

MINUTES

Legislation Committee 1/16

Meeting No:	LC 1/16
Date & Time:	Friday, 21 October 2016, 9:30am-10:30am
Venue:	VCO Meeting Room, Mt Helen Campus
Members:	Mr Derek White, Director, Corporate Governance (Chair) Associate Professor Kim Dowling, Chair, Academic Board Dr Eric Holm, Lecturer in Law Ms Katie Morris, Senior Lawyer Ms Claire Shaw, University Registrar Professor Andy Smith, Deputy Vice-Chancellor (Academic)
In Attendance:	Mr Adrian Tinetti, Director, Corporate Governance (<i>from 24 October 2016</i>)
Executive Officer:	Ms Linda Moore

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PROCEDURAL MATTERS

1. Welcome

The Chair welcomed members to LC 1/16 and noted that Mr Adrian Tinetti, Director, Corporate Governance is in attendance for Ms Katie Morris, Senior Lawyer.

The Committee noted that Mr Derek White, Chair is retiring and that this will be his final meeting. Mr Tinetti has been appointed Director, Corporate Governance effective from 24 October 2016 and will be the new Chair of the Legislation Committee.

2. Apologies

2.1 Members

Ms Katie Morris, Senior Lawyer, Ms Claire Shaw, University Registrar and Professor Andy Smith, Deputy Vice-Chancellor (Academic) were apologies for LC 1/16.

2.2 Attendees

Professor Todd Walker, Deputy Vice-Chancellor (Engagement)

3. Declarations of Conflict of Interest

There were no conflicts of interest declared at the meeting.

4. Other Preliminary Matters

Nil.

5. Starred Items

5.1 Starred Items

Agenda items 1, 2, 3, 4, 5, 6, 7 and 8 were starred and discussed at the meeting.

5.2 Non-Starred Items

Resolution LC 1/16/1

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The Legislation Committee resolved that all items on the agenda "not starred" be adopted without discussion, and the action recommended be taken or the information therein noted.

6. Minutes and Matters Arising from the Minutes

6.1 Minutes

The Legislation Committee was invited to confirm the following Minutes:

- Minutes of Circulatory Resolution LC 3/15/1 dated Monday, 19 August 2015;
- Minutes of LC 3/15 meeting held Thursday, 27 August 2015; and,
- Minutes of Circulatory Resolution LC 4/16/1 dated Tuesday, 15 September 2015.

Resolution LC 1/16/2

The Legislation Committee confirmed the Minutes of Circulatory Resolution LC 3/15/1 dated Monday, 19 August 2015, Minutes of LC 3/15 meeting held Thursday, 27 August 2015, and Minutes of Circulatory Resolution LC 4/16/1 dated Tuesday, 15 September 2015.

6.2 Matters Arising from the Minutes

There were no matters raised in relation to the Minutes.

APPROVED LEGISLATION

7. Approved Legislation

The Legislation Committee noted the approval of legislation as listed below.

Council approved the following resolution at Council Meeting CM 7/15 held Tuesday, 6 October 2015, which was previously approved by the Council Executive Committee via Circulatory Resolution CEC 5/15/1-4 dated Wednesday, 30 September 2015.

Resolution CM 7/15/5

Council approved the amendments to the following Legislation:

- Statute 7.1 – Election Procedures
- Statute 7.2 – Elections by Members of Boards
- Regulation 2.3 – Faculties and the Schools
- Regulation 5.1 – Higher Doctorates, the Doctoral Degree (Research), The Doctoral Degree (Professional) and the Masters Degree (Research)

On behalf of Council and the Legislation Committee, the Council Executive Committee approved and forwarded to Council and the Legislation Committee for *noting*, the amendments to the legislation in relation to Council composition and election processes.

Resolution CEC 3/16/1

On behalf of Council and the Legislation Committee, the Council Executive Committee approved and forwards to Council and the Legislation Committee for noting, the amendments to the following legislation:

- Regulation 2.1 – The Council
- Statute 7.1 – Election Procedures
- Regulation 7.1 – Election Procedures
- Statute 7.2 – Elections by Members of Boards

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The above legislation relating to Resolution CEC 3/16/1 was provided to the Committee for noting as the Legislation Committee did not receive these papers due to the limited timeframe provided to Council by government.

The Hon Fiona Richardson MP, Acting Minister for Training and Skills approved amendments to Federation University Australia Statutes on 28 July 2016, as follows:

- Statute 7.1 – Election Procedures
- Student 7.2 – Elections by Members of Boards

LEGISLATION REQUIRING APPROVAL

8. Legislation Requiring Approval

8.1 Regulation 2.2.2 – Academic Board

The Legislation Committee considered Regulation 2.2.2 – Academic Board, which was recently approved by the Academic Board Executive Committee (ABEC 7/16/4) dated Wednesday, 12 October 2016.

The Committee made reference to a number of duplicating items and inconsistencies between the Academic Board Standing Orders and Regulation 2.2.2.

Mr Tinetti outlined that it would be more appropriate to either insert the bulk of the Standing Orders' content into the Regulation or have a less descriptive Regulation with the detail inserted into the Standing Orders.

The Committee queried if inserting the content of the Standing Orders into the Regulation would constrain the Academic Board from easily making amendments or inserting new items into the document. This matter was discussed and it was noted that amendments or additions to the Standing Orders do not occur frequently.

Ms Katie Morris, Senior Lawyer reviewed Regulation 2.2.2 and provided comments for Mr Tinetti to report to the Committee in her absence. The following points were discussed and clarified:

- Chairs and Deputy Chairs can only be elected from ex-officio, elected and appointed members – not co-opted members;
- Co-opted attendees is technically the same as 'co-opted members'. The Committee resolved to remove reference to co-opted members and attendees in the Regulation which also resolved dot point one.

Following extensive discussions, the Committee resolved that it would be appropriate for Mr Tinetti to review and amend Regulation 2.2.2 and insert the procedural details into the Academic Board Standing Orders. A reference to the Standing Orders will be included in the Regulation.

The following recommendation will lay on the table until further work has been completed on Regulation 2.2.2 with amendments in line with discussion outlined above. The recommendation will be forwarded to the Legislation Committee via Circulatory Resolution shortly after this meeting in order for the Council Executive Committee to have the opportunity to consider the Regulation at its 15 November 2016 meeting. This will allow sufficient time for the election process to commence.

Recommendation

The Legislation Committee approves and forwards to the Council Executive Committee for approval, amendments to Regulation 2.2.2 – Academic Board.

8.2 Regulation 2.2 – Appeals Committee

The Legislation Committee considered Regulation 2.2 – Appeals Committee, which was recently approved by the Academic Board Executive Committee (ABEC 7/16/4) dated Wednesday, 12 October 2016.

The Committee discussed the amendments and made reference to the following points:

- section 3(a) – the proposed change to Regulation 2.2 to allow an appeal based on new evidence not known to the student and/or the decision maker at the time of the decision is not consistent with Regulation 6.1 – Student Discipline Committee;
- section 2(3) – the rationale behind the initial amendment was to ensure that there was a wider pool of students that could be drawn from for the purposes of appeals committee hearings. It can be difficult to find students for hearings as they frequently occur at inconvenient times outside of teaching semesters. Drawing students for participation for hearings from existing Committees and/or the Student Senate will reduce the overall pool of students willing to participate in Committee membership and consequently hearings. The Committee resolved to amend the wording so that all students of the University can be involved;
- section 3(3) – amend the reference to “appeal notice” to become “appeal form”. This will be changed throughout the document (s.3(4), 3(5), 3(6));
- the Committee queried why the original section 3(9) was deleted as this was included in recent years to ensure the timeframe was clear to students during that time of year. The Committee discussed this item and resolved to reinstate the section. This will also ensure consistency with Regulation 6.1 – Student Discipline Committee; and,
- the Appeals Committee minutes provided to Academic Board are de-identified (for staff and students) and include limited details. A verbal report is also provided separately to Academic Board.

Resolution LC 1/16/3

The Legislation Committee approved and forwards to the Council Executive Committee for approval, amendments to Regulation 2.2 – Appeals Committee, subject to some further minor amendments.

8.3 Revised Terms of Reference – Standing Committees of Academic Board

The following resolution was approved by the Academic Board Executive Committee at ABEC 7/16:

Resolution ABEC 7/16/4

Academic Board Executive Committee endorsed and forwards to Council via Legislation Committee for approval, the revised Terms of Reference for Academic Board and the revised structure and Terms of Reference for the Standing Committees of Academic Board.

The Legislation Committee discussed the revised structure and Terms of Reference for the Standing Committees of Academic Board.

Ms Claire Shaw, University Registrar reviewed Regulation 2.2.2 and provided comments for Mr Tinetti to report to the Committee in her absence. The following required amendments were noted:

- Higher Education Curriculum Committee Terms of Reference – the membership list currently states ‘Student Administration - Program Management and Compliance representative or nominee’. This will be amended to ‘Manager, Registrar Services’;
- VET Curriculum and Quality Committee Terms of Reference – the membership list currently states ‘University Registrar’. This will be amended to ‘University Registrar or Nominee’.

Resolution LC 1/16/4

The Legislation Committee endorsed and forwards to the Council Executive Committee for noting, the revised structure and Terms of Reference for the following Standing Committees of Academic Board:

- **Academic Board Executive Committee**
- **VET Curriculum and Quality Committee**
- **Curriculum Committee**
- **Learning and Teaching Committee**
- **Research by Higher Degrees Committee**

OTHER BUSINESS

9. Other Business

9.1 Review of the University’s Legislation

The Chair provided an update in relation to the progress of reviewing the University’s Legislation as noted in the previous Legislation Committee minutes (LC 3/15).

The Committee noted that all University legislation will be reviewed with the intention to eliminate legislation which is not required or duplicated in University policies and/or procedures. This will enable the University to streamline content and simplify the approval process. The Committee requested that thorough consultation occurs during this process.

NEXT MEETING

10. Date of Next Meeting

The next meeting of the Legislation Committee is scheduled to be held Thursday, 23 March 2017 commencing 10.00am and concluding 11.00am in the Council Meeting Room, Mt Helen Campus.

Mr Adrian Tinetti, on behalf of the Committee acknowledged and thanked Mr Derek White for his dedication and contribution to the Legislation Committee during his employment with the University.

The meeting concluded at 10.20 a.m.