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UNIVERSITY OF WOLLONGONG ACT 1989 - BY-LAW
(University of Wollongong By-law 1991)

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 Wollongong Act 1989, has been pleased to approve the By-law made by the Council of the University of Wollongong and set forth hereunder.

VIRGINIA CHADWICK
Minister for School Education and Youth Affairs.

The Council of the University of Wollongong hereby makes the following By-law

CHAPTER 1 - PRELIMINARY

Citation

1. This By-law may be cited as the University of Wollongong By-law 1991.

Arrangement

2. This By-law is divided as follows:

CHAPTER 1 - PRELIMINARY

CHAPTER 2 - COUNCIL MEMBERSHIP

CHAPTER 3 - MEMBERSHIP OF THE UNIVERSITY

CHAPTER 4 - THE COMMON SEAL

CHAPTER 5 - CHANCELLOR AND DEPUTY CHANCELLOR

CHAPTER 6 - VICE-CHANCELLOR
CHAPTER 7 - COURSES AND DEGREES
CHAPTER 8 - HONORARY DEGREES
CHAPTER 9 - ACADEMIC COSTUME
CHAPTER 10 - CONVOCATION
CHAPTER 11 - MANAGEMENT OF THE UNIVERSITY
CHAPTER 12 - THE ACADEMIC SENATE
SCHEDULE

Repeal

3. The University of Wollongong By-law is repealed.

Interpretation

4. (1) In this By-law:

"**Academic Senate**" means the Academic Senate of the University,

"**academic staff member**" means a member of the Council elected under section 9 (5) (a) of the Act;

"**Convocation member**" means a member of the Council elected under section 9 (5) (d) of the Act;

"**Council**" means the Council of the University;

"**non-academic staff member**" means a member of the Council elected under section 9 (5) (b) of the Act;

"**student member**" means a member of the Council elected under section 9 (5) (c) of the Act;

"**the Act**" means the University of Wollongong Act 1989;

"**University**" means the University of Wollongong.

(2) In this By-law, a reference to an authority, officer or office is a reference to that authority, officer or office in and of the University.

CHAPTER 2 - COUNCIL MEMBERSHIP

Academic staff membership

5. (1) For the purposes of section 9 (5) (a) of the Act, the academic staff members are to comprise 2 persons who are qualified and elected in accordance with this clause.

(2) The Returning Officer is to keep a roll (in this By-law referred to as the Roll of Academic Staff) containing the names and last known address of:

- (a) professors within the University, and
- (b) persons holding the positions of associate professor, reader, senior lecturer, lecturer, principal tutor and teaching fellow within the University and such other positions within the University as may be specified from time to time in resolutions made by the Council for the purposes of this subclause; and
- (c) officers holding the positions of Deputy Vice-Chancellor and Pro Vice-Chancellor within the University and such other positions within the University as may be specified from time to time in resolutions made by the Council for the purposes of this subclause.

(3) The persons qualified to be elected as academic staff members are those persons whose names appear on the Roll of Academic Staff at the date and time prescribed pursuant to clause 3 (2) of the Schedule for the close of nominations.

(4) The persons entitled to vote for the academic staff members are those persons whose names appear on the Roll of Academic Staff at the date and time prescribed pursuant to clause 5 (4) of the Schedule for the receipt of completed voting papers.

(5) The provisions of the Schedule apply to an election conducted under this clause.

Non-academic staff membership

6. (1) For the purposes of section 9 (5) (b) of the Act, the non-academic staff member is to be qualified and elected in accordance with this clause.

(2) The Returning Officer is to keep a roll (in this By-law referred to as the Roll of Non-academic Staff) containing the names and last known addresses of the full-time staff of the University who are not staff to whom clause 5 (2) applies.

(3) For the purposes of subclause (2), full-time staff of the University include persons employed by the University for at least 2 days per week

- (a) on a continuing basis; or
- (b) for a minimum fixed period of 2 years.

(4) The persons qualified to be elected as the non-academic staff member are those persons whose names appear on the Roll of

Non-academic Staff at the date and time prescribed pursuant to clause 3 (2) of the Schedule for the close of nominations.

(5) The persons entitled to vote for the non-academic staff member are those persons whose names appear on the Roll of Non-academic Staff at the date and time prescribed pursuant to clause 5 (4) of the Schedule for the receipt of completed voting papers.

(6) The provisions of the Schedule apply to an election conducted under this clause.

Student membership

7. (1) For the purposes of section 9 (5) (c) of the Act, the student member is to be qualified and elected in accordance with this clause.

(2) The Returning Officer is to keep a roll (in this By-law referred to as the Roll of Students) containing the names and last known addresses of persons who are enrolled as candidates proceeding to a degree or diploma in the University (other than persons so enrolled who are members of the staff of the University).

(3) The persons qualified to be elected as the student member are those persons whose names appear on the Roll of Students at the date and time prescribed pursuant to clause 3 (2) of the Schedule for the close of nominations.

(4) The persons entitled to vote for the student member are those persons whose names appear on the Roll of Students at the date and time prescribed pursuant to clause 5 (4) of the Schedule for the receipt of completed voting papers.

(5) The provisions of the Schedule apply to an election conducted under this clause.

Convocation membership

8. (1) For the purposes of section 9 (5) (d) of the Act, the Convocation members are to comprise 4 persons who are qualified and elected in accordance with this clause.

(2) The Returning Officer is to keep a roll (in this By-law referred to as the Roll of Convocation) containing the names and last known addresses of the members of the Convocation.

(3) The persons qualified to be elected as Convocation members are persons whose names appear on the Roll of Convocation, other than

members of the staff and students of the University, at the date and time prescribed pursuant to clause 3 (2) of the Schedule for the close of nominations.

(4) The persons entitled to vote for the Convocation members are those persons whose names appear on the Roll of Convocation at the date and time prescribed pursuant to clause 5 (4) of the Schedule for the receipt of completed voting papers.

(5) The provisions of the Schedule apply to an election conducted under this clause.

Casual vacancies

9. (1) For the purposes of clause 3 of Schedule 1 to the Act, the prescribed manner for filling a casual vacancy is, subject to subclause (2), the same manner as that in which the person whose seat is vacant was appointed or elected.

(2) In the event of a casual vacancy in the office of any elected member of the Council occurring within less than one year of the date on which the member's term of office would have expired, such vacancy is to be filled by some person, whose name appears on the appropriate roll kept under this Chapter, appointed by the Council in the place of that member, the manner of such appointment being as described in clause 10.

Elections to fill certain casual vacancies for elected members

10. (1) An election to fill a casual vacancy in the office of an elected member of the Council in the circumstances referred to in clause 9 (2) is to be held by the Returning Officer at a scheduled meeting of the Council of those members for the time being appointed and elected pursuant to section 9 (2), (3), (4) and (5) of the Act.

(2) The Returning Officer is to advise the members of the Council of the election to be held by including a notice of the election with the papers circulated with the agenda for the meeting.

(3) The election is to be effected in such manner as may be determined at the meeting.

Rolls

11. (1) An election conducted under this Chapter is not invalid by reason only of the omission of the name of a person who is entitled to

be enrolled on a roll kept under this Chapter from the Roll of Academic Staff, the Roll of Non-academic Staff, the Roll of Students or the Roll of Convocation, as the case may be.

(2) A person who is entitled to be enrolled on a roll kept under this Chapter may inspect that roll during the time that the office of the Vice-Principal (Administration) is open.

Term of office

12. (1) For the purposes of clause 1 (d) and (e) of Schedule 1 to the Act:

- (a) the term of office of an academic staff member is 3 years;
- (b) the term of office of a non-academic staff member is 3 years;
- (c) the term of office of a student member is 2 years; and
- (d) the term of office of a Convocation member is 4 years.

(2) The term of office of some of the elected members of any class:

- (a) who are elected at the first election of members of that class; and
- (b) who receive fewer votes than the other elected members of that class,

is, if a resolution made by the Council so provides, to be reduced from the period specified in subclause (1) to such shorter period as may be specified in the resolution in order to provide for the retirement in rotation of the elected members of that class.

CHAPTER 3 - MEMBERSHIP OF THE UNIVERSITY

Membership of the University

13. For the purposes of sections 4 (c) and 14 (1) (c) of the Act:

- (a) the full-time members of the academic staff (other than professors) are the persons holding the positions of associate professor, reader, senior lecturer, lecturer, principal tutor and teaching fellow within the University and such other positions within the University as may be specified from time to time in resolutions made by the Council for the purposes of this paragraph; and
- (b) the other members of staff of the University are the officers holding the positions of Deputy Vice-Chancellor, Vice-Principal (Administration), Vice-Principal (Development), Pro

Vice-Chancellor and University Librarian and such other positions as may be specified from time to time in resolutions made by the Council for the purposes of this paragraph.

CHAPTER 4 - THE COMMON SEAL

Custody of common seal

14. The common seal of the University is to be kept in the custody of the Vice-Principal (Administration).

Use of common seal

15. The common seal of the University is to be affixed to any instrument or document in the presence of, and the affixing of the seal is to be attested by

- (a) the Chancellor, the Deputy Chancellor, the Vice-Chancellor or any other member of the Council; and
- (b) the Vice-Principal (Administration).

Register of use of common seal

16. (1) The Vice-Principal (Administration) is to maintain a register of the use of the common seal.

(2) The register of the use of the common seal is to record:

- (a) the nature of, and parties to, an instrument or document to which the common seal was affixed;
- (b) the date on which the common seal was affixed to an instrument or document; and
- (c) the names of the persons who attested the affixing of the common seal.

CHAPTER 5 - CHANCELLOR AND DEPUTY CHANCELLOR

Term of office - Chancellor

17. For the purposes of section 10 (2) of the Act, the prescribed period for which the Chancellor is to hold office is 4 years from the date of the Chancellor's election.

Election

18. An election to fill a vacancy in the office of Chancellor or Deputy Chancellor is to be held at an ordinary meeting of the Council.

Nomination

19. A nomination for the office of Chancellor or Deputy Chancellor:

- (a) must be signed by 2 persons who are eligible to vote at the election for office of Chancellor or Deputy Chancellor, as the case may be; and
- (b) must be submitted in writing to the Vice-Principal (Administration) before the commencement of the item of business of the meeting of the Council during which that election is to be held.

CHAPTER 6 - VICE-CHANCELLOR

Authority

20. Nothing in this Chapter affects the precedence or authority of the Chancellor or Deputy Chancellor.

Functions of Vice-Chancellor

21. The Vice-Chancellor is:

- (a) to promote and further the development and interests of the University including, but without limiting the generality of this clause, the welfare of staff and students;
- (b) to be responsible to the Council for the general academic, administrative, financial and other business of the University,
- (c) to exercise a general supervision over all staff and students of the University and
- (d) to do all things ancillary to those referred to in paragraphs (a), (b) and (c).

Functions and authority delegated by Council

22. Without prejudice to the generality of clause 21, the Vice-Chancellor is to exercise such functions and authority as may from time to time be delegated by the Council.

Powers of Vice-Chancellor in relation to University bodies

23. The Vice-Chancellor is, by virtue of the office of Vice-Chancellor, a member of any board, committee or faculty within the University and, unless the Council determines otherwise, may preside at a meeting of any such board, committee or faculty.

CHAPTER 7 - COURSES AND DEGREES

Degrees and diplomas

24. The degrees and diplomas to be conferred and awarded by the University are to be specified in rules made by the Council for the purposes of this clause.

Award of degrees and diplomas

25. The requirements to be satisfied for the award of degrees and diplomas, including the conditions governing the admission of students of other universities and institutions of higher education to any status within the University, are to be specified in rules made by the Council for the purposes of this clause.

Entrance standards and conditions of admission

26. The entrance standards for students and the conditions to be satisfied for admission to the University are to be specified in rules made by the Council for the purposes of this clause.

CHAPTER 8 - HONORARY DEGREES

Conferring of honorary degrees

27. The Council may confer, *honoris causa*, any degree of the University.

Honorary Degrees and Ceremonial Awards Committee

28. (1) The Council is to establish an Honorary Degrees and Ceremonial Awards Committee which is to consist of the Chancellor, the Vice-Chancellor and such other persons as may be specified from time to time in resolutions made by the Council for the purposes of this clause.

(2) The Honorary Degrees and Ceremonial Awards Committee may recommend to the Council the persons on whom honorary degrees may be conferred and the criteria for selection of any such persons.

CHAPTER 9 - ACADEMIC COSTUME

Academic costume

29. (1) The academic costume for the Chancellor consists of a gown of black damask lined with blue and trimmed with gold and a trencher cap of black with a gold tassel.

(2) The form of academic costume for the Deputy Chancellor, the Vice-Chancellor, members of the Council, the officers of the University, the graduates and the students of the University is to be as specified from time to time in resolutions made by the Council for the purposes of this subclause.

Usages of academic costume

30. The usages of the academic costumes are to be determined by resolution of the Council.

CHAPTER 10 - CONVOCATION

Membership

31. (1) For the purposes of section 14 (1) (c) of the Act, the following classes of members of the staff of the University (in addition to the members of staff specified in clause 13 (b)) are prescribed as members of Convocation:

- (a) the full-time non-academic staff of the University who are graduates of other universities;
- (b) the part-time academic staff of the University.

(2) For the purposes of section 14 (1) (e) of the Act:

- (a) graduates of other universities who are resident within such local government areas as the Council may from time to time by resolution determine; and
- (b) such other persons as the Council may from time to time by resolution determine,

may, upon application made in writing to the Council, be admitted as members of Convocation by resolution of the Council.

(3) A person who becomes a member of Convocation pursuant to subclause (2) may resign from membership of Convocation by giving written notice to the Vice-Principal (Administration).

Chairman

32. (1) Convocation is:

- (a) at its first meeting, to elect a person, being one of its members, to be Chairman of Convocation; and
- (b) whenever a vacancy occurs in the office of Chairman, at its first meeting following the occurrence of the vacancy, to elect a person, being one of its members, to be Chairman of Convocation.

(2) The term of office of the Chairman of Convocation is, unless the Chairman sooner resigns or otherwise ceases to hold office, 3 years.

(3) The Chairman of Convocation is to preside at all meetings of Convocation, but at any meeting of Convocation at which the Chairman is not present, a member elected by the members present from among their number is to preside.

(4) A quorum at any meeting of Convocation is such number (being not less than 25) as may be specified by resolution made by the Council for the purposes of this subclause.

Powers

33. Convocation is:

- (a) to report directly to the Council on any matters pertaining to the welfare of the University including any matter referred to it by the Council; and
- (b) to have such other powers, authorities, duties and functions as may be specified from time to time in resolutions made by the Council for the purposes of this clause.

CHAPTER 11 - MANAGEMENT OF THE UNIVERSITY

Rules relating to management of University

34. The Council may make rules for or with respect to all matters with respect to which the Council is empowered to make by-laws under section 28 (1) of the Act.

CHAPTER 12 - THE ACADEMIC SENATE

Membership

35. The Academic Senate is to consist of:

- (a) the Vice-Chancellor; and
- (b) such other persons as may be specified from time to time in resolutions made by the Council for the purposes of this paragraph.

Functions

36. The Academic Senate is the principal academic body of the University and has responsibility for advising Council and the Vice-Chancellor on matters relating to teaching, scholarship, research and related activities in accordance with terms of reference specified from time to time in resolutions made by the Council for the purposes of this clause.

SCHEDULE

Returning Officer

- 1. (1) The election is to be conducted by the Returning Officer.
- (2) The Returning Officer is to be the Vice-Principal (Administration), or a deputy appointed by that Vice-Principal.
- (3) In the performance of any of the Returning Officer's functions under this By-law, the Returning Officer may be assisted by such persons as the Returning Officer appoints.
- (4) Subject to this By-law, the election is to be effected in such manner as the Returning Officer determines.

Timing

- 2. (1) In the conduct of the election of academic staff members, the non-academic staff member and the student member, the following intervals are to be allowed:
 - (a) between the date of publication or display of the notice of election and the date and time for close of nominations - not less than 14 and not more than 28 days;

- (b) between the close of nominations and the despatch of voting papers - not more than 14 days; and
- (c) between the despatch of voting papers and the date and time by which completed voting papers must be returned to the Returning Officer - not less than 14 and not more than 28 days.

(2) In the conduct of the election of Convocation members, the following intervals are to be allowed:

- (a) between the date of publication of the notice of election and the date and time for close of nominations - not less than 14 and not more than 28 days;
- (b) between the close of nominations and the despatch of voting papers - not more than 28 days; and
- (c) between the despatch of voting papers and the date and time by which completed voting papers must be returned to the Returning Officer - not less than 14 and not more than 60 days.

Notice of election

3. (1) The Returning Officer is to give notice of the election:

- (a) in the case of the election of the academic staff members or the non-academic staff member - by displaying the notice on a notice board at the University, and
- (b) in the case of the election of the student member and the Convocation members - by publishing the notice at least once in a newspaper circulating within the Wollongong district and the State.

(2) The notice of election is:

- (a) to state the number of persons to be elected and the qualifications for candidature;
- (b) to specify the form of the nomination; and
- (c) to prescribe a date and time by which nominations must reach the Returning Officer.

Acceptance of nomination

4. (1) The Returning Officer is not to accept a nomination unless:

- (a) it is in writing in the form specified in the notice of election;
- (b) it is signed by 2 persons whose names appear on the appropriate roll kept under Chapter 2;

- (c) the person nominated has consented to stand for election by a notice in writing given to the Returning Officer before the time prescribed for the close of nominations or by a notation to that effect on the nomination form; and
 - (d) it is received by the Returning Officer before the time prescribed for the close of nominations.
- (2) If, following the close of nominations, the number of accepted nominations does not exceed the number of persons to be elected, the Returning Officer is to declare the persons nominated to be elected.
- (3) If, following the close of nominations, the number of accepted nominations exceeds the number of persons to be elected, the Returning Officer is to send by post or by other means a voting paper to those persons entitled to vote at the address shown in respect of those persons on the Roll of Academic Staff, the Roll of Non-academic Staff, the Roll of Students or the Roll of Convocation, as the case may be.

Voting paper

5. (1) Each voting paper is to contain the names of the candidates in alphabetical order and is to be initialled by the Returning Officer or the Returning Officer's deputy.
- (2) Each voting paper is to be accompanied by a form of declaration that the person so voting is qualified to vote at the election and by 2 envelopes, one marked "voting paper" and the other addressed to the Returning Officer.
- (3) Where a voting paper has been lost or destroyed, a duplicate may be issued by the Returning Officer upon receipt of a written declaration that the voting paper has been lost or destroyed.
- (4) With each voting paper sent in accordance with clause 4 (3), there is to be sent a notice which:
- (a) specifies the date and the time by which the completed voting paper must reach the Returning Officer;
 - (b) contains instructions for the transmission of the completed voting paper to the Returning Officer; and

- (c) states the date and time when the votes will be counted.

Voting

6. The voter is to mark the voting paper by making a cross opposite the name of each candidate for whom the voter votes, but the number of candidates for whom a vote is cast is not to exceed the number of persons to be elected.

Counting of votes

7. (1) At the date and time appointed for the counting of votes, the Returning Officer or the Returning Officer's deputy is:

- (a) to open the outer envelope;
- (b) if satisfied that the form of declaration has been properly completed, to place the envelope marked "voting paper" with other similar envelopes;
- (c) following the opening of all of the outer envelopes, to open the envelopes marked "voting paper" and count the number of votes given to each candidate.

(2) A voting paper received by the Returning Officer after the close of the poll is not to be taken into account at the election.

(3) The Returning Officer is to reject as informal any voting paper in which the voter has not complied with the provisions of this Schedule.

Declaration of the election

8. (1) Where an election is held to elect one member, the Returning Officer is to declare as elected the candidate who receives the highest number of votes.

(2) Where an election is held to elect more than one member, the Returning Officer is to declare as elected the persons who received the highest number of votes.

Equality of votes

9. (1) Where there is an equality of votes, the person to be elected is to be determined by lot by the Returning Officer.

(2) For the purpose of subclause (1), "**determined by lot**" means determination in the following manner:

The name of each candidate is to be 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 the elected candidate.

Scrutineer

10. Each candidate is entitled to nominate a scrutineer to be present at the counting of votes and any determination by lot.

Custody of ballot papers

11. The voting papers in an election are to be kept in safe custody by the Returning Officer for a period of at least 4 months after the election and may be destroyed at any time after that period, except that if any objection has been received within that period about an election the papers for that election may only be destroyed with the approval of the Council.

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SCHEDULE

EXPLANATORY NOTE

The object of this By-law is to make provisions necessary or convenient for the purpose of carrying out or giving effect to the University of Wollongong Act 1989. In particular, the By-law deals with:

- (a) the appointment and functions of the Chancellor and Deputy Chancellor; and
- (b) the qualifications and method of election of members of the Council; and
- (c) the procedures for meetings of the Council and the custody and use of the seal of the University and

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- (d) the functions of the Vice-Chancellor of the University, and
 - (e) the constitution and functions of the Academic Senate; and
 - (f) authorising the Council to make rules including rules relating to the degrees and diplomas to be awarded by the University, the entrance standards and conditions of admission for students and the management, generally, of the University.
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