

## **STATUTE 8 - ELECTIONS**

- 8.1 Elections to the Senate
- 8.2 Election to Faculty Boards
- 8.3 Elections to the Academic Board

- 8.1.1 The Secretary shall have the management and supervision of all elections to the Senate (other than pursuant to Clauses 13.2(f) and 13.2(g) of the Constitution) and shall to that end have and exercise all the powers and duties of a returning officer.

#### **Election of Staff Members of Senate**

- 8.1.2 The electorate for an election of a Senator pursuant to Clauses 13.2(h) of the Constitution shall consist of continuing and fixed term full-time and part-time members of the academic staff of the University as defined in clause 32.1 of the Constitution (**Academic Staff Electorate**).
- 8.1.3 The electorate for an election of a Senator pursuant to Clauses 13.2(i) of the Constitution shall consist of continuing and fixed term full-time and part-time members of the professional staff of the University as defined in clause 32.1 of the Constitution (**Professional Staff Electorate**).

#### **Election of Student Member of Senate**

- 8.1.4 All Students currently enrolled in and currently undertaking at least one (1) unit in an award course of study at ACU (including undergraduate, postgraduate coursework and postgraduate research degree students) are eligible to nominate candidates, be nominated for office and to vote for the position of Student member of Senate (**Student Electorate**).
- 8.1.5 A Student who is an employee of the University is eligible to stand for election to the office of Student member of Senate but may not hold the office while that Student remains an employee of the University.
- 8.1.6 The call for nominations for the position of Student Member of Senate shall occur no later than Week 12, Semester 2 in each year.
- 8.1.7 Campaigning for the position of Student Member of Senate shall be in accordance with any Campaign Guidelines (as issued from time to time) and in compliance with relevant University policies including those in relation to conduct and discipline.
- 8.1.8 Any Student elected as a member of Senate cannot concurrently hold any position as an Office Bearer in any recognised Campus Student Association for any Campus of the University, nor can the Student elected as a member of Senate be elected to or assume the role of the President of the ACU National Student Association (**ACUNSA**) or the President of the ACU Postgraduate Association (**ACUPGA**).
- 8.1.9 Any Student elected as a member of Senate pursuant to clause 13.2(j) of the Constitution and this Statute 8 who retires at the end of a calendar year in accordance with clause 13.7 of the Constitution cannot nominate for election or be elected to the Senate in any Senate election following their retirement.

#### **Election Procedures**

- 8.1.10 When a vacancy (other than a casual vacancy) occurs in a position on the Senate requiring to be filled by election pursuant to Clauses 13.2(h), 13.2(i) and 13.2(j) of the Constitution, the Secretary shall:-
- (a) prepare a timeline of not less than five (5) weeks in total including:
    - (i) a period to call for nominations (not less than two (2) weeks);
    - (ii) one week for the preparation of a ballot; and
    - (iii) a period of not less than two (2) weeks to conduct a ballot (**Election Period**);
  - (b) call for nominations of members of the relevant Academic Staff Electorate, Professional Staff Electorate or Student Electorate, as required, by a notice published no less than

five (5) weeks before the last day of the Election Period or such longer period as determined by the Secretary ; and

- (c) the call for nominations will specify the closing date and time in Australian Eastern Standard Time (**AEST**) or Australian Eastern Daylight Time (**AEDT**) and be communicated to the relevant electorate in the manner determined by the Secretary.

8.1.11 Nominations:

- (a) must be made by a proposer and seconder who are members of the relevant electorate, as provided in Statute 8.1.2, 8.1.3 or 8.1.4;
- (b) must be in the form or to the effect of Schedule A;
- (c) may be transmitted electronically in accordance with any directions contained in the call for nominations; and
- (d) be received at the office of the Secretary not later than the time and date specified in the call for nominations being a day at least three (3) weeks before the last day of the Election Period.

8.1.12 If the number of qualified persons nominated (less any who withdraw or cease to be qualified) does not exceed the number of vacancies, the Secretary shall declare those persons duly elected.

**Elections (ballots):**

- 8.1.13 If the number of qualified persons nominated exceeds the number of vacancies, the Secretary shall conduct a ballot. If, before the beginning of the Election Period, a person so nominated withdraws his or her nomination or ceases to be qualified then in either case the Secretary shall remove the name of that person from the ballot.
- 8.1.14 The Secretary shall issue a Notice of Election in the form or to the effect of Schedule B (**Election Notice**) not less than two (2) weeks before the last day of the Election Period or such longer period as determined by the Secretary (stated in AEST or AEDT).
- 8.1.15 Any Election Notice required by this Statute shall be issued:
- (a) by email to members of the relevant electorate(s);
  - (b) published by such additional means as determined by the Secretary.
- 8.1.16 The voting system will be full preferential and voting will be conducted on an anonymous basis.
- 8.1.17 a ballot paper shall be in the form or to the effect of Schedule C hereof, with the names of candidates listed in alphabetical order by last name.
- 8.1.18 The Election Notice will include a biographical statement (candidate statement) of not more than 200 words for each candidate.
- 8.1.19 A candidate may provide a suitable photograph to accompany their candidate statement.
- 8.1.20 The election may be conducted electronically or using ballot papers.
- 8.1.21 If the election is conducted using ballot papers, the election period referred to in Section 8.1.10 will be the date specified for the receipt of the ballot papers.
- 8.1.22 Subject to 8.1.23, no vote cast after the Election Period shall be examined or counted.

8.1.23 Should any two of the Chancellor, the Pro-Chancellor, the Vice-Chancellor or the Secretary form the opinion in respect of a particular election that the operation of any Section of this Statute has been affected by any strike, lockout or similar action, they may direct that votes cast up to a time nominated by them, being no more than seven (7) days after the Election Period, may be examined and counted in the election.

8.1.24 The manner of counting the votes shall be as follows:

- (a) If no candidate has more than half of the votes, the candidate with the fewest votes is excluded. This candidate's votes are transferred to the other candidates according to the second preferences of voters for the excluded candidate. If still no candidate has more than half the votes, the candidate who now has the fewest votes is excluded and the votes are transferred according to the next preference shown. This process continues until one (1) candidate has more than half the total number of formal votes and is elected.
- (b) If no candidate receives more than half of the votes, all preferences are counted and the candidate with the most votes is elected.
- (c) If the election is for more than one position, the process of distributing preferences is continued in accordance with (a) and (b) until only the number of candidates required to fill the vacancies remain,
- (d) If there is a tie and the number of tied candidates is greater than the number of vacancies remaining unfilled, the numbers allocated to each such tied candidate shall be compared and the tied candidate with the greatest number of first preferences awarded shall be elected, or if no one tied candidate has a greater number of first preferences awarded than any other tied candidate then the tied candidate with the greatest number of second preferences awarded shall be elected; and so forth until candidates are elected.
- (e) If paragraph (d) above applies and there is at least one (1) vacancy remaining to be filled from those tied after its application it shall be applied again successively among the tied candidates remaining unelected until no vacancies remain unfilled, provided that if despite such reapplication of paragraph (d) above there remains a tie for any vacancy unfilled there shall be a further election for the remaining vacancy or vacancies which shall take place in accordance with this Statute 8.1 and the only candidates shall be those tied for such vacancy or vacancies.

8.1.25 The Secretary shall declare the result of the election to the relevant electorate once the result of the ballot is determined.

**ORIGINATED BY SENATE RESOLUTION: 91/83**  
**DATED: 29-30 October 1991**

**COMMON SEAL AFFIXED**  
**BY SECRETARY**

**AMENDMENT NO: 9**  
**SENATE RESOLUTION: S 2017/067**  
**DATED: 14 June 2017**

- 8.2.1 The Executive Dean of the relevant Faculty shall appoint from time to time a suitable person (hereinafter referred to as the "Electoral Officer") to have the management and supervision of all elections of:
- (a) the Academic Staff members being two Professors from the Faculty employed at Level E to hold office as a member of the relevant Faculty Board under Section 2.6.4(e) of Statute 2.6 (**Professorial Academic Staff Member**); and
  - (b) no more than two non-professorial Academic Staff members from the Faculty employed at Levels A to D in each National School to hold office as a member of the relevant Faculty Board under Section 2.6.4 (f) of Statute 2.6 (**non-Professorial Academic Staff Member**),
- and the person so appointed shall to that end have and exercise all the powers and duties of a returning officer.
- 8.2.2 The Electoral Officer shall not during the period of their appointment as such be eligible to stand for election to the relevant Faculty Board.
- 8.2.3 The electorate for an election of a Professorial Academic Staff member referred to in 8.2.1(a) shall consist of all continuing and fixed term full-time and part-time staff members of the Professoriate employed at Level E of the Faculty for which the Professor is to be elected.
- 8.2.4 The electorate for an election of a non-Professorial Academic Staff member referred to in 8.2.1(b) shall consist of all continuing and fixed term full-time and part-time staff members of the Academic Staff employed at Levels A to D of the National School of the relevant Faculty for which the Faculty Member is to be elected.

### **Election Procedures**

- 8.2.5 When a vacancy occurs for a position on a Faculty Board requiring it to be filled by election pursuant to Statute 2.6.4(e) and 2.6.4(f), the Electoral Officer shall:-
- (a) prepare a timeline of not less than five (5) weeks in total including:
    - (i) a period to call for nominations (not less than two (2) weeks);
    - (ii) one week for the preparation of a ballot; and
    - (iii) a period of not less than two (2) weeks to conduct a ballot (the **Election Period**);and
  - (b) call for nominations of members of the relevant Academic Staff Electorate, by a notice published not less than five (5) weeks before the last day of the Election Period or such longer period as determined by the Electoral Officer.
  - (c) the call for nominations will specify the closing date and time in Australian Eastern Standard Time (**AEST**) or Australian Eastern Daylight Time (**AEDT**) and be communicated to the relevant electorate in the manner determined by the Electoral Officer.
- 8.2.6 Nominations:
- (a) must be made by a proposer and seconder who are members of the relevant electorate, as provided for in Statute 8.2.3 or 8.2.4 (as relevant);
  - (b) must be in the form or to the effect of Schedule A;
  - (c) may be transmitted electronically in accordance with any directions contained in the call for nominations; and

- (d) be received at the office of the Electoral Officer not later than the time and date specified in the call for nominations being a day at least three (3) weeks before the last day of the Election Period.
- 8.2.7 If the number of qualified persons nominated (less any who withdraw or cease to be qualified) does not exceed the number of vacancies:
- (a) the Electoral Officer shall declare those persons duly elected; and
  - (b) a Faculty Board may resolve to appoint qualified Professorial or Non-professorial academic staff members, on the recommendation of the Executive Dean, for the stated terms of office to fill remaining vacancies; and declare those persons duly elected.

**Elections (ballots):**

- 8.2.8 If the number of qualified persons nominated exceeds the number of vacancies, the Electoral Officer shall conduct a ballot. If, before the beginning of the Election Period, a person so nominated withdraws his or her nomination or ceases to be qualified then in either case the Electoral Officer shall remove the name of that person from the ballot.
- 8.2.9 The Electoral Officer shall issue a Notice of Election in the form or to the effect of Schedule B (**Election Notice**) not less than two (2) weeks before the last day of the Election Period or such longer period as determined by the Electoral Officer (stated in AEST or AEDT).
- 8.2.10 Any Election Notice required by this Statute shall be issued:
- (a) by email to members of the relevant electorate(s);
  - (b) published by such additional means as determined by the Electoral Officer.
- 8.2.11 The voting system will be full preferential and voting will be conducted on an anonymous basis.
- 8.2.12 a ballot paper shall be in the form or to the effect of Schedule C with the names of candidates listed in alphabetical order by last name.
- 8.2.13 The Election Notice may include a biographical statement (candidate statement) of not more than 200 words for each candidate.
- 8.2.14 A candidate may provide a suitable photograph to accompany their candidate statement.
- 8.2.15 The election may be conducted electronically or using ballot papers.
- 8.2.16 If the election is conducted using ballot papers, the election period referred to in Section 8.2.5 will be the date specified for the receipt of the ballot papers.
- 8.2.17 Subject to 8.2.18, no vote cast after the Election Period shall be examined or counted.
- 8.2.18 Should any two of the Chancellor, the Pro-Chancellor, the Vice-Chancellor or the Electoral Officer form the opinion in respect of a particular election that the operation of any Section of this Statute has been affected by any strike, lockout or similar action, they may direct that votes cast up to a time nominated by them, being no more than seven (7) days after the Election Period, may be examined and counted in the election.
- 8.2.19 The manner of counting the votes shall be as follows:
- (a) If no candidate has more than half of the votes, the candidate with the fewest votes is excluded. This candidate's votes are transferred to the other candidates according to the

second preferences of voters for the excluded candidate. If still no candidate has more than half the votes, the candidate who now has the fewest votes is excluded and the votes are transferred according to the next preference shown. This process continues until one (1) candidate has more than half the total number of formal votes and is elected.

- (b) If no candidate receives more than half of the votes, all preferences are counted and the candidate with the most votes is elected.
- (c) If the election is for more than one position, the process of distributing preferences is continued in accordance with (a) and (b) until only the number of candidates required to fill the vacancies remain,
- (d) If there is a tie and the number of tied candidates is greater than the number of vacancies remaining unfilled, the numbers allocated to each such tied candidate shall be compared and the tied candidate with the greatest number of first preferences awarded shall be elected, or if no one tied candidate has a greater number of first preferences awarded than any other tied candidate then the tied candidate with the greatest number of second preferences awarded shall be elected; and so forth until candidates are elected.

8.2.20 In the event that the foregoing counting of votes shall fail to result in the election of a candidate, the Executive Dean of the relevant Faculty shall at his or her sole discretion select one among the tied candidates and the person so selected shall be deemed to have been elected under this Statute 8.2.

8.2.21 The Electoral Officer shall declare the result of the election to the relevant electorate once the result of the ballot is determined.

8.2.22 When a casual vacancy occurs in respect of elected positions on a Faculty Board, the following process is to be followed:

- (a) Where possible, a casual vacancy will be filled by the staff member who, in the immediately preceding election, polled the next highest number of votes to the staff member to be replaced;
- (b) If the casual vacancy is not able to be filled through application of 8.2.22 (a), the Faculty Board may resolve to appoint a qualified Professorial or Non-professorial academic staff member to fill the vacancy, on the recommendation of the Executive Dean, for the remainder of the stated terms of office.

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**DATED: 29-30 October 1991**

**COMMON SEAL AFFIXED**  
**BY SECRETARY**

**AMENDMENT NO: 6**  
**SENATE RESOLUTION: S 2019/064**  
**DATED: 17 October 2019**

- 8.3.1 The Secretary shall have the management and supervision of all elections to the Academic Board and shall appoint from time to time a suitable person (hereinafter referred to as the "Electoral Officer") who shall to that end have and exercise all the powers and duties of a returning officer.
- 8.3.2 The method of elections of Deputy Chair of Academic Board, Academic Staff members, and Student members will be in accordance with this Statute 8.3.
- 8.3.3 The electorate for an election of the Deputy Chair of Academic Board shall consist of all current members of Academic Board. In accordance with Statute 2.5.8 only Academic Staff Members of the rank of Professor or Associate Professor are eligible to be nominated for the position of Deputy Chair of Academic Board.
- 8.3.4 The electorate for an election of Professorial members of the Academic Staff to the Academic Board shall consist of continuing and fixed-term full-time and part-time members of the Professoriate of the University employed as Level E Academic Staff.
- 8.3.5 The electorate for an election of non-Professorial Academic Staff members to the Academic Board shall consist of continuing and fixed-term full-time and part-time members of the Academic Staff of the University employed as Level A to D Academic Staff.
- 8.3.6 The electorate for an election of the two (2) Student members to the Academic Board are all enrolled Students (including undergraduate, postgraduate coursework and postgraduate research degree students) who meet the eligibility criteria in 8.3.7 and 8.3.8.
- 8.3.7 All Students currently enrolled in and currently undertaking at least one (1) unit in an award course of study at ACU are eligible to nominate candidates, be nominated, and vote for the position of Student member of the Academic Board.
- 8.3.8 A Student who is an employee of the University on a casual (professional staff) contract is not precluded from holding a position on the Academic Board.
- 8.3.9 The Electoral Officer shall not during the period of their appointment as such be eligible to stand for election to the Academic Board.
- 8.3.10 When a vacancy occurs in a position on the Academic Board pursuant to Sections 8.3.3, 8.3.4, 8.3.5 or 8.3.6 above, it shall be filled by an election pursuant to this Statute 8.3 and the Electoral Officer shall:
- (a) appoint an election date; and
  - (b) call for nominations of members of the relevant electorate by an Election Notice published not later than five (5) weeks before the election date.
- 8.3.11 Nominations must:
- (a) be made by a proposer and seconder who are members of the relevant electorate;
  - (b) be in the form or to the effect of Schedule A hereof (completed as may be appropriate); and
  - (c) be received at the office of the Electoral Officer not later than midnight (stated in AEST or AEDT) on the date specified in the call for nominations being a day at least three (3) weeks before the election date.



- 8.3.12 If only one member of the qualified persons is duly nominated (or remains after all the others have withdrawn or ceased to be qualified) the Electoral Officer shall declare that person duly elected.
- 8.3.13 If the number of qualified persons duly nominated exceeds one, the Electoral Officer shall conduct an election. If before the election date, a person so nominated withdraws his or her nomination or ceases to be qualified then in either case the Electoral Officer shall remove the name of that person from the election.
- 8.3.14 Elections may be conducted electronically at the discretion of Secretary.
- 8.3.15 The Electoral Officer shall cause the election to be advertised by a Notice of Election in the form of a Schedule B hereof (completed as appropriate) ("the Election Notice") published not later than two (2) weeks before the election date.
- 8.3.16 Any notice or advertisement required by this Statute 8.3 shall be published:
- (a) by email sent to members of the relevant electorate; and
  - (b) by such additional means as the Electoral officer thinks fit.
- 8.3.17 Voting papers shall be distributed to all persons qualified to vote by such means as the Electoral Officer may specify in the Election Notice.
- 8.3.18 The expression "voting papers" in this Statute 8.3 shall mean:
- (a) biographical details of each person nominated (candidate statement);
  - (b) A candidate may provide a suitable photograph to accompany their candidate statement.
  - (c) a ballot paper in the form or to the effect of Schedule C hereof (completed as appropriate), which may be provided electronically.
- 8.3.19 (a) Persons voting shall indicate the order of their preference among the candidates by placing on the ballot paper a number against the name of each candidate, all candidates being given a different number. The candidate most preferred shall be indicated by the number one and the one next preferred by the number two and so on sequentially for the number of candidates.
- (b) The ballot may be cast electronically.
- 8.3.20 (a) Subject to paragraph (b), no vote cast after midnight (stated in AEST or AEDT) on the election date shall be examined or counted in the election.
- (b) Should any two of the Chancellor, the Pro-Chancellor, the Vice-Chancellor and President and the Secretary form the opinion in respect of a particular election that the operation of any part of this Statute 8.3 has been affected by any strike, lockout or similar action, they may direct that ballot papers received up to a time nominated by them, being no more than seven days after midnight (AEST or AEDT) on the election date, may be examined and counted in the election.
  - (c) The votes may be counted electronically at the discretion of the Secretary.
- 8.3.21 The manner of counting the votes shall be as follows:

- (a) Only wholly valid ballot papers shall be counted.
  - (b) For each vacancy there shall be a process of counting the votes cast ("a ballot").
  - (c) Each candidate shall in respect of each ballot paper be awarded one point for each other candidate allocated a lower number on that ballot paper. The points awarded for each candidate shall be totalled and the candidate with the highest total shall be declared elected.
  - (d) If the number of candidates does not exceed two and both candidates are awarded the same number of points, then the candidate to be elected is to be determined by lot by the Electoral Officer. The name first drawn is to be the elected candidate.
  - (e) If the number of candidates exceeds two and two or more candidates are awarded the same number of points (together "tied candidates") and such number of points is the highest number of points the numbers allocated to each tied candidate under all ballot papers shall be compared and the tied candidate with the greatest number of first preferences awarded to him or her shall be elected, or if no one tied candidate has a greater number of first preferences awarded to him or her than any other tied candidate then the tied candidate with the greatest number of second preferences awarded shall be elected, but if no one tied candidate has a greater number of second preferences awarded to him or her than any other tied candidate then the same test shall be applied to the third preferences and so on through the sequence of preferences on the ballot paper until one candidate shall be found to have been awarded a greater number of the preferences being compared than the other tied candidates, whereupon that tied candidate shall be elected.
  - (f) If paragraph (e) above applies and there is at least one vacancy remaining to be filled from those tied after its application it shall be applied again successively among the tied candidates remaining unelected until no vacancies remain unfilled, provided that if despite such reapplication of paragraph (e) above there remains a tie for any vacancy unfilled there shall be a further election for the remaining vacancy (ies) which shall take place in accordance mutatis mutandis with this Statute 8.3 and the only candidates shall be those tied for such vacancy (ies).
- 8.3.22 In the event that there are no nominees for the election of Academic Staff members identified in Section 8.3.4 and/or Section 8.3.5 of this Statute 8.3 for any position on the Academic Board then the Executive Dean of the relevant Faculty shall appoint such Academic Staff members from the categories identified in Sections 8.3.4 and/or 8.3.5 (as required) to fill any vacant position. Any such person appointed to the Academic Board in accordance with this Section 8.3.22 shall hold that position as if that person were duly elected in accordance with this Statute 8.3.
- 8.3.23 In the event that there are no nominees for the election of Deputy Chair identified in Section 8.3.3 of this Statute 8.3, the Electoral Officer shall repeat the process as set out in Section 8.3.10.
- 8.3.24 In the event that there are no nominees for the election of the Student members identified in Section 8.3.6 of this Statute 8.3, the Electoral Officer shall repeat the process as set out in Section 8.3.10
- 8.3.25 A member appointed to fill a casual vacancy in the offices identified in Sections 8.3.3, 8.3.4, 8.3.5 or 8.3.6 shall hold office for the remainder of the term of office.

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**COMMON SEAL AFFIXED  
BY SECRETARY**

**AMENDMENT NO: 3**  
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