

UNIVERSITY OF CANBERRA

Statute No.

**ELECTION OF ACADEMIC STAFF MEMBERS
OF COUNCIL STATUTE 1991**

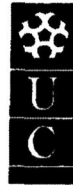


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ELECTION OF ACADEMIC STAFF MEMBERS OF COUNCIL STATUTE 1991

Citation

1. This Statute may be cited as the *Election of Academic Staff Members of Council Statute 1991*.

Repeal

2. The *Election of Staff Members of Council Statute* (Statute No. 13 of the Canberra College of Advanced Education) is repealed.

Definitions

3. In this Statute, unless the contrary intention appears:
 - "academic staff member" means a Council member referred to in paragraph 11 (1) (f) of the University Act;
 - "ballot-paper" means a ballot-paper prepared under section 13;
 - "contested election" means an election at which there are more candidates than members to be elected;
 - "election" means an election of an academic staff member, or of academic staff members, of the Council under this Statute;
 - "Electoral Roll" means the electoral roll kept under section 10;
 - "member of the senior academic staff" means a member of the academic staff who has been appointed by a resolution of the Council as a professor or an associate professor;
 - "nomination day", in relation to an election, means the day fixed under section 11 as nomination day for the purposes of that election.

Eligibility of candidates and voters

4. (1) Of the 3 academic staff members:
 - (a) one must be a person elected at an election at which only members of the senior academic staff are eligible to be candidates; and
 - (b) the other 2 must be persons elected at an election at which any member of the academic staff is eligible to be a candidate.
- (2) Subject to section 12 of the University Act, at an election referred to in paragraph (1) (a), any member of the senior academic staff whose name is listed on the Electoral Roll on nomination day is eligible to be a candidate.
- (3) Subject to section 12 of the University Act, at an election referred to in paragraph (1) (b), any member of the academic staff whose name is listed on the Electoral Roll on nomination day is eligible to be a candidate.
- (4) At an election referred to in paragraph (1) (a) or (1) (b), all members of the academic staff whose names are listed on the Electoral Roll on nomination day are eligible to vote.

Returning Officer

5. For the purposes of this Statute, the Registrar or, when there is an Acting Registrar, the Acting Registrar is the Returning Officer.

Dates of elections

6. (1) Subject to this Statute, the Returning Officer:
 - (a) must:

- (i) in respect of the academic staff member to be elected at an election referred to in paragraph 4 (1) (a) - fix a day on which the first election of that academic staff member under this Statute is to be held; and
 - (ii) in respect of the academic staff members to be elected at an election referred to in paragraph 4 (1) (b) - fix a day on which the first election of those academic staff members under this Statute is to be held; and
 - (b) must, at least 21 days before the expiration of the term of office of an academic staff member, fix the day on which the subsequent election of an academic staff member is to be held; and
 - (c) if, under section 7, the Council directs that an election of an academic staff member be held to fill a casual vacancy - must fix the day (being a day at least 21 days after the day on which the fixing takes place) on which that election is to be held.
- (2) A day of an election fixed for the purposes of paragraph (1) (b) must be:
- (a) not earlier than 6 months before; and
 - (b) not later than the day before;
- the day of the expiration of the term of office of the academic staff member whose place on the Council the academic staff member to be elected is to fill.

Casual vacancies

7. If a casual vacancy in the membership of the Council occurs because an academic staff member ceases to hold office before the expiration of that member's term of office, the Council must:
- (a) if the Council considers it appropriate to do so - direct that an election be held, in accordance with this Statute, to fill that vacancy; and
 - (b) in any other case - appoint a member of the senior academic staff, or of the academic staff, whichever is appropriate, to fill that vacancy, after such consultation (if any) with the academic staff as the Council considers appropriate.

Period of office

8. Subject to the University Act, an academic staff member holds office for a period of 2 years, commencing:
- (a) in the case of the first academic staff member to be elected at an election referred to in paragraph 4 (1) (a) - on the 27th September next following the election of that academic staff member; and
 - (b) in the case of the first academic staff members to be elected at an election referred to in paragraph 4 (1) (b) - on the 27th September next following the election of those academic staff members; and
 - (c) in any other case - on the expiration of the term of office of the member whose place on the Council the academic staff member is elected to fill.

Notices of elections

9. Where, under section 6, the Returning Officer fixes the day of an election, the Returning Officer must, as soon as practicable:
- (a) prepare a notice of the election, specifying:
 - (i) the day of the election; and
 - (ii) nomination day; and
 - (iii) such other matters as are prescribed by the rules or, subject to the rules (if any), as the Returning Officer thinks fit; and
 - (b) cause a copy of that notice to be delivered to such persons, published in such manner and displayed at such places as are prescribed by the rules or, subject to the rules (if any), as the Returning Officer thinks fit.

Electoral Roll

10. (1) For the purposes of this Statute, the Returning Officer must cause to be kept, in a manner prescribed by the rules or, subject to the rules (if any), as the Returning Officer thinks fit, an electoral roll on which are listed the full names of all members of the academic staff.
- (2) The Returning Officer must cause the Electoral Roll to be available for inspection by persons associated with the University at the Registrar's office during the hours of business of that office.
- (3) A person may apply to the Returning Officer for:
 - (a) the inclusion on the Electoral Roll of that person's name if that person considers that it should be on the Electoral Roll but is not; or
 - (b) the removal from the Electoral Roll of that person's name if it is on the Electoral Roll but, in that person's opinion, should not be.
- (4) An applicant under subsection (3) may submit such evidence in support of the application as he or she thinks fit.
- (5) The Returning Officer must consider applications under subsection (3) and must take all other reasonable steps to ensure that the names of all members of the academic staff are listed on the Electoral Roll and that the names of no other persons are so listed.
- (6) In spite of any other provision of this section, where, under section 6, the Returning Officer fixes the day of an election, the Returning Officer must not make, or cause or permit to be made, any alteration to the Electoral Roll during the period from and including nomination day to and including the day of that election.

Nominations

11. (1) Where, under section 6, the Returning Officer fixes the day of an election, the Returning Officer must also fix a day as nomination day, being the last day on which nominations of candidates for the election will be received under subsection (3).
- (2) Nomination day in relation to an election must be a day:
 - (a) that is not less than 13 days and not more than 16 days before the day of the election; and
 - (b) on which the Registrar's office is to be open for business.
- (3) Where the election of an academic staff member or of academic staff members is being held, a person may:
 - (a) lodge the nomination of a candidate for the election at the Registrar's office on or before nomination day during the hours of business of that office; or
 - (b) send the nomination by prepaid post to the Returning Officer at the Registrar's office to reach that office on or before nomination day.
- (4) The nomination of a candidate for an election must be substantially in accordance with Form 1 in the Schedule.
- (5) Subject to the University Act, a person is a candidate at an election if:
 - (a) a written nomination of that person as a candidate has been lodged or sent in accordance with this section; and
 - (b) on nomination day:
 - (i) in the case of an election referred to in paragraph 4 (1) (a) - that person is a member of the senior academic staff whose name is listed on the Electoral Roll; and
 - (ii) in the case of an election referred to in paragraph 4 (1) (b) - that person is a member of the academic staff whose name is listed on the Electoral Roll; and
 - (c) the nomination contains that person's written consent to be nominated as a candidate; and

- (d) the nomination contains the signatures, as nominators, of not less than 2 persons who, on nomination day, are members of the academic staff whose names are listed on the Electoral Roll.

Elections where only one candidate is nominated

- 12. (1) Where an election of an academic staff member is being held at an election referred to in paragraph 4 (1) (a) and only one person is a candidate at that election, the Returning Officer must, on the day fixed for the election under section 6, declare that person to be elected as an academic staff member of the Council.
- (2) Where the election of academic staff members is being held at an election referred to in paragraph 4 (1) (b) and not more than 2 persons are candidates at that election, the Returning Officer must, on the day fixed for the election under section 6, declare those persons to be elected as academic staff members of the Council.

Ballot-papers

- 13. (1) Where there is a contested election, the Returning Officer must cause ballot-papers to be prepared in accordance with Form 2 in the Schedule.
- (2) On a ballot-paper:
 - (a) the names of the candidates must be set out in the alphabetical order of their surnames; and
 - (b) if there are 2 or more candidates of the same surname, their names must be set out according to the alphabetical order of their first names or, if their first names are the same, then according to the order decided by the Returning Officer by drawing lots; and
 - (c) where similarity in the names of 2 or more candidates is likely to cause confusion, the names of such candidates may be accompanied on the ballot-paper by such addition as, in the opinion of the Returning Officer, will distinguish them.

Conduct of contested elections

- 14. Where there is a contested election, the Returning Officer must, at least 7 days before the day fixed for the election under section 6, send to every person whose name is listed on the Electoral Roll, either by prepaid post addressed to the last address of the person known to the Returning Officer or by the internal mail system of the University addressed to that person at the office of that person at the University, an envelope that contains the following:
 - (a) one ballot-paper;
 - (b) an envelope labelled "Ballot-paper" that will hold the ballot-paper;
 - (c) an envelope addressed to the Returning Officer, and marked on the back with the name of the person to whom it is sent, that will hold the envelope referred to in paragraph (b); and
 - (d) a notice of the election:
 - (i) specifying the day of the election; and
 - (ii) containing instructions for returning the ballot-paper in accordance with subsection 15 (2); and
 - (iii) containing such other matters as are prescribed by the rules or, subject to the rules (if any), as the Returning Officer thinks fit.

Voting

- 15. (1) In a contested election, each person sent a ballot-paper under section 14 must, if that person wishes to vote, mark his or her vote on the ballot-paper by placing the figure 1 in the square opposite the name of the candidate for whom that person votes as his or her first preference and must give contingent votes for all the remaining candidates by placing the figures 2, 3, 4 (and so on, as the case requires) in the squares opposite their names so as to indicate the order of his or her preference for them.

- (2) In a contested election, after a person has marked a ballot-paper in accordance with subsection (1), that person must, if that person wishes to vote:
 - (a) place the ballot-paper in the envelope labelled "Ballot-paper" supplied under paragraph 14 (b); and
 - (b) place the envelope labelled "Ballot-paper" in the envelope addressed to the Returning Officer supplied under paragraph 14 (c); and
 - (c) sign the back of the envelope addressed to the Returning Officer; and
 - (d) send the addressed envelope, signed in accordance with paragraph (c), either by prepaid post or by the internal mail system of the University, to the Returning Officer to reach the Returning Officer on or before the day of the election.
- (3) Where a person who has been sent a ballot-paper under section 14 satisfies the Returning Officer that the person has spoiled the ballot-paper by mistake or accident and the person surrenders the spoiled ballot-paper to the Returning Officer, the Returning Officer may give the person a new ballot-paper to replace the spoiled ballot-paper.

Scrutiny of votes - preliminary matters

- 16. Where a contested election is held, whether for the election of one or more academic staff members, the Returning Officer must, at 9 a.m. on the day immediately following the day fixed for the election, or as soon after that time as is practicable:
 - (a) mark on the Electoral Roll the names of all voters who have returned envelopes of the kind referred to in paragraph 14 (c); and
 - (b) without opening the envelopes, reject:
 - (i) all envelopes that have not been signed in accordance with paragraph 15 (2) (c) or that have been signed by a person whose name is not on the Electoral Roll; and
 - (ii) the ballot-papers contained in the rejected envelopes; and
 - (c) open all the envelopes that have not been rejected under paragraph (b), remove from them the envelopes labelled "Ballot-paper" and place those last-mentioned envelopes in a container; and
 - (d) mix up the envelopes in the container, open them and remove all the ballot-papers; and
 - (e) reject all ballot-papers that have not been marked in accordance with subsection 15 (1).

Scrutiny of votes - election of one candidate

- 17. (1) Where an election referred to in paragraph 4 (1) (a) is held, the Returning Officer must:
 - (a) arrange the unrejected ballot-papers under the names of the respective candidates by placing in a separate parcel all those on which a first preference is indicated for the same candidate; and
 - (b) count the first-preference votes given for each candidate; and
 - (c) if the number of first-preference votes received by the candidate who has received the largest number of those votes constitutes an absolute majority of the first-preference votes cast and counted, declare that candidate to be elected as an academic staff member of the Council; and
 - (d) if no candidate has received that absolute majority, proceed with the scrutiny and counting of votes as follows:
 - (i) the candidate who has received the fewest first-preference votes must be excluded and each ballot-paper counted to that candidate must be counted to the candidate next in order of the voter's preference;
 - (ii) if no candidate then has an absolute majority of votes, the process of excluding the candidate who has the fewest votes and counting each of that candidate's

ballot-papers to the unexcluded candidate next in order of the voter's preference must be repeated until one candidate has received an absolute majority of votes;

- (iii) when a candidate has received an absolute majority of votes cast, declare that candidate to be elected as an academic staff member of the Council.
- (2) If, in any count, 2 or more candidates have an equal number of votes and one of them must be excluded, the Returning Officer must decide which is to be excluded by drawing lots.
- (3) If, in the final count, 2 candidates have an equal number of votes, the Returning Officer must decide which is to be elected by drawing lots.
- (4) In this section, "an absolute majority", in relation to votes cast, means a greater number than one-half of the number of ballot-papers returned in the election, other than rejected ballot-papers.

Scrutiny of votes - election of 2 candidates

18. (1) In this section:

"primary vote" means the aggregate of the first-preference and second-preference votes given for each candidate on all unrejected ballot-papers and, in the case of a ballot-paper counted to a candidate by virtue of the distribution of a preference, includes the vote so counted;

"secondary vote" means the preference next following a primary vote.

- (2) Where an election referred to in paragraph 4 (1) (b) is held, the Returning Officer must:
 - (a) count the primary votes given for each candidate, credit those votes to that candidate and prepare a list of the candidates in order according to the primary votes cast for them; and
 - (b) exclude the candidate who has received the lowest number of primary votes and examine each ballot-paper on which a primary vote has been counted to that candidate to determine its secondary vote and count the preference so found to the appropriate unexcluded candidate; and
 - (c) if, after the exclusion of a candidate under paragraph (b), there are more than 2 candidates still in the count, continue the procedure of:
 - (i) excluding the candidate who has received the lowest number of primary votes; and
 - (ii) examining each of the ballot-papers counted to that candidate (including ballot-papers counted to him or her by virtue of the distribution of a preference under paragraph (b)) to determine its secondary vote; and
 - (iii) counting the preferences so found to the appropriate unexcluded candidate; until 2 candidates only remain in the count; and
 - (d) where, under either paragraph (b) or (c), all except 2 of the candidates have been excluded from the count - declare both the unexcluded candidates to be elected as academic staff members of the Council.
- (3) If, in any count under this section, 2 or more candidates have an equal number of votes and one of them must be excluded, the Returning Officer must decide which is to be excluded by drawing lots.

Scrutineers

19. (1) A candidate at a contested election may, by letter signed by the candidate and addressed to the Returning Officer, appoint persons to be that candidate's scrutineers for the purposes of the election.
- (2) At any time during which the Returning Officer is carrying out functions under section 16, 17 or 18 in connection with an election, one scrutineer appointed under subsection (1) by each candidate may be present.

Notice of result of election

20. Where the Returning Officer declares a person to have been elected as an academic staff member of the Council, the Returning Officer must, as soon as practicable:
- (a) prepare a notice setting out:
 - (i) the name of the person elected; and
 - (ii) in the case of a contested election - the names of the candidates; and
 - (b) cause a copy of the notice to be published in such manner, and displayed in such places, as are prescribed by the rules or, subject to the rules (if any), as the Returning Officer thinks fit.

Election not necessarily invalid if breaches

21. An election conducted under this Statute is not invalidated only because of one or more of the following matters:
- (a) the presence on the Electoral Roll of a name that, under this Statute, should not be on it;
 - (b) the absence from the Electoral Roll of a name that, under this Statute, should be on it;
 - (c) the sending of a ballot-paper to, or the marking of a ballot-paper by, a person who, under this Statute, is not entitled to vote in that election;
 - (d) a breach of this Statute;
- unless the Returning Officer is satisfied that, except for that or those matters, the candidate elected at that election might not have been so elected.

Decisions of Returning Officer are final

22. Subject to the University Act and to this Statute, the decisions of the Returning Officer on all matters relating to the election are final.

Academic staff member ceasing to be a member of the academic staff

23. An academic staff member who ceases to be a member of the academic staff ceases to be a Council member.

Rules

24. The Council may make rules, not inconsistent with the University Act or a Statute, with respect to the election of academic staff members for the purposes of this Statute.

SCHEDULE

FORM 1

Section 11

Nomination Form

To the Returning Officer

We, _____ and _____,
(full names of nominators)

being members of the academic staff, hereby nominate _____
(full name of person nominated)

as a candidate in the election of an academic staff member of Council (add, where appropriate, "who is a member of the senior academic staff")

to be held on _____
(date of election)

(Signatures of nominators)

I consent to my nomination in the above-mentioned election.

(Signature of person nominated)

Form 2

Section 13

Academic Staff Member of Council

Ballot-paper

Candidates

- _____
(insert name of candidate)
- _____
(insert name of candidate)
- _____
(insert name of candidate)
- _____
(insert name of candidate)

Directions - Mark your vote on this ballot paper by placing the figures ... ("1 and 2" where there are 2 candidates, "1, 2 and 3" where there are 3 candidates, and so on as the case requires) in each square opposite the names of the candidates, with the figure "1" opposite the name of the candidate who is your first preference, and "2" against the name of the candidate who is your second preference, and so on, as required, so as to indicate the order of your preference for all the candidates.

Given under the seal of the University of Canberra sponsored by Monash University
the day of 1991.

Vice-Chancellor

Registrar

I, THE GOVERNOR-GENERAL of the Commonwealth of Australia, acting with the advice of the
Federal Executive Council, hereby approve the foregoing Statute.

Dated

Governor-General

By His Excellency's Command,

Minister of State
for Higher Education
and Employment Services