

## **AUSTRALIAN CAPITAL TERRITORY**

### **UNIVERSITY OF CANBERRA ACT 1989**

#### **University of Canberra (Election of Student Members of Council) Statute 2007\***

**DI2007/216**

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#### **Table of Provisions**

##### **Section**

1. Citation
2. Repeal
3. Definitions
4. Appointment of person to be Returning Officer
5. Eligibility of candidates and voters
6. Dates of elections
7. Casual vacancies
8. Period of office
9. Notices of elections
10. Electoral Roll
11. Nominations
12. Elections – requirement for contested election
13. Contested elections – notice of voting places, etc.
14. Presiding officers
15. Ballot papers
16. Conduct of contested elections
17. Ballot boxes
18. Voting
19. Scrutiny of votes – preliminary matters
20. Scrutiny of votes
21. Scrutineers
22. Notice of result of election
23. Election not necessarily invalid if breaches
24. Information to be supplied
25. Decisions of Returning Officer are final
26. Student member ceasing to be a student
27. Rules

\*Name amended under Legislation Act, s 60

## Schedule

Form 1

Form 2

Form 3

Notes

Table of Amendments

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## Citation

1. This Statute may be cited as the *University of Canberra (Election of Student Members of Council) Statute 2007*.

## Repeal

2. The *University of Canberra Election of Student Members of Council Statute 1991* is repealed.

## Definitions

3. In this Statute, unless a contrary intention appears:

“**ballot paper**” means a ballot paper prepared under section 15;

“**contested election**” means an election at which there are more candidates than members to be elected;

“**course**” means a course of study specified in the *Courses and Awards Statute 1995* or in rules made under that Statute, or a course of the University that is declared by the Council to be a course for the purposes of this Statute;

“**election**” means an election of student members of the Council under this Statute;

“**Electoral Roll**” means the electoral roll 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;

“**polling place**” means a place fixed under paragraph 13(a);

“**postgraduate student**” means a student enrolled in a course of the University leading to a degree of doctor, a degree of master, a graduate diploma or a graduate certificate of the University;

“**presiding officer**” means the Returning Officer or a person appointed under section 14 to preside at voting in an election under this Statute;

“**Returning Officer**” means:

(a) the Secretary of Council; or

(b) an officer of the University appointed under section 4;

“**semester**” means a period determined by resolution of the Council to be a semester of the University;

“**student member**” means a Council member referred to in paragraph 11(1)(g) or (h) of the *University of Canberra Act 1989*;

“**undergraduate student**” means a student enrolled in a course of the University leading to a degree, diploma or certificate of the University, other than a postgraduate student;

“**University grounds**” means land occupied by the University and includes buildings on that land;

“**voting days**”, in relation to a contested election, means a day fixed for the purposes of section 6 and the 2 immediately preceding days.

#### **Appointment of person to be Returning Officer**

4. The Vice-Chancellor may appoint a member of the academic staff or general staff of the University to be the Returning Officer for the purposes of this Statute.

#### **Eligibility of candidates and voters**

5. (1) Of the 2 student members of Council:
  - (a) one must be an undergraduate student; and
  - (b) one must be a postgraduate student.
- (2) If, in an election:
  - (a) there is no undergraduate student nominated as a candidate under subsection 11(5) the Returning Officer must call a new election ;  
or
  - (b) there is no postgraduate student nominated as a candidate under subsection 11(5) the Returning Officer must call a new election.
- (3) A new election can be called only once during the term of office of a member.
- (4) If:
  - (a) there is no postgraduate student nominated as a candidate the vacancy must be treated as a casual vacancy under paragraph 7(b); or
  - (b) there is no undergraduate student nominated as a candidate the vacancy must be treated as a casual vacancy under paragraph 7(b).
- (5) At an election of student members:
  - (a) subject to sections 11 and 12 of the *University of Canberra Act 1989*, any undergraduate student or postgraduate student whose name is listed on the Electoral Roll on nomination day and who has not served nine years on the Council at the time of nomination is eligible to be a candidate; and
  - (b) all students who, on nomination day, are entitled to have their names listed on the Electoral Roll are eligible to vote.

#### **Dates of elections**

6. (1) Subject to this Statute, the Returning Officer must:
  - (a) at least 21 days before the expiration of the term of office of the student members, fix the day on which the subsequent election of student members is to be held; and
  - (b) if, under paragraph 7(a), the Council directs that an election of a student member be held to fill a casual vacancy – 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; and

- (c) if a new election is called by the Returning Officer under subsection 5(2), at least 21 days before the expiration of the term of office of the student members, fix the day on which the subsequent election of student members is to be held.
- (2) The day of an election fixed for the purposes of paragraph (1)(a) must be:
  - (a) not earlier than 6 months before; and
  - (b) not later than three days before;
 the day of the expiration of the term of office of the student members whose places on the Council the student members to be elected are to fill.
- (3) The days fixed for the purposes of subsection (1) must be a Tuesday, Wednesday and Thursday in a semester during a period of teaching.

### **Casual vacancies**

- 7. If a casual vacancy in the membership of the Council occurs because a student member ceases to be an enrolled student of the University before the expiration of that member's term of office as a member of Council, 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 an undergraduate student or a postgraduate student, whichever is appropriate, to fill that vacancy, after such consultation (if any) with students as the Council considers appropriate.

### **Period of office**

- 8. (1) Subject to the *University of Canberra Act 1989*, a student member holds office for a period of one year, commencing on the expiration of the term of office of the member whose place on the Council the student member is elected to fill.
- (2) A student member ceases to hold office on reaching the maximum period of service set out in subsection 11(4) of the *University of Canberra Act 1989*.

### **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 voting days, including 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, 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, 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:
- (a) in part 1, the full names of all undergraduate students; and
  - (b) in part 2, the full names of all postgraduate students; and
- (2) The Returning Officer must cause the Electoral Roll to be available for inspection in the office area of the Secretary of Council during the hours of 9am to 5pm, Monday to Friday, except University holidays.
  - (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 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 students are listed on the Electoral Roll and that the names of no other persons are so listed.
  - (6) Despite 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 a nomination may be lodged 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 University is to be open for business.
- (3) Where the election of student members is being held, a person may lodge a nomination with the Returning Officer on or before nomination day between 9am and 5pm on a day that the University is open for business.
- (4) A nomination must be substantially in accordance with Form 1 in the Schedule.
- (5) Subject to the *University of Canberra Act 1989*, a person is a candidate at an election if:
  - (a) a written nomination of that person as a candidate has been lodged in accordance with this section; and
  - (b) on nomination day, that person is an undergraduate student or a postgraduate student whose name is listed as such a student 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 students whose names are listed on the Electoral Roll in the same part as the student nominated.

**Elections - requirement for contested election**

- 12. (1) Where an election for the postgraduate student member is held and only 1 postgraduate student is nominated, the Returning Officer must, on the day of the election, declare the nominated student to be elected as the postgraduate student member of the Council.
- (2) Where an election for the undergraduate student member is held and only 1 undergraduate student is nominated, the Returning Officer must, on the day of the election, declare the nominated student to be elected as the undergraduate student member of the Council.
- (3) Where an election for the postgraduate student member is held and 2 or more postgraduate students are nominated, a contested election must be held, in accordance with this Statute, to determine the postgraduate student member of the Council.
- (4) Where an election for the undergraduate member is held and 2 or more undergraduate students are nominated, a contested election must be held, in accordance with this Statute, to determine the undergraduate student member of the Council.

**Contested elections – notice of voting places, etc.**

- 13. Where there is a contested election, the Returning Officer must, on the day immediately following nomination day, or as soon as practicable after that day:
  - (a) fix a place or places within the University grounds at which persons may vote under this Statute; and
  - (b) prepare a notice:
    - (i) where subsection 12(1) or (2) applies – stating that only one undergraduate student or only one postgraduate student (as the case may be) has been nominated and that that nominated student will be declared to be elected as a student member of the Council in accordance with section 12; and
    - (ii) indicating whether the contested election relates only to candidates who are undergraduate students or only to candidates who are postgraduate students or to both undergraduate student candidates and postgraduate student candidates; and
    - (iii) setting out the names of the candidates in the election and indicating whether they are undergraduate students or postgraduate students; and
    - (iv) indicating the location of the place or places fixed under paragraph (a); and
    - (v) including such other matters as are prescribed by the rules or, subject to the rules (if any), as the Returning Officer thinks fit; and

- (c) cause a copy of that 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.

### **Presiding officer**

- 14. Where there is a contested election, the Returning Officer may appoint one or more persons to be a presiding officer to preside at voting under this Statute.

### **Ballot papers**

- 15. (1) Where there is a contested election, the Returning Officer must cause ballot papers to be prepared in accordance with whichever of the forms set out in the Schedule is required under this section.
- (2) Where the contested election concerns candidates who are undergraduate students, the ballot paper must be in accordance with Form 2 in the Schedule, with only those candidates whose names are listed in part 1 of the Electoral Roll (being undergraduate students) being listed in the ballot paper.
- (3) Where the contested election concerns candidates who are postgraduate students, the ballot paper must be in accordance with Form 3 in the Schedule, with only those candidates whose names are listed in part 2 of the Electoral Roll (being postgraduate students) being listed in the ballot paper.
- (4) On a ballot paper, or in each part of a ballot paper, as the case may be:
  - (a) the names of the candidates must be set out according to the order determined by the Returning Officer by drawing lots.
  - (b) 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**

- 16. (1) Subject to this section, where there is a contested election, a presiding officer must, between the hours of 12 noon and 7pm on the voting day of the election and on the two immediately preceding days, at polling places, issue a ballot paper to each person whose name is listed on the Electoral Roll who applies in person for a ballot paper and to whom a ballot paper in respect of that election has not previously been issued.
- (2) Where a person whose name is listed on the Electoral Roll applies in person to a presiding officer for a ballot paper for the election, the presiding officer must only issue a ballot paper to the person if the person produces to the presiding officer the identity card issued to the person by the University on his or her enrolment.
- (3) Where a person whose name is not listed on the Electoral Roll:
  - (a) applies in person to a presiding officer for a ballot paper for the election; and
  - (b) produces to the presiding officer the identity card issued to the person by the University on his or her enrolment; and

- (c) satisfies the presiding officer that, on nomination day, the person was entitled to have his or her name listed on the Electoral Roll; the presiding officer must:
  - (i) make a record of the person's name; and
  - (ii) if:
    - (i) the person signs next to his or her name as recorded by the presiding officer; and
    - (ii) the signature is identical to the signature on the person's identity card produced in accordance with paragraph (b);
 issue a ballot paper to the person.
- (4) Before issuing a ballot paper to a person under this section, a presiding officer must initial the back of the ballot paper.
- (5) Undergraduate students on the Electoral Roll may only be issued with a ballot paper for the election of the undergraduate member of Council. Postgraduate students on the Electoral Roll may only be issued with a ballot paper for the election of the postgraduate member of Council.

### **Ballot boxes**

- 17. (1) Each polling place must be provided with a ballot box, constructed and fitted as determined by the Returning Officer.
- (2) Before the issue of ballot papers under section 16, the Returning Officer must ensure that all ballot boxes are empty.
- (3) Subject to this Statute, a ballot box must be dealt with as directed by the Returning Officer.

### **Voting**

- 18. (1) In a contested election each person issued with a ballot paper under section 16 must:
  - (a) in relation to the candidates listed in the ballot paper, if that person wishes to vote for those candidates:
    - (i) mark his or her vote on the ballot paper by placing the figure 1 in the square opposite the name of the candidate on the ballot paper for whom that person votes as his or her first preference; and
    - (ii) give contingent votes for all the remaining candidates listed 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; and
  - (2) A presiding officer must ensure that persons issued with ballot papers may mark them in private.
  - (3) Where a person issued with a ballot paper under section 16 satisfies the presiding officer that the person has spoilt the ballot paper by mistake or accident and the person surrenders the spoilt ballot paper to the presiding officer, the presiding



officer may issue a new ballot paper to that person to replace the spoiled ballot paper.

- (4) After a person issued with a ballot paper marks it, the person must place it in the ballot box at the polling place where the ballot paper was issued to the person.

#### **Scrutiny of votes – preliminary matters**

19. Where a contested election is held, the Returning Officer must, at 9am on the day immediately following the day fixed for the election, or as soon after that time as is practicable:
  - (a) open all ballot boxes; and
  - (b) reject all ballot papers the backs of which have not been initialled in accordance with subsection 16(4), that have not been marked in accordance with subsection 18(1) or (2) or that have been marked by a person who was not entitled, on nomination day, to have his or her name listed on the Electoral Roll.

#### **Scrutiny of votes**

20. (1) Where a contested election is held, the requirements of section 20 must be applied separately to the postgraduate and undergraduate elections.
- (2) Where this section applies, 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 ballot papers on which a first preference is indicated for the same candidate; and
  - (b) count the first-preference votes given for each candidate listed in all unrejected ballot papers; and
  - (c) in respect of the candidates listed in the ballot paper – 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 a student member of the Council; and
  - (d) in respect of the candidates listed in the ballot paper– if no candidate has received an absolute majority, proceed with the scrutiny and the 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 the order of the voter’s preference; and
    - (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; and

- (iii) when a candidate has received an absolute majority of votes cast, the Returning Officer must declare that candidate to be elected as a student member of the Council.
- (3) If, in any count, 2 or more candidates have an equal number of votes, and one of them has to be excluded, the Returning Officer must determine which is to be excluded by drawing lots.
- (4) If, in the final count, 2 candidates have an equal number of votes, the Returning Officer must determine which is to be elected by drawing lots.
- (5) In this section, in respect of the candidates listed in the ballot paper, or in each part of the ballot paper, as the case may be, an “absolute majority”, in relation to votes cast, means a greater number than one half of the number of the ballot papers in ballot-boxes used in the election when the boxes are opened under paragraph 19(a) other than ballot papers rejected under paragraph 19(b).

### **Scrutineers**

- 21. (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 in his or her particular category of student.
- (2) At any time during which a polling-place is open for the purposes of an election, one scrutineer appointed under subsection (1) by each candidate may be present at the polling-place but must not:
  - (a) interfere with or attempt to influence any person voting at the election; or
  - (b) communicate with any person at the polling-place other than the presiding officer or the scrutineers of other candidates.
- (3) At any time during which the Returning Officer is carrying out his or her functions under sections 19 or 20, one scrutineer appointed under subsection (1) by each candidate may be present.

### **Notice of result of election**

- 22. Where the Returning Officer declares persons to have been elected as student members of the Council, the Returning Officer must, as soon as practicable:
  - (a) prepare a notice setting out:
    - (i) the names of the persons elected; and
    - (ii) in the case of a contested election – the names of the candidates; 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 the notice to be published in such manner, and displayed in such places, as are prescribed by the rules or, subject to the rules, as the Returning Officer thinks fit.

### **Election not necessarily invalid if breaches**

23. 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 issue 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, a candidate elected at the election might not have been so elected.

**Information to be supplied**

24. Where the Returning Officer or a presiding officer, in relation to the performance of functions under this Statute, requests a student to supply any information or evidence reasonably necessary to enable that person to determine whether a student is an undergraduate student or a postgraduate student, the student must supply that information or evidence.

**Decisions of Returning Officer are final**

25. Subject to the *University of Canberra Act 1989* and to this Statute, the decisions of the Returning Officer on all matters relating to the election are final.

**Student member ceasing to be a student**

26. A student member who ceases to be a student in his or her particular category of student ceases to be a Council member.

**Rules**

27. The Council may make rules, not inconsistent with the *University of Canberra Act 1989* or a Statute, with respect to the election of student members for the purposes of this Statute.

## Schedule

### Form 1

#### Section 11

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### Nomination Form

To the Returning Officer

We, ..... and .....

*(full names of nominators and student ID numbers)*

being students, hereby nominate

.....

*(full name of person nominated and student ID number)*

being an undergraduate/postgraduate *(cross out whichever is inapplicable)* student, as a candidate in the election of student members 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

Subsection 15(2)

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Election of undergraduate student as Council member

### 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 two candidates, 1, 2 and 3 where there are three 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 your order of preference for all the candidates.

**Form 3**  
Subsection 15(3)

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Election of postgraduate student as Council member

**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 two candidates, 1, 2 and 3 where there are three 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 your order of preference for all the candidates.

The Statute is made by Council under section 40 of the *University of Canberra Act 1989*.

Given under the Seal of the University of Canberra on 5 July 2007

Stephen Parker  
Vice-Chancellor

Gregory Jones  
Secretary of Council

Under subsection 42(2) of the *University of Canberra Act 1989* the Statute is approved by the Executive.

Andrew Barr  
Minister for Education and Training

Jon Stanhope  
Chief Minister

Dated 5 September 2007

Dated 5 September 2007