

SOUTH AUSTRALIAN INSTITUTE OF TECHNOLOGY ACT, 1972

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SOUTH AUSTRALIAN INSTITUTE OF TECHNOLOGY ACT, 1972

being

South Australian Institute of Technology Act, 1972, No. 57 of 1972 [Assented to 27th April, 1972]¹.

An Act to provide for the continuation of the South Australian Institute of Technology; to provide for its administration and define its powers, functions, duties and obligations; to repeal the South Australian Institute of Technology Act, 1892-1967²; 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 "South Australian Institute of Technology Act, 1972". Short title.

2. This Act shall come into operation on a day to be fixed by proclamation¹. Commence-
ment.

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

Interpretation.

"appointed member" of the Council, means a member of the Council appointed by the Governor:

"elected member" of the Council means a member of the Council elected by the academic staff, the ancillary staff, or the students of the Institute:

"student" means a person enrolled as a student of the Institute:

"student member" of the Council means a member of the Council elected by the students of the Institute:

"the academic staff" means the persons holding office in the Institute as Heads of Schools, Heads of Departments, Principal Lecturers, Senior Lecturers, Lecturers and Assistant Lecturers and such other persons as are classified by the Council as members of the academic staff:

"the ancillary staff" means all persons in the full-time employment of the Council other than the academic staff:

"the Council" means the Council of the South Australian Institute of Technology:

"the Director" means the Director of the Institute:

"the Institute" means the South Australian Institute of Technology:

¹ Came into operation 15th June, 1972: *Gaz.* 15th June, 1972, p. 2322.

² This must be a reference to the Institute of Technology Act, 1892-1967.

“the Institute grounds” means all land—

- (a) held under any tenure by the Council;
- (b) placed under the care, control and management of the Council under this Act, or the repealed Act, and for the time being continuing under that care, control and management;

or

- (c) used by the Council for, or in connection with, the performance of the functions of the Institute,

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

“statutes” means statutes made under this Act:

“the repealed Act” means the Institute of Technology Act, 1892-1967, repealed by this Act.

Repeals and
saving
provisions.

4. (1) The following Acts are repealed:—

- the School of Mines and Industries Act, 1892;
- the School of Mines and Industries Act Amendment Act, 1959;
- the Institute of Technology Act Amendment Act, 1967.

(2) Subject to this Act, the repeals effected by this Act do not affect—

- (a) the continuity of status of any member, officer or employee of the Council holding office immediately before the commencement of this Act;
- (b) the validity of any degree, diploma, certificate or award conferred or granted pursuant to the repealed Act;
- (c) the validity of any decision or act of the Council made or performed under the repealed Act;

or

- (d) the validity of any instrument conferring or imposing legal rights or obligations, made in pursuance of the repealed Act.

(3) The rules and regulations made pursuant to the repealed Act and in force immediately before the commencement of this Act shall remain in force until revoked or superseded by statutes or by-laws under this Act.

Continuance
and functions of
the Institute.

5. (1) Notwithstanding the repeals effected by this Act, the South Australian Institute of Technology shall continue to exist and shall have the functions, powers, duties, rights and obligations prescribed by this Act.

(2) The functions of the Institute shall be:—

- (a) to provide advanced education and training in applied science, technologies, applied arts, administration, commerce and such other fields of knowledge as the Council may determine;
- (b) to develop liberally-conceived educational programmes and an active corporate life;
- (c) to promote the dissemination and practical application of knowledge in the fields with which the Institute is concerned, for the advancement of industry and commerce and the benefit of the general community.

6. (1) The Council of the South Australian Institute of Technology shall continue to exist without change of its corporate identity and—

Continuance of
status of the
Council.

- (a) shall have perpetual succession and a common seal;
 - (b) may take, purchase, receive, hold and dispose of real and personal property of any kind or any interest therein;
 - (c) shall be capable of acquiring or incurring any other legal rights or liabilities;
- and
- (d) may institute, defend or otherwise be a party to legal proceedings of any kind.

(2) Where an apparently genuine document purports to bear the common seal of the Council, it shall be presumed in the absence of evidence to the contrary that the common seal of the Council was duly affixed to that document.

7. (1) Until a day to be fixed by the Governor by proclamation, the Council shall continue to be constituted in accordance with the repealed Act.

Constitution of
the Council.

(2) On and after the day so fixed the Council shall consist of twenty-one members namely—

- (a) the Director, who shall be a member by virtue of his office as Director;
 - (b) five members of the academic staff elected by the academic staff;
 - (c) one member of the ancillary staff elected by the ancillary staff;
 - (d) two students of the Institute elected by the students of the Institute;
- and
- (e) twelve persons (of whom at least two shall be persons holding an award of the Institute or of the South Australian School of Mines and Industries) appointed by the Governor on the nomination of the Minister of Education.

8. (1) Subject to this section, an appointed member of the Council shall hold office for such term, not exceeding three years, as the Governor specifies in the instrument of his appointment.

Terms and
conditions of
office.

(2) Subject to this section, an elected member (other than a student member) shall hold office for a term of three years.

(3) Subject to this section, a student member shall hold office for a term of two years.

(4) An appointed member or an elected member shall, at the expiration of his term of office be eligible for re-appointment or re-election.

(5) A member of the Council shall hold office subject to such conditions as may be prescribed by the statutes.

(6) A person appointed or elected to a casual vacancy on the Council shall hold office for the balance of the term of his predecessor.

(7) Where an elected member of the Council does not continue in the capacity in which he was elected a member of the Council, he may continue as a member of the Council until the day on which an election of candidates in that capacity is next held, but shall then vacate his office.

The President
and Vice-
President of the
Council.

9. (1) The Council shall, from time to time as occasion requires, appoint from its own membership a President and a Vice-President.

(2) The term of office of a President or 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) The President and Vice-President of the Council holding office immediately before the commencement of this Act shall, subject to this Act and the statutes, continue in office until other appointments are made to their respective offices.

Conduct of
Council's
business.

10. (1) Every matter arising for the decision of the Council shall be decided by the votes of a majority of the members of the Council present at a meeting of the Council.

(2) A question shall not be decided at a meeting of the Council unless at least eleven members of the Council are present.

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

(4) Each member shall be entitled to one vote on every matter arising for decision at a meeting of the Council, and in the event of an equality of votes, the person presiding at that meeting shall have, and may exercise, a second or casting vote.

Validity of
decisions and
acts.

11. A decision or act of the Council or of any committee or board appointed by the Council shall not be invalid solely on the ground of a vacancy in the office of any member of the Council, committee or board.

Management of
Institute by
Council.

12. (1) Subject to this Act and the statutes in force under this Act, the Council:—

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

(b) may appoint and dismiss members of the academic staff, examiners, officers and other employees;

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

(2) The Council may delegate any of its powers under this Act (except this power of delegation) to any member, officer or employee of the Council.

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

Degrees and
awards.

13. (1) The Council may—

(a) confer degrees 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) confer fellowships, diplomas, certificates or other awards of such kinds as are prescribed by the statutes or determined by the Council upon persons who comply with requirements so prescribed or determined.

(2) The Council may also confer honorary fellowships, degrees or diplomas, or degrees or diplomas *ad eundem gradum*, on persons whom the Council deems deserving of them by reason of their attainments or public services.

(3) The Council may award scholarships granting such privileges or concessions in relation to tuition and such financial assistance as the Council determines.

14. (1) The Council shall, upon the occurrence of a vacancy in the office of Director of the Institute, appoint a suitable person to that office. The Director of the Institute.

(2) The Director shall be responsible to the Council for the management and conduct of the Institute.

(3) The Director shall hold office subject to conditions prescribed by the statutes.

(4) The person holding office as Director of the Institute immediately before the commencement of this Act shall, subject to this Act, and the statutes, continue in that office.

15. (1) Subject to this section, the Governor may, by proclamation:—

Power to make Crown land available to Institute.

(a) direct that any unalienated Crown land be placed under the care, control and management of the Council for purposes of this Act;

(b) resume any such land previously placed under the care, control and management of the Council by proclamation under this Act or the repealed Act.

(2) Land shall not be placed under the care, control and management of the Council, or resumed, by proclamation under this section unless a notice of intention to make the proclamation and plans of the land are laid before each House of Parliament at least twenty-one sitting days before the making of the proclamation.

(3) The Minister may, subject to, and in accordance with the Land Acquisition Act, 1969¹, acquire land for the purposes of the Institute.

16. (1) The Council shall keep proper accounts of its income, expenditure and other financial transactions. Accounts and audit.

(2) The accounts shall be annually audited by the Auditor-General of the State.

(3) For the purpose of the audit the Auditor-General shall have and may exercise in respect of the moneys and accounts of the Institute and the officers of the Institute and other persons dealing with the Institute the same powers as are vested by the Audit Act, 1921, as amended², in the Auditor-General in respect of public moneys, public accounts and accounting officers.

17. (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 work and proceedings of the Institute during the previous calendar year, and containing an abstract of the accounts of the Institute. Annual report.

(2) The report shall be laid before Parliament.

¹ Now Land Acquisition Act, 1969-1972.

² Now Audit Act, 1921-1975.

Statutes.

18. (1) The Council may make, alter and repeal statutes for 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 of the Council;
- (c) the conditions upon which the President, Vice-President, the Director or any other member, officer or employee of the Council shall hold office;
- (d) the management, government and discipline of the Institute;
- (e) the academic staff and the examiners, officers and other members of the staff of the Institute;
- (f) the qualifications required for admission to any course or courses at the Institute;
- (g) fellowships, degrees, diplomas, certificates, scholarships, exhibitions and other awards which may be granted by the Institute including the conditions to be complied with in order to obtain any such award;
- (h) fees payable to the Institute for lectures and other instruction or any facility or service provided by the Institute, or for the grant of any fellowship, degree, diploma, certificate or other award;
- (i) lectures, classes and examinations;
- (j) residential accommodation for students;
- (k) the establishment and management of branches of the Institute;
- (l) co-operation between the Institute and any university or college or other educational institution;
- (m) the maintenance of good order and discipline in the Institute;
- (n) the establishment of a board of discipline, and its practice, procedure, jurisdiction and powers (which may include powers to punish by a monetary penalty, by expulsion or suspension from the Institute, or by exclusion from rights, privileges or benefits conferred by, or arising under, this Act, or the statutes);
- (o) any matter incidental to any of those previously mentioned in this section;
- (p) any other matter necessary or expedient for the management of the Institute or any other matter arising in the administration of this Act.

(2) Every statute made pursuant to this section:—

- (a) shall be sealed with the seal of the Council and submitted to the Governor for confirmation;
- (b) after confirmation shall be published in the *Gazette* and laid before Parliament;
- (c) shall take effect on the day when it is published in the *Gazette* or any later day prescribed in the statute.

(3) A monetary penalty imposed for an offence against a statute shall be a debt due to the Council and may be recovered by the Council by action in a local court.

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

- (a) to prohibit persons from trespassing on the Institute grounds;
- (b) to prevent damage to the Institute grounds (including any fixtures, chattels, trees, shrubs, bushes, flowers, gardens and lawns on those grounds);
- (c) to regulate the speed at which vehicles or animals may be driven or ridden on the Institute grounds;
- (d) to prohibit dangerous or careless driving or riding of vehicles or animals on the Institute grounds;
- (e) to restrict or prohibit the driving of vehicles upon the Institute grounds according to the laden weight of the vehicle, or any part of the vehicle;
- (f) to prescribe the route to be followed by traffic on roads, ways or tracks within the Institute grounds and the gates to be used for the entrance and exit of vehicles and pedestrians and to require the observance of one-way traffic rules on specific roads, ways or tracks;
- (g) to prohibit or regulate the parking, ranking, placing and arranging of vehicles on the Institute grounds and to empower authorized persons to remove any vehicle from the Institute grounds without assigning any reason;
- (h) requiring drivers and persons in charge of vehicles on the Institute grounds to comply with traffic directions (which may include directions as to the speed of vehicles, the course and direction of vehicles, the parking or standing of vehicles, and any other matters required for order or safety);
- (i) generally to regulate traffic of all kinds on the Institute grounds;
- (j) to prohibit disorderly or offensive behaviour by persons on the Institute grounds and to empower persons authorized by the Director to remove from those grounds persons guilty of disorderly or offensive behaviour thereon;
- (k) to prohibit, restrict or regulate the consumption of alcoholic liquor on the Institute grounds and the bringing of alcoholic liquor on to those grounds, and to empower authorized persons to remove from the Institute grounds any intoxicated person and to search the Institute grounds and vehicles thereon for alcoholic liquor and to seize any liquor reasonably suspected of having been brought on to the Institute grounds contrary to any by-law;
- (l) to empower the Council to take possession of any liquor brought on to the Institute grounds contrary to any by-law and to retain such possession until the liquor is removed or delivered for removal from those grounds;
- (m) to prevent persons from climbing on fences or buildings or walking over gardens or lawns on the Institute grounds;
- (n) to regulate the conduct of open air and indoor meetings held on the Institute grounds;
- (o) to prevent the interruption of lectures or meetings by noise or unseemly behaviour on the Institute grounds (whether within or

outside buildings) and to prevent undue noise from motor vehicles on the Institute grounds;

(p) to prescribe fines recoverable summarily not exceeding fifty dollars for any contravention of any by-law;

(q) to prescribe any other matters necessary or expedient for the maintenance of good order on the Institute grounds or for protection of the property of the Institute or for preventing hindrance to or interference with the work or other activities conducted on the Institute grounds;

(r) to declare that any by-law shall apply only in relation to a specified part of the Institute grounds.

(2) Every by-law made under this section:—

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

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

(c) shall subject to subsection (3) of this section take effect from the day of publication in the *Gazette* or any later day prescribed in the by-law.

(3) If either House of Parliament, pursuant to a notice of motion given within fourteen sitting days after the by-law has been laid before that House, passes a resolution disallowing the by-law, it shall cease to have effect but without affecting the validity or curing the invalidity of anything done or omitted since it came into effect.

(4) Notice of a resolution passed as mentioned in subsection (3) of this section shall be forthwith published in the *Gazette*.

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

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

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

Validity and
effect of
statutes and
by-laws.

20. (1) When a statute or by-law has been confirmed by the Governor and published in the *Gazette* all conditions precedent to the making thereof shall be conclusively deemed to have been fulfilled.

(2) Section 38 of the Acts Interpretation Act, 1915-1919¹, 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 made under this Act, the offender may be charged and punished under either the statute or by-law, but not both.

¹ This must be a reference to the Acts Interpretation Act, 1915-1971 (now Acts Interpretation Act, 1915-1975).

21. The Council shall not discriminate against or in favour of any person on grounds of sex, race, or religious or political belief.

Council not to discriminate on grounds of sex, race, or religious or political belief.