



ANNO DECIMO QUINTO

ELIZABETHAE II REGINAE

A.D. 1966

No. 23 of 1966

An Act for the establishment and incorporation of a University to be known as "The Flinders University of South Australia" and for purposes connected therewith.

[Assented to 17th March, 1966.]

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

Short title and
commence-
ment.

1. This Act may be cited as "The Flinders University of South Australia Act, 1966", and shall come into operation on a day to be fixed by proclamation.

Interpretation.

2. In this Act, unless some other meaning is clearly intended—

"academic staff" means all professors, readers, senior lecturers and lecturers of The Flinders University of South Australia :

"appointed day" means the appointed day referred to in subsection (1) of section 30 of this Act :

"Convocation" means the Convocation of The Flinders University of South Australia :

"Council" means the Council of The Flinders University of South Australia :

"University" means The Flinders University of South Australia established and incorporated under this Act :

“University grounds” means the lands in the municipalities of Mitcham and Marion used by The Flinders University of South Australia for purposes of education or scientific purposes, or both, and includes all roads, ways, tracks, paths, open spaces and buildings on, and appurtenances to, the said lands.

3. (1) There shall be established in South Australia a University to be known as “The Flinders University of South Australia”.

Establishment
and incorpora-
tion of “The
Flinders
University of
South
Australia”.

(2) The University shall consist of a Council and a Convocation.

(3) The University shall be a body corporate by the name of “The Flinders University of South Australia” and by that name—

- (a) shall have perpetual succession ;
- (b) shall adopt and have a common seal ;
- (c) shall sue and be sued in all courts in South Australia ;
- (d) shall be capable in law to take, purchase and hold all personal property whatsoever ;
- (e) shall be capable in law to receive, take, purchase and hold for ever not only such lands, buildings, hereditaments and possessions as may from time to time be exclusively used or occupied for the immediate requirements of the University, but also any other lands, buildings, hereditaments and possessions whatsoever, situated in South Australia or elsewhere ;
- (f) shall, subject to subsection (4), be capable in law to grant, demise, alienate or otherwise dispose of, all or any of the real or personal property belonging to the University ; and
- (g) shall be capable in law to do all other matters and things incidental or appertaining to a body corporate.

(4) The University shall not alienate, mortgage, charge, or demise any lands, tenements, or hereditaments of the University unless with the approval of the Governor except by way of lease for any term not exceeding twenty-one years from the time when the lease is made in and by which there is reserved during the whole of the term, the highest rent that can be reasonably obtained for the same.

4. The functions of the University shall, within the limits of its resources, include—

Functions of
the University.

- (a) the provision of educational facilities at university standards for persons who being eligible to enrol seek the benefits of such facilities ;

- (b) the establishment of such facilities as the University deems desirable for the provision of courses of study, whether within the University or elsewhere, for evening students, giving instruction to and the examination of external students, providing courses of study or instruction at such levels of attainment as the Council deems appropriate to meet the special requirements of industry, commerce or any other section of the community;
- (c) the dissemination of knowledge and the promotion of scholarship otherwise than as hereinbefore provided.

The Council.

5. (1) The Council shall have and may exercise and discharge the powers, authorities, duties and functions conferred and imposed upon the Council by or under this Act.

(2) The governing authority of the University shall be the Council.

(3) The Council shall consist of not more than twenty-seven members as follows :—

- (a) the Chancellor *ex officio* ;
- (b) the Vice-Chancellor *ex officio* ;
- (c) the Director of Education *ex officio* ;
- (d) five members elected by the Parliament of South Australia in the manner provided in sections 6 and 7 of this Act ;
- (e) three members appointed by the Governor in the manner provided by sections 8 and 9 of this Act ;
- (f) two professors of the University and two members of the academic staff of the University who are not professors elected by the academic staff of the University in the manner provided by section 10 of this Act ;
- (g) the President of the Students' Representative Council *ex officio* ;
- (h) eight members elected by Convocation in the manner provided by sections 11 and 12 of this Act ; and
- (i) not more than three members co-opted by the Council in the manner provided in section 15 of this Act.

(4) The President of the Students' Representative Council shall not by virtue of his membership of the Council be entitled to be present at a meeting of the Council when matters relating to the appointment, conditions of service and discipline of members of the academic staff and matters relating to academic courses are being discussed or decided and the Council may order that he is not to be present at any such meeting when such matters are being discussed or considered or may be present subject to such conditions as the Council may determine.

(5) Any member who is an appointed member, an elected member or an *ex officio* member by virtue of paragraphs (e), (f) and (g) of subsection (3) of this section shall not be regarded as a delegate of the organization or body by which he is elected or nominated or in which he holds office.

6. (1) Of the five members of the Council appointed by Parliament two shall be appointed by the Legislative Council, and three by the House of Assembly.

Election of
members of
Council by
Parliament.

(2) The said members shall be appointed by ballot.

(3) No person shall be eligible for appointment under this section unless he is a member of the House of Parliament by which he is appointed.

7. (1) At the commencement of this Act and at the beginning of every Parliament five members of the Council shall be appointed in the manner provided in section 6 of this Act.

Time of
appointment
and tenure
of office.

(2) Upon the notification, in the manner mentioned in subsection (5) of this section, of the appointment by either House of Parliament of members as mentioned in subsection (1) of this section the members of the Council appointed by that House and then in office shall retire; but any member so appointed shall be eligible for re-appointment from time to time.

(3) In case any member of the Council appointed by either House of Parliament ceases to be a member of the House of Parliament which appointed him, otherwise than by the expiration or dissolution of Parliament, he shall thereupon cease to be a member of the Council.

Effect of
Council
member
ceasing
to be member
of Parliament.

(4) When a vacancy in the office of a member of the Council appointed by either House of Parliament occurs through death, resignation, or otherwise, a member to fill the vacancy shall be appointed by the House of Parliament which appointed the member whose office has become vacant. The member so appointed shall hold office for the remainder of the term of office of the person in whose place he is appointed.

(5) A notice in writing addressed to the Chancellor, and signed by the President or Deputy President of the Legislative Council or by the Speaker or Deputy Speaker of the House of Assembly, as the case may be, certifying that the person or persons therein named has or have been appointed by Parliament a member or members of the Council, shall be conclusive evidence of the matters therein stated, and of the validity of the appointment.

President's
or Speaker's
notice of
appointment
to be con-
clusive.

8. Of the three members of the Council appointed by the Governor one shall be nominated by the Adelaide Chamber of Commerce Incorporated and the South Australian Chamber

Appointment
of members of
Council by
Governor.

of Manufactures Incorporated jointly and one shall be nominated by the United Trades and Labor Council of South Australia.

Tenure of
office.

9. (1) Members of the Council appointed by the Governor shall hold office for three years from the dates of their respective appointments and shall then be eligible for re-appointment.

Filling of
vacancies.

(2) When a vacancy occurs, by death, resignation, or otherwise, the Governor shall appoint another member to serve the remainder of the term of office of the person in whose place he is appointed.

Election of
members of
Council by
the academic
staff.

10. (1) Subject to subsection (2) of this section members of the Council elected by the academic staff of the University shall hold office for four years from the dates of their respective appointments and shall then be eligible for re-appointment.

(2) In the case of the first elections by the academic staff, one professor and one member of the academic staff who is not a professor shall serve for a term of two years and one professor and one member of the academic staff who is not a professor for a term of four years as decided by ballot.

(3) When a vacancy occurs by death, resignation, or otherwise, the academic staff of the University shall elect another professor, or member of the academic staff who is not a professor, as the case may be, to serve the remainder of the term of office of the person in whose place he is elected.

Election of
members of
Council by
Convocation.

11. (1) Until such time as Convocation is constituted in accordance with sections 13 and 17 of this Act, the members of the Council elected by the Senate of the University of Adelaide shall consist of four persons who are members of the academic staff of the University and four persons who are not employed by the University elected in accordance with the rules set out in section 12 of this Act.

(2) From the first day of July, 1971, Convocation shall elect eight members to the Council without any restriction or limitation whatsoever.

Election by
Convocation.

12. Subject to section 13, the members of the Council elected by Convocation shall be elected in accordance with the following rules :—

(1) At the expiration of every year two members of the Council elected by Convocation who have been longest in office shall retire, but shall be eligible for re-election, and if more members shall have been in office for the same period the order of their retirement shall be decided by ballot.

(2) All vacancies which shall occur in the Council by death, resignation, or otherwise, shall be filled as they may occur, by the election of such persons as the Convocation shall elect by postal ballot of all the members.

(3) If the Convocation fails to elect a person to fill a vacancy in the Council within six months of the occurrence of the vacancy, the Governor may nominate a person to fill the vacancy.

13. Convocation shall be constituted in accordance with section 17 of this Act on the first day of July, 1971, and shall elect members of the Council to take office in the first instance in 1972.

Convocation
to be con-
stituted in
1971.

14. Subject to this Act, until such time as Convocation is constituted the election of members of the Council shall be made by the Senate of the University of Adelaide except that in the case of the first elections by the Senate, two members shall serve for one year, two members for two years, two members for three years and two members for four years, as decided by ballot.

Transitional
election to be
made by
Senate of
Adelaide
University
until
Convocation
constituted.

15. Members of the Council co-opted by the Council shall hold office for three years from the dates of their respective co-options and shall then be eligible for co-option for further terms of three years.

Co-option of
members of
Council by
Council.

16. (1) Subject to subsection (2) of this section the Council shall appoint a Chancellor whenever a vacancy occurs in that office by death, resignation, expiration of tenure, or otherwise, and shall appoint a Vice-Chancellor whenever a vacancy occurs in that office by death, resignation, expiration of tenure, or otherwise.

Election of
Chancellor and
Vice-
Chancellor.

(2) The Principal of the University of Adelaide at Bedford Park shall be the first Vice-Chancellor of the University.

(3) The Chancellor shall hold office for five years, or for such other term as shall be fixed by the Statutes and Regulations of the University made previously to his election.

(4) Subject to subsection (5) of this section, the Vice-Chancellor (including the first Vice-Chancellor) shall hold office on such terms and conditions and at such salary as the Council from time to time determines.

(5) Any alteration made by the Council in the salary or the terms and conditions of the service of the Vice-Chancellor shall not, unless the Vice-Chancellor in office at the time of the alteration consents, have effect until his term of office has expired or otherwise determined.

17. (1) Convocation shall consist—

Convocation.

(a) of all persons admitted to a degree constituted by the University by Statute or Regulation of the status of a Bachelor, a Master or a Doctor ; and

(b) such other persons being graduates of another University, as the Council may from time to time appoint.

(2) Convocation shall have and may exercise and discharge such powers, authorities, duties and functions as may be laid down by Statutes or Regulations.

(3) Convocation shall, every year, or whenever a vacancy shall occur, elect a President out of their own body.

Conduct of
business in
Council and
Convocation.

18. (1) All questions which shall come before the Council or Convocation respectively shall be decided by the majority of the members present.

(2) The Chairman at any meeting of the Council or Convocation shall have a vote, and in the case of an equality of votes, a casting vote.

(3) No question shall be decided at any meeting of the Council unless six members thereof be present, or at any meeting of Convocation unless twenty members thereof be present.

(4) At every meeting of the Council the Chancellor, or in his absence the Vice-Chancellor, shall preside as Chairman, and at every meeting of Convocation the President shall preside as Chairman, and in the absence of the Chancellor and Vice-Chancellor, the members of the Council present, and in the absence of the President, the members of Convocation present, shall elect a Chairman.

Management
of the
University.

19. The Council shall have full power to appoint and dismiss all members of the academic staff, examiners, officers, and servants of the University, and shall have the entire management and superintendence over the affairs, concerns and property thereof, subject to the Statutes and Regulations of the University.

Power to make
Statutes.

20. (1) The Council shall have full power to make, alter, and repeal any Statutes and Regulations (so far as the same be not repugnant to any existing law or to the provisions of this Act) touching any of the following purposes, namely :—

- (i) any election ;
- (ii) the discipline of the University ;
- (iii) the number, stipend, and manner of appointment and dismissal of the members of the academic staff, examiners, officers, and servants of the University ;
- (iv) the matriculation of students ;

- (v) examinations for fellowships, scholarships, prizes, exhibitions, degrees, or honours, and the granting of the same respectively ;
 - (vi) the fees to be charged for matriculation, or for any examination or degree and for attendance at lectures or classes and for any other purpose authorized by this Act ;
 - (vii) lectures or classes ;
 - (viii) the manner and time of convening the meetings of the Council and Convocation ;
 - (ix) the constitution of any degree ;
 - (x) the admission, without examination, to degrees which the University has power to confer, of persons who have graduated at any other University ;
 - (xi) residential accommodation for students ;
 - (xii) the affiliation to or connection with the University of any college or educational establishment with the consent of the governing body of any such college or educational establishment, and the licensing and supervision of boarding-houses intended for the reception of students, and the revocation of the said licences except that no Statute or Regulation made pursuant to this paragraph shall affect the religious observances or regulations enforced in any such colleges, educational establishments, or boarding-houses ;
 - (xiii) the constitution of such boards and committees as are considered necessary to carry out the general purposes of this Act ; and
 - (xiv) in general, all other matters whatsoever regarding the University.
- (2) No new statute or regulation or alteration or repeal of any statute or regulation including any statute or regulation continued by virtue of section 34 of this Act shall be of any force until approved by Convocation. The provisions of this subsection shall not apply until such time as Convocation is constituted in accordance with sections 13 and 17 of this Act.
- (3) All Statutes and Regulations made pursuant to this section shall be reduced into writing and shall, after the common seal of the University has been affixed thereto, be submitted to the Governor to be allowed and countersigned by him. After any Statute or Regulation has been allowed and countersigned by the Governor, it shall be binding upon the University and upon all candidates for degrees to be conferred by the University, and upon all members of the academic staff, examiners, officers, graduates, diploma-holders, and servants of the University, and upon all students of the University.

(4) (i) The Council may make by-laws not inconsistent with this Act for all or any of the following purposes :—

- (a) to prohibit persons from trespassing on the University grounds ;
- (b) to prevent damage to the University grounds and any fixtures, chattels, trees, shrubs, bushes, flowers, gardens and lawns on or in those grounds ;
- (c) to regulate speed at which vehicles may be driven on the University grounds ;
- (d) to prohibit the dangerous or careless driving of vehicles on the University grounds ;
- (e) to prohibit the driving on the University grounds of vehicles the weight of which when laden exceeds the amount prescribed in the by-laws ;
- (f) to prescribe the route to be followed by traffic on roads, ways or tracks within the University grounds and the specific gates which may 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 University grounds and to empower authorized persons to remove any vehicle from the University grounds without assigning any reason ;
- (h) generally to regulate traffic of all kinds on the University grounds ;
- (i) to prohibit disorderly conduct or indecent language by persons on the University grounds and to empower authorized persons to remove from those grounds persons guilty of disorderly conduct or indecent language thereon ;
- (j) to prohibit, restrict or regulate the consumption of alcoholic liquor on the University grounds and the bringing of alcoholic liquor on to those grounds, and to empower authorized persons to remove from the University grounds any intoxicated person and to search the University grounds and vehicles thereon for alcoholic liquor and to seize any liquor reasonably suspected of having been brought on to the University grounds contrary to any by-law ;
- (k) to empower the Council to confiscate any liquor brought on to the University grounds contrary to any by-law ;

- (l) to prevent persons from climbing on fences or buildings or walking over gardens or lawns on the University grounds ;
 - (m) to regulate the conduct of open air and indoor meetings held on the University grounds ;
 - (n) to prevent the interruption of lectures or meetings by noise or unseemly behaviour on the University grounds whether in or outside of buildings and to prevent undue noise from motor vehicles on the University grounds ;
 - (o) to prescribe fines recoverable summarily not exceeding twenty pounds for any contravention of any by-law ;
 - (p) to empower the University to recover summarily compensation for any damage done to the University grounds ; and
 - (q) to prescribe all matters which are required by this Act to be prescribed by by-law or are otherwise necessary or convenient for giving effect to this Act.
- (ii) The Council may declare in any such by-law that it shall apply to a part only of the University grounds specified therein, and it shall so apply accordingly.
- (iii) In this section, "authorized person" means a person appointed by the Council to be an authorized person for the purposes of this section.
- (iv) The Council may appoint any person to be an authorized person for the purposes of this section, and may, at will, revoke any such appointment.
- (5) No by-law shall be made—
- (a) except at a meeting of the Council of which at least fourteen days' prior notice in writing has been sent by post to each member of the Council specifying the by-laws intended to be proposed ; or
 - (b) unless a majority of all the members of the Council vote at the meeting in favour of the proposed by-law.
- (6) (i) Every by-law—
- (a) shall be submitted to the Governor for confirmation and shall be of no force until confirmed ;
 - (b) after confirmation shall be published in the *Gazette* at the expense of the University ;
 - (c) shall, subject to paragraph (ii) hereof, take effect from the day of that publication or from any later day fixed by the by-law ; and
 - (d) shall be laid before each House of Parliament within the first fourteen sitting days of that House after the said publication.

(ii) If either House of Parliament passes a resolution disallowing any by-laws of which resolution notice has been given at any time within fourteen sitting days of that House after the by-law has been laid before it the by-law shall thereupon cease to have any effect, but without affecting the validity or curing the invalidity of anything done or omitted in the meantime. This paragraph shall apply although all the fourteen sitting days, or some of them, do not occur in the same session of Parliament as that in which the by-law is laid before the House.

(iii) When a resolution has been passed as mentioned in paragraph (ii) of this subsection notice of the resolution shall forthwith be published in the *Gazette*.

(7) When a 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.

(8) (i) The Council shall set out the substance of all its by-laws respecting traffic on a notice board at each entrance which leads directly from a road or street to the University grounds and is ordinarily used by vehicular traffic.

(ii) Failure to comply with paragraph (i) of this subsection shall not affect the validity or operation of any by-law.

(9) The provisions of section 38 of the Acts Interpretation Act, 1915-1957, shall not apply to by-laws made under this Act.

(10) No by-laws under this Act shall take away or restrict any liability, civil or criminal, arising under any provision of any other Act or at common law.

(11) In any proceedings for any contravention of any by-law the allegation in the complaint that any place was on the University grounds shall be *prima facie* evidence of the fact alleged.

(12) Where a contravention of any by-law made by the Council in exercise of the powers conferred by subsection (4) of section 20 of this Act has been committed by any student of the University, the Council, instead of charging him with such contravention in a court of summary jurisdiction, may direct that he be charged with such contravention before such disciplinary body as may be constituted by the Council and if such disciplinary body when constituted finds that offence to be proved, it may punish the offender in any of the ways mentioned in the Statute made by the Council prescribing the functions, powers and punishments of such disciplinary body.

21. (1) The University shall have power to confer upon any person after examination and in accordance with the Statutes and Regulations of the University such degrees as may be constituted by Statute or Regulation.

Power to
confer degrees.

(2) The University shall have power, without examination, but in accordance with the Statutes and Regulations of the University, to admit to degrees which the University has power to confer, persons who have graduated at any other University.

(3) The University shall have power to admit any person *honoris causa* to any degree, whether or not he has graduated at a University.

22. Every student being an undergraduate shall, if the council so requires, during such times as he is attending classes and lectures at the University dwell with his parent or guardian or with some person selected by his parent or guardian and approved by the Vice-Chancellor or in some educational establishment affiliated with the University or in a hostel or hall established or controlled by the Council or in premises licensed pursuant to the Statutes or Regulations.

Residence of
under-
graduates.

23. No religious test shall be administered to any person in order to entitle him to be admitted as a student of the University, or to hold office therein, or to graduate thereat, or to hold any advantage or privilege thereof.

No religious
test to be
administered.

24. The Governor shall be the visitor of the University and shall have authority to do all things which appertain to visitors as often as to him shall seem meet.

Governor to
be visitor.

25. In every financial year there shall be paid to the University out of moneys provided by Parliament for the purpose such sums as the Treasurer thinks necessary for the purpose of—

Payments
annually by
Treasurer for
establishment
and main-
tenance of
University.

- (a) formation of grounds, erection of buildings, purchase of equipment and other expenses in relation to the University ;
- (b) maintaining the University ;
- (c) paying the salaries of academic staff, examiners, officers and servants of the University ;
- (d) defraying the expenses of fellowships, scholarships, prizes and exhibitions awarded for encouragement of students in the University ;
- (e) providing a library ; and
- (f) discharging all necessary charges connected with the management of the University.

Borrowings
by Council.

26. (1) Subject to this Act, the Council may—

(a) borrow money at interest by way of mortgage, bank overdraft or otherwise—

(i) for the purpose of carrying out or performing any of its powers, authorities, duties and functions ; and

(ii) for the repayment or partial repayment of any sum previously borrowed,

within such limits and upon such conditions as the Governor upon the recommendation of the Treasurer may from time to time approve ; and

(b) mortgage, charge or enter into any other transaction for making any of its property security for any such loan.

(2) Any moneys of the University may be invested by the Council from time to time in any manner of investment authorized by the Council (whether an authorized trustee investment or otherwise).

Annual report.

27. (1) The Council shall, during the month of June in every year, present to the Governor a report of the proceedings of the University during the previous year.

(2) The report shall contain a full account of the income and expenditure of the University, audited in such manner as the Governor may direct.

(3) A copy of every report made pursuant to this section, and of every Statute and Regulation of the University allowed by the Governor pursuant to this Act, shall be laid in every year before Parliament.

University to
be exempt
from land tax.

28. Notwithstanding anything contained to the contrary in any Act or any rules or regulations made thereunder, all land in respect of which the University, or any person as trustee therefor, would, but for this section, be liable to pay tax to the State of South Australia, shall be exempt from taxation by the said State.

Transitional
provisions—
vesting of
property.

29. (1) All real and personal property which was vested in the University of Adelaide and held or used by the University of Adelaide for the purpose of its activities at Bedford Park shall by virtue of this Act be divested from the University of Adelaide and shall vest in the University.

(2) For the purpose of giving effect to subsection (1) of this section the Registrar-General shall upon the application of the Council of the University make all necessary entries in the Register Book.

(3) All property vested in the University by this section shall be held by it subject to the conditions or trusts on which it was held immediately before such vesting save that any reference in any such conditions or trusts to the University of Adelaide shall be read and construed as a reference to the University.

(4) All rights accruing or accrued to the University of Adelaide in respect of any property vested in the University by operation of this section are hereby vested in the University and shall be the rights of the University.

(5) All liabilities of the University of Adelaide in respect of any property vested in the University by operation of this section shall be the liabilities of the University.

30. (1) The appointed day for the purposes of this section shall be the day at the end of the calendar year in which this Act commences or the end of the third month after the commencement of this Act, whichever is the later.

Transitional
financial
provisions.

(2) During the period after the commencement of this Act, and before the appointed day, it shall be lawful for the University of Adelaide—

(a) to receive for and on account of the University any revenues or other moneys proffered which may be due to the University and either to pay such moneys to the University or to retain them pending settlement in accordance with subsection (4) of this section ; and

(b) to pay to the University at its discretion any amount of fees, grants or other moneys received prior to the commencement of this Act for the purposes of its activities at Bedford Park and which may be required to meet liabilities of the University after the commencement of this Act.

(3) As soon as practicable after the appointed day the University of Adelaide shall prepare and deliver to the University a statement of accounts as at that day, which shall be certified by its auditors, showing in respect of its activities at Bedford Park—

(a) the total of its payments for capital purposes in respect of the period prior to the commencement of this Act but not earlier than the first day of January, One thousand nine hundred and sixty-four, and recorded as such in its books of account ;

(b) the total of its payments for recurrent purposes during that part of the calendar year in which this Act commenced which was prior to the commencement of this Act, and recorded as such in its books of account ;

- (c) the total of all payments referred to in paragraph (b) of subsection (2) of this section ;
- (d) the total amount of moneys from—
 - (i) Commonwealth and State grants ; and
 - (ii) fees and other moneys
 - which have been received by the University of Adelaide for the purposes referred to in paragraphs (a) and (b) of this subsection ;
 - and
- (e) the balance of any receipts referred to in paragraph (a) of subsection (2) of this section which the University of Adelaide has not paid to the University.

(4) If the total amount of moneys received by the University of Adelaide as referred to in paragraph (d) of subsection (3) of this section together with the balance of any receipts as referred to in paragraph (e) of that subsection exceeds the total amount of expenditure by the University of Adelaide as referred to in paragraphs (a), (b) and (c) of subsection (3) of this section, the University of Adelaide shall pay to the University the amount of the excess, but if the total amount of such payments exceeds the total amount of such moneys received, the University shall pay to the University of Adelaide the amount by which the total of payments exceeds the total of the moneys received. Such payments to or by the University shall, subject to subsection (5) of this section, be made within two months of the delivery to the University of the certified statement of accounts.

(5) Nothing in the provisions of this section shall prevent the University at its discretion making any payments to the University of Adelaide as advance payments in partial settlement of any liabilities likely to be incurred under the provisions of subsection (4) of this section.

Powers of
Governor
during
transitional
period.

(6) If in consequence of the coming into operation of this Act any doubt, difficulty or difference arises respecting liability to make any payments under this Act the Governor may, by proclamation, make any order or declaration for the purpose of removing that doubt or difficulty or settling that difference and the provisions of that proclamation shall be as valid and effectual to all intents and purposes as if the matters therein provided for had been provided for by this Act.

Continuity of
employment of
former
employees of
Adelaide
University.

31. (1) Every person who, immediately before the commencement of this Act, held any salaried office or employment in the University of Adelaide and who had been appointed to such office or employment for the purpose of its activities at Bedford Park shall become and be an officer or employee of the

University on such terms and conditions as the Council may determine, but such terms and conditions shall not be less favourable than those upon which he held that office or employment.

32. (1) Upon the commencement of this Act the University of Adelaide shall—

Assignment of policies of life assurance, transfer of funds, etc.

- (a) assign to the University every policy of life assurance vested in the University of Adelaide pursuant to any superannuation scheme in respect of a person to whom section 31 of this Act applies ;
- (b) transfer to the University all funds (not being funds in respect of life assurance policies) vested in the University of Adelaide pursuant to any superannuation scheme in respect of a person to whom section 31 of this Act applies ; and
- (c) pay to the University a sum equal to the total amount contributed to the Invalidity Fund of the University of Adelaide by every person to whom section 31 of this Act applies.

(2) Upon the commencement of this Act every guarantee given by the University of Adelaide in respect of any liability of any person to whom section 31 of this Act applies shall be deemed to be a guarantee given by the University.

33. (1) Save as is provided by section 32 of this Act all contracts, agreements or engagements entered into before the commencement of this Act by any person or persons with the University of Adelaide in relation to its property or activities at Bedford Park shall upon the commencement of this Act be deemed to have been entered into with the University.

Contracts etc. deemed to be made with University.

(2) This section shall not apply to any policy of insurance taken out by the University of Adelaide before the commencement of this Act.

34. All Statutes and Regulations of the University of Adelaide in relation to its activities at Bedford Park in force immediately before the commencement of this Act shall remain in force as Statutes and Regulations of the University until replaced by Statutes and Regulations enacted by the Council and allowed by the Governor.

Statutes and Regulations to continue in force.

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

EDRIC BASTYAN, Governor.