

# **University of Melbourne Annual Student Elections**

**3 – 7 September 2007**

## **Report of the Returning Officer**

# Above Quota Elections Index

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# Summary

## Appointment

Charles Richardson of Above Quota Elections was appointed Returning Officer for the University of Melbourne Annual Student Elections on Monday 9 July 2007. 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 2006.

## Nominations

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

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

The complete 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 10 August. All candidates were notified by e-mail of the receipt of their nominations. One nomination was rejected due to ineligibility.

The complete list of nominees appears on page 12, in ballot paper order where applicable. The draw for ballot paper positions was conducted on Tuesday 14 August, witnessed by scrutineers from the various tickets.

## Tickets

Applications for ticket registration also closed at midday on Friday 10 August. An information session for prospective tickets was held on Tuesday 7 August to inform organisers of the requirements.

Thirteen applications were received; one was ruled ineligible, and the name of another was changed slightly following a complaint.

The following tickets were registered by the indicated candidates:

Activate (Hannah Hayman)  
ALP Club (Michael Griffith)  
Defend Arts & the ERC (Michelle Radcliffe)  
energize (James Paterson)

Independent Media (Zoë Barron)  
 Labor Club (Keith Tan)  
 Left Student Unionists (Rebecca Barrigós)  
 Liberal (Courtney Dixon)  
 More Activities! (Dado Hrustanpasic)  
 One (Isaac Gross)  
 StandUp! (Josh Cusack)  
 United Students for Indigenous Rights (Sean Armistead)

## Withdrawals

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

Rebecca Barrigós (Welfare Committee)  
 Onagh Bishop (Students' Council Gen. Reps.)  
 Scott Bloodworth (Students' Council Gen. Reps.)  
 Libby Buckingham (Students' Council Gen. Reps.)  
 Liam Byrne (Welfare Committee)  
 Raff Ciccone (MU Student Union Ltd Board)  
 Michael de Bruyn (University Council)  
 Isaac Gross (MU Student Union Ltd Board)  
 Will Schmidt (Environment Committee)

The following candidates withdrew their nominations before the start of polling but too late to be removed from the ballot papers:

Jessica Chiew (Education Committee, Welfare Committee and Students' Council Gen. Reps.)  
 Paul Fijn (Students' Council Mature-Age Rep. and Queer Rep.)

A notice was displayed in all polling booths alerting voters to the late withdrawals.

## Polling

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

	Monday 3 <sup>rd</sup> Sept.	Tuesday 4 <sup>th</sup> Sept.	Wednesday 5 <sup>th</sup> Sept.	Thursday 6 <sup>th</sup> Sept.	Friday 7 <sup>th</sup> Sept.
Union House (Food Hall)	10am – 5pm	10am – 6.30pm	10am – 5pm	10am – 5pm	10am – 2.30pm
Baillieu Library Foyer	11am – 4.30pm	11am – 6.30pm	11am – 4.30pm	11am – 4.30pm	11am – 2.30pm
Education Resource Centre Foyer	11.30am – 2.30pm	11.30am – 3pm	11.30am – 2.30pm	11.30am – 2.30pm	11.30am – 2.30pm
Burnley Campus Centre (Cafeteria)		11am – 2pm	11am – 2pm	11am – 2pm	

This notice was also e-mailed to all students. There were five main changes to polling times and locations compared to 2006:

- (a) The regular hours of polling were from 10am to 5pm, instead of 9am to 4pm.
- (b) Late polling, until 6.30pm, was provided on Tuesday evening.
- (c) Polls closed early, at 2.30pm, on Friday.
- (d) Polling at Burnley took place Tuesday to Thursday instead of Monday to Wednesday.

- (e) Polling in Union House took place in the Food Hall rather than the North Dining Room.

The first three of these were the result of changes to the Regulations. The Returning Officers in both 2006 and 2007 supported the first two but advised strongly against the third.

The fourth change was made by the Returning Officer following consultation with Burnley students and staff, and appears to have been a success, since turnout at Burnley, although still very low, was much higher on Thursday than on the other two days.

The fifth change was requested by MU Student Union Ltd due to the conversion of the North Dining Room into a Members' Lounge. Polling at the new location proceeded smoothly, but it must be noted that the options for expansion in the event of higher turnout are severely limited.

Since there were no contested elections for any Indigenous positions, the polling station at the Centre for Indigenous Education did not operate.

Turnout for the week was 3,101, of which about 60% (1,874) were ordinary votes cast at Union House. Voting figures from the polling registers were checked each evening against the total of ballot papers issued, and both were checked against the physical count after the close of polling. All totals reconciled within acceptable margins of error.

The table on page 16 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.

### **Provisional Votes**

The University again provided an electronic copy of the student roll to assist processing of provisional votes. Most of the processing was done within 24 hours of the close of polls.

Of the total of 1,194 provisional votes received, 1,117 were accepted, seven rejected, and 70 were reserved for further advice from Student Management Systems. Following that advice, a further two votes were accepted and the other 68 rejected.

### **Postal Votes**

Applications for postal votes closed at 5pm on Wednesday 29 August. A total of 125 applications were received, of which four were rejected due to ineligibility or insufficient information.

Ballot papers were posted to the other 121 applicants on Friday 31 August. By close of polls on Friday 7 September, 33 sets of ballot papers had been returned. A further three were received after the close of polls, and therefore were not accepted.

Of the 33 votes received in time, two were rejected due to failure to provide verification. The other 31 were admitted to the count.

### **Counting**

Counting of the elections began shortly after the close of polling on Friday 7 September. Most of the counting was completed by Sunday 9 September, and an interim notice of results

was posted then.

A recount was requested for the position of Students' Council Queer Representative. Since the margin had initially been just 17 votes, the Returning Officer agreed to conduct a recount. The result was unchanged.

The Returning Officer also ordered a recount for Arts Committee, due to errors in the initial count. The result for the last position differed from the initial count, with a margin of approximately four votes at the critical point.

All counting was completed by Wednesday 19 September. The full provisional declaration of results appears on page 17. This notice was posted in Union House and on the elections website. The period for appeals or requests for recounts expired three working days later, on Monday 24 September. None were received in that time, although a late appeal was lodged on Friday 28 September and was forwarded to the Electoral Tribunal.

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 3,024 was an 18% increase on the 2,563 recorded in 2006, and represents approximately 7.42% of eligible voters.

### **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 20 summarises the written complaints that were received.

Fifteen 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.

Appeals against four of the Rulings were made to the Electoral Tribunal, which met on Tuesday 11 September. The appeals and the minutes of the Tribunal meeting appear in the Appeals section. None of the Returning Officer's decisions were overturned, although the Tribunal disagreed with the interpretation given in Ruling (1) and ruled that a different procedure should be followed in subsequent elections.

### **Acknowledgements**

The annual student elections are a major logistical undertaking, and could not be completed without the assistance of a large number of people. The Returning Officer would especially like to express his gratitude to the following:

- 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, Mairi Neal, Lowan Sist, Alex Hammond, Kristi Monfries, Scott Campbell, Malcolm Neil, and the Building Services team (Jason, Serge, Alex, Gerd, Nav & Steve)
- Steve Halliwell (University Secretary's Department), Katherine Ciacia and Sebastian Scamporlino (Student Management Systems), Ruth Baxter (Baillieu Library), Gavin Trigg (Information Services), and the staff of University Security.
- Tony Bertolotti and the staff at the Digital Print Centre
- Angleton's Office Supplies
- All the candidates and campaigners for their cooperation

# Recommendations

## 1. Timetable

Although we were notified of our appointment on 9 July, two weeks before nominations opened, we were not able to move into the office until 21 July; the phone was not connected until the first week of August and it did not have the ability to dial mobile numbers until 14 August, four days after nominations closed. This created unnecessary organisational difficulties, and led to a lot of work being done in a rush shortly before the start of polling.

It is recommended that next year the process of appointing a Returning Officer and providing them with appropriate logistical support should begin earlier, with a view to having everything in place by early July.

## 2. Number of candidates and positions

The annual elections are more expensive than they need be due to the excessive number of candidates and positions. We believe that this also acts as a deterrent to voters, who have to wade through up to 15 different ballot papers, some with more than 25 candidates.

It is recommended that

(a) consideration should be given to merging or abolishing some of the existing UMSU committees and/or office-bearer positions, keeping in mind that when the ancestor of the present constitution was introduced in 1980 it provided for just four office-bearers and three committees; and

(b) prospective tickets in 2008 should be strongly advised of the pointlessness of standing additional candidates for unwinnable positions.

## 3. Ticket registration

As emerged from the complaint discussed in Ruling (1), the ticket registration provisions in the Constitution have a small but significant difference from those in the Regulations. It is recommended that one or the other should be amended to bring them into line. It could also be considered whether it is necessary to include so much detail on ticket registration in the Constitution in the first place.

## 4. Policy statements

The provision for policy statements in Regulation 15 is incomplete. It does not say that statements are to be published in *Farrago*, does not mention photos at all, and makes no provision for what happens in the case of disagreement between the Returning Officer and *Farrago*. This year we enjoyed a good relationship with the *Farrago* editors, but without that it is easy to imagine problems arising.

It is recommended that Regulation 15 be amended to cover these matters.

## 5. Priority of candidates

It is a common practice for candidates to nominate for more positions than they would

constitutionally be permitted to hold concurrently. Regulation 10.3 provides that in such a case the candidate should lodge with their nomination "a list giving, in order, the position or positions which that person wishes to hold". However, this provision is unenforceable, since there is nothing to say what happens in the absence of such a list. Despite repeated requests, not all the necessary lists were lodged, and in one case the Returning Officer was put in the unsatisfactory position of having to decide which Committee to declare a candidate withdrawn from immediately prior to counting.

It is recommended that Regulation 10.3 be amended to clarify the situation, perhaps by providing that candidates shall be declared elected in some set order of positions unless they have lodged a statement giving a different order prior to close of nominations. It should also state whether or not that information needs to be communicated to voters.

## **6. Authorisation of material**

Regulation 28.5 requires that all campaign material bear the words "Authorised by the Returning Officer". While the authorisation provisions generally work well, this form of words is unfortunate because it suggests to many readers that the Returning Officer's role is greater than it really is: that the Returning Officer has endorsed the material or vouched for its contents, rather than merely allowed it to be circulated. Since it is neither practical nor desirable for the Returning Officer, in the absence of a specific complaint, to verify the contents of campaign material, something like "Lodged with the Returning Officer" would be more appropriate.

It is recommended that Regulation 28.5 be amended accordingly.

## **7. Congestion at Baillieu polling station**

The increased turnout this year was particularly pronounced at the polling station in the Baillieu Library foyer, up about 30% on 2006. Severe congestion was experienced there, and was difficult to alleviate due to two factors: firstly, the limited space available, which made it impossible to install more than three voting booths, and secondly, the need for all votes cast there to be provisional votes, since the voting roll is maintained only at Union House.

Not much can be done about the first problem, unless the University is prepared to consider temporary relocation of the vending machines. The second problem, however, could be solved by adoption of a process for checking voters electronically on the roll, with both polling stations networked into the same data to prevent anyone voting twice.

University concerns about confidentiality of the roll would have to be respected, but potentially this method could actually improve confidentiality, since poll clerks would simply key in a student number and would therefore never see any names other than that of the student voting. It would also greatly reduce the number of provisional votes needing to be checked after the polls had closed.

It is recommended that UMSU investigate the practicality of this change prior to the 2008 elections.

## **8. Voting at Victorian College of the Arts**

The 31 valid votes received from 125 postal vote applications represent a very poor return for a significant cost. Most of the applications appeared to be from students at the Victorian College of the Arts (VCA). Running a polling station at VCA instead would be cheaper, more secure, and would almost certainly produce a much higher turnout. Better still, the elections could be combined with VCA's own election, at a cost saving for both parties.

It is understood that UMSU is already pursuing such an arrangement, and it is recommended



that it should be treated as a high priority for 2008.

### **9. Early closing on Friday**

This year Regulation 29.3 was changed to provide for early closing of the polls on Friday afternoon, at 2.30, despite our strongly worded protest in last year's report. In 2006 Friday was easily the heaviest day of polling, and even with the early closing this year 608 people voted on Friday, more than for either Monday or Wednesday.

We remain concerned that students are being disenfranchised by the early closing for no good reason. Because of the need to close three polling stations simultaneously, plus provide for staff breaks, training, and other logistical matters, it was still not possible to schedule the start of counting until 4.30pm.

A far better option would be to amend the Regulations to return Friday polling to normal hours, but to enable counting to begin earlier, say at 12pm, with a lockup arrangement between then and the close of polls (as was formerly done at Melbourne, and is still done on other campuses). This makes much more sense logistically, because preparation and setup can take place before the lunchtime rush of voters, and it would enable far more results to be decided on the Friday evening.

It is recommended that the Regulations be amended accordingly.

### **10. Venue for counting**

The combined Joe Napolitano and Graham Cornish Lounges provided a satisfactory venue for counting on Friday evening and over the weekend. However, as foreshadowed in last year's report, the higher turnout and greater number of candidates meant that significant counting remained to be done in the week beginning Monday 10 September. Procuring a suitable venue for this proved unexpectedly difficult, leading to unnecessary delays in declaring the results for some positions.

It is recommended that, in addition to reserving the second floor lounges (or their equivalent) for the first weekend of counting, a space equal to at least half that be set aside for the following week.

# Notice of Election

## University of Melbourne Annual Student Election

September 3-7, 2007

### Incorporating elections for:

- University of Melbourne Student Union (UMSU), incl. Burnley Student Association (BSA)
- By-elections for both UMSU and BSA
- Melbourne University Student Union Limited (MU Student Union Ltd.)
- University of Melbourne Council
- National Union of Students (NUS)

### 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

(The position of Media Officer must be held jointly by either 3 or 4 persons. All other Officer positions, except President and Secretary, may be held jointly by 2 persons. Candidates for Wom\*n's Officer must be women, candidates for Indigenous Officer must be Indigenous students, and candidates for Queer Officer must be Queer students. A lone candidate for the position of Queer Officer must be a woman, and in the case of joint candidature for Queer Officer one person must be a woman.)

##### Students' Council

Four (4) members elected by and from their respective restricted constituencies:

- Queer Representative
- Indigenous Representative
- International Representative
- Mature Age Representative

Fourteen (14) general members elected by all students, of who at least seven (7) must be women if there are sufficient female candidates.

##### Committees

Seven (7) members on each of the following Committees, of whom at least three (3) must be women if there are sufficient female candidates:

- Activities Committee
- Arts Committee
- Education Committee
- Environment Committee
- Indigenous Committee

- Queer Committee
- Welfare Committee
- Wom\*n's Committee

The Indigenous, Queer and Wom\*n's Committees are elected by and from their respective restricted constituencies.

### **UMSU By-Election**

- Activities Officer
- Queer Committee (Three (3) positions)
- Activities Committee (One (1) position)
- Welfare Committee (One (1) position)
- Environment Committee (Two (2) positions)

### **Burnley Student Association Annual Election**

BSA Committee, elected by students enrolled at the Burnley campus. The Committee consists of the following:

- President (Education Coordinator)
- Vice-President (Welfare Coordinator)
- Publications / Media Coordinator
- Facilities Coordinator
- Sports and Recreation Coordinator
- General Committee Members: Seven (7) voting representatives, of whom at least half must be women if there are sufficient female candidates.

### **Burnley Student Association By-Election**

- Vice President (Welfare Coordinator)
- General Committee Members (Four (4) positions)

### **MU Student Union Ltd.**

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

Additionally, those students elected President of UMSU and the University of Melbourne Postgraduate Association respectively will be appointed as student representatives on the MU Student Union Ltd. Board.

### **University Council**

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

### **NUS**

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

### **Polling**

Dates: Polling will take place from Monday 3 September until Friday 7 September (inclusive) 2007.

Locations: Polling stations will be located in

- Union House
- Baillieu Library Foyer
- Education Resource Centre Foyer
- Centre for Indigenous Education\*\*
- Burnley Student Association Campus Centre

\*\*A polling station will be located at the CIE provided that there are contests for Indigenous positions.

Times: A detailed schedule of polling times for all polling stations will be posted on the website shortly (see below).

## Key Dates

Nominations,

Applications for Ticket Registration,

Applications for Group Ticket order of candidates:

- Open: 12 midday Monday 23 July
- Close: 12 midday Friday 10 August

Statements of Distribution of Preferences:

- Open: once accepted nominations are posted
- Close: 12 midday Friday 24 August

Applications for Postal Voting:

- Open: 12 midday Monday 23 July
- Close: 5pm Wednesday 29 August

Postal Votes:

- Due by 2.30pm Friday 7 September

## Electoral forms and information

The UMSU Constitution, Electoral Regulations, forms and information are available from the office of the Returning Officer and from the Election website. Please see below. Notices will also be posted on the Student Council notice board, 1<sup>st</sup> floor, Union House.

## Lodgment of forms

The dates and times listed above are very strict deadlines. Late applications will not be accepted, and no extensions are possible. Candidates are strongly urged to lodge their forms well before the deadlines. All forms should be delivered personally to the Returning Officer or an authorized electoral official. The Election Office will be open extensively throughout the election period, or ring for an appointment. Where this is not practicable, contact the Returning Officer in order to arrange postage via registered mail to the address below. Do not post forms without prior arrangement, as no responsibility will be taken by the Returning Officer for late or lost forms under those circumstances. Forms may not be emailed nor faxed.

## Contact Details

Election Office: Student Resource Room, Student Office Bearers, 1<sup>st</sup> Floor Union House.

Ph: 03 8344 4835

Returning Officer: Charles Richardson (Ph: 03 9495 6460)

Deputy Returning Officer: Jaimie Adam (Ph: 0400 534 199)

Email: [returningofficer@union.unimelb.edu.au](mailto:returningofficer@union.unimelb.edu.au)

Election website: [union.unimelb.edu.au/elections](http://union.unimelb.edu.au/elections)

Mailing address: UMSU Returning Officer, c/o Above Quota Elections, PO Box 2157, Fitzroy, VIC 3065

# Nominations

## UNIVERSITY OF MELBOURNE ANNUAL STUDENT ELECTIONS 3-7 SEPTEMBER 2007

### NOMINATIONS IN BALLOT PAPER ORDER

#### **President**

Courtney Dixon (Liberal)  
Raff Ciccone (One)  
Wallace Stark (energize)  
Libby Buckingham (StandUp!)

#### **Secretary**

Adam McKee (Liberal)  
Joe Ruiwang Zhang (energize)  
Raff Ciccone (One)  
Mike Helal (Left Student Unionists)  
Scott Bloodworth (StandUp!)

#### **Education (Academic Affairs) Officer**

Jure Buljan & Frances Lewis (Left Student Unionists)  
Onagh Bishop (StandUp!)  
Alexander Cambria (Liberal)  
Gideon Rozner (energize)

#### **Education (Public Affairs) Officer**

Hismyal Patrick Ahmat (United Students for Indigenous Rights)  
Andrew Kemp (Liberal)  
Iain Finlayson & Robert Anderson-Hunt (StandUp!)  
Adela Woliansky (energize)  
Daniel Lopez & Courtney Ruge (Left Student Unionists)  
Isaac Gross (One)

#### **Welfare Officer**

Lydia Bevege (energize)  
Jarrah Jones (United Students for Indigenous Rights)  
Allegra Reinalda & Max Kaiser (Activate)  
Jesse Overton-Skinner (One)  
Felix Moon (One)  
Adam Wojtonis (Liberal)

#### **Wom\*n's Officer**

Sharon Lau (Liberal)  
Sabine Wolff (energize)

Elizabeth Patterson & Georgia Ioakimidis-MacDougall (Activate)

#### **Arts Officer**

Tim Mulvaney (Liberal)  
Michael Ilyine (energize)  
Madeleine Crofts & Ella McDonald (Activate)

#### **Activities Officer**

Mauricio Escobar & Simon Pahor (More Activities!)  
Gordon Toy (Liberal)  
Daniel Topor (energize)

#### **Environment Officer**

Daniel McNamara & Asha Herten (One)  
Lorena Solin & Alexander Turnbull (Activate)  
Ruby Warber (United Students for Indigenous Rights)  
Jiaying Zhang (Liberal)  
Lauren McKenzie (energize)

#### **Media Officers**

Tyson Jeffery, William Westerman, Timothy Smith & Joel Silver (energize)  
Hagan Mathews, Simon Lilburn, Zoë Barron & Benjamin Riley (Independent Media)

#### **Clubs & Societies Officer**

Lawrence Frawley (Liberal)  
Goldie Pergl & Michelle Kovacevic (More Activities!)  
James Paterson (energize)

#### **Queer Officer**

Bridget Graham & Taylor Kendall (Activate)  
*Provisionally elected unopposed*

#### **Indigenous Officer**

Sean Armistead & Hismyal Patrick Ahmat (United Students for Indigenous Rights)  
*Provisionally elected unopposed*

#### **Students' Council General Reps**

Shane Dawson (One)  
 Isaac Gross (One)  
 Jessica Chiew (One)  
 Jesse Overton-Skinner (One)  
 Amy Mullins (One)  
 Rachael Lim (One)  
 Felix Moon (One)  
 Xavier Smith (One)  
 Michael Griffith (ALP Club)  
 Nicole Lynch (ALP Club)  
 Carla Drakeford (ALP Club)  
 Bradley David (ALP Club)  
 Kara Lamm  
 Alexander White (Defend Arts, Defend the ERC)  
 Michelle Radcliffe (Defend Arts, Defend the ERC)  
 Courtney Dixon (Liberal)  
 Sharon Lau (Liberal)  
 Jiaying Zhang (Liberal)  
 Adam Wojtonis (Liberal)  
 James Paterson (energize)  
 Gideon Rozner (energize)  
 Adela Woliansky (energize)  
 Sabine Wolff (energize)  
 Joel Silver (energize)  
 Keith Tan (Labor Club)  
 Samuel Cossar-Gilbert (Activate)  
 Mark Peart (Activate)  
 Megan Curtis (Activate)  
 Tracey Boyd (Activate)  
 Kaitlin Ferris (StandUp!)  
 Katie Dunlop (StandUp!)  
 Lucy Maxwell (StandUp!)  
 Robert Anderson-Hunt (StandUp!)  
 Bruno Friedel (StandUp!)  
 Joshua Cusack (StandUp!)  
 Jessie Giles (StandUp!)  
 Jessica Friedmann (Independent Media)  
 Mike Helal (Left Student Unionists)  
 Rebecca Barrigós (Left Student Unionists)  
 Jure Buljan (Left Student Unionists)  
 Frances Lewis (Left Student Unionists)  
 Vashti Kenway (Left Student Unionists)  
 Steven Chang (Left Student Unionists)  
 Benjamin Coggins (Left Student Unionists)  
 Udesthra Naidoo (Left Student Unionists)  
 David Liubinas (More Activities!)  
 Millicent Williams (More Activities!)  
 Katherine Klaus (More Activities!)  
 Dado Hrustanpasic (More Activities!)

#### **Indigenous Rep on Students' Council**

Kyle Dadleh (United Students for Indigenous Rights)

*Provisionally elected unopposed*

#### **Queer Rep on Students' Council**

Jacky Bailey (StandUp!)  
 Liam Byrne (Left Student Unionists)  
 Paul Fijn (More Activities!)  
 Hannah Hayman (Activate)

#### **International Rep on Students' Council**

Aryan Ameri (StandUp!)

Sarah Quek  
 Fatma Al-Mahrizi (Left Student Unionists)

#### **Mature Age Rep on Students' Council**

Paul Fijn (More Activities!)  
 Timothy Smith (energize)  
 Joshua Schmidt (Left Student Unionists)  
 Raff Ciccone (One)  
 Alexander White (Defend Arts, Defend the ERC)

#### **Activities Committee**

Rachael Lim (One)  
 Dominique Ottobre (StandUp!)  
 Dean Rizzetti (StandUp!)  
 Katie Dunlop (StandUp!)  
 Hannah Hayman (Activate)  
 Wallace Stark (energize)  
 Michael Ilyine (energize)  
 Alexander White (Defend Arts, Defend the ERC)  
 Adam Wojtonis (Liberal)  
 Adam McKee (Liberal)  
 Jacky Bailey (ALP Club)  
 Bradley David (ALP Club)  
 Jonathan Hibbert (More Activities!)  
 Cal Murtagh (More Activities!)  
 Angus Collins (More Activities!)  
 Lucy McMullen (More Activities!)  
 Philippa Kane (More Activities!)  
 Alana Hudson (More Activities!)  
 David Mulholland (More Activities!)

#### **Arts Committee**

Sabine Wolff (energize)  
 Bradley David (ALP Club)  
 Carla Drakeford (ALP Club)  
 Robert Anderson-Hunt (StandUp!)  
 Dominique Ottobre (StandUp!)  
 Bruno Friedel (StandUp!)  
 Gordon Toy (Liberal)  
 Tim Mulvaney (Liberal)  
 Xavier Smith (One)  
 Amy Mullins (One)  
 Jesse Overton-Skinner (One)  
 Cosima Nyx Stone (Activate)  
 Adelaide Rief (Activate)  
 Rosalie Delaney (Activate)  
 Michelle Radcliffe (Defend Arts, Defend the ERC)  
 Alexander White (Defend Arts, Defend the ERC)

#### **Education Committee**

Katie Dunlop (StandUp!)  
 Lucy Maxwell (StandUp!)  
 Robert Anderson-Hunt (StandUp!)  
 Kaitlin Ferris (StandUp!)  
 Joel Silver (energize)  
 Tyson Jeffery (energize)  
 Lawrence Frawley (Liberal)  
 Andrew Kemp (Liberal)  
 Michael Griffith (ALP Club)  
 Nicole Lynch (ALP Club)  
 Rebecca Barrigós (Left Student Unionists)  
 Mike Helal (Left Student Unionists)  
 Frances Lewis (Left Student Unionists)

Jamiel Sabbagh (Left Student Unionists)  
Fatma Al-Mahrizi (Left Student Unionists)  
Samuel Flewett (Left Student Unionists)  
Benjamin Coggins (Left Student Unionists)  
Michelle Radcliffe (Defend Arts, Defend the ERC)  
Alexander White (Defend Arts, Defend the ERC)  
Hannah Hayman (Activate)  
Scarlet Love (Activate)  
David Hammerton (Activate)  
Xavier Smith (One)  
Amy Mullins (One)  
Jessica Chiew (One)  
Jesse Overton-Skinner (One)

#### **Environment Committee**

Nicole Lynch (ALP Club)  
Bradley David (ALP Club)  
Alexander White (Defend Arts, Defend the ERC)  
Tyson Jeffery (energize)  
William Westerman (energize)  
Lawrence Frawley (Liberal)  
Courtney Dixon (Liberal)  
Bruno Friedel (StandUp!)  
Caitlyn O'Dowd (StandUp!)  
Mathilda Lunken (Activate)  
Nina Flanagan (Activate)  
David Hammerton (Activate)  
Ellen Sandell (Activate)  
Samuel Cossar-Gilbert (Activate)  
Alexander Turnbull (Activate)  
Daniel McNamara (One)  
Rupert Denton (One)  
Asha Herten (One)

#### **Indigenous Committee**

Jarrah Jones (United Students for Indigenous Rights)  
Ruby Warber (United Students for Indigenous Rights)  
Ngaree Blow (United Students for Indigenous Rights)  
Darren Parker (United Students for Indigenous Rights)  
Jidah Clark (United Students for Indigenous Rights)  
Yoshinori Hunter (United Students for Indigenous Rights)  
Mark Austin (United Students for Indigenous Rights)  
*Provisionally elected unopposed*

#### **Queer Committee**

Tracey Boyd (Activate)  
Kristine Jover (Activate)  
Phoebe Kelloway (Activate)  
Megan Curtis (Activate)  
Hannah Hayman (Activate)  
Cosima Nyx Stone (Activate)  
*Provisionally elected unopposed*

#### **Welfare Committee**

Daniel Topor (energize)  
Samuel Campbell (energize)

Alexander White (Defend Arts, Defend the ERC)  
Sharon Lau (Liberal)  
Gordon Toy (Liberal)  
Samuel Cossar-Gilbert (Activate)  
Megan Curtis (Activate)  
Alexander Turnbull (Activate)  
James Stokes (Activate)  
Carla Drakeford (ALP Club)  
Michael Griffith (ALP Club)  
Felix Moon (One)  
Priya Wakhlu (One)  
Rachael Lim (One)  
Jessica Chiew (One)  
Asha Herten (One)  
Kaitlin Ferris (StandUp!)  
Tristan Clack (StandUp!)  
Dean Rizzetti (StandUp!)  
Mike Helal (Left Student Unionists)  
Jure Buljan (Left Student Unionists)  
Frances Lewis (Left Student Unionists)  
Joshua Schmidt (Left Student Unionists)  
Liam Byrne (Left Student Unionists)  
Rebecca Barrigós (Left Student Unionists)  
Samuel Flewett (Left Student Unionists)

#### **Wom\*n's Committee**

Nicole Lynch (ALP Club)  
Carla Drakeford (ALP Club)  
Katie Dunlop (StandUp!)  
Dominique Ottobre (StandUp!)  
Caitlyn O'Dowd (StandUp!)  
Cosima Nyx Stone (Activate)  
Marissa Hood (Activate)  
Kristine Jover (Activate)  
Phoebe Kelloway (Activate)  
Tracey Boyd (Activate)  
Lydia Bevege (energize)  
Adela Woliansky (energize)  
Rachael Lim (One)  
Jiaying Zhang (Liberal)

#### **MU Student Union Ltd. Board**

Thomas Ickeringill (Liberal)  
Joshua Cusack (StandUp!)  
John Shipp (energize)  
Michael de Bruyn (One)

#### **University of Melbourne Council**

Alexander Cambria (Liberal)  
Samuel Campbell (energize)  
Hannah Hayman (Activate)  
Mohammad Tabbara (Left Student Unionists)  
Jessie Giles (StandUp!)  
Raff Ciccone (One)

#### **National Union of Students Delegates**

Adam McKee (Liberal)  
Alexander Cambria (Liberal)  
Kara Lamm ((non-ticket))  
Isaac Gross (One)  
Jesse Overton-Skinner (One)  
Xavier Smith (One)  
Shane Dawson (One)

Raff Ciccone (One)  
 Kristine Jover (Activate)  
 Elizabeth Patterson (Activate)  
 Hannah Hayman (Activate)  
 Mark Peart (Activate)  
 Megan Curtis (Activate)  
 Max Kaiser (Activate)  
 Mike Helal (Left Student Unionists)  
 Liam Byrne (Left Student Unionists)  
 Courtney Ruge (Left Student Unionists)  
 Jure Buljan (Left Student Unionists)  
 Mohammad Tabbara (Left Student Unionists)  
 Keith Tan (Labor Club)  
 Jacky Bailey (ALP Club)  
 Michael Griffith (ALP Club)  
 James Paterson (energize)  
 Lydia Bevege (energize)  
 Robert Anderson-Hunt (StandUp!)  
 Onagh Bishop (StandUp!)  
 Scott Bloodworth (StandUp!)  
 Joshua Cusack (StandUp!)  
 Libby Buckingham (StandUp!)  
 Millicent Williams (More Activities!)  
 Alexander White (Defend Arts, Defend the ERC)

**Activities Officer By-Election**

Philippa Kane (More Activities!)  
 Simon Pahor (More Activities!)

*Provisionally elected unopposed*

**Queer Committee By-Election**

NO NOMINATIONS RECEIVED

**Activities Committee By-Election**

Scott Bloodworth (StandUp!)  
*Provisionally elected unopposed*

**Welfare Committee By-Election**

Kaitlin Ferris (StandUp!)  
*Provisionally elected unopposed*

**Environment Committee By-Election**

Kaitlin Ferris (StandUp!)  
 Scott Bloodworth (StandUp!)  
*Provisionally elected unopposed*

**Burnley President (Education Coordinator)**

**Burnley Vice-President (Welfare Coordinator)**

**Burnley Publications / Media Coordinator**

**Burnley Facilities Coordinator**

**Burnley Sports and Recreation Coordinator**

**Burnley General Committee**

**Burnley Vice President By-Election**

**Burnley General Committee By-Election**

NO NOMINATIONS RECEIVED

**15 August 2007**

**Richardson**

**Charles**

**Above Quota Elections**



# Turnout

	Union House (ordinary)	Union House (provis-ional)	Union House (total)	Baillieu Library	Education Resource Centre	Burnley	Postal	Total
<b>Monday 3 September</b>	333	7	340	179	34			553
<b>Tuesday 4 September</b>	398	9	407	232	42	1		682
<b>Wednesday 5 September</b>	371	7	378	158	28	4		568
<b>Thursday 6 September</b>	405	12	417	188	35	17		657
<b>Friday 7 September</b>	367	13	380	138	90			608
<b>Total for week</b>	1,874	48	1,922	895	229	22	33	3,101

## ABOVE QUOTA ELECTIONS

### UNIVERSITY OF MELBOURNE ANNUAL STUDENT ELECTIONS 3 - 7 SEPTEMBER 2007

## FULL PROVISIONAL DECLARATION OF RESULTS

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

**President**

Libby Buckingham (StandUp!)

**Secretary**

Scott Bloodworth (StandUp!)

**Education Officer (Public)**

Iain Finlayson & Robert Anderson-Hunt  
(StandUp!)

**Education Officer (Academic)**

Onagh Bishop (StandUp!)

**Welfare Officer**

Allegra Reinalda & Max Kaiser (Activate)

**Media Officers**

Hagan Mathews, Simon Lilburn, Zoë Barron &  
Benjamin Riley (Independent Media)

**Wom\*n's Officer**

Elizabeth Patterson & Georgia Ioakimidis-  
MacDougall (Activate)

**Queer Officer**

Bridget Graham & Taylor Kendall (Activate)  
*(elected unopposed)*

**Indigenous Officer**

Sean Armistead & Hismyal Patrick Ahmat  
(United Students for Indigenous Rights) *(elected  
unopposed)*

**Activities Officer**

Mauricio Escobar & Simon Pahor (More  
Activities!)

**Arts Officer**

Madeleine Crofts & Ella McDonald (Activate)

**Clubs & Societies Officer**

Goldie Pergl & Michelle Kovacevic (More  
Activities!)

**Environment Officer**

Lorena Solin & Alexander Turnbull (Activate)

**Students' Council General Representatives  
(in order of election)**

Mike Helal (Left Student Unionists)  
James Paterson (energize)  
Samuel Cossar-Gilbert (Activate)  
Kaitlin Ferris (StandUp!)  
David Liubinas (More Activities!)  
Rebecca Barrigós (Left Student Unionists)  
Gideon Rozner (energize)  
Mark Peart (Activate)  
Katie Dunlop (StandUp!)  
Shane Dawson (One)  
Jessica Friedmann (Independent Media)  
Adela Woliansky (energize)  
Megan Curtis (Activate)  
Nicole Lynch (ALP Club)

**Students' Council Indigenous  
Representative**

Kyle Dadleh (United Students for Indigenous  
Rights) *(elected unopposed)*

**Students' Council International  
Representative**

Fatma Al-Mahrizi (Left Student Unionists)

**Students' Council Mature Age  
Representative**

Joshua Schmidt (Left Student Unionists)

**Students' Council Queer Representative**

Hannah Hayman (Activate) *(after recount)*

#### **University Council**

Hannah Hayman (Activate)

#### **MU Student Union Ltd Board**

Joshua Cusack (StandUp!)

#### **Activities Committee (in order of election)**

Dominique Ottobre (StandUp!)

Jonathan Hibbert (More Activities!)

Wallace Stark (energize)

Dean Rizzetti (StandUp!)

Cal Murtagh (More Activities!)

Jacky Bailey (ALP Club)

Lucy McMullen (More Activities!)

#### **Arts Committee (in order of election)**

Cosima Nyx Stone (Activate)

Bruno Friedel (StandUp!)

Michelle Radcliffe (Defend Arts & the ERC)

Sabine Wolff (energize)

Adelaide Rief (Activate)

Carla Drakeford (ALP Club)

Xavier Smith (One)

#### **Education Committee (in order of election)**

Katie Dunlop (StandUp!)

Hannah Hayman (Activate)

Rebecca Barrigós (Left Student Unionists)

Joel Silver (energize)

Lucy Maxwell (StandUp!)

Scarlet Love (Activate)

Lawrence Frawley (Liberal)

#### **Environment Committee (in order of election)**

Mathilda Lunken (Activate)

Bruno Friedel (StandUp!)

Tyson Jeffery (energize)

Nina Flanagan (Activate)

David Hammerton (Activate)

Caitlyn O'Dowd (StandUp!)

Lawrence Frawley (Liberal)

#### **Indigenous Committee**

Jarraah Jones (United Students for Indigenous Rights)

Ruby Warber (United Students for Indigenous Rights)

Ngaree Blow (United Students for Indigenous Rights)

Darren Parker (United Students for Indigenous Rights)

Jidah Clark (United Students for Indigenous Rights)

Yoshinori Hunter (United Students for Indigenous Rights)

Mark Austin (United Students for Indigenous Rights)

*(all elected unopposed)*

#### **Queer Committee**

Tracey Boyd (Activate)

Kristine Jover (Activate)

Phoebe Kelloway (Activate)

*Plus four vacancies*

*(all elected unopposed)*

#### **Welfare Committee (in order of election)**

Samuel Cossar-Gilbert (Activate)

Mike Helal (Left Student Unionists)

Kaitlin Ferris (StandUp!)

Daniel Topor (energize)

Megan Curtis (Activate)

Carla Drakeford (ALP Club)

Jure Buljan (Left Student Unionists)

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

Cosima Nyx Stone (Activate)

Dominique Ottobre (StandUp!)

Lydia Bevege (energize)

Marissa Hood (Activate)

Kristine Jover (Activate)

Phoebe Kelloway (Activate)

Caitlyn O'Dowd (StandUp!)

#### **National Union of Students Delegates (in order of election)**

Kristine Jover (Activate)

Mike Helal (Left Student Unionists)

James Paterson (energize)

Robert Anderson-Hunt (StandUp!)

Elizabeth Patterson (Activate)

Onagh Bishop (StandUp!)

Millicent Williams (More Activities!)

#### **Activities Officer By-Election**

Philippa Kane & Simon Pahor (More Activities!)

*(elected unopposed)*

#### **Activities Committee By-Election (one vacancy)**

Scott Bloodworth (StandUp!) *(elected unopposed)*

#### **Environment Committee By-Election (two vacancies)**

Kaitlin Ferris (StandUp!)

Scott Bloodworth (StandUp!)

*(both elected unopposed)*

#### **Welfare Committee By-Election (one vacancy)**

Kaitlin Ferris (StandUp!) *(elected unopposed)*

## **No nominations were received for the following positions:**

Queer Committee By-Election (three vacancies)  
Burnley President (Education Coordinator)  
Burnley Vice-President (Welfare Coordinator)  
Burnley Publications / Media Coordinator  
Burnley Facilities Coordinator  
Burnley Sports and Recreation Coordinator  
Burnley General Committee  
Burnley Vice President By-Election  
Burnley General Committee By-Election (four vacancies)

## **Recounts and Appeals**

Any requests for recounts must be made within three working days of this notice, that is, by close of business on Monday 24 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](mailto: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.

**Charles Richardson**  
**Returning Officer**  
**19 September 2007**

# Complaints

<b>Complainant</b>	<b>Date</b>	<b>Summary</b>	<b>Response</b>
Josh Cusack	16-Aug	That the Returning Officer had misapplied the requirements for Group Ticket registration.	See Ruling (1). (See also appeals section.)
Josh Cusack	16-Aug	That the Returning Officer had improperly allowed certain nominations.	See Ruling (3). (See also appeals section.)
Josh Cusack	16-Aug	That the ticket name "Left Student Unionists" should not be registered.	See Ruling (2).
Rebecca Barrigós	16-Aug	That the ticket name "Defend Arts, Defend the ERC" should not be registered.	The authorising officer agreed to a change in the ticket name, which in the Returning Officer's opinion met the objection.
Liam Byrne	28-Aug	That a StandUp! candidate had improperly used the office-bearers mailing list for election purposes.	The candidate was warned. (See also Ruling (4)).
Josh Cusack	3-Sep	That Left Student Unionists material campaign material concerning endorsements by other organisations was misleading.	The ticket concerned provided satisfactory evidence of the endorsements to the Returning Officer.
Josh Cusack	4-Sep	That a Liberal campaigner was engaging in harassment and other improper behavior.	The campaigner was warned about his conduct. (See also Rulings (7), (10) and (15)).
Lowan Sist	4-Sep	That a Liberal campaigner was engaging in harassment.	The campaigner was warned about his conduct. (See also Rulings (10) and (15)).
Hannah Hayman	4-Sep	That the Liberal and energize campaigners were engaged in misleading conduct and other improper behavior.	See Rulings (7) and (15).
Courtney Dixon	4-Sep	That StandUp! had engaged in unauthorised campaigning by means of graffiti.	See Ruling (5)
Courtney Dixon	4-Sep	That a leaflet concerning an energize candidate was misleading.	See Ruling (8).
Courtney Dixon	4-Sep	That a leaflet concerning the energize ticket was misleading.	The candidate responsible for the leaflet agreed to a number of changes, which in the Returning Officer's opinion met the objection.
Courtney Dixon	4-Sep	That a leaflet concerning the Liberal ticket was misleading.	The leaflet was not circulated.
Alexander White	4-Sep	That an energize barbeque amounted to an inducement to vote, contrary to Regulation 44.4.	See Ruling (6). (See also appeals section.)

Alexander White	4-Sep	That energize campaign material in relation to University funding of UMSU was misleading.	See Ruling (9). (See also appeals section.)
Goldie Pergl	4-Sep	That photography by Liberal and energize campaigners amounted to harassment.	See Ruling (10).
Josh Cusack	5-Sep	That the "One" how to vote card concerning the position of Secretary was misleading.	See Ruling (11).
Josh Cusack	5-Sep	That photography by Liberal and energize campaigners amounted to harassment.	See Ruling (10).
Tallace Bissett	5-Sep	That a "One" candidate had improperly used a student mailing list, and that voting at the Baillieu Library polling station was chaotic.	The mailing list concerned was found to be outside the Returning Officer's jurisdiction. Additional facilities were provided at the Baillieu in an effort to alleviate overcrowding.
Courtney Dixon	5-Sep	That a Defend the Arts & ERC candidate had engaged in harassment and intimidation.	Several candidates were warned.
Courtney Dixon	5-Sep	That a Defend the Arts & ERC candidate had circulated misleading material and breached undertakings given to the Returning Officer.	An additional change was made to the leaflet and the candidate absented himself from campaigning the following day.
Courtney Dixon	5-Sep	That a StandUp! candidate was engaged in campaigning inside Union House and at a Union function in North Court.	The candidate was warned.
Katie Sfetkidis	5-Sep	That a Liberal candidate had misstated his experience in his policy speech.	The candidate's attention was drawn to the error, which was apparently inadvertent and for which he apologised.
Josh Cusack	5-Sep	That energize campaign material promoting a textbook subsidy scheme was an inducement to vote and was also misleading.	See Ruling (14).
Alice Crichton	5-Sep	That the behavior of energize and Liberal campaigners was misleading.	Complaint already addressed by Ruling (7).
Robert Sciberras	5-Sep	That an energize candidate had misstated his experience in election material.	The candidate apologised for the error, which was apparently inadvertent, and agreed to correct it in any further printing of the material.
Erin Buckley	6-Sep	That the behavior of energize campaigners was misleading.	Complaint already addressed by Ruling (7); further warnings were issued to the energize ticket.
Lowan Sist	6-Sep	That an energize leaflet concerning overseas students was improperly authorised and contained misleading material.	See Ruling (13). The mistaken authorisation, which it was agreed would be corrected in future printings, was found to be due to an error by the Returning Officer; distribution of the leaflet was allowed to proceed the following day on the basis of undertakings given by MUOSS.
Hannah Hayman	6-Sep	That a Liberal campaigner was engaging in harassment and other improper behavior.	Investigation failed to identify the campaigner concerned. (See also Ruling (12)).
Hannah Hayman	6-Sep	That a Liberal campaigner was in breach of Ruling (12).	See Ruling (15).



## **Ruling (1) of the Returning Officer**

In a complaint made on 16 August 2007, Josh Cusack ("the complainant") seeks a ruling on the procedure for accepting group ticket registration forms, specifically in relation to persons who may have signed such a form without being UMSU members.

Both this year and last year, the Returning Officer's practice in regard to ticket registrations has been to distinguish between fatal defects and non-material, inadvertent errors, and to give both candidates and tickets some scope to correct the latter, even after the closing time for nominations. For example, where a person signing the form in good faith believed themselves to be a student, but did not appear on the roll because their enrolment had been suspended for non-payment of University fees or fines, they were given additional time to regularise their situation – or, if this proved not to be possible, their ticket was permitted to substitute another student in their place.

Contrary to the complainant's contention, this does not amount to a reopening of ticket registration. A ticket that had not applied prior to the deadline, or that did not contain 15 names, could not be registered, just as a nomination lodged after the deadline could not be accepted. But an insistence on 100% literal compliance with every procedural requirement would lead to mass disqualification of tickets and risk turning the elections into a travesty of democracy.

In the specific case of UMSU membership there is the further consideration that the Returning Officer, relying on Regulation 21, had advised a number of tickets that non-candidates signing the ticket registration form were not required to be UMSU members. In the light of Section 122 of the Constitution, that advice was incorrect, but the error was not discovered until shortly before the close of nominations. It would be unconscionable for tickets that had relied in good faith on that advice not to be given an opportunity to correct their registrations.

It should be noted in that context that Section 122 does not contain any time limit, and that the deadline for ticket registration appears only in the Regulations – which, as the complainant concedes, refer in that context to "students", not "members".

In the absence of detailed objections to any particular ticket or individual, the Returning Officer believes that his discretion has been exercised properly and in accordance with his duty to be fair to all candidates. The complaint is therefore dismissed.

Charles Richardson  
17.08.07

## **Ruling (2) of the Returning Officer**

In relation to the complaint made on 16 August 2007 by Josh Cusack ("the complainant") seeking the disqualification of the ticket name "Left Student Unionists" for breach of Regulation 21.5 and/or 21.6, the Returning Officer rules as follows:

- (a) Regulation 21.5 prevents the registration of a ticket whose name "includes the name of a



ticket used in any UMSU election in the past three years", unless the consent of the person who last registered it has been obtained. Since the Regulation would operate to disqualify a ticket, it should be construed strictly, and on that basis "Left Student Unionists" passes the test. It does not, contrary to the complainant's contention, include the name "Left Union", since "union" and "unionists" are clearly different (albeit related) words. A group of people can in one sense constitute a "union" – that is, "the state of being united" (*Concise Oxford Dictionary*, 1a) – without being "unionists", just as they may individually be unionists without being united among themselves.

(b) Regulation 21.6 gives the Returning Officer a discretion to refuse registration to "a ticket name which is misleading". Given the degree of difference between the terms, and the fact that "Left Union" has not been registered either this year or last year, the Returning Officer does not regard "Left Student Unionists" as misleading and therefore declines to exercise that discretion.

(c) Furthermore, if the Returning Officer did find the ticket name to be misleading, he could not apply the remedy sought by the complainant but would be required under Regulation 21.6 to allow the ticket to choose an alternative name.

For the above reasons the complaint is dismissed.

Charles Richardson  
17.08.07

### **Ruling (3) of the Returning Officer**

In relation to the complaint made on 16 August 2007 by Josh Cusack ("the complainant") seeking the disqualification of certain unspecified candidates for failure to be UMSU members, the Returning Officer rules as follows:

(a) The complainant's contention that candidates for UMSU positions must be UMSU members is entirely correct. With the exception of one nominee whose status is still under investigation, all such candidates are UMSU members.

(b) The point at issue is the time at which UMSU membership status must be determined. In the case of a small number of candidates, it is believed they were not UMSU members at the time nominations closed, but joined in the course of the following two working days.

(c) Regulation 8.6, which states that "A person standing for election to any position must be a member of UMSU", does not specify any time constraint. If the authors of the Regulation intended this to apply strictly to the time of nomination it would have been a simple matter for them to say so.

(d) Since the effect of the provision is to disqualify non-complying candidates, it should be construed strictly. Disqualification of a candidate is one of the most serious steps the Returning Officer can take, and any ambiguity should be resolved in favor of the nominee.

(e) Furthermore, there is a general presumption in favor of allowing nominations, since an error in that direction can be more easily corrected later. A nominee who turns out not to have been eligible can be removed from the ballot or from the count at a later stage, but if a nominee is improperly excluded then there is no simple remedy.

(f) Regard should be had to the purpose of the requirement, and whether any unfairness would be created by allowing nominees some latitude in regard to membership. In the case of specific time limits, such as the deadline for nominations (Regulation 16) or for submission of group preference statements (Regulation 22.4), there is a clear potential for candidates or tickets to acquire an unfair advantage if they were permitted to submit after the deadline. There is no such potential in the case of UMSU membership.

(g) If anything, the fairness argument runs the other way. To elevate UMSU membership status to a level of strict compliance risks disadvantaging those candidates who may have inadvertently neglected to renew or to check their membership, and giving a corresponding advantage

to candidates for whom union membership is a more central component of their political identity. This could have the effect of imposing an ideological test on candidacy.

(h) In the light of these considerations, the Returning Officer has adopted the practice of allowing nominees to correct deficiencies in their eligibility, such as UMSU membership status, provided that the omission was apparently inadvertent and the correction is made at the earliest practical opportunity. It is believed that this exercise of discretion is consistent with both the letter and the spirit of the Regulations, provided it is applied fairly. The same opportunity has been accorded to candidates from all tickets, and the complainant does not allege otherwise.

Charles Richardson  
20.8.07

#### **Ruling (4) of the Returning Officer**

In the light of an informal complaint and subsequent discussions on the subject, the Returning Officer rules as follows:

The display of any campaign material for the current UMSU elections within the UMSU office-bearers space, including but not limited to the wearing of campaign T-shirts or badges by persons working in or frequenting that space (whether office-bearers or not, and whether on leave or not), is hereby prohibited, from today until the close of polling on Friday 7 September

Charles Richardson  
28.8.07

#### **Ruling (5) of the Returning Officer**

In relation to a complaint by energize received on 4 September alleging prohibited campaigning by the StandUp! ticket in toilets in the Old Arts Building, the Returning Officer rules as follows:

(a) Investigation by AQE staff failed to substantiate this particular instance of prohibited conduct.

(b) However, StandUp! posters were discovered in the female toilets in Union House. They were removed and the ticket was warned.

(c) For the avoidance of doubt, all tickets are warned that the use (including graffiti) of unauthorised campaign material is prohibited, as is the affixing of campaign material (whether authorised or not) to vertical surfaces (other than those designed for that purpose, e.g. bollards or noticeboards).

Charles Richardson  
5.9.07

#### **Ruling (6) of the Returning Officer**

In relation to a complaint received on 4 September from Alex White against the energize ticket in relation to an energize barbeque held on Wednesday 29 August, the Returning Officer rules as follows:

(a) In light of the reference on the Facebook page to the money raised from the event, and assurances provided at the time and subsequently by energize, the Returning Officer is not satisfied that the event involved the systematic provision of free food.

(b) Payments that are described as “donations” may nonetheless in substance amount to payment for goods or services, and it appears on the balance of probabilities that this was

the case at the energize event.

- (c) The fact that some participants at the barbeque may have obtained free sausages does not, given the context of the event and the fact it was held well in advance of election week, amount to a material breach of Regulation 44.4.
- (d) The complaint is therefore dismissed.

Charles Richardson  
5.9.07

### **Ruling (7) of the Returning Officer**

In relation to a complaint received from Hannah Hayman on 4 September alleging prohibited conduct by various Liberal and energize campaigners, the Returning Officer rules as follows:

- (a) Any conduct that implies a hostility, or a complete absence of connection, between energize and the Liberal ticket, Liberal Club or Liberal Party is in breach of Regulation 44.3 and therefore prohibited.
- (b) Without limiting the generality of (a), any mock abuse of energize campaigners, policies or material by Liberal campaigners, or vice versa, is prohibited.
- (c) Certain other matters raised by the complaint are still under investigation.

Charles Richardson  
5.9.07

### **Ruling (8) of the Returning Officer**

In relation to a complaint received on 4 September from energize against Alex White in relation to a poster headed "James Paterson", the Returning Officer rules as follows:

- (a) While the wording of the passage complained of is somewhat awkward, and it is possible that a careless reading of it could lead the reader to expect a reference to a second candidate, it is reasonably clear in context - notably from the appearance of just one name in the heading and just one person in the picture - that only one candidate is being referred to.
- (b) Authorisation of campaign material is not literary criticism, and unintentional defects in grammar or punctuation should not normally lead to its refusal.
- (c) The complaint is therefore dismissed.

Charles Richardson  
5.9.07

### **Ruling (9) of the Returning Officer**

In relation to a complaint received on 4 September from Alex White against the energize ticket in relation to statements made in its campaign material concerning the funding of UMSU by the University, the Returning Officer rules as follows:

- (a) The complainant does not deny that the University provides substantial funding to UMSU, and that the University in turn receives a substantial share of its funds from student fees. Since money is fungible, that must mean that student fees are indirectly helping to fund UMSU: if more money comes in from course fees, the University needs to spend less out of its other revenues to fund academic services, and therefore has more money to give to UMSU (and vice versa).

(b) The Returning Officer expresses no view as to whether or not this arrangement is in breach of the Higher Education Act, or whether or not the statement complained of alleges that it is. But even if it does, it is clear that defaming the University does not of itself constitute prohibited conduct, otherwise vast quantities of material would be ruled out.

(c) Regulation 28.3 provides a broad discretion to the Returning Officer in determining whether campaign material is "misleading or deceptive", and in light of the above considerations the Returning Officer declines to make that finding in this case. The complaint is therefore dismissed.

Charles Richardson  
6.9.07

### **Ruling (10) of the Returning Officer**

In relation to a complaint received in the early hours of 5 September from Josh Cusack against campaigners from the Liberal and energize tickets, including but apparently not limited to James Paterson and Alex Cambria, in relation to the use of cameras, the Returning Officer rules as follows:

(a) In the light of their extremely widespread use, and their usefulness in substantiating certain claims, it would be unreasonable to ban the use of cameras entirely.

(b) However, the Returning Officer is concerned at the potential that the use of cameras poses for harassment and intimidation, and calls for restraint in their use. All campaigners are urged to respect the privacy and personal space of others, and are directed not to take photographs in circumstances where that could reasonably be regarded as harassment in breach of Regulation 44.5.26 or in breach of Union or University rules and procedures relating to harassment.

(c) Without limiting the generality of point (b), the Liberal and energize tickets are warned that harassment and intimidation of campaigners, staff or other persons is a serious matter and will be dealt with accordingly.

Charles Richardson  
6.9.07

### **Ruling (11) of the Returning Officer**

In relation to a complaint received in the early hours of 5 September from Josh Cusack against the "One" ticket in relation to its how-to-vote material as it relates to the position of Secretary, the Returning Officer rules as follows:

(a) Regulation 21.10 specifically permits candidates or tickets "supporting the candidature of" candidates from other tickets.

(b) The "One" leaflet complained of provides such support, and is not misleading as to its nature: Mike Helal is clearly labelled as a "Left Student Unionists" candidate.

(c) The only respect in which a voter could be misled is in perhaps coming to think that there is no "One" candidate for Secretary, but it is not obvious how this could affect anyone's vote, since the impression would be corrected by sight of the ballot paper. The complainant remarks that "this damage has been done", but it is mysterious what the alleged damage is.

(d) The complainant implicitly contends that a ticket has an obligation to actively support all of its candidates, but the Regulations do not support such a proposition, and on general principles it would be hard to argue for since it would leave no avenue for a ticket that had fallen out with one of its candidates.

(e) In any case, the remedies sought by the complainant appear contrary to the substance of the

complaint, since if there is a problem in relation to a candidate not being supported, it hardly makes sense to remedy that by removing his endorsement or excluding him from the ballot entirely.

(f) The complaint is therefore dismissed.

Charles Richardson  
6.9.07

### **Ruling (12) of the Returning Officer**

As a result of the presence on campus both on Tuesday and today of a non-student campaigning in support of the Liberal ticket, who was observed by the Returning Officer and others engaging in deceptive conduct and a variety of other breaches of the Regulations, the Returning Officer rules as follows:

- (a) All campaigning activity for the Liberal ticket is banned for the remainder of today, Thursday 6 September.
- (b) All persons engaged in campaigning for the Liberal ticket are directed to cease all campaigning activity (whether for it or any other ticket) for the remainder of today.

Charles Richardson  
6.9.07

### **Ruling (13) of the Returning Officer**

Distribution of the energize leaflet headed "Doing more for international students" is suspended for the remainder of today, Thursday, due to a continuing investigation.

Charles Richardson  
6.9.07

### **Ruling (14) of the Returning Officer**

In relation to a complaint received on 5 September from Josh Cusack against the energize ticket, concerning its policy of a subsidy for textbooks, the Returning Officer rules as follows:

- (a) There are two distinct issues in the complaint: a question of inducement, and a question of misleading conduct.

#### Inducement

- (b) Regulation 44.4 prohibits "any inducement, whether financial or otherwise, to encourage a member to vote or to vote in a particular way".
- (c) Inducement therefore consists of an offer of some material benefit to a voter in return for their vote. It is not sufficient that their vote might help to elect candidates who promise to then provide that benefit to all students, or to some large group of students; the offer must be made in exchange for the vote. Put crudely, it is the difference between pork-barrelling and bribery.
- (d) To conclude that tickets were not permitted to promote policies that would, if implemented, yield financial benefits to students would greatly narrow the field of allowable campaigning, and could bias the election in favor of a particular political viewpoint, an outcome which it is the Returning Officer's duty to avoid.
- (e) The inducement need not be deliberate, but it must be such as would lead someone to

reasonably conclude that they were being offered a benefit in return for their vote.

- (f) The energize leaflets complained of do not constitute such an offer. Taken in isolation, the phrase “if you buy a \$100 textbook we will give you \$25 back” might appear to do so, but in context on the leaflet it clearly referred to a policy to be implemented if the ticket were successful.
- (g) However, verbal campaigning by some energize supporters appears to have crossed the line. Reports have been made of such phrases as “if you vote for us, we will give you a text book voucher”, and “we want to give you a rebate on your books, if you vote for us.” AQE staff have observed behavior consistent with these reports.
- (h) It therefore appears that, on the balance of probabilities, the claim of inducement has been to some extent made out.
- (i) As both a penalty and a precautionary remedy, the energize campaign is therefore banned from making reference to the textbook policy in any of its verbal presentations to voters for the course of today, Friday.

#### Misleading conduct

- (j) The complaint also alleges that policy for textbook vouchers is financially unrealistic, and that therefore presenting it as an achievable policy outcome is inherently misleading.
- (k) This claim has been extensively investigated. Before reaching a finding, however, it is important to understand what is being decided.
- (l) It is no part of the Returning Officer’s duty to determine whether particular policies are desirable, appropriate or even sensible. Any such determination would be antithetical to the very idea of democracy. The sole test in this case is whether the policy is so far outside the bounds of the possible that the very presentation of it is misleading to voters.
- (m) It has not been satisfactorily established that the textbook voucher policy fails that test. In particular, the Returning Officer is not satisfied that implementation of the policy would be illegal or would necessarily lead to bankruptcy.
- (n) However, in view of the highly contested nature of the financial implications of the policy, the Returning Officer requested the energize campaign to provide a detailed costing. That costing supports the conclusion reached in the previous point, although again it must be stressed that the Returning Officer makes no judgement as to the wisdom or ultimate sustainability of the policy.
- (o) It should also be noted that, despite the apparent seriousness of this issue, no complaint in relation to it was received until lunchtime on Wednesday, and some supporting material for the complaint was only received on Thursday afternoon, leading to the unsatisfactory situation where the choice of remedies is very limited.
- (p) The segment of the complaint dealing with misleading conduct is therefore dismissed.

Charles Richardson  
7.9.07

#### **Ruling (15) of the Returning Officer**

In relation to a series of complaints against over the past three days, the Returning Officer finds on the balance of probabilities that Alex Cambria, a campaigner on the Liberal ticket, has been in repeated breach of Regs. 44.5.26 and 44.5.27 relating to intimidation, harassment and abuse, and therefore rules that Alex Cambria be suspended from campaigning for the remainder of today, Friday.

Charles Richardson  
7.9.07

# Appeals

## Appeal of Returning Officer's Decision

### Regarding statement made on "energize" campaign material

[Received 5 September 2007]

1. This complaint refers to the decision of the Returning Officer to the complaint made by Alexander White.
2. A copy of the original complaint is attached.
3. The complaint sought a ruling that statements made on "energize" ticket campaign material was in breach of R44.5.3.
4. The material contends that:

"Each year the University gives \$1m of your fees to the Student Union"

and

"All students at Melbourne Uni – union member or not – pay money to the student union through millions of dollars given by the University to the union, paid for by OUR course fees."
5. It is further contended that the material distributed by "energize" contravenes R44.3, which reads: "Any conduct intended or **likely** to mislead or deceive a voter is prohibited." (Emphasis added.)
6. The Regulations clearly indicate that conduct that is likely to mislead is prohibited, and that distributed misleading statements is prohibited.
7. **This appeal contends that:**
8. The grant made by the University comes from non-academic funds, drawn primarily from trading income, interest, rents, income from commercial operations and endowments.
9. The University does not grant any money to the "Student Union" from "course fees".
10. This statement is therefore misleading (or is likely to mislead), as it could suggest to students that:
  - a. the University is in breach of its obligations under the Act; and/or
  - b. the funds granted by the university under the Funding Agreement is money that is drawn from fees levied on students or received for academic purposes (which it is not).
11. This complaint further contends that the Returning Officer should have ruled that the "energize" campaign material containing these statements was prohibited conduct.

### **Ruling Sought**

1. The ruling sought from the Electoral Tribunal is that all "energize" material and campaigning conduct using the statements in (4) be deemed prohibited conduct.

**Alexander White**

**132418**

**Candidate for Defend Arts & the ERC**

### **Appeal of Returning Officer's Decision**

#### **Regarding allegations of breach of R44.4, "inducement to vote"**

**[Received 5 September 2007]**

1. This appeal is made under R46.1.3, regarding the complaint made by Alexander White on 4 September alleging that the "energize" ticket used inducements to encourage a member of the student union to vote in the student elections.
2. A copy of the original complaint is attached.
3. **This appeal contends that the Returning Officer made a faulty decision**, by not following R4.1.6: "Must decide questions of fact on the balance of probabilities."
4. The evidence tabled with the Returning Officer shows that the "energize" ticket handed out free sausages to induce students to vote for them.
5. The fact that this was in the week before the week polling is immaterial – students were able to postal vote for that week and on that day. A large number of postal votes have been received, which could influence the outcome of the election.
6. It is probable that "energize" were inducing students to vote. Furthermore, the "energize" website admits that they were distributed free sausages to students.
7. Inducements to vote is one of the most serious of prohibited conduct, as it can directly affect the outcome of the election, and could throw the election into disrepute.
8. The energize website ("Facebook" group) has since changed the text, removing the word "free" before sausages. This could indicate guilt, or an awareness that they were admitting to inducements to vote.
9. The website also contends that "energize" were requesting "silver coin" donations to be given to charity. A request for a donation does not obviate the fact that the sausages were being given out for free. There was no requirement that students pay for the sausages.
10. The original complaint sought that the "energize" ticket be prohibited from campaigning for the remainder of the election, or that the "energize" ticket be prohibited from campaigning for one day (Wednesday 5 September).
11. This appeal requests that the Electoral Tribunal consider this matter immediately and as a matter of urgency.

#### **Ruling Sought**

2. The ruling sought from the Electoral Tribunal is that "energize" campaigners be barred from campaigning for the remainder of the elections.
3. Alternatively, it is sought that the "energize" campaigners be barred from campaigning for a full day.
4. Alternatively, it is sought that the "energize" candidate Wallace Stark, who was distributing the free sausages, be barred from campaigning for the remainder of the week.

**Alexander White**

**132418**

**Candidate for Defend Arts & the ERC**

#### **Appeal of Rulings (1) and (3) of the returning officer.**

**[Received 6 September 2007, from Josh Cusack]**

These rulings related to the status of nominations and group ticket registration forms at the close of nominations. The returning officer has ruled that, although the nominations of some candidates and the ticket registration forms of some tickets were clearly faulty and in breach of the regulations and constitution that these nominations and ticket registrations be allowed to stand.

The Returning Officer has expressed the reason for this as wanting to facilitate the democratic process and allow faults to be corrected. However, this is far outside the bounds of the constitution and regulations and was an incorrect decision. Our argument is simple and has been put in detail in the original complaint, the nominations and ticket registrations were faulty at the close of nominations



and must not stand. The Regulations and Constitution is crystal clear on this issue. You must be a member to nominate and you must be a member to sign a group ticket registration form. To allow non-members these rights is in direct contravention of the text, spirit and intention of the constitution and regulations and frustrates the entire intention of the relevant clauses. This requirement is explicitly stated to be "fair" in R2.2 "All procedures, definitions and actions contained and allowed for in these Regulations are not considered unfair for the purposes of these Regulations." Enforcing the regulations is explicitly not "unfair".

The returning officer based this decision on the following key statements:

*Both this year and last year, the Returning Officer's practice in regard to ticket registrations has been to distinguish between fatal defects and non-material, inadvertent errors, and to give both candidates and tickets some scope to correct the latter, even after the closing time for nominations*

*...an insistence on 100% literal compliance with every procedural requirement would risk turning the elections into a travesty of democracy.*

*[the RO] had advised a number of tickets that non-candidates signing the ticket registration form were not required to be UMSU members. In the light of Section 122 of the Constitution, that advice was incorrect, but the error was not discovered until shortly before the close of nominations. It would be unconscionable for tickets that had relied in good faith on that advice not to be given an opportunity to correct their registrations.*

*"A person standing for election to any position must be a member of UMSU", does not specify any time constraint.*

The returning officer has made this faulty decision on the following grounds:

1. The returning officer erred in interpreting that students need not be union members at the time of nomination nominate and/or that nomination is not a part of standing for election.
2. The returning officer erred in finding that people signing group ticket registration form need not be members at the time of nomination and/or persons signing a group ticket registration form need not be members.
3. The returning officer erred in finding that nominations and group ticket registration forms may be amended / corrected after the close of nominations and/or that the period of nominations may be extended by direction of the returning officer.
4. The returning officer erred in finding that people who were not members at the time of nomination may join at some time after nomination and still have the nomination stand.
5. The returning officer erred in finding that the enforcement of compliance with the regulations could be unfair (or unconscionable, a travesty, etc).
6. The returning officer erred in finding that incorrect advice given is a basis for ignoring the correct interpretation of the rules.
7. The returning officer erred in asserting the power to override the constitution or regulations in deciding the process for nomination and in refusing to follow the letter of the constitution even when they disagree with it,
8. The returning officer erred in asserting the power to decide that sections of the constitution are immaterial and not worth enforcing and/or to override the constitution and allow nominations not consistent with the constitution and regulations to stand.
9. The returning officer erred in finding that (if the returning officers had the above powers, not conceded) the faults in nominations and group ticket registration forms (not being a member) are sufficiently minor to be disregarded / corrected.

These rulings by the returning officer have lead to two dire consequences.

Firstly there are candidates on the ballot and running for election who did not submit valid nominations and thus should not be thus.

Secondly, there are persons purporting to run on tickets which were not validly applied for and thus gaining an unfair advantage over both non-ticket candidates and candidates of tickets legitimately registered. This is especially true in multi-member ballots where tickets allocate preferences.

The following actions must be taken to correct this ruling:

1. Candidates who were not members at the time of nomination be excluded from election
2. Tickets which did not satisfy the requirement of 15 union members signatures at the time of nomination be taken as not have been submitted
3. Votes for these tickets in group ticket ballots not be distributed
4. Votes for candidates running on these tickets in single member ballots or 'below the line' in multi member ballots be counted for those candidates
5. No candidate be eliminated from the ballot or excluded from election purely on the basis that they are no longer running on a ticket, but had an otherwise valid nomination
6. A notice that the tickets are not valid be posted prominently in the ballot areas and website.
7. Campaigners purporting to be on tickets which were not validly created be prohibited from claiming they are on these tickets in person or on materials.

**UMSU INCORPORATED — ELECTORAL TRIBUNAL  
2007 ELECTIONS**

**(11 September 2007)**

**MINUTES**

The Minutes of the MUSU Incorporated — Electoral Tribunal Meeting, which was held on Tuesday, 11 September 2007, at Union House at 3.00 pm.

**PRESENT**

Mr Michael Gronow  
Mr Chris Penman  
Ms Saveria Dimasi

**IN ATTENDANCE**

Returning Officers' Representatives  
Mr Charles Richardson  
Mr Jaimie Adam

Various students also attended including —

Mr Josh Cusack (the applicant under Item 1 below). He also spoke on behalf of Mr Alex White in relation to Items 2 and 3 below as he was not in attendance.

Materials before the Tribunal included written submissions on each appeal and the relevant written determinations made by the Returning Officers. Verbal submissions and explanations were also received from those present, including the Returning Officer.

The Tribunal considered the following matters:

1. This appeal dealt with two matters, and was in the context of seeking guidance for future elections rather than seeking changes to the 2007 election results. The two matters were as follows:

- (a)** Ruling (1) of the Returning Officer and whether ticket applications needed to be signed by at least fifteen members (as per Section 122 of the Constitution) or by at least fifteen students (as per Clause 21.2 of the Electoral Regulations).

The Returning Officer noted that verification of such matters was difficult before the closure of nominations, and that he had adopted a policy of seeking to encourage voting and resolving ambiguity in favour of allowing candidacies to stand, such as by requiring additional signatures to ticket applications if necessary after the closure of nominations to the extent that such applications did not contain the signatures of at least fifteen members.

The Returning Officer had also noted that he had mistakenly understood that the requirement was as per Clause 21.2 of the Regulations until he was subsequently alerted to the fact of what appeared to be an inconsistency having regard to Section 122 of the Constitution.

The Tribunal noted that there did appear in fact to be an inconsistency between the two provisions which should be corrected for the future. The Tribunal saw merit in the manner in which the Returning Officer had exercised his discretion as per Clause 4.1 of the Regulations so as to facilitate participation in the elections. On the other hand, there were objective criteria such as timing deadlines where a discretion may not be available and accordingly, it may not always be fair for parties to have the opportunity after the event to correct deficiencies that otherwise existed at the time a deadline had passed.

The Tribunal saw merit in the Regulations seeking to deal more specifically with this issue, as to the situations in which it was appropriate for the Returning Officer to exercise his discretion in favour of facilitating the validity of ticket applications, and possibly in other situations. However, in the absence of a wider discretion in the Returning Officer to correct such matters, the Tribunal considered that fifteen members did need to sign the ticket application by the closure of nominations.

Josh Cusack also submitted the tickets which had these technical flaws should not have the right to withhold consent to further use in the following three years, as provided in Section 122.5 of the Constitution. The Tribunal did not agree with this argument. The ticket was still “used” in the election, the Constitution is a contract between UMSU and each of its members and amongst them, and it is not possible for the Electoral Tribunal to make any such ruling contrary to the clear terms of Section 122.5 of the Constitution.

- (b)** Ruling (3) of the Returning Officer deals with the requirement in Clause 8.6 of the Regulations that “a person standing for election to any position must be a member of UMSU”, and in Clause 10.5, that “a person must be an UMSU member in order to be elected to any position”.

Again, the Returning Officer in Ruling (3) had exercised his discretion in Clause 4.1 so as to facilitate participation, and where it transpired that a person was not in fact an UMSU member, to require that person to become a member as soon as possible, in any event before the closure of voting and the declaration of results.

Josh Cusack stressed the importance of this qualification being in place at the outset, although the Tribunal recognised there may be scope for the Returning Officer, if properly authorised by the Regulations, to deal with cases of genuine mistake.

The Tribunal noted that there may be merit in leaving Clause 8.6 in its current form, rather than further restricting the discretion of the Returning Officer by spelling out in Clause 8.6 precisely when (e.g. at the closure of nominations) a person must be a member of UMSU. As presently drafted, there was probably scope for the Returning Officer to facilitate the correction during the election period, although this could be made clearer in dealing more the scope of the Returning Officer’s discretion in Clause 4.1.

On balance, the Tribunal supported the Returning Officer’s interpretation of what was permitted under Clause 8.6.

2. This appeal dealt with Ruling (6) of the Returning Officer and certain activities of the “energize” ticket which reported as per the Face Book page on the availability of free sausages, albeit with a silver coin donation to a charity, whether this amounted to an inducement to encourage a member to vote in a particular way which is otherwise prohibited under Clause 44.4 of the Regulations.

The Returning Officer had dismissed the complaint.

The Tribunal saw no reason to overturn the determination of the Returning Officer. The Tribunal noted the incident had occurred during the week preceding the elections, albeit still in the election period. It was a grey area and there may well be some benefit in spelling out in Clause 44.4 what may be some examples of “inducements” or adding to Clause 44.5 in that regard.

Even if it was a breach of Clause 44.4 in this instance, the Tribunal did not believe it was a serious matter worthy of any reprimand, and to the extent any directions were to be given as per Clause 44.6.2.3, they are contained in the noted comments of the Tribunal in these Minutes. The Tribunal also noted that Clause 44.4 needed to be capable of enforcement, and that could be facilitated in the future by further explanation and examples of what may constitute “inducements”, and if those changes were made it would be a desirable outcome.

3. This complaint related to Ruling (9) of the Returning Officer that certain language in the “energize” campaign material which stated that student fees were being used to support the Student Union, was not prohibited under Clause 28.3 as being misleading and deceptive.

The Tribunal saw no reason to overturn the ruling of the Returning Officer, noting that it was not reasonable to expect the Returning Officer to have an intimate knowledge of the complicated provisions in the Higher Education Support Act, and that it may not be appropriate, in any event, to judge these matters precisely by the literal meaning as distinct by the overall message sought to be conveyed.

The Tribunal noted that to the extent the terms used could be construed as misleading there was an onus on tickets to check that what was actually being stated by them is true. However, in the overall context of this election, even if it was misleading, it was not a serious breach of Clause 28.3, and in any event, that Clause leaves it to the Returning Officer in his sole discretion to determine whether statements were misleading. On this basis, no further action was warranted.

The Returning Officer also sought guidance from the Tribunal on what constituted a declaration of provisional results. The Tribunal considered that this could only happen at one time, and not separately in relation to particular aspects of the elections. The timing provisions in the Regulations overall were predicated on one such declaration. For example, Clause 48.5 of the Regulations.

There being no further business to discuss the meeting closed at 5.00 pm.

# Declaration

I hereby declare that the 2007 University of Melbourne Annual Student Elections were conducted and administered with impartiality by myself and the partners and staff of Above Quota Elections.

Charles Richardson  
Returning Officer  
1 October 2007.

# **Appendix: Full Details of Counting**