

South Australia

# University of South Australia (Miscellaneous) Amendment Act 2008

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

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## Contents

### Part 1—Preliminary

- 1 Short title
- 2 Commencement
- 3 Amendment provisions

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

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

### Schedule 1—Transitional provision

- 1 Transitional provision relating to members of Council
- 

**The Parliament of South Australia enacts as follows:**

## Part 1—Preliminary

### 1—Short title

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

### 2—Commencement

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

### 3—Amendment provisions

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

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

### **4—Amendment of section 6—Powers of University**

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

and

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

### **5—Amendment of section 10—Establishment of Council**

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

8

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

1 member

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

1 member

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

2

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

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

### **6—Amendment of section 11—Term of office**

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

between 2 and 4

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

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

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

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

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

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

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

Section 14—after "appointment" insert:

or election

## **10—Amendment of section 19—Audit**

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

in such manner as the Governor may direct

## **11—Repeal of section 22**

Section 22—delete the section

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

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

, and to provide for the removal of trespassers from those grounds by persons authorised in writing by the Council
- (2) Section 25(1)—after paragraph (b) insert:

(ba) to provide for the recovery by the University on complaint compensation for any damage done to the University grounds or any property of the University; and
- (3) Section 25(1)(j)—after "by-laws" insert:

by persons authorised in writing by the Council
- (4) Section 25(1)(l)—after "grounds" insert:

by persons authorised in writing by the Council
- (5) Section 25(1)(m)—after "by-law" insert:

by persons authorised in writing by the Council
- (6) Section 25(1)(r)—delete "a division 10 fee" and substitute:

\$80
- (7) Section 25(1)(s)—delete "a division 8 fine" and substitute:

\$1 250
- (8) Section 25(3), (4) and (5)—delete subsections (3), (4) and (5) and substitute:
  - (3) The Council may only make a by-law—
    - (a) at a meeting of the Council of which at least 14 days prior notice has been given in writing to each member of the Council setting out the proposed by-law; and
    - (b) on a resolution supported by a majority of the total number of the members of the Council.
  - (4) A by-law must be transmitted to the Governor for confirmation.

### **Note—**

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

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

- (9) Section 25—after subsection (9) insert:
- (10) If, in any proceedings relating to an offence against a by-law, it is proved that a vehicle was parked in the University grounds in contravention of a by-law it will be presumed, in the absence of evidence to the contrary, that the vehicle was so parked by the owner of the vehicle.
- (11) Despite a provision of any other Act—
- (a) any fine (being a fine imposed by a board of inquiry established under the statutes) recovered in respect of an offence against a by-law; and
- (b) any expiation fee paid in relation to an expiation notice issued for an alleged offence against a by-law,
- will be paid to the University.

## **Schedule 1—Transitional provision**

### **1—Transitional provision relating to members of Council**

- (1) An election of a person to the Council referred to in section 10(3)(f), (g) or (h) of the *University of South Australia Act 1990*—
- (a) that occurs between 1 October 2008 and the commencement of section 5 of this Act; and
- (b) that is conducted in a manner, and in accordance with the procedures, determined by the Council for the purposes of that election,
- will be taken to be valid despite failing to comply with a provision of that Act, or any statute made under that Act, that sets out requirements in respect of the numbers of persons to be elected to the Council at a particular election, or the method by which more than 1 person is elected to the Council at a particular election.
- (2) In this clause—
- Council** has the same meaning as in the *University of South Australia Act 1990*.