Council Election Procedure

1 Purpose

To provide information and guidance on procedures for elections related to members of the University Council and other committees at the University with elected members, including the Academic Board.

2 Scope

The *University of Southern Queensland Act 1998* (the Act) requires that the Council must make a policy about the conduct of elections for its categories of membership including elected academic Employees, general (professional) Employees, and Students.

The Higher Education Standards Framework (Threshold Standards) 2021 requires members of Council to be fit and proper persons.

This procedure must be read in conjunction with the Council Election Policy.

This procedure applies to elections for the categories of elected members of the Council pursuant to s.15(2) of the Act.

This procedure does not apply to appointments made by the Council to fill a casual vacancy in accordance with s.20A(2) and s.20A(5) of the Act.

This procedure may also be applied to election of members of other committees at the University including the Academic Board.

3 Procedure Overview

This procedure implements the Council Election Policy.

This procedure aligns with:

- *Higher Education Standards Framework (Threshold Standards) 2021*: Standard 6.1 Corporate Governance

4 Procedures

4.1 Conduct of elections

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All elections under the Council Election Policy must be conducted by the University Secretary as Returning Officer.

Subject to the Act, the Returning Officer's determination on all matters affecting an election will be final and without recourse to appeal. If the Chancellor believes that the Returning Officer is unable to exercise the function of determining any matters affecting a Council election, then the Chancellor may appoint a panel of three persons to exercise that function.

For each election, information will be made available to members of the electoral roll via email and the University's intranet. The Returning Officer:

- must conduct the election in accordance with the Council Election Policy and this procedure;
- must not influence, or attempt to influence, the outcome of an election;
- shall take the action, and give the directions, the Returning Officer considers reasonably necessary to ensure that the processes under which the election is conducted are fair and transparent;
- must refer any concerns, suspicions, information obtained, or allegations received, related to possible misconduct in the election process (including any allegations relating to the Returning Officer) to the Vice-Chancellor.

The Returning Officer may take the action, and give the directions, the Returning Officer considers reasonably necessary:

- to ensure no irregularities happen in the election; or
- to remedy a procedural defect that appears to the Returning Officer to exist about the election.

4.2 Determination of procedures for elections

Under the Act s.26AA(2) and s.26AC, Council must determine the procedures and details for Council elections required to be conducted under the Act, including provisions:

- to ensure the integrity and security of the voting system;
- to ensure only persons who are eligible to vote may vote;
- to ensure a person cannot vote more than once in an election;

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- to ensure voting is done by secret ballot;
- to ensure a person is not improperly influenced in voting;
- stating the procedure for voting, including the procedure to issue ballots;
- about notifying the period during which an election is to be held;
- about nominating candidates, including calling for and making nominations, and fixing the day by which nominations must be made;
- about publishing the results of an election, including the day by which the results must be published;
- stating eligibility to be nominated as a candidate for a particular category of elected members;
- about eligibility to vote, including eligibility to vote for a particular category of elected member.

Council must also determine procedures for:

- notice of an election and calls for nominations;
- the provision of supporting statements by candidates;
- undertaking ballots by electronic means.

4.3 Mode of election

Elections must be held by electronic means through an electronic voting system that complies with the provisions in Section 4.2. If for any reason it is impossible or impractical to hold an election by electronic means, the election shall be conducted by such other means as the Returning Officer determines.

4.4 Dates and times applying to elections

Unless otherwise specified, number of days means calendar days.

The Returning Officer must determine:

- the date on, or period over which an election is to be held; and

- the time and date at which a roll of electors is to be closed; and
- the time and date prescribed for the receipt of nominations; and
- the time and date prescribed for the activation of electronic voting; and
- the time and date prescribed for the receipt of electronic votes; and
- the time and date prescribed for the closing of votes on the electronic voting system.

The Returning Officer must determine the period between:

- the publication date of the notice of election and the date prescribed for the receipt of nominations, which must be not less than 14 and not more than 42 days.

The Returning Officer must determine the period between:

- the date prescribed for the receipt of nominations and the date prescribed for activation of electronic voting, which must not be more than 42 days.

The Returning Officer must determine the period between:

- the date prescribed for the activation of electronic voting, and the date by which electronic votes must be submitted, which must be not less than 14 and not more than 60 days.

4.5 Electoral rolls

Rolls of eligible electors sufficient to enable the effective conduct of elections shall be provided to the Returning Officer in electronic form by People Portfolio for staff elections and Students Portfolio for student elections.

Only eligible electors are eligible to vote in an election required to be conducted under the Act.

Between the nomination date and the closing date of an election, the Returning Officer may alter the information on the electoral roll to correct an error or omission.

4.6 Notice of election

Notice of an election must be published on the University's intranet, and via email.

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The notice of election must:

- identify the membership category for which the election is being conducted;
- identify the number of positions to be filled;
- specify the term of office for which the elected member is to be elected;
- call for nominations;
- specify the procedure for nominating candidates; and
- specify the time and date prescribed for the receipt of nominations.

4.7 Manner of nominations

Nominations must:

- be made on the prescribed form;
- be signed by the candidate and supported by two persons eligible to vote in the same category of electors;
- include acknowledgement by the candidate that the candidate is eligible to be elected under the Act; and
- be received by the Returning Officer by the time and date prescribed for the receipt of nominations.

Each candidate must have a separate nomination.

After the time and date prescribed for the receipt of nominations, a nomination may only be withdrawn with the consent of the Returning Officer.

Nominations lodged after the time and date prescribed for receipt of nominations will not normally be accepted, and if late only accepted with the consent of the Returning Officer.

4.8 Determination of the requirement for a ballot

If after the close of nominations the number of candidates equals the number of positions to be filled, the Returning Officer may declare the nominated candidates duly elected under Section 4.14 of this procedure.

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If after the close of nominations the number of candidates exceeds the number of positions to be filled, the Returning Officer must conduct an election under the Council Election Policy.

If after the close of nominations there are no nominations in the required category of election then the Returning Officer may extend the date for receipt of nominations.

4.9 Notice of ballot to electors

On the date prescribed for the activation of electronic voting, the Returning Officer must provide to each eligible elector, via electronic means:

- a notice of ballot;
- link to the electronic voting system;
- such other information as the Returning Officer deems appropriate, including voting procedures.

The notice of ballot must:

- identify the category in which the election is required;
- specify the first day of voting and the last day of voting in that category;
- provide an explanation of how votes are to be cast.

4.10 Electronic ballot form

The ballot form must:

- list the names of the candidates in order drawn by lot conducted by the Returning Officer;
- be in a form which enables an eligible elector to indicate the elector's preferences for each and every candidate.

4.11 Appointment of scrutineers

A candidate may nominate a scrutineer by giving notice to the Returning Officer at least four (4) days prior to an election activity.

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The Returning Officer must appoint two persons to be scrutineers for each election, for the activities of drawing of candidate position on the ballot and for the determination of the results of the election.

4.12 Scrutiny of election results

At the close of voting an electronic version of the results will be displayed in the presence of the scrutineers and the Returning Officer.

In the presence of the scrutineers, the Returning Officer must examine the election outcome report which details the total number of votes cast, the total count of votes cast for each candidate.

4.13 Determination of result of election

Votes are to be counted by a system of preferential voting.

In the event of a tie, the Returning Officer will determine by lot in the presence of at least one scrutineer the successful candidate or candidates in the election.

Informal votes do not count towards the total numerical tally for an election.

4.14 Declaration and publication of result of election

The Returning Officer must declare the result of a Council election by -

- giving notice in writing to the Chancellor of the elected candidates.

The Returning Officer must as soon as reasonably possible thereafter -

- notify the candidates of the result of the election;
- publish the result of the election on the University's intranet and via email.

Results for elections other than Council elections may be published in a manner suitable for the relevant entity.

4.15 Election not invalidated

An election is not invalidated by reason of:

- an inadvertent failure to send an eligible elector any notice or electronic ballot form;
- a procedural irregularity, provided that the irregularity does not prejudice the fairness of the election process;
- a candidate who does not nominate a scrutineer; or
- a scrutineer who does not carry out the duties under this procedure.

4.16 Holding a fresh election

If the Chancellor forms the opinion that the result of an election is, or is likely to be, unsound then the Chancellor may within 14 days after the declaration of the result of that election call a fresh election, either generally or in relation to a particular position.

The Chancellor may only call a fresh election after 14 days of a declaration of the result of an election, in extraordinary circumstances, or in the case of ineligibility of a candidate.

Where the Chancellor becomes aware, no more than 12 months after the declaration of the result of the election, of a vacancy in an elected position by reason of ineligibility of a candidate, the Chancellor on advice of the Returning Officer may choose to declare duly elected the candidate with the next highest number of votes.

All decisions made by the Chancellor pursuant to the provisions of this subsection shall be final.

4.17 Retention and disposal of election records

After the declaration of the result of an election, the Returning Officer must ensure retention of the electronic records of voting for the minimum period of time required by the *Public Records Act 2023*. The Returning Officer will ensure the disposal of these records in accordance with the authorised University Sector Retention and Disposal Schedule. All such approved disposals will be recorded in a Records Disposal Register and captured in a compliant records management system or a University supported business system.

4.18 Returning Officer to notify Minister of vacancies

If a position or casual vacancy for an elected Council position is not filled for any reason, the Returning Officer must notify the Minister of the number of positions or vacancies remaining unfilled.

5 References

This procedure is informed by the *University of Southern Queensland Act 1998*, the *University Legislation Amendment Act 2017*, and the *University of Southern Queensland (Conduct of Council Elections Statute) 2010* (repealed) which this procedure and associated policy replaces.

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6 Schedules

This procedure must be read in conjunction with its subordinate schedules as provided in the table below.

7 Procedure Information

Accountable Officer	Vice-Chancellor
Responsible Officer	University Secretary
Policy Type	University Procedure
Policy Suite	Council Election Policy
Subordinate Schedules	
Approved Date	15/4/2025
Effective Date	15/4/2025
Review Date	27/6/2027
Relevant Legislation	*Public Records Act 2023* *University Legislation Amendment Act 2017* *University of Southern Queensland Act 1998*
Policy Exceptions	Policy Exceptions Register
Related Policies	Records and Information Management Policy
Related Procedures	
Related forms, publications and websites	Enterprise Information Management Services
Definitions	**Terms defined in the Definitions Dictionary**
	Chancellor The person bearing the title of Chancellor, or as otherwise defined in the University of Southern Queensland Act 1998 , including a person acting in that position. Council

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Council means the governing body, the University of Southern Queensland Council.

Employee

A person employed by the University and whose conditions of employment are covered by the Enterprise Agreement and includes persons employed on a continuing, fixed term or casual basis. Employees also include senior Employees whose conditions of employment are covered by a written agreement or contract with the University.

Returning Officer

The University Secretary will officiate as Returning Officer for any elections conducted under the Council Election Policy and Council Election Procedure. The University Secretary may task another Employee with the Returning Officer's responsibilities except for the case of Council elections.

Student

A person who is enrolled in a UniSQ Upskill Course or who is admitted to an Award Program or Non-Award Program offered by the University and is: currently enrolled in one or more Courses or study units; or not currently enrolled but is on an approved Leave of Absence or whose admission has not been cancelled.

University

The term 'University' or 'UniSQ' means the University of Southern Queensland.

University Members

Persons who include: Employees of the University whose conditions of employment are covered by the UniSQ Enterprise Agreement whether full time or fractional, continuing, fixed-term or casual, including senior Employees whose conditions of employment are covered by a written agreement or contract with the University; members of the University Council and University Committees; visiting, honorary and adjunct appointees; volunteers who contribute to University activities or who act on behalf of the University; and individuals who are granted access to University facilities or who are engaged in providing services to the University, such as contractors or consultants, where applicable.

Definitions that relate to this procedure only

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