



New South Wales

# Charles Sturt University Amendment By-law 1999

under the

Charles Sturt University Act 1989

His Excellency the Governor, with the advice of the Executive Council, and in pursuance of the *Charles Sturt University Act 1989*, has approved the following By-law made by the Council of Charles Sturt University.

JOHN AQUILINA, M.P.,

Minister for Education and Training

## Explanatory note

The object of this By-law is to amend the *Charles Sturt University By-law 1995* as a consequence of amendments made to the *Charles Sturt University Act 1989* by the *Charles Sturt University Amendment Act 1998*. In particular, the By-law makes provision for the following matters:

- (a) the procedure for proposing and selecting names of graduates for appointment to the Council by the Minister, including the establishment of a Graduate Nominations Committee,
- (b) the term of office of Chancellor when there is a casual vacancy in that office,
- (c) the keeping of electoral rolls,
- (d) the election of members to the Council, including the requirement that one of the student members of the Council is to be a postgraduate student and the other is to be an undergraduate student,
- (e) the terms of office of elected members of the Council,

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- (f) procedural matters relating to the election of members to the Council, including the timing of elections, the election intervals for different stages of the election process, the means of notifying the holding of an election, the procedure relating to nominating candidates for elections and the conduct of ballots in relation to elections,
- (g) the publication and availability of rules made under the principal By-law,
- (h) the power of the Council to prescribe awards and certificates to be conferred and awarded on students.

The By-law also makes amendments of a minor, consequential or ancillary nature.

This By-law is made under the *Charles Sturt University Act 1989*, including section 31 (1) (the general power to make By-laws).

## **Charles Sturt University Amendment By-law 1999**

### **1 Name of By-law**

This By-law is the *Charles Sturt University Amendment By-law 1999*.

### **2 Commencement**

This By-law commences on 1 July 1999.

### **3 Amendment of Charles Sturt University By-law 1995**

The *Charles Sturt University By-law 1995* is amended as set out in Schedule 1.

### **4 Notes**

The explanatory note does not form part of this By-law.

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Schedule 1 Amendments

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**Schedule 1 Amendments**

(Clause 3)

- [1] The whole By-law (except in clause 52 and except where inconsistent with other amendments made by this Schedule)**

Omit “Board” and “Board’s” wherever occurring.  
Insert instead “Council” and “Council’s”, respectively.

- [2] The whole By-law (except where inconsistent with other amendments made by this Schedule)**

Omit “non-academic” wherever occurring. Insert instead “general”.

- [3] Clause 2 Definitions**

Omit “Board; or” from paragraph (c) of the definition of *election*.  
Insert instead “Council.”.

- [4] Clause 2 Definition of “election”**

Omit paragraph (d) of the definition.

- [5] Clause 2**

Omit the definitions of *non-academic staff member of the Board*, *permanent member*, *roll of non-academic staff electors* and *roll of student electors*.

Insert instead in alphabetical order:

*general staff member of the Council* means a member of the Council referred to in section 9 (6) (b) of the Act.

*postgraduate student member of the Council* means the student member of the Council referred to in clause 9A (b).

*roll of general staff electors* means the roll of electors kept under clause 9 (1) (b).

*roll of postgraduate student electors* means the roll of electors kept under clause 9 (1) (d).

*roll of undergraduate student electors* means the roll of electors kept under clause 9 (1) (c).

*undergraduate student member of the Council* means the student member of the Council referred to in clause 9A (a).

**[6] Clause 2, definition of “polling day”**

Omit “election” where secondly occurring in paragraph (b) of the definition.

Insert instead “ballot”.

**[7] Clause 2, note**

Omit the note to the clause.

**[8] Part 2**

Omit the heading to Part 2. Insert instead:

**Part 2 Council of the University and election procedures**

**[9] Clause 4 Election and term of office**

Omit clause 4 (2). Insert instead:

(2) For the purposes of section 10 (2) of the Act, the prescribed term of office for the Chancellor is the term ending 4 years after the date on which the previous Chancellor’s term of office expired.

(2A) Despite subclause (2), if a vacancy occurs in the office of Chancellor before its term expires, the prescribed term of office is the unexpired portion of the previous Chancellor’s term of office.

**[10] Clause 4, note**

Insert at the end of the note:

Section 11 (2) of the Act states that the Deputy Chancellor holds office for 2 years from the date of election.

**[11] Part 2, Division 2A**

Insert before Division 3 of Part 2:

**Division 2A Graduate members appointed to Council**

**8A Nominations**

- (1) As soon as practicable after 1 March in a year in which the term of office of a graduate member expires, the Secretary is to invite graduates of the University to propose names of graduates of the University for appointment as a member of the Council under section 9 (5) (b) of the Act.
- (2) The Secretary is to make such an invitation by placing a notice to that effect:
  - (a) in a newspaper circulating throughout Australia, and
  - (b) in at least three regional newspapers, each newspaper being published in at least one of the regions where a major campus is located, and
  - (c) on the Internet by means of the website of the University, and
  - (d) by any other means that the Secretary considers appropriate.
- (3) The notice:
  - (a) must state that the proposal must be by two graduates of the University, and
  - (b) must specify a date and time by which the proposal must reach the Secretary.
- (4) Proposals received by the Secretary in accordance with this clause are to be forwarded to the Graduate Nominations Committee.

**8B Graduate Nominations Committee**

- (1) There is established by this By-law a Graduate Nominations Committee.
- (2) The Committee is to consist of:
  - (a) the Chancellor and Vice-Chancellor, and

(b) all of the members of the Council, other than those who are eligible to be nominated as graduate members of the Council.

(3) The Committee must do the following:

- (a) consider the proposals forwarded by the Secretary under clause 8A (4),
- (b) recommend names, selected from persons whose names have been proposed, to be forwarded to the Council for nomination by the Council,
- (c) recommend the length of appointment (not exceeding 4 years) for each such person,
- (d) forward to the Council those recommendations.

**8C Council to consider recommendations of Graduate Nominations Committee**

(1) The Council must do the following:

- (a) consider the recommendations forwarded by the Graduate Nominations Committee in accordance with clause 8B (3) (d),
- (b) determine which persons are to be nominated for consideration by the Minister,
- (c) determine the recommended length of appointment (not exceeding 4 years) for each such person.

(2) The Vice-Chancellor is to forward the determinations referred to in subclause (1) (b) and (c) to the Minister.

**8D Casual vacancy**

(1) In the event that a casual vacancy occurs in the office of a graduate member of the Council, the Council is to forward to the Minister the name of a graduate whose name was contained in the previous proposals forwarded to the Council under clause 8A (4) but who was not appointed to the Council.

(2) The Council is to forward the name of a graduate under subclause (1) only with the consent of that graduate.

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- (3) The graduate appointed to fill a casual vacancy is to hold office for the unexpired portion of the previous graduate's term of office.

### [12] Part 2, Division 3, heading

Omit the heading. Insert instead:

### **Division 3      Qualification of electors and candidates for Council**

### [13] Clauses 9 and 9A

Omit clause 9. Insert instead:

#### **9      Rolls to be kept**

- (1) The returning officer must keep the following separate rolls:
- (a) a roll of academic staff electors of the University,
  - (b) a roll of general staff electors of the University,
  - (c) a roll of postgraduate student electors of the University,
  - (d) a roll of undergraduate student electors of the University.
- (2) A person is entitled to have his or her name and address entered on the roll of academic staff electors if that person holds a position, on a full-time basis, of or above the rank of associate lecturer of the University.
- (3) A person is entitled to have his or her name and address entered on the roll of general staff electors if that person holds a general staff position on a full-time basis at the University.
- (4) A person is entitled to have his or her name and address entered on the roll of postgraduate student electors if that person is enrolled as a candidate proceeding to:
- (a) a degree (other than a bachelor degree or an associate degree), or
  - (b) a graduate diploma, or
  - (c) a graduate certificate.



- (5) A person is entitled to have his or her name and address entered on the roll of undergraduate student electors if that person is enrolled as a candidate proceeding to:
  - (a) a bachelor degree, or
  - (b) an associate degree, or
  - (c) a diploma other than a graduate diploma.
- (6) A person is not entitled to have his or her name and address entered on more than one roll of electors at the same time.
- (7) A person who is entitled to have his or her name and address entered on more than one roll is eligible to have his or her name and address entered only on the most senior of those rolls, where the levels of seniority of those rolls are in the following descending order:
  - (a) the roll of academic staff electors,
  - (b) the roll of general staff electors,
  - (c) the roll of postgraduate student electors,
  - (d) the roll of undergraduate student electors.
- (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 no longer eligible to have his or her name and address entered on that roll.
- (9) Nothing in this subclause prevents the returning officer from transferring the name and address of a person from one roll to another if the returning officer is satisfied that the person is eligible to have his or her name and address on that other roll.

**9A Student members of Council**

Of the student members elected to the Council:

- (a) one is to be an undergraduate student member, and
- (b) one is to be a postgraduate student member.

**[14] Clause 10 Qualifications for candidates seeking election as members of Council**

Insert “as a candidate” after “eligible” wherever occurring.

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**[15] Clause 10**

Insert “currently” before “entered” wherever occurring.

**[16] Clause 10 (3)**

Insert “undergraduate” before “student” wherever occurring.

**[17] Clause 10 (3A)**

Insert after clause 10 (3):

- (3A) The qualification for a person to be eligible as a candidate for election as the postgraduate student member of the Council is that the person’s name is currently entered on the roll of postgraduate student electors at the close of nominations for the election.

**[18] Clause 11 Qualification to vote at election for members of Council**

Insert “currently” before “entered” wherever occurring.

**[19] Clause 11 (3)**

Omit “A student”. Insert instead “An undergraduate student”.

**[20] Clause 11 (3)**

Insert “undergraduate” before “student” where secondly and thirdly occurring.

**[21] Clause 11 (4)**

Insert after clause 11 (3):

- (4) A postgraduate student whose name is currently entered on the roll of postgraduate student electors at the close of nominations for the election is qualified to vote in an election for the postgraduate student member of the Council.

**[22] Clause 12**

Omit clause 12. Insert instead:

**Division 3A Terms of office of elected members of Council**

**12 Terms of office**

- (1) The term of office of an elected member of the Council is 2 years beginning on 1 July next following his or her election.
- (2) However, the first person to hold the position of postgraduate student member of the Council, and any person elected to fill a casual vacancy in that position, holds office until 30 June 2000.

**[23] Clause 13 Casual vacancies in offices of members of Council**

Omit “a member” from clause 13 (2).  
Insert instead “an elected member”.

**[24] Part 2, Division 4, heading**

Omit the heading. Insert instead:

**Division 4 Procedure for electing Council members**

**[25] Clause 14**

Omit “Board and of all other committees” from clause 14 (1).  
Insert instead “Council”.

**[26] Clause 14A**

Insert after clause 14:

**14A Timing of elections**

- (1) An election to fill a vacancy in the office of an elected member of the Council is to be called as soon as practicable after 1 March in any year in which the term of office of an elected member of the Council expires.

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- (2) The election is to be completed, and the result of the election declared, before 1 July in that year.
- (3) In the case of an election that is required because of a casual vacancy in the office of an elected member, the election is to be held as soon as practicable after the vacancy occurs.

### **[27] Clause 15 Election intervals for different stages of election process**

Insert “other than an election to elect a student member under clause 21,” before “the returning officer”.

### **[28] Clause 15 (c)**

Omit “except in the case of on campus polling under clause 21—”.

### **[29] Clause 15 (2), (3) and (4)**

Insert at the end of clause 15:

- (2) When conducting an election to elect a student member of the Council under clause 21, the returning officer must ensure that:
  - (a) there are not less than 14 days and not more than 30 days between the publication of the notice that an election is to be held and the time for the close of nominations, and
  - (b) there are not less than 14 days and not more than 30 days between the close of nominations and the close of applications for postal votes, and
  - (c) there are not less than 14 days and not more than 30 days between the close of applications for postal votes and polling day.
- (3) Despite subclauses (1) and (2), the returning officer may, by notice published in the same way as the notice stating that an election is to be held, postpone (for a period not exceeding 14 days at a time) the close of nominations, the close of applications for postal votes or the polling day.
- (4) The power conferred on a returning officer by subclause (3) may be exercised more than once in respect of an election.

**[30] Clause 16**

Omit the clause. Insert instead:

**16 Returning officer to notify holding of election**

When an election is necessary to elect members of the Council, the returning officer must publish, by such means as the returning officer considers appropriate, a notice of election notifying electors who are eligible to vote in the election.

**[31] Clause 17 Information to be given in notice of election**

Omit “member” from clause 17 (g). Insert instead “members”.

**[32] Clause 17 (g) (i)**

Omit the clause. Insert instead:

- (i) state that a student is not eligible to vote or stand as a candidate in an election for an undergraduate student member unless the student’s name is on the roll of undergraduate student electors, and
- (ia) state that a student is not eligible to vote or stand as a candidate in an election for a postgraduate student member unless the student’s name is on the roll of postgraduate student electors, and

**[33] Clause 18 Nomination of candidates for election**

Insert “as a candidate” after “nominated” in clause 18 (1).

**[34] Clause 18 (3) (b)**

Omit “nominee”. Insert instead “candidate”.

**[35] Clause 18 (4) and (5)**

Omit the clauses. Insert instead:

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- (4) A candidate may provide a written statement about the candidate of not more than 150 words.
- (5) 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, together with dates of tenure in relation to those positions or offices.
- (6) The returning officer may:
  - (a) edit the statement, and
  - (b) in the case of a postal ballot, distribute the statement with each ballot paper, and
  - (c) in the case of an on-campus poll, make the statement available at the polling places.
- (7) The returning officer:
  - (a) must reject a nomination form that does not comply with this clause or if the candidate is not eligible for election, and
  - (b) in that event, must give written notice to the candidate of the fact that his or her nomination form has been rejected.
- (8) If a candidate has his or her nomination form rejected, the returning officer must invite the candidate to submit another nomination form if:
  - (a) the candidate is eligible for election, and
  - (b) the date and time fixed for nominations to close have not passed.

**[36] Clause 19 Procedure after close of nominations**

Insert after clause 19 (2):

- (3) If there are no valid nominations for election to a position on the Council, the returning officer is to call another election in accordance with this Part.

**[37] Clauses 20 and 21**

Omit the clauses. Insert instead:

**20 Conduct of ballot for election of academic staff members and general staff member**

- (1) If a poll is required for an election of an academic staff member or a general staff member, the returning officer is to conduct a postal ballot.
- (2) The returning officer is to send the following documents to each person who is on the roll of academic staff electors:
  - (a) a ballot paper,
  - (b) a notice setting out how the ballot paper is to be completed and specifying the date and time by which the completed ballot paper must reach the returning officer,
  - (c) a form of declaration of identity and of entitlement to vote,
  - (d) two envelopes, one marked "Ballot paper" and the other addressed to the returning officer,
  - (e) any statements (as edited by the returning officer) that have been submitted by the candidates in relation to their nominations.
- (3) The documents referred to in subclause (2) may be sent by post, by hand or by using the University's internal mail system.
- (4) The returning officer may, on receipt of a declaration that a voting paper has been lost, destroyed or spoiled, issue a duplicate voting paper to that person if satisfied as to the truth of the declaration.

**21 Conduct of ballot of student members**

- (1) If a poll is required for an election of an undergraduate student member of the Council or a postgraduate student member of the Council, the returning officer is to arrange an on-campus poll.

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- (2) The returning officer is to arrange:
  - (a) for the poll to be held on the polling day, and
  - (b) for a poll officer to attend on that day at the polling places between the hours for polling specified in the notice of election for the purpose of issuing ballot papers to the electors.
- (3) The returning officer is to cause a notice to be sent to each person who is on the roll of undergraduate student electors or on the roll of postgraduate student electors, as the case requires, stating that if the person is unable to attend a polling place on polling day the person:
  - (a) is entitled to vote by post, and
  - (b) may apply (either in writing, by telephone, electronic mail or other means accepted by the returning officer) to the returning officer before the close of applications for postal votes.
- (4) The returning officer is to send the following documents to each person who has applied for a postal vote in accordance with subclause (3):
  - (a) a ballot paper,
  - (b) a notice setting out how the ballot paper is to be completed and specifying the date and time by which the completed ballot paper must reach the returning officer,
  - (c) a form of declaration of identity and of entitlement to vote,
  - (d) two envelopes, one marked "Ballot paper" and the other addressed to the returning officer,
  - (e) any statements (as edited by the returning officer) that have been submitted by the candidates in relation to their nominations.
- (5) The returning officer may, on receipt of a declaration by a person who has applied for a postal vote stating that a voting paper has been lost, destroyed or spoiled, issue a duplicate voting paper to that person if satisfied as to the truth of the declaration.



- (6) A student member 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.
- (7) However, 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 eligible student, or
  - (b) has already received a ballot paper for the election.
- (8) The poll officer must:
  - (a) take such steps as are practicable to ensure that only one ballot paper is issued to a student, and
  - (b) ensure that each ballot paper issued in accordance with this clause is accompanied by a notice that tells the student how to fill out the ballot paper.
- (9) The poll officer may issue a replacement ballot paper to a student on receipt of a spoilt ballot paper if satisfied that the ballot paper issued to the student has been spoiled.

**[38] Clause 24 Procedure for voting by post**

Omit clause 24 (1). Insert instead:

- (1) This clause applies to a postal ballot conducted under clause 20 or 21.

**[39] Clause 24 (3)**

Omit the clause. Insert instead:

- (3) However an elector may, instead of complying with subclause (2), deposit the completed ballot paper in a ballot box at a polling place on polling day where a ballot box has been established for that election by the returning officer.

**[40] Clause 25 Procedure for voting at on-campus ballot**

Omit “A student” from clause 25 (2). Insert instead “An elector”.

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**[41] Clause 25 (3)**

Omit “student”. Insert instead “elector”.

**[42] Clause 27 Election not invalidated because of certain errors**

Insert at the end of clause 27 (3) (b):

, or

- (c) any or all of the documents referred to in clauses 20 (2) or 21 (4) were not issued to a person eligible to cast a postal ballot, or
- (d) a person eligible to vote at an on-campus poll did not see or receive any available candidate’s statements.

**[43] Clause 32 Death or ineligibility of candidate**

Omit “person” from clause 32 (c). Insert instead “candidate”.

**[44] Clause 33 Determination of election result where only one candidate is to be elected**

Insert “formal” before “ballot” in clause 33 (1).

**[45] Clause 42 Functions of chief executive officers of network members**

Omit the clause.

**[46] Clause 44 Constitution of Academic Senate**

Omit “make rules” from clause 44 (1). Insert instead “by resolution”.

**[47] Clause 44 (1) (a) and (b)**

Omit “prescribing” wherever occurring. Insert instead “prescribe”.

**[48] Clause 44 (1) (c)**

Omit “providing”. Insert instead “provide”.

**[49] Clause 44 (1) (c)**

Omit “presiding member and deputy presiding member”.  
Insert instead “Presiding Officer and Deputy Presiding Officer”.

**[50] Clause 44, note**

Omit the note. Insert instead:

**Note.** Section 16 of the Act provides for there to be an Academic Senate of the University consisting of the Vice-Chancellor, members of the academic staff of the University and of other universities appointed by the Council and such other persons determined by the Council.

**[51] Clause 48**

Omit the clause. Insert instead:

**48 Person responsible for administration of major campus may make rules**

The person responsible for the administration of a major campus may make rules, not inconsistent with the Act, this By-law or rules made by the Council or the Vice-Chancellor, for the management or good government of the major campus.

**Note.** Section 3 (1) of the Act defines *major campus* of the University as a location at Albury, Bathurst, Dubbo and Wagga Wagga.

**[52] Clause 49 Provisions applicable to all rules made under this Part**

Omit clauses 49 (1) and (2). Insert instead:

- (1) A rule must be published on the Internet by means of a notice on the website of the University.
- (2) Rules made in accordance with this By-law are to be made available as follows:
  - (a) the Vice-Chancellor must ensure that a copy of every rule made under clause 47 is available for inspection at the office of the Vice-Chancellor,

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- (b) the person responsible for the administration of a major campus must ensure that a copy of every rule made under clause 48 is available for inspection at the office of that person,
- (c) the Secretary must ensure that a copy of every rule is kept available for inspection at the office of the Secretary.

### [53] Clauses 49A–49C

Insert after clause 49:

#### **49A Awards**

The Council may by resolution prescribe the awards and certificates that may be conferred on or awarded to students.

#### **49B Prescribed awards and certificates**

For the purposes of section 3 (2) of the Act, the prescribed awards and certificates are as follows:

- (a) a degree, diploma or certificate received on completion of a course of studies conducted by the Riverina-Murray Institute of Higher Education (or any of its predecessors),
- (b) a degree, diploma or certificate received on completion of a course of studies conducted by the Mitchell College of Advanced Education (or any of its predecessors),
- (c) any other award conferred by the Riverina-Murray Institute of Higher Education or the Mitchell College of Advanced Education (or any of their predecessors) that, in the opinion of the Council, is equivalent to a degree, diploma, or certificate referred to in paragraph (a) or (b).

#### **49C Designation of full-time staff**

For the purposes of the Act and this By-law members of staff are designated as full-time members of staff:

- (a) if their terms of employment expressly state that they are employed on a full-time basis, or

- (b) where their terms of employment are silent on the matter, if they are employed on terms identified by the Secretary as terms of full-time employment.

**[54] Section 52 Savings and transitional provisions**

Insert after clause 52 (4):

- (5) Any roll containing the names and addresses of academic staff electors or non-academic staff electors kept under clause 9 immediately before the substitution of that clause by Schedule 1 [13] to the *Charles Sturt University Amendment By-law 1999* is taken to be a roll of academic staff electors and a roll of general staff electors, respectively, kept under clause 9 immediately after that substitution.