



New South Wales

# University of Technology Sydney Amendment By-law 2016

under the

University of Technology Sydney Act 1989

His Excellency the Governor, with the advice of the Executive Council, has approved the following By-law made by the Council of the University of Technology Sydney, in pursuance of the *University of Technology Sydney Act 1989*.

ADRIAN PICCOLI, MP  
Minister for Education

## Explanatory note

The object of this By-law is to amend the *University of Technology Sydney By-law 2005 (the By-law)* as follows:

- (a) to allow the Council of the University of Technology Sydney to appoint the Returning Officer for elections to the Council,
- (b) to remove from the By-law the procedures for elections to the Council so that they may instead be prescribed by the University's election rules,
- (c) to prevent a student who is also a staff member of the University from voting or being a candidate in an election for an elected (student) member of the Council,
- (d) to require a student candidate (except in a by-election to fill a casual vacancy) to have at least 2 years full-time study (or equivalent) remaining until completion of the student's course at the close of nominations for the election,
- (e) to provide that an elected (student) member of the Council ceases to hold office upon ceasing to be a student, or upon becoming a staff member, of the University,
- (f) to provide that an elected (academic or non-academic staff) member of the Council ceases to hold office upon ceasing to be an academic or non-academic staff member of the University (as the case may be),
- (g) to repeal the requirement that the Council's Nominations Committee be constituted by a particular number of members holding particular qualifications,
- (h) to ensure that the University's rules may only be made by the Council,
- (i) to revise the terms according to which a person is defined for the purposes of the By-law as a member of staff of the University so as to include all members of staff (other than casual staff),
- (j) to make other miscellaneous amendments (including repealing redundant definitions and provisions).

This By-law is made under the *University of Technology Sydney Act 1989*, including sections 4 (c), 8D (3), 8E (2) (a) and (4), 8F (2), 14, 15 (2), 28 (the general power to make by-laws) and 29 (1).

## **University of Technology Sydney Amendment By-law 2016**

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### **1 Name of By-law**

This By-law is the *University of Technology Sydney Amendment By-law 2016*.

### **2 Commencement**

This By-law commences on the day on which it is published on the NSW legislation website.

## Schedule 1      **Amendment of University of Technology Sydney By-law 2005**

### [1]    **Clause 3 Definitions**

Omit the definitions of *close of nominations*, *close of the ballot*, *Deputy Chancellor*, *Deputy Vice-Chancellor*, *electronic ballot*, *electronic vote*, *electronic voting system*, *Nominations Committee*, *non-electronic ballot*, *Pro-Vice-Chancellor* and *Registrar* from clause 3 (1).

Insert in alphabetical order:

*close of nominations*, in relation to a Council election, means the date and time (as specified in the election rules) by which nominations for the election must be received by the Returning Officer.

*election rules* means rules made by the Council for or with respect to matters referred to in section 29 (1A) of the Act.

*University Secretary* means the University Secretary of the University.

*University website* means the website maintained by the University for the display of official notices.

### [2]    **Clause 3 (2)**

Omit the subclause. Insert instead:

- (2) For the purposes of this By-law, a person is a *continuing or fixed-term member* of staff of the University if, regardless of whether the person is employed on a full-time or part-time basis, the person's conditions of employment by the University do not attract a casual loading.

### [3]    **Clause 5 Returning Officer**

Omit "the Registrar who is" from clause 5 (1).

Insert instead "a person appointed by the Council".

### [4]    **Clause 5 (3)**

Insert "the standards of behaviour expected during elections and election campaigns," after "candidates,".

### [5]    **Clause 6 Rolls**

Omit "classified as full-time or fractional-time" wherever occurring in clause 6 (a) and (b).

Insert instead "continuing or fixed-term".

### [6]    **Clause 6 (2)**

Insert at the end of the clause:

- (2) A person who is both a student and a continuing or fixed-term member of the academic or non-academic staff of the University is not entitled to have the person's name entered on either of the Rolls referred to in subclause (1) (c) and (d).

### [7]    **Clauses 7 and 8**

Omit "at the close of nominations for the election" wherever occurring.

**[8] Clauses 9 and 10**

Omit the clauses. Insert instead:

**9 Qualification for election as elected (undergraduate student) member**

For the purposes of section 8D (3) (a) of the Act, in respect of an elected (student) member who is an undergraduate student of the University, the prescribed qualifications are that:

- (a) the person's name is entered on the Roll of Undergraduate Students, and
- (b) at the close of nominations for the election, the person has at least 2 years full-time study (or equivalent) remaining until completion of the person's course at the university.

**Note.** See clause 29 (2A) for elections to fill casual vacancies.

**10 Qualification for election as elected (postgraduate student) member**

For the purposes of section 8D (3) (a) of the Act, in respect of an elected (student) member who is a postgraduate student of the University, the prescribed qualifications are that:

- (a) the person's name is entered on the Roll of Postgraduate Students, and
- (b) at the close of nominations for the election, the person has at least 2 years full-time study (or equivalent) remaining until completion of the person's course at the university.

**Note.** See clause 29 (2A) for elections to fill casual vacancies.

**[9] Part 2, Division 2, Subdivision 3**

Omit Subdivisions 3–6. Insert instead:

**Subdivision 3 Ballot**

**11 Conduct of ballot**

A ballot for a Council election must be a secret ballot conducted in accordance with the election rules.

**12 Method of voting**

- (1) The method of voting for a Council election is optional preferential voting.
- (2) To cast a formal vote, voters indicate the name of their preferred candidate with the figure "1".
- (3) Voters may use consecutive figures (starting with the figure "2") to indicate their order of preference for the remaining candidates.

**13 Secrecy of ballot to be maintained**

- (1) The result of the count must remain confidential until the declaration of the 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.

**[10] Clause 29 Casual vacancy in office of elected member of Council**

Insert after clause 29 (2):

- (2A) Despite clauses 9 (b) and 10 (b), the prescribed qualification for a person in an election referred to in subclause (1) (b) in respect of an elected (student) member is that, at the close of nominations for the election, the period of full-time study (or equivalent) remaining until completion of the person's course at the university exceeds the balance of the term of office concerned.

**[11] Clause 30 Election in anticipation of resignation**

Omit "rules for the conduct of elections" from clause 30 (2). Insert instead "election rules".

**[12] Clause 33 Nominations Committee**

Omit the clause.

**[13] Clause 34 Nominations procedure relating to appointments under sections 8F and 8G**

Omit "the Nominations Committee" from clause 34 (1).

Insert instead "a Nominations Committee established by the Council".

**[14] Clause 34 (7)**

Omit "Registrar" wherever occurring. Insert instead "University Secretary".

**[15] Clause 38**

Omit the clause. Insert instead:

**38 Prescribed staff members of Convocation**

For the purposes of section 14 (1) (c) of the Act, Convocation includes persons who are continuing or fixed-term members of the academic or non-academic staff of the University.

**[16] Part 4 Rules**

Omit Divisions 1 and 2 and the heading to Division 3.

**[17] Clause 45 Rules made by Vice-Chancellor**

Omit the clause.

**[18] Clause 46 Promulgation of rules**

Omit clause 46 (1) and (2). Insert instead:

- (1) A rule must be promulgated by publication on the University website.
- (2) The Council must ensure that all rules are publicly available for inspection on the University website.

**[19] Clause 46 (4)**

Omit the subclause.

**[20] Clause 46A**

Insert before clause 47:

**46A Meetings and committees of Academic Board**

The Academic Board may determine:

- (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.

**[21] Clause 47 Construction of references**

Omit the clause.

**[22] Clause 48 Repeal**

Omit clause 48 (4).