

STATUTE 1.1-INTERPRETATION

1. In any Statute or Regulation of the University a word or term used shall, unless the contrary intention appears, have the same meaning as it has in the Act.

2. In any Statute or Regulation of the University, unless the contrary intention appears-

"Academic Board" means the Board established pursuant to section 20 of the Act.

"Academic staff" means staff enrolled as staff of the University in academic occupations.

"Act" means the University of Ballarat Act 2010 as amended from time to time and including the University of Ballarat Amendment (Federation University Australia) Act 2013.

"Acting Vice-Chancellor" means a person appointed to the office of Acting Vice-Chancellor pursuant to section 27 of the Act.

"Appropriate school" means the School to which a program or course pertains.

"Assessment" means any method of determining-

[a] whether a student has passed; or

[b] whether a student has otherwise satisfied the examiners; or

[c] the grade to be awarded to a student in a degree program.

"Board" means the Academic Board.

"Campus" means any area of land prescribed by Regulation to be a campus of the University.

"Chancellor" means the person appointed under section 24 of the Act.

"Component of assessment" includes-

[a] any examination, essay, text, exercise, practical task, article, thesis, work or other requirement-

[i] prescribed or declared in the details of programs or courses; or

[ii] determined by the Academic Board;

[b] any additional assessment determined by the Academic Board.

"Day" or "Working Day" means an ordinary business day of the University (excluding weekends, public holidays or days on which the University is officially closed, eg. Christmas close-down).

"Dean" means a Dean of School appointed under Statute 3.8 – Deans of School. Where a reference is made in any Statute or Regulation that a matter arising be considered by or referred to a Dean for action or determination, that Dean will be deemed to be the Dean of the relevant School where the matter has arisen.

"Deputy Chancellor" means a person appointed to the office of Deputy Chancellor under section 25 of the Act.

"Details of programs" includes in respect of each program -

- [a] an outline of aims and objectives of that program
- [b] the prerequisites to admission to that program;
- [c] the criteria into selection into that program;
- [d] the stages, if any, of that program;
- [e] the courses which must be taken in any stage of that program;
- [f] the courses which may be taken in a stage of that program;
- [g] the courses of that program in which a student must enrol simultaneously unless he or she has previously been awarded a pass in one or more of those courses;
- [h] the methods, extent, timing and relative weights of any assessment to be undergone by students admitted to that program in addition to the assessments relating to each of the courses of the program;
- [i] the academic progression rules applicable to the program; and
- [j] such other matters or things as are prescribed.

"Federation University" means the entity known as Federation University Australia from 1 January 2014 as established under the Act (previously known as University of Ballarat).

"Full time student" means a student enrolled for three quarters or more of the work of a program normally undertaken by students enrolled full time in that program.

"General staff" means staff enrolled as staff of the University other than academic or TAFE teaching staff.

"Higher degree" means a degree of master or doctor.

"Higher education" means tertiary education activities associated with or programs of study leading to a higher education award.

"Higher education award" means a degree or diploma, or a graduate diploma, or a graduate certificate, or such other award as may be prescribed by Council on the recommendation of the Academic Board.

"Member of the University" means a person referred to in subsection 4(3) of the Act.

"Official notice board of the University" means any notice board erected on any part of the University including on the University's website -

[a] designated to be an official notice board of the University; and

[b] bearing the words "Official Notice Board".

"Part time student" means a student enrolled for less than three-quarters of a program normally undertaken by students enrolled full time in that program.

"School" means a School established under Statute 2.3 - Schools.

"School Board" means a Board of a School established under Statute 2.3 – The Schools.

"TAFE" means technical and further education.

"TAFE teaching staff" means staff enrolled as staff of the University in TAFE teaching positions.

"Teaching period" means the period or periods defined by the Academic Board to be a teaching period.

"Thesis or work" means a thesis or work undertaken or submitted in full or partial satisfaction of the requirements of a higher degree and in some undergraduate programs.

"University" means the entity known as Federation University Australia from 1 January 2014 as established under the Act (previously known as University of Ballarat).

"University of Ballarat" means the entity previously known as University of Ballarat as established under the Act (as of 1 January 2014, known as Federation University Australia).

"VET award" means a VET award approved by University Council.

"VET award program" means a program which, when successfully completed, leads to the grant of a VET award.

"Vice-Chancellor" means the person appointed to be Vice-Chancellor of the University under section 26 of the Act.

"Year" means calendar year.

3. Unless the contrary intention appears, the provisions of the Interpretation of Legislation Act 1984 apply to the interpretation of all Statutes and Regulations.
4. Where in any Statute or Regulation notice is required to be given to any person, notice will be given by serving it personally upon the person or by sending it to the person by pre-paid post, facsimile or electronic mail.
5. Where in any Statute or Regulation a power is conferred to appoint a person to an office or position that power shall, unless the contrary intention appears, be deemed to include the power to appoint a person to act in that office or position.
6. In any Statute or Regulation a reference to an office-holder shall, unless the contrary intention appears, include a reference to any person duly appointed to act in the place of that office holder.

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7. [1] Where the Council or the holder of an office, a board, committee or other body established or constituted by or under the Act, the Statutes or the Regulations delegates any of his, her or its powers, authorities, duties or functions, the power, authority, duty or function may be exercised or performed by the delegate-
- [a] in accordance with the terms of the instrument of delegation;
 - [b] if the delegated act is dependant upon the opinion, belief or state of mind of the delegator, then upon the opinion, belief or state of mind of the delegate in relation to the matter; and
 - [c] the delegate may not further delegate the power, authority, duty or function.
- [2] A delegation referred to in sub-section [1] -
- [a] may be revoked or varied; and
 - [b] does not prevent the exercise of a power or authority or the performance of the duty or function to which the delegation relates-
- by the delegator.
8. A reference in a Statute or a Regulation to an Act of the Commonwealth or an Act of the State of Victoria shall be construed as a reference to that Act as amended, re-enacted or re-made and in force for the time being.
9. (1) The Council may at any time make Regulations, not inconsistent with this Statute, prescribing all matters which by this Statute are required or permitted to be prescribed, or which are necessary or convenient to be prescribed for carrying out or giving effect to this Statute and by later Regulation revoke or amend any such Regulations.
- (2) Regulations made under this Statute shall be promulgated by being exhibited on the official notice boards of the University and after being so promulgated shall remain so exhibited for at least fourteen (14) days during which time the University is operating.

Made 09/08/95 Approved 26/09/95
Amendment 1 Made 09/12/98 Approved 24/03/99
Amendment 2 Made 25/05/06 Approved 15/06/06
Amendment 3 Made 31/05/11 Approved 09/08/11
Amendment 4 Made 06/09/11 Approved 09/12/11
Amendment 5 Made 15/10/13 Approved 24/01/14