

LA TROBE UNIVERSITY

**EXPLANATORY MEMORANDUM FOR THE UNIVERSITY OFFICERS
STATUTE 2009**

1. Council is invited to make the Statute entitled **University Officers Statute 2009** (“the new Statute”). It is anticipated that a new regulation entitled **University Officers Regulations 2009** (“the new Regulations”) will also be made in due course to complement the new Statute. An explanatory memorandum for the new Regulations will be presented at that time.
2. The new Statute and Regulations are intended to replace Statute 12 – The Offices and Officers of the University and the regulations made under that Statute, namely Regulation 12.1 – Election of Chancellor and Deputy Chancellor, Regulation 12.2 – The Vice-Chancellor, Regulation 12.4 – The Deans of the Faculties and Regulation 12.6 – The University Librarian.
3. The new Statute differs from Statute 12 in many ways. The most important of these differences, along with the reasons for them, are as follows—
 - i. The new Statute does not include equivalents of sections 1(1) and (3) of Statute 12, as those provisions serve no legally significant purpose.
 - ii. The new Statute deals with the Chancellor and Deputy Chancellor separately, and so much of what is contained in section 2 of Statute 12 is now dealt with in sections 2 and 3 of the new Statute.
 - iii. Section 2(5)(b) of Statute 12 is legally unnecessary, as section 17(3) of the Act already deals with the powers of the Deputy Chancellor in the vacancy or absence of the Chancellor. As such, there is no equivalent of section 2(5)(b) in the new Statute.
 - iv. Section 3(2) of Statute 12 is not legally necessary, and there is no equivalent of it in the new Statute.
 - v. Section 3(4) of Statute 12 sets out what amounts to a condition of the employment of the Vice-Chancellor. Section 21(2) of the Act provides that the conditions under which the Vice-Chancellor is to hold office are to be determined by Council. As such, the Statutes and regulations cannot purport to deal with these matters, and there is no equivalent of section 3(4) in the new Statute. The period and conditions of employment of the Vice-Chancellor should be addressed by the Council and made the subject of a formal resolution.

- vi. Sections 3(6), (7) and (8) of Statute 12 deal with the issue of an Acting Vice-Chancellor. These provisions have been left out of the new Statute as the issue of an Acting Vice-Chancellor is dealt with in section 21A of the Act. Section 21A of the Act provides that only Council can appoint a person to be Acting Vice-Chancellor. It does allow for standing appointments to be made that only take effect once the Vice-Chancellor is absent or his or her office becomes vacant, and it also allows for alternative Acting Vice-Chancellors to take up the position should the first appointed Acting Vice-Chancellor also be absent at the same time as the Vice-Chancellor.
- vii. Section 7 (the Chair of the Academic Board and Pro Vice-Chancellors with specific delegations), section 8 (Deans and Deputy Deans) and section 9 (University Librarian) of Statute 12 have no equivalents in the new Statute. These positions can all be dealt with through the University's ordinary employment arrangements. In addition to this, Statute 7 and its intended replacement (the proposed Academic Board Statute and associated regulations) also make provision regarding the election and powers of the Chair of the Academic Board, making some parts of section 7 redundant anyway.



LA TROBE UNIVERSITY
UNIVERSITY OFFICERS 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 **University Officers Statute 2009**.
- (2) This Statute comes into full force and effect on 1 July 2009.

2. The Chancellor

- (1) The Chancellor is to be elected in accordance with this section and the regulations for a term of 3 years, and is eligible for re-election.

Note:

See also section 16 of the Act regarding the election or appointment of the Chancellor.

- (2) The Vice-Chancellor is not entitled to vote in an election of the Chancellor.
- (3) The Chancellor is a member *ex officio* of each Faculty, and of each board or committee established under the Act or by resolution of the Council.

Note:

Section 7(1)(a) of the Act provides that the Chancellor is a member of the Council.

- (4) The Chancellor may preside at any meeting of a Faculty or board or committee of a kind referred to in sub-section (3) and, if the Chancellor presides at such a meeting, he or she has, in relation to that meeting, the rights and powers of the person who would otherwise preside at the meeting.

Note:

Section 17(3) of the Act provides that the Deputy-Chancellor has all the powers and duties of the Chancellor when the Chancellor is absent, there is a vacancy in the office of Chancellor or if the Chancellor is unable to act.

3. The Deputy Chancellor

- (1) The Deputy Chancellor is to be elected in accordance with this section and the regulations for a term of 2 years, and is eligible for re-election.

Note:

See also section 17 of the Act regarding the election of the Deputy Chancellor.

- (2) The Vice-Chancellor is not entitled to vote in an election of the Deputy Chancellor.

4. Responsibilities and rights of the Vice-Chancellor

- (1) The Vice-Chancellor is responsible to the Council for the overall management of the academic, administrative and other affairs of the University and for maintaining and promoting the efficiency and good order of the University in accordance with the Act, the Statutes and regulations and resolutions of the Council.

Note:

Sections 21(1) and (2) of the Act provide that the Council is to appoint the Vice-Chancellor for the period and on the conditions determined by Council.

Section 21A of the Act also provides for the appointment by Council of an Acting Vice-Chancellor when the Vice-Chancellor is absent, there is a vacancy in the office of Vice-Chancellor or if the Vice-Chancellor is unable to act.

- (2) The Vice-Chancellor is a member *ex officio* of each Faculty, and of each board or committee established under the Act or by resolution of the Council.

Note:

Section 7(1)(b) of the Act provides that the Vice-Chancellor is a member of the Council.

- (3) Subject to the rights of the Chancellor under section 2(3), the Vice-Chancellor may preside at any meeting of a Faculty or board or committee of a kind referred to in sub-section (2) and, if the Vice-Chancellor presides at such a meeting, he or she has, in relation to that meeting, the rights and powers of the person who would otherwise preside at the meeting.
- (4) The Council may in its discretion confer the title of Professor on the Vice-Chancellor.

5. Deputy Vice-Chancellors

- (1) The Council may appoint Deputy Vice-Chancellors with or without descriptive titles and special designations for the periods and on the terms and conditions determined by Council on the advice of the Vice-Chancellor.
- (2) A Deputy Vice-Chancellor has the powers, duties and functions conferred on the Deputy Vice-Chancellor under a Statute or regulations or by the Council.
- (3) A Deputy Vice-Chancellor may appoint a delegate to represent him or her on any board or committee of the University of which he or she is a member.

- (4) If a Deputy Vice-Chancellor is absent from the University for any reason, the Vice-Chancellor may appoint a person to act as a Deputy Vice-Chancellor during the period of that absence.
- (5) A person appointed as an Acting Deputy Vice-Chancellor has, during the period of the appointment, the same descriptive title and special designation (if any) and the same powers, duties and functions as the absent Deputy Vice-Chancellor.

6. Delegation

- (1) An officer of the University referred to in this Statute may, by written instrument, delegate any of his or her powers (other than this power of delegation), duties or functions under this or any other Statute or any regulations to any person or body of persons.
- (2) A delegation by an officer under this section of a power, duty or function is revocable and does not prevent the exercise of the power, duty or function by the officer.

7. Regulations

- (1) The Council may make regulations—
 - (a) for or with respect to or providing for any matter or thing 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.

8. Transitional

- (1) Despite the coming into full force and effect of this Statute, an Officer of the University who was appointed under the Old Statute and, immediately before the commencement day, was still in office, continues in office for the remainder of his or her term of appointment (subject to any prior resignation or termination for any reason) and under the same terms and conditions of that appointment.

(2) In subsection (1)—

commencement day means the day this Statute comes into full force and effect;

Officer of the University means a proceeding before an Academic Progress Committee or the Academic Progress Review Committee;

Old Statute means Statute 12 – The Offices and Officers of the University, and any regulations made under that Statute, as in force immediately before the commencement day.

9. Revocation of earlier University legislation

The following Statute and regulations are **revoked**—

- (a) Statute 12 – The Offices and Officers of the University;
- (b) Regulation 12.1 – Election of Chancellor and Deputy Chancellor;
- (c) Regulation 12.2 – The Vice-Chancellor;
- (d) Regulation 12.4 – The Deans of the Faculties;
- (e) Regulation 12.6 – The University Librarian.

=====

Approved by the Council—

Approved by the Minister—