LEGISLATIVE DRAFTING MANUAL FOR UNIVERSITY COURSE REGULATIONS, PRIZE REGULATIONS OR CONDITIONS

This manual is designed as a reference source for members of the University's administrative staff whose duties include the drafting of faculty, prize or other regulations or conditions. The information included is therefore of primary relevance to these regulations and conditions.

The information is current as at January 2003.

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1 THE UNIVERSITY’S LEGAL FRAMEWORK

1.1 The Acts

The following Acts have been enacted by the Head of State with the advice, consent and authority of the State of Western Australia to endow and establish the University, its colleges and the QEII Medical Centre; to provide essential facilities for the University; and to establish the Western Australian Post-Secondary Education Commission:

University Endowment Act 1904
An Act for the Endowment of a State University

The University of Western Australia Act 1911
An Act to establish, incorporate and endow The University of Western Australia

University Endowment Act Amendment Act 1927
An Act to amend the University Endowment Act 1904

University Colleges Act 1926
An Act to establish and endow residential colleges within The University of Western Australia

University Buildings Act 1952
An Act relating to the provision of certain buildings for the University of Western Australia and for other incidental purposes

University Medical School, Teaching Hospitals, Act 1955
An Act to provide facilities in certain hospitals for the teaching of medical students of The University of Western Australia Medical School

Queen Elizabeth II Medical Centre Act 1966
An Act to enable a Medical Centre to be established at Hollywood by reserving certain lands therefore and constituting a body corporate for the development, management and control of those lands and for incidental and other purposes

Western Australian Post-Secondary Education Commission Act 1970
An Act to establish the Western Australian Post-Secondary Education Commission.

University Buildings Act 1930
An Act to authorize the expenditure by the Senate of the University of Western Australia out of certain trust moneys known as the Hackett Bequest of the amount required for the erection and completion of certain buildings at Crawley, and to provide for the grant by the State of an annuity sufficient to reimburse the University and for other incidental purposes.

University Buildings Act 1938
An Act to authorise the expenditure by the Senate of the University of Western Australia out of certain trust moneys belonging to the University of the amount required for the erection and completion of a certain building at Crawley and to provide for a grant by the State to reimburse the University and for other incidental purposes.

University Medical School Act 1955
An Act relating to the Establishment of a Medical School by the University of Western Australia.

With the exception of the last three, which are contained in the Statutes of Western Australia, available for reference at the Law Library or on the World Wide Web at http://www.slp.wa.gov.au:8080/statutes/swans, the above Acts can be found in the University of Western Australia Calendar.

1.1.1 The University of Western Australia Act 1911

The University was established and is governed by the University of Western Australia Act 1911. The Act establishes the structure of the University. It prescribes that the hierarchy 'shall consist of a Senate, Convocation and graduate and undergraduate members', and that there shall be a Visitor, the Governor of the State of Western Australia. The Act lays down the membership of Convocation and of the Senate and prescribes that there shall be a Guild of Undergraduates charged with furthering students' common interests, and with being the recognised means of communication between its members and the Senate.

The Act provides for the Senate to be the governing body of the University and grants it various powers including, amongst others, the power to: appoint staff; manage the University's lands and property; cause instruction to be given to students; grant degrees (including honorary degrees), diplomas and certificates; make, alter and repeal statutes and by-laws, with the approval of the Governor; and make, alter and repeal regulations for the purpose of carrying out the Act or any statute.

The membership of the Senate is specified in the Act and it is required by the Act each year to elect two of its members to be Chancellor and Pro-Chancellor respectively and to appoint a Vice-Chancellor as the University's executive officer.

The Act prohibits any religious test being imposed on students or staff of the University and prescribes that the benefits, advantages and privileges of the University extend to men and women equally.

1.2A Other Commonwealth and State Legislation

In addition to the Acts listed above, there is a range of other Commonwealth and State Legislation which affects the University's operations. Staff seeking further information may contact Legal Services or, for issues related to employment, Human Resources.

1.2 The Statutes

The Statutes establish the major sub-structure of the University and deal with matters of central importance. They also spell out the rules governing, and the responsibilities of, elements in the structure established by or provided for under the Act.

The statutes of the University are as follows:

Statute No 1 THE SENATE
Statute No 2 SEAL OF THE UNIVERSITY
Statute No 3 ADMISSION AD EUNDENM GRADUM
Statute No 4 APPLICATION FOR ADMISSION TO CONVOCATION UNDER SECTION 17(1)(c)
Statute No 5 Repealed
Statute No 6 APPLICATIONS FOR ADMISSION TO DEGREES UNDER SECTION 31(1)(o)
Statute No 7 MATRICULATION OR ADMISSION TO THE UNIVERSITY

Statute No 8 THE FACULTIES
Statute No 9 CONVOCATION
Statute No 10 VICE-CHANCELLOR
Statute No 11 ACADEMIC DRESS
Statute No 12 METHOD OF ELECTION BY CONVOCATION OF PERSONS TO BE MEMBERS OF THE SENATE

Statute No 13 AFFILIATED AND ASSOCIATED INSTITUTIONS

Statute No 14 GRANTING AND CONFERRING OF DEGREES AND DIPLOMAS

Statutes No 15 & 16 Repealed
Statute No 17 STUDENT DISCIPLINE
Statute No 18 HACKETT STUDENT FUND
Statute No 19 ACADEMIC BOARD

Statute No 20 GUILD OF UNDERGRADUATES
Statute No 21 MUSIC EXAMINATIONS BOARD
Statute No 22 GLEDDEN TRUST
Statute No 23 REGISTRAR

Statute No 24 AFFILIATION OF UNIVERSITY COLLEGES

Statute No 25 METHOD OF ELECTION OF MEMBERS OF THE SENATE UNDER SECTION 10(c) AND 10A(1) OF THE UNIVERSITY ACT
Statutes No 26 & 27 Repealed
Statute No 28 SUPERANNUATION SCHEME
Statute No 29 Repealed (replaced with regulations)

Statute No 30 DEPUTY VICE-CHANCELLOR
Statute No 31 SCHOLARSHIPS AND PRIZES

The above Statutes can be found in the University of Western Australia Calendar.

All proposed new or amended Statutes must be submitted to the Senate for approval and, in accordance with Clause 31.(2) of the Act, are referred by the Senate to Convocation for consideration. Convocation may approve the Statute as drafted or propose amendments or additions. If no response is received from Convocation within three months, the proposed new or amended Statute is taken to have been approved by Convocation. All new and amended Statutes require the approval of the Governor in Executive Council and must be promulgated in the Government Gazette before they come into force.

1.3 Lands By-Laws

The University of Western Australia Lands By-Laws govern such matters as entry to the University’s lands, control of vehicular traffic on the lands, parking of vehicles on the lands, conduct of persons on the lands and penalties which may be imposed for breach of a by-law. All new and amended by-laws must be submitted to the Senate for approval. As in the case of Statutes, they require the approval of the Governor in Executive Council and must be promulgated in the Government Gazette before they come into force.

1.4 Regulations; Rules; Resolutions; Other Authorised Directives
These are the working policies readily changed as necessary by the Senate in the case of regulations, by the Academic Board in the case of rules, and by authorised individuals, committees, and bodies, as appropriate, in the case of resolutions and directives.

1.4.1 Courses Regulations

Arising from the 2002 Lang Report on the Future Presentation of Material currently incorporated in General and Faculty Regulations, the Senate has approved overarching Courses Regulations which express in a general way the requirements for completion of award courses of the University. A Schedule to these Regulations will list the University’s degrees, diplomas and certificates as approved by the Senate. From 2004 specific information concerning course requirements will be set out in Faculty Rules – see section 1.4.3).

1.4.2 Matriculation Regulations

(N.B The Matriculation Regulations are in the process of being rewritten.)

The Matriculation Regulations cover such matters as the definition of a matriculated student, requirements to be met by an applicant for admission to an undergraduate course of the University, definition of a Tertiary Entrance Score, the list of Tertiary Entrance Score subjects, and mature-age entry requirements.

Amendments to the Matriculation Regulations require the approval of the Senate except in the case of those changes which are considered to be purely administrative in nature. Such changes may be made by the Matriculation and Admissions Committee subject to final drafting by the Legislative Committee. An explanation of the kinds of changes which might be considered to be administrative in nature is given in section 3.

1.4.3 General Regulations

(N.B. During 2003, arising from the Lang Report, the General Regulations will be reviewed and rewritten as General Rules. Proposed new General Rules and amendments to the General Rules will require approval by the Academic Board, or by the Council or Legislative Committee under delegated authority.)

The General Regulations for Academic Courses are designed to apply generally to all degree, diploma and certificate courses offered by the University. They require faculties to prescribe certain matters in their regulations and permit them to provide for others. The General Regulations apply in all matters on which an individual faculty’s regulations are silent. However, where a faculty’s regulations governing a particular matter are different from the General Regulations governing that matter, the faculty’s regulations prevail.

The General Regulations cover such matters as: enrolment, limits on credit for previous study, concurrent enrolment in two degree courses, “not for degree” enrolments, the role of the Board of Examiners, grades to be assigned to successful and unsuccessful students, deferred examinations, preliminary examinations, general requirements for graduate certificates and graduate diplomas, general requirements for higher degrees including the number and form of copies of dissertations or theses to be presented for examination, regulations for the degree of master, regulations for the degree of Doctor of Philosophy, higher doctorates and professional doctorates, colours of the silk linings and facings of academic dress for degrees and diplomas.

All proposed new General Regulations require the approval of the Senate. Proposed amendments to General Regulations also require the approval of the Senate except in the case of those changes which are considered to be of a purely administrative nature. Such changes may be made by the Board of Postgraduate Research Studies, in the case of PhD Regulations, and by the Academic Council in the case of other General Regulations, subject in both cases to final drafting by the Legislative Committee. An
explanation of the kinds of changes which might be considered to be administrative in nature is given in section 3.

1.4.4 Regulations governing Research Higher Degrees

(N.B. It is expected that during 2003 the Regulations governing Research Higher Degrees described below will be incorporated into the General Rules – see section 1.4.3)

The Regulations governing Research Higher Degrees apply to all higher degree by research courses administered by the Board of the Postgraduate Research School. These regulations govern such matters as admission requirements, appointment of supervisors, approval of research proposal annual reports, time limits, content and format of theses, submission of theses, appointment of examiners, and examination of theses. All proposed new regulations require the approval of the Senate. Proposed amendments to existing regulations also require Senate approval except in the case of purely administrative changes which can be approved by the Board of the Postgraduate Research School subject to final drafting by the Legislative Committee. An explanation of the kinds of changes which might be regarded as administrative is given in section 3.

1.4.5 Faculty Regulations

(N.B. During 2003, arising from the Lang Report, the Faculty Regulations will be reviewed and rewritten as Faculty Rules. Proposed new Faculty Rules and amendments to the Faculty Rules will require approval by the Academic Board, or by the Council or Legislative Committee under delegated authority. Some of the material previously incorporated in Faculty Regulations will be moved to General Rules or to Faculty Governance Documents.)

Each faculty has its own set of regulations. Faculty regulations govern such matters as membership of the faculty subject to the provisions of Statute No 8, admission requirements for courses offered by the faculty, course content, time limits, credit provisions, satisfactory progress and sanctions. All proposed new faculty regulations require the approval of the Senate. Proposed amendments to faculty regulations also require Senate approval except in the case of addition and deletion of units, which can be approved at Academic Council level, and purely administrative changes, which can be approved by the Faculty subject to final drafting by the Legislative Committee. An explanation of the kinds of changes which might be regarded as administrative is given in section 3.

1.4.6 Regulations and Conditions Governing Scholarships, Prizes and other Awards

Prior to the introduction of Statute No 31 in 1994, all scholarships and prizes offered throughout the University were governed by regulations which could be established, amended and rescinded only by the Senate. Statute No 31 provides for the option of having scholarships and prizes governed by conditions which can be approved at Faculty level or Academic Council level, (subject in each case to final drafting by the Legislative Committee), provided that they comply with the requirements set down for such levels of approval in the Statute.

Prizes and Scholarships which do not meet the criteria for scholarships and prizes governed by conditions set out in Statute No 31 may still be approved by the Senate which retains the power to make regulations as it sees fit. The Senate may also approve amendments to scholarship and prize regulations which cannot be converted to conditions in terms of Clause 7 of the Statute.

All faculties are encouraged to convert their existing scholarship and prize regulations to conditions wherever possible.
For procedures relating to the establishment of new prizes or scholarships with conditions or the conversion of existing prizes or scholarship governed by regulations to prizes or scholarships governed by conditions please see the Section 5.1.

**2 THE LEGISLATIVE COMMITTEE**

**2.1 Constitution (under review)**

The Legislative Committee's constitution and terms of reference are as follows:

"1. The Legislative Committee shall be a joint committee of the Senate and Academic Council and shall have the responsibilities set out in Clause 2.

2. The committee shall -

(a) consider all proposals for new statutes and for the amendment of statutes, and all proposals for new regulations and for the amendment of regulations;

(b) forward to Academic Council for its consideration any proposals in the categories described in paragraph (a) which, in the view of the Chair of the Academic Board, involve significant issues of academic principle;

(c) approve on behalf of the Academic Council any proposals in the categories described in paragraph (a) which, in the view of the Chair of the Academic Board, are routine in nature; and

(d) undertake final drafting of proposed new or amended statutes and proposed new or amended regulations and conditions, and submit the final drafts of new or amended statutes and regulations to the Senate for approval.

3.(1) The Legislative Committee shall comprise:

(a) the Chair of the Academic Board;
(b) the Deputy Chair of the Academic Board;
(c) the Deputy University Secretary;
(d) the Legislative Officer; and
(e) two members appointed by the Senate.

(2) The Director of Legal Services shall be invited to attend all meetings of the committee."

**2.2 Delegated Responsibilities**

By its R301/96 the Senate resolved as follows:

"(i) that the Legislative Committee be reconstituted as a joint committee of the Senate and Academic Council, . . .:

(ii) that in terms of Clause 9(2) of Statute No. 19 the following be approved:

. . .

(b) delegation to the Legislative Committee of the Board/Council's responsibility under Clause 9 of Statute No. 8 for the approval of delegation of the powers of faculties to Executive Deans or Deans, heads of departments or committees of the faculty (usually via amendments to faculty governance documents) where such delegations are judged by the Chair of the Academic Board to be routine in nature;

(c) delegation to the Legislative Committee of the Board/Council's power, under Clause 4 of Statute No. 19 (Clause 3 of the amended Statute), 'after receiving reports from a
faculty or faculties, transmitted by appropriate Executive Deans, to recommend to the Senate the making, amending and repealing of regulations relating to matriculation and the various courses of study . . .", where such recommendations are judged by the Chair of the Academic Board to be routine in nature;

(d) delegation to the Legislative Committee of the Board/Council's responsibility under Clause 6 of Statute No. 31 for approval of conditions for multi-faculty prizes/scholarships, and under Clause 7 of that Statute for recommending conversion of multi-faculty prize or scholarship regulations to conditions, where such matters are judged by the Chair of the Academic Board to be routine in nature.

(e) delegation to the Legislative Committee of the Council's responsibility under Clause 5(1) of Statute No. 19 (Clause 4 of the amended Statute) for reporting to the Senate on all "proposals for the foundation and abolition of fellowships, studentships, scholarships, exhibitions or prizes" other than those covered by conditions in terms of Statute No 31, where such proposals are judged by the Chair of the Academic Board to be routine in nature."

2.3 Legislative Committee Procedures

The Secretary of the Legislative Committee receives copies of all minutes of meetings of faculties, the Matriculation and Admissions Committee and the Board of the Postgraduate Research School and via the Deputy University Secretary receives extracts relating to proposals contained in those minutes for new and amended scholarship or prize conditions, and conversion of existing scholarship and prize regulations to conditions, and proposals for new and amended regulations (or rules effective from 2004) other than those which do not appear to be routine in nature. Statutes and regulations coming before the Academic Council or Board are also submitted by those bodies to the Legislative Committee for final drafting prior to submission to the Senate.

Any member of the Legislative Committee may request that an item included in the Legislative Committee agenda be referred to the Academic Council. In such a case the item is referred to the Council's Steering Committee so that a decision can be made as to whether or not it should be routed through the Council.

2.4 The Drafting Sub-Committee

Only those members of the Legislative Committee who form the Drafting Sub-Committee are involved in the detailed consideration and amendment, if necessary, of the wording of Statutes, regulations, rules and conditions contained in the agenda.

The Drafting Sub-Committee comprises:
The Deputy University Secretary (as Chair);
The Legislative Officer; and
two members appointed by the Senate

The Drafting Sub-Committee normally meets at 9.30 a.m. on the Thursday following the meeting of the Academic Council.

At the time of distributing the agenda for the Legislative Committee meeting the Secretary of the Committee advises the FAO, or other member of administrative staff responsible for draft legislation contained in the agenda, if it will be necessary for them to attend the Drafting Sub-Committee meeting to answer any queries. Generally the FAO or other relevant administrator is required to attend a meeting if their proposed legislation is complex or appears to be contentious. If the officer who prepared the legislation is unavailable for any reason, the Faculty or committee concerned will be asked to send another officer who is familiar with the material under consideration.

The Legislative Committee Secretary monitors proposals for new or amended legislation as they come forward from faculties and committees and, where possible, alerts the FAO
or committee secretary to potential problems with the drafting so that they can come to
the meeting prepared to deal with these problems. Officers who submit proposed new or
amended legislation for approval are expected to understand the proposed legislation
and to be in a position to answer any queries relating to it.

The system of inviting those who have drafted legislation to Legislative Committee
meetings, although it demands a considerable time commitment on the part of the FAO or
committee secretary, has been shown to have many benefits including the following:

- It involves all those who write complex legislation in the formal drafting process
  and gives them some guidance on drafting principles through regular exposure to
  the process. (This is particularly useful for those who are new to the drafting of
  legislation, but has also proved useful to more experienced officers.)

- It builds into the system a regular contact between faculties or committees and the
  Registrar's Office in an area of work in which a harmonious and productive
  working relationship is highly desirable.

- It enables the Legislative Committee to perform its task in the most effective way,
  in the confidence that its drafting is taking place on the basis of full and accurate
  information on what faculties are aiming to achieve.

It is not expected that those who submit proposed new or amended legislation for
approval will be expert drafters. However, it is expected that they will do their best to
produce legislation that make sense and works (e.g., the points value of the component
parts of a course should add up to the proposed points value of the entire course). It is
most important also that they understand the proposed legislation and are in a position to
answer any queries relating to it. Those who attend the Legislative Committee meeting
will be expected to take note of any changes to their proposed legislation which are
agreed at the meeting and to forward to the Secretary of the Legislative Committee, as
soon as possible after the meeting, an updated version of the material which incorporates
those changes.

Where proposed changes to legislation have been dealt with by the Committee in the
absence of the FAO or other officer responsible for drafting them, or of their
representative, the Legislative Committee Secretary will contact the officer in question to
advise of the proposed changes and to seek an amended version.

Faculties and committees are required to submit new and amended legislation in the form
of attachments. The advantages are that:

- an attachment can simply be attached to the Legislative Committee or
  Academic Council agenda with no extra work involved;

- attachments are discrete documents which can be sent electronically and
  used by another body without the need for re-formatting; and

- if no amendments are required, the same attachment can be used in the
  faculty or committee minutes, the Legislative Committee agenda and
  minutes and the filed copy of the Senate minutes;

- if only minor and straightforward changes are required, they can be carried
  out by the Legislative Committee Secretary following consultation with the
  appropriate faculty officer.

Attachments for legislation which requires submission to Senate (i.e., statutes, by-laws
and regulations) are not forwarded with the Legislative Committee's Report to the Senate.
However, members of the Senate are advised in the Senate agenda, which is circulated
approximately ten days before the Senate meeting, that they may request a copy of any
attachment referred to in the Report. It is important therefore that all duly updated
legislation is in the hands of the Legislative Committee Secretary as soon as
possible after the Legislative Committee meeting and at least by close of business on the Monday ten days following that meeting.

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3 RESPONSIBILITY FOR ADMINISTRATIVE CHANGES TO REGULATIONS

3.1 Senate Resolution 7/94

By its R7/94 the Senate resolved as follows:

"(i) . . .
(ii) that the responsibility for the approval of administrative changes to faculty regulations and regulations for prizes administered by faculties be transferred from the Registrar to the faculties and that the requirement for reporting these to Senate be discontinued;
(iii) that the responsibility for the approval of administrative changes to PhD regulations, to the Matriculation regulations and to regulations for scholarships administered by the Scholarships Committee, be transferred to the Board of Postgraduate Research Studies, the Matriculation and Admissions Committee and the Scholarships Committee respectively and the requirement for reporting these to Senate be discontinued;
(iv) that the responsibility for the approval of administrative changes to General Regulations be transferred to the Academic Council, and that the requirement for reporting these to Senate be discontinued;
(v) that the . . . document entitled "Responsibility for Administrative Changes to Regulations" be approved;
(vi) that as a means of monitoring the kinds of regulation changes being approved, Senate receive occasional reports based on random samples, as addenda to Senate Minutes."

(N.B. Although the above Resolution refers to regulations, the same basic process will apply to rules.)

The nature of administrative changes is discussed in 3.2 below and the details of the bodies authorised to make such changes and the conditions which apply in each case are set out in 3.3 and 3.4 below.

3.2 Definition of Administrative Changes

For the purposes of Senate Resolution 7/94 the term "administrative changes" refers to those changes to legislation which are by their nature uncontentious and which change neither the intent nor the spirit. The vast majority of changes in the category are in fact consequential changes. In essence, a consequential change is one which inevitably follows an earlier decision which has been approved through the proper channels. For example, if the Senate has approved a change of name for a school it will, as a consequence, be necessary to change every reference to that school in faculty rules or prize conditions or regulations. Similarly, if a company which offers a prize in the University advises that it has changed its name, it will be necessary, as a consequence, to change references to the name in the prize regulations or conditions. If the name or number of a unit for which a prize is offered is changed, a consequential change to the name of the unit in the prize regulations or conditions will be necessary. If legislation has been renumbered as a result of the introduction or deletion of a clause, consequential changes will be required to references to the renumbered clauses. (e.g. if Rule 17 becomes Rule 17A, any reference to Rule 17 will have to be changed to Rule 17A.) If a new numbering system for units is adopted by the University, it will be necessary as a
result to renumber all units appearing in rules, regulations or conditions to reflect the new system.

There are relatively few administrative changes which are not also consequential. Some examples include stylistic changes which provide greater consistency within legislation but in no way alter the sense, or corrections of errors in numbering, grammatical errors or inelegancies. Changes to unit titles (e.g. Qualitative Research Methods in Public Health” to “Qualitative Research in Health”) would also fall into this category.

Changes to points values of units are not administrative changes as they may have significant impact on load, funding etc. They must therefore be forwarded to the Academic Council.

3.3 Bodies Authorised to Make Administrative Changes

Details of the bodies authorised to make administrative changes to legislation, the changes which may be made and the conditions which apply in each case are given in the following summary:

<table>
<thead>
<tr>
<th>Body</th>
<th>Kinds of Legislation which may be changed</th>
<th>Kinds of Changes which may be made</th>
<th>Conditions which apply</th>
</tr>
</thead>
<tbody>
<tr>
<td>Academic Council (authority delegated to the Legislative Committee by Senate Resolution 301/96)</td>
<td>Faculty Rules</td>
<td>Administrative changes</td>
<td>3.4(1)(a) &amp; (c)</td>
</tr>
<tr>
<td></td>
<td>General Rules</td>
<td>Administrative changes</td>
<td></td>
</tr>
<tr>
<td>Faculties</td>
<td>Faculty Rules</td>
<td>Administrative changes, including those to:</td>
<td>3.4(1) &amp; (2)</td>
</tr>
<tr>
<td></td>
<td>Regulations/conditions for prizes and scholarships administered by the Faculty</td>
<td>unit numbers</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Administrative changes</td>
<td>unit titles</td>
<td></td>
</tr>
<tr>
<td>Matriculation and Admissions Committee</td>
<td>Matriculation Regulations</td>
<td>Administrative changes</td>
<td>3.4(1)</td>
</tr>
<tr>
<td>Board of Postgraduate Research School</td>
<td>General Rules relating to Research Higher Degrees</td>
<td>Administrative changes</td>
<td>3.4(1)</td>
</tr>
<tr>
<td>Scholarships Committee</td>
<td>Regulations/conditions relating to scholarships administered by the Scholarships Committee</td>
<td>Administrative changes</td>
<td>3.4(1)</td>
</tr>
</tbody>
</table>

3.4 Conditions

(1) General

(a) That all such changes are recorded in the Committee, Board, Faculty or Council minutes as appropriate.
(b) That the Registrar (or nominee) will monitor all such changes via Committee, Board or Faculty minutes and will refer any resolutions which appear to violate the principles of this document to the Academic Council for consideration.

(c) That all sections of the University (e.g. Student Administration) affected by the changes are advised of them by the initiating body, via the minutes or in other written form.

(2) Faculties Only

That in cases where a proposed change is relevant to the academic interests of another faculty, the Dean of the initiating faculty liaise with the Dean of the other faculty affected and that the agreement of the latter to the change, if achieved, is recorded in the initiating faculty’s minutes (in the case of combined courses the agreement of the other faculty should be sought and obtained in writing).

4. THE ROLE OF THE OFFICER DRAFTING PROPOSED LEGISLATION

It is not expected that the officer who drafts proposed legislation in the faculty or other body will be an expert drafter. However, they are expected to:

- understand fully what the faculty or other body aims to achieve by its new or amended legislation and do their best to reflect clearly and concisely those intentions;
- ensure that the proposed legislation is internally consistent and consistent with any existing University legislation;
- understand the flow-on effect, if any, of the proposed legislation and ensure that any consequential changes to other legislation are made (e.g. the change in the name of a school will mean a change to all relevant Faculty Rules and prize regulations/conditions)
- ensure that the proposed legislation makes sense and works (e.g. the points value of individual elements in a course must add up to the total points value of the course);
- be in a position to answer any queries that the Legislative Committee may have in relation to the proposed legislation.

Where proposed legislation appears to be complex or contentious, the administrative officer responsible for it will generally be invited to attend the Legislative Committee meeting at which it will be discussed. The officer attending will be expected to be fully conversant with the proposed legislation and to understand its intent. They will also be expected to take note of any changes to the proposed legislation which are agreed at the meeting and to provide the Legislative Officer with an updated version as soon as possible and at least by close of business on the Monday ten days after the Legislative Committee meeting. Where proposed changes have been dealt with in the absence of the officer responsible for drafting them, or their representative, the Legislative Committee Secretary will contact the person in question to advise them of the proposed changes and to seek an amended version.

5. PROCEDURES

5.1 Establishment of Scholarships or Prizes governed by Conditions and Conversion of Existing Scholarships or Prizes governed by Regulations to Scholarships or Prizes governed by Conditions
Since the introduction of Statute No 31 in 1994 faculties have been encouraged to convert their existing scholarship and prize regulations to conditions wherever possible. Conditions can be approved at faculty or Academic Council level (subject to final drafting by the Legislative Committee) and do not need to be referred to the Senate.

Before recommending the establishment of a scholarship or prize with conditions or the conversion of an existing scholarship or prize governed by regulations to one governed by conditions, the FAO or other appropriate officer should ensure that the proposed conditions meet the criteria for scholarships or prizes with conditions set out in Statute No 31.

5.1.1 Checklists for determining whether a Scholarship or Prize can be governed by Conditions

The following checklists will assist in determining whether a scholarship or prize can be governed by conditions:

**Scholarships**

1. Do all the General Conditions for Scholarships governed by conditions apply to the scholarship?
2. Are the criteria for the grant clearly indicated?
3. Is the scholarship to be granted on the basis of academic criteria only?
4. Is the procedure for selection of the grantee clearly indicated?
5. Is it clear who is responsible for selecting the grantee?
6. Is the Scholarships Committee responsible for the selection of the grantee?
7. Have the wishes of the testator/donor (where applicable) been given effect?

**If the answer to all of the above is YES**, the scholarship can be governed by conditions. If the scholarship is available to students of only one faculty, the conditions can be approved at Faculty level, subject to final drafting by the Legislative Committee. If the scholarship is open to students of more than one faculty, both faculties must recommend that the Academic Council establish conditions to govern it. Responsibility for approval of such conditions was delegated to the Legislative Committee by Senate Resolution 301/96.

**If the answer to Question 3 or 6 is NO but the answer to all others is YES** the scholarship can still be governed by conditions established by the Academic Council and the Faculty should recommend accordingly.

**If the answer to any question other than Question 3 or 6 is NO** the scholarship must be subject to regulations, which can be established or amended only by the Senate.

**Prizes**

1. Do all the General Conditions for prizes governed by conditions apply to the prize?
2. Are the criteria for the grant clearly indicated?
3. Is the prize to be granted on the basis of academic criteria only?
4. Is the procedure for selection of the grantee clearly indicated?
5. Is it clear who is responsible for selecting the grantee?
6. Is the body responsible for selection of the grantee the Board of Examiners or another body specified by the Testator or donor of the bequest or donation from which the prize is provided?

7. Have the wishes of the testator/donor (where applicable) been given effect?

8. Is the prize to be granted for work done by a student as part of a course for a degree, diploma or certificate?

9. Is the value of the prize equal to, or greater than, the minimum amount for prizes as currently approved by the Senate?

If the answer to all of the above is YES, the prize can be governed by conditions. If the prize is available to students in only one faculty the conditions can be approved at Faculty level, subject to final drafting by the Legislative Committee. If the prize is open to students of more than one faculty, both faculties must recommend that the Academic Council establish conditions to govern it. Responsibility for approval of such conditions was delegated to the Legislative Committee by Senate Resolution 301/96.

If the answer to Question 3 is NO but the answer to all others is YES the prize can still be governed by conditions established by the Academic Council and the Faculty should so recommend.

If the answer to any question other than Question 3 is NO the scholarship must be subject to regulations, which can be established or amended only by the Senate.

If the proposed scholarship or prize conditions meet the relevant criteria the faculty or other body concerned should -

(a) in the case of a new scholarship or prize resolve –

(i) that the scholarship or prize be established;

(ii) that the conditions to govern the scholarship or prize read as set out in an attachment subject to final drafting by the Legislative Committee.

or

(b) where an existing scholarship or prize governed by regulations is being converted to a prize governed by conditions –

(i) recommend to the Academic Council that the existing scholarship or prize regulations be rescinded with a view to their conversion to conditions;

(ii) resolve that the scholarship or prize be established as a scholarship or prize with conditions to read as set out in an attachment subject to final drafting by the Legislative Committee.

Details of the processing procedures for new or amended prize/scholarship legislation are contained in section 5.4.

5.2 Layout of Amendments to Legislation

The layout of amendments to legislation is important. The object is to make changes as clear as possible so that those bodies charged with approving them can easily discern what they are. The University uses a layout in which the existing and proposed legislation is set out using the Track Change function in Word. This ensures that all additions and deletions are easily discernible. Changes to legislation, other than simple additions or deletions of units, should be presented in the form of attachments to agendas and minutes as this saves time at later stages of the approval process. An attachment is a
discrete document which can be easily transmitted electronically and re-used without the need for reformatting.

Legislation changes should be headed as follows:

The University of Western Australia
Name of legislation (e.g. Faculty of Education Rules)
(Effective [Date])

Legislation changes should always be dated at the foot of the page so that earlier and later versions can be easily distinguished. If legislation continues on to a second or subsequent page, all pages should be numbered.

Most changes to Faculty Rules will be submitted to the Secretariat as part of the complete set of proposed Faculty Rules for the following year (see section 5.4). However, if legislation is ever proposed in part for any reason, changes should be placed in context so that they can be readily understood without the need to refer to the full set of regulations.

e.g

MASTER OF CRIMINAL JUSTICE
31A.(1)(a) . . .
. . .
(2) . . .

Course Requirements
(3) Subject to sub-regulation (4), to qualify for the degree a candidate shall complete Part 1 and Part 2 as follows:
. . .
Substitution of Units
(4) The Dean may permit a candidate to substitute a unit or units to a total value of 12 points, offered in an appropriate area of study in a postgraduate course of this University or another recognized tertiary institution, for units to the same value required under sub-regulation 31.A.(3).

Satisfactory Progress
(5) . . .
Duration of Course
(6) . . .
Credit and Surrender of Diploma
(7) . . .

It will be noted from the above example that dots are used to indicate that sections of legislation remain unchanged. This is a useful time- and space-saving device, particularly where a number of changes are to be made at intervals in a piece of legislation. Dots are used as a lead-in to legislation changes where it is necessary to know that there are previous unchanged sections, but not necessary to know the detail of these. They are also used to lead out of an amendment to indicate that the subsequent legislation is unchanged.
5.3 Addition or Deletion of Units

Faculties who are recommending that an entirely new unit be introduced or that an existing unit be deleted entirely are required to fill out the appropriate form for submission to the Academic Council.

If the recommendation is approved by the Academic Council, faculties will include the new or deleted units in the single complete amended set of faculty rules which they forward to the Secretariat for the attention of the Legislative Committee (see Section 5.4). A resolution should be passed along the following lines:

(for new units)

"to recommend to Academic Council that the unit 130.105 Philosophy 105 be approved as a new unit and be included in Tables attached to the Faculty Rules as set out in the Proposal for New Unit(s) proforma."

or

(for deleted units)

"to recommend to Academic Council that the unit 105.305 Philosophy 105 be deleted from all Tables attached to the Faculty Rules as set out in the Proposal for Deletion of Unit(s) proforma."

Where a Faculty intends no longer to offer a particular unit in a particular course or part of a course (but will continue to offer the unit elsewhere) a resolution should be passed along the following lines to:

"amend Table X attached to the Faculty Rules by the deletion of (unit title) ".

Where a Faculty intends to offer an existing unit in a course or part of a course where it has not been offered previously, a resolution should be passed along the following lines:

"to amend Table X attached to the Faculty Rules by the inclusion of (unit title) (in numerical/alphabetical order if the list is a long one)".

5.4 Changes to Legislation – Processing Flow Chart

The following table indicates the steps involved in processing various kinds of changes through the University’s approval system. (Read from left to right, e.g. a proposed change in Unit Value would go from the Faculty to the Academic Council, then to Publications.)

<table>
<thead>
<tr>
<th>Kind of Change</th>
<th>Faculty</th>
<th>Academic Council</th>
<th>Legislative Committee</th>
<th>Senate</th>
<th>Publications</th>
</tr>
</thead>
<tbody>
<tr>
<td>Unit Number*</td>
<td>X</td>
<td></td>
<td></td>
<td></td>
<td>X</td>
</tr>
<tr>
<td>Unit Name*</td>
<td>X</td>
<td></td>
<td></td>
<td></td>
<td>X</td>
</tr>
<tr>
<td>Unit Value*</td>
<td>X</td>
<td>X</td>
<td></td>
<td></td>
<td>X</td>
</tr>
<tr>
<td>Introduction of new Units*</td>
<td>X</td>
<td>X</td>
<td></td>
<td></td>
<td>X</td>
</tr>
<tr>
<td>(where the unit is entirely new)</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>X</td>
<td>X</td>
<td>X</td>
<td>X</td>
<td></td>
</tr>
<tr>
<td>---------------------------</td>
<td>---</td>
<td>---</td>
<td>---</td>
<td>---</td>
<td></td>
</tr>
<tr>
<td>Deletion of Units*</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>(where the unit is to be deleted entirely)</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>X</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Administrative Changes*</td>
<td></td>
<td></td>
<td></td>
<td>X</td>
<td></td>
</tr>
<tr>
<td>to legislation ie changes which follow inevitably from a previous change which has been made, and about which there can be no dissent.</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td>X</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Changes to Regulations</td>
<td></td>
<td>X</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>which involve drafting, however simple</td>
<td></td>
<td>X</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>X</td>
<td></td>
<td>X</td>
<td>X</td>
<td></td>
</tr>
<tr>
<td>Changes to Rules</td>
<td>X</td>
<td></td>
<td>X</td>
<td>X</td>
<td></td>
</tr>
<tr>
<td>which involve drafting, however simple (other than the introduction of new course rules or major changes to existing course rules)</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Rules for New Courses</td>
<td>X</td>
<td>X</td>
<td>X</td>
<td>X</td>
<td></td>
</tr>
<tr>
<td>Major Amendments to existing Course Rules</td>
<td>X</td>
<td>X</td>
<td>X</td>
<td>X</td>
<td></td>
</tr>
<tr>
<td>Amendments to tables of units attached to Faculty Rules*</td>
<td>X</td>
<td></td>
<td></td>
<td>X</td>
<td></td>
</tr>
<tr>
<td>Establishment and Amendment of Prizes with Conditions</td>
<td></td>
<td>X</td>
<td></td>
<td>X</td>
<td></td>
</tr>
<tr>
<td>Establishment, Amendment and Rescission of Prizes governed by Regulations</td>
<td></td>
<td>X</td>
<td>X</td>
<td>X</td>
<td></td>
</tr>
</tbody>
</table>

* Items marked with an asterisk do not require Legislative Committee approval but will be included in the single complete set of amended faculty rules approved by those bodies for submission to Publications.

**Processing of Faculty Rules**

Faculties submit all their changes to the Secretariat together in a single complete amended set of rules (see note below concerning combined course rules) by a date specified annually by the Secretariat, with the proviso that the following must also be submitted immediately after a faculty meeting in the usual way, so that Council can consider the ramifications of these proposals:

- draft rules for new courses
- draft amended rules for major changes to existing courses (including the introduction of an honours course)
- any other major changes which are potentially contentious or which have an impact on other areas of the University

All combined course rules are to be submitted as the final stage in the process by a common deadline and, except as agreed between individual faculties, will be the
responsibility of the Faculty Administrative Officer with the latest submission date for single degree rules.

**Processing of new or amended prize/scholarship legislation**

*Prizes:* Faculties submit all their new or amended prize regulations/conditions to the Secretariat together in a single complete amended document (electronic and hard copy) by a date specified annually by the Secretariat for each faculty, probably in September. Faculties will be given a master copy of their existing prizes each year on which they can record changes or new prizes using track change. During the year, faculties can approve new prizes with conditions with immediate effect subject to final drafting by the Legislative Committee. The Legislative Committee will consider prize changes annually in October and November, for publication on the Web in the Scholarships, Prizes and Endowments (SPE) volume in alphabetical order by faculty in March of the following year.

*Scholarships:* As scholarship changes are less numerous, they will be handled as individual documents but will otherwise follow the same procedures for processing i.e. submission in electronic and hard copy to the Secretariat by a date specified annually, probably in September, followed by consideration by the Legislative Committee in October and November for publication in the SPE the following March. Faculties who need an electronic copy of an existing scholarship in order to propose amendments may obtain this from the Legislative Officer.

**5.5 Naming and Numbering of Legislation**

In 1994 the then Senate Legislative Committee was asked to pass a ruling on the numbering of Statutes and Regulations, which would remain in force for at least five years. The purpose was to achieve consistency throughout the University. The following naming and numbering system was agreed in February 1994:

<table>
<thead>
<tr>
<th>Statutes</th>
<th>Regulations</th>
</tr>
</thead>
<tbody>
<tr>
<td>Clause</td>
<td>Regulation</td>
</tr>
<tr>
<td>Sub-clause</td>
<td>Sub-regulation</td>
</tr>
<tr>
<td>Paragraph</td>
<td>Paragraph</td>
</tr>
<tr>
<td>Sub-paragraph</td>
<td>Sub-paragraph</td>
</tr>
</tbody>
</table>

The above numbering system also applies to rules and conditions. The corresponding nomenclature is:

For rules: Rule, Sub-rule, Paragraph, Sub-paragraph

For conditions (if needed): Clause, Sub-Clause, Paragraph, Sub-paragraph

In accordance with the Lang Report, the use of lower levels of the system (e.g. sub-paragraphs) is to be avoided where possible in order to make legislation less complex for the reader. The amount of information in a single regulation or rule and the amount of cross-referencing should also be kept to a minimum.

With effect from 2003, and in accordance with the Lang Report, the following descriptors will be used:

When reference is made to a regulation/rule or part of a regulation/rule from within another regulation/rule, the word “regulation”/“rule” is used with the full numeric descriptor irrespective of whether the reference is only to a part of the regulation/rule.

*Example* If reference is made to 14.(1)(c) from within 15, the reference will be to “Regulation 14.(1)(c) or to “Rule 14. (1)(c) as appropriate.
Example If reference is made from within another faculty’s rules, the reference will be to “Faculty of Education, Rule 14.(1)(c) of Part 2, Division 2, Section B”

When reference is made to a part of a regulation/rule from within the same regulation/rule, the name of the part of the regulation/rule is omitted in the reference and only the relevant part number is included.

Example If reference is made to paragraph (1)(b) of Rule 14 from another part of Rule 14, the reference will simply be to “(1)(b)’.

Where a regulation/rule is to be inserted between two existing regulations/rules and it would not be practicable to renumber all the regulations/rules which follow, the new regulation/rule should be given the number of the preceding regulation/rule with a capital A attached. For example if a new regulation/rule was to be inserted between existing Faculty of Education Regulations/Rules 15 and 16 the new rule would be numbered 15A. If more than one regulation/rule was to be inserted the second would be 15B, the third 15C and so on.

It is important when renumbering regulations/rules to update all internal references to those regulations/rules. However, as indicated above, cross-referencing should be kept to a minimum.

Draft rules for new courses need not be numbered when first submitted.

6 DRAFTING GUIDELINES

6.1 General

When drafting legislation it is always advisable to use simple, straightforward language and grammatical constructions. The aim is to produce legislation that is as clear and concise as possible. The main users are likely to be students and members of staff who have responsibility for advising students in relation to their course of study. However, the University’s legislation may also be consulted by prospective students and their families or advisers. It is useful when drafting to bear in mind the end user and to aim to produce something which could be readily understood even by a reader who is unfamiliar with the University, its procedures and course structures.

6.2 Standard Practice and Expressions

Over the years the Legislative Committee has adopted certain drafting practices which have become standard. The following are some examples.

6.2.1 Use of "must" rather than "shall"

The Committee’s current practice is to use the word "must" rather than "shall" to express obligation, e.g.

"a student must complete the course within two years of enrolment”;

"except as provided in(b), a student must complete all design units for a level before enrolling in any units at the higher level”;

"the course must include a major sequence”.

N.B. Until recently the word "shall" was used with the force of "must". In order to maintain consistency within a piece of legislation the Legislative Committee will only change "shall" to "must" when a whole piece of legislation is being reviewed.

6.2.2 Repetition of Name of Degree, Diploma or other qualification in Rules
Once a degree, diploma or other qualifications has been referred to once by its full name in a set of rules it is not necessary to refer to it in full again.

e.g.

"GRADUATE DIPLOMA IN PUBLIC HEALTH

Applicability of General Rules

43. The General Rules for Academic Courses which relate to graduate certificates and graduate diplomas will apply to the Graduate Diploma in Public Health.

44.(1) The Faculty, on the recommendation of the Head of the School of Population Health, may admit as a student in the course for the diploma an applicant who –

(a)(i) .....  

In the above example the diploma is given its full title in Regulation/Rule 43, and is referred to in a subsequent regulation/rule only as "the diploma".

6.2.3 Need for Consistency in Terminology

It is important to be consistent in the use of terminology in legislation. For example, most faculty rules relating to undergraduate courses now refer to "students", rather than "candidates". However, if a faculty’s existing rules consistently use the term, "candidates", that term should continue to be used in proposed new or amended rules (unless a decision is made to replace "candidates" with "students" throughout the faculty’s full set of rules).

Consistency of style is also desirable. However, where a faculty’s rules have been in force for a number of years without major change, their style may have become outmoded and administrative officers should use their judgement as to which style would be appropriate.

6.2.4 Use of "above" or "below" when referring to another regulation/rule or part of a regulation/rule.

The Legislative Committee has been advised that use of "above" or "below" after a regulation/rule number, when referring to another regulation/rule or part of a regulation/rule, is now considered to be outmoded and that it is sufficient to make reference to the number of the regulation/rule or part of the regulation/rule in question.

e.g.

"4.(1) Except as provided in sub-rule (2),[not sub-rule (2) below] a candidate for a diploma must enrol each year."

6.2.5 Use of the word "current" when referring to the Senate’s Policy on Capitalisation

Some prizes consist of the annual income on a fund less capitalisation in accordance with Senate policy. In the regulations or conditions for such prizes it is not necessary to insert the word "current "before "Senate policy". It will be understood that the policy referred to will be the one in place at any given time.

6.2.6 Titles of Prizes

Titles of prizes should not commence with the word "the" eg "Australian Institute of Banking and Finance Prize" not "The Australian Institute of Banking and Finance Prize".

6.2.7 Listing of membership of committees
Where a set of regulations or conditions includes details of the membership of a committee, the members should be listed one below the other for the sake of clarity, e.g.

"5.(1) The selection committee for the prize comprises:

(a) the Head of the School of Population Health;
(b) the school’s elected staff representative; and
(c) a person nominated by the Head of the School of Population Health who has expertise in field work and who may be internal or external to the school."

7 EXAMPLES OF PRIZE CONDITIONS

7.1 Prizes Awarded for the Highest Marks in a Unit or Units

Examples of some very straightforward prize conditions are given below. As the general conditions governing prizes with conditions apply to each prize governed by conditions, it is not necessary to address in individual sets of prize conditions matters that are dealt with in the general conditions.

KAZ WA COMPUTER SERVICES PRIZE

The Kaz WA Computer Services Prize of $500, provided annually by KAZ WA Computer Services (WA), is awarded by the appropriate Board of Examiners to the student who has gained the highest marks in Software Requirements and Project Management 300.

UNITRONICS PRIZE

Unitronics Pty Ltd having donated the sum of $1200 to provide a prize in Electrical and Electronic Engineering or Information Technology, a fund is established for the purpose and the prize is administered in accordance with the following conditions:

1. The prize is awarded to the final-year undergraduate student enrolled in Electrical and Electronic Engineering or Information Technology who, in the opinion of the Board of Examiners in Engineering, Computing and Mathematics, has carried out the best project in the area of biomedical engineering within the School of Electrical, Electronic and Computer Engineering.

2. The value of the prize is the annual income on the fund after capitalization in accordance with Senate policy.

WARING MEMORIAL PRIZE IN ZOOLOGY, HARRY

1. The Harry Waring Memorial Prize in Zoology is the annual income after capitalization, in accordance with Senate policy, on a capital sum of $2500 donated by Dr E.P. Hodgkin to commemorate Professor Harry Waring’s contribution to Zoology in the University.

2. The prize is awarded by the Board of Examiners in Natural and Agricultural Sciences, on the recommendation of the Head of the School of Animal Biology, to the most outstanding student majoring in Zoology and enrolled in Animal Ecology 301, Population Genetics & Evolution 302, Zoophysiology 303, Behavioural Ecology 304.

Queries related to this Manual should be referred to Ms Sylvia Lang, Legislative Officer (tel 1410)