

South Australia

Adelaide University (Transitional) Regulations 2024

under the *Adelaide University Act 2023*

Contents

1	Short title
3	Interpretation
4	Disclosure, transfer and use of information
5	Support to prescribed universities
6	Delegations
7	Legal practitioners
8	Accreditations, licences, permits and other authorities
9	Licences and fees
10	General authorisation
11	Annual meeting
11A	Requirements if transfer of assets, contracts and liabilities is ineffective
11B	Registrations and power of attorney
11C	By-laws
11D	Ethics approvals
11E	Access to business records
11F	Student misconduct
11G	Research integrity
11H	Testamentary trusts, gifts or deeds—additional provisions
11I	Reference to prescribed university in certain instruments
11J	Functions and powers of certain officers to continue
12	Saving provisions

Legislative history

1—Short title

These regulations may be cited as the *Adelaide University (Transitional) Regulations 2024*.

3—Interpretation

(1) In these regulations—

Act means the *Adelaide University Act 2023*;

authorisation includes a licence, consent, approval, permit, registration, accreditation or certification;

business record includes—

- (a) correspondence; and
- (b) a book, report, contract, file or manual; and
- (c) student and staff records; and

- (d) a title document or authorisation; and
- (e) a contacts list,

whether in printed, electronic or any other form, and includes a copy of such a record;

designated university means—

- (a) a prescribed university; or
- (b) Adelaide University;

document includes a contract;

information includes—

- (a) information that relates to a person other than a designated university; and
- (b) information gained, acquired or created during the conduct of research or teaching,

and includes information provided or held in the form of data or in any other form;

intellectual property includes—

- (a) registered and unregistered business names, brand names, logos and images; and
- (b) patents, designs, plant breeder's rights, trademarks and service marks, including all applications for, or right to apply for, registration of any patent, design, plant breeder's right, trademark or service mark; and
- (c) domain names and the pages and content of, and platforms on, the websites at those domain names; and
- (d) the content of any social media page (including Facebook, X and Instagram); and
- (e) intellectual property arising from research and development activities; and
- (f) colours, fonts, graphics, styles and distinctive identifiers comprising or used in or in connection with intellectual property; and
- (g) copyright (including copyright in software, social media pages, websites, databases and advertising and other promotional materials); and
- (h) a right to have information (including trade secrets, know how, operating procedures and technical information) kept confidential; and
- (i) a modification, enhancement, development or re-engineering of intellectual property;

local legal practitioner means a local legal practitioner within the meaning of the *Legal Practitioners Act 1981*;

personal information includes personal information within the meaning of the *Privacy Act 1988* of the Commonwealth;

university grounds means land, buildings, structures and facilities owned or occupied by a prescribed university or of which a prescribed university has the care, control and management.

- (2) In addition to section 12 of the *Legislation Interpretation Act 2021*, terms used in these regulations and in Part 7 of Schedule 1 of the Act have the same meaning in these regulations as they have in that Part.

4—Disclosure, transfer and use of information

- (1) A relevant entity is authorised (and will be taken to have been authorised) to disclose or transfer to another relevant entity any records or information, and to disclose to another relevant entity any document or the contents of any document, in connection with supporting or facilitating, in any way—
- (a) the establishment of Adelaide University; or
 - (b) the operations of Adelaide University (whether before or after it commences providing courses and other tertiary education programs); or
 - (c) the operations of a prescribed university (whether before or after it ceases to provide courses and other tertiary education programs); or
 - (d) the operations of any other relevant entity; or
 - (e) the future retention by Adelaide University of any records or information that have been held by a prescribed university (whether those records or information are provided to Adelaide University on or before the prescribed day for the prescribed university); or
 - (f) the transfer of operations or activities to Adelaide University; or
 - (g) without limiting a preceding paragraph—the achievement of the objects of the Act.
- (2) A relevant entity is authorised (and will be taken to have been authorised) to collect, store, use or otherwise handle any record or information disclosed or transferred to it under this regulation for any purpose described in subregulation (1) (including where the record or information has been transferred between relevant entities on a temporary basis).
- (3) Without limiting subregulations (1) and (2), an authorisation under this regulation includes an authorisation to disclose, transfer, collect, store, use or otherwise handle any personal information, including any personal information that relates to a relevant person.
- (4) An authorisation under this regulation operates subject to any limitation, restriction or prohibition determined by a designated university in connection with the operation of this regulation.
- (5) In this regulation—
- employee**, in relation to a prescribed university or merged entity (as the case may be), includes a person who works, or has worked, in any capacity in the prescribed university or merged entity, including in a voluntary or unpaid capacity, and a person who holds, or has held, a title conferred by a prescribed university or merged entity;
- merged entity** means an entity that was merged with, or overtaken by, a prescribed university under the *Statutes Amendment and Repeal (Merger of Tertiary Institutions) Act 1990*;
- relevant day** means the day on which these regulations come into operation;

relevant entity means—

- (a) a designated university; or
- (b) an entity—
 - (i) that has been established by a designated university; or
 - (ii) that is controlled by a designated university; or
 - (iii) in which a designated university has an interest; or
 - (iv) that has been engaged by a designated university to assist the designated university in the performance of any function or the undertaking of any work or activity; or
- (c) an entity that forms part of a designated university's community on account of engaging with or supporting 1 or more groups of relevant persons;

relevant person means a person who—

- (a) has, at any time before the relevant day, been an employee of a prescribed university or a merged entity; or
- (b) is, on the relevant day, an employee of a prescribed university; or
- (c) becomes (or has become), after the relevant day, an employee of a designated university; or
- (d) has, before the relevant day, been a student of a prescribed university or a merged entity; or
- (e) is, on the relevant day, a student or graduate of a prescribed university, or a graduate of a merged entity; or
- (f) becomes (or has become), after the relevant day, a student or graduate of a designated university; or
- (g) has, before or after the relevant day, expressed an interest in attending a designated university, or has applied to be enrolled in a course or other tertiary education program at a designated university; or
- (h) has, before or after the relevant day, been accepted into a course or other tertiary education program at a designated university; or
- (i) has, before or after the relevant day, donated, or expressed an interest to donate, a gift or other benefit to a designated university; or
- (j) has, before or after the relevant day, provided or received, or agreed to provide or receive, goods or services under a contract, agreement, arrangement, undertaking or understanding with a designated university; or
- (k) has provided information for the purpose of the conduct of research or teaching, or to whom information gained, acquired or created, during the conduct of research or teaching relates.

5—Support to prescribed universities

- (1) Adelaide University is authorised (and will be taken to have been authorised) to take steps and to provide resources to support the operations of a prescribed university until the prescribed university's dissolution under the Act, including by making available staff, resources and facilities of Adelaide University for the benefit of a prescribed university.
- (2) Without limiting subregulation (1)—
 - (a) the Transition Council may take steps to support a prescribed university as staff and resources are transferred from the prescribed universities to Adelaide University under the Act; and
 - (b) a member of the Transition Council will not be in breach of any duty under the Act, or any other Act or law, if the member—
 - (i) acts for the purposes of paragraph (a); or
 - (ii) supports the expenditure or application of any financial or other resources of Adelaide University to support a prescribed university; and
 - (c) a member of the Transition Council may work with the Council of a prescribed university to support the activities of the prescribed university.
- (3) In connection with subregulations (1) and (2), the designated universities must enter into an agreement or agreements that will provide for support to The University of Adelaide and the University of South Australia (to the extent agreed between the universities that are parties to the agreement) on account of staff and resources being transferred to Adelaide University under the Act before the prescribed days for those 2 universities, with particular reference to ensuring that those 2 universities may continue to undertake research and provide courses and other tertiary education programs until 1 January 2026.

6—Delegations

- (1) In addition to the power of an authorised entity to make a delegation or subdelegation under section 10 of the *University of Adelaide Act 1971*, the authorised entity is authorised to delegate or subdelegate (as the case requires) any power or function—
 - (a) to an employee of Adelaide University or the University of South Australia; or
 - (b) to the holder of a particular office or position in Adelaide University or the University of South Australia; or
 - (c) to a committee of Adelaide University, or any other body established by Adelaide University; or
 - (d) to any other body established jointly by—
 - (i) Adelaide University and The University of Adelaide; or
 - (ii) Adelaide University, The University of Adelaide and the University of South Australia.

- (2) In addition to the power of the Council of the University of South Australia to make a delegation under section 15 of the *University of South Australia Act 1990*, that Council is authorised to delegate any of its powers or functions—
- (a) to an employee of Adelaide University or The University of Adelaide; or
 - (b) to the holder of a particular office or position in Adelaide University or The University of Adelaide; or
 - (c) to a committee of Adelaide University, or any other body established by Adelaide University; or
 - (d) to any other body established jointly by—
 - (i) Adelaide University and the University of South Australia; or
 - (ii) Adelaide University, The University of Adelaide and the University of South Australia.
- (3) If—
- (a) the employment of an employee of a prescribed university is transferred to Adelaide University by proclamation under clause 15 of Schedule 1 of the Act; and
 - (b) the employee, immediately before the transfer, is a delegate or subdelegate of the Council of the prescribed university,
- the delegation or subdelegation will continue in force despite the fact that the employee no longer, by virtue of the transfer, is an employee of the prescribed university, or is the holder of a particular office or position in the prescribed university.
- (4) Subregulation (3) operates subject to a decision to vary or revoke the delegation or subdelegation made under the *University of Adelaide Act 1971* or the *University of South Australia Act 1990*.
- (5) In this regulation—
- authorised entity** means—
- (a) in relation to a power of delegation—the Council of the University of Adelaide; and
 - (b) in relation to a power of subdelegation—
 - (i) the Vice-Chancellor of The University of Adelaide; or
 - (ii) a committee of the Council of The University of Adelaide; or
 - (iii) a committee of The University of Adelaide.

7—Legal practitioners

- (1) A qualifying legal practitioner—
- (a) whose employment is transferred from a prescribed university to Adelaide University under the Act; or
 - (b) who is employed by Adelaide University (whether before or after the commencement of these regulations),

may—

- (c) subject to any requirement for supervision, provide legal services to a prescribed university in addition to the provision of legal services to Adelaide University; and
 - (d) while they continue to be employed by Adelaide University, have their practising certificate issued or renewed without the need for compliance with section 19(1) of the *Legal Practitioners Act 1981* even if they are providing legal services to a prescribed university in addition to the provision of legal services to Adelaide University (and this paragraph will cease to apply on the prescribed day for that prescribed university).
- (2) Adelaide University will not be taken to be an incorporated legal practice under Schedule 1 of the *Legal Practitioners Act 1981* merely because it employs or engages a qualifying legal practitioner to provide legal services to a prescribed university and whether or not it receives any form of, or has any expectation of, a fee, gain or reward for the provision of those services.
- (3) In this regulation—
- qualifying legal practitioner*** means a local legal practitioner—
- (a) who is employed to provide legal services exclusively to 1 or more designated universities; and
 - (b) who does not provide legal services outside of this corporate role.

8—Accreditations, licences, permits and other authorities

If a person's employment is transferred from a prescribed university to Adelaide University, any accreditation, licence, permit or other authority held by the person or the prescribed university immediately before the transfer of their employment that relates to the work of the person at or on behalf of the prescribed university will, on that transfer of employment, be taken to be held with respect to, and to authorise and permit—

- (a) any work that the person continues to perform at or on behalf of the prescribed university after the transfer of employment; and
- (b) any work that the person performs at or on behalf of Adelaide University after the transfer of employment.

9—Licences and fees

- (1) This regulation applies if—
- (a) the employment of a person is transferred from a prescribed university to Adelaide University; or
 - (ab) assets, contracts and liabilities are transferred from a prescribed university to Adelaide University; or
 - (b) a function or activity is transferred from a prescribed university to Adelaide University.

- (2) If this regulation applies—
- (a) any provision in a contract, agreement, arrangement, undertaking or understanding, or in an accreditation, licence, permit or other authority, that imposes a restriction, requirement or fee in relation to the prescribed university may not restrict or limit the transfer from the prescribed university to Adelaide University; and
 - (b) no additional restriction, requirement or fee may be imposed in relation to a prescribed university or Adelaide University on account of a transfer from the prescribed university to Adelaide University without the agreement of the prescribed university or Adelaide University (as the case may be).
- (3) This regulation does not apply so as to limit the exercise of a statutory power.

10—General authorisation

The conduct of—

- (a) a designated university; or
- (b) the Council of a prescribed university or the members of a Council of a prescribed university; or
- (c) the Transition Council or the members of the Transition Council,

including conduct that involves entering into, or giving effect to, agreements, sharing information, or other practices or things, in connection with—

- (d) the establishment of Adelaide University; or
- (e) providing support to Adelaide University, The University of Adelaide or the University of South Australia; or
- (f) facilitating the combining of The University of Adelaide or the University of South Australia,

is (and will be taken to have been) authorised.

11—Annual meeting

The Council of The University of Adelaide does not need to convene an annual meeting of the University community in 2026 pursuant to section 18 of the *University of Adelaide Act 1971*.

11A—Requirements if transfer of assets, contracts and liabilities is ineffective

- (1) To the extent that a proclamation made under clause 20 of Schedule 1 of the Act is ineffective to transfer an asset or contract which it purports to so transfer, The University of Adelaide or the University of South Australia (as the case may be) must—
- (a) hold the asset or contract for the benefit of Adelaide University and allow Adelaide University to—
 - (i) in the case of an asset—use the asset; or
 - (ii) in the case of a contract that is a lease or licence of property, plant or equipment—use the property, plant or equipment (as the case may be); and

- (b) in the case of a contract—
 - (i) perform the contract by sub-contracting or delegating such performance to Adelaide University; and
 - (ii) enforce the contract against the other parties to the contract as directed by Adelaide University from time to time; and
 - (iii) not amend or terminate the contract unless directed to do so by Adelaide University; and
 - (c) pay or otherwise provide to Adelaide University all economic benefits it receives with respect to the asset or contract.
- (2) To the extent that a proclamation made under clause 20 of Schedule 1 of the Act is ineffective to transfer a liability which it purports to so transfer, Adelaide University must discharge the liability on behalf of The University of Adelaide or the University of South Australia (as the case may be)—
- (a) in the case of a pecuniary obligation—by making payment; or
 - (b) in the case of a duty or non-pecuniary obligation—by performing the duty or obligation.
- (3) A designated university must execute all documents and do, or procure to be done, any other act or thing that may be necessary to give effect to the transfer of a contract, asset or liability referred to in this regulation.

11B—Registrations and power of attorney

- (1) A prescribed university must, as soon as possible after receiving a request by Adelaide University, take any action that may reasonably be necessary to enable Adelaide University to apply for and obtain registration as the registered owner of all registered property (including shares, real property and intellectual property) transferred to Adelaide University by a proclamation made under clause 20 of Schedule 1 of the Act, including by executing any documents necessary to effect such registration.
- (2) Adelaide University and its agents and assigns are appointed as the attorney of The University of Adelaide and the University of South Australia and authorised, in the name of each respective university—
- (a) to register or otherwise perfect the transfer or purported transfer of any asset, contract or liability transferred or purportedly transferred by a proclamation made under clause 20 of Schedule 1 of the Act; or
 - (b) to exercise any rights, to receive any entitlements or to perform any obligations in connection with any asset, contract or liability transferred or purportedly transferred by a proclamation made under clause 20 of Schedule 1 of the Act.

11C—By-laws

- (1) The following provisions apply in relation to by-laws made by the Council of The University of Adelaide applying to, or otherwise in connection with, the university grounds of The University of Adelaide or any portion, part or parts of them, that are in operation immediately before the transfer of the university grounds by a proclamation made under clause 20 of Schedule 1 of the Act:
 - (a) the by-laws will continue to apply to regulate conduct on, and otherwise in connection with, the university grounds following any such transfer as if they were by-laws made by the Council of Adelaide University unless and until and, if relevant, subject to the extent to which, the Council of Adelaide University makes by-laws to replace them;
 - (b) the authorisation of a person by the Council of The University of Adelaide in connection with the enforcement of the by-laws (including an authorisation to issue an expiation notice for offences against the by-laws) will continue as if the authorisation was given by the Council of Adelaide University unless and until the Council of Adelaide University varies or revokes the authorisation.
- (2) The following provisions apply in relation to by-laws made by the Council of the University of South Australia applying to, or otherwise in connection with, the university grounds of the University of South Australia or any portion, part or parts of them, that are in operation immediately before the transfer of those university grounds by a proclamation made under clause 20 of Schedule 1 of the Act:
 - (a) the by-laws will continue to apply to regulate conduct on, and otherwise in connection with, such university grounds following such transfer, as if they were by-laws made by the Council of Adelaide University unless and until and, if relevant, subject to the extent to which, the Council of Adelaide University makes by-laws to replace them;
 - (b) the authorisation of a person by the Council of the University of South Australia in connection with the enforcement of the by-laws (including an authorisation to issue an expiation notice for offences against the by-laws) will continue as if the authorisation was given by the Council of Adelaide University unless and until the Council of Adelaide University varies or revokes the authorisation.

11D—Ethics approvals

- (1) An ethics approval continues in force and has effect according to its terms despite the dissolution of the ethics committee that granted the approval.
- (2) Adelaide University may transfer or assign the powers and functions of an ethics committee in relation to each ethics approval to an Adelaide University ethics committee in a manner determined by the University.
- (3) In this regulation—

Adelaide University ethics committee means a human research ethics committee or animal research ethics committee established by Adelaide University;

ethics approval means an approval granted by an ethics committee;

ethics committee means—

- (a) a human research ethics committee of a prescribed university; or

- (b) an animal research ethics committee of a prescribed university.

11E—Access to business records

Adelaide University must, until the prescribed day for a prescribed university, provide the prescribed university with access to business records transferred from the prescribed university to Adelaide University by proclamation made under clause 20 of Schedule 1 of the Act, that the prescribed university may require for the purpose of—

- (a) preparing a tax return, business activity statement or other financial or accounting statement; or
- (b) discharging an obligation or complying with a requirement under any Act or law; or
- (c) undertaking any other activity for which business records may reasonably be required.

11F—Student misconduct

- (1) All present, contingent or future rights, powers, privileges and immunities of a prescribed university, including all present or future causes of action in favour of and investigations being undertaken by a prescribed university, and any decision made by a prescribed university in connection with a transferred student, including any penalties imposed for, conditions attaching to enrolment as a result of, or any other decisions made in connection with, the academic performance, behaviour, conduct or misconduct of the transferred student during their enrolment at the prescribed university, continue to be binding on the transferred student as if Adelaide University were the prescribed university.
- (2) The statutes, rules, policies and procedures of The University of Adelaide relating to student misconduct will continue to apply to govern the ongoing management and resolution by Adelaide University of any unresolved complaints or allegations of student misconduct at The University of Adelaide as if they were the statutes, rules or policies (as the case may be) of Adelaide University.
- (3) The statutes, rules, policies and procedures of the University of South Australia relating to student misconduct will continue to apply to govern the ongoing management and resolution by Adelaide University of any unresolved complaints or allegations of student misconduct at the University of South Australia as if they were the statutes, rules or policies (as the case may be) of Adelaide University.
- (4) In this regulation—
transferred student means a person whose enrolment as a student is transferred from a prescribed university to Adelaide University under Part 7 Division 8 of Schedule 1 of the Act.

11G—Research integrity

- (1) All present, contingent or future rights, powers, privileges and immunities of a prescribed university, including all present or future causes of action in favour of, and investigations being undertaken by, a prescribed university, and any decision made by a prescribed university, in connection with research that is being, or has been, undertaken at or in connection with a prescribed university, including any decisions made in connection with, the performance, behaviour, conduct or misconduct of any person involved in such research at the prescribed university will continue to be binding on Adelaide University as if Adelaide University were the prescribed university.
- (2) The statutes, rules, policies and procedures of The University of Adelaide relating to research misconduct will continue to apply to govern the ongoing management and resolution by Adelaide University of any unresolved complaints or allegations of research misconduct at The University of Adelaide as if they were the statutes, rules, policies or procedures (as the case may be) of Adelaide University.
- (3) The statutes, rules, policies and procedures of the University of South Australia relating to research misconduct will continue to apply to govern the ongoing management and resolution by Adelaide University of any unresolved complaints or allegations of research misconduct at the University of South Australia as if they were the statutes, rules, policies or procedures (as the case may be) of Adelaide University.

11H—Testamentary trusts, gifts or deeds—additional provisions

- (1) In addition to clause 29 of Schedule 1 of the Act, the following provisions apply in relation to a reference of the following kinds in any testamentary disposition, gift or trust (whenever made or declared) in existence before the prescribed day for a prescribed university:
 - (a) a reference to graduates of The University of Adelaide will be taken to be a reference to graduates of The University of Adelaide and graduates of Adelaide University but not graduates of the University of South Australia;
 - (b) a reference to graduates of the University of South Australia will be taken to be a reference to graduates of the University of South Australia and graduates of Adelaide University but not graduates of The University of Adelaide;
 - (c) a reference to former students of The University of Adelaide will be taken to be a reference to former students of The University of Adelaide and former students of Adelaide University but not former students of the University of South Australia;
 - (d) a reference to former students of the University of South Australia will be taken to be a reference to former students of the University of South Australia and former students of Adelaide University but not former students of The University of Adelaide;
 - (e) a reference to former staff members or title holders of The University of Adelaide will be taken to be a reference to former staff members or title holders of The University of Adelaide and former staff members or title holders of Adelaide University but not former staff members or title holders of the University of South Australia;

- (f) a reference to former staff members or title holders of the University of South Australia will be taken to be a reference to former staff members or title holders of the University of South Australia and former staff members or title holders of Adelaide University but not former staff members or title holders of The University of Adelaide.
- (2) Nothing in this regulation operates to defeat the intention reflected by the provisions or terms of a testamentary disposition, gift or trust that provide that, should the beneficiary or donee cease to exist, the testamentary disposition, gift or trust was to lapse or was to be in favour of some other person or body.
- (3) Nothing in this regulation invalidates the execution, declaration or creation of a testamentary disposition, gift or trust made or effected before the prescribed day.
- (4) Nothing in this regulation—
 - (a) affects the operation of any order or determination of a court made before the prescribed day; or
 - (b) affects the operation or validity of an act or decision of an executor or executrix, a donor or person acting on behalf of a donor, or a trustee, lawfully taken or made before the prescribed day.

11I—Reference to prescribed university in certain instruments

- (1) A reference to a prescribed university—
 - (a) in a contract entered into by a relevant person; or
 - (b) in the constitution of a company any shares or other membership rights in which have been transferred from a prescribed university to Adelaide University by proclamation made under Part 7 of Schedule 1 of the Act; or
 - (c) in an instrument which creates or confirms an asset or liability of a prescribed university, where such asset or liability has been transferred from a prescribed university to Adelaide University by proclamation made under Part 7 of Schedule 1 of the Act,

will, on and after 1 January 2026, be taken to be a reference to Adelaide University.

- (2) In this regulation—

relevant person means—

 - (a) an employee of Adelaide University; or
 - (b) an employee of a prescribed university whose employment is transferred to Adelaide University under Part 7 Division 6 of Schedule 1 of the Act; or
 - (c) a person whose enrolment as a student at a prescribed university is transferred to Adelaide University under Part 7 Division 8 of Schedule 1 of the Act; or
 - (d) a title holder (including emeritus professors, emeritus fellows and honorary fellows) at a prescribed university.

11J—Functions and powers of certain officers to continue

- (1) Subject to subregulation (2) if—
 - (a) a function, power or authorisation is, pursuant to a designated authority, conferred on an office or position at a prescribed university; and

- (b) that office or position ceases to exist; and
 - (c) the function, power or authorisation is required by a designated university to be performed, exercised or in operation for a particular purpose,
the function, power or authorisation will continue to be conferred on the last person to have held that office or position.
- (2) Subregulation (1) does not apply if a designated Vice Chancellor determines that a function, power or authorisation made pursuant to a designated authority is instead to be conferred on—
- (a) the designated Vice Chancellor; or
 - (b) some other person, office or position specified in the determination,
and the determination will have effect in accordance with its terms.
- (3) In this regulation—

designated authority means—

- (a) a statute, rule, by-law, policy or procedure of—
 - (i) The University of Adelaide; or
 - (ii) the University of South Australia; or
 - (iii) Adelaide University; or
- (b) a contract to which The University of Adelaide or the University of South Australia is a party; or
- (c) an authorisation issued to The University of Adelaide or the University of South Australia; or
- (d) an authorisation issued by—
 - (i) the Council of The University of Adelaide; or
 - (ii) the Council of the University of South Australia; or
 - (iii) the Council of Adelaide University;

designated Vice Chancellor means the Vice Chancellor of the designated university that requires the function, power or authorisation to be performed, exercised or in operation.

12—Saving provisions

- (1) The disclosure or transfer of any records or information, the disclosure of any document, or the contents of any document, the use of any records or information, and anything else authorised or permitted (or taken to have been authorised or permitted) by or under these regulations or otherwise done under these regulations—
- (a) may occur despite any limitation, duty or prohibition under—
 - (i) a contract, agreement, arrangement, undertaking or understanding; or
 - (ii) an accreditation, licence, permit or other authority; and
 - (b) does not constitute a breach of, or default under—
 - (i) a contract, agreement, arrangement, undertaking or understanding; or

- (ii) an accreditation, licence, permit or other authority.
- (1a) The transfer of assets, contracts or liabilities effected under Part 7 of Schedule 1 of the Act may occur despite any limitation, duty or prohibition under—
- (a) a contract, agreement, arrangement, undertaking or understanding; or
 - (b) an accreditation, licence, permit or other authority.
- (2) The transfer of employment of a person effected under Part 7 of Schedule 1 of the Act does not constitute a breach of, or default under—
- (a) a contract, agreement, arrangement, undertaking or understanding; or
 - (b) an accreditation, licence, permit or other authority,
- that relates to their employment, position or work (including in relation to the funding of their position or work or the conduct of their work).
- (3) Without limiting subregulation (1), nothing done under these regulations—
- (a) constitutes a breach of a duty of confidence (whether arising under a contract, in equity or by custom or in any other way); or
 - (b) constitutes a civil or criminal wrong.
- (4) Without limiting subregulation (1) or (2), nothing done under these regulations or on account of the transfer of employment of a person effected under Part 7 of Schedule 1 of the Act—
- (a) constitutes a breach of, or default under, an Act or any other law; or
 - (b) terminates an agreement or obligation; or
 - (c) fulfils any condition that allows a person to terminate an agreement or obligation; or
 - (d) gives rise to, or allows a person to exercise, any other right or remedy; or
 - (e) allows a person to impose or increase a fee; or
 - (f) releases a surety or other obligee wholly or in part from an obligation.
- (5) If—
- (a) a person's employment is transferred from a prescribed university to Adelaide University by proclamation under clause 15 of Schedule 1 of the Act; and
 - (b) the person was, immediately before the transfer, an elected member of the Council of the prescribed university,
- the person may continue as a member of the Council despite the fact that they no longer, by virtue of the transfer, continue in the capacity in which they were elected to the membership of the Council.
- (6) The office of a person who continues in office under subregulation (5) becomes vacant if—
- (a) the person ceases to be an employee of Adelaide University; or
 - (b) the office of the member becomes vacant under—
 - (i) in the case of The University of Adelaide—section 13(1) or (2)(a), (b), (d), (e) or (f) of the *University of Adelaide Act 1971*; or

- (ii) in the case of the University of South Australia—section 11(6) or (7)(a), (b), (d), (e) or (f) of the *University of South Australia Act 1990*.
- (7) If the office of an appointed or elected member of the Council of a prescribed university becomes vacant after the commencement of this regulation—
- (a) a person does not need to be appointed or elected to the office if the Council of the prescribed university determines that the vacancy does not need to be filled; and
- (b) the Council of the prescribed university will be taken to be validly constituted even if the number of members of the Council is less than the number required by the *University of Adelaide Act 1971* or the *University of South Australia Act 1990* (as the case may be); and
- (c) in the absence of a determination of the Council of a prescribed university under paragraph (a)—
- (i) a prescribed university may appoint a person whose employment has been transferred from the prescribed university to Adelaide University pursuant to Schedule 1 clause 15 of the Act to fill the vacancy; and
- (ii) the person so appointed will hold office—
- (A) in the case of a person appointed to the Council of The University of Adelaide—
- if the Council so determines—for a term determined by the Council; or
 - in any other case—for the duration of the term applying to the relevant office under section 12A of the *University of Adelaide Act 1971* as if the person been elected to the office pursuant to that Act; and
- (B) in the case of a person appointed to the Council of the University of South Australia—
- if the Council so determines—for a term determined by the Council; or
 - in any other case—for the duration of the term applying to the relevant office under section 11 of the *University of South Australia Act 1990* as if the person been elected to the office pursuant to that Act.

Legislative history

Notes

- For further information relating to the Act and subordinate legislation made under the Act see the Index of South Australian Statutes or www.legislation.sa.gov.au.

Principal regulations and variations

New entries appear in bold.

Year	No	Reference	Commencement
2024	100	<i>Gazette 21.11.2024 p4218</i>	21.11.2024: r 2
2025	110	<i>Gazette 30.10.2025 p4276</i>	30.10.2025: r 2

Provisions varied

New entries appear in bold.

Provision	How varied	Commencement
<i>r 2</i>	<i>omitted under Legislation Revision and Publication Act 2002</i>	<i>30.10.2025</i>
r 3		
r 3(1)		
authorisation	inserted by 110/2025 r 3(1)	30.10.2025
business record	inserted by 110/2025 r 3(1)	30.10.2025
intellectual property	inserted by 110/2025 r 3(2)	30.10.2025
university grounds	inserted by 110/2025 r 3(3)	30.10.2025
r 9		
r 9(1)	amended by 110/2025 r 4	30.10.2025
rr 11A—11J	inserted by 110/2025 r 5	30.10.2025
r 12		
r 12(1a)	inserted by 110/2025 r 6	30.10.2025