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# ELIZABETHAE II REGINAE

A.D. 1990

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No. 65 of 1990

**An Act to provide for matters consequent upon the merger of Roseworthy Agricultural College with The University of Adelaide and the merger of the South Australian Institute of Technology and the South Australian College of Advanced Education to form the University of South Australia; to effect the transfer of certain campuses of the College of Advanced Education to The Flinders University of South Australia and The University of Adelaide; to repeal the Roseworthy Agricultural College Act, 1973, the South Australian Institute of Technology Act, 1972 and the South Australian College of Advanced Education Act, 1982; to amend The Flinders University of South Australia Act, 1966, the Tertiary Education Act, 1986, and The University of Adelaide Act, 1971; and for other purposes.**

[Assented to 13 December 1990]

The Parliament of South Australia enacts as follows:

## PART I PRELIMINARY

### Short title

1. This Act may be cited as the *Statutes Amendment and Repeal (Merger of Tertiary Institutions) Act, 1990*.

### Commencement

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

### Interpretation

3. In this Act—

“the commencement day” means the day on which this Act comes into operation:

“real property” means any interest in land.

## PART II

MERGER OF ROSEWORTHY AGRICULTURAL COLLEGE WITH THE UNIVERSITY  
OF ADELAIDE**Interpretation**

## 4. In this Part—

“the College” means Roseworthy Agricultural College:

“the University” means The University of Adelaide.

**Repeal**

5. The *Roseworthy Agricultural College Act, 1973*, is repealed.

**Vesting provision**

6. (1) All the real and personal property, rights, interests and liabilities of the College, whether vested or contingent, as in existence immediately before the commencement day, vest in the University.

(2) The real property vested in the University under subsection (1) constitutes, for the purposes of this Act, the Roseworthy campus of the University.

(3) The Registrar-General will, on application by the University and on being furnished with such duplicate certificates of title or other documents as the Registrar-General may require, register the University as the proprietor of the real property vested in the University by this section.

(4) The real property vested in the University by this section will continue to be exempt from rates under the *Local Government Act, 1934*.

**Transfer of staff**

7. (1) A person who was, immediately before the commencement day, an employee of the College becomes, on that day, an employee of the University.

(2) Nothing in subsection (1) affects the term of appointment, the remuneration or other emoluments of office, the accrued or accruing leave rights or the continuity of service of an employee to whom that subsection applies.

**Superannuation**

8. (1) The University is, for the purposes of the *Superannuation Act, 1988*, an authority with which the South Australian Superannuation Board may enter into superannuation arrangements.

(2) A person who was, immediately before the commencement day, an employee of the College and a contributor under the *Superannuation Act, 1988*, will, subject to this section, remain a contributor under that Act.

(3) The University is, as the employer of a person to whom subsection (2) refers, liable under the *Superannuation Act, 1988*, for the employer's component—

(a) of all entitlements accruing to that person after the commencement day;

and

(b) of all the accrued and accruing entitlements of that person for which the College was liable immediately before that day.

(4) A contributor to whom subsection (2) refers may, within three months from the commencement day, by notice in writing addressed to the South Australian Superannuation

Board, elect to be treated as if he or she were resigning from employment and to preserve his or her accrued benefits in the South Australian Superannuation Fund, but only if—

(a) in the case of an old scheme contributor—he or she was, immediately before the commencement day, under the age of 60 years;

or

(b) in the case of a new scheme contributor—he or she was, immediately before the commencement day, under the age of 55 years.

(5) Where a contributor makes an election under subsection (4)—

(a) he or she will, for the purposes of this section, be taken to have resigned immediately prior to the commencement day;

and

(b) section 28 or 39 of the *Superannuation Act, 1988*, as the case may require, applies accordingly.

(6) On the University entering into arrangements with the South Australian Superannuation Board, this section (except for subsection (1)) ceases to have effect.

#### **Transfer of students and courses**

9. (1) A person who was, immediately before the commencement day, enrolled as a student of the College becomes, on that day, an undergraduate student or postgraduate student, as the case may require, of the University in the course he or she was undertaking at the College.

(2) The courses of instruction in which the students to which subsection (1) applies were enrolled must be continued by the University, subject to any modifications to the courses it may make under its statutes or regulations, and must be so continued for as long as is necessary to enable those students to complete them in the due manner.

(3) All work successfully completed by a student at the College will be accorded the same recognition by the University as was accorded by the College.

(4) A student of the College—

(a) who had qualified for a degree, diploma, certificate or other award at the College but had not received the relevant award before the commencement day;

or

(b) who qualifies for such a degree, diploma, certificate or other award shortly after that day (but not as an enrolled student of the University),

will receive that award from the University in the name of the College or, if the student so elects, in the name of the University and the College.

(5) The following provisions apply in relation to a student who commenced studying a course at the College and who successfully completes the course as an enrolled student at the University:

(a) the student will, subject to paragraphs (b) and (c), receive the appropriate award from the University;

(b) if the student had commenced the last semester of the course at the College, the University has, subject to paragraph (c), an absolute discretion to give the relevant award either in the name of the University, in the name of the University and the College or in the name of the College;

(c) a student who successfully completes the course before 31 December, 1995, is entitled, if he or she so elects, to receive the relevant award from the University in the name of the College, or in the name of the University and the College.

(6) In issuing an award in the name of the College under subsection (4) or (5), the University may cause the common seal of the College to be affixed to the award in the presence of such signatories as the Council of the University may appoint for the purpose.

(7) A person who has been awarded any degree, diploma, certificate or other award by or in the name of the College will, for the purposes of *The University of Adelaide Act, 1971*, be taken to be a graduate of the University.

#### **Preservation of statutes and by-laws**

10. (1) The statutes of the College (except those that relate to the constitution or proceedings of the governing body of the College or the rights or conditions of office of members of that governing body) remain in force and apply, with such modifications as may be necessary, to and in relation to the Roseworthy campus of the University as if they were statutes made by the University.

(2) The by-laws of the College remain in force and apply, with such modifications as may be necessary, to the Roseworthy campus of the University as if they were by-laws made by the University.

(3) Statutes or by-laws that remain in force pursuant to this section may be varied or revoked by the University.

#### **Transitional provisions**

11. (1) A reference to the College or to any school or division of the College in any instrument (statutory or otherwise) or testamentary disposition (whenever made) or in any judgment, order or process of a court will be taken to be a reference to the University.

(2) Subsection (1) does not operate to defeat an intention in a testamentary disposition or trust deed that, should the beneficiary cease to exist, the disposition or trust is to lapse or is to be in favour of some other person or body.

(3) Any legal proceedings commenced by or against the College may be continued by or against the University.

#### **Reporting obligations**

12. The obligation that the College would, had it continued in existence, have had—

(a) to cause its accounts for the last year of its operation to be audited;

(b) to furnish the Governor with a report with respect to that year;

or

(c) to furnish any other authority with reports in respect of its expenditure during that year,

is an obligation of the University to be discharged as if it were the College.

#### **Implementation of agreement**

13. Subject to this Act, the University must use its best endeavours to implement the agreement entered into by the University and the College on 5 December, 1989, entitled "An Agreement for a Merger between Roseworthy Agricultural College and The University of Adelaide".

### **PART III**

## **MERGER OF THE SOUTH AUSTRALIAN INSTITUTE OF TECHNOLOGY AND THE SOUTH AUSTRALIAN COLLEGE OF ADVANCED EDUCATION (MAGILL, UNDERDALE AND SALISBURY CAMPUSES) TO FORM THE UNIVERSITY OF SOUTH AUSTRALIA**

#### **Interpretation**

14. In this Part—

"the College" means the South Australian College of Advanced Education:

"the Institute" means the South Australian Institute of Technology:

"Magill campus" means that part of the College that is situated at Magill:

“Salisbury campus” means that part of the College that is situated at Salisbury East:

“Underdale campus” means that part of the College that is situated at Flinders Park and Underdale:

“the University” means the University of South Australia.

### Repeals

15. (1) The *South Australian Institute of Technology Act, 1972*, is repealed.
- (2) The *South Australian College of Advanced Education Act, 1982*, is repealed.

### Vesting provision

16. (1) The following property, rights, interests and liabilities, whether vested or contingent, as in existence immediately before the commencement day, vest in the University:

- (a) all the real and personal property, rights, interests and liabilities of the Institute;
- (b) such of the real and personal property (other than personal property attributable to the general administration of the College), rights, interests and liabilities of the College as are situated at or attributable to the Magill, Underdale and Salisbury campuses of the College;
- (c) such of the personal property, rights and interests of the College as are attributable to the general administration of the College, to be held jointly by the University as a tenant in common with The University of Adelaide and The Flinders University of South Australia in such shares as the universities agree between them;

and

- (d) such of the liabilities of the College as are attributable to the general administration of the College, for which the University will be jointly and severally liable with The University of Adelaide and The Flinders University of South Australia.

(2) The real property of the Institute vested in the University by this section constitutes, for the purposes of this Act, the Institute campuses of the University.

(3) The real property of the College vested in the University by this section constitutes, for the purposes of this Act, the Magill, Underdale and Salisbury campuses of the University.

(4) The Registrar-General will, on application by the University and on being furnished with such certificates of title or other documents as the Registrar-General may require, register the University as the proprietor of the real property vested in the University by this section.

### Transfer of staff

17. (1) This section applies to—

- (a) a person who was, immediately before the commencement day, an employee of the Institute;
- (b) a person who was, immediately before the commencement day, an employee of the College at the Magill, Underdale or Salisbury campus of the College (not being an employee engaged in the general administration of the College);

and

- (c) a person who was, immediately before the commencement day, an employee of the College engaged in the general administration of the College and who is assigned by the Minister, by notice in the *Gazette*, to the University.

(2) A person to whom this section applies becomes, on the commencement day, an employee of the University.

(3) Nothing in subsection (2) affects the term of appointment, the remuneration or other emoluments of office, the accrued or accruing leave rights or the continuity of service of a person to whom this section applies.

### Superannuation

18. (1) The University is, for the purposes of the *Superannuation Act, 1988*, an authority with which the South Australian Superannuation Board may enter into superannuation arrangements.

(2) A person to whom section 17 applies who was, immediately before the commencement day, a contributor under the *Superannuation Act, 1988*, will, subject to this section, remain a contributor under that Act.

(3) The University is, as the employer of a person to whom subsection (2) refers, liable under the *Superannuation Act, 1988*, for the employer's component—

(a) of all entitlements accruing to that person after the commencement day;  
and

(b) of all the accrued and accruing entitlements of that person for which the Institute or the College, as the case may require, was liable immediately before that day.

(4) A contributor to whom subsection (2) refers may, within three months from the commencement day, by notice in writing addressed to the South Australian Superannuation Board, elect to be treated as if he or she were resigning from employment and to preserve his or her accrued benefits in the South Australian Superannuation Fund, but only if—

(a) in the case of an old scheme contributor—he or she was, immediately before the commencement day, under the age of 60 years;

or

(b) in the case of a new scheme contributor—he or she was, immediately before the commencement day, under the age of 55 years.

(5) Where a contributor makes an election under subsection (4)—

(a) he or she will, for the purposes of this section, be taken to have resigned immediately prior to the commencement day;

and

(b) section 28 or 39 of the *Superannuation Act, 1988*, as the case may require, applies accordingly.

(6) On the University entering into arrangements with the South Australian Superannuation Board, this section (except for subsection (1)) ceases to have effect.

### Transfer of students and courses

19. (1) A person who was, immediately before the commencement day, enrolled as a student of the Institute or of the College at its Magill, Underdale or Salisbury campus becomes, on that day, an undergraduate student or postgraduate student, as the case may require, of the University in the course that he or she was undertaking at the Institute or the College.

(2) The courses of instruction in which the students to which subsection (1) applies were enrolled must be continued by the University, subject to any modifications to the courses it may make under its statutes, and must be so continued for as long as is necessary to enable those students to complete them in the due manner.

(3) All work successfully completed by a student at the Institute or the College will be accorded the same recognition by the University as was accorded by the Institute or the College.

(4) A student of the Institute or the College—

(a) who had qualified for a degree, diploma, certificate or other award at the Institute or the College at its Magill, Underdale or Salisbury campus but had not received the relevant award before the commencement day;

or

(b) who qualifies for such a degree, diploma, certificate or other award shortly after that day (but not as an enrolled student of the University),

will receive that award from the University in the name of the Institute or the College or, if the student so elects, in the name of the University and the Institute or the College, as the case may require.

(5) The following provisions apply in relation to a student who commenced studying a course at the Institute or the College at its Magill, Underdale or Salisbury campus and who successfully completes the course as an enrolled student at the University:

(a) the student will, subject to paragraphs (b) and (c), receive the appropriate award from the University;

(b) if the student had commenced the last semester of the course at the Institute or the College, the University has, subject to paragraph (c), an absolute discretion to give the relevant award either in the name of the University, in the name of the University and the Institute or the College or in the name of the Institute or the College;

(c) a student who successfully completes the course before 31 December, 1995, is entitled, if he or she so elects, to receive the relevant award from the University in the name of the Institute or the College, or in the name of the University and the Institute or the College.

(6) In issuing an award in the name of the Institute or the College under subsection (4) or (5), the University may cause the common seal of the Institute or the College (as the case may require) to be affixed to the award in the presence of such signatories as the Council of the University may appoint for the purpose.

(7) A person who has been awarded a degree, diploma, certificate or other award by or in the name of the Institute, or by or in the name of the College for a course conducted at its Magill, Underdale or Salisbury campus, will, for the purposes of the *University of South Australia Act, 1990*, be taken to be a graduate of the University.

#### **Preservation of statutes and by-laws**

20. (1) The statutes of the Institute, except those that relate to the constitution or proceedings of the governing body of the Institute or the rights or conditions of office of members of that governing body, remain in force and apply, with such modifications as may be necessary, to and in relation to the Institute campuses of the University as if they were statutes made by the University.

(2) The by-laws of the Institute remain in force and apply, with such modifications as may be necessary, to the Institute campuses of the University as if they were by-laws made by the University.

(3) To the extent that they are applicable to the Magill, Underdale or Salisbury campuses of the College or to a course conducted at any of those campuses, the statutes of the College (except those that relate to the constitution or proceedings of the governing body of the College or the rights or conditions of office of members of that governing body) remain in

force and apply, with such modifications as may be necessary, to and in relation to the Magill, Underdale and Salisbury campuses of the University and to those courses as if they were statutes made by the University.

(4) The by-laws of the College, to the extent that they are applicable to the Magill, Underdale or Salisbury campus of the College, remain in force and apply, with such modifications as may be necessary, to the Magill, Salisbury and Underdale campuses of the University as if they were by-laws made by the University.

(5) Statutes or by-laws that remain in force pursuant to this section may be varied or revoked by the University.

#### **Transitional provisions relating to the Institute**

21. (1) A reference to the Institute, or to any campus, school or division of the Institute, in any instrument (statutory or otherwise) or testamentary disposition (whenever made) or in any judgment, order or process of a court will be taken to be a reference to the University.

(2) Subsection (1) does not operate to defeat an intention in a testamentary disposition or trust deed that, should the beneficiary cease to exist, the disposition or trust is to lapse or is to be in favour of some other person or body.

(3) Any legal proceedings commenced by or against the Institute may be continued by or against the University.

#### **Transitional provisions relating to the College**

22. (1) Except where a contrary intention clearly appears, a reference to the College in any testamentary disposition, deed of gift or trust deed (whenever made) will, to the extent that the reference is made in relation to, or the disposition, gift or trust is for the benefit of, the Magill, Underdale or Salisbury campus of the College or a particular school or division within any such campus, or if the disposition, gift or trust is for the benefit of the College generally, be taken to be a reference to the University.

(2) A reference to the College in any other instrument (statutory or otherwise) or in any judgment, order or process of a court will be taken to be—

(a) if the subject matter of the instrument, judgment, order or process pertains solely to the Magill, Underdale or Salisbury campus of the College or to a particular school or division within any of those campuses—a reference to the University;

(b) if the subject matter pertains to the general administration of the College—a reference to the University (as well as to The University of Adelaide and The Flinders University of South Australia).

(3) Any legal proceedings commenced by or against the College may, if the cause of action arose at or relates solely to the Magill, Underdale or Salisbury campus or relates to the general administration of the College, be continued by or against the University (whether or not jointly with any other University).

#### **Reporting obligations**

23. The obligation that the Institute or the College would, had it continued in existence, have had—

(a) to cause its accounts for the last year of its operation to be audited;

(b) to furnish the Governor with a report with respect to that year;

or

(c) to furnish any other authority with reports in respect of its expenditure during that year,

is an obligation of the University to be discharged as if it were the Institute or the College, as the case may require.



**Implementation of agreement**

24. Subject to this Act, the University must use its best endeavours to implement the agreement entered into by the Institute and the College on 9 July, 1990, entitled "An Agreement for a Merger between the South Australian College of Advanced Education and the South Australian Institute of Technology".

**PART IV****MERGER OF THE SOUTH AUSTRALIAN COLLEGE OF ADVANCED EDUCATION  
(CITY CAMPUS) AND THE UNIVERSITY OF ADELAIDE****Interpretation**

25. In this Part—

"the City campus" means that part of the College that is situated at Kintore Avenue, Adelaide;

"the College" means the South Australian College of Advanced Education;

"the University" means The University of Adelaide.

**Vesting provision**

26. (1) The following property, rights, interests and liabilities, whether vested or contingent, as in existence immediately before the commencement day, vest in the University:

(a) such of the real and personal property (other than personal property attributable to the general administration of the College), rights, interests and liabilities of the College as are situated at or attributable to the City campus of the College;

(b) such of the personal property, rights and interests of the College as are attributable to the general administration of the College, to be held jointly by the University as a tenant in common with The Flinders University of South Australia and the University of South Australia in such shares as the universities agree between them;

and

(c) such of the liabilities of the College as are attributable to the general administration of the College, for which the University will be jointly and severally liable with The Flinders University of South Australia and the University of South Australia.

(2) The real property vested in the University under subsection (1) constitutes, for the purposes of this Act, the College campus of the University.

(3) The Registrar-General will, on application by the University and on being furnished with such certificates of title or other documents as the Registrar-General may require, register the University as the proprietor of the real property vested in the University by this section.

**Transfer of staff**

27. (1) This section applies to—

(a) a person who was, immediately before the commencement day, an employee of the College at the City campus of the College (not being an employee engaged in the general administration of the College);

and

(b) a person who was, immediately before the commencement day, an employee of the College engaged in the general administration of the College and who is assigned by the Minister, by notice in the *Gazette*, to the University.

(2) A person to whom this section applies becomes, on the commencement day, an employee of the University.

(3) Nothing in subsection (2) affects the term of appointment, the remuneration or other emoluments of office, the accrued or accruing leave rights or the continuity of service of a person to whom this section applies.

### Superannuation

28. (1) The University is, for the purposes of the *Superannuation Act, 1988*, an authority with which the South Australian Superannuation Board may enter into superannuation arrangements.

(2) A person to whom section 27 applies who was, immediately before the commencement day, a contributor under the *Superannuation Act, 1988*, will, subject to this section, remain a contributor under that Act.

(3) The University is, as the employer of a person to whom subsection (2) refers, liable under the *Superannuation Act, 1988*, for the employer's component—

(a) of all entitlements accruing to that person after the commencement day;

and

(b) of all the accrued and accruing entitlements of that person for which the College was liable immediately before that day.

(4) A contributor to whom subsection (2) refers may, within three months from the commencement day, by notice in writing addressed to the South Australian Superannuation Board, elect to be treated as if he or she were resigning from employment and to preserve his or her accrued benefits in the South Australian Superannuation Fund, but only if—

(a) in the case of an old scheme contributor—he or she was, immediately before the commencement day, under the age of 60 years;

or

(b) in the case of a new scheme contributor—he or she was, immediately before the commencement day, under the age of 55 years.

(5) Where a contributor makes an election under subsection (4)—

(a) he or she will, for the purposes of this section, be taken to have resigned immediately prior to the commencement day;

and

(b) section 28 or 39 of the *Superannuation Act, 1988*, as the case may require, applies accordingly.

(6) On the University entering into arrangements with the South Australian Superannuation Board, this section (except for subsection (1)) ceases to have effect.

### Transfer of students and courses

29. (1) A person who was, immediately before the commencement day, enrolled as a student of the College at its City campus becomes, on that day, an undergraduate student or postgraduate student, as the case may require, of the University.

(2) The courses of instruction in which the students to which subsection (1) applies were enrolled must be continued by the University, subject to any modifications to the courses it may make under its statutes, and must be so continued for as long as is necessary to enable those students to complete them in the due manner.

(3) All work successfully completed by a student at the College will be accorded the same recognition by the University as was accorded by the College.

(4) A student of the College—

(a) who had qualified for a degree, diploma, certificate or other award at the College at its City campus but had not received the relevant award before the commencement day;

or

(b) who qualifies for such a degree, diploma, certificate or other award shortly after that day (but not as an enrolled student of the University),

will receive that award from the University in the name of the College or, if the student so elects, in the name of the University and the College.

(5) The following provisions apply in relation to a student who commenced studying a course at the College at its City campus and who successfully completes the course as an enrolled student at the University:

(a) the student will, subject to paragraphs (b) and (c), receive the appropriate award from the University;

(b) if the student had commenced the last semester of the course at the College, the University has, subject to paragraph (c), an absolute discretion to give the relevant award either in the name of the University, in the name of the University and the College or in the name of the College;

(c) a student who successfully completes the course before 31 December, 1995, is entitled, if he or she so elects, to receive the relevant award from the University in the name of the College, or in the name of the University and the College.

(6) In issuing an award in the name of the College under subsection (4) or (5), the University may cause the common seal of the College to be affixed to the award in the presence of such signatories as the Council of the University may appoint for the purpose.

(7) A person who has been awarded a degree, diploma, certificate or other award by or in the name of the College for a course conducted at its City campus will, for the purposes of *The University of Adelaide Act, 1971*, be taken to be a graduate of the University.

#### **Preservation of statutes and by-laws**

30. (1) To the extent that they are applicable to the City campus of the College or to any course conducted at that campus, the statutes of the College (except those that relate to the constitution or proceedings of the governing body of the College or the rights or conditions of office of members of that governing body) remain in force and apply, with such modifications as may be necessary, to and in relation to the College campus of the University and to those courses as if they were statutes made by the University.

(2) The by-laws of the College, to the extent that they are applicable to the City campus of the College, remain in force and apply, with such modifications as may be necessary, to the College campus of the University as if they were by-laws made by the University.

(3) Statutes or by-laws that remain in force pursuant to this section may be varied or revoked by the University.

#### **Transitional provisions**

31. (1) Except where a contrary intention clearly appears, a reference to the College in any testamentary disposition, deed of gift or trust deed (whenever made) will, to the extent that the reference is made in relation to, or the disposition, gift or trust is for the benefit of, the City campus of the College or a particular school or division within that campus, be taken to be a reference to the University.

(2) A reference to the College in any other instrument (statutory or otherwise) or in any judgment, order or process of a court will be taken to be—

- (a) if the subject matter of the instrument, judgment, order or process pertains solely to the City campus of the College or a school or division within that campus—a reference to the University;
- (b) if the subject matter pertains to the general administration of the College—a reference to the University (as well as to The Flinders University of South Australia and the University of South Australia).

(3) Any legal proceedings commenced by or against the College may, if the cause of action arose at or relates solely to the City campus of the College or relates to the general administration of the College, be continued by or against the University (whether or not jointly with any other university).

#### **Implementation of agreement**

32. Subject to this Act, the University must use its best endeavours to implement the agreement entered into by the College and the University on 22 June, 1990, entitled "An Agreement for a Merger between the City Campus of the South Australian College of Advanced Education and The University of Adelaide".

### **PART V**

#### **MERGER OF THE SOUTH AUSTRALIAN COLLEGE OF ADVANCED EDUCATION (STURT CAMPUS) AND THE FLINDERS UNIVERSITY OF SOUTH AUSTRALIA**

##### **Interpretation**

33. In this Part—

"the College" means the South Australian College of Advanced Education:

"the Sturt campus" means that part of the College that is situated at Bedford Park and Bellevue Heights:

"the University" means The Flinders University of South Australia.

##### **Vesting provision**

34. (1) The following property, rights, interests and liabilities, whether vested or contingent, as in existence immediately before the commencement day, vest in the University:

(a) such of the real and personal property (other than personal property attributable to the general administration of the College), rights, interests and liabilities of the College as are situated at or attributable to the Sturt campus of the College;

(b) such of the personal property, rights and interests of the College as are attributable to the general administration of the College, to be held jointly by the University as a tenant in common with The University of Adelaide and the University of South Australia in such shares as the universities agree between them;

and

(c) such of the liabilities of the College as are attributable to the general administration of the College, for which the University will be jointly and severally liable with The University of Adelaide and the University of South Australia.

(2) The real property vested in the University under subsection (1) constitutes, for the purposes of this Act, the College campus of the University.

(3) The Registrar-General will, on application by the University and on being furnished with such certificates of title or other documents as the Registrar-General may require, register the University as the proprietor of the real property vested in the University by this section.

**Transfer of staff**

35. (1) This section applies to—

(a) a person who was, immediately before the commencement day, an employee of the College at the Sturt campus of the College (not being engaged in the general administration of the College);

and

(b) a person who was, immediately before the commencement day, an employee of the College engaged in the general administration of the College and who is assigned by the Minister, by notice in the *Gazette*, to the University.

(2) A person to whom this section applies becomes, on the commencement day, an employee of the University.

(3) Nothing in subsection (2) affects the term of appointment, the remuneration or other emoluments of office, the accrued or accruing leave rights or the continuity of service of a person to whom this section applies.

**Superannuation**

36. (1) The University is, for the purposes of the *Superannuation Act, 1988*, an authority with which the South Australian Superannuation Board may enter into superannuation arrangements.

(2) A person to whom section 35 applies who was, immediately before the commencement day, a contributor under the *Superannuation Act, 1988*, will, subject to this section, remain a contributor under that Act.

(3) The University is, as the employer of a person to whom subsection (2) refers, liable under the *Superannuation Act, 1988*, for the employer's component—

(a) of all entitlements accruing to that person after the commencement day;

and

(b) of all the accrued and accruing entitlements of that person for which the College was liable immediately before that day.

(4) A contributor to whom subsection (2) refers may, within three months from the commencement day, by notice in writing addressed to the South Australian Superannuation Board, elect to be treated as if he or she were resigning from employment and to preserve his or her accrued benefits in the South Australian Superannuation Fund, but only if—

(a) in the case of an old scheme contributor—he or she was, immediately before the commencement day, under the age of 60 years;

or

(b) in the case of a new scheme contributor—he or she was, immediately before the commencement day, under the age of 55 years.

(5) Where a contributor makes an election under subsection (4)—

(a) he or she will, for the purposes of this section, be taken to have resigned immediately prior to the commencement day;

and

(b) section 28 or 39 of the *Superannuation Act, 1988*, as the case may require, applies accordingly.

(6) On the University entering into arrangements with the South Australian Superannuation Board, this section (except for subsection (1)) ceases to have effect.

**Transfer of students and courses**

37. (1) A person who was, immediately before the commencement day, enrolled as a student of the College at its Sturt campus becomes, on the commencement day, an undergraduate or postgraduate student, as the case may require, of the University.

(2) The courses of instruction in which the students to which subsection (1) applies were enrolled must be continued by the University, subject to any modifications to the courses it may make under its statutes, and must be so continued for as long as is necessary to enable those students to complete them in the due manner.

(3) All work successfully completed by a student at the College will be accorded the same recognition by the University as was accorded by the College.

(4) A student of the College who—

(a) had qualified for a degree, diploma, certificate or other award at the College at its Sturt campus but had not received the relevant award before the commencement day;

or

(b) qualifies for such a degree, diploma, certificate or other award shortly after that day (but not as an enrolled student of the University),

will receive that award from the University in the name of the College or, if the student so elects, in the name of the University and the College.

(5) The following provisions apply in relation to a student who commenced studying a course at the College at its Sturt campus and who successfully completes the course as an enrolled student at the University:

(a) the student will, subject to paragraphs (b) and (c), receive the appropriate award from the University;

(b) if the student had commenced the last semester of the course at the College, the University has, subject to paragraph (c), an absolute discretion to give the relevant award either in the name of the University, in the name of the University and the College or in the name of the College;

(c) a student who successfully completes the course before 31 December, 1995, is entitled, if he or she so elects, to receive the relevant award from the University in the name of the College, or in the name of the University and the College.

(6) In issuing an award in the name of the College under subsection (4) of (5), the University may cause the common seal of the College to be affixed to the award in the presence of such signatories as the Council of the University may appoint for the purpose.

(7) A person who has been awarded a degree, diploma, certificate or other award by or in the name of the College for a course conducted at its Sturt campus will, for the purposes of *The Flinders University of South Australia Act, 1966*, be taken to be a graduate of the University.

**Preservation of statutes and by-laws**

38. (1) To the extent that they are applicable to the Sturt campus of the College or to any course conducted at that campus, the statutes of the College (except those that relate to the constitution or proceedings of the governing body of the College or the rights or conditions of office of members of that governing body) remain in force and apply, with such modifications as may be necessary, to and in relation to the College campus of the University and to those courses as if they were statutes made by the University.

(2) The by-laws of the College, to the extent that they are applicable to the Sturt campus of the College, remain in force and apply, with such modifications as may be necessary, to the College campus of the University as if they were by-laws made by the University.

(3) Statutes or by-laws that remain in force pursuant to this section may be varied or revoked by the University.

#### **Transitional provisions**

39. (1) Except where a contrary intention clearly appears, a reference to the College in any testamentary disposition, deed of gift or trust deed (whenever made) will, to the extent that the reference is made in relation to, or the disposition, gift or trust is for the benefit of, the Sturt campus of the College or a particular school or division within that campus, be taken to be a reference to the University.

(2) A reference to the College in any other instrument (statutory or otherwise) or in any judgment, order or process of a court will be taken to be—

(a) if the subject matter of the instrument, judgment, order or process pertains solely to the Sturt campus of the College—a reference to the University;

(b) if the subject matter pertains to the general administration of the College—a reference to the University (as well as to The University of Adelaide and the University of South Australia).

(3) Any legal proceedings commenced by or against the College may, if the cause of action arose at or relates solely to the Sturt campus of the College or relates to the general administration of the College, be continued by or against the University (whether or not jointly with any other university).

#### **Implementation of agreement**

40. Subject to this Act, the University must use its best endeavours to implement the agreement entered into by the College and the University on 3 July, 1990, entitled "An Agreement for a Merger between The Flinders University of South Australia and the South Australian College of Advanced Education".

## PART VI GENERAL

#### **Exemption from stamp duty and registration fees**

41. (1) No stamp duty is payable in respect of the vesting of property effected by or pursuant to this Act or in respect of any instrument evidencing that vesting.

(2) No registration fee is payable in respect of any application made to the Registrar-General under this Act.

#### **Consultation by Minister**

42. The Minister cannot publish a notice in the *Gazette* for the purpose of assigning staff without first consulting, and taking into account the advice of, The University of Adelaide, The Flinders University of South Australia, the South Australian Institute of Technology and the South Australian College of Advanced Education.

#### **Division of jointly held property and liabilities between the universities**

43. The universities may enter into arrangements to divide between them any property, rights, interests or liabilities jointly vested in them pursuant to this Act.

#### **Resolution of uncertainties or disagreements**

44. (1) In the event of there being uncertainty, or any of the universities being unable to reach agreement—

(a) as to the property, rights, interests or liabilities that should properly be attributed to a particular campus of the South Australian College of Advanced Education;

(b) as to the personal property, rights, interests or liabilities that should properly be attributed to the general administration of that College;

or

(c) as to the division of that property or those rights, interests or liabilities between the universities,

the universities concerned may appoint a person to arbitrate in the matter.

(2) If the universities concerned cannot reach agreement on the appointment of an arbitrator, the Minister will, on the request of those universities, appoint a person to arbitrate in the matter.

(3) An arbitrator appointed under this section—

(a) may make such determinations and give such directions as to the vesting or transfer of any property, right, interest or liability in or to a university as he or she thinks just and equitable;

and

(b) must furnish the universities concerned in the matter and the Minister with a copy of those determinations and directions.

(4) The Minister must cause a copy of those determinations and directions to be published in the *Gazette*.

(5) On the publication of a direction given under subsection (3) as to the vesting of any property, right, interest or liability in a specified university, the direction operates, notwithstanding any other provision of this Act, to vest that property, right, interest or liability in that university.

(6) A university must comply with any direction given to it under this section.

## PART VII

### AMENDMENT OF THE FLINDERS UNIVERSITY OF SOUTH AUSTRALIA ACT, 1966

#### Short title

45. *The Flinders University of South Australia Act, 1966*, is referred to in this Part as “the principal Act”.

#### Interpretation

46. Section 2 of the principal Act is amended by inserting after the definition of “general staff” the following definition:

“graduate” of the University means a person who has been awarded by the University a degree, diploma or any other award prescribed by the statutes of the University for the purposes of this definition.

#### Convocation

47. Section 17 of the principal Act is amended by striking out paragraph (a) from subsection (1) and substituting the following paragraph:

(a) of all graduates of the University;



**Power to make statutes, regulations, etc.**

48. Section 20 of the principal Act is amended—

(a) by striking out from paragraph (v) of subsection (1) “or honours” and substituting “honours, diplomas or other awards”;

(b) by striking out from paragraph (vi) of subsection (1) “or degree” and substituting “, degree, diploma or other award”;

and

(c) by inserting in paragraph (ix) of subsection (1) “, diploma or other award” after “degree”.

**Substitution of s. 30**

49. Section 30 of the principal Act is repealed and the following section is substituted:

**Jurisdiction of Industrial Commission**

30. Notwithstanding any Act or law to the contrary, the Industrial Commission of South Australia has and may exercise in relation to the officers and employees of the University any jurisdiction conferred on it by the *Industrial Conciliation and Arbitration Act, 1972*.

**PART VIII****AMENDMENT OF TERTIARY EDUCATION ACT, 1986****Short title**

50. The *Tertiary Education Act, 1986*, is referred to in this Part as “the principal Act”.

**Long title**

51. The long title to the principal Act is amended by striking out “to amend the *Roseworthy Agricultural College Act, 1973*, the *South Australian College of Advanced Education Act, 1982*, the *South Australian Institute of Technology Act, 1972* and the *Technical and Further Education Act, 1976*”.

**Interpretation**

52. Section 3 of the principal Act is amended—

(a) by striking out paragraphs (c), (d) and (e) from the definition of “principal institution of tertiary education” in subsection (1) and substituting the following paragraph:

(c) the University of South Australia;

and

(b) by striking out the definition of “university” in subsection (1) and substituting the following definition:

“university” means The University of Adelaide, The Flinders University of South Australia or the University of South Australia.

**Advisory Council on Tertiary Education**

53. Section 8 of the principal Act is amended—

(a) by striking out from paragraph (b) of subsection (2) “six” and substituting “four”;

and

(b) by striking out subparagraphs (iii), (iv) and (v) from paragraph (b) of subsection (2) and substituting the following subparagraph:

(iii) one has been nominated by the University of South Australia;

**Membership of the Institute**

54. Section 9b of the principal Act is amended—

(a) by striking out from subsection (1) “eleven” and substituting “nine”;

and

(b) by striking out paragraphs (e), (f) and (g) from subsection (1) and substituting the following paragraph:

(e) one will be a person chosen from a panel of three nominated by the University of South Australia;

**Procedure at meetings**

55. Section 9d of the principal Act is amended by striking out from subsection (2) “six” and substituting “five”.

**Repeal of schedules**

56. Schedules 1 and 2 to the principal Act are repealed.

**PART IX****AMENDMENT OF THE UNIVERSITY OF ADELAIDE ACT, 1971****Short title**

57. *The University of Adelaide Act, 1971*, is referred to in this Part as “the principal Act”.

**Interpretation**

58. Section 3 of the principal Act is amended—

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

“graduate” of the University means a person who has been awarded by the University a degree, diploma, or any other award prescribed by the statutes or regulations of the University for the purposes of this definition;

and

(b) by inserting “, a diploma or other award prescribed by the statutes or regulations of the University for the purposes of this definition” after “bachelor’s degree” in the definition of “undergraduate of the University”.

**Power to confer awards**

59. Section 6 of the principal Act is amended—

(a) by inserting in subsection (1) “, diplomas or other awards” after “such degrees”;

and

(b) by inserting in subsection (3) “, diploma or other award” after “degree”.

**Jurisdiction of the Industrial Commission**

60. Section 29 of the principal Act is amended by striking out “other than the academic staff”.

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

D. B. DUNSTAN, Governor