



THE FLINDERS UNIVERSITY OF SOUTH AUSTRALIA (CONVOCATION) AMENDMENT ACT 1994

No. 56 of 1994

SUMMARY OF PROVISIONS

1. Short title
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3. Substitution of s. 17
 17. Convocation
4. Amendment of s. 18—Conduct of business in Council
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SCHEDULE

Statute Law Revision



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ELIZABETHAE II REGINAE

A.D. 1994

No. 56 of 1994

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

[Assented to 22 September 1994]

The Parliament of South Australia enacts as follows:

Short title

1. (1) This Act may be cited as *The Flinders University of South Australia (Convocation) Amendment Act 1994*.

(2) *The Flinders University of South Australia Act 1966* is referred to in this Act as "the principal Act".

Amendment of s. 5—Council

2. Section 5 of the principal Act is amended by striking out paragraph (h) of subsection (3) and substituting the following paragraph:

- (h) four members of Convocation (who must not be employees or students of the University) elected by the Convocation;

Substitution of s. 17

3. Section 17 of the principal Act is repealed and the following section is substituted:

Convocation

17. (1) The Convocation consists of all graduates of the University.

(2) The Convocation—

- (a) may, as it thinks fit, advise the Council in respect of—
- (i) the management of the University (including the making, altering or repealing of a statute or regulation of the University); and
 - (ii) the policies and future strategies of the University;
- (b) must carry out any other function assigned to it by this Act or a statute or regulation of the University.

(3) The Convocation must elect a President from its members every two years or whenever a vacancy occurs.

(4) The President will preside at meetings of the Convocation or, in his or her absence, a member chosen by those present will preside.

(5) Twenty members of the Convocation constitute a quorum of the Convocation and no business may be transacted at a meeting of the Convocation unless a quorum is present.

(6) Each member present at a meeting of the Convocation has one vote on any question arising for decision.

(7) A decision carried by a majority of the votes cast by members at a meeting of the Convocation is a decision of the Convocation.

Amendment of s. 18—Conduct of business in Council

4. Section 18 of the principal Act is amended—

(a) by striking out from subsection (1) "or Convocation";

(b) by striking out subsection (2) and substituting the following subsection:

(2) The person presiding at a meeting of the Council has a vote and, in the case of an equality of votes, a casting vote.;

(c) by striking out from subsection (3) ", or at any meeting of Convocation unless at least 20 members of Convocation are present";

(d) by striking out subsection (4) and substituting the following subsection:

(4) The Chancellor or, in his or her absence, a Pro-Chancellor will preside at meetings of the Council, but if neither the Chancellor nor a Pro-Chancellor is present at a meeting of the Council, a member chosen by those present will preside.;

(e) by striking out subsection (5).

Amendment of s. 20—Power of Council to make statutes, regulations and by-laws

5. Section 20 of the principal Act is amended by striking out subsection (2).

Statute law revision amendments

6. The principal Act is further amended by the schedule.

Transitional provision—Council membership

7. (1) On the commencement of this Act, a person appointed to the Convocation under section 17(1)(b) (as in force immediately before that commencement) ceases to be a member of the Convocation.

(2) Subsection (1) does not affect the current term of office of a member of the Council who was elected to office by the Convocation before 1 January 1994.

SCHEDULE
Statute Law Revision

Provision Amended	How Amended
Long title	Strike out "purposes connected therewith" and substitute "related purposes".
Section 1	Strike out "and shall come into operation on a day to be fixed by proclamation".
Section 2 definition of "Convocation"	Strike out "The Flinders University of South Australia" and substitute "the University".
definition of "Council"	Strike out "The Flinders University of South Australia" and substitute "the University".
definition of "University grounds" (second occurring)	Strike out this definition.
Section 3(1)	Strike out this subsection and substitute: (1) <i>The Flinders University of South Australia</i> is established.
Section 3(2)	Strike out "shall consist" and substitute "consists".
Section 3(3)	Strike out "The University shall be a body corporate by the name of "The Flinders University of South Australia" and by that name" and substitute "The University is a body corporate and".
Section 3(3)(a)	Strike out "shall have" and substitute "has".
Section 3(3)(b)	Strike out "shall adopt and" and substitute "must".
Section 3(3)(c)	Strike out "shall" and substitute "may".
Section 3(3)(d), (e) and (g)	Strike out "shall be" (wherever occurring) and substitute, in each case, "is".
Section 3(3)(f)	Strike out "shall" and substitute "is"; Strike out "be".
Section 3(4)	Strike out "shall not" and substitute "cannot"; Strike out "unless" and substitute "other than";

- Strike out "any" (second occurring) and substitute "a";
- Strike out "for the same".
- Section 4 Strike out "shall, within the limits of its resources, include" and substitute "include, within the limits of its resources";
- Section 4(b) Strike out "deems" (twice occurring) and substitute, in each case, "thinks".
- Strike out "the provision of" and substitute "providing".
- Section 4(c) Insert "generally," before "the dissemination";
- Strike out "otherwise than as hereinbefore provided".
- Section 5(1) Strike out "shall have and may exercise and discharge" and substitute "has".
- Strike out "upon" and substitute "on".
- Section 5(2) Strike out this subsection and substitute:
- (2) The Council is the governing authority of the University.
- Section 5(3) Strike out "shall consist" and substitute "consists".
- Section 5(3)(a) - (c) Strike out "shall hold" (wherever occurring) and substitute, in the first, second and fourth cases, "holds" and, in the third case, "hold".
- Section 5(4) Strike out "shall" and substitute "is";
- Insert "or her" after "his";
- Strike out "be".
- Section 6(1) Strike out "shall" and substitute "will".
- Section 6(2) Strike out "shall" and substitute "must".
- Section 7(1) Strike out "shall" and substitute "must";
- Strike out "of this Act".
- Section 7(2) Strike out this subsection and substitute:
- (2) On notification under subsection (5) of the appointment of members by either House of Parliament, the members of the Council appointed by that House and then in office will retire, but any such member is eligible for reappointment from time to time.

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- Section 20(4)(iv) Redesignate to read as subsection (4b);
Strike out "any" (first occurring) and substitute "a".
- Section 20(5) Strike out "shall" and substitute "can".
- Section 20(5)(a) Strike out "or" between paragraphs (a) and (b) and substitute "and".
- Section 20(6) Strike out this subsection and substitute the following subsections:
- (6) Each by-law must—
- (a) be submitted to the Governor for confirmation and has no force until confirmed; and
- (b) be published in the *Gazette* at the expense of the University after confirmation; and
- (c) subject to subsection (6a), take effect from the day of publication or a later date fixed by the by-law; and
- (d) be laid before each House of Parliament within the first 14 sitting days of that House after publication.
- (6a) If either House of Parliament passes a resolution disallowing a by-law and notice of the resolution has been given within 14 sitting days of that House after the by-law has been laid before it, the by-law immediately ceases to have any effect, but without affecting the validity or curing the invalidity of anything done or omitted in the meantime.
- (6b) Subsection (6a) applies even though all of the 14 sitting days, or some of them, do not occur in the same session of Parliament as the session in which the by-law is laid before the House.
- (6c) When a resolution has been passed under subsection (6b), notice of the resolution must as soon as practicable be published in the *Gazette*.
- Section 20(7) Strike out "the making thereof shall be conclusively deemed" and substitute "the making of it will conclusively be taken".
- Section 20(8)(i) Redesignate to read as subsection (8);
Strike out "shall" and substitute "must";
Strike out "respecting" and substitute "relating to".

- Section 20(8)(ii) Strike out this paragraph and substitute:
- (8a) Failure to comply with subsection (8) does not affect the validity or operation of a by-law.
- Section 20(9) Strike out "section 38 of the *Acts Interpretation Act, 1915-1957*, shall" and substitute "section 10 of the *Subordinate Legislation Act 1978* do".
- Section 20(10) Strike out "No by-laws under this Act shall" and substitute "A by-law under this Act cannot".
- Section 20(11) Strike out "any" (first and second occurring);
- Strike out "any" (third occurring) and substitute "a";
- Strike out "shall be *prima facie* evidence" and substitute "will, in the absence of proof to the contrary, be accepted as proof".
- Section 20(12) Strike out this subsection and substitute:
- (12) Where it is alleged that a student of the University has contravened a by-law under this Act, the Council may, instead of laying a complaint for the offence, direct that the student be charged with the contravention before a disciplinary body constituted by the Council and, if that disciplinary body finds the offence proved, it may punish the offender in accordance with the statute made by the Council prescribing the functions and powers of the disciplinary body.
- Section 20(13)(a) Strike out "vehicle referred to therein" and substitute "specified vehicle";
- Strike out "shall be deemed" and substitute "will be taken".
- Section 20(13)(b) Strike out "shall" and substitute "will".
- Section 20(14) Strike out "upon" and substitute "on";
- Insert "or she" after "he";
- Strike out "shall" and substitute "will";
- Strike out "in respect to" and substitute "in respect of".
- Section 20(15) Strike out this subsection.
- Section 21(1) Strike out "shall have" and substitute "has";
- Strike out "upon" and substitute "on".
- Section 21(1a) Strike out "pursuant to" and substitute "under".

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- Section 21(2) Strike out "shall have" and substitute "has";
Strike out "which" and substitute "that".
- Section 21(3) Strike out "shall have" and substitute "has";
Strike out "he" and substitute "the person".
- Section 23 Strike out this section and substitute:
No religious test to be administered
23. No religious test may be administered to a person in order to entitle the person to admission as a student of the University, to hold office in the University or to graduate from or hold any advantage or privilege offered by the University.
- Section 24 Strike out "shall be" and substitute "is";
Strike out "shall have" and substitute "has";
Strike out "to him shall seem meet" and substitute "the Governor thinks fit".
- Section 25 Strike out "shall" and substitute "will";
Strike out "moneys" and substitute "money".
- Section 25(c) Strike out this paragraph and substitute the following:
(c) paying the salaries and allowances of academic and general staff, examiners and officers of the University;.
- Section 26(1)(a) Strike out "upon" (twice occurring) and substitute, in each case, "on".
- Section 26(2) Strike out "moneys" and substitute "money".
- Section 27(1) and (2) Strike out "shall" (twice occurring) and substitute, in each case, "must".
- Section 27(3) Strike out "pursuant to" (twice occurring) and substitute, in each case, "under";
Strike out "shall be laid in every year before Parliament" and substitute "must be laid before both Houses of Parliament before the end of the year in which it is made".

Section 28

Strike out this section and substitute:

University to be exempt from land tax

28. Despite any Act or law to the contrary, all land in respect of which the University, or any person as trustee for the University, would, but for this section, be liable to pay tax to the State of South Australia, is exempt from that tax.

Section 29

Strike out this section.

Section 30

Strike out this section.

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

ROMA MITCHELL Governor