

2004

THE UNIVERSITY OF MELBOURNE

COUNCIL MEETING NO 12

A meeting of the Council was held in the Council Chamber, 1st Floor, Old Quadrangle on Monday 13 December 2004 at 4.00 p.m.

Present

Members

The Chancellor, Ms F S Marles (In the Chair)
The Deputy Chancellor, (Mr I A Renard)
The Deputy Chancellor, (Hon Mr Justice Chernov)
The Vice-Chancellor (Professor K C Lee Dow)
The President of Academic Board (Professor L Skene)
Ms E Alexander, Mr T L Anning, Hon Justice Crennan, Associate Professor M A Elgar,
Mr G Hehir, Judge I Lawson, Dr B Lochtenberg, Mr J Osborn, Ms E N S Ritchie, Ms R
Storelli, Mr E Thornley, and Hon Mr D R White.

Others Attending

The Deputy President of Convocation (Mr A Handberg)
Mr B Barnett

The Deputy Vice-Chancellor (Research) (Professor F Larkins)
The Senior Vice-Principal (Mr I Marshman)
The Vice-Principal and Chief Financial Officer (Mr D Percival)
The Vice-Principal and General Counsel (Mr C Penman)
The Vice-Principal (Property & Buildings) (Dr D Daines)
The Vice-Principal and Academic Registrar (Ms L Martin)
The Vice-Principal (Human Resources) (Ms E Baré)

The University Secretary (Mr L Currie)
The General Manager, Vice-Chancellor's Office (Ms M O'Keefe)
The Assistant University Secretary (Mr J Green)
The Senior Media Adviser (Ms C Buckridge)
Ms K Smith.

Business

1. Formal Matters [Item A.01]

The Chancellor drew attention to the fact that Mr Osborn and Mr Williams would complete their term on Council at the end of the year, and thanked them for their service. Mr Ben Barnett, who would take up a position as a student elected member in 2005, was welcomed to the meeting as an observer.

Apologies were received from Dr Doig and Professor Pattison.

2. Returning Officer's Report [Item A.02]

The University Secretary declared Dr Lochtenberg elected to the office of Deputy Chancellor for the term 1 January 2005 to 31 December 2006.

3. Minutes of Previous Meeting [Item A.1 (a)]

3.1 The minutes of Council meeting 10/04 held on 8 November 2004, copies of which had been distributed, were confirmed subject to the following corrections:

minute 9.5 should read, "*Council adopted terms of reference for the Cyclical review of the International Conflict Resolution Centre (Appendix 5)*"; and the word '*that*' was omitted from the last dot point in Minute 9.7 which should conclude "*...shall be appointed in a way that is consistent with Regulation 17.1.R11.*"

3.2 The minutes of Council deemed meeting 11/04 held on 3 December 2004, copies of which had been distributed, were confirmed.

3.3 The Action Sheet was noted from Meeting No. 10/04. A document detailing allocations to Melbourne Scholarships was tabled to meet a request listed in the Action Sheet.

4. Starring of Additional Items [Item A.2 (a)]

Items A5(a).3, A6(a).1, A6(b).7, 8 & 9, B1(a).6, 7 & 8, B2(a).1, B7(a).1 & 4 and D5(a).2 were starred for discussion.

5. Motion to Adopt or Receive "Unstarred Items of Business" [Item A.2 (b)]

In accordance with established procedure, it was formally agreed that the items of business that were not to be specifically discussed should be adopted where containing **recommendations** or received where containing reports.

6. Chancellor's Matters

6.1 Amendment of the Melbourne University Act to Impose a Limit on the Number of Terms Served by a Member of Council

The Chancellor invited the University Secretary to brief Council on recent discussions between officers of Victorian universities and of the Victorian Department of Education and Training (DET) on proposed changes to the various university acts in connection with the National Governance Protocols for Higher Education Providers.

The University Secretary advised that DET had formed the view that it was not within the power of the universities to take action themselves to provide for a maximum period of appointment for elected or appointed members of Council, as the protocols envisaged, and that the matter would be dealt with by parliamentary amendment of the

university acts. DET officers had advised that the maximum period under consideration was a shorter period than the twelve years allowed by the Protocols, and that the power provided in the Protocols for Council to make exceptions for particular cases might not be included in the legislation. University officers had made strong representations that any provisions on this matter in the forthcoming amendments to the university acts should mirror the provisions of the National Protocols as closely as possible.

Victorian university officers had been advised that they would be invited to further discussions in the new year when the draft Bill was further advanced, and the University Secretary would report further at that time.

6.2 Thanks to University Officers

The Chancellor asked that the minutes record her gratitude to University officers for their courtesy, efficiency and kindness over the time she had held office.

6.3 Letter from Dr Curry

The Chancellor read to members a letter from Dr Norman Curry, in which he expressed his deep appreciation of the award of the honorary degree of Doctor of Laws conferred at a recent ceremony.

6.4 Council Appointment to Committees and Other Bodies

Council resolved to extend all its existing appointments to committees and other bodies until the end of February 2005.

7. Motion on Notice [Item A.3 (b)]

Leave was granted for the withdrawal of Mr Williams' motion on notice.

8. Vice-Chancellor's Report [Item A.4]

Council received the Vice-Chancellor's Report, together with two tabled confidential papers, *2005 Funding Agreement and Cluster Profile – Update Report*, and a report from Council's Advisory Group on Universitas 21 Global.

8.1 Status of Formal Agreements between the University and Victorian Hospitals

Council noted the issues raised in the report by the Dean of Medicine Dentistry and Health Sciences and the Vice-Principal and General Counsel (Appendix A to the Vice-Chancellor's Report), and endorsed the actions taken by the University, as set out in the final paragraph of the report.

8.2 Allocation of Amenities and Services Fee Moneys from 2003

The Vice-Chancellor withdrew the recommendation for the allocation of \$1,846,210 from the Amenities and Services Fee moneys collected in 2003 to be applied as Contributed Capital of MU Student Union Limited, to fund acquisition of the fixtures, fittings and equipment owned by MUSUI (In Liquidation). He advised that alternative action would be taken to achieve a similar outcome.

8.3 **Research Training Scheme**

Council agreed that further prosecution of the University's legal action in relation to the Research Training Scheme should be determined in early January 2005 by the incoming Vice-Chancellor in consultation with the Chancellor and the Chair, Finance Committee, taking into account the advice of the University's legal advisers.

8.4 **Negotiations with the Commonwealth over the 2005 Funding Agreement and Cluster Profile**

Noting that:

- to secure Commonwealth Grant Scheme Funding the University of Melbourne had no option other than to sign a Funding Agreement with the Commonwealth requiring it to contribute approximately \$4.4 million to the Victorian College of the Arts (VCA), not provided by either the Commonwealth Grant Scheme or student contributions from Commonwealth-supported students at the VCA;
- this reduced the funding available to the University of Melbourne to fulfil its obligations to other students;
- most University of Melbourne students were incurring cost increases from which VCA students had been exempted; and
- the University of Melbourne would continue to seek to resolve its differences with the Commonwealth government over the funding of the VCA –

Council resolved to –

- rescind its motion of 10 November 2003, resolving that no funding provided for the purposes of the University of Melbourne be diverted to the VCA to cover shortfalls in Commonwealth funding;
- authorise the Vice-Chancellor to execute the revised Funding Agreement forwarded to the University by the Commonwealth on 10 December 2004;
- request the incoming Vice-Chancellor to pursue a satisfactory long term resolution of this matter and to keep Council informed of developments during 2005;
- allocate to the VCA in 2005 such funds as were necessary to enable the University to satisfy its obligations under the Funding Agreement; and
- note that, pursuant to the terms of the Funding Agreement, the funds able to be retained by the University for the benefit of its own students would have been increased if the VCA had increased student contribution amounts in a manner similar to that adopted by the University of Melbourne.

8.5 **Evaluation Cycle 2004 – Quality of University Management and Administration**

Council agreed that it would review this annual survey report (Appendix K to the Vice-Chancellor's Report) at its February Planning Conference.

8.6 **Dean, Land and Food Resources**

The Vice-Chancellor reported that, on behalf of Council, he had appointed Professor Frank Larkins as Dean, Land and Food Resources from 10 January 2005 to 31 December 2005.

8.7 **University Systems Project**

Council received a report from a meeting of the University Systems Project Council due Diligence Group held on 3 December 2004.

Council noted the conclusion reached by the Council Due Diligence Group that nothing came to the Group's attention which would lead it to recommend to the Vice-Chancellor to not accept the recommendations made by the Senior Vice-Principal to proceed with implementation plans for Themis HR/Payroll go-live on 1 January 2005, subject to a formal recommendation being made on or about 22 December 2004 to the Vice-Chancellor from the Senior Vice-Principal, on advice from the USP Project Director, the Vice-Principal (Human Resources) and Internal Auditor, that the implementation plans should go-live on 1 January and the Vice-Chancellor deciding to accept that advice.

Council noted that, in the event that a material problem arose after 22 December 2004, it would still be possible to revert to the existing payroll system as late as 28 December 2004 without significant difficulties and effort – and as late as 31 December 2004, though with somewhat more effort involved.

Council noted with gratitude the preparedness of all involved to work right through to 31 December 2004 (with the sole exception of Christmas Day) in their efforts to ensure a smooth transition to the new system.

8.8 Universitas 21 Global Pte Ltd

Council received a report from the ad hoc group appointed at its 4 October meeting to advise concerning proposals for further funding for Universitas 21 Global and adopted the following recommendations:

- the University of Melbourne subscribe for its full allotted number of shares of 1,581,500 at a price of US\$1 per share for the purchase by U21 Equity Ltd of shares in Universitas 21 Global Pte Ltd on the condition that U21 Equity's call for US\$5 million is fully subscribed;
- in the event that the call for US\$5 million is not fully subscribed, the Board of Universitas 21 Global reduces the amount of the call (while maintaining the 50:50 split in shareholdings with Thomson Learning), and a full subscription of that revised call is achieved, then the University of Melbourne would still contribute US\$1,581,500 - even though that may lead to a small increase in the University's percentage shareholding; and
- during 2005, the University should closely monitor the extent to which Universitas 21 Global meets the operational milestones set out in Attachment C, noting that the critical elements will be achievement of accreditation or licensing in China or India, and finalization of joint degree programs or licensing arrangements with Universitas 21 universities.

Council adopted the recommendation of the Chair of Finance Committee on behalf of that Committee that University Reserve Funds be utilised for the above purposes.

9. Administrative Committee [Item A.5 (a)]

Council received the report of meetings 15/04 & 16/04 of the Administrative Committee held on 3 & 17 November 2004.

9.1. Revised Occupational Health and Safety Policy

Council adopted the **recommendation** to approve the revised Occupational Health and Safety Policy.

9.2. 2005 Schedule of Degree Conferring Ceremonies

Council adopted the proposed schedule of Degree Conferring Ceremonies as tabled.

10. Endowments and Trusts Committee [Item A.5 (b)]

Council received the report of meeting 4/04 of the Endowments and Trust Committee held 16 November 2004.

11. Planning and Budget Committee [Item A.6 (a)]

Council received the report of meeting 10/04 of the Planning and Budget Committee held 10 November 2004.

11.1. VERNet Pty Ltd

Council adopted the **recommendation** for the University of Melbourne to become a shareholder of “VERNet Pty Ltd” subject to:

- (i) final approval of the Constitution and Shareholders Agreement by the Office of the Vice-Principal and General Counsel; and
- (ii) that there be at least three (3) shareholders at the time of the University of Melbourne becoming a shareholder.

Council resolved that it was in the interests of the management or conduct of the affairs or concerns of the University to participate in the formation of VERNet Pty Ltd, the object of which is to design deploy and manage an advanced optical fibre network for the benefit of the Victorian research and education sectors.

11.2. Proposal to readvertise the Chair of Statistics

Council adopted the **recommendation** to readvertise the Chair of Statistics.

11.3. Proposal for the establish a Centre for the Study of Contemporary Islam

Council adopted the **recommendation** that a Centre for the Study of Contemporary Islam as a joint centre of the Faculties of Arts and Law be established.

12. Planning and Budget Committee [Item A.6 (b)]

Council received the report of meeting 11/04 of the Planning and Budget Committee held 8 December 2004, together with a supplementary paper – 2005 University Budget Update.

12.1. Refilling of the position of Professor of Medicine (RMH/WH)

Council approved the **recommendation** to refill the position of Professor of Medicine at the Western Hospital.

12.2. Refilling of the Chair of Geography

Council approved the **recommendation** to refill this position.

12.3. Proposal for the establishment of a position for Professor of Paediatric Neurology Research (AH/RCH)

Council adopted the **recommendation** to establish the position of Professor of Paediatric Neurology Research (AH/RCH).

12.4. Review of the Key Centre for Women's Health in Society

Council adopted terms of reference for the cyclical review of the Key Centre for Women's Health in Society.

12.5. Report from International Programs Committee

Council approved the **recommendation** that University level linkages for academic co-operation and exchange be established with the following Institutions:

- Università degli Studi di Siena
- Università degli Studi di Trento
- Università degli Studi di Venezia Ca'Foscari – Venice and Treviso

12.6. Bio21 Molecular and Biotechnology Institute Review

Council resolved as follows:

- (a) to appoint an interim Board comprising -
- an Executive Chair (Professor D G Penington)
 - Deans of Medicine, Dentistry and Health Sciences and Science
 - Director of the Bio21 Institute
 - Director of Commercialisation Strategy
 - A Project Officer, appointed by the University, to serve also in the role of General Manager for as long as the interim Board is in place,

noting that until such time as the Bio21 Institute is incorporated, the responsibilities and reporting relationships for the Executive Chair and the interim Board will be as specified in the Implementation Arrangements in Attachment 4 of Professor Penington's Report;

- (b) to suspend Reg 6.1.R9 until such time as an appropriately revised Regulation is presented governing the changed basis on which the Institute is now proposed to operate; and
- (c) to note the recommendation in the Penington Report, that the Bio21 Institute be constituted as a company limited by guarantee wholly owned by the University, and the advice of the Planning and Budget Committee, that formal advice about the incorporation of the Bio21 Institute, including the substantiation of any case for incorporation, would be submitted for approval by April 2005. (Such a proposal would make provision for a formal review of the operation of any proposed Institute Company before the end of its second year of operation.)

12.7. Finalisation of 2005 funding agreement with DEST

Council approved the revised 2005 funded student load targets, the commencing CGS undergraduate course quotas and the Access Melbourne targets as set out at Attachment 1, Table 1, 3 and 4 in Appendix 5 of the report. Council noted that the intake quotas would be subject to further adjustments as might be necessary, after outcomes of the re-

enrolments, transfers of fee-based students to Commonwealth Grants Scheme undergraduate course places and when other relevant factors were known.

12.8. **Revision of 2005 University Budget**

Council approved the changes to the previously agreed University 2005 budget as set out in Appendix 6 to the report, and authorised the Vice Chancellor to finalise the 2005 University Budget publication taking account of these changes and of the matters set out in the supplementary paper – 2005 University Budget Update.

13. **Committee of Convocation [Item A.7 (a)]**

Council received the report of meeting 9/04 of the Committee of Convocation held 17 November 2004.

13.1 **Information Resource Centre**

The Chancellor invited the Deputy President of Convocation, Mr Handberg, to speak to this item. In the course of discussion of a report that the Committee of Convocation had been concerned when advised that the conversion of the underground car park to an Information Resource Centre had been approved in principle, the Vice-Chancellor stated that no such approval had been given. Clearance had been given for some preliminary investigations to be made, but approval for the conversion could only occur through recommendation from the Buildings and Estates Committee to Council.

14. **Academic Board [Item B.1 (a)]**

Council received the report of meeting 10/04 of the Academic Board held on 25 November 2004.

14.1. **Award of Honorary Degree of Doctor of Engineering**

Council adopted the Board's **recommendation** to award an honorary degree of Doctor of Engineering to an individual whose citation was tabled at the meeting.

14.2. **New Courses**

Council adopted the Board's **recommendation** for the introduction of the following courses:

- Postgraduate Certificate in Avian Health (Appendix A)
- Postgraduate Diploma in Opera (Appendix B)
- Graduate Diploma in Agricultural Science (Appendix C)
- Postgraduate Certificate in Science (Earth Sciences) (Appendix D)

14.3. **New Student Awards**

Council adopted the Board's **recommendation** for the establishment of the following student awards:

- ANZ Group Strategic Development Scholarship (Appendix E)
- Simon Furphy Prize (Appendix F)
- Shepparton Surgeons and Physicians Prize (Appendix G)

14.4. Selection Matters

14.4.1. Alternative Entry Pathways

Council adopted the Board's **recommendation** to approve the alternative entry pathways into undergraduate courses for international students who have undertaken studies in Denmark, Germany and the Netherlands, and foundation studies and TAFE programs in Australia and Fiji, as set out in Appendix H to the report.

14.4.2. Trinity College Foundation Program Prerequisites and Entry Scores for 2006

Council adopted the Board's **recommendation** to approve the Trinity College Foundation Program Prerequisites and Entry Scores for 2006, as detailed in Appendix I. to the report.

14.4.3. Academic Board Resolutions on Selection

Council adopted the Board's **recommendation** to adopt new and revised Academic Board Resolutions on Selection for courses in the Faculties of Arts, Economics and Commerce, and Medicine, Dentistry and Health Sciences, the Institute of Land and Food Resources and the Victorian College of the Arts, as set out in Appendix J to the report.

15. Academic Board [Item B.1 (b)]

Council received the report of meeting 11/04 of the Academic Board held on 13 December 2004.

15.1 Appointment of Chair Selection Committees

Council adopted the Board's **recommendation** to establish the following chair selection committees:

- Chair of Geography (Appendix A)
- Chair of Medicine (Western Hospital/Royal Melbourne Hospital) (Appendix B)
- Chair of Paediatric Neurology Research (Austin Hospital/Royal Children's Hospital) (Appendix C).

15.2 New Student Awards

Council established the following student awards:

- The Elene & David Wood Engineering Scholarships (Appendix D).
- The University of Melbourne Land and Food Resources Bursaries (Appendix E).

15.3 Academic Board Resolutions on Selection

Council made the following amendment to the Academic Board Resolution on Selection for the Bachelor of Nursing Science course, as a consequence of a recent decision by the Commonwealth Government to fund additional places in the course which are to be restricted to applicants with experience in the aged care industry.

Amend 2. *Selection* by the addition of the following new paragraph:

- 2.5 Where Commonwealth Supported Places have been provided to meet work force needs in specific nursing areas, in the allocation of these places, preference will be given to applicants who meet the work force criteria and the availability of these places will be announced on the School of Nursing website. <http://www.nursing.unimelb.edu.au/>.

At this stage Council resolved to suspend its Standing Orders so much as required to allow continuation of the meeting beyond 7.00 pm to complete Council's business.

16. Finance Committee [Item B.2 (a)]

Council received the report of meeting 9/04 of the Finance Committee held on 16 November 2004.

16.1 Ongoing Support for Melbourne University Private Limited

Council approved the **recommendation** that the University provide to Melbourne University Private a letter in terms to be settled by the Vice-Chancellor in consultation with the Chair of Finance Committee, assuring the University's support in the event of an adverse tax assessment, as required for the private university to accomplish recognition in Table B of the Higher Education Support Act 2003.

17. Finance Committee [Item B.2 (b)]

Council received the report of meeting 10/04 of the Finance Committee held on 1 December 2004.

17.1 Changes to Regulation 17.1.R6 Purchasing Procedures and Delegations in relation to Financial Matters

The Finance Committee received a report from the Director of Financial Operations in respect to a further amendment to Regulation 17.1.R6

Council adopted the **recommendation** to make a further amendment to Regulation 17.1.R6 as set out at Appendix A to the report.

17.2 Funding of Property Acquisition and Development to Develop a Type 1 Data Centre

Council adopted the following **recommendations**:

1. the purchase of a property in Leicester Street for \$3.5million with funds being provided from University Reserve Funds, subject to confirmation that the property is fit and proper for the purpose described; and
2. that funding of up to \$7.6million for the development of the Type 1 Data Centre be provided from the Cash Flow component of Reserve Funds (noting that appropriations from the Capital and Building Services Program budget are \$1million in 2005 and \$6.6million in 2006).

18. Buildings and Estates Committee [Item B.4 (a)]

Council received the report of meeting 10/04 of the Buildings and Estates Committee held on 18 November 2004.

19. Council Nominations and Governance Committee [Item B.7 (a)]

Council received the report of meeting 5/04 of the Council Nominations and Governance Committee held on 29 November 2004.

20. Legislation Committee [Item C]

Council received the report of meeting 8/04 of the Legislation Committee held on 29 November 2004.

20.1 Council made the following Statute as detailed in the report:

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|---|---|
| (1) Amendment of Statute 14.1 recommended by the University Secretary | <u>To amend provisions relating to intellectual property (108/04)</u> |
|---|---|

20.2 Council made the following Regulations as detailed in the report:

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|---|--|
| (1) Amendment of Regulation R6.5 recommended by the University Secretary | <u>To amend the subject of three of the Dwight Prizes (99/04)</u> |
| (2) Amendment of Regulation R6.72 – Commemorative Scholarships and Awards | <u>To govern The Caluna Prize (94/04)</u> |
| (3) Amendment of Regulation R6.72 – Commemorative Scholarships and Awards – | <u>To update The Alice Brokenshire Taylor Scholarship (95/04)</u> |
| (4) Amendment of Regulation R6.72 – Commemorative Scholarships and Awards | <u>To update the Ian Charles Taylor Scholarship (96/04)</u> |
| (5) Amendment of Regulation R6.72 – Commemorative Scholarships and Awards | <u>To update The Charles Anthony Taylor Scholarship (97/04)</u> |
| (6) Making of a Regulation R6.72 recommended by the University Secretary | <u>To govern the Peter Hone Scholarships Fund (98/04)</u> |
| (7) Amendment of Regulation R6.72 recommended by the University Secretary | <u>To govern the Katharine Woodruff Memorial Prize in Palliative Medicine (100/04)</u> |
| (8) Amendment to Regulation R7.128 recommended by the University Secretary | <u>To update the terms of The Melbourne University Engineering School Foundation (91/04)</u> |
| (9) Amendment of Regulation 12.1.R1 recommended by the University Secretary | <u>To update the delegation of appointment of examiner in relation to PhDs (85/04)</u> |

21. Summary of Reports of matters dealt with by the Vice-Chancellor [Item D.2 (a) and D.2 (b)]

Council received the summary of reports on matters dealt with by the Vice-Chancellor, as set out in Items D.2 (a) and D.2 (b).

22. Report from the Melbourne Theatre Company Board of Management [Item D.5 (a)]

Council received the report for meeting 9/04 of the Melbourne Theatre Company Board of Management held on 19 November 2004.

22.1. Council adopted the **recommendations** to reappoint the following members to the Board:

- Mr David Percival (under the category of one member of staff of the University appointed by Council) - 1 January 2005 – 31 December 2007
- Professor Andrea Hull (under the category of a member appointed by Council on recommendation of the Board) - 1 January 2005 – 31 December 2007

23. Report from the Ian Potter Museum of Art [Item D.5 (b)]

Council received the report for the meeting of the Ian Potter Museum of Art held on 5 October 2004.

24. Minutes of Appreciation

24.1 Ms Fay Marles

Council asked the Chancellor Elect and the University Secretary to collaborate to draft an appropriate minute of appreciation to recognise retiring Chancellor Fay Marles' remarkable 21 years service on the Council of the University.

24.2 Professor Kwong Lee Dow

Council agreed to adopt a minute of appreciation in recognition of the great service rendered to the University by Professor Kwong Lee Dow and of his generosity in postponing his planned retirement. Council congratulated Professor Lee Dow on the outstanding success of his year as Vice-Chancellor.

The meeting then closed.