

Election Rules

1. Purpose

This Rule establishes the requirements for the nomination and election of five Student Directors to the Board of the Company, one of whom is the Campus Director. The Chair and Deputy Chair of the Board are elected by the Board under clause 7.5 of the draft Constitution and are not positions filled at the election. This Rule is intended to support a fair, accessible, secure and transparent election.

2. Authority and precedence

This Rule operates subject to the draft constitution and applicable law. If this Rule is inconsistent with the draft constitution or law, the draft constitution or law prevails to the extent of the inconsistency.

3. Definitions

Term	Meaning
Alternative Eligible Student	A Student who is: (i) enrolled in an undergraduate award program and whose primary campus of enrolment is a campus of the University other than the Callaghan campus, or who is enrolled in an undergraduate award program delivered wholly or principally online; or (ii) enrolled in a postgraduate coursework or higher degree by research award program at any campus of the University (including the Callaghan campus) or online.
Campus Director	The Student Director elected or appointed to the position reserved under clause 5.4(b) of the draft Constitution.
Central Coast Campus	The campuses of the University located on the Central Coast of New South Wales, being at the date of adoption of the draft Constitution the Gosford and Ourimbah campuses, and any other campus of the University on the Central Coast from time to time.
Ballot	The electronic or other approved process through which eligible voters cast votes.
By-Election	An election conducted under rule 19 to fill a casual vacancy in a Student Director position.
Candidate	A nominee whose eligibility has been confirmed by the Returning Officer.
Company	New student-led organisation proposed to be incorporated, with its legal name and ACN to be confirmed.
Countback	A recount of votes from the most recent election, conducted under rule 19 to fill a casual vacancy in a Student Director position.
Election period	The period beginning when nominations open and ending when the result is finally declared.
Eligible voter	A person who satisfies clause 6 at the relevant date.
Nominee	A person who submits a nomination.
Returning Officer	The individual appointed by the Academic Registrar of the University from time to time to conduct the election of Student Directors.

Term	Meaning
Student	A person enrolled as a candidate proceeding to an award program of the University, whether on a full-time or part-time basis.
University	The University of Newcastle.

4. Returning Officer

The Returning Officer conducts and controls the election, including by:

- publishing notices, dates, instructions and approved forms;
- determining candidate and voter eligibility;
- accepting, rejecting or permitting correction of nominations;
- issuing directions to protect fairness, integrity, safety and accessibility;
- approving candidate information for publication;
- administering the ballot and count;
- determining complaints within the authority of this Rule; and
- declaring and reporting the result.

The Returning Officer may appoint Deputy Returning Officers and engage an election service provider, while retaining overall responsibility for the election.

5. Candidate eligibility

A nominee is eligible if, at the close of nominations and at each later point required by the draft constitution, the nominee:

- is an individual aged 18 years or older;
- is a student enrolled in a University award program;
- must be a Student throughout the term of office;
- is not employed by the University on a full-time or part-time fixed term basis;
- has not been disqualified from managing corporations and is not otherwise legally ineligible to act as a director;
- must make all required declarations and permit eligibility verification; and
- must meet any additional requirements for the Campus Director position, if applicable.

6. Voter eligibility

A person is entitled to vote if, at the electoral roll cut-off date, they are enrolled in a University Program.

The election of Student Directors must be conducted as a democratic election by Students, consistent with subsection 19-39(3) of the HESA.

7. Notice of election

The Returning Officer must publish a notice stating the positions available, eligibility requirements, nomination method, key dates, voting method, contact details and where the governing documents may be accessed.

8. Nominations

A valid nomination must be received through the approved channel before the closing time and include all mandatory information, declarations and consents. The Returning Officer may permit correction of an administrative omission if this can occur without unfairness and before candidate confirmation.

A person may nominate for more than one position if they meet the eligibility requirements for each position.

A nominee may withdraw their nomination in writing before candidate information is published. After that time, withdrawal is at the Returning Officer's discretion, having regard to ballot preparation, fairness and election integrity.

9. Candidate statements and photographs

A nomination must include a candidate statement of no more than 150 words and a candidate photograph that meets the published specifications. The Returning Officer may require amendment or decline to publish material that is over length, unlawful, discriminatory, defamatory, materially misleading, unrelated to the election, inaccessible, or inconsistent with approved requirements.

10. Candidate information

Candidates must read the Candidate Information Pack, the Position Description for each position sought, and the information published on the election website. These materials explain the positions available, eligibility requirements, nomination process, campaigning requirements, voting arrangements and candidate responsibilities.

Candidates are responsible for seeking clarification from **newSLO@newcastle.edu.au** if they do not understand any aspect of the election process.

11. Ballot required

If the number of eligible candidates exceeds the number of vacancies, a ballot must be conducted. If the number does not exceed the vacancies, the Returning Officer may declare eligible candidates elected without a ballot, subject to the Campus Director eligibility requirements and any process for remaining vacancies.

12. Voting

Voting will be electronic unless the Returning Officer approves another accessible method. Each eligible voter may vote once. Voting credentials must be personal, secure and must not be transferred or used by another person.

The ballot must explain how to cast a formal vote. The approved counting system is set out in the Vote-Counting Guidelines.

13. Campus Director

One Student Director position is reserved for the Campus Director under clause 5.4(b) of the draft Constitution. To be eligible for the Campus Director position, a nominee must satisfy the general candidate eligibility requirements in clause 5 and, at the close of nominations, be enrolled at a Central Coast Campus as their primary campus of enrolment.

Eligibility for the Campus Director position will ordinarily be verified using University enrolment records. The Returning Officer may request further information where necessary.

All candidates, including those eligible for the Campus Director position, contest the election on a single ballot. After the count, the Campus Director position is allocated to the highest-ranked candidate in the count who is eligible for that position. That candidate is declared elected as Campus Director and does not also fill a general Student Director position.

If no candidate eligible for the Campus Director position is elected through the count, the highest-ranked unelected candidate who is eligible for that position is declared elected as Campus Director in place of the lowest-ranked general candidate who would otherwise have been elected.

If no eligible Central Coast Campus candidate nominates or remains eligible, the Campus Director position may be filled by an Alternative Eligible Student in accordance with clause 5.4(c) of the draft Constitution.

14. Candidate conduct

Candidates and their supporters must comply with the Electioneering Guidelines and lawful directions of the Returning Officer. A candidate is responsible for authorised campaign activity undertaken on their behalf.

15. Scrutineer

The Returning Officer may permit an authorised independent observer to observe aspects of the count, subject to confidentiality, security and ballot-secrecy requirements.

16. Counting and results

Votes must be counted in accordance with the Vote-Counting Guidelines. Before declaration, the Returning Officer must confirm the continuing eligibility of candidates proposed for election. Results may be provisional until successful candidates accept the position and satisfy any immediate appointment requirements.

17. Ties

A tie that cannot be resolved by the approved countback method in the Vote-Counting Guidelines will be resolved by lot conducted by the Returning Officer in the presence of any approved observers.

18. Inaugural term allocation

Clause 5.1(e)(ii) of the draft Constitution provides that the election rules are to allocate inaugural terms of office so that three Student Directors serve two-year terms and two Student Directors serve one-year terms.

The three candidates who are ranked highest in the count receive two-year terms. The remaining two elected candidates receive one-year terms. If the Campus Director is among the three highest-ranked candidates, the Campus Director receives a two-year term; otherwise the Campus Director receives a one-year term.

19. Casual vacancies

If a casual vacancy arises in a Student Director position, the Board must as soon as practicable determine by resolution whether the vacancy is to be filled by Countback or By-Election and promptly notify the Returning Officer.

Where the Board determines Countback, the Returning Officer must recount the votes from the most recent election conducted under this Rule. A candidate who has vacated office, withdrawn, become ineligible or declined the vacancy is excluded. The vacancy is filled by the highest-ranked remaining eligible candidate who consents, determined in accordance with the Vote-Counting Guidelines.

If the vacancy is in the Campus Director position, the Countback must follow the order of priority in clause 5.4(b) of the draft Constitution: first, an eligible candidate enrolled at the Central Coast Campus; then an Alternative Eligible Student; then any eligible Student.

If the Returning Officer determines that the vacancy cannot be filled by Countback, it must be filled by By-Election. A By-Election must be conducted by the Returning Officer under this Rule with any necessary modifications, within 70 days after the relevant determination, unless the next annual election is scheduled within three months after the vacancy arises, in which case the vacancy may be filled at that election.

A person who fills a casual vacancy is appointed as a Student Director on the declaration of the result and holds office for the remainder of the vacating director's term. Neither the Board nor the University may appoint a person to fill a casual vacancy in a Student Director position.

20. Complaints and determinations

A complaint about candidate eligibility, campaigning, voting or election administration must be submitted promptly to newSLO@newcastle.edu.au, with relevant details and supporting evidence.

The Returning Officer may seek further information, provide affected persons with an opportunity to respond and take proportionate action to protect the fairness and integrity of the election.

Decisions of the Returning Officer are final, subject to the draft Constitution and applicable law.

[Note: The complaints and determination process should be reviewed to ensure consistency with the independence of the student-led organisation under the draft Constitution. Consideration may be given to whether an additional independent review mechanism is appropriate.]

21. Declaration and appointment

An elected Student Director is appointed to the Board upon declaration of the election result by the Returning Officer, in accordance with clause 5.4(e) of the draft Constitution. No endorsement or approval by the Vice-Chancellor is required for the appointment of an elected Student Director.

The Returning Officer must promptly notify the Vice-Chancellor and the Board of the election outcome, notify all candidates of the result, and publish the outcome through the approved channel. Individual vote totals will not be published unless the Returning Officer is authorised to do so.

A decision of the Returning Officer in relation to the conduct or outcome of the election is final, subject to the draft Constitution and applicable law.

22. Final legal name and ACN to be inserted following registration.

Election records must be securely retained for 7 years and then disposed of in accordance with applicable records and privacy requirements. Ballot secrecy must be preserved. Access to confidential candidate disclosures must be limited to authorised decision-makers.

23. Unforeseen circumstances

The Returning Officer may make directions about a matter not expressly addressed by this Rule where reasonably necessary to conduct a fair, secure and accessible election, provided the direction is consistent with the draft constitution, law and the purpose of this Rule.