

1992—No. 233

UNIVERSITY OF NEW SOUTH WALES ACT 1989—BY-LAW

(Relating to the term of office of the Chancellor, the election of Council members, the election and terms of office of the President and Deputy President of the Academic Board and the conferring of Honorary Degrees)

NEW SOUTH WALES



[Published in Gazette No. 58 of 8 May 1992]

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

VIRGINIA CHADWICK
Minister for Education and Youth Affairs.

The Council of the University of New South Wales, in pursuance of the University of New South Wales Act 1989, makes the following By-law:

Commencement

1. This By-law commences on 29th day of April, 1992.

Repeal

2. The University of New South Wales (Election of Council Members) Transitional By-law 1990 is repealed.

Amendments

3. The University of New South Wales By-laws made under the University of New South Wales Act 1968 are amended:

(a) by omitting from By-law 1 (a) of Chapter I the word “two” and by inserting instead the word “four”;

(b) by omitting By-laws 10–49 of Chapter II and by inserting instead the following By-laws:

Members Elected by Academic Staff

10. The election of members of the Council under section 9 (5) (a) of the Act is to be conducted in accordance with By-laws 11 to 16 of this Chapter.

11. The election is to be held in each even numbered year on such day in May as the Council appoints. The term of office of the elected members is to be 2 calendar years commencing on 1 July immediately following the member's election.

12. (a) For the purposes of conducting elections pursuant to section 9 (5) (a) of the Act, the members of the academic staff of the University are the professors, associate professors, principal lecturers, senior lecturers, lecturers, principal tutors, senior tutors, tutors, teaching fellows, senior instructors, instructors or such alternative designations as may be adopted for such academic positions, and such other persons as the Council may, by rule, from time to time determine, who hold full-time or not less than 0.5 fractional appointments.

(b) Forty clear days' notice of the day appointed for the election of members is to be given by notices posted at the University and in such other places as the Council may determine.

(c) The Registrar is to prepare a list of voters qualified to vote at the election completed to the last day for receiving nominations for the election, and a copy of the list is to be available for inspection at the University during the period from that day to the day appointed for the election.

13. (a) No person is to be a candidate at an election unless the person's name has been communicated to the Registrar in writing under the hands of 2 persons who are members of the academic staff 28 clear days before the day appointed for the election.

(b) Every nomination of a person for election is to contain the written consent of that person to the nomination.

(c) Each candidate may provide at the time of the candidate's nomination a statement of not more than 150 words which may include information relating to the candidate as follows:

- (i) full name and age;
- (ii) school, department or unit;
- (iii) academic qualifications and experience;

(iv) positions or offices held at any time in public bodies, clubs and institutions (including University clubs and societies) with dates of tenure,

and the information is to be edited by the Registrar and printed as a summary of information for distribution with the voting paper.

14. On the expiration of the time for receiving nominations, the Registrar is to cause the name of each person so nominated and the fact of the candidature to be posted as soon as practicable at the University.

15. If the number of nominations received is equal to or less than the number of persons to be elected, the Registrar is to declare the candidate or candidates duly elected. If the number of candidates exceeds the number of persons to be elected the election is to be by postal ballot.

16. The ballot is to be conducted in the manner prescribed by By-laws 49 and 50 (a)–(e) inclusive and the counting of votes is to be in the manner prescribed by By-law 52.

Members elected by Non-academic Staff

17. The election of a member of the Council pursuant to section 9 (5) (b) of the Act is to be conducted in accordance with By-laws 18–24 of this Chapter.

18. (a) The election is to be held in each even numbered year on such day in May as the Council appoints. The term of the office of an elected member is to be 2 calendar years commencing on 1 July immediately following the member's election.

(b) For the purposes of section 9 (5) (b) of the Act, an employee of the University is a member of the non-academic staff if that person is not a member of the academic staff as defined in By-law 12 (a) and the person holds a full-time or not less than 0.5 fractional appointment.

19. Forty clear days' notice of the day appointed for the election is to be given by notices posted at the University and in such other places as the Council may determine.

20. The Registrar is to prepare a list of voters qualified to vote at the election completed to the last day for receiving nominations for the election, and a copy of the list is to be available for inspection at the University during the period from that day to the day appointed for the election.

21. (a) No person is eligible for election unless the person is a member of the non-academic staff of the University and the person's name has been communicated to the Registrar in writing

under the hands of 2 qualified voters 28 clear days before the day appointed for the election.

(b) Every nomination of a person for election is to contain the written consent of that person to the nomination.

(c) Each candidate may provide at the end of the candidate's nomination a statement of not more than 150 words which may include information relating to the candidate as follows:

- (i) full name and age;
- (ii) occupation;
- (iii) positions held in the candidate's field of occupation;
- (iv) positions or offices held at any time in public bodies, clubs and institutions (including University clubs and societies), with dates of tenure,

and the information is to be edited by the Registrar and printed as a summary of information for distribution with the voting papers.

22. On the expiration of the time for receiving nominations, the Registrar is to cause the name of each person so nominated and the fact of the candidature to be posted as soon as practicable at the University.

23. (a) Where only 1 candidate is nominated the Registrar is to declare the candidate duly elected.

(b) Where 2 or more candidates are nominated the election is to be by postal ballot.

24. The ballot is to be conducted in the manner prescribed by By-laws 49 and 50 (a)–(e) inclusive and the counting of votes is to be in the manner prescribed by By-law 51.

Member elected by Undergraduate Students

25. The election of a member of the Council pursuant to section 9 (5) (c) of the Act is to be conducted in accordance with By-laws 26–32 of this Chapter.

26. (a) The election is to be held in each even numbered year on such day in June as the Council appoints. The term of office of an elected member is to be 2 years commencing on 1 July immediately following the member's election.

(b) For the purposes of section 9 (5) (c) of the Act, an undergraduate student means an enrolled student of the University, proceeding towards a bachelor's degree or a diploma other than a graduate diploma.

27. Forty clear days' notice of the day appointed for the election is to be given by notices posted at the University and in such other places as the Council may determine.

28. The Registrar is to prepare a list of the students qualified to vote at the election completed to the last day for receiving nominations for the election, and a copy of the list is to be available for inspection at the University during the period from that day to the day appointed for the election.

29. (a) No person is to be eligible for election unless the person's name has been communicated to the Registrar in writing under the hands of 2 qualified voters 28 clear days before the day appointed for the election.

(b) Every nomination of a person for election is to contain the written consent of that person to the nomination.

(c) Each candidate may provide at the time of the candidate's nomination a statement of not more than 150 words which may include information relating to the candidate as follows:

- (i) full name and age;
- (ii) course and academic year;
- (iii) academic qualifications;
- (iv) positions or offices held at any time in public bodies, clubs and institutions (including student, University and graduate clubs and societies) with dates of tenure,

and the information is to be edited by the Registrar and printed as a summary of information for distribution with the voting papers.

30. On the expiration of the time for receiving nominations, the Registrar is to cause the name of each person so nominated, the names of the 2 nominators and the fact of the candidature to be posted as soon as practicable at the University and in such other places as the Council may determine.

31. (a) Where only 1 candidate is nominated the Registrar is to declare the candidate duly elected.

(b) Where 2 or more candidates are nominated the election is to be by postal ballot.

32. The ballot is to be conducted in the manner prescribed by By-laws 49 and 50 (a)–(e) inclusive and the counting of votes is to be in the manner prescribed by By-law 51.

Member Elected by Postgraduate Students

33. The election of a member of the Council pursuant to section 9 (5) (d) of the Act is to be conducted in accordance with By-laws 34–40 of this Chapter.

34. (a) The election is to be held in each even numbered year on such day in June as the Council appoints. The term of office of an elected member is to be 2 years commencing on 1 July immediately following the member's election.

(b) For the purposes of section 9 (5) (d) of the Act, a postgraduate student means an enrolled student of the University proceeding towards a degree or diploma other than a bachelor's degree or non-graduate diploma.

35. Forty clear days' notice of the day appointed for the election is to be given by notices posted at the University and in such other places as the Council may determine.

36. The Registrar is to prepare a list of the students qualified to vote at the election completed to the last day for receiving nominations for the election, and a copy of the list is to be available for inspection at the University during the period from that day to the day appointed for the election.

37. (a) No person is to be eligible for election unless the person's name has been communicated to the Registrar in writing under the hands of 2 qualified voters 28 clear days before the day appointed for the election.

(b) Every nomination of a person for election is to contain the written consent of that person to the nomination.

(c) Each candidate may provide at the time of the candidate's nomination a statement of not more than 150 words which may include information relating to the candidate as follows:

- (i) full name and age;
- (ii) course and academic year;
- (iii) academic qualifications;
- (iv) positions or offices held in the candidate's field of occupation with dates of tenure;
- (v) positions or offices held at any time in student, University and graduate clubs and societies with dates of tenure;
- (vi) positions or offices held at any time in public bodies, clubs and institutions with dates of tenure,

and the information is to be edited by the Registrar and printed as a summary of information for distribution with the voting papers.

38. On the expiration of the time for receiving nominations, the Registrar is to cause the name of each person so nominated, the names of the 2 nominators and the fact of the candidature to be posted as soon as practicable at the University and in such other places as the Council may determine.

39. (a) Where only 1 candidate is nominated the Registrar is to declare the candidate duly elected.

(b) Where 2 or more candidates are nominated the election is to be by postal ballot.

40. The ballot is to be conducted in the manner prescribed by By-laws 49 and 50 (a)–(e) inclusive and the counting of votes is to be in the manner prescribed by By-law 51.

Members Elected by Graduates

41. The election of members of the Council pursuant to section 9 (5) (e) of the Act is to be conducted in accordance with By-laws 42–48 of this Chapter.

42. The election is to be held on such day in June 1994 and on such day in the month of June in every fourth year thereafter as the Council appoints. The term of office of an elected member is to be 4 years commencing on 1 July immediately following the member's election.

43. Seventy clear days' notice of the day appointed for the election is to be given by advertisement in 2 or more of the daily newspapers published in Sydney, and by notices posted at the University and in such other places as the Council may determine.

44. The Registrar is to prepare a list of voters comprising all graduates of the University, completed to the last day for receiving nominations for the election, and a copy of the list is to be available for inspection at the University during the period from that day to the day appointed for the election.

45. (a) No person is to be eligible for election unless the person's name has been communicated to the Registrar in writing under the hands of 2 qualified voters 35 clear days before the day appointed for the election.

(b) Every nomination of a person for election is to contain the written consent of that person to the nomination.

(c) Each candidate may provide at the time of the candidate's nomination a statement of not more than 150 words which may include information relating to the candidate as follows:

(i) full name and age;

(ii) academic and professional qualifications and experience;

- (iii) honours and distinctions;
- (iv) positions or offices held in the candidate's field of occupation with dates of tenure;
- (v) positions or offices held at any time in student, University and graduate clubs and societies with dates of tenure;
- (vi) positions or offices held at any time in public bodies, clubs and institutions with dates of tenure;
- (vii) a recent photograph,

and the information is to be edited by the Registrar and printed as a summary of information which is to include a copy of the photograph, if any, provided for distribution with the voting papers.

46. On the expiration of the time for receiving nominations, the Registrar is to cause the name of each person so nominated, the names of the 2 nominators and the fact of the candidature to be posted as soon as practicable at the University and in such other places as the Council may determine.

47. If the number of nominations received is equal to or less than the number of candidates to be elected, the Registrar is to declare the candidate or candidates duly elected. If the number of candidates exceeds the number of candidates to be elected, the election is to be by postal ballot.

48. The ballot is to be conducted in the manner prescribed by By-laws 49 and 50 (a)–(e) inclusive and the counting of votes is to be conducted in the manner prescribed by By-law 52.

Conduct of Elections when Ballot is Necessary

49. In the case of members to be elected by the graduates, 21, and in all other cases, 14 clear days before the day appointed for an election the Registrar is to transmit a voting paper through the post to each person whose name appears on the relevant list of voters, addressed to the last known address of the person as noted in the records of the Registrar. Each voting paper is to be accompanied by an envelope marked "voting paper" and by a second envelope addressed to the Registrar on the inside of which is to be printed a form of declaration to be signed by the voter stating that the voter is duly qualified to vote at the election.

50. (a) The voting paper is to contain the names of all duly nominated candidates arranged in the order which the Registrar is to determine by lot. The voter is to record a vote by placing the number "1" opposite the name of the candidate to whom the voter desires to give the voter's first preference vote. The voter

may then, at the voter's discretion, give contingent votes to some, or to all, of the remaining candidates by placing the number "2", "3", "4" and so on, as the case may require, opposite the names of such candidates respectively so as to indicate by numerical sequence the order of the voter's preference for them.

In this paragraph, "**determine by lot**" means determine in accordance with the following directions:

The name of each candidate concerned having been written on separate and similar slips of paper and the slips having been folded so as to prevent identification and mixed and drawn at random, the candidates' names are to be listed in the order drawn.

(b) Having marked the voting paper and signed the declaration the voter is to place the voting paper without any other matter in the envelope marked "voting paper", which the voter is to seal and transmit to the Registrar in the envelope provided for that purpose. Subject to paragraph (e), all voting papers so transmitted and received by the Registrar not later than 5 p.m. on the day of the election are to be counted in the ballot.

(c) In conducting the ballot, the Registrar may be assisted in the counting of the votes by scrutineers to be appointed by the Vice-Chancellor. Each candidate is entitled to nominate 1 scrutineer.

(d) As soon as practicable after the closing of the ballot the Registrar, in the presence of such of the scrutineers as choose to be present, is to proceed to the examination of the voting papers.

(e) The Registrar is to reject as informal any voting paper in respect of which the provisions of paragraphs (a) and (b) have not been complied with.

(f) The method of counting votes at any election where only 1 candidate is to be elected is as prescribed by By-law 51.

(g) The method of counting votes at any election where 2 or more candidates are to be elected is as prescribed by By-law 52.

Method of Counting Votes at Elections where Only One Candidate is to be Elected

51. (a) The Registrar is to count the total number of first preference votes given to each candidate.

(b) If any candidate has received an absolute majority of votes, the Registrar is to declare that candidate elected, but if no candidate has received an absolute majority of votes, the candidate who has received the fewest votes is to be excluded and each

voting paper counted to that candidate is to be allocated to the continuing candidate next in order of the voter's preference,

(c) The Registrar is to then make a second count and, if any candidate then has received an absolute majority of votes, the Registrar is to declare that candidate elected; but if no candidate then has received an absolute majority of votes, the process of excluding the candidate who has received the fewest votes, of allocating each voting paper counted to that candidate to the continuing candidate next in order of the voter's preference, and of making a further count is to be repeated until a count reveals that 1 candidate has received an absolute majority of votes. The Registrar is to then declare that candidate elected.

(d) If, after any count other than the final count, 2 or more candidates have received an equal number of votes and 1 such candidate has to be excluded, the Registrar is to determine by lot which of them is to be excluded.

In this paragraph, "**determine by lot**" means determine in accordance with the following directions:

The name of each candidate concerned having been written on separate and similar slips of paper and the slips having been folded so as to prevent identification and mixed and drawn at random, the candidate whose name is first drawn is to be excluded.

(e) If, after the final count in which there are only 2 continuing candidates, both candidates having received an equal number of votes, the Registrar is to determine by lot which of them is to be elected.

In this paragraph, "**determine by lot**" means determine in accordance with the following directions:

The name of each candidate concerned having been written on separate and similar slips of paper and the slips having been folded so as to prevent identification and mixed and drawn at random, the candidate whose name is first drawn is to be elected.

(f) If, after the final count in which there are only 2 continuing candidates, such candidates not having received an equal number of votes, the continuing candidate who has the larger number of votes is to be elected even if the number is below an absolute majority of votes.

(g) In this By-law:

"an absolute majority of voters" means a number greater than one half of the total number of ballot papers counted;

“continuing candidate” means a candidate who has not been excluded from the ballot.

Method of Counting Votes at Elections where two or more Candidates are to be Elected

52. (a) The Registrar is to reject all informal ballot papers, and arrange the unrejected ballot papers under the names of the respective candidates by placing in a separate parcel all those on which a first preference is indicated for the same candidate. The first preference votes given for each candidate on all unrejected ballot papers are then to be counted.

(b) The number of first preference votes given for each candidate and the total number of all such votes is to be ascertained and a quota is to be determined by dividing the total number of first preference votes by one more than the number of candidates required to be elected and by increasing the quotient so obtained (disregarding any remainder) by 1, and any candidate who has received a number of first preference votes equal to or greater than the quota is to be elected.

(c) Unless all the vacancies have been filled, the number (if any) of votes in excess of the quota (here referred to as “surplus votes”) of each elected candidate is to be transferred to the continuing candidates as follows:

- (i) the number of surplus votes of the elected candidate is to be divided by the number of first preference votes received by that candidate and the resulting fraction is to be the transfer value;
- (ii) The total number of ballot papers of the elected candidate that express the first preference vote for that candidate and the next available preference for a particular continuing candidate are to be multiplied by the transfer value, the number so obtained (disregarding any fraction) is to be added to the number of first preference votes of the continuing candidate and all those ballot papers are to be transferred to the continuing candidate,

and any continuing candidate who has received a number of votes equal to or greater than the quota on the completion of any such transfer is to be elected.

(d) Unless all the vacancies have been filled, the surplus votes (if any) of any candidate elected under paragraph (c), or elected subsequently under this paragraph, are to be transferred to the continuing candidates in accordance with sub-paragraphs (i) and (ii) of paragraph (c), and any continuing candidate who has

received a number of votes equal to or greater than the quota on the completion of any such transfer is to be elected.

(e) Where a continuing candidate has received a number of votes equal to or greater than the quota on the completion of a transfer under paragraphs (c) or (d) of the surplus votes of a particular elected candidate, no votes of any other candidate are to be transferred to the continuing candidate.

(f) For the purposes of the application of sub-paragraphs (i) and (ii) of paragraph (c) in relation to a transfer of the surplus votes of an elected candidate, each ballot paper of the elected candidate that was obtained on a transfer is to be dealt with as if any vote it expressed for the elected candidate were a first preference vote, as if the name of any other candidate previously elected or excluded had not been on the ballot paper and as if the number indicating subsequent preferences had been altered accordingly.

(g) Where after the counting of first preference votes or the transfer of surplus votes (if any) of elected candidates, no candidate has, or fewer than the number of candidates required to be elected have, received a number of votes equal to the quota, the candidate who stands lowest in the poll is to be excluded, and:

(i) the total number of ballot papers expressing a first preference vote for an excluded candidate and the next available preference for a particular continuing candidate are to be transferred, each ballot paper at a transfer value of 1, to the continuing candidate and added to the number of votes of the continuing candidate;

(ii) the total number (if any) of other ballot papers obtained by an excluded candidate or candidates are to be transferred beginning with the ballot papers received by that candidate or those candidates at the highest transfer value and ending with the ballot papers received at the lowest transfer value, as follows:

the total number of ballot papers received by the excluded candidate or candidates at a particular transfer value from a particular candidate and expressing the next available preference for a particular continuing candidate are to be multiplied by that transfer value, the number so obtained (disregarding any fraction) is to be added to the number of votes of the continuing candidate and all those ballot papers are to be transferred to the continuing candidate.

(h) Any continuing candidate who has received a number of votes equal to or greater than the quota on the completion of a transfer is to be elected and unless all the vacancies have been

filled the surplus votes (if any) of the candidate so elected are to be transferred to the continuing candidates except that where the candidate is elected before all the votes have been transferred the surplus votes (if any) of the candidate so elected are not to be transferred until the remaining votes of the excluded candidate have been transferred.

(i) Subject to paragraph (k), where after the transfer of all of the ballot papers of an excluded candidate or candidates, as the case may be, no continuing candidate has received a number of votes greater than the quota the continuing candidate who stands lowest in the poll is to be excluded and his or her ballot papers transferred in accordance with sub-paragraphs (i) and (ii) of paragraph (g).

(j) Where a candidate is elected during a transfer of ballot papers under paragraphs (g) or (i), no other ballot papers of an excluded candidate or candidates are to be transferred to the candidate so elected.

(k) In respect of the last vacancy for which 2 continuing candidates remain, the continuing candidate who has the larger number of votes is to be elected even if that number is below the quota.

(l) Where the number of continuing candidates is equal to the number of remaining unfilled vacancies those candidates are to be elected.

(m) In this By-law:

“continuing candidate” means a candidate not already elected or excluded from the count.

Filling of Casual Vacancy

53. Any vacancy in the office of an elected member, or member appointed by the Council, is to be filled in such manner as the Council may by rule determine.

(c) by omitting By-law 10 (1) and (2) of Chapter III and by inserting instead the following clauses:

(1) The members of the Academic Board are to elect from their number, by postal ballot, a President and Deputy President in July in even numbered years.

(2) The terms of office of the President and the Deputy President commence on 1 August next following their election and expire 2 years thereafter.

(d) by inserting after By-law 2 of Chapter VII the following By-law:

3. The Council may admit, honoris causa, to the degree of Doctor of the University of New South Wales any person considered by the Council to be distinguished by eminent service to the University.

(e) by omitting from By-law 1 of Chapter X the words “University of New South Wales Act, 1968” and by inserting instead the words “University of New South Wales Act 1989”;

(f) by omitting from By-law 2 of Chapter X the matter “section 5 (1)” and by inserting instead the matter “section 4 (b)”.

The *COMMON SEAL* of the *UNIVERSITY OF NEW SOUTH WALES* was this
day of _____, 1992, hereto affixed by
resolution of the Council in the presence of }
.....

LINDSAY MICHAEL BURT

.....
Vice-Chancellor and Principal

.....
R. BARTON
.....
Deputy Registrar, Administrative Services

EXPLANATORY NOTE

The objects of this By-law are:

- (a) to replace the transitional By-laws relating to the election of members to the Council of the University of New South Wales with ongoing provisions having the same effect as those being replaced; and
- (b) to alter the provision for the election of the President and Deputy President of the Academic Board of the University by providing that their terms of office begin on 1 August following their election (rather than at the first meeting of the Board following their election); and

- (c) to enable the Council of the University to award the honorary degree of Doctor of the University of New South Wales to a person whom it considers to be distinguished by eminent service to the University (rather than the community as at present); and
- (d) to make minor consequential amendments.
