1. MEMBERSHIP

Senate noted a report of its current membership and committee structure.

2. APOLOGIES

Senate noted apologies from Judge Kate O’Brien, Ms Carolyn Jakobsen, Mr Bob Pett, Mr Daniel Narbett, Ms Margaret Banks and Mr Garry Hunt.

3. DECLARATIONS OF INTEREST (SENATE STANDING ORDERS CLAUSE 4.2)

See item 4.

4. CONFIDENTIAL ITEM – CURTIN UNIVERSITY OF TECHNOLOGY

Senate dealt with this item in camera, but with members of the Senior Executive Group, who had signed confidentiality undertakings, present. See separate, confidential minute of this item.

The Chancellor reminded all members of Senate that the content of the Senate’s discussion on this topic remains strictly confidential and that any approaches from the media should be referred to the Vice Chancellor who is co-ordinating Murdoch’s responses.

Resolved: To note the Vice Chancellor’s declaration of interest and to confirm that no conflict of interest exists that prevents him from participating in, and voting on, all Senate discussions of the matter.

S/35/2005
Resolved: 5/36/2005

(i) To ratify the actions of the Chancellor and Vice Chancellor in participating in preliminary discussions with Curtin University of Technology regarding the conduct of a joint investigation of the merits of merging the two universities.

(ii) To authorise the Vice Chancellor to form a working party on behalf of Murdoch University, which working party will participate in the joint feasibility study, noting that:

(a) The joint feasibility study will investigate the desirability and feasibility of a merger of the two universities on the understanding that Professor John Yovich will be the Vice Chancellor of the merged entity.

(b) The Vice Chancellor’s working party will include Mr Terry Budge.

(c) Prior to any further meetings of Senate, the Vice Chancellor will provide interim progress reports to the Chancellor’s Committee.

(d) The final report of the feasibility study will be referred to Senate for its consideration and determination whether or not to pursue the issue of a merger.

Secretary’s note: Mr Mal Bradley abstained from voting on this resolution.

5. VICE CHANCELLOR’S REPORT

Senate noted the Vice Chancellor’s report, together with the tabled supplementary details of:

➤ progress of the Universities Legislation Amendment Bill through the WA Parliament; and

➤ results of the round 2, 2005 linkage grants.

6. BI-ANNUAL REPORT ON ENROLMENT TRENDS

Senate noted the report of the PVC (Strategy) and his presentation of key features, including:

➤ Notwithstanding a decreasing number of 1st preferences available in WA, the University increased its share of the available pool, which was against the WA trend.

➤ Overall, the University’s percentage of student load and student numbers in 2005 increased by 5% compared to 2004.

7. AUQA AUDIT UPDATE

Prof Jan Thomas, the PVC (Academic) provided an update on Murdoch’s preparations for the upcoming AUQA audit. Key elements included:

➤ Members of Senate were encouraged to provide feedback concerning the draft portfolio index/outline as well as the draft content of chapter two, dealing with Governance & Management.

➤ Membership of the audit panel for the Whole of University Audit in November 2005 had been finalised. The panel comprises of Prof H.K Cheong from Singapore Institute of Management, Mr Len Scanlon, Mr Terry Budge and Prof Alex Radloff.
8. **STATUTE CHANGES**

Senate noted a report by the General Counsel & University Secretary, in particular:

- due to an administrative oversight, Senate resolution S/117/2004, approving amendments to *Statute no. 23 - Student Discipline*, had not been actioned and, accordingly, the process needed to commence again; and
- consequent upon Senate resolution S/31/2005(i), notice of the amendments to *Statute no. 8 - Interpretation* has been displayed at the University in accordance with paragraph 25(1)(b) of the *Murdoch University Act*.

**Resolved:**

(i) To approve amendments to *Statute no. 23 - Student Discipline* in the terms **attached** (amendments marked up).

(ii) To ratify amendments to *Statute no. 8 - Interpretation* in the terms **attached** (amendments marked up).

**Secretary's note**

In accordance with sub-section 25(1) of the *Murdoch University Act*, an absolute majority of Senate members voted in favour of the resolution.

9. **MINUTES**

Senate confirmed the minutes of the meeting held on 24/05/2005. It also noted a report of action taken to implement previous resolutions of Senate.

The General Counsel & University Secretary reported that consequent upon Senate resolution S/33/2005, negotiations with AEG to finalise the required agreements were proceeding, but that the 30/06/2005 deadline stipulated in the settlement deed was not achievable.

**Resolved:**

To approve extending the deadline to conclude negotiations with AEG until 15/07/2005.

10. **ACADEMIC COUNCIL**

Senate noted the minutes of the meeting of the Academic Council held on 18/05/2005. Other than with regard to legislative amendments, there were no recommendations requiring a Senate resolution.

**Secretary's note**

All legislative amendments are dealt with under the Legislation Committee item.

11. **AUDIT & RISK MANAGEMENT COMMITTEE**

Senate noted the minutes of the Audit & Risk Management Committee (on a decision by circulation) dated 20/06/2005 and resolved in accordance with the recommendation of the committee as follows:

**Resolved:**

To endorse Ms Beverley Schubert being co-opted as a member of the Audit & Risk Management Committee for a term of 3 years commencing on 01/07/2005.

12. **CHANCELLOR’S COMMITTEE**

Senate noted the minutes of the meeting of the Chancellor’s Committee held on 14/06/2005. All recommendations of the committee are dealt with under item 4.
13. LEGISLATION COMMITTEE

Senate noted the minutes of the Legislation Committee (on a decision by circulation) dated 20/06/2005 and resolved in accordance with the recommendation of the committee as follows:

**Resolved:** To amend the following University regulations in the terms attached (amendments marked up):

(i) Bachelor Degree Regulation 1(1);
(ii) Certificate Regulation 1(c);
(iii) Diploma Regulations 1(1)(b) and (c);
(iv) Master by Coursework Degree Regulations 1(1) and 2(1);
(v) Diploma Regulation 1(1)(c); and
(vi) Certificate Regulation 1(d).

14. RESOURCES COMMITTEE (PAPERS & DISCUSSION COMMERCIAL IN CONFIDENCE)

Senate noted the minutes of the meeting of the Resources Committee held on 14/06/2005 and resolved in accordance with the recommendation of the committee as follows:

**Resolved:**

(i) To approve the attached Officer’s Indemnity Policy to apply to all members of Senate, third parties co-opted to serve on Senate committees and working parties and all employees of the University, by way of supplement to the University’s director’s and officers’ liability insurance cover in force from time to time.

(ii) To amend resolution S/22/2005 dated 29/03/2005 in the terms attached (amendments marked up).

15. OFFICIAL SEAL

Senate noted the attached report provided in accordance with resolution S/54/2004.

Signed as a true record of the meeting of the Senate held on 28/06/2005.

---

EMERITUS PROFESSOR GEOFFREY BOLTON - CHAIR

Dated: August, 2005
| Date of Academic Council recommendation: | 04/11/2004 |
| Academic Council resolution number: | AC/176/2004 |
| Date of Legislation Committee endorsement: | 04/11/2004 |
| Legislation Committee resolution number: | LC/45/2004 |

**Proposed amendment:**

(All changes to be shown in mark-up)

5. Student Appeals Committee

5.2 The Student Appeals Committee shall comprise will be constituted in accordance with the Student Appeals Committee Regulations.

(a) A Chair, who shall be a member of academic staff of the rank of Professor or Associate Professor, appointed by Academic Council for a term of three years.

(b) A member of academic staff appointed by Academic Council for a term of three years.

(c) The President of the Guild of Students or a student nominated by her or him. However, when an appeal concerns the examination of a thesis for a doctoral or research masters degree, during consideration of that appeal the student member shall be a postgraduate research student (other than a student member of the Research and Development Board) nominated by the Guild President.

5.3 One of the two members of academic staff shall be female and the other male. Executive Deans are ineligible for appointment to the Committee. Each staff member shall have an alternate of the same gender appointed by Academic Council. The alternate for the Chair shall also be of the rank of Associate Professor or Professor.

5.4 Any member of the Committee who has a family or other personal relationship with an appellant, or other conflict of interest, shall withdraw from the meeting during consideration of that case, and be replaced by the alternate member or another student nominee (as applicable).
PROPOSED AMENDMENTS TO STATUTE NO. 8 - INTERPRETATION

Statute No. 8—Interpretation

1. In any Statute, Regulation or By-law of the University, unless the context otherwise requires:

   **Absolute majority** means a majority of all the persons for the time being holding office;

   **Act** means the *Murdoch University Act 1973 (WA)*;

   **By-law** means a by-law of the University made under the Act;

   **Campus** means the lands or premises from time to time designated as a campus by the Senate. There may be more than one campus so designated at any one time;

   **Day** means calendar day;

   **Dean** means the Head of a School upon whom the Vice-Chancellor has conferred the title Dean in accordance with the Division Regulations;

   **Division** means a unit of university organisation constituted as a Division by the Division Regulations;

   **Examination** means an examination conducted by or within the University or an examination conducted by any other person or body prescribed by the statutes as a person or body authorised to conduct examinations for the University;

   **Executive Dean** means the Executive Dean of a Division appointed under the Division Regulations;

   **External Student** means a student designated as an external student by the Secretary;

   **General Staff** means *members of the staff all employees* of the University who are not members of the *University’s academic staff*;

   **Graduate** means a graduate of any University;

   **Member of the University** means a person who is a member of the Senate, a member of the staff of the University other than a person employed on a casual basis, a graduate of the University or a student;

   **Office of the University** means the office of the University as from time to time designated by the Senate;

   **Prescribed** means prescribed by the Act, or a Statute, Regulation or By-law as the case may be;

   **Part-time Student** means a student designated as a part-time student by the Secretary;

   **Regulation** means a Regulation of the University made under the Act;

   **School or School of Study** means the unit of university organisation constituted as a School under the School Regulations or the Division Regulations;
2. Subject to paragraph 3(d), the provisions of the Interpretation Act 1984 (WA) in force from time to time apply in the interpretation and construction of the Statutes, Regulations and By-law.

2. (1) A heading of and within any Statute or Regulation or By-law shall be part of that Statute or Regulation.

(2) A Schedule to a Statute, Regulation or By-law shall be part of that Statute, Regulation or By-Law.

3. The repeal or amendment of any Statute, Regulation or By-law in whole or in part, unless the contrary intention appears, shall not affect:

(a) any right, privilege, obligation or liability acquired, accrued, or incurred under the revoked or amended Statute, Regulation or By-law;

(b) any penalty or punishment incurred in respect of any offence committed under the revoked or amended Statute, Regulation or By-law; or

(c) any investigation, inquiry, legal proceedings or remedy in respect of any such right, privilege, obligation or liability, penalty or punishment and any such investigation, inquiry, legal proceedings or remedy may be instituted, continued or enforced and any such penalty or punishment may be imposed as if the revoking or amending Statute, Regulation or By-law had not been made.

4. Any reference to any Act of the State of Western Australia or any Statute, Regulation or By-law shall, from the date of any amendment to such Act, Statute, Regulation or By-law be deemed to be that Act, Statute, Regulation or By-law as so amended.

53. In any Statute, Regulation or By-law unless the contrary intention appears:

(a) words importing either gender shall include the other;

(b) words in the singular shall include the plural and words in the plural shall include the singular;

(c) a reference to any person holding an office shall be to the person who holds or discharges the duty of that office for the time being, or to the person who is for the time being acting in that office as the case may require;

(d) a person appointed as a member of a University body or organisation by virtue of some other office held by him or her whether in the University or
elsewhere, and expressed to be appointed ‘ex officio’ shall have the right to nominate any other person to represent him or her on any such body or organisation and from time to time remove and replace any such nominee as he or she shall think fit;

(ec) a reference to a person who is ‘primarily a student’ is a reference to a person whom the Vice-Chancellor determines is primarily a student.

(f) Any reference to days includes parts of days. Any reference to periods of days “after”, “from” or “prior to” a day shall exclude that day in the calculation of the number of days. Whenever a specified period of days ends on a Saturday, Sunday. For the purposes of sub-section 61(2) of the Interpretation Act 1984 (WA), “excluded day” means Saturday, Sunday, or other day on which the University is officially closed, the period shall end on the next day that is a working day.

64. The periods of instruction in each year shall be determined by the Senate.

75. For the purposes of section 8(2) of the Act, the University shall (inter alia) consist of all members of the academic and general staff of the University other than those employed on a casual basis.
The following bachelor degrees shall be offered by the University:
Bachelor of Animal Science (BAnimSc), Bachelor of Applied Economics (BAppEcon), Bachelor of Applied Information Technology (BAppIT), Bachelor of Applied Science (BAppSc), Bachelor of Arts (BA), Bachelor of Asian Area Studies (BAAS), Bachelor of Asian Studies (BAsianSt), Bachelor of Asian Studies (Specialist) (BAsianSt), Bachelor of Biotechnology (BBiot), Bachelor of Business Administration (BBusAdmin), Bachelor of Business Informatics (BBusInformatics), Bachelor of Business Information Technology Studies (BBusITSt), Bachelor of Chiropractic (BChiro), Bachelor of Commerce (BCom), Bachelor of Community Studies (BCommSt), Bachelor of Computer Studies (BCompSt), Bachelor of Development Studies (BDevSt), Bachelor of Divinity (BD), Bachelor of Economics (B Econ), Bachelor of Education (BEd), Bachelor of Education Studies (BEdSt), Bachelor of Engineering (BE), Bachelor of Engineering Science (BEngSc), Bachelor of Environmental Impact Assessment (BELA), Bachelor of Environmental Science (BEnvSc), Bachelor of Extractive Metallurgy (BExtMet), Bachelor of Finance and Economics (BFinEc), Bachelor of Health Sciences (BHSc), Bachelor of Information Systems Studies (BInfoSysSt), Bachelor of International Business (BIB), Bachelor of Journalism (BJour), Bachelor of Laws (LLB), Bachelor of Legal Studies (BLS), Bachelor of Literature and Communication (BLittComm), Bachelor of Marketing and the Media (BMM), Bachelor of Media Production (BMedPr), Bachelor of MultiMedia (BMMedia), Bachelor of Nursing (BNurs), Bachelor of Nursing Conversion (BNursConv), Bachelor of Policy Studies (BPolSt), Bachelor of Professional Studies (Education) (BProfSt), Bachelor of Psychology (BPsych), Bachelor of Science (BSc), Bachelor of Technology (B Tech), Bachelor of Theology (BTheol), Bachelor of Tourism (BTour), Bachelor of Veterinary Medicine and Surgery (BVMS), Bachelor of Women's Studies (BWomSt).
| Date of Academic Council recommendation: | 18/05/2005 |
| Academic Council resolution number: | AC/55/2005 |
| Date of Legislation Committee endorsement: | 21/06/2005 |
| Legislation Committee resolution number: | LC/07/2005 |

**Proposed amendment:**
(all changes to be shown in mark-up)

1(c) **Graduate Certificates** in: Applied Economics (GradCertAppEcon), Applied Language Education (LOTE) (GradCertAppLangEd), Applied Sociology (GradCertAppSoc), Applied Statistics (GradCertAppStats), Asian Languages (GradCertAsLang), **Counselling (GradCertCounsel)**, Creative Arts (GradCertCA), Dispute Resolution (GradCertDispRes), Drama Teaching (GradCertDramaTeach), Early Childhood Education (GradCertEarlyChildEd), Education Studies (GradCertEdSt), Ecologically Sustainable Development (GradCertEcolSustDev), Economics (GradCertEcon), Ethics (GradCertEthics), Health, Safety and the Environment (GradCertHSE), Human Resource Management (GradCertHRM), Industrial Property (GradCertIndProp), Law (GradCertLaw), Legal Studies (Court Administration) (GradCertLegSt), Mathematics Teaching (GradCertMathTeach), Organisational Human Resources and Safety (GradCertOHRS), Pharmacy Entry (GradCertPharmEnt), Physics (GradCertPhys), Policy Studies (GradCertPolSt), Professional Writing (GradCertProfWrite), Radio Journalism (GradCertRadioJour), **Religion (GradCertRel)**, Road Safety Studies (GradCertRSS), Security, Terrorism and Counterterrorism Studies (GradCertSecurTerr), Special Needs Education (GradCertSpecNeedsEd), Tertiary and Adult Education (GradCertTerAdEd);
## Diploma Regulations
### Proposed Amendment

<table>
<thead>
<tr>
<th>Proposed amendment: (all changes to be shown in mark-up)</th>
<th>1(b) Graduate Diplomas in: Accounting (GradDipAcc), Applicable Mathematics (GradDipAppMath), Applied Economics (GradDipAppEcon), Applied Language Education (LOT), Applied Statistics (GradDipAppStats), Arts (GradDipA), Asian Language Education (GradDipAsianLangEd), Asian Studies (GradDipAsianSt), Business Information Technology (GradDipBusIT), Computer Studies (GradDipCompSt), Counselling (GradDipCounsel), Creative Arts (GradDipCA), Development Studies (GradDipDevSt), Education (GradDipEd), Education Studies (GradDipEdSt), Environmental Science (GradDipEnvSc), Extractive Metallurgy (GradDipExtMet), Health, Safety and the Environment (GradDipHSE), Human Resource Management (GradDipHRM), Information Systems (GradDipInfoSys), Journalism (GradDipJour), Knowledge Management (GradDipKnowlMngt), Mathematics and Statistics (GradDipMathsStats), Media Management (GradDipMedMan), Media Production (GradDipMedProd), Mineral Science (GradDipMinSc), Nanoscience (GradDipNano), Pharmacy Entry (GradDipPharmEnt), Physics (GradDipPhys), Road Safety Studies (GradDipRSS), Science (GradDipSc), Social Science (GradDipSocSc), Theological Studies (GradDipTheolSt), Tourism (GradDipTour), Women’s Studies (GradDipWomSt);</th>
</tr>
</thead>
<tbody>
<tr>
<td>1(c) Postgraduate Diplomas in: Advanced Mental Health Nursing, Applied Molecular Biology Techniques (PgDipAppMolBiol), Arts (PgDipA), Asian Studies (PgDipAsianSt), Asian Sustainable Development (PgDipASDev), Business Administration (PgDipBusAdmin), City Policy (PgDipCityPol), Community Development (PgDipCommDev), Consulting Psychology (PgDipConsultPsych), Development Studies (PgDipDevSt), Ecological Public Health (PgDipEcolPubHlth), Ecologically Sustainable Development (PgDipESDev), Education (PgDipEd), Educational Computing (PgDipEdComp), Electronic Business (PgDipEB), Energy and the Environment (PgDipEnEnv), Energy Studies (PgDipEnSt), Environmental Forensics (PgDipEnvFor), Environmental Impact Assessment (PgDipEnvImpAss), Environmental Management (PgDipEnvMan), Extractive Metallurgy (PgDipExtMet), Games Technology (PgDipGamesTech), Human Resource Management (PgDipHRM), Information Technology (PgDipIT), Internetworking and</td>
<td></td>
</tr>
</tbody>
</table>
Security (PgDipIntwkSecur), Knowledge Management (PgDipKnowlMngt), Molecular Plant Breeding and Crop Protection (PgDipMolPBCP), Neuromusculoskeletal Rehabilitation (PgDipNeurRehab), Physics (PgDipPhys), Policy Studies (PgDipPolSt), Professional Experience (fieldname) (PgDipProfExp[fieldname]), Psychology (PgDipPsych), Public History (PgDipPubHist), Public Management (PgDipPubMan), Public Policy (PgDipPubPol), School Management (PgDipSchMangt), Science (PgDipSc), Science and Technology Policy (PgDipScTechPol), Social Research and Evaluation (PgDipSocResEval), Social Science (PgDipSocSc), Sports Chiropractic (PgDipSportsChiro) Telecommunications Management (PgDipTelMan).
<table>
<thead>
<tr>
<th>Date of Academic Council recommendation:</th>
<th>18/05/2005</th>
</tr>
</thead>
<tbody>
<tr>
<td>Academic Council resolution number:</td>
<td>AC/55/2005</td>
</tr>
<tr>
<td>Date of Legislation Committee endorsement:</td>
<td>21/06/2005</td>
</tr>
<tr>
<td>Legislation Committee resolution number:</td>
<td>LC/07/2005</td>
</tr>
</tbody>
</table>

### Proposed amendment:

1(1) The following Degrees of Master by Coursework shall be offered by the University: joint Master of Applied Psychology/Doctor of Philosophy (MAppPsych/PhD), Master of Applied Psychology (MAppPsych), Master of Arts (MA), Master of Business Administration (MBA), Master of Counselling (Mcounsel), Master of Education (MEd), Master of Electronic Business (MEB), Master of Electronic Commerce (MEC), Master of Engineering (ME), Master of Human Resource Management (MHRM), Master of International Business (MIB), Master of Laws (LLM), Master of Medical Engineering (MME), Master of Ministry (MMin), Master of Natural Systems Engineering (MNatSysEng), Master of Pharmacy (MPharm), Master of Science (MSc), Master of Science in Environmental Architecture (MScEnvArch), Master of Theology (MTheol), Master of Transport Studies (MTransSt), Master of Veterinary Studies (MVS), MBA in Aviation Management (MBAAvnMan), MBA in Health Services Management (Nursing Leadership) (MBAHSM) and MBA in International Business (MBAIntBus).

2(1) To qualify for the ordinary degree of master a student shall complete the points shown below:

- Master of Applied Psychology 48 points
- Master of Arts
  - in Asian Studies 48 points
  - in Asian Sustainable Development 48 points
  - in City Policy 48 points
  - in Community Development 48 points
  - in Development Studies 48 points
  - in Ecologically Sustainable Development 48 points
  - in Globalisation and Governance 24 points
  - in Literature and Communication 24 points
  - in Local Governance 48 points
  - in Public Administration 48 points
  - in Public History 48 points
<table>
<thead>
<tr>
<th>Field</th>
<th>Points</th>
</tr>
</thead>
<tbody>
<tr>
<td>Master of Business Administration</td>
<td>48</td>
</tr>
<tr>
<td>Master of Counselling</td>
<td>48</td>
</tr>
<tr>
<td>Master of Education</td>
<td>24</td>
</tr>
<tr>
<td>Master of Electronic Business</td>
<td>48</td>
</tr>
<tr>
<td>Master of Electronic Commerce</td>
<td>48</td>
</tr>
<tr>
<td>Master of Engineering</td>
<td>24</td>
</tr>
<tr>
<td>Master of Human Resource Management</td>
<td>48</td>
</tr>
<tr>
<td>Master of International Business</td>
<td>48</td>
</tr>
<tr>
<td>Master of Laws</td>
<td>24</td>
</tr>
<tr>
<td>Master of Medical Engineering</td>
<td>24</td>
</tr>
<tr>
<td>Master of Ministry</td>
<td>48</td>
</tr>
<tr>
<td>Master of Natural Systems Engineering</td>
<td>48</td>
</tr>
<tr>
<td>Master of Pharmacy</td>
<td>72</td>
</tr>
<tr>
<td>Master of Science</td>
<td>24</td>
</tr>
<tr>
<td>Master of Science in Environmental Architecture</td>
<td>48</td>
</tr>
<tr>
<td>Master of Science in Extractive Metallurgy</td>
<td>24</td>
</tr>
<tr>
<td>Master of Science in Information Technology</td>
<td>48</td>
</tr>
<tr>
<td>Master of Science in Renewable Energy</td>
<td>48</td>
</tr>
<tr>
<td>Master of Science in Telecommunications Management</td>
<td>48</td>
</tr>
<tr>
<td>Master of Theology</td>
<td>48</td>
</tr>
<tr>
<td>Master of Transport Studies</td>
<td>36</td>
</tr>
<tr>
<td>Master of Veterinary Studies</td>
<td>24</td>
</tr>
<tr>
<td>Master of Veterinary Studies in Conservation Medicine</td>
<td>24</td>
</tr>
<tr>
<td>Master of Veterinary Studies in Veterinary Surveillance</td>
<td>24</td>
</tr>
<tr>
<td>MBA in Aviation Management</td>
<td>48</td>
</tr>
<tr>
<td>MBA in Health Services Management</td>
<td>48</td>
</tr>
<tr>
<td>MBA International Business</td>
<td>48</td>
</tr>
<tr>
<td>Date of Academic Council recommendation:</td>
<td>18/05/2005</td>
</tr>
<tr>
<td>------------------------------------------</td>
<td>------------</td>
</tr>
<tr>
<td>Academic Council resolution number:</td>
<td>AC/77/2005</td>
</tr>
<tr>
<td>Date of Legislation Committee endorsement:</td>
<td>21/06/2005</td>
</tr>
<tr>
<td>Legislation Committee resolution number:</td>
<td>LC/07/2005</td>
</tr>
</tbody>
</table>
| Proposed amendment:  
(all changes to be shown in mark-up) | 1(1)(c) Postgraduate Diplomas in: Advanced Mental Health Nursing (<specialisation>), Applied Molecular Biology Techniques (PgDipAppMolBiol), Arts (PgDipA), Asian Studies (PgDipAsianSt), Asian Sustainable Development (PgDipAsSDev), Business Administration (PgDipBusAdmin), City Policy (PgDipCityPol), Community Development (PgDipCommDev), Development Studies (PgDipDevSt), Ecological Public Health (PgDipEcolPubHlth), Ecologically Sustainable Development (PgDipESDev), Education (PgDipEd), Educational Computing (PgDipEdComp), Electronic Business (PgDipEB), Energy and the Environment (PgDipEnEnv), Energy Studies (PgDipEnSt), Environmental Forensics (PgDipEnvFor), Environmental Impact Assessment (PgDipEnvImpAss), Environmental Management (PgDipEnvMan), Extractive Metallurgy (PgDipExtMet), Games Technology (PgDipGamesTech), Human Resource Management (PgDipHRM), Information Technology (PgDipIT), Internetworking and Security (PgDipIntwkSecur), Knowledge Management (PgDipKnowlMngt), Molecular Plant Breeding and Crop Protection (PgDipMolPBCP), Neuromusculoskeletal Rehabilitation (PgDipNeurRehab), Physics (PgDipPhys), Policy Studies (PgDipPolSt), Professional Experience (fieldname) (PgDipProfExp[fieldname]), Psychology (PgDipPsych), Public History (PgDipPubHist), Public Management (PgDipPubMan), Public Policy (PgDipPubPol), School Management (PgDipSchMangt), Science (PgDipSc), Science and Technology Policy (PgDipScTechPol), Social Research and Evaluation (PgDipSocResEval), Social Science (PgDipSocSc), Sports Chiropractic (PgDipSportsChiro) Telecommunications Management (PgDipTelMan). |
| **Proposed amendment:** (all changes to be shown in mark-up) | 1(d) Postgraduate Certificates in: Asian Sustainable Development (PgCertAsSDev), Applied Molecular Biology Techniques (PgCertAppMolBiol), Aviation Management (PgCertAvnMan), Business Administration (PgCertBusAdmin), City Policy (PgCertCityPol), Community Development (PgCertCommDev), Ecological Public Health (PgCertEcolPubHlth), Ecologically Sustainable Development (PgCertEcolSustDev), Electronic Business (PgCertEB), Energy Policy (PgCertEnPol), Energy Studies (PgCertEnSt), Environmental Impact Assessment (PgCertEIA), Environmental Management (PgCertEnvMan), Human Resource Management (PgCertHRM), Inclusive Education (PgCertIncEd), Information Technology (PgCertIT), Knowledge Management (PgCertKnowlMngt), Molecular Plant Breeding and Crop Protection (PgCertMolPBCP), Neuromusculoskeletal Rehabilitation (PgCertNeurRehab), Policy Studies (PgCertPolSt), Public Policy (PgCertPubPol), Science and Technology Policy (PgCertSTP), Telecommunications Management (PgCertTelMan), Veterinary Conservation Medicine (PgCertVetConsMed). |
MURDOCH UNIVERSITY POLICY
OFFICERS’ INDEMNITY

Senate resolution no: S/41(i)/2005
Approval date: 28/06/2005

Policy owner: PVC (Resource Management)
Policy author: General Counsel & University Secretary

Policy number: MUP/01/2005
Last revision date: 

Policy title: Indemnification of members of Senate, company directors and officers

Policy summary/keywords: Subject to various conditions, the University will provide a limited indemnity in favour of members of Senate, third parties co-opted to serve on Senate committees and working parties and employees concerned or taking part in the management of the University where they incur a personal liability in that capacity and the University's Directors & Officers' Liability or Professional Indemnity insurance policies do not otherwise provide coverage in respect of that liability.

Introduction:
Pursuant to Senate resolution S/83/2002(i), Murdoch University maintains Directors’ & Officers’ Liability (“D&O”) and Professional Indemnity (“PI”) insurance policies with coverage of $20M each.

By their respective terms, the D&O and PI insurance policies do not provide any coverage in respect of statutory fines and penalties imposed on individual members of Senate or officers and employees of the University. Furthermore, whilst the D&O policy provides coverage for legal costs of defending an action brought against an individual, there may be a delay between the time when legal costs initially need to be incurred and when the insurer accepts liability under the relevant D&O policy.

It also needs to be borne in mind that some statutes prohibit a body corporate from indemnifying its officers or employees in respect of statutory fines and legal costs. Examples include the Corporations Act 2001 (section 199A) and the changes that are expected to be made to the Trade Practices Act 1974 towards mid-2005 (see clause 23 of the Trade Practices Legislation Amendment Bill (no.1) 2005).

There are other exclusions from cover under the Insurance policies which will change from time to time and accordingly, members of senate, company directors, and Officers should make themselves familiar with the terms and conditions of the policies from time to time.

Coverage:
The indemnity provided for by this policy extends to all present and future:
✓ members of the Senate;
✓ other individuals co-opted to serve on Senate committees and working parties; and
✓ employees concerned or taking part in the management of the University,
including, in each case, individuals who have ceased to be members of each category. For the purposes of this policy, the expression “Officers” refers to all of the above collectively.

Policy:

Indemnity
1. Subject to the terms of this Policy, the University indemnifies all Officers, collectively and individually, in respect of all personal liabilities incurred in respect of:
1.1. any statutory fine or penalty imposed on an Officer in his or her capacity as an Officer of the University; and

1.2. all other liabilities if and to the extent that neither the D&O policy nor the PI policy provide protection, or where the respective insurer declines liability on a basis unconnected with the conduct of the relevant Officer.

2. The indemnity provided for in paragraph 1 does not apply to the extent that:

2.1. the law prohibits the University from indemnifying any person in respect of a statutory fine or penalty or legal costs;

2.2. the matter is based upon, or arises from, or in consequence of:

2.2.1. any deliberately fraudulent act or omission or any wilful violation or breach of any statute or regulation by the Officer, where that deliberately fraudulent act or omission or wilful violation is established by a judgment or other final adjudication adverse to the Officer;

2.2.2. the Officer having gained in fact any personal profit, remuneration or advantage to which he or she was not entitled;

2.2.3. conduct of the Officer which is, in the University’s opinion, not honest and not in good faith; or

2.2.4. conduct of the Officer which is committed with a reckless disregard for the consequences; or

2.3. where a claim is brought against an Officer, that Officer:

2.3.1. admits any facts or allegations (except where they are manifestly correct);

2.3.2. admits any liability in relation to a claim;

2.3.3. fails to defend a claim or refuses to give evidence; or

2.3.4. settles a claim, without the written consent of the University (such consent not to be unreasonably withheld) and this action or inaction by the Officer has prejudiced or might prejudice the cover provided by the D&O or PI policies; or

2.4. the Officer has done, or permitted to be done without immediate rectification, something which prejudices or might prejudice, the cover provided under D&O or PI policies.

**Advance of defence costs**

3. To the extent permitted by law, the University, on the Officer’s request, will advance to the Officer reasonable costs incurred or expected to be incurred by the Officer in defending any claim, investigation or prosecution against him or her in his or her capacity as an Officer of the University. Any such advance will be subject to the following terms, except to the extent that the University agrees in writing to vary, delete or replace any such term:

3.1. such requirements relating to the provision of security by the Officer for the advance as the University deems fit;

3.2. the University may determine that interest will accrue on the advance and if it does so, interest will be calculated daily at the lowest overdraft rate charged by the University’s bankers to commercial clients unless the University determines otherwise in its absolute discretion;

3.3. the Officer must furnish the University with invoices or other relevant evidence of the costs incurred;

3.4. if the University makes an advance under this clause 3, the amount of the advance will be deemed to be an amount paid to the Officer as an indemnity under clause 1 unless it is subsequently found that the Officer was not entitled to be indemnified for those costs;

3.5. if the University has advanced an amount for costs under this clause 3 and it is subsequently found that the Officer was not entitled to be indemnified for those costs, the Officer must repay the advance to the University within 30 days of a written request by the University;
3.6. if the Officer receives payment under any insurance cover in respect of the claim or if the insurer, under such insurance cover, pays, discharges or satisfies that claim directly, the Officer must repay the advance to the University within 30 days of a written request by the University;

3.7. the University is not required to advance any costs under this clause 3 where the costs have been reimbursed to the Officer under any insurance policy; and

3.8. upon payment of any costs, the Officer assigns to the University his or her right to seek reimbursement of those costs from the any insurer.

Conduct of proceedings

4. Where the University has indemnified an Officer, in whole or in part, the University may do one or more of the following:

4.1. assume the conduct, negotiation or defence of a claim;

4.2. institute a cross claim or a counterclaim in relation to a claim; and

4.3. subject to clause 5, retain lawyers to act on behalf of both the Officer and the University

5. An Officer may engage separate legal or other representation in relation to a claim and participate in a claim being brought against him or her, however in such circumstances the University will only advance legal costs to that Officer (pursuant to clause 3) to the extent those costs are:

5.1. incurred before the University assumes conduct of the claim;

5.2. incurred with the University’s prior written authority; or

5.3. reasonable and incurred in circumstances where:

5.3.1. the University has refused to authorise representation or participation by lawyers other than those acting for the University; and

5.3.2. there is a reasonable likelihood that the interests of the University and the Officer would conflict if the same lawyers were to act on behalf of both the University and the Officer.

6. Officers must:

6.1. give written notice to the University on becoming aware of any claim against the University that may give rise to a right to be indemnified under this policy;

6.2. use their best endeavours to assist the University and take any reasonable action that the University requests to avoid, dispute, resist, bring an appeal in, compromise or defend any claim or any adjunction of a claim;

6.3. not make any admission of liability or payment in respect of or settle or compromise any claim without the University’s prior written consent;

6.4. on request by the University, render all reasonable assistance and co-operation to the University in the conduct of any claim including, but not limited to, giving the University any documents, authorities and directions that the University reasonably requires to prosecute or advance any cross claim in relation to a claim; and

6.5. on request by the University, do anything reasonably necessary or desirable to enable the University (so far as is possible) to be subrogated to and to enjoy the benefits of the Officer’s rights in relation to any cross claims or any claims against any third party and render any assistance that is reasonably requested by the University for that purpose,

and the University is not obliged to indemnify the Officer or advance any costs under this policy (or otherwise) if the Officer fails to perform any of these obligations to the material prejudice of the University.

7. If the University assumes conduct of a claim pursuant to clause 4 it must:

7.1. keep the Officer fully and progressively informed in relation to the claim;

7.2. have regard to the principle that the reputation of the Officer must not be unnecessarily injured; and
7.3. reimburse to the Officer the actual costs reasonably incurred by that Officer in complying with any of the obligations imposed by clause 6.

**University to maintain insurance**

8. The University must:

8.1. to the extent that such a policy is available from a reputable insurance company at reasonable commercial rates, maintain D&O and PI insurance policies that:

8.1.1. are at least as comprehensive as those available from reputable and financially secure insurance companies containing the kinds of terms, conditions, exclusions and additional cover commonly included in such policies;

8.1.1.1. are of the kind effected by other comparable Australian universities with similar financial capacities; and

8.1.1.2. that are appropriate in view of the potential liabilities of Officers;

8.2. pay the cost of any premiums under the D&O and PI policies;

8.3. at the request of an Officer, give the Officer a copy of, and a certificate of currency in relation to, the relevant policy;

8.4. make all reasonable attempts to notify all Officers as soon as reasonably possible if, for any reason, either the D&O or PI policy is cancelled or where there are significant delays in renewing cover; and

8.5. give prompt written notice to an Officer of any claim or proceeding or circumstance which gives rise or could give rise to a claim against that Officer;

**General**

9. If a provision in this policy is wholly or partly invalid or unenforceable in any jurisdiction, the provision or the part of it that is invalid or unenforceable must, to that extent and in that jurisdiction, be treated as deleted from this policy. This does not affect the validity or enforceability of the remaining provisions in that jurisdiction, or of the deleted provision or part of it in any other jurisdiction.

10. Any statute, moratorium or other governmental order that prejudicially affects the rights, powers or discretions of the University under this policy does not apply to this policy unless application is mandatory.

11. There will be no alteration of this policy, nor any waiver of rights, unless agreed to in writing by the University.

**RESPONSIBILITIES:**

<table>
<thead>
<tr>
<th>Responsible Officer</th>
<th>General Counsel &amp; University Secretary</th>
</tr>
</thead>
<tbody>
<tr>
<td>Implementation Officers</td>
<td>General Counsel &amp; University Secretary</td>
</tr>
<tr>
<td>Information Contact Officer</td>
<td>Assistant University Secretary</td>
</tr>
</tbody>
</table>

**RELATED MATERIAL/POLICIES:**

- Senate Resolution – S/83/2002 (i)
- Senate Resolution – S/41/2005 (i)

**REVISION HISTORY:**

<table>
<thead>
<tr>
<th>Approved/Amended/Rescinded</th>
<th>Date</th>
<th>Committee</th>
<th>Resolution Number</th>
</tr>
</thead>
<tbody>
<tr>
<td>Approved</td>
<td>28 June 2005</td>
<td>Senate</td>
<td>S/41/2005 (i)</td>
</tr>
</tbody>
</table>

Correct as at 28 June 2005
Resolved: S/22/2005

(i) Subject to (ii), paragraphs 1 and 2, the University’s Policy for the Establishment and Operation of Incorporated Entities will not apply to companies proposed to be incorporated (“MWEP Partnership Companies”) pursuant to a resolution of the Investment Committee of the Murdoch WestScheme Enterprise Partnership (“MWEP”).

(ii) This exemption is subject to:

(a) The University obtaining tax advice confirming that the formation of companies owned by the MWEP partners, namely Murdoch Ventures Pty Ltd (“MVPL”) and WestScheme Ventures Pty Ltd (“WVPL”), does not create any adverse consequence for the University or its companies.

(b) With the exception of paragraphs 1-3, 5, 14-18, 21, 24, and 28, the University’s Policy for the Establishment and Operation of Incorporated Entities will apply to every MWEP Partnership Company, modified as necessary.

(c) MWEP Holdings Pty Ltd, the shares of which are owned equally by MVPL and WVPL, will subscribe for and hold equal percentages of the issued capital in any MWEP Partnership Company. This is subject to the discretion of the MWEP Investment Committee to resolve that the shareholding in any MWEP Partnership Company should be apportioned on any other basis, including the possibility that a third party may be invited to subscribe for shares.

(d) The board of directors of each MWEP Partnership Company will comprise MVPL appointees at least equal to the ratio of MVPL to non-MVPL equity in the entity. Irrespective of the shareholding, the University must be entitled to nominate at least one member of the board of directors of any MWEP Partnership Company. Such nomination will be at the discretion of the Vice Chancellor taking into account paragraph 17(c) of the University’s Policy for the Establishment and Operation of Incorporated Entities.

(e) The Director of R&D will report to the Senate immediately after the incorporation of each such MWEP Partnership Company, providing details of the entity name, directors, shareholding and proposed commercialisation plan for the company.

(f) At the first meeting, the board of directors (or equivalent) of every MWEP Partnership Company will adopt and evaluate regularly a written statement of its governance principles that contains, as a minimum, standards of governance contained in the University’s Policy for the Governance of University Entities.

(g) Each MWEP Partnership Company will prepare an annual business plan, operate on approved budgets, and report to its shareholders on its activities at least quarterly. The business plan, budgets and reports on activities will be presented its shareholders (or equivalent) for approval.

(h) A MWEP Partnership Company must obtain shareholder approval before: (1) the incurring of any debt; (2) the provision of any guarantee; or (3) the incurring of any contingent liability. Shareholder approval will be given only after careful consideration of a business case (in writing) including a risk assessment of the proposed activity.

(i) The audited financial statements of each MWEP Partnership Company must be presented to its shareholders (or equivalent) for review within 3 months of the financial year-end of the entity.

(j) Each MWEP Partnership Company is responsible for its own administrative, secretariat and accounting support. The University may provide such support on a fee for service basis.
(iii) The Senate approves the expansion of the partnership to include commercialisation of 3rd party owned intellectual property in respect of which the University has no interest, and authorises the General Counsel & University Secretary to arrange for appropriate amendments to be made to the MWEP partnership to effect this approval.
# Senate Resolution S/54/2004

**Report of Documents to Which the Official Seal Has Been Applied**

<table>
<thead>
<tr>
<th>Date</th>
<th>Other party</th>
<th>Subject matter</th>
</tr>
</thead>
<tbody>
<tr>
<td>25/05/2005</td>
<td>Various</td>
<td>Settlement deed regarding Murdoch College</td>
</tr>
<tr>
<td>31/05/2005</td>
<td>Grain Bio Tech Australia Ltd</td>
<td>Deed of surrender of lease</td>
</tr>
<tr>
<td>16/06/2005</td>
<td>Curtin University</td>
<td>Deed of Confidentiality</td>
</tr>
<tr>
<td>16/06/2005</td>
<td>Cohen Jacob</td>
<td>Certification of education supporting document</td>
</tr>
</tbody>
</table>