

AUSTRALIAN CAPITAL TERRITORY

UNIVERSITY OF CANBERRA ACT 1989

University of Canberra Election of Staff Members of Council Statute 2007

DI2007/94

Table of Provisions

Citation
Repeal
Definitions
Appointment of person to be Returning Officer
Eligibility of candidates and voters
Returning Officer
Dates of elections
Casual vacancies
Period of office
Notices of elections
Electoral Roll
Nominations
Elections where only one candidate is nominated
Ballot-papers
Conduct of contested elections
Voting
Scrutiny of votes – preliminary matters
Scrutiny of votes – election of one candidate
Scrutineers
Notice of result of election
Election not necessarily invalid if breaches
Decisions of Returning Officer are final
Staff member ceasing to be a member of staff
Rules
Schedule
 Form 1
 Form 2
Notes

Citation

1. This statute may be cited as the *University of Canberra Election of Staff Members of Council Statute 2007*.

Repeal

2. The *Election of Academic Staff Members of Council Statute 1991* and the *Election of General Staff Member of Council 1991* are repealed.

Definitions

3. In this statute, unless the contrary intention appears:

- “**academic staff member**” means a Council member referred to in paragraph 11(1)(e) of the University Act;
- “**ballot-paper**” means a ballot-paper prepared under section 12;
- “**contested election**” means an election at which there are more candidates than members to be elected;
- “**election**” means an election of a staff member;
- “**election day**” means the day fixed under section 5 as election day for the purposes of that election;
- “**electoral roll**” means the electoral roll kept under section 9;
- “**general staff member**” means a Council member referred to in paragraph 11(1)(f) of the University Act;
- “**nomination day**”, in relation to an election, means the day fixed under section 10 as nomination day for the purposes of that election;
- “**returning officer**” means:
 - (a) the Secretary of Council; or
 - (b) an officer of the University appointed under section 3A.

Appointment of person to be Returning Officer

3A. The Vice-Chancellor may appoint an officer of the University to be the Returning Officer for the purposes of this Statute.

Eligibility of candidates and voters

4. (1). At an election of an academic staff member:

- (a) subject to sections 11 and 12 of the University Act, any member of the academic staff whose name is listed on the Electoral Roll on nomination day and has not served nine years on the Council is eligible to be a candidate;
- (b) all members whose names are listed on the Electoral Roll on nomination day are eligible to vote.

(2). At an election of a general staff member:

- (a) subject to sections 11 and 12 of the University Act, any member of the general staff whose name is listed on the Electoral Roll on nomination day and has not served nine years on the Council is eligible to be a candidate;
- (b) all members whose names are listed on the Electoral Roll on nomination day are eligible to vote.

Dates of elections

5. (1) Subject to this Statute, the Returning Officer must:

- (a) fix a day on which the first election of staff members under this Statute is to be held; and
- (b) at least 21 days before the expiration of the term of office of the staff members, fix the day on which the subsequent election of the staff members is to be held; and
- (c) if, under section 6, the Council directs that an election of an academic staff member or a general staff 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.

- (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 staff member whose place on the Council the staff member to be elected is to fill.

Casual vacancies

6. If a casual vacancy in the membership of the Council occurs because a 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 academic staff, or of the general staff, as appropriate, to fill that vacancy, after such consultation (if any) with the staff as the Council considers appropriate.

Period of office

7. (1) Subject to the University Act, a staff member holds office for a period of 2 years, commencing:
- (a) in the case of the first academic staff member and the first general staff member to be elected under this Statute - 27th September next following the election of that staff member;
 - (b) in any other case – on the expiration of the term of office of the member whose place on the Council the staff member is elected to fill.
- (2) A staff member ceases to hold office on reaching the maximum period of service set out in subsection 11(4) of the University Act.

Notices of elections

8. Where, under section 5, 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;
 - (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

9. (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 members of the academic staff; and
 - (b) in part 2, the full names of all members of the general staff.

(2) The Returning Officer must cause the Electoral Roll to be available for inspection by persons associated with the University at the Secretary of Council'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 staff are listed on the Electoral Roll and that the names of no other persons are so listed.

(6) Notwithstanding any other provision of this section, where, under section 5, 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

10. (1) Where, under section 65, 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 University is to be open for business.

(3) Where the election of a staff member is being held, a person may:

- (a) lodge the nomination of a candidate for the election with the Returning Officer on or before nomination day between 9 a.m. and 5 p.m. on a day that the University is open for business; or
- (b) send the nomination by prepaid post to the Returning Officer at the University to reach the University on or before nomination day.

(4) The nomination of a candidate for an election must be substantially in accordance with Form 1a or 1b 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 that person is a member of 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) for the election of an academic staff member, 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; or
- (e) for the election of a general staff member, the nomination contains the signatures, as nominators, of not less than 2 persons who, on nomination day, are members of the general staff whose names are listed on the Electoral Roll.

Uncontested Elections

11. (1) Where an election of an academic staff member 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 5, declare that person to be elected as an academic staff member of the Council.

(2) Where the election of a general staff member 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 5, declare that person to be elected a general staff member of the Council.

Ballot-papers

12. (1) Where there is a contested election, the Returning Officer must cause ballot-papers to be prepared in accordance with Form 2a or 2b in the Schedule. There will be separate ballot papers for the academic staff candidates and the general staff candidates.

- (2) On a ballot-paper:
 - (a) the names of the candidates must be set out according to the order decided by the Returning Officer by drawing lots.
 - (b) where similarity in the names of 2 or more candidates is in the opinion of the Returning Officer, likely to cause confusion, the Returning Officer may make such additions to the names of those candidates on the ballot paper which, in the opinion of the Returning Officer, will distinguish them.

Conduct of contested elections

13. Where there is a contested election, for either or both staff member positions the Returning Officer must, at least 7 days before the day fixed for the election under section 5, send to every person whose name is listed in the relevant part of 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, that will hold the envelope referred to in paragraph (b). The envelope must be marked on the back with the

name of the person to whom it is sent, and indicate whether the person is a member of the academic or general staff; 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 14(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

14. (1) In a contested election, each person sent a ballot-paper under section 13 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 indicate the order of his or her preference by placing the figures 2, 3, 4 (and so on, as the case requires) in the squares opposite their names for all the remaining candidates.

(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 marked "Ballot-paper" supplied under paragraph 13(b); and

(b) place the envelope labelled "Ballot-paper" in the envelope addressed to the Returning Officer supplied under paragraph 13(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 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 13 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

15. 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) separate the envelopes into the categories of academic staff and general staff where there has been an election for both categories;

(b) mark on the Electoral Roll the names of all voters who have returned envelopes of the kind referred to in paragraph 13(c); and

(c) without opening the envelopes, reject:

(i) all envelopes that have not been signed in accordance with paragraph 14(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

(d) open all the envelopes that have not been rejected under paragraph (c), remove from them the envelopes marked "Ballot-paper" and place those last-mentioned envelopes in a container; and

- (e) mix up the envelopes in the container, open them and remove all the ballot-papers; and
- (f) reject all ballot-papers that have not been marked in accordance with subsection 14(1) as invalid.

Scrutiny of votes

16. (1) Where an election is held, the Returning Officer must:
- (a) arrange the valid ballot-papers under the names of the respective candidates for each category of staff member 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 or general staff member of the Council; and
 - (d) if no candidate has received an 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 un-excluded 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 or general 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, for the category of staff member means a greater number than one-half of the number of ballot-papers returned in the election for that category of staff member, other than rejected ballot-papers.

Scrutineers

17. (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 15, 16 or 17 in connection with an election, one scrutineer appointed under subsection (1) by each candidate may be present.

Notice of result of election

18. Where the Returning Officer declares a person to have been elected as an academic staff member or a general 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

19. 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

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

Staff member ceasing to be a member of staff

21. An academic staff member who ceases to be a member of the academic staff ceases to be a Council member. A general staff member who ceases to be a member of the general staff ceases to be a Council member.

Rules

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

Schedule

Form 1a

Section 10

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 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 2a

Section 12

Ballot-paper

Academic Staff Member of Council 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 1b

Section 10

Nomination Form

To the Returning Officer

We, and

(full names of nominators)

being members of the general staff, hereby nominate

(full name of person nominated)

as a candidate in the election of a general staff member of Council (add, where appropriate, “who is a member of the general 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 2b

Section 12

Ballot-paper

General Staff Member of Council 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 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 2007.

Vice-Chancellor

Secretary of Council

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

Minister for Education
and Training

Chief Minister

Dated 11/4/07

Dated 14/4/07