



University of Sydney Amendment (Appeals Committee) By-law 2002

under the

University of Sydney Act 1989

Her Excellency the Governor, with the advice of the Executive Council, has approved of the following By-law made by the Senate of the University of Sydney under the *University of Sydney Act 1989*.

JOHN WATKINS, M.P.,

Minister for Education and Training

Explanatory note

The object of this By-law is to provide for the constitution of the Student Disciplinary Appeals Committee, including the membership, term of appointment for members and filling of casual vacancies in the membership of the Appeals Committee. The By-law also replaces the right of a student to appeal to the Senate of the University, with all appeal rights in future being to the Appeals Committee.

This By-law is made under the *University of Sydney Act 1989*, including section 36 (1).

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Clause 1 University of Sydney Amendment (Appeals Committee) By-law 2002

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1 Name of By-law

This By-law is the *University of Sydney Amendment (Appeals Committee) By-law 2002*.

2 Amendment of University of Sydney By-law 1999

The *University of Sydney By-law 1999* is amended as set out in Schedule 1.

Schedule 1 Amendments

(Clause 2)

[1] Clause 3 Definitions

Insert in alphabetical order in clause 3 (1):

Appeals Committee means the Student Disciplinary Appeals Committee constituted under clause 78.

[2] Clause 78

Omit the clause. Insert instead:

78 Student Disciplinary Appeals Committee

- (1) There is to be a Student Disciplinary Appeals Committee that consists of:
 - (a) a person who holds, or has held, office as a judge or magistrate in any State or Federal Court in Australia, and
 - (b) a Fellow, and
 - (c) a person admitted and enrolled as a legal practitioner under the *Legal Profession Act 1987* for at least 5 years.
- (2) The members of the Appeals Committee are to be appointed by the Senate, on the nomination of the Chancellor, for a period of not more than 2 years.
- (3) The member of the Appeals Committee referred to in subclause (1) (a) or, where applicable, that member's substitute, is the Chairperson of the Committee.
- (4) Members of the Appeals Committee hold office for the period of their appointment or, in the case of the Fellow, until he or she ceases to be a Fellow, whichever is the earlier.
- (5) If a member of the Appeals Committee is unwilling or unable for any reason to hear a particular appeal by a student, or the Chancellor (or, in the Chancellor's absence, the Deputy Chancellor) determines after consultation with the Vice-Chancellor that in the particular circumstances of the appeal it

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Schedule 1 Amendments

would be inappropriate for a member to sit, then the Chancellor (or Deputy Chancellor) must appoint a substitute member qualified under subclause (1) (a), (b) or (c) to hear the appeal.

- (6) Subject to subclause (5), any casual vacancy in the office of a member of the Appeals Committee must be filled by the Senate, on the nomination of the Chancellor, as soon as practicable after the casual vacancy arises.
- (7) If, before the commencement of this clause, the Student Disciplinary Appeals Committee has commenced the hearing of an appeal by a student but has not made a determination in respect of the appeal, that Committee is to continue to hear and determine the appeal under this Chapter unless that Committee directs that it be heard afresh by the Appeals Committee constituted under subclause (1).

[3] Clause 79 Student may appeal against determination

Omit “Senate” from clause 79 (1). Insert instead “Appeals Committee”.

[4] Clause 80 Hearing and determining appeals

Omit clause 80 (1).

[5] Clause 80 (2), (4) and (7)–(9)

Omit “the Senate or” wherever occurring.

[6] Clause 80 (3) and (6)

Omit “The Senate or the”. Insert instead “The”.

[7] Clause 80 (5)

Omit “Senate or”.

[8] Clause 81 Request to quash determination

Omit “, the Appeals Committee or itself”.
Insert instead “or the Appeals Committee”.

BY AUTHORITY