

**UNIVERSITY OF TECHNOLOGY, SYDNEY, ACT 1989
BY-LAW**

(Relating to casual vacancies in the Council of the University)

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 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 Education and Youth Affairs.

The Council of the University of Technology, Sydney, in pursuance of the University of Technology, Sydney, Act 1989, makes the following By-law:

The University of Technology, Sydney, By-law 1990 is amended:

- (a) by omitting from clause 20 (b) the words “, as soon as practicable after the vacancy occurs,”;
- (b) by inserting at the end of clause 20 the following subclause:
 - (2) An election referred to in subclause (1) (b) is to be conducted as soon as practicable after the vacancy occurs (or, in a case to which clause 20A applies, from some earlier time in accordance with that clause).
- (c) by inserting after clause 20 the following clause:

Election in anticipation of resignation

20A. (1) Any member of the Council who intends to resign in circumstances that would create a vacancy to which clause 20 (1) (b) would apply if the resignation took effect as intended is under a duty to notify the Returning Officer as soon as practicable of:

(a) his or her intention to resign; and

(b) the date from which the resignation is intended to take effect.

(2) On receipt of any such notification the Returning Officer, even though the resignation has not taken effect, may in accordance with the rules for the conduct of elections proceed to conduct an election to fill the anticipated vacancy. This subclause does not, however, apply to a vacancy to which clause 21 applies.

(3) The election of a new member of the Council in accordance with subclause (2) does not take effect, and the result of any such election is not to be made public, until after the incumbent member's resignation takes effect.

(d) by omitting from clause 21 (1) the words "Despite clause 20, in" and by inserting instead the word "In".

EXPLANATORY NOTE

The object of this By-law is to expedite the filling of any casual vacancy in the Council of the University of Technology, Sydney, that arises as a result of the resignation of a member. A member who intends to resign before completing three-quarters of his or her term will be required to give notice of that fact to the Returning Officer, so that an election can be held to determine the member's successor. The election, or any part of it, may be conducted before the time appointed for the resignation to take effect, but the election of the new member is not effective before that time.
