

**STUDENT GUILD OF CURTIN UNIVERSITY**  
**STUDENT GUILD (ELECTION AND REFERENDA) REGULATIONS 2018**

The following regulations were made by the Guild Council under Section 10(1) of *Statute No.4-Student Guild* and approved by the Council of the University under the same section.

These regulations prior to their approval followed all the procedures outlined in the *Student Guild Rules* and Guild regulations regarding the process for their approval.

We state that in accordance with Section 17 of *Statute No.4-Student Guild* that these regulations were duly approved by the Council of the University.

Signed

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\_\_\_\_\_  
 President of the Student Guild

\_\_\_\_\_  
 Administrative Secretary of the University

On the        day of

<b>Made/Amended/ Revoked</b>	<b>Date Effective</b>	<b>Guild Council Resolution No.</b>	<b>University Council Resolution No.x</b>	<b>Suggested Amendments Accepted</b>
Made	1 November 2018	GC R#57/2018	C R#152/2018	GC R#80/2018

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# STUDENT GUILD OF CURTIN UNIVERSITY

## STUDENT GUILD (ELECTION AND REFERENDA) REGULATIONS 2018

These regulations are made by the Guild Council under the powers conferred upon it by Section 10(1) of *Statute No.4 – Student Guild* and was approved by the Council of the University under the same section.

### Part 1 – Preliminary

#### 1. Short Title

This is the *Student Guild (Election and Referenda) Regulations 2018*.

#### 2. Commencement

(1) These regulations shall commence:

- (a) on 1 November 2018; or
- (b) the day after they are approved by the University Council;

whichever is the later.

(2) Upon the commencement of these regulations Part 10 of the *Guild Regulations – Division One* the *Guild Regulations – Division Two* with the exception of Part 10 of those regulations are repealed.

(3) Transitional provisions relating to these regulations may be found in the *Student Guild (Transitional Provisions) Regulations 2018*.

#### 3. Terms Used

(1) The terms used in section 4 of *Statute No.4-Student Guild* shall apply to these regulations.

Note: Section 4 of *Statute No.4-Student Guild* states –

In this Statute –

**absolute majority**, in relation to a meeting of the Guild Council, means a majority of all the members of the Guild Council for the time being holding office, regardless of the number attending the meeting of the Guild Council (and, for the avoidance of doubt, no casting vote is to be counted);

**Act** means the Curtin University Act 1966;

**general meeting of the Guild** means an annual general meeting of the Guild or a special general meeting of the Guild;

**Guild** means the Student Guild established by section 44 of the Act upon the making of the original Statute No. 4 on 14 January 1969;

**Guild Council** means the governing body of the Guild as described in section 9;

**Guild regulations** means regulations made by the Guild under section 10;

**Guild by-laws** means by-laws made by the Guild under the Guild regulations;

**Officer** means a person who -

- (a) is a member of the Guild;

(b) is a member of the Guild Council or holds any other Guild position as a result of being elected or appointed to that position in accordance with the Guild regulations; and

(c) is not an employee of the Guild;

**President** means the president of the Guild;

**Previous Statute No. 4** means Statute No. 4 – Student Guild, published in the Government Gazette on 22 May 2012;

**rules** means rules made under this Statute;

**Secretary** means the secretary of the Guild; and

**University Council** means the Council of the University under the Act.

(2) For the purposes of these regulations, unless the contrary intention appears:

**Annual General Election** means the elections held by the Guild each year in accordance with these Regulations.

**by lot** means by chance or by random.

**campaign material** in respect of an Annual General Election or any other poll, election or referendum under these Regulations, means any written, printed or photographic material including but not limited to a voting guide, poster, sign, leaflet, audio or visual display (including any electronic audio or visual display) whether attached to any fixed or mobile structure or not, provided that such material directly or indirectly supports any candidate or has the purpose of influencing any candidate or the election, poll or referendum.

**candidate** means a person who has validly nominated for a position for election and has not been disqualified or declared elected.

**casual** means a person employed by the Guild or University (as the case requires) and whose pay includes a casual loading, but does not include staff or Officers.

**colour** refers to the colour that is to be used exclusively for a candidate or Group's campaign material.

**day** means any twenty four (24) hour period and includes public holidays, University holidays and weekends.

**determination** includes any order, ruling or direction validly made under these regulations.

**distribute** or **distributed** includes the publication, display or handing out of campaign material.

**election** means a ballot conducted by the Guild from amongst enrolled students (or a group thereof) to:

- (a) choose the members of the next Guild Council or Representation Board;
- (b) choose delegates to conferences of any organisation that the Guild may be affiliated to or a member of; or
- (c) determine the filling of any other position by resolution of Guild Council.

**election misconduct** has the same meaning as regulation 3 of the *Student Guild (Tribunals) Regulations 2018*.

**election period** means the period of time from the opening of nominations to the declaration of the poll.

**elector** means a person eligible to vote.

**Electoral Assistant** means staff appointed by and responsible to the Returning Officer.

**Electoral Commissioner** means the Commissioner of the Electoral Commission of Western Australia or Australian Electoral Commission (as the case requires).

**employees** means all staff and casuals of the Guild or University (as the case requires).

**Faculty Representative** means the Faculty of Business and Law Representative, Faculty of Science and Engineering Representative, Faculty of Health Sciences Representative and Faculty of Humanities Representative.

**final electoral roll** means a list of all enrolled students as at the Semester Two Census Date.

**Group** means a group of candidates who associate together as a team under a common team name.

**Group Agent** means a candidate in a Group who has been given authorisation to act on behalf of that Group in accordance with regulation 28(1)(c).

**Guild Member** means any Ordinary Guild Member or Financial Guild Member.

**Guild Statute Book** has the same meaning as in regulation 3 of the *Student Guild (General) Regulations 2018*.

**independent candidate** means a candidate that is not a member of a Group.

**initial electoral roll** means a list of all Guild Members on the date that falls seven (7) days prior to the opening of nominations for the Annual General Election.

**multiple vacancies** means positions for which more than one (1) person can hold office.

**notice in writing** where is required, it may be served by post or by electronic means, and:

- (a) if served by pre-paid post (with the correct address and sufficient postage) it is deemed served 3 business days after posting; and
- (b) delivery to a Returning Officer can be effected by leaving a written notice in the nominations box provided, if it is available for use.

**polling place** includes a campus polling place and a special polling place.

**postal vote application** means an application to vote by post in accordance with regulation 13.

**prescribed areas** means those areas set aside for the display of campaign material by the Returning Officer.

**printing** includes photocopying, plate, photographic and other similar processes.

**referendum** means the submission to the electors of a proposal in accordance with part 11 of these regulations.

**Returning Officer** means the person appointed under regulation 4 to conduct the Annual General Election or any other poll, election or referendum as requested under these regulations.

**scrutineer** means an observer at the counting of the votes.

**Semester Two Census Date** means the date determined by the University to be the census date for the second semester as shown on the academic calendar.

**single vacancy** mean positions for which only one person can hold office.

**special polling place** means a place for the taking of votes other than and in addition to the Polling Place that is nominated by the Returning Officer.

**staff** means all permanent and non-permanent full time, part time and fixed term employees of the Guild or University (as the case requires), but does not include casuals or Officers.

**teaching day** means a day which is officially designated by the University as a day when classes are scheduled except:

- (a) any day which falls outside a semester designated by the University;
- (b) public holidays observed by the University;
- (c) Saturdays and Sundays;
- (d) days designated by the University as 'tuition free';
- (e) days designated by the University as formal examination periods; and
- (f) the seven (7) days immediately prior to a week designated as a formal examination period.

**these regulations** means *Student Guild (Election and Referenda) Regulations 2018*

**week** means any seven (7) day period.

**woman** includes a person who identifies as a woman.

- (3) Further definitions may be found in the Act or *Statute No.2-Interpretation*.

## **Part 2 - Returning Officer**

### **4. Appointment**

- (1) A Returning Officer may be appointed by the Electoral Commissioner to conduct the Annual General Elections and any other polls, election, or referendum as requested under these regulations.
- (2) If the Electoral Commissioner is unable or unwilling to make such appointment or the Guild does not wish to utilise the Electoral Commission for the election, referendum or other poll:
  - (a) the Managing Director shall recommend a person to be Returning Officer to the Vice Chancellor; and
  - (b) if the Vice Chancellor is satisfied that the person is suitably qualified and can carry out the duties of Returning Officer in keeping with the Guild Statute Book then the Vice Chancellor is to appoint the person as Returning Officer.
- (3) A Returning Officer shall be appointed no later than fourteen (14) days before the Annual General Election, election or referendum. The appointment of the Returning Officer shall be effective from the date of the instrument of appointment until five (5) days after the declaration of all polls at the Annual General Election, election or referendum.
- (4) The appointment of the Returning Officer is not effective until the person concerned has signed an undertaking that they will not be contesting the election and will perform the duties associated with the position impartially and in accordance with these regulations.



- (5) The Electoral Commissioner or Managing Director (as the case requires), may during the absence or temporary incapacity of a Returning Officer appoint a substitute to perform the functions of that Returning Officer.
- (6) A Returning Officer must provide the Guild with an address for the service of notices in writing (which address shall include a postal address, and also an address for electronic communications that is secure from external interference), and a separate address for the deposit of postal votes.

## **5. Remuneration**

The Guild will remunerate the Electoral Commission or Vice Chancellor appointed Returning Officer for all reasonable expenses incurred in conducting an Annual General Election or any other poll, election or referendum requested under these regulations.

## **6. Responsibilities**

The Returning Officer has responsibility to ensure the fair conduct of the Annual General Election and the polls held in conjunction with that election in accordance with Statute Book.

## **7. Disqualifications**

The following persons are disqualified from appointment as Returning Officer:

- (a) a person who is a current member of the Guild Council, Guild Committee or University Council, or has been a member, of the Guild Council, Guild Committee or University Council within the previous five (5) years;
- (b) a person who has been a candidate in the Annual General Election or any other election or poll conducted under these regulations within the last five (5) years;
- (c) a person who is a current employee, or has been an employee, of the Guild or University within previous five (5) years;
- (d) a person who is a member, or has been a member, of a political party registered at Federal or State level within the previous five (5) years; and
- (e) an enrolled student of Curtin University.

## **8. Resignation**

The Returning Officer may resign by lodging a written resignation with the Electoral Commissioner or with the Managing Director, as the case requires.

## **9. Powers**

- (1) Subject to these regulations the Returning Officer has the power to:
  - (a) recruit, engage and appoint Electoral Assistants in the conduct of the elections;
  - (b) make a determination of any word, regulation or other related electoral matter;
  - (c) issue determinations for the fair conduct and administration of any election or in regard to any relevant electoral matter;

- (d) act on their own motion to prevent a breach or attempted breach of the regulations;
  - (e) delegate to an Electoral Assistant any of the Returning Officer's duties and functions except this power of delegation, subject to any decision of an Electoral Assistant being able to be appealed to the Returning Officer, the decision of the Returning Officer on appeal shall be final;
  - (f) remove any person who wilfully interferes, obstructs or disputes procedures at the poll or count;
  - (g) dismiss or uphold a complaint or appeal in whole or in part;
  - (h) issue orders to rectify a complaint or appeal that is proven;
  - (i) use or authorise the use of electronic systems or facilities, including the internet or wireless, to assist in the conduct of elections at the request or with the consent of the Guild. This encompasses the distribution and receipt of ballot papers and the counting of the votes; and
  - (j) make determinations relating to the distribution of campaign material.
- (2) The Returning Officer in addition to the powers outlined in regulation 9(1) above shall have the following powers in order to remedy election misconduct:
- (a) To ban a candidate, elector or group from canvassing or campaigning for votes for up to three hours;
  - (b) Following a ban for up to three hours under regulation 9(2)(a), to ban a candidate, elector or group from being within one hundred (100) metres of a polling booth for the period of polling;
  - (c) To reduce the spending limit of a candidate or group for unauthorised material;
  - (d) Refer a candidate to the Election Tribunal/Electoral Commissioner for disqualification;
  - (e) Refer a Group to the Election Tribunal/Electoral Commissioner for the disqualification of that entire Group;
  - (f) To refer a candidate or elector to the University for behaviour that may be in breach of *Statute 10 – Student Discipline*;
  - (g) In the case of a person campaigning or canvassing for votes when not an enrolled student, to have the person removed by security and the candidate or group for which they are canvassing for votes disciplined under the terms of (a) to (f).

### **Part 3 - Eligibility to Participate**

#### **10. Eligibility**

A candidate shall be eligible for election to the Guild Council or Representation Board if they:

- (a) hold the general qualifications listed in Schedule B (1) of the *Student Guild (Guild Council) Regulations 2018*;
- (b) do not hold any of the general disqualifications specified in Schedule B (2) of the *Student Guild (Guild Council) Regulations 2018*; and
- (c) meet the specific qualifications and/or disqualifications applicable to that particular office specified in Schedule B (3) of the *Student Guild (Guild Council) Regulations 2018*.

## **11. Multiple Nominations**

- (1) A person may nominate only for one (1) position that is a member of Guild Council and one (1) position that is a member of the Representation Board.

Example: A person who is eligible could nominate to be a Guild Councillor and the Faculty of Business and Law Representative. However a person could not nominate to be President and Faculty of Business and Law Representative as the President is also a member of the Representation Board.

Example: A person who is eligible could nominate to be a Guild Councillor, the Faculty of Business and Law Representative and a NUS Delegate.

- (2) A person cannot nominate to be Vice President – Activities and a member of the Representation Board.

## **12. Electors**

- (1) To be eligible for enrolment to vote in the Annual General Election a person must be an enrolled student of the University at the Semester Two Census Date.
- (2) For any other election, referendum or poll the roll of electors shall be the eligible voters as of one week after the issue of the notice of that election, referendum or other poll.
- (3) The eligibility to vote in the election of certain positions shall be determined by Schedule B.
- (4) Voting shall be voluntary.
- (5) Electors may vote only once in respect to each position for which they are eligible to vote.
- (6) Electors shall vote in person, unless the elector postal votes in accordance with regulation 13.
- (7) Electors shall present commonly accepted photo identification as determined by the Returning Officer to verify their identity.
- (8) There shall be no right of proxy vote.
- (9) A person's right to vote at an election for which the person is enrolled is not affected by any change in the person's name or by any change in residence if the person continues to be eligible to be enrolled for the election.

## **13. Postal Voting**

- (1) An elector may apply for a postal vote by completing and submitting a postal vote application.

- (2) Any elector may apply for a postal vote for any reason.
- (3) A postal vote application shall be lodged with the Returning Officer before noon on the Tuesday preceding the opening of polling.
- (4) The Returning Officer may correct any minor defects in the postal vote application and may reject any postal vote application that does not meet the requirements of regulation 13 (1) or (2).
- (5) Postal vote applications shall be included with the opening notice of nominations in a Guild publication and be available from Guild Reception.
- (6) The Returning Officer shall, for the purpose of receiving ballot papers in respect of that election, use an address exclusively for that purpose.
- (7) A postal vote packet (**postal election packet**) shall include the following:
  - (a) ballot papers initialled by the Returning Officer or bearing a facsimile of those initials;
  - (b) an envelope marked "Ballot Paper";
  - (c) prepaid express return envelope to the Returning Officer; and
  - (d) The Postal Vote Flyers produced by each Group and Independent candidate in accordance with regulation 21.
- (8) Wherever possible, a postal election packet shall be despatched to electors who have applied for a postal vote on the same day as receipt of the application, and no later than 5:00pm the Tuesday before the opening of the poll.
- (9) Postal votes must be returned to the Returning Officer or lodged at the polling place before close of the poll in order to be included in the count.

#### **14. Provisional Voting**

An elector that is unable to present photo identification or does not appear on the electoral roll may make a provisional vote in accordance with the process established by the Returning Officer.

### **Part 4 - Election Timetable**

#### **15. Establishment of Annual General Election**

- (1) The Managing Director shall provide notice to the Electoral Commissioner/Vice Chancellor of the Annual General Election by the end of the first semester and this notice shall include:
  - (a) a request to the Electoral Commissioner/Vice Chancellor for appointment of a Returning Officer / Substitute Returning Officer;
  - (b) details of a proposed timetable for the elections; and

- (c) a current copy of the Guild Statute Book and the regulations for any other polls held in conjunction with the Annual General Election.
- (2) The actual timetable for the election must be both proposed by the Managing Director, and approved by the Returning Officer before it is officially adopted.
- (3) Prior to adopting the election timetable the Managing Director must consult with the Guild President.

## **16. Deadlines**

- (1) The initial electoral roll shall close seven (7) days prior to the opening of nominations and be delivered to the Returning Officer twenty four (24) hours prior to the opening of nominations.
- (2) Nominations shall:
  - (a) open on the date of the official notice inviting nominations in accordance with regulation 15;
  - (b) be open for at least ten (10) teaching days; and
  - (c) close between fourteen (14) and twenty-eight (28) days before polling commences.
- (3) Group registration forms shall be lodged with the Returning Officer by the close of nominations.
- (4) The Returning Officer shall determine by lot the order in which names will appear on the ballot paper (**ballot draw**) for positions for which a poll will be held within three (3) days of the close of nominations (excluding Saturdays or Sundays).
- (5) The final electoral roll shall close following the Semester Two Census Date and shall be delivered to the Returning Officer at least seven (7) days prior to the commencement of polling.
- (6) Ordinary voting for the Annual General Election shall be held over three (3) or four (4) consecutive teaching days in Semester Two following the Semester Two Census Date and the final day of polling shall be a Thursday.
- (7) The results of the poll shall be declared by the Returning Officer on the completion of counting but not later than fourteen (14) days after the close of poll and the declaration of the poll must happen by October 31.

## **17. Other Polls**

- (1) The timetable of other polls held in conjunction with the Annual General Election shall be in accordance with the act, statute, constitution, regulations, rules or by-laws that govern those other polls. In the interests of reducing potential for confusion, every effort shall be made to ensure that key dates and phases of the other polls coincide with the same key dates and phases of the Annual General Election.
- (2) Where the act, statute, constitution, regulations, rules or by-laws that govern those other polls are silent then these regulations shall apply..

- (3) Where the act, statute, constitution, regulations, rules or by-laws that govern those other polls are inconsistent with these regulations then those act, statute, constitution, regulations, rules or by-laws that govern those other polls shall override these regulations for that other poll only.

## **18. Delay of Election**

- (1) Where:
  - (a) a general election for the Parliament of the Commonwealth of Australia or State of Western Australia is called and the dates of that election would cause undue disruption to the Annual General Election, referendum, election or other poll;
  - (b) a natural disaster or other significant disruptive event occurs that would make it unreasonable to conduct the Annual General Election, referendum, election or other poll;the Managing Director and Returning Officer may delay polling or extend the nominations period in order to avoid the disruption .
- (2) This regulation overrides regulation 16 as is necessary to achieve a delay provided that the declaration of the poll must be concluded by October 31 each year and polling must be held on three (3) consecutive teaching days for at least five hours each day and nominations must be open for at least ten (10) consecutive teaching days.
- (3) In the event of the use of this regulation to delay polling or extend nominations notice must be placed upon the Guild website and distributed through an Official Curtin Communication as soon as possible after a decision is made.

## **Part 5 - Nominations**

### **19. Public Notice**

- (1) A public notice inviting nominations shall be placed on the Guild website and through an official university communication at least ten (10) teaching days before nominations are due to close in accordance with the timetable. The Returning Officer may also use any other means they see fit to advertise the opening of nominations.
- (2) The public notice shall contain:
  - (a) details of the nomination deposit, which shall be an amount of \$10;
  - (b) titles and number of vacancies with respect to all offices due for election;
  - (c) the form in which nominations are to be made;
  - (d) the place where nominations may be lodged or posted;
  - (e) the times and dates of the commencement and closure of the period for lodging nominations;

- (f) eligibility criteria for electors, nominators and candidates;
  - (g) details of the relevant key dates and times of the election timetable (including the times, dates and places for the draw for positions on the ballot paper and, where it applies, the lodgement of Group Registration); and
  - (h) an invitation for interested and eligible persons to nominate.
- (3) The postal vote application shall be displayed concurrently with the public notice of the election.

## 20. Nominations

- (1) A Nomination shall (**nomination requirements**):
- (a) set out the name, student number, date of birth and the place of residence of the nominee;
  - (b) set out the name, student number and be signed by two (2) Guild Members (**nominators**) in accordance with regulation 20(2);
  - (c) be signed by one witness who has sighted the nominee's Curtin student identification card; This witness must be:
    - (i) either a member of Guild Staff (who is not an enrolled student);
    - (ii) the Returning Officer; or
    - (iii) a Justice of the Peace.

On campuses besides the Bentley Campus, University staff members on that campus act as acceptable witnesses.

- (d) contain a signed statement by the nominee that they consent to act in the position nominated for, if elected;
- (e) contain a signed statement by the nominee that they are qualified to hold office and eligible for the position;
- (f) contain the following statement:
 

*"In nominating for this position, I agree to be bound by the Curtin University Act 1966, the Statute No.4-Student Guild and all the other provisions of the Guild Statute Book, as well as the Guild Code of Conduct and Guild Policy. I further agree to act in the best interests of the Guild and all Guild Members in the performance of my duties"*
- (g) include all forms, including forms with the nomination deposit or a receipt for the nomination deposit;
- (h) include a preference for a colour where the candidate is not registering to be part of a Group; and
- (i) be received by the Returning Officer after nominations are publicly invited by notice, but prior to the close of nominations.

- (2) Nominators shall:
- (a) be represented by the position that they are nominating a candidate for;  
Example: A man cannot nominate a candidate for Women's Officer. A Health Sciences student cannot nominate a Humanities Representative.
  - (b) be Guild Members; and
  - (c) only support the nomination of one (1) candidate per position.  
Example: A person cannot nominate two persons to be President.
- (3) A candidate may nominate another candidate however they must meet the conditions of regulation 20(2) and they cannot nominate themselves.
- (4) Nominations deposits shall be due prior to the close of nominations. Nomination deposits may be paid by a Group Agent for the entire or part of the Group.
- (5) A candidate may provide details of a preferred and common variation of the candidate's name for inclusion on the ballot paper and public notices.

## **21. Postal Vote Flyer**

- (1) Each independent candidate and Group may provide by the printing of the ballot papers, a flyer no larger than a double sided A4 page that is to be included in the postal vote packet (**Postal Vote Flyer**).
- (2) These flyers are to contain information relating to a statement of the candidates/Groups policies and beliefs and shall not mention any other Groups or candidates.
- (3) The flyer may include instructions on how to vote for that candidate or Group.
- (4) The regulations relating to campaign material shall apply to these flyers.
- (5) The flyer must contain information to enable a voter to contact the Group or candidate.
- (6) These flyers are to be produced at the Group/candidates expense and shall be costed against the Group/candidates expenditure limit.

## **22. Death of a Candidate**

For any office:

- (a) if a candidate dies before the declaration of nominations, their name shall not be declared as a candidate and the election shall proceed.
- (b) if the death occurs after the declaration of nominations but before the declaration of the poll, the election for the position which that candidate was contesting shall, by reason of such death, be deemed to have wholly failed.



### **23. Withdrawals**

- (1) A candidate may, withdraw their consent to nomination by a notice signed by them and a witness, that is addressed to and lodged with the Returning Officer.
- (2) Where a withdrawal is received:
  - (a) before the close of nominations that person shall be deemed not to have been nominated.
  - (b) before printing of the public list, the name shall be excluded from the public list.
  - (c) before printing of ballot papers, the name shall be excluded from the ballot paper.
  - (d) after printing of ballot paper, a notice shall be displayed to alert electors in the Polling Place and the candidate shall be excluded from the count.

### **24. Failed Elections**

An election shall fail where:

- (a) no nomination is received for the position by the close of nominations;
- (b) in a multiple vacancy election there are insufficient nominations received and if this occurs the elections shall fail only in respect to the vacancy or vacancies for which a nomination is not received.

### **25. Defects**

The Returning Officer shall:

- (a) accept a nomination which in the Returning Officer's reasonable opinion substantially complies with the nomination requirements;
- (b) reject a nomination if it in the Returning Officer's reasonable opinion does not substantially comply with this nomination requirements and notify the person as soon as possible;
- (c) allow a candidate to alter or correct any minor defect in a nomination form or supplementary information/documents lodged, within twenty four (24) hours of the close of nominations whenever this is possible; and
- (d) where similarity in the names of two or more candidates is likely to cause confusion, alter the names of those candidates or add a description that will distinguish the candidates from one another.

### **26. Nominations Received**

The Returning Officer shall display on the Guild website the public list of candidates for each position and any other relevant details as soon as possible after the close of nominations.

### **27. Return or Forfeiture of Deposit**

- (1) The Returning Officer is to arrange for the nomination deposit to be refunded in full to all candidates declared elected to any Guild office.

- (2) Candidates that are not declared elected shall forfeit their deposit.
- (3) Where a Group Agent pays the deposits of a Group, the deposits shall be refunded to that agent.

## **Part 6 - Groups**

### **28. Registration of Groups**

- (1) Candidates wishing to be grouped must sign a declaration on the Group registration form which provides:
  - (a) consent to the grouping;
  - (b) authorisation for the Group name;
  - (c) authorisation of two Group Agents – a primary and a secondary Group Agent; and
  - (d) the preference of the Group's colour to be made from a list of colours supplied by the Returning Officer.
- (2) Once a colour has been allocated by the Returning Officer, it cannot be changed.
- (3) No candidate may be registered in more than one Group.
- (4) If a candidate does register for more than one Group, they will not be included in any Group.

### **29. Defects**

- (1) The Returning Officer may allow a candidate included in a Group or a Group Agent to correct any minor defect in the Group registration form within twenty four (24) hours after the close of nominations.
- (2) A Group may de-register by notice in writing which is signed by both Group Agents.

### **30. Withdrawal of Consent**

- (1) A candidate who has been included in a Group registration may, before the deadline for Group registrations, withdraw their consent to be included in that Group, by notice in writing signed by the candidate, and a witness, that is lodged with or served upon the Returning Officer.
- (2) Where one or more withdrawals within a Group occurs by the close of nominations but still more than one candidate remains within the Group, the Group registration shall still be valid.
- (3) An authorised Group Agent can withdraw from their position by notice in writing to the Returning Officer that is signed by the Group Agent and a witness. A new Group registration form shall accompany the letter of withdrawal, authorising a new primary and secondary Group Agent.

### **31. Rejection**

A Group name shall not be accepted by the Returning Officer if it:

- (a) comprises either more than seven (7) words or thirty five (35) characters;
- (b) is obscene or in poor taste in the opinion of the Returning Officer;
- (c) is the name or so nearly resembles the name, or an abbreviation or acronym of the name, of another Group name already accepted for the election that it is likely to be confused with or mistaken for that Group or that abbreviation or acronym. The unsuccessful Group must be notified immediately and shall then submit a new Group name to the Returning Officer within twenty four (24) hours. If not, the Returning Officer shall deem that Group unregistered;
- (d) is the name or so nearly resembles the name, or an abbreviation or acronym of the name, of a Group from the previous election and permission for that Groups name has not been granted under regulation 33;
- (e) comprises or contains the words "independent" or "Guild" or "NUS" or an abbreviation of those words; or
- (f) is misleading.

### **32. Group Agents**

- (1) The Returning Officer will maintain a register of Group Agents which shall be reproduced and made available for public inspection at the Guild Office and on the Guild website after the close of nominations.
- (2) A Group can change their Group Agent by providing a new Group registration form, signed by all Group members, to the Returning Officer.
- (3) A Group Agent may not be a Group Agent for more than one Group.
- (4) All of the Group Agents of a Group must be a candidate on that Group.
- (5) Where a candidate is elected unopposed and is a Group Agent, they may continue to be a Group Agent.

### **33. Group's year to year**

- (1) A Group may continue from year to year and shall have reservation on its name and colour from that previous year.
- (2) The continuation of a group shall be by including with the Group registration form a notice signed by the Group Agents from the previous year, or a majority of the candidates on that group from the previous year, consenting to the continuation of the Group.
- (3) Where the Group Agents from the previous year and the majority of the candidates from the previous year both seek to lay separate claims to a Group's name and colour then that name and colour may not be used unless one of those claims is withdrawn.
- (4) If no consent is given for the continuation of a Group then the name and colour of that Group may not be used.

## **Part 7 - Polling, Material and Equipment**

### **34. Polling Places**

- (1) The Returning Officer shall appoint one static polling place for the taking of votes from electors casting votes.
- (2) The Returning Officer shall advertise on the Guild website and through an official university communication, as well as take whatever other steps they consider appropriate and convenient, to give public notice of the location of the polling place and the dates and times of operation and the candidates for election.
- (3) The Returning Officer may appoint special polling places if the Returning Officer deems it to be necessary or desirable following consultation with the Managing Director. The days and hours of operation of the polling at special polling places shall be determined by the Returning Officer.
- (4) The precinct of the polling place shall include the area within a six (6) metre radius of any entrance or exit to a polling place or any other area designated by the Returning Officer.
- (5) Polling hours at the static polling place shall at minimum be from 10:00am to 4:00pm.

### **35. Electoral Roll**

- (1) There shall be two electoral rolls.
  - (a) the initial electoral roll for the purposes of advising eligibility to nominate as a candidate, which sets out a roll of all Guild Members up to the close of rolls in regulation 16(1).
  - (b) the final electoral roll for the purposes of polling, which sets out a roll of all enrolled students up to the close of rolls in regulation 16(5).
- (2) The initial electoral roll must be certified as correct, to the best of their knowledge, by the Managing Director and must be delivered to the Returning Officer twenty-four (24) hours prior to the opening of nominations by the Managing Director.
- (3) The final electoral roll must be certified as correct, to the best of their knowledge, by the Managing Director and must be delivered to the Returning Officer seven (7) days prior to the commencement of polling by the Managing Director.
- (4) Alterations to the roll may be made at any time by the Returning Officer if that officer is satisfied that an error exists.
- (5) The electoral rolls may be inspected when they are available by any candidate or scrutineer under supervision of, and at the convenience of the Returning Officer.

### **36. Ballot Papers**

- (1) The Returning Officer shall make special provisions for the preservation of the following items in safe custody. They shall be respectively placed in separate containers, each endorsed with the name of the Guild and the office to which the election relates (if applicable), and shall be sealed, signed and dated by the Returning Officer:
  - (a) all nomination papers;

- (b) all ballot papers admitted by the Returning Officer as formal;
  - (c) all ballot papers rejected by the Returning Officer as informal;
  - (d) all declaration envelopes, whether formal or informal;
  - (e) all postal votes received after the close of the ballot;
  - (f) the marked electoral roll showing electors that have recorded a vote; and
  - (g) unused ballot papers, declaration envelopes and other relevant documents prepared in connection with the election.
- (2) Ballot papers, declaration envelopes (admitted and rejected), the electoral rolls and any other material may not be destroyed until a year has elapsed after the poll has been declared.
- (3) The Returning Officer is responsible for the format and production of the ballot papers provided that:
- (a) the order of names that appear on the ballot paper is decided by lot; and
  - (b) a candidate in a Group shall have the Group name displayed with the candidate's name.

## **Part 8 - Campaign Material**

### **37. Authorisation**

- (1) Campaign material shall:
- (a) include the name and address of the candidate or Group Agent authorising the material and where printed must include the name and address of the printer of the material;
  - (b) be printed in the colour, as allocated by the Returning Officer. Should there be competing claims on any colour, the colour shall be determined by lot by the Returning Officer except when reserved under regulation 33;
  - (c) Not be distributed unless authorised by the Returning Officer. A copy of the proposed material, a statement containing the proposed manner and time of distribution and the amount of material to be distributed shall be submitted to the Returning Officer for consideration;
  - (d) be produced through a printing facility nominated by the Managing Director for the Annual General Elections if it is printed on paper; and
  - (e) be prepared at the candidates or Group's own expense and costed in accordance with regulation 39.

- (2) A copy of the proposed material, a statement containing the proposed manner and time of distribution and the amount of material to be distributed shall be submitted to the Returning Officer for consideration and authorisation.
- (3) While a social media page or website is required to be authorised by the Returning Officer initially, materials uploaded to a social media page or website for a candidate or group including any personal page shall be considered automatically approved. A person who is concerned that the material posted may be in contravention of these regulations must contact the Returning Officer. The Returning Officer may direct the candidate or Group to remove the material.

### **38. Prohibited Material**

- (1) The Returning Officer may refuse authorisation to proposed material that in the Returning Officers reasonable opinion may constitute prohibited campaign material or an attempt in some way to circumvent the spirit of a costing allocation. A decision by the Returning Officer to authorise or refuse to authorise proposed material is final.
- (2) Prohibited campaign material includes material which is, in the reasonable opinion of the Returning Officer, mischievous, misleading, malicious, oppressive, defamatory, obscene or in poor taste or illegal under Commonwealth or State legislation.
- (3) The list of costing under regulation 39 may declare certain forms of campaign material to be prohibited. This list of costing may also declare certain social media sites to be places where campaign material is prohibited.
- (4) The content of campaign material must not be in breach of the *Land and Traffic By-laws 2008 (or any replacement of those By-Laws)*.
- (5) The Returning Officer shall provide a reason for refusal of authorisation.
- (6) Any unauthorised material that has been distributed or material distributed in an unauthorised manner shall be confiscated by the Returning Officer, and a copy of the material is to be kept.
- (7) An independent candidate cannot claim to be part of a Group or give the appearance that they are part of a Group including with other independent candidates. Likewise a Group cannot claim that an independent candidate is part of their Group.
- (8) How-to-vote (that is material that seeks to instruct electors how to cast their vote) must:
  - (a) not instruct electors to vote informally; and
  - (b) indicate at least one first preference for every position up for election.

### **39. Costing**

- (1) For the purposes of this regulation:
  - (a) candidate shall mean a candidate running in any, multiple or all elections conducted at the same time and for the purposes of regulation 39 (4) and (5) a candidate shall only count as one (1) candidate regardless of the number of positions they have nominated for; and

- (b) where multiple elections are being conducted at the same time, materials for all elections shall be costed together as if they were a single election.
- (2) Candidates shall prepare campaign material at their own expense, and in preparing the campaign material, shall not exceed the limits set out in these regulations.
- (3) The Returning Officer shall issue all candidates a memorandum of costing procedures approved by the Managing Director for assessing expenditure and maintain a statement of expenditure for each candidate not in a Group and each Group.
- (4) If the Returning Officer is satisfied on the balance of probabilities that campaign material was prepared by others for use of a candidate and used for election purposes, the Returning Officer may assess the value of the campaign material so used, and add this to the amount expended indirectly by the candidate on campaign material.
- (5) Candidates in a Group may apportion the cost of Group campaign material amongst any or all candidates in their Group at \$50.00 per candidate with a maximum Group limit set at \$2000.00.
- (6) A candidate not in a Group shall have a limit of \$200.00 to spend on campaign material.

#### **40. Display and Distribution**

- (1) Campaign material may only be distributed in prescribed areas as defined by the Returning Officer on the advice of the Managing Director on University grounds.
- (2) No person other than the Returning Officer and Electoral Assistants shall remove, obstruct, alter or deface affixed campaign material within the prescribed areas.
- (3) No campaign material is to be distributed until 12:00am (midnight) on the Monday of the week prior to the commencement of polling.
- (4) Campaign material or canvassing for votes must not occur in a way that is inconsistent with the *Land and Traffic By-laws 2008 (or any replacement of those By-Laws)*.
- (5) Campaign material shall not be permitted inside bathrooms on the University grounds.
- (6) Campaign material shall only be distributed by enrolled students of Curtin University.
- (7) Where requested by the Returning Officer or and Electoral Assistant a person who is distributing campaign material or otherwise canvassing for votes must produce the Curtin Student Identification Card. Where that person is unable to produce the Curtin Student Identification Card they shall not be permitted to distribute campaign material or otherwise canvass for votes until they can produce their Curtin Student Identification Card.

### **Part 9 - Counting and Declaration of the Poll**

#### **41. General**

- (1) The Returning Officer shall appoint the location and times of counting of votes.
- (2) Votes shall be counted in accordance with the rules of Optional Proportional Representation as outlined in Schedule A.
- (3) The counts for various elections will be conducted in the order determined by the Returning Officer however the count for the office of President shall always occur first.
- (4) The formality and informality of votes shall be determined ultimately by the Returning Officer having regard to the guidelines produced by the Western Australian Electoral Commission.
- (5) The Returning Officer may at their discretion adjourn the count, for continuation as soon as practical.

#### **42. Validity of Result**

An election is not invalid because of any:

- (a) delay, error or defect of a procedural nature if the delay, error or defect does not affect the result of the election;
- (b) omission, error or defect in the appointment or authorisation of the Returning Officer;
- (c) formal error or defect in any declaration or other instrument, or in any publication made under these regulations or intended to be so made;
- (d) publication made under these regulations being out of date; or
- (e) actions, including any fraudulent actions, of a scrutineer that do not affect the results of the election.

#### **43. Unopposed Elections**

Where, at the close of nominations, the number of candidates for an election is equal to or less than the number of vacancies to be filled at the election, the respective candidates are declared elected.

#### **44. Notification**

The Returning Officer shall:

- (a) declare the poll by providing public notice on the Guild website and through an official university communication at the completion of counting;
- (b) provide to the Guild through the Managing Director the contact details of each successful candidate;
- (c) provide a certificate to all the successful candidates declaring the election results; and
- (d) lodge a report with the Guild Council through the Managing Director by the commencement of the next term of the Guild Council.



#### **45. Scrutineers**

- (1) A candidate, Group Agent or the Guild President may appoint a Scrutineer by completing the form prescribed by the Returning Officer.
- (2) Scrutineers shall be allowed to attend the counting of the votes, with the following conditions that they:
  - (a) do not obstruct the counting of the votes;
  - (b) may question the formality of a vote, but ultimately must accept the Returning Officer's decision as to whether the vote is formal or informal, as stated in regulation 40(3);
  - (c) do not touch any voting material, including discarded or valid ballots papers;
  - (d) do not attempt to defraud or influence the counting of the votes;
  - (e) shall report any suspected fraudulent activity of other scrutineers to the Returning Officer; and
  - (f) may be removed at any time by the Returning Officer if they breach any of these conditions or if their behaviour is considered to be inappropriate by the Returning Officer.

### **Part 10 - Appeals**

#### **46. Applicability**

- (1) The Election Tribunal established by Part 3 of the *Student Guild (Tribunal) Regulations 2018* shall be the means of appealing the Annual General Election or any other poll, election or referendum conducted under these regulations except for polls, elections or referendums in which the Returning Officer is appointed by the Electoral Commissioner.
- (2) For any poll, election or referendum conducted under these regulations for which the Returning Officer is appointed by the Electoral Commissioner, the Electoral Commissioner shall perform the function of an Election Tribunal in accordance with any procedures that the Electoral Commissioner may determine, and shall not be bound by the regulations governing the election tribunal.
- (3) In determining appeals the Electoral Commissioner shall have all the powers empowered to the Election Tribunal.
- (4) An appeal may be submitted at any time following the opening of nominations but must be lodged no later than 5:00pm seven (7) days following the declaration of the poll unless extended by the Electoral Commissioner.

### **Part 11 - Referenda**

**47. General**

Unless expressed to the contrary in this section, Regulations applying to an Annual General Election shall also apply to a referendum in so far as they are appropriate and practical.

**48. Calling of Referenda**

- (1) The Guild Council may call a referendum by resolution passed by an absolute majority.
- (2) The proposed question of a referendum must be consistent with the Guild Statute Book and the functions of the Guild as outlined in *Statute No.4-Student Guild*.
- (3) Where the Managing Director receives a requisition signed by not less than ten percent (10%) of all Guild Members, then they must call a referendum.
- (4) The question at the referendum must be a question that has the responses of either “yes” or “no”

**49. Requisitions**

- (1) A requisition by Guild Members shall be lodged with the Managing Director and shall state the exact wording of the motion or question for which the referendum is to be called.
- (2) A requisition must be in the form of a petition, with the name, student number and signature of each Guild Member signing the requisition, legible and clearly displayed.
- (3) Each page of the requisition petition must clearly state the proposed referendum question
- (4) The requisition shall also stipulate whether the referendum shall be put to all Guild Members, or to all enrolled students.
- (5) All the signatures in a requisition must be collected within fourteen (14) days of the commencement of the petition.

**50. Campaign Material**

- (1) Campaign material shall not be distributed unless it is authorised by the Returning Officer. Part 8 of these regulations shall be applicable to campaign material for a referendum in so far as they are appropriate and practical, except that there shall be no limit on expenditure for campaign material.
- (2) Without limiting the generality of regulation 49(1):
  - (a) the Returning Officer shall prescribe a colour for each of the Yes and No campaign materials.
  - (b) the Returning Officer shall allow Postal Vote Flyers to be included in postal votes for the referendum. Provided that:
    - (i) authors of the Postal Vote Flyer shall be eligible electors;
    - (ii) the person who proposed the referendum shall be the author of one of the Postal Vote Flyers; and

(iii) the opposite statement to (ii) shall be written by a person selected by Guild Council or in absence of such a selection, interested persons and where more than one person is interested the author shall be determined by lot.

(c) the authors of the Postal Vote Flyers under regulation 50(2)(b) shall be the group agents for the purposes of the Yes and No campaigns.

**51. Limitation**

A referendum on a particular issue may only be called for once in a twelve month period.

**52. Timetable**

- (1) The Returning Officer shall advertise the holding of a referendum by any other means as they deem appropriate, but shall include the display of a public notice (**referendum notice**) on the Official Guild Noticeboard and by Official Curtin Communication at least four (4) weeks prior to the referendum.
- (2) Where a referendum is to be held in conjunction with an Annual General Election, the polling dates and times shall be identical to those set for the Annual General Election.
- (3) Where a referendum is not held in conjunction with an Annual General Election, the last day for polling shall be no later than four (4) weeks after the date of the referendum notice.
- (4) Where a referendum is not held in conjunction with an Annual General Election, the electoral roll shall close at 5:00pm seven (7) days after the date of the referendum notice.
- (5) The poll for a referendum shall be declared by the Returning Officer on the completion of counting but not later than thirty (30) days after the close of the poll.

**53. Result**

- (1) The proposal shall be approved if votes in favour of the proposal are greater than those not in favour.
- (2) The proposal shall not be approved if the votes not in favour are greater than those in favour.
- (3) In the event of a tie the proposal shall be lost.
- (4) Any member of Guild Council or the Group Agents for the Yes and No campaigns may appoint a scrutineer for the counting of the referendum ballots.

**54. Effects**

The results of the referendum shall be binding on the Guild Council.

## Schedule A

### Rules of Optional Proportional Representation

- (1) Each vote shall indicate an order of preference amongst some or all of the candidates.
- (2) Informal votes shall be set aside and discarded.
- (3) Where candidates are not eligible to be elected, counting shall proceed as if that candidate's name did not appear on the ballot paper. All votes cast in favour of the candidate shall immediately be allocated to the candidate next in the order of the voter's preference. Such allocation shall not be considered a transfer.
- (4) A quota shall be calculated by dividing the number of formal ballot papers cast by one more than the number of candidates to be elected then (disregarding any remainder) adding one.
- (5) Each ballot paper shall first be given a value of one and shall be allocated to the candidate first in the voter's order of preference.
- (6) Any candidate who achieves a total value of ballot papers greater than or equal to the quota shall be declared elected.
- (7) Where a candidate achieves a total value greater than the quota then all those ballot papers which caused the last increase in the total value of ballot papers for that candidate shall be reallocated to the candidate next in the voter's order of preference. The remaining ballot papers shall be set aside as finally dealt with.
- (8) A transfer value shall be calculated by taking the amount by which the total value exceeds the quota and dividing by the number of ballot papers to be reallocated.
- (9) The number of such reallocated ballot papers shall be counted for each candidate and shall be multiplied by the transfer value and this amount shall then be added to the total value of votes received by that candidate.
- (10) Where after the allocation or a reallocation more than one candidate achieves a total value greater than the quota then the ballot papers of the candidate with the highest total value shall be dealt with first provided that if any candidate is declared elected after an allocation or reallocation previous to that at which another candidate is declared elected then the ballot papers of the former shall be dealt with first.
- (11) If two or more candidates are declared elected with the same total value, for the purpose of (10) above, the ballot papers of the candidate who achieved a higher total value at the most recent allocation or reallocation at which the candidates had an unequal total value shall be dealt with first. If this procedure fails to differentiate between two or more candidates, the Returning Officer shall determine the matter by lot.
- (12) When all reallocations of ballot papers of elected candidates have been completed, subject to (14), the candidate with the lowest total, value shall be eliminated. The ballot papers allocated to the eliminated candidate shall be reallocated to the candidate next in the voter's order of preference and shall have a transfer value of one. The ballot papers that had been reallocated to the eliminated candidate shall then be again reallocated to the candidate next in the voter's order of

preference in the order in which and at the transfer value at which the eliminated candidate had been reallocated to them. The reallocations of each of these groups of ballot papers shall be considered as separate reallocations. Such series of reallocations shall be completed notwithstanding that one or more candidates are declared elected as a result of one of these reallocations.

- (13) If two or more candidates have an equal total value and any one of them must be eliminated that candidate who achieved the lower total value at the most recent allocation or reallocation at which the candidates had an unequal total value shall be eliminated. If this procedure fails to differentiate between two or more candidates the Returning Officer shall determine the matter by lot.
- (14) The process of elimination shall continue until the required number of candidates have been declared elected or until all the candidates, except the number required to be elected, have been eliminated whereupon the remaining candidates who have not already been declared elected shall be declared elected.

### **Affirmative Action**

- (15) Where it is required that in an election for more than one vacancy that a certain number of women candidates be elected this process applies in addition to (1) to (14). This process is considered **affirmative action**.
- (16) Where the number of women nominated is less than the number of women to be elected then any women candidates shall be elected unopposed and the remaining positions for women shall left vacant. The Guild Council will appoint eligible women to those positions in accordance with the *Student Guild (Guild Council) Regulations 2018* and Guild by-laws.
- (17) Where the number of women nominated is equal to the number of women to be elected then those women shall be elected unopposed and the remaining positions shall be up for election.
- (18) Where the number of women nominated is greater than the number of women to be elected then an election shall be held as normal and affirmative action shall apply in the count.
- (19) For a count where affirmative action may apply the count shall be conducted as normal as outlined in (1) to (14) in order to give the opportunity for candidates to be elected in their own right first.
- (20) Where the result of the count conducted under (1) to (14) does not meet the requirements of affirmative action then the count shall go back each step of the count until the last possible step of the count at which the affirmative action requirements could have been met.

*Example: In the election of six (6) Guild Councillors where at least three (3) of those elected shall be women Step 16 of the count was the point at which a fourth man would have been elected in the place of a third woman.*

- (21) At the step of the count identified in accordance with (20):
  - (a) all candidates that meet the affirmative action requirement that have been eliminated are to be reinstated into the count with 0 votes.
  - (b) all candidates not yet having achieved the quota that do not meet the affirmative action requirement are to be eliminated from the count as they are ineligible to be elected and their votes distributed as outlined in (1) to (14) starting with the eliminated candidate with the greatest number of votes.

## Schedule B

### Election Franchise

Electors must meet the following qualifications to vote in certain elections:

#### *President*

Any enrolled student may vote in an election for the office of President.

#### *Vice President - Education*

Any enrolled student may vote in an election for the office of Vice President - Education.

#### *Vice President – Activities*

Any enrolled student may vote in an election for the office of Vice President - Activities.

#### *Guild Councillor*

Any enrolled student may vote in an election for the office of Guild Councillor.

#### *Faculty of Business and Law Representative*

Any enrolled student may vote in an election for the office of Faculty of Business and Law Representative.

#### *Faculty of Science and Engineering Representative*

Any enrolled student may vote in an election for the office of Faculty of Science and Engineering Representative.

#### *Faculty of Health Sciences Representative*

Any enrolled student may vote in an election for the office of Faculty of Health Sciences Representative.

#### *Faculty of Humanities Representative*

Any enrolled student may vote in an election for the office of Faculty of Humanities Representative.

#### *International Students Committee President*

Any enrolled student may vote in an election for the office of International Students Committee President.

#### *Postgraduate Students Committee President*

Any enrolled student may vote in an election for the office of Postgraduate Students Committee President.

#### *Women's Officer*

Only enrolled students who are women may vote in an election for the office of Women's Officer.

#### *Students with Disabilities Officer*

Any enrolled student may vote in an election for the office of Students with Disabilities Officer.

#### *Ordinary Representation Board Member*

Any enrolled student may vote in an election for the office of Ordinary Representation Board Member.