

(Reprint No. 5)

South Australia

UNIVERSITY OF ADELAIDE ACT 1971

An Act to provide for the continuance and administration of The University of Adelaide; and for other purposes.

*This Act is published under the Legislation Revision and Publication Act 2002 and incorporates all amendments in force as at **4 December 2003**.*

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.

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
Statutes Amendment and Repeal (Common Expiation Scheme) Act 1996 No. 34 of 1996 [Assented to 2 May 1996]³
Statutes Amendment (University Councils) Act 1996 No. 72 of 1996 [Assented to 22 August 1996]⁴
Statutes Amendment (Universities) Act 1999 No. 88 of 1999 [Assented to 2 December 1999]⁵
University of Adelaide (Miscellaneous) Amendment Act 2003 No. 47 of 2003 [Assented to 13 November 2003]⁶

- ¹ S. 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.
² Came into operation 1 January 1991: *Gaz.* 13 December 1990, p. 1755.
³ Came into operation 3 February 1997: *Gaz.* 19 December 1996, p. 1923.
⁴ Came into operation 6 March 1997: *Gaz.* 6 March 1997, p. 1114.
⁵ Part 4 (s. 6) came into operation 23 December 1999: *Gaz.* 23 December 1999, p. 3670.
⁶ **Came into operation (except s. 4(6), new s. 12(1)(ab) (as inserted by s. 14(1)), ss. 14(3), (5)-(7), (10), (11), 15 and 18): 4 December 2003: *Gaz.* 4 December 2003, p. 4375; s. 4(6), new s. 12(1)(ab) (as inserted by s. 14(1)), ss. 14(3), (5)-(7), (10), (11), 15 and 18 had not been brought into operation at the date of, and the amendments effected by those provisions have not been included in, this reprint.**

NOTE:

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

SUMMARY OF PROVISIONS

1. Short title
3. Interpretation
4. Continuance and powers of University
- 5A. Declaration of logo and official titles
- 5B. Protection of proprietary interests of University
6. Power to confer awards
7. Chancellor and Deputy Chancellors
8. Vice-Chancellor
9. Council to be governing body of University
10. Delegation
11. Conduct of business of the Council
12. Constitution of Council
13. Casual vacancies
14. Saving clause
15. Duty of Council members to exercise care and diligence
16. Duty of Council members to act honestly
17. Duty of Council members with respect to conflict of interest
- 17A. Removal of Council members for contravention of section 15, 16 or 17
- 17B. Civil liability for contravention of section 16 or 17
18. The Senate
19. Conduct of affairs of Senate
21. The Adelaide University Union
22. Statutes and rules
23. By-laws
24. Proceedings
25. Report
26. Special provision with regard to certain lands
27. Exemption from land tax
28. Special provision as to chairs founded by W.W. Hughes

Schedule

APPENDIX LEGISLATIVE HISTORY

The Parliament of South Australia enacts as follows:

Short title

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

* * * * *

Interpretation

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

"**Academic Board**" means—

- (a) the board established by the Council under that title; or
- (b) if another body is prescribed by the statutes of the University for the purposes of this definition—that other body;

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

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

"**the general staff**" means the officers or employees of the University 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 university;

"**Graduate Association**" means the graduate association prescribed by the statutes or rules of the University for the purposes of this definition;

"**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 an academic program designated by the statutes or rules to be a postgraduate program;

"**the Senate**" means the Senate of the University;

"**staff member**" means a member of the academic staff or a member of the general staff;

"**student**" means an undergraduate student or a postgraduate student;

"**undergraduate student**" means a student enrolled at the University in an academic program designated by the statutes or rules to be an undergraduate program;

"**the University**" means The University of Adelaide;

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

Continuance and powers of University

4. (1) *The University of Adelaide* continues in existence.
- (2) The University consists of the Council, members of the academic staff, members of the general staff, graduates 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 under—
 - (a) section 16 of *The Adelaide University Act 1874*;
 - (b) the *University Site Act 1876*;
 - (c) the *University Land Act 1929*;
 - (d) section 6 of the *Statutes Amendment and Repeal (Merger of Tertiary Institutions) Act 1990* to the extent that it applies to land vested in the Roseworthy Agricultural College under the *Roseworthy Agriculture College Act 1973*;
 - (e) section 26 of the *Statutes Amendment and Repeal (Merger of Tertiary Institutions) Act 1990*;
 - (f) the Waite Trust,
- except with, and in accordance with any terms or conditions of, an approval given by the Governor.
- (6) The University is not an instrumentality or agency of the Crown.

* * * * *

Declaration of logo and official titles

5A. (1) The Minister may, by notice in the *Gazette*, declare a design to be a logo in respect of the University.

(2) *The University of Adelaide* and *Adelaide University* are official titles.

Protection of proprietary interests of University

5B. (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.

Power to confer awards

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

(1a) The power of the University to confer academic awards under subsection (1) includes the power to confer academic awards jointly with any other University.

(2) The University has power, in accordance with the statutes 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 has power, in accordance with the statutes and rules of the University, to confer an honorary award on a person who the University thinks merits special recognition by the University.

(3) The University has 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 or her by the University.

Chancellor and Deputy Chancellors

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

(2) The Chancellor will be appointed for a term of two years on terms and conditions fixed by the Council and is, on the expiration of a term of office, eligible for reappointment.

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

* * * * *

(5) The Council must elect from its own members (not being members of the Council *ex officio*, staff members and students of the University) a Deputy Chancellor who will hold office for a term of two years on conditions fixed by the Council, but a Deputy Chancellor ceases to hold that office on ceasing for any reason to be a member of the Council.

Vice-Chancellor

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

(2) 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.

(3) Subject to subsection (4), the Vice-Chancellor holds 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 is, upon the expiration of a term of office, eligible for re-appointment.

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

* * * * *

Council to be governing body of University

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

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

(2) The Council must in all matters endeavour to advance the interests of the University.

Delegation

10. (1) The Council may, by instrument in writing, delegate any of its powers or functions under this Act to the holder of a particular office or position in the University.

(2) A power or function delegated to the Vice-Chancellor under this section may, if the instrument of delegation so provides, be further delegated.

Conduct of business of the Council

11. (1) A quorum of the Council consists of one half of the total number of members of the Council (ignoring any fraction resulting from the division) plus one, and no business may be transacted at a meeting of the Council unless a quorum is present.

(2) Each member present at a meeting of the Council is entitled to one vote on a matter arising for decision at the meeting, but the person presiding at the meeting has, in the event of an equality of votes, a casting vote as well as a deliberative vote.

(3) A decision carried by a majority of the votes cast by the members present and voting at a meeting is a decision of the Council.

(4) A meeting of the Council will be presided over—

- (a) by the Chancellor; or
- (b) in the absence of the Chancellor, by the Deputy Chancellor; or
- (c) in the absence of the Chancellor and the Deputy Chancellor, by a member of the Council elected by those present at the meeting.

Constitution of Council

12. (1) The Council will consist of the following members:

- (a) the Chancellor and the Vice-Chancellor who will be members of the Council *ex officio*;
- (aa) the presiding member of the Academic Board who will be a member of the Council *ex officio* or, if the Vice-Chancellor is the presiding member of the Academic Board, a member of the Academic Board elected by the Academic Board (but that person cannot be a person appointed or elected to the Academic Board as a student of the University);
- (ac) the presiding member of the Graduate Association who will be a member of the Council *ex officio*;
- (b) seven persons appointed by the Council, on the recommendation of a selection committee (which consists of the Chancellor and six other persons, three of whom are appointed by the Chancellor and three by the presiding member of the Graduate Association (but at least three members of the selection committee must be graduates of the University), in accordance with guidelines determined by the Council);
- (c) three persons elected by the Senate;
- (d) if the Council so determines, one person co-opted and appointed by the Council;
- (e) two members of the academic staff, elected by the academic staff;
- (f) two members of the general staff, elected by the general staff;
- (g) three students of the University, one of whom must be a postgraduate student and one of whom must be an undergraduate student, appointed or elected in a manner determined by the Council after consultation with the presiding member of the Students Association of the University.

(2) 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.

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

(4) 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.

(5) A member of the academic or general staff or student of the University is not eligible to be elected to the Council by the Senate.

(6) A selection committee established for the purpose of making an appointment under subsection (1)(b) cannot recommend one of their number for appointment.

(7) An undergraduate student is not eligible for appointment or election to the Council unless he or she has been enrolled as an undergraduate for the semester last preceding the date of the appointment or election.

(8) A member appointed to the Council by the Council will be appointed for a term of between two and four 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.

(9) A person elected by the Senate to the Council will be elected for a term of two years.

(10) A member of the academic or general staff of the University elected to the Council will be elected for a term of two years.

(11) A student of the University appointed or elected to the Council will be appointed or elected for a term of one year.

(12) At the expiration of a term of office, a member appointed or elected to the Council is eligible for reappointment or re-election.

Casual vacancies

13. (1) 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.

(2) The office of an appointed or elected member becomes vacant if the member—

- (a) dies; or
- (b) completes a term of office and is not reappointed or re-elected; or

- (c) does not continue in the capacity in which he or she was appointed or elected to membership of the Council (unless the date of the next appointment or election to his or her office is within three months from the date on which the member ceased to continue in the capacity in which he or she was appointed or elected); or
- (d) resigns by notice in writing addressed to the Chancellor; or
- (e) is removed from the office by the Council under subsection (1).

(3) 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.

(4) 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.

(5) 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.

Saving clause

14. No decision or proceedings of the Council is invalid by reason only of a vacancy in the office of any member of the Council, or any defect in the appointment or election of a person to the Council.

Duty of Council members to exercise care and diligence

15. A member of the Council must at all times exercise a reasonable degree of care and diligence in the performance of his or her functions.

Duty of Council members to act honestly

16. (1) A member of the Council must at all times act honestly in the performance of the functions of his or her office, whether within or outside the State.

(2) 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.

Duty of Council members with respect to conflict of interest

17. (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 a substantial section of the public, or with staff members or students of the University generally, or with a substantial number of staff members 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 the member's spouse, or 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—

"relative" of a person means the spouse, parent or remoter linear ancestor, son, daughter or remoter issue or brother or sister of the person;

"spouse" includes a putative spouse (whether or not a declaration of the relationship has been made under the *Family Relationships Act 1975*).

Removal of Council members for contravention of section 15, 16 or 17

17A. Non-compliance by a member of the Council with a duty imposed under section 15, 16 or 17 constitutes a ground for removal of the member from office.

Civil liability for contravention of section 16 or 17

17B. If a person who is a member of the Council or a former member of the Council is guilty of a contravention of section 16 or 17, 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.

The Senate

18. (1) The Senate is constituted of—

- (a) all graduates of the University; and
- (b) all persons in the full-time employment of the University who are graduates of other Universities recognised 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 will conduct its affairs in accordance with its standing orders.

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

(4) The term of office of a warden will 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 is eligible for re-election.

(5) The Senate must 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 or she objects upon grounds of conscience to membership of the Senate.

Conduct of affairs of Senate

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

(2) All matters arising for decision at a meeting of the Senate will 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 is entitled to one vote only on any matter arising for decision except the person presiding who has a deliberative vote and, in the event of an equality of votes, a second or casting vote.

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

* * * * *

The Adelaide University Union

21. (1) *The Adelaide University Union* continues in existence.

- (2) The union is a body corporate with perpetual succession and a common seal and—
- (a) is capable of suing and being sued; and
 - (b) is, subject to its constitution and rules, 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) has 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.
- (4) The union must, not later than 1 June in each year, provide the Council with—
- (a) the financial statements of the union for the previous calendar year, audited in a manner approved by the Council; and
 - (b) the proposed fee (including entrance fee and annual fee) for union membership for the following calendar year.
- (5) The union must, not later than 30 August in each year, provide the Council with a financial report in a form determined by the Council for the 6 months ending 30 June of that year.
- (6) The union must, not later than 1 December in each year, provide the Council with the budget for income and expenditure of the union in a form determined by the Council for the following calendar year (including proposed allocations to bodies affiliated with the union).
- (7) The union must not set membership fees except with the approval of the Council.

Statutes and rules

- 22.** (1) The Council has power to make statutes or rules for any of the following purposes:
- (a) regulating the conduct of any election; and
 - (b) regulating the discipline of the University; and
 - (c) establishing within the University faculties, departments academic divisions or units, or groups of them and providing for, and regulating, their administration; and
 - (ca) providing for, and regulating, the admission and matriculation of students; and
 - (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; and
 - (e) prescribing the conditions governing the award of fellowships, scholarships, prizes, exhibitions or other awards; and

- (f) prescribing the fees to be paid in respect of instruction, tuition, applications for awards, or any other matters; and
- (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; and
- (g) regulating the convening of the Council; and
- (h) constituting, and providing for the award of, any degree, diploma or certificate; and
- (ha) constituting and regulating the Academic Board and other boards of the University; and
- (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; and
- (ia) providing for the admission of persons to an honorary award; and
- (j) providing for the affiliation with the University, upon mutually satisfactory terms, of any college or educational establishment; and

* * * * *

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

(1a) The Council has power to make statutes—

- (a) establishing a tribunal to hear and determine proceedings against any student or staff member of the University in relation to any offence under the statutes, rules or by-laws of the University, and prescribing penalties that may be awarded by the tribunal upon proof of the commission of such an offence; and
- (b) providing that an offence under a specified statute, rule or by-law of the University allegedly committed by a student or staff member be tried by a tribunal established under paragraph (a) of this subsection.

(2) The Council may—

- (a) by statute, vary or revoke a statute; or
- (b) by rule, vary or revoke a rule.

* * * * *

(3) A statute does not come into operation until confirmed by the Governor.

(4) Section 10 of the *Subordinate Legislation Act 1978* does not apply to or in relation to a statute or rule made under this section.

By-laws

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

- (a) to prohibit persons from trespassing upon the University grounds and to empower any person authorised in writing by the Council to remove any person found trespassing; and

- (b) to prevent damage to the University grounds, any appurtenances, or any property or object (whether moveable or immovable) on the grounds; and
- (c) to prevent persons from climbing on fences or buildings or walking over gardens or lawns on the University grounds; and
- (ca) to regulate the use of any libraries of the University and of books or other material of those libraries; and
- (d) to regulate the speed at which vehicles may be driven on the University grounds; and
- (e) to prohibit dangerous or careless driving of vehicles within the University grounds; and
- (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; and
- (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; and
- (h) to empower any person authorised in writing by the Council to remove vehicles from the University grounds; and
- (i) generally to regulate traffic of all kinds within the University grounds and to empower any person authorised in writing by the Council to direct traffic; and
- (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 on the grounds; and
- (k) to empower any person authorised 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; and
- (l) to regulate, restrict or prohibit the bringing of offensive weapons onto the University grounds and to empower any person authorised 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; and
- (m) to prohibit disorderly conduct or indecent language in the University grounds, and to empower any person authorised in writing by the Council to remove from the grounds any person guilty of disorderly conduct or indecent language; and
- (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; and
- (o) to regulate the conduct of meetings and assemblies within the University grounds; and
- (oa) to empower any person authorised in writing by the Council to require any person whom he or she suspects on reasonable grounds of having contravened a by-law to state his or her name and address, and to provide that any person so requested must comply with the request; and

- (p) to impose fines, not exceeding \$200, for offences against the by-laws; and
- (pa) to fix expiation fees, not exceeding \$75, for alleged offences against the by-laws; and
- (q) to empower the University to recover on complaint compensation for any damage done to the University grounds or any property of the University.

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

(3) No by-law may 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.

(3a) A by-law must be sealed with the seal of the University and transmitted to the Governor for confirmation.

(4) A by-law does not come into operation until confirmed by the Governor.

(5) For the avoidance of doubt, section 10 of the *Subordinate Legislation Act 1978* applies to a by-law made under this section.

Proceedings

24.

* * * * *

(2) The Council may direct that a student or staff member 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 or she 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 will be presumed conclusively that the by-law, or purported by-law, was duly made; and
- (a) an allegation in a complaint that any place constitutes part of the University grounds will be taken to be proved in the absence of evidence to the contrary; and
- (b) 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 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 will be presumed, in the absence of evidence to the contrary, that the vehicle was so parked by the owner of the vehicle.

* * * * *

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

Report

25. (1) The Council must, not later than 30 September in every year, present to the Governor a report upon the proceedings of the University during the previous calendar year.

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

(3) A copy of every report made pursuant to this section, and of every statute of the University confirmed by the Governor pursuant to this Act, must 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* will 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 is 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 affecting the two chairs or professorships founded by Walter Watson Hughes so far as they are not exhausted, continue in operation.

* * * * *

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.)

APPENDIX

LEGISLATIVE HISTORY

Repeals

The *University of Adelaide Act 1971* repealed the following Acts:

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*

Transitional Provisions

(Transitional provision from Statutes Amendment and Repeal (Common Expiation Scheme) Act 1996, s. 5)

5. 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.

(Transitional provision from Statutes Amendment (University Councils) Act 1996, Sched. I, cl. 2)

2. The offices of the appointed and elected members of the Council of the University of Adelaide are vacated on the commencement of Part 3 of this Act.

(Transitional provision from University of Adelaide (Miscellaneous) Amendment Act 2003, Sched.)

1. On the commencement of section 14(3) of this Act (which must coincide with the commencement of section 14(6) of this Act), each member of the Council elected under section 12(1)(c) of the principal Act (or, if a person has been appointed to fill a casual vacancy under clause 2 of this Schedule—that person) will vacate his or her office, and 2 graduates elected under section 12(1)(h) of the principal Act will assume office.

2. If a casual vacancy occurs in the office of a member elected under section 12(1)(c) of the principal Act or in the office of a member appointed under this clause, the Council must appoint a graduate nominated by the presiding member of the Graduate Association to fill that casual vacancy.

3. On the commencement of section 14(4) of this Act, the member of the Council who was elected under section 12(1)(e) of the principal Act with the least number of votes at the most recent election will vacate his or her office.

4. On the commencement of section 14(5) of this Act, a member of the Council holding office under section 12(1)(g) of the principal Act will vacate his or her office, and the Council may, in a manner determined by the Council after consultation with the presiding member of the Students Association of the University, appoint 1 postgraduate student and 1 undergraduate student to the Council.

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

Long title:	amended by 72, 1996, s. 16 (Sched. 2)
Section 2:	repealed by 72, 1996, s. 16 (Sched. 2)
Section 3:	definition of "Academic Board" inserted by 47, 2003, s. 4(1)
	definition of "academic staff" repealed by 40, 1978, s. 3(a); inserted by 40, 1978, s. 3(d)
	definition of "the ancillary staff" inserted by 40, 1978, s. 3(d); repealed by 72, 1996, s. 10(a)

Section 4(1):
Section 4(2) and (3):
Section 4(4) - (6):
Section 5:
Sections 5A and 5B:
Section 6(1):
Section 6(1a):
Section 6(2):
Section 6(2a):
Section 6(3):
Section 7(1):
Section 7(2):
Section 7(3):
Section 7(4):
Section 7(5):
Section 7(6):
Section 8(1):
Section 8(2):
Section 8(3):
Section 8(4):
Section 8(5):
Section 9:
Section 9(2):
Section 10:
Section 11:
Section 11(1):
Section 11(4):
Section 12:
Section 12(1):
Section 12(7):
Section 12(8):
Section 13:
Section 14:
Section 15:

definition of "the convocation of electors" amended by 40, 1978, s. 3(e);
 repealed by 72, 1996, s. 10(a)
 definition of "the general staff" inserted by 72, 1996, s. 10(b)
definition of "graduate" inserted by 65, 1990, s. 58(a); substituted by 47, 2003, s. 4(2)
definition of "Graduate Association" inserted by 47, 2003, s. 4(3)
definition of "logo" inserted by 47, 2003, s. 4(3)
definition of "official insignia" inserted by 47, 2003, s. 4(3)
definition of "official symbol" inserted by 47, 2003, s. 4(3)
definition of "official title" inserted by 47, 2003, s. 4(3)
 definition of "parliamentary member" repealed by 72, 1996, s. 10(a)
definition of "postgraduate degree or diploma" amended by 40, 1978, s. 3(b); repealed by 47, 2003, s. 4(4)
 definition of "postgraduate member" substituted by 40, 1978, s. 3(c);
 repealed by 72, 1996, s. 10(a)
definition of "postgraduate student" substituted by 47, 2003, s. 4(5)
 definition of "the repealed Act" repealed by 72, 1996, s. 16 (Sched. 2)
definition of "staff member" inserted by 47, 2003, s. 4(7)
definition of "student" inserted by 47, 2003, s. 4(7)
 definition of "undergraduate member" repealed by 72, 1996, s. 10(a)
definition of "undergraduate of the University" inserted by 40, 1978, s. 3(f); amended by 65, 1990, s. 58(b); 72, 1996, s. 10(c); repealed by 47, 2003, s. 4(8)
definition of "undergraduate student" inserted by 47, 2003, s. 4(8)
definition of "University grounds" amended by 72, 1996, s. 16 (Sched. 2); substituted by 47, 2003, s. 4(8)
 substituted by 72, 1996, s. 16 (Sched. 2)
 amended by 72, 1996, s. 16 (Sched. 2); **substituted by 47, 2003, s. 5 inserted by 47, 2003, s. 5**
 amended by 72, 1996, s. 16 (Sched. 2); **repealed by 47, 2003, s. 6 inserted by 47, 2003, s. 7**
amended by 65, 1990, s. 59(a); 72, 1996, s. 16 (Sched. 2); 47, 2003, s. 8(1)
inserted by 47, 2003, s. 8(2)
amended by 72, 1996, s. 16 (Sched. 2); 47, 2003, s. 8(3)
 inserted by 40, 1978, s. 4; amended by 72, 1996, s. 16 (Sched. 2);
substituted by 47, 2003, s. 8(4)
 amended by 65, 1990, s. 59(b); 72, 1996, s. 16 (Sched. 2)
 amended by 72, 1996, ss. 11(a), 16 (Sched. 2)
 substituted by 72, 1996, s. 11(b); **amended by 47, 2003, s. 9(1)**
 substituted by 72, 1996, s. 11(b)
 repealed by 72, 1996, s. 11(b)
amended by 40, 1978, s. 5(a); 72, 1996, s. 16 (Sched. 2); 47, 2003, s. 9(2)
 inserted by 40, 1978, s. 5(b); amended by 72, 1996, s. 16 (Sched. 2);
repealed by 47, 2003, s. 9(3)
 amended by 72, 1996, s. 16 (Sched. 2)
 repealed by 72, 1996, s. 12; **inserted by 47, 2003, s. 10**
 amended by 40, 1978, s. 6; 72, 1996, s. 16 (Sched. 2)
 amended by 72, 1996, s. 16 (Sched. 2)
 repealed by 72, 1996, s. 12
 substituted by 72, 1996, s. 13; **redesignated as s. 9(1) by 47, 2003, s. 11**
inserted by 47, 2003, s. 11
 amended by 72, 1996, s. 16 (Sched. 2); **substituted by 47, 2003, s. 12**
 amended by 40, 1978, s. 7; substituted by 72, 1996, s. 14
substituted by 47, 2003, s. 13(1)
amended by 47, 2003, s. 13(2), (3)
 amended by 40, 1978, s. 8; substituted by 72, 1996, s. 14
amended by 47, 2003, s. 14(1), (2), (4)
amended by 47, 2003, s. 14(8)
amended by 47, 2003, s. 14(9)
 amended by 40, 1978, s. 9; substituted by 72, 1996, s. 14
amended by 72, 1996, s. 16 (Sched. 2); 47, 2003, s. 16
 amended by 40, 1978, s. 10; repealed by 72, 1996, s. 15; **inserted by 47, 2003, s. 17**

Section 16:	amended by 40, 1978, s. 11; repealed by 72, 1996, s. 15; inserted by 47, 2003, s. 17
Section 17:	amended by 40, 1978, s. 12; repealed by 72, 1996, s. 15; inserted by 47, 2003, s. 17
Sections 17A and 17B:	inserted by 47, 2003, s. 17
Section 18(1):	amended by 72, 1996, s. 16 (Sched. 2)
Section 18(2):	amended by 40, 1978, s. 13(a); 72, 1996, s. 16 (Sched. 2)
Section 18(3):	amended by 72, 1996, s. 16 (Sched. 2)
Section 18(4):	amended by 40, 1978, s. 13(b); 72, 1996, s. 16 (Sched. 2)
Section 18(4a), (5) and (6):	amended by 72, 1996, s. 16 (Sched. 2)
Section 19(1), (2), (4) and (5):	amended by 72, 1996, s. 16 (Sched. 2)
Section 20:	amended by 72, 1996, s. 16 (Sched. 2); repealed by 88, 1999, s. 6
Section 21(1):	substituted by 72, 1996, s. 16 (Sched. 2)
Section 21(2):	substituted by 40, 1978, s. 14; amended by 72, 1996, s. 16 (Sched. 2)
Section 21(4) - (7):	inserted by 47, 2003, s. 19
Section 22(1):	amended by 40, 1978, s. 15(a)-(c); 72, 1996, s. 16 (Sched. 2); 47, 2003, s. 20(1)-(5)
Section 22(1a):	inserted by 47, 2003, s. 20(6)
Section 22(2):	substituted by 47, 2003, s. 20(7)
Section 22(2a):	inserted by 40, 1978, s. 15(d); repealed by 47, 2003, s. 20(7)
Section 22(2b) and (2c):	inserted by 40, 1978, s. 15(d); amended by 72, 1996, s. 16 (Sched. 2); repealed by 47, 2003, s. 20(7)
Section 22(3):	amended by 72, 1996, s. 16 (Sched. 2); substituted by 47, 2003, s. 20(7)
Section 22(4):	amended by 72, 1996, s. 16 (Sched. 2); 47, 2003, s. 20(8)
Section 23(1):	amended by 40, 1978, s. 16; 34, 1996, s. 4 (Sched. cl. 41); 72, 1996, s. 16 (Sched. 2); 47, 2003, s. 21(1), (2)
Section 23(2) and (3):	amended by 72, 1996, s. 16 (Sched. 2)
Section 23(3a):	inserted by 47, 2003, s. 21(3)
Section 23(4):	amended by 72, 1996, s. 16 (Sched. 2)
Section 23(5):	inserted by 47, 2003, s. 21(4)
Section 24(1):	repealed by 72, 1996, s. 16 (Sched. 2)
Section 24(2):	amended by 72, 1996, s. 16 (Sched. 2); 47, 2003, s. 22
Section 24(3):	amended by 40, 1978, s. 17(a); 72, 1996, s. 16 (Sched. 2)
Section 24(4):	amended by 40, 1978, s. 17(b); repealed by 34, 1996, s. 4 (Sched. cl. 41)
Section 24(5):	inserted by 40, 1978, s. 17(c); amended by 72, 1996, s. 16 (Sched. 2)
Sections 25(1) and (2):	amended by 72, 1996, s. 16 (Sched. 2)
Section 25(3):	amended by 72, 1996, s. 16 (Sched. 2); 47, 2003, s. 23
Sections 26 - 28:	amended by 72, 1996, s. 16 (Sched. 2)
Section 29:	inserted by 40, 1978, s. 18; amended by 65, 1990, s. 60; repealed by 72, 1996, s. 16 (Sched. 2)