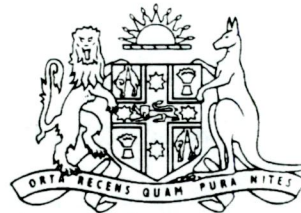


First print



New South Wales

Charles Sturt University Amendment Bill 1998

Explanatory note

This explanatory note relates to this Bill as introduced into Parliament.

Overview of Bill

The object of this Bill is to amend the *Charles Sturt University Act 1989* so as:

- (a) to reconstitute the Board of Governors as a Council, and
 - (b) to provide that the University no longer be constituted as a federation of "network members", but is to have major campuses at Albury, Bathurst, Dubbo and Wagga Wagga and may have campuses at other locations, and
 - (c) to broaden the functions of the University beyond the current focus on the needs and aspirations of the residents of western and south-western New South Wales to include taking account of regional, national and international markets for educational services, and
 - (d) to remove provisions relating to the role of, and references to, the University of New South Wales from the Act.
-

Outline of provisions

Clause 1 sets out the name (also called the short title) of the proposed Act.

Clause 2 provides for the commencement of the proposed Act on a day or days to be appointed by proclamation (other than clause 35 of Schedule 1 [29] which is to commence on the date of assent to the proposed Act).

Clause 3 is a formal provision giving effect to the amendments to the *Charles Sturt University Act 1989* set out in Schedule 1.

Reconstitution of Board as a Council

Schedule 1 [12] replaces section 9 of the Principal Act. This amendment will reconstitute the Board of Governors as a Council. The principal categories of membership of the Council will remain the same as those of the Board (that is, parliamentary members, elected members, official members and members appointed by the Minister). However, there are a number of minor changes to the composition of the Council, including:

- (a) the elected student member of the Board is to be replaced by 2 elected student members of the Council, and
- (b) the 4 members of the Board appointed by the Minister on the nomination of the University of New South Wales Council are to be replaced by 4 members of the Council appointed by the Minister on the nomination of the Charles Sturt University Council, who must be graduates of the University but must not be students or staff of the University eligible for election to the Council in accordance with proposed section 9 (6), or have been members of staff of the University who were eligible for election under section 9 (6) within the preceding 5 years, and
- (c) one member of staff responsible for the administration of a major campus, nominated by the Council, is to be an appointed member of the Council instead of all chief executive officers of the network members being official members of the Board.

Schedule 1 [1], [2], [3], [4], [11], [19] and [23]–[25] make consequential amendments following the reconstitution of the Board as a Council.

Composition of University

Schedule 1 [6] replaces section 6 of the Principal Act. This amendment removes a provision that states that the University is a federation of network members. Proposed section 6 states that the University is to have campuses at Albury, Bathurst, Dubbo and Wagga Wagga and may have campuses at other locations. **Schedule 1 [16]** omits section 13 which provided for chief executive officers for network members. **Schedule 1 [18]** removes the requirement that the University establish an advisory council for each network member but the Council will be required to establish an advisory committee for each major campus. **Schedule 1 [17]** makes a consequential amendment.

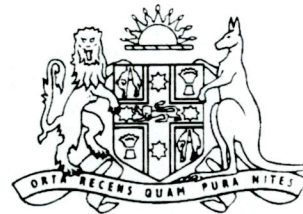
Functions of University and Council

Schedule 1 [7] amends section 7 (1) (a) of the Principal Act to broaden the functions of the University in relation to the provision of educational facilities so that account may be taken of regional, national and international markets for educational services, while still retaining a focus on the needs and aspirations of the residents of western and south-western New South Wales. **Schedule 1 [9]** makes a similar amendment to section 7 (1) (d) in relation to the development of consultancy and entrepreneurial activities. **Schedule 1 [8]** makes a consequential amendment. **Schedule 1 [20]** replaces section 18 of the Principal Act with a simplified statement of the Council's functions that is consistent with corresponding provisions in other Acts relating to universities in New South Wales.

Other amendments

Schedule 1 [5] is an amendment by way of statute law revision. **Schedule 1 [10]** removes a provision that requires the University to collaborate with the University of New South Wales in the development of academic programs to be offered by the University. **Schedule 1 [13]–[15]** amend sections 10, 11 and 12 to omit spent provisions. **Schedule 1 [21]** replaces the term "non-academic staff" with "general staff" in section 31 (1) (k) so that the reference will be consistent with the terminology in proposed section 9 and the definition that has been inserted by Schedule 1 [3]. **Schedule 1 [22]** and **[26]** omit section 34 of, and Schedule 3 to, the Principal Act which are now spent. **Schedule 1 [27]** and **[29]** insert a number of savings and transitional provisions into Schedule 4 to the Principal Act. **Schedule 1 [28]** removes a number of savings and transitional provisions, the operation of which is spent, from Schedule 4 to the Principal Act.

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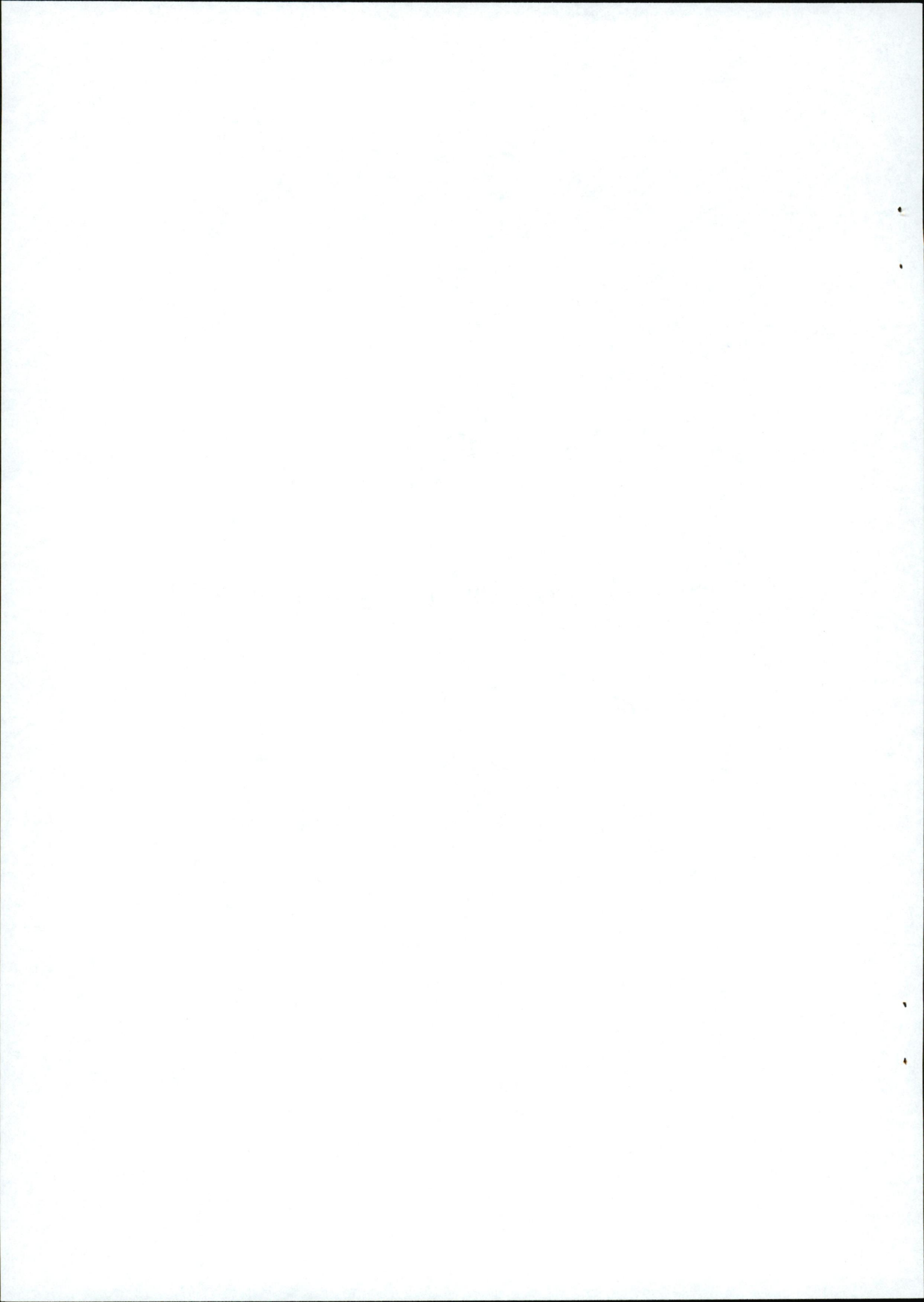


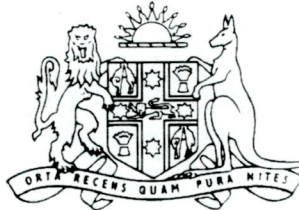
New South Wales

Charles Sturt University Amendment Bill 1998

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New South Wales

Charles Sturt University Amendment Bill 1998

No. , 1998

A Bill for

An Act to amend the *Charles Sturt University Act 1989* to reconstitute the Board of Governors as a Council and make further provision with respect to the constitution and functions of the University; and for other purposes.

The Legislature of New South Wales enacts:

1 Name of Act

This Act is the *Charles Sturt University Amendment Act 1998*.

2 Commencement

- (1) This Act commences on a day or days to be appointed by proclamation, except as provided by subsection (2). 5
- (2) Clause 35 of Schedule 1 [29] commences on the date of assent.

3 Amendment of Charles Sturt University Act 1989 No 76

The *Charles Sturt University Act 1989* is amended as set out in Schedule 1. 10

Schedule 1 Amendments

(Section 3)

- [1] **The whole Act (other than sections 3, 4 and 9)**
Omit "Board" wherever occurring. Insert instead "Council".
- [2] **Section 3 Definitions** 5
Omit the definitions of *Board*, *network member* and *University network* from section 3 (1).
- [3] **Section 3 (1)**
Insert in alphabetical order:
Council means the Council of the University. 10
general staff of the University means staff other than the academic staff of the University.
major campus means a campus of the University at a location referred to in section 6 (a), (b), (c) or (d).
- [4] **Section 4 Establishment of University** 15
Omit "Board of Governors" from section 4 (a).
Insert instead "Council".
- [5] **Section 4 (c)**
Omit "professors and full-time".
- [6] **Section 6** 20
Omit the section. Insert instead:
6 University campuses
The University is to have campuses at the following locations:
(a) Albury. 25
(b) Bathurst.

- (c) Dubbo.
 - (d) Wagga Wagga.
- and may have campuses at other locations.

[7] Section 7 Functions of University

Omit section 7 (1) (a). Insert instead: 5

- (a) the provision of educational facilities at university standard (whether on a campus or elsewhere), taking account of regional, national and international markets for educational services, while having particular regard to the needs and aspirations of the residents of western and south-western New South Wales. 10

[8] Section 7 (1) (c)

Omit "the regions of New South Wales served by the University".
Insert instead "western and south-western New South Wales".

[9] Section 7 (1) (d) 15

Insert "regional, national and international" after "development of" where firstly occurring.

[10] Section 7 (3)

Omit the subsection.

[11] Part 3, heading 20

Omit "BOARD OF GOVERNORS". Insert instead "COUNCIL".

[12] Section 9

Omit the section. Insert instead:

9 Council

- (1) There is to be a Council of the University. 25
- (2) The Council is to consist of the following:
 - (a) parliamentary members.
 - (b) official members.

-
- (c) appointed members.
- (d) elected members.
- (3) The parliamentary members comprise:
- (a) one Member of the Legislative Council elected by that Council: 5
- (i) as soon as practicable after each periodic Council election within the meaning of section 3 of the *Constitution Act 1902*, or
- (ii) if there is a casual vacancy in the office of that member of the Council of the University, as soon as practicable after that office becomes vacant, and 10
- (b) one Member of the Legislative Assembly elected by that Assembly:
- (i) as soon as practicable after each general election of Members of the Legislative Assembly, or 15
- (ii) if there is a casual vacancy in the office of that member of the Council, as soon as practicable after that office becomes vacant. 20
- (4) The official members comprise:
- (a) the Chancellor (if the Chancellor is not otherwise a member of the Council), and
- (b) the Vice-Chancellor, and
- (c) the person for the time being holding the office of: 25
- (i) the presiding officer of the Academic Senate (if that person is not the Vice-Chancellor), or
- (ii) the deputy presiding officer of the Academic Senate (if the presiding officer is the Vice-Chancellor). 30
- (5) The appointed members comprise:
- (a) 4 persons appointed by the Minister, and

- (b) 4 persons appointed by the Minister, being persons nominated by the Council, who are graduates of the University, and who the Minister considers to be appropriate for appointment, but who are not:
 - (i) members of the staff of the University eligible to be elected as members of the Council in accordance with subsection (6) (a) or (b), or 5
 - (ii) persons who, within the 5 years immediately prior to appointment, had been members of the staff of the University who were eligible to be elected as members of the Council in accordance with subsection (6) (a) or (b), or 10
 - (iii) students of the University eligible to be elected as members of the Council in accordance with subsection (6) (c). 15
- (6) The elected members comprise:
 - (a) 2 persons:
 - (i) who are members of the academic staff of the University, and 20
 - (ii) who have such qualifications as may be prescribed by the by-laws, and
 - (iii) who are elected by members of the academic staff of the University in the manner prescribed by the by-laws, and 25
 - (b) one person:
 - (i) who is a member of the general staff of the University, and
 - (ii) who has such qualifications as may be prescribed by the by-laws, and 30
 - (iii) who is elected by members of the general staff of the University in the manner prescribed by the by-laws, and

-
- (c) two persons:
- (i) who are students of the University but who are not members of the staff of the University. and
 - (ii) who have such qualifications as may be prescribed by the by-laws. and 5
 - (iii) who are elected by students of the University in the manner prescribed by the by-laws.

- (7) The Council must appoint one other person, being a member of the staff of the University having responsibility for the administration of a major campus, to be a member of the Council and the person, on being appointed, is to be taken to be an appointed member of the Council in addition to the members appointed under subsection (5). 10 15
- (8) Schedule 1 has effect in relation to the members and procedure of the Council.

[13] Section 10 Chancellor

Omit section 10 (1). Insert instead: 20

- (1) Whenever a vacancy in the office of Chancellor occurs, the Council must elect a person (whether or not a member of the Council) to be Chancellor of the University.

[14] Section 11 Deputy Chancellor

25

Omit section 11 (1). Insert instead:

- (1) Whenever a vacancy in the office of Deputy Chancellor occurs, the Council must elect one of its members to be Deputy Chancellor of the University.

[15] Section 12 Vice-Chancellor

Omit section 12 (1). Insert instead:

- (1) Whenever a vacancy in the office of Vice-Chancellor occurs, the Council must elect a person (whether or not a member of the Council) to be Vice-Chancellor of the University. 5

[16] Section 13 Chief executive officers of network members

Omit the section.

[17] Section 16 Academic Senate

Omit section 16 (1) (b). 10

[18] Section 17

Omit the section. Insert instead:

17 Advisory committees

- (1) The Council is to establish an advisory committee for each major campus. 15
- (2) The members of an advisory committee are to be appointed by the Council.
- (3) An advisory committee has such functions as may be determined by the Council.

[19] Part 4, heading 20

Omit "BOARD". Insert instead "COUNCIL".

[20] Section 18

Omit the section. Insert instead:

18 Functions of Council

The Council is the governing authority of the University and has the functions conferred or imposed on it by or under this or any other Act. 25

[21] Section 31 By-laws

Omit "non-academic" from section 31 (1) (k).
Insert instead "general".

[22] Section 34 Amendments

Omit the section.

5

[23] Schedule 1, heading

Omit "BOARD". Insert instead "COUNCIL".

[24] Schedule 1, clause 2 (j)

Insert "or appointed" after "elected".

[25] Schedule 1, clause 2 (j)

10

Insert "or appointment" after "election".

[26] Schedule 3 Amendments

Omit the Schedule.

[27] Schedule 4 Savings and transitional provisions

Insert at the end of clause 1 (1):

15

Charles Sturt University Amendment Act 1998

[28] Schedule 4, clauses 20, 23A, 23B, 25 and 29

Omit the clauses.

[29] Schedule 4

Insert at the end of the Schedule:

Part 4 Provisions consequent on enactment of Charles Sturt University Amendment Act 1998 5

33 Definitions

In this Part:

amending Act means the *Charles Sturt University Amendment Act 1998*. 10

Board means the Board as constituted under section 9 as in force immediately before the substitution of that section by the amending Act.

University network means the University network established under section 6 as in force immediately before the commencement of Schedule 1 [6] to the amending Act. 15

34 Council is a continuation of Board

- (1) The Council is a continuation of the Board. 20
- (2) Subject to subclauses (3) to (5), the persons holding office as members of the Board immediately before the substitution of section 9 by the amending Act continue to hold office as members of the Council on that substitution. 25
- (3) The persons holding office as official members of the Board under section 9 (4) (c) immediately before the substitution of section 9 by the amending Act cease to hold office as such on that substitution.

-
- (4) The persons holding office as appointed members of the Board under section 9 (5) (b) immediately before the substitution of section 9 by the amending Act cease to hold office as such on that substitution.
- (5) The student holding office as an elected member of the Board under section 9 (6) (c) immediately before the substitution of section 9 by the amending Act continues to hold office on that substitution and is taken to be one of the two student members of the Council elected in accordance with section 9 (6) (c), as substituted. 5
10
- (6) Any person who ceases to hold office because of the operation of subclause (3) or (4) is not entitled to be paid any remuneration or compensation because of ceasing to hold the office.
- (7) Nothing in this clause limits section 53 of the *Interpretation Act 1987*. 15

35 Elections and appointments for Council

- (1) For the purpose only of enabling the Council to be duly constituted on or after the substitution of section 9 by the amending Act, elections may be conducted and appointments made before that substitution as if section 9, as substituted, were in force. 20
- (2) A member who is elected or appointed to the Council under this clause does not assume office before the commencement of section 9, as substituted. 25

36 Saving of delegations

Any delegation made by the Board and in force immediately before the commencement of this clause continues to have effect as if it were a delegation made by the Council, but may be revoked at any time by the Council. 30

37 By-laws

The By-laws of the University:

- (a) continue in force as if they had been made by the Council, and
- (b) may be amended and revoked accordingly. 5

38 Chief executive officers of network members

Any person who ceases to hold office as a chief executive officer of a member of the University network because of the operation of Schedule 1 [16] to the amending Act is not entitled to be paid any remuneration or compensation because of ceasing to hold the office. 10