



MONASH UNIVERSITY COUNCIL - ELECTION PROCEDURE

1. Purpose of Resolution

This Procedure sets out the procedures for the conduct of elections of elected members of Council under Part 2A of the *Monash University (Council) Regulations*.

2. Definitions

In this Procedure:

Act means the *Monash University Act 2009*;

Campaign Principles means the rules approved by Council that specify the principles to govern campaigning by candidates for election to Council and to Academic Board;

Council means the Council established under section 8 of the Act;

elected member means a member of Council referred to in section 11(4A) of the Act;

election participant means any person who participates in the election process as a candidate or campaigns on behalf of a candidate;

Regulations means the *Monash University (Council) Regulations*;

Returning Officer means the person appointed as such by Council for one or more elections of elected members;

staff has the same meaning as in the Act;

staff member has the same meaning as in the Regulations;

student has the same meaning as in the Regulations;

student member has the same meaning as in the Regulations.

3. Terms of office of elected members

3.1 Subject to the Act and Regulations, and pursuant to subregulation 6B(2) of the Regulations, the term of office of a student member is two years, commencing on 1 November in the year in which they are elected.

3.2 Subject to the Act and Regulations, and pursuant to subregulation 6B(2) of the Regulations, the term of office of a staff member is two years, commencing on 1 November in the year in which they are elected.

4. Returning Officer

4.1 Unless otherwise resolved by Council, the Returning Officer appointed by Council for elections of elected members is Gavin Ryan of OGL Group Pty Ltd.

4.2 If Gavin Ryan of OGL Group Pty Ltd is unable or unavailable to act, the Returning Officer will be another person appointed by Council, by resolution.

4.3 The Returning Officer is responsible for the conduct of the election and has the following functions, powers and duties:

- (a) to conduct the election in accordance with the Act, the Regulations, this Procedure, the Campaign Principles, Council Appointments Procedure, and any resolution of Council;
- (b) to perform any other function, or exercise any other power or duty, conferred on the Returning Officer by the Act, the Regulations, the Campaign Principles, Council Appointments Procedure, and any resolution of Council.

4.4 Without limiting paragraph 4.3, above, the Returning Officer is responsible for:

- (a) the preparation and custody of the electoral roll;
- (b) the receipt and determination of nominations;
- (c) the conduct of voting and the counting of votes; and
- (d) the determination of the result of the election and declaration of the result.

4.5 The Returning Officer must cause to be published on the University website the outcome of the election, specifying the name of each candidate and the votes received by each candidate.

4.6 The Returning Officer may appoint one or more election officers, as the Returning Officer deems appropriate, for the purposes of a particular election.

5. Roll of electors

5.1 The Returning Officer is responsible for the preparation and custody of the electoral roll.

5.2 The electoral roll for the election of a student member must:

- (a) contain all students who are eligible to vote in accordance with the Regulations, except for persons who:
 - (i) are enrolled at the University in non-award study or in one or more units of study that do not form part of a course of study;
 - (ii) are pursuing a course of study or unit of study at the University through an exchange or study program or other arrangement between the University and another educational institution;
 - (iii) have deferred enrolment in a course of study;

- (iv) have completed a course of study but on or to whom the relevant degree or award has not been conferred or awarded;
 - (v) are enrolled in one or more units of study which do not lead to an award of the University; or
 - (vi) are enrolled in a course of study leading to an Associate Degree; and
- (b) be prepared based on the information held by the University no more than 48 hours prior to the notice of election.

5.3 The electoral roll for the election of a staff member must:

- (a) contain all staff who are eligible to vote in the election in accordance with the Regulations; and
- (b) be prepared based on the information held by the University no more than 48 hours prior to the notice of election.

5.4 If a person believes that they are eligible to vote at the election but are not on the electoral roll they may provide written notice to the Returning Officer no later than 48 hours after the commencement of the period for voting in the election.

5.5 If the Returning Officer receives a notice under paragraph 5.4, the Returning Officer must determine the person's eligibility to vote within 24 hours of receiving such notice.

5.6 In the case of a dispute as to a person's eligibility to vote, the determination of the Returning Officer is final and is not subject to review by the Electoral Tribunal.

6. Notice of election

6.1 The Returning Officer must give notice of the election by:

- (a) sending an email to all persons eligible to vote in the election; and
 - (b) causing the notice to be published on the University website,
- and must do so by the date stated by Council pursuant to 6C(1)(d) of the Regulations.

6.2 The notice of election must include:

- (a) details of the position(s) to be filled at the election including any eligibility criteria;
- (b) information on how to nominate for each position, including how to provide the information required by paragraph 7.1 below;
- (c) the timeline for the election, as resolved by Council, including:
 - (i) the period within which nominations by persons as candidates may be made;
 - (ii) date of the poll; and

- (iii) period within which voting may take place;
- (d) a link to the Campaign Principles;
- (e) the Returning Officer's contact details;
- (f) the Electoral Tribunal's role and contact details and how to lodge an appeal including the deadline for any appeal; and
- (g) any other information considered relevant by the Returning Officer.

7. Nomination of candidates

7.1 The nomination of a candidate must be:

- (a) in the form determined by the Returning Officer;
- (b) lodged within the period and in the manner specified in the notice of election;
- (c) accompanied by:
 - (i) evidence to the reasonable satisfaction of the Returning Officer that demonstrates their nomination is supported by at least 5 persons eligible to vote in the election;
 - (ii) a declaration by the candidate that they will, during the election period and, if they are the successful candidate, during their term of office as an elected member, comply with the requirements of the Act, the Monash University Statute, the Regulations and all Monash University regulations, policies and procedures, the Council Charter and the Campaign Principles; and
 - (iii) a declaration by the candidate that they meet the probity requirements reflected in sub-clauses 1.1.1-1.1.7 of the Council Appointments Procedure.

7.2 Each candidate may supply a statement in support of their nomination, of no more than 250 words, for publication by the Returning Officer. Statements will be accepted up until the close of the period for nominations.

7.3 The Returning Officer may refuse to publish, without notice to the candidate, a supporting statement that he determines is in breach of the Campaign Principles.

7.4 For each nominated candidate, the Returning Officer shall determine whether they have met the applicable eligibility and other requirements including provision of the declarations set out in clause 7.1.

7.5 Election to Council will be subject to the satisfactory completion of eligibility, probity and integrity checks as required by Council.

8. Withdrawal of Nomination

- 8.1 A candidate may withdraw their nomination or candidature by notice in writing to the Returning Officer signed by the candidate or by email from the candidate's University email account.
- 8.2 For the purposes of paragraph 8.1, a notice of withdrawal is taken to have been lodged when it is received by the Returning Officer.

9. Number of Nominations

9.1 Where the number of nominations:

- (a) does not exceed the number of positions to be filled, the Returning Officer must declare the nominated candidate or candidates duly elected;
- (b) exceeds the number of positions to be filled:
 - (i) voting in the election must be held; and
 - (ii) the Returning Officer will cause to be published on the University's website a notice of ballot in the form, time and manner they determine which sets out:
 - (A) the candidates for election;
 - (B) the dates and times during which voting will occur; and
 - (C) instructions for voting, including a link to the electronic voting platform.

9.2 If a candidate for election lodges a notice of withdrawal with the Returning Officer, the Returning Officer will as soon as practicable update the list of candidates on the University's website and on the electronic voting platform.

10. Voting

10.1 The election will be conducted using an optional preferential voting system.

10.2 To cast a valid vote, a person who is eligible to vote:

- (a) must place number 1 against the name of the candidate of first preference; and
- (b) may place consecutively higher numbers against the names of as many other candidates, in order of preference, as they wish.

11. Form of Voting

11.1 Voting for the election will be conducted electronically by means of a computer software package or online system approved by the Returning Officer.

12. Campaigning

12.1 Election participants must comply with the Campaign Principles.

13. Vote Counting

13.1 The Returning Officer must count the votes as follows:

- (a) each ballot has a value of 1;
- (b) the value of each ballot is allocated to the continuing candidate against whose name appears the lowest number on that ballot;
- (c) if, at a stage of the count, a continuing candidate has been allocated more than 50 per cent of the total value of all ballots allocated to continuing candidates, that candidate is declared elected and the count is concluded; and
- (d) if, at a stage of the count, no continuing candidate has been allocated more than 50 per cent of the total value of all ballots allocated to continuing candidates,
 - the continuing candidate with the lowest value is eliminated; and
 - each ballot which had been allocated to that candidate is transferred to the continuing candidate against whose name appears the next lowest number;
- (e) where two or more candidates are tied for elimination, the Returning Officer must determine by lot which candidate is eliminated.

13.2 For the purposes of paragraph 13.1:

- (a) 'continuing candidate' means a candidate who has not been eliminated;
- (b) 'stage of the count' means the point at which all ballots that have not been exhausted have been allocated to continuing candidates.

13.3 The Returning Officer must declare the results for an election on the Monday of the week after the close of voting for the election. The results must be published on the University website.

14. Complaints

14.1 The Returning Officer has the following powers in relation to any conduct or complaint about the election or an election campaign:

- (a) to make inquiries about the conduct or complaint as they consider appropriate in the circumstances; and/or
- (b) to dismiss the matter or complaint (in whole or in part); and/or
- (c) to do one or more of the following things if the matter or complaint is substantiated (whether in whole or part) and depending on what the Returning Officer considers reasonable in the circumstances:
 - (i) issue a written or verbal warning to a candidate or other election participant;
 - (ii) prohibit a person or group of persons from campaigning on behalf of a candidate or place restrictions on their campaigning;

- (iii) report a person or group of persons to the Safer Community Unit or other appropriate area of the University;
- (iv) disqualify a candidate from the election if that candidate commits a serious breach or repeated breaches of the University's regulations, policies, procedures or Campaign Principles;
- (v) void an election in accordance with regulation 6C(2) of the Regulations.

14.2 Complaints in relation to the conduct of elections must be lodged with the Returning Officer as soon as possible and not later than 24 hours after the declaration of result of the election.

15. Electoral Tribunal

15.1 Council may by resolution appoint an Electoral Tribunal for an election.

15.2 The Electoral Tribunal must be constituted by a person who:

- (a) has been admitted to practice as a barrister or solicitor of the Supreme Court of Victoria for at least 5 years;
- (b) is not currently a student of Monash University;
- (c) is not currently employed by (or engaged by) Monash University; and
- (d) will not otherwise be affected by a potential, perceived or actual conflict of interest if they constitute the Electoral Tribunal.

15.3 If the person appointed as Electoral Tribunal is unable or unavailable to act, Council may appoint another person, by resolution.

15.4 Subject always to this paragraph 15, the Electoral Tribunal shall have the power to hear and determine an appeal against:

- (a) a determination or decision of the Returning Officer in respect of the election; and
- (b) the result of an election.

15.5 An appeal must be lodged within 24 hours after the relevant determination or decision of the Returning Officer or, in the case of an appeal against the result of the election, the declaration of the result of the election.

15.6 Any student or staff who is affected by a determination or decision of the Returning Officer may lodge an appeal with the Electoral Tribunal on the grounds set out in 15.7 below.

15.7 An appeal to the Electoral Tribunal may only be made on the grounds that:

- (a) the terms of a resolution made under 6C(1) of the Regulations, including but not limited to this Procedure and the Campaign Principles, have not been complied with; and

- (b) the non-compliance was to an extent that was reasonably capable of affecting or did materially compromise the proper outcome of an election.

15.8 An appeal must set out:

- (a) the decision or result being appealed;
- (b) the ground or grounds of appeal relied on;
- (c) the outcome sought;
- (d) the facts and evidence, and any supporting information relied on in support of the ground or grounds of appeal.

15.9 The Electoral Tribunal may dismiss an appeal that does not disclose a ground of appeal under paragraph 15.7, above.

15.10 In hearing and determining the appeal, the Electoral Tribunal must:

- (a) give the appellant an opportunity to present their case;
- (b) give the Returning Officer an opportunity to respond; and
- (c) ensure the outcome of the appeal is communicated directly to the Returning Officer and the appellant as soon as practicable.

15.11 The Electoral Tribunal may ask for submissions from any other interested person as it determines.

15.12 In determining an appeal, the Electoral Tribunal will have the power to:

- (a) confirm the determination, decision or result or the election;
- (b) set aside the determination or decision and substitute its own determination or decision;
- (c) direct the Returning Officer to take specified action or reconsider a matter in accordance with the Electoral Tribunal's findings; or
- (d) declare the election void, where the Electoral Tribunal is satisfied that the non-compliance was to an extent that did materially compromise the proper outcome of an election.

15.13 A decision of the Electoral Tribunal is final.