

Federation University Australia Statute 2021

Approved by the Council
on 24 August 2021

TABLE OF PROVISIONS

	<i>Page</i>
Part 1—Preliminary	1
1. Objectives.....	1
2. Authorising provision.....	2
3. Commencement.....	2
4. Definitions.....	3
Part 2—University Council.....	4
5. The Council.....	4
6. Composition of the Council	4
7. Responsibilities of Council members	4
8. Calling of meetings	4
9. Conduct of Council meetings	4
10. Invited attendance at Council meetings	4
Part 3 — Chancellor and Deputy Chancellor.....	5
11. The Chancellor.....	5
12. Deputy Chancellors.....	5
Part 4—University Administration	5
Division 1 — Senior Officers	5
13. The Vice-Chancellor.....	5
14. The Acting Vice-Chancellor	6
15. Deputy Vice-Chancellors.....	6
Division 2 — Policies, procedures and codes	7
16. Policies and procedures.....	7
17. Codes of Conduct.....	7
Division 3 — Delegations	8
18. Register of delegations.....	8
Division 4 — Common seal.....	8
19. University seal	8
Part 5 — University Bodies.....	8
Division 1 — Academic Board	8
20. Objective and functions of the Academic Board.....	8
21. Membership of the Academic Board	9
22. Chairperson and Deputy Chairperson	9
23. Meetings of the Academic Board.....	9

Division 2 — Organisational units of the University	9
24. Organisational units	9
Division 3 — The Professoriate and Visiting and Adjunct Professors	10
25. The professoriate.....	10
26. Visiting and adjunct professors.....	10
Division 4 — Student Senate	10
27. Student Senate.....	10
Division 5 — Meetings of a body of the University	10
28. Conduct of meetings	10
Part 6 — Student Admission, Conduct and Exclusion	11
Division 1 — Student admission	11
29. Admission to be a student	11
Division 2—Award programs	11
30. Award programs.....	11
Division 3—Academic progress	11
31. Assessment.....	11
32. Review of grades.....	12
33. Academic progress review	12
Division 4 —Student misconduct	12
34. Meaning of “student misconduct”.....	12
35. Student misconduct: principles and sanctions.....	13
Division 5 — Suspension or exclusion on health or safety grounds	13
36. Grounds for the University to refuse, suspend or exclude	13
Division 6 — Complaints, reviews and appeals	14
37. Complaint handling, review and appeal processes.....	14
Part 7 — Intellectual Property	15
38. Ownership of intellectual property.....	15
39. Transfer, licensing and sharing of benefits	16
40. Securing and protecting intellectual property	16
Part 8 — Awards, Titles and Honorary Degrees	16
41. Conferring of awards	16
42. Posthumous award	16
43. Testamur	16
44. Revocation of awards.....	17
45. University may confer titles on people associated with it.....	17
46. University may award honorary degrees.....	17
Part 9 — University Premises, Facilities, Services and Activities	18
47. Restricted access and use	18
48. Conditions imposed on use, access and engagement	18
Part 10 — Fees, charges and penalties	18
49. Fees, charges, conditions and other requirements	18
50. Fixing of fees and charges	19
51. Unpaid fees and charges	19

	<i>Page</i>
52. Withholding of results and exclusion.....	20
Part 11 — Regulations.....	20
53. Power to make regulations.....	20
54. Manner of making and promulgating regulations	20
Part 12 — Miscellaneous	21
55. Evidentiary provisions	21
56. Revocation of statutes	21
57. Transitional provisions.....	22

FEDERATION UNIVERSITY AUSTRALIA

Federation University Australia Act 2010

Federation University Australia Statute 2021

The Council makes the following Statute:

Dated: 24 August 2021



Part 1—Preliminary

1. Objectives

The objectives of this Statute are to—

- (a) advance the University’s principal aim of offering, across the full breadth of the Australian Qualifications Framework—
 - (i) world-standard, relevant and work-focused higher education, vocational and training programs;
 - (ii) innovative research programs;
- (b) ensure that excellent educational, vocational, professional, cultural and support services are provided to students of the University;
- (c) assure the quality of academic and vocational and training programs to world-class standards;
- (d) support and advance the University’s objective of serving its regional communities and the broader Victorian, Australian and international communities by—
 - (i) enriching cultural and community life;

Federation University Australia Statute 2021

Part 1—Preliminary

- (ii) elevating public awareness of educational, scientific and artistic developments;
- (iii) supporting regional economic innovation, investment and development;
- (iv) promoting critical and free enquiry, informed intellectual discourse and public debate within the University and in the wider society;
- (e) use its expertise and resources to involve Aboriginal and Torres Strait Islander people of Australia in the University's teaching, learning, research and advancement of knowledge activities and thereby contribute to—
 - (i) realising Aboriginal and Torres Strait Islander aspirations; and
 - (ii) safeguarding ancient and rich Aboriginal and Torres Strait Islander heritages;
- (f) develop and deliver programs and services in a way that reflects principles of equity and social justice;
- (g) provide for the efficient and effective organisation, management and good governance of the University;
- (h) provide for student admissions, assessment, progression, program completion, award conferral and graduation;
- (i) provide for student conduct, discipline, hearings, appeals, reviews and exclusions;
- (j) ensure that academic freedom and freedom of speech are valued, upheld and promoted;
- (k) protect the University's intellectual property;
- (l) utilise or exploit its expertise and resources, whether commercially or otherwise; and
- (m) make other provisions in accordance with the Act.

Note: See section 5 of the Act.

2. Authorising provision

This Statute is made under section 28 of the **Federation University Australia Act 2010**.

3. Commencement

This Statute comes into operation on 1 January 2022.

Note:

See also section 32 of the Act.

4. Definitions

In this Statute, unless indicated otherwise by the context—

Act means the **Federation University Australia Act 2010**;

award means a degree, diploma, certificate, licence or other award in any discipline;

course means a single component of an award;

grant, in relation to an award, includes confer;

intellectual property includes—

- (a) rights in relation to copyright, designs, inventions, plant varieties, trade marks (including service marks), confidential information, trade secrets, know-how, circuit layouts and patent rights, whether or not registered; and
- (b) confidential information or any rights resulting from intellectual activity in the industrial, scientific, literary or artistic fields, including rights under the Patents Act 1990, Copyright Act 1968, Designs Act 2003, Trade Marks Act 1995, Plant Breeders' Rights Act 1994, Circuit Layouts Act 1989 and rights under any convention to which Australia is a party and under the common law.

penalty includes fine or sanction;

prescribed means prescribed by regulations;

program means a combination of courses that leads to an award;

regulations means regulations of the University;

section means section of this Statute;

statute means a statute made by the University;

student misconduct has the meaning given to it in section 34 of this Statute;

University means Federation University Australia constituted under the Act;

University intellectual property means intellectual property referred to in section 38 of this Statute;

University legislation means a statute or regulations.

Note: See also section 3 of the Act.

Part 2—University Council

5. The Council

The Council is the governing body of the University and it has the general direction and superintendence of the University with associated powers, functions and responsibilities.

Note: See sections 8-10 of the Act.

6. Composition of the Council

The Council consists of the official members, the government-appointed members, the Council-appointed members; and the elected members as provided for in the Act.

Note: See sections 11 -14 of the Act.

7. Responsibilities of Council members

- (1) A member of Council must act reasonably to ensure that the Council carries out its functions and exercises its powers appropriately, effectively and efficiently.
- (2) In exercising their responsibilities and carrying out their functions and duties, members of Council must—
 - (a) act in good faith, honestly and for proper purposes consistent with the objects and interests of the University;
 - (b) take reasonable steps to avoid all conflicts of interest, subject to any such conflict being expressly declared.

Note: See section 15 of the Act.

8. Calling of meetings

Council meetings must be called in accordance with the Regulations.

9. Conduct of Council meetings

Except as provided by the Act and University legislation, a Council meeting must be conducted as determined by the Chairperson of the meeting.

Note: Schedule 1 to the Act provides for the procedures of the Council.

10. Invited attendance at Council meetings

- (1) A person who is not a Council member may attend a Council meeting if invited by the Chairperson.

- (2) However—
- (a) a person attending by invitation is not permitted to speak on any matter before the meeting unless invited by the Chairperson to do so;
 - (b) the Chairperson or the Council may withdraw the invitation; and
 - (c) the Council may direct that the person be excluded from the meeting while the Council is discussing a confidential item.

Part 3 — Chancellor and Deputy Chancellor

11. The Chancellor

- (1) The Chancellor is appointed by the Council in a manner determined by the Council.
- (2) The Chancellor holds office for the term, not exceeding five years, fixed by the Council.
- (3) The Chancellor is eligible for reappointment.

Note: See section 24 of the Act.

12. Deputy Chancellors

- (1) The Council must appoint at least one person to be a Deputy Chancellor.
- (2) A Deputy Chancellor holds office for a term of two years.
- (3) A Deputy Chancellor is eligible for reappointment.

Note: See section 25 of the Act.

Part 4—University Administration

Division 1 — Senior Officers

13. The Vice-Chancellor

- (1) The Vice-Chancellor is the chief executive of the University generally responsible for the conduct of the University's affairs in all matters.

Note: See section 26(6)(a) of the Act.

- (2) The Vice-Chancellor has the powers necessary to perform the functions and discharge the duties of the office.
- (3) Without limiting sub-sections (1) and (2), the functions of the Vice-Chancellor include—
 - (a) establishing and maintaining an organisational structure for the University;
 - (b) responsibility for staffing matters, including appointing, directing, managing and dismissing members of staff;
 - (c) delegating management authority for the effective operation of the University; and
 - (d) any other function of the Vice-Chancellor specified in the Act, any other Act or University legislation.
- (4) Subject to sub-section (5) the Council may appoint a person to be Vice-Chancellor under section 26 (2) of the Act only after it has invited applications for the position by public advertisement.
- (5) The requirements of sub-section (4) do not apply if the Council decides to re-appoint the Vice-Chancellor.
- (6) The employment of the Vice-Chancellor—
 - (a) must be under a written contract; and
 - (b) is for the term determined by the Council and specified in the contract.
- (7) The Vice-Chancellor may be authorised by the Council to hold the additional title of President of the University.
- (8) The Vice-Chancellor may be reappointed for one or more further terms.

Note: See generally section 26 of the Act.

14. The Acting Vice-Chancellor

A person appointed by the Council to be acting Vice-Chancellor during the absence of the Vice-Chancellor holds office in the circumstances and for the term stipulated by the Council.

Note: See section 27 (1) of the Act.

15. Deputy Vice-Chancellors

- (1) The Council may appoint one or more Deputy Vice-Chancellors on the recommendation of the Vice-Chancellor.
 - (2) The functions and duties of a Deputy Vice-Chancellor are—
-

- (a) to assist the Vice-Chancellor in the performance of the Vice-Chancellor's office; and
 - (b) any other prescribed functions and duties.
- (3) A Deputy Vice-Chancellor has the powers necessary to perform the functions and discharge the duties of his or her office.

Note: See section 27 (2) of the Act.

Division 2 — Policies, procedures and codes

16. Policies and procedures

- (1) The Vice-Chancellor may make policies and procedures to facilitate the effective, efficient and equitable administration of the University, consistent with the objects of the University.

Note: The objects of the University are set out in section 5 of the Act.

- (2) Policies and procedures made by the Vice-Chancellor may—
- (a) incorporate codes or guidelines made by the University or any other body;
 - (b) specify fees or charges.

Note: See also section 50 of this Statute.

- (3) The University must maintain a register of policies and procedures available for download or public inspection by arrangement.
- (4) The register may be in electronic form.

17. Codes of Conduct

- (1) The Vice-Chancellor may make Codes of Conduct applicable to—
- (a) students;
 - (b) staff;
 - (c) library users; and
 - (d) other persons associated with the University.
- (2) The University must maintain a register of Codes of Conduct, which may be in electronic form.
- (3) The University must ensure that Codes of Conduct are available for download.

Division 3 — Delegations

18. Register of delegations

- (1) The University must keep a register of instruments of delegation setting out prescribed details of delegations.
- (2) The register may be in electronic form.
- (3) The register must be available for download or public inspection by arrangement.

Division 4 — Common seal

19. University seal

- (1) The common seal must not be used except as authorised by this Statute or the Regulations.
- (2) The common seal may be affixed—
 - (a) as directed by the Council in accordance with section 7 of the Act; or
 - (b) as authorised by the Vice-Chancellor.

Part 5 — University Bodies

Division 1 — Academic Board

20. Objective and functions of the Academic Board

- (1) The objective of the Academic Board is to establish and maintain academic leadership at an institutional level.
 - (2) The functions of the Academic Board are to—
 - (a) achieve effective academic oversight of the quality of teaching, learning, research and research training;
 - (b) assess and approve proposed new academic and other programs leading to an award;
 - (c) set and monitor institutional benchmarks for academic quality and outcomes; and
 - (d) provide advice to management and the Council on academic matters, including advice on academic outcomes, policies and practices;
 - (e) monitor and report to Council on academic and research quality and standards;
-

- (f) consider issues referred to it by the Council for consideration.

21. Membership of the Academic Board

The membership of the Academic Board shall be as determined by the Council in accordance with section 20 of the Act.

22. Chairperson and Deputy Chairperson

- (1) The Council, on the recommendation of the Vice-Chancellor, must appoint a person to be the Chairperson of the Academic Board.
- (2) The Vice-Chancellor must appoint a member of the Academic Board to be the Deputy Chairperson.
- (3) A Chairperson or Deputy Chairperson holds office for the term, and subject to the conditions, prescribed by the regulations.

23. Meetings of the Academic Board

- (1) Notice of meetings of the Academic Board must be given in accordance with the Regulations.
- (2) Meetings of the Academic Board must be conducted in accordance with the Regulations.
- (3) Minutes of meetings must be published in accordance with the Regulations.

Division 2 — Organisational units of the University

24. Organisational units

- (1) The Council may, in accordance with section 21 of the Act, specify schools, divisions and other organisational units of the University.
Note: Under section 21 of the Act there are the faculties, departments, divisions, centres, units, schools and institutes (however designated) that the Council from time to time designates.
- (2) An organisational unit of the University established by the Council—
 - (a) has the functions specified by the Council and
 - (b) subject to the Regulations, has the organisational structure determined by the Vice-Chancellor.

Division 3 — The Professoriate and Visiting and Adjunct Professors

25. The professoriate

The Vice-Chancellor may appoint professors and associate professors, including variations of these titles in accordance with the Regulations.

26. Visiting and adjunct professors

The Vice-Chancellor may appoint visiting professors and adjunct professors, including variations of these titles in accordance with the Regulations.

Division 4 — Student Senate

27. Student Senate

- (1) The Regulations must provide for a Student Senate.
- (2) The functions of the Student Senate are—
 - (a) to advise and make recommendations to the Vice-Chancellor or a delegate of the Vice-Chancellor with respect to—
 - (i) student amenities and services;
 - (ii) University policies which affect student life;
 - (iii) the University's physical, cultural and technological learning environments;
 - (iv) ways in which the student experience might be enhanced and improved; and
 - (b) any other functions prescribed by the Regulations.

Division 5 — Meetings of a body of the University

28. Conduct of meetings

- (1) In this section *body of the University* means a board, committee, steering group, or other formal body constituted under the Act or University legislation, other than the Council.
- (2) Subject to the Act and University legislation, meetings of a body of the University must be conducted in accordance with the Regulations.

Part 6 — Student Admission, Conduct and Exclusion

Division 1 — Student admission

29. Admission to be a student

- (1) The University must conduct student admissions in accordance with University legislation and the policies and procedures of the University.
- (2) In establishing Regulations, policies and procedures in relation to admissions, the University must take into consideration the objectives of—
 - (a) ensuring transparency as a foundational element of a robust admissions framework;
 - (b) ensuring that there are no known limitations on a student’s learning experience, course progression and successful completion;
 - (c) setting in place arrangements for the early identification of students at risk; and
 - (d) ensuring that admissions policies and procedures take into account and accommodate the different admissions pathways for various identified groups.
- (3) Subject to sub-section (4), the University may, in its discretion, refuse to admit a person to be a student.
- (4) The University’s discretion to refuse to admit a person to be a student is subject to any agreement or arrangement with a government agency or other body empowered to administer the admission of persons to Victorian universities.
- (5) Upon enrolment, a student is bound by the University’s legislation, policies and procedures.

Division 2—Award programs

30. Award programs

The establishment or modification of an award program must be in accordance with the Regulations.

Division 3—Academic progress

31. Assessment

- (1) The components of assessment in a program or course must be determined in accordance with the Regulations.
-

- (2) The University must specify assessment requirements in the program or course description.
- (3) The University may decide that a student has failed a course if the student fails to—
 - (a) achieve the required standard;
 - (b) meet specified attendance requirements; or
 - (c) perform specified practical, laboratory, clinical, field placement or other work.
- (4) The University must, in accordance with the Regulations, provide a student with opportunity to be heard, before it decides that the student has failed a course as a result of failure to—
 - (a) meet specified attendance requirements; or
 - (b) perform specified work.

32. Review of grades

The Regulations may specify a procedure for the review of grades awarded to a student in a course.

33. Academic progress review

- (1) The University may, in accordance with the Regulations, review whether a student has maintained satisfactory academic progress.
- (2) The University may, in accordance with the Regulations, suspend or exclude a student who has failed to maintain satisfactory academic progress.

Division 4 —Student misconduct

34. Meaning of “student misconduct”

- (1) A person commits student misconduct if the person commits—
 - (a) student academic misconduct;
 - (b) student general misconduct.
 - (2) A person commits student academic misconduct if, while a student, the person engages in academic or research activities that are prescribed in the Regulations to be student academic misconduct;
 - (3) A person commits student general misconduct if, while a student, the person engages in conduct that is prescribed in the Regulations to be student general misconduct.
-

35. Student misconduct: principles and sanctions

- (1) In considering and assessing whether student misconduct has occurred, the University must adhere to the principles of natural justice.
- (2) A person who is found to have committed student misconduct is liable to the disciplinary sanction determined under the Regulations, which may include—
 - (a) a fine;
 - (b) suspension from the University for a period; or
 - (b) exclusion from the University.
- (3) The University may stay a sanction to enable consideration of an application or appeal referred to in sub-section (3).
- (4) The Regulations may provide that a person who has been suspended or excluded for student misconduct may—
 - (a) apply for review of the decision; and
 - (b) appeal from a decision made on review.
- (5) The Regulations may provide for imposition of an additional sanction (including suspension or exclusion) on a person where—
 - (a) a sanction (other than suspension or exclusion) has been determined for student misconduct; and
 - (b) the person has failed to comply with the sanction.

Division 5 — Suspension or exclusion on health or safety grounds

36. Grounds for the University to refuse, suspend or exclude

- (1) The University may refuse to enrol a person to be a student, or may suspend or exclude a student, if it appears that the person —
 - (a) is suffering from a health condition or disability which makes the person incapable of completing the requirements of a program or course;
 - (b) has a health condition or disability for which there is a demonstrable reason (based on the person's previous behaviour or other relevant circumstances) to believe that—
 - (i) the person may threaten, assault or harass another person or other persons;
 - (ii) the enrolment of the person, or the person's behaviour as an enrolled student, may cause emotional

- disturbance to another person, other persons or to himself or herself; or
- (iii) the person may disrupt the provision of University facilities, services or activities; or
- (c) is likely, in the reasonable opinion of the University (based on the person's previous behaviour or other circumstances), to—
 - (i) threaten, assault or harass another person or other persons;
 - (ii) cause emotional disturbance to another person or other persons;
 - (iii) disrupt the provision of University academic or other programs, services, facilities or activities; or
 - (iv) cause health or safety risks to the University or to students.
- (2) This section does not limit the meaning of section 29 (3) of this Statute.

Division 6 — Complaints, reviews and appeals

37. Complaint handling, review and appeal processes

- (1) The Regulations must provide for complaints handling, review and appeals processes.
- (2) In establishing complaints handling, review and appeals processes the University must have regard to the following principles—
 - (a) complainants' rights to natural justice must be protected through access to professional, timely, inexpensive and documented complaints handling and appeals processes;
 - (b) those processes must be capable of resolving grievances about any aspect of a complainant's experience with the University, its agents or related parties;
 - (c) all complaints, reviews and appeals must be documented and dealt with consistently, fairly and in a transparent manner.

Part 7 — Intellectual Property

38. Ownership of intellectual property

- (1) Except as provided in section 39, the University owns intellectual property which is created by—
 - (a) a staff member in the course of employment or on professional development leave (or its equivalent);
 - (b) a student, if the intellectual property has been created using the University's resources, facilities or services beyond that which is ordinarily provided to students in the same program or course;
 - (c) an academic visitor, if generation of the intellectual property arises from research design or scholarship, teaching, administration or other activity conducted by the University or using the University's resources, facilities or services; or
 - (d) a person who has participated at the request of the University in a research project where—
 - (i) generation of the intellectual property relies on pre-existing intellectual property owned by the University;
 - (ii) the intellectual property forms part of intellectual property generated by a team of staff members, students or other persons (or a combination of those); or
 - (iii) the intellectual property has been generated as a result of project-specific funding provided to the University by other persons.
 - (2) Without limiting the meaning of sub-section (1)—
 - (a) sub-section (1) applies in respect of intellectual property which arises from research, design or scholarship, teaching, administration and any other activity within the course of employment that takes place within the University or utilises University resources, facilities or services;
 - (b) the University owns copyright in commissioned material, course materials and any general materials created by a staff member in the course of his or her employment with the University;
 - (c) the University owns copyright in commissioned material, course materials generated by an academic visitor in the circumstances described in sub-section (1).
-

39. Transfer, licensing and sharing of benefits

The University may—

- (a) transfer or licence intellectual property;
- (b) in accordance with the regulations, share the proceeds from intellectual property with its creators; and
- (c) enter into agreements with third parties to determine the ownership and treatment of intellectual property and any benefits arising from it.

40. Securing and protecting intellectual property

- (1) A creator of University intellectual property—
 - (a) must, at the request of the University, execute any document (including a deed) and do anything else which is necessary to enable the University to exercise the rights of ownership of the intellectual property and to benefit from it;
 - (b) must not deal with the intellectual property in a way which is inconsistent with the University's ownership of it; and
 - (c) must comply with any prescribed requirements relating to the intellectual property.
- (2) Protection of University intellectual property and the exercise of any rights of ownership or exploitation of University intellectual property are at the discretion of the University.

Part 8 — Awards, Titles and Honorary Degrees

41. Conferring of awards

- (1) The Council may confer degrees and grant other awards.
- (2) If the Council confers a degree or grants an award, it may issue a testamur for the degree or award.

Note: See section 10 of the Act.

42. Posthumous award

The University may by specific resolution of the Council confer a degree or grant an award posthumously.

43. Testamur

- (1) A testamur issued by the University is the property of the person to whom it was awarded.
-

- (2) However, if the Council revokes a degree or other award for which a testamur was issued, the testamur becomes the property of the University.

44. Revocation of awards

- (1) The Council may revoke a degree or other award if, having complied with the prescribed procedure, it is satisfied that the degree or other award was obtained—
- (a) fraudulently, improperly or by material misrepresentation;
 - (b) as a result of transgression of ethical research practice; or
 - (c) as a result of administrative error.
- (2) In sub-section (1) *material misrepresentation* includes a representation relating to a person who subsequently receives the degree or other reward where—
- (a) the representation is untrue; and
 - (b) if the truth had been known—
 - (i) the person would not have been allowed to enter the program leading to the award; or
 - (ii) the award would not have been granted.
- (3) If a degree or other award has been revoked, the roll of graduates must be amended to record that fact.

45. University may confer titles on people associated with it

The University may, in accordance with the Regulations, confer a title on a person who is associated with the University in a substantial way, including a person who is not employed or appointed to a substantial or established recurrent position.

46. University may award honorary degrees

The Council may, in accordance with the Regulations, confer an honorary degree on a person who—

- (a) has achieved eminence in an academic field; or
- (b) has provided distinguished service to the University or to the community.

Part 9 — University Premises, Facilities, Services and Activities

47. Restricted access and use

A person must not, without the permission of the University or as otherwise authorised by law—

- (a) enter University premises;
- (b) use University facilities or services; or
- (c) participate in University activities.

48. Conditions imposed on use, access and engagement

- (1) A person—
 - (a) must comply with conditions imposed on the person's—
 - (i) presence on University premises;
 - (ii) use of University facilities or services; and
 - (iii) engagement in University activities; and
 - (b) if the relevant permission or authorisation is withdrawn, must (as the case may be)—
 - (i) leave the University premises;
 - (ii) not use University facilities or services; and
 - (iii) not engage in University activities.
- (2) If a person fails to comply with sub-section (1)(b), the University or an authorised officer may take reasonable steps to bring about the person's removal from University premises or take reasonable steps to ensure that the person cannot continue to use University facilities and services or engage in University activities.
- (3) In this section *authorised officer* means—
 - (a) an employee of the University;
 - (b) a person employed or engaged by a contractor of the University to provide security services.

Part 10 — Fees, charges and penalties

49. Fees, charges, conditions and other requirements

- (1) The University may impose or charge fees, charges, conditions or requirements on persons (including University staff and students) who—
-

- (a) are on University premises;
 - (b) use University facilities or services; or
 - (c) engage in University activities.
- (2) The fees, charges, conditions or requirements which may be imposed include—
- (a) prescribed fees, charges, conditions or requirements;
 - (b) fees, charges, conditions or requirements which may be imposed under the terms of a contract entered into by the University;
 - (c) fees and charges fixed in accordance with section 50 of this Statute.

50. Fixing of fees and charges

- (1) The Vice-Chancellor may fix fees and charges.
- (2) Fees may comprise any of the following types—
 - (a) specific fees;
 - (b) maximum or minimum fees (or both);
 - (c) scales of fees according to the value of goods or services provided;
 - (d) payment of fees either generally or under specified conditions or in specified circumstances;
 - (e) reduction, waiver or refund, in whole or in part, of fees, which may be expressed to apply—
 - (i) subject to specified conditions or in the discretion of any specified person or body; and
 - (ii) either generally or specifically in reference to matters, transactions, documents, events or persons.

51. Unpaid fees and charges

- (1) If a person fails to pay a fee or charge within 60 days after it becomes payable to the University—
 - (a) the person is, by force of this provision, fined by the amount of the fee or charge; and
 - (b) the fine may be recovered in accordance with section 61 of the Act.
 - (2) If a person pays a fee or charge referred to in sub-section (1), the payment operates to discharge the fine.
-

- (3) Sub-section (2) does not affect any liability to pay costs which are payable by the person in relation to recovery of the fine.

52. Withholding of results and exclusion

If a person has outstanding fees or penalties, the University may, in accordance with the Regulations—

- (a) withhold assessment results;
- (b) withhold testamurs or academic transcripts;
- (c) exclude the person from completing a program or graduating.

Part 11 — Regulations

53. Power to make regulations

- (1) The Council may make Regulations for or with respect to prescribing or providing for any subject matter in relation to which, in accordance with sections 28 and 29 of the Act or the provisions of this Statute, university regulations may be made.
- (2) The Vice-Chancellor may make Regulations for or with respect to prescribing or providing for any subject matter in relation to which, in accordance with sections 28 and 29 of the Act or the provisions of this Statute, University Regulations may be made.

54. Manner of making and promulgating regulations

- (1) The manner of making Regulations is as follows—
 - (a) in the case of Regulations made by the Council – by Council resolution and application of the common seal; and
 - (b) in the case of Regulations made by the Vice-Chancellor – by written decision of the Vice-Chancellor and application of the common seal.
 - (2) Regulations may be amended or revoked by—
 - (a) a statute;
 - (b) a provision of the same Regulations which comes into operation on a later date; or
 - (c) later Regulations made.
 - (3) The University must promulgate Regulations by publishing them on its website.
-

Part 12 — Miscellaneous

55. Evidentiary provisions

A certificate purporting to be issued by the University is evidence of its contents if it states—

- (a) that a person is, or on a specified date (or during a specified period) was, a student;
- (b) that a fee, charge or penalty is, or on a specified date was, payable by a person; or
- (c) any other fact, matter or circumstance extracted from University records.

56. Revocation of statutes

On the commencement of this Statute the following Statutes are revoked—

- (a) Statute 1.1 — Interpretation;
 - (b) Statute 1.2 — The Seal of the University;
 - (c) Statute 1.3 — Meetings;
 - (d) Statute 1.3 — The Schedule;
 - (e) Statute 1.4 — The University Year and Timetables;
 - (f) Statute 1.5 — Members of the University;
 - (g) Statute 2.1 — The Council;
 - (h) Statute 2.2 — Academic Board;
 - (i) Statute 2.3 — The Schools;
 - (j) Statute 2.4 — The Student Discipline Committee;
 - (k) Statute 2.9 — Student Senate;
 - (l) Statute 3.1 — The Chancellor;
 - (m) Statute 3.2 — Deputy Chancellor;
 - (n) Statute 3.3 — The Vice-Chancellor;
 - (o) Statute 3.4 — Deputy Vice-Chancellor;
 - (p) Statute 3.4 — Deputy Vice-Chancellor (Amendment No.1);
 - (q) Statute 3.5 — Pro Vice-Chancellors and Vice-Presidents;
 - (r) Statute 3.6 — The Professoriate and Visiting and Adjunct Staff;
 - (s) Statute 3.6 — The Schedule;
-

Federation University Australia Statute 2021

Part 12 — Miscellaneous

- (t) Statute 3.8 — Deans of Schools;
- (u) Statute 3.9 — Directors;
- (v) Statute 4.1 — Academic Dress;
- (w) Statute 5.1 — Academic Awards and Courses;
- (x) Statute 5.2 — Entry Quotas, Admissions and Enrolment;
- (y) Statute 5.3 — Assessment;
- (z) Statute 5.3 — The Schedule, Part I;
- (aa) Statute 5.3 — Assessment the Schedule, Part II;
- (ab) Statute 5.3 — Assessment the Schedule, Part III;
- (ac) Statute 5.4 — Exclusion for Reasons of Unfitness;
- (ad) Statute 5.5 — Unsatisfactory Progress;
- (ae) Statute 5.6 — Admission to and Granting of Academic Awards;
- (af) Statute 5.7 — Admission to Honorary Degrees;
- (ag) Statute 5.8 — Revocation of Awards;
- (ah) Statute 6.1 — Student Discipline;
- (ai) Statute 7.1 — Election Procedures;
- (aj) Statute 7.2 — Elections by Members of Boards;
- (ak) Statute 8.1 — Administration of Premises and Other Property;
- (al) Statute 8.2 — Intellectual Property;
- (am) Statute 8.3 — University Centres;
- (an) Statute 9.1 — Fees and Charges (Higher Education Division);
- (ao) Statute 9.2 — Fees and Charges (TAFE Division);
- (ap) Statute 10.1 — Ballarat Technology Park;
- (aq) Statute 10.2 — Commercial Activity.

57. Transitional provisions

The Regulations may include transitional provisions in relation to University offices and bodies.

Federation University Australia Statute 2021

Part 12 — Miscellaneous

LEGISLATIVE HISTORY

This Statute was made by the Council on 24 August 2021 and approved by the Minister on .