

University Statute No. 14 Election Offences

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1. Definitions

In this Statute unless the contrary intention appears:

- a. "Election Statutes" means:
 - i. Statute No.8 providing for the election of Academic and Salaried Staff to Council;
 - ii. Statute No.9 providing for the election of an Alumnus to Council;
 - iii. Statute No.10 providing for the election of Enrolled Students to Council; and
 - iv. Statute No.13 providing for the election of Academic and Salaried Staff and Enrolled Students to a Campus Committee;and "Election Statute" means any one of the Election Statutes; and
- b. Words and expressions defined in the Election Statute applicable to the election at which or in relation to which an offence under this Statute has or is alleged to have been committed shall have the same meanings where used in this Statute.

2. Offences

To secure the good government and discipline of the University and the purity of elections held under the Election Statutes, the following acts are hereby deemed to be offences under this Statute:

- a. breach or neglect of official duty;
- b. illegal practices, including: bribery;
 - i. undue influence; and
 - ii. electoral offences.

3. Breach or Neglect of Official Duty

For the purposes of section 2a of this Statute, "breach or neglect of official duty" includes:

- a. any attempt by any returning officer, presiding officer or scrutineer to influence the vote of any elector, or, except by recording his vote, the result of any election;
- b. the disclosure of any knowledge officially acquired by any returning officer, presiding officer or scrutineer touching the vote of any elector; and
- c. any neglect or refusal by any returning officer, presiding officer or scrutineer to discharge any official duty and any violation by any returning officer, presiding officer or scrutineer of any provision of this Statute.

4. Bribery

For the purposes of section 2bi of this Statute, any person who:

- a. promises, or offers, or suggests any valuable consideration, advantage, recompense, reward, or benefit for, or on account of, or to induce any candidature or withdrawal of candidature, or any vote or omission to vote, or any support of, or opposition to, any candidate, or any promise of any such vote, omission, support, or opposition;
 - b. gives or takes any valuable consideration, advantage, recompense, reward, or benefit for, or on account of, any such candidature, withdrawal, vote, omission, support or opposition referred to in sub-section a, or promise thereof;
 - c. promises, offers, or suggests any valuable consideration, advantage, recompense, reward or benefit for bribery, or gives or takes any valuable consideration, advantage, recompense, reward, or benefit for bribery;
 - d. directly or indirectly makes overtures to any person for the acquiring by gift or purchase, or who acquires by gift or purchase from any person, any postal ballot paper; or
 - e. being an elector directly or indirectly makes overtures to any person for the giving away, or parting with the possession of, or selling, any postal ballot paper; or who gives away any postal ballot paper; or who sells any postal ballot paper
- shall be guilty of bribery.

5. Undue Influence

- a. For the purposes of section 2bii of this Statute, any person who:
 - i. threatens, offers, or suggests any violence, injury, punishment, damage, loss or disadvantage for or on account of or to induce any candidature, or withdrawal of candidature, or any vote or any omission to vote, or any support or opposition to any candidate, or any promise of any vote, omission, support, or opposition;
 - ii. uses, causes, inflicts, or procures any violence, punishment, damage, loss or disadvantage for or on account of any such candidature, withdrawal, vote, omission, support, opposition, enrolment or refraining from enrolment referred to in sub-section i;
 - iii. by spoken words, or by written or printed words or signs in any form whatsoever, publishes any matter intended or intending to prevent or restrain the free exercise of the franchise by any person, or which threatens, offers, or suggests any damage, loss, or disadvantage, either in the present or in the future, to any person on account of his or her voting preferences;
 - iv. in any way interferes with any elector, either in the polling place or within 6 metres from the entrance thereto with the intention of influencing the elector or advising the elector as to his or her vote;
 - v. at any time between the issue of the Notice of Election and the close of the poll, publishes or exposes or causes to be published or exposed to public view any document or writing or printed matter containing any untrue statement defamatory of any candidate and calculated to influence the vote of any elector;
 - vi. being a candidate, personally solicits the vote of any elector on polling day; or
 - vii. being a candidate, attends at any meeting of electors other than his or her committee held for electoral purposes on polling day

shall be guilty of undue influence.

- b. No declaration of University policy or promise of University action shall be deemed bribery or undue influence.

6. Illegal Practices

For the purposes of section 2b of this Statute, in addition to bribery and undue influence, the publication of any electoral advertisement (other than an advertisement in a newspaper announcing the holding of a meeting), hand bill, or pamphlet, or any issue of any electoral notice without, at the end thereof, the name and address of the person authorising the same being clearly printed, shall be an illegal practice.

7. Electoral Offences

For the purposes of section 1 of this Statute any person who:

- a. falsely personates any person to secure a ballot paper to which the personator is not entitled, or personates any other person for the purpose of voting;
- b. fraudulently destroys or defaces any nomination or ballot paper;
- c. fraudulently puts any ballot or other paper into the ballot box;
- d. fraudulently takes any ballot paper out of any polling place;
- e. forges or utters, knowing the same to be forged, any nomination or ballot paper;

- f. in any polling place on polling day, misconducts himself, or fails to obey the lawful directions of the Presiding Officer;
- g. supplies ballot papers without authority;
- h. unlawfully destroys, takes, opens, or otherwise interferes with ballot boxes or ballot papers;
- i. votes more than once at the same election;
- j. wilfully defaces, mutilates, destroys, or removes any notice, list or other document affixed by any returning officer or by his authority;
- k. distributes any advertisement, hand bill, or pamphlet published in contravention of section 6 of this Statute;
- l. being a returning officer, presiding officer or scrutineer, wears or displays, in a polling place on polling day, any badge or emblem of a candidate or political party;
- m. during the polling at any election, wilfully takes any ballot paper out of a polling place, except to one of the voting compartments; during the hours of polling at any election:
 - i. being a candidate uses or permits to be used; or
 - ii. being any other person, uses any loudspeaker, public address system or amplifier, whether fixed or mobile, broadcasting van sound system, radio apparatus or any other apparatus or device for the broadcasting or dissemination of any matter intended or likely to affect the result of the election; or
- n. during the hours of polling at an election, makes any public demonstration having reference to the election shall be guilty of an electoral offence.

8. Removal of Offenders

Whoever, in any polling place on polling day, misconducts himself, or fails to obey the lawful directions of the Presiding Officer, may be removed from the polling place by any member of the Police Force or by any person authorised by the Presiding Officer.

9. Liability for Indirect Acts

Every person shall be liable for an offence against this Statute committed directly or indirectly by himself, or any other person on his behalf, and with his knowledge and authority.

10. Attempt to Commit an Offence

Any attempt to commit an offence against this Statute shall be an offence against this Statute punishable as if the offence has been committed.

11. Certificate of Evidence

On any prosecution under this Statute, the certificate of the Returning Officer that the election mentioned in the certificate was duly held, and that the person named in the certificate was a candidate at that election, shall be evidence of the matter stated.

12. Penalties

- a. A person who commits an offence against this Statute shall be liable to a penalty not exceeding the amount from time to time prescribed by the Act as the maximum penalty that may be imposed for any breach of a Statute, and to pay compensation not exceeding the amount from time to time prescribed by the Act as the maximum restitution that may be paid to the University for any damage done by him or her to University property.
- b. Proceedings may be taken in any court of summary jurisdiction in accordance with the Justices Act 1902 in respect of any offence committed under this Statute and any penalty imposed or compensation made payable may be recovered in a summary matter in accordance with the Justices Act 1902.
- c. Proceedings may be taken by any person authorised by the Vice-Chancellor or the Council or by any member of the Police Force who shall be reimbursed out of the funds of the University for all costs, charges, expenses and damages which he or she may incur or become liable by reason of taking proceedings.
- d. A person who does not contest an allegation that he or she has committed an offence under this Statute may pay to the Vice-Chancellor within the time prescribed by a notice given under section 13 of this Statute, the modified penalty prescribed for that offence by sub-section e.
- e. For any offence under this Statute the modified penalty shall be \$10.00.
- f. The production of an acknowledgement from the Vice-Chancellor of the payment of the modified penalty shall be a defence to a charge of the offence in respect of which the modified penalty is paid.

- g. If it appears to the Vice-Chancellor that an alleged offence under this Statute cannot be adequately punished by the payment of a modified penalty, the Vice-Chancellor may refuse to accept payment of the modified penalty and may take proceedings against the alleged offender.
- h. The commission of an offence under this Statute by a student is deemed to be a disciplinary offence for which a complaint may be brought, heard and determined under disciplinary rules of the University, instead of before a court of summary jurisdiction.

13. Notices

- a. If a person shall commit an offence under this Statute the Vice-Chancellor may give to the person a notice, in a form approved by the Vice-Chancellor, which notice shall:
 - i. be identified by a serial number;
 - ii. if the name of the person is known to the Vice-Chancellor, be addressed by name to the person;
 - iii. state that it is alleged that an offence under this Statute has been committed and in general terms the offence which it is alleged has been committed;
 - iv. state that further action may be taken unless within the time and manner stated in the notice: the modified penalty specified in section 12 of this Statute and indicated on the notice be paid; or
 - v. within 7 days an explanation in writing addressed to the Vice-Chancellor is given for the commission of the offence, in which case further notice will be given either that the explanation is accepted or that the explanation is not accepted and further action will be taken failing payment of the modified penalty indicated on the notice within 14 days after the date on the further notice; and
 - vi. state the modified penalty payable.
- b. If the Vice-Chancellor is unable to give the notice referred to in sub-section a to the person by handing it to him or her, it may be given by posting it to the person at his or her last known place of abode.
- c. If the person to whom the notice under sub-section a is given, gives a written explanation to the Vice-Chancellor in accordance with the terms of the notice, the Vice-Chancellor may either accept the explanation or not accept it, and he or she may give the person a further notice stating that further action may be taken if the modified penalty indicated on the notice is not paid within 14 days after the date of the further notice.

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For further information contact: Director, Office of Governance Services
Edith Cowan University
telephone: 6304 2453
facsimile: 6304 2661

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