

Governance Documents Rule

Section 1 - Citation, Purpose and Scope

Citation

(1) 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).

Purpose

(2) The purpose of this Rule is to establish authorities, accountabilities and principles for the development and review of Rules, Policies, Procedures and Guidelines at SCU, and to establish and define the documents which constitute the University's [Governance Document Hierarchy](#).

Scope

(3) This Rule applies to all University members .

Section 2 - Definitions

(4) For the purposes of this Policy:

- a. Author
 - i. means the operational staff member assigned by a Head of Work Unit to draft, amend or review a Governance Document;
- b. Australian Law
 - i. means Australian common law, federal laws enacted by the Parliament of Australia, and laws enacted by the Parliaments of the Australian states and territories;
- c. By-Law
 - i. 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;
- d. Delegated Authority
 - i. means a committee or member of staff empowered to approve matters on the Council's behalf as recorded in the [Delegations Register](#) or other record of Council resolutions;
- e. Governance Document
 - i. means Australian Law, University By-Law, Rule, Policy, Procedure or Guideline;
- f. Guideline
 - i. means non-mandatory approaches to the implementation of a higher document in the [Governance Document Hierarchy](#). Guidelines provide flexible "good practice" recommendations and advice to assist a

higher document's implementation;

g. Policy

- i. means a 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;

h. Procedure

- i. means a 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;

i. Rescind

- i. means the retraction or deletion of a Governance Document deemed to be obsolete; and

j. Rule

- i. 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.

Section 3 - Principles Statement

(5) The University requires its operations are conducted and its affairs managed in accordance with the University's applicable Governance Documents.

(6) Executives and the Chair of Academic Board must ensure risks and opportunities are identified within their portfolios and appropriate Rules, Policies, Procedures and/or Guidelines (RPPG) are drafted in response.

(7) RPPGs will be developed in accordance with the [Governance Documents Procedures](#) and must:

- a. provide measurable and transparent limits within which members of the University community will manage their University related activities;
- b. be written in plain English (see the [SCU Style and Design Procedures](#));
- c. sequence information logically;
- d. seek to mitigate risk and/or maximise opportunity for the University;
- e. not be unnecessarily burdensome;
- f. be consistent with:
 - i. applicable laws and regulations;
 - ii. SCU's vision, mission and values;
 - iii. community expectations; and
 - iv. any document higher in the [Governance Document Hierarchy](#).

(8) A Schedule or other document appended to a Rule, Policy or Procedure forms part of that document.

(9) University employees affected by a Rule or Policy proposal should be given opportunity to comment on draft proposals before they are approved, unless otherwise directed by an Executive or the Chair of Academic Board.

(10) Approved University-wide Rules, Policies, Procedures and Guidelines must be made accessible to members of the University via the [SCU Policy Library](#).

(11) Executives and the Chair of Academic Board must ensure that Rules and Policies within their portfolio are reviewed at least every three years by the relevant Head of Work Unit, to examine whether the document remains relevant, accurate and/or achieves its objectives.

(12) Procedures and Guidelines may be reviewed on an as needed basis by the relevant Head of Work Unit.

(13) The Rescission, amendment, or creation of Rules, Policies, Procedures and Guidelines may only be approved by a [Delegated Authority](#) of the University.

(14) To the extent Rules, Policies and Procedures are approved by a [Delegated Authority](#) of the University (see [Delegations Register](#)), compliance:

- a. is mandatory for all members of the University from the time specified as the "effective date" within the SCU Policy Library; and
- b. remains mandatory until a document is Rescinded by decision of a [Delegated Authority](#), or superseded by another Rule, Policy or Procedure respectively.

Governance Document Hierarchy

(15) The Governance Document Hierarchy is comprised of (from highest to lowest):

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

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

Transitional Provisions

(17) All duly authorised RPPGs that were effective 13 April 2012 will continue to be effective as prescribed until they are amended or repealed.

(18) 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 approving authority, or other delegated authority, for the document in question.

Interpretations

(19) In interpreting Rules and Policies:

- a. unless the context requires another meaning, a reference:
 - i. to the singular includes the plural and vice versa;
 - ii. to gender includes all genders;
 - iii. to a law includes any amendments made to that law from time to time and reference to any of its regulations, by-laws or other subordinate legislation;

- iv. the word "including" or "includes" means "including, but not limited to", or "includes, without limitation, respectively";
- b. where a word or phrase is defined, its other grammatical forms have a corresponding meaning;
- c. a provision will not be interpreted against the University just because it drafted it;
- d. the word 'may' when used to bestow a duty or power indicates that the action or decision could be enacted or not, at discretion;
- e. the words 'will', 'must' or 'shall', if used to bestow a duty or power, indicate that the action or decision has to be enacted; and
- f. the laws of the state of New South Wales apply.

Minor Amendments

(20) The relevant Executive or the Chair of Academic Board, have delegated authority to approve Minor Amendments which constitute corrections to the following errors in any Rules or Policy:

- a. where there is an obvious clerical or typographical error in the text of that document;
- b. where there is an accidental error related to cross referencing within or between documents;
- c. where there is a typographical error arising from a change in:
 - i. position title;
 - ii. organisational structure;
 - iii. legislation; or
 - iv. regulation (or regulatory body); or
 - v. where there is a defect of form.

Section 4 - Procedures

(21) See the [Governance Documents Procedures](#).

Section 5 - Guidelines

(22) Nil.

Status and Details

Status	Historic
Effective Date	29th April 2014
Review Date	29th December 2016
Approval Authority	University Council
Approval Date	29th April 2014
Expiry Date	26th September 2018
Head of Work Unit	Mark Dixon Director, Governance Services
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