



Swinburne Student Association

Election Regulations

Owner	Board of Directors
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Election Regulations

Scope

These regulations apply to the administration and conduct of the SSA Annual Elections (including dealing with casual vacancies that may arise).

1. Election Officials

1.1 The Returning Officer

- 1.1.1 The FARMRC (or Board) must appoint a person to act as Returning Officer for the SSA Annual Elections.
- 1.1.2 Where the FARMRC (or Board) do not resolve to appoint a Returning Officer by the third Friday of July, the Company Secretary (or in their absence the CEO) must appoint a Returning Officer.
- 1.1.3 The Returning Officer shall hold office from the date of the Notice of Elections until the Declaration of Results is issued.
- 1.1.4 The Returning Officer for the annual elections shall be paid remuneration for work conducted.
- 1.1.5 The Returning Officer must provide a written report to the CEO within 30 days of the Declaration of Results of the election.
- 1.1.6 The Returning Officer must decide questions of fact on a balance of probabilities basis.
- 1.1.7 The Returning Officer for the annual elections must not be a current Swinburne student, Board member, SSA employee or anyone closely associated with a candidate as determined by the Board of Directors.
- 1.1.8 The Returning Officer may only be removed by Special Resolution of the Board of Directors once appointed.

1.2 Powers delegated to the Returning Officer, poll clerks and related election officials

- 1.2.1 The Returning Officer is empowered to manage and conduct the annual elections and may decide on any electoral matters not provided for in connection with these Regulations.
- 1.2.2 The Returning Officer is empowered to delegate their authority to act on their behalf to any poll clerk or election official.
- 1.2.3 All appointed elected officials must adhere to 1.1.7 of these Regulations.

1.3 The Electoral Tribunal

- 1.3.1 The FARMRC (or Board) shall appoint the Electoral Tribunal alongside the appointment of the Returning Officer for the annual elections.
- 1.3.2 The Electoral Tribunal shall consist of three members appointed by the Board, comprising:
 - 1.3.2.1 a Chair who is a nominee of the DVC EEE
 - 1.3.2.2 a member who is a staff member of the Law School recommended by the Dean of Swinburne Law School; and
 - 1.3.2.3 a person who is external of the University.
- 1.3.3 Where Swinburne does not provide a nomination for a position on the Electoral Tribunal by the deadline prescribed by the Board, the Board shall appoint a suitable person(s) to fill the positions.
- 1.3.4 Each member of the Electoral Tribunal must not be an employee of the SSA, a Board member, Swinburne student or a person closely associated with any election candidate as determined by the Board of Directors.
- 1.3.5 The Electoral Tribunal's powers and scope are set out under 'Appeals' in the Regulations and are limited to this scope.

2. Administration

2.1 The Electoral Roll (SSA Electorate)

- 2.1.1 Swinburne University must make available to the CEO an electronic form of the SSA Electorate to conduct the SSA Annual Election.
- 2.1.2 The Electoral Roll shall consist of all Swinburne Students that are eligible to vote after the Census Date of the Higher Education Academic Period in which the election is conducted (or the earliest possible date to Census Date where impracticable to obtain from Swinburne).
- 2.1.3 The Returning Officer, with the assistance of the CEO, must request the SSA Electorate roll no later than the day that nominations open.
- 2.1.4 All enrolled Swinburne students, as defined by Swinburne University, are eligible to vote in the election. Enrolment status is determined based on the roll (and or supporting evidence) produced by Swinburne University.
- 2.1.5 The Returning Officer is empowered to request and or obtain information about the enrolment status of a candidate standing for Student Director (including President or Vice President) where the roll is released prior to Census Date, so as to confirm the eligibility to stand prior to the declaration of results.

2.2 The Electoral Timetable

2.2.1 The FARMRC (or Board) must either concurrently with or prior to the appointment of the Returning Officer:

2.2.1.1 Set out the key dates and times for the annual election including the date of the Declaration of Provisional Results, the appeal period, and the date of the Declaration of Final Results; and

2.2.1.2 Provide for polling to be open for at least four consecutive days during the higher education academic period.

2.2.1.3 In the event the FARMRC (or Board) does not set out a polling timetable by the end of July of the calendar year, the Company Secretary (or the CEO in their absence) must set out the election timeline and appoint a Returning Officer in accordance with these Regulations.

2.2.1.4 The election must be conducted on a timetable that ensures that the results are determined at least two weeks prior to the Annual General Meeting.

2.3 Notice of Election

2.3.1 The Returning Officer must publish the Notice of Election through the following communication channels:

2.3.1.1 Website and social media tools used by the SSA;

2.3.1.2 email to persons who have signed up for our communications (or where approved by Swinburne, the SSA Electorate); and

2.3.1.3 any other means deemed possible.

2.3.2 The Notice of Election must contain the following information:

2.3.2.1 The date(s) for when nominations open and close;

2.3.2.2 Information about the position(s) for nomination and eligibility requirements where applicable.

2.3.2.3 The date(s) for when tickets open and close; and

2.3.2.4 The date(s) for when voting opens and closes.

2.4 Nominations

2.4.1 Administration

2.4.1.1 Nominations must open at least four weeks before the first day of voting

2.4.1.2 Nominations must close at least two weeks before the first day of voting and not less than seven days after nominations open.

2.4.1.3 The positions to be elected are set out in both the Notice of Election and Candidate Handbook.

2.4.1.4 The opening and closing of nomination deadlines (including any additional information needing to be lodged with the Returning Officer) must be set out on the nomination form.

- 2.4.1.5 The Returning Officer shall consider all nominations received before the close of nominations. The Returning Officer must accept all valid nominations that satisfy the requirements of these Regulations.
- 2.4.1.6 Candidates may withdraw their nomination at any time prior to the commencement of polling. The Returning Officer must be satisfied that a withdrawal is bona fide and has been completed by the nominating candidate before accepting the withdrawal.
- 2.4.1.7 Within forty-eight hours of the closure of nominations the Returning Officer must issue a notice that lists the nominations received for each position.
- 2.4.1.8 The Returning Officer must reject nominations that:
- 2.4.1.8.1 are made by persons that are not eligible to be a candidate for the position to which they have nominated.
 - 2.4.1.8.2 are not compliant with these regulations; or
 - 2.4.1.8.3 fail to satisfy the Returning Officer that they are bona fide.
- 2.4.1.9 Where the number of accepted eligible candidates for any position does not exceed the number to be elected, the Returning Officer must declare, as soon as practicable after the close of nominations, those candidates provisionally elected.
- 2.4.1.10 All nominated candidates must attend an in-person training or information session. The session must include the expectations of candidate behaviour, these Regulations, and relevant University policies and guidelines.
- 2.4.1.11 The Returning Officer may exempt a nominated candidate from the requirement under clause 2.4.1.10 to attend the session in person where the candidate lodges with the Returning Officer, before the session or within such time as the Returning Officer determines, a statutory declaration that satisfies the Returning Officer that the candidate is unable to attend. Where the Returning Officer grants an exemption:
- 2.4.1.11.1 the Returning Officer may require the candidate to complete the content of the session by an alternative method the Returning Officer considers appropriate, including by reviewing the session materials and confirming in writing that they have done so; and
 - 2.4.1.11.2 the candidate is taken to have satisfied clause 2.4.1.10 in respect of that session.
- 2.4.1.12 The Board shall approve designated electioneering zones on each campus, and must provide detailed maps of those zones to all candidates before the start of the election period.

2.4.1.13 As part of the nomination process, the Returning Officer must provide each candidate with a copy of the Regulations that set out the expected standards of conduct during the election period.

2.4.2 Eligibility

- 2.4.2.1 All current Swinburne Students (as identified on the Electoral Roll), subject to any additional criteria set out under each category under the sub-sections of these Regulations, are eligible to nominate for Student Director, Swinburne Student Council or National Union of Student position(s).
- 2.4.2.2 A Swinburne Student who is a Director of the Company (other than the President or Vice President) is not eligible for election to or to hold the office of Swinburne Student Council Member.
- 2.4.2.3 A person who is an elected student member on the Swinburne University Council or the elected student members of the Swinburne's Academic Senate cannot simultaneously hold office as the President or Vice President.
- 2.4.2.4 A Swinburne Student whose anticipated graduation date falls earlier than two months before the conclusion of the term of office shall be ineligible.

2.4.3 Student Directors

- 2.4.3.1 There are four Student Directors to be elected to the Board of Directors. At least half of the Directors must be elected in an odd and even calendar year respectively.
- 2.4.3.2 A Swinburne Student is entitled to be a candidate for the election of Student Director #1 and Student Director #2 where they:
 - 2.4.3.2.1 Study in Australia;
 - 2.4.3.2.2 Attend Swinburne solely or primarily as a student and are not also a student or staff member at another university; and
 - 2.4.3.2.3 are studying the equivalent of full-time load at the point of nomination and for the duration of their term.
- 2.4.3.3 A nominee must also:
 - 2.4.3.3.1 complete the form prescribed by the Returning Officer which at least contains a statement confirming they will execute their duties as a Board Director,
 - 2.4.3.3.2 be endorsed by two Swinburne Students in support of their candidature; and
 - 2.4.3.3.3 submits a statutory declaration confirming that:
 - 2.4.3.3.3.1 They will attend the mandatory election briefing training session as prescribed by the Company Secretary (or CEO) or Board as outlined in

the Notice of Election, unless granted an exemption by the Returning Officer under clause 2.4.1.11;

2.4.3.3.2 Comply with their obligations as a Board Director in accordance with relevant laws;

2.4.3.3.3 And Commit to attending the Annual General Meeting and Induction Program where they are elected.

2.4.3.4 For the avoidance of doubt, the term of office for a Student Director is for a period of two years, commencing from 1 November of the calendar year and concluding on the last day of October of the second calendar year from which they're elected.

2.4.4 The President and Vice President

2.4.4.1 A Swinburne Student is entitled to be a candidate for either the position of President or Vice President where they:

2.4.4.1.1 Study in Australia; and

2.4.4.1.2 are studying the equivalent of four units per semester or full-time load (whichever is higher) at the point of nomination and for the duration of their term; and

2.4.4.1.3 Attend Swinburne solely or primarily as a student and are not also a student or staff member at another university.

2.4.4.2 A nominee must also:

2.4.4.2.1 complete the form prescribed by the Returning Officer which at least contains a statement confirming they will execute their duties as a Board Director,

2.4.4.2.2 be endorsed by two Swinburne Students in support of their candidature; and

2.4.4.2.3 submits a statutory declaration confirming that:

2.4.4.2.3.1 They will attend the mandatory election briefing training session as prescribed by the Company Secretary (or CEO) or Board of Director as outlined in the Notice of Election , unless granted an exemption by the Returning Officer under clause 2.4.1.11;

2.4.4.2.3.2 Comply with their obligations as a Board Director in accordance with relevant laws;

2.4.4.2.3.3 And commit to attending the Annual General Meeting and Induction Program where they are elected.

2.4.4.3 For the avoidance of doubt, the term of office for the President and Vice President is for a period of one year commencing from 1 November of the calendar year and concludes on the last day of October of the following calendar year.

2.4.5 Swinburne Student Council

2.4.5.1 A Swinburne Student is entitled to be a candidate for the election of a Swinburne Student Council position where they:

- 2.4.5.1.1 complete the form prescribed by the Returning Officer;
- 2.4.5.1.2 attend the mandatory election briefing training session as prescribed by the Company Secretary (or CEO) or Board of Director as outlined in the Notice of Election, unless granted an exemption by the Returning Officer under clause 2.4.1.11;
- 2.4.5.1.3 meets and attests to meeting any additional eligibility requirements as set out under the position description and responsibilities in the Candidate Handbook;
- 2.4.5.1.4 Study in Australia; and
- 2.4.5.1.5 Attends Swinburne solely or primarily as a student and are not also a student or staff member at another university for the duration of their term.

2.4.5.2 For the avoidance of doubt, the term of office for a Swinburne Student Council Member is for a period of one year, commencing from 1 November of the calendar year and concluding on the last day of October of the following calendar year.

2.4.5.3 A nominee for the Swinburne Student Council must sign a declaration to fully participate in and complete the Induction Program before being eligible to receive any honorarium. Where a member elected to the Swinburne Student Council fails to complete the SSA Induction Program by 30 November of the calendar year, their position on the Swinburne Student Council will automatically be voided.

2.4.6 National Union of Students (NUS) Delegate

2.4.6.1 A Swinburne Student is entitled to stand for the election of National Union of Students (NUS) Delegate where they complete the form prescribed by the Returning Officer and meet any eligibility criteria outlined by NUS.

2.5 Tickets

*Tickets are only applicable to the election of the National Union of Student (**NUS**) delegates and the Swinburne Student Council.*

2.5.1 A group of candidates may apply to have their name or names set out on the ballot paper under the name of a ticket.

2.5.2 Ticket registrations must:

- 2.5.2.1 contain the full name, student number and contact details of each candidate;
- 2.5.2.2 contain a nominee against each eligible position for election across each distinct group to be elected;

2.5.2.3 and be supported by 20 Swinburne Students who provide their full name, student number and sign in support of the ticket registration.

2.5.3 For the purposes of this clause:

2.5.3.1 a Swinburne Student must not be a signatory for more than one ticket registration; and

2.5.3.2 regardless of the validity of any ticket, if a member has supported two or more ticket registrations, that person will not count to the number of required supporters for any of the ticket registrations.

2.5.4 A ticket name must not:

2.5.4.1 be misleading, deceptive or offensive;

2.5.4.2 incorporate the name of an organisation (including a club, society or collective);

2.5.4.3 contain the word 'independent'

2.5.4.4 be so similar to the name 'SSA' or 'Swinburne' or any department or division as to be confused or mistaken with that name;

2.5.4.5 be longer than three words;

2.5.4.6 be the same as, or similar to, any other ticket name; or

2.5.4.7 be contrary to law; or

2.5.4.8 be previously registered in the past five annual elections (unless written consent is provided by the last known Authorised Officer of the registered ticket name).

2.5.4.9 a name of a country of origin or proposed state.

2.5.5 As soon as practicably possible, the Returning Officer must, after receiving a ticket registration:

2.5.5.1 verify that the ticket registration complies with the Regulations; and

2.5.5.2 notify the ticket registrant whether the ticket has been accepted or rejected.

2.6 The Candidate Handbook

2.6.1 The Candidate Handbook shall set out the positions to be elected to the Swinburne Student Council as well as their duties and responsibilities. The Handbook shall also set out the duties and responsibilities of Student Directors.

2.6.2 The Candidate Handbook shall be made available on the SSA website prior to the release of the Notice of Election. The omission or failure to produce the Candidate Handbook on the SSA website does not impact on the administration or conduct of the annual election.

2.7 Forms

2.7.1 The Company Secretary (or CEO in their absence) may provide administrative support for the annual election to the Returning Officer at the time of their appointment.

- 2.7.2 Notwithstanding Clause 2.7.1, where a form contains an omission or procedural irregularity and or is not available, the Returning Officer can exercise their power to do whatever is appropriate and necessary to administer the election according to their will (subject to these Regulations).
- 2.7.3 Where a document may be required to be completed by participant(s) in the annual election, it must be:
- 2.7.3.1 Published on the SSA website;
 - 2.7.3.2 Available from the SSA office; and or
 - 2.7.3.3 Available from the Returning Officer upon request
- 2.7.4 Where a form may be submitted to the Returning Officer, it must be submitted in writing to the specified email address on the form.
- 2.7.5 Any form lodged in connection with the election must be received from a Swinburne Student email address in order for it to be considered by the Returning Officer.

3. Voting (Polling)

3.1 Administration

- 3.1.1 Voting must be conducted via a secret ballot.
- 3.1.2 Voting shall be conducted by either attendance polling, or, online polling using an electronic voting system approved by the Company Secretary (or CEO), preferably with consultation of the Returning Officer, from the opening of voting to the closing of voting.
- 3.1.3 Board of Directors must determine, by resolution, the voting method to be used in the annual election. Where a decision is not made by resolution prior to the appointment of the Returning Officer, attendance voting method will prevail.
- 3.1.4 For the avoidance of doubt, attendance voting is defined as students on the Electoral Roll that are identified as being enrolled at the Hawthorn campus. All other domestic campuses shall be treated as online and receive an online voting entitlement.
- 3.1.5 Only Swinburne Students on the Electoral Roll will be entitled to a vote and each voter is entitled to vote once in the election.
- 3.1.6 The ballot order of candidates will be randomised. In the case of a ticket in the case of the election of Swinburne Student Council and National Union of Students (NUS) Delegates, the order will either be randomised or in order of ticket registration success (whichever is easier to administer).
- 3.1.7 In the case of the election of the Swinburne Student Council and National Union of Students (NUS) delegates, the voting method must be conducted using optional preferential voting.
- 3.1.8 In the case of the election of Student Directors (including the President and Vice President), these positions must be set out as individual positions to be elected and are elected using the first-past-the-post voting method.

- 3.1.9 Notwithstanding clause 3.1.4, a Swinburne Student who is identified on the Electoral Roll as enrolled at the Hawthorn campus may apply to the Returning Officer to be issued an online voting entitlement in place of voting by attendance.
- 3.1.10 The Returning Officer is empowered to provide for and to administer applications made under the clause above, and for that purpose may:
 - 3.1.10.1 prescribe the form and method by which an application must be made;
 - 3.1.10.2 set and publish the date and time at which such applications open and the date and time at which they close, provided that applications must close before the opening of voting;
 - 3.1.10.3 determine whether an applicant is eligible to be issued an online voting entitlement; and
 - 3.1.10.4 issue an online voting entitlement to an approved applicant, who is then to be treated as an online voter for the purposes of clause 3.2 and is not entitled to cast a vote by attendance.

3.2 Methodology

- 3.2.1 In the case of online polling (including campuses considered 'online' where an attendance voting method is determined as per clause 3.1.4, every eligible voter in that poll must be sent an email to their Swinburne student email address before the opening of the poll that contains:
 - 3.2.1.1 a link to complete their online vote which is only active after polls are open.
 - 3.2.1.2 instructions for completing their online vote.
 - 3.2.1.3 a message that provides the contact details of the Returning Officer and states that they should be contacted if a member is unable to cast their online vote.
 - 3.2.1.4 a link to the website which shall host authorised policy statements, candidate photos and how to votes for both registered tickets and individual candidates.
- 3.2.2 In the case of attendance voting, every eligible voter in that poll must be provided with a ballot pack in the order set out under Clause 3.2.5.
- 3.2.3 The Returning Officer must provide each candidate with an opportunity to submit:
 - 3.2.3.1 A 200-word policy statement;
 - 3.2.3.2 A photo; and
 - 3.2.3.3 A how to vote.
- 3.2.4 The Returning Officer has the power to reject a Candidate's statement (with no requirement to provide time to amend) using the same ticket registration conditions set out under Clauses 2.5.4.1, 2.5.4.2, 2.5.4.3 or 2.5.4.7.
- 3.2.5 The ballot papers in the following order (where applicable) and as distinct groupings:
 - 3.2.5.1 The election of the Board of Directors (including the President and Vice President);

- 3.2.5.2 The election of the Swinburne Student Council; and
- 3.2.5.3 The election of the National Union of Students (NUS) Delegates
- 3.2.6 A voter must indicate their voting intention by marking a ballot paper/s using one of the following methods:
 - 3.2.6.1 Placing a number against the name of a candidate (or ticket where applicable); or
 - 3.2.6.2 Placing a number above the line on a ballot paper to indicate a preference for candidates of a ticket;
 - 3.2.6.3 Or Placing a number against the name of a candidate of first preference and any consecutive numbers against the names of as many other candidates of lower preference in order of their choice.
 - 3.2.6.4 Where a voter indicates a preference for both the name of a candidate and a preference for the name of a ticket, the preference for the ticket will stand and the preference for the candidates must be treated as if it were left blank.
- 3.2.7 Counting votes
 - 3.2.7.1 Votes shall be counted as soon as practically possible by the Returning Officer (and or nominated poll clerks) after the close of polling.
 - 3.2.7.2 Votes must be counted in accordance with the following procedure:
 - 3.2.7.2.1 each ballot paper must first be given the value of 1;
 - 3.2.7.2.2 the value of each ballot paper must be allocated to the continuing candidate (or ticket) against whose name appears the lowest number on the ballot paper;
 - 3.2.7.2.3 a ballot paper which does not show a valid preference for at least one continuing candidate is exhausted and may not be allocated further;
 - 3.2.7.2.4 a quota must be calculated at each stage of counting by dividing the total value of ballot papers allocated to continuing candidates by one more than the number of positions remaining to be filled and rounding up the answer so obtained in the sixth decimal place; and
 - 3.2.7.2.5 if at any stage of counting a continuing candidate is allocated a value in excess of the quota; that candidate must be declared elected and each ballot paper allocated to that candidate must be given a new value obtained by multiplying its current value by the candidate's transfer value;
 - 3.2.7.2.6 if at any stage of counting no continuing candidate is allocated a value in excess of the quota, the candidate with the lowest value must be eliminated;
 - 3.2.7.2.7 If there are two or more candidates with an equal value and no candidate has a lower value at an earlier stage of counting, the Returning Officer must determine by lot which of these candidates is to be eliminated; and

3.2.7.2.8 in the event a candidate withdraws, dies or resigns their membership after the closure of registrations – the value of each ballot paper showing a current preference for that candidate will be allocated to the continuing candidate as if that candidate did not exist, unless the ballot paper does not show a valid preference and would therefore exhaust and not be allocated further.

3.2.7.3 For the purposes of this section of the regulations:

3.2.7.3.1 “continuing candidate” means a candidate who has neither been elected nor eliminated;

3.2.7.3.2 “stage of counting” means when all ballot papers which have not been exhausted have been allocated to continuing candidates; and

3.2.7.3.3 “candidate’s transfer value” is the elected candidate’s value, less the quota at that stage of counting, all divided by the elected candidate’s value.

3.2.7.4 for the purposes of this section of the Regulations, a voter who votes for a ticket will take precedence over all other methods.

3.2.7.5 Informal votes:

3.2.7.5.1 may only be ruled informal by the Returning Officer; and

3.2.7.5.2 must only be ruled informal if:

3.2.7.5.2.1 the voter’s intention is not clear; or

3.2.7.5.2.2 It is not cast in accordance with these Regulations.

3.2.7.6 In the event of a tie, the Returning Officer must:

3.2.7.6.1 recount the ballots for that position;

3.2.7.6.2 where the ballots following a recount remain a tie, the Returning Officer must determine by lot which of the candidates are to be eliminated and declare the remaining candidate elected.

3.2.7.7 The Returning Officer must declare the election as soon as practically possible after the counting of voting is concluded.

3.2.8 Recount

3.2.8.1 The Returning Officer shall recount the votes for any position where they determine there is a possibility that a recount may alter the result, or:

3.2.8.2 A candidate may request a recount in writing prior to the declaration of the poll. Where a candidate seeks to draw on this clause, The Returning Officer must be satisfied that a recount will alter the result, and, has the power to decline the request for a recount with no recourse.

3.2.9 Results (including Declaration of Results)

- 3.2.9.1 Once the vote has been counted the Returning Officer shall announce and publish the Declaration of Provisional Results by:
 - 3.2.9.1.1 Emailing all candidates informing them of the outcome; and
 - 3.2.9.1.2 Uploading the results to the SSA website; or
 - 3.2.9.1.3 Whatever other location deemed suitably appropriate.
- 3.2.9.2 The Returning Officer shall provide three days after the date and time of the Declaration of Provisional results to provide for reasonable time to query the conduct of the count and to lodge any appeal.
- 3.2.9.3 The Returning Officer shall make the Declaration of Final Results in the event where:
 - 3.2.9.3.1 No outstanding issue involving a breach of either these Regulations or Constitution is able to be found; and
 - 3.2.9.3.2 No complaint or appeal remains pending for decision.

4. Prohibited Conduct

4.1 Conduct

- 4.1.1 All conduct in an election that is likely to mislead or deceive a voter is prohibited.
- 4.1.2 All campaign material must be authorised by the Returning Officer and contain the name and student ID of the student authorising the material.
- 4.1.3 The following conduct is prohibited:
 - 4.1.3.1 providing false information to the Returning Officer, the Electoral Tribunal or otherwise acting in a dishonest manner
 - 4.1.3.2 interfering with equipment used to administer the election or with materials issued or held by the Returning Officer
 - 4.1.3.3 violating the secrecy of the ballot
 - 4.1.3.4 interfering with publicity issued by candidates
 - 4.1.3.5 making or distributing publicity that can be considered to likely be offensive or misleading
 - 4.1.3.6 the offering of any item or service of value to induce a member to either participate in the election, not participate in the election, or to vote a certain way during the election
 - 4.1.3.7 attempting to impede the right of a member to participate in an election
 - 4.1.3.8 phone banking, being the coordinated or systematic making of telephone calls to students from a Swinburne originating contact list for an election-related purpose
 - 4.1.3.9 the use of the resources of the Association, a club or society to support any election activity, including but not limited to, the use of a Club social media page to promote a candidate or candidates in an election.
 - 4.1.3.10 damaging property of the Association or Swinburne University
 - 4.1.3.11 campaigning by persons who are not current Swinburne University students
 - 4.1.3.12 campaigners not enrolled as current Swinburne University students;
 - 4.1.3.13 campaigning without displaying a current Swinburne student card
 - 4.1.3.14 failing to comply with a determination or order of the Returning Officer or the Electoral Tribunal
 - 4.1.3.15 impeding the good conduct of the election
 - 4.1.3.16 distributing publicity that has not been approved by the Returning Officer
 - 4.1.3.17 campaigning in a Swinburne library or a designated exclusion zone as listed on the SSA website.
 - 4.1.3.18 Failure to attend the mandatory election briefing as set out in the Notice of Election, where no exemption has been granted under clause 2.4.1.11
- 4.1.4 Any person or group that creates the following after the Notice of Election is issued:
 - 4.1.4.1 Group or group chat with more than 20 users;

- 4.1.4.2 Page on a social media platform or account; or
- 4.1.4.3 A website;
- 4.1.4.4 Must provide the Returning Officer with a link to the created group or page.

4.2 Defamation

- 4.2.1 The SSA does not indemnify any person against liability for defamation in connection with the election or these Regulations

4.3 Powers of the Returning Officer

- 4.3.1 The Returning Officer may, whether they find that there has been a breach to these regulations or not, make any such determinations or orders as they deem appropriate, including:
 - 4.3.1.1 verbal warnings; or
 - 4.3.1.2 disqualifying a member from participating in that or any future election; or
 - 4.3.1.3 disqualification of candidates supported by non-Swinburne students; or
 - 4.3.1.4 percentage penalty of a ticket's total primary vote; or
 - 4.3.1.5 disqualification of the Ticket; or
 - 4.3.1.6 any other action.
- 4.3.2 The Returning Officer is empowered to draw an inference of association in connection with exercising the powers set out under Section 4 of these Regulations and applying a penalty to more than one person where they can be reasonably satisfied that a causal link or pattern is able to be established. This could include:
 - 4.3.2.1 Evidence in the form of photographic or written evidence establishing a connection with a candidate(s) standing for election as individuals but are associated to a group in connection with the act or content that is the subject of.

4.4 Penalty Schedule

4.4.1 The following penalty schedule is designed to provide guidance to the Returning Officer when considering the potential penalty against a founded breach:

Relevant prohibited conduct	Penalty scale
Providing false information to the Returning Officer, the Electoral Tribunal or otherwise acting in a dishonest manner.	Suspension up to disqualification.
Interfering with equipment used to administer the election or with materials issued or held by the Returning Officer.	Suspension up to disqualification.
Violating the secrecy of the ballot.	Suspension of campaigning for a day during polling week.
Interfering with publicity issued by candidates.	Suspension of campaigning for a day during polling week.
Making or distributing publicity that can be considered to likely be offensive or misleading.	Suspension of campaigning for a day during polling week.
The offering of any item or service of value to induce a member to either participate in the election, not participate in the election, or to vote a certain way during the election.	Suspension up to disqualification..
Failure to display their Swinburne Student card as a campaigner.	Warning on first breach. Suspension of campaigning for six hours on subsequent breach and scaled to a full day during polling week for each further breach.
Attempting to impede the right of a member to participate in an election.	Suspension of campaigning for a day during polling week.
The use of the resources of the Association, a club or society to support any election activity, including but not limited to, the use of a Club Social media page to promote a candidate or candidates in an election.	Suspension of campaigning for a day during polling week with the power to disqualify a ticket or person for multiple breaches or based on severe breach found.
Campaigners must be enrolled Swinburne University student and campaigning by persons who are not current Swinburne University students.	Suspension of campaigning for between six hours and a calendar day linked to the person or ticket that the person(s) are campaigning for.

Failing to comply with a determination or order of the Returning Officer or the Electoral Tribunal.	Suspension of campaigning for multiple days and or disqualification.
Distributing publicity that has not been approved by the Returning Officer.	Suspension of campaigning for between six hours and a calendar day.
Campaigning in a Swinburne library or designated exclusion zone as listed on the SSA website.	Suspension of campaigning for between six hours and a calendar day.
Damaging property of the Association or Swinburne University.	Disqualification.
Failure to attend the mandatory election briefing session as set out in the Notice of Election, where no exemption has been granted under clause 2.4.1.11	Disqualification

5. Complaints and Appeals

5.1 Complaints process

- 5.1.1 Any student may report a breach to these regulations to the Returning Officer, and this must be done in writing.
- 5.1.2 The student who has reported a breach to these regulations must:
 - 5.1.2.1 Provide written reasons for doing so to the Returning Officer.
 - 5.1.2.2 State the clause or clauses that are alleged to have been breached
 - 5.1.2.3 State the person or ticket that the alleged complaint is lodged against.
- 5.1.3 Any person (or authorised officer in the case of a ticket) who is alleged to have committed a breach to these regulations must be given the opportunity to respond to such allegations to the Returning Officer.
- 5.1.4 The Returning Officer may hear submissions on a breach to these regulations from any other interested person as they deem necessary.

5.2 Appeals against the Decision of the Returning Officer

- 5.2.1 A candidate may appeal a decision of the Returning Officer within twenty-four hours of the original decision being made and communicated to all parties, or, unless a candidate appeals in accordance with clause 3.2.9.2 .
- 5.2.2 The Returning Officer may appeal under this regulation against their own decision if subsequently satisfied it was wrong and if the decision is not otherwise able to be reversed.

- 5.2.3 A determination by the Returning Officer in connection with enrolment eligibility and or clauses 4.1.3.11, 4.1.3.12 4.1.3.18 or 3.1.5 of these Regulations are unable to be appealed to the Electoral Tribunal.

5.3 The Powers of the Electoral Tribunal

- 5.3.1 The Electoral Tribunal must provide a decision as soon as practically possible and on matters of fact on a balance of probabilities basis.
- 5.3.2 The Electoral Tribunal shall act by way of hearing according to their own discretion and in whatever format they desire.
- 5.3.3 The Electoral Tribunal may:
- 5.3.3.1 Dismiss a matter;
 - 5.3.3.2 Refer a matter to the Returning Officer for review, management or a new decision;
 - 5.3.3.3 Overturn the decision of the Returning Officer, and:
 - 5.3.3.3.1 Take no action; or
 - 5.3.3.3.2 Substitute a new decision;
- 5.3.4 The Tribunal shall make any orders or directions that are fair and reasonable in accordance with these Regulations (with regard to ensuring any order or direction does not materially adversely impact upon the election outcome).
- 5.3.5 If the appeal is lodged during polling, the Electoral Tribunal, must, where possible, make a determination within 48 hours.

5.4 Convening the Electoral Tribunal

- 5.4.1 The Tribunal must:
- 5.4.1.1 only hear matters that have already been considered by the Returning Officer; and
 - 5.4.1.2 only hear matters provided in the requisite period of time prescribed.

5.5 Procedure and scope for the Electoral Tribunal

- 5.5.1 The procedure for considering a matter shall require that:
- 5.5.1.1 the appellant submits an appeal to the tribunal within the requisite period of time prescribed in these Regulations;
 - 5.5.1.2 a copy of the application is also provided to the Returning Officer at the time of lodgement;
 - 5.5.1.3 the Returning Officer is provided with an opportunity to respond; and
 - 5.5.1.4 the tribunal determines it is reasonable to consider the matter.
- 5.5.2 Any appeal to the tribunal must:
- 5.5.2.1 be in writing;
 - 5.5.2.2 set out a concise statement of facts and all relevant information;
 - 5.5.2.3 specify the specific breach; and

- 5.5.2.4 provide a payment of \$150 for costs to be lodged to the SSA office.
- 5.5.3 The payment set out in 5.5.2.4 is refundable where the Electoral Tribunal makes a determination that is in favour of the appeal. The payment is forfeited to the SSA in a situation where an adverse decision is made.
- 5.5.4 For the purposes of this section, “period of time” means within 24 hours of a decision made by the Returning Officer.
- 5.5.5 The onus of proof lies with the complainant and all supporting material concerning the complaint must also be lodged at the time that the appeal is lodged.
- 5.5.6 The determination of the Electoral Tribunal shall be final.

5.6 Decision-making processes of the Tribunal

- 5.6.1 The Electoral Tribunal acts as a panel of its members. A decision reached in accordance with this clause 5.3 is the decision of the Electoral Tribunal for all purposes under these Regulations.
- 5.6.2 The Chair presides at every hearing and deliberation of the Electoral Tribunal.
- 5.6.3 A quorum for hearing and determining a matter is two members, one of whom must be the Chair. The Electoral Tribunal must not hear or determine a matter unless a quorum is present.
- 5.6.4 Each member present has one vote, and a matter is decided by a majority of the members present and voting. Where the members are unable to reach a majority on the outcome of a matter (including where their votes are equally divided), the decision of the Chair prevails.
- 5.6.5 If a member is unable to act in relation to a matter — whether by reason of absence, incapacity, or a conflict of interest — the remaining members may hear and determine the matter provided a quorum is maintained. Where a quorum cannot be maintained, the CEO shall appoint a replacement member (including a replacement Chair) in accordance with clause 1.3.2.
- 5.6.6 A member who has, or could reasonably be perceived to have, a conflict of interest in relation to a matter must disclose it to the other members and take no further part in deciding that matter.

6. General Provisions

- 6.1 Any amendment or change to these Regulations must be made by resolution of the Board of Directors.
- 6.2 No act, decision or election is invalid only by virtue of a technical breach that did not affect the outcome of the election.
- 6.3 To the extent that there is an inconsistency between these Regulations and the NUS Constitution relating to the manner in which elections for delegates to the National Union of Students are conducted, the former shall prevail.
- 6.4 The Returning Officer is empowered to implement any measures to ensure the orderly and timely conduct of the annual election that are not defined in these Regulations but must comply with the Constitution.

7. Board and Swinburne Student Council Vacancies

7.1 Student Director vacancy

- 7.1.1 The CEO (or delegate) will be empowered to act as Returning Officer to give effect to this procedure and assist the Board of Directors to fill a Student Director vacancy within 28 days as required under the Constitution.
- 7.1.2 Where a vacancy in the Office of President or Vice President arises, the Board must first consider a current Student Director as a potential nominee to fill the vacancy before enacting the Student Director vacancy procedure.
- 7.1.3 Upon confirmation of a Student Director vacancy, and where the vacancy is two or more months from the Annual General Meeting, the CEO (or delegate) shall promptly notify the Swinburne Student Council, via email correspondence, and throughout whatever reasonable means necessary to seek nominations to fill the vacancy.
- 7.1.4 An Expression of Interest (**EOI**) form shall be issued alongside the notification by the CEO (or delegate) including the following information:
 - 7.1.4.1 The responsibilities and eligibility requirements to nominate as a Student Director;
 - 7.1.4.2 Term length (i.e., remainder of the original term);
 - 7.1.4.3 Application closing date (minimum of five calendar days from date of expressions opening);
 - 7.1.4.4 and Submission instructions (in the form of a 200 word statement of interest and set fields obtaining relevant information to support onboarding for successful applicant(s).
 - 7.1.4.5 All EOIs received must be assessed by the CEO (or delegate) for eligibility in accordance with these Regulations.
 - 7.1.4.6 Any candidate deemed ineligible under these Regulations shall be exempt from the complaints and appeals process set out under these Regulations and the Board notified as part of the outcome. The decision by the CEO (or delegate) will be final (save for a Board resolution).
 - 7.1.4.7 All candidates must then referred to 'Nominations Committee' for assessment and a nominee selected.
 - 7.1.4.8 The CEO (or delegate) shall inform all applicants of the outcome in writing upon receipt of the Board resolution, and, the appointed person(s) will be recorded in accordance with the applicable meeting procedure.
- 7.1.4.8 In accordance with the adopted Board resolution, the Nominations Committee is comprised of the President, Vice President and a Student Director.

7.2 Swinburne Student Council vacancy

- 7.2.1 This section of the Regulations shall only apply where two or more vacancies arise more than two months out from an Annual General Meeting, or, where the President requests that a vacancy, in writing to the CEO, be filled in accordance with these clause(s).
- 7.2.2 The CEO (or delegate) shall be empowered to act as the Returning Officer to give effect to this procedure.
- 7.2.3 Where a vacancy arises involving a school-based academic position, the position will remain vacant for the duration of the term of office.
- 7.2.4 The CEO (or delegate) shall call for an Expression of Interest amongst Swinburne Students notifying them of the following information and inviting them to apply for a vacancy:
- 7.2.4.1 The position, eligibility criteria and responsibilities/duties;
 - 7.2.4.2 Term length (i.e. remainder of the original term);
 - 7.2.4.3 Application closing date (minimum of five calendar days from date of expressions opening); and
 - 7.2.4.4 Submission instructions (in the form of a 250-word statement of interest and set fields obtaining relevant information to support onboarding for successful applicant(s))
- 7.2.5 All EOIs received must be assessed by the CEO for eligibility in accordance with these Regulations.
- 7.2.6 A vote will then be conducted through an electronic voting system determined by the CEO (or delegate).
- 7.2.7 The voting method set out in these Regulations alongside the election publicity and prohibited conduct provisions (where applicable) will be in effect from the time of voting opening until they close (where applicable).
- 7.2.8 Any candidate deemed ineligible or an appeal in connection with a recount under these Regulations shall be exempt from the complaints and appeals process set out under these Regulations. The decision by the CEO (or delegate) will be final.
- 7.2.9 The CEO (or delegate) shall inform all applicants of the outcome in writing upon receipt of the Board resolution, and, the appointed person(s) will be recorded in accordance with the applicable meeting procedure.
- 7.2.10 The CEO (or delegate) may exempt themselves from certain rules around publication and notification to give effect to an orderly and timely outcome.
- 7.2.11 The CEO (or delegate) shall inform all applicants of the outcome in writing.

8. Definitions

FARMRC	Means the Finance, Audit, Risk Management and Remuneration Committee established under clause 9.2.1. of the SSA Constitution
Full-time load	Full-time load for the purposes of these Regulations means four units.
Higher Education Academic Period	means days during the Higher Education or TAFE study periods set out by Swinburne and excludes Saturdays, Sundays or days which fall outside this defined period.
NUS	National Union of Students - Peak representative body for higher education students
SSA Electorate	means Swinburne Students who are at the Census Date immediately before the relevant election (or closest to the date of the Census Date): a) enrolled in a Swinburne vocational or higher education course of 6 months or longer in duration; b) predominantly based at a campus of Swinburne in Australia (other than Swinburne Sydney); or c) enrolled through a Swinburne vocational or higher education course of 6 months or longer in duration which is delivered online and resident in Australia.
SSA	Swinburne Student Association
Student Directors	a Director who is a person meeting the requirements of clause 6.2.1(b) of
Swinburne Student	means students enrolled at Swinburne University