

Minutes

Legislation Committee

Meeting No: LC 1/13

Date & Time: Thursday, 7 March 2013, 10:00 am

Venue: VCO Meeting Room, Mt Helen Campus

Present: Ms Rowena Coutts (Chair)
Ms Katie Morris
Ms Jeannie King
Professor Andy Smith

Secretariat: Ms Katie Morris

1. Apologies, Special Leave of Absence and Declarations of Interest

Associate Professor Kim Dowling was an apology for the meeting. There were no declarations of conflict of interest.

2. Starring of Items and Approval of Non-Starred Items

2.1 Starred Items

Agenda items 1, 2, 3 and 5 were starred and discussed at the meeting.

2.2 Non-Starred Items

Resolution LC 1/13/1

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.

3. Minutes of the previous meeting and matters arising

3.1 Confirmation

Resolution LC 1/13/2

The Legislation Committee confirmed the Minutes of meeting LC 2/12 held Tuesday, 4 December 2012.

3.2 Matters Arising from the Minutes

There were no matters arising from the Minutes.

4. Approval of Legislation

The Legislation Committee noted that Academic Board approved and recommended to Council Executive Committee for approval, the following legislation at its meeting held 14 December 2012:

- Regulation 5.1.2 – Honours and Distinction
- Regulation 5.1.3 – Courses

The Legislation Committee noted that Council approved the following legislation at its meeting held 19 February 2013:

- Statute 2.8 – Divisions
- Regulation 2.4 – Student Discipline
- Statute 3.9 – Heads of Branches
- Regulation 6.1 – Student Discipline
- Regulation 5.1.2 – Honours and Distinction
- Regulation 5.1.3 – Courses

5. Specific items for discussion –

5.1 Regulation 2.1 – The Council

The Committee considered the amendments to Regulation 2.1 to reflect the new provisions of the University of Ballarat Act 2010 amended by the Education Legislation Amendment (Governance) Act 2012, assented to in December 2012. The new provisions have altered the composition of University Councils, including the removal of elected staff and student members from University Councils.

Resolution LC1/13/3

The Legislation Committee approved and recommended to Council Executive Committee for approval the amendments to Regulation 2.1 – The Council.

5.2 Regulation 2.1.2 – The Council

The Committee considered amendments to section 2 of this Regulation to remove the reference to Pro-Vice-Chancellors and Vice-Presidents and insert ‘Deputy Vice-Chancellors’ and the ‘Chief Financial Officer’, in-line with current University terminology and practice. In addition, amendments to section 6 were considered to ensure the Chair has the power to exclude persons from the meeting, where the meeting or portion of the meeting is deemed to be in-camera.

Resolution LC1/13/4

The Legislation Committee approved and recommended to Council Executive Committee for approval the amendments to Regulation 2.1.2 – The Council.

5.3 Regulation 2.2 – Appeals Committee

The Committee considered amendments to the Regulation to alter all references from “days” to “working days”. In addition, in consultation with the Executive Officer to Appeals Committee, the Committee considered amendments to the Regulation to enable written notices to be delivered to a student’s email address, as nominated on the Notice of Appeal form completed by the student. This will alleviate the need for notices to be posted where a student has nominated an email address for communication. The Committee noted that the current Notice of Appeal form will be

amended by the Appeals Committee Secretariat to take account of this amendment to the Regulation. Further, amendments were considered to section 10(b), in-line with amendments made to Regulation 6.1 (see at 5.6 below).

Resolution LC1/13/5

The Legislation Committee approved and recommended to Academic Board for approval the amendments to Regulation 2.2 – Appeals Committee.

5.4 Statute 5.1 - Awards and Programs

Additional amendments to this statute were considered by Legislation Committee in accordance with the Committee's resolution LC2/12/7. In approving these amendments, the Committee noted that Academic Board will need to ensure a standing resolution is in place, in accordance with Statute 2.2 (section 8), to delegate to Curriculum Committee the authority to prescribe award programs, as per current practice, and approve non-award programs.

Resolution LC1/13/6

The Legislation Committee approved and recommended to Academic Board for approval the amendments to Statute 5.1 – Awards and Programs. Academic Board is asked to ensure a standing resolution is in place, in accordance with Statute 2.2 (section 8), to delegate to Curriculum Committee the authority to prescribe award programs and approve non-award programs.

5.5 Schedule 5.1 and Schedule 5.1.1

The Committee considered minor amendments to the header of each of these Schedules to remove references to "courses" and insert "programs", in accordance with the definition of "program" in Regulation 1.1.2.

(Secretary's note: As these Schedules are maintained and updated as PDF documents by Academic Services, the amendments have been made by hand and will be updated in the PDF documents once approved. Relevant pages only of the Schedules are annexed).

Resolution LC1/13/7

The Legislation Committee approved and recommended to Academic Board for approval the amendments to Schedule 5.1 and Schedule 5.1.1.

5.6 Regulation 6.1 – Student Discipline

The Committee considered and approved amendments (Amendment 7) to Regulation 6.1 at LC2/12. At Council Executive Committee meeting CEC2/13, the CEC approved the amendments to Regulation 6.1 relating to social media, however referred the Regulation back to Legislation Committee for further consideration of the terminology "not bound by rules of evidence or procedure" in relation to hearings conducted by Deans or Directors, which the CEC considered to have a legal overtone. Accordingly, sections 7(3) and 16(3) were considered and revised by Legislation Committee. The Committee considered the terminology should remain in the Regulation, as this is widely used in formal and informal

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tribunals (eg. sporting tribunals) and has an established legal meaning, however further explanation of what the wording means will be included in the Regulation.

Resolution LC1/13/8

The Legislation Committee approved and recommended to Council Executive Committee for approval the amendments to Regulation 6.1 – Student Discipline.

6. General Business

There was no further general business discussed.

7. Next Meeting

Committee members noted the next meeting of the Legislation Committee will be held on **Thursday, 6 June 2013** in the **VCO Meeting Room, Mt Helen Campus** at **10:00 am**.

The meeting concluded at 10:40am.