

University of Technology Sydney By-law 2005

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New South Wales

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Notes—

- **Does not include amendments by**
[Statute Law \(Miscellaneous Provisions\) Act 2016 No 27](#) (not commenced — to commence on 8.7.2016)

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University of Technology Sydney By-law 2005



New South Wales

Part 1 Preliminary

1 Name of By-law

This By-law is the *University of Technology Sydney By-law 2005*.

2 Application

This By-law applies to and in respect of the University of Technology Sydney, as established by the *University of Technology Sydney Act 1989*.

3 Definitions

(1) In this By-law and in a rule:

Academic Board means the Academic Board established under section 15 of the Act.

Chancellor means the Chancellor of the University.

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 (as specified in a notice under clause 11 (2) (d)).

close of the ballot, in relation to an election, means the date and time for the close of the ballot specified by the Returning Officer for the election in a notice under clause 11 (2) (f).

Deputy Chancellor means the Deputy Chancellor of the University.

Deputy Vice-Chancellor means a Deputy Vice-Chancellor of the University.

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

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

elected (postgraduate student) member 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 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 Subdivision 6 of Division 2 of Part 2.

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.

Nominations Committee means the Committee established under clause 33.

non-electronic ballot means a ballot conducted in accordance with Subdivision 5 of Division 2 of Part 2.

Pro-Vice-Chancellor means a Pro-Vice-Chancellor of the University.

Registrar means the Registrar of the University.

rule means a rule made under section 29 (1) of the Act.

student means a person enrolled as a candidate proceeding to a degree, diploma or other award course of the University, and includes both an undergraduate student and a postgraduate student.

the Act means the [University of Technology Sydney Act 1989](#).

Vice-Chancellor means the Vice-Chancellor of the University.

- (2) For the purposes of this By-law, a person is a member of the fractional-time academic or non-academic staff if the person is employed, otherwise than on a casual or temporary basis, to perform a proportion of the duties that a full-time person employed in the same classification would normally be required to perform in a 12-month period.
- (3) (Repealed)
- (4) In the absence of a person who has been appointed to an office in the University by virtue of some other office held by him or her, whether in the University or elsewhere, any person acting in that other office holds that appointment ex officio, unless the Council resolves otherwise.
- (5) Notes included in this By-law are not part of this By-law.

Part 2 The Council

Division 1 The Chancellor

4 Term of office of Chancellor

For the purposes of section 10 (2) of the Act, the term of office of the Chancellor is 4 years from the date of his or her election.

Division 2 Elected members of Council

Subdivision 1 Preliminary

5 Returning Officer

- (1) An election referred to in this Division is to be conducted by the Registrar who is to be the Returning Officer for the election.
- (2) The Returning Officer may appoint a Deputy Returning Officer (with such powers as the Returning Officer may determine) and other persons to assist the Returning Officer in the conduct of all or any part of an election referred to in this Division.
- (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.

6 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 last known email addresses (or, if no email address is known in a particular case, last known address) of those persons who are classified as full-time or fractional-time members of the academic staff of the University,
- (b) for the purposes of section 8D (1) (b) of the Act—a Roll of Non-Academic Staff containing the names and last known email addresses (or, if no email address is known in a particular case, last known address) of those persons who are classified as full-time or fractional-time members of the non-academic staff of the University,
- (c) for the purposes of section 8D (1) (c) of the Act—a Roll of Undergraduate Students containing the names and last known email addresses (or, if no email address is known in a particular case, last known address) of those persons enrolled in courses that are listed in the register of undergraduate courses of the University with a minimum duration of one year full-time or equivalent,
- (d) for the purposes of section 8D (1) (c) of the Act—a Roll of Postgraduate Students containing the names and last known email addresses (or, if no email address is

known in a particular case, last known address) of those persons enrolled in courses that are listed in the register of postgraduate courses of the University with a minimum duration of one year full-time or equivalent.

Subdivision 2 Provisions relating to candidates and voters

7 Qualification for elected (academic staff) member

For the purposes of section 8D (3) (a) of the Act, in respect of an elected (academic staff) member, the prescribed qualification is that the person's name is entered on the Roll of Academic Staff at the close of nominations for the election.

8 Qualification for election as elected (non-academic staff) member

For the purposes of section 8D (3) (a) of the Act, in respect of an elected (non-academic staff) member, the prescribed qualification is that the person's name is entered on the Roll of Non-Academic Staff at the close of nominations for the election.

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 qualification is that the person's name is entered on the Roll of Undergraduate Students at the close of nominations for the election.

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 qualification is that the person's name is entered on the Roll of Postgraduate Students at the close of nominations for the election.

Subdivision 3 Calling of elections and nominations

11 Call for nominations and notice of election

- (1) If an election of members of the Council is necessary, the Returning Officer must give notice referred to in this clause on a website maintained by the University for display of official notices and:
 - (a) in the case of an election of an academic or a non-academic staff member of the Council, must send or deliver a copy of the notice to each person whose name is in the relevant roll of staff of the University, and
 - (b) in the case of an election of a postgraduate or an undergraduate student member of the Council, must publish or cause to be published such copies of the notice in such manner as the Returning Officer considers necessary to inform the persons whose names are in the relevant roll of students of the University of its contents.

- (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 reach the Returning Officer, and
 - (e) specify whether the election is to be conducted by a non-electronic ballot or an electronic ballot, and
 - (f) specify the closing date of the ballot, and
 - (g) contain such other information relating to the election as the Returning Officer thinks fit (which might include, 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 in the relevant roll of staff or students of the University did not see a notice or a copy of a notice, or did not receive a copy of a notice, referred to in this clause.

12 Time intervals for stages of Council elections

In any election, there must be:

- (a) no less than 14 days between the date on which publication of a notice of ballot occurs and the date on which nominations close, and
- (b) no more than 28 days between the date on which nominations close and the date of issue of ballot material, being:
 - (i) in the case of a non-electronic ballot, the date of issue of ballot papers by the Returning Officer, and
 - (ii) in the case of an electronic ballot, 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 14 days between the date of issue of ballot material and the closing date of the ballot.

13 Making of nominations

- (1) Nominations of candidates for an election of members of the Council must be made by sending or delivering nomination papers to the Returning Officer.
- (2) A nomination paper must be signed by 2 persons whose names are entered in the

relevant Roll 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 paper for each candidate.
- (4) A candidate may provide with the nomination paper 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) Statements containing more than 150 words will not be accepted. The Returning Officer (or a person appointed by the Returning Officer) is to edit all statements supplied to ensure that they contain no defamatory or offensive material.
- (5A) The edited statements are:
 - (a) if the ballot is to be conducted by a non-electronic ballot—to be printed and distributed with the ballot papers, and
 - (b) if the ballot is to be conducted by an electronic ballot—to be made available to the voters on the electronic voting system.
- (6) The Returning Officer must 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.
- (7) The Returning Officer must, within 4 days after receipt of a nomination paper, send or deliver a notice to each person who has signed or endorsed the nomination paper, notifying the person of the acceptance or rejection of the nomination.

14 Dealing with nominations

- (1) If the number of nominations of persons for election to any of the following categories is less than or equal to the number of vacancies in the relevant category, the Returning Officer is to declare the person or persons nominated to be elected:
 - (a) the elected (academic staff) member,
 - (b) the elected (non-academic staff) member,

(c) the elected (undergraduate student) member,

(d) the elected (postgraduate student) member.

- (2) If the number of nominations accepted in a category referred to in subclause (1) is greater than the number of vacancies in the category, there must be a ballot in the category concerned.

Subdivision 4 Manner of conducting ballot

15 Form of ballot

A ballot for a Council election must be a secret ballot conducted in accordance with this Subdivision.

15A Types of ballot

A ballot may be conducted by:

- (a) distributing ballot papers by post or by requiring eligible voters to attend a specified place or places managed or controlled by the University, at a specified date and time, in order to receive a ballot paper and vote in the election, or
- (b) requiring eligible voters to access an electronic voting system, between specified dates and times, in order to vote in the election.

Subdivision 5 Non-electronic ballot

15B Application of Subdivision

This Subdivision applies if a ballot is to be conducted as referred to in clause 15A (a).

16 Conduct of ballot

- (1) The Returning Officer must, if there is to be an election for an elected (academic staff) member or elected (non-academic staff) member of the Council, send or deliver a ballot paper to each person whose name is in the relevant roll of staff of the University.
- (2) The Returning Officer must, if there is to be an election for an elected (undergraduate student) member or elected (postgraduate student) member of the Council:
 - (a) publish in such manner as the Returning Officer considers necessary a notice specifying the dates and times of polling, the location of polling booths and any other relevant information, and
 - (b) establish on the University premises polling booths attended, during the dates and times for polling, by persons appointed by the Returning Officer for the purpose of issuing a ballot paper to each person who requests one and is recognised by one

of the appointed attendants as being a person whose name is in the relevant roll of students of the University, and

(c) forward a ballot paper to each person whose name is in the relevant roll of students of the University if the person has applied for the issue of a ballot paper by post and the application has been received not later than 10 days before the date of 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 issued.
- (4) An election is not invalid only because a person whose name is in the relevant roll of staff or students of the University did not receive a ballot paper.
- (5) In this clause, a reference to a person's name being in a relevant roll of staff or students of the University is a reference to the person's name being in the roll concerned at the close of nominations for the relevant election.

17 Notice to accompany ballot paper

With each ballot paper issued in respect of a Council election, there must also be issued:

- (a) a notice setting out how the ballot paper is to be completed and specifying the date and time by which ballot papers for that election must reach the Returning Officer, and
- (b) 2 envelopes, one marked "Ballot Paper" and the other addressed to the Returning Officer on the inside of which must be printed a form of declaration of identity and of entitlement to vote to be signed by the voter.

18 Contents of ballot paper

Each ballot paper must contain the names of the candidates in the order drawn at random by the Returning Officer or by a person appointed by the Returning Officer for the purposes of the election and must be initialled by the Returning Officer or by a person appointed by the Returning Officer.

19 Method of voting

Each voter must 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 his or her first preference vote, and may 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.

20 Voting at staff elections

- (1) In the case of an election of an elected (academic staff) member or elected (non-academic staff) member of the Council, each voter must send or deliver to the Returning Officer the ballot paper enclosed and sealed in the envelope marked "Ballot Paper" which must be enclosed and sealed in another envelope addressed to the Returning Officer, with a signed form of declaration of identity and entitlement to vote on the inside.
- (2) All envelopes received by the Returning Officer under this clause must be deposited in the relevant ballot box.

21 Voting at student elections

- (1) Subject to subclause (3), in the case of an election of an elected (undergraduate student) member or elected (postgraduate student) member of the Council, any student who has been recognised, by a person appointed by the Returning Officer to attend a polling booth, as being a person whose name is in the relevant roll of students of the University and whose name is then marked on a copy of that roll to signify the issue of a ballot paper, must be provided with a ballot paper.
- (2) A student provided with a ballot paper who desires to vote at a polling booth must, in the presence of a person appointed by the Returning Officer, deposit the vote in the relevant ballot box provided for the purpose at the polling booth.
- (3) A student who has been forwarded a ballot paper under clause 16 (2) (c) and who wishes to vote must send or deliver to the Returning Officer the ballot paper enclosed and sealed in an envelope marked 'Ballot Paper' which must be enclosed and sealed in another envelope addressed to the Returning Officer, with a signed form of declaration of identity and entitlement to vote on the inside.
- (4) Despite subclause (3), a student referred to in that subclause may vote by depositing the ballot paper forwarded to the student in the relevant ballot box at a polling booth.

22 Envelopes and ballot papers not to be opened

- (1) All envelopes received by the Returning Officer under clause 20 or 21 must remain unopened until the close of the ballot.
- (2) A ballot box referred to in clause 20 or 21 must remain unopened until the close of the ballot.

23 Procedure on close of ballot

As soon as practicable after the close of the ballot, the Returning Officer or a person appointed by the Returning Officer must:

- (a) open the ballot boxes, and

- (b) open any envelopes addressed to the Returning Officer and received before the close of the ballot, and
- (c) if any declaration of identity is duly signed by a qualified voter, place the unopened envelope containing the ballot paper with other similar envelopes, and
- (d) open the envelopes referred to in paragraph (c) and take out the ballot papers, and
- (e) count the votes, and ascertain the result of the ballot, in the manner set out in clauses 24-27.

24 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, will enable any person to identify the voter.
- (2) A ballot paper is informal if not initialled under clause 18.
- (3) A ballot paper is informal if the voter has not indicated a clear preference for at least one candidate.
- (4) Despite any other provision of this clause, a ballot paper is not informal only because any figures placed on the ballot paper are not placed in or entirely in the squares opposite the candidates' names, if the figures are placed on the ballot paper in such positions as, in the opinion of the Returning Officer, clearly indicate the order of the voter's preference for the candidates.

25 Nomination of scrutineers

- (1) Each candidate is entitled to nominate one scrutineer to be present at the count.
- (2) A person is not to be a scrutineer in an election in which he or she is a candidate.

26 Determination of result of ballot

- (1) In this clause:

an absolute majority of votes means a greater number than one-half of the whole number of formal ballot papers counted.

continuing candidate means a candidate not already excluded from the count.

determine by lot means determine in accordance with the following directions:

- (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.
- (2) If a ballot has been held for the purpose of an election the result of the ballot must be determined as provided in this clause.
- (3) The Returning Officer must count the total number of ballot papers and exclude any informal papers.
- (4) The Returning Officer must count the number of first preference votes given for each candidate.
- (5) The candidate who has received the largest number of first preference votes must, if that number constitutes an absolute majority of votes, be declared by the Returning Officer to be elected.
- (6) If no candidate has received an absolute majority of first preference votes, the candidate who has received the fewest first preference votes must be excluded and each of the ballot papers counted to that candidate must be counted to the continuing candidate next in order of the voter's preference.
- (7) If on any count 2 or more candidates have an equal number of votes and one of them has to be excluded, the candidate to be excluded must be determined as follows:
- (a) if the count is the first made in connection with the ballot, the Returning Officer must determine by lot which of those candidates is to be excluded,
- (b) if the count is the second or subsequent count made in connection with the ballot:
- (i) that candidate must be excluded who had the least number of votes at the last count at which one of those candidates received fewer votes than each of the others, or
- (ii) the Returning Officer must determine by lot which of those candidates is to be excluded, if at all preceding counts no one of those candidates received fewer votes than each of the others.
- (8) The process of excluding the candidate who has the fewest votes and counting each of the ballot papers counted to that candidate to the continuing candidate next in order of the voter's preference must (subject to subclause (9)) be continued:
- (a) until one continuing candidate has an absolute majority of votes in which event that candidate must be declared by the Returning Officer to be elected, or
- (b) until all candidates but one have been excluded in which event the remaining candidate must be declared elected.
- (9) If at any point during any particular count after the first preference votes have been counted, the candidate next in order of a voter's preference is not indicated or cannot

be ascertained, that ballot paper must, from that point onwards, be excluded from that particular count and the total of the ballot papers counted must be amended accordingly. The ballot paper must, however, be reinstated in any later counts carried out in accordance with subclause (10).

(10) If any further position remains to be filled, all excluded candidates must be reinstated with their first preference votes credited and each of the ballot papers counted to the elected candidate or candidates must be counted to the reinstated candidate next in order of the voter's preference as if it were a first preference vote.

(11) The procedures described in subclauses (5)–(10) apply until all vacancies are filled.

27 Secrecy of ballot to be maintained

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

Subdivision 6 Electronic ballot

27A Application of Subdivision

This Subdivision applies if a ballot is to be conducted as referred to in clause 15A (b).

27B Conduct of electronic ballot

(1) The Returning Officer 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,

not less than 14 days before the close of the ballot.

(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.

(4) In this clause, a reference to an eligible voter is a reference to a person whose name is on a relevant Roll of the University at the date of the close of nominations for the election.

27C 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 which the Returning Officer considers appropriate to include.

27D 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.

27E Method of electronic voting

- (1) A voter is to indicate the candidate to whom the voter wishes to give his or her first preference in the manner described on the electronic voting system.
- (2) If the voter wishes to show his or her preferences for any or all of the remaining candidates, the voter may do so in the manner described on the electronic voting system.

27F Procedure on close of electronic ballot

When the electronic ballot is closed, 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.

27G Informal electronic vote

- (1) An electronic vote is informal if the voter has not indicated a clear preference for at least one candidate.
- (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 the formal electronic votes.

27H Counting of votes

- (1) Votes must be counted by the electronic voting system in accordance with this clause.

- (2) The electronic voting system must count the number of first preference votes for each candidate.
- (3) If the candidate who has the highest number of first preference votes has an absolute majority of votes, the Returning Officer is to declare that candidate elected.
- (4) If no candidate has an absolute majority of votes, the Returning Officer must exclude the candidate who has received the fewest number of first preference votes and each of the electronic votes counted to that candidate is to be counted to the continuing candidate next in order of the voter's preference.
- (5) 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 by the Returning Officer by lot.
- (6) The process referred to in subclauses (4) and (5) is to be continued until:
 - (a) one continuing candidate has an absolute majority of votes, in which case that candidate is to be declared 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 to be excluded is to be determined by the Returning Officer by lot and the remaining candidate is to be declared elected.
- (7) In this clause, a reference to a vote is a reference to a formal vote.

271 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 and any person appointed by the Returning Officer must not in any way disclose or aid in disclosing the manner in which any voter has voted.

Subdivision 7 Miscellaneous

28 Term of office of elected members of Council

- (1) For the purposes of section 9 (1) (c) of the Act, a member of Council elected under section 8D (1) (a), (b) or (c) of the Act holds office for 2 years.
- (2) For the purposes of section 9 (1) (d) of the Act, a member of Council elected under section 8E of the Act holds office for 2 years.

29 Casual vacancy in office of elected member of Council

- (1) In the event that a casual vacancy in the office of a member of the Council elected under section 8D (1) (a), (b) or (c) of the Act occurs:
 - (a) if less than half of that member's term of office remains, the Council, as soon as practicable after the vacancy occurs, with the consent of the runner up in the most recent election for that office, may appoint the runner up to hold that office under section 8D (1) (a), (b) or (c) of the Act for the remainder of the term of office, or
 - (b) if the remainder of that member's term of office is or exceeds half of the term of office, the Returning Officer is to conduct an election among those persons qualified to vote at such an election in accordance with the Act and this By-law to fill the vacancy for the balance of the term of office.
- (1A) If the office is not filled in accordance with subclause (1) (a), the Council must by resolution appoint a person qualified to hold that office under section 8D (1) (a), (b) or (c) of the Act to hold office for the remainder of the term of office.
- (2) An election referred to in subclause (1) (b) is to be conducted as soon as practicable after the vacancy occurs (or, in a case to which clause 30 applies, from some earlier time in accordance with that clause).
- (3) In this clause:

runner up in an election means the person who, in the vote counting process at the election, was the last remaining candidate for election aside from the person who was declared elected.

30 Election in anticipation of resignation

- (1) Any member of the Council who intends to resign in circumstances that would create a vacancy to which clause 29 (1) (b) would apply if the resignation took effect as intended is under a duty to notify the Returning Officer as soon as practicable of:
 - (a) his or her intention to resign, and
 - (b) the date from which the resignation is intended to take effect.
- (2) On receipt of any such notification the Returning Officer, even though the resignation has not taken effect, may in accordance with the rules for the conduct of elections proceed to conduct an election to fill the anticipated vacancy.
- (3) The election of a new member of the Council in accordance with subclause (2) does not take effect until after the incumbent member's resignation takes effect.

Division 3 Appointed members of Council

31, 32 (Repealed)

33 Nominations Committee

- (1) The Council is to establish a Nominations Committee consisting of the following persons:
 - (a) the Chancellor,
 - (b) the Vice-Chancellor,
 - (c) 3 persons appointed to the Committee by the Council of whom:
 - (i) one must be a member appointed by the Minister, and
 - (ii) one must be a member appointed by the Council.
- (2) A person referred to in subclause (1) (c) must not be the holder of an office in respect of which the Committee is convening (unless the person is not seeking reappointment).

34 Nominations procedure relating to appointments under sections 8F and 8G

- (1) At least 3 months before the term of office of a member of the Council appointed under section 8F or 8G of the Act is due to expire, the Nominations Committee is to identify persons who may be suitable for appointment as such a member.
- (2) The Committee is:
 - (a) to determine which of those persons are to be recommended to the Council:
 - (i) for suggestion for consideration for appointment by the Minister, or
 - (ii) for appointment by the Council,as the case may be, and
 - (b) to recommend the length of appointment for each such person, and
 - (c) to forward those recommendations to the Council at least 2 months before the relevant term of office is due to expire.
- (3) In determining the persons to be recommended under subclause (2) (a), the Committee is to have regard to:
 - (a) the skills and experience of the continuing members of the Council, and
 - (b) the skills and experience that will be needed for the Council as a whole (taking into account the matters referred to in section 8C of the Act), and
 - (c) such other matters as the Committee considers relevant.
- (4) The Council is:

- (a) to consider the recommendations forwarded by the Committee, and
 - (b) to determine which of the recommended persons are to be:
 - (i) suggested for consideration 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.
- (5) The Chancellor is to forward the determinations referred to in subclause (4) (b) (i) and (c) (i) to the Minister.
- (6) The Council is to make the determinations referred to in subclause (4) at least 1 month before the relevant term of office is due to expire.
- (7) The Council may make the determinations referred to in subclause (4) only at a meeting of the Council:
- (a) convened by the Registrar, and
 - (b) of which the Registrar has given each member of the Council at least 7 days' notice.
- (8) The notice referred to in subclause (7) (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.
- (9) A failure to comply with a time limit specified in this clause does not affect the validity of a suggestion or an appointment.

35 (Repealed)

36 Casual vacancy in the office of an appointed member of Council

- (1) If a casual vacancy occurs in the office of a member of Council appointed under section 8F or 8G of the Act, the Chancellor is to forward to the Minister for consideration for appointment the name of a person nominated in accordance with the procedures set out in clause 34 in respect of such an office.

(2) (Repealed)

(3) The time limits specified in clause 34 may be disregarded for the purposes of this clause.

Part 3 Membership of Convocation

37 Graduates of University

For the purposes of section 3 (2) of the Act, the following are prescribed:

- (a) an associate diploma or certificate received on completion of a course with a minimum duration of one year full-time or its equivalent,
- (b) an honorary degree.

38 Prescribed staff members of Convocation

For the purposes of section 14 (1) (c) of the Act, Convocation includes persons who are:

- (a) members of the academic staff of the University appointed on a fractional-time basis, or
- (b) members of the non-academic staff of the University appointed on a full-time or fractional-time basis.

39 Prescribed additional members of Convocation

In addition to the persons on whom membership is conferred by the Act or this Part, Convocation includes the following:

- (a) past members of the Councils of any of the predecessors of the University and of the Councils of the Kuring-gai College of Advanced Education and the Sydney College of Advanced Education, including past members of the governing bodies of the predecessors of each of those institutions,
- (b) those persons who have been admitted to membership of Convocation by virtue of section 14 (1) (c) of the Act and who have ceased employment after serving for not less than 5 years as members of the staff of the University,
- (c) Professors Emeriti and recipients of honorary awards of the University, if not otherwise members of Convocation,
- (d) such other persons as are considered by the Council to have given conspicuous service to the University or to be specially qualified to advance the interests of the University and who are admitted, by resolution of Council, as members of Convocation.

40 Exemption from membership

The Council may exempt any person, on grounds of conscience, from membership of Convocation.

Part 4 Rules

Division 1 Rules relating to Academic Board

41 Rules with respect to Academic Board

The Council may make rules for or with respect to the constitution and functions of the Academic Board.

42 Academic Board may make rules

The Academic Board may make rules for or with respect to:

- (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.

Division 2 Rules relating to Convocation

43 Council may make rules

The Council may make rules for or with respect to the functions of Convocation and of any committees of Convocation.

Division 3 Rules Generally

44 Rules made by Council

The Council may make rules for or with respect to any or all of the matters for or with respect to which rules may be made under the Act.

Note—

Section 29 (1) of the Act provides that the by-laws may empower any authority (including the Council) or officer of the University to make rules (not inconsistent with the Act or the by-laws) for or with respect to matters for which by-laws may be made, except the matters referred to in sections 3 (2), 8B, 8D, 8E and 8F (2), 10 (2), 14 (1), 16 (1) (d) and (e), 23 and 28 (1) (b) and (k) of the Act and clauses 1 (1) (c) and (d) and 3 of Schedule 1 to the Act.

45 Rules made by Vice-Chancellor

The Vice-Chancellor may make rules, not inconsistent with the rules made by the Council, for or with respect to the good conduct of the University.

46 Promulgation of rules

- (1) A rule made by the Council or by the Vice-Chancellor must be promulgated by means of a notice displayed on a website maintained by the University for display of official notices in an electronic manner.
- (2) The Registrar must ensure that the rules are published in an official publication of the University.
- (3) Failure to comply with subclause (2) does not invalidate any rule.
- (4) In the event of an inconsistency between the rules made by the Council and the rules made by the Vice-Chancellor, the rules made by the Council prevail.

Part 5 Miscellaneous

47 Construction of references

A reference in any document of any kind to the University Secretary of the University is taken to be a reference to the Registrar.

47A Delegation by Council

For the purposes of section 17 of the Act, the following persons are prescribed as persons to whom the Council may delegate its functions:

- (a) any member of staff of the University,
- (b) any person engaged as a contractor by the University.

48 Repeal

- (1) The *University of Technology, Sydney, By-law 1995* is repealed.
- (2) Any act, matter or thing that, immediately before the repeal of the *University of Technology, Sydney, By-law 1995*, had effect under that By-law is taken to have effect under this By-law (but only to the extent that it relates to an act, matter or thing affected by 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-laws is taken to have been made pursuant to the corresponding provision of this By-law.
- (4) The Returning Officer is to continue to keep a Roll of Convocation in accordance with clause 8 (1) (e) of the *University of Technology, Sydney, By-law 1995* (as in force immediately before its repeal by this By-law) for so long as may be required for the purposes of clause 17 (5) (e) of Schedule 3 to the Act.