

UWA AMENDING STATUTE NO 1 OF 2024: EXPLANATORY NOTE
University Secretariat 1 August 2024

1. EXECUTIVE SUMMARY:

Draft **Amending Statute No 1 of 2024** is the instrument to make proposed amendments to Chapter 4 of the University of Western Australia Statute (**UWA Statute**) to address two sources of change:

- matters sought to be altered by the Convocation Council to align with [its Strategic Plan 2023-2026 \(Convocation-proposed changes\)](#);¹ and
- recommendations 1 and 2 of the Report of Convocation Review Working Group (**CRWG Report**).

On 29 July 2024, by resolution S R65/24, the Senate, on recommendation of the Senate Legislative Committee –

- (a) approved the draft Amending Statute No 1 of 2024, subject to the further amendments to clauses 18(3), 37(2) and 41(1) of the UWA Statute; and
- (b) noted that, in accordance with section 31(2) of the *University of Western Australia Act 1911 (UWA Act)*, if Convocation does not within 28 days thereafter return the same or returns the same without any request for any amendment thereof such Statute shall be deemed to be approved by Convocation.

On 20 August 2024, by circular resolution S CR03/24, the Senate approved minor drafting errors.

2. BACKGROUND:

2.1. Process

The UWA Statute establishes the major sub-structure of the University and deals with matters of central importance. Statutes are made by the Senate under section 31 of the *University of Western Australia Act 1911 (UWA Act)*.

Legislative changes to the UWA Statute are progressed using the vehicle of an Amending Statute by replacing Chapter 4 of the UWA Statute, and inserting a new Chapter 14 to address transitional matters, as provided in draft Amending Statute No 1 of 2024. There is another Amending Statute addressing changes to Chapter 6 of the UWA Statute, which is being conveyed by the University Secretary to Convocation under separate communication.

There are internal and external processes which affect the Senate's ability to "make" amendments to the UWA Statute, when the Amending Statute commences and therefore has effect, and whether the amendments may be subsequently disallowed by Parliament.

For immediate purposes, in accordance with section 31(2) of the UWA Act, draft Amending Statute No 1 of 2024 as passed by the Senate is submitted to Convocation for its consideration, and if Convocation does not within 28 days thereafter return the same or returns the same without any request for any amendment thereof the Amending Statute shall be deemed to be approved by Convocation. Depending on Convocation's response, various processes then apply.

There are **timing imperatives** affecting the passage and commencement of the Amending Statute No 1 of 2024. These relate to external processes involving submission to the Minister for Education, consideration by the Executive Council (Cabinet), the approval of the Governor, and publication in the *Government Gazette*. The Amending Statute won't take effect until a day after it is published in the *Government Gazette* (see s.33(1) of the UWA Act).

¹ The phrase 'Convocation-proposed changes' is adopted for convenience to indicate the source of change. It should be noted that section 3(5) of the UWA Act provides that "*Convocation shall have no power to originate any Statute*".

Considerations also arise due to the impending State election and its effect on the Government's legislative program, and consideration by Cabinet before prorogation of Parliament. The State Government will be moving into care-taker mode shortly because of the State election next year. The last sitting day for Parliament is currently scheduled for 28 November 2024 at which time Parliament may be prorogued, thereby triggering the caretaker mode affecting the passage of legislation.

2.2. Convocation-proposed changes¹

The [Convocation Strategic Plan 2023 – 2026](#) proposed four key strategies for the revitalization of the Convocation Council.² and to improve the engagement of Convocation Council with its members and the University. Some of proposed changes require changes to the UWA Statute and were conveyed to the University Secretariat by means of a marked-up version of Chapter 4 of the UWA Statute. The University Secretariat (and therefore the Senate) was advised by members of Convocation Council³ of the following rationale for proposed changes:

- “ *Of direct relevance to the provisions of Chapter 4 of the UWA Statute and to improve the performance and diversity of the Council, the Strategic Plan recommended changes to:*
- *Composition of Convocation Council including -*
 - *reduce membership numbers*
 - *allow co-opted members to improve diversity*
 - *majority of members to be elected*
 - *limitation on Councillor's terms*
 - *Deputy Warden to be elected by Council to complement skills of the elected Warden*
 - *Convocation-elected Senators to be Council members ex officio*
 - *improved election rules for casual vacancies*
 - *Council functioning -*
 - *clarify the Council's and Warden's power to delegate*
 - *six regular meetings each year*
 - *provide for Standing Orders*
 - *assignment of responsibilities to individual Councillors.*
 - *performance review of Council members.*
 - *establish a committee to advocate for UWA and members.*
 - *Financial Resources Committee -*
 - *improved management of earnings on Convocation funds*
 - *more flexible permitted expenditure from Convocation funds*
 - *co-ordinate fundraising by Development and Alumni Relations, and Convocation*
 - *General Meeting and election processes -*
 - *delete term 'Ordinary' from name of General Meetings*
 - *refresh format of two General Meetings to improve attendance.*
 - *change General Meeting day to improve attendance.*
 - *survey attendees' reaction to General Meetings*
 - *election rules for the Deputy Warden*
 - *election rules for co-opted members*
 - *election rules for casual vacancies*
 - *General and Special meeting rules*
 - *Member roll management*
 - *Improve general meeting and election procedures generally*
 - *Reduce the portal costs of election. ”*

² Available by the above link. Refer particularly to pages 12-25.

³ Emeritus Professor Jenny Gregory, Warden of Convocation; Dr David Griffiths, Deputy Warden of Convocation; Adjunct Professor Warren Kerr, acting Treasurer of Convocation; and Mr Graham Goerke, Chair, Convocation Governance Committee.

It is also noted that Convocation-proposed changes provide the Board with a more defined role regarding the consideration of a draft proposed Statute (proposed changes to clauses 23(4)(c.) and 23(5) of the UWA Statute).

2.3. Convocation-proposed changes altered by the Senate

The Senate did not support some of the Convocation-proposed changes¹ to clauses 18(3), 37(2), and 41 of the UWA Statute relating to elements of resourcing and decision-making. The Senate's approved form is set out in draft Amending Statute No 1.

Those clauses are independent of the changes resulting from the CRWG Report; and the Convocation-proposed changes regarding meetings and election procedures. Changes do not affect other parts of Amending Statute No 1.

To assist with consideration the following is a mark-up of changes to the form suggested by Convocation (compared to the current UWA Statute) against the Senate approved changes highlighted:

Clause 18(3)

Convocation-proposed changes compared to the current UWA Statute:

"(3) ~~The Vice-Chancellor and the Warden and the Council in consultation with the University, may agree on~~ determine other functions that are to be performed by the Convocation Officer."

Senate approved form:

"(3) The Vice-Chancellor, the Warden and the Board may agree other functions that are to be performed by the Convocation Officer."

Clause 37(2)

Convocation-proposed changes compared to the current UWA Statute:

(2) As part of the University's financial affairs the University is to create, keep and account for such other funds needed for Convocation's purposes, as the Council reasonably requests ~~and the Senate agrees.~~

Senate approved form:

(2) As part of the University's financial affairs the University is to create, keep and account for such other funds needed for Convocation's purposes, in the manner as the Board reasonably requests of the Vice-Chancellor.

Clause 41

Convocation-proposed changes compared to the current UWA Statute:

"41. University assistance to Convocation

- (1) To enable Convocation to perform its functions, the University ~~may~~ will provide such facilities and services to Convocation as the Chancellor and the Warden agree from time to time.*
- (2) Without limiting clause 41(1), the University is to provide financial assistance to Convocation as may be necessary to ~~enable it to~~—
(a) perform the functions mentioned in clause 19(4)(e) to be performed; and
(b) General Meetings to be held; and
(c) Members to be elected to the Council. "*

Senate approved form:

"41. University assistance to Convocation

- (1) To enable Convocation to perform its functions, the University may provide such facilities and services to Convocation as the Vice-Chancellor and the Warden agree from time to time.*

- (2) *Without limiting clause 41(1), the University is to provide financial assistance to Convocation as may be necessary to enable —*
- (a) *the functions mentioned in clause 19(e) to be performed; and*
 - (b) *General Meetings to be held; and*
 - (c) *Members to be elected to the Board.* ”

2.4. Convocation Review Working Group

Recommendations 1 and 2

On 13 May 2024 the Senate considered and agreed to the CRWG Report subject to some minor amendments. By S R25/24 the Senate resolved that ... *“Recommendation 1 and Recommendation 2, as amended, of the Report be accepted in principle, subject to legislative drafting and changes to the UWA Statute...”*

One of the major recommendations of the CRWG Report is to change ‘Convocation Council’ to an ‘Alumni Board’ along with a reduction in numbers while grandfathering current members using transitional provisions. While the UWA Act creates ‘Convocation’, the ‘Convocation Council’ is established by Statute and there is no legislative impediment to renaming it the ‘Alumni Board’.

Regarding the CRWG Report:

- The review is intended to facilitate greater harmony and co-operation between the Senate and Convocation, address the disconnect between the University and its many alumni and to ensure Senate, as the responsible body, is cognisant of issues in the alumni space.
- The CRWG Report recommends a path forward rather than providing granular detail on how to achieve this outcome.
- The proposed plan is not directly about fundraising however, this is a potential by-product of a cultural shift in the relationship between the University and its alumni.
- Some individual members of the Convocation Council have been supportive of the recommendations within the CRWG report.
- Reinstatement of an Advancement Committee (formerly the Development Committee) as a Standing Committee of the Senate is intended to address some of the current issues that have been identified.

On behalf of the CRWG and Senate, Hon Neil McKerracher and Mr Bob Olivier subsequently met with Convocation Council to address the CRWG Report and its narrative recommendations. There has been collegial, productive and supportive discussion around the CRWG Report and its outcomes.

Attachment A to this Explanatory Note maps some of the proposed legislative amendments relevant to the implementation of Recommendations 1 and 2 of the CRWG Report.

Recommendation 3

Recommendation 3 of the CRWG Report provides that

“And Thirdly that Senate re-instate for such period of time as deemed fit the former Development Committee (but to be named “the Advancement Committee”) to which the Warden of Convocation and Deputy Warden of Convocation be invited to participate as a member, (and such other representatives of the Alumni Board that the Senate sees fit, if any) as well as appropriate staff nominees designated by the Vice-Chancellor, to recommend the strategic development of the University’s relationship with its alumni including the examination of whether any of the possibilities discussed in this report (particularly Annexure 2) or other possibilities should be adopted to enhance the University’s relationship with its alumni.”

On 29 July 2024 the Senate, on recommendation of the Senate Legislative Committee, approved a constitution for the Senate Advancement Committee (Attachment B to this Explanatory Note).

The constitution of this Senate committee is provided for contextual information only as it

has been agreed by the Senate. The process under section 31(2) of the UWA Act only applies to draft statutes. To note:

- Clause 1(3): Ensures a current, transitional, and future remit regardless of the commencement of statutory changes. Note that the Alumni Board is not a body that exists until proposed Amending Statute No 1 is made by the Senate, has passed various internal and external processes, and has commenced by Executive publication in the *Government Gazette*.
- Clause 2: The proposed remit has been drafted to align with the CRWG Report. This does not permanently restrict the Senate Advancement Committee as:
 - clause 2(2)(e.) provides for the committee to “*perform any other duty that the Senate may request from time to time*”; and
 - regardless of what is approved, clause 10 requires that the committee, on an annual basis, review its constitution. Recommendations for change can be made from the committee to the Senate following operational experience.
- Clause 3(1): The proposed composition seeks a balance of stakeholders. Attention is drawn to the following matters:
 - Clause 3(1)(f), in conjunction with clause 6, requires that the committee must ensure that co-opted members are alumni of the University, ideally from an age cohort that provides age balance for the whole committee.
 - Clause 3(1)(g) expressly includes the Chief Advancement Officer should they not be the Vice-Chancellor’s nominee under clause 3(1)(b).
- Clause 3(3) and (4): These are standard provisions which Senate has approved being inserted in all Senate committee constitutions to clarify an ‘external member’.
- Further contributions can be facilitated by the invitee mechanism provided by *Senate Standing Orders* that apply to the Senate and Senate committees. Invitees can be a regular (“standing”) invitee or simply an invitee for a particular item or items. Invitees are not members of the Committee; they may participate in discussions when invited by the Chair but are not eligible to vote.

3. ATTACHMENTS

- Attachment A: Proposed legislative amendments relevant to the implementation of Recommendations 1 and 2 of the CRWG Report
- Attachment B: Senate Advancement Committee constitution

**UWA AMENDING STATUTE NO 1 OF 2024:
PROPOSED CHANGES REGARDING THE CONVOCATION REVIEW WORKING PARTY REPORT**

CRWG Report Recommendation	Clause
1. There be a new Governing Body for Convocation to be known as 'The Alumni Board'. The amendment to the statute can make it clear (as indicated in the next recommendation), that the Alumni Board represents the Convocation without the need to include 'Convocation' in the title of the Alumni Board.	Clause 14 definition of 'Board' Clause 28 Clause 32(1) Global changes throughout to amend 'Council' for 'Board' Clause 97 – transitional Note: Convocation is, and remains , the 'collective body' required by the UWA Act. That is not being changed.
2a) The Alumni Board shall carry on the functions presently carried on by the Convocation Council, subject to such changes consistent with the Act and the Statutes of the University as the Alumni Board may determine.	Clause 32 Clause 97 – transitional
2b) The Alumni Board shall comprise 14 members including the Warden of Convocation and be chaired by the Warden of Convocation as elected pursuant to the Act.	Clause 28 Clause 97 and 98(3) – transitional
2c) Of the ordinary members, 8 shall be elected. Of these 8, 2 will be the members of Convocation elected to the Senate pursuant to the Act.	Clause 28(2) Clause 48 (Table)
2d) The Alumni Board shall in addition to the 8 elected ordinary members, include 4 co-opted members.	Clause 14 definition of "Co-opted Member" Clause 28(2) Clause 30 Co-opted members Clause 31 Elected members
2e) The Alumni Board shall also include the Chief Advancement Officer of the University or such member of the University staff as might be determined from time to time by the Vice-Chancellor (not necessarily excluding the Vice-Chancellor) as an Ex Officio member.	Clause 28(2) and (3)
2f) There shall be a Deputy Warden being an existing, not additional, ordinary member elected or appointed by the members of the Alumni Board.	Clause 29(2) Proposed new chapter 14 has transitional provisions relating to the establishment and membership of the Board and other matters
2g) The Alumni Board shall ensure as far as practicable either by co-option or by determining the category of members to be elected that its membership includes representatives of 4 age cohorts of graduates with graduates of 10 years or less standing, graduates of between 10 and 20	As to the desired aim of getting a spread of members from different cohorts of graduates, this is proposed to be achieved by giving the Board power to restrict nominations in an annual election to a particular cohort. Refer to: Clause 14 definition of "Member Cohort" Clause 28(4)

CRWG Report Recommendation	Clause
years, graduates of between 20 and 40 years and graduates of over 40 years standing.	Clause 48(3) (main tool) and 48(5)(c.) Clause 54(5) and 54 (8)(b)
2h) There shall be a transitional phase during which those present members of the Convocation Council be offered the opportunity to sit on the new Alumni Board until the terms of their appointments to the Convocation Council expire.	Proposed new chapter 14 has all of the transitional provisions relating to the establishment and membership of the Board and other matters. See for example, clause 98 (part of the Convocation-proposed amendments and clause 98(3) (CRWG effect re changing “Council” to “Alumni”)) Existing members will serve out their terms and starting next year (if the Amending Statute commence in time) only 2 Board members will be elected each year. That means that, <i>depending on when the Amending Statute commences</i> , in 2025 there will be 14 elected members, in 2026 there will be 10 elected members and in 2027 we will get down to the desired target of 6 elected members. This transient might be delayed if the Amending Statute does not commence prior to calls for nominations for the 2025 election.
2i) In addition to its governance and other functions, the Alumni Board may provide advice to the University in relation to matters affecting relations between the University and its alumni generally.	Clause 32(2)
2j) The Alumni Board shall report to members of Convocation from time to time as it determines and may convene general meetings of the members for that purpose and otherwise communicate with members by way of newsletter or other publications.	Clause 32(6)
2k) The Alumni Board shall have funds allocated within the University budget as determined by Senate to support its functions.	This is an operational matter that is not appropriate to be addressed by legislative amendments proposed to respond to the CRWG Report. There are separate Convocation-proposed amendments that seek to amend the manner in which funds and resources are addressed. Refer to clause 18, 37(2), 38 and 41 as shown in Attachment B.
2l) The Alumni Board may raise funds for the purpose of supporting its functions, provided that its fund-raising activities are compatible with and not in competition to the fund-raising activities undertaken by the University administration.	Clause 32(3)



SENATE ADVANCEMENT COMMITTEE CONSTITUTION AS AT 29 JULY 2024

Governance

Senate Advancement Committee Constitution

1 Committee of the Senate

- (1) The Senate Advancement Committee (**SAC**) is a standing committee of the [Senate](#).
- (2) The SAC operates in accordance with the [Senate Code](#) and [Senate Standing Orders](#) in their application to Senate committees.
- (3) In this Constitution reference to the “Alumni Board” means the “Council of Convocation” or such governing body of Convocation as may be established from time to time.

2 Role

- (1) The role of the SAC is to assist the Senate in fulfilling its responsibilities to, and to make recommendations to the Senate on, the strategic development of the University’s relationship with its alumni.
- (2) In fulfilling its role the SAC will —
 - (a) review and assess the strategic plans of Development and Alumni Relations and the Alumni Board to ensure that they are aligned, and complementary;
 - (b) consider best practice in university/alumni relations nationally, and globally, and make recommendations to Senate to improve networking and mentoring, both within Perth, state-wide, nationally, and globally;
 - (c) review and report on the University’s fund-raising strategies and activities to ensure they are appropriate including consideration of particular stakeholders; and
 - (d) perform any other duty that the Senate may request from time to time.

3 Membership, Standing Invitees and Executive Officer

- (1) The SAC comprises —
 - (a) one Senate member appointed by the Senate as Chair, being a person who would be an external member but for being a Senate member;
 - (b) up to two other external members of Senate appointed by the Senate;
 - (c) the Vice-Chancellor, or nominee;
 - (d) the Warden of Convocation;
 - (e) the Deputy Warden of Convocation;
 - (f) up to two external members, with relevant expertise, co-opted by the foregoing; and
 - (g) the Chief Advancement Officer of the University, if that person is not the Vice-Chancellor’s nominee under (1)(c).
- (2) At the beginning of each year the SAC must appoint from among its members a member of the Senate as Deputy Chair.
- (3) Except as set out in (4) an ‘external member’ is one who:
 - (a) does not hold any University position, either paid or honorary; or
 - (b) is not a person enrolled in the University as a student.
- (4) For the purpose of membership of the SAC, the Senate may, in exceptional circumstances, determine that a holder of a clinical, adjunct or honorary position at the University is an external member. Such person may not hold the position of Chair or Deputy Chair unless the Senate (in the case of the Chair) or the SAC (in the case of the Deputy Chair) otherwise determines.
- (5) The Chancellor shall be a standing invitee to meetings of the SAC.

- (6) The Executive Officer to the SAC will be appointed by the Chief Advancement Officer, in consultation with the University Secretary.

4 Terms of office

- (1) Members under 3(1)(a), 3(1)(b) and 3(1)(f) have a three-year term of office.

5 Eligibility for a second or subsequent term of office

- (1) At the end of a term of office, members are eligible to be reappointed or co-opted again for the greater of three terms or a maximum of nine years.

6 Skills and/or qualifications of members

- (1) In determining co-opted members under 3(1)(f), the SAC —
- (a) must ensure that co-opted members are alumni of the University, ideally from an age cohort that provides age balance for the whole committee;
 - (b) should attempt to co-opt members who have relevant skills/experience to contribute to the important roles and responsibilities of SAC as outlined in 2; and
 - (c) must consider issues of conflict, confidentiality and availability.

7 Quorum

- (1) The quorum for the SAC is a majority of members (excluding any unfilled vacancies), and must include one of the members appointed under 3(1)(a) or 3(1)(b).

8 Decisions

- (1) All questions which come before the SAC are decided by a majority of the members present and voting.
- (2) The chair of the meeting has an ordinary vote and, in the case of an equality of votes, a casting vote.

9 Frequency of meetings

- (1) The SAC meets as required but normally meets four times a year.

10 Review and Performance

- (1) The SAC shall, annually —
- (a) review this Constitution to ensure that it complies with relevant legislative and regulatory requirements, and that it accurately reflects the SAC’s current role and responsibilities. Any revisions will be recommended to the Senate for approval; and
 - (b) perform an evaluation of the SAC’s performance to determine whether it is functioning effectively by reference to global good practice and report the outcomes to Senate.

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Version	Date	Description of version	Approval Reference
1/2024	29 July 2024	New	S R66/24 (via SLC R03/24)