

Governance Document Hierarchy Rule 2012

Section 1 - Authorisation

(1) The Council of Southern Cross University, as the Governing authority of Southern Cross University, by resolution makes the following Rule under section 30 (1) of the Southern Cross University Act 1993 ('Act'), pursuant to section 52 of the Southern Cross University By-Law 2005 (as amended).

(2) Dated: 13 April 2012

(3) Authorised: Council

Section 2 - Preliminary

(4) Name of Rule

- a. Southern Cross University Governance Document Hierarchy Rule 2012

(5) Citation

- a. This Rule is made by the Council of the University, under section 30 (1) of the Southern Cross University Act 1993 ('Act') for the purposes of the Southern Cross University By-Law 2005 (as amended).

(6) Commencement

- a. This Rule will commence on 13 April 2012.

(7) Purpose

- a. The purpose of this Rule is to establish and define the documents which constitute the University's Governance Document Hierarchy.

Section 3 - Interpretations

(8) In this Rule:

- a. 'Australian Law' means Australian common law, federal laws enacted by the Parliament of Australia, and laws enacted by the Parliaments of the Australian states and territories. The Southern Cross University Act 1993 has obvious and specific relevance, being 'An Act to establish the Southern Cross University and to provide for its constitution and functions; and for other purposes.' The Act specifies that 'The University is a body corporate under the name of the Southern Cross University', and that 'The University consists of (a) a Council, and (b) the professors and full-time members of the academic staff of the University and such other members or classes of members of the staff of the University as the by-laws may prescribe, and (c) the graduates and students of the University.

- b. 'By-Law' means subsidiary legislation made under the Southern Cross University Act 1993 (the Act) governing specific internal affairs of the University. The University Council is empowered to make By-laws, not inconsistent with the Act, for or with respect to any matter to be prescribed or that is necessary or convenient to be prescribed for carrying out or giving effect to the Act. A By-law has no effect until it is approved by the Governor of NSW.
- c. 'Guideline' means non-mandatory approaches to the implementation of Rules, Policies or Procedures. Guidelines provide flexible "good practice" recommendations and advice to assist those responsible for implementing By-Laws, Rules, Policies, or Procedures and may include codes of conduct guiding behaviour.
- d. 'Hierarchy' means the Southern Cross University Governance Document Hierarchy.
- e. 'Policy' means a mandatory statement of principle guiding the University's operations and decision making, which has University-wide application, and which has been established by a resolution or other decision of the Council, Vice-Chancellor, Academic Board or another delegated authority. A schedule or other document appended to a policy forms part of that policy. Adherence to Policy is mandatory.
- f. 'Procedure' means a mandatory statement of the University's standard and required practice, authorised by a delegated authority, which prescribes actions to designated persons in order to implement and comply with a By-Law, Rule or Policy and meet its intent. Adherence to Procedure is mandatory.
- g. 'Rule' means a formal statement of the conditions which must apply to the conduct of key aspects of the University's operation. A Rule (a) has the same force and effect as a by-law, and (b) may, from time to time, be amended or repealed by the Council (whether or not the Council is empowered to make such a rule), or by the authority or officer of the University for the time being empowered to make such a rule, and (c) takes effect on the day on which it is published or on such later day as may be specified in the rule, and (d) must indicate the authority or officer who made the rule and that it is made under section 30 of the SCU Act 1993. Rules may include penalties for non-compliance with the governing By-law. A Schedule or other document appended to a Rule forms part of that Rule.
- h. 'University' means Southern Cross University.

Section 4 - University Governance Document Hierarchy

(9) The University requires its operations are conducted and its affairs managed in accordance with the documents which comprise the University's Governance Document Hierarchy.

(10) The Governance Document Hierarchy is comprised of:

- a. Australian Laws
- b. By-Laws
- c. Rules
- d. Policies
- e. Procedures
- f. Guidelines

(11) To the extent that any document lower in the Hierarchy is inconsistent with a higher document, the higher document prevails.

Section 5 - Transitional Provisions

(12) All duly authorised Governance Documents that are effective at the commencement of this Rule will continue to be effective as prescribed until they are amended or repealed.

(13) Where there is doubt about the extent to which a particular 'pre-hierarchy' document is binding, which cannot be resolved by reading the document itself, a determination may be sought from the authority, or delegated authority, for the document in question.

Status and Details

Status	Historic
Effective Date	22nd August 2012
Review Date	22nd April 2015
Approval Authority	University Council
Approval Date	13th April 2012
Expiry Date	28th April 2014
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