

South Australia

Torrens University Australia Act 2013

An Act to recognise and provide for the operation of Torrens University Australia.

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Preamble

- 1 On 17 October 2011 LEI Higher Education Holdings Pty Ltd was authorised by the South Australian Government to establish a private university (Torrens University Australia) in South Australia bearing the unmodified university title.
 - 2 Torrens University Australia Limited is registered with the Australian Securities and Investments Commission as an Australian public company limited by shares.
 - 3 In July 2012 Torrens University Australia Limited was registered as an Australian university under the *Tertiary Education Quality and Standards Agency Act 2011* of the Commonwealth.
 - 4 It is intended that Torrens University Australia Limited establish a campus in the State, offering academic awards in selected disciplines.
 - 5 The purpose of this Act is to recognise Torrens University Australia, and, insofar as it is within the legislative power of the State, to facilitate the provision of higher education services by the university.
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The Parliament of South Australia enacts as follows:

1—Short title

This Act may be cited as the *Torrens University Australia Act 2013*.

2—Commencement

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

3—Interpretation

In this Act—

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

minor means a person of or above the age of 16 years and under 18 years;

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 business name registered by the University under, or otherwise authorised by, the *Business Names Registration Act 2011* of the Commonwealth;

University means Torrens University Australia.

4—Recognition of University

- (1) 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.
- (2) The University is not an instrumentality or agency of the Crown.

5—Principles to be observed by the University

Principles for the sound and fair management of the University and its staff should be established and regularly reviewed by the governing body of the University, and those principles should be observed at all times in the administration of the University.

6—Declaration of logo

The Minister may, by notice in the Gazette, declare a design to be a logo in respect of the University.

7—Protection of proprietary interests of University

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

- (c) use official insignia for the purpose of promoting the sale of goods or services.

Maximum penalty: \$20 000.

- (3) A person must not, without the consent of the University, assume a name or description that consists of, or includes, official insignia.

Maximum penalty: \$20 000.

- (4) A consent under this section—

- (a) may be given with or without conditions (including conditions requiring payment to the University); and
- (b) must be given in writing addressed to the applicant for the consent; and
- (c) may be revoked by the University for a breach of a condition by notice in writing given personally or by post to a person who has the benefit of the consent.

- (5) The Supreme Court may, on the application of the University, grant an injunction to restrain a breach of this section.

- (6) The court by which a person is convicted of an offence against this section may, on the application of the University, order the convicted person to pay compensation of an amount fixed by the court to the University.

- (7) Subsections (5) and (6) do not derogate from any civil remedy that may be available to the University apart from those subsections.

8—Gifts etc to University

- (1) Despite any other Act or law, the University may acquire property on trust by gift, devise or bequest to apply for the benefit of a school, college, chair, centre, institution, or other body established within, or associated with, the University (despite the fact that the beneficiary is not a legal person).

- (2) The University—

- (a) may exercise any power, or perform any act, that the beneficiary could perform as if the University were the beneficiary; and
- (b) must apply the property, or any income derived in relation to the property, in accordance with the terms of the gift, devise or bequest.

9—Minor's legal capacity in relation to contracts etc

- (1) Despite any other Act or law, a minor has full legal capacity—

- (a) to contract for the provision of the minor's education at the University; and
- (b) to contract in relation to any other matter prescribed in the regulations.

- (2) A contract under this section may be enforced by, or against, the minor as if he or she were of full legal capacity.

- (3) Subsection (1) does not apply if the University ceases to be registered as an Australian university under the *Tertiary Education Quality and Standards Agency Act 2011* of the Commonwealth.

10—Governing body of University to notify Minister of certain events

- (1) The governing body of the University must, as soon as is reasonably practicable after any change in the composition of the governing board, notify the Minister of the change.
- (2) The governing body of the University must, as soon as is reasonably practicable after an event of a kind prescribed by the regulations occurring, notify the Minister of the occurrence of the event.

11—Annual report

- (1) The governing body of the University must, not later than 30 June in each year, present to the Minister a report on the operation of the University during the year ending on the preceding 31 December.
- (2) The Minister must, within 12 sitting days of receiving a report under this section, cause a copy of the report to be laid before each House of Parliament.

12—Regulations

The Governor may make such regulations as are contemplated by, or necessary or expedient for the purposes of, this Act.