

## **ELECTION REGULATIONS OF THE MONASH GRADUATE ASSOCIATION INC.**

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# **Election Regulations of the Monash Graduate Association Inc**

## **1. Title**

These Regulations may be cited as the Election Regulations.

## **2. Objective**

The objective of these Regulations is to provide for the method, manner and conduct of the Elections of the Monash Graduate Association Executive Committee (MGAEC).

## **3. Authorising Provision and Applicability**

These Regulations are made pursuant to the Associations Incorporations Reform Act 2012 (Vic) and subject to clauses 15, 17 and 30 of the Monash Graduate Association Incorporated Constitution. These Regulations come into effect on 19 March 2004.

## **4. Definitions and Interpretation**

4.1 Words, phrases and abbreviations defined in clause 46 of the Constitution of the Monash Graduate Association Incorporated have the same meaning in these Regulations.

4.2 In these regulations:

- 4.2.1 'Academic day' means a day during the first or second semesters of the University's academic year which is not a Saturday, Sunday or University holiday.
- 4.2.2 'Ballot' means the process of casting votes to determine election of candidates to the MGAEC.
- 4.2.3 'Ballot paper' means the electronic version of the ballot paper.
- 4.2.4 'Bulk email' means an email issued by Monash University to all graduate students who are currently enrolled as per the Monash University enrolment data base.
- 4.2.5 'Campus Tagged Representative positions' means the positions on the MGAEC that are tagged to each of the Victorian campuses of Monash University.
- 4.2.6 'Candidate' means a graduate student nominated and eligible to stand for an election of the MGAEC.
- 4.2.7 'CAPA' means the Council of Australian Graduate Associations Incorporated.
- 4.2.8 'Coursework student' means a graduate student whose degree or diploma is classified by Monash University as "GPG".
- 4.2.9 'Election' means the process of electing the MGAEC, from appointing a Returning Officer through to declaring the successful candidates, which may or may not include running a ballot.
- 4.2.10 'Election material' means the information posted on the electronic voting

site as part of the ballot process, which may include but is not limited to; ballot papers; instructions on voting; voter's declaration; and candidate's statements.

- 4.2.11 'Electors' means all graduate students enrolled at Monash University except graduates enrolled through overseas campuses of Monash University.
- 4.2.12 'Electoral roll' means the set of graduate names and addresses or bulk email list provided to the Returning Officer or electronic voting-site provider by the relevant division of Monash University, comprising all electors.
- 4.2.13 'Electronic ballot' means that part of the electronic voting site where the candidates are listed and where the elector marks his/her vote.
- 4.2.14 'Electronic voting site' means a secure website authorised by the Returning Officer for the purposes of providing election material and information and access to online voting.
- 4.2.15 'Eligible graduate student' means an enrolled graduate student within the meaning of clause 4.2.16 and 5.4 of these Regulations.
- 4.2.16 'Enrolled graduate student' means a student currently enrolled in a recognized graduate course, degree or diploma at Monash University, except graduates enrolled through overseas campuses of Monash University.
- 4.2.17 'Enrolment status' means the name, ID number, course, course type, department or school, faculty and campus of a graduate, recorded by Monash University for the purposes of enrolment.
- 4.2.18 'General Representative positions' means the representative positions on the MGAEC that are open to all eligible graduates.
- 4.2.19 'MONSU' means the Monash University Student Union Incorporated, including but not limited to, the student associations at Caulfield and Peninsula campuses.
- 4.2.20 'MGA' means the Monash Graduate Association Incorporated.
- 4.2.21 'MGA Constitution' means the constitution of the Monash Graduate Association Incorporated.
- 4.2.22 'MGA website' means the official internet site registered in the name of the Monash Graduate Association Incorporated.
- 4.2.23 'MGAEC' means the Monash Graduate Association Executive Committee.
- 4.2.24 'MPSU' means the Monash Parkville Student Union Inc.
- 4.2.25 'MSA' means the Monash Student Association (Clayton) Incorporated.
- 4.2.26 'Nominee' means a graduate student who has put forward a nomination for a position on the MGAEC but who has not yet been declared a candidate in an election nor elected unopposed to a position on the MGAEC.
- 4.2.27 'NUS' means the National Union of Students.
- 4.2.28 'Graduate Student' means a student who is a currently enrolled graduate student of Monash University, except graduates enrolled through overseas

campuses of Monash University.

- 4.2.29 'PPA' means the Parkville Graduate Association.
- 4.2.30 'Research student' means a graduate student whose degree is classified by Monash University as "HDR".
- 4.2.31 'Returning Officer' means a person appointed by the MGAEC to be Returning Officer for the purposes of conducting elections of the MGAEC pursuant to clause 5 of these Regulations.
- 4.2.32 'Student association' means MSA, MONSU, MPSU, and/or NUS.
- 4.2.33 'Time' means that time by the Telstra time service in Victoria.
- 4.2.34 'University' means Monash University and all subsidiary and affiliated companies and bodies of Monash University.

## **5. MGAEC Elections**

### **5.1 Appointment of Returning Officer**

The MGAEC shall resolve to appoint a Returning Officer to conduct elections for the positions on the MGAEC. The appointment shall be made as soon as practicable after the commencement of the calendar year, as listed in Schedule 4.

- 5.1.1 The appointed Returning Officer may not be an enrolled graduate student of any Australian university.
- 5.1.2 The appointed Returning Officer may not be a member of the MGAEC or committee member or volunteer with CAPA or NUS or a committee member of PPA, MSA, MONSU or MPSU.
- 5.1.3 The Returning Officer may not be a nominator or seconder of a candidate in any election for which they are Returning Officer.
- 5.1.4 The Returning Officer must not have stood as a candidate in any student association election in the two academic years prior to the year of the election.
- 5.1.5 A Returning Officer will not be eligible to nominate for any of the positions referred to in clause 12 of the MGA Constitution while acting in the position of Returning Officer.
- 5.1.6 The appointment of the Returning Officer shall cease immediately upon the declaration of the poll in respect of which he or she has been appointed.
- 5.1.7 In the event that a Returning Officer is unable or unwilling to act in the capacity of Returning Officer, the MGAEC shall appoint another person to so act.
- 5.1.8 The Returning Officer may only be removed by a resolution of the MGAEC.

### **5.2 Powers and Responsibilities of the Returning Officer**

- 5.2.1 The Returning Officer must read and comply with the MGA Constitution and these Regulations.
- 5.2.2 The Returning Officer shall be responsible for the conduct of elections and may not delegate this responsibility.
- 5.2.3 The Returning Officer may decide all matters not provided for in the MGA Constitution or these Regulations and exercise his/her discretion as vested in the Returning Officer by the MGA.
- 5.2.4 The Returning Officer must decide questions of fact on the balance of probabilities.
- 5.2.5 Any decision of the Returning Officer may be appealed through the grievance procedures set out in clause 5.20 of these Regulations.

- 5.2.6 The Returning Officer may appoint and remove Deputy and Assistant Returning Officers, Poll Clerks and Vote Counters who:
- 5.2.6.1 shall not be a member of the MGAEC or committee member or volunteer with CAPA or NUS or any other Monash student association or any organisation that receives any monies by way of profit or otherwise, resulting from investments made by any student organisation, including but not limited to: MSA, MONSU, MPSU and PPA.
- 5.2.6.2 shall not be a nominator or seconder of a candidate in any election for which they are Returning Officer; and
- 5.2.6.3 must not have stood as a candidate in any student association election in the two academic years prior to the year of the election.
- 5.2.7 Deputy and Assistant Returning Officers are subject to the direction of and have their duties determined by the Returning Officer, and must comply with the MGA Constitution and these regulations.
- 5.2.8 The Returning Officer may delegate any duties required for conducting the election to a Deputy or Assistant Returning Officer.
- 5.2.9 The Returning Officer may not disclose or discuss the details of any nomination to any other nominee or candidate during the election period.
- 5.2.10 The Returning Officer must not engage in numerous dialogues with any nominee/candidate on matters pertaining directly or indirectly to the election nor respond to any communication that is distributed to any person other than the Returning Officer. However the Returning Officer may, if s/he deems it appropriate:
- 5.2.10.1 inform all candidates of a question raised and its answer via blind cc'd email without referring to the nominee/candidate who raised the question; and/or
- 5.2.10.2 direct the nominee/candidate to the clause of the MGA Constitution or these regulations to which their question relates; and/or
- 5.2.10.3 direct the nominee/candidate to an MGA staff member when their question is of a general nature about the roles and responsibilities of elected members.
- 5.2.11 The Returning Officer must present a written report to the MGAEC within 21 days of the poll being declared.
- 5.2.12 The Returning Officer must protect the process of secret ballot against corruption and must reject any ballot papers which, in the opinion of the Returning Officer, could be used to identify a voter, or where there is interference with the electronic ballot paper/s which, in the opinion of the Returning Officer, should be excluded from the count.

### **5.3 Opening of Nominations**

- 5.3.1 The Returning Officer shall call for MGAEC nominations, as set out in Schedule 4.
- 5.3.2 The Returning Officer shall notify of the opening and closing of MGAEC nominations and that notification must be made no later than 5pm, 31 March of each year.
- 5.3.3 The method of notification shall be the publication of the calling for, opening date, closing date, manner and notification of vacancies of nomination by advertising in electronic and/or hardcopy form prior to the period of nomination, and by University bulk email and on the MGA website, as set out in Schedule 1.
- 5.3.4 The nomination period shall be no less than fourteen (14) days.

### **5.4 Eligibility to Stand**

- 5.4.1 All graduate students may stand as candidates in an election pursuant to clause 31 of the MGA constitution and clauses 5.4.2 through to 5.4.7 of these Regulations.
- 5.4.2 All graduates may stand for General Representative positions, but no more than two research students and no more than two coursework students from the one faculty may be elected to membership of the MGAEC, pursuant to clause 17.1 of the MGA Constitution.
- 5.4.3 A graduate student may be nominated for a general representative position and a campus-tagged representative position but may hold only one position.

- 5.4.4 A graduate student cannot stand in an election of the MGAEC unless they are an award graduate of Monash University, such that they are undertaking a course, subject or unit as part of a degree or diploma to be taken out as a Monash University degree or diploma.
- 5.4.5 A graduate cannot stand in an election of the MGAEC unless they are enrolled as a graduate at an Australian campus of Monash University.
- 5.4.6 A graduate student may stand in an election of the MGAEC while they hold a committee member position or a staff member position on NUS or an undergraduate student representative body, as recognised under Monash University statute 2.7, but may not hold both positions simultaneously.
- 5.4.7 A graduate student cannot continue to stand in an election of the MGAEC or remain on the MGAEC once elected, if at any time after the election commences, they cease to fulfil the eligibility requirements set out in clauses 5.4.4, 5.4.5 and 5.4.6 of these Regulations.

## **5.5 Form of Nominations**

- 5.5.1 Nominations for the general representative positions on the MGAEC must be completed in the form of Schedule 2 to these regulations and must be signed by the nominee and two other graduate students all of whom must be enrolled in a graduate degree or graduate diploma at Monash University.
- 5.5.2 Nominations for the campus-tagged representative positions on the MGAEC must be in the form of Schedule 2 to these regulations and must be signed by the nominee and two other graduate students all of whom must be enrolled in a graduate degree or graduate diploma at the relevant campus of Monash University to which the campus representative position is tagged.
- 5.5.3 Candidate statements accompanying the nominations must be 250 words or less, submitted and signed by the nominee as per Schedule 2 and must be signed by the nominee.
- 5.5.4 Drawings or pictures will not be accepted with the nominations or distributed with election material.
- 5.5.5 Nominees must not nominate or second their own nomination.
- 5.5.6 A graduate student must not nominate and second the same candidate; the nominator and seconder must be two different graduate students.
- 5.5.7 Nominees must provide accurate contact details on the nomination form that are current for at least the duration of the nomination period and ten days following the close of nominations;
- 5.5.8 Failure by the nominee to be contactable or to return communications after reasonable attempts at contact by the Returning Officer during the nomination period or 10 academic days following the close of nominations will result in the nomination being rejected.
- 5.5.9 A nominee may withdraw their nomination up to 5 academic days after the close of nominations.
- 5.5.10 The Returning Officer must make nomination forms available at all MGA offices and via download from the MGA website commencing from the opening date of nominations as declared by the Returning Officer.
- 5.5.11 Nomination forms may be photocopied or scanned but must be returned in electronic form by email from the student's university email account.
- 5.5.12 Statements must be typed; handwritten statements will not be accepted.

## **5.6 Receipt of Nominations**

- 5.6.1 Nominations must be sent by email from the student's university email account so that they are received by the Returning Officer no later than the close of nominations.
- 5.6.2 Completed nominations must be signed and submitted to the Returning Officer by email attachment.
- 5.6.3 The Returning Officer must, on the close of nominations, provide the nominees with:
  - 5.6.3.1 an acknowledgement of the receipt of their nomination; and
  - 5.6.3.2 a copy of these Regulations upon request.

- 5.6.4 In the event that there is a vacant position/s at the close of the official nomination period, the Returning Officer may re-open nominations for only the vacant position/s for a period of no longer than 3 academic days after the date of the close of nominations.
- 5.6.5 The Returning Officer may set such limits or conditions s/he deems necessary for reopening the MGAEC nomination period and receiving nominations subject to clause 5.6.4 in order to facilitate the progress of a ballot to be conducted and to maintain the integrity of the MGAEC general elections.
- 5.6.6 The Returning Officer may, in the five academic days following the close of nominations, accept amendments to a nomination form, that arise from the Returning Officer's response to a query.
- 5.6.7 In the 10 academic days following the close of nominations the Returning Officer must take reasonable steps to determine the enrolment status of the nominees, their nominators and seconders and the veracity of details on the nomination forms.
- 5.6.8 The Returning Officer may require the nominee to confirm their identity by asking to see a photo ID that contains the nominee's signature.
- 5.6.9 The Returning Officer may reject a nomination up to 10 academic days after the close of nominations, for:
  - 5.6.9.1 the breach of any of these Regulations; and/or
  - 5.6.9.2 failure to provide identification as per clause 5.6.8.
- 5.6.10 If a nomination is rejected, the Returning Officer must immediately notify the person concerned and state the reason for the rejection. The Returning Officer must first attempt to notify the person concerned by telephone and/or email.
- 5.6.11 The nominees' eligibility to stand must be confirmed and the validity of their nominations must be confirmed or rejected no more than 10 days after the close of nominations.
- 5.6.12 The Returning Officer must make declarations of election and/or call for ballots according to the provisions of clause 5.7 of these Regulations no less than 6 academic days and no more than 11 academic days after the close of nominations.

## **5.7 Election of Representative positions**

- 5.7.1 The outcome of the elections for the Campus Tagged Representative positions must be determined before the General Representative position nominations are considered.
- 5.7.2 Where the number of valid nominations for each Campus Tagged Representative position is one or zero, the Returning Officer must declare the candidates elected and publish the results of the election electronically via bulk email and on the MGA website.
- 5.7.3 Where the number of valid nominations for any Campus Tagged Representative position exceeds one, an electronic ballot of the electors of the relevant campus must be held.
- 5.7.4. Where the number of valid nominations for General Representative positions is equal to or fewer than eleven, and excepting conditions detailed in clause 5.7.6 of these Regulations, the Returning Officer must declare the candidates elected and publish the results of the election electronically via bulk email and on the MGA website.
- 5.7.5 Where the number of valid nominations for General Representative positions exceeds eleven or the conditions set out under clause 5.7.6 of these Regulations apply, an election must be held by electronic ballot.
- 5.7.6 Where there are more than two valid nominations for General Representative Positions from coursework students from the same faculty or there are more than two valid nominations for General Representative Positions from research students from the same faculty the Returning Officer must hold an electronic ballot as follows:
  - 5.7.6.1 where the total number and spread of valid General Representative nominees is such that the only role of an election will be to determine which of the coursework or research candidates can fill the two available positions, then the Returning

Officer shall declare all remaining eligible candidates elected, and hold a ballot within the relevant faculty to determine the remaining places.

- 5.7.6.2 where the total number and spread of valid General Representative nominees is such that there could be multiple outcomes then the Returning Officer shall conduct a ballot of all graduates on all Victorian campuses to determine all General Representative positions.
- 5.7.7 If a ballot of General Representatives is required under clause 5.7.6.2, then an electronic ballot for all eleven General Representative positions must be conducted.
- 5.7.8 If a ballot for either the Campus Tagged Representative positions or the General Representative positions or both is required then the Returning Officer must provide each candidate in that ballot with a copy of these Regulations immediately after the call for that ballot.
- 5.7.9 Once ballots have been conducted, the Returning Officer shall declare the results:
- 5.7.9.1 in writing to all candidates and to the MGA President and Executive Officer as soon as is practicable upon the conclusion of the count; and
- 5.7.9.2 publicly via bulk email and on the MGA website and at such other time or by such other means as decided by the MGAEC but in any event no later than the end of May.
- 5.7.10 The public declaration of the results of the ballot shall include:
- 5.7.10.1 positions elected unopposed, stating the name of the elected representative; and
- 5.7.10.2 results of any ballot/s for contested position/s, stating the name/s of the successful candidate/s; and
- 5.7.10.3 positions from which nominations were withdrawn, omitting names; and
- 5.7.10.4 any existing vacancies; and
- 5.7.10.5 the name and contact details of the staff member/s taking enquiries about how to apply for cooption to any vacant positions.
- 5.7.11 The Returning Officer's Report is to be tabled at the June meeting of the MGAEC or at the first meeting of the newly elected MGAEC and is to include all the details listed in clauses 5.7.10.1 to 5.7.10.5 and in addition but not limited to:
- 5.7.11.1 the total number of nominations received by the Returning Officer; and
- 5.7.11.2 the name/s; and
- 5.7.11.3 the number of nominations that were withdrawn and the positions from which they were withdrawn; and
- 5.7.11.4 the name of any nominee whose nomination was rejected by the Returning Officer, and the position nominated for, citing the reasons for rejecting said nomination/s; and
- 5.7.11.5 the total number of votes received and the total number of votes counted.

## **5.8 Ballots**

- 5.8.1 All ballots shall be conducted according to these Regulations and shall be completed by 5pm, 23 May of each year.
- 5.8.2 The order of the names on the ballot paper shall be determined by any process embedded in an electronic ballot program which allows for candidate names to be listed in random or rotating order.
- 5.8.3 The MGA staff must assist in arranging for an electoral roll or access to an email database from the University to be provided to the Returning Officer or electronic voting-site provider.
- 5.8.4 The electoral roll or email data base must be drawn from the university data and, at the same time and date, the emailing details for the ballot must be drawn from the university data.
- 5.8.5 Election material must be posted on the electronic voting site no earlier than 6 academic days after the close of the nomination period and no later than 12 academic days after the close of the nomination period.



- 5.8.6 In the event that a ballot is required for both the General Representative positions and one or more of the Campus Tagged Representative positions, the Campus Tagged Representative ballot must be determined before the General Representative ballot is conducted.
- 5.8.7 The date for closing the ballot must be no less than 7 days after the date on which the ballots are made available on the electronic voting site.

## **5.9 Voting**

- 5.9.1 After receiving a ballot paper an elector must mark the elector's vote on the ballot paper in accordance with this clause.
- 5.9.2 General Representatives
- 5.9.2.1 An elector must mark the elector's vote on the ballot paper by placing:
- 5.9.2.1.1 the number 1 opposite the name of the candidate for whom the elector votes as first preference; and
- 5.9.2.1.2 for all remaining candidates by placing the numbers 2,3,4,5,6,7,8,9,10 and 11 opposite their names so as to indicate by an unbroken numerical sequence the order of preference.
- 5.9.2.2 If there are more than 11 candidates the requirements of clauses 5.9.2.1.1 and 5.9.2.1.2 are sufficiently complied with so long as at least 11 preferences are recorded whether or not additional preferences are also marked.
- 5.9.3 Campus-tagged representatives
- 5.9.3.1 An elector must mark the elector's vote on the ballot paper by placing the number 1 opposite the name of the candidate for whom the elector votes.
- 5.9.3.2 The provisions of clause 5.9.3.1 are sufficiently complied with in the case of a ballot paper marked with the number 1 whether or not subsequent preferences are recorded.

## **5.10 Security of Ballot Papers and Electoral Rolls**

- 5.10.1 The Returning Officer must ensure adequate security of any electronic voting website, and other election material at all times.
- 5.10.2 The MGA must destroy all nomination forms, electoral rolls and other election material at the conclusion of the terms of office of the office-bearers elected in that ballot.

## **5.11 Publicity**

- 5.11.1 This clause applies from the opening of nominations to the declaration of all and any postal ballot/s by the Returning Officer.
- 5.11.2 Posters, pamphlets and posts on electronic sites are permitted for the purposes of promoting candidates, subject to clauses 5.11.3 to 5.11.5.
- 5.11.3 Publicity material shall not be placed on the electronic voting site by the Returning Officer.
- 5.11.4 All hardcopy and electronic publicity material must be fair and honest; posters, pamphlets and/or postings whose content is intended or likely to mislead or deceive a voter are prohibited.
- 5.11.5 Hardcopy posters and pamphlets must:
- 5.11.5.1 not be laminated;
- 5.11.5.2 not be adhesive;
- 5.11.5.3 in the case of posters, are limited to 50 posters which must not exceed A3 in size;
- 5.11.5.4 in the case of pamphlets, are limited to 500 sheets and must not exceed A4 in size;
- 5.11.6 Without limiting the generality of clause 5.11.1 through 5.11.5 above, the following are specifically prohibited:
- 5.11.6.1 publicity via television or radio interviews, programming or advertising of any kind;

- 5.11.6.2 publicity via letters, articles, advertisements or interviews in commercial, community, university or student hardcopy and electronic publications;
- 5.11.6.3 any type of gift handed out to voters or potential voters;
- 5.11.6.4 any publicity that contravenes clause 5.17 of these regulations.
- 5.11.7 A candidate must not print, publish, distribute or cause, permit or authorise to be printed, published or distributed, an electoral advertisement, handbill, pamphlet, notice whether electronic or otherwise which has been funded or otherwise financially sponsored or contributed to by any organisation, political party, association, group, faction, charity or body internal or external to the university. This clause includes but is not limited to stickers, items of clothing, lapel buttons, badges, fridge magnets, pens, pencils and balloons.
- 5.11.8 Any interference in the MGA elections from individuals or groups on behalf of a candidate or candidates will result in that candidate/s being excluded.
- 5.11.9 The use of public address systems during an election is prohibited.

## **5.12 Defamation**

- 5.12.1 The MGA does not indemnify any person against defamation in the course of any election.

## **5.13 Graduates not listed on the Electoral Roll or unable to access the Voting site**

- 5.13.1 A graduate who is eligible to vote but cannot access the electronic voting site because they;
  - (i) do not have access to a computer; or
  - (ii) have a disability which prevents their use of a computer; or
  - (iii) have not been included in the data received from the Universitymay apply to the Returning Officer to participate in the ballot by alternative means, provided that application occurs before the ballot period ends.
- 5.13.2 The Returning Officer may request proof from a graduate student of any of the circumstances listed in 5.13.1 before allowing a vote by alternative means.
- 5.13.3 A graduate student who enrolls at Monash University after the date on which the Returning Officer requests the electoral roll from Monash University, but before the ballot period ends, may apply to the Returning Officer to participate in the ballot, provided that application occurs before the ballot period ends.
- 5.13.4 A graduate student who fails to apply to the Returning Officer under clause 5.13.1 or 5.13.2 is not eligible to vote in the election.

## **5.14 Method of Counting Votes**

- 5.14.1 Votes will be automatically tallied by the electronic voting system according to the optional preferential method.
- 5.14.2 For the General Representative position ranking only, and in accordance with clause 17.1 of the MGA Constitution, and clause 5.4.2 of these Regulations, the Returning Officer will apply the following procedure: after the first two ranked research graduates from the same faculty, all remaining research graduates from the same faculty will be eliminated from the ranking, and after the first two ranked coursework graduates from the same faculty, all remaining coursework graduates from the same faculty will be eliminated from the ranking. The remaining top eleven candidates will be then declared elected to the eleven General Representative positions. Where there are less than eleven remaining candidates, the remaining positions will be declared vacant.

## **5.15 Prohibited Conduct**

- 5.15.1 This clause applies from the opening of nominations until the declaration of all and any ballots by the Returning Officer.
- 5.15.2 Any dishonest conduct in an election is prohibited.
- 5.15.3 Any conduct intended or likely to mislead or deceive a voter is prohibited.
- 5.15.4 Without limiting the generality of clauses 5.15.1 through to 5.15.3 of these Regulations, the following are specifically prohibited:
  - 5.15.4.1 Providing false information in or interfering with any form lodged with the Returning Officer;
  - 5.15.4.2 Voting or attempting to vote more than once;
  - 5.15.4.3 Interfering with the electronic voting site;
  - 5.15.4.4 Violating the secrecy of the ballot;
  - 5.15.4.5 Publicity not in accordance with clause 5.11 of these regulations;
  - 5.15.4.6 Unfairly interfering with a candidates' publicity;
  - 5.15.4.7 Campaigning unless a constituent;
  - 5.15.4.8 Campaigning for a candidate without the approval of that candidate;
  - 5.15.4.9 Paying a person to campaign;
  - 5.15.4.10 Offering gifts;
  - 5.15.4.11 Selling or exchanging goods;
  - 5.15.4.12 Using for campaign purposes any facilities of the University, or any student association of the University, that are not generally available to all electors;
  - 5.15.4.13 Using the noticeboard, letterhead or logo of the MGA or any other student association or body of the University to promote a candidate;
  - 5.15.4.14 Damaging or littering MGA premises or University property;
  - 5.15.4.15 Placing promotional material:
    - (i) on a noticeboard that is reserved for use by a specific group;
    - (ii) on any glass within the university;
    - (iii) on the ground anywhere within the university;
    - (iv) in any letter box within the University;
    - (v) on the furniture or floors of any café, communal area, lecture theatre, tutorial room or laboratory in the University unless given to a voter who agrees to accept it;
  - 5.15.4.16 Failing to comply with a direction of the Returning Officer, or a ruling or direction of the Electoral Tribunal;
  - 5.15.4.17 Impeding the conduct of the election;
  - 5.15.4.18 Marking any ballot paper issued to another person, other than at their direction, in order to assist them, or at the specific direction of the Returning Officer;
  - 5.15.4.19 Interfering or impeding the voting system;
  - 5.15.4.20 Acting or attempting to act on behalf of another candidate in any dealings with the Returning Officer.
- 5.15.5 The Returning Officer may direct any person breaching clauses 5.15.1 through to 5.15.4 of these Regulations to cease doing so.
- 5.15.6 Any graduate student may report a breach of clauses 5.15.1 through to 5.15.4 of these Regulations to the Returning Officer.
- 5.15.7 The Returning Officer or any graduate student may report a breach of clauses 5.15.1 through to 5.15.4 of these Regulations to the Election Tribunal, in accordance with clauses 5.18, 5.19 and 5.20 of these Regulations.

## **5.16 Appointment of the Election Tribunal**

- 5.16.1 The members of the Electoral Tribunal are:
  - 5.16.1.1 Two members of the academic staff of the Faculty of Law of the University nominated by the Dean of that Faculty, one of whom must be nominated as the Chair of the Tribunal, and
  - 5.16.1.2 The HR Manager of the University, or nominee.
- 5.16.2 No member of the Electoral Tribunal may be a graduate student.

### **5.17 Procedure of the Election Tribunal**

- 5.17.1 The Electoral Tribunal may meet by conference telephone and, subject to clauses 5.17.2 to 5.17.5 of these Regulations, regulate its own proceedings.
- 5.17.2 The Electoral Tribunal must meet in camera.
- 5.17.3 Parties may not be represented unless the Electoral Tribunal decides that without representation a party will be unable to fairly put its case.
- 5.17.4 Proceedings of the Electoral Tribunal, other than its formal decisions, are confidential and may not be reported.
- 5.17.5 Where in the view of the Electoral Tribunal it is unnecessary that a hearing be held, the Tribunal may without meeting give a direction or ruling by unanimous resolution in writing.
- 5.17.6 Subject to section 67, Division 5 of the *Associations Incorporation Reform Act 2012*, decisions of the Electoral Tribunal are final.

### **5.18 Appeals Against Decisions of the Returning Officer**

- 5.18.1 A graduate student may appeal against a decision of the Returning Officer by writing to the MGA Executive Officer within 24 hours after the original decision. The MGA Executive Officer may attempt an informal resolution through discussions with the graduate student and Returning Officer. Should an informal resolution not be effected within 48 hours from the time of the Executive Officer receiving the appeal the matter will be referred to the Electoral Tribunal.
- 5.18.2 If the Electoral Tribunal considers that the Returning Officer's decision should be reviewed, they must convene a meeting.
- 5.18.3 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.
- 5.18.4 At the meeting the graduate student appealing must be given an opportunity to present their case.
- 5.18.5 The Returning Officer must be given an opportunity to respond.
- 5.18.6 The Electoral Tribunal may call upon submissions from any other interested person.
- 5.18.7 The Electoral Tribunal must then rule on the matter.
- 5.18.8 The Electoral Tribunal may make declaratory rulings under this regulation.
- 5.18.9 The Electoral Tribunal may not make any ruling under this regulation that alters the result of an election which has been declared if the appeal has not been brought within three academic days of the declaration of the election results.
- 5.18.10 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.
- 5.18.11 In this regulation "decision" includes omission and failure to act.

### **5.19 Breaches of these Regulations**

- 5.19.1 The person who has reported the breach must be given an opportunity to present their case.
- 5.19.2 Any person who has been reported must be given an opportunity to respond.
- 5.19.3 The Returning Officer may, whether or not they find there has been a breach, give such directions as they see fit.
- 5.19.4 If the Returning Officer finds that there has been a breach they may formally reprimand the person reported.
- 5.19.5 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.
- 5.19.6 If the Returning Officer finds that there has been a serious breach they may disqualify the person reported from:

- 5.19.6.1 voting; or
- 5.19.6.2 standing; or
- 5.19.6.3 standing and voting in:
  - 5.19.6.3.1 that election; or
  - 5.19.6.3.2 that election and a specified number of future elections; or
  - 5.19.6.3.3 all elections.
- 5.19.7 For the purpose of clause 5.19.6 and without limiting the generality of the words “serious breach”, a breach of clauses 5.19.4 or failure to comply with a direction or ruling of the Returning Officer is automatically a serious breach.
- 5.19.8 If a candidate is disqualified, the Returning Officer must proceed as if that person had never nominated.

## **5.20 Appeals against Results of Elections**

- 5.20.1 A graduate 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.
- 5.20.2 A graduate 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.
- 5.20.3 The Returning Officer must convene a meeting of the Electoral Tribunal within one week of being contacted.
- 5.20.4 The Electoral Tribunal may only convene to hear an appeal if the Chair of the Tribunal is satisfied there is a prima facie case.
- 5.20.5 At the meeting the graduate student appealing must be given an opportunity to present their case.
- 5.20.6 The Electoral Tribunal may call upon submissions from any interested person.
- 5.20.7 If the Electoral 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.
- 5.20.8 The Electoral Tribunal may determine the timetable for any new poll or election ordered under clause 5.20.7.

## **5.21 Application of Amendments**

Amendments to these Regulations or the MGA Constitution concerning an election, made between the call for nominations and the declaration of results of an election, cannot be applied to the election in process.

## **5.22 Validation**

- 5.22.1 Under clause 35.2.3 of the Constitution, the validity of an election is not affected by:
  - 5.22.1.1 Any defect in the appointment of any person for the purpose of holding the election; or
  - 5.22.1.2 Any irregularity in any of the proceedings preliminary to voting; or
  - 5.22.1.3 Any failure to comply with any directions as to the holding of the election or the counting of the votes; or
  - 5.22.1.4 Any mistake in the use of any forms; or
  - 5.22.1.5 Any other irregularity if the election was conducted in accordance with the principles of these Regulations and the MGA Constitution and the irregularity, failure or mistake did not affect the result of this election.
- 5.22.2 Under clause 35.2.3 of the MGA Constitution, no act, decision or election is invalid only because it was done, made or held after the time held by the MGA constitution or these Regulations.
- 5.22.3 For the purpose of clause 5.22.2 of these Regulations, “act” does not include appeal/s.

These Regulations came into effect on 19 March 2004. A further amendment was made on 26 May 2004. A further amendment was made on 16 February 2007. A further amendment was made on 22 March 2010.

A further amendment was made on 15 March 2011. A further amendment was made on 16 February 2012. A further amendment was made on 14 March 2014. A further amendment was made on 20 March 2015. A further amendment was made on 28 February 2018. A further amendment was made on 20 February 2019. A further amendment was made on 27 February 2020.

**Call for nominations for the Monash Graduate Association Executive Committee year/year**

The Monash Graduate Association (MGA) is now calling for nominations for the Monash Graduate Association Executive Committee (MGAEC) for the year/year term of office.

Nominations must be made on the official nomination form. Accompanying statements must be typed. Nomination forms can be obtained by emailing [mga@monash.edu](mailto:mga@monash.edu), and downloaded from the MGA website at: <http://mga.monash.edu.au/downloads/nomination-form.pdf>

Nominations must be signed and submitted to the Returning Officer by insert time, insert date by email attachment: [MGAReturningOfficer@monash.edu](mailto:MGAReturningOfficer@monash.edu)

The committee term begins in June and runs for one year. The MGAEC meets monthly to discuss issues of relevance to graduate students and to make decisions on behalf of the graduate student community at Monash. This can involve writing policy, responding to University proposals, planning seminars and running social events.

There are a total of 15 positions on the MGAEC: four campus-tagged representative positions and eleven general representative positions. The four campus-tagged positions (one each for Clayton, Caulfield, Parkville and Peninsula) are open only to graduates enrolled on the corresponding campus. The eleven general representative positions are open to all graduates enrolled through an Australian campus of Monash University.

Graduate students may apply for both a campus-tagged representative position and a general representative position but may hold only one position on the MGAEC. The outcome of the elections for the campus-tagged representative positions will be determined before the general representative position elections are conducted. No more than two research and two coursework graduates from the same faculty may hold positions within the eleven general representative positions.

Further information about the MGA Executive Committee and the election process can be found on the MGA website at <http://MGA.monash.edu.au/representation/executive-committee.html>

Please contact the Returning Officer by emailing [MGAReturningOfficer@monash.edu](mailto:MGAReturningOfficer@monash.edu) if you would like further information.

Returning Officer  
Year/Year MGAEC Elections



**20??/20?? MGA Executive Committee NOMINATION FORM**  
For the term of office from July, **year** to June, **year**.

**PART 1 (of 5): NOMINEE'S DETAILS**

Name:.....  
ID #:.....  
Name of Course:.....  
Course Type       Coursework       Research  
Study Mode       Full-time       Part-time  
School & Faculty:.....  
Campus:.....  
Phone #:.....  
Email:.....  
Contact Address:  
.....

**PART 2 (of 5): COMMITTEE POSITION DETAILS**

Please note that nominations can be made for:

- a general representative position **only or**
- a campus-tagged position **only or**
- a general representative position **and** a campus-tagged position.

Where graduate students nominate for both a campus-tagged position and a general representative position, the outcome of the campus-tagged position elections will be determined first.

I am applying for:

General representative position  
*11 positions available, open to all enrolled graduates*

and/or I am applying for (tick only **one** of the following)

Clayton campus representative  
*1 position available, open to Clayton enrolled graduates only*

Caulfield campus representative  
*1 position available, open to Caulfield enrolled graduates only*

Peninsula campus representative  
*1 position available, open to Peninsula enrolled graduates only*

Parkville campus representative  
*1 position available, open to Parkville enrolled graduates only*

I do not wish to apply for a campus-tagged representative position



### PART 3 (of 5): DETAILS OF PROPOSER AND SECONDER

This part asks you to find two enrolled graduates who support your nomination.

If you are nominating only for a general representative position, your proposer and seconder can be from any Australian Monash campus.

If you are nominating for a campus-tagged position or nominating for both a general and campus-tagged position, your proposer and seconder must be enrolled at the campus related to the campus-tagged position for which you are applying.

You may not propose or second your own nomination. In all cases, the seconder must be a different graduate to the proposer.

#### PROPOSER:

Name:.....  
ID #:.....  
Course:.....  
School & Faculty:.....  
Campus:.....

I authorise the MGA to verify my details, including enrolment status, campus and details listed above.

Signature.....

*Note: If using a digital ID signature, your Monash email address must be used.*

#### SECONDER:

Name:.....  
ID #:.....  
Course:.....  
School & Faculty:.....  
Campus:.....

I authorise the MGA to verify my details, including enrolment status, campus and details listed above.

Signature.....

*Note: If using a digital ID signature, your Monash email address must be used.*

**PART 4 (of 5): NOMINEE'S STATEMENT**

You must supply a statement of **not more than 250 words** with your nomination form. If you are applying for **both** a campus-tagged position and a general position you may provide two separate statements for use in each election.

Please type your nominee statement(s) in the box(es) below or **attach your nominee statement(s) as a simple text file (e.g. txt/rtf/doc) without formatting** when submitting your nomination form.

In the case of an election, your name, course, school and faculty, campus, anticipated completion date and 250 word statement will appear on the voting site. Statements may also be used for the purposes of promotion and information dissemination. No photographs, drawings or pictures will be accepted with this nomination form. In all cases, editorial discretion remains with the MGA Returning Officer.

Name: .....

Course: .....

School and Faculty: .....

Campus: .....

Anticipated completion date: .....

Statement (maximum of 250 words) for position .....

Statement (maximum of 250 words) for position .....

**PART 5 (of 5): NOMINEE'S AGREEMENT**

**Part A:** I agree to abide by the MGA Election Regulations at all times during this election. If elected to the MGAEC I agree to abide by the MGA Constitution and Regulations, and to serve the interests of the graduate community above my own interests.

**Part B:** I authorise the MGA staff to verify my eligibility for the MGAEC, both for election purposes and at any time during my term as an MGAEC member, including enrolment status, name of course, course type, study mode, school and faculty, completion date of course and campus.

**Part C:** I consent to my name, name of course, course type, study mode, school and faculty and email address as shown in Part 1 of the MGAEC Nomination Form, being a matter of public record.

**Part D:** I consent to my name, name of course, school and faculty, campus, anticipated completion date and statement(s) as shown in Part 4 of the MGAEC Nomination Form, being used on the voting site and for the purposes of promotion and information dissemination.

**Part E:** I agree to declare below any voluntary or paid positions I hold or have held in the past two years, with any other student organisation at Monash University, or anybody receiving any monies by way of profit or otherwise, resulting from investments by student organisations or any department, centre, school, clause, subsidiary or company of Monash University.

.....  
.....

If elected to the MGAEC I agree to inform the MGA staff and MGAEC of any change in my enrolment status or any change in relation to clauses B, C and D of this Nominee's Agreement, that occurs during my term as an MGAEC committee member.

Signature: .....

Date: .....

*Note: If using a digital ID signature, your Monash email address must be used.*

**PLEASE RETURN THIS NOMINATION FORM AND YOUR NOMINEE STATEMENT BY EMAIL ATTACHMENT TO THE MGA RETURNING OFFICER**

[MGAReturningOfficer@monash.edu](mailto:MGAReturningOfficer@monash.edu)

**NOMINATIONS CLOSE ?pm, ?day ?<sup>th</sup> Month 20??**

In the case of eligible nominations exceeding the number of positions in any category on the MGAEC, a postal or electronic ballot will be conducted.

## **Recommended timeline for conduct of MGAEC elections.**

February MGAEC meeting	Appoint Returning Officer <i>MGAEC responsible for appointment of RO, must be made as soon as practicable after the commencement of the calendar year. (5.1.1)</i>
Start of week 2, March	Open call for nominations <i>Nomination period must be announced before 5pm, 31 March. (5.3.2)</i>
End of week 3, March	Close call for nominations <i>Nomination period must be at least 14 days. (5.3.4)</i>
Week 4, March	Determine enrolment status and eligibility of nominees. <i>Withdrawal of nominations accepted up to 5 academic days after close of nomination. (5.5.9)</i>
Week 1, April	Declaration of election and/or call for ballot. <i>Declaration of election must be made between 6 and 11 academic days after the close of the call for nominations. (5.6.14)</i>

### **If a ballot is required for either campus-tagged or general positions continue as below.**

	Load up candidate statements and details to online voting site. Test voting site.
Start of week 2, April	Voting period opens.
End of week 3, April	Voting period closes. <i>Voting period must be no less than 7 days. (5.8.9)</i>
Week 4, April	Election completed. Committee announced. <i>Ballot completed no later than 5pm, 23 May. (5.8.1)</i> <i>New committee must be publicly announced by end of May. (5.7.9.2)</i>

### **If a second ballot is required for general positions continue as below.**

Start of week 4, April	Voting period opens.
End of week 1, May	Voting period closes. <i>Voting period must be no less than 7 days. (5.8.9)</i>
Week 2, May	Election completed. Committee announced. <i>Ballot completed no later than 5pm, 23 May. (5.8.1)</i> <i>New committee must be publicly announced by end of May. (5.7.9.2)</i>