

1990 - No. 254

UNIVERSITY OF NEW ENGLAND ACT 1989 - BY-LAW

(Relating to the election of members of the Board
of Governors of the University of New England)

NEW SOUTH WALES



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HIS Excellency the Governor, with the advice of the Executive Council, and in pursuance of the University of New England Act 1989, has been pleased to approve the By-law made by the Board of Governors of the University of New England and set forth hereunder.

TERRY METHERELL

Minister for Education and Youth Affairs.

The Board of Governors of the University of New England, in pursuance of the University of New England Act 1989, hereby makes the By-law set forth hereunder.

Amendment of Northern Rivers College of Advanced Education By-law

1. The Northern Rivers College of Advanced Education By-law is amended by omitting chapters 2, 3 and 4.

Amendment of Armidale College of Advanced Education By-Law

2. The Armidale College of Advanced Education By-law is amended by omitting chapters 2, 3, 4 and 8.

Amendment of Orange Agricultural College By-law 1984

3. The Orange Agricultural College By-law 1984 is amended by omitting chapters 3, 4, 5 and 6.

Amendment of By-law of the University of New England

4. The By-laws of the University of New England made under the University of New England Act 1953 are amended:

- (a) by inserting before clause 1 of By-law No. 1 the following clause:

Citation

1A. These By-law may be cited as the University of New England By-laws.

- (b) by omitting from the definition of "the Act" in clause 3 of By-law No. 1 the words "University of New England Act, 1953" and by inserting instead the words "University of New England Act 1989";
- (c) by omitting By-law No. 2 (Election and Tenure of Office of Members of the Council), No. 8 (The Chancellor and Deputy Chancellor) and No. 9 (The Council - Meetings and Rules of Procedure) and by inserting instead the following By-law:

BY-LAW No. 2 - *The Board of Governors*

DIVISION 1 - *The Chancellor and Deputy Chancellor*

The Chancellor and Deputy Chancellor

1. (1) The Chancellor and Deputy Chancellor are to be elected according to procedures to be prescribed by rules made by the Board.

(2) For the purposes of section 10 (2) of the Act, the prescribed term of office for the Chancellor is 4 years from the date of election.

(3) The Chancellor and Deputy Chancellor may, without specific appointment, exercise the right of membership of any committee of the University.

DIVISION 2 - *Election of Members of the Board*

Returning officers

2. (1) An election referred to in this Division is to be conducted by the University Secretary who is to be the Returning Officer for the election.

(2) Subject to the provisions of the Act and this Division, the decision of the Returning Officer on all matters affecting the eligibility of candidates and the conduct and results of an election is to be final.

(3) The Returning Officer must appoint a Deputy Returning Officer for the Office of the Vice-Chancellor, for each of the network members and for Orange Agricultural College, and may appoint further Deputy Returning Officers, and other persons, to assist the Returning Officer in the conduct of all or any part of an election referred to in this Division.

Rolls for network members and Orange Agricultural College

3. The Deputy Returning Officer for each network member and for Orange Agricultural College is to keep separately in respect of the network member or College:

- (a) a Roll of Academic Staff containing the names and addresses of those persons who are full-time (being half-time or greater) members of the academic staff of the University employed at the network member or College, and who have accepted and entered upon duty in a position with tenure of not less than one year; and
- (b) a Roll of Non-Academic Staff containing the names and addresses of those persons employed at the network member or College on a full-time (being half-time or greater) basis, and who have accepted and entered upon duty in a position with tenure of not less than one year, and whose names are not entered on a Roll of Academic Staff; and
- (c) a Roll of Students containing the names and addresses of those persons enrolled as candidates proceeding to a degree, diploma or certificate of the University at the network member or College, and whose names are not

entered on a Roll of Academic Staff or a Roll of Non-Academic Staff.

Rolls for the Office of the Vice-Chancellor

4. (1) The Deputy Returning Officer for the Office of the Vice-Chancellor is to keep in respect of that Office:

- (a) a Roll of Academic Staff containing the names and addresses of those persons who are full-time (being half-time or greater) members of the academic staff of the University employed in that Office, and who have accepted and entered upon duty in a position with tenure of not less than one year; and
- (b) a Roll of Non-Academic Staff containing the names and addresses of those persons employed in that Office on a full-time (being half-time or greater) basis, and who have accepted and entered upon duty in a position with tenure of not less than one year, and whose names are not entered on a Roll of Academic Staff.

(2) The Deputy Returning Officer for the Office of the Vice-Chancellor is to keep a Convocation Roll of Electors containing the names and addresses of all members of Convocation who have advised the Returning Officer in writing of their wish to receive voting papers in relation to an election referred to in section 9 (6) (d) of the Act, and furnished to the Returning Officer a statement of the qualifications by virtue of which they are entitled to be members of Convocation.

Qualifications for elected members

5. (1) The qualifications for election for:

- (a) a member of the Board referred to in section 9 (6) (a) of the Act (other than the member referred to in clause 11 (3) of Schedule 3 to the Act) - are that the member must have his or her name entered on a Roll of Academic Staff at the close of nominations for the election; or
- (b) the member referred to in clause 11 (3) of Schedule 3 to the Act - are that the member must have his or her name entered on the Roll of Academic Staff for the University

of New England, Northern Rivers, at the close of nominations for the election.

(2) The qualifications for election for the member of the Board referred to in section 9 (6) (b) of the Act are that the member must have his or her name entered on a Roll of Non-Academic Staff at the close of nominations for the election.

(3) The qualifications for election for the member of the Board referred to in section 9 (6) (c) of the Act are that the member must have his or her name entered on a Roll of Students at the close of nominations for the election.

(4) The qualifications prescribed by this By-law are in addition to the qualifications prescribed by section 9 (6) of the Act.

(5) Nothing in this By-law entitles a person to stand for election for more than one position as a member of the Board merely by virtue of the fact that his or her name is entered on more than one Roll kept under this By-law.

Qualifications to vote

6. (1) An academic staff member:

- (a) is qualified to vote in an election for a member of the Board referred to in section 9 (6) (a) of the Act (other than the member referred to in clause 11 (3) of Schedule 3 to the Act) if his or her name is entered on a Roll of Academic Staff at the close of nominations for the election; or
- (b) is qualified to vote in an election for the member of the Board referred to in clause 11 (3) of Schedule 3 to the Act if his or her name is entered on the Roll of Academic Staff for the University of New England, Northern Rivers, at the close of nominations for the election.

(2) A non-academic staff member is qualified to vote in an election for the member of the Board referred to in section 9 (6) (b) of the Act if his or her name is entered on a Roll of Non-Academic Staff at the close of nominations for the election.

(3) A student is qualified to vote in an election for the member of the Board referred to in section 9 (6) (c) of the Act if his or her name is entered on a Roll of Students at the close of nominations for the election.

(4) A member of Convocation is qualified to vote in an election for a member of the Board referred to in section 9 (6) (d) of the Act if his or her name is entered on the Convocation Roll of Electors at the close of nominations for the election.

(5) An election is not invalid merely because of the failure or refusal of the Returning Officer, Deputy Returning Officer or other person assisting the Returning Officer to issue voting papers to, or to accept a vote from, a person who is not included in the relevant Roll.

Election procedure

7. (1) Subject to this By-law, all elections are to be conducted in accordance with procedures to be prescribed by rules made by the Board.

(2) The elected members of the Board are to be elected by secret ballot using an optional preferential system of voting as set out in those rules.

Terms of office

8. The elected members of the Board hold office for the following periods:

- (a) the members who are members of the academic staff of the University hold office for 2 years from the date of election (except in the case of the member elected pursuant to clause 11 (3) of Schedule 3 to the Act, who, pursuant to clause 11 (5) of that Schedule, ceases to hold office at the end of 3 years after the commencement of section 9 of the Act);
- (b) the member who is a member of the non-academic staff of the University holds office for 2 years from the date of election;
- (c) the member who is a student of the University holds office for 2 years from the date of election;

- (d) the members who are members of Convocation hold office for 4 years from the date of election.

Casual vacancy

9. (1) In the event that a casual vacancy in the office of a member of the Board elected pursuant to section 9 (6) of the Act occurs within the first 12 months of the term of that office, the vacancy is to be filled by the candidate, if any, who in the election immediately preceding the occurrence of the vacancy received the greatest number of votes of the candidates for that office who were not elected and who remain qualified to hold that office.

(2) In the event that a casual vacancy in the office of a member of the Board elected pursuant to section 9 (6) of the Act occurs otherwise than within the first 12 months of the term of that office, or if a vacancy occurring within those 12 months cannot be filled under subclause (1), the Board must appoint a member (being a person qualified to hold that office) for the residue of the term of office.

DIVISION 3 - Meetings

Holding of meetings

10. (1) An ordinary meeting of the Board is to be held not fewer than 5 times in each calendar year.

(2) A special meeting of the Board may be convened by;

(a) the Chancellor or, in the absence of the Chancellor, the Deputy Chancellor; or

(b) the Vice-Chancellor,

for the consideration of any urgent business.

(3) A special meeting of the Board:

(a) is to be convened by the University Secretary upon the written request of 5 or more members of the Board setting forth the purpose for which the meeting is required to be convened; and

(b) is to be held within 14 days after the receipt of the request for that special meeting.

(4) A meeting, whether ordinary or special, is convened by giving notice of the meeting to each of the members of the Board in accordance with clause 11 (2) or (4).

Notice

11. (1) A member of the Board must not initiate any matter for discussion, or move any motion in respect of that matter, at a meeting of the Board unless:

- (a) notice in writing has been given to the University Secretary
 - (i) in the case of an ordinary meeting, not less than 14 days before the date of the meeting; or
 - (ii) in the case of a special meeting, not less than 10 days before the date of the meeting,that the matter will be so initiated or a motion moved in respect of that matter; or
- (b) the Board, by resolution of a majority of the members present and voting, otherwise permits.

(2) Notice of the time and place of a meeting of the Board, and a copy of the business papers accompanied by supporting statements, are to be posted or delivered by the University Secretary to each member of the Board at least 7 days prior to the meeting.

(3) By a further notice so posted or delivered not less than 4. days prior to the meeting, the University Secretary may advise of supplementary business to be put before the meeting.

(4) Where a special meeting is convened for the consideration of business which is so urgent that at least 7 day notice of the meeting cannot be given, reasonable notice of the time, place and business of the meeting must be given.

(5) Nothing in this clause prevents the initiation of a matter for discussion or the moving of any motion, with the permission of the Board as referred to in subclause (1), notwithstanding that a provision of this subclause has not been complied with

(6) Proceedings of a meeting of the Board are to be taken to have been validly transacted notwithstanding the inadvertent failure by the University Secretary to comply with this subclause

in any respect or the non-receipt by any person of a notice or papers and statements.

Casting vote

12. (1) The person presiding at any meeting of the Board has a deliberative vote and, in the event of an equality of votes, a second or casting vote.

(2) Where the presiding member declines to exercise a casting vote in the event of an equality of votes, the motion lapses.

Adjournment and standing over

13. (1) A meeting of the Board may be adjourned to a later time or date by decision of the Board.

(2) If, at any meeting (whether special or ordinary) of the Board, a quorum is not present:

- (a) within half an hour after the time appointed for the meeting; or
- (b) within such further time as the presiding member (or, in the absence of the presiding member, as the members present) 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.

(3) In this clause, a reference to the presiding member is a reference to the Chancellor or, in the absence of the Chancellor, to the Deputy Chancellor.

Standing orders and rules

14. (1) The Board may establish Standing Orders (not being orders inconsistent with the Act or this By-law) for the regulation of procedure at meetings of the Board, for the convening and holding of meetings of any committee of the Board and for the conduct of the proceedings of any such committee.

- (2) The Board may make rules (not inconsistent with the Act or these By-law) for regulating, or providing for the regulation of, any matter with respect to which by-law may be made.
- (d) by omitting from By-law Nos. 3, 4, 5, 6, 7, 10, 11, 12 and 13 the words "the Council" wherever occurring and by inserting instead the words "the Board";
 - (e) by omitting from By-law Nos. 3, 4, 6, 7, 12 and 13A the words "The Council" wherever occurring and by inserting instead the words "The Board";
 - (f) by omitting from the heading to By-law No. 10 the word "Council" and by inserting instead the word "Board";
 - (g) by omitting from By-law No. 12 the words "Academic Board" wherever occurring and by inserting instead the words "Academic Senate";
 - (h) by omitting from clause 3 (2) of By-law No. 12 the word "Board's" and by inserting instead the words "Proctorial Board's";
 - (i) by omitting from clause 3 (5), (8) and (10), and from clause 17, of By-law No. 12 the word "Board" wherever occurring and by inserting instead the words "Proctorial Board";
 - (j) by renumbering By-law Nos. 16, 17 and 18 as By-law Nos. 15, 16 and 17, respectively;
 - (k) by omitting clause 1 (1) of By-law No. 15 (as renumbered) and by inserting instead the following subclause:

(1) For the purposes of section 16 (1) (c) of the Act, the members of the Academic Senate appointed under that paragraph are to be as determined by the Board on the recommendation of the Academic Senate.
 - (l) by omitting from By-law No. 15 (as renumbered) the words "Academic Board" wherever occurring and by inserting instead the words "Academic Senate";
 - (m) by omitting from clause 1 (6) (h) of By-law No. 15 (as renumbered) the word "Board" and by inserting instead the words "Academic Senate";
 - (n) by omitting from By-laws Nos. 15, 16 and 17 (as renumbered) the words "the Council" wherever occurring and by inserting instead the words "the Board";
 - (o) by omitting from By-laws Nos. 16 and 17 (as renumbered) the words "The Council" wherever occurring and by inserting instead the words "The Board".

EXPLANATORY NOTE

The purpose of this By-law is to replace provisions dealing with the election of officers and the Council of the University of New England, and of the former Armidale College of Advanced Education, the former Northern Rivers College of Advanced Education and the former Orange Agricultural College. These provisions currently appear in the By-laws of the University of New England, and in the Armidale College of Advanced Education By-law, the Northern Rivers College of Advanced Education By-law and the Orange Agricultural College By-law 1984. The new provisions, to be inserted in the By-law of the University of New England, are in keeping with the amalgamated structure of the University. At the same time, references throughout the By-laws of the University to the Council (now Board) and to the Academic Board (now Academic Senate) are updated.
