

MONSU CAULFIELD INC
STUDENT COUNCIL 2020
MEETING SC 20.3

Held on 2nd October 2020 at 2:30pm
Zoom Meeting

Agenda

1. PREAMBLE

MONSU Caulfield acknowledges and pays respect to Elders past, present and emerging of the Boon Wurrung and Wurundjeri peoples of the Kulin nation, the traditional owners of the land on which MONSU Caulfield operates.

Present: Kyle Howden, Caitlyn Dunne, Jack Guo, Daniel Stonehouse, Ebony Hartridge-Linton, Ramona Li, Sophie Dai, Jasper Wells, Mamie Xu, Malachi Van Souphan

Apologies:

Absent: Jeffrey Zhang, Annika Han

Others: Lyn Nye

2. MINUTES OF THE PREVIOUS MEETING

3. BUSINESS ARISING

4. GENERAL BUSINESS

4.1 Election Regulations

Motion SC20.3-1

MONSU SC Moves to pass the MONSU Caulfield Election Regulations as attached.

MOVED: Daniel Stonehouse

SECONDED: Ebony Hartridge-

Linton

CARRIED UNANIMOUSLY - 2:46PM

4.2 Appointment of the Returning Officer

Motion SC20.3-2

MONSU SC moves to appoint Jarrod Allen from OGL as the 2020 Returning Officer for the MONSU Caulfield election.

MOVED: Caitlyn Dunne

SECONDED: Daniel Stonehouse

CARRIED UNANIMOUSLY - 2:47PM

4.3 Election Dates

Motion SC20.3-3

MONSU SC moves to recall the current election dates, and set the new polling dates as the 2nd of November at 9am, until the 4th of November at 5pm.

MOVED: Ebony Hartridge-Linton

SECONDED: Malachi Van Souphan

CARRIED - 2:48PM

Abstained: Mamie Xu

5. CONFIDENTIAL BUSINESS

6. OTHER BUSINESS

7. PAPERS PROVIDED FOR INFORMATION
7.1 MONSU Caulfield Election Regulations

8. DATE OF NEXT MEETING

Next meeting to be held: 14th October 2020 5pm

Meeting closes at: 2:48PM

MONSU CAULFIELD INC.

Reg No. A0043840C | ABN 42 911 556 610

ELECTION REGULATIONS

1. Definition and Interpretation

1.1. Unless otherwise defined by these regulations or the Constitution:

1.1.1. “before” in reference to an election means before the first day of polling in that election;

1.1.2. “Constitution” means the MONSU Constitution as amended from time to time;

1.1.3. “election form” means any submission by a person seeking to participate in the election that is completed by them and provided to the Returning Officer by email, including but not limited to a nomination form or withdrawal form.

1.1.4. “election period” means the period of time between the appointment of a Returning Officer until the deadline for a person to appeal the result of an election as set out in these regulations has elapsed;

1.1.5. “election staff member” means the Returning Officer and Deputy Returning Officer jointly and severally;

1.1.6. “electoral roll” means a list of students in accordance with regulation 7 for the purpose of determining the eligibility of students to stand as candidates or vote in an election;

1.1.7. “member” and “student” has the same meaning as “member” in the Constitution;

1.1.8. “MONSU” refers to MONSU Caulfield Inc.;

1.1.9. “polling period” means period of time that students may cast their vote at a polling booth, in accordance with a resolution of the Student Council described in clause 8.1;

1.1.10. “publicity” means any material or information broadcasted or disseminated (other than verbal communication between one person directly to another) that a reasonable person would assume has a purpose of attempting to influence how or whether a member votes in an election;

1.1.11. a reference to a time means that time by the Telstra dial-it time service.

2. Authorising Provisions and Application

2.1. These regulations are made under clause 24 of the Constitution.

2.2. These regulations apply to the conduct of the annual elections as described by Part 8 of the Constitution.

2.3. In the event of an inconsistency between these regulations and the Constitution, the latter shall prevail.

2.4. In the event of an inconsistency between these regulations and all applicable laws, including but not limited to any public health directions or restrictions issued by Monash University, Victoria’s Chief of Health Officer, or State Government, the latter shall prevail.

3. Appointment of Returning Officer

3.1. The Student Council must appoint a person to act as Returning Officer.

3.2. The Returning Officer must not:

3.2.1. be a member of staff of MONSU; or

3.2.2. have contested a MONSU election in the preceding five calendar years.

- 3.3.** Once appointed, the Returning Officer may only be removed by an absolute majority of the Student Council during an election period on the grounds of proven misbehaviour or incapacity.
- 3.4.** If the Returning Officer, resigns, is removed or dies during an election period, the Student Council must appoint a new Returning Officer as soon as is practical.

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; and

4.1.3. is subject only to the Electoral Tribunal.

4.2. Any decision of the Returning Officer may be appealed to the Electoral Tribunal in accordance with regulation 36.

4.3. The Returning Officer must decide all questions of fact on the balance of probabilities.

4.4. The Returning Officer must present a written report to the Student Council within 30 days of the declaration of results of the election.

4.5. The Secretary or General Manager must provide the facilities, resources, and assistance necessary to enable the Returning Officer to carry out their responsibilities under these regulations.

5. Deputy Returning Officers

5.1. The Returning Officer may appoint and remove Deputy Returning Officers.

5.2. A Deputy Returning Officer must not be appointed if they meet one of the categories set out in regulation 3.2.

- 5.3.** Deputy Returning Officers are subject to the direction of and have the responsibilities determined by the Returning Officer.
- 5.4.** The Returning Officer may delegate any responsibilities and powers under these regulations to a Deputy Returning Officer.

6. Delegation of Responsibilities to Members of MONSU Staff

6.1 The Returning Officer may delegate responsibilities to members of MONSU staff if they relate to the:

- 6.1.1.** receipt of election forms;
- 6.1.2.** displaying or dissemination of any election notices; or
- 6.1.3.** coordination with MONSU or University departments in deciding arrangements for the conduct of the election.

7. The Electoral Roll

7.1. MONSU must provide the Returning Officer with an electronic version of the electoral roll.

7.2. The electoral roll must contain, for every student eligible to stand and vote in the election, the:

- 7.2.1.** student ID; and
- 7.2.2.** full name.

7.3. The Returning Officer must comply with any reasonable requests made by MONSU regarding the use and disposal of the electoral roll during and at the conclusion of the election period respectively.

8. Polling Dates, Times and Method

8.1. The Student Council must, either concurrently or prior to the appointment of the Returning Officer, set the dates of polling and the times of the polling periods for the election.

8.2. The dates of polling must be:

8.2.1. during the second semester of the University teaching calendar; and

8.2.2. at least three consecutive academic days.

8.3. The times of the polling period must be:

8.3.1. for at least five hours each day.

9. Election Timeline

9.1. Unless otherwise determined by the Returning Officer:

9.1.1. the notice of election must be issued on the Monday four weeks before the election;

9.1.2. nominations must open at 9am on the Monday three weeks before the election and close at 4pm on the Monday two weeks before the election;

9.1.3. policy statements may be submitted from 9am on the Monday three weeks before the election and close at 4pm on the Monday two weeks before the election; and

9.1.4. submission of statements of distribution of preferences must open at 9am on the Monday the week before the election and close at 5pm on the Friday before the election.

9.2. The Returning Officer may only change the dates and times for matters prescribed in regulation 9.1 if:

9.2.1. the delay of either the appointment of the Returning Officer or the setting of the polling period by the Student Council would mean that the timeline prescribed by this regulation, if adhered to:

9.2.1.1. would cause hardship to potential candidates to participate in the election on the basis of the period of notice provided;

9.2.1.2. would place the ability for the Returning Officer to properly conduct the election in jeopardy; or

9.2.1.3. is impossible to abide by on the basis that the date has already occurred; or

9.2.2. factors other than those related to the proper conduct of the Returning Officer, including but not limited to:

9.2.2.1. delays associated with being provided with either of the Electoral Rolls;

9.2.2.2. errors (including the failure to act) made by University or MONSU staff in the course of their conduct related to the administration of election; or

9.2.2.3. an otherwise unforeseen act not contemplated to occur during the election period that would make adhering to the timeline prescribed by this regulation either impossible or, in the view of the Returning Officer, result in the election being improperly conducted.

10. Forms

10.1. Where a form may be completed by participants in the election, it must be:

10.1.1. made available on the MONSU website; and

10.1.2. available from the Returning Officer upon email request.

10.2. Where a form may be submitted to the Returning Officer, it may be:

10.2.1. submitted directly to the Returning Officer in electronic form by email.

11. Notice of Election

11.1. The Returning Officer must give notice of the election by:

11.1.1. publishing a notice in any MONSU publication where possible; and

11.1.2. publishing a notice on the MONSU website.

11.2. In addition to regulation 11.1 the Returning Officer may also give notice of the election by causing an email to be sent to each student eligible to vote and stand in the election.

12. Eligibility to Stand

12.1. All members shall be eligible to stand in an election, subject to clauses 34 and 35 of the Constitution and this regulation 12.

12.2. Only members who identify as a woman on their nomination form shall be eligible to stand for Women's Officer.

12.3. Only members who identify as queer on their nomination form shall be eligible to stand for Queer Officer.

12.4. If the University makes provision for the President to be an enrolled student of the university by virtue of holding this position and without being required to undertake studies, but subject to the statutes and regulations of the University, the President must be an enrolled student of the University.

12.5. the opening of nominations until the close of nominations, a student can request that the Returning Officer check the Electoral Roll to determine if they are eligible to stand in elections.

12.6. The Returning Officer is required to given written confirmation of a student's eligibility status within 48 hours or as is reasonably practicable of the student contacting them with a valid request.

12.7. A request is valid only if:

12.7.1. the student requests the Returning Officer check their own eligibility to stand and no other student's eligibility to stand;

12.7.2. the student provides their student number; and

12.7.3. the request is made via email.

12.8 If the request is made via email the student must use their university student email account.

13. Nominations

13.1. Nominations must:

13.1.1. contain the full name, student number, email address and contact phone number of the candidate;

13.1.2. be nominated by another student; and

13.1.3. be seconded by another student.

13.2. For the purpose of regulations 13.1.2 and 13.1.3:

13.2.1. no student may nominate more than one candidate nominating for each individual position; and

13.2.2. no student may second more than one candidate nominating for each individual position.

13.3. As soon as practicable after receiving a nomination, the Returning Officer must:

13.3.1. verify that the person who has nominated is eligible to stand;

13.3.2. notify that person whether their nomination has been accepted or rejected; and

13.3.3. send them:

13.3.3.1. a copy of these regulations; and

13.3.3.2. the contact details for the Returning Officer.

13.4. The Returning Officer must reject nominations:

13.4.1. that do not comply with these regulations; or

13.4.2. where the person nominating is not eligible to stand for that position.

13.5. If the Returning Officer rejects the nomination, they must:

13.5.1. inform the candidate as soon as practicable; and

13.5.2. provide the reason for the rejection.

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, as soon as practicable after the close of nominations, those candidates elected.

15. Ballot Draw

15.1. The Returning Officer must determine the order of candidates on the ballot paper as soon as practicable after nominations have closed and all candidates have been determined eligible to stand in the election.

15.2. Any member may observe the draw.

15.3. The Returning Officer must:

15.3.1. email all candidates; and

15.3.2. cause a notice to be published on the MONSU website

15.3.3. stating when, where and how the draw will take place.

15.4. The ballot draw may be conducted by any method that makes a random selection, including an electronic pseudorandom number generator.

15.5. The ballot draw may be conducted by way of an online broadcast, so long as the details of the draw are communicated in accordance with regulation 15.3.

16. Withdrawal of Nomination

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

16.2. The Returning Officer must be satisfied that a withdrawal is bona fide as being completed by the nominating member before accepting the withdrawal.

16.3. The withdrawal takes effect on its acceptance by the Returning Officer.

16.4. If a candidate withdraws, the Returning Officer must proceed as if the candidate had never nominated (except any statement of distribution of preferences under regulation 18 lodged by the candidate remains valid).

16.5. If a candidate withdraws, the Returning Officer may modify ballot papers as necessary or appropriate

17. Publication of List of Nominations Received

17.1 Within twenty-four hours after the close of nominations, the Returning Officer must make available a notice that lists the submissions received for each respective period.

17.2 The list of submissions must include any unsuccessful submissions, and the reason for the unsuccessful submission.

17.3. For the purpose of regulation 17.1, make available may include:

17.3.1 emailing the notice to candidates; and

17.3.2 causing the notice to be published on the MONSU website.

18. Statement of Distribution of Preferences

18.1. A candidate may submit a statement of distribution of preferences.

18.2. The Returning Officer must electronically display the completed statements on the MONSU website as soon as is reasonably possible before the annual election.

19. Publicity

19.1. This regulation applies for all publicity made available during the election period, which can only be published electronically.

19.2. All publicity must be submitted electronically by a student for written authorisation by the Returning Officer before it is made available to students electronically, it must state:

19.2.1. the name and student ID of the member authorising the publicity; and

19.2.2. include the words “Authorised by the Returning Officer”

19.3. The Returning Officer must not authorise any publicity that is:

19.3.1. offensive or derogatory;

19.3.2. misleading or deceptive;

19.3.3. written in a language other than English, unless it contains a direct translation in English of all text in a similar style and size to the translated text; or

19.3.4. branded similarly to MONSU.

19.3.5. any publicity that is predominantly red or uses any part of the MONSU logo shall be considered to be branded similarly to MONSU.

19.3.6. any publicity that is to be distributed physically

19.4. If a Returning Officer becomes aware that they have authorised publicity in breach of regulation 18.3:

19.4.1. they must revoke the authorisation by contacting the member who requested authorisation for the publicity; and

19.4.2. the member must immediately cease making that publicity available.

19.5. All publicity must not be made available prior to the close of nominations.

19.6. Candidates making use of social media platforms for the purpose of the election must provide the Returning Officer the URL of each social media page and profile established for the purposes of promoting candidates prior to its use for publicity.

19.7. Publicity must not include or otherwise involve:

19.7.1. badges;

19.7.2. stickers;

19.7.3. balloons;

19.7.4. live music;

19.7.5. food, drink, drugs or any other give away consumables (other than t-shirts);

19.7.6. the use of chalk;

19.8. This regulation does not apply to the Returning Officer.

20. Defamation

20.1. Neither MONSU or the Returning Officer indemnifies any person against liability for defamation in an election.

21. Publicity by MONSU Publications

21.1 Any MONSU publication (including Esperanto or other publication produced by MONSU from time to time) must not, from the opening of nominations to the end of polling:

21.1.1 advantage one or more candidate(s);

21.1.2 disadvantage one or more candidate(s);

21.1.3 contain any misleading or deceptive information about the election or any candidate(s) involved in the election;

21.1.4 contain anything prohibited under regulation 32; and

21.1.5 be in contravention of regulation 19.

21.2 Any MONSU publication published from the opening of nominations to the end of polling must be reviewed by the Returning Officer before being made available to students.

21.3 If the Returning Officer determines that a MONSU publication is in breach of the regulations 21.1, the Returning Officer must ban the MONSU publication from being made available to students until the end of polling. If the MONSU publication has already been made available to students, the Returning Officer must ban the MONSU publication from circulation until the end of polling.

21.4 The Returning Officer must be given at least 48 hours to review any MONSU publication as required by regulation 21.2, before it is made available to students.

21.5 If the persons responsible for producing the MONSU publication fail to give the Returning Officer at least 48 hours to review any MONSU publication, the Returning Officer must ban the publication from being made available to students until the end of polling. If the MONSU publication has already been made available to students without the Returning Officer being given at least 48 hours to check it, the Returning Officer must ban the publication from circulation until the end of polling.

22. Policy Statements

22.1. Candidates may submit policy statements electronically during the time period specified in regulation 9.1.3.

22.2. Policy statements may contain:

22.2.1. text of no more than 200 words; and

22.2.2. a photograph of the candidate.

22.3. All policy statements must be submitted electronically to the Returning Officer and comply with any additional requirements determined by the Returning Officer

22.4. The Returning Officer must publish an electronic election guide, containing all of the statements submitted in accordance with this regulation.

22.5. The election guide must be made available electronically on the MONSU website

23. Form of Ballot Paper

23.1. The ballot paper must be in the form of an electronic booklet. Ballot papers for the Queer Officers and Women's Officer will be separate.

23.2. The cover page of the booklet must;

23.2.1. list the candidates for each office-bearer and representative position (provided for in clauses 20.2 (a) to (k) of the Constitution) in the corresponding segment for that position; and

23.2.2. provide instructions that give effect to the method of casting a candidate vote at regulation 26.2

23.3. For every other position where more than one position is to be elected:

23.3.1. a page must be contained in the electronic ballot booklet for that position;

23.3.2. the electronic page must list the candidates for that position;
and

23.3.3. the electronic page must contain instructions that give effect
to the method of counting candidate votes at regulation 26.2

23.4. The electronic ballot paper for the Queer Officers must have in writing
either above or below the ballot “Please only vote in this ballot if you
identify as queer.”

23.5. The electronic ballot paper for the Women’s Officer must have in writing
either above or below the ballot “Please only vote in this ballot if you
identify as a woman.”

23.6. For the avoidance of doubt, the Activities Officers shall be listed as
separate single-member positions.

23.7. For the avoidance of doubt, the Queer Officers shall be listed as separate
single-member positions.

24. Eligibility to Vote

24.1. All members shall be eligible to vote for each position included in the
ballot booklet referred to in regulation 23.1 (which, for the avoidance of
doubt, will not include the Queer Officers or the Women’s Officer).

24.2. Only members that identify as queer shall be eligible to vote for Queer
Officers.

24.3. Only members students that identify as a woman shall only be eligible to
vote for Women’s Officer.

25. Accessing Ballot Papers

25.1. The Returning Officer will advise the process of accessing the ballot
papers.

26. Method of Voting

26.1. Elections must use the optional preferential proportional representation method of election.

26.2. A voter may cast a valid vote by placing the number 1 against the name of the candidate of first preference for each position to be elected, and consecutively higher numbers against the names of as many other candidates of lower preference in order as they wish.

26.3. For the purposes of regulation 26.2:

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; and

26.3.2. a vote is formal even if:

26.3.2.1. the lowest number is not 1;

26.3.2.2. the numbers are not consecutive or;

26.3.2.3. numbers are repeated.

26.3.2.4. a vote is deemed formal until the voter's intention becomes unclear;

26.3.2.5. a cross against the name of a candidate where there is no number 1 or tick against the name of another candidate is to be taken to be the number 1;

26.3.2.6. a tick against the name of a candidate where there is no number 1 against the name of another candidate is to be taken to be the number 1; and

26.3.2.7. a letter against the name of a candidate indicates a preference for that candidate ahead of all candidates with alphabetically subsequent letters or no letter against their name.

27. Counting of Votes

- 27.1.** The Returning Officer must start counting immediately after the close of polling.
- 27.2.** The Returning Officer is the only person who may be present during counting.
- 27.3.** The Returning Officer must email all candidates and provide the time the electronic vote counting will be complete.

28. Method of Counting

28.1. Votes must be counted in accordance with the following procedure:

- 28.1.1.** each ballot paper must first be given the value of 1;
- 28.1.2.** the value of each ballot paper must be allocated to the continuing candidate against whose name appears the lowest number on the ballot paper;
- 28.1.3.** a ballot paper 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 stage of counting by dividing the total value of ballot papers 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 paper allocated to that candidate must be given a new value obtained by multiplying its current value by the candidate's transfer value; and
- 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.

28.2. The procedure in this regulation must be repeated in order until the number of positions to be filled is filled.

28.3. Informal votes:

28.3.1. may only be ruled informal by the Returning Officer; and

28.3.2. must only be ruled informal if:

28.3.2.1. it does not comply with regulation 26.2 – 26.3; and

28.3.2.2. the voter's intention is not clear.

28.4. In this regulation:

28.4.1. "continuing candidate" means a candidate who has neither been elected nor eliminated;

28.4.2. "stage of counting" means when all ballot papers which have not been exhausted have been allocated to continuing candidates; and

28.4.3. "candidate's transfer value" is the elected candidate's value, less the quota at that stage of counting, all divided by the elected candidate's value.

29. Declaration of Election and Notification of Results

29.1. The Returning Officer must announce the provisionally declared result of the election immediately after counting.

29.2. As soon as is practicable after the results are provisionally declared, the Returning Officer must:

29.2.1. cause a notice of results to be posted on the MONSU website; and

29.2.2. email all candidates the notice of results.

29.3. The result of the election shall be automatically formally declared in accordance with the provisional declaration (or a subsequent declaration following a recount, if applicable) if:

29.3.1. the deadline for appeals against the result in accordance with regulation 36.1 passes and no appeal is submitted; or

29.3.2. any appeals against the result of the election in accordance with regulation 36 are dismissed by the Election Tribunal.

30. Recounts

30.1. A student may lodge a written request with the Returning Officer for a recount of an election they are a candidate in within 24 hours after the election has been provisionally declared.

30.2. If the Returning Officer receives a written request for a recount in accordance with regulation 30.1, they must hold a recount as soon as practicable.

30.3. The Returning Officer must give at least 24 hours written notice of a recount to all of the candidates involved in that election.

30.4. Once a recount has been held and the election is declared, no candidate can call for any further recounts of that election.

31. Prohibited Conduct

31.1. This regulation applies from the issue of the notice of election until the provisional declaration of results.

31.2. Any dishonest conduct in an election is prohibited.

31.3. Any conduct in an election that is misleading or deceptive, or that is likely to mislead or deceive a voter is prohibited.

31.4. Any conduct that is violent, abusive or threatening is prohibited.

31.5. Without limiting regulations 31.2 – 31.4, the following are specifically prohibited:

31.5.1. providing false information in or interfering with any form lodged with the Returning Officer;

31.5.2. failing to comply with a direction of the Returning Officer, or a decision of the Electoral Tribunal;

31.5.3. voting or attempting to vote except in accordance with these regulations;

31.5.4. interfering with any document, record or equipment used to conduct the election;

31.5.5. paying a person to campaign;

31.5.6. violating the secrecy of the ballot;

31.5.7. making any publicity available that is not in accordance with regulation 19;

31.5.8. interfering with other candidates' election publicity;

31.5.9. campaigning by persons who are not Monash students;

31.5.10. offering gifts;

31.5.11. selling or exchanging goods;

31.5.12. using MONSU facilities not generally available to students;

31.5.13. damaging MONSU or University property;

31.5.14. chalking;

31.5.15. publicly criticising the Returning Officer or unfairly questioning their impartiality and/or competence;

31.5.16. campaigning in a University library;

31.5.17. campaigning in breach of regulation 31.1;

31.5.18. otherwise impeding the conduct of the election; and

31.5.19. a candidate acting under the direction, control or pervasive influence of any person who is not a student member entitled to vote under regulation 24.

31.6. The Returning Officer may direct any person breaching regulations 32.2 – 32.5, to cease doing so.

31.7. Any student may report a breach to the Returning Officer.

31.8. The person who has reported the breach must be given an opportunity to present their case.

31.9. Any person who has been reported must be given an opportunity to respond.

31.10. The Returning Officer may hear submissions from any other interested person.

31.11. The Returning Officer may, whether they find that there has been a breach or not, give such directions as they think appropriate.

31.12. If the Returning Officer finds that there has been a breach, they may:

31.12.1. reprimand the person;

31.12.2. report the person to the University's Safer Community Unit;

31.12.3. suspend the person from campaigning for a period of time;

31.12.4. disqualify the person from voting in that election; or

31.12.5. disqualify the person reported from campaigning or standing or campaigning and standing in:

31.12.5.1. that election; or

31.12.5.2. that election and a specified number of future elections; or

31.12.5.3. all elections.

31.13. In exercising their power in accordance with regulation 32.12.2 the Returning Officer must consider:

31.13.1. the severity of the breach;

31.13.1.1. in judging the severity of the breach, if a serious breach has occurred the Returning Officer shall apply at least one of regulation 32.12.3 - 32.12.5 to the person that committed the breach. For the avoidance of doubt a breach of regulations 32.4 or 32.5.1 – 32.5.5 shall be automatically considered to be a serious breach.

31.13.2. whether or not the person was dishonest in the course of their breach of the regulations; and

31.13.3. the likely number of votes influenced or affected as a result of the person breach of the regulations.

32. Appointment of Election Tribunal

32.1. The Electoral Tribunal must be constituted by an individual who:

32.1.1. has been admitted to practice as a barrister and solicitor of the Supreme Court of Victoria for at least 5 years.

32.2. Members of the Electoral Tribunal must not:

32.2.1. be a candidate in the election

32.2.2. be a currently enrolled student of the University; and

32.2.3. have contested any MONSU election in the five academic years prior to the year of election.

33. Procedure of Election Tribunal

- 33.1.** The Election Tribunal may, subject to regulations 33.2 – 33.5, regulate its own proceedings.
- 33.2.** Parties may not be represented unless the Election Tribunal decides that without representation a party will be unable to fairly put its case
- 33.3.** Proceedings of the Election Tribunal, other than its formal decisions, are confidential and may not be reported.
- 33.4.** Where in the view of the Election Tribunal it is unnecessary that a hearing be held, the Tribunal may without meeting give a direction or ruling.
- 33.5.** Subject to subsection 67(2) of the *Associations Incorporation Reform Act 2012* (VIC), decisions of the Electoral Tribunal are final.

34. Appeals against Decisions of the Returning Officer

- 34.1.** A student may appeal against a decision of the Returning Officer by writing to the Returning Officer within:
 - 34.1.1.** 4 hours of the decision if it was made during a polling period;
and
 - 34.1.2.** 24 hours for all other decisions.
- 34.2.** The Returning Officer must refer the matter to the Electoral Tribunal properly submitted in accordance with regulation 35.1
- 34.3.** If a meeting of the Electoral Tribunal is convened, it must be held as soon as is practicable and necessary given the urgency of the matter.
- 34.4.** At the meeting the student appealing must be given an opportunity to present their case.
- 34.5.** The Returning Officer must be given an opportunity to respond.

- 34.6.** The Electoral Tribunal may call upon submissions from any other interested person.
- 34.7.** The Election Tribunal must then rule on the matter.
- 34.8.** The Election Tribunal must make the decision available to the Returning Officer and the appellant as soon as is practicable.
- 34.9.** The Returning Officer must display any decision on the MONSU website as soon as is practicable.
- 34.10.** The Electoral Tribunal may make declaratory rulings under this regulation.
- 34.11.** 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 36.1.
- 34.12.** 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.
- 34.13.** In this regulation “decision” includes omission and failure to act.

35. Appeals Against Results of Elections

- 35.1.** A student may appeal against the result of an election by writing to the Returning Officer within five days of the declaration of the election.
- 35.2.** 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.
- 35.3.** The Returning Officer must convene a meeting of the Electoral Tribunal within one week of being contacted.
- 35.4.** The Electoral Tribunal may only convene to hear an appeal if the Tribunal is satisfied there is a prima facie case.

35.5. At the meeting the student appealing must be given an opportunity to present their case.

35.6. The Electoral Tribunal may call upon submissions from any interested person.

35.7. If the Electoral Tribunal is satisfied that there has been a defect in the conduct of the election that has materially affected the result it may order a new poll or polls or election or elections.

35.8. The Electoral Tribunal may determine the timetable for a new poll or election ordered under regulation 35.7.

36. Validation

36.1 Subject to regulation 35:

36.1.1 no act, decision or election is invalid only because it was done, made or held after the time required by the Constitution; and

36.1.2 no act, decision or election is invalid only because it was done, made or held after the time required by these regulations.

36.2 For the purposes of regulations 36.1.1 “act” does not include an appeal.