



Australian Film, Television and Radio School (Council Elections) Regulations 2017

I, General the Honourable Sir Peter Cosgrove AK MC (Ret'd), Governor-General of the Commonwealth of Australia, acting with the advice of the Federal Executive Council, make the following regulations.

Dated 15 June 2017

Peter Cosgrove
Governor-General

By His Excellency's Command

Mitch Fifield
Minister for the Arts

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Part 1—Preliminary

Division 1—Preliminary

1 Name

This instrument is the *Australian Film, Television and Radio School (Council Elections) Regulations 2017*.

2 Commencement

- (1) Each provision of this instrument specified in column 1 of the table commences, or is taken to have commenced, in accordance with column 2 of the table. Any other statement in column 2 has effect according to its terms.

Commencement information		
Column 1	Column 2	Column 3
Provisions	Commencement	Date/Details
1. The whole of this instrument	The day after this instrument is registered.	20 June 2017

Note: This table relates only to the provisions of this instrument as originally made. It will not be amended to deal with any later amendments of this instrument.

- (2) Any information in column 3 of the table is not part of this instrument. Information may be inserted in this column, or information in it may be edited, in any published version of this instrument.

3 Authority

This instrument is made under the *Australian Film, Television and Radio School Act 1973*.

4 Schedule 3

Each instrument that is specified in Schedule 3 is amended or repealed as set out in the applicable items in that Schedule, and any other item in that Schedule has effect according to its terms.

5 Purpose of this instrument

This instrument prescribes, for the purposes of paragraphs 8(1)(b) and (c) of the Act, the manner in which:

- (a) the staff members elect a staff member to the Council; or
- (b) the students of the School elect a student to the Council.

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6 Outline of this instrument

Elections for staff and student members of the Council are conducted by a returning officer, who is the Secretary to the Council (see section 10).

Under Part 2, the returning officer:

- (a) sets the dates for the election; and
- (b) calls for nominations; and
- (c) conducts a ballot (if necessary); and
- (d) publishes the result of the election.

Elections may be conducted electronically (see Division 3 of this Part).

Division 2—Definitions

7 Definitions

Note: A number of expressions used in this instrument are defined in the Act, including the following:

- (a) Council;
- (b) School.

In this instrument:

Act means *the Australian Film, Television and Radio School Act 1973*.

ballot paper includes a ballot paper in electronic form.

continuing candidate has the meaning given by Schedule 2.

election means an election:

- (a) for a staff member of the Council under paragraph 8(1)(b) of the Act; or
- (b) for a student member of the Council under paragraph 8(1)(c) of the Act.

returning officer for an election has the meaning given by section 10.

staff member has the meaning given by section 8 of the Act.

Division 3—Means by which elections may be conducted

8 Giving notices etc.

Publishing notices

- (1) If this instrument requires or permits the returning officer for an election to publish a notice, the returning officer must publish the notice by:
 - (a) displaying the notice on a noticeboard at the School; or
 - (b) publishing the notice on the School's website; or
 - (c) giving the notice to each person who is entitled to vote at the election.

Giving notices etc.

- (2) If this instrument requires or permits the returning officer for an election to give a notice, ballot paper or other document to a person, the returning officer may give it to the person by:
 - (a) sending it:
 - (i) by messenger to a place at the School that the returning officer considers appropriate; or
 - (ii) by post to an address that the returning officer considers appropriate; or
 - (iii) by email; or
 - (b) informing the person, using any of the means mentioned in paragraph (a), how the person may access the notice, ballot paper or other document using the internet.

Email

- (3) If this instrument requires or permits the returning officer for an election to send a notice, ballot paper or other document to a person by email, the returning officer may send it to the person at:
 - (a) an official email address within the School's email system that is provided to the person; or
 - (b) another appropriate email address.

9 Elections conducted electronically

The returning officer for an election may conduct all or part of the election by electronic means (including the internet), including by:

- (a) allowing electronic voting using a computer program or website and using ballot papers in electronic form; or
- (b) using a computer program to perform steps in the scrutiny of the poll.

Part 2—Preparations for elections

10 Returning officer

- (1) The *returning officer* for an election is the person for the time being occupying, or performing the duties of, the office of Secretary to the Council.
- (2) The returning officer for an election may, by writing, appoint deputies to assist the returning officer to conduct the election.

11 Election dates

- (1) The returning officer for an election must determine the following:
 - (a) the date of the election (subject to subsection (2));
 - (b) the time, on the date of the election, at which the poll closes;
 - (c) the date (which must be at least 3 weeks before the date of the election) and time at which nominations for the election close.
- (2) However, the Minister, instead of the returning officer, must determine the date of the election if the election is held to fill a casual vacancy as mentioned in subsection 9(2) or 10(3) of the Act.

12 Calling for nominations

- (1) Not less than 5 weeks before the date of an election, the returning officer must:
 - (a) prepare a written notice of the election; and
 - (b) publish the notice in accordance with subsection 8(1).
- (2) The notice must:
 - (a) state the number of persons to be elected; and
 - (b) state the required qualifications for standing for the election; and
 - (c) invite nominations of suitably-qualified persons for election; and
 - (d) state the form in which nominations must be made (see section 13); and
 - (e) state the date and time at which nominations close (see section 11).

13 Nominations

A nomination of a candidate for an election must be:

- (a) made by a person who is entitled to vote at the election (who could be the candidate); and
- (b) in the form set out in Form 1 in Schedule 1; and
- (c) signed by the nominator and the candidate; and
- (d) made before the close of nominations (see section 11).

Part 3 Conduct of elections

Division 1 Elections without balloting

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Part 3—Conduct of elections

Division 1—Elections without balloting

14 Election without voting

Each person nominated in an election is elected if, when nominations close, the number of persons nominated does not exceed the number of persons to be elected.

Division 2—Balloting

Subdivision A—Balloting

15 Requirement to conduct ballot

The returning officer for an election must conduct a ballot in accordance with this Subdivision if, when nominations close, the number of persons nominated exceeds the number of persons to be elected.

16 Ballot papers

- (1) Within 7 days after nominations close for an election and at least 14 days before the election, the returning officer must give to each person who is entitled to vote at the election:
 - (a) a ballot paper; and
 - (b) a notice:
 - (i) indicating the manner in which the ballot paper must be returned to the returning officer; and
 - (ii) specifying the date and time at which the poll closes; and
 - (c) if a candidate has, before the close of nominations, supplied to the returning officer a statement not exceeding 150 words relating to his or her candidacy—a copy of that statement.

Note: For the close of nominations, the date of the election and the close of poll, see section 11.

- (2) A ballot paper must be in the form set out in Form 2 in Schedule 1.
- (3) However, a ballot paper in electronic form is not required to include the direction to voter set out in Form 2, but may include such direction to voters as the returning officer considers appropriate.
- (4) The names of the candidates for the election must appear on the ballot paper in an order determined by the returning officer by lot.

Replacement ballot papers

- (5) If a person entitled to vote at an election applies to the returning officer personally for a ballot paper:
 - (a) after ballot papers for the election have been given under subsection (1); and
 - (b) before the close of the poll;the returning officer may give a ballot paper to the person personally or in accordance with subsection 8(2).

17 Manner of voting

Each voter in an election must:

- (a) record his or her vote by inserting on the ballot paper, next to the names of so many candidates as he or she wishes to vote for, numbers in cardinal

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order commencing with 1 indicating the order of his or her preference for the candidates; and

- (b) return the ballot paper to the returning officer by the close of the poll.

Note: For the close of the poll, see section 11.

18 Ineligible votes not to be accepted

The returning officer for an election must not accept a ballot paper unless the returning officer is satisfied that the voter:

- (a) is entitled to vote at the election; and
(b) has voted only once in the election.

Subdivision B—Scrutiny

19 Scrutiny

The result of the poll for an election must be ascertained by scrutiny.

20 Scrutineers

- (1) A candidate at an election may appoint a scrutineer to represent him or her at the scrutiny.
- (2) The appointment of a scrutineer to represent a candidate must be made by notice in writing:
- (a) signed by the candidate; and
(b) given to the returning officer before the scrutiny.

21 Objections to ballot papers

- (1) If a scrutineer objects to a ballot paper in an election as being informal, the returning officer must decide whether to admit or reject the ballot paper.
- (2) This section does not prevent the returning officer from rejecting any ballot paper as being informal, even if the ballot paper is not objected to.

22 Informal ballot papers

- (1) A ballot paper in an election is informal if:
- (a) it does not indicate the voter's first preference for a candidate; or
(b) it purports to indicate the voter's first preference for 2 or more candidates.
- (2) A ballot paper is not informal by reason only that:
- (a) the same number has been indicated opposite the names of more than one candidate, in the order of the voter's preference, after the voter's first preference; or
(b) a number has been omitted in the numerical sequence in the voter's preference after his or her first preference;
- but the ballot paper must be treated as if:

- (c) the numbers so repeated, and any higher number, had not been placed on the ballot paper; or
- (d) any number higher than the number so omitted had not been placed on the ballot paper.

23 Conduct of scrutiny

- (1) The scrutiny of a poll of an election must be conducted in the following way:
 - (a) it must commence as soon as practicable after the close of the poll;
 - (b) all scrutineers and any persons approved by the returning officer may be present;
 - (c) all the proceedings must be open to the inspection of the scrutineers;
 - (d) the scrutiny may be adjourned from time to time as may be necessary until the counting of the votes is completed.
- (2) The returning officer must ascertain the result of the election in accordance with the procedure set out in Schedule 2.
- (3) If a computer program is used to perform steps in the scrutiny as mentioned in paragraph 9(b), the requirement of paragraph (1)(c) of this section is satisfied if the scrutineers are entitled to:
 - (a) be present when the program provides the results of the steps to the returning officer; and
 - (b) inspect the results.

24 Recount

The returning officer for an election may recount the ballot papers received in the election.

Subdivision C—Other provisions

25 Secret ballot

- (1) The returning officer for an election must ensure that:
 - (a) the ballot is secret; and
 - (b) the identity of each person voting is kept separately from the person's ballot paper.
- (2) The returning officer for an election, a deputy of the returning officer, or a scrutineer must not disclose how any voter has voted.

Division 3—Results

26 Notification of results

The returning officer for an election must:

- (a) by notice in writing, inform the Council of the result of the election; and
- (b) publish the notice in accordance with subsection 8(1).

Part 4—Transitional provisions

27 Application of this instrument

This instrument applies to an election if the date of the election occurs on or after the day this instrument commences.

Schedule 1—Forms

Note: See sections 13 and 16.

Form 1—Nomination form

THE AUSTRALIAN FILM, TELEVISION AND RADIO SCHOOL

NOMINATION FORM FOR ELECTION OF THE COUNCIL

I, a [staff member][student of the School]* entitled to vote at the election, nominate the following person*
myself as a candidate for election as a [staff][student]* member of the Council.

Candidate's full name

Candidate's address

Nominator's full name and address

Nominator's signature

Date of signature

Witness's signature

I consent to act if elected

Candidate's signature

Date of signature

Witness's signature

* Delete whichever is inapplicable.

Form 2—Ballot paper

BALLOT PAPER

THE AUSTRALIAN FILM, TELEVISION AND RADIO SCHOOL

ELECTION OF [STAFF][STUDENT]* MEMBER OF THE COUNCIL OF THE AUSTRALIAN FILM, TELEVISION AND RADIO SCHOOL

Direction to voter:

To record your vote on this ballot paper, place the number 1 in the square opposite to the name of the candidate for whom you wish to vote as your first preference. You may place the numbers 2, 3, 4 (and so on, as the case requires) in the squares opposite to the names of so many of the remaining candidates as you wish, so as to indicate the order of your preference for them.

When you have recorded your vote, return the ballot paper to the returning officer. The ballot paper must reach the returning officer on or before

CANDIDATES

-
-
-

* Delete whichever is inapplicable.

Schedule 2—Procedure for counting votes

Note: See subsection 23(2).

1 Procedure for counting votes

Definitions

- (1) In this instrument:

continuing candidate means a candidate not already excluded from the count.

Informal ballot papers

- (2) The returning officer must reject all informal ballot papers.

First preferences

- (3) The returning officer must count the first preference votes given for each candidate on all unrejected ballot papers.
- (4) A candidate is elected if the candidate has received more than half of the total number of first preference votes.
- (5) If 2 candidates have both received half of the total number of first preference votes, the returning officer must decide by lot which candidate is elected.

Excluding, and transferring votes of, unelected candidates

- (6) If no candidate is elected under subclause (4) or (5):
- (a) the candidate who has the fewest votes must be excluded; and
 - (b) the returning officer must transfer the whole of his or her ballot papers to the continuing candidates next in order of the voters' available preferences.
- (7) If:
- (a) on any count, 2 or more candidates have an equal number of votes; and
 - (b) one of them must be excluded;
- the returning officer must decide by lot which will be excluded.
- (8) A continuing candidate is elected if, as a result of the transfer of votes to the continuing candidate at any stage of the scrutiny, the continuing candidate has received more than half of the votes remaining in the count.
- (9) If, as a result of the transfer of votes at any stage of the scrutiny, 2 continuing candidates have both received half of the votes remaining in the count, the returning officer must decide by lot which candidate is elected.
- (10) If no continuing candidate is elected under subclause (8) or (9), the returning officer must repeat the process of excluding the candidate with the fewest votes and the transferring of ballot papers containing those votes to the continuing candidates until a continuing candidate is elected under subclause (8) or (9).

Early exhaustion of ballot papers

- (11) A ballot paper must be treated as being finally dealt with if, on a transfer, it is found that the ballot paper:
- (a) does not show a number indicating the voter's next preference opposite to the name of a candidate who has not already been excluded; or
 - (b) shows the same number as the voter's next preference opposite to the names of 2 or more candidates; or
 - (c) omits to indicate the number of the voter's next preference in the numerical sequence of the order of the voter's preference.

Schedule 3—Repeals

Australian Film, Television and Radio School (Elections) Regulations

1 The whole of the regulations

Repeal the regulations.