GUILD
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REGULATIONS
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I. DEFINITIONS

601 (1) (a) In these regulations unless the context or subject matter otherwise indicates or requires,

Annual general election means the annual election referred to in regulation 620 for the positions listed in schedule 1 of these regulations.

Authoriser means the person submitting election material for approval.

Committee means the Election Committee.

Complaint includes any charge or complaint.

Day means any 24 hour period reckoned from and to midnight and includes Public Holidays, University Holidays and weekends.

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

Disputed return in these regulations a disputed return is defined as an allegation as to the invalidity of an election by way of-

(a) the breach of, or non-compliance with, one or more of these regulations sufficient to influence the outcome of the election;

(b) an act of misconduct by a person, either specified or not, sufficient to influence the outcome of an election;

(c) an act in breach of the law of the State or the Commonwealth for the time being sufficient to influence the outcome of an election.

Distribute includes the publication, display or handing out of material.

Distributor means a person who proposes to distribute election material.

Election includes any Guild election for a position set out in Schedule 1 or a position in any election or referendum administered by the Guild under these regulations or the position of a student member of the University Senate.

Election Official means a member of the Election Committee.

Election Material means any written, printed or photographic material including 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, or content of any Guild publication, subsidiary publication or broadsheet provided that such material has been distributed during an election period and provided that such material directly supports any candidate and has the purpose of causing or not causing the election of any candidate.

Election Period means the period of time from the opening of nominations to the lodgement of the Returning Officer’s final report.

Electoral Official includes the Returning Officer or Substitute Returning Officer, Electoral Assistant, Election Official, Election Tribunal Member and Secretary and anyone else to whom duties are delegated by the Returning Officer or Substitute Returning Officer under these regulations.

First Semester is the first semester of the University calendar of the year following the year the candidate takes office.

Formal Defect shall include only those errors or omissions which do not constitute a lack of substantial compliance.

Group Agent is the person appointed by a group of candidates to act on their behalf in relation to administrative matters and the participation of the group of candidates.

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Guild Administrator means the person employed by the Guild whose duties include administrative support for Guild elections.

Guild Regulations means those regulations made by the Guild according to University statute.

Guild Services includes printing, typing, photographic, photocopying, lithographic processes and staff time.

Member means any Guild Member.

Minute book means the record book maintained by the Election Committee.

Misconduct In these regulations misconduct is defined as conduct on the part of a specified person which;
(a) is a breach of a specific prohibition, a breach of these regulations, or an offence under these regulations;
(b) is a breach or willful non-compliance with a ruling, order or determination validly made by the Returning Officer, an electoral Official of member of the Committee; or
(c) interferes with the rights of a person to participate in an election.

Nomination includes any candidate's nomination for one or more than one position.

Ordinary Electoral Roll means the electoral roll which lists the names of all students enrolled at this university.

Person includes a person who is not a Guild Member.

Polling Place includes a campus polling place and a special polling place.

Printing includes photocopying, plate, photographic, paper masters and other like processes.

Prescribed Areas means those areas set aside for the display of election material and includes any wall, rotunda, noticeboard, support or structure whether fixed or mobile and belonging to the Guild, the University, University residences or other body.

Public means that any document or hearing, as the case may be, is accessible by students and staff of the Guild only.

Public List means the list of candidates whose nominations have been accepted by the Returning Officer.

Referendum means the submission to the electors of a proposal and includes a referendum under these regulations and under Statute 20 made pursuant to the University of Western Australia Act.

Referendum Period means the period commencing on the day that the Election Notice is displayed and ending at the declaration of the poll.

Rounding Figures
- Any fraction greater than zero and less than .5 shall be rounded to zero.
- Any fraction equal to or greater than .5 but less than 1 shall be rounded to 1.
- Rounding of whole numbers shall follow the same principle.

Specified Person means a member of the Guild, a member or officer of a student society.

Student means a person enrolled in the university as a student.

Teaching Day means a day as defined above which is officially designated by the University as a day when classes are scheduled. The following are specifically excluded from the definition:
- any day which falls outside a semester designated by the University
- Public Holidays observed by the University, and Saturdays and Sundays
- days designated by the University as "free from class-contact"
2. INTERPRETATION

602 (1) Initial interpretations
(a) All initial interpretation of these regulations shall be made by the Returning Officer.

602 (2) "May" and "Shall" usage
(a) Where in these regulations the word "may" is used in conferring a power such word shall be interpreted to imply that the power so conferred may be exercised or not at discretion, and wherein a regulation the word "shall" is used in conferring a power such word shall be interpreted to mean that the power so conferred must be exercised.

602 (3) Powers to appoint to include revocation
(a) Where in these regulations a power or a duty to make appointments to an office or position is imposed on a person or body, unless the contrary intention appears, the power includes a power to remove or suspend a person appointed and to appoint another person temporarily in the place of the person suspended or in place of a sick or absent holder of the office or position.

602 (4) Precedence of electoral regulations over other regulations
(a) Where another regulation is inconsistent with these regulations the latter prevails and the former to the extent of inconsistency is invalid. The inconsistent regulation remains valid for all other purposes.

602 (5) Remedial action where appointments untimely
(a) Whenever in the regulations it is provided that appointment shall be made at a specific meeting of Guild Council and such appointment is not made, for whatever reason, the appointment shall be made at the earliest next meeting.

602 (6) Singular to mean the plural
(a) In these regulations unless the context otherwise requires each in the singular number is to be construed as including the plural number.

3. ADMINISTRATIVE APPOINTMENTS

603 RETURNING OFFICER/SUBSTITUTE RETURNING OFFICER

603 (1) Eligibility for appointment
(a) A Returning Officer and/or Substitute Returning Officer may be appointed by the Electoral Commissioner of the Western Australian Electoral Commission to conduct an election. In the event of an annual general election or any poll or referendum held in conjunction with the annual general election, Regulation 622(2) shall be complied with.

(b) Should the Electoral Commissioner be unable or unwilling to make such an appointment or should the Guild Council decide in the event of a poll or referendum not held in conjunction with the annual general elections that a returning officer and/or substitute returning officer need not be appointed by the Electoral...
Commissioner of Western Australia to conduct the election, the Guild Council shall appoint a Returning Officer and a Substitute Returning Officer.

(c) Any Returning Officer/Substitute Returning Officer appointed by the Guild Council must:-

(i) have demonstrated ability to undertake the task;
(ii) possess a high standard of organisational and communication skills; and
(iii) be impartial and publicly perceived as such

(d) The appointment of a Returning Officer or Substitute Returning Officer will not be effective until the person so appointed signs an undertaking that he or she will perform the duties associated with the poll impartially and in accordance with the spirit and detail required by these regulations.

603 (2) Disqualifications from appointment

(a) No person may be appointed Returning Officer or Substitute Returning Officer who is or was a:-

(i) member of the Guild within the last 5 years;
(ii) employee of the Guild or the University within the last 5 years; or
(iii) member of a political party registered at Federal or State level within the last 5 years.

603 (3) Form of appointment

(a) The Returning Officer and Substitute Returning Officer shall be appointed in writing by the Electoral Commissioner or the Guild President as the case requires.

603 (4) Mode of appointment

(a) The Electoral Commissioner (where that officer makes the appointment) or the Secretary of the Guild (where the Guild makes the appointment) will make arrangements for copies of the Instruments of Appointment and the declarations of the Returning Officer and Substitute Returning Officer to be displayed on the Guild Notice Board as soon as possible after such appointments have become effective.

603 (5) Time and duration of appointment

(a) A Returning Officer shall be appointed annually.

(b) The appointments of the Returning Officer and Substantial Returning Officers shall be effective from the date of the Instrument of Appointment until the declaration of all polls for which that officer has been appointed.

603 (6) Resignation from office

(a) A Returning Officer or Substitute Returning Officer may resign by lodging a written resignation with the Electoral Commissioner (where that officer made the appointment) or with the Secretary of the Guild Council (where that body has made the appointment).

(b) The resignation will be effective from the time and date it is received by the Electoral Commissioner or the Guild Secretary as the case requires.

603 (7) Revocation of appointment

(a) A Returning Officer or Substitute Returning Officer may have their appointment revoked at any time by the Electoral Commissioner, where that officer made the appointment.

(b) A Returning Officer or Substitute Returning Officer may have their appointment revoked at any time by the Guild Council, (where that body made the appointment), provided such a motion receives a two-thirds majority vote of the Guild Council at a meeting for which at least 48 hours notice of the motion has been given to members of the Guild Council.
603 (8) Casual vacancies

(a) In the event of a resignation or death of a Returning Officer/Substitute Returning Officer or excessive absence of either, a replacement will be appointed as soon as possible by the Electoral Commissioner or Guild Council, as the case requires.

603 (9) Remuneration

(a) The Guild will remunerate the Returning Officer and Substitute Returning Officer in accordance with the pay rates set and notified to the Guild President by the Electoral Commissioner.

(b) Pay rates for the Returning Officer and Substitute Returning Officer set by the Electoral Commissioner shall be identical to the contemporary rates for equivalent polling officials at State Elections.

(c) The Guild shall reimburse the Western Australian Electoral Commission for all costs incurred by that office in the conduct of a Guild election for which the Electoral Commissioner has appointed the Returning Officer.

604 CONSTITUTION AND JURISDICTION OF ELECTION TRIBUNAL

604 (1) For every election there shall be an Election Tribunal or equivalent.

604 (2)

(a) For any election for which the Returning Officer and/or Substitute Returning Officer is appointed by the Electoral Commissioner of the WAEC to conduct the election, the Commissioner shall perform the function of an Election Tribunal and shall deal with all disputes, complaints and charges of misconduct referred by the Returning Officer and with any complaints and charges of misconduct which relate to or are directly concerned with the Returning Officer.

(b) For any election for which the Returning Officer and/or Substitute Returning Officer is appointed by the Guild Council, an Election Tribunal shall be appointed, and shall hold office for the course of the election.

604 (3) An Election Tribunal appointed in terms of regulation 604 (2)(b) shall comprise:-

(a) a Chairperson who shall:-
   (i) be appointed by the Guild Executive;
   (ii) hold an LLB degree or the equivalent;
   (iii) be a legal practitioner holding an annual practice certificate; and
   (iv) not have been a candidate in a Guild election within the last ten years and

(b) two ordinary members who shall:-
   (i) be appointed by Guild Council by optional preferential ballot;
   (ii) hold an LLB degree or the equivalent; and
   (iii) not have been a candidate in a Guild election within the last ten years

604 (4) The Tribunal shall be appointed prior to the calling of nominations for an election and in any event shall be appointed before the last day of the first semester.

604 (5) A member of the Tribunal is disqualified from candidacy for the election during his/her term of office.

604 (6) The Tribunal has jurisdiction in relation to:-

(a) a disputed return concerning an election or part of an election; and

(b) misconduct during the course of an election by a specified person.

604 (7) The Tribunal may exercise its jurisdiction prior to or subsequent to the completion of an election.
605 COMPLAINTS AND CHARGES

605 (1) A disputed return and a charge of misconduct on the part of a person shall be lodged for determination by the Tribunal in the form of a written charge and shall be set out in the following form:-

(a) set out the facts relied on;
(b) be made and attested in writing by the person bringing the complaint or charge (the "complainant");
(c) be attested to in writing by 2 additional persons eligible to vote in the election in question; and
(d) include the full name, address and, if applicable, student number of the complainant and any members attesting to it.

605 (2) The attestation in the complaint or charge may be based on information and belief as long as the grounds of such information and belief are stated and need not be by way of statutory declaration or on oath or by affirmation.

605 (3) The Tribunal may require further written details from a complainant or person alleging misconduct.

605 (4) A candidate, electoral official or the committee (complainant) may lodge a complaint or a charge with the Secretary to the Tribunal.

605 (5) A complaint or charge shall not be received later than 5.00p.m. on the seventh day after the declaration of the Poll.

605 (6) The Tribunal may require further written details from a complainant or person alleging misconduct.

605 (7) A candidate, electoral official or the committee (complainant) may lodge a complaint or a charge with the Secretary to the Tribunal.

605 (8) A security deposit of $25.00 shall be lodged with each charge/petition and shall be forfeited to the Guild if, in the opinion of the Tribunal, the complaint is later deemed frivolous.

605 (9) No proceedings shall be had on the allegation unless requisites are complied with.

606 PROCEDURE

606 (1) The Tribunal shall:-

(a) determine a complaint or charge within one month of the lodging of the complaint or charge; and
(b) subject to these regulations conduct itself in accordance with the rules of natural justice.

606 (2) The Tribunal is: -

(a) not bound by the legal rules of evidence;
(b) solely responsible for its administration and proceedings; and
(c) able to adjourn

606 (3) A quorum of the Tribunal consists of the Chairperson and one other member. A decision or determination of the Tribunal is to be made by a majority decision.

606 (4) The Secretary of the Tribunal shall give five clear days notice by registered mail of a proposed tribunal hearing to the complainant, the person against whom the complaint or charge is made ("the respondent"), and any candidate or person declared to be elected for the election which is the subject of the disputed return. The said persons to whom the notification is to be given under this clause shall be referred to as "the parties."
606 (5) The Tribunal may permit, at any stage of the proceedings and on such terms as may be just, all such amendments to the allegation or other pleadings as shall appear to the Tribunal to be necessary or convenient.

606 (6) A person against whom a complaint or charge is lodged (respondent) may be represented before the Tribunal by another person.

606 (7) Hearings shall be public unless the Tribunal decides otherwise.

606 (8) The Tribunal may exclude all persons, including a respondent so that its members may confer privately with each other.

606 (9) The parties may call witnesses, examine and re-examine those witnesses and cross-examine witnesses called by other parties and address the Tribunal.

606 (10) The Tribunal may proceed in the absence of a party if satisfied that the person received notice under this regulation or if the Tribunal is satisfied that the interests of that party will not be affected by the proceedings or any determination, order or ruling of the Tribunal.

606 (11) Each determination of the Tribunal shall be reduced to writing and entered in the Minute Book.

606 (12) On the hearing of a complaint of misconduct, the Tribunal shall be satisfied of the matters alleged beyond reasonable doubt but on all other matters, including complaints or disputed returns, the Tribunal shall be satisfied on the balance of probabilities.

606 (13) The Tribunal members have no power of delegation.

606 (14) The Tribunal may order a person to:-
   (a) leave a sitting of the Tribunal;
   (b) furnish or give evidence, information or document in their possession;
   (c) attend Tribunal;
   (d) answer a question put by the Tribunal.

607 MISCONDUCT

607 (1) The Tribunal may hear charges of misconduct separately from other complaints referred to it.

607 (2) The Tribunal may impose a maximum fine of $250 on a respondent for each charge of misconduct proven against her/him.

608 DISPUTED RETURNS/COMPLAINTS

608 (1) Subject to these regulations where a respondent against whom a charge of misconduct is proven has been elected to a position and the misconduct may have affected the outcome of the election, the Tribunal may declare the election invalid.

608 (2) Where the Tribunal determines a candidate has wilfully exceeded her/his expenditure limit as determined under Regulation 632 (4) (a) the Tribunal may make the declarations or orders set out below in Regulation 608(4) and (5).

608 (3) The Tribunal shall hear complaints as to the validity of an election or part thereof as set out by these regulations.

608 (4) The Tribunal may:-
   (a) declare that a person who is returned as elected was not validly elected;
   (b) declare a candidate validly elected who was not returned elected;
   (c) declare an election absolutely invalid;
   (d) declare a part of an election invalid;
   (e) dismiss or uphold a complaint in whole or in part;
(f) refer findings to the Guild/University Discipline Committee or make recommendations to the Guild Council regarding the complaint/charge.

608 (5) In addition to making a declaration or determination the Tribunal may issue such orders as it sees fit to rectify a complaint that is proved and may also make such orders as it sees fit in order to provide for the conduct of the election the subject of the declaration or determination.

608 (6) An election determination or election shall not be declared invalid solely on account of-
(a) a delay in the declaration of nominations or the polling;
(b) on account of the absence or error of an electoral Official where that absence or error has not affected the result of the election;
(c) a defect in the appointment of an Electoral Official or member of the Tribunal;
(d) a breach of the regulations; or
(e) loss or destruction of ballot papers if the loss of such ballot papers could not have affected the result of the election.

608 (7) Where ballot papers are lost or destroyed, the Tribunal may declare the election invalid, unless they are satisfied beyond reasonable doubt, that the loss or destruction would not have affected the result of the election.

608 (8) Inquiries by Tribunal in disputed returns
(a) The Tribunal shall inquire whether or not the requisites of the petition have been observed, and, so far as the voting is concerned, may inquire into the identity of persons, and whether their votes were improperly admitted or rejected and whether the result of the polling was correctly ascertained, but the Court shall deem the roll to be conclusive evidence that the persons enrolled were, at the date of the completion of the roll, entitled to be enrolled.
(b) The qualification of any person enrolled shall not be questioned and no election shall be declared void on the ground that any person whose name shown as eligible to vote in an election was not qualified to be enrolled or to continue enrolled as an elector for that election.

608 (9) Voiding election for illegal practices
(a) If the Tribunal finds that a candidate has committed or has attempted to bribe or exert undue influence, the election of that candidate should he or she have been elected, shall be declared void.
(b) The Tribunal shall not declare that any person returned was not duly elected, or declare any election void:-
   (i) on the ground of any illegal practice committed by any person other than the candidate and without his or her knowledge or authority;
   (ii) on the ground of any illegal practice, other than bribery or corruption or attempted bribery or corruption, unless the Tribunal is satisfied that the result of the election was intended to be and was actually affected thereby, and that it is just that the candidate should be declared not to be duly elected, or that the election should be declared void.

608 (10) Immaterial errors not to vitiate election
(a) The failure of a person to sign an undertaking prescribed by these regulations is not a ground for setting aside the result of an election or referendum.

609 ENFORCEMENT AND ADMINISTRATION

609 (1) The Guild Executive shall take all steps necessary to ensure that declarations and orders made by the Tribunal are complied with.

609 (2) The steps include the suspension of rights, privileges or services provided by the Guild to the person against whom the decision or order is directed.

609 (3) Effect of Decision
(a) Where an election of a candidate is invalidated, a total recount treating that candidate as ineligible shall be held.

(b) In the case of a readmitted candidate, the previous count is to be disregarded and a fresh count shall be conducted.

609 (4) The Tribunal may on its own motion refer a finding, determination, or item of evidence to the Guild or University Discipline Committee.

609 (5) The Tribunal may make recommendations to the Guild Council regarding an issue on a complaint or charge.

610 ELECTION COMMITTEE

610 (1) Membership

The Election Committee shall consist of 3 Election Officials which shall include the Managing Director of the Guild and 2 students.

610 (2) Eligibility for appointment

The appointment of an Election Official is not effective until the person concerned has signed an undertaking to the effect that he/she will not be contesting the election and will perform the duties associated with their office impartially and in accordance with the spirit and detail required by these regulations.

610 (3) Disqualifications from appointment

(a) Persons are not eligible to be appointed or remain in office as Election Officials who:-

(i) are candidates at the elections which are being contested or have contested Guild elections within the past two years; or

(ii) hold or have held office as voting members of the Guild Council within the past two years.

610 (4) Mode of appointment

(a) The Guild Council shall elect the two Election Officials by optional preferential ballot in an election conducted by the Secretary of the Guild.

610 (5) Form of appointment

(a) Appointments of Election Officials will be made by Instrument in writing signed by the Guild President and will be effective following completion of a declaration by the Election Official as prescribed in these Regulations.

610 (6) Time and duration of appointment

(a) Appointment of Election Officials shall become effective from the signing of a declaration that they:

(i) are eligible for appointment and accept the office to which they are elected; and

(ii) agree to perform duties associated with the office impartially and in accordance with the spirit and detail of these regulations.

(b) The appointment of Election Officials shall take place before the end of the first semester of the year in which the elections are to be conducted.

(c) Appointments of Election Officials are terminated on the date of receipt of a resignation by the Secretary or by failure to attend at least 3 consecutive Election Committee meetings without an acceptable apology.
610 (7) Resignation from office
   (a) A member of the Election Committee may resign from office by lodging a written resignation with the Secretary of the Guild Council.
   (b) The resignation shall be effective from the time and date it is received by the Guild Secretary.

610 (8) Revocation of appointments
   (a) Appointment to the position of Election Official may be revoked by the Guild Council provided such a motion receives a two-thirds majority supporting the revocation at a meeting of the Guild Council for which at least 48 hours notice of the motion has been given to members of the Guild Council.

610 (9) Casual vacancies
   (a) The Returning Officer shall display a notice on the Guild Notice Board which shall contain:-
       (i) notification of the occurrence of an Election Official vacancy;
       (ii) the eligibility details and selection criteria for prospective applicants; and
       (iii) an invitation for eligible applicants to lodge their applications with the Returning Officer by 12 noon seven days after the date of such notice.
   (b) The Returning Officer shall alone select the replacement for an Election Official from the applications received, if one is required.
   (c) In the selection process the Returning Officer shall take whatever additional recruitment and assessment steps he/she deems fit in an endeavour to restore, if possible, any previous political range of representation that existed before the vacancy occurred.
   (d) The decision of the Returning Officer shall be final.
   (e) In the event that there is no Returning Officer or substitute Returning Officer able to fulfil the functions under this subclause, then the Guild Council shall elect a replacement for the Election Official by optional preferential ballot in an election conducted by the Secretary of the Guild.

610 (10) Remuneration
   (a) The Guild shall indemnify and reimburse an Election Official immediately on presentation of a written claim where personal expenses or liability have been incurred by that Official in the performance of acts authorised by these regulations.
   (b) Claims should be supported by receipts or other documentary evidence.
   (c) All claims over $5.00 must be supported by statutory declaration, if receipts or other documentary evidence are not supplied.
   (d) Honorariums will be determined by Guild Council upon recommendation from Guild Executive.

611 ELECTORAL ASSISTANTS

611 (1) Eligibility for appointment
   (a) No person under the age of 18 years may be appointed as an Electoral Assistant.
   (b) The appointment of a Electoral Assistant is not effective until the person concerned has signed an undertaking to the effect that he or she:-
       (i) is eligible for appointment;
       (ii) will not be contesting the election; and
       (iii) agrees to perform the duties associated with the office impartially and in accordance with the spirit and detail required by these regulations.
(i) were candidates at the elections which were contested within the past two years; or
(ii) hold or have held office as voting members of the Guild Council within the past two years

611 (3) Mode of appointment
(a) The Returning Officer shall appoint all Electoral Assistants in writing.

611 (4) Form of appointment
(a) Appointments of Electoral Assistants will be made by an Instrument of Appointment which shall be signed by the Returning Officer.

611 (5) Time and duration of appointment
(a) The duration of an appointment may be specified on the Instrument or may be left on a needs basis for the period of the election.

611 (6) Resignation from office
(a) An Electoral Assistant may resign by notifying the Returning Officer either verbally or in writing.
(b) The resignation may be effective forthwith or at a time and date acceptable to the Returning Officer.

611 (7) Revocation of appointment
(a) The appointment of an Electoral Assistant may be revoked at any time by the Returning Officer.

611 (8) Casual vacancies
(a) Any vacancy that occurs through the resignation or revocation of an appointment of an Electoral Assistant may, or may not, be filled at the Returning Officer’s discretion.

611 (9) Remuneration
(a) Rates and conditions of employment for Electoral Assistants shall be in accordance with a schedule provided by the Electoral Commissioner.
(b) These rates and conditions shall reflect the contemporary pay rates and conditions for equivalent State electoral officials.

612 GROUP AGENTS

612 (1) Eligibility for appointment
(a) A Group Agent must be at least 18 years of age.

612 (2) Form of appointment
(a) The formal appointment for a group agent shall be prepared by the Returning Officer and shall be included with the nomination form.

612 (3) Mode of appointment
(a) A group of candidates may appoint one of their number or another person to act as a group agent on behalf of the group of candidates and serve as a contact for the group of candidates throughout the election period.
(b) Where a Group Agent is not appointed by a group the candidate whose position shall be counted first shall be deemed to be the group agent.

612 (4) Requisites of appointment
(a) Appointments shall be in writing signed by all members of the group.

612 (5) Time and duration of appointment
(a) An appointment of a Group Agent is not effective unless the appointee has signed a statement containing a declaration of eligibility and a consent to act.
612 (6) Resignation from office
(a) A Group Agent may resign from office by notifying the Returning Officer either verbally or in writing.
(b) The resignation shall be effective forthwith.

612 (7) Revocation of appointment
(a) The appointment of a Group Agent may be revoked by any of the candidates in the group.
(b) Revocation must be in writing and shall not take effect until it is received by the Returning Officer.

612 (8) Limitation of numbers
(a) A group of candidates may have no more than one Group Agent appointed at any given time.

613 SCRUTINEERS

613 (1) Eligibility for appointment
(a) Any person 16 years of age or over may be appointed as a Scrutineer.

613 (2) Disqualifications from appointment
(a) No candidate at an election shall be permitted to act as their own Scrutineer.
(b) No candidate may act as a Scrutineer for any poll taken in conjunction with the poll at which that person is a candidate.

613 (3) Mode of appointment
(a) An appointment of a Scrutineer shall be made in writing and be signed by the candidate on whose behalf the Scrutineer will act.
(b) The appointment must be lodged with the Returning Officer or the Officer-in-Charge of the polling place or counting centre.

613 (4) Form of appointment
(a) An appointment of a Scrutineer shall be in accordance with the form prepared by the Returning Officer.

613 (5) Time and duration of appointment
(a) The appointment shall be effective from the time of lodgement until the poll is declared.

613 (6) Limitation of numbers
(a) A candidate may appoint more than one Scrutineer.
(b) A candidate may not have more than one Scrutineer present at any one time in the counting centre.

613 (7) Resignation from office
(a) A Scrutineer may resign from office at any time by notifying the candidate who appointed him or her.

613 (8) Revocation of appointment
(a) An appointment may be revoked by the candidate at any time by notifying the Returning Officer in writing. The revocation will take effect forthwith on receipt of the written revocation by the Returning Officer.

4. POWERS, RIGHTS & RESPONSIBILITIES OF ELECTORAL OFFICIALS

614 RETURNING OFFICER

614 (1) Powers

The Returning Officer has the power to:-
(a) recruit, engage and appoint Electoral Assistants to assist in the conduct of the elections/polls;
(b) make the interpretation of any word, regulation or other related electoral matter;
(c) issue determinations, rulings, orders and discretions for the fair conduct and administration of any election or in regard to any relevant electoral matter in general;
(d) act on his or her own motion to prevent a breach or attempted breach of the regulations;
(e) requisition expenditure on behalf of the Guild for goods and services related to the preparations for and conduct of an election;
(f) delegate work to the Election Committee as he or she sees fit;
(g) remove any person wilfully interfering, obstructing or disputing procedures at the poll or count.

614 (2) Responsibilities
(a) The Returning Officer has responsibility to ensure:-
   (i) fair conduct and administration of the Annual General Election and the polls held in conjunction with that election;
   (ii) Annual general elections and other polls held in conjunction are conducted in accordance with these regulations;
   (iii) election preparations are complete and timely;
   (iv) duties expressly or implicitly required in these regulations are carried out;
   (v) maintenance of security in respect to rolls, ballot papers and boxes;
   (vi) adequate training and supervision of casual staff is implemented.

614 (3) Delegation
(a) The Returning Officer may delegate to an electoral official any of the Returning Officer’s duties and functions.

614 (4) Attendance requirements
(a) The Returning Officer or his or her delegate must be in attendance on campus throughout the hours of polling and the conduct of the counts.

615 SUBSTITUTE RETURNING OFFICER
615 (1) Powers
(a) In the absence of the Returning Officer, the Substitute Returning Officer may exercise the powers of the Returning Officer if necessary, except for the power of delegation.

615 (2) Responsibilities
(a) The responsibilities of the Substitute Returning Officer shall be identical to those of the Returning Officer.

615 (3) Attendance requirements
(a) The attendance requirements of the Substitute Returning Officer shall be identical to those of the Returning Officer.

616 ELECTION COMMITTEE
616 (1) Powers
(a) The Election Officials have no specific powers other than those conferred on them by the Returning Officer.

616 (2) Responsibilities
(a) Subject to the direction and approval of the Returning Officer, the Committee is responsible for :-

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(i) editing and production of the Election Broadsheet;
(ii) providing assistance to the Returning Officer in the performance of his or her duties;
(iii) maintenance of a record of all meetings and relevant documentation in a Minute Book;
(iv) liaison with all students; and
(v) supervision of the prescribed areas.

616 (3) Delegation
(a) Members of the Election Committee have no powers of delegation.

616 (4) Attendance requirements
(a) The Election Committee must meet initially when nominations open, daily throughout polling period and the week immediately preceding polling, and otherwise as required. The Election Committee must be accountable to the Returning Officer.

616 (5) Any decisions or determinations to be made by the Committee shall be made by a majority decision of the members of the Committee. The Committee shall determine its own method of meeting and its own procedures.

617 NOT USED

618 ELECTORAL ASSISTANTS

618 (1) Powers
(a) Electoral Assistants have no specific powers other than those conferred on them by the Returning Officer.

618 (2) Responsibilities
(a) Electoral Assistants must provide assistance to the Returning Officer or Officer-in-Charge of the polling/count as directed.

618 (3) Delegation
(a) An Electoral Assistant has no powers of delegation.

618 (4) Attendance
(a) Electoral Assistants must be in attendance in strict accordance with the terms of their appointment.

619 SCRUTINEERS

619 (1) Powers
(a) A Scrutineer who is duly appointed may direct the attention of the Officer-in-Charge of the count to any irregularity concerning:-
(i) admission of any vote to the scrutiny;
(ii) admission of a ballot paper as formal
(iii) rejection of a ballot paper as informal;
(iv) the counting of the votes.

619 (2) Responsibilities
(a) A Scrutineer must obey all lawful directions of the Returning Officer and/or the Officer-in-Charge of the count.
A Scrutineer must not:-

(a) touch ballot papers at any time

(b) interrupt the scrutiny otherwise than in accordance with his or her powers

(c) communicate with any person in the counting centre except so far as is necessary in the discharge of a Scrutineer's functions.

A Scrutineer shall wear a badge supplied by the Officer-in-Charge that identifies the person as a Scrutineer.

Delegation

(a) A Scrutineer has no powers of delegation.

Attendance

(a) A Scrutineer may be present while the Returning Officer carries out his or her functions in respect to the counts.

(b) Each candidate may only have a maximum of one Scrutineer in attendance at any one time at the count.

5. GUILD OFFICES AND TERMS

(1) Offices for annual general elections

(a) The offices for annual general elections are listed in Schedule 1.

(2) Casual vacancies occurring before the end of the first semester

(a) If any office of the Guild falls vacant before, but not on the last day of the first semester then there shall be a fresh count of all votes (treating the vacating officer as an ineligible candidate), cast for that position at the Annual General Election at which the vacating officer was elected.

(b) If the person elected at this fresh count to fill the vacancy is unable or unwilling to act in that capacity then a further fresh count shall take place (treating that candidate also as an ineligible candidate). Such fresh counts will continue until the position has been provided.

(c) If none of the unsuccessful candidates for the position at the Annual General Election are willing and able to take up the vacated position then the Guild shall co-opt an eligible person to take up the position.

(d) The Guild shall within one month of the occurrence of the vacancy, fill any casual vacancy.

(3) Casual vacancies after the first semester

(a) All vacancies after the end of the first semester may be left unfilled or filled by co-option by the Guild Council at its discretion.

(4) Terms of office

(a) The term of office for those elected at an Annual General Election shall commence on the 1st day of December.

(b) The term of office for those who were not elected at the Annual General Election shall be as follows:

(i) Where a person is elected as the replacement by means of a fresh count following a death or resignation, the date of commencement of office shall be the date of the Returning Officer's Certificate of the Recount or at the time of resignation, whichever is the later, and that office will expire at the same time as would have been the case for the person being replaced.

(ii) Where a person is co-opted by the Guild Council, the term of office will commence at the time of the passing of the Guild Council's resolution or the date the vacancy occurs, whichever is the later and shall expire at the same time as the term of office of the person being replaced.

(5) Resignations
(a) A person may tender their resignation from a Guild Council position by notifying the Secretary of the Guild Council in writing.
(b) A resignation must be accepted by the Guild Council before it becomes effective.
(c) Where a resignation is accepted by the Guild Council it will take effect on the day following that acceptance or by the nominated date, if one has been provided by the person resigning, whichever is the later.

6. ELIGIBILITY TO PARTICIPATE IN THE ELECTION

621 CANDIDATES / ELECTORS

621 (1) Qualifications for candidates
(a) Specific eligibility criteria for candidates in respect to each Guild position are contained in Schedule 1.

621 (2) Disqualifications from candidature
(a) A person shall be disqualified from candidature if he or she is:-
   (i) a member of the Election Tribunal;
   (ii) an enrolled student at UWA with suspended rights and privileges at the close of nominations;
   (iii) previously convicted of an offence and sentenced to imprisonment or who is currently under sentence or has not been given a free pardon;
   (iv) ineligible to hold a sought position due to any statute, regulation, by-law or rule;
   (v) a non voting member at the close of rolls;
   (vi) an undischarged bankrupt or who has entered into a scheme of arrangement with creditors; or
   (vii) certified insane.
(b) No person shall be elected to the office of President on more than one occasion.
(c) Unless otherwise specified in these regulations, a person elected to any Guild office immediately becomes ineligible to be elected to any subsequent office for which the count is still to be conducted due to the order of counts prescribed in these regulations.
(d) Any former member of the Guild Council who has had his or her position declared vacant due to excessive absence without apology may not contest an election for at least one year after that vacancy was declared.

621 (3) Multiple nominations
(a) A person may nominate for more than one position at the same election.

621 (4) General qualifications for enrolment and voting
(a) To be eligible for enrolment for the Guild elections a person must be:
   (i) an enrolled student of the University at the close of rolls; and
   (ii) not otherwise disqualified from being enrolled at the University.

621 (5) Specific qualification for enrolment
(a) Specific eligibility criteria for each position is shown in Schedule 1.
621 (6) Voting obligations and limits

(a) Voting shall be voluntary. No sanctions are attached to failure to vote.

(b) Each voter may only vote once in respect to each position for which he or she holds entitlement.

(c) Electors must vote personally. There shall be no right of proxy vote.

(d) 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 or other qualification if the person continues to be eligible to be enrolled for the election.

7. ELECTION TIMETABLE

622 (1) Annual general elections

(a) The general elections for the positions set out in the first schedule shall be held annually.

622 (2) Establishment of election

(a) The Managing Director of the Guild shall provide notification to the Electoral Commissioner of the Western Australian Electoral Commission of the Annual General Election of the Guild.

(b) Such notification shall be made by the end of the first semester and shall include:

(i) a request to the Commissioner for assistance in the recruitment and appointment of a Returning Officer/ Substitute Returning Officer;

(ii) details of a proposed timetable for the elections submitted by Guild Council; and

(iii) a copy of all current electoral regulations (certified correct by the relevant authorities) relating to the Guild Elections and any other polls held in conjunction with that poll for which the Returning Officer will have responsibilities.

(c) A request not made within this period may still be entertained provided the Electoral Commissioner is satisfied that it is still practicable for the election to be conducted and a timetable can be set to meet with all other timetable requirements set out in these regulations.

(d) The actual timetable for the elections must be both proposed by the Guild Council and approved by the Returning Officer before it is officially adopted.

622 (3) Parameters of close of rolls

(a) The close of rolls shall be 5:00 pm on the Friday preceding the opening of nominations.

622 (4) Parameters of close of nominations

(a) Nominations shall open on the date of the official Notice inviting nominations.

(b) Nominations must be open for at least 10 teaching days.

(c) Subject to subsection (8) nominations must close at least 21 days before polling commences.

622 (5) Parameters of polling dates

(a) Ordinary voting for the Annual General Election shall be held over 4 consecutive teaching days during September or within the first two weeks following the second semester non-teaching study break.

(b) The final day of polling shall be a Thursday.

622 (6) Parameters of declaration of poll

(a) The poll shall be declared by the Returning Officer on the completion of counting but not later than 30 days after the close of the poll.

622 (7) Determination of order of name on ballot paper
(a) Within 24 hours of the close of nominations (excluding a Saturday or Sunday), the Returning Officer shall determine by lot the order in which names will appear on the ballot paper for positions for which a poll will be held.

622 (8) Extensions

(a) No extensions to the timetable are permitted where the Returning Officer is not appointed by the Electoral Commissioner.

(b) At the request of the Guild Council and providing good cause can be shown, a Returning Officer appointed by the Electoral Commissioner may extend the time appointed for the nomination of candidates and the taking of the poll.

(c) No extension of the time for taking the poll shall be made at any time later than 7 days before the time originally set. Only one such extension shall be permitted.

(d) Where an extension of the time for taking the poll is made under this section, public notice of the extension shall forthwith be given by the Returning Officer by placing a notice to that effect on the Guild Notice Board and by publicising through any other means that the Returning Officer deems appropriate.

(e) A Returning Officer appointed by the Electoral Commissioner may extend the period of nominations where no nominations are received or for any unfilled vacancies in multi-member positions until 12 noon on the third teaching day following the original close of nominations.

623 OTHER POLLS

623 (1) General

(a) The timetable of polls held in conjunction with the Annual General Election shall be in accordance with the parameters prescribed in the regulations that govern those 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.

8. NOMINATIONS

624 (1) Display of public notice

(a) A public notice inviting nominations shall be placed on the Guild Notice Board 14 days before nominations are due to close and in the official Student Guild publication/s prior to close of nominations.

624 (2) Form of public notice

(a) The public notice shall contain:-

(i) the name of the Guild;

(ii) titles and number of vacancies in respect to all offices due for election;

(iii) the form in which nominations are to be made;

(iv) the place where nominations may be lodged;

(v) the times and dates of the commencement and closure of the period for lodging nominations;

(vi) eligibility criteria for electors, nominees and nominators;

(vii) 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 schedules); and

(viii) an invitation for interested and eligible persons to nominate

624 (3) Form and mode of nomination

(a) A nomination should be made on an official nomination form which shall be prepared by the Returning Officer and is available from Guild Administration.
(b) A nomination shall:

(i) set out the name, contact number, and student number of the nominee entitled to vote at the election for which the nominee is nominating;

(ii) the nomination form shall be held in Guild administration for public inspection;

(iii) be signed by not less than 2 persons, other than the nominee, entitled to vote at the election for which the nominee is nominating;

(iv) contain a signed statement by the nominee that he or she consents to act in the position nominated for, if elected;

(v) contain a signed statement by the nominee that he or she is qualified in accordance with the rules of the Guild to hold office; and

(vi) be accompanied by a "Nominee Contact Details Form" which sets out the name, contact number, student number, and place of residence of the nominee entitled to vote at the election and which shall be held by the Managing Director and/or Returning Officer in accordance with the Guild privacy policy.

624 (4) Requisites for nomination

(a) No nomination shall be valid unless:

(i) the nomination form is received by the Returning Officer after nominations are publicly invited by notice and before the close of nominations; and

(ii) the person nominated, or some person on his or her behalf, by noon the next teaching day after the close of nominations, deposits with the Returning Officer the relevant nomination deposit in cash or banker's cheque (not a personal cheque).

624 (5) Supplementary information and documents may be provided

(a) The following additional information may be provided by the candidates by the close of nominations:

(i) details of a preferred and common variation of the candidate's name for inclusion on the ballot paper and public notices.

(ii) policy statement of up to 400 words on disk format for inclusion in the Broadsheet.

(iii) a recent photo of the candidate for inclusion in the Broadsheet.

(iv) registration form for the registration of a group (Guild Council elections only), if applicable.

(b) The photograph should be a vertical portrait photograph of the nominee's head and shoulders which was taken in the six months preceding the close of nominations. The photo should be endorsed on the reverse side with the candidate's full name and a signed statement by the candidate that the photo is of him/her and was taken in the six months prior to the close of nominations. The Returning Officer may, in his or her discretion, accept a photo of a nominee which does not comply strictly with these specifications.

624 (6) Form of names of candidates

(a) The statement of the form of the candidate's name to be printed on the ballot papers shall include the candidate's surname and may include each, or one or more, of the candidate's given names.

(b) A given name may be stated by specifying:

(i) the name;

(ii) an initial standing for the name; or

(iii) a commonly accepted variation of the name (including an abbreviation or truncation of the name or an alternative form of the name).

(c) The Returning Officer may reject any varied name which in his or her opinion is obscene or in poor taste.

624 (7) Time for receipt of nomination
(a) Subject to regulation 622(8) in order to be accepted, nominations must be received by the Returning Officer by 5:00 pm on the day that nominations close.

624 (8) Place of nomination
(a) Nominations must be delivered personally or by mail to the Returning Officer or lodged at the Guild Administration office in the locked receptacle provided for that purpose.

624 (9) Lodgement of deposit
(a) If the nomination deposit of $10 is not lodged by noon the next teaching day after the close of nominations the nomination is to be rejected by the Returning Officer.

624 (10) Formal defects
(a) The Returning Officer may accept a nomination which substantially complies with the nomination requisites.
(b) The Returning Officer may allow a candidate to alter or correct any formal defect in a nomination form or supplementary information/documents lodged by the close of nominations whenever this is practicable.

624 (11) Mode of rejection of nomination
(a) The Returning Officer shall take reasonable steps to notify any nominee before nominations close of the rejection of that person's nomination and reasons for that rejection. Any nomination rejection must later be confirmed in writing.

624 (12) Mode of withdrawal of nomination
(a) A person nominated as a candidate may withdraw his or her nomination by lodging a notice of withdrawal with the Returning Officer before the close of nominations.

624 (13) Requisites for notice of withdrawal
(a) Unless the withdrawal is lodged personally with the Returning Officer, it shall be signed by the nominee and witnessed by another person who shall be an elector for the position for which the nomination refers.

624 (14) Action on receipt of nomination withdrawal
(a) Where the withdrawal is received before printing of the public list, the name shall be excluded from the public list.
(b) Where withdrawal received before printing of ballot papers, the name shall be excluded from the ballot paper.
(c) Where withdrawal is received 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.

624 (15) Failed elections
(a) An election shall fail where:
   (i) no nomination is declared (after the expiration of the extension period);
   (ii) a candidate for an office with a single vacancy in the election dies after the close of nomination but before polling concludes;
   (iii) there are insufficient nominations received. (Note: Where this is the case, elections shall fail only in respect to the vacancy or vacancies for which a nomination is not received).

624 (16) Lodgement of nominations received by the returning officer
(a) The Returning Officer must lodge any nominations delivered directly or by mail to him or her before the close of nominations in the ballot box provided for lodgement of nominations.

624 (17) Validity checking
(a) On an ongoing basis throughout the nomination period, the Returning Officer shall check the validity of nomination forms lodged.

624 (18) **Grounds for rejection of nomination**

(a) If a candidate is ineligible by statute, by-law, regulation or rule, the nomination shall be declared invalid.

624 (19) **Declaration of nominations received**

(a) The Returning Officer shall display on the Guild Notice Board the public list of candidates for each position and any other relevant details as soon as practicable after the close of nominations.

(b) The Returning Officer shall provide photocopies of all accepted nominations for public inspection at the Guild Administration Office as soon as practicable after the close of nominations.

624 (20) **Additional description of candidates**

(a) Where similarity in the names of 2 or more candidates is likely to cause confusion, the names of those candidates may be arranged with such description or addition as will distinguish them from one another.

624 (21) **Provision of information to candidates**

(a) The Returning Officer must make available free of charge to each candidate a copy of these electoral regulations and any other information deemed relevant as soon as possible after nominations, if not before.

624 (22) **Return or forfeiture of deposit**

(a) The nomination deposit shall be refunded in full to all candidates declared elected to any Guild office by the Returning Officer.

(b) Nomination deposits shall also be returned to all candidates who, in the official results, received at least 10% of the quota at the primary vote count for each and every position contested.

(c) Nomination deposits shall be returned to the estate in respect to any candidate who dies before polling closes.

624 (23) **Candidates to be bound by regulations**

(a) A candidate who nominates is deemed to have agreed to be bound by these regulations.

624 (24) **Retention of nomination forms**

(a) The original nomination forms shall be retained in safe keeping by the Returning Officer throughout the course of the election. Following the election the nominations shall be placed with the other election material for storage until destruction is authorised.

625 **DEATH OF A CANDIDATE FOR AN OFFICE WITH A SINGLE VACANCY**

625 (1) **Before nominations are declared**

(a) Where a nominee dies before the declaration of nominations, his or her name shall not be declared as a candidate and the election(s) shall proceed as normal.

625 (2) **Between the declaration of nominations and the dispatch of postal votes**

(a) Where the death occurs after the declaration of nominations but before postal votes are dispatched, no voting shall take place for the relevant position(s) for which the deceased was a declared candidate.

625 (3) **Between the dispatch of postal votes and the close of polling**

(a) Where the death occurs after the dispatch of postal votes but before the close of polling, all further voting is to be suspended in respect to only the position contested by the deceased. No count of any votes already received shall take place and the votes themselves shall be placed in a sealed parcel if the ballot paper is solely devoted to that particular position.

625 (4) **After close of polling but before declaration of the poll**
(a) If, after the close of polling but before the declaration of the poll, any candidate in an election dies the election(s) which that candidate was contesting shall, by reason of such death, be deemed to have wholly failed and a fresh election held.

626 DEATH OF A CANDIDATE FOR AN OFFICE WITH MULTIPLE VACANCIES

626 (1) Before nominations are declared
   (a) Where a nominee dies before the declaration of nominations, he or she shall not be declared as a candidate and elections shall proceed as normal.

626 (2) Between the declaration of nominations and the close of the poll
   (a) Where a candidate dies between the declaration of nominations and the close of the poll the following action shall apply:
      (i) if the public list has not been printed, the name shall be excluded from that list;
      (ii) if the ballot papers have not been printed, the name shall be excluded from the ballot paper;
      (iii) if the ballot papers have been printed, a notice shall be displayed to alert electors in the polling place and the candidate shall be excluded from the count.

9. REGISTRATION OF GROUPS, THEIR AGENTS AND COLOURS

627 (1) Grouping of candidates
   (a) Two or more candidates who have nominated for a position at a General Election may be registered as a group of candidates.

   (b) Registration of a group of candidates contesting office shall be by means of a form as prepared by the Returning Officer which shall be distributed by the Returning Officer with nomination forms.

627 (2) Registration of a colour on which election material is to be printed
   (a) An individual or group of candidates may nominate a colour (excluding white) on which to produce their election material.

   (b) A group will register their colour on the same form on which they register their group. An individual will register their colour on a separate form available from Guild Administration.

   (c) Once a colour has been registered, no other group or individual may register or use that colour.

   (d) If different groups or individuals register colours that are substantially similar, the Returning Officer will negotiate with those groups and allow either or both of them to choose a different colour, provided that another group or individual has not previously registered that colour.

   (e) Two or more individuals or groups may use the colour provided that each individual or group agent using the same colour consents.

   (f) The deadline for registering colours shall be the same as that for the registration of groups.

627 (3) Place of registration of groupings
   (a) The form of registration of a group of candidates may either be lodged in the locked receptacle provided for the purpose at the Guild Office or be hand-delivered to the Returning Officer.

627 (4) Deadlines to register groups
   (a) Registration forms for Groupings must be lodged with the Returning Officer by the close of nominations.

627 (5) Requisites for registration of groupings
   (a) Each candidate wishing to be grouped must sign a declaration on the group registration form which provides-
(i) consent to the grouping;
(ii) support for the group name; and
(iii) the position/s which each member is standing for.

(b) No candidate may be registered in more than one group of candidates contesting the Guild Council election by the close of nominations. If a candidate does register for more than one group, their name will not be included in any group and the groups for which they have registered will be processed disregarding the name of the candidate seeking multiple registration. If only one candidate remains in a group, after this action, the remaining candidate will not be treated as a group.

(c) Where a group agent has not been appointed the group's Presidential candidate shall be deemed to be the group's agent. If the group has no Presidential candidate the group agent shall be deemed to be the candidate standing for the next position counted.

627 (6) Formal defects

(a) The Returning Officer may accept a Group Registration which substantially complies with the requisites for registration.

(b) The Returning Officer may allow a candidate included in a group of candidates or group agent to correct any formal defect in the registration form.

(c) A group of candidates may de-register its name if an application to do so is made and signed by the Agent of the group or all the individual members of that group in writing.

627 (7) Withdrawal of candidates consent to be grouped

(a) A candidate who has been included in a grouping registration may, by means of a form approved by the Returning Officer and before the close of nominations, withdraw his/her consent to be included in that group.

(b) Where one or more withdrawals within a group are effected by the close of nominations but still more than one name remains within the group, the remaining names shall still be grouped and the order shown on the original registration will stand save for those excluded.

627 (8) Grounds for rejection of group names

(a) A group name shall not be accepted by the Returning Officer if it:-

(i) comprises more than 4 words or 25 characters;
(ii) is obscene or in poor taste in the opinion of the Returning Officer;
(iii) is the name, or is an abbreviation or acronym of the name of another group name already accepted for the election;
(iv) 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, as the case may be;
(v) comprises the words "Independent Party" or comprises or contains the word "Independent".

627 (9) Ungrouped candidates

(a) Any person not registering as part of a group shall be treated as ungrouped.

627 (10) Register of group agents

(a) 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 Notice Board after the close of nominations.
10. POLLING LOCATIONS

628 CAMPUS POLLING PLACE

628 (1) Appointment of campus polling places
   (a) The Returning Officer shall appoint two static polling places, one within 50m of the Guild building
       foundation stone and one at the base of the Reid Library stairs.
   (b) The Returning Officer shall advertise on the Guild Notice Board and take whatever other steps he or she
       considers appropriate and convenient to give public notice of the location of the polling place and the dates
       and times of operation.
   (c) The Returning Officer shall act as the Officer-in-Charge of the polling places throughout their hours of
       operation.

628 (2) Exclusions
   (a) A polling place shall not be appointed in licensed premises.

628 (3) Precincts
   (a) The precincts of the polling place shall include the area within a 5 metre radius of any entrance or exit to a
       polling place.
   (b) Precincts of the polling place shall be designated before the commencement of polling by the Officer-in-
       Charge of the polling place but may be altered at any time thereafter by the Officer-in-Charge of the
       polling place.

628 (4) Polling hours
   (a) Polling hours shall be from 10 a.m. to 5 p.m.

629 SPECIAL POLLING PLACES

629 (1) Appointment of special polling places
   (a) The Returning Officer will appoint special polling places which shall include three special polling places
       being one at each of the Dental Hospital, the Nedlands campus of the University of Western Australia, and
       the Queen Elizabeth Medical Centre. Polling shall take place for one day at each of the special polling
       places but not on the same day as another special polling place. There may also be such additional special
       polling places as determined by the Guild Council prior to the election period.
   (b) The Returning Officer shall take such steps as necessary to give public notice of the location of the special
       polling places and the dates and times of operation.

629 (2) Exclusions
   (a) A special polling place shall not be appointed in licensed premises or within 50 metres of licensed premises.

629 (3) Precincts
   (a) Precincts of the special polling place shall be designated by the Officer-in-Charge of the polling team in
       accordance with the regulations governing the campus polling place or as near as can be practically
       achieved.

629 (4) Days and hours of operation
   (a) The hours of operation of the polling at special polling places shall be in accordance with Regulation 628
       (4) (a).
   (b) If circumstances warrant, the hours of operation of a special polling place may be altered or extended by
       the Officer-in-Charge provided such extension does not go beyond the closure of the Campus polling
       place on the last day of polling.
   (c) If hours of operation are altered or extended every reasonable endeavour should be made by the
       Returning Office to give public notice of the change(s) as soon as possible.
629 (5) Adjournment of polling

(a) An Officer-In-Charge of a polling place or the Returning Officer may adjourn polling from day to day where the polling is interrupted by:-

(i) riot or open violence; or

(ii) fire, storm, tempest, flood or a similar occurrence

(b) A Returning Officer may adjourn polling at a polling place for a period not exceeding 7 days, where, from any cause, the polling place is not open, and shall take such steps as he or she may consider necessary or convenient to give public notice of that adjournment as soon as possible.

11. MATERIAL AND EQUIPMENT

630 ELECTORAL ROLL

630 (1) Form

(a) The roll shall be produced as follows:-

(i) A consolidated listing of all students in alphabetical order. This roll must indicate which ballot paper(s) each elector is entitled to receive.

(b) The rolls must be certified correct, to the best of his or her knowledge, by the Managing Director of the Guild.

630 (2) Preparation and supply

(a) Rolls must be delivered to the Returning Officer within 7 days of the roll closure by the Managing Director of the Guild.

630 (3) Public access

(a) A copy of the rolls will be made available for public inspection at the Guild Office within 7 days of their closure by the Managing Director of the Guild.

630 (4) Alterations to the roll

(a) Alterations to the roll may be made at any time by the Returning Officer if that officer is satisfied that an error exists.

(b) The Returning Officer shall add to the roll provided by the Guild the names and addresses of persons who, after the date of receipt by the Returning Officer of such rolls, were entitled to vote in the election, prior to the close of rolls.

(c) The Returning Officer shall delete from the roll referred to the names of persons who, after the date of receipt by the Returning Officer of such rolls, ceased to be entitled to vote in the election prior to the close of nominations.

(d) The Returning Officer shall at the place where he/she carries out his/her functions as Returning Officer, make a copy of the electoral rolls received from the Managing Director of the Guild applicable to an election available for inspection by members of the Guild or by any person authorised by the Returning Officer during the ordinary hours of business until the day on which the result of the election is declared.

630 (5) Preservation of roll

(a) A copy of the roll shall be retained by the Guild for inspection after the election and for archival purposes.

631 BALLOT PAPERS AND OTHER ELECTION MATERIAL

631 (1) General form of ballot papers

(a) The Returning Officer shall determine the size, colours and numbers of ballot papers.

(b) The printing on a ballot paper shall be in characters of such font size or sizes as the Returning Officer determines. The capitalisation of a group name on a ballot paper shall be the same as registered by the Group Agent.
(c) The Returning Officer shall include on the ballot paper:-

(i) the title of the office to which the election relates;
(ii) an instruction on how to mark the ballot paper in order to record a formal vote so that such instructions shall comply with the requirements of these regulations;
(iii) an instruction not to put on the ballot paper any mark or writing by which the voter can be identified; and
(iv) candidates' registered group name or blank space as applicable.

(d) A Ballot Paper for a single office of only one vacancy shall be prepared by the Returning Officer.
(e) A Ballot Paper for a single office of multiple vacancies shall be prepared by the Returning Officer.
(f) A Ballot Paper containing an office of multiple vacancies shall be prepared by the Returning Officer.
(g) The order of names on the ballot paper for each position shall be in accordance with the results of the draw by lot held by the Returning Officer.

631 (2) Additional form requirements for declaration ballot papers

(a) Postal ballot papers should also include the time and date of the close of the ballot.
(b) Ballot papers issued to Postal and Provisional Voters must be printed or endorsed "Postal" and "Provisional" as the case requires and include instructions to:-

(i) place the ballot paper when completed in the envelope marked "Ballot Paper" and then seal the envelope;
(ii) complete the details on the counterfoil printed on the declaration envelope; and
(iii) place the ballot paper envelope into the declaration envelope and either return it to the Returning Officer in the case of a postal vote or place it in the ballot box in the case of a provisional voter.

631 (3) Printer's statement

(a) The Returning Officer shall obtain from the printer of the ballot paper a certificate stating the number of each type of ballot papers printed in respect of the election.

631 (4) Preservation of ballot papers and other election material

(a) The Returning Officer shall make special provision for the preservation in safe custody of:-

(i) all nomination papers;
(ii) all ballot papers admitted as formal;
(iii) all ballot papers rejected as informal;
(iv) all declaration envelopes, whether formal or informal;
(v) all postal votes received after the close of the ballot;
(vi) the marked electoral roll showing electors that have recorded a vote;
(vii) unused ballot papers, declaration envelopes and other documents prepared in connection with the election;

(b) which shall be respectively placed in separate containers each endorsed with the name of the Guild and the official to which the election relates (if applicable) and shall be sealed, signed and dated by the Returning Officer.

(c) Where the Returning Officer was appointed by the Electoral Commissioner ballot papers and other election material shall be kept in safe keeping at the Western Australian Electoral Commission.

(d) Where the Returning Officer was not appointed by the Electoral Commissioner the ballot papers and other election material shall be kept in safe keeping by the Guild.
631 (5) ** Destruction of election material**

(a) Ballot papers, declaration envelopes (admitted and rejected) and other election material may not be destroyed until a year has elapsed from the date of the Returning Officer’s Election Report.

(b) When any ballot papers and other election material reaches its destruction date, the current Returning Officer shall order their destruction.

(c) The Returning Officer must personally oversee the destruction of the ballot papers, declaration envelopes (admitted and rejected) and other election material and complete a Certificate of Destruction once the task has been completed.

631 (6) **Ballot boxes**

(a) Each polling place or section of a polling place shall be provided with a ballot box with a lock and key (or other sealing device), which has a cleft for receiving the ballot papers.

632 **CANDIDATE/GROUP ELECTION MATERIAL**

632 (1) **Election material**

(a) All election material shall be printed, by Guild Printing or a substitute printing service as determined by the Election Committee.

(b) Approved election material may include the following:

(i) Posters;

(ii) Badges;

(iii) Leaflets;

(iv) Email;

(v) Speeches;

(vi) How to Votes;

(vii) Overhead Transparencies;

the specifications of which shall be determined at the Election Committee’s discretion and clearly recorded in the election Handbook.

(c) The Election Committee may, on request, approve election materials other than those listed in Part (1)(b) of this regulation.

(d) The following shall be unapproved election material:

(i) Banners; a banner being a piece of material larger than A3 piece of paper, or a series of pieces of material placed together to make a message or symbol, and being designed to promote or discourage the election of any candidate or candidates in the Guild elections;

(ii) Stickers;

(iii) Chalking (on footpaths, wall, whiteboards, blackboards or any other place);

(iv) T-shirts or any other items of clothing.

632 (2) **Display and distribution of election material**

(a) Election material shall only be affixed in prescribed areas (as allocated by the Election Committee) and by persons specifically appointed by the Election Committee.

(b) Election material including “How to Votes” shall not be distributed within five metres of a polling place.

(c) “How to Votes” shall only be distributed within fifty metres of a polling place, or such lesser distance as may be prescribed by the Returning Officer.

(d) Election material shall be removed from lecture theatres.
(e) If Campus Services are required to clean or remove any election material, the cost, as assessed by Campus Services, will be charged to the candidate(s) responsible.

(f) No person shall remove, alter, deface, obstruct, attach or affix election material in a prescribed area unless authorised to do so by the Election Committee.

(g) A person who distributes election material which is not approved shall be charged with misconduct.

(h) A member of the Election Committee or any person appointed by it shall forthwith remove, alter or confiscate unapproved election material and may destroy it.

(i) Candidates may lodge their election material with Guild Administration for approval by the election Committee on either or both of two dates:-
   (i) by 10am on the day one week before polling commences;
   (ii) by 10am on the day two weeks before polling commences.

(j) All election material submitted for approval shall state “Authorised by:... and then state the name of the authoriser.

(k) If approval is given to the election material, a receipt for the election material lodged shall be issued to the candidate.

(l) A copy of the election material which is submitted under this regulation shall be entered in the Minutes Book.

(m) The approval process on the two dates specified in paragraph (i) shall be as follows:-
   (i) Material will be reviewed by the Election Committee within 24 hours of the submission deadline.
   (ii) A list of unapproved election material shall be posted in a prescribed area within 24 hours of the submission deadline.
   (iii) A copy of this unapproved election material shall be available for review at Guild Administration together with an explanation of why the material was declared to be unapproved.
   (iv) Candidates will be allowed 24 hours to resubmit a modified version of the material referred to in subparagraph (iii) for approval.
   (v) Candidates will have only one opportunity for re-submission of material declared unapproved.
   (vi) As far as is reasonable, the Election Committee shall make available consultation time to assist candidates in making appropriate alteration for approval.
   (vii) The Election Committee shall send approved election material directly to Guild Printing for production and costing and may set a minimum number of copies.

(n) A candidate submitting election material shall attach an “Authoriser Contact Details Form” which shall contain the name, address, student number and contact number of the authoriser and shall be held by the Managing Director and/or the Returning Officer in accordance with the Guild privacy policy.

(o) An “Election Material Approval Form” available from the Election Committee shall accompany each piece of election material submitted and specify the proposed amount to be printed, printing costs, the authoriser’s name and contact number, deadlines for submission of election material and times/dates for collection of approved/unapproved election material; and

(p) Two copies of each piece of election material shall be submitted.

(q) Approved election material shall be stamped with the words ‘approved election material’ and the year of the election and may then be collected by the candidate, or nominee, for distribution.

(r) How to Votes must be approved but are not subject to costing procedures specified under Regulation 632 (4) (a).

(s) Approved election material may be displayed on university grounds in accordance with sub-section (6). No election material is to be displayed outside of University grounds.
632 (3) **Approval and distribution of election material**

(a) Discretions and determinations exercisable by the Election Committee are subject to review by the Returning Officer.

632 (4) **Costing of election material**

(a) A candidate shall not expend on election material, either directly or indirectly, regardless of the number of positions that the candidate has nominated for, a sum greater than an amount which bears the same relation to the sum of thirty dollars ($30.00) as the Consumer Price Index at the date of the relevant calculation bears to the Consumer Price Index at 1 January 1990.

(b) Where the Election Committee is satisfied beyond reasonable doubt that a candidate had knowledge that election material other than that approved by the Election Committee was prepared for use of the candidate and used for election purposes the Election Committee may at its discretion assess the value to the amount expended by the candidate on election material.

(c) For the purposes of this regulation an omission may be regarded as evidence of knowledge.

(d) Material shall be costed to a candidate only if the material could have a reasonable effect on the possibility of her/his election.

(e) Determinations pursuant to Regulation 632(4) shall be at the discretion of the Election Committee.

(f) After consultation with Guild Services, the committee shall issue to all candidates in an election a memorandum of costing procedures adopted by the Election Committee for assessing expenditure under Regulation 632 (4) (a).

(g) Where a candidate exceeds her/his expenditure limit the Election Committee or Returning Officer shall forthwith lodge with the Tribunal a charge of misconduct under Regulation 605.

632 (5) **Election broadsheet**

(a) There shall be an election broadsheet in which each candidate is entitled to have an entry or entries of no more than 400 words in total and one photograph, notwithstanding that the candidate has nominated for more than one position.

(b) The joint editors of the broadsheet shall be the Election Committee and their decisions shall be final.

(c) The closing date and time for all items to be included in the broadsheet shall be the close of nominations.

(d) Material submitted after the closing date and time shall not be included or inserted.

(e) The joint editors shall distribute the broadsheet widely on campus and make copies available at each polling place.

632 (6) **Display of election material**

(a) Election material may only be displayed in prescribed areas on the university grounds.

(b) Prescribed areas are set by the Returning Officer after consultation with the Election Committee and the university authorities.

(c) No person other than an electoral official shall remove, obstruct, alter or deface affixed election material within the prescribed areas.

(d) No election material is to be displayed within the 28 days before nominations are opened.

632 (7) **Distribution of election material**

(a) Election material may not be distributed within 5 metres of the entrance or exit of a polling place.

633 **VOTING EQUIPMENT**

633 (1) **Voting screens**

(a) A polling place shall have separate polling booths constructed so as to screen a voter from observation while a ballot paper is marked.
(b) No person, other than an electoral official shall exhibit in a polling booth a card or paper having on it any directions or instructions with respect to voting.

633 (2) Ballot boxes
(a) Ballot boxes are to be sealed during the election unless otherwise prescribed.
(b) A polling place shall be provided with such ballot boxes as the Returning Officer sees fit.

12. POLLING SERVICES & PROCEDURES
634 ORDINARY VOTING
634 (1) Eligibility criteria for an ordinary voter
(a) An elector may cast one ordinary vote providing his or her name is on the roll and the prescribed bona fides are presented.

634 (2) Bona fides for ordinary voting
(a) Electors must present a commonly accepted Photographic identification (or satisfy the Returning Officer personally of their identity by other means) in order to be issued with an ordinary vote.
(b) The Returning Officer shall determine what types of Photographic identification can be accepted.
(c) Where these requirements cannot be readily satisfied, a person may make a provisional vote.

634 (3) Deadlines for issue and return of ordinary votes
Any person eligible for an Ordinary Vote who is within the precincts of the polling place at the time of its closure is entitled to vote on request.

634 (4) Withholding an ordinary ballot paper
(a) The issuing officer shall refuse to issue an ordinary ballot-paper to a person who fails to answer any question satisfactorily in relation to their eligibility to receive that ballot paper.
(b) Where an issuing officer refuses to issue a ballot-paper to a person he or she shall make a written note of the person's request to be issued with a ballot-paper and the reasons for refusing to issue and sign the note in the presence of such scrutineers as are present at the polling place. This note shall be passed on to the Returning Officer at the appropriate time.

635 PROVISIONAL VOTING
635 (1) Eligibility criteria for provisional voters
(a) An elector who claims to be eligible to receive a ballot paper shall be issued a provisional vote where:
   (i) the person's name cannot be found on the roll or the roll does not indicate that the voter is entitled to receive a particular ballot paper which the elector claims he or she is entitled.
   (ii) a mark on the roll used at the polling place indicates that the person has already voted at the polling place.
   (iii) the elector cannot supply acceptable photo ID as prescribed.
(b) An elector shall become entitled to a provisional ballot by signing a statement which provides their full name, student number and a statement that they are the person to which those details refer.

635 (2) Issuing procedures
(a) A provisional vote shall not be issued to a person, unless the person signs a declaration which contains the following:
   (i) their full name;
   (ii) student number; and
(iii) a statement that they are the person to whom those details refer.

(b) Where a ballot paper is issued to a provisional voter, the issuing officer shall:-

(i) endorse the ballot paper(s): "PROVISIONAL" (if not already printed as such;
(ii) make and sign a record of the name of the person and the types of ballot papers issued to that person; and
(iii) instruct the voter to return the completed ballot paper(s) in a sealed "Ballot Paper" envelope for inclusion in the declaration envelope prior to lodgement in the ballot box.

635 (3) Deadlines for issue and receipt

Any person eligible to receive a provisional ballot paper who is within the precincts of the polling place during the hours of polling at the time of its closure is entitled to vote.

635 (4) Withholding a provisional ballot paper(s)

(a) The issuing officer shall refuse to issue a provisional ballot-paper to a person who fails to answer any question satisfactorily in relation to person eligibility to receive that ballot paper.

(b) Where an issuing officer refuses to issue a ballot-paper to a person he or she shall make a written note of the person's request to be issued with a ballot-paper and the reasons for refusing to issue and sign the note in the presence of such candidate's representatives as are present at the polling place. This note shall be passed on to the Returning Officer at the appropriate time.

636 POSTAL VOTING

636 (1) Eligibility criteria to apply for a postal vote

(a) An elector may apply for a postal vote who is:-

(i) an external or part-time student;
(ii) disabled or incapacitated;
(iii) undergoing study vacation/exams;
(iv) not within 8 kms of the campus polling place throughout the hours of polling;
(v) ill, infirm or approaching maternity;
(vi) caring for a person who is ill, infirm or approaching maternity;
(vii) precluded from attending a polling place throughout the greater part of those hours because of membership of a religious order or religious belief;
(viii) serving a sentence of imprisonment for an offence or otherwise being in lawful custody or detention;
(ix) travelling under conditions that will preclude attendance at the polling place;
(x) required or on call for emergency duty or employment.

636 (2) Eligibility criteria to register as a registered postal voter

(a) An elector may apply for registration on the permanent postal vote register either at the time of joining the Guild or at any time up to the close of the roll for an election who is:-

(i) an external or part-time student;
(ii) permanently disabled or incapacitated;
(iii) permanently ill or infirm;
(iv) caring for a person who is permanently ill or infirm; precluded from attending a polling place throughout the hours of the polling or throughout the greater part of those hours because of membership of a religious order or religious belief;
(v) serving a sentence of imprisonment for an offence or otherwise being in lawful custody or detention;
(vi) required or on call for emergency duty or employment.

636 (3) Form of registration as a registered postal voter
(a) The form of registration for a Registered Postal Vote shall be prepared by the Returning Officer.

636 (4) Issue of postal vote applications to registered postal voters
(a) As soon as possible following the close of nominations, an Application for a Postal Vote shall be sent to registered postal voters by the Returning Officer to their current address as shown on the Roll.

636 (5) Cancellation of registration as a registered postal voter
(a) A registered postal voter may cancel his or her registration at any time provided the cancellation is made in writing and is signed personally by the elector concerned.
(b) The cancellation of the registration of a registered voter shall be made on receipt of the elector’s written request for cancellation by the Guild Managing Director or where the elector ceases to remain eligible to vote.

636 (6) Form of application for a postal vote
(a) An application for a postal vote shall be prepared by the Returning Officer.

636 (7) Requisites for an application for a postal vote
(a) A postal vote application must:-
   (i) contain a declaration by the applicant stating he/she qualifies for a postal vote;
   (ii) be signed by the applicant and a witness; and
   (iii) be lodged with the Returning Officer before the last dispatch deadline.

636 (8) Availability of postal vote applications
(a) Postal vote applications shall be:-
   (i) sent as soon as possible after the election notice is displayed to those electors who have applied;
   (ii) included with or printed in the Guild Newsletter and the UWA Student Guild Newspaper, 'Pelican'; and
   (iii) available on request from the Guild Office.

636 (9) Address for return of postal ballots
(a) Where an election is conducted by a person appointed by the Electoral Commissioner, the Returning Officer shall use, for the purpose of receiving ballot papers in respect of an election:-
   (i) the Western Australian Electoral Commission’s post office box; or
   (ii) a private box at a post office, being a private box used exclusively for that purpose.
(b) Where the Returning Officer is not appointed by the Electoral Commissioner, the Returning Officer shall use, for the purpose of receiving ballot papers in respect of that election, a private box at a post office, being a private box used exclusively for that purpose.

636 (10) Formal defects
(a) Where the Returning Officer receives:-
   (i) an application for a postal vote or
   (ii) a returned postal vote and is satisfied that the application or returned postal vote contains a formal defect, the Returning Officer may amend the application or certificate to correct the formal defect.
636 (11) Rejection of postal vote application

(a) The Returning Officer shall reject an application for a postal vote if the application is not signed or witnessed.

(b) The Returning Officer shall reject an application for postal vote if the applicant is not enrolled provided that officer has satisfied himself or herself that the applicant's name has not been deleted or omitted in error.

(c) A written advice shall be sent to the applicant whenever a postal vote application is rejected.

636 (12) Issue of postal vote

(a) Dispatches shall be forwarded to the address shown for the forwarding of mail on the application if an address for the forwarding of mail is provided. If a forwarding address has not been supplied, or where the elector is a registered postal voter, the dispatch shall be forwarded to the elector's enrolled address.

(b) A unique annotation should be made on the roll against the name of an elector who has been forwarded postal ballot papers.

636 (13) Postal vote enclosures

(a) A postal vote dispatch envelope shall include the following:-

(i) ballot paper(s) initialled by the Returning Officer or bearing a facsimile of those initials;

(ii) an envelope marked "Ballot Paper";

(iii) a prepaid return envelope to the Returning Officer; and

(iv) an election broadsheet

636 (14) Form of envelopes in postal vote dispatch

(a) The postal vote dispatch envelope shall bear an instruction that, if it is not delivered to the addressee, it shall be returned to the post office box being used by the returning officer for return of postal ballots.

(b) The return envelope shall include a counterfoil which shall be printed on the back with the unique number that the Returning Officer has given the relevant application.

(c) The details of the counterfoil shall be as follows:-

(i) the full name of the voter;

(ii) the address of the voter;

(iii) the signature of the voter; and

(iv) the type of ballot paper(s) issued to the voter.

636 (15) Deadlines for dispatch

(a) Wherever practical the dispatch of postal voting material to electors who have applied for a postal vote shall be effected on the same day as receipt of the application once the ballot papers have been received from the printer.

636 (16) Deadlines for receipt of applications

(a) Postal voting material shall be forwarded through the mail in response to applications received before 4:00pm on the teaching day prior to the commencement of polling.

636 (17) Deadlines for receipt of returned postal votes

(a) Postal votes must be returned to the Returning Officer by the close of polls in order to be included in the count.

636 (18) Duplicate issue of postal votes
(a) Where on application by the elector before the time of the close of the ballot in an election, the Returning Officer is satisfied that ballot paper or return envelope issued to a person whose name is on the electoral roll, has not been received or has been lost, destroyed or spoilt, that officer shall issue to that person a duplicate ballot paper or return envelope as the case require. In these cases the return envelope shall be marked "DUPLICATE".

(b) An application for a duplicate issue of a ballot paper or return envelope for an election shall be in writing setting out the grounds on which the application is made and declaring that the person has not voted in the election and shall, if practicable, be accompanied by any evidence that is available of that non-receipt, loss, destruction or damage.

636 (19) Procedures for receipt of postal votes

(a) The Returning Officer may, at any time up to the close of the ballot, place unopened into a sealed ballot box(es), all postal votes received by that officer before the time of the close of the ballot.

(b) The Returning Officer shall keep each of the ballot boxes in safe custody until the ballot boxes are opened for the scrutiny.

(c) As soon as practicable after the time of the close of the ballot and in the presence of the scrutineers, if in attendance the Returning officer shall take the ballot box(es) to the place of the count and proceed to undertake the count and keep all envelopes so collected in safe custody until the count is complete.

(d) The Returning Officer, at the time of the close of the ballot but not before in the presence of scrutineers if in attendance, shall collect all envelopes from the private box at the post office and take all the envelopes so collected to the place of the count and keep all those envelopes in safe custody until the count is complete.

(e) The Returning Officer, before proceeding to count the number of votes to ascertain which candidate is successful in the election, shall after the following action extract the ballot papers and proceed with the count:-

(i) compare the signatures on the postal vote application and counterfoil to verify that they are a match;

(ii) check each postal vote declaration against the member's name on the electoral roll and, if the voting papers are in order, mark the roll;

(iii) remove the "Ballot Paper" envelope from the envelope addressed to the Returning Officer and place the ballot paper envelope unopened into a separate container until all declarations are checked; and

(iv) open the ballot paper envelopes when all declarations have been checked and cleared.

636 (20) Availability of services

(a) Ordinary and Provisional voting shall be made available at both polling places and special polling places.

13. POLLING & COUNTING

637 (1) Conduct of poll

(a) The poll shall be conducted as follows:-

(i) Before any vote is taken, the Officer-in-Charge shall exhibit each ballot box empty and shall then securely fasten and seal them so that nothing can be removed without breaking the seal.

(ii) The polling place shall remain open during the hours prescribed and every elector inside the polling place at the time of its closure shall be permitted to vote.

(iii) At the close of the poll the Officer-in-Charge shall publicly close, fasten, seal and take charge of the ballot boxes and with the least possible delay forward them to the counting centre for the purposes of scrutiny, and it should on no account be opened except in accordance with these regulations. The cleat shall also be closed and sealed unless the ballot box has an outer cover without a cleft.
(iv) The Officer-in-Charge shall also forward to the counting centre the marked roll(s) used at the poll and any other documents received before or during the poll, having first certified such rolls as a true record of the taking of the votes.

637 (2) Candidate’s responsibilities

(a) Without the express permission of the Returning Officer a candidate may not attend and remain in the polling place other than to cast his or her own vote.

(b) A candidate may not attend the count without the express permission of the Returning Officer.

638 CASTING A VOTE AT GUILD ELECTIONS

638 (1) Method of marking ballot papers

(a) Each voter must indicate a first preference for a candidate by placing the numeral "1" in the square opposite the name of that candidate. The voter may then show further successive preferences for any or all of the remaining candidates by placing the numbers 2, 3, 4 and so on, as the case requires.

638 (2) Spoilt ballot papers

(a) Where a person who has been issued with a ballot-paper satisfies the issuing officer that the ballot-paper has been spoilt by mistake or accident, the issuing officer shall, on receiving the spoilt ballot-paper, cancel it and issue to that person another ballot-paper.

(b) Where an issuing officer cancels a spoilt ballot-paper that officer shall write the word "Spoilt" across the face of the paper, place it in an envelope provided for that purpose and return it to the Returning Officer with the rest of the election material at the close of polling.

638 (3) Assistance for disabled electors

(a) An elector who is unable to vote without assistance because of a disability may request any person other than a candidate or a scrutineer to provide assistance, which includes marking the ballot paper for the elector in accordance with the elector's instructions.

638 (4) Secrecy of vote

(a) Voting is by secret ballot.

638 (5) Preliminary scrutiny of postal votes

(a) The Returning Officer may undertake any check that he or she determines to be necessary to adjudge whether a postal vote should be included in the count. These checks shall take place at any time that the Returning Officer deems practicable and must ensure that:-

(i) a signature appears on the counterfoil;

(ii) the signature matches that which is on the application and the Returning Officer has no reason to doubt its authenticity; and

(iii) the postal ballot-paper was received by the close of the poll.

(b) Where the Returning Officer is satisfied that a postal vote should be included in the count he or she shall:-

(i) place a mark against the name of the elector on the roll; and

(ii) place the envelope unopened in the postal ballot-box labelled "Admitted to the Count".

(c) Where the Returning Officer is not satisfied that the postal vote should be included in the count, he or she shall mark the unopened envelope with the word "Rejected" and place it in the postal ballot-box labelled "Rejected from the Count".

(d) Where an elector is eligible to have one or more but not all ballot papers included in the count, those ballot papers which are not included in the count shall be placed in a sealed envelope provided for this purpose and set aside as rejected.
638 (6) Preliminary scrutiny of provisional votes

(a) The Returning Officer shall make all reasonable enquiries that he or she deems necessary to ascertain whether provisional votes should be included in the count.

(b) Where the Returning Officer is not satisfied that the provisional vote should be included in the count, he or she shall mark the unopened envelope with the word "Rejected" and place it in the postal ballot-box labelled "Rejected from the Count".

638 (7) Times and locations for counts

(a) The Returning Officer shall appoint the location and times for the counts.

(b) The Returning Officer may adjourn the count at any time at his/her absolute discretion.

(c) Counting for the position of Guild President and Senate Representative shall commence as soon as practicable after the close of polls.

(d) Preliminary checking of declaration votes and the sorting (not allocation to candidates/groups) of ballot papers may commence as soon as practicable after the close of the poll.

638 (8) Order of election of office bearers

(a) The declarations for various elections will be conducted in the order listed in Schedule 1.

(b) The Returning Officer may, at their discretion, conduct counts in any order, subject to subsection 7(a), provided the outcome could not be affected by a preceding count, however the declaration of the results of the elections must still occur in accordance with Schedule 1.

638 (9) Commencement of counting and subsequent adjournments

(a) Each adjournment shall be announced to all of the scrutineers and officers present at that time by the Officer-in-Charge of the count. The time and place for the continuation of the count shall also be advised at that time, if known.

(b) Before every adjournment of the count, all ballot papers and other documents connected with such count shall be placed in one or more ballot boxes, and the officer conducting the count shall then, in the presence of such scrutineers and officers in attendance, seal the ballot box or boxes with a seal. The cleft shall also be closed and sealed unless the ballot box is provided with an outer cover without a cleft.

(c) Before recommencing the count after an adjournment the seals shall be exhibited unbroken to the scrutineers and officers present.

639 CRITERIA FOR FORMALITY

639 (1) General

(a) A ballot paper shall not be informal for any reason other than mentioned in these regulations.

(b) Without limiting the generality of the method by which a ballot paper may be marked, a vote which is marked on a ballot paper other than in the prescribed manner but which clearly indicates the elector’s intention and is not otherwise informal, shall be formal.

(c) A ballot paper shall be informal if it:

(i) is not initialled by the Returning Officer or issuing officer;

(ii) has upon it any mark or writing not authorised by these regulations which, in the opinion of the Returning Officer will enable any person to identify the elector;

(iii) shows no first preference or more than one first preference;

(iv) has no mark indicated on it, or the surname of any candidate is omitted from it, or no name of any candidate is written on it.
(d) Where a candidate dies between the date of nomination and the commencement of polling and the number of candidates remaining is greater than the number of candidates to be elected, a ballot paper shall not be informal or become exhausted by reason only of the :-

(i) inclusion on the ballot paper of the name of the deceased candidate;

(ii) marking of any consecutive number opposite that name; or

(iii) omission to place any number opposite that name, or of any resultant failure to indicate in consecutive order the voter's preferences.

(e) Where a ballot paper does not carry the Returning Officer's initials it should still be included in the count provided the Returning Officer is satisfied that it is an authentic ballot paper.

(f) Where a tick or cross is the sole mark on the ballot paper it shall be taken to indicate a first preference for the candidate or group concerned.

(g) Where ticks, crosses and other marks are mixed on the same ballot paper it shall be treated as informal.

(h) Where further preferences cease to be cast or a duplication or omission in the sequence occurs, that ballot paper becomes exhausted at that point-

(i) Where 2 or more ballot papers are printed on one piece of paper, the presence of any mark or writing identifying the voter makes the votes on each ballot paper informal. Informality on one ballot paper for other reasons does not extend to other ballot papers on the same piece of paper.

639 (2) Specific formality of declaration votes

(a) A Postal or Provisional Ballot paper which is not enclosed in its declaration/return Envelope (not Ballot Paper Envelope) is informal.

639 (3) Objections by scrutineers

(a) A scrutineer may make submissions in relation to any ballot paper that the ballot paper is formal or informal and the officer in the Charge of the count shall endorse the paper as "Rejected" or "Admitted" according to his decision to admit or reject the ballot paper. Where an officer makes such an endorsement he or she shall initial the endorsement.

(b) Nothing in this regulation prevents the Officer-in-Charge, in the absence of a submission by a scrutineer, from rejecting any ballot paper as being informal or from admitting a ballot paper to the count.

639 (4) Method of counting votes for other than Guild Councillors

(a) The method of counting votes for other than Guild Councillors shall be optional proportional representation as interpreted by the Returning Officer.

639 (5) Method of counting votes for Guild Councillors

(a) The method of counting votes for Guild Councillors shall be by optional proportional representation as interpreted by the Returning Officer.

639 (6) Validity of result

(a) An election is not invalid because of-

(i) any delay, error or defect of a procedural nature if the delay, error or defect does not affect the result of the election;

(ii) any omission, error or defect in the appointment or authorisation of an electoral official.

639 (7) Recounts

(a) At any time before the declaration of the poll the Returning Officer may, if he or she thinks fit, at the request of any scrutineer, or of his own motion, recount the ballot papers.
(b) The Returning Officer in conducting the recount shall have the same powers as if the recount was the count and may reverse any decision in relation to the scrutiny as to the allowance, admission or disallowance or rejection of any ballot paper.

639 (8) Use of computers in the counting process

(a) The Returning Officer may determine to use computers in the counting process for any ballots where he or she considers this method would be the most cost-efficient and appropriate means of conducting the count.

I4. DECLARATION OF THE POLL & ELECTION REPORTING

640 (1) Action where nominations for the position(s) do not exceed the vacancy(ies)

(a) 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 subject to the candidate not being a candidate for a conflicting position higher in the hierarchy of positions, as per Schedule I.

640 (2) Failed or partly failed elections

(a) An election shall be declared a failed election where no nomination is received or a candidate for an office with a single vacancy, dies after nominations have been declared.

(b) Where there are insufficient nominations for multi-member vacancies, an election shall fail only in respect of the vacancy or vacancies for which nominations are not received.

640 (3) Validity of result

(a) No election shall be liable to be questioned by reason of any:-

(i) defect in the title or any want of title of any person by or before whom such election is held, if such person really acted at such election;

(ii) formal error or defect in any declaration or other instrument, or in any publication made under these regulations or intended to be so made;

(iii) publication made under these regulations being out of time.

640 (4) Public notice

(a) The Returning Officer shall declare the poll by providing Public Notice on the Guild Notice Board at the completion of counting.

640 (5) Form of public notice

(a) The form of the Notice shall provide a signed and dated declaration of result by the Returning Officer. Full details of the count shall also be provided wherever practical. Where this is not practical details where these are made available for public inspection shall be provided.

640 (6) Election Report and Statistics

(a) The Returning Officer shall lodge a Report with the Guild Council through its Secretary within 30 days after the declaration of polls, or, within 30 days following the resolution of any disputed returns.

(b) The Returning Officer’s Report shall include the details of the arrangements made for the polls; the results of the count and the Returning Officers comments and recommendations for improvement for consideration by Guild Council.

(c) The Secretary of the Guild must table the Returning Officer’s report at the next ordinary Guild Council meeting following receipt of the report.

15. OFFENCES & MISCONDUCT
641 (1) Offences

(a) A person shall commit an offence if he or she wilfully:

(i) offers a bribe and exerts undue influence;
(ii) neglects official duty;
(iii) distributes misleading, false or defamatory statements;
(iv) canvases for votes in a polling place;
(v) interferes with and infringes the secrecy of the ballot;
(vi) acts when disqualified;
(vii) falsely impersonates another person;
(viii) destroys or defaces a ballot paper, ballot box or election notice with the intention to defraud;
(ix) deposits a ballot paper in the ballot box or returns a postal ballot paper through the mail with the intention to defraud;
(x) removes a ballot paper from the polling place or counting centre with the intention to defraud;
(xi) forges or utters nomination, ballot paper or electoral form;
(xii) fails to obey the lawful instruction of the Officer-in-Charge within a polling place or counting centre;
(xiii) supplies ballot papers without authority;
(xiv) votes more than once at the same election;
(xv) defaces, mutilates, destroys or removes any notice, list or other document affixed by the Returning Officer or by his or her authority;
(xvi) makes false statement in any claim, application, return or declaration or in answer to a question under these regulations;
(xvii) distributes any advertisement, handbill or pamphlet which is not approved as prescribed or otherwise published in contravention of these regulations;
(xviii) in the case of an officer, candidate or scrutineer, wears or displays, a badge or emblem of a candidate or group in a polling place during polling or at a counting centre during counting;
(xix) obstructs an election meeting;
(xx) damages Guild property or fixtures so as to affect the conduct of the election;
(xxii) hinders, obstructs or prevents an electoral official or candidate from discharging his or her duty or exercising a right;
(xxx) defaces or mutilates election material without authority;
(xxxi) induces, directly or indirectly, an electoral official;
(xxxii) interferes with, defaces or destroys a ballot paper, electoral form, nomination, official electoral notice, ballot box/nomination receptacle, lock, seal electoral roll or other significant objects pertaining to the election;
(xxxiii) brings alcohol to a polling place or counting centre;
(xxxiv) engages in disorderly conduct at a polling or counting centre;
(xxxv) in the case of a candidate, remains within 5 m of a voting enclosure after a formal warning;
(xxxvi) distributes or displays election material within 5m of a voting enclosure following a formal verbal warning;
(xxix) duplicates or conceals a ballot paper;

(xxx) witnesses an electoral paper which has not been completed;

(XXXI) witnesses a signature without actually seeing the person concerned write that signature;

(XXXII) marks a ballot paper unlawfully;

(XXXIII) acts as a witness on an electoral form whilst being a candidate or group agent;

(XXXIV) interferes unduly with the freedom of speech of a person during an election;

(XXXV) assaults or attempts to assault a person in a manner calculated to affect the conduct of the elections;

(XXXVI) hinders, obstructs or prevents an electoral officer or candidate from discharging a duty or exercising a right under these regulations;

(XXXVII) defaces, mutilates or without authority of the person or candidate for whom the election material is produced removes or interferes with election material belonging to another person;

(XXXVIII) directly or indirectly attempts to induce an electoral officer to alter the course of an election;

(XXXIX) interferes with or destroys a ballot paper, ballot box, lock, seal, electoral roll or other objects;

(XLI) engages in disorderly conduct on the premises of a polling place or counting place;

(XLII) in the case of a candidate, exceeds his or her expenditure limit as prescribed in Regulation 632(4); or

(XLIII) casts more than one vote in contravention of Regulation 621 (6) (b)

16. REFERENDA

642 (1) General application

(a) 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.

624 (2) Administrative appointments

(a) The Returning Officer, Election Committee and Election Tribunal shall be appointed in the same manner as prescribed for the Annual General Elections.

(b) Scrutineers shall be appointed by any member of the current Guild Council in accordance with appointment procedures prescribed for the Annual General Elections.

642 (3) Official powers, rights and responsibilities

(a) The powers, rights and responsibilities of electoral official and bodies shall be the same as those prescribed for the Annual General Elections in so far as they may be applied to the conduct of a referendum.

642 (4) Authorisation of referendum

(a) A referendum shall be called whenever Guild Council so determines or whenever a requisition is signed by at least 300 of all Guild members.

(b) Guild Council must conduct a referendum where a 2/3 majority of members present at a General Meeting pass a requisition for a referendum on any matter affecting the student body.

642 (5) Form of requisition

(a) The requisition must state the exact wording of a proposal and will also stipulate whether the vote is to be put to the entire student body or to members only.

642 (6) Place of lodgement

(a) The requisition must be lodged with the Secretary of the Guild Council.

642 (7) Qualifications for enrolment
(a) Where voting in the referendum is restricted to members only, the same qualifications for enrolment shall exist as for voting for President at the Guild's Annual General Election.

(b) Where voting in the referendum is open to all students, the same qualifications for enrolment shall exist as for voting for the University Senate.

642 (8) Qualifications for voting

(a) Electors must be qualified as at the close of rolls

642 (9) Voting obligations and limits

(a) Voting is voluntary. No sanctions are attached to failure to vote.

(b) Electors may only vote once in respect to each proposal put at a Referendum.

(c) Electors must vote personally. There shall be no right of proxy vote.

643 TIMETABLE

643 (1) Public notification of poll

(a) The Returning Officer shall advertise the holding of a referendum by any means he or she deems appropriate, but shall include the display of a public notice on the Guild Notice Board within 30 days of the lodgement of the requisition with the Secretary of the Guild Council.

(b) The Election Notice shall be dated the first day of display on the Guild Notice Board.

643 (2) Parameters of polling dates and times

(a) 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.

(b) Where a referendum is not held in conjunction with an Annual General Election the last day for polling shall be no later than 30 days after the date of the Election Notice.

643 (3) Parameters of close of rolls

(a) Where a referendum is to be held in conjunction with an Annual General Election the time and date for the close of rolls shall be identical to those set for the Annual General Election.

(b) Where a referendum is not held in conjunction with an Annual General Election the polls will close at 5 pm 7 days after the date of the Election Notice.

643 (4) Parameters of declaration of the poll

(a) The poll for a referendum shall be declared by the Returning Officer on the completion of counting but not later than 30 days after the close of the poll.

643 (5) Format of referendum notice

(a) The public notice providing referendum details shall include the time, date and place of polling and the wording of the proposal to be put to the electors.

643 (6) Polling locations

(a) Requirements for Polling locations for the holding of a referendum shall be identical to those of the Annual General Elections.

643 (7) General format of ballot paper

(a) The form of the ballot paper for a referendum containing only one question shall be prepared by the Returning Officer.

(b) The form of the ballot paper for a referendum containing more than one question shall be prepared by the Returning Officer.

643 (8) Costing
(a) The Guild shall meet the costs of any referendum held under these regulations.

643 (9) Method of marking ballot papers

(a) The voting at a referendum shall be by ballot and each elector shall indicate his or her vote:-
   (i) if the elector approves the proposal, by writing the word "YES" in the space provided on the ballot-paper; or
   (ii) if the elector does not approve of the proposal, by writing the word "NO" in the space so provided.

643 (10) Criteria for formality

(a) A ballot paper is informal if:-
   (i) it is not authenticated by the initials of the Returning Officer or an issuing officer;
   (ii) it has no vote marked on it or the voter’s intention is not clear;
   (iii) it has more than one vote marked on it; or
   (iv) it has upon it any mark or writing by which in the opinion of the Officer -in-Charge of the Count the voter can be identified.

643 (11) Method of counting votes

(a) The ballot papers shall be arranged in the following categories at the count:-
   (i) votes in favour of the proposal;
   (ii) votes not in favour of the proposal; and
   (iii) ballot papers rejected as informal.

643 (12) Recounts

(a) At any time before the declaration of the poll, the Returning Officer may, on his or her own motion or at the request of any scrutineer appointed by the President, recount the ballot papers.

(b) The Returning Officer in conducting the recount shall have the same power as if the recount was the count and may reverse any decision in relation to the count in respect to the allowance/admission or the disallowance/rejection of any ballot paper.

643 (13) Result of the referendum

(a) The proposal shall be approved if the number of votes in favour of the proposal is greater than those not in favour. The proposal shall not be approved if the number of votes not in favour is greater than those in favour. In the event of a tie the proposal shall be lost.

643 (14) Declaration of the poll and election reporting

(a) Requirements in relation to the declaration of the poll and election reporting shall be identical to those for an Annual General Election whenever applicable and appropriate.

643 (15) Offences and election related misconduct

(a) Offences and election related misconduct shall be identical to those for an Annual General Election whenever applicable and appropriate.

643 (16) Validity of result

(a) The results of the referendum, shall determine policy and be binding on the Guild Council, unless;

b) less than 10% of all Guild Members eligible to vote have cast a valid vote.

c) eligible electors included those who are not members of the Guild.

643 (17) Application of provisions relating to complaints and charges
(a) The regulations relating to complaints of a disputed return and charges of misconduct shall apply where appropriate to any referendum save where there are any inconsistent regulations relating specifically to referenda in which case the latter shall prevail.

643 (18)

(a) The parties who are required to be notified in relation to election Tribunal proceedings concerning a complaint about a disputed return over a referendum are the complainant, any person who is the subject of the allegation of misconduct in relation to the referendum and members of Guild Council at the time of the referendum.

17. MISCELLANEOUS

644 REPEAL

644 (1) The following regulations are repealed:

(a) Guild Election Regulations 600 - 699 which predated these Regulations (UWA Student Guild 2001 Electoral Regulations) are repealed.

(b) Any right conferred or office gained by individuals under the repealed regulations shall remain in force until the holding of the first Annual General Election using these regulations.

645 EXTENSION OF TIME

645 (1) Where an electoral officer is required by a provision of these regulations to do an act and the officer refuses or fails to do the act at the time, or within the period required by that provision in a case where the Returning Officer was appointed by the Electoral Commissioner, the Electoral Commissioner may determine that the act may be done within such further time not exceeding 48 hours.
### SCHEDULE I

#### TABLE A:
**CANNOT HOLD A POSITION ON TABLE B OR D**

<table>
<thead>
<tr>
<th>Position</th>
<th>Voting Qualification</th>
<th>Candidate Qualification</th>
</tr>
</thead>
<tbody>
<tr>
<td>President of the Guild</td>
<td>An enrolled student at UWA</td>
<td>An enrolled student at UWA who is a member of the Guild</td>
</tr>
<tr>
<td>President of Societies Council</td>
<td>An enrolled student at UWA</td>
<td>An enrolled student at UWA who is a member of the Guild</td>
</tr>
<tr>
<td>President of Education Council</td>
<td>An enrolled student at UWA</td>
<td>An enrolled student at UWA who is a member of the Guild</td>
</tr>
<tr>
<td>President of Public Affairs Council</td>
<td>An enrolled student at UWA</td>
<td>An enrolled student at UWA who is a member of the Guild</td>
</tr>
<tr>
<td>Treasurer of the Guild</td>
<td>An enrolled student at UWA</td>
<td>An enrolled student at UWA who is a member of the Guild</td>
</tr>
<tr>
<td>Women's Affairs Officer</td>
<td>A woman who is an enrolled student at UWA</td>
<td>A woman who is an enrolled student at UWA and who is a member of the Guild</td>
</tr>
</tbody>
</table>

#### TABLE B:
**CANNOT HOLD A POSITION ON TABLE A**

<table>
<thead>
<tr>
<th>Position</th>
<th>Voting Qualification</th>
<th>Candidate Qualification</th>
</tr>
</thead>
<tbody>
<tr>
<td>International Student Service Director</td>
<td>An International Student who is an enrolled student at UWA</td>
<td>An International Student who is an enrolled student at UWA and who is a member of the Guild</td>
</tr>
<tr>
<td>Environment Officer</td>
<td>An enrolled student at UWA</td>
<td>An enrolled student at UWA who is a member of the Guild</td>
</tr>
<tr>
<td>Welfare Officer</td>
<td>An enrolled student at UWA</td>
<td>An enrolled student at UWA who is a member of the Guild</td>
</tr>
</tbody>
</table>

#### TABLE C:
**CAN HOLD POSITIONS ON A, B, D OR E EXCEPT GUILD PRESIDENT**

<table>
<thead>
<tr>
<th>Position</th>
<th>Voting Qualification</th>
<th>Candidate Qualification</th>
</tr>
</thead>
<tbody>
<tr>
<td>Senate Representative</td>
<td>An enrolled student at UWA</td>
<td>An enrolled student at UWA</td>
</tr>
<tr>
<td>Sport Representative</td>
<td>An enrolled student at UWA</td>
<td>An enrolled student at UWA</td>
</tr>
</tbody>
</table>

#### TABLE D:
**CAN HOLD POSITIONS ON B, C OR E**

<table>
<thead>
<tr>
<th>Position</th>
<th>Voting Qualification</th>
<th>Candidate Qualification</th>
</tr>
</thead>
<tbody>
<tr>
<td>Guild Councillors (13 persons to be elected)</td>
<td>An enrolled student at UWA</td>
<td>An enrolled student at UWA</td>
</tr>
</tbody>
</table>
TABLE E: CAN HOLD POSITIONS ON A, B, C OR D

<table>
<thead>
<tr>
<th>Position</th>
<th>Voting Qualification</th>
<th>Candidate Qualification</th>
</tr>
</thead>
<tbody>
<tr>
<td>National Union of Students</td>
<td>An enrolled student at UWA</td>
<td>An enrolled student at UWA</td>
</tr>
</tbody>
</table>

SCHEDULE 2

RULE OF OPTIONAL PROPORTIONAL REPRESENTATION

1. Each voter shall indicate on each ballot paper an order of preference amongst the candidates by placing the number 1, 2 and 3, and so on against the name of each candidate. A voter need not place a number against the name of every candidate.

2. The Returning Officers shall accept a ballot paper which does not satisfy the above procedure where they are satisfied the voter has unambiguously indicated an order of preference by some other means.

3. A ballot paper which does not comply with the above procedures is deemed informal and shall be set aside as finally dealt with.

4. deleted

5. 

(a) Where a candidate has nominated for more than one of the positions listed in Table A of the First Schedule and the candidate has been declared elected to one of the positions listed in that table 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.

(b) Subject to subsection (1) where a candidate has nominated for positions on Table A and Table B of the First Schedule, and the candidate has been declared elected to one of the positions listed in Table A counting shall proceed as if that candidate's name did not appear on the ballot paper for the counting for position on Table B. 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.

(c) Where a candidate has nominated for a position of the University /Senate and the candidate has been declared elected to the position of Guild President during the course of the same election the counting of ballot for a position on University Senate 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.

6. In determining the candidate next in order of the voter's preference a candidate shall be disregarded who in the course of the election has been declared elected to the position listed in Table A of the First Schedule has been declared elected to another position listed in the Table or has had her/his candidature declared void.

7. A quota shall be calculated by dividing the number of formal votes cast by one more than the number of candidates to be elected and taking the next highest whole number.

8. 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 or such other candidate determined in accordance with rule 5 above.

9. Any candidate who achieves a total value of ballot papers greater than or equal to the quota shall be declared elected.

10. Where a candidate achieves a total value greater than the quota then all those ballot papers which cause the last increase in the total value of ballot papers for the candidate shall be reallocated to the candidate next in the voter's order of preference. The remaining ballot papers shall be set aside as fully dealt with.

11. 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.
12. 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 ballot papers received by that candidate. Where this amount is not a whole number the fractional amount shall be rounded to one decimal place.

13. Where after the allocation or 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.

14. If two or more candidates are declared elected with the same total value, for the purpose of rule 13 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 two or more candidates, the Returning Officers shall determine the matter by lot.

15. When all reallocations of ballot papers of elected candidates have been completed, subject to rule 17, 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 next in the voter’s order of preference in the order in which and at the transfer value at which eliminated candidate had been reallocated 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 is declared elected as a result of one of these reallocations.

16. 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 Officers shall determine the matter by lot.

17. The process of elimination shall continue until the required number of candidates have been declared elected or until 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.

18. For interpretation of these rules reference shall first be made to Appendix 5 of N.E. Renton’s “Guide for Meetings and Organisations” (1972) with the exception of the Note appearing on page 201.
SECTION 2

METHOD OF ELECTION OF MEMBERS OF THE SENATE UNDER SECTION 10(i) OF THE UNIVERSITY ACT
METHOD OF ELECTION OF MEMBERS OF THE SENATE UNDER SECTION 10(i) OF THE UNIVERSITY ACT

1. In these regulations—

   Guild' means the Guild of Undergraduates referred to in Section 28 of the University of Western Australia Act 1911.

   Guild Council' means the Council of the Guild constituted under Statute No. 20.

2. The election of one member of the Senate under Section 10(i) of the University Act is held annually on the day or days appointed by the Guild Council for the holding of the annual Guild elections and advertised by notices displayed on the University notice boards for at least the sixty days immediately preceding the commencement of the election.

3. The election is conducted by the Guild Council who appoint a Returning Officer, and additional officers if required, no later than thirty-five days before the commencement of the election.

4. Nominations of candidates are invited by notices displayed on the University notice boards for at least the fourteen days before the nominations are due to close.

5. Each nomination must be in writing signed by the nominee and two persons eligible to vote in the election as proposer and seconder and lodged with the Returning Officer not later than 5 p.m. twenty-one days before the commencement of the election.

6. (1) If a nomination is received from only one candidate, the President of the Guild must report this to the Chancellor who will, on the following first day of December or on another date determined by the Chancellor, declare the candidate to be elected as a member of the Senate.

   (2) If there is more than one nomination, the Returning Officer must publish the names of the candidates on the University notice boards for at least the seven days immediately preceding the commencement of the election.

7. (1) If there is more than one candidate, the election must be by ballot conducted by the Returning Officer in a place or places determined by the Guild Council and advertised.

   (2) The ballot must be held on the day or days appointed under Regulation 2 and closes at 5 p.m. on the day or the last of the days appointed.

8. Every voting paper must contain the names of all the candidates nominated set out in the order prescribed by the Guild Council.

9. (1) The voter must write the figure '1' opposite the name of the candidate who stands first in his or her order of preference and may, in addition, indicate the order of preference for as many more candidates as they please by writing opposite the name of a candidate a number next in numerical order after those already used by the voter.

   (2) A voter does not have to place a number against the name of every candidate.

   (3) The Returning Officer will accept a ballot paper that does not follow the above procedure if they are satisfied that the voter has unambiguously indicated an order of preference by some other means.

10. (1) The counting of votes cast in the ballot must be carried out by the method described in the Appendix to these regulations.

   (2) Each candidate is entitled to nominate one scrutineer to be present at the scrutiny.

   (3) If a candidate for election to the Senate is also a candidate for election to the office of President of the Guild, the proceedings for the election to the office of President of the Guild must be completed first and
if the candidate is elected to that office, the candidate's name must be deleted from the voting paper and their preferences renumbered prior to the first scrutiny.

11. If, on the report of the Returning Officer or of a scrutineer, the President of the Guild is of the opinion that a voting paper is substantially defective, the voting paper must not be included in the ballot.

12. The Guild must, in its regulations, prescribe arrangements and eligibility for postal voting.

13. Subject to these regulations, the President of the Guild has authority to determine conclusively all questions of detail concerning the election.

14. If the President is a candidate for election to the Senate, the Guild Council must appoint some other member of the Guild Council to fulfill the duties and responsibilities of the President imposed under Regulations 11, 13 and 15.

15. Within 48 hours of the conclusion of the scrutiny, the President of the Guild must report the result of the election to the Chancellor, who will on the following first day of December, or on another date determined by the Chancellor, declare the candidate who has been preferred by the electors to be elected as a member of the Senate from the date of the declaration.

16. (1) Immediately upon the completion of the scrutiny, the voting papers must be placed by the Returning Officer in a sealed container and held by them for fourteen days.

(2) When the fourteen day period has expired, the voting papers must be destroyed by the Returning Officer unless otherwise directed by the Chancellor.

17. (1) If the office of a member becomes vacant before the normal expiration of that member's term of office, the Senate must, as soon as possible after the occurrence of the vacancy, fix a date for the election of a successor.

(2) The election must be held in accordance with these regulations, except that the Chancellor will, immediately on receipt of the report from the President of the Guild under sub-regulation 6(1) or Regulation 15, declare the candidate or preferred candidate to be elected as a member of the Senate.

18. The unauthorised removal from any University notice board of a notice referred to in Regulations 2, 4, and sub-regulation 6(2) during the period prescribed for publication, does not invalidate the election or nomination concerned.

APPENDIX

Counting of Votes [Clause 10(1)]

1. The counting of votes cast in the ballot for election of the members of the Senate under Section 10(i) of the University of Western Australia Act shall be as follows in this Appendix.

2. The number of first choices recorded for each candidate shall be counted, and all informal voting papers shall be rejected.

3. The aggregate number of such first choices shall be divided by one more than the number of candidates required to be elected, and the quotient increased by one, disregarding any remainder, shall be the quota, and (except as hereinafter provided in Rule 11) no candidate shall be elected until he or she obtains a number of votes equal to or greater than the quota.

4. Any candidate who has, upon the first choices being counted, a number of such votes equal to or greater than the quota shall be declared elected.

5. Where the number of such votes obtained by any candidate is equal to the quota, the whole of the voting papers on which a first choice is recorded for such elected candidate shall be set aside as finally dealt with.

6. Where the number of such votes obtained by any candidate is in excess of the quota, the proportion of votes in excess of the quota shall be transferred to the other candidates not yet declared elected, next in the order of the voter's respective preferences, in the following manner:
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(i) All the voting papers on which a first choice is recorded for the elected candidate shall be re-examined, and the number of second choices, or (in the case provided for in Rule 13) third or next consecutive choices, recorded for each unelected candidate thereon shall be counted.

(ii) The surplus of the elected candidate shall be divided by the total number of votes obtained by him or her on the counting of the first choices, and the resulting fraction shall be the transfer value.

(iii) The number of second or other choices ascertained in paragraph (i) to be recorded for each unelected candidate, shall be multiplied by the transfer value.

(iv) The resulting number, disregarding any fractional remainder, shall be credited to each unelected candidate, and added to the number of votes obtained by him or her on the counting of the first choices.

7. (a) Where, on the counting of the first choices or on any transfer, more than one candidate has a surplus, the largest surplus shall be first dealt with. If then more than one candidate has a surplus, the then largest surplus next in order of magnitude shall be dealt with, and so on. Provided that, if one candidate has obtained a surplus at a count or transfer previous to that at which another candidate obtains a surplus, the surplus of the former shall be first dealt with.

(b) Where two or more surpluses are equal, the surplus of the candidate who has the highest on the poll at the count or transfer at which they last had an unequal number of votes shall be first dealt with, and if they have had an equal number of votes at all preceding counts or transfers the Returning Officer shall decide by lot which candidate’s surplus shall be first dealt with.

8. (a) Where the number of votes obtained by a candidate is raised up to or above the quota by a transfer as aforesaid, the candidate shall thereupon be declared elected. And in such case notwithstanding the fact that the candidate may have reached the quota, such transfer shall be completed, and all the votes to which the candidate is entitled therefrom shall be transferred to him or her, but no votes of any other candidate shall be transferred to him or her.

(b) Where the number of votes obtained by a candidate is raised up to, but not above the quota by a transfer as aforesaid, the whole of the voting papers on which such votes are recorded shall be set aside as finally dealt with.

(c) Where the number of votes obtained by a candidate is raised above the quota by a transfer as aforesaid, the candidate’s surplus shall be transferred to the candidates next in the order of the voter’s respective preferences, in the following manner:

(i) The voting papers on which are recorded the votes obtained by the elected candidate in the last transfer shall be re-examined, and the number of third, or (in the case provided for in Rule 13) next consecutive choices recorded for each unelected candidate thereon counted.

(ii) The surplus of the elected candidate shall be divided by the total number of voting papers mentioned in paragraph (i), and the resulting fraction shall be the transfer value.

(iii) The number of second (or other) choices, ascertained in paragraph (i) to be recorded for each unelected candidate, shall be multiplied by the last mentioned transfer value.

(iv) The resulting number, disregarding any fractional remainder, shall be credited to each unelected candidate, and added to the number of votes previously obtained by him or her.

9. (a) Where, after the first choices have been counted and all surpluses (if any) have been transferred as hereinbefore directed, no candidate, or less than the number of candidates required to be elected, has or have obtained the quota, the candidate who is lowest on the poll shall be excluded, and all the votes obtained by that candidate shall be transferred to the candidates next in the order of the voter’s respective preferences, in the same manner as is directed in Rule 6.

(b) The votes obtained by such excluded candidate as first choices shall first be transferred, the transfer value of the vote in each case being 1.

(c) The other votes of such excluded candidate shall then be dealt with in the order of the transfers in which, and at the transfer value at which, he or she obtained them.
UWA Student Guild Electoral Regulations

(d) Each of the transfers which takes place under the two previous clauses of this rule shall be deemed for all purposes to be a separate transfer.

10. (a) Where the number of votes obtained by a candidate is raised up to or above the quota by any such transfer as aforesaid, the candidate shall thereupon be declared elected. And in such case, notwithstanding the fact that he or she may have reached the quota, such transfer shall be completed, and all the votes to which that candidate is entitled therefrom shall be transferred to him or her, but no other votes shall be transferred to him or her.

(b) Where the number of votes obtained by a candidate is raised up to, but not above, the quota by any such transfer as aforesaid, the whole of the voting papers on which such votes are recorded shall be set aside as finally dealt with.

(c) Where the number of votes obtained by a candidate is raised above the quota by any such transfer as aforesaid, the candidate's surplus shall be transferred to the candidates next in the order of the voter's respective preferences in the same manner as directed in Rule 8, Clause (c). Provided that such surplus shall not be dealt with until all the votes of the excluded candidate have been transferred.

(d) Where any surplus exists it shall be dealt with before any other candidate is excluded.

11. The same process of excluding the candidate lowest on the poll, and transferring to other candidates his or her votes shall be repeated until all the candidates, except the number required to be elected, have been excluded, and the unexcluded candidates, who have not already been so declared, shall then be declared elected.

12. Where at any time it becomes necessary to exclude a candidate, and two or more candidates have the same number of votes and are lowest on the poll, then whichever of such candidates was lowest on the poll at the last count or transfer at which they had an unequal number of votes shall be first excluded, and if such candidates have had an equal number of votes at all preceding counts or transfers, the Returning Officer shall decide by lot which candidate shall be first excluded.

13. In determining what candidate is next in the order of the voter's preference, any candidates who have been declared elected or who have been excluded shall not be considered, and the order of the voter's preference shall be determined as if the names of such candidates had not been on the voting paper.

14. Where on any transfer it is found that on any voting paper there is no candidate opposite whose name a number is placed, other than those who have been already either declared elected or excluded, such voting papers shall be set aside as exhausted.

15. (i) Where in the case of a by-election one candidate only is to be elected and no candidate on the first count secures an absolute majority of the whole of the formal votes recorded at the election, the candidate who has the fewest votes is excluded (i.e. regarded as defeated), and each ballot paper counted to him or her is (unless exhausted) counted to the unexcluded candidate next in the order of the voter's preference.

(ii) If no candidate then has an absolute majority of votes, the process of excluding the candidate who has the fewest votes and counting each of that candidate's ballot papers (unless exhausted) to the unexcluded candidate next in the order of the voter's preference is repeated until one candidate has an absolute majority of votes.

16. Every ballot paper not rejected as informal is to be counted in every count until it becomes exhausted, when it is rejected in all further counts. Where a candidate is excluded, any ballot paper counted to that candidate is deemed to be exhausted if there is not indicated upon it a consecutive preference for one unexcluded candidate.

17. If on any count two or more candidates have an equal number of votes and any one of them has to be excluded, then whichever of such candidates was lowest on the poll at the last count or transfer at which they had an unequal number of votes shall be first excluded, and if such candidates have had an equal number of votes at all preceding counts or transfers, the Returning Officer shall decide by lot which candidate shall be first excluded.
SECTION 3

RULES OF NUS INC.
RELEVANT TO THE ELECTION
OF
DELEGATES TO
NATIONAL
CONFERENCE
REGULATIONS NUS ELECTIONS

R18 Election of Delegates

18.1 Each member organisation must elect its delegates to meetings of National Conference at its annual elections.

18.2 Delegates must be elected:
   (a) by secret ballot,
   (b) using optional preferential proportional representation,
   (c) in a separate ballot in which other positions are not elected,
   (d) from the students represented by that organisation, and
   (e) by the students represented by that member organisation.

18.3 A delegate of a member organisation is not eligible to be elected as the delegate of another member organisation.

18.4 A delegate who ceases to be a student represented by the member organisation on whose behalf that delegate was elected ceases to be a delegate.

18.5 A member organisation that has held its annual elections before it was admitted as a member organisation:
   (a) may elect its delegates without complying with R18.1; and
   (b) if National Executive is satisfied that it is not possible for the member organisation to comply with R18.2(e), National Executive may by resolution passed by an absolute majority allow the governing body of the member organisation to elect its delegates.

18.6 If a member organisation amalgamates after the annual meeting of National Conference and before 1 July:
   (a) it must elect new delegates:
      (i) within 2 months of the amalgamation, or
      (ii) before 1 May, whichever is the later; and
   (b) in the meantime, its delegates are the combined delegates of the member organisations that have amalgamated; subject to R18.1.

18.7 If a member organisation amalgamates on or after 1 July and before the annual meeting of National Conference, its delegates are the combined delegates of the member organisations that have amalgamated (unless it elects new delegates), subject to R18.1.

18.8 Delegates elected in accordance with R18.1 hold office from the beginning of the next annual meeting of State Conference until the beginning of the following annual meeting of State Conference.

18.9 Delegates elected in accordance with R18.5 hold office from the time of their election until the beginning of the annual meeting of State Conference in the year after their election.

18.10 Delegates elected in accordance with R18.6(a) hold office from the time of their election until the beginning of the next annual meeting of State Conference.

18.11 By nominating for election, delegates agree to comply with the rules of NUS.

R19 Number of Delegates

The number of delegates to be elected by each member organisation is:

EFTSUs number of delegates

1-2,000 2
2,001-5,000 3
5,001-8,000 4
where ÉFTSUs’ are the EFTSUs of the students represented by the member organisation.

**BY-LAWS**

**B3 Notification of Election**
Each member organisation must notify the National General Secretary of the election:
(a) By certified mail,
(b) at least 2 weeks before the close of nominations.

**B4 Nominations**

4.1 Notice of the close of nominations must be:
(a) published in at least 1 issue of the official publications of the member organisation; or
(b) prominently advertised in some other way practical for the member organisation.

4.2 Nominations must remain open for at least 5 academic days.

4.3 The returning officer for the election must issue all candidates with a receipt for their nomination.

4.4 Nominations must close at least 2 academic days before the commencement of voting.

**B5 Ballot**

5.1 There must be a ballot to determine the order of election, unless the delegates are elected unopposed.

5.2 Voting must take place
(a) on at least 3 consecutive academic days, and
(b) for at least 5 hours each day.

5.3 The following must be widely advertised on all campuses of the member organisation:
(a) the times and place or places of voting, and
(b) any brief policy statements submitted by candidates before the close of nominations.

**B6 Returning Officers Report**

6.1 Within 2 weeks of the end of the election, the member organisation must send to the Accreditation Committee a report on letterhead signed by the returning officer:
(a) stating that the election was conducted in accordance with B3-B5;
(b) setting out the names of the delegates in the order in which they were elected; and
(c) including:
   (i) the rules under which the election was conducted, and
   (ii) details of voting.

6.2 If delegates have been elected unopposed, the member organisation must send to the Accreditation Committee within 2 weeks of the close of nominations a report signed by the returning officer:

   stating that B4 was complied with; and

   setting out an order of election agreed to and signed by each delegate.
If the Accreditation Committee does not receive an agreed order of election as required by B6.2(b), it must determine the order of election by lot.

PART 8 – ELECTIONS GENERALLY

BI07 Optional Preferential Proportional Representation

For the purposes of R18.2(b) and R52, the election must be conducted in accordance with the following procedure:

(a) The voter must indicate an order of preference for 1, some or all of the candidates by placing the number 1 against the candidate of first preference and consecutive higher numbers against candidates of lower preference in order;

(b) Each ballot paper must be given a value of 1;

(c) The value of each paper must be allocated to the candidate against whose name appears the lowest number on the ballot paper among those candidates not elected or eliminated;

(d) A ballot paper that does not show a valid preference for at least 1 continuing candidate is exhausted and may not be allocated further;

(e) A “stage of counting” is when all ballot papers have been allocated to candidates not yet elected or eliminated;

(f) A quota must be calculated at each stage of counting by dividing the total value of ballot papers allocated to continuing candidates by 1 or more than the number of positions remaining to be filled and rounding up the answer so obtained in at least the 6th decimal place;

(g) If at any stage of counting a 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 assigned a new value obtained by multiplying its current value by the candidate’s transfer value;

(h) The “candidate’s transfer value” is an elected candidate’s value, less the quota, all divided by the elected candidate’s value;

(i) If at any stage of counting no candidate is allocated a value in excess of the quota, the candidate with the lowest value must be eliminated; if there are 2 or more candidates with an equal value and no candidate has a lower value at an earlier stage of the counting the returning officer must determine by lot which of these candidates is to be eliminated;

(j) The procedure in BI07(a)-BI07(i) must be followed in order until the number of positions to be filled is filled.
The UWA Guild of Undergraduates respects the rights of individuals to privacy and complies with the Privacy Act 1988 and the National Privacy Principles 2001. Information provided on forms will be managed, stored and used only for the purposes of the election and in adherence with the Guild Privacy Policy 2002, which can be found at www.guilduwa.edu.au/law or a copy can be obtained from the Guild Student Centre.

ENQUIRIES

Guild Administration: (08) 6488 2296
Email: elections@guild.uwa.edu.au