



THE UNIVERSITY OF  
**WESTERN  
AUSTRALIA**

## Senate Regulations

Approved by Senate on 9 December 2019

These Regulations are made by the Senate of the University of Western Australia, as the governing authority of the University, under the *University of Western Australia Act 1911* section 16E.

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## Chapter 1 — Preliminary

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### 1 Purpose

The purpose of these Regulations is to regulate —

- (1) the election of Staff members to the Senate;
- (2) the co-option of members of Senate;
- (3) the election of the Chancellor and Pro-Chancellor; and
- (4) Senate meetings and procedures.

### 2 Authorisation

These Regulations are made by the Senate pursuant to the *University of Western Australia Act 1911* section 16E.

### 3 Commencement

These Regulations take effect on 9 December 2019.

### 4 Interpretation and definitions

- (1) A term used in these Regulations that is given a meaning or effect by the *Interpretation Act 1984* (WA) has the same meaning or effect in these Regulations unless the contrary intention appears.

- (2) In these Regulations, unless the contrary intention appears —

**Academic Staff** means a person employed by the University under the *UWA Academic Employees Agreement 2017*;

**Professional Staff** means a person employed by the University under the *UWA Professional and General Employees Agreement 2017*;

**Staff** has the meaning given in the *University of Western Australia Statute* clause [x], which as at the date of these Regulations is:

an individual employed directly by the University.

**Returning Officer** means the officer specified in regulation 7(2) who is responsible for the conduct of Senate elections conducted under these Regulations;

**University Working Day** has the meaning given in the *University of Western Australia Statute* clause [x], which as at the date of these Regulations is:

any day other than a —

- (a) Saturday;
- (b) Sunday;
- (c) day specified in the University calendar as a University holiday; and
- (d) the University's annual shut-down period as determined by the University's executive each year.

## 5 Senate Committees

- (1) The Senate's standing committees includes, but may not be limited to, the —
  - (a) Academic Board;
  - (b) Audit and Risk Committee;
  - (c) Board of Discipline;
  - (d) Chancellor's Committee;
  - (e) Honorary Degrees Committee;
  - (f) Nominations Committee; and
  - (g) Strategic Resources Committee.
- (2) The Senate may establish any other committee as required and refer any matter to a Senate committee.
- (3) The membership and functions of Senate committees are to be set out in a constitution or other governance document, approved by the Senate.
- (4) Unless otherwise specified or determined by Senate, the following apply to all Senate committees:
  - (a) The committee must comprise at least five members, and the Chancellor is ex officio a member of all Senate committees.
  - (b) Half the number of committee members plus one constitutes a quorum.
  - (c) The Chancellor may elect to act as chair, otherwise the committee must elect a chair.
  - (d) In the case of an equal number of votes by a Senate committee, the chair has a casting vote.

## Chapter 2 — Election and appointment of Senate members

### Part 1 — General

- Note: The [University of Western Australia Act 1911](#) includes information regarding the following matters:
- (a) Composition of the Senate, eligibility for appointment and re-appointment
  - (b) Terms of members, resignation and vacancies of office
  - (c) Duties of Senate members and disclosure of interests
  - (d) Remuneration and allowances for Senate members
  - (e) Relief of Senate members from liability
  - (f) Nominations Committee, including membership and functions

- The University of Western Australia Statute includes information regarding the following matters:
- (a) Election of Senate members (clause [7](#))
  - (b) Election of members of Convocation to the Senate ([Chapter 4, Part 5](#))
  - (c) Chancellor and Pro-Chancellor ([Chapter 3](#))
  - (d) Appointment of acting Pro-Chancellor (clause [10](#))

## 6 Application

- (1) This Chapter applies to the election and co-option (as appropriate) of the following Senate members and offices:
  - (a) the election of Staff of the University to the Senate pursuant to the Act sections 8(1)(b) and 8(1)(c);
  - (b) the co-option of members of Senate pursuant to the Act section 8(1)(i);
  - (c) the election of the Chancellor pursuant to the Act section 12; and
  - (d) the election of the Pro-Chancellor pursuant to the Act section 12A.
- (2) The election of students to the Senate pursuant to the Act section 8(1)(g) is not conducted in accordance with these regulations, but is instead conducted in accordance with the Student Guild Regulations and Student Guild Election Regulations.
- (3) The election of members of Convocation to the Senate pursuant to the Act section 8(1)(h) is not conducted in accordance with these regulations, but is instead conducted in accordance with the University of Western Australia Statute.

## 7 General requirements

- (1) In these Regulations, the Nominations Committee means the Nominations Committee referred to in the Act section 9A.
- (2) The University Secretary or their nominee is the Returning Officer and responsible for the conduct of Senate elections conducted under this Part.
- (3) An election under this Part 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.
- (4) The Returning Officer must ensure that any ballot is secret and the identity of each voter is kept separate from the person's vote.
- (5) The accidental omission to send a call for nominations or voting ballot as required by these regulations, or the misdirection or non-receipt of such documents, does not invalidate any nomination or election.
- (6) In these Regulations, selection "by lot" means the selection of a candidate or candidates (as appropriate) for the relevant position or positions (as appropriate) as a random sample from the full field of candidates.

## 8 Nominations Committee

Note: The [University of Western Australia Act 1911](#) includes information regarding the membership and functions of the Nominations Committee.

- (1) The Nominations Committee is a standing committee of the Senate constituted in accordance with, and with the functions as prescribed in, the Act.
- (2) In accordance with the Act, the Nominations Committee must comprise no more than 6 members appointed by the Senate from —
  - (a) the Chancellor;
  - (b) persons appointed to the Senate by the Governor under section 8(1)(a) of the Act; and
  - (c) members co-opted to the Senate under section 8(1)(i) of the Act.

- (3) A member of the Nominations Committee must not be involved in the process or decision of recommending to the Senate whether to appoint or re-appoint themselves.
- (4) The Chair of the Nominations Committee is (provided the person is not prevented from being involved in the process or decision under (3)) —
  - (a) the Chancellor;
  - (b) in the absence of the Chancellor —
    - (i) the Pro-Chancellor if they are a member of the Nominations Committee; and
    - (ii) otherwise or in the absence of the Pro-Chancellor, to be determined by the Nominations Committee.
- (5) The Nominations Committee meets as and when required.

## Part 2 — Election of Staff to Senate

### 9 Application

This Part applies to the election of Staff members to the Senate under the Act sections 8(1)(b) and 8(1)(c).

### 10 Eligible Staff

- (1) Staff of the University who are eligible for election to the Senate under this Part —
  - (a) are those who hold an ongoing or fixed term appointment which will enable them to complete a three year term; and
  - (b) are not people who are Staff of the University solely because they hold emeritus, visiting, adjunct, clinical or honorary appointments.
- (2) Staff of the University who are eligible to vote in an election to the Senate under this Part —
  - (a) are those who hold an ongoing or fixed term appointment; and
  - (b) are not people who are Staff of the University solely because they hold emeritus, visiting, adjunct, clinical or honorary appointments.

### 11 Vacancies and nominations

- (1) At least three months before a Senate member's term expires, or as soon as possible after the office otherwise becomes vacant, the Returning Officer must —
  - (a) call for nominations for the upcoming vacancy from those Staff members eligible to vote; and
  - (b) allow at least 15 University Working Days for a response.
- (2) Nominations must be —
  - (a) agreed to and signed by the nominee;
  - (b) seconded by another Staff member who is eligible to vote;
  - (c) submitted on and in accordance with the requirements of the prescribed nomination form; and
  - (d) submitted to the Returning Officer in writing by the closing date.

- (3) Nominations submitted to the Returning Officer after the closing date will not be considered.
- (4) The Returning Officer is to reject a nomination if satisfied that —
  - (a) the nomination does not comply with these Regulations; or
  - (b) the person nominated is not eligible.
- (5) A Staff member may withdraw their nominating in writing to the Returning Officer up to [seven] University Working Days before the Ballot Period.

## 12 Conduct of elections

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

<b>Table 1: Election of Academic Staff and Professional Staff to Senate</b>	
<b>Number of candidates and vacancies</b>	<b>Process for filling vacancy</b>
Equal number of candidates and vacancies	Ballot is not required and candidate(s) is/are elected. Where vacancies are for different terms, the term to be served by each candidate is — (a) to be agreed by the candidates; or (b) failing such agreement, to be determined by lot.
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. Where vacancies are for different terms, the longest term is served by the candidate elected first.

## 13 Ballots

- (1) This regulation applies where the number of candidates for an election exceeds the number of vacancies and a ballot is required.
- (2) The Ballot Period is the period during which persons may vote in an election and must be not less than ten University Working Days.
- (3) The Returning Officer must issue a notice of ballot not less than five University Working Days before the start of the Ballot Period to all Staff who are eligible to vote.
- (4) The notice of ballot must include —
  - (a) the date when the ballot closes, allowing reasonable time for votes to be returned; and
  - (b) where appropriate, details of the electronic voting website; and
  - (c) where a ballot is to be conducted by electronic means, the right for members who are unable to access the electronic voting system to apply in writing for a postal ballot.
- (5) The ballot must include —
  - (a) any electoral statements; and

- (b) instructions for the completion of the ballot.
- (6) Where a ballot is conducted by electronic means and a member applies for a postal ballot, the Returning Officer must provide the member with hardcopies of the ballot documents in (5) above, a voter's declaration and a pre-paid envelope for the return of the completed ballot paper
- (7) Votes may be cast and recorded in a manner determined by the Returning Officer.
- (8) 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.
- (9) After the closing of the Ballot Period, the Returning Officer must —
  - (a) exclude any invalid votes; and
  - (b) count the valid votes in accordance with regulation 12 above.
- (10) If there is a tie, the election must be determined by lot.
- (11) 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 vote.
- (12) The Returning Officer must report the election result to the Chair who declares the candidates elected at the next meeting of the Senate.

### **Part 3 — Co-option of members**

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#### **14 Application**

This Part applies to Senate members co-opted under the Act section 8(1)(i).

#### **15 Vacancy and nomination**

- (1) At least three months before a current co-opted member's term expires, or as soon as possible after the office otherwise becomes vacant, the Nominations Committee must recommend to the Senate whether to:
  - (a) re-appoint the current co-optee (if they are eligible and willing to be re-appointed); or
  - (b) initiate the appointment of a new co-optee from the list of persons maintained by the Nominations Committee who are eligible and willing to be appointed.

### **Part 4 — Election of the Chancellor and Pro-Chancellor**

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#### **16 Vacancy and nomination**

- (1) At least four months before the Chancellor's or Pro-Chancellor's term expires, or as soon as possible after the office of the Chancellor or Pro-Chancellor otherwise becomes vacant, the Senate must decide whether to —

- (a) re-appoint the current Chancellor or Pro-Chancellor as applicable (if they are eligible and willing to be re-appointed); or
  - (b) initiate the appointment of a new Chancellor or Pro-Chancellor as applicable from the list of persons maintained by the Nominations Committee who are eligible and willing to be appointed.
- (2) If the Senate decides to initiate the appointment of a new Chancellor or Pro-Chancellor, the Senate must set a date at a meeting of the Senate for the election of the office.

## 17 Conduct of election

- (1) The elections by the Senate of the Chancellor and the Pro-Chancellor must be conducted at a meeting of the Senate.
- (2) The election will be conducted by open discussion and voting by way of hands or on the voices, unless a member requests that the election be conducted by secret ballot.
- (3) Where a secret ballot is requested, it will be conducted in accordance with the following requirements —
  - (a) members who cannot physically attend the meeting may either attend and vote electronically in accordance with the Standing Orders of the Senate, or lodge their vote with the Returning Officer before the meeting;
  - (b) if there are one or two nominees for a vacancy, the decision must be made by a majority vote;
  - (c) if there are three or more nominees for a vacancy, the decision will be made by optional preferential vote with proportional counting of votes; and
  - (d) in the event of a tie, the decision must be determined by lot.
- (4) The Returning Officer must report the election result to the Chair who declares the candidate elected.

## Chapter 3 — Senate proceedings

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Note: The [University of Western Australia Act 1911](#) includes information regarding the following matters relevant to this Chapter:

- (a) Chair of Senate (section 23A);
- (b) Quorum for meetings of Senate (section 25).

The University of Western Australia Statute prescribes the minimum number of Senate meetings each year (clause 8).

## 18 Chair of Senate

The Chair of Senate is prescribed in the Act section 23A, which as at the date of these Regulations provides as follows:

- (1) The Chancellor, or in the absence of the Chancellor the Pro-Chancellor, is to preside as the chair of a meeting of the Senate.
- (2) If the Chancellor and the Pro-Chancellor are not present at a meeting of the Senate, the members of the Senate present at the meeting are to elect a person to preside as the chair of the meeting.

## 19 Special meetings

- (1) The Chancellor (or in the absence of the Chancellor, the Pro-Chancellor) may call a special meeting of the Senate.
- (2) A special meeting of the Senate must be held if requested by at least four members of the Senate and the request —
  - (a) is in writing;
  - (b) specifies the proposed purpose of the meeting; and
  - (c) is given to the Chancellor, or in the Chancellor's absence is given to the Pro-Chancellor, or in the absence of both the Chancellor and Pro-Chancellor is given to the University Secretary.
- (3) A special meeting requested by members under (2) must be held no later than ten University Working Days after the request is received.

## 20 Notice of meetings and agendas

- (1) Subject to (2), members must be given at least five University Working Days' notice of a Senate meeting.
- (2) Where the Chair considers the matter to be urgent, members must be given at least two University Working Days' notice of a Senate meeting.
- (3) A notice of a meeting must be in writing and provided to each member of the Senate personally and must provide details of all matters to be considered at the meeting.

## 21 Adjourning and cancelling meetings

- (1) The Senate may adjourn a meeting to a date before the next scheduled meeting date.
- (2) The Chancellor may cancel an ordinary meeting of the Senate if satisfied that there is insufficient business, but must give at least three University Working Days' notice to members.

## 22 Quorum

- (1) The quorum for a meeting of the Senate is prescribed in the Act section 25, which as at the date of these Regulations provides as follows:

No business shall be transacted at any meeting of the Senate unless 8 members... are present.
- (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, at which it must take precedence; or
  - (b) dealt with by circular in accordance with the Standing Orders of the Senate.

## 23 Meeting procedures

- (1) Senate meetings are conducted in accordance with Standing Orders of the Senate
- (2) Senate committee meetings are conducted in accordance with Standing Orders of the Senate, unless otherwise prescribed in the committee's constitution approved by the Senate.

## 24 Rescission of Senate decisions

A decision of the Senate can only be rescinded where —

- (1) prior notice has been given in accordance with these Regulations and the Standing Orders of the Senate; and
- (2) it is approved by an absolute majority of the Senate.

## 25 Minutes

- (1) The proceedings of all Senate meetings must be minuted and retained.
- (2) Members must be sent a copy of the minutes within a reasonable period of time following each meeting.
- (3) The minutes must be confirmed or amended by resolution of the Senate at the following meeting.

## 26 End of year arrangements

At its final meeting each year, the Senate must appoint a sub-committee of the Senate to deal with any urgent matters which arise prior to the first meeting of the Senate in the following year [and who is authorised to act on behalf of the Senate during that time].

### Version History

Version	Approved / Amended	UWA Endorsement	Commencement
V1	Approved – New Regulations	9 December 2019 Senate Resolution [R61/19]	9 December 2019