

# University of New South Wales By-law 2005

[2005-632]



New South Wales

## Status Information

### Currency of version

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Legislation on this site is usually updated within 3 working days after a change to the legislation.

### Provisions in force

The provisions displayed in this version of the legislation have all commenced.

### Notes—

- **Editorial note**

Clause 10(1)(c) and (d) of this By-law contained a duplicated word as a result of an incorporation error. This version was updated on 21.10.2022.

### Authorisation

This version of the legislation is compiled and maintained in a database of legislation by the Parliamentary Counsel's Office and published on the NSW legislation website, and is certified as the form of that legislation that is correct under section 45C of the [Interpretation Act 1987](#).

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New South Wales

## Contents

<b>Part 1 Preliminary</b> .....	6
1 Name of By-law .....	6
2 Application.....	6
3 Definitions .....	6
<b>Part 2 Chancellor, Deputy Chancellor and Vice-Chancellor</b> .....	7
4 Chancellor and Deputy Chancellor .....	7
5 Vice-Chancellor.....	7
<b>Part 3 Elected members of Council</b> .....	8
<b>Division 1 Preliminary</b> .....	8
6 Definitions .....	8
7 Returning Officer .....	8
8 Scrutineers .....	8
9 Time of elections .....	9
<b>Division 2 Electors and candidates</b> .....	9
10 Rolls.....	9
11 Qualification for election as elected (academic staff) member of Council.....	10
12 Qualification for election as elected (non-academic staff) member of Council.....	10
13 Qualification for election as elected (undergraduate student) member of Council .....	10
14 Qualification for election as elected (postgraduate student) member of Council.....	10
15 (Repealed) .....	10

<b>Division 3 Commencement of election procedures</b> .....	10
16 Notice of election and call for nominations .....	10
17 Making of nominations .....	11
18 Notification of candidature and qualified voters .....	12
19 Dealing with nominations .....	12
<b>Division 4 Conduct of ballot</b> .....	13
20 Form of ballot .....	13
21 Distribution of ballot papers .....	13
22 Material to accompany ballot papers .....	13
23 Contents of ballot paper .....	14
24 Method of voting .....	14
25 Informal ballot papers .....	14
26 Procedure on close of ballot .....	15
<b>Division 5 Election to fill one position only</b> .....	15
27 Definitions .....	15
28 Election to fill one position only to be determined in accordance with this Division .....	15
29 Informal ballot papers to be rejected .....	15
30 Candidate with absolute majority of votes elected .....	16
31 Procedure if no candidate has absolute majority of votes .....	16
32 Process to continue until candidate elected .....	16
<b>Division 6 Election to fill more than one position</b> .....	17
33 Definitions .....	17
34 Election to fill more than one position to be determined in accordance with this Division .....	17
35 Informal ballot papers to be rejected .....	17
36 Determination of quota .....	17
37 Candidate who meets or exceeds quota elected .....	17
38 Procedure if further position to be filled .....	18
39 Procedure if insufficient candidates have reached quota .....	18
40 No transfer of surplus votes or ballot papers to continuing candidate who reaches or exceeds quota .....	19
41 Transferred ballot papers of elected candidates taken to be first preferences .....	19

42 Procedures to continue until positions filled .....	19
43 Special provisions relating to elections for graduates in 2006 .....	20
<b>Division 7 Elected Council member terms of office and casual vacancies</b> .....	20
44 Terms of office .....	21
45 Casual vacancy in office of elected member .....	21
<b>Part 4 Appointed members of Council</b> .....	22
<b>Division 1 General</b> .....	22
46 Definitions .....	22
47 (Repealed).....	22
<b>Division 2 Nomination procedures relating to appointed members</b> .....	22
48 Nominations Committee .....	22
49 Invitation for proposals.....	22
50 Nominations Committee to consider proposals .....	23
51 Council to consider recommendations of Nominations Committee .....	24
<b>Division 3 Casual vacancy in office of appointed member</b> .....	25
52 Casual vacancy in office of member appointed under section 8G.....	25
53 Casual vacancy in office of member appointed under section 8E .....	25
<b>Part 5 The Academic Board</b> .....	25
54 Definition.....	25
55 Members of Academic Board .....	25
56 Functions of Academic Board .....	26
57 President and Deputy Presidents of Academic Board .....	28
58 Casual vacancy in office of President or Deputy President .....	28
59 Existing authority to prevail .....	29
<b>Part 6 The faculties and deans</b> .....	29
60 Creation of faculties .....	29
61 Functions of faculties.....	29
62 Deans .....	30

<b>Part 7 Honorary degrees</b> .....	30
63 Honorary degrees .....	30
<b>Part 8 Miscellaneous</b> .....	31
64 Rules.....	31
65 Constitution of University .....	31
66 Delegation by Council.....	31
67 Repeal .....	31

# University of New South Wales By-law 2005



New South Wales

## Part 1 Preliminary

### 1 Name of By-law

This By-law is the *University of New South Wales By-law 2005*.

### 2 Application

This By-law applies to and in respect of the University of New South Wales as constituted by the *University of New South Wales Act 1989*.

### 3 Definitions

In this By-law and in a rule:

***elected (academic staff) member*** of the Council means a member of the Council referred to in section 8D (1) (a) of the Act.

***elected (non-academic staff) member*** of the Council means a member of the Council referred to in section 8D (1) (b) of the Act.

***elected (postgraduate student) member*** of the Council means a member of the Council referred to in section 8D (1) (c) of the Act who is a postgraduate student of the University.

***elected (undergraduate student) member*** of the Council means a member of the Council referred to in section 8D (1) (c) of the Act who is an undergraduate student of the University.

***graduate member*** of the Council means a member of the Council referred to in section 8E of the Act.

***Nominations Committee*** means the Committee established under clause 48.

***Registrar*** means the Registrar of the University.

***rule*** means a rule made by the Council under section 28 (1) of the Act.

***the Act*** means the *University of New South Wales Act 1989*.

## **Part 2 Chancellor, Deputy Chancellor and Vice-Chancellor**

### **4 Chancellor and Deputy Chancellor**

- (1) The Chancellor and Deputy Chancellor, by virtue of their offices, are members of:
  - (a) every committee constituted by any by-law or rule or any resolution of the Council, and
  - (b) every board and faculty in the University.
- (2) The Chancellor may preside at any meeting of any such committee, board or faculty and has all the rights and powers of the presiding member of any such committee, board or faculty.
- (3) A retiring Chancellor or Deputy Chancellor is eligible for re-election.
- (4) This clause has effect despite any other clause of this By-law.

### **5 Vice-Chancellor**

- (1) The Vice-Chancellor has the duty of promoting the interests and furthering the development of the University.
- (2) The Vice-Chancellor, by virtue of his or her office, is a member of:
  - (a) every committee constituted by any by-law or rule or any resolution of the Council, and
  - (b) every board and faculty in the University.
- (3) The Vice-Chancellor may preside at any meeting of any such committee, board or faculty and has all the rights and powers of the presiding member of any such committee, board or faculty.
- (4) Despite subclauses (2) and (3), the Vice-Chancellor is not to be a member of the audit committee of the University if the Council so determines.
- (5) While a determination of the Council under subclause (4) remains in force, the Vice-Chancellor may attend any meeting of the audit committee of the University but only as an observer.
- (6) The Vice-Chancellor is, under the Council and subject to this By-law and the rules and any resolution of the Council:
  - (a) to manage and supervise the administrative, financial and other activities of the University, and
  - (b) to consult with and advise the Academic Board, and all other University boards, faculties, committees, professors and heads of departments, and

(c) to supervise the discipline of the University, with power to impose penalties for breach of discipline or for misconduct of any kind, and

(d) to give effect to this By-law and the rules and to any regulations or orders made, or to any resolution or report passed or adopted, by the Council, and

(e) to have such functions of the Council as the Council may, from time to time, delegate to the Vice-Chancellor.

(7) Nothing in this clause affects the precedence or authority of the Council, the Chancellor or the Deputy Chancellor.

(8) In this clause:

**audit committee** means the committee of the Council on which the Council confers principal responsibility for approving and monitoring systems of control and accountability for the University.

## **Part 3 Elected members of Council**

### **Division 1 Preliminary**

#### **6 Definitions**

In this Part:

**close of ballot**, in relation to an election, means 5 pm on the day appointed for the election.

**Roll of the University** means a Roll referred to in clause 10.

#### **7 Returning Officer**

(1) An election referred to in this Part is to be conducted by the Registrar, who is to be the Returning Officer for the election.

(2) The Vice-Chancellor may appoint a Deputy Returning Officer with such powers as the Vice-Chancellor may determine.

(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.

#### **8 Scrutineers**

(1) The Vice-Chancellor may appoint scrutineers to assist the Returning Officer to ascertain the result of an election.

(2) Each candidate is entitled to nominate one such scrutineer.



## **9 Time of elections**

- (1) Elections to elect members of the Council are to be held at the times specified in this clause.
- (2) Elections to elect 2 members of the academic staff of the University and a member of the non-academic staff of the University to the Council are to be held in even numbered years on such day in May as the Council may from time to time appoint.
- (3) Elections to elect an undergraduate student of the University and a postgraduate student of the University to the Council are to be held in even numbered years on such day in June as the Council may from time to time appoint.
- (4)–(6) (Repealed)

## **Division 2 Electors and candidates**

### **10 Rolls**

The Returning Officer is to keep the following:

- (a) for the purposes of section 8D (1) (a) of the Act—a Roll of Academic Staff containing the names and addresses of those persons who:
  - (i) hold the post of professor, associate professor, principal lecturer, senior lecturer, lecturer or associate lecturer at the University (or, if an alternative designation is adopted for any of those posts, the post as so designated), and
  - (ii) hold a full-time, or not less than 0.5 fractional, appointment to the post concerned,
- (b) for the purposes of section 8D (1) (b) of the Act—a Roll of Non-Academic Staff containing the names and addresses of those persons who hold a full-time, or not less than 0.5 fractional, appointment to a post at the University other than a post referred to in paragraph (a) (i),
- (c) for the purposes of section 8D (1) (c) of the Act—a Roll of Undergraduate Students containing the names and addresses of those persons who are enrolled as students of the University proceeding towards:
  - (i) a bachelor's degree, or
  - (ii) a diploma other than a graduate diploma,
- (d) for the purposes of section 8D (1) (c) of the Act—a Roll of Postgraduate Students containing the names and addresses of those persons who are enrolled as students of the University proceeding towards:
  - (i) a degree other than a bachelor's degree, or

(ii) a graduate diploma, or

(iii) a graduate certificate.

(e) (Repealed)

#### **11 Qualification for election as elected (academic staff) member of Council**

For the purposes of section 8D (1) (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 on the Roll of Academic Staff at the time specified in the notice referred to in clause 16 for the close of nominations for the election.

#### **12 Qualification for election as elected (non-academic staff) member of Council**

For the purposes of section 8D (1) (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 on the Roll of Non-Academic Staff at the time specified in the notice referred to in clause 16 for the close of nominations for the election.

#### **13 Qualification for election as elected (undergraduate student) member of Council**

For the purposes of section 8D (1) (c) of the Act, the prescribed qualification in respect of a person seeking election as an elected (student) member who is an undergraduate student of the University is that the person's name is on the Roll of Undergraduate Students at the time specified in the notice referred to in clause 16 for close of nominations for the election.

#### **14 Qualification for election as elected (postgraduate student) member of Council**

For the purposes of section 8D (1) (c) of the Act, the prescribed qualification in respect of a person seeking election as an elected (student) member who is a postgraduate student of the University is that the person's name is on the Roll of Postgraduate Students at the time specified in the notice referred to in clause 16 for close of nominations for the election.

#### **15 (Repealed)**

### **Division 3 Commencement of election procedures**

#### **16 Notice of election and call for nominations**

- (1) If an election of members of the Council is to be held, the Returning Officer is to publish a notice referred to in subclause (4) on the official noticeboards on the premises of the University and in such other places as the Council may determine.
- (2) In the case of an election of graduates of the University, the notice must also be published in 2 or more daily newspapers circulating in Sydney.

- (3) The notice must be published:
  - (a) in the case of an election of graduates of the University—at least 70 days before the day appointed for the election, and
  - (b) in all other cases—at least 40 days before the day appointed for the election.
- (4) The notice must:
  - (a) state that an election is to be held to fill the office or offices concerned, and
  - (b) specify the day appointed for the election, and
  - (c) invite nominations of persons for election, and
  - (d) specify the way in which nominations are to be made, and
  - (e) specify the date and time by which nominations must reach the Returning Officer (being a date that is, in the case of an election of graduates of the University, at least 35 days before the day appointed for the election and, in all other cases, at least 28 days before that day), and
  - (f) state that ballot papers will be posted to persons entitled to vote in the election, and
  - (g) state that ballot papers that do not reach the Returning Officer by close of ballot will not be counted in the election, and
  - (h) give details of the number of vacancies to be filled and of the terms of office of the members of the Council to be elected, and
  - (i) contain such other information relating to the election as the Returning Officer thinks fit.

## **17 Making of nominations**

- (1) Nominations of candidates for an election of members of the Council are to 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) A candidate may provide with the nomination paper a recent photograph and 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, such of the following as are applicable to the candidate:

- (a) full name and age,
  - (b) faculty, school or department,
  - (c) course and academic year,
  - (d) academic qualifications,
  - (e) occupation and experience,
  - (f) positions or offices held at any time in public bodies, clubs and institutions (including University clubs and societies) with dates of tenure,
  - (g) honours and distinctions.
- (5) The Returning Officer is to edit all statements supplied. Statements containing more than 150 words will be reduced so as not to exceed that limit.
- (6) The edited statements, and a copy of any photograph supplied, are to be printed and distributed with the ballot papers.
- (7) The Returning Officer is to 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.

#### **18 Notification of candidature and qualified voters**

- (1) The Returning Officer is, as soon as practicable after the close of nominations for an election, to cause a list of the names of the persons whose nominations have been accepted (together with the names of their nominators) to be posted on the official noticeboards on the premises of the University and in such other places as the Council may determine.
- (2) The Returning Officer is to make a list of the names on the relevant Roll of the University, as at the close of nominations, available for inspection at the University during the period from the close of nominations to the close of ballot.

#### **19 Dealing with nominations**

- (1) If no more than 2 nominations of persons for election to the Council as an elected (academic staff) member are accepted, the Returning Officer is to declare the person or persons nominated to be elected. If more than 2 nominations are accepted, there must be a ballot.
- (2) If no more than one nomination of persons for election to the Council is accepted in any of the following categories, the Returning Officer is to declare the person nominated to be elected:

- (a) the elected (non-academic staff) member,
  - (b) the elected (undergraduate student) member,
  - (c) the elected (postgraduate student) member.
- (3) If more than one nomination is accepted in any category referred to in subclause (2), there must be a ballot in the category concerned.

## **Division 4 Conduct of ballot**

### **20 Form of ballot**

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

### **21 Distribution of ballot papers**

- (1) If there is to be an election for members of the Council, the Returning Officer is to post a ballot paper to each person whose name is on the relevant Roll of the University, addressed to the person at his or her last known address.
- (2) The ballot papers are to be posted at least:
  - (a) in the case of an election of graduates—21 clear days, and
  - (b) in all other cases—14 clear days,before the day appointed for the election.
- (3) 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 posted.
- (4) The fact that a person whose name is on the relevant Roll of the University did not receive a ballot paper does not invalidate an election.
- (5) In this clause, a reference to a person's name being on a relevant Roll of the University is a reference to the person's name being on that Roll at the time specified in the notice referred to in clause 16 for the close of nominations for the relevant election.

### **22 Material to accompany ballot papers**

- (1) Each ballot paper is to be accompanied by:
  - (a) a notice setting out how the ballot paper is to be completed and specifying the date and time of the close of ballot, and
  - (b) 2 envelopes, one marked "Ballot Paper" and the other addressed to the Returning

Officer.

- (2) There must be printed on the envelope addressed to the Returning Officer a form of declaration of identity and entitlement to vote to be signed by the voter.

### **23 Contents of ballot paper**

- (1) Each ballot paper must contain the names of the candidates in the order determined by the Returning Officer in accordance with subclause (3).
- (2) The ballot paper must be initialled by the Returning Officer or by a person appointed by the Returning Officer. A ballot paper stamped with a facsimile of the relevant initials is taken to be initialled in accordance with this subclause.
- (3) The Returning Officer is to determine the order of candidates in the following way:
  - (a) the names of the candidates concerned are to be written on separate and similar slips of paper,
  - (b) the slips are to be folded so as to prevent identification,
  - (c) the slips are then to be mixed and drawn at random,
  - (d) the candidates' names are to be listed in the order in which they are drawn.

### **24 Method of voting**

- (1) Each voter is to mark a vote on the ballot paper by placing the figure "1" in the square opposite the name of the candidate to whom the voter desires to give first preference.
- (2) The voter may, but need not, 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.
- (3) The voter is to send or deliver to the Returning Officer the ballot paper enclosed (without anything else) and sealed in the envelope marked "Ballot Paper", which must be enclosed and sealed in the other envelope addressed to the Returning Officer, with the form of declaration as to identity and entitlement to vote duly completed.
- (4) All formal ballot papers received by the Returning Officer before the close of ballot are to be counted in the ballot.
- (5) All envelopes received by the Returning Officer under this clause must remain unopened until the close of the ballot.

### **25 Informal ballot papers**

- (1) A ballot paper is informal if it has on it any mark or writing that, in the opinion of the

Returning Officer, would enable any person to identify the voter.

- (2) A ballot paper is informal if it is not initialled in accordance with clause 23 (2).
- (3) A ballot paper is informal if:
  - (a) the sole figure "1" does not appear in the square opposite the name of one candidate, or
  - (b) that sole figure appears in more than one square.

## **26 Procedure on close of ballot**

As soon as practicable after the close of ballot, the Returning Officer, in the presence of those of the scrutineers that choose to be present:

- (a) is to open the envelopes addressed to the Returning Officer and received before the close of ballot, and
- (b) if the declaration of identity and entitlement to vote is duly signed by a qualified voter, is to place the unopened envelope containing the ballot paper with other similar envelopes, and
- (c) is to open the envelopes referred to in paragraph (b) and take out the ballot papers, and
- (d) is to count the votes, and ascertain the result of the ballot, in the manner set out in Divisions 5 and 6.

## **Division 5 Election to fill one position only**

### **27 Definitions**

In this Division:

***an absolute majority of votes*** means a number of votes that is greater than one-half of the number of ballot papers counted.

***continuing candidate*** means a candidate not already elected or excluded from the count.

### **28 Election to fill one position only to be determined in accordance with this Division**

If a ballot has been held for the purpose of filling one position, the result of the ballot is to be determined in accordance with this Division.

### **29 Informal ballot papers to be rejected**

- (1) The Returning Officer is to reject any informal ballot papers and count the formal ballot papers.

- (2) A reference in any other clause of this Division to a ballot paper is taken to be a reference to a formal ballot paper, and a reference to a vote is taken to be a reference to a vote in a formal ballot paper.

### **30 Candidate with absolute majority of votes elected**

- (1) The Returning Officer is to count the number of first preference votes for each candidate.
- (2) The Returning Officer is to declare elected the candidate who has received the largest number of first preference votes, if that number constitutes an absolute majority of votes.

### **31 Procedure if no candidate has absolute majority of votes**

- (1) If no candidate has received an absolute majority of first preference votes, the candidate who has received the fewest first preference votes is to be excluded and each of the ballot papers counted to that candidate is to be counted to the continuing candidate next in order of the voter's preference.
- (2) The Returning Officer is to declare elected any candidate who, on completion of the count under subclause (1), has received an absolute majority of votes.
- (3) If 2 or more candidates have an equal number of votes at the time that it is necessary to exclude one of them, the candidate to be excluded is to be determined as follows:
  - (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.

### **32 Process to continue until candidate elected**

The process of excluding the candidate who has the fewest first preference votes and counting each of the ballot papers counted to that candidate to the continuing candidate next in order of the voter's preference is to be continued until:

- (a) one continuing candidate has an absolute majority of votes, in which case the Returning Officer is to declare that candidate elected, or
- (b) there are only 2 continuing candidates who do not have an equal number of votes, in which case the candidate with the larger number of votes is to be declared elected, even if the number of votes is below an absolute majority of votes, or
- (c) there are only 2 continuing candidates who have an equal number of votes, in which case the candidate elected must be determined as follows:



- (i) the names of the candidates concerned must be written on separate and similar slips of paper,
- (ii) the slips must be folded so as to prevent identification and mixed and drawn at random,
- (iii) the candidate whose name is first drawn is elected.

## **Division 6 Election to fill more than one position**

### **33 Definitions**

In this Division:

***continuing candidate*** means a candidate not already elected or excluded from the count.

***quota*** means the quota determined in accordance with clause 36.

***surplus votes*** means votes in excess of the quota.

### **34 Election to fill more than one position to be determined in accordance with this Division**

If a ballot has been held for the purpose of filling more than one position, the result of the ballot must be determined in accordance with this Division.

### **35 Informal ballot papers to be rejected**

- (1) The Returning Officer is to reject any informal ballot papers.
- (2) A reference in any other clause of this Division to a ballot paper is taken to be a reference to a formal ballot paper, and a reference to a vote is taken to be a reference to a vote in a formal ballot paper.

### **36 Determination of quota**

The Returning Officer is to determine a quota by:

- (a) counting the number of first preference votes, and
- (b) dividing the total number of those votes by 1 more than the number of candidates required to be elected, and
- (c) increasing the quotient so obtained (disregarding any remainder) by 1.

### **37 Candidate who meets or exceeds quota elected**

- (1) The first preference votes for each candidate are to be counted.
- (2) The Returning Officer is to declare elected each candidate who has received a number

of first preference votes that is equal to or greater than the quota.

**38 Procedure if further position to be filled**

- (1) If any further position remains to be filled, the surplus votes of each elected candidate are to be transferred to the continuing candidates as follows:
  - (a) the transfer value of the surplus votes is to be ascertained by dividing the number of surplus votes of the elected candidate by the number of first preference votes received by that candidate,
  - (b) the total number of ballot papers of the elected candidate showing the next available preference for a particular continuing candidate is to be multiplied by the transfer value,
  - (c) the number so obtained (disregarding any fraction) is to be added to the number of first preference votes of the particular continuing candidate,
  - (d) all those ballot papers are to be transferred to the particular continuing candidate.
- (2) The Returning Officer is to declare elected each continuing candidate who, on the completion of the transfer, has received a number of votes equal to or greater than the quota.

**39 Procedure if insufficient candidates have reached quota**

- (1) If, after the counting of first preference votes or the transfer of surplus votes (if any) of elected candidates, no candidate has (or fewer than the number of candidates required to be elected have) received a number of votes equal to or greater than the quota, the candidate who has the fewest first preference votes is to be excluded and the count is to proceed in accordance with this clause.
- (2) All ballot papers showing a first preference vote for an excluded candidate and the next available preference for a particular continuing candidate are to be transferred, each ballot paper at a transfer value of 1, to the particular continuing candidate and added to the number of votes of the particular continuing candidate.
- (3) Any ballot papers obtained by an excluded candidate by means of a transfer to that candidate are to be transferred (beginning with the ballot papers received by that candidate at the highest transfer value and ending with the ballot papers received at the lowest transfer value) as follows:
  - (a) the total number of ballot papers received by the excluded candidate at a particular transfer value from a particular candidate and showing the next available preference for a particular continuing candidate are to be multiplied by that transfer value,
  - (b) the number so obtained (disregarding any fraction) is to be added to the number

of votes of the particular continuing candidate,

(c) all those ballot papers are to be transferred to the particular continuing candidate.

(4) The Returning Officer is to declare elected each continuing candidate who, on the completion of the transfer, has received a number of votes equal to or greater than the quota.

(5) However, the surplus votes of the candidate so elected are not to be transferred until all the ballot papers of the excluded candidate have been transferred.

#### **40 No transfer of surplus votes or ballot papers to continuing candidate who reaches or exceeds quota**

If a continuing candidate has received a number of votes equal to or greater than the quota on the completion of the transfer of:

- (a) the surplus votes and ballot papers of an elected candidate, or
- (b) the ballot papers of an excluded candidate,

no surplus votes or ballot papers of any other candidate are to be transferred to the candidate so elected.

#### **41 Transferred ballot papers of elected candidates taken to be first preferences**

Each ballot paper of an elected candidate that was obtained by means of a transfer from a previously elected candidate or an excluded candidate is, for the purpose of the transfer of the surplus votes of the elected candidate, to be dealt with as if:

- (a) any vote it shows for the candidate concerned were a first preference vote, and
- (b) the name of any other candidate previously elected or excluded had not been on the ballot paper, and
- (c) the numbers indicating subsequent preferences had been altered accordingly.

#### **42 Procedures to continue until positions filled**

The procedure of transferring to the continuing candidates the surplus votes of elected candidates, and the procedure of excluding the candidates with the fewest first preference votes, are to continue in accordance with this Division until:

- (a) the number of continuing candidates is equal to the number of positions remaining to be filled, in which case the Returning Officer is to declare those candidates elected, or
- (b) there is only one position remaining to be filled and only 2 continuing candidates who do not have an equal number of votes, in which case the candidate with the larger number of votes is to be declared elected, even if the number of votes is below the quota, or

- (c) there is only one position remaining to be filled and only 2 continuing candidates who have an equal number of votes, in which case the candidate elected must be determined as follows:
  - (i) the names of the candidates concerned must be written on separate and similar slips of paper,
  - (ii) the slips must be folded so as to prevent identification and mixed and drawn at random,
  - (iii) the candidate whose name is first drawn is elected.

#### **43 Special provisions relating to elections for graduates in 2006**

- (1) A person may stand as a candidate in both the 4 year term election and the 2 year term election for graduate members of the Council referred to in clause 9 (5).
- (2) The result of the 4 year term election is to be determined before the counting of votes for the 2 year term election may commence.
- (3) If a person standing as a candidate in both elections is declared elected in the 4 year term election:
  - (a) the person is excluded as a candidate in the 2 year term election, and
  - (b) each ballot paper received for the 2 year term election is to be dealt with as if:
    - (i) the name of any candidate excluded under paragraph (a) has not been on the ballot paper, and
    - (ii) the numbers indicating subsequent preferences (that is, subsequent to the preference indicated for any excluded candidate) had been altered accordingly.
- (4) In addition to the grounds for informality provided for in clause 25, a ballot paper received for the 2 year term election is informal if the voter's preferences relate only to candidates excluded under subclause (3) (a).
- (5) Except as provided by this clause, the 2 year term and 4 year term elections are to be conducted, and the results of the ballots determined, in accordance with this Part.
- (6) In this clause:

***the 2 year term election*** means the election referred to in clause 9 (5) (a).

***the 4 year term election*** means the election referred to in clause 9 (5) (b).

### **Division 7 Elected Council member terms of office and casual**

## **vacancies**

### **44 Terms of office**

- (1) (Repealed)
- (2) The term of office of a person elected to the Council as an elected (academic staff) member, elected (non-academic staff) member or elected (student) member is 2 years.
- (3) The term of office of a member referred to in this clause begins on 1 July next following his or her election.

### **45 Casual vacancy in office of elected member**

- (1) A casual vacancy in the office of an elected member of the Council is to be filled in the manner specified in this clause.
- (2) If there is a casual vacancy in the office of an elected member of the Council and 12 months or more of the former elected member's term remains from the date of commencement of the vacancy, the Returning Officer is to conduct a new election for the vacant office in accordance with the provisions of this Part concerning the election of such an elected member of the Council.
- (3) If the office remains vacant after that election, the Council is to resolve either:
  - (a) to fill the vacancy in such manner as the Council determines after appropriate consultation, or
  - (b) not to fill the vacancy.
- (4) If there is a casual vacancy in the office of an elected member of the Council and less than 12 months of the former member's term remains from the date of commencement of the vacancy, the Council is to resolve either:
  - (a) to fill the vacancy in such manner as the Council determines after appropriate consultation, or
  - (b) not to fill the vacancy.
- (5) In this clause:

**casual vacancy** means:

  - (a) a vacancy referred to in clause 2 of Schedule 1 to the Act, or
  - (b) a vacancy that arises by reason of insufficient nominations for the office having been received by the Returning Officer.

## **Part 4 Appointed members of Council**

### **Division 1 General**

#### **46 Definitions**

In this Part:

**Secretary** means the Secretary to the Council.

#### **47 (Repealed)**

### **Division 2 Nomination procedures relating to appointed members**

#### **48 Nominations Committee**

- (1) The Council is to establish a Nominations Committee.
- (2) Subject to subclause (3), the Committee is to consist of:
  - (a) the Chancellor, Deputy Chancellor, Vice-Chancellor and the President of the Academic Board, and
  - (b) 2 members of the Council who are external persons.
- (3) The Committee may be differently constituted if the Council so determines.

#### **49 Invitation for proposals**

- (1) Not earlier than 4 months and not later than 2 months before the date the term of office of a member of the Council appointed under section 8F or 8G of the Act expires, the Secretary is to invite proposals for persons who may be suitable:
  - (a) for the Council to suggest to the Minister as appropriate for appointment by the Minister, or
  - (b) for appointment by the Council,as the case may be.
- (2) The Secretary is to make such an invitation by placing a notice to that effect in the agenda papers for the next occurring meeting of the Council and by any other means that the Secretary considers appropriate.
- (3) The notice must:
  - (a) state that the Council is seeking proposals from persons:
    - (i) who, being eligible, wish to propose themselves, or
    - (ii) who wish to propose another person who is eligible,

for as appropriate persons to be suggested for appointment by the Minister, or for appointment by the Council, as the case may be, and

- (b) state that appointed members of the Council must be external persons, and
  - (c) briefly state any expertise and experience required (including that required under section 8C of the Act), and
  - (d) if the vacancy to be filled is in the office of a member appointed under section 8E of the Act, state that the vacancy is to be filled by a graduate, and
  - (e) state that the proponent may include with the proposal a recent photograph of the person being proposed, and must include a statement containing information about the person which includes the following:
    - (i) the person's full name, address and other contact details,
    - (ii) the person's occupation and academic qualifications,
    - (iii) the person's experience and expertise relevant to the office concerned,
    - (iv) such other information as the person being proposed wishes to supply, and
  - (f) state that the proposal must be signed and dated by the person being proposed, and
  - (g) state that a proposal by a person who is not the person being proposed must also include the full name, address, contact details and signature of the proponent, and
  - (h) specify a date and time by which the proposal must reach the Secretary.
- (4) The Secretary must forward all proposals received to the Nominations Committee and advise the Committee of:
- (a) any proposal that does not comply with the requirements specified in the notice referred to in subclause (3), and
  - (b) any proposal for a person who is not eligible to be appointed to the office concerned.

#### **50 Nominations Committee to consider proposals**

The Nominations Committee is:

- (a) to consider the proposals forwarded by the Secretary under clause 49 (4), and
- (b) to determine which of the persons whose names have been proposed are to be recommended to the Council:
  - (i) as appropriate persons to be suggested by the Minister, or

- (ii) for appointment by the Council,  
as the case may be, and
- (c) to recommend the length of appointment for each such person, and
- (d) to forward those recommendations to the Council together with the names of the relevant proponents.

**51 Council to consider recommendations of Nominations Committee**

- (1) The Council is:
  - (a) to consider the recommendations forwarded by the Nominations Committee, and
  - (b) to determine which of those persons are to be:
    - (i) be suggested as appropriate persons for appointment by the Minister, or
    - (ii) appointed by the Council,  
as the case may be, and
  - (c) to determine:
    - (i) in the case of the persons referred to in paragraph (b) (i), the recommended length of appointment for each such person, or
    - (ii) in the case of the persons referred to in paragraph (b) (ii), the length of appointment for each such person.
- (2) The Chancellor is to forward the determinations referred to in subclause (1) (b) (i) and (c) (i) to the Minister.
- (3) The Council may make the determinations referred to in subclause (1) only at a meeting of the Council:
  - (a) convened by the Chancellor, the Deputy Chancellor or the Vice-Chancellor (or in their absence, the Registrar), and
  - (b) of which the Registrar or the Secretary has given each member of the Council at least 7 days' notice.
- (4) The notice referred to in subclause (3) (b) must:
  - (a) be posted or delivered to each member of the Council, and
  - (b) state the date, time and place of the meeting, and
  - (c) state the purpose of the meeting.



## **Division 3 Casual vacancy in office of appointed member**

### **52 Casual vacancy in office of member appointed under section 8G**

- (1) If a casual vacancy occurs in the office of a member of the Council appointed under section 8G of the Act, the Chancellor is to forward to the Minister for consideration for appointment the name of another person nominated by the Council from the persons who were suggested by the Nominations Committee under clause 50 for the office concerned.
- (2) If no such person is available for appointment:
  - (a) a new invitation for proposals is to be issued in accordance with clause 49, and
  - (b) the Chancellor is to forward to the Minister for consideration for appointment the name of a person (being a person proposed in response to that invitation) determined in accordance with the procedures set out in clauses 50 and 51.

### **53 Casual vacancy in office of member appointed under section 8E**

- (1) A casual vacancy in the office of a member of the Council appointed under section 8E of the Act is to be filled in the manner specified in this clause.
- (2) If there is such a casual vacancy, and half or less of the former appointed member's term remains from the date of commencement of the vacancy, the Council is to appoint another person from the persons who were recommended by the Nominations Committee under clause 50 for the office concerned.
- (3) If no such person is available for appointment, or if more than half of the former appointed member's term remains from the date of commencement of the vacancy:
  - (a) a new invitation for proposals is to be issued in accordance with clause 49, and
  - (b) the Council is to appoint a person (being a person proposed in response to that invitation) determined in accordance with the procedures set out in clauses 50 and 51.

## **Part 5 The Academic Board**

### **54 Definition**

In this Part, a reference to a faculty or board of studies includes a reference to any academic unit established in the University.

### **55 Members of Academic Board**

The members of the Academic Board are as follows:

- (a) the Vice-Chancellor,

- (b) the Chancellor,
- (c) the Deputy Chancellor,
- (d) the Registrar,
- (e) the persons appointed by the Council to be:
  - (i) the deans of the faculties, and
  - (ii) the Rector of University College, Australian Defence Force Academy, and
  - (iii) the Dean and Director of the Australian Graduate School of Management,
- (f) the persons elected to be the Presiding Members of:
  - (i) the faculties, and
  - (ii) the Academic Board of University College, Australian Defence Force Academy, and
  - (iii) boards of studies having the status or responsibilities of faculties,
- (g) 2 Deputy Vice-Chancellors, nominated by the Vice-Chancellor in consultation with the President of the Academic Board,
- (h) 12 persons elected by and from the full-time professors of the University,
- (i) 12 persons elected by and from the full-time non-professorial members of the academic staff,
- (j) 2 persons, enrolled as candidates for a degree of bachelor or a non-graduate diploma, elected by and from the undergraduate students,
- (k) 2 persons, enrolled as candidates for a higher degree, graduate diploma or graduate certificate, elected by and from the postgraduate students,
- (l) such other persons as the Council may appoint after considering the advice of the Academic Board.

## **56 Functions of Academic Board**

- (1) The functions of the Academic Board are:
  - (a) to be the principal academic body of the University, and
  - (b) to further and co-ordinate the work of the faculties, boards of studies and other academic units, and to encourage teaching, scholarship and research, and
  - (c) to advise the Vice-Chancellor and Council on matters relating to teaching, scholarship and research within the University, and

- (d) to consider and report on matters referred to it by the Council or by the Vice-Chancellor, and
  - (e) to have such functions of the Council as the Council may, from time to time, delegate to it.
- (2) Subject to this By-law and the rules and to any resolution of the Council, the Academic Board:
- (a) may request reports from faculties and boards of studies, and
  - (b) may consider and take action on reports submitted to it by any faculty or board of studies, and
  - (c) may refer matters to faculties or boards of studies for consideration and report, and
  - (d) may appoint internal and external examiners on the recommendation of the faculty or board of studies concerned, and
  - (e) may, on the recommendation of the faculties, boards of studies and other academic units, determine matters concerning the courses of study or examinations in any faculty, board of studies or academic unit, and
  - (f) may determine the conditions of competition for any fellowship, scholarship or prize and make the awards, and
  - (g) may, after receiving reports from the faculties, boards of studies and other academic units concerned:
    - (i) determine the conditions for the admission to candidature for, and the award of, degrees, diplomas and graduate certificates, and
    - (ii) recommend to the Council that a person who has been awarded a degree, diploma or graduate certificate in another university or educational establishment be admitted to a degree, diploma or graduate certificate in the University of New South Wales without any examination, and
  - (h) may submit recommendations to the Council with respect to the selection of academic, teaching and research staff, and
  - (i) may perform the duties of a faculty or a board of studies for all subjects not relating to any faculty or board of studies and perform any function conferred or imposed on it by this By-law, although any faculty or board of studies may have failed to report, and
  - (j) may submit recommendations to the Council or to the Vice-Chancellor with respect to any other matters relating to academic standards or facilities, and

- (k) may submit recommendations to the Council with respect to the filling of casual vacancies in Council membership, and
  - (l) is to submit a report on its proceedings to the meeting of the Council next following that of the Academic Board.
- (3) In determining the conditions of competition for any fellowship, scholarship or prize, the Academic Board is to give effect to any wishes of the founder or donor regarding the fellowship, scholarship or prize if the University has agreed to do so.
  - (4) If the Academic Board does not approve without amendment any recommendation made by a faculty or a board of studies, the Academic Board is to, if requested to do so by the faculty or board of studies, transmit the recommendation to the Council.
  - (5) The Council may at any time, of its own motion or at the request of a faculty or a board of studies, review any decision of the Academic Board.

#### **57 President and Deputy Presidents of Academic Board**

- (1) The members of the Academic Board are to elect a President and 2 Deputy Presidents from among themselves.
- (2) The elections are to be held in July in even numbered years and are to be conducted by postal ballot.
- (3) The terms of office of the President and the Deputy Presidents are to begin on 1 August next following their election and are to expire 2 years later.
- (4) Neither the President nor a Deputy President is entitled to serve more than 2 consecutive terms in that office.

#### **58 Casual vacancy in office of President or Deputy President**

- (1) The members of the Academic Board are to fill a casual vacancy in the office of the President or of a Deputy President by electing one of their number to the vacant office.
- (2) Any person so elected is to hold office with the same rights and powers as, and for the balance of the term of, the President or Deputy President whose place that member has filled.
- (3) There is a casual vacancy in the office of President or of a Deputy President if the President or Deputy President concerned:
  - (a) dies, or
  - (b) resigns the office by letter addressed to the Vice-Chancellor, or
  - (c) being a member of the academic staff of the University, leaves the service of the

University or proceeds on leave of absence for a period exceeding 2 months.

- (4) If a person is elected to fill a casual vacancy in an office in which less than 1 year of the term of office remains, then that term of office is not to be counted as a term of office for the purpose of clause 57 (4).

### **59 Existing authority to prevail**

Nothing in this Part is to be construed as affecting the precedence or authority of the Council, the Chancellor, the Deputy Chancellor or the Vice-Chancellor as prescribed in the Act, this By-law or any rules.

## **Part 6 The faculties and deans**

### **60 Creation of faculties**

- (1) The Council may constitute such faculties as it considers fit.
- (2) Each faculty is to consist of the professors, associate professors, principal lecturers, senior lecturers, lecturers and associate lecturers (or such alternative designations as may be adopted for those academic positions in the subjects for which the faculty is responsible) and such other persons having appropriate qualifications as the Council may appoint to the faculty.
- (3) The Registrar is a member of each faculty.

### **61 Functions of faculties**

- (1) Each faculty is:
  - (a) to supervise the teaching in the subjects with which the faculty is concerned, and
  - (b) to be responsible, with the assistance of such examiners as the Academic Board may from time to time appoint on the report of the faculty or of the dean of the faculty, for the conduct of examinations in those subjects, and
  - (c) to take cognisance of and encourage scholarship and research in those subjects, and
  - (d) to consider and report on all matters referred to it by the Council, the Vice-Chancellor or the Academic Board.
- (2) Each faculty is to consider and report to the Academic Board on matters relating to the studies, lectures, examinations, degrees, diplomas and graduate certificates of the faculty.
- (3) The matters concerned include, for example, the following:
  - (a) the annual descriptions of subjects for lectures that the faculty is responsible for

supervising,

(b) all admissions ad eundem gradum to degrees, diplomas and graduate certificates of the faculty,

(c) all admissions with advanced standing to courses in the faculty.

(4) Each faculty is to have such other duties and powers as may from time to time be assigned to it by the Council.

(5) Nothing in this clause is to be construed as affecting the precedence and authority of the Council, the Chancellor, the Deputy Chancellor, the Vice-Chancellor or the dean of the faculty, as prescribed in the Act, this By-law or any rules.

(6) This clause does not affect the authority of the Academic Board, under which authority every faculty is to exercise the powers, authorities and discretions and perform the duties vested in and conferred on it by this By-law. However, on the request of a faculty, the Academic Board is to refer to the Council for final decision any matters in dispute between the faculty and the Academic Board.

## **62 Deans**

(1) The Council is to appoint a dean to each faculty to serve for such periods as the Council may determine.

(2) The Council may appoint deans in areas other than faculties, and those deans are also to serve for such periods as Council may determine.

(3) The dean appointed to any faculty, and the deans appointed in areas other than faculties, are to work under the supervision of the Vice-Chancellor and are to have such duties as the Vice-Chancellor may from time to time specify.

(4) The dean appointed to any faculty is a member of the faculty and of any committee within the faculty, and may, if he or she so desires, preside at any meeting of such faculty or committee.

(5) Nothing in this clause affects the precedence or authority of the Council, the Chancellor, the Deputy Chancellor or the Vice-Chancellor.

## **Part 7 Honorary degrees**

### **63 Honorary degrees**

(1) The Council may admit, *honoris causa*, to any degree (other than that of Bachelor) within the University, any person who is recommended for admission to that degree:

(a) at a meeting of the faculty or board of studies in which it is proposed he or she be so admitted—by not less than two-thirds of the members of that faculty or board

of studies present and voting at the meeting, and

(b) at a meeting of the Academic Board—by not less than two-thirds of the members of the Academic Board present and voting at that meeting,

as being a person of distinguished eminence in some branch of learning appropriate to that faculty or board of studies.

- (2) The Council may admit, *honoris causa*, to the degree of Doctor in an appropriate field in the University any person considered by the Council to be distinguished by eminent service to the community.
- (3) The Council may admit, *honoris causa*, to the degree of Doctor of the University any person considered by the Council to be distinguished by eminent service to the University.

## **Part 8 Miscellaneous**

### **64 Rules**

- (1) The Council may make rules in accordance with section 28 of the Act.
- (2) A rule made by the Council must be published in an official University publication.
- (3) A rule must indicate that it is made by the Council under section 28 of the Act.
- (4) A copy of the current rules of the University must be made available without charge and at the convenience of the Registrar to, and on the prior written request of, any member of the University.

### **65 Constitution of University**

For the purposes of section 4 (b) of the Act, the persons appointed to the offices of Deputy Vice-Chancellor, Pro Vice-Chancellor, President of the Academic Board and the Registrar of the University and to such other offices as the Council may by rule from time to time determine are prescribed to be members of the body corporate of the University.

### **66 Delegation by Council**

For the purposes of the delegation of the Council's functions in accordance with section 16 of the Act, the following persons and bodies are prescribed:

- (a) a research institute affiliated with the University,
- (b) an officer or employee of a research institute affiliated with the University.

### **67 Repeal**

- (1) The *University of New South Wales By-law 1996* is repealed.

- (2) Any act, matter or thing that, immediately before the repeal of the *University of New South Wales By-law 1996*, had effect under that By-law continues to have effect under this By-law (but only to the extent that it relates to this By-law and is not inconsistent with this By-law and the acts, matters or things done under this By-law).
- (3) In particular, any rule made pursuant to a provision of the repealed By-law is taken to have been made pursuant to the corresponding provision of this By-law.