

(Reprint No. 1)

SOUTH AUSTRALIA

UNIVERSITY OF ADELAIDE ACT, 1971

This Act is reprinted pursuant to the Acts Republication Act, 1967, and incorporates all amendments in force as at 15 January 1992.

It should be noted that the Act was not revised (for obsolete references, etc.) by the Commissioner of Statute Revision prior to the publication of this reprint.

SUMMARY OF PROVISIONS

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SCHEDULE

UNIVERSITY OF ADELAIDE ACT, 1971

being

University of Adelaide Act, 1971, No. 41 of 1971 [Assented to 29 April 1971]

as amended by

University of Adelaide Act Amendment Act, 1972, No. 4 of 1972 [Assented to 16 March 1972]
University of Adelaide Act Amendment Act, 1978, No. 40 of 1978 [Assented to 6 April 1978]¹
Statutes Amendment and Repeal (Merger of Tertiary Institutions) Act, 1990, No. 65 of 1990 [Assented to 13 December 1990]²

Note: Asterisks indicate repeal or deletion of text. For further explanation see Appendix.

An Act to provide for the continuance and administration of The University of Adelaide; to repeal the University of Adelaide Act, 1935-1964; and for other purposes.

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

Short title

1. This Act may be cited as the *University of Adelaide Act, 1971*.

Repeal and saving provisions

2. (1) The following Acts are repealed:—

the *University of Adelaide Act, 1935*;
the *University of Adelaide Act Amendment Act, 1936*;
the *University of Adelaide Act Amendment Act, 1937*;
the *University of Adelaide Act Amendment Act, 1942*;
the *University of Adelaide Act Amendment Act, 1943*;
the *University of Adelaide Act Amendment Act, 1946*;
the *University of Adelaide Act Amendment Act, 1950*;
the *University of Adelaide Act Amendment Act, 1964*.

(2) Except as in this Act expressly or by necessary implication provided, any repeal effected by this section—

- (a) shall not disturb, and shall be deemed never to have disturbed, the continuity of status, operation or effect of any person, thing or circumstance appointed or created by or under the repealed Act, or existing or continuing under the repealed Act immediately before the commencement of this Act, and they

¹S. 15 came into operation 23 November 1977: s. 2(2); remainder of Act (except ss. 8 and 14) came into operation 6 April 1978: *Gaz.* 6 April 1978, p. 1112; s. 14 came into operation 27 April 1978: *Gaz.* 27 April 1978, p. 1485; s. 8 came into operation 22 November 1978: *Gaz.* 17 August 1978, p. 556.

²Came into operation 1 January 1991: *Gaz.* 13 December 1990, p. 1755.

shall, under and subject to this Act, continue to have, and shall be deemed always to have had, the same status, operation and effect as they respectively would have had if the repeal had not been effected;

and

(b) shall not disturb, and shall be deemed never to have disturbed, the continuity of status, operation or effect of any statute, regulation, rule or by-law, or any order, degree, diploma, certificate, licence, election, contract, appointment, investigation, inquiry, report, decision, lease, mortgage, charge, permission, delegation, grant of land, alienation, investment, grant, loan, account, liability or right made, held, effected, issued, conferred, granted, entered into, given, paid, accrued, incurred or acquired or existing or continuing under the repealed Act before the commencement of this Act.

(3) The statutes, regulations, rules and by-laws made under the repealed Act and in force immediately before the commencement of this Act shall be deemed to be statutes, regulations, rules and by-laws lawfully made under this Act and shall have force and effect for the purposes of this Act as from the time of its commencement and may be amended or revoked by statute, regulation, rule or by-law, as the case may require, made under this Act.

Interpretation

3. In this Act, unless the contrary intention appears—

* * * * *

“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 or regulations of the University for the purposes of this definition:

“parliamentary member” means a member of the Council elected by either House of Parliament:

“postgraduate degree or diploma” means a degree or diploma (not including a bachelor’s degree with honours) for which a candidate must, under the statutes, regulations and rules of the University possess the status of graduate of the University or qualifications that are in the opinion of the University of equivalent or higher academic status:

“postgraduate member” means the member of the Council referred to in subparagraph (iv) of paragraph (c) of subsection (1) of section 12 of this Act:

“postgraduate student” means a student who is enrolled as a candidate for a postgraduate degree or diploma:

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

“the ancillary staff” means the officers or employees of the University classified by the Council as members of the ancillary staff:

“the convocation of electors” means—

(a) all graduates of the University;

(b) all postgraduate students;

and

(c) all persons in the full-time employment of the University or the Adelaide University Union:

“the Council” means the Council of the University:

“the repealed Act” means the *University of Adelaide Act, 1935-1964*, repealed by this Act:

“the Senate” means the Senate of the University:

“the University” means The University of Adelaide:

“University grounds” means—

(a) all land in which the University holds an estate of fee simple, all land held by the University under lease, and all land reserved pursuant to statute, or otherwise according to law, for the occupation or use of the University;

(b) all land occupied or used by the University or The Adelaide University Union under licence;

(c) all land that the University uses for the purpose of education or research or for any other activity declared by the Council to be appropriate to the functions or purposes of the University;

and, without limiting the generality of the foregoing, includes—

(d) all roads, ways, tracks, paths, parking areas, open spaces and buildings on, and appurtenances to, that land:

“undergraduate member” means a member of the Council elected by the undergraduates of the University:

“undergraduate of the University”, in relation to elections of members of the Council, includes a graduate who is enrolled for a bachelor’s degree, a diploma or other award prescribed by the statutes or regulations of the University for the purposes of this definition.

Continuance and powers of University

4. (1) The University shall continue as a body corporate under the name “The University of Adelaide”.

(2) The University is invested with full juristic capacity and unfettered discretion, subject to the law of this State, to conduct its affairs in such manner as it thinks fit, except that the University shall not alienate (otherwise than by way of lease for a term not exceeding twenty-one years) mortgage or charge any of its real property, without the approval of the Governor, or where such approval has been given, otherwise than in accordance with terms and conditions stipulated by the Governor.

(3) The University shall not, without the approval of the Governor, grant a lease in respect of any of its property unless the lease provides for the payment to the University of an amount of rental that is the maximum reasonably obtainable.

University not to discriminate on grounds of sex, race, religious or political belief

5. The University shall not discriminate against or in favour of any person upon grounds of sex, race or religious or political belief.

Power to confer awards

6. (1) The University shall have power to confer upon any persons after examination and in accordance with the statutes, regulations and rules of the University such degrees, diplomas or other awards as the University may have constituted.

(2) The University shall have power, in accordance with the statutes, regulations and rules of the University, to confer without examination a degree upon a person who has been admitted to a degree at another University or has obtained some other qualification at an institution of higher learning that is, in the opinion of the University, of equivalent or higher status.

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

(3) The University shall have power to permit a graduate of the University, for reasons deemed adequate by the University, to surrender a degree, diploma or other award previously conferred upon him by the University.

Chancellor and Deputy Chancellors

7. (1) The Council shall, whenever a vacancy occurs in the office of Chancellor, elect a suitable person to be the Chancellor.

(2) The Chancellor shall be a member of the Council *ex officio* and if he was a member of the Council at the time of his election as Chancellor a casual vacancy shall thereupon occur in the position previously occupied by him.

(3) The Chancellor shall hold office for such term and upon such conditions as are prescribed by statute of the University and shall, upon expiration of his term of office, be eligible for re-election.

(4) The Chancellor who was in office at the commencement of this Act shall, subject to the statutes of the University, continue to hold that office for the term for which he was appointed.

(5) The Council shall elect from its own members such number of Deputy Chancellors as it thinks fit who shall hold office for such terms and upon such conditions as may be determined by the Council, but a Deputy Chancellor shall cease to hold that office if he ceases for any reason to be a member of the Council.

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

Vice-Chancellor

8. (1) The Council shall, whenever a vacancy occurs in the office of Vice-Chancellor, appoint a suitable person to be Vice-Chancellor.

(2) The Vice-Chancellor shall be a member of the Council *ex officio* and if he was a member of the Council at the time of his appointment as Vice-Chancellor a casual vacancy shall thereupon occur in the position previously occupied by him.

(3) Subject to subsection (4) of this section, the Vice-Chancellor shall hold office for such term and upon such conditions as are fixed by the statutes of the University and such other conditions as may be fixed by the Council and shall, upon the expiration of his term of office, be eligible for re-appointment.

(4) No reduction in the salary, and no alteration of the conditions of appointment, of a Vice-Chancellor shall be made during his term of office unless the Vice-Chancellor consents thereto.

(5) The Vice-Chancellor who was in office at the commencement of this Act shall, subject to the conditions upon which he was appointed (or those conditions as lawfully varied) continue in office for the term for which he was appointed.

Council to be Governing body of the University

9. Subject to this Act and the statutes and regulations of the University, the Council shall have the entire management and superintendence of the affairs of the University.

Delegation

10. (1) The Council may delegate any of its powers under this Act (except this power of delegation) to any officer or employee of the University.

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

Conduct of business of the Council

11. (1) Eight members of the Council shall constitute a quorum at a meeting of the Council and no business shall be transacted unless a quorum is present.

(2) All matters arising for decision at a meeting of the Council shall be decided by a majority of the votes cast by the members present at that meeting.

(3) Any decision of the Council must be supported by the votes of at least four members of the Council.

(4) Each member present at a meeting of the Council shall be entitled to one vote only on any matter arising for decision except the Chairman who shall have a deliberative vote and, in the event of an equality of votes, a second or casting vote.

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

(a) the Chancellor;

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

or

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

Constitution of Council

12. (1) The Council shall be constituted of the following members:—

(a) the Chancellor and the Vice-Chancellor who shall be members of the Council *ex officio*;

(b) five members elected by the Parliament of South Australia in the manner provided in this Act;

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

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

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

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

(iv) one shall be a postgraduate student;

and

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

and

(d) four members elected by undergraduates.

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

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

* * * * *

(3) A person shall not be qualified to be elected as a postgraduate member unless he is classified by the University as a full-time postgraduate student, which classification shall not be accorded him if he undertakes remunerated employment for more than six hours a week.

(4) A person shall not be qualified to be elected as an undergraduate member unless he has been enrolled as an undergraduate for the two academic terms last preceding the date of the election.

(5) Subject to this section—

(a) the term of office of a member of the Council, other than a postgraduate member, elected by the convocation of electors shall be four years;

(b) the term of office of a postgraduate member shall be two years;

and

(c) the term of office of an undergraduate member shall be two years.

* * * * *

(9) The term of office of a member of the Council (except a Parliamentary or *ex officio* member) shall expire on the appointed day in the month in which it is due to expire.

Casual vacancies

13. (1) The office of a member of the Council (other than an *ex officio* member) shall become vacant if—

(a) he dies;

(b) he resigns his office by notice in writing addressed to the Vice-Chancellor;

or

(c) he becomes incapable, in the opinion of the Council, by reason of physical or mental illness, of performing the duties of his office as a member of the Council.

(2) Except as otherwise provided in this Act, where a member of the Council does not continue in the capacity by virtue of which he was elected a member of the Council, he may nevertheless continue as a member of the Council until the day on which an election of a candidate in the same capacity is next held, but shall then vacate his office.

(3) A member elected to fill a casual vacancy in the membership of the Council shall for the purposes of this Act be deemed to have been elected to the Council when his predecessor was last elected a member of the Council.

Saving clause

14. No decision or proceedings of the Council shall be invalid by reason only of a vacancy in the office of any member of the Council.

Election of parliamentary members

15. (1) At the commencement of every Parliament, five parliamentary members shall be elected to the Council, three being elected by the House of Assembly and two by the Legislative Council.

(2) The members elected to the Council under this section must be members of the House of Parliament by which they were elected.

(3) A notice in writing addressed to the Vice-Chancellor, and signed by the Speaker or Deputy Speaker of the House of Assembly or the President or Deputy President of the Legislative Council, certifying that persons named therein have been elected as members of the Council shall be conclusive evidence of the valid election of those persons as members of the Council.

(4) Upon notification being received by the Vice-Chancellor that an election of parliamentary members has been held at the commencement of a Parliament by either House of Parliament, the parliamentary members elected by that House and then in office shall (except in the case of members who have been re-elected) vacate their respective offices and those most recently elected shall take their places.

(5) Where a parliamentary member ceases to be a member of the House of Parliament by which he was elected otherwise than upon the dissolution or expiration of Parliament, he shall thereupon cease to be a member of the Council.

(6) A casual vacancy occurring under subsection (5) of this section or by resignation or for any other cause may be filled by the election of another member to the Council by the appropriate House of Parliament.

Conduct of elections

16. (1) Elections shall be held in each year to fill the vacancies arising from retirement or expiration of tenure and any casual vacancies (other than vacancies in the offices of parliamentary members) in the membership of the Council.

(2) The Council shall, subject to this Act, appoint a day in respect of each election which shall be the appointed day under the provisions of this Act for holding the election.

(3) The Council shall in respect of each election appoint a returning officer who shall determine all questions relating to the qualification of any candidate to stand for election and the qualification of any person to vote at the election.

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

(4) An election shall, subject to this Act, be held in accordance with the statutes, regulations and rules of the University.

(5) Provision shall be made in the statutes, regulations and rules relating to elections for postal voting in accordance with those statutes, regulations and rules.

Elections

17. (1) At any election of members of the Council by the convocation of electors each person who is a member of the convocation shall, subject to subsection (3) of this section, be entitled to one vote.

(2) At any election of members of the Council by undergraduates, each person who is registered as an undergraduate of the University shall, subject to subsection (3) of this section, be entitled to one vote.

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

(4) A person shall not, in any one year, be a candidate for election in more than one capacity.

The Senate

18. (1) The Senate shall be constituted of:—

(a) all graduates of the University;

(b) all persons in the full-time employment of the University who are graduates of other Universities recognized by the University or who have attained at other institutions of higher learning qualifications considered by the University to be of a status equivalent to that of a degree of the University;

and

(c) all postgraduate students.

(2) Subject to this Act the Senate shall conduct its affairs in accordance with its standing orders.

(3) The Senate shall from time to time elect a warden to preside over meetings of the Senate.

(4) The term of office of a warden shall be determined by, or in accordance with, the standing orders of the Senate but a term so determined must expire on or before the expiration of the calendar year next ensuing after the date of election of the warden.

(4a) Upon the expiration of the term of office of a warden, a person who has previously held that office shall be eligible for re-election.

(5) The Senate shall consider and determine, without undue delay, any matters submitted for its consideration by the Council and may initiate discussion on any matter pertaining to the University and may make reports and recommendations to the Council upon any such matter.

(6) A person may be exempted from membership of the Senate upon satisfying the Council that he objects upon grounds of conscience to membership of the Senate.

Conduct of affairs of Senate

19. (1) Fifty members of the Senate shall constitute a quorum at a meeting of the Senate and no business shall be transacted by the Senate unless a quorum is present.

(2) All matters arising for decision at a meeting of the Senate shall be decided by a majority of the votes cast by the members present at that meeting.

(3) Any decision of the Senate must be supported by the votes of at least twenty-five members of the Senate.

(4) Each member present at a meeting of the Senate shall be entitled to one vote only on any matter arising for decision except the Chairman who shall have a deliberative vote and, in the event of an equality of votes, a second or casting vote.

(5) The Warden shall preside as Chairman over a meeting of the Senate, or in the absence of the Warden, a Chairman elected by the members present at the meeting.

The Governor to be Visitor

20. The Governor shall be the Visitor to the University with the powers and functions appertaining to that office.

The Adelaide University Union

21. (1) The union at the University entitled "The Adelaide University Union" shall continue.

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

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

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

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

and

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

and

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

(i) its constitution and rules;

and

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

(3) The constitution and rules of the union may, with the concurrence of the Council, be altered in accordance with the procedures provided by the constitution and rules.

Statutes, regulations and rules

22. (1) The Council shall have power to make, alter or repeal any statute, regulation or rule for any of the following purposes:—

(a) regulating the conduct of any election;

(b) regulating the discipline of the University;

(c) establishing faculties, departments academic divisions or units, or groups thereof within the University and providing for, and regulating, the administration thereof;

(ca) providing for, and regulating, the admission and matriculation of students;

(d) regulating the appointment or dismissal of officers and employees of the University and prescribing their duties and the manner in which they are to be performed;

(e) prescribing the conditions governing the award of fellowships, scholarships, prizes, exhibitions or other awards;

(f) prescribing the fees to be paid in respect of instruction, tuition, applications for awards, or any other matters;

- (fa) prescribing, with the concurrence of the Adelaide University Union, the fees for membership of the union, and providing for the collection and recovery of those fees by the University on behalf of the union;
- (g) regulating the convening of the Council or the Senate;
- (h) constituting, and providing for the award of, any degree, diploma or certificate;
- (i) providing for the admission to degrees *ad eundem gradum* of persons who have been admitted to degrees or obtained other qualifications that are, in the opinion of the University, of equivalent status;
- (ia) providing for the admission of persons to an honorary degree of Doctor of the University;
- (j) providing for the affiliation with the University, upon mutually satisfactory terms, of any college or educational establishment;
- (k) establishing tribunals to hear and determine proceedings against any student of the University in relation to any offence under the statutes, regulations, rules or by-laws of the University, and prescribing penalties that may be awarded by any such tribunal upon proof of the commission of such an offence;

and

- (l) prescribing any other matter contemplated by this Act, or pertaining to the University.

(2) Any proposed statute or regulation under this section, or any proposed alteration or repeal of an existing statute or regulation must be submitted to, and approved by, the Senate.

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

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

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

(3) Upon approval by the Senate a proposed statute or regulation, or a proposed alteration or repeal of an existing statute or regulation may be submitted to the Governor, and upon confirmation by the Governor shall come into operation.

(4) Section 38 of the *Acts Interpretation Act, 1915*, as amended, shall not apply to or in relation to a statute, regulation or rule made under this section.

By-laws

23. (1) The Council shall have power to make by-laws for any of the following purposes:—

- (a) to prohibit persons from trespassing upon the University grounds;
- (b) to prevent damage to the University grounds, any appurtenances thereof, or any property or object (whether moveable or immovable) therein;
- (c) to prevent persons from climbing on fences or buildings or walking over gardens or lawns on the University grounds;
- (ca) to regulate the use of any libraries of the University and of books or other material of those libraries;

- (d) to regulate the speed at which vehicles may be driven on the University grounds;
 - (e) to prohibit dangerous or careless driving of vehicles within the University grounds;
 - (f) to regulate, restrict or prohibit the entrance and exit of vehicles and pedestrians to and from the University grounds, and to prescribe the course and direction of vehicular traffic within the University grounds;
 - (g) to regulate, restrict or prohibit the parking of vehicles upon the University grounds, and to prohibit the parking of vehicles within the University grounds by any person or class of persons;
 - (h) to empower any person authorized in writing by the Council to remove vehicles from the University grounds;
 - (i) generally to regulate traffic of all kinds within the University grounds;
 - (j) to regulate, restrict or prohibit manufacture of alcoholic liquor on the University grounds or the bringing of alcoholic liquor onto the University grounds or the supply or consumption of alcoholic liquor thereon;
 - (k) to empower any person authorized in writing by the Council to remove any intoxicated person from the University grounds, and to search for and to seize any alcoholic liquor upon the University grounds in contravention of a by-law, and to empower the Council to confiscate any such alcoholic liquor;
 - (l) to regulate, restrict or prohibit the bringing of offensive weapons onto the University grounds and to empower any person authorized in writing by the Council to search for and seize any offensive weapon upon the University grounds in contravention of a by-law and to empower the Council to confiscate any such weapon;
 - (m) to prohibit disorderly conduct or indecent language in the University grounds, and to empower any person authorized in writing by the Council to remove therefrom any person guilty of disorderly conduct or indecent language;
 - (n) to prevent the interruption of lectures or meetings by noise or unseemly behaviour and to prevent undue noise from motor vehicles upon the University grounds;
 - (o) to regulate the conduct of meetings and assemblies within the University grounds;
 - (oa) to empower any person authorized in writing by the Council to require any person whom he suspects on reasonable grounds of having contravened a by-law to state his name and address, and to provide that any person so requested shall comply with the request;
 - (p) to prescribe fines recoverable summarily for contravention of any by-law;
- and
- (q) to empower the University to recover summarily compensation for any damage done to the University grounds or any property of the University.

(2) A by-law may provide that it shall apply to portion only of the University grounds specified in the by-law and where such provision is made, the by-law shall apply accordingly.

- (3) No by-law shall be made—
- (a) except at a meeting of the Council of which at least fourteen days' prior notice has been given in writing to each member of the Council setting out the by-laws intended to be proposed;
- and
- (b) except upon a resolution supported by a majority of the total number of the members of the Council.
- (4) A by-law shall not come into operation until confirmed by the Governor.

Proceedings

24. (1) Subject to subsection (2) of this section proceedings in respect of an offence against the by-laws of the University shall be disposed of summarily.

(2) The Council may direct that a student of the University who is alleged to have committed an offence against the by-laws of the University be tried by a tribunal established by statute of the University and, if the offence is proved, that he be dealt with in an appropriate manner provided by statute of the University.

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

(aa) it shall be presumed conclusively that the by-law, or purported by-law, was duly made;

(a) an allegation in a complaint that any place constitutes part of the University grounds shall be deemed to be proved in the absence of evidence to the contrary;

(b) an allegation in a complaint that a person named in the complaint was the owner of a vehicle referred to therein on a specified day shall be deemed to be proved in the absence of evidence to the contrary;

and

(c) where it is proved that a vehicle was parked in the University grounds in contravention of a by-law it shall be presumed, in the absence of evidence to the contrary that the vehicle was so parked by the owner of the vehicle.

(4) Where it is alleged that a person has committed an offence against a by-law of the University relating to vehicular traffic, the parking of motor vehicles or the use of a library or library books or materials, the University may cause to be served personally or by post upon that person a notice to the effect that he 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 in the notice, and if the offence is so expiated no proceedings shall be commenced in any court in respect of the alleged offence.

(5) Any fine recovered in respect of a contravention of a by-law shall be paid to the University.

Report

25. (1) The Council shall, not later than the last day of September in every year, present to the Governor a report upon the proceedings of the University during the previous calendar year.

(2) The report shall 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 pursuant to this section, and of every statute or regulation of the University confirmed by the Governor pursuant to this Act, shall be laid before Parliament.

Special provision with regard to certain lands

26. The land granted to the University pursuant to section 16 of The Adelaide University Act and to *The University Site Act, 1876*, and to the *University Land Act, 1929*, shall be held by the University for purposes approved by the Governor.

Exemption from land tax

27. Any land in respect of which the University would, but for this section, be liable to pay land tax shall be exempt from land tax.

Special provision as to chairs founded by W.W. Hughes

28. The trusts established under the instrument a copy of which appears in the schedule to this Act affecting the two chairs or professorships founded by Walter Watson Hughes shall so far as they are not exhausted, continue in operation.

Jurisdiction of the Industrial Commission

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

THE SCHEDULE

This indenture made the twenty-fourth day of December, one thousand eight hundred and seventy-two, between Walter Watson Hughes, of Torrens Park, near Adelaide, in the Province of South Australia, Esquire, of the one part, and Alexander Hay, of Adelaide, aforesaid, Esquire, Treasurer of the Executive Council of the University Association of the other part: Whereas the said Walter Watson Hughes is desirous that a University should be established in the said Province, to be called "The Adelaide University", and has agreed to assist in the foundation of such University, by contributing the sum of Twenty Thousand Pounds in endowing by the income thereof two chairs or professorships in the said University, one for Classical and Comparative Philology and Literature, and the other for English Language and Literature and Mental and Moral Philosophy: And whereas the said Walter Watson Hughes, his executors or administrators is or are entitled to nominate and appoint the two first Professors to such chairs: And whereas an Association has been formed, and has undertaken to endeavour to found and establish such University, and has appointed an Executive Council: And whereas the said Alexander Hay has been appointed Treasurer of the said Executive Council: Now this Indenture witnesseth that, in consideration of the premises, the said Walter Watson Hughes doth hereby for himself, his heirs, executors, and administrators covenant with the said Alexander Hay, his executors and administrators, that he, the said Walter Watson Hughes, his executors, or administrators, shall and will, on or before the expiration of ten years from the date hereof, pay to the said Alexander Hay, as such Treasurer, or to the said Executive Council, or if the said University is incorporated within such period, then to such Corporation the sum of Twenty Thousand Pounds sterling: And will, in the meantime, pay interest thereon, or on such portion thereof as may remain unpaid at the rate of Six Pounds per centum per annum, from the first day of May, one thousand eight hundred and seventy-three, such interest to be paid by equal quarterly payments: And it is agreed and declared that the interest and annual income of the said sum of Twenty Thousand Pounds shall be applied in two equal sums in endowing the said two chairs with salaries for the two Professors, or occupiers of such chairs: And it is hereby also declared and agreed that the said Walter Watson Hughes has appointed the Reverend Henry Read, M.A., Incumbent of the Church of England, in the District of Mitcham, to occupy, and that the said Henry Read shall occupy the first of such chairs as Professor of Classics and Comparative Philology and Literature: And that the said Walter Watson Hughes has appointed the Rev. John Davidson, of Chalmers Church, Adelaide, to occupy, and that the said John Davidson shall occupy the first of the other such chairs as Professor of English Language and Literature, and Mental and Moral Philosophy: And it is hereby agreed and declared that the annual income and interest of the said sum of Twenty Thousand Pounds shall be applied for the purposes aforesaid in equal sums quarterly, and for no other purpose whatever: And it is also declared and agreed that the said sum of Twenty Thousand Pounds shall be held by the Treasurer of the said University, or by the Corporation thereof, when the said University shall become incorporated, for the purpose of paying and applying the annual interest and income thereof equally in endowing two chairs or professorships in the said University, one of such chairs or professorships being Classics and Comparative Philology and Literature, and the other of such chairs or professorships being English Language and Literature, and Mental and Moral Philosophy: And it is also declared and agreed that the said sum of Twenty Thousand Pounds shall, when the same is received by the Treasurer of the said University or by the University when incorporated, be invested upon South Australian Government Bonds, Debentures, or Securities, and the interest and annual income arising from such investments paid and applied quarterly in endowing the said two chairs or professorships in the said University as aforesaid: In witness whereof the said parties to these presents have hereunto set their hands and seals the day and year first above written.

Signed, sealed and delivered by the said Walter Watson Hughes, in the presence of Richard B. Andrews, Solicitor, Adelaide.	}	W.W. HUGHES (L.S.)
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APPENDIX

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 11 of The Public General Acts of South Australia 1837-1975 at page 240.

Section 3:	definition of "academic staff" repealed by 40, 1978, s. 3(a) definition of "graduate" inserted by 65, 1990, s. 58(a) definition of "postgraduate degree or diploma" amended by 40, 1978, s. 3(b) definition of "postgraduate member" substituted by 40, 1978, s. 3(c) definition of "the academic staff" inserted by 40, 1978, s. 3(d) definition of "the ancillary staff" inserted by 40, 1978, s. 3(d) definition of "the convocation of electors" amended by 40, 1978, s. 3(e) definition of "undergraduate of the University" inserted by 40, 1978, s. 3(f); amended by 65, 1990, s. 58(b)
Section 6(1):	amended by 65, 1990, s. 59(a)
Section 6(2a):	inserted by 40, 1978, s. 4
Section 6(3):	amended by 65, 1990, s. 59(b)
Section 7(5):	amended by 40, 1978, s. 5(a)
Section 7(6):	inserted by 40, 1978, s. 5(b)
Section 8(3):	amended by 40, 1978, s. 6
Section 11(5):	substituted by 40, 1978, s. 7
Section 12(1):	amended by 40, 1978, s. 8(a), (b)
Section 12(2) and (2a):	substituted by 40, 1978, s. 8(c)
Section 12(2b):	repealed by 40, 1978, s. 8(c)
Section 12(4):	amended by 40, 1978, s. 8(d)
Section 12(6) - (8):	repealed by 40, 1978, s. 8(e)
Section 13(1):	amended by 40, 1978, s. 9(a)
Section 13(2):	amended by 40, 1978, s. 9(b), (c)
Section 15(1):	amended by 40, 1978, s. 10(a)
Section 15(2):	amended by 40, 1978, s. 10(b)
Section 15(4):	amended by 40, 1978, s. 10(c), (d)
Section 16(3a):	inserted by 40, 1978, s. 11
Section 17(1):	amended by 40, 1978, s. 12(a)
Section 17(3):	substituted by 40, 1978, s. 12(b)
Section 18(2):	amended by 40, 1978, s. 13(a)
Section 18(4):	amended by 40, 1978, s. 13(b)
Section 21(2):	substituted by 40, 1978, s. 14
Section 22(1):	amended by 40, 1978, s. 15(a)-(c)
Section 22(2a) - (2c):	inserted by 40, 1978, s. 15(d)
Section 23(1):	amended by 40, 1978, s. 16
Section 24(3):	amended by 40, 1978, s. 17(a)
Section 24(4):	amended by 40, 1978, s. 17(b)
Section 24(5):	inserted by 40, 1978, s. 17(c)
Section 29:	inserted by 40, 1978, s. 18; amended by 65, 1990, s. 60