

**COPYRIGHT:** © State of Western Australia

Copyright in this document is reserved to the Crown in right of the State of Western Australia.

This is NOT an official version. It is reproduced with permission of the State of Western Australia, but it does not purport to be the official or authorised version. **Authorised** versions can be purchased from the State Law Publisher.

Reproduction except in accordance with copyright law with the consent of the Attorney General is prohibited.

**STATUS OF THIS DOCUMENT:** This document is printed from information transmitted by Council under Common Seal of the University for approval by the Governor and subsequently published in the *Government Gazette*. Its accuracy cannot be guaranteed.

**DISCLAIMER:** Accordingly – (a) no warranty is given that it is free from error or omission nor as to the accuracy of any information in it; and (b) the State of Western Australia and its servants expressly disclaim liability for any act or omission done in reliance on the document or for any consequences of any such act or omission.

## CURTIN UNIVERSITY OF TECHNOLOGY

### STATUTE NO 5

#### ELECTION OF STAFF MEMBERS TO THE COUNCIL

1. This Statute applies to elections of members of staff to the Council pursuant to paragraphs (g), (gb) and (gc) of sub section 1 of Section 9 of the Act.
2. In this Statute unless the contrary intention appears –
  - “academic staff” means current employees of the University appointed to continuing or fixed term contracts as academic staff;
  - “other staff” means current employees of the University appointed to continuing or fixed term contracts other than academic staff;
  - “candidate” means a member of the academic staff or a member of the other staff, nominated for election to Council in the manner prescribed for that purpose;
  - “elector” means a member of the academic staff or the other staff as appropriate.
3. Separate rolls shall be kept of the names and mailing addresses of –
  - (1) the academic staff,
  - (2) the other staff,

For each election the certified roll of persons eligible to vote at that election shall be the roll as at 4.00 pm on the day on which nominations for that election close, provided that up to 5.00 pm on the day prior to the day appointed for the election, the Returning Officer may add to the roll the name of any person otherwise qualified to vote whose name has been inadvertently omitted from the roll.

4. Any member of the academic staff and the other staff is eligible to –
  - (a) nominate a candidate;
  - (b) be nominated as a candidate;
  - (c) vote;

in respect of elections to the appropriate category of Council membership.
5. The Returning Officer for elections is to be determined by the Vice-Chancellor.
6. The Returning Officer shall send to each elector notice of an election no later than the first week of November, and no earlier than the first week of October in the year preceding that in which the term of office of an elected member is to expire. The notice shall include the conditions of nomination prescribed in Section 7.
7.
  - (1) Nominations shall be in writing, signed by the proposer and the nominee and dated and lodged with the Returning Officer by the date specified for the close of nominations.
  - (2) A proposer shall not nominate a number of nominees greater than the number of vacancies to be filled.
  - (3) Nominations shall remain open for a period of at least seven days.
8. If the number of candidates does not exceed the number of vacancies the Returning Officer shall declare each candidate elected in the manner provided in Section 17.
9. If the number of candidates exceeds the number of vacancies the election shall be by ballot.
10. Elections shall be held not less than seven days and not more than twenty one days after the closing date for nominations.
11. Where an election is required, the Returning Officer shall not later than seven days after the last day for receiving nominations, send to each elector –
  - (1) A ballot paper, containing the names of the candidates in an order determined by lot and an envelope marked "Council Voting Paper".
  - (2) Notice of the day appointed for the election.
  - (3) An identification declaration.

- (4) Notice of the place where ballot papers may be lodged and a return envelope.
12. The ballot closes at 2.00 pm on the day appointed for the election.
13. Each candidate may appoint one scrutineer from the electors by notification in writing addressed to the Returning Officer.
14. An election shall not be invalidated by inadvertent failure to give any person qualified to vote any notice required by this Statute.
15. The system of voting to be used shall be the optional preferential system and shall be conducted as follows –
  - (1) The numeral “1” will be placed beside the name of the candidate for whom the voter wishes to vote.
  - (2) Where the voter wishes to express a second or any subsequent preference, the numeral “1” will be placed beside the candidate of first preference, and the numerals “2”, “3”, “4” and so on in numerical order beside the name or names of any candidate or candidates for whom the voter wishes to express a second or subsequent preference.
  - (3) In an election to fill two or more vacancies, a voter shall express a preference for at least the same number of candidates as there are vacancies to be filled, but subject thereto, a ballot paper shall not be invalid merely because the voter has not expressed a preference for all of the candidates.
16. As soon as practicable after the closing of the ballot, the Returning Officer shall, with the assistance of such other officers as may be appointed, count the votes. The procedure for the counting of the votes and the declaration of the result shall be as follows:
  1. The ballot box containing all the envelopes with the declarations completed shall be opened by the Returning Officer in the presence of such scrutineers as may have been nominated by the candidates.
  2. The voter’s name appearing on the declaration shall be checked against the certified roll of persons eligible to vote at the election and, if in order, its receipt shall be indicated against the name on the roll. The inner envelope which is marked “Council Voting Paper” is removed from the outer envelope and placed unopened in trays.
  3. When all envelopes with the declarations have been checked off and the inner envelopes removed, the “Council Voting Paper” envelopes will be opened.
  4. The Returning Officer will count and record the number of first preference votes expressed for each candidate. Invalid ballot papers will be set to one side, for inspection by the scrutineers, and for the recording of the total tally.
  5. In the case of an election at which only one vacancy is to be filled, the Returning Officer shall declare elected the candidate (if any) who has an absolute majority of votes. If no candidate has an absolute majority on the first count, the Returning Officer shall eliminate the candidate with the lowest number of votes and shall distribute these votes amongst the remaining candidates according to the next preferences (if any) expressed on the ballot paper.

This procedure shall be repeated until one candidate has an absolute majority whereupon that candidate shall be declared elected.

6. In the case of an election at which two or more vacancies are to be filled, the candidates receiving the lowest number of votes shall be progressively eliminated and their next available preference distributed until there remain only such number of candidates as there are vacancies to be filled.
  
17. Within two working days after the result of an election is known, the Returning Officer shall declare each successful candidate elected. Notification of the results will be effected by a written notification to each candidate and the Vice-Chancellor, and by email notification to the academic staff and the other staff.
  
- 18 Statute No. 5 – Election of Staff and Alumni Representatives to Council – adopted on 21 October 1981 and amended on 26 November 1986 is hereby repealed.

## REVISION HISTORY

- Amended - C 150/06 (ii) (25/10/06) – via **Miscellaneous Statutes Amendment Statute 2006** - Document 01106/06  
Gazetted 16/03/07.*
- Established - C 44/05 (22/06/05) – Document C 100/04. Gazetted 16/09/05.*
- Repealed - C 110/04 (i) (08/12/04) Document C 100/04.  
Gazetted 16/09/05.*
- Amended - C 110/04 (ii) (08/12/04) Document C 100/04. Gazetted 27/05/05.*
- Amended - C 83/01 (17/10/01). Document 41/01. Gazetted 24/5/02.*
- Amended - C 98/99 (21/7/99). Document 42/99. Gazetted 19/10/99.*
- Amended - C 280/86 (26/11/86) – via **Amending Statute No 7** (Document 62/86).  
Amending Statute gazetted 19/12/86.*
- Amended - C 147/81 (21/10/81) – Document 4544/81. Gazetted 18/12/81.*
- Amended - C 101/71 (20/10/71) – Document not specified. Resolution refers to amendments to Statutes 5, 6 and 7. Government Gazette indicates approval was actually for **Amending Statute No. 5** (to amend Statutes 1, 2, 3 and 5) and Amending Statute No. 6 (to amend Statute No. 7).  
Amending Statute gazetted 23/11/71.*
- Amended - C 241/69 (19/11/69). via **Amending Statute No. 2** (amendment specified in Resolution/no document reference).  
Amending Statute gazetted 9/2/70.*
- Established - I/C 59/69 (19/3/69) – No document reference. Gazetted 11/6/69.*