

LEGISLATION COMMITTEE'S FULFILMENT OF ITS TERMS OF REFERENCE DURING 2019

The Legislation Committee fulfilled all of its responsibilities in 2019 as set out in the table below.

In particular in 2019 the Committee considered:

- progress of the reform of the university statutes and regulations
- new and amending university regulations, specifically Regulation 2.2(1) — *The Council* and Regulation 5.1(1) — *Enrolment*, Regulation 4.1(2) — *Academic and Research Integrity*, and Regulation 2.4(8) — *Institute for Mental and Physical Health and Clinical Translation*
- new and amending policies and procedures, specifically the Government and Political Engagement policy, Academic Freedom policy, Freedom of Speech policy and the Elections procedure
- the impact of external legislation, codes and reviews, specifically *the Foreign Influence Transparency Scheme Act 2018*, Australian Code for the Responsible Conduct of Research, 2018 and the Review of Freedom of Speech in Australian Higher Education Providers.

The table below also sets out the report on the exercise of delegated authority conferred on the Committee by Council. The exercise of the delegated authority was appropriate.

MODE OF OPERATING

In 2015 Legislation Committee resolved to operate as follows:

- to set dates for quarterly meetings without assigning specific business because of its unpredictable nature; hence the Committee does not have a detailed business schedule for the coming year like other Committees
- to vacate meetings where there was no business
- to deal with follow up to meetings by meeting out-of-cycle by circular resolution.

In 2019 the Committee held four face to face meetings. The Committee did not vacate any meetings and there were no out of cycle meetings.

12 December 2019

Terms of Reference	Actions	Outcomes	Achieved
1. To consider proposals and advise the Council on any matters pertaining to the Deakin University Act, university statutes and university regulations	The Committee endorsed a proposal to streamline the University's statutes and regulations into one statute and three regulations and established a working group to oversee the drafting of the statute and regulations.	Significant progress has been made towards reforming the University's statutes and regulations. It is anticipated that the draft Statute and Regulations will be presented to the Committee in the first half of 2020 for recommendation to Council.	In progress
2. To consider and then to recommend to the Council, new and amending university statutes and university regulations as appropriate	The Committee considered a report on issues arising from the election of a student member to the Council of a Victorian university and recommendations to amend a procedure to ensure similar issues do not arise at Deakin.	The Committee recommended Council approve amendments to Regulations 2.1(1) — <i>The Council</i> and 5.1(1) — <i>Enrolment</i> . Council approved the amendments at its meeting held on 21 March 2019.	Yes
	The Committee considered a report on the updated Australian Code for the Responsible Conduct of Research, 2018 and a recommendation to amend Regulation 4.1(2) — <i>Academic and Research Integrity</i> to align with the updated Code.	The Committee recommended Council approve amendments to Regulation 4.1(2) — <i>Academic and Research Integrity</i> . Council approved the amendments at its meeting held on 25 July 2019.	
3. To advise and make recommendations to Council on matters relating to major governing legislative and statutory instruments.	The Committee considered a report on the new <i>Foreign Influence Transparency Scheme Act 2018 (Cth)</i> and amendments to University policy to ensure compliance with the Act.	The Committee endorsed amendments to the Government and Political Engagement policy.	Yes
4. To advise Council in regard to the establishment and maintenance of policy and procedural principles for the operation of the University consistent with legal requirements and community expectations.	The Committee considered recommendations arising from the Review of Freedom of Speech in Australian Higher Education Providers.	The Committee received at its meeting on 27 November the University's response to the Review of Freedom of Speech in Australian Higher Education Providers including amendments to the Academic Freedom policy and a new Freedom of Speech policy.	Yes
	The Committee considered a report on issues arising from the election of a student member to the Council of a Victorian university and recommendations to amend a procedure to ensure similar issues do not arise at Deakin.	The Committee endorsed amendments to the Elections procedure for approval by the Vice-Chancellor.	
5. To advise Council on any matters referred to it by Council and where specifically requested by Council, to act on Council's behalf in relation to such matters.	Council conferred authority on the Committee to make a regulation to implement principles approved by Council. These are listed below in the section 'Actions taken by the Legislation Committee exercising delegated authority, 2019'.	The Committee made Regulation 2.4(8) — <i>Institute for Mental and Physical Health and Clinical Translation</i> and reported this matter to Council.	Yes

Other matters

Matter	Actions	Outcomes	Achieved
Report on fulfilment of terms of reference in 2019.	The Committee considered the report at its meeting on 27 November 2019.	Reported to Council on 12 December 2019 (along with similar reports from other Committees) and published on Council's website afterwards, excluding any confidential matters.	Yes
Other matters	<p>The Committee received reports on:</p> <ul style="list-style-type: none"> • initiatives to recognise the work undertaken by student members of University committees and governance bodies • legal compliance and regulatory matters • student general misconduct processes and external proceedings • the impact of the prohibition on legal representation at student appeal hearings • changes to the Deakin University Student Association constitution. 	Reports on these matters were considered by the Committee.	Yes

ACTIONS TAKEN BY THE LEGISLATION COMMITTEE EXERCISING DELEGATED AUTHORITY, 2019

Delegation	To Whom	Actions taken under delegation	Reporting / Recording
Delegation to the Legislation Committee of authority to make establishing legislation for an Institute.	Legislation Committee	The Committee made Regulation 2.4(8) — <i>Institute for Mental and Physical Health and Clinical Translation</i>	Outcomes reported to first available meeting of Council.