



ANNO VICESIMO SECUNDO

ELIZABETHAE II REGINAE

A.D. 1973

No. 70 of 1973

An Act to amend The Flinders University of South Australia Act, 1966.

[Assented to 6th December, 1973]

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

1. (1) This Act may be cited as "The Flinders University of South Australia Act Amendment Act, 1973". Short titles.

(2) The Flinders University of South Australia Act, 1966, as amended by this Act, may be cited as "The Flinders University of South Australia Act, 1966-1973".

(3) The Flinders University of South Australia Act, 1966, is hereinafter referred to as "the principal Act".

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

3. Section 2 of the principal Act is amended—

(a) by striking out the definition of "academic staff" and inserting in lieu thereof the following definitions:—

"academic staff" means all professors, readers, senior lecturers, and lecturers in the full time employment of the University and all other officers and employees of the University of such categories as are classified by the Council as categories of academic staff:

Amendment of principal Act, s. 2—
Interpretation.

“ancillary staff” means all persons in the full time employment of the university who are not members of the academic staff;

(b) by striking out the definition of “appointed day”;
and

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

“post-graduate student” means a person enrolled at the University as a post-graduate student:

“undergraduate student” means a person enrolled at the University as an undergraduate student.

Amendment of
principal Act,
s. 5—
The Council.

4. Section 5 of the principal Act is amended by striking out subsections (3), (4) and (5) and inserting in lieu thereof the following subsections:—

(3) The Council shall consist of the following members:—

(a) the Chancellor who shall hold office as a member of the Council *ex officio*;

(b) the Vice-Chancellor, who shall hold office as a member of the Council *ex officio*;

(c) the President of the Students' Representative Council who shall hold office as a member of the Council *ex officio*;

(d) five members of the Parliament of South Australia appointed in accordance with this Act;

(e) three members appointed by the Governor in accordance with this Act;

(f) eight members of the academic staff elected by the academic staff;

(g) one member of the ancillary staff elected by the ancillary staff;

(h) four persons (not being persons in the full time employment of the University or students of the University) elected by the Convocation;

(i) one post-graduate student (not being a person in the full time employment of the University) elected by the post-graduate students;

(j) three undergraduate students (not being persons in the full time employment of the University) elected by the undergraduate students;

and

(k) not more than three other members co-opted by the Council in accordance with this Act.

(4) 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.

5. Section 8 of the principal Act is amended by striking out the passage "Adelaide Chamber of Commerce Incorporated and the South Australian Chamber of Manufactures Incorporated jointly" and inserting in lieu thereof the passage "Chamber of Commerce and Industry, South Australia, Incorporated".

Amendment of principal Act, s. 8—
Appointment of members of Council by Governor.

6. Section 9 of the principal Act is amended by striking out subsection (2).

Amendment of principal Act, s. 9—
Tenure of office.

7. Section 10 of the principal Act is repealed and the following section is enacted and inserted in its place:—

Repeal of s. 10 of principal Act and enactment of section in its place—

10. (1) Subject to this Act, a member of the Council elected by the academic staff shall hold office for a term expiring on the appointed day in the fourth year after the year in which he was elected, but shall then be eligible for re-election.

Tenure of office by members of Council appointed by academic staff.

(2) The members of the academic staff who are in office at the commencement of The Flinders University of South Australia Act Amendment Act, 1973, and who were elected by—

(a) the academic staff;

or

(b) the Convocation,

shall be deemed to have been elected to membership of the Council by the academic staff.

(3) Of those members of the academic staff who were holding office as members of the Council at the commencement of The Flinders University of South Australia Act Amendment Act, 1973, and were elected or deemed to have been elected to membership of the Council by the academic staff, two shall retire on the appointed day in 1974 and two shall retire on the appointed day in each of the three ensuing years.

(4) The members to retire under subsection (3) of this section shall be those who have been longest in office since being elected, or last re-elected, members of the Council.

(5) In this section—

“the appointed day” means the day appointed by the Council for the holding of elections by the academic staff.

Repeal of
ss. 11 to 14
of principal
Act and
enactment of
sections in
their place—

8. Sections 11, 12, 13 and 14 of the principal Act are repealed and the following sections are enacted and inserted in their place:—

Tenure of
office by
members of
the Council
elected by
Convocation.

11. (1) Subject to this Act, a member of the Council elected by the Convocation shall hold office for a term expiring on the appointed day in the fourth year after the year in which he was elected or last re-elected a member of the Council, but shall then be eligible for re-election.

(2) Of those members of the Council, elected by the Convocation, who were in office at the commencement of The Flinders University of South Australia Act Amendment Act, 1973, and who were not then members of the academic staff, two shall retire on the appointed day in 1974, and two shall retire on the appointed day in 1976.

(3) The members to retire under subsection (2) of this section on the appointed day in 1974 shall be determined by lot.

(4) In this section—

“the appointed day” means the day appointed by the Council for the holding of elections by the Convocation.

(5) An election of members of the Council by the Convocation shall be conducted by postal ballot.

Tenure of
office by
member of
Council
elected by
ancillary
staff.

12. (1) Subject to this Act, a member of the Council elected by the ancillary staff shall hold office for a term expiring on the appointed day in the second year after the year in which he was elected, but shall then be eligible for re-election.

(2) In this section—

“the appointed day” means the day appointed by the Council for the holding of elections by the ancillary staff.

Tenure of
office by
member of
Council
elected by
post-graduate
or under-
graduate
students.

13. (1) Subject to this Act, a member of the Council elected by post-graduate students, or undergraduate students, shall hold office for a term expiring on the appointed day in the year next ensuing after the year in which he was elected, but shall then be eligible for re-election.

(2) In this section—

“the appointed day” means the day appointed by the Council for the holding of elections by the post-graduate and undergraduate students.

14. (1) An act or proceeding of the Council shall not be invalid by reason of any vacancy or vacancies in its membership. Vacancies in membership of Council.

(2) The office of a member of the Council shall become vacant if—

(a) he dies;

(b) his term of office expires;

(c) he does not continue in the capacity in which he was elected to membership of the Council;

(d) he resigns by notice in writing addressed to the Chancellor;

or

(e) he is removed from the office by the Governor on the ground of serious misconduct.

(3) Subject to this Act, a member appointed or elected to fill a casual vacancy in the membership of the Council shall hold office for the balance of the term of his predecessor, and shall at the expiration of that term be eligible for re-appointment, or re-election.

9. Section 16 of the principal Act is amended—

(a) by striking out from subsection (1) the passage “Subject to subsection (2) of this section, the” and inserting in lieu thereof the word “The”;

(b) by striking out subsection (2) and inserting in lieu thereof the following subsection:—

(2) The Council shall appoint such Pro-Chancellors and Pro-Vice-Chancellors as it thinks expedient.;

(c) by striking out from subsection (4) the passage “(including the first Vice-Chancellor)”;

and

(d) by inserting after subsection (5) the following subsection:—

(6) A Pro-Chancellor or a Pro-Vice-Chancellor shall hold office on such terms and conditions as the Council may from time to time determine.

Amendment of principal Act, s. 16—

Appointment of Chancellor, Vice-Chancellor, Pro-Chancellors and Pro-Vice-Chancellors.

Enactment of
s. 19a of
principal Act—

10. The following section is enacted and inserted in the principal Act immediately after section 19 thereof:—

Delegation.

19a. (1) The Council may delegate any of its powers under this Act (except this power of delegation) to any officer or employee of the University.

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

Amendment of
principal Act,
s. 20—
Statutes and
by-laws.

11. Section 20 of the principal Act is amended by inserting after subsection (12) the following subsections:—

(13) In any proceedings relating to an offence against a by-law—

(a) an allegation in a complaint that a person named in the complaint was the owner of a vehicle referred to therein on a specified day shall be deemed to be proved in the absence of proof to the contrary;

and

(b) where it is proved that a vehicle was parked in the University grounds in contravention of a by-law it shall be presumed, in the absence of proof to the contrary, that the vehicle was so parked by the owner of the vehicle.

(14) Where it is alleged that a person has committed an offence against a by-law of the University relating to vehicular traffic or the parking of motor vehicles, the Council 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 University of an amount specified in the notice, being an amount fixed by by-law, within a time fixed by the notice, and if the offence is so expiated no proceedings shall be commenced in any court in respect to the alleged offence.

(15) Subject to the provisions of this section, and the statutes and regulations of the University, proceedings for offences against the by-laws shall be disposed of summarily.

Repeal of
ss. 30 to 34
of principal
Act and
enactment of
section in
their place—

12. Sections 30, 31, 32, 33 and 34 of the principal Act are repealed and the following section is enacted and inserted in their place:—

30. Notwithstanding any Act or law to the contrary, the Industrial Commission of South Australia shall have jurisdiction to make awards relating to the salaries, wages and conditions of employment of officers and employees of the University.

Jurisdiction of
Industrial
Commission.

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

M. L. OLIPHANT, Governor