



ANNO VICESIMO SEPTIMO

ELIZABETHAE II REGINAE

A.D. 1978

No. 40 of 1978

An Act to amend the University of Adelaide Act, 1971-1972.

[Assented to 6th April, 1978]

BE IT ENACTED by the Governor of the State of South Australia, with the advice and consent of the Parliament thereof, as follows:

1. (1) This Act may be cited as the "University of Adelaide Act Amendment Act, 1978". Short titles.

(2) The University of Adelaide Act, 1971-1972, is hereinafter referred to as "the principal Act".

(3) The principal Act, as amended by this Act, may be cited as the "University of Adelaide Act, 1971-1978".

2. (1) Subject to subsection (2) of this section, this Act shall come into operation on a day to be fixed by proclamation. Commencement.

(2) Section 15 of this Act shall be deemed to have come into operation on the twenty-third day of November, 1977.

(3) The Governor may, in a proclamation made for the purposes of subsection (1) of this section, suspend the operation of any specified provisions of this Act until a subsequent day fixed in the proclamation, or a day to be fixed by subsequent proclamation.

3. Section 3 of the principal Act is amended—

(a) by striking out the definition of "academic staff";

(b) by striking out from the definition of "postgraduate degree or diploma" the word "baccalaureate" and inserting in lieu thereof the passage "bachelor's degree";

(c) by striking out the definition of "postgraduate member" and inserting in lieu thereof the following definition:—

"postgraduate member" means the member of the Council referred to in subparagraph (iv) of paragraph (c) of subsection (1) of section 12 of this Act.;

Amendment
of principal
Act, s. 3—
Interpretation.

(d) by inserting after the definition of "postgraduate student" the following definitions:—

"the academic staff" means the officers or employees of the University classified by the Council as members of the academic staff:

"the ancillary staff" means the officers or employees of the University classified by the Council as members of the ancillary staff;:

(e) by inserting in paragraph (c) of the definition of "the convocation of electors" after the passage "in the full-time employment of the University" the passage "or the Adelaide University Union"; and

(f) by inserting after the definition of "undergraduate member" the following definition:—

"undergraduate of the University", in relation to elections of members of the Council, includes a graduate who is enrolled for a bachelor's degree:.

Amendment of principal Act, s. 6—
Power to admit to degrees.

4. Section 6 of the principal Act is amended by inserting after subsection (2) the following subsection:—

(2a) The University shall have power, in accordance with the statutes, regulations and rules of the University, to admit a person to an honorary degree of Doctor of the University, whether or not that person has graduated at the University or any other University.

Amendment of principal Act, s. 7—
Chancellor and Deputy Chancellors.

5. Section 7 of the principal Act is amended—

(a) by striking out from subsection (5) the passage "a Deputy Chancellor who shall hold office for such term" and inserting in lieu thereof the passage "such number of Deputy Chancellors as it thinks fit who shall hold office for such terms";

and

(b) by inserting after subsection (5) the following subsection:—

(6) Where the Council has elected more than one Deputy Chancellor, the Council shall determine the order of seniority of the Deputy Chancellors.

Amendment of principal Act, s. 8—
Vice-Chancellor.

6. Section 8 of the principal Act is amended by striking out from subsection (3) the passage "the Council" and inserting in lieu thereof the passage "the statutes of the University and such other conditions as may be fixed by the Council".

Amendment of principal Act, s. 11—
Conduct of business of the Council.

7. Section 11 of the principal Act is amended by striking out subsection (5) and inserting in lieu thereof the following subsection:—

(5) A meeting of the Council shall be presided over by a Chairman who shall be—

(a) the Chancellor;

(b) in the absence of the Chancellor, the most senior of the Deputy Chancellors present at the meeting;

or

(c) in the absence of the Chancellor and the Deputy Chancellors, a member of the Council elected by those members present at the meeting.

8. Section 12 of the principal Act is amended—

Amendment of
principal Act,
s. 12—
Constitution of
Council.

(a) by striking out from subsection (1) the passage "Subject to subsection (2) of this section, the" and inserting in lieu thereof the word "The";

(b) by striking out paragraph (c) of subsection (1) and inserting in lieu thereof the following paragraph:—

(c) twenty-four members elected by the convocation of electors, of whom—

(i) eight shall be persons engaged in the employment of the University as members of the academic staff;

(ii) one shall be a person engaged full-time in the employment of the University as a member of the ancillary staff;

(iii) one shall be a person engaged full-time in the employment of the University otherwise than as a member of the academic staff or the ancillary staff;

(iv) one shall be a postgraduate student;

and

(v) thirteen shall be persons who are not engaged in the employment of the University;;

(c) by striking out subsections (2), (2a) and (2b) and inserting in lieu thereof the following subsections:—

(2) Notwithstanding that a person is employed by the University, he shall not be disqualified from election or holding office as a member of the Council under subparagraph (v) of paragraph (c) of subsection (1) of this section unless his remuneration, derived from the University, exceeds or would exceed, in the course of a year, fifteen per centum (or such lower proportion as the Council may determine) of the lowest annual salary payable to a person engaged full-time in the employment of the University as a lecturer.

(2a) Nothing in the University of Adelaide Act Amendment Act, 1978, affects in any way the term of office of the member of the Council who, immediately prior to the commencement of that Act, held that office by virtue of being a person engaged full-time in the employment of the University otherwise than as a member of the academic staff.;

(d) by striking out from subsection (4) the passage "and he shall not be entitled to continue in office unless his enrolment is renewed as it falls due for renewal from time to time but an undergraduate member who graduates during the term of his membership of the Council may continue as a member of the Council until the expiration of his term of office";

and

(e) by striking out subsections (6), (7) and (8).

Amendment of
principal Act,
s. 13—
Casual
vacancies.

9. Section 13 of the principal Act is amended—

(a) by inserting in subsection (1) after the passage “The office of a member of the Council” the passage “(other than an *ex officio* member)”;

(b) by striking out from subsection (2) the passage “elected by the convocation of electors does not continue in the capacity in which” and inserting in lieu thereof the passage “does not continue in the capacity by virtue of which”;

and

(c) by striking out from subsection (2) the passage “candidates in any capacity is next held by the convocation of electors” and inserting in lieu thereof the passage “a candidate in the same capacity is next held”.

Amendment of
principal Act,
s. 15—
Election of
parliamentary
members.

10. Section 15 of the principal Act is amended—

(a) by striking out from subsection (1) the word “appointed” and inserting in lieu thereof the word “elected”;

(b) by striking out from subsection (2) the word “appointed” and inserting in lieu thereof the word “elected”;

(c) by striking out from subsection (4) the passage “an appointment of parliamentary members has been made” and inserting in lieu thereof the passage “an election of parliamentary members has been held”;

and

(d) by striking out from subsection (4) the word “appointed” and inserting in lieu thereof the word “elected”.

Amendment of
principal Act,
s. 16—
Conduct of
elections.

11. Section 16 of the principal Act is amended by inserting after subsection (3) the following subsection:—

(3a) A determination made by a returning officer under subsection (3) of this section shall not be called in question in any legal proceedings.

Amendment of
principal Act,
s. 17—
Elections.

12. Section 17 of the principal Act is amended—

(a) by inserting in subsection (1) after the word “shall” the passage “, subject to subsection (3) of this section,”;

and

(b) by striking out subsection (3) and inserting in lieu thereof the following subsection:—

(3) A person shall not, in any one year, be entitled to vote in more than one capacity at elections by the convocation of electors and by the undergraduates of the University.

Amendment of
principal Act,
s. 18—
The Senate.

13. Section 18 of the principal Act is amended—

(a) by striking out from subsection (2) the passage “according to such constitution and rules as may be determined upon by the Senate” and inserting in lieu thereof the passage “in accordance with its standing orders”;

and

(b) by striking out from subsection (4) the passage "constitution and rules" and inserting in lieu thereof the passage "standing orders".

14. Section 21 of the principal Act is amended by striking out subsection (2) and inserting in lieu thereof the following subsection:—

Amendment of
principal Act,
s. 21—
The Adelaide
University
Union.

(2) The union shall be a body corporate with perpetual succession and a common seal and—

(a) shall be capable of suing and being sued;

(b) shall, subject to its constitution and rules, be capable of—

(i) acquiring, holding, dealing with and disposing of real and personal property;

and

(ii) acquiring or incurring any other rights or liabilities that may properly attach to a body corporate;

and

(c) shall have the powers, authorities, obligations and functions conferred or imposed upon it by—

(i) its constitution and rules;

and

(ii) any statutes of the University made with the concurrence of the union.

15. Section 22 of the principal Act is amended—

Amendment of
principal Act,
s. 22—
Statutes,
regulations
and rules.

(a) by inserting in subsection (1) after paragraph (f) the following paragraph:—

(fa) prescribing, with the concurrence of the Adelaide University Union, the fees for membership of the union, and providing for the collection and recovery of those fees by the University on behalf of the union;;

(b) by inserting in subsection (1) after paragraph (i) the following paragraph:—

(ia) providing for the admission of persons to an honorary degree of Doctor of the University;;

(c) by striking out from paragraph (l) of subsection (1) the passage "pertaining to the administration of" and inserting in lieu the passage "contemplated by this Act, or pertaining to";

and

(d) by inserting after subsection (2) the following subsections:—

(2a) The Senate may delegate to a committee of the Senate established under its standing orders the power to approve, in accordance with the standing orders, any proposed statute or regulation under this section, or any proposed alteration or repeal of an existing statute or regulation.

(2b) A decision to approve, but not a decision not to approve, made by a committee referred to in subsection (2a) of this section shall be binding upon the Senate.

(2c) A delegation under subsection (2a) of this section is revocable at will.

Amendment of
principal Act,
s. 23—
By-laws.

16. Section 23 of the principal Act is amended—

- (a) by striking out from paragraph (b) of subsection (1) the word “thereon” and inserting in lieu thereof the word “therein”;
 - (b) by inserting after paragraph (c) of subsection (1) the following paragraph:—
 - (ca) to regulate the use of any libraries of the University and of books or other material of those libraries;
 - (c) by inserting in paragraph (f) of subsection (1) after the word “regulate” the passage “, restrict or prohibit”;
- and
- (d) by inserting in subsection (1) after paragraph (o) the following paragraph:—
 - (oa) to empower any person authorized in writing by the Council to require any person whom he suspects on reasonable grounds of having contravened a by-law to state his name and address, and to provide that any person so requested shall comply with the request;

Amendment of
principal Act,
s. 24—
Proceedings.

17. Section 24 of the principal Act is amended—

- (a) by inserting in subsection (3) before paragraph (a) the following paragraph:—
 - (aa) it shall be presumed conclusively that the by-law, or purported by-law, was duly made;;
 - (b) by striking out from subsection (4) the passage “or the parking of motor vehicles” and inserting in lieu thereof the passage “, the parking of motor vehicles or the use of a library or library books or materials,”;
- and
- (c) by inserting after subsection (4) the following subsection:—
 - (5) Any fine recovered in respect of a contravention of a by-law shall be paid to the University.

Enactment of
s. 29 of
principal Act—

18. The following section is enacted and inserted in the principal Act after section 28 thereof:—

Jurisdiction of
Industrial
Commission.

29. Notwithstanding any Act or law to the contrary, the Industrial Commission of South Australia shall have and may exercise, in relation to any officers or employees of the University other than the academic staff, any jurisdiction conferred upon it by the Industrial Conciliation and Arbitration Act, 1972-1975.

In the name and on behalf of Her Majesty, I hereby assent to this Bill.

K. SEAMAN, Governor