

## University Statute No. 21

### Election of Academic and Salaried Staff and Enrolled Students to the Bunbury Campus Advisory Board

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#### 1. Election

This Statute applies to the election of members of academic staff, salaried staff and students to the Bunbury Campus Advisory Board of the Edith Cowan University pursuant to paragraphs g, h and i of Section 3 of [Statute No 20](#).

#### 2. Definitions

In this Statute unless the contrary intention appears:

"**Board**" means the Bunbury Campus Advisory Board established under section 20 of the Edith Cowan University Act.

"**candidate**" means a member of the academic staff, salaried staff or a student of the Campus nominated for election to the Board in the manner prescribed in section [6](#) of this Statute.

"**Chairperson**" means Chairperson of the Board.

"**Campus**" means the Bunbury Campus of the Edith Cowan University established under the Western Australian College of Advanced Education Amendment Act 1990.

"**elector**" means a member of the academic staff, salaried staff or a student of the Campus, as appropriate, at the time of closing of nominations.

"**Presiding Officer**" means the person appointed as a presiding officer pursuant to section [10b](#) 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 [12a](#) of this Statute.

#### 3. Returning Officer

- a. The Returning Officer shall not be a candidate in any election in which he or she is to act.

- b. The Returning Officer may appoint such officers (not being candidates) as he or she considers necessary to assist in the conduct of an election and the scrutiny.

#### 4. Notice of Election

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

#### 5. Publication of Notice of Election

The Returning Officer shall, within 14 days of receiving notification from the Chairperson requesting the Returning Officer to conduct an election, cause a notice to be published on a notice board at the Campus, in a Staff Notice and in a Student Notice setting out:

- i. the intention to hold an election;
- ii. the title of office for which the election is to be conducted;
- 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 No.1, No.2 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. There may be delivered with the nomination of a person seeking election a biography not exceeding 150 words in length.
- c. 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 academic staff, salaried staff or an enrolled student of the Campus, as appropriate, at the time the nomination form is signed.
- d. A proposer shall not nominate a number of candidates greater than the number of positions to be filled.
- e. The Returning Officer shall reject any nomination form which in his or her opinion is not in order as required by this Statute, and any such rejection shall be final and conclusive as against that nomination. The Returning Officer shall notify in writing the candidate nominated on the rejected nomination form of such rejection. 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.
- f. Where the number of candidates nominated does not exceed the number of candidates to be elected, the Returning Officer shall forthwith certify the fact, together with the names and addresses of the candidates nominated to the Chairperson, 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.
- g. 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.
- h. Any candidate may, by notice in writing signed by the candidate, addressed to the Returning Officer not later than the time fixed for the close of nominations, withdraw his or her 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 of 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 of 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 names of all electors at the Campus. The roll shall specify whether the electors are members of the academic staff or are members of the salaried staff or are students of the Campus 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, subsection [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 an elector, or by any other person authorised by the Returning Officer, during 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:

- i. 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;
- ii. cause a biography (not exceeding 150 words in length) submitted by each candidate to be printed, provided the information contained in the biography appears to the Returning Officer to be relevant to the candidate's qualifications for the election. If after 7 clear days from the last date of lodgement of nominations the Returning Officer does not consent to the printing of the biography submitted by the candidate, no biography shall be printed.

**10. Voting**

- a. The Returning Officer shall appoint a polling place at the Campus.
- b. The Returning Officer shall appoint not less than two members of the staff of the Campus as Presiding Officers at the polling place. No candidate or proposer of a candidate shall act as a Presiding Officer.
- c.
  - i. an elector shall vote in terms of sub-section g, h or i of section 3 of [Statute 20](#);
  - ii. no postal or early votes shall be accepted;
  - iii. an elector shall cast his or her vote by personally attending at the appointed polling place at the Campus, between the hours of 8.00am and 6.00pm on the day appointed for the poll;
  - iv. no elector shall cast more than one vote at an election;
  - v. the elector shall state his or her full name to the Presiding Officer;
  - vi. 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, No.5 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;
  - vii. 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;
  - viii. 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;
  - ix. the Presiding Officer shall keep a tally of the number of electors issued with a ballot paper;
  - x. 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 or destroyed.

- d. Voting shall not be compulsory.

## 11. Marking of Ballot Paper

- a. When there are not more than two candidates for one position, the elector shall mark his or her 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 for one position, the elector shall mark his or her 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 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, by written notice, signed by the candidate giving the names of the scrutineers, to the Returning Officer and Presiding Officer, 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 [10c](#) 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 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:
- if it is not initialled by the Returning Officer or the other officer authorised in that behalf;
  - if, subject to sub-section [b](#), it is marked in any manner other than prescribed in section [11](#) of this Statute;
  - 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 who cast that vote;
  - if it does not indicate the elector's vote; or
  - 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 in 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 appointed to be present during the counting of votes cast 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;
- 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 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 shall be final and conclusive evidence of the election of those candidates as members of the Board, subject however to a determination of any appeal under section [20](#) of this Statute.

**19. Destruction of Papers**

Upon the expiry of three months after the date of the certification to the Chairperson 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 within seven days of the declaration of the poll. Such an appeal should be in writing, addressed to the Chairperson and shall specify the reasons for the making of the appeal.

Upon receipt of an appeal aforesaid, the Chairperson shall make such enquiry into the manner 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 may confirm the election or annul the election and direct that a fresh election be held.

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