

UWA AMENDING STATUTE NO 2 OF 2024: EXPLANATORY NOTE
University Secretariat 1 August 2024

1. EXECUTIVE SUMMARY:

Draft [Amending Statute No 2 of 2024](#) is the instrument to make proposed amendments to Chapter 6 of the University of Western Australia Statute (**UWA Statute**) to address necessary changes in the University's regulatory documents relating to the Academic Board as a result of recommendations of the *Independent Review of the Senate and Academic Governance (Kiel Review)*. There are also proposed changes to other parts of the UWA Statute, which are not related to Academic Board matters.

The total suite of changes relevant to the Academic Board involves:

- proposed amendments to the University of Western Australia Statute (**UWA Statute**) – which are submitted to Convocation for its consideration;
- approval of an inaugural constitution for the Academic Board;¹ and
- repeal of Academic Board Regulations.

On 29 July 2024 the Senate (by S R67/24), on recommendation of the Academic Board and the Senate Legislative Committee –

- (a) approved the University of Western Australia Amending Statute No 2 of 2024;
- (b) approved the Academic Board Constitution;
- (c) repealed the Academic Board Regulations;
- (d) resolved that the effective date of items b) and c) is to be the same as commencement of the University of Western Australia Amending Statute No 2 of 2024; and
- (e) notes that, in accordance with section 31(2) of the *University of Western Australia Act 1911*, if Convocation does not within 28 days thereafter return the same or returns the same without any request for any amendment thereof such Statute shall be deemed to be approved by Convocation.

It is necessary that these changes take effect by the beginning of 2025. For this to occur, as soon as possible, the Amending Statute is to be submitted to the Minister for Education, approved by the Governor and published in the *Government Gazette* in order to commence.

2. BACKGROUND:

2.1. Process

The UWA Statute establishes the major sub-structure of the University and deals with matters of central importance. Statutes are made by the Senate under section 31 of the *University of Western Australia Act 1911 (UWA Act)*.

Legislative changes to the UWA Statute are progressed using the vehicle of an Amending Statute by replacing Chapter 6 of the UWA Statute (and other changes) as provided in Amending Statute No 2 of 2024. There is another Amending Statute addressing changes to Chapter 4 (Convocation) of the UWA Statute, which is being conveyed by the University Secretary to Convocation under separate communication.

There are internal and external processes which affect the Senate's ability to "make" amendments to the UWA Statute, when the Amending Statute commences and therefore has effect, and whether the amendments may be subsequently disallowed by Parliament. For immediate purposes, in accordance with section 31(2) of the UWA Act, the proposed Amending Statute No 2 of 2024 as passed by the Senate is submitted to Convocation for its consideration, and if Convocation does not within 28 days thereafter return the same or returns the same without any request for any

¹ Information regarding the inaugural constitution of the Academic Board is only provided for context; it has already been approved by the Academic Board and the Senate and is not subject to review by Convocation ([Attachment A](#)).

amendment thereof, then Amending Statute No 2 of 2024 shall be deemed to be approved by Convocation. Depending on Convocation's response, various processes then apply.

There are **timing imperatives** affecting the passage and commencement of the Amending Statute No 2 of 2024. These relate to external processes involving submission to the Minister for Education, consideration by the Executive Council (Cabinet), the approval of the Governor, and publication in the *Government Gazette*. The Amending Statute won't take effect until a day after they're published in the *Government Gazette* (see s.33(1) of the UWA Act). **It is necessary that the changes being sought by Amending Statute No 2 of 2024 take effect by the beginning of 2025.**

Considerations also arise due to the impending State election and its effect on the Government's legislative program, and consideration by Cabinet before prorogation of Parliament. The State Government will be moving into care-taker mode shortly because of the State election next year. The last sitting day for Parliament is currently scheduled for 28 November 2024 at which time Parliament may be prorogued, thereby triggering the caretaker mode affecting the passage of legislation.

2.2. Academic Board changes: main themes

The working relationship between the Academic Board, Executive and the Senate depends on a convention of respect for the advice and recommendations of the Academic Board. The Senate and Vice Chancellor will, in the ordinary course, act in accordance with the advice and recommendations of the Academic Board in relation to the academic activities of the University. Correspondingly the Senate is the governing body of the University and has the entire control and management of the affairs and concerns of the University.² The Vice-Chancellor is the executive officer of the University³ and is responsible for the overall academic, administrative, financial and other business of the University.⁴

The tripartite relationship between the Senate, Vice-Chancellor and Academic Board is supported by the changes which work together to:

- ensure clarity of decision-making;
- recognise the Academic Board's role in providing collective oversight of academic governance under TEQSA Standards and its expertise;
- reinforce the authority of the Senate and the Vice-Chancellor; and
- better align decision making and accountability and reinforce the collegial relationship between parties.

Importantly, balance is addressed in a number of ways including:

- noting that the Academic Board is a committee of the Senate (UWA Statute proposed clause 67(1) and Academic Board Constitution1 clause 1(1));
- expressing the role of the Academic Board as the peak governing body for all academic matters. The Academic Board's role is subject to Senate's authority and the Vice-Chancellor's ability to refer a matter to Senate as is currently the case (UWA Statute proposed clause 66, 67(1) and Academic Board Constitution clauses 2(1) and 2(10)); and
- the Vice-Chancellor's inherent ability to refer a matter to the Senate includes a consultation requirement with the Chair of the Academic Board (UWA Statute proposed clause 67(2)).

Regarding courses specifically it is noted that, operationally, the current Services Advisory Group, chaired by the SDVC, considers the 'resourcing case' raised by the 'academic case' for courses. A proposed course does not proceed to the Academic Board for approval unless it is supported by the resourcing case. That process does not preclude the Vice-Chancellor from bringing a matter to the Senate for consideration having regard to the Senate's overarching responsibilities under the UWA Act and those of the Vice-Chancellor under the UWA Act and the UWA Statute. This is not new.

² Sections 5 and 13 of the *University of Western Australia Act 1911*

³ Section 27(2) of the *University of Western Australia Act 1911*

⁴ Clause 12(1) of the UWA Statute

2.3. Proposed changes to Chapter 6 of the UWA Statute

In addition to matters noted above the effect of the proposed changes to the UWA Statute include:

- As recommended by the Kiel Review, moving some detail from Chapter 6 of the UWA Statute and from the Academic Board Regulations into the Academic Board Constitution. The UWA Statute will now:
 - describe in broad terms the functions of the Academic Board, allowing for flexibilities in application; and
 - provide the pathway to the role and powers being conveyed by other instruments such as via Regulations, the Academic Board Constitution or resolutions, providing greater flexibility. The location of such matters in these instruments enables flexibility and ease of amendment rather than going through the parliamentary process for statutory changes each and every time.
- In relation to academic matters, it is recognised that the Senate has the benefit of detailed and experienced academic critique by Academic Board to ensure compliance with regulatory standards (including TEQSA's Higher Education Standards Framework (HESF)/CRICOS requirements and those of the Academic Qualifications Framework (AQF)).
- Proposed clauses 67(3) and 68 of the Statute references other sources of the Academic Board's power which include the Academic Board Constitution.

Changes to the UWA Statute and the Academic Board Constitution results in the need for Senate to repeal the Academic Board Regulations as matters will be captured in the Constitution.

2.4. Other changes to the UWA Statute

Amending Statute No 2 of 2024 proposes changes to other parts of the UWA Statute that are:

- a) consequential to changes regarding the Academic Board; or
- b) unrelated to those changes, having been identified since the UWA Statute commenced in 2020.

Particular attention is drawn to the following changes:

- The definition of Faculty (clause 1(b)(ii) of the Amending Statute) to address UWA's structural reform, including the disestablishment of Faculties and movement to a College of Schools model.

Section 3 of the UWA Act provides that "*There shall be from henceforth for ever in the State of Western Australia a University to be called "The University of Western Australia" with such faculties as the Statutes of the University may from time to time prescribe.*"

Rather than swapping out "Faculty" for "Schools" wherever it appears in the UWA Statute (an extensive task), a change is made to the overall definition "Faculty" in clause 6. This approach will:

- legislate under the authority provided by the UWA Act,
 - accommodate the change to schools, and
 - can accommodate any future changes in the University's structure/leadership (for example if there is a structural change back to "Faculties").
- The role of the Chancellor as ex officio member ((clause 2(b) of the Amending Statute) to align the UWA Statute and Senate Regulations by amending clause 10 of the UWA Statute:
 - a) regarding the status of the Chancellor as an ex officio member; and
 - b) separate it from the provisions regarding management and administration.
 - To enable Awards conferred on behalf of the Senate by Senate members aside from the Chancellor, Pro-Chancellor and Vice-Chancellor as is currently specified in the Statute. From a practical perspective, it reduces the pressure on the Chancellor both in terms of other commitments and the arduous week of back to back ceremonies. It also gives a clear way forward if there is a situation where the Chancellor or Pro-Chancellor are unavailable by including a member of the Senate as being able to confer an Award.

3. ATTACHMENTS

Attachment A: Academic Board constitution

Governance

Academic Board Constitution

1 Committee of the Senate

- (1) The Academic Board is a committee of the Senate.
- (2) The Academic Board operates in accordance with the Senate Code and Senate Standing Orders in their application to Senate committees.

2 Role

- (1) The Academic Board is the peak governing body for all academic matters of the University subject to the statutory responsibility of the Senate for the overall governance of the University.
- (2) The Academic Board determines, reviews and approves rules, policy and standards in relation to —
 - (a) admission and enrolment;
 - (b) course requirements and structures, including requirements for the conferral of an Award of any qualification applying to courses;
 - (c) progression requirements;
 - (d) examinations, assessment and pedagogy;
 - (e) scholarships, prizes and other academic awards; and
 - (f) research integrity and ethics for Students and Academic Staff.
- (3) The Academic Board approves new courses, the rescission of existing courses, and amendments to courses⁵.
- (4) The Academic Board reviews and approves the Academic Board committee structure and the constitutional documents of related University committees and academic organisational units so far as they relate to the governance of academic activities.
- (5) The Academic Board is responsible for assuring quality and monitoring compliance with those of the Higher Education Threshold Standards relevant to its remit and with any other Standards established under the Higher Education Standards Framework or equivalent.
- (6) The Academic Board provides advice to the Senate, the Vice-Chancellor and the University Executive on matters including, but not limited to —
 - (a) teaching, learning, research and educational programs;
 - (b) establishing and maintaining academic standards;
 - (c) academic priorities, including academic aspects of the University's strategic plans;
 - (d) academic aspects of the University's policies and procedures, including but not limited to those relating to the appointment, promotion and conditions of employment of Academic Staff;
 - (e) the conferral of title of Emeritus Professor, including receiving nominations and providing recommendations to the Senate;
 - (f) the creation, amalgamation or disestablishment of Schools, disciplines, departments, Centres, Institutes and other academic organisational units and related transfers of funding;
 - (g) safeguarding the academic freedom of the University; and

⁵ Subject to the overarching authority of the Senate (Sections 5 and 13 of the UWA Act) and responsibility of the Vice-Chancellor (section 27(2) of the UWA Act and clause 12(1) of the UWA Statute). The Senate approves Awards (clause 6 UWA Statute provides "Award means — (a) a degree, diploma or certificate granted by the Senate; or (b) an honorary degree or other distinction approved by the Senate;").

- (h) any matter it considers to be of importance including, but not limited to, matters which have the potential to impact on the teaching and research mission of the University.
- (7) Jointly with the University's Executive, the Academic Board is responsible for formal reviews of the academic activities of the University and its academic organisational units.
- (8) The Academic Board will receive and consider appropriate correspondence from the Student Guild and will forward any such correspondence intended for communication to the Senate, with or without comment.
- (9) The Academic Board has any other functions and powers assigned to it by the Senate or conferred on it by, or under, the Statute.
- (10) Decisions of the Academic Board may be subject to review by the Senate.

3 Membership

- (1) Members are —
 - (a) **ex-officio members** comprising:
 - (i) the Vice-Chancellor;
 - (ii) the Senior Deputy Vice-Chancellor;
 - (iii) the Deputy Vice-Chancellor (Education);
 - (iv) the Deputy Vice-Chancellor Research;
 - (v) the Deputy Vice-Chancellor (International);
 - (vi) Heads of Schools;
 - (vii) the Pro Vice-Chancellor (Indigenous Education);
 - (viii) the Dean, Graduate Research School;
 - (ix) the President of the Guild of Undergraduates;
 - (x) the President, Postgraduate Students' Association; and
 - (b) **elected Staff members** comprising:
 - (i) 39 Professors (Level E) of the University elected by the Academic Staff;
 - (ii) 21 Level A-D Academic Staff of the University elected by the Academic Staff;
 - (iii) 8 persons elected by and from the Professional Staff of the University; and
 - (c) **nominated Students** comprising:
 - (i) Four Students nominated by the Student Guild Council to ensure appropriate diversity of student representation.
- (2) Staff who are eligible for election in the categories specified in 3(1)(b) —
 - (a) are those who are employed directly by the University and who hold an ongoing or fixed-term appointment equal to or greater than 0.4 FTE (full-time equivalent); and
 - (b) does not include people holding emeritus, visiting, adjunct, clinical or honorary appointments or a Head of School.
- (3) For the electorates in each of 3(1)(b)(i) (elected Professors) and 3(1)(b)(ii) (elected Academic Staff), the number of persons elected from each cluster, as set out in 3(3)(c), is determined proportionately according to the formula set out below —
 - (a) 50% of positions are allocated according to relative numbers of Staff in each of the areas concerned using a 2:1 ratio of Academic to Professional Staff; and
 - (b) 50% of positions are allocated according to relative student load in each of the areas concerned;
 - (c) the following clusters be established for the application of the formula set out in 3(3)(a) and 3(3)(b):
 - (i) Cluster 1: Business, Humanities, Social Sciences, Law, Education and Design

- (ii) Cluster 2: Engineering, Mathematics and Physical Sciences
 - (iii) Cluster 3: Health and Medical Sciences
 - (iv) Cluster 4: Life and Natural Sciences
 - (v) Cluster 5: Non-discipline based entity, including SIS.
- (4) The Chair has authority to appoint standing invitees to provide specialist and expert advice to the Academic Board.

4 Office-bearers

- (1) Subject to 4(2) and 4(3), as applicable, the Academic Board must elect, in accordance with clause 16, a member to each of the following offices from among its members —
- (a) Chair;
 - (b) Deputy Chair; and
 - (c) Associate Chair.
- (2) The Chair must be a Level D or Level E Academic Staff member of the Academic Board nominated and elected by the Academic Board from the categories specified under 3(1)(b)(i) or (ii).
- (3) The Deputy Chair and Associate Chair must be a Level D or Level E Academic Staff member of the Academic Board nominated and elected by the Academic Board from the categories specified under 3(1)(b)(i) or (ii).

5 Terms of office

- (1) The office-bearers each hold office from 1 January for three years unless a different term is approved by the Academic Board.
- (2) Subject to 5(4), the office-bearers are each eligible to hold office for a subsequent term up to a maximum consecutive term in the same office of six years.
- (3) Subject to 5(5), Elected Staff members —
- (a) hold office for three years commencing on 1 January following their election; and
 - (b) are eligible for re-election up to a maximum consecutive term of six years.
- (4) When determining the maximum consecutive term under 5(2) for an office-bearer, any term previously served —
- (a) as another officer-bearer; or
 - (b) as an Elected Staff member who has not been appointed an office-bearer,
- is excluded.
- (5) When determining the maximum consecutive term under 5(3)(b) any term previously served as any officer-bearer is excluded.
- (6) Nominated Student members hold office for one year commencing on 1 January following their nomination and are eligible for renomination.

6 Alternate members

- (1) Where a member elected under a category specified in 3(1)(b) has been granted leave of absence for an Extended Period (e.g. Sabbatical, Parental leave), they are eligible to apply to the Academic Secretary to be replaced by an Alternate member for that period.
- (2) A person is not eligible to be an Alternate member if they are a current member of the Academic Board.
- (3) Subject to 6(2), the Alternate member is appointed by the Academic Secretary -

- (a) in rank order commencing with the candidate with the next highest number of votes received at the time of the member's election under the relevant category specified in 3(1)(b); and
 - (b) with regard to the members' availability and willingness to act.
- (4) The Alternate member -
- (a) acts temporarily in place of the member for whom they were appointed;
 - (b) may exercise the rights of, and is subject to the responsibilities of, the member for whom they were appointed; and
 - (c) holds office subject to, and in accordance with, this Constitution.
- (5) If a question arises under this clause in relation to the appointment of an Alternate member, the question is to be determined by the Chair.

7 Resignation and casual vacancy

(1) Office-bearers:

- (a) The Chair may resign their office by giving written notice to the Chancellor .
- (b) The Deputy Chair or Associate Chair may resign their office by giving written notice to the Chair.
- (c) An office-bearer ceases to hold office where they —
 - (i) are no longer eligible to hold the office;
 - (ii) resign;
 - (iii) are absent from more than 50% of meetings in any calendar year; or
 - (iv) are removed from office by a resolution of the Academic Board passed by enough of the members for the time being of the Academic Board for their number to be at least two-thirds of the number of offices (whether vacant or not) of members.
- (d) Where a casual vacancy arises in the office of the Chair, Deputy Chair or Associate Chair —
 - (i) the vacancy is to be filled in the same manner as if that term of office had expired; and
 - (ii) until the position is filled in accordance with 7(1)(d)(i), the role of Chair is to be undertaken in accordance with 9(5).

(2) Elected Staff members and nominated Student members

- (a) Elected Staff members and nominated Student members may resign from the Academic Board by giving written notice to the Chair via the Academic Secretary.
- (b) Subject to 7(2)(c), an Elected Staff member and a nominated Student member ceases to be a member of the Academic Board and creates a casual vacancy where they —
 - (i) resign from the Academic Board;
 - (ii) as appropriate, cease to be an eligible member of Staff or an enrolled Student;
 - (iii) are absent from more than 50% of meetings in any calendar year, without the written approval of the Chair (which must not be unreasonably withheld); or
 - (iv) are appointed a Head of School.
- (c) Where the term of an appointment as a Head School expires a vacancy is created in category 3(1)(vi). The vacancy is to be filled for the remaining period by the newly appointed Head of that School.
- (d) The Senate may resolve to remove a member from the Academic Board and thereby create a casual vacancy where the member has

been found to have breached the University's Code of Ethics and Code of Conduct or the Senate Code.

- (e) Where a casual vacancy arises for an Elected Staff member, the vacancy is to be filled through the Academic Board's annual elections and will remain unfilled until that time.
- (f) Where a casual vacancy arises for a nominated Student member, the vacancy is to be filled by way of a new nomination.

8 Quorum

- (1) The majority of Academic Board members (excluding any unfilled vacancies) constitutes a quorum.
- (2) If a quorum is not present within 15 minutes after the time appointed for the meeting, the business to be transacted must either be (as decided by the Chair) —
 - (a) deferred until the next ordinary meeting of the Academic Board, at which it must take precedence; or
 - (b) dealt with by circular, subject to seeking confirmation of any decision.

9 Meetings and members' responsibilities

(1) Notice of Meetings

- (a) Subject to 9(1)(b), the Academic Secretary must give members at least five University Working Days' notice of a meeting of the Academic Board.
- (b) Where the Chair considers a matter to be urgent, members must be given at least two University Working Days' notice.
- (c) A notice of a meeting must be in writing, provided to each member of the Academic Board and provide details of all matters to be considered at the meeting.
- (d) A meeting held or a resolution passed at a meeting is not invalid because a person entitled to receive notice of the meeting did not receive it.

(2) Frequency of meetings

- (a) The Academic Board meets at least four times in each year but may meet more frequently if required.
- (b) The Academic Board may adjourn a meeting to a date before the next scheduled Academic Board meeting.
- (c) The Academic Board's steering committee or Chair may cancel an ordinary meeting of the Academic Board if satisfied that there is insufficient business, in which case the Academic Secretary must give at least five University Working Days' notice to members.

(3) Attendance

- (a) Members are expected to attend as many meetings of the Academic Board as possible.
- (b) Elected Staff members and nominated Student members must —
 - (i) submit a formal apology to the Academic Secretary if they will be unable to attend a meeting; and
 - (ii) must seek leave of absence from the Chair if they will be absent for more than three consecutive meetings.
- (c) The Academic Secretary must report at a meeting of the Academic Board if any of the events in 7(1)(c) or 7(2)(b) occur.
- (d) The Academic Secretary must provide a report on the attendance of Academic Board members in the previous year at the first meeting of the Board each year.

- (e) The Chair may approve up to a maximum of five standing invitees to attend any one meeting.

(4) Meeting Preparation

- (a) Academic Board members are responsible for —
 - (i) maintaining the confidentiality of the Academic Board;
 - (ii) preparing for Academic Board meetings; and
 - (iii) using discretion to undertake appropriate consultations with the constituency they represent.

(5) Office-bearers' responsibilities

- (a) The Chair is responsible for —
 - (i) chairing meetings of the Academic Board;
 - (ii) managing and supervising the responsibilities, functions and powers of the Academic Board;
 - (iii) facilitating communications between the academic community of the University, the University Executive and the Senate;
 - (iv) subject to delegations of authority by Senate and resolutions of the Academic Board, apportioning authority for carrying out the Academic Board's responsibilities, functions and powers to other members of the Academic Board; and
 - (v) reporting to Senate on behalf of the Academic Board.
- (b) In the absence of the Chair, the role of Chair is to be undertaken by the Deputy Chair.
- (c) In the absence of both the Chair and Deputy Chair, the role of Chair is to be undertaken by the Associate Chair.
- (d) The Deputy Chair and Associate Chair are responsible for assisting the Chair in the performance of the Chair's functions, as reasonably determined by the Chair.

10 Special Meetings

- (1) The Chair may call a special meeting of the Academic Board.
- (2) A special meeting of the Academic Board must be held if requested by at least 15 members and the request —
 - (a) is in writing;
 - (b) specifies the proposed purpose of the meeting; and
 - (c) is given to the Chair (or in their absence, the Deputy Chair or Associate Chair) and the Academic Secretary.
- (3) A special meeting requested by members under 10(2) must be held no later than ten University Working Days after the request is received.

11 Reporting

- (1) The Academic Board may receive, and may require reports from Schools, other organisational units, the Academic Board's committees and sub-committees in relation to academic matters.
- (2) The Academic Board must report to Senate —
 - (a) after each meeting of the Academic Board, on its activities; and
 - (b) annually, on its activities and its assessment of its own performance.
- (3) The Academic Board will consider, and report on, all matters referred to it by the Senate or the Vice-Chancellor.

12 Academic Board committees

- (1) The Academic Board has sole authority for establishing and disestablishing committees and sub-committees of the Academic Board, as required

- (2) Each committee and sub-committee must have a constitution which is approved by Academic Board and which prescribes the chairperson, membership and functions of that committee or sub-committee. The Academic Board may review and update the constitution of its committees and sub-committees as it considers appropriate.
- (3) Where a member of Academic Board is elected in that capacity as a member of a committee of the Academic Board, then the member's term of office as a member of the committee is subject to their term of office as a member of the Academic Board.
- (4) The Chair or their nominee is an ex-officio member of all Academic Board committees and sub-committees.
- (5) Each committee and sub-committee must report on its activities to the Academic Board.
- (6) The Academic Board or the Chair may establish working parties as they consider necessary to assist or advise the Academic Board or the Chair in the performance of their functions.

13 Delegation and referral

- (1) Except for the power of Academic Board to approve the establishment, rescission and review of courses, the Academic Board may delegate any of its powers and responsibilities or refer a matter to a committee or sub-committee of the Academic Board, to one or more schools, or its Chair, Deputy Chair or Associate Chair.
- (2) The delegation of Academic Board powers is set out in the relevant schedule as part of the University Delegations Framework Policy.

14 Decision making and formal rules of Debate

- (1) The formal rules of debate for the Academic Board are governed by Schedule 1 of the [Standing Orders of the Senate](#).
- (2) Decision-making is governed by clause 10 of the [Standing Orders of the Senate](#).

15 Agenda items, notice of motions and order of business

- (1) Subject to 15(2), an item for decision or discussion by the Academic Board, report or other business to be considered at a meeting of the Academic Board must be submitted in writing to the Academic Secretary ten University Working Days before the meeting (Agenda Cut-off Date).
- (2) Matters submitted after the time period specified in (1) may only be considered if the Chair considers it to be urgent.

16 Academic Board Elections

(1) Application

- (a) Clause 16 applies to the election of —
 - (i) Staff members to the Academic Board; and
 - (ii) the office-bearers.

(2) General requirements

- (a) The Academic Secretary is the Returning Officer and responsible for the conduct of Academic Board elections.
- (b) An Academic Board election may be conducted by electronic means, in which case the processes in this Part are to be modified as the Returning Officer considers necessary for the conduct of the election by electronic means.
- (c) The Returning Officer must ensure that any ballot is secret and the identity of each voter is kept separate from the person's vote.

- (d) The accidental omission to send a call for nominations or voting ballot as required by 16(3), (5), or (6), or the misdirection or non-receipt of such documents, does not invalidate any nomination or election.

(3) Call for nominations

- (a) At least three months before the term of any Elected Staff member expires, or as soon as possible after the relevant position otherwise becomes vacant, the Returning Officer must —
 - (i) call for nominations for membership from those eligible to vote; and
 - (ii) allow at least 15 University Working Days for a response.
- (b) At least three months before an office-bearer's term expires, or as soon as possible after the relevant office otherwise becomes vacant, the Returning Officer must call for nominations for that office from members of the Academic Board.

(4) Nominations

- (a) Nominations must —
 - (i) be agreed to and signed by the nominee;
 - (ii) be seconded by a member (other than the nominee) who is eligible to vote;
 - (iii) identify the category of membership specified in 3(1)(b) under which they seek to be elected;
 - (iv) be supported in writing by the relevant Head of School regarding workload of the nominee, in the case of a position to be elected under a category specified in 3(1)(b)(ii);
 - (v) be supported in writing by the relevant line manager regarding workload of the nominee, in the case of a position to be elected under the category specified in 3(1)(b)(iii);
 - (vi) be submitted on and in accordance with the requirements of the prescribed nomination form;
 - (vii) be accompanied by a signed declaration by the nominee that they have no conflict of interest in serving as a member of the Academic Board; and
 - (viii) be submitted to the Returning Officer in writing by the closing date.
- (b) Nominations submitted to the Returning Officer after the closing date will not be considered.
- (c) A nomination is not valid if a candidate has created a vacancy under 7(2)(b)(iii) in the previous five years commencing from the time the vacancy is created.
- (d) The Returning Officer is to reject a nomination if satisfied that —
 - (i) the nomination does not comply with 16(4)(a), (b) or (c); or
 - (ii) the person nominated is not eligible.
- (e) A person may withdraw their nomination in writing to the Returning Officer up to seven University Working Days before the Ballot Period.

(5) Ballots

- (a) The electronic Ballot Period is the period during which persons may vote in an election and must be not less than three University Working Days.
- (b) The Returning Officer must issue a notice of ballot not less than two University Working Days before the start of the Ballot Period to all persons eligible to vote.
- (c) The notice of ballot must include —

- (i) the date when the ballot closes, allowing reasonable time for votes to be returned; and
 - (ii) where appropriate, details of the electronic voting website; and
 - (iii) where a ballot is to be conducted by electronic means, the right for persons who are unable to access the electronic voting system to apply in writing for a postal ballot.
- (d) The ballot must include —
- (i) any electoral statements; and
 - (ii) instructions for the completion of the ballot.
- (e) Where a ballot is conducted by electronic means and a person who is eligible to vote applies for a postal ballot, the Returning Officer must provide the person with hardcopies of the ballot documents referred to in 16(5)(d), a voter’s declaration and a pre-paid envelope for the return of the completed ballot paper.
- (f) Votes may be cast and recorded in a manner determined by the Returning Officer.
- (g) Ballots must be completed according to any voting instructions provided and returned by the time and date provided. Ballots that do not comply are invalid.
- (h) After the closing of the Ballot Period, the Returning Officer must —
- (i) exclude any invalid votes; and
 - (ii) count the valid votes in accordance with 16(6).
- (i) In an election for the Chair, each candidate may appoint a person who is not a candidate as a scrutineer to review the result of the election, but any scrutineer must not disclose the details of any individual’s vote.
- (j) The Returning Officer must publish the result and report to the Academic Board for its noting.

(6) Conduct of elections

- (a) Elections are to be conducted and vacancies are to be filled in accordance with the following table:

Table 1: Academic Board elections	
Number of candidates and vacancies	Process for filling vacancy
Equal number of candidates and vacancies	Ballot is not required and candidate(s) is/are elected.
Two nominees for a vacancy	Ballot is required, and the vacancy is to be filled by majority vote. If there is a tie, the election must be determined by lot.
Three or more candidates for a vacancy	Ballot is required and the vote is to be carried out by optional preferential voting with proportional counting of votes. If there is a tie, the election must be determined by lot.

17 Review and Performance

- (1) The Academic Board shall, annually —
- (a) review this Constitution to ensure that it complies with relevant legislative and regulatory requirements, and that it accurately reflects the committee’s current role and responsibilities. Any revisions will be recommended to the Senate for approval; and

- (b) perform an evaluation of the Academic Board's performance to determine whether it is functioning effectively by reference to global good practice and report the outcomes to Senate.

18 Savings and transitional provisions

- (1) This clause applies despite the repeal of the Academic Board Regulations.
- (2) Any person who, immediately before the Commencement Day, holds office under the Academic Board Regulations (as in effect immediately before the Commencement Day) as an Elected Staff member, nominated member or office-bearer —
 - (a) continues in office —
 - (i) under and subject to this Constitution; and
 - (ii) for the balance of the person's term of office remaining immediately before the Commencement Day;but
 - (b) vacates office before then in the circumstances set out in clause 7.
- (3) If a question arises under this clause as to the balance of a person's term of office remaining immediately before the Commencement Day, the question is to be determined by the Chair.

19 Terms used

- (1) In this Constitution, unless the contrary intention appears —

Academic Board Regulations means the Academic Board Regulations approved by the Senate on 9 December 2019 and revised on 24 May 2021.

Alternate member means a member appointed under clause 6.

Award has the meaning given in the Statute clause 6, as it may be amended from time to time.

Academic Staff means a person employed by the University under the UWA Academic Employees Agreement 2023, as that agreement may be amended or replaced from time to time.

Ballot Period is defined in 16(5)(a).

Commencement Day means the date this Constitution comes into effect after Senate approval.

course has the meaning given in the Statute clause 6, as it may be amended from time to time.

Elected Staff member means a person elected to the Board under 3(1)(b).

Extended Period means a period of Leave for more than one calendar month.

Head of School means the person appointed to be the head of a school, whether they have the title "dean", or some other title approved by the Senate.

Leave means:

- a) in respect of Academic Staff, sabbatical leave or leave under the UWA Academic Employees Agreement 2017 (as that agreement may be amended or replaced from time to time); or
- b) in respect of Professional Staff, leave under the UWA Professional and General Employees Agreement 2017 (as that agreement may be amended or replaced from time to time).

office-bearer means the positions specified in 4(1).

Professional Staff means a person employed by the University under the UWA Professional and General Employees Agreement 2023, as that agreement may be amended or replaced from time to time.

Returning Officer means the officer specified in 16(2) who is responsible for the conduct of Academic Board elections.

Staff has the meaning given in the Statute clause 6, as it may be amended from time to time.

Statute means the University of Western Australia Statute approved by the Senate on 10 August 2020, as it may be amended from time to time.

Student has the meaning given in the Statute clause 6, as it may be amended from time to time.

University Executive has the meaning given in the Statute clause 6, as it may be amended from time to time.

University Working Day has the meaning given in the Statute clause 6, as it may be amended from time to time.

Approval and Implementation:

Approval Authority: Senate
 Responsible Officer(s): Academic Secretary

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