

THE AUSTRALIAN NATIONAL UNIVERSITY

Research Awards Rule 2021

I, Professor Brian P. Schmidt, Vice-Chancellor, make the following rule.

Dated 15 July 2021

Professor Brian P. Schmidt AC FAA FRS
Vice-Chancellor

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Part 1—Preliminary

Division 1.1—General

1 Name

This is the *Research Awards Rule 2021*.

2 Commencement

This instrument commences on 30 September 2021.

3 Authority

This instrument is made under the *Australian National University (Governance) Statute 2020*, section 68(1) (General power to make rules and orders).

4 Definitions

In this instrument:

appealable decision: see section 98.

course means a subject of scholarly study, whether it is taught:

- (a) in a connected series of classes or demonstrations; or
- (b) by means of practical work, including, for example, the production by students of essays, theses or case studies or the attendance and participation by students in seminars or workshops; or
- (c) by clinical or professional practice; or
- (d) in another way or in a combination of ways.

coursework means the courses, and other written or oral work (if any), undertaken by a student for the coursework component (if any) of a program for a research award.

[Note: The content of the coursework component of a program for a research award is approved by the Delegated Authority under section 28 (Coursework component).]

credit: see section 8.

Delegated Authority, in relation to a program offered by an ANU College for a research award, means a person who is appointed under section 105 (Appointment etc. of Delegated Authorities) as a Delegated Authority for the program.

in alternative format: a thesis is ***in alternative format*** if it includes video recordings, film or other works of visual or sonic arts, computer software, digital material or other non-written material.

person affected:

- (a) by an appealable decision: see section 99; or
- (b) by a reviewable decision: see section 93.

professional doctorate means a Doctor of Juridical Science or a Doctor of Psychology (Clinical).

research award: see section 6.

reviewable decision: see section 92.

unit: see section 9.

[Note: For definitions applying to University legislation generally, see the dictionary in the Legislation Statute. That dictionary defines terms relevant to this instrument, including the following:

- ANU College
- Associate Dean
- breach
- College Dean
- function
- working day.]

5 Application of instrument to programs

This instrument applies to programs for research awards and other programs:

- (a) that were commenced, but had not ended, before the commencement of this instrument; or
- (b) that are commenced after the commencement of this instrument.

Division 1.2—Important concepts

6 Research awards

A **research award** is a degree that, under section 10 (Research degrees conferred by University), may be conferred by the University.

7 Programs for research awards generally

- (1) To qualify for a research award a student must undertake a program for the award in accordance with this instrument and any requirements applying to the program that are determined by the University and published on its website.
- (2) The program may:
 - (a) consist of research or research and coursework; and
 - (b) be undertaken by full-time or part-time study.

8 What is *credit*

For a person admitted to be enrolled, or enrolled, in a program for a research award, **credit** is the recognition, towards completion of the program, of:

- (a) a course, or other relevant graduate or undergraduate studies, undertaken at the University or another university or tertiary education institution otherwise than as part of the program; or
- (b) clinical or professional experience;

and includes advanced standing and recognition of prior learning.

9 What is a *unit*

- (1) A **unit** is a measure of the work undertaken, or required to be undertaken, by a student for a program for a research award.
- (2) One unit is equivalent to:
 - (a) 1 week, if the program is being undertaken full-time; and

(b) 2 weeks, if the program is being undertaken part-time.

Part 2—Research degrees

10 Research degrees conferred by University

- (1) The University may confer the following research degrees:
 - (a) Doctor of Philosophy (PhD);
 - (b) Doctor of Philosophy (Clinical Psychology) (PhD);
 - (c) Doctor of Juridical Science (SJD);
 - (d) Doctor of Psychology (Clinical) (DPsych(Clinical));
 - (e) Master of Philosophy (MPhil).
- (2) The University may confer a research degree jointly with another university or institution with which it has an agreement for the joint conferral of research degrees.
- (3) In this section:

research degree means:

 - (a) the degree of Doctor of Philosophy or a professional doctorate by research; or
 - (b) the degree of Master of Philosophy.

11 Joint or dual programs with other institutions etc.

- (1) A provision of this instrument has no effect to the extent to which it is inconsistent with an agreement between the University and another university or institution that makes provision for or in relation to joint or dual programs offered by them (including cotutelle), or the joint or dual conferral of degrees or other awards by them, for students or a particular student.
- (2) For subsection (1), a provision of this instrument is not inconsistent with a provision of an agreement mentioned in that subsection to the extent to which both provisions can operate concurrently.

Part 3—Program admissions, enrolments and transfers

Division 3.1—Admission requirements and limitations: research awards

12 Minimum qualification requirement: doctoral programs

The minimum qualification requirement for admission to a program for a Doctor of Philosophy or professional doctorate is:

- (a) a degree of bachelor with first class honours, or upper second class honours, from an Australian university; or
- (b) another qualification that the Delegated Authority is satisfied is equivalent or superior to a degree mentioned in paragraph (a); or
- (c) a combination of qualifications and professional experience that the Delegated Authority is satisfied is equivalent or superior to a degree mentioned in paragraph (a).

13 Minimum qualification requirement: Master of Philosophy

The minimum qualification requirement for admission to a program for a Master of Philosophy is:

- (a) a degree of bachelor, with an overall grade of distinction or higher, from an Australian university; or
- (b) another qualification that the Delegated Authority is satisfied is equivalent or superior to a degree mentioned in paragraph (a); or
- (c) a combination of qualifications and professional experience that the Delegated Authority is satisfied is equivalent or superior to a degree mentioned in paragraph (a).

14 English language and other program requirements

The Deputy Vice-Chancellor may, in writing, determine English language and other requirements (including higher qualification requirements) for admission to a program for a research award.

15 Limits on places in programs

The College Dean of an ANU College may, in writing, determine the maximum number of students that may be admitted in any period to a program offered by the college for a research award.

Division 3.2—Admission process: research awards

16 Application for admission

- (1) A person may apply to the Registrar to be admitted to a program for a research award.
 - (2) The application must:
 - (a) be in writing; and
 - (b) state the program for which admission is sought; and
 - (c) include complete details of the person's qualifications and, if relevant, professional experience.
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[Note 1: If a form is approved under the Legislation Statute for this provision, the form must be used.]

[Note 2: Giving false or misleading information, or producing a false or misleading document, may be a criminal offence against the Criminal Code.]

17 Decision on application for admission

- (1) This section applies if a person makes an application under section 16 for admission to a program for a research award.
- (2) The Delegated Authority must decide the application.
- (3) However, the Delegated Authority may, by written notice given to the applicant, require the applicant to provide any information or document that the Delegated Authority reasonably needs to decide the application.
- (4) If the Delegated Authority requires the applicant to provide information or a document, the Delegated Authority need not consider the application until the applicant complies with the requirement.
- (5) After the Delegated Authority decides the application, the Registrar must tell the applicant in writing:
 - (a) whether the applicant has been admitted to the program; and
 - (b) if the applicant has been admitted to the program—about any conditions imposed by the Delegated Authority under section 18(4)(b) (Admission having regard to minimum admission requirements) on the applicant's admission.

[Note: A decision not to admit the applicant to the program is reviewable under Division 7.1 (Reviews of reviewable decisions).]

- (6) If the Delegated Authority does not admit the applicant to the program, the Registrar must also give the applicant a statement of the Delegated Authority's reasons for the decision.

18 Admission having regard to minimum admission requirements

- (1) The Delegated Authority may, under this subsection, admit the applicant to the program for the research award if satisfied that the applicant meets the following requirements (the *admission requirements*):
 - (a) the minimum qualification requirement applying to the program under section 12 (Minimum qualification requirement: doctoral programs) or section 13 (Minimum qualification requirement: Master of Philosophy);
 - (b) the English language and other requirements (if any) determined for admission to the program under section 14 (English language and other program requirements).
- (2) To remove any doubt, the Delegated Authority is not obliged to admit the applicant to the program under subsection (1) even if the Delegated Authority is satisfied that the applicant meets the admission requirements.
- (3) Despite subsection (1), the Delegated Authority must refuse to admit the applicant to the program under that subsection if the admission of the applicant to the program would result in the number of students being admitted to the program in any period exceeding the maximum number of students determined under section 15 (Limits on places in programs) for the program for the period.
- (4) Also, despite subsection (1), the Delegated Authority:

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- (a) may admit the applicant to the program under this subsection even though the Delegated Authority is not satisfied that the applicant meets the admission requirements; but
 - (b) if the Delegated Authority admits the applicant to the program under this subsection, the Delegated Authority may impose conditions on the applicant's admission to the program.
- (5) This section is subject to section 20 (False or misleading statements in applications for admission etc.).

19 Admission for certain staff members of University

- (1) The Delegated Authority may, under this section, admit the applicant to the program for the research award if:
- (a) the program is for the degree of Doctor of Philosophy; and
 - (b) the applicant is a member of staff of the University and, during the previous 10 years, has been employed as a member of staff of the University for a total of at least 3 years; and
 - (c) the applicant meets the minimum qualification requirement applying under section 12 (Minimum qualification requirement: doctoral programs); and
 - (d) the Delegated Authority is satisfied:
 - (i) that the applicant has made a substantial contribution to scholarship, in a discipline relevant to the program, by published work of which the applicant is the author or joint author; and
 - (ii) that published work is proposed to be incorporated by compilation into the applicant's thesis for the program.
- (2) To remove any doubt, the Delegated Authority is not obliged to admit the applicant to the program under this section even if the Delegated Authority is satisfied that the applicant meets the requirements for admission under this section.
- (3) Despite subsection (1), the Delegated Authority must refuse to admit the applicant to the program under this section if the admission of the applicant to the program would result in the number of students being admitted to the program in any period exceeding the maximum number of students determined under section 15 (Limits on places in programs) for the program for the period.
- (4) This section is subject to section 20 (False or misleading statements in applications for admission etc.).

20 False or misleading statements in applications for admission etc.

- (1) This section applies if the Delegated Authority suspects, on reasonable grounds, that an applicant for admission to a program for a research award has in, or in connection with, the applicant's application:
- (a) made a statement, or provided information, (whether orally, in a document or in any other way) that was false or misleading in a material particular; or
 - (b) provided a document that was false or misleading in a material particular.
- (2) The Delegated Authority must:
- (a) immediately report the Delegated Authority's suspicion (the *reported matter*), and the reasons for it, under the Discipline Rule; and

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- (b) if the applicant has not been enrolled in the program—the Delegated Authority must take action under subsection (3), (4) or (6), as appropriate.
- (3) If the Delegated Authority has not finally decided the application, the Delegated Authority must refuse to consider, or further consider, the application until the reported matter has been finally dealt with under the Discipline Rule.
- (4) If the Delegated Authority has refused to admit the applicant to the program, the applicant has applied for review the Delegated Authority’s decision and the Associate Dean has not finally dealt with the application for review, the Delegated Authority must immediately tell the Associate Dean about the Delegated Authority’s suspicion and the reasons for it.
- (5) The Associate Dean must refuse to deal, or further deal, with the application for review until the reported matter has been finally dealt with under the Discipline Rule.
- (6) If a decision has been made to admit the applicant to the program but the applicant has not been enrolled in the program, the Delegated Authority must immediately tell the Registrar about the Delegated Authority’s suspicion and the reasons for it.
- (7) The Registrar must not enrol the applicant in the program until the reported matter has been finally dealt with under the Discipline Rule.
- (8) This section is also additional to, and does not limit:
- (a) any power of the Delegated Authority, Associate Dean or Registrar otherwise than under this section; or
 - (b) the Discipline Rule.

[Note: The Discipline Rule includes provisions for dealing with misconduct, including making statements to the University, or to an officer or employee of the University, that a person knows are false (including the provision of falsified academic transcripts).]

Division 3.3—Pre-enrolment process: research awards

21 Pre-enrolment action by Delegated Authority

- (1) This section applies if a person is admitted to a program for a research award.
- (2) Before the person is enrolled in the program, the Delegated Authority:
- (a) may make a determination under subsection (3) or (4) (or both); and
 - (b) may appoint provisional supervisors for the program; and
 - (c) must tell the person in writing:
 - (i) about any matters determined under those subsections; and
 - (ii) the names of any provisional supervisors appointed.
- (3) The Delegated Authority may, in writing, determine the following:
- (a) requirements for the program;
 - (b) the school or centre of the University in which the program is to be undertaken.
- (4) The Delegated Authority may, in writing, determine the number of courses that the person may take in a semester, year or other teaching period.

Division 3.4—Program commencement: research awards

22 Program commences on enrolment

If a person is admitted to a program for a research award, the program commences on the day the person is enrolled in the program.

Division 3.5—Program transfers: research awards

23 Transfer between programs

- (1) This section applies if:
 - (a) a person is enrolled in a program for a research award (the *existing program*); and
 - (b) the person wishes to transfer from that program to a program for another research award (the *new program*).
- (2) The person may apply, in writing, to the Delegated Authority for the new program for approval to transfer from the existing program to the new program.

[Note: If a form is approved under the Legislation Statute for this provision, the form must be used.]
- (3) Within 20 working days after the day the application is made to the Delegated Authority, the Delegated Authority must:
 - (a) decide the application; and
 - (b) tell the person in writing:
 - (i) whether the transfer has been approved; and
 - (ii) if the transfer is approved—about any conditions imposed by the Delegated Authority on the transfer.

[Note: A decision not to approve the transfer, or to impose conditions on the transfer, is reviewable under Division 7.1 (Reviews of reviewable decisions).]
- (4) If the Delegated Authority approves the transfer, the person is taken to have withdrawn from the existing program and to have been admitted to the new program.
- (5) If the Delegated Authority decides not to approve the transfer or to impose conditions on the transfer, the Delegated Authority must also give the student a statement of reasons for the decision.
- (6) Any condition imposed by the Delegated Authority on the transfer is taken to be a condition imposed on the person's admission to the new program.

Part 4—Program requirements

Division 4.1—Credit

24 Granting credit

- (1) A student admitted to be enrolled, or enrolled, in a program for a research award may apply, in writing, to the Delegated Authority to be granted credit towards completion of the program.
- (2) The Delegated Authority must:
 - (a) decide the application; and
 - (b) tell the student in writing whether the credit has been granted.

[Note: A decision not to grant credit is reviewable under Division 7.1 (Reviews of reviewable decisions).]
- (3) If the Delegated Authority decides not to grant the credit, the Delegated Authority must also give the student a statement of reasons for the decision.
- (4) In granting credit under subsection (1), the Delegated Authority must comply with section 25.

25 Limits on granting credit

- (1) The Associate Dean of an ANU College may, in writing, decide the limits within which credit may be granted under section 24(1) to students admitted to be enrolled, or enrolled, in a program offered by the college for a research award.
- (2) Without limiting subsection (1), credit must not be granted to a student for a course or other studies, or for clinical or professional experience, completed more than 5 years before the day the student first applied under section 24(1) for credit for the studies or experience, unless the Associate Dean, on the written application of the student, decides that credit should be granted for the studies or experience.
- (3) If a student applies under subsection (2) for the grant of credit for studies or experience, the Associate Dean must:
 - (a) decide the application; and
 - (b) tell the student in writing whether the credit has been granted.

Division 4.2—Program content

26 Program components

The program of a student for a research award must include a research component and may include a coursework component.

27 Research component

- (1) The research component of a student's program for a research award must:
 - (a) represent at least two-thirds of the number of units of study required for the program; and

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- (b) consist of research into a topic or topics approved, in writing, by the Delegated Authority.
 - (2) The Delegated Authority may approve more than 1 topic only if satisfied the topics have a reasonable relationship with each other.

28 Coursework component

The coursework component (if any) of a student's program for a research award must:

- (a) not represent more than one-third of the number of units of study required for the program; and
- (b) consist of courses, clinical or professional practice, or both courses and clinical or professional practice, approved, in writing, by the Delegated Authority.

29 Program standard requirements

- (1) To complete the requirements of a program for a research award successfully, the student must pass the research component, and any coursework, at the standard determined, in writing, by the Delegated Authority for students undertaking the program or for the particular student.
- (2) For a program with a coursework component, a determination under this section may require the student to pass any course, or clinical or professional practice, at the determined standard before the student's thesis for the research component is examined.

Division 4.3—Undertaking the program

30 Program progress

A student enrolled in a program for a research award must make progress in the program to the Delegated Authority's satisfaction.

31 Standard program enrolment

- (1) The standard enrolment for a student for a program for a research award is 48 weeks, and the required number of units of study, for each year of the program.
- (2) The *required number of units of study*, for each year of the program, is:
 - (a) for a program undertaken by full-time study—48; or
 - (b) for a program undertaken by part-time study—24.

32 Standard program duration: doctoral programs

- (1) Completion of a standard program for a Doctor of Philosophy or professional doctorate requires the student to be enrolled for:
 - (a) a minimum of 96 units (which is equivalent to enrolment for 2 years full-time or 4 years part-time); and
 - (b) a maximum of 192 units (which is equivalent to enrolment for 4 years full-time or 8 years part-time).
- (2) However, the Deputy Vice-Chancellor may, in writing, approve:
 - (a) a different minimum enrolment period for this section for students undertaking a particular program; or

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- (b) a different maximum enrolment period for this section for students undertaking a particular program.
 - (3) Also, a student admitted under section 19 (Admission for certain staff members of University) to a program for a Doctor of Philosophy is required to be enrolled for a minimum of 24 units (which is equivalent to enrolment for 6 months full-time or 12 months part-time) to prepare the student's work for incorporation by compilation into the student's thesis and for the thesis to be submitted and examined, unless the Delegated Authority, in writing, approves a different minimum enrolment period for this section for the student.
 - (4) For this section, leave of absence granted to a student under section 38 (Program leave of absence) is to be disregarded in working out how long the student has been enrolled.

33 Standard program duration: Master of Philosophy

- (1) Completion of a standard program for a Master of Philosophy requires the student to be enrolled for:
 - (a) a minimum of 48 units (which is equivalent to enrolment for 1 year full-time or 2 years part-time); and
 - (b) a maximum of 96 units (which is equivalent to enrolment for 2 years full-time or 4 years part-time).
- (2) However, the Deputy Vice-Chancellor may, in writing, approve:
 - (a) a different minimum enrolment period for this section for students undertaking a particular program; or
 - (b) a different maximum enrolment period for this section for students undertaking a particular program.
- (3) For this section, leave of absence granted to a student under section 38 (Program leave of absence) is to be disregarded in working out how long the student has been enrolled.

34 Place where program must be undertaken

- (1) A student enrolled in a program for a research award must undertake the program at a campus of the University.
- (2) However, the Delegated Authority may, on the written application of the student and in writing, approve the student undertaking all or part of the program outside the University.
- (3) The Delegated Authority must not grant an approval under subsection (2) unless satisfied:
 - (a) if all or part of the program is proposed to be undertaken outside the University at another university or other tertiary education institution—that all of the following requirements will be met:
 - (i) any coursework proposed to be undertaken at the tertiary education institution as part of the program will be substantially comparable in quality to equivalent coursework offered by the University for the program (or comparable programs);
 - (ii) the tertiary education institution will have satisfactory research facilities available to the student for the program;

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- (iii) all reviews under section 55 (Reviews of progress) of the student's progress in the program will be satisfactorily completed; and
 - (b) if all or part of the program is proposed to be undertaken outside the University otherwise than at another university or other tertiary education institution—that all of the following requirements will be met:
 - (i) supervision arrangements will be available to the student for the program that will be substantially comparable in quality to supervision arrangements that will be available to the student for the program when the student is at the University;
 - (ii) the student will have access to satisfactory resources to undertake the program;
 - (iii) all reviews under section 55 of the student's progress in the program will be satisfactorily completed.
- (4) If the student applies under subsection (2) for approval for the student to undertake all or part of the program outside the University, the Delegated Authority must:
- (a) decide the application; and
 - (b) tell the student in writing whether the approval has been granted.
- [Note: A decision not to approve the student undertaking all or part of the program outside the University is reviewable under Division 7.1 (Reviews of reviewable decisions).]
- (5) If the Delegated Authority decides not to grant the approval, the Delegated Authority must also give the student a statement of reasons for the decision.

35 Revocation of approval to undertake program outside University

- (1) This section applies to a student if an approval is in force for the student under section 34(2) (Place where program must be undertaken).
- (2) If the student fails to satisfactorily complete a review of progress under section 55 (Reviews of progress), the Delegated Authority may, in writing, revoke the approval.
- [Note: A decision to revoke the approval is reviewable under Division 7.1 (Reviews of reviewable decisions).]
- (3) If the Delegated Authority revokes the approval, the Delegated Authority must:
- (a) tell the student in writing about the revocation of the approval; and
 - (b) give the student a statement of reasons for the revocation of the approval.

36 Total minimum period of attendance at University campus during program

- (1) While a student is undertaking a program for a research award, the student must attend a campus of the University for a minimum period, in total, of:
- (a) for a Doctor of Philosophy or professional doctorate—72 units (which is equivalent to attendance for 18 months full-time or 36 months part-time); or
 - (b) for a Master of Philosophy—48 units (which is equivalent to attendance for 1 year full-time or 2 years part-time).
- (2) However, subsection (1) is subject to any approval that is in force for the student under section 34(2) (Place where program must be undertaken).
- (3) If the Delegated Authority revokes the approval under section 35 (Revocation of approval to undertake program outside University), the Delegated Authority may, on the

written application of the student and in exceptional circumstances, reduce the minimum period applying to the student under subsection (1).

- (4) If the student applies under subsection (3) for a reduction of the period applying to the student under subsection (1), the Delegated Authority must:
 - (a) decide the application; and
 - (b) tell the student in writing whether the period has been reduced.

[Note: A decision not to reduce the period is reviewable under Division 7.1 (Reviews of reviewable decisions).]
- (5) If the Delegated Authority decides not grant the reduction, the Delegated Authority must also give the student a statement of reasons for the decision.
- (6) For this section, leave of absence granted to a student under section 38 (Program leave of absence) is to be disregarded in working out how long the student has attended a campus of the University.

37 Minimum period of attendance at University campus during a year

- (1) This section applies to a student if an approval is in force for the student under section 34(2) (Place where program must be undertaken).
 - (2) The student must, during each year of the program while the approval is in force, attend a campus of the University for a minimum period, in total, of:
 - (a) for a full-time student—4 units (which is equivalent to full-time attendance for 4 weeks); and
 - (b) for a part-time student—2 units (which is equivalent to part-time attendance for 4 weeks).
 - (3) However, the Delegated Authority may, on the application of the student or on the Delegated Authority's own initiative and in writing, vary the period that the student must, under subsection (2), attend a campus of the University during a particular year, or each year, while the approval is in force, if the Delegated Authority is satisfied that the variation is justified in the particular circumstances applying to the student.
 - (4) If the student applies under subsection (3) to vary the period that the student must attend a campus of the University, the Delegated Authority must:
 - (a) decide the application; and
 - (b) tell the student in writing whether the variation has been made.

[Note: A decision not to vary, or to vary on the Delegated Authority's own initiative, the period the student must attend a campus of the University is reviewable under Division 7.1 (Reviews of reviewable decisions).]
 - (5) If the Delegated Authority decides not make the variation, the Delegated Authority must also give the student a statement of reasons for the decision.
 - (6) If the Delegated Authority varies, on the Delegated Authority's own initiative, the period that the student must attend a campus of the University, the Delegated Authority must:
 - (a) tell the student in writing about the variation; and
 - (b) give the student a statement of reasons for the variation.
 - (7) For this section, leave of absence granted to a student under section 38 (Program leave of absence) is to be disregarded in working out how long the student has attended a campus of the University.
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38 Program leave of absence

- (1) The Delegated Authority may, on the written application of a student enrolled in a program for a research award and in writing, grant the student leave of absence from the program.
 - (2) In deciding the application, the Delegated Authority must not:
 - (a) grant leave of absence to the student for less than 1 unit (which is equivalent to leave of absence for 1 week for a full-time student or 2 weeks for a part-time student); or
 - (b) without the Associate Dean's written approval, grant a single leave of absence to the student for more than:
 - (i) for a full-time student—48 units (which is equivalent to leave of absence on a full-time basis for 48 weeks); and
 - (ii) for a part-time student—24 units (which is equivalent to leave of absence on a part-time basis for 48 weeks); or
 - (c) without the Associate Dean's written approval, grant leave of absence to the student if the total of the period of the leave of absence and all periods of leave of absence previously granted to the student in relation to the program would exceed:
 - (i) for a full-time student—96 units (which is equivalent to leave of absence on a full-time basis for 2 years); and
 - (ii) for a part-time student—48 units (which is equivalent to leave of absence on a part-time basis for 2 years).
 - (3) The Associate Dean may grant an approval under subsection (2)(b) or (c) only in exceptional circumstances.
 - (4) If the student applies under subsection (1) for leave of absence from the program, the Delegated Authority must:
 - (a) decide the application, after seeking any necessary approval from the Associate Dean; and
 - (b) tell the student in writing whether the leave of absence has been granted.
- [Note: A decision by the Delegated Authority not to grant a period of leave of absence (other than a decision made because of a decision by the Associate Dean not to grant an approval) is reviewable under Division 7.1 (Reviews of reviewable decisions).]
- (5) If the Delegated Authority decides not grant the leave of absence, the Delegated Authority must also give the student a statement of reasons for the decision.
 - (6) If the Associate Dean decides not grant an approval necessary for the application, the Delegated Authority must, in addition, give the student:
 - (a) a statement of the Associate Dean's reasons for the decision; and
 - (b) a statement to the effect that, subject to this instrument, the student may appeal against the Associate Dean's decision; and
 - (c) a statement setting out the procedure for making an appeal.
 - (7) Subject to the outcome of any appeal under Division 7.2 (Appeals against appealable decisions), a decision by the Associate Dean under this section not to grant an approval is final.

[Note: A student may appeal against a decision by the Associate Dean not to grant an approval (see section 98).]

39 Program extension

- (1) The Associate Dean may, on the written application of a student enrolled in a program for a research award and in writing, extend the maximum enrolment period applying to the student under section 32 (Standard program duration: doctoral programs) or section 33 (Standard program duration: Master of Philosophy).
- (2) However, the Associate Dean may grant an extension of the maximum enrolment period only if satisfied that the extension is justified because the student's ability to complete the program within that period has been adversely affected by illness or any other circumstances outside the student's control that the Associate Dean considers should be taken into account.
- (3) Also, an extension granted by the Associate Dean must not result in the student's maximum enrolment period going beyond maximum period under Division 4.5 (Ending of program) for completion of the program by the student.
- (4) In addition, any extension granted by the Associate Dean must be for the standard period unless the Associate Dean is satisfied that another period would be more appropriate in the circumstances.
- (5) If the student applies under subsection (1) for an extension of the maximum enrolment period, the Associate Dean must:
 - (a) decide the application; and
 - (b) tell the student in writing whether the extension applied for has been granted.
- (6) If the Associate Dean decides not to grant the extension applied for, the Associate Dean must also give the student:
 - (a) a statement of reasons for the decision; and
 - (b) a statement to the effect that, subject to this instrument, the student may appeal against the decision; and
 - (c) a statement setting out the procedure for making an appeal.
- (7) Subject to the outcome of any appeal under Division 7.2 (Appeals against appealable decisions), a decision of the Associate Dean not to grant the extension applied for is final.

[Note: A student may appeal against a decision by the Associate Dean not to grant an extension of maximum enrolment period applying to the student (see section 98).]

- (8) In this section:

standard period means:

- (a) for a Doctor of Philosophy or professional doctorate—24 units (which is equivalent to 6 months full-time study or 12 months part-time study); or
- (b) for a Master of Philosophy—12 units (which is equivalent to 3 months full-time study or 6 months part-time study).

Division 4.4—Other program requirements

40 Language of instruction

A program for a research award must be undertaken in English unless, and to the extent that, the Deputy Vice-Chancellor determines otherwise in writing.

41 Other studies

- (1) A student enrolled in a program for a research award must not undertake, or continue to undertake, any other studies at AQF level 5 or higher while the student is enrolled in the program unless the Delegated Authority, on the written application of the student and in writing, approves the student undertaking the studies while the student is enrolled in the program.
- (2) If a student applies for an approval under subsection (1), the Delegated Authority must:
 - (a) decide the application; and
 - (b) tell the student in writing whether the approval has been granted.

[Note: A decision not to approve a student to undertake other studies is reviewable under Division 7.1 (Reviews of reviewable decisions).]

- (3) If the Delegated Authority decides not to approve the student undertaking the studies while the student is enrolled in the program, the Delegated Authority must also give the student a statement of reasons for the decision.
- (4) In this section:

AQF means the Australian Qualifications Framework as in force at the commencement of this section.

[Note: At the commencement of this section, the framework was accessible at www.aqf.edu.au.]

42 Employment

- (1) This section applies in relation to a student's review of progress under section 55 (Reviews of progress) if the student has been employed during the period (the *review period*) since:
 - (a) for the student's first review in the program—the student's enrolment in the program; or
 - (b) for a later review—the student's last review.
- (2) The student must, at the review, give the Delegated Authority an estimate of the student's hours of employment during the review period.

Division 4.5—Ending of program

43 Withdrawal from program

- (1) A student enrolled in a program for a research award may withdraw from the program by written notice given to the Delegated Authority.
- (2) The student ceases to be enrolled in the program on the day the notice is given to the Delegated Authority or, if the notice states a later date of effect, on that date.

44 Maximum period for completion: basic maximum period

- (1) The maximum period for completion of a program for a Doctor of Philosophy or professional doctorate by a student is:
 - (a) for a program undertaken by full-time study—5 years beginning on the day the program commences; or
 - (b) for a program undertaken by part-time study—10 years beginning on the day the program commences; or

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- (c) for a program undertaken partly by full-time study and partly by part-time study—5 years beginning on the day the program commences plus an additional period, not exceeding 5 years, determined by the Delegated Authority, in writing, to take account of the proportionate period for which the program has been undertaken by part-time study.

[Note 1: Under section 22 (Program commences on enrolment), the program commences on the day the student is enrolled in the program.]

[Note 2: A decision determining a particular period under subsection (1)(c) or (2)(c) is reviewable under Division 7.1 (Reviews of reviewable decisions).]

- (2) The maximum period for completion of a program for a Master of Philosophy by a student is:
- (a) for a program undertaken by full-time study—3 years beginning on the day the program commences; or
 - (b) for a program undertaken by part-time study—6 years beginning on the day the program commences; or
 - (c) for a program undertaken partly by full-time study and partly by part-time study—3 years beginning on the day the program commences plus an additional period, not exceeding 3 years, determined by the Delegated Authority, in writing, to take account of the proportionate period for which the program has been undertaken by part-time study.
- (3) However, the maximum period provided under subsection (1) or (2) for completion of a student's program is automatically extended by:
- (a) any period of leave of absence from the program granted to the student under section 38 (Program leave of absence); and
 - (b) any period of medical leave taken, or required to be taken, from the program under the Medical Leave Rules (other than a period for which the student has been granted leave of absence from the program under section 38).
- (4) Also, the maximum period provided under subsection (1) or (2) for completion of a student's program (as automatically extended under subsection (3), if that subsection applies to the student) may be reduced under section 45 (Maximum period for completion of program: reduction of maximum period) or extended under section 46 (Maximum period for completion of program: extension of maximum period) (or both reduced and extended under those sections).
- (5) If the Delegated Authority determines a period under subsection (1)(c) or (2)(c), the Delegated Authority must:
- (a) tell the student in writing about the determination; and
 - (b) give the student a statement of reasons for the period determined.

45 Maximum period for completion of program: reduction of maximum period

- (1) This section applies if the Delegated Authority grants credit to a student towards completion of the student's program for a research award.
- (2) The Delegated Authority may, in writing, reduce the maximum period for completion of the student's program to take account of the credit granted.

[Note: A decision to reduce the maximum period for completion of a student's program is reviewable under Division 7.1 (Reviews of reviewable decisions).]

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- (3) If the Delegated Authority reduces the maximum period for completion of the student's program, the Delegated Authority must:
 - (a) tell the student in writing about the reduction; and
 - (b) give the student a statement of reasons for the decision.

46 Maximum period for completion of program: extension of maximum period

- (1) A student enrolled in a program for a research award may apply, in writing, to the Associate Dean for an extension of the maximum period for completion of the student's program.
 - (2) The Associate Dean must decide the application, after seeking any necessary approval under subsection (4)(b) from the Dean, Higher Degree Research.
 - (3) The Associate Dean may extend the maximum period for completion of the student's program if:
 - (a) the Associate Dean is satisfied that the student will be unable to successfully complete the coursework component (if any) of the program, and submit the student's thesis for the program for examination, within that period for all or any of the following reasons:
 - (i) infrastructure or facilities necessary for the student's research for the program were not available to the student for a period;
 - (ii) if the student has an Education Access Plan—changes were made to the student's program to take account of the plan;
 - (iii) any other circumstances outside of the student's control that the Associate Dean considers should be taken into account; and
 - (b) the student's primary supervisor certifies, in writing, that the student's research topic remains feasible and has not been rendered invalid by the passage of time.
 - (4) In deciding the application, the Associate Dean:
 - (a) must ensure that the total period of any extensions granted to the student under subsection (3) do not exceed the total of all the periods in relation to which the Associate Dean considers that a reason mentioned in subsection (3)(a)(i) to (iii) applies; and
 - (b) must not grant the student a single extension exceeding 6 months, or extensions exceeding 1 year in total, without the written approval of the Dean, Higher Degree Research.
 - (5) The Dean, Higher Degree Research may give an approval under subsection (4)(b) for a single extension exceeding 2 years, or extensions exceeding 2 years in total, only in exceptional circumstances.
 - (6) Within 10 working days after the day the Associate Dean makes a decision under this section, the Registrar must tell the student in writing about the decision.

[Note: For the service (however described) of notices and other documents, see the Legislation Statute, section 24.]
 - (7) If the Associate Dean decides not to give the extension, the Registrar must also, within the 10-day period, give the student:
 - (a) a statement of the Associate Dean's reasons for the decision; and
 - (b) if the Dean, Higher Degree Research decides not to give an approval necessary for the extension—a statement of the Dean's reasons for that decision; and
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- (c) a statement to the effect that, subject to this instrument, the student may appeal against the decision not to give the extension (including any decision not to give an approval necessary for the extension); and
 - (d) a statement setting out the procedure for making an appeal.
- (8) Subject to the outcome of any appeal under Division 7.2 (Appeals against appealable decisions), a decision of the Associate Dean, or the Dean, Higher Degree Research, under this section is final.

[Note: A student may appeal against a decision not to grant an extension of the maximum period for completion of the student's program (including any decision of the Dean, Higher Degree Research) (see section 98).]

47 Ending of program at end of maximum period for completion

- (1) A student's program for a research award ends by force of this section at the end of maximum period for completion of the program by the student, and the student automatically ceases to be enrolled in the program, if, before the end of that period, the student has not:
 - (a) successfully completed the coursework component (if any) of the program; and
 - (b) submitted the student's thesis for the program for examination.
- (2) If the program ends under this section, the Registrar must, as soon as practicable, tell the student in writing about the ending of the program under this section.

48 Termination of program

- (1) Each of the following is a ground for terminating, under this instrument, a student's enrolment in a program for a research award:
 - (a) that the student has not pursued the program to the Delegated Authority's satisfaction;
 - (b) that the student has otherwise breached this instrument or any requirement applying to the program that is determined by the University and published on its website;
 - (c) that the student has breached a condition imposed on the student's admission to the program.
- (2) If the Delegated Authority believes that a ground exists for terminating, under this instrument, the student's enrolment in the program, the Delegated Authority may, in writing, recommend to the Associate Dean that the student's enrolment be terminated.
- (3) Before acting on the recommendation, the Associate Dean must, by written notice given to the student, tell the student:
 - (a) about the recommendation; and
 - (b) that the student may make representations to the Associate Dean about the recommendation in the way, and within the period, specified in the notice.
- (4) The notice:
 - (a) may specify that representations must be made to the Associate Dean in writing or orally; and
 - (b) if the notice specifies that any representations must be made in writing—must specify a period, of not less than 5 working days after the day the student is given the notice, within which the student may make written representations to the Associate Dean; and

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- (c) if the notice specifies that any representations must be made in orally—must specify a place where, and a time (not earlier than 5 working days after the day the student is given the notice) when, the student may make oral representations to the Associate Dean.
- (5) This section does not prevent the Associate Dean from, at any time, allowing representations to be made both in writing and orally or extending any period within which representations may be made.
- (6) If, after considering any representations made by the student in accordance with this section, the Associate Dean is satisfied that a ground exists for terminating, under this instrument, the student's enrolment in the program, the Associate Dean may terminate the student's enrolment in the program.
- (7) Within 10 working days after the day the Associate Dean makes a decision under this section, the Registrar must tell the student in writing about the decision.
- [Note: For the service (however described) of notices and other documents, see the Legislation Statute, section 24.]
- (8) If the Associate Dean decides to terminate the student's enrolment, the Registrar must also, within the 10-day period, give the student:
- (a) a statement of the Associate Dean's reasons for the decision; and
 - (b) a statement to the effect that, subject to this instrument, the student may appeal against the decision; and
 - (c) a statement setting out the procedure for making an appeal; and
 - (d) a copy of the student's results following any coursework and any other assessment during the program.
- (9) Subject to the outcome of any appeal under Division 7.2 (Appeals against appealable decisions), a decision of the Associate Dean to terminate the student's enrolment is final.
- [Note: A student may appeal against a decision to terminate the student's enrolment (see section 98).]
- (10) This section does not affect the termination of the student's enrolment otherwise than under this instrument.
- [Note: The student could, for example, be excluded from the University under the Academic Integrity Rule or the Discipline Rule.]

Part 5—Supervision

49 Purpose of Part 5

This Part sets out the supervisory arrangements applying to a student enrolled in a program for a research award.

50 Supervisory panel and supervisors

- (1) The student must have a supervisory panel.
- (2) If the student is enrolled in a program for a Doctor of Philosophy or professional doctorate, the student must have a primary supervisor and at least 2 associate supervisors.
- (3) If the student is enrolled in a program for a Master of Philosophy, the student must have a primary supervisor and at least 1 associate supervisor.
- (4) The supervisory panel consists of a chair, the primary supervisor and the associate supervisor or supervisors.
- (5) The chair, primary supervisor and associate supervisors are appointed, in writing, by the Delegated Authority.
- (6) The primary supervisor or an associate supervisor may be appointed as the chair of the supervisory panel.
- (7) If someone other than the primary supervisor or an associate supervisor is appointed as the chair of the supervisory panel, the person is also a supervisor of the student.

51 Appointment of supervisors

- (1) The Delegated Authority must:
 - (a) ensure that there is a chair for the student's supervisory panel within 1 month after the day the student is enrolled or, if the Delegated Authority determines a longer period in writing, the determined period; and
 - (b) in any event, make the initial appointments of the student's supervisors within 3 months after the day the student is enrolled or, if the Delegated Authority determines a longer period in writing, the determined period.
- (2) The primary supervisor must:
 - (a) hold a Doctor of Philosophy or have a combination of qualifications and professional experience that the Delegated Authority is satisfied is equivalent; and
 - (b) be a member of the academic staff of the University employed by the University full-time or part-time on at least a 50% basis or, if the Delegated Authority approves in writing in the particular circumstances of the case, an Emeritus Professor of the University; and
 - (c) be actively carrying out research and publishing in a relevant discipline area.
- (3) If a person is already the primary supervisor for at least 6 students who are undertaking programs for research awards, the Delegated Authority may only appoint the person as the student's primary supervisor after considering the norms for research supervision in the relevant discipline area and the person's supervisory experience.

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- (4) If the primary supervisor is not the chair of the supervisory panel, the chair must:
 - (a) hold a Doctor of Philosophy or have a combination of qualifications and professional experience that the Delegated Authority is satisfied is equivalent; and
 - (b) be a member of the academic staff of the University employed by the University full-time or part-time on at least a 50% basis or, if the Delegated Authority approves in writing in the particular circumstances of the case, an Emeritus Professor of the University.
 - (5) An associate supervisor must hold an academic status, or honorary academic status, in the University.
 - (6) Despite subsections (2) to (5), the Delegated Authority may, with the written approval of the Associate Dean, appoint a person as primary supervisor, chair of the supervisory panel or associate supervisor even though the person is not otherwise eligible for appointment under this section.
 - (7) In appointing the supervisors, the Delegated Authority must, as far as practicable, ensure continuity in the student's supervision throughout the program and, in particular, that the primary supervisor, the chair of the supervisory panel or both will be available to carry out their responsibilities in relation to the student until the end of the program.

52 Particular responsibilities of primary supervisor and chair

- (1) The primary supervisor is responsible for academic oversight of the major research aspects of the student's program.
- (2) The chair of the supervisory panel is primarily responsible for coordinating all aspects of the student's program and is responsible for calling meetings of the supervisory panel.

53 General responsibilities of members of supervisory panel etc.

- (1) Each supervisor:
 - (a) is responsible, with the other supervisors, for supervising:
 - (i) all aspects of the student's program; and
 - (ii) the student's compliance with this instrument and any requirements applying to the program that are determined by the University and published on its website; and
 - (b) must advise the student on matters relevant to the program or assist the student to obtain appropriate advice on matters relevant to the program.
 - (2) However, the chair of the supervisory panel may, by written notice given to an associate supervisor and with the written approval of the Delegated Authority, limit the associate supervisor's responsibilities under subsection (1) to particular aspects of the student's program.
 - (3) In supervising the student, a supervisor must comply with University legislation and the policies and procedures of the University.
 - (4) The supervisory panel must meet at least twice in each year.
 - (5) A supervisor must tell the Delegated Authority if the supervisor considers that the student:
 - (a) is not pursuing the program satisfactorily; or
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- (b) has breached this instrument or any requirement applying to the program that is determined by the University and published on its website; or
 - (c) has breached a condition imposed on the student's admission to the program; or
 - (d) has not completed a required milestone.

54 Temporary supervisory arrangements

- (1) The Delegated Authority is responsible for supervising the student from the student's enrolment until the appointment of a person as primary supervisor or chair of the supervisory panel, whichever happens first.
- (2) After the Delegated Authority ceases to be responsible for supervising the student under subsection (1), the Delegated Authority must, as far as practicable, ensure that there is at all times a primary supervisor, a chair of the supervisory panel or both.
- (3) If, at any time after the Delegated Authority ceases to be responsible for supervising the student under subsection (1), there is neither a primary supervisor nor a chair of the supervisory panel, the Delegated Authority must, in writing, appoint an appropriately qualified person to act as supervisor.
- (4) If, while the Delegated Authority is responsible for supervising the student under subsection (1) or a person is acting as supervisor under subsection (3), the Delegated Authority or acting supervisor is (or is expected to be) absent from the University, or unable to supervise the student, for longer than 4 consecutive weeks, the Delegated Authority must, in writing, appoint another appropriately qualified person to supervise the student while the Delegated Authority or acting supervisor is absent or unable to supervise the student.

Part 6—Assessment

Division 6.1—Reviews

55 Reviews of progress

- (1) The supervisory panel for a student enrolled in a program for a research award must conduct an annual review of the student's progress in the program.
- (2) The first annual review is to be a review of the student's thesis proposal and research progress and any other matters relevant to the program.
- (3) The Delegated Authority may, in writing, direct the supervisory panel, a member of the supervisory panel or someone else to conduct an additional review of the student's progress in the program.
- (4) Without limiting section 48(1)(a) (Termination of program), the student's failure to satisfactorily complete a review of progress may establish a ground for terminating the student's enrolment in the program.

56 Action after review

- (1) After conducting a review of the student's progress in the program, the supervisory panel or person conducting the review must, in writing, make one of the following recommendations to the Delegated Authority:
 - (a) that the student continue undertaking the program;
 - (b) that an additional review of the student's progress be conducted after a stated period;
 - (c) for a program for a Doctor of Philosophy or professional doctorate—that the student transfer to a program for a Master of Philosophy;
 - (d) that the student's enrolment in the program be terminated.
- (2) The supervisory panel or person conducting the review must give the Delegated Authority written reasons for its recommendation.
- (3) The Delegated Authority must:
 - (a) tell the student in writing about the recommendation and the action the Delegated Authority intends to take on the recommendation; and
 - (b) give the student a copy of reasons given to the Delegated Authority for the recommendation.

Division 6.2—Thesis

57 Purpose of Division 6.2

This Division sets out provisions applying to the thesis of a student enrolled in a program for a research award.

58 General thesis requirements

- (1) The thesis must be an original work that:

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- (a) incorporates an account summarising the research undertaken by the student during the program and the results of the research; and
 - (b) if the research is on more than 1 topic—demonstrates the relationship between the topics; and
 - (c) is required to be provided by the student for the program; and
 - (d) if the research is undertaken jointly with someone else—clearly indicates the nature and extent of the student’s contribution to the research.
- (2) The student may submit a thesis by compilation only if the Delegated Authority has approved, in writing, the submission of the thesis by compilation, on the written application of the student.
 - (3) If the program is for a professional doctorate or Master of Philosophy, the Delegated Authority may grant an approval under subsection (2) only if satisfied that the approval is justified in the special circumstances of the case.
 - (4) The student may submit a thesis for examination in alternative format only if the format in which the thesis is to be submitted has been approved, in writing, by the Delegated Authority, on the advice of the student’s supervisory panel.
 - (5) The student must not include in the thesis material that has been previously submitted by the student for the purpose of obtaining a degree from any university or other tertiary educational institution.
 - (6) The thesis must be written in English, except so far as the Deputy Vice-Chancellor, on the Delegated Authority’s recommendation, determines otherwise in writing.

59 Form of thesis for examination

The Deputy Vice-Chancellor may, in writing, determine the form a thesis is to take for examination.

60 Submission of thesis

- (1) The student must submit the student’s thesis for examination by giving the Registrar 1 digital copy of the thesis.
- (2) However, the Delegated Authority may, in writing:
 - (a) approve the submission of all or part of the student’s thesis in another format and determine the number of copies to be given to the Registrar by the student in that format; or
 - (b) determine that the student give the Registrar a different number of digital copies of the thesis.
- (3) To remove any doubt, subsection (2) does not affect the student’s obligation under subsection (1) to submit 1 digital copy of the thesis.

61 Request for non-disclosure of thesis

- (1) The student may, in writing, request the Deputy Vice-Chancellor to prohibit the University Library from disclosing the thesis, or a specified part of it (including any confidential appendix), to anyone for a specified period.

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- (2) If the Deputy Vice-Chancellor is satisfied that the requested prohibition is reasonable having regard to the need to protect the student's interests under laws relating to copyright, designs or patents or confidential information, the Deputy Vice-Chancellor may, by written direction, prohibit the University Library from disclosing the thesis or the specified part of it to anyone for the specified period.
 - (3) The Deputy Vice-Chancellor must tell the student in writing about the outcome of the student's request.

Division 6.3—Examination methods

62 Purpose of Division 6.3

This Division sets out how a student undertaking a program for a research award must be examined on the program.

63 Examination of research

Research undertaken by the student during the program must be examined by submission and examination of a thesis based on that research, together with any oral or written examination that may be required.

64 Application of Assessment Rule

- (1) Coursework (other than any clinical or professional practice) undertaken by the student during the program must be assessed in accordance with the Assessment Rule unless the Delegated Authority determines otherwise in writing.
- (2) Without limiting the Delegated Authority's power under subsection (1), if the program is a program declared by the Deputy Vice-Chancellor, in writing, to be a program to which this subsection applies, the Delegated Authority may determine that coursework be assessed by an assessment of:
 - (a) an exhibition; or
 - (b) a performance; or
 - (c) a folio of work.

65 Assessment of clinical or professional practice

- (1) Clinical or professional practice undertaken by the student during the program must be assessed in the way determined, in writing, by the Delegated Authority.
- (2) Without limiting subsection (1), the Delegated Authority may determine that clinical or professional practice be assessed by:
 - (a) written or oral examination after completion of the practice; or
 - (b) assessment of reports by the student's supervisors during or following internships or other forms of professional practice.

66 Examination of program with research and coursework components

If the program has research and coursework components, the Deputy Vice-Chancellor may, in writing, determine that a student undertaking the program:

- (a) is to be examined for the program on the research only; or

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- (b) is required to pass a written examination on the coursework before being examined on the research, but the examination for the program is to be on the research only; or
 - (c) is to be examined for the program on the combined results of the examination of the research and coursework.

67 Examinations must be in English

Any examination must be conducted in English, except so far as the Deputy Vice-Chancellor, on the Delegated Authority's written recommendation, determines otherwise in writing.

Division 6.4—Thesis examiners

68 Purpose of Division 6.4

This Division set out provisions about the examiners of the thesis of a student undertaking a program for a research award.

69 Appointment of thesis examiners

- (1) When the thesis is submitted for examination, the Associate Dean must, in writing, appoint at least 2 examiners of the thesis.
- (2) The Associate Dean may, in writing, at any time appoint an additional examiner or additional examiners of the thesis.
- (3) An appointment of an examiner must be made by the Associate Dean on the written recommendation of the Delegated Authority.
- (4) The student may suggest or comment on the suitability of possible examiners, but must not take part in the making of a recommendation or decision about the appointment of an examiner.

70 Qualifications for appointment as thesis examiner

- (1) The Associate Dean must ensure that there are, at all times, at least 2 examiners of the thesis who have international standing and do not hold an academic or honorary academic appointment in the University.
- (2) A person must not be appointed an examiner if the person:
 - (a) has been connected with the student's research; or
 - (b) has, within the last 5 years, published or closely collaborated with the student or with a person who is or has been a supervisor of the student.
- (3) However, the Delegated Authority may recommend the appointment of, and, subject to subsection (1), the Associate Dean may appoint, a person as an examiner even though the person is not eligible for appointment under subsection (2).

71 Conflicts of interests by examiners

- (1) If a person who is proposed to be appointed as an examiner is aware that the person has, or may have, a material interest in relation to the examination of the student's thesis, the person must comply with subsection (2).

[Note: **Material interest** is defined in subsection (8). The definition of **indirect interest** in that subsection applies to the definition of **material interest**.]

- (2) Before the person is appointed as an examiner, the person must:
 - (a) tell the Associate Dean, in writing, that the person has, or may have, a material interest in relation to the examination of the student's thesis; and
 - (b) disclose the nature of the interest, in writing, to the Associate Dean.
- (3) If an examiner becomes aware that the examiner has, or may have, a material interest in relation to the examination of the thesis, the examiner must immediately disclose the nature of the interest, in writing, to the Associate Dean.
- (4) If an examiner makes a disclosure under subsection (3), the examiner must not take part, or continue to take part, in the examination of the thesis unless the Associate Dean agrees, in writing, to the examiner continuing as an examiner.
- (5) If a person is aware that a person who is proposed to be appointed, or has been appointed, as an examiner has, or may have, a material interest in relation to the examination of the thesis, the person must immediately tell the Associate Dean in writing.
- (6) If the Associate Dean becomes aware that an examiner has, or may have, a material interest in relation to the examination of the thesis, the Associate Dean may, by written notice given to the examiner, end the examiner's appointment as examiner.
- (7) Subsection (6) does not limit the Associate Dean's power to end the appointment of an examiner.
- (8) In this section:

associate, of a person, includes:

- (a) a business or research partner of the person; and
- (b) a close friend of the person; and
- (c) a family member of the person.

executive officer, of a corporation, means a person (however described) who is concerned with, or takes part in, the corporation's management, whether or not the person is a director of the corporation.

indirect interest: without limiting the kinds of indirect interests a person may have, a person has an **indirect interest** in relation to the examination of the thesis if any of the following has an interest in relation to the examination of the thesis:

- (a) an associate of the person;
- (b) a corporation if the corporation has not more than 100 members and the person, or an associate of the person, is a member of the corporation;
- (c) a subsidiary of a corporation mentioned in paragraph (b);
- (d) a corporation if the person, or an associate of the person, is an executive officer of the corporation;
- (e) the trustee of a trust if the person, or an associate of the person, is a beneficiary of the trust;
- (f) a member of a firm or partnership if the person, or an associate of the person, is a member of the firm or partnership;

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- (g) someone else carrying on a business if the person, or an associate of the person, has a direct or indirect right to participate in the profits of the business.

material interest: a person has a **material interest** in relation to the examination of the thesis if the person has:

- (a) a direct or indirect financial interest in relation to the examination; or
- (b) a direct or indirect interest of any other kind if the interest could conflict, or reasonably be seen to conflict, with the proper exercise of the person's functions in relation to the examination.

72 Non-disclosure of identity of examiners

- (1) The identity of an examiner must not be disclosed to the student, or to the other examiners, until the final decision is made on the examination of the thesis (and then only with the examiner's permission).
- (2) This section does not apply to a disclosure made during, or for the purposes of, an oral examination of the thesis.

73 Prohibited communications during thesis examination

- (1) This section applies during the period that begins when the student's thesis is submitted for examination and ends when the final decision is made on the examination of the thesis.
- (2) An examiner must not knowingly disclose the content of the thesis to someone who is not involved in the examination of the thesis.
- (3) The student, or a person who is or has been a supervisor of the student during the program, must not knowingly communicate directly or indirectly with an examiner about the research on which the thesis is based.
- (4) An examiner must not knowingly communicate directly or indirectly with another examiner, the student, or a person who is or has been a supervisor of the student during the program, about the research on which the thesis is based.
- (5) Subsections (3) and (4) do not apply to a communication made during an oral examination of the thesis or any other oral presentation for the thesis.

74 Nomination of person to provide further information to examiner

The Delegated Authority may, at the written request of an examiner, nominate a person (other than a person who is, or has been, a supervisor of the student during the program), in writing, to provide information to the examiner about the thesis or, if the research on which the thesis is based was undertaken jointly with someone else, the nature and extent of the student's contribution to the research.

Division 6.5—Examination reports

75 Examiners' reports on thesis examination

- (1) This section applies after the thesis of a student enrolled in a program for a research award has been examined by the examiners.

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- (2) Each examiner must give the Registrar a written report on the examiner's examination of the thesis.

[Note: If a form is approved under the Legislation Statute for this provision, the form must be used.]

- (3) The report must include one of the following recommendations:
 - (a) that the student be granted the research award;
 - (b) that the student be granted the research award subject to the student making specified corrections or revisions, to the satisfaction of the Delegated Authority, in the copy of the thesis to be deposited with the University Library;
 - (c) that the student be permitted to submit a revised thesis for re-examination;
 - (d) that the student be failed.
- (4) If the thesis is a thesis by compilation, a recommendation under subsection (3)(b) or (c) must relate only to the exegesis of the thesis or unpublished works.
- (5) The Registrar must give a copy of the examiners' reports to the Delegated Authority.

Division 6.6—Further examination of thesis

76 Application of Division 6.6

This Division applies to a student enrolled in a program for a research award if:

- (a) at least 1, but not all, of the examiners of the student's thesis recommend that the student be failed: and
- (b) based on the examiners' reports, the Delegated Authority considers that the student should be failed.

77 Student to be given opportunity of further examination

- (1) The student must be given the opportunity to have a further examination of the thesis before the Delegated Authority makes a recommendation to the Associate Dean.
- (2) The Delegated Authority must decide, in writing, whether the further examination is an oral examination or a review of the thesis by an additional examiner.

78 Oral examination

- (1) If the further examination is an oral examination, the student must be examined orally by the examiners on the substance of the student's thesis and the student's knowledge of the subject background.
- (2) However, the Delegated Authority may, in writing, direct that the oral examination be conducted by some, but not all, of the examiners.
- (3) If the Delegated Authority gives a direction under subsection (2), the Delegated Authority must, in writing, specify the examiners who are to conduct the examination.
- (4) For subsection (3), the Delegated Authority must specify at least 2 examiners unless the Delegated Authority considers that a single examiner should be specified for the particular examination.

[Note: If a single examiner is specified, an assessor must be appointed under section 79 (Assessor for oral examination).]

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- (5) If the oral examination is to be conducted by some, but not all, of the examiners, the examiners who are to conduct the examination must:
 - (a) find out from the examiners who are to be absent whether they have questions that they wish to have put to the student; and
 - (b) at the examination, put the substance of the questions to the student, together with any other questions they consider relevant; and
 - (c) after the examination, give the examiners who are absent a report on the student's performance at the oral examination, including the student's answers to their questions.
 - (6) Each examiner must give the Registrar a written report on the oral examination.
[Note: If a form is approved under the Legislation Statute for this provision, the form must be used.]
 - (7) The report may:
 - (a) confirm the recommendation made by the examiner in the report under section 75 (Examiners' reports on thesis examination); or
 - (b) make a different recommendation that could have been made in that report.
 - (8) The Registrar must give a copy of the examiners' reports to the Delegated Authority.

79 Assessor for oral examination

- (1) This section applies if the oral examination is to be conducted by a single examiner.
- (2) The Delegated Authority must, in writing, appoint a person as an assessor for the oral examination.
- (3) The person appointed as assessor must be a senior member of the academic staff of the University, or another university, who has some knowledge of the subject area of the student's thesis, but is not necessarily an expert in that area.
- (4) The Registrar must give the assessor a copy of the student's thesis before the examination.
- (5) The assessor must attend but not participate in the examination, otherwise than to ensure that the examination is properly and fairly conducted.
- (6) The assessor may give the Registrar any written comments the assessor wishes to make about the examination.
- (7) The Registrar must give a copy of any comments to the Delegated Authority.

80 Written examination

- (1) This section applies if:
 - (a) the Delegated Authority decides under section 77 (Student to be given opportunity of further examination) that the student is to have an oral examination; but
 - (b) the Delegated Authority considers that it is not practical to hold the oral examination.
- (2) The student is to be examined by written examination, set by the examiners, covering the field that the oral examination would have covered.

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- (3) The student must give the student's written answers in the examination to the Registrar who must give a copy of them to the examiners.
 - (4) Each examiner must consider the student's answers and give the Registrar a written report on the examiner's consideration of the answers.
[Note: If a form is approved under the Legislation Statute for this provision, the form must be used.]
 - (5) The report may:
 - (a) confirm the recommendation made by the examiner in the report under section 75 (Examiners' reports on thesis examination); or
 - (b) make a different recommendation that could have been made in that report.
 - (6) The Registrar must give a copy of the examiners' reports to the Delegated Authority.

Division 6.7—Outcome of thesis examination

81 Application of Division 6.7

This Division applies after:

- (a) the thesis of a student enrolled in a program for a research award has been examined by the examiners; and
- (b) any further examination of the thesis under Division 6.6 has been completed.

82 Recommendation by Delegated Authority following thesis examination

- (1) The Delegated Authority must consider the following material:
 - (a) the examiners' reports under section 75 (Examiners' reports on thesis examination);
 - (b) any examiners' reports under section 78 (Oral examination);
 - (c) any comments given to the Registrar under section 79 (Assessor for oral examination);
 - (d) any examiners' reports under section 80 (Written examination).
 - (2) After considering the material, the Delegated Authority must make one of the following recommendations, in writing, to the Associate Dean:
 - (a) that the student be granted the research award;
 - (b) that the student be granted the research award subject to the student making specified corrections or revisions, to the satisfaction of the Delegated Authority, in the copy of the thesis to be deposited with the University Library;
 - (c) that the student be re-examined by resubmission of thesis or that some or all of the student's coursework during the program be re-examined (or both);
 - (d) that the student be failed.
 - (3) If the thesis is a thesis by compilation, a recommendation under subsection (2)(b) or (c) must relate only to the exegesis of the thesis or unpublished works.
 - (4) The Delegated Authority must recommend that the student be granted the research award if satisfied that the overall results obtained by the student during the program are satisfactory, both in relation to the examination of the student's thesis and in relation to the examination of the student's coursework (if any).
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- (5) Subsection (4) does not prevent the Delegated Authority from recommending that the student be granted the research award subject to the student making specified corrections or revisions, to the satisfaction of the Delegated Authority, in the copy of the thesis to be deposited in the University Library.
 - (6) If the Delegated Authority's recommendation is that the student be failed, the recommendation must be accompanied by written reasons for the recommendation.

83 Decision of Associate Dean following thesis examination

- (1) This section applies if the Delegated Authority makes a recommendation under section 82 (Recommendation by Delegated Authority following thesis examination) in relation to the student.
- (2) The Associate Dean must make one of the following decisions:
 - (a) that the student be granted the research award;
 - (b) that the student be granted the research award subject to the student making specified corrections or revisions, to the satisfaction of the Delegated Authority, in the copy of the thesis to be deposited with the University Library;
 - (c) that the student be re-examined by resubmission of thesis or that some or all of the student's coursework during the program be re-examined (or both);
 - (d) that the student be failed.
- (3) The Registrar must tell the student in writing about the decision.

[Note: For the service (however described) of notices and other documents, see the Legislation Statute, section 24.]
- (4) If the Associate Dean decides that the student be failed, the Registrar must also give the student:
 - (a) a statement of the Associate Dean's reasons for the decision; and
 - (b) a statement to the effect that, subject to this instrument, the student may appeal against the decision; and
 - (c) a statement setting out the procedure for making an appeal; and
 - (d) a copy of each of the following, prepared so the identity of the examiners is not disclosed to the student:
 - (i) the examiner's reports under section 75 (Examiners' reports on thesis examination);
 - (ii) any examiner's reports under section 78 (Oral examination);
 - (iii) any comments given to the Registrar under section 79 (Assessor for oral examination);
 - (iv) any examiner's reports under section 80 (Written examination).
- (5) Subject to the outcome of any appeal under Division 7.2 (Appeals against appealable decisions), a decision of the Associate Dean to fail the student is final.

[Note: A student may appeal against a decision to fail the student (see section 98).]

84 Corrections or revisions to thesis

- (1) This section applies if the Associate Dean decides that the student be granted the research award subject to the student making specified corrections or revisions, to the satisfaction of the Delegated Authority, in the copy of the thesis to be deposited with the University Library.
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- (2) The student must, within the required period:
 - (a) make the specified corrections or revisions to a copy of the thesis; and
 - (b) give the copy, as corrected or revised, to the Delegated Authority for review.

- (3) In this section:

required period means:

- (a) 12 months after the day the Registrar:
 - (i) tells the student in writing about the Associate Dean's decision; and
 - (ii) gives the student a statement of the Associate Dean's reasons for the decision; and
 - (iii) gives the student everything else the student is required to be given under section 83(4) (Decision of Associate Dean following thesis examination) in relation to the decision; or
- (b) if the Delegated Authority, in writing, allows a further period—the further period.

85 Re-examination by resubmission of thesis

- (1) This section applies if the Associate Dean decides that the student be re-examined by resubmission of thesis.
- (2) The Delegated Authority must, in writing, appoint a person to advise the student during the process of revising the student's thesis.
- (3) The student must, within the required period, revise the thesis and resubmit the revised thesis for examination.

- (4) In subsection (3):

required period means:

- (a) 12 months after the day (the *notice day*) the Registrar:
 - (i) tells the student in writing about the Associate Dean's decision; and
 - (ii) gives the student a statement of the Associate Dean's reasons for the decision; and
 - (iii) gives the student everything else the student is required to be given under section 83(4) (Decision of Associate Dean following thesis examination) in relation to the decision; or
 - (b) if the Associate Dean fixes a shorter period by written notice given to the student—that shorter period.
- (5) However, the Delegated Authority may, by written notice given to the student, extend (or further extend) the required period. But any extension must not go beyond 24 months after the notice day.
 - (6) The Associate Dean must, in writing, appoint at least 2 examiners to examine the revised thesis.
 - (7) An examiner may, but need not be, an examiner who examined the student's initial thesis.
 - (8) Division 6.4 (Thesis examiners) applies to the appointment of an examiner under this section, and to an examiner appointed under this section, with any necessary changes.

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- (9) Each examiner must give the Registrar a written report on the examiner's examination of the revised thesis.

[Note: If a form is approved under the Legislation Statute for this provision, the form must be used.]

- (10) The report must include one of the following recommendations:
- (a) that the student be granted the research award;
 - (b) that the student be granted the research award subject to the student making specified corrections or revisions, to the satisfaction of the Delegated Authority, in the copy of the thesis to be deposited with the University Library;
 - (c) that the student be failed.
- (11) If the thesis is a thesis by compilation, a recommendation under subsection (10)(b) must relate only to the exegesis of the thesis or unpublished works.
- (12) To remove any doubt, the report may not recommend that the student be re-examined by resubmission of thesis or that some or all of the student's coursework during the program be re-examined.
- (13) The Registrar must give a copy of the examiners' reports to the Delegated Authority.

86 Re-examination of coursework

- (1) This section applies if the Associate Dean decides that some or all of the student's coursework during the program be re-examined.
- (2) Division 6.3 (Examination methods) applies to the re-examination with any necessary changes.

87 Recommendation by Delegated Authority following re-examination

- (1) This section applies if the student has been re-examined by resubmission of thesis or some or all of the student's coursework during the program has been re-examined (or both).
- (2) The Delegated Authority must consider the following material:
 - (a) if the student has been re-examined by resubmission of thesis—the examiners' reports under section 85 (Re-examination by resubmission of thesis);
 - (b) if some or all of the student's coursework has been re-examined—the results of the re-examination.
- (3) After considering the material, the Delegated Authority must make one of the following recommendations, in writing, to the Associate Dean:
 - (a) that the student be granted the research award;
 - (b) that the student be granted the research award subject to the student making specified corrections or revisions, to the satisfaction of the Delegated Authority, to the copy of the thesis to be deposited with the University Library;
 - (c) that the student be failed.
- (4) If the thesis is a thesis by compilation, a recommendation under subsection (3)(b) must relate only to the exegesis of the thesis or unpublished works.
- (5) The Delegated Authority must recommend that the student be granted the research award if satisfied that the overall results obtained by the student during the program are

satisfactory, both in relation to the examination of the student's thesis and in relation to the examination of the student's coursework (if any).

- (6) Subsection (5) does not prevent the Delegated Authority from recommending that the student be granted the research award subject to the student making specified corrections or revisions, to the satisfaction of the Delegated Authority, in the copy of the thesis to be deposited in the University Library.
- (7) If the Delegated Authority's recommendation is that the student be failed, the recommendation must be accompanied by written reasons for the recommendation.

88 Decision of Associate Dean following re-examination

- (1) This section applies if:
 - (a) the student has been re-examined by resubmission of thesis or some or all of the student's coursework during the program has been re-examined (or both); and
 - (b) the Delegated Authority makes a recommendation to the Associate Dean under section 87 (Recommendation by Delegated Authority following re-examination) in relation to the student.
- (2) The Associate Dean must make one of the following decisions:
 - (a) that the student be granted the research award;
 - (b) that the student be granted the research award subject to the student making specified corrections or revisions, to the satisfaction of the Delegated Authority, to the copy of the thesis to be deposited with the University Library;
 - (c) that the student be failed.
- (3) The Registrar must tell the student in writing about the decision.

[Note: For the service (however described) of notices and other documents, see the Legislation Statute, section 24.]
- (4) If the Associate Dean decides that the student be failed, the Registrar must also give the student:
 - (a) a statement of the Associate Dean's reasons for the decision; and
 - (b) a statement to the effect that, subject to this instrument, the student may appeal against the decision; and
 - (c) a statement setting out the procedure for making an appeal; and
 - (d) a copy of any examiners' reports under section 85 (Re-examination by resubmission of thesis), prepared so the identity of the examiners is not disclosed to the student.
- (5) Subject to the outcome of any appeal under Division 7.2 (Appeals against appealable decisions), a decision of the Associate Dean to fail the student is final.

[Note: The student may appeal against a decision to fail the student (see section 98).]

89 Examination of Doctor of Philosophy thesis for Master of Philosophy

- (1) This section applies if:
 - (a) the student is enrolled in a program for the degree of Doctor of Philosophy (the *existing program*); and
 - (b) the student submits the student's thesis for examination for that degree; and
 - (c) the Associate Dean decides:

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- (i) that the student be re-examined by resubmission of thesis; or
 - (ii) that the student be failed; and
 - (d) the student wishes to be examined as a student in a program for the degree of Master of Philosophy (the *new program*).
- (2) The student may, within the required period and in writing, apply to the Delegated Authority for the new program for approval for the thesis to be examined for the degree of Master of Philosophy.
- (3) In subsection (2):
- required period* means:
- (a) 12 months after the day the Registrar:
 - (i) tells student in writing about the Associate Dean’s decision; and
 - (ii) gives the student a statement of the Associate Dean’s reasons for the decision; and
 - (iii) gives the student everything else the student is required to be given under section 83(4) (Decision of Associate Dean following thesis examination) in relation to the decision; or
 - (b) if the student appeals against the decision and the decision is confirmed on appeal or the decision is made on appeal that the student be re-examined by resubmission of thesis—12 months after the day:
 - (i) told in writing under this instrument about the final decision on the appeal; and
 - (ii) given a statement of reasons under this instrument for the decision.
- (4) Within 20 working days after the day the application is made to the Delegated Authority, the Delegated Authority must:
- (a) decide the application; and
 - (b) tell the student in writing about the decision.
- (5) The Delegated Authority may approve the examination of the thesis for the degree of Master of Philosophy:
- (a) whether or not the student’s thesis has been revised since it was submitted for examination for the degree of Doctor of Philosophy; and
 - (b) whether or not the thesis exceeds the maximum length normally acceptable for a thesis for a Master of Philosophy.
- (6) If the Delegated Authority approves the examination of the thesis for the degree of Master of Philosophy:
- (a) the student is taken to be enrolled in the program for the degree of Master of Philosophy; and
 - (b) the student may submit the student’s thesis, or the thesis as revised, for examination for that degree.
- (7) If the student submits the thesis for examination for the degree of Master of Philosophy, the Associate Dean must, unless the circumstances of the case are exceptional, appoint examiners who were not previously appointed to examine the student’s thesis for the degree of Doctor of Philosophy.
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- (8) If an examiner appointed to examine the thesis was not previously appointed to examine the student's thesis for the degree of Doctor of Philosophy, the examiner must not be told that the thesis was previously examined for that degree.

Division 6.8—Retention and availability of thesis

90 Student must provide thesis for deposit in University Library

- (1) This section applies if the Associate Dean decides that the student be granted the research award.
- (2) Before the research award is conferred, the student must provide 1 copy of the student's thesis, as finally corrected, revised and reviewed and in the format decided by the Registrar, to the Registrar for deposit in the University Library.
- (3) The provision of the copy of the thesis by the student authorises the University:
 - (a) to make the thesis available in the University Library in any format; and
 - (b) with the student's permission, to make the thesis otherwise available in any format.
- (4) However, subsection (3)(a) is subject to any direction of the Deputy Vice-Chancellor under section 61 (Request for non-disclosure of thesis) prohibiting the University Library from disclosing the thesis, or a specified part of it, to anyone for a specified period.

91 Thesis of student not granted research award

- (1) This section applies if the student submits the student's thesis for examination, but the Associate Dean does not decide that the student be granted the award.
- (2) The Registrar must keep a copy of the thesis.
- (3) After considering any University intellectual property and open access policies, and with the Delegated Authority's agreement and the student's permission, the Deputy Vice-Chancellor may make the thesis available for private study and research in any format.

Part 7— Reviews and appeals

Division 7.1—Reviews of reviewable decisions

92 What decisions are *reviewable decisions*?

Each of the following decisions is a *reviewable decision*:

- (a) a decision under section 17 (Decision on application for admission) not to admit a person to a program for a research award;
- (b) a decision under section 23 (Transfer between programs) not to approve a transfer from a research program to another research program or to impose conditions on such a transfer;
- (c) a decision under section 24 (Granting credit) not to grant credit to a student;
- (d) a decision under section 34(2) (Place where program must be undertaken) not to approve a student undertaking all or part of a program outside the University;
- (e) a decision under section 35 (Revocation of approval to undertake program outside University) to revoke an approval under section 34(2);
- (f) a decision under section 36(3) (Total minimum period of attendance at University campus during program) not to reduce the minimum period a student must attend a campus of the University;
- (g) a decision under section 37(3) (Minimum period of attendance at University campus during a year) not to vary the period a student must attend a campus of the University;
- (h) a decision under section 37(3), made on the Delegated Authority's own initiative, to vary the period a student must attend a campus of the University;
- (i) a decision by the Delegated Authority under section 38 (Program leave of absence) not to grant leave of absence to a student (other than a decision made because of a decision by the Associate Dean not to give an approval);
- (j) a decision under section 41 (Other studies) not to approve a student undertaking other studies;
- (k) a decision determining a particular period under section 44(1)(c) or (2)(c) (Maximum period for completion: basic maximum period);
- (l) a decision under section 45 (Maximum period for completion of program: reduction of maximum period) to reduce the maximum period for completion of a student's program.

93 Who is the *person affected* by a reviewable decision?

The *person affected* by a reviewable decision is:

- (a) for a decision not to admit a person to a program for a research award—the applicant for admission; and
- (b) for any other decision—the student affected by the decision.

94 Application for review of reviewable decision

- (1) The person affected by a reviewable decision may apply for review of the decision.
- (2) The application must:
 - (a) be in writing; and

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- (b) set out the person's reasons for making the application; and
 - (c) include, or be accompanied by, any evidence in support of the reasons; and
 - (d) be given to the Registrar within the required period.
- (3) If:
- (a) the person applies for review of the decision; and
 - (b) immediately before the decision was made, the person was enrolled in a program for a research award; and
 - (c) the reviewable decision affected the person's right to remain enrolled in the program;

the person is entitled to be enrolled in the program until the review is finally decided.

- (4) In this section:

required period means:

- (a) 20 working days after the day the person:
 - (i) is told in writing under this instrument about the reviewable decision; and
 - (ii) given a statement of reasons under this instrument for the decision; and
 - (iii) given anything else the person is required by a provision of this instrument to be given in relation to the decision; or
- (b) if the Registrar extends the period in the special circumstances of the case—the extended period.

95 Review by Associate Dean

- (1) This section applies if the person affected by a reviewable decision (the ***applicant***) applies under section 94 (Application for review of reviewable decision) for review of the decision.
- (2) The Associate Dean must review the decision.
- (3) The Associate Dean may decide the review solely on the basis of the application and any material accompanying it. However, the Associate Dean may make the inquiries, and have regard to anything else, that the Associate Dean considers appropriate.
- (4) The Associate Dean must:
 - (a) confirm the reviewable decision; or
 - (b) set aside the reviewable decision, and do either of the following:
 - (i) refer the matter to the Delegated Authority who made that decision to further consider the reviewable decision, taking into account the directions or recommendations (if any) of the Associate Dean, and to make a new decision;
 - (ii) substitute another decision that the Delegated Authority could have made.
- (5) The Associate Dean must endeavour to make a decision on the review within 20 working days after the day the application for review of the decision is made.
- (6) If the Associate Dean is unable to make a decision on the review within the 20-day period, the Associate Dean must, by written notice:
 - (a) tell the applicant; and
 - (b) give the applicant a date by which the application for review will be decided.

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- (7) Within 10 working days after the Associate Dean makes a decision on the review, the Associate Dean must:
 - (a) tell the applicant in writing about the decision made on the review; and
 - (b) give the applicant a statement of reasons for the decision.
 - (8) Subject to the outcome of any application for review made under section 96 (Application for procedural review of review decision), the decision of the Associate Dean is final.
 - (9) This section is subject to section 20 (False or misleading statements in applications for admission etc.).

96 Application for procedural review of review decision

- (1) This section applies if:
 - (a) a person applied under section 94 (Application for review of reviewable decision) for review by the Associate Dean of a reviewable decision; and
 - (b) the person is dissatisfied with the decision made by the Associate Dean on the review (the **review decision**) because procedures that were required to be observed by this instrument in connection with the review were not observed.
- (2) The person may apply to the Deputy Vice-Chancellor for review of the review decision, but only on the ground that procedures that were required to be observed by this instrument in connection with the review were not observed.
- (3) The application must:
 - (a) be in writing; and
 - (b) state clearly the procedures required by this instrument that were not observed in connection with the review; and
 - (c) include, or be accompanied by, any evidence in support of the application; and
 - (d) be given to the Registrar within the required period.
- (4) In this section:

required period means:

 - (a) 20 working days after the day the Associate Dean:
 - (i) tells the person in writing about the review decision; and
 - (ii) gives the person a statement of reasons for the decision; or
 - (b) if the Registrar extends the period in the special circumstances of the case—the extended period.

97 Procedural review of review decision

- (1) This section applies if:
 - (a) a person applied under section 94 (Application for review of reviewable decision) for review by the Associate Dean of a reviewable decision (the **original decision**); and
 - (b) the person (the **applicant**) applies under section 96 (Application for procedural review of review decision) for review (**procedural review**) of the decision of the Associate Dean made on the review (the **review decision**).
 - (2) The Deputy Vice-Chancellor may decide the procedural review solely on the basis of the application for procedural review and any material accompanying it. However, the
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Deputy Vice-Chancellor may make the inquiries, and have regard to anything else, that the Deputy Vice-Chancellor considers appropriate.

- (3) The Deputy Vice-Chancellor must:
 - (a) confirm the review decision; or
 - (b) set aside the review decision, and do one of the following:
 - (i) confirm the original decision;
 - (ii) refer the matter to the Delegated Authority who made that decision to further consider the decision, taking into account the directions or recommendations (if any) of the Deputy Vice-Chancellor, and to make a new decision;
 - (iii) substitute another decision that the Delegated Authority could have made.
- (4) The Deputy Vice-Chancellor must endeavour to make a decision on the procedural review within 20 working days after the day the application for review is made.
- (5) If the Deputy Vice-Chancellor is unable make a decision on the review within the 20-day period, the Deputy Vice-Chancellor must, by written notice:
 - (a) tell the applicant; and
 - (b) give the applicant a date by which the application for review will be decided.
- (6) Within 10 working days after the day the Deputy Vice-Chancellor makes a decision on the procedural review, the Deputy Vice-Chancellor must:
 - (a) tell the applicant about the decision made on the review; and
 - (b) give the applicant a statement of reasons for the decision.
- (7) The Deputy Vice-Chancellor's decision is final.

Division 7.2—Appeals against appealable decisions

98 What is an *appealable decision*?

Each of the following decisions is an *appealable decision*:

- (a) a decision by the Associate Dean under section 38 (Program leave of absence) not to grant an approval for an application for leave of absence by a student;
- (b) a decision under section 39 (Program extension) not to grant an extension of the maximum enrolment period applying to a student;
- (c) a decision under section 46 (Maximum period for completion of program: extension of maximum period) not to grant an extension of the maximum period for completion of a student's program (including any decision not to give an approval necessary for the extension);
- (d) a decision under section 48 (Termination of program) to terminate a student's enrolment;
- (e) a decision under section 83 (Decision of Associate Dean following thesis examination), or section 88 (Decision of Associate Dean following re-examination), to fail a student.

99 Who is the *person affected* by an appealable decision?

The *person affected* by an appealable decision is the student affected by the decision.

100 Appeal against appealable decision

- (1) The person affected by an appealable decision may appeal against the decision.
- (2) The appeal must:
 - (a) be in writing; and
 - (b) set out the grounds of the appeal; and
 - (c) include, or be accompanied by, any evidence in support of the grounds; and
 - (d) be given to the Registrar within the required period.
- (3) If:
 - (a) the person appeals against the decision; and
 - (b) immediately before the decision was made, the person was enrolled in a program for a research award; and
 - (c) the appealable decision affected the person's right to remain enrolled in the program;

the person is entitled to be enrolled in the program until the appeal is finally decided.

- (4) In this section:

required period means:

- (a) 20 working days after the day the person:
 - (i) is told in writing under this instrument about the appealable decision; and
 - (ii) given a statement of reasons under this instrument for the decision; and
 - (iii) given anything else the person is required by a provision of this instrument to be given in relation to the decision; or
- (b) if the Registrar extends the period in the special circumstances of the case—the extended period.

[Note: For provisions of the kind mentioned in paragraph (a)(iii), see, for example, section 83(4)(b), (c) and (d) (Decision of Associate Dean following thesis examination).]

101 Appeal: hearing and decision

Application of section

- (1) This section applies if the person affected by an appealable decision appeals against the decision under section 100 (Appeal against appealable decision).

Appointment of members and chair

- (2) The Registrar must, in writing, appoint 3 impartial members of the full-time academic staff of the University to form an Appeal Committee to hear and decide the appeal.
- (3) The members of the Appeal Committee must choose a member of the committee to be its chair.

Conduct of appeal

- (4) The Appeal Committee may conduct the inquiries, and have regard to anything, on any matter in relation to the appeal that it considers appropriate.

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- (5) However, before deciding the appeal, the Appeal Committee must give the person affected by the appealable decision an opportunity to make representations to the committee.
 - (6) The Appeal Committee may permit the person to make either oral or written representations (or both).
 - (7) If the person is permitted to make oral representations, the person may be accompanied by a student, or member of staff, of the University who may observe the proceedings but not act as an advocate unless expressly invited by the Appeal Committee.

Appeal against decision not to extend maximum period for completion

- (8) If the appealable decision is a decision not to grant an extension of the maximum period for completion of the person's program (including any decision not to give an approval necessary for the extension), the Appeal Committee must:
 - (a) confirm the decision appealed against (the **appealable decision**); or
 - (b) set aside the appealable decision, and do either of the following:
 - (i) refer the matter to the person who made that decision (the **original decision-maker**) to further consider the decision, taking into account the directions or recommendations (if any) of the Appeal Committee, and to make a new decision;
 - (ii) substitute another decision that the original decision-maker could have made.

Appeal against decision to terminate enrolment

- (9) If the appealable decision is a decision to terminate the person's enrolment in a program for a research award, the Appeal Committee must:
 - (a) confirm the decision appealed against; or
 - (b) set aside the decision and require that the person be permitted to continue to be enrolled in the program, subject to the conditions (if any) decided by the Appeal Committee after consultation with the Associate Dean (including any conditions about the duration of the program).
- (10) Any condition decided by the Appeal Committee under subsection (9)(b) is taken to be a condition imposed on the person's enrolment in the program.
- (11) If the person breaches a condition decided by the Appeal Committee under subsection (9)(b), the person's enrolment in the program is automatically terminated.

Appeal against decision to fail person

- (12) If the appealable decision is a decision that the person be failed in a program for a research award, the Appeal Committee must:
 - (a) confirm the decision appealed against; or
 - (b) set aside the decision, require that the person be re-examined in a stated way, and give written directions about how the re-examination is to be conducted.
- (13) For subsection (12)(b):
 - (a) the re-examination may be written or oral (or both); and
 - (b) must, as far as practicable, be conducted by the previous examiners of the person's thesis.

Notification of appeal decision

- (14) Within 10 working days after the day the Appeal Committee makes a decision on the appeal, the Registrar must:
- (a) tell the person in writing about the decision made on the appeal, including, if applicable, any conditions decided by the Appeal Committee under subsection (9)(b); and
 - (b) give the person a statement of the Appeal Committee's reasons for the decision.

Appeal decision final etc.

- (15) Subject to the outcome of any appeal made to the Deputy Vice-Chancellor under section 102 (Application for procedural appeal to Deputy Vice-Chancellor), the decision of the Appeal Committee is final.

102 Application for procedural appeal to Deputy Vice-Chancellor

- (1) This section applies if:
- (a) a person appealed under section 100 (Appeal against appealable decision) against an appealable decision; and
 - (b) the person is dissatisfied with the decision made by the Appeal Committee on the appeal because procedures that were required to be observed by this instrument in connection with the appeal were not observed.
- (2) The person may appeal to the Deputy Vice-Chancellor against the Appeal Committee's decision, but only on the ground that procedures that were required to be observed by this instrument in connection with the appeal were not observed.
- (3) The appeal must:
- (a) be in writing; and
 - (b) state clearly the procedures required by this instrument that were not observed in connection with the appeal; and
 - (c) include, or be accompanied by, any evidence in support of the appeal; and
 - (d) be given to the Registrar within the required period.

- (4) In this section:

required period means:

- (a) 20 working days after the day the Registrar:
 - (i) tells the person in writing about the Appeal Committee's decision; and
 - (ii) gives the person a statement of the Appeal committee's reasons for the decision; or
- (b) if the Registrar extends the period in the special circumstances of the case—the extended period.

103 Procedural appeal to Deputy Vice-Chancellor

- (1) This section applies if:
- (a) a person appealed under section 100 (Appeal against appealable decision) against an appealable decision (the *original decision*); and

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- (b) the person (the *appellant*) appeals under section 102 (Application for procedural appeal to Deputy Vice-Chancellor) (the *procedural appeal*) against the decision of the Appeal Committee (the *appeal decision*).
- (2) The Deputy Vice-Chancellor may decide the procedural appeal solely on the basis of the appeal document and any material accompanying it. However, the Deputy Vice-Chancellor may make the inquiries, and have regard to anything else, that the Deputy Vice-Chancellor considers appropriate.
- (3) The Deputy Vice-Chancellor must:
- (a) confirm the appeal decision; or
 - (b) set aside the appeal decision, and do one of the following:
 - (i) confirm the original decision;
 - (ii) refer the matter to the person who made that decision (the *original decision-maker*) to further consider that decision, taking into account the directions or recommendations (if any) of the Deputy Vice-Chancellor, and to make a new decision;
 - (iii) substitute another decision that the original decision-maker could have made.
- (4) The Deputy Vice-Chancellor must endeavour to make a decision on the procedural appeal within 20 working days after the day the appeal is made.
- (5) If the Deputy Vice-Chancellor is unable make a decision on the appeal within the 20-day period, the Deputy Vice-Chancellor must, by written notice:
- (a) tell the appellant; and
 - (b) give the appellant a date by which the appeal will be decided.
- (6) Within 10 working days after the day the Deputy Vice-Chancellor makes a decision on the procedural appeal, the Deputy Vice-Chancellor must:
- (a) tell the appellant in writing about the decision made on the appeal; and
 - (b) give the appellant a statement of reasons for the decision.
- (7) The Deputy Vice-Chancellor's decision is final.

Part 8—Miscellaneous

General note for Part 8

The Governance Statute and the Legislation Statute contain provisions applying to University legislation generally.

The Governance Statute has provisions relevant to this instrument, including, for example, the following:

- section 66 (Delegation and subdelegation of Vice-Chancellor’s functions)
- section 67 (Delegation and subdelegation of functions of other University officials).

The Legislation Statute has provisions relevant to this instrument, including, for example, the following:

- section 23 (Approved forms)
- section 24 (Service of notices etc.)
- section 25 (Exercise of Associate Dean’s functions by College Dean).

104 Noncompliance with notification requirements

- (1) To remove any doubt, if a notification requirement applies to a person, the person must ensure that the requirement is complied with.
- (2) However, a failure to comply with a notification requirement in relation to a decision does not affect the validity of the decision.
- (3) In this section:

notification requirement means a requirement under any of the following provisions:

- (a) section 17(5) and (6) (Decision on application for admission);
- (b) section 21(2)(c) (Pre-enrolment action by Delegated Authority);
- (c) section 23(3)(b) (Transfer between programs);
- (d) section 24(2)(b) and (3) (Granting credit);
- (e) section 25(3)(b) (Limits on granting credit);
- (f) section 34(4)(b) and (5) (Place where program must be undertaken);
- (g) section 35(3) (Revocation of approval to undertake program outside University);
- (h) section 36(4)(b) and (5) (Total minimum period of attendance at University campus during program);
- (i) section 37(4)(b), (5) and (6) (Minimum period of attendance at University campus during a year);
- (j) section 38(4)(b), (5) and (6) (Program leave of absence);
- (k) section 39(5)(b) and (6) (Program extension);
- (l) section 41(2)(b) and (3) (Other studies);
- (m) section 44(5) (Maximum period for completion: basic maximum period);
- (n) section 45(3) (Maximum period for completion of program: reduction of maximum period);
- (o) section 46(6) and (7) (Maximum period for completion of program: extension of maximum period);
- (p) section 47(2) (Ending of program at end of maximum period for completion);

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- (q) section 48(3), (4), (7) and (8) (Termination of program);
 - (r) section 56(3) (Action after review);
 - (s) section 61(3) (Request for non-disclosure of thesis);
 - (t) section 83(3) and (4) (Decision of Associate Dean following thesis examination);
 - (u) section 88(3) and (4) (Decision of Associate Dean following re-examination);
 - (v) section 89(4)(b) (Examination of Doctor of Philosophy thesis for Master of Philosophy);
 - (w) section 95(6) and (7) (Review by Associate Dean);
 - (x) section 97(5) and (6) (Procedural review of review decision);
 - (y) section 101(14) (Appeal: hearing and decision);
 - (z) section 103(5) and (6) (Procedural appeal to Deputy Vice-Chancellor).

105 Appointment etc. of Delegated Authorities

- (1) The Associate Dean of an ANU College may, in writing, appoint a member of the staff of the college, or another member of staff of the University, to be a Delegated Authority for a program offered by the college for a research award.
- (2) However, if a Delegated Authority for the program becomes the primary supervisor of a student enrolled in the program or chair of the student's supervisory panel, the person ceases to be a Delegated Authority for the program in relation to that student and the Associate Dean must ensure that another member of the staff of the college is available to be the Delegated Authority for the program in relation to that student.
- (3) The instrument of appointment of another member of staff of the University may provide that the appointment has effect only for the exercise of stated functions, in stated circumstances, or subject to stated conditions, limitations or directions.

Part 9—Repeal and transitional provisions

Division 9.1—Repeal

106 Repeal

The *Research Awards Rule 2018* is repealed.

Division 9.2—Transitional provisions

107 Commencement of existing programs

- (1) This section applies to a program of a student for a research award that commenced, but had not ended, before the commencement of this instrument.
- (2) To remove any doubt, the program commenced on the day the student enrolled in the program, even though that day was before the commencement of this instrument.

108 Maximum period for completion: transitional: earlier enrolments

- (1) This section applies to a student enrolled in a program for a research award if the program commenced, but had not ended, before the commencement of the *Research Awards Rule 2015*.
- (2) Section 44 (Maximum period for completion: basic maximum period) and section 47 (Ending of program at end of maximum period for completion) do not apply in relation to the student before 28 February 2022.
- (3) For section 47, if, apart from this section, the maximum period for completion of the program by the student would end before 28 February 2022, it ends on that date.
- (4) To remove any doubt, this section does not prevent the maximum period for completion of the program from being reduced under section 45 (Maximum period for completion of program: reduction of maximum period) or extended under section 46 (Maximum period for completion of program: extension of maximum period) (or both reduced and extended under those sections).
- (5) Also, to remove any doubt, this section is subject to any modification in force under section 110 (Transitional modifications on student application).

109 Maximum period for completion: transitional: earlier periods of leave of absence

- (1) This section applies to a student enrolled in a program for a research award if the program commenced, but had not ended, before the commencement of this instrument.
- (2) Section 44(3) (Maximum period for completion: basic maximum period) applies to a period of leave of absence granted under any of the following provisions as if it were a period of leave of absence granted to the student under section 38 (Program leave of absence) of this instrument:
 - (a) the *Research Awards Rules (No. 2) 2013*, rule 3.6 (Program leave of absence);
 - (b) the *Research Awards Rule 2015*, section 38 (Program leave of absence);
 - (c) the *Research Awards Rule 2016*, section 38 (Program leave of absence);
 - (d) the *Research Awards Rule 2017*, section 38 (Program leave of absence);

(e) the *Research Awards Rule 2018*, section 38 (Program leave of absence).

110 Transitional modifications on student application

(1) In this section:

earlier repealed instrument means the *Research Awards Rules (No. 2) 2013*.

previous instrument means the *Research Awards Rule 2015*.

- (2) This section applies to a student enrolled in a program for a research award if:
- the program commenced, but had not ended, before the commencement of the previous instrument; and
 - a requirement of this instrument applying to the student (the *current requirement*) is different from the corresponding requirement applying to the student under the earlier repealed instrument or there was no corresponding requirement applying to the student under the earlier repealed instrument; and
 - the student considers that the application of the current requirement to the student is unfair or unreasonable.
- (3) The student may, by written notice given to the Associate Dean before 28 February 2022, apply for a modification of this instrument in relation to the application of the current requirement to the student.
- (4) The Associate Dean must decide the application.
- (5) The Associate Dean may grant the modification sought if satisfied that the application of the current requirement to the student is unfair or unreasonable.
- (6) Within 10 working days after the day the Associate Dean makes a decision on the application, the Registrar must tell the student in writing about the decision.
[Note: For the service (however described) of notices and other documents, see the Legislation Statute, section 24.]
- (7) If the Associate Dean decides not to grant the modification sought, the Registrar must also give the student:
- a statement of the Associate Dean's reasons for the decision; and
 - a statement to the effect that, subject to this instrument, the student may appeal against the decision; and
 - a statement setting out the procedure for making an appeal.
- (8) Failure to comply with subsections (6) and (7) in relation to a decision does not affect the validity of the decision.
- (9) Subject to the outcome of any appeal under Division 7.2 (Appeals against appealable decisions), a decision of the Associate Dean not to grant the modification sought is final.
[Note: A student may appeal against a decision not to grant a modification (see subsection (10) of this section and section 100(1)).]
- (10) For this instrument, a decision not to give the modification sought by the student is an appealable decision.
- (11) The provisions of this instrument apply to the student subject to any modification in force under this section in relation to the student.
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- (12) To remove any doubt, the reference in subsection (11) to *this instrument* includes a reference to the earlier repealed instrument as it applies in relation to the student for this section.
- (13) For subsection (11), a modification granted under any of the following provisions has effect as if it were a modification in force under this section:
- (a) the *Research Awards Rule 2015*, section 113 (Transitional modifications on student application);
 - (b) the *Research Awards Rule 2016*, section 113 (Transitional modifications on student application);
 - (c) the *Research Awards Rule 2017*, section 113 (Transitional modifications on student application);
 - (d) the *Research Awards Rule 2018*, section 113 (Transitional modifications on student application).

111 Transitional orders

- (1) Orders made under the Governance Statute, section 68(1) (General power to make rules and orders) may prescribe matters of a transitional nature (including prescribing any savings or application provisions) relating to:
- (a) the repeal of the *Research Awards Rule 2018*; or
 - (b) the making of this instrument.
- (2) This instrument (other than this section) does not limit the matters that may be prescribed by orders made for subsection (1).
- (3) Orders made for subsection (1) have effect despite anything in this instrument (other than this section).

112 Application of Legislation Statute, section 26

- (1) The Legislation Statute, section 26 (Repeal of University legislation) applies to the repeal of the *Research Awards Rule 2018*.
- (2) For the Legislation Statute, section 26 the provisions of this Division are transitional provisions.

113 Transitional provisions additional

This Division is additional to, and does not limit:

- (a) the Legislation Statute, section 26 (Repeal of University legislation); or
 - (b) the Acts Interpretation Act, section 7 (Effect of repeal or amendment of Act), as applied by the Legislation Act, section 13(1)(a) (Construction of legislative instruments and notifiable instruments).
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