

University of Western Australia Statute 2020

Draft 9 — 22.11.19

Contents

Chapter 1—Preliminary matters

- | | | |
|-----|-----------------|---|
| 1 . | Name of Statute | 2 |
| 2 . | Commencement | 2 |
| 3 . | Interpretation | 2 |

Part 1 — Preliminary matters

- | | | |
|-----|----------------|---|
| 4 . | Interpretation | 3 |
|-----|----------------|---|

Part 2 — General matters

- | | | |
|-----|-----------------------------|---|
| 5 . | Members' roll | 5 |
| 6 . | Access to the members' roll | 6 |
| 7 . | Contacting members | 6 |
| 8 . | Convocation Officer | 7 |

Part 3 — Convocation's functions

- | | | |
|------|----------------------------|---|
| 9 . | Functions of Convocation | 8 |
| 10 . | Considering draft Statutes | 9 |

Part 4 — General meetings of Convocation		
11 .	Ordinary general meetings	12
12 .	Special general meetings	12
13 .	General meetings: notice and quorum	13
14 .	Procedure at general meetings	14
Part 5 — Warden of Convocation		
15 .	Warden’s functions	15
16 .	Warden unable to act	15
17 .	Election of Warden and term of office	15
Part 6 — Council of Convocation		
18 .	Council established	16
19 .	Election and terms of office of Deputy Warden and ordinary councillors	16
20 .	Deputy Warden or ordinary councillor: resignation	17
21 .	Deputy Warden or ordinary councillor: casual vacancies	17
Part 7 — Council’s functions and meetings		
22 .	Functions of Council	19
23 .	Meetings of Council	19
24 .	Procedure	19
25 .	Subcommittees	20
26 .	Delegation	21
Part 8 — Financial matters		
27 .	Financial year and audited statements	22
28 .	Convocation’s funds	22
29 .	Receipts to be credited to Convocation’s funds	22
30 .	Interest to be credited to Convocation’s funds	22
31 .	Expenditure from Convocation’s funds	23
32 .	Members not to be paid	23
Part 9 — Convocation elections		
Division 1 — Preliminary matters		
33 .	Interpretation	24

34 .	Application of this Part	24
	Division 2 — General matters	
35 .	Returning officer	24
36 .	Electors' roll	25
37 .	Alternative voting processes	25
38 .	Eligibility to be elected as a member of the Senate	27
39 .	Eligibility to be elected as Warden, Deputy Warden or ordinary councillor	27
40 .	Filling casual vacancies	28
	Division 3 — Elections by Convocation	
41 .	Application of this Division	28
42 .	Call for nominations	29
43 .	How nominations are made	29
44 .	Information about candidates	30
45 .	Close of nominations	31
46 .	Procedure after close of nominations	31
47 .	Procedure when a poll is needed	33
48 .	Polling day	33
49 .	Form of voting papers	34
50 .	Sending voting papers and associated material	34
51 .	How to mark votes and when to return them	35
52 .	Scrutiny and count of votes	36
53 .	Ascertaining the result of the election	37
54 .	Automated counting	41
55 .	Declaration of election	41
56 .	Senate elections may be held at the same time	42
57 .	Elections for ordinary councillors may be held at the same time	42
58 .	Returning officer's powers	43
	Division 4 — Elections by the Council	
59 .	Application of this Division	43
60 .	How elections are held	43
61 .	Elections may be held at the same time	45
62 .	Convocation Officer can determine questions	45
	Part 10 — Miscellaneous matters	
63 .	University assistance to Convocation	46
64 .	Annual report of activities	46
65 .	Transitional provisions	46

Contents

Western Australia

**University of Western Australia
Statute 2020**

Draft 9

cl. 1

Chapter 1 — Preliminary matters

NOTE: *This Chapter is not complete. It contains only those of the provisions that will apply to the whole of the new statute as are relevant to this draft of Chapter 4.*

1. Name of Statute

This is the *University of Western Australia Statute 2020*.

2. Commencement

This Statute comes into operation [*date to be decided and specified*].

3. Interpretation

- (1) In this Statute, unless the contrary intention appears —

Act means the *University of Western Australia 1911*;

award means —

- (a) a degree, diploma, certificate, honorary degree, prize or other distinction granted or conferred by the University or any other university; or
- (b) an honour, award or other distinction granted or conferred by a Government or other public body whether in Australia or elsewhere;

University community means the Senate, Convocation, staff, students and holders of honorary, emeritus, visiting, adjunct or clinical appointments;

individual means a natural person.

- (2) This Statute must be interpreted in accordance with any relevant provision of the *Interpretation Act 1984 (WA)* unless the contrary intention appears.

Chapter 4 — Convocation

Part 1 — Preliminary matters

4. Interpretation

In this Chapter, unless the contrary intention appears —

calendar year means a year ending on 31 December;

chair, at a general meeting, means the person who, under section 24, is to preside as the chair of the meeting;

clause means a clause of this Chapter;

contact details, of an individual, means —

- (a) their postal address; and
- (b) their electronic address; and
- (c) their telephone number; and
- (d) any other information about them of a kind determined by the Council;

Convocation Officer means the Convocation Officer appointed under clause 8;

Council means the Council of Convocation established by clause 18;

Council meeting means a meeting held under clause 23;

councillor means the Warden, Deputy Warden, an ordinary councillor or, if clause 18(2)(d) applies, the immediate past Warden;

Deputy Warden means the Deputy Warden of Convocation referred to in clause 18(2)(b);

electronic address means an email address, fax number, mobile telephone number or other means for receiving digital or electronic communication;

electronic communication means digital or electronic communication in a format determined by Council;

cl. 4

general meeting means an ordinary general meeting of Convocation or a special general meeting of Convocation;

March ordinary meeting means an ordinary general meeting held under clause 11(1)(a);

member means an individual who is on the members' roll;

members' roll means the roll of members of Convocation kept under section 17(3);

ordinary councillor means a councillor referred to in clause 18(2)(c);

roll keeper means the individual —

- (a) who, under section 17(2), is required by the Senate to keep the roll; or
- (b) to whom the Senate under section 16G, has delegated its duty, under section 17(2), to keep the members' roll;

section means a section of the Act;

September ordinary meeting means an ordinary general meeting held under clause 11(1)(b)

UWD means University working days;

Warden means the Warden of Convocation elected under section 18.

Part 2 — General matters

5. Members' roll

- (1) The members' roll must contain as much of the following information about each member as possible —
 - (a) full name;
 - (b) date of birth;
 - (c) gender;
 - (d) whether deceased and, if so, date or calendar year of death;
 - (e) how, and in which calendar year, the member became a member;
 - (f) any awards received and when received;
 - (g) contact details.
- (2) Subclause (1) does not limit the information that may be kept on the members' roll about members.
- (3) A member may request the roll keeper to record on the member's roll that the member does not want to be contacted —
 - (a) by Convocation; or
 - (b) by the University; or
 - (c) by Convocation or the University.
- (4) If, on not less than 2 occasions, mail addressed to a member at a postal address recorded on the members' roll has been unclaimed, the Convocation Officer may remove that address from the members' roll.
- (5) If, on not less than 2 occasions, electronic communications addressed to a member at an electronic address recorded on the members' roll appear to have failed, the Convocation Officer may remove that address from the members' roll.

cl. 6

- (6) Before removing an address under subclause (4) or (5) the Convocation Officer is to take reasonable steps to ascertain the correct address of the member.

6. Access to the members' roll

- (1) For the purpose of performing Convocation's functions, the Council is entitled to have access to the members' roll.
- (2) If under subclause (1) the Council wants access to the members' roll or to any part of it, the Council must ask the roll keeper and specify the information the Council wants and the electronic format in which the information is wanted.
- (3) On receiving a request made under subclause (2), the roll keeper must, if practicable and as soon as practicable, give the Council the information requested in the electronic format requested.
- (4) The Senate, if and when asked to do so by the Council, must give the Council an up-to-date copy of the members' roll in such electronic format as the Council reasonably requests.

7. Contacting members

- (1) To give a member notice of any matter the Council must, if a postal address or electronic address is recorded for the member in the members' roll, give the member a written notice.
- (2) A written notice may be separate from or included in other material sent to the member.
- (3) A written notice is taken to have been given to a member if it was sent to a postal address or electronic address recorded for the member in the members' roll.
- (4) This clause does not prevent the Council from publishing a written notice on the Convocation website but doing so does not amount to giving members written notice of a matter.

8. Convocation Officer

- (1) The Vice-Chancellor, after consultation with the Warden, must appoint a member of the staff of the University to the position of Convocation Officer.
- (2) The functions of the Convocation Officer are those agreed between the Vice-Chancellor and the Warden.

Part 3 — Convocation's functions

9. Functions of Convocation

Convocation has these functions —

- (a) to participate in the governance of the University in accordance with the Act through the election of the Warden, the election of members to the Senate and the consideration of draft proposed Statutes;
- (b) to support and promote professional and social interaction and links between its members and between its members and the rest of the University community;
- (c) to facilitate communication between its members and the rest of the University community and, in particular, the communication —
 - (i) of the interests and opinions of its members about matters affecting the University to the rest of the University community; and
 - (ii) by the rest of the University community to Convocation of matters that might interest its members;
- (d) to support and promote the rest of the University community by using the experience, skills, networks and commitment of its members;
- (e) to encourage its members to contribute to and support the intellectual, cultural and financial prosperity of the University;
- (f) to provide scholarships and other financial support to students;
- (g) to give formal recognition to members who make significant contributions to the University community;
- (h) to raise money for the purposes of performing functions mentioned in paragraphs (b) to (g).

10. Considering draft Statutes

- (1) In this clause —
response period means the period mentioned section 31(2).
- (2) When, under section 31(2), the Senate refers a draft proposed Statute to Convocation, the Warden, as soon as practicable, must decide either —
 - (a) that the functions of Convocation under section 31(2) and (3) in relation to the draft will be performed by the Council; or
 - (b) to refer the draft to a general meeting for the performance of those functions.
- (3) This subclause applies if the Warden —
 - (a) has decided to refer a draft proposed Statute to a general meeting under subclause (2)(b); and
 - (b) considers that the matter cannot be dealt with at an ordinary general meeting earlier than 4 days before the end of the response period, or that it is not convenient for the matter to be dealt with at an ordinary general meeting.
- (4) If subclause (3) applies —
 - (a) the Warden must call a special general meeting under Part 4; and
 - (b) the meeting must be held earlier than 4 days before the end of the response period; and
 - (c) despite clause 13(1) the minimum period of notice of the meeting that the Council may give to members is 19 days.
- (5) The Council must, to the extent necessary and practicable, seek the views of members with respect to each draft proposed Statute referred to Convocation.

cl. 10

- (6) If a draft proposed Statute is referred to a general meeting under subclause (2)(b) the Council, having taken into account views obtained under subclause (5), must submit a recommendation to the general meeting —
- (a) that the proposed Statute be accepted as submitted; or
 - (b) that the proposed Statute be amended or additional provisions be included, in which case the Council must present its amendments or additions for consideration.
- (7) The agenda of the general meeting to which a draft proposed Statute is referred must include either the text of the draft or, despite clause 7(4), instructions as to where members can obtain access to it electronically or as to how they can request a copy of it.
- (8) If it is practicable to do so, the Council's proposed recommendation under subclause (6) must be included in the agenda of the general meeting but, if that is impracticable, notice of it must be given by any means accessible to members that the Warden thinks fit as early as is practicable before the meeting.
- (9) At a general meeting that is considering a draft proposed Statute —
- (a) a motion to amend the draft or add provisions to it cannot be considered unless notice of the motion was given to the Warden or Deputy Warden at least 6 days before the date of the meeting; and
 - (b) a motion to amend the draft or add provisions to it requires the support of at least two thirds of the votes cast at the meeting to pass; and
 - (c) the chair may declare as irrelevant the whole or part of a motion to amend the draft or add provisions to it; and

- (d) a motion to overrule a declaration made under paragraph (c) requires the support of at least two thirds of the votes cast at the meeting to pass.
- (10) If, under section 31(3), the Council or a general meeting decides to return a draft proposed Statute to the Senate with draft amendments or additional provisions, it may also give the Senate written reasons for the draft amendments or additional provisions.

Part 4 — General meetings of Convocation

11. Ordinary general meetings

- (1) Convocation must hold —
 - (a) an ordinary general meeting on the third Friday in March in each calendar year; and
 - (b) an ordinary general meeting on the third Friday in September in each calendar year.
- (2) If the Warden considers that a day fixed for an ordinary general meeting under subclause (1) is unsuitable, the meeting is to be held on a day determined by the Warden.
- (3) The day determined under subclause (2) for the March ordinary meeting cannot be earlier than the second Friday in March.
- (4) The Warden must determine the time and place at which an ordinary general meeting will be held.

12. Special general meetings

- (1) The Warden may call a special general meeting of Convocation at any time.
- (2) The Warden or Deputy Warden must call a special general meeting of Convocation if either receives a written request to do so that —
 - (a) is signed by at least 25 members each of whom is identified by their name and address; and
 - (b) states the purpose of the meeting.
- (3) A special general meeting requested under subclause (2) must be held within 28 UWD after the date on which the request is received.

13. General meetings: notice and quorum

- (1) The Council must give members written notice of a general meeting at least 20 UWD before the date of the meeting.
- (2) Notice of a general meeting may also be given by any additional means accessible to members that the Warden thinks fit.
- (3) Notice of a general meeting must state —
 - (a) whether the meeting is an ordinary general meeting or a special general meeting; and
 - (b) the time and place of the meeting; and
 - (c) the agenda for the meeting.
- (4) In the case of an ordinary general meeting, if the quorum required by section 25 is not present within 30 minutes after the time when the meeting was to start —
 - (a) the meeting is to stand adjourned for 10 UWD at the same hour and place and notice of the adjournment must be given by the Convocation Officer by advertisement within 5 UWD in 1 daily or weekly newspaper published in Perth and by any additional means accessible to members that the Warden thinks fit; and
 - (b) if at the adjourned meeting the quorum required by section 25 is not present within 30 minutes after the time when the meeting was to start, the procedure in paragraph (a) is to be repeated until a quorum is obtained for the meeting.
- (5) In the case of a special general meeting, if the quorum required by section 25 is not present within 30 minutes after the time when the meeting was to start the meeting is taken to be abandoned.

cl. 14

14. Procedure at general meetings

- (1) At a general meeting, every member present has 1 vote.
- (2) Subject to clauses 10(9)(b) and (d) and 31(3), decisions at a general meeting must be made by a majority of members' votes cast at the meeting.
- (3) If the votes cast at a general meeting are equal, the chair has a casting vote.
- (4) The chair must ensure that a general meeting is minuted by the Convocation Officer, if present, or by another person chosen by the chair.
- (5) Subject to the Act and this clause, general meetings are to be conducted in accordance with written procedural guidelines formulated by the Council and made available to members.
- (6) Any procedural question arising at a general meeting is to be decided by the chair.

Part 5 — Warden of Convocation

15. Warden's functions

The Warden's functions are those conferred on the Warden —

- (a) by the Act and this Chapter; and
- (b) by Convocation or the Council.

16. Warden unable to act

Subject to section 24(2), if the Warden is unable to perform the functions of the Warden for any reason, the Deputy Warden may perform them.

17. Election of Warden and term of office

- (1) The election of the Warden under section 18 is to be held and conducted in accordance with Part 9 Division 3.
- (2) The term of office of the Warden when elected under section 18 ends on the day of the next March ordinary meeting after the election takes effect.
- (3) There is a vacancy (a *casual vacancy*) in the office of the Warden if the Warden —
 - (a) resigns under section 18(3); or
 - (b) becomes a person who would be ineligible under clause 39 to be elected as the Warden;
 - (c) dies.
- (4) If the Warden resigns, the Chancellor must advise the Council as soon as practicable.
- (5) Within 60 UWD after a casual vacancy occurs in the office of the Warden, it is to be filled by the election of a member by Convocation in accordance with Part 9 Division 3 until the day of the next March ordinary meeting after the election.

Part 6 — Council of Convocation

18. Council established

- (1) There is a committee of Convocation called the Council of Convocation.
- (2) The Council consists of the following councillors —
 - (a) the Warden;
 - (b) a councillor to be known as, and hold the office of, Deputy Warden of Convocation;
 - (c) 18 ordinary councillors;
 - (d) subject to subclause (3), the immediate past Warden.
- (3) Subclause (2)(d) does not apply if —
 - (a) the immediate past Warden is a councillor referred to in subclause (2)(a), (b), or (c); or
 - (b) the immediate past Warden chooses not to be a councillor and gives the Warden written notice of that choice; or
 - (c) 1 year has elapsed since the immediate past Warden ceased to be the Warden.

19. Election and terms of office of Deputy Warden and ordinary councillors

- (1) Vacancies occurring by the expiry of the terms of office of the Deputy Warden and ordinary councillors are to be filled by the election of members —
 - (a) by Convocation in accordance with Part 9 Division 3; or
 - (b) if item 15, 18 or 19 of the Table in clause 46(1) applies — by the Council in accordance with Part 9 Division 4 at the Council meeting next following the March ordinary meeting.

- (2) Subclause (1) does not apply to the expiry of the term of office of an ordinary councillor who was elected under subclause (1)(b).
- (3) The term of office of the Deputy Warden when elected under subclause (1)(a) or (b) ends on the day of the next March ordinary meeting after the election takes effect.
- (4) The term of office of an ordinary councillor when elected under subclause (1)(a) ends on the day of the third March ordinary meeting after the election after the election takes effect.
- (5) The term of office of an ordinary councillor when elected under subclause (1)(b) ends on the day of the next March ordinary meeting after the election.

20. Deputy Warden or ordinary councillor: resignation

- (1) The Deputy Warden or an ordinary councillor may resign from office by giving written notice to the Warden.
- (2) A notice of resignation given under subclause (1) takes effect on the date on which it is received, unless it specifies a later date.

21. Deputy Warden or ordinary councillor: casual vacancies

- (1) There is a vacancy (a *casual vacancy*) in the office of a councillor who is the Deputy Warden or an ordinary councillor if the councillor —
 - (a) is absent, without the Council's leave, from 3 consecutive meetings of the Council of which the councillor has received notice; or
 - (b) resigns under clause 20; or
 - (c) becomes a person who would be ineligible under clause 39 to be elected as the Deputy Warden or an ordinary councillor; or
 - (d) dies; or

cl. 21

- (e) in the case of an ordinary councillor elected under clause 19(1)(b), comes to the end of their term of office.
- (2) If a casual vacancy occurs in an office under subclause (1)(a), (b), (c) or (d), it is to be filled by the election of a member by the Council in accordance with Part 9 Division 4 at the Council meeting next following the expiry of 10 UWD from the occurrence of the vacancy.
- (3) The term of office of the Deputy Warden or an ordinary councillor when elected under subclause (2) ends when the term that became vacant would have ended.
- (4) A casual vacancy to occur in an office under subclause (1)(e), is to be filled by the election of a member by Convocation in accordance with Part 9 Division 3.
- (5) The term of office of an ordinary councillor when elected under subclause (4) ends on the day of the second March ordinary meeting after the election takes effect.

Part 7 — Council’s functions and meetings

22. Functions of Council

In addition to the functions it has under this Chapter, the Council is to manage the affairs of Convocation.

23. Meetings of Council

- (1) The Council must meet at least 6 times in each calendar year.
- (2) The Warden may convene a Council meeting at any reasonable time.
- (3) The Warden or Deputy Warden must convene a Council meeting if asked to do so by at least 6 councillors, in writing.
- (4) The convenor of a Council meeting must give each other councillor notice of it at least 5 UWD before the date of the meeting.
- (5) Notice of a Council meeting may be given orally or in writing and by any means of communication available.

24. Procedure

- (1) In this clause —
chair means the person chairing a meeting;
meeting means a meeting of the Council.
- (2) A quorum for a meeting is 7 councillors.
- (3) Even if not physically present at a meeting, a councillor is taken to be present if the councillor can hear and be heard by all of the other councillors at the meeting using electronic communication.

cl. 25

- (4) The Warden is to chair a meeting but —
 - (a) if the Warden, for any reason, is unable to chair any part of the meeting or is not at the meeting, the Deputy Warden is to be the chair; and
 - (b) if the Deputy Warden, for any reason, is unable to chair any part of the meeting or is not at the meeting, a councillor appointed by the meeting is to be the chair.
- (5) Each councillor at a meeting has 1 vote.
- (6) At a meeting, voting must be by a show of hands or, if a councillor asks for a secret ballot, by secret ballot.
- (7) A resolution passed by a majority of the councillors present at a meeting is the resolution of the Council.
- (8) If there is a tie of votes at a meeting, the chair has a second vote.
- (9) The chair must ensure that a meeting is minuted by the Convocation Officer, if present, or by another person chosen by the chair.
- (10) Subject to this Part, meetings are to be conducted in accordance with written procedural guidelines formulated by the Council.
- (11) Any procedural question arising at a meeting is to be decided by the chair.

25. Subcommittees

- (1) The Council may establish a subcommittee of the Council.
- (2) A subcommittee is composed of —
 - (a) the Warden and Deputy Warden who are, by reason of their offices, members of every subcommittee; and
 - (b) 1 or more other councillors appointed by the Council; and
 - (c) 1 or more other people (whether members or not) appointed by the Council, being people who, in the

opinion of the Council, have qualifications or expertise that will enable them to advise and assist the Council.

- (3) The Council may change the composition of or abolish any subcommittee it has established.
- (4) A subcommittee must act in accordance with any directions given to it by the Council.

26. Delegation

- (1) The Council may delegate its power to decide any matter for Convocation (other than this power to delegate) to —
 - (a) a councillor; or
 - (b) a subcommittee of the Council; or
 - (c) a member.
- (2) A delegation by the Council has no effect unless —
 - (a) it is made at a meeting of the Council; and
 - (b) written notice of it is given to the delegate.
- (3) A delegation by the Council —
 - (a) may relate to a specific matter or be in general terms; and
 - (b) may be subject to any condition the Council decides and includes in it.
- (4) The Council may decide a matter even if it has delegated the power to decide it.
- (5) A delegate's decision is taken to be the Council's decision.
- (6) The Council, by giving the delegate written notice, may amend or cancel a delegation at any time.

Part 8 — Financial matters

27. Financial year and audited statements

- (1) The financial year of Convocation ends at the end of each calendar year.
- (2) After the end of each financial year, the Warden must present the following to the next September ordinary meeting or an earlier general meeting —
 - (a) an audited copy of the statement of Convocation's accounts for the financial year;
 - (b) an audited copy of the statement of Convocation's income and expenditure for the financial year.

28. Convocation's funds

- (1) The following funds are to continue to be kept and accounted for by the University as part of its financial affairs —
 - (a) the Convocation General Purposes Fund; and
 - (b) the Convocation Reserve Fund.
- (2) The University is to create and account for such other funds needed for Convocation's purposes, as part of the University's financial affairs, as the Council requests.

29. Receipts to be credited to Convocation's funds

All money received by Convocation must be credited to a fund referred to in clause 28, as decided by the Council.

30. Interest to be credited to Convocation's funds

The interest earned on the funds referred to in clause 28 must be credited to the funds referred to in clause 28(1) in such proportions as the Council decides, but at least half must be credited to the Convocation Reserve Fund.

31. Expenditure from Convocation's funds

- (1) This clause is subject to clause 30.
- (2) Subject to subclause (3), money in the funds referred to in clause 28 may be applied for such purposes connected to Convocation's functions as the Council decides.
- (3) Money cannot be paid out of the Convocation Reserve Fund unless —
 - (a) a notice of the proposed payment has been included in the agenda of a general meeting; and
 - (b) the meeting, by a majority of at least two thirds of votes cast at the meeting, approves the proposed payment.

32. Members not to be paid

None of Convocation's funds or other assets is to be paid or distributed, directly or indirectly, to members except in good faith and for the purpose of performing Convocation's functions.

Part 9 — Convocation elections

Division 1 — Preliminary matters

33. Interpretation

In this Part, unless the contrary intention appears —

close of nominations means noon on the day determined under clause 45(1);

elector means a member whose name is on the electors' roll at the close of nominations;

electors' roll has the meaning given in clause 36(1);

periodic election has the meaning given by clause 41(2);

returning officer means the returning officer appointed under or by clause 35;

voting process means a voting process approved under clause 37(1).

34. Application of this Part

This Part applies to elections by Convocation and elections by the Council.

Division 2 — General matters

35. Returning officer

- (1) The Council may appoint a person as the returning officer for the purposes of this Part.
- (2) A returning officer appointed under subclause (1) remains the returning officer until the appointment is cancelled by the Council.
- (3) Convocation may remunerate a returning officer appointed under subclause (1).

- (4) If there is no returning officer appointed under subclause (1), the Convocation Officer is the returning officer.
- (5) The returning officer has the functions conferred by this Part.

36. Electors' roll

- (1) The returning officer is to maintain a list (the *electors' roll*) that records —
 - (a) all members for whom Convocation has a postal address, an electronic address, or both; and
 - (b) that address or those addresses.
- (2) Despite subclause (1) a member's name must not be on the electors' roll if a request made by the member under clause 5(3) has been recorded on the members' roll and has not been withdrawn.

37. Alternative voting processes

- (1) The Council must approve an electronic voting process and a postal voting process for elections and publish the approval on the Convocation website and in any other manner the Council considers necessary in order to bring it to the attention of members.
- (2) An approval under subclause (1) applies to any election mentioned in clause 41(1) held after the approval is published.
- (3) An *electronic voting process* is a process under which a member for whom an electronic address is recorded on the electors' roll —
 - (a) can be sent, by electronic communication, a voting paper, a declaration and the additional information required; and
 - (b) can complete the voting paper and declaration electronically and return them by electronic

communication to the returning officer in a manner that preserves the integrity of the process as a secret ballot;

- (4) A ***postal voting process*** is a process under which a member whose postal address is recorded on the electors' roll —
- (a) can be sent, by post, a printed voting paper and declaration, a return envelope and the additional information required; and
 - (b) can complete the voting paper and declaration and return them by post, in the return envelope, to the returning officer in a manner that preserves the integrity of the process as a secret ballot.
- (5) This is the form of the declaration referred to in subclauses (3)(a) and (4)(a):

I declare that I am a member of Convocation of The University of Western Australia and that I have not previously voted at this election.

Signature

Full name (block letters)

University number (if known)

- (6) The ***additional information required*** by subclauses (3)(a) and (4)(a) is —
- (a) a biography of any candidate who has submitted one under clause 44(1); and
 - (b) how, and in which calendar year, a candidate became a member; and
 - (c) whether a candidate is a current office-bearer seeking re-election; and
 - (d) the names of the 2 persons who signed a candidate's nomination form; and
 - (e) directions as to how and when the completed voting paper and declaration must be returned to the returning officer.

38. Eligibility to be elected as a member of the Senate

Any member is eligible to be elected in accordance with this Part as a member of the Senate unless —

- (a) according to the *Interpretation Act 1984* section 13D, the member is a bankrupt or a person whose affairs are under insolvency laws; or
- (b) the member is disqualified from managing corporations under the *Corporations Act 2001* (Commonwealth) Part 2D.6; or
- (c) the member has been convicted of an offence and sentenced to a term of imprisonment and has not completed the term of imprisonment or been pardoned; or
- (d) an administration order is in force under the *Guardianship and Administration Act 1990* Part 6 in respect of the member; or
- (e) section 9(4) applies to the member.

39. Eligibility to be elected as Warden, Deputy Warden or ordinary councillor

Any member is eligible to be elected as the Warden, the Deputy Warden or an ordinary councillor unless —

- (a) according to the *Interpretation Act 1984* section 13D, the member is a bankrupt or a person whose affairs are under insolvency laws; or
- (b) the member is disqualified from managing corporations under the *Corporations Act 2001* (Commonwealth) Part 2D.6; or
- (c) the member has been convicted of an offence and sentenced to a term of imprisonment and has not completed the term of imprisonment or been pardoned; or

- (d) an administration order is in force under the *Guardianship and Administration Act 1990* Part 6 in respect of the member.

40. Filling casual vacancies

The Council may decide not to hold an election under Division 3 or 4 to fill a casual vacancy in an office that has occurred under section 20 or clause 17(3) or 21(1) if the Council is of the opinion that the length of time that a person would serve in the office if elected does not justify the holding of the election.

Division 3 — Elections by Convocation

41. Application of this Division

- (1) This Division applies to these elections by Convocation —
 - (a) an election of a member to the Senate under section 8(1)(h) to fill a vacancy occurring by effluxion of time;
 - (b) an election under section 22 to fill a casual vacancy in the office of a member elected to the Senate under section 8(1)(h) for the unexpired portion of the term of the office that is vacant;
 - (c) an election of the Warden under section 18;
 - (d) an election of the Warden under clause 17(5);
 - (e) an election of the Deputy Warden under clause 19(1)(a);
 - (f) an election of ordinary councillors under clause 19(1)(a);
 - (g) an election of an ordinary councillor under clause 21(4).
- (2) Each of the elections mentioned in subclause (1)(a), (c), (e) or (f), other than a fresh election required by item 3 or 9 of the Table in clause 46(1), is referred to as a *periodic election*.

42. Call for nominations

- (1) A notice calling for nominations for an election must be —
 - (a) given to each elector; and
 - (b) advertised in the University's internal electronic bulletins or publications; and
 - (c) exhibited at the University in a manner determined by the Warden; and
 - (d) inserted in 1 daily or weekly newspaper published in Perth.
- (2) The notice must —
 - (a) contain particulars of the office or offices to be filled at the election, and
 - (b) inform electors of the time and day when nominations for the election close; and
 - (c) inform electors that nomination forms for the election are available on the Convocation website and on application to the returning officer.
- (3) In the case of a periodic election, subclause (1) must be complied with at least 45 UWD before the next third Friday in March.

43. How nominations are made

- (1) A member who wishes to be a candidate in an election may deliver to the returning officer a nomination form for the election obtained from the Convocation website or the returning officer.
- (2) In order for a nomination to be effective —
 - (a) the nomination form must be signed by the candidate and by 2 other members as proposer and seconder; and

- (b) the candidate must be a member who is eligible for election under clause 38 or 39, whichever is applicable; and
- (c) the nomination form must reach the returning officer no later than the close of nominations; and
- (d) the nomination form must specify how, and in which calendar year, the candidate became a member.

44. Information about candidates

- (1) A member nominated as a candidate in an election may submit to the returning officer, before the close of nominations, a biography not exceeding 250 words in length, containing all or any of the following particulars of the member —
 - (a) calendar year and other details of graduation;
 - (b) any other awards received and when received;
 - (c) professional qualifications and profession or position;
 - (d) details of work on bodies connected or associated with the University;
 - (e) publications issued and research done;
 - (f) service to the community or any section of it, whether in war or peace, and positions held in connection with that service;
 - (g) a photograph of the candidate;
 - (h) other particulars that the candidate may consider appropriate.
- (2) Before a biography is provided to electors under this Part in connection with an election, it must be submitted to the Vice-Chancellor and any matter in it that the Vice-Chancellor considers to be offensive or untrue is to be deleted.
- (3) Except in the case of an election of the Warden, the powers in subclause (2) must be exercised in consultation with the Warden.

- (4) If possible, the candidate concerned must be consulted before any matter is deleted from a biography under subclause (2).

45. Close of nominations

- (1) Nominations for an election close at noon on the day determined by the Warden.
- (2) In the case of a periodic election the day must be least 30 UWD before the before the next third Friday in March.

46. Procedure after close of nominations

- (1) The Table sets out what is to happen after the close of nominations depending on the number of candidates (if any) from whom nominations under clause 43(1) that are effective under clause 43(2) have been received by the returning officer.

Table

Item	Kind of election	Number of candidates	Action
1	Senate cl. 41(1)(a)	2 or more	Poll required
2	Senate cl. 41(1)(a)	1	Candidate taken to have been elected
3	Senate cl. 41(1)(a)	None	Fresh cl. 41(1)(a) election to be held
4	Senate cl. 41(1)(b)	2 or more	Poll required
5	Senate cl. 41(1)(b)	1	Candidate taken to have been elected
6	Senate cl. 41(1)(b)	None	Fresh cl. 41(1)(b) election to be held
7	Warden	2 or more	Poll required

University of Western Australia Statute 2020
Chapter 4 Convocation
Part 9 Convocation elections
Division 3 General matters
cl. 46

	cl. 41(1)(c)		
8	Warden cl. 41(1)(c)	1	Candidate taken to have been elected
9	Warden cl. 41(1)(c)	None	Fresh cl. 41(1)(c) election to be held
10	Warden cl. 41(1)(d)	2 or more	Poll required
11	Warden cl. 41(1)(d)	1	Candidate taken to have been elected
12	Warden cl. 41(1)(d)	None	Fresh cl. 41(1)(d) election to be held
13	Deputy Warden cl. 41(1)(e)	2 or more	Poll required
14	Deputy Warden cl. 41(1)(e)	1	Candidate taken to have been elected
15	Deputy Warden cl. 41(1)(e)	None	After the next March ordinary meeting Council to elect a member as Deputy Warden
16	Ordinary councillor cl. 41(1)(f)	7 or more	Poll required
17	Ordinary councillor cl. 41(1)(f)	6	Candidates taken to have been elected
18	Ordinary councillor cl. 41(1)(f)	1 to 5	Candidates taken to have been elected. After the March ordinary meeting Council to elect a further

			1 to 5 members, as required, as ordinary councillors
19	Ordinary councillor cl. 41(1)(f)	None	After the March ordinary meeting Council to elect 6 members as ordinary councillors
20	Ordinary councillor cl. 41(1)(g)	2 or more	Poll required
21	Ordinary councillor cl. 41(1)(g)	1	Candidate taken to have been elected
22	Ordinary councillor cl. 41(1)(g)	None	Fresh cl. 41(1)(g) election to be held

- (2) A candidate is to be disregarded for the purposes of items 13 to 15 of the Table if the candidate is taken to have been elected as the Warden under item 8 or 11.
- (3) A candidate is to be disregarded for the purposes of items 16 to 19 of the Table if the candidate is taken to have been elected as the Warden under item 8 or 11 or as the Deputy Warden under item 14.

47. Procedure when a poll is needed

Clauses 48 to 58 apply if a poll for an election is required under item 1, 4, 7, 10, 13, 16 or 20 of the Table in clause 46(1).

48. Polling day

- (1) Subject to subclause (2), the day on or before which votes in the poll must be received by the returning officer (*polling day*) is the day determined by the Warden.

- (2) Polling day for a periodic election is the next second Tuesday in March, or another day determined under subclause (1), being a day that is not less than 7 UWD before the third Friday in March.

49. Form of voting papers

- (1) As soon as practicable after the close of nominations the returning officer must determine the form of the voting paper for the poll.
- (2) The voting paper must list the names of all candidates in the order determined by the returning officer by drawing lots.
- (3) The voting paper must contain directions as to how it is to be completed.
- (4) If more than 1 vacancy is to be filled, the voting paper must indicate that how many vacancies are to be filled.

50. Sending voting papers and associated material

- (1) In this clause —
electoral material means the things mentioned in clause 37(3)(a) or (4)(a), whichever is applicable.
- (2) After the form of the voting paper is determined under clause 49(1) but not less than 20 UWD before the next third Friday in March the returning officer must send electoral material to each elector using either the electronic voting process or the postal voting process.
- (3) If an elector only has an electronic address recorded on the electors' roll, the electronic voting process must be used to send electoral material to the elector under subclause (2).
- (4) If an elector has an electronic address and a postal address recorded on the electors' roll, the electronic voting process must be used to send electoral material to the elector under subclause (2) unless the elector has instructed the returning

officer, in writing, that the elector does not wish to receive and return electoral material by electronic communication and has not withdrawn that instruction.

- (5) If an elector only has a postal address recorded on the electors' roll, the postal voting process must be used to send electoral material to the elector under subclause (2).
- (6) If the returning officer is satisfied that any electoral material sent to an elector by the postal voting process has been accidentally lost or destroyed the returning officer must send any material needed to replace it.

51. How to mark votes and when to return them

- (1) To mark their vote on the voting paper in an election where there are only 2 candidates on the voting paper, an elector must place the numeral "1" opposite the name of the candidate for whom the elector votes.
- (2) To mark their vote on the voting paper in an election where there are more than 2 candidates on the voting paper an elector must —
 - (a) place the numeral "1" opposite the name of a candidate to indicate that the elector's first preference is for that candidate; and
 - (b) place consecutive numerals beginning with the numeral "2", opposite the names of the remaining candidates so as to indicate the order of the elector's preference for all candidates.
- (3) The completed voting paper and declaration must be returned to the returning officer in accordance with the applicable voting process so that they are received by the returning officer no later than 5pm on polling day (the *close of the poll*).
- (4) An elector cannot vote more than once in an election.

52. Scrutiny and count of votes

- (1) The scrutiny and count of votes in an election is to take place, or commence, as soon as practicable after the close of the poll at a time and place determined by the Warden.
- (2) Each candidate for election may nominate a scrutineer to be present at the scrutiny and count of votes.
- (3) The voting papers and declarations received before the close of the poll are to be examined by the returning officer to determine if they have been completed and returned in accordance with the applicable voting process.
- (4) All the proceedings are subject to the inspection of the scrutineers.
- (5) A voting paper is to be excluded from the count if —
 - (a) it and the declaration that accompanied it, or either of them, were not completed and returned before the close of the poll in accordance with the applicable voting process;
 - (b) it has not been marked in accordance with clause 51(1) or (2), whichever is applicable;
 - (c) it bears the signature of any person or any other mark which identifies the elector.
- (6) If, on a voting paper to which clause 51(1) applies, any numeral is marked opposite the name of the other candidate, that numeral is taken not to have been marked.
- (7) If, on a voting paper to which clause 51(2) applies, numerals in a consecutive sequence beginning with “1” are marked opposite the names of all but 1 candidate, the next numeral in the sequence is taken to have been marked opposite the candidate’s name.

- (8) The scrutiny and count of votes may, from time to time, be adjourned as the returning officer conducting considers necessary, until duly completed.
- (9) The scrutiny and count for periodic elections must be completed in the following order —
- (a) election of a member to the Senate (if any);
 - (b) election of the Warden;
 - (c) election of the Deputy Warden;
 - (d) election of ordinary councillors.
- (10) Immediately after the completion of the scrutiny and count of votes the voting papers must be placed in a sealed container by the returning officer and held for a period of 40 UWD at the end of which the returning officer must destroy them unless otherwise directed by the Vice-Chancellor.
- (11) The returning officer, at the request of the Warden, may compile and retain a list of members from whom completed voting papers and declarations were received.

53. Ascertaining the result of the election

- (1) This clause sets out method of counting the votes to be used by the returning officer to ascertain the result of an election.

- (2) In this clause —

absolute majority means a number of votes that is more than 50% of the number of voting papers that were received before the close of the poll and have not been excluded from the count under clause 51(6);

excluded means excluded from the count;

remaining candidate means a candidate who has not been elected and has not been previously excluded.

- (3) If only 1 candidate is to be elected —
- (a) if when all first preference votes for candidates have been counted a candidate has an absolute majority, that candidate is elected;
 - (b) if there are more than 2 candidates and no candidate then has an absolute majority, the candidate with the fewest number of first preference votes is excluded and those votes are distributed to the remaining candidates in accordance with the excluded candidate's second preference;
 - (c) if when the votes are counted again after that exclusion a candidate has an absolute majority, that candidate is elected;
 - (d) if no candidate then has an absolute majority, the next remaining candidate with the fewest number of votes is excluded and those votes (including votes received from a previously excluded candidate) are distributed to the remaining candidates in accordance with the newly excluded candidate's next available preference;
 - (e) the procedure in paragraph (d) is repeated until a candidate obtains an absolute majority and is elected.
- (4) If more than 1 candidate is to be elected —
- (a) the procedure in subclause (3) is used to elect a candidate as the *first elected candidate* and their first preference votes are distributed to the remaining candidates in accordance with the first elected candidate's second preference;
 - (b) if when the votes are counted again after that distribution a candidate has an absolute majority, that candidate is elected as the *second elected candidate*;
 - (c) if no candidate then has an absolute majority, the candidate with the fewest number of votes is excluded and those votes (including votes received from the first

- elected candidate) are distributed to the remaining candidates in accordance with the excluded candidate's next available preference;
- (d) if when the votes are counted again after that exclusion a candidate has an absolute majority, that candidate is elected as the *second elected candidate*.
 - (e) if no candidate then has an absolute majority, the next remaining candidate with the fewest number of votes is excluded and those votes (including votes received from the first elected candidate or a previously excluded candidate) are distributed to the remaining candidates in accordance with the newly excluded candidate's next available preference;
 - (f) the procedure in paragraph (e) is continued until a candidate obtains an absolute majority and is elected as the *second elected candidate*;
 - (g) if there are 3 or more candidates to be elected, the first preference votes of each elected candidate are distributed to the remaining candidates in accordance with the elected candidate's next available preference and the procedure in paragraphs (d) to (f) and this paragraph is repeated until the required number of candidates has been elected.
- (5) If at any stage of the count candidates have the same number of votes and it is necessary for the purposes of this clause to determine which of them has the greatest, or fewest, number of votes, the matter is determined by the returning officer by the drawing of lots.
- (6) In the case of an election where there are only 2 candidates on the voting paper, a reference in subclause (3) to first preference votes for a candidate, is taken to be a reference to votes for the candidate.

- (7) A person ceases to be a candidate in an election of the Deputy Warden under clause 19(1) if the person is elected in accordance with clause 52(9) as the Warden and, in that case —
- (a) if there were only 2 candidates — the other candidate is elected; and
 - (b) if there were more than 2 candidates — in applying this clause any preference indicated on a voting paper for the person who is no longer a candidate must be disregarded and the voting paper must be treated as if the numeral indicating any subsequent preference had been altered accordingly.
- (8) A person is no longer a candidate in an election of ordinary councillors under clause 19(1) if the person is elected in accordance with clause 52(9) as the Warden or the Deputy Warden and, in that case —
- (a) if there are 5 remaining candidates (because other candidates have been elected as the Warden and as the Deputy Warden) — the remaining candidates are elected and, after the March ordinary meeting, the Council must elect a member as an ordinary councillor until the March ordinary meeting in the third calendar year after the election.
 - (b) if there are 6 remaining candidates — the remaining candidates are elected; and
 - (c) if there are more than 6 remaining candidates — in applying this clause any preference indicated on a voting paper for a person who is no longer a candidate must be disregarded and the voting paper must be treated as if the numeral indicating any subsequent preference had been altered accordingly.

54. Automated counting

- (1) In this clause —
automated means involving the use of a computer.
- (2) For the purposes of clause 52(1) the returning officer may, if the returning officer thinks fit —
 - (a) cause the preferences indicated on voting papers to be recorded in an automated form; and
 - (b) on the basis of the information so recorded, use automated means to carry out the procedures set out in this clause.
- (3) For proceedings under subclause (2) the requirements of clause 52(4) are met if —
 - (a) the recording of preferences in an automated form is subject to the inspection of the scrutineers; and
 - (b) the scrutineers have access to the information so recorded and information as to the results obtained by using automated means to carry out the various procedures set out in Schedule 1.

55. Declaration of election

- (1) Subject to subclause (2) the returning officer or the Warden must declare the result of an election as soon as practicable after it is determined whether under clause 46 or 53.
- (2) At the March ordinary meeting the returning officer or the Warden must declare the results of the preceding periodic elections in the following order —
 - (a) election of a member of the Senate (if any);
 - (b) election of the Warden;
 - (c) election of the Deputy Warden;
 - (d) election of ordinary councillors,
- (3) An election takes effect on the day after its result is declared.

- (4) Immediately after the completion of the scrutiny and count of votes the voting papers must be placed in a sealed container by the returning officer and held for a period of 40 UWD at the end of which the returning officer must destroy them unless otherwise directed by the Vice-Chancellor.

56. Senate elections may be held at the same time

- (1) An election under clause 41(1)(b) and another election under clause 41(1)(b), or an election under clause 41(1)(a), can be held in conjunction with each other as a single election.
- (2) The candidate elected first is elected for the longer term.
- (3) If there are only 2 candidates the returning officer must draw lots to determine which is elected first.

57. Elections for ordinary councillors may be held at the same time

- (1) The following elections can be held in conjunction with each other as a single election —
 - (a) an election under clause 41(1)(g) and another election or elections under clause 41(1)(g);
 - (b) an election or elections under clause 41(1)(g) and an election under clause 41(1)(f).
- (2) If an election is held in accordance with subclause (1), this Division applies to it with such modifications as are necessary or as are determined by the returning officer.
- (3) If the terms of the offices to be filled differ in length they are to be filled, in descending order of length, in the order in which candidates are elected.
- (4) If the number of candidates is the same as the number of offices to be filled, the returning officer must draw lots to determine the order of their election.

58. Returning officer's powers

- (1) Subject to this Part, the returning officer may determine conclusively all questions of detail concerning an election.
- (2) If a candidate in an election dies or withdraws before or after the close of nominations, the returning officer may make decisions or arrangements, whether consistent with this Division or not, in order to resolve issues concerning the election and enable it to proceed.

Division 4 — Elections by the Council

59. Application of this Division

This Division applies to these elections by the Council —

- (a) an election of the Deputy Warden under clause 19(1)(b) or 21(2);
- (b) an election of an ordinary councillor under clause 19(1)(b) or 21(2).

60. How elections are held

- (1) If an election is to be held at a Council meeting, that must be stated in the notice of the meeting and the notice must be published on the Convocation website and in any other manner the Council considers necessary in order to bring it to the attention of members.
- (2) The Convocation Officer must attend the Council meeting.
- (3) A member who wishes to be a candidate in the election may deliver to the Convocation Officer a nomination form for the election obtained from the Convocation website or the returning officer.
- (4) In order for a nomination to be effective —

University of Western Australia Statute 2020

Chapter 4 Convocation

Part 9 Convocation elections

Division 4 General matters

cl. 61

- (a) the nomination form must be signed by the candidate and by 2 other members as proposer and seconder; and
 - (b) the candidate must be a member who is eligible for election under clause 39; and
 - (c) the nomination form must reach the Convocation Officer before or at the Council meeting.
- (5) If only 1 candidate is effectively nominated, that candidate is elected.
- (6) If 2 or more candidates are effectively nominated, 1 of them must be elected by secret ballot as follows —
 - (a) the names of the candidates must be written, in order determined by lot by the Convocation Officer, on voting papers 1 of which must be handed to each councillor present at the Council meeting;
 - (b) a councillor must complete the voting paper by making a mark opposite the name of 1, and only 1, candidate in a manner that enables the Convocation Officer to be satisfied that the councillor's vote is for that candidate and not for the other, or any other, candidate;
 - (c) after the voting papers have been collected a count must be conducted by the Convocation Officer and the candidate who receives the most votes is elected;
 - (d) if 2 or more candidates each receive the same number of votes and they are the only candidates, or that number is higher than the number of votes received by any other candidate, the chair must determine who is elected.
- (7) The Convocation Officer must declare the result of the election at the Council meeting.
- (8) The election takes effect on the day after its result is declared.

61. Elections may be held at the same time

- (1) If there are 2 or more vacancies in offices of ordinary councillors, the elections to fill them can be held in conjunction with each other as a single election.
- (2) If an election is held in accordance with subclause (1), clause 60(5) and (6) apply to it with such modifications as are necessary or as are determined by the Convocation Officer.
- (3) If the terms of the offices to be filled differ in length they are to be filled, in descending order of length, in the order in which candidates are elected.
- (4) If the number of candidates is the same as the number of offices to be filled, the Convocation Officer must draw lots to determine the order of their election.

62. Convocation Officer can determine questions

Subject to this Part, the Convocation Officer may determine conclusively all questions of detail concerning elections by the Council.

Part 10 — Miscellaneous matters

63. University assistance to Convocation

- (1) To enable Convocation to perform its functions, the University is to provide such facilities and services to Convocation as the Chancellor and the Warden agree from time to time.
- (2) Without limiting subclause (1), the University is to provide financial assistance to Convocation to enable it to perform the functions mentioned in clause 9(a).

64. Annual report of activities

- (1) As soon as practicable after the end of each calendar year the Council must prepare a report on the activities carried out by Convocation in that year in the performance of its functions.
- (2) The Council must publish the report on the Convocation website and provide a copy of it to the Chancellor.

65. Transitional provisions

- (1) In this clause —
commencement means the day on which this Statute comes into effect;
periodic election has the meaning given by clause 41(2).
- (2) Despite clause 18(2)(c) —
 - (a) from the commencement until the day of the next March ordinary meeting after the commencement, the number of ordinary councillors is 21; and
 - (b) from the day after the next March ordinary meeting after the commencement until the day of the second March ordinary meeting after the commencement, the number of ordinary councillors is 20; and

- (c) from the day after the second March ordinary meeting after the commencement until the day of the third March ordinary meeting after the commencement, the number of ordinary councillors is 19.
- (3) Despite Part 9 Division 3, any election by Convocation held before the periodic elections next preceding the March ordinary meeting in 2021 is to be held in accordance with the repealed Statute 9 or 14, whichever is applicable.

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