

South Australia

Flinders University Act 1966

An Act for the establishment and incorporation of a University to be known as Flinders University and for related purposes.

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The Parliament of South Australia enacts as follows:

1—Short title

This Act may be cited as the *Flinders University Act 1966*.

2—Interpretation

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;

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 means a person on whom the University has conferred an academic award, including an honorary award and an award conferred jointly with another body under section 21;

logo means a design (the copyright of which is vested in the University) declared under this Act to be a logo;

official insignia means a logo, an official symbol or an official title;

official symbol means a combination of a logo and an official title;

official title means a name or title declared under this Act to be an official title;

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 1 designated by the Council as a postgraduate course;

University means Flinders University 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.

3—Establishment and incorporation

- (1) *Flinders University* is established.
- (2) The University consists of a Council, graduates, staff and students.
- (3) Subject to subsection (5), the University is a body corporate invested with full juristic capacity and unfettered discretion, subject to the laws of this State, to conduct its affairs in the manner it thinks fit.
- (4) The University may exercise its powers within or outside the State (including outside Australia).

- (5) The University must not alienate (except by way of lease for a term not exceeding 21 years), mortgage or charge land vested in or conveyed to the University on trust except with, and in accordance with any terms or conditions of, an approval given by the Governor.
- (6) To avoid doubt, subsection (5) does not confer any power to alienate land contrary to the terms of a trust relating to the land.
- (7) The University is not an instrumentality or agency of the Crown.

3A—References to *Flinders University of South Australia* in Acts etc

- (1) A reference in any other Act, regulation, by-law, instrument or document to *The Flinders University of South Australia* will, on the commencement of this clause, be taken to be a reference to *Flinders University*.
- (2) Nothing in this clause limits the operation of section 4A or 4B.

4—Functions of the University

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.

4A—Declaration of logo and official titles

- (1) The Minister may, by notice in the Gazette, declare a design to be a logo in respect of the University.
- (2) *The Flinders University of South Australia* and *Flinders University* are official titles.

4B—Protection of proprietary interests of University

- (1) The University has a proprietary interest in all official insignia.
- (2) A person must not, without the consent of the University, in the course of a trade or business—
 - (a) use a name in which the University has a proprietary interest under this section for the purpose of promoting the sale of services or the provision of any benefits; or
 - (b) sell goods marked with official insignia; or
 - (c) use official insignia for the purpose of promoting the sale of goods or services.

Maximum penalty: \$20 000.

- (3) A person must not, without the consent of the University, assume a name or description that consists of, or includes, official insignia.
Maximum penalty: \$20 000.
- (4) A consent under this section—
 - (a) may be given with or without conditions (including conditions requiring payment to the University); and
 - (b) must be given in writing addressed to the applicant for the consent; and
 - (c) may be revoked by the University for a breach of a condition by notice in writing given personally or by post to a person who has the benefit of the consent.
- (5) The Supreme Court may, on the application of the University, grant an injunction to restrain a breach of this section.
- (6) The court by which a person is convicted of an offence against this section may, on the application of the University, order the convicted person to pay compensation of an amount fixed by the court to the University.
- (7) Subsections (5) and (6) do not derogate from any civil remedy that may be available to the University apart from those subsections.

5—Council

- (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 the following as its primary responsibilities:
 - (a) appointing the Vice-Chancellor as the chief executive officer of the University, and monitoring his or her performance;
 - (b) approving the mission and strategic direction of the University, as well as the annual budget and business plan;
 - (c) overseeing and reviewing the management of the University and its performance;
 - (d) establishing policy and procedural principles, consistent with legal requirements and community expectations;
 - (e) approving and monitoring systems of control and accountability, including general overview of any entities controlled by the University (within the meaning of section 50AA of the *Corporations Act 2001*);
 - (f) overseeing and monitoring the assessment and management of risk across the University, including commercial undertakings;
 - (g) overseeing and monitoring the academic activities of the University;
 - (h) approving significant commercial activities of the University.
- (2a) The Council must in all matters endeavour to advance the interests 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);
 - (d) 8 persons appointed by the Council, on the recommendation of a selection committee (which consists of the Chancellor and 6 other persons appointed by the Chancellor in accordance with guidelines determined by the Council);
 - (e) if the Council so determines, 1 person co-opted and appointed by the Council;
 - (f) 1 member of the academic staff, elected by the academic staff;
 - (g) 1 member of the general staff, elected by the general staff;
 - (h) 2 students of the University (not being persons in the full time employment of the University), 1 of whom must be a postgraduate student and 1 of whom must be an undergraduate student, appointed or elected in a manner determined by the Council.
- (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 2 must have financial management expertise and at least 1 must have commercial expertise (demonstrated by relevant qualifications or relevant experience at a senior level in the public or private sector).
- (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 1 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.

6—Term of office

- (1) Subject to subsection (5a), a member appointed to the Council by the Council will be appointed for a term of 2 or 4 years to be determined—
- (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 2 years.
- (3) A member of the academic or general staff of the University elected to the Council will be elected for a term of 2 years.
- (4) A student of the University appointed or elected to the Council will be appointed or elected for a term of 2 years.
- (5) Subject to subsection (5a), at the expiration of a term of office, a member appointed or elected to the Council is eligible for reappointment or re-election.
- (5a) A person may not, except by resolution of the Council, be appointed or elected as a member of the Council if the appointment or election (as the case requires) would result in the person being a member of the Council for more than 12 years.
- (6) Subject to this section, 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.
- (6a) An appointed or elected member of the Council may only be removed under subsection (6)(d) by resolution passed by at least a two-thirds majority of the members of the Council.
- (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 3 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); or
 - (f) is disqualified from managing corporations under Chapter 2D Part 2D.6 of the *Corporations Act 2001* of the Commonwealth.
- (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.

7—Remuneration of Council members

- (1) The Council may, from time to time, determine that a member of the Council be remunerated.
- (2) A determination under subsection (1) may fix different amounts of remuneration for different members of the Council according to the office held by the member or any other factor the Council considers relevant.
- (3) The regulations may make further provision in relation to a determination under subsection (1), including prescribing circumstances in which the Council may not determine to remunerate a member of the Council.
- (4) Section 18C does not apply in relation to the making of a determination under this section.

16—Appointment of Chancellor, Vice-Chancellor etc

- (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.
- (1a) The Vice-Chancellor is the principal academic and chief executive officer of the University and is responsible to the Council for the academic standards, management and administration of the University.
- (2) The Council may appoint no more than 2 Pro-Chancellors or Deputy 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 4 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 Deputy 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.

18—Conduct of business in Council

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

18A—Duty of Council members to exercise care and diligence etc

A member of the Council must at all times in the performance of his or her functions—

- (a) exercise a reasonable degree of care and diligence; and
- (b) act in the best interest of the University.

18B—Duty of Council members to act in good faith etc

- (1) A member of the Council must at all times act in good faith, honestly and for a proper purpose in the performance of the functions of his or her office, whether within or outside the State.
- (2) A member of the Council must not improperly use his or her position to gain an advantage for himself or herself or another person, whether within or outside the State.
- (3) Subsection (1) does not apply to conduct that is merely of a trivial character and does not result in significant detriment to the interest of the University.

18C—Duty of Council members with respect to conflict of interest

- (1) A member of the Council who has a direct or indirect personal or pecuniary interest in a matter decided or under consideration by the Council—
 - (a) must, as soon as is reasonably practicable, disclose in writing to the Council full and accurate details of the interest; and
 - (b) must not take part in any discussion by the Council relating to that matter; and
 - (c) must not vote in relation to that matter; and
 - (d) must be absent from the meeting room when any such discussion or voting is taking place.
- (2) A member of the Council will not be taken to have a direct or indirect interest in a matter for the purposes of this section by reason only of the fact that the member has an interest in the matter that is shared in common with staff members, graduates or students of the University generally, or with a substantial number of staff members, graduates or students of the University.

- (3) If a member of the Council makes a disclosure of interest and complies with the other requirements of subsection (1) in respect of a proposed contract—
 - (a) the contract is not liable to be avoided by the University; and
 - (b) the member of the Council is not liable to account to the University for profits derived from the contract.
- (4) If a member of the Council fails to make a disclosure of interest or fails to comply with any other requirement of subsection (1) in respect of a proposed contract, the contract is liable to be avoided by the University.
- (5) A contract may not be avoided under subsection (4) if a person has acquired an interest in property the subject of the contract in good faith for valuable consideration and without notice of the contravention.
- (6) If a member of the Council has or acquires a personal or pecuniary interest, or is or becomes the holder of an office, such that it is reasonably foreseeable that a conflict might arise with his or her duties as a member of the Council, the member must, as soon as is reasonably practicable, disclose in writing to the Council full and accurate details of the interest or office.
- (7) A disclosure under this section must be recorded in the minutes of the Council.
- (8) Without limiting the effect of this section, a member of the Council will be taken to have an interest in a matter for the purposes of this section if a relative of the member has an interest in the matter.
- (9) This section does not apply in relation to a matter in which a member of the Council has an interest while the member remains unaware that he or she has an interest in the matter, but in any proceedings against the member the burden will lie on the member to prove that he or she was not, at the material time, aware of his or her interest.
- (10) In this section—

domestic partner means a person who is a domestic partner within the meaning of the *Family Relationships Act 1975*, whether declared as such under that Act or not;

relative of a member means the spouse, domestic partner, parent or remoter linear ancestor, son, daughter or remoter issue or brother or sister of the member;

spouse—a person is the spouse of another if they are legally married.

18D—Removal of Council members for contravention of section 18A, 18B or 18C

Non-compliance by a member of the Council with a duty imposed under section 18A, 18B or 18C will be taken to be serious misconduct and a ground for removal of the member from office.

18E—Civil liability for contravention of section 18B or 18C

If a person who is a member of the Council or a former member of the Council is guilty of a contravention of section 18B or 18C, the University may recover from the person by action in a court of competent jurisdiction—

- (a) if the person or any other person made a profit as a result of the contravention—an amount equal to the profit; and

- (b) if the University suffered loss or damage as a result of the contravention—compensation for the loss or damage.

19A—Delegation

- (1) The Council may delegate any of its powers or functions under this Act to—
 - (a) a member of the Council; or
 - (b) an employee of the University; or
 - (c) the holder of a particular office or position in the University; or
 - (d) any committee of the Council or the University.
- (2) A delegation under this section—
 - (a) must be by instrument in writing; and
 - (b) may be absolute or conditional; and
 - (c) does not derogate from the power of the Council to act in any matter; and
 - (d) is revocable at will by the Council.
- (3) A power or function delegated under this section to the Vice-Chancellor, or to a committee of the Council or the University, may, if the instrument of delegation so provides, be further delegated.

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

- (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
 - (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

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- (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.
- (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
 - (oa) to fix expiation fees, not exceeding a division 10 fee, for alleged offences against the by-laws; 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.
- (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 14 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.

21—Power to confer awards

- (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 academic awards under subsection (1) includes the power to confer academic awards jointly with—
 - (a) another university; or
 - (b) a registered training organisation; or
 - (c) another body specified in regulations made under subsection (4).

- (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.
- (4) The Governor may, on the recommendation of the Council, make regulations for the following purposes:
 - (a) specifying a body for the purposes of subsection (1a);
 - (b) excluding a registered training organisation from the ambit of the definition of *registered training organisation*.
- (5) In this section—

registered training organisation has the same meaning as in the *South Australian Skills Act 2008* but does not include a training organisation excluded from the ambit of this definition by regulations made under subsection (4).

27—Annual report

- (1) The Council must, not later than 30 June in each year, present to the Minister a report on the operation of the University during the year ending on the preceding 31 December.
- (2) The report must include a copy of the audited accounts of the University, and of every statute and regulation of the University allowed by the Governor during the year ending on the preceding 31 December.
- (3) The Minister must, within 12 sitting days of receiving a report under this section, cause a copy of the report to be laid before each House of Parliament.

28—University to be exempt from land tax

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.

29—Indemnities

The University must indemnify and keep indemnified—

- (a) each member of the Council; and
- (b) any member of a committee constituted or appointed by resolution of the Council or by or under a statute or regulation; and
- (c) any member of the Academic Senate,

against all actions or claims (whether arising during or after the term of office of that member) in respect of any act or thing done or omitted to be done in good faith in the exercise or purported exercise of any power or duty conferred or imposed—

- (d) on the Council, any committee or the Academic Senate; or
- (e) on any member or members of the Council, committee or the Academic Senate,

by or under this Act.

30—Creation and administration of trust funds and other funds

Subject to this Act, the University may create and administer—

- (a) trust funds; or
- (b) funds for any other purpose.

31—Establishment of investment common funds

- (1) The University may establish 1 or more investment common funds for the collective investment of any trust funds and other funds held by or in the custody of the University.
- (2) Without liability for breach of trust, the University may bring into or withdraw from any investment common fund the whole or any part of any trust fund or other fund held by or in the custody of the University.
- (3) Subsection (2) applies despite any direction to the contrary, whether express or implied, contained in the trust instrument.

32—Distribution of income of investment common funds

- (1) Subject to subsection (2), the University must, in accordance with the instrument that established the investment common fund, periodically distribute income from each investment common fund among the funds participating in the pool.
- (2) From time to time, the University, if it considers it expedient to do so, may—
 - (a) add some portion of the income of each investment common fund to the capital of the common fund; or
 - (b) establish a fund or funds as a provision against capital depreciation or reduction in income.

33—Commissions etc

- (1) The University may periodically deduct an amount (not exceeding an amount determined by the Council of the total funds under management as part of the common fund) as commission for the administration of a common fund.
- (2) Despite section 19A, the Council must not delegate the power to make a determination under subsection (1).
- (3) The commission deducted under subsection (1) is to be received and accepted by the University or fund manager (as the case requires) as full payment for the costs of administration of the common fund.
- (4) The University must not make any other charges on the trust fund in addition to the commission received under subsection (3) except in accordance with the trust instrument.

Legislative history

Notes

- Please note—References in the legislation to other legislation or instruments or to titles of bodies or offices are not automatically updated as part of the program for the revision and publication of legislation and therefore may be obsolete.
- Earlier versions of this Act (historical versions) are listed at the end of the legislative history.
- For further information relating to the Act and subordinate legislation made under the Act see the Index of South Australian Statutes or www.legislation.sa.gov.au.

Formerly

The Flinders University of South Australia Act 1966

Flinders University of South Australia Act 1966

Principal Act and amendments

New entries appear in bold.

Year	No	Title	Assent	Commencement
1966	23	<i>The Flinders University of South Australia Act 1966</i>	17.3.1966	1.7.1966 (<i>Gazette 12.5.1966 p1887</i>)
1966	53	<i>The Flinders University of South Australia Act Amendment Act 1966</i>	3.11.1966	3.11.1966
1973	70	<i>The Flinders University of South Australia Act Amendment Act 1973</i>	6.12.1973	10.1.1974 (<i>Gazette 20.12.1973 p3336</i>)
1985	57	<i>The Flinders University of South Australia Act Amendment Act 1985</i>	30.5.1985	5.12.1985 (<i>Gazette 5.12.1985 p1690</i>)
1990	65	<i>Statutes Amendment and Repeal (Merger of Tertiary Institutions) Act 1990</i>	13.12.1990	1.1.1991 (<i>Gazette 13.12.1990 p1755</i>)
1991	57	<i>The Flinders University of South Australia (Joint Awards) Amendment Act 1991</i>	28.11.1991	28.11.1991
1992	83	<i>The Flinders University of South Australia (Miscellaneous) Amendment Act 1992</i>	3.12.1992	3.12.1992
1994	56	<i>The Flinders University of South Australia (Convocation) Amendment Act 1994</i>	22.9.1994	22.9.1994
1996	34	<i>Statutes Amendment and Repeal (Common Expiation Scheme) Act 1996</i>	2.5.1996	Sch (cl 17)—3.2.1997 (<i>Gazette 19.12.1996 p1923</i>)
1996	72	<i>Statutes Amendment (University Councils) Act 1996</i>	22.8.1996	Pt 2 & Sch 1 (cl 1)—1.1.1997 (<i>Gazette 5.12.1996 p1812</i>)

1999	33	<i>Financial Sector Reform (South Australia) Act 1999</i>	17.6.1999	Sch (item 25)—1.7.1999 being the date specified under s 3(16) of the <i>Financial Sector Reform (Amendments and Transitional Provisions) Act (No. 1) 1999</i> of the Commonwealth as the transfer date for the purposes of that Act: s 2(2)
1999	88	<i>Statutes Amendment (Universities) Act 1999</i>	2.12.1999	Pt 2 (s 4)—23.12.1999 (<i>Gazette 23.12.1999 p3670</i>)
2005	29	<i>Statutes Amendment (Universities) Act 2005</i>	7.7.2005	Pt 2 (ss 4—17) & Sch 1 (cl 1)—28.7.2005 (<i>Gazette 28.7.2005 p2524</i>)
2006	43	<i>Statutes Amendment (Domestic Partners) Act 2006</i>	14.12.2006	Pt 38 (s 111)—1.6.2007 (<i>Gazette 26.4.2007 p1352</i>)
2017	39	<i>Statutes Amendment (Universities) Act 2017</i>	10.10.2017	Pt 2 (ss 3—14) & Sch 1 (cl 1)—10.10.2017
2019	32	<i>Flinders University (Remuneration of Council Members) Amendment Act 2019</i>	21.11.2019	21.11.2019
2020	40	<i>Training and Skills Development (Miscellaneous) Amendment Act 2020</i>	19.11.2020	Sch 1 (cl 5)—1.7.2021 (<i>Gazette 24.6.2021 p2260</i>)

Provisions amended since 3 February 1976

- 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.

New entries appear in bold.

Entries that relate to provisions that have been deleted appear in italics.

Provision	How varied	Commencement
Long title	amended by 56/1994 s 6 (Sch)	22.9.1994
	amended by 39/2017 s 14	10.10.2017
s 1	amended by 56/1994 s 6 (Sch)	22.9.1994
	amended by 29/2005 s 4	28.7.2005
	amended by 39/2017 s 3	10.10.2017
s 2		
the Academic Senate	inserted by 72/1996 s 4	1.1.1997
academic staff	substituted by 83/1992 s 2(a)	3.12.1992
<i>ancillary staff</i>	<i>deleted by 57/1985 s 3(a)</i>	<i>5.12.1985</i>
<i>Convocation</i>	<i>amended by 56/1994 s 6 (Sch)</i>	<i>22.9.1994</i>
	<i>deleted by 29/2005 s 5(1)</i>	<i>28.7.2005</i>
Council	amended by 56/1994 s 6 (Sch)	22.9.1994
general staff	inserted by 57/1985 s 3(b)	5.12.1985
	substituted by 83/1992 s 2(b)	3.12.1992
graduate	inserted by 65/1990 s 46	1.1.1991

	substituted by 29/2005 s 5(2)	28.7.2005
logo	inserted by 29/2005 s 5(3)	28.7.2005
official insignia	inserted by 29/2005 s 5(3)	28.7.2005
official symbol	inserted by 29/2005 s 5(3)	28.7.2005
official title	inserted by 29/2005 s 5(3)	28.7.2005
post-graduate student	substituted by 83/1992 s 2(c)	3.12.1992
undergraduate student	substituted by 83/1992 s 2(c)	3.12.1992
University	amended by 39/2017 s 4	10.10.2017
University grounds	inserted by 83/1992 s 2(c)	3.12.1992
<i>University grounds (second occurring)</i>	<i>deleted by 56/1994 s 6 (Sch)</i>	<i>22.9.1994</i>
s 3		
s 3(1)	substituted by 56/1994 s 6 (Sch)	22.9.1994
	amended by 39/2017 s 5	10.10.2017
s 3(2)	amended by 57/1985 s 4	5.12.1985
	amended by 56/1994 s 6 (Sch)	22.9.1994
	amended by 29/2005 s 6(1)	28.7.2005
s 3(3) and (4)	amended by 56/1994 s 6 (Sch)	22.9.1994
	substituted by 29/2005 s 6(2)	28.7.2005
s 3(5)—(7)	inserted by 29/2005 s 6(2)	28.7.2005
s 3A	inserted by 39/2017 s 6	10.10.2017
s 4	amended by 56/1994 s 6 (Sch)	22.9.1994
ss 4A and 4B	inserted by 29/2005 s 7	28.7.2005
s 5		
s 5(1)	amended by 56/1994 s 6 (Sch)	22.9.1994
s 5(2)	substituted by 56/1994 s 6 (Sch)	22.9.1994
	substituted by 72/1996 s 5	1.1.1997
	substituted by 29/2005 s 8(1)	28.7.2005
s 5(2a)	inserted by 29/2005 s 8(2)	28.7.2005
s 5(3)	amended by 57/1985 s 5	5.12.1985
	amended by 83/1992 s 3	3.12.1992
	amended by 56/1994 ss 2, 6 (Sch)	22.9.1994
	substituted by 72/1996 s 5	1.1.1997
	(c) deleted by 29/2005 s 8(3)	28.7.2005
	amended by 29/2005 s 8(4)	28.7.2005
	amended by 39/2017 s 7(1)—(4)	10.10.2017
s 5(3a)	inserted by 72/1996 s 5	1.1.1997
s 5(3b)	inserted by 72/1996 s 5	1.1.1997
	amended by 29/2005 s 8(5)	28.7.2005
s 5(3c) and (3d)	inserted by 72/1996 s 5	1.1.1997

s 5(4)	amended by 56/1994 s 6 (Sch)	22.9.1994
s 6	amended by 57/1985 s 6	5.12.1985
	amended by 56/1994 s 6 (Sch)	22.9.1994
	substituted by 72/1996 s 6	1.1.1997
s 6(1)	amended by 29/2005 s 9(1)	28.7.2005
s 6(4)	amended by 39/2017 s 8	10.10.2017
s 6(5)	amended by 29/2005 s 9(2)	28.7.2005
s 6(5a)	inserted by 29/2005 s 9(3)	28.7.2005
s 6(6)	amended by 29/2005 s 9(4)	28.7.2005
s 6(6a)	inserted by 29/2005 s 9(5)	28.7.2005
s 6(7)	amended by 29/2005 s 9(6)	28.7.2005
s 7	amended by 57/1985 s 7	5.12.1985
	amended by 56/1994 s 6 (Sch)	22.9.1994
	deleted by 72/1996 s 6	1.1.1997
	inserted by 32/2019 s 3	21.11.2019
s 8	<i>amended by 56/1994 s 6 (Sch)</i>	22.9.1994
	<i>deleted by 72/1996 s 6</i>	1.1.1997
s 9	<i>substituted by 56/1994 s 6 (Sch)</i>	22.9.1994
	<i>deleted by 72/1996 s 6</i>	1.1.1997
s 9A	<i>inserted by 83/1992 s 4</i>	3.12.1992
	<i>deleted by 72/1996 s 6</i>	1.1.1997
s 10	<i>amended by 57/1985 s 8</i>	5.12.1985
	<i>amended by 56/1994 s 6 (Sch)</i>	22.9.1994
	<i>deleted by 72/1996 s 6</i>	1.1.1997
s 11	<i>amended by 57/1985 s 9</i>	5.12.1985
	<i>amended by 56/1994 s 6 (Sch)</i>	22.9.1994
	<i>deleted by 72/1996 s 6</i>	1.1.1997
s 12	<i>amended by 57/1985 s 10</i>	5.12.1985
	<i>amended by 56/1994 s 6 (Sch)</i>	22.9.1994
	<i>deleted by 72/1996 s 6</i>	1.1.1997
s 13	<i>amended by 56/1994 s 6 (Sch)</i>	22.9.1994
	<i>deleted by 72/1996 s 6</i>	1.1.1997
s 14	<i>amended by 83/1992 s 5</i>	3.12.1992
	<i>amended by 56/1994 s 6 (Sch)</i>	22.9.1994
	<i>deleted by 72/1996 s 6</i>	1.1.1997
s 15	<i>substituted by 56/1994 s 6 (Sch)</i>	22.9.1994
	<i>deleted by 72/1996 s 6</i>	1.1.1997
s 16		
s 16(1)	amended by 56/1994 s 6 (Sch)	22.9.1994
s 16(1a)	inserted by 29/2005 s 10(1)	28.7.2005
s 16(2)	amended by 57/1985 s 11	5.12.1985
	substituted by 83/1992 s 6(a)	3.12.1992
	amended by 29/2005 s 10(2)	28.7.2005

s 16(3)	amended by 56/1994 s 6 (Sch)	22.9.1994
	substituted by 72/1996 s 7	1.1.1997
s 16(3a) and (3b)	inserted by 72/1996 s 7	1.1.1997
s 16(4) and (5)	amended by 56/1994 s 6 (Sch)	22.9.1994
s 16(6)	amended by 83/1992 s 6(b)	3.12.1992
	amended by 56/1994 s 6 (Sch)	22.9.1994
	amended by 29/2005 s 10(3)	28.7.2005
<i>s 17</i>	<i>amended by 65/1990 s 47</i>	<i>1.1.1991</i>
	<i>substituted by 56/1994 s 3</i>	<i>22.9.1994</i>
	<i>deleted by 29/2005 s 11</i>	<i>28.7.2005</i>
s 18		
s 18(1)	substituted by 83/1992 s 7(a)	3.12.1992
	amended by 56/1994 s 4(a)	22.9.1994
s 18(2)	substituted by 56/1994 s 4(b)	22.9.1994
s 18(3)	substituted by 83/1992 s 7(b)	3.12.1992
	amended by 56/1994 s 4(c)	22.9.1994
	substituted by 72/1996 s 8	1.1.1997
	amended by 39/2017 s 9	10.10.2017
s 18(4)	substituted by 57/1985 s 12	5.12.1985
	substituted by 56/1994 s 4(d)	22.9.1994
	substituted by 72/1996 s 8	1.1.1997
<i>s 18(5)</i>	<i>inserted by 57/1985 s 12</i>	<i>5.12.1985</i>
	<i>deleted by 56/1994 s 4(e)</i>	<i>22.9.1994</i>
ss 18A and 18B	inserted by 29/2005 s 12	28.7.2005
s 18C		
s 18C(8)	amended by 43/2006 s 111(1)	1.6.2007
s 18C(10)	substituted by 43/2006 s 111(2)	1.6.2007
ss 18D and 18E	inserted by 29/2005 s 12	28.7.2005
<i>s 19</i>	<i>substituted by 56/1994 s 6 (Sch)</i>	<i>22.9.1994</i>
	<i>deleted by 72/1996 s 9</i>	<i>1.1.1997</i>
<i>s 19A before substitution by 39/2017</i>		
<i>s 19A(1)</i>	<i>amended by 57/1985 s 13</i>	<i>5.12.1985</i>
	<i>amended by 56/1994 s 6 (Sch)</i>	<i>22.9.1994</i>
<i>s 19A(2)</i>	<i>amended by 56/1994 s 6 (Sch)</i>	<i>22.9.1994</i>
s 19A	substituted by 39/2017 s 10	10.10.2017
s 20		
s 20(1)	amended by 65/1990 s 48	1.1.1991
	amended by 57/1991 s 2(a)	28.11.1991
	amended by 56/1994 s 6 (Sch)	22.9.1994
	amended by 29/2005 s 13	28.7.2005
<i>s 20(2)</i>	<i>amended by 57/1985 s 14(a)</i>	<i>5.12.1985</i>

	<i>substituted by 83/1992 s 8(a)</i>	3.12.1992
	<i>deleted by 56/1994 s 5</i>	22.9.1994
s 20(3)	amended by 57/1991 s 2(b)	28.11.1991
	amended by 83/1992 s 8(b)	3.12.1992
	substituted by 56/1994 s 6 (Sch)	22.9.1994
s 20(3a)	inserted by 56/1994 s 6 (Sch)	22.9.1994
s 20(4)	s 20(4)(i) amended by 57/1985 s 14(b)	5.12.1985
	s 20(4)(i) amended and redesignated as s 20(4) by 56/1994 s 6 (Sch)	22.9.1994
	amended by 34/1996 s 4 (Sch cl 17)	3.2.1997
s 20(4a)	s 20(4)(ii) deleted and s 20(4a) inserted in its place by 56/1994 s 6 (Sch)	22.9.1994
	s 20(4)(iii) deleted by 56/1994 s 6 (Sch)	22.9.1994
s 20(4b)	s 20(4)(iv) amended and redesignated as s 20(4b) by 56/1994 s 6 (Sch)	22.9.1994
s 20(5)	amended by 56/1994 s 6 (Sch)	22.9.1994
s 20(6)	substituted by 56/1994 s 6 (Sch)	22.9.1994
s 20(6a)—(6c)	inserted by 56/1994 s 6 (Sch)	22.9.1994
s 20(7)	amended by 56/1994 s 6 (Sch)	22.9.1994
s 20(8)	s 20(8)(i) amended and redesignated as s 20(8) by 56/1994 s 6 (Sch)	22.9.1994
s 20(8a)	s 20(8)(ii) deleted and s 20(8a) inserted in its place by 56/1994 s 6 (Sch)	22.9.1994
s 20(9)—(11)	amended by 56/1994 s 6 (Sch)	22.9.1994
s 20(12)	substituted by 56/1994 s 6 (Sch)	22.9.1994
s 20(13)	amended by 56/1994 s 6 (Sch)	22.9.1994
s 20(14)	<i>amended by 56/1994 s 6 (Sch)</i>	22.9.1994
	<i>deleted by 34/1996 s 4 (Sch cl 17)</i>	3.2.1997
s 20(15)	<i>deleted by 56/1994 s 6 (Sch)</i>	22.9.1994
s 21		
s 21(1)	amended by 57/1991 s 3(a)	28.11.1991
	amended by 56/1994 s 6 (Sch)	22.9.1994
s 21(1a)	inserted by 57/1991 s 3(b)	28.11.1991
	amended by 56/1994 s 6 (Sch)	22.9.1994
	substituted by 29/2005 s 14(1)	28.7.2005
s 21(2)	amended by 57/1991 s 3(c)	28.11.1991
	amended by 56/1994 s 6 (Sch)	22.9.1994
s 21(3)	amended by 56/1994 s 6 (Sch)	22.9.1994
s 21(4)	inserted by 29/2005 s 14(2)	28.7.2005
s 21(5)	inserted by 29/2005 s 14(2)	28.7.2005
registered training organisation	amended by 40/2020 Sch 1 cl 5	1.7.2021
s 22	<i>deleted by 57/1985 s 15</i>	5.12.1985
s 23	<i>substituted by 56/1994 s 6 (Sch)</i>	22.9.1994

	<i>deleted by 29/2005 s 15</i>	28.7.2005
s 24	<i>amended by 56/1994 s 6 (Sch)</i>	22.9.1994
	<i>deleted by 88/1999 s 4</i>	23.12.1999
s 25	<i>amended by 56/1994 s 6 (Sch)</i>	22.9.1994
	<i>deleted by 29/2005 s 16</i>	28.7.2005
<i>s 26 before deletion by 29/2005</i>		
s 26(1)	<i>amended by 56/1994 s 6 (Sch)</i>	22.9.1994
	<i>amended by 33/1999 Sch (item 25)</i>	1.7.1999
s 26(2)	<i>amended by 56/1994 s 6 (Sch)</i>	22.9.1994
s 26	<i>deleted by 29/2005 s 16</i>	28.7.2005
s 27	<i>amended by 56/1994 s 6 (Sch)</i>	22.9.1994
	<i>substituted by 39/2017 s 11</i>	10.10.2017
s 28	<i>substituted by 56/1994 s 6 (Sch)</i>	22.9.1994
s 29	<i>deleted by 56/1994 s 6 (Sch)</i>	22.9.1994
	<i>inserted by 29/2005 s 17</i>	28.7.2005
	<i>substituted by 39/2017 s 12</i>	10.10.2017
s 30	<i>amended by 57/1985 s 16</i>	5.12.1985
	<i>substituted by 65/1990 s 49</i>	1.1.1991
	<i>deleted by 56/1994 s 6 (Sch)</i>	22.9.1994
ss 30—33	<i>inserted by 39/2017 s 13</i>	10.10.2017

Transitional etc provisions associated with Act or amendments

The Flinders University of South Australia (Convocation) Amendment Act 1994

7—Transitional provision—Council membership

- (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.

Statutes Amendment (University Councils) Act 1996, Sch 1—Transitional provisions

- 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.

Statutes Amendment and Repeal (Common Expiation Scheme) Act 1996

5—Transitional provision

An Act repealed or amended by this Act will continue to apply (as in force immediately prior to the repeal or amendment coming into operation) to an expiation notice issued under the repealed or amended Act.

Statutes Amendment (Universities) Act 2005, Sch 1—Transitional provisions

1—Council members

A member of the Council holding office under section 5(3)(c) of *The Flinders University of South Australia Act 1966* immediately before the commencement of this clause will, subject to that Act as amended by this Act, continue to hold office until the expiration of his or her term of office as if he or she were a student appointed or elected under section 5(3)(h) of that Act.

Statutes Amendment (Universities) Act 2017, Sch 1—Transitional provisions

1—Certain members of Council of Flinders University to continue to hold office for remainder of term

- (1) A member of the Council who, immediately before the commencement of section 7 of this Act, held office under section 5(3)(d), (f), (g) or (h) of the *Flinders University of South Australia Act 1966*, will continue to hold office until—
 - (a) they are removed from office under that Act; or
 - (b) the completion of their term of office,whichever occurs first.
- (2) To avoid doubt, nothing in this clause affects the operation of section 6(5) of the *Flinders University Act 1966*.

Historical versions

Reprint No 1—1.7.1991
Reprint No 2—28.11.1991
Reprint No 3—3.12.1992
Reprint No 4—22.9.1994
Reprint No 5—1.1.1997
Reprint No 6—3.2.1997
Reprint No 7—1.7.1999
Reprint No 8—23.12.1999
28.7.2005
1.6.2007
10.10.2017
21.11.2019

Appendix—Divisional penalties and expiation fees

At the date of publication of this version 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	—

Division	Maximum imprisonment	Maximum fine	Expiation fee
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

Note: This appendix is provided for convenience of reference only.