Date of meeting: Wednesday 30/03/2007

Present:

Emeritus Professor Geoffrey Bolton (Chair)
Ms Alison Gaines  Professor John Yovich
Ms Janice Bowra  Mr Steve Shaw
Ms Barbara Whelan  Mr John Pease

Secretary: John Pease

Apologies: Judge Kate O’Brien

Official attendees: Nil

Observers: Nil

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

Nil.

2. CONFIRMATION OF MINUTES

The minutes of the meeting held on 04/11/2004 were confirmed.

3. UNIVERSITIES LEGISLATION AMENDMENT BILL 2005

The General Counsel & University Secretary made some brief introductory comments and drew the committee’s attention to:

- Senate resolution S/16/2005, which authorises the committee to review the draft Bill, negotiate as necessary and provide final sign-off in relation to the drafting on the University’s behalf; and
- a detailed, clause by clause, analysis of the draft Bill prepared by the General Counsel & University Secretary (version 1.1, dated 23/03/2005).

The committee noted that the primary objective is to ensure that the amendments to the Murdoch University Act required by the National Governance Protocols are passed and implemented prior to 31/08/2005. A secondary objective is to ensure that the amendments are workable.

The Chancellor indicated that he will contact Margaret Banks to ascertain her intentions with regard to her position on Senate as this impacts on the drafting of sub-clause 22(2).

Resolved:

LC/02/2007

(i) In accordance with Senate resolution S/16/2005, to approve the drafting of those clauses in the Universities Legislation Amendment Bill 2005 (WA) (“Bill”), described as “No issue” in the analysis of the Bill prepared by the General Counsel & University Secretary (version 1.1, dated 23/03/2005 (“Analysis”).

(ii) To request the General Counsel & University Secretary to liaise with the respective offices of the Minister for Education and the Parliamentary Counsel with a view to resolving the
remaining issues and concerns with the drafting of the Bill, in accordance with the observations and recommendations contained in the Analysis, as clarified by Senate resolution S/16/2005, and to report back to the committee..

4. **STATUTE NO. 8 – INTERPRETATION**

The committee noted that the General Counsel & University Secretary recommends amending:
- the definition of “Secretary” in the statute, being the cleanest and most efficient means of addressing definitional issues across a vast range of the University’s internal legislation consequent on the merger of the General Counsel and University Secretary roles (cf. Senate resolution S/09/2005(i)); and
- removing clauses in the statute which merely duplicate principles of interpretation that are already contained in the Interpretation Act 1984 (WA), and instead simply cross-referencing to that Act.

The General Counsel & University Secretary also indicated that, in due course, he intends to recommend inserting a definition of “Academic Staff”. However, this raises difficult drafting issues and will be moved at a later time.

**Resolved:** To recommend to Senate that it amends Statute no. 8 – Interpretation in the terms of annexure “A” (changes marked up).

5. **ACADEMIC COUNCIL RECOMMENDATIONS**

The committee noted that, at its meeting on 16/03/2005, Academic Council recommended various changes to the several regulations relating to:
- a new Graduate Certificate in Philosophy
- specialisation within postgraduate courses
- clarifying the definition of bias
- leave of absence

**Resolved:** To endorse the recommendations of Academic Council made on 16/03/2005 and recommend to Senate that it amends the respective regulations detailed in the attached schedule (changes marked up).

6. **NEXT MEETING**

The committee noted that, as a general rule, much of its business can be dealt with by circulation, with meetings to be convened as and when required,

Signed as a true record of the meeting of the Legislation Committee held on 30/03/2007.

**JUDGE KATE O’BRIEN - CHAIR**

Dated: October, 2007
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 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;
Secretary means the person for the time being employed by the University in the position of General Counsel & University Secretary, or such other position as subsumes or replaces it;
Statute means a statute of the University made under the Act and the Statutes means all the Statutes for the time being in force;
Student means a person enrolled in the University as a student and the Students means the student body for the time being;
Undergraduate means a Student enrolled in a unit for a Bachelor’s Degree;
University means a body whose main purpose is the promotion of research and the advancement of learning;
Working day means a day other than a Saturday, Sunday or other day on which the University is officially closed.

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.

a. 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;

b. 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;

c. 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.

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

5. 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.
PROPOSED AMENDMENTS RECOMMENDED BY ACADEMIC COUNCIL

AC/22/2007(v)  Amend the Certificate Regulations by inserting the following as part of regulation 1(c) (additions in **bold**, deletions **struck through**):

1(c). Graduate Certificates in: Applied Economics (GradCertAppEcon), Applied Language Education (LOTE) (GradCertAppLangEd), Applied Sociology (GradCertAppSoc), Applied Statistics (GradCertAppStats), Asian Languages (GradCertAsLang), 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), Philosophy (GradCertPhil), Physics (GradCertPhys), Policy Studies (GradCertPolSt), Professional Writing (GradCertProfWrite), Radio Journalism (GradCertRadioJour), Road Safety Studies (GradCertRSS), Security, Terrorism and Counterterrorism Studies (GradCertSecurTerr), Special Needs Education (GradCertSpecNeedsEd), Tertiary and Adult Education (GradCertTerAdEd);

AC/30/2007  Insert the following new regulations permitting students to nominate an area of specialisation within a postgraduate course (additions in **bold**, deletions **struck through**):

**Professional Doctorate Regulations**

20B. A student may undertake one Council approved specialisation within a postgraduate course. The core unit points value within the specialised set of units must be greater than 50 per cent of the total points required to complete the course.

**Master by Coursework Degree Regulations**

13A. A student may undertake one Council approved specialisation within a postgraduate course. The core unit points value within the specialised set of units must be greater than 50 per cent of the total points required to complete the course.

**Diploma Regulations**

12A. A student may undertake one Council approved specialisation within a postgraduate course. The core unit points value within the specialised set of units must be greater than 50 per cent of the total points required to complete
the course.

Certificate Regulations

8A. A student may undertake one Council approve specialisation within a postgraduate course. The core unit points value within the specialised set of units must be greater than 50 per cent of the total points required to complete the course.

AC/33/2007

The Academic Council adopted the recommendation of the General Counsel & University Secretary that amendments be made to the provisions of the Student Appeals Committee Regulations dealing with bias so as to adopt the terminology more commonly used in legal precedents (additions in bold, deletions struck through).

Student Appeals Committee Regulations

10. Members of the Committee must not participate in hearing an appeal in which there is actual bias or possible a reasonable apprehension of bias:

AC/34/2007

Amendments to the Bachelor Degree Regulations, the Diploma Regulations and the Master by Coursework Degree Regulations were recommended to permit students to take leave of absence from studies consistent with Murdoch’s recent accreditation as an ‘athlete friendly university’.

Bachelor Degree Regulations

38B. Enrolment intermission

Enrolment intermission must be applied for when students require a break in studies of one year or more. Students may apply for intermission due to serious illness or other exceptional personal circumstances which might prohibit them from continuing their enrolment. This may include but is not limited to, personal / family reasons, employment, sporting, cultural, legal or military duties.

Enrolment intermission requires the approval of the Fees and Enrolments Officer in the Office of Central Student Administration.

Diploma Regulations

15B. Enrolment intermission

Enrolment intermission must be applied for when students require a break in studies of one year or more. Students may apply for intermission due to serious illness or other exceptional personal circumstances which might prohibit them from continuing their enrolment. This may include but is not limited to, personal / family reasons, employment, sporting, cultural, legal or military duties.

Enrolment intermission requires the approval of the Fees and Enrolments Officer in the Office of Central Student Administration.
Master by Coursework Degree Regulations

16B. Enrolment intermission

Enrolment intermission must be applied for when students require a break in studies of one year or more. Students may apply for intermission due to serious illness or other exceptional personal circumstances which might prohibit them from continuing their enrolment. This may include but is not limited to, personal / family reasons, employment, sporting, cultural, legal or military duties.

Enrolment intermission requires the approval of the Fees and Enrolments Officer in the Office of Central Student Administration.
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.

Words importing either gender shall include the other;

Words in the singular shall include the plural and words in the plural shall include the singular;

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, the period shall end on the next day that is a working day.