

University of Melbourne Annual Student Election

7 – 11 September 2009

Report of the Returning Officer

Above Quota Elections Index

SUMMARY	3
RECOMMENDATIONS	8
NOTICE OF ELECTION	10
NOMINATIONS	14
TURNOUT	18
RESULTS	19
COMPLAINTS	23
RULINGS	26
APPEALS	40
DECLARATION	43
APPENDIX: FULL DETAILS OF COUNTING	44

Summary

Appointment

Charles Richardson of Above Quota Elections was appointed Returning Officer for the University of Melbourne Annual Student Election on Tuesday 14 July 2009. Jaimie Adam, also of AQE, was appointed Deputy Returning Officer.

The Electoral Tribunal consisted of Mr Chris Penman (Chair), Mr Michael Gronow and Ms Saveria Dimasi. This was unchanged from 2008.

Nominations

Nominations opened on Monday 27 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)
- Burnley Student Association
- A provisional Committee for VCA, pending approval of constitutional amendments
- Student representative on University Council
- Student representative on MU Student Union Ltd Board

The notice of election appears on page 9. This notice was posted in Union House and on the elections website, and was also e-mailed to all students.

Nominations closed at midday on Friday 14 August. A total of 315 nominations were received, compared with 332 in 2008. Eight nominations were ruled out as invalid. All candidates were notified by e-mail of the receipt of their nominations.

In line with a recent change to the Regulations, *Farrago* in conjunction with the Returning Officer arranged for 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 13, in ballot paper order where applicable. The draw for ballot paper positions was conducted on Tuesday 18 August, witnessed by scrutineers from the various tickets.

Tickets

Applications for ticket registration also closed at midday on Friday 14 August. An information session for prospective tickets was held on Wednesday 5 August to inform organisers of the requirements.

Twenty applications were received, all of which were found to be eligible. The following tickets were registered, with the indicated students as authorising officers:

Absolute Power (Bill Dodd)

Above Quota Elections

Activate (Adelaide Rief)
ALP Club (Onagh Bishop)
Demand Same-Sex Marriage (Simon Gibson)
Green Thumbs (Paul Coats)
Independent Media (Rachel Baxendale)
iUnion (Jimmy Jin)
Justice For Palestine (Sadie Schneider)
Labor (Isaac Gross)
Left Student Unionists (Tim Arnot)
Liberal (Clinton Markwell)
Make Breadth Better (Dave Kelly)
More Activities! (Jonathan Donagan)
Pride (Megan Rocke)
Save the VCA (Azlan McLennan)
Stand Up! (Dominique Ottobre)
Still Alive (Angus Niven)
SWIPE Media - Farragopoly (Charlie Goodman)
Synergy (Jesse Overton-Skinner)
Travel Concession Card Equality (Josh Schmidt)

Withdrawals

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

Amina Al-Ramadhan (Students' Council General Reps)
Paul Coats (President)
Paul Erickson (Activities, Arts and Environment Committees)
Liam O'Hanlon (Education Committee)

Another candidate, Ben Maunder, was treated as withdrawn from VCA Music Representative, having been provisionally elected unopposed to a more senior incompatible position on the provisional VCA Committee.

During counting, a small number of candidates were treated as withdrawn from positions that they were no longer eligible to hold, having already been elected to incompatible positions that were higher in their order of priority. In one case, the relevant form had not been submitted by the close of nominations so the order of priority had to be determined by lot, as provided for in Regulation 10.3. This was done at the commencement of counting in the presence of scrutineers.

Polling

Polling took place during the week of Monday 7 September to Friday 11 September, at the following times and locations:

	Monday 8 th Sept.	Tuesday 9 th Sept.	Wednesday 10 th Sept.	Thursday 11 th Sept.	Friday 12 th Sept.
Union House (Food Hall)	10am – 5pm	10am – 6.30pm	10am – 5pm	10am – 5pm	10am – 5pm
Baillieu Library Foyer	11am – 4.30pm	11am – 6.30pm	11am – 4.30pm	11am – 4.30pm	11am – 4.30pm
Eastern Precinct (E.R.C.) – Science Student Centre	11.30am – 2.30pm	11.30am – 2.30pm	11.30am – 2.30pm	11.30am – 2.30pm	11.30am – 2.30pm
Victorian College of the Arts (Cafeteria)		11am – 3pm	11am – 3pm	11am – 3pm	

Burnley Campus Centre (Cafeteria)		11.30am – 2.30pm	12.00pm – 4.00pm	11.30am – 2.30pm	
Centre for Indigenous Education (off Deakin Court)	11.30am – 2.30pm				

This notice was also e-mailed to all students. There were five changes to polling times and locations compared to 2008:

(a) A polling station at VCA was introduced, as recommended in previous reports. This was very successful, attracting almost 200 votes over three days. (Its success is also reflected in the almost total absence of postal votes.)

(b) Early closing of the polls on Friday was abolished, in line with recommendations in previous reports. This was also a success; despite the fact that almost 900 students voted on Friday – easily the busiest day of polling, and an increase of more than 40% on 2008 – congestion at lunchtime was less pronounced than in previous years. Later closing on Friday was coupled with a lockup for counting, discussed below.

(c) Since the position of Indigenous Officer was contested, the UMSU Constitution required the operation of a polling station at the Centre for Indigenous Education. This operated for three hours on Monday and attracted three votes, a result no doubt influenced by its close proximity to the Union House polling station.

(d) Due to the completion of construction work at the ERC (referred to in last year’s report), the polling station there was relocated back upstairs from the Charles Pearson Foyer to the foyer of the new Science Student Centre. This was a convenient location in logistical terms, but turnout there continued to decline (down to 97 from 107 last year) despite the large overall increase. See the Recommendations section for further comment on this.

(e) Polling hours at the ERC polling station were standardised at 11.30am to 2.30pm each day, eliminating the extra half hour previously provided on Tuesday.

Turnout for the week was 3,963, an increase of about 35% on 2008. 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.

While the increased turnout is very pleasing, it must be noted that it imposes a significant extra strain on both physical and human resources, and if this year’s trend continues then additional polling infrastructure may have to be provided in future elections, with associated cost implications.

The table on page 17 summarises the turnout at all polling stations.

Storage of Ballot Papers

Blank ballot papers were stored in a secure vault at the printers' prior to being required. Live ballot papers were stored each evening by arrangement with the University in a secure location in the Raymond Priestly Building.

Ballot papers for the VCA 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, as introduced last year, was again used at the three main Parkville polling stations, and also at VCA, eliminating the need for a paper roll (although one was printed as a backup). MU Student Union Ltd again loaned AQE a set of laptops for use by poll clerks. The electronic system performed well, with the only significant interruptions being at ERC on Monday and VCA on Tuesday, both apparently due to network issues.

Provisional votes were therefore only required at Burnley and the Centre for Indigenous Education (votes from the latter were merged with Union House provisionals before counting, due to privacy concerns), and for voters at the main stations who could not be found on the roll. Only 79 provisional votes were rejected, 72 of them after receiving advice from Student Management Systems.

Postal Votes

Applications for postal votes closed at 5pm on Wednesday 2 September. A total of four applications were received. Ballot papers were posted to these applicants on Thursday 3 September.

By close of polls on Friday 11 September, one set of ballot papers had been returned. It was rejected, as the person was found not to be on the roll. No postal votes were therefore admitted to the count.

Multiple above-the-line voting

Due to a change made earlier this year in the Regulations, voters were permitted to express their own preferences between tickets by numbering more than one box above the line on multi-member ballots. This change required extra effort by polling staff to explain the new option to voters, and a special instruction sheet was printed at the front of all ballot paper packs.

A large number of voters (40% of those voting for Students' Council) availed themselves of the new option. There was a small drop in below-the-line voting, but most of those using the new system would previously have been voting above the line and therefore gained the ability to make their own decision about the allocation of preferences.

Lockup and Counting

Another change in the Regulations, as recommended in previous reports, allowed counting to begin at midday on Friday 11 September, five hours before the close of polling. A lockup was instituted, in which scrutineers were permitted to observe the early counting but not to leave or communicate with outside prior to 5pm. The Deputy Returning Officer remained in the lockup at all times, which proceeded smoothly and without incident.

The success of the lockup is shown by the fact that despite the large increase in turnout, counting was completed as quickly as in 2008. Almost all positions were decided by the end of Sunday 13 September, and the full provisional declaration of results was issued on Tuesday 15 September. This notice appears on page 18, and was also posted in Union House and on the elections website.

The period for requests for recounts or appeals against the results expired three working days later, on Friday 18 September. Two recounts were conducted: one for Education (Academic Affairs) Officer, and one for Wom*n's Committee. The former confirmed the initial result, but the Wom*n's Committee recount resulted in a change in the last-elected position, notice of which was posted on Sunday 20 September.

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 3,889 represents approximately 9.4% of eligible voters.

The election results saw political power in the Union shift from one side to the other for the first time since the adoption of the 2005 Constitution. It was very pleasing to see that this was accomplished in a peaceful and orderly fashion, and that all sides appeared to accept the legitimacy of the electoral process.

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.

Twenty written rulings were made by the Returning Officer in response to complaints. They appear in the Rulings section, and were also posted in Union House and on the elections website.

Four appeals were lodged against the Returning Officer's decisions, which appear in the Appeals section on page 38. In each case, the appeal was withdrawn or not being proceeded with due to changed circumstances or lapse of time.

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 Officer Jaimie Adam, and all the staff of Above Quota Elections
- The staff of UMSU and MU Student Union Ltd, especially Justin Baré, Beth King, Lowan Sist, Lachlan Conn, Michael Dickon, Virginia Greaves, Lauren Henderson, Randall Jurd, Fiona McCammon, Kristi Monfries, Fiona Sanders, David Witteveen, the editors of *Farrago* (Gillian, Bhakthi, Zoe and Yosh) and the Building Services team (Serge, Steve, Steve 2, Alex and Gerd)
- Jillian Constable (Vice-Chancellor's Office), Steve Halliwell (University Secretary's Department), Christine Holmes (VCA), Philip O'Neill (Science Student Centre), Sabina Robertson (Baillieu Library), Meg Roche (Centre for Indigenous Education), James Stewart (Student Management Systems) and Wayne Williams (Property & Campus Services)
- Tony, Wanda, Ralph, Imogen, and the staff at the Digital Print Centre
- Angleton's Office Supplies
- Stanley Tjihe, who did the photos
- All the candidates and campaigners for their cooperation.

Recommendations

1. Proliferation of tickets

In response to the concern expressed in last year's report about the proliferation of tickets, the Electoral Regulations were amended to reduce the effectiveness of "front" tickets by the introduction of multiple above-the-line voting. As mentioned above, this proved popular with voters, but the Returning Officer is concerned that front tickets may still be misleading voters, and that the information gap between voters and ticket organisers may weaken the democratic effect of the new provisions.

Two problems arise in particular: tickets are able to pose as "non-political" when in reality their members have strong political connections, and different tickets appear independent from one another when in reality they are run by the same political group. It is hard to see an argument for why it should be possible to mislead voters in either fashion.

Both problems could be addressed by a provision requiring all candidates at the time of nomination to disclose any political clubs or parties of which they are members (or perhaps have been members within the last year), and for this information to be published in *Farrago* along with the policy statements. This would be of value to voters in the same way as the publicity already required for the group ticket preference statements, both serving to inform them as to the nature of the choice they are making.

It is recommended that a disclosure provision of this nature be inserted in the Regulations.

2. Eastern Precinct polling station

As noted above, the decline in turnout at the Eastern Precinct (ERC) polling station continued this year, having fallen now to 2.4% of the total, compared to 7.4% in 2007. It is to be hoped that stability in location due to the completion of building works may reverse this to some extent in the future, but it appears that changes in traffic patterns have simply rendered this a less attractive polling location for many students.

In light of the pressure on the two main Parkville polling stations, it would therefore make sense for some of the resources currently being used at the ERC for very little return to be redirected to increase voting opportunities elsewhere.

It is recommended that the Returning Officer next year should reduce polling at the ERC from five days to three, and instead open the Baillieu Library polling station half an hour earlier each day.

3. Tickets with the same name

Last year attention was drawn to the fact that Regulation 21.7 provides no guidance as to what should happen to the second application if two groups apply to register a ticket with the same name. Although no such case arose this year, it was a common topic of discussion with groups prior to the close of nominations, and the Returning Officer again assured them that, by analogy with Regulation 21.6, the second group would be permitted to choose another name. It would be desirable, however, for this assurance to be given some formal backing.

It is recommended that Regulation 21.7 be amended to allow a new name to be chosen along the same lines as Regulation 21.6.

4. Union members not students

As in 2008, some nominations were received from persons who appeared on the Union's database as current Union members, but did not appear on the student roll. However, in contrast to last year, when the relevant persons had been students but ceased enrolment during the year in ways that apparently preserved their Union membership, the University this year advised that the persons concerned had not been students at all in 2009.

On investigation, it was discovered that the Union membership records do not require any proof of student status, and also that the Union admits members in enrolment categories (such as Community Access Program students) that do not qualify for the voting roll. In light of this, the Returning Officer decided it was unsafe to rely on the membership database and took the student roll as the definitive record of eligibility. This decision was not challenged.

This situation is unsatisfactory because two sections of the UMSU Constitution, 9.1 and 14, appear to conflict, and the Returning Officer is left without guidance on which to follow. While it is appreciated that the Electoral Regulations cannot override the Constitution, it would be helpful if they were to embody an agreed interpretation that the Returning Officer could rely on.

It is recommended that the Regulations be amended to clarify the position of persons who appear to be Union members but are not on the student roll.

5. Leave of absence for office-bearers

Regulation 44.5.30, as amended in 2007, provides that UMSU paid office-bearers must not campaign in the election unless they have "taken a leave of absence for the duration of the poll". Since leave has to be granted by Students' Council, this creates potential problems if Students' Council fails to meet or fails to approve a leave application prior to when campaigning would normally begin. It also raises the opportunity for political manipulation if the group to which the office-bearer belongs does not command a majority on Students' Council.

Since the rationale of the Regulation is presumably to prevent office-bearers from campaigning on paid time, there is no obvious reason why this element of discretion is required. Office-bearers who have indicated their willingness to forgo payment for election week should not be denied the opportunity to campaign.

It is recommended that Regulation 44.5.30 be amended to provide that applications for leave of absence for election week should take effect automatically, without requiring approval.

Notice of Election

Notice of Election

University of Melbourne Annual Student Election

7 - 11 September 2009

Notice is hereby given that nominations open at 12 midday on Monday 27 July, for the 2009 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)
- Several by-elections for both UMSU and BSA
- Student representative on the board of MU Student Union Ltd
- Student representative on the University of Melbourne Council
- Delegates to the National Union of Students (NUS)
- Members of the Victorian College of the Arts and Music Student Association (VCAMSA) Council

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

Nominations close at 12 midday on Friday 14 August.

Polling will take place from Monday 7 September until Friday 11 September (inclusive). **All students (not just UMSU members) 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 2 September.

Tickets: Any fifteen (15) students who are UMSU members 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 submit with their nominations policy statements for publication in *Farrago* and on the election website. Policy statements must not exceed 300 words for office-bearer positions or 100 words for all other positions.

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, or ring for an appointment.) Where this is not practicable, please contact the Returning Officer in order to make other arrangements. Do not post forms without prior arrangement, as no responsibility will

Above Quota Elections

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 9383 5598)

Deputy Returning Officer: Jaimie Adam (Ph: 04 3073 4043)

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.

Committees

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

UMSU By-Election

To fill casual vacancies for terms ending 31 December 2009:

- Wom*n's Officer
- Queer Officer
- Indigenous Committee (Four (4) positions)
- Queer Committee (One (1) position)

Burnley Student Association Annual Election

President (Education Coordinator)
Vice-President (Welfare Coordinator)
Publications / Media Coordinator
Facilities Coordinator
Sports and Recreation Coordinator
General Committee Members: Seven (7) voting representatives

Burnley Student Association By-Election

To fill casual vacancies for terms ending 31 December 2009:

- Publications / Media Coordinator
- Sports and Recreation Coordinator
- Three (3) General Committee Members

MU Student Union Ltd.

One (1) student member of the board of MU Student Union Ltd.

University Council

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

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.

VCAMSA Provisional 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 Music:
 - Art
 - Drama
 - Dance
 - Film and Television
 - Music
 - Production
 - Musical Theatre

Restrictions on election

Any student may nominate for the positions on University Council and the MU Student Union Ltd Board. Candidates for all other positions must be UMSU members at the time of both nomination and election.

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 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

Above Quota Elections

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.

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.

Charles Richardson
Above Quota Elections
Returning Officer

24 July 2009

Nominations

UNIVERSITY OF MELBOURNE ANNUAL STUDENT ELECTION 7 - 11 SEPTEMBER 2009

NOMINATIONS (IN BALLOT PAPER ORDER)

President

Jesse Overton-Skinner (Synergy)
Laura Harris (Stand Up!)

Secretary

Lydia Bevege (Synergy)
Dominique Ottobre (Stand Up!)

Education (Academic Affairs) Officer

Rudolph Hosri & John Shipp (Synergy)
Bruno Walter Friedel (Stand Up!)

Education (Public Affairs) Officer

Phoebe Kelloway & Jamiel Sabbagh (Left
Student Unionists)
Yoni Cukierman & Joshua Anderson (Synergy)

Welfare Officer

Lloyd McGeary & Rachael Lim (Synergy)
Sam Cossar-Gilbert & Meegan Hardaker
(Activate)

Wom*n's Officer

Esther Bohmer & Miriam Hamel-Green (Activate)
Jaimie Cuzens-Sutton & Rebecca Cuzens-Sutton
(Synergy)

Arts Officer

David Haidon & Nicholas Tammens (Activate)
Suzie Zheng & Ming Yang Chen (iUnion)

Activities Officer

David Mulholland & David Evans (More
Activities!)
Provisionally elected unopposed

Queer Officer

David Allen & Megan Rocke (Pride)
Claire Oppermann & Ed Yap (Activate)

Environment Officer

Sam Rankin (iUnion)
Evelyn Daniel & Dan Musil (Activate)

Media Officers

Vanessa Costanzo, Josh Dascal, Nina D.
Flanagan & Charlie Goodman (SWIPE Media -
Farragopoly)
Rachel Baxendale, Sarah Laing, Ellena Savage &
Lucas Smith (Independent Media)

Clubs & Societies Officer

Jonathan Donagan & Piper O'Dowd (More
Activities!)
Provisionally elected unopposed

Indigenous Officer

Jidah Clark (Stand Up!)
Kyle Dadleh & Kyle Lancaster
Ruby Warber

Students' Council General Representatives

Jess Kapuscinski-Evans (SWIPE Media -
Farragopoly)
Paul Coats (Green Thumbs)
Paul Hosri (Synergy)
Kon Moisisdis (Synergy)
Kate Turnbull (Synergy)
Stephanie McHenry (Synergy)
Jessica Dowling (Synergy)
Karyan Ng (Synergy)
Meredith Treadwell (Stand Up!)
Louis Gregory (Stand Up!)
Audrey Irish (Stand Up!)
Lachlan Bellach (Stand Up!)
Mark Kettle (Stand Up!)
Josh Cusack (ALP Club)
Bianca Parussolo (ALP Club)
Adrian McMillan (ALP Club)
Amina Al-Ramadhan (Justice For Palestine)
Sarah Maarouf (Justice For Palestine)
Sadia Schneider (Justice For Palestine)
Azlan McLennan (Save the VCA)
Anton Josef Anin (More Activities!)
Sisi Ying (More Activities!)
Goldie Pergl (More Activities!)

Above Quota Elections

Clinton Markwell (Liberal)
Sabine Wolff (Liberal)
Joshua Schmidt (Travel Concession Card Equality)
Rachel Barrett (Activate)
Max Kaiser (Activate)
James Smith (Activate)
Chris Summers (Activate)
Dave Kelly (Make Breadth Better)
Frances Lewis (Left Student Unionists)
Jade Eckhaus (Left Student Unionists)
Tim Arnot (Left Student Unionists)
Michael Robson (Left Student Unionists)
Scott Williams (Left Student Unionists)
Simon Gibson (Demand Same-Sex Marriage)
Bill Dodd (Absolute Power)
Elizabeth McMillan (Absolute Power)
Elizabeth Redman (Independent Media)
Timothy Forster (Independent Media)
Geir O'Rourke (Independent Media)
Melissa Smith (Labor)
Jimmy Jin (iUnion)
Ming Yang Chen (iUnion)
Suzie Zheng (iUnion)
David De Alwis (iUnion)
Peter Wu (iUnion)
Fei Gao (iUnion)

Queer Representative on Students' Council

James Wilson (Pride)
Chris Summers (Activate)
Tim Arnot (Left Student Unionists)

Indigenous Representative on Students' Council

NO NOMINATIONS RECEIVED

International Representative on Students' Council

Linda Gao (iUnion)
Provisionally elected unopposed

Mature Age Representative on Students' Council

David Clark
Frances Lewis (Left Student Unionists)
Tristan Clack (iUnion)
James Field (Activate)

Activities Committee

Bill Dodd (Absolute Power)
Dave Kelly (Make Breadth Better)
Lucie Turner (More Activities!)
Will Rowland (More Activities!)
Sisi Ying (More Activities!)
Ryan Hummer (More Activities!)
Kate O'Neill (More Activities!)
Mathew Toner (Synergy)
Nicholas Baum (Synergy)
Rudolph Hosri (Synergy)
Daniel Cowen (Synergy)
Matthew Incerti (Labor)
David Lettinger (Stand Up!)

Mark Kettle (Stand Up!)

Arts Committee

Dave Kelly (Make Breadth Better)
Ming Yang Chen (iUnion)
Jey Chen (iUnion)
Vanessa Yu (iUnion)
Peter Wu (iUnion)
Qingquan Zhang (iUnion)
Bill Dodd (Absolute Power)
Amy Mullins (Synergy)
Magnus O'Mallon (Synergy)
Jackson Reynolds (Synergy)
Kate Turnbull (Synergy)
Julian Butler (Synergy)
Stephen Michelson (Labor)
Louis Gregory (Stand Up!)
Lachlan Bellach (Stand Up!)
Jim Gurr (Stand Up!)
Chris Summers (Activate)
Justin Nott (Activate)
Liz Errol (Activate)
Jennifer Mackie (Activate)
Chris Doig (Liberal)
Thor Taylor (Liberal)

Education Committee

Andrew Kemp (Liberal)
Dave Kelly (Make Breadth Better)
Melissa Smith (Labor)
Jade Eckhaus (Left Student Unionists)
Scott Williams (Left Student Unionists)
Michael Robson (Left Student Unionists)
Tim Arnot (Left Student Unionists)
Frances Lewis (Left Student Unionists)
Elizabeth McMillan (Absolute Power)
Bill Dodd (Absolute Power)
Simon Gibson (Demand Same-Sex Marriage)
Joshua Schmidt (Travel Concession Card Equality)
Lucas Ryan (Synergy)
Stefan Dimou (Synergy)
Lizzie Eng Li Choo (Synergy)
Dori Meron (Synergy)
Lee Jamali (Synergy)
Audrey Irish (Stand Up!)
Mark Kettle (Stand Up!)
Noni Sproule (Stand Up!)
Paul Coats (Green Thumbs)
Henry Xu (iUnion)
Fei Gao (iUnion)
Jey Chen (iUnion)
Linda Gao (iUnion)
Sarah Maarouf (Justice For Palestine)
Liam O'Hanlon (Justice For Palestine)
Azlan McLennan (Save the VCA)
Josh Cusack (ALP Club)
Bianca Parussolo (ALP Club)
Adrian McMillan (ALP Club)

Environment Committee

David Lettinger (Stand Up!)
Virginia Trescowthick (Activate)

Above Quota Elections

Rachel Barrett (Activate)
Alexander Turnbull (Activate)
Allegra Reinalda (Activate)
Xavier Smith (Labor)
Alexander Percival (Liberal)
Robert Su (iUnion)
Henry Xu (iUnion)
Vanessa Yu (iUnion)
Bill Dodd (Absolute Power)
Liam Hedge (Synergy)
James Doolan (Synergy)
Clara Jordan-Baird (Synergy)
Michael De Bruyn (Synergy)

Indigenous Committee

Hismyal Patrick Ahmat
Sean Armistead
All provisionally elected unopposed

Queer Committee

Louise O'Shea (Left Student Unionists)
Lachlan Bellach (Stand Up!)
James Wilson (Pride)
Craig Burnett (Pride)
Alex Lewis (Pride)
Megan Rocke (Pride)
Zoe Renwick (Pride)
Brienna Macnish (Pride)
Hannah Hayman (Activate)
Phillip Villani (Activate)
Eden Smith (Activate)
Mary Christodulaki (Activate)
Chris Summers (Activate)
Ezekiel Gould (Activate)
Simon Gibson (Demand Same-Sex Marriage)

Welfare Committee

Stephanie McHenry (Synergy)
Michael Lewis (Synergy)
Tom Daley (Synergy)
Gregor Matheson (Synergy)
Liam Hedge (Synergy)
Dave Kelly (Make Breadth Better)
Adrian McMillan (ALP Club)
James Smith (Liberal)
Chris Lewis (Liberal)
Bill Dodd (Absolute Power)
Zac Gross (Labor)
Mark Kettle (Stand Up!)
Audrey Irish (Stand Up!)
James Smith (Activate)
Liz Errol (Activate)
Alexander Turnbull (Activate)
Max Kaiser (Activate)
Elizabeth Patterson (Activate)
Tristan Clack (iUnion)
Robert Su (iUnion)
Henry Xu (iUnion)
Ming Yang Chen (iUnion)

Wom*n's Committee

Cosima Nyx Stone (Activate)
Katelyn Grimmer (Activate)

Jasmine Morrissey (Activate)
Natalie Pawlus (Activate)
Hannah Hayman (Activate)
Eden Smith (Activate)
Fei Gao (iUnion)
Vanessa Yu (iUnion)
Noni Sproule (Stand Up!)
Carla Drakeford (Stand Up!)
Elizabeth McMillan (Absolute Power)
Melissa Smith (Labor)
Jasmine Curcio (Liberal)
Anna Cavar (Liberal)
Lizzie Eng Li Choo (Synergy)
Jessica Dowling (Synergy)
Karyan Ng (Synergy)
Catherine Wallis (Synergy)
Clara Jordan-Baird (Synergy)

Wom*n's Officer By-Election

Cosima Nyx Stone (Activate)
Provisionally elected unopposed

Queer Officer By-Election

Ezekiel Gould & Stefania Capogreco (Activate)
Provisionally elected unopposed

Indigenous Committee By-Election

No Nominations Received

Queer Committee By-Election

No Nominations Received

Burnley President (Education Coordinator)

Cameron Snashall (Green Thumbs)
Provisionally elected unopposed

Burnley Vice-President (Welfare Coordinator)

Paul Coats (Green Thumbs)
Provisionally elected unopposed

Burnley Publications / Media Coordinator

No Nominations Received

Burnley Facilities Coordinator

No Nominations Received

Burnley Sports and Recreation Coordinator

No Nominations Received

Burnley General Committee

Andrea Ball (Green Thumbs)
Cameron Snashall (Green Thumbs)
Dimitri Serghis (Green Thumbs)
Donna Saville (Green Thumbs)
Michael Smit (Green Thumbs)
Samme Mills (Green Thumbs)
William Jordan (Green Thumbs)
Provisionally elected unopposed

Burnley Publications / Media Coordinator By-Election

NO NOMINATIONS RECEIVED

Above Quota Elections

Burnley Sports and Rec. Coordinator By-Election

NO NOMINATIONS RECEIVED

Burnley General Committee By-Election

NO NOMINATIONS RECEIVED

MU Student Union Ltd. Board

Shaun Khoo (iUnion)

Provisionally elected unopposed

University of Melbourne Council

Goldie Pergl (More Activities!)

Michael Griffith (Stand Up!)

David Clark

National Union of Students Delegates

Joshua Schmidt (Travel Concession Card Equality)

Tim Arnot (Left Student Unionists)

Phoebe Kelloway (Left Student Unionists)

Frances Lewis (Left Student Unionists)

Angus Niven (Still Alive)

Will Rowland (Still Alive)

Benjamin Phillips (Still Alive)

Aaron Finn (Still Alive)

Sadia Schneider (Justice For Palestine)

Elizabeth McMillan (Absolute Power)

Bill Dodd (Absolute Power)

Matthew Incerti (Labor)

Jonathan Donagan (More Activities!)

Piper O'Dowd (More Activities!)

Chris Kloester (More Activities!)

Elanor Kloester (More Activities!)

David Mulholland (More Activities!)

Terrence Bottcher (More Activities!)

Jesse Overton-Skinner (Synergy)

Rudolph Hosri (Synergy)

Rachael Lim (Synergy)

Joshua Anderson (Synergy)

Karyan Ng (Synergy)

Tom Daley (Synergy)

Stephanie McHenry (Synergy)

Andrew John

Stephanie Field

Georgia Lyall

Tim Czydel

Emily Alexander

Lora Evans

Justine Carstairs

Shaun Khoo (iUnion)

Sam Rankin (iUnion)

Adrian McMillan (ALP Club)

Bianca Parussolo (ALP Club)

Azlan McLennan (Save the VCA)

Carla Drakeford (Stand Up!)

Laura Harris (Stand Up!)

Dominique Ottobre (Stand Up!)

Simon Gibson (Demand Same-Sex Marriage)

Dave Kelly (Make Breadth Better)

Paul Coats (Green Thumbs)

VCA Campus Co-ordinator

Jackson Reynolds (Synergy)

Shane Woon (Stand Up!)

VCA Campaigns Co-ordinator

Ben Maunder

Provisionally elected unopposed

VCA Queer Representative

NO NOMINATIONS RECEIVED

VCA Indigenous Representative

NO NOMINATIONS RECEIVED

VCA International Representative

NO NOMINATIONS RECEIVED

VCA Wom*n's Representative

Tamara Kohler

Provisionally elected unopposed

VCA Graduate Representative

NO NOMINATIONS RECEIVED

VCA Art Representative

NO NOMINATIONS RECEIVED

VCA Drama Representative

NO NOMINATIONS RECEIVED

VCA Dance Representative

NO NOMINATIONS RECEIVED

VCA Film & TV Representative

NO NOMINATIONS RECEIVED

VCA Music Representative

Rosa Gollan

Provisionally elected unopposed

VCA Production Representative

NO NOMINATIONS RECEIVED

VCA Musical Theatre Representative

Hugo Chiarella (Stand Up!)

Provisionally elected unopposed

20 August 2009

Charles Richardson
Above Quota Elections
Returning Officer

Turnout

	Union House	Baillieu Library	Eastern Precinct	VCA	Burnley	CIE	Total	2008
Monday 7 September	493	190	14			3	700	455
Tuesday 8 September	414	278	16	77	1		786	595
Wednesday 9 September	423	258	15	67	20		783	552
Thursday 10 September	431	295	23	53	10		812	697
Friday 11 September	551	307	29				887	624
Total for week	2,312	1,328	97	197	31	3	3,968	2,928

Note: This table records raw turnout, and therefore includes the 79 provisional votes that were not ultimately admitted to the count. The total valid vote was 3,889.

ABOVE QUOTA ELECTIONS

UNIVERSITY OF MELBOURNE ANNUAL STUDENT ELECTION 7 - 11 SEPTEMBER 2009

FULL PROVISIONAL DECLARATION OF RESULTS

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

President

Jesse Overton-Skinner (Synergy)

Secretary

Lydia Bevege (Synergy)

Education (Academic Affairs) Officer

Rudolph Hosri & John Shipp (Synergy)

Education (Public Affairs) Officer

Yoni Cukierman & Joshua Anderson (Synergy)

Welfare Officer

Lloyd McGeary & Rachael Lim (Synergy)

Wom*n's Officer

Esther Bohmer & Miriam Hamel-Green (Activate)

Arts Officer

David Haidon & Nicholas Tammens (Activate)

Activities Officer

David Mulholland & David Evans (More Activities!) *[unopposed]*

Queer Officer

Claire Oppermann & Ed Yap (Activate)

Environment Officer

Evelyn Daniel & Dan Musil (Activate)

Media Officers

Rachel Baxendale, Sarah Laing, Ellena Savage & Lucas Smith (Independent Media)

Clubs & Societies Officer

Jonathan Donagan & Piper O'Dowd (More Activities!) *[unopposed]*

Indigenous Officer

Jidah Clark (Stand Up!)

Students' Council General Representatives (in order of election)

Paul Hosri (Synergy)

Jimmy Jin (iUnion)

Meredith Treadwell (Stand Up!)

Rachel Barrett (Activate)

Kon Moisisdis (Synergy)

Ming Yang Chen (iUnion)

Louis Gregory (Stand Up!)

Kate Turnbull (Synergy)

Max Kaiser (Activate)

Anton Josef Anin (More Activities!)

Stephanie McHenry (Synergy)

Frances Lewis (Left Student Unionists)

Elizabeth Redman (Independent Media)

Suzie Zheng (iUnion)

Queer Representative on Students' Council

Chris Summers (Activate)

International Representative on Students' Council

Linda Gao (iUnion) *[unopposed]*

Mature Age Representative on Students' Council

Tristan Clack (iUnion)

Activities Committee (in order of election)

Mathew Toner (Synergy)
David Lettinger (Stand Up!)
Lucie Turner (More Activities!)
Nicholas Baum (Synergy)
Dave Kelly (Make Breadth Better)
Sisi Ying (More Activities!)
Kate O'Neill (More Activities!)

Arts Committee (in order of election)

Amy Mullins (Synergy)
Chris Summers (Activate)
Ming Yang Chen (iUnion)
Louis Gregory (Stand Up!)
Magnus O'Mallon (Synergy)
Liz Errol (Activate)
Kate Turnbull (Synergy)

Education Committee (in order of election)

Lucas Ryan (Synergy)
Audrey Irish (Stand Up!)
Henry Xu (iUnion)
Stefan Dimou (Synergy)
Mark Kettle (Stand Up!)
Jade Eckhaus (Left Student Unionists)
Lizzie Eng Li Choo (Synergy)

Environment Committee (in order of election)

Liam Hedge (Synergy)
Virginia Trescowthick (Activate)
Robert Su (iUnion)
David Lettinger (Stand Up!)
James Doolan (Synergy)
Rachel Barrett (Activate)
Clara Jordan-Baird (Synergy)

Indigenous Committee

Sean Armistead *[unopposed]*

Queer Committee (in order of election)

Hannah Hayman (Activate)
James Wilson (Pride)
Lachlan Bellach (Stand Up!)
Phillip Villani (Activate)
Craig Burnett (Pride)
Eden Smith (Activate)
Louise O'Shea (Left Student Unionists)

Welfare Committee (in order of election)

Stephanie McHenry (Synergy)
James Smith (Activate)
Tristan Clack (iUnion)
Mark Kettle (Stand Up!)
Michael Lewis (Synergy)
Liz Errol (Activate)
Elizabeth Patterson (Activate)
[see note below]

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

Cosima Nyx Stone (Activate)
Lizzie Eng Li Choo (Synergy)
Fei Gao (iUnion)
Noni Sproule (Stand Up!)
Katelyn Grimmer (Activate)
Jessica Dowling (Synergy)
Carla Drakeford (Stand Up!)
[see note below]

Wom*n's Officer By-Election

Cosima Nyx Stone (Activate) *[unopposed]*

Queer Officer By-Election

Ezekiel Gould (Activate)
Stefania Capogreco (Activate)
[both unopposed]

Burnley President (Education Coordinator)

Cameron Snashall (Green Thumbs) *[unopposed]*

Burnley Vice-President (Welfare Coordinator)

Paul Coats (Green Thumbs) *[unopposed]*

Burnley General Committee

Andrea Ball (Green Thumbs)
Cameron Snashall (Green Thumbs)
Dimitri Serghis (Green Thumbs)
Donna Saville (Green Thumbs)
Michael Smit (Green Thumbs)
Samme Mills (Green Thumbs)
William Jordan (Green Thumbs)
[all unopposed]

MU Student Union Ltd. Board

Shaun Khoo (iUnion) *[unopposed]*

University of Melbourne Council

Michael Griffith (Stand Up!)

National Union of Students Delegates (in order of election)

Jesse Overton-Skinner (Synergy)
Carla Drakeford (Stand Up!)
Shaun Khoo (iUnion)
Rudolph Hosri (Synergy)
Sam Rankin (iUnion)
Laura Harris (Stand Up!)
Tim Arnot (Left Student Unionists)

VCA Campus Co-ordinator

Shane Woon (Stand Up!)

VCA Campaigns Co-ordinator

Ben Maunder *[unopposed]*

VCA Wom*n's Representative

Tamara Kohler *[unopposed]*

VCA Music Representative

Above Quota Elections

Rosa Gollan [*unopposed*]

VCA Musical Theatre Representative

Hugo Chiarella (Stand Up!) [*unopposed*]

No nominations were received for the following positions:

Indigenous Representative on Students' Council
Indigenous Committee By-Election
Queer Committee By-Election
Burnley Publications / Media Coordinator
Burnley Facilities Coordinator
Burnley Sports and Recreation Coordinator
Burnley Publications / Media Coordinator By-Election
Burnley Sports and Rec. Coordinator By-Election
Burnley General Committee By-Election
VCA Queer Representative
VCA Indigenous Representative
VCA International Representative
VCA Graduate Representative
VCA Art Representative
VCA Drama Representative
VCA Dance Representative
VCA Film & TV Representative
VCA Production Representative

Note

A recount has been requested for Wom*n's Committee, and will be conducted later this week. All tickets will be notified of the time and location of the recount.

The result for Welfare Committee, although unchanged from that notified to scrutineers last Saturday, was considerably closer than was realised at that time, and the Returning Officer would favorably consider any request for a recount of it.

Recounts and Appeals

Any requests for recounts must be made within three working days of this notice, that is, by close of business on Friday 18 September. 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.

15 September 2009

Charles Richardson
Above Quota Elections
Returning Officer

Amended provisional declaration of results

Following a recount conducted on Friday 18 September, the provisional declaration of results in respect of Wom*n's Committee is amended to the following, in order of election:

Cosima Nyx Stone (Activate)
Lizzie Eng Li Choo (Synergy)
Fei Gao (iUnion)
Noni Sproule (Stand Up!)
Katelyn Grimmer (Activate)
Jessica Dowling (Synergy)
Vanessa Yu (iUnion)

Any appeals against the amended result must be lodged within three working days of this notice, that is, by close of business on Wednesday 23 September. Appeals must be in writing and addressed to the Electoral Tribunal. Any appeals lodged with the Returning Officer will be forwarded to the Tribunal.

Charles Richardson
Above Quota Elections
Returning Officer

20 September 2009

Complaints

Complainant	Date	Summary	Response
Alex White	17-Aug	That an office-bearer candidate was ineligible.	The candidate withdrew before their eligibility could be investigated.
Jesse Overton-Skinner	17-Aug	That an Activate candidate had misused his Facebook status.	See Ruling (1).
Carla Drakeford	18-Aug	That a More Activities campaigner was using Facebook for harassment.	See Ruling (2).
Megan Rocke and Chris Heath	25-Aug	That a Students for Palestine email was unauthorised and used inappropriate language.	See Ruling (5).
Mark Peart	26-Aug	That the Pride ticket should not have been approved.	See Ruling (6).
Onagh Bishop	31-Aug	That two More Activities campaigners were engaged in harassment via Facebook.	See Ruling (7).
Nina Flanagan	1-Sep	That a Farrago editorial decision breached the electoral Regulations.	See Ruling (8).
John Shipp	3-Sep	That a StandUp! candidate appeared in a campaign video at a time when they were not able to campaign.	Evidence indicated that the video was not posted until after the period in question.
John Shipp	4-Sep	That a Students for Palestine function and associated publicity breached the electoral Regulations.	See Ruling (9).
Chris Summers	4-Sep	That unauthorised posters had been posted in the Law building.	Extensive investigation failed to identify the person responsible.
John Shipp	6-Sep	That outdated photos on the StandUp! website amounted to misleading material.	The Returning Officer was unable to locate the photos in question.
John Shipp	7-Sep	That a Left Student Unionists leaflet was misleading.	Investigation failed to substantiate the complaint.
Chris Summers	7-Sep	That a statement on the Synergy Facebook page was misleading.	The ticket concerned was asked to modify the statement.
Chris Summers	7-Sep	That certain statements on Facebook amounted to breaches of Ruling (7).	The ticket concerned was warned.
Activate ticket	7-Sep	That Synergy t-shirts were misleading by virtue of their color.	See Ruling (12).
Carla Drakeford	8-Sep	That a campaigner was continuing to breach Ruling (7).	The Returning Officer was not convinced that the conduct complained of amounted to a breach.
Jade Eckhaus	8-Sep	That a Liberal campaigner had harassed and defamed her.	The campaigner was warned, and later banned for a repeat offence.

Above Quota Elections

David Haidon	8-Sep	That a Synergy campaigner was using UMSU office space at VCA for campaign purposes.	See Ruling (20).
Max Kaiser	8-Sep	That Synergy leaflets were not printed on recycled paper.	The ticket concerned produced satisfactory evidence that the paper was in fact recycled.
Jasmine Morrissey	9-Sep	That two Liberal campaigners had engaged in harassment.	One campaigner was banned (see Ruling (11)) and another was warned.
David Haidon	9-Sep	The Synergy had continued to campaign at VCA during a period when they were suspended from campaigning.	It appeared from the evidence that the ticket's campaigners at VCA were not aware of the suspension at the time.
Martin Spencer	9-Sep	That a Synergy leaflet was misleading.	See Ruling (19).
Carla Drakeford	9-Sep	That the issue of Synergy's use of office space at VCA should be reopened.	See Ruling (20).
Carla Drakeford	9-Sep	That three Synergy campaigners had breached that ticket's suspension.	Two of the cases were found not to be substantiated, and in the third case the campaigner concerned had already been banned (see Ruling (17)).
Shaun Khoo	10-Sep	That a StandUp! leaflet was misleading.	The Returning Officer raised several matters with the ticket concerned, and was satisfied with their response.
Shaun Khoo	10-Sep	That StandUp! campaigners had been making misleading statements.	The Returning Officer found the statements to be equivocal but not misleading.
John Shipp	10-Sep	That the Activate and Left Student Unionists tickets were distributing material without the words "Please Recycle".	Investigation failed to substantiate the complaint.
John Shipp	10-Sep	That the Demand Same-Sex Marriage ticket was distributing unauthorised material.	The material had been duly authorised, but ticket was warned that it needed to contain the words "Please Recycle".
StandUp! ticket	10-Sep	That iUnion campaigner had been campaigning within the precincts of polling stations.	See Ruling (16).
Yoshua Wakeham	10-Sep	That an iUnion campaigner was campaigning within the precincts of a polling station.	See Ruling (16).
Tristan Clack	11-Sep	That a student had sent unauthorised emails amounting to campaign material.	The student concerned was not a candidate, and the case was not serious enough to warrant further action.
Jesse Overton-Skinner	11-Sep	That an Activate candidate had sent an unauthorised message to a Facebook group.	It was not clear that the message required authorisation, but the candidate was warned.
John Shipp	11-Sep	That a Left Student Unionists campaigner made misleading or defamatory statements.	See Ruling (18).
John Shipp	11-Sep	That StandUp! posters lacked the words "Please Recycle".	Several posters were taken down and the ticket concerned was warned.
John Shipp	11-Sep	That a Left Student Unionists campaigner made misleading or defamatory statements.	Investigation failed to substantiate the complaint.
John Shipp	11-Sep	That a non-student was campaigning for StandUp!	The person concerned was warned off campus.

Above Quota Elections

John Shipp	11-Sep	That a Left Student Unionists campaigner was campaigning within the precincts of a polling station.	Investigation failed to substantiate the complaint.
------------	--------	-----------------------------------------------------------------------------------------------------	-----------------------------------------------------

Ruling (1) of the Returning Officer

In response to a complaint received on 17 August from Jesse Overton-Skinner (“the Complainant”) against Chris Summers (“the Respondent”), the Returning Officer rules as follows:

1. The words complained of in the Complainant’s Facebook status update amount to a prima facie breach of Regulations 28.1 (distribution of unauthorised material) and 44.5.3 (defamatory statements).
2. The Respondent’s defence is that since the status update was only visible to his Facebook friends, it was not “distributed” within the meaning of the Regulations.
3. Given that the Respondent at the time had some 537 Facebook friends, the Returning Officer finds this argument unconvincing. Even accepting that many of them would not be Melbourne University students, there was still considerable scope for circulation outside of the Respondent’s own political group.
4. The Respondent also contends that the comment in the update was satirical in intent, and that the extravagance of its language shows that it was not intended to be taken at face value. While there is some merit in this argument, an author’s intentions do not control the meaning of language, and those who publish material need to be wary of natural if unintended interpretations.
5. While the Respondent’s offence is not at the high end of culpability, in light of the need to send a clear message about offensive material, especially in electronic media, it is appropriate that a penalty be imposed.
6. Chris Summers is therefore banned from campaign activity between now and the close of polling on Monday, 7 September.
7. The general question of Facebook use will be addressed in a separate ruling.

Charles Richardson
Returning Officer
30.8.09

Ruling (2) of the Returning Officer

In response to a complaint received on 18 August from Carla Drakeford (“the Complainant”) against David Liubinas (“the Respondent”), the Returning Officer rules as follows:

1. Although none of the Facebook comments and status updates complained of, taken individually, would be a matter of grave concern, taken together they suggest a pattern of conduct that could easily be interpreted as threatening or intimidating.
2. The Respondent's defence is that he was merely speaking his mind in a light-hearted fashion that was not intended as a threat to anyone.
3. While the Respondent does not appear to have intended any particular harm by his comments, it must be stressed, as with Ruling (1), that campaigners will be held responsible for the natural interpretations of their words or actions, even if not intended.
4. The Returning Officer wishes to make it particularly clear that harassment will not be tolerated, especially in light of the fact that some apparent cases of harassment in 2008 were treated with what, in hindsight, may have been an undue degree of leniency.
5. David Liubinas is therefore banned from campaign activity between now and the close of polling on Monday, 7 September.

Charles Richardson
Returning Officer
30.8.09

Ruling (3) of the Returning Officer

In response to a number of questions that have been raised concerning the use of social media such as Facebook for election purposes (including the complaints that prompted Rulings (1) and (2), the Returning Officer rules as follows:

1. All candidates and campaigners should be aware that all internet communications, other than those that are purely internal to a particular group, can constitute electoral material if they "either explicitly mention, or comment visually, literally or figuratively on the elections, the candidates or the issues involved" (Reg. 28.1).
2. In particular, the fact that access to material on Facebook may be restricted to a person's Facebook friends – which typically number several hundred – does not prevent it from being "produced, displayed or distributed" within the meaning of Reg. 28.1.
3. All election material, including that in electronic form, must be authorised: that is, it must be seen and authorised by the Returning Officer, and a copy placed on the file in the Elections office, before it is displayed or distributed.
4. Facebook pages carrying election comment need to contain the authorisation lines required by Regs. 28.5 and 25.6, and a printed screenshot needs to be placed on the file.
5. Group emails circulating beyond the confines of the particular group also need to contain the authorisation lines, and a copy of the text needs to be placed on the file.

6. Brief and non-controversial updates to electronic media do not need to be separately authorised, but any substantive changes should be drawn to the Returning Officer's attention and a fresh copy added to the file.
7. The making of comments on the pages of political opponents, whether events, groups or individuals, is prohibited.
8. The use of Twitter for election material is prohibited.

Charles Richardson
Returning Officer
1.9.09

Ruling (4) of the Returning Officer

In response to questions that have been raised, the Returning Officer rules that the following guidelines should apply to the production of campaign videos:

1. The script needs to be authorised, and a printed copy must be placed in the authorised material file before the video is released.
2. The Returning Officer needs to be notified as to what format the video will be distributed in, and links or physical copies lodged as appropriate.
3. The closing credits need to include the words "published by [name & student # of someone who takes responsibility for it]" and "authorised by the Returning Officer".
4. Anyone who appears on the video other than as incidental scenery needs to be an eligible campaigner – ie a Melbourne University student and not an office-bearer who has not taken leave – and needs to have given their consent to appear.
5. All videos must otherwise comply with all relevant regulations, such as not being misleading, defamatory, sexist, etc.
6. These guidelines are based on the assumption that videos will be quite short – a maximum of two or three minutes – and will be reviewed if requests are made for longer videos.

Charles Richardson
Returning Officer
31.8.09

Ruling (5) of the Returning Officer

In response to a complaint received on 25 August from Chris Heath (“the Complainant”) against Sadia Schneider (“the Respondent”), the Returning Officer rules as follows:

1. The email sent by the Respondent on behalf of the Justice for Palestine ticket is a matter of concern for three reasons: the lack of authorisation, the failure to bcc the recipients' addresses, and some of the language used about the ticket's political opponents.
2. In relation to the first two matters, the Respondent has admitted the error and apologised.
3. In relation to the third matter, the Respondent argues that the language was justified, but concedes that it should not have been used without substantiating evidence.
4. While tickets are entitled to put their point of view clearly and forcefully, the Returning Officer takes the view that accusing political opponents of bigotry and support for massacres is unacceptable conduct, unless it is very carefully supported with evidence. Middle East politics are a very emotive issue, and it would be appreciated if all tickets would co-operate in keeping the temperature down and avoiding over-heated rhetoric.
5. The evidence adduced by the Respondent clearly provides a basis for arguing her ticket's position, but does not, in the Returning Officer's view, justify the terms used.
6. Given the fact that the incident occurred some two weeks before the election, and the Respondent immediately acknowledged the problems, it does not appear necessary to impose a penalty. However, the Respondent and her ticket are warned that any future breaches of the Regulations will be treated seriously.
7. The Respondent is also directed to send a further email to the recipients apologising for the breach of privacy and for the inflammatory rhetoric.

Charles Richardson
Returning Officer
1.9.09

Ruling (6) of the Returning Officer

In response to an objection made on 26 August by Mark Peart ("the Complainant") against the registration of the "Pride" ticket, the Returning Officer rules as follows:

1. The objection cites the fact that a club called "Pride" was affiliated to UMSU and active as recently as 2007, and that the "Pride" ticket could therefore mislead voters into assuming a connection between them which does not exist.
2. Reg. 21.4 prohibits tickets using the name of affiliated club without its consent, and Reg. 21.5 prohibits the use of a ticket name used within the previous three years without its registrant's consent. Reg. 21.6 also gives the Returning Officer a general discretion to refuse ticket names which are "misleading or offensive".
3. The fact that Reg. 21.5 covers the previous three years while Reg. 21.4 does not, suggests that their authors believed a ticket name was more needing of protection than a club name. This makes sense, since a ticket name necessarily has a public profile and political associations, whereas a club name need not.

4. Use of a previous club name could still be misleading if it was both recent and politically active, but the Returning Officer is not convinced that this case meets the test.
5. It is also noted that to uphold the objection would be particularly burdensome to the “Pride” ticket, given that the objection was only raised twelve days after ticket registrations closed, and therefore leaves very little time for an alternative name to be chosen. Such a burden would only be imposed as a result of a very strong case being made out, which in this instance has not been done.
6. The objection is therefore dismissed.

Charles Richardson
Returning Officer
2.9.09

Ruling (7) of the Returning Officer

In response to a complaint received on 31 August from Onagh Bishop (“the Complainant”) against David Liubinas (“the Respondent”), the Returning Officer rules as follows:

1. A case of harassment has not been made out against the Respondent in relation to his LOLCAT posting campaign.
2. However, the joke has now gone far enough, and in light of his prior conduct the Respondent is warned that any further posting of LOLCATS and any further use of the word “LOLCAT” directed against his political opponents, by him or his associates, will be viewed as a serious case of harassment and treated accordingly.
3. The Respondent’s attention is also particularly drawn to paragraph 7 of Ruling (3), issued yesterday.

Charles Richardson
Returning Officer
2.9.09

Ruling (8) of the Returning Officer

In response to a complaint received on 1 September from Nina Flanagan (“the Complainant”) against the Independent Media ticket (“the Respondent”), the Returning Officer rules as follows:

1. The Complainant alleges that by failing to publish her book review in the election edition of *Farrago*, the incumbent Media Officers, who are associated with the Respondent, were in breach of Reg. 44.5.14 (interfering with a candidate’s publicity) and Reg. 44.5.18 (use of Union facilities).
2. While it could possibly be argued that the appearance of a book review by the Complainant would constitute election material, preventing a form of publicity from

appearing cannot amount to “interference” unless the candidate has some prior right to have the material appear. The correspondence which the Complainant cites between her and the Media Officers fails to establish any such right.

3. While the Returning Officer is willing to exert control over the election edition of *Farrago* to the extent of preventing the publication of certain election-related material, any attempt to dictate to the Media Officers what should be printed would be a dangerous precedent and potentially a threat to the freedom of the press.
4. In relation to Reg. 44.5.18, the question is whether the exercise of editorial discretion as to what to publish, even if affected by political motives, can be regarded as a use of facilities “for campaign purposes”. In the Returning Officer’s view, such a construction would be stretching the language of the Regulation beyond the limits of credibility.
5. The Regulations require that UMSU Office-Bearers not abuse their offices for political purposes, but they do not require that they be politically neutral in all their actions. Even if a *Farrago* editorial decision had been made for political reasons, it would not amount to a breach of the Regulations.
6. For the above reasons, the complaint is dismissed.

Charles Richardson
Returning Officer
3.9.09

Ruling (9) of the Returning Officer

In response to a complaint received on 4 September from John Shipp (“the Complainant”) against Tim Arnot (“the first Respondent”) and the Justice For Palestine ticket (“the second Respondent”) for breach of Reg. 44.5.18, and related questions raised by the Complainant and others, the Returning Officer rules as follows:

1. It appears that the room booking concerned was made some time ago by the first Respondent on behalf of the Students for Palestine collective, in his capacity as Education (Public Affairs) Officer. At the time he could not reasonably have been expected to know what purpose Students for Palestine would use the room for on any particular date.
2. The complaint against the first Respondent for abuse of office is therefore not made out. However, the complaint raises the more general question of the relationship between the second Respondent and Students for Palestine.
3. In light of the substantial identity of themes, activities and personnel, it now seems impossible to draw a principled distinction between the second Respondent and Students for Palestine. Publicity for both must therefore be treated as election material.
4. The Returning Officer accordingly finds that pro- or anti-Palestinian student activism is an election issue, and that all material relating to that issue is election material and must be duly authorised before display or distribution.

5. Furthermore, no material relating to pro- or anti-Palestinian student activism for distribution to Melbourne University students, or for display on or near campus, is to be produced using UMSU resources (except those generally available to all students), whether by the Respondents, Students for Palestine, or any other person or group, and no material already produced using such resources is to be so distributed or displayed from now until the close of polling on 11 September.
6. Regardless of the view taken of the role of Students for Palestine or the status of the Palestinian question as an election issue, the poster advertising the disputed Students for Palestine meeting on 1 September is clearly election material and should have been authorised. In view of previous failures by the second Respondent to have material authorised, it is appropriate that a penalty be imposed.
7. In relation to the past confusion of roles between the second Respondent and the Students for Palestine collective, the Returning Officer is otherwise reluctant to impose a penalty, since the issues are complex and the confusion was at least partly on the part of the Returning Officer. All parties concerned, however, are warned that this issue will be under strict scrutiny in future and any breaches of the terms of this Ruling will be treated seriously.
8. The Justice For Palestine ticket is therefore banned from all campaign activity for the first two hours of polling, 10-12 on Monday 4 September, and no Justice For Palestine material is to be on display during this period.

Charles Richardson
Returning Officer
5.9.09

Ruling (10) of the Returning Officer

In response to a question raised on 3 September concerning issue number 43 of the Chinese Publishers Group magazine, the Returning Officer rules as follows:

1. The publication concerned is a 44-page glossy magazine, published almost entirely in Chinese and distributed free on campus. By an arrangement between the publishers and the iUnion ticket, a number of copies were distributed with iUnion how-to-vote material inserted.
2. Given that the magazine is of long standing, that free distribution is its normal practice and that the Returning Officer has been assured by the publishers that the current print run is also normal, no case of inducement under Reg. 44.4 has been made out.
3. However, an article on pages 34-35 of the magazine titled (according to the translation supplied to the Returning Officer) "The Student Union Election and Us: the sacredness and the power of one vote", which discusses inter alia the state of the Union, the election and the representation of international students, is clearly election material. The links between the publishers and the iUnion ticket, and the insertion of campaign material already referred to, merely confirm this finding.

4. The magazine is not authorised, and given that it is not printed on recycled paper it cannot be authorised.
5. The Returning Officer accepts that the publishers of the magazine had no intent to breach the Regulations, particularly in light of the fact that the article in question was commissioned and written well in advance of the campaign period. Nor is there anything in the article that could not be authorised if it were, for example, to be reprinted as a leaflet. Nonetheless, distribution of the magazine cannot be allowed to continue.
6. Any further distribution to Melbourne University students of issue number 43 of the Chinese Publishers Group magazine, so long as it contains its current pages 34 and 35, is therefore prohibited from now until close of polling on Friday 11 September.

Charles Richardson
Returning Officer
5.9.09

Ruling (11) of the Returning Officer

In response to a complaint received on 8 September from Jade Eckhaus and Noni Sproule (“the Complainants”) against Sterling Thorley (“the Respondent”) for breach of Reg. 44.5.26 and Reg. 44.5.27, and related questions raised by the Complainants and others, and in consideration of Regulation 44.5.20, the Returning Officer rules as follows:

1. The Respondent has used threatening and intimidating language towards the Complainant.
2. The Respondent has used offensive language and exhibited offensive behaviour in hearing range of candidates other than and including the Complainants, other campaigners, and voters.
3. The Respondent has failed to comply with a direction of the Returning Officer.
4. Sterling Thorley is hereby immediately banned from any further campaigning or participation in these elections.

Charles Richardson
Returning Officer
8.9.09

Ruling (12) of the Returning Officer

In response to a complaint received on 7 September from Adelaide Rief and Sam Cossar-Gilbert (“the Complainants”) against the Synergy ticket (“the Respondent”), the Returning Officer rules as follows:

1. No ticket can claim a monopoly on a particular color. The fact that the Activate ticket has used green t-shirts for several years does not deprive other tickets of the right to do

the same, provided their conduct is not misleading under Reg. 44.3. This is particularly clear since the number of basic colors available is clearly less than the number of tickets.

2. There is no evidence that the Respondent has attempted to imitate the color or appearance of Activate's t-shirts, and their shade of green, although broadly similar, is clearly distinctive.
3. Nor is there any evidence that the Respondent is relying on similar campaign themes to Activate, or otherwise behaving in a fashion that when taken in conjunction with the t-shirts is likely to mislead voters.
4. While the Complainants suggest that the Respondent's campaigners should be required to wear some distinguishing mark in addition to their t-shirts, the Returning Officer is of the view that the Synergy logo on the t-shirts already performs whatever function such a mark could do.
5. Regs. 44.5.2, 44.5.3 and 44.5.14, also relied on by the Complainants, seem to be clearly intended for quite different sorts of conduct than those involved in this case.
6. For the above reasons, the complaint is dismissed.

Charles Richardson
Returning Officer
8.9.09

Ruling (13) of the Returning Officer

In response to a number of informal complaints received on 8 September against the Justice For Palestine ticket ("the Respondent"), and after independent investigation by AQE staff, the Returning Officer rules as follows:

1. A number of posters advertising the Justice for Palestine rally on 25 September and associated events, which, under the terms of Ruling (9), clearly constitute election material, have been posted without authorisation.
2. In addition, a number of similar posters, which had been authorised, have been posted over the top of posters belonging to other tickets, despite the availability of bollard space, contrary to the Returning Officer's directions in respect of sharing bollards.
3. The Respondent has previously been found in breach of the authorisation provisions on several occasions, and these further breaches show a degree of disregard for the Regulations that cannot be seen to be condoned.
4. The Justice For Palestine ticket is therefore suspended from all campaign activity from now until the close of polls on Thursday, 10 September.

Charles Richardson
Returning Officer
9.9.09

Ruling (14) of the Returning Officer

In response to an incident that occurred shortly before the close of polls on Tuesday 8 September, the Returning Officer rules as follows:

1. David Liubinas is found to be guilty of serious breaches of Regs. 44.5.26 and 44.5.27, and is therefore banned from all campaigning activity and directed to absent himself from the environs of any polling or campaigning area for the remainder of the election.
2. David Liubinas is also directed to write an appropriate letter of apology for his conduct, to be published on the elections website and submitted to Farrago.
3. Tickets have repeatedly been reminded that they must take responsibility for the actions of their campaigners, and the seriousness of this breach demands that a further penalty be imposed.
4. The More Activities ticket and its candidates and campaigners are therefore suspended from all campaign activity from now until the close of polls today, 9 September.

Charles Richardson
Returning Officer
9.9.09

Ruling (15) of the Returning Officer

In response to several informal complaints received on 8 September, the Returning Officer rules as follows:

1. The allocation of funds in the 2009 UMSU budget, and in particular the relative priority given to Clubs & Societies, Activities and NUS, is clearly an issue of some importance in this election.
2. A considerable quantity of material has been provided in support of competing claims on the issue. The Returning Officer claims no particular expertise in assessing this type of evidence, and has no intention of doing so any more than is strictly necessary to prevent misleading conduct.
3. It is to be expected that different groups will have different perceptions of budgetary decisions, and contradictory claims are not necessarily evidence of dishonesty or bad faith. The interests of free and open debate require that such claims should be allowed to circulate, provided voters are not being actively misled. In the light of the controversy that has been created, however, some additional safeguard against misleading conduct appears to be called for.

4. From now on, all campaign statements of any sort, including but not limited to chalking, lecture-bashing and conversations with voters, that make specific claims about the UMSU budget, are subject to pre-approval by the Returning Officer. All requests for such pre-approval must be accompanied by direct evidence for the specific claim being made.
5. The purpose of pre-approval, as with authorisation of written material, is not for the Returning Officer to warrant the truth of the statements, but to ensure that they are not actively misleading. It is quite possible that contradictory claims will be pre-approved, if the Returning Officer believes that the evidence provided makes each claim reasonably arguable.
6. Any claims made in breach of this Ruling will be treated as unauthorised campaign material and penalties applied accordingly.

Charles Richardson
Returning Officer
9.9.09

Ruling (16) of the Returning Officer

In relation to a complaint received on 10 September from the Stand Up! Ticket (“the Complainant”) against the iUnion ticket (“the Respondent”) for breach of Reg. 44.5.15 and other matters, the Returning Officer rules as follows:

1. Several reports have been received during the course of the week of campaigners escorting voters to the polling stations in both the Food Hall and Baillieu. A few confirmed instances on Monday morning, which were attributed to inexperienced campaigners, resulted in warnings being given.
2. On Thursday afternoon, photographic evidence was received of two such cases by campaigners for the Complainant and the Respondent. Each ticket was banned from campaigning for an hour as a result.
3. The Complainant alleges that in the case of the Respondent, the offence was part of a continuing course of conduct, and has drawn attention in particular to an alleged instance at lunchtime on Thursday. The Complainant also suggests that the Respondent’s conduct in the matter discussed in Ruling (10) should be taken into account.
4. These allegations have been fully investigated, and while there are certainly grounds for suspicion, it has not been possible to be satisfied of their truth. The evidence offered is not unequivocal, and the reported statements of members of the Respondent’s ticket are capable of alternative interpretations.
5. The question of campaigners campaigning in languages other than English poses particular difficulties, because while it is natural for rival campaigners to be suspicious of things they cannot understand, it would be intolerable for tickets or campaigners to be in effect penalised for their choice and ability to communicate in different languages.

6. The Returning Officer also notes that there have been a number of cases of Chinese-language material being mistaken for electoral material but on investigation turning out to be quite innocent.
7. The iUnion ticket is accordingly warned that the conduct of its campaigners is under strict scrutiny, particularly in the areas proximate to the polling stations, and that any future reports of misconduct will be treated with the utmost seriousness.
8. In other respects, the complaint is dismissed.

Charles Richardson
Returning Officer
10.9.09

Ruling (17) of the Returning Officer

In relation to an incident on 10 September, and several informal complaints received on that day about this and similar incidents, the Returning Officer rules as follows:

1. Stephanie McHenry is found to be guilty of making misleading statements in breach of Reg. 44.5.3.
2. Having received complaints about this conduct from various sources, the Returning Officer finds that the final source of evidence is sufficiently reliable and independent as to corroborate the previous complaints.
3. Stephanie McHenry was therefore verbally banned from campaigning as of that afternoon, the ban to extend until the end of polling the following day, Friday 11 September.
4. The Returning Officer offers a final warning to all candidates and campaigners, and to members of the Synergy ticket in particular, to be especially careful regarding the validity and appropriateness of their claims when communicating with potential voters.

Charles Richardson
Returning Officer
10.9.09

Ruling (18) of the Returning Officer

In response to a formal complaint received on 10 September from John Shipp (the Complainant) against Scott Williams (the Respondent) regarding a complaint received verbally that morning by the Returning Officer from a student, the Returning Officer rules as follows:

1. The Respondent is found to be guilty of making misleading statements in breach of Reg. 44.5.3.

2. The Respondent agreed that the words he had said were the same as the words complained of, but denied they were in contravention of the Regulations and appeared entirely uncommitted to the avoidance of further breaches.
3. Due to the seriousness of the breaches, the Returning Officer therefore bans the Respondent from campaigning for the remainder of today, Friday.
4. The Returning Officer offers a final warning to all candidates and campaigners, and to members of the Left Student Unionists ticket in particular, to be especially careful regarding the validity and appropriateness of their claims when communicating with potential voters.

Charles Richardson
Returning Officer
11.9.09

Ruling (19) of the Returning Officer

In relation to a complaint received on 9 September from Martin Spencer (“the Complainant”) against the Synergy ticket (“the Respondent”) for misleading conduct, the Returning Officer rules as follows:

1. The leaflet complained of advertises, among other things, the Respondent’s promise of a free weekly breakfast for students. The promise is illustrated by a picture depicting cereal topped with milk and fruit.
2. The Complainant alleges that this is misleading because the proposed free breakfasts would in fact be of an inferior quality to that depicted in the picture.
3. In the Returning Officer’s opinion, the natural interpretation of the picture is simply as an illustration of the idea of “breakfast”, rather than a promise of any particular type or quality of breakfast. The Respondent argues that it had not actually directed its attention to what sort of fruit would be provided, and the Returning Officer has no reason to doubt this assurance.
4. The complaint is therefore dismissed.

Charles Richardson
Returning Officer
10.9.09

Ruling (20) of the Returning Officer

In response to a complaint received on 9 September from Carla Drakeford (“the Complainant”) against Jackson Reynolds (“the Respondent”), the Returning Officer rules as follows:

1. The Respondent acknowledges that he stored campaign materials in his office in the UMSU space at VCA on Tuesday evening, and that this was in breach of Reg. 44.5.18. When the breach was pointed out to him by the Returning Officer he promptly

apologised and agreed to remove them. It is not disputed that this was done and that there has been no further breach of this nature.

2. The Respondent claims that he had an understanding with the VCASU President that each of them would, for convenience, store campaign materials in their respective offices, but that the VCASU President, for reasons unrelated to the legal position, did not make use of this himself. The VCASU President confirms, in substance, the Respondent's account.
3. While mutual agreement cannot justify a breach of the Regulations, it is relevant both to the question of culpability and to whether any substantial disadvantage has been caused to others. In this instance, the fact that all tickets that had been actively campaigning that day at VCA were covered by the arrangement makes it difficult to justify a penalty.
4. There is also a policy interest in settled decisions. In view of the fact that the VCASU President, who initially raised the matter, was satisfied with the outcome on Tuesday evening, significant further evidence or argument would be required to justify reopening it.
5. For the above reasons, the complaint is dismissed.

Charles Richardson
Returning Officer
11.9.09

Appeals

1. From John Shipp (received 4 September)

Please inform the Electoral Tribunal that I am appealing Ruling 5 of the Returning Officer (attached) in accordance with R46.1.3.

1. Ruling 5 deals with an unauthorised email (also attached) sent by Ms Sadia Schneider on behalf of the ticket *Justice for Palestine* that describes people associated with the right-wing of the Labor Party and people associated with the Liberal Party as "bigoted", "pro-zionist" and in particular makes the claim that "many of these people who support the ongoing massacre and dispossession of the Palestinian people will, unfortunately, also be running in the student union elections" in direct reference to Labor Right and Liberal involvement in these UMSU Elections.

2. The Arab-Israeli conflict is a divisive issue, and the overly emotive and inflammatory language in Ms Schneider's email does not help to keep this issue from becoming a key election issue. In the past at Melbourne University, violent clashes have occurred over this issue, something that I believe Ms Schneider's email incites. Ms Schneider's email does little to promote the cause of racial harmony between Jewish and Arabic students at Melbourne University.

3. The particular concerns I would like to raise regarding the email are:

1. That the email was not authorised, and thus contravened R28.1 and thus R44.5.13
2. That the email did not contain the words "Authorised by the Returning Officer", and thus contravened R28.5 and thus R44.5.13
3. That the email did not contain "Published by Sadia Schneider" or her student number, and thus contravened R28.6 and thus R44.5.13
4. That the email was sent without BCCing the recipients, and thus, although the Regulations do not deal directly with the issue of voter privacy, Ms Schneider did not respect the privacy of recipients whose emails were mostly collected through a face-to-face petition.
5. That at the time of the email, no emails had been authorised in these UMSU elections, and as email is not a Permitted Election Material under R27.1, and no authorisation had been sought by Ms Schneider for the email in question, the email contravened R27.2
6. That the comments contained within the email were defamatory, and so in contravention of R44.5.3

4. Ruling 5 was made in response to a complaint regarding Ms Schneider's email, sent on behalf of the *Justice for Palestine* ticket. The only penalty contained in that ruling was a warning and a directive to apologise to all email recipients for not BCCing their email addresses.

5. Although breaking any one of these Regulations would not be cause for anything more than what was required in Ruling 5, taken together the rule-breaking in the email in question amounts to serious electoral misconduct. I am bringing this matter to the attention of the Electoral Tribunal in order to seek a less lenient penalty for Ms Schneider and her ticket *Justice for Palestine*.

6. Many Liberal Students and Student Unity members have expressed distress at the wide distribution of the email in question, and do not feel a warning is sufficient to compensate for that distress.

2. From Shaun Khoo (received 4 September)

I wish to appeal against the inconsistency of rulings that have been made by the Returning Officer regarding what is and is not an election issue.

I brought the attached material to Charles Richardson (Returning Officer) with the intention of confirming that it was not election material, however Charles ruled verbally that it was election material.

An article written by Tristan Clack, which was printed in the most recent Farrago had sections suppressed by the Returning Officer because there was a ticket in the elections called 'Travel Concession Card Equality'.

At face value, these may appear to be fair rulings, but the Returning Officer has taken an inconsistent approach to determining what is and is not election material. The Returning Officer continues to allow affiliates of the Justice for Palestine ticket to use union resources (e.g. photocopiers) to print Students for Palestine materials advertising Students for Palestine events with reference to Justice for Palestine rallies.

Charles has argued that he is convinced that NUS is an election issue but Palestine is not an election issue. However, I think that they are either both election issues or both unrelated to the election.

Sadia Schneider, in the email that was subject to Ruling 5 of the Returning Officer, wrote, "For this reason those of us in the Students For Palestine Collective are running a 'Justice For Palestine' ticket in the UMSU (University of Melbourne Student Union) elections." The promotion of Students for Palestine during and in the lead-up to elections is clearly the promotion of the 'Justice for Palestine' ticket or pro-Palestine positions.

I am therefore seeking the Electoral Tribunal to rule that:

1. Both NUS and Students for Palestine/Palestine are election issues and that the use of union resources to produce Students for Palestine material is not permitted during the election or;
2. That I may use union resources to print and distribute anti-NUS materials during the election as NUS is not an election issue.

3. From Sadia Schneider (received 9 September)

On behalf of the 'Justice for Palestine' (JFP) ticket I am appealing against Ruling 13 of the Returning Officer in accordance with R46.1.3.
Please inform the Electoral Tribunal of this.

JFP believes that this ruling, seemingly predicated upon Ruling 9 of the Returning Officer, unfairly penalises JFP for activities outside of its control, and has imposed a penalty that unfairly restricts the ability of the JFP ticket to campaign.

Ruling 13 of the Returning Officer refers to:

1. A number of posters advertising the Justice for Palestine rally on 25 September and associated events, which, under the terms of Ruling (9), clearly constitute election material, have been posted without authorisation.

The penalty imposed upon JFP is two full days of campaigning, due to the above mentioned material not being authorised, and for being posted over other tickets material.

1. The material that has been referred to, posters for an event held by the Cross-Campus Students For Palestine group, is not election material that has been either posted, or handed out by JFP campaigners.
2. Ruling 9.3 of the Returning Officer states: 'In light of the substantial identity of

themes, activities and personnel, it now seems impossible to draw a principled distinction between the second Respondent and Students for Palestine. Publicity for both must therefore be treated as election material.' While the JFP ticket is in disagreement with this ruling, we have accepted its consequences.

3. Students for Palestine at Melbourne University (SFPMU) is a self-contained, autonomous collective. The Cross-Campus Students For Palestine is similarly, a self-contained autonomous campaigning group. SFPMU have no formal affiliations to the Cross-Campus Group. Only some members of SFPMU have participated in the Cross-Campus Group. While there are obvious and undeniable links between the groups, in terms of themes and aims, there exist no formal linkages exist. A comparable example would be other Palestinian lobby groups such as Australians For Palestine and Women for Palestine. As there are no formal links between SFPMU and these groups, we believe it is unreasonable that even with recognition of Ruling 9.3, SFPMU is held responsible for activities of any other of these groups on campus.

4. The material referred to in the Ruling 13 of the Returning Officer was posted on campus by a member of the Cross-Campus Group, who was witnessed on campus with the mentioned material. JFP campaigners have not posted or handed out this material. We do not believe that penalising JFP for actions that we have no control of, is either fair, or within the powers of the Returning Officer as set out in the UMSU Electoral Regulations or the UMSU constitution.

5. Therefore, we appeal this Ruling as being unfairly discriminatory towards JFP, and for being outside of the powers of the Returning Officer.

Personally, as the Authorising Officer of Justice for Palestine, I would like to register my disappointment with the process of Rulings in the 2009 elections. I have not been contacted about a number of rulings, until campaigning has started. As a result of this, I have been intimidated by campaigners from Synergy who have called me a terrorist, and have been taking photos of me, threatening that I would be thrown out from the elections altogether.

Not once has the Returning Officer spoken to me about the issue of this material, nor has he provided me with any evidence that JFP can reasonably be blamed for such infringements as he has perceived them to be. I believe this conduct to be unprofessional, and to aid an atmosphere of favouritism and discrimination in the campaign.

4. From John Shipp (received 10 September)

I wish to appeal the ban of Stephanie McHenry from campaigning for the remainder of the elections. All of the accusations made against her are untrue and unsubstantiated.

Stephanie McHenry was in a tutorial at the time when she is alleged to have campaigned while Synergy was banned for an hour on Wednesday. When she tried to explain her alibi to the Returning Officer, that she was in a tutorial and so could not have possibly been campaigning, she was dismissed out of hand.

It was also alleged that she made comments accusing her political opponents of funding terrorist organisations. She did not make these comments.

Charlie of Above Quota Elections has claimed that there are "friends of mine [her's]" that supported the allegations and has told Synergy that we cannot appeal against the ruling. We are not satisfied that friends of a Returning Officer are necessarily independent witnesses for that reason alone. Not only that, because her ban has not been made in writing by the Returning Officers, it has been difficult to comprehend exactly what Miss McHenry is alleged to have said.

We are seeking to have the ban reversed, and to see Miss McHenry's right to campaign tomorrow reinstated.

Declaration

I hereby declare that the 2009 University of Melbourne Annual Student Election was conducted and administered with impartiality by myself and the partners and staff of Above Quota Elections.

Charles Richardson
Returning Officer
23 September 2009.

Appendix: Full Details of Counting