University of New South Wales By-law 2005

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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**
  The Parliamentary Counsel’s Office is progressively updating certain formatting styles in versions of NSW in force legislation published from 29 July 2019. For example, colons are being replaced by em-rules (em-dashes). Text of the legislation is not affected.

  This version has been updated.

- **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

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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 nominations, in relation to an election, means the date and time by which nominations must be received by the Returning Officer for the election in accordance with the election rules.

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 (student) member of the Council means a member of the Council referred to in the Act, section 8D(1)(c).

election rules means rules made by the Council for or with respect to matters referred to in section 28 (1A) of the Act.

fit and proper person means a fit and proper person for the purposes of the *Tertiary Education Quality and Standards Agency Act 2011* of the Commonwealth.

Nominations Committee means the Committee established under clause 48.

Returning Officer means the person appointed as Returning Officer in accordance with the election rules.

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

6–8 (Repealed)

9 Time of elections

Elections to elect members of the Council are to be held at the times specified in the election rules.

Division 2 Electors and candidates

10 Rolls

(1) Before an election, the Returning Officer is to assemble the following from information held by the University—

(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 Qualifications for election as elected (academic staff) member of Council

For the Act, section 8D(3)(a), a person seeking election to the Council as an elected (academic staff) member must have the following qualifications—

(a) the person's name is on the Roll of Academic Staff at the close of nominations for the election,

(b) the person is a fit and proper person.

12 Qualifications for election as elected (non-academic staff) member of Council

For the Act, section 8D(3)(a), a person seeking election to the Council as an elected (non-academic staff) member must have the following qualifications—

(a) the person's name is on the Roll of Non-Academic Staff at the close of nominations for the election,

(b) the person is a fit and proper person.

13 Qualifications for election as elected (undergraduate student) member of Council

For the Act, section 8D(3)(a), an undergraduate student of the University seeking election to the Council as an elected (student) member must have the following qualifications—

(a) the student's name is on the Roll of Undergraduate Students at the close of nominations for the election,

(b) the student is a fit and proper person.

14 Qualifications for election as elected (postgraduate student) member of Council

For the Act, section 8D(3)(a), a postgraduate student of the University seeking election to the Council as an elected (student) member must have the following qualifications—

(a) the student's name is on the Roll of Postgraduate Students at the close of nominations for the election,

(b) the student is a fit and proper person.

15 (Repealed)

Divisions 3–6

16–43 (Repealed)

Division 7 Elected Council member terms of office

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 (Repealed)

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.