

1990 - No. 549

**CHARLES STURT UNIVERSITY ACT 1989 - BY-LAW**  
(Charles Sturt University (Administration) By-law 1990)

NEW SOUTH WALES



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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 the Charles Sturt University and set forth hereunder.

VIRGINIA CHADWICK  
Minister for School Education and Youth Affairs.

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The Board of Governors of the Charles Sturt University, in pursuance of the Charles Sturt University Act 1989, hereby makes the By-law set forth hereunder.

**PART 1 - PRELIMINARY**

**Citation**

1. This By-law may be cited as the Charles Sturt University (Administration) By-law 1990.

## **Definitions**

2. In this By-law

"**Academic Senate**" means the Academic Senate of the University;

"**Board**" means the Board of Governors of the University,

"**Chancellery**" means such part of the University as comprises the Office of the Vice-Chancellor and the offices of such other members of staff of the University as are declared, by resolution of the Board, to form part of the Chancellery,

"**network member**" means the Charles Sturt University, Mitchell, the Charles Sturt University, Riverina, or the Charles Sturt University, Murray,

"**Secretary**" means the Secretary of the University;

"**the Act**" means the Charles Sturt University Act 1989.

## **PART 2 - THE BOARD OF GOVERNORS**

### **Division 1 - The Chancellor and Deputy Chancellor**

#### **The Chancellor and Deputy Chancellor**

3. (1) The Chancellor and Deputy Chancellor are to be elected according to procedures to be prescribed by the rules made by the Board.

(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 may, without specific appointment, exercise the right of membership of any committee of the University.

### **Division 2 - The members of the Board**

#### **Returning officers**

4. (1) An election referred to in this Division is to be conducted by the Secretary who is to be the Returning Officer for the election.

(2) Subject to the provisions of the Act and this Division, the decision of the Returning Officer on all matters affecting the eligibility of candidates and the conduct and results of an election is to be final.

(3) The Returning Officer must appoint a Deputy Returning Officer for the Chancellery and for each of the network members, and may appoint further Deputy Returning Officers, and other persons, to assist the Returning Officer in the conduct of all or any part of an election referred to in this Division.

**Rolls for network members**

5. The Deputy Returning Officer for each network member is to keep separately in respect of the network member:

- (a) a Roll of Academic Staff containing the names and addresses of those persons who are members of the academic staff of the University employed at the network member and who have accepted and entered upon duty in a position with tenure of not less than one year; and
- (b) a Roll of Non-Academic Staff containing the names and addresses of those persons who are employed at the network member and who have accepted and entered upon duty in a position with tenure of not less than one year, being persons whose names are not entered on a Roll of Academic Staff; and
- (c) a Roll of Students containing the names and addresses of those persons who are enrolled as candidates proceeding to a degree, diploma or certificate of the University at the network member, being persons whose names are not entered on a Roll of Academic Staff or a Roll of Non-Academic Staff.

**Rolls for the Chancellery**

6. (1) The Deputy Returning Officer for the Chancellery is to keep:

- (a) a Roll of Academic Staff containing the names and addresses of those persons who are members of the academic staff of the University employed in the Chancellery and who have accepted and entered upon duty in a position with tenure of not less than one year; and
- (b) a Roll of Non-Academic Staff containing the names and addresses of those persons who are employed in the Chancellery and who have accepted and entered upon duty in a position with tenure of not less than one year, being persons whose names are not entered on a Roll of Academic Staff.

(2) The members of staff whose offices form part of the Chancellery are to be determined by resolution of the Board.

**Qualifications for elected members**

7. (1) The qualifications for election for a member of the Board referred to in section 9 (6) (a) of the Act are that the member must have his or her name entered on a Roll of Academic Staff at the close of nominations for the election.

(2) The qualifications for election for the member of the Board referred to in section 9 (6) (b) of the Act are that the member must have his or her name entered on a Roll of Non-Academic Staff at the close of nominations for the election.

(3) The qualifications for election for the member of the Board referred to in section 9 (6) (c) of the Act are that the member must have his or her name entered on a Roll of Students at the close of nominations for the election.

(4) The qualifications prescribed by this By-law are in addition to the qualifications prescribed by section 9 (6) of the Act.

(5) Nothing in this By-law entitles a person to stand for election for more than one position as a member of the Board merely by virtue of the fact that his or her name is entered on more than one Roll kept under this By-law.

**Qualifications to vote**

8. (1) An academic staff member is qualified to vote in an election for a member of the Board referred to in section 9 (6) (a) of the Act if his or her name is entered on a Roll of Academic Staff at the close of nominations for the election.

(2) A non-academic staff member is qualified to vote in an election for the member of the Board referred to in section 9 (6) (b) of the Act if his or her name is entered on a Roll of Non-Academic Staff at the close of nominations for the election.

(3) A student is qualified to vote in an election for the member of the Board referred to in section 9 (6) (c) of the Act if his or her name is entered on a Roll of Students at the close of nominations for the election.

(4) An election is not invalid merely because of the failure or refusal of the Returning Officer, Deputy Returning Officer or other person assisting the Returning Officer to issue voting papers to, or to accept a vote from, a person who is not included in the relevant Roll.

**Election procedure**

9. (1) Subject to this By-law, all elections are to be conducted in accordance with procedures to be prescribed by the rules made by the Board.

(2) The elected members of the Board are to be elected by secret ballot using a compulsory preferential system of voting as set out in those rules.

**Terms of office**

10. (1) The elected members of the Board are to hold office for the following periods:

- (a) the members who are members of the academic staff of the University hold office for 2 years from the date of election;
- (b) the member who is a member of the non-academic staff of the University holds office for 2 years from the date of election;
- (c) the member who is a student of the University holds office for 2 years from the date of election.

(2) Notwithstanding subclause (1), the first elected members of the Board (including any members appointed to fill casual vacancies in the positions of any of the first elected members) hold office until 30 June 1992.

**Casual vacancies**

11. (1) In the event that a casual vacancy in the office of a member of the Board elected pursuant to section 9 (6) of the Act occurs within the first 12 months of the term of that office, the vacancy is to be filled by the candidate, if any, who in the election immediately preceding the occurrence of the vacancy received the greatest number of votes from among the candidates for that office who were not elected and who remain qualified to hold that office.

(2) In the event that a casual vacancy in the office of a member of the Board elected pursuant to section 9 (6) of the Act occurs otherwise than within the first 12 months of the term of that office, or if a vacancy occurring within those 12 months cannot be filled under subclause (1), the Board must appoint a member (being a person qualified to hold that office) for the residue of the term of office.

**Division 3 - Meetings of the Board**

**Holding of meetings**

**12. (1)** An ordinary meeting of the Board is to be held not fewer than 5 times in each calendar year.

**(2).** A special meeting of the Board may be convened by

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

(b) the Vice-Chancellor,

for the consideration of any urgent business.

**(3)** A special meeting of the Board:

(a) is to be convened by the Secretary upon the written request of 5 or more members of the Board setting forth the purpose for which the meeting is required to be convened; and

(b) is to be held within 14 days after the receipt of the request for that special meeting.

**(4)** A meeting, whether ordinary or special, is convened by giving notice of the meeting to each of the members of the Board in accordance with clause 13 (2) or (4).

**Notice of meetings**

**13. (1)** A member of the Board must not initiate any matter for discussion, or move any motion in respect of that matter, at a meeting of the Board unless:

(a) notice in writing has been given to the Secretary

(i) in the case of an ordinary meeting, not less than 14 days before the date of the meeting or

(ii) in the case of a special meeting, not less than 10 days before the date of the meeting,

that the matter will be so initiated or a motion moved in respect of that matter; or

(b) the Board, by resolution of a majority of the members present and voting, otherwise permits.

**(2)** Notice of the time and place of a meeting of the Board, and a copy of the business papers accompanied by supporting statements,

are to be posted or delivered by the Secretary to each member of the Board at least 7 days prior to the meeting.

(3) By a further notice so posted or, delivered not less than 4 days prior to the meeting, the Secretary may advise of supplementary business to be put before the meeting.

(4) Where a special meeting is convened for the consideration of business that is so urgent that at least 7 days' notice of the meeting cannot be given, reasonable notice of the time, place and business of the meeting must be given.

(5) Nothing in this clause prevents the initiation of a matter for discussion or the moving of any motion, with the permission of the Board as referred to in subclause (1), notwithstanding that a provision of this subclause has not been complied with.

(6) Proceedings of a meeting of the Board are to be taken to have been validly transacted notwithstanding the failure by the Secretary to comply with this subclause in any respect or the non-receipt by any person of a notice or papers and statements.

#### **Casting vote**

14. (1) The person presiding at any meeting of the Board has a deliberative vote and, in the event of an equality of votes, a second or casting vote.

(2) Where the presiding member declines to exercise a casting vote in the event of an equality of votes, the motion lapses.

#### **Adjournment and standing over**

15. (1) A meeting of the Board may be adjourned to a later time or date by resolution of the Board.

(2) If, at any meeting (whether special or ordinary) of the Board, a quorum is not present:

- (a) within half an hour after the time appointed for the meeting; or
- (b) within such further time as the presiding member (or, in the absence of the presiding member, as the members present) 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.

(3) In this clause, a reference to the presiding member is a reference to the Chancellor or, in the absence of the Chancellor, to the Deputy Chancellor.

### **Standing orders**

16. The Board may make standing orders (not being orders inconsistent with the Act or this By-law) for the regulation of the procedure at meetings of the Board.

## **Division 4 - Committees**

### **Committees**

17. (1) The Board may establish such committees, with such terms of reference and such membership, as the Board may from time to time determine.

(2) A committee of the Board may include members who are not members of the Board.

(3) The procedures for the convening of committees, and for the conduct of business at meetings, are to be as determined by the rules made by the Board.

## **PART 3 - OFFICERS OF THE UNIVERSITY**

### **The Vice-Chancellor**

18. (1) The Vice-Chancellor, as the principal executive officer of the University, is charged with 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) In the exercise of his or her functions, the Vice-Chancellor has such authority as may be necessary or convenient to give effect to the provisions of the Act, the by-law, the rules 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 so desires, 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.

#### **Chief executive officers of network members**

19. (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 may, without specific appointment, exercise the right of membership of any committee of the network member and may, if he or she so desires, preside at any meeting of such a 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.

#### **Secretary**

20. (1) There is to be a Secretary of the University who may exercise such functions as are conferred or imposed on the Secretary by the by-law and the rules.

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

**Other officers**

21. The University may appoint such professors and other teaching staff, and such other staff and officers, as the Board may from time to time determine.

**PART 4 - THE ACADEMIC SENATE**

**The Academic Senate**

22. (1) Section 16 of the Act provides that there is to be an Academic Senate, consisting of:

- (a) the Vice-Chancellor; and
- (b) each of the chief executive officers of the network members; and
- (c) such members of the academic staff of the University, and of other universities, as the Board may appoint; and
- (d) such other persons as the Board may, in accordance with the by-law, determine.

(2) The Academic Senate is the principal academic body of the University and may exercise such functions as are conferred or imposed on it by the by-laws, the rules and the Board's resolutions.

(3) The Vice-Chancellor is the presiding member of the Academic Senate.

(4) In the absence of the Vice-Chancellor, the person elected by the Academic Senate to the office of deputy presiding member is to preside at meetings of the Academic Senate.

(5) Members (other than ex-officio members) of the Academic Senate are to hold office for 2 years from the date of appointment.

(6) Notwithstanding subclause (5), the first members of the Academic Senate (other than ex-officio members but including any members appointed to fill casual vacancies in the positions of the first members) hold office until 30 June 1991.

**PART 5 - MISCELLANEOUS**

**Rules**

23. (1) The Board may make rules for regulating, or providing for the regulation of, any matter with respect to which by-laws may be made.

(2) The Vice-Chancellor may make rules, not inconsistent with the rules made by the Board, for the good conduct of the University.

(3) The chief executive officer of a network member may make rules, not inconsistent with the rules made by the Board or by the Vice-Chancellor, for the good conduct of the network member.

(4) 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 at the offices of the chief executive officers 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 at the office of the chief executive officer, and copies of the rule must be kept available for inspection at those offices or that office, as the case may be, and at the office of the Secretary.

(5) 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.

#### **Consequential amendments to other By-laws**

**24. (1)** The Mitchell College of Advanced Education By-laws are amended:

(a) by omitting By-law 1 of Chapter I and by inserting instead the following By-law

1. These By-laws may be cited as the Charles Sturt University, Mitchell, By-laws.

(b) by omitting Chapters III, IV and V and Divisions 2 and 4 of Chapter VI.

**(2)** The Riverina College of Advanced Education By-law 1978 is amended

(a) by omitting clause 1 and by inserting instead the following clause:

1. This By-law may be cited as the Charles Sturt University, Riverina, By-law 1978.

(b) by omitting Chapters II, III and V and Division 2 of Chapter IV.

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**EXPLANATORY NOTE**

The object of this By-law is to make provisions necessary or convenient for the purpose of carrying out or giving effect to the Charles Sturt University Act 1989. In particular, the By-law deals with:

- (a) the appointment and functions of the Chancellor and Deputy Chancellor; and
- (b) the election of members of the Board of Governors; 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 University, 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 effects consequential amendments to the Mitchell College of Advanced Education By-laws and the Riverina College of Advanced Education By-law 1978.

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