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WESTERN AUSTRALIAN COLLEGE OF ADVANCED EDUCATION ACT 1984

Western Australian College of Advanced Education
Statute No. 11
Student Guild

STATUTE No. 11, that was in force under the Colleges Act 1978-1983, and continued in force pursuant to section 47(1) of the Western Australian College of Advanced Education Act 1984, is amended by deleting section 6(6).

The Common Seal of the Western Australian College of Advanced Education was hereto affixed by authority of a resolution of the Council of the College in the presence of:

[L.S.]

P. H. PORTER,
Chairman.
D. A. JECKS,
Authorised Sealing Officer.

WESTERN AUSTRALIAN COLLEGE OF ADVANCED EDUCATION ACT 1984

PURSUANT to sections 26(1) and 26(6) of the Western Australian College of Advanced Education Act 1984, the Council of the Western Australian College of Advanced Education hereby—

- (a) revokes Statutes No. 1 to No. 10 that were in force under the Colleges Act 1978-1983 and continued in force under section 47(1) of the Western Australian College of Advanced Education Act 1984; and
- (b) makes the Statutes set out in the Schedule hereto so that the revocation shall take effect, and the Statutes set out in the Schedule hereto shall come into operation, on the day that this Statute is published in the *Government Gazette*.

36941-1

The Common Seal of the Western Australian College of Advanced Education was hereto affixed by authority of a resolution of the Council of the College in the presence of:

[L.S.]

P. H. PORTER,
Chairman.
D. A. JECKS,
Authorised Sealing Officer.

Schedule

WESTERN AUSTRALIAN COLLEGE OF ADVANCED EDUCATION ACT 1984

Western Australian College of Advanced Education
Statute No. 1
Interpretation

1. In any Statute including a By-law or Rule made under the Statute or in any By-law made under the Western Australian College of Advanced Education Act 1984, unless the contrary intention appears—

“academic staff” means those members of the staff of the College who have been appointed to the full-time academic staff and shall include the Director.

“Authorised Sealing Officer” means an officer authorised by the Council to attest the Common Seal in conjunction with the Chairman or member presiding and the Director.

“By-law” means a By-law made pursuant to section 29(3) of the Act.

“Campus” means Churchlands Campus, Claremont Campus, Mount Lawley Campus and Nedlands Campus or such other campuses as determined by the Council and approved by the Minister pursu-

ant to section 17(1)(c) of the Act and shall, where the context permits, refer to such campuses individually and collectively.

“Chairman” means the Chairman of the Council elected pursuant to section 12 of the Act.

“Council” means the Council of the College.

“College” means the Western Australian College of Advanced Education established under the Act.

“Deputy Chairman” means the Deputy Chairman of the Council elected pursuant to section 12(1)(b) of the Act.

“Director” means the person appointed to be the Chief Executive Officer of the College pursuant to section 30 of the Act and includes a person appointed as Acting Director.

“enrolled student” means a student enrolled at the College.

“Institute” means the branch of the College known as the Bunbury Institute of Advanced Education established under section 18 of the Act.

“other staff” means those members of the full-time staff of the College who have not been appointed to the full-time academic staff of the College.

“Rule” means any Rule or By-law made under a Statute pursuant to section 26(7) of the Act.

“salaried staff” means those members of other staff of the College employed under the Tertiary Education Non-Academic Salaried Staff (Colleges) Award as registered from time to time with the Western Australian Industrial Commission.

“Sealed” means sealed with the Seal.

“Statute” means a Statute of the College made pursuant to section 26 of the Act.

“sub-section” means a sub-section of the section of the Statute in which the term is used.

“The Act” means the Western Australian College of Advanced Education Act 1984.

“The Seal” means the Common Seal of the College.

2. The Interpretation Act 1918-1962 applies to the Statutes and to By-laws or Rules made under the Statutes as if they were By-laws or Rules made under the Western Australian College of Advanced Education Act 1984.

3. In any Statute, By-law or Rule, unless the contrary intention appears, a reference to a member of the Council, a member of the staff or any officer or functionary of the College, or to such a person by the name of this office includes a reference to every person for the time being duly acting in the place of such a person or in such an office or duly discharging the duties of such a person or such an office.

The Common Seal of the Western Australian College of Advanced Education was hereto affixed by authority of a resolution of the Council of the College in the presence of:

[L.S.]

P. H. PORTER,
Chairman.

D. A. JECKS,
Authorised Sealing Officer.

WESTERN AUSTRALIAN COLLEGE OF ADVANCED EDUCATION ACT 1984

Western Australian College of Advanced Education
Statute No. 2
Common Seal

1. In this Statute, unless the content otherwise requires “Common Seal” means the Common Seal of the College described in section 2 of this Statute.

2. Common Seal

(1) The form of the Seal of the College is



(2) The Director shall keep the Seal in strict custody.

(3) Authorisation

(a) The Seal shall not be affixed to any document except by authority of a resolution of the Council or as authorised by sub-section (b) of this section.

(b) Where a document required to be sealed relates to matters which in the opinion of the Chairman or in his absence, The Deputy Chairman

(i) do not require prior consideration by the Council; or

(ii) are of a specially urgent nature,

the Chairman, or Deputy Chairman (as the case may be) may direct that the Seal be affixed to that document.

(c) In the event of the Seal being affixed to any document pursuant to sub-section (b), the Chairman or Deputy Chairman shall report to the Council at the first opportunity stating—

(i) the nature of the document to which the Seal was so affixed, and

(ii) the reason or reasons for his directing that the Seal be so affixed.

(4) Where the Seal is affixed to any document pursuant to a resolution of Council—

(a) The affixing of the Seal shall be carried out in the presence of, and attested by any two of the following—

(i) the Chairman (or the member presiding at the meeting of the Council at which the resolution was passed);

(ii) the Director;

(iii) the Authorised Sealing Officer.

(b) A clause shall be inserted at the end of the document to which the Seal is affixed in the following form—The Common Seal of the Western Australian College of Advanced Education was hereto affixed by authority of a resolution of the Council of the College in the presence of:

.....
Chairman (or member presiding)

.....
Director

.....
Authorised Sealing Officer

(5) When the Seal is affixed to any document pursuant to section 2(3)(b) of this Statute—

(a) The affixing of the Seal shall be carried out in the presence of, and attested by any two of the following—

(i) the Chairman (or Deputy Chairman);

(ii) the Director;

(iii) the Authorised Sealing Officer.

(b) A clause shall be inserted at the end of a document to which the Seal is affixed in the following form—The Common Seal of the Western

Australian College of Advanced Education was hereto affixed by direction of the Chairman (or Deputy Chairman as the case may be) of the Council of the College in the presence of:

.....
Chairman (or Deputy Chairman)

.....
Director

.....
Authorised Sealing Officer

(6) The Director shall cause an appropriate officer of the College to establish and maintain a register for the use of the Seal in which he shall cause to be recorded in respect of each document to which the Seal is affixed particulars of—

- (a) the nature of the document;
- (b) the date on which the Seal was affixed;
- (c) the authority for the fixing of the Seal; and
- (d) the name and description of each person attesting the affixing of the Seal.

The Common Seal of the Western Australian College of Advanced Education was hereto affixed by authority of a resolution of the Council of the College in the presence of:

[L.S.]

P. H. PORTER,
Chairman.
D. A. JECKS,
Authorised Sealing Officer.

WESTERN AUSTRALIAN COLLEGE OF ADVANCED EDUCATION ACT 1984

Western Australian College of Advanced Education

Statute No. 3

By-laws of the College

1. A By-law made by resolution of the Council shall be sealed and submitted to the Governor for approval and when so approved shall be published in the *Government Gazette*.

2. A By-law shall be published at the College by posting a copy of it on a notice board in or outside that part of the College building or buildings containing the administration offices of the College or as directed and authorised by the Council.

3. A By-law shall take effect from the date of publication in the *Government Gazette* or from a later date to be specified in the By-law.

The Common Seal of the Western Australian College of Advanced Education was hereto affixed by authority of a resolution of the Council of the College in the presence of:

[L.S.]

P. H. PORTER,
Chairman.
D. A. JECKS,
Authorised Sealing Officer.

WESTERN AUSTRALIAN COLLEGE OF ADVANCED EDUCATION ACT 1984

Western Australian College of Advanced Education

Statute No. 4

Rules of the College

1. The Council may make rules not inconsistent with the Act or with any Statute with respect to—

- (a) the management, good government and discipline of the College;
- (b) the use and custody of the Common Seal of the College, and the functions of the Council that may be exercised without the use of the Common Seal for that purpose;

- (c) the organisation and supervision of the teaching of enrolled students;
- (d) the academic and other staff, officers and employees of the College;
- (e) the manner and time of convening, holding and adjourning the meetings of the Council, the manner of voting at those meetings, the powers and duties of the Chairman, the conduct and record of business, the appointment of committees of the Council and the quorum, powers and duties of those committees;
- (f) the entrance standards for students;
- (g) the granting of appropriate degrees, diplomas and certificates or honorary awards by the Council;
- (h) the granting of scholarships, exhibitions, bursaries and prizes;
- (i) the fees to be charged for courses of study or instruction, examinations, degrees, diplomas and certificates of the College and for such other facilities or privileges of the College as are prescribed;
- (j) the admission of graduates and students of other educational institutions to any corresponding status in the College without examination;
- (k) the recognition, instead of or for the purpose of any examination or course of study, of any course of study completed or examination passed in any educational institution or under the auspices of any professional association or of any practical work performed in a field approved by the Council;
- (l) the establishment by the Council of hostels, and halls of residence for enrolled students and the management, control and closing of any of those hostels and halls;
- (m) the government of hostels and halls of residence that are under the control of the Council and the affiliation of hostels and halls of residence that are not under the control of the Council;
- (n) the control and investment of the property of the College;
- (o) the manner and time of convening, holding and adjourning the meetings of the Board of the Institute, the manner of voting at those meetings, the powers and duties of the chairman of the Board, the conduct and record of the business, the appointment of committees of the Board and the quorum, powers and duties of those committees; and
- (p) any matter authorized or directed by the Act to be prescribed by Statute in relation to the College.

2. A Rule made by resolution of the Council shall be sealed with the Seal.

3. The Council may by resolution, revoke or amend the whole or any part of a Rule. A Rule shall not be revoked or amended unless notice of the intention to move such a motion is placed on the agenda of a meeting of the Council.

4. A Rule, the amendment of a Rule or the revocation of a Rule shall be published at the College by posting a copy of it on a notice board in or outside that part of the College building or buildings containing the administration offices of the College or as directed and authorised by the Council.

5. A Rule shall take effect from the date upon which it is so published or from a later date to be specified in the Rule.

The Common Seal of the Western Australian College of Advanced Education was hereto affixed by authority of a resolution of the Council of the College in the presence of:

[L.S.]

P. H. PORTER,
Chairman.
D. A. JECKS,
Authorised Sealing Officer.

WESTERN AUSTRALIAN COLLEGE OF ADVANCED
EDUCATION ACT 1984

Western Australian College of Advanced Education

Statute No. 5

The Council

1. In this Statute, unless the contrary intention appears, "meeting" means a meeting of the Council.

2. Council to Meet

- (a) The Council shall hold such meetings as are necessary for the exercise of its functions.
- (b) The Chairman may at any time convene a meeting of the Council.
- (c) Upon the written request of any 4 members of the Council, the Chairman shall convene a special meeting of the Council to be held within 14 days of the request. The written request shall set forth the object or objects for which the meeting is required.

3. Quorum

- (a) At a meeting of the Council not less than one-half of the total number of members for the time being shall constitute a quorum.
- (b) In the event of a quorum not being present within 30 minutes after the time appointed for a meeting, the meeting shall be adjourned to a time not later than 14 days after the date of such adjournment.

4. Passage of Resolutions

At a meeting of the Council—

- (a) all motions shall be passed on the basis of a majority of the valid votes of members present;
- (b) the Chairman shall have a deliberative vote only;
- (c) when any question voted upon by the Council results in an equal number for and against, the Chairman shall declare the question lost.

5. Rescinding of a Resolution

A resolution of the Council shall not be rescinded unless notice of the intention to propose such rescission is placed on the agenda of a meeting.

6. Committees of the Council

- (a) The Council from time to time may:
 - (i) Appoint Committees either for general or specific purposes;
 - (ii) require a Committee to advise the Council in respect of any matter or class of matters.
- (b) The membership of Committees appointed by the Council shall be determined by the Council and may include persons who are not members of the Council.
- (c) The Director shall be an *ex officio* member of all Committees established by the Council except when specifically excluded by resolution of the Council.

7. Delegation of Power

The Director shall cause an appropriate officer of the Council to establish and maintain a register of all resolutions of the Council passed pursuant to section 15 of the Act delegating all or any of the Council's powers, authorities, duties and functions under the Act and all resolutions revoking any such delegation.

8. Rules of Debate

The Chairman shall preside at and regulate all meetings at which he is present.

The Common Seal of the Western Australian College of Advanced Education was hereto affixed by authority of a resolution of the Council of the College in the presence of:

[L.S.]

P. H. PORTER,
Chairman.
D. A. JECKS,
Authorised Sealing Officer.

WESTERN AUSTRALIAN COLLEGE OF ADVANCED
EDUCATION ACT 1984

Western Australian College of Advanced Education

Statute No. 6

Chief Executive Officer

1. The person for the time being appointed as the Chief Executive Officer of the College is the Director of the College.

2. Subject to the Act, the Statutes, By-laws and Rules of the College, and resolutions of the Council, the Director is responsible for the academic, administrative and other affairs of the College.

3. The Director shall promote the interests and further the development of the College.

4. The Director shall from time to time report to the Council on the affairs of the College.

5. The Director has all such powers and duties as may be—

- (a) necessary or convenient to enable him or her to carry out the responsibilities of the Director;
- (b) conferred on him or her by the Act, Statutes, By-laws and Rules of the College; or
- (c) delegated to or conferred on him or her by a resolution of the Council.

6. Without limiting the generality of the Director's power under section 5 of this Statute, the Director has the power to exercise general supervision over the activities and welfare of members of the staff and enrolled students of the College.

7. Unless otherwise prescribed, the Director may delegate any of his or her powers and duties to any person or Committee of persons.

8. The Director may—

- (a) if he or she considers it desirable, preside at any meeting of any such Committee, excluding Council Committees unless so appointed by the Council;
- (b) appoint a person to represent him or her on any such Committee.

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[L.S.]

P. H. PORTER,
Chairman.
D. A. JECKS,
Authorised Sealing Officer.

WESTERN AUSTRALIAN COLLEGE OF ADVANCED
EDUCATION ACT 1984

Western Australian College of Advanced Education

Statute No. 7

Membership of the Council

1. This Statute applies to members of the Council elected, appointed by the Minister on the recommendation of the Council or appointed by the Governor.

2. In this Statute unless the contrary intention appears—
"Deputy Chairman" means Deputy Chairman of the Council;

"Returning Officer" means a person appointed by the Council.

3. In accordance with section 9 of the Act, the Council shall include—

- (a) Members appointed by the Governor
 - (i) There shall be 7 persons appointed by the Governor.
 - (ii) The Chairman shall notify the Minister of the occurrence of a casual vacancy or of the impending expiry of the term of office of an appointed member.

(b) Members Appointed by the Minister on the Recommendation of the Council.

- (i) The Council shall from time to time recommend for appointment by the Minister as members of the Council, 3 persons who are not members of the staff or enrolled students of the College.
- (ii) Any member of the Council may nominate a person for membership and such nomination shall be in writing and shall include a brief statement regarding the nominee.
- (iii) The Chairman shall, not more than 10 weeks and not less than 6 weeks before the expiration of the term of office of a member referred to in sub-section (b)(i) or within 2 weeks of a vacancy occurring other than by effluxion of time, give notice to the Council of any such vacancy which will occur or has occurred.
- (iv) The closing date for nominations shall be not less than 10 days prior to the Council meeting immediately preceding the expiration of the term of office of a member referred to in sub-section (b)(i) or prior to the date of the next meeting of the Council following publication of the notice in the case of a vacancy occurring otherwise than by effluxion of time.
- (v) A ballot of the Council members, to fill a vacancy resulting from the expiration of the term of a member referred to in sub-section (b)(i), shall be held preceding the expiration of the term of the member and such ballot shall be conducted by secret ballot using the optional preferential system.
- (vi) Where a vacancy with respect to a member referred to in sub-section (b)(i) occurs other than by the effluxion of time, a ballot of the Council members shall be held prior to the next Council meeting following publication of the notice of a vacancy occurring and such ballot shall be conducted by secret ballot using the optional preferential system.
- (c) Members Elected from the Academic Staff of the College
- (i) There shall be 2 persons who are members of the academic staff of the College who are elected by members of that staff.
- (ii) The manner of election shall be in accordance with Statute No. 8.
- (d) Member Elected from the Salaried Staff Other Than the Academic Staff of the College
- (i) There shall be 1 person who is a member of the salaried staff, other than academic staff, of the College who is elected by members of that staff.
- (ii) The manner of election shall be in accordance with Statute No. 8.
- (e) Member Elected from the Alumni
- (i) There shall be 1 person whose name is registered on the Register of Alumni maintained by the College who is elected by and from the persons whose names are registered as the Alumni.
- (ii) The manner of election shall be in accordance with Statute No. 9.
- (f) Members Elected from the Enrolled Students
- (i) There shall be 2 persons who are enrolled students of the College who are elected by the enrolled students of the College.
- (ii) The manner of election shall be in accordance with Statute No. 10.
4. Election of Chairman
- (a) When the office of Chairman becomes vacant, the Council shall elect a person, whether a member or not, to be the Chairman for a term not exceeding 3 years.
- (b) Nomination of Chairman
- (i) Any member of the Council may nominate in writing a person as Chairman.
- (ii) In the case of a vacancy arising by the effluxion of time the Director shall, 3 months prior to the completion of the existing term of office, call for nominations to fill the forthcoming vacancy.
- (iii) In the case of a vacancy arising other than by the effluxion of time the Director shall, within 14 days of the vacancy occurring, call for nominations to fill the vacancy.
- (iv) The closing date for nominations shall be not less than 10 days prior to the Council meeting at which the election is to take place.
- (c) A ballot of Council members shall be held preceding the expiration of the term of office of the Chairman, or if a vacancy occurs other than by the effluxion of time within 3 months of the vacancy occurring, and such ballot shall be conducted as closely as possible in accordance with Statute No. 8.
5. Election of Deputy Chairman
- (a) When the office of Deputy Chairman becomes vacant, the Council shall elect one of their number to be Deputy Chairman for a term not exceeding 3 years.
- (b) Nomination of Deputy Chairman
- (i) Any member of the Council may nominate in writing a member as Deputy Chairman.
- (ii) In the case of a vacancy arising by the effluxion of time the Director shall, 3 months prior to the completion of the existing term of office, call for nominations to fill the forthcoming vacancy.
- (iii) In the case of a vacancy arising other than by the effluxion of time the Director shall, within 14 days of the vacancy occurring, call for nominations to fill the vacancy.
- (iv) The closing date for nominations shall be not less than 10 days prior to the Council meeting at which the election is to take place.
- (c) A ballot of Council members shall be held preceding the expiration of the term of office of the Deputy Chairman, or if a vacancy occurs other than by the effluxion of time within 3 months of the vacancy occurring, and such ballot shall be conducted as closely as possible in accordance with Statute No. 8.

The Common Seal of the Western Australian College of Advanced Education was hereto affixed by authority of a resolution of the Council of the College in the presence of:

[L.S.]

P. H. PORTER,
Chairman.
D. A. JECKS,
Authorised Sealing Officer.

WESTERN AUSTRALIAN COLLEGE OF ADVANCED EDUCATION ACT 1984

Western Australian College of Advanced Education
Statute No. 8

Election of Academic Staff and Salaried Staff to Council

1. Election

This Statute applies to election of members of academic staff and salaried staff to the Council pursuant to paragraphs (c) and (d) of section 9(1) of the Act.

2. Definitions

In this Statute unless the contrary intention appears—

“candidate” means a member of the academic staff or salaried staff nominated for election to the Council in the manner prescribed in section 6 of this Statute;

“elector” means a member of the academic staff or salaried staff at the time of closing of nominations;

“Returning Officer” means the Chief Electoral Officer appointed under the Electoral Act 1907 (as amended) or such other person as is appointed by him or her from time to time by notice to the Chairman of the Council.

“Scrutineer” means the person appointed as a scrutineer pursuant to section 14(a) of this Statute.

3. Returning Officer

- (a) The Returning Officer shall not be a candidate in any election in which he or she is to act.
- (b) The Returning Officer may appoint such officers (not being candidates) as he or she considers necessary to assist in the conduct of an election and the scrutiny thereof.
- (c) The Returning Officer shall be paid twenty per centum of the fees prescribed by Regulations made under the Electoral Act 1907 (as amended), for the Returning Officers at Parliamentary Elections and the officers employed by him or her shall, while engaged in the preparation and distribution of voting material and on the scrutiny and count of votes, be paid for their services and the fees prescribed for similar duties by those Regulations for Presiding Officers at Parliamentary Elections.

4. Notice of Election

- (a) Not less than twelve weeks prior to a vacancy occurring due to effluxion of time, the Chairman of the Council shall advise the Returning Officer of such impending vacancy and request the conduct of an election.
- (b) The Chairman of the Council shall, within two weeks of a vacancy occurring other than by effluxion of time, give notice to the Returning officer requiring the Returning Officer to hold an election for the unexpired portion of the term.

5. Publication of Notice of Election

The Returning Officer shall, within 14 days of receiving notification from the Chairman of the Council requiring the Returning Officer to conduct an election, cause a notice to be published on a notice board of each campus of the College and in a Staff Notice setting out—

- (i) the intention to hold an election;
- (ii) the title of office;
- (iii) the number of members to be elected;
- (iv) the manner in which nominations are to be made;
- (v) the place of lodging nominations;
- (vi) the time and date of the close of nominations;
- (vii) the time and date of the ballot.

6. Nominations

- (a) Nominations of candidates shall be lodged with the Returning Officer in the form of Form No. 1 or Form No. 2 in the Appendix to this Statute, as appropriate, not later than the day and time appointed for the receipt of nominations by the notice published under section 5 of this Statute.
- (b) A nomination shall be signed by the candidate and (if the candidate is not the proposer) by the proposer, each of whom must be a member of the academic staff or the salaried staff, as appropriate, as the time the nomination form is signed.
- (c) A proposer shall not nominate a number of candidates greater than the number of positions to be filled.
- (d) The Returning Officer shall reject any nomination form which, in his or her opinion, is not in order as required by this Statute, and any such rejection shall be final and conclusive as against that nomination. Nothing in this paragraph shall prevent a further nomination submitted in respect of a candidate being accepted by the Returning Officer before the close of nominations.
- (e) Where the number of candidates nominated does not exceed the number of candidates to be elected, the Returning Officer shall forthwith certify that fact, together with the names and addresses of the candidates nominated to the Chairman of the Council, and such certificate, when received by the Chairman, shall be the final and conclusive evidence of the election of that candidate as a member of the Council.
- (f) When the number of candidates nominated exceeds the number to be elected, the Returning Officer shall hold an election in accordance with this Statute, as hereinafter provided.
- (g) Any candidate may by notice in writing signed by the candidate, addressed to the Returning Officer and lodged with the Returning Officer not later than the time fixed for the close of nominations, withdraw his or her consent to the nomination and thereupon that candidate shall be considered as

not having been nominated and the Returning Officer shall omit the name of that candidate from the ballot paper.

7. Date for Election

The date fixed for the closing of the poll shall be not less than 21 days or more than 42 days after the closing of nominations. The date for the close of nominations shall be not less than 7 days or more than 14 days from the date of publication of the notice of election issued in accordance with section 5 of this Statute.

8. Electoral Roll

- (a) In the event of an election being required the Director or the Director's nominee shall, within 4 days after the close of nominations, supply the Returning Officer with a roll comprising a true and correct list of the names and addresses for service or posting of voting papers of all electors. The roll shall specify whether the electors are members of the academic staff or the salaried staff as at the day and time appointed for the receipt of nominations by the notice published under section 5 of this Statute, and the roll shall constitute the electoral roll for use at the election.
- (b) The Director or the Director's nominee shall endorse and sign on the roll so prepared a certificate as to the correctness thereof and that roll shall be conclusive evidence of the right of each person enrolled thereon to vote at the election.
- (c) The Director or the Director's nominee may cause a supplementary roll or rolls to be prepared and endorsed in conformity with, and having the same effect as, sub-section (b) so as to include the names of eligible persons incorrectly omitted from the roll. Such supplementary roll or rolls shall be forwarded to the Returning Officer forthwith after endorsement.
- (d) The Returning Officer shall, at the place where he or she carries out the functions as a Returning Officer, make the roll, including any supplementary rolls, applicable to an election for an office available for inspection by any elector, or by any person authorised by the Returning Officer, during the ordinary hours of business until the day on which the result of the election is declared.

9. Polling

When after the receipt of nominations of candidates an election is necessary to elect an elective member or elective members of the Council, the Returning Officer shall, as soon as practicable after the time fixed for the close of such nominations, cause ballot papers to be printed in accordance with Form No. 3 or Form No. 4 in the Appendix to this Statute, as appropriate, containing the full names of all the candidates. The candidates' names shall appear on the ballot paper in the order determined by the Returning Officer by lot.

10. Despatch of Voting Material

- (a) The Returning Officer shall send by prepaid letter post or otherwise to each person whose name appears as an elector on the electoral roll, to the elector's address as shown on the roll—
 - (i) one ballot paper, with the initials of the Returning Officer, or some other person authorised in that behalf by the Returning Officer, endorsed on the front thereof;
 - (ii) one envelope marked "Ballot Paper";
 - (iii) one envelope addressed to the Returning Officer; and
 - (iv) one counterfoil, to be completed and signed by the elector, in the form of Form No. 5 or Form No. 6 in the Appendix to this Statute, as appropriate.
- (b) For the purpose of casting his or her vote at the election, the elector—
 - (i) shall mark his or her vote on the ballot paper in the manner set out in section 12 of this Statute and shall then place the paper in the envelope marked "Ballot Paper" and seal the envelope; and
 - (ii) shall sign and complete the counterfoil in accordance with directions stated therein and then place the sealed envelope with the ballot paper enclosed therein and the counterfoil signed and completed in the envelope addressed to the Returning Officer, and seal such last mentioned envelope.

- (c) The elector may then send by post or other means or deliver the envelope addressed to the Returning Officer, with its enclosures, to the Returning Officer at the address shown on the envelope, but so that the envelope shall be in the hands of the Returning Officer not later than the time fixed for the closing of the poll.

- (d) Voting shall not be compulsory.

11. Replacement of Voting Material

If, prior to the closing of the poll, an elector satisfies the Returning Officer that the elector has not received a ballot paper and is entitled to vote at the election, or that the ballot paper or envelopes received by the elector have been lost or destroyed, and that the elector has not already voted at the poll, the Returning Officer may post or give personally to such elector a ballot paper and envelopes or a further ballot paper and envelopes, as the case may be.

12. Marking of Ballot Paper

- (a) When only one vacancy is to be filled and there are not more than two candidates, the elector shall mark his or her vote on the ballot paper by placing the numeral 1 opposite the name of the candidate for whom the elector votes.
- (b) When only one vacancy is to be filled and there are more than two candidates, the elector shall mark his or her vote on the ballot paper by placing the numeral 1 opposite the name of the candidate for whom the elector votes as first preference, and shall give contingent votes for all the remaining candidates by placing the numerals 2, 3 and so on (as the case requires) opposite their names, so as to indicate by such numerical sequence the order of the elector's preference.
- (c) When two vacancies are to be filled, the elector shall mark his or her vote on the ballot paper by placing the numeral 1 opposite the name of the candidate for whom the elector votes as first preference and the numeral 2 opposite the name of the candidate for whom the elector votes as second preference and shall give contingent votes for all the remaining candidates by placing the numerals 3, 4 and so on (as the case requires) opposite their names, so as to indicate by such numerical sequence the order of the elector's preference.

Provided that in the case of sub-sections (b) and (c), if numerals in arithmetical sequence are placed opposite the names of all the candidates but one, the next following numeral shall be deemed to be placed opposite the name of the remaining candidate.

13. Ballot Box

The Returning Officer shall place and keep in a locked and sealed ballot box, until the scrutiny, all envelopes purporting to contain ballot papers received by the Returning Officer up to the close of the poll.

14. Scrutineers

- (a) Each candidate at an election and the College shall be entitled to appoint, in writing, one scrutineer to be present when the envelopes containing ballot papers relating to the election are being opened at the commencement of the scrutiny and to remain during the scrutiny.
- (b) Every scrutineer shall, before acting as scrutineer, make and sign before the Returning Officer, a declaration in accordance with Form No. 7 in the Appendix to this Statute.
- (c) Any candidate may attend and be present at the counting of the votes.

15. The Scrutiny

- (a) As soon as practicable after the close of the poll, the Returning Officer, in the presence of any approved scrutineer, shall produce and open all sealed and locked ballot boxes in which the envelopes purporting to contain ballot papers and counterfoils have been placed.
- (b) The Returning Officer shall open each outer envelope, compare the enclosed counterfoil with the roll and—
- (i) if satisfied that the person named in the counterfoil is entitled to vote in terms of paragraph (c) or (d) of section 9(1) of the Act, as appropriate, and that the counterfoil has been completed and signed by the elector, strike out the name on the roll and,

without opening the envelope marked "Ballot Paper", deposit it in a locked and sealed ballot box and set aside the counterfoil for safe keeping;

- (ii) if the right of the person to vote is not established or if the counterfoil is not signed by the elector, the ballot paper shall not be admitted to the scrutiny and the Returning Officer shall replace the counterfoil and the envelope marked "Ballot Paper" in the outer envelope, and set the outer envelope and its contents aside for safe keeping.
- (c) When all the outer envelopes have been opened in accordance with sub-section (b), the Returning Officer shall proceed with the scrutiny and count of the votes.

16. Method of Count

The method of conducting the count shall be as follows—

- (a) In the case of an election at which only one vacancy is to be filled, the Returning Officer shall declare elected the candidate (if any) who has an absolute majority of votes. If no candidate has an absolute majority on the first count, the Returning Officer shall eliminate the candidate with the lowest number of votes and shall distribute the votes of such eliminated candidate amongst the remaining candidates according to the next preferences expressed on the relevant ballot paper. This procedure shall be repeated until one candidate has an absolute majority, whereupon that candidate shall be declared elected.
- (b) In the case of an election at which two vacancies are to be filled, the following provisions shall apply—
- (i) the count of votes shall take place as provided in sub-section (a) until one candidate has received an absolute majority and that candidate shall be declared elected to the first vacancy;
- (ii) the ballot papers shall be again brought into operation and counted by adding to the votes received by the remaining candidates (including the candidate or candidates eliminated pursuant to sub-section (a) for the purpose of determining which candidate shall fill the first vacancy) according to first preferences, the number of votes according to the second preferences expressed on the ballot papers on which the candidate elected to the first vacancy received a first preference vote;
- (iii) the Returning Officer shall declare elected to the second vacancy, the candidate (if any) who has received an absolute majority of votes from the counting conducted pursuant to sub-section (b)(ii) but if no candidate has an absolute majority on the first count, a second and, if necessary, subsequent counts shall be conducted in the manner provided in sub-section (a) until one candidate has an absolute majority, whereupon that candidate shall be declared elected to the second vacancy.

17. Informality of Ballot Paper

- (a) A ballot paper shall be informal—
- (i) if it is not initialled by the Returning Officer or the other officer authorised in that behalf;
- (ii) if, subject to sub-section (b), it is marked in any manner other than prescribed in section 12 of this Statute;
- (iii) if it has upon it any mark or writing not authorised by this Statute which in the opinion of the Returning Officer will enable any person to identify the elector;
- (iv) if it does not indicate the elector's vote or, if when there are more than two candidates, it is not marked so as effectively to indicate the elector's preference as regards all candidates; or
- (v) if no mark is indicated on it.

- (b) A ballot paper shall not be informal for any reason other than the reasons stated in sub-section (a) but shall be given effect according to the elector's intention so far as the elector's intention is clear, and in particular when there are only two candidates, a ballot paper shall not be informal by reason only of the elector having indicated a vote or first preference by a cross instead of the numeral 1.
- (c) The Returning Officer shall be the sole and final judge as to whether a ballot paper is informal.

18. Declaration of Poll

When the Returning Officer has completed the counting of the votes the Returning Officer shall declare the result of the election in the presence of the scrutineers and of any candidates who may be present at the time.

19. Preservation of Papers

On completion of the scrutiny and count of votes, the Returning Officer shall—

- (a) enclose in one packet all the used and counted ballot papers; in another packet all counterfoils admitted; and in a third packet all outer envelopes and their contents referred to in section 15(b) of this Statute;
- (b) seal up the several packets and endorse on each packet a description and the number of the contents respectively, the date of the election and sign the endorsement; and
- (c) retain the sealed packets.

20. Certification of Result

When the result of an election has been ascertained and declared the Returning Officer shall forthwith furnish to the Chairman of the Council a certificate of the result and state therein the names of the candidates who have been elected, and such a certificate, when received by the Chairman of the Council, shall be final and conclusive evidence of the election of those candidates as members of the Council, subject however to a determination of any appeal under section 23 of this Statute.

21. Destruction of Papers

Upon the expiry of three months after the date of the certification to the Chairman of the Council of the result of an election, the Returning Officer may authorise the destruction of the packets referred to in section 19 of this Statute.

22. Costs of Election

All costs, charges and expenses as incurred by the Returning Officer and any officers employed by the Returning Officer in connection with the publication of notices, the receipt of nominations of candidates for election, and the conduct of elections or in connection with any other matters incidental thereto and as certified in writing by the Returning Officer under the Returning Officer's hand, and communicated by the Returning Officer to the Chairman of the Council, shall be borne and paid by the Council or reimbursed to the Returning Officer, or the other officers employed by the Returning Officer as the case may be, by the Council out of monies from time to time in its hands but the Council may at its own expense have the accounts of the Returning Officer audited.

23. Right of Appeal

A candidate shall have the right of appeal to the Chairman of the Council within 7 days of the declaration of the poll should the candidate feel the conduct of the election was in any way contrary to this Statute. The Chairman of the Council shall have power to make such enquiry, as deemed necessary, into the matter complained of and after such enquiry may confirm the election or annul the election and direct that a fresh election be held.

The Common Seal of the Western Australian College of Advanced Education was hereto affixed by authority of a resolution of the Council of the College in the presence of:

[L.S.]

P. H. PORTER,
Chairman.
D. A. JECKS,
Authorised Sealing Officer.

Appendix

Form No. 1
(Statute No. 8)

Western Australian College of Advanced Education Act 1984

WESTERN AUSTRALIAN COLLEGE OF ADVANCED EDUCATION

FORM FOR NOMINATION OF CANDIDATE FOR ELECTION OF ACADEMIC STAFF MEMBER TO COUNCIL

I,
of
being a member of the academic staff
nominate
of
as a candidate for election under Section 9(1)(c) of the Western Australian College of Advanced Education Act 1984 as an elective member of the Council for the purpose of and in connection with the election to be held on the day of 19 for the election of elective members of that council under that Act.
Dated the day of 19

.....
Signature of Proposer

I, the abovenamed
of
being a member of the academic staff do hereby consent to the above nomination.
Dated the day of 19

.....
Signature of Candidate

Form No. 2
(Statute No. 8)

Western Australian College of Advanced Education Act 1984

WESTERN AUSTRALIAN COLLEGE OF ADVANCED EDUCATION

FORM FOR NOMINATION OF CANDIDATE FOR ELECTION OF SALARIED STAFF MEMBER TO COUNCIL

I,
of
being a member of the salaried staff
nominate
of
as a candidate for election under Section 9(1)(d) of the Western Australian College of Advanced Education Act 1984 as an elective member of the Council for the purpose of and in connection with the election to be held on the day of 19 for the election of elective members of that council under that Act.
Dated the day of 19

.....
Signature of Proposer

I, the abovenamed
of
being a member of the salaried staff do hereby consent to the above nomination.
Dated the day of 19

.....
Signature of Candidate

Form No. 3
(Statute No. 8)
Western Australian College of Advanced
Education Act 1984

WESTERN AUSTRALIAN COLLEGE OF ADVANCED
EDUCATION
BALLOT PAPER
FOR ELECTION OF ACADEMIC STAFF MEMBER TO
COUNCIL

Authorised Officer's
Initials

FOR use in an election of..... person (or persons) to
be elected as an elective member (or members) of the Coun-
cil under section 9(1)(c) of the abovementioned Act.
The Ballot Paper marked and completed in accordance with
the directions hereunder must be received by the Returning
Officer not later than on
the..... day of 19.....

FULL NAME OF CANDI- DATES	VOTE
.....
.....
.....

DIRECTIONS FOR VOTING

- (1) When only one vacancy is to be filled and there are not more than two candidates, the elector shall mark his or her vote on the ballot paper by placing the numeral 1 opposite the name of the candidate for whom the elector votes.
- (2) When only one vacancy is to be filled and there are more than two candidates, the elector shall mark his or her vote on the ballot paper by placing the numeral 1 opposite the name of the candidate for whom the elector votes as first preference, and shall give contingent votes for all the remaining candidates by placing the numerals 2, 3 and so on (as the case requires) opposite their names, so as to indicate by such numerical sequence the order of preference. Voting shall be by means of the full preferential ballot.
- (3) When two vacancies are to be filled, the elector shall mark his or her vote on the ballot paper by placing the numeral 1 opposite the name of the candidate for whom the elector votes as first preference and the numeral 2 opposite the name of the candidate for whom the elector votes as second preference, and shall give contingent votes for all the remaining candidates by placing the numerals 3, 4 and so on (as the case requires) opposite their names so as to indicate by such numerical sequence the order of the elector's preference. Voting shall be by means of proportional representation.
- (4) The elector shall then place the ballot paper in the envelope marked "Ballot Paper" and seal the envelope.
- (5) The elector shall then complete and sign the counterfoil Form No. 5 received by the elector with the ballot paper.
- (6) The elector shall then place the sealed ballot paper envelope and the completed counterfoil in the envelope addressed to the Returning Officer, seal the envelope and send same by post or deliver same to the Returning Officer so as to reach him or her no later than (date to be specified).

NOTE: Whichever of paragraphs 1, 2, or 3 are not applicable may be deleted.

Form No. 4
(Statute No. 8)
Western Australian College of Advanced
Education Act 1984

WESTERN AUSTRALIAN COLLEGE OF ADVANCED
EDUCATION
BALLOT PAPER
FOR ELECTION OF SALARIED STAFF MEMBER TO
COUNCIL

Authorised Officer's
Initials

FOR use in an election of a person to be elected as an
elective member of the Council under Section 9(1)(d) of the
abovementioned Act.

The Ballot Paper marked and completed in accordance with
the directions hereunder must be received by the Returning
Officer not later than on the
..... day of 19.....

FULL NAME OF CANDI- DATES	VOTE
.....
.....
.....

DIRECTIONS FOR VOTING

- (1) When there are not more than two candidates, the elector shall mark his or her vote on the ballot paper by placing the numeral 1 opposite the name of the candidate for whom the elector votes.
- (2) When there are more than two candidates, the elector shall mark his or her vote on the ballot paper by placing the numeral 1 opposite the name of the candidate for whom the elector votes as first preference, and shall give contingent votes for all the remaining candidates by placing the numerals 2, 3 and so on (as the case requires) opposite their names, so as to indicate by such numerical sequence the order of the elector's preference. Voting shall be by means of the full preferential ballot.
- (3) The elector shall then place the ballot paper in the envelope marked "Ballot Paper" and seal the envelope.
- (4) The elector shall then complete and sign the counterfoil Form No. 6 received by the elector with the ballot paper.
- (5) The elector shall then place the sealed ballot paper envelope and the completed counterfoil in the envelope addressed to the Returning Officer, seal the envelope and send same by post or deliver same to the Returning Officer so as to reach him or her no later than (date to be specified).

NOTE: Whichever of paragraphs 1, or 2 are not applicable may be deleted.

Form No. 5
(Statute No. 8)
Western Australian College of Advanced
Education Act 1984

WESTERN AUSTRALIAN COLLEGE OF ADVANCED
EDUCATION
COUNTERFOIL

STATEMENT BY ELECTOR TO ACCOMPANY
BALLOT PAPER FOR ELECTION OF ACADEMIC
STAFF MEMBER TO COUNCIL

I,
of
hereby submit the following facts in verification of my right
to vote, according to the accompanying ballot paper.

- (1) That I am an elector duly enrolled on the roll of the academic staff.
- (2) That as such an elector I am entitled to vote in the election now being held and closing at on day of 19..... for the election of person (or persons) as the elective member (or members) of the Council.
- (3) That I have not voted previously in the said election.

.....
Signature of Elector

Form No. 6
(Statute No. 8)
Western Australian College of Advanced
Education Act 1984

WESTERN AUSTRALIAN COLLEGE OF ADVANCED
EDUCATION

COUNTERFOIL

STATEMENT BY ELECTOR TO ACCOMPANY
BALLOT PAPER FOR ELECTION OF SALARIED
STAFF MEMBER TO COUNCIL

I,
of
hereby submit the following facts in verification of my right
to vote, according to the accompanying ballot paper.

- (1) That I am an elector duly enrolled on the roll of the
salaried staff.
- (2) That as such an elector I am entitled to vote in the
election now being held and closing at on
..... day of 19 for the election
of one person as the elected member of the Council.
- (3) That I have not voted previously in the said election.

.....
Signature of Elector.

Form No. 7
(Statute No. 8)
Western Australian College of Advanced
Education Act 1984

WESTERN AUSTRALIAN COLLEGE OF ADVANCED
EDUCATION

DECLARATION BY SCRUTINEER

I, (full name)
of (address)
do hereby declare that I will faithfully and impartially,
according to the best of my skill and judgement, carry out
the duties required of me as a scrutineer, in connection with
the election of an elective member of the Council and I do
further declare that I will not at such an election attempt to
ascertain how any person shall vote or has voted, and that if
in the discharge of such duties at or concerning the said
election I learn how any person has voted, I will not by word
or act directly or indirectly divulge or discover or aid in
divulging or discovering the same.

.....
Signature

Declared before me at
this day of 19
.....
Returning Officer

WESTERN AUSTRALIAN COLLEGE OF ADVANCED
EDUCATION ACT 1984

Western Australian College of Advanced Education
Statute No. 9
Election of an Alumnus to Council

1. Election

This Statute applies to the election of an Alumnus to the
Council pursuant to section 9(1)(f) of the Act.

2. Definitions

In this Statute unless the contrary intention appears—

“candidate” means a person whose whole and principal
employment is not that of a member of the staff of
the College and whose name is entered on the
register maintained pursuant to section 3 of this
Statute, nominated for election to the Council in
the manner prescribed in section 9 of this Statute;

“elector” means a person whose name is entered on the
register maintained pursuant to section 3 of this
Statute;

“Returning Officer” means the Chief Electoral Officer
appointed under the Electoral Act 1907 (as
amended) or such other person as is appointed by
him or her from time to time by notice to the
Chairman of the Council.

“scrutineer” means the person appointed as a scruti-
neer pursuant to section 15(a) of this Statute.

3. Register of the Alumni

(a) The Director or the Director’s nominee shall cause
a register to be kept of the alumni of the College.
The Register of Alumni shall contain the names
and addresses of alumni who advise the Director in
writing of their wish to have their names entered
on the Register so as to be entitled to receive
voting papers for the election of an alumnus to
Council.

(b) The Register of Alumni maintained by the College
prior to this Statute coming into operation is
continued in existence as if on the coming into
operation of this Statute it had been established
under this Statute.

(c) (i) From time to time the Register of Alumni
shall be revised. On each revision of the
Register the Director or the Director’s
nominee shall cause a notice to be sent, by
prepaid letter post or otherwise, to each per-
son whose name appears on the Register at the
address given therein, requesting them to indi-
cate whether they wish their name to remain
on the Register by completing the notice and
returning it to the Director.

(ii) The name and address of each alumnus who
returns a notice duly completed to the Direc-
tor shall remain on the Register unless the
member has specifically indicated that he or
she wishes their name to be removed from the
Register.

(iii) The name and address of any alumnus who
does not return the notice duly completed to
the Director before the expiration of two cal-
endar months from the date of posting to them
of the notice shall be removed from the
Register.

(iv) The name and address of an alumnus may be
deleted from the Register after mail addressed
to the alumnus has been returned unclaimed
and in the absence of any other evidence of the
true address of the alumnus.

(d) Where an alumnus at any time requests in writing
that his or her name be removed from the Register
the name and address of the alumnus shall be re-
moved from the Register.

(e) An alumnus may at any time apply in writing to
the Director requesting that his or her name and
address be entered on the Register notwithstand-
ing that the name of the alumnus has previously
been removed from the Register and the Director
shall, on receipt of such application, enter the name
and address of the alumnus on the Register.

(f) The Register shall be available at all reasonable
times for inspection by any alumnus.

4. Returning Officer

(a) The Returning Officer shall not be a candidate in
any election in which he or she is to act.

(b) The Returning Officer may appoint such officers
(not being candidates) as he or she considers
necessary to assist in the conduct of an election
and the scrutiny thereof.

(c) The Returning Officer shall be paid twenty per
centum of the fees prescribed by Regulations made
under the Electoral Act 1907 (as amended) for the
Returning Officers at Parliamentary Elections and
the officers employed by him or her shall, while
engaged in the preparation and distribution of
voting material and on the scrutiny and count of
votes, be paid for their services the fees prescribed
for similar duties by those Regulations for Presid-
ing Officers at Parliamentary Elections.

5. Notice of Election

(a) Not less than 12 weeks prior to a vacancy occurring
due to effluxion of time, the Chairman of the
Council shall advise the Returning Officer of such
impending vacancy and request the conduct of an
election.

- (b) The Chairman of the Council shall, within two weeks of a vacancy occurring other than by effluxion of time, give notice to the Returning Officer requiring the Returning Officer to hold an election for the unexpired portion of the term.

6. Electoral Roll

- (a) The Director or the Director's nominee shall, concurrently with the Chairman of the Council forwarding the Notice of Election to the Returning Officer, supply the Returning Officer with a roll comprising a true and correct list of the names and addresses of all persons whose names have been entered on the Register of Alumni—
- (i) in the case of the first election, as at 3 September 1984, and
 - (ii) in the case of all subsequent elections, as at 4.45 p.m. on the day immediately preceding the date of the relevant Notice of Election.
- (b) The Director or the Director's nominee shall endorse and sign on the roll so prepared a certificate as to the correctness thereof and that roll shall be conclusive evidence of the right of each person enrolled thereon to nominate, to be nominated, and to vote at the election.
- (c) The Director or the Director's nominee may cause a supplementary roll or rolls to be prepared and endorsed in conformity with, and having the same effect as, sub-section (b) so as to include the names of eligible persons inadvertently omitted from the roll. Such supplementary roll or rolls shall be forwarded to the Returning Officer forthwith after endorsement.
- (d) The Returning Officer shall, at the place where he or she carries out the functions as Returning Officer, make the roll, including any supplementary rolls, applicable to an election for an office available for inspection by any elector, or by any person authorised by the Returning Officer, during the ordinary hours of business until the day on which the result of the election is declared.

7. Publication of Notice of Election

- (a) The Returning Officer shall cause a notice of the election to be printed, setting out—
- (i) the intention to hold an election to elect to the Council one Alumnus of the College;
 - (ii) the manner in which nominations are to be made;
 - (iii) the place of lodging nominations;
 - (iv) the time and date of the close of nominations;
 - (v) the time and date of the ballot.
- (b) The Returning Officer shall, within 14 days of receiving notification from the Chairman of the Council requiring the Returning Officer to conduct an election, cause the Notice of Election printed under sub-section (a) to be—
- (i) sent by post or otherwise to each person whose name appears on the electoral roll at the address given therein;
 - (ii) published in at least one daily newspaper published in Perth and one daily newspaper published nationally, and
 - (iii) placed on a notice board of each campus or branch of the College.

8. Date for Election

The date fixed for the closing of the poll shall be not less than 28 days or more than 42 days after the closing of nominations. The date for the close of nominations shall be not less than 14 days or more than 28 days from the date of publication of the notice of election issued in accordance with section 7(b) of this Statute.

9. Nominations

- (a) Nominations of candidates shall be lodged with the Returning Officer in the form of Form No. 1 in the Appendix to this Statute, not later than the day and time appointed for the receipt of nominations by the notice published under section 7(b) of this Statute.
- (b) There may be delivered with the nomination of a person seeking election a biography not exceeding 150 words in length.

- (c) A nomination shall be signed by the candidate and (if the candidate is not the proposer) by the proposer, each of whom must have his or her name entered on the Register of Alumni referred to in section 6(a) of this Statute.
- (d) A proposer shall not nominate a number of candidates greater than the number of positions to be filled.
- (e) The Returning Officer shall reject any nomination form which, in his or her opinion, is not in order as required by this Statute, and any such rejection shall be final and conclusive as against that nomination. Nothing in this paragraph shall prevent a further nomination submitted in respect of a candidate being accepted by the Returning Officer before the close of nominations.
- (f) Where the number of candidates nominated does not exceed the number of candidates to be elected, the Returning Officer shall forthwith certify that fact, together with the name and address of the candidate nominated, to the Chairman of the Council and such certificate, when received by the Chairman, shall be the final and conclusive evidence of the election of the candidate as a member of the Council.
- (g) When the number of candidates nominated exceeds the number to be elected, the Returning Officer shall hold an election in accordance with this Statute, as hereinafter provided.
- (h) Any candidate may by notice in writing signed by the candidate, addressed to the Returning Officer and lodged with the Returning Officer not later than the time fixed for the close of nominations, withdraw his or her consent to the nomination and thereupon that candidate shall be considered as not having been nominated and the Returning Officer shall omit the name of that candidate from the ballot paper.

10. Polling

When after the receipt of nominations of candidates an election is necessary to elect an elective member of the Council, the Returning Officer shall, as soon as practicable after the time fixed for the close of such nominations—

- (i) cause ballot papers to be printed, in accordance with Form No. 2 in the Appendix to this Statute, containing the full names of all the candidates. The candidates' names shall appear on the ballot paper in the order determined by the Returning Officer by lot;
- (ii) cause a biography (not exceeding 150 words in length) submitted by each candidate to be printed, provided the information contained in the biography appears to the Returning Officer to be relevant to the candidate's qualifications for the election. If after 7 clear days from the last date of lodgement of nominations the Returning Officer does not consent to the printing of the biography submitted by the candidate, no biography shall be printed.

11. Despatch of Voting Material

- (a) At least 14 clear days prior to the date of the time fixed for the closing of the poll, the Returning Officer shall send by prepaid letter post or otherwise to each person whose name appears as an elector on the electoral roll, to the elector's address as shown on the roll—
- (i) one ballot paper, with the initials of the Returning Officer, or of some other person authorised in that behalf by the Returning Officer, endorsed on the front thereof;
 - (ii) one envelope marked "Ballot Paper";
 - (iii) one envelope addressed to the Returning Officer;
 - (iv) one counterfoil in the form of Form No. 3 in the Appendix to this Statute, to be completed and signed by the elector; and
 - (v) a biography of each candidate prepared in accordance with section 10(ii) of this Statute.
- (b) For the purpose of casting his vote at the election, the elector—
- (i) shall mark his or her vote on the ballot paper in the manner set out in section 13 of this Statute and shall then place the same in the envelope marked "Ballot Paper" and seal the envelope; and

(ii) shall then sign and complete the counterfoil in accordance with directions stated therein and then place the sealed envelope with the ballot paper enclosed therein and the counterfoil signed and completed in the envelope addressed to the Returning Officer, and seal such last mentioned envelope.

(c) The elector may then send by post or other means or deliver the envelope addressed to the Returning Officer, with its enclosures, to the Returning Officer at the address shown on the envelope, but so that the envelope shall be in the hands of the Returning Officer not later than the time fixed for the closing of the poll.

(d) Voting shall not be compulsory.

12. Replacement of Voting Material

If, prior to the closing of the poll, an elector satisfies the Returning Officer that the elector has not received a ballot paper and is entitled to vote at the election, or that the ballot paper or envelopes received by the elector have been lost or destroyed, and that the elector has not already voted at the poll, the Returning Officer may post or give personally to such elector a ballot paper and envelopes or a further ballot paper and envelopes, as the case may be.

13. Marking of Ballot Paper

(a) When there are not more than two candidates, the elector shall mark his or her vote on the ballot paper by placing the numeral 1 opposite the name of the candidate for whom the elector votes.

(b) When there are more than two candidates, the elector shall mark his or her vote on the ballot paper by placing the numeral 1 opposite the name of the candidate for whom the elector votes as first preference, and shall give contingent votes for all the remaining candidates by placing the numerals 2, 3 and so on (as the case requires) opposite their names, so as to indicate by such numerical sequence the order of the elector's preference.

Provided that in the case of sub-section (b), if numerals in arithmetical sequence are placed opposite the names of all the candidates but one, the next following numeral shall be deemed to be placed opposite the name of the remaining candidate.

14. Ballot Box

The Returning Officer shall place and keep in a locked and sealed ballot box, until the scrutiny, all envelopes purporting to contain ballot papers received up to the close of the poll.

15. Scrutineers

(a) Each candidate at an election and the College shall be entitled to appoint, in writing, one scrutineer to be present when the envelopes containing ballot papers relating to the election are being opened at the commencement of the scrutiny and to remain during the scrutiny.

(b) Every scrutineer shall, before acting as scrutineer, make and sign, before the Returning Officer, a declaration in accordance with Form No. 4 in the Appendix to this Statute.

(c) Any candidate may attend and be present at the counting of the votes.

16. The Scrutiny

(a) As soon as practicable after the close of the poll, the Returning Officer, in the presence of any approved scrutineer, shall produce and open all sealed and locked ballot boxes in which the envelopes purporting to contain ballot papers and counterfoils have been placed.

(b) The Returning Officer shall open each outer envelope, compare the enclosed counterfoil with the register and—

(i) if satisfied that the person named in the counterfoil is entitled to vote in terms of section 9(1)(f) of the Act and that the counterfoil has been completed and signed by the elector, strike out the name on the register and, without opening the envelope marked "Ballot Paper", deposit it in a locked and sealed ballot box and set aside the counterfoil for safe keeping;

(ii) if the right of the person to vote is not established or if the counterfoil is not signed by the elector, the ballot paper shall not be admitted to the scrutiny and the Returning

Officer shall replace the counterfoil and the envelope marked "Ballot Paper" in the outer envelope, and set the outer envelope and its contents aside for safe keeping.

(c) When all the outer envelopes have been opened in accordance with sub-section (b), the Returning Officer shall proceed with the scrutiny and count of the votes.

17. Method of Count

The Returning Officer shall declare elected the candidate (if any) who has an absolute majority of votes. If no candidate has an absolute majority on the first count, the Returning Officer shall eliminate the candidate with the lowest number of votes and shall distribute the votes of such eliminated candidate amongst the remaining candidates according to the next preferences expressed on the relevant ballot paper. This procedure shall be repeated until one candidate has an absolute majority, whereupon that candidate shall be declared elected.

18. Informality of Ballot Paper

(a) A ballot paper shall be informal—

(i) if it is not initialled by the Returning Officer or the other officer authorised in that behalf;

(ii) if, subject to sub-section (b), it is marked in any other manner than prescribed in section 13 of this Statute;

(iii) if it has upon it any mark or writing not authorised by this Statute which in the opinion of the Returning Officer will enable any person to identify the elector;

(iv) if it does not indicate the elector's vote or, if when there are more than two candidates, it is not marked so as effectively to indicate the elector's preference as regards all candidates; or

(v) if no mark is indicated on it.

(b) A ballot paper shall not be informal for any reason other than the reasons stated in sub-section (a) but shall be given effect according to the elector's intention so far as the elector's intention is clear, and, in particular when there are only two candidates, a ballot paper shall not be informal by reason only of the elector having indicated a vote or first preference by a cross instead of the numeral 1.

(c) The Returning Officer shall be the sole and final judge as to whether a ballot paper is informal.

19. Declaration of Poll

When the Returning Officer has completed the counting of the votes, the Returning Officer shall declare the result of the election in the presence of the scrutineers and of any candidates who may be present at the time.

20. Preservation of Papers

On completion of the scrutiny and count of votes, the Returning Officer shall—

(a) enclose in one packet all the used and counted ballot papers; in another packet all counterfoils admitted; and in a third packet all outer envelopes and their contents referred to in section 16(b) of this Statute;

(b) seal up the several packets and endorse on each packet a description and the number of the contents respectively, the date of the election and sign the endorsement; and

(c) retain the sealed packets.

21. Certification of Result

When the result of an election has been ascertained and declared the Returning Officer shall forthwith furnish to the Chairman of the Council a certificate of the result and state therein the name of the candidate who has been elected, and such a certificate, when received by the Chairman of the Council shall be final and conclusive evidence of the election of the candidate as a member of the Council, subject however to a determination of any appeal under section 24 of this Statute.

22. Destruction of Papers

Upon the expiration of three months after the date of the certification to the Chairman of the Council of the result of an election, the Returning Officer may authorise the destruction of the packets referred to in section 20 of this Statute.

23. Costs of Election

All costs, charges and expenses as incurred by the Returning Officer and any officers employed by the Returning Officer in connection with the publication of notices, the receipt of nominations of candidates for election, and the conduct of elections or in connection with any other matters incidental thereto and as certified in writing by the Returning Officer under the Returning Officer's hand, and communicated by the Returning Officer to the Chairman of the Council, shall be borne and paid by the Council or reimbursed to the Returning Officer, or the other officers employed by the Returning Officer as the case may be, by the Council out of moneys from time to time in its hand but the Council may at its own expense have the accounts of the Returning Officer audited.

24. Right of Appeal

A candidate shall have the right of appeal to the Chairman of the Council within 7 days of the declaration of the poll should the candidate feel the conduct of the election was in any way contrary to this Statute. The Chairman of the Council shall have power to make such enquiry as deemed necessary into the matter complained of and after such enquiry may confirm the election or annul the election and direct that a fresh election be held.

The Common Seal of the Western Australian College of Advanced Education was hereto affixed by authority of a resolution of the Council of the College in the presence of:

[L.S.] P. H. PORTER, Chairman. D. A. JECKS, Authorised Sealing Officer.

Appendix

Form No. 1 (Statute No. 9) Western Australian College of Advanced Education Act 1984

WESTERN AUSTRALIAN COLLEGE OF ADVANCED EDUCATION

FORM FOR NOMINATION OF CANDIDATE FOR ELECTION OF AN ALUMNUS TO COUNCIL

I, ... of ... being an Alumnus whose name is entered on the Register of Alumni nominate ... of ... as a candidate for election under Section 9(1)(f) of the Western Australian College of Advanced Education Act 1984 as the elective member of the Council for the purpose of and in connection with the election to be held on the ... day of ... 19 ... for the election of elective members of that Council under that Act. Dated the ... day of ... 19 ...

Signature of Proposer

I, the abovenamed ... of ... being an Alumnus whose name is entered on the Register of Alumni and whose sole and principal employment is not that of a member of the staff of the College do hereby consent to the above nomination. Dated the ... day of ... 19 ...

Signature of Candidate

Form No. 2 (Statute No. 9) Western Australian College of Advanced Education Act 1984

WESTERN AUSTRALIAN COLLEGE OF ADVANCED EDUCATION

BALLOT PAPER FOR ELECTION OF AN ALUMNUS TO COUNCIL

Authorised Officer's Initials

FOR use in an election of one person to be elected as the elective member of the Council under Section 9(1)(f) of the Act.

The Ballot Paper marked and completed in accordance with the directions hereunder must be received by the Returning Officer not later than ... on ... the ... day of ... 19 ...

Table with 2 columns: FULL NAME OF CANDIDATES, VOTE

DIRECTIONS FOR VOTING

- (1) When there are not more than two candidates, the elector shall mark his or her vote on the ballot paper by placing the numeral 1 opposite the name of the candidate for whom the elector votes. (2) When there are more than two candidates, the elector shall mark his or her vote on the ballot paper by placing the numeral 1 opposite the name of the candidate for whom the elector votes as first preference, and shall give contingent votes for all the remaining candidates by placing the numerals 2, 3 and so on (as the case requires) opposite their names, so as to indicate by such numerical sequence the order of preference. Voting shall be by means of the full preferential ballot. (3) The elector shall then place the ballot paper in the envelope marked "Ballot Paper" and seal the envelope. (4) The elector shall then complete and sign the counterfoil Form No. 3 received by the elector with the ballot paper. (5) The elector shall then place the sealed ballot paper envelope and the completed counterfoil in the envelope addressed to the Returning Officer, seal the envelope and send same by post or deliver same to the Returning Officer so as to reach him or her no later than (date to be specified).

NOTE: Whichever of paragraphs 1 or 2 are not applicable may be deleted.

Form No. 3 (Statute No. 9) Western Australian College of Advanced Education Act 1984

WESTERN AUSTRALIAN COLLEGE OF ADVANCED EDUCATION

COUNTERFOIL

STATEMENT BY ELECTOR TO ACCOMPANY BALLOT PAPER FOR ELECTION OF AN ALUMNUS TO COUNCIL

I, ... of ... hereby submit the following facts in verification of my right to vote, according to the accompanying ballot paper.

- (1) That I am an elector whose name is duly entered on the Register of Alumni. (2) That as such an elector I am entitled to vote in the election now being held and closing at ... on ... day of ... 19 ... for the election of one person as the elective member of the Council. (3) That I have not voted previously in the said election.

Signature of Elector

Form No. 4
(Statute No. 9)

Western Australian College of Advanced
Education Act 1984

WESTERN AUSTRALIAN COLLEGE OF ADVANCED
EDUCATION

DECLARATION BY SCRUTINEER

I, (full name)
of (address)
do hereby declare that I will faithfully and impartially,
according to the best of my skill and judgement, carry out
the duties required of me as a scrutineer, in connection with
the election of elective members of the Council and I do
further declare that I will not at such an election attempt to
ascertain how any person shall vote or has voted, and that if
in the discharge of such duties at or concerning the said
election I learn how any person has voted, I will not by word
or act directly or indirectly divulge or discover or aid in
divulging or discovering the same.

.....
Signature

Declared before me at
this day of 19.....

.....
Returning Officer

WESTERN AUSTRALIAN COLLEGE OF ADVANCED
EDUCATION ACT 1984

Western Australian College of Advanced Education
Statute No. 10

Election of Enrolled Students to Council

1. Election

This Statute applies to the election of enrolled students
to the Council pursuant to section 9(1)(e) of the Act.

2. Definitions

In this Statute unless the contrary intention appears—

“candidate” means an enrolled student of the College,
whose principal employment (if any) is not that of
a member of the staff of the College, nominated for
election to the Council in the manner prescribed in
section 6 of this Statute;

“elector” means an enrolled student of the College at
the time of closing of nominations;

“Presiding Officer” means the person appointed as a
presiding officer pursuant to section 10(b) of this
Statute.

“Returning Officer” means the Chief Electoral Officer
appointed under the Electoral Act 1907 (as
amended) or such other person as is appointed by
him or her from time to time by notice to the
Chairman of the Council.

“scrutineer” means the person appointed as a
scrutineer pursuant to section 12(a) of this Statute.

3. Returning Officer

(a) The Returning Officer shall not be a candidate in
any election in which he or she is to act.

(b) The Returning Officer may appoint such officers
(not being candidates) as he or she considers
necessary to assist in the conduct of an election
and the scrutiny thereof.

(c) The Returning Officer shall be paid twenty per
centum of the fees prescribed by Regulations made
under the Electoral Act 1907 (as amended), for the
Returning Officers at Parliamentary Elections and
the officers employed by him shall, hile engaged in
the preparation and distribution of voting material
and on the scrutiny and count of votes, be paid for
their services the fees prescribed for similar duties
by those Regulations for Presiding Officers at Par-
liamentary Elections.

4. Notice of Election

(a) Not less than twelve weeks prior to a vacancy
occurring due to effluxion of time, the Chairman of
the Council shall advise the Returning Officer of
such impending vacancy and request the conduct
of an election.

(b) The Chairman of the Council shall, within two
weeks of a vacancy occurring other than by
effluxion of time, give notice to the Returning
Officer requiring the Returning Officer to hold an
election for the unexpired portion of the term.

5. Publication of Notice of Election

The Returning Officer shall, within 14 days of receiving
notification from the Chairman of the Council requiring the
Returning Officer to conduct an election, cause a notice to
be published on a notice board of each campus and branch
of the College and in a Student Notice setting out—

- (i) the intention to hold an election;
- (ii) the title of office;
- (iii) the number of members to be elected;
- (iv) the manner in which nominations are to be made;
- (v) the place of lodging nominations;
- (vi) the time and date of the close of nominations;
- (vii) the time and date of the ballot.

6. Nominations

(a) Nominations of candidates shall be lodged with the
Returning Officer in the form of Form No. 1 in the
Appendix to this Statute, not later than the day
and time appointed for the receipt of nominations
by the notice published under section 5 of this
Statute.

(b) A nomination shall be signed by the candidate and
(if the candidate is not the proposer) by a proposer,
each of whom must be an enrolled student of the
College at the time the nomination form is signed.

(c) A proposer shall not nominate a number of candi-
dates greater than the number of positions to be
filled.

(d) The Returning Officer shall reject any nomination
form which, in his or her opinion, is not in order as
required by this Statute, and any such rejection
shall be final and conclusive as against that
nomination. Nothing in this paragraph shall pre-
vent a further nomination submitted in respect of a
candidate being accepted by the Returning Officer
before the close of nominations.

(e) Where the number of candidates nominated does
not exceed the number of candidates to be elected,
the Returning Officer shall forthwith certify that
fact, together with the names and addresses of the
candidates nominated to the Chairman of the
Council, and such certificate, when received by the
Chairman, shall be the final and conclusive evi-
dence of the election of that candidate as a mem-
ber of the Council.

(f) When the number of candidates nominated ex-
ceeds the number to be elected, the Returning
Officer shall hold an election in accordance with
this Statute, as hereinafter provided.

(g) Any candidate may by notice in writing signed by
the candidate, addressed to the Returning Officer
and lodged with the Returning Officer not later
than 7 clear days after the time fixed for the close
of nominations, withdraw his or her consent to the
nomination and thereupon that candidate shall be
considered as not having been nominated and the
Returning Officer shall omit the name of that candi-
date from the ballot paper.

7. Date for Election

The date fixed for the closing of the poll shall be not less
than 21 days or more than 42 days after the closing of
nominations. The date for the closing of nominations shall
be not less than 7 days or more than 14 days from the date
of publication of the notice of election issued in accordance
with section 5 of this Statute.

8. Electoral Roll

(a) In the event of an election being required the Di-
rector or the Director's nominee shall, within 4
days after the close of nominations, supply the
Returning Officer with a roll comprising a true and
correct list of the names and campus or branch of
enrolment of all electors, with the names and cam-
pus or branch of enrolled external students being
indicated on a separate list. The roll shall be the
student enrolment at the College as at the day and
time appointed for the receipt of nominations by
the notice published under section 5 of this Stat-
ute.

- (b) The Director or the Director's nominee shall endorse and sign on the roll so prepared a certificate as to the correctness thereof and that roll shall be conclusive evidence of the right of each person enrolled thereon to vote at the election.
- (c) The Director or the Director's nominee may cause a supplementary roll or rolls to be prepared and endorsed in conformity with, and having the same effect as, sub-section (b) so as to include the names of eligible persons incorrectly omitted from the roll. Such supplementary roll or rolls shall be forwarded to the Returning Officer forthwith after endorsement.
- (d) The Returning Officer shall, at the place where he or she carries out his functions as a Returning Officer, make the roll, including any supplementary rolls, applicable to an election for an office available for inspection by any elector, or by any person authorised by the Returning Officer, during the ordinary hours of business until the day on which the result of the election is declared.

9. Polling

When after the receipt of nominations of candidates an election is necessary to elect an elective member or elective members of the Council, the Returning Officer shall, as soon as practicable after the time fixed for the close of such nominations, cause ballot papers to be printed in accordance with Forms No. 2 and No. 3 in the Appendix to this Statute containing the full names of all the candidates. The candidates' names shall appear on the ballot paper in the order determined by the Returning Officer by lot.

10. Voting

- (a) The Returning Officer shall appoint a polling place at each campus and branch.
- (b) The Returning Officer shall appoint not less than two members of the staff of the College as presiding officers at each polling place. No candidate or proposer shall act as a presiding officer.
- (c) (i) An elector shall vote in terms of section 9(1)(e) of the Act.
- (ii) An elector shall cast his vote by personally attending at the appointed polling place at the campus or branch recorded on the roll as his or hers campus or branch of enrolment, between the hours of 8.00 a.m. and 8.00 p.m. on the day appointed for the poll. No elector shall cast more than one vote at an election.
- (iii) The elector shall state his full name to the Presiding Officer.
- (iv) The Presiding Officer shall enquire whether the elector has voted before at the election and if the answer is in the negative and the elector's name is on the roll the Presiding Officer shall mark the name off the roll and hand the elector a ballot paper in the form of Form No. 2 in the Appendix to this Statute. The Presiding Officer shall initial the ballot paper before handing it to the elector.
- (v) The elector shall mark his ballot paper in accordance with the directions contained therein and deposit it in a locked and sealed ballot box provided by the Presiding Officer for that purpose.
- (vi) An elector who spoils a ballot paper, and has not deposited it in a ballot box, may return it to the Presiding Officer who shall forthwith destroy it and hand the elector a further ballot paper.
- (vii) The Presiding Officer shall keep a tally of the number of electors issued with a ballot paper.
- (viii) As soon as practicable after the close of the poll the Presiding Officer shall forward all ballot boxes containing ballot papers to the Returning Officer. The Presiding Officer shall also forward to the Returning Officer rolls used at the election, all unused ballot papers issued to him, and a record of the number of ballot papers issued.
- (d) (i) Notwithstanding any other provision of this Statute, any elector whose name appears on the roll of enrolled external students, and who has reason to believe that during the hours of polling he or she will not be at the campus or

branch recorded on the roll as his or her campus or branch of enrolment, may make written application to the Returning Officer for a postal ballot paper.

- (ii) The Returning Officer shall send by prepaid post or otherwise to such persons, to the address as shown in the application, or shall hand to the elector personally—
 - (A) one ballot paper in the form of Form No. 3 in the Appendix to this Statute, with the initials of the Returning Officer, or of some other person authorised in that behalf by the Returning Officer, endorsed on the front thereof;
 - (B) one envelope marked "Ballot Paper";
 - (C) one envelope addressed to the Returning Officer; and
 - (D) one counterfoil in the form of Form No. 4 in the Appendix to this Statute, to be completed and signed by the elector.
- (iii) For the purpose of casting his vote at the election, the elector—
 - (A) shall mark his vote on the ballot paper in the manner set out in section 11 of this Statute and shall then place the paper in the envelope marked "Ballot Paper" and seal the envelope; and
 - (B) shall sign and complete the counterfoil in accordance with directions stated therein and then place the sealed envelope with the ballot paper enclosed therein and the counterfoil signed and completed in the envelope addressed to the Returning Officer, and seal such last mentioned envelope.
- (iv) The elector may then send by post or other means or deliver the envelope addressed to the Returning Officer, with its enclosures, to the Returning Officer at the address shown on the envelope, but so that the envelope shall be in the hands of the Returning Officer not later than the time fixed for the closing of the poll or may cause it to be delivered to a Presiding Officer during the hours of polling, in which case the Presiding Officer shall deposit the envelope unopened in the locked and sealed ballot box used for ordinary votes.
- (v) If, prior to the closing of the poll, an elector making application under this paragraph satisfies the Returning Officer that he or she has not received a ballot paper and is entitled to vote at the election, or that the ballot paper or envelopes received by the elector have been lost or destroyed and that the elector has not already voted at the poll, the Returning Officer may post or give personally to such elector a ballot paper and envelopes or a further ballot paper and envelopes, as the case may be.
- (vi) The Returning Officer shall place and keep in a locked and sealed ballot box, until the scrutiny, all envelopes purporting to contain ballot papers received by him up to the close of the poll.
- (e) Voting shall not be compulsory.

11. Marking of Ballot Paper

- (a) When only one vacancy is to be filled and there are not more than two candidates, the elector shall mark his or her vote on the ballot paper by placing the numeral 1 opposite the name of the candidate for whom the elector votes.
- (b) When only one vacancy is to be filled and there are more than two candidates, the elector shall mark his or her vote on the ballot paper by placing the numeral 1 opposite the name of the candidate for whom the elector votes as first preference, and shall give contingent votes for all the remaining candidates by placing the numerals 2, 3 and so on (as the case requires) opposite their names, so as to indicate by such numerical sequence the order of the elector's preference.

- (c) When two vacancies are to be filled, the elector shall mark his or her vote on the ballot paper by placing the numeral 1 opposite the name of the candidate for whom the elector votes as first preference and the numeral 2 opposite the name of the candidate for whom the elector votes as second preference and shall give contingent votes for all the remaining candidates by placing the numerals 3, 4 and so on (as the case requires) opposite their names, so as to indicate by such numerical sequence the order of the elector's preference.

Provided that in the case of sub-sections (b) and (c), if numerals in arithmetical sequence are placed opposite the names of all the candidates but one, the next following numeral shall be deemed to be placed opposite the name of the remaining candidate.

12. Scrutineers

- (a) Each candidate at an election and the College shall be entitled to appoint, in writing, one scrutineer to be present at each of any polling places during the hours of polling, and one scrutineer to be present during the scrutiny of postal votes and votes cast under section 10(c) of this Statute.
- (b) Every scrutineer shall, before acting as scrutineer, make and sign, before the Returning Officer or Presiding Officer, a declaration in accordance with Form No. 5 in the Appendix to this Statute.
- (c) Any candidate may attend and be present at the counting of the votes.

13. The Scrutiny

- (a) As soon as practicable after the close of the poll, the Returning Officer, in the presence of any approved scrutineer, shall produce and open all sealed and locked ballot boxes in which the envelopes purporting to contain ballot papers and counterfoils have been placed.
- (b) The Returning Officer shall open each outer envelope, compare the enclosed counterfoil with the roll and—
- (i) if satisfied that the person named in the counterfoil is entitled to vote in terms of section 9(1)(e) of the Act and that the counterfoil has been completed and signed by the elector, strike out the name on the roll and, without opening the envelope marked "Ballot Paper", deposit it in a locked and sealed ballot box and set aside the counterfoil for safe keeping;
- (ii) if the right of the person to vote is not established or if the counterfoil is not signed by the elector, the ballot paper shall not be admitted to the scrutiny and the Returning Officer shall replace the counterfoil and the envelope marked "Ballot Paper" in the outer envelope, and set the outer envelope and its contents aside for safe keeping.
- (c) When all the outer envelopes have been opened in accordance with sub-section (b), the Returning Officer shall proceed with the scrutiny and count of the votes.
- (d) The Returning Officer shall include in the scrutiny and count all votes contained in the ballot boxes referred to in sections 10(c)(viii) and 13(b)(i) of this Statute.

14. Method of Count

The method of conducting the count shall be as follows—

- (a) In the case of an election at which only one vacancy is to be filled, the Returning officer shall declare elected the candidate (if any) who has an absolute majority of votes. If no candidate has an absolute majority on the first count, the Returning Officer shall eliminate the candidate with the lowest number of votes and shall distribute the votes of such eliminated candidate amongst the remaining candidates according to the next preferences expressed on the relevant ballot paper. This procedure shall be repeated until one candidate has an absolute majority, whereupon that candidate shall be declared elected.
- (b) In the case of an election at which two vacancies are to be filled, the following provisions shall apply—

- (i) the count of votes shall take place as provided in sub-section (a) until one candidate has received an absolute majority and that candidate shall be declared elected to the first vacancy;
- (ii) the ballot papers shall be again brought into operation and counted by adding to the votes received by the remaining candidates (including the candidate or candidates eliminated pursuant to sub-section (a) for the purpose of determining which candidate shall fill the first vacancy) according to first preferences, the number of votes according to the second preferences expressed on the ballot papers on which the candidate elected to the first vacancy received a first preference vote;
- (iii) the Returning Officer shall declare elected to the second vacancy, the candidate (if any) who has received an absolute majority of votes from the counting conducted pursuant to sub-section (b)(ii) but if no candidate has an absolute majority on the first count, a second and, if necessary, subsequent counts shall be conducted in the manner provided in sub-section (a) until one candidate has an absolute majority, whereupon that candidate shall be declared elected to the second vacancy.

15. Informality of Ballot Paper

- (a) A ballot paper shall be informal—
- (i) if it is not initialled by the Returning Officer or the other officer authorised in that behalf;
- (ii) if, subject to sub-section (b), it is marked in any manner other than prescribed in section 11 of this Statute;
- (iii) if it has upon it any mark or writing not authorised by this Statute which in the opinion of the Returning Officer will enable any person to identify the elector;
- (iv) if it does not indicate the elector's vote or, if when there are more than two candidates, it is not marked so as effectively to indicate the elector's preference as regards all candidates; or
- (v) if no mark is indicated on it.
- (b) A ballot paper shall not be informal for any reason other than the reasons stated in sub-section (a) but shall be given effect according to the elector's intention so far as the elector's intention is clear, and, in particular when there are only two candidates, a ballot paper shall not be informal by reason only of the elector having indicated a vote or first preference by a cross instead of the numeral 1.
- (c) The Returning Officer shall be the sole and final judge as to whether a ballot paper is informal.

16. Declaration of Poll

When the Returning Officer has completed the counting of the votes the Returning Officer shall declare the result of the election in the presence of the scrutineers and of any candidates who may be present at the time.

17. Preservation of Papers

On completion of the scrutiny and count of votes, the Returning Officer shall—

- (a) enclose in one packet all the used and counted ballot papers; in another packet all counterfoils admitted; and in a third packet all outer envelopes and their contents referred to in section 13(b) of this Statute;
- (b) seal up the several packets and endorse on each packet a description and the number of the contents respectively, the date of the election and sign the endorsement; and
- (c) retain the sealed packets.

18. Certification of Result

When the result of an election has been ascertained and declared the Returning Officer shall forthwith furnish to the Chairman of the Council a certificate of the result and state therein the names of the candidates who have been elected, and such a certificate, when received by the Chair-

man of the Council, shall be final and conclusive evidence of the election of those candidates as members of the Council, subject however to a determination of any appeal under section 21 of this Statute.

19. Destruction of Papers

Upon the expiry of three months after the date of the certification to the Chairman of the Council of the result of an election, the Returning Officer may authorise the destruction of the packets referred to in section 17 of this Statute.

20. Costs of Election

All costs, charges and expenses as incurred by the Returning Officer and any officers employed by the Returning Officer in connection with the publication of notices, the receipt of nominations of candidates for election, and the conduct of elections or in connection with any other matters incidental thereto and as certified in writing by the Returning Officer under the Returning Officer's hand, and communicated by the Returning Officer to the Chairman of the Council, shall be borne and paid by the Council or reimbursed to the Returning Officer by the Council out of monies from time to time in its hands but the Council may at its own expense have the accounts of the Returning Officer audited. This clause does not apply to members of the staff of the College who are appointed as Presiding Officers under section 10(b) of this Statute.

21. Right of Appeal

A candidate shall have the right of appeal to the Chairman of the council within 7 days of the declaration of the poll should the candidate feel the conduct of the election was in any way contrary to this Statute. The Chairman of the Council shall have power to make such enquiry as deemed necessary into the matter complained of and after such enquiry may confirm the election or annul the election and direct that a fresh election be held.

The Common Seal of the Western Australian College of Advanced Education was hereto affixed by authority of a resolution of the Council of the College in the presence of:

[L.S.]

P. H. PORTER, Chairman.
D. A. JECKS, Authorised Sealing Officer.

Appendix

Form No. 1
(Statute No. 10)

Western Australian College of Advanced Education Act 1984

WESTERN AUSTRALIAN COLLEGE OF ADVANCED EDUCATION

FORM FOR NOMINATION OF CANDIDATE FOR ELECTION OF ENROLLED STUDENTS TO COUNCIL

I, ... of ... being an enrolled student of the College nominate ... as a candidate for election under Section 9(1)(e) of the Western Australian College of Advanced Education Act 1984 as an elective member of the Council for the purpose of and in connection with the election to be held on the ... day of ... 19... for the election of an elective member of that Council under the Act.
Dated the ... day of ... 19 ...

Signature of Proposer

I, the abovenamed ... of ... being an enrolled student of the College do hereby consent to the above nomination.

Dated the ... day of ... 19 ...

Signature of Candidate

Form No. 2
(Statute No. 10)

Western Australian College of Advanced Education Act 1984

WESTERN AUSTRALIAN COLLEGE OF ADVANCED EDUCATION

BALLOT PAPER FOR ELECTION OF ENROLLED STUDENTS TO COUNCIL

Authorised Officer's Initials

FOR use in an election of ... person (or persons) to be elected as the elective member (or members) of the Council under Section 9(1)(e) of the abovementioned Act.

Table with 2 columns: FULL NAME OF CANDIDATES, VOTE

DIRECTIONS FOR VOTING

- (1) When only one vacancy is to be filled and there are not more than two candidates, the elector shall mark his or her vote on the ballot paper by placing the numeral 1 opposite the name of the candidate for whom the elector votes.
(2) When only one vacancy is to be filled and there are more than two candidates, the elector shall mark his or her vote on the ballot paper by placing the numeral 1 opposite the name of the candidate for whom the elector votes as first preference, and shall give contingent votes for all the remaining candidates by placing the numerals 2, 3 and so on (as the case requires) opposite their names, so as to indicate by such numerical sequence the order of preference. Voting shall be by means of the full preferential ballot.
(3) When two vacancies are to be filled, the elector shall mark his or her vote on the ballot paper by placing the numeral 1 opposite the name of the candidate for whom the elector votes as first preference and the numeral 2 opposite the name of the candidate for whom the elector votes as second preference, and shall give contingent votes for all the remaining candidates by placing the numerals 3, 4 and so on (as the case requires) opposite their names so as to indicate by such numerical sequence the order of the elector's preference. Voting shall be by means of proportional representation.
(4) The elector shall then place the ballot paper in the ballot box provided for the purpose.

NOTE: Whichever of paragraphs 1, 2 or 3 are not applicable may be deleted.

Form No. 3
(Statute No. 10)

Western Australian College of Advanced Education Act 1984

WESTERN AUSTRALIAN COLLEGE OF ADVANCED EDUCATION

BALLOT PAPER FOR ELECTION OF ENROLLED STUDENTS TO COUNCIL

Authorised Officer's Initials

FOR use in an election of ... person (or persons) to be elected as the elective member (or members) of the Council under Section 9(1)(e) of the abovementioned Act.

The Ballot Paper marked and completed in accordance with the directions hereunder must be received by the Returning Officer not later than ... on ... the ... day of ... 19...

Table with 2 columns: FULL NAME OF CANDIDATES, VOTE

DIRECTIONS FOR VOTING

- (1) When only one vacancy is to be filled and there are not more than two candidates, the elector shall mark his or her vote on the ballot paper by placing the numeral 1 opposite the name of the candidate for whom the elector votes.
- (2) When only one vacancy is to be filled and there are more than two candidates, the elector shall mark his or her vote on the ballot paper by placing the numeral 1 opposite the name of the candidate for whom the elector votes as first preference, and shall give contingent votes for all the remaining candidates by placing the numerals 2, 3 and so on (as the case requires) opposite their names, so as to indicate by such numerical sequence the order of preference. Voting shall be by means of the full preferential ballot.
- (3) When two vacancies are to be filled, the elector shall mark his or her vote on the ballot paper by placing the numeral 1 opposite the name of the candidate for whom the elector votes as first preference and the numeral 2 opposite the name of the candidate for whom the elector votes as second preference, and shall give contingent votes for all the remaining candidates by placing the numerals 3, 4 and so on (as the case requires) opposite their names so as to indicate by such numerical sequence the order of preference. Voting shall be by means of proportional representation.
- (4) The elector shall then place the ballot paper in the envelope marked "Ballot Paper" and seal the envelope.
- (5) The elector shall then complete and sign the counterfoil Form No. 4 received by the elector with the ballot paper.
- (6) The elector shall then place the sealed ballot paper envelope and the completed counterfoil in the envelope addressed to the Returning Officer, seal the envelope and send same by post or deliver same to the Returning Officer so as to reach him or her no later than (date to be specified).

NOTE: Whichever of paragraphs 1, 2, or 3 are not applicable may be deleted.

Form No. 4
(Statute No. 10)

Western Australian College of Advanced
Education Act 1984

WESTERN AUSTRALIAN COLLEGE OF ADVANCED
EDUCATION

COUNTERFOIL

STATEMENT BY ELECTOR TO ACCOMPANY
BALLOT PAPER FOR ELECTION OF ENROLLED
STUDENTS TO COUNCIL

I,
of
hereby submit the following facts in verification of my right to vote, according to the accompanying ballot paper.

- (1) That I am an elector duly enrolled on the roll of external students of the College.
- (2) That as such an elector I am entitled to vote in the election now being held and closing at on day of 19 for the election of a person (or persons) as the elective member (or members) of the Council.
- (3) That I have reason to believe that during the hours of polling I will not be present at the Campus for which I am enrolled.
- (4) That I have not voted previously in the said election.

.....
Signature of Elector

Form No. 5

(Statute No. 10)

Western Australian College of Advanced
Education Act 1984

WESTERN AUSTRALIAN COLLEGE OF ADVANCED
EDUCATION

DECLARATION BY SCRUTINEER

I, (full name)
of (address)
do hereby declare that I will faithfully and impartially, according to the best of my skill and judgement, carry out the duties required of me as a scrutineer, in connection with the election of elective members of the Council and I do further declare that I will not at such an election attempt to ascertain how any person shall vote or has voted, and that if in the discharge of such duties at or concerning the said election I learn how any person has voted, I will not by word or act directly or indirectly divulge or discover or aid in divulging or discovering the same.

.....
Signature

Declared before me at
this day of 19

.....
Returning/Presiding Officer

WESTERN AUSTRALIAN COLLEGE OF ADVANCED
EDUCATION ACT 1984

Western Australian College of Advanced Education
Statute No. 12
Campus Committees

1. Definitions

In this Statute unless the contrary intention appears:

- "Chairman" means Chairman of a Campus Committee.
- "Deputy Chairman" means Deputy Chairman of a Campus Committee.
- "meeting" means meeting of a Campus Committee.

2. Establishment

In accordance with section 25(1) of the Act there shall be established in respect of each campus of the College a committee, to be known as the Campus Committee, for the purposes of facilitating the obtaining of the objectives referred to in section 16(2) of the Act.

3. Functions and Duties

Subject to the Act, each Campus Committee shall in relation to the Campus in respect of which it is established:

- (a) perform any function conferred or imposed upon the Campus Committee by or under the Act;
- (b) advise the Council on the distinctive characteristics of the Campus and the means of fostering those characteristics with a view to promoting the interests of the Campus and the College;
- (c) advise the Council on the promotion, development and implementation at the Campus of academic courses, programmes and other activities which are offered or to be offered by the College at the Campus;
- (d) advise the Council on the general welfare and development of enrolled students at the Campus; and
- (e) as soon as practicable after each thirty-first day of December and not later than 3 months after that day, prepare and furnish to the Council a report of the activities of the Campus during the period of 12 months immediately preceding that day.

4. Constitution of a Campus Committee

In accordance with section 25(2) of the Act, each Campus Committee shall consist of:

- (a) Members Appointed by the Minister
 - (i) There shall be 1 member appointed by the Minister who shall be Chairman and who shall be a member of the Council referred to in section 9(1)(a) of the Act.
 - (ii) There shall be 2 persons, not being members of the Council, appointed by the Minister as being representative of the community.

- (iii) The Chairman will notify the Minister of the occurrence of a casual vacancy or the impending expiry of the term of office of an appointed member.
- (b) Member who is the Most Senior of the Academic Staff at that Campus
 - (i) There shall be 1 person who is the most senior of the academic staff of that Campus.
 - (ii) Any question arising as to whether a person is the most senior member of the academic staff at that Campus shall be determined by the Council and the decision of the Council is final.
- (c) Members Elected from the Academic Staff at that Campus
 - (i) There shall be 2 persons who are members of the academic staff at that Campus elected by members of that staff.
 - (ii) The manner of election shall be in accordance with Statute No. 13.
- (d) Member Elected from the Salaried Staff other than Academic Staff at that Campus
 - (i) There shall be 1 person who is a member of the salaried staff other than academic staff at that Campus who is elected by members of that staff.
 - (ii) The manner of election shall be in accordance with Statute No. 13.
- (e) Members Elected from the Enrolled Students
 - (i) There shall be 2 persons who are enrolled students at that Campus elected by enrolled students at that Campus.
 - (ii) The manner of election shall be in accordance with Statute No. 13.
- (f) A person is not eligible to be appointed to or to hold office as a member of more than one Campus Committee.

5. Terms of Office

(a) Chairman

Subject to sub-section (g)(i), the term of office of the Chairman of a Campus committee shall be determined by the Minister.

(b) Appointed Members

An appointed member holds office for such period not exceeding 3 years as is specified in the instrument of his or her appointment.

(c) Senior Academic Staff

The most senior member of academic staff holds office for such period as he or she is the most senior member of academic staff at that Campus.

(d) Elected Members

(i) An elected member holds office for a term of 1 year from the date on which his or her election takes effect.

(ii) A member referred to in section 4(e)(i) of this Statute is not eligible for re-election more than once.

(e) A member other than a member referred to in sections 4(a)(i), 4(b)(i) and 4(e)(i) of this Statute is not eligible to be re-appointed on the expiry of a third successive term of office until 12 months have elapsed after such expiry.

(f) Where a vacancy occurs in the office of an elected member—

(i) if, at the expiration of 3 months from the occurrence of the vacancy, the office has not been filled by election the Council may fill that office by appointing a person with like prescribed qualification as that of the member whose office has become vacant; and

(ii) the person who fills the vacancy shall, subject to this Statute, hold office as member for the residue of his or her predecessor's term of office.

(g) Vacation of Office

(i) The office of Chairman of a Campus committee becomes vacant if—

(A) the term of office of the Chairman, as determined by the Minister, expires by effluxion of time;

(B) the Chairman resigns the office by writing under his or her hand addressed to the Minister;

(C) the Chairman is absent without leave of the Campus Committee from 3 consecutive meetings; or

(D) the Chairman ceases to be a member of the Council under section 9(1)(a) of the Act.

(ii) The office of a member other than the member referred in sections 4(a)(i) and 4(b)(i) of this Statute becomes vacant if—

(A) the term of office of the member expires by effluxion of time;

(B) the member resigns the office by writing under his or her hand addressed to the Minister;

(C) the member becomes permanently incapable of performing his or her office as a member;

(D) the member is an undischarged bankrupt or has his or her affairs under liquidation by arrangement with his or her creditors;

(E) the member is convicted of an indictable offence;

(F) the member is absent without leave of the Campus Committee from 3 consecutive meetings; or

(G) the member ceases to hold any qualification required for his or her becoming or being a member.

6. Election of Deputy Chairman

(a) The members from time to time as the occasion arises elect one of their number to be Deputy Chairman for a term not exceeding 1 year.

(b) Nomination of Deputy Chairman

(i) Any member of the Committee may nominate in writing a member as Deputy Chairman.

(ii) In the case of a vacancy arising under sub-section (d)(i) the Chairman shall, 3 months prior to the completion of the existing term of office, call for nominations to fill the forthcoming vacancy.

(iii) In the case of a vacancy arising under sub-sections (d)(ii), (d)(iii), (d)(iv) and (d)(v) the Chairman shall, within 14 days of the vacancy occurring, call for nominations to fill the vacancy.

(iv) The closing date for nominations shall not be less than 10 days prior to the meeting at which the election is to take place.

(c) A ballot of committee members shall be held preceding the expiration of the term of office of the Deputy Chairman, or if the vacancy occurs other than by effluxion of time, within 2 months of the vacancy occurring and such ballot shall be conducted as closely as possible in accordance with Statute No. 13.

(d) The office of the Deputy Chairman becomes vacant if—

(i) the term for which the Deputy Chairman was elected expires by effluxion of time;

(ii) the Deputy Chairman becomes the Chairman;

(iii) the office of the Deputy Chairman as a member becomes vacant pursuant to section 5(g)(ii)(A) of this Statute and is not re-appointed or re-elected as a member;

(iv) the office of the Deputy Chairman as a member becomes vacant pursuant to sub-sections 5(g)(ii)(B), 5(g)(ii)(C), 5(g)(ii)(D), 5(g)(ii)(E), 5(g)(ii)(F), and 5(g)(ii)(G) of this Statute; or

(v) the Deputy Chairman resigns the office by notice under his or her hand addressed to the Chairman.

7. Meetings

(a) The Chairman shall preside at and regulate the proceedings of all meetings at which he is present.

- (b) At any meeting at which—
- (i) the Chairman is not present, the Deputy Chairman shall preside at the meeting;
 - (ii) the Chairman and the Deputy Chairman are not present, the members present at the meeting shall elect a member to preside at the meeting,
- and while so presiding the Deputy Chairman as the case may be has all the powers and duties of the Chairman.
- (c) The Committee shall hold such meetings as are necessary for the performance of its functions.
- (d) The Chairman may at any time convene a meeting and shall convene a meeting when requested in writing by the Chairman of the Council to do so or when so requested by any 4 members.
- (e) Subject to the Act and this Statute, the Committee may regulate its own procedure in such manner as it thinks fit.
- (f) At a meeting—
- (i) not less than one half of the total number of members for the time being forms a quorum;
 - (ii) in the event of a quorum not being present within 30 minutes after the time appointed for a meeting, the meeting shall be adjourned to a time not later than 14 days after the date of such adjournment.
 - (iii) a question arising at the meeting shall be determined by a majority of the valid votes of the members present;
- (g) At a meeting—
- (i) all motions shall be passed on the basis of a majority of the valid votes of members present;
 - (ii) the Chairman shall have a deliberative vote only;
 - (iii) when any question voted upon by the Committee results in an equal number for and against, the Chairman shall declare the question lost.
- (h) A resolution of the Committee shall not be rescinded unless notice of the intention to propose such rescission is placed on the agenda of a meeting.

The Common Seal of the Western Australian College of Advanced Education was hereto affixed by authority of a resolution of the Council of the College in the presence of:

[L.S.]

P. H. PORTER,
Chairman.

D. A. JECKS,
Authorised Sealing Officer.

WESTERN AUSTRALIAN COLLEGE OF ADVANCED
EDUCATION ACT 1984

Western Australian College of Advanced Education
Statute No. 13

Election of Academic and Salaried Staff and Enrolled
Students to a Campus Committee

1. Election

This Statute applies to the election of members of academic staff, salaried staff and enrolled students to a Campus Committee pursuant to paragraphs (d), (e) and (f) of section 25(2) of the Act.

2. Definitions

In this Statute unless the contrary intention appears—

“candidate” means a member of the academic staff, salaried staff or an enrolled student of a campus of the College nominated for election to a Campus Committee in the manner prescribed in section 6 of this Statute;

“elector” means a member of the academic staff, salaried staff or an enrolled student of a campus of the College, as appropriate, at the time of closing of nominations;

“Presiding Officer” means the person appointed as a presiding officer pursuant to section 10(b) of this Statute;

“Returning Officer” means the person for the time being appointed by the Director as the Returning Officer.

“scrutineer” means the person appointed as a scrutineer pursuant to section 12(a) of this Statute.

3. Returning Officer

- (a) The Returning Officer shall not be a candidate in any election in which he or she is to act.
- (b) The Returning Officer may appoint such officers (not being candidates) as he or she considers necessary to assist in the conduct of an election and the scrutiny thereof.

4. Notice of Election

- (a) Not less than twelve weeks prior to a vacancy occurring due to effluxion of time, the Chairman of a Campus Committee shall advise the Returning Officer of such impending vacancy and request the conduct of an election.
- (b) The Chairman of a Campus Committee shall, within two weeks of a vacancy occurring other than by effluxion of time, give notice to the Returning Officer requiring the Returning Officer to hold an election for the unexpired portion of the term.

5. Publication of Notice of Election

The Returning Officer shall, within 14 days of receiving notification from the Chairman of a Campus Committee requiring the Returning Officer to conduct an election, cause a notice to be published on a notice board at that Campus, in a Staff Notice and in a Student Notice setting out—

- (i) the intention to hold an election;
- (ii) the title of office;
- (iii) the number of members to be elected;
- (iv) the manner in which nominations are to be made;
- (v) the place of lodging nominations;
- (vi) the time and date of the close of nominations;
- (vii) the time and date of the ballot.

6. Nominations

- (a) Nominations of candidates shall be lodged with the Returning Officer in the form of Form No. 1, No. 2 or No. 3 in the Appendix to this Statute, as appropriate, not later than the day and time appointed for the receipt of nominations by the notice published under section 5 of this Statute.
- (b) A nomination shall be signed by the candidate and (if the candidate is not the proposer) by the proposer, each of whom must be a member of the academic staff, salaried staff or an enrolled student of the Campus of the College, as appropriate, at the time the nomination form is signed.
- (c) A proposer shall not nominate a number of candidates greater than the number of positions to be filled.
- (d) The Returning Officer shall reject any nomination form which, in his or her opinion, is not in order as required by this Statute, and any such rejection shall be final and conclusive as against that nomination. Nothing in this paragraph shall prevent a further nomination submitted in respect of a candidate being accepted by the Returning Officer before the close of nominations.
- (e) Where the number of candidates nominated does not exceed the number of candidates to be elected, the Returning Officer shall forthwith certify that fact, together with the names and addresses of the candidates nominated to the Chairman of the Campus Committee, and such certificate, when received by the Chairman, shall be the final and conclusive evidence of the election of that candidate as a member of the Campus Committee.
- (f) when the number of candidates nominated exceeds the number to be elected, the Returning Officer shall hold an election in accordance with this Statute, as hereinafter provided.

- (g) Any candidate may, by notice in writing signed by the candidate, addressed to the Returning Officer and lodged with the Returning Officer not later than the time fixed for the close of nominations, withdraw his or her consent to the nomination and thereupon that candidate shall be considered as not having been nominated and the Returning Officer shall omit the name of that candidate from the ballot paper.

7. Date for Election

The date fixed for the closing of the poll shall be not less than 21 days or more than 42 days after the closing of nominations. The date for the closing of nominations shall be not less than 7 days or more than 14 days from the date of publication of the notice of election issued in accordance with section 5 of this Statute.

8. Electoral Roll

- (a) In the event of an election being required the Director or the Director's nominee shall, within 4 days after the close of nominations, supply the Returning Officer with a roll comprising a true and correct list of the names of all electors at the Campus. The roll shall specify whether the electors are members of the academic staff or are members of the salaried staff or are enrolled students at the Campus as at the day and time appointed for the receipt of nominations by the notice published under section 5 of this Statute, and the list shall constitute the electoral roll for use at the election.
- (b) The Director or the Director's nominee shall endorse and sign on the roll so prepared a certificate as to the correctness thereof and that roll shall be conclusive evidence of the right of each person enrolled thereon to vote at the election.
- (c) The Director or the Director's nominee may cause a supplementary roll or rolls to be prepared and endorsed in conformity with, and having the same effect as, sub-section (b) so as to include the names of eligible persons incorrectly omitted from the roll. Such supplementary roll or rolls shall be forwarded to the Returning Officer forthwith after endorsement.
- (d) The Returning Officer shall, at the place where he or she carries out the functions as a Returning Officer, make the roll, including any supplementary rolls, applicable to an election for an office available for inspection by any elector, or by any person authorised by the Returning Officer, during the ordinary hours of business until the day on which the result of the election is declared.

9. Polling

When after the receipt of nominations of candidates an election is necessary to elect an elective member or elective members of a Campus Committee, the Returning Officer shall, as soon as practicable after the time fixed for the close of such nominations, cause ballot papers to be printed in accordance with Forms No. 4, No. 5 and No. 6 in the Appendix to this Statute, as appropriate, containing the full names of all the candidates. The candidates' names shall appear on the ballot paper in the order determined by the Returning Officer by lot.

10. Voting

- (a) The Returning Officer shall appoint a polling place at the Campus.
- (b) The Returning Officer shall appoint not less than two members of the staff of the College as presiding officers at each polling place. No candidate or proposer shall act as a presiding officer.
- (c) (i) An elector shall vote in terms of paragraph (d), (e) or (f) of Section 25(2) of the Act, as appropriate.
- (ii) No postal votes will be accepted.
- (iii) An elector shall cast his or her vote by personally attending at the appointed polling place at the Campus between the hours of 8.00 a.m. and 8.00 p.m. on the day appointed for the poll. No elector shall cast more than one vote at an election.
- (iv) The elector shall state his or her full name to the Presiding Officer.
- (v) The Presiding Officer shall enquire whether the elector has voted before at the election and if the answer is in the negative and the elector's name is on the roll the Presiding Officer

shall mark the name off the roll and hand the elector a ballot paper in the form of Form No. 4, No. 5 or No. 6 in the Appendix to this Statute, as appropriate. The Presiding Officer shall initial the ballot paper before handing it to the elector.

- (vi) The elector shall mark the ballot paper in accordance with the directions contained therein and deposit it in a locked and sealed ballot box provided by the Presiding Officer for that purpose.
- (vii) An elector who spoils a ballot paper, and has not deposited it in a ballot box, may return it to the Presiding Officer who shall forthwith destroy it and hand the elector a further ballot paper.
- (viii) The Presiding Officer shall keep a tally of the number of electors issued with a ballot paper.
- (ix) As soon as practicable after the close of the poll the Presiding Officer shall forward all ballot boxes containing ballot papers to the Returning Officer. The Presiding Officer shall also forward to the Returning Officer rolls used at the election, all unused ballot papers issued to him or her, and a record of the number of ballot papers issued.
- (d) Voting shall not be compulsory.

11. Marking of Ballot Paper

- (a) When only one vacancy is to be filled and there are not more than two candidates, the elector shall mark his or her vote on the ballot paper by placing the numeral 1 opposite the name of the candidate for whom the elector votes.
- (b) When only one vacancy is to be filled and there are more than two candidates, the elector shall mark his or her vote on the ballot paper by placing the numeral 1 opposite the name of the candidate for whom the elector votes as first preference, and shall give contingent votes for all the remaining candidates by placing the numerals 2, 3 and so on (as the case requires) opposite their names, so as to indicate by such numerical sequence the order of the elector's preference.
- (c) When two vacancies are to be filled, the elector shall mark his or her vote on the ballot paper by placing the numeral 1 opposite the name of the candidate for whom the elector votes as first preference and the numeral 2 opposite the name of the candidate for whom the elector votes as second preference and shall give contingent votes for all the remaining candidates by placing the numerals 3, 4 and so on (as the case requires) opposite their names, so as to indicate by such numerical sequence the order of the elector's preference.

Provided that in the case of sub-sections (b) and (c), if numerals in arithmetical sequence are placed opposite the names of all the candidates but one, the next following numeral shall be deemed to be placed opposite the name of the remaining candidate.

12. Scrutineers

- (a) Each candidate at an election and the College shall be entitled to appoint, in writing, one Scrutineer to be present at each of any polling places during the hours of polling, and one Scrutineer to be present during the scrutiny of votes cast under section 10(c) of this Statute.
- (b) Every Scrutineer shall, before acting as Scrutineer, make and sign, before the Returning Officer or Presiding Officer, a declaration in accordance with Form No. 7 in the Appendix to this Statute.
- (c) Any candidate may attend and be present at the counting of the votes.

13. The Scrutiny

As soon as practicable after the close of the poll, the Returning Officer, in the presence of any approved Scrutineer, shall proceed with the scrutiny and count of the votes.

14. Method of Count

The method of conducting the count shall be as follows—

- (a) In the case of an election at which only one vacancy is to be filled the Returning Officer shall declare elected the candidate (if any) who has an absolute majority of votes. If no candidate has an absolute majority on the first count, the Returning Officer

shall eliminate the candidate with the lowest number of votes and shall distribute the votes of such eliminated candidate amongst the remaining candidates according to the next preferences expressed on the relevant ballot paper. This procedure shall be repeated until one candidate has an absolute majority, whereupon that candidate shall be declared elected.

(b) in the case of an election at which two vacancies are to be filled, the following provisions shall apply—

- (i) the count of votes shall take place as provided in sub-section (a) until one candidate has received an absolute majority and that candidate shall be declared elected to the first vacancy;
- (ii) the ballot papers shall be again brought into operation and counted by adding to the votes received by the remaining candidates (including the candidate or candidates eliminated pursuant to sub-section (a) for the purpose of determining which candidate shall fill the first vacancy) according to first preferences, the number of votes according to the second preferences expressed on the ballot papers on which the candidate elected to the first vacancy received a first preference vote;
- (iii) the Returning Officer shall declare elected to the second vacancy, the candidate (if any) who has received an absolute majority of votes from the counting conducted pursuant to sub-section (b)(ii) but if no candidate has an absolute majority on the first count, a second and, if necessary, subsequent counts shall be conducted in the manner provided in sub-section (a) until one candidate has an absolute majority, whereupon that candidate shall be declared elected to the second vacancy.

15. Informality of Ballot Paper

(a) A ballot paper shall be informal—

- (i) if it is not initialled by the Returning Officer or the other officer authorised in that behalf;
- (ii) if, subject to sub-section (b), it is marked in any manner other than prescribed in section 11 of this Statute;
- (iii) if it has upon it any mark or writing not authorised by this Statute which in the opinion of the Returning Officer will enable any person to identify the elector;
- (iv) if it does not indicate the elector's vote or, if when there are more than two candidates, it is not marked so as effectively to indicate the elector's preference as regards all candidates; or
- (v) if no mark is indicated on it.

(b) A ballot paper shall not be informal for any reason other than the reasons stated in sub-section (a) but shall be given effect according to the elector's intention so far as the elector's intention is clear, and, in particular when there are only two candidates, a ballot paper shall not be informal by reason only of the elector having indicated a vote or first preference by a cross instead of the numeral 1.

(c) The Returning Officer shall be the sole and final judge as to whether a ballot paper is informal.

16. Declaration of Poll

When the Returning Officer has completed the counting of the votes the Returning Officer shall declare the result of the election in the presence of the Scrutineers and of any candidates who may be present at the time.

17. Preservation of Papers

On completion of the scrutiny and count of votes, the Returning Officer shall—

- (a) enclose in one packet all the used and counted ballot papers;
- (b) seal up the packet and endorse on the packet a description and the number of the contents, the date of the election and sign the endorsement; and
- (c) retain the sealed packet.

18. Certification of Result

When the result of an election has been ascertained and declared the Returning Officer shall forthwith furnish to the Chairman of the Campus Committee a certificate of the result and state therein the names of the candidates who have been elected, and such a certificate, when received by the Chairman of the Campus Committee, shall be final and conclusive evidence of the election of those candidates as members of the Campus Committee, subject however to a determination of any appeal under section 20 of this Statute.

19. Destruction of Papers

Upon the expiry of three months after the date of the certification to the Chairman of the Council of the result of an election, the Returning Officer may authorise the destruction of the packets referred to in section 17 of this Statute.

20. Right of Appeal

A candidate shall have the right of appeal to the Chairman of the Campus Committee within 7 days of the declaration of the poll should the candidate feel the conduct of the election was in any way contrary to this Statute. The Chairman of the Campus Committee shall have power to make such enquiry as deemed necessary into the matter complained of and after such enquiry may confirm the election or annul the election and direct that a fresh election be held.

The Common Seal of the Western Australian College of Advanced Education was hereto affixed by authority of a resolution of the Council of the College in the presence of:

[L.S.]

P. H. PORTER,
Chairman.

D. A. JECKS,
Authorised Sealing Officer.

Appendix

Form No. 1
(Statute No. 13)

Western Australian College of Advanced
Education Act 1984

WESTERN AUSTRALIAN COLLEGE OF ADVANCED
EDUCATION

FORM FOR NOMINATION OF CANDIDATE FOR
ELECTION OF ACADEMIC STAFF MEMBER TO
THE (NAME) CAMPUS COMMITTEE

I,
of
being a member of the academic staff nominate
of
as a candidate for election under Section 25(2)(d) of the
Western Australian College of Advanced Education Act
1984 as an elective member of the (Name) Campus Com-
mittee for the purpose of and in connection with the elec-
tion to be held on the day of 19
..... for the election of elective members of that Campus
Committee under that Act.

Dated the day of 19

.....
Signature of Proposer

I, the abovenamed
of
being a member of the academic staff do hereby consent to
the above nomination

Dated the day of 19

.....
Signature of Candidate

Form No. 2
(Statute No. 13)

Western Australian College of Advanced
Education Act 1984

WESTERN AUSTRALIAN COLLEGE OF ADVANCED
EDUCATION

FORM FOR NOMINATION OF CANDIDATE FOR
ELECTION OF SALARIED STAFF MEMBER TO
THE (NAME) CAMPUS COMMITTEE

I,
of
being a member of the salaried staff nominate
of
as a candidate for election under Section 25(2)(e) of the
Western Australian College of Advanced Education Act
1984 as an elective member of the (Name) Campus Com-
mittee for the purpose of and in connection with the elec-
tion to be held on the day of 19 for
the election of elective members of that Campus Committee
under that Act.

Dated the day of 19

.....
Signature of Proposer

I, the abovenamed
of
being a member of the salaried staff do hereby consent to
the above nomination.

Dated the day of 19

.....
Signature of Candidate

Form No. 3
(Statute No. 13)

Western Australian College of Advanced
Education Act 1984

WESTERN AUSTRALIAN COLLEGE OF ADVANCED
EDUCATION

FORM FOR NOMINATION OF CANDIDATE FOR
ELECTION OF ENROLLED STUDENT TO THE
(NAME) CAMPUS COMMITTEE

I,
of
being an enrolled student of the College nominate
of
as a candidate for election under Section 25(2)(f) of the
Western Australian College of Advanced Education Act
1984 as an elective member of the (Name) Campus Com-
mittee for the purpose of and in connection with the elec-
tion to be held on the day of 19
for the election of an elective member of that Campus
Committee under the Act.

Dated the day of 19

.....
Signature of Proposer

I, the abovenamed
of
being an enrolled student of the College do hereby consent
to the above nomination.

Dated the day of 19

.....
Signature of Candidate

Form No. 4
(Statute No. 13)

Western Australian College of Advanced
Education Act 1984

WESTERN AUSTRALIAN COLLEGE OF ADVANCED
EDUCATION

BALLOT PAPER FOR ELECTION
OF ACADEMIC STAFF MEMBER TO THE (NAME)
CAMPUS COMMITTEE

Authorised Officer's
Initials

FOR use in an election of person (or persons) to
be elected as an elective member (or members) of the
(Name) Campus Committee under Section 25(2)(d) of the
abovementioned Act.

FULL NAME OF CANDI- DATES	VOTE
.....
.....
.....

DIRECTIONS FOR VOTING

- (1) When only one vacancy is to be filled and there are not more than two candidates, the elector shall mark his or her vote on the ballot paper by placing the numeral 1 opposite the name of the candidate for whom the elector votes.
- (2) When only one vacancy is to be filled and there are more than two candidates, the elector shall mark his or her vote on the ballot paper by placing the numeral 1 opposite the name of the candidate for whom the elector votes as first preference, and shall give contingent votes for all the remaining candidates by placing the numerals 2, 3 and so on (as the case requires) opposite their names, so as to indicate by such numerical sequence the order of preference. Voting shall be by means of the full preferential ballot.
- (3) When two vacancies are to be filled, the elector shall mark his or her vote on the ballot paper by placing the numeral 1 opposite the name of the candidate for whom the elector votes as first preference and the numeral 2 opposite the name of the candidate for whom the elector votes as second preference, and shall give contingent votes for all the remaining candidates by placing the numerals 3, 4 and so on (as the case requires) opposite their names so as to indicate by such numerical sequence the order of the elector's preference. Voting shall be by means of proportional representation.
- (4) The elector shall then place the ballot paper in the ballot box provided for the purpose.

NOTE: Whichever of paragraphs 1, 2, or 3 are not applicable may be deleted.

Form No. 5
(Statute No. 13)

Western Australian College of Advanced
Education Act 1984

WESTERN AUSTRALIAN COLLEGE OF ADVANCED
EDUCATION

BALLOT PAPER FOR ELECTION
OF SALARIED STAFF MEMBER TO THE (NAME)
CAMPUS COMMITTEE

Authorised Officer's
Initials

FOR use in an election of a person to be elected as an
elective member of the (Name) Campus Committee under
Section 25(2)(e) of the abovementioned Act.

FULL NAME OF CANDI- DATES	VOTE
.....
.....
.....

DIRECTIONS FOR VOTING

- (1) When there are not more than two candidates, the elector shall mark his or her vote on the ballot paper by placing the numeral 1 opposite the name of the candidate for whom the elector votes.
(2) When there are more than two candidates, the elector shall mark his or her vote on the ballot paper by placing the numeral 1 opposite the name of the candidate for whom the elector votes as first preference, and shall give contingent votes for all the remaining candidates by placing the numerals 2, 3 and so on (as the case requires) opposite their names, so as to indicate by such numerical sequence the order of the elector's preference. Voting shall be by means of the full preferential ballot.
(3) The elector shall then place the ballot paper in the ballot box provided for the purpose.

NOTE: Whichever of paragraphs 1, or 2 are not applicable may be deleted.

Form No. 6
(Statute No. 13)

Western Australian College of Advanced Education Act 1984

WESTERN AUSTRALIAN COLLEGE OF ADVANCED EDUCATION

BALLOT PAPER FOR ELECTION OF ENROLLED STUDENT TO THE (NAME) CAMPUS COMMITTEE

Authorised Officer's Initials

FOR use in an election of person (or persons) to be elected as the elective member (or members) of the (Name) Campus Committee under Section 25(2)(f) of the abovementioned Act.

Table with 2 columns: FULL NAME OF CANDIDATES, VOTE

DIRECTIONS FOR VOTING

- (1) When only one vacancy is to be filled and there are not more than two candidates, the elector shall mark his or her vote on the ballot paper by placing the numeral 1 opposite the name of the candidate for whom the elector votes.
(2) When only one vacancy is to be filled and there are more than two candidates, the elector shall mark his or her vote on the ballot paper by placing the numeral 1 opposite the name of the candidate for whom the elector votes as first preference, and shall give contingent votes for all the remaining candidates by placing the numerals 2, 3 and so on (as the case requires) opposite their names, so as to indicate by such numerical sequence the order of preference. Voting shall be by means of the full preferential ballot.
(3) When two vacancies are to be filled, the elector shall mark his or her vote on the ballot paper by placing the numeral 1 opposite the name of the candidate for whom the elector votes as first preference and the numeral 2 opposite the name of the candidate for whom the elector votes as second preference, and shall give contingent votes for all the remaining candidates by placing the numerals 3, 4 and so on (as the case requires) opposite their names so as to indicate by such numerical sequence the order of the elector's preference. Voting shall be by means of proportional representation.
(4) The elector shall then place the ballot paper in the ballot box provided for the purpose.

NOTE: Whichever of paragraphs 1, 2 or 3 are not applicable may be deleted.

Form No. 7

(Statute No. 13)

Western Australian College of Advanced Education Act 1984

WESTERN AUSTRALIAN COLLEGE OF ADVANCED EDUCATION

DECLARATION BY SCRUTINEER

I, (full name) of (address) do hereby declare that I will faithfully and impartially, according to the best of my skill and judgement, carry out the duties required of me as a scrutineer, in connection with the election of elective members of the (Name) Campus Committee and I do further declare that I will not at such an election attempt to ascertain how any person shall vote or has voted, and that if in the discharge of such duties at or concerning the said election I learn how any person has voted, I will not by word or act directly or indirectly divulge or discover or aid in divulging or discovering the same.

Signature

Declared before me at this day of 19

Returning/Presiding Officer

WESTERN AUSTRALIAN COLLEGE OF ADVANCED EDUCATION ACT 1984

Western Australian College of Advanced Education Statute No. 14 Election Offences

1. Definitions

In this Statute unless the contrary intention appears—

- (a) "Election Statutes" means— (i) Statute No. 8 providing for the election of Academic and Salaried Staff to Council; (ii) Statute No. 9 providing for the election of an Alumnus to Council; (iii) Statute No. 10 providing for the election of Enrolled Students to Council; and (iv) Statute No. 13 providing for the election of Academic and Salaried Staff and Enrolled Students to a Campus Committee;

and "Election Statute" means any one of the Election Statutes; and

- (b) words and expressions defined in the Election Statute applicable to the election at which or in relation to which an offence under this Statute has or is alleged to have been committed shall have the same meanings where used in this Statute.

2. Offences

To secure the good government and discipline of the College and the purity of elections held under the Election Statutes, the following acts are hereby deemed to be offences under this Statute—

- (a) breach or neglect of official duty;
(b) illegal practices, including— (i) bribery; (ii) undue influence; and
(c) electoral offences.

3. Breach or Neglect of Official Duty

For the purposes of section 2(a) of this Statute, "breach or neglect of official duty" includes—

- (a) any attempt by any returning officer, presiding officer or scrutineer to influence the vote of any elector, or, except by recording his vote, the result of any election;
(b) the disclosure of any knowledge officially acquired by any returning officer, presiding officer or scrutineer touching the vote of any elector; and
(c) any neglect or refusal by any returning officer, presiding officer or scrutineer to discharge any official duty and any violation by any returning officer, presiding officer or scrutineer of any provision of this Statute.

4. Bribery

For the purposes of section 2(b)(i) of this Statute, any person who—

- (a) promises, or offers, or suggests any valuable consideration, advantage, recompense, reward, or benefit for, or on account of, or to induce any candidature or withdrawal of candidature, or any vote or omission to vote, or any support of, or opposition to, any candidate, or any promise of any such vote, omission, support or opposition;
- (b) gives or takes any valuable consideration, advantage, recompense, reward, or benefit for, or on account of, any such candidature, withdrawal, vote, omission, support or opposition referred to in subsection (a), or promise thereof;
- (c) promises, offers, or suggests any valuable consideration, advantage, recompense, reward, or benefit for bribery, or gives or takes any valuable consideration, advantage, recompense, reward, or benefit for bribery;
- (d) directly or indirectly makes overtures to any person for the acquiring by gift or purchase, or who acquires by gift or purchase from any person, any postal ballot paper; or
- (e) being an elector directly or indirectly makes overtures to any person for the giving away, or parting with the possession of, or selling, any postal ballot paper; or who gives away any postal ballot paper; or who sells any postal ballot paper

shall be guilty of bribery.

5. Undue Influence

(a) For the purposes of section 2(b)(ii) of this Statute, any person who—

- (i) threatens, offers, or suggests any violence, injury, punishment, damage, loss or disadvantage for or on account of or to induce any candidature, or withdrawal of candidature, or any vote or any omission to vote, or any support or opposition to any candidate, or any promise of any vote, omission, support, or opposition;
- (ii) uses, causes, inflicts, or procures any violence, punishment, damage, loss or disadvantage for or on account of any such candidature, withdrawal, vote, omission, support, opposition, enrolment or refraining from enrolment referred to in subsection (i);
- (iii) by spoken words, or by written or printed words or signs in any form whatsoever, publishes any matter intended or intending to prevent or restrain the free exercise of the franchise by any person, or which threatens, offers, or suggests any damage, loss, or disadvantage, either in the present or in the future, to any person on account of his or her voting preferences;
- (iv) in any way interferes with any elector, either in the polling place or within 6 metres from the entrance thereto with the intention of influencing the elector or advising the elector as to his or her vote;
- (v) at any time between the issue of the Notice of Election and the close of the poll, publishes or exposes or causes to be published or exposed to public view any document or writing or printed matter containing any untrue statement defamatory of any candidate and calculated to influence the vote of any elector;
- (vi) being a candidate, personally solicits the vote of any elector on polling day; or
- (vii) being a candidate, attends at any meeting of electors other than his or her committee held for electoral purposes on polling day

shall be guilty of undue influence.

(b) No declaration of College policy or promise of College action shall be deemed bribery or undue influence.

6. Illegal Practices

For the purposes of section 2(b) of this Statute, in addition to bribery and undue influence, the publication of any electoral advertisement (other than an advertisement in a newspaper announcing the holding of a meeting), hand

bill, or pamphlet, or any issue of any electoral notice without, at the end thereof, the name and address of the person authorising the same being clearly printed, shall be an illegal practice.

7. Electoral Offences

For the purposes of section 1 of this Statute any person who—

- (a) falsely personates any person to secure a ballot paper to which the personator is not entitled, or personates any other person for the purpose of voting;
- (b) fraudulently destroys or defaces any nomination or ballot paper;
- (c) fraudulently puts any ballot or other paper into the ballot box;
- (d) fraudulently takes any ballot paper out of any polling place;
- (e) forges or utters, knowing the same to be forged, any nomination or ballot paper;
- (f) in any polling place on polling day, misconducts himself, or fails to obey the lawful directions of the Presiding Officer;
- (g) supplies ballot papers without authority;
- (h) unlawfully destroys, takes, opens, or otherwise interferes with ballot boxes or ballot papers;
- (i) votes more than once at the same election;
- (j) wilfully defaces, mutilates, destroys, or removes any notice, list or other document affixed by any returning officer or by his authority;
- (k) distributes any advertisement, hand bill, or pamphlet published in contravention of section 6 of this Statute;
- (l) being a returning officer, presiding officer or scrutineer, wears or displays, in a polling place on polling day, any badge or emblem of a candidate or political party;
- (m) during the polling at any election, wilfully takes any ballot paper out of a polling place, except to one of the voting compartments;
- (n) during the hours of polling at any election—
 - (i) being a candidate uses or permits to be used; or
 - (ii) being any other person, uses any loudspeaker, public address system or amplifier, whether fixed or mobile, broadcasting van sound system, radio apparatus or any other apparatus or device for the broadcasting or dissemination of any matter intended or likely to affect the result of the election; or
- (o) during the hours of polling at an election, makes any public demonstration having reference to the election

shall be guilty of an electoral offence.

8. Removal of Offenders

Whoever, in any polling place on polling day, misconducts himself, or fails to obey the lawful directions of the Presiding Officer, may be removed from the polling place by any member of the Police Force or by any person authorised by the Presiding Officer.

9. Liability for Indirect Acts

Every person shall be liable for an offence against this Statute committed directly or indirectly by himself, or any other person on his behalf, and with his knowledge and authority.

10. Attempt to Commit an Offence

Any attempt to commit an offence against this Statute shall be an offence against this Statute punishable as if the offence has been committed.

11. Certificate of Evidence

On any prosecution under this Statute, the certificate of the Returning Officer that the election mentioned in the certificate was duly held, and that the person named in the certificate was a candidate at that election, shall be evidence of the matter stated.

12. Penalties

- (a) A person who commits an offence against this Statute shall be liable to a penalty not exceeding the amount from time to time prescribed by the Act as the maximum penalty that may be imposed for any breach of a Statute, and to pay compensation not

exceeding the amount from time to time prescribed by the Act as the maximum restitution that may be paid to the College for any damage done by him or her to College property.

- (b) Proceedings may be taken in any court of summary jurisdiction in accordance with the Justices Act 1902 in respect of any offence committed under this Statute and any penalty imposed or compensation made payable may be recovered in a summary matter in accordance with the Justices Act 1902.
- (c) Proceedings may be taken by any person authorised by the Director or the council or by any member of the Police Force who shall be reimbursed out of the funds of the College for all costs, charges, expenses and damages which he or she may incur or become liable by reason of taking proceedings.
- (d) A person who does not contest an allegation that he or she has committed an offence under this Statute may pay to the Director within the time prescribed by a notice given under section 13 of this Statute, the modified penalty prescribed for that offence by sub-section (e).
- (e) For any offence under this Statute the modified penalty shall be \$10.00.
- (f) The production of an acknowledgement from the Director of the payment of the modified penalty shall be a defence to a charge of the offence in respect of which the modified penalty is paid.
- (g) If it appears to the Director that an alleged offence under this Statute cannot be adequately punished by the payment of a modified penalty, the Director may refuse to accept payment of the modified penalty and may take proceedings against the alleged offender.
- (h) The commission of an offence under this Statute by a student is deemed to be a disciplinary offence for which a complaint may be brought, heard and determined under disciplinary rules of the College, instead of before a court of summary jurisdiction.

13. Notices

- (a) If a person shall commit an offence under this Statute the Director may give to the person a notice, in a form approved by the Director, which notice shall—
 - (i) be identified by a serial number;
 - (ii) if the name of the person is known to the Director, be addressed by name to the person;
 - (iii) state that it is alleged that an offence under this Statute has been committed and in general terms the offence which it is alleged has been committed;

(iv) state that further action may be taken unless within the time and manner stated in the notice—

- (A) the modified penalty specified in section 12 of this Statute and indicated on the notice be paid; or
 - (B) within 7 days an explanation in writing addressed to the Director is given for the commission of the offence, in which case further notice will be given either that the explanation is accepted or that the explanation is not accepted and further action will be taken failing payment of the modified penalty indicated on the notice within 14 days after the date on the further notice; and
- (v) state the modified penalty payable.
- (b) If the Director is unable to give the notice referred to in sub-section (a) to the person by handing it to him or her, it may be given by posting it to the person at his or her last known place of abode.
 - (c) If the person to whom the notice under sub-section (a) is given, gives a written explanation to the Director in accordance with the terms of the notice, the Director may either accept the explanation or not accept it, and he or she may give the person a further notice stating that further action may be taken if the modified penalty indicated on the notice is not paid within 14 days after the date of the further notice.

The Common Seal of the Western Australian College of Advanced Education was hereto affixed by authority of a resolution of the Council of the College in the presence of:

[L.S.]

P. H. PORTER,
Chairman.

D. A. JECKS,
Authorised Sealing Officer.

Approved by His Excellency the Governor in Executive Council the 6th day of November 1984.

G. PEARCE,
Clerk of the Council