

Governance (Common Seal) Rule 2013 No. 1

Division 1 Introduction

1 Name of Rule

(1) This Rule is the Governance (Common Seal) Rule 2013.

(2) The Rule may be referred to as the Rule on the Use of the Common Seal and a reference in a document to the Rule on the Use of the Common Seal shall be deemed to be a reference to this Rule.

2 Commencement

(3) This Rule commences on 19 September 2013 [CNL13/161].

3 Purpose

(4) This Rule is enacted for the purpose of setting out responsibilities and processes for the custody and use of the Common Seal.

4 Authority

(5) This Rule is made pursuant to authority granted to the Council under section 20, 30, 31 and 32 of the [Act](#), and in accordance with section 50 of the [Interpretation Act 1987 No 15](#)

(6) Notes:

(7) Section 30 of the [Act](#) provides that the University shall have a Common Seal and that it shall be kept in such custody as the Council may direct and shall only be affixed to a document pursuant to a resolution of the Council. Section 31 and 32 of the [Act](#) provides that the Council may make Rules with respect to governance, management and discipline of the University including with respect to the "use of the common seal". Section 20 of the [Act](#) provides that the Council may delegate any of its functions and powers, except its power of delegation.

5 Glossary

(8) In this Rule, the following words have these meanings unless the contrary intention appears:

- a. Act means the [Charles Sturt University Act 1989](#) as amended from time to time.
- b. Authorised Officer means the Chancellor, Deputy Chancellor, Vice-Chancellor, Deputy Vice-Chancellor, Pro Vice-Chancellor or University Secretary.
- c. By-law means the [Charles Sturt University By-law 2005](#) as amended from time to time.
- d. University Secretary means the University Secretary appointed by the Council in accordance with clause 19 of the By-law.

(9) In this Rule, unless the contrary intention appears:

- a. a word or term that has not been defined in this Rule has the same meaning attributed to that word or term in the Act or By-law;
- b. a reference to an officer of the University includes any person acting in that position; and

c. headings and notes do not form part of this Rule.

6 Custody and Use of the Common Seal

(10) The Common Seal of the University must be kept in a secure location approved by the University Secretary, and is to be used only as provided in this Rule.

7 Affixing of the Common Seal to Degree or Other Award

(11) The Chancellor and Vice-Chancellor are authorised to jointly sign, and to affix the Common Seal, to a testamur or certificate to be issued for a degree or other higher education award of the University where conferral of that degree or other higher education award has been approved by resolution of the Council (or by such other body or officer delegated by the Council for this purpose).

8 Affixing of the Common Seal by the University Secretary

(12) The University Secretary is authorised in that capacity to sign (whether or not also with an Authorised Officer), and to affix the Common Seal:

- a. to the copy of a statute, by-law or rule or amendment thereof required to be submitted to the Minister; and
- b. to any document being a true copy:
 - i. of any statute, by-law or rule or amendment thereof or any rule made there under; or
 - ii. of any minute or part of a minute of a meeting of Council, or of any committee or other body of the University; or
 - iii. of any other official document or any document that evidences ownership of real or personal property of the University;

certified as such for submission as evidence of the making of such a by-law, rule, minute or other official document or any document that evidences ownership of real or personal property as the case may be.

9 Affixing of the Common Seal on Direction of the Council or Authorised Officer by the University Secretary

(13) Any document, other than a document referred to in section 7 and 8, required to be under the Common Seal of the University must have the Common Seal affixed to it only:

- a. on the direction of the Council; or
- b. in routine matters or in circumstances of urgency, on the direction of an Authorised Officer.

(14) The University Secretary is authorised in that capacity to sign (whether or not also with an Authorised Officer), and to affix the Common Seal in accordance with clause 10 of this Rule.

(15) The University Secretary must as soon as practicable after the giving of the direction report the matter to the Council.

10 Form of the Common Seal

(16) When the Common Seal is affixed under section 7 the form used is:

'Common Seal affixed on this by direction of the Council'.

(17) When the Common Seal is affixed under section 8 the form used is:

- a. 'Common Seal affixed by the University Secretary under authority granted in the Governance (Common Seal) Rule 2013 of Charles Sturt University'; or
- b. 'Common Seal of Charles Sturt University affixed by direction of the University Secretary for the purpose under the Governance(Common Seal) Rule 2013 of Charles Sturt University'.

(18) When the Common Seal is affixed under section 9 the form used is either:

- a. 'Common Seal of Charles Sturt University affixed by direction of Council'; or
- b. 'Common Seal of Charles Sturt University affixed by direction of an officer authorised for the purpose under the Governance (Common Seal) Rule 2013 of Charles Sturt University'.

and the affixing of the Common Seal must be attested by an Authorised Officer and by the University Secretary.

11 Alternate for the University Secretary

(19) Where it is necessary or convenient, the University Secretary may appoint other officers of the University to affix the Common Seal for and on behalf of the University Secretary.

Notes:

An officer appointed by the University Secretary for this purpose must be over the age of 18 years, be of sound mind and must not be a party to the transaction relevant to the document to be sealed.

12 Transitional and Savings Provisions

(20) A document sealed in accordance with the Rule on the Use of the Common Seal as approved by the Board of Governors (resolution BG91/25) shall continue to be valid under that Rule notwithstanding the commencement of this Rule.

Status and Details

| | |
|---------------------------|---|
| Status | Historic |
| Effective Date | 22nd May 2014 |
| Review Date | 30th April 2015 |
| Approval Authority | University Council |
| Approval Date | 13th April 2014 |
| Expiry Date | 10th December 2017 |
| Unit Head | Cassandra Webeck University Secretary +61 2 6338 4258 |
| Author | Mark Burdack University Secretary |
| Enquiries Contact | Cassandra Webeck University Secretary +61 2 6338 4258 |