



Charles Sturt University

Governance (Assessment of Council Performance) Rule 2005 No. 3

A Rule for the purpose of establishing procedures for the regular evaluation of the performance of the Council and the assessment of conformance with the *National Governance Protocols* made under the *Higher Education (Support) Act 2003*.

THE COMMON SEAL OF THE UNIVERSITY WAS
AFFIXED IN ACCORDANCE WITH CLAUSE 2.5
OF THE RULE ON THE USE OF THE COMMON
SEAL BY THE SECRETARY PURSUANT TO A
RESOLUTION OF THE COUNCIL.

Signature

Date

Resolution



Charles Sturt University

Governance (Assessment of Council Performance) Rule 2005 No. 3

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Chapter 1 Preliminary

1 Name of Rule

This Rule is the *Governance (Assessment of Council Performance) Rule 2005*.

2 Commencement

This Rule commences on 28 September 2005.

3 Purpose

This Rule is enacted to ensure compliance by the University with Protocol 4 of the *National Governance Protocols for Higher Education Providers* made pursuant to the *Higher Education (Support) Act 2003* of the Commonwealth which requires the University Council at regular intervals to assess both its performance and its conformance with the Protocols.

4 Authority

This Rule is enacted under the authority granted to the Council under section 32 of the Act.

5 Definitions

In this Rule:

Act means the *Charles Sturt University Act 1989*.

By Law means the *Charles Sturt University By-law 1995*.

Committee means a committee of the Council established under clause 4 of Schedule 1 of the Act.

Council means the Council of the University established under section 9 of the Act.

Protocols means the *National Governance Protocols for Higher Education Providers* made under section 33-15 of the *Higher Education Support Act 2003*.

Secretary means the Secretary to the Council appointed under the By-law.

Chapter 2 Assessment of Council Performance

6 Minimum Requirements for Appointment to the Council

- (1) The Council shall conduct an assessment of its performance, and the performance of committees, no later than June in each year.
- (2) All members of the Council shall be entitled to participate in an assessment under this Rule.

- (3) The assessment shall be administered by the Corporate Governance and Nominations Committee on behalf of the Council.
- (4) The Corporate Governance and Nominations Committee shall ensure that an assessment under this clause has particular regard to the performance of the Council with respect to its primary responsibilities under section 19 (1B) of the Act including:
 - (a) to monitor the performance of the Vice-Chancellor, and
 - (b) to oversee the University's performance, and
 - (c) to oversee the academic activities of the University, and
 - (d) to approve the University's mission, strategic direction, annual budget and business plan, and
 - (e) to oversee risk management and risk assessment across the University (including, if necessary, taking reasonable steps to obtain independent audit reports of entities in which the University has an interest but which it does not control or with which it has entered into a joint venture), and
 - (f) to approve and monitor systems of control and accountability for the University (including in relation to controlled entities within the meaning of section 19A of the Act), and
 - (g) to approve significant University commercial activities (within the meaning of section 24A of the Act), and
 - (h) to establish policies and procedural principles for the University consistent with legal requirements and community expectations, and
 - (i) to ensure that the University's grievance procedures, and information concerning any rights of appeal or review conferred by or under any Act, are published in a form that is readily accessible to the public, and
 - (j) to make available for members of the Council a program of induction and of development relevant to their role as such a member.
- (4) The Corporate Governance and Nominations Committee shall determine the method of assessment which may include:
 - (k) a guided self-assessment, or
 - (l) an external assessment, or
 - (m) some other method approved by the Corporate Governance and Nominations Committee.

- (5) Upon completion of the assessment, the Corporate Governance and Nominations Committee shall produce a Report on the Performance of the Council including recommendations to the Council.
- (6) The Council shall consider the Report on the Performance of the Council and the recommendations of the Corporate Governance and Nominations Committee.

Chapter 3 Assessment of Conformance with Protocols

7 Conformance with National Governance Protocols

- (1) The Council shall conduct an assessment of its conformance with the Protocols no later than June in each year.
- (2) The Secretary shall prepare a draft Statement of Conformance with the Protocols, identifying:
 - (a) where the Council complies with the requirements and the evidence to support compliance, and
 - (b) where the Council does not comply.
- (3) The Corporate Governance and Nominations Committee shall consider the draft Statement of Conformance with the Protocols prepared under sub-clause (2) and make recommendations to the Council:
 - (a) to adopt the Statement of Conformance, or
 - (b) to adopt the Statement of Conformance, subject to any recommendations from the Corporate Governance and Nominations Committee.
- (4) In making a decision under sub-clause (3), the Council shall satisfy itself that the University complies with the Protocols or will comply with the Protocols by the final date for certification established under the *Higher Education Support Act 2003*.
- (5) Where the Council:
 - (a) adopts the State of Conformance, or
 - (b) adopts the Statement of Conformance and the Chancellor is satisfied that the approved recommendations of the Committee have been met,

the Chancellor may sign a compliance certificate on behalf of the Council certifying the University's compliance with the Protocols.

Chapter 4 Historical notes

8 Abbreviations

The following abbreviations are used in the Historical notes:

| | | | | | |
|------|--------------------|------|-------------|---------|--------------|
| Am | Amended | No | number | Schs | Schedules |
| Cl | clause | p | page | Sec | section |
| ClI | clauses | pp | pages | Secs | sections |
| Div | Division | Reg | Regulation | Subdiv | Subdivision |
| Divs | Divisions | Regs | Regulations | Subdivs | Subdivisions |
| GG | Government Gazette | Rep | repealed | Subst | substituted |
| Ins | inserted | Sch | Schedule | | |

9 Table of amendments