Deakin University
Regulation 7.1 (1) - Elections

This Regulation is made pursuant to Statute 7.1 – Elections and Meetings.

In this regulation:

“Election” means the process by which persons are elected to a University Body;

“Eligible Voter” means a person who is entitled to vote in a specific Election in accordance with the terms of reference applicable to the University Body and as stated in the Notice;

“Eligible Nominee” means a person who is eligible to be elected to a University Body in accordance with the terms of reference applicable to the University Body and as stated in the Notice;

“Member” means a person who is elected or appointed to a University Body or who is a member of that University Body by reason of the office held;

“Notice” means the notice of the Election published by the Returning Officer;

“Returning Officer” means the person appointed to conduct Vice-Chancellor or nominee or his or her nominee appointed in relation to a particular Election by the Vice-Chancellor or his or her delegate but cannot be a candidate in the Election; and

“University Body” means the Council, the Academic Board, Faculty Boards, Institute Boards and their committees, and such other boards and committees as the University may from time to time establish.

Conduct of Elections

1. Subject to the Deakin University Act 2009 ("the Act"), University Statutes and University regulations, and resolutions of the Council, Elections shall be conducted in accordance with this Regulation and in the manner prescribed by the Vice-Chancellor or nominee:

   (a) confidentially so that the identity of Eligible individual Voters and the how an Eligible Voter casting of their vote will remain confidential; and

   (b) in accordance with the optional preferential voting system.

2. The Returning Officer is responsible for the conduct of the Election and shall:

   (a) keep rolls of electors in respect of an Election containing all necessary information to enable an Eligible Voter to cast a vote;

   (b) publish a Notice announcing the Election and calling for nominations whenever an Election is to be held;

   (c) receive nominations from Eligible Nominees and publish a list of the nominations received for the Election;

   (d) conduct a poll where the number of nominations received required;

      (i) is equal to the number of vacancies, declare the nominated candidate or candidates elected;

      (ii) is less than the number of vacancies, declare the nominated candidate or candidates elected, and make a subsequent call for nominations; and
(iii) is more than the number of vacancies, conduct an election;

(e) where the number of nominations received is less than the number of vacancies, and a subsequent call for nominations again fails to result in the required number of Members being declared or elected, the Returning Officer or delegate may co-opt additional Members, up to the number required in each category from a person or persons of as nearly like qualification as practicable;

(f) be responsible for the Election process including the provision of information to candidates and voters about how votes are stored and counted, safe storage of votes until the time fixed for the closing of the poll;

(g) ensure that no person will be able to register a vote after the time fixed for the closing of the poll;

(h) declare the result of the Election and disclose (upon request) how many votes were recorded for each candidate; and may

(i) appoint members of Staff to act as Deputy Returning Officers.

(j) disclose how many votes were recorded for each candidate.

3. The Returning Officer has powers to investigate and act on complaints to ensure that the Election and Election campaign are conducted with fairness and integrity. An Eligible Voter may seek invalidation of the Election by applying in writing to the Returning Officer. An applicant shall:

(a) specify the breach and the grounds which are alleged to have given rise to a breach of this regulation; and

(b) make the application no later than 14 days after the date the Election result is declared.

4. In the event that there are exceptional circumstances which prevented the applicant making the application within the 14 day period, the applicant shall, no later than 30 days after the date the Election result is declared, apply in writing to the Vice-Chancellor requesting that the timeframe for accepting the Application be extended. If the Vice-Chancellor grants leave for the application to be submitted outside the 14 day period, it shall be considered by the Returning Officer.

5. After receiving an application and undertaking a review, the Returning Officer shall make a determination in respect of the merits of the application and may declare an Election void if he or she is satisfied that:

(a) there has been a breach of this regulation; and

(b) the breach has materially affected the result of the Election.

6. A determination and declaration by the Returning Officer under section 5 is final.

Appointments to Fill Vacancies

4. A University Body may co-opt students to be members in circumstances where:

(a) the Returning Officer has published a Notice announcing the Election and calling for nominations of a student member; and

(b) no nominations from an Eligible Nominee have been received; and

(c) the term of the office has commenced.

7-5. The office of an elected or co-opted Member of a University Body shall become vacant if:-
(a) his or her elected term expires; or

or he or she:

(b) he or she resigns in writing;

(c) her or she ceases to:

(i) hold the office, position, or qualification; or

(ii) be enrolled in a course;

which entitled him or her to be elected;

(d) dies or otherwise becomes unable to act; or

(e) becomes entitled to be a Member thereof ex officio, in which case he or she shall be deemed an ex officio Member resulting in the vacation of that Member's former place.

8.6. Where a vacancy occurs:

(a) three months or less before the expiration of the term of office, the vacancy may not be filled;

(b)(a) more than three months but less than 12 months before the expiration of the term of office of an elected Member, the University Body **shall** may fill that vacancy by the co-option of a person of as nearly like qualification as practicable;

(c)(b) more than 12 months before the expiration of a term of office of an elected Member of the University Body, the Returning Officer shall conduct an Election in accordance with section 2.

9.7. A person who fills a vacancy shall remain a Member of the University Body for the remainder of the term of the Member in respect of whom the vacancy arose.