

Last amended December 2023

Monash University Student Union Peninsula Incorporated

Reg. No. A0044807M

ABN 93 002 915 529



Election Regulations

Adopted December 2023

1. Status

- 1.1. These regulations apply to the conduct of the MONSU annual elections in addition to what is prescribed in the Constitution.

2. Authorising Provisions and Applicability

- 2.1. These regulations are made under sub-clause 31.1 and clause 22 of the Constitution.
- 2.2. These regulations are effective immediately on adoption or amendment by Peninsula Student Council.
- 2.3. These regulations apply to elections held in accordance with Part 8 of the Constitution

3. Appointment of the Returning Officer

- 3.1. The Peninsula Student Council must appoint the Returning Officer and the Election Tribunal no later than Friday 6 weeks before the annual elections.
- 3.2. The Returning Officer must not:
 - 3.2.1. be an employee of MONSU;
 - 3.2.2. have contested any MONSU election in the two years prior to the year of the election; and
 - 3.2.3. be a currently enrolled student of the University
- 3.3. If the Returning Officer resigns, is removed, or is unable to act, the Peninsula Student Council must appoint another Returning Officer as soon as practicable.
- 3.4. The Returning Officer may only be removed by the Peninsula Student Council by a resolution passed by an absolute majority.

4. Responsibilities of Returning Officer

- 4.1. The Returning Officer
 - 4.1.1. is responsible for the conduct of the election;

- 4.1.2. may decide all matters not provided for in the Constitution or these regulations;
 - 4.1.3. is subject only to the Election Tribunal; and
 - 4.1.4. must, within 30 days of the close of polling, prepare a written report on the conduct of the elections and the result, and provide the report to the Peninsula Student Council.
- 4.2. Any decision of the Returning Officer may be appealed to the Election Tribunal in accordance with regulation 35.
- 4.3. The Operations Manager, under the direction of the Peninsula Student Council, must provide the facilities, resources and assistance necessary to enable the Returning Officer to carry out the responsibilities under these regulations.

5. Appointment and Responsibilities of Deputy Returning Officers and Poll Clerks

- 5.1. The Returning Officer may appoint and remove Deputy Returning Officers, Assistant Returning Officers, and Poll Clerks
- 5.2. Deputy Returning Officers, Assistant Returning Officers and Poll Clerks must not be appointed if they meet any of the categories in regulation 3.2.
- 5.3. Deputy Returning Officers, Assistant Returning Officers and Poll Clerks are subject to the direction of and have the duties determined by the Returning Officer.
- 5.4. The Returning Officer may delegate any responsibilities and powers under these regulations to a Deputy Returning Officer or Assistant Returning Officer.

6. The Electoral Roll

- 6.1. The Returning Officer must request a list of Peninsula students and their enrolment details from the University for the purpose of establishing an Electoral Roll of those eligible to stand and vote in the elections.

- 6.2. The Returning Officer must send a secure voting link to all students eligible to vote by requesting access to the University's bulk email facilities.

7. Notice of Election

- 7.1. At 9:00am on the Monday 7 weeks before the annual elections, the Returning Officer must give notice of the election.
- 7.2. The Returning Officer must place notice on the MONSU website and via the University's bulk email facilities where available.

8. Opening of Nominations

- 8.1. At 9:00am on the Wednesday 5 weeks before the annual elections, nominations open.

9. Eligibility to Stand

- 9.1. All students may stand in elections unless
 - 9.1.1. prohibited under clause 33.1 of the Constitution;
 - 9.1.2. disqualified from participation for serious misconduct for a period to be determined by the Returning Officer or Election Tribunal;
 - 9.1.3. not a student as defined in subclause 68.1(k) of the Constitution.
- 9.2. Only students who indicate that they are a woman on their nomination form may run for Women's Officer.
- 9.3. Only students who indicate that they are queer on their nomination form may run for Queer Officer.
- 9.4. Only students who are an international student are eligible to stand for International Officer per subclause 33.2 of the Constitution.
- 9.5. Only students who are in their first year of study at the close of nominations are eligible to stand for First Year Officer per subclause 33.5 of the Constitution.

- 9.6. From the opening of nominations until the close of nominations, a student can request via email that the Returning Officer check the Electoral Roll to determine if they are eligible to stand in the annual election.
 - 9.6.1. The Returning Officer must give written confirmation of a student's eligibility to stand within 48 hours of the student contacting them with a valid request.
 - 9.6.2. A request is valid only if:
 - 9.6.2.1. the student requests the Returning Officer check their own eligibility to stand and no other student's eligibility to stand;
 - 9.6.2.2. the student provides their student number; and
 - 9.6.2.3. the request is made via the student's university student email account.

10. Sharing of Positions

- 10.1. Students may jointly stand for and hold officer positions in accordance with sub-clause 16.2 of the Constitution.
- 10.2. The candidates must sign a declaration acknowledging that they are jointly standing for an officer position on each other's nomination form.

11. Form of Nominations

- 11.1. All nominations must:
 - 11.1.1. contain the candidate's full name, student ID, student email address, residential address and mobile number;
 - 11.1.2. provide for candidates to indicate they are a woman or a queer student for the purposes of regulations 9.2 and 9.3;
 - 11.1.3. provide for candidates to indicate if they are standing on a ticket, and include the full name and signature of the authorising officer of that ticket;
 - 11.1.4. provide for candidates to indicate if they are sharing a position per regulation 10.1, and include the full name, student ID, and

- signature of the person whom the candidate is nominating to share that position with per regulation 10.2; and
- 11.1.5. be signed by a nominator and seconder, both of whom must be qualified to stand and vote in the election in accordance with sub-clauses 33.1 and 33.7 of the Constitution:
 - 11.1.5.1. nominators and seconders of candidates for Women's Officer must indicate that they are a woman on the nomination form; and
 - 11.1.5.2. nominators and seconders of candidates for Queer Officer must indicate that they are queer on the nomination form.
 - 11.2. Candidates must not nominate or second their own nomination
 - 11.3. Students may only nominate or second one candidate.
 - 11.4. The Returning Officer must make nomination forms available via the MONSU website from the opening of nominations

12. Receipt of Nominations

- 12.1. Nominations must be sent to the Returning Officer via email.
- 12.2. The Returning Officer must, on the close of nominations:
 - 12.2.1. verify that each person that has nominated is eligible to stand; and
 - 12.2.2. send them:
 - 12.2.2.1. an acknowledgment of the receipt of their nomination;
 - 12.2.2.2. a copy of these regulations; and
 - 12.2.2.3. a copy of the MONSU constitution;
- 12.3. If a nomination is rejected, the Returning Officer must:
 - 12.3.1. immediately notify the person concerned; and
 - 12.3.2. state the reason for the rejection.
- 12.4. A student whose nomination is rejected may appeal the decision of the Returning Officer to reject the nomination.

- 12.4.1. Any appeals must be made within 24 hours of the list of candidates being published in accordance with regulation 18.

13. Close of nominations

- 13.1. At 5:00pm on Friday 4 weeks before the annual elections, nominations must be received by the Returning Officer. Nomination forms submitted after this deadline will not be accepted.
- 13.2. Nomination forms may not be amended or altered after nominations have closed with the exception that nominations may be withdrawn per regulation 16.

14. Uncontested Positions

- 14.1. If the number of eligible candidates for any position does not exceed the number to be elected, the Returning Officer must declare those candidates elected as soon as their eligibility has been verified.

15. Ballot Draw

- 15.1. At 12:00pm on the Wednesday 3 weeks before the annual elections, the Returning Officer must determine by lot the order of candidates on the ballot paper, provided the number of candidates for any position exceeds the number to be elected, and their eligibility has been verified.
- 15.2. Any student may observe the draw.
- 15.3. There shall be no ballot draw if the voting platform used in the election allows for the order of candidates and/or tickets presented on a ballot to be randomised.

16. Withdrawal of Nomination

- 16.1. Candidates may withdraw their nomination at any time before the close of polling.

- 16.2. If a candidate withdraws, the Returning Officer must proceed as if that student had never nominated
 - 16.2.1. Any statement of distribution of preferences under regulation lodged by the candidate remains valid.
- 16.3. If a candidate withdraws, the Returning Officer may modify ballot papers as necessary or appropriate.
- 16.4. The withdrawal takes effect on its acceptance by the Returning Officer.

17. Tickets

- 17.1. Any student may apply to have a ticket name registered or re-registered if:
 - 17.1.1. they have found at least 30 students who support the registration or re-registration of the ticket; and
 - 17.1.2. the student has submitted the names, signatures and student numbers of those students; and
 - 17.1.3. the student submits their application before the deadline to submit a registration or re-registration of a ticket name.
- 17.2. Applications for the re-registration of a ticket for the annual elections:
 - 17.2.1. open at 9:00am on the Monday 7 weeks before the annual elections; and
 - 17.2.2. close at 5:00pm on the Friday 7 weeks before the annual elections.
- 17.3. Applications for the registration of a ticket for the annual elections:
 - 17.3.1. open at 9:00am on the Tuesday 6 weeks before the annual elections; and
 - 17.3.2. close at 5:00pm on the Monday 5 weeks before the annual elections;
- 17.4. A student may only be a signatory to 1 ticket registration or re-registration.
 - 17.4.1. If a student has been a signatory for more than 1 ticket, that student's signature does not count as a signatory for any ticket.
- 17.5. A proposed ticket name may only be registered if:
 - 17.5.1. it is not misleading or deceptive;
 - 17.5.2. it is not contrary to law;

- 17.5.3. it is not racist, sexist, militaristic, queerphobic or ableist;
 - 17.5.4. it does not contain the name of an organisation (including a club or society);
 - 17.5.5. it is not the same or does not incorporate another registered ticket name;
 - 17.5.6. it is not so similar to any other registered ticket name as to be confused with or mistaken for that name;
 - 17.5.7. it is not so similar to the name of any department or division of MONSU or department or division of the University as to be confused with or mistaken for that name;
 - 17.5.8. it is no longer than four words;
 - 17.5.9. it does not contain the word 'independent'; and
 - 17.5.10. it does not contain the name of any person, or is not so similar to the name of any person as to be confused with or mistaken for, or be reasonably associated with, that person
- 17.6. The student who registers the ticket name is the initial authorised officer.
- 17.6.1. The authorised officer of a ticket name remains the authorised officer unless:
 - 17.6.1.1. they nominate another student to be the authorised officer by lodging a statement with the Returning Officer; or
 - 17.6.1.2. the ticket is re-registered with a different authorised officer.
- 17.7. A student cannot be an authorised officer for more than one ticket and may not be a signatory to any ticket apart from the ticket of which they are the authorised officer.
- 17.7.1. If it is found that a student has been an authorised officer for more than 1 ticket, or is a signatory of any ticket other than the ticket of which they are the authorised officer, then that student cannot be an authorised officer for any of the tickets and all the tickets the student has registered as an authorised officer for will lapse.
- 17.8. A ticket name remains registered until:

- 17.8.1. the authorised officer requests that ticket name to be de-registered;
or
- 17.8.2. the ticket name lapses because it has not been re-registered during
the following year's re-registration period
- 17.9. Tickets may only submit one nomination per individual position to be
elected.
- 17.10. By 5.00pm on the Monday 6 weeks before the annual elections, the
Returning Officer must publish a list of all reregistered ticket names on the
MONSU website.
- 17.11. By 5.00pm on the Tuesday 5 weeks before the annual elections, the
Returning Officer must publish a full list of all registered tickets on the
MONSU website

18. List of Candidates and Registered Ticket Names

- 18.1. By 12:00pm on the Thursday 3 weeks before the annual elections, the
Returning Officer must place on the MONSU website a list of candidates in
the order they will appear on the ballot paper and a list of registered ticket
names including the authorised officers.

19. Statements of Distribution of Preferences

- 19.1. A ticket may submit a statement setting out the order in which preferences
are to be distributed after being distributed to the ticket in accordance with
regulation 26.5.
- 19.2. By 12:00pm on the Friday 2 weeks before the annual elections,
statements of distribution of preferences must be received by the
Returning Officer.
- 19.3. By 5:00pm on the Friday 2 weeks before the annual elections, the
Returning Officer must display the statements on the MONSU website.
- 19.4. The Returning Officer must display a summary of the statements in a clear
and accessible position on the ballot.

20. Publicity

- 20.1. This regulation applies from the appointment of the Returning Officer to the end of polling.
- 20.2. All publicity by an individual candidate must be authorised by that candidate, with the individual candidate's name appearing legibly on the publicity.
- 20.3. 20.3. All publicity by a ticket must be authorised by the authorising officer of that ticket, with the authorising officer's name appearing legibly on the publicity.
- 20.4. All publicity must:
 - 20.4.1. be fair and honest;
 - 20.4.2. not contain the word 'independent';
 - 20.4.3. not be intended or likely to mislead a student;
 - 20.4.4. not be branded similarly to MONSU, including using any part of the MONSU logo; and
 - 20.4.5. be published electronically and not distributed physically (due
 - 20.4.6. to the ongoing COVID-19 pandemic).
- 20.5. Publicity must not include or otherwise involve:
 - 20.5.1. using chalk to promote a ticket or candidate;
 - 20.5.2. badges, stickers, balloons, food, drink, drugs or any other give away consumables.
- 20.6. Publicity of individual candidates for General Officer must:
 - 20.6.1. be general in nature; and
 - 20.6.2. not specify which portfolio their General Officer position should be assigned to by Peninsula Student Council.
- 20.7. Electronic communication on social networking mediums is limited to comments, statuses and other like forms of communication being made on one page, profile, or other group established by tickets or individual candidates with the explicit purpose of promoting that ticket or individual candidate.

- 20.8. The authorised officer of each ticket or individual candidates making use of social networking mediums or websites must provide the Returning Officer the URL of each social networking medium page, profile, website or other group established for the purposes of promoting that ticket or individual candidate prior to its use for publicity.
- 20.9. For the avoidance of doubt, regulations 20.6 – 20.7 do not apply to personal social networking profiles in the name of candidates, where such communication has occurred within the confines of the profile itself.
- 20.10. Without limiting the generality of regulation 20.4, the following is prohibited:
 - 20.10.1. videos, films, music and sound recordings
 - 20.10.2. advertisements in newspapers, radio, television, electronic print and any other broadcast communications;
 - 20.10.3. publicity that does not comply with regulations 20.2-20.3; and
 - 20.10.4. publicity in contravention of regulation 32.
- 20.11. This regulation does not apply to publicity by the Returning Officer.

21. Defamation

- 21.1. MONSU does not indemnify any person in relation to defamation in an election.

22. Dates and Times of Polling

- 22.1. The annual elections must be held in the second half of the semester two teaching period pursuant to clause 32.2 of the Constitution.
- 22.2. The annual elections must be held over at least 3 consecutive academic days pursuant to clause 32.5(a) of the Constitution.
- 22.3. The annual elections must be held over no more than 2 weeks pursuant to clause 32.5(b) of the Constitution.
- 22.4. Hours of polling must, pursuant to clause 32.5 of the Constitution:

- 22.4.1. for in person voting: be for at least 4 hours each day between 10:00am and 3:00pm; and
- 22.4.2. for online voting: be for at least 72 consecutive hours.
- 22.5. No later than Monday 9 weeks before the annual elections, the Peninsula Student Council must determine dates and times of polling pursuant to regulations 22.1-22.4.

23. Voting

- 23.1. Under sub-clause 33.7 of the Constitution all students may vote in elections.
- 23.2. Under sub-clause 31.2 of the Constitution all elections must be conducted by secret ballot.
- 23.3. Only students who are women may vote for the position of Women's Officer.
- 23.4. Only students who are queer may vote for the position of Queer Officer.

24. Ballot

- 24.1. The individual candidates option must:
 - 24.1.1. be separately segmented for the positions of Women's Officer and Queer Officer;
 - 24.1.2. list the candidates (and ticket if applicable) for each officer position in the corresponding segment for that position; and
 - 24.1.3. provide instructions that give effect to the method of casting a candidate vote pursuant to 26.2.1
 - 24.1.3.1. The segment to vote for Queer Officer must have writing that says "Please only vote in this ballot if you are queer"
 - 24.1.3.2. The segment to vote for Women's Officer must have writing that says "Please only vote in this ballot if you are a woman"

25. Issuing of Ballot Papers

- 25.1. All voting must be conducted by digital ballot sent to the student email of all students eligible to vote.

26. Method of Voting

- 26.1. Under sub-clause 31.3 of the Constitution all elections for single positions must be conducted using optional preferential method of representation.
 - 26.1.1. Under sub-clause 31.4 of the Constitution all elections for multiple positions must use the quota-preferential method of election.
- 26.2. Voters must indicate their order of preference for candidates by either:
 - 26.2.1. placing the number 1 against the name of the candidate of first preference and consecutive higher numbers against the names of as many other candidates of lower preference in order as they wish; or
 - 26.2.2. placing the number 1 against the name of a ticket.
- 26.3. For the purposes of regulation 26.2.1:
 - 26.3.1. a number against the name of a candidate indicates a preference for that candidate ahead of all candidates with higher numbers or no number against their name;
 - 26.3.2. vote is formal even if:
 - 26.3.2.1. the lowest number is not 1,
 - 26.3.2.2. the numbers are not consecutive,
 - 26.3.2.3. numbers are repeated;
 - 26.3.3. a tick against the name of a candidate where there is no number 1 against the name of another candidate is deemed to be the number 1; and
 - 26.3.4. a cross (X or x) against the name of a candidate where there is no number 1 or tick against the name of another candidate is deemed to be the number 1.
- 26.4. For the purposes of regulation 26.2.2:

- 26.4.1. the number 1 against the name of a ticket, or
 - 26.4.2. a tick against the name of a ticket where there is no number 1 against the name of another ticket, or
 - 26.4.3. a cross against the name of a ticket where there is no number 1 or tick against the name of another ticket, indicates a preference for that ticket ahead of all other tickets.
- 26.5. A voter who has voted for a ticket in accordance with regulation 26.2.2 is deemed to have voted in the following manner:
- 26.5.1. If at least one candidate has nominated for a position, they will be taken to have placed the number 1 against the name of the first candidate on the ticket and consecutive higher numbers against the names of any other candidates on the ticket in order, followed by the first candidate mentioned in the statement of preferences and consecutive higher numbers against the names of any other candidates in the statement of preferences in order.
- 26.6. A voter who has voted in accordance with both regulation 26.2.1 and regulation 26.2.2 is deemed to have voted in accordance with regulation 26.2.1 and not regulation 26.2.2.

27. Counting of Votes

- 27.1. The Returning Officer must start counting immediately after the close of polling.

28. Method of Counting

- 28.1. Votes must be counted in accordance with the following procedure:
 - 28.1.1. Each ballot must first be given the value of 1.
 - 28.1.2. The value of each ballot must be allocated to the continuing candidate against whose name appears the lowest number on the ballot paper.

- 28.1.3. A ballot which does not show a valid preference for at least one continuing candidate is exhausted and may not be allocated further.
- 28.1.4. A quota must be calculated at each state of counting by dividing the total value of ballots allocated to continuing candidates by one more than the number of positions remaining to be filled and rounding up the answer so obtained in the sixth decimal place.
- 28.1.5. If at any stage of counting a continuing candidate is allocated a value in excess of the quota, that candidate must be declared elected and each ballot allocated to that candidate must be given a new value obtained by multiplying its current value by the candidate's transfer value.
- 28.1.6. If at any stage of counting no continuing candidate is allocated a value in excess of the quota, the candidate with the lowest value must be eliminated. If there are two or more candidates with an equal value and no candidate has a lower value at an earlier stage of counting, the Returning Officer must determine by lot which of these candidates is to be eliminated.
- 28.1.7. The procedure in regulations 28.1.2 – 28.1.6 must be repeated in order until the number of positions to be filled is filled.
- 28.2. In this regulation:
 - 28.2.1. "continuing candidate" means a candidate who has neither been elected nor eliminated;
 - 28.2.2. "stage of counting" means when all ballots which have not been exhausted have been allocated to continuing candidates;
 - 28.2.3. "candidate's transfer value" is the elected candidate's value, less the quota at stage of counting, all divided by the elected candidate's value.
- 28.3. Only the Returning Officer may rule a vote informal.
 - 28.3.1. A vote is only informal when it does not comply with regulation 26 and the voter's intention is not clear.

29. Statement of Preference of Nominated Positions

- 29.1. If a candidate has nominated for two or more positions, they may submit a statement of preference of nominated positions to indicate their preference of positions that they have nominated for.
- 29.2. In the event that a candidate is elected to multiple positions that they are ineligible to hold concurrently, the Returning Officer must declare them elected in accordance with the preferences submitted on the statement of preference of nominated positions.
- 29.3. Statements of preference of nominated positions must be accepted by the Returning Officer until the close of polling.
- 29.4. In the event that a candidate is elected to multiple positions that they are ineligible to hold concurrently and has not submitted a statement of preference of nominated positions, the Returning Officer must determine the positions that the candidate is to be declared elected to by way of lot.
- 29.5. The order of counting shall be the list of officers stipulated in section 16 of the Constitution and shall take precedence in the operation of clause 29.

30. Declaration of Election and Notification of Results

- 30.1. The Returning Officer must declare the election result immediately after counting it.
- 30.2. The election records become the property of MONSU after the election result is verified.
- 30.3. The Returning Officer must, as soon as practicable after declaring the election:
 - 30.3.1. place a notice of the declaration of the election on the MONSU website; and
 - 30.3.2. email all candidates the notice of results.

31. Recounts

- 31.1. Following the declaration of an election, any candidate in that election can call for a recount. If a candidate wants to call for a recount, they must lodge a written request with the Returning Officer for a recount within 24 hours after the election has been declared.
- 31.2. If the Returning Officer receives a written request for a recount in accordance with regulation 31.1, they must hold a recount as soon as practicable.
- 31.3. The Returning Officer must give written notice of a recount:
 - 31.3.1. at least 24 hours before the recount to all of the candidates involved in that election; and
 - 31.3.2. at least 12 hours before the recount on the MONSU website.
- 31.4. Once a recount has been held and the election is declared, no candidate can call for any further recounts of that election.

32. Prohibited Conduct

- 32.1. This regulation applies from the appointment of the Returning Officer until the end of polling.
- 32.2. Any dishonest conduct in an election is prohibited.
- 32.3. Any conduct intended or likely to mislead or deceive a student is prohibited.
- 32.4. Without limiting the generality of regulations 32.2 and 32.3, the following are specifically prohibited:
 - 32.4.1. any violent, abusive or threatening conduct;
 - 32.4.2. conduct which discriminates on the basis of race, gender identity, religion, disability or sexual orientation;
 - 32.4.3. providing false information in or interfering with any form lodged with the Returning Officer;
 - 32.4.4. voting or attempting to vote except in accordance with these regulations;
 - 32.4.5. interfering with ballots or the electoral roll;
 - 32.4.6. violating the secrecy of the ballot;

- 32.4.7. impeding the conduct of the election;
- 32.4.8. damaging MONSU or University property;
- 32.4.9. publicity not in accordance with regulation 20, in particular:
 - 32.4.9.1. posting election, ticket or campaign material, authorised or unauthorised, on Monash Stalkerspace or other equivalent Monash University related public forums with the intent of incentivising voters to vote for or against a particular ticket or prejudicing voters in a particular fashion with respect to the election;
- 32.4.10. placing publicity on:
 - 32.4.10.1. a noticeboard, notice pole or poster Kiosk of the university if that noticeboard already has a poster promoting that candidate or ticket or if that pole or kiosk already has two posters promoting that candidate or ticket;
 - 32.4.10.2. a noticeboard that is reserved for use by a specific group;
 - 32.4.10.3. any outside pillar which exists within the University;
 - 32.4.10.4. any glass within the University;
 - 32.4.10.5. the ground anywhere within the University;
 - 32.4.10.6. tables, chairs or the floors in cafes, eating or communal venues or in lecture theatres on campus unless given directly to a voter who agrees to accept it;
 - 32.4.10.7. under the doors of voters' bedroom (including Gillies Hall, SV Houses, Bloom Street apartments and any other formal accommodation within residence at Peninsula campus)
 - 32.4.10.8. in the letterboxes of clubs and societies.
- 32.4.11. using a social networking medium to promote a ticket or individual candidate without providing the URL to the Returning Officer in line with regulation 20.8;
- 32.4.12. campaigning unless a student;
- 32.4.13. campaigning if an employee of MONSU other than a casual employee;

- 32.4.14. campaigning for an individual candidate without the approval of that individual candidate, or for a ticket without the approval of the authorised officer for that ticket;
- 32.4.15. campaigning in MONSU spaces or on campus (due to the ongoing COVID-19 pandemic);
- 32.4.16. paying a person to campaign;
- 32.4.17. offering gifts;
- 32.4.18. selling or exchanging goods during the week of polling;
- 32.4.19. using MONSU or University facilities not generally available to all students;
- 32.4.20. emailing clubs at their official clubs and societies email; and
- 32.4.21. failing to comply with a direction of the Returning Officer, or
- 32.4.22. a ruling or direction of the Election Tribunal;

33. Appointment of Election Tribunal

- 33.1. No later than the Monday 9 weeks before the annual elections, The Peninsula Student Council must appoint the Election Tribunal.
- 33.2. The Election Tribunal must be an Australian Lawyer admitted as an Officer of the Supreme Court of Victoria and not be a staff member of the University or any other tertiary education institution. The Election Tribunal must not have participated in a student union election in the past five years.

34. Procedure of Election Tribunal

- 34.1. The Election Tribunal may conduct hearings by telephone and, subject to regulations 34.2-34.5, regulate its own proceedings.
- 34.2. The Election Tribunal must conduct hearings in camera.
- 34.3. Parties may not be represented unless the Election Tribunal decides that without representation a party will be unable to fairly put its case.
- 34.4. Proceedings of the Election Tribunal, other than its formal decisions, are confidential and may not be reported.

- 34.5. Where in the view of the Electoral Tribunal it is unnecessary that a hearing be held, the Tribunal must as soon as practicable give a direction or ruling without holding a hearing.
- 34.6. Subject to subsection 67(2) of the Associations Incorporation Reform Act 2012, decisions of the Electoral Tribunal are final.

35. Appeals against the Decision of the Returning Officer

- 35.1. A student may appeal against a decision of the Returning Officer by writing to the Returning Officer within 24 hours after the original decision who will then refer the matter to the Electoral Tribunal.
- 35.2. Any student who appeals a decision of the Returning Officer must pay a \$150.00 bond to MONSU. If the appeal is found to have a prima facie case by the Electoral Tribunal, the appellant is entitled to be refunded the bond.
- 35.3. If the Electoral Tribunal considers that the Returning Officer's decision should be reviewed, they must as a matter of urgency:
 - 35.3.1. give the student appealing an opportunity to present their case; and
 - 35.3.2. give the returning officer an opportunity to respond.
- 35.4. The Electoral Tribunal may call upon submissions from any other interested person.
- 35.5. The Electoral Tribunal must then rule on the matter. The Election Tribunal must then rule on the matter and prepare a decision in writing for each matter it considers.
- 35.6. The Election Tribunal must make the decision available to the Returning Officer and the appellant as soon as is practicable.
- 35.7. The Returning Officer must display the decision on the MONSU website as soon as is practicable.
- 35.8. The Electoral Tribunal may make declaratory rulings under this regulation.

- 35.9. The Electoral Tribunal may not make any ruling under this regulation which alters the result of an election which has been declared if the appeal has been brought after the time set in regulation 35.1.
- 35.10. The Returning Officer may appeal under this regulation against their own decision if subsequently satisfied it was wrong and if the decision is not otherwise able to be reversed.
- 35.11. In this regulation “decision” includes omission and failure to act.

36. Reports of Prohibited Conduct or Material

- 36.1. The person who has reported the breach must be given an opportunity to present their case.
- 36.2. Any person who has been reported must be given an opportunity to respond.
- 36.3. The Returning Officer may, whether they find there has been a breach or not, give such directions as they see fit.
- 36.4. If the Returning Officer finds that there has been a breach they may formally reprimand the person reported.
- 36.5. If the Returning Officer finds there is breach of regulations 32.4.9.1 and the responsible individual is a candidate of a registered ticket, the Returning Officer must;
 - 36.5.1. direct the candidate to immediately remove their post, comment, or status, and;
 - 36.5.2. direct the ticket to which that candidate belongs to make a formal post on their approved and authorised social media, that the Returning Officer will outline and approve the contents of, acknowledging a breach of the electoral regulations.
- 36.6. Without limiting the Returning Officer’s powers under this regulation, if the Returning Officer finds that a student has breached any part of these regulations, the Returning Officer may suspend that student from campaigning for a period of time determined by the Returning Officer.

- 36.7. If the Returning Officer finds that there has been a serious breach they may disqualify the person and/or ticket from:
 - 36.7.1. campaigning, or
 - 36.7.2. standing or
 - 36.7.3. standing and campaigning, in
 - 36.7.3.1. that election, or
 - 36.7.3.2. that election and a specified number of future elections, or
 - 36.7.3.3. all elections.
- 36.8. Without limiting the generality of the words “serious breach”, for the purposes of regulation 36.7, a breach of regulations 32.4.1 – 32.4.6 or failure to comply with a direction or ruling of the Returning Officer is automatically a serious breach.
- 36.9. Without limiting regulation 16.4, if a candidate is disqualified, the Returning Officer must proceed as if that person had never nominated.
- 36.10. The Election Tribunal may not disqualify a person from standing in an election which has been declared if the report has been made after the time set in regulation 35.1.

37. Appeals Against Results of Elections

- 37.1. A student may appeal against the result of an election by writing to the Returning Officer within three academic days or one week, whichever is the lesser, of the declaration of the election.
- 37.2. Any student who appeals a decision of the election must pay a \$150.00 bond to MONSU Peninsula. If the appeal is found to have a prima facie case by the Election Tribunal, the appellant is entitled to be refunded the bond.
- 37.3. A student may only appeal against the result of an election on the ground that there has been a defect in the conduct of the election which has materially affected the result.
- 37.4. The Returning Officer must contact the Election Tribunal to advise of the appeal within one week of being contacted.

- 37.5. The Election Tribunal may only hear an appeal if they are satisfied there is a prima facie case.
- 37.6. The student appealing must be given an opportunity to present their case to the Election Tribunal.
- 37.7. The Election Tribunal may call upon submissions from any interested person.
- 37.8. If the Election Tribunal is satisfied that there has been a defect in the conduct of the election which has materially affected the result it may order a new poll or polls or election or elections.
- 37.9. The Election Tribunal may determine the timetable for a new poll or election ordered under regulation 37.8.

38. Validation

- 38.1. Under the Constitution no act, decision or election is invalid only because it was done, made or held after the time required by the Constitution.
- 38.2. No act, decision or election is invalid only because it was done, made or held after the time required by these regulations.
- 38.3. For the purposes of regulations 38.1 and 38.2 “act” does not include appeal(s).

39. Modification of regulations

- 39.1. These regulations can be modified by a resolution of the Peninsula Student Council passed by an absolute majority. However, for the motion to be considered at an Peninsula Student Council:
 - 39.1.1. the motion must include the particulars in writing of the proposed change;
 - 39.1.2. the motion must be distributed to all members of the Peninsula Student Council at least seven days before the meeting; and
 - 39.1.3. the wording of the proposed changes cannot be modified once it has been distributed to all members of the Peninsula Student

Council.

40. Definitions and Interpretation

- 40.1. For the purposes of these regulations, terms defined in the MONSU Constitution and other MONSU regulations are applicable to these regulations. Unless otherwise defined by these regulations or the Constitution:
- 40.1.1. 'Constitution' means the MONSU Constitution
 - 40.1.2. "campus" means the Peninsula campus of the University;
 - 40.1.3. "MONSU" refers to Monash University Student Union Peninsula Incorporated.
 - 40.1.4. "campaigning" means any activity intended to influence voting in an election to which these regulations apply or to provide support to a ticket.
 - 40.1.5. "publicity" means any material, action or other thing that comments, either literally or figuratively, on a candidate or group of candidates that the Returning Officer considers is intended, or likely intended, to advantage a candidate in an election or disadvantage another candidate;
 - 40.1.6. "individual candidate" means any candidate not running on a ticket;
 - 40.1.7. "ticket" means a group of candidates who have registered to have their names set out on the ballot paper under a common name in accordance with these regulations;
 - 40.1.8. "unique candidate" means a candidate, running either on a ticket or as an individual, who is a single individual. For the avoidance of doubt, an individual who nominates for multiple positions is considered to be only a unique candidate and not multiple candidates.
 - 40.1.9. "before" in reference to an election means before the first day of polling in that election;