

Charles Sturt University By-law 1995 (1996 SI 18)

[1996-18]



New South Wales

Status Information

Currency of version

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Legislation on this site is usually updated within 3 working days after a change to the legislation.

Provisions in force

The provisions displayed in this version of the legislation have all commenced.

Notes—

- **Note**

The By-law was repealed by cl 115 (1) of the [Charles Sturt University By-law 2005 \(691\)](#) (GG No 132 of 28.10.2005, p 9043) with effect from 28.10.2005.

Authorisation

This version of the legislation is compiled and maintained in a database of legislation by the Parliamentary Counsel's Office and published on the NSW legislation website, and is certified as the form of that legislation that is correct under section 45C of the [Interpretation Act 1987](#).

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New South Wales

Part 1 Preliminary

1 Name of By-law

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

2 Definitions

In this By-law:

Academic Senate means the Academic Senate of the University.

academic staff member of the Council means a member of the Council 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 Council means a member of the Council 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 Council.
- (d) (Repealed)

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

meeting means a meeting of the Council.

notice means notice in writing.

polling day, for an election of members of the Council, 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 ballot is held.

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

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 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).

Secretary means the Secretary to the Council.

student member of the Council means the person referred to in section 9 (6) (c) of the Act.

the Act means the [Charles Sturt University Act 1989](#).

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

Part 2 Council of the University and election procedures

Division 1 Returning officer

3 Secretary to be returning officer

- (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 Council.

- (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 subclause (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

4 Election and term of office

- (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 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.
- (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 Council to elect a person as Chancellor of the University.

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

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

5 Casual vacancies in offices of Chancellor and Deputy Chancellor

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 Council after the vacancy arose.

6 Nominations for election as Chancellor or Deputy Chancellor

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 Council, and
- (c) delivered to the returning officer before the meeting of the Council at which the election is to be held.

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

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 Council.

8 Procedure for electing Chancellor or Deputy Chancellor

- (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 Council 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 Council by secret ballot.
- (6) At the poll, each member of the Council 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 Council 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 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.
- (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.

Division 3 Qualification of electors and candidates for Council

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.

10 Qualifications for candidates seeking election as members of Council

- (1) The qualification for a person to be eligible as a candidate for election as an academic staff member of the Council is that the person's name is currently 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 as a candidate for election as the general staff member of the Council is that the person's name is currently entered on the roll of general staff electors at the close of nominations for the election.
- (3) The qualification for a person to be eligible as a candidate for election as the undergraduate student member of the Council is that the person's name is currently entered on the roll of undergraduate student electors at the close of nominations for the election.
- (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.
- (4) The qualifications prescribed by this clause are in addition to those specified in section 9 (6) of the Act.

11 Qualification to vote at election for members of Council

- (1) An academic staff member whose name is currently 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 Council.

- (2) A general staff member whose name is currently entered on the roll of general staff electors at the close of nominations for the election is qualified to vote in an election for the general staff member of the Council.
- (3) An undergraduate student whose name is currently entered on the roll of undergraduate student electors at the close of nominations for the election is qualified to vote in an election for the undergraduate student member of the Council.
- (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.

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.

13 Casual vacancies in offices of members of Council

- (1) If an elected member of the Council 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 an elected member of the Council vacates office during the last 12 months of the member's term of office, the Council 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 Council members

14 How election is to be conducted

- (1) An election to elect the elected members of the Council 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.

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.
- (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.

15 Election intervals for different stages of election process

- (1) When conducting an election to elect members of the Council, other than an election to elect a student member under clause 21, 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) there are not less than 14 days nor more than 60 days between the issue of ballot papers and polling day.
- (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.

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.

17 Information to be given in notice of election

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 members of the Council:
 - (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
 - (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.

18 Nomination of candidates for election

- (1) A person may be nominated as a candidate 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 candidate.
- (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.

19 Procedure after close of nominations

- (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.

- (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.

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.
- (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 spoiled ballot paper if satisfied that the ballot paper issued to the student has been spoiled.

22 Requirements for ballot papers

- (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 Council are indicated as such.
- (3) The returning officer must initial each ballot paper at the time it is issued.

23 How ballot paper is to be completed

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.

24 Procedure for voting by post

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

25 Procedure for voting at on-campus ballot

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

26 Envelopes and ballot papers not to be opened

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.

27 Election not invalidated because of certain errors

- (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, 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.

28 Candidate may appoint scrutineer

- (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 general staff or a student of the University.
- (3) A candidate for election is not eligible to be appointed as a scrutineer at the election.

29 Officers not to disclose how electors voted

- (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.

30 Procedure after close of poll

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.

31 Certain ballot papers to be rejected as informal

- (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.

32 Death or ineligibility of candidate

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 candidate had not been cast.

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

- (1) In this clause, ***absolute majority of votes*** means a number greater than one half of the total number of formal 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.

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

(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 Council meetings

35 Holding and convening of Council meetings

- (1) The Council 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 Council 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 Council on receiving a request from 5 or more members of the Council 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 Council is convened by giving notice of the meeting to each of the members of the Council in accordance with clause 37 (1) or, where appropriate, clause 37 (2).

36 Members to give notice of business for consideration at Council meeting

A member of the Council may initiate a matter for discussion, or move a motion in respect of the matter, at a meeting of the Council 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 Council, by resolution, otherwise permits.

37 Secretary to give notice of Council meetings

- (1) The Secretary must send by post or deliver a notice of the date, time and place of a meeting of the Council to each member of the Council 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 Council 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 Council 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.

38 Person presiding at meeting of Council to have casting vote

- (1) The person presiding at a meeting of the Council 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.

39 Adjournment of Council meetings and standing over of unfinished business

- (1) The Council may, by resolution, adjourn a Council meeting to a later time or date or to the same or another place.
- (2) If, at a meeting of the Council, 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.

40 Council may make “standing orders”

The Council may make rules for regulating the procedure at meetings of the Council. 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

41 The Vice-Chancellor

- (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 Council 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 Council’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 Council to appoint a person as Vice-Chancellor of the University.

42 (Repealed)

43 Secretary of Council

- (1) There is to be a Secretary of the Council.
- (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

44 Constitution of Academic Senate

- (1) The Council may by resolution:
 - (a) prescribe the manner in which persons may become members of the Academic Senate under paragraph (d) of section 16 (1) of the Act, and
 - (b) prescribe the qualifications required to be held by persons in order to become members of that Senate under that paragraph, and
 - (c) provide 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 Officer and Deputy Presiding Officer.
- (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, members of the academic staff of the University and of other universities appointed by the Council and such other persons determined by the Council.

45 Functions of Academic Senate

- (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 Council 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 Council or the Vice-Chancellor, and
 - (f) to make recommendations to the Council 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 Council 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

46 Council may make rules

- (1) The Council 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 Council 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 Council) 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.

47 Vice-Chancellor may make rules

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

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.

49 Provisions applicable to all rules made under this Part

- (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,
 - (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.
- (3) Every member of the academic staff and general 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.

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.

50 Notes in text

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

51 Repeals

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*.

52 Savings and transitional provisions

- (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, general 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.
- (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.