

Resolution of the NMIT Board, February 2008, pursuant to clause 9 of the Institute Constitution.

1. In this Rule unless inconsistent with the context or subject matter:

"Absolute majority of votes" means a number of votes greater than one half of the total number of valid ballot papers polled at the relevant poll or election.

"Continuing candidate" means a candidate not elected or excluded from the count at an election.

"Board" means the Board for the time being of the Northern Melbourne Institute of Technical and Further Education.

"Deputy" means the person howsoever designated for the time being acting as deputy to the Chief Executive Officer.

"Election" means an election under this Rule.

"Excluded candidate" means a candidate excluded from the count at an election.

"Nomination day" means the day appointed as the day on or before which all candidates for any election must be nominated.

"Polling day" means the day appointed at any election as the last day for the placing of ballot papers in the ballot box or for the delivery of ballot papers to the Returning Officer.

"Chief Executive Officer" means the person for the time being in charge of the Institute howsoever designated.

"Institute" means the Northern Melbourne Institute of Technical and Further Education.

2. Elections must be held at a time to be determined by the Board.

3. APPOINTMENT OF ELECTION OFFICIALS

- (a) The Chief Executive Officer is the Returning Officer for the election.
- (b) The Returning Officer may by in writing signed by him or her appoint some fit and proper person to be the Substitute Returning Officer and may in like manner appoint fit and proper persons as he or she considers fit to assist him or her in the conduct of the election. The Returning Officer, the Substitute Returning Officer and every other person (if any) appointed under clause 13 or clause 11 must before undertaking his or her duties make and sign a declaration to the following effect:-

I (A.B.) , the Returning Officer, the Substitute Returning Officer, Poll Clerk, or Scrutineer (whichever is applicable) appointed at the present poll, solemnly promise and declare that I will faithfully and impartially according to the best of my skill and judgment, exercise and perform all the duties required of me in connection with the election of members of the Northern Melbourne Institute of Technical and Further Education Board or Board Committees (whichever is applicable). And I further solemnly promise and declare that I will not in such office at the said poll attempt to ascertain in what manner any person shall vote or has voted; and that if, in the discharge of my duties at or concerning the said poll, I learn or have the means of learning in what manner any person shall vote or has voted, I will not by word or act or by any other means whatsoever, either directly or indirectly, divulge or discover or aid in divulging or discovering the same, except in answer to some question which I am legally bound to answer.

Dated day of 19

Signed _____ (A.B.)

4. NOTICE OF ELECTIONS

The Returning Officer -

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- (a) must post or cause to be posted on appropriate notice boards at the Institute a notice giving notice of his or her intention to conduct the elections; and
 - (b) must state in the notice -
 - (i) the nomination day (being a day not less than seven days after the notices); and
 - (ii) the time when and place where nominations will be received.

5. ELECTION ELIGIBILITY

5.1 Election of staff and students to the Board and non-academic Board Committees will be held on the following basis.

- (i) Only staff employed by the Institute on a 0.8 time fraction or above are eligible to stand for office.
- (ii) Only general staff employed by the Institute on a 0.5 basis or above are eligible to vote.
- (iii) Only teaching staff employed by the Institute on a 0.4 basis or above are eligible to vote.
- (iv) Staff on extended leave are not eligible to vote.
- (v) Only students enrolled at the Institute in a course of study over 300 hours in a calendar year are eligible to stand for office.

- (vi) Only students enrolled at the Institute in a course of study over 300 hours in a calendar year are eligible to vote.

5.2 Higher Education (HE) Academic Committee

- (i) Only Higher Education academic staff employed by the Institute on 0.5 EFT or above are eligible to stand for office and/or vote.
- (ii) Only Higher Education students enrolled at the Institute are eligible to stand for office and/or vote.

5.3 Vocational Education (VET) Programs Committee

- (i) Only teaching staff employed by the Institute on a 0.8 time fraction or above can stand for office.
- (ii) Only teaching staff employed by the Institute on a 0.4 basis or above are eligible to vote.
- (iii) Staff on extended leave are not eligible to vote.
- (iv) Only students enrolled at the Institute in a course of study over 300 hours in a calendar year are eligible to stand for office.
- (v) Only students enrolled at the Institute in a course of study over 300 hours in a calendar year are eligible to vote.

6. NOMINATIONS - STAFF

- (i) In order that any person may become or be a candidate at the election, he or she must comply with subclause 5(i) and must before noon on the nomination day deliver or cause to be delivered to the Returning Officer, who must if required give a receipt, a nomination form in accordance with Schedule A of this Rule naming the person as a candidate at the elections and signed by not less than three members of the staff and having at the foot of it a statement signed by the member of staff so nominated that he or she consents to the nomination.
- (ii) Any person nominated as a candidate may by written notice addressed to the Returning Officer withdraw his or her consent to the nomination. The notice must be lodged with the Returning Officer not later than noon on the nomination day, and as soon as it is lodged the candidate is

considered not to have been nominated.

- (iii) If any candidate ceases to be a member of the staff after nomination day and before the polling day the elections fail and the Returning Officer must invite new nominations in accordance with the procedure set out in clause 4.

7. NOMINATIONS - STUDENTS

- (i) In order that any person may become or be a candidate at the election, he or she must comply with subclause 5(v) and must before noon on the nomination day deliver or cause to be delivered to the Returning Officer, who must if required give a receipt, a nomination form in accordance with Schedule A of this Rule naming the person as a candidate at the elections and signed by not less than three eligible students and having at the foot of it a statement signed by the student so nominated that he or she consents to the nomination.
- (ii) Any person nominated as a candidate may by written notice addressed to the Returning Officer withdraw his or her consent to the nomination. The notice must be lodged with the Returning Officer not later than noon on the nomination day, and as soon as it is lodged the candidate is considered not to have been nominated.
- (iii) If any candidate ceases to be an eligible student after nomination day and before the polling day the elections fail and the Returning Officer must invite new nominations in accordance with the procedure set out in clause 4.

8. UNCONTESTED ELECTION

If the respective number of candidates nominated for election equals the number of vacant positions the Returning Officer must by notice on appropriate notice boards declare those candidates to have been duly elected.

9. POLLING

- (a) If at any election more than the required number of candidates are nominated for any position a poll must be taken by secret preferential voting.

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- (b) For the purposes of subclause 9(a) the Returning Officer must -
- (i) compile a roll of the students who are eligible to vote in accordance with subclauses 5(v) and (vi); and
 - (ii) cause ballot papers to be printed in the form of Schedule B of this Rule or to the like effect showing the surname and given or other names in full of all the candidates at the election in alphabetical order of surname; and
 - (iii) by himself or herself or the Substitute Returning Officer initial every ballot paper; and
 - (iv) send by post or cause to be delivered to each voter one ballot paper; and
 - (v) establish ballot boxes in appropriate positions; and
 - (vi) post on appropriate notice boards a notice signed by himself or herself or the Substitute Returning Officer showing -
 - (A) the nominal roll mentioned in subclause 9(i); and
 - (B) the date of the polling day (which must not be less than seven days after the nomination day); and
 - (C) the location of the ballot box mentioned in subclause 9(v) and the days and times when ballot papers may be placed in it.

10. VOTING

A voter must mark the ballot paper by placing the number 1 opposite the name of the candidate for whom the voter votes as his or her first preference and must give contingent votes for all the remaining candidates by placing the numbers 2, 3 and 4 (and so on as the case requires) opposite their names, so as to indicate by such numerical sequence the order of his or her preferences.

- (a) When the voter has marked his or her vote on the ballot paper he or she must not later than four o'clock in the afternoon of the polling day place it in the ballot box or must post it or deliver it or cause it to be delivered to the Returning Officer in time to reach the Returning Officer not later than four o'clock in the afternoon of the polling day.
- (b) The Returning Officer must place or cause to be placed in the ballot box any ballot paper delivered to him or her not later than four o'clock in the afternoon of polling day.

11. SCRUTINEERS

Each candidate at an election is entitled to appoint in writing one scrutineer to be present during the scrutiny.

12. ASCERTAINMENT OF RESULT

As soon as practicable after the close of the poll the Returning Officer must in the presence and subject to the inspection of such of the scrutineers who choose to be present and the poll clerk (if any) -

- (a) unlock the ballot box; and
- (b) remove all ballot papers from it; and
- (c) open each ballot paper and verify its validity in accordance with this Rule; and
- (d) reject any ballot paper that is not completed in accordance with the provisions of subclause 9(b)(iii) and clause 10; and

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- (e) arrange the ballot papers in parcels according to the names of the first preference votes; and
 - (f) count all the first preference votes for each candidate respectively.
- 13.** If any candidate receives an absolute majority of first preference votes (including the casting vote of the Returning Officer if necessary) the Returning Officer must declare that candidate duly elected.
- 14.** If no candidate has an absolute majority of first preference votes (including the casting vote of the Returning Officer if necessary) the Returning Officer in the presence and subject to the inspection of such scrutineers as choose to be present must -
- (a) declare the candidate who has received the fewest first preference votes (including the casting vote of the Returning Officer if necessary) an excluded candidate and distribute the ballot papers counted to such excluded candidate amongst the continuing candidates next in order of the voters' preferences; and
 - (b) after such distribution again ascertain the number of votes given to each continuing candidate; and
 - (c) if any candidate then has an absolute majority of votes (including the casting vote of the Returning Officer if necessary), the Returning Officer must declare that candidate elected; and
 - (d) if no candidate then has an absolute majority of votes (including the casting vote of the Returning Officer if necessary), he or she must continue the process of declaring the candidate who has the fewest votes (including the casting vote of the Returning Officer if necessary) an excluded candidate and distributing the ballot papers counted to the excluded candidate amongst the continuing candidates next in order of the voters' preferences and must recount the votes after every such redistribution until one candidate has received an absolute majority of votes (including the casting vote of the Returning Officer if necessary) and declare the candidate fully elected to the first vacancy.
- 15.** If on any count two or more candidates have an equal number of votes and one of them has to be declared an excluded candidate, the Returning Officer must decide by casting vote which is to be declared an excluded candidate and if on the final count for filling any vacancy two candidates have received an equal number of votes the Returning Officer must in such case have a casting vote to decide which is to be declared the elected candidate.

16. DISPUTES

- (a) The Returning Officer -
 - (i) may, of his or her own motion within 24 hours after the declaration of the result of an election, and
 - (ii) must, if a request in writing is received from a candidate not later than one day after the declaration setting out his or her reasons for the request, within two days after receipt of the request, make a recount of the votes at the election.
- (b) If a Returning Officer fails within two days after receipt of a request under subclause 16(a)(ii) to direct a recount the candidate may within two days after the expiration of that time appeal in writing setting out his or her reasons to the President of the Board.
- (c) Before an appeal is made to the President under subclause 16(b) the candidate must advise the Returning Officer of his or her intention to appeal.
- (d) If an appeal is made under subclause 16(b) the President may direct a recount.
- (e) The President must in writing as soon as practicable after receipt of an appeal in accordance with this clause notify the candidate and the Returning Officer of his or her decision on the appeal and if he or she so directs, a recount must be carried out immediately.

17. PUBLICATION OF RESULTS OF ELECTIONS

The results of elections must be notified by the Returning Officer on appropriate notice boards as follows.

- (a) If no appeal is made under subclause 16(a) as soon as practicable after the expiration of the time allowed for the making of such appeals.
- (b) If an appeal is made under subclause 16(a) and a recount is carried out in accordance with that provision as soon as practicable after the recount.

- (c) If an appeal is made to the President under subclause 16(b) as soon as practicable -
 - (i) after notification in writing is received from the President rejecting the appeal; or
 - (ii) if the President directs a recount, after the recount.

18. DESTRUCTION OF RECORDS

As soon as practicable after the publication of the results of the election, the Returning Officer must destroy all records in connection with the election except the notification of the results of the said elections and all declarations made in connection with the said elections pursuant to clause 2 of this Rule.

19. Despite anything in this Rule for the purposes of the first election to be held at the Institute after the commencement of this Rule, the Returning Officer may appoint -
- (a) as the nomination day any day after the date of the giving of notice under clause 4 and the day so appointed and stated in the notice is the nomination day for the purposes of this Rule;
 - (b) as the polling day any day after the nomination day and any day so appointed and shown in the notice under subclause 9(b)(vi) is the polling day for the purposes of this Rule.



TITLE: ELECTION PROCEDURES

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DATE: 18/2/2008

SCHEDULE A

**ELECTION OF MEMBER TO NMIT BOARD
AND BOARD COMMITTEES**

NOMINATION FORM

FOR (a)

TO HOLD OFFICE UNTIL

TO THE RETURNING OFFICER,
NORTHERN MELBOURNE INSTITUTE OF TECHNICAL & FURTHER EDUCATION

We the undersigned persons entitled to vote at the present Institute Election do hereby nominate -

(b)

being a member of staff, as a candidate.

(c) Signatures of Nominators:

.....
.....
.....

I, (b) hereby consent to the above nomination.

Signature

(a) Insert category.

(b) Insert name of person nominated.

(c) The signatures of at least three nominators must be inserted.

INSTITUTE RULE



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SCHEDULE B

**ELECTION OF MEMBER TO NMIT BOARD
AND BOARD COMMITTEES**

BALLOT PAPER

ELECTION OF MEMBER

FOR (a)

TO HOLD OFFICE UNTIL

POLLING DAY

CANDIDATES' NAMES :

DIRECTIONS

The voter must mark his or her ballot paper by placing the number 1 opposite the name of the candidate for whom he or she votes as his or her first preference, and must give contingent votes for all the remaining candidates by placing the numbers 2, 3 and 4 (and so on as the case may require) opposite their names, so as to indicate by such numerical sequence the order of his or her preference.

When the voter has marked his or her vote on the ballot paper he or she must not later than four o'clock in the afternoon of the polling day place it in the ballot box or post it or delivery it or cause it to be delivered to the Returning Officer in time to reach the Returning Officer not later than four o'clock in the afternoon of the polling day.

- (a) Insert category of member for whom the vote is being cast.