



University of Western Australia Statute

SENATE APPROVED – XX

This Statute is made by the Senate of the University of Western Australia, as the governing authority of the University of Western Australia, under Part 7 of the University of Western Australia Act 1911.

Note: This mark-up is provided for consultation purposes only. Convocation's feedback and drafting (if any) is to be provided in relation to the draft Amending Statute itself (refer to section 31(2)- (4B) UWA Act).

Version showing mark-up of changes resulting ONLY from the Senate's approval of draft Amending Statute No 1 of 2024 (whereby Chapter 4 (Convocation) is deleted and replaced in its entirety, and new Chapter 14 inserted). Changes are coded as much as possible between those proposed by Convocation, and some of those resulting from the Report of the Convocation Review Working Group. However, you will appreciate that there may be overlap in some cases.

Coding of proposed amendments:

- _____ mark up Convocation's proposed changes to Chapter 4 and new Chapter 14 (as amended by Senate)

AND

- _____ mark up of SOME proposed changes (grey shading) resulting from the narrative Report of the Convocation Review Working Group

Table of contents will be updated when amendments commence.

Version control – drafting

Version	Author	Date	Purpose
15	Mia Betjeman	20/08/2024	Showing changes approved by the Senate 29 July 2024 and 20 August 2024 as part of Amending Statutes No 1 and No 2 Prepared to assist Convocation with consideration of Amending Statutes No 1 (Convocation) (only)

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Chapter 4 — Convocation

14. Terms used

In this Chapter, unless the contrary intention appears —

Autumn ~~Ordinary~~ General Meeting means an ~~ordinary~~ General Meeting of Convocation held under clause 21(1)(a)

Calendar Year means a year ending on 31 December;

Chair, at a General Meeting, means the person who, under Section 24, is to preside as the Chair of the meeting;

Contact Details, of an Individual, means —

- (a) their postal address; and
- (b) their Electronic Address; and
- (c) their telephone number; and
- (d) any other information about them of a kind determined by the Council Board;

Convocation Officer means the Convocation Officer appointed under clause 18;

Co-opted member means a Board member appointed by the Board under clause 30(1);

Council Board means the ~~Council of Convocation~~ Alumni Board established by clause 28;

Council Board Meeting means a meeting of the Alumni Board held under clause 33;

Board member means a member of the Alumni Board;

~~Councillor~~ means the ~~Warden, Deputy Warden, an Ordinary Councillor or, if clause 28(2)(d) applies, the immediate past Warden~~;

Deputy Warden means the Deputy Warden of Convocation ~~referred to in~~ elect under clause ~~28(2)(b)~~ 29(2);

Elected member means a Board member elected by the Members under clauses 47 to 53 or by the Board under clause 54;

Electronic Address means an email address, fax number, mobile telephone number or other means for receiving digital or Electronic Communication;

Electronic Communication means a communication in a digital or e ~~Electronic Communication in a~~ format determined by the Council Board;

Fund includes account;

General Meeting means an ~~ordinary~~ regular General Meeting of Convocation or a special General Meeting of Convocation;

Member means an ~~i~~ Individual who is on the Members' Roll;

Member Cohort means any of the following —

- (a) those Members who have been Members for not more than 10 years;
- (b) those members who have been Members for more than 10 years but not more than 20 years;
- (c) those members who have been Members for more than 20 years but not more than 40 years;
- (d) those members who have been Members for more than 40 years;

Members' Roll means the roll ~~of Members of Convocation~~ kept under Section 17(2);

~~Ordinary Councillor~~ means a ~~Councillor referred to in clause 28(2)(e)~~;

Periodic Election has the meaning given by clause 47(2);

Regular General Meeting means an Autumn General Meeting or Spring General Meeting of Convocation;

Roll Keeper means the individual —

- (a) who, under Section 17(2), is required by the Senate to keep the Members' Roll; or
- (b) to whom the Senate under Section 16G, has delegated its duty, under Section 17(2), to keep the Members' Roll;

Special General Meeting means a General Meeting of Convocation held under clause 22;

Spring ~~Ordinary~~ General Meeting means an ~~ordinary~~ General Meeting of Convocation held under clause 21(1)(b);

Standing Orders means Standing Orders made under clause 32(2);

Warden means the Warden of Convocation elected under Section 18.

15. **Members' Roll**

- (1) The Members' Roll must contain as much of the following information about each Member as possible —
 - (a) full name;
 - (b) date of birth;
 - (c) gender;
 - (d) whether deceased and, if so, date or Calendar Year of death;
 - (e) how, and in which Calendar Year, the person became a Member;
 - (f) any Award of the University;
 - (g) any degree, diploma, certificate, honorary degree, prize or other distinction granted by any other tertiary institution;
 - (h) any honour, award or other distinction granted or conferred by a Government or other public body, whether in Australia or elsewhere; and
 - (i) Contact Details.
- (2) Clause 15(1) does not limit the information that may be kept on the Members' Roll about a Member~~(s)~~.
- (3) Clause 15(1) and 15(2) have effect subject to the Senate's legal obligations (including in relation to the privacy of personal information of the people listed in Section 17(1)).
- ~~(4)~~ A Member may request the Roll Keeper to record on the Member's Roll that the Member does not want to be contacted —
 - (a) by Convocation; or
 - (b) by the University; or
 - (c) by either Convocation or the University.
- (5) If, on not less than two consecutive occasions, Convocation receives no response from a Member to mail addressed to a that Member at a postal address recorded on the Members' Roll has been unclaimed, the Convocation Officer may remove that postal address from the Members' Roll.
- (6) Without limiting clause 15(5), a reference to Convocation receiving no response from a Member to mail includes a reference to a voting paper not being completed and returned by post under clause 49(16) after being sent by post to a Member as required by clause 49(12).
- ~~(7)~~ If, on not less than two consecutive occasions, Electronic Communications addressed to a Member at an Electronic Address recorded on the Members' Roll appear to have failed, the Convocation Officer may remove that address-Electronic Address from the Members' Roll.
- ~~(8)~~ Before removing an address under clause 15(5) or 15(~~7~~) the Convocation Officer is to take reasonable steps to ascertain the correct address of the Member.

16. Access to the Members' Roll

- (1) The ~~Council Board~~ is entitled to have access to the Members' Roll ~~for the purpose of performing Convocation's functions.~~
- (2) If under clause 16(1) the ~~Council Board~~ wants access to the information on the Members' Roll or to any part of it, the ~~Council Board~~ must ask the Roll Keeper and specify the information the ~~Council Board~~ wants and the ~~digital or~~ electronic format in which the information is wanted.
- (3) On receiving a request made under clause 16(2), the Roll Keeper must, if practicable and as soon as practicable, give the ~~Council Board~~ the information requested in the ~~digital or~~ electronic format requested.
- (4) Clause 16(1), 16(2) and 16(3) have effect subject to the Senate's legal obligations (including in relation to the privacy of personal information of the people listed in Section 17(1)).

17. Contacting Members

- (1) To give a Member notice of any matter the ~~Council Board~~ must, if a postal address or Electronic Address is recorded for the Member in the Members' Roll, give the Member a written notice.
- (2) A written notice may be separate from, or included in, other material sent to the Member.
- (3) A written notice is taken to have been given to a Member if it was sent to a postal address or Electronic Address recorded for the Member in the Members' Roll.
- (4) This clause does not prevent the ~~Council Board~~ from publishing a written notice on the Convocation website, but doing so does not amount to giving Members written notice of a matter.

18. Convocation Officer

- (1) The Vice-Chancellor, ~~after consultation with the Warden,~~ must appoint a Member of the staff of the University ~~endorsed by the Warden~~ to the position of Convocation Officer.
- (2) The Convocation Officer has the functions conferred on the Convocation Officer ~~by~~ under this Statute.
- ~~(3)~~ The Vice-Chancellor, ~~and~~ the Warden ~~and the Council Board,~~ may agree ~~on~~ other functions that are to be performed by the Convocation Officer.

19. Functions of Convocation

- ~~(1)~~ Convocation has these functions —
- (a) to support and promote professional and social interaction and links between its Members ~~(s)~~ and between its Members and the rest of the University Community;
 - (b) to facilitate communication between its Members and the rest of the University Community and, in particular, the communication —
 - (i) of the interests and opinions of its Members about matters affecting the University to the rest of the University Community; ~~and~~
 - (ii) by the rest of the University Community to Convocation of matters affecting the University and matters of relevance to Convocation's other functions; ~~and~~
 - ~~(c)~~ to encourage its Members to contribute to and support the intellectual, cultural and financial prosperity of the University;
 - (d) to provide scholarships and other financial ~~and non-financial~~ support to students;
 - (e) to enable the governance of the University by the Senate by:
 - (i) the election of the Warden under Section 18; ~~and~~

- (ii) the election of Members of the Senate under Section 8(1)(h); and
- (iii) considering draft proposed Statutes under Section 31(2);
- (f) to give formal recognition to Members who make significant contributions to the University Community;
- (g) to raise money for the purposes of ~~the performance of its performing~~ functions ~~mentioned in clause 19(a) to 19(d).~~

20. Considering draft Statutes

- (1) In this clause —

Response Period means the period mentioned in Section 31(2).

- (2) When, under Section 31(2), the Senate refers a draft proposed Statute to Convocation, the Warden, as soon as practicable, must decide either —
- (a) that the functions of Convocation under Section 31(2) and 31(3) in relation to the draft will be performed by the ~~Council Board~~; or
 - (b) to refer the draft to a General Meeting for the performance of those functions.
- (3) If the Warden decides to refer the draft to a General Meeting ~~and~~ considers that the matter cannot be dealt with at an ~~ordinary Regular~~ General Meeting earlier than four days before the end of the Response Period, or that it is not convenient for the matter to be dealt with at an ~~ordinary Regular~~ General Meeting —
- (a) the Warden must call a ~~s~~Special General Meeting under clause 22; and
 - (b) that meeting must be held not less than five days before the end of the Response Period; ~~and~~
 - ~~(c) despite clause 23(1) the minimum period of notice of that meeting that the Council may give to Members is 19 days.~~
- (4) The ~~Council Board~~ must, to the extent necessary and practicable, seek the views of Members with respect to each draft proposed Statute referred to Convocation.
- (5) If a draft proposed Statute is referred to a General Meeting under clause 20(2)(b), the ~~Council Board~~, having taken into account views obtained under clause 20(4), must submit a recommendation to the General Meeting —
- (a) that the proposed Statute be accepted as submitted; or
 - (b) that the proposed Statute be amended or additional provisions be included, in which case the ~~Council Board~~ must present its amendments or additions for consideration.
- (6) The agenda of the General Meeting to which a draft proposed Statute is referred must include either—
- (a) the text of the draft; or
 - (b) despite clause 17(4), instructions as to where a Member can obtain access to it electronically or as to how a Member ~~can~~ request a copy of it.
- (7) If it is practicable, the ~~Council's Board's~~ proposed recommendation under clause 20(5) must be included in the agenda of the General Meeting. If it is impracticable to include that proposed recommendation in the agenda, notice of the proposed recommendation must be given by any means accessible to Members that the Warden thinks fit as early as is practicable before the meeting.
- (8) At a General Meeting that is considering a draft proposed Statute —
- (a) a motion to amend the draft or add provisions to it cannot be considered unless notice of the motion was given to the Warden or Deputy Warden at least six days before the date of the meeting; and
 - (b) a motion to amend the draft or add provisions to it requires the support of at least two thirds of the votes cast at the meeting to pass; and

- (c) the Chair may declare as irrelevant the whole or part of a motion to amend the draft or add provisions to it; and
 - (d) a motion to overrule a declaration made under clause 20(8)(c) requires the support of at least two thirds of the votes cast at the meeting to pass.
- (9) If, under Section 31(3)(a), Convocation returns a draft proposed Statute to the Senate with draft amendments or additional provisions, it may also give the Senate written reasons for the draft amendments or additional provisions.

21. **Ordinary ~~Autumn and Spring~~ General Meetings**

- (1) Convocation must hold —
 - (a) ~~an ordinary~~ General Meeting ~~on the third Friday~~ in March in each Calendar Year (known as the **Autumn ~~Ordinary~~ General Meeting**); and
 - (b) ~~an ordinary~~ General Meeting ~~on the third Friday~~ in September in each Calendar Year (known as the **Spring ~~Ordinary~~ General Meeting**).
- (2) ~~If the Warden considers that a day fixed for an ordinary General Meeting under clause 21(1) is unsuitable, the meeting~~ A General Meeting is to be held on a day determined by the Warden.
- (3) The day determined under clause 21(2) for the Autumn ~~Ordinary~~ General Meeting cannot be earlier than —
 - (a) ~~seven University Working Days after the polling day determined under clause 49(2) for Periodic Elections the second Friday~~ in March; or
 - (b) ~~if no poll for a Periodic Election is required in March: the second Friday in March.~~
- (4) ~~The day determined under clause 21(2) for the Spring General Meeting cannot be earlier than the second Friday in September.~~
- (54) The Warden must determine the time and place at which ~~an ordinary~~ Regular General Meeting will be held.

22. **Special General Meetings**

- (1) The Warden may call a ~~s~~Special General Meeting of Convocation at any time.
- (2) The Warden ~~or Deputy Warden~~ must call a ~~s~~Special General Meeting of Convocation if ~~either the Warden~~ receives a written request to do so that —
 - (a) is signed by at least 50 Members each of whom is identified by their name and address; and
 - (b) states the purpose of the meeting.
- (3) The Warden must call a Special General Meeting of Convocation if obliged to do so by clause 20(3)(a)
- (4) The Warden must determine the day on which, and the time and place at which, a Special General Meeting will be held.
- (53) A ~~s~~Special General Meeting requested under clause 22(2) must be held within 28 University Working Days after the date on which the request is received.

23. **General Meetings: notice and quorum**

- (1) The ~~Council Board~~ must give Members written notice of a General Meeting at least ~~20-15~~ University Working Days before the date of the meeting and in accordance with clause 17.
- (2) Notice of a General Meeting may also be given by any additional means accessible to Members as determined by the Warden.
- (3) Notice of a General Meeting must state —

- (a) whether the meeting is ~~an ordinary a Regular~~ General Meeting or a ~~s~~Special General Meeting; and
 - (b) the ~~day~~, time and place of the meeting; and
 - (c) the agenda for the meeting.
- (4) In the case of ~~an ordinary a Regular~~ General Meeting, if the quorum required by Section 25 is not present within 30 minutes after the time when the meeting was to start —
- (a) the meeting is to stand adjourned for ~~a period of no less than 10, nor more than 15,40~~ University Working Days ~~fixed by the Warden~~ before being re-convened ~~at the same hour and place~~, and notice of that adjournment ~~and the day, time and place of the re-convened meeting~~ must be given by the Convocation Officer by:
 - (i) ~~written notice in accordance with clause 17 advertisement within five University Working Days in one daily or weekly newspaper published in Perth~~; and
 - (ii) any additional means accessible to Members as determined by the Warden;
 - ~~_____~~-and
 - (b) if at the adjourned meeting the quorum required by Section 25 is not present within 30 minutes after the time when the meeting was to start, the procedure in clause 23(4)(a) is to be repeated until a quorum is obtained for the meeting-, ~~and~~
 - ~~(c) if consideration of a draft proposed statute is on the agenda of the meeting and the meeting cannot be reconvened to a date at least five days before the end of the period mentioned in Section 31(2), the functions of Convocation under Section 31(2) and 31(3) in relation to the draft must be performed by the Board.~~
- (5) In the case of a ~~s~~Special General Meeting, if the quorum required by Section 25 is not present within 30 minutes after the time when the meeting was to start, the meeting is taken to be abandoned ~~and, if the meeting was called to consider a draft proposed Statute, the functions of Convocation under Section 31(2) and 31(3) in relation to the draft must be performed by the Board.~~

24. Procedure at General Meetings

- (1) At a General Meeting, every Member present has one vote.
- (2) Subject to clause 20(~~98~~)(b) ~~and (d) and 20(9)(d)~~ and clause ~~41(3) 39(2)(b)~~, decisions at a General Meeting must be made by a majority of Members' votes cast at the meeting.
- (3) If the votes cast at a General Meeting are equal, the Chair has a casting vote.
- (4) The Chair must ensure that a General Meeting is minuted by the Convocation Officer, if present, or by another person chosen by the Chair.
- (5) Subject to the Act and this clause, General Meetings are to be conducted in accordance with ~~written procedural guidelines formulated by the Council and made available to Members the Standing Orders.~~
- (6) Without limiting clause 24(5), the ~~Standing Orders procedural guidelines~~ may provide for holding, attending and participating in General Meetings using Electronic Communication.
- (7) Any procedural question arising at a General Meeting is to be decided by the Chair.

25. Warden's functions

- (1) The Warden has the functions conferred on the Warden by the Act ~~or and~~ this Chapter
- (2) Additional functions may be conferred on the Warden by Convocation or the ~~Council~~**Board**.

26. Warden unable to act

- (1) ~~If Subject to Section 24(2), if~~ the Warden is unable to perform the functions of the Warden for any reason, or the office of Warden is vacant, the Deputy Warden may perform the functions of the Warden.

- (2) When clause 26(1) has effect, the Deputy Warden may use the title Acting Warden and, if appropriate in the context, a reference to the Warden in this Statute or the Standing Orders is a reference to the Acting Warden.

27. Election of Warden and term of office

- (1) The election of the Warden under Section 18 is to be held and conducted in accordance with clauses 47 to 53-45.
- (2) The term of office of the Warden when elected under Section 18 ends on the day of the next Autumn Ordinary-General Meeting after the election takes effect.
- (3) There is a **casual vacancy** in the office of the Warden if the Warden —
 - (a) resigns under Section 18(3); or
 - (b) becomes a person who would be ineligible under clause 44(7), 46(2)(a) to (d) to be elected as the Warden; or
 - (c) dies.
- (4) If the Warden resigns, the Chancellor must advise the Council-Board as soon as practicable.
- (5) Subject to clause 47(3), within 60 University Working Days after a casual vacancy occurs in the office of the Warden, it is to be filled by the election of a Member by Convocation in accordance with clauses 45-47 to 53 until the day of the next Autumn Ordinary-General Meeting after the election takes effect.

28. Council-Alumni Board established

Council of Convocation

- (1) A body called the Alumni Board, that is to be Convocation's governing body, is established as There is a committee of Convocation, called the Council of Convocation.
- (2) The Council-Board consists of the following members —
 - (a) the Warden, ex officio;
 - (b) members of the Senate elected under Section 8(1)(h), ex officio;
 - (c) six Elected members (including the one who is the Deputy Warden);
 - (d) subject to clause 28(3), the Chief Advancement Officer of the University, ex officio;
 - (e) not more than four Co-opted members.
 - (b) a Councillor to be known as, and to hold the office of, Deputy Warden of Convocation;
 - (c) 18 Ordinary Councillors;
 - (d) subject to clause 28(3), the immediate past Warden.
- (3) The Vice-Chancellor may determine that the office of member under clause 28(2)(d) is to be held, ex officio, by the holder of an office on the University staff (including the office of Vice-Chancellor) other than the office of Chief Advancement Officer.
- (4) The Board must use its powers under clauses 30, 48(3) and 54(5) to ensure, to the best of its ability, that the membership of the Board includes people from each of the four Member Cohorts.
- (5) Chapter 14 has transitional provisions relating to the establishment and membership of the Board and other matters.

Transitional provisions

- (4) In clause 28(45), (7) and (8) —

Commencement Day means the day on which this Statute comes into effect.

- (5) Notwithstanding clause 28(2)(c) —

- ~~(a) on and from the Commencement Day until the day of the next Autumn Ordinary Meeting after the Commencement Day, the number of Ordinary Councillors is 21; and~~
- ~~(b) on and from the day after the next Autumn Ordinary Meeting after the Commencement Day until the day of the second Autumn Ordinary Meeting after the Commencement Day, the number of Ordinary Councillors is 20; and~~
- ~~(c) on and from the day after the second Autumn Ordinary Meeting after the Commencement Day until the day of the third Autumn Ordinary Meeting after the Commencement Day, the number of Ordinary Councillors is 19.~~
- ~~(6) Notwithstanding clauses 47 to 54, any election by Convocation held before the Periodic Elections next preceding the Autumn Ordinary Meeting in 2021 is to be held in accordance with the repealed Statute 9 or Statute 12, whichever is applicable.~~
- ~~(7) A Member elected to fill a casual vacancy on the Council in accordance with the repealed Statute 9 clause 75 (whether before the Commencement Day, or on or after the Commencement Day under clause 28(6)) is taken to have been elected as an Ordinary Councillor under clause 31(2).~~
- ~~(8) Notwithstanding clause 28(6), if any vacancy on the Council that could have been filled under the repealed Statute 9 clause 75 was not filled in accordance with that clause at the ordinary General Meeting last preceding the Commencement Day, that vacancy may be filled by the appointment of a Member by the Council at the Council Meeting next following the Commencement Day.~~
- ~~(9) A Member appointed under clause 28(8) is taken to have been elected as an Ordinary Councillor under clause 29(1)(b).~~

29. ~~Election and terms of office of Deputy Warden and Ordinary Councillors~~

- ~~(1) There is to be a Deputy Warden of Convocation.~~
- ~~(2) The office of Deputy Warden is to be held by an Elected member elected to the office by the Board at an election conducted in accordance with the Standing Orders.~~
- ~~(3) The term of office of the Deputy Warden ends on the day of the next Autumn General Meeting after their election.~~
- ~~(4) The Deputy Warden may resign from the office of Deputy Warden by giving written notice to the Warden and the resignation takes effect on the date on which the notice is received, unless it specifies a later date.~~
- ~~(5) The office of Deputy Warden becomes vacant if the Deputy Warden —~~
 - ~~(a) comes to the end of their term of office under clause 29(3); or~~
 - ~~(b) resigns under clause 29(4); or~~
 - ~~(c) ceases to be an Elected member; or~~
 - ~~(d) dies.~~
- ~~(6) The Board is to conduct an election under clause 29(2) whenever the office of Deputy Warden becomes vacant.~~
- ~~(1) Vacancies occurring by the expiry of the terms of office of the Deputy Warden and Ordinary Councillors are to be filled by the election of Members —~~
 - ~~(a) by Convocation in accordance with clauses 47 to 53; or~~
 - ~~(b) if item 15, 18 or 19 of the Table in clause 48(11) or clause 51(8)(a) applies — by the Council in accordance with clause 54 at the Council Meeting next following the Autumn Ordinary Meeting.~~
- ~~(2) Clause 29(1) does not apply to the expiry of the term of office of an Ordinary Councillor who was elected under clause 29(1)(b).~~
- ~~(3) The term of office of the Deputy Warden when elected under clause 29(1)(a) or (1)(b) ends on the day of the next Autumn Ordinary Meeting after the election takes effect.~~

- ~~(4) The term of office of an Ordinary Councillor when elected under clause 29(1)(a) ends on the day of the third Autumn Ordinary Meeting after the election takes effect.~~
- ~~(5) The term of office of an Ordinary Councillor when elected under clause 29(1)(b) ends on the day of the next Autumn Ordinary Meeting after the election takes effect.~~

30. **Co-opted members Deputy Warden or Ordinary Councillor: resignation**

- ~~(1) The Board may appoint as a Co-opted member of the Board any Member who would not be ineligible under clause 46(2)(a) to (d) to be elected as an Elected member.~~
- ~~(2) An appointment under clause 30(1) is for a term of office, not exceeding three years, specified by the Board.~~
- ~~(3) The term of office specified under clause 30(2) must not result in the period for which the Member serves continuously as a Board member in any one or more capacities being in excess of nine years.~~
- ~~(4)3) An appointment under clause 30(1) is to be made in accordance with the Standing Orders and notice of the appointment is to be given in accordance with the Standing Orders.~~
- ~~(5)4) A Co-opted member may resign from office by giving written notice to the Warden and the resignation takes effect on the date on which the notice is received, unless it specifies a later date.~~
- ~~(6)5) The office of a Co-opted member becomes vacant if the Co-opted member —~~
- ~~(a) is absent, without the Board's leave, from three consecutive meetings of the Board of which the Co-opted member has received notice; or~~
- ~~(b) comes to the end of their term of office under clause 30(2); or~~
- ~~(c) resigns under clause 30(5); or~~
- ~~(d) becomes a person who would be ineligible under clause 46(2)(a) to (d) to be elected as an Elected Member; or~~
- ~~(e) dies.~~
- ~~(1) The Deputy Warden or an Ordinary Councillor may resign from office by giving written notice to the Warden.~~
- ~~(2) A notice of resignation given under clause 30(1) takes effect on the date on which it is received, unless it specifies a later date.~~

31. **Deputy Warden or Ordinary Elected members Councillor: casual vacancies**

- ~~(1) Vacancies occurring by the expiry of the terms of office of Elected members are to be filled by the election of Members —~~
- ~~(a) by Convocation in accordance with clauses 47 to 53; or~~
- ~~(b) if item 15 or 16 of the Table in clause 48(12) applies — by the Board in accordance with clause 54 at the Board Meeting next following the next Autumn General Meeting.~~
- ~~(2) Clause 31(1) does not apply to the expiry of the term of office of an Elected member who was elected under clause 31(1)(b).~~
- ~~(3) The term of office of an Elected member when elected under clause 31(1)(a) ends on the day of the third Autumn General Meeting after the election takes effect.~~
- ~~(4) The term of office of an Elected member when elected under clause 31(1)(b) ends on the day of the next Autumn General Meeting after the election takes effect.~~
- ~~(5) An Elected member may resign from office by giving written notice to the Warden and the resignation takes effect on the date on which the notice is received, unless it specifies a later date.~~
- ~~(6)1) There is a **casual vacancy** in the office of a Councillor who is the Deputy Warden or an Ordinary Council Elected member if the Councillor Elected member —~~

- (a) is absent, without the ~~Council's Board's~~ leave, from three consecutive meetings of the ~~Council Board~~ of which the ~~Council Elected member~~ has received notice; or
 - (b) resigns under clause ~~31(5)30~~; or
 - (c) becomes a person who would be ineligible under clause ~~44(5)46(2)(a) to (d)~~ to be elected as ~~the Deputy Warden or an Ordinary Council Elected member~~; or
 - (d) dies; or
 - (e) in the case of an ~~Ordinary Council Elected member~~ elected under clause ~~3129(1)(b)~~, comes to the end of their term of office under clause ~~31(4)29(5); or~~
 - (f) in the case of an ~~Ordinary Council Elected member~~ elected under clause 31(72), comes to the end of their term of office under clause 31(84)(b).
- ~~(72)~~ If a casual vacancy occurs in an office under Clause 31(64)(a), (b), (c), or (d), it is to be filled by the election of a Member by the ~~Council Board~~ in accordance with ~~c~~Clause 54 at the ~~Council Board~~ Meeting next following the expiry of 10 University Working Days from the occurrence of the vacancy.
- ~~(3)~~ ~~The term of office of the Deputy Warden when elected under clause 31(2) ends on the day of the next Autumn Ordinary Meeting after the election takes effect.~~
- (84) The term of office of an ~~Ordinary Councillor Elected member~~ when elected under clause 31(72) ends on whichever of the earlier of —
- (a) the day on which the term of the office that became vacant (the **original term**) would have ended; or
 - (b) if that is not the day of the next Autumn ~~General Ordinary~~ Meeting after the election takes effect — the day of that meeting.
- (95) A casual vacancy to occur in an office under clause 31(64)(e), is to be filled by the election of a Member by Convocation in accordance with clauses 47 to 53.
- (106) The term of office of an ~~Ordinary Councillor Elected member~~ when elected under clause 31(95) ends on the day of the second Autumn ~~General Ordinary~~ Meeting after the election takes effect.
- (117) A casual vacancy to occur in an office under clause 31(64)(f), is to be filled by the election of a Member by Convocation in accordance with clauses 47 to 53.
- (128) The term of office of an ~~Ordinary Councillor Elected member~~ when elected under clause 31(117) ends on the day on which the original term would have ended.

32. **Functions of ~~Council Board~~**

- (1) In addition to the functions it has under this Chapter, the ~~Council is to manage Board has the functions of representing, acting on behalf of and managing the financial and other~~ affairs of Convocation.
- (2) ~~For the purposes of Convocation's functions under clause 19 the Board may provide advice to the University in relation to matters affecting relations between the University and its Alumni generally.~~
- (3) ~~The Board is to ensure that the performance of Convocation's function under clause 19(g) is compatible, and not in competition, with the University's fund-raising activities.~~
- (4) ~~The Board may make Standing Orders relating to —~~
 - (a) ~~the conduct of General Meetings and meetings of the Board and its committees; and~~
 - (b) ~~the performance of the Board's functions; and~~
 - (c) ~~any other matter in relation to which it is necessary or expedient to make Standing Orders.~~
- (5) ~~The Standing Orders must be published —~~
 - (a) ~~on the Convocation website; and~~

(b) in any other manner the Board considers necessary in order to bring them to the attention of Members.

(6) The Board must report to Members from time to time as it determines and otherwise communicate with Members by way of newsletters or other publications.

33. Meetings of ~~Council~~the Board

(1) In this clause —

Chair means the person chairing a meeting.

Holding and notice of meetings

(2) The ~~Council-Board~~ must meet at least six times in each Calendar Year; and, if practicable, a CouncilBoard Meeting is to be held in each of the months of February, April, June, August, October and December.

(3) The Warden may convene a ~~Council-Board~~ Meeting at any reasonable time.

(4) The Warden or Deputy Warden must convene a ~~Council-Board~~ Meeting if asked to do so by at least six ~~Board members-Councillors~~, in writing.

(5) The convenor of a ~~Council-Board~~ Meeting must give each other ~~Board member Councillor~~ notice of it at least five University Working Days before the date of the meeting.

(6) Notice of a ~~Council-Board~~ Meeting ~~may be given orally or~~ must be given in writing ~~and~~ by any means of communication available.

Procedure for conduct of meetings

(7) A quorum for a ~~Council-Board~~ Meeting is ~~six-seven-Councillors~~ Board members.

(8) The Warden is to ~~c~~Chair a ~~Council-Board~~ Meeting, but —

(a) if the Warden, for any reason, is unable to chair any part of the meeting or is not at the meeting, the Deputy Warden is to ~~be the Chair~~ chair the meeting; and

(b) if the Deputy Warden, for any reason, is unable to chair any part of the meeting or is not at the meeting, a ~~Councillor Board member~~ -appointed by the meeting is to ~~be the Chair~~ chair the meeting.

(9) Each ~~Councillor-Board member~~ at a ~~Council-Board~~ Meeting has one vote.

(10) At a ~~Council-Board~~ Meeting, voting must be by a show of hands or, if a ~~Councillor-Council Board member~~ asks for a secret ballot, by secret ballot.

(11) A resolution passed by a majority of the ~~Councillors-Board members~~ present at a ~~Council Board~~ Meeting is the resolution of the ~~Council-Board~~ and, if there is a tie of votes, the Chair has a second vote.

(12) The Chair must ensure that a ~~Council-Board~~ Meeting is minuted by the Convocation Officer, if present, or by another person chosen by the Chair.

(13) Subject to this clause, ~~Council-Board~~ Meetings are to be conducted in accordance with the Standing Orders. ~~written procedural guidelines formulated by the Council.~~

(14) Without limiting clause 33(13), the Standing Orders procedural guidelines may provide for holding, attending and participating in ~~Council-Board~~ Meetings using Electronic Communication.

(15) Any procedural question arising at a ~~Council-Board~~ Meeting is to be decided by the Chair.

34. ~~Sub~~Committees

(1) The ~~Council-Board~~ may establish, amend the composition or functions of, or disestablish a ~~sub~~committee of the ~~CouncilBoard~~.

(2) A ~~sub~~committee is composed of —

- (a) the Warden and Deputy Warden who are, by reason of their offices, ~~m~~Members of every ~~sub~~committee; and
 - (b) one or more other ~~Councillors~~ Board members appointed by the ~~Council~~Board; and
 - (c) one or more other people (whether Members or not) appointed by the ~~Council~~Board, being people who, in the opinion of the ~~Council~~Board, have qualifications or expertise that will enable them to advise and assist the ~~Council~~Board.
- (3) A ~~sub~~committee must act in accordance with the Standing Orders and any directions given to it by the ~~Council~~Board.

35. Delegations by ~~Council~~Board and Warden

- (1) The ~~Council~~Board may delegate any of its powers under this Statute to decide any matter for Convocation (including its powers as to managing the affairs of Convocation but not including other than this power to delegate) to —
 - (a) a ~~Councillor~~ the Warden, another Board member or two or more other Board members; or
 - (b) a ~~sub~~committee of the ~~Council~~Board or the Chair of a committee; or
 - (c) a Member or two or more Members; or
 - (d) the Convocation Officer.
- (2) A delegation by the ~~Council~~Board has no effect unless —
 - (a) it is made at a meeting of the ~~Council~~Board; and
 - (b) written notice of it is given to the person, or all of the people, to whom the power is to be delegated.
- (3) A delegation by the ~~Council~~Board —
 - (a) may relate to a specific matter or be in general terms; and
 - (b) may be subject to any condition or restriction that the ~~Council~~Board decides and includes in the delegation.
- (4) The ~~Council~~Board may exercise a power ~~decide a matter~~ even if the power has been ~~it has~~ delegated ~~the power to decide it~~.
- (5) Anything done under the delegation ~~delegate's decision~~ is taken to have been done by ~~be~~ the ~~Council's~~Board's ~~decision~~.
- (6) The ~~Council~~Board, by giving the delegate or delegates written notice, may amend or cancel ~~a~~ the delegation at any time.
- (7) The Warden may delegate any of the Warden's powers under this Statute (not including this power to delegate) to —
 - (a) the Deputy Warden, another Board member or two or more other Board members; or
 - (b) a committee of the Board or its Chair; or
 - (c) a Member or two or more members; or
 - (d) the Convocation Officer.
- (8) A delegation by the Warden has no effect unless written notice of it is given to the person, or all of the people, to whom the power is to be delegated.
- (9) A delegation by the Warden —
 - (a) may relate to a specific matter or be in general terms; and
 - (b) may be subject to any condition or restriction that the Warden decides and includes in the delegation.
- (10) The Warden may exercise a power even if the power has been delegated.
- (11) Anything done under the delegation is taken to have been done by the Warden.

(12) The Warden, by giving the delegate or delegates written notice, may amend or cancel the delegation at any time.

(13) A delegation under clause 35(1)(d) or 35(7)(d) has effect only to the extent that the power delegated is not inconsistent with the Convocation Officer's functions under clause 18.

36. Financial year and audited statements

- (1) The financial year of Convocation ends at the end of each Calendar Year.
- (2) After the end of each University financial year, the Warden must present the following to the next Spring Ordinary-General Meeting or an earlier General Meeting —
 - (a) an audited copy of the statement of Convocation's accounts for the financial year; and
 - (b) an audited copy of the statement of Convocation's income and expenditure for the financial year.

37. Convocation's funds

- (1) The following funds are to continue to be kept and accounted for by the University as part of its financial affairs —
 - (a) the Convocation General Purposes Fund; and
 - (b) the Convocation Reserve Fund.
- (2) As part of the University's financial affairs, the University is to create, keep and account for such other funds needed for Convocation's purposes in the manner as the Council Board reasonably requests of the Vice-Chancellor and as the Senate agrees.

38. Amounts to be credited to Convocation's funds

- (1) Earnings on money in a fund referred to in clause 37 must be credited to that fund.
- (2) Subject to clause 38(3), money derived from earnings may be distributed from a fund referred to in clause 37 to another of those funds at the discretion of the Board.
- (3) Money in the Convocation Reserve Fund derived from earnings can only be distributed to the Convocation General Purposes Fund, and the distribution must be in conformity with the University's income distribution policies and practices.
- ~~(1) All money received by Convocation must be credited to a fund referred to in clause 37, as decided by the Council.~~
- ~~(2) The interest earned on the funds referred to in clause 37 must be credited to the funds referred to in clause 37(1) in such proportions as the Council decides, but at least half must be credited to the Convocation Reserve Fund.~~

39. Expenditure from Convocation's funds

- (1) Subject to ~~clause 38(2) and~~ clause 39(2), money in the funds referred to in clause 37 may be applied for such purposes connected to Convocation's functions as the Council Board decides.
- (2) ~~Subject to clause 38(2),~~ Mmoney cannot be paid out of the Convocation Reserve Fund unless —
 - (a) a notice of the proposed payment has been included in the agenda of a General Meeting; and
 - (b) the meeting, by a majority of at least two thirds of votes cast at the meeting, approves the proposed payment.
- (3) Clause 39(2) does not apply to money distributed in accordance with clause 38(2) and (3).

40. **Members not to be paid**

None of Convocation's funds or other assets is to be paid or distributed, directly or indirectly, to Members except in good faith and for the purpose of performing Convocation's functions.

41. **University assistance to Convocation**

(1) To enable Convocation to perform its functions, the University may provide such facilities and services to Convocation as the **Vice-Chancellor** and the Warden agree from time to time.

(2) Without limiting clause 41(1), the University is to provide financial assistance to Convocation as may be necessary to enable ~~it to~~ —

(a) ~~perform~~ the functions mentioned in clause 19 ~~(4)~~(e) to be performed; and

(b) General Meetings to be held; and

(c) Members to be elected to the Board.

42. **Annual report of activities**

(1) As soon as practicable after the end of each Calendar Year, the **Council Board** must prepare a report on the activities carried out by Convocation in that year in the performance of its functions.

(2) The **Council Board** must publish the report on the Convocation website and provide a copy of it to the Senate.

43. **Elections conducted by Convocation**

(1) Clauses 43 to 53 apply to elections conducted by Convocation.

(2) In clauses 43 to 53 —

Close of Nominations means noon on the day determined under clause 48(10);

Elector means a Member whose name is on the Electors' Roll at the Close of Nominations;

Electors' Roll has the meaning given in clause 44(6);

Returning Officer means the Returning Officer appointed under or by clause 44(1);

Voting Process means a Voting Process approved under clause 45(1).

44. **Returning officer and electors' roll**

———*Returning Officer*

(1) The **Council Board** may appoint a person as the Returning Officer for the purposes of clauses 44 to 53.

(2) A Returning Officer appointed under clause 44(1) remains the Returning Officer until the appointment is cancelled by the **Council Board**.

(3) Convocation may remunerate a Returning Officer appointed under clause 44(1).

(4) If there is no Returning Officer appointed under clause 44(1), the Convocation Officer is the Returning Officer.

(5) The Returning Officer has the functions conferred by clauses 44 to 53.

Electors' Roll

(6) The Returning Officer is to maintain a list (the **Electors' Roll**) that records —

(a) all Members for whom Convocation has a postal address, an Electronic Address, or both; and

(b) that address or those addresses.

- (7) Notwithstanding clause 44(6), a Member's name must not be on the Electors' Roll if a request made by the Member under clause 15(4) has been recorded on the Members' Roll and has not been withdrawn.

Returning officers powers as to elections

- (8) Subject to clauses 44 to 53, the Returning Officer may determine conclusively all questions of detail concerning an election.
- (9) If a candidate in an election dies or withdraws before or after the Close of Nominations, the Returning Officer may make decisions or arrangements, whether consistent with this Division or not, in order to resolve issues concerning the election and enable it to proceed.

45. **Alternative voting processes**

- (1) The ~~Council Board~~ must approve an electronic Voting Process and a postal Voting Process for elections and publish the approval ~~—~~:
- (a) on the Convocation website; and
 - (b) in any other manner the ~~Council Board~~ considers necessary in order to bring it to the attention of Members.
- (2) An approval under clause 45(1) applies to any election mentioned in clause 47(1) held after the approval is published.
- (3) An electronic Voting Process is a process under which a Member for whom an Electronic Address is recorded on the Electors' Roll —
- (a) can be sent, by Electronic Communication, a voting paper, a declaration and the additional information required for voting; and
 - (b) can complete the voting paper and declaration electronically, and can return them by Electronic Communication to the Returning Officer in a manner that preserves the integrity of the process as a secret ballot;
- (4) A postal Voting Process is a process under which a Member whose postal address is recorded on the Electors' Roll —
- (a) can be sent, by post, a printed voting paper and declaration, a return envelope and the additional information required for voting; and
 - (b) can complete the voting paper and declaration, and can return them by post, in the return envelope, to the Returning Officer in a manner that preserves the integrity of the process as a secret ballot.
- (5) This is the form of the declaration referred to in clause 45(3)(a) and clause 45(4)(a):
- I declare that I am a Member of Convocation of The University of Western Australia and that I have not previously voted at this election.
Signature
Full name (block letters)
University number (if known)
- (6) The additional information required by clause 45(3)(a) and clause 45(4)(a) is —
- (a) ~~the a~~-biography of ~~any a~~ candidate ~~who has~~ submitted ~~one~~ under clause 48(6); and
 - (b) how, and in which Calendar Year, a candidate became a Member; and
 - (c) whether a candidate is a current office-bearer seeking re-election; and
 - (d) the names of the ~~two Members two people~~ who have signed a candidate's nomination form; and
 - (e) directions as to how and when the completed voting paper and declaration must be returned to the Returning Officer; ~~and~~.
 - (f) any other information the ~~Council Board~~ considers appropriate.

46. Eligibility for election

- (1) The eligibility of a person to be elected, or continue, as a member of the Senate under ~~Section 8(1)(h)~~ is to be determined in accordance with [Section 8\(3A\)](#), Section 9(4) and (6) and ~~the principles set out in~~ Section 11.
- (2) Any Member is eligible to be elected as the Warden, ~~the Deputy Warden~~ or an [Ordinary Councillor Elected member](#) unless —
 - (a) the Member is a bankrupt or a person whose affairs are under insolvency laws for the purposes of ~~the Interpretation Act 1984~~ Section 13D; or
 - (b) the Member is disqualified from managing corporations under the *Corporations Act 2001* (Commonwealth) Part 2D.6; or
 - (c) the Member has been convicted of an offence and sentenced to a term of imprisonment and has not completed the term of imprisonment or been pardoned; or
 - (d) an administration order is in force under the *Guardianship and Administration Act 1990* Part 6 in respect of the Member; ~~or~~
 - [\(e\) the Member is a Board member whose election would, or could, result in the period for which the Member serves continuously as a Board member in any one or more capacities being in excess of nine years.](#)
- [\(3\) The Returning Officer may determine that clause 46\(2\)\(e\) does not apply to a Member if the Returning Officer considers that the excess would only result from a term or terms of office being longer than three years because of Autumn General Meetings being held on different dates in March in different years.](#)

47. Elections that Convocation itself must conduct

- (1) Clauses 47 to 53 apply to these elections by Convocation —
 - (a) an election of a Member to the Senate under Section 8(1)(h) to fill a vacancy occurring by effluxion of time;
 - (b) an election under Section 22 to fill a casual vacancy in the office of a Member elected to the Senate under Section 8(1)(h) for the unexpired portion of the term of the office that is vacant;
 - (c) an election of the Warden under Section 18;
 - (d) an election of the Warden under clause 27(5);
 - ~~(e) an election of the Deputy Warden under clause 29(1)(a);~~
 - ~~(f)~~ an election of [Ordinary Councillors Elected members](#) under clause ~~3129~~(1)(a);
 - ~~(g)~~ an election of an [Ordinary Councillor Elected member](#) under clause 31(~~95~~) or (~~117~~).
- (2) Each of the elections mentioned in clause 47(1)(a), (c), ~~or (e), or (f)~~, other than a fresh election required by item 3 or 9 of the Table in clause 48(~~124~~), is referred to as a **Periodic Election**.
- (3) The [Council Board](#) may decide not to hold an election to fill a casual vacancy in an office that has occurred under Section 20, clause 27(5) or clause 31(~~64~~)(e) or (f) if the [Council Board](#) is of the opinion that there is insufficient time to hold the election or that the length of time that a person would serve in the office if elected does not justify the cost or inconvenience, or both, of holding an election.

48. Nomination for election and procedure after nomination

Call for nominations

- (1) A notice calling for nominations for an election ~~(the notice) must be~~ —
 - (a) [must be](#) given to each Elector by hand, by post (to the postal address recorded on the Electors' Roll for each Member) or by Electronic Communication (to the electronic address recorded on the Electors' Roll for each Member); and
 - (b) [must be](#) advertised on [the](#) Convocation's website; and

- (c) [may be](#) inserted in one daily or weekly newspaper published in Perth [if the Warden considers it appropriate to do so.](#)
- (2) The notice must —
- (a) contain particulars of the office or offices to be filled at the election; and [any other information the Board considers appropriate; and](#)
- (b) inform Electors of the time and day when nominations for the election close; and
- (c) inform Electors that nomination forms for the election are available on the Convocation website and on application to the Returning Officer.
- (3) [In the case of an election to elect an Elected member, the notice may specify that only members who are in a Member Cohort specified in the notice may nominate for the election.](#)
- ~~(3) In the case of a Periodic Election, clause 48(1) must be complied with at least 45 University Working Days before the next third Friday in March.~~

How nominations are made

- (4) A Member who wishes to be a candidate in an election may deliver to the Returning Officer a nomination form for the election obtained from the Convocation website or the Returning Officer.
- (5) In order for a nomination to be valid —
- (a) the nomination form must be signed by the candidate and by two other Members as proposer and seconder; ~~and~~
- (b) the candidate must be a Member who is eligible for election under clause 46(1) or clause 46(2), whichever is applicable [and must declare in the nomination form that they are eligible; and](#)
- ~~(c)~~ [if clause 48\(3\) applies, the candidate must be in a Member Cohort specified in the notice; and](#)
- ~~(d)~~ the nomination form must reach the Returning Officer no later than the Close of Nominations; and
- ~~(e)~~ the nomination form must specify how, and in which Calendar Year, the candidate became a Member; ~~and.~~
- ~~(f)~~ [the candidate must declare in the nomination form that, if elected, they will abide by the Act, this Statute and the Standing Orders.](#)

Information about candidates

- (6) A Member nominated as a candidate in an election ~~must may~~ submit to the Returning Officer, before the Close of Nominations, a biography in the form required by the Returning Officer [and any other information approved by the Board for inclusion in the biography.](#)
- (7) Before a biography is provided to Electors under clause 49(9) in connection with an election, that biography must be submitted to the Vice-Chancellor and any matter in it that the Vice-Chancellor considers to be offensive, defamatory or untrue is to be deleted.
- (8) Except in the case of an election of the Warden, the powers in clause 48(7) must be exercised in consultation with the Warden.
- (9) If possible, the candidate concerned must be consulted before any matter is deleted from a biography under clause 48(7).

Close of Nominations

- (10) Nominations for an election close at noon on the day determined by the Warden [which must be at least 30 University Working Days after the day on which the notice is advertised on the Convocation website under clause 48\(1\)\(b\).](#)
- (11) In the case of a Periodic Election, the day on which nominations close must be at least 30 University Working Days before the next third ~~Friday~~ [Tuesday](#) in March.

Procedure after Close of Nominations

- (12) The following table (the **Table**) sets out what is to happen after the Close of Nominations, depending on the number of candidates (if any) from whom nominations that are valid under clause 48(5) have been received by the Returning Officer under clause 48(4).

Table

Item	Kind of election	Number of candidates	Action
1	Senate cl. 47(1)(a)	2 or more	Poll required
2	Senate cl. 47(1)(a)	1	Candidate taken to have been elected
3	Senate cl. 47(1)(a)	None	Fresh cl. 47(1)(a) election to be held
4	Senate cl. 47(1)(b)	2 or more	Poll required
5	Senate cl. 47(1)(b)	1	Candidate taken to have been elected
6	Senate cl. 47(1)(b)	None	Fresh cl. 47(1)(b) election to be held
7	Warden cl. 47(1)(c)	2 or more	Poll required
8	Warden cl. 47(1)(c)	1	Candidate taken to have been elected
9	Warden cl. 47(1)(c)	None	Fresh cl. 47(1)(c) election to be held
10	Warden cl. 47(1)(d)	2 or more	Poll required
11	Warden cl. 47(1)(d)	1	Candidate taken to have been elected
12	Warden cl. 47(1)(d)	None	Fresh cl. 47(1)(d) election to be held
13	Deputy Warden cl. 47(1)(e)	2 or more	Poll required
14	Deputy Warden cl. 47(1)(e)	1	Candidate taken to have been elected
15	Deputy Warden cl. 47(1)(e)	None	After the next Autumn Ordinary Meeting Council to elect a Member as Deputy Warden
13 16	Ordinary Councillor Elected member cl. 47(1)(fe)	3 or more	Poll required
14 17	Ordinary Councillor Elected member cl. 47(1)(fe)	2 6	Candidates taken to have been elected
15 18	Ordinary Councillor Elected member cl. 47(1)(fe)	1 to 5	Candidates taken to have been elected. After the Autumn Ordinary General Meeting Council Board to elect a further one to five Members, as required, as an Ordinary Councillors Elected member
16 19	Ordinary Councillor Elected member cl. 47(1)(fe)	None	After the Autumn Ordinary General Meeting Council Board to elect six two Members as Ordinary Councillors Elected members
17 20	Ordinary Councillor Elected member cl. 47(1)(gf)	2 or more	Poll required
18 21	Ordinary Councillor Elected member cl. 47(1)(gf)	1	Candidate taken to have been elected
19 22	Ordinary Councillor Elected member cl. 47(1)(gf)	None	Fresh cl. 47(1)(gf) election to be held

~~(13) A candidate is to be disregarded for the purposes of items 13 to 15 of the Table if the candidate is taken to have been elected as the Warden under item 8 or 11.~~

~~(13)14~~ A candidate is to be disregarded for the purposes of items ~~13 to 16~~ ~~to 19~~ of the Table if the candidate is taken to have been elected as the Warden under item 8, ~~or 11 or as the Deputy Warden under item 14.~~

49. Polling day and voting

- (1) Clauses 49 to 53 apply if a poll for an election is required under item 1, 4, 7, 10, ~~13, 16~~ or ~~17~~~~20~~ of the Table in clause 48(~~12~~~~4~~).

Polling day

- (2) Subject to clause 49(3), the day on or before which votes in the poll must be received by the Returning Officer (**polling day**) is the day determined by the Warden.

- (3) ~~The day determined under clause 49(2). Polling day for a Periodic Election must be a University Working Day not earlier than the next first Tuesday in March and not later than the next third Tuesday in March is:~~
- ~~(a) the next second Tuesday in March; or~~
- ~~(b) another day determined under clause 49(2), being a day that is not less than seven University Working Days before the next third Friday in March.~~

Form of voting papers

- (4) As soon as practicable after the Close of Nominations the Returning Officer must determine the form of the voting paper for the poll.
- (5) The voting paper must list the names of all candidates in the order determined by the Returning Officer by drawing lots.
- (6) The voting paper must contain directions as to how it is to be completed.
- (7) If more than one vacancy is to be filled, the voting paper must indicate that how many vacancies are to be filled.

Sending voting papers and associated material

- (8) In clause 49(9) to (13) —
- Electoral Material** means the things mentioned in clause 45(3)(a) or clause 45(4)(a), whichever is applicable.
- (9) After the form of the voting paper is determined under clause 49(4), but ~~not before the end of the period of less than 20-10~~ University Working Days ~~after the Close of Nominations before the next third Friday in March~~, the Returning Officer must send Electoral Material to each Elector ~~using either the electronic Voting Process or the postal Voting Process.~~
- (10) If an Elector only has an Electronic Address recorded on the Electors' Roll, the electronic Voting Process must be used to send Electoral Material to the Elector under clause 49(9).
- (11) If an Elector has an Electronic Address and a postal address recorded on the Electors' Roll, the electronic Voting Process must be used to send Electoral Material to the Elector under clause 49(9) unless the Elector:
- (a) has instructed the Returning Officer, in writing, that the Elector does not wish to receive and return Electoral Material by Electronic Communication; and
- (b) has not withdrawn that instruction.
- (12) If an Elector only has a postal address recorded on the Electors' Roll, the postal Voting Process must be used to send Electoral Material to the Elector under clause 49(9).
- (13) If the Returning Officer is satisfied that any Electoral Material sent to an Elector by the postal Voting Process has been accidentally lost or destroyed, the Returning Officer must send any material needed to replace it.

How to mark votes and when to return them

- (14) To mark their vote on the voting paper in an election where there are only two candidates on the voting paper, an Elector must place the numeral "1" opposite the name of the candidate for whom the Elector votes.
- (15) To mark their vote on the voting paper in an election where there are more than two candidates on the voting paper an Elector must —
- (a) place the numeral "1" opposite the name of a candidate to indicate that the Elector's first preference is for that candidate; and
- (b) place consecutive numerals beginning with the numeral "2", opposite the names of the remaining candidates so as to indicate the order of the Elector's preference for all candidates.
- (16) The completed voting paper and declaration must be returned to the Returning Officer in accordance with the applicable Voting Process so that they are received by the Returning

Officer no later than 5pm on polling day. For the purposes of clause 50(1), clause 50(3), clause 50(5)(a) and clause 51(2), that time is referred to as the **Cclose of the Ppoll**.

- (17) An Elector cannot vote more than once in an election.

50. Scrutiny and count of votes

- (1) The scrutiny and count of votes in an election is to take place, or commence, as soon as practicable after the Cclose of the Ppoll at a time and place determined by the Warden.
- (2) Each candidate for election may nominate a scrutineer to be present at the scrutiny and count of votes.
- (3) The voting papers and declarations received before the Cclose of the Ppoll are to be examined by the Returning Officer to determine if they have been completed and returned in accordance with the applicable Voting Process.
- (4) All the proceedings are subject to the inspection of the scrutineers.
- (5) A voting paper is to be excluded from the count if —
- (a) it and the declaration that accompanied it, or either of them, were not completed and returned before the Cclose of the Ppoll in accordance with the applicable Voting Process; or
 - (b) it has not been marked in accordance with clause 49(14) or clause 49(15), whichever is applicable; or
 - (c) it bears the signature of any person or any other mark which identifies the Elector.
- (6) If, on a voting paper to which clause 49(14) applies, any numeral is marked opposite the name of the other candidate, that numeral is taken not to have been marked.
- (7) If, on a voting paper to which clause 49(15) applies, numerals in a consecutive sequence beginning with “1” are marked opposite the names of all but one candidate, the next numeral in the sequence is taken to have been marked opposite the candidate’s name.
- (8) The scrutiny and count of votes may, from time to time, be adjourned as the Returning Officer conducting considers necessary, until duly completed.
- (9) The scrutiny and count for Periodic Elections must be completed in the following order —
- (a) election of a Member to the Senate ~~(if any);~~
 - (b) election of the Warden;
 - ~~(c) election of the Deputy Warden;~~
 - ~~(d)~~ election of Ordinary CouncillorsElected members.
- (10) Immediately after the completion of the scrutiny and count of votes, the voting papers must be placed in a sealed container by the Returning Officer and held for a period of 40 University Working Days. At the end of that 40 University Working Day period, the Returning Officer must destroy the voting papers, unless otherwise directed by the Vice-Chancellor.

51. Ascertaining result of election

- (1) This clause sets out method of counting the votes to be used by the Returning Officer to ascertain the result of an election.
- (2) In this clause —

Absolute Majority means a number of votes that is more than 50% of the number of voting papers that were received before the Cclose of the Ppoll and have not been excluded from the count under clause 50(5);

Excluded, in relation to a candidate, means excluded from the count;

Remaining Candidate means a candidate who has not been elected and has not been previously Excluded.

-
- (3) If only one candidate is to be elected —
- (a) if, when all first preference votes for candidates have been counted, a candidate has an Absolute Majority, that candidate is elected;
 - (b) if there are more than two candidates, and if no candidate has an Absolute Majority, the candidate with the fewest number of first preference votes is Excluded and the votes of the Excluded Candidate are distributed to the Remaining Candidates in accordance with the Excluded Candidate's second preference;
 - (c) if, when the votes are counted again after that exclusion, a candidate has an Absolute Majority, that candidate is elected;
 - (d) if no candidate then has an Absolute Majority, the next remaining candidate with the fewest number of votes is excluded and the votes of that newly Excluded Candidate (including votes received from a previously Excluded Candidate) are distributed to the remaining candidates in accordance with the newly Excluded candidate's next available preference;
 - (e) the procedure in clause 51(3)(d) is to be repeated until a candidate obtains an Absolute Majority and is elected.
- (4) If ~~more than one~~ two candidates ~~is~~ are to be elected —
- (a) the procedure in clause 51(3) must be used to elect a candidate as the first elected candidate and their first preference votes are distributed to the Remaining Candidates in accordance with the first elected candidate's second preference;
 - (b) if, when the votes are counted again after that distribution, a candidate has an Absolute Majority, that candidate is elected as the second elected candidate;
 - (c) if no candidate then has an Absolute Majority, the candidate with the fewest number of votes is Excluded and the votes of the Excluded Candidate (including votes received from the first elected candidate) must be distributed to the Remaining Candidates in accordance with the Excluded candidate's next available preference;
 - (d) if, when the votes are counted again after that exclusion, a candidate has an Absolute Majority, then that candidate is elected as the second elected candidate.
 - (e) if no candidate then has an Absolute Majority, the next remaining candidate with the fewest number of votes is Excluded and those votes (including votes received from the first elected candidate or a previously Excluded candidate) must be distributed to the Remaining Candidates in accordance with the newly Excluded candidate's next available preference;
 - (f) the procedure in clause 51(4)(e) is to be repeated until a candidate obtains an Absolute Majority and is elected as the second elected candidate;
 - ~~(g) if there are three or more candidates to be elected, the first preference votes of each elected candidate must be distributed to the Remaining Candidates in accordance with the elected candidate's next available preference and the procedure in clause 51(4)(d) to clause 51(4)(f) is to be repeated until the required number of candidates has been elected.~~
- (5) If at any stage of the count, candidates have the same number of votes and it is necessary for the purposes of this clause to determine which of them has the greatest, or fewest, number of votes, the matter is determined by the Returning Officer by the drawing of lots.
- (6) In the case of an election where there are only two candidates on the voting paper, a reference in clause 51(3) to first preference votes for a candidate, is taken to be a reference to votes for the candidate.
- ~~(7) A person ceases to be a candidate in an election of the Deputy Warden under clause 29(1) if the person is elected in accordance with clause 50(9) as the Warden and, in that case —~~
- ~~(a) if there were only two candidates — the other candidate is elected; and~~
 - ~~(b) if there were more than two candidates — in applying this clause, any preference indicated on a voting paper for the person who is no longer a candidate must be disregarded and the voting paper must be treated as if the numeral indicating any subsequent preference had been altered accordingly.~~

- (78) A person ceases to be a candidate in an election of ~~Ordinary Councillors~~ Elected members under clause ~~31(1)(a) 29(1)~~ if the person is elected in accordance with clause 50(9) as the Warden ~~or the Deputy Warden~~ and, in that case —
- ~~(a) if there are five remaining candidates (because other candidates have been elected as the Warden and as the Deputy Warden) — the remaining candidates are elected and the Council must elect a Member as an Ordinary Council.~~
- (ab) if there are ~~six-two~~ Remaining Candidates — the Remaining Candidates are elected; and
- (bc) if there are more than ~~six-two~~ Remaining Candidates — in applying this clause, any preference indicated on a voting paper for a person who is no longer a candidate must be disregarded and the voting paper must be treated as if the numeral indicating any subsequent preference had been altered accordingly.

Automated counting

- (89) In clause 51(~~940~~) and clause 51(~~1044~~) —

Automated means involving the use of a computer.

- (940) For the purposes of clause 50(1) the Returning Officer may, if the Returning Officer thinks fit —
- (a) cause the preferences indicated on voting papers to be recorded in an Automated form; and
- (b) on the basis of the information so recorded, use Automated means to carry out the procedures set out in this clause.
- (1044) For proceedings under clause 51(~~940~~) the requirements of clause 50(4) are met if —
- (a) the recording of preferences in an Automated form is subject to the inspection of the scrutineers; and
- (b) the scrutineers have access to the information so recorded and to such information as to the results obtained by using Automated means to carry out the various procedures set out in this clause as is reasonably necessary to allow the scrutineers to determine (whether the results of the election have been ascertained in accordance with the requirements of this clause.

52. Declaration and taking effect of election

- (1) ~~Subject to clause 52(2),~~ The Returning Officer or the Warden must declare the result of an election as soon as practicable after it is ascertained, whether under the Table in clause 48(~~124~~) or under clause 51.
- ~~(2) Subject to clause 52(3), an election takes effect on the day after its result is declared.~~
- ~~(3) The election of a person at a Periodic Election takes effect on the day after the next Autumn General meeting after the result of the election is declared.~~
- ~~(2) At the Autumn Ordinary Meeting, the Returning Officer or the Warden must declare the results of the preceding Periodic Elections in the following order —~~
- ~~(a) election of a Member of the Senate (if any);~~
- ~~(b) election of the Warden;~~
- ~~(c) election of the Deputy Warden;~~
- ~~(d) election of Ordinary Councillors;~~
- ~~(3) An election takes effect on the day after its result is declared.~~
- (4) Immediately after the completion of the scrutiny and count of votes, the voting papers must be placed in a sealed container by the Returning Officer and must be held for a period of 40 University Working Days. At the end of that period the Returning Officer must destroy the voting papers unless otherwise directed by the Vice-Chancellor.

53. Simultaneous elections

Senate elections may be held at the same time

- (1) An election under clause 47(1)(b) and another election under clause 47(1)(b), or an election under clause 47(1)(a), can be held in conjunction with each other as a single election.
- (2) The candidate elected first is elected for the longer term.

Elections for ~~Ordinary Councillors~~ Elected members may be held at the same time

- (3) The following elections can be held in conjunction with each other as a single election —
 - (a) an election under clause 47(1)(~~gf~~) and another election or elections under clause 47(1)(~~gf~~); and
 - (b) an election or elections under clause 47(1)(~~gf~~) and an election under clause 47(1)(~~fe~~).
- (4) If an election is held in accordance with clause 53(3), clauses 47 to 52 apply to that election with such modifications as are necessary or as are determined by the Returning Officer.
- (5) If the terms of the offices to be filled differ in length, they are to be filled, in descending order of length, in the order in which candidates are elected.
- (6) If the number of candidates is the same as the number of offices to be filled, the Returning Officer must draw lots to determine the order of their election.

54. Elections of ~~Deputy Warden and Councillor~~ Elected members if conducted by the **Council Board**

- (1) In this clause —
Returning Officer means the Returning Officer appointed under clause 54(~~64~~).
- (2) This clause applies to an election of an Elected member by the Board under clause 31(1)(b) or 31(7), to the following elections by the Council —
 - ~~(a) — an election of the Deputy Warden under clause 29(1)(b) or clause 31(2);~~
 - ~~(b) — an election of an Ordinary Councillor under clause 29(1)(b) or clause 31(2).~~

How elections are held

- (3) If an election is to be held at a **Council Board** Meeting, that must be stated in the notice of the meeting (the notice) and the notice must be published: —
 - (a) on the Convocation website; and
 - (b) -in any other manner the **Council Board** considers necessary in order to bring it to the attention of Members.
- (4) The notice must specify the day on or before which nominations for the election must be received (the nomination day).
- (5) In the case of an election to elect an Elected member, the notice may specify that only members who are in a Member Cohort specified in the notice may nominate for the election.
- ~~(64)~~ The **Council Board** must appoint the Convocation Officer, or a Member, to be the Returning Officer for the purposes of the election, and the Returning Officer must attend the **Council Board** Meeting.
- ~~(75)~~ A Member who wishes to be a candidate in the election may deliver to the Returning Officer a nomination form for the election obtained from the Convocation website or the Returning Officer.
- ~~(86)~~ In order for a nomination to be valid —
 - (a) the nomination form must be signed by the candidate and by two other Members as proposer and seconder; and

- (b) the candidate must be a Member who is eligible for election under clause 46(2) and, if clause 54(5) applies, in a Member Cohort specified in the notice; and
- (c) the nomination form must reach the Returning Officer before or at the Council Meeting on or before the nomination day.
- (97) If only one candidate is validly nominated, that candidate is elected.
- (108) If two or more candidates are validly nominated, one of them must be elected by secret ballot as follows —
- (a) the names of the candidates must be written, in order determined by lot by the Returning Officer, on voting papers and one voting paper must be handed to each Councillor-Board member present at the Council-Board Meeting;
- (b) a Board member Councillor must complete the voting paper by making a mark opposite the name of one, and only one, candidate in a manner that enables the Returning Officer to be satisfied that the Councillor's-Board member's vote is for that candidate and not for the other, or any other, candidate;
- (c) after the voting papers have been collected a count must be conducted by the Returning Officer and the candidate who receives the most votes is elected; and
- (d) if two or more candidates each receive the same number of votes, and if they are the only candidates, or if the number of votes that they have both received is higher than the number of votes received by any other candidate, the Chair must determine who is elected.
- (119) The Returning Officer must declare the result of the election at the Council-Board Meeting.
- (1240) The election takes effect on the day after its result is declared.
- Elections may be held at the same time*
- (1344) If there are two or more vacancies in offices of Ordinary Councillors Elected members, the elections to fill them can be held in conjunction with each other as a single election.
- (1442) If an election is held in accordance with clause 54(11), clause 54(7) and clause 54(8) apply to it with such modifications as are necessary or as are determined by the Returning Officer.
- (1543) If the terms of the offices to be filled differ in length, they are to be filled, in descending order of length, in the order in which candidates are elected.
- (1644) If the number of candidates is the same as the number of offices to be filled, the Returning Officer must draw lots to determine the order of their election
- ~~(1745) Returning Officer can determine questions~~
- (17) Subject to this clause, the Returning Officer may determine conclusively all questions of detail concerning elections to which this clause applies.

....

Chapter 14 — Transitional provisions

96. Terms used

In this Chapter, unless the contrary intention appears, terms have the meanings that they have in Chapter 4 and —

Commencement Day means the day on which the University of Western Australia Amending Statute No 1 of 2024 comes into effect;

Council means Convocation Council as established under clause 28 as in effect before the Commencement Day;

Councillor and **Ordinary Councillor**, have the meanings given in clause 14 as in effect before the Commencement Day.

97. Continuity of Council and Board

The Board is the successor of the Council and, on and from the Commencement Day, anything done or made by the Council before the Commencement Day is taken to have been done or made by the Board.

98. Membership of Board

(1) An Ordinary Councillor, holding office immediately before the Commencement Day, is to hold office as an Elected member for the remainder of their term of office, but the office becomes vacant if they —

(a) resign under clause 31(5); or

(b) become a person who would be ineligible under clause 46(2)(a) to (d) to be elected as an Elected member; or

(c) die.

(2) Despite clause 28(2)(c) —

(a) on and from the Commencement Day until the day of the next Autumn Ordinary General Meeting after the Commencement Day, the number of Elected members is 18; and

(b) on and from the day after the next Autumn Ordinary General Meeting after the Commencement Day until the day of the second Autumn Ordinary General Meeting after the Commencement Day, the number of Elected members is 14; and

(c) on and from the day after the second Autumn Ordinary General Meeting after the Commencement Day until the day of the third Autumn Ordinary General Meeting after the Commencement Day, the number of Elected members is 10.

(3) A reference in Chapter 4 to service as a member of the Board includes a reference to service as a Councillor before the Commencement Day.

99. Deputy Warden

Despite clauses 28(2) and 29(2) the Deputy Warden in office immediately before the Commencement Day is entitled to continue in that office and as a Board member until the day of the next Autumn General Meeting after the Commencement Day, but the office becomes vacant if they —

(a) resign under clause 29(4); or

(b) become a person who would be ineligible under clause 46(2)(a) to (d) to be elected as an Elected member; or

(c) die.

END