

1990 - No. 760

MACQUARIE UNIVERSITY ACT 1989 - BY-LAW

(Relating to the election of members of the Council)

NEW SOUTH WALES



[Published in Gazette No. 161 of 7 December 1990]

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

VIRGINIA CHADWICK
Minister for School Education and Youth Affairs.

Amendment of Macquarie University By-laws

1. The Macquarie University By-law are amended:
 - (a) by omitting from the definition of "the Act" in By-law 2 of Chapter II the words "Macquarie University Act, 1964, as amended by subsequent Acts" and by inserting instead the words "Macquarie University Act 1989";
 - (b) by omitting By-laws 10 and 11 of Chapter 111;
 - (c) by omitting Chapter IV and by inserting instead the following Chapter

CHAPTER IV - ELECTION OF MEMBERS OF THE COUNCIL

Elected members who are academic staff

1. The Council members who are members of the academic staff of the University, as referred to in section 9 (5) (a) of the

Act, are to include at least one person of professorial rank and are to be elected in accordance with the following provisions:

- (a) the Registrar must post to each member of the academic staff (at the member's last known address) or deliver to each member a written or printed notice that an election of members of the academic staff is to be held;
- (b) any such notice must:
 - (i) state that at least one person of professorial rank is to be elected; and
 - (ii) invite nominations of candidates for election and specify the form in which nominations must be made; and
 - (iii) specify a date and time by which nominations must reach the Registrar;
- (c) the Registrar must, within 28 days after the date specified in paragraph (b) (iii), post or deliver to each member of the academic staff
 - (i) a voting paper containing the names of the candidates; and
 - (ii) a notice indicating the manner in which the voting paper is to be completed and returned to the Registrar and specifying a date and time when completed voting papers must reach the Registrar, and
 - (iii) if a candidate has, not later than 3 days after the close of nominations or such later time as the Registrar may permit in respect of that candidate, supplied to the Registrar a statement, not exceeding 150 words, relating to his or her candidacy - a copy of that statement; and
 - (iv) a statement showing the names of the candidate's proposer and seconder;
- (d) the voting paper, notice and statement may comprise one or more documents;
- (e) in the conduct of an election the Registrar must allow the following intervals between the events set out:
 - (i) between the date on which the last of the notices that the election is to be held are posted or delivered and the date by which nominations

must reach the Registrar - not less than 14 and not more than 28 days;

(ii) between the date on which the last of the voting papers are posted or delivered and the date by which completed voting papers must reach the Registrar - not less than 14 and not more than 60 days;

(f) an election must be conducted in accordance with the procedures set out in the Schedule to these By-laws.

Elected member who is non-academic staff

2. The Council member who is a member of the non-academic staff of the University, as referred to in section 9 (5) (b) of the Act, is to be elected in accordance with the following provisions:

(a) the member is to be elected by the members of the non-academic staff of the University who have been in the continuous employment of the University for the period of 12 months preceding the date by which nominations for the election must reach the Registrar and who are still so employed on that date;

(b) the Registrar must post to each member of the non-academic staff (at the member's last known address) or deliver to each member a written or printed notice that the election of the member of the non-academic staff is to be held;

(c) any such notice must:

- (i) state that a member of the non-academic staff of the University is to be elected; and
- (ii) invite nominations of candidates for election and specify the form in which nominations must be made; and
- (iii) specify a date and time by which nominations must reach the Registrar;

(d) the Registrar must, within 28 days after the date specified in paragraph (c) (iii), post or deliver to each member of the non-academic staff:

- (i) a voting paper containing the names of the candidates; and

- (ii) a notice indicating the manner in which the voting paper is to be completed and returned to the Registrar and specifying a date and time when completed voting papers must reach the Registrar; and
- (iii) if a candidate has, not later than 3 days after the close of nominations or such later time as the Registrar may permit in respect of that candidate, supplied to the Registrar a Statement, not exceeding 158 words, relating to his or her candidacy - a copy of that statement; and
- (iv) a statement showing the names of the candidate's proposer and seconder;
- (e) the voting paper, notice and statement may comprise one or more documents;
- (f) in the conduct of an election the Registrar must allow the following intervals between the events set out:
 - (i) between the date on which the last of the notices that the election is to be held are posted or delivered and the date by which nominations must reach the Registrar - not less than 14 and not more than 28 days;
 - (ii) between the date on which the last of the voting papers are posted or delivered and the date by which completed voting papers must reach the Registrar - not less than 14 and not more than 60 days;
- (g) an election must be conducted in accordance with the procedures set out in the Schedule to these By-law.

Elected member who is a student

3. The Council member who is a student of the University, as referred to in section 9 (5) (c) of the Act, is to be elected by the students of the University in accordance with the following provisions:

- (a) the member is to be elected by the students of the University whose names appear as full- time or part- time students on the Roll of Students as at the date and time

by which nominations referred to in paragraph (c) must reach the Registrar;

(b) the Registrar must publish a notice (being a notice that the election of the student is to be held):

- (i) on a notice-board at the University, and
- (ii) twice in a daily newspaper circulating in Sydney and within the State, and must post to each part-time student (at the address shown in respect of the student's name on the Roll of Students) a copy of the notice;

(c) any such notice must:

- (i) state that a student is to be elected;
- (ii) invite nominations of candidates for election and specify the form in which nominations must be made; and
- (iii) specify a date and time by which nominations must reach the Registrar;

(d) the Registrar must, within 28 days after the date specified in paragraph (c) (iii), post or deliver to each student whose name appears on the Roll of Students at that date:

- (i) a voting paper containing the names of the candidates; and
- (ii) a notice indicating the manner in which the voting paper is to be completed and returned to the Registrar and specifying a date and time when completed voting papers must reach the Registrar, and
- (iii) if a candidate has, not later than 3 days after the close of nominations or such later time as the Registrar may permit in respect of that candidate, supplied to the Registrar a statement, not exceeding 150 words, relating to his or her candidacy - a copy of that statement; and
- (iv) a statement showing the names of the candidate's proposer and seconder;

(e) the voting paper, notice and statement may comprise one or more documents;

- (f) in the conduct of an election the Registrar must allow the following intervals between the events set out:
 - (i) between the date of publication of the fact that the election is to be held and the date by which nominations must reach the Registrar - not less than 14 and not more than 28 days; and
 - (ii) between the date on which the last of the voting papers are posted or delivered and the date by which completed voting papers must reach the Registrar - not less than 14 and not more than 60 days.
- (g) an election must be conducted in accordance with the procedures set out in the Schedule to these By-laws.

Elected members who are members of Convocation

4. The Council members who are members of Convocation, as referred to in section 9 (5) (d) of the Act, are to be elected by Convocation in accordance with the following provisions:

- (a) the Registrar must publish a notice (being a notice that the election of the members is to be held) twice in a daily newspaper circulating in Sydney and within the State, and must post to each member of Convocation (at the member's last known address) or deliver to each member a copy of the notice;
- (b) any such notice must:
 - (i) state the number of members to be elected; and
 - (ii) invite nominations of candidates for election and specify the form in which nominations must be made; and
 - (iii) specify a date and time by which nominations must reach the Registrar;
- (c) a person is entitled to vote if:
 - (i) the person's name appears on the Roll of Convocation as at the date and time when nominations must reach the Registrar; and
 - (ii) the person is not a full-time member of the staff of the University (as determined by the Council) or a student of the University,

- (d) the Registrar must, within 28 days after the date specified in paragraph (b) (iii), post or deliver to each member of Convocation whose name appears on the Roll of Convocation at that date:
 - (i) a voting paper containing the names of the candidates; and
 - (ii) a notice indicating the manner in which the voting paper is to be completed and returned to the Registrar and specifying a date and time when completed voting papers must reach the Registrar; and
 - (iii) if a candidate has, not later than 3 days after the close of nominations or such later time as the Registrar may permit in respect of that candidate, supplied to the Registrar a statement, not exceeding 150 words, relating to his or her candidacy - a copy of that statement; and
 - (iv) a statement showing the names of the candidate's proposer and seconder;
- (e) the voting paper, notice and statement may comprise one or more documents;
- (f) in the conduct of an election the Registrar must allow the following intervals between the events set out:
 - (i) between the date of publication of the fact that the election is to be held and the date by which nominations must reach the Registrar - not less than 14 and not more than 28 days; and
 - (ii) between the date on which the last of the voting papers are posted or delivered and the date by which completed voting papers must reach the Registrar - not less than 14 and not more than 60 days;
- (g) an election must be conducted in accordance with the procedures set out in the Schedule to these By-law.

Roll of students

- 5. (1) For the purposes of section 9 (5) (c) of the Act, the Registrar is to keep a Roll of Students containing the names

and addresses of the students of the University who are proceeding to a degree or diploma.

(2) The Roll of Students is to be kept in such manner and subject to such conditions as the Council may approve.

(3) The Roll of Students must indicate, in respect of each student, whether the student is a full-time or part-time student.

Casual vacancy in office of academic or non-academic staff member of Council

6. (1) In the event that a casual vacancy in the office of a member of the Council elected pursuant to section 9 (5) (a) or (b) of the Act occurs within the first 2 years of the term of that office, the vacancy is to be filled by a further election in accordance with this Chapter.

(2) In the event that a casual vacancy in the office of a member of the Council elected pursuant to section 9 (5) (a) or (b) of the Act occurs otherwise than within the first 2 years of that term of office, the vacancy is to be filled by a person (being a person qualified to hold that office) appointed by the Council.

(3) A member of the Council appointed or elected under this clause holds office for the residue of the term of office of the member whose place the member has filled.

Casual vacancy in office of student member of Council

7. (1) In the event that a casual vacancy in the office of a member of the Council elected pursuant to section 9 (5) (c) of the Act occurs at any time before the date on which the member's term of office would have otherwise expired, the vacancy is to be filled by a person (being a person qualified to hold that office) appointed by the Council.

(2) A member of the Council appointed under this clause holds office for the residue of the term of office of the member whose place the member has filled.

Casual vacancy in office of Convocation member of Council

8. (1) 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 at any time before the date on which the member's term of office would have otherwise expired, the

vacancy is to be filled by a person (being a person qualified to hold that office) appointed by the Council.

(2) A member of the Council appointed under this clause holds office for the residue of the term of office of the member whose place the member has filled.

Term of office of elected members of Council

9. Subject to the provisions of the Act and these By-law, the elected members of the Council hold office for the following periods:

- (a) the members who are members of the academic staff of the University hold office for 3 years;
- (b) the member who is a member of the non-academic staff of the University holds office for 3 years;
- (c) the member who is a student of the University holds office for one year;
- (d) the members who are members of Convocation hold office for 3 years.
- (d) by omitting By-law 4 of Chapter VI and by inserting instead the following clause:

Term of office of Chancellor

4. For the purposes of section 10 of the Act, the term of office of the Chancellor is 3 years.

- (e) by omitting from item 1 (3) of the Schedule the matter "10" and by inserting instead the matter "9";
- (f) by inserting after item 16 of the Schedule the following item:

17. In any case where there is no provision in the Act or these By-laws dealing with the conduct by the Registrar of an election or any matter incidental to an election, the Registrar may make such determination as the Registrar thinks necessary to produce a final result and any such determination is final.

Transitional provision

2. This By-law does not affect the terms of office of those persons who, immediately before the commencement of this By-law, were members of the Council.

Repeal

3. The Macquarie University (Election of Council Members) Transitional By-law 1989 is repealed.

EXPLANATORY NOTE

The object of this By-law is to amend the Macquarie University By-laws to substitute the provisions of the By-law dealing with the election of members of the Council of the University. This By-law re-enacts the election provisions in substantially the same form, specifies the term of office of the Chancellor and effects minor law revision.
