

**1990 - No. 612**

**UNIVERSITY OF TECHNOLOGY, SYDNEY, ACT 1989 - BY-LAW**  
(University of Technology, Sydney, By-law 1990)

NEW SOUTH WALES



*[Published in Gazette No. 113 of 14 September 1990]*

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

**VIRGINIA CHADWICK**  
Minister for School Education and Youth Affairs.

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**CHAPTER 1 - PRELIMINARY**

**Citation**

**1.** This By-law may be cited as the University of Technology, Sydney, By-law 1990.

**Commencement**

**2.** This By-law takes effect on the date of its publication in the Gazette.

**Repeals**

**3. (1)** Chapters 1, 2, 5A, 7 and 8 of The New South Wales Institute of Technology By-law taken to have been made under the University of Technology, Sydney Act 1987 are repealed.

**(2)** Chapters 2, 3, 4, 5, 6, 8, 12, 13 and 14 of the Kuring-gai College of Advanced Education By-law are repealed.

### **Amendments**

**4.** The New South Wales Institute of Technology By-law and the Kuring-gai College of Advanced Education By-law are amended as set out in Schedule 1.

### **Application**

**5. (1)** The New South Wales Institute of Technology By-law applies to and in respect of the University of Technology, Sydney, other than the Kuring-gai campus which formerly comprised the Kuring-gai College of Advanced Education.

**(2)** The Kuring-gai College of Advanced Education By-law applies to and in respect of the Kuring-gai campus of the University of Technology, Sydney, which formerly comprised the Kuring-gai College of Advanced Education.

**(3)** This By-law applies to and in respect of the University of Technology, Sydney, as constituted by the University of Technology, Sydney, Act 1989.

### **Arrangement**

**6.** This By-law is divided as follows:

CHAPTER 1 - PRELIMINARY

CHAPTER 2 - INTERPRETATION

CHAPTER 3 - THECOUNCIL

CHAPTER 4 - THE VICE-CHANCELLOR

CHAPTER 5 - CONVOCATION

CHAPTER 6 - THE ACADEMIC BOARD

CHAPTER 7 - THE SEAL AND THE UNIVERSITY  
EMBLEM

## **CHAPTER 2 - INTERPRETATION**

### **Definitions**

**7. (1)** In this By-law and in a rule:

"Chancellor" means the Chancellor of the University;

**"Deputy Chancellor"** means the Deputy Chancellor of the University

**"Pro-Vice-Chancellor"** means a Pro-Vice-Chancellor of the University;

**"rule"** means a rule made under a by-law pursuant to section 29 (1) of the Act;

**"student"** means a person enrolled as a candidate proceeding to a degree, diploma or other award course of the University,

**"the Act"** means the University of Technology, Sydney, Act 1989;

**"the Institute"** means The New South Wales Institute of Technology,

**"University Secretary"** means the person appointed to be the Secretary of the University;

**"Vice-Chancellor"** means the Vice-Chancellor of the University.

(2) For the purposes of this By-law, a person is a member of the fractional-time academic or non-academic staff if the person is employed, otherwise than on a casual or temporary basis, to perform a proportion of the duties that a full-time person employed in the same classification would normally be required to perform in a 12-month period.

(3) In the absence of a person who has been appointed to an office in the University by virtue of some other office held by him or her, whether in the University or elsewhere, such other person as may for the time being be acting in that other office holds that appointment ex-officio unless the Council resolves otherwise.

(4) If this By-law or a rule refers to a senior officer of the University, the reference is to:

- (a) the Vice-Chancellor; and
- (b) such other officers as the Council may by rule designate as senior officers of the University.

## CHAPTER 3 - THE COUNCIL

### Division 1 - The Chancellor and Deputy Chancellor

#### Chancellor or Deputy Chancellor to preside at ceremonial occasions

8. (1) The Chancellor when present is to preside at ceremonial occasions.

**(2)** In the absence of the Chancellor, the Deputy Chancellor when present is to preside at ceremonial occasions.

**(3)** In the absence of both the Chancellor and the Deputy Chancellor, the Vice-Chancellor is to preside at ceremonial occasions.

**Powers of Chancellor in relation to University committees**

**9. (1)** The Chancellor may without specific appointment exercise the right of membership of any committee or board of the University.

**(2)** The Chancellor may preside at any meeting of any such committee or board and has all the functions of the presiding member of any such committee.

**(3)** If the Chancellor is absent or is unable to act, or, if the office of Chancellor is vacant, the Deputy Chancellor may preside at any such meeting and is to have the like functions.

**Terms of office of Chancellor and Deputy Chancellor**

**10. (1)** For the purposes of section 10 (2) of the Act, the term of office of the Chancellor is 4 years.

**(2)** In accordance with section 11 (2) of the Act, the term of office of the Deputy Chancellor is 2 years from the date of his or her election.

**Election of Chancellor and Deputy Chancellor**

**11.** The Chancellor and Deputy Chancellor are to be elected according to procedures determined by the Council.

**Division 2 - Election of Members**

**Conduct of elections**

**12. (1)** For the purposes of section 9 (5) of the Act, the Council is authorised to make a rule on the conduct of elections referred to in this Chapter.

**(2)** Voting in all elections conducted under this Chapter must be by secret ballot using the optional preferential system of voting.

### **Returning Officer**

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

**(2)** The Returning Officer may appoint a Deputy Returning Officer and other persons to assist the Returning Officer in the conduct of all or any part of an election referred to in this Chapter.

### **Rolls**

**14. (1)** The Returning Officer is to keep:

- (a)** for the purposes of section 9 (5) (a) of the Act, a Roll of Academic, Staff containing the names and addresses of those persons who are classified as full-time or fractional-time members of the academic staff of the University; and
- (b)** for the purposes of section 9 (5) (b) of the Act, a Roll of Non-Academic Staff containing the names and addresses of those persons who are classified as full-time or fractional-time members of the non-academic staff of the University; and
- (c)** for the purposes of section 9 (5) (c) of the Act, a Roll of Students containing the names and addresses of those persons enrolled as candidates proceeding to a degree, diploma or other award course of the University with a minimum duration of one year full-time or equivalent; and
- (d)** for the purposes of section 9 (5) (d) of the Act, a Roll of Convocation containing the names and addresses of each member of Convocation who has notified the Returning Officer in writing in response to an advertisement referred to in subclause (2) that he or she wishes to have his or her name included in the Roll and who has provided the Returning Officer with a statement of the qualifications by virtue of which the person is entitled to be a member of Convocation.

**(2)** An advertisement referred to in subclause (1) (d) is to be published at such times as the Returning Officer thinks appropriate in such daily newspapers as the University Secretary considers appropriate and must be published in at least one daily newspaper that is circulated nationally.

**Election of members of academic staff**

**15.** For the purposes of section 9 (5) (a) of the Act:

- (a) in respect of a person seeking election as a member of the academic staff of the University, the prescribed qualifications are that:
  - (i) the person's name is entered in the Roll of Academic Staff of the University at the time specified for the close of nominations for the election; and
  - (ii) the person holds an office in the University of or senior to that of tutor; and
- (b) the academic staff members are to be elected by:
  - (i) the persons whose names are entered in the Roll of Academic Staff at the time specified for the close of nominations for the election; and
  - (ii) the University Librarian.

**Election of member of non-academic staff**

**16.** For the purposes of section 9 (5) (b) of the Act:

- (a) in respect of a person seeking election as a member of the non-academic staff of the University, the prescribed qualifications are that:
  - (i) the person's name is entered in the Roll of Non-Academic Staff of the University at the time specified for the close of nominations for the election; and
  - (ii) the person holds an office in the University that is classified as a full-time or fractional-time position for non-academic staff; and
- (b) the non-academic staff member is to be elected by the persons whose names are entered in the Roll of Non-Academic Staff at the time specified for the close of nominations for the election.

**Election of student**

**17.** For the purposes of section 9 (5) (c) of the Act:

- (a) in respect of a person seeking election as a student of the University, the prescribed qualifications are that:

- (i) the person's name is entered in the Roll of Students at the time specified for the close of nominations for the election and is not entered on the Roll of Academic Staff or the Roll of Non-Academic Staff; and
- (ii) the person is enrolled as a candidate proceeding to a degree, diploma or other award course of the University with a minimum duration of one year full-time or equivalent; and

(b) the student is to be elected by the persons whose names are entered in the Roll of Students at the time specified for the close of nominations for the election.

**Election of members of Convocation**

**18.** For the purposes of section 9 (5) (d) of the Act:

- (a) in respect of a person seeking election as a member of Convocation, the prescribed qualifications are that:
  - (i) the person holds a degree, diploma, associate diploma or certificate received on completion of a course with a minimum duration of one year full-time or its equivalent offered by any of the following:
    - (A) the University (or any of its predecessors, including the Design School of the Sydney College of the Arts);
    - (B) the Kuring-gai College of Advanced Education (or any of its predecessors);
    - (C) the Sydney College of Advanced Education Institute of Technical and Adult Teacher Education (or any of its predecessors); or
  - (ii) the person is a past member of the Council of any of the predecessors of the University or of the Councils of the Kuring-gai College of Advanced Education or the Sydney College of Advanced Education or a past member of the governing body of any predecessor of each of these institutions; or
  - (iii) the person has been admitted to membership of Convocation by virtue of section 14 (1) (c) of the Act and has retired from employment after serving for not less than 5 years as a member of the staff of the University; or

- (iv) the person is a Professor Emeritus or Fellow of the University; or
- (v) the person is considered by the Council to have given conspicuous service to the University or to be specially qualified to advance the interests of the University and has been admitted, by resolution of Council, as a member of Convocation; and

the person's name is not entered on the Roll of Academic Staff, the Roll of Non-Academic Staff or the Roll of Students; and

- (b) the members of Convocation are to be elected by members of Convocation whose names are entered in the Roll of Convocation at the time specified for the close of nominations for the election.

#### **Term of office of elected members of Council**

**19.** For the purposes of clause 1 (d) and (e) of Schedule 1 to the Act, the elected members of the Council hold office for the following periods:

- (a) the members who are elected as members of the academic staff of the University hold office for 2 years;
- (b) the member who is elected as a member of the non-academic staff of the University holds office for 2 years;
- (c) the member who is elected as a student of the University holds office for 2 years;
- (d) the members who are elected as members of Convocation hold office for 4 years.

#### **Casual vacancy in office of elected member of Council**

**20.** In the event that a casual vacancy in the office of a member of the Council elected pursuant to section 9 (5) of the Act occurs:

- (a) if less than a quarter of that member's term of office remains, the Council is, as soon as practicable after the vacancy occurs, to appoint a person qualified to hold that office under section 9 (5) of the Act for the remainder of the term of office; or
- (b) subject to clause 21, if the remainder of that member's term of office is or exceeds a quarter of the term of office, the Returning Officer is, as soon as practicable after the vacancy occurs, to conduct an election among those persons qualified to

vote at such an election in accordance with the Act and this By-law to fill the vacancy for the balance of the term of office.

**Casual vacancy in office of Convocation member of Council**

**21.** (1) Despite clause 20, in the event that a casual vacancy in the office of a member of the Council elected pursuant to section 9 (5) (d) 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 who were not elected

(2) The procedure referred to in subclause (1) must not be used to fill more than 2 vacancies in separate offices of members elected at the same election arising within the first 12 months of the term of office.

**Appointment of additional member of Council**

**22.** (1) For the purpose of section 9 (6) of the Act, one additional member of the Council may be appointed at a meeting of the Council convened by the University Secretary, of which the University Secretary has given at least 7 days' notice by posting or delivering to each member a notice stating:

- (a) the date, time and place of the meeting; and
- (b) that an additional member is to be appointed at the meeting.

(2) An appointment referred to in subclause (1) (b) is to be made in the manner determined at the meeting of the Council convened in accordance with that paragraph.

(3) The term of office of an additional member of the Council, which must not exceed 4 years, is to coincide with the term of office of the appointed member most recently appointed to the Council.

**Division 3 - Meetings of the Council**

**Presiding member**

**23.** The Chancellor, or any other person presiding at any meeting of the Council in accordance with this Chapter, has a deliberative vote and, in the event of an equality of votes, a casting vote.

### **Ordinary meetings of Council**

**24.** The Council is to meet in ordinary session not less than 6 times in each year and at such other times as the Council decides.

### **Special meetings of Council**

**25. (1)** A special meeting of the Council:

(a) may be convened by

- (i) the Chancellor or, in the absence of the Chancellor, the Deputy Chancellor; or
- (ii) the Vice-Chancellor; or

(b) is to be convened by the University Secretary if the University Secretary receives a written request of not less than 5 members of the Council setting forth the purpose for which the meeting is required to be convened.

**(2)** A special meeting required to be convened under subclause (1)

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

### **Notice of meeting of Council**

**26.** Notice of the date, time and place of a meeting of the Council and a copy of the agenda and, in the case of a special meeting, advice as to the purpose for which the meeting is to be convened, are to be posted or delivered by the University Secretary to each member of the Council at least 7 days before the date of the meeting.

### **Business at meetings**

**27.** A member of the Council must not initiate any matter for discussion, or move any motion in respect of any matter initiated, at a meeting of the Council unless:

- (a) notice in writing has been given to the University Secretary, in the case of an ordinary meeting, not less than 14 days before the date of the meeting and, 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 the matter; or
- (b) the Council or the person presiding at that meeting otherwise permits.

**Meeting may be adjourned**

**28.** The person presiding at a meeting of the Council may adjourn that meeting to a later time or date.

**Division 4 - General provisions**

**Failure to give, or receive, notice of meeting**

**29.** Proceedings of a meeting of the Council are to be taken to have been validly transacted notwithstanding the accidental omission to give notice of the meeting to, or the non-receipt of a notice of the meeting by, a member.

**Out-of-pocket expenses**

**30.** If a member of the Council incurs out-of-pocket expenses whilst engaged on University business, the Council may, in its discretion, authorise the payment of the whole or any part of the expenses so incurred to that member.

**CHAPTER 4 - THE VICE-CHANCELLOR**

**Vice-Chancellor**

**31. (1)** The Vice-Chancellor, as the chief executive officer of the University, is to be the principal academic and administrative officer of the University and is responsible to the Council for implementing the decisions of the Council.

**(2)** Subject to the Act, this By-law and the resolutions of the Council, the Vice-Chancellor is to be responsible for:

- (a)** promoting the interests and furthering the development of the University; and
- (b)** conducting the academic, administrative, financial and other business of the University and
- (c)** exercising general supervision and control in relation to the members of the staff of the University and the welfare and discipline of students.

**Powers of Vice-Chancellor in relation to Council committees and boards**

**32.** (1) Subject to this By-law and any direction by the Council, the Vice-Chancellor is to be ex-officio a member of every committee or board of the Council and, in the absence of the presiding member, may preside at any meeting of a committee or board of the Council other than the Finance Committee.

(2) The authority of the Vice-Chancellor to preside at a meeting of a committee does not extend to a meeting at which the Chancellor or Deputy Chancellor is present if the Chancellor or Deputy Chancellor desires to preside.

**Acting Vice-Chancellor**

**33.** In the event of the absence on leave of the Vice-Chancellor from the University or the illness or incapacity of the Vice-Chancellor, an Acting Vice-Chancellor is to be appointed:

- (a) by the Vice-Chancellor, if the Vice-Chancellor has no reason to believe that the absence, illness or incapacity will exceed 4 weeks; or
- (b) by the Council in any other case or if the Vice-Chancellor does not make an appointment in accordance with paragraph (a).

**Powers and authorities of Acting Vice-Chancellor**

**34.** In the exercise of the functions of the Vice-Chancellor, the Acting Vice-Chancellor has such powers and authority as may be necessary or convenient to give effect to the provisions of this By-law, the rules and the resolutions of the Council.

**CHAPTER 5 - CONVOCATION**

**Division 1 - Membership**

**Graduates of University**

**35.** For the purposes of section 3 (2) of the Act, a graduate of the University includes a person who is the recipient of a degree, diploma, associate diploma or certificate received on completion of a course with a minimum duration of one year full-time or its equivalent offered by any of the following:

- (a) the University (or any of its predecessors, including the Design School of the Sydney College of the Arts);
- (b) the Kuring-gai College of Advanced Education (or any of its predecessors);
- (c) the Sydney College of Advanced Education Institute of Technical and Adult Teacher Education (or any of its predecessors).

**Prescribed staff members of Convocation**

**36.** Pursuant to section 14 (1) (c) of the Act, Convocation includes persons who are:

- (a) members of the academic staff of the University appointed on a fractional-time basis; or
- (b) members of the non-academic staff of the University appointed on a full-time or fractional-time basis who are the recipients of a degree, diploma, associate diploma or certificate received on the completion of a course with a minimum duration of one year full-time or its equivalent offered by any higher education institution.

**Prescribed additional members of Convocation**

**37.** In addition to the persons on whom membership is conferred by the Act or this Division, Convocation includes:

- (a) past members of the Councils of any of the predecessors of the University and of the Councils of the Kuring-gai College of Advanced Education and the Sydney College of Advanced Education, including past members of the governing bodies of the predecessors of each of those institutions; and
- (b) those persons who have been admitted to membership of Convocation by virtue of section 14 (1) (c) of the Act and who have retired from employment after serving for not less than 5 years as members of the staff of the University; and
- (c) Professors Emeriti and Fellows of the University, if not otherwise members of Convocation; and
- (d) such other persons as are considered by the Council to have given conspicuous service to the University or to be specially qualified to advance the interests of the University and who are admitted, by resolution of Council, as members of Convocation.

### **Exemption from membership**

**38.** The Council may exempt any person, on grounds of conscience, from membership of Convocation.

### **Division 2 - Powers**

#### **Powers of Convocation**

**39.** Convocation has power:

- (a) to elect a Warden of Convocation, who is to preside at its meetings and whose term of office is 4 years from the date of his or her election; and
- (b) to discuss and pronounce an opinion on any matter whatsoever relating to the University including any matters referred to it by the Council; and
- (c) to determine the mode of conducting the operations and activities of Convocation and of recording the same and of reporting the same to the Council and Academic Board or either of these bodies; and
- (d) to enter into communication directly with the Council or Academic Board on any matter affecting the University, and such other powers as the Council may determine.

### **Division 3 - Rules relating to Convocation**

#### **Council may make rules**

**40.** The Council may from time to time make rules for or with respect to the powers and functions of Convocation and of any committees of Convocation.

### **Division 4 - Meetings of Convocation**

#### **Meetings of Convocation**

**41.** Convocation is to meet at least once in every year.

#### **Convening of meetings**

**42. (1)** An ordinary meeting of Convocation, other than the first meeting convened by the Vice-Chancellor, is to be convened by the

Warden of Convocation by publication of a notice of meeting within the University and twice in a daily newspaper circulated nationally.

(2) A special meeting of Convocation must be convened by the Warden of Convocation by publication of a notice in the manner specified in subclause (1) if a requisition of at least one per cent of the membership is addressed to the Warden of Convocation.

#### **Presiding member**

43. In the absence of the Warden of Convocation from any meeting of Convocation, the members present are to elect one of their number to preside at that meeting.

#### **Procedures for conduct of meetings**

44. At meetings of Convocation or of any committees of Convocation, the same procedures as apply for the conduct of meetings of the Council are to apply.

#### **Quorum**

45. A quorum for any meeting of Convocation is 15 members.

### **CHAPTER 6 - THE ACADEMIC BOARD**

#### **Division 1 - Interpretation**

##### **Definition**

46. In this Chapter, "Board" means the Academic Board referred to in clause 47.

#### **Division 2 - Membership**

##### **Academic Board**

47. (1) The Academic Board is to include:

- (a) ex-officio members (in addition to the Vice-Chancellor); and
- (b) elected members,

as provided by this Division, in addition to any persons determined by the Council.

(2) The ex-officio members of the Academic Board are to be the person or persons holding the positions of:

- (a) Deputy Vice-Chancellor; and
- (b) Pro-Vice-Chancellor; and
- (c) University Librarian; and
- (d) Director, Centre for Learning and Teaching; and
- (e) Director, Computing and Communications Services Division; and
- (f) Director, Aboriginal Education Centre; and
- (g) Dean of Faculty; and
- (h) Head of School; and
- (i) President of the Students' Association.

(3) The elected members of the Academic Board comprise:

- (a) 3 members of the academic staff elected from each Faculty with at least one of these members to be a professor; and
- (b) one student elected from each Faculty (other than the Faculty which the President, Students' Association, represents); and
- (c) one postgraduate student elected by all postgraduate students of the University.

(4) The Council may make rules for or with respect to any matter referred to in this Chapter, including the offices of presiding member and deputy presiding member of the Board and the manner of their election.

### **Division 3 - Elections**

#### **Term of office of elected member of Board**

**48.** The term of office of an elected member of the Board is 2 years.

#### **Conduct of elections**

**49. (1)** The election of the elected members of the Board is to take place in accordance with procedures determined by the Council, and the University Secretary is to be the Returning Officer for any such election.

**(2)** Voting at an election for membership of the Board is to be by secret ballot using the optional preferential system of voting.

### **Casual vacancy if Board member absent**

**50.** A casual vacancy in the office of an elected member of the Board occurs if the member is absent from 2 consecutive ordinary meetings of the Board unless the absence is excused by the Board either at one of those meetings or before those meetings are held.

### **Casual vacancy in office of elected member of Board**

**51. (1)** In the event that a casual vacancy in the office of an elected member of the Board, including a casual vacancy arising under clause 50, occurs:

- (a)** if the remainder of the term of office of the elected member is less than 6 months, the presiding member of the Board is, as soon as practicable after the vacancy occurs and after appropriate consultation, to appoint a person qualified to hold that office under clause 47 (3) for the remainder of the term of office; or
- (b)** if the remainder of the term of office of the elected member is 6 months or more, the Returning Officer is, as soon as practicable after the vacancy occurs, to conduct an election in accordance with clause 49 among those persons qualified to vote at such an election.

**(2)** If no nominations are received to fill a casual vacancy referred to in subclause (1) (b), the Board may either leave the vacancy unfilled for the remainder of the term of office or take such other action in relation to the filling of the vacancy as the Board considers necessary.

**(3)** A person elected to fill a casual vacancy in the office of an elected member of the Board is to hold office for the remainder of the predecessor's term of office.

### **Division 4 - Presiding member and deputy presiding member**

#### **Presiding member**

**52.** The Board:

- (a)** at its first meeting or as soon as practicable thereafter; and
- (b)** whenever a vacancy in the office of the presiding member occurs, unless less than 3 months of the term of office remains,

is to elect one of its members to be the presiding member of the Board.

**Term of office etc. of presiding member**

**53.** The presiding member, unless he or she resigns as the presiding member or ceases to be a member of the Board, holds office for such period (not exceeding 2 years) and on such conditions as may be determined by the Council on the recommendation of the Board.

**Deputy presiding member**

**54.** The Board:

- (a) at its first meeting or as soon as practicable thereafter; and
- (b) whenever a vacancy in the office of the deputy presiding member occurs,

is to elect one of its members to be the deputy presiding member of the Board.

**Term of office etc. of deputy presiding member**

**55.** The deputy presiding member, unless he or she resigns as the deputy presiding member or ceases to be a member of the Board, holds office for such period (not exceeding 2 years) and on such conditions as may be determined by the Council on the recommendation of the Board.

**Absence of presiding member**

**56.** If the presiding member is absent or unable to act, or if the office of the presiding member is vacant, the deputy presiding member may preside at any meeting of the Board and has all the functions of the presiding member.

**Election of presiding member and deputy presiding member**

**57.** The election of the presiding member and the deputy presiding member is to take place in accordance with procedures determined by the Council on the recommendation of the Board.

**Absence of both presiding member and deputy presiding member**

**58.** In the absence of both the presiding member and the deputy presiding member:

- (a) the Vice-Chancellor, if the Vice-Chancellor is present and wishes to preside, is to preside at the meeting; or
- (b) if the Vice-Chancellor is not present or, being present, does not wish to preside, the Board is to elect one of its members to preside at the meeting.

### **Division 5 - Duties and Powers**

#### **Functions of Board**

**59.** The Board is to be the principal advisory body to the Council on all academic matters and, subject to this By-law, the rules and the resolutions of the Council, is to co-ordinate and oversee the academic work of the University.

#### **Additional functions of Board**

**60.** The Board is to have such additional functions as may be determined by the Council from time to time.

#### **Regulation of Board by Council**

**61.** The Council may make rules regulating, or providing for the regulation of, the functions of the Board.

### **Division 6 - Relationship between Board and Council**

#### **Reference to Council of certain matters by Board**

**62.** If the Academic Board does not approve without amendment any recommendation of a Faculty Board or another Board, the Academic Board is, if so required by the Faculty Board or other Board, to transmit the recommendation to the Council together with any observations the Academic Board thinks fit.

#### **Council to obtain views of Board on certain matters**

**63. (1)** If the Council does not accept without amendment a recommendation from the Board relating to teaching, scholarship or research within the University, the Council must seek further advice from the Board before making a final decision.

**(2)** This clause does not apply if, in the judgment of the presiding member of the Board and the Chancellor:

- (a) the matter is one of urgency on which it is necessary for an immediate decision to be made by the Council; or
- (b) the area of difference between the Council and the Board is not one of principle or major significance.

### **Division 7 - Board Committees**

#### **Committees**

**64. (1)** The Board may establish such committees as it thinks fit with such membership as it considers appropriate for the purpose for which the committee is established.

**(2)** It does not matter that any or all of the members of a committee are not members of the Board.

### **Division 8 - Rules of Board**

#### **Board may make rules**

**65.** The Board may from time to time make rules for or with respect to:

- (a) the manner and time of convening, holding and adjourning its meetings; and
- (b) the conduct of business and the manner of voting at its meetings; and
- (c) the establishment of committees of the Board and the quorum, powers and duties of such committees.

## **CHAPTER 7 - THE SEAL AND THE UNIVERSITY EMBLEM**

### **Division 1 - The Seal**

#### **Custody of seal**

**66.** Unless the Council otherwise directs, the seal of the University is to be kept in the custody of the University Secretary.

#### **Use of seal**

**67.** The seal of the University is to be fixed:

- (a) to documents which are required by law or for ceremonial purposes to be under seal; and

- (b) to the testamurs or certificates issued to a person as evidence, that an award has been conferred on that person by the Council; and
- (c) to such other documents as the Council approves.

#### **Fixing of seal**

**68.** The fixing of the seal of the University to any document is to be authenticated on that document by the signature of:

- (a) the Chancellor, the Deputy Chancellor or some other member of the Council appointed by the Council for that purpose either generally or for a limited period; and
- (b) the Vice-Chancellor; and
- (c) the University Secretary.

#### **Register of use of seal**

**69.** A register of the use of the seal of the University is to be maintained by the University Secretary in which must be recorded:

- (a) the authority for the affixing of the seal; and
- (b) the nature of the document to which the seal is affixed; and
- (c) the date of authentication of the document; and
- (d) the signatures appearing on the document.

### **Division 2 - The University Emblem**

#### **Use of emblem**

**70.** The emblem of the University must not be used, depicted or displayed otherwise than in such manner and circumstances as the Council may by resolution approve.

#### **Delegation of authority to approve use of emblem**

**71.** The Council may delegate its authority to approve the use, depiction or display of the University emblem to such person or persons as may be appointed by the Council from time to time.

## SCHEDULE 1 - AMENDMENT OF BY-LAW

(Ch. 1, Cl.4)

### **Amendment of New South Wales Institute of Technology By-law**

1. The New South Wales Institute of Technology By-law is amended:
  - (a) by omitting the word "Registrar" wherever occurring and by inserting instead the words "University Secretary";
  - (b) by omitting the word "Institute" wherever occurring and by inserting instead the word "University";
  - (c) by omitting from clause 4(b) of Division 2 of Chapter 9 the words "section 12 (6) of the Act" and by inserting instead the words "the University of Technology, Sydney, Act 1989 or by-laws or rules made under that Act";
  - (d) by omitting the word "President" wherever occurring and by inserting instead the word "Vice-Chancellor".

### **Amendment of Kuring-gai College of Advanced Education By-law**

2. The Kuring-gai College of Advanced Education By-law is amended:
  - (a) by omitting from clause 4 the definition of "Council" and by inserting instead the following definition:  
**"Council"** means the Council of the University of Technology, Sydney, constituted under the University of Technology, Sydney, Act 1989;
  - (b) by omitting from clause 4 the definition of "Principal" and by inserting instead in alphabetical order the following definition:  
**"Vice-Chancellor"** means the Vice-Chancellor of the University of Technology, Sydney, appointed under the University of Technology, Sydney, Act 1989;
  - (c) by omitting from clause 4 the definition of "Secretary" and by inserting instead in alphabetical order the following definition:  
**"University Secretary"** means the person appointed to be the Secretary of the University of Technology, Sydney;
  - (d) by inserting before the word "Secretary" wherever occurring the word "University";
  - (e) by omitting clause 78 and by inserting instead the following clause:

78. The fixing of the Common Seal of the College to any document is to be authenticated on that document by the signature of:

- (a) the Chancellor, the Deputy Chancellor or some other member of the Council appointed by the Council for that purpose either generally or for a limited period; and
- (b) the Vice-Chancellor; and
- (c) the University Secretary.

(f) by omitting from Chapters 9, 10 and 11 the word "Principal" wherever occurring and by inserting instead the words "Vice-Chancellor";

(g) by omitting clause 82 (3) and by inserting instead the following subclause:

(3) A rule made by the Vice-Chancellor comes into effect when a copy of the rule is posted on such notice boards at the Kuring-gai campus of the University of Technology, Sydney, as the Council nominates as official notice boards for the purpose.

(h) by omitting from Chapter 10 the word "College" wherever occurring and by inserting instead the words "at the Kuring-gai campus of the University of Technology, Sydney".

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**SCHEDULE 1- AMENDMENT OF BY-LAWS**

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**EXPLANATORY NOTE**

The object of this By-law made under the University of Technology, Sydney, Act 1989 is to provide administrative detail for the operation of that Act. The By-law deals with:

- (a) the constitution of, the election of certain members to, and meetings of the University Council;
- (b) the functions of the Vice-chancellor;
- (c) the constitution, functions and meetings of Convocation;
- (d) the constitution of, the election of certain members to, meetings and functions of the Academic Board and the relationship between the Academic Board and the Council;
- (e) the use of the University seal and emblem.

Necessary consequential amendments are made to the provisions of the New South Wales Institute of Technology By-law and the Kuring-gai College of Advanced Education By-law.

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