

ROSEWORTHY AGRICULTURAL COLLEGE ACT, 1973

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ROSEWORTHY AGRICULTURAL COLLEGE ACT, 1973

being

Roseworthy Agricultural College Act, 1973, No. 63 of 1973 [Assented to 29th November, 1973]¹.

An Act to constitute the Roseworthy Agricultural College as an autonomous College of Advanced Education; to provide for its administration, and define its powers, functions, duties and obligations; to repeal the Agricultural College Act, 1936-1940; and for other purposes.

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

1. This Act may be cited as the "Roseworthy Agricultural College Act, 1973". Short title.
2. This Act shall come into operation on a day to be fixed by proclamation¹. Commencement.
3. The following Acts are repealed:— Repeal.
 - the Agricultural College Act, 1936;
 - the Agricultural College Act Amendment Act, 1938;
 - the Agricultural College Act Amendment Act, 1940.
4. In this Act, unless the contrary intention appears— Interpretation.
 - "agricultural processing industry" means any industry or process under which the produce of any form of primary production is treated or processed for any purpose:
 - "primary production" means any form of agriculture, pasturage, horticulture, viticulture, forestry, apiculture, poultry farming, dairy farming, or animal husbandry and includes any process involved in the cultivation of the soil, the harvesting of crops, or the rearing of livestock:
 - "statutes" means statutes made under this Act:
 - "student" means a person enrolled as a student of the College:
 - "student member" of the Council means a student elected as a member of the Council by the students of the College in accordance with the statutes, and for the time being holding that office:
 - "the academic staff" means all persons in the full-time employment of the College as principal lecturers, senior lecturers, lecturers, assistant lecturers, research officers, senior instructors, instructors and

¹ Came into operation 14th March, 1974: *Gaz.* 14th March, 1974, p. 897.

tutors and includes such other persons as are classified by the Council, with the approval of the South Australian Board of Advanced Education, as members of the academic staff:

“the ancillary staff” means all persons in the full-time employment of the College (whether as salaried officers or weekly paid employees) other than members of the academic staff:

“the College grounds” means all land—

(a) held under any tenure by the College;

(b) placed under the care, control and management of the College pursuant to the provisions of this Act, and for the time being continuing under that care, control and management;

or

(c) used by the College for, or in connection with, performance of the functions of the College,

and includes all buildings and structures on, and appurtenances to, that land:

“the Council” means the Council of the College constituted under this Act:

“the Director” means the person for the time being holding, or acting in the office of Director of the College:

“the Minister” means the Minister of Education or any other Minister of the Crown to whom the administration of this Act is for the time being committed by the Governor:

“the repealed Act” means the Agricultural College Act, 1936-1940, repealed by this Act.

Continuation of
the College.

5. (1) The Roseworthy Agricultural College shall continue in existence.

(2) The College—

(a) shall be a body corporate with perpetual succession and a common seal;

(b) shall be capable in its corporate name of acquiring, holding and disposing of real and personal property;

(c) shall be capable of acquiring or incurring any other legal rights or liabilities, and of suing and being sued;

(d) shall hold its property on behalf of the Crown;

and

(e) shall have the powers, authorities, duties and obligations prescribed by or under this Act.

(3) Where an apparently genuine document purports to bear the common seal of the College, it shall be presumed in any legal proceedings, in the absence of proof to the contrary, that the common seal of the College was duly affixed to that document.

Functions of
the College.

6. (1) The functions of the College are as follows:—

(a) the provision of advanced education and training in the theory, management, and practice of primary production, in the methods of marketing the produce of primary production, and in the nature and management of the industrial processes involved in agricultural processing industries;

- (b) the provision of advanced education and training in such other fields of knowledge and expertise as the Council, after consultation with the Board of Advanced Education, may determine;
- (c) the conduct of research into, and dissemination of knowledge in relation to, the theory and practice of primary production, the marketing of agricultural products, and agricultural processing industries;
- (d) the provision of post-graduate or practical courses for the benefit of those engaged in occupations for which the College provides education and training;

and

- (e) the fostering and furtherance of an active corporate life within the College.

(2) In carrying out its functions, the College may—

- (a) engage in the business of primary production, the marketing of agricultural products and in agricultural processing industries to the extent that the Council considers necessary or expedient for the purpose of providing advanced education and training;

and

- (b) provide residential accommodation for the students and staff of the College.

7. (1) The College may—

Degrees, etc.

- (a) confer degrees, diplomas and other awards recognized and approved by the South Australian Board of Advanced Education upon those who have completed courses of advanced education accredited by the Board;

and

- (b) may confer honorary degrees or diplomas, or degrees or diplomas *ad eundem gradum* on persons who are entitled to such degrees or diplomas in accordance with the statutes of the College.

(2) The College may award scholarships conferring such privileges or concessions in relation to tuition as may be authorized by the statutes of the College.

8. (1) The College shall not discriminate against or in favour of any person on the grounds of sex, race, marital status, or religious or political belief.

Prohibition
against
discrimination.

(2) Notwithstanding the provisions of subsection (1) of this section, the College may, with the approval of the Minister, make special provision for any students, or class of students, where it is, in the opinion of the College, necessary to do so to enable those students, or students of that class, to overcome any cultural or educational disadvantage to which they may be subject.

9. (1) The College shall be managed and administered by a Council constituted in accordance with this section.

The Council of
the College.

(2) The Council shall be constituted of the following members:—

- (a) the Director, who shall be a member of the Council *ex officio*;

- (b) two members of the academic staff of the College elected by the academic staff;
 - (c) two students of the College elected by the students;
 - (d) one member of the ancillary staff of the College elected by the ancillary staff;
 - (e) one person appointed by the Governor on the nomination of the Director-General of Education;
 - (f) one person appointed by the Governor on the nomination of the Director of Agriculture¹;
 - (g) two persons employed upon the academic or administrative staff of any other college of advanced education, or of any university, established in South Australia, appointed by the Governor on the nomination of the Minister;
 - (h) five persons (not being persons employed by colleges of advanced education) of whom at least one must be a graduate of the college, appointed by the Governor on the nomination of the Minister;
- and
- (i) any person co-opted to membership of the Council pursuant to this section.

(3) The Council may from time to time co-opt a person (who must not be a person whose usual employment is in teaching or other academic work) to membership of the Council, but there shall not be more than one such member at any one time.

(4) If before the commencement of this Act the Minister caused elections to be held in which persons who were, in his opinion, likely to become members of the academic staff, students of the College, and members of the ancillary staff of the College constituted separate electorates and elected from amongst their respective membership candidates seeking membership of the Council under paragraphs (b), (c) and (d) of subsection (2) of this section, the persons so elected shall be deemed to have been elected to the membership of the Council under those respective paragraphs upon the commencement of this Act.

(5) A member of the Council shall not, in the exercise of his powers or functions as such, be subject to the direction of any person or body of persons.

President and
Vice-President.

10. (1) The Council shall, from time to time as occasion arises, elect from its own membership a President and Vice-President.

(2) The term of office of the President and Vice-President, the conditions upon which they shall hold their respective offices, and the powers, functions and duties appertaining to their respective offices, shall be as prescribed by the statutes.

(3) No member of the academic or ancillary staff of the College, and no student of the College, shall be eligible for election as President or Vice-President of the Council.

Term of office
of members of
the Council.

11. (1) Subject to this section, and the statutes, a member of the Council (other than a member who holds office *ex officio* or a student member) shall hold office for a term of two years.

¹ For interpretation of references to the Director of Agriculture see proclamation under Public Service Act, 1967-1975: *Gaz*, 6th November, 1975, p. 2340.

(2) A student member of the Council shall hold office for a term of one year.

(3) Upon the expiration of his term of office a member of the Council shall, subject to this Act, be eligible for re-election or re-appointment.

(4) A person elected or appointed to a casual vacancy before the expiration of the term of his predecessor shall hold office for the balance of the term of his predecessor.

(5) Where a member of the Council does not continue in the capacity by virtue of which he was entitled to election or appointment as a member of the Council, he shall cease to be a member of the Council.

(6) The Governor may remove a member of the Council from office—

(a) for dishonest or dishonourable conduct;

or

(b) for neglect of duty.

(7) A member of the Council shall be deemed to be guilty of neglect of duty when he has, without leave of the Council, been absent from three consecutive meetings of the Council.

12. (1) A decision carried by a majority of the votes of the members present at a meeting of the Council shall be a decision of the Council. Conduct of business by the Council.

(2) A quorum of the Council shall consist of the prescribed number of members of the Council calculated in accordance with subsection (3) of this section.

(3) The prescribed number shall be calculated by dividing the number of persons who are for the time being members of the Council by two, ignoring any fraction resulting from the division, and adding one.

(4) The President, or if he is not present, the Vice-President, or if the President and Vice-President are not present, a person elected by the members present at a meeting of the Council shall preside at that meeting.

(5) The person presiding at a meeting of the Council shall, in the event of an equality of votes upon any question arising before the Council, have a second or casting vote.

(6) Subject to this Act, and the statutes, the business of the Council shall be conducted in such manner as the Council may determine.

13. An act or decision of the Council shall not be invalid by reason only of any vacancy in the office of a member of the Council, or on the ground of any defect in the election, nomination, or appointment of any member of the Council. Validity of acts and decisions of the Council.

14. (1) The Council—

(a) shall be the governing authority of the College;

(b) may appoint and dismiss officers and employees of the College;

and

(c) shall have full power to perform any other act necessary or expedient for the due administration of the College, and the performance of the functions for which the College is established.

Powers of the Council.

(2) The Council may, at any time, delegate any of its powers under this Act to any committee or board appointed by the Council, or to any members, officer or employee of the Council.

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

Collaboration
with other
bodies.

15. (1) The Council shall, in the exercise and discharge of its powers and functions under this Act, collaborate with—

- (a) the South Australian Board of Advanced Education;
- (b) the Education Department, and the Department of Further Education;
- (c) the Department of Agriculture¹;
- (d) the Australian Council on Awards in Advanced Education;
- (e) the Australian Commission on Advanced Education;
- and
- (f) any other body with which collaboration is desirable to the interests of promoting the objects of this Act.

(2) The College may make such arrangements with the Department of Agriculture¹ as will, in its opinion, conduce to proper instruction of the students of the College or the efficient conduct of any business in which the College is engaged.

(3) In formulating any statutes or policies affecting the admission of students who desire to be trained for the profession of teaching, or the right of students to continue in any such course of training, the Council shall collaborate with the Minister, or any committee established for the purpose by the Minister, with a view to ensuring that the public interest, as assessed and determined by the Minister, in the education and training of teachers is adequately safeguarded.

Internal
organization of
the College.

16. (1) The College may establish such schools, departments or divisions (by whatever title or designation the Council may approve) within the College as it considers necessary or expedient for the purposes of the College and may abolish or re-arrange any such schools, departments or divisions and alter or amend the titles or designations thereof.

(2) The Council may appoint such committees and boards (including committees and boards consisting of staff and students) as it considers expedient, and may define the powers, functions and duties of those committees or boards.

(3) A committee or board appointed under this section shall consist of such persons as the Council thinks fit to appoint to that committee or board.

(4) A member of a committee or board appointed under this section shall hold office upon such terms and conditions as may be determined by the Council.

The Director.

17. (1) The Council shall from time to time, as occasion requires, appoint a suitable person to be Director of the College.

¹ For interpretation of references to Department of Agriculture see proclamation under Public Service Act, 1967-1975: *Gaz.* 6th November, 1975, p. 2340.

(2) The first Director of the College shall be the person (if any) occupying the position of Principal of the College immediately before the commencement of this Act.

(3) The Director shall be responsible to the Council for the management and administration of the College.

(4) The Director shall hold office upon such terms and conditions as may be prescribed by the statutes, or in the absence of statutes governing the office of Director, as may be determined by the Council.

18. (1) For the purpose of promoting the development of an active corporate life within the College, the Council may approve the formation of an association or council of students, or of students and staff, of the College. Associations of students or students and staff.

(2) The constitution and rules of any such association or council must be approved by the Council.

19. (1) Any land held by the Minister of Agriculture immediately before the commencement of this Act in his capacity as the Commissioner for Agricultural Endowments is hereby vested in the College for an estate of fee simple. Vesting of property in the College.

(2) The Governor may, by instrument in writing, direct that any unalienated Crown land, or any land held on behalf of the Crown, be vested in the College for an estate of fee simple.

(3) The Registrar-General shall, upon being satisfied by such evidence as he may require that any land is vested in the College pursuant to subsection (1) or subsection (2) of this section, issue such new Certificates of Title or make such entries and notations upon existing Certificates of Title as may be necessary to evidence the vesting of the land in the College.

(4) The Governor may, by instrument in writing, place any unalienated Crown land under the care, control and management of the College.

(5) The Governor may, by instrument in writing, resume any land placed under the care, control and management of the College pursuant to subsection (3) of this section.

(6) The Governor may, by instrument in writing, direct that any personal property referred to in the instrument be vested in the College.

(7) A direction under this section shall have effect according to its terms.

(8) The Minister may, subject to, and in accordance with, the Land Acquisition Act, 1969-1972, acquire land for the purposes of the College.

20. (1) Any person employed under the Public Service Act, 1967-1972¹, who was immediately before the appointed day engaged in academic or administrative functions of the College shall, if he so elects on or before the appointed day, become an employee of the College as from the appointed day. Transfer of staff to the College.

(2) The status and salary of any such person shall not be reduced upon transfer to the employment of the College.

(3) The existing and accruing rights of any such employee in respect of recreation leave, sick leave, or long service leave shall continue in effect.

(4) The Minister may give such directions as may be necessary to resolve any dispute arising in relation to the application or effect of this section upon

¹ Now Public Service Act, 1967-1975.

an employee of the College and any such direction shall have effect according to its terms.

(5) For the purposes of this section, "the appointed day" means a day appointed for the purposes of this section by the Minister.

(6) An employee of the College shall be an employee within the meaning, and for the purposes, of the Superannuation Act, 1969-1972¹.

Power to make
statutes.

21. (1) The Council may make, alter and repeal the statutes for all or any of the following purposes, or with respect to all or any of the following matters:—

- (a) the conduct of the business and proceedings of the Council;
- (b) the election of members to the Council;
- (c) the reimbursement of out-of-pocket expenses actually incurred by members of the Council in attending meetings of the Council or otherwise in the administration of this Act;
- (d) the conditions upon which the President, Vice-President, Director, or any other member, officer, or employee of the College shall hold office;
- (e) the management of the College;
- (f) the qualifications required for admission to any course or courses of instruction or training provided by the College;
- (g) the courses of instruction leading to a degree, diploma or other award of the College;
- (h) the conferring of fellowships, degrees, diplomas, certificates, scholarships, exhibitions, prizes and other awards in accordance with this Act;
- (i) the fees payable by the students, or any class of students, for accommodation, sustenance, and services provided by or within the College;
- (j) the payment of fees to, or on behalf of, any union, association or council of students, or students and staff, of the College;
- (k) the abatement or waiver of fees;
- (l) courses of instruction, lectures and classes to be provided by the College;
- (m) examinations and other methods of assessing the academic attainments and performance of students;
- (n) residential accommodation for students and the licensing of boarding houses;
- (o) the establishment and management of branches of the College;
- (p) co-operation between the College and any university or other college or educational institution and the affiliation of educational institutions with the College;
- (q) the maintenance of good order and discipline in the College;
- (r) the establishment of a board of discipline and its practice, procedure, jurisdiction and powers (which may include powers to punish by monetary penalty, by expulsion or suspension from the

¹ The Superannuation Act, 1969 and its amendments have been repealed and superseded by the Superannuation Act, 1974.

College, or by exclusion from rights, privileges or benefits conferred by or arising under this Act or the statutes);

(s) the establishment of an appellate board to which members of the staff who have a grievance relating to their employment may appeal;

(t) the establishment and administration of a fund for the purpose of assisting students in necessitous circumstances;

and

(u) any other matters affecting the administration of the College.

(2) Every proposed statute shall, at least fourteen days before the day on which it is made by the College, be submitted to the South Australian Board of Advanced Education for review.

(3) Every statute made pursuant to this section shall—

(a) be sealed with the seal of the College and submitted to the Governor for confirmation;

(b) after confirmation, be published in the *Gazette* and laid before Parliament;

and

(c) take effect on the day on which it is published in the *Gazette*, or on any later day prescribed in the statutes.

(4) If either House of Parliament, pursuant to a notice of motion given within fourteen sitting days after the statute has been laid before the House, passes a resolution disallowing the statute, it shall cease to have effect, but the disallowance shall not affect the validity or legality or cure the invalidity or illegality of any act or omission occurring in the meantime.

(5) Notice of a resolution passed under subsection (4) of this section shall be published in the *Gazette*.

(6) A monetary penalty imposed for an offence against a statute shall be a debt due to the College and shall be recoverable by the College by action in any court of competent jurisdiction.

22. (1) The Council may make, alter and repeal by-laws for all or any of the following purposes:—

(a) to prohibit persons from trespassing on the College grounds;

(b) to prevent damage to the College grounds (including any fixtures, chattels, trees, shrubs, bushes, flowers, gardens and lawn on those grounds);

(c) to prevent damage to crops, stock, plant or equipment of the College;

(d) to regulate the speed at which vehicles may be driven on the College grounds;

(e) to prohibit dangerous or careless driving of vehicles on the College grounds;

(f) to restrict or prohibit the driving of any vehicle on the College grounds according to the laden weight of the vehicle or any part of the vehicle;

(g) to prescribe the route to be followed by traffic on roads, ways or tracks on the College grounds, and the gates to be used for

entrance and exit of vehicles, and pedestrians, and to require the observance of one-way traffic rules on specified roads, ways or tracks;

- (h) to prohibit or regulate parking, ranking, placing and arranging of vehicles on the College grounds, and to provide for the removal of vehicles from the College grounds;
- (i) to require drivers or persons in charge of vehicles on the College grounds to comply with traffic directions (which may include directions as to the speed of vehicles, the course and direction of vehicles, the parking and standing of vehicles, and any other matters required for order or safety);
- (j) generally to regulate traffic of all kinds on the College grounds;
- (k) to prohibit disorderly or offensive behaviour on the College grounds, and to provide for the removal from those grounds of persons guilty of disorderly or offensive behaviour thereon;
- (l) to regulate or restrict the consumption of alcoholic liquor on the College grounds, and the bringing of alcoholic liquor on to those grounds, and to provide for the removal of intoxicated persons from the College grounds;
- (m) to provide for the seizure and confiscation of alcoholic liquor that has been brought on to the College grounds in contravention of a by-law;
- (n) to prevent persons from climbing on fences or buildings or walking on buildings and over gardens or lawns on the College grounds;
- (o) to regulate the conduct of meetings on the College grounds;
- (p) to prevent the interruption of lectures or meetings by noise or unseemly behaviour on the College grounds (whether within or outside buildings), and to prevent undue noise from motor vehicles on the College grounds;
- (q) to protect the privacy of staff members and their families living within the College grounds;
- (r) to prescribe penalties recoverable summarily, not exceeding fifty dollars, for contravention of any by-law;
- (s) to prescribe any other matters necessary or expedient for the maintenance of good order on the College grounds, or for the protection of property of the College, or for the prevention of hindrance to, or interference with, any activities conducted on the College grounds;

and

- (t) to limit the operation of any by-laws to a prescribed portion of the College grounds.

(2) Where the Council proposes to make a by-law under this section, it shall, at least fourteen days before the by-law is made, submit the proposed by-law to the South Australian Board of Advanced Education for review.

(3) Every by-law under this section shall—

- (a) be sealed with the seal of the College and submitted to the Governor for confirmation;

- (b) after confirmation, be published in the *Gazette* and laid before each House of Parliament within the first fourteen sitting days of that House after the publication of the by-law in the *Gazette*;

and

- (c) take effect from the day of publication in the *Gazette*, or any later day prescribed in the by-law.

(4) If either House of Parliament, pursuant to a notice of motion given within fourteen sitting days after the by-law is laid before that House, passes a resolution disallowing the by-law, it shall cease to have effect, but the disallowance of the by-law shall not affect the validity or legality or cure the invalidity or illegality of any act or omission occurring in the meantime.

(5) Notice of a resolution under subsection (4) of this section shall be published in the *Gazette*.

(6) Proceedings in respect of offences against a by-law shall, subject to subsection (7) of this section, be heard and determined summarily.

(7) The statutes may provide for proceedings against the students or staff of the College in respect of offences against a by-law to be heard and determined by a board of discipline established under the statutes.

(8) An allegation in a complaint that any specified place was within the College grounds shall be deemed to be proved in the absence of proof to the contrary.

(9) Where it is alleged that a person has committed an offence against a by-law of the College relating to vehicular traffic or the parking of motor vehicles the College may cause to be served personally or by post to that person a notice to the effect that he may expiate the offence by payment to the College of an amount specified by the notice, being an amount fixed by by-law, within a time fixed by the notice, and if the offence is so expiated, no proceedings shall be commenced in any court in respect of the alleged offence.

23. (1) Where a statute or by-law has been confirmed by the Governor and published in the *Gazette* all conditions precedent to the making of the statute or by-law shall be conclusively presumed to have been fulfilled.

Validity of
statutes and
by-laws.

(2) Section 38 of the Acts Interpretation Act¹ shall not apply to statutes and by-laws made under this Act.

(3) A statute or by-law made under this Act shall not take away or restrict any civil or criminal liability under any other Act or at common law.

(4) Where an act or omission is an offence against a statute and a by-law under this Act, the offender may be charged and punished either under the statute or the by-law, but not under both.

(5) The Council may, by resolution, with the approval of the South Australian Board of Advanced Education, adopt with such adaptations and modifications as it considers necessary any regulations made or purporting to have been made by the Commissioner of Agricultural Endowments under the powers conferred on him by the repealed Act or any other rules or regulations governing the administration or conduct of the affairs of the College before it became subject to this Act.

(6) Any regulations or rules so adopted shall (with such adaptations and modifications as have been made by the Council) have effect as statutes or by-laws of the College for a period (which must expire on or before the

¹ This must be a reference to the Acts Interpretation Act, 1915-1972 (now Acts Interpretation Act 1915-1975).

expiration of two years from the commencement of this Act) specified in the resolution.

Annual Report.

24. (1) The Council shall, not later than the thirtieth day of June in each year prepare and present to the Governor a report on the administration of the College during the previous calendar year.

(2) The Minister shall cause a copy of the report to be laid as soon as practicable before each House of Parliament.

Accounts and audit.

25. (1) The College shall cause proper accounts to be kept of its financial affairs.

(2) The Auditor-General may, at any time, and shall at least once in every calendar year, audit the accounts of the College.

(3) For the purpose of the audit, the Auditor-General shall have, and may exercise, in relation to the accounts of the College and the officers and employees of the College, the same powers as are vested by the Audit Act, 1921-1972¹, in the Auditor-General in relation to public accounts and accounting officers.

Financial provision.

26. (1) The Treasurer shall pay to the College in each financial year such amounts as may be necessary in his opinion for the purpose of enabling the College adequately to perform and discharge its functions and duties under this Act.

(2) The College shall pay to the Treasurer, at such times as the Treasurer may determine, so much of the net income of the College from primary production and agricultural processing industries as may be determined by the Minister after consultation with the South Australian Board of Advanced Education and the Treasurer.

(3) The College shall submit to the South Australian Board of Advanced Education at such times, and in such form as the Board may require, such information in relation to the financial requirements of the College as the Board may require.

Borrowing of money.

27. (1) The College may, with the approval of the Treasurer, borrow money for the purpose of enabling it to perform its functions under this Act.

(2) The re-payment of any money so borrowed, and the interest thereon, is hereby guaranteed by the Treasurer.

(3) The Treasurer may, without any authority other than this section, pay out of the general revenue of the State any moneys required for the purpose of discharging obligations arising by virtue of a guarantee under this section.

Exemption from certain charges.

28. The College shall be exempt from—

(a) any gift duty under the Gift Duty Act, 1968-1969²;

(b) any land tax under the Land Tax Act, 1936-1972³;

and

(c) any rates under the Local Government Act, 1934-1972⁴.

¹ Now Audit Act, 1921-1975.

² Now Gift Duty Act, 1968-1975.

³ Now Land Tax Act, 1936-1975.

⁴ Now Local Government Act, 1934-1975.

29. The Public Service Act, 1967-1972¹, shall not apply to the College or to any employee of the College in his capacity as an employee of the College.

Exemption
from the
provisions of
the Public
Service Act.

¹ Now Public Service Act, 1967-1975.