



# UNIVERSITY OF SOUTH AUSTRALIA (COUNCIL MEMBERSHIP) AMENDMENT ACT 1992

No. 11 of 1992

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**ELIZABETHAE II REGINAE**

**A.D. 1992**

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**No. 11 of 1992**

**An Act to amend the University of South Australia Act 1990.**

[Assented to 16 April 1992]

The Parliament of South Australia enacts as follows:

**Short title**

1. (1) This Act may be cited as the *University of South Australia (Council Membership) Amendment Act 1992*.

(2) The *University of South Australia Act 1990* is referred to in this Act as “the principal Act”.

**Commencement**

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

**Amendment of s. 3—Interpretation**

3. Section 3 of the principal Act is amended—

(a) by inserting before the definition of “the Council” the following definition:

“the Academic Board” means the committee established by the Council under that title:

“academic staff” means those employees of the University who are classified by the Council as members of the academic staff;

(b) by inserting after the definition of “the Council” the following definitions:

“the general staff” means those employees of the University who are classified by the Council as members of the general staff:

“graduate” means a person on whom the University has conferred an academic award, including an honorary award and an award conferred jointly with another university:

“postgraduate student” means a student enrolled at the University in a course designated by the statutes to be a postgraduate course:

“undergraduate student” means a student enrolled at the University in a course designated by the statutes to be an undergraduate course:.

**Amendment of s. 6—Powers of the University**

4. Section 6 of the principal Act is amended by inserting after subsection (1) the following subsection:

(1a) The power to confer academic awards under subsection (1) includes the power to confer academic awards jointly with any other university.

**Insertion of s. 9a**

5. The following section is inserted in Part II of the principal Act after section 9:

**Charitable funds for students**

9a. The University may establish a fund to be applied towards assisting students of the University who are in necessitous circumstances.

**Amendment of s. 10—Establishment of the Council**

6. Section 10 of the principal Act is amended by striking out subsections (3) to (8) and substituting the following subsections:

(3) The Council will consist of the following members:

*Ex officio members:*

(a) the Chancellor;

(b) the Vice Chancellor;

(c) —

(i) the presiding member of the Academic Board;

or

(ii) the deputy presiding member of the Academic Board, if the Vice Chancellor is the presiding member of the Academic Board;

(d) —

(i) the presiding member of the students association, if such an association has been formed and has been approved by the Council pursuant to this Act;

or

(ii) the presiding member of a students association nominated by the Council, if more than one such association exists;

*Appointed members:*

(e) six persons appointed by the Governor, on the nomination of the Minister made with the agreement of the Leader of the Opposition in the South Australian Parliament, at least two of whom must have expertise in financial management;

(f) two Members of the South Australian Parliament appointed by the Governor pursuant to a recommendation contained in an address from both Houses of the Parliament;

(g) such number of persons (if any), but not exceeding two, as the Council may co-opt and appoint as members of the Council;

*Elected members:*

(h) two members of the association of the graduates of the University (if one has been formed), elected by the members of the association;

- (i) four members of the academic staff, elected by the academic staff;
  - (j) two members of the general staff, elected by the general staff;
  - (k) two students of the University, elected by the students of the University.
- (4) Of the members of the Council who are students of the University, one must be a postgraduate student and the others undergraduate students.
- (5) A person is not eligible to be appointed as a member by the Governor, to be elected by the association of graduates or to be co-opted by the Council if he or she is an employee or student of the University.

### Substitution of s. 11

7. Section 11 of the principal Act is repealed and the following sections are substituted:

#### Term of office

11. (1) Subject to this section, an appointed member (other than a Parliamentary member) will be appointed for a term of four years.

(2) Of the members first so appointed to the Council, half of them (and the members to which this applies will be determined by lot) will be appointed for a term of two years.

(3) Subject to this section, an elected member will be elected to office for a term of two years.

(4) Of the first members so elected to the Council, half of each category of them (and the members to which this applies will be determined by lot) will be elected for a term of one year.

(5) At the expiration of a term of office, an appointed or elected member is, if otherwise qualified, eligible for reappointment or re-election.

(6) The Governor may remove an appointed or elected member of the Council (other than a Parliamentary member) from office for—

- (a) mental or physical incapacity to carry out official duties satisfactorily;
  - (b) failing, without reasonable excuse, to comply with the Council's requirements in relation to attendance at Council meetings;
  - (c) becoming a bankrupt or insolvent debtor or being bound by a composition in favour of creditors;
  - (d) conviction of an indictable offence;
- or
- (e) serious misconduct.

(7) The office of an appointed or elected member becomes vacant if the member—

- (a) dies;
- (b) completes a term of office and is not reappointed or re-elected;
- (c) ceases or fails to meet the criteria by virtue of which he or she was appointed or elected to office;
- (d) resigns by notice in writing addressed to the Chancellor;
- (e) ceases, in the case of a Parliamentary member, to be a Member of Parliament (except pursuant to expiry of his or her term of office as such or on dissolution or expiry of the term of the House of which he or she is a Member);

or

(f) is removed from office by the Governor under subsection (6).

(8) If a member of the Council is appointed by the Council to be the Chancellor, a casual vacancy occurs in the office held by that member.

(9) On the office of an appointed or elected member of the Council becoming vacant pursuant to this section, a person must be appointed or elected, as the case may require, to the vacant office in accordance with this Act.

(10) A member appointed or elected to fill a casual vacancy in the membership of the Council will be taken to have been so appointed or elected when his or her predecessor was last appointed or elected to the Council.

#### **Term of office of Parliamentary members**

11a. (1) At the commencement of every Parliament, two Members of the Parliament must be jointly recommended by the House of Assembly and the Legislative Council for appointment by the Governor as members of the Council.

(2) The Parliamentary members of the Council will, subject to this Act, hold office until further appointments are made under subsection (1) upon which they will, unless reappointed, vacate their offices.

#### **Amendment of s. 12—Chancellor and Deputy Chancellor**

8. Section 12 of the principal Act is amended by striking out subsections (2) to (4) and substituting the following subsections:

(2) The Council may appoint an appointed member of the Council (other than a Parliamentary member or a co-opted member) or any other suitable person to the office of Chancellor for a term of four years and on such other terms and conditions as the Council thinks fit and specifies in the instrument of appointment.

(3) The Council may appoint an appointed member of the Council (other than a Parliamentary member or a co-opted member) to the office of Deputy Chancellor for a term of two years and on such other terms and conditions as the Council thinks fit and specifies in the instrument of appointment.

#### **Insertion of s. 13a**

9. The following section is inserted after section 13 of the principal Act:

##### **Common seal**

13a. (1) The following provisions apply in relation to the common seal of the University:

(a) the seal will be in a form approved by the Council;

(b) the seal must be kept in the custody of the secretary to the Council;

(c) the seal can only be affixed to a document pursuant to a resolution of the Council to that effect;

(d) the affixture of the seal to a document must be witnessed by the signature—

(i) in the case of an academic award—of the Chancellor or the Vice Chancellor;

and

(ii) in any other case—of both the Chancellor or his or her nominee and the Vice Chancellor or his or her nominee;

and

- (e) where an apparently genuine document purports to bear the common seal of the University and appears to be duly witnessed, it will be presumed in any legal proceedings, in the absence of proof to the contrary, that the common seal was duly affixed to the document.

**Amendment of heading**

10. The heading preceding section 16 of the principal Act is amended by inserting "VICE CHANCELLOR AND" after "THE".

**Amendment of s. 16—Vice Chancellor**

11. Section 16 of the principal Act is amended by striking out subsections (3) and (4).

**Amendment of s. 18—Annual report**

12. Section 18 of the principal Act is amended by striking out subsection (1).

**Repeal of s. 20—Financial provision**

13. Section 20 of the principal Act is repealed.

**Amendment of s. 24—Power to make statutes**

14. Section 24 of the principal Act is amended by striking out subsections (2), (3) and (4) and substituting the following subsections:

(2) A statute made pursuant to this Act—

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

and

(b) takes effect on the day on which it is confirmed by the Governor or on a later day prescribed in the statute.

(3) The *Subordinate Legislation Act 1978* does not apply to or in relation to a statute made under this section.

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

ROMA MITCHELL Governor