

University Statute No. 16

Election of Staff and Enrolled Students to the Board of the Western Australian Academy of Performing Arts

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1. Election

This Statute applies to the election of members of staff and enrolled students to the Board of the Western Australian Academy of Performing Arts pursuant to sections 6(g) and 6(h) of Statute No. 15.

2. Definitions

In this Statute unless the contrary intention appears --

"Academy" means the Western Australian Academy of Performing Arts.

"Board" means the Board of the Western Australian Academy of Performing Arts.

"candidate" means a member of the staff or an enrolled student of the Academy nominated for election to the Board in the manner prescribed in section 6 of this Statute.

"elector" means a member of the staff or an enrolled student of the Academy, as appropriate, at the time of closing of nominations.

"Presiding Officer" means the person appointed as a presiding officer pursuant to section 10(b) of this Statute.

"Returning Officer" means the person for the time being appointed by the Vice-Chancellor as the Returning Officer.

"scrutineer" means the person appointed as a scrutineer pursuant to section 12(a) of this Statute.

3. Returning Officer

- a. The Returning Officer shall not be a candidate in any election in which they are to act.
- b. The Returning Officer may appoint such officers (not being candidates) as the Returning Officer considers necessary to assist in the conduct of an election and the scrutiny thereof.

4. Notice of Election

- a. Not less than twelve weeks prior to a vacancy occurring due to effluxion of time, the Chairperson of the Board shall advise the Returning Officer of such impending vacancy and request the conduct of an election.
- b. The Chairperson of the Board shall, within two weeks of a vacancy occurring other than by effluxion of time, give notice to the Returning Officer requiring the Returning Officer to hold an election for the unexpired portion of the term.

5. Publication of Notice of Election

The Returning Officer shall, within 14 days of receiving notification from the Chairperson of the Board requiring the Returning Officer to conduct an election, cause a notice to be published on a notice board at each place in which the activities of the Academy are conducted, in a Staff Notice and in a Student Notice setting out --

- i. the intention to hold an election;
- ii. the title of office;
- iii. the number of members to be elected;
- iv. the manner in which nominations are to be made;
- v. the place of lodging nominations;
- vi. the time and date of the close of nominations;
- vii. the time and date of the ballot.

6. Nominations

- a. Nominations of candidates shall be lodged with the Returning Officer at the place specified in the Notice of Election in the form of Form No. 1 or No. 3 in the Appendix to this Statute, as appropriate, not later than the day and time appointed for the receipt of nominations by the notice published under section 5 of this Statute.
- b. A nomination shall be signed by the candidate and (if the candidate is not the proposer) by the proposer, each of whom must be a member of the staff or an enrolled student of the Academy, as appropriate, at the time the nomination form is signed.
- c. A proposer shall not nominate a number of candidates greater than the number of positions to be filled.
- d. The Returning Officer shall reject any nomination form which, in their opinion, is not in order as required by this Statute, and any such rejection shall be final and conclusive as against that nomination. Nothing in this paragraph shall prevent a further nomination submitted in respect of a candidate being accepted by the Returning Officer before the close of nominations.
- e. Where the number of candidates nominated does not exceed the number of candidates to be elected, the Returning Officer shall forthwith certify that fact, together with the names and addresses of the candidates nominated to the Chairperson of the Board, and such certificate, when received by the Chairperson, shall be the final and conclusive evidence of the election of that candidate as a member of the Board.
- f. When the number of candidates nominated exceeds the number to be elected, the Returning Officer shall hold an election in accordance with this Statute, as hereinafter provided.
- g. Any candidate may, by notice in writing signed by the candidate, addressed to the Returning Officer and lodged with the Returning Officer not later than the time fixed for the close of nominations, withdraw their consent to the nomination and thereupon that candidate shall be considered as not having been nominated and the Returning Officer shall omit the name of that candidate from the ballot paper.

7. Date for Election

The date fixed for the closing of the poll shall be not less than 21 days or more than 42 days after the date of closing of nominations. The date for the closing of nominations shall be not less than 7 days or more than 14 days from the date of publication of the notice of election issued in accordance with section 5 of this Statute.

8. Electoral Roll

- a. In the event of an election being required the Vice-Chancellor or the Vice-Chancellor's nominee shall, within 4 days after the close of nominations, supply the Returning Officer with a roll comprising a true and correct list of the names of all electors at the Academy. The roll shall specify whether the electors are members of the staff or are enrolled students at the Academy as at the day and time appointed for the receipt of nominations by the notice published under section 5 of this Statute, and the list shall constitute the electoral roll for use at the election.
- b. The Vice-Chancellor or the Vice-Chancellor's nominee shall endorse and sign on the roll so prepared a certificate as to the correctness thereof and that roll shall be conclusive evidence of the right of each person enrolled thereon to vote at the election.
- c. The Vice-Chancellor or the Vice-Chancellor's nominee may cause a supplementary roll or rolls to be prepared and endorsed in conformity with, and having the same effect as, sub-section(b) so as to include

the names of eligible persons incorrectly omitted from the roll. Such supplementary roll or rolls shall be forwarded to the Returning Officer forthwith after endorsement.

- d. The Returning Officer shall, at the place where he or she carries out the functions as a Returning Officer, make the roll, including any supplementary rolls, applicable to an election for an office available for inspection by any elector, or by any person authorised by the Returning Officer, during the ordinary hours of business until the day on which the result of the election is declared.

9. Polling

When after the receipt of nominations of candidates an election is necessary to elect an elective member of the Board, the Returning Officer shall, as soon as practicable after the time fixed for the close of such nominations, cause ballot papers to be printed in accordance with Forms No. 4, No. 5 and No. 6 in the Appendix to this Statute, as appropriate, containing the full names of all the candidates. The candidates' names shall appear on the ballot paper in the order determined by the Returning Officer by lot.

10. Voting

- a. The Returning Officer shall appoint one or more polling places at each place at which the activities of the Academy are conducted.
- b. The Returning Officer shall appoint not less than two members of the staff of the University as presiding officers at each polling place. No candidate or proposer shall act as a presiding officer.
- c.
 - i. An elector shall vote in terms of paragraph (g) or (h) of Section 6 of Statute No. 15.
 - ii. No postal votes will be accepted.
 - iii. An elector shall cast their vote by personally attending at the appointed polling place at the Academy, wheresoever situate, between the hours of 8.00 a.m. and 6.00 p.m. on the day appointed for the poll. No elector shall cast more than one vote at an election.
 - iv. The elector shall state their full name to the Presiding Officer.
 - v. The Presiding Officer shall enquire whether the elector has voted before at the election and if the answer is in the negative and the elector's name is on the roll the Presiding Officer shall mark the name off the roll and hand the elector a ballot paper in the form of Form No. 4 or No. 6 in the Appendix to this Statute, as appropriate. The Presiding Officer shall initial the ballot paper before handing it to the elector.
 - vi. The elector shall mark the ballot paper in accordance with the directions contained therein and deposit it in a locked and sealed ballot box provided by the Presiding Officer for that purpose.
 - vii. An elector who spoils a ballot paper, and has not deposited it in a ballot box, may return it to the Presiding Officer who shall forthwith destroy it and hand the elector a further ballot paper.
 - viii. The Presiding Officer shall keep a tally of the number of electors issued with a ballot paper.
 - ix. As soon as practicable after the close of the poll the Presiding Officer shall forward all ballot boxes containing ballot papers to the Returning Officer. The Presiding Officer shall also forward to the Returning Officer rolls used at the election, all unused ballot papers issued to him or her, and a record of the number of ballot papers issued.
- d. Voting shall not be compulsory.

11. Marking of Ballot Paper

- a. When there are not more than two candidates, the elector shall mark their vote on the ballot paper by placing the numeral 1 opposite the name of the candidate for whom the elector votes.
- b. When there are more than two candidates, the elector shall mark their vote on the ballot paper by placing the numeral 1 opposite the name of the candidate for whom the elector votes as first preference, and shall give contingent votes for all the remaining candidates by placing the numerals 2, 3 and so on (as the case requires) opposite their names, so as to indicate by such numerical sequence the order of the elector's preference.

Provided that in the case of sub-section(b), if numerals in arithmetical sequence are placed opposite the names of all the candidates but one, the next following numeral shall be deemed to be placed opposite the name of the remaining candidate.

12. Scrutineers

- a. Each candidate at an election and the University shall be entitled to appoint, in writing, one scrutineer each to be present at each of any polling places during the hours of polling, and one scrutineer each to be present during the scrutiny of votes cast under section 10(c) of this Statute.
- b. Every scrutineer shall, before acting as scrutineer, make and sign, before the Returning Officer or Presiding Officer, a declaration in accordance with Form No. 7 in the Appendix to this Statute.
- c. Any candidate may attend and be present at the counting of the votes.

13. The Scrutiny

As soon as practicable after the close of the poll, the Returning Officer, in the presence of any approved scrutineer, shall proceed with the scrutiny and count of the votes.

14. Method of Count

The Returning Officer shall declare elected the candidate (if any) who has an absolute majority of votes. If no candidate has an absolute majority on the first count, the Returning Officer shall eliminate the candidate with the lowest number of votes and shall distribute the votes of such eliminated candidate amongst the remaining candidates according to the next preferences expressed on the relevant ballot paper. This procedure shall be repeated until one candidate has an absolute majority, whereupon that candidate shall be declared elected.

15. Informality of Ballot Paper

- a. A ballot paper shall be informal --
 - i. if it is not initialled by the Returning Officer or the other officer authorised in that behalf;
 - ii. if, subject to sub-section(b), it is marked in any manner other than prescribed in section 11 of this Statute;
 - iii. if it has upon it any mark or writing not authorised by this Statute which in the opinion of the Returning Officer will enable any person to identify the elector;
 - iv. if it does not indicate the elector's vote; or
 - v. if no mark is indicated on it.
- b. A ballot paper shall not be informal for any reason other than the reasons stated in sub-section(a) but shall be given effect according to the elector's intention so far as the elector's intention is clear, and, in particular when there are only two candidates, a ballot paper shall not be informal by reason only of the elector having indicated a vote or first preference by a cross instead of the numeral 1.
- c. The Returning Officer shall be the sole and final judge as to whether a ballot paper is informal.

16. Declaration of Poll

When the Returning Officer has completed the counting of the votes the Returning Officer shall declare the result of the election in the presence of the scrutineers and of any candidates who may be present at the time.

17. Preservation of Papers

On completion of the scrutiny and count of votes, the Returning Officer shall --

- a. enclose in one packet all the used and counted ballot papers;
- b. seal up the packet and endorse on the packet a description and the number of the contents, the date of the election and sign the endorsement; and
- c. retain the sealed packet.

18. Certification of Result

When the result of an election has been ascertained and declared the Returning Officer shall forthwith furnish to the Chairperson of the Board a certificate of the result and state therein the names of the candidates who have been elected, and such a certificate, when received by the Chairperson of the Board shall be final and conclusive evidence of the election of those candidates as members of the Board

19. Destruction of Papers

Upon the expiry of three months after the date of the certification to the Chairperson of the Board of the result of an election, the Returning Officer may authorise the destruction of the packets referred to in section 17 of this Statute.

20. Right of Appeal

A candidate shall have a right of appeal to the Chairperson of the Board within seven days of the declaration of the poll. Such an appeal should be in writing, addressed to the Chairperson of the Board and shall specify the reasons for the making of the appeal.

Upon receipt of an appeal aforesaid, the Chairperson of the Board shall make such enquiry into the matter as is necessary and shall, in conducting the enquiry, provide the candidate who has lodged the appeal together with all other candidates in that election with an opportunity to make submissions upon the matters raised in the appeal. After enquiry, the Chairperson of the Board may confirm the election or annul the election and direct that a fresh election be held.

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Amended by: Western Australian College of Advanced Education Amendment Act 1990 (assented to 17 December 1990).

Amended by: Amending Statute No. 3 of 1992. Published: Government Gazette - 19 January 1993.

Amended by: Amending Statute No. 2 of 1997. Published: Government Gazette - 18 November 1997.

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

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Statute No.16 Appendix - Form No.1

Edith Cowan University Act 1984

Form For Nomination Of Candidate For Election Of Staff Member To The Board Of The Western Australian Academy Of Performing Arts

I,

of

being a member of the staff of the Academy nominate

of

as a candidate for election under section 6(g) of Statute No. 15 as an elective member of the Board of the Western Australian Academy of Performing Arts for the purpose of and in connection with the election to be held on theday of 19 for the election of an elective member of that Board under that Statute.

Dated theday of19.....

.....
Signature of Proposer

I, the abovenamed

of

being a member of the staff of the Academy do hereby consent to the above nomination.

Dated theday of19

.....
Signature of Candidate

Statute No. 16 Appendix - Form No.2

Edith Cowan University Act 1984

Form No. 2 deleted by Amending Statute No. 2 of 1997, published in the Government Gazette 18 November 1997, page 6476.

Statute No.16 Appendix - Form No.3

Edith Cowan University Act 1984

Form For Nomination Of Candidate For Election Of Enrolled Student To The Board Of The Western Australian Academy Of Performing Arts

I,

of

being an enrolled student of the Academy

nominate

of

as a candidate for election under section 6(e)(i) of Statute No. 15 as an elective member of the Board of the Western Australian Academy of Performing Arts for the purpose of and in connection with the election to be held on theday of 19 for the election of elective members of that Board under that Statute.

Dated theday of 19

.....

Signature of Proposer

I, the abovenamed

of

being an enrolled student of the Academy do hereby consent to the above nomination.

Dated theday of19

.....

Signature of Candidate

Statute No. 16 Appendix - Form No. 4

Edith Cowan University Act 1984

Ballot Paper For Election Of Staff Member To The Board Of The Western Australian Academy Of Performing Arts

Authorised Officer's
Initials

FOR use in an election of a person to be elected as an elective member of the Board of the Western Australian Academy of Performing Arts under section 6(g) of Statute No. 15.

FULL NAME OF CANDIDATES VOTE

.....
.....
.....

DIRECTIONS FOR VOTING

1. When there are not more than two candidates, the elector shall mark their vote on the ballot paper by placing the numeral 1 opposite the name of the candidate for whom the elector votes.
2. When there are more than two candidates, the elector shall mark their vote on the ballot paper by placing the numeral 1 opposite the name of the candidate for whom the elector votes as first preference, and shall give contingent votes for all the remaining candidates by placing the numerals 2, 3 and so on(as the case requires) opposite their names, so as to indicate by such numerical sequence the order of preference. Voting shall be by means of the full preferential ballot.
3. The elector shall then place the ballot paper in the ballot box provided for the purpose.

NOTE: Whichever of paragraphs 1 or 2 are not applicable may be deleted.

Statute No. 16 Appendix - Form No. 5

Edith Cowan University Act 1984

Form No. 5 deleted by Amending Statute No. 2 of 1997, published in the Government Gazette 18 November 1997, page 6476.

Statute No. 16 Appendix - Form No.6

Edith Cowan University Act 1984

Ballot Paper For Election Of Enrolled Student To The Board Of The Western Australian Academy Of Performing Arts

Authorised Officer's
Initials

FOR use in an election of a student to be elected as an elective member of the Board of the Western Australian Academy of Performing Arts under section 6(h) of Statute No. 15.

FULL NAME OF CANDIDATES

VOTE

.....
.....
.....

DIRECTIONS FOR VOTING

1. When there are not more than two candidates, the elector shall mark their vote on the ballot paper by placing the numeral 1 opposite the name of the candidate for whom the elector votes.
2. When there are more than two candidates, the elector shall mark their vote on the ballot paper by placing the numeral 1 opposite the name of the candidate for whom the elector votes as first preference, and shall give contingent votes for all the remaining candidates by placing the numerals 2, 3 and so on(as the case requires) opposite their names, so as to indicate by such numerical sequence the order of preference. Voting shall be by means of the full preferential ballot.
3. The elector shall then place the ballot paper in the ballot box provided for the purpose.

NOTE: Whichever of paragraphs 1 or 2 are not applicable may be deleted.

Statute No. 16 Appendix - Form No.7

Edith Cowan University Act 1984

Declaration By Scrutineer

I, (full name)

of (address)

do hereby declare that I will faithfully and impartially, according to the best of my skill and judgement, carry out the duties required of me as a scrutineer, in connection with the election of elective members of the Board of the Western Australian Academy of Performing Arts and I do further declare that I will not at such an election attempt to ascertain how any person shall vote or has voted, and that if in the discharge of such duties at or concerning the said election I learn how any person has voted, I will not by word or act directly or indirectly divulge or discover or aid in divulging or discovering the same.

.....
Signature

Declared before me at

thisday of19

.....
Returning/Presiding Officer