Statute 8.1 - Elections to the Senate

(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.

(2) Elected staff and student Senators must attest to their statutory fitness and propriety to act as a Director of ACU, including for TEQSA, the ACNC and other legislative bodies, as a precondition for assumption of office.

Election of Staff Members of Senate

(3) 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).

(4) 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

(5) All Students currently enrolled in and currently undertaking at least one (1) unit in an award course of study or who are actively enrolled in a Higher Degree by Research at ACU, are eligible to nominate for office and to vote for the position of Student member of Senate (Student Electorate).

(6) A Student who is also a fixed term or continuing employee of the University is precluded from holding a position on Senate. A Student who is an employee of the University on a casual contract is not precluded from holding a position on Senate.

(7) An elected student must remain enrolled in an award course at the University for the entirety of the term of office for the position to which they have been elected. A student who ceases to be enrolled (whether through withdrawal from studies, qualifying to graduate or due to any other cause) is no longer eligible to serve as Student member of Senate.

(8) The call for nominations for the position of Student Member of Senate shall occur no later than Week 12, Semester 2 in each year.

(9) 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.

(10) 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).

(11) 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(a) of the Constitution is eligible for re-election for one further term of office of one (1) year in accordance with clause 13.7(b) of the Constitution.

Election Procedures

(12) 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.

(13) Nominations:

a. must be made by members of the relevant electorate, as provided in clauses (2), (3) or (4);
b. must be in the form or to the effect of Schedule A: Nomination Form;
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.

(14) 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)

(15) 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 their nomination or ceases to be qualified then in either case the Secretary shall remove the name of that person from the ballot.

(16) The Secretary shall issue a Notice of Election in the form or to the effect of Schedule B: Notice of Election 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).

(17) 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.

(18) The voting system will be full preferential and voting will be conducted on an anonymous basis.

(19) A ballot paper shall be in the form or to the effect of Schedule C: Ballot Paper, with the names of candidates listed in alphabetical order by last name.

(20) The Election Notice will include a biographical statement (candidate statement) of not more than 250 words for

each candidate.

(21) A candidate may provide a suitable photograph to accompany their candidate statement.

(22) The election may be conducted electronically or using ballot papers.

(23) If the election is conducted using ballot papers, the election period referred to in clause (11) will be the date specified for the receipt of the ballot papers.

(24) Subject to clause (24), no vote cast after the Election Period shall be examined or counted.

(25) Should any two of the Chancellor, the Pro-Chancellor, the Vice-Chancellor and President 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.

(26) 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.

(27) 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
AMENDMENT NO:	14
SENATE RESOLUTION:	S 2024/113
DATED:	29 August 2024

Status and Details

Status	Current
Effective Date	5th September 2024
Review Date	5th September 2029
Approval Authority	Governance Officer
Approval Date	29th August 2024
Expiry Date	Not Applicable
Responsible Executive	Diane Barker Chief Legal Assurance and Governance Officer
Responsible Manager	Diane Barker Chief Legal Assurance and Governance Officer
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