



New South Wales

# University of Sydney Amendment (National Governance Protocols Requirements) By-law 2005

under the

University of Sydney Act 1989

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

CARMEL TEBBUTT, M.L.C.,  
Minister for Education and Training

## Explanatory note

The object of this By-law is to amend the *University of Sydney By-law 1999* as a consequence of the amendment of the *University of Sydney Act 1989* by the *University Legislation Amendment Act 2004*. The amendments included in this By-law relate to:

- (a) the procedures for the election of Fellows of the Senate, and
- (b) the procedures for nomination of appointed Fellows of the Senate.

This By-law is made under the *University of Sydney Act 1989*, including sections 9 and 36 (the general power to make By-laws).

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Clause 1 University of Sydney Amendment (National Governance Protocols Requirements) By-law 2005

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**University of Sydney Amendment (National Governance Protocols Requirements) By-law 2005**

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**1 Name of By-law**

This By-law is the *University of Sydney Amendment (National Governance Protocols Requirements) By-law 2005*.

**2 Amendment of University of Sydney By-law 1999**

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

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## Schedule 1 Amendments

(Clause 2)

**[1] Clause 3 Definitions**

Insert in alphabetical order in clause 3 (1):

*Nominations Committee* means the Committee established under clause 46A.

**[2] Clause 15 Definitions**

Omit “section 9 (5)” from the definition of *election*.

Insert instead “section 9 (1) (d)–(h)”.

**[3] Clause 16 Returning officer**

Insert after clause 16 (1):

(1A) The returning officer is to take all reasonable steps to ensure the fairness and integrity of the election process.

**[4] Clause 19 Academic staff Fellow**

Omit “section 9 (5) (a)”. Insert instead “section 9 (1) (d)”.

**[5] Clause 20 Non-academic staff Fellow**

Omit “section 9 (5) (b)”. Insert instead “section 9 (1) (e)”.

**[6] Clause 21 Undergraduate student Fellow**

Omit “section 9 (5) (c)”. Insert instead “section 9 (1) (f)”.

**[7] Clause 22 Postgraduate student Fellow**

Omit “section 9 (5) (d)”. Insert instead “section 9 (1) (g)”.

**[8] Clauses 23, 27 (1) (b) and 45**

Omit “section 9 (5) (e)” wherever occurring. Insert instead “section 9 (1) (h)”.

**[9] Clause 24 Terms of office**

Omit clause 24 (1)–(4). Insert instead:

(1) A Fellow elected pursuant to section 9 (1) (d) of the Act holds office:

(a) in the case of a Fellow elected to hold office on and from 1 December 2005, until and including 31 May 2007, and

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- (b) in any other case, for a term of 2 years on and from 1 June following election.
- (2) A Fellow elected pursuant to section 9 (1) (e) of the Act holds office:
  - (a) in the case of a Fellow elected to hold office on and from 1 December 2005, until and including 31 May 2007, and
  - (b) in any other case, for a term of 2 years on and from 1 June following election.
- (3) A Fellow elected pursuant to section 9 (1) (f) or (g) of the Act holds office for a term of one year on and from 1 December following election.
- (4) A Fellow elected pursuant to section 9 (1) (h) of the Act holds office for a term of 4 years on and from 1 December following election.

### [10] **Clause 28 Nominating candidates**

Omit clause 28 (3). Insert instead:

- (3) Each nomination form must contain:
  - (a) a statement to the effect that section 26F of the Act provides that each Fellow has the duties set out in Schedule 2A of the Act and may be removed from office by the Senate in accordance with section 26G of the Act for a breach of such a duty, and
  - (b) an acknowledgment to be signed by the person nominated that the person has read sections 26F and 26G of, and Schedule 2A to, the Act and understands the effect of those provisions.
- (3A) Each nomination form must contain the written consent of the person nominated and an acknowledgment (as referred to in subclause (3) (b)) signed by the person nominated.

### [11] **Clause 43 Academic or non-academic staff Fellows**

Omit “section 9 (5) (a) or (b)” wherever occurring.

Insert instead “section 9 (1) (d) or (e)”.

### [12] **Clause 44 Undergraduate or postgraduate student Fellows**

Omit “section 9 (5) (c) or (d)” wherever occurring.

Insert instead “section 9 (1) (f) or (g)”.

**[13] Chapter 4A**

Insert after Chapter 4:

## **Chapter 4A Appointed Fellows of the Senate**

### **46A Nominations Committee**

- (1) The Senate is to establish a Nominations Committee consisting of the following persons:
  - (a) the Chancellor,
  - (b) the Deputy Chancellor,
  - (c) the Vice-Chancellor,
  - (d) the Chair of the Academic Board,
  - (e) 3 Fellows who are external persons (within the meaning of section 9 (9) of the Act), appointed to the Committee by the Senate.
- (2) Despite subclause (1), the Nominations Committee may be constituted in accordance with a resolution of the Senate passed by a majority of the number of Fellows present and voting at a meeting of the Senate of which at least 7 days' notice has been given.

### **46B Nominations procedure relating to appointed Fellows**

- (1) If the Senate is required to make a nomination as referred to in section 9 (1) (b) of the Act or intends to make a nomination as referred to in section 9 (2) of the Act, the Senate is to request the Nominations Committee to identify persons who may be suitable for nomination.
- (2) If the Senate is required to appoint a person under section 9 (1) (c) of the Act, the Senate is to request the Nominations Committee to identify persons who may be suitable for appointment.
- (3) The Committee is:
  - (a) to determine which of the persons identified under subclause (1) or (2) are to be recommended to the Senate:
    - (i) for nomination for consideration for appointment by the Minister, or
    - (ii) for appointment by the Senate,as the case may be, and

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- (b) to recommend the length of appointment for each such person, and
  - (c) to forward those recommendations to the Senate.
- (4) In determining the persons to be recommended under subclause (3) (a), the Committee is to have regard to:
  - (a) the skills and experience of the continuing Fellows, and
  - (b) the matters referred to in section 9 (3) and (4) of the Act.
- (5) The Senate:
  - (a) is to consider the recommendations forwarded by the Nominations Committee, and
  - (b) is to determine which of the recommended persons are to be nominated for appointment and may select one or more other persons for nomination in place of one or more of the recommended persons, and
  - (c) is to determine which of the persons referred to in paragraph (b) are to be:
    - (i) nominated for consideration for appointment by the Minister, or
    - (ii) appointed by the Senate, as the case may be, and
  - (d) is to determine:
    - (i) in the case of the persons referred to in paragraph (c) (i), the recommended length of appointment for each such person, or
    - (ii) in the case of the persons referred to in paragraph (c) (ii), the length of appointment for each such person.
- (6) The Senate is, when selecting a person for nomination other than a person recommended by the Nominations Committee, to have regard to the matters referred to in subclause (4) (a) and (b).
- (7) The Chancellor is to forward the determinations referred to in subclause (5) (c) (i) and (d) (i) to the Minister.

#### **46C Casual vacancy in office of appointed Fellow**

- (1) If a casual vacancy occurs in the office of a Fellow appointed under section 9 (1) (b) of the Act, the Chancellor is to forward to the Minister for consideration for appointment the name of a person nominated in accordance with the procedures set out in clause 46B in respect of such an office.

- (2) If a casual vacancy occurs in the office of a Fellow appointed under section 9 (1) (c) of the Act, the vacancy is to be filled in accordance with the procedures set out in clause 46B in respect of such an office.