

# University of Newcastle By-law 2005

[2005-631]



New South Wales

## Status Information

### Currency of version

Repealed version for 1 January 2013 to 16 March 2017 (accessed 25 November 2024 at 8:53)

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—

- **Repeal**

This By-law was repealed by cl 23 (1) of the *University of Newcastle By-law 2017 (84)* with effect from 17.3.2017.

### 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](#).

File last modified 17 March 2017

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New South Wales

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# University of Newcastle By-law 2005



New South Wales

## Part 1 Preliminary

### 1 Name of By-law

This By-law is the *University of Newcastle By-law 2005*.

### 2 Definitions

In this By-law, and in any rule made under this By-law:

**Council Nominations Committee** means the Committee established under clause 3.

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

**rule** means a rule made under this By-law.

**Secretary** means the Secretary to the University.

**the Act** means the *University of Newcastle Act 1989*.

## Part 2 Appointed members of Council

### Division 1 Preliminary

#### 3 Council Nominations Committee

(1) There is established by this By-law a Council Nominations Committee.

(2) The Committee is to consist of the following persons:

(a) the Chancellor and Vice-Chancellor,

(b) 2 members of the Council who are external persons.

(3) The term of office of a member of the Committee referred to in subclause (2) (b) is to be no more than 2 years, as determined by the Council.

(4) A member of the Committee referred to in subclause (2) (b) is to hold office as such a member for no more than 2 consecutive terms, as determined by the Council.

## **Division 2 Members appointed by Minister**

### **4 Procedure for suggestions in relation to members appointed under section 8G**

(1) As soon as practicable after 1 March in a year in which the term of office of a member appointed under section 8G of the Act expires, the Secretary is to invite the Council to suggest names of external persons for consideration for appointment by the Minister as a member of the Council under section 8G of the Act.

(2) The Secretary is to make such an invitation by placing a notice to that effect in the Council meeting papers or by any other means that the Secretary considers appropriate.

(3) The notice must:

(a) state that the suggestion must be by two members of Council, and

(b) specify a date and time by which the suggestion must reach the Secretary.

(4) The Secretary is to forward all valid suggestions to the Council Nominations Committee.

(5) The Council Nominations Committee must:

(a) consider the suggestions forwarded by the Secretary, and

(b) recommend names from those suggestions that are to be forwarded to the Council for suggestion by the Council, and

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

(d) forward those recommendations to the Council.

(6) The Council must:

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

(b) determine which of those persons are to be suggested for appointment by the Minister with particular reference to the expertise and experience prescribed for membership of the Council in section 8C of the Act, and

(c) determine the recommended length of appointment for each such person.

(7) The Chancellor is to forward the determinations referred to in subclause (6) (b) and (c) to the Minister.

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

(1) If a casual vacancy occurs in the office of a member of the Council appointed under section 8G of the Act, the Chancellor is to forward to the Minister for consideration the name of another person suggested by the Council from the persons who were recommended to it under clause 4 (5) for the office concerned.

(2) The Council is to forward the name of a person to the Minister under subclause (1) only with the consent of the person.

(3) A member appointed to fill a casual vacancy under this clause holds office for the unexpired portion of his or her predecessor's term of office.

### **Division 3 Member appointed by Council (other than Convocation members)**

#### **6 Procedure for nominations in relation to members appointed under section 8F**

(1) For the purposes of section 8F of the Act, the Council is to appoint one external person as a member of the Council.

(2) As soon as practicable after 1 March in a year in which the term of office of a member appointed under section 8F of the Act expires, the Secretary is to invite the Council to propose names of external persons for appointment by the Council as a member of the Council under section 8F of the Act.

(3) The Secretary is to make such an invitation by placing a notice to that effect in the Council meeting papers or by any other means that the Secretary considers appropriate.

(4) The notice must:

(a) state that the proposal must be by two members of Council, and

(b) specify a date and time by which the proposal must reach the Secretary.

(5) The Secretary is to forward all valid proposals to the Council Nominations Committee.

(6) The Council Nominations Committee must:

(a) consider the proposals forwarded by the Secretary, and

(b) recommend names from those proposals that are to be forwarded to the Council for appointment by the Council, and

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

(d) forward those recommendations to the Council.

(7) The Council must:

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

(b) determine which of those persons are to be appointed to the Council with particular reference to the expertise and experience prescribed for membership of the Council in section 8C of the Act, and

(c) determine the length of appointment for each such person.

#### **7 Casual vacancy in office of member appointed under section 8F**

(1) 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 the Council under clause 6 (6) for the office concerned.

(2) The Council is to appoint a person under subclause (1) only with the consent of the person.

(3) A member appointed to fill a casual vacancy under this clause holds office for the unexpired portion of his or her predecessor's term of office.

### **Division 4 Members appointed by Council who are members of Convocation**

#### **8 Procedure for nomination in relation to members appointed under section 8F**

(1) For the purposes of section 8F of the Act, the Council is to appoint 4 external persons as members of the Council.

(2) As soon as practicable after 1 March in a year in which the term of office of a member appointed under section 8F of the Act expires, the Secretary is to invite Convocation and the Convocation Management Committee to propose names of members of Convocation for appointment by the Council as a member of the Council under section 8F of the Act.

(3) The Secretary is to make such an invitation by placing a notice to that effect:

(a) in at least one newspaper published in Sydney and circulating throughout the State, and

(b) in at least one daily newspaper published and circulating in Newcastle, and

(c) on, or on a page that is linked to, the University Home Page on the World Wide



Web, and

(d) by any other means that the Secretary considers appropriate.

(4) The notice must:

- (a) state that the proposal must be by two members of Convocation, and
- (b) specify a date and time by which the proposal must reach the Secretary.

(5) The Secretary is to forward all valid proposals to the Convocation Management Committee for consideration.

(6) The Convocation Management Committee is to forward the proposals, along with any comments it may make on the proposals, to the Council Nominations Committee.

(7) The Council Nominations Committee must:

- (a) consider the proposals forwarded by the Convocation Management Committee, and
- (b) recommend names from those proposals that are to be forwarded to the Council for consideration for appointment by the Council, and
- (c) recommend the length of appointment for each such person, and
- (d) forward those recommendations to the Council.

(8) The Council must:

- (a) consider the recommendations forwarded by the Council Nominations Committee, and
- (b) determine which of those persons are to be appointed to the Council with particular reference to the expertise and experience prescribed for membership of the Council in section 8C of the Act, and
- (c) determine the length of appointment for each such person, and
- (d) appoint such persons as members of the Council.

## **9 Casual vacancy in office of member appointed under section 8F**

(1) 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 the Council under clause 8 (7) for the office concerned.

(2) The Council is to appoint a person under subclause (1) only with the consent of the person.

- (3) A member appointed to fill a casual vacancy under this clause holds office for the unexpired portion of his or her predecessor's term of office.

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

### **Division 1 Preliminary**

#### **10 Election procedures**

Elections for the elected members of the Council are to be conducted by secret ballot using a compulsory preferential system of voting in accordance with this Part.

#### **11 Returning Officer**

- (1) Elections for the elected members of the Council are to be conducted by the Secretary who, for that purpose, is referred to in this Part as the **Returning Officer**.
- (2) The Returning Officer may appoint a Deputy Returning Officer and other persons to assist in the conduct of the whole or any part of an election.
- (3) The decision of the Returning Officer on all matters affecting the eligibility of candidates and the conduct and results of an election is final.

#### **12 Qualifications of elected members**

- (1) A person referred to in section 8D (1) (a) of the Act has the prescribed qualifications in relation to an election if, as at the close of nominations for that election, the person's name is enrolled in the Roll of Academic Staff.
- (2) A person referred to in section 8D (1) (b) of the Act has the prescribed qualifications in relation to an election if, as at the close of nominations for that election, the person's name is enrolled in the Roll of General Staff.
- (3) A person referred to in section 8D (1) (c) of the Act who is an undergraduate student of the University has the prescribed qualifications in relation to an election if, as at the close of nominations for that election, the person's name is enrolled in the Roll of Undergraduate Students in relation to a course of studies that leads to a degree or diploma of the University.
- (4) A person referred to in section 8D (1) (c) of the Act who is a postgraduate student of the University has the prescribed qualifications in relation to an election if, at the close of nominations for that election, the person's name is enrolled in the Roll of Postgraduate Students in relation to a course of studies that leads to a degree or diploma of the University.

## **Division 2 Rolls**

### **13 Returning officer to keep rolls**

The Returning Officer must keep:

- (a) a Roll of Academic Staff, containing the names and addresses of all persons who are for the time being members of the academic staff of the University, and
- (b) a Roll of General Staff, containing the names and addresses of all persons who are for the time being members of the non-academic staff of the University, and
- (c) a Roll of Undergraduate Students, containing the names and addresses of all persons who are for the time being undergraduate students of the University, and
- (d) a Roll of Postgraduate Students, containing the names and addresses of all persons who are for the time being postgraduate students of the University.

### **14 Rolls of Academic Staff, General Staff, Undergraduate Students and Postgraduate Students**

The Roll of Academic Staff, the Roll of General Staff, the Roll of Undergraduate Students and the Roll of Postgraduate Students are each to be maintained on a day-to-day basis.

### **15 Rolls generally**

- (1) A copy of each Roll is to be available for inspection in the Returning Officer's office at the University during usual working hours.
- (2) An election is not invalid because of an error or omission in the recording of a name in a Roll.

## **Division 3 Conduct of elections**

### **16 Publication of notices**

- (1) When an election is necessary, the Returning Officer is to publish notice of that fact:
  - (a) on appropriate notice boards at the University, and
  - (b) in at least one daily newspaper published and circulating in Newcastle, and
  - (c) on, or on a page that is linked to, the University Home Page on the World Wide Web.
- (2) The notice:
  - (a) must indicate the number of members to be elected, and
  - (b) must invite nominations of candidates for election, and

- (c) must fix a date and time for the close of nominations for the election (that is, the date and time by which nomination papers must reach the Returning Officer), and
  - (d) must fix a date and time for the close of voting in the election (that is, the date and time by which completed voting papers must reach the Returning Officer).
- (3) In fixing the dates referred to in the notice, the Returning Officer must ensure that:
- (a) there are not less than 14 days nor more than 30 days between the publication of the notice and the close of nominations, and
  - (b) there are not more than 28 days between the close of nominations and the issue of voting papers, and
  - (c) there are not less than 14 days nor more than 60 days between the issue of voting papers and the close of voting.

### **17 Nomination of candidates**

- (1) A person may be nominated for election only in accordance with this clause.
- (2) A separate nomination form must be completed for each candidate and must be lodged with the Returning Officer before the close of nominations.
- (3) A nomination form:
  - (a) must be signed by two people who are each entitled to vote at the election concerned, and
  - (b) must be endorsed with, or accompanied by, the written consent of the nominee.
- (4) A candidate may provide to the Returning Officer a passport-size personal photograph and a written statement about the candidate of not more than 150 words.
- (5) The Returning Officer:
  - (a) may edit the statement for length, and
  - (b) after obtaining the consent of the candidate to any amendments, must arrange for the statement to be printed with any accompanying photograph.
- (6) The Returning Officer must reject a nomination form if it does not comply with this clause or if the candidate is not eligible for election.
- (7) The Returning Officer must give written notice to each candidate:
  - (a) of the fact that his or her nomination form has been rejected, or
  - (b) of the fact that the candidate has been duly nominated,

as the case requires.

### **18 Procedure at close of nominations**

- (1) If, at the close of nominations, the number of candidates is the same as or less than the number of vacancies to be filled, the Returning Officer must declare the candidate or candidates to be elected.
- (2) If, at the close of nominations, the number of candidates is more than the number of vacancies to be filled, the Returning Officer must conduct a ballot to fill the vacancies.

### **19 Voting papers**

- (1) All voting papers must specify the names of all the candidates.
- (2) The Returning Officer must arrange for the order in which those names are to appear on voting papers to be decided by lot.
- (3) The Returning Officer must ensure that a voting paper is sent to each person who is entitled to vote in the election concerned.
- (4) A voting paper is to be accompanied by the following documents:
  - (a) a notice setting out how the voting paper is to be completed and specifying the date and time by which the voting paper must reach the Returning Officer,
  - (b) two envelopes, one marked "Voting Paper Only" and the other addressed to the Returning Officer,
  - (c) a form of declaration of identity and of entitlement to vote, which may be printed on the reverse of the envelope addressed to the Returning Officer,
  - (d) any statements (as amended by the Returning Officer) and photographs that have been submitted by the candidates in relation to their nominations.
- (5) A person whose voting paper becomes lost or destroyed may apply to the Returning Officer for a duplicate voting paper because of that fact and, if satisfied of the truth of the application, the Returning Officer must supply a duplicate voting paper to the applicant.
- (6) An election is not invalid because of an error or omission in the distribution of voting papers.

### **20 Voting conduct**

- (1) An elector must cast a vote by placing the number "1" opposite the name of the candidate to whom the elector wishes to give the elector's first preference vote.
- (2) The elector must then give contingent votes to the remaining candidates (by placing

the numbers “2”, “3”, “4”, and so on, opposite the names of all the other candidates) so as to indicate unambiguously the order of the elector’s preferences for them.

(3) The elector:

- (a) must place the completed voting paper in the envelope marked “Voting Paper Only”, and
- (b) must seal the envelope and enclose it in the envelope addressed to the Returning Officer, together with the completed personal declaration, if that declaration is on a separate piece of paper, and
- (c) if necessary, must complete the personal declaration printed on the reverse of the envelope addressed to the Returning Officer, and
- (d) must send or deliver to the Returning Officer the envelope so addressed so as to ensure that the Returning Officer will receive it before the close of voting.

## **21 Acceptance of voting papers**

The Returning Officer must reject a voting paper if satisfied that:

- (a) it has been received after the close of voting, or
- (b) it has been cast by a person who is not entitled to vote at the election or who has already voted at the election, or
- (c) it does not comply with the requirements of this Division.

## **22 Scrutineers**

Each candidate is entitled to nominate in writing to the Returning Officer one scrutineer to be present at the count.

## **23 Non-disclosure**

Neither the Returning Officer or any person appointed by the Returning Officer, nor any scrutineer, must in any way disclose or aid in disclosing in what manner any voter has voted.

## **24 Scrutiny of votes**

The Returning Officer, in the presence of such of the scrutineers as choose to be present:

- (a) must examine the voting papers, and
- (b) must reject as informal those that, in the opinion of the Returning Officer, do not comply with the requirements of this Division, and
- (c) must proceed to count the remaining votes with the assistance of such persons as the

Returning Officer may appoint for the purpose.

## **25 Determination of result where only one candidate to be elected**

- (1) The result in an election where only one candidate is to be elected is to be determined in accordance with this clause.
- (2) The total number of first preference votes given to each candidate must be counted.
- (3) If one of the candidates has an absolute majority of votes, that candidate is to be declared to be elected.
- (4) If no candidate has an absolute majority of votes:
  - (a) the candidate who has the fewest votes is to be excluded, and
  - (b) the voting papers allocated to the excluded candidate are to be reallocated to the remaining candidates next in order of the electors' preferences for them.
- (5) The procedures under this clause are to be repeated until one of the remaining candidates has an absolute majority of votes, in which case that candidate is to be declared to be elected.
- (6) If, after any count, two or more remaining candidates have equal numbers of votes and one of them must be excluded, the Returning Officer must determine by lot which of them is to be excluded.
- (7) However, if there are only two remaining candidates and they each have equal numbers of votes, the Returning Officer must determine by lot which of them is to be elected.
- (8) In this clause, ***absolute majority of votes*** means a number greater than one half of the total number of voting papers counted.

## **26 Determination of result where more than one candidate to be elected**

- (1) The result in an election where more than one candidate is to be elected is to be determined in accordance with this clause.
- (2) The total number of first preference votes given to each candidate must be counted and the candidate who has the fewest votes must be excluded.
- (3) If the number of remaining candidates is equal to the number of candidates to be elected, the Returning Officer must declare each of the remaining candidates to be elected.
- (4) If the number of remaining candidates is greater than the number of candidates to be elected, the voting papers allocated to the excluded candidate are to be reallocated to the remaining candidates next in order of the electors' preferences for them.

- (5) The procedures under this clause are to be repeated until the number of remaining candidates is equal to the number of candidates to be elected.
- (6) If, after any count, two or more remaining candidates have equal numbers of votes and one of them must be excluded, the Returning Officer must determine by lot which of them is to be excluded.

## **27 Determination by lot**

- (1) If the ordering of candidates on a voting paper, or the exclusion or election of a candidate, has to be determined by lot, the determination is to be made in the following manner:
  - (a) the names of the candidates in respect of whom the determination is to be made are to be written on similar slips of paper,
  - (b) the slips of paper are to be folded so as to hide the names written on them,
  - (c) the slips of paper are to be mixed together,
  - (d) the slips of paper are to be drawn at random.
- (2) In the case of a determination by which candidates are to be ordered on a voting paper, the candidates are to be listed in the order in which their names are drawn.
- (3) In the case of a determination by which a candidate is to be excluded, the candidate whose name is drawn first is to be excluded.
- (4) In the case of a determination by which a candidate is to be declared elected, the candidate whose name is drawn first is to be declared elected.

## **Division 4 Terms of office**

### **28 Term of office of elected members**

- (1) For the purposes of section 9 (1) (c) and (d) of the Act:
  - (a) the prescribed term of office for a member of the Council referred to in section 8D (1) (a) of the Act is 2 years, and
  - (b) the prescribed term of office for a member of the Council referred to in section 8D (1) (b) of the Act is 2 years, and
  - (c) the prescribed term of office for a member of the Council referred to in section 8D (1) (c) of the Act is 1 year.
- (2) Despite subclause (1), a member elected to fill a casual vacancy in the office of an elected member of the Council holds office for the unexpired portion of his or her predecessor's term of office.



## **29 Casual vacancies generally**

- (1) If a casual vacancy in the office of a member of the Council referred to in section 9 (1) (d), (e), (f) or (g) of the Act occurs with less than a quarter of the term of that office remaining, the Council is to appoint a qualified person to fill the vacancy.
- (2) A member appointed to fill a casual vacancy under this clause holds office for the unexpired portion of his or her predecessor's term of office.

## **Part 4 The Academic Senate**

### **30 Constitution of Academic Senate**

The Council may by resolution determine the persons who are to be members of the Academic Senate under section 15 (1) (b) of the Act.

### **31 President and Deputy President of Academic Senate**

- (1) The full-time members of the academic staff of the University are to elect a President of the Academic Senate in accordance with the rules.
- (2) The members of the Academic Senate are to elect a Deputy President of the Academic Senate in accordance with the rules.
- (3) The President (or, in the absence of the President, the Deputy President) of the Academic Senate is to preside at meetings of the Academic Senate.
- (4) In the absence of both the President and Deputy President of the Academic Senate, the person to preside at a meeting of the Academic Senate is to be a member of the Academic Senate appointed by the members present and voting at that meeting.
- (5) Despite subclauses (2) and (3), the Vice-Chancellor is entitled (but not obliged) to preside at any meeting of the Academic Senate at which the Vice-Chancellor is present.

### **32 Functions of Academic Senate**

The Academic Senate is the principal academic body in the University, and has the following functions:

- (a) to advise the Council on matters concerning the academic activities of the University,
- (b) to consider, and report to the Council on, any matter referred to it by the Council,
- (c) to refer matters to any faculty, school, board or other body within the University for consideration and report,
- (d) to consider, and report to the Council on, any proposal concerning teaching, scholarship or research that is made by any faculty, school, board or other body within

the University,

- (e) to determine, after consultation with each of the faculties, schools, boards or other bodies concerned, any matter concerning any course of study or examination that is not solely within the province of any single faculty, school, board or other body,
- (f) to consider, and report to the Council or to any other body within the University on, any matter affecting the policies and activities of the University or of any such body,
- (g) to exercise such other functions as may be conferred or imposed on the Academic Senate by the rules.

### **33 Reference to Council of certain matters by Academic Senate**

(1) If:

- (a) the Academic Senate does not approve without amendment any proposal concerning teaching, scholarship or research that is made by a faculty, school, board or other body within the University, and
- (b) the faculty, school, board or other body so requests,

the Academic Senate must transmit the original proposal to the Council, together with the Academic Senate's recommendations with respect to the proposal.

(2) If the Council does not accept without amendment any recommendation of the Academic Senate with respect to the proposal, the Council must not make a final decision in the matter without further consultation with the Academic Senate.

(3) This clause does not apply if, in the judgment of the Chancellor:

- (a) the matter is one of urgency in which it is necessary for an immediate decision to be made by the Council, or
- (b) the area of difference between the Council and the Academic Senate is not one of principle or major significance.

## **Part 5 Convocation**

### **Division 1 Membership**

#### **34 Non-academic members of staff**

For the purposes of section 14 (1) (c) of the Act, Convocation includes any full-time or part-time non-academic member of staff of the University who holds:

- (a) a degree, diploma or award recognised by the rules, being a degree, diploma or award conferred or awarded by some other university or other institute of tertiary education, or

- (b) a professional qualification recognised by the rules as being equivalent to such a degree, diploma or award.

### **35 Past members of staff**

For the purposes of section 14 (1) (d) of the Act, Convocation includes:

- (a) any person who has retired from employment with the University after having been a member of Convocation by virtue of section 14 (1) (c) of the Act for 5 years or more, and
- (b) any professor emeritus of the University, regardless of the length of time for which he or she has been a member of staff of the University, and
- (c) any person who holds a degree, diploma or award recognised by the rules, being a degree, diploma or award conferred or awarded by some other university, and
- (d) any person:
  - (i) who holds a degree, diploma, award or certificate recognised by the rules, being a degree, diploma, award or certificate conferred or awarded by an institute of tertiary education other than a university, and
  - (ii) who resides in the Hunter region, the Central Coast or surrounding areas, and
- (e) any person:
  - (i) who is a graduate of the University of New England (within the meaning of the [University of New England Act 1993](#)) or a graduate of the University of New South Wales (within the meaning of the [University of New South Wales Act 1989](#)), and
  - (ii) who has for at least 3 years been enrolled as a student of the Newcastle University College, and
- (f) any person on whom the University, or any institution referred to in section 3 (2) (b) or (c) of the Act, has conferred an honorary award, and
- (g) any other person who is qualified for membership of Convocation in accordance with the rules.

### **36 Register of members of Convocation**

The Secretary is to keep a Register of Convocation containing the names and last known addresses of all persons who are members of Convocation.

## **Division 2 Functions**

### **37 Functions**

Convocation has the following functions:

- (a) to elect a Warden to preside at its meetings,
- (b) to discuss and pronounce an opinion on any matter relating to the University, including any matter referred to it by the Council or by a Standing Committee or other committee of Convocation,
- (c) to advise the Council or Academic Senate on any matter relating to the University, including any matter referred to it by the Council or by a Standing Committee or other committee of Convocation,
- (d) to refer matters for advice and report to a Standing Committee or other committee of Convocation,
- (e) such other functions as may be conferred or imposed on Convocation by the rules.

### **Division 3 Meetings**

#### **38 Meetings of Convocation**

Convocation is to meet at least once in every year.

#### **39 Convening of meetings**

The Warden of Convocation:

- (a) may convene a meeting of Convocation at any time, and
- (b) must convene a meeting of Convocation if so required by one per cent or more of the members of Convocation whose names and addresses are contained in the Register of Convocation.

#### **40 Notice of meetings**

- (1) The Warden of Convocation must give at least 21 days' notice of any meeting of Convocation.
- (2) Notice may be given by publishing the information in at least one daily newspaper circulating nationally and one daily newspaper circulating in Newcastle.
- (3) The notice must include information as to how details of the business to be transacted at the meeting can be obtained.

#### **41 Quorum**

A quorum at any meeting of Convocation is 15 members.

## **Part 6 Rules**

### **42 Making of rules by Council and Vice-Chancellor**

- (1) Rules (not inconsistent with the Act or this By-law) may be made:
  - (a) by the Council, or
  - (b) if the rules made by the Council so provide, by the Vice-Chancellor,for or with respect to any or all of the matters for or with respect to which rules may be made under the Act.
- (2) In the event of any inconsistency between the rules made by the Council and the rules made by the Vice-Chancellor, the rules made by the Council prevail to the extent of the inconsistency.

### **43 Publication of rules**

- (1) A rule made by the Council or by the Vice-Chancellor must be published by means of a notice displayed on an official notice board of the University.
- (2) A copy of the rule must also be displayed on, or on a page that is linked to, the University Home Page on the World Wide Web.
- (3) Information concerning the making of the rule, and as to how details of the rule can be obtained, must be published in an appropriate University publication as soon as possible after the rule is made.

### **44 Inspection of rules**

Copies of each rule made by the Council or the Vice-Chancellor are to be made available for inspection at the Secretary's office at the University during usual working hours.

### **45 Rescission of rules**

Sections 28, 29 and 30 of the [Interpretation Act 1987](#) apply to the rescission of a rule within the meaning of this By-law in the same way as they apply to the repeal of a statutory rule within the meaning of that Act.

## **Part 7 Miscellaneous**

### **46 Designation of academic staff, non-academic staff, full-time staff and part-time staff**

For the purposes of the Act and this By-law, the members of staff of the University are classified as follows:

- (a) members of staff are designated as academic staff if their duties include teaching or research,

- (b) members of staff are designated as non-academic staff if their duties do not include teaching or research,
- (c) members of staff are designated as full-time members of staff:
  - (i) if their terms of employment expressly state that they are employed on a full-time basis, or
  - (ii) where their terms of employment are silent on the matter, if they are employed on terms identified by the Secretary as terms of full-time employment,
- (d) members of staff are designated as part-time members of staff:
  - (i) if their terms of employment expressly state that they are employed on a part-time basis, or
  - (ii) where their terms of employment are silent on the matter, if they are employed on terms identified by the Secretary as terms of part-time employment.

#### **47 Graduates of University**

For the purposes of section 3 (2) of the Act, the prescribed awards and certificates are:

- (a) an award received on completion at the Hunter Institute of Higher Education (or any of its predecessors) of an advanced education course, and
- (b) a Teacher's Certificate awarded after the successful completion of the academic requirements of any predecessor of the Hunter Institute of Higher Education, and
- (c) any award or certificate that, in the opinion of the Council, is equivalent to an award or certificate referred to in paragraph (a) or (b), being an award or certificate that has been received by a person as a result of enrolment at the National Art School in Newcastle or the Newcastle Branch of the New South Wales Conservatorium of Music.

#### **48 Term of office of Chancellor**

For the purposes of section 10 (2) of the Act, the term for which the Chancellor is to hold office is 4 years.

#### **49 Service of documents**

Any notice or other document that is authorised or required to be served on a person by this By-law or a rule may be served in any one of the following ways:

- (a) by delivering it to the person personally,
- (b) if the person is resident at or has an office at the University, by forwarding it to the person through the internal mail of the University,
- (c) by sending it by post to the person's address, as last known to the Secretary.

## **50 Custody and use of University seal**

The seal of the University is to be kept in the custody of the Secretary and may be affixed only:

- (a) in the presence of:
  - (i) the Chancellor, the Deputy Chancellor, the Vice-Chancellor or a Deputy Vice-Chancellor, and
  - (ii) the Secretary, and
- (b) with an attestation by the signature of each person in whose presence it is affixed of the fact of the affixing of the seal.

## **51 Repeal**

- (1) The *University of Newcastle By-law 1999* is repealed.
- (2) Any act, matter or thing that, immediately before the repeal of the *University of Newcastle By-law 1999*, had effect under that By-law continues to have effect under this By-law (but only to the extent that it relates to any 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-law is taken to have been made pursuant to the corresponding provision of this By-law.