

AUSTRALIAN CAPITAL TERRITORY.

Regulations 1954. No. 3.

Regulations under the Canberra University College Ordinance 1953.*

I WILFRED SELWYN KENT HUGHES, the Minister of State for the Interior, in pursuance of the powers conferred by the *Canberra University College Ordinance 1953*, hereby make the following Regulations.

Dated this fifteenth day of March, 1954.

W. S. KENT HUGHES

Minister of State for the Interior.

CANBERRA UNIVERSITY COLLEGE REGULATIONS.

PART I.—PRELIMINARY.

1. These Regulations may be cited as the Canberra University College Regulations.

2. These Regulations are divided into Parts, as follows:—

Parts.

Part I.—Preliminary (Regulations 1-3).

Part II.—Elections of Professors and Members of the Teaching Staff to the Council (Regulations 4-12).

Part III.—Elections of Graduate Representatives to the Council.

Division 1.—Preliminary (Regulations 13-15).

Division 2.—Roll of Graduates (Regulations 16-18).

Division 3.—Nominations (Regulations 19-25).

Division 4.—Voting (Regulations 26-31).

Division 5.—Scrutiny (Regulations 32-39).

Part IV.—Miscellaneous (Regulations 40-41).

3. In these Regulations—

Definitions.

“the Ordinance” means the *Canberra University College Ordinance 1953*;

“the Registrar” means the Registrar of the College.

PART II.—ELECTIONS OF PROFESSORS AND MEMBERS OF THE TEACHING STAFF TO THE COUNCIL.

4. In this Part, unless the contrary intention appears—

Definitions.

“election of a member of the teaching staff” means an election for the purposes of paragraph (f) of section 11 of the Ordinance of a member of the teaching staff as a member of the Council;

* Notified in the *Commonwealth Gazette* on 25th March, 1954.

“election of a professor” means an election for the purposes of paragraph (e) of section 11 of the Ordinance of a professor as a member of the Council;

“member of the teaching staff” means a full-time member of the teaching staff of the College, but does not include a professor;

“professor” means a professor of the College, but does not include a professor of the College who is also the Principal of the College.

Holding of elections.

5. The Minister shall, whenever necessary, direct the Registrar to cause an election of a professor or an election of a member of the teaching staff, as the case may be, to be held.

Registrar to convene meetings for purpose of elections.

6. When the Minister directs the Registrar to cause an election of a professor or an election of a member of the teaching staff to be held, the Registrar shall convene a meeting of the professors or of the members of the teaching staff, as the case may be, for the purpose of the election.

Quorum.

7.—(1.) At a meeting of the professors convened under this Part, three persons constitute a quorum.

(2.) At a meeting of the members of the teaching staff convened under this Part, seven persons constitute a quorum.

Elections at meetings.

8.—(1.) The professors or members of the teaching staff present at a meeting convened under this Part shall, after appointing a chairman of the meeting, proceed to elect at the meeting, by whatever means they think fit, a professor or member of the teaching staff, as the case may be, as a member of the Council.

(2.) A person may be elected as a member of the Council at a meeting notwithstanding that he is not present at the meeting.

Chairman to advise Registrar of results of meeting.

9.—(1.) The chairman of a meeting convened under this Part shall, within three days after the day on which the meeting was held, advise the Registrar in writing of the result of the meeting and, if a person was elected as a member of the Council at the meeting, of the name of that person.

(2.) When the Registrar is advised by the chairman of a meeting convened under this Part that a person was elected as a member of the Council at the meeting, the Registrar shall, if the person elected was qualified to be elected as a member of the Council at the meeting, declare that person, in writing, to be duly elected, and that declaration is conclusive evidence of the result of the election.

Registrar to convene further meetings if necessary.

10. Where, at a meeting convened under this Part for the purposes of an election—

(a) the persons present at the meeting fail to elect a person as a member of the Council; or

(b) there are insufficient persons present to constitute a quorum, the Registrar shall convene a further meeting for the purposes of the election.

Persons entitled to be present at a meeting.

11. A person who is not entitled to vote at an election for the purposes of which a meeting is convened under this Part is not entitled to be present at the meeting.

12.—(1.) A person who is entitled to be, but is not, present at a meeting convened under this Part may vote at the meeting by proxy. Voting by proxy.

(2.) The appointment of a proxy shall be in writing signed by the appointer, and the proxy shall be a person who is entitled to be present at the meeting.

PART III.—ELECTIONS OF GRADUATE REPRESENTATIVES TO THE COUNCIL.

Division 1.—Preliminary.

13. In this Part, unless the contrary intention appears—

Definitions.

“candidate” means a candidate nominated under this Part for election as a member of the Council;

“election” means an election for the purposes of paragraph (b) of section 11 of the Ordinance of one or more persons as a member or members of the Council;

“poll” means a poll taken in pursuance of regulation 25 of these Regulations;

“roll” means the roll prepared and maintained by the Registrar in pursuance of regulation 17 of these Regulations;

“voter” means a person entitled to vote at an election.

14. The Registrar is the Returning Officer for the purpose of all election and he shall give effect to this Part insofar as it relates to the election. Returning Officer.

15. The Minister shall, whenever necessary, direct the Returning Officer to cause an election to be held. Holding of elections.

Division 2.—Roll of Graduates.

16.—(1.) A person who—

Registration of graduates.

(a) is a university graduate of not less than three years' standing; and

(b) is ordinarily resident or is employed in the Territory,

may register his name with the Registrar for the purpose of elections.

(2.) An application for registration under the last preceding sub-regulation shall be in such form as the Registrar approves.

17.—(1.) The Registrar shall prepare and maintain a roll of persons who register their names with him under the last preceding regulation. Preparation and maintenance of roll.

(2.) Whenever the Registrar is satisfied that the roll is incorrect in any particular, he may make such correction to the roll as is necessary and, in particular, he may at any time remove from the roll the name of a person who has died or has ceased to be ordinarily resident or to be employed in the Territory.

18. A person is not entitled to vote at an election unless he is qualified under paragraph (b) of section 11 of the Ordinance so to do and his name appears on the roll. Persons entitled to vote.

Division 3.—Nominations.

19. The Minister shall, when he directs the Returning Officer to cause an election to be held, fix a day as the last day for the receipt of nominations of candidates for the election. Minister to fix closing date for nominations.

Notice of elections to be given.

20. The Returning Officer shall, as soon as practicable after the Minister has fixed a day as the last day for the receipt of nominations of candidates for an election, cause notice of the election and of that day to be—

- (a) posted up on the notice board of the College; and
- (b) published at least once in a newspaper circulating in the Territory.

Qualifications of candidates.

21. A person is not capable of being elected as a member of the Council under this Part unless—

- (a) he is qualified under paragraph (b) of section 11 of the Ordinance to be elected and his name appears on the roll; and
- (b) he has been nominated for election in accordance with this Part.

Method of nomination.

22. A nomination for the election of a person under this Part shall be signed by at least two persons entitled to vote at the election and may be in accordance with such form as the Returning Officer determines.

Requisites for nomination.

23. A nomination is not valid unless—

- (a) the person nominated—
 - (i) consents in writing to act if elected; and
 - (ii) declares in writing that he is qualified to be elected; and
- (b) the nomination is received by the Returning Officer on or before the day fixed by the Minister as the last day for the receipt of nominations.

Withdrawal of consent to nomination.

24. A candidate may withdraw his consent to his nomination at any time on or before the day fixed by the Minister as the last day for the receipt of nominations by lodging with the Returning Officer notice in writing of withdrawal signed by him and witnessed by a Justice of the Peace.

Proceedings on close of nominations.

25.—(1.) If the number of candidates nominated in respect of an election is not greater than the number of candidates required to be elected, the Returning Officer shall declare the candidate or candidates nominated to be duly elected.

(2.) If the number of candidates nominated in respect of an election is greater than the number of candidates required to be elected, a poll shall be taken to decide the election.

Division 4.—Voting.

Number of votes.

26. Each voter is entitled to vote once only in an election.

Date of close of poll.

27.—(1.) The Minister shall fix a day as the day on which the poll shall close and, if, at any time after fixing that day, the Minister is satisfied that circumstances exist which render it necessary or desirable to alter the day so fixed, the Minister may fix a later day as the day on which the poll shall close, and that later day shall be substituted for the day originally fixed.

(2.) The poll shall close at four o'clock in the afternoon on the day fixed by the Minister under the last preceding sub-regulation.

28.—(1.) As soon as practicable after the day for the close of the poll has been fixed, the Returning Officer shall post to each person whose name appears on the roll a ballot-paper in accordance with Form A in the First Schedule to these Regulations together with an envelope on which is printed a form of declaration in accordance with Form B in that Schedule.

Voting papers
and form of
declaration.

(2.) In printing the ballot-papers to be used in an election—

- (a) the names of the candidates shall be printed in alphabetical order according to their surnames;
- (b) if there are two or more candidates of the same surname, their names shall be printed according to the alphabetical order of their Christian names, or, if their Christian names are the same, then according to the alphabetical order of the descriptions of their places of residence, which shall be stated on the ballot-papers; and
- (c) where a similarity in the names of two or more candidates is likely to cause confusion, the names of those candidates may be arranged with such descriptions or additions as will distinguish them from one another.

29. Before posting a ballot-paper and an envelope bearing the voter's form of declaration, the Returning Officer shall, in the spaces provided for those purposes—

Particulars to
be inserted
in voting
papers and
declarations.

(a) insert in the ballot-paper—

- (i) the number of members to be elected at the poll;
- and
- (ii) the date fixed for the close of the poll;

(b) initial the ballot-paper; and

(c) insert in the form of declaration—

- (i) the name of the voter;
- (ii) the number of members to be elected at the poll;
- and
- (iii) the date fixed for the close of the poll.

30.—(1.) On receipt of a ballot-paper and the envelope bearing the voter's form of declaration, the voter shall—

Manner of
voting.

- (a) insert his address in the space provided on the envelope for that purpose and sign the declaration on the envelope in the presence of a witness;
- (b) record his vote in accordance with the directions set out on the ballot-paper; and
- (c) send the envelope containing the ballot-paper to the Returning Officer.

(2.) A person who witnesses the signature of a voter on the voter's form of declaration shall sign his name in the place provided for the purpose and add his address and the date on which the declaration is witnessed.

31. Where the Returning Officer is satisfied that a voter has not received a ballot-paper or envelope, or that a ballot-paper or envelope received by a voter has been lost or destroyed, and that the voter has not already voted at the poll, the Returning Officer may deliver or post to the voter a ballot-paper and envelope, or a further ballot-paper and envelope, as the case may be.

Ballot-papers
not received or
lost or
destroyed.

Division 5.—Scrutiny.

Ballot-papers to be kept in ballot-box until scrutiny.

32. The Returning Officer shall, for each election, keep a locked and sealed ballot-box and keep in the ballot-box until the scrutiny all envelopes containing ballot-papers relating to the election which are received by him before the close of the poll.

Ballot-papers received after close of poll.

33. A ballot-paper received by the Returning Officer after the close of the poll shall not be admitted to the scrutiny.

Scrutineer at the scrutiny.

34. Each candidate may appoint one scrutineer to represent him at the scrutiny.

Scrutiny of votes and declarations.

35.—(1.) The Returning Officer shall, as soon as practicable after the close of the poll and in the presence of such persons as are approved by him and of such scrutineers appointed under the last preceding regulation as attend, open the ballot-box and produce unopened all envelopes containing ballot-papers contained in the ballot-box.

(2.) The Returning Officer shall then—

(a) examine each envelope and—

(i) if the declaration is, in his opinion, signed by a person who is entitled to vote at the poll (being a person who has not previously voted at the poll) and is duly attested—accept the vote for further scrutiny; or

(ii) if the declaration is not so signed or attested—disallow the ballot-paper without opening the envelope; and

(b) withdraw from each envelope accepted for further scrutiny the ballot-paper contained in the envelope and, without unfolding the ballot-paper or inspecting the vote, or permitting any other person to do so, place the ballot-paper in a locked and sealed box.

Counting of votes.

36. The Returning Officer shall then, in the presence of the persons referred to in sub-regulation (1.) of the last preceding regulation, open the box referred to in paragraph (b) of sub-regulation (2.) of that regulation and conduct a further scrutiny in accordance with the rules set out in the Second Schedule to these Regulations and the vacancy or the several vacancies, as the case may be, shall be filled in the manner specified in those rules.

Declaration of result of election.

37.—(1.) The Returning Officer shall, by notice published in a newspaper circulating in the Territory, declare the result of the election and the name or names of the candidate or candidates elected.

(2.) The notice so published is conclusive evidence of the result of the election.

Re-count of votes.

38.—(1.) At any time before notice of the result of an election is published in pursuance of the last preceding regulation, the Returning Officer may, at the request of a candidate or of his own motion, conduct a re-count of the ballot-papers.

(2.) The Returning Officer shall conduct a re-count of the ballot-papers if the Minister so directs.

(3.) When conducting a re-count of ballot-papers, the Returning Officer has the same powers as if the re-count were the scrutiny.

39. A ballot-paper is informal if—

- (a) it is not initialised by the Returning Officer;
- (b) it has no vote marked on it;
- (c) it is so imperfectly marked that the intention of the voter is uncertain; or
- (d) it is not marked in accordance with the directions on the ballot-paper.

Informal
ballot-papers.

PART IV.—MISCELLANEOUS.

40. The College is empowered to pay to the University of Melbourne such fees as that University properly requires in respect of students who have, in pursuance of an agreement between the College and the Public Service Board of the Commonwealth, been admitted as Free Place Students at the College and have entered at the University of Melbourne for subjects in which lectures are not, for the time being, delivered at the College.

Payments to
University of
Melbourne in
respect of
Free Place
Students.

41.—(1.) Unless exempted in accordance with the next succeeding sub-regulation, a student at the College shall, after entering for lectures in any year, become a member of the Canberra University College Students' Association and pay to the Registrar, not later than the day fixed by the Council as the last day for the payment of fees for the second term, the annual membership fee of that Association.

Membership of
Students'
Association.

(2.) The Council may exempt a student from the requirements of the last preceding sub-regulation for such period, and on such terms and conditions (if any), as it thinks fit.

THE SCHEDULES.**FIRST SCHEDULE.**

FORM A.

Regulation 28.

CANBERRA UNIVERSITY COLLEGE REGULATIONS.**BALLOT-PAPER.**

Initials of
Returning Officer.

Election of _____ member/s of the Council of the Canberra University College under paragraph (b) of section eleven of the *Canberra University College Ordinance 1953* and the *Canberra University College Regulations*.

DIRECTIONS TO VOTER.—Mark your vote on this ballot-paper by placing the numbers 1, 2, 3, 4 (and so on, as the case requires) in the squares respectively opposite the names of the candidates so as to indicate the order of your preference for them. You may indicate your preference in respect of all the candidates or in respect of some only of the candidates being not less in number than the number of members to be elected.

CANDIDATES.

.....

FURTHER DIRECTIONS TO VOTER.—After marking your vote, fold the ballot-paper and place it in the envelope bearing your declaration (duly signed and witnessed) and send it, by pre-paid post or otherwise, to the Registrar, Canberra University College, Canberra, A.C.T., so that he will receive it before 4 o'clock in the afternoon of the day fixed for the close of the poll, namely, the _____ day of _____, 19____, otherwise it will not be admitted to the scrutiny.

Authorised by the ACT Parliamentary Counsel—also accessible at www.legislation.act.gov.au

FIRST SCHEDULE—continued.

FORM B.

Regulation 28.

CANBERRA UNIVERSITY COLLEGE REGULATIONS.
DECLARATION BY VOTER.I,
declare—

- (a) that I am a university graduate of not less than three years' standing;
- (b) that I am ordinarily resident or am employed in the Australian Capital Territory;
- (c) that I have registered my name with the Registrar of the College under Part III. of the Canberra University College Regulations;
- (d) that I am entitled to vote at the election of _____ member/s of the Council of the Canberra University College under paragraph (b) of section 11 of the *Canberra University College Ordinance* 1953, the poll for which election closes on the _____ day of _____, 19____; and
- (e) that I have not previously voted in the election.

Signed before me this
day of
19____.

}

Signature of voter.

Signature of witness.

Address of voter.

Address of witness.

SECOND SCHEDULE.

Regulation 36.

RULES FOR COUNTING VOTES.

1. The Returning Officer shall count the first preference votes given for each candidate on all ballot-papers not rejected as informal.

2. A quota shall be determined by dividing the total number of first preference votes by one more than the number of candidates required to be elected and by increasing the quotient so obtained (disregarding any remainder) by one.

3. A candidate who has, upon the first preference votes being counted, received a number of votes equal to or greater than the quota shall be elected.

4. Where the number of first preference votes received by an elected candidate is equal to the quota, the whole of the ballot-papers on which a first preference vote is given for that candidate shall be set aside as finally dealt with.

5. Where the number of first preference votes received by an elected candidate is in excess of the quota, the surplus votes (that is, the votes in excess of the quota) of the candidate shall be transferred to the continuing candidates, in proportion to the voters' preferences, as follows:—

- (a) All the ballot-papers on which a first preference is given for the elected candidate shall be re-examined and the number of next available preferences given for each continuing candidate shall be counted.
- (b) The number of the surplus votes of the elected candidate shall be divided by the number of first preference votes received by him and the resulting fraction shall, for the purposes of this rule, be the transfer value of that candidate's surplus votes.
- (c) For the purpose of determining the number of votes to be transferred from the elected candidate to a continuing candidate, the number of ballot-papers of the elected candidate which bear the next available preference for the continuing candidate shall be multiplied by the transfer value.
- (d) The resulting number, disregarding any fractional remainder, shall be credited to the continuing candidate and added to the number of votes received by him on the counting of the first preferences.

6.—(1.) Where, on the counting of the first preferences or on any transfer of votes, more than one candidate has a surplus of votes, the largest surplus shall be dealt with first and then, if more than one candidate has a surplus, the then largest surplus shall be dealt with, and so on, except that, if one candidate has obtained a surplus at a count or transfer previous to that at which another candidate obtains a surplus, the surplus of the former shall be dealt with first.

SECOND SCHEDULE—*continued.*

(2.) Where the surpluses of two or more candidates are equal, the surplus of the candidate who was highest on the poll at the count or transfer at which those candidates last had an unequal number of votes shall be dealt with first and, if they had an equal number of votes at all preceding counts or transfers, the Returning Officer shall decide which candidate's surplus shall be dealt with first.

7.—(1.) Where the number of votes received by a candidate is raised up to or above the quota by a transfer of votes from another candidate under the preceding provisions of these Rules, he shall be elected but, notwithstanding that he may have reached the quota, the transfer from that other candidate shall be completed and all the votes to which he is entitled on that transfer shall be transferred to him.

(2.) Where the number of votes received by a candidate is raised up to, but not above, the quota by a transfer of votes under the preceding provisions of these Rules, the whole of the ballot-papers taken into account in determining the votes received by him shall be set aside as finally dealt with.

(3.) Where the number of votes received by a candidate is raised above the quota by a transfer of votes under the preceding provisions of these Rules, his surplus votes shall be transferred to the continuing candidates, in proportion to the voters' preferences, as follows:—

(a) The ballot-papers on which are recorded the votes taken into account for the purposes of the transfer to the elected candidate shall be re-examined and the number of next available preferences given for each continuing candidate shall be counted.

(b) The number of the surplus votes of the elected candidate shall be divided by the number of ballot-papers re-examined in accordance with the last preceding paragraph and the resulting fraction shall, for the purposes of this rule, be the transfer value of the elected candidate's surplus votes.

(c) For the purpose of determining the number of votes to be transferred from the elected candidate to a continuing candidate, the number of next available preferences given for the continuing candidate as ascertained in accordance with paragraph (a) of this sub-rule shall be multiplied by the transfer value.

(d) The resulting number, disregarding any fractional remainder, shall be credited to the continuing candidate and added to the number of votes previously received by him.

8.—(1.) Where, after the first preference votes have been counted and the surplus votes, if any, of the elected candidate or candidates have been transferred, no candidate has, or less than the number of candidates required to be elected have, received a number of votes equal to the quota, the candidate who has the lowest number of votes shall be excluded and all the votes received by him shall be transferred to the continuing candidates, in proportion to the voters' preferences, in the same manner as is specified in rule 5 of these Rules.

(2.) The votes obtained by the excluded candidate as first preferences shall be transferred first and they shall be transferred at a transfer value of one for each vote.

(3.) The other votes of the excluded candidate shall then be dealt with in the order of the transfers on which, and at the transfer value at which, the excluded candidate received them.

(4.) Each transfer made under sub-rule (2.) or (3.) of this rule shall be deemed for all purposes to be a separate transfer.

9.—(1.) Where the number of votes received by a candidate is raised up to or above the quota by a transfer of votes from an excluded candidate under the last preceding rule, he shall be elected but, notwithstanding that he may have reached the quota, the transfer from the excluded candidate shall be completed and all the votes to which he is entitled on that transfer shall be transferred to him.

(2.) Where the number of votes received by a candidate is raised up to, but not above, the quota, by a transfer of votes under the last preceding rule, the whole of the ballot-papers taken into account in determining the votes received by him shall be set aside as finally dealt with.

SECOND SCHEDULE—*continued.*

(3.) Where the number of votes received by a candidate is raised above the quota by a transfer of votes under the last preceding rule, his surplus votes shall be transferred to the continuing candidates, in proportion to the voters' preferences, in the same manner as is specified in sub-rule (3.) of rule 7 of these Rules, but the surplus shall not be dealt with until all the votes of the excluded candidate have been transferred.

(4.) Where a surplus exists, it shall be dealt with before any other candidate is excluded.

10. The same process of excluding the candidate who has the fewest votes and transferring his votes to other candidates shall be repeated until all the candidates, except the number required to be elected, have been excluded and the unexcluded candidates, who have not already been elected, shall then be elected.

11. Where at any time it becomes necessary to exclude a candidate and two or more candidates have the same number of votes and are lowest on the poll, then whichever of those candidates was lowest on the poll at the last count or transfer at which they had an unequal number of votes shall be excluded first and, if those candidates have had an equal number of votes at all preceding counts or transfers, the Returning Officer shall decide which candidate shall be excluded first.

12. In determining what candidate is next in the order of a voter's preference, a candidate who has been elected or excluded shall not be considered and the order of the voter's preference shall be determined as if the name of a candidate who has been elected or excluded had not been on the ballot-paper.

13. Where on a transfer it is found that the only candidates opposite to whose names numbers have been placed on a ballot-paper have already been elected or excluded, the ballot-paper shall be set aside as exhausted.