



THE UNIVERSITY
of ADELAIDE

Legal Compliance Education and Awareness

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University of Adelaide Act 1971

(South Australia)

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Introduction

The University of Adelaide is governed by its Council, which is established by the [University of Adelaide Act 1971 \(SA\)](#).

The Act provides for the continuance of the administration of the University of Adelaide and for other purposes.

The Act identifies the object of the University as – *the advancement of learning and knowledge, including the provision of university education.*

What does the University of Adelaide Act do?

- Establishes the University of Adelaide & its [governance arrangements](#)
- Gives the University the power to confer degrees
- Identifies the role of Council to appoint a Chancellor and Vice-Chancellor
- Sets out the responsibilities of the Council and conditions under which a power or function can be delegated
- Sets the constitution of Council and duty of Council members
- Sets the rules for the appointment of members of the Council
- Creates a legal interest in official university titles & insignia
- Establishes the [Adelaide University Union](#)

University Council

- Established under the University of Adelaide Act to govern the University
- Chaired by the Chancellor
- Advised by its Standing Committees:
 - [Academic Board](#)
 - [Audit, Compliance & Risk Committee](#)
 - [Finance & Infrastructure Committee](#)
 - [Convenors' Committee](#)
 - [Council Selection Committee](#)
 - [People & Culture Committee](#)
 - [Senior Executive Review Committee](#)
 - [Special Degrees Committee](#)
- Council Members are expected to:
 - Exercise a reasonable degree of care & diligence in their Council responsibilities
 - Act in the best interest of the University, in good faith & for proper purposes

In these circumstances Council Members are indemnified against liability.

University Council: Principle Responsibilities

- Appoint the [Vice-Chancellor & President](#) as the chief executive officer of the University and monitor his or her performance
- Approve the mission and [strategic direction](#) of the University, as well as the [annual budget](#) and business plan
- Oversee and review the management of the University and its performance
- Establish policy and procedural principles, consistent with legal requirements and community expectations
- Approve and monitor systems of control & accountability, including general overview of any controlled entities
- Oversee and monitor the assessment and management of risk across the University
- Oversee and monitor the academic activities of the University
- Approve significant commercial activities of the University
- Establish and administer trusts and other funds, including a common investment fund

Regulating University Activities

The Council has the authority to make Statutes, Rules and By-Laws.

While most activities were historically managed through Statutes, they are now managed through [University Policies](#) and [Rules](#). Some residual and important statutes remain in force.

Statutes of the University

The Council has power to make [Statutes](#) for many purposes. Current statutes deal with, among other things:

- faculties, departments academic divisions or units and regulate their administration
- the appointment or dismissal of University officers, including the Chancellor, Deputy Chancellor, Vice-Chancellor and Deputy Vice-Chancellor
- student misconduct
- tuition fees and the conditions governing the award of fellowships, scholarships, prizes, exhibitions or other awards
- affiliation with various colleges

Refer to the [Governance website](#) for the full list of University Statutes

Rules of the University

- [Academic Dress](#)
- [Academic Programs](#)
- Academic Program Rules:
 - [Undergraduate programs](#)
 - [Postgraduate programs](#)
 - [Doctor of Philosophy](#)
- [Academic Year](#)
- [Alumni Council](#)
 - [Functions](#)
 - [Election and terms of office of members](#)
- [A.M. Simpson Library in Aeronautics Rules](#)
- [Award of Degree *ad eundem gradum*](#)
- [Election of Council Members](#)
- [Endowments](#)
- [Graduation Ceremonies](#)
- [Library](#)
- [Special Degrees](#)
- [Student Amenities Fee](#)
- [Student Misconduct Rules](#) and [Flowchart](#)
- [The Abbie Memorial Lectures Rules](#)
- [The Elizabeth Jackson Library Rules](#)
- [The Lady Barr Smith Memorial Fund for Cancer Research](#)
- [The University of Adelaide Medal](#)
- [University Seal and Execution of Documents](#)

A breach of the Act, its Statutes or Rules may constitute misconduct, actionable under the University's Enterprise Agreement

By-laws of the University

The Council has power to make [By-laws](#) for any of the following purposes:

- to prevent trespassing and regulate conduct
- to regulate the supply and consumption of alcohol on University grounds
- to regulate conduct of meetings and assemblies
- to regulate traffic on University grounds
- to authorise enforcement of by-laws
- to seek compensation for damage done to University grounds and property
- to prohibit the use of weapons on University grounds

Breaches of the University's By-laws are an offence and attract fines of up to \$200

Refer to the [Governance website](#) for the full list of University By-Laws

Power to confer awards

- Under the Act, the University has power, in accordance with its statutes & rules, to confer degrees, diplomas or other academic awards
- Academic awards may be jointly conferred with another university, registered training organisation or another specified body
- Honorary awards may be conferred on a person who the University thinks merits special recognition
- A degree may be conferred upon a person who has been admitted to a degree at another University or has obtained some other qualification at an institution of higher learning that is of equivalent or higher status
- An award may be conferred posthumously, if a person dies after completing, or substantially completing the requirements of the award
- The University also has power to permit a graduate of the University, in certain circumstances, to surrender a degree, diploma or other award previously conferred upon him or her by the University

Delegations of Authority

Under section 10 of the Act, the Council can by instrument in writing delegate any of its powers or functions to:

- a member of the Council; or
- an employee of the University, or
- the holder of a particular office or position in the University; or
- any committee of the Council or the University.

However, Council may not divest its principal responsibilities or any function that the Act clearly intended the Council to perform itself.

Under section 10(3), the power or function can be further delegated if the instrument of delegation allows it.

Refer to the [Governance website](#) for more information.

Official University Insignia

- A person must not, without the consent of the University, assume a name or description that consists of, or includes, official University insignia, including:
 - the University logo (coat of arms)
 - an official title (eg. School of Medicine)
 - an official symbol (combination of a logo & an official title)
- A person must not, without the consent of the University, in the course of a trade or business:
 - use a name in which the University has a proprietary interest (eg. Adelaide Unicare) for the purpose of promoting the sale of services or the provision of any benefits
 - sell goods marked with official insignia
 - use official insignia for the purpose of promoting the sale of goods or services
- ***Fines of up to \$20,000 apply for unauthorised or inappropriate use of official University insignia***

Adelaide University Union (AUU)

- The [Adelaide University Union \(AUU\)](#) is a Body Corporate established under the Act
- The AUU exists primarily to:
 - provide amenities & services to students & Members
 - to further the welfare of students & Members
 - to be the main social, cultural & support centre for all students of the University
 - to represent the interests of the students of the University, individually & as a whole, to the University, government & the community at large
 - to ensure that its services are provided equitably across the major campuses of the University
- The AUU is subject to;
 - audits
 - financial Reports
 - budgeting
 - approval of the Council
- The powers, authorities & obligations of the AUU are determined by its own Constitution, Rules & Statutes

Additional Resources

- [Dr Nicole Beaumont](#), Council Secretary
 - 8313 4015
- [Mr Andrew Starcevic](#), Senior Council Secretariat Officer
 - 8313 6106
- [Mr Mariusz Kurgan](#), Council Secretariat Officer
 - 8313 5668
- [University of Adelaide Governance website](#)
- [University Statutes & By-Laws](#)
- [University of Adelaide Act 1971 \(SA\)](#)



Disclaimer

The content of this material is intended only to provide a summary & general overview of the *University of Adelaide Act* as it applies to the University of Adelaide.

It is not intended to be comprehensive nor does it constitute legal advice.

Please contact *Dr Nicole Beaumont, Council Secretary* or the Legal and Risk Branch if you are unsure of your compliance obligations under the Act.