

University Statute No. 28 Election Of Enrolled Students, Alumni And Academic And Salaried Staff To Council

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1. Purpose

This Statute prescribes the procedures for the election of the following classes of members of the Council –

- (a) members of the academic staff and the salaried staff, elected pursuant to sub-sections 9(1)(c) and 9(1)(d) of the Act (“staff elections”);
- (b) enrolled students, elected pursuant to sub-section 9(1)(e) of the Act (“student elections”); and
- (c) alumni of the University, elected pursuant to sub-section 9(1)(f) of the Act (“alumni elections”).

2. Definitions

In this Statute, unless the contrary intention appears –

“**alumni candidate**” means a person nominated for election to the Council whose sole and principal employment is not that of a member of staff of the University and whose name is entered on the Register maintained pursuant to section 8 of this Statute;

“**alumni elector**” means a person whose name is entered on the Register maintained pursuant to section 8 of this Statute at the time of the closing of nominations;

“biography” means the statement referred to in section 6(c);

"candidate" means an alumni candidate, a staff candidate or a student candidate;

"elector" means an alumni elector, a staff elector or a student elector;

“forms” means forms, including ballot papers, authorised for the conduct of elections by the Returning Officer;

"nominator" means the statement referred to in section 6(a)(ii);

"Presiding Officer" means a person appointed as a Presiding Officer pursuant to section 11B(b) of this Statute;

"Returning Officer" means the person appointed as Returning Officer pursuant to section 3 of this Statute;

"scrutineer" means the person appointed as a scrutineer pursuant to section 15(a) of this Statute;

"staff candidate" means a member of the academic staff or salaried staff nominated for election to the Council;

"staff elector" means a member of the academic staff or salaried staff at the time of closing of nominations;

“student candidate” means an enrolled student of the University, whose principal employment (if any) is not that of a member of staff of the University;

“student elector” means an enrolled student of the University at the time of closing of nominations.

3. Returning Officer

- (a) The Electoral Commissioner, appointed under the Electoral Act 1907 (as amended) shall nominate a Returning Officer who shall be responsible for the conduct of the election and that appointment shall be made no later than 21 days after receipt by the Electoral Commissioner of the advice or notice referred to in section 4 of this Statute.
- (b) In cases where the Electoral Commissioner is unable to nominate a Returning Officer, the Chancellor shall appoint a Returning Officer who shall be responsible for the conduct of the election.
- (c) Other officers may be appointed by the Returning Officer as Deputy Returning Officers to assist the Returning Officer in the conduct of the election.
- (d) A person is not eligible to be appointed as a Returning Officer if the person is a candidate or an elector, or a person eligible to vote in the election.

4. Notice of Election

- (a) Not less than twelve weeks prior to a vacancy occurring due to effluxion of time, the Chancellor shall advise the Electoral Commissioner of such impending vacancy and request the conduct of an election.
- (b) The Chancellor shall, within two weeks of a vacancy occurring other than by effluxion of time, give notice to the Electoral Commissioner requiring the Electoral Commissioner to hold an election for the unexpired portion of the term.
- (c) If a vacancy occurs other than by effluxion of time and the unexpired portion of the term of office is such that it may be impractical because of time constraints to conduct an election the Chancellor or nominee shall decide whether an election shall be conducted for the unexpired term of office.
- (d) The Electoral Commissioner shall, as soon as practical after receiving the advice or notice referred to in this section, notify the Returning Officer of that receipt and direct the Returning Officer to conduct an election in accordance with this Statute.

5. Publication of Notice of Election

- (a) The Returning Officer shall, as soon as practicable but in any event within 30 days of receiving notification from the Chancellor requesting the Electoral Commissioner to conduct an election, cause a notice to be published setting out –
 - (i) the intention to hold an election;
 - (ii) the class of office;
 - (iii) the number of members to be elected;
 - (iv) the manner in which nominations are to be made; and
 - (v) the place of lodging nominations;
 - (vi) the time and date of the close of nominations;
 - (vii) the time and date of the ballot.

- (b) Subject to paragraph (c) below, the notice in paragraph (a) shall be taken to be published where a copy of it is to be published shall be –
 - (i) placed on official notice boards on each campus, off-campus centre, and academy;
 - (ii) distributed to electors by any one of the following methods -
 - A. the ordinary internal mail;
 - B. publication in an internal University publication normally used for such notices; and
 - C. an electronic mail systems; and
 - (iii) forwarded to staff associations officially recognised by the Vice Chancellor.
- (c) If the vacancy to be filled is for an alumnus of the University, pursuant to section 9(1)(f) of the Act, the notice in paragraph (a) shall be –
 - (i) sent to each alumni elector by post to the address on the Register of Alumni or given as otherwise determined by the Returning Officer; and
 - (ii) published in at least one daily newspaper circulating in Perth and one daily newspaper circulating nationally.

6. Nominations

- (a) Nominations of candidates shall be lodged with the Returning Officer not later than the day and time appointed for the receipt of nominations by the notice published under section 5 of this Statute. A nomination shall –
 - (i) specify the class of member for which the candidate is nominating, set out in section 1;
 - (ii) be signed by one nominator, who shall be a person eligible to vote for that class of member, pursuant to sub-sections 9(1)(c), 9(1)(d), 9(1)(e) or 9(1)(f) of the Act;
 - (iii) contain the candidate's signature declaring that the candidate is willing to accept the office if elected and that the candidate is eligible for nomination.
- (b) The Returning Officer shall send to each candidate or the person lodging the nomination an acknowledgment of nomination as soon as practical after the receipt of the nomination.
- (c) There may be delivered with the nomination of a person seeking election a statement –
 - (i) in the English language not exceeding 150 words in length;
 - (ii) which is confined to a description of the person and of the person's aims, objectives and/or policies, and which does not contain comments about any other person or information that the Returning Officer considers to be false, misleading or defamatory;
 - (iii) presented on a single A4 page, or if delivered electronically, capable of being printed on a single A4 page; and
 - (iv) including the proposed candidate's full name and details of where and how he or she can be contacted.
- (d) 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 in respect of that nomination. Nothing in this paragraph shall prevent a further nomination submitted in respect of a candidate which is in conformity with this Statute 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 Chancellor and such certificate, when received by the Chancellor, shall be the final and conclusive evidence of the election of those candidates as members of the Council.
- (f) When the number of candidates nominated exceeds the number to be elected, the Returning Officer shall –
 - (i) hold an election in accordance with the provisions of this Statute; and
 - (ii) notify each candidate that an election is to be conducted, of the ballot paper order and details of when and where the ballot count is to be conducted.
- (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 his or

her consent to the nomination. That candidate shall then 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 Returning Officer shall –

- (a) fix a date for the close of nominations which shall be not less than seven days or more than 28 days after the date of publication of the notice of election under section 5 of this Statute;
- (b) determine the time on the date for the close of nominations that nominations shall close; and
- (c) fix a date for the closing of the poll which shall not be less than 21 days or more than 42 days after the date fixed for the close of nominations.

8. Register of the Alumni

- (a) The Register of Alumni maintained by the University prior to the commencement of this Statute is continued in existence as if it had been established under this Statute.
- (b) The Register of Alumni shall be comprised of alumnus who have recorded their wish to vote in elections for alumni members of the Council by informing the Vice Chancellor or nominee, in writing.
- (c) The University may remove the name and address of an alumnus from the Register of alumni –
 - (i) after mail addressed to the alumnus has been returned unclaimed and in the absence of any other evidence of the correct address of the alumnus;
 - (ii) if that alumnus so requests in writing; or
 - (iii) if the alumnus is deceased.

9. Electoral Roll

- (a) Where the Returning Officer is directed under section 4(c) of this Statute to conduct an election the Vice-Chancellor or nominee shall at the close of nominations, supply the Returning Officer with a roll in a format specified by the Returning Officer comprising a true and correct list of the names and addresses for service or posting of voting papers to all electors. The roll shall specify whether the electors are eligible to vote as members of the academic staff, the salaried staff, students or alumni as at the day and time appointed for the receipt of nominations by the notice published under section 5, and the roll shall constitute the electoral roll for use at the election.
- (b) The Vice-Chancellor or 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. If the roll is in electronic format the Vice-Chancellor or nominee shall prepare and sign a statement, which shall include the roll file name and date, as to the correctness of the roll 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 nominee may cause a supplementary roll to be supplied to the Returning Officer 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 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.

10. Polling

When after the receipt of nominations of candidates an election is necessary to elect an elective member of the Council, the Returning Officer shall, as soon as practical after the time fixed for the close of such nominations –

- (a) cause ballot papers to be printed 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;
- (b) cause a biography submitted by a candidate to be printed, provided the information contained in the biography appears to the Returning Officer to be in accordance with section 6(c) of this Statute. If 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.

- (c) The Returning Officer shall display all biographies submitted by candidates on the official notice boards on each campus, off-campus centre and academy and make copies of biographies available on request.

11. Dispatch of Voting Material

A. Staff or Alumni Elections

- (a) At least 14 days prior to the time fixed for the closing of the poll, the Returning Officer shall send by prepaid letter post or otherwise to each person whose name appears as an elector on the electoral roll, to the elector's address as shown on the roll –
- (i) one ballot paper, on which is endorsed the initials of a facsimile thereof, of the Returning Officer, or some other person authorised in that behalf by the Returning Officer;
 - (ii) one envelope for the purpose of enclosing a ballot paper;
 - (iii) one envelope addressed to the Returning Officer;
 - (iv) one counterfoil in a form determined by the Returning Officer, to be completed and signed by the elector; and
 - (v) a biography of each candidate prepared in accordance with section 6(c).
- (b) For the purpose of casting a vote at the election, the elector shall in the following order –
- (i) mark his or her vote on the ballot paper in the manner set out in section 12 of this Statute;
 - (ii) place the ballot paper in the envelope and seal the envelope;
 - (iii) sign and complete the counterfoil in accordance with directions provided on or with the counterfoil; and
 - (iv) place the sealed envelope containing the ballot paper and the counterfoil in the envelope addressed to the Returning Officer and seal that envelope.
- (c) The elector may then send by post or other means or deliver the envelope addressed to the Returning Officer, with its enclosures, to the Returning Officer at the address shown on the envelope, but so that the envelope shall be in the hands of the Returning Officer not later than the time fixed for the closing of the poll.
- (d) Voting shall not be compulsory.

B. Student Elections

- (a) The Returning Officer shall appoint a polling place at each campus.
- (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, scrutineer or nominator shall be appointed as or occupy the position of a Presiding Officer.
- (c)
- (i) An elector shall vote in terms of section 9(1)(e) of the Act.
 - (ii) An elector shall cast his or her vote by personally attending at the appointed polling place at a campus between the hours of 8.00 a.m. and 8.00 p.m. on the day appointed for the poll. No elector shall cast more than one vote at an election.
 - (iii) The elector shall state his or her full name to the Presiding Officer.
 - (iv) The Presiding Officer shall enquire whether the elector has voted before at the election and
 - (v) 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. The Presiding Officer shall initial the ballot paper before handing it to the elector. If on inquiry by the Presiding Officer the elector is shown as being marked off the roll the Presiding Officer shall allow the elector a vote providing that the elector makes a Statutory Declaration attesting that the elector had not previously voted in that election.
 - (v) The elector shall mark his or her ballot paper in accordance with the directions provided on or with the paper and deposit in the marked paper in a locked or sealed ballot box provided by the Presiding Officer for that purpose.
 - (vi) 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 therein cancel it and hand the elector a further ballot paper.
- (d) As soon as practical 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, any spoilt ballot papers and a record of the number of ballot papers issued.

- (e) Notwithstanding any other provision of this Statute, any elector whose name appears on the roll of enrolled external students, or who has reason to believe that during the hours of polling he or she will not be able to attend a polling place, may make written application to the Returning Officer for a postal ballot paper.
- (f) The Returning Officer shall send by prepaid post or otherwise to those persons referred to in paragraph (e) of this clause, to the address as shown in the application, or shall hand to the elector personally –
 - (i) one ballot paper endorsed with the initials or facsimile thereof of the Returning Officer, or of some other person authorised in that behalf by the Returning Officer;
 - (ii) one envelope for the purpose of enclosing a ballot paper;
 - (iii) one envelope addressed to the Returning Officer;
 - (iv) one counterfoil, in a form determined by the Returning Officer, to be completed and signed by the elector; and
 - (v) a biography of each candidate prepared in accordance with section 10 (b).
- (g) For the purpose of casting his or her vote at the election, the elector shall in the following order –
 - (i) mark his or her vote on the ballot paper in the manner set out in section 12 of this Statute;
 - (ii) place the paper in the envelope marked for the purpose of enclosing a ballot paper and seal the envelope;
 - (iii) sign and complete the counterfoil in accordance with directions provided on or with the counterfoil; and
 - (iv) place the sealed envelope containing the ballot paper and the counterfoil in the envelope addressed to the Returning Officer and seal that envelope.
- (h) The elector may then send by post or other means or deliver the envelope addressed to the Returning Officer, with its enclosures, to the Returning Officer at the address shown on the envelope, but so that the envelope shall be in the hands of the Returning Officer not later than the time fixed for the closing of the poll or may cause it to be delivered to a Presiding Officer during the hours of polling, in which case the Presiding Officer shall deposit the envelope unopened in the locked or sealed ballot box used for ordinary votes.
 - (i) The Returning Officer shall place and keep in a locked or sealed ballot box, until the scrutiny, all envelopes purporting to contain ballot papers received by him or her up to the close of the poll.

12. Marking of Ballot Paper

- (a) When only one vacancy is to be filled and there are not more than two candidates, 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 only one vacancy is to be filled and there are more than two candidates, 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 may give contingent votes for all or any of 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.
- (c) When two vacancies are to be filled, 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 the numeral 2 opposite the name of the candidate for whom the elector votes as second preference and may give contingent votes for all or any of the remaining candidates by placing the numerals 3, 4 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.
- (d) Provided that in the case of sub-sections (b) and (c), 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. In cases of doubt the Returning Officer will make a final determination as to the validity of an elector's vote.

13. Replacement of Voting Material

- (a) If, prior to the closing of the poll, an elector advises the Returning Officer in writing that –
 - (i) the elector has not received a ballot paper and is entitled to vote at the election; or
 - (ii) the ballot paper or envelopes received by the elector have been lost or destroyed,the Returning Officer may send by prepaid post or by other means or give personally to the elector a ballot paper and envelopes or a further ballot paper and envelopes, as the case may be.
- (b) Paragraph (a) does not apply to an elector who has voted at the poll.

14. Ballot Box

The Returning Officer shall place and keep in a sealed ballot box, until the scrutiny, all envelopes purporting to contain ballot papers received by the Returning Officer up to the close of the poll.

15. Scrutineers

- (a) Each candidate at an election and the Chancellor or nominee shall be entitled to appoint, in writing and signed, one scrutineer, who shall not be a candidate in that election, to be present when the envelopes containing ballot papers relating to the election are being opened at the commencement of the scrutiny and to remain during the scrutiny.
- (b) Every scrutineer shall, before acting as scrutineer, make and sign, before the Returning Officer, a declaration that he or she will carry out their duties faithfully and impartially and to the best of their skill and judgement.
- (c) Any candidate in an election may attend and be present at the counting of the votes for that election.

16. The Scrutiny

- (a) The Returning Officer shall open each outer envelope, compare the counterfoil with the roll and –
 - (i) if satisfied that the counterfoil has been completed and signed by the elector, that the person named on the counterfoil is an elector in terms of the relevant sub-section of section 9(1) of the Act, , the name is then indicated as having voted on the roll and, without opening the envelope enclosing the ballot paper, deposit it in a locked or sealed ballot box and set aside the counterfoil for safe keeping;
 - (ii) if the right of the person to vote is not established or the counterfoil is missing or is not signed by the elector, the ballot paper shall not be admitted to the scrutiny and the Returning Officer shall replace the counterfoil and the envelope enclosing the ballot paper in the outer envelope, and set the outer envelope and its contents aside for safe keeping. The outer envelope is to be marked "Rejected" together with the reason for rejection and signed by the Returning Officer.
- (b) As soon as practical after the close of the poll, in the presence of any approved scrutineers, the Returning Officer shall produce and open all sealed and locked ballot boxes in which the envelopes purporting to contain ballot papers and counterfoils have been placed.
- (c) When all the outer envelopes have been opened in accordance with sub-section (b), the Returning Officer shall proceed with the scrutiny and count of the votes.

17. Method of Count

- (a) The method of count shall be by the optional quota preferential method of proportional representation, in accordance with the Proportional Representation Manual of the Proportional Representative Society of Australia, Third Edition 1977.
- (b) Where the count is by computerised or electronic means, the Returning Officer may vary the count method to accommodate those means, provided that in the opinion of the Returning Officer the variation will not materially affect the principles underlying the count method or cause an election outcome different from that which would have occurred had the vote count not been by computer or electronic means.

18. Informality of Ballot Paper

- (a) A ballot paper shall be informal –
 - (i) if it is not initialled either personally or by facsimile by the Returning Officer or the other officer so authorised in the manner specified in this Statute;

- (ii) if, subject to sub-section (b), it is marked in any manner other than prescribed in section 12 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, if when there are two vacancies to be filled, it is not marked so as effectively to indicate the elector's preference as regards the two candidates; 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 or tick instead of the numeral 1.
- (c) The Returning Officer shall be the sole and final judge as to whether a ballot paper is informal.

19. Declaration of Poll

When the Returning Officer has completed the counting of the votes to his or her satisfaction 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.

20. Preservation of Papers

On completion of the scrutiny and count of votes and declaration of the poll, the Returning Officer shall –

- (a) enclose in one packet all the used and counted ballot papers, in another packet all counterfoils admitted, and in a third packet all outer envelopes and their contents referred to in section 16(b);
- (b) seal up the several packets and endorse on each packet a description and the number of the contents respectively, the date of the election and sign the endorsement; and
- (c) forward the sealed packets to the Chancellor and obtain a receipt.

21. Certification of Result

When the result of an election has been ascertained and declared the Returning Officer shall forthwith furnish to the Chancellor 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 Chancellor, shall be final and conclusive evidence of the election of those candidates as members of the Council, subject however to a determination of any appeal under section 24 of this Statute.

22. Destruction of Papers

Upon the expiry of three months after the date of the certification to the Chancellor of the result of an election, the Returning Officer will authorise the Chancellor to arrange the destruction of the packets referred to in section 20.

23. Costs of Election

- (a) All costs, charges and expenses incurred by the Returning Officer or the officers employed by the Returning Officer in connection with or incidental to the calling or conduct of an election, as certified in writing by the Returning Officer, shall be paid by the Council or reimbursed to the Returning Officer or the other officers employed by the Returning Officer as the case may be.
- (b) The Returning Officer shall notify the Chancellor of all costs, charges and expenses certified under paragraph (a).
- (c) The Council may at its own expense have the accounts of the Returning Officer audited.

24. Right of Appeal

A candidate shall have a right of appeal to the -Electoral Commissioner for 7 days after the declaration of the poll under section 19 of this Statute, on the ground that the poll was not conducted in accordance with this Statute.

The -Electoral Commissioner, or another person nominated by the Council at the request of the -Electoral Commissioner, shall make such enquiry into the matter as he or she considers appropriate. The -Electoral Commissioner shall, after considering the results of the enquiry, either –

- (a) confirm the election; or

- (b) annul the election and direct that a fresh election be held, in which case the -Electoral Commissioner may direct which sections of this Statute shall apply to that election.

25. Election Offences

- (a) If the Electoral Commissioner either by the Electoral Commissioner's own enquiry or on receipt of a complaint or by any other means is satisfied beyond reasonable doubt that an Election Offence as specified in University Statute No 14 has been committed the Electoral Commissioner may declare the election invalid in which case the Chancellor or nominee may direct that a fresh election be held.
- (c) Notwithstanding that the Electoral Commissioner may declare the election invalid penalties may be imposed for a breach of Statute No 14 as prescribed by that Statute and the Electoral Commissioner may report on the matter to the Vice Chancellor with a recommendation or recommendations for further action.

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

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

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