



ANNO TRICESIMO OCTAVO

ELIZABETHAE II REGINAE

A.D. 1989

No. 2 of 1989

An Act to amend the Tertiary Education Act, 1986.

[Assented to 9 March 1989]

The Parliament of South Australia enacts as follows:

Short title

1. (1) This Act may be cited as the *Tertiary Education Act Amendment Act, 1989*.
- (2) The *Tertiary Education Act, 1986*, is in this Act referred to as “the principal Act”.

Commencement

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

Insertion of heading

3. The following heading is inserted before section 1 of the principal Act.

PART I PRELIMINARY

Interpretation

4. Section 3 of the principal Act is amended by inserting in subsection (1) after the definition of “institution of tertiary education” the following definition:

“language studies” means—

- (a) the study of a language for the purpose of learning to communicate in that language;
- (b) the study of the literature of a language;
- (c) the study of the history and development of a language;
- (d) any other study related to a language..

Insertion of heading

5. The following heading is inserted before section 4 of the principal Act.

PART II

ACCREDITATION OF COURSES AND INTRODUCTION OF NEW COURSES

Insertion of heading

6. The following heading is inserted before section 8 of the principal Act.

PART III

THE ADVISORY COUNCIL ON TERTIARY EDUCATION

Insertion of new Part

7. The following Part is inserted after section 9 of the principal Act:

PART IV

THE SOUTH AUSTRALIAN INSTITUTE OF LANGUAGES

The South Australian Institute of Languages

9a. (1) The *South Australian Institute of Languages* continues in existence.

(2) The Institute is a body corporate.

(3) The Institute has full juristic capacity to exercise any powers that are by their nature capable of being exercised by a body corporate.

(4) Where a document appears to bear the common seal of the Institute, it will be presumed, in the absence of proof to the contrary, that the document was duly executed by the Institute.

Membership of the Institute

9b. (1) The Institute will consist of eleven members appointed by the Minister, of whom—

- (a) one will be a person chosen from a panel of three nominated by the Minister of Ethnic Affairs;
- (b) one will be a person chosen from a panel of three nominated by the Minister of Education;
- (c) one will be a person chosen from a panel of three nominated by The University of Adelaide;
- (d) one will be a person chosen from a panel of three nominated by The Flinders University of South Australia;
- (e) one will be a person chosen from a panel of three nominated by the Roseworthy Agricultural College;
- (f) one will be a person chosen from a panel of three nominated by the South Australian College of Advanced Education;
- (g) one will be a person chosen from a panel of three nominated by the South Australian Institute of Technology;
- (h) one will be a person chosen from a panel of three nominated by the Director-General of Technical and Further Education;
- (i) one will be a person chosen from a panel of three nominated by the Commonwealth Minister responsible for tertiary education.

(2) One of the members of the Institute appointed without nomination may be appointed by the Minister to be the presiding member of the Institute and the other

such member may be appointed by the Minister to be the deputy presiding member of the Institute.

(3) In making appointments under subsection (1), the Minister should ensure, as far as practicable—

(a) that men and women are equally represented;

and

(b) that the interests of the major cultural groups comprising the South Australian community are represented.

Conditions of membership

9c. (1) A member of the Institute may be appointed for such term of office, not exceeding two years, and on such conditions as the Minister determines and specifies in the instrument of appointment.

(2) A member of the Institute is eligible for reappointment on the expiration of a term of office.

(3) The office of a member of the Institute becomes vacant if the member—

(a) dies;

(b) completes a term of office and is not reappointed;

(c) resigns by written notice addressed to the Minister;

(d) is removed from the office by the Minister on the grounds of—

(i) any breach of, or non-compliance with, conditions of appointment;

(ii) mental or physical incapacity to carry out official duties satisfactorily;

(iii) neglect of duty;

or

(iv) misconduct.

(4) On the office of a member of the Institute becoming vacant, a person may be appointed in accordance with this Part to the vacant office.

(5) A member of the Institute whose term of office expires may continue to act as a member until the appointment of a replacement.

Procedure at meetings

9d. (1) The presiding member or, in his or her absence, the deputy presiding member will preside at a meeting of the Institute and, in the absence of both, a member chosen by the members present at the meeting will preside at the meeting.

(2) Six members constitute a quorum at a meeting of the Institute.

(3) A decision in which a majority of the members present at a meeting concur is a decision of the Institute.

(4) The Institute must keep minutes of its proceedings.

(5) Subject to this Part, the Institute may decide its own procedures.

Functions and powers of the Institute

9e. (1) The functions of the Institute are as follows:

(a) to advise the Minister on—

(i) the need for courses in language studies in institutions of tertiary education;

- (ii) courses, and the development and maintenance of courses, in language studies including—
 - (A) courses that form part of other courses
 - and
 - (B) courses designed for teachers of language studies, interpreters or any other persons who use language in the course of employment or business;
 - (iii) the best methods by which interested members of the public can gain access to courses in language studies offered outside South Australia;
- (b) to advise the principal institutions of tertiary education on—
- (i) the provision of courses in language studies, and the co-ordination of courses in language studies offered, by the principal institutions;
 - (ii) the recognition and accreditation of courses in language studies offered by the principal institutions;
- (c) to co-operate with the principal institutions of tertiary education in relation to the provision and development of courses in language studies;
- (d) to provide courses (but not courses leading to academic awards) in areas related to language studies;
- (e) to provide the public with information about opportunities to study, learn or teach languages;
- (f) to conduct research in relation to language studies.
- (2) The Institute may—
- (a) establish committees (which may, but need not, consist of or include members of the Institute) to advise the Institute on any aspect of its functions;
 - (b) delegate any of its functions or powers to any such committee or any member or employee of the Institute;
 - (c) charge a fee for any service provided to a member of the public or an institution of tertiary education.
- (3) The Institute should, in performing its functions and exercising its powers, consult as far as practicable with—
- (a) the principal institutions of tertiary education;
 - (b) the South Australian Government;
- and
- (c) the Commonwealth Government,
- on matters pertaining to language studies.

Staff of the Institute

9f. The Institute may, with the Minister's approval, appoint staff to assist it in carrying out its functions.

Report

9g. (1) The Minister must, in June 1991, arrange for a suitable person, or group of persons, who is, or are, independent of the Institute to prepare a report on the Institute's performance of its functions under this Part.

(2) The Minister must, within six sitting days after receiving the report, cause copies of it to be laid before both Houses of Parliament.

Insertion of heading

8. The following heading is inserted before section 10 of the principal Act.

PART V
MISCELLANEOUS

Repeal of section 10a

9. Section 10a of the principal Act is repealed.

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

D. B. DUNSTAN, Governor