



Statute No.

**ELECTION OF COUNCIL MEMBER
BY GRADUATES STATUTE 1991**

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UNIVERSITY OF CANBERRA

Statute No. _____

ELECTION OF COUNCIL MEMBER BY GRADUATES STATUTE 1991

Citation

1. This Statute may be cited as the *Election of Council Member by Graduates Statute 1991*.

Repeal

2. The *Election of Graduate Member of Council Statute 1986* (Statute No. 59 of the Canberra College of Advanced Education) is repealed.

Definitions

3. (1) In this Statute, unless the contrary intention appears:

"ballot-paper" means a ballot-paper prepared under section 14;
"contested election" means an election at which more than one person is a candidate;
"election" means an election of a Council member by graduates under this Statute;
"graduate" means a person to whom the University or the College has awarded a degree, diploma or certificate;
"graduate representative" means the Council member elected by graduates referred to in paragraph 11(1)(e) of the University Act;
"list of graduates", means the list of graduates kept under section 10;
"nomination day", in relation to an election, means the day fixed under section 11 as nomination day for the purposes of that election;
"Society" means the society established by a resolution of the Council dated 31 March 1982.

(2) Where:

- (a) the University or the College has awarded a degree, diploma or certificate to a person; and
- (b) that degree, diploma or certificate has not been conferred;

the degree, diploma or certificate has effect, for the purposes of this Statute, as if it had been conferred in the year in which it was awarded.

Eligibility of candidates and voters

4. At an election of a graduate representative:
 - (a) subject to section 12 of the University Act, any person (not being an employee or student of the University) is eligible to be a candidate; and
 - (b) all graduates are eligible to vote.

Returning Officer

5. (1) Subject to subsection (2), for the purposes of this Statute, the Registrar or, when there is an Acting Registrar, the Acting Registrar is the Returning Officer.

(2) If the Registrar or Acting Registrar is a graduate, subsection (1) does not apply and the Council must appoint a person, not being a graduate, to be the Returning Officer for the purposes of this Statute.

Dates of elections

6. (1) Subject to this Statute, the Returning Officer must:
 - (a) fix a day on which the first election of a graduate representative under this Statute is to be held; and
 - (b) at least 60 days before the expiration of the term of office of a graduate representative, fix the day on which the subsequent election of a graduate representative is to be held; and
 - (c) if, under section 7, the Council directs that an election of a graduate representative be held to fill a casual vacancy - fix the day (being a day at least 60 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 graduate representative whose place on the Council the graduate representative to be elected is to fill.

Casual vacancies

7. If a casual vacancy in the membership of the Council occurs because a graduate representative ceases to hold office before the expiration of his or her 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 person to fill that vacancy, after such consultation (if any) with graduates as the Council considers appropriate.

Period of office

8. Subject to the University Act, a graduate representative holds office for a period of 2 years, commencing:

- (a) in the case of the first graduate representative to be elected under this Statute - on the 27th September next following the election of that graduate representative; and
- (b) in any other case - on the expiration of the term of office of the member whose place on the Council the graduate representative 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 the day of the election, nomination day and 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.

List of graduates

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, a list of graduates on which are listed the full names of graduates.

(2) The Returning Officer must cause the list of graduates to be made available for inspection by persons associated with the University at the Registrar's office during the hours of business of that office.

(3) The Returning Officer must, in response to an application from a graduate or on the Returning Officer's own initiative, take all reasonable steps to ensure that the names of all graduates are listed on the list of graduates and that the names of no other persons are so listed.

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 35 days and not more than 42 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 a graduate representative 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) the nomination contains that person's written consent to be nominated as a candidate; and
 - (c) the nomination contains the signatures, as nominators, of not less than 2 persons who, on nomination day, are graduates whose names are listed on the list of graduates.

Elections where only one candidate is nominated

12. Where an election of a graduate representative is being held 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 the Council member elected by graduates..

Applications for voting papers

13. (1) Where there is a contested election, the Returning Officer must, as soon as practicable after nomination day:
 - (a) prepare a notice:
 - (i) setting out the day fixed for the election; and
 - (ii) setting out the names of the candidates in the order (determined in accordance with subsection 14(2)) that they will appear on the ballot-paper; and
 - (iii) stating that voting papers will be sent to all graduates who were financial members of the Society on nomination day; and

- (iv) inviting graduates who were not financial members of the Society on nomination day and who wish to vote in the election to apply for voting papers in accordance with subsection (2); and
 - (v) stating that, if an application by a graduate is received after a specified date, it is unlikely that there will be sufficient time for voting papers to be sent to, and returned by, the graduate; and
- (b) cause a copy of the notice to be 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.
- (2) An application by a graduate for voting papers:
- (a) must set out:
 - (i) the graduate's full name and address; and
 - (ii) the title of a degree, diploma or certificate awarded by the University or the College to the graduate; and
 - (iii) the year that the degree, diploma or certificate was conferred; and
 - (b) may be lodged at the Registrar's office during the business hours of that office or sent by prepaid post to the Returning Officer at the Registrar's office.
- (3) The Returning Officer must cause to be kept a record of the applications made by graduates for voting papers.

Ballot-papers

14. (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) The Returning Officer must determine the order in which the names of candidates are to be set out on a ballot-paper by drawing lots.
- (3) Where similarity in the names of 2 or more candidates is likely to cause confusion, the names of such candidates may be accompanied on a ballot-paper by such addition as, in the opinion of the Returning Officer, will distinguish them.

Conduct of contested elections

15. (1) Where:
- (a) there is a contested election; and
 - (b) either:

- (i) a graduate was a financial member of the Society on nomination day; or
- (ii) a graduate who was not a financial member of the Society on nomination day applies to the Returning Officer in accordance with subsection 13(2) for voting papers in relation to the election and the graduate's name is listed on the list of graduates on nomination day;

the Returning Officer must send to the graduate, by prepaid post addressed to the last address of the graduate known to the Returning Officer, an envelope that contains the following voting papers:

- (c) one ballot-paper;
- (d) an envelope labelled "Ballot-paper" that will hold the ballot-paper;
- (e) an envelope (being an envelope that will hold the envelope referred to in paragraph (d)) addressed to the Returning Officer and marked on the back with the name of the person to whom it is sent, the title of a degree, diploma or certificate awarded by the University or by the College to the person and the year that the degree, diploma or certificate was conferred;
- (f) 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 16(1); 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.

(2) The Returning Officer must cause to be kept a record setting out the full names of graduates to whom voting papers have been sent under subsection (1).

Voting

16. (1) In a contested election, each person sent a ballot-paper under subsection 15(1) must, if that person wishes to vote:

- (a) mark his or her vote on the ballot-paper by placing a tick in the square opposite the name of the candidate for whom that person wishes to vote; and
- (b) place the ballot-paper in the envelope labelled "Ballot-paper" supplied under paragraph 15(1)(d); and
- (c) place the envelope labelled "Ballot-paper" in the envelope, addressed to the Returning Officer supplied under paragraph 15(1)(e); and

- (d) sign the back of the envelope addressed to the Returning Officer; and
 - (e) send the addressed envelope, signed in accordance with paragraph (d), 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.
- (2) Where a person who has been sent a ballot-paper under subsection 15(1) satisfies the Returning Officer that the person has spoilt the ballot-paper by mistake or accident and the person surrenders the spoilt ballot-paper to the Returning Officer, the Returning Officer may give the person a new ballot-paper to replace the spoilt ballot-paper.
- (3) For the purposes of this Statute, where a voter has placed a cross or the figure 1 in the square opposite the name of a candidate, the voter is taken to have placed a tick in that square.
- (4) For the purposes of this Statute, where a voter has placed a tick, a cross or the figure 1 opposite, but not in, the square opposite the name of a candidate, the voter is taken to have placed a tick in that square.

Scrutiny of votes

17. Where a contested election is held, 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 a copy of the record referred to in subsection 15(2) the names of all voters who have returned envelopes of the kind referred to in paragraph 15(1)(e); and
- (b) without opening the envelopes, reject:
 - (i) all envelopes that have not been signed in accordance with paragraph 16(1)(d) or that have been signed by a person who is not a graduate to whom the Returning Officer was required to send voting papers under subsection 15(1); 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 paragraph 16(1)(a); and
- (f) arrange the unrejected ballot-papers under the names of the respective candidates by placing in a separate parcel all those on which a vote is indicated for the same candidate; and

- (g) count the votes given for each candidate; and
- (h) if the candidates have received an unequal number of votes, declare the candidate who has received the largest number of votes to be elected as the Council member elected by graduates; and
- (i) if 2 or more candidates have an equal number of votes and no other candidate has received a larger number of votes:
 - (i) decide which is to be elected by drawing lots; and
 - (ii) declare that candidate to be elected as the Council member elected by graduates.

Scrutineers

18. (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 17 in connection with an election, one scrutineer appointed under subsection (1) by each candidate may be present.

Notice of result of election

19. Where the Returning Officer declares a person to have been elected as the Council member elected by graduates, the Returning Officer must:

- (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

20. An election conducted under this Statute is not invalidated only because of one or more of the following matters:

- (a) the presence on the list of graduates of the name of a person who is not a graduate;
- (b) the absence from the list of graduates of the name of a person who is a graduate;
- (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

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

Graduate representative becoming an employee or student

22. A graduate representative who becomes an employee or a student of the University ceases to be a Council member.

Rules

23. The Council may make rules, not inconsistent with the University Act or a Statute, with respect to the election of graduate representatives for the purposes of this Statute.

Schedule

FORM 1

Section 11

Nomination Form

To the Returning Officer

We, _____

and _____

(full name of each nominator, and the title of a degree, diploma or certificate awarded by the University or by the College to that nominator, and the year that the degree, diploma or certificate was conferred)

being graduates, hereby nominate _____

(full name of person nominated)

as a candidate in the election of a member of Council elected by graduates to be held on _____

(date of election)

(Signatures of nominators)

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

(Signature of person nominated)

Ballot-Paper

Council Member elected by Graduates

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 a tick [✓] in the square opposite the name of the candidate for whom you wish to vote.

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