

## **REGULATION 7.1-ELECTION PROCEDURES**

1. (1) In these Regulations, *Statute 7.1-Election Procedures* is called the Principal Statute.
- (2) Expressions used in this Regulation have, unless the contrary intention appears, the same respective meanings as they have in the Principal Statute.

### **Voting procedure**

2. (1) A voter may mark his or her vote on a voting paper by placing:
  - (a) the figure 1 in the rectangle opposite the name of the candidate for whom he or she votes as his or her preference; and
  - (b) the figures 2, 3, 4 and so on, as the case requires, in the rectangles opposite the names of such of the remaining candidates as he or she wishes to vote for, so as to indicate by such numerical sequence the order of his or her preference for all or any such candidates.
- (2) A voting paper shall be rejected at the close of the poll if the voter has not placed the figure 1 in the rectangle opposite the name of one of the candidates or has placed the figure 1 in the rectangle opposite the name of more than one candidate.
- (3) A voter may be required to indicate his or her preference for more than one candidate in any election.
3. A completed voting paper must be returned to the Returning Officer by the voter in the manner prescribed by the Returning Officer which may be by placing the voting paper in the ballot box at the place referred to in paragraph 8(c)(v) of the Principal Statute, or by post or delivery to the Returning Officer in the envelope marked "Voting Paper", or by any other means including by electronic means.
4. No voting paper shall be taken into account at any election unless it is received by the Returning Officer before the time fixed for the closing of the poll.
5. The Returning Officer shall secure the voting papers until the time fixed for the closing of the poll.
6. (1) On the close of the poll the Returning Officer shall decide whether any voting paper shall be accepted or rejected.
- (2) The Returning Officer shall not directly or indirectly divulge how any voter has voted in an election.

### **Counting of votes for Council elections**

7. At an election where one person is to be elected and there are only two candidates, the Returning Officer shall upon the close of the poll count the valid first preference votes and declare the candidate who has received the greater number of votes to be duly elected.

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8. (1) At any Council election where one person is to be elected and there are three or more candidates the Returning Officer shall upon the close of the poll count the first preference votes for each candidate and declare the candidate (if any) who has received a majority of votes to be duly elected.
- (2) If no candidate has an absolute majority of first preference votes the Returning Officer shall-
- (a) declare the candidate who has received the fewest first preference votes a defeated candidate;
  - (b) distribute the voting papers counted to such defeated candidate amongst the continuing candidates next in order of the voter's preference; and
  - (c) after such distribution again determine the total number of votes given to each continuing candidate-

and the candidate who has then received the greatest number of votes, if such number constitutes an absolute majority of votes, shall be declared duly elected.

- (3) If no candidate then has an absolute majority of votes the process of declaring the candidate who has the fewest votes a defeated candidate and distributing the voting papers counted to such defeated candidate amongst the continuing candidates next in order of the voter's preference shall be repeated and the votes shall be recounted after every such distribution until one candidate has received an absolute majority of votes and such candidate shall be declared duly elected.
9. (1) At any Council election where two or more persons are to be elected the first vacancy shall be filled in the manner provided under section 8.
- (2) At any Council election where two or more persons are to be elected the second vacancy shall be filled as follows-
- (a) The Returning Officer shall rearrange all valid voting papers under the names of the candidates in accordance with the first preferences indicated, except for the voting papers on which the first preference is shown for the elected candidate which shall be placed in the parcels of the continuing candidates next in order of the voter's preference, and if any candidate has then received an absolute majority of votes that candidate shall be declared duly elected.
  - (b) If no candidate then has an absolute majority of votes the Returning Officer shall declare the candidate who has received the fewest votes a defeated candidate and distribute the voting papers counted of such defeated candidates amongst the continuing candidates next in order of the voter's preference and after such distribution again determine the number of votes given to each candidate and if any candidate has received an absolute majority of votes that candidate shall be declared duly elected.

- (c) If no candidate then has an absolute majority of votes the process of declaring the candidate who has the fewest votes a defeated candidate and distributing the voting papers counted of such defeated candidate amongst the continuing candidates next in order of the voter's preference shall be repeated and the votes shall be recounted after every such redistribution until one candidate has received an absolute majority of votes and such candidate shall be declared duly elected.
  - (3) At any Council election where three or more persons are to be elected the third and subsequent vacancies shall be filled in the manner provided in sub-section (2) for filling the second vacancy except that where the first preference on a voting paper is shown for any candidate that voting paper shall be placed in the parcel of the continuing candidate next in order of the voter's preference.
10. If on any count under sections 7, 8 and 9 two or more candidates have received an equal number of votes the Returning Officer shall have the casting vote, determined by lot, and the casting vote shall be included when determining-
- (a) which candidate is to be declared a defeated candidate; and/or
  - (b) which candidate has received an absolute majority of votes.

#### **Counting of votes in all other elections**

11. At an election where one person is to be elected and there are only two candidates, the Returning Officer shall upon the close of the poll count the valid first preference votes and declare the candidate who has received the greater number of votes to be duly elected.
12. At all elections held by the Academic Board or any other committee or body established by or under the Act or a Statute or Regulation, except Council, the Returning Officer shall, prior to commencement of voting and on the recommendation of the Academic Board-
- (a) determine the voting system to be used in the election, either first past the post, preferential or proportional representation, in accordance with Australian Electoral Commission guidelines; and
  - (b) at the place where completed ballot papers are to be returned, publicise the voting system adopted for the election.

#### **Publication of results**

13. At any election at which two or more persons are to be elected, the Returning Officer shall, within three days of the close of poll, record and publish electronically the order in which the successful candidates are declared duly elected.

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Amendment 1 Made 12/09/00 Promulgated 29/09/00  
Amendment 2 Made 26/07/07 Promulgated 17/08/07