



New South Wales

University of Western Sydney Amendment By-law 2008

under the

University of Western Sydney Act 1997

Her Excellency the Governor, with the advice of the Executive Council, has approved the following By-law made by the Board of Trustees of the University of Western Sydney under the *University of Western Sydney Act 1997*.

JOHN DELLA BOSCA, M.L.C.,
Minister for Education and Training

Explanatory note

The object of this By-law is to amend the *University of Western Sydney By-law 2005* so as to:

- (a) remove a redundant clause relating to the appointment of a Deputy Chancellor during the absence or inability of the Chancellor to act or a vacancy in the office of Chancellor, and
- (b) provide that a person who is eligible to have his or her name entered on the Roll of Academic Staff, General Staff, Undergraduate Students or Postgraduate Students is not qualified to stand for election as a graduate member in University Board elections, and
- (c) provide for matters relating to the conduct of electronic internet based voting in university elections for staff, student and graduate members of the Board of the University.

This By-law is made under the *University of Western Sydney Act 1997*, including sections 12 and 40 (the general power to make By-laws).

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Clause 1 University of Western Sydney Amendment By-law 2008

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1 Name of By-law

This By-law is the *University of Western Sydney Amendment By-law 2008*.

2 Amendment of University of Western Sydney By-law 2005

The *University of Western Sydney By-law 2005* is amended as set out in Schedule 1.

Schedule 1 Amendments

(Clause 2)

[1] **Clause 7 Appointment of acting Chancellor**

Omit the clause.

[2] **Part 5, Division 1, heading**

Insert before clause 23:

Division 1 Preliminary

[3] **Clause 23 Definitions**

Insert in alphabetical order in clause 23 (1):

electronic vote, in relation to an election, means a vote cast in the election by means of an electronic ballot form.

voting site, in relation to an election, means a secure internet site approved or managed by the returning officer for the purposes of enabling eligible voters to cast an electronic vote in the election.

[4] **Part 5, Division 2, heading**

Insert after clause 27:

Division 2 Provisions relating to candidates and voters

[5] **Clause 30 Qualifications for candidates and voters**

Insert “and must not be eligible to have his or her name entered on the Roll of Academic Staff, General Staff, Undergraduate Students or Postgraduate Students at the close of nominations for the relevant election” after “close of nominations for the relevant election” in clause 30 (1) (e).

[6] **Part 5, Division 3, heading**

Insert after clause 30:

Division 3 Calling of elections and nominations

[7] **Clause 34 Notice of ballot**

Omit “ballot papers” from clause 34 (3) (c). Insert instead “votes in the ballot”.

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Schedule 1 Amendments

[8] Part 5, Division 4

Insert after clause 34:

Division 4 Manner of conducting ballot

34A Types of ballot

A ballot may be conducted by:

- (a) distributing ballot papers by post or by requiring eligible voters to attend a specified place or places managed or controlled by the University, at a specified date and time, in order to receive a ballot paper and vote in the election, or
- (b) by requiring eligible voters to access a voting site, between specified dates and times, in order to vote in the election.

[9] Part 5, Division 5, heading

Insert before clause 35:

Division 5 Non-electronic ballot

[10] Clause 35 Conduct of non-electronic ballot

Omit clause 35 (1).

[11] Part 5, Division 6 and heading to Division 7

Insert after clause 41:

Division 6 Electronic ballot

41A Conduct of electronic ballot

- (1) In the case of a ballot that is conducted by requiring eligible voters to access a voting site, the returning officer is to ensure that each eligible voter is provided with all necessary information required in order to vote in the election including:
 - (a) the internet address of the voting site, and
 - (b) the passwords (if any) required to access the voting site, not less than 14 days before the close of the electronic ballot.
- (2) The returning officer is to ensure that computer and internet facilities are made available free of charge at each of the University's campuses in order to provide each eligible voter with an opportunity to access the voting site.

- (3) The returning officer may make additional arrangements to ensure that each eligible voter has an opportunity to access the voting site.
- (4) In this clause, a reference to an eligible voter is a reference to a person whose name is on a relevant Roll of the University at the date of the close of nominations for the election.

41B Material to accompany electronic ballot

The voting site must provide:

- (a) instructions for voting, and
- (b) a method of declaration of identity and entitlement to vote, and
- (c) any other information which the returning officer considers appropriate to include.

41C Contents of electronic ballot

- (1) The voting site is to contain the names of the candidates in the order determined by the returning officer.
- (2) The order of the candidates on the voting site must be determined randomly.

41D Method of electronic voting

- (1) Each voter who wishes to vote is to mark the electronic ballot form by typing a "1" opposite the name of the candidate to whom the voter wishes to give his or her first preference.
- (2) If the voter wishes to show his or her first preference for any or all of the remaining candidates, the voter may do so by typing consecutive figures (starting with the figure "2") opposite the names of any of the remaining candidates so as to indicate, in numerical sequence, the voter's preference for them.
- (3) The voter must then send the electronic ballot form to the returning officer in the manner described in the instructions for voting detailed on the voting site.

41E Procedure on close of electronic ballot

When the electronic ballot is closed, and not before, the returning officer must, in the presence of those scrutineers who choose to be present:

- (a) review all information and reports about the electronic ballot, and

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Schedule 1 Amendments

(b) determine the result of the electronic ballot.

41F Informal electronic vote

- (1) An electronic vote is informal if the voter has not indicated a clear preference for at least one candidate.
- (2) The voting site is to provide a warning message to any person casting an informal electronic vote that their proposed vote is informal prior to that person sending their electronic vote to the returning officer.
- (3) Each informal electronic vote is to be recorded by the voting site as an informal vote and the voting site is to count the formal electronic votes.

41G Counting of votes

- (1) Votes must be counted by the voting site in accordance with this clause.
- (2) The voting site must count the number of first preference votes for each candidate.
- (3) If the candidate who has the highest number of first preference votes has an absolute majority of votes, the returning officer is to declare that candidate elected.
- (4) If no candidate has an absolute majority of votes, the returning officer must exclude the candidate who has received the fewest number of first preference votes and each of the electronic votes counted to that candidate is to be counted to the continuing candidate next in order of the voter's preference.
- (5) If 2 or more candidates have an equal number of votes at the time that it is necessary to exclude one of them, the candidate to be excluded is to be determined by the returning officer by lot.
- (6) The process referred to in subclauses (4) and (5) is to be continued until:
 - (a) one continuing candidate has an absolute majority of votes, in which case that candidate is to be declared elected, or
 - (b) there are only 2 continuing candidates who do not have an equal number of votes, in which case the candidate with the larger number of votes is to be declared elected (even if the number of votes is below an absolute majority of votes), or

- (c) there are only 2 continuing candidates who have an equal number of votes, in which case the candidate to be elected is to be determined by the returning officer by lot and the successful candidate is to be declared elected.

- (7) In this clause, a reference to a vote is a reference to a formal vote.

Division 7 Miscellaneous