

LA TROBE UNIVERSITY

**EXPLANATORY MEMORANDUM FOR
THE INTERPRETATION STATUTE 2009**

Council is invited to make the attached **Interpretation Statute 2009** (“the new Statute”).

The new Statute is to replace Statute 1 – Interpretation, and is designed to provide an interpretive framework for the new suite of legislation currently before Council.

The main functions of the new Statute are—

- To define a number of words, expressions and phrases that are used throughout the new legislation (section 2 of the new Statute);
- To provide rules for the interpretation of regulations made under Statutes (section 3 of the new Statute);
- To provide for the effect of the amendment or revocation of a Statute or regulations (section 4 of the new Statute); and
- To set out rules regarding the service of notices under Statutes or regulations, including rules which clarify when service is deemed to have been made (section 5 of the new Statute).

Other rules relating to the interpretation of Statutes and regulations can be found in the *Interpretation of Legislation Act 1984* (Vic), which, among other things, applies to “subordinate instruments”, which includes Statutes and regulations made by Council.



LA TROBE UNIVERSITY

INTERPRETATION STATUTE 2009

The Council of La Trobe University makes this Statute under section 30 of the *La Trobe University Act 1964*.

1. Name and commencement

- (1) This Statute is the **Interpretation Statute 2009**.
- (2) This Statute comes into full force and effect on 1 July 2009.

2. Definitions

In any Statute or regulations, unless the contrary intention appears—

academic day means a day during a semester;

academic division has the same meaning as in the **Faculties Statute 2009**;

academic misconduct has the same meaning as in the **Academic Misconduct Statute 2009**;

Academic Misconduct Policy means the policy of that name approved by the Academic Board;

academic staff means the staff of the University whose terms of appointment describe them as such and who are engaged by the University in teaching or research, or teaching and research, positions;

Act means the **La Trobe University Act 1964**;

Albury Wodonga Campus means the campus designated as the Albury Wodonga Campus by the Council;

assessment has the same meaning as in the **Academic Misconduct Statute 2009**;

Bundoora Campus means the campus designated as the Bundoora Campus by the Council;

Bendigo Campus means the campus designated to be the Bendigo Campus by the Council;

business day means a day upon which the University is open for

business;

campus means a campus of the University;

College means a University College;

course means a course of study leading to the award of a degree, diploma or other award;

Dean means a Dean of a Faculty;

examination has the same meaning as in the **Academic Misconduct Statute 2009**;

Faculty has the same meaning as in the **Faculties Statute 2009**;

Faculty Board has the same meaning as in the **Faculties Statute 2009**;

formal examination means a supervised examination held in an examination centre under Part 3 of the **Degrees, Diplomas and Other Awards Statute 2009**;

general misconduct has the same meaning as in the **General Misconduct Statute 2009**;

general staff means the staff of the University whose terms of appointment describe them as such or who are engaged by the University as higher education officers or workers;

Handbook means the Course Handbook published each year by the University;

Higher Degrees Committee (Research) means the Higher Degrees Committee (Research) established under the **Degrees, Diplomas and Other Awards Statute 2009**;

metropolitan campus means a campus located in the greater Melbourne metropolitan area and includes the Bundoora campus;

official notice board means a notice board determined by the Council to be an official notice board of the University, and can include a notice board in electronic form;

prescribed means prescribed in regulations;

Principal Dates Calendar means the publication by that name issued by the Council annually;

regional campus means a campus located outside the greater

Melbourne metropolitan area;

Registrar means a Registrar of a Faculty;

semester means a teaching period in any year specified by the Academic Board as a semester;

senior member of the academic staff means a member of the academic staff of the University who is employed by the University at the prescribed level or higher;

senior member of the general staff means a member of the general staff of the University who is employed by the University at the prescribed level or higher;

student means an enrolled student;

subject means a component of a course for which a total examination grade is awarded and which may consist of several units of work value which are individually examined;

University Appeals Committee means the University Appeals Committee established under the **University Appeals Committee Statute 2009**.

3. Construction of regulations

In any regulations made under a Statute, expressions used in the regulations shall, subject to the Act and unless the contrary intention appears, have the same respective meanings as they have in the Statute as amended and in force from time to time.

4. Effect of revocation or amendment

- (1) Unless the contrary intention appears, the revocation or amendment of a Statute or regulation does not affect—
 - (a) any right, privilege or liability acquired, accrued or incurred under the revoked or amended Statute or regulation; or
 - (b) any penalty incurred in respect of a contravention of the revoked or amended Statute or regulation; or
 - (c) any investigation, inquiry, legal proceedings or remedy in respect of any right, privilege, obligation, liability or penalty.
- (2) An investigation, inquiry, legal proceeding or remedy referred to in sub-section (1) may be instituted, continued or enforced, and a penalty referred to in that sub-section may be imposed, as if the revocation or amendment of the relevant Statute or regulation had not taken place.

5. Service of written notices

- (1) Where a Statute or regulation authorises or requires a written notice to be served on a person by the University (whether the expression “serve” or the expression “give”, “send” or “deliver” or any other expression is used), the written notice may be served on the person by post or e-mail.
- (2) Where written notice is served on a person by post, the service shall be deemed—
 - (a) to be effected by properly addressing, prepaying and posting the notice as a letter to the person at the last mailing address notified by the person; and
 - (b) to have been effected at the time at which the letter was posted in accordance with paragraph (a).
- (3) Where written notice is served on a person by e-mail, the service shall be deemed—
 - (a) to be effected by sending the e-mail to the person’s University e-mail account; and
 - (b) to have been effected at the time at which the e-mail was sent in accordance with paragraph (a).

6. Regulations

- (1) The Council may make regulations—
 - (a) for or with respect to or providing for any other matter or thing required to be regulated for the purposes of this Statute; and
 - (b) amending or revoking any regulations made under this Statute.
- (2) The Council must ensure that regulations made under this Statute are promulgated by having the regulations displayed on an official notice board of the University for a period of at least 14 days.
- (3) For the purposes of determining when regulations made under this Statute come into full force and effect within the meaning of section 30(4) of the Act, the regulations are taken to have been promulgated in accordance with sub-section (2) at the start of the first day on which they are displayed on an official notice board of the University.

7. Revocation of earlier University legislation

Statute 1 – Interpretation is **revoked**.

Approved by the Council—

Approved by the Minister—