

ORDINANCE NO. 84
COUNCIL ELECTIONS

The Council of the University of Tasmania makes this Ordinance under the University of Tasmania Act 1992.

PART 1 - INTRODUCTION

1. Commencement and revocation

1.1 This ordinance takes effect on the day on which the *University of Tasmania Amendment Act 2001* receives the Royal Assent.

1.2 Ordinance 20 (Council Elections) approved by Council on 12 February 1993 is revoked.

2. Definitions

“academic staff electoral roll” means the academic staff electoral roll maintained under clause 3.

“Act” means the *University of Tasmania Act 1992*, as amended by the *University of Tasmania Amendment Act 2001*.

“ballot” includes a ballot conducted using electronic voting and counting.

“ballot paper” includes an electronic ballot paper.

“general staff electoral roll” means the general staff electoral roll maintained under clause 3.

“mailing address” for a member of staff includes the electronic mail address provided to that member of staff by the University.

“returning officer” means the person required to act as returning officer under clause 4.

“rules” means the rules (Rule 107 - Council Elections) made by Council under clause 9.

“senior academic” means a member of the academic staff holding a Level D or Level E appointment.

3. ELECTORAL ROLL

The Director, Governance & Legal is to maintain an academic staff electoral roll and a general staff electoral roll containing the name and description of each person eligible to vote in the respective elections for the purposes of section 8 of the Act.

4. RETURNING OFFICER

In all elections to be conducted under this ordinance the Director, Governance & Legal, or a person appointed in writing by the Director, Governance & Legal.

5. ORDINARY ELECTIONS FOR STAFF MEMBERS

- 5.1 Not earlier than 90 days and not later than 30 days before the day on which members of the academic or general staff elected to the Council under section 8 of the Act are to take office, the returning officer is to invite nominations of candidates for those elections both internally and by public advertisement in each of the *Mercury*, *Examiner* and *Advocate* newspapers, and by any other means that the returning officer considers appropriate. Each advertisement is to specify the closing date for nominations and the requirements of this Ordinance as to the form of nominations.
- 5.2 The closing date for nominations is to be fixed by the returning officer but is to be not less than 10 and not more than 15 days from the date on which the last of the advertisements required by clause 5.1 shall have been published.
- 5.3 A nomination is to be in writing, is to specify the category of membership of the Council to which it relates, is to be signed by at least two people eligible to vote in the election to which the nomination relates and is to be accompanied by the written consent of the candidate. A nomination may be sent to the returning officer by facsimile.
- 5.4 No nomination is to be received after 5 pm on the closing date for nominations fixed under clause 5.2.
- 5.5 A person nominated as a candidate may withdraw at any time before the close of nominations.
 - 5.5.1 If the result of that withdrawal is that the number of remaining candidates does not exceed the number of people to be elected as members of the Council of the relevant category, the returning officer is to proceed as specified in clause 5.6.

- 5.5.2 If on that withdrawal the number of the remaining candidates exceeds the number required to be elected, the poll is to proceed, but the ballot papers are not to include the name of the candidate who has withdrawn.
- 5.6 If on the close of nominations no more than the required number of people have been nominated for any category of membership of the Council (including the subcategory of senior academic), the returning officer is to declare those people elected.
- 5.7 If on the close of nominations the number of people nominated for one or more of the relevant categories of membership of the Council exceeds the number required to be elected, the returning officer is to fix a day for an election for that category (or those categories) not later than 28 days, but not sooner than 14 days, from the close of nominations.
- 5.8 At an election votes are to be given by ballot papers in accordance with the provisions of this Ordinance and not otherwise.
- 5.9 Every ballot paper is to contain-
- if it relates to an election of academic staff members-
 - (a) the heading “University of Tasmania – Election of Academic Staff members to Council”;
 - (b) a notice stating whether or not a senior academic is required to be elected, having regard to the membership of the Council;
 - if it relates to an election of a general staff member, the heading “University of Tasmania – Election of General Staff member to Council”;
 - a list of the full names of the candidates for election in the order determined by the returning officer by drawing lots in the presence of the Vice-Chancellor or nominee, and (if relevant) an indication as to which of the candidates is a senior academic.
- 5.10 Not later than 10 days before the day fixed for the relevant election, the returning officer is to forward by means of pre-paid post or other suitable means of delivery, to each person whose name appears on-
- the academic staff electoral roll, in relation to an election being conducted for an academic staff member;
 - the general staff electoral roll, in relation to an election being conducted for a general staff member;
- the prescribed documents relating to the relevant election.

5.11 For the purposes of clause 5.10 the prescribed documents are-

- A ballot paper that conforms with clause 5.9 and on which there appears the signature of the returning officer (which signature may be added electronically);
- a copy of clause 5.12 of this Ordinance;
- unless the election is being conducted electronically, 2 sealable envelopes of different sizes so that one may conveniently be inserted into the other, the larger having printed on it the address of the returning officer and the words “Ballot paper”, and the words “Signature”, “Full Name” and “Date” and the smaller having printed on it the words “Place your ballot paper inside this envelope, seal it, and dispatch it in the addressed envelope”;
- a document containing the following information about each candidate, to the extent that it is known to the returning officer –
 - the name, address, occupation, formal qualifications, particulars of prior service to the University or its predecessors in law
 - other brief biographical material provided by the candidate and conforming to any standard format that the returning officer prescribes in relation to that election.

5.12 A vote is not valid unless-

- the ballot paper has been marked in such a way as to indicate the voter’s preference for the candidates by means of consecutive non-repeated numbers, commencing with “1” for the first preference;
- the number of preferences indicated on the ballot paper is not less than the number of candidates required to be elected;
- unless the election is being conducted electronically, the ballot paper is contained in the smaller envelope which has been closed and is contained in the larger envelope which has been sealed and endorsed with the signature of the voter, the full name of the voter and the date on which it is signed; and
- the ballot paper has been received by the returning officer not later than 5pm on the day fixed for the poll.

5.13 Despite the first dot point in clause 5.12, a vote is valid if the returning officer decides that the ballot paper clearly expresses the voter’s intention.

- 5.14 Not more than one ballot paper is to be issued to any person in respect of any election. However, unless the election is being conducted electronically, a replacement ballot paper may be issued on application in writing certifying the loss or destruction of an earlier ballot paper.
- 5.15 Unless the election is being conducted electronically, if a person transmits to the returning officer more than one ballot paper in respect of any election, only that contained in an envelope bearing the most recent date is to be used at the election. However, if 2 or more ballot papers are contained in envelopes each bearing the same date, so that it is not possible to proceed in that manner, all ballot papers transmitted by that voter are to be disregarded.
- 5.16 The votes are to be counted and candidates declared elected in the manner set out in Part 1 of the Rules.

6. EXTRA-ORDINARY ELECTIONS FOR STAFF MEMBERS

- 6.1 Where a casual vacancy occurs in the academic or general staff members of the Council, then, unless the vacancy occurred at a time when the unexpired portion of the term of the former member was less than 4 months, the returning officer is to invite nominations of candidates for the election to fill the vacancy both internally and by public advertisement in each of the *Mercury*, *Examiner* and *Advocate* newspapers and by any other means that the returning officer considers appropriate. Each advertisement is to specify the closing date for nominations and the requirements of this Ordinance as to the form of nomination.

Clause 5 applies to an election to fill a casual vacancy for a staff member, but despite clause 5.1 the returning officer is to invite nominations within a reasonable time after becoming aware of the casual vacancy.

- 6.2 When 2 or more casual vacancies for the same category of staff member occur in circumstances where it is convenient to conduct one election to fill those vacancies, the returning officer may conduct one election accordingly.
- 6.3 Where 2 or more casual vacancies for staff members are being filled by means of one election the votes are to be counted and candidates declared elected in the manner set out in Part 1 of the Rules.
- 6.4 Where one casual vacancy for a staff member is being filled the votes are to be counted and a candidate declared elected in the manner set out in Schedule 2.

7. Clause 7 deleted by Ordinance 106 – Council 24 September 2004

8. DECLARATION OF THE POLL

Where a person has been declared elected the returning officer is to give notice of that fact both internally and by advertisement in the *Mercury*, *Examiner* and *Advocate*

newspapers and place a copy of the advertisement before the next meeting of the Council.

9. RULES

Council may make rules in relation to the conduct of elections under this ordinance.

10. TIME LIMITS

The Chancellor may extend or abridge any prescribed time limit (other than that set in clause 6.1 in relation to casual vacancies) in a particular case.

Made by Council on 18 May 2001.

Sealed with the seal of the University of Tasmania on 30 May 2001.

Professor D McNicol
Vice-Chancellor

Mr R Easter
Acting Deputy Principal