

Legislative Council—No 50

As received from the House of Assembly and read a first time, 27 November 2008

South Australia

**University of South Australia (Miscellaneous)
Amendment Bill 2008**

A BILL FOR

An Act to amend the *University of South Australia Act 1990*.

Contents

Part 1—Preliminary

- 1 Short title
- 2 Commencement
- 3 Amendment provisions

Part 2—Amendment of *University of South Australia Act 1990*

- 4 Amendment of section 6—Powers of University
- 5 Amendment of section 10—Establishment of Council
- 6 Amendment of section 11—Term of office
- 7 Amendment of section 12—Chancellor and Deputy Chancellor etc
- 8 Amendment of section 13—Procedure at meetings of Council
- 9 Amendment of section 14—Validity of acts and decisions of Council
- 10 Amendment of section 19—Audit
- 11 Repeal of section 22
- 12 Amendment of section 25—Power to make by-laws

Schedule 1—Transitional provision

- 1 Transitional provision relating to members of Council
-

The Parliament of South Australia enacts as follows:

Part 1—Preliminary

1—Short title

This Act may be cited as the *University of South Australia (Miscellaneous) Amendment Act 2008*.

5 2—Commencement

This Act will come into operation on a day to be fixed by proclamation.

3—Amendment provisions

In this Act, a provision under a heading referring to the amendment of a specified Act amends the Act so specified.

10 Part 2—Amendment of *University of South Australia Act 1990*

4—Amendment of section 6—Powers of University

Section 6(1)—after paragraph (b) insert:

and

- 15 (c) may permit a graduate of the University, for any reason the University thinks fit, to surrender an academic or other award previously conferred on him or her by the University.

5—Amendment of section 10—Establishment of Council

(1) Section 10(3)(d)—delete "10" and substitute:

8

(2) Section 10(3)(f)—delete "2 members" and substitute:

5 1 member

(3) Section 10(3)(g)—delete "2 members" and substitute:

1 member

(4) Section 10(3)(h)—delete "3" and substitute:

2

10 (5) Section 10—after subsection (3) insert:

(3a) An election of a person to the Council must be conducted in a manner, and in accordance with the procedures, determined by the Council.

6—Amendment of section 11—Term of office

15 Section 11(1)—delete "2 or 4" and substitute:

between 2 and 4

7—Amendment of section 12—Chancellor and Deputy Chancellor etc

Section 12(3)—after Council (last occurring) insert:

20 (but the member will cease to hold that office if, for any reason, the member ceases to be a member of the Council)

8—Amendment of section 13—Procedure at meetings of Council

Section 13(2)—delete "11 members of the Council" and substitute:

one half of the total number of members of the Council (ignoring any fraction resulting from the division) plus 1,

25 **9—Amendment of section 14—Validity of acts and decisions of Council**

Section 14—after "appointment" insert:

or election

10—Amendment of section 19—Audit

Section 19—delete "by the Auditor-General" and substitute:

30 in such manner as the Governor may direct

11—Repeal of section 22

Section 22—delete the section

12—Amendment of section 25—Power to make by-laws

(1) Section 25(1)(a)—after "grounds" insert:

, and to provide for the removal of trespassers from those grounds by persons authorised in writing by the Council

(2) Section 25(1)—after paragraph (b) insert:

(ba) to provide for the recovery by the University on complaint compensation for any damage done to the University grounds or any property of the University; and

(3) Section 25(1)(j)—after "by-laws" insert:

by persons authorised in writing by the Council

(4) Section 25(1)(l)—after "grounds" insert:

by persons authorised in writing by the Council

(5) Section 25(1)(m)—after "by-law" insert:

by persons authorised in writing by the Council

(6) Section 25(1)(r)—delete "a division 10 fee" and substitute:

\$80

(7) Section 25(1)(s)—delete "a division 8 fine" and substitute:

\$1 250

(8) Section 25(3), (4) and (5)—delete subsections (3), (4) and (5) and substitute:

(3) The Council may only make a by-law—

(a) at a meeting of the Council of which at least 14 days prior notice has been given in writing to each member of the Council setting out the proposed by-law; and

(b) on a resolution supported by a majority of the total number of the members of the Council.

(4) A by-law must be transmitted to the Governor for confirmation.

Note—

A by-law cannot come into operation until confirmed by the Governor—see section 10(7) of the *Subordinate Legislation Act 1978*.

(5) To avoid doubt, the *Subordinate Legislation Act 1978* applies to a by-law made under this section.

(9) Section 25—after subsection (9) insert:

(10) If, in any proceedings relating to an offence against a by-law, it is proved that a vehicle was parked in the University grounds in contravention of a by-law it will be presumed, in the absence of evidence to the contrary, that the vehicle was so parked by the owner of the vehicle.

(11) Despite a provision of any other Act—

(a) any fine (being a fine imposed by a board of inquiry established under the statutes) recovered in respect of an offence against a by-law; and

5

(b) any expiation fee paid in relation to an expiation notice issued for an alleged offence against a by-law,

will be paid to the University.

Schedule 1—Transitional provision

1—Transitional provision relating to members of Council

10

(1) An election of a person to the Council referred to in section 10(3)(f), (g) or (h) of the *University of South Australia Act 1990*—

(a) that occurs between 1 October 2008 and the commencement of section 5 of this Act; and

15

(b) that is conducted in a manner, and in accordance with the procedures, determined by the Council for the purposes of that election,

will be taken to be valid despite failing to comply with a provision of that Act, or any statute made under that Act, that sets out requirements in respect of the numbers of persons to be elected to the Council at a particular election, or to the method by which more than 1 person is elected to the Council at a particular election.

20

(2) In this clause—

Council has the same meaning as in the *University of South Australia Act 1990*.