Introduction

This handbook has been prepared by the Governance, Policy and Planning Unit for members of the La Trobe University Council, it contains important information about the University, its governance and management.

A hard copy of the handbook will be given to each member of Council. However it can be accessed via the link below and will be regularly updated:

[latrobe.edu.au/about/management/governance](latrobe.edu.au/about/management/governance)

**1.1 About the University**

La Trobe University has developed a proud reputation over the four decades since its establishment in 1964; a reputation built on the 135 year history of our antecedent organisations. The Act of Parliament which established La Trobe University set out very clear objectives for the University:

(a) To serve the community and in particular the citizens of Victoria:

(i) by making knowledge available for the benefit of all; and

(ii) by providing an institution in which all enrolled students will have the opportunity of fitting themselves for life as well as becoming learned in a particular branch or branches of learning; and

(iii) to promote critical enquiry within the university and in the general community; and

(iv) to aid by research and other means the advancement of knowledge and the pursuit of the benefits of its practical application.

(b) In particular –

(i) to provide facilities for study and education and to give instruction and training in such branches of learning as may from time to time be prescribed by the Statutes;

(ii) to foster by teaching study and research the advancement of learning and the dissemination of knowledge;

(iii) to foster the general welfare and development of all enrolled students; and

(iv) to confer or grant after examination the several degrees of Bachelor, Master and Doctor and such other degrees, diplomas and other awards as are prescribed;

(c) to provide such facilities for the aforesaid objects as the Council deems necessary or conducive for their attainment.
From its inception La Trobe University has had a distinct mission: to serve the community though the relevance and inclusiveness of its research and teaching, and through the production of graduates who are rounded citizens as well as trained professionals.

The objectives enshrined in the La Trobe University Act are as relevant to the University now as they were in 1964. In fact the circumstances of today, which see governments, employers, communities and students all expecting universities to be actively engaged in socially and environmentally responsible and economically and culturally relevant activities, make these founding objectives even more apposite for the early 21st century than they were for the 1960s.

Yet the environment in which La Trobe University now operates is very different from that of the mid-1960s. The higher education sector is intensely competitive; universities in Australia and overseas are constantly attempting to increase their claim on a limited pool of financial resources, high calibre students and well-qualified staff. Students now bear a large part of the cost of their education, and rightly have high expectations of the educational experience that universities provide.

Employers seek graduates with a stronger set of work-related attributes. Academic staff are expected to teach more students in larger classes, and universities must embrace much more onerous compliance requirements relating to quality, ethics and governance.

The University has the following defining attributes:

- A broad academic profile encompassing professional, vocational, clinical and traditional programs of education, study and research.
- The pursuit of pure and applied research.
- Student-focused learning programs.
- International exchange and co-operation.
- The provision of university programs in regional Victoria.
- Effective links with industry, the professions and many communities of interest and of place.

1.2 About Council

The La Trobe University Council is the governing authority of the University and is chaired by the Chancellor. The Vice-Chancellor is appointed by Council to be the chief executive officer of the University.

For detailed information regarding the Council's composition, powers and responsibilities, election regulations and terms and conditions of office of members, refer to the La Trobe University Act 1964.

The Council's central role is to identify the distinctive character of the institution, to plan strategically, and to ensure that the University responds to the wider social context in which it operates.
Governance

The Statutes and Regulations provide the regulatory framework within which the operations of the University are carried out. The Code of Conduct guides all members of the University, including Council members, as to the standards required of them.

2.1 Organisation and Governance Overview
The following documents (attached as appendices) give an overview of organisational and governance matters at La Trobe University.
- Organisational Framework for Council
- La Trobe University Act 1964
- National Governance Protocols
- Council stature 2009
- Interpretation of Legislation document
- University Officers Statute

2.2 Liability and Indemnity
Under section 25AA of the Act the University must indemnify Council members against all actions or claims in respect of any act or thing done or omitted to be done in good faith in the exercise or purported exercise of any powers or duty conferred or imposed on the Council.

2.3 Conflict of Interest
Under subsection 19(2) of the Act a member of the Council must not make improper use of any information acquired in the course of his or her duties to obtain directly or indirectly any pecuniary or other advantage for himself or herself or any other person.

Under section 19A of the Act a member of the Council who has a pecuniary interest in a matter being considered or about to be considered by the Council must, as soon as practicable, after the relevant facts have come to his or her knowledge, declare the nature of the interest at a meeting of the Council or in writing addressed to the Chancellor. If the Chancellor receives a written declaration, the Chancellor must report it or cause it to be reported, at the next meeting of the Council. The person presiding at the Council meeting at which a declaration is made or reported must cause a record of the declaration to be made in the minutes of the meeting. After a declaration in respect of a pecuniary interest is made by a member of the Council:

(a) unless the Council otherwise directs, the member must not be present during any deliberation with respect to that matter; and

(b) the member is not entitled to vote on the matter; and

(c) if the member does vote on the matter, the vote must be disallowed.

All Council members are asked to fill in a Declaration of private interests and probity form (see Appendices).
3.1 Council Responsibilities, Powers and Obligations

Section 6 of the Act provides that Council is the governing body of the University.

Section 21(3) of the Act and the University Officers Statute 2007 make it clear that subject to the statutes and regulations of the University and to the resolutions of Council, the Vice-Chancellor shall be responsible to Council for the academic and administrative affairs of the University and for maintaining and promoting the efficiency and good order of the University.

Section 6 of the Act provides that Council shall have the entire direction and superintendence of the University.

Certain provisions of the Act and the University's statutes and regulations require particular decisions to be made by Council.

The primary responsibilities of the Council include:

(a) appointing and monitoring the performance of the Vice Chancellor as chief executive officer of the University;

(b) approving the mission and strategic direction of the University and its annual budget and business plan;

(c) overseeing and reviewing the management of the University and its performance;

(d) establishing policy and procedural principles for the operation of the University consistent with legal requirements and community expectations;

(e) approving and monitoring systems of control and accountability of the University, including those required to maintain a general overview of any entity controlled by the University in accordance with section 50AA of the Corporations Act;

(f) overseeing and monitoring the assessment and management of risk across the University, including commercial undertakings;

(g) overseeing and monitoring the academic activities of the University;

(h) approving any significant commercial activities of the University.

3.2 Functions of Council

At its meeting on 1 August 2007, the Council of La Trobe University formally adopted the following as its underlying principles:

(a) to be a Council of governance overseeing the operations of the University and its associated businesses;

(b) to focus on strategic investments and objectives for which fully informed business cases are required;
3.3 Responsibilities of Council members

Under section 7 of the Act a member of Council may be elected by the staff or students of the University or appointed by the Governor-in-Council, the Minister or the Council. However, once elected, the member must act in the interests of the University not the person or constituency which appointed or elected the member. Under sub-section 19(1) of the Act a member of the Council is responsible to the Council for furthering the purposes of the Council and the objects of the University rather than any constituent person or body who elected or appointed the member. It follows that:

(a) Council members must at all time act in the interest of the University;

(b) Council members must respect the confidential nature of Council affairs and not disclose confidential information to any other person;

(c) Council members must not make improper use of information or their position;

(d) Once elected or nominated a person assumes office as a member of Council and becomes subject to the overriding and predominant duty to serve the interest or interests of Council in preference, on every occasion upon which any conflict might arise, to serving the interests of the group which appointed the member;

(e) A member will be derelict of his or her duty if the member uses his or her membership as a means to promote the particular interests of the group which chose the member.
3.4 Vacating Office

Section 14 of the Act provides that if any Council member resigns, becomes of unsound mind, bankrupt or is convicted of any indictable offence or without special leave granted by Council absents himself/herself from four consecutive meetings of Council or ceases to hold any qualification required for his/her becoming or being a Council member or is removed or dies, his/her office shall become vacant.

3.5 Code of Conduct

Once elected or appointed to the Council, a member must act in the interests of the University, not in a personal capacity or as a representative of the person or constituency responsible for election or appointment of the member. Accordingly, Council members in their capacity as such must:

- always act in the best interests of the University;
- respect the confidential nature of the business of Council;
- not make improper use of information or their positions;
- serve the interests of Council before the interests of others; and
- not promote the interests of others before those of the University.

A member of Council who does not abide by the above may be removed from membership at the discretion of Council.

3.6 Responsibilities of the University in relation to Council

The University is responsible for:

- providing Council members with complete and accurate information in respect of all matters to be considered by the Council and in respect of the Council’s prescribed functions, with sufficient time to allow proper consideration;
- providing legal and financial advice as necessary to enable Council members to undertake their fiduciary duties;
- provide Council members with access to records of and material considered by Council;
- provide administrative assistance to Council and its members as may be required;
- assisting Council to meet its responsibilities as set out under the Act and relevant legislation; and
- maintaining adequate levels of insurance cover to indemnify Council members as required under the Act.

3.7 Role of the Chancellor

The Chancellor provides leadership and guidance to the Council and is responsible for ensuring that the Council fulfills its obligations.

The Chancellor has the responsibility to:

- chair Council meetings;
- facilitate open and professional
deliberations in which all Council members may contribute to a thorough analysis of relevant issues;

- guide and mediate the Council actions with respect to organisational priorities and governance concerns;
- conduct timely Council meetings and regular self-assessments to ensure process improvement;
- assist Council members in their role, to fulfill their responsibilities and promote the ongoing effectiveness of the Council;
- develop the agenda and timetable for Council meetings in conjunction with the Vice-Chancellor;
- ensure there is a proper flow of information to the Council in terms of adequacy and timing of supplementary materials;
- act as the conduit between members of Council and the Vice-Chancellor;
- maintain a dialogue with and mentor the Vice-Chancellor;
- assist the Council to develop good relationships with stakeholders of the University; and
- represent the Council to external bodies and the community as an official spokesperson for the University.

3.8 Role of the Vice-Chancellor

The Vice-Chancellor is appointed by the Council and is responsible and accountable to the Council for:

- the development and implementation of strategy, management and performance of the University;
- the management of the University in accordance with the strategic plan, business plans and policies of the Council to achieve the specified performance objectives;
- expenditure, operational activities and administration of the University in accordance with the requirements of current legislation; and
- advising and informing Council of any material issues concerning strategy, finance, reporting obligations, and any other major issues as they arise.

3.9 Role of the Director – Governance, Policy and Planning

The Director – Governance, Policy and Planning will:

- provide independent and impartial advice to the Council and its Committees, the Chancellor and the Council members on their responsibilities under the law, rules and regulations to which they are subject;
- provide advice to Council members on matters relating to governance and proper procedure, including the conduct of meetings;
keep minutes of Council meetings and prepare agendas and papers in consultation with the Chancellor and Vice-Chancellor;

monitor completion of actions arising from meetings; and

induct new Council members and organise access to training and professional development opportunities for all Council members as may be required.

3.10 Council meetings

The Council normally meets at monthly intervals. Most meetings are held at the Bundoora campus. However, as a matter of principle, the Council holds at least one meeting a year at a regional campus of the University. These meetings commence at 5.30pm unless otherwise specified.

The Chancellor may convene special meetings of Council for the consideration of urgent business and Council members will be given advance notice of such meetings by the Director – Governance, Policy and Planning.

3.11 Review of Council performance

The performance of Council and its members is to be reviewed annually. Each review must include:-

- a review of the attendance of each Council member;
- a survey of each member as to his or her perception of the performance of Council, the Chancellor and any aspects of the duties and functions of Council members;
- a survey of Council members views on what upgrading of knowledge and skills should be undertaken.
- at the first meeting of Council each year, the Chancellor will propose to Council the mechanism and the timeframe for the review of Council performance to be conducted during the year.

3.12 Council delegations

Clause 24 of the La Trobe University Act provides as follows:

Committees and delegation of powers

(1) The Council may by resolution constitute and appoint such committees as it thinks fit and may by resolution delegate all or any of its powers authorities duties and functions (other than this power of delegation and the power to make Statutes) to any such committee or to
any member of the Council or to any officer of the University.

(2) Every delegation under this section shall be revocable by resolution of the Council and no such delegation shall prevent the exercise or discharge by the Council of any of its powers, authorities, duties or functions.

(3) Every committee appointed by the Council pursuant to sub-section (1) of this section shall report to the Council on its activities at such times and in such manner as the Council directs.

3.13 Composition of Council
Composition (See Section 7 of the Act)
A The Chancellor – ex officio
B The Vice-Chancellor – ex officio
C Chair of Academic Board – ex officio
D Three persons elected by staff
E Two students elected by students
F Six persons appointed by Governor-in-Council
G Ministerial appointee
H Six members appointed by Council
## Council operation

### 3.14 Current membership

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<tr>
<th>Category</th>
<th>Member</th>
<th>Appointment ends</th>
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<tr>
<td>Ex officio</td>
<td>Chancellor – Mrs Sylvia Walton, AO</td>
<td>22.04.2011</td>
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<td>Vice-Chancellor – Professor Paul Johnson</td>
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<td>Chair, Academic Board – Professor Malcolm Rimmer</td>
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<td>Ex officio</td>
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<td>Elected</td>
<td>Professorial staff member – Professor Leann Tilley</td>
<td>31.12.2011</td>
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<td>Non-professorial staff member – Mrs Ann Kuypers</td>
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<td>General staff member – Mr Michael Torney</td>
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<td>Postgraduate student – Ms Aysha Asad</td>
<td>31.12.2010</td>
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<td>Undergraduate student – Mr Lachlan Batchelor</td>
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<td>Governor-in-Council</td>
<td>Ms Jennifer Williams</td>
<td>31.12.2010</td>
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<td>Mr Richard Guy, OAM</td>
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<td>Mr Tony De Domenico</td>
<td>31.12.2011</td>
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<td>Mr Graeme McMahon</td>
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<td>Ms Jamila Gordon</td>
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<td>Mr Bill Kelty</td>
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<tr>
<td>Ministerial</td>
<td>Vacant (to be advised)</td>
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### In attendance

- Ms Marian Obenchain,
  Director – Governance, Policy and Planning
### 3.15 Committees of Council

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<thead>
<tr>
<th>Member</th>
<th>Committee membership</th>
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<tr>
<td>Mrs Sylvia J Walton, AO – Chancellor</td>
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<td>Council Nominations Committee</td>
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<td>Remuneration Committee</td>
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<td>Council Agenda Committee</td>
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<td>Professor Paul Johnson, Vice-Chancellor</td>
<td>Council Nominations Committee</td>
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<td>Professor Leann Tilley</td>
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<td>Ms Netta Griffin</td>
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<td>Finance and Resources Committee</td>
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<tr>
<td>Mr Richard Guy, AOM</td>
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<tr>
<td>Emeritus Professor John McKenzie</td>
<td>Executive OHS Committee</td>
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<td>Finance and Resources Committee</td>
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<td>Mr Graeme McMahon</td>
<td>Corporate Governance and Audit Committee</td>
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<tr>
<td>Professor Malcolm Rimmer</td>
<td>Honorary Awards Committee</td>
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<td>Mr Michael Torney</td>
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<td>Dr Gaye Sculthorpe</td>
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<td>Ms Jennifer Williams</td>
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<td>Council Nominations Committee</td>
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</table>
3.16 Standing Committees of Council

The following are Standing Committees of Council:

- Corporate Governance and Audit Committee
- Council Nominations Committee
- Remuneration Committee
- Finance and Resources Committee
- Proctorial Board
- Executive Occupational Health and Safety Committee
- Council Agenda Committee

3.17 Controlled entities

LTU subsidiaries and companies in which LTU has a major interest as at 27 July 2009

Subsidiaries

1. La Trobe Innovation Pty Ltd (wholly owned by LTU)
   - ACN 121 635 872
   - ABN 95 121 635 872
2. Medical Centre Development Pty Ltd (wholly owned by LTU)
   - ACN 081 524 781
   - ABN 29 081 524 781
3. La Trobe International Pty Ltd (wholly owned by LTU)
   - ACN 007 193 786
   - ABN 82 007 193 786

Companies in which LTU has major interest

4. Biosciences Research Centre Pty Ltd (LTU owns 25% of the Shares and the State of Victoria 75% of the shares)
   - ACN 131 438 527
5. MDFRC Pty Ltd (LTU owns 33% of the Shares, CSIRO owns 33% of the Shares and the Murray Darling Basin Commission owns 33% of the Shares)
   - ACN 120 148 245
### 4.1 Meeting schedule

The following is the Principal Dates Calendar for 2010.

**Principal Dates Calendar 2010**

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<th>Major Committees</th>
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# Council administration

## Major Committees

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<td><strong>Public holidays – University Open</strong></td>
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<td>Labour Day L; Cup Day C (The University closes for two days between Christmas and New Year in lieu of these two days)</td>
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*Denotes Reserved Dates*
4.2 Remuneration of Members

To be eligible to receive remuneration, a member of Council must be an elected or appointed member of Council, other than:

- a member who holds a full-time office on the staff of La Trobe University
- a full-time officer under the Crown in any of its capacities
- a full-time officeholder in a statutory authority.

Levels of remuneration are:
- Chancellor $45,000 pa
- Committee Chairperson $11,250 pa
- Member of Council $9,000 pa

Payments will be made through the University payroll system and cannot be made to private companies, as service on Council is deemed to be for personal services of individual members.

Out-of-pocket expenses would include:

- Mileage claims for use of private vehicle travelling from normal place of business or home to appropriate campus and return. The reimbursement rate per kilometre to be the University rate, i.e. 58¢ per kilometre.
- Taxi fares for travel from normal place of business or home, within the Melbourne metropolitan area to Bundoora campus and return.
- Accommodation and associated meals incurred when a member of Council is reasonably unable to return to their home after a Council meeting or after attending as a Council representative on any Standing Committee of Council.
- Child care fees reasonably incurred when it is necessary for a Council member to have their child or children cared for during attendance at Council meetings or as a Council representative on any Standing Committee of Council.
- Such other incidental expenses as approved by the Finance Committee from time to time.

All claims for reimbursement are to be submitted in writing to Director – Governance, Policy and Planning, and must include appropriate documentary evidence sufficient to support the claim.

Human Resources Manual – Section 12.7
La Trobe University is committed to the effective induction and professional development of Council members. The Governance, Planning and Policy Unit co-ordinates programs to support members of Council to fulfil their duties and responsibilities.

Council induction for new members, includes the following elements:-

1. An Induction Information Session, made up of the following:
   - outline of the University’s composition and processes
   - outline of key issues for the University and the Australian higher education sector in general
   - analysis of the University’s financial statements and sources of funding
   - explanation of the roles of governance and management at the University
   - explanation of the roles and operations of Council and its standing committees
   - outline of the duties and responsibilities of Council members

2. An Induction kit, made up of the following:
   - University organisational chart
   - University documentation including strategic and operational plans
   - Annual Report
   - Maps and statistics
   - Council Handbook

3. One on one meetings with the Chancellor and Vice-Chancellor before attending first meeting of the Council.

4. Briefings from Senior staff on important issues, eg:
   - University Budget – the Chief Financial Officer
   - Research issues – DVC (Research)/Senior Research leaders

5. Optional mentoring scheme with an experienced member of the Council, providing a point of contact, and information about meeting protocol and documentation

6. A formal welcome at the first Council meeting.

7. A tour of the Bundoora campus at the beginning of the year for any member who wishes to take part.

8. An open invitation throughout the term of office, to contact the Chancellor, Vice-Chancellor and Director – Governance, Policy and Planning, to discuss any concerns or issues.

9. Invitation from the Chancellor, soon after commencing office, to specify additional induction requirements.

10. Ongoing personal development opportunities offered throughout term of office.
5.2 Professional Development for Council Members

Professional development opportunities for members of the La Trobe University Council include the following:

- Information/education sessions held at least twice a year, including interpretation of the University budget and Council member’s legal obligations.
- Reports from the Vice-Chancellor and other members of the Senior Executive on developments in higher education, governance issues and current government initiatives.
- Annual planning conference held over a weekend in February of each year.
- Campus tours provided for Council members on request.
- Distribution of relevant resources, as appropriate.
- Opportunities to attend externally facilitated professional development sessions and conferences throughout term of office.
Appendices (see separate bound document)

1. La Trobe University Act 1964
2. National Governance Protocols
3a. Council Statute 2009
3b. University Officers Statute 2009
4. Interpretation of Legislation (University Legal Services)
5. Declaration of Private Interest and Probity Form
7. Strategic Plan 2008-2012
8. Operational Plan
La Trobe campuses

- Melbourne (Bundoora)
- Bendigo
- Albury-Wodonga
- Mildura
- Shepparton
- Beechworth
- Melbourne (City)