AUSTRALIAN CAPITAL TERRITORY

UNIVERSITY OF CANBERRA ACT 1989

University of Canberra (Election of Council Member by Graduates) Amendment Statute 2005

DI 2005 - 287

Citation

1. This Statute may be cited as the *University of Canberra (Election of Council Member by Graduates) Amendment Statute 2005*.

Interpretation

2. In this Statute:

"Principal Statute" means the *Election of Council Member by Graduates Statute 1991*.

Amendment of section 3 of the Principal Statute

3. Section 3 of the Principal Statute is amended by omitting the definitions of "list of graduates" and "Society".

Amendment of section 4 of the Principal Statute

4. Section 4 of the Principal Statute is amended by omitting "person" and substituting "graduate".

Amendment of section 7 of the Principal Statute

5. Section 7 of the Principal Statute is amended in subsection (b) by omitting "person" and substituting "graduate".

Repeal of section 10 of the Principal Statute

6. Section 10 of the Principal Statute is omitted.

Amendment of section 11 of the Principal Statute

7. Section 11 of the Principal Statute is amended in subsection (5):
    (a) by omitting "a person is a candidate" and substituting "a graduate is a candidate"; and
    (b) in paragraph 5(c) by omitting "whose names are listed on the list of graduates".

Amendment of section 13 of the Principal Statute

8. Section 13 of the Principal Statute is amended:

(a) in subsection (1) by omitting paragraphs (a)(iii) and (iv), substituting "(iii) inviting graduates who wish to vote in the election to apply for voting papers in accordance with subsection (2); and", and renumbering paragraph (v) as (iv);

(b) by inserting the following after subsection (3):
"(4) The Returning Officer must cause the record to be made available for inspection by persons associated with the University between the hours of 9a.m. and 5p.m. on days that the University is open for business."

Amendment of section 15 of the Principal Statute

9. Section 15 of the Principal Statute is amended by omitting paragraph (1)(b) and substituting "(b) a graduate applies to the Returning Officer in accordance with subsection 13(2) for voting papers in relation to the election;".

Amendment of section 16 of the Principal Statute

10. Section 16 of the Principal Statute is amended:

(a) by omitting paragraph (1)(a) and substituting "(a) 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; and"; and

(b) by omitting subsections (3) and (4) and substituting "(3) The Returning Officer must take all reasonable steps to ensure that no more than one completed ballot-paper is accepted from a graduate, including a graduate who has been awarded more than one degree, diploma or certificate by the University or the College, and that ballot-papers are not accepted from persons who are not graduates.".

Amendment of section 17 of the Principal Statute

11. Section 17 of the Principal Statute is amended by renumbering it as subsection (1), omitting paragraphs (f), (g), (h) and (i), and substituting the following:

"(f) 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

(g) count the first-preference votes given for each candidate; and

(h) 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 the Council member elected by graduates; and

(i) 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 elected as the Council member elected by graduates.

(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.".

Amendment of section 20 of the Principal Statute

12. Section 20 of the Principal Statute is amended by omitting subsections (a) and (b) and relettering subsections (c) and (d) as (a) and (b) respectively.

Amendment of Form 1

13. Form 1 in the Schedule to the Principal Statute is amended by inserting after "*full name of person nominated*", "*, and the title of a degree, diploma or certificate awarded by the University or by the College to the person nominated, and the year that the degree, diploma or certificate was conferred*".

Amendment of Form 2

14. Form 2 in the Schedule to the Principal Statute is amended by omitting the Directions and substituting the following:

"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 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 the order of your preference for all the candidates.".

The foregoing 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   2/9/2005.
Roger Dean
Vice-Chancellor
J Coggins
Secretary of Council

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

Katy Gallagher   Jon Stanhope

Minister for Education   Chief Minister
and Training

Dated 2/12/05   Dated 7/12/05