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Summary

Appointment

Charles Richardson of Above Quota Elections Pty Ltd was appointed Returning Officer for the University of Melbourne Annual Student Election on Monday 9 July 2012. Jaimie Adam and Stephen Luntz, also of AQE, were appointed Deputy Returning Officers.

The Electoral Tribunal consisted of Mr Chris Penman, Mr Michael Gronow and Ms Saveria Dimasi. This was unchanged from 2011.

Nominations

Nominations opened on Monday 23 July for positions on the following bodies:

- University of Melbourne Student Union (UMSU), including office-bearers, Students' Council and all committees
- Delegation to the National Union of Students (NUS)
- Victorian College of the Arts and Music Student Association
- Burnley Student Association
- Student representative on University Council
- Student representatives on MU Student Union Ltd Board

Nominations also opened at the same time for by-elections to fill a number of casual vacancies in UMSU and in the VCA and Burnley student associations.

The notice of election appears on page 10. This notice was posted in Union House and on the elections website, and a version was also e-mailed to all students. Following advice from the University Secretary, the notice was amended slightly on 1 August to clarify the procedure for electing the two representatives on MU Student Union Ltd Board.

Nominations closed at midday on Friday 10 August. A total of 313 nominations were received, compared with 220 in 2011. Eight nominations were found to be invalid; they are the subjects of Rulings (1) and (3), in the Rulings section on page 25. All candidates were notified by e-mail of the receipt of their nominations. It was particularly pleasing to see a full slate of nominations for the Indigenous positions and the Burnley Student Association positions, which have often been unfilled in previous years.

Farrago in conjunction with the Returning Officer again provided a photographer to attend on several occasions to take photos of candidates in a standard format for publication with their policy statements.

The complete list of nominees appears on page 14, in ballot paper order where applicable. The draw for ballot paper positions was conducted on Monday 13 August, witnessed by scrutineers from the various tickets.

Tickets

Applications for ticket registration also closed at midday on Friday 10 August. An information session for prospective tickets was held on Tuesday 31 July to inform organisers of the requirements.

Seventeen applications were received, all of which were found to be eligible. However, the "Later" ticket was subsequently ruled out after the nominations of its only candidate were found to be invalid. The following tickets were therefore registered, with the indicated students as authorising officers:

Activate (David Haidon)
Ice-Cream for Palestine (Stephen Bain)
Independent Media (Emma Koehn)
Labor (Zann Maxwell)
Left Action (Jade Eckhaus)
Liberal (Charley Daniel)
Mo' Monies (Michael Macwilliam)
More Activities! (Stephanie Field)
No Elections! (Mel Tantiwanich)
NOW! (Kon Moisisdis)
Stand Up! (Kara Hadgraft)
Students Against Poverty (Nick Jarman)
The Surprise Party (Gavin Sittampalam)
Unite (Josh Anderson)
Vote for Pedro (Zoe Efron)
Xavier George (Xavier George)

Stephanie Field was subsequently replaced by Daniel Hanna as authorising officer for the "More Activities!" Ticket.

Withdrawals

The following candidates withdrew their nominations prior to the printing of ballot papers:

Anna Morrison (Students' Council and Wom*n's Committee)
Mark Kettle (Students' Council)
Bede Jones (Indigenous Committee)
Jim Smith (MU Student Union Ltd Board)
Quinn Hogan (NUS Delegation)
Morgan Pech (NUS Delegation)
David Haidon (NUS Delegation)
Alice Dawes (NUS Delegation)
Belle O'Connor (NUS Delegation)

Polling

Polling took place during the week of Monday 3 September to Friday 7 September, at the following times and locations:

	Monday 3 rd Sept.	Tuesday 4 th Sept.	Wednesday 5 th Sept.	Thursday 6 th Sept.	Friday 7 th Sept.
Union House (Food Hall)	10am – 5pm	10am – 6.30pm	10am – 5pm	10am – 5pm	10am – 5pm

Baillieu Library Foyer	10.30am – 4.30pm	10.30am – 6.15pm	10.30am – 4.30pm	10.30am – 4.30pm	10.30am – 4.30pm
Southern Precinct ICT Building	11am – 3pm	12pm – 5pm	11am – 3pm	11am – 3pm	
VCAM Southbank Campus (Cafeteria)		11am – 3pm	11am – 3pm	11am – 3pm	
Burnley Campus Centre (Cafeteria)		11am – 2pm	12pm – 3pm		

This notice was also e-mailed to all students. There were five changes to polling times and locations compared to 2011:

(a) In line with a recommendation made in the 2010 report, a new polling station was established south of Grattan Street, on the ground floor of the ICT building, replacing the previous polling station at the Eastern Precinct Student Centre (ERC). This move was very successful, with the new polling station taking more than 350 votes over four days.

(b) The polling station in Union House was relocated a short distance from the centre of the Food Hall to the south-eastern corner, in the site formerly occupied by the bike shop. This offered greater security and better traffic control than the old location, and was generally seen as a success.

(c) A second day of polling at the Burnley campus was reinstated, after last year's experiment of only one day; the days and times were set after consultation with staff at Burnley. Although traffic there remained very slow, the seven votes recorded over two days were a significant improvement on the one vote recorded in 2011.

(d) Since there were no contested elections for any Indigenous positions, the polling station at Murrup Barak (Centre for Indigenous Education) was not required.

(e) The close of polls at the Baillieu on the Tuesday evening was moved forward by 15 minutes, to 6.15pm, to avoid the simultaneous close with Union House and allow for more efficient use of staff time.

Turnout for the week was 3,370, an increase of about 15% on 2010 and 2011. Voting figures from the polling registers were checked each evening against the total of ballot papers issued, and both were checked against the physical count after the close of polling. All totals reconciled within acceptable margins of error.

The shift in voting numbers from Union House to Baillieu, remarked upon in the 2010 report, continued this year. Only on the Friday was voting at the Union decisively heavier than at the Baillieu, and on the Wednesday the Baillieu actually recorded a higher turnout than the Union for what appears to be the first time on record.

The table on page 18 summarises the turnout at all polling stations.

Storage of Ballot Papers

By arrangement with the University, stocks of ballot papers were stored in a secure location in the Raymond Priestly Building upon receipt from the printers, and live ballot papers from the Parkville polling stations were stored in the same location each evening. Although last year's Returning Officer had stored ballot papers during the week in Union House, it is felt that the additional level of security offered by the Raymond Priestly location easily justifies

the extra effort.

Ballot papers for the VCAM polling station were stored locally each evening in a secure location by arrangement with Property and Campus Services, then returned to Parkville by AQE staff on Thursday afternoon.

Electronic Roll and Provisional Voting

Wireless database access to the electronic roll was used at the three Parkville polling stations, and also at VCA, eliminating the need for a paper roll. MU Student Union Ltd again loaned AQE a set of laptops for use by poll clerks. The electronic system performed well, with only occasional brief interruptions; although some of the laptops are starting to show their age, the University's wireless network has apparently been upgraded.

Provisional votes were therefore only required at Burnley (votes from there were merged with other provisionals before counting, due to privacy concerns), and for voters at the main stations who could not be found on the roll. A significant number of the latter came from a single period at the Baillieu on Monday when access to the electronic roll was interrupted due to power supply problems. Of the total of 43 provisional votes received, 26 were accepted and 17 were reserved for further advice from Student Administration. Following that advice, a further two votes were accepted and the other 15 rejected.

Postal Votes

Applications for postal votes closed at 5pm on Wednesday 29 August. A total of four applications were received by this deadline; a fifth was received some days later and therefore could not be processed. Ballot papers were posted to the four applicants on Thursday 30 August.

By close of polls on Friday 7 September, one set of ballot papers had been returned. This voter was checked off the roll and their votes were admitted to the count.

Complaints and Appeals

A number of complaints, both formal and informal, were made to the Returning Officer during the election period by candidates and other interested parties. The table on page 22 summarises the written complaints that were received.

Eight written rulings were made by the Returning Officer in response to complaints and other issues. They appear in the Rulings section, and were also posted in Union House and on the elections website. In addition, a selection of standing rulings from past years was again published.

An appeal was lodged against Ruling (1), which was heard by the Electoral Tribunal on Thursday 23 August. The Tribunal upheld the Ruling. Proceedings on the appeal are detailed in the Appeals section on page 31 below.

Lockup and Counting

Counting began at midday on Friday 7 September, five hours before the close of polling. A lockup was again instituted, in which scrutineers were permitted to observe the early counting but not to leave or communicate with outside prior to 5pm. Deputy Returning Officer Jaimie Adam remained in the lockup at all times, which proceeded smoothly and without incident.

Due to the increased turnout and the closeness of most of the office-bearer contests it was not possible to complete the counting as quickly as in some previous years. Nonetheless, most of the results were clear on the Friday night, and all positions were decided by the afternoon of Monday 10 September, with the exception of the General Representatives on Students' Council, which were decided on the morning of Wednesday 12 September. The full provisional declaration of results was issued later that day. This notice appears on page 19, and was also posted in Union House and on the elections website.

Two recounts were conducted, on Thursday 13 September, for Education (Academic Affairs) Officer and for NUS Delegation. Neither changed the initial result. A recount had also been requested for President, but in view of the result of the Education (Academic Affairs) Officer recount it was felt that this would be an unnecessary expense, and the scrutineers accepted this decision.

The period for appeals against the results or further requests for recounts expired three working days later, on Tuesday 18 September. One appeal was received, which was heard and dismissed by the Electoral Tribunal at a meeting on Tuesday 25 September: see the Appeals section.

Full details of the count for each position appear in the Appendix. In addition, the count for President is broken down by day and by polling station.

The total valid vote of 3,342 represents approximately 7.7% of eligible voters.

Acknowledgements

The annual student elections are a major logistical undertaking, and the Returning Officer would again like to acknowledge with gratitude the assistance received from a great many people. The following are particularly deserving of mention:

- Deputy Returning Officers Jaimie Adam and Stephen Luntz, assistant deputy Haydn Steel, and all the staff of Above Quota Elections
- The staff of UMSU and MU Student Union Ltd, especially Justin Baré, Goldie Pergl, Fiona Sanders, Trevor White, Evie Bicos, Carolyn Bolton, Paul Durrant, Sean Keenaghan, Kevin Lim, Fiona McCammon, Christian McGilloway, David Witteveen, the editors of *Farrago* (Max, Vicky and Scott) and the Building Services team (Serge, Steve, Steve 2, Alex, Peter, Oscar and Emmanuel)
- Stuart Baker (VCAM), Sarah Calder (Student Systems), Benson Fong (VCAM), Steve Halliwell (University Secretary's Department), Samantha Morgan (Communications), Sabina Robertson (Baillieu Library), Lauren Sanders (Burnley), Tom Stringer (Communications), Grant Young (ICT), Stephen Young (IT), Yuri Zhylyuk (Student Systems)
- Bek for graphic design and John for printing
- Australia Post, for the mailbags
- All the candidates and campaigners for their cooperation.

Recommendations

1. Who is a student/member/voter?

It is fundamental in any election that eligibility to vote and to be a candidate should be clearly defined and readily ascertainable. Unfortunately that has not been the case with UMSU recently, as has been pointed out both by last year's Returning Officer and by AQE in previous years. This year, the Electoral Tribunal's decision on Appeal (1) introduced a degree of certainty, but at the cost of excluding a number of persons who clearly regard themselves as students and who would have been treated as eligible in past years.

Other issues remain unaddressed: for example, the question of Community Access Program students (does it matter that they are not "Students in a higher education award course" as per section 9.1 (a) of the Constitution?).

The basic problem is that the membership provisions of the Constitution are confused and contradictory. There needs to be a comprehensive rethinking of exactly what they are supposed to do, and then they should be redrafted so as to express that and to align with University procedures – but not so tightly that they become unworkable if those procedures change, as apparently they have in the last year or two.

It is recommended that UMSU should seek professional assistance on these matters as part of its process of Constitutional review.

2. Polling times and locations

As noted above, the introduction of a polling place south of Grattan Street, as recommended in the 2010 Report, was very successful. Next year's Returning Officer may wish to consider increasing its hours of operation, either by introducing Friday polling there or by extending its opening times on the other days.

However, despite this year's amendment to Regulation 29.5, the extent of the Returning Officer's power to vary polling hours remains doubtful, with possible implications for cost and flexibility in future elections.

It is recommended that the current Regulation 29.5 be repealed and replaced with a section along the following lines:

"Notwithstanding R29.3, the hours of voting may be restricted in the polling places named in R29.4.2, R29.4.3., R29.4.4., 29.4.5 and 29.4.6, provided that:

- (a) each polling place shall be open for at least two days at an annual election and one day at a by-election, for a minimum of three consecutive hours on each day of opening;
- (b) the polling place named in R29.4.3 shall be open on each day of polling;
- (c) for an annual election, polling at the polling places named in 29.4.4 and 29.4.5 may

not be restricted to less than three days.”

The opportunity should also be taken to amend Regulation 29.3.4 to remove the anomalous requirement to open the polls at 9am for a by-election in first semester.

3. Self-identification

Regulation 9.1.2 requires that “Polling clerks must give ballot papers for [Queer Officer, Queer Committee and Queer Representative on Students’ Council] to all Students, with a verbal instruction that any Student who identifies as queer can vote for these positions.” Regulation 9.1.5 makes a corresponding provision for Mature-Age Representative on Students’ Council. However, the proportion of voters who vote for these positions far exceeds any plausible estimate of the proportion of Queer or Mature-Age students. This year 44.9% of voters cast formal votes for Queer Representative, and 64.9% for Mature-Age Representative.

It is impossible to say how much of this is due to ignorance of the requirement (due to failure to read, listen to or understand the instructions), ignorance of what it means or wilful disobedience of the rules. But in either case it means that the voice of those for whom the Constitution has chosen to make special provision is being diluted by those who have no such claim.

In the case of Queer students, the Constitution requires that self-identification be the only test, but it would still be possible to amend the Regulations to ensure that voters are given some indication of what the term “Queer” is supposed to mean. It would also be possible for the Returning Officer to have the Queer positions printed on a separate ballot paper or set of ballot papers, to emphasise their distinctive nature. Both measures should be considered, and the process of Constitutional review should also consider whether self-identification and separate representation are still appropriate or desirable.

In the case of Mature-Age students, self-identification is only mandated by the Regulations. The Constitution (s. 2.1) only requires that they be “persons satisfying the requirements in the Electoral Regulations as being within the category of Mature Age Students.” It would be possible to amend the Regulations to insert an objective test (for example, being over the age of 25); however, this should not be done unless some mechanism for applying it can be found, such as by the University using its date-of-birth records to generate a Mature-Age flag on the roll. Alternatively, the Constitution could be amended to remove the provision for separate representation.

It is recommended that consideration be given to these matters.

4. Social media

The provisions of Regulation 28 for authorisation of election material were drafted well before the advent of Facebook and other social media. The requirement that each item of publicity be authorised by the Returning Officer before distribution is at best difficult and time-consuming when it comes to these media, and at worst utterly ridiculous. Ruling (2) from this year attempts to minimise the problem, but it did not prevent a number of disputes and a good deal of angst about the subject.

It is recommended that Regulation 28 be redrafted to allow the Returning Officer to dispense with the requirement of prior authorisation for broad classes of material such as postings on social media, provided they otherwise conform to the Regulations.

5. Term of Returning Officer

The appointment of a Returning Officer for the annual elections is typically made in about the middle of July. For an election in early September, in which nominations remain open for three weeks and close three weeks prior to polling, this results in quite a tight timeline in which the preparatory work for the opening of nominations is often rushed. For example, it is impossible for the notice calling for nominations to appear in *Farrago* (as contemplated by Regulation 12.2.4) because the copy deadlines for the relevant issue have already passed by the time the Returning Officer is able to begin work.

It is noted that on some other campuses there has been a recent tendency to appoint a Returning Officer on a two- or three-year contract. While it is felt that this is an undesirable move, there is certainly something to be said for having a Returning Officer in place during the year, rather than only just prior to the election. Section 116.1 (a) of the Constitution allows for a Returning Officer to be appointed for a calendar year. This would not only allow for better preparation of the annual election, but would have the further advantage of a Returning Officer being available during the year to run by-elections, to possibly run some internal elections in UMSU, and to advise on election-related issues as they arise. From a business point of view, it would also allow the Returning Officer and his or her firm to schedule their work better, allowing for the provision of better value for money.

It is recommended that the Electoral Tribunal test the market by calling for expressions of interest for the appointment of a Returning Officer for calendar year 2013.

6. “Independent”

Last year’s Returning Officer recommended that ticket names and campaign material containing the word “independent” should be banned. This year again there was a ticket with the contentious word, which nonetheless appeared to be politically aligned and directed preferences for Students’ Council. Issues of “independence” also featured in complaints about several items of campaign material.

The Returning Officer felt that it would be inappropriate to unilaterally institute such a ban, particularly in the case of ticket names, where the evidence that might corroborate or otherwise a claim to independence typically does not become available until well after ticket names have to be approved. However no such objection could be made to instituting a ban by Regulation, provided appropriate notice was given.

It is recommended that consideration be given to inserting a ban on the word “independent” in the Regulations, perhaps for a trial period.

Notice of Election

Notice of Election

University of Melbourne Annual Student Election

3 - 7 September 2012

Notice is hereby given that nominations open at 12 midday on Monday 23 July, for the 2012 University of Melbourne Annual Student Election.

Positions to be filled at the election include:

Office-bearers, committees and Students' Council of the University of Melbourne Student Union (UMSU)

Office-bearers and committee of the Burnley Students Association (BSA)

Members of the Victorian College of the Arts and Music Student Association (VCAMSA) Council

Student representatives on the board of MU Student Union Ltd

Student representative (for a two-year term) on the University of Melbourne Council

Delegates to the National Union of Students (NUS)

A by-election to fill certain casual vacancies on UMSU and VCAMSA until the end of 2012

A complete list of positions appears at the end of this notice.

Nominations close at 12 midday on Friday 10 August.

Polling will take place from Monday 3 September until Friday 7 September (inclusive). **All students are eligible to vote.** A detailed schedule of polling times and locations will be posted after close of nominations. Students may also vote by post – applications for postal votes close at 5pm on Wednesday 29 August.

Tickets: Any fifteen (15) students may register a ticket to run in the election by filling in the appropriate form. Applications for Ticket Registration open and close at the same time as nominations. It is not necessary to be on a ticket to run in the election.

Tickets that are running candidates for multi-member positions should also submit a form showing the order in which they wish their candidates to appear. Candidates running for positions that cannot be held concurrently should submit a form showing which positions they wish to hold in case of a conflict.

Ticket registration forms, candidate order forms and conflict of position forms must all be submitted by close of nominations. All forms are available from the Returning Officer or can be downloaded from the election website (see below).

Policy speeches: Candidates may also, with their nominations, submit policy statements for publication in *Farrago* and on the election website. Policy statements must not exceed 300 words for UMSU office-bearer positions or 100 words for all other positions. A photo session for office-bearer candidates will be organized after close of nominations.

Please note that **all deadlines are strict** and cannot be extended. Candidates are strongly urged to

lodge their forms well before the deadlines. All forms should be delivered personally to the Returning Officer or an authorised electoral official. (The Election Office will be open extensively throughout the election period, and appointments can be made by phone or email.) Where this is not practicable, please contact the Returning Officer to make other arrangements. Do not post forms without prior arrangement, as no responsibility will be taken for late or lost forms under those circumstances. It is not possible to accept faxed or emailed forms.

Contact Details

For all enquiries, forms and other election material, contact the Election Office: Student Resource Room, UMSU Office Area, first floor Union House; Phone: 03 8344 4835.
Or visit the Election website: <http://union.unimelb.edu.au/elections>

Returning Officer: Charles Richardson (Ph: 03 8060 6597)
Deputy Returning Officers: Jaimie Adam (Ph: 04 3073 4043), Stephen Luntz (Ph: 04 3866 7787)
Email: ReturningOfficer@union.unimelb.edu.au
Mailing address: UMSU Returning Officer, c/o Above Quota Elections, PO Box 2157, Fitzroy, VIC 3065

Notices will also be posted on the Students' Council notice board, first floor, Union House.

Positions for Election

UMSU Annual Election

Office Bearers:

- President
- Secretary
- Education (Academic Affairs) Officer
- Education (Public Affairs) Officer
- Welfare Officer
- Wom*n's Officer
- Arts Officer
- Activities Officer
- Queer Officer
- Environment Officer
- Media Officers
- Clubs & Societies Officer
- Indigenous Officer

Students' Council:

- Queer Representative
- Indigenous Representative
- International Representative
- Mature Age Representative
- Fourteen (14) general members elected by all students

Seven (7) members on each of the following Committees:

- ⤴ Activities Committee
- ⤴ Arts Committee
- ⤴ Education Committee
- ⤴ Environment Committee
- ⤴ Indigenous Committee
- ⤴ Queer Committee
- ⤴ Welfare Committee
- ⤴ Wom*n's Committee

Burnley Student Association Annual Election

President (Education Coordinator)

Vice-president (Welfare Coordinator)
Publications / Media Coordinator
Facilities Coordinator
Sports and Recreation Coordinator
Seven (7) general Committee members

VCAMSA Election

Fourteen (14) members of the Victorian College of the Arts and Music Student Association Council:

- ⤴ Campus Co-ordinator
- ⤴ Campaigns Co-ordinator
- ⤴ Queer student representative
- ⤴ Indigenous student representative
- ⤴ International student representative
- ⤴ Wom*n student representative
- ⤴ Graduate student representative
- ⤴ One representative each from the following academic units of the Faculty of the VCA and Melbourne Conservatorium of Music:
 - Art
 - Drama
 - Dance
 - Film and Television
 - Music
 - Production
 - Musical Theatre

MU Student Union Ltd.

Two (2) student members of the board of MU Student Union Ltd

Note: One of these positions is for a two-year term, to run from 1 November 2012 to 31 October 2014, while the other is for a one-year term from 1 November 2012 to 31 October 2013. Separate ballots will be held for each: please indicate on your nomination form whether you are standing for the one-year position or the two-year position.

University Council

One (1) student member of the Council of the University of Melbourne

Note: This position is for a two-year term, to run until 31 December 2014.

National Union of Students

Seven (7) Delegates to the National Conference of the National Union of Students Inc., in accordance with the rules of NUS

UMSU / VCAMSA By-Election

To fill casual vacancies for terms ending 31 December 2012:

- ⤴ Education (Public Affairs) Officer
- ⤴ Queer Officer
- ⤴ Indigenous Officer
- ⤴ Indigenous Committee (seven (7) positions)
- ⤴ VCAMSA Queer student representative
- ⤴ VCAMSA Indigenous student representative
- ⤴ VCAMSA International student representative
- ⤴ VCAMSA Graduate student representative
- ⤴ VCAMSA Art representative
- ⤴ VCAMSA Drama representative
- ⤴ VCAMSA Film and Television representative
- ⤴ VCAMSA Music representative

- ▲ VCAMSA Musical Theatre representative

Restrictions on election

Any student may nominate for any position unless otherwise specified below.

The student representatives on University Council and on the MU Student Union Ltd board (in the case of the first vacancy) must remain students for the full two years of the term (2013 and 2014).

The position of Media Officers must be held jointly by teams of three or four candidates. All other officer positions, except for President and Secretary, may be held either individually or by two candidates jointly. Candidates who are running as a team should each fill out a nomination form and submit them stapled together, with a single policy statement.

Candidates for Wom*n's Officer, Wom*n's Committee and Wom*n's representative on VCAMSA Council must be women. For all other committees, including the general members of Students' Council and the BSA Committee (but not the NUS delegation), at least half of the members (ignoring remainders) must be women, provided there are sufficient female candidates.

Candidates for Queer Officer, Queer Representative on Students' Council, Queer Committee and Queer representative on VCAMSA Council must be Queer students. A single candidate for Queer Officer must be a woman; in the case of joint candidates for Queer Officer, at least one of them must be a woman.

Candidates for Indigenous Officer, Indigenous Representative on Students' Council, Indigenous Committee and Indigenous representative on VCAMSA Council must be Indigenous students.

Candidates for International Representative on Students' Council and on VCAMSA Council must be International students. Candidates for Mature Age Representative on Students' Council must be Mature Age students. Candidates for Graduate representative on VCAMSA Council must be Graduate students.

Candidates for the BSA positions must be Burnley students. Candidates for VCAMSA Council must be students at the Faculty of the VCA and Music, and candidates for positions representing specific academic units at that Faculty must be students of those academic units.

No person can stand for election if they are employed half-time or more by UMSU, the University, MU Student Union Ltd or related bodies, or any combination thereof. No person can stand for an office-bearer position if they have already served two terms of office as an office-bearer.

For further information on eligibility to stand and to vote in the election, please consult the Election Regulations, available at the UMSU Office and on the election website. Copies of the Regulations can also be obtained at the Election Office, where further enquiries are welcome.

Charles Richardson
Above Quota Elections Pty Ltd
Returning Officer

20 July 2012

Nominations

UNIVERSITY OF MELBOURNE ANNUAL STUDENT ELECTION 3 – 7 SEPTEMBER 2012

NOMINATIONS (IN BALLOT PAPER ORDER)

President

Isabelle Kingshott (NOW!)
Belle O'Connor (Activate)
Kara Hadgraft (Stand Up!)

Secretary

Charles Everist (NOW!)
Stephen Smith (Stand Up!)
Alice Dawes (Activate)
Patrick Alves (Left Action)

Education (Academic Affairs) Officer

Patrick Crosswell & Nicole Jarrel (NOW!)
Sadia Schneider & Nam Nguyen (Left Action)
Declan McGonigle (Stand Up!)

Education (Public Affairs) Officer

Catherine Lucas & Alexander Hewett (NOW!)
Stephanie Met & John Lister (Stand Up!)
Daniel Lopez & Jeremy Gibson (Left Action)

Welfare Officer

Lindsey Motteram (Stand Up!)
Ruthie Hambling & Julia Matthews (Activate)
Frances Lewis (Left Action)
Luke Rochford & Mengyi Miley He (NOW!)

Wom*n's Officer

Kim Doyle & Claire Akhbari (Left Action)
Dot Meng & Millie Baylis (Activate)
Mercedes Marsh & Amy Jenkins (Stand Up!)

Arts Officer

Josiah Lulham & Eric Gardiner (Activate)
Provisionally elected unopposed

Activities Officer

Daniel Hanna & Joshua Sugiyanto (More Activities!)
Provisionally elected unopposed

Queer Officer

Emily Rutherford & Phoebe Kelloway (Left Action)
Jessica Van & Galih Pangestu (Stand Up!)
Morgan Pech & Quinn Hogan (Activate)

Environment Officer

Carol Larosa (Left Action)
Bridget Chappell & Victoria Fysh (Activate)

Media Officers

Emma Koehn, Sarah McColl, Meg Watson & Sally Whyte (Independent Media)
Provisionally elected unopposed

Clubs & Societies Officer

Melinda Keys & Marie Kelly (More Activities!)
Provisionally elected unopposed

Indigenous Officer

Diana David & Kyle David Webb
Provisionally elected unopposed

Students' Council General Representatives

Hana Dalton (Stand Up!)
Adam Galvin (Stand Up!)
Annalivia Carli Hannan (Stand Up!)
Joseph Moore (Stand Up!)
Emily Abrahams (Stand Up!)
Nicholas Kent (Stand Up!)
Bridie Walsh (Stand Up!)
Jack Higgs (Stand Up!)
Molly Hennessey (Stand Up!)
Matthew Rossi (Stand Up!)
Peter Willis (Stand Up!)
Anna Morrison (Stand Up!)
Jordan Kettle (Stand Up!)
Mark Kettle (Stand Up!)
Justin Keith Boyd (NOW!)
James Duncan (NOW!)

Bridget Bourke (NOW!)
Kerk Chee Yee (NOW!)
Charlie Cartney (NOW!)
Jeongin Chelsea Jang (NOW!)
Brigitte Garofalo (NOW!)
Tay Eng Shan (NOW!)
Sarah Gall (NOW!)
Joshua Hao Tang (NOW!)
Jack Cairns (NOW!)
John Allworth (NOW!)
Sarina Murray (Independent Media)
Tim Forster (Independent Media)
Zoe Kingsley (Independent Media)
Kevin Hawkins (Independent Media)
Nick Jarman (Students Against Poverty)
Gavin Sittampalam (The Surprise Party)
Jade Maree Peace (Unite)
Zoe Efron (Vote for Pedro)
Xavier George (Xavier George)
Patrick Alves (Left Action)
Kim Doyle (Left Action)
Jeremy Gibson (Left Action)
Katie McIntyre (Left Action)
Michael Macwilliam (Mo' Monies)
Stephen Bain (Ice-Cream for Palestine)
Zann Maxwell (Labor)
Belle O'Connor (Activate)
Alice Dawes (Activate)
Jess Evans (Activate)
Caitlin Wood (Activate)
Sam Templeton (Activate)
David Haidon (Activate)
Lewis Rippon (Activate)
Charley Daniel (Liberal)
Joanna Jellie (More Activities!)
Stephanie Field (More Activities!)

Queer Representative on Students' Council

Matthew Lesh (NOW!)
Ellie Ryan (Stand Up!)
Luke Nicholls (Activate)

Indigenous Representative on Students' Council

Maddee Clark (Activate)
Provisionally elected unopposed

International Representative on Students' Council

Sara Malik (Stand Up!)
Xiaoyu Frank Feng (NOW!)

Mature Age Representative on Students' Council

Jim Smith (Stand Up!)
Esther Bohmer (Activate)
Yi Lewis Liu (NOW!)

Activities Committee

Samuel Dariol (Activate)
Alex McCutchan (More Activities!)
Vicky Parella (More Activities!)
Elanor Kloester (More Activities!)
Victoria Tao Tang (More Activities!)
Nick Santini (NOW!)
Thi Huan Evans (NOW!)
Daniel Born (NOW!)
Lee Onn The (NOW!)
Tahu Marumaru (NOW!)
Sophia Liu (NOW!)
Jack Higgs (Stand Up!)
Milly Harrison (Stand Up!)
Briony Thomas (Stand Up!)
Jackson Martin (Stand Up!)
Molly Hennessey (Stand Up!)
Jordan Kettle (Stand Up!)
Tom Walsh (Stand Up!)

Arts Committee

Sarojini Maxwell (Activate)
Edward Perin (Activate)
Isabella Vadiveloo (Activate)
Lana Nguyen (Activate)
Clancy Moore (Activate)
Anthony Cardamone (Activate)
Sarah Moorhead (Activate)
Eason Zhang (NOW!)
Stefan Eracleus (NOW!)
David Diaz (NOW!)
John Vincent O'Toole (NOW!)
Michael Sabljak (NOW!)
David Batt (NOW!)
Larissa Hentrich (Stand Up!)
Caitlin Phillips (Stand Up!)
Thomas Penfold (Stand Up!)
Bridie Walsh (Stand Up!)
William Michell (Stand Up!)
Anna Morrison (Stand Up!)
Jordy Jeffrey-Bailey (Stand Up!)

Education Committee

Joseph Moore (Stand Up!)
Briony Thomas (Stand Up!)
Adrian Agpasa (Stand Up!)
Annalivia Carli Hannan (Stand Up!)
Jordy Jeffrey-Bailey (Stand Up!)
Caroline Bean-Hodges (Stand Up!)
Louis Gregory (Stand Up!)
Zann Maxwell (Labor)
Jade Maree Peace (Unite)
John Speer (NOW!)
Kai Xu (NOW!)
Josh Scally (NOW!)
David Batt (NOW!)
Edward Clark (NOW!)
Sophia Liu (NOW!)
Lauren Englefield (Activate)
David Haidon (Activate)

Samuel Dariol (Activate)

Environment Committee

Patrick Holmes (Activate)
Lauren Englefield (Activate)
Miranda Gronow (Activate)
Daniel Sullivan (Activate)
Rachel Deans (Activate)
Bec Nissen (Activate)
Tom Walsh (Stand Up!)
Alice Watson (Stand Up!)
Thomas Penfold (Stand Up!)
Caitlin Phillips (Stand Up!)
Joseph Moore (Stand Up!)
William Michell (Stand Up!)
Peter Willis (Stand Up!)
Jovita Halim (NOW!)
Dylan Pedersen (NOW!)
Lingshuang Michelle Qiu (NOW!)
Jacoby Akehurst (NOW!)
Michael Sabljak (NOW!)
Samuel Donnelly (NOW!)

Indigenous Committee

Elijah Louttit
Bede Jones
Emily Anyupa Napangardi Butcher
Robert James
Nayuka Gorrie
Blake A. Mooney
Carla Scafi
Cyril Johnson

Queer Committee

Nicholas Kent (Stand Up!)
Elly Ganakas (Stand Up!)
Jackson Martin (Stand Up!)
Mark Kettle (Stand Up!)
Ellie Ryan (Stand Up!)
Lee Lai (Activate)
Hannah Roe (Activate)
Jeanne Khin (Activate)
Sam Templeton (Activate)
Lewis Rippon (Activate)
Luke Nicholls (Activate)
Matthew Lesh (NOW!)
Samuel Donnelly (NOW!)
Kate McDonald (NOW!)
Jade Eckhaus (Left Action)

Welfare Committee

Xinyi Kinsey Li (NOW!)
Jack Cairns (NOW!)
John Allworth (NOW!)
Nicholas Carter (NOW!)
Lizhen Zhu (NOW!)
Nicholas Fulton (NOW!)
Emily Abrahams (Stand Up!)
Annalivia Carli Hannan (Stand Up!)
Caroline Bean-Hodges (Stand Up!)

Adam Galvin (Stand Up!)
Milly Harrison (Stand Up!)
Matthew Rossi (Stand Up!)
Adrian Agpasa (Stand Up!)
Jess Evans (Activate)
Elisha Dunphy (Activate)
Shanae Stevens (Activate)
Miranda Gronow (Activate)
Rachel Deans (Activate)
Jade Maree Peace (Unite)
Zann Maxwell (Labor)

Wom*n's Committee

Ellie Ryan (Stand Up!)
Alice Watson (Stand Up!)
Hana Dalton (Stand Up!)
Alison Johnson (Stand Up!)
Larissa Hentrich (Stand Up!)
Emily Abrahams (Stand Up!)
Anna Morrison (Stand Up!)
Talya Alkilic (NOW!)
Heloise Assefpour-Dezfuly (NOW!)
Pei Yan Penny Yang (NOW!)
Stephanie Forrest (NOW!)
Thi Huan Evans (NOW!)
Kate McDonald (NOW!)
Caroline Ridler (Activate)
Jeanne Khin (Activate)
Evangeline Talbot (Activate)
Caitlin Wood (Activate)
Stephanie Gilmour (Activate)
Lee Lai (Activate)

Burnley President (Education Coordinator)

Rhys Wells
Provisionally elected unopposed

Burnley Vice-President (Welfare Coordinator)

Avrom Wolf
Provisionally elected unopposed

Burnley Publications / Media Coordinator

Jenny Schlueter
Provisionally elected unopposed

Burnley Facilities Coordinator

Joshua Cocks
Provisionally elected unopposed

Burnley Sports and Recreation Coordinator

Ben Larsen-Pope
Provisionally elected unopposed

Burnley General Committee

Billie Robertson
John Katelis
Mitchell Crook
Timoti Turner
All provisionally elected unopposed

MU Student Union Ltd. Board (1-year)

Brody Viney (NOW!)
Jim Smith (Stand Up!)
Jonathon Webb (More Activities!)

MU Student Union Ltd. Board (2-year)

Alice Dawes (Activate)
Lachlan Peter Russell (NOW!)
Anna Morrison (Stand Up!)

University of Melbourne Council

Mark Kettle (Stand Up!)
Linman Mandy Liang (NOW!)
David Haidon (Activate)

National Union of Students Delegates

Jade Peace (Unite)
Mel Tantiwanich (No Elections!)
Charley Daniel (Liberal)
Quinn Hogan (Activate)
Morgan Pech (Activate)
David Haidon (Activate)
Alice Dawes (Activate)
Belle O'Connor (Activate)
Zann Maxwell (Labor)
Talya Alkilic (NOW!)
David Batt (NOW!)
Samuel Donnelly (NOW!)
John Allworth (NOW!)
Thi Huan Evans (NOW!)
Alex Edsor (NOW!)
Isabelle Kingshott (NOW!)
Jade Eckhaus (Left Action)
Patrick Alves (Left Action)
Kimberly Doyle (Left Action)
Katherine McIntyre (Left Action)
Phoebe Kelloway (Left Action)
Anna Morrison (Stand Up!)
Daniel Dadich (Stand Up!)
Declan McGonigle (Stand Up!)
Stephen Smith (Stand Up!)
Severin Karantonis (Stand Up!)
Hana Dalton (Stand Up!)
Adam Galvin (Stand Up!)

VCA Campus Co-ordinator

Alex Edsor (NOW!)
Jacob Gibson (Stand Up!)
James Crafti (Left Action)

VCA Wom*n's Representative

Caitlyn Staples (Stand Up!)
Provisionally elected unopposed

VCA Graduate Representative

Anke Maclean (Left Action)
Provisionally elected unopposed

VCA Dance Representative

Jackson Russell (Stand Up!)
Provisionally elected unopposed

VCA Production Representative

Bridget Sweeney (Stand Up!)
Provisionally elected unopposed

VCA Campaigns Co-ordinator

VCA Queer Representative

VCA Indigenous Representative

VCA International Representative

VCA Art Representative

VCA Drama Representative

VCA Film & TV Representative

VCA Music Representative

VCA Musical Theatre Representative

NO NOMINATIONS RECEIVED

Education (Public Affairs) Officer By-Election

Louis Gregory (Stand Up!)
Provisionally elected unopposed

Queer Officer By-Election

Quinn Hogan & Luke Nicholls (Activate)
Provisionally elected unopposed

Indigenous Officer By-Election

Indigenous Committee By-Election

VCA Queer Representative By-Election

VCA Indigenous Representative By-Election

VCA International Representative By-Election

VCA Graduate Representative By-Election

VCA Art Representative By-Election

VCA Drama Representative By-Election

VCA Film & TV Representative By-Election

VCA Music Representative By-Election

VCA Musical Theatre Representative By-Election

NO NOMINATIONS RECEIVED

14 August 2012

Charles Richardson
Above Quota Elections Pty Ltd
Returning Officer

Turnout

	Union House	Baillieu Library	ICT	VCAM	Burnley	Postals	Total	2011
Monday 3 September	241	228	98				567	554
Tuesday 4 September	288	284	112	77	5		766	598
Wednesday 5 September	226	237	75	26	2		566	530
Thursday 6 September	294	273	90	50			707	587
Friday 7 September	467	296				1	764	670
Total for week	1,516	1,318	375	153	7	1	3,370	2,939

Note: This table records raw turnout, and therefore includes the 15 provisional votes that were not ultimately admitted to the count, plus a small number of voters who abandoned or discarded their ballot papers. The total valid vote was 3,342.

ABOVE QUOTA ELECTIONS PTY LTD
UNIVERSITY OF MELBOURNE ANNUAL STUDENT ELECTION
3 – 7 SEPTEMBER 2012
FULL PROVISIONAL DECLARATION OF RESULTS

All counting has now been completed. The following are provisionally declared elected:

President

Kara Hadgraft (Stand Up!)

Secretary

Stephen Smith (Stand Up!)

Education (Academic Affairs) Officer

Declan McGonigle (Stand Up!)

Education (Public Affairs) Officer

Stephanie Met & John Lister (Stand Up!)

Welfare Officer

Lindsey Motteram (Stand Up!)

Wom*n's Officer

Mercedes Marsh & Amy Jenkins (Stand Up!)

Arts Officer

Josiah Lulham & Eric Gardiner (Activate)
[unopposed]

Activities Officer

Daniel Hanna & Joshua Sugiyanto (More Activities!)
[unopposed]

Queer Officer

Jessica Van & Galih Pangestu (Stand Up!)

Environment Officer

Bridget Chappell & Victoria Fysh (Activate)

Media Officers

Emma Koehn, Sarah McColl, Meg Watson & Sally Whyte (Independent Media) *[unopposed]*

Clubs & Societies Officer

Melinda Keys & Marie Kelly (More Activities!)
[unopposed]

Indigenous Officer

Diana David & Kyle David Webb *[unopposed]*

Queer Representative on Students' Council

Matthew Lesh (NOW!)

Indigenous Representative on Students' Council

Maddee Clark (Activate) *[unopposed]*

International Representative on Students' Council

Xiaoyu Frank Feng (NOW!)

Mature Age Representative on Students' Council

Yi Lewis Liu (NOW!)

Students' Council General Representatives (in order of election)

Justin Keith Boyd (NOW!)
Hana Dalton (Stand Up!)
Belle O'Connor (Activate)
James Duncan (NOW!)
Adam Galvin (Stand Up!)
Alice Dawes (Activate)

Bridget Bourke (NOW!)
Annalivia Carli Hannan (Stand Up!)
Kerk Chee Yee (NOW!)
Charlie Cartney (NOW!)
Jeongin Chelsea Jang (NOW!)
Sarina Murray (Independent Media)
Patrick Alves (Left Action)
Jess Evans (Activate)

Activities Committee (in order of election)

Nick Santini (NOW!)
Jack Higgs (Stand Up!)
Samuel Dariol (Activate)
Thi Huan Evans (NOW!)
Milly Harrison (Stand Up!)
Daniel Born (NOW!)
Alex McCutchan (More Activities!)

Arts Committee (in order of election)

Eason Zhang (NOW!)
Larissa Hentrich (Stand Up!)
Sarojini Maxwell (Activate)
Stefan Eracleus (NOW!)
Caitlin Phillips (Stand Up!)
Edward Perin (Activate)
David Diaz (NOW!)

Education Committee (in order of election)

John Speer (NOW!)
Joseph Moore (Stand Up!)
Lauren Englefield (Activate)
Kai Xu (NOW!)
Briony Thomas (Stand Up!)
Josh Scally (NOW!)
David Haidon (Activate)

Environment Committee (in order of election)

Jovita Halim (NOW!)
Patrick Holmes (Activate)
Tom Walsh (Stand Up!)
Dylan Pedersen (NOW!)
Lauren Englefield (Activate)
Alice Watson (Stand Up!)
Lingshuang Michelle Qiu (NOW!)

Indigenous Committee

Elijah Louttit
Emily Anyupa Napangardi Butcher
Robert James
Nayuka Gorrie
Blake A. Mooney
Carla Scafi
Cyril Johnson
[All unopposed]

Queer Committee (in order of election)

Matthew Lesh (NOW!)
Nicholas Kent (Stand Up!)
Lee Lai (Activate)
Samuel Donnelly (NOW!)

Kate McDonald (NOW!)
Elly Ganakas (Stand Up!)
Hannah Roe (Activate)

Welfare Committee (in order of election)

Xinyi Kinsey Li (NOW!)
Emily Abrahams (Stand Up!)
Jess Evans (Activate)
Jack Cairns (NOW!)
Annalivia Carli Hannan (Stand Up!)
John Allworth (NOW!)
Elisha Dunphy (Activate)

Wom*n's Committee (in order of election)

Talya Alkilic (NOW!)
Ellie Ryan (Stand Up!)
Caroline Ridler (Activate)
Heloise Assefpour-Dezfully (NOW!)
Alice Watson (Stand Up!)
Jeanne Khin (Activate)
Pei Yan Penny Yang (NOW!)

Burnley President (Education Coordinator)

Rhys Wells *[unopposed]*

Burnley Vice-President (Welfare Coordinator)

Avrom Wolf *[unopposed]*

Burnley Publications / Media Coordinator

Jenny Schlueter *[unopposed]*

Burnley Facilities Coordinator

Joshua Cocks *[unopposed]*

Burnley Sports & Recreation Coordinator

Ben Larsen-Pope *[unopposed]*

Burnley General Committee

Billie Robertson
John Katelis
Mitchell Crook
Timoti Turner
[All unopposed]

MU Student Union Ltd. Board

Brody Viney (NOW!) [1-year term]
Lachlan Peter Russell (NOW!) [2-year term]

University of Melbourne Council

Mark Kettle (Stand Up!)

National Union of Students Delegates (in order of election)

Talya Alkilic (NOW!)
Anna Morrison (Stand Up!)
David Batt (NOW!)
Daniel Dadich (Stand Up!)
Samuel Donnelly (NOW!)
Jade Eckhaus (Left Action)
Declan McGonigle (Stand Up!)

VCA Campus Co-ordinator

Jacob Gibson (Stand Up!)

VCA Wom*n's Representative

Caitlyn Staples (Stand Up!) *[unopposed]*

VCA Graduate Representative

Anke Maclean (Left Action) *[unopposed]*

VCA Dance Representative

Jackson Russell (Stand Up!) *[unopposed]*

VCA Production Representative

Bridget Sweeney (Stand Up!) *[unopposed]*

Education (Public Affairs) Officer By-Election

Louis Gregory (Stand Up!) *[unopposed]*

Queer Officer By-Election

Quinn Hogan & Luke Nicholls (Activate) *[unopposed]*

No nominations were received for the following positions:

VCAM Campaigns Co-ordinator
VCAM Queer Representative
VCAM Indigenous Representative
VCAM International Representative
VCAM Art Representative
VCAM Drama Representative
VCAM Film & TV Representative
VCAM Music Representative
VCAM Musical Theatre Representative
Indigenous Officer By-Election
Indigenous Committee By-Election
VCAM Queer Representative By-Election
VCAM Indigenous Representative By-Election
VCAM International Representative By-Election
VCAM Graduate Representative By-Election
VCAM Art Representative By-Election
VCAM Drama Representative By-Election
VCAM Film & TV Representative By-Election
VCAM Music Representative By-Election
VCAM Musical Theatre Representative By-Election

Recounts and Appeals

Any requests for recounts must be made within three working days of this notice, that is, by close of business on Monday 16 September. Recounts have already been requested for President, Education (Academic Affairs) Officer and NUS Delegation. Any additional requests must be in writing and should be made to the Returning Officer c/o Union House, or by email to ReturningOfficer@union.unimelb.edu.au.

Appeals against the election results must be made within three working days of this notice, or, if a recount is conducted, within three working days of the recount. Appeals must be in writing and addressed to the Electoral Tribunal. Any appeals lodged with the Returning Officer will be forwarded to the Tribunal.

Details of the count are available on request from the Returning Officer, and will be published in the Returning Officer's Report. The Electoral Tribunal will declare the final result of the election after receiving the Returning Officer's Report and resolving any appeals.

12 September 2012

Charles Richardson
Above Quota Elections Pty Ltd
Returning Officer

Complaints

Complainant	Date	Summary	Response
David Haidon	13-Aug	That the "Vote for Pedro" ticket name was unfair and misleading.	Complaint dismissed.
Charles Everist	24-Aug	That a candidate's Facebook post amounted to unauthorized and offensive election material.	See Ruling (4).
Stephen Smith	30-Aug	That the NOW! ticket's claims about Clubs & Societies and Activities funding were misleading.	Investigation failed to substantiate the complaint.
Charley Daniel	30-Aug	That the Left Action ticket's use of the word "now" was misleading.	Complaint dismissed.
Mark Kettle	31-Aug	That the Activate ticket's claims about its independence were misleading.	The ticket concerned was warned.
Isabelle Kingshott	31-Aug	That a diagram posted on Facebook was misleading.	The candidate responsible agreed to a number of changes, which in the opinion of the Returning Officer met the objection.
David Haidon	1-Sep	That a candidate's Facebook posting contained misleading statements.	Investigation failed to substantiate the complaint.
Mark Kettle	2-Sep	That the Activate ticket's claims about its independence were still misleading.	The ticket concerned was made to change a reference in its material.
Mark Kettle	3-Sep	That a non-student was involved in campaigning.	The ticket concerned was warned.
Charley Daniel	3-Sep	That a candidate was campaigning within the limits of the Baillieu polling station.	The ticket concerned was warned.
Luke Nicholls	3-Sep	That leaflets concerning "Rad Sex and Consent Week" were misleading and defamatory.	The ticket concerned was asked to make a number of changes, which in the opinion of the Returning Officer met the objection.
David Haidon	3-Sep	That there was graffiti supporting the NOW! ticket in the toilets at the Baillieu.	The ticket concerned (which denied responsibility) was warned.
Charley Daniel	3-Sep	That the Left Action ticket was posterung unlawfully and abusing other campaigners.	The ticket concerned (which denied the allegations) was warned.
Mark Kettle	3-Sep	That a non-student was still involved in campaigning.	Investigation failed to substantiate the complaint.
Anna Morrison	3-Sep	That a candidate had engaged in sexist abuse and intimidation.	See Ruling (5).
Mark Kettle	3-Sep	That a candidate had engaged in homophobic abuse and intimidation.	See Ruling (5).
Declan McGonigle	3-Sep	That a number of NOW! leaflets were left in a lecture theatre.	The ticket concerned was warned.

Isabelle Kingshott	4-Sep	That non-students were assisting the Stand Up! campaign by timewasting.	The ticket concerned was warned.
Charley Daniel	4-Sep	That the Left Action ticket had exceeded its quota for posters on one or more bollards.	A number of posters were removed by the Returning Officer and the ticket concerned was warned.
Matt Incerti	4-Sep	That candidates appeared in the wrong order on the election website.	The error was traced to a mixup in the Communications department, which was resolved.
Belle O'Connor	4-Sep	That NOW! campaigners had been ripping down posters.	The ticket concerned (which denied the allegation) was warned.
Charley Daniel	4-Sep	That a campaigner was defacing the NOW! ticket's chalking.	Investigation revealed the complaint to be unfounded.
Charley Daniel	4-Sep	That a candidate was campaigning within the limits of the Baillieu polling station.	The ticket concerned was warned.
Michael Sabljak	4-Sep	That a candidate had engaged in homophobic abuse.	The candidate was warned, although he maintained that the remarks in context were not homophobic.
Luke Nicholls	4-Sep	That NOW! campaigners were making misleading statements about "Rad Sex and Consent Week".	The ticket concerned was warned.
Mark Kettle	5-Sep	That a candidate was engaging in harassment.	The ticket concerned was warned.
Charley Daniel	5-Sep	That a candidate was engaging in harassment.	The candidate concerned was warned.
Charley Daniel	5-Sep	That a campaigner had made false and misleading allegations.	The campaigner concerned (who denied the allegation) was warned.
Charley Daniel	5-Sep	That a non-student was assisting the Stand Up! campaign.	The person concerned was asked to leave campus.
Charley Daniel	5-Sep	That a candidate had directed others to poster over NOW! election material.	Investigation failed to substantiate the complaint.
Charley Daniel	5-Sep	That a candidate was campaigning within the limits of the Baillieu polling station.	The candidate concerned was warned.
Charley Daniel	5-Sep	That a quantity of leaflets had been dropped from a window in Union House.	Extensive investigation failed to identify a perpetrator.
Ellie Ryan and Amy Jenkins	5-Sep	That a candidate had engaged in sexist abuse and intimidation.	The candidate concerned (who denied the allegations) was warned. See also Ruling (8).
Rhiannon Brooks	5-Sep	That a campaigner had behaved inappropriately.	The ticket concerned was warned.
Isabelle Kingshott	5-Sep	That the Left Action ticket was using non-election posters to cover other tickets' material.	The ticket concerned was warned.
Mark Kettle	6-Sep	That a non-student was assisting the NOW! campaign.	The person concerned was asked to leave campus.
Mark Kettle	6-Sep	That Socialist Alternative posters were being posted over campaign material.	The Left Action ticket was warned.
Anonymous	6-Sep	That a candidate had posted unauthorised material on Facebook.	The candidate apologised and submitted the material for authorisation.

Charley Daniel	6-Sep	That Stand Up! campaign material had been left within the limits of the VCAM polling station.	The ticket concerned was warned.
Charley Daniel	6-Sep	That a candidate had posted unauthorised material on Facebook.	The candidate was banned for a period.
Ellie Ryan	6-Sep	That a campaigner had engaged in harassment.	The campaigner concerned was warned.
Charley Daniel	6-Sep	That Farrago was disseminating election material via Twitter.	Farrago agreed to delete the offending posts.
Kim Doyle	6-Sep	That a campaigner had engaged in racist and sexist abuse.	The campaigner was banned for a period.
Amy Jenkins	6-Sep	That a campaigner had engaged in sexist abuse and intimidation.	The campaigner was banned for a period. See also Ruling (8).
Charley Daniel	7-Sep	That a candidate had posted unauthorised material on Facebook.	The candidate was banned for a period.
Charlie Cartney	7-Sep	That a group of Left Action campaigners had engaged in intimidation and assault.	The ticket chose to take the complaint to the Electoral Tribunal – see Appeal (2).

Ruling (1) of the Returning Officer

In the matter of a nomination from Ethan Lesh (“the nominee”) for Welfare Committee, the Returning Officer rules as follows:

1. The nominee does not appear on the student roll provided by the University for the purpose of checking eligibility for nomination, apparently because he is currently on leave of absence. Unless some change is made, he (and many others like him) will also therefore not appear on the voting roll.
2. Regulation 8.6 requires all nominees to be students, and the UMSU Constitution defines "students" as "students enrolled at the University." Past practice in some years has allowed persons in some categories of leave to be included under this description, but not in other years. This year, the roll excludes all such persons, but Student Administration informs the Returning Officer that it makes no claim to interpret the UMSU Constitution or Regulations and it is quite willing to supply a roll that includes these persons if he so requests.
3. The Regulations in this and similar contexts now refer only to "students", but the Constitution (which of course takes priority over the Regulations) still refers to "members" and explicitly grants members all the rights of students (s. 11). Section 9.1 of the Constitution requires that members (with one exception not relevant to this case) be "enrolled as Students in a higher education award course conducted or otherwise approved by the University", so the effect would appear to be the same.
4. However, section 14 of the Constitution provides that persons cease to be members upon any of a number of specified events, which do not exhaust the ways that a person may cease to be a student. In particular, they do not include the taking of leave of absence for second semester. It is therefore a matter of interpretation whether section 14 overrides the more general provision in section 9.1. (The Returning Officer has drawn attention to this problem in past years, to no avail.)
5. In support of the exclusion of persons on leave of absence it could be argued that they are not paying the Student Services and Amenities Fee and do not have access to most Union or University facilities. In support of their inclusion it could be argued that they will be returning to campus next year, when the persons to be elected take office, and that democracy requires one to err on the side of inclusion.
6. The Returning Officer regards this state of affairs as deeply unsatisfactory. It is in the nature of the case that he is not called upon to make a ruling on the meaning of these terms until it is known what political implications it will have, and this is something to be avoided if possible. On the other hand, it is also undesirable for the University administration to be put

in the position of deciding on the makeup of the Union's electorate.

7. In the absence of any other objective standard, the Returning Officer is adopting the practice of relying on the roll as provided by Student Administration, in the hope that if the person concerned chooses to appeal this ruling then the Electoral Tribunal will be able to provide guidance for future cases.
8. The nomination of Ethan Lesh for Welfare Committee is therefore ruled invalid. However, in the event that an appeal is lodged against this ruling, his name is to remain on the ballot until the appeal is determined.

Charles Richardson
Returning Officer
13.8.12

Ruling (2) of the Returning Officer

In response to a number of queries concerning social media, the Returning Officer rules as follows:

1. The Electoral Regulations give little guidance as to the use of social media as it has developed in recent years. Ruling (3) of 2009, reissued this year, attempts to fill that gap and the current ruling should be read in conjunction with it.
2. Since the Returning Officer is of the opinion that the application of the authorisation requirements in certain cases would be impractical, brief status updates and posts on Facebook and similar sites by candidates and third parties will from now on not require separate authorisation, **provided** that the following conditions are met:
 - a. The post is limited to an encouragement to vote for a particular candidate and/or ticket, and does not introduce any new material beyond what has already been authorised;
 - b. The post makes no comment of any sort on any opposing candidate or ticket;
 - c. The post either appears on or contains a link to the main site for the candidate or ticket, and that site has been duly authorised and carries an authorisation line in a position visible at first sight.
3. Posts that do not meet the above conditions may still be permitted, but authorisation will have to be separately applied for.
4. This ruling does not apply to paid advertisements on Facebook and other social media sites, which must also be separately authorised.
5. The making of election-related posts on the pages of political opponents remains prohibited.

Charles Richardson
Returning Officer
22.8.12

Ruling (3) of the Returning Officer

The Returning Officer rules as follows:

1. In accordance with Section 24 of the Regulations the registration of the ticket Later, authorising officer Joshua Keynes-Liley, has been disallowed. This is due to all of the nominations submitted on the Later ticket failing to meet with the requirement of Section 13.2.
2. As members of Stand Up! were involved in the preparation and submission of the Later ticket's nomination forms, the Stand Up! ticket is reminded that the integrity of the nominations process is essential to a fair and transparent election. The Stand Up! ticket is hereby cautioned against further breaches of the Regulations.

Charles Richardson
Returning Officer
6.9.12

Ruling (4) of the Returning Officer

In relation to a complaint by Charles Everist ("the Complainant") against Eric Gardiner ("the Respondent"), the Returning Officer rules as follows:

1. The Respondent admits to having posted the comment in question on the Complainant's Facebook page. Standing ruling (3) of 2009 prohibits the posting of election-related material on the pages of political opponents. However, the Respondent denies that the comment was election-related.
2. The Returning Officer has investigated the matter and is satisfied that the comment relates to an upcoming Union House Theatre production and does not go beyond the content of that production. While it does not follow that it could not also be election material, given the length of time prior to polling it seems reasonable that the Respondent should be given the benefit of the doubt on that issue.
3. However, both the Respondent and campaigners in general are reminded that comments on Facebook and the like can often be interpreted in ways that are not intended, and that care should be taken at all times.
4. The Complainant's concern in this matter comes in part from the racial reference in

the comment. While the Returning Officer is not convinced that this involves an imputation against the Complainant or his ticket, it is suggested that all campaigners should be aware of the sensitivities involved with racial topics and that words should be chosen carefully.

Charles Richardson
Returning Officer
6.9.12

Ruling (5) of the Returning Officer

In response to an enquiry about wooden signs, the Returning Officer rules as follows:

1. Although wooden signs are not listed among the permitted items of election material in Regulation 27.1, the Returning Officer has the power under Reg. 27.1.7 to permit “other types of material” unless they are specifically prohibited by the Regulations. Reg. 27.3.1 specifically prohibits “publicity reproduced on paper larger than A3 size”.
2. The Returning Officer believes that it would be contrary to the spirit of the Regulations to permit posters of any description larger than A3 size, even if they are made of some material other than paper.
3. Exceptions may be made, as they have in the past, for material that is directly associated with campaigners, rather than put in position and then left, as with a poster. For example, a banner hung from the front of a table at which campaigners are based may be authorised, even though it is larger than A3 size; a banner hung from a building would not be.
4. The same test would apply to wooden constructions. A sandwich-board worn by a campaigner, or placed beside a table or other location where campaigners were operating, may be authorised, provided it was not obstructing traffic. A free-standing unaccompanied wooden structure would not be.
5. In each such case, authorisation needs to be applied for and the material needs to carry the appropriate authorisation line.

Charles Richardson
Returning Officer
6.9.12

Ruling (6) of the Returning Officer

In response to an incident on Saturday 1 September 2012, the Returning Officer rules as follows:

1. Deputy Returning Officer Jaimie Adam and fellow AQE director Haydn Steel observed three persons poster in a fashion contrary to Regulations 44.5.12 and 44.5.14 and to past rulings

on the subject. When approached, they denied their actions and denied knowledge of the election.

2. Investigations with the NOW! ticket confirmed the accuracy of the staff's observations and revealed that the three persons were all senior candidates on that ticket.
3. Mengyi Miley He, Eason Zhang and Xinyi Kinsey Li were accordingly banned from campaigning for the length of Monday, 3 September.
4. The NOW! ticket is warned about the need to ensure that its campaigners are all made aware of the Regulations and that their activities are properly policed in relation to posterage and other matters.
5. In this instance, on the other hand, the co-operation of leading members of NOW! in the investigation was much appreciated, and in the absence of that co-operation it is likely that some penalty to the entire ticket would have been applied.

Charles Richardson
Returning Officer
6.9.12

Ruling (7) of the Returning Officer

In response to complaints received on Monday 3 September 2012 from Mark Kettle, Anna Morrison and Declan Mcgonigle ("the Complainants") against Patrick Crosswell ("the Respondent"), the Returning Officer rules as follows:

1. The Complainants' reports, if believed, make out a clear case of conduct in breach of Regulation 44.5.27. Given the detailed nature of the reports, their consistency with the Respondent's observed behavior, the credibility of the Complainants and the lack of denial from the Respondent's ticket, the Returning Officer regards the complaints as satisfactorily made out. The Respondent, although he conceded the general nature of the exchanges, did not admit that the intent of his remarks was derogatory.
2. It should be stressed to all campaigners that harassment of other participants in the election will not be tolerated. As a senior candidate on his ticket, the Respondent has to be presumed to be aware of the gravity of his actions.
3. The Respondent is therefore banned from campaigning until close of polls on Thursday, 6 September 2012.
4. While on this occasion no further penalty is to be applied against the NOW! ticket, that ticket is warned of the seriousness of the matters dealt with in this ruling and the need for it to exercise proper control over its campaigners. In the event of any further conduct of this nature it is highly likely that a ban would be applied against the entire ticket.

Charles Richardson
Returning Officer
6.9.12

Ruling (8) of the Returning Officer

In response to several complaints received on 6 September 2012, the Returning Officer rules as follows:

1. The complaints refer to conduct that the Complainants interpret as harassment but that the Respondents regard as legitimate campaigning behavior.
2. For the avoidance of doubt, all campaigners are warned to respect the personal space of voters and other campaigners. Campaigners should not put themselves in a position where they are physically blocking other campaigners from access to a voter, or where it is made difficult for other campaigners to avoid physical contact with them.
3. In particular, it should be noted that behavior that may not be intended as harassing or intimidating may nonetheless be reasonably interpreted that way when campaigners have deliberately put themselves in a position of close physical proximity. The proper solution is to avoid such situations.
4. Similarly, campaigners are reminded of the provisions of Standing Ruling 10 of 2007, that they "are urged to respect the privacy and personal space of others, and are directed not to take photographs in circumstances where that could reasonably be regarded as harassment".
5. Investigation is continuing in regard to some specific incidents referred to in these complaints.

Charles Richardson
Returning Officer
7.9.12

Appeal (1)

Appeal against Ruling (1)

As requested, here is a summary to be submitted to the Electoral Tribunal of the arguments we intend to make in regards to Ethan Lesh's eligibility to nominate for a position in the upcoming student elections:

- When the UMSU Constitution was originally drafted, The University of Melbourne operated on an IT system that is currently inactive. When the change between these systems took place the definitions used to refer to a student's enrolment status were amended. Specifically, the word 'enrolled', which referred to having been admitted into a course, was redefined to mean an enrolment into a particular subject for the most current study period. It is clear that the definition of the word enrolled intended by the drafters of the UMSU constitution is not reflected by the University's current use of the word. In order to preserve the Constitution's intention, we would argue that the Union should define students as anybody admitted into a course, rather than enrolled into a subject, as it has in previous years.
- We understand that the changeover to the ISIS system did not occur in the time since the most recent UMSU election, so the rule as applied to Ethan might not be regarded as a new rule change. However, as the Returning Officer last year issued no guidance on this question, and it has been acknowledged that in previous years the definition of student was understood differently in the electoral roll, we believe that no clear precedent has been set to establish that students on a leave of absence should not be regarded as students. Indeed, it was the advice of staff who have been affiliated with UMSU for many years, such as the Project and Administrative Officer Goldie Pergl, that these students would be accepted as valid for the purpose of the election, based on prior precedent.
- Further, at no point in the lead-up to this election's nomination deadline was the issue of how "student" was to be defined in the electoral roll addressed, by the Returning Officers or anybody else in a position of authority over the elections. We strongly believe that if a precedent from previous years was to be amended for this election, fairness would mandate that all students should have been properly notified of this rule change prior to the nomination deadline. Otherwise, an unfair advantage would be given to those tickets that were lucky enough not to have nominated any candidates on a leave of absence. We believe that luck is not a good guiding principle for the administration of any election!
- We would also like to make a broader point about the consequences of using this stricter definition of student, in this or any future UMSU election. Students may apply for a leave of absence for many reasons, including but not limited to financial difficulties, mental health, physical health, compassionate and compelling circumstances, etc. Indeed, students may plan to take a leave of absence in second semester because they are planning to run for a Union position, so as to avoid jeopardising their studies, and to focus their energies on preparing for that position. It would be incredibly unfortunate to restrict students from running from Student Union positions for any of these reasons, and not in keeping with the ethos of inclusivity which is a consistent theme of the UMSU Constitution.

Please let us know when the time and date for the Tribunal's hearing of this matter has been confirmed.

Regards,
Luke Nicholls and Quinn Hogan

Electoral Tribunal Meeting 1, 2012

23rd August, 2:30pm
MUVT Training Rooms

Present:

Electoral Tribunal: Saveria Dimasi, Chris Penman, Michael Gronow

Returning Officer: Charles Richardson of Above Quota Elections (AQE)

UMSU Minute Taker: Goldie Pergl

Activate Ticket: Luke Nicholls, Belle O'Connor, David Haidon, Quinn Hogan, Ethan Lesh

Michael Gronow took the Chair

Charles Richardson outlined the issue – a nomination was received from Ethan Lesh from the Activate Ticket, for a spot on Welfare Committee. Ethan's name is not on the "Roll" (i.e. the list of students currently enrolled) given to AQE and UMSU by The University of Melbourne's Student Administration. Upon investigation, this was discovered to be because Ethan is on a Leave Of Absence, and the University no longer regards students on Leave Of Absence as students that are currently enrolled.

Student Administration offered to alter the "Roll" given to AQE and UMSU to include students on a Leave of Absence – however as the definition in the Constitution is "students currently enrolled" and the University does not view students on a Leave of Absence as currently enrolled, Charles explained he didn't feel comfortable making this decision, and that it should be a decision of the Electoral Tribunal.

Charles explained that nominations have closed however on Welfare Committee Activate have enough candidates as they could reasonably be expected to win.

Discussion around Ethan's Leave of Absence, and the University's rules on Leave of Absence.

Chris clarified that for this issue and for future candidates in this position, the University has changed its definition of currently enrolled students – it used to include students on Leave of Absence, but now doesn't.

Luke explained that this change has occurred since UMSU's Constitution was written, so this University change affects the intended meaning of the UMSU Constitution.

Discussion about what constitutes a member of the UMSU. Defined that to be a member, must meet definition in Section 9 of the constitution, and to cease being a member – Section 14.

Charles confirmed that in previous years (2006 and 2007) if a student was on Leave of Absence but had a fixed return date, the student was included in the roll.

Luke Nicholls stated that as UMSU wasn't aware of the changes by the University, it hasn't had time to alter the constitution accordingly to include students on Leave of Absence.

Chris Penman pointed out that Students on Leave of Absence still have full access to University Services.

Electoral Tribunal requested to go in camera whilst they make a decision.

Meeting resumed at 3:15pm

Michael Gronow thanked everyone for attending.

He stated that the Electoral Tribunal is bound by the definition of student in the Constitution, which in turn is defined by the Universities' definition of an enrolled student, and the Electoral Tribunal cannot change the constitution.

The University of Melbourne's current definition of Enrolled Student means that Students on a Leave of Absence, aren't included on the electoral role, so the Electoral Tribunal has to uphold the decision of the Returning Officer, Charles Richardson.

Saveria suggested a review of the constitution – as the Constitution was written 7 years ago, with no major changes since then. Michael and Chris agreed that it would be appropriate.

Meeting ended at 3:32pm

Appeal (2)

Appeal against election result

It is the intention of the NOW! ticket to appeal to the Electoral Tribunal. By bringing forth this appeal it is our intention to achieve the following objectives:

Part 1 – What we seek to show

1. To demonstrate that the ticket which called itself 'Left Action' repeatedly contravened the electoral regulations (*specifically, but not limited to, sections 44.5.26. Physically or verbally harassing a person. 44.5.27. Engaging in sexist, racist, homophobic or militaristic intimidation or abuse. 44.5.28. Assaulting or attempting to assault a person. 44.5.29. Campaigning, directly or indirectly, or aiding in campaigning in the elections, by any persons who are not current Students of the University. 44.5.12. Defacing, mutilating, destroying or removing any election material without the authority of the publisher of that material;*). We will seek to show that members of Left Action violently assaulted and verbally harassed NOW! Campaigners.
2. To demonstrate that Left Action repeatedly ignored the directions of the Returning Officers over course of the week.
3. To demonstrate that Left Action worked in coalition with both Activate and Stand Up (two other tickets).

Part 2 – AIMS

1. To demonstrate that the conduct of Left Action should result in them being retrospectively banned.
2. To declare that no Left Action candidates be elected.
3. To establish that Left Action was a 'feeder ticket' for Stand Up and Activate. In doing so we will explain the meaning of the term feeder ticket and their role in Student Union politics.
4. To argue that in multi-member positions Left Action above the line votes should not be counted and that their preferences should not flow.
5. To argue that given that Left Action preferences in the optional preferential Office Bearer positions not be counted.
6. To argue that any additional preferences which flowed from Left Action not be counted on the grounds of this establishing a dangerous precedent.
7. Seek a recount with the above changes made.
8. Seek a complete list of all complaints made against Left Action, which is not publicly available, to illustrate their continued lack of compliance with the regulations.

Part 1

1. To support this appeal we will produce statements made by members of NOW! for the purposes of establishing that the conduct of Left Action contravened the electoral regulations. Specifically we will focus on particular incidents. These include:
 - A. The assault of Charlie Cartney by up to 30 Left Action campaigners on Friday afternoon. A full statement is attached.
 - B. The assault of Michael Sabljak, as witnessed by Nick Jarman.
 - C. The repeated accusation of being Nazis by Patrick Alves directed at Kon Moisisdis
 - D. The continued campaigning and presence of Omar Hussein, a non-Melbourne University student.
 - E. Multiple intimidatory and false allegations against NOW! campaigners over the course of the week designed to disrupt the campaign.
2. To support this appeal we will make it clear that Left Action did not follow the rulings of the returning officer over the course of the week. We will ask for a complete list of all complaints and sanctions made about Left Action campaigners over the course of the week from the returning officer. At this stage the returning officer is not willing to release these.
3. To show that Left Action was a coalition partner of Stand Up and Activate. Their work together is shown by their own material (which was authorised by the returning officer) and efforts over the course of the week.

Specifically, Activate produced a Who's Who document for the purposes of informing students. In it shows that the groups were in a coalition, despite the appearance of being separate. Left Actions own how to vote material indicated support for the other tickets in terms of how it advised people to vote. Furthermore in their verbal communications to voters they clearly demonstrated that the ticket they were campaigning against was NOW!

It should be clarified that there is no requirement to list, or define a tickets preferences towards other tickets for non multi-member ballots. The fact that some tickets decided to distribute material directing voters to submit anything more than a first preference for their own candidates is a clear sign of a working relationship between the tickets. In this election (and indeed, as is the case throughout student politics) there is not the sentiment of "preferencing us over them", but rather meticulously planned and calculated preference webs, organised in full by a handful of people.

The Left Action How-to-Vote (HTV) specifically listed Karra Hadgraft (Standup) as their presidential candidate. Also on their HTV, Mark Kettle (currently in office, standup elected, UMSU president) and Anna Morrison (senior member of the Labor Left group, and ALP club), both were listed as the only candidates for University Council and Musul Board respectively. Activate candidates were also listed as second preferences for the positions of secretary, welfare, queer and women's.

Standup HTVs listed Activate as their second preference for all Office Bearer positions other than the education offices, in which they directed no preferences, and environment, in which Standup ran no candidate.

Part 2

1. It is our submission that based on the evidence we will be providing that the Left Action ticket should be retrospectively banned for gross breaches of the Electoral Regulations. The election tribunal has this power under sections 46.2.3. *The Electoral Tribunal may, whether it finds there has been a breach of these Regulations or not, give such directions as it sees fit.* 46.2.4. *If the*

Electoral Tribunal finds there has been a breach, it may formally reprimand the person reported.

46.2.5. If the Electoral Tribunal finds there has been a serious breach, it may disqualify the person from standing in that and future elections, and may as a result declare that candidate not be elected.

2. By extension of the above, we seek that no members of Left Action be elected for any position on grounds of their tickets misconduct, as provided for under section 46.2.5. *If the Electoral Tribunal finds there has been a serious breach, it may disqualify the person from standing in that and future elections, and may as a result declare that candidate not be elected.*
3. Feeder tickets are used during union elections to provide votes through to the main tickets which have a chance of victory. These tickets usually have few people, if any, campaigning for them over the course of the week and their purpose is to funnel votes to the main ticket. Student politicians essentially use these to gain additional support without the voters being aware that they are voting for them. In regards to this election, it is our submission that the Left Action block worked not for the purposes of victory in its own right but rather to ensure the victory of Stand Up and Activate candidates who it was supporting. It is our submission that Left Action never had any intention of winning any Office Bearer positions in which it contested.
4. When an individual votes above the line in a multi member ballot they are voting for the ticket and its full list of preferences. While these are made clear in the voting area, they are not listed on any election material. If Left Action is to be struck off there is no way in knowing where people would have given their support. What is clear though, is that without the existence of Left Action, voters would not have voted for them
5. In regards to the optional preferential voting system which applies to Office bearers there was a clear relationship between Left Action first preferences and their following preferences. It is our submission that these preferences should not be allowed to continue through to the other candidates. The reason for this is based on the idea that Left Action functioned as a feeder ticket for the other groups and it along with Activate and Stand Up should be viewed as a single group. If Left Action was to be retrospectively banned and their votes merely passed through to the other tickets as intended there would be no consequences in practical terms.

From our conversations with the returning officers, we have had section 26 of the electoral regulations brought to our attention. It reads:

26.1. A candidate may withdraw at any time prior to the commencement of counting of the ballots for that position. Withdrawals must be signed by the candidate. A withdrawal will take effect upon its receipt by the Returning Officer. If a candidate withdraws, the Returning Officer must proceed as if that Student had never nominated. Notwithstanding this, any preferences shall be distributed accordingly.

26.2. Notice of the candidate's withdrawal shall be prominently displayed on the Election Website, at polling places and on the candidate's or ticket's publicity (if any). Where a ticket has no candidates contesting any position (due to withdrawal), Students shall be prohibited from distributing material in support of, or otherwise encouraging Students to vote for, that ticket.

26.3. If in a multi-member ballot (as set out in R11.3.2) all candidates for a registered ticket are withdrawn, then preferences of above-the-line votes for that ticket (in accordance with R 35.2.2) will still be distributed to other candidates as per the preference schedule of that ticket.

Our understanding is that, in the opinion of the returning officers, a retrospective ban of Left Action candidates and/or ticket would amount to a complete withdrawal of all candidates from the ticket as

set out in section 26. It is our position however, that section 26 sets out the proper practices for candidates choosing to withdraw, and is not relevant to an involuntary removal from the elections. 26.1 includes the line *"Withdrawals must be signed by the candidate"*, thereby there can be no withdrawal without consent from the withdrawing party.

The sentiment of section 26 appears to be twofold. First, to ensure a fair and transparent running of elections. Two, to prevent campaigning on a defunct ticket. The reason, we argue, is that to allow such action, is to allow unregulatable campaign related actions to be taking, affiliated of a ticket that can suffer no harm to its candidates.

The precedent of allowing preferences to flow for future elections is extremely dangerous. It would be correctly interpreted by tickets to mean that if you create another ticket, which campaigns on your behalf and funnels votes for you, you will not in any way be penalised for their breaches of the electoral rules. It will establish violence, verbal intimidation and harassment as tactics which can be used to enhance your chances of victory, without any risk to your main ticket. We submit that this is contradictory to the spirit of the electoral regulations.

As is set out in section 47.4. *If satisfied that there has been a defect in the conduct of the election which has materially affected the result, the tribunal may:*

47.4.1. Order the Returning Officer to conduct a recount or recounts;

47.4.2. Declare than a candidate not be elected.

47.4.3. Declare that another candidate be elected;

47.4.4. Declare that a new poll be conducted.

If it is found (as is our position) that there has been a defect in the poll, in such that a group free from material repercussions of their actions, can disregard even the most serious regulations, has materially and from within a working coalition of other, completely insulated groups, materially and definitely affected the outcome of the election, then above powers are available to you.

Furthermore, we draw again your attention to section 46.2.5.

If the Electoral Tribunal finds there has been a serious breach, it may disqualify the person from standing in that and future elections, and may as a result declare that candidate not be elected.

Conclusion

In summation we seek the following rulings be made by the electoral tribunal:

1. That Left Action be retrospectively banned, and guilty individuals prevented from running in further elections.
2. That no Left Action candidate be elected to any position
3. That Left Action acted in coalition with Activate and Stand Up
4. That any Left Action primary votes should not flow through to other parties for single member positions regardless of additional preferences.
5. That above the line votes in multi-member ballots for Left Action be removed.
6. That a recount is ordered with the aforementioned votes not being taken into account.

We will present additional information and evidence prior to any hearing and will fulfill any requirements as set out by the electoral tribunal. This may not represent the totality of any final submission.

Yours truthfully,

Kon Moisisdis and Alex Hewitt

Electoral Tribunal Meeting 2, 2012

The Electoral Tribunal met on Tuesday 25 September 2012 at 3pm, in Mary Cooke Room A, Union House, to consider an appeal from Kon Moisisidis and Alex Hewett of the NOW! ticket against the result of the 2012 annual election.

Present: Michael Gronow, Saveria Dimasi.

Apology: Chris Penman.

In attendance: Charles Richardson (Above Quota Elections Pty Ltd), Returning Officer; representatives from the NOW!, Left Action, Stand Up!, Activate and Independent Media tickets.

The NOW! representatives outlined the basis of their appeal. They argued that Left Action had engaged in violent conduct during election week, and that they believed that the record of complaints would bear this out. They further argued that they believed that Left Action was in effect in a form of coalition with Stand Up! and Activate, as evidenced by how-to-vote leaflets and posters, and that Left Action should be regarded as a feeder ticket, not intending to win but to funnel preferences to the other left tickets. They pointed out that they had no objection in principle to feeder tickets, but believed that their conduct had to be attributed to the main tickets that they were benefitting. They therefore sought declarations that no Left Action candidates be elected and that preferences not be allowed to flow from Left Action candidates, since allowing the preferences to count would give immunity to feeder tickets to engage in violent conduct.

Michael Gronow asked whether the alleged assaults had been reported to police or University security. They had not, but two NOW! members, Charlie Cartney and Michael Sabljak, recounted details of two alleged incidents late on Friday afternoon. Michael Gronow queried whether either could have affected the election result. The NOW! representatives replied that while of themselves they would not have, they were part of a pattern of conduct that would, and that the presence of Left Action in the election assisted the left generally. They argued that the two Left Action candidates who had been elected should be disqualified, even if they were not shown personally to have participated in the alleged assaults, since it was in the nature of a collective action.

A NOW! representative queried whether the Tribunal could act validly in the absence of Chris Penman. The Tribunal replied that since he was in Africa for five weeks it was not practicable to wait for his return, and that since the Tribunal made decisions by a majority vote the two members present could act validly provided they agreed.

The NOW! representatives argued that it would be dangerous to set a precedent whereby the major tickets could remain clean while feeder tickets misbehaved. Saveria Dimasi queried how it could be assumed that voters were following the how-to-vote cards rather than expressing their own preferences, and pointed out that the appeal was asking that voters be tainted with the candidates' behavior. The NOW! representatives maintained that striking out Left Action candidates on its own would be an inadequate remedy.

Michael Gronow noted that disqualifying a candidate was a very serious step, which would generally require a material breach of the rules by that candidate, and queried whether the two successful Left Action candidates had been personally involved in violence. The NOW! representatives replied that they needed footage from the University's security cameras, which they had been unable to obtain, to establish this. The Tribunal doubted whether it would be any more successful in securing such footage, but suggested that a report to the police would be an advantage.

The NOW! representatives argued that it would set a bad precedent if violent conduct were not dealt with in some form. They urged the Tribunal to begin by retrospectively disqualifying all Left Action candidates, but the Tribunal queried whether there was any power to do so, as distinct from directing that a successful candidate not be elected. The NOW! representatives then argued that Jade Eckhaus should be disqualified for participating in the alleged assault on Michael Sabljak. The Tribunal responded that while it took violence very seriously, the onus of proof was on the appellants, and that it would need to be persuaded of the existence of a power

to disqualify candidates who were not themselves guilty of misconduct. Michael Gronow suggested that it was necessary to establish a connection between the alleged material defect in the conduct of the election and the particular result sought to be overturned.

The NOW! representatives expressed a wish to exhibit copies of authorised campaign material in order to demonstrate the connection between Left action and other tickets, but the Tribunal indicated its willingness to proceed on the assumption that the how-to-vote material said what the appellants claimed it said.

The Returning Officer then responded to the matters raised by the appellants. He said (a) that the complaints made against Left Action during the week (prior to the alleged assaults) were of a relatively routine nature and were dealt with at the time, and that Left Action's conduct improved as a result, although not as much as might have been hoped; (b) that the alleged assault against Charlie Cartney was reported at the time and the NOW! representatives spoke in detail about it to the Returning Officer and his deputy on the morning of Monday 10 September, but subsequently failed to put the details in writing so that it could be followed up; and (c) that while the Tribunal would be within its rights to disqualify successful Left Action candidates if it found them responsible for violent conduct, he would be strongly opposed to disregarding the preference flow from those candidates, since this would effectively be asserting that votes belonged to the tickets, not to the voters. He also argued that it was a misuse of the concept of a feeder ticket to describe Left Action in that way, and that on the contrary it was quite independent of other tickets with a very distinctive political position of its own.

Alex Hewett from NOW! asked the Returning Officer whether it was true that he had said that disqualification of Left Action candidates might be an appropriate penalty. The Returning Officer replied that he had said that the Tribunal would be entitled to reach that conclusion if investigation revealed that there was an assault and it was in the nature of a collective action.

Jade Eckhaus from Left Action defended her ticket's position, saying that the claims of an assault had not been substantiated, that the NOW! representatives' accounts were internally contradictory, and that the failure to provide details of the allegations in advance made it impossible to prepare a proper defence. She argued that the Regulations contemplate action only against a person directly concerned in misconduct, and that there was no real argument for how Left Action's conduct had materially affected the result of the election, merely assertion. She denied that Left Action was a feeder ticket, pointing to the number of candidates, and said it was preposterous to argue that less successful tickets must be feeders. She suggested that members of NOW! had not taken any of their complaints against Left Action seriously until it became clear that they had lost the election and they were looking for an excuse to overturn the result.

The NOW! representatives briefly responded, arguing that Left Action had acknowledged that disregarding its preferences would alter the result of the election and that if security footage were to incriminate particular Left Action candidates then it would be reasonable to declare them not to be elected.

The Tribunal then deliberated briefly in private. Upon resuming, Michael Gronow outlined the Tribunal's decision.

The Tribunal regards the allegations of assault very seriously, and believes that it should be taken up with University authorities. Such conduct is completely unacceptable regardless of whether or not it happens in the context of an election.

However, having considered the appeal in its entirety, the Tribunal does not intend to take any action to overturn the election result. The Tribunal does not believe it has the power to ask the Returning Officer to disregard any votes or to conduct a recount on any basis other than the votes actually cast; such a power would have to be explicit in the Regulations. The Tribunal is not in a position to examine the motivations of voters: it has to assume that students are intelligent people who are able to make up their own minds.

The Tribunal does have the power under Regulations 46.2.5 and 47.4.2 to disqualify a successful candidate, but it regards this as an extreme measure to be exercised only in clear cases. It would give consideration to such a measure in this instance if direct involvement of

particular candidates was established, but in the absence of security footage or other additional evidence it is not in a position to make a ruling on contested facts.

The Tribunal does not think it can make candidates on one ticket responsible for campaigners on a different ticket, and that this would set a dangerous precedent. It accepts that co-operation between tickets is normal and natural, but that voters nonetheless make up their own minds. It therefore does not believe the conduct of the election was defective, and it would not be appropriate to upset the result.

The Tribunal also notes that the adequacy or otherwise of the Regulations and Constitutional provisions are matters that UMSU is at liberty to consider if it wishes.

The Tribunal thanked all the participants for attending and declared the meeting closed.

Minutes: Charles Richardson

Declaration

I hereby declare that the 2012 University of Melbourne Annual Student Election was conducted and administered with impartiality by myself and the directors and staff of Above Quota Elections Pty Ltd.

Charles Richardson
Returning Officer
4 October 2012.

Appendix: Full Details of Counting