

SOUTH AUSTRALIA

**THE FLINDERS UNIVERSITY OF SOUTH AUSTRALIA ACT 1966**

*This Act is reprinted pursuant to the Acts Republication Act 1967 and incorporates all amendments in force as at 1 January 1997.*

*It should be noted that the Act has not been revised (for obsolete references, etc.) by the Commissioner of Statute Revision since the reprint published on 22 September 1994.*

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# THE FLINDERS UNIVERSITY OF SOUTH AUSTRALIA ACT 1966

being

The Flinders University of South Australia Act 1966  
No. 23 of 1966 [Assented to 17 March 1966]<sup>1</sup>

as amended by

The Flinders University of South Australia Act Amendment Act 1966 No. 53 of 1966 [Assented to 3 November 1966]

The Flinders University of South Australia Act Amendment Act 1973 No. 70 of 1973 [Assented to 6 December 1973]<sup>2</sup>

The Flinders University of South Australia Act Amendment Act 1985 No. 57 of 1985 [Assented to 30 May 1985]<sup>3</sup>

Statutes Amendment and Repeal (Merger of Tertiary Institutions) Act 1990 No. 65 of 1990 [Assented to 13 December 1990]<sup>4</sup>

The Flinders University of South Australia (Joint Awards) Amendment Act 1991 No. 57 of 1991 [Assented to 28 November 1991]

The Flinders University of South Australia (Miscellaneous) Amendment Act 1992 No. 83 of 1992 [Assented to 3 December 1992]

The Flinders University of South Australia (Convocation) Amendment Act 1994 No. 56 of 1994 [Assented to 22 September 1994]

Statutes Amendment (University Councils) Act 1996 No. 72 of 1996 [Assented to 22 August 1996]<sup>5</sup>

<sup>1</sup> Came into operation 1 July 1966: *Gaz.* 12 May 1966, p. 1887.

<sup>2</sup> Came into operation 10 January 1974: *Gaz.* 20 December 1973, p. 3336.

<sup>3</sup> Came into operation 5 December 1985: *Gaz.* 5 December 1985, p. 1690.

<sup>4</sup> Came into operation 1 January 1991: *Gaz.* 13 December 1990, p. 1755.

<sup>5</sup> Came into operation 1 January 1997: *Gaz.* 5 December 1996, p. 1812.

N.B. The amendments effected to this Act by the *Statutes Amendment and Repeal (Common Expiation Scheme) Act 1996* had not been brought into operation at the date of, and have not been included in, this reprint.

**NOTE:**

- Asterisks indicate repeal or deletion of text.
- For the legislative history of the Act see Appendix 1. Entries appearing in the Appendix in bold type indicate the amendments incorporated since the last reprint.

**An Act for the establishment and incorporation of a University to be known as "The Flinders University of South Australia" and for related purposes.**

The Parliament of South Australia enacts as follows:

**Short title**

1. This Act may be cited as *The Flinders University of South Australia Act 1966*.

**Interpretation**

2. In this Act, unless some other meaning is clearly intended—

"**the Academic Senate**" means—

- (a) the body known as the Academic Senate of the University; or
- (b) if another body is prescribed by the regulations of the University for the purposes of this definition, that other body;

"**academic staff**" means—

- (a) those employees of the University who are classified by the Council as members of the academic staff; and
- (b) such other persons, being persons who carry out academic functions at the University, as are classified by the Council as members of the academic staff;

"**Convocation**" means the Convocation of the University;

"**Council**" means the Council of the University;

"**general staff**" means those employees of the University who are classified by the Council as members of the general staff;

"**graduate**" of the University means a person who has been awarded by the University a degree, diploma or any other award prescribed by the statutes of the University for the purposes of this definition;

"**postgraduate student**" means a student enrolled at the University in a course designated by the Council as a postgraduate course;

"**undergraduate student**" means a student enrolled at the University in a course other than one designated by the Council as a postgraduate course;

"**University**" means The Flinders University of South Australia established and incorporated under this Act;

"**University grounds**" means all land owned or occupied by the University or of which the University has the care, control and management.

*Note: For definition of divisional penalties (and divisional expiation fees) see Appendix 2.*

**Establishment and incorporation of The Flinders University of South Australia**

3. (1) *The Flinders University of South Australia* is established.
- (2) The University consists of a Council, a Convocation, staff and students.

- (3) The University is a body corporate and—
- (a) has perpetual succession; and
  - (b) must have a common seal; and
  - (c) may sue and be sued in all courts in South Australia; and
  - (d) is capable in law to take, purchase and hold all personal property whatsoever; and
  - (e) is capable in law to receive, take, purchase and hold for ever not only such lands, buildings, hereditaments and possessions as may from time to time be exclusively used or occupied for the immediate requirements of the University, but also any other lands, buildings, hereditaments and possessions whatsoever, situated in South Australia or elsewhere; and
  - (f) is, subject to subsection (4), capable in law to grant, demise, alienate or otherwise dispose of, all or any of the real or personal property belonging to the University; and
  - (g) is capable in law to do all other matters and things incidental or appertaining to a body corporate.

(4) The University cannot alienate, mortgage, charge, or demise any lands, tenements, or hereditaments of the University other than with the approval of the Governor, except by way of lease for a term not exceeding 21 years from the time when the lease is made in and by which there is reserved, during the whole of the term, the highest rent that can be reasonably obtained.

#### **Functions of the University**

4. The functions of the University include, within the limits of its resources—

- (a) the provision of educational facilities at university standards for persons who being eligible to enrol seek the benefits of such facilities; and
- (b) the establishment of such facilities as the University thinks desirable for providing courses of study, whether within the University or elsewhere, for evening students, giving instruction to and the examination of external students, and providing courses of study or instruction at such levels of attainment as the Council thinks appropriate to meet the special requirements of industry, commerce or any other section of the community; and
- (c) generally, the dissemination of knowledge and the promotion of scholarship.

#### **Council**

5. (1) The Council has the powers, authorities, duties and functions conferred and imposed on the Council by or under this Act.

(2) The Council is the governing body of the University and has as its principal responsibilities—

- (a) overseeing the management and development of the University; and
- (b) devising or approving strategic plans and major policies for the University; and
- (c) monitoring and reviewing the operation of the University.

(3) The Council will consist of the following members:

- (a) the Chancellor and the Vice-Chancellor who will be members of the Council *ex officio*;
- (b) the presiding member of the Academic Senate who will be a member of the Council *ex officio* or, if the Vice-Chancellor is the presiding member of the Academic Senate, a member of the Academic Senate who is a member of the academic staff of the University elected by the Academic Senate (but that person cannot be a student of the University);
- (c) the General Secretary of the Students Association of the University who will be a member of the Council *ex officio*;
- (d) ten persons appointed by the Council, on the recommendation of a selection committee (which consists of the Chancellor and six other persons appointed by the Chancellor in accordance with guidelines determined by the Council);
- (e) if the Council so determines, one person co-opted and appointed by the Council;
- (f) two members of the academic staff, elected by the academic staff;
- (g) two members of the general staff, elected by the general staff;
- (h) two students of the University (not being persons in the full time employment of the University), one of whom must be a postgraduate student and one of whom must be an undergraduate student, appointed or elected in a manner determined by the Vice-Chancellor after consultation with the General Secretary of the Students Association of the University.

(3a) Where a person is appointed to the Council, the appointing authority must recognise that the Council is, as far as practicable, to be constituted of equal numbers of men and women who—

- (a) have a commitment to education and, in particular, to higher education; and
- (b) have an understanding of, and commitment to, the principles of equal opportunity and social justice and, in particular, to access and equity in education.

(3b) Of the members of the Council appointed on the recommendation of the selection committee, at least one must have qualifications and experience in financial management.

(3c) A member of the academic or general staff or student of the University is not eligible to be appointed to the Council by the Council.

(3d) A selection committee established for the purpose of making an appointment under subsection (3)(d) cannot recommend one of their number for appointment.

(4) A member of the Council is not, in the exercise of his or her powers or functions as such, subject to the direction of any person or body of persons.

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**Term of office**

6. (1) A member appointed to the Council by the Council will be appointed for a term of two or four years to be determined—

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- (a) in the case of a member appointed on the recommendation of a selection committee—by that selection committee; and
  - (b) in the case of a member co-opted and appointed by the Council—by the Council.
- (2) A person elected by the Academic Senate to the Council will be elected for a term of two years.
- (3) A member of the academic or general staff of the University elected to the Council will be elected for a term of two years.
- (4) A student of the University appointed or elected to the Council will be appointed or elected for a term of one year.
- (5) At the expiration of a term of office, a member appointed or elected to the Council is eligible for reappointment or re-election.
- (6) The Council may remove an appointed or elected member of the Council from office for—
- (a) mental or physical incapacity to carry out official duties satisfactorily; or
  - (b) failing, without reasonable excuse, to comply with the Council's requirements in relation to attendance at Council meetings; or
  - (c) conviction of an indictable offence; or
  - (d) serious misconduct.
- (7) The office of an appointed or elected member becomes vacant if the member—
- (a) dies; or
  - (b) completes a term of office and is not reappointed or re-elected; or
  - (c) does not continue in the capacity in which he or she was appointed or elected to membership of the Council (unless the date of the next appointment or election to his or her office is within three months from the date on which the member ceased to continue in the capacity in which he or she was appointed or elected); or
  - (d) resigns by notice in writing addressed to the Chancellor; or
  - (e) is removed from the office by the Council under subsection (6).
- (8) If a member of the Council is appointed by the Council to the office of Chancellor or Vice-Chancellor, a casual vacancy occurs in the office held by that member.
- (9) On the office of an appointed or elected member of the Council becoming vacant under this section, a person must be appointed or elected, as the case may require, to the vacant office in accordance with this Act.
- (10) Subject to this Act, a member appointed or elected to fill a casual vacancy in the membership of the Council holds office for the balance of the term of his or her predecessor.
- (11) An act or decision of the Council is not invalid by reason only of a vacancy in its membership or on the ground of any defect in the appointment of a member.

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**Appointment of Chancellor, Vice-Chancellor, etc.**

**16.** (1) The Council must appoint a Chancellor whenever a vacancy occurs in that office by death, resignation, expiration of tenure or otherwise, and must appoint a Vice-Chancellor whenever a vacancy occurs in that office by death, resignation, expiration of tenure or otherwise.

(2) The Council may appoint no more than two Pro-Chancellors and such number of Pro-Vice-Chancellors or Deputy Vice-Chancellors as the Council thinks appropriate.

(3) The Council may appoint a member of the Council or any other suitable person to the office of Chancellor for a term of four years on terms and conditions fixed by the Council.

(3a) An employee or student of the University is not eligible for appointment to the office of Chancellor.

(3b) A person who holds office as Chancellor is, on the expiration of a term of office, eligible for reappointment.

(4) Subject to subsection (5), the Vice-Chancellor holds office on such terms and conditions and at such salary as the Council from time to time determines.

(5) Any alteration made by the Council in the salary or the terms and conditions of the service of the Vice-Chancellor will not, unless the Vice-Chancellor in office at the time of the alteration consents, have effect until his or her term of office has expired or otherwise determined.

(6) A Pro-Chancellor, a Pro-Vice-Chancellor or a Deputy Vice-Chancellor holds office on such terms and conditions as the Council may from time to time determine.

**Convocation**

**17.** (1) The Convocation consists of all graduates of the University.

(2) The Convocation—

(a) may, as it thinks fit, advise the Council in respect of—

(i) the management of the University (including the making, altering or repealing of a statute or regulation of the University); and

(ii) the policies and future strategies of the University;

(b) must carry out any other function assigned to it by this Act or a statute or regulation of the University.

(3) The Convocation must elect a President from its members every two years or whenever a vacancy occurs.

(4) The President will preside at meetings of the Convocation or, in his or her absence, a member chosen by those present will preside.

(5) Twenty members of the Convocation constitute a quorum of the Convocation and no business may be transacted at a meeting of the Convocation unless a quorum is present.

(6) Each member present at a meeting of the Convocation has one vote on any question arising for decision.

(7) A decision carried by a majority of the votes cast by members at a meeting of the Convocation is a decision of the Convocation.

**Conduct of business in Council**

**18.** (1) A question that comes before a meeting of the Council will be decided by the majority of members present at the meeting and voting on the question.

(2) The person presiding at a meeting of the Council has a vote and, in the case of an equality of votes, a casting vote.

(3) A quorum of the Council is constituted by 11 members of the Council and no business may be transacted at a meeting of the Council unless a quorum is present.

(4) The Chancellor or, in his or her absence a member of the Council elected by those present, will preside at meetings of the Council.

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**Delegation**

**19A.** (1) The Council may delegate any of its powers under this Act (except this power of delegation) to any officer, employee, board or committee of the University.

(2) The delegation of powers under this section does not derogate from the power of the Council itself to act in any matter.

**Power of Council to make statutes, regulations and by-laws**

**20.** (1) The Council has full power to make, alter and repeal any statutes and regulations (so far as they are not repugnant to any existing law or to the provisions of this Act) for any of the following purposes, namely:

- (a) any election; and
- (b) the discipline of the University; and
- (c) the number, remuneration and manner of appointment and dismissal of the members of the academic and general staff, examiners and officers of the University; and
- (d) the matriculation of students; and
- (e) examinations for fellowships, scholarships, prizes, exhibitions, degrees, honours, diplomas or other awards, and the granting of any such award; and
- (f) the fees to be charged for matriculation, or for any examination, degree, diploma or other award, for attendance at lectures or classes and for any other purpose authorised by this Act; and
- (g) lectures or classes; and
- (h) the manner and time of convening the meetings of the Council and Convocation; and
- (i) the constitution of any degree, diploma or other award; and

- (j) the admission, without examination, to degrees, diplomas or other awards which the University has power to confer, of persons who have graduated at any other university; and
- (k) residential accommodation for students; and
- (l) the affiliation to or connection with the University of a college or educational establishment with the consent of the governing body of any such college or educational establishment, the licensing and supervision of boarding houses intended for the reception of students, and the revocation of any such licence, except that no statute or regulation made under this paragraph may affect the religious observances or regulations enforced in any such college, educational establishment or boarding house; and
- (m) the constitution of such boards and committees as are considered necessary to carry out the general purposes of this Act; and
- (n) in general, all other matters whatsoever regarding the University.

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(3) A statute or regulation made under this section must be submitted to the Governor for allowance.

(3a) A statute or regulation, on being allowed by the Governor, is binding on the whole body of the University.

(4) The Council may make by-laws not inconsistent with this Act for all or any of the following purposes:

- (a) to prohibit persons from trespassing on the University grounds; and
- (b) to prevent damage to the University grounds and any fixtures, chattels, trees, shrubs, bushes, flowers, gardens and lawns on or in those grounds; and
- (c) to regulate speed at which vehicles may be driven on the University grounds; and
- (d) to prohibit the dangerous or careless driving of vehicles on the University grounds; and
- (e) to prohibit the driving on the University grounds of vehicles the weight of which when laden exceeds the amount prescribed in the by-laws; and
- (f) to prescribe the route to be followed by traffic on roads, ways or tracks within the University grounds and the specific gates which may be used for the entrance and exit of vehicles and pedestrians and to require the observance of one-way traffic rules on specific roads, ways or tracks; and
- (g) to prohibit or regulate the parking, ranking, placing and arranging of vehicles on University grounds and to empower authorised persons to remove any vehicle from the University grounds without assigning any reason; and
- (h) generally to regulate traffic of all kinds on the University grounds; and
- (i) to prohibit disorderly conduct or indecent language by persons on the University grounds and to empower authorised persons to remove from those grounds persons guilty of disorderly conduct or indecent language while on those grounds; and

- (j) to prohibit, restrict or regulate the consumption of alcohol on the University grounds and the bringing of alcohol on to those grounds, and to empower authorised persons to remove from the University grounds any intoxicated person and to search the University grounds and vehicles on the grounds for alcohol and to seize any alcohol reasonably suspected of having been brought on to the University grounds contrary to any by-law; and
- (k) to empower the Council to confiscate any alcohol brought on to the University grounds contrary to any by-law; and
- (l) to prevent persons from climbing on fences or buildings or walking over gardens or lawns on the University grounds; and
- (m) to regulate the conduct of open air and indoor meetings held on the University grounds; and
- (n) to prevent the interruption of lectures or meetings by noise or unseemly behaviour on the University grounds whether in or outside of buildings and to prevent undue noise from motor vehicles on the University grounds; and
- (o) to prescribe fines not exceeding a division 10 fine for a contravention of any by-law; and
- (p) to empower the University to recover summarily compensation for any damage done to the University grounds; and
- (q) to prescribe all matters which are required by this Act to be prescribed by by-law or are otherwise necessary or convenient for giving effect to this Act.

(4a) The Council may declare in a by-law that it applies only to a specified part of the University grounds, and the by-law will apply accordingly.

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(4b) The Council may appoint a person to be an authorised person for the purposes of this section, and may, at will, revoke any such appointment.

(5) No by-law can be made—

- (a) except at a meeting of the Council of which at least fourteen days' prior notice in writing has been sent by post to each member of the Council specifying the by-laws intended to be proposed; and
- (b) unless a majority of all the members of the Council vote at the meeting in favour of the proposed by-law.

(6) Each by-law—

- (a) must be submitted to the Governor for confirmation and has no force until confirmed; and
- (b) must be published in the *Gazette* at the expense of the University after confirmation; and
- (c) subject to subsection (6a), takes effect from the day of publication or a later date fixed by the by-law; and

- (d) must be laid before each House of Parliament within the first 14 sitting days of that House after publication.

(6a) If either House of Parliament passes a resolution disallowing a by-law and notice of the resolution has been given within 14 sitting days of that House after the by-law has been laid before it, the by-law immediately ceases to have any effect, but without affecting the validity or curing the invalidity of anything done or omitted in the meantime.

(6b) Subsection (6a) applies even though all of the 14 sitting days, or some of them, do not occur in the same session of Parliament as the session in which the by-law is laid before the House.

(6c) When a resolution has been passed under subsection (6a), notice of the resolution must as soon as practicable be published in the *Gazette*.

(7) When a by-law has been confirmed by the Governor and published in the *Gazette*, all conditions precedent to the making of it will conclusively be taken to have been fulfilled.

(8) The Council must set out the substance of all its by-laws relating to traffic on a notice board at each entrance which leads directly from a road or street to the University grounds and is ordinarily used by vehicular traffic.

(8a) Failure to comply with subsection (8) does not affect the validity or operation of a by-law.

(9) The provisions of section 10 of the *Subordinate Legislation Act 1978* do not apply to by-laws made under this Act.

(10) A by-law under this Act cannot take away or restrict any liability, civil or criminal, arising under any provision of any other Act or at common law.

(11) In any proceedings for contravention of a by-law, the allegation in the complaint that a place was on the University grounds will, in the absence of proof to the contrary, be accepted as proof of the fact alleged.

(12) Where it is alleged that a student of the University has contravened a by-law under this Act, the Council may, instead of laying a complaint for the offence, direct that the student be charged with the contravention before a disciplinary body constituted by the Council and, if that disciplinary body finds the offence proved, it may punish the offender in accordance with the statute made by the Council prescribing the functions and powers of the disciplinary body.

(13) In any proceedings relating to an offence against a by-law—

(a) an allegation in a complaint that a person named in the complaint was the owner of a specified vehicle on a specified day will be taken to be proved in the absence of proof to the contrary; and

(b) where 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 proof to the contrary, that the vehicle was so parked by the owner of the vehicle.

(14) Where it is alleged that a person has committed an offence against a by-law of the University relating to vehicular traffic or the parking of motor vehicles, the Council may cause to be served personally or by post on that person a notice to the effect that he or she may expiate the offence by payment to the University of an amount specified in the notice, being an amount fixed by by-law, within a time fixed by the notice, and if the offence is so expiated no proceedings will be commenced in any court in respect of the alleged offence.

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**Power to confer degrees, diplomas and other awards**

**21.** (1) The University has power to confer on any person after examination and in accordance with the statutes and regulations of the University such degrees, diplomas or other awards as may be constituted by statute or regulation.

(1a) The power of the University to confer degrees, diplomas or other awards under subsection (1) includes the power to confer degrees, diplomas or other awards jointly with any other university.

(2) The University has power, without examination, but in accordance with the statutes and regulations of the University, to admit to degrees, diplomas or other awards that the University has power to confer, persons who have graduated at any other university.

(3) The University has power to admit any person *honoris causa* to any degree, whether or not the person has graduated at a university.

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**No religious test to be administered**

**23.** No religious test may be administered to a person in order to entitle the person to admission as a student of the University, to hold office in the University or to graduate from or hold any advantage or privilege offered by the University.

**Governor to be visitor**

**24.** The Governor is the visitor of the University and has authority to do all things which appertain to visitors as often as the Governor thinks fit.

**Payments annually by Treasurer for establishment and maintenance of University**

**25.** In every financial year there will be paid to the University out of money provided by Parliament for the purpose such sums as the Treasurer thinks necessary for the purpose of—

- (a) formation of grounds, erection of buildings, purchase of equipment and other expenses in relation to the University; and
- (b) maintaining the University; and
- (c) paying the salaries and allowances of academic and general staff, examiners and officers of the University; and
- (d) defraying the expenses of fellowships, scholarships, prizes and exhibitions awarded for encouragement of students in the University; and
- (e) providing a library; and
- (f) discharging all necessary charges connected with the management of the University.

**Borrowings by Council**

**26.** (1) Subject to this Act, the Council may—

- (a) borrow money at interest by way of mortgage, bank overdraft or otherwise—
  - (i) for the purpose of carrying out or performing any of its powers, authorities, duties and functions; and
  - (ii) for the repayment or partial repayment of any sum previously borrowed, within such limits and on such conditions as the Governor on the recommendation of the Treasurer may from time to time approve; and
- (b) mortgage, charge or enter into any other transaction for making any of its property security for any such loan.

(2) Any money of the University may be invested by the Council from time to time in any manner of investment authorised by the Council (whether an authorised trustee investment or otherwise).

**Annual report**

**27.** (1) The Council must, during the month of June in every year, present to the Governor a report of the proceedings of the University during the previous year.

(2) The report must contain a full account of the income and expenditure of the University, audited in such manner as the Governor may direct.

(3) A copy of every report made under this section, and of every statute and regulation of the University allowed by the Governor under this Act, must be laid before both Houses of Parliament before the end of the year in which it is made.

**University to be exempt from land tax**

**28.** Despite any Act or law to the contrary, all land in respect of which the University, or any person as trustee for the University, would, but for this section, be liable to pay tax to the State of South Australia, is exempt from that tax.

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**The Flinders University of South Australia Act 1966**

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## APPENDIX 1

### LEGISLATIVE HISTORY

#### Transitional Provisions

*(Transitional provision from The Flinders University of South Australia  
(Convocation) Amendment Act 1994, s. 7)*

7. (1) On the commencement of this Act, a person appointed to the Convocation under section 17(1)(b) (as in force immediately before that commencement) ceases to be a member of the Convocation.

(2) Subsection (1) does not affect the current term of office of a member of the Council who was elected to office by the Convocation before 1 January 1994.

*(Transitional provision from Statutes Amendment (University Councils)  
Act 1996, Sched. 1, cl. 1)*

1. The offices of the appointed and elected members of the Council of the Flinders University of South Australia are vacated on the commencement of Part 2 of this Act.

#### Legislative History

· Legislative history prior to 3 February 1976 appears in marginal notes and footnotes included in the consolidation of this Act contained in Volume 4 of The Public General Acts of South Australia 1837-1975 at page 248.

· Legislative history since 3 February 1976 (**entries in bold type indicate amendments incorporated since the last reprint**) is as follows:

Long title:	amended by 56, 1994, s. 6 (Sched.)
Section 1:	amended by 56, 1994, s. 6 (Sched.)
<b>Section 2:</b>	<b>definition of "the Academic Senate" inserted by 72, 1996, s. 4</b> definition of "academic staff" substituted by 83, 1992, s. 2(a) definition of "ancillary staff" repealed by 57, 1985, s. 3(a) definition of "Convocation" amended by 56, 1994, s. 6 (Sched.) definition of "Council" amended by 56, 1994, s. 6 (Sched.) definition of "general staff" inserted by 57, 1985, s. 3(b); substituted by 83, 1992, s. 2(b) definition of "graduate" inserted by 65, 1990, s. 46 definition of "post-graduate student" substituted by 83, 1992, s. 2(c) definition of "undergraduate student" substituted by 83, 1992, s. 2(c) definition of "University grounds" inserted by 83, 1992, s. 2(c) definition of "University grounds" (second occurring) repealed by 56, 1994, s. 6 (Sched.)
Section 3(1):	substituted by 56, 1994, s. 6 (Sched.)
Section 3(2):	amended by 57, 1985, s. 4; 56, 1994, s. 6 (Sched.)
Section 3(3) and (4):	amended by 56, 1994, s. 6 (Sched.)
Section 4:	amended by 56, 1994, s. 6 (Sched.)
Section 5(1):	amended by 56, 1994, s. 6 (Sched.)
<b>Section 5(2):</b>	<b>substituted by 56, 1994, s. 6 (Sched.); 72, 1996, s. 5</b>
<b>Section 5(3):</b>	amended by 57, 1985, s. 5; 83, 1992, s. 3; 56, 1994, ss. 2, 6 (Sched.); <b>substituted by 72, 1996, s. 5</b>
<b>Section 5(3a) - (3d):</b>	<b>inserted by 72, 1996, s. 5</b>
Section 5(4):	amended by 56, 1994, s. 6 (Sched.)
<b>Section 6:</b>	amended by 57, 1985, s. 6; 56, 1994, s. 6 (Sched.); <b>substituted by 72, 1996, s. 6</b>

<b>Section 7:</b>	amended by 57, 1985, s. 7; 56, 1994, s. 6 (Sched.); <b>repealed by 72, 1996, s. 6</b>
<b>Section 8:</b>	amended by 56, 1994, s. 6 (Sched.); <b>repealed by 72, 1996, s. 6</b>
<b>Section 9:</b>	substituted by 56, 1994, s. 6 (Sched.); <b>repealed by 72, 1996, s. 6</b>
<b>Section 9A:</b>	inserted by 83, 1992, s. 4; <b>repealed by 72, 1996, s. 6</b>
<b>Section 10:</b>	amended by 57, 1985, s. 8; 56, 1994, s. 6 (Sched.); <b>repealed by 72, 1996, s. 6</b>
<b>Section 11:</b>	amended by 57, 1985, s. 9; 56, 1994, s. 6 (Sched.); <b>repealed by 72, 1996, s. 6</b>
<b>Section 12:</b>	amended by 57, 1985, s. 10; 56, 1994, s. 6 (Sched.); <b>repealed by 72, 1996, s. 6</b>
<b>Section 13:</b>	amended by 56, 1994, s. 6 (Sched.); <b>repealed by 72, 1996, s. 6</b>
<b>Section 14:</b>	amended by 83, 1992, s. 5; 56, 1994, s. 6 (Sched.); <b>repealed by 72, 1996, s. 6</b>
<b>Section 15:</b>	substituted by 56, 1994, s. 6 (Sched.); <b>repealed by 72, 1996, s. 6</b>
Section 16(1):	amended by 56, 1994, s. 6 (Sched.)
Section 16(2):	amended by 57, 1985, s. 11; substituted by 83, 1992, s. 6(a)
<b>Section 16(3):</b>	amended by 56, 1994, s. 6 (Sched.); <b>substituted by 72, 1996, s. 7</b>
<b>Section 16(3a) and (3b):</b>	<b>inserted by 72, 1996, s. 7</b>
Section 16(4) and (5):	amended by 56, 1994, s. 6 (Sched.)
Section 16(6):	amended by 83, 1992, s. 6(b); 56, 1994, s. 6 (Sched.)
Section 17:	amended by 65, 1990, s. 47; substituted by 56, 1994, s. 3
Section 18(1):	substituted by 83, 1992, s. 7(a); amended by 56, 1994, s. 4(a)
Section 18(2):	substituted by 56, 1994, s. 4(b)
<b>Section 18(3):</b>	substituted by 83, 1992, s. 7(b); amended by 56, 1994, s. 4(c); <b>substituted by 72, 1996, s. 8</b>
<b>Section 18(4):</b>	<b>substituted by 57, 1985, s. 12; 56, 1994, s. 4(d); 72, 1996, s. 8</b>
Section 18(5):	inserted by 57, 1985, s. 12; repealed by 56, 1994, s. 4(e)
<b>Section 19:</b>	substituted by 56, 1994, s. 6 (Sched.); <b>repealed by 72, 1996, s. 9</b>
Section 19A(1):	amended by 57, 1985, s. 13; 56, 1994, s. 6 (Sched.)
Section 19A(2):	amended by 56, 1994, s. 6 (Sched.)
Section 20(1):	amended by 65, 1990, s. 48; 57, 1991, s. 2(a); 56, 1994, s. 6 (Sched.)
Section 20(2):	amended by 57, 1985, s. 14(a); substituted by 83, 1992, 8(a); repealed by 56, 1994, s. 5
Section 20(3):	amended by 57, 1991, s. 2(b); 83, 1992, s. 8(b); substituted by 56, 1994, s. 6 (Sched.)
Section 20(3a):	inserted by 56, 1994, s. 6 (Sched.)
Section 20(4)(i):	amended by 57, 1985, s. 14(b); amended and redesignated as s. 20(4) by 56, 1994, s. 6 (Sched.)
Section 20(4)(ii):	repealed and s. 20(4a) inserted in its place by 56, 1994, s. 6 (Sched.)
Section 20(4)(iii):	repealed by 56, 1994, s. 6 (Sched.)
Section 20(4)(iv):	amended and redesignated as s. 20(4b) by 56, 1994, s. 6 (Sched.)
Section 20(5):	amended by 56, 1994, s. 6 (Sched.)
Section 20(6):	substituted by 56, 1994, s. 6 (Sched.)
Section 20(6a) - (6c):	inserted by 56, 1994, s. 6 (Sched.)
Section 20(7):	amended by 56, 1994, s. 6 (Sched.)
Section 20(8)(i):	amended and redesignated as s. 20(8) by 56, 1994, s. 6 (Sched.)
Section 20(8)(ii):	repealed and s. 20(8a) inserted in its place by 56, 1994, s. 6 (Sched.)
Section 20(9) - (11):	amended by 56, 1994, s. 6 (Sched.)
Section 20(12):	substituted by 56, 1994, s. 6 (Sched.)
Section 20(13) and (14):	amended by 56, 1994, s. 6 (Sched.)
Section 20(15):	repealed by 56, 1994, s. 6 (Sched.)
Section 21(1):	amended by 57, 1991, s. 3(a); 56, 1994, s. 6 (Sched.)

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Section 21(1a):	inserted by 57, 1991, s. 3(b); amended by 56, 1994, s. 6 (Sched.)
Section 21(2):	amended by 57, 1991, s. 3(c); 56, 1994, s. 6 (Sched.)
Section 21(3):	amended by 56, 1994, s. 6 (Sched.)
Section 22:	repealed by 57, 1985, s. 15
Section 23:	substituted by 56, 1994, s. 6 (Sched.)
Sections 24 - 27:	amended by 56, 1994, s. 6 (Sched.)
Section 28:	substituted by 56, 1994, s. 6 (Sched.)
Section 29:	repealed by 56, 1994, s. 6 (Sched.)
Section 30:	amended by 57, 1985, s. 16; substituted by 65, 1990, s. 49; repealed by 56, 1994, s. 6 (Sched.)

**APPENDIX 2**

**DIVISIONAL PENALTIES AND EXPIATION FEES**

At the date of publication of this reprint divisional penalties and expiation fees are, as provided by section 28A of the *Acts Interpretation Act 1915*, as follows:

Division	Maximum imprisonment	Maximum fine	Expiation fee
1	15 years	\$60 000	—
2	10 years	\$40 000	—
3	7 years	\$30 000	—
4	4 years	\$15 000	—
5	2 years	\$8 000	—
6	1 year	\$4 000	\$300
7	6 months	\$2 000	\$200
8	3 months	\$1 000	\$150
9	-	\$500	\$100
10	-	\$200	\$75
11	-	\$100	\$50
12	-	\$50	\$25