

| POSTGRADUATE STUDENTS ASSOCIATION ELECTION RULES |               |                    |           |
|--|---------------|--------------------|-----------|
| <b>Commencement Date:</b>                        | July 2023     | <b>Review Date</b> | July 2025 |
| <b>Division/ Person</b>                          | PSA President |                    |           |
| <b>Responsible:</b>                              |               |                    |           |
| <b>Category:</b>                                 | Department    |                    |           |
| <b>Relevant Regulation(s):</b>                   | r. 39         |                    |           |
| <b>Approval Authority</b>                        | Guild Council |                    |           |

### Preliminary

#### 1 Establishment and Particulars

These rules are created under regulation 39 of the *Guild Regulations*.

#### 2 Definitions and Interpretations

- (1) In these Rules, unless the contrary intention appears –
  - (a) **Candidate** means a Member standing for election;
  - (b) **Determination** means any order, ruling or direction validly made under these Rules by the Returning Officer;
  - (c) **Election** means an election for a position on the PSA as set out in the Schedule under these Rules (or as renamed from time to time);
  - (d) **Electoral Roll** has the meaning given in rule 11(1);
  - (e) **Electronic Media** means any public social media profile created for the express purpose of the Election, including but not limited to:
    - (i) Stand-alone websites hosted by the Guild;
    - (ii) Facebook;
    - (iii) Google+;
    - (iv) Instagram;
    - (v) Twitter;
    - (vi) YouTube;
    - (vii) WeChat;
    - (viii) WhatsApp; and
    - (ix) Snapchat
  - (f) **Formal Defect** includes only those errors or omissions which do not constitute a lack of substantial compliance;
  - (g) **Member** means member of the PSA as prescribed in rule 5(41) of the *PSA Rules*;
  - (h) **Nomination Period** has the meaning given to that term in rule 14(1);
  - (i) **Permitted Campaigning** has the meaning given to that term in rule 26(1);

- (j) **Returning Officer** means the person appointed by the PSA Committee, Guild Councillor or Electoral Commissioner to fulfill the position of returning officer under these rules;
- (k) **Scrutineer** means a person appointed in accordance with rule 29(1);
- (l) **Student Guild Election Regulations** means the Student Guild Election Regulations made by the Senate of the University;
- (m) **Week** means any seven day period reckoned from and to Saturday midnight;
- (2) These rules should be read in conjunction with the *PSA Rules* and the *Guild Election Regulations*.
- (3) The Returning Officer or Governance Committee shall have the power to interpret any part of these Rules as required.

### **Administrative Appointments and Powers**

#### **3 Appointment of a Returning Officer**

- (1) The Returning Officer must be the Managing Director of the Guild.
- (2) If the Managing Director of the Guild is unable or unwilling to act or has a conflict of interest, the Associate Director – Human Resources of the Guild or their nominee must act as Returning Officer.

#### **4 Eligibility for appointment as Returning Officer**

A person shall only be eligible to serve as Returning Officer if that person:

- (a) Is not a member of the PSA and has not been anytime in the last 2 years;
- (b) Has not been a candidate in a Guild Election anytime in the last 2 years;
- (c) Is over 18 years of age or older;
- (d) Is capable of administering all aspects of the Election efficiently; and
- (e) Is impartial.

#### **5 Responsibilities of the Returning Officer**

The Returning Officer is responsible for ensuring:

- (a) The fair conduct and administration of the Election held under these Rules for which they are appointed;
- (b) That Elections are conducted in accordance with these Rules, the *PSA Rules* and the *Student Guild Election Regulations*;
- (c) That Elections preparations are complete and timely;
- (d) That the duties expressly or implicitly required in these Rules are carried out; and
- (e) The maintenance of security in respect to the Electoral Rolls and online voting systems.

## **6 Powers of the Returning Officer**

The Returning Officer shall have the power to:

- (a) Issue any determination in whatever terms they see fit for the fair conduct and administration of any Election for which they are appointed;
- (b) Act on their own motion to prevent a breach or attempted breach of these Rules;
- (c) Spend any monies assigned by the PSA Committee for the purposes of the administration of an Election;
- (d) Direct any person wilfully interfering, obstructing or disrupting procedures at the poll or count; and
- (e) Take any other reasonable action they deem appropriate to ensure the fair conduct and administration of an Election.

## **7 Time and Duration of Appointment**

- (1) Except where a Returning Officer is appointed under rule 8(3) the Returning Officer shall be appointed no later than one week prior to the opening of nominations.
- (2) The appointment of the Returning Officer shall be effective from the date of appointment until the declaration of the Election for which that Returning Officer has been appointed.

## **8 Resignation of a Returning Officer**

- (1) The Returning Officer may resign by lodging a written resignation with the President of the PSA and the President of the Guild.
- (2) The resignation shall be effective from the time and date it is received by the PSA President.
- (3) Should a Returning Officer resign, a new Returning Officer will be appointed by the Associate Director – Human Resources of the Guild.

## **9 Storage and destruction of election materials**

Throughout the PSA Elections, the Returning Officer shall adhere to the record keeping, storage and destruction requirements of the Guild.

## **Eligibility**

## **10 Eligibility to vote**

All Members of the PSA at the close of the Nomination Period shall be entitled to vote for all positions in an Election held according to these Rules.

## **11 Electoral roll**

- (1) The Guild must provide the Returning Officer with a roll containing the names of all Members eligible to vote (**Electoral Roll**) before the end of the Nomination Period.
- (2) The Returning Officer may amend the Electoral Roll if the Returning Officer reasonably determines that an error exists.
- (3) The Returning Officer shall delete from the Electoral Roll the names of persons who, after the date of receipt by the Returning Officer of such Electoral Rolls, ceased to be entitled to vote in the Election prior to the close of nominations.
- (4) A copy of the Electoral Roll shall be retained by the PSA for inspection after the Election, and for archival purposes.

## **12 Eligibility to nominate**

- (1) To be eligible to nominate for a position listed in the Schedule, a person must at the end of the Nomination Period:
  - (a) Be a Member of the PSA;
  - (b) Be an enrolled postgraduate student;
  - (c) Not have been:
    - (i) previously convicted of an offence and sentenced to imprisonment;
    - (ii) currently be under sentence; or
    - (iii) given a spent conviction;
  - (d) Not be ineligible to hold a sought position due to any statute, regulation, by-law or rule;
  - (e) Not be an undischarged bankrupt or have entered into a scheme of arrangement with creditors;
  - (f) Not be certified as mentally unfit; and
  - (g) Not be an employee of the Guild.
- (2) No person shall be elected to or otherwise hold the office of President on more than one occasion. A person who fills a casual vacancy for the PSA President pursuant to rule 37 will not be eligible to subsequently nominate for the role of PSA President.

## **Nominations**

## **13 Submission of Nominations**

- (1) Nominations shall be in the form and submitted in the manner prescribed by the Returning Officer.
- (2) The process for the nominations shall be communicated through all channels deemed appropriate by the Returning Officer such as:
  - (a) The PSA website;

- (b) The PSA Facebook page;
  - (c) The Guild Facebook page;
  - (d) The PSA Newsletter;
  - (e) Guild Weekly; and
  - (f) Emails to Members.
- (3) All nominations must be endorsed by at least two Members of the PSA who are not themselves nominating for the same position.
  - (4) A Member may nominate under any name that, in the opinion of the Returning Officer, best reflects their identity.

**14 Timing of the nomination process**

- (1) Nominations shall be open for a period of at least 5 days and shall close no later than one Business Day before the open of polls (**Nomination Period**).
- (2) Nominations must be received by the Returning Officer by 5.00 pm on the Day that nominations close.

**15 Nomination for multiple positions**

An eligible Member may nominate for more than one position at the same Election and must provide to the Returning Officer the order of their preferred positions.

**16 Validity checking**

On an ongoing basis throughout the Nomination Period, the Returning Officer shall check the validity of nominations lodged.

**17 Formal Defect**

- (1) The Returning Officer may, in their absolute discretion, accept a nomination which, in their opinion, substantially complies with the nomination requirements.
- (2) The Returning Officer may allow a nominee to alter or correct any Formal Defect in a nomination or supplementary information and documents lodged by the close of nominations whenever this is practicable.

**18 Rejection of nomination**

- (1) If a nominee is ineligible as a result of a by statute, by-law, regulation or rule, the nomination shall be declared invalid.
- (2) The Returning Officer shall take reasonable steps to notify any nominee before the close of the Nomination Period of the rejection of that person's nomination and reasons for that rejection.
- (3) Any nomination rejection must be confirmed in writing.

**19 Withdrawal of nomination**

- (1) A person nominated as a Candidate may withdraw their nomination by lodging a notice of withdrawal with the Returning Officer until the declaration of the results.
- (2) Unless the withdrawal is lodged personally with the Returning Officer, it shall be signed by the nominee and witnessed by another person who shall be an elector for the position for which the nomination refers.
- (3) When the withdrawal of nomination is received, the withdrawing nominee shall have their name excluded from the voting system or not have the votes for them counted (as applicable).

**20 Death of a nominee**

- (1) Where a nominee dies before the declaration of nominations, their name shall not be declared as a Candidate and the Election shall proceed as normal.
- (2) Where a nominee dies during the voting period, they shall have their name excluded from the voting system or not have the votes for them counted (as applicable).

**21 Declaration of nominations**

The Returning Officer shall display on an appropriate forum the list of Candidates for each position and any other relevant details as soon as practicable after the close of Nominations Period.

**22 Single nominee**

When only one eligible nomination is received for a particular position at the close of the Nominations Period, that nominee will be declared as elected to that position and no vote will occur in respect of that position.

**Materials and Campaigning**

**23 Submission of materials**

- (1) Subject to rule 25, PSA Presidential Candidates shall be entitled to submit to the Returning Officer, no later than the end of the Nominations Period, the following material:
  - (a) One photograph depicting the Candidate, taken within the prior 12 months;
  - (b) An electronic A4 poster ; and
  - (c) A statement of up to 500 words.
- (2) Subject to rule 25, other Candidates shall be entitled to submit to the Returning Officer, no later than the end of the Nominations Period, the following material:

- (a) One photograph depicting the Candidate, taken within the prior 12 months;
- (b) An electronic poster of A4 dimensions; and
- (c) A statement of up to 200 words.

**24 Permitted materials**

- (1) No material submitted to the Returning Officer or otherwise used by a Candidate shall depict or reference any other Candidate, including in the form of How-to-Vote materials.
- (2) No material submitted to the Returning Officer or otherwise used by a Candidate shall depict or reference any other person in a rude, derogatory, defamatory, insulting or offensive manner or in a manner that identifies another Candidate, or has the effect of targeting another Candidate.

**25 Publishing materials**

The Returning Officer shall publish all submitted material that complies with these Rules through the PSA website and/or via any other method that the Returning Officer deems appropriate, such as those in rule 13(2).

**26 Campaigning**

- (1) Campaigning may only occur once nominations are declared under rule 21 and must cease when electronic voting closes in accordance with rule 30 or when the recount has concluded in accordance with rule 32 (whichever is later, as applicable). All Electronic Media shall be removed in the month immediately after the declaration of the Election results.

**27 Permitted Campaigning**

- (1) Candidates may only campaign via Electronic Media and may direct potential electors towards any location that the Returning Officer has displayed material in accordance with rule 25 (**Permitted Campaigning**).
- (2) Any materials used during Permitted Campaigning must comply with rule 25.
- (3) For the purposes of these Rules, the following will be Permitted Campaigning:
  - (a) Posting on Electronic Media; and
  - (b) Sending online messages (including emails) and text messages.
- (4) For the purposes of these Rules, the Returning Officer shall have the power to determine what is considered Permitted Campaigning.

**28 Campaigning in breach of these rules**

- (1) For the purposes of these Rules, the following will not be Permitted Campaigning:

- (a) Distributing hard copy materials (including badges, leaflets and posters);
  - (b) Speeches or presentations delivered publicly in person;
  - (c) Displaying or presenting materials in lectures, tutorials, seminars, laboratories, libraries, common areas or other similar venues on campus; or
  - (d) T-Shirts.
- (2) Candidates are responsible for monitoring campaigning, electronic or otherwise, made by non-Candidates which purport to endorse the candidate so that they comply with the requirements in rule 24 and 27.

## **29 External websites**

At the request of the Returning Officer, the Candidate must provide to the Returning Officer, its representative or nominee, full access and control to external websites not hosted by the Guild in which the Candidate promotes/campaigns themselves.

## **Polling Procedure**

## **30 Electronic Voting**

- (1) Voting for Elections will occur electronically.
- (2) Voting will occur for positions that are contested.
- (3) The Returning Officer must ensure that the procedure for electronic voting will be reliable, fair and secure.
- (4) The Returning Officer shall have the power to determine the system or program by which electronic voting takes place, such that such a system ensures:
  - (a) Only eligible Members are able to vote;
  - (b) Electors may only vote once;
  - (c) Such a system allows for secret voting;
  - (d) That Candidates will not interfere with the voting system or program;
  - (e) That the system will be robust and not likely to fail;
  - (f) That secret voting can occur and elector anonymity will be maintained;
  - (g) Such a system allows for optional preferential voting as set out in rule 30(6);
  - (h) Such a system or program conforms to all other applicable rules and regulations; and
  - (i) Any other factors deemed relevant by the Returning Officer.
- (5) Electronic voting shall be open for a period of one week.
- (6) Electors shall indicate their voting preferences by numbering the Candidates in their order of preference, with the number "1" indicating their most preferred Candidate.



### **31 Scrutineers**

- (1) Any Candidate for a position for which is being elected may appoint a scrutineer who is not also a Candidate for that same position (**Scrutineer**).
- (2) The PSA President, provided they are not a Candidate for which ballots are being counted, shall be allowed to be a Scrutineer without being appointed by a Candidate.
- (3) The appointment of a Scrutineer shall be done in writing by the Candidate to the Returning Officer.
- (4) Scrutineers are required to obey all reasonable instructions given to them by the Returning Officer.
- (5) Scrutineers may not interfere with the electronic voting system.
- (6) The Returning Officer shall have the power to dismiss any Scrutineer who has not been properly appointed or who, in the opinion of the Returning Officer, is acting in a way that is disrupting the electronic voting system or process.
- (7) When a Scrutineer is appointed, the Returning Officer may, as required:
  - (a) Explain how the electronic voting system operates;
  - (b) Undertake a test of the electronic voting system, including an example or 'dummy' run; and
  - (c) Explain the security protocols in place for the electronic voting system.

### **32 Recounts**

- (1) A Candidate, or scrutineer on their behalf, may, anytime until the declaration of the results of an Election, request from the Returning Officer a recount of the votes for a position which that Candidate is contesting.
- (2) Such a recount must be held by the Returning Officer as soon as practical and the Returning Officer shall communicate the time of this recount to all Candidates for the position for which the recount has been requested.
- (3) The Returning Officer may, during the recount, overturn or otherwise change any decision made during the original count.
- (4) The result of the recount shall be final.

#### **Positions not filled during the online voting process**

### **33 Positions not filled at the close of voting**

- (1) Any positions, subject to 33(2) not filled by the close of voting shall be appointed according to rule 34.
- (2) If the PSA President position is vacant by the close of voting, the position shall be advertised to be filled by the Returning Officer for a 7 day period (**Second Nomination Period**)
- (3) Nominations received must comply with the requirements set out in rule 13.

- (4) Candidates may engage in Permitted Campaigning in accordance with rule 26, for a 7 day-period commencing at the day after the close of the Second Nominations Period.
- (5) Appointment of the position not filled after the second voting period will occur in accordance with rule 39 of these rules.

#### **34 Appointment of Committee Members**

- (1) The person to take office as PSA President, from 1st December for the Guild year following the declaration of results shall put up notice calling for applications for the appointed committee positions via, including but not limited to, PSA Newsletter and PSA Facebook page
- (2) Applications for the positions shall be open for 7 days, subject to change by the PSA President
- (3) The PSA executive reserve the right to appoint persons they deem appropriate to the respective vacancies.

### **Declaration**

#### **35 Declaration of nominations**

- (1) Where at the close of the Nomination Period (or Second Nomination Period, as applicable) the number of Candidates equals the number of vacancies, the respective Candidates are declared elected, subject to any other Elections for more preferred positions where the Candidate is also running.
- (2) Where at the close of the Nomination Period (or Second Nomination Period, as applicable) the number of Candidates is less than the number of vacancies, the respective Candidates are declared elected, subject to any other Elections for more preferred positions where the Candidate is also running, and the vacancies shall be declared positions not filled.
- (3) Where at the close of the Nomination Period (or Second Nomination Period, as applicable) the number of Candidates is more than the number of vacancies:
  - (a) Where there is a single position to be filled, the Candidate with the highest number of votes for a position will be elected to that position; and
  - (b) Where there are multiple positions to be filled, the number of Candidates with the highest amount of votes corresponding with the number of positions will be elected to those positions.

#### **36 Timing of declaration – contested positions**

The Returning Officer shall declare the results of the Election as soon as practical and in any event by no later than 30 November in the relevant election year, by providing public

notice, that has been signed and dated by the Returning Officer, on the Guild notice board or other location as the Returning Officer determines.

### **37 Validity of the result**

No Election shall be liable to be questioned by reason of any:

- (1) Formal error or defect in any declaration or other instrument, or in any publication made under these Rules; or
- (2) Publication or declaration of the Election made under these Rules being out of time.

### **38 Term of positions**

All members of the PSA Committee will retire from office at the end of the Guild Year.

## **Casual Vacancy**

### **39 PSA President**

- (1) Where the PSA President resigns or is otherwise removed on or before 31 May during their term, a replacement PSA President must be elected in accordance with rules 13 to 33 of these Rules.
- (2) Where the PSA President resigns or is otherwise removed on or after 1 June (**Outgoing President**), the Guild Council must appoint a Member to act as PSA President for the remainder of the Outgoing President's term (excluding a Member who has previously held the position of PSA President).

### **40 PSA Committee member**

Where a PSA Committee member resigns or is otherwise removed before the expiry of their term (**Outgoing Committee Member**), the remaining members of PSA Executive Committee may appoint a Member to fill the vacant position for the remainder of the Outgoing Committee Member's term.

## **Offences and Penalties**

### **41 Offences**

- (1) The offences provided for in the *Student Guild Election Regulations* will apply in these Rules, as applicable.
- (2) In addition, it shall be an offence for any person to:
  - (a) Campaign or distribute campaign material that is not in accordance with rules 24 and 26;
  - (b) Harass or inundate a person with Election materials or campaigning;
  - (c) Fail to obey any reasonable request from the Returning Officer, in relation to the Election;

- (d) Destroy, deface or otherwise interfere with any voting system;
- (e) Interfere with the act of voting, including by voting on another person's behalf;
- (f) Forge, or lie on, an electoral form or electronic voting system;
- (g) Wilfully or negligently breach any rule in this document;
- (h) Breach the *University Code of Ethics, Code of Conduct* or the *Charter of Student Rights and Responsibilities*;
- (i) Commit any act or omission that is considered misconduct under the *Student Guild Regulations* Chapter 7 - Misconduct, under the *University Statute* Chapter 10 – Student Conduct and Discipline, and/or the Regulations for student conduct and discipline; or
- (j) Otherwise act in a way that hinders to proper conduct of the Election.

## **42 Enforcement**

- (1) The Returning Officer is responsible for considering any complaint alleging an offence has occurred, and making a Determination in respect of any alleged offence, in relation to the administration of the Election.
- (2) A complaint must be submitted to the Returning Officer either during the Election or prior to the declaration of the Election. The complaint must be in writing and:
  - (a) state the ground of complaint and alleged offence;
  - (b) outline the facts and evidence relied upon;
  - (c) state the remedy sought; and
  - (d) state the contact details of the complainant.
- (3) The Returning Officer may make any Determination in response to a complaint received or subject to their own investigation, in the Returning Officer's sole discretion. The Returning Officer must provide the complainant and the person the subject of the Determination with written notice of the Determination.

## **43 Penalties**

- (1) Where an individual has, in the opinion of the Returning Officer, committed an offence, the Returning Officer shall have the power to, at their discretion:
  - (a) Remove a Candidate's submitted material from display for any duration;
  - (b) Ban that person from any place associated with the Election;
  - (c) Strike a Candidate's name from the ballot, where, in the opinion of the Returning Officer, such offence has undermined the integrity of the ballot for which that person is a Candidate so that a fair Election cannot occur; or
  - (d) Take any other reasonable action or apply any reasonable penalty to ensure the fair conduct of the Election is maintained, including ordering

a fresh Election where it is determined that the integrity of the ballot was compromised to an extent that a fair Election did not occur.

- (2) Any person that breaches the *Student Charter of Rights and Responsibilities, Code of Conduct*, in the course of the Election shall be referred to the Guild Misconduct Tribunal under Chapter 7 of the *Student Guild Regulations*.
- (3) Matters reported to the Guild or considered by the Guild Misconduct Tribunal may be referred to the university pursuant to regulation 88 of the *Student Guild Regulations*.

#### **44 Objections and Appeals**

- (1) An objection to the Determination of the Returning Officer in rule 40(1) must be submitted in writing to the Governance Committee within 5 days from date of the Determination and must:
  - (a) state the ground or grounds of objection from the Determination;
  - (b) summarise the basis for each ground or grounds;
  - (c) outline the facts and evidence relied upon;
  - (d) state the remedy sought; and
  - (e) state the contact details of the complainant.
- (2) The Governance Committee may confirm, dismiss or vary a Determination in response to an objection, within 5 days from date of receipt of the objection. The Governance Committee must provide the complainant and the person the subject of the Determination with written notice of its decision.
- (3) An appeal to a decision of the Governance Committee under rule 42(1) must be submitted in writing within 5 days from date of the decision to the Guild Council and must:
  - (a) state the ground or grounds of appeal from the decision;
  - (b) summarise the basis for each ground or grounds;
  - (c) outline the facts and evidence relied upon;
  - (d) state the remedy sought; and
  - (e) state the contact details of the complainant.
- (4) The Guild Council may confirm, dismiss or vary the decision of the Governance Committee in response to an appeal, within 5 days from date of receipt of the appeal. The Guild Council must provide the appellant and the person the subject of the Determination with written notice of its decision.

### **Amendments**

#### **45 Proposing amendments**

- (1) The PSA Committee, Governance Committee or 7 Members in writing, may propose amendments to these Rules.

- (2) The PSA Committee must call a General Meeting within four weeks of receiving a proposal to amend these Rules.

**46 Members to vote on amendments**

Changes to these Rules must be passed by a two-thirds majority of present Members eligible to vote at a General Meeting of the PSA.

**47 Guild Council oversight**

Changes to these rules must be passed by a simple majority of the Guild Council.

**48 Commencement of new rules**

The amended Rules will come into force upon approval at a PSA General Meeting and approval of the Guild Council.

**49 Changes to be recorded**

The amended version of these rules, once approved in accordance with rule 46 and 47, must be placed in the Guild By-Laws, in accordance with the Student Guild Regulations.

## **Schedule**

- (1) President
- (2) Vice-President Coursework
- (3) Vice-President Research
- (4) Vice-President Engagement
- (5) General Secretary
- (6) Diversity, Equity & Inclusions Officer
- (7) International Students' Officer
- (8) Public Relations Officer
- (9) Off Campus Officer,
- (10) A Coursework Representative for each Board of Study of the University,
  - (a) Design and Creative Arts Representative (Coursework)
  - (b) Management and Commerce Representative (Coursework)
  - (c) Society and Culture Representative (Coursework)
  - (d) Life, Health and Natural Sciences Representative (Coursework)
  - (e) Mathematical and Physical Sciences Representative (Coursework)
- (11) A Research Representative for each Board of Study of the University,
  - (a) Design and Creative Arts Representative (Research)
  - (b) Management and Commerce Representative (Research)
  - (c) Society and Culture Representative (Research)
  - (d) Life, Health and Natural Sciences Representative (Research)
  - (e) Mathematical and Physical Sciences Representative (Research)