



## Charles Sturt University

### Governance (Criteria for Appointment to Council) Rule 2005 No.1

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A Rule for the purpose of prescribing the procedures for determining the criteria for appointment of members to the Council under the *Charles Sturt University By-law* 2005 and pursuant to section 9 (8) of the *Charles Sturt University Act* 1989 and Protocol 4 and 6 of the *Higher Education (Support) Act* 2003.

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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



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## Chapter 1 Preliminary

### 1 Name of Rule

This Rule is the *Governance (Criteria for Appointment to the Council) 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 and 6 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 to conduct an assessment of needed skills, knowledge and experience on a regular basis and to appoint persons to the Council who have the needed skills, knowledge and experience required by the University Council.

### 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*.

*appointed member* means a person appointed to the Council under section 9 (1) (a) (i), (a) (ii), (b), (c) and (g) of the Act.

*By Law* means the *Charles Sturt University By-law 2005*.

*Committee* means the Corporate Governance and Nominations Committee established under the *By-law*.

*Council* means the Council of the University established under section 9 of the Act and includes a committee of the Council.

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

## Chapter 2 Criteria for Appointment to Council

### 6 Application

This Rule applies to appointments to the Council under section 9 (1) (a) (i), (a) (ii), (b), (c) and (g) of the Act.

## **7 Minimum Requirements for Appointment to the Council**

In addition to any other skills, knowledge or experience determined by the Council under this Rule, a person appointed to the Council must have:

- (a) the ability to contribute to the effective working of the Council by having needed skills, knowledge and experience, and
- (b) an appreciation of the objects and values of the University and its core activities of teaching and research, and
- (c) an appreciation of the University's independence and academic freedom, and
- (d) the capacity to appreciate what the University's external community needs from the University.

## **8 Assessment of future skills, knowledge and experience**

- (1) The Committee shall conduct an assessment of the skills, knowledge and experience needed by the Council in the future under sub-clause 7 (a) at least 6 months prior to the expiry of the term of an appointed member or members and shall recommend to the Council a set of criteria for the appointment.
- (2) Unless otherwise determined by the Council, an assessment conducted under sub-clause (1) shall be valid for a period of 2 years from the date of approval by the Council and may be applied by the Council with respect to any appointment to the Council in that period.
- (3) In determining the skills, knowledge and experience needed by the Council under sub-clause 7 (a) the Committee shall have regard to:
  - (a) the objects and functions of the University under section 7 of the Act, and
  - (b) the functions and primary responsibilities of the Council under section 19 of the Act, and
  - (c) the mission, strategic direction and business plan approved by the Council under section 19 (1B) (d) of the Act, and
  - (d) the requirements under section 9 (5) of the Act, and
  - (e) any functions or activities (including commercial activities) of the University for which particular skills and expertise may be required in the future, and
  - (f) the effective management conflicts of interests as defined in the *Governance (Declaration of Material) Interests Rule*, and
  - (f) the interplay of the skills, knowledge and experience with the capabilities of other members of the Council.

- (4) The Committee shall determine the procedures for the conduct of an assessment under sub-clause (1).

**9 Committee to recommend needed skills, knowledge and experience to Council**

Upon completion of the assessment under clause 8 the Committee shall recommend to the Council a list of criteria that a person must possess to be eligible for appointment to the Council.

**10 Council to consider recommendations of the Committee**

Upon receipt of a recommendation under clause 9, the Council shall determine the list of criteria for appointment to the Council.

**11 Conflicts of Interest**

No member of the Council may participate in any decision of the Committee or the Council with respect to his or her own appointment or re-appointment to the Council, including the conduct of an assessment or the recommendation or approval of a list of criteria for appointment under this clause.

## **Chapter 3 Historical notes**

**12 Abbreviations**

The following abbreviations are used in the Historical notes:

|      |                    |      |             |         |              |
|------|--------------------|------|-------------|---------|--------------|
| Am   | Amended            | No   | number      | Schs    | Schedules    |
| Cl   | clause             | p    | page        | Sec     | section      |
| Cll  | 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    |         |              |

**13 Table of amendments**