



ANNO VICESIMO PRIMO

ELIZABETHAE II REGINAE

A.D. 1972

No. 148 of 1972

An Act for the establishment of the Torrens College of Advanced Education; to provide for its administration and define its powers, functions, duties and obligations; to incorporate within the College the educational institutions presently known as the "South Australian School of Art" and the "Western Teachers College"; and for other purposes.

[Assented to 7th December, 1972]

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 "Torrens College of Advanced Education Act, 1972". Short title.

2. This Act shall come into operation on a day to be fixed by proclamation. Commencement.

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

"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 senior lecturers, lecturers or assistant lecturers and includes 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 College other than as members of the academic staff:

“the College” means the Torrens College of Advanced Education established under this Act:

“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, the 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 under this Act:

“the Minister” means the Minister of Education.

**Establishment
of the College.**

4. (1) There shall be a College entitled the “Torrens College of Advanced Education”.

(2) The educational institutions known immediately before the commencement of this Act as the “South Australian School of Art” and the “Western Teachers College” are incorporated with, and form part of, the College.

(3) 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.

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

5. The functions of the College are as follows:—

Functions of
the College.

- (a) the provision of advanced education and training in applied arts and fine arts;
(b) the provision of advanced education and training in the theory and practice of education and in such other fields as may, in the opinion of the Council, be necessary for the proper education and training of those who seek to enter the profession of teaching;
(c) the provision of advanced education and training in such other fields of knowledge or expertise as the Council may, after consultation with the South Australian Board of Advanced Education, determine;
(d) the fostering and furtherance of an active corporate life within the College;
(e) the dissemination of knowledge in the fields with which the College is concerned to the advancement of the public interest;
and
(f) the provision of post-graduate, or practical courses for the benefit of those engaged in occupations for which the College provides training.

6. (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 in accordance with the statutes.

(2) The College may award scholarships conferring such privileges or concessions in relation to tuition as the College may determine.

Prohibition
against
discrimination

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

The Council of
the College.

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

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

- (a) the Director, who shall be a member of the Council *ex officio*;
- (b) the Principal of the school, department or division established within the College known as the "South Australian School of Art" who shall be a member of the Council *ex officio*;
- (c) three members of the academic staff of the College elected by the academic staff;
- (d) three students of the College elected by the students;
- (e) one member of the ancillary staff elected by the ancillary staff;
- (f) one person appointed by the Governor on the nomination of the Director-General of Education;
- (g) one person appointed by the Governor on the nomination of the Director of Further Education;
- (h) three persons with extensive experience in education appointed by the Governor of whom—
 - (i) two have been nominated by the Minister after consultation with the South Australian Institute of Teachers;

and

- (ii) one is a person with extensive knowledge of, or experience in, independent schools in this State, nominated by the Minister;
- (i) two persons employed upon the academic 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;
- (j) eight other persons (not being persons employed on the staff of any College of Advanced Education) appointed by the Governor on the nomination of the Minister of whom at least two are, in the opinion of the Minister, persons of established competence in fine arts;

and

- (k) any person co-opted to membership of the Council under this section.

(3) The Council may from time to time co-opt persons to membership of the Council but there shall not be more than two such members at any one time.

(4) If before the commencement of this Act the Minister caused elections to be held in which—

(a) the academic staff of the South Australian School of Art constituted one electorate and elected one of their number to membership of the Council;

(b) the academic staff of the Western Teachers College constituted one electorate and elected one of their number to membership of the Council;

and

(c) the combined academic staff of the South Australian School of Art and the Western Teachers College constituted one electorate and elected one of their number to membership of the Council,

the persons so elected shall be deemed to have been elected to membership of the Council under paragraph (c) of subsection (2) of this section upon the commencement of this Act.

(5) If before the commencement of this Act the Minister caused elections to be held in which—

(a) the students of the South Australian School of Art constituted one electorate and elected one of their number to membership of the Council;

(b) the students of the Western Teachers College constituted one electorate and elected one of their number to membership of the Council;

and

(c) the students of the South Australian School of Art and the Western Teachers College constituted a combined electorate and elected one of their number to membership of the Council,

the persons so elected shall be deemed to have been elected to membership of the Council under paragraph (d) of subsection (2) of this section upon the commencement of this Act.

(6) If before the commencement of this Act the Minister caused an election to be held in which those persons who are, in the opinion of the Minister, likely to constitute the ancillary staff of the College constituted an electorate and elected one of their number to membership of the Council the person so elected shall be deemed to have been elected to membership of the Council under paragraph (e) of subsection (2) of this section upon the commencement of this Act.

(7) 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.

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

(2) The term of office of the 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) No member of the academic staff or the ancillary staff of the College, and no student of the College shall be eligible for election as President or Vice-President of the Council under this section.

Term of
office of
members of
the Council.

10. (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.

(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 appointed or elected 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 may nevertheless continue as a member of the Council until the expiration of his term of office.

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

(a) for dishonest or dishonourable conduct;

or

(b) 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 meetings of the Council for a period of three months.

Conduct of
business by
the Council.

11. (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.

(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 produced by 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 chairman 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 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.

12. 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.

13. (1) The Council—

Powers of
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.

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

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

Collaboration
with other
bodies
concerned with
education.

(a) the South Australian Board of Advanced Education;

(b) the Education Department, and the Department of Further Education;

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- (c) the Australian Council on Awards in Advanced Education;
 - (d) the Australian Commission on Advanced Education;
 - and
 - (e) any other body constituted under the law of the State or the Commonwealth with which collaboration is desirable in the interests of promoting the objects of this Act.

(2) 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 College 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.**

15. (1) The Council may establish such schools, departments or divisions within the College as it considers necessary or expedient for the purposes of the College.

(2) There shall be a school, department or division within the College for the purpose of providing theoretical and practical education and training in fine arts which shall be the successor to, and shall continue to be known as, the "South Australian School of Art".

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

(4) A committee or board appointed under this section will consist of such members as the Council thinks fit to appoint to that committee or board.

(5) 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.

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

(2) The first Director of the College shall be a person nominated for the purpose by the Minister.

(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 the Director, as may be determined by the Council.

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

Student
bodies.

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

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

Vesting of
property in
the College.

(2) The Registrar-General shall, upon lodgment of any such direction in the Land Titles Registration Office, together with the duplicate certificates of title (if any) relating to the land, 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.

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

(4) 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.

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

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

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

19. (1) Any person employed under the Public Service Act, or the Education Act, who was immediately before the appointed day engaged in academic or administrative functions in 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 employees 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 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.

**Power to
make statutes.**

20. (1) The Council may make, alter and repeal 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 of the Council;
- (c) the conditions upon which the President, Vice-President, the Director, or any other member, officer, or employee of the College shall hold office;
- (d) the management of the College;
- (e) the qualifications required for admission for any course or courses of education or training provided by the College;
- (f) the conferring of fellowships, degrees, diplomas, certificates, scholarships, exhibitions, prizes and other awards in accordance with this Act;
- (g) the fees payable to the College by students, or any class of students for instruction or training provided by the College;
- (h) the fees payable to the College for the grant of any fellowship, degree, diploma, certificate, or other award;
- (i) the fees payable to the College for any other purpose, or payable to any union, association or council of students, or students and staff, of the College;
- (j) the abatement or waiver of fees;
- (k) courses of instruction, lectures and classes to be provided by the College;
- (l) examinations, and other methods of assessing the academic attainments and performance of students;
- (m) residential accommodation for students and the licensing of boarding houses;
- (n) the establishment and management of branches of the College;
- (o) co-operation between the College and any University or other college or educational institution and the affiliation of educational institutions with the College;

- (p) the maintenance of good order and discipline in the College;
- (q) 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 College, or by exclusion from rights, privileges or benefits conferred by, or arising under, this Act or the statutes);
- (r) the establishment and administration of a fund for the purpose of assisting students in necessitous circumstances; and
- (s) any other matter 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 Board of Advanced Education.

(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 statute.

(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 this 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.

21. (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 lawns on those grounds);

- (c) to regulate the speed at which vehicles may be driven on the College grounds;
- (d) to prohibit dangerous or careless driving of vehicles on the College grounds;
- (e) to restrict or prohibit the driving of any vehicle upon the College 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 College 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 specified roads, ways or tracks;
- (g) 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;
- (h) 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 or standing of vehicles, and any other matters required for order or safety);
- (i) generally to regulate traffic of all kinds on the College grounds;
- (j) 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;
- (k) to regulate, restrict or prohibit the consumption of alcoholic liquor on the College grounds and the bringing of alcoholic liquor onto those grounds, and to provide for the removal of intoxicated persons from the College grounds;
- (l) to provide for the seizure and confiscation of alcoholic liquor that has been brought onto the College grounds in contravention of a by-law;
- (m) to prevent persons from climbing on fences or buildings or walking on buildings and over gardens or lawns on the College grounds;
- (n) to regulate the conduct of meetings on the College grounds;
- (o) 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;

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- (p) to prescribe fines recoverable summarily, not exceeding fifty dollars, for contravention of any by-law;
 - (q) 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;
 - (r) to limit the operation of any by-law 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.

(3) Every by-law made 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 for 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 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 upon that person a notice to the effect that he may expiate the offence by payment to the College of an amount specified in the notice, being an amount fixed by by-law, within a time fixed in the notice, and if the offence is so expiated no proceedings shall be commenced in any court in respect of the alleged offence.

Validity of statutes and by-laws.

22. (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.

(2) Section 38 of the Acts Interpretation Act 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, adopt with such adaptations and modifications as it considers necessary any statutes and by-laws of the South Australian Institute of Technology approved for adoption under this section by the South Australian Board of Advanced Education, and any rules or regulations under which the South Australian School of Art or the Western Teachers College was administered immediately before the commencement of this Act.

(6) Any statutes, rules, regulations or by-laws 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 expiration of two years from the commencement of this Act) specified in the resolution.

Annual report.

23. (1) The Council shall, not later than the thirtieth day in June 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.

24. (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 purposes 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 in the Auditor-General in relation to public accounts and accounting officers.

25. (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. Financial provision.

(2) 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.

26. (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. Borrowing of money.

(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.

27. The College shall be exempt from—

- (a) any gift duty under the Gift Duties Act;
- (b) any land tax under the Land Tax Act;
- and
- (c) any rates under the Local Government Act.

Exemption from certain charges.

28. (1) The Education Act, 1917-1971, shall not apply to the College, or to any employee of the College in his capacity as an employee of the College. Exemption from provisions of certain Acts.

(2) The Public Service Act, 1967-1972, shall not apply to the College or any employee of the College in his capacity as an employee of the College.

In the name and on behalf of Her Majesty, I hereby assent to this Bill.

M. L. OLIPHANT, Governor