

NORTHERN TERRITORY OF AUSTRALIA

CHARLES DARWIN UNIVERSITY (ELECTION OF MEMBERS OF COUNCIL) BY-LAWS

As in force at 22 October 2009

TABLE OF PROVISIONS

By-law

1. CITATION	3
2. PURPOSE	3
3. DEFINITIONS	3
4. APPLICATION	4
5. RETURNING OFFICER	4
6. TIMING OF ELECTORAL PROCESS	4
7. ELECTORAL ROLLS	4
8. NOTICE OF ELECTION	4
9. NOMINATIONS	5
10. RETURNING OFFICER TO DETERMINE WHETHER BALLOT REQUIRED	5
11. VOTING PERIOD	5
12. NOTICE OF BALLOT TO ELECTORS	5
13. BALLOT PAPER	6
14. APPOINTMENT OF SCRUTINEERS	6
15. SCRUTINY OF BALLOT PAPERS	6
16. COUNTING VOTES	6
17. DECLARATION OF RESULT OF ELECTION	6

18. ELECTION NOT INVALIDATED7

***NOTES*7**

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This reprint shows the By-laws as in force at 22 October 2009. Any amendments that may come into operation after that date are not included.

CHARLES DARWIN UNIVERSITY (ELECTION OF MEMBERS OF COUNCIL) BY-LAWS

By-laws under the *Charles Darwin University Act*

1. Citation

These by-laws may be cited as the *Charles Darwin University (Election of Members of Council) By-laws*.

The *Charles Darwin University (Election of Members of Council) By-laws* in force immediately before the commencement of these by laws, are repealed.

2. Purpose

The purpose of these by-laws is to provide for the method of electing the members of Council required to be elected under section 9(1) of the Act.

3. Definitions

In these by-laws -

"ballot " means a procedure for electing a person to the Council conducted using either paper based or electronic methods of voting and counting.

"ballot paper " includes a ballot paper produced in electronic form.

"category of electors" means the applicable category of staff or students of the University from which a person may be elected to Council under s.9(1) (e),(f), (g) or (h) of the Act.

"first day of voting " means the day and time set for the opening of the ballot determined in accordance with by-law 11.

"last day of voting " means the day and time set for the close of the ballot determined in accordance with by-law 11.

"mailing address " includes an electronic mail address.

"nomination date " means the date specified for receiving nominations for an election in accordance with by-law 9(5), and the time set for the close of nominations on that day.

"the Act " means the *Charles Darwin University Act*.

4. Application

These by-laws apply to elections for the members of Council required to be elected by section 9 (1) (e) (f) (g) and (h) of the Act.

5. Returning officer

(1) The Vice-Chancellor must appoint a Returning Officer to conduct the ballot for an election of the members of Council. The Returning Office must not be a candidate for election in any category of electors.

6. Timing of electoral process

Where an election is required because the term of office of an elected member is due to expire, the election of a replacement member must be conducted prior to the expiry of the term.

7. Electoral rolls

(1) An electoral roll must be maintained by the Returning Officer for each category of electors specified in section 9(1) (e) (f) (g) and (h) of the Act.

(2) Each electoral roll must contain the following information about the electors in that category of electors -

- a. full name;
- b. a current mailing address.

(3) The electoral roll for a category of electors closes on the nomination date for the election to which the roll relates.

(4) Between the nomination date and the first day of voting, the Returning Officer may -

- a. alter the information on the electoral roll to correct an error; and
- b. add to the electoral roll the name of any person eligible to be included on the roll, provided that the person was qualified to vote in the category of electors on the nomination date.

8. Notice of election

(1) The Returning Officer must publish a notice of election for every election required by section 9 (1) of the Act.

(2) The notice of election must -

- a. identify the category of electors in which the election is required; and
- b. specify the term of office for the elected member in the category of electors; and
- c. call for nominations and specify the procedure for nominating candidates for election in the category of electors; and
- d. specify the nomination date for nominations in the category of electors; and

- e. specify, in case a ballot is required, the first day of voting and the last day of voting for the election of a person in the category of electors.

9. Nominations

(1) To be a candidate for an election, a person must be -

- a. eligible to vote in the category of electors; and
- b. nominated under this by-law.

(2) The nomination of a candidate for election must be submitted to the Returning Officer in the nomination form prescribed in Schedule 1.

(3) The nomination form must be signed by -

- a. the candidate for election; and
- b. the nominator of the candidate for election, who must be a person eligible to vote in the same category of electors in which the candidate is nominated.

(4) The Returning Officer must reject a nomination if the nominated candidate is ineligible for election to Council under s.9 (1) of the Act.

(5) The Returning officer must specify a nomination date in the notice of election.

10. Returning officer to determine whether ballot required

(1) If, after the close of nominations, the number of candidates nominated for election to a category of electors does not exceed the number of positions required to be elected for that category, the Returning Officer may declare the election in that category of electors in accordance with by-law 17 without conducting a ballot.

(2) If, after the close of nominations, the number of candidates nominated for election to a category of electors exceeds the number of positions to be elected for that category, the Returning Officer must conduct a ballot in accordance with these by-laws.

11. Voting period

Where a ballot is required to be conducted for the election of a person to Council, the voting period for the conduct of the ballot for that election-

- a. commences on the day determined by the Returning Office (the first day of voting) and concludes on the last day of voting.
- b. The last day of voting is a day determined by the Returning Officer that is not earlier than-
 - i. 7 days after the first day of voting, in the case of a ballot using electronic means of voting and counting; or
 - ii. 14 days after the first day of voting , in the case of any other ballot; and
- c. that is not later than 28 days after the first day of voting.

12. Notice of ballot to electors

(1) The Returning Officer must provide to each eligible elector in an election, at the elector's last known mailing address -

- a. a notice of ballot;
- b. a ballot paper; and

c. the supporting statements provided by candidates.

(2) The notice of ballot must -

- a. identify the category of electors in which the election is required; and
- b. specify the names of the candidates for election; and
- c. specify the first day of voting and the last day of voting in that category of electors; and
- d. provide an explanation of how votes are to be cast; and
- e. specify the method for lodging a ballot with the Returning Officer.

(3) The Returning Officer must send the documents specified in by-law 12(1) to electors within 14 days of the close of nominations in the category of electors to which the election relates.

13. Ballot paper

The ballot paper must -

- a. list the name of each candidate for election in an order drawn by lot conducted by the Returning Officer; and
- b. be in a form enabling an elector to indicate the elector's preference for a candidate.

14. Appointment of scrutineers

(1) A candidate for election may appoint a scrutineer by written notification to the Returning Officer at least two days prior to the last day of voting.

(2) The scrutineer is entitled to be present when the returning officer fulfils the requirements of by-law 15 and 16 of these by-laws.

15. Scrutiny of ballot papers

(1) After the close of voting, the Returning Officer must ensure that procedures are followed to-

- a. verify that votes have been cast only by electors eligible to vote in the category of representation; and
- b. scrutinise the ballot papers to ensure that electors -
 - i. have clearly indicated their preference for a candidate; and
 - ii. have not cast votes for more candidates than are to be elected in that category.

(2) The Returning Officer must eliminate from counting any ballot paper which does not substantially comply with the requirements specified in by-law 15(1).

16. Counting votes

(1) Votes are counted according to a first-past-the-post system. The candidate that receives the greatest number of valid votes cast in the election is to be declared elected.

(2) Where there is an equality of votes among candidates, one candidate at a time is excluded by lot drawn by the Returning Officer until a winning candidate is determined.

17. Declaration of result of election

The Returning Officer must declare the result of the election by -

- a. giving notice in writing to the Vice-Chancellor of the elected candidates; and
- b. publishing the result of the election on the Council website.

18. Election not invalidated

An election is not invalidated because of-

- a. a failure by the Returning Officer to send a person qualified to vote a notice of ballot or ballot paper;
- b. a procedural irregularity that does not prejudice the fairness of the election process.

Notes

Schedule 1

Nomination Form for Election to the Council of Charles Darwin University

I, _____ hereby nominate

_____ as a candidate

for a position on the Council of Charles Darwin University.

Signature _____
(Nominator)

Date ____/____/____

I accept the nomination for election to the Council of Charles Darwin University -

Signature _____
(Candidate for election)

Date ____/____/____

The category of the nomination is:

- Full-Time higher education staff
- Full-Time TAFE academic staff
- Undergraduate student
- Postgraduate student

The nomination form must be signed by –

- the candidate for election; and
- the nominator of the candidate for election, who must be a person eligible to vote in the same category of electors in which the candidate is nominated.

The Common Seal of the Charles Darwin University is affixed in the presence of:

.....
Signature of Council member

Richard Ryan AO
Chancellor

.....
Signature of Council member

Professor Barney Glover
Vice-Chancellor