

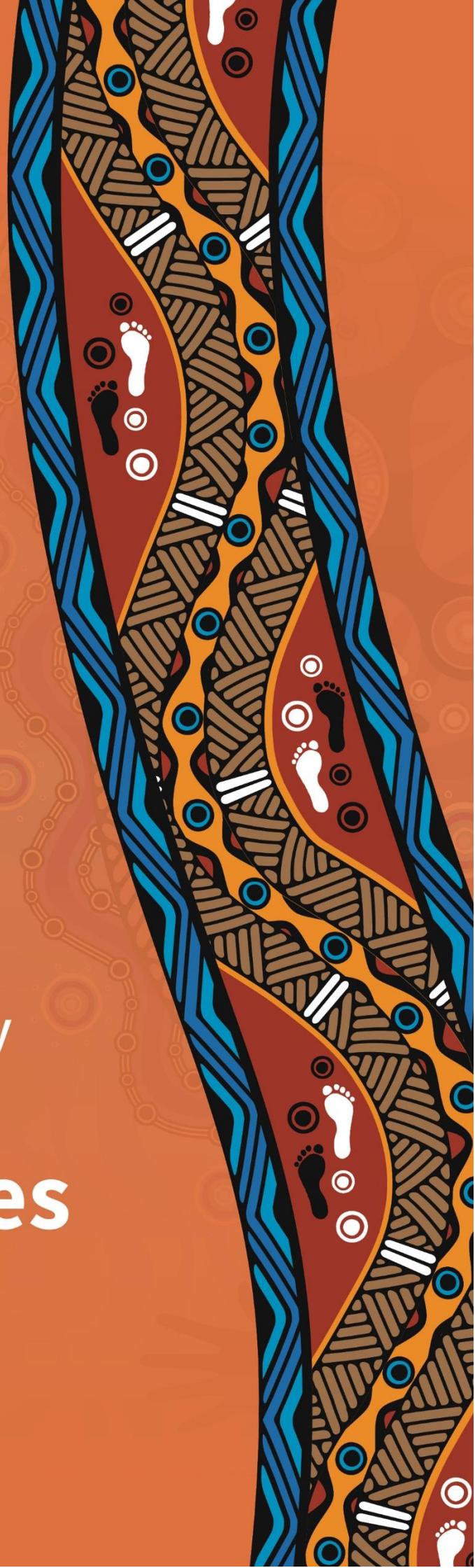


Victorian Treaty
Advancement
Commission

First Peoples' Assembly
of Victoria

Election Rules

VERSION 1.2
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RULES FOR THE ELECTION OF MEMBERS OF THE FIRST PEOPLES' ASSEMBLY OF VICTORIA

1 ABOUT THESE RULES

- 1.1 These Rules govern the election of the members of the First Peoples' Assembly of Victoria, that will be the sole representative of traditional owners and Aboriginal Victorians under the *Advancing the Treaty Process with Aboriginal Victorians Act 2018* (Vic) (where it is referred to as the 'Aboriginal Representative Body').

First Peoples' Assembly of Victoria

- 1.2 Initially, the First Peoples' Assembly of Victoria will have 33 Members, consisting of:
- 1.2.1 21 persons to be elected under these Rules called **General Members**, and
 - 1.2.2 12 persons to be appointed under these Rules called **Reserved Members**.
- 1.3 The General Members will be selected through state-wide elections held in accordance with Rule 10. The first such election will be conducted in accordance with these Rules.
- 1.4 The Reserved Members will be appointed across the State of Victoria.
- 1.4.1 They will be appointed by one or more Traditional Owner groups for a Region in accordance with rules established for this purpose.
 - 1.4.2 For the purposes of these Rules, a Traditional Owner group means:
 - 1.4.2.1 a group registered as a native title holder for an area in Victoria where there is a native title agreement under the Native Title Act 1993 (Cth);
 - 1.4.2.2 a group formally recognised under the Aboriginal Heritage Act 2006 as a Registered Aboriginal Party; or
 - 1.4.2.3 a group that has a Recognition and Settlement Agreement under the Traditional Owner Settlement Act 2010.

Future elections

- 1.5 The Rules apply only to the first election for First Peoples' Assembly of Victoria. This first election is referred to below as **the Election**.
- 1.6 The First Peoples' Assembly of Victoria may create its own set of rules to govern the enrolment of voters and the election of the elected members for future elections. The members of the First Peoples' Assembly of Victoria will decide whether to adopt, amend or replace any such rules. Until such a decision is made, these Rules will remain in force for future elections.

2 ABOUT THE ROLL

The Roll

- 2.1 As set out below, we will establish a roll to register people to enable them to vote in the Election, called **the Roll**.
- 2.2 The Roll is independent of any other existing election rolls, including those held by Australian and Victorian Electoral Commissions.

When will the Roll open?

- 2.3 The Roll will open for applications for registration on the day we advise. This is called the **Enrolment Opening Date**. The Roll will close at 9:00 pm on the last day of the voting period, which is called the **Closing Date**.

Correcting errors in the Roll

- 2.4 You may contact us to correct any errors in the Roll about your name or your other details. This includes where your details (such as residential address) have changed.

3 ELIGIBILITY TO BE REGISTERED AND TO VOTE

Who is eligible to be registered to vote?

- 3.1 You may be registered on the Roll as a voter and vote in an Election if you are an eligible person.

Who is an eligible person?

- 3.2 You are an eligible person if you satisfy all of the following requirements:
 - 3.2.1 **First requirement:** You must be an individual who is aged 16 or above.
 - 3.2.2 **Second requirement:** You must either:
 - 3.2.2.1 be a Victorian Traditional Owner; or
 - 3.2.2.2 an Aboriginal or Torres Strait Islander person that lives in Victoria.

About the first requirement

- 3.3 Your age will be calculated as at the date that voting opens for the relevant Election, referred to as the **Voting Opening Date**.

About the second requirement

- 3.4 You are an **Aboriginal or Torres Strait Islander Person** for the purposes of these Rules, if you satisfy all of the following requirements:
 - 3.4.1 you must identify as an Aboriginal or Torres Strait Islander;
 - 3.4.2 you must be a person of Aboriginal or Torres Strait Islander

descent; and

3.4.3 you must be accepted as such in the Aboriginal or Torres Strait Islander community.

3.5 A Victorian Traditional Owner has the same meaning as Traditional Owner in the *Advancing the Treaty Process with Aboriginal Victorians Act 2018*.

3.6 You live in Victoria if your primary residence is currently in Victoria and has been so for three out of the last five years, with that five-year period ending on the **Voting Opening Date**.

4 ENROLLING TO VOTE

How does an eligible person enrol to vote?

4.1 Eligible persons may apply to enrol to vote by:

4.1.1 completing the application form; and

4.1.2 providing us with your completed application form.

4.2 We will publish the postal address, electronic address and website details to be used for returning completed application forms. We will publish that information on or before the **Enrolment Opening Date**.

When can you enrol to vote?

4.3 You can enrol to vote at any time until 9:00pm on the **Closing Date**. You can enrol to vote, and vote, on the same day.

Provisional Voters and Eligible Voters

4.4 You will be registered as a **Provisional Voter** until you are confirmed as an **Eligible Voter**. Special rules will apply to you as a Provisional Voter and until verified your vote is a provisional vote, in accordance with Rule 12.

4.5 You will be confirmed as an **Eligible Voter** once:

4.5.1 we have determined your enrolment is compliant with these Rules;

4.5.2 the time for any challenge to your enrolment under these Rules has elapsed; and

4.5.3 any challenge to your enrolment under these Rules has been finalised.

What information must you provide when enrolling to vote?

4.6 The enrolment form will require you to provide the following details:

4.6.1 your full name;

4.6.2 your date of birth or proof that you are at least 16 years old;

- 4.6.3 your current residential address;
 - 4.6.4 your postal address (if different to the above address);
 - 4.6.5 your email address (if you have one);
 - 4.6.6 your phone number (if you have one); and
 - 4.6.7 if you may not want to vote in person, whether you wish to receive an online ballot or a postal ballot (you may elect to receive both).
- 4.7 The enrolment form will also ask you to provide the following optional details, if you wish to:
- 4.7.1 the name of your clan, nation or mob; and
 - 4.7.2 your gender.

What evidence will you need?

- 4.8 You will need to provide us with evidence of your name and date of birth when enrolling to vote.
- 4.8.1 If you are enrolling in person we may choose to waive the requirement to provide evidence of your date of birth.
- 4.9 If you are currently living in Victoria (for however long), you must also provide us with proof of your usual residential address.
- 4.10 Despite the above, if you are in prison, living in out of home care, or experiencing homelessness at the time you apply to enrol, you may not need to provide us with evidence of your age or usual residential address.
- 4.11 Schedule 2 shows the documents that we will accept as evidence of your name, date of birth or evidence of your age and other information required to enrol.
- 4.12 We may accept the evidence in any of the following ways:
- 4.12.1 if you are enrolling online, photographs or scans of the evidence uploaded directly to the enrolment website;
 - 4.12.2 if you are enrolling by post, photocopies of the evidence that is to accompany the completed application form; and
 - 4.12.3 if you are enrolling in person, we have sighted the original documents, and we have captured photocopies, photographs or scans of the evidence at the time of your enrolment.
- 4.13 If you cannot provide us with all the required evidence, we may agree to accept other forms of evidence.

What declarations will you need to make?

- 4.14 You will need to make a declaration that you are an Aboriginal or Torres Strait Islander person when enrolling to vote.
- 4.15 If you are a Victorian Traditional Owner living in Victoria, you will need to declare that you are a Victorian Traditional Owner.
- 4.16 If you are not a Victorian Traditional Owner, you will need to make a declaration that you have lived in Victoria for three of the last five years, with that five-year period ending on the **Voting Opening Date**.
- 4.17 You must use our enrolment form for this purpose. The declaration is not a statutory declaration. We will provide a copy of these declaration forms prior to the **Enrolment Opening Date**.
- 4.18 You will also be asked to consent to us contacting you and using your information consistent with these rules.

What will a Victorian Traditional Owner need to provide if they live outside of Victoria?

- 4.19 If you are a Victorian Traditional Owner who lives outside of Victoria, you will also need to provide us with evidence that you are a Victorian Traditional Owner. We will accept the following forms of evidence:
 - 4.19.1 a verification from a formally-recognised Traditional Owners Corporation, in a form we approve;
 - 4.19.2 a verification from an Aboriginal Community Controlled Organisation nominated by us, in a form we approve;
 - 4.19.3 a verification from another organisation nominated by us, in a form we approve; or
 - 4.19.4 if you are unable to verify using the above methods, a statutory declaration (in a form approved by us) that you are a Victorian Traditional Owner, which must be accompanied by a confirmation that you are a Victorian Traditional Owner (in a form approved by us) with the signatures of 10 people that are either Provisional Voters or Eligible Voters. However, if one or more of these Provisional Voters is not confirmed as an Eligible Voter, we may require that you provide us with additional confirmations by Eligible Voters.

Can you enrol to vote as a silent Voter?

- 4.20 If you are eligible to be registered under Rule 3, you can request us in writing not to show your residential address and/or your postal address on the Roll (referred to as a **silent Voter**). You must use our forms for this purpose.
- 4.21 We will enrol you to vote as a silent Voter if you make a declaration (in a form approved by us) that showing your address would place your personal safety or members of family at risk. An Applicant will not need to provide any details about why they consider they or their family is at risk.

How will we notify you?

- 4.22 We will notify you in writing when we have received your application and again with the outcome of your enrolment application once known. The time for us to respond to you will depend upon the timetable for the Election, among other matters.
- 4.23 We may notify you in any of the following ways:
- 4.23.1 by post, to the postal address for enrolment purposes that you nominated; or
 - 4.23.2 by email, if you have provided us with an email address.

We can also approve special enrolment procedures

- 4.24 We can approve special enrolment forms and enrolment procedures for eligible persons that may have difficulty following the above application process. This includes eligible persons:
- 4.24.1 with accessibility needs;
 - 4.24.2 who are in prison;
 - 4.24.3 who are experiencing homelessness;
 - 4.24.4 who are living in out-of-home care; or
 - 4.24.5 who are serving in the armed forces.

5 ADDRESS FOR ENROLMENT

Where will you be enrolled to vote?

- 5.1 We will enrol you to vote in the voting region in which the current residential address that you nominated in your enrolment form is located, subject to the following special Rules.
- 5.2 If the address in which you are enrolled to vote is not wholly within one voting region, we will enrol you to vote in the voting region that covers the largest geographic area of your property.

Address for enrolment if you are a Victorian Traditional Owner living outside of Victoria

- 5.3 If you are a Victorian Traditional Owner who lives outside of Victoria at the time of enrolment, we will enrol you to vote at the following address (listed in descending order of priority):
- 5.3.1 first, the residential address where you last lived in Victoria;
 - 5.3.2 secondly, if you have never lived in Victoria, the current Victorian residential address of either of your parents (if your parents both live in Victoria, but not together, you can

- choose which parent's address will apply);
 - 5.3.3 thirdly, if the address of your parent is not known or your parent never lived in Victoria, then the Victorian address of any grandparent;
 - 5.3.4 fourthly, if the address of your grandparent is not known or your grandparent never lived in Victoria, then the Victorian address of your most recent apical ancestor to live in Victoria.
- 5.4 You must provide us with all reasonable assistance that we may require to determine which address will apply under Rule 5.3.

Address for enrolment if you are in prison

- 5.5 If you are in prison at the time of your enrolment, we will enrol you to vote at the following address (listed in descending order of priority):
 - 5.5.1 first, the Victorian residential address that you last lived at prior to entering prison;
 - 5.5.2 secondly, if you have never lived in Victoria, the current Victorian residential address of either of your parents (if your parents both live in Victoria, but not together, you can choose which parent's address will apply);
 - 5.5.3 thirdly, if the address of your parent is not known or your parent never lived in Victoria, then the Victorian address of any grandparent;
 - 5.5.4 fourthly, if the address of your parent is not known or your parent never lived in Victoria, then the address of the prison.
- 5.6 You must provide us with all reasonable assistance that we may require to determine which address will apply under Rule 5.5.

Address for enrolment if you are experiencing homelessness

- 5.7 If you are experiencing homelessness at the time of enrolment, including living in transitional housing, we will enrol you to vote at the following address (listed in descending order of priority):
 - 5.7.1 first, your last known Victorian residential address;
 - 5.7.2 secondly, if you have never had a residential address in Victoria, the current Victorian residential address of either of your parents (if your parents both live in Victoria, but not together, you can choose which parent's address will apply);
 - 5.7.3 thirdly, if the address of your parent is not known or your parent never lived in Victoria, then the Victorian address of any grandparent;
 - 5.7.4 fourthly, if the address of your parent or grandparent is not

known, or your parent or grandparent never lived in Victoria, then the address of the service provider that most recently provided you with overnight accommodation.

- 5.8 You must provide us with all reasonable assistance that we may require to determine which address will apply under Rule 5.7.

Address for enrolment if you are living in temporary out-of-home care

- 5.9 If you are living in temporary out-of-home care at the time of enrolment, we will enrol you to vote at the following address (listed in descending order of priority):

- 5.9.1 first, your last known Victorian residential address prior to entering care;
- 5.9.2 secondly, if you have never had a residential address in Victoria, the current Victorian residential address of either of your parents (if your parents both live in Victoria, but not together, you can choose which parent's address will apply);
- 5.9.3 thirdly, if the address of your parent is not known or your parent never lived in Victoria, then the Victorian address of any grandparent;
- 5.9.4 fourthly, if the address of your parent or grandparent is not known, or your parent or grandparent never lived in Victoria, then the address of the service provider where you are currently in out-of-home care.

- 5.10 You must provide us with all reasonable assistance that we may require to determine which address will apply under Rule 5.9.

Address for enrolment if you are serving in the armed forces

- 5.11 If you are serving in the armed forces, and not living at your ordinary address, at the time of enrolment, we will enrol you to vote at the following address (listed in descending order of priority):

- 5.11.1 first, the residential address where you last lived or ordinarily live in Victoria;
- 5.11.2 secondly, if you have never had a residential address in Victoria, the current Victorian residential address of either of your parents (if your parents both live in Victoria, but not together, you can choose which parent's address will apply);
- 5.11.3 thirdly, if the address of your parent is not known or your parent never lived in Victoria, then the Victorian address of any grandparent;
- 5.11.4 fourthly, if the address of your parent is not known or your parent never lived in Victoria, then the Victorian address of your most recently known apical ancestor to live in Victoria.

- 5.12 You must provide us with all reasonable assistance that we may require to determine which address will apply under Rule 5.11.

6 ACCESS TO THE ROLL

Format

- 6.1 The Roll may be kept in both electronic and hard copy formats.

Who has access to the Roll?

- 6.2 The Roll will not be publicly available. No individual candidates for election under these Rules will have access to details from the Roll.
- 6.3 The Roll will not be shared with, or accessed by, anyone unless these Rules expressly permit it, or if required by law.
- 6.4 Following the completion of the election process, including any dispute resolution, the First Peoples' Assembly of Victoria, once it exists, will be provided with the Roll. We will then destroy any other copies of the Roll.

What can we use the Roll for?

- 6.5 We will use information from the Roll for conducting an election under these Rules and any purposes reasonably related to that purpose. For example, we may use the information from the Roll to:
- 6.5.1 send Provisional Voters and Eligible Voters messages, including on behalf of candidates;
 - 6.5.2 identify potential Eligible Voters;
 - 6.5.3 monitor the progress of the elections, and the performance of our staff and systems; and
 - 6.5.4 assess voter eligibility.

The information will be held in accordance with our Privacy Statement (found at <https://victreatyadvancement.org.au/privacy-statement>).

What can the First Peoples' Assembly of Victoria use the Roll for?

- 6.6 We will disclose the Roll to the First Peoples' Assembly of Victoria to use information from the Roll for the purpose of:
- 6.6.1 contacting Voters with information about the First Peoples' Assembly of Victoria's activities;
 - 6.6.2 conducting an election for some or all of the members of the First Peoples' Assembly of Victoria under these Rules or other Rules it has adopted;
 - 6.6.3 compiling statistics and data about voters, in a de-identified manner; and

6.6.4 any purposes reasonably related to the above purposes.

6.7 We will ensure that the First Peoples' Assembly of Victoria does not use the Roll for any other purposes.

7 NOMINATION OF CANDIDATES FOR ELECTION

About the first election process

7.1 The first election will be to elect up to 21 persons to serve as members of the First Peoples' Assembly of Victoria.

Who is eligible to stand as a candidate?

7.2 You are eligible to stand as a candidate for election if you meet all of the requirements set out in the table in Rule 7.3.

7.3 The table below sets out the requirements you must meet to be eligible to be a candidate for election, along with details of how we will assess whether you meet each requirement:

	Requirement that applies	How we will determine if the requirement is met
1	You must be an Eligible Voter.	We will check the Roll.
2	You must be an individual who is aged 18 or above. Your age is calculated at the date you nominate.	You may need to provide us with evidence of your date of birth, or that you are at least 18 years old. Schedule 2 shows the documents that we will accept as evidence of your date of birth.

3	You must be a Victorian Traditional Owner.	<p>We will accept any of the following forms of evidence:</p> <ul style="list-style-type: none"> • verification from a formally-recognised Traditional Owner Corporation, in a form we approve; • verification from an Aboriginal Community Controlled Organisation nominated by us, in a form we approve; • verification from another organisation nominated by us, in a form we approve; or • if you are unable to verify by the above methods, a statutory declaration (in a form approved by us) that you are a Victorian Traditional Owner, which must be accompanied by a confirmation (in a form approved by us) with the signatures of 10 Eligible Voters that you are a Victorian Traditional Owner.
4	You must not be disqualified from acting as a director of a company under the <i>Corporations Act 2001</i> (Cth).	<p>We will search registers maintained by the Australian Securities and Investments Commission and the Australian Financial Security Authority.</p> <p>You must declare that you meet this eligibility requirement.</p>
5	You must not be in prison, be the subject of an order under the <i>Crimes (Mental Impairment and Unfitness to be Tried) Act 1997</i> (Vic) or be restricted by bail, parole or other legal mechanisms from travelling within Victoria.	<p>We will conduct a National Police Records Check.</p> <p>You must declare that you meet this eligibility requirement, and attach all the requisite information to undertake a National Police Records Check.</p>
6	You must be able to participate fully in the activities of the First Peoples' Assembly of Victoria, including its Board (if you wish to, or become, a director of the First Peoples' Assembly of Victoria).	You will need to make a declaration about your ability to do this when completing the application form under Rule 7.

7	You apply within the application timeline, and consent to the election process and to being a member of the First Peoples' Assembly of Victoria, including publication of your name, personal details and Candidate Statement.	You will need to provide consent and sign your nomination form, and your application is submitted to us by 4:00pm 16 August 2019.
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7.4 We will bear the costs of verifying your eligibility under Rule 7.3 up to a maximum amount that we decide and we advise publicly. If it will cost us more than that amount to verify your eligibility, we can make you choose between:

7.4.1 paying us that additional amount to cover our costs and expenses; or

7.4.2 formally withdrawing your nomination form and candidacy.

How can you be nominated as a candidate?

7.5 You can nominate yourself as a candidate for election.

What nomination form must be used?

7.6 You must use our nomination form. You must include the following:

7.6.1 your gender; in particular, whether you identify as male, female or another gender;

7.6.2 information in the form of a candidate statement, which could include information about yourself including your nation/clan/mob connection, why you wish to be a member of the First Peoples' Assembly of Victoria, your views on treaties and your aspirations for treaty to a maximum of 200 words. This is called a **Candidate Statement**;

7.6.3 a passport-style photo (should you wish this to be distributed by us);

7.6.4 the name you want to appear on the ballot paper or on-line ballot screen;

7.6.5 consent to the Candidate Statement being published;

7.6.6 a signed and consented nomination form; and

7.6.7 consent to be appointed as a member of the company limited by guarantee that will be the First Peoples' Assembly of Victoria.

7.7 We may publish your name, photograph and Candidate Statement, including by:

7.7.1 publishing it on the election website;

- 7.7.2 making it available at polling places; and
 - 7.7.3 sending it to postal voters with their ballot materials.
- 7.8 We are not obliged to publish all or any part of your Candidate Statement.
- 7.8.1 We may edit or redact your Candidate Statement if we choose to publish all or any part of it, for example if we believe that it may include misleading, deceptive or defamatory content.
- 7.9 We will only accept completed nomination forms where they are sent to us using:
- 7.9.1 the postal details we publish for this purpose;
 - 7.9.2 electronic lodgement details published by us for this purpose;
 - 7.9.3 by personal delivery to the address we publish for this purpose;
or
 - 7.9.4 facsimile to the number we publish for this purpose.

Lodgement details will be included on the Nomination Form.

What is the cut-off time for us to receive completed nomination forms?

- 7.10 We will decide the day for cut-off time for us to receive completed nomination forms.
- 7.10.1 We will publish details of the cut-off date and time for receipt of nominations before the **Enrolment Opening Date**.
- 7.11 We will not accept any nomination forms that we receive after the cut-off time but we may ask for further information under Rule 7.17 or extend the cut-off date under Rule 9.4.
- 7.12 You must ensure the completed, signed, nomination is received by us prior to the cut-off date and we have no responsibility to assist any person in relation to completion of any nomination.

In which Region can you be nominated as a candidate for election?

- 7.13 If you meet all of the requirements set out in the table in Rule 7.3, you may be nominated for election (at your choice) either for:
- 7.13.1 the Region containing your current residential address in Victoria; or
 - 7.13.2 the Region that you identify as including your traditional country as a Victorian Traditional Owner.

How will we notify you about the outcome of your nomination application?

- 7.14 We will notify you in writing to confirm receiving your nomination. We will aim to notify you within two days of receiving your nomination, but the actual time required may vary, depending upon a range of matters.

7.15 We will notify you of the outcome of your application once it is known. We will aim to notify you within two days of determining the outcome of your nomination, but the actual time required may vary, depending upon a range of matters.

7.16 We may notify you in either of the following ways:

7.16.1 by post, to the address for enrolment purposes that you originally nominated; or

7.16.2 by email, if you have provided us with an email address.

We will reject all non-complying nominations

7.17 We will reject your nomination if it does not meet the requirements of these Rules.

7.17.1 However, before doing so we will ask you to provide any missing information or resolve any matters related to your eligibility that can be resolved under these Rules, provided you have initially submitted your application prior to the cut-off date and time.

7.17.2 We will do so even if that process needs to continue after the cut-off date.

7.17.3 If you provide us with the missing information or resolve eligibility matters, we may accept your nomination after the cut-off date. Missing information is any information that we would require to accept your nomination.

7.18 However, we will reject your nomination without further discussion with you if:

7.18.1 the missing information is not provided by the deadline outlined by us, and

7.18.2 we consider that the matters related to your eligibility under these Rules cannot be resolved, or those matters are not resolved by the date that is 10 days before the **Voting Opening Date**.

7.19 If you disagree with a decision to accept or reject a nomination you may refer the matter to the Dispute Resolution Panel set out in Rule 15.

Announcement of candidates

7.20 We will publish on our website all candidate nominations we receive, that are substantially complete, within three days of receiving them. Publishing a nomination does not indicate it has been accepted by us.

7.21 We will publicise a date for announcement of candidate nominations for each Region which we have accepted.

7.22 We will only permit a person whose candidate nomination is accepted by us to stand for election as a General Member.

8 CAMPAIGNING

Will we offer funding and support to candidates?

- 8.1 We may decide to offer funding and in-kind support to candidates to support their campaigning.
- 8.2 If we do so, we will establish policies to govern how this support will be calculated and allocated, and the additional rules that will apply to candidates regarding use of that funding. These policies will be published prior to candidate nominations opening.

What Rules apply to campaign materials?

- 8.3 All campaign materials must comply with the Code of Conduct at Schedule 4.
- 8.4 We may agree to support certain campaign materials that are produced by or on behalf of candidates. For example, we may assist in printing those materials, hosting those materials on a website or including those materials in information that we make available to Provisional or Eligible Voters. If we do this we:
- 8.4.1 will not unfairly favour any particular candidates;
 - 8.4.2 will vet all campaign materials (including for defamation or any misleading or deceptive statements); and
 - 8.4.3 may withdraw our support for any such campaign materials at any time, if we consider it necessary or appropriate.

What code of conduct will apply to candidates and their campaigners?

- 8.5 If you are a candidate, or a campaigner for a candidate, you must comply with the code of conduct set out in Schedule 4 or any replacement code of conduct that we may issue from time to time.

9 ELECTION OF GENERAL MEMBERS

- 9.1 In each election, there are 21 General Members to be elected, spread across the Regions as follows:

How many General Members will be sourced from each Region?

Region*	Number of General Members to be elected from that Region
Metropolitan	9
South West	3
North West	3

North East	3
South East	3
TOTAL	21

*see Map in Schedule 1.

What if the number of candidates in a Region does not exceed the number of vacancies?

- 9.2 If the number of candidates in a Region is equal to the number of vacancies, we will declare that each of these candidates is duly elected only if the Gender Quota as set out in Rule 13.11 has been satisfied for that Region. If we do so no election process will occur. If the Gender Quota is not satisfied, the process in Schedule 6 will apply.
- 9.3 If the number of candidates in a Region exceeds the number of vacancies, we will conduct an election in accordance with these Rules.
- 9.4 If there are an insufficient number of candidates in a Region when the cut-off date and time occurs for that Region, we may extend the cut-off date and time for us to receive and accept completed nomination forms for that Region. We have a reasonable time in which to decide:
 - 9.4.1 to extend the cut-off date;
 - 9.4.2 when the cut-off date will become; and
 - 9.4.3 to announce that extension of the cut-off date.

Does an Eligible Voter have to vote in an election in their Region?

- 9.5 You do not have to cast a vote in any election. Voting is not compulsory and there is no fine or other penalty if you do not vote in an election.

10 CONDUCT OF ELECTIONS

Election Period

- 10.1 Voting will take place during the Election Period. The Election period commences on the Voting Opening Day and ends 11:00 pm on the Closing Date.
- 10.2 Not all options for voting, for example in-person voting places, will be available for the entire Election Period.

Order of candidates

- 10.3 We will determine the order of candidates on the ballot paper or on-line ballot screen by a random draw. We will nominate the place and time of the draw.

How will we conduct an election in a Region?

- 10.4 All elections will be conducted by secret vote. This will include in-person, postal and online voting.

10.5 We will assume that you wish to vote in-person. However, you can request they be provided with a postal vote or an online vote, by a:

10.5.1 request on their enrolment form, or

10.5.2 request in writing received by us:

- for a postal voter no later than by 5:00 pm, 6 days prior to the Closing Date, or
- for an online vote no later than by 9:00 pm on the Closing Date.

10.6 You may:

10.6.1 vote in person even if they have requested a postal vote or online vote. If they vote in person, we will disregard their postal vote and/or online vote.

10.6.2 not request a postal vote or online vote if they have already voted in-person.

10.7 If you vote by both post and online voting, we will disregard the postal vote.

10.8 You cannot appoint a person as proxy to vote for you.

Where will in-person polling places be located?

10.9 We will advise where in-person polling places will be located, and their hours of operation. We will publish this information a reasonable period before the Election Period commences.

10.10 We may decide that an in-person polling place will be open for the entire Election Period or we may open a polling place for a period of time during the Election Period. This information will be published by us a reasonable period before the relevant Election Period commences.

What if you are not in your voting Region during the Election Period?

10.11 You can vote at any in-person polling place, even if it is outside of their voting Region. However, they can only vote for candidates standing for election in their Region, no matter which in-person polling place they vote at. If you vote outside your Region this is referred to as an **Absent Vote**.

10.12 If you cast an Absent Vote, we must arrange for their details to be recorded and must also preserve the secrecy of their vote. We will do this in the following way:

10.12.1 You will be provided an envelope marked "Absent Vote Declaration Envelope" and will be requested to complete and sign the particulars on the Declaration Envelope.

10.12.2 The signed Declaration Envelope will be retained by the attending polling official, and the voter will be provided the relevant ballot paper and then will go unaccompanied (unless requiring assistance) to a voting compartment and

will mark their ballot paper in accordance with instructions on the ballot paper.

- 10.12.3 You must fold your marked ballot paper to preserve the secrecy of their vote and will return to the attending polling official. The polling official will ensure that the voter places and encloses their folded, ballot paper into the Absent Vote Declaration Envelope, that the voter has signed.
- 10.12.4 You must then will seal your Absent Vote Declaration Envelope and place the signed, sealed envelope in the relevant ballot box and then the voter will exit the polling venue.

Will there be restrictions on canvassing or other activities at in-person polling places?

10.13 The following rules apply regarding conduct at polling places.

10.14 Unless we expressly permit it, no person is allowed to:

- 10.14.1 canvass for votes;
- 10.14.2 induce a person not to vote for a particular candidate (or not vote at all);
- 10.14.3 exhibit any notice or sign that is not approved by us, relating to the Election; or
- 10.14.4 conduct an exit poll,

within 6 metres, or another distance determined by us, of the designated entrance of a building that is being used as an in-person polling place. Candidates must ensure people assisting them with their campaigns comply with these Rules.

10.15 No person may display any badge or emblem associated with a candidate inside any in-person polling place, unless we expressly permit it.

Restrictions on the use of devices used to capture images at polling places

10.16 No person may use any device that may capture images inside an in-person polling place.

What can happen when I am voting in person?

10.17 We can ask you to:

- 10.17.1 tell us your full name and address, and
- 10.17.2 confirm that you have not voted before in that Election.

You must truthfully answer our questions.

10.18 If we are satisfied you are an Eligible Voter, we will then mark the Roll, and provide you with the materials needed to vote.

- 10.18.1 You will then proceed to a voting compartment to vote.
 - 10.18.2 You are required to complete your vote in accordance with the instructions, and cast your vote in the appropriate location, as directed by us.
 - 10.18.3 You will then leave the in-person polling place.
- 10.19 If we are satisfied you are a Provisional Voter, we will then mark the Roll, and follow the procedures set out in Rule 12.

What happens when I vote by post

10.20 If you have requested a postal vote, we will send you voting materials including a:

- 10.20.1 an envelope marked "Declaration "Ballot Paper Only" Envelope" which will be personally addressed to the voter;
- 10.20.2 relevant regional ballot paper;
- 10.20.3 information about candidates in your Region; and
- 10.20.4 reply postage paid envelope addressed back to us.

10.21 For a postal vote to be valid you must:

- 10.21.1 mark your ballot paper in accordance with the instructions on the ballot paper;
- 10.21.2 fold the marked postal ballot paper and seal and enclose the ballot paper in the Declaration "Ballot Paper Only" Envelope (which bears your name and address details);
- 10.21.3 sign your name on the Declaration "Ballot Paper Only" envelope (in the signature space on the Declaration envelope);
- 10.21.4 place the signed, sealed, Declaration "Ballot Paper Only" envelope inside the reply postage paid envelope addressed to us and seal that envelope;
- 10.21.5 post the sealed, reply postage paid envelope addressed to us; and
- 10.21.6 cast your ballot before 11:00 pm on the Closing Date.

10.22 For a returned postal voting Declaration "Ballot Paper Only" envelope to be further dealt with by us it must:

- 10.22.1 be received by us by post by the tenth day after the Closing Date, and
- 10.22.2 be signed by the Eligible Voter.

- 10.23 We will not count postal votes that are not valid.
- 10.24 To maintain secrecy of a person's vote, we will remove the personal details and signature provided under rule 10.21.2 and 10.21.3 from the Declaration "Ballot Paper Only" envelope, prior to the removal and unfolding of ballot papers. The detached details will be separately parcelled, sealed and labelled, prior to the opening of the Declaration "Ballot Paper Only" envelope.

What happens when I vote online

- 10.25 We will distribute an enrolment identification number and unique randomly allocated password (provided separately), which provide access to the electronic ballot to each enrolled person who validly requested to vote electronically.
- 10.26 To vote online you will:
- 10.26.1 authenticate your entitlement to vote and gain access to the ballot screen, on correct entry of each of your enrolment identification number and allocated random password;
 - 10.26.2 click in the selection boxes adjacent to a candidate's name on the ballot screen, to record your vote. The electronic voting system will be set to permit and record votes in accordance with voting under these Rules;
- 11.1.1 prior to submitting your vote, review the proposed vote, at this stage you may change your vote selections; and
- 11.1.2 submit your vote.
- 10.27 You may only vote once. Once you submit your vote it will be unable to be further changed and you will be unable to record another vote.
- 10.28 Voting by electronic means will commence at 7:00am on the **Voting Opening Date** and cease at 11:00pm on the **Closing Date**.

11 ASSISTANCE FOR VOTERS

How will Voters be informed about the candidates in their voting Region?

- 11.1 We will publish information about the candidates including their Candidate Statements in a particular Region a reasonable period before the relevant Election Period commences.
- 11.2 This assistance may include:
- 11.2.1 biographical information about the candidates;
 - 11.2.2 Candidate Statements; and
 - 11.2.3 any other information that we consider to be relevant to assist Voters.

How will Voters be informed about how to vote?

- 11.3 We will publish information about how you can vote in the election, a reasonable period before the relevant Election Period commences.
- 11.4 This may include:
- 11.4.1 instructions on how to cast a valid vote;
 - 11.4.2 locations of in-person voting places;
 - 11.4.3 instructions on how to vote by post or online;
 - 11.4.4 instructions on how to correctly complete your vote;
 - 11.4.5 contact information for enquiries, including telephone number, postal address and email address; and
 - 11.4.6 any other information that we consider to be relevant.

How will we assist Voters with special needs?

- 11.5 We will assist you if you have special needs. This includes those who:
- 11.5.1 have accessibility needs;
 - 11.5.2 have low or no literacy; or
 - 11.5.3 wish to nominate a person to assist them to cast their vote, should they be unable to cast their vote without any assistance. However, that nominated person can only provide assistance to you, they cannot act as your proxy.
- 11.6 If you need help from a polling official to fill out your ballot paper, one of the following people can also be there to observe:
- 11.6.1 a scrutineer;
 - 11.6.2 another election official; or
 - 11.6.3 another person you nominate.
- 11.7 You can bring a written statement that sets out your voting intention and you can ask us for another person to complete the vote for you.
- 11.8 We will provide information about physical accessibility at each in-person voting place before the **Voting Opening Date**.
- 11.9 We will provide magnifiers and maxi pencils at each in-person voting place. You can also request large print files with key dates and information about enrolment, nomination and voting requirements.

12 PROVISIONAL VOTERS

What special Rules apply to Provisional Voters?

- 12.1 A vote cast by you as a Provisional Voter is only a provisional vote.
- 12.2 You may be required to cast their vote as a Provisional Voter should special circumstances apply as determined by us. This could include where we have incorrectly or inadvertently marked that you have already voted.
- 12.3 When you cast a vote as a Provisional Voter, we must arrange for your details to be recorded and must also preserve the secrecy of your vote. We may do so in any way that meets our requirements, including by following this process for provisional in-person voting:
 - 12.3.1 A Provisional Voter will be provided an envelope marked "Provisional Vote Declaration Envelope" and will be requested to complete and sign the particulars on the Declaration Envelope.
 - 12.3.2 The signed Declaration Envelope will be retained by the attending polling official, and the voter will be provided the relevant ballot paper and then will go unaccompanied (unless requiring assistance) to a voting compartment and will mark their ballot paper in accordance with instructions on the ballot paper.
 - 12.3.3 The voter will fold their marked ballot paper to preserve the secrecy of their vote and will return to the attending polling official. The polling official will ensure that the voter places and encloses their folded, ballot paper into the Provisional Declaration Envelope, that the voter has signed.
 - 12.3.4 The voter then will seal their Provisional Vote Declaration Envelope and place the signed, sealed envelope in the relevant ballot box and then the voter will exit the polling venue.
 - 12.3.5 We will set aside the provisional vote until the Provisional Voters status is lifted.
 - 12.3.6 Where a Provisional Voter's enrolment is not verified, the provisional declaration vote will be rejected and be set aside and not be counted.

Counting provisional votes

- 12.4 If we determine that a Provisional Voter is an Eligible Voter, the voter's ballot paper in the applicable Regional will be counted with the other votes in that Region.
- 12.5 In removing ballot papers from Provisional Vote envelopes, the secrecy and anonymity of each vote will be preserved. Scrutineers may observe this process consistent with Rule 13.5.

13 DETERMINING ELECTION OUTCOMES

How will we count votes?

- 13.1 We will count votes using the system at Schedule 5.
- 13.2 For a ballot paper to be counted the voter's intention must be clearly discernible. Intention may be discernible even if the ballot is completed in a way that varies from the instructions. A non-exhaustive list of examples of this includes:
- 13.2.1 recording preferences alphabetically (a, b, c, d...) rather than numerically (1, 2, 3, 4).
 - 13.2.2 writing on or otherwise marking their ballot paper in addition to recording their preferences
- 13.3 We will not require you to number every box on your ballot, but you must number at least as many boxes as there are persons to be elected in your region.

Can a candidate for election nominate scrutineers?

- 13.4 A candidate may only appoint one scrutineer at each in-person voting place within the Region for which they are a candidate.
- 13.5 Candidates may also appoint one scrutineer to be present for the return processing, validation and counting of postal votes, absent votes, provisional votes and on-line votes.
- 13.6 Candidates must ensure that scrutineers follow the rules set out in Schedule 3.
- 13.7 A candidate cannot appoint themselves as a scrutineer.
- 13.8 You must use our Scrutineer Appointment Form for appointing scrutineers.
- 13.9 We are not responsible for transporting scrutineers to or from any in-person voting place. Scrutineers are not permitted to travel with us or our agents.

What gender representation requirements will apply?

- 13.10 Each candidate will be required to stipulate their gender (so as to determine whether a candidate is male or non-male identifying).
- 13.10.1 A candidate's stipulation is not subject to challenge by any person, including us.
 - 13.10.2 A candidate may request correction to their identified gender prior to nominations closing.
- 13.11 At an Election, 40% of the vacancies for General Members in a Region (or the number that is closest to 40%, rounding down to the nearest whole number) must be filled by candidates in that Region that are non-male identifying. This is called the **Gender Quota**.

- 13.12 If, after the counting of votes in a Region, the Gender Quota is not met, the process set out at Schedule 6 will apply.
- 13.13 If, after the counting of votes in a Region or under Rule 9.2, the Gender Quota is met or exceeded in a Region, there will be no change to outcome following the counting of votes in that Region.
- 13.14 The Gender Quota operates so that:
- 13.14.1 In a Region where there are three General Members to be elected, at least one seat must be filled by a candidate in that Region who is non-male identifying.
 - 13.14.1.1 If three or more male-identifying candidates and no non-male identifying candidates are standing for election in that Region, two seats would be filled, and the third seat would be left vacant.
 - 13.14.2 In a Region where there are nine General Members to be elected, at least four seats must be filled by candidates in that Region who are non-male identifying.
 - 13.14.2.1 If five or more male-identifying candidates and no non-male identifying candidates are contesting standing for election in that Region, five seats would be filled by means of the election process and the other four seats would be left vacant.
 - 13.14.3 In the event that a seat is not filled, we may extend the period of nominations consistent with rule 9.4

What about tied votes and disputes regarding the Election?

- 13.15 If at the end of counting two or more candidates have an equal number of votes, we will recount the votes. If on the recount:
- 13.15.1 a single candidate is elected, we will declare that candidate elected; or
 - 13.15.2 if there remains a tie, the successful candidate will be determined by drawing lots. The draw will be held at a location nominated by us and conducted by a person nominated by us.
 - 13.15.3 Candidates subject to the draw will be invited to attend or nominate a person to attend on their behalf.
 - 13.15.4 The lots will be numbered sequentially. The candidate who was placed highest on the ballot will have a number drawn on their behalf first, then the second highest till a lot has been drawn for all relevant candidates.
 - 13.15.5 The candidate who has been drawn the lowest number (1) will be elected as the successful candidate.

- 13.16 A candidate may dispute the validity of an election in the Region in which they

stood as a candidate and to do so must contact us in writing within **14** days after the election result is declared.

13.17 Disputes will be heard under the process set out in Rule 14.

13.18 Voting materials must not be destroyed until the completion of any disputes under these Rules.

What if a candidate withdraws, dies, or is disqualified before the outcome is known?

13.19 A candidate may withdraw at any time. A candidate will be automatically withdrawn if they are disqualified from being elected or unable to assume the role of a General Member, for example if they pass away.

13.20 If a candidate withdraws and the number of remaining candidates is equal to or not greater than the number of candidates to be elected, those candidates will be declared elected, if the Gender Quota in Rule 13.11 is satisfied. If the number of candidates remaining is greater than the number of candidates to be elected, the election will proceed. If the Gender Quota is not so satisfied, the process in Schedule 6 will apply.

13.21 If a candidate withdraws after the ballot is drawn their name will remain on the ballot. Any votes for this candidate will be disregarded during counting.

13.22 If a candidate's name remains on the ballot, we will publish information in a form we determine listing the candidates that have withdrawn and explaining why their name still appears on the ballot. When practical we will also include this explanation in postal vote packages.

How will Election results be announced?

13.23 We will advise each person who cast a vote of the Election results. If you voted by post, you will receive the notification by post. If you voted in person or online, you will be notified by email, or by post if your email address is not known to us.

14 COMPLAINTS AND DISPUTE RESOLUTION

Complaints about the application of these Rules

14.1 You may make a written complaint to us about how we have applied these rules if you are:

14.1.1 a candidate;

14.1.2 a campaigner for a candidate;

14.1.3 a scrutineer; or

14.1.4 an Eligible Voter when the issue in dispute has or will materially affect their ability to vote in the Election.

14.2 You may not lodge a complaint on behalf of another person. However, you can assist a person to raise a complaint.

- 14.3 We will publish details of how to lodge a complaint under Rule 14.1 in a reasonable period before the Election Period commences. Unless another deadline applies in these rules, any complaint must be lodged before 7 days after the results are declared.
- 14.4 We will investigate a complaint as soon as we reasonably can. We will then decide whether to uphold or dismiss the complaint. We will write to you with our decision.
- 14.5 If we uphold a complaint, we will either re-make the decision consistent with the rules or seek to provide a remedy to correct the impact of the decision in a way most consistent with the rules.
- 14.6 You may challenge our decision on your complaint to the Dispute Resolution Panel using the process in Rule 15.

Complaints regarding conduct

- 14.7 You may make a written complaint to us about the conduct of a candidate, a candidate's campaigners or scrutineers in relation to an Election, if you are:
 - 14.7.1 a Candidate;
 - 14.7.2 a campaigner for a candidate;
 - 14.7.3 a scrutineer; or
 - 14.7.4 an Eligible Voter when the issue in dispute has or will materially affect your ability to vote in the Election.
- 14.8 You may not lodge a complaint on behalf of another person. However, you can assist a person to raise a complaint.
- 14.9 We can also investigate complaints on our initiation.
- 14.10 We will publish details of how to lodge a complaint under Rule 14.7 in a reasonable period before the Election Period commences. Unless another deadline applies in these rules, any complaint must be lodged before 14 days after the Closing Date.
- 14.11 We will investigate a complaint as soon as we reasonably can. We will then decide whether to uphold or dismiss the complaint.
- 14.12 If we uphold a complaint, or discover other unlawful or inappropriate conduct on the part of a candidate or their campaigners or scrutineers in relation to the election in the course of our investigation of the complaint, we can impose one or more of the following outcomes:
 - 14.12.1 we can ask the person not to continue with the conduct;
 - 14.12.2 we can seek an agreement from the person to change or desist in a certain conduct;
 - 14.12.3 we can issue a warning to the candidate, their campaigners and their scrutineers (as we see fit);
 - 14.12.4 we can issue a public statement;

- 14.12.5 we can require a candidate, their campaigners and their scrutineers (as we see fit) to make a public or written apology;
 - 14.12.6 if that candidate is eligible for campaign funding from us, we can withdraw some or all of that funding (as we see fit);
 - 14.12.7 we can disqualify the candidate and remove them from the Election; and
 - 14.12.8 we can impose any other lawful outcome (such as banning a person from canvassing for votes for a period of time) on the candidate, their campaigners and their scrutineers (as we see fit), and they must comply immediately.
- 14.13 We will seek to ensure any outcome we impose is proportionate to the impact on the conduct on the Election.
- 14.14 If we impose an outcome, the candidate or the affected person may request us in writing to refer the disputed matter for a decision by the Dispute Resolution Panel using the process in Rule 15.
- 14.15 If we impose an outcome that disqualifies a candidate from the election, it must automatically be referred to and considered by a Dispute Resolution Panel using the process in Rule 15.

Disputes relating to the eligibility of a voter or candidate based on the individual’s Aboriginal identity or Traditional Owner status

- 14.16 If an **Eligible Voter** or a **Provisional Voter** believes another person has been invalidly enrolled to vote, or accepted as a candidate, they may communicate this in writing to us. In doing so they must:
- 14.16.1 identify the individual; and
 - 14.16.2 set out the person’s reasons for believing that the individual should not have been enrolled to vote or accepted as a candidate.
- 14.17 The Roll will not be available to be reviewed for this purpose.
- 14.18 We may, either acting on the above or on our own initiation, refer a **Provisional Voter** or a candidate for consideration by a panel of respected Aboriginal or Torres Strait Islander community members.
- 14.18.1 Disputes related to eligibility based on Aboriginal or Torres Strait Islander identity or Traditional Owner status will never be decided by a singular decision-maker.
 - 14.18.2 Disputes related to eligibility based on Aboriginal or Torres Strait Islander identity or Traditional Owner status will never be decided by a non-Aboriginal or non-Torres Strait Islander person.
- 14.19 To be valid, a referral must be made within the following timeframe:

- 14.19.1 if the referral concerns a **Provisional Voter** who applied to enrol more than 20 days before the **Voting Opening Date**, the referral must be made by 12 noon 15 days before the **Voting Opening Date**;
 - 14.19.2 if the referral concerns a Provisional Voter who applied to enrol on or after 20 days before the **Voting Opening Date**, the referral must be made by 12 noon seven days after the **Closing Date**;
 - 14.19.3 if the referral concerns a candidate, before 14 days after the Closing Date.
- 14.20 The panel of respected Aboriginal or Torres Strait Islander community members may make inquiries to determine a person's eligibility.
- 14.21 If the panel unanimously believes that on the balance of probability that the person is not an Aboriginal or Torres Strait Islander person or a Traditional Owner, the panel may direct us to remove them from the roll or reject their candidate application.
- 14.21.1 If the person has already cast a vote in a current election as a Provisional Voter we will disregard that vote.
- 14.22 Before doing this, the panel of respected Aboriginal or Torres Strait Islander community members must afford the person natural justice. This includes giving them the right to a hearing, and ensuring that the panel of respected Aboriginal or Torres Strait Islander community members is not biased against them.
- 14.23 A person removed from the Roll or as a candidate may challenge this decision to the Dispute Resolution Panel using the process in Rule 15.

15 DISPUTE RESOLUTION PANEL

- 15.1 We will establish a Dispute Resolution Panel and decide upon its membership, functions and powers, but the members of this Panel must not be a candidate in the relevant Region, or closely connected to any person that made a complaint.
- 15.2 The Dispute Resolution Panel will be made up of at least three people all of whom are Aboriginal or Torres Strait Islanders. At least one member must have legal training and one member must be a Victorian Traditional Owner. The Dispute Resolution Panel may also seek advice from individuals with suitable expertise, for example legal experts. These individuals may assist in the Panel's deliberations and process but must not vote on a decision.
- 15.3 A person who requests that a disputed matter be referred to the Dispute Resolution Panel must provide that Panel with any evidence and assistance that it reasonably requests. If the person does not do so, the Dispute Resolution Panel may decide to resolve the dispute in our favour. However, that Panel must afford the person natural justice in assessing the dispute.
- 15.4 The Dispute Resolution Panel will provide us with its decision in writing. We are not obliged to share that written decision with anyone else, except the person requesting that a disputed matter be referred to the Dispute Resolution Panel and each other candidate in that Region. The decision of that Panel is final.

16 PEACEMAKERS

- 16.1 We may appoint suitably qualified respected Aboriginal or Torres Strait Islander community members as **Peacemakers** in the elections process.
- 16.2 The role of Peacemakers is to seek to resolve disputes in a culturally-based way, including seeking informal resolutions or de-escalating complaints wherever possible.
- 16.3 Peacemakers may:
- 16.3.1 provide us with advice to support our resolution and de-escalation of complaints;
 - 16.3.2 provide the Dispute Resolution Panel with advice to support their resolution of complaints;
 - 16.3.3 offer formal peacemaking to parties to a dispute, with consent of both parties.
- 16.4 Any decision-maker under Rules 14 and 15 can refer to Peacemakers for advice in resolving a dispute.
- 16.5 Any decision-maker under Rules 14 and 15 can refer parties (with their consent) to the Peacemakers to seek to resolve their dispute through a formal peacemaking process.
- 16.5.1 Any agreement or outcome reached through a formal peacemaking process must be approved by a member of the Dispute Resolution Panel.
- 16.6 Peacemakers may also sit on the Dispute Resolution Panel and/or hear disputes under Rule 14.16. A Peacemaker cannot adjudicate a matter before the Dispute Resolution Panel that they considered as a Peacemaker.

17 DEFINITIONS

Definitions used in these Rules

17.1 In these Rules the following definitions apply:

We and **us** means the Victorian Treaty Advancement Commissioner and her delegates, including any third parties retained by the Victorian Treaty Advancement Commissioner to manage the voter enrolment process or act as Returning Officer in the conduct of an election under these Rules.

Provisional Voter means you have registered to be enrolled, however your identity and eligibility has not yet been verified.

Eligible Voter means you are registered on the Roll as a voter.

Candidate Nomination Opening means 27 May 2019.

Candidate Nomination Closing means 4:00pm, on 16 August 2019.

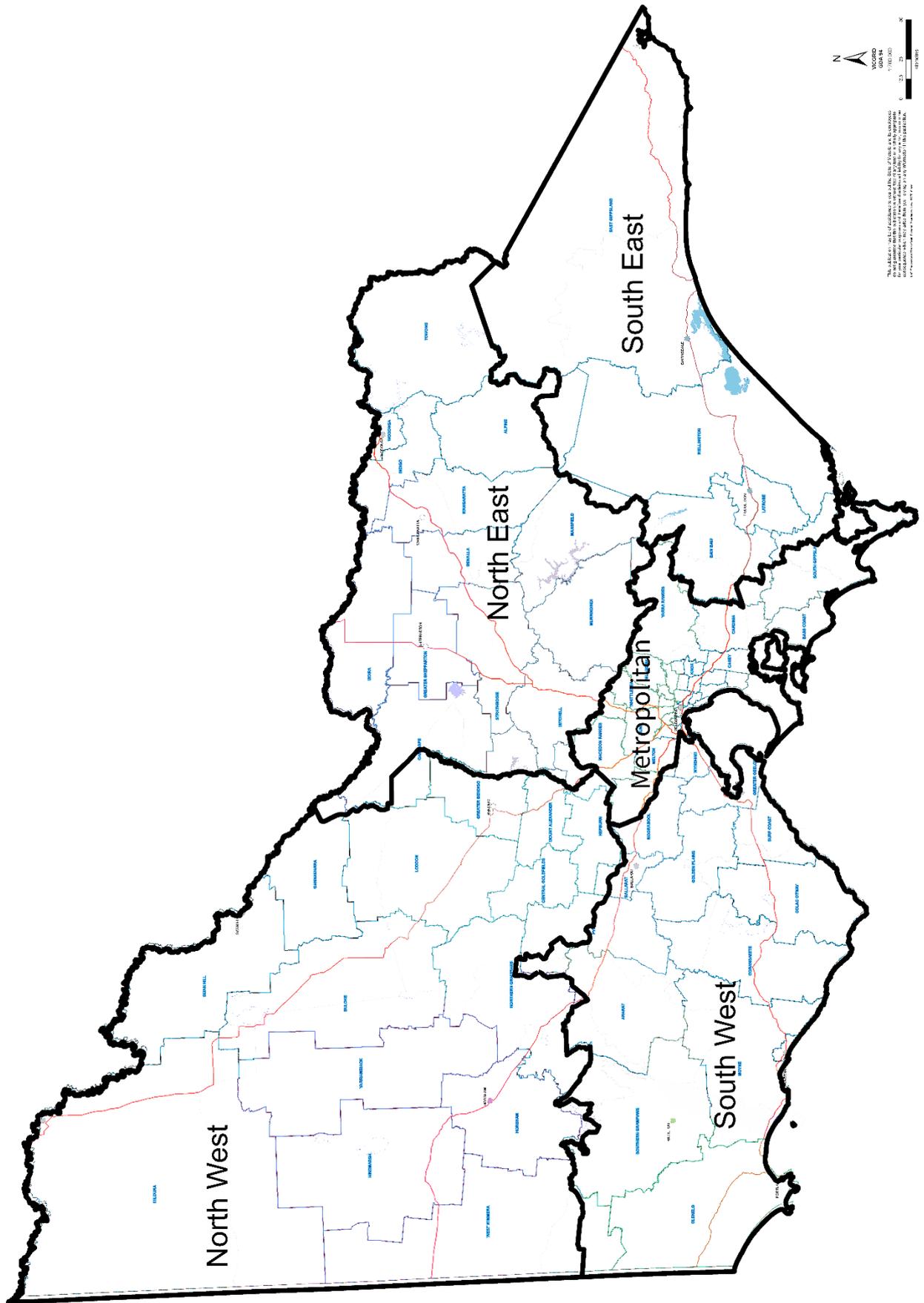
Enrolment Opening Date means 10 May 2019.

Voting Opening Date means 16 September 2019.

Closing Date means 20 October 2019.

SCHEDULE 1: REGIONS

Refer overleaf.



SCHEDULE 2: PERMITTED FORMS OF EVIDENCE

- 1 The following table provides the documents that we will accept as evidence of your name, date of birth, and/or residential address. This is not an exhaustive list.
- 2 We will accept one piece of evidence to verify your name, date of birth and residential address if it includes a passport style photograph of yourself (e.g. driver licence). Otherwise you must provide at least two forms of evidence (e.g. birth certificate and utility statement).

Form of Identification	Name	Date of Birth	Residential address
Driver's, learner's permit, firearm, or marine licence	✓	✓	✓
Valid Passport	✓	✓	✗
Proof of Age Card	✓	✓	✓
Keypass	✓	✓	✓
Birth certificate	✓	✓	✗
Commonwealth Government Concession Card (including Health Care Card)	✓	If date of birth is listed on the card	If residential address is listed on the card
Department of Veterans Affairs Health Card	✓	✗	✗
Marriage Certificate	✓	✓	✗
Working with Children Check Card	✓	If date of birth is listed on the card	✗
Medicare Card	✓	✗	✗
Bank Card	✓	✗	✗
Australian Taxation Office Assessment	✓	✗	✓
Student or Tertiary Institution Identification card	✓	If date of birth is listed on the card	✗
Lease Agreement	✓	✗	✓
Utility statement* (Gas, water, electricity, mobile or home phone)	✓	✗	If residential address is listed on the statement
Bank statement*	✓	✗	If residential address is listed on the statement
Superannuation statement*	✓	✗	If residential address is listed on the statement
Other government issued identification	Form can vary, review prior to submitting.		

*If you submit a bank, utility or superannuation statement, they must contain an official company letterhead or stamp.

What if you cannot provide us with all the required evidence?

- 3 We may agree to accept other forms or combinations of evidence. This will be determined on a case-by-case basis and approved in writing by us.
- 4 If you cannot provide satisfactory evidence to verify your identity, you can request a Proof of Identity form from us that you can submit to an approved organisation to confirm your identity. Completion of the form is at the organisation's discretion.
 - 4.1 Approved organisations will include all secondary schools, universities, TAFEs, medical clinics, or any other organisation approved in writing by us.
 - 4.2 A completed form must include the contact details and signature of the organisation representative confirming your identity.

SCHEDULE 3: RULES RELATING TO SCRUTINEERS

Appointment of Scrutineers

- 1 A scrutineer represents a candidate's interests by ensuring the integrity of the election process. Each candidate can be represented by no more than one scrutineer for every election official involved in the election activity being observed. Scrutineers can only observe activities for the specific election for which they are appointed.
- 2 Scrutineers are engaged by a candidate and their appointment must be made in writing by completing our approved form.

Infringement of Secrecy

- 3 Except as authorised by us, a scrutineer must not communicate to any person any information likely to defeat the secrecy of voting.

Rights of Scrutineers

- 4 Scrutineers have the right to observe certain election activities prior to the close of voting and to observe all ballot papers during the counting of votes.
- 5 Scrutineers may challenge the admission or rejection of ballot paper envelopes and the formality of ballot papers by advising us of their challenges at the time that counting of votes takes place. We will determine the outcome of a challenge by a scrutineer. Our decision is final and not subject to any appeal.
- 6 The election activities a scrutineer may observe include:
 - 6.1 the opening and emptying of a postal ballot boxes;
 - 6.2 the opening and processing of provisional and absentee ballots;
 - 6.3 the receipt and processing of ballot paper envelopes;
 - 6.4 the extraction, counting and recounting of ballot papers;
 - 6.5 in-person voting places throughout the Election Period and during the counting of votes (when polling officials are present);
 - 6.6 any area designated for the counting of votes during the preliminary scrutiny of postal votes, provisional votes, absentee votes, and the counting of votes; and
 - 6.7 final tabulation and production of online votes.

Briefing of Scrutineers

- 7 Scrutineers will be briefed on their rights and responsibilities and will be provided with a detailed explanation of processes before each activity commences. Scrutineers will be advised:
 - 7.1 they can only be present when ballot papers for their candidate's election are being processed;

- 7.2 of the total envelopes or ballot papers involved in each activity prior to its commencement;
- 7.3 their right to observe all aspects of the processing of ballot papers, but that they must not unnecessarily communicate with anyone at the election activity and must allow space for staff to carry out their duties;
- 7.4 that they must not under any circumstances handle election materials including ballot papers, and computer systems used to manage online voting; and
- 7.5 any challenge or query should be drawn to the attention of the person authorised by the Returning Officer in charge of the election activity

Offences by Scrutineers

- 8 We may have a scrutineer removed from a venue if:
 - 8.1 more than one scrutineer for each authorised person is present;
 - 8.2 the scrutineer handles any election materials;
 - 8.3 the scrutineer obstructs or hinders our activities;
 - 8.4 the scrutineer fails to obey a lawful direction from us; and
 - 8.5 the scrutineer interferes with or attempts to influence any voter within a voting place.

Interference with voters' rights

- 9 A person must not hinder or interfere with the free exercise or performance by any other person of any political right or duty that is relevant to an election.

Interference with ballot papers

- 10 A person must not:
 - 10.1 forge or fraudulently mark, deface or destroy a ballot paper;
 - 10.2 without authority supply a ballot paper to any person;
 - 10.3 fraudulently put any unauthorised ballot paper into a ballot box;
 - 10.4 be in possession of an unauthorised ballot paper;
 - 10.5 without authority destroy, take, open or otherwise interfere with any ballot box or parcel of ballot papers;
 - 10.6 vote or attempt to vote more than once at an election, or fraudulently remove a ballot paper from a ballot box, or impersonate any voter; and
 - 10.7 leave a voting place with a ballot-paper.

SCHEDULE 4: CODE OF CONDUCT

- 1 Candidates and campaigners will show respect for each other, respect for country, and respect for past, present and future generations.
 - 1.1 The election will be conducted in a spirit of cooperation, solidarity and mutual assistance.
 - 1.2 The conduct of candidates and campaigners will respect the meaningful and voluntary participation in the election by any person or group of persons eligible to vote. This includes not preventing a person to participate in the Election based upon:
 - 1.2.1 gender identity;
 - 1.2.2 age;
 - 1.2.3 language group, nation or clan identity, including persons that are disconnected from or reconnecting with their identity;
 - 1.2.4 sexual orientation;
 - 1.2.5 disability;
 - 1.2.6 religion;
 - 1.2.7 language; or
 - 1.2.8 marital status.
 - 1.3 The wisdom and strength of Elders will be respected by all candidates and campaigners, including Elders that choose to stand as candidates.
- 2 Candidates and campaigners must:
 - 2.1 participate in the election according to the rules and regulations established in the Election Rules and this Code of Conduct;
 - 2.2 respect those working in the Election and not interfere with the performance of their duties;
 - 2.3 comply with and respect any dispute resolution process; and
 - 2.4 confine criticism of other candidates and campaigners to their policies.
- 3 Candidates and campaigners are prohibited from:
 - 3.1 any violent, abusive or threatening conduct;
 - 3.2 interfering with the ballot papers, ballot boxes, voters' rolls or other election material;
 - 3.3 interfering with the secrecy of the ballot, including attempting to find out or share

- how a person voted;
 - 3.4 campaigning for a candidate without the approval of that candidate;
 - 3.5 using branding, including the letterhead or logo of the Victorian Treaty Advancement Commission, the Treaty for Victoria brand, or the First Peoples' Assembly of Victoria to promote a candidate without appropriate authorisation;
 - 3.6 by intimidation or duress compelling a person to vote or refrain from voting or voting for a candidate; and
 - 3.7 through dishonesty or misinformation induce a person to vote or refrain from voting or voting for a candidate.
- 4 Candidates and campaigners will ensure that the content of any communications, including via social media and promotional material is:
- 4.1 fair and honest;
 - 4.2 respectful of other candidates and campaigners, and eligible voters; and
 - 4.3 free of unverified allegations, distortion or smear.
- 5 If we fund the production of communications material (for example sponsoring a social media advertisement or printing a brochure), the content must have an authorisation tag with the candidate's name, stating that they are a candidate for First Peoples' Assembly of Victoria and the Region they are running in. This must be in a form approved by us.

SCHEDULE 5: VOTE COUNTING METHOD

1 Definitions for this Schedule

Quota means the number of votes sufficient to elect a candidate. The Quota is determined by dividing the number of first preference votes by 1 more than the number of candidates required to be elected and by increasing the quotient so obtained (disregarding any remainder) by 1, expressed in the following formula:

$$\text{Quota} = \left(\frac{\text{Total Votes}}{\text{Total Seats} + 1} \right) + 1$$

Surplus means the number of votes which a candidate has obtained, at any stage of the counting of votes, in excess of the Quota;

Transfer value means that portion of a vote which is transferred to the candidate next in the order of the voter's preference because it is unused by:

- (a) an elected candidate who has obtained a Surplus; or
- (b) a candidate excluded on account of having the least number of votes.

2 First preference votes to be counted

- 2.1 The number of first preferences recorded for each candidate, on all the ballot papers and on-line votes which are not informal votes, is to be counted.

3 Candidate with Quota to be elected

- 3.1 A candidate who has, after the first preferences have been counted, a number of votes equal to or greater than the Quota is to be declared elected.

4 Candidate with exact Quota

- 4.1 If the number of first preferences obtained by a candidate is equal to the Quota, all the ballot papers and on-line votes on which a first preference is recorded for that candidate are to be set aside as finally dealt with, unless required for a process under Schedule 6.

5 Surplus first preference votes to be distributed

- 5.1 If the number of first preferences obtained by a candidate is in excess of the Quota, the Surplus is to be transferred to the other candidates not yet declared elected, next in the order of the voters' respective preferences, in the following manner:
- 5.1.1 all ballot papers and on-line votes on which a first preference is recorded for the elected candidate are to be re-examined, and the number of second preferences, or, if required below, third or next consecutive preferences, recorded for each unelected candidate are to be counted;
 - 5.1.2 the Surplus of the elected candidate is to be divided by the total number of votes obtained by the candidate on the counting of the first preferences, and the resulting fraction

is to be the transfer value;

- 5.1.3 the number of second or other preferences, ascertained in clause 5.1.1 to be recorded for each unelected candidate, is to be multiplied by the Transfer value;
- 5.1.4 the resulting number, disregarding any fractional remainder, is to be transferred to each unelected candidate, and added to the number of votes obtained by him or her on the counting of the first preferences.

6 Order of distributing Surpluses

- 6.1 If, on the counting of the first preferences or on a transfer, more than one candidate has a Surplus, the largest Surplus is to be dealt with first and, if at that stage more than one candidate has a Surplus, the then largest Surplus is to be dealt with, and so on, but 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 is to be dealt with first.
- 6.2 If two or more Surpluses are equal, the Surplus of the candidate who was recorded as having the highest number of votes at the last count or transfer at which the candidates had an unequal number of votes is to be dealt with first, and, if the candidates have had an equal number of votes at all preceding counts or transfers, the candidate whose Surplus is to be dealt with first is to be determined by a fair method determined by us.

7 Method of dealing with Surplus votes obtained at transfer of Surplus

- 7.1 If the number of votes obtained by a candidate is increased to a number which is equal to, or exceeds, the Quota by a transfer under clause 5, the candidate is to be declared elected.
- 7.2 Notwithstanding the fact that the candidate has reached the Quota, the transfer is to be completed, and all the votes to which the candidate is entitled from the transfer are to be transferred to the candidate, but no votes of any other candidate are to be transferred to them.
- 7.3 If the number of votes obtained by a candidate is increased by a transfer under clause 5 to a number which is equal to the Quota, all the ballot papers and on-line votes on which such votes are recorded are to be set aside as finally dealt with, unless required for a process under Schedule 6.
- 7.4 If the number of votes obtained by a candidate is increased by a transfer under clause 5 to a number which exceeds the Quota, their Surplus is to be transferred to the candidates next in the order of the voters' respective preferences, in the following manner:
 - 7.4.1 the ballot papers and on-line votes on which are recorded the votes obtained by the elected candidate in the last transfer are to be re-examined, and the number of third, or, in the case provided for in clause 12, next consecutive preferences recorded for each unelected candidate are to be counted;

- 7.4.2 the Surplus of the elected candidate is to be divided by the total number of votes mentioned in clause 7.4.1, and the resulting fraction is to be the transfer value;
- 7.4.3 the number of third or other preferences, ascertained in accordance with clause 7.4.1 as having been recorded for each unelected candidate, is to be multiplied by the last-mentioned transfer value;
- 7.4.4 the resulting number, disregarding any fractional remainder, is to be credited to each unelected candidate and added to the number of votes previously obtained by the unelected candidate.

8 Method of transferring votes of excluded candidates

- 8.1 If, after the first preferences have been counted and all Surpluses, if any, have been transferred as provided by this Schedule, no candidate, or less than the number of candidates required to be elected, has or have obtained the Quota, the candidate who, at that count or transfer, has the least number of votes is to be excluded, and all the votes obtained by him or her are to be transferred to the candidates next in the order of the voters' respective preferences, in the same manner as provided by clause 5.
- 8.2 The votes received by the excluded candidate are to be sorted into groups according to their transfer values when received by that candidate.
- 8.3 The groups are to be transferred, at the transfer value at which they were received, in the following order:
 - 8.3.1 First, the group with the highest transfer value;
 - 8.3.2 Secondly, the remaining groups in descending order of transfer value.
- 8.4 Each of the transfers which takes place under clause 8.3 is to be taken for all purposes to be a separate transfer.

9 Method of dealing with Surplus votes obtained at transfer from excluded candidate

- 9.1 If the number of votes obtained by a candidate is increased by any such transfer to a number which is equal to, or exceeds, the Quota, the candidate is to be declared elected.
- 9.2 Notwithstanding the fact that the candidate has reached the Quota, the transfer is to be completed, and all the votes to which the candidate is entitled from the transfer are to be transferred to him or her, but no other votes are to be transferred to him or her.
- 9.3 If by such a transfer the number of votes obtained by a candidate is increased to a number of votes which is equal to, but does not exceed, the Quota, all the ballot papers and on-line votes on which those votes are recorded are to be set aside as

finally dealt with, unless required for a process under Schedule 6.

9.4 If the number of votes obtained by a candidate is increased to a number which exceeds the Quota, their Surplus is to be transferred to the candidates next in the order of the voters' respective preferences in the same manner as provided by clause 7.4, but, in the case of a transfer of the votes of an excluded candidate under clause 8.1 or clause 11, that Surplus is not to be dealt with until all the votes of that excluded candidate have been transferred.

9.5 If a Surplus exists, it is to be dealt with before any other candidate is excluded.

10 Exclusion of candidates to continue

10.1 The process of excluding the candidate who has polled the next lowest number of votes at the election, and transferring to other candidates their votes, is to be repeated until the number of persons required to be elected are declared elected. This process is to be undertaken in accordance with clauses 8.1 to 8.3.

11 Candidates with equal number of votes

11.1 If on any count two or more candidates have an equal number of votes and one of them is to be excluded, then whichever of those candidates was recorded as having the least number of votes at the last count or transfer at which they had an unequal number of votes is to be excluded, and, if those candidates have had an equal number of votes at all preceding counts or transfers, the candidate to be excluded is to be determined by a fair method determined by us.

12 Next available preferences

12.1 In determining which candidate is next in the order of an voter's preference, any candidates who have been declared elected or who have been excluded are not to be considered, and the order of the voter's preference is to be determined as if the names of those candidates had not been on the ballot paper or on-line vote.

13 Setting aside certain ballot papers

13.1 On a transfer if on a ballot paper or on-line vote there is no candidate opposite whose name a number is placed, other than a candidate who has been declared elected or excluded, the ballot paper or on-line vote is to be set aside and not further counted, unless required for a process under Schedule 6.

SCHEDULE 6: Application of the Gender Quota

1 Exclusion of male identifying candidates

- 1.1 This Schedule sets out how the **Gender Quota** works, and it applies where not enough non-male identifying candidates are elected.
- 1.2 **Male identifying candidates** do not count towards satisfying the Gender Quota. The first step in working out who is elected is that all unelected male identifying candidates are excluded.
- 1.3 The next step is that the last elected male identifying candidate is excluded (**the excluded candidate**). The excluded candidate's preferences are then distributed to the unelected non-male identifying candidates in accordance with this Schedule.

2 Where there is only one unelected non-male identifying candidate

- 2.1 If there is only one unelected non-male identifying candidate in a Region, we will declare the candidate to be duly elected as a member of First Peoples' Assembly of Victoria to fill the seat of the excluded candidate.

3 If there are two or more unelected non-male identifying candidates is to be elected

- 3.1 If there are two or more unelected non-male identifying candidates the process set out below will apply.

4 Completed Ballot papers

- 4.1 In this clause, a reference to the completed ballots papers counted for the excluded candidate is:
 - 4.1.1 if, after the first preferences were counted, the number of first preferences recorded was equal to or exceeded the Quota required for election to the First Peoples' Assembly of Victoria, a reference to all the ballot papers and on-line votes on which those first preferences were recorded; and
 - 4.1.2 in any other case, a reference to all the ballot papers and on-line votes counted, including ballot papers or on-line votes relating to votes that were transferred to him.
- 4.2 If :
 - 4.2.1 the excluded candidate was declared elected after the candidate who was lowest on the poll at the election had been excluded from the counting; and
 - 4.2.2 the votes obtained by the candidate who was lowest on the poll were not required to be transferred to the candidates next in the order of the voters' respective preferences,

so many of those votes as would have been transferred to the excluded candidate if

the votes of the candidate who was lowest on the poll had been transferred to the candidates next in the order of the voters' respective preferences, are transferred to the excluded candidate and the completed ballot papers representing those votes are to be counted for the excluded candidate.

5 Transfer of ballots

- 5.1 The completed ballot papers counted, or by clause 4, directed to be counted, for the excluded candidate are to be examined, and all the votes obtained, or taken to have been obtained, by him are to be transferred to and counted for the unelected non-male identifying candidates first or next in the order of the voters' respective preferences.
- 5.2 The votes obtained as first preferences by the excluded candidate are to be transferred to the next preferred unelected non-male identifying candidate, with the transfer value of each of those votes determined below and the other votes (if any) of the excluded candidate are then to be dealt with in the order of the transfers in which they were obtained and at the transfer value determined below.

6 Transfer Value – First preferences

- 6.1 If the votes obtained as first preferences by the excluded candidate:
 - 6.1.1 were sufficient to elect the excluded candidate, the transfer value of those votes is the fraction determined by dividing the number of votes sufficient to elect the excluded candidate by the total number of votes obtained by the excluded candidate; or
 - 6.1.2 were insufficient to elect the excluded candidate, the transfer value of those votes is one.

7 Transfer Value – Votes not obtained as first preferences

- 7.1 If the votes obtained by the excluded candidate, other than the votes obtained as first preferences:
 - 7.1.1 did not provide a sufficient number of votes to elect the excluded candidate, the transfer value of those votes obtained on such a count is the transfer value at which they were obtained by the excluded candidate; or
 - 7.1.2 provided a sufficient number of votes to elect the excluded candidate, the transfer value of the votes received at that count is that which would have provided the number of votes which the excluded candidate required to be elected immediately prior to that count.

- 7.2 Each of the transfers which takes place as set out above is to be taken for the purposes of this Schedule to be a separate transfer.

8 Order of transfer

- 8.1 For the purposes of determining which unelected non-male identifying candidate

is first or next in the order of the voters' preferences:

- 8.1.1 the name of, and first choices recorded for, an unelected non-male identifying candidate are not to be omitted from any completed ballot papers transferred to the excluded candidate, but are to be counted for that unelected non-male identifying candidate; and
- 8.1.2 any candidates who were declared elected or who are not unelected non-male identifying candidates are to be disregarded and the order of the voters' respective preferences is to be determined as if the names of those candidates had not been included on the ballot papers or online vote.

9 Setting aside certain ballot papers

- 9.1 On a completed ballot paper, if there is no candidate opposite whose name a number has been placed, other than a candidate:
 - 9.1.1 who has already been declared elected; or
 - 9.1.2 who is not an unelected non-male identifying candidate,the completed ballot paper is to be set aside and not further counted.

10 Declaration of successful candidate and end of countback

- 10.1 After the transfers have been completed, if an unelected non-male identifying candidate has an absolute majority the returning officer must declare that candidate to be elected.
- 10.2 For the purposes of this clause, an unelected non-male identifying candidate has an absolute majority if the number of votes credited to that candidate is more than 50% of the total number of votes credited to all the participating unelected non-male identifying candidates after the transfers.

11 Next stage (if necessary)

- 11.1 If no unelected non-male identifying candidate has an absolute majority of votes, the unelected non-male identifying candidate with the fewest votes must be excluded.
- 11.2 The excluded unelected non-male identifying candidate's completed ballot papers must be transferred to the continuing unelected non-male identifying candidates in accordance with the preferences shown on those completed ballot papers, at their respective transfer values, beginning with the ballot-papers with the highest transfer value and ending with those with the lowest transfer value, as follows:
 - 11.2.1 the total number of completed ballot papers received by the excluded unelected non-male identifying candidate at a particular Transfer value and expressing the next available preference for a particular continuing unelected non-male identifying candidate must be multiplied by that

transfer value; and

11.2.2 the number obtained under clause 11.2.1 (disregarding any fraction) must be added to the number of votes of that continuing unelected non-male identifying candidate; and

11.2.3 all those completed ballot papers must be transferred to that continuing unelected non-male identifying candidate.

11.3 The Transfer value of a vote for the purposes of this clause is the same as the Transfer value set out in clauses 6 and 7.

11.4 After doing this in respect of each continuing unelected female or non-male identifying candidate, if an unelected non-male identifying candidate has an absolute majority the returning officer must declare that candidate to be elected.

11.5 For the purposes of this clause, an unelected non-male identifying candidate has an absolute majority if the number of votes credited to that candidate is more than 50 per cent of the total number of votes credited to all the continuing unelected non-male identifying candidate after the transfers and additions required by clause 11.2.

12 Process if vote equal

12.1 If:

12.1.1 an unelected non-male identifying candidate must be excluded; and

12.1.2 2 or more of the continuing unelected non-male identifying candidates having the fewest votes have an equal number of votes after the process referred to in this Schedule,

the candidate who had the fewest votes at the last count or transfer at which they had an unequal number of votes is to be excluded.

12.2 If there is no stage at which the 2 or more continuing unelected non-male identifying candidates had an unequal number of votes, the returning officer must decide by lot which candidate is to be excluded.

13 If more than one seat to be filled through Gender Quota countback

13.1 If through an initiation operation of the Gender Quota countback the Gender Quota is still not met, the Gender Quota countback shall continue to operate as provided through this Schedule until the Gender Quota is met.



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