



**PARSA**  
ANU *postgraduate &*  
*research students'*  
association

# PARSA ELECTION REGULATIONS

Passed at PARSA PRC meeting 2/5/17

## 1. Overview

- (a) These Regulations are the Election Regulations of The Australian National University Postgraduate and Research Students' Association Incorporated (PARSA). These Regulations repeal previous electoral and discipline regulations.
- (b) These Regulations are made under Sections 8 and 16 of the PARSA Constitution.
- (c) Terms defined or used in the PARSA Constitution have the same meaning in these Regulations as in that Constitution.
- (d) For the purposes of these Regulations a student is enrolled in a postgraduate course at the University, if the Returning Officer determines that the student is recognised by the University as currently enrolled in a postgraduate course.
- (e) Unless the Constitution provides otherwise, any representative of the Association elected under the Constitution, or these Regulations holds office until the declaration of the results of the next annual general election.
- (f) For the avoidance of doubt, if a person is elected to fill a casual vacancy in an office, that person is elected to serve only so much of the term of that office as remains unexpired.
- (g) As provided in Section 4 of the PARSA Constitution, only ordinary members of the Association are eligible to vote for, or stand for election to, a representative position within the Association.
- (h) All enrolled postgraduate students, regardless of the membership status in the Association, are eligible to vote for, or stand for election to the position of postgraduate student member of the Council.

- (i) An annual general election must be held to elect the PRC and the postgraduate student member of the Council in accordance with these Election Regulations under the supervision of the Returning Officer appointed in accordance with these Regulations.
- (j) All members of the PRC and the postgraduate student member of the Council, shall be directly elected by the members of the Association and Postgraduate Students respectively.

## **2. Application of Regulations**

- (a) These Regulations apply to:
  - (i) annual general elections for the PARSA PRC and the postgraduate student member of the Council; and
  - (ii) any election conducted in accordance with Section 13 of the PARSA Constitution to fill a casual vacancy or vacancies on the PARSA PRC or a casual vacancy in the position of postgraduate student member of the Council.
- (b) Section 16 of the PARSA Constitution imposes binding time limits during which these Regulations may not be amended.

## **3. Returning Officer**

- (a) At least eight weeks before any annual general election is to be held and at least six weeks before any election to fill a casual vacancy, the PRC must appoint a Returning Officer to conduct the election. The appointment of the Returning Officer must be approved by the Vice-Chancellor of the University. If not approved by the Vice-Chancellor, the Vice-Chancellor must provide reasons in writing for non-approval. If the Vice-Chancellor does not approve the Returning Officer, or the Returning Officer resigns within six weeks of an election, the PRC may appoint another Returning Officer at any time before an election. A Returning Officer continues to hold office for all subsequent elections held by PARSA under these Regulations, unless they resign, are no longer reasonably available or contactable to undertake the duties of Returning Officer, or the PRC appoints a new Returning Officer in accordance with this clause 3(a).
- (b) The Returning Officer:
  - (i) may not be a proposer, seconder, or nominee in the election for which she or he is Returning Officer
  - (ii) must not have been a member of the PARSA PRC or the Council at any time during the academic year in which the election is held; and

- (iii) must not have been an employee of PARSА at any time during the academic year in which the election is held.
- (c) During any Election of the Association, any question about membership eligibility to vote or stand for election is decided by the Returning Officer, whose decision is final.
- (d) During any Election of the Association, any dispute about the conduct of the election is to be decided by the Returning Officer, whose decision, subject to clause 13(o), is final.
- (e) The Returning Officer may appoint delegates to assist the Returning Officer with the conduct of the election, especially, but not limited to assisting with the collection and administration of nominations, the configuration and execution of the voting system, and any other work required for the proper conduct of the election.
- (f) However, the Returning Officer may not appoint as a delegate anyone who is a proposer, seconder or nominee in the election.
- (g) In these Regulations “voting system”, means the MSL election package or any other electronic or physical voting system determined from time to time by the PRC.
- (h) The PRC may not change the voting system less than eight weeks before an annual general election and less than six weeks before a casual election, in which the voting system is to be used.

#### **4. Electoral Systems and Eligible Voters**

- (a) The elections must be conducted using an optional preferential system and in accordance with the Constitution and these Regulations.
- (b) The positions to be filled by the voting system are:
  - (i) for an annual general election for the PARSА PRC, those positions identified in Section 6 of the PARSА Constitution; and
  - (ii) for an annual general election for the position of postgraduate student member of the Council, that postgraduate student member; or
  - (iii) for an election to fill a casual vacancy or vacancies on the PARSА PRC, the position or positions that have become vacant under Section 13 of the PARSА Constitution.
- (c) For each contested position, the voter must indicate in an unbroken sequence of numbers the order of their preference on the ballot by entering the numeral “1” against the name of the candidate of their first choice, “2” against the name of the candidate of their second choice, “3” against the name of the candidate of their third choice and so on, against the names of

candidates for whom the voter wishes to vote. A voter does not have to place a numeral against all candidates and a vote is valid even if only one or two preferences are indicated.

- (d) Each ballot shall have a randomly-ordered list of candidates. The name of each candidate shall be followed by the ticket name of the candidate, in brackets, if the candidate belongs to a ticket, or the word "Independent", if the candidate does not belong to a ticket.
- (e) The Returning Officer may arrange for the election to be conducted on a single ballot for all positions, or separate ballots for one or more positions, so long as the voter is able to cast all the votes that they are entitled to cast.
- (f) The census date for voter and candidate eligibility shall fall in the two week period when nominations are open. The Returning Officer will liaise with the appropriate administrative division of the university to arrange for the census to be taken. The Returning Officer approves the voter list to be used for the purpose of conducting an election.

#### **5. College Representatives: candidates and voters**

- (a) In the same election, a member of PARSА can only stand for
  - (i) election to one Officer Position; and
  - (ii) election either as a General Representative or a College Representative (but not both); and
  - (iii) election as the Postgraduate Member of the University Council.
- (b) A member of PARSА is only entitled to vote in or stand for election to a College Representative position of a College while enrolled as a postgraduate student in that College.
- (c) The Returning Officer must liaise with the appropriate administrative division of the university to ensure that the requirements of Clause 5(a) and (b) are met.
- (d) Section 5 has no bearing on the eligibility of a Postgraduate Student to stand for election to the position of postgraduate student member of the Council concurrently with another position elected under these Regulations.

#### **6. Election dates**

- (a) Subject to this Clause, the PRC may set the date(s) for any election taking place under these Regulations, provided that the date(s) set provide the Returning Officer sufficient time to comply with the provisions of these Regulations and the provisions of the PARSА Constitution.

- (b) The PRC must ensure that the annual general election is held no earlier than 9 months and no later than 15 months after the previous annual general election.
- (c) In setting the election date, the PRC must ensure that the period during which voters may vote for all positions being contested in the election is:
  - (i) for an annual general election for the PARSA PRC and the postgraduate student member of the Council, five (5) consecutive academic days
  - (ii) for an election to fill a casual vacancy or vacancies on the PARSA PRC or a casual vacancy of the postgraduate student member of Council, at least two (2) consecutive Academic Days and no more than five (5) consecutive Academic Days.
- (d) "Academic Day" means a day during which normal teaching is being carried out by the ANU (i.e days during a teaching period) in accordance with ANU academic calendar in effect from time to time, excluding any teaching period conducted between 1 December and 31 January

### **7. Counting of Votes and Declaration of Poll**

- (a) The Returning Officer must, as soon as is practicable after the close of polling, arrange for the counting of votes to commence.
- (b) Subject to clause 7(c) and 7(d), preferential counting of votes shall be carried out as follows.
  - (i) For election of an Officer or the Postgraduate Student Representative:, The candidate receiving more than 50% of first preference votes will be declared the winner. If no candidate has received a majority of votes, the candidate receiving the lowest number of votes will be removed from the ballot and their votes will be re-allocated to the remaining candidates in accordance with any next preference indicated by the voter, or will be discarded if no preferences have been indicated or remain. This process is repeated until one candidate is allocated more than 50% of votes from votes cast or allocated to remaining candidates. That candidate will be declared elected.
  - (ii) For election as a College Representatives or General Representatives: The candidate or candidates receiving more than the quota determined by the voting system of first preference votes will be declared the winner(s). If no candidates achieve a quota, the candidate receiving the lowest number of votes will be removed from the ballot and their votes will be re-allocated to the remaining candidates in accordance with any next preference indicated by the voter, or will be discarded if no preferences have been indicated or remain. This process is repeated until all the required number of candidates for available positions have achieved the quota. These candidates will be declared elected.

- (c) The Returning Officer shall determine the results for each position in the following order:
  - (i) election as an Officer;
  - (ii) election as a College Representative and General Representative;
  - (iii) election as a postgraduate student member of the Council.
- (d) A person elected as an Officer is removed from the ballot as a candidate for election as College Representative or General Representative, as if they were the lowest tallying candidate, and any votes cast for them during a ballot for College or General Representative, are allocated to other candidates in accordance with clause 7(b).
- (e) The Returning Officer may arrange a public meeting to which all candidates or their scrutineers and interested persons are invited to attend to observe the calculation of voting outcomes as calculated by the voting system.
- (f) The results of the election will be declared by the Returning Officer by notice placed on the PARSA website and by notice displayed prominently at the PARSA place of business as soon as practicable, but no later than 24 hours after the results of the election are declared by the Returning Officer. The notice will include:
  - (i) a count of all votes cast, including any informal votes;
  - (ii) the successful candidates for each ballot, including the number of votes received by those candidates;
  - (iii) the number of votes received by all candidates in each ballot.
- (g) The Returning Officer must notify the Vice-Chancellor of the University of the result of the election of a postgraduate student member of the Council no later than 24 hours after the results of the election are declared by the Returning Officer.

#### **8. Eligibility for Election to Officer Positions**

- (a) A member is not eligible to nominate for or be elected to a position set out in this clause unless the member meets any eligibility criterion applicable for that position.
- (b) A person is eligible to nominate for the position of International Officer, if the person is enrolled as a postgraduate international student at the time of the election.
- (c) A person is eligible to nominate for the position of Indigenous Australian Officer, if the person identifies as an Aboriginal or Torres Strait Islander and is enrolled as a postgraduate international student as the time of the election.

- (d) A person is eligible to nominate for the position of Women's Officer (if provided for in the Constitution) if the person identifies as a woman and is a postgraduate student at the time of the election.

## **9. Nominations**

- (a) For the annual general elections, the Returning Officer must issue a call for nominations for each position identified in Section 6 of the PARSA Constitution, and for the postgraduate student member of the Council, identified in Section 8 of the PARSA Constitution.
- (b) For an election to fill casual vacancies for any position within the PARSA PRC, the Returning Officer must issue a call for nominations for each vacant position.
- (c) A call for nominations must be made at least 4 weeks before the commencement of polling, and after the call has been made, nominations must remain open for at least 2 weeks.
- (d) The call for nominations must state:
  - (i) the positions to be contested;
  - (ii) the eligibility criteria for members wishing to stand;
  - (iii) details of how nominations may be lodged;
  - (iv) the date of the close of nominations; and
  - (v) the days and times of polling.
- (e) If, at an election to fill casual vacancies for any position within the PARSA PRC, an existing member of the PRC wishes to stand for election to the position for which there is a casual vacancy:
  - (i) that member must resign their existing position on the PRC before nominating for the casual vacancy; and
  - (ii) the Returning Officer must ensure that any call for nominations includes a statement of this clause 9(e).
- (f) The call for nominations must be advertised:
  - (i) By email sent to all enrolled postgraduate students via official ANU email addresses;
  - (ii) on the PARSA website; and
  - (iii) by notice placed on the door of the PARSA primary place of business; and
  - (iv) by other methods as the Returning Officer or their delegate sees fit.
- (g) The Returning Officer must produce and make available nomination forms.
- (h) Nominations for any position contested at the annual general election must
  - (i) Indicate the position(s) for which the nominee seeks election;

- (ii) Indicate which ticket the nominee is a member of, or if the member is standing as an independent candidate;
  - (iii) State that the nominee meets all eligibility criteria for election to the position for which the nominee is standing and will comply with the Constitution and these Electoral Regulations;
  - (iv) be signed by a proposer, seconder and by the candidate;
  - (v) not be proposed or seconded by the nominee herself or himself; and
  - (vi) be proposed and seconded by persons who would be eligible for election to the position for which they are nominating the nominee.
- (i) A nominee can withdraw her/his nomination at any time up until one (1) working day after the date of the close of nominations.
  - (j) Nominations must be kept in a secure place by the Returning Officer (or their delegate) at a venue easily accessible to nominees between the hours of 10am and 4pm throughout the period nominations remain open, and must be made available for inspection by any member of the Association during that period.
  - (k) Completed nomination forms can be scanned and sent to the Returning Officer or their delegate by email.
  - (l) The Returning Officer or their delegate must within 24 hours of receiving a nomination provide a receipt of nomination to the nominating candidate.
  - (m) Nominations will only be accepted if they are submitted during the specified nomination period.
  - (n) Where the Returning Officer or their delegate determines that a nomination that is submitted during the period that nominations remain open is not valid the Returning Officer or their nominee must, as soon as is practicable:
    - (i) make a reasonable attempt to contact the candidate to inform her/him that the nomination is invalid.
    - (ii) inform the candidate that the invalidity may be remedied and the nomination may be resubmitted to the Returning Officer or their nominee at any time up until one (1) working day after the date of the close of nominations.
  - (o) Where a nomination is resubmitted in accordance with clause 9(n),
    - (i) the nomination must name the same candidate as the original nomination.
    - (ii) the Returning Officer must determine the validity of the nomination.
  - (p) The Returning Officer or their nominee must, as soon as is practicable after the close of nominations, prominently display or distribute a list of nominations for all positions on any PARSA website and prominently at the PARSA place of business.



- (q) If the number of candidates nominated for any position is equal to the number required to be elected, an election for that position is not required.
- (r) If the number of candidates nominated for any PRC position is below the number required to be elected, an election for that position is not required, and any unfilled position is to be considered a casual vacancy, and must be filled in accordance with section 13 of the PARSA Constitution.
- (s) If there are no nominations for the position of postgraduate student member of the Council, the Returning Officer must call for nominations again, repeating the process as specified in section 9, until at least one nomination is received.
- (t) If the number of candidates nominated for any position is greater than the number required to be elected, the Returning Officer must conduct an election for that position.
- (u) The Returning Officer (or their delegate) must arrange for the preparation of ballots and the voting system ready for the election as soon as is practicable after the close of nominations.
- (v) All nomination forms, valid and invalid, must be kept by the Returning Officer in a secure place until 30 days after the poll is declared.

## **10. Polling Procedure**

- (a) The Returning Officer must ensure that procedures are in place to:
  - (i) limit each eligible voter to voting no more than once for each position; and
  - (ii) ensure that the way in which any eligible voter votes is not revealed, either when that member votes or at any later stage.
- (b) Where a person claiming to be an eligible voter is unable to log on to the voting system (as agreed to by RO and the President) or is unable to use the voting system due to disability or other reason, the Returning Officer or their nominee must provide to the person a declaration vote envelope and a set of ballot papers for the elections for which the person claims they are eligible to vote, with each ballot paper bearing the word "declaration".
- (c) Where an eligible voter is issued ballot papers under Clause 10(b), the member shall mark their ballot papers as provided in Regulation 4, enclose the ballot papers in the declaration vote envelope provided, sign the declaration on the envelope, and return the envelope to the Returning Officer or their nominee who issued the ballot papers to the member.
- (d) Where the Returning Officer or their nominee receives a declaration vote envelope containing ballot papers under Clause 10(c), the Returning Officer or their nominee must,

after the close of the poll, determine whether the member is entitled to vote at the elections and:

- (i) if the declaration is signed and their decides the member is entitled to vote, the envelope is to be opened in such a way as to ensure that the way in which the voter marked their ballot papers is not revealed and the ballot papers therein must be included in the count of votes; or
- (ii) if the declaration is unsigned or if the Returning Officer decides the member is not entitled to vote, the declaration envelope must be set aside unopened.

### **11 . Candidate Supporting Statements**

- (a) During the period that nominations are open, candidates are permitted to send to the Returning Officer, a photograph of the candidate, a short (250 word maximum) personal statement in support of their nomination for inclusion on the PARSA website (“the Candidate Profile”). The Candidate Profile must be submitted in writing and may in addition be provided, using the same words, as an audio or video statement.
- (b) Submission of a Candidate Profile does not constitute a formal nomination for a representative position.
- (c) Only students who have submitted a formal nomination via the Returning Officer will be eligible to have their candidate profile displayed on the PARSA website.
- (d) The Returning Officer or their delegate will have the right to refuse to publish or amend a Candidate Profile if he or she judges it contains inappropriate material or is contrary to these Regulations.
- (e) The option of submitting a Candidate Profile closes at the same time as nominations close.
- (f) Subject to the provisions of this Clause, Candidate Profiles must be able to be viewed on the PARSA website from as soon as is practicable after the close of nominations, and must remain able to be viewed on the PARSA website until the close of voting.
- (g) In the case of a candidate running for election under a ticket name in accordance with Clause 12 of these Regulations, the Candidate Profile must include the ticket name.

### **12 . Tickets and Registration of Ticket Names**

- (a) The Returning Officer or their delegate must maintain a Register of Ticket Names for each year's annual general election.

- (b) Between the day on which nominations open and the day on which ticket registration closes, which is one full day prior to nominations closing, five or more ordinary members of the Association may apply to the Returning Officer or their delegate for registration of a ticket name.
- (c) No person is entitled to apply to the Returning Officer or their delegate for registration of a ticket name under Clause 12(b) if that person was a signatory to an application to register a ticket name for another ticket already entered in the register.
- (d) The Returning Officer or their delegate must process each application for registration of a ticket name in order of receipt; if two or more applications are received at the same time, the Returning Officer or their delegate shall determine the order in which they are dealt with by lot.
- (e) The Returning Officer or their delegate must enter a ticket name in the Register of Ticket Names if the proposed ticket name is, in the opinion of the Returning Officer or her/his delegate:
  - (i) Not more than 90 characters long (including spaces);
  - (ii) Not obscene, defamatory, sexist, racist or homophobic;
  - (iii) Not the same as the name of another registered ticket name;
  - (iv) Not so nearly the same as the name of another registered ticket name (including a registered ticket name used in an election in the previous 3 years) that it is likely to be confused or mistaken for that name;
  - (v) Not the same or so nearly the same as any name of a political party or political figure in Australia or another country as likely to be confused or mistaken for that name; and
  - (vi) Not including the word “independent”; and
  - (vii) The application for registration of the ticket name is signed by at least 5 eligible voters who have not been signatories to the application for registration of another registered ticket name; and
  - (viii) the application is received between the day on which nominations open and the day on which ticket registration closes or is an application to which Clause 12(f) applies.
- (f) If the Returning Officer or their delegate rejects an application to register a ticket name or cancels the registration of a ticket name, the Returning Officer or their delegate shall permit the applicants to reapply to register a ticket name at any time up until two working days after the date of the close of ticket name registration.

### **13 . Electoral Offences**

- (a) The offence provisions in this Clause reflect the intention that PARSA elections should be conducted in a spirit of open and collegiate democratic debate.
- (b) It is an electoral offence for any candidate, member of a ticket or any other person to publish in connection with an election any physical election-related publication which:
- (i) does not clearly identify that the publication is on behalf of the ticket or candidate (where not part of a ticket) in letters at least 10 mm high or in font at least as large as the most commonly used font on the publication (whichever is larger);
  - (ii) does not contain a date of publication;
  - (iii) contains racist, sexist or homophobic or defamatory material;
  - (iv) contains any untrue statement or is materially misleading in a manner likely to mislead a voter in casting their vote; or
  - (v) is larger than A3 size.
- (c) It is an electoral offence for any candidate, member of a ticket or any other person to send or publish any election-related electronic communication (including emails, webpages, social networking posts, audio, or audio-visual communication) which:
- (i) does not clearly identify that the communication is sent on behalf of the ticket or candidate (where not part of a ticket) in font at least as large as the most commonly used font in the communication or at the commencement of an audio or audio-visual communication;
  - (ii) does not contain a date of communication;
  - (iii) contains racist, sexist or homophobic or defamatory material;
  - (iv) contains any untrue statement or is materially misleading in a manner likely to mislead a voter in casting their vote; or
  - (v) is a paid advertisement.
- (d) The Returning Officer may cause or require the removal of any publication or the deletion of any communication (where practicable) which contravenes clause 13(b) or (c). It is an electoral offence to refuse to remove any publication or delete any communication which in the opinion of the Returning Officer contravenes Clause 13(b) or (c)
- (e) Except with the authority of the Returning Officer, it is an electoral offence for any person to assist or offer to assist another person to cast their vote, whether by instructing them how to complete a vote or inviting them to vote on a device provided by or accessed in the presence of the person offering the 'assistance' or by other means.

- (f) It is an electoral offence:
- (i) to offer or provide gifts, bribes, money, food, drink or any other enticement to any person to influence the person to exercise their vote in favour of the candidate. This provision does not prevent a candidate or ticket explaining policies for the benefit of students that the candidate or ticket would pursue if elected.
  - (ii) for a person who is not an eligible voter to campaign on behalf of a candidate or ticket during an election.
  - (iii) for a person engaging in campaigning during an election to fail to produce their student ID, if requested by any person.
  - (iv) to cast a vote which a person is not entitled to cast.
  - (v) to engage in discrimination or intimidation in the course of an election.
  - (vi) to make racist, sexist, homophobic or defamatory statements in the course of an election.
  - (vii) to make untrue statements likely to mislead a voter in casting their vote.
  - (viii) for any person to incite another person to commit an electoral offence.
  - (ix) to use the PARSA office or PARSA materials for a campaign.
  - (x) to campaign before the start of the election period set under clause 6(a).
  - (xi) to campaign (whether on or off campus) in:
    - A. a place of work;
    - B. a place normally used as a place of study by students;
    - C. any student accommodation (except in common areas of residential colleges);
    - D. a university library;
    - E. a university laboratory; or
    - F. an office.
  - (xii) to fail to cooperate with the Returning Officer or a Probity Officer in relation to a request for information or documents relating to an alleged commission of an electoral offence under these Regulations.
- (g) Any written allegation of commission of an electoral offence must be referred initially to the Returning Officer and must be submitted using the form provided in Appendix A to these Regulations.
- (h) The Returning Officer may, of their own motion, initiate an investigation into any potential electoral offence which comes to the attention of the Returning Officer or may refer any allegation for investigation and/or decision to one or more Probity Officers in accordance with Regulation 14.

- (i) Any investigation of a possible electoral offence must be carefully carried out, be based on any written evidence (including statutory declarations), and must provide any person accused of an electoral offence adequate time to respond to the allegation of the offence, taking into account the need for the Returning Officer or Probity Officer to act swiftly to remedy any advantage arising from commission of an electoral offence, and the need to ensure that natural justice is observed in consideration of any allegation of an electoral offence.
- (j) If a person is found to have committed an electoral offence, the Returning Officer or Probity Officer or Officers appointed by the Returning Officer may:
  - (i) reprimand a person or persons involved in commission of an offence;
  - (ii) place constraints on campaigning for a candidate or ticket to compensate for any benefit derived by a candidate or ticket from commission of an electoral offence;
  - (iii) declare the candidacy of a candidate benefiting from an electoral offence null and void;
  - (iv) remove membership rights from a member for a period not exceeding 12 months;
  - (v) remove a member's right to stand for any PRC office in the Association for a specified period, not exceeding 2 years;
  - (vi) declare an entire poll null and void and order a new election; or
  - (vii) any combination of the above.
- (k) In determining an outcome under clause 13(j), the Returning Officer or Probity Officer may have regard to the seriousness of the offence, whether the person or other persons assisting a candidate or a ticket have committed additional electoral offences, the wilfulness of the breach, whether the person, the ticket or the candidate have cooperated with the investigation, and the impact of the offence on the free and fair conduct of the election.
- (l) If the Returning Officer or a Probity Officer determines that an electoral offence has been committed, and/or that any penalty should be imposed under Clause 13(j), the Returning Officer or Probity Officer must
  - (i) communicate the determination(s) to the person(s) concerned in writing as soon as practicable, including in the communication a concise explanation of the reasons for the determination(s); and
  - (ii) ensure that the communication includes an unabridged copy of these Regulations.
- (m) Any part of a decision of the Returning Officer or Probity Officer under clause 13(l) which has an effect on the electoral outcome is final. The decision of the Returning Officer or Probity Officer, together with the reasons for that decision must be provided to the person or persons against whom the allegation is made and to all other candidates running for election in the affected position or positions.

- (n) A person subject of a decision under clause 13(l) may appeal to the Disputes Committee in respect of any penalty under sub-paragraph 13(l)(i), (iv) or (v).
- (o) The Disputes Committee must observe the rules of natural justice in its review of any penalty imposed by the Returning Officer or Probity Officer and may, taking into account the factors identified in Clause 13(k), and taking into account any information provided by the person appealing or by the Returning Officer or Probity Officer (including any relevant evidence which was not available at the time of the original decision):
  - (i) affirm the decision;
  - (ii) replace the decision and impose a penalty provided for by Clause 13(j) other than a penalty imposed by the Returning Officer or Probity Officer; or
  - (iii) replace the decision with a decision that no offence has been established and/or that no penalty should be imposed.
- (p) The Disputes Committee does not have power under clause 13(o) to consider an appeal or make any decision under clause 13(l) that affects or changes the outcome of an election: that is any decision imposing a penalty under sub-paragraphs 13(l)(ii),(iii) or (vi)).
- (q) A decision of the Disputes Committee under Clause 13(o) is final, and must be communicated in writing to the person(s) concerned as soon as is practicable, setting out the decision of the Disputes Committee and the reasons for the decision.

#### **14. Probity Officers**

- (a) The Returning Officer may appoint up to three Probity Officers.
- (b) A person is not eligible to be appointed as a Probity Officer unless they meet the qualifications for appointment as a Returning Officer, set out in Regulation 3(b).
- (c) A person asked to serve as a Probity Officer must provide the Returning Officer with a written statement of any potential or perceived conflicts of interest such as membership of a registered political party, membership of a political club or society, or at any time having held an elected office or employment with PARSAs.
- (d) The Returning Officer shall ensure the names of any Probity Officers, together with their declaration of potential conflicts of interest are posted on the PARSAs web pages for the election in question.
- (e) The Returning Officer may delegate the Returning Officers powers to investigate an alleged breach of these Regulations and/or to impose a penalty for that alleged breach to a Probity Officer.
- (f) The Returning Officer may require appointed Probity Officers to act as a committee in relation to an allegation or may appoint a Probity Officer to act individually in relation to an allegation.

- (g) A Probity Officer investigating an alleged electoral offence must comply with these Regulations in investigating an alleged breach.
- (h) A finding or penalty imposed by a Probity Officer has the same effect as if imposed by a Returning Officer, and may be appealed to the Disputes Committee.
- (i) Any person involved in campaigning for a PARSA election must cooperate with the Returning Officer or a Probity Officer seeking information or documents for the purposes of investigating an alleged breach of these Regulations.