



<b>Academic Rules</b>			
<b>Date of approval</b>	6 <sup>th</sup> November 2013	<b>Approved by</b>	Council
<b>Date of effect</b>	1 <sup>st</sup> January 2014	<b>Current to</b>	Until amended
<b>Contact Officer</b>	Senior Policy Officer		

Signed  
Adrian Mitchell  
Director

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**BATCHELOR INSTITUTE OF INDIGENOUS TERTIARY EDUCATION  
NORTHERN TERRITORY OF AUSTRALIA**

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As in force at 1<sup>st</sup> January 2014  
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**RULES**

**Rules under the *Batchelor Institute of Indigenous Tertiary Education (Rules) By-laws***

**1 Citation**

These Rules may be cited as the *Academic Rules*

## Contents

1.	Preamble.....	2
2.	Definitions and interpretations.....	3
3.	Admission .....	7
4.	Enrolment.....	8
5.	Enrolment change and leave .....	9
6.	Assessment .....	9
7.	Progression and exclusion .....	10
8.	Appeals against academic decisions .....	12
9.	Procedural fairness.....	14
10.	Endnotes.....	15

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### 1. Preamble.

- (1) These Rules determine how the admission, enrolment and academic progress of students at Batchelor Institute of Indigenous Tertiary Education shall be conducted.
- (2) The Rules apply to all current and prospective students of Batchelor Institute of Indigenous Tertiary Education.
- (3) Unless the Act, a By-law or another Rule made under the Act provides another process appropriate to the specific instance, issues to do with admission, enrolment and academic progress of students will be dealt with in accordance with the provisions of these Rules.
  - (a) The rules for the Master of Indigenous Perspectives are one such specific instance.
- (4) The procedures contained in these Rules pay due consideration to natural justice as manifested by the principles of procedural fairness and equal opportunity.

## 2. Definitions and interpretations.

In these rules, unless the contrary intention appears:

<b>Term</b>	<b>Description</b>
<b>Academic Calendar</b>	means the calendar formally established by Batchelor Institute before the beginning of each academic year.
<b>Academic Board</b>	means the Committee of that name established by Council.
<b>Academic misconduct</b>	means conduct associated with assignments, essays, tests and other forms of assessment, conduct associated with examinations or conduct associated with these and other work presented as part of courses offered by the Institute, and includes:  (a) Cheating in a test, examination or other form of assessment.  (b) Presenting another person's work for assessment as if it were one's own, or other forms of plagiarism;  (c) Fabrication or falsification of data or research results.  (d) Falsification of an academic record.
<b>Academic year</b>	for Batchelor Institute is the same as the calendar year.
<b>Admission</b>	means the process by which a person is given approval by the Institute to enrol in one of its courses
<b>Advanced standing</b>	means academic credit granted to an enrolled student in recognition of previous learning or work and encompasses the concepts of credit transfer, unspecified credit, specific credit, professional recognition, exemption and recognition of prior learning, current competencies or work experience.
<b>Award</b>	means a statement of achievement which an institution may grant to a student after completion of a course from that institution.

<b>Term</b>	<b>Description</b>
<b>Batchelor Institute</b>	means the Batchelor Institute of Indigenous Tertiary Education established under section 4 of the <i>Batchelor Institute of Indigenous Tertiary Education Act</i> .
<b>Candidate</b>	means a person enrolled as a student in a Higher Degree by Research Program of the Institute in accordance with Rule 4(2) of these Rules.
<b>Competency</b>	Is the concept which combines the specification of knowledge and skills and the application of that knowledge and skills to particular standards.
<b>Council</b>	means the Council of the Institute constituted under Division 1 of Part 3 of the <i>Batchelor Institute of Indigenous Tertiary Education Act</i> .
<b>Course of study/ qualification</b>	means a program of study in accordance with procedures approved by Council and comprising a specified number and combination of units necessary to qualify for an award of the Institute.
<b>Credit points</b>	means the numerical value given to each Higher Education unit and which contributes to a total number of points set for course completion requirements or student study load.
<b>Deferral</b>	means the formal approval given to a Higher Degree by Research candidate who has been given an offer into a course and who requests to defer his/her commencement to a future academic year or semester. A deferral can also be applied if a student enrolls in his/her first semester of study and has to be withdrawn after the census date due to unforeseen circumstances beyond the candidate's control.
<b>Director</b>	means the Director of the Institute appointed under section 27 of the <i>Batchelor Institute of Indigenous Tertiary Education Act</i> .
<b>Division</b>	means an administrative area designated by the Director as such for the purposes of these Rules.
<b>Encumbrance</b>	means a restriction on a student's enrolment, which may be Academic (e.g.: exclusion) or Administrative (e.g.: non-payment of fines or debts).

<b>Term</b>	<b>Description</b>
<b>Enrolment.</b>	means the process through which a student is accepted for a qualification/course of study.
<b>Exclusion</b>	<p>means the cancellation for a specified time of a student's;</p> <p>(a) enrolment in his or her current qualification/course of study,</p> <p>(b) entitlement to take part in any activity associated with that qualification/ course of study; and</p> <p>(c) at the completion of the exclusion period, the student has the right of re-enrolment in the qualification/course of study from which he or she was excluded provided he or she has complied with all conditions specified in the exclusion notice.</p>
<b>Expulsion</b>	<p>means the cancellation of enrolment, for either a specified or indefinite period, of a student and the termination of all rights and privileges as a student of the Institute, including the right to:</p> <p>(a) Attend the Institute.</p> <p>(b) Attend any Institute lecture, tutorial or training.</p> <p>(c) Use any of the facilities of the Institute.</p> <p>(d) Take part in any student activity.</p> <p>(e) Be refunded any fees paid or to be relieved to pay fees already payable.</p> <p>(f) Sit for any examination or enrol for any course or subject.</p> <p>(g) Receive any Institute award.</p> <p>(h) At the expiration of the period of expulsion, that person may re-apply for admission to the Institute.</p>
<b>Faculty</b>	means an administrative area designated by the Director as such for the purposes of these Rules.
<b>Friend</b>	in these Rules means a person, but not a legal representative or legal counsel, who represents or accompanies the student required to 'show cause' to a meeting or meetings of the Student Academic Appeals Committee, and whose role is to provide personal support during the meeting but, unless attending the meeting in the student's stead, not to participate in discussions at the meeting.

<b>Term</b>	<b>Description</b>
<b>Full-time study load</b>	means the enrolment of a student in Higher Education units totalling 30- 40 credit points per semester or, in the case of Vocational Education and Training units, 75% of a full-time load (360 nominal hours) per academic year or 75% of a full-time load per semester (180 hours) or the VET course in which the student is enrolled.
<b>Head of Faculty/Division</b>	means the person occupying the position of Head of that Faculty or Division.
<b>Indigenous Australian people</b>	refers to the original inhabitants of the Australian continent and nearby islands and their descendants. These people identify as Aboriginal and/or Torres Strait Islanders.
<b>Intermission</b>	is the process by which a candidate who has been enrolled in a Research Degree (and has completed at least one semester of study) applies for and is granted permission to take a break from his/her studies for a specified period of time (i.e. Leave of Absence).
<b>Probation period</b>	means a specified time where a Research Degree student is required to complete specific tasks or complete specific units prior to their confirmation as a Research degree candidate.
<b>Pre-requisite</b>	means a specified unit or course which a student must complete successfully, or some other requirement which he or she must meet, before being permitted to enrol in another unit or course.
<b>Progression</b>	means the formal recognition of a candidate's movement through a course from admission to graduation which indicates that minimum course requirements are satisfied.
<b>Registrar</b>	means the Registrar of the Institute.
<b>Research Committee</b>	refers to the Committee, answerable to the Academic Board that is responsible for implementing and monitoring the rules governing the conduct of Higher Degree by Research awards and Ethics Applications. <i>Note:</i> The Research Committee has replaced the Higher Degrees Committee and the Institute Research and Ethics Committee.
<b>Semester</b>	is a defined period of enrolment determined by the Institute's academic calendar.

<b>Term</b>	<b>Description</b>
<b>Show cause</b>	to justify why exclusion from a unit and/or course of study should be reconsidered.
<b>Staff</b>	means the Director, academic or other salaried staff of the Institute or any other personnel engaged by the Institute.
<b>Student</b>	means a person enrolled as a student of the Institute in accordance with Rule 4(2) of these Rules.
<b>Teaching period</b>	is a defined period of enrolment determined by the Institute's academic calendar. "Unit" means a discrete entity of study in which a student enrolls and for which an assessment result is recorded, the title of the unit consisting of two components, an identifying code number and a name which reflects the content of the unit.
<b>Withdrawal</b>	means the cessation by a student of his or her enrolment in a unit or course of study.

### 3. Admission.

- (1) Admission to courses or other programs of study offered by Batchelor Institute is open to persons who are Indigenous Australian people and satisfy the admission requirements of the course in which admission is sought, except where the Batchelor Institute Council grants specific permission. In the case of non-Indigenous staff/students seeking admission, this must be done in accordance with the process for the admission/enrolment of non-Indigenous students/staff.
- (2) In certain cases, applicants who do not meet the course admission requirements may be granted special admission by determination of the appropriate Committee.
- (3) A person may be refused admission to a course if;
  - (a) the number of applicants exceeds the number of places available, or
  - (b) the course of study/qualification is withdrawn from offer, or
  - (c) he or she does not meet the prerequisites of the course of study/qualification, or
  - (d) he or she resides outside the Northern Territory and wishes to enroll in a course of study/qualification which is funded only for Northern Territory residents, or
  - (e) he or she remains under a period of exclusion imposed by the Institute, or
  - (f) he or she has an academic or financial encumbrance, or
  - (g) he or she has been excluded from other Tertiary Institutions.
  - (h) A person may be refused admission if the Council or its delegate forms the opinion that the person's admission or enrolment:

- May place the Institute in breach of law.
- Bring the Institute into disrepute.
- The person's conduct would pose a significant risk to students, staff or property.

The Institute may impose a condition/s on the person's admission or enrolment where the Council or its delegate is of the opinion that the condition/s is/are necessary to ensure the Institute's compliance with a law or legal requirement. The person has the right of appeal to the Council under the principles of Natural Justice.

- (4) Higher Degree by Research applicants who do not take up an offer of admission within 12 months of the date of offer will be required to re-apply unless their deferral has been formally approved. A person who has been accepted to study a Higher Degree by Research at the Institute may, on application to the Higher Degrees Committee, be granted a deferral of enrolment for a period up to one year.
- (5) Any period exceeding one year requires the approval of the Research Committee.

#### **4. Enrolment.**

- (1) The Institute may from time to time specify the closing date or dates and the forms and other procedures for enrolment, and these will be published in the Academic Calendar.
- (2) A person becomes an enrolled student of the Institute upon his or her name being entered in the Institute's official student records following:
  - (a) His or her acceptance of an offer of admission to a Higher Degree by Research course and completion of the appropriate enrolment form and other forms which may be required.
  - (b) In the case of VET, his or her completion of the appropriate enrolment forms and other forms which may be required.
- (3) A person remains an enrolled student in a course of study/qualification of the Institute until he or she:
  - (a) Completes the course of study/qualification.
  - (b) Is excluded from the course of study/qualification.
  - (c) Withdraws from the course of study/qualification.
  - (d) Is deemed to have lapsed their enrolment in the course of study/qualification.
- (4) Advanced standing:
  - (a) If a VET or Higher Degree by Research candidate has a unit from Batchelor Institute with exactly the same code, the Senior lecturer in charge of the award can grant the advance standing upon verification.
  - (b) Where a VET student requests advanced standing for a unit which does not have exactly the same code, and has been obtained from another provider, then the relevant qualified assessor concerned should gather all relevant evidence and may grant the advanced standing.

- (c) In the case of a student attempting a Higher Degrees by Research, the Course Coordinator may grant advanced standing for Research training units upon verification of equivalent work, and must notify the Research Committee at the next scheduled meeting.

## **5. Enrolment changes and leave.**

- (1) A student may amend his or her enrolment by adding or withdrawing from one or more units, or withdrawing from the course of study prior to closing dates as determined by the Institute, prior to each academic year.
- (2) An enrolment change is affected by the submission to the Institute of the required form completed by the student and approved by the appropriate Trainers, Course Coordinator, Senior Lecturer or Head of Faculty/Division.
- (3) For all Higher Degrees by Research units, final enrolment details including variations must be lodged with the Institute no later than 31 March for First Semester and no later than 31 August for Second Semester.
  - (a) A student who withdraws from a unit remains liable for payment of any applicable fees for that unit.
  - (b) A student may not add a unit to his or her load.
  - (c) Withdrawal from a unit will be dealt with in accordance with the Institute's Assessment Rules.
- (4) For Vocational Education and Training units, final enrolment details including changes must be lodged with the Institute in accordance with the Academic Calendar.
- (5) A Higher Degree by Research candidate may, on application to the Research Committee, be granted intermission for a period up to one academic year.
- (6) A Higher Degree by Research candidate who does not re-enroll upon the expiry of the Intermission period must re-apply for admission to study at the Institute.

## **6. Assessment.**

- (1) Assessment of a student in a unit must be graded/resulted in accordance with the Institute's current Assessment Rules.
- (2) At the meeting of the Research Committee the Committee/delegate must confirm results for all units for all candidates in the relevant teaching period for Student Operations for the entry of results.
- (3) VET results are issued on a continuous basis approved by the relevant faculty/delegate prior to submission to Student Operations for entry into the Student Management System.
- (4) Students enrolled with another provider and where the teaching is delivered by Batchelor Institute staff are assessed in accordance with the assessment rules/policies of that provider.

- (5) Probationary Period for Research Degree Candidates.
  - (a) The period of probation will:
    - (i) Allow the Institute to assess a candidate's progress and their academic preparedness to complete within the given timeframe.
    - (ii) Determine whether the candidate has developed a clearly defined, feasible research project or what measures need to be taken to improve this.
    - (iii) Provide an opportunity for the candidate to demonstrate their commitment to their studies.
    - (iv) Highlight areas where the candidate needs to improve skills.

Candidature will be confirmed once the candidate has demonstrated satisfactory academic progress over a designated period of time and when they have successfully met any milestone requirements.

- (6) Specific Rules apply in accordance with the course rules of the Doctor of Philosophy and Masters of Indigenous Perspectives.

## **7. Progression and exclusion.**

- (1) Students enrolled in a Bachelor Institute course of study/qualification will be required to meet the progression rules relevant to their award.
- (2) These rules apply to all current and prospective students of the Bachelor Institute, unless an Act, a By-law or another course specific rule made under the Act provides another process appropriate to the specific instance (such as course specific rules as accredited by the Institute or where Commonwealth or State/Territory rules supersede the Institute rules)
- (3) Students will not be permitted to enroll in a unit unless they have completed all pre-requisites.
- (4) In the case of VET students, their academic progress will be monitored and, where it is not satisfactory, actions will be taken in accordance with the relevant Policies. VET students will normally only be required to Show Cause for breaches of the Student Code of Conduct.
- (5) In the case of Higher Degree by Research candidates, the Research Committee may issue a Show Cause Notice if the candidate:
  - (a) Is deemed to have shown unsatisfactory progress towards milestones by their Supervision Panel and the Research Committee.
  - (b) Or is the subject of an allegation of academic misconduct.
- (6) To establish a 'Show Cause case', the Head of School, Higher Education, Teaching and Learning must:
  - (a) Request the candidate to justify, in writing, why he or she should not

be excluded from his or her course of study or, in the case of academic misconduct, be expelled.

- (b) Inform the candidate that his or her written response, addressed to the Head of School, HE, T&L, is required within four (4) weeks of the date recorded on the request.
  - (c) Advise the candidate that his or her response should include the reasons and, where appropriate, documentary evidence supporting why the student should not be excluded.
  - (d) Advise the candidate that a failure to respond to the request will result in automatic exclusion from his or her course.
  - (e) Advise the candidate that he or she may enrol or continue in the course, pending the outcome of the 'Show Cause' case and any subsequent appeal.
- (7) The Head of School, HE, T&L will establish a sub-committee to consider responses to the Show Cause from a Higher Degree by Research candidate.
- (a) The subcommittee shall consist of:
    - (i) A Senior Academic Staff Member.
    - (ii) A Head of Division/ Head of Faculty.
    - (iii) A senior Aboriginal and/or Torres Straight Island staff member.
  - (b) The members of the subcommittee listed in (a) must not have a conflict of interest with the Show Cause concerned.
- (8) The 'Show Cause' Committee for Higher Degree by Research candidates, and the Head of School, HE, T&L will, within five working days of receiving the candidate's response:
- (a) Meet with the sub-committee to consider the information provided by the student and may, in addition, call for reports and interview such persons as it deems necessary.
- (9) Make a recommendation to the Registrar/delegate regarding the outcomes of the 'Show Cause'. The Registrar/delegate will then:
- (a) Consider the recommendation of the 'Show Cause' Committee and make a decision on that recommendation.
  - (b) Not later than five working days following the meeting at Sub-Rule (a):
    - (i) Notify the candidate in writing of the outcomes and all associated appeal procedures.
    - (ii) Report the decision to the appropriate Head of Faculty/Division and the Academic Board.
- (10) If the decision is that the candidate has failed to Show Cause why he or she should not be excluded from the course of study:
- (a) The candidate will be excluded from the course from the date of expiry of the appeals period or the date of dismissal of an appeal, whichever occurs sooner.

- (b) The exclusion will normally be for a period deemed by the sub-committee from the date of the show cause.
  - (c) The student will be required to re-apply for admission into the course of study.
- (11) A record of all proceedings should be maintained by the Manager of Student Services in a secure location for a period of seven (7) years after the student has last been enrolled in the relevant unit and/or course of study.
- (12) In cases involving allegations of academic misconduct where the Registrar/delegate accepts a recommendation that the student be excluded from the Institute, the Registrar/delegate must also advise the Chair of the Academic Board and Manager of Student Services. The Chair of Academic Board will seek a final decision from the Chair of Council.

## **8. Appeals against academic decisions.**

### **(1) Assessment Reviews**

A student may seek a review of an assessment for a unit in the case of VET students in accordance with the VET Appeals Policy.

### **(2) Appeals against exclusion**

- (a) A student who has been excluded from a course may:
  - (i) Appeal to the Academic Board against the decision by lodging a written notice of appeal with the Chair of the Academic Board within 10 working days on receipt of the exclusion decision.
  - (ii) Continue in a course of study pending, and subject to, the outcome of an appeal against exclusion under these Rules.
- (b) Within five working days of the student lodging the appeal, the Chair of the Academic Board will notify the Registrar and Head of Faculty/ Head of Division of Research, Teaching & Learning of the appeal.
- (c) The Chair of the Academic Board will, within 10 working days of the appeal being lodged, establish a Student Academic Appeals Committee with the following membership:
  - (i) The Director's nominee as Chairperson;
  - (ii) One senior academic staff member from a faculty/division other than that from which the student has been excluded from.
  - (iii) One Aboriginal or Torres Strait Islander academic staff member from a Faculty or Division of Higher Education and Research other than the Faculty or Division from which the student has been excluded. A student who is not a member of staff.
- (d) A person must not be a member of the Student Academic Appeals Committee if he or she has a relationship with the student required to show cause which might reasonably create a perception of a conflict of interest.
- (e) The appeal will be by way of a hearing for which:
  - (i) The student may appear in person or be represented or assisted by a

Friend.

- (ii) The Student Academic Appeals Committee will consider the information provided by the student to the 'Show Cause' Committee.
- (iii) The Student Academic Appeals Committee may call for reports and interview such persons, if any, as it deems necessary.
- (f) The Student Academic Appeals Committee will provide a report on its deliberations to the Chairperson of the Academic Board, with a recommendation that the appeal:
  - (i) Be upheld for an agreed period of time with conditions; or
  - (ii) Be upheld for an agreed period of time without conditions; or
  - (iii) Be excluded from the course of study permanently.
- (g) The Academic Board must at its next meeting following receipt of the report and recommendation under Sub-Rule (f) above formally decide whether to accept the recommendation.
- (h) Should the Academic Board decide not to accept the recommendation, it must refer the matter back to the Student Appeals Committee specifying the reasons for that decision.
  - (i) Not later than five working days after the decision at Sub-Rule (h) above, the Director must:
  - (ii) Send to the student a written notification of the outcome of his or her appeal.
  - (iii) Forward a copy of the notification to the Registrar and the appropriate Head of Faculty/Division.

**(3) Appeals against expulsion**

- (a) A student who has been expelled from the Institute for academic misconduct may:
  - (i) Appeal to the Academic Board against the decision by lodging a written notice of appeal with the Head of School, Higher Education, Teaching and Learning within 10 days after being informed of the expulsion decision.
  - (ii) Continue to be expelled from his or her current course pending, and subject to, the outcome of the appeal against exclusion under these Rules.
- (b) Within five days of the lodging of the appeal, the Head of School, HE, T&L will notify the Chair of the Academic Board, with a copy to the Registrar, of the appeal.
- (c) The Chair of the Academic Board will, within 10 working days of the appeal being lodged, establish a Student Academic Appeals Committee with the following membership:
  - (i) The Director's nominee as Chairperson.
  - (ii) One senior academic staff member from a faculty/division other than that from which the student has been excluded from.
  - (iii) One Aboriginal or Torres Strait Islander academic staff member from a Faculty or Division of Higher Education and Research other than the Faculty or Division from which the student has been excluded.
  - (iv) a student who is not a member of staff.

- (d) A person must not be a member of the Student Academic Appeals Committee if he or she has a relationship with the student required to show cause which might reasonably create a perception of a conflict of interest.
- (e) The appeal will be by way of a hearing for which:
  - (i) The student may appear in person or be represented or assisted by a Friend.
  - (ii) The Student Academic Appeals Committee will consider the information provided by the student to the 'show cause' committee.
  - (iii) The Student Academic Appeals Committee may call for reports and interview such persons, if any, as it deems necessary.
- (f) The Student Academic Appeals Committee will provide a report on its deliberations to the Chairperson of the Academic Board, with a recommendation that the appeal:
  - (i) Be upheld for an agreed period of time with conditions; or
  - (ii) Be upheld for an agreed period of time without conditions; or
  - (iii) Be excluded from the course of study permanently.
  - (iv) Be excluded from enrolment in any course of study at the Institute.
- (g) The Academic Board must, no later than 5 working days following receipt of the report and recommendation, under Sub-Rule (f) above must formally decide whether to accept the recommendation.
- (h) Should the Academic Board decide not to accept the recommendation, it must make a decision out of (f) (i) (ii) (iii) or (iv).
  - (i) Not later than five working days after the decision at Sub-Rule (h) above, the Director must:
  - (ii) Send to the student a written notification of the outcome of his or her appeal; and
  - (iii) Forward a copy of the notification to the Registrar and the appropriate Head of Faculty/Division.

## **9. Procedural Fairness.**

- (1) To ensure procedural fairness in the exercise of administrative power, the courts have developed the legal concept of the rules of natural justice which are to be observed by those involved in 'show cause' committees and appeals.
- (2) In this context, the concept of natural justice includes two fundamental principles:
  - (a) a person directly affected by an impending decision must be afforded a fair hearing prior to that decision being made; and
  - (b) the decision maker must be impartial.
- (3) While the exact requirements of a fair hearing may vary according to the circumstances of a particular case, it will ordinarily involve the following action prior to the making of any decision:
  - (a) Giving adequate notice to the person or persons directly affected.

- (b) Advise the person/s directly affected of the content of all relevant material.
  - (c) Providing an opportunity for the person/s directly affected to answer that material and otherwise make his or her submissions.
  - (d) Ensuring that the materials and processes associated with this particular case are presented or described in such a way that the persons directly affected might reasonably be expected to comprehend them.
- (4) As the requirement to act impartially stems from the principle that a person shall not be the judge in his or her own cause, the decision maker should not have a personal interest in the outcome or otherwise be perceived as biased.

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## ENDNOTES

### 1 KEY

*Insert any relevant abbreviations*

### 2 LIST OF LEGISLATION

*Batchelor Institute of Indigenous Tertiary Education Act 2012*

*Information Act (NT).*

*Batchelor Institute of Indigenous Tertiary Education (Rules) By-laws*

*Batchelor Institute of Indigenous Tertiary Education Student Code of Conduct.*

*Batchelor Institute Assessment Rules.*

*Regulations for the Doctor of Philosophy.*

*Regulations for the Master of Indigenous Perspectives.*

VET Appeals Policy.

VET Enrolment Policy.

(SL No. , )

Notified

Commenced

### 3 LIST OF AMENDMENTS

Made on January 25<sup>th</sup> 2008 to take effect from January 29<sup>th</sup> 2008.

Amended on the 6<sup>th</sup> November, 2013 to take effect 1<sup>st</sup> January 2014.