

CHARLES STURT UNIVERSITY ACT 1989—BY-LAW

(Charles Sturt University By-law 1995)

NEW SOUTH WALES



[Published in Gazette No. 8 of 25 January 1996]

His Excellency the Governor, with the advice of the Executive Council and in pursuance of the Charles Sturt University Act 1989, has been pleased to approve the By-law made by the Board of Governors of Charles Sturt University and set forth hereunder.

JOHN AQUILINA
Minister for Education and Training.

PART 1—PRELIMINARY

Citation

1. This By-law may be cited as the Charles Sturt University By-law 1995.

Definitions

2. In this By-law:

“**Academic Senate**” means the Academic Senate of the University;

“**academic staff member of the Board**” means a member of the Board referred to in section 9 (6) (a) of the Act;

“**continuing candidate**” means a candidate who has not been excluded from a ballot as provided by clause 33 or 34;

“**elected member of the Board**” means a member of the Board referred to in section 9 (6) of the Act;

“**election**” means an election to elect:

- (a) the Chancellor; or
- (b) the Deputy Chancellor; or

- (c) the elected members of the Board; or
- (d) the members of a committee of the University;

“meeting” means a meeting of the Board;

“non-academic staff member of the Board” means the member of the Board referred to in section 9 (6) (b) of the Act;

“notice” means notice in writing;

“permanent member” of the academic or non-academic staff of the University means a person who has been appointed to a position on that staff for a term of at least 1 year and who is performing the duties associated with the position;

“polling day”, for an election of members of the Board, means:

- (a) in the case of an election conducted by postal ballot — the date on which polling at the election is to close; and
- (b) in the case of an “on campus” election — the date on which the election is held;

“returning officer”, in relation to a particular function of the returning officer, includes a deputy returning officer, poll officer or other person who is authorised or directed by the returning officer to exercise that function;

“roll of academic staff electors” means the roll of electors kept under clause 9 (1) (a);

“roll of non-academic staff electors” means the roll of electors kept under clause 9 (1) (b);

“roll of student electors” means the roll of electors kept under clause 9 (1) (c);

“Secretary” means the Secretary to the Board;

“student member of the Board” means the person referred to in section 9 (6) (c) of the Act;

“the Act” means the Charles Sturt University Act 1989.

Notes. Section 3 of the Act contains definitions of other expressions used in this By-law. That section defines “Board” as meaning the Board of Governors of the University and “network member” as meaning a member of the University network. Section 6 of the Act states that the University network is a federation of the Charles Sturt University, Riverina; the Charles Sturt University, Mitchell; the Charles Sturt University, Murray; and such other network members as may be established under that section.

PART 2—THE BOARD OF GOVERNORS AND ELECTION PROCEDURES**Division 1—Returning officer****Secretary to be returning officer**

3. (1) The Secretary is the returning officer for all elections.

(2) The returning officer is required to conduct an election in accordance with:

- (a) the Act; and
- (b) subject to the Act, this By-law; and
- (c) in so far as the Act and this By-law make no provision, any relevant resolution of the Board.

(3) Subject to the Act and this By-law, the decision of the returning officer on a matter concerning:

- (a) the eligibility of candidates; or
- (b) the conduct and results of an election; or
- (c) any matter related to the matters referred to in paragraphs (a) and (b),

is final.

(4) To enable the returning officer to conduct an election, the returning officer may make use of such assistance as that officer considers appropriate. For that purpose, the returning officer is to appoint at least one deputy returning officer and may appoint such poll officers and other persons as the returning officer considers necessary to assist in the conduct of the election.

(5) For the purposes of this By-law, the returning officer may authorise a deputy returning officer, poll officer or other person appointed under ssubsection (4) to exercise any specified function of the returning officer under this By-law. A function exercised by a deputy returning officer, poll officer or other person so authorised is taken to have been exercised or performed by the returning officer.

(6) The returning officer is taken to be a poll officer for the purposes of this By-law.

Division 2—Chancellor and Deputy Chancellor**Election and term of office of Chancellor and Deputy Chancellor**

4. (1) The Chancellor and Deputy Chancellor are to be elected in accordance with the procedures prescribed by this Division,

(2) For the purposes of section 10 (2) of the Act, the prescribed term of office for the Chancellor is 4 years from the date of election.

(3) The Chancellor and Deputy Chancellor are, by virtue of their offices, members of all committees of the University.

Notes. Section 10 of the Act requires the Board to elect a person as Chancellor of the University.

Section 11 of the Act requires the Board to elect one of its members as Deputy Chancellor of the University.

Casual vacancies in offices of Chancellor and Deputy Chancellor

5. An election to fill a casual vacancy in the office of Chancellor or Deputy Chancellor is to be held at the next meeting of the Board after the vacancy arose.

Nominations for election as Chancellor or Deputy Chancellor

6. A nomination for election as Chancellor or Deputy Chancellor must be:

- (a) in writing; and
- (b) signed by the nominee and two other members of the Board; and
- (c) delivered to the returning officer before the meeting of the Board at which the election is to be held.

Order in which elections for chancellor and Deputy Chancellor are to be held

7. The election of the Chancellor is to be held first if both the Chancellor and the Deputy Chancellor are to be elected at the same meeting of the Board.

Procedure for electing Chancellor or Deputy Chancellor

8. (1) The following provisions of this clause apply to an election to elect the Chancellor or Deputy Chancellor.

(2) The returning officer is to preside during the part of the meeting at which the election is to be held.

(3) No business other than the election may be conducted at a meeting of the Board while the returning officer is presiding.

(4) If there is only one nomination for election, the returning officer must declare the nominated candidate to be elected.

(5) If there are 2 or more nominations for election, the returning officer must conduct a poll of members of the Board by secret ballot.

(6) At the poll, each member of the Board is entitled to cast a vote for one of the candidates only.

(7) When the poll is finished, the returning officer must count the number of votes cast at the poll for each candidate.

(8) If one candidate has received more votes than any other, the returning officer must declare that candidate to be elected.

(9) If 2 or more candidates receive an equal number of votes cast at the poll and if no other candidate has received more votes than those candidates, the returning officer must conduct a further poll.

(10) At the further poll each member of the Board is entitled to vote for one of the candidates who received an equal number of votes at the original poll.

(11) The returning officer must count the number of votes cast for each candidate at the further poll and, if one candidate has received more votes than any other, the returning officer must declare that candidate to be elected.

(12) If 2 or more candidates receive an equal number of votes cast at the further poll and no other candidate receives more votes than those candidates, the returning officer must decide by lot which of the candidates with an equal number of votes is to be declared elected. For that purpose, the returning officer must:

- (a) write the names of the candidates concerned on similar slips of paper; and
- (b) fold the slips so as to prevent identification; and
- (c) mix the slips and draw one of them at random.

The candidate whose name is drawn first is to be declared elected.

Division 3—Election of members of Board

Rolls of electors to be kept

9. (1) The returning officer must keep:

- (a) a separate roll of academic staff electors of the University; and
- (b) a separate roll of non-academic staff of the University; and
- (c) a separate roll of student electors of the University.

(2) A person who is a permanent member of the academic staff of the University is, subject to this clause, eligible to have his or her name and address entered on the roll of academic staff electors.

(3) A person who is a permanent member of the non-academic staff of the University is, subject to this clause, eligible to have his or her name and address entered on the roll of non-academic staff electors.

(4) A person who is a student enrolled as a candidate proceeding to a degree, diploma or certificate of the University is, subject to this clause, eligible to have his or her name and address entered on the roll of student electors.

(5) A person is not eligible to have his or her name and address entered on more than one of the rolls of electors at the same time.

(6) A person who is both a permanent member of the academic or non-academic staff of the University and a person referred to in subclause (4) is not eligible to have his or her name and address entered on the roll of student electors.

(7) A person who is a permanent member of both the academic staff and the non-academic staff of the University is eligible to have his or her name and address entered on the roll of academic electors only,

(8) The returning officer must remove from a roll of electors the name and address of a person on being satisfied that the person is not longer eligible to have his or her name and address entered on that roll.

(9) Nothing in this subclause prevents a person's name and address from being transferred from one roll of electors to another if the person requests the transfer and is eligible to have his or her name and address entered on that other roll.

Qualifications for candidates seeking election as members of Board

10. (1) The qualification for a person to be eligible for election as an academic staff member of the Board is that the person's name is entered on the roll of academic staff electors at the close of nominations for the election.

(2) The qualification for a person to be eligible for election as the non-academic staff member of the Board is that the person's name is entered on the roll of non-academic staff electors at the close of nominations for the election.

(3) The qualification for a person to be eligible for election as the student member of the Board is that the person's name is entered on the roll of student electors at the close of nominations for the election.

(4) The qualifications prescribed by this clause are in addition to those specified in section 9 (6) of the Act.

Qualifications to vote at election for members of Board

11. (1) An academic staff member whose name is entered on the roll of academic staff electors at the close of nominations for the election is qualified to vote in an election for an academic staff member of the Board.

(2) A non-academic staff member whose name is entered on the roll of non-academic staff electors at the close of nominations for the election is qualified to vote in an election for the non-academic staff member of the Board.

(3) A student whose name is entered on the roll of student electors at the close of nominations for the election is qualified to vote in an election for the student member of the Board.

Terms of office of members of Board

12. The elected members of the Board hold office for 2 years from the date of election.

Casual vacancies in offices of members of Board

13. (1) If an elected member of the Board vacates office during the first 12 months of the member's term of office, the vacancy is to be filled by an election held in accordance with Division 4.

(2) If a member of the Board vacates office during the last 12 months of the member's term of office, the Board must fill the vacancy by appointing a person who is qualified to hold that office.

(3) A person who is elected or appointed to fill a vacancy under this clause holds office, subject to the Act and this By-law, for the rest of the term of the person's predecessor in office.

Division 4—Procedure for electing Board and committee members

How election is to be conducted

14. (1) An election to elect the elected members of the Board and of all other committees of the University is to be conducted by using a compulsory preferential system of voting as prescribed by this Division. The election is to be conducted by secret ballot.

(2) Despite subclause (1), the returning officer may authorise an election to be conducted by using a different voting system.

Election intervals for different stages of election process

15. When conducting an election to elect members of the Board, the returning officer must ensure that:

- (a) there are not less than 14 days nor more than 30 days between the publication of the notice that an election is to be held and the time for nominations to close; and

- (b) there are not more than 28 days between the time for nominations to close and the issue of ballot papers; and
- (c) except in the case of on campus polling under clause 21—there are not less than 14 days nor more than 60 days between the issue of ballot papers and polling day.

Returning officer to notify holding of election

16. When an election is necessary to elect members of the Board, the returning officer must post on notice boards in the University a notice of election. The returning officer must also publish the holding of the election by disseminating notices of election as widely as practicable.

Information to be given in notice of election

17. A notice of election must:

- (a) state that an election is necessary; and
- (b) specify the number of vacancies to be filled; and
- (c) invite nominations of candidates who are eligible for election; and
- (d) specify the form in which nominations must be made; and
- (e) prescribe a date and time for nominations to close; and
- (f) prescribe a polling day for the election; and
- (g) in the case of an election to elect the student member of the Board:
 - (i) state that a student whose name is entered on the roll of academic staff electors or the roll of non-academic staff electors is not eligible to vote at the election; and
 - (ii) specify the hours of polling on polling day and the places where polling is to be conducted; and
 - (iii) inform students who are unable to attend a polling place on polling day that they can vote by post and when and how they can do so; and
- (h) contain such other information relating to the election as the returning officer thinks fit.

How candidates for election may be nominated

18. (1) A person may be nominated for election only in accordance with this clause.

(2) A separate nomination form must be completed for each candidate and must be lodged with the returning officer before the time fixed for nominations to close.

(3) A nomination form must:

- (a) be signed by at least 2 persons who are entitled to vote at the election concerned; and
- (b) be endorsed with or accompanied by the consent in writing of the nominee.

(4) A candidate may provide a written statement about the candidate of not more than 150 words. The statement may specify:

- (a) the candidate's full name; and
- (b) the candidate's qualifications and experience; and
- (c) any positions or offices that the candidate has held at any time in public bodies, clubs or other organisations with dates of tenure.

After editing the statement, the returning officer must arrange for it to be printed and must distribute it with each ballot paper issued for the election.

(5) The returning officer must reject a completed nomination form that does not comply with this clause or if the candidate is not eligible for election.

Procedure after close of nominations

19. (1) If the number of candidates nominated for an election is not more than the number of vacancies to be filled, the returning officer must declare the candidate or candidates to be elected.

(2) If the number of candidates nominated for an election is more than the number of vacancies to be filled, the returning officer must conduct an election to fill the vacancies. The election is to be conducted by secret ballot as prescribed by this Division.

How election by postal ballot is conducted

20. (1) In the case of an election to elect the student member of the Board, a student whose name is entered on the roll of student electors may make an application in writing to the returning officer for a postal ballot paper to be sent or delivered to the student.

(2) If a poll is required for an election, the returning officer must send by post or deliver a ballot paper:

- (a) in the case of an election of an academic staff member or the non-academic staff member of the Board—to each person whose name is on the roll of academic staff electors or the roll of non-academic staff electors; or

- (b) in the case of an election of a student member of the Board—to each student who has, at least 14 days before the polling day, applied to the returning officer in writing for a ballot paper be sent or delivered to the student.

(3) The returning officer may, on written application and if satisfied that the applicant's ballot paper has not been received or has been lost, destroyed or spoiled, supply a duplicate ballot paper to the applicant.

(4) The returning officer must ensure that each ballot paper issued in accordance with this clause is accompanied by the following documents:

- (a) a notice setting out how the ballot paper is to be completed and specifying the date and time by which the ballot paper must reach the returning officer;
- (b) a form of declaration of identity and of entitlement to vote;
- (c) two envelopes, one marked "ballot paper" and the other addressed to the returning officer.

How on-campus poll is conducted

21. (1) If:

- (a) a poll is required for an election of the student member of the Board; and
- (b) ballot papers have not been sent or delivered to some or all of the students whose names are on the roll of student electors,

the returning officer must arrange for a poll to be held on the polling day and for a poll officer to attend on that day, at the polling places and between the hours for polling specified in the relevant notice of election, for the purpose of issuing ballot papers to those students.

(2) A student who has not received a postal ballot paper and who applies in person to the poll officer during polling hours on polling day is entitled to be issued with a ballot paper for the student election. This subclause is subject to subclause (4).

(3) The poll officer must take such steps as are practicable to ensure that only one ballot paper is issued to a student.

(4) The poll officer may refuse to issue a ballot paper to a person claiming to be a student if satisfied that the person:

- (a) is not an enrolled student; or
- (b) has already received a ballot paper for the election.

(5) The poll officer must ensure that each ballot paper issued to a student in accordance with this clause is accompanied by a notice that tells the student how to fill out the ballot paper.

(6) The poll officer may, if satisfied that a student's ballot paper has been spoiled and on production of the spoiled ballot paper, issue a replacement ballot paper to the student.

Requirements for ballot papers

22. (1) All ballot papers must specify the names of the candidates.

(2) The returning officer must:

(a) arrange for the order in which those names are to appear on ballot papers to be decided by lot and for those names to appear on all ballot papers in that order; and

(b) ensure that the names of any candidates who are currently elected members of the Board are indicated as such.

(3) The returning officer must initial each ballot paper at the time it is issued.

How ballot paper is to be completed

23. An elector must cast a vote by placing the number "1" opposite the name of the candidate to whom the elector wishes to give the elector's first preference vote. The elector must then give contingent votes to the remaining candidates by placing the numbers "2", "3", "4" and so on, as the case requires, opposite the names of the other candidates so as to indicate unambiguously by numerical sequence the order of the elector's preference for those other candidates.

Procedure for voting by post

24. (1) This clause applies to a postal ballot conducted under clause 20.

(2) Each elector must, after completing the postal ballot paper that was sent or delivered to the elector:

(a) enclose and seal that ballot paper in the envelope marked "ballot paper"; and

(b) enclose and seal that envelope in the envelope that is addressed to the returning officer, together with the personal declaration; and

(c) send by post or deliver to the returning officer the envelope so addressed so as to ensure the returning officer will receive it not later than polling day.

(3) However, an elector referred to in subclause (2) may, instead of complying with that subclause, vote by depositing the completed ballot paper in a ballot box at a polling place.

Procedure for voting at on-campus ballot

25. (1) This clause applies to an on-campus ballot conducted under clause 21.

(2) A student who is issued with a ballot paper must, after completing the ballot paper, deposit the ballot paper in the ballot box provided for the purpose at the polling place.

(3) Such a ballot paper must be deposited in the presence of a poll officer and as soon as the student has recorded his or her vote.

(4) A ballot paper received by a poll officer is, for the purposes of this By-law, taken to be sent or delivered to, or received by, the returning officer.

Envelopes and ballot papers not to be opened

26. The returning officer must take all reasonable steps to ensure that all envelopes received by the officer under clause 24 (2) remain unopened until the close of the poll concerned.

Election not invalidated because of certain errors

27. (1) An election is not invalid only because, at the time when nominations for the election close or on polling day, the name of a person who is entitled to have his or her name entered on a roll of electors is omitted from that roll.

(2) An election is not invalid only because a person whose name is on a roll of electors did not receive a ballot paper or did not see a notice of election.

(3) An election is not invalid only because:

- (a) a ballot paper has not been issued to a person whose name is eligible to be entered on the relevant roll of electors but the name has not been so entered; or
- (b) such a person's vote has not been accepted at the election.

Candidate may appoint scrutineer

28. (1) Each candidate for election is entitled to nominate one scrutineer to be present at any counting of votes.

(2) A person is qualified to be appointed as a scrutineer only if the person is a member of the academic or non-academic staff or a student of the University.

(3) A candidate for election is not eligible to be appointed as a scrutineer at the election.

Officers not to disclose how electors voted

29. (1) This clause applies to the following persons concerned with the conduct of an election:

- (a) the returning officer;
- (b) any deputy returning officer;
- (c) any poll officer or other person appointed by the returning officer to assist in the conduct of the election;
- (d) any scrutineer appointed in connection with the election.

(2) A person to whom this clause applies must not disclose, or assist another person to disclose, any information as to how any particular elector has voted at an election.

Procedure after close of poll

30. As soon as practicable after the closing of polling at an election, the returning officer and those appointed by the returning officer to assist with the conduct of the election must, in the presence of such of the scrutineers as choose to be present, examine the ballot papers cast at the election.

Certain ballot papers to be rejected as informal

31. (1) The returning officer must reject as informal any ballot paper cast by an elector at an election that:

- (a) is not initialled as required by clause 22; or
- (b) does not comply with a requirement of clause 23, 24 or 25; or
- (c) is marked in a way that is not authorised by this Division and that, in the opinion of the returning officer, will enable any person to identify the elector.

(2) Despite subclause (1), a ballot paper is not informal only because a figure placed on the ballot paper is not placed in or entirely in the square opposite a candidate's name. However, in that case the figure must have been placed on the ballot paper in such a position as clearly indicates to the satisfaction of the returning officer the order of the elector's preferences for the candidates.

What happens when candidate dies or is ineligible for election

32. If, before the declaration of the poll for an election, a candidate at the election dies, or becomes no longer eligible for election, the election is to proceed as if:

- (a) the candidate had not been nominated for election; and
- (b) that candidate's name had not been included on the ballot papers printed for the election; and
- (c) any vote for that person had not been cast.

Determination of election result where only one candidate is to be elected

33. (1) In this clause, “**absolute majority of votes**” means a number greater than one half of the total number of ballot papers counted.

(2) If at an election only one candidate is to be elected, the method of counting votes is as provided by this clause.

(3) The total number of first preference votes given to each candidate must be counted.

(4) If at the election a candidate has an absolute majority of votes, the returning officer must declare the candidate to be elected. However, if at the election no candidate has an absolute majority of votes, then:

- (a) the candidate who has the fewest votes must be excluded; and
- (b) each ballot paper allocated to the excluded candidate must be reallocated to the continuing candidate next in order of the elector's preference.

(5) The returning officer must then conduct a second count. If any candidate then has an absolute majority of votes, the returning officer must declare the candidate to be elected. However, if no candidate then has an absolute majority of votes, the processes of

- (a) excluding the candidate who has the fewest votes; and
- (b) allocating each voting paper counted to the excluded candidate to the continuing candidate next in order of the elector's preference; and
- (c) conducting a further count,

must be repeated until one candidate has an absolute majority of votes. The returning officer must then declare that candidate to be elected.

(6) If, after any count other than the final count, 2 or more candidates have an equal number of votes and one such candidate has to be excluded, the returning officer must determine by lot which of them is to be excluded. The determination by lot is to be conducted as follows:

- (a) the name of each of the candidates is to be written on separate and similar slips of paper; and
- (b) the slips must then be folded so as to prevent identification; and
- (c) those slips are then to be mixed and one slip is to be drawn at random; and
- (d) the candidate whose name is drawn is to be excluded.

(7) If, at the stage when only 2 continuing candidates remain, those candidates have an equal number of votes, the returning officer must determine by lot which of them must be elected. The determination by lot is to be conducted as follows:

- (a) the name of each candidate concerned is to be written on separate and similar slips of paper; and
- (b) the slips must then be folded so as to prevent identification; and
- (c) those slips are then to be mixed and one slip is to be drawn at random; and
- (d) the candidate whose name is drawn is to be elected.

The candidate so elected is taken to have received an additional vote.

Determination of election result where more than one candidate is to be elected

34. (1) If at an election more than one candidate is to be elected, the method of counting votes is as provided by this clause.

(2) The returning officer must count the total number of first preference votes given to each candidate.

(3) The candidate who has the fewest votes must then be excluded.

(4) If the number of continuing candidates is then equal to the number to be elected, the returning officer must declare those continuing candidates to be elected. However, if the number of continuing candidates is greater than the number to be elected, each ballot paper allocated to the excluded candidate must be reallocated to the continuing candidate next in order of the elector's preference.

(5) The returning officer must then carry out a second count.

(6) The candidate who has the fewest votes must then be excluded. If the number of continuing candidates is then equal to the number to be elected, the returning officer must declare those continuing candidates to be elected. However, if the number of continuing candidates is still greater than the number to be elected, the processes of

- (a) allocating the continuing candidate next in order of the elector's preference; and
- (b) conducting a further count; and
- (c) excluding the candidate who has the fewest votes,

must be repeated until the number of continuing candidates is equal to the number to be elected. The returning officer must then declare those continuing candidates to be elected.

(7) If, after any count, 2 or more candidates have an equal number of votes and one of those candidates has to be excluded, the returning officer must determine by lot which of them is to be excluded. The determination by lot is to be conducted as follows:

- (a) the name of each of the candidates is to be written on separate and similar slips of paper; and
- (b) the slips must then be folded so as to prevent identification; and
- (c) those slips are then to be mixed and one slip is to be drawn at random; and
- (d) the candidate whose name is drawn is to be excluded.

Division 5—Board meetings

Holding and convening of Board meetings

35. (1) The Board is required to hold ordinary meetings at least 5 times in each calendar year.

(2) Either:

- (a) the Chancellor or, in the absence of the Chancellor, the Deputy Chancellor; or
- (b) the Vice-Chancellor,

may convene a special meeting of the Board for the consideration of any urgent business. The date of the meeting is to be a date within 14 days after it is convened.

(3) The Secretary must convene a special meeting of the Board on receiving a request from 5 or more members of the Board specifying the purpose of the meeting. The date of the meeting is to be a date within 14 days after the request to hold the meeting is made.

(4) A meeting of the Board is convened by giving notice of the meeting to each of the members of the Board in accordance with clause 37 (1) or, where appropriate, clause 37 (2).

Members to give notice of business for consideration at Board meeting

36. A member of the Board may initiate a matter for discussion, or move a motion in respect of the matter, at a meeting of the Board only if

- (a) the member has given to the Secretary notice of the matter or motion:
 - (i) not less than 14 days before the date of the meeting if the meeting is an ordinary meeting; or
 - (ii) not less than 10 days before the date of the meeting if the meeting is a special meeting; or
- (b) the Board, by resolution, otherwise permits.

Secretary to give notice of Board meetings

37. (1) The Secretary must send by post or deliver a notice of the date, time and place of a meeting of the Board to each member of the Board at least 7 days before the meeting. The notice is to be accompanied by a copy of the business papers for the meeting and any relevant supporting documents. The Secretary may, by a further notice sent by post or delivered not less than 4 days before the meeting, notify members of the Board of any supplementary business that is to be put before the meeting.

(2) If a special meeting is convened for the consideration of business that is so urgent that it is not possible to give at least 7 days notice of the meeting, the Secretary must give such notice of the date, time, place and business of the meeting as is reasonable in the circumstances.

(3) Proceedings at a meeting of the Board are taken to have been validly transacted even though the Secretary may have failed to comply with this clause in any respect or any person may not have received notice of the meeting or any business papers or other documents relevant to the meeting.

Person presiding at meeting of Board to have casting vote

38. (1) The person presiding at a meeting of the Board has a deliberative vote and also has a casting vote if the votes for and against a motion are equal.

(2) A motion lapses if the person presiding declines to exercise a casting vote when the votes for and against the motion are equal.

Adjournment of Board meetings and standing over of unfinished business

39. (1) The Board may, by resolution, adjourn a Board meeting to a later time or date or to the same or another place.

(2) If, at a meeting of the Board, a quorum is not present:

- (a) within half an hour after the time fixed for the meeting; or
- (b) within such further time as the person presiding may reasonably allow,

all business that should have been transacted at the meeting is to be stood over until the next ordinary meeting, and is to take precedence at that meeting, unless a special meeting is convened in the meantime for the transaction of that business.

Board may make “standing orders”

40. The Board may make rules for regulating the procedure at meetings of the Board. The rules, which may be referred to as standing orders, must not be inconsistent with the Act or this By-law.

PART 3—OFFICERS OF UNIVERSITY**The Vice-Chancellor**

41. (1) The Vice-Chancellor, as principal executive officer of the University, is responsible for promoting the interests and furthering the development of the University.

(2) The Vice-Chancellor is responsible to the Board for the day-to-day management of the University and, in particular, for:

- (a) the academic, administrative, financial and other business of the University; and
- (b) the general supervision of all persons in the service of the University; and
- (c) the welfare and discipline of the students of the University.

(3) The Vice-Chancellor has such authority as may be necessary or convenient to give effect to the provisions of the Act, the by-laws and the rules of the University, and the Board’s resolutions.

(4) The Vice-Chancellor may, without specific appointment, exercise the right of membership of any committee of the University and may, if he or she wishes to do so, preside at any meeting of such a committee at which the Chancellor or Deputy Chancellor is not presiding.

(5) Nothing in this clause affects the precedence or authority of the Chancellor or Deputy Chancellor.

(6) The functions conferred or imposed on the Vice-Chancellor by this By-law are in addition to the functions conferred or imposed on the Vice-Chancellor by the Act.

Note. Section 12 of the Act requires the Board to appoint a person as Vice-Chancellor of the University.

Functions of chief executive officers of network members

42. (1) The chief executive officer of a network member may establish such committees, with such membership and such terms of reference, as are necessary for the day-to-day management of the network member.

(2) The chief executive officer of a network member is, by virtue of his or her office, a member of each committee of the network member and may, if he or she wishes to do so, preside at any meeting of the committee.

(3) The functions conferred or imposed on a chief executive officer by this By-law are in addition to the functions conferred or imposed on a chief executive officer by the Act.

Note. Section 13 of the Act requires the Board to appoint a person as chief executive officer of each member of the University network. Section 6 of the Act sets out the composition of that network.

Secretary of Board

43. (1) There is to be a Secretary of the Board.

(2) The Secretary has such functions as are conferred or imposed on the Secretary by this By-law and by rules made under this By-law.

(3) The Secretary may, with the approval of the Chancellor, delegate any of his or her functions to any other officer of the University.

PART 4—THE ACADEMIC SENATE

Academic Senate—constitution

44. (1) The Board may make rules:

- (a) prescribing the manner in which persons may become members of the Academic Senate under paragraph (d) of section 16 (1) of the Act; and

- (b) prescribing the qualifications required to be held by persons in order to become members of that Senate under that paragraph; and
- (c) providing for the procedure to be followed at meetings of the Academic Senate, including the procedure for electing or appointing members of that Senate to be its presiding member and deputy presiding member.

(2) A member of the Academic Senate referred to in section 16 (1) (c) or (d) of the Act holds office, subject to the Act and this By-law, for 2 years from and including the date on which the member enters office. This subclause does not apply to persons who are members of the Academic Senate only because they hold particular offices or positions at the University.

(3) If a person who holds office as a member of the Academic Senate by virtue of having been elected by a body of, or a body associated with, the University vacates office during the first 12 months of the member's term of office, the vacancy is to be filled by an election held by that body.

(4) If a person who holds office as a member of the Academic Senate by virtue of having been elected by a body of, or a body associated with, the University vacates office during the last 12 months of the member's term of office, the vacancy is to be filled by an appointment made by the remaining members of the Academic Senate.

(5) If a person who holds office as a member of the Academic Senate by virtue of having been appointed or nominated to that office by a body of, or a body associated with, the University vacates office during the member's term of office, the vacancy is to be filled by an appointment or nomination made by that body.

(6) A person is not eligible to be elected, appointed or nominated to fill a vacancy under this clause unless he or she holds the appropriate qualification (if any) for election, appointment or nomination to the office that was vacated.

(7) A person who fills a vacancy under this clause holds office as a member of the Academic Senate, subject to the Act and this By-law, for the rest of the term of the person's predecessor in office.

(8) In this clause, "**body**" includes a combination of bodies.

Note. Section 16 of the Act provides for there to be an Academic Senate of the University, consisting of the Vice-Chancellor, each of the chief executive officers of the network members, members of the academic staff of the University and of other universities appointed by the Board, and other persons determined by the Board.

Functions of Academic Senate

45. (1) The Academic Senate is the principal academic body of the University.

(2) The principal functions of the Academic Senate are:

- (a) to advise the Board and the Vice-Chancellor on all matters relating to teaching, scholarship and research conducted at or in connection with the University; and
- (b) to ensure the high quality of teaching and learning within the University by developing and implementing appropriate policies; and
- (c) to determine lists of graduands of the University specifying the award and the level of award that each of the graduands is to receive; and
- (d) to advise the Vice-Chancellor on the teaching and research activities of the University and on the allocation of teaching and research responsibilities within the University's faculties; and
- (e) to consider and report on all matters referred to it by the Board or the Vice-Chancellor; and
- (f) to make recommendations to the Board or the Vice-Chancellor about academic standards or facilities at the University.

(3) The Academic Senate has such other functions:

- (a) as may be necessary to give effect to enable it to exercise the functions specified in subclause (2); or
- (b) as the Board may from time to time notify to the Academic Senate in writing.

(4) A notification under subclause (3) (b) must not be inconsistent with the Act or this By-law.

PART 5—MISCELLANEOUS**Board may make rules**

46. (1) The Board may make rules, not inconsistent with the Act or this By-law, for regulating, or providing for the regulation of, any matter with respect to which the Board may make by-laws under the Act.

Note. Section 32 of the Act provides that the University's by-laws may empower any authority (including the Board) or officer of the University to make rules for or with respect to matters for or with respect to which by-laws may be made, except matters referred to in section 3 (2), 9 (6), 10 (2), 15 (1), 19 (1) (d) and (e), 26, 31 (1) (b) and (k) of, and clause 1 (d) or 3 of Schedule 1 to, the Act. The matters on which University by-laws can be made are specified in section 31 of the Act.

- (2) Without limiting subclause (1), rules under that subclause:
- (a) may authorise a specified authority or officer of the University to impose penalties of specified kinds on students who are proved to be guilty of misconduct or breaches of discipline; and
 - (b) must require such an authority or officer, before exercising a power to discipline a student:
 - (i) to notify the student in writing of the alleged misconduct or breach of discipline; and
 - (ii) to give the student an opportunity to be heard in relation to the allegation; and
 - (c) must prohibit such an authority or officer from taking disciplinary action unless rules made for the purposes of paragraph (b) have been complied with; and
 - (d) are to allow students to be disciplined only for:
 - (i) acts done or omitted in relation to land or other property belonging to the University; or
 - (ii) while engaged in official activities of the University.
- (3) In subclause (2), “**breach of discipline**” includes, but is not limited to, any act or omission amounting to misconduct.

Vice-Chancellor may make rules

47. The Vice-Chancellor may make rules, not inconsistent with the Act, this By-law or the rules of the Board, for the management or good government of the University.

Chief executive officer of network member may make rules

48. The chief executive officer of a network member may make rules, not inconsistent with the Act, this By-law or rules made by the Board or by the Vice-Chancellor, for the management or good government of the network member.

Provisions applicable to all rules made under this Part

- 49. (1)** A rule must be published:
- (a) in the case of a rule made by the Board or a rule made by the Vice-Chancellor—by means of a notice displayed on a notice board outside the office of the chief executive officer of each of the network members; and
 - (b) in the case of a rule made by a chief executive officer—by means of a notice displayed on a notice board outside the office of the chief executive officer.

(2) Each chief executive officer must ensure that a copy of every rule is kept available for inspection at the office of that officer. The Secretary must also ensure that a copy of every rule is kept available for inspection at the office of the Secretary.

(3) Every member of the academic staff and non-academic staff, and every student, of the University is entitled, during the business hours of the office concerned and without charge, to inspect a copy of a rule required by subclause (2) to be kept available for inspection.

(4) A rule takes effect on the day on which it is published in accordance with this clause or on such later day as may be specified in the rule.

Notes in text

50. Notes in the text of this By-law are explanatory notes only and do not form part of this By-law.

Repeals

51. The following By-laws are repealed:

- (a) the Charles Sturt University (Administration) By-law 1990;
- (b) the Charles Sturt University, Mitchell, By-laws;
- (c) the Charles Sturt University, Riverina, By-law 1978.

Savings and transitional provisions

52. (1) The person holding office as Secretary to the University immediately before the repeal of the Charles Sturt University (Administration) By-law 1990 is taken to have been appointed as Secretary to the Board.

(2) Any roll containing the names and addresses of academic staff, non-academic staff or students kept under the Charles Sturt University (Administration) By-law 1990 is taken to be the corresponding roll kept under this By-law.

(3) Nothing in this By-law affects the terms of office of those persons who, immediately before the repeal of the Charles Sturt University (Administration) By-law 1990:

- (a) were members of the Board or of any committee of the University; or
- (b) held offices of the University for specified terms.

(4) If any act, matter or thing had effect under the Charles Sturt University (Administration) By-law 1990 immediately before the repeal of that By-law and the act, matter or thing could have effect under this By-law, then, except as otherwise provided by this clause, the act, matter or thing continues to have effect under this By-law.

Dated this 21st day of December 1996.

The *COMMON SEAL* of *CHARLES STURT UNIVERSITY* was hereunto affixed by the authority of the Council in the presence of

CLIFF BLAKE

.....
Vice-Chancellor

BARRY YAU

.....
Acting University Secretary

NOTES

TABLE OF PROVISIONS

PART 1—PRELIMINARY

1. Citation
2. Definitions

PART 2—THE BOARD OF GOVERNORS AND ELECTION PROCEDURES

Division 1—Returning officer

3. Secretary to be returning officer

Division 2—Chancellor and Deputy Chancellor

4. Election and term of office of Chancellor and Deputy Chancellor
5. Casual vacancies in offices of Chancellor and Deputy Chancellor
6. Nominations for election as Chancellor or Deputy Chancellor
7. Order in which elections for Chancellor and Deputy Chancellor are to be held
8. Procedure for electing Chancellor or Deputy Chancellor

Division 3—Election of members of Board

9. Rolls of electors to be kept
10. Qualifications for candidates seeking election as members of Board
11. Qualifications to vote at election for members of Board
12. Terms of office of members of Board
13. Casual vacancies in offices of members of Board

Division 4—Procedure for electing Board and committee members

14. How election is to be conducted
15. Election intervals for different stages of election process
16. Returning officer to notify holding of election
17. Information to be given in notice of election
18. How candidates for election may be nominated
19. Procedure after close of nominations-
20. How election by postal ballot is conducted
21. How on-campus poll is conducted
22. Requirements for ballot papers
23. How ballot paper is to be completed
24. Procedure for voting by post
25. Procedure for voting at on-campus ballot
26. Envelopes and ballot papers not to be opened
27. Election not invalidated because of certain errors
28. Candidate may appoint scrutineer
29. Officers not to disclose how electors voted
30. Procedure after close of poll
31. Certain ballot papers to be rejected as informal
32. What happens when candidate dies or is ineligible for election
33. Determination of election result where only one candidate is to be elected
34. Determination of election result where more than one candidate is to be elected

Division 5—Board meetings

35. Holding and convening of Board meetings
36. Members to give notice of business for consideration at Board meeting
37. Secretary to give notice of Board meetings
38. Person presiding at meeting of Board to have casting vote
39. Adjournment of Board meetings and standing over of unfinished business
40. Board may make “standing orders”

PART 3—OFFICERS OF UNIVERSITY

41. The Vice-Chancellor
42. Functions of chief executive officers of network members
43. Secretary of Board

PART 4—THE ACADEMIC SENATE

44. Academic Senate—constitution
45. Functions of Academic Senate

PART 5—MISCELLANEOUS

46. Board may make Pules
 47. Vice-chancellor may make rules
 48. Chief executive officer of network member may make rules
 49. Provisions applicable to all rules made under this Part
 50. Notes in text
 51. Repeals
 52. Savings and transitional provisions
-

EXPLANATORY NOTE

The object of this By-law is to make provisions that supplement the Charles Sturt University Act 1989. The By-law deals with:

- (a) the election, appointment and functions of the Chancellor and Deputy Chancellor; and
- (b) the election of members of the Board of Governors and of other committees of the University; and
- (c) the procedures for meetings of the Board of Governors; and
- (d) the functions of the Vice-Chancellor and the chief executive officers of the network members of the University; and
- (e) the appointment and functions of the Secretary of the Board of Governors; and
- (f) the constitution and functions of the Academic Senate; and
- (g) the making of rules for the purposes of the Act.

This By-law also repeals the Charles Sturt University (Administration) By-law 1990, the Charles Sturt University, Mitchell, By-laws and the Charles Sturt University, Riverina, By-law 1978.

This By-law is made under the Charles Sturt University Act 1989, including section 31 (the general by-law making power).
