Governance (Conduct of Elections) Rule 2024

Section 1 - Preliminary

Name of Rule

(1) This Rule is the Governance (Conduct of Elections) Rule 2024.

Commencement

(2) This Rule commences on 12 March 2024 under University Council resolution CNL190/11.

Purpose

(3) This Rule is enacted to establish the method and process of election of the members of the Council who are elected under section 8E (1)(a), (b) or (c) of the Act (Elected staff and student members), and the eligibility criteria that apply to persons seeking to be elected to the following offices:

a. elected (academic staff) members
b. elected (general staff) members
c. elected (student) members, and
d. elected (graduate) members.

Authority

(4) This Rule is made pursuant to authority granted to the Council under sections 20, 31 and 32 of the Act.

> Notes: Section 20 of the Act (Delegation by Council) provides that the Council may delegate any of its functions and powers, except its power of delegation. Sections 31 and 32 of the Act (By-laws and Rules) provide that the Council may make rules for or with respect to any or all of the matters for or with respect to which by-laws may be made, with certain exceptions.

Section 2 - Rule

Part A - Conduct of elections

(5) Elections under this Rule are to be conducted by the returning officer.

(6) The University Secretary is the returning officer.

(7) The decision of the returning officer is final on a matter concerning:

a. the eligibility of candidates
b. the conduct and results of an election, or

c. any matter related to (a) and (b).

(8) To enable the returning officer to conduct an election, the returning officer may make use of such assistance as that officer considers appropriate. For that purpose, the returning officer may appoint at least one deputy returning officer to assist in the conduct of the election.

(9) For the purposes of this Rule, the returning officer may authorise a deputy returning officer appointed under clause 8 to exercise any specified function of the returning officer under this Rule. A function exercised by a deputy returning officer is taken to have been exercised or performed by the returning officer.

(10) The power conferred on a returning officer may be exercised more than once in respect of an election.

Part B - Timing of election

(11) An election to fill a vacancy in the office of a member elected to the Council under sections 8E (1) (a), (b) or (c) of the Act is to be made (where practicable):

a. in the case of a vacancy that arises because of the expiration of the term of office of the current member, at least three months before the term of office of the current member expires, or
b. in the case of a casual vacancy, within three months after the vacancy arises.

(12) Where practicable, the election is to be completed, and the result of the election declared, before 1 July in that year.

(13) In the conduct of elections the following intervals are to be allowed (subject to clause 15):

a. Publication of the notice of election and call for nominations – there are not less than 5 working days nor more than 60 working days between the publication of the notice and the close of the election
b. Closing date for nominations and issue of ballot papers – there are not less than 10 working days nor more than 20 working days between the closing of nominations and the issuing of ballot papers for the election, and
c. Voting period – there are not less than 5 working days nor more than 10 working days between the issuing of ballot papers and the closing of the election.

(14) The returning officer may postpone the close of nominations for a period not exceeding 10 working days at a time, may make a further call for nominations in accordance with this Rule, or may withdraw a call for nominations at any time with a view to making a new call for nominations at a later date. The returning officer may make any changes to the dates determined under clause 13 as may be necessary and practicable to give effect to these changes. Notice of any of these matters must be published in the same way as the notice stating that an election is to be held.

Part C - Notice of election

(15) The returning officer is to give notice of the election to eligible nominees and voters:

a. by publishing the notice on the University website, and
b. by any other means that the returning officer considers appropriate.

(16) A notice of election must:

a. state that an election is necessary
b. specify whether it is an election of a member of the Council under sections 8E (1) (a), (b), or (c) of the Act

c. specify the number of vacancies to be filled
d. invite nominations for election from persons who are eligible for election
e. specify the form of the nomination and the means by which it is to be submitted to the returning officer
f. specify the date and time by which nominations must reach the returning officer (the 'close of nominations')
g. specify the date and time for the close of ballot for the election, if an election is required
h. specify the eligibility criteria for candidature to be addressed by persons nominating for election, and
i. any other information the returning officer deems necessary.

Part D - Nomination for election

(17) A person may self-nominate for election to the Council under section 8E (1) (a), (b) or (c) of the Act only in accordance with this Rule. Part J of this Rule states the criteria for eligibility for election.

(18) A separate nomination form must be completed by each potential candidate and must be lodged with the returning officer before the close of nominations.

(19) A nomination must include:

a. a nomination form signed by the potential candidate, which declares that they meet the eligibility criteria for the election, and
b. a signed fit and proper person requirements declaration in a form to be determined by the University Secretary. This declaration will be consistent with the requirements of the form published by TEQSA to assist in determining whether a person is 'fit and proper' under requirements of the TEQSA Act.

(20) A potential candidate may provide a written factual statement of not more than 150 words to support their nomination. The returning officer may make editorial amendments and distribute the statement to eligible voters, as deemed appropriate by the returning officer. The statement may specify:

a. the candidate's full name
b. the candidate's qualifications and experience, and
c. any positions or offices that the candidate has held at any time in public bodies, clubs or other organisations, together with dates of tenure in relation to those positions or offices.

(21) The returning officer will review nominations within five working days of receipt, where practicable, and must reject a nomination that does not comply with this Rule or if the person is not eligible for election. The returning officer will provide written advice to the person to confirm the nomination has been rejected including the reason(s). The returning officer may take longer to assess whether a person meets the fit and proper person requirement. If the date and time for nominations to be received has not closed, the returning officer will invite the person to resubmit a new nomination, provided that person is eligible for election.

(22) The returning officer may make such inquiries as may be necessary or convenient to verify any information provided by a person nominating for election. That includes making any other inquiries and considering any other relevant matter when assessing whether a person meets the fit and proper person requirement.

(23) A candidate may also provide a photograph of themselves to accompany their statement. A photograph that includes any University badging will be rejected by the returning officer.

Part E - Procedure after close of nominations

(24) The returning officer is not to accept a nomination unless:

a. the eligibility of the potential candidate has been determined in accordance with the Act, the By-law, this Rule and the fit and proper person requirement
b. it is in the form specified in the notice of election, and
c. it is received by the returning officer before the time prescribed for the close of nominations.

(25) A decision of the returning officer whether or not to accept a nomination is final and there are no options for internal appeal provided that the fairness of the election process is not prejudiced.

(26) If, following the close of nominations, the number of candidates is equal to the number of relevant vacancies to be filled, the returning officer must declare the candidate or candidates to be elected.

(27) If, following the close of nominations, the number of candidates is more than the number of relevant vacancies to be filled, the returning officer must conduct a vote to fill the vacancies, in the manner prescribed by Part F of this Rule. The list of candidates will be presented to the eligible voter group for the relevant member category.

(28) If, following the close of nominations, there are no candidates or the number of candidates is less than the number of relevant vacancies to be filled, the returning officer will make a further call for nominations and is to report the matter to the next meeting of Council.

Part F - Voting and conduct of ballot

(29) The ballot must be a secret ballot and will be conducted:

a. using an optional preferential system of voting, or
b. by using a different voting system as determined by the returning officer.

(30) Where an optional preferential ballot is used, an eligible voter must select one candidate for their vote to be valid. The voter has the option then to give contingent votes to the remaining candidates in the order of the voter's preference.

(31) If an electronic voting system is used:

a. the returning officer must provide eligible voters with a link and log in details to cast an anonymous vote using the electronic voting system, and
b. a person eligible to vote but unable to access the electronic voting system may apply to the returning officer in writing to lodge a postal vote.

(32) In the case of a postal vote:

a. each ballot form is to be accompanied by a form of declaration or other means of verification that the person voting is an eligible voter at the election, and
b. if a ballot form has been lost or destroyed, a duplicate may be issued by the returning officer upon receipt of a written declaration that the ballot form has been lost or destroyed.

(33) The returning officer will determine the process of voting should there be any interruptions due to a technical issue.

(34) Each ballot form is to contain the names of the candidates in an order determined by lot.

(35) Each ballot form is to be accompanied by a notice which:

a. specifies the date and time of close of voting

b. contains instructions on how to vote
c. states when and how the votes will be counted, and
d. states that an eligible voter can only vote once in an election and that once a vote is cast, it is final.

(36) The returning officer must reject a returned ballot form if satisfied that:

a. it has been received after the close of voting
b. it has been cast by a person who is not entitled to vote at the election or who has already voted at the election, or
c. it does not comply with the requirements of this Rule.

(37) The returning officer, any persons appointed by the returning officer, and each scrutineer, must not in any way disclose or aid in disclosing in what manner any voter has voted in the election.

Candidate may appoint a scrutineer

(38) Each candidate for election is entitled to nominate one scrutineer to be present at any counting of votes. If a candidate chooses to nominate a scrutineer they must do so two working days before the close of voting.

(39) A person is qualified to be appointed as a scrutineer at an election only if the person is eligible to vote in that election.

(40) A candidate for election is not eligible to be appointed as a scrutineer at the election and is not entitled to be present at any counting of votes.

(41) It is the responsibility of each scrutineer to attend at the scheduled time and date of counting of votes. The returning officer may proceed with counting of votes and compilation of results at the scheduled time and date regardless of whether a person appointed as scrutineer is in attendance.

(42) Scrutineers are entitled to raise objections to the conduct of the count and the compilation of results, including raising questions, but must otherwise follow the directions of the returning officer at all times. Failure to do so may result in their exclusion from the counting room.

Counting of Votes

(43) The results will be produced automatically by the electronic voting system, or for votes cast by postal vote, the ballot forms will be examined by the returning officer, in the presence of scrutineers (where appointed and in attendance – see clause 38). Result sheets will be produced as soon as practicable following the time scheduled for the close of voting.

(44) Votes will be counted in accordance with the optional preferential voting system, where the first candidate to receive an absolute majority of valid votes, either on first preferences or the subsequent redistribution of preferences, will be declared elected. Where more than one candidate in an election is required to be elected, a further count will be undertaken and votes for the first candidate declared elected will be distributed according to the voter's preferences. This procedure will be followed until the number of candidates declared elected equals the number of vacancies required to be filled to meet the requirements Section 8C of the Act (Size of Council).

(45) If after the final count, two or more candidates have an equal number of votes and a result cannot be declared under the provisions of clause 44, the returning officer will, in the presence of scrutineers (where appointed and in attendance), determine by lot which of the candidates is to be declared elected. This procedure will be followed until the number of candidates declared elected equals the number of vacancies required to be filled.

(46) The returning officer may approve alternate procedures for counting votes where they have approved a different voting system under clause 27.

Election not invalidated because of certain errors

(47) An election is not invalid if:

a. at the time when nominations for the elections close, the name of a person who is entitled to have their name entered on an electoral roll is omitted from that roll
b. a vote of a person entitled to vote in the election was not accepted in the election
c. a person whose name is on the relevant roll did not see a notice of election or receive a ballot form
d. an omission in the distribution of ballot forms occurred
e. an appointed scrutineer did not attend any counting of votes or compilation of results
f. the returning officer did not comply with this Rule in any respect
g. a person who met the criteria for appointment was not appointed, or
h. of a procedural irregularity or because any clause of this Rule is held to be contrary to law, provided it does not prejudice the fairness of the election process.

(48) If, before the determination of result, a candidate dies, becomes no longer eligible for election, or withdraws their nomination, the election is to proceed as if:

a. the candidate had not been nominated for election
b. that candidate's name had not been included on the ballot papers, and
c. any vote for that candidate had not been cast.

Part G - Determination of result

(49) At the conclusion of the counting of votes, the returning officer will declare the successful candidate or candidates. The returning officer may disclose the number of votes recorded for each candidate, at their discretion.

(50) If there is a casual vacancy in the office of a member elected under this Rule, the returning officer may at any time make a further determination and declaration of the election result in accordance with clause 52.

(51) Subject to the Act and the By-law, the decision of the returning officer on all matters relating to an election under this Rule, including a decision relating to the eligibility of a potential candidate or a voter, the conduct of the election and the results of an election, is final.

Part H - Filling of casual vacancy

(52) If there is a casual vacancy in the office of an elected academic staff member, elected general staff member, elected student member or elected graduate member of the Council, the returning officer may, if that person consents, make a further declaration that the runner up in the most recent election for that position (or, if the runner up does not consent, the next runner up, if that person consents, and so on) is elected to hold the office of that member for the remainder of the term of office.

> Notes: Runner up in an election means the person who, in the vote-counting process at the election, was the last remaining candidate for election aside from the person who was declared elected.
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> Notes: Schedule 1 clause 2 of the Act sets out the reasons an elected member's office may become vacant before their term of office ends.

(53) If the office cannot be filled in accordance with clause 52, the Council may, subject to the Act and By-law, appoint a person who would otherwise be eligible to nominate for an election to that office to hold the office of that member for the remainder of the term, if that person consents.

Part I - Custody of rolls, voting forms and records

(54) The returning officer must keep electoral rolls of eligible voters in the following categories:

a. Academic Staff Roll (eligible voters) – all academic staff, as defined at sub-clause 66(a) in this Rule.
b. General Staff Roll (eligible voters) – all general staff, as defined at sub-clause 66(l) in this Rule.
c. Student Roll (eligible voters) – all students enrolled in a course of studies leading to an award of the University, who are not listed on the Academic or General Staff Rolls.
d. Graduate Roll (eligible voters) – all graduates of the University who are members of the Charles Sturt University Alumni Association, who are not listed on the Academic or General Staff Rolls.

(55) The returning officer will keep electoral rolls of those who are eligible to nominate for election in accordance with the Act and By-law:

a. Academic Staff Roll (eligible nominees) – all academic staff, as defined at sub-clause 66(a) in this Rule, who hold a position that is at least 0.5FTE, either on continuing position or contract position of at least two years duration.
b. General Staff Roll (eligible nominees) – all general staff, as defined at sub-clause 66(l) in this Rule, who hold a position that is at least 0.5FTE, either on continuing position or contract position of at least two years duration.
c. Student Roll (eligible nominees) – all students, who are not designated as staff under clause 114 of the By-law, and who are enrolled in a course of studies of at least two years duration.
d. Graduate Roll (eligible nominees) – all graduates who are also current members of the Charles Sturt Alumni Association, who are not designated as staff under clause 114 of the By-law.

> Notes: For the purpose of elections under Part 3 of the By-law, including an election under this Rule, clause 114 of the By-law designates a person as an academic or general staff member if the person holds a position (a) on a continuing basis, or (b) on a contract basis where the contracted position is for a duration of at least two years, and the hours of work required by that position are at least half that of an equivalent full-time position.

(56) The Rolls of Academic Staff and General Staff are to be provided to the returning officer, by the Executive Director, People and Culture, at least one week before the close of nominations for an election. The Executive Director, People and Culture must notify the returning officer of any changes to the Rolls of Academic Staff and General Staff occurring after the copy is given to the returning officer and before the close of nominations.

(57) The Rolls of Students are to be provided to the returning officer, by the Executive Director, Division of Student Administration, at least one week before the close of nominations for an election. The Executive Director, Division of Student Administration must notify the returning officer of any changes to the Rolls of Students occurring after the copy is given to the returning officer and before the close of nominations.

(58) The Roll of Graduates is to be provided to the returning officer, by the Director, Advancement, at least one week before the close of nominations for an election. The Director, Advancement must notify the returning officer of any changes to the Rolls of Graduates occurring after the copy is given to the returning officer and before the close of nominations.

(59) A person is only entitled to have their name and address entered on the roll of eligible voters and roll of eligible

nominees in one electorate.

(60) A person who meets the criteria to have their name and address entered on more than one roll is eligible to have their name and address entered only on the most senior of those rolls, where the levels of seniority of those rolls are in the following descending order:

a. the Roll of Academic Staff
b. the Roll of General Staff
c. the Roll of Students

(61) The returning officer must remove from an electoral roll the name and address of a person on being satisfied that the person is no longer eligible to have their name and address entered on that roll.

(62) Nothing in this Rule prevents the returning officer transferring a person's name and address from one roll of electors to another if the returning officer is satisfied that the person is eligible to have their name and address entered on that other roll.

(63) Records for an election are to be kept in safe custody by the returning officer for a period of two years after the election, and may be destroyed at any time after that period, except when any objection has been received within that period, in which case the records for the election may only be destroyed by resolution of the Council.

Part J - Eligibility for election and to vote

(64) To be eligible to vote a person must have their name on the relevant roll at the close of nominations for election.

(65) To be eligible for election a person must:

a. be an academic staff member, general staff member, a student or a graduate as set out in the Act and the By-law and the criteria listed in this Rule
b. complete and sign the nomination form declaring that they meet the eligibility criteria for the election as specified on that form, including that they:
    i. are located in Australia
    ii. are not a director or member of the governing board of another educational institution
    iii. are willing to serve as a member of the Council, and will complete an induction program and any professional development and governance training as required by the Council, and
    iv. are a fit and proper person (see sub-clause 19(b)), and
c. complete a separate declaration consistent with TEQSA's fit and proper person requirements declaration, in a form determined by the University Secretary, to the reasonable satisfaction of the returning officer.

Part K - Glossary and interpretation

(66) In this Rule:

a. Academic staff – means academic staff including those defined in the University's Enterprise Agreement and those employed in academic leadership positions.
b. Act - means the Charles Sturt University Act 1989 No 76.
c. Ballot – means a procedure for electing a person to the Council conducted using either electronic or paper-based methods of voting.
d. Ballot form – means the form used to register a vote and may be in digital/electronic or paper format.
e. By-law - means the Charles Sturt University By-law 2005.

f. Candidate - means a person who is eligible to be elected to the Council in accordance with the Act, the By-law, and the fit and proper person requirement, and as stated in the notice of election.
g. Council - means the University Council established under Part 3 of the Act.
h. Determined by lot – means determination whereby the name of each eligible candidate is to be written on separate and similar slips of paper, the slips having been folded so as to prevent identification and then mixed and drawn at random.
i. Eligible nominee – means a person who is eligible to nominate as a potential candidate for election, as defined by section 8E of the Act and clause 114 of the By-law.
j. Eligible voter - means a person whose name is on the relevant electoral roll and is entitled to vote in a specific election in accordance with the Act and By-law, and as stated in the notice of election.
k. Fit and proper person requirement – means the requirement under Tertiary Education Quality Standards Act 2011 (TEQSA Act) that all registered higher education providers, and key personnel for those providers, must be 'fit and proper' persons.

> Notes: The Tertiary Education Quality and Standards Agency (TEQSA) has issued a legislative instrument outlining matters the agency may take into account when determining whether a person is 'fit and proper' under requirements of the TEQSA Act. Accordingly, any person nominating for election must complete and sign a fit and proper person requirements declaration form, which sets out the information TEQSA and the returning officer may take into account when determining whether a person is a fit and proper person. It includes, but is not limited to, information about a person's compliance with the law, financial records, management history and previous conduct (including any professional or academic misconduct).

l. General staff – means general staff as defined by the section 3(1) of the Act, and includes both professional/general staff defined by the University's Enterprise Agreement and senior/executive staff.
m. Graduate – means a graduate as defined by section 3 of the By-law, and who is also a member of the Charles Sturt University Alumni Association.
n. Notice - means the notice of election published by the returning officer.
o. Potential candidate – means a person nominating for election to Council.
p. Returning officer - means the person appointed as the returning officer under Part A of this Rule, and includes a deputy returning officer, poll officer or other person who is appointed, authorised or directed by the returning officer to exercise that function.
q. University Secretary - means the Secretary appointed under the By-law.

(67) In this Rule, unless the contrary intention appears:

a. a word or term that has not been defined in this Rule has the same meaning attributed to that word or term in the Act or By-law
b. a reference to an officer of the University includes any person acting in that position, and
c. headings and notes do not form part of this Rule.

Section 3 - Schedules and associated information

(68) Nil.

Section 4 - Document Context

Compliance drivers	N/A

Review requirements	As per the Policy Framework Policy.
Document class	Governance

Status and Details

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Effective Date	8th May 2026
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