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**ELECTION REGULATIONS**

**MONASH UNIVERSITY LAW**

**STUDENTS’ SOCIETY INC.**

**ABN 26 196 034 117**

**ARBN A0024695C**

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## — Introduction

### Interpretation

##### These Regulations aim to:

###### promote equitable, fair and just elections;

###### promote accessibility for all members of the Association;

###### reflect the desire for the abolition of Full Committee Tickets and allow for independent candidates and partial tickets that consist of a portfolio group.

##### These Regulations are subject to any directions regarding the conduct of the elections in the Rules of Association.

### Role of the Returning Officer

##### The duties of the Returning Officer (RO) are to:

###### oversee the conduct of the elections and ensure that they proceed in a manner that is fair and upholds the integrity of the Association;

###### accept nominations that are duly completed;

###### enforce regulations as to campaigning set out in these Regulations;

###### select a verified online election platform to use for the ballot and election counting, and upload all relevant information, including voting instructions, position descriptions, candidate biographies and candidate photographs;

###### supervise the online elections and campaigning;

###### provide a report to the Council as to the conduct of the elections as soon as practicable after the results have been announced;

###### actively promote the holding of the elections to members including by publicising important dates and procedures;

###### announce the nomination and election dates no later than the Monday of the week prior to the close of nominations;

###### conduct an election information session in the week preceding the close of nominations.

##### Where these Regulations are silent, the RO shall have full discretion to make rulings on any matter relevant to the conduct of the elections.

##### A decision made by the RO in relation to the disqualification of a candidate or a warning of such, or any other exercise of discretion conferred by these Regulations, shall be effective immediately, and cannot be disputed except in accordance with rule 10.

##### The RO shall deal with all matters and complaints as soon as practicable.

## — Election Process

### 3 Definitions

##### For the purposes of these Regulations—

##### ***Election Period*** means the period between the opening of nominations and the closing of voting, as specified under Appendix 3;

##### ***physical campaigning*** means campaigning that is not carried out through an online or technology-based medium (such as those mentioned in rule 15(3));

##### ***ticket*** means—

###### a full ticket consisting of the maximum number of candidates for every position for a particular form of ticket as outlined under rule 4(1) or (2); or

###### a part ticket consisting of at least two candidates for positions for a particular form of ticket as outlined under rule 4(1) or (2).

### 4 Construction of tickets

##### Clayton students are permitted to run in Clayton-based tickets in the following forms:

###### an LLB Administration ticket, which may consist of:

one candidate for President;

one candidate for Secretary / Director (LLB Administration);

one candidate for Treasurer;

one candidate for Sponsorship Officer;

up to two candidates for Assistant Treasurer;

one candidate for LLB Marketing Officer; and

one candidate for Social Media Officer.

###### a Careers ticket, which may consist of:

one LLB candidate for Director (Careers);

up to four LLB candidates for Careers Officer; and

up to two LLB candidates for Publications (Careers) Officer.

###### an LLB Activities ticket, which may consist of:

one candidate for Director (LLB Activities);

up to two candidates for LLB Activities Coordinator;

up to two candidates for LLB Functions Officer;

one candidate for First Year Officer (Female);

one candidate for First Year Officer (Male); and

one candidate for LLB Peer Mentor Coordinator.

###### an LLB Competitions ticket, which may consist of:

one candidate for Director (LLB Competitions);

up to two candidates for LLB Judge Liaison; and

up to four candidates for LLB Competitions Officer.

###### an LLB Education ticket, which may consist of:

one candidate for Director (LLB Education);

one candidate for LLB Tutorials Officer;

one candidate for Publications (Education) Officer;

one candidate for International Student Officer;

one candidate for Academic Support Officer;

one candidate for Disability & Wellbeing Officer; and

one candidate for Street Law Coordinator.

###### a Social Justice & Equity ticket, which may consist of:

one LLB candidate for Director (LLB Social Justice & Equity);

one LLB candidate for Publications (Equity) Officer;

one LLB candidate for Women’s Officer;

one LLB candidate for POC Officer;

one LLB candidate for Indigenous Officer

one LLB candidate for Queer Officer; and

up to two LLB candidates for Just Leadership Program Coordinator.

##### City Chambers students are permitted to run in City Chambers-based tickets in the following forms:

###### a Postgraduate Administration ticket, which may consist of:

one candidate for President;

one candidate for Director (Postgraduate Administration);

one candidate for Treasurer;

one candidate for Sponsorship Officer;

up to two candidates for Assistant Treasurer; and

one candidate for Postgraduate Marketing Officer.

###### a Careers ticket, which may consist of:

one Postgraduate candidate for Director (Careers);

up to two Postgraduate candidates for Careers Officer; and

up to two Postgraduate candidates for Publications (Careers) Officer.

###### a Postgraduate Activities ticket, which may consist of:

one candidate for Director (Postgraduate Activities);

up to two candidates for Postgraduate Functions Officer; and

one candidate for Postgraduate Peer Mentor Coordinator.

###### a Postgraduate Competitions ticket, which may consist of:

one candidate for Director (Postgraduate Competitions);

one candidate for Postgraduate Judge Liaison; and

up to three candidates for Postgraduate Competitions Officer.

a Postgraduate Education ticket, which may consist of:

one candidate for Director (Postgraduate Education);

one candidate for Postgraduate Tutorials Officer;

one candidate for Postgraduate Publications (Education) Officer;

one candidate for Postgraduate Academic Advocacy Officer;

one candidate for Postgraduate International Student Officer; and

one candidate for Postgraduate Disability & Wellbeing Officer.

###### a Social Justice & Equity ticket, which may consist of:

one Postgraduate candidate for Director (Social Justice & Equity);

one Postgraduate candidate for Queer Officer;

one Postgraduate candidate for Women’s Officer;

one Postgraduate candidate for Indigenous Officer

one Postgraduate candidate for POC Officer; and

up to two Postgraduate candidates for Just Leadership Program Coordinator.

##### No joint nominations are permitted.

##### No candidate may endeavour to align themselves with or endorse in any way another candidate or ticket, including by way of the use of similar ticket names or series of names, similar colour schemes or logos. Endorsements are not permitted on posters or campaign material.

##### Candidates may run on a partly filled ticket as described in rule 3(b).

### 5 Nominations

##### An ordinary member may nominate themselves or another ordinary member.

##### Nominations will only be accepted from ordinary members for candidates who will be enrolled at a Victorian campus of the University for the term of office of the Executive or Portfolio Committee position for which the candidate is being nominated.

##### All nominations must be submitted to the RO via email to returningofficer@monashlss.com.

##### Nominations must be on the official nomination form that will be available from the LSS Office or LSS Website. Photocopies will be accepted.

##### Nominations will open and close on the dates provided in Appendix 3.

##### All individuals or tickets must be nominated before commencing any campaigning.

##### All candidates must be nominated in accordance with the procedure outlined in this regulation.

##### In accordance with the Rules of Association, each candidate may nominate for only one position.

### 6 Voting

##### Voting will take place on the times and dates set out in Appendix 3.

##### In accordance with the Rules of Association, no member who paid their membership fee less than 14 days prior to the opening of voting shall be able to vote.

##### No prospective candidate or ticket may encourage or offer any incentive for non-members to join the Association for the dominant purpose of voting a particular candidate or ticket, or otherwise engage in conduct to unfairly ‘stack’ the membership of the Association.

### 7 Vote counting

##### Counting will be final from the close of the ballot at 5:00pm on Friday 9 September.

##### The RO will be Chief Counter and in all situations the decision of the RO is final.

##### Each candidate or ticket may appoint one scrutineer who may be given supervised access to the administrator account of the online election. Candidates are not permitted to be present when votes for their position are counted.

##### The voting method in the election is optional preferential voting.

### 8 Appeals

##### A candidate may appeal a decision of the RO to an appeal committee, on a full merits review basis, made up of any three (3) of the following:

###### one member of the Executive not standing for election; or

###### the Immediate Past President of the Association; or

###### a member of the Clubs & Societies Executive; or

###### one past Council member currently registered as a legal professional in the State of Victoria.

##### On appeal, the appeal committee shall overturn a decision of the RO only if, in its opinion, the decision is manifestly wrong.

##### The RO must be able to be present at a meeting of the appeal committee and/or be able to make a submission to the committee.

## — Campaign Conduct

### 9 Participation in election campaigns

##### Only validly nominated candidates may campaign in the elections.

##### No candidate can authorise, encourage or cause another person to campaign on their behalf, unless that person is on the same ticket.

### 10 Authorisation of material

##### All material must be authorised by a validly nominated candidate.

##### The person who authorises the material is responsible for ensuring that it complies with these Regulations.

##### That person who authorises the material will be held responsible by the RO for any breach of these Regulations.

##### Any action resulting from a breach of these Regulations will be made against the person who authorised the material personally or that person’s ticket.

### 11 Posters

##### (1) No ticket or candidate may use posters on any poster pillar, faculty notice board, within any toilet or any other space inside or surrounding the Law Faculty building.

### 12 Physical campaigning

##### (1) Physical campaigning is prohibited at any date, time or location during the Election Period.

### 13 Distributing material

##### (1) No material may be physically handed out to voters at any date, time or location during the Election Period.

### 14 Campaigning through media

##### A ticket or candidate may not display material designed to procure votes or further the campaign of that ticket or candidate before the date specified in Appendix 3 for the beginning of campaigning.

##### Any media used by a ticket or candidate must be brought to the attention of the RO before it is displayed or, if that is not possible, as soon as practical after it has been published.

###### The content of campaigning via electronic messages, including text messages and Facebook messages, must be brought to the attention of the RO before it is sent to any LSS members, except for other candidates.

##### Media includes electronic media such as text messaging, email, websites, internet social utility networks (including Facebook, Instagram, Twitter, Snapchat and web blogs).

### 15 LSS Website

##### Tickets or candidates may provide the RO with a link to any campaign-related media (including a campaign Facebook event and/or Instagram page), to be displayed on the LSS Website once campaigning begins.

## — Prohibited Conduct

### 16 Causing another person to engage in prohibited conduct

##### No ticket or candidate may authorise, encourage, promote or otherwise cause another person to engage in any Restricted Conduct.

##### A ticket or candidate that authorises, encourages, promotes or otherwise causes another person to engage in any Restricted Conduct may be subject to penalties as if they had engaged in the conduct themselves.

### 17 Breach of any law or regulation

##### In the course of the campaign, no candidate or campaigner may break any law or regulation under common law or statute, of the Law Students’ Society or of Monash University.

### 18 Defacement of property

##### No ticket or candidate may deface Law Students’ Society or University Property.

##### No ticket or candidate may deface property of any other partial ticket or candidate.

### 19 Interference with teaching and learning

##### No campaign materials or posters are to be placed in or on any building as specified in these regulations.

##### No ticket or candidate may interrupt any university lecture, tutorial, workshop or meeting, including engaging in ‘lecturing bashing’.

* + - * 1. No ticket or candidate may interrupt any LSS tutorial, revision seminar or other event, for the purposes of campaigning.

### 20 Harassment and intimidation

##### No candidate may harass or intimidate another candidate or campaigner.

##### Altercations regarding issues outside the scope of the election campaign of both candidates will prima facie be regarded as not constituting harassment or intimidation.

##### However, if, in the opinion of the RO, an altercation is motivated by issues regarding the election, has been raised as an issue as part of a candidate’s campaign, or is otherwise not in the spirit of the elections in accordance with Regulation 1(1) then this may result in the disqualification of the candidate or other measures.

### 21 Interference with other candidates

##### (1) No candidate may interfere in any way with any candidate’s or ticket’s material, including any electronic material (e.g. websites, bogs or social networking pages).

### 22 Passing off

##### (1) No partial ticket or candidate is to forge, pass off or attempt to forge or pass off the material of any other candidate or ticket.

### 23 Vote incentives

##### A candidate must not give away or sell to any non-candidate any food, drink, lollies, t- shirts, stickers, badges, or any material designed to procure votes and/or to further his or her campaign (or that of his or her ticket).

##### A candidate must not cause or encourage a non- candidate to wear, to display or to use any food, drink, t-shirts, stickers, badges or other material which is, in any way, designed to procure votes or further the campaign of that candidate (or that of his or her ticket).

### 24 Music and amplification

##### No music or motor vehicles shall be used by a ticket or candidate as part of their campaign.

##### The use of any amplification equipment is not permitted.

### 25 Chalk-ups

##### (1) No ‘Chalk-ups’ are permitted.

### 26 Fraudulent statements

##### (1) No candidate may make fraudulent statements, in word or print, in order to further their campaign. This includes exaggeration or lying with regard to Monash Law Students’ Society involvement, qualifications, or previous experience.

### 27 Use of LSS resources

##### No ticket or candidate may use any of the resources of the LSS to promote themselves nor may any campaigner use these resources to assist a candidate or ticket.

##### These resources include the LSS Office, iPad, telephone and printing resources of the LSS.

##### Current LSS office bearers are not to use their current positions to benefit themselves, their ticket, or any candidate or ticket. If they wish to run or campaign then they must do so in their personal capacity.

##### No candidate or ticket may use the membership list of the LSS as part of their campaign strategy.

### 28 Contact lists

##### (1) No ticket or candidate may use a contact list in any way that breaches the National Privacy Principles. This includes using membership lists of other organisations to further their campaign in any way.

### 29 Unfair advantage

##### No candidate or ticket may engage in conduct that has the purpose of deceiving, misleading or otherwise gaining an unfair advantage over another candidate. This includes deceiving other candidates about their intentions regarding the election or election campaign.

##### Conduct will prima facie be considered not to breach this rule, unless it is plainly evident from the nature of the conduct that is has the dominant purpose of deceiving, misleading or otherwise gaining an unfair advantage over another candidate.

## — Effect of Breaches of these Regulations

### 30 Breach of Regulations

##### Any breach of these Regulations, upon ‘reasonable proof’ of that breach, may result in the disqualification of that candidate or ticket.

##### Penalties for any breach are at the discretion of the RO, and may include warnings or remedial declarations. Any such warning given to a candidate on a ticket is a warning to the whole ticket.

##### The RO has absolute discretion to impose any penalty that they deem appropriate.

##### The above stated rules are binding on all candidates validly nominated for election.

##### Any breach of the rule may result in the disqualification of that candidate.

##### If, in the opinion of the RO, the conduct of a ticket or independent candidate is such that a breach of these rules has occurred then the whole ticket or independent candidate may be disqualified.

# APPENDIX 1 — RELEVANT EXCERPTS FROM THE LSS RULES OF ASSOCIATION (CONSTITUTION)

### Who is eligible to be an executive member

##### A member is eligible to be elected or appointed as an executive member if the member—

###### is an ordinary member entitled to vote under rule 12(2); and

###### is enrolled for the duration of the term at a Victorian campus of the University, in a course of study administered by the Faculty; and

###### has not had their membership rights suspended;

###### is 18 years or older on the date they would take office;

###### has not been removed from office in accordance with these Rules or the Portfolio By-Laws;

###### has a substantial attendance at a Monash campus in Victoria, for the duration of the term, as defined in rule 49A.

##### In addition to subrule (1) above—

###### a candidate for the position of President must have served on the Council for at least one full term;

###### a candidate for the position of Treasurer must have served as an Assistant Treasurer;

###### candidates for the positions of Secretary, Director (LLB Activities), Director (LLB Competitions), Director (LLB Education) and Director (LLB Social Justice & Equity) must be Clayton students;

###### candidates for the positions of Director (Postgraduate Administration), Director (Postgraduate Activities), Director (Postgraduate Competitions), Director (Postgraduate Education) and Director (Postgraduate Social Justice & Equity) must be City Chambers students.

##### In addition to subrule (1) above, the two Directors (Careers) must include one Clayton student and one City Chambers student.

##### Where nominations have not been received from eligible members for the positions listed in subrule (2), any other ordinary member eligible under subrule (1) above may be a candidate.

##### No person may hold more than one position listed in rule 45(2).

#### Substantial Attendance

##### A ‘substantial attendance’ shall be met unless—

##### a member will be absent from the Monash campus at which they are enrolled for four continuous academic weeks; or

##### a member will not be present at the Monash campus at which they are enrolled for more than one week during which they are required as part of their role; or

##### a member is not able to commit to fulfil all that is required of their role for the entirety of the term as defined in these Rules or the Portfolio By-Laws.

##### For the avoidance of doubt, an application for an Exchange Program is deemed to be proof of a failure to fulfil the role for the purposes of subrule 1(c), unless by operation of rule 49B.

##### Any other question of ‘substantial attendance’ shall be determined by a meeting of the Executive.

#### Exchange

##### If a member has applied for an Exchange Program that will take place during the term of office, the Executive must be notified within 7 days.

##### Failure to notify the Executive within 7 days may be grounds for disciplinary action and/or may be a factor in the Executive’s decision making.

##### The Executive may engage its powers under this rule if it has reasonable belief that a member has applied, or will apply for an Exchange Program.

##### The Executive retains the sole discretion to determine appropriate action on a case by case basis.

##### The member in question may make a statement at the Executive Meeting, or submit a statement to be read at the Executive Meeting.

##### If the position held by the member in question is shared with another person, that person may also make a statement at the Executive Meeting.

##### Any Executive member may make a statement at the Executive Meeting, or submit a statement to be read at the Executive Meeting.

##### After all statements are presented to the Executive, the Executive may discuss the appropriate action. A vote by show of hands or secret ballot shall determine the action.

##### Appropriate action includes but is not limited to:

##### encouraging the member to withdraw the Exchange Program application;

##### determining that the member has not, or will not meet their substantial attendance and has therefore vacated office, in accordance with rule 56(2)(e), and the Executive does not feel it is appropriate in the circumstances for the member to be removed.;

##### removing the member from office;

##### determining that the member has, or will meet their substantial attendance requirements;

##### choosing to take no further action at present;

##### choosing to take no further action in the future;

##### requesting further information as the Executive sees fit; or

##### delaying any decision for an agreed period of time.

##### Any decision made by the Executive must be made:

##### by simple majority, including, if applicable, a decision to take no action under this section; or

##### by two-thirds majority where the decision is to remove the member.

##### For the avoidance of doubt, removal from office under this rule has the same effect as rule 57.

#### Appeal rights

##### A person who has been removed under rule 49B may give notice to the effect that they wish to appeal.

##### The notice must be in writing and given—

###### to the Executive immediately after the vote to suspend or expel the person is taken; or

###### to the Secretary not later than 48 hours after the vote.

##### If a person has given notice under subrule (2), an appeal meeting must be convened by the Executive as soon as practicable, but in any event not later than 15 academic days, after the notice is received.

##### Notice of the appeal meeting must be given to the person appealing the decision of the Executive, the C&S Executive and to each ordinary member of the Association who is entitled to vote at least 14 days prior to the disciplinary appeal meeting and must—

###### specify the date and time of the meeting, which must be held on an academic day; and

###### state—

the name of the person who has been removed; and

the grounds for taking that action; and

that at the appeal meeting the members present must vote on whether the decision to remove the person should be upheld or revoked.

##### The location must be given to the person appealing the decision of the Executive, the C&S Executive and each ordinary member of the Association who is entitled to vote at least 7 days before the disciplinary appeal meeting

##### At an appeal meeting—

###### no business other than the question of the appeal may be conducted;

###### the Immediate Past President, unless they self-disqualify or have a material personal interest, in which case an ordinary member—

elected by and from the ordinary members present; and

who is not an executive member; and

who is not the person who is appealing the decision of the Executive—

###### shall preside as chair for the duration of the appeal meeting

###### the Executive must state the grounds for removing the member and the reasons for taking that action; and

###### the person who has been removed must be given an opportunity to be heard.

##### After complying with subrule (1), the ordinary members present and entitled to vote at the meeting must vote by secret ballot on the question of whether the decision to suspend or expel the person should be upheld or revoked.

##### The chair, members of the Executive and the person who is appealing the decision of the Executive must not vote.

##### A member may not vote by proxy at the meeting.

##### The decision is upheld if not less than three quarters of the ordinary members voting at the meeting vote in favour of the decision.

##### The Executive shall ensure that minutes of the appeal meeting are taken and submitted to the C&S Executive within 7 days.

### 50 Returning Officer

##### The Returning Officer shall be appointed by the Executive at least 6 weeks prior to the opening of Election Nominations.

##### The Secretary shall be appointed the Returning Officer unless the Executive resolves otherwise, or the Secretary self disqualifies.

##### Upon receiving a written request to do so from 5 executive members, the C&S Executive shall supervise the Returning Officer and election.

##### The Returning Officer must be a Clayton student at the time of appointment.

##### The Returning Officer shall not—

###### be a candidate;

###### endorse a candidate; or

###### vote—

###### in an election over which they preside.

##### The Returning Officer shall review the Election Regulations and propose amendments to be considered at an SGM in accordance with rule 33(2)(a).

### 51 Positions to be declared vacant

##### Provided that quorum is present, the Returning Officer of the annual general meeting must declare all positions on the Executive vacant at a specified date, subject to subrule (3).

##### Where quorum is not present, the Chairperson must adjourn the meeting under rule 38(3)(b).

**Note:** Where quorum is not present at the annual general meeting adjourned under rule 38(3)(b), the meeting may proceed if quorum was present under rule 38(4).

##### Unless otherwise agreed to by the majority of ordinary members present at the annual general meeting, the specified date shall be 1 October.

### 52 Nominations

##### In August each year, the Returning Officer must call for nominations of candidates for election as members of the Executive.

##### In order to be nominated for a position, an ordinary member of the Association must—

###### be nominated and seconded in writing by ordinary members who are entitled to vote at a general meeting; and

###### accept the nomination in writing.

##### A candidate may only consent to nomination for one position on the Executive at any election.

##### The Returning Officer must publicly display the names of the candidates and the position for which they are nominated as soon as practicable before the election.

### 53 Election of executive members

##### Separate ballots must be held for each of the following positions—

President;

Secretary;

Director (Postgraduate Administration);

Treasurer;

Director (Careers);

Director (Social Justice & Equity);

Director (LLB Activities);

Director (LLB Competitions);

Director (LLB Education);

Director (Postgraduate Activities);

Director (Postgraduate Competitions);

Director (Postgraduate Education); and

##### If only one member is nominated for the position, the Returning Officer of the meeting must declare the member elected to the position.

##### If more than one member is nominated, a vote must be held in accordance with rule 54.

### 54 Election Procedure

##### Voting must be conducted by secret ballot either—

###### through an online voting platform, for a period no shorter than 2 academic days, and no longer than 1 academic week following the close of nominations; or

###### for at least 4 hours on two academic days in the week following the close of nominations at a polling place as determined in the Election Regulations.

##### The mode of voting as set out in subrule (1) above is to be determined in the Election Regulations.

##### In the event of any equality of votes for any one position, the tie will be resolved in accordance with the Election Regulations.

##### The Returning Officer is to announce the names of the candidates elected and their respective positions at the annual general meeting.

##### The conduct of the election will be governed by the Election Regulations.

# APPENDIX 2 — RELEVANT EXCERPTS FROM THE LSS PORTFOLIO BY-LAWS

## Division 2 — Election of Portfolio Committee members and tenure of office

### Who is eligible to be a Portfolio Committee Member

##### A member is eligible to be elected or appointed as a Portfolio Committee member if the member—

###### is an ordinary member entitled to vote under rule 12(2) of the Rules, and

###### is enrolled for the durations of the term at a Victorian campus of the University; and

###### has not had their membership rights suspended;

###### is 18 years or older on the date they would take office;

###### has not been removed from office in accordance with these By-Laws or the Rules of Association;

###### has a substantial attendance at a Monash campus in Victoria, for the duration of the term, as defined in rule 9.

##### In addition to subrule (1) above—

###### a candidate for an LLB position as listed under subrules 4(1)(c), (d), (e), (f), (g), and (h) must be a Clayton student; and

###### a candidate for a Postgraduate position as listed under subrules 4(2)(a), (b), (c), (d), (e) and (f) must be a City Chambers student.

1. For the avoidance of doubt, candidates for the position of Just Leadership Program Coordinator as listed under subrule 4(1)(viii) may be either Clayton students or City Chambers students.

##### In addition to subrules (1) and (2) above—

###### a candidate for the position of LLB First Year Officer (Female) must identify as female and be in their first year of study in the LLB;

###### a candidate for the position of LLB First Year Officer (Male) must identify as male and be in their first year of study in the LLB;

###### a candidate for the position of LLB Peer Mentor Coordinator must have previously been a Peer Mentor in the Peer Mentor Program;

###### a candidate for the position of LLB and Postgraduate International Student Officer must be an international student;

###### a candidate for the position of Women’s Officer must identify as female;

###### a candidate for the position of LLB or Postgraduate Disability & Wellbeing Officer must identify as having a disability, chronic illness or other impairment. This includes (but is not limited to):

Physical disability

Sensory disability

Neurological or cognitive disability

Intellectual disability

Anxiety disorders and depression

Visible disability and invisible disability

Permanent disability and dynamic disability

###### The Officer need not demonstrate a diagnosis; they simply must identify with the community;

###### a candidate for the position of Queer Officer must identify as LGBTIQ+ (Lesbian, Gay, Bisexual, Transgender, Intersex, Queer or other);

###### a candidate for the position of POC Officer must identify as a person of colour;

###### candidates for the position of Just Leadership Program Coordinators must be alumni of the Just Leadership Program;

###### a candidate for the position of Indigenous Officer must identify as being of Aboriginal or Torres Strait Islander descent; and

###### a candidate for the position of Street Law Coordinator must have participated in the program in at least one of the previous two years as either a Street Law Facilitator, Coordinator or Deputy Coordinator.

##### In addition to subrules (1) and (2) above—

###### the two Sponsorship Officers must include one Clayton student and one City Chambers student;

###### the six Careers Officers must include four Clayton students, and two City Chambers students;

###### the two Queer Officers must include one Clayton student and one City Chambers student;

###### the two POC Officers must include one Clayton student and one City Chambers student

##### Where nominations have not been received from eligible members for the positions listed in subrule (3) above, any other ordinary member eligible under subrule (1) above may be a candidate.

##### No person may hold more than one position listed in rule 4(3).

### Substantial Attendance

##### A ‘substantial attendance’ shall be met unless—

###### a member will be absent from the Monash campus at which they are enrolled for four continuous academic weeks during a semester; or

###### a member will not be present at the Monash campus at which they are enrolled for more than one week which they are required as part of their role; or

###### a member is not able to commit to fulfil all that is required of their role for the entirety of the term as defined in these By-Laws or the Rules of Association.

##### For the avoidance of doubt, an application for an Exchange Program is deemed to be proof of a failure to fulfil the role for the purposes of subrule 1(c), unless by operation of rule 9A.

##### Where the executive is satisfied that subrule 9(1)(c) does not apply, the Executive may resolve that the application of subrule 9(1)(a) and/or 9(1)(b) does not result in the member not meeting ‘substantial attendance’.

##### In the circumstances referred to in subrule (3) above, the Executive must be satisfied that the member will be able to fulfil their duties to an appropriate degree despite their absence.

##### In making the determination referred to in subrule (4) above, the Executive must consider—

##### The duties of the role; and

##### The period of absence; and

##### The timing of the absence; and

##### The experience and capabilities of the member; and

##### Any other factor it deems relevant.

##### Any other question of ‘substantial attendance’ shall be determined by a meeting of the Executive.

#### 9A Exchange

##### If a member has applied for an Exchange Program that will take place during the term of office, the Executive must be notified within 7 days.

##### Failure to notify the Executive within 7 days may be grounds for disciplinary action and/or may be a factor in the Executive’s decision making.

##### The Executive may engage its powers under this rule if it has reasonable belief that a member has applied, or will apply for an Exchange Program.

##### The Executive retains the sole discretion to determine appropriate action on a case by case basis.

##### The member in question may make a statement at the Executive Meeting, or submit a statement to be read at the Executive Meeting.

##### If the position held by the member in question is shared with another person, that person may also make a statement at the Executive Meeting.

##### Any Executive member may make a statement at the Executive Meeting, or submit a statement to be read at the Executive Meeting.

##### After all statements are presented to the Executive, the Executive may discuss the appropriate action. A vote by show of hands or secret ballot shall determine the action.

##### Appropriate action includes but is not limited to:

##### encouraging the member to withdraw the Exchange Program application;

##### determining that the member has not or will not meet their substantial attendance and has therefore vacated office, in accordance with rule 16(2)(e), and the Executive does not feel it is appropriate in the circumstances for the member to be removed.;

##### removing the member from office;

##### determining that the member has, or will meet their substantial attendance requirements;

##### choosing to take no further action at present;

##### choosing to take no further action in the future;

##### requesting further information as the Executive sees fit; or

##### delaying any decision for an agreed period of time.

##### Any decision made by the Executive must be made:

##### by simple majority, including, if applicable, a decision to take no action under this section; or

##### by two-thirds majority where the decision is to remove the member.

##### For the avoidance of doubt, removal from office under this rule has the same effect as rule 17.

##### A member will be taken to have been removed from office if they vacate office under rule 16 for the purposes of undertaking an Exchange Program, except as otherwise decided by the Executive under this rule.

### 10 Returning Officer

##### The Returning Officer shall be appointed by the Executive at least 6 weeks prior to the opening of Election Nominations.

##### The Secretary shall be appointed the Returning Officer unless the Executive resolves otherwise, or the Secretary self disqualifies.

##### Upon receiving a written request to do so from 5 executive members, the C&S executive shall supervise the Returning Officer and election.

##### The Returning Officer must be a Clayton student at the time of appointment.

##### The Returning Officer shall not—

##### be a candidate;

##### endorse a candidate; or

##### vote—

in an election over which they preside.

##### The Returning Officer shall review the Election Regulations and propose amendments to be considered at an SGM in accordance with rule 33(2)(a) of the Rules of Association.

### 11 Positions to be declared vacant

##### Provided that quorum is present, the Returning Officer of the annual general meetings must declare all positions on the Portfolio Committees vacant at a specified date, subject to subrule (3).

##### Where quorum is not present, the Chairperson must adjourn the meeting under rule 38(3)(b) of the Rules of Association.

##### Unless otherwise agreed to by the majority of ordinary members present at the annual general meeting, the specified date shall be 1 October.

### 12 Nominations

##### In August each year, the Returning Officer must call for nominations of candidates for election as members of the Portfolio Committees.

##### In order to be nominated for a position, an ordinary member of the Association must—

##### be nominated and seconded in writing by ordinary members who are entitled to vote at a general meeting; and

##### accept the nomination in writing.

##### A candidate may only consent to nomination for one position on any Portfolio Committee at any election.

##### The Returning Officer must publicly display the names of the candidates and the position for which they are nominated as soon as practicable before the election.

### 13 Election of Portfolio Committee members

##### Separate ballot must be held for each of the positions listed in rule 4(3).

##### If the same number of, or fewer, members are nominated for a position than there are positions to be filled, the Returning Officer of the meeting must declare the nominated member, or members, elected to the position/s.

##### If more members are nominated for a position than there are positions to be filled, a vote must be held in accordance with rule 14.

### 14 Election Procedure

##### Voting must be conducted by secret ballot either—

##### through an online voting platform, for a period no shorter than 2 academic days, and no longer than 1 academic week following the close of nominations; or

##### for at least 4 hours on two academic days in the week following the close of nominations at a polling place determined in the Election Regulations.

##### The mode of voting as set out in subrule (1) above is to be determined in the Election Regulations.

##### In the event of any equality of votes for any one position, the tie will be resolved in accordance with the Election Regulations.

##### The Returning Officer is to announce the names of the candidates elected and their respective positions at the annual general meeting.

##### The conduct of the election will be governed by the Election Regulations.

### 15 Term of Office

##### Subject to subrule (3), rule 56, 57 and 58 of the Rules of Association, a portfolio committee member holds office until the positions of the Executive are declared vacant at a specified date at the next annual general meeting.

##### A portfolio committee member may be re-elected.

##### A general meeting of the Association may elect an eligible ordinary member of the Association to fill a vacant position in accordance with this Division.

### 16 Vacation of Office

##### A portfolio committee member may resign from the Portfolio Committees by giving written notice specifying the date of cessation to the President and/or Secretary.

##### A person ceases to be a portfolio committee member if they—

##### cease to be a student enrolled in course of study administered at the Clayton Campus or City Campus;

##### is not enrolled in a unit of study at a Victorian campus of the University;

##### ceases to be a member of the Association; or

##### fails to attend 3 consecutive council meetings (other than special or urgent council meetings) without apology to the Secretary; or

##### fail to maintain a substantial attendance as defined in rule 9.

##### The Portfolio Committees may continue to act despite any vacancy in its membership.

### 17 Removal from office

##### A portfolio committee member may be removed from office at a Special Council Meeting if two-thirds of the council vote in favour of the removal.

##### Special Council Meeting in subrule (1) refers to a meeting of the council that has—

been called by a majority of the Executive, including at least one of the President or Secretary; and

has been called with at least 14 days’ notice.

##### The portfolio committee member in question may make a statement at the Special Council Meeting, or submit a statement to be read at the Special Council Meeting.

##### The Executive may make a statement at the Special Council Meeting, or submit a statement to be read at the Special Council Meeting.

##### If the position held by the portfolio committee member in question is shared with another person, that person may also make a statement at the Special Council Meeting.

##### After all statements are presented to the Council, a vote by show of hands or secret ballot shall determine if the portfolio committee member is removed from office.

# APPENDIX 3 — ELECTION SCHEDULE FOR 2023

**Election Information Session** – 1:00pm, Monday 14 August

**Nominations open** – 5:00pm, Wednesday 16 August

**Nominations close** – 5:00pm, Monday 21 August

**Campaigning begins** – 5:00pm, Sunday27 August

**Voting opens** – 9:00am, Wednesday 30 August

**Voting closes** – 5:00pm, Friday 1 September

**Election results are announced at the conclusion of the Annual General Meeting** – Monday 4 September

**New Executive and Portfolio Committees take office** – Sunday 1 October