

# University of New South Wales By-law 2005

[2005-632]



New South Wales

## Status Information

### Currency of version

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### 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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# University of New South Wales By-law 2005



New South Wales

## Contents

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6 (Repealed)	7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15 (Repealed)	10

<b>Division 3 Commencement of election procedures</b>	10
16 Notice of election and call for nominations	10
16A Time intervals for stages of Council elections	10
17 Making of nominations	10
18 Notification of candidature and eligible voters	11
19 Dealing with nominations	11
<b>Division 4 Conduct of ballot</b>	12
20 Electronic ballot	12
21 Conduct of electronic ballot	12
22 Material to accompany electronic ballot	12
23 Contents of electronic ballot	13
24 Method of electronic voting	13
25 Informal electronic vote	13
26 Procedure on close of electronic ballot	13
27 Declaration of election	13
28 Equality of votes	13
29 Secrecy of ballot to be maintained	14
<b>Divisions 5, 6 (Repealed)</b>	14
30–43 (Repealed)	14
<b>Division 7 Elected Council member terms of office and casual vacancies</b>	14
44 Terms of office	14
45 Casual vacancy in office of elected member	14
<b>Part 4 Appointed members of Council</b>	15
<b>Division 1 (Repealed)</b>	15
46, 47 (Repealed)	15
<b>Division 2 Nomination procedures relating to appointed members</b>	15
48 Nominations Committee	15
49 (Repealed)	15

50 Nominations Committee to make recommendations.....	15
51 Council to consider recommendations of Nominations Committee .....	16
<b>Division 3 Casual vacancy in office of appointed member</b> .....	16
52 Casual vacancy in office of Ministerially appointed member .....	16
53 Casual vacancy in office of Council appointed member .....	17
<b>Part 5 The Academic Board</b> .....	17
54 (Repealed) .....	17
55 Members of Academic Board .....	17
56 Functions of Academic Board .....	17
57 President and Deputy Presidents of Academic Board .....	18
58 (Repealed) .....	18
59 Existing authority to prevail .....	18
<b>Part 6 The faculties</b> .....	18
60 Creation of faculties .....	18
61 Functions of faculties .....	18
62 (Repealed) .....	18
<b>Part 7 Honorary degrees</b> .....	19
63 Honorary degrees .....	19
<b>Part 8 Miscellaneous</b> .....	19
64 Rules.....	19
65 Constitution of University .....	19
66 Delegation by Council.....	19
67 Repeal .....	20

# 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:

**close of ballot**, in relation to an election, means 5pm on the day specified as the closing date of the ballot for the election in a notice under clause 16 (2).

**close of nominations**, in relation to an election, means the date and time by which nominations must be received by the Returning Officer for the election specified in a notice under clause 16 (2).

**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.

**electronic ballot** means a ballot conducted in accordance with Division 4 of Part 3.

**electronic vote** means a vote cast by means of an electronic voting system.

**electronic voting system** means a secure system approved or managed by the Returning Officer for the purpose of tallying votes cast in an election conducted by electronic means.

**eligible voter** means a person whose name is on a relevant Roll of the University at the date of the close of nominations for the election.

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

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

**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](#).

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

## **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 every committee established by the Council.
- (2) The Chancellor may preside at any meeting of any such committee and has all the rights and powers of the presiding member of any such committee.
- (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 (Repealed)**

#### **7 Returning Officer**

- (1) An election referred to in this Part is to be conducted by the University Secretary, 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 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 as the Council may from time to time appoint.
- (4)–(6) (Repealed)

## **Division 2 Electors and candidates**

### **10 Rolls**

- (1) 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)
- (2) In this clause, **address** means last known email address (or, if no email address is known in a particular case, last known postal address).

#### **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 necessary, the Returning Officer must give notice of that fact on the University website and in such other places as the Returning Officer considers appropriate.
- (2) A notice referred to in this clause must:
  - (a) state that an election is necessary to fill the office or offices concerned, and
  - (b) invite nominations of persons for election, and
  - (c) specify the manner in which nominations must be made, and
  - (d) specify a date and time by which nominations must be received by the Returning Officer, and
  - (e) specify the closing date of the ballot, and
  - (f) contain such other information relating to the election as the Returning Officer considers appropriate (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 on the relevant Roll of the University did not see a notice or a copy of a notice referred to in this clause.

#### **16A Time intervals for stages of Council elections**

In any election, there must be:

- (a) no less than 14 days between the date on which notice of the election is given and the date specified for the close of nominations, and
- (b) no more than 7 days between the date specified for the close of nominations and the date of issue of ballot material, being the date on which instructions on how to access the electronic voting system and cast a vote are provided to voters by the Returning Officer, and
- (c) no less than 7 days between the date of issue of ballot material and the date specified as the closing date of the ballot.

#### **17 Making of nominations**

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

- (2) A nomination must be signed by 2 persons whose names are recorded on the relevant Roll of the University for 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 for each candidate.
- (4) A candidate may provide with the nomination a recent photograph of the candidate 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, 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.
- (5) The Returning Officer is to edit all statements supplied to ensure that they:
  - (a) contain no defamatory or offensive material, and
  - (b) do not exceed 150 words.
- (6) The photographs and edited statements are to be made available to the voters on the electronic voting system.
- (7) The Returning Officer must reject a nomination 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 eligible 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 University website and in such other places as the Returning Officer considers appropriate.
- (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 Electronic ballot**

A ballot is to be conducted by requiring eligible voters to access an electronic voting system between specified dates and times in order to vote in the election.

### **21 Conduct of electronic ballot**

- (1) The Returning Officer, not less than 7 days before the close of ballot, is to ensure that each eligible voter is provided with all necessary information required in order to vote in the election including:
  - (a) the way in which the electronic voting system may be accessed, and
  - (b) the passwords (if any) required to access the electronic voting system.
- (2) The Returning Officer is to ensure that computer or other facilities that can be used to access the electronic voting system are made available free of charge at the University's campus in order to provide each eligible voter with an opportunity to access the electronic voting system.
- (3) The Returning Officer may make additional arrangements to ensure that each eligible voter has an opportunity to access the electronic voting system.

### **22 Material to accompany electronic ballot**

The electronic voting system must provide:

- (a) instructions for voting, and
- (b) a method of declaration of identity and entitlement to vote, and
- (c) any other information that the Returning Officer considers appropriate to include.

### **23 Contents of electronic ballot**

- (1) The electronic voting system is to contain the names of the candidates in the order determined by the Returning Officer.
- (2) The order of the candidates must be determined randomly.

### **24 Method of electronic voting**

A voter is to indicate the candidate or candidates to whom the voter wishes to give his or her vote in the manner described on the electronic voting system.

### **25 Informal electronic vote**

- (1) An electronic vote is informal if the voter has voted for a number of candidates higher than the number of members to be elected.
- (2) The electronic voting system is to provide a warning message to any person casting an informal electronic vote that their proposed vote is informal prior to the recording of that vote.
- (3) Each informal electronic vote is to be recorded by the electronic voting system as an informal vote and the electronic voting system is to count only the formal electronic votes in determining the result of the electronic ballot.

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

On the close of ballot, and not before, the Returning Officer must, in the presence of those scrutineers who choose to be present:

- (a) review all information and reports about the electronic ballot, and
- (b) determine the result of the electronic ballot.

### **27 Declaration of election**

- (1) If a ballot is conducted to elect one member, the Returning Officer is to declare as elected the candidate who receives the highest number of votes.
- (2) If a ballot is conducted to elect more than one member, the Returning Officer is to declare as elected the candidates, not exceeding in number the number of members to be elected, who receive the highest number of votes.

### **28 Equality of votes**

Where there is an equality of votes, the person to be elected is to be determined by the Returning Officer by lot.

## **29 Secrecy of ballot to be maintained**

- (1) The result of the count must remain confidential until the declaration of the election by the Returning Officer.
- (2) The Returning Officer, any person appointed by the Returning Officer and any scrutineers must not in any way disclose or aid in disclosing the manner in which any voter has voted.

## **Divisions 5, 6**

### **30-43 (Repealed)**

## **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**

#### **46, 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 (Repealed)**

#### **50 Nominations Committee to make recommendations**

(1) The Nominations Committee is to do the following:

(a) propose persons eligible for appointment to the Council under section 8F or 8G of the Act,

(b) recommend which of those persons are to be (as the case may be):

(i) suggested for appointment by the Minister, or

(ii) appointed by the Council,

(c) recommend the length of appointment for each such person,

(d) forward those recommendations to the Council.

(2) In exercising its functions under subclause (1), the Nominations Committee may receive and review proposals made by members of the Council.

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

(1) The Council is to do the following:

(a) consider the recommendations forwarded by the Nominations Committee,

(b) determine which of those persons are to be (as the case may be):

(i) suggested for appointment by the Minister, or

(ii) appointed by the Council,

(c) 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, and

(b) of which the University 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 Ministerially appointed member**

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 recommended to it by the Nominations



Committee in accordance with Division 2.

### **53 Casual vacancy in office of Council appointed member**

If a casual vacancy occurs in the office of a member of the Council appointed under section 8F of the Act, the Council is to appoint another person recommended to it by the Nominations Committee in accordance with Division 2.

## **Part 5 The Academic Board**

### **54 (Repealed)**

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

- (1) Subject to this clause, the membership of the Academic Board is to be prescribed by the rules.
- (2) The Academic Board is to include, but is not limited to, the following categories of members:
  - (a) ex officio members,
  - (b) members elected by and from the professors of the University,
  - (c) members elected by and from the non-professorial members of the academic staff of the University,
  - (d) members elected by and from the enrolled undergraduate students of the University,
  - (e) members elected by and from the enrolled postgraduate students of the University.

### **56 Functions of Academic Board**

The functions of the Academic Board are:

- (a) to be the principal academic body of the University, and
- (b) to oversee academic governance and the maintenance of academic standards, and
- (c) to advise the Vice-Chancellor and Council on matters relating to the conduct and standards of 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) any functions delegated to it by the Council, and
- (f) any other functions as may be prescribed by the rules.

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

- (1) The members of the Academic Board are to elect a President and up to 2 Deputy Presidents from among themselves in such manner and for such terms as are prescribed by the rules.
- (2) The members of the Academic Board are to fill a casual vacancy in the office of the President or of a Deputy President in such manner as is prescribed by the rules.

## **58 (Repealed)**

## **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**

## **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) (Repealed)

## **61 Functions of faculties**

- (1) Each faculty has the functions prescribed by the rules.
- (2)–(5) (Repealed)
- (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 (Repealed)**

## **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 on the University website.
- (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 University Secretary 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 and the President of the Academic Board 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,
- (c) an emeritus professor of the University,
- (d) a former Chancellor of 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.