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

(University of Technology, Sydney, By-law 1995)

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.

John Aquilina
Minister for Education and Training.

CHAPTER 1—PRELIMINARY

Citation

1. This By-law may be cited as the University of Technology, Sydney, By-law 1995.

Commencement

2. This By-law commences on 1 January 1996.

Application

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.

Definitions

4. (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;

“Deputy Vice-Chancellor” means a Deputy Vice-Chancellor of the University;

“Executive Director, University Administration” means the Executive Director, University Administration, of the University;

“Pro-Vice-Chancellor” means a Pro-Vice-Chancellor of the University;

“rule” means a rule made under 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, and includes both an undergraduate student and a postgraduate student;

“the Act” means the University of Technology, Sydney, Act 1989;

“University Secretary” means the University 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) For the purposes of this By-law and the rules, a person is a senior officer of the University if the person is any of the following:

- (a) the Vice-Chancellor;
- (b) a Deputy Vice-Chancellor;
- (c) a Pro-Vice-Chancellor;
- (d) the Executive Director, University Administration;
- (e) the University Secretary.

(4) 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, any person acting in that other office holds that appointment ex officio, unless the Council resolves otherwise.

Notes

5. Notes do not form part of this By-law.

CHAPTER 2—THE COUNCIL**Division 1—The Chancellor****Term of office of Chancellor**

6. For the purposes of section 10 (2) of the Act, the term of office of the Chancellor is 4 years from the date of his or her election.

Notes:

1. Section 11 (2) of the University of Technology, Sydney, Act 1989 provides that the term of office of the Deputy Chancellor is 2 years from the date of his or her election.
2. The Chancellor and Deputy Chancellor are to be elected according to procedures determined by the Council (sections 10 (Chancellor) and 11 (Deputy Chancellor) of, and clause 6 (General procedure) of Schedule 1 to, the Act). The relevant procedures are set out in the rules.

Division 2—Election of Members**Returning Officer**

7. (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 (with such powers as the Returning Officer may determine) and other persons to assist the Returning Officer in the conduct of all or any part of an election referred to in this Chapter.

(3) The Returning Officer's decision is, subject to the Act and this By-law, final on all matters affecting the eligibility of candidates, the conduct and results of an election and such other matters as may from time to time affect the conduct of elections.

Rolls

8. (1) The Returning Officer is to keep the following:
- (a) for the purposes of section 9 (5) (a) of the Act—~~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;
 - (b) for the purposes of section 9 (5) (b) of the Act—~~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;

- (c) for the purposes of section 9 (5) (c) of the Act— a Roll of Undergraduate Students containing the names and addresses of those persons enrolled in courses that are listed in the register of undergraduate courses of the University with a minimum duration of one year full-time or equivalent;
- (d) for the purposes of section 9 (5) (cl) of the Act— a Roll of Postgraduate Students containing the names and addresses of those persons enrolled in courses that are listed in the register of postgraduate courses of the University with a minimum duration of one year full-time or equivalent;
- (e) for the purposes of section 9 (5) (d) (iii) of the Act— a Roll of Convocation:
 - (i) containing the names and addresses of each member of Convocation who has notified the Returning Officer in writing 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; and
 - (ii) indicating those members of Convocation who are graduates of the University.

(2) The Returning Officer is to cause to be published at least once every calendar year in such daily newspapers as the Returning Officer considers appropriate an advertisement inviting persons who are suitably qualified to notify the Returning Officer of their wish to have their names entered in the Roll of Convocation.

Qualification for election as member of academic staff

9. For the purposes of section 9 (5) (a) of the Act, in respect of a person seeking election as a member of the academic staff of the University, the prescribed qualification is that the person's name is entered in the Roll of Academic Staff of the University at the time specified in the notice referred to in clause 14 for the close of nominations for the election.

Qualification for election as member of non-academic staff

10. For the purposes of section 9 (5) (b) of the Act, in respect of a person seeking election as a member of the non-academic staff of the University, the prescribed qualification is that the person's name is entered in the Roll of Non-Academic Staff of the University at the time specified in the notice referred to in clause 14 for the close of nominations for the election.

Qualification for election as undergraduate student

11. For the purposes of section 9 (5) (c) of the Act, in respect of a person seeking election as an undergraduate student of the University, the prescribed qualifications are that the person's name:

- (a) is entered in the Roll of Undergraduate Students; and
- (b) is not entered in the Roll of Academic Staff or the Roll of Non-Academic Staff,

at the time specified in the notice referred to in clause 14 for the close of nominations for the election.

Qualification for election as postgraduate student

12. For the purposes of section 9 (5) (cl) of the Act, in respect of a person seeking election as a postgraduate student of the University, the prescribed qualifications are that the person's name:

- (a) is entered in the Roll of Postgraduate Students; and
- (b) is not entered in the Roll of Academic Staff or the Roll of Non-Academic Staff

at the time specified in the notice referred to in clause 14 for the close of nominations for the election.

Qualification for election as member of Convocation

13. (1) For the purposes of section 9 (5) (d) of the Act, in respect of a person seeking election as a member of Convocation, the prescribed qualifications are that:

- (a) the person is a member of Convocation; and
- (b) the person's name is not entered in the Roll of Academic Staff, the Roll of Non-Academic Staff, the Roll of Undergraduate Students or the Roll of Postgraduate Students,

at the time specified in the notice referred to in clause 14 for the close of nominations for the election.

(2) The persons whose names are listed in the Roll of Convocation referred to in clause 8 (e) (i) are to elect the Convocation members of the Council.

(3) Despite the other provisions of this clause, if

- (a) a casual vacancy in the office of an elected member of Convocation arises; and

- (b) none of the other elected members of Convocation is a graduate of the University,

eligibility to stand for election to fill the vacancy is limited to those members of Convocation who are graduates of the University.

Call for nominations

14. (1) If an election of members of the Council is necessary, the Returning Officer must publish a notice referred to in this clause on the official noticeboards on the premises of the University and:

- (a) in the case of an election of staff members of the Council, must send or deliver a copy of the notice to each person whose name is in the relevant roll of staff of the University; and
- (b) in the case of an election of student members of the Council, must publish or cause to be published such copies of the notice in such manner as is considered necessary to inform the persons whose names are in the relevant roll of students of the University of its contents; and
- (c) in the case of an election of Convocation members of the Council, must publish the notice in such daily newspapers as the Returning Officer considers necessary and must send or deliver a copy of the notice to each person whose name is in the Roll of Convocation.

(2) A notice referred to in this clause must:

- (a) state that an election is necessary; and
- (b) invite nominations of persons for election; and
- (c) specify the form in which nominations must be made; and
- (d) specify a date and time by which nomination papers must reach the Returning Officer; and
- (e) specify how ballot papers may be obtained; and
- (f) specify a date and time by which ballot papers must reach the Returning Officer; and
- (g) contain such other information relating to the election as the Returning Officer thinks fit (which might include, for example, details of the number of vacancies to be filled and of the terms of office of the members of the Council to be elected).

(3) An election is not invalid only because a person whose name is in the relevant roll of staff or students of the University or the Roll of Convocation did not sight a notice or a copy of a notice, or did not receive a copy of a notice, referred to in this clause.

Schedule of dates for Council elections

15. In the conduct of an election of members of the Council, the Returning Officer must allow:

- (a) between the publication of the notice under clause 14 (1) stating that an election is necessary and the date and time specified under clause 14 (2) (d) for the receipt of nominations — not less than 14 and not more than 28 days; and
- (b) between the date and time specified under clause 14 (2) (d) for the receipt of nominations and the issue of ballot papers under clause 20—no more than 28 days; and
- (c) between the issue of ballot papers under clause 20 and the date and time specified under clause 14 (2) (f) by which ballot papers so issued must reach the Returning Officer — not less than 14 and not more than 28 days.

Making of nominations

16. (1) Nominations of candidates for an election of members of the Council must be made by sending or delivering nomination papers to the Returning Officer.

(2) A nomination paper must be signed by 2 persons entitled to vote at the election for which the candidate is nominated and must be endorsed with or accompanied by the written consent of the person nominated.

(3) There must be a separate nomination paper for each candidate.

(4) The nomination paper for a candidate for election as a Convocation member of the Council must state whether or not the nominee is a graduate of the University.

(5) A candidate may provide with the nomination paper a statement of not more than 150 words containing information relating to the candidate that he or she wishes to supply. That information may include, for example, the following:

- (a) full name;
- (b) faculty, school or department;
- (c) academic qualifications and experience;
- (d) positions or offices held at any time in public bodies, clubs and institutions (including University clubs and societies) with dates of tenure.

(6) Statements containing more than 150 words will not be accepted. The Returning Officer (or a person appointed by the Returning Officer) is to edit all statements supplied to ensure that they contain no defamatory or offensive material. The edited statements are to be printed and distributed with the ballot papers.

(7) The Returning Officer must reject a nomination paper if satisfied that:

- (a) the nomination is not duly made; or
- (b) the person nominated is not eligible to be elected.

(8) The Returning Officer must, within 4 days after receipt of a nomination paper, send or deliver a notice to each person who has signed or endorsed the nomination paper, notifying the person of the acceptance or rejection of the nomination.

Dealing with nominations of Convocation members

17. (1) This clause applies in the case of an election of Convocation members of the Council.

(2) If one only of the nominees is a graduate, the Returning Officer must declare that nominee elected.

(3) If none of the nominees is a graduate, the Council is, on the recommendation of the Warden of Convocation and with the consent of the person concerned, to appoint a graduate as a member of the Council, and the person appointed is taken to have been elected as prescribed by this By-law.

(4) If there are fewer than 4 nominees, the Returning Officer must declare the nominee or nominees to be elected.

(5) If there are 4 nominees only and:

- (a) at least one of the nominees is a graduate — the Returning Officer must declare the nominees to be elected; or
- (b) none of the nominees is a graduate — subclause (3) applies and there must be a ballot to elect the 3 other Convocation members.

(6) If there are more than 4 nominees and:

- (a) more than one of the nominees is a graduate — there must be a ballot to elect the 4 Convocation members; or
- (b) one only of the nominees is a graduate — subclause (2) applies and there must be a ballot of the remaining nominees to elect the 3 other Convocation members; or
- (c) none of the nominees is a graduate — subclause (3) applies and there must be a ballot to elect 3 Convocation members.

(7) In this clause:

“**graduate**” means a graduate of the University;

“**nominee**” means a person whose nomination for election as a Convocation member of the Council has been accepted.

Dealing with other nominations

18. (1) This clause applies in the case of an election of members other than Convocation members of the Council.

(2) If no more than 2 nominations of persons for election as academic staff members of the Council are accepted, the Returning Officer must declare the person or persons nominated to be elected. If more than 2 nominations are accepted, there must be a ballot.

(3) If no more than one nomination of persons for election to the Council as:

- (a) the non-academic staff member; or
- (b) the undergraduate student member; or
- (c) the postgraduate student member,

is accepted in any of those categories, the Returning Officer must declare the person nominated to be elected. If more than one nomination is accepted in any category, there must be a ballot in the category concerned.

Form of ballot

19. A ballot for a Council election must be a secret ballot using the optional preferential system.

Conduct of ballot

20. (1) The Returning Officer must, if there is to be an election for staff members of the Council, send or deliver a ballot paper to each person whose name is in the relevant roll of staff of the University.

(2) The Returning Officer must, if there is to be an election for student members of the Council:

- (a) publish in such manner as the Returning Officer considers necessary a notice specifying the dates and times of polling, the location of polling booths and any other relevant information; and
- (b) establish on the University premises polling booths attended, during the dates and times for polling, by persons appointed by the Returning Officer for the purpose of issuing a ballot paper to

each person who requests one and is recognised by one of the appointed attendants as being a person whose name is in the relevant roll of students of the University; and

- (c) forward a ballot paper to each person whose name is in the relevant roll of students of the University if the person has applied for the issue of a ballot paper by post and the application has been received not later than 10 days before the date of the election.

(3) The Returning Officer must, if there is to be an election for Convocation members of the Council, send or deliver a ballot paper to each person whose name is in the Roll of Convocation.

(4) Following receipt of a written application, the Returning Officer may, on being satisfied that a ballot paper has been lost or destroyed, supply a duplicate ballot paper to the person to whom the lost or destroyed ballot paper was issued.

(5) An election is not invalid only because a person whose name is in the relevant roll of staff or students of the University or the Roll of Convocation did not receive a ballot paper.

(6) In this clause, a reference to a person's name being in a relevant roll of staff or students of the University or the Roll of Convocation is a reference to the person's name being in the roll concerned at the time specified in the notice referred to in clause 14 for the close of nominations for the relevant election.

Notice to accompany ballot paper

21. With each ballot paper issued in respect of a Council election, there must also be issued:

- (a) a notice setting out how the ballot paper is to be completed and specifying the date and time by which ballot papers for that election must reach the Returning Officer; and
- (b) 2 envelopes, one marked "Ballot Paper" and the other addressed to the Returning Officer on the inside of which must be printed a form of declaration of identity and of entitlement to vote to be signed by the voter.

Contents of ballot paper

22. (1) Each ballot paper must contain the names of the candidates in the order drawn at random by the Returning Officer or by a person appointed by the Returning Officer for the purposes of the election and must be initialled by the Returning Officer or by a person appointed by the Returning Officer.

(2) The ballot paper for the election of Convocation members must clearly identify as such the candidates who are graduates of the University.

Method of voting

23. Each voter must mark a vote on the ballot paper by placing the figure “” in the square opposite the name of the candidate to whom the voter desires to give first preference vote, and may place consecutive figures (commencing with the figure “2”) in the squares opposite the names of any of the remaining candidates, so as to indicate by numerical sequence the order of the voter’s preference for them.

Voting at staff and Convocation elections

24. (1) In the case of an election of staff members or Convocation members of the Council, each voter must send or deliver to the Returning Officer the ballot paper enclosed and sealed in the envelope marked “Ballot Paper” which must be enclosed and sealed in another envelope addressed to the Returning Officer, with a form of declaration of identity and entitlement to vote on the inside.

(2) In the case of an election of staff members or Convocation members of the Council, all envelopes received by the Returning Officer under this clause must be deposited in the relevant ballot box.

Voting at student elections

25. (1) Subject to subclauses (2) and (3), in the case of an election of student members of the Council, any student who has been recognised, by a person appointed by the Returning Officer to attend a polling booth, as being a person whose name is in the relevant roll of students of the University and whose name is then marked on a copy of that roll to signify the issue of a ballot paper, must be provided with a ballot paper.

(2) A student provided with a ballot paper who desires to vote at a polling booth must, in the presence of a person appointed by the Returning Officer, deposit the vote in the relevant ballot box provided for the purpose at the polling booth.

(3) A student who has been forwarded a ballot paper under clause 20 (2) (c) and who wishes to vote must send or deliver to the Returning Officer the ballot paper enclosed and sealed in an envelope marked “Ballot Paper” which must be enclosed and sealed in another envelope addressed to the Returning Officer, with a form of declaration of identity and entitlement to vote on the inside.

(4) Despite subclause (3), a student referred to in that subclause may vote by depositing the ballot paper forwarded to the student in the relevant ballot box at a polling booth.

Envelopes and ballot papers not to be opened

26. (1) All envelopes received by the Returning Officer under clause 24 or 25 must remain unopened until the close of the ballot.

(2) A ballot box referred to in clause 24 or 25 must remain unopened until the close of the ballot.

Procedure on close of ballot

27. As soon as practicable after the close of the ballot, the Returning Officer or a person appointed by the Returning Officer must:

- (a) open the ballot boxes; and
- (b) open the envelopes addressed to the Returning Officer and received before the time specified under clause 14 (2) (f); and
- (c) if the declaration of identity is duly signed by a qualified voter, place the unopened envelope containing the ballot paper with other similar envelopes; and
- (d) open the envelopes referred to in paragraph (c) and take out the ballot papers; and
- (e) count the votes, and ascertain the result of the ballot, in the manner set out in clauses 28–32.

Informal ballot papers

28. (1) A ballot paper is informal if it has on it any mark or writing that, in the opinion of the Returning Officer, will enable any person to identify the voter.

(2) A ballot paper is informal if not initialled under clause 22.

(3) A ballot paper is informal if the voter has not indicated a clear preference for at least one candidate.

(4) Despite any other provision of this clause, a ballot paper is not informal only because any figures placed on the ballot paper are not placed in or entirely in the squares opposite the candidates' names, if the figures are placed on the ballot paper in such positions as, in the opinion of the Returning Officer, clearly indicate the order of the voter's preference for the candidates.

Nomination of scrutineers

29. (1) Each candidate is entitled to nominate one scrutineer to be present at the count.

(2) A person is not to be a scrutineer in an election in which he or she is a candidate.

Secrecy of ballot to be maintained

30. (1) The result of the count must remain confidential until the declaration of poll by the Returning Officer.

(2) The Returning Officer, any person appointed by the Returning Officer or any scrutineer must not in any way disclose or aid in disclosing the manner in which any voter has voted.

Manner of counting votes and ascertaining result of ballot

31. In this Division:

“an absolute majority of votes” means a greater number than one-half of the whole number of formal ballot papers counted;

“continuing candidate” means a candidate not already excluded from the count;

“determine by lot” means determine in accordance with the following directions:

- (a) the names of the candidates concerned must be written on separate and similar slips of paper;
- (b) the slips must be folded so as to prevent identification and mixed and drawn at random;
- (c) the candidate whose name is first drawn must be excluded.

Determination of result of ballot

32. (1) If a ballot has been held for the purpose of an election the result of the ballot must be determined as provided in this clause.

(2) The Returning Officer must count the total number of ballot papers and exclude any informal papers.

(3) The Returning Officer must count the number of first preference votes given for each candidate.

(4) The candidate who has received the largest number of first preference votes must, if that number constitutes an absolute majority of votes, be declared by the Returning Officer to be elected.

(5) If no candidate has received an absolute majority of first preference votes, the candidate who has received the fewest first preference votes must be excluded and each of the ballot papers counted to that candidate must be counted to the continuing candidate next in order of the voter's preference.

(6) If on any count 2 or more candidates have an equal number of votes and one of them has to be excluded, the candidate to be excluded must be determined as follows:

- (a) if the count is the first made in connection with the ballot, the Returning Officer must determine by lot which of those candidates is to be excluded;
- (b) if the count is the second or subsequent count made in connection with the ballot:
 - (i) that candidate must be excluded who had the least number of votes at the last count at which one of those candidates received fewer votes than each of the others; or
 - (ii) the Returning Officer must determine by lot which of those candidates is to be excluded, if at all preceding counts no one of those candidates received fewer votes than each of the others.

(7) The process of excluding the candidate who has the fewest votes and counting each of the ballot papers counted to that candidate to the continuing candidate next in order of the voter's preference must (subject to subclauses (8) and (9)) be continued:

- (a) until one continuing candidate has an absolute majority of votes in which event that candidate must be declared by the Returning Officer to be elected; or
- (b) until all candidates but one have been excluded in which event the remaining candidate must be declared elected.

(8) If, in an election of 4 Convocation members:

- (a) 3 candidates have been declared elected; and
- (b) none of those declared elected is a graduate of the University,

the fourth and any subsequent continuing candidate who is not such a graduate must be excluded until there is a continuing candidate who is such a graduate, and that continuing candidate must be declared elected.

(9) If at any point during any particular count after the first preference votes have been counted, the candidate next in order of a voter's preference is not indicated or cannot be ascertained, that ballot paper

must, from that point onwards, be excluded from that particular count and the total of the ballot papers counted must be amended accordingly. The ballot paper must, however, be reinstated in any later counts carried out in accordance with subclause (10).

(10) If any further position remains to be filled, all excluded candidates must be reinstated with their first preference votes credited and each of the ballot papers counted to the elected candidate or candidates must be counted to the reinstated candidate next in order of the voter's preference as if it were a first preference vote.

(11) The procedures described in subclauses (4) to (10) apply until all vacancies are filled.

Term of office of elected members of Council

33. 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 members who are elected as students of the University hold 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

34. (1) 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 36, if the remainder of that member's term of office is or exceeds a quarter of the term of office, the Returning Officer is 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.

(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 35 applies, from some earlier time in accordance with that clause).

Election in anticipation of resignation

35. (1) Any member of the Council who intends to resign in circumstances that would create a vacancy to which clause 34 (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 36 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.

Casual vacancy in office of Convocation member of Council

36. (1) In the event that a casual vacancy in the office of a member of the Council elected pursuant to section 9 (5) (d) (iii) of the Act occurs within the first 12 months of the term of that office, the vacancy is to be filled (subject to subclause (2)) 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) If none of the remaining Convocation members of the Council is a graduate, the vacancy is to be filled:

- (a) by the graduate, if any, who, in the election immediately preceding the occurrence of the vacancy, received the greatest number of votes of the graduate candidates who were not elected; or
- (b) if there were no graduates among the candidates not elected—in accordance with clause 17 (3).

(3) The procedure referred to in this clause 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.

(4) In this clause, “graduate” means a graduate of the University.

Appointment of additional member of Council

37. For the purpose of section 9 (6) of the Act, an 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.

Notes:

1. The additional member is to be appointed according to procedures determined by the Council (clause 6 (General procedure) of Schedule 1 to the University of Technology, Sydney, Act 1989).
2. Clause 1 (c) of Schedule 1 to the Act provides that an appointed member of the Council holds office "for such term (not exceeding 4 years) as may be specified in the member's instrument of appointment".

CHAPTER 3—MEMBERSHIP OF CONVOCATION**Graduates of University**

38. For the purposes of section 3 (2) of the Act:

- (a) an associate diploma or certificate received on completion of a course with a minimum duration of one year full-time or its equivalent; and
- (b) an honorary degree,

is prescribed.

Note: Section 3 (2) of the University of Technology, Sydney, Act 1989 is to the effect that a graduate of the University is a person who is the recipient of a degree or diploma, or of such other award or certificate as may be prescribed by the by-laws, conferred or awarded by the University, by or on behalf of any former institution that has become part of the University or by any predecessor of any such institution.

This clause prescribes certain awards and certificates for the purposes of that section.

The "former institutions" of the University are the following:

- (a) The New South Wales Institute of Technology;
- (b) the Design School of the Sydney College of the Arts;
- (c) the Kuring-gai College of Advanced Education;
- (d) the Sydney College of Advanced Education Institute of Technical and Adult Teacher Education,

and any predecessors of such institutions.

Prescribed staff members of Convocation

39. 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.

Prescribed additional members of Convocation

48. In addition to the persons on whom membership is conferred by the Act or this Chapter, Convocation includes the following:

- (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;
- (b) those persons who have been admitted to membership of Convocation by virtue of section 14 (1) (c) of the Act and who have ceased employment after serving for not less than 5 years as members of the staff of the University;
- (c) Professors Emeriti and recipients of honorary awards of the University, if not otherwise members of Convocation;
- (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

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

CHAPTER 4—RULES**Division 1—Rules relating to Academic Board****Definition**

42. In this Division, “Board” means the Academic Board referred to in section 15 of the Act.

Rules with respect to Board

43. The Council may make rules:

- (a) for or with respect to the constitution, functions and determination of the membership of the Board; and
- (b) regulating, or providing for the regulation of, the functions of the Board.

Board may make rules

44. 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.

Division 2—Rules relating to Convocation**Council may make rules**

45. 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 3—Rules generally**Rules made by Council**

46. (1) The Council may make rules (not inconsistent with the Act or this By-law) for or with respect to any matter for or with respect to which by-laws may be made, except the matters referred to in sections 3 (2), 9 (5), 10 (2), 14 (1), 16 (1) (d) and (e), 23 and 28 (1) (b) and (k) of, and clauses 1 (d) and (e) and 3 of Schedule 1 to, the Act.

(2) Without limiting subclause (1), the Council may make rules for or with respect to the following:

- (a) the conduct of elections (other than the method of election of members of the Council);
- (b) the conduct of Council and other meetings;

- (c) the appointment, promotion, resignation and termination of services of members of staff (but not their designation as academic staff, non-academic staff, full-time staff, part-time staff or otherwise);
- (d) the terms and conditions on which students may be enrolled in any course of study and permitted to continue undertaking any course of study;
- (e) staff and student discipline;
- (f) penalties for breaches of discipline;
- (g) the constitution and procedures of any Appeal Committee established by the Council for the purpose of hearing any appeals against penalties imposed by the Vice-Chancellor for a breach of discipline;
- (h) the examinations for, and the conferring of, degrees and other awards;
- (i) the examinations for, and the awarding of, fellowships, scholarships, bursaries and prizes;
- (j) the classes of students who are eligible to have degrees and other awards conferred on them or diplomas or other certificates awarded to them;
- (k) the form of diplomas and other certificates awarded by the University;
- (l) the conduct and attendance of students at classes, in the library and in other facilities of the University;
- (m) the use of the library and other facilities of the University by members of staff, students and other persons;
- (n) the manner in which a member of staff or student may be required to establish his or her identity;
- (o) the times at which fees (including fees for tuition and examinations, fees for the awarding of diplomas and other certificates and fees relating to the use of the library and other facilities of the University) become due and payable;
- (p) the collection, waiver and postponement of fees;
- (q) the affiliation with the University of educational and research establishments and residential colleges.

Rules made by Vice-Chancellor

47. (1) The Vice-Chancellor may make rules, not inconsistent with the rules made by the Council, for or with respect to the good conduct of the University.

(2) Without limiting subclause (1), the Vice-Chancellor may make rules for or with respect to:

- (a) any matter specified in clause 46 (2); and
- (b) any other matter with respect to which the Vice-Chancellor is permitted or required by this By-law to make rules.

Promulgation of rules

48. (1) A rule made by the Council or by the Vice-Chancellor must be promulgated by means of a notice displayed on each of the official noticeboards of the University.

(2) A rule takes effect on the day following that on which it is promulgated in accordance with subclause (1) or on such later day as may be specified in the rule.

(3) The University Secretary must ensure that the rules are published in an official publication of the University.

(4) Failure to comply with subclause (3) does not invalidate any rule.

(5) In the event of an inconsistency between the rules made by the Council and the rules made by the Vice-Chancellor, the rules made by the Council prevail.

CHAPTER 5—MISCELLANEOUS

Transitional provision

49. The person who, on the commencement of this By-law, holds office as the postgraduate student member of the Council is taken to have been elected to that office for a period that expires on 31 October 1996.

Repeal

50. (1) The University of Technology, Sydney, By-law 1990 is repealed.

(2) Any act, matter or thing that, immediately before the repeal of the University of Technology, Sydney, By-law 1990, had effect under that By-law is taken to have effect under this By-law.

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EXPLANATORY NOTE

The object of this By-law is to repeal and remake, in a shorter form, the University of Technology, Sydney, By-law 1990. Various provisions of the current By-law are, in future, to be dealt with in the Rules of the University. The provisions concerned include those relating to the Vice-Chancellor, the seal and emblem of the University, the powers and duties of the Academic Board and discipline.

The new By-law includes matter arising out of recent changes to the University of Technology, Sydney, Act 1989 (for example, the new requirement that at least one of the four members of Convocation who are elected to the Council of the University be a graduate of the University).

The By-law deals with the following:

- (a) the Council of the University, including the election of those of the Council's members who are elected and the terms of office of the members (clauses 6–37);
 - (b) membership of Convocation (clauses 38–41);
 - (c) rules that may be made (clauses 42–48);
 - (d) miscellaneous matters (clauses 49 and 50);
 - (e) matters of a formal and technical nature (clauses 1–5).
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