

University of Canberra (Medical Leave) Statute 2017

Disallowable instrument DI2017–307

made under the

University of Canberra Act 1989, s 40 (Statutes)

Preamble

The objective of this Statute, is to provide authority for the University to intervene where a student is unfit to meet requirements of the University and where their behaviour is creating a risk of harm to the University community due to a serious health condition. This Statute authorises the University to create Rules made by Council to achieve this objective in a human rights positive framework. The Rules may authorise limits on human rights, but within the reasonable limits allowed by the Human Rights Act 2004 and in order to facilitate beneficial therapeutic interventions.

1 Name of instrument

This instrument is the *University of Canberra (Medical Leave) Statute 2017*.

2 Commencement

This instrument commences on the day after it is notified.

3 Definitions

In this statute:

Act means the *University of Canberra Act 1989*;

Council means the Council of the University established by section 9 of the Act;

4 Rules

- (1) The Council may make rules, not inconsistent with the Act or the *Disability Discrimination Act 1992 (Cth)*, prescribing all matters that are necessary or convenient to be prescribed for the placing of a student on a period of involuntary medical leave.
- (2) The Rules may prescribe the meaning of ‘serious health condition’.
- (3) The power to make Rules under this section extends to the power to make Rules conferring upon an authority of the University or an officer

of the University the power to authorise all things reasonably necessary to give effect to a decision under the Rules subject to such conditions, if any, as the authority or officer determines.

- (4) The University may only impose reasonable limits on a student's human rights under these Rules in accordance with the *Human Rights Act 2004*.

Note 'Reasonable' limits are to be determined in the relevant circumstances with reference to section 28(2) of the *Human Rights Act 2004*.

The foregoing Statute is made by Council under section 40 of the *University of Canberra Act 1989*.

In making this Statute the University had regard to the provisions of section 40B(1)(b) of the *Human Rights Act 2004*.

Given under the seal of the University of Canberra on 30 July 2017.

Helen Vooren
A/g Secretary of Council

Tom Calma
Chancellor

Under section 42(2) of the *University of Canberra Act 1989* the foregoing Statute is approved by the Executive.

Meegan Fitzharris
Minister for Higher Education,
Training and Research

Andrew Barr
Chief Minister

Dated 12 December 2017