Date: Wednesday, 06/09/2006
Time: 4:30 pm
Venue: Senate room, South Street Campus

AGENDA

1. MEMBERSHIP
2. APOLOGIES
3. DECLARATIONS OF INTEREST (SENATE STANDING ORDERS CLAUSE 4.2)

PART A - MAJOR ISSUES

4. AUQA AUDIT REPORT

PART B - OTHER ISSUES FOR DISCUSSION

5. SENATE COMMITTEE MEETINGS
6. VICE CHANCELLOR’S REPORT

PART C - OTHER ITEMS

7. CONFIRMATION OF PREVIOUS MINUTES
8. ACADEMIC COUNCIL
9. AUDIT AND RISK MANAGEMENT COMMITTEE
10. ENVIRONMENTAL COMMITTEE
11. HONORARY AWARDS AND CEREMONIAL COMMITTEE
12. LEGISLATION COMMITTEE
13. RESOURCES COMMITTEE
14. OFFICIAL SEAL
15. SENATE MEETING DATES 2006
16. MATTERS FOR INFORMATION

❖❖❖
Date: Wednesday, 06/09/2006

Time: 4:30 pm

Venue: Senate room, South Street Campus

Afternoon tea will be available in the foyer of the Senate Suite from 4pm. Would you kindly remember to wear your name badge?

After the meeting members are invited to have dinner at Club Murdoch.

If you will be unable to remain for dinner, would you please advise the Assistant University Secretary, Samantha Summerton, by phone as soon as possible, so we can finalise catering numbers? Her number is 9360 6333.

If any Senate member would like additional information on any agenda item, or has a motion or changes to recommendations which could be included in a supplementary agenda, please contact me as soon as possible via eMail to J.Rigg@murdoch.edu.au.

The Chancellor has also requested that, if you intend to speak to a particular item (in particular any item included in Part C of the agenda), please let me know in advance. Where the item is in Part C, would you please also identify the specific item and provide brief details of the aspect(s) in respect of which you intend to speak? This will greatly facilitate the smooth running of the meeting.

Jeremy Rigg
General Counsel
& University Secretary
30/08/2006

AGENDA

1. MEMBERSHIP
   1.1 A list of current Senate members is attached, together with an up to date attendance register.
   1.2 Details of current Senate committees and their members is attached and available at http://senate.murdoch.edu.au/committees/committee06.htm

2. APOLOGIES
   2.1 Mr Malcolm Bradley.
   2.2 Any apologies received after circulation of the agenda will be reported to the meeting.

3. DECLARATIONS OF INTEREST

Section 17A and Division 2 of Schedule 1 of the Murdoch University Act require all members of Senate who have a material personal interest in a matter being considered or about to be considered:
   (i) to declare the nature and extent of the interest; and
   (ii) not to be present during consideration of the matter, nor vote on it.
PART A - MAJOR ISSUES

4. AUQA AUDIT REPORT
   The Vice Chancellor will provide an update to Senate in relation to the draft AUQA Audit report.

PART B - OTHER ISSUES FOR DISCUSSION

5. SENATE COMMITTEE MEETINGS FOR 2006
   Please note the attached remaining Senate Committee meetings for 2006.

6. VICE CHANCELLOR’S REPORT
   The Vice Chancellor will speak to his report to Senate, a copy of which is attached.

PART C - OTHER ITEMS

The Chancellor will put the following as a single item for noting and for the approval/acceptance of any recommendations contained in them. Members of Senate may request that any of these items to be reserved for discussion.

7. CONFIRMATION OF PREVIOUS MINUTES
   7.1 Confirmation of the attached minutes of the meeting held on 12/07/2006.
   7.2 Note the attached report of action on resolutions passed at the previous meeting.

8. ACADEMIC COUNCIL
   The minutes of the Academic Council meeting held on 19/07/2006 are attached. Other than in relation to legislative matters, there are no recommendations to Senate.
   Note: All legislative matters are dealt with under item 12 of the agenda (Legislation Committee).

9. AUDIT AND RISK MANAGEMENT COMMITTEE
   The minutes of the Audit and Risk Management Committee meeting held on 28/08/2006 will be distributed separately. There are no recommendations to Senate.

10. ENVIRONMENTAL COMMITTEE
    The minutes of the Environmental Committee meeting held on 17/08/2006 are attached. There are no recommendations to Senate.
11. HONORARY AWARDS AND CEREMONIAL COMMITTEE

The minutes of the Honorary Awards and Ceremonial Committee meeting held on 10/08/2006 are attached. There are no recommendations to Senate.

12. LEGISLATION COMMITTEE

The minutes of the Legislation Committee meeting will be distributed in a separate document as the meeting will not be taking place until 01/09/2006. The draft recommendations to Senate are as follows:

Draft LC/03/2006
(i) Amendments to Certificate Regulation 1(d) (mark ups attached)
(ii) Amendments to Diploma Regulation 1(1)(c) (mark ups attached)
(iii) Amendments to Bachelor Degree Regulations 18.(2), 25 and 28 (mark ups attached)
(iv) Amendments to Master by Coursework Degree Regulation 1.(1) and 2.(1) (mark ups attached)
(v) Amendments to Master by Coursework Degree Regulation 24 (3) and (4) (mark ups attached)

Draft LC/04/2006 Amendments to Election Regulations (mark ups attached)
Draft LC/05/2006 Amendments to Post Graduate Research Degrees Regulations (mark ups attached)
Draft LC/06/2006 Amendments to Statute No 18 - Intellectual Property and Intellectual Property Regulations (mark ups attached)

13. RESOURCES COMMITTEE

The minutes of the Resources Committee meeting held on 22/08/2006 are attached. The following items contain recommendations to Senate:

RC/14/2006 To approve the write-off of $42,953.02 as at 30 June 2006.
RC/15/2006 To approve the write-off of $11,921.72 representing obsolete text books and stationery as at 31 July 2006.
RC/16/2006 To approve the attached payments for the period 17/05/2006 to 20/06/2006 inclusive

14. OFFICIAL SEAL

In accordance with resolution S/54/2004, the General Counsel & University Secretary has provided a report detailing the documents to which the official seal has been affixed since the last Senate meeting.

15. SENATE MEETING DATES 2006

15.1 The Senate’s meeting dates for 2006 and respective closing dates for agenda items are attached.

15.2 Rather than the Senate holding one meeting at Rockingham and one in Mandurah each year, the Senate and Academic Council will alternate between
each location each year.

16. MATTERS FOR INFORMATION

A copy of any newspaper or other articles of relevance or interest are attached.
<table>
<thead>
<tr>
<th>Name</th>
<th>Position</th>
<th>Term expires</th>
</tr>
</thead>
<tbody>
<tr>
<td>Emeritus Professor Geoffrey Bolton</td>
<td>Chancellor</td>
<td>24/11/2006</td>
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<td>Prof John Yovich</td>
<td>Vice Chancellor</td>
<td>Ex officio</td>
</tr>
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<td>Alison Gaines</td>
<td></td>
<td>21/07/2008</td>
</tr>
<tr>
<td>Malcolm Macpherson</td>
<td></td>
<td>10/09/2006</td>
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<tr>
<td>Judge Kate O'Brien</td>
<td></td>
<td>20/06/2009</td>
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<tr>
<td>Terry Budge</td>
<td></td>
<td>31/05/2007</td>
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<td>Garry Hunt</td>
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<tr>
<td>Brian Aitken</td>
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<td>27/08/2008</td>
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<td>Vacant</td>
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<tr>
<td>Tony Iannello</td>
<td></td>
<td>23/05/2009</td>
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<tr>
<td>Shirley McPherson</td>
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<td>23/02/2009</td>
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<tr>
<td>Prof Stuart Bradley</td>
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<td>09/11/2008</td>
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<tr>
<td>Prof Nick Costa</td>
<td></td>
<td>25/09/2006</td>
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<tr>
<td>Assoc Prof Jim Macbeth</td>
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<td>28/10/2007</td>
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<tr>
<td>Philip Hocking</td>
<td></td>
<td>21/04/2008</td>
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<tr>
<td>Janice Bowra</td>
<td></td>
<td>02/12/2008</td>
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<tr>
<td>Carolyn Jakobsen</td>
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<td>31/12/2006</td>
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<tr>
<td>Malcolm Bradley</td>
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<tr>
<td>Gerry Georgatos</td>
<td></td>
<td>31/12/2006</td>
</tr>
</tbody>
</table>
SENATE COMMITTEES 2006-2009

Audit & Risk Management Committee
Chair                Judge Kate O’Brien
Members             Mr Brian Aitken
                     Ms Janice Bowra
                     Mr Jamie Ogilvie*
                     Ms Beverley Schubert*
                     Gerry Georgatos (observer status only)

Chancellor’s Committee
Chair                Chancellor
Members             Pro Chancellor
                     Mr Terry Budge
                     Mr Garry Hunt
                     Mr Malcolm Macpherson
                     Judge Kate O’Brien

Environmental Committee
Chair                Mr Garry Hunt
Members             Vice Chancellor
                     Dr Martin Anda*
                     Mr Mal Bradley
                     Prof Nick Costa
                     Ms Carolyn Jakobsen
                     Professor Phil Jennings*
                     Assoc Prof Jim Macbeth
                     Mr Craig Spence*
                     Dr Melanie Strawbridge*
                     Ms Beth Strang*

Governance & Nominations Committee
Chair                Chancellor
Members             Pro Chancellor
                     Vice Chancellor
                     Mr Terry Budge
                     Professor Nick Costa
                     Mr Gerry Georgatos
                     Judge Kate O’Brien
Director, HR*
Mr Jeremy Rigg*

Honorary Awards & Ceremonial Committee
Chair
Chancellor

Members
Pro Chancellor
Vice Chancellor
Professor Nick Costa
Gerry Georgatos
Mr Nathan Giles*
Mr Phillip Hocking
Professor Tom Lyons*
Mr Malcolm Macpherson
Professor Simone Volet*

Legislation Committee
Chair
Ms Alison Gaines

Members
Vice Chancellor
Ms Janice Bowra
Mr Mal Bradley
Mr Gabriel Moens*
Mr Jeremy Rigg*

Resources Committee
Chair
Mr Terry Budge

Members
Vice Chancellor
Professor Stuart Bradley
Mr Gerry Georgatos
Mr Phillip Hocking
Mr Garry Hunt
Mr Tony Ianello
Ms Shirley McPherson
Mr Bob Pettit*

* Recommended as co-opted, non-member of Senate for term commencing 01/01/2006 and term expiring on 31/12/2008

* Recommended as co-opted, non-member of Senate with term commencing 01/01/2006 and term expiring 31/12/2006
AGENDA ITEM 2

APOLOGIES

There is no separate paper for this item
SECTION 17A - DISCLOSURE OF INTERESTS

17A. Disclosure of Interests

Schedule 1 Division 2 has effect.

DIVISION 2 — DISCLOSURE OF INTERESTS

2. Disclosure of interests

2.1 A member of the Senate who has a material personal interest in a matter being considered or about to be considered by the Senate must, as soon as possible after the relevant facts have come to the member’s knowledge, disclose the nature and extent of the interest at a meeting of the Senate.

2.2 A disclosure under subclause (1) is to be recorded in the minutes of the meeting.

3. Voting by interested members

A member of the Senate who has a material personal interest in a matter that is being considered by the Senate

(a) must not vote whether at a meeting or otherwise

(i) on the matter; or

(ii) on a proposed resolution under clause 4 in respect of the matter, whether relating to that member or a different member;

and

(b) must not be present while

(i) the matter; or

(ii) a proposed resolution of the kind referred to in paragraph (a)(ii).

is being considered at a meeting.

4. Clause 3 may be declared inapplicable

Clause 3 does not apply if the Senate has at any time passed a resolution that

(a) specifies the member, the interest and the matter; and

(b) states that the members voting for the resolution are satisfied that the interest should not disqualify the member from considering or voting on the matter.

5. Quorum where clause 3 applies

Despite section 12(6), if a member is disqualified under clause 3 in relation to a matter, a quorum is present during the consideration of the matter if at least 7 members of the Senate are present who are entitled to vote on any motion that may be moved at the meeting in relation to the matter.

6. Minister may declare clauses 3 and 5 inapplicable

(1) The Minister may, on the application of a member of the Senate, by writing declare that clause 3 or 5 or both of them do not apply in relation to a specified matter either generally or in voting on particular resolutions.

(2) The Minister must cause a copy of a declaration made under subclause (1) to be laid before each House of Parliament within 14 sitting days of that House after the declaration is made.
AUQA AUDIT REPORT

There is no separate paper for this item
## Senate Committee Meetings for 2006

<table>
<thead>
<tr>
<th>Meeting</th>
<th>Date</th>
<th>Time</th>
</tr>
</thead>
<tbody>
<tr>
<td>Honorary Awards &amp; Ceremonial Committee</td>
<td>19/09/2006</td>
<td>4pm</td>
</tr>
<tr>
<td>Environmental Committee</td>
<td>21/09/2006</td>
<td>4pm</td>
</tr>
<tr>
<td>Resources Committee</td>
<td>10/10/2006</td>
<td>8am</td>
</tr>
<tr>
<td>Environmental Committee</td>
<td>02/11/2006</td>
<td>4pm</td>
</tr>
<tr>
<td>Audit &amp; Risk Management Committee</td>
<td>07/11/2006</td>
<td>8am</td>
</tr>
<tr>
<td>Resources Committee</td>
<td>14/11/2006</td>
<td>8am</td>
</tr>
</tbody>
</table>
DEST FUNDING & DIRECTIONS

New Places
Murdoch will receive an additional 80 student places from 2007, rising to 208 EFTSL by 2010. These include 40 new places in the Bachelor of Engineering, 25 in the Bachelor of Nursing at Peel and 15 Master of Applied Psychology places. This was the full complement of places for which Murdoch submitted a bid.

Nationally, the Government will provide more than 4,600 new Commonwealth supported places, once the full effect of the pipeline of base growth occurs over the next three years. Western Australia received 435 of these places, growing to 1,171 places by 2010.

Places were allocated by the Commonwealth to areas of skills needs and student demand, particularly in regional and outer-metropolitan areas. Emphasis was placed on the training of engineers, nurses, clinical psychologists and teachers. While the majority of new places were provided to public universities, 130 places were provided to the private University of Notre Dame, primarily in the National Priority areas of nursing and teaching but also including medical places.

Supplementary Funding
Under the Commonwealth funding guidelines, all higher education providers need to comply with both the Higher Education Workplace Relations Requirements (HEWRRs) and the National Governance Protocols in order to be eligible to receive increased levels of Commonwealth Grant Scheme funds. From 2007 the amount of funding is 7.5% of the total institutional CGS funds, approximately $4 million for Murdoch in 2007.

Murdoch has previously received advice from DEST that it is compliant with the National Governance Protocols (NGPs). However, DEST drew attention to the that the Murdoch Act does not specifically require a majority of independent external members on Senate, a key NGP requirement. The terms of reference for the Governance & Nominations Committee require that, in making its recommendations, the committee will also take into account the specific mandated requirements of the NGPs, including members with financial and commercial expertise and a majority external membership. This provision will be highlighted in our compliance certification documents.

As I recently advised, the University’s new Collective Workplace Agreements have been overwhelmingly approved by staff in the recent ballot. The Agreements have been lodged with the Office of the Employment Advocate and have effect from 16 August 2006.

Importantly, the Agreements allow the University to meet the HEWRRs while providing a Murdoch-focused workplace relations framework that will help us to meet many of the challenges of the coming years.
It is our view that we now comply with NGPs and HEWRRs and will therefore secure that additional CGS funding.

Diversity Agenda
In her recent public addresses the Minister for Education, Science and Training, Julie Bishop, has expressed the view that Australia does not have the capacity to maintain thirty-seven comprehensive public universities and that greater diversity is needed between institutions. Indeed, she has indicated that she will use all funding measures at her disposal to increase diversity in the Australian higher education sector. I have included a cogent critique of the “Diversity Agenda” under the Matters for Information section of the Agenda.

National Protocols
The Ministerial Council on Education, Employment, Training and Youth Affairs (MCEETYA), has agreed to a range of measures as part of revisions to the National Protocols for Higher Education Approval Processes (“the National Protocols”). Changes will:

- allow high quality higher education providers to accredit their own courses, rather than through accreditation processes run by State Governments. Currently only universities and a handful of other institutions established by State or Commonwealth legislation can accredit their own courses.
- provide specialist institutions access to the title of university. This is in line with overseas practice and means that Australia may see initiatives such as a University of Performing Arts, or University of Mines and Resources, or similar.
- clarify requirements for overseas higher education institutions seeking to operate in Australia. In particular, research and higher degree teaching requirements will be reduced for new universities in their first five years of establishment.

The revised Protocols and guidelines are due to be implemented by the end of 2007, pending legislative change in all jurisdictions, and will be reviewed no later than 2012.

Learning and Teaching Performance Fund
At the annual conference of the Higher Education Research and Development Society of Australasia (HERDSA) held in Perth, the Minister for Education, Science and Training announced changes to the Learning and Teaching Performance Fund (LTPF).

For 2006 the LTPF recognised excellence in teaching and learning on a whole-of-institution basis. The most significant change will be the allocation of the $82 million available for 2007 on the basis of four broad discipline areas:

- science, computing, engineering, architecture and agriculture;
- business, law and economics;
- humanities, arts and education; and
- health.

In addition, there will be changes to the performance indicators and all indicators will be given equal weighting. Further work remains to be completed, in cooperation with the sector, on the measurements of excellence with a view to assessing the attitudes of all students to the quality of the education they receive and tracking the success of students post-graduation.

In moving towards a discipline-oriented format the Minister is seeking to encourage universities to “play to their strengths and focus their teaching and learning efforts in particular areas”. This is seen as one measure to be used to encourage diversity in higher education in Australia.
2006 CARRICK AUSTRALIAN AWARDS FOR UNIVERSITY TEACHING

Earlier this year ten staff were selected to receive Vice Chancellor’s Citations for Excellence in Enhancing Learning. These awards are designed to encourage recognition of the many and diverse contributions that combine to create effective learning environments. These ten staff were then put forward as Murdoch’s nominees for Citations for Outstanding Contributions to Student Learning under the 2006 Carrick Australian Awards for University Teaching.

The Carrick Institute was established in 2004 to be a focal point for the enhancement of learning and teaching in Australian universities. It will receive $26 million annually from the Australian Government to manage its competitive grants and awards schemes.

The Carrick Citations, awarded for the first time this year, form part of an expanded programme of awards. They recognise and reward the diverse contributions that individuals and teams make to the quality of student learning and are valued at $10,000. A total of 210 awards are made nationally.

Six staff from Murdoch University have been selected to receive Carrick Citations. The successful nominees, with detail of their Citation, are:

The successful nominees are:

1. Ms Geraldine Box
   For sustained commitment to equity students through the development and administration of enabling programs and innovative support services, and providing ongoing support for equity students

2. Associate Professor Lorraine Marshall
   For innovation, sustained refinement and leadership in the integration of generic skills and content in first year Foundation Units between 1976 and 2006

3. Dr Julia Hobson
   For specialist expertise in the design, development and teaching of support programs for postgraduate students (both research and by course work) at Murdoch University.

4. Dr Jennifer Mills
   For the design, development and sharing of teaching resources and implementation of workshops to enhance professional communication and workplace skills for veterinary students

5. Dr Angus Morrison-Saunders
   For ongoing contribution to enhancing engagement, effectiveness and efficiency in student learning.

6. Dr Christine Creagh
   For excellence and passion in establishing and maintaining and outstanding learning environment for her students

AWARDS AND ACHIEVEMENTS

- Rob Phillips Manager, Open, Distance and e-Learning was recently awarded a Higher Education Research and Development Society of Australasia (HERDSA) Fellowship. His citation read:
  "Rob supports academics in enhancing student learning, particularly through the use of educational technology. Rob plays a significant role as an educational designer of
technology-supported learning environments and has written widely on the scholarship of learning and teaching.”

- A team of MBS students comprising Cara Bakker, Natalie Le, Sarjit Singh and Brett Smith won the Deloitte Dream Team University Competition. The team was awarded a prize of $1000, plus guaranteed work with Deloitte during the coming summer break. The Deloitte Dream Team program is an innovative competition run by Deloitte for motivated students across all disciplines. Students work in a team of four to solve a business case study over the course of three weeks. The competition pitted teams of students from all five Western Australian universities against each other to prove that they are the ultimate "dream team".

- Fairbridge are joint State Winners of the 2006 Prime Minister’s Awards for Community Business Partnerships in the Large Business Category with Alcoa World Alumina. Murdoch has a Memorandum of understanding with Fairbridge and pleased to see the positive effect they are having in the Peel region.

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**NOTABLE EVENTS**

**Courses and Careers Day**
The first of the University’s annual Courses and Careers Day was held on Sunday, 30th July 2006 on the South Street Campus. It is estimated that some 2,000 people attended the event, a significant increase on the approximately 1,800 people who attended last year. The vast majority of attendees were current Year 12 students who showed a strong level of interest and engagement with the University.

Our second Courses and Careers Day was held on the Rockingham Campus on Sunday, 20th August 2006. Whilst attendance was slightly down on last year, there was a steady flow of applicants, many of whom were matured aged applicants, throughout the day who were interested in a broad range of Murdoch courses.

I would like to thank the Prospective Students and Admissions Centre and all Murdoch staff and students who contributed to these days. Your ongoing participation and support is appreciated.

- A presentation ceremony for the 2006 Hyogo Joint Summer Session at Sea on-board Scholarship Students was held on 30 June 2006. The ceremony was hosted by Mr Masa Ogawa, Director of the Hyogo Prefectural Government Cultural Centre. Radha Krishnan attended on behalf of Murdoch.

Six Murdoch students received awards that provide airfare to Osaka, where they will have a week in Kobe touring the Kobe-Osaka region. They then board the Summer Session at Sea ship for its journey to Fremantle. The strength of Murdoch’s Japanese program is underlined by the number of on-board scholarships which is more than any other institution.

- The Premier, the Hon Alan Carpenter, and Minister for Science and Innovation, the Hon Fran Logan, launched the WA Biotechnology Industry Development Strategy at the State Agricultural Biotechnology Centre on 10th August 2006. The launch was attended by Nobel Prize winner Professor Barry Marshall and former Australians of the Year Professors Fiona Wood and Fiona Stanley, as well as representatives from Murdoch, the biotechnology industry and Government departments with a responsibility for biotechnology policy. Murdoch is already a major player in biotechnology research and will be pivotal in implementation of the Strategy through the relocation of the Department of Agriculture to the South Street campus which will build on our existing strengths in agricultural and
veterinary biotechnology and the capacity of the WA State Agricultural Biotechnology Centre. This was recognised by the Premier in choosing to launch the Strategy at Murdoch.

- Together with a number of Murdoch representatives, including the Chair of the Engineering Industry Advisory Committee, I attended the Engineering Week Lunch held on 17th August 2006. Mick Lilley, Head of Government Business, Corporate Finance within the Investments Banking Group at Macquarie Bank spoke on the topic: “WA’s Booming Economy – Is It Sustainable?”.
  The announcement of the agreement for the professional development programme between Engineers Australia and Murdoch University was also made during this lunch.

- The Deputy Vice Chancellor (Enterprise & International) hosted Adolfo Morales Villamizar, the Administrative Chancellor at University Innca in Columbia for a week-long ‘shadowing’ exercise from 21st August 2006 under the Latin American Executive Leadership Program managed by the AVCC. Innca is a private university located in the capital city of Bogota that has around 4,000 students and 500 staff and has expertise in arts, economics and finance, education, engineering, law, music, computer science and technology.
  The program aims to provide the Latin American participants with an improved awareness of Australian higher education administration practices and a bilateral opportunity to strengthen cooperative links between Latin American and Australian universities.

- Funds raised from the World Refugee Day lunch organised by the staff from the Equity, Access & Diversity office and held on 20th June 2006 have been matched by a donation from the Vice Chancellor. $500 was raised by gold coin donations made by students and staff at the lunch. At a formal ceremony, Jan Ryan, President of the United Nations Association of Australia, accepted a cheque for $1000, which will go towards the UN Refugee Agency’s International Education, Sport and Health Program for young refugees.

  Murdoch has developed strong links with refugee groups who have settled in Perth, with the aim of providing individuals with tertiary educational opportunities. The majority of these students currently enrolled are originally from Sudan and many have spent several years in refugee camps in other African countries.

- The Minister for Planning and Infrastructure, the Hon Allanah McTiernan, visited the Research Institute for Sustainable Energy (RISE) on 23rd August 2006 for a display of a new type of vehicle that the Department has acquired for demonstration purposes.

- The Hon Mark McGowan, Minister for the Environment; Racing and Gaming, visited the Rockingham campus library on 25th August 2006 to read for Children’s Book Week.

INTERNATIONAL AGREEMENTS

A new offshore agreement has been signed with APMI Kaplan in Singapore for the delivery of the Bachelor of Commerce majors Hospitality & Tourism Management and Marketing Management in Singapore and Hong Kong. Delivery is scheduled to commence in the the January Trimester of 2007.

KDU College in Malaysia is scheduled to commence delivery of the Bachelor of Commerce (major Human Resource Management) on the Petaling Jaya and Penang Campuses in February 2007. KDU PJ will also commence delivery, for the first time, of Bachelor of Science majors in Games Technology and Computer Science in February 2007.

New exchange agreements have been established with Lancaster University in the UK and Waterloo University in Ontario, Canada.
RECOMMENDATION

Murdoch University Foundation
The terms of Ms Karen Brown, Mr Terry Budge and Mr Richard Alder as trustees of the Murdoch University Foundation are due to expire in the near future. At its meeting held on 5th July 2006 the Foundation trustees considered the ongoing membership of the Board of Trustees. The continuation of the terms of Ms Brown, Mr Budge and Mr Alder was supported and each of the trustees agreed to serve for a further three-years.

Emerita Professor Kat Longley has significant expertise and a wide range of contacts in the broader community, particularly in the catchment area of Murdoch’s regional campuses. As a result, the trustees supported her appointment to the Board of Trustees.

The Trustees of the Murdoch University Foundation recommend that Senate approve the reappointment of Ms Karen Brown, Mr Terry Budge and Mr Richard Alder; and approve the nomination of Emerita Professor Kat Longley to the Murdoch University Foundation for a three year term from the date of approval.
Date of meeting:  
Wednesday, 12/07/2006

Present:  
Em. Prof. Geoffrey Bolton (Chair)
Prof. John Yovich (Vice Chancellor)  
Mr Brian Aitken  
Ms Janice Bowra  
Mr Terry Budge  
Ms Alison Gaines  
Mr Gerry Georgatos  
Mr Garry Hunt

Secretary:  
Jeremy Rigg

Observers  
Mr Michael Brewis  
Mr Ian Callahan (DVC – Corporate)  
Mr Lloyd Johnson  
Prof. Gary Martin (DVC – Enterprise & International)  
Prof. Jim Reynoldson  
Prof. Andris Stelbovics (DVC – Research)  
Prof. Jan Thomas (DVC – Academic)  
Prof. Michael Borowitzka (President, Academic Council)  
Prof. Arnold Depickere

Apologies  
Prof. Yianni Attikiouzel, Mal Bradley, Prof. Stuart Bradley, Assoc. Prof. Michael Campion, Assoc. Prof. Nick Costa, Ms Shirley McPherson.

Meeting commenced at: 16:35 pm

1. MEMBERSHIP

The Chancellor welcomed Mr Tony Ianello to his first Senate meeting, and Mr Jeremy Rigg as the new University Secretary.

Executive Council has now approved Judge Kate O’Brien’s renewal as a member of Senate through to 20 June 2009, and her second term as Deputy Chancellor has come to an end. The Chancellor moved that Senate express its thanks to Judge Kate O’Brien for her valued contribution in this role.

The term of Sir William Heseltine as a member of Senate comes to an end as at 24 July 2006. The Chancellor moved that Senate record its great appreciation of his efforts since becoming a member of Senate in July 2000.

Resolved:  
S/25/2006

(i) To express to Judge Kate O’Brien Senate’s thanks for her valued contribution as Deputy Chancellor.

(ii) To express to Sir William Heseltine Senate’s great appreciation of his efforts as a member of Senate.

2. APOLOGIES

Prof. Yianni Attikiouzel, Mr Mal Bradley, Prof. Stuart Bradley, Assoc. Prof. Michael Campion, soc. Prof. Nick Costa, Ms Shirley McPherson.
3. DECLARATIONS OF INTEREST (MURDOCH UNIVERSITY ACT s17A)

Nil.

4. CURRENT ACTIVITIES AND FUTURE DIRECTIONS OF VETERINARY TRUST

The Senate received a report on the activities and directions of the Trust from Mr Brian Aitken. Key points during the discussion included:

- The Trust has cash and equities of approximately $2 million invested.
- The Trust is assisting with funding for key staff positions at the School, to enhance staff number and quality, as well as standards of excellence in education and research.
- One of the next major challenges for the School is the upgrade of its imaging facilities, now that technology is moving to digital imaging.

5. APPOINTMENT OF DEPUTY CHANCELLOR AND RELATED MATTERS

The Chancellor noted that he had circularised the issue of the appointment of a Deputy Chancellor to members of Senate, and that Ms Alison Gaines had been put forward as a nominee. The Chancellor spoke to Ms Gaines’ capabilities for the role, and moved that she be appointed as Deputy Chancellor for a term of two years.

It was noted that a number of other changes in Committee membership are required as a result of Sir William Heseltine’s term as a Senate member coming to an end. Several appointments had been put to the Governance & Nominations Committee by way of circular resolution. The Committee has recommended to Senate that it approve, effective as of 24 July 2006:

(i) the appointment of Judge Kate O’Brien as Chair of the Audit & Risk Committee;
(ii) the appointment of Ms Alison Gaines as Chair of the Legislation Committee; and
(iii) the appointment of Mr Tony Ianello and Ms Shirley McPherson as members of the Resources Committee.

Sir William Heseltine commented that, in his experience as Chair of the Audit & Risk Committee, it had been useful to have a member sitting on both the Resources Committee and the Audit & Risk Committee.

**Resolved:**

S/26/2006  
(i) To appoint Alison Gaines as Deputy Chancellor for a term of two years, expiring 11 July 2008.  
(ii) To approve the appointment of Judge Kate O’Brien as Chair of the Audit & Risk Committee effective as of 24 July 2006.  
(iii) To approve the appointment of Ms Alison Gaines as Chair of the Legislation Committee effective as of 24 July 2006.  
(iv) To approve the appointment of Mr Tony Ianello and Ms Shirley McPherson as members of the Resources Committee effective as of 24 July 2006.
6. VICE CHANCELLOR’S REPORT

Senate received the Vice Chancellor’s report and the Vice Chancellor spoke to some additional items. Key issues covered included:

- The parameters for determining the allocation of various Commonwealth funding pools are in a state of flux, with the result that there are short lead times between when parameters are set and the University is measured on its application for funds.
- The RQF Development Advisory Group is in the process of determining how funds will be allocated, with data to be gathered in 2008 and funding impacting the University budget in 2009.
- The Learning & Teaching Performance Fund is under review, but detailed guidelines have not been issued by DEST as yet. Allocation of funds will no longer be based on a “whole of university” approach, but split across four broad areas of discipline. The split of funds will not necessarily be equal across these areas, and there will also be changes to performance indicators and their weightings.
- A letter had recently been circulated to members of Senate outlining changes to the accreditation processes for Universities under the Revised National Protocols for Higher Education Approval Processes.

The Chancellor noted that a number staff receiving honours were listed in the Vice Chancellor’s report. The Chancellor moved that Senate offer its congratulations to the Vice Chancellor for his recognition in receiving Membership of the Order of Australia, and further moved that Senate communicate its congratulations to Professors Anne McMurray and Phil Jennings, and Dr Susan Read on their awards.

The Vice Chancellor noted the University’s success in the recent announcement of the 2006 Carrick Citation Awards for Outstanding Contributions to Student Learning, with Ms Geraldine Box, Dr Christine Creagh, Dr Julia Hobson, Associate Professor Lorraine Marshall, Dr Jennifer Mills and Dr Angus Morrison-Saunders all being recipients of awards. It was moved that Senate communicate its congratulations to these six recipients.


(i) To offer Senate’s congratulations to the Vice Chancellor, Professor John Yovich, for his recognition in receiving Membership of the Order of Australia.

(ii) To communicate Senate’s congratulations to Professors Anne McMurray and Phil Jennings on their receiving Membership of the Order of Australia, and to Dr Susan Read on her award of the Medal of the Order of Australia.

(iii) To communicate Senate’s congratulations to Ms Geraldine Box, Dr Christine Creagh, Dr Julia Hobson, Associate Professor Lorraine Marshall, Dr Jennifer Mills and Dr Angus Morrison-Saunders on being awarded a Citation for Outstanding Contributions to Student Learning by the Carrick Institute for Learning and Teaching in Higher Education.
7. ANNUAL EDUCATION REPORT

The DVC (Academic) spoke to her written report. Key points covered included:

- The comments of the Vice Chancellor in relation to changing parameters for funding were endorsed. It was noted that this environment creates a tension for the University between teaching outcomes and funding levels, in endeavouring to determine its optimal course mix.

- The performance of the University against its Key Performance Indicators was reviewed. Of particular note was the effort that had been put in by the Divisions and the Schools to improve the measure of the percentage of graduates who are able to gain their preferred mode of employment.

- The biennial Whole of University experience survey of students showed high ratings and improvements on all ratings except in relation to computing facilities.

- The introduction of the Vice Chancellor’s Symposium has created a useful forum for academic discussion on professional development, with the second forum to be held on 17 July on the “Scholarship of Engagement”.

- Work is being undertaken to improve the University’s postgraduate offerings.

- The paradigm for course delivery is shifting in focus from teaching to learning. This presents challenges in relation to the existing infrastructure that need to be managed, as it is more suited to the teaching paradigm.

- The trends in flattening of student demand, increased diversity of students, increased average hours per week students are engaged in work, and increased expectation of course flexibility also present challenges for resource management.

- In this environment, there is increasing pressure on students in terms of retention rates and on staff in terms of the need for developing new and flexible modes delivery.

Senate commended the DVC (Academic) on her report. The Chancellor moved that Senate receive the Education Report

Resolved: To receive the Annual Education Report.

5/28/2006

8. CONFIDENTIAL ITEM - LOAD REPORT

Senate dealt with this item in camera. See the separate, confidential minute of this item.

9. MINUTES

Senate confirmed the minutes of the meeting held on 24/05/2006. It also noted a report of action taken to implement previous resolutions of Senate.

10. ACADEMIC COUNCIL

Senate noted the minutes of the meeting of the Academic Council held on 14/06/2006. There were no recommendations requiring a Senate resolution.
11. **AUDIT & RISK MANAGEMENT COMMITTEE**

Senate noted the minutes of the meeting of the Audit & Risk Management Committee held on 30/05/06. There were no recommendations requiring a Senate resolution.

12. **ENVIRONMENTAL COMMITTEE**

Senate noted that the Environmental Committee meeting for June was not held as a quorum was not available.

13. **RESOURCES COMMITTEE**

Senate noted the minutes of the meetings of the Resources Committee held on 23/05/06 and 27/06/2006.

A discussion ensued in relation to Item 11 from the minutes of 27/06/2006, being the Residential Services Outsourcing Proposal. It was queried whether the Committee had given sufficient consideration to the potential risks of outsourcing. The Vice Chancellor and the Chair of the Resources Committee noted that concerns of this nature were discussed at the meeting and the Committee is seeking more information in relation to the proposal to address these.

The Chancellor moved that the recommendations of the Resources Committee be accepted.

**Resolved:** S/29/2006

To approve the following payments for the period 15/03/2006 to 16/05/2006 inclusive:

<table>
<thead>
<tr>
<th>Creditors</th>
<th>Amount</th>
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<tbody>
<tr>
<td>Australian Taxation Office</td>
<td>$ 873,804 (PAYG)</td>
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<tr>
<td>Australian Taxation Office</td>
<td>$ 915,103 (PAYG)</td>
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<tr>
<td>Australian Taxation Office</td>
<td>$ 872,310 (PAYG)</td>
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<td>Australian Taxation Office</td>
<td>$ 899,305 (PAYG)</td>
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<tr>
<td>Keywest Constructions P/L</td>
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<td>State Revenue</td>
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**Resolved:** S/30/2006

To approve the following write offs for the period to 31 March 2006 inclusive:

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<td>Alberto Cozzi</td>
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<tr>
<td>Backstop Corporation</td>
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<td>Craig Lovelady</td>
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<td>Health Care World</td>
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<td>Pullinger Readhead Stewart</td>
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<td>Solectair</td>
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<tr>
<td>University of Pretoria</td>
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<td>Water Corporation</td>
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<td>Zip Television</td>
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**Resolved:** RC/31/2006

To approve the following payments for the period 17/05/2006 to 20/06/2006 inclusive:

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<tr>
<td>Australian Taxation Office</td>
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<td>Company</td>
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<td>B &amp; E Fire Protection</td>
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<td>Canopi Network</td>
<td>$190,819</td>
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<tr>
<td>State Revenue</td>
<td>$454,067</td>
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<tr>
<td>Synergy</td>
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</table>

14. **OFFICIAL SEAL**

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

15. **OTHER BUSINESS**

15.1 The Senate noted the dates for the 2007 Senate meetings.

15.2 Judge Kate O’Brien encouraged all Senate members to be enriched by the art exhibition that was currently on University campus following NAIDOC week.

Meeting concluded at: 18:35pm

Signed as a true record of the meeting of the Senate held on 12/07/2006.

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**EMERITUS PROFESSOR GEOFFREY BOLTON - CHAIR**

Dated: September, 2006
<table>
<thead>
<tr>
<th>Resolution</th>
<th>Action officer</th>
<th>Action required</th>
<th>Completed on</th>
</tr>
</thead>
<tbody>
<tr>
<td>S/25/2006</td>
<td>Chancellor</td>
<td>To express thanks to Judge Kate O’Brien for her valued contribution as Deputy Chancellor and to Sir William Heaseltine for his efforts as a member of Senate.</td>
<td>12/07/2006</td>
</tr>
</tbody>
</table>
| S/26/2006    | Assistant University Secretary | To amend all documentation as follows:  
(i). Alison Gaines as Deputy Chancellor for a term of 2 years expiring on 11/07/2008;  
(ii). Judge Kate O’Brien as Chair of A&RM Committee;  
(iii). Ms Alison Gaines as Chair of Legislation Committee;  
(iv). Mr Tony Ianello and Ms Shirley McPherson as members of the Resources Committee effective as of 24/07/2006 | 29/08/2006   |
| S/27/006     | Chancellor           | To congratulate the following individuals:  
(i). Prof. John Yovich, Prof Anne McMurray and Prof Phil Jennings on their membership of the Order of Australia;  
(ii). Dr Susan Read on her award of the Medal of the Order of Australia;  
(iii). Ms Geraldine Box, Dr Christine Creagh, Dr Julia Hobson, Assoc. Prof Lorraine Marshall, Dr Jennifer Mills and Dr Angus Morrison-Saunders on their receipt of Citation for Outstanding Contributions to Higher Learning by the Carrick Institute for Learning and Teaching in Higher Education. | 12/07/2006   |
| S/28/2006    | None                 | None required                                                                    | Nil          |
| S/29/2006    | Christopher McSevich | Make payments to creditors detailed in resolution                                | 02/08/2006   |
| S/30/2006    | Christopher McSevich | Write of debts detailed in resolution                                             | 02/08/2006   |
| S/31/2006    | Christopher McSevich | Make payments to creditors detailed in resolution                                | 02/08/2006   |
Date of meeting: Wednesday, 19 July 2006

Present: Professor Michael Borowitza (Chair)  
Profs John Yovich (Vice Chancellor)  

Ms Bee Lay Addis  Dr David Palmer  
Prof Yianni Attikiouzel  Dr Rob Phillips  
Ms Melanie Burkhardt  Dr Phillip Reece  
Prof Arnold Depickere  Prof Jim Reynoldson  
Mr Gerry Georgatos  Dr Rajasundram Sathiendrakumar  
Ms Deborah Hamblin  Ms Katy Stanlake  
Dr Marian Kemp  Prof Andris Stelbovics  
Assoc Prof Dora Marinova  Dr Anne Surma  
Dr Rhonda Marriott  Prof Jan Thomas  
Prof Gary Martin  Prof Iain Walker  

Apologies: Assoc Prof Parisa Bahri, Mr Malcolm Bradley, Mr David Holloway, Mrs Carolyn Jones, Assoc Prof John Pluske, Mr Matt Vapor  

Secretary: Mrs Gerry Dunne  

Official Attendee: Assoc Prof David Macey, Mr Darren Munday  

1. **MINUTES**

Confirmation of the minutes of the meeting held on 14 June 2006.

2. **STRATEGIC PLANNING & ACADEMIC QUALITY (SPAQ) PRESENTATION – DEPUTY VICE CHANCELLOR (RESEARCH)**

The Deputy Vice Chancellor (Research), Professor Andris Stelbovics, presented the Research and Development Board’s 2005 SPAQ Report. There were no questions on notice regarding the written report. The following items were highlighted:

- Increased share of Research Block Grant Funding – ranked 8th nationally;
- Core Partnerships in 3 new Cooperative Research Centres (Internationally Competitive Pork Industry, National Plant Biosecurity & Forestry);
- Decrease in research income from 2004 – attributed to a one-off 2004 payment from Bill & Melissa Gates Foundation to Simon Mallal’s CCIBS;
- Positive indicators for 2006 research income;
- Research income per capita is excellent;
- Completion times have continued to decline;
- Drop in number of research outputs in 2004 due to under reporting;
- Research relationships with external partners a benefit to society and the community;
- In the 2005 exit survey 92% of students were satisfied with supervision and 100% of the HDR graduates surveyed available for work were employed;
- MWEP making inroads in commercialising IP; and
• Murdoch Link formulating a policy to make it attractive for researchers to utilise their services.

Professor Stelbovics asked members to advise staff of the importance of reporting all research outputs, particularly refereed conference publications, as under reporting results in reduced research income. The President reinforced the DVC(R)'s request to members to disseminate the message on the need for reporting research activity. The President thanked Professor Stelbovics and congratulated both he and his staff for their efforts.

Responding to a member’s questions the DVC(R) agreed that the system to report research activities needs to be administered in a way to encourage staff to report publications. Whilst acknowledging that the reporting requirements were set by DEST, he advised that the R&D Board intended to appoint new staff (casual) to assist academic staff with the preparation of research activity reports.

3. 3.1 EDUCATION REPORT – DEPUTY VICE CHANCELLOR (ACADEMIC)

The Deputy Vice Chancellor (Academic), Professor Jan Thomas, advised members that she had presented essentially the same report to Senate at its 12 July 2006 meeting. She informed members that the information contained in the report attached to the agenda would inform discussion on the next item “Academic Excellence in a Changing Environment”.

The following items were highlighted:

➢ Environmental factors such as:
   ➢ the Learning and Teaching Performance Fund now based on broad discipline areas;
   ➢ focus on complex discipline mix; and
   ➢ increasing competition and flattening demand;

➢ Student satisfaction statistics improving, good teaching statistics higher than national figures;

➢ Overall satisfaction improving, however, staff should not take for granted the current “5 star status” ranking;

➢ Course evaluation questionnaire – whilst acknowledging national benchmarking figures are lacking, Murdoch University should continue to improve;

➢ Graduates commitment to lifelong learning – above state average, partly due to postgraduate offerings in Health Sciences;

➢ Graduate employment – improved in last two years due to dedicated staff achieving results;

➢ Whole of University Experience 2005 Survey – the DVC(A) highlighted results in the context of measuring quality and excellence; and

➢ Professional development – the Teaching & Learning Centre (TLC) offering a growing range of opportunities, engagement by teachers is important to maximise learning outcomes.

The President thanked Professor Thomas for her presentation.

3.2 ACADEMIC EXCELLENCE IN A CHANGING ENVIRONMENT

Following discussions at the 12 April 2006 meeting the following priority issue for debate was endorsed by Council (AC/60/2006):
**Academic excellence in a changing environment: the role of staff, the selection of course offerings and the measurement of outcomes.**

The President, Professor Borowitzka, spoke to the discussion paper he had prepared, based on the Thomas Report, which was attached to the agenda. He reminded members that he had excluded the research element and focused on undergraduate and postgraduate teaching. Professor Borowitzka began by thanking Professor Thomas for moving Murdoch University towards using quality indicators prior to the requirements of the Learning and Teaching Performance Funding.

The President spoke of changes to the external environment within which Murdoch operates and the need to maintain and increase academic excellence within that environment. Further, the need for changes to the internal environment, such as how and when students are taught and the changing technologies available for teaching. He challenged members to consider two issues, whilst recognising the underlying aspects of limited resources:

- Is Murdoch using the appropriate measures of excellence? How much effort is required to collect data? How well do we use the data to compare internally and externally?
- Is Murdoch encouraging excellent teaching? Is the balance between research and teaching right? How can we identify and reward good teachers? How can we improve teaching quality by better engagement with, say, TLC courses? How can we utilise Murdoch’s quality teachers as mentors?

The President reminded members that the Unit Offerings policy sets out the process for the evaluation and analysis of units for potential discontinuation or revitalisation. He urged Divisions and Schools to look closely at the units offered and the possible discontinuation of units or courses, especially under the current environment of limited resources, with the aim to offer quality rather than quantity.

Professor Borowitzka outlined his recommendations for the establishment of working parties to consider

1. attaining broad agreement on how to measure and identify excellence; and
2. identifying excellence in teaching through a recognition reward framework.

The President suggested the two working parties would need to work in parallel with the new strategic plan and maintain good communications.

During the ensuing discussion it was suggested the working parties could investigate whether a possible measure of success of a program could be the number of students enrolled. It was suggested that as part of the promotions procedure staff members could be recognised for putting in place programs that were in strong demand. This was recommended as a way of rewarding staff for developing popular courses recognising the large amount of effort to gain course approvals.

Responding to a member’s question the President suggested that the measures recommended by the Working Party considering measures of excellence should not be DEST driven, but rather Murdoch University driven. Members agreed that the terms of reference for this Working Party should include a review of the
**Evaluation of Undergraduate Courses policy.**

To enable the commencement of the Working Parties the membership structure and reporting time frame will be sent to members for consideration outside of meetings as a decision by circulation.

**Resolved** to establish the following two Working Parties:

AC/102/2006

(i) **Measurement of Excellence in Learning & Teaching Working Party**

**Terms of Reference**

To assess the available indicators for measuring the quality of the learning and teaching environment at both undergraduate and postgraduate levels for their suitability.

The indicators should be:

- Easily available:
- Provide statistically significant data: and
- Allow for benchmarking both within Murdoch University and with other Universities.

Indicators should cover both the learning and teaching environment (inputs) and the quality of graduates produced (outputs).

The Working Party should consider which indicators are best suited for assessing the Whole-of-University performance and performance at the School/Course level and provide an assessment to Council.

The Working Party is to review the “Evaluation of Undergraduate Courses” policy.

(ii) **Recognition of Excellence in Teaching Working Party**

**Terms of Reference**

The Working Party is to examine the current ways of recognising excellence in teaching and evaluate the variety of ways in which teaching excellence is recognised and rewarded.

Consideration should be given to:

(a) The role of rewards for excellence in teaching in improving the learning and teaching environment at Murdoch University, the criteria used for making these awards, use in the promotion criteria, and how these awards support the enhancement of teaching quality across the whole University;

(b) The relationship between teaching and the scholarship of teaching; and

(c) How these awards interact with the Carrick Awards for Australian University Teaching.
The Working Party report should provide recommendations on how the recognition and reward framework for excellence in teaching can be improved as part of an overall strategy to enhance teaching at the University.

4. COMMITTEE ON UNIVERSITY ENTRANCE (CUE) – ANNUAL REPORT FOR 2005

The Chair of CUE, Associate Professor David Macey spoke to the report that was attached to the agenda. The following items were highlighted:

- CUE has moved to electronic delivery of agendas and minutes;
- The development of a database on advanced standing; and
- Entry to Murdoch University has broadened through the development of a series of methods that have increased access.

The President thanked Associate Professor Macey for the important work undertaken by CUE and congratulated CUE, on behalf of Academic Council, on the streamlined processes introduced.

Resolved

AC/103/2006

(i) to approve the report attached to the agenda from the Committee on University Entrance for 2005; and

(ii) to approve the continued existence of the standing Committee on University Entrance for a further year.

5. 2007 ACADEMIC PLANNING REPORT

The Pro Vice Chancellor (Academic), in her role as Chair of the Academic Policy Committee, advised the meeting that there were no policy implications in the recommendations. She drew member’s attention to the fact that the postgraduate courses were rebadged due to title changes.

Resolved

AC/104/2006

NEW COURSES

(i) (a) to approve the introduction in 2007 of the following courses, with the structures as attached to the agenda and located within the Division of Arts;

Courses:

Postgraduate Certificate in Journalism
Postgraduate Certificate in Media Production
Postgraduate Certificate in Public Relations
Postgraduate Diploma in Journalism
Postgraduate Diploma in Media Production
Postgraduate Diploma in Public Relations

(b) to RECOMMEND to Senate to amend the following regulations as indicated below [additions in bold]:

Certificate Regulation 1. (d)

Insert: Postgraduate Certificate in Journalism (PgCertJour)
Insert: Postgraduate Certificate in Media Production (PgCertMedProd)
Insert: Postgraduate Certificate in Public Relations (PgCertPR)

Diploma Regulation 1.(1) (c)
Insert: Postgraduate Diploma in Journalism (PgDipJour)
Insert: Postgraduate Diploma in Media Production (PgDipMedProd)
Insert: Postgraduate Diploma in Public Relations (PgDipPR)

(ii) (a) to approve the introduction in 2007 of the following courses, with the structures as attached to the agenda and located within the Division of Science and Engineering;

Courses:
Masters in Agricultural Biotechnology
Postgraduate Certificate in Agricultural Biotechnology
Postgraduate Diploma in Agricultural Biotechnology

(b) to RECOMMEND to Senate to amend the following regulations as indicated below [additions in bold]:
Master by Coursework Degree Regulation 1.(1)
Insert: Master of Agricultural Biotechnology (MAgrBiotech)
Master by Coursework Degree Regulation 2.(1)
Insert: Master of Agricultural Biotechnology - 24 points
Certificate Regulation 1.(d)
Insert: Postgraduate Certificate in Agricultural Biotechnology (PgCertAgrBiotech)
Diploma Regulation 1.(1) (c)
Insert: Postgraduate Diploma in Agricultural Biotechnology (PgDipAgrBiotech)

COURSE DISCONTINUATIONS

(iii) to discontinue the collaborative Master of Medical Engineering as located in the Division of Arts with effect from 2007.  

(iv) to discontinue the Bachelor of Engineering Science as located in the Division of Science and Engineering with effect from 2007.

MINOR DISCONTINUATION

AC/104/2006 (v) to discontinue the minor in Renewable Energy, as located in the Division of Science and Engineering with effect from 2007.
AMENDMENTS TO EXISTING COURSES

(vi) (a) to note the amended structures as attached to the agenda of the following courses in the Division of Science and Engineering, with effect from 2007:

Bachelor of Engineering
Bachelor of Engineering + Bachelor of Commerce
Bachelor of Engineering + Bachelor of Science
Bachelor of Technology in Engineering Technology
Master of Engineering

(b) to note the amended structures as attached to the agenda of the following courses in the Division of Health Sciences with effect from 2007:

Master of Arts in Community Development
Master of Counselling

AMENDMENTS TO EXISTING MAJOR

(vii) to note the amended structures as attached to the agenda of the Bachelor of Arts in Public Policy and Management in the Division of Arts with effect from 2007.

AMENDMENTS TO EXISTING MINOR

(viii) to note the amended structures as attached to the agenda of the following minors in the Division of Science and Engineering with effect from 2007:

Animal Biology
Forensic Biology

6. VICE CHANCELLOR’S REPORT

The Vice Chancellor asked the meeting to take his written report, attached to the agenda, as read.

The Vice Chancellor informed members of an imminent project that involved the revamping of level 2 of the library into a teaching common area. He spoke to a slide of the floor plan and advised that the plan included 100-150 computer ports that would require a higher standard of IT platform, support and maintenance. The Vice Chancellor asked the Pro Vice Chancellor (Academic), to further inform the meeting.

Professor Thomas said the learning common would enable students to interact and relate to each other as part of their learning. The intent is to make the library a hub for informal student learning.

The Vice Chancellor advised that the project would be funded by monies earmarked from the Learning & Teaching Performance Fund. This announcement was met with acclamation by members.

The President noted that the Vice Chancellor’s report had advised of 6 Murdoch staff who were successful in receiving Citations for Outstanding Contributions to Student
Learning under the 2006 Carrick Australian Awards for University Teaching. The successful nominees were: Ms Geraldine Box, Associate Professor Lorraine Marshall, Dr Julia Hobson, Dr Jennifer Mills, Dr Angus Morrison-Saunders and Dr Christine Creagh. On behalf of Academic Council the President congratulated the recipients on their individual achievements. This was met with acclamation.

The President advised the meeting that the Vice Chancellor had recently been honoured with the award of Member of the Order of Australia, as was Professor Philip Jennings and Professor Anne McMurray. He extended his congratulations on behalf of Council members. This was met with acclamation.

7. RESCISSION OF AWARDS

At its meeting on 25 January 2006 Academic Council conferred a Bachelor of Science in Environmental Science to Kathrine Wright. The Division had advised that the rescission enables the student to complete a second major in Conservation Biology.

**Resolved** to rescind the award Bachelor of Science in Environmental Science (conferred 25 January 2006) to Kathrine Rebecca Wright (30024464).

8. AWARD OF DEGREES, DIPLOMAS AND CERTIFICATES

On the recommendation of Divisional Boards and the Research and Development Board, Council

**Resolved** to approve the award of degrees, diplomas and certificates on the attached list.

9. ESTABLISHMENT OF CENTRES

The Research & Development Board approved (RDB2006/17) recommendations from the Committee for Centres and Areas of Research Strength (CCARS) to establish 3 University Centres, in accordance with Clause 4.1 of the Establishment and Management of Centres policy. Council

**Resolved** to note the establishment of the:

(i) State Centre of Excellence – Institute for Immunology and Infectious Diseases as a University Research Centre with Professor Simon Mallal as Director:

(ii) State Centre of Excellence – WA Centre for Comparative Genomics as a University Research Centre with Professor Matthew Bellgard as Director: and

(iii) ARC Centre of Excellence in Antimatter-Matter Studies as a University Research Centre with Professor Igor Bray as Deputy Director.

10. ACADEMIC ORGANISATIONAL UNIT REVIEW PROGRESS REPORT – OFFSHORE COURSES

At its 16 March 2005 meeting Council adopted the recommendations from the Offshore Course Review Panel. In accordance with clause 7 of the Academic Organisational Unit
Reviews policy, a report on the progress of implementing the review recommendations was attached to the agenda. Council was advised that further monitoring of progress will be undertaken by the Academic Quality Audit Committee (AQAC).

Resolved to note the July 2006 progress report attached to the agenda from the Offshore Courses Review in response to the June 2004 review.

11. ACADEMIC ORGANISATIONAL UNIT REVIEW PROGRESS REPORT – AUSTRALIAN INDIGENOUS STUDIES

At its 2 November 2005 meeting Council adopted the recommendations from the Offshore Course Review Panel. In accordance with clause 7 of the Academic Organisational Unit Reviews policy, attached is a report on the progress of implementing the review recommendations was attached to the agenda. Council was advised that further monitoring of progress will be undertaken by the Academic Quality Audit Committee (AQAC).


12. OUTSIDE STUDIES PROGRAM (OSP) REPORTS – 2005

The Outside Studies Program Policy states in Clause 9:

Executive Deans are responsible to the Vice Chancellor for the following:

(h) presentation to the Academic Council each year of a report and analysis of the outcomes, achievements and issues arising from OSPs undertaken by staff in their Division in the previous year.

A report from the Executive Deans of the Divisions of Health Sciences and Science & Engineering was attached to the agenda for Outside Study Programs undertaken during 2005.

Resolved to note the Outside Studies Program (OSP) Reports for 2005 for the Divisions of Health Sciences and Science & Engineering as attached to the agenda.

13. MEMBERSHIP HONORARY AWARDS AND CEREMONIAL COMMITTEE

The membership of the Honorary Awards and Ceremonial Committee includes two Professors/Associate Professors appointed by Academic Council. Appointments are normally for three years.

The members so appointed are Professors Tom Lyons (DSE) and Simone Volet (Arts). The term of office of Professor Lyons expired at the commencement of second semester 2006.

Resolved to appoint Professor Tom Lyons to the Honorary Awards and Ceremonial Committee with his term of office expiring at the commencement of second semester 2009.

14. MEMBERSHIP RESEARCH AND DEVELOPMENT BOARD
The membership of the Research and Development Board includes 5 members of academic staff appointed by Academic Council, from a list of nominees provided by the Deputy Vice Chancellor (Research) in consultation with the Executive Deans. Appointments are normally for 3 years.

The members so appointed are Professor Simone Volet (Arts), Associate Professor Bernie Dell (DSE), Professor Mathew Bellgard (Arts), Associate Professor Peter May (DSE) and Professor David Hampson (DHS). The term of office of Professor Hampson expired at the commencement of 2nd semester 2005. The Chair co-opted Professor Hampson to serve on the board while seeking a replacement.

Resolved

15. 2005 STRATEGIC PLANNING & ACADEMIC QUALITY (SPAQ) REPORTS

The revised timetable for SPAQ Reports as approved (AC/44/2006) provides that the written reports from the Executive Deans of the Divisions of Arts and Health Sciences be circulated with the agenda papers for this meeting, with verbal presentations to be given at the 13 September 2006 meeting.

Attached to the agenda and supplementary agenda were the reports from the Executive Deans of the Divisions Arts and Health Sciences. Any questions on notice for the Executive Deans should be submitted in writing to the Secretary to Council by noon on Monday 4 September 2006.

16. RESEARCH GRANTS

Council noted a list attached to the agenda of research grants awarded to staff of the University between 1 April 2006 and 6 July 2006.

17. SENATE

The recommendations generated from the Academic Council meetings of 12 April 2006, 17 May 2006 and 14 June 2006 will not be reported until the next meeting of Academic Council.

18. FINAL MEETING

This was the final meeting for Associate Professor Parisa Bahri, Dr Marian Kemp, Dr David Palmer, Dr Rob Phillips, Dr Philip Reece. The President thanked each of them for their contributions to Academic Council.

Meeting concluded at 4.10 pm
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<tr>
<th>FUTURE MEETING DATES</th>
<th>DOCUMENT DEADLINES</th>
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<tr>
<td>Wednesday 13 September 2006</td>
<td>Friday 1 September 2006</td>
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<tr>
<td>Wednesday 1 November 2006</td>
<td>Friday 20 October 2006</td>
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Signed as a true record of the meeting of the Academic Council held on

**Professor Michael Borowitzka - Chair**

Dated:
AGENDA ITEM 9

AUDIT & RISK MANAGEMENT COMMITTEE MINUTES

This item will be distributed separately.
1. APOLOGIES
Prof Nick Costa, Ms Carolyn Jakobsen, Dr Melanie Strawbridge.

2. DECLARATIONS OF INTEREST (SENATE STANDING ORDERS CLAUSE 4.2)
Nil.

3. COMMITTEE STRUCTURE
The Director, Commercial Services noted that a new Environmental Planning Officer has been appointed and this presented an opportune time to consider changes to the structure of the Committee that may improve its operation, such as the creation of sub-committees or working parties.

General discussion ensued and key points included:

- The creation of sub-committees may only compound the problem of ensuring all members are available to attend.
- An Environmental Management Plan for the University by the Environmental Planning Officer, and of a workplan for the Committee for 2007 will be developed by the Environmental Planning Officer. It is expected that this will improve the availability of agenda papers with project updates prior to meetings.

4. CORPORATE SERVICES UPDATE
The Director, Commercial Services, briefed the Committee on the following topics:

4.1 Environmental Planning Officer
A new Environmental Planning Officer has been appointed, and will commence on 4 September 2006.

4.2 Pine Trees – St Ives
The removal of 15 to 20 pine trees facing South Street as part of Stage 8 of the St Ives development was discussed. The size of the land involved
does not allow for consideration of alternative designs that would preserve these trees.

Discussion about the impact of this development upon the habitat of Carnaby’s Black Cockatoo ensued. It was noted that a report from Birds Australia relevant to this topic is due to be published later this year. A query was raised in relation to the applicability of Commonwealth environmental protection legislation, and the Director, Commercial Services will manage this.

The Chair moved that the Committee express its concerns to the Resources Committee that preservation of trees and habitats be given due consideration in relation to the planned Stage 10 of the St Ives development, and to recommend that the broader issue of protection of bird habitats within the region be reported upon to the Committee following the issuing of the Birds Australia report.

Resolved: To:

EC/05/2006

(i) express the Committee’s concerns to the Resources Committee that preservation of trees and habitats be given due consideration in relation to the planned Stage 10 of the St Ives development; and

(ii) recommend that the broader issue of protection of bird habitats within the region be reported upon to the Committee following the issuing of the Birds Australia report.

4.3 Research Boulevard

Clearing for this road will commence in October or November 2006, and is expected to be completed by March 2007.

4.4 University Ring Road

There has been reconsideration since the 18/05/06 meeting, and the road may now run in front of the Wesfarmers building, depending on engineering issues and linkages to other roads that need to be managed.

4.5 DAFWA Relocation

The location of wetlands and field plots have been considered in planning the location of this building. A water management consultant will be engaged to ensure that the issues are appropriately addressed. This will include drainage and sump issues.

4.6 Design Guidelines

An arborist has been engaged to develop a significant tree register for the University, and Professor Phil Jennings and Adjunct Associate Professor Alex George are to be consulted as part of this process. The reintroduction and future planting of trees will also be discussed.

The design guidelines are in the process of being developed with Hames Sharley architects. Representatives of Hames Sharley will attend the next meeting of the Committee to present the draft guidelines, and papers will be made available prior to the meeting.
5. ENVIRONMENTAL COMMITTEE DATES FOR 2006

There was discussion as to the planned Thursday 05/10/2006 date for the next meeting as being unsuitable for some members. The Environmental Committee will meet at 16:00 in room 4.1A of the Chancellery Building on the following dates:

- A date to be agreed upon, by circulation, in late September or early October.

6. OTHER BUSINESS

Mr Mal Bradley noted item 6 from the minutes of 18/05/06, and that it did not appear that all of the items in his paper regarding Renewable Energy had been addressed. The Director, Commercial Services will address these at the next meeting.

Professor Phil Jennings requested that the Environmental Planning Officer reintroduce the one page proforma document that has been used previously to provide details of the energy, water and waste status of projects.

Ms Beth Strang suggested that consideration also be given to developing an induction package for new Committee members, to provide background on key environmental issues for the University.

Signed as a true record of the meeting of the Environmental Committee held on 17/08/2006

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Mr GARRY HUNT  
CHAIR  

Dated: September, 2006
Date: Thursday 10 August 2006
Time: 11:30 am
Venue: Room 4.1A, Chancellery Building
Present: The Chancellor (Chair)
        Professor Nick Costa        Jeremy Rigg
        Mr Philip Hocking            Professor Simone Volet
        Professor Tom Lyons          Professor John Yovich
Secretary: Ms Samantha Summerton
Apologies: Official attendees: Nil
           Observers: Not applicable

AGENDA

1. APOLOGIES
   1.1 Ms Alison Gaines, Nathan Giles, Malcolm Macpherson,
   1.2 Any apologies received after circulation of the agenda will be reported to the meeting.

2. DECLARATIONS OF INTEREST
   Section 17A and Division 2 of Schedule 1 of the Murdoch University Act require all members of Senate who have a material personal interest in a matter being considered or about to be considered:
   (i) to declare the nature and extent of the interest; and
   (ii) not to be present during consideration of the matter, nor vote on it.

3. MINUTES
   The Committee confirmed the minutes of the meeting held on 12/12/2005

4. SENATE MEDALS
   The Committee considered the following nominees for Senate medals:
   ➢ Mr Phillip Arena;
   ➢ Ms Jan Christie;
   ➢ Dr Paul D’Sylva:
   ➢ Professor Mike Jones;
   ➢ Dr Kuruvilla Mathews;
   ➢ Ms Yolanda Pereira;
   ➢ Mr Brian Richards.
After much consideration, the Committee approved the nominations of Ms Christie, Ms Pereira and Mr Richards. While all nominees were excellent, these three stood out as they were all non-academic members of staff, had been working at Murdoch for a long period of time and had each shown outstanding dedication, going above and beyond what was expected of them and raising the profile of the University with their activities. Other nominees will be carried over to later meetings for further discussion.

Resolved: To award a Senate medal to Ms Jan Christie, Ms Yolanda Pereira and Mr Brian Richards in 2006. The Chair will write to the awardees, notifying them of their selection.

5. HONORARY DEGREES

The Committee reviewed the nominations of Mr Robert Stranger, Professor Marilyn Renfree and Professor Stuart Macintyre for the awarding of Honorary Degrees.

The Committee resolved to award Mr Stranger a Honorary Master of Science (Environmental Science) for his dedication, sustained effort and quality of output in the field of ornithology.

Resolved: To award Mr Stranger a Honorary Master of Science (Environmental Science). The Chair will write to the awardees, notifying them of their selection.

6. FOR NOTING

The Committee noted the occasional address speakers for the September 2006 graduation ceremonies.

7. FOR INFORMATION/NOTING – RESOLUTION REGISTER

The Committee noted the copy of the committee’s 2006 resolution register.
8. **NEXT MEETING**

The next meeting of the committee will be decided at a later date.

The meeting closed at 12:12pm.

Signed as a true record of the meeting of the Honorary Awards & Ceremonial Committee held on 12/12/2005.

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**EMERITUS PROFESSOR GEOFFREY BOLTON**

**CHAIR**

Dated: September, 2006

◇ ◇ ◇
ELECTION REGULATIONS

1. These Regulations apply to all elections of members of the Senate and Academic Council, and to elections to any subordinate bodies as they may determine.

2. The University Secretary shall be the Returning Officer for all elections, or shall appoint someone to act in that capacity. The Returning Officer has sole responsibility for the conduct of an election and may prescribe any necessary procedures or forms for the conduct of the election, provided they are not inconsistent with the requirements of these Regulations.

Nominations

3. (a) Except for elections by Convocation, at least two weeks before the close of nominations, a notice calling for nominations will be:
   (i) sent to all persons entitled to vote (“electors”); and
   (ii) placed on an official notice board on each campus of the University.

(b) For the purposes of sub-regulation 3(a), the notice:
   (i) will state the deadline for nominations and when and how electors may vote; and
   (ii) may, in the discretion of the Returning Officer, be sent by either post or email.

(c) For elections by Convocation, at least three weeks before the close of nominations, all members of Convocation whose names appear on an electoral roll shall be sent a notice calling for nominations, which shall also state the deadline for nominations and when and how they may vote. Notices shall also be placed in one or more newspapers as determined by the Returning Officer.

4. Nominations shall be lodged in writing or by email with the Returning Officer no later than the time and the date specified in the above notice. No nomination shall be valid unless it contains the written or emailed consent of the candidate and is received by the Returning Officer before the close of nominations. The identity of a person who has nominated shall not be disclosed by the Returning Officer before the close of nominations.

5. Each candidate shall be invited to supply the Returning Officer with a biography or election statement not exceeding 250 words in length, and a photograph. The Returning Officer may edit any biography or statement if it exceeds 250 words, or delete parts which in her or his opinion are of a defamatory nature. The Returning Officer shall produce an election broadsheet containing the photograph and biography or statement submitted by each candidate (“broadsheet”).

6. If the number of candidates does not exceed the number of vacancies, they shall be declared elected. If the nominations received exceed the number of vacancies, a ballot shall be held.

Electronic Ballots

7. Ballots may be conducted by way of an electronic voting program and determined by way of an electronic vote counting program, where such programs have been approved for use by the University Secretary.

8. The University Secretary may approve an electronic voting program for use where he or she is reasonably satisfied that the program:
   (a) will allow an elector to show consecutive preferences starting at ‘1’;
   (b) gives an elector an opportunity to correct any mistakes before processing the elector’s vote;
   (c) will allow an elector to make an informal vote showing no preferences for any candidate; and
   (d) will not allow a person to find out how a particular elector cast his or her vote.

9. An electronic voting program shall include access for electors to a voting slip, and (either directly or by way of appropriate links), instructions on how to vote, and the content of the broadsheet.

10. The University Secretary may approve an electronic vote counting program for use where he or she is reasonably satisfied that the proper use of the program would give the same result in the scrutiny of votes in an election in accordance with these regulations as would be obtained if the scrutiny were conducted without computer assistance.

Conduct of the Ballot

11. Whenever a ballot is to be held, the Returning Officer shall:
(a) for staff elections:

(i) conduct a postal ballot, with each elector to be sent (at least 14 days prior to the close of voting) a voting **paper slip**, instructions on how to vote, details of the candidate the **broadsheet**, an envelope in which the completed voting **paper slip** is to be placed, and an outer envelope addressed to the Returning Officer; or

(ii) conduct an electronic ballot, with each elector to be sent (at least 14 days prior to the close of voting) a notice detailing the nature of the election and instructions on how to access the electronic voting program, and allow the opportunity for postal voting by electors who, due to special needs, are unable to access the program and who request such a vote.

(b) for student elections:

(i) hold voting at one or more polling places on each Campus of the University on at least three days on which teaching is scheduled, and allow the opportunity for reply-paid postal voting by students who are unable to attend the campus and who request such a vote; or

(ii) conduct an electronic ballot, with each student to be sent (at least 5 days prior to the close of voting) a notice detailing the nature of the election and instructions on how to access the electronic voting program, and allow the opportunity for reply-paid postal voting by students who, due to special needs, are unable to access the program and who request such a vote.

(c) for election of Senators by Convocation,

(i) conduct a postal ballot of those on the electoral roll, with each elector to be sent (at least 21 days prior to the close of voting) a voting **paper slip**, instructions on how to vote, details of the candidate the **broadsheet**, an envelope in which the completed voting **paper slip** is to be placed, and an outer envelope addressed to the Returning Officer; or

(ii) conduct an electronic ballot of those on the electoral roll, with each elector to be sent (at least 21 days prior to the close of voting) a notice detailing the nature of the election and instructions on how to access the electronic voting program, and allow the opportunity for reply-paid postal voting by electors who, due to special needs, are unable to access the program and who request such a vote.

211. Eligibility to vote is based on employment, enrolment status or registration on an electoral roll (for staff, student and Convocation elections respectively) on the day of the close of nominations. The Returning Officer shall produce a roll of all electors for each election.

812. Every voting **paper slip** shall contain the names of all candidates arranged in an order determined by the Returning Officer by lot, and shall specify the method of voting, and **Paper based voting slips** shall bear the initials of the Returning Officer. No elector shall be issued with more than one **ballot paper voting slip** for any election, except where the Returning Officer is satisfied in relation to any **paper based vote** that the initial voting **paper slip** has been lost or destroyed.

9. Each candidate shall be invited to supply the Returning Officer with a biography or election statement not exceeding 250 words in length, to be supplied to those voting. The Returning Officer may edit the statement if it exceeds 250 words, or delete parts which in her or his opinion are of a defamatory nature. Each candidate for student elections shall also be invited to supply a photograph. For student elections, the Returning Officer shall produce an election broadsheet containing the photograph and biography or election statement submitted by each candidate, and giving details of how to vote. Copies of this document shall be made available to voters at the polling booths, and shall be sent to all students exercising a postal vote.

1013. Except where voting at a polling booth in relation to any postal ballots or postal voting, every elector shall place her or his completed voting **paper slip** in the voting **paper slip** envelope, then place that in the envelope addressed to the Returning Officer, and complete the declaration (containing her or his name and signature) on the reverse of that envelope. The vote shall not be valid if the declaration is not completed.

1114. Where any **paper based** voting takes place at one or more polling booths, the Returning Officer shall appoint a Presiding Officer responsible for the conduct of voting at each booth. Before issuing any voting **paper slips**, the Presiding Officer shall ascertain that the person appears on the electoral roll and has not already voted in this election, mark the name off the roll, and initial the **ballot paper voting slip**. Completed voting **paper slips** shall be placed in a locked or sealed ballot box. Voting shall be by secret ballot. No election material, other than that printed on the authority of the Returning Officer, shall be displayed or distributed within five metres of the polling booth.

1215. The Returning Officer may remove any election material on University property which in her or his opinion is
of a defamatory nature.

The method of voting shall be optional preferential. The voter shall write-place the number 1 in the box opposite the name of the candidate who is the first preference, number 2 beside the second preference, and so on. For a vote to be valid, it must indicate at least a first preference; it is not compulsory to rank all candidates. Preferences must be indicated by numbers, except that, in relation to any paper based vote, the Returning Officer may accept a mark where there is only one position to be filled and only one box on the form has been marked. The decision of the Returning Officer on whether any mark is a clear indication of voting intentions shall be final.

No elector shall vote more than once at an election. No voting paper slip shall be issued or accepted after the deadline for the close of voting.

Determination of the result

The counting of votes shall take place as soon as is practicable after the close of voting. Each candidate may appoint a person who is an elector (but not a candidate) to act as a scrutineer at the counting of any paper based votes. Any candidate wishing to appoint a scrutineer must notify the Returning Officer before the close of voting. The Returning Officer shall rule on the validity of votes.

Where there are only two candidates for one position, the candidate with the greatest number of first preference votes shall be duly elected. If the two candidates have received an equal number of votes, the candidate to be elected shall be determined by the Returning Officer by lot.

Where there are more than two candidates for one position, the result of the election shall be determined by the following system of preferential voting:

(a) If one candidate has received an absolute majority (half plus one) of the valid votes, he or she shall be duly elected.

(b) If no candidate has an absolute majority, the Returning Officer shall eliminate the candidate with the fewest first preference votes and distribute these voting paperslips among the remaining candidates in order of the voters’ second preference. If one candidate then has an absolute majority of the remaining votes, he or she shall be duly elected.

(c) If no candidate then has an absolute majority, this process shall be repeated until one candidate has received an absolute majority, and this candidate shall be duly elected.

(d) Whenever two or more candidates have an equal number of votes, and one of them has to be eliminated from the vote, that candidate shall be determined by the Returning Officer by lot.

(e) Where the voting slip paper of an eliminated candidate does not indicate the voter’s next preference, that voting slip paper shall be deemed to be exhausted.

(f) Where there is any repetition of a figure or any break in the consecutive numbering of the preferences marked by a voter on a voting slip paper, only the preference(s) preceding such repetition or break shall be taken into account.

Where an election is for two or more positions, the result of the poll shall be determined by the following system of proportional voting:

(a) The quota for election shall be the total number of valid first preference votes, divided by the number of positions plus one, with one added to this total.

(b) Any candidate(s) who have received first preference votes equal to or greater than the quota shall be duly elected.

(c) Where any candidate is declared elected with more votes than the quota, the excess votes shall be distributed among the remaining candidates in accordance with the next preference indicated on all the voting paperslips for that candidate. Each such voting slip paper shall have a discounted value, being the excess number of votes divided by the total votes for that candidate. If some ballot paperslips do not have further preferences, they shall be deemed to be exhausted; this does not affect the value of the remaining votes which are redistributed. Any candidate who reaches the quota after this transfer of votes, shall be declared elected. If that candidate’s votes exceed the quota, the excess votes shall be distributed in the same manner and the process repeated.

(d) If any position(s) remain unfilled, the candidate with the least number of votes shall be eliminated. These voting paperslips shall be distributed among the remaining candidates in order of the voters’ next preference; those which were first preference votes for that candidate shall retain their full value. Where the voting paper slip of an eliminated candidate does not indicate the voter’s next preference,
that voting paper slip shall be deemed to be exhausted. Any candidate who reaches the quota after this transfer of votes, shall be declared elected. If that candidate’s votes exceed the quota, the excess votes shall be distributed in the manner outlined above.

(e) This process is continued until sufficient candidates have each obtained a quota and been elected.

(f) Whenever two or more candidates have an equal number of votes, and one of them has to be eliminated from the vote, the Returning Officer shall determine by lot which candidate is to be eliminated.

(g) Where there is any repetition of a figure or any break in the consecutive numbering of the preferences marked by a voter on a voting paper slip, only the preference(s) preceding such repetition or break shall be taken into account.

1922. After completion of the counting of votes, the Returning Officer shall declare the results of the election and arrange for these to be placed on an official noticeboard on each Campus of the University.

Transitional provision relating to elections

2023. Where it considers it necessary or desirable to do so, the Senate may, by a majority of the members present, resolve to defer calling an election for any of the elected positions to the Senate pending the enactment and implementation of legislation to amend section 12 of the Murdoch University Act 1973 in compliance with the National Governance Protocols.
Date of Academic Council recommendation: 2 November 2005

Academic Council resolution number: AC/156/2005

Date of Legislation Committee endorsement: LC/ /2006

Proposed amendment: (all changes to be shown in mark-up) (approved 7/11/1995) (last amended 21/7/1998 and <>/<>/2005)

1. **Object** Regulations will be made under this Statute dealing with intellectual property rights as between the University, its staff and students. Without limiting the generality of the foregoing, the regulations will:

1.1 specify the respective rights and obligations of each of the University, its employees and students in relation to intellectual property owned by, or created or developed at, the University;

1.1.2 specify procedures for identifying, protecting and commercially exploiting the intellectual property referred to in sub-section 1.1; and

1.1.3 establish a mechanism by which the University will provide equitable returns to contributors involved in the creation or development of intellectual property that is exploited by the University for commercial return.

1.1 This Statute sets out the circumstances in which the University is entitled to ownership of intellectual property originated by staff or by students of the University. The Statute also specifies the respective rights and obligations of the University, its staff and students in relation to intellectual property belonging to the University and sets out procedures for the identification, protection and commercial exploitation of such intellectual property.

1.2 This Statute also establishes a mechanism whereby equitable returns will be provided by the University to staff or students who are the originators of intellectual property which is exploited by the University in such a way that the University derives a commercial benefit. Returns to the originators of such intellectual property are provided for in such cases, both as a reward and in order to provide an incentive to future innovation.

2. **Definitions and Interpretation**

2.1 In this Policy the expression “intellectual property” includes information, ideas, inventions, innovations, art work, designs, literary text and any other matter or thing whatsoever as may be capable of legal protection or the subject of legal rights in any of the ways set out in this clause and includes the following rights recognised by Australian and/or foreign law:

(a) Patents;
(b) Information which is of a kind and which has been communicated in such a way as to give rise to a duty of confidentiality;

(c) Information which is subject to an employee's duty of fidelity to the employer;

(d) Copyright vesting in literary works (including computer programs), dramatic works, musical works, artistic works, films, sound recordings, broadcasts, published editions and certain types of performances;

(e) Registered trademarks;

(f) Unregistered trademarks used or intended for use in business;

(g) Registered designs and designs capable of being registered;

(h) Copyright in some unregistered or unregisterable designs (usually as artistic works);

(i) New plant varieties and the rights of breeders of such varieties;

(j) Circuit layouts (computer chips);

(k) Trade secrets; and

(l) Other rights resulting from intellectual activity in the industrial, commercial, scientific, literary and artistic fields.

2.2 In this Statute the expression "staff member" refers to and includes any member of the full or part-time academic or general staff of Murdoch University whether engaged in or holding a permanent post or not.

2.3 In this Statute the expression "student" means a graduate student, an undergraduate student and/or any other person designated or defined as a student in the Murdoch University Act 1973. Any reference to a student in this Statute shall also apply to a Visiting Academic, Scholar or other person in so far as that person undertakes studies, scholarship or research with or at the University and in so doing uses University resources, works as part of a University research team responsible for developing the intellectual property, or develops intellectual property through the use of or building on confidential information belonging to the University.

2.4 In any case where the ownership, licensing or exploitation of any intellectual property to which this Statute applies is governed by a written agreement between the University and a staff member and/or any other person, the provisions of that agreement prevail, to the extent of any inconsistency between that agreement and this Statute.

3. Ownership and Disclosure of Intellectual Property

3.1 Subject to the further provisions of this Statute, the University is the owner of all intellectual property to which this Statute applies.

3.2 This Statute applies to:

(i) Intellectual property created by a staff member in the course of her or his employment by the University;

(ii) Intellectual property created by a student in the course of her or his studies, scholarship or research with or at the University; and

(iii) Intellectual property, the creation of which has been substantially contributed to by the University (or by any third person either on behalf of the University or by virtue of an agreement with the University) by the provision of resources, facilities, apparatus, supervision, salary or other funding.
3.3 (a) Notwithstanding anything contained in subsections 3.1 and 3.2, a staff member is the owner (and the University hereby formally waives any claim it would otherwise have to ownership) of the copyright in her or his conventional scholarly output. Likewise a student is the owner of the copyright in all original work produced by her or him in the course of or for the purposes of her or his studies, scholarship or research with or at the University.

(b) A staff member and a student may deal with and exploit such material freely without any requirement of explicit approval by the University.

3.4 If requested to do so by a staff member or a student the University must, without delay and at no cost to that person, execute a formal written assignment in favour of that person of such copyright as it may enjoy in respect of any written work to which subsection 3.3 applies.

3.5 Subject to the preceding provisions of this section, an originator (whether a staff member or a student) of intellectual property which belongs to the University shall not make a public disclosure concerning that intellectual property without the written consent of the Vice-Chancellor. An application for consent to public disclosure must be made in writing and addressed to the Vice-Chancellor.

3.6 Intellectual property which is not the property of the University, may be dealt with and exploited freely by the originator of that intellectual property (whether or not he or she is a staff member or a student of the University).

3.7 However, no staff member or student may take steps to disclose, protect or to commercially exploit intellectual property originated by her or him (other than copyright in material for publication, which falls within subsection 3.3(a)) without first having made a written report to the Vice-Chancellor setting out the nature of the intellectual property concerned and the circumstances in which it was created, devised or originated. The aim of this subsection is to ensure the University is able to accurately assess whether this intellectual property belongs to the University.

3.8 From the date of this Statute, the preceding provisions of this section shall be implied into and/or be deemed to be terms of:

(a) the contract of employment between the University and each present and future staff member;

(b) the contract between the University and each student pursuant to which each student is admitted to the University. (If no such contract exists, then by this section there shall be deemed to be and always to have been such a contract).

4. Copyright Material Produced for the Teaching Purposes of the University

4.1 The respective rights of the University, staff and students in relation to videos, films and sound recordings, computer software and other literary works (including compilation of works) or publications which are produced for the teaching purposes of the University shall be as set out in this section. This is notwithstanding anything to the contrary in section 3.

4.2 Copyright in materials which are produced primarily for the teaching purposes of the University, including typeface or compilation/layout copyright if applicable, is vested in the University. Without limiting the generality of the preceding sentence, but for the purposes of clarity, some examples of the sort of materials to which that sentence might apply are given below.

(a) Video and/or films produced for the teaching purposes of the University by a staff member acting in the course of her or his academic work and duties, or by a student in the course of her or his studies, scholarship or research.
(b) Computer software, or a circuit layout for a computer chip, produced for the teaching purposes of the University by a staff member acting in the course of her or his academic work and duties, or by a student in the course of her or his studies, scholarship or research.

(c) Literary material authored or compiled by a staff member for the teaching purposes of the University.

4.3 However, where requested to do so, the University may, on the advice of the appropriate Executive Dean(s) of Divisions and/or Unit or Office head(s), agree to transfer the copyright in that material to the person(s) responsible for its creation. The terms of such an agreement will be determined by consultation between all interested parties, but, unless the Vice-Chancellor otherwise determines, any such transfer will be subject at the least to the University retaining a nonexclusive royalty-free right to use the material in any teaching application.

4.4 Where the University elects to retain ownership of copyright or other intellectual property rights in any material to which this section applies, and derives commercial benefits as a result of external sales of or other commercial dealings with those rights or that material, then the disbursement of any benefits or revenue so received by the University will be in accordance with disbursement policy set out in Section 7.

5. Moral Rights to Teaching Materials: Attribution, Integrity and Withdrawal

5.1 Every person who alone or jointly writes, compiles or otherwise originates materials to be used for the teaching purposes of the University has the right to be acknowledged as the author or compiler or originator of that material. All copies of that material published by the University shall contain appropriate written or other recognition of that person.

5.2 Even after a substantial adaptation of such teaching materials takes place, the original author(s), compiler(s) or originator(s) shall continue to have the right to attribution referred to subsection 5.1. The person(s) responsible for the adaptation shall also be entitled to attribution as the adaptor(s) of the materials.

5.3 Where such materials are proposed to be used by the University for a purpose or in a context or application other than that in or for which they were originally prepared, each person entitled to attribution shall have the right to be consulted and the right to withdraw attribution should that person not agree to the adaptation, repackaging or use proposed by the University.

6. Procedures for the Protection of Intellectual Property Belonging to the University

6.1 Where statutory intellectual property rights are or may be available in respect of particular intellectual property belonging to the University, and it is decided that an application for statutory intellectual property right should be made, then the Division(s), Unit(s) or Office(s) in which the originator(s) is or are located shall bear the initial costs of filing such an application.

6.2 If the University decides to proceed through subsequent stages of the application process, all further costs and expenses associated with that application shall be met by the University. The originator’s Division, Unit(s) or Office(s) will not be required to contribute to these costs.

6.3 Each originator shall, at the request of the University and in a timely fashion, execute all such documents and do all such other acts or things as may be necessary or desirable in order to enable the University to properly and efficiently protect and commercially exploit its intellectual property and to give full effect to the provisions of this Statute generally.

6.4 If the University decides not to initiate or proceed with an application for statutory intellectual property rights, the originator may apply on her or his own behalf and own expense. Any such originator may, to the extent of that person’s interest therein, by written notice to the Vice-Chancellor require an assignment of all of the University’s rights in or over the intellectual
property. Within 28 days of receipt of such notice, the University shall notify that originator of the terms upon which it would be prepared to assign the rights. The University must not stipulate unfair terms, but any offer to assign made by the University must take into account and seek to recoup (as far as reasonably practicable) all costs and expenses incurred or likely to be incurred by the University and its agents up to the date of the assignment. In this regard, provision may be made for the University to recover any such costs, which are not paid on assignment, from income generated by the intellectual property.

6.5 University facilities may not be used to further develop assigned intellectual property to which subsection 6.4 applies except with the specific approval of the Vice-Chancellor. This will not be granted unless satisfactory arrangements have been made for appropriate cost recovery.

6.6 Where, in relation to any intellectual property to which this Statute applies, the University is conducting negotiations with an outside party which may result in a contract affecting the interest of a staff member, student, and/or Division, Unit, Office or other organisation within the University, the contract shall not be entered into without the prior agreement of each affected person or organisation. Any such agreement shall oblige such a person or organisation to provide professional support in accordance with that contract.

7. Distribution of Benefits Derived from Intellectual Property

7.1 The following procedure shall apply for the equitable distribution of commercial benefits derived directly or indirectly by the University from the exploitation of intellectual property originated in whole or in part by a staff member or a student.

7.2 The first charge on all such earnings shall be the recoupment of:

- the direct costs to the University of protecting the intellectual property and maintaining protection, plus direct costs not otherwise recovered associated with developing and marketing the intellectual property, plus

- 50% of all such costs as a contribution in respect of overheads;

Provided that, subject to the other provisions of this Section, the originator(s) shall nonetheless be entitled to a 10% share of the earnings derived directly or indirectly by the University from the exploitation of the intellectual property throughout the period until this first charge is liquidated.

7.3 The distribution of earnings after the first charge in favour of the University is liquidated, shall be subject to four levels of priority:

Priority 1 — the originator(s) of the intellect property

Priority 2 — The University Company

Priority 3 — the Division, Unit or Office on which the originator(s) is or are located (hereinafter called the "Section")

Priority 4 — the general revenue fund of the University

7.4 The distribution of net earnings (i.e. after expenses are met) shall be:

<table>
<thead>
<tr>
<th>Earnings Range</th>
<th>Priority 1</th>
<th>Priority 2</th>
<th>Priority 3</th>
<th>Priority 4</th>
</tr>
</thead>
<tbody>
<tr>
<td>$0 – $20,000</td>
<td>75</td>
<td>25</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td>$20,000 – $50,000</td>
<td>50</td>
<td>20</td>
<td>20</td>
<td>10</td>
</tr>
<tr>
<td>$50,000 – $100,000</td>
<td>40</td>
<td>20</td>
<td>20</td>
<td>20</td>
</tr>
<tr>
<td>$100,000 &amp; upwards</td>
<td>20</td>
<td>20</td>
<td>20</td>
<td>20</td>
</tr>
</tbody>
</table>
Explanatory notes:

1. The above money amounts are expressed in October-December 1993 quarter dollars. The amounts referred to are accumulated total earnings over time.

2. The proportion of net earnings to be distributed to each priority area will vary over time as the accumulated total earnings increases. At each of the monetary thresholds is achieved, the University will notify all interested parties that a new scale of distributions is applicable. From the date of achievement of each monetary threshold, the proportions of net earnings distributed by the University to each priority area shall be varied to accord with the then applicable scale.

7.5 Funds received under priority 3 may be divided between the Section as a whole and a department or group within the Section in proportions agreed between the interested parties. In the absence of such agreement, the proportions shall be determined by the Vice-Chancellor.

7.6 Earnings to which are more than one Section of the University may be entitled will be divided between the Sections in proportions agreed between the interested parties. In the absence of such agreement, the proportions shall be determined by an independent arbitrator acceptable to all parties. If the parties cannot agree on an arbitrator, then the arbitrator shall be appointed by the Vice-Chancellor.

7.7 In cases where the benefits derived by the University include share issues or other non-monetary benefits, the distribution of those benefits between the University and the originator(s) will be determined by the Vice-Chancellor. The Vice-Chancellor shall have regard to the principles implicit in the cash distribution formula set out above.

7.8 Allocations of benefits will be made annually on 30th June, for a maximum period of 15 years from the end of the first financial year on which net earnings are received by the University.

7.9 Prior to the making of allocations, the University shall make annual inflationary corrections to each of the monetary thresholds in subsection 7.4. These amounts will be revised according to the following formula:

\[ P \times \frac{A}{B} \]

Where

(i) \( P \) denotes the original amounts stated in subsection 7.4;

(ii) \( A \) denotes the quarterly consumer price index for all groups in Perth last published by the Australian Bureau of Census and Statistics before 30th June each year; and

(iii) \( B \) denotes the consumer price index for all groups in Perth for the quarter ended 31st December 1993, as last published by the Australian Bureau of Census and Statistics.

7.10 Notwithstanding any other provision of this Statute, if a staff member dies or resigns or retires from the University during a period in which he or she is entitled to an allocation of benefits, the benefits payable to that staff member [or to the estate of a deceased staff member] shall be reduced by 10% per annum for each of ten years commencing from the year after the year of retirement, resignation or death. After that period, all rights to the benefits otherwise payable under this section shall cease. The Vice-Chancellor may direct that this reduction not apply or be varied in a particular case.

7.11 However, where a staff member who has resigned or retired returns to the full-time or permanent part-time employ of the University within the above ten year period specified in subsection 7.10 that subsection shall cease to apply from the date on which the staff member returns to the employment of the University. A re-employed staff member eligible for an allocation of benefits under this section shall be entitled to receive for the financial year of re-employment and for each following financial year in which she or he remains in the employ of
the University the full amount of the benefits which she or he would have received had that person never retired or resigned.

7.12—The provisions of subsections 7.10 and 7.11 shall apply equally to a person who ceases to be a student and who is at that time or subsequently becomes entitled to an allocation of benefits under this section as if that person was a staff member who had died or resigned or retired five years after the date on which that person ceased to be a student.

7.13—Where, under subsections 7.10-12 a reduction is made in the entitlements of a staff member or a student to a share of the commercial benefits derived by the University from the exploitation of intellectual property which was originated in whole or in part by that staff member or student, then the monies which are thereby no longer required to be paid to the staff member or student shall be divided on a pro rata basis between those who would, pursuant to the other provisions of this section, be entitled to a distribution of benefits under Priority 2, Priority 3 and Priority 4.

82. Repeal

82.1 Statute No. 18--Patents is hereby repealed.
### INTELLECTUAL PROPERTY REGULATIONS

#### PROPOSED ENACTMENT

| Date of Academic Council recommendation: | 2 November 2005 |
| Academic Council resolution number: | AC/156/2005 |
| Date of Legislation Committee endorsement: | 08/08/2006 |
| Legislation Committee resolution number: | LC/08/2006 |

#### Proposed amendment:

The following proposed Intellectual Property Regulations will come into force and effect on the same day as proposed amendments to Statute no. 18 – Intellectual Property come into effect.

### INTELLECTUAL PROPERTY REGULATIONS

#### 1. INTRODUCTION & APPLICATION

1.1 The purposes of these Regulations are to:

1.1.1 specify the respective rights and obligations of each of Murdoch, Employees and Students in relation to Intellectual Property owned by, or created or developed at, Murdoch;

1.1.2 specify procedures for identifying, protecting and commercially exploiting the Intellectual Property referred to in regulation 1.1.1; and

1.1.3 establish a mechanism by which Murdoch will provide equitable returns to Contributors involved in the creation or development of Intellectual Property that is exploited by Murdoch for commercial return.

1.2 It is a condition of every Employee’s employment contract and every Student’s enrolment that the Employee or the Student, as the case may be, agrees to be bound by these Regulations.

1.3 If there is any inconsistency between these Regulations and a written agreement between Murdoch and either an Employee or a Student, or both, the terms of the written agreement will take precedence over these Regulations.

1.4 Employees and Students must:

1.4.1 respect and not breach any third party’s Intellectual Property rights (in particular, but not exclusively, copyright); and

1.4.2 comply with any policies, regulations or similar that Murdoch has in place from time to time in respect of the use of a third party’s Intellectual Property.
2. **DICTIONARY AND INTERPRETATION**

2.1 Except to the extent that they are expressly excluded of modified, the provisions of Statute no. 8 (Interpretation) apply to these Regulations.

2.2 Words appearing in italics in these Regulations are defined terms and have the meanings detailed in column two of the Dictionary (see the schedule).

2.3 Headings are inserted for convenience only and do not affect the interpretation of these Regulations.

2.4 A reference to any legislation, statute, ordinance, code, act or other law includes regulations or other instruments under it and consolidations, amendments, re-enactments or replacements of them.

2.5 Where an expression is defined in these Regulations, another part of speech or grammatical form of that expression will have a corresponding meaning.

2.6 If, in these Regulations, an example is given of anything (including a right, obligation or concept), such as by saying it includes something else, the example does not limit the scope of that thing.

2.7 All amounts and payments referred to in these Regulations are inclusive of GST and all other taxes, duties, charges and levies payable in respect of them.

3. **OWNERSHIP OF EMPLOYEE RELATED INTELLECTUAL PROPERTY**

3.1 Subject to regulation 3.2, Murdoch owns all Intellectual Property created by its Employees:

3.1.1 in the course and scope of that Employee’s employment with Murdoch; or

3.1.2 using Murdoch resources, facilities or apparatus,

including all course materials and/or teaching materials so produced.

3.2 Murdoch will not own copyright in an Employee’s Conventional Scholarly Output, except where Murdoch has commissioned the relevant publication.

3.3 Murdoch is granted a perpetual, irrevocable, royalty-free, non-exclusive, worldwide licence (including the right of sub-licence) to use copyright material in an Employee’s Conventional Scholarly Output for its teaching and research purposes, where that Conventional Scholarly Output was produced in the course or as part of that Employee’s duties of employment.

3.4 An Employee who is the author of course materials or teaching materials may request that Murdoch transfer copyright in such materials to that Employee.

3.5 An application under regulation 3.4 must be in writing addressed to Murdoch’s Vice Chancellor, and submitted through the respective Employee’s Executive Dean or Director.

3.6 Murdoch has an absolute discretion whether or not to accede to a request under regulation 3.4 and if so on what terms. Subject to any agreement to the contrary, any such transfer will be subject to Murdoch retaining a perpetual, irrevocable, royalty-free, non-exclusive, worldwide licence (including the right of sub-licence) to use the material for any purpose.
4. **OWNERSHIP OF STUDENT RELATED INTELLECTUAL PROPERTY**

4.1 Subject to the following provisions of this regulation 4, Students own their respective Student IP.

4.2 Each Student grants Murdoch a perpetual, irrevocable, royalty-free, non-exclusive, worldwide licence (including the right of sub-licence) to use his or her Student IP for Murdoch’s teaching and research purposes.

4.3 Murdoch owns Student IP where:

4.3.1 the Student created or developed that Student IP in circumstances where the Student’s use of or reliance on any one or more of Murdoch’s resources and services was materially beyond that which Murdoch ordinarily provides to its Students;

4.3.2 that Student IP forms part or will form part of a set of Intellectual Property generated by a team of which the Student is or will be directly or indirectly a member and which is considered by Murdoch to be property that should be managed by Murdoch in the best interests of the team as well as Murdoch;

4.3.3 if Murdoch is of, or forms, the reasonable opinion that the nature of that Student IP is such that ownership by Murdoch is or would be the best means of protecting the integrity of Murdoch;

4.3.4 Murdoch reasonably requires control of that Student IP to ensure that research and teaching programmes and other activities are conducted in the best interests of Murdoch and its Students.

4.4 Where regulation 4.3 applies to Student IP, Murdoch:

4.4.1 has an absolute discretion whether to assert ownership of the relevant Student IP or to assert some lesser interest, for example a licence, and may, at its absolute discretion, agree to assign or licence that Student IP to the relevant Student;

4.4.2 may require the Student to sign a written acknowledgement confirming the effect of regulation 4.3;

4.4.3 will, to the extent that it commercialises that Student IP, provide the same rights and entitlements to the Student that an Employee would have pursuant to regulation 9; and

4.4.4 will ensure that the Student suffers no prejudice in the assessment of that Student’s academic performance as a consequence.

4.5 If Murdoch invites or requests a Student to participate in work conducted, or to be conducted, under an agreement between Murdoch and a Third Party, Intellectual Property generated by that Student as part of the Student’s participation in that work will be owned in accordance with that agreement. Murdoch may (at Murdoch’s cost) require the Student to sign all necessary documents to give effect to this regulation 4.5.

5. **NOTIFICATION**

5.1 Employees and Students must obtain written authorisation in accordance with regulation 5.2 before:

5.1.1 dealing with Third Parties on Murdoch’s behalf; or

5.1.2 using Murdoch IP,
where such dealing or use will or is likely to involve any one or more of the use, creation, sharing, development or exploitation of Murdoch IP by or with any Third Party.

5.2 A request for authorisation will be in writing, made prior to the dealing or use, and made to the following person:

5.2.1 if the Murdoch IP is copyright in software produced by a General Staff Employee, the Director of IT Services;

5.2.2 if the Murdoch IP is copyright in course materials or teaching materials, the Pro Vice-Chancellor (Academic);

5.2.3 if the Murdoch IP was created as part of or arose from the conduct of research and is not covered by regulation 5.2.1 or 5.2.2, the Director of the Division of Research and Development; and

5.2.4 in all other cases, the Employee or Student’s divisional head.

6. MORAL RIGHTS TO COPYRIGHT MATERIALS

Murdoch will not infringe any Moral Rights of Employees or Students in copyright materials.

7. IDENTIFYING, PROTECTING AND COMMERCIALISING INTELLECTUAL PROPERTY

7.1 Contributors to Registrable IP or otherwise significant Intellectual Property (excluding any course materials or teaching materials), which pursuant to these Regulations is owned by Murdoch, must notify the Director, Division of Research and Development as soon as possible after the creation of that Intellectual Property. Where a Contributor is uncertain whether or not Murdoch owns the Intellectual Property, he or she must assume that Murdoch does own the Intellectual Property and notify in accordance with this Regulation.

7.2 A notice under regulation 7.1 must provide all information relevant to that Intellectual Property, including:

7.2.1 the nature of the Intellectual Property created;

7.2.2 the circumstances in which it was created or devised, including whether it was created under a grant of funds;

7.2.3 the names of all Employees, Students and any Third Parties involved; and

7.2.4 the use of any pre-existing or independently created Intellectual Property.

7.3 A Contributor to Murdoch IP must not act contrary to Murdoch’s rights in relation to that Intellectual Property or in a manner that could harm or prejudice Murdoch’s ability to commercially exploit that Intellectual Property.

7.4 Subject to regulation 7.6, an Employee or Student must not, without first obtaining approval in accordance with regulation 5.2, disclose information relating to Murdoch IP to any Third Party (including by way of academic publication) where:

7.4.1 such disclosure would be contrary to a contractual obligation that Murdoch owes to any other Third Party of which the Employee or Student has been made aware or should reasonably be aware; or
7.4.2 the Murdoch IP could be commercially exploited.

7.5 If an Employee or Student is in any doubt over whether Murdoch IP could be commercially exploited, he or she must treat it as being capable of commercial exploitation until the Employee or Student obtains advice to the contrary from the appropriate person noted in regulation 5.2.

7.6 Regulation 7.4 will not prevent any disclosure that is required to be made under an existing contractual obligation of Murdoch, provided that such disclosure is limited to, and made in accordance with, such contractual obligation.

7.7 The Division of Research and Development will be responsible for coordinating all applications for, and maintenance of, statutory protection for Murdoch IP.

7.8 Each and every person involved in creating Intellectual Property at or by Murdoch must, at Murdoch’s request and at its cost and in a timely fashion, execute all such documents and do all such other acts or things as may be necessary or desirable in order to enable Murdoch to properly and efficiently protect and commercially exploit its Intellectual Property and to give full effect to these Regulations.

8. ASSIGNMENT OF MURDOCH IP

8.1 A Contributor to Murdoch IP may request that ownership of the relevant Intellectual Property be assigned to him or her.

8.2 An application under regulation 8.1 must be in writing addressed to Murdoch’s Vice Chancellor, and submitted through the Director, Division of Research and Development.

8.3 Murdoch has an absolute discretion whether or not to accede to a request under regulation 8.1 and if so on what terms. Subject to any agreement to the contrary, any such transfer will be subject to Murdoch retaining a perpetual, irrevocable, royalty-free, non-exclusive, worldwide licence (including the right of sub-licence) to use the Intellectual Property for such purposes as Murdoch requires.

9. DISTRIBUTION OF REVENUES DERIVED FROM INTELLECTUAL PROPERTY

9.1 For the purpose of regulation 9, “Murdoch IP” does not include course materials or teaching materials, and Murdoch will not be obliged to share any revenues that may be obtained from the commercial exploitation of such materials.

9.2 Contributor(s) to Murdoch IP will receive a share of Net Revenues that Murdoch obtains from its commercial exploitation of that Murdoch IP on the following basis:

9.2.1 Murdoch 50% of Net Revenue
9.2.2 Contributor(s) 50% of Net Revenue.

9.3 For the purpose of regulation 9, “Murdoch IP” does not include course materials or teaching materials.

9.3 Within 90 days after the end of a Financial Year, Murdoch will calculate the Gross Revenue, Costs and Overhead Charge in respect of each component of Murdoch IP:

9.3.1 that was commercially exploited in that Financial Year; and
9.3.2 in respect of which Contributor(s) would be entitled to a share of Net Revenues pursuant to regulation 9.19.2).

Where the Gross Revenue or Costs relate, in whole or in part, to more than one component of Murdoch IP (regardless of whether that Murdoch IP is of a type described in regulation 9.3.2), Murdoch will allocate the Gross Revenue or Costs, as the case may be, amongst the different components of Murdoch IP on a reasonable estimate basis.

9.4 Within 30 days after completing the calculation referred to in regulation 9.3 in respect of particular Murdoch IP, Murdoch will notify the Contributor(s) to that Murdoch IP, advising of the relevant calculation and seeking instructions as to disbursement of the Contributor(s)’ share of the Net Revenue. Murdoch may defer payment to a Contributor due to Murdoch’s reasonably anticipated future Costs or cash flow requirements relating to the ongoing commercial exploitation of the relevant Murdoch IP.

9.5 Subject to regulation 9.6, where there is more than one Contributor to the Murdoch IP being commercialised, those Contributors will agree between themselves as to how to share the Net Revenue payable to Contributors under this regulation 9, and provide written notice of that agreement, signed by all Contributors, to the Director, Division of Research and Development as soon as reasonably practical after reaching such agreement.

9.6 If the Contributors fail to provide notice as contemplated by regulation 9.5 within 60 days of the date of a request from the Director, Division of Research and Development, the Contributors will be deemed to agree to share the Net Revenue in equal shares.

9.7 Any delay in the Contributors agreeing as to their respective shares of the Net Revenue will not delay Murdoch taking action to commercially exploit the relevant Intellectual Property.

10. DISPUTE RESOLUTION

10.1 Subject to the following provisions of this regulation 10, if a dispute arises out of or in connection with the operation of these Regulations, any party to the dispute may refer it to a mediator agreed by both parties, or failing agreement within 21 days, by a mediator appointed by the President of the Law Society of Western Australia.

10.2 Subject to any agreement to the contrary, all mediations commenced under these Regulations are subject to the following provisions:

10.2.1 The parties to the dispute will share the cost of the mediator equally.

10.2.2 Referral to mediation is a precondition to any party commencing legal proceedings in respect of the dispute, except for legal proceedings referred to in regulation 10.3.

10.2.3 If the dispute is not successfully mediated after 30 days then either party to the dispute may commence proceedings in a court of competent jurisdiction.

10.3 Any party to a dispute may seek urgent injunctive or other equitable relief without recourse to the dispute resolution procedure set out in regulation 10.1.

Schedule (Dictionary)

<table>
<thead>
<tr>
<th>Column 1 (defined term)</th>
<th>Column 2 (meaning)</th>
</tr>
</thead>
</table>
“Contributor” Either an Employee, or a Student, or both, whose authorship of, or contribution to the development of, Intellectual Property, if it were done:
(a) in his or her private capacity; and
(b) in the absence of any express or implied contractual arrangement to the contrary between that Employee or Student and any one of more of:
   (i) Murdoch;
   (ii) a Related Entity; or
   (iii) another party,
would entitle that Employee, or a Student, or both, to own, in whole or in part, that Intellectual Property.

“Conventional Scholarly Output” Academic publications produced by an Employee for the purpose of publication in academic books, journals or conference papers (whether hard copy or electronic). For the avoidance of doubt, the expression “Conventional Scholarly Output” does not include course materials or teaching materials.

“Costs” All costs, charges and expenses incurred or paid by Murdoch in a Financial Year relating to the creation, development, protection or commercial exploitation of Murdoch IP, including costs, charges and expenses:
(a) associated with acquiring and maintaining statutory protection for the Murdoch IP;
(b) base costs of undertaking further development of the Murdoch IP;
(c) of licensing Murdoch IP;
(d) of marketing, production, distribution, product testing, advertising and sale;
(e) of obtaining advice relating to commercial exploitation; and
(f) of obtaining licences or assignment of Intellectual Property owned by a Third Party to be used as part of the commercial exploitation.

“Employee” Any person employed by Murdoch in a full, part-time or casual capacity, regardless of the permanency of the position. For the purposes of these Regulations and for the avoidance of doubt, the expression “Employee“ includes a Student who is employed by Murdoch.

“Financial Year” The accounting period that Murdoch adopts from time to time for its accounting and financial reporting requirements.

“Gross Revenue” All income, including royalties, assignment fees, etc that Murdoch derives or receives, and retains, in a Financial Year resulting from the commercial exploitation of Murdoch IP. For the avoidance of doubt, “Gross Revenue” does not include amounts received:
(a) for conducting research (including research grants);
(b) for creating or developing the Intellectual Property in question; or
(c) pursuant to a consultancy (whether a research consultancy or otherwise) conducted by a Contributor on behalf of Murdoch.

"Intellectual Property" The results of creative effort protected by law, including rights relating to:
(a) inventions (including patent rights);
(b) information which is of a kind and which has been communicated in such a way as to give rise to a duty of confidentiality;
(c) information which is subject to an Employee’s duty of fidelity to his or her employer;
(d) trade secrets;
(e) copyright;
(f) trademarks, whether registered or unregistered;
(g) registered designs and designs capable of being registered;
(h) plant varieties and the rights of breeders of such varieties;
(i) circuit layouts; and
(j) other rights resulting from intellectual activity in the industrial, commercial, scientific, literary and artistic fields.

"Moral Rights" Has the same meaning that it has under the Copyright Act 1968 (C’th).

"Murdoch" Murdoch University.

"Murdoch IP" Subject to regulation 9.29.1, Intellectual Property that Murdoch owns, either in whole or in part, and whether by virtue of these Regulations or otherwise.

"Net Revenue" The balance remaining in a Financial Year after deducting the Costs and the associated Overhead Charge in relation to particular Murdoch IP from the Gross Revenue for that Murdoch IP.

"Overhead Charge" 15% of the total Costs in a Financial Year, as and by way of a contribution in respect of overheads.

"Registrable IP" Intellectual Property that is potentially patentable or registrable under relevant legislation, and by registration or patenting provides monopoly rights to the registrant, such as patentable inventions, designs, trademarks, plant varieties and circuit layouts.

"Regulations" These regulations.

"Related Entity" Any company:
(a) in which Murdoch holds a majority of shares; or
(b) is a subsidiary of or is controlled by a company in which Murdoch holds a majority of shares.

"Student" Has the same meaning that it has under the Murdoch University Act 1973 (WA).
“Student IP” Intellectual Property that a Student creates in the course of his or her studies, scholarship or research at Murdoch.

“Third Party” A party other than Murdoch, an Employee or a Student.