in respect of the matters set out in paragraphs (a)-(o) of section 20A(2)].

8. Making a by-law


- (1) A by-law –
 - (a) must be made by resolution of the Council;
 - (b) must be sealed with the common seal of the University in accordance with section 8 of *Statute No. 1 – Common Seal and Graduation Seal*;
 - (c) must be submitted to the Governor for approval;
 - (d) if approved by the Governor, must be promulgated by –
 - (i) being published in the *Government Gazette*; and
 - (ii) whatever other means (if any) the Council determines to be appropriate, either generally or in the case of a particular by-law; and
 - (e) takes effect on the later of –
 - (i) the day of publication in the *Government Gazette*; or
 - (ii) if a later day is specified for that purpose in the by-law, on that day.
- (2) The Administrative Secretary must ensure that a copy of each by-law is available for inspection by any person during the University's normal business hours.

Part 4 - Miscellaneous

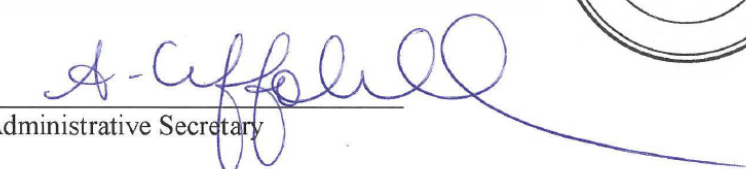
9. Revocation

Previous Statute No. 3 is revoked.

The Common Seal of CURTIN UNIVERSITY)
 was affixed on the 13th)
 day of April 2018)
 by the authority of the Vice-Chancellor)


 Vice-Chancellor



A/ 
 Administrative Secretary

REVISION HISTORY

| Revision Ref. No | Approved/ Rescinded | Date | Committee/ Board | Resolution Number | Document Reference |
|------------------|---------------------|--------------|------------------|-------------------|--|
| | Established | 20/11/1968 | Council | I/C 188/68 | No document reference. [Draft Statute previously approved I/C 121/68 (21/8/68), also no document reference, however, it was noted that it could not be gazetted until the Act had been amended]. |
| | Gazetted | 14/1/1969 | | | |
| | Amended | 19/11/1969). | Council | C 241/69 | via Amending Statute No. 2 (amendment specified in Resolution/no document reference). |
| | Gazetted | 9/2/1970 | | | |
| | Amended | 17/2/1971 | Council | C 9/71 | Appendix III to Council minutes (via Amending Statute No. 4). |
| | Gazetted | 31/3/1971 | | | |
| | Amended | 20/10/1971 | Council | C 101/71 | Document not specified. Resolution refers to amendments to Statutes 5, 6 and 7. Government Gazette indicates approval was actually for Amending Statute No. 5 (to amend Statutes 1, 2, 3 and 5) and Amending Statute No. 6 (to amend Statute No. 7). |
| | Gazetted | 23/11/1971 | | | |
| | Amended | 15/12/1976 | Council | C 239/76 | Appendix II to Minutes of the Legislative Committee meeting of 15/11/76 |
| | Gazetted | 25/2/1977 | | | |

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| | Amended | 26/11/1986 | Council | C 280/86 | via Amending Statute No 7 (Document 62/86). |
| | Gazetted | 19/12/1986 | | | |
| | Replacement | 21/03/2018 | Council | C 49/18 | Repeal the existing Statute No 3 and approve the making of new Statute 3 |
| | Gazetted | 26/06/2018 | | | |
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