

STATUTE 1 – GENERAL PROVISIONS

- 1.1 Interpretation
- 1.2 Meetings
- 1.3 Conduct of meetings using communications media
- 1.4 Circulatory resolutions

1.1.1 In any Statute unless a contrary intention appears:

"Academic Board" means the Academic Board constituted pursuant to Clause 25 of the Constitution by Statute 2.5.

"Academic Staff" means continuing and fixed term full-time and part-time members of the academic staff of the University.

"Constitution" means the Constitution of Australian Catholic University Limited.

"Course" means a course of study for a Degree, Diploma or other Award and includes practicums.

"Current Awards" mean the Degrees, Diplomas and other Awards which are offered by the University as at the date of the first promulgation of these Statutes and which are listed in the Appendix.

"Executive Dean" in relation to a Faculty, means the person appointed executive dean of that Faculty pursuant to Clause 26.2 of the Constitution.

"Degrees, Diplomas and other Awards" means, each without limitation, the degrees, diplomas and other awards offered by the University.

"Electoral Officer" has the meaning given such expression in Statute 8.2.1.

"Faculty" means a Faculty of the University constituted pursuant to Statute 2.6.

"Faculty Board" means a Faculty Board established by a Faculty pursuant to Section 2.6.6 of Statute 2.6.

"Handbook" means a Handbook published by the University in any medium in respect of each Faculty in which the University conducts activities.

"Honorary Awards Committee" means a Committee constituted under that name by resolution of the Senate.

"Member" means a member of Australian Catholic University Limited pursuant to Clause 7 of the Constitution.

"National Head of School" means the person appointed as head of a national school pursuant to Statute 2.8.

"National School" means a national school of the University constituted pursuant to Statute 2.8.

"Professors" means the Professors of the University from time to time.

"Secretary" means the person from time to time appointed as secretary of Australian Catholic University Limited pursuant to Clause 18 of the Constitution.

"Statute" means a statute of the University made pursuant to Clause 24 of the Constitution and Section 5 of the Australian Catholic University (Victoria) Act 1991.

"Student" means a person whose application to enrol in a course of study or unit of the University has been accepted by the University and whose enrolment has not been withdrawn; and **"enrolled student"** has a corresponding meaning.

1.1.2 In any Statute, unless the contrary intention appears:

- (a) words or expressions defined in Clause 32 of the Constitution shall have the same meaning when used in a Statute;
- (b) words importing the masculine gender shall include females, and words importing the feminine gender shall include males; and
- (c) words in the singular shall include the plural, and words in the plural shall include the singular.

1.1.3 (a) The headings of and within the Statutes shall be deemed to be part of the Statute.

(b) Every schedule to a Statute shall be deemed to be part of the Statute.

(c) No footnote to any Statute shall be deemed to be part of any Statute.

1.1.4 Where in any Statute reference is made to any other Statute and that other Statute is subsequently amended, then, unless the contrary intention appears, the reference shall, from the date of the amendment, be deemed to be that Statute as so amended.

1.1.5 Where any Statute is repealed in whole or in part, then, unless the contrary intention appears, the repeal shall not:

(a) revive anything not in force or existing at the time at which the repeal takes effect; or

(b) affect the previous operation of any Statute so repealed, or anything duly done or suffered under any Statute.

1.1.6 Where in any Statute any person holding an office is referred to in general terms, that reference shall, unless the contrary intention appears, be a reference to all persons who at any time hold that office for the time being.

- 1.1.7 Where a Statute confers a power or imposes a duty, then, unless the contrary intention appears, the power may be exercised and the duty shall be performed from time to time as occasion requires.
- 1.1.8 Where a Statute confers a power or imposes a duty on the holder of an office as such, then, unless the contrary intention appears, the power may be exercised and the duty shall be performed by the holder for the time being of the office or the person appointed by the Senate to act in the place of the holder of the office or during a vacancy in the office.
- 1.1.9 Where a Statute or rule provides for the appointment of a person to an office in the University by virtue of some other office held by him or her, whether in the University or elsewhere, that person shall, unless the contrary intention appears, hold the appointment ex officio.
- 1.1.10 A person elected or appointed to an office in the University for a term under any Statute shall, unless the contrary intention appears, be eligible for re-election or re-appointment to that office.
- 1.1.11 Where in any Statute or by resolution of the Senate the holder for the time being of any office in the University is named as a member of a committee or other body of the University by reason of that office then in each case, unless a contrary intention appears, the member may appoint another person to attend meetings of such Committee or other body and either annually or for a lesser period PROVIDED HOWEVER that the Committee or other body may by resolution decline to accept such other person as a member.

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AFFIXED
DATED: 29-30 October 1991

AMENDMENT NO: 5
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DATED: 21 November 2013

COMMON SEAL
BY SECRETARY



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- 1.2.1 All proceedings of the Senate, the Academic Board, any Faculty, any Faculty Board, and every committee or other body of the University constituted under a Statute shall be entered in a minute book. Subject to any legislative requirements, the minute book may be retained in electronic form.
- 1.2.2 At each meeting of any of the bodies referred to in the preceding Section the minutes of the preceding meeting shall:
- (a) be read, unless copies of the minutes have been circulated to the members of the bodies referred to in Section 1.2.1;
 - (b) be confirmed or amended; and
 - (c) be signed by the presiding chair as confirmed with or without amendment.
- 1.2.3 For Senate, subject to the provisions of clause 41.3 of the Constitution of the University, the Chancellor, upon recommendation of the Secretary, may authorise the calling of an extraordinary meeting or the issue of a circular resolution in any matters deemed urgent where it is impractical to wait until the next scheduled meeting of Senate.
- 1.2.4 Except as otherwise provided in any statutory enactment, the Constitution of the University, or any Statute, at any meeting of the bodies referred to in Section 1.2.1:
- (a) voting shall be conducted on the basis of a simple majority of votes cast whereby each member has one vote. The chair shall have a deliberative vote and, in the case of an equality of votes, a casting vote;
 - (b) voting shall be conducted by voices;
 - (c) in the event that the result of a vote carried out in accordance with Section 1.2.4(b) is indeterminative, or if the nature and complexity of the proposed resolution and deliberation requires, the chair may, at their discretion, call for a vote on the basis of a show of hands;
 - (d) abstentions from votes and votes against resolutions will be recorded in the minutes including the identity of those individuals who have abstained or voted against a resolution that has been carried, but only when an individual has requested their identity be recorded for that purpose;
 - (e) no proceedings shall be invalid by reason only of a vacancy in the number of the members;
 - (f) notwithstanding that it may afterwards be discovered that there was some defect in the election or appointment of a member or a person acting as a member or that any of them were incapable of being or acting as members, the proceedings shall be as valid as if every such person had been duly elected or appointed and was capable of being a member.

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- 1.3.1 Meetings of the Senate or of any committee, board or other body within the University may be duly convened and held by way of telephone, video conferencing link-up or other medium for electronic communication available for such purpose from time to time as long as:
- (a) the number and category of persons participating and physically present would represent a quorum for the purposes of the particular body;
 - (b) due notice of the meeting and of intention to use a medium of electronic communication has been given to all persons entitled to notice of the meeting;
 - (c) each of the participants acknowledges:
 - (i) such participant's presence to the chairperson;
 - (ii) that the meeting is being convened as a duly constituted meeting;
 - (iii) that the participant can hear the other participants;
 - (d) the chairperson is satisfied with the identification of each of the participants at the commencement of the meeting and the presence of a quorum; and
 - (e) voting of the participants on all issues is able to be clearly ascertained by the chairperson.
- 1.3.2 No person participating in any meeting conducted pursuant to this Statute shall disconnect communication during the course of any meeting without the consent of the chairperson and in default of such consent or proven failure of the connection all participants at the commencement of the meeting shall be deemed to have been present and to have formed part of the quorum during the whole of that meeting.
- 1.3.3 The chairperson shall sign minutes of the proceedings conducted as aforesaid and such minutes shall be prima facie evidence of the matters discussed and resolutions passed at the meeting.
- 1.3.4 The accidental omission to give notice of a meeting to any person entitled to be present at the meeting, or the non-receipt by such person of such notice shall not invalidate the proceedings of such meeting and the resolutions passed at the meeting.

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- 1.4.1 If a majority of the members of the Senate or of any committee, board or other body within the University from time to time in office have signed a document containing a statement that they are in favour of a resolution of the members of the Senate or of such committee, board or other body, an ordinary resolution in those terms shall be deemed to have been passed at a meeting held on the day on which the document was signed and at the time at which the document was last signed by a member of the Senate or of the relevant committee, board or other body or, if the members of the Senate or of the relevant committee, board or other body signed the document on different days, on the day on which, and at the time at which, the document was last signed by a member.
- 1.4.2 The provisions of Section 1.4.1 shall apply mutatis mutandis to a special resolution if at least one half of the members from time to time in office have signed a document containing a statement that they are in favour of such special resolution.
- 1.4.3 For the purposes of Sections 1.4.1 and 1.4.2, two or more separate documents containing statements in identical terms, each of which is signed by one or more members shall together be deemed to constitute one document containing a statement in those terms signed by members on the respective days on which they signed the separate documents.
- 1.4.4 A document containing a statement of the type described in this Statute 1.4 and signed by a member may be transmitted by facsimile or other means of electronic document transmission and may be counted for the purpose of ascertaining the number of votes in favour of a resolution.

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