Date of meeting: Wednesday, 06/09/2006

Present: Em. Prof. Geoffrey Bolton (Chair)

Prof. John Yovich (Vice Chancellor)  Ms Alison Gaines
Mr Brian Aitken                   Mr Gerry Georgatos
Ms Janice Bowra                  Mr Garry Hunt
Prof. Stuart Bradley             Mr Tony Ianello
Mr Terry Budge                   Assoc. Prof. Jim Macbeth
Prof. Nick Costa                 Ms Shirley McPherson

Secretary: Jeremy Rigg

Observers
Prof. Yianni Attikiouzel
Mr Brett Blacker
Mr Ian Callahan (DVC – Corporate)
Ms Stefanie Dobro
Mr Reece Harley
Mr Lloyd Johnson
Prof. Gary Martin (DVC – Enterprise & International)
Prof. Jan Thomas (DVC – Academic)
Prof. Arnold Depickere

Apologies
Prof. Michael Borowitzka (President, Academic Council), Mr Mal Bradley, Assoc. Prof. Michael Campion, Mr Philip Hocking, Ms Carolyn Jakobsen, Mr Malcolm Macpherson, Judge Kate O’Brien, Prof. Jim Reynolds, Prof Andris Stelbovics (DVC – Research).

Meeting commenced at: 4:35 pm

1. MEMBERSHIP & ACKNOWLEDGMENTS

1.1 The Senate wishes to thank Mr Malcolm Macpherson, whose term expires on 10/09/2006, for his excellent contribution to Senate over the past nine years.

1.2 The Chancellor informed Senate of the passing of Dr Michael Booth, senior lecturer in Psychology and Philosophy of Science at ISTP. Dr Booth was a valued teacher and great colleague and Senate extends its sympathy and condolences to his family.

Resolved: 5/33/2006

(i) To express to Mr Malcolm Macpherson Senate’s great appreciation of his efforts as a member of Senate.

(ii) To express Senate’s condolences to the family of Dr Michael Booth.

2. APOLOGIES

2.1 Mr Mal Bradley, Mr Philip Hocking, Ms Carolyn Jakobsen, Mr Malcolm Macpherson, Judge Kate O’Brien.

2.2 Mr Mal Bradley sought leave of absence for this Senate meeting and the Senate meeting to be held 29/11/06 due to work commitments.
Resolved: To grant leave of absence during the months of September and November 2006 to Mr Mal Bradley, pursuant to Senate standing order 2.2.

3. DECLARATIONS OF INTEREST
None.

4. AUQA AUDIT REPORT
The Vice Chancellor updated Senate on the AUQA Audit report which was released on 05/09/2006. The report reflected positively on Murdoch's self review and internal quality processes, as well as Prof Jan Thomas, who steered the exercise.

The report was well received by the media and the various items highlighted in the report will be followed up by an implementation committee.

5. SENATE COMMITTEE MEETINGS FOR 2006
The Chancellor requested all Senate members note the remaining Senate Committee meetings for 2006, and encouraged attendance to ensure all meetings are quorate.

6. VICE CHANCELLOR'S REPORT
The Vice Chancellor spoke to his report to Senate. Key items included:

- The new enterprise bargaining agreements were approved by staff in the recent ballot. The University, staff and the unions have all worked well together to achieve this excellent result;
- Arrangements for the allocation of the various Commonwealth funding pools continue to be in a state of flux. The University's role in the Innovative Research Universities Australia (IRUA) group has been invaluable, supporting effective and prompt responses to Federal Government requests and initiatives;
- The launch of the WA Biotechnology Industry Development Strategy at the on-campus State Agricultural Biotechnology Centre on 10/08/2006 was an excellent opportunity for the University. The State will be distributing a significant amount of research funding over the next four years and the University has made a submission regarding this;
- Minister McTiernan recently launched of the Draft Murdoch Activity Centre Structure Plan. The plan is open for comment over the next 2 months. The infusion of residential space and activity into the Murdoch area will be a good result overall for the University;
- The University maintained its 5 star teaching rating, as marked by the Good Universities Guide, making it 11 out of 12 years. The University also achieved 5 stars for research intensity.

It was moved that Senate approve the recommendations made at the conclusion of the Vice Chancellor's report.

Resolved: (i) To approve the re-appointment of Ms Karen Brown, Mr Terry Budge and Mr Richard Alder as trustees of the Murdoch University Foundation for a further term of three years expiring on 05/09/2009.
7. CONFIRMATION OF PREVIOUS MINUTES
   7.1 Senate confirmed the minutes of the meeting held on 12/07/2006.
   7.2 Senate noted the report of action on resolutions passed at the previous meeting.

8. ACADEMIC COUNCIL
   Senate noted the minutes of the Academic Council meeting held on 19/07/2006. There were no recommendations to Senate.

9. AUDIT AND RISK MANAGEMENT COMMITTEE
   The minutes of the Audit and Risk Management Committee meeting held on 28/08/2006 were not distributed at Senate and will be distributed to Senate members week commencing 11/09/2006. There were no recommendations to Senate.

10. ENVIRONMENTAL COMMITTEE
    Senate noted the minutes of the Environmental Committee meeting held on 17/08/2006. There were no recommendations to Senate.

11. HONORARY AWARDS AND CEREMONIAL COMMITTEE
    Senate noted the minutes of the Honorary Awards and Ceremonial Committee meeting held on 10/08/2006. There were no recommendations to Senate.

12. LEGISLATION COMMITTEE
    Senate noted the minutes of the Legislation Committee meeting held on 01/09/2006 and resolved the following:

    **Resolved:** S/36/2006
    To approve the amendments to the following legislation:

    (i) Certificate Regulation 1(d) (mark ups attached)
    (ii) Diploma Regulation 1(1)(c) (mark ups attached)
    (iii) Bachelor Degree Regulations 18.2, 25 and 28 (mark ups attached)
    (iv) Master by Coursework Degree Regulation 1.(1) and 2.(1) (mark ups attached)
    (v) Master by Coursework Degree Regulation 24 (3) and (4) (mark ups attached)

    **Resolved:** S/37/2006
    To approve the amendments to the Election Regulations (mark ups attached)

    **Resolved:** S/38/2006
    To approve the amendments to the Post Graduate Research Degrees Regulations (mark ups attached)

    **Resolved:** S/39/2006
    To approve the amendments to Statute No 18 - Intellectual Property (mark ups attached)

    Secretary's
    In accordance with section 25 of the Murdoch University Act, an absolute majority of Senate must ratify the amendment to this Statute. Items 7 to 15 were put to Senate for a vote and
Note: absolute majority was received, with the twelve members present passing the resolutions unanimously.

Resolved: To approve the amendments to the Intellectual Property Regulations (mark ups attached)
S/40/2006

13. RESOURCES COMMITTEE

Senate noted the minutes of the Resources Committee meeting held on 22/08/2006 and resolved the following

Resolved: To approve the write-off of $42,953.02 as at 30 June 2006.
S/41/2006

Resolved: To approve the write-off of $11,921.72 representing obsolete text books and stationery as at 31 July 2006.
S/42/2006

Resolved: To approve the attached payments for the period 17/05/2006 to 20/06/2006 inclusive.
S/43/2006

14. OFFICIAL SEAL

Senate noted the official seal register.

15. GUILD OF STUDENTS PRESENTATION

The Guild President spoke to Senate about the changes and current programmes adopted by the Guild of Students in 2006. Key issues raised by the President were:

- Student poverty,
- Loss of revenue as a result of voluntary student unionism (VSU); and
- The new financial and management programmes implemented by the Guild.

The Senate members were most impressed by the hard work and enthusiasm of the President and his team and warmly congratulated him on his achievements in 2006. In particular, the Guild’s sound financial management, the undertaking of social equity initiatives (such as the donations of used computers to African countries) and focus on student amenities was supported.

16. CONFIDENTIAL ITEM - STUDENT ACCOMODATION

All observers left the Senate room

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

Meeting concluded at: 6:10pm

Signed as a true record of the meeting of the Senate held on 06/09/2006.

EMERITUS PROFESSOR GEOFFREY BOLTON - CHAIR

Dated: October, 2006
| Date of Academic Council recommendation: | 19/07/2006 |
| Academic Council resolution number: | AC/104/2006 |
| Date of Legislation Committee endorsement: | LC/09/2006 |
| Legislation Committee resolution number: | LC/2006 |

| Proposed amendment: (all changes to be shown in mark-up) | 1 (d) Postgraduate Certificates in: Agricultural Biotechnology (PgCertAgrBiotech), Asian Sustainable Development (PgCertAsSDev), Applied Molecular Biology Techniques (PgCertAppMolBiol), Aviation Management (PgCertAvnMan), Business Administration (PgCertBusAdmin), City Policy (PgCertCityPol), Community Development (PgCertCommDev), Ecological Public Health (PgCertEcolPubHlth), Ecologically Sustainable Development (PgCertEcolSustDev), Electronic Business (PgCertEB), Energy Policy (PgCertEnPol), Energy Studies (PgCertEnSt), Environmental Impact Assessment (PgCertEIA), Environmental Management (PgCertEnvMan), Human Resource Management (PgCertHRM), Inclusive Education (PgCertIncEd), Information Technology (PgCertIT), Journalism (PgCertJour), Knowledge Management (PgCertKnowlMngt), Media Production (PgCertMedProd), Neuromusculoskeletal Rehabilitation (PgCertNeurRehab), Policy Studies (PgCertPolSt), Public Policy (PgCertPubPol), Public relations (PgCertPR), Psychology Teaching (PgCertPsychTeach), Science and Technology Policy (PgCertSTP), Telecommunications Management (PgCertTelMan), Veterinary Conservation Medicine (PgCertVetConsMed). |
**Diploma Regulations**

**Proposed Amendment**

<table>
<thead>
<tr>
<th>Date of Academic Council recommendation:</th>
<th>19/07/2006</th>
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<tbody>
<tr>
<td>Academic Council resolution number:</td>
<td>AC/104/2006</td>
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<tr>
<td>Date of Legislation Committee endorsement:</td>
<td>09/2006</td>
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<tr>
<td>Legislation Committee resolution number:</td>
<td>LC/2006</td>
</tr>
</tbody>
</table>

**Proposed Amendment:**

(alternate changes to be shown in mark-up)

1(1) (c) Postgraduate Diplomas in: Advanced Mental Health Nursing <specialisation>, Agricultural Biotechnology (PGDipAgriBiotech), Applied Molecular Biology Techniques (PGDipAppMolBiol), Arts (PGDipArts), Asian Studies (PGDipAsianSt), Asian Sustainable Development (PGDipAsSDev), Business Administration (PGDipBusAdmin), City Policy (PGDipCityPol), Community Development (PGDipCommDev), Consultancy Psychology (PGDipConsultPsych), Development Studies (PGDipDevSt), Ecological Public Health (PGDipEcolPubHlth), Ecologically Sustainable Development (PGDipESDev), Education (PGDipEd), Educational Computing (PGDipEdComp), Electronic Business (PGDipEB), Energy and the Environment (PGDipEnEnv), Energy Studies (PGDipEnSt), Environmental Forensics (PGDipEnvFor), Environmental Impact Assessment (PGDipEnvImpAss), Environmental Management (PGDipEnvMan), Extractive Metallurgy (PGDipExtMet), Games Technology (PGDipGamesTech), Human Resource Management (PGDipHRM), Information Technology (PGDipIT), Internetworking and Security (PGDipIntwkSecur), Journalism (PGDipJour), Knowledge Management (PGDipKnowlMngt), Media Production (PGDipMedProD), Mental Health Nursing (PGDipMHNurs), Neuromusculoskeletal Rehabilitation (PGDipNerRehab), Physics (PGDipPhys), Policy Studies (PGDipPolSt), Professional Experience (fieldname) (PGDipProfExp[fieldname]), Psychology (PGDipPsych), Public History (PGDipPubHist), Public Management (PGDipPubMan), Public Policy (PGDipPubPol), Public Relations (PGDipPR), School Management (PGDipSchMangt), Science (PGDipSc), Science and Technology Policy (PGDipScTechPol), Social Research and Evaluation (PGDipSoResEval), Social Science (PGDipSocSci), Sports Chiropractic (PGDipSportsChiro) Telecommunications Management (PGDipTelMan).
| **Date of Academic Council recommendation:** | 14/06/2006 |
| **Academic Council resolution number:** | AC/98/2006 |
| **Date of Legislation Committee endorsement:** | 09/2006 |
| **Legislation Committee resolution number:** | LC/2006 |
| **Proposed amendment:** (all changes to be shown in mark-up) | 18. (2) The introduction of a minor requires the approval of Academic Council. The requirements of the minor shall be determined by the Divisional Board, in accordance with policy set by Academic Council. Completion of a minor shall be shown on the academic transcript of students, provided the student has enrolled in a minor before completion of the degree. |

**Responsibility for Majors and Minors**

25. Each major and minor shall be administered by the School Committee to which it is assigned by the Divisional Board. A joint degree approved under Regulation 14 may be the responsibility of one or more School Committees, as determined by Academic Council. The School Committee shall exercise the responsibilities specified in Division Regulation 15(i) and in other Regulations.

28. The Program Chair shall be responsible for:

(a) recommendations to the Board of Examiners on award of degrees and academic progress;

(b) decisions on approval of enrolments and cross-institutional enrolments, deferred admission, crediting of units from other institutions towards the requirements of the major, unit exemptions, suspension of enrolment;

(c) finalising unit results for units offered by staff of the major, where the final date for submission of results has passed and the unit co-ordinator is not available;

(d) matters delegated to the Program Chair by the Executive Dean, School Head or Board of the Division;

(e) oversight of any minors administered by the parent major;

(f) matters delegated to the Program Chair by the Executive Dean, School Head or Board of the Division.
### Master by Coursework Degree Regulations

#### Proposed Amendment

<table>
<thead>
<tr>
<th>Date of Academic Council recommendation:</th>
<th>19/07/2006</th>
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<tr>
<td>Legislation Committee resolution number:</td>
<td>LC/09/2006</td>
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</table>

#### Proposed Amendment

1. (1) The following Degrees of Master by Coursework shall be offered by the University: Master of Agricultural Biotechnology (M Agricult Biotech) joint Master of Applied Psychology/Doctor of Philosophy (MAppPsych/PhD), Master of Applied Psychology (MAppPsych), Master of Arts (MA), Master of Business Administration (MBA), Master of Counselling (Mcounsel), Master of Education (MEd), Master of Education Studies (MEdSt), Master of Electronic Business (MEB), Master of Electronic Commerce (MEC), Master of Engineering (ME), Master of Human Resource Management (MHRM), Master of International Business (MIB), Master of Laws (LLM), Master of Medical Engineering (MME), Master of Ministry (MMin), Master of Natural Systems Engineering (M NatSysEng), Master of Network Management and Security (M NetManSecur), Master of Pharmacy (MPharm), Master of Science (MSc), Master of Science in Environmental Architecture (MSc EnvArch), Master of Theology (MT heol), Master of Transport Studies (MTransSt), Master of Veterinary Studies (MVS), MBA in Aviation Management (MBA AvnMan), MBA in Health Services Management (Nursing Leadership) (MBAHSM) and MBA in International Business (MBA IntBus).

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

<table>
<thead>
<tr>
<th>Degree</th>
<th>Points</th>
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<tbody>
<tr>
<td>Master of Agricultural Biotechnology</td>
<td>24</td>
</tr>
<tr>
<td>Master of Applied Psychology</td>
<td>48</td>
</tr>
<tr>
<td>Master of Arts</td>
<td></td>
</tr>
<tr>
<td>- in Asian Studies</td>
<td>48</td>
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<tr>
<td>- in Asian Sustainable Development</td>
<td>48</td>
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<tr>
<td>- in City Policy</td>
<td>48</td>
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<tr>
<td>- in Community Development</td>
<td>48</td>
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<tr>
<td>- in Development Studies</td>
<td>48</td>
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<tr>
<td>- in Ecologically Sustainable Development</td>
<td>48</td>
</tr>
<tr>
<td>- in Globalisation and Governance</td>
<td>24</td>
</tr>
<tr>
<td>Course Title</td>
<td>Credit Points</td>
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<tr>
<td>-----------------------------------------------------------------</td>
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</tr>
<tr>
<td>in Literature and Communication</td>
<td>24 points</td>
</tr>
<tr>
<td>in Local Governance</td>
<td>48 points</td>
</tr>
<tr>
<td>in Public Administration</td>
<td>48 points</td>
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<tr>
<td>in Public History</td>
<td>48 points</td>
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<tr>
<td>in Public Policy</td>
<td>48 points</td>
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<tr>
<td>in Science and Technology Policy</td>
<td>48 points</td>
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<tr>
<td>in Social Research and Evaluation</td>
<td>48 points</td>
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<tr>
<td>in Theological Studies</td>
<td>48 points</td>
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<tr>
<td>Master of Business Administration</td>
<td>48 points</td>
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<tr>
<td>Master of Counselling</td>
<td>48 points</td>
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<tr>
<td>Master of Education</td>
<td>24 points</td>
</tr>
<tr>
<td>Master of Education Studies</td>
<td>48 points</td>
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<tr>
<td>Master of Electronic Business</td>
<td>48 points</td>
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<tr>
<td>Master of Electronic Commerce</td>
<td>48 points</td>
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<tr>
<td>Master of Engineering</td>
<td>24 points</td>
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<tr>
<td>Master of Human Resource Management</td>
<td>48 points</td>
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<tr>
<td>Master of International Business</td>
<td>48 points</td>
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<tr>
<td>Master of Laws</td>
<td>24 points</td>
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<tr>
<td>Master of Medical Engineering</td>
<td>24 points</td>
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<tr>
<td>Master of Ministry</td>
<td>48 points</td>
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<tr>
<td>Master of Natural Systems Engineering</td>
<td>48 points</td>
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<tr>
<td>Master of Network Management and Security</td>
<td>48 points</td>
</tr>
<tr>
<td>Master of Pharmacy</td>
<td>72 points</td>
</tr>
<tr>
<td>Master of Science</td>
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<tr>
<td>Master of Science in Environmental Architecture</td>
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<td>Master of Science in Extractive Metallurgy</td>
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<td>Master of Science in Renewable Energy</td>
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<td>Master of Science in Telecommunications Management</td>
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<tr>
<td>Master of Theology</td>
<td>48 points</td>
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<tr>
<td>Master of Transport Studies</td>
<td>36 points</td>
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<tr>
<td>Master of Veterinary Studies</td>
<td>24 points</td>
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<tr>
<td>Master of Veterinary Studies in Conservation Medicine</td>
<td>24 points</td>
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<tr>
<td>Master of Veterinary Studies in Veterinary Surveillance</td>
<td>24 points</td>
</tr>
<tr>
<td>MBA in Aviation Management</td>
<td>48 points</td>
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<tr>
<td>MBA in Health Services Management</td>
<td>48 points</td>
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<tr>
<td>MBA International Business</td>
<td>48 points</td>
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<td>12/04/2006</td>
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<tr>
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<td>LC/&lt;&gt;/2006</td>
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</tbody>
</table>

**Proposed amendment:**
(4) The manager of admissions, Director of the Prospective Students' and Admissions Centre will decide on the admission of individual students. The manager of admissions, Director of the Prospective Students’ and Admissions Centre will act in accordance with decisions on quotas and targets made by the Deputy Vice Chancellor (Academic Strategy); any operational policies and procedures approved by the Managing Director, Division of Student Services, Marketing and International Affairs Deputy Vice Chancellor (Strategy); any additional selection criteria approved by Academic Council for a particular masters course; and recommendations of the Executive Dean of the Division on which applicants to select within the available places for each course.
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.

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.

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.

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.

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.

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 slip, 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.

The Returning Officer may remove any election material on University property which in her or his opinion is
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.

Determinations 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 paper-slip(s) 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(s) of an eliminated candidate does not indicate the voter's next preference, that voting slip(s) 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, 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 paper-slip(s) for that candidate. Each such voting paper-slip shall have a discounted value, being the excess number of votes divided by the total votes for that candidate. If some ballot paper(s) voting slip(s) 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 paper-slip(s) 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.
POSTGRADUATE RESEARCH DEGREES REGULATIONS

Dictionary & interpretation
1. The provisions of Statute No. 8—Interpretation apply to these regulations.
2. Words appearing in italics in these regulations are defined terms and have the meanings detailed in column two of the Dictionary (schedule I).
3. Where an expression is defined in these regulations, another part of speech or grammatical form of that expression will have a corresponding meaning.

General
4. To be awarded a Postgraduate Research Degree, a student must satisfy the requirements of these regulations.
5. The RMT leads to the award of the degree of Master of ""field name"". Subject to subsequent ratification by Academic Council, the Dean will determine the ""field name"" in the title of the degree of each candidate and the abbreviated title for each such degree, in accordance with guidelines approved by Academic Council.
6. The introduction of a new Postgraduate Research Degree requires the approval of Academic Council, after consideration of:
   6.1 a submission from the R&D Board; and
   6.2 comments from the Committee and from the University’s Academic Policy Committee.
7. The R&D Board has overall responsibility for administering candidature for Postgraduate Research Degrees, including setting policy in this area.
8. The Dean may delegate any authority conferred upon him or her by these regulations, but that authority cannot be further delegated.

Eligibility for admission
9. (1) To be eligible for admission as a candidate for a PhD, an applicant must:
   (a) have an honours or higher degree which incorporates satisfactory research preparation; or
   (b) be enrolled as a MPhil candidate in the University and satisfy the Manager that he or she has the ability to complete a PhD program of study successfully within the maximum period of enrolment specified in regulation 18; or
   (c) have a bachelor degree requiring at least 3 years equivalent full time of study and satisfy the Manager that he or she has significant scholarly or professional attainments providing satisfactory research preparation.

(2) To be eligible for admission as a candidate for the MPhil, an applicant must:
(a) have an honours bachelor degree which incorporates satisfactory research preparation; or

(b) have a bachelor degree requiring at least 3 years equivalent full time of study and satisfy the Manager that he or she has significant scholarly or professional attainments providing satisfactory research preparation.

(3) To be eligible for admission as a candidate for the LLM (Res), an applicant must:

(a) have a degree of Bachelor of Laws or equivalent legal qualification at a high standard of excellence; or

(b) satisfy the Manager that he or she has significant scholarly or professional attainments in law providing satisfactory research preparation.

(4) To be eligible for admission as a candidate for a RMT, an applicant must:

(a) have a bachelor degree requiring at least 4 years of equivalent full-time study; or

(b) have a bachelor degree requiring at least 3 years of equivalent full-time study and:

(i) have successfully completed a graduate course requiring at least one year of equivalent full-time study; or

(ii) have evidence of professional attainments (of at least two years full-time duration or equivalent) relevant to his or her proposed research field; or

(c) satisfy the Manager that he or she has scholarly or professional attainments providing satisfactory research preparation.

(5) To be eligible for admission as a candidate for a MEd(Res), an applicant must:

(a) have either:

(i) a Bachelor of Education degree, or equivalent, requiring at least 4 years of equivalent full-time study; or

(ii) a bachelor degree requiring at least 3 years of equivalent full-time study and have successfully completed a graduate course in education requiring at least one year of equivalent full-time study; and

(b) in addition, have evidence of scholarly or professional attainments (of at least two years full-time duration or equivalent) relevant to his or her proposed research field.

Admission of candidates

10. (1) The Manager decides on the admission of individual students, taking into account:

(a) the provisions of these regulations;

(b) decisions on quotas and targets made by the Deputy Vice Chancellor (Enterprise & International);
advice from the Executive Dean of the relevant Division on whether adequate supervision and facilities are available for the applicant's proposed program of study; and

any operational policies and procedures approved by the Deputy Vice Chancellor (Research).

(2) The Manager may delegate the authority conferred by this regulation, but that authority cannot be further delegated.

11. Admission of a part-time candidate is conditional on the person being able to devote an average of at least 15 hours per week to pursue the proposed program of study.

12. Admission of an applicant proposing to carry out her or his research in the course of employment and using the employer's facilities, is subject to the Manager receiving a signed statement from the employer, giving:

(1) consent to the applicant's enrolment as a research student;
(2) a commitment to allow the applicant sufficient time to pursue her or his research studies;
(3) approval for the use of the employer's facilities for this purpose;
(4) consent to the publication of the thesis to be submitted by the candidate, subject to any access restrictions that may be approved under regulation 49; and
(5) where appropriate, the name of a person from the employer's organisation recommended for appointment as an associate supervisor.

13. (1) The Manager may approve:

(a) admission of a full-time or part-time candidate to enrol on an external basis; and
(b) an already enrolled candidate to enrol on an external basis.

(2) Approval under sub-regulation 13(1) is restricted to:

(a) candidates outside the Perth metropolitan area, subject to the Manager being satisfied as to the following matters:

(i) library and other facilities necessary for postgraduate research being available at the candidate's location;
(ii) regular contact between the supervisor and the candidate including detailed communication at least once per calendar month;
(iii) if the research project involves experimentation, provision for the supervisor to visit the site at such intervals as in the Manager's opinion are necessary to ensure the quality of the research;
(iv) the candidate spending a period of at least 6 months (not necessarily continuously) at the University during the period of candidature, if enrolled for the PhD, including at least one month during the first semester of candidature and at least two months per year for each year of candidature;
(v) agreement at the time of admission on how the transport costs of the candidate and the supervisor will be met (normally it will be expected...
that these costs will be borne by the candidate or the candidate's employer or sponsoring organisation;

(vi) availability at the candidate's location of a competent associate supervisor, where appropriate, and

(vii) any other conditions, or variations to the above conditions, which may be approved by the Manager in order to ensure adequate supervision, and

(b) candidates within the Perth metropolitan area who, for reasons of disability, or infirmity, or other reasons acceptable to the Manager, are unable to attend the University's facilities and need access to external library services.

14. (1) Before admitting an applicant to candidature, the Manager must:

(a) approve the subject matter of the applicant's research, after confirmation from the Executive Dean of the relevant Division that the applicant has sufficient background to undertake the research and that supervision is available, and

(b) subject to sub-regulations 14(3) and (4) and regulation 15, appoint an interim supervisor, or a principal supervisor and one or more additional supervisors, on the recommendation of the Executive Dean. Any appointment of an interim supervisor under this paragraph is subject to paragraph 23(1)(e).

(2) A principal supervisor or any other supervisor appointed under paragraph 14(1)(b) must:

(a) be willing to accept the appointment; and

(b) meet the eligibility criteria specified in regulation 15.

(3) Subject to sub-regulation 14(4), in special circumstances the Manager may determine any special arrangements for the supervision of a candidate's program of study.

(4) Supervision arrangements for research students must comply with the 'Research Student Supervision Policy' of the R&D Board in force from time to time or such other policy that replaces or subsumes the functions of that policy.

Supervision

15. (1) Subject to sub-regulations 14(3) and 15(2), supervision of research students will be conducted by a supervision panel comprising of a principal supervisor and one or more additional supervisor(s), nominated at the time of nominating for admission as a candidate.

(2) The Manager may approve a proposal for a sole supervisor where the proposed supervisor:

(a) has supervised not less than two research degree completions by candidates who satisfied the University's requirements for the award of the postgraduate research degree in which they were enrolled; and

(b) is experienced and active in research and the supervision of research.

(3) A principal supervisor must:

(a) possess a degree at least equivalent to that proposed to be undertaken by the candidate, and
(b) subject to sub-regulation 15(7), be a full time member of the University’s academic staff, and

(c) be experienced and active in research and the supervision of research.

(4) Where a principal supervisor has supervised fewer than two research degree completions by candidates who satisfied the University’s requirements for the award of the postgraduate research degree in which they were enrolled, the supervision panel must include an experienced supervisor prior to the preparation of a program of study in accordance with paragraph 23(1).

(5) All supervisors must comply with the University’s ‘Code of Conduct of Research’ the Responsibilities of Supervisors’ document. A copy of these documents are available at the following URLs:


(6) If the Dean is of the opinion that a supervisor may have breached either one or both of the ‘Code of Conduct of Research’ or the Responsibilities of Supervisors, he or she will refer the matter to the Deputy Vice Chancellor (Research) for investigation and action.

(7) The Dean may, on application, approve a part-time, emeritus or adjunct member of the University’s academic staff as a principal supervisor.

(8) In circumstances where there is a sole supervisor, subsequent references in these regulations to a “principal supervisor” shall be deemed to include that sole supervisor

Enrolment

16. A candidate must enrol in the Division in which the principal supervisor is based, but may undertake a program of study in more than one Division. If the supervisor is not based in a Division, the student must enrol in the Division that recommended her or his admission.

17. (1) A full-time candidate must be enrolled for at least the minimum period as set out below:

\[ \begin{align*}
PhD & \quad 3 \text{ years} \\
MPhil \text{ and } RMT & \quad 18 \text{ months} \\
LLM \text{ (Res)} \text{ and } MEd \text{ (Res)} & \quad 12 \text{ months}
\end{align*} \]

(2) The periods specified under sub-regulation 17(1) are doubled for part-time candidates, unless reduced by the Dean.

(3) Where a candidate has relevant previous studies at postgraduate level, the Dean may reduce the relevant minimum period specified in this regulation.

(4) Notwithstanding any other provision in this regulation, the absolute minimum period of candidature is one year.

18. (1) The following maximum periods of enrolment apply to full-time candidates:

\[ \begin{align*}
PhD & \quad 5 \text{ years} \\
MPhil & \quad 3 \text{ years} \\
RMT & \quad 18 \text{ Months}
\end{align*} \]
LLM (Res) and MEd (Res) 12 Months

(2) The periods specified under sub-regulation 18(1) are doubled for part-time candidates, and calculated on a pro rata basis for students mixing full-time and part-time candidature during their enrolments.

(3) In exceptional circumstances, the Dean may grant an extension of the maximum period that would otherwise apply to a particular candidate.

(4) For a candidate who has transferred from enrolment in one research degree to another, the maximum period includes the period the student was enrolled in the earlier qualification.

19. No candidate may enrol concurrently for another qualification at this University or elsewhere, without first obtaining the Dean’s written approval.

20. A full-time candidate may undertake up to 240 hours of employment per year during office hours, but normally no more than 8 hours in any one week. If the part-time employment consists of tutoring and/or lecturing, the total includes the time required for preparation and marking. Any employment beyond these limits requires the approval of the student’s supervisor and the Manager. There is no limit on employment during annual leave, public holidays, weekends and outside office hours.

21. Provided a candidate has obtained the Manager’s prior approval, the candidate may transfer between full-time and part-time candidature.

22. The Manager, on the recommendation of the principal supervisor and the Executive Dean, may grant a candidate suspension(s) of enrolment for any period up to two years in total. This period is not counted as part of the period of candidature for the degree.

Program of study

23. (1) Not later than six months after the candidate’s enrolment (12 months for part-time candidates, two months for LLM (Res) and MEd (Res) candidates), the principal supervisor in consultation with the candidate, must recommend to the Manager a program of study, which includes:

(a) the proposed thesis topic;
(b) an outline of the proposed area of research and of the research plan;
(c) the supervisor’s assessment of the program of study and of the candidate’s ability to undertake it;
(d) confirmation by the Executive Dean that the necessary resources are available; and
(e) confirmation of the proposed supervision panel, or in the case of an experienced supervisor proposing to act as a sole supervisor, contain a justification for sole supervision and an indication of the student’s agreement to such arrangements.

(2) The program of study requires the support of the Division’s Postgraduate Coordinator and the approval of the Manager. If the Division’s Postgraduate Coordinator is the principal supervisor the support of the Dean and the Manager must be obtained instead.

24. (1) A candidate for a Postgraduate Research Degree may include coursework units in her or his research program of study, subject to any limitations imposed and approvals required by
this regulation.

(2) Any coursework units must be directly related to the area of the candidate’s research thesis, and normally chosen in consultation with the principal supervisor.

(3) Where a candidate includes any coursework units as part of his or her research program of study, satisfactory performance in those units may be required as part of the annual review of the candidate’s progress.

(4) Subject to sub-regulation 24(5), a candidate for:
   (a) the PhD or MPhil may include up to three coursework units in her or his research program of study, to a total value of not more than 12 points;
   (b) the RMT must successfully complete 12 credit points of postgraduate coursework units at 400 or 500 level, and a research thesis of 24 credit points;
   (c) the MEd (Res) must successfully complete 6 credit points of postgraduate coursework units at 600 level, and a research thesis of 18 credit points; and
   (d) the LLM (Res) may include up to 8 credit points of postgraduate coursework units at 500 or 600 level in her or his program of study, and must include a research thesis of at least 16 credit points.

(5) Where a candidate includes coursework units in his or her program of study:
   (a) the principal supervisor must recommend and the Manager must approve the coursework units;
   (b) the unit results must not be considered in determining the award of the degree.

25. A candidate may pursue an approved program of study involving research outside the University, if the Manager is satisfied that adequate arrangements have been made for the use of suitable facilities and for supervision. The Manager may require the candidate to undertake his or her research within the University for specific periods.

26. A candidate must follow her or his approved program of study. The candidate and the principal supervisor are jointly responsible for initiating and holding frequent and adequate discussions on the program of study. A candidate wishing to change his or her program of study must notify the principal supervisor, and apply to the Manager, who may at her or his discretion approve the change.

27. (1) Subject to sub-regulation 27(2), students enrolled for a MPhil may apply to transfer to PhD candidature with credit for the work completed at masters level.

(2) Transfers may take place no earlier than three months and, other than in special circumstances, no later than 18 months (three years for part-time students) after initial enrolment.

(3) Applications under this regulation must be made in writing to the Manager and supported with the candidate’s annual progress report, or if an annual progress report is not then due, with a comparable progress report. The Manager may grant a transfer application where the principal (or where relevant, sole) supervisor confirms that the research is capable of development to PhD level and that the candidate is capable of satisfactorily completing such a program of study.

28. A candidate may at any time apply to the Manager for a change of supervisor(s).
29.  (1) A candidate who is unable to resolve a dispute with her or his supervisor or with the Division may request the Dean to intervene for the purpose of mediating a resolution of the dispute. Any such request must be submitted in writing.

(2) The Dean may appoint any person or persons to act in his place for the purposes of any mediation under sub-regulation 29(1). Any person mediating a dispute under the regulation must act in accordance with guidelines approved by the R&D Board.

(3) Consequent upon any mediation under this regulation, the Dean has the following powers:

(a) approving a change of supervisor;
(b) requiring a change in supervisory practice;
(c) determining any intellectual property disputes (subject to Statute no. 18) and any regulations made under it; and
(d) subject to the endorsement of the Executive Dean of the relevant Division, determining disputes concerning access to physical and financial resources needed by the candidate to pursue the approved research program of study.

Progress reports

30. The principal supervisor, and the candidate must jointly provide the Manager with a detailed report on the candidate's progress at such times and frequency as the R&D Board may from time to time approve.

31. After reviewing the candidate's progress and obtaining the advice of the Executive Dean of the relevant Division, the Manager must either:

(1) confirm the candidate's enrolment;
(2) transfer the candidate's enrolment to another degree requested by or acceptable to the candidate;
(3) subject to sub-regulation 31(4), suspend or terminate the enrolment; or
(4) refer the matter to the Dean for a decision to suspend or terminate the candidate's enrolment on the basis of lack of academic progress.

32. When dealing with a referral under sub-regulation 31(4), the Dean may require a candidate to provide further or other reports during the candidate's candidature, to ascertain what progress the candidate is making and/or to assist the candidate in completing the program of study in close to minimum time.

Thesis submission

33. A thesis:

(1) for the PhD degree must make a distinctive contribution to the knowledge of the subject with which it deals and provide evidence of scholarship and originality; and

(2) for a masters degree must demonstrate evidence of a high level of competence in research and contribute to knowledge of the subject.
34. A candidate must submit the final title of his or her thesis, together with an abstract of approximately 300 words describing its content, at least two months before submitting the thesis for examination.

35. (1) Subject to sub-regulation 35(2), the Dean, on the recommendation of the principal supervisor, must appoint the following examiners:
   (a) for a thesis for the degree of PhD – three examiners; or
   (b) for a masters thesis – two examiners.

(2) Except where the Dean is satisfied that exceptional circumstances exist, the appointment of examiners under sub-regulation 35(1) will be in accordance with the following criteria:
   (a) the examiners must not have supervised the candidate for any postgraduate degree at any institution;
   (b) at least one of the examiners must be based outside Australia;
   (c) an examiner cannot be an employee of the University;
   (d) all examiners must be currently active researchers and have expertise in the general area of the thesis;
   (e) all examiners must be independent of the candidate and the principal or sole supervisor;
   (f) all examiners must hold a degree either equivalent to or higher than the Postgraduate Research Degree for which the thesis is being examined;
   (g) all examiners must be free from any real or apparent conflict of interest in the examination of the thesis, and
   (h) all examiners must have confirmed, prior to being appointed as an examiner, that they are available to examine the thesis within 6 weeks of receiving it.

36. A thesis:
   (1) may consist partly of published work;
   (2) may consist predominantly of published work, provided that the thesis also includes material that provides coherence to the thesis as an integrated work;
   (3) may include non-text materials, such as performances, exhibitions of works of art, musical compositions, films or videos–subject to the approval of the Dean;
   (4) may describe work done in conjunction with the principal supervisor or other persons, provided that the candidate’s personal share in the investigation is clearly stated, and that this statement is certified by the principal supervisor.
   (5) must be written in clear and concise language and in English (unless the Dean has given approval for it to be in another language);
   (6) must conform to scholarly standards of presentation, citation and referencing for the discipline;
   (7) must include the abstract referred to in regulation 34;
   (8) must include a written declaration by the candidate as to each of the following:
      (a) all of the thesis is the candidate’s own account of the research conducted by the candidate, except where other sources are fully acknowledged by footnotes or
referencing:

(b) the extent to which the work of others has been used; and

c) (except for a resubmitted thesis) the thesis contains as its main content work which has not previously been submitted for a degree at any university.

(9) must not exceed 100,000 words, excluding maps, diagrams and bibliography, unless otherwise approved by the Dean on the recommendation of the principal supervisor;

(10) must be in double-spaced typescript; and

(11) must conform with any physical specifications approved by the Committee.

37. Dishonesty by a student (including, but not limited to, plagiarism and falsification of research results) is a disciplinary offence. Any such dishonesty will be dealt with under Statute no. 23 – Student Discipline.

38. A candidate for the PhD degree must submit three copies of the thesis; a candidate for a masters degree must submit two copies. The thesis must be submitted in temporary binding, in a format approved by the University Librarian.

39. Before submitting a thesis to the examiners, the Manager must:

(1) require the candidate’s principal supervisor to comment on the quality of the thesis and on any special circumstances relevant to its preparation and examination;

(2) be satisfied that the candidate has complied with the requirements of regulation 36 and

(3) if the principal supervisor expresses reservations about the suitability of the thesis for examination, or the thesis does not comply with the requirements of regulation 36, refer the thesis to the Dean for a decision (after consultation with the candidate and the supervisor) on whether the thesis should be sent to the examiners or returned to the candidate for further work.

Thesis examination

40. Each examiner must submit a written report on the quality of the thesis, its strengths and weaknesses to the Manager and a recommendation for one of the following actions:

(1) that the degree be awarded:

(a) unconditionally, or

(b) subject to the insertion of minor amendments; or

(c) subject to the insertion of major corrections and/or additions;

(2) that the degree not be awarded, but that:

(a) the candidate be permitted to submit a revised thesis for the same degree (an examiner must not recommend this unless satisfied that the thesis shows some merit and that with a limited amount of additional work, it may be brought up to a satisfactory standard. This recommendation is not permitted for a resubmitted thesis);

(b) in the case of a thesis submitted for the degree of PhD, the candidate be permitted to revise and re-submit the thesis for examination for the degree of MPhil, or
(c)  in the case of a thesis submitted for the degree of PhD, the degree of MPhil be awarded; or

(3)  that the degree not be awarded.

41. (1)  The examiners may consult one another, but must inform the Manager of any such consultation. Each examiner must submit an independent report.

(2)  A candidate must not discuss any aspect of the examination with his or her examiners during the period from submission of the thesis until a decision is reached by Academic Council.

(3)  Supervisors or Heads of School must not discuss any aspect of the examination with examiners during the period from submission of the thesis until a decision is reached by Academic Council, except where prior approval is given by the Dean.

42. (1)  If an examiner does not provide a report on the thesis within a reasonable time, the Dean may appoint a new examiner in that person's place.

(2)  If two PhD examiners' reports have been received and both recommend that the degree be awarded, or both recommend that it not be awarded, the Dean may determine that a decision be made on the award of the degree without requiring a report from a third examiner.

43. The Dean may recommend to Academic Council that it make a posthumous award of a Postgraduate Research Degree to a candidate, who was enrolled in the relevant degree program prior to his or her death, subject to:

(1)  The enrolment of the candidate in the relevant degree program within the 12 month period immediately prior to his or her death;

(2)  the satisfaction of the Dean that the candidate had completed at least two-thirds of the work towards completion of the relevant degree program; and

(3)  the Dean consulting with the candidate's supervisor or supervisors.

44. If two or more of the examiners' reports (one or more for a masters thesis) recommend that the degree not be awarded, the reports of all the examiners must be referred to both the principal supervisor and the candidate for comment before a decision is made by Academic Council on whether or not to award the degree.

45. The Dean will refer the reports of the examiners to a member of the Committee nominated by the Dean, for consideration and a recommendation on the award of the degree. On receipt of that recommendation, the examiners' reports and any other reports arising under regulation 44, the Dean may:

(1)  require a candidate to undergo such oral, written or practical examinations as the Dean specifies. Any oral examination must be in accordance with guidelines approved by the R&D Board;

(2)  recommend to Academic Council that the degree be awarded;

(3)  appoint an additional examiner;
recommend to Academic Council that it determine that the degree not be awarded but that one of the alternatives in sub-regulation 40(2) occur;

(5) recommend to Academic Council that it determine that the degree not be awarded, subject to the Dean first providing the candidate with an opportunity to comment on the examiners’ reports if this has not already happened in accordance with regulation 44; or

(6) refer the case to the Committee for a determination and recommendation to Academic Council.

46. (1) A student may appeal against the result of the examination of a thesis only on the following grounds:
   (a) Failure or neglect by the University to follow procedures for thesis examination;
   (b) there was prejudice or bias on the part of one or more of the examiners; or
   (c) one or more of the examiners lacked the qualifications and experience stipulated in regulation 35.

(2) Any appeal must be lodged with the Student Appeals Committee within one month of the student receiving written notification of the result and in accordance with any requirements of the Student Appeals Committee Regulations. The Student Appeals Committee may confirm or vary the decision on the result of the examination of a thesis.

47. Where a decision is made to recommend that a degree be awarded, this recommendation must not be transmitted to the Academic Council until the final copies of the thesis, including any changes that may have been required by the Dean or the Committee, have been certified by the principal supervisor and deposited in the University Library.

48. On production of the final copies of a thesis, the candidate must:

   (1) comply with any format requirements approved by the University Librarian;
   (2) deposit one bound copy and one digital copy in the University Library, unless prior written exemption is given by the Dean; and
   (3) provide a bound copy to each of the supervisors supervising at the time the thesis was submitted for examination.

49. (1) The copies of a candidate’s thesis in the University Library are available for consultation, loan and photocopying, subject to any restrictions contained in the Copyright Act 1968 (C’th).

   (2) Subject to sub-regulation 49(3), an access restriction normally not exceeding one year may be approved by the Dean in exceptional circumstances, if requested by the candidate and supported by the principal supervisor.

   (3) Where, pursuant to the terms of any agreement between the University, the candidate and/or any third party, obligations of confidentiality are imposed in relation to all or any part of the content of a candidate’s thesis, an access restriction of 12 months or the period specified in the agreement, whichever is the shorter in duration, will automatically apply to the thesis or the relevant part or parts of it in terms that are consistent with the terms and conditions of those confidentiality obligations.
Schedule 1 (Dictionary)

<table>
<thead>
<tr>
<th>Column 1 (defined term)</th>
<th>Column 2 (meaning)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Committee:</td>
<td>The University's Research Degrees and Scholarships Committee as constituted from time to time by the R&amp;D Board to administer candidature for postgraduate research degrees.</td>
</tr>
<tr>
<td>Dean:</td>
<td>The person occupying the position of Dean of Graduate Studies from time to time, or such other position that replaces or subsumes the functions of that position.</td>
</tr>
<tr>
<td>LLM (Res):</td>
<td>The degree of Master of Laws (Research).</td>
</tr>
<tr>
<td>Manager:</td>
<td>The person occupying the position of Manager, Graduate Centre in the Division of Research and Development from time to time, or such other position that replaces or subsumes the functions of that position.</td>
</tr>
<tr>
<td>Masters:</td>
<td>The masters degrees listed in the definition of Postgraduate Research Degree.</td>
</tr>
<tr>
<td>MEd (Res)</td>
<td>The degree of Master of Education (Research).</td>
</tr>
<tr>
<td>MPhil</td>
<td>The degree of Master of Philosophy.</td>
</tr>
<tr>
<td>PhD</td>
<td>The degree of Doctor of Philosophy.</td>
</tr>
</tbody>
</table>
| Postgraduate Research Degree | Any one of the following:  
  - Doctor of Philosophy (PhD)  
  - Master of Philosophy (MPhil)  
  - Master of Laws by Research (LLM (Res))  
  - Research Masters with Training (RMT)  
  - Master of Education (Research) (MEd (Res)) |
| R&D Board:              | The University’s Research and Development Board as constituted from time to time. |
| RMT                     | The degree of Research Masters with Training. |
| Supervisor:             | The sole supervisor of the student, or, where there is more than one supervisor or a supervision panel, the person appointed as the principal supervisor. |
| Date of Academic Council recommendation: | 2 November 2005 |
| Academic Council resolution number: | AC/156/2005 |
| Date of Legislation Committee endorsement: | |
| Legislation Committee resolution number: | LC/ /2006 |
| Proposed amendment: | (all changes to be shown in mark-up) |


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,

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

   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.

   1.4 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.

1.5 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, artwork, 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 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 type-face 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 adapter(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 for 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 the 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 intellectual property

Priority 2—the University

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>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 increase. As 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 an 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 an 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

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 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.

9.3.1 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: a

9.3.2 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 9.1.9.2).

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>
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</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
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 9.291, 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. |