



New South Wales

Charles Sturt University Amendment By-law 2009

under the

Charles Sturt University Act 1989

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

VERITY FIRTH, MP
Minister for Education and Training

Explanatory note

The object of this By-law is to amend the *Charles Sturt University By-law 2005* so as:

- (a) to make the nomination process for election as Chancellor or Deputy Chancellor consistent with the provisions of the *Charles Sturt University Act 1989*, and
- (b) to enable the Council to co-opt more than 1 external person to the Council, and
- (c) to enable the Council to appoint a non-graduate person to the Council, and
- (d) to provide that a person may only have his or her name entered on the most senior roll of the University to which that person is eligible and to detail the seniority of the rolls of the University, and
- (e) to clarify the respective qualifications for candidates and voters in Council elections.

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

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Clause 1 Charles Sturt University Amendment By-law 2009

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1 Name of By-law

This By-law is the *Charles Sturt University Amendment By-law 2009*.

2 Commencement

This By-law commences on the day on which it is published on the NSW legislation website.

Schedule 1 Amendment of Charles Sturt University By-law 2005

[1] Clause 7 Nominations for election as Chancellor or Deputy Chancellor

Omit “other” from clause 7 (b).

[2] Clause 29 Appointment of external persons under section 9 (1) (c)

Omit “a person who is not a graduate of the University to one” from clause 29 (2).

Insert instead “persons who are not graduates of the University to one or more”.

[3] Clause 38

Omit clause 38. Insert instead:

38 Approval to appoint non-graduates

If, in relation to any vacant position or positions on the Council under section 9 (1) (c) of the Act, the Council Nominations Committee:

- (a) does not receive any applications from external persons who are graduates of the University for appointment to the position or positions, or
- (b) receives applications from such external persons, but is of the opinion that the applicants do not possess the skills, qualifications and experience sufficient for appointment to the Council under section 9 (1) (c) of the Act,

the Council Nominations Committee may (for the purposes of appointment to that position or those positions only) request the Secretary to issue a new notice under clause 30 for applications from external persons (whether the applicants are graduates of the University or not).

[4] Clause 49 Rolls of electors

Omit “and the person is not a student or a member of the general staff” from clause 49 (3).

[5] Clause 49 (4)

Omit “and the person is not a student or a member of the academic staff”.

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[6] Clause 49 (5)

Omit “, as determined by the Council, of at least 2 years’ duration and who is not an undergraduate student or a member of the general staff or the academic staff of the University”.

[7] Clause 49 (6)

Omit “, as determined by the Council, of at least 2 years’ duration and who is not a postgraduate student or a member of the general staff or the academic staff of the University”.

[8] Clause 49 (8A)

Insert after clause 49 (8):

(8A) A person who would, but for subclause (8), be 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,
- (b) the Roll of General Staff,
- (c) the Roll of Postgraduate Students,
- (d) the Roll of Undergraduate Students.

[9] Clause 50 Qualifications for candidates

Omit the clause. Insert instead:

50 Qualifications for candidates

The qualifications for election as a member of the Council are as follows:

- (a) in the case of the election of an academic staff member under section 9 (1) (d) of the Act—the candidate must have his or her name entered on the Roll of Academic Staff at the close of nominations for that election,
- (b) in the case of the election of a general staff member under section 9 (1) (e) of the Act—the candidate must have his or her name entered on the Roll of General Staff at the close of nominations for that election,
- (c) in the case of the election of an undergraduate student member under section 9 (1) (f) of the Act— the candidate, as at the close of the nominations for that election, must:
 - (i) be enrolled in a course of studies of at least 2 years’ duration leading to an undergraduate award, and

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- (ii) have his or her name entered on the Roll of Undergraduate Students,
 - (d) in the case of the election of a postgraduate student member under section 9 (1) (f) of the Act— the candidate, as at the close of the nominations for that election, must:
 - (i) be enrolled in a course of studies of at least 2 years' duration leading to a postgraduate award, and
 - (ii) have his or her name entered on the Roll of Postgraduate Students.

[10] Clause 50A

Insert after clause 50:

50A Qualifications for voters

- (1) A person whose name is on the Roll of Academic Staff at the close of nominations for an election of an academic staff member under section 9 (1) (d) of the Act is entitled to vote in that election.
- (2) A person whose name is on the Roll of General Staff at the close of nominations for an election of a general staff member under section 9 (1) (e) of the Act is entitled to vote in that election.
- (3) A person whose name is on the Roll of Postgraduate Students at the close of nominations for an election of a postgraduate student member under section 9 (1) (f) of the Act is entitled to vote in that election.
- (4) A person whose name is on the Roll of Undergraduate Students at the close of nominations for an election of an undergraduate student member under section 9 (1) (f) of the Act is entitled to vote in that election.

[11] Clause 72 Election not invalidated because of certain errors

Omit clause 72 (3). Insert instead:

- (3) An election is not invalid only because:
 - (a) the roll for the election contained a mistake or an omission in the details of a person entitled to vote in the election, or
 - (b) the vote of a person entitled to vote in the election was not accepted in the election, or
 - (c) any or all of the documents referred to in clause 57 (2) or 58 (3) were not issued to a person entitled to cast a postal ballot in the election, or

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- (d) a person entitled to vote in the election did not see or receive any available candidate's statements in the election, or
- (e) a person entitled to vote in the election did not see a notice required to be sent under this Division in the election, or
- (f) a candidate's statement was edited by the returning officer, or
- (g) the returning officer did not comply with this Part in any respect, or
- (h) the roll for the election contains the name of a deceased person, or
- (i) the roll for the election contains more than 1 entry for the same person.

[12] **Clause 114 Designation of members of staff**

Omit clause 114. Insert instead:

114 Designation of members of staff

- (1) For the purposes of Part 3, a person is designated as academic staff if that person holds a position:
 - (a) on a continuing basis, or
 - (b) on a contract basis where the contracted position is for a duration of at least 2 years,and the hours of work required by that position are at least half that of an equivalent full-time position.
- (2) For the purposes of Part 3, a person is designated as general staff if that person holds a position:
 - (a) on a continuing basis, or
 - (b) on a contract basis where the contracted position is for a duration of at least 2 years,and the hours of work required by that position are at least half that of an equivalent full-time position.

[13] **Clause 114A**

Insert after clause 114:

114A Additional members of staff of the University

Members of the full-time general staff of the University are prescribed as additional members of the University for the purpose of section 4 (c) of the Act.