

University of Melbourne Annual Student Election

8 – 12 September 2008

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 Election on Monday 14 July 2008. 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 2007.

Nominations

Nominations opened on Monday 28 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 notice of election appears on page 10. 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 15 August. A total of 332 nominations were received, compared with 314 in 2007. One nomination was subsequently found to be invalid. All candidates were notified by e-mail of the receipt of their nominations.

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 19 August, witnessed by scrutineers from the various tickets.

Tickets

Applications for ticket registration also closed at midday on Friday 15 August. An information session for prospective tickets was held on Thursday 7 August to inform organisers of the requirements.

Nineteen applications were received; two were ruled ineligible, and the name of another was changed slightly since its original name had already been registered by another group.

The following tickets were registered, with the indicated students as authorising officers:

Activate (Liz Patterson)
ALP Club (Nicole Lynch)
Dude, Where's My Education? (Scott Bloodworth)

Above Quota Elections

Energize (James Paterson)
Green Thumbs (Paul Coats)
Independent Media (Bhakthi Puvanenthiran)
Labor (Keith Tan)
Left Student Unionists (Liam Byrne)
Liberal (Gideon Rozner)
Make It Cheap! (Robert Anderson-Hunt)
More Activities! (David Liubinas)
No 2am Lockout! (Alex White)
Save the VCA! (Azlan McLennan)
StandUp! (Evan Wallace)
Stop 2am Lockout, Stop Alcopops Tax (Natalie Tavassoli)
Voice (Jesse Overton-Skinner)
Yes! (Lydia Bevege)

Withdrawals

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

Hismayal Patrick Ahmat (Indigenous Committee)
Kaitlin Ferris (Wom*n's Officer)
Laura Harris (Welfare Committee)
Bradley Hoare (Activities Committee)
Max Kaiser (MU Student Union Ltd. Board)
Gemma Leigh-Dodds (Education Committee)
Chris Lewis (Students' Council Gen. Reps.)
Jesse Overton-Skinner & Rachael Lim (Education (Public Affairs) Officer)
Liz Patterson (NUS Delegation)
Emma Pollock (Wom*n's Officer)
Sam Rankin (Environment Officer)
Gideon Rozner (MU Student Union Ltd. Board and University Council)
James Smith (University Council)
Cosima Nyx Stone (University Council)
Keith Tan (University Council)
Sabine Wolff (Wom*n's Officer)

Laura Harris also withdrew her nomination for MU Student Union Ltd. Board before the start of polling but too late to be removed from the ballot papers. A notice was displayed in all polling booths alerting voters to the late withdrawal.

The withdrawal of one candidate, Sam Rankin, for Environment Officer unfortunately resulted in his name being deleted in error from the ballot paper for Environment Committee rather than Environment Officer. The mistake was discovered before lunch on the Monday of polling week, and from then on AQE staff manually crossed his name off on the Environment Officer ballot paper and explained the position to voters. A replacement ballot paper for Environment Committee was immediately printed (at AQE's expense) and was issued to all voters from late Monday. No results were affected by the error, and the candidate was duly elected to Environment Committee.

During counting, several 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 a number of cases, 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 the recently amended 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 8 September to Friday 12 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 – 2.30pm
Baillieu Library Foyer	11am – 4.30pm	11am – 6.30pm	11am – 4.30pm	11am – 4.30pm	11am – 2.30pm
Education Resource Centre (Charles Pearson Foyer)	11.30am – 2.30pm	11.30am – 3pm	11.30am – 2.30pm	11.30am – 2.30pm	11.30am – 2.30pm
Burnley Campus Centre (Cafeteria)		11.30am – 2.30pm	12am – 4pm	11.30am – 2.30pm	

This notice was also e-mailed to all students. There were two changes to polling times and locations compared to 2007:

(a) Since the regular polling venue at the E.R.C. was unavailable due to construction work, a new venue was used downstairs in the Charles Pearson Foyer. Logistically this was a success, but turnout was significantly down from last year, suggesting that traffic patterns in the area have changed or that students had trouble locating the new venue.

(b) Polling hours at Burnley were changed following consultation with Burnley students and staff in an attempt to better align with teaching times there, including the provision of an additional hour of polling on Wednesday afternoon. This was very successful, with turnout at Burnley more than doubling from last year despite a reduced student population, although increased campaigning by Burnley students was probably an important factor as well.

An amendment to the Regulations to provide for a polling station at the Victorian College of the Arts campus (as recommended in last year's report) was approved but not in time to take effect for this year. 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 2,928, of which almost 95% (2,768) were ordinary votes cast at the three Parkville polling stations. 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 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.

Electronic Roll and Provisional Voting

As a result of a recommendation in last year's report, permission was secured from the University to maintain an electronic copy of the student roll in a database that could be remotely accessed from all Parkville polling stations. Students were crossed off electronically as they voted, without the need for a paper roll. UMSU funded development of the database, and MU Student Union Ltd loaned AQE a set of laptops for use by poll clerks. The database

met rigorous security requirements; no electoral information was stored on the laptops, and only AQE personnel had access to the roll.

Successful implementation of the database meant that provisional votes were only required at Burnley (which did not have database access) and for Parkville voters who could not be found on the roll (including short periods when database access was interrupted). A total of 155 provisional votes were received, down from 1,194 in 2007. Of those, 96 were accepted and 59 rejected, 53 of them after receiving advice from Student Management Systems.

Postal Votes

Applications for postal votes closed at 5pm on Wednesday 3 September. A total of 24 applications were received, of which two were rejected due to insufficient information.

Ballot papers were posted to the other 22 applicants on Friday 5 September. By close of polls on Friday 12 September, five sets of ballot papers had been returned. A further one was received after the close of polls, and therefore was not accepted.

Of the five votes received in time, one was rejected due to failure to provide verification. The other four were admitted to the count.

Incidents

In addition to matters that were the subject of complaints and rulings (see below), two instances of regrettable behavior during polling week deserve comment.

In the first, a 15-year-old high school student was apprehended putting up unauthorised posters related to the election. He was warned of the seriousness of this conduct and told to remain off campus for the week. There was some evidence of an association with one ticket, but he claimed to be acting alone and no candidate or ticket could be held responsible for the posters. Nonetheless, the Returning Officer is deeply concerned that such involvement of non-students, particularly those under age, should not become a feature of campus elections.

In the second incident, a student not associated with any candidate or ticket managed to send a blanket email to students on two separate occasions, setting out his views about the election and related matters. He also produced a series of unauthorised posters. Discussions were held with University officials about this conduct, and the Returning Officer explained to them that his powers in such a case are of limited use. The University subsequently advised that the matter was referred to Information Systems for action under Statute 8.1R7 and the student was sent a warning letter about abuse of IT facilities.

Evacuation

Polling at Union House was interrupted for approximately 30 minutes on the morning of Friday 12 September when a fire alarm triggered an evacuation of the building. Voters and AQE staff were evacuated safely, and the security of the ballot boxes was maintained at all times due to the efforts of AQE and Union staff. In view of the amount of polling time remaining, and the fact that the polling stations at the Baillieu and ERC remained open throughout, it was not thought necessary to seek permission of the Electoral Tribunal for any consequent adjustment to polling hours.

Counting

Counting of the elections began shortly after the close of polling on Friday 12 September. A fortuitous scheduling issue allowed use of the Grand Buffet Hall for counting, which proved to be an excellent venue. Almost all of the counting was completed by Sunday 14 September,

and an interim notice of results was posted then.

All counting was completed by Thursday 18 September. The full provisional declaration of results appears on page 18. This notice was 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 Wednesday 24 September. None were received in that time, although as mentioned below an appeal was lodged against Ruling (9).

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 2,868 was down 5% from the 3,024 recorded in 2007, and represents approximately 7% 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 21 summarises the written complaints that were received.

Nine 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.

An appeal against Ruling (9) has been lodged; it appears in the Appeals section on page 28. The appeal, which does not challenge any of the results of the election, will be heard by the Electoral Tribunal on Friday 3 October.

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, Malourie Caparas, Lynda Clark, Lachlan Conn, Michael Dickon, Virginia Greaves, Lauren Henderson, Fiona McCammon, Kristi Monfries, Fiona Sanders, David Witteveen, the editors of *Farrago* (Zoë, Simon, Hagan and Ben) and the Building Services team (Serge, Steve, Alex and Gerd)
- Michael Barbadonis (Property & Campus Services), Ruth Baxter (Information Services), Steve Halliwell (University Secretary's Department), Donald Speagle (Vice-Chancellor's Office), James Stewart (Student Management Systems) and Nigel Waugh (Human Resources)
- Tony Bertolotti and the staff at the Digital Print Centre
- Angleton's Office Supplies
- All the candidates and campaigners for their cooperation.

Recommendations

1. Closing time on Friday

Once again, the heaviest crowding at the polls took place on the Friday, largely due to the early closing at 2.30pm that was introduced last year and retained this year, despite our strong protest on both occasions. Friday's turnout again passed 600, leading to long queues at the Union House polling station in the last hour before closing.

There will of course always be some congestion in the period at the end of polling, since some voters leave the task until the last minute regardless of when that is. But the fact that the late rush coincides with lunchtime makes it much worse than it need be.

We remain of the view that polling hours should suit the convenience of voters rather than campaigners, and that early closing on Friday should be abandoned. If its purpose is to allow results to be announced earlier than would otherwise be the case, it is poorly designed for it, since the crowding at lunchtime makes it impossible to do the preparatory work for counting until after the polls have closed. (See the next recommendation for a solution to this problem.)

It is recommended that the Regulations be amended to allow for 5pm closing on Friday.

2. Lockup

Last year, we recommended the introduction of a lockup in the same recommendation as dealt with later closing on Friday. Although the two are related, and we remain in favor of both, it should be pointed out that either could be introduced without the other.

A lockup, as is successfully used at Monash (and in the past at Melbourne), would let counting begin at, say, 12pm on the Friday, on the basis that scrutineers are not allowed out until after the close of polls. The advantage is not just that there would be more counting time, but the preparatory work for it could be done in the morning when there is less pressure of other duties, rather than at present during the lunchtime rush.

It would also be a more effective use of scrutineers' time, since only a small number would be required in the first few hours (when ballot papers are just being unfolded and unstapled) and other scrutineers could still be campaigning, while more would become available during the afternoon as the counting became more serious.

It is recommended that the Regulations be amended accordingly.

3. Tickets with the same name

Regulation 21.7 provides that "If a ticket name ... is proposed by more than one person, the person who first submitted the name may be approved ...". This year, two groups of students both proposed to register the ticket "No 2am Lockout!" The one whose application was lodged first was approved, but the Regulation is silent on what should happen to the other application.

By analogy with Regulation 21.6, which gives an applicant "the option of choosing another name" if their first choice is rejected as misleading or offensive, the Returning Officer allowed

the second group of students to choose another name; they chose "Stop 2am Lockout, Stop Alcopops Tax", which was therefore registered. The first ticket protested against this, but declined the opportunity to take a case to the Tribunal.

It is recommended that Regulation 21.7 be amended to provide guidance to the Returning Officer as to the proper course of action in this situation.

4. Proliferation of tickets

Seventeen tickets were registered this year, a sharp increase on last year's twelve. This was not the result of any underlying rise in political diversity; there remain only five clearly identifiable political tendencies. However, more tickets are being registered as "fronts" to harvest preferences in multi-member positions. Members of two political groups, the ALP Club and Liberal Club, registered nine tickets between them.

The Returning Officer regards this as a disturbing development. Voters are not being offered any increase in genuine choice; on the contrary, the whole *raison d'être* of front tickets is to mislead voters.

It is recommended that ways be explored to halt the proliferation of front tickets. Possible options could include:

- (a) a provision to prohibit students from campaigning for more than one ticket, and/or prohibit students who are candidates or registrants for one ticket from campaigning for a different ticket;
- (b) a provision to require disclosure of political affiliation, perhaps by requiring that each candidate submit a list, for publication in *Farrago*, of all political parties and clubs of which they have been a member in the past calendar year;
- (c) a modification of above-the-line voting along the lines of the NSW Legislative Council, to require voters to number additional boxes if they wish their preferences to flow beyond a particular ticket.

5. Union members not students

Nominations were received from three persons who, according to advice from the University, were no longer students. However, all three appeared on the Union's database as current Union members, and claimed to be eligible to stand on that basis.

Although section 9.1 of the UMSU Constitution confines membership (with one exception not relevant here) to "those persons enrolled as Students", section 14, which sets out how one ceases to be a member, does not exhaust the ways that someone can cease to be a student during the academic year. In particular, those who finish their course requirements during first semester, apparently do not cease to be members until the beginning of the following year.

On the basis that the more specific section 12 should be read to qualify the more general section 9, and that section 11 gives members all the rights of students, including specifically the right to vote and stand for election (sub-sections (i) and (j)), the Returning Officer allowed the nominations to stand, and subsequently allowed those persons, and a small number of others in the same position, to vote. Neither decision was appealed against.

It is recommended that this issue should be clarified prior to next year's election.

6. Photos

Following our recommendation in last year's report, the provisions relating to policy statements (Regulation 15) were clarified. However, they still do not mention photos. The Returning Officer again followed the practice of allowing candidates for officer positions (and University Council and MU Student Union Ltd Board) to submit photos for publication in *Farrago*.

The problem with this is that *Farrago* then has to deal with a variety of electronic files (and occasionally hard copy) submitted in different sizes and formats. It was suggested by this year's Media Officers that an alternative would be to hold a photo shoot at which candidates could all attend and have their photos taken in a standard format.

It is recommended that next year's Returning Officer, in consultation with the 2009 Media Officers, organise such an arrangement on a trial basis.

7. Posters on the ground

A number of tickets this year adopted the practice of attaching posters horizontally to the ground in busy campaigning areas. The Regulations are silent on this, but on reflection the Returning Officer is of the view that it should be discouraged. Such posters are unsightly, they create problems for University grounds staff if campaigners do not remove them afterwards, and they could easily pose a safety hazard in wet weather or if not securely fixed.

It is recommended that next year's Returning Officer should refuse to permit posters to be attached to the ground.

8. Misbehavior on Friday

The incident to which Ruling (9) relates took place within the last half hour of polling on the Friday, as did a somewhat similar incident last year (which was not in the end made the subject of a written complaint). This means not only that the Returning Officer's choice of remedies is limited, as mentioned in the ruling, but also that the time available for investigation is limited by the need to proceed with counting.

Regulation 43.1 requires that the Returning Officer must provisionally declare results "immediately after counting an election"; under Regulation 46 the Returning Officer's jurisdiction to receive complaints of prohibited conduct ceases when the provisional declaration is made, and Regulation 4.1.2 makes the Returning Officer responsible for interpreting the Regulations only "until the declaration of provisional results." It is not clear whether the Returning Officer retains any power after that point to deal with a complaint that has already been made.

It is recommended that

- (a) particular vigilance should be exercised next year against misbehavior by campaigners in the last few hours of polling, to guard against any perception that prohibited conduct can be engaged in at that time with impunity;
- (b) the jurisdictional issue should be addressed, either by explicitly giving the Returning Officer power to deal with a prior complaint, or by providing that such complaints be automatically forwarded to the Tribunal once the provisional declaration of results is made.

Notice of Election

University of Melbourne Annual Student Election

8 - 12 September 2008

Notice is hereby given that nominations open at 12 midday on Monday 28 July, for the 2008 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)

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

Nominations close at 12 midday on Friday 15 August.

Polling will take place from Monday 8 September until Friday 12 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 3 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 and photos 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 authorized 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 be taken by the Returning Officer 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 9077 7593)

Deputy Returning Officer: Jaimie Adam (Ph: 04 0053 4199)

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 2008:

- Queer Committee (Four (4) positions)

Burnley Student Association Annual Election

President (Education Coordinator)

Above Quota Elections

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 2008:

- Same positions as for BSA Annual Election

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.

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 and Wom*n's Committee 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, and Queer Committee 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, and Indigenous Committee must be Indigenous students.

Candidates for International Representative on Students' Council must be International students.

Candidates for Mature Age Representative on Students' Council must be Mature Age students.

Candidates for the BSA positions must be Burnley students.

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

28 July 2008

Nominations

UNIVERSITY OF MELBOURNE ANNUAL STUDENT ELECTION 8 - 12 SEPTEMBER 2008

NOMINATIONS IN BALLOT PAPER ORDER

President

Liz Patterson (Activate)
Wallace Stark (Energize)
Natalie Tavassoli (Stop 2am Lockout, Stop
Alcopops Tax)
Mathew Toner (Voice)
Gideon Rozner (Liberal)
Carla Drakeford (Stand Up!)
Stephanie Gold (Yes!)

Secretary

Shaun Khoo (Stand Up!)
Lydia Bevege (Yes!)
Matt Incerti (Voice)

Education (Academic Affairs) Officer

James Smith (Yes!)
Gemma Leigh-Dodds & Laura Harris (Stand Up!)
Clara Jordan-Baird (Voice)

Education (Public Affairs) Officer

Sadia Schneider & Tim Arnot (Left Student
Unionists)
Yoni Cukierman (Yes!)
Jesse Overton-Skinner & Rachael Lim (Voice)

Welfare Officer

Isaac Gross (Voice)
Chris Lewis (Yes!)
Tom Ickeringill (Liberal)
James Paterson (Energize)
Frances Lewis & Tristan Clack (Stand Up!)

Wom*n's Officer

Katilin Ferris (Stand Up!)
Sabine Wolff (Energize)
Cosima Nyx Stone (Activate)
Anna Cavar (Yes!)
Emma Pollock (Liberal)

Arts Officer

John Shipp (Energize)
Chris Doig (Yes!)
Alex Cambria (Liberal)
Amy Mullins (Voice)
Chris Summers & Adelaide Rief (Activate)

Activities Officer

Clinton Markwell & Andrew Hallam (Yes!)
Lawrence Frawley (Energize)
Chris Kloester & David Liubinas (More Activities!)

Queer Officer

Stefania Capogreco & Elise Gould (Activate)
Shem Bennett & Sharon Lau (Yes!)

Environment Officer

Xavier Smith (Voice)
Josh Karpin & Lauren Mackenzie (Yes!)
Adam McKee & Andrew Kemp (Liberal)
Sam Rankin (Stand Up!)
James Mulvaney (Energize)
Rachel Barrett & Sam Cossar-Gilbert (Activate)

Media Officers

Rosalie Delaney, Mark A. Peart, Max Kaiser &
Lorena Solin (Activate)
Gillian Kilby, Bhakthi Puvanenthiran, Zoe-Zora
Sanders & Yoshua Wakeham (Independent
Media)

Clubs & Societies Officer

Stirling Thorley & David Jonson (Liberal)
Piper O'Dowd & Katherine Klaus (More
Activities!)
William Westerman (Energize)
Lauren Spitalnic (Yes!)

Indigenous Officer

Ruby Warber & Kyle Lancaster
Provisionally elected unopposed

Students' Council General Representatives

Above Quota Elections

Natalie Tavassoli (Stop 2am Lockout, Stop Alcopops Tax)
Louise Boyle (Make It Cheap!)
Robert Anderson-Hunt (Make It Cheap!)
Phoebe Kelloway (Left Student Unionists)
Ruth Braham (Left Student Unionists)
Jamiel Sabbagh (Left Student Unionists)
Jahan Meeran (Left Student Unionists)
Adrian McMillan (ALP Club)
Michelle Radcliffe (ALP Club)
James Paterson (Energize)
Sabine Wolff (Energize)
Clinton Markwell (Yes!)
James Smith (Yes!)
Stephanie Gold (Yes!)
Anna Cavar (Yes!)
Chris Lewis (Yes!)
Allegra Reinalda (Activate)
Dan Musil (Activate)
James Petty (Activate)
Hannah Hayman (Activate)
Keith Tan (Labor)
Rudolph Hosri (Voice)
Xavier Smith (Voice)
Jesse Overton-Skinner (Voice)
Rachael Lim (Voice)
Azlan McLennan (Save the VCA!)
Alex Cambria (Liberal)
Emma Pollock (Liberal)
Joshua Cusack (No 2am Lockout!)
Alex White (No 2am Lockout!)
Jason Ball
Dominique Ottobre (Stand Up!)
Onagh Bishop (Stand Up!)
Evan Wallace (Stand Up!)
Bruno Friedel (Stand Up!)
Hanne Watkins (Independent Media)
William Horton (Independent Media)
Zoë Barron (Independent Media)
Goldie Pergl (More Activities!)
Anton Anin (More Activities!)
Rowie McDonald-Moss (More Activities!)
Bianca Parussolo (Dude, Where's My Education?)
Jack Chadwick (Dude, Where's My Education?)
Paul Coats (Green Thumbs)

Queer Representative on Students' Council

Liam Byrne (Left Student Unionists)
Sharon Lau (Yes!)
Taylor Kendall (Activate)

Indigenous Representative on Students' Council

Kyle Dadleh
Provisionally elected unopposed

International Representative on Students' Council

Joe Zhang (Yes!)
Sisi Ying

Mature Age Representative on Students' Council

Samuel Flewett (Left Student Unionists)
Samuel Campbell (Yes!)
Joshua Cusack (Stand Up!)

Activities Committee

Joshua Cusack (No 2am Lockout!)
Angus Collins (More Activities!)
Andrew Rowse (More Activities!)
Stephen Henderson (More Activities!)
Elanor Kloester (More Activities!)
Lucie Turner (More Activities!)
Bradley Hoare (More Activities!)
Robert Anderson-Hunt (Make It Cheap!)
Lawrence Frawley (Energize)
Jennifer Munt (Voice)
Nicholas Baum (Voice)
Mathew Toner (Voice)
Mick Power (Voice)
Azlan McLennan (Save the VCA!)
Sam Rankin (Stand Up!)
Virginia Trescowthick (Stand Up!)
Evan Wallace (Stand Up!)
Clinton Markwell (Yes!)
Andrew Hallam (Yes!)
Anna Cavar (Yes!)
David Jonson (Liberal)
Paul Coats (Green Thumbs)

Arts Committee

Louise Boyle (Make It Cheap!)
Emma Pollock (Liberal)
Gemma Leigh-Dodds (Stand Up!)
Libby Buckingham (Stand Up!)
Evan Wallace (Stand Up!)
Chris Doig (Yes!)
Andrew Hallam (Yes!)
Stephanie Gold (Yes!)
Michelle Radcliffe (ALP Club)
Ursula Speirs (Activate)
David Donaldson (Activate)
Oliver Hunter (Activate)
Amy Mullins (Voice)
Liam Hedge (Voice)
Jennifer Munt (Voice)
Christopher McDermott (Voice)
William Westerman (Energize)

Education Committee

Liam Byrne (Left Student Unionists)
Phoebe Kelloway (Left Student Unionists)
Daniel Lopez (Left Student Unionists)
Bianca Parussolo (Dude, Where's My Education?)
Nicholas Baum (Voice)
Christopher McDermott (Voice)
Rachael Lim (Voice)
Jesse Overton-Skinner (Voice)
Adrian McMillan (ALP Club)
Robert Anderson-Hunt (Make It Cheap!)

Above Quota Elections

Louise Boyle (Make It Cheap!)
Tom Ickeringill (Liberal)
Paul Coats (Green Thumbs)
Yoni Cukierman (Yes!)
Josh Karpin (Yes!)
Lauren Spitalnic (Yes!)
Joshua Cusack (No 2am Lockout!)
Alex White (No 2am Lockout!)
Azlan McLennan (Save the VCA!)
Onagh Bishop (Stand Up!)
Evan Wallace (Stand Up!)
Bruno Friedel (Stand Up!)
Virginia Trescowthick (Stand Up!)
Gemma Leigh-Dodds (Stand Up!)
Wallace Stark (Energize)
Hannah Hayman (Activate)
Scarlet Love (Activate)
Liz Patterson (Activate)

Environment Committee

Sam Rankin (Stand Up!)
Virginia Trescowthick (Stand Up!)
William Westerman (Energize)
Pavel Sraj (Dude, Where's My Education?)
Jessica Te (Dude, Where's My Education?)
Eleanor Bally (Voice)
Xavier Smith (Voice)
Clara Jordan-Baird (Voice)
Felix Moon (Voice)
Alex Cambria (Liberal)
Paul Coats (Green Thumbs)
Velika Thomev (Activate)
Dan Musil (Activate)
Alexander Turnbull (Activate)
Azlan McLennan (Save the VCA!)
Chris Lewis (Yes!)
James Smith (Yes!)

Indigenous Committee

Sean Armistead
Hismayal Patrick Ahmat
Jarrah Jones
Yoshi Hunter
Kyle Dadleh
All provisionally elected unopposed

Queer Committee

Paul Coats (Green Thumbs)
Shem Bennett (Yes!)
Sharon Lau (Yes!)
Eden Smith (Activate)
Taylor Kendall (Activate)
Bridget Graham (Activate)
David Donaldson (Activate)
Tracey Boyd (Activate)
James Petty (Activate)
Georgia Ioakimidis-MacDougall (Activate)

Welfare Committee

Jessie Giles (Dude, Where's My Education?)
Jack Chadwick (Dude, Where's My Education?)
David Jonson (Liberal)

Alex White (No 2am Lockout!)
Joshua Cusack (No 2am Lockout!)
Azlan McLennan (Save the VCA!)
Kaitlin Ferris (Stand Up!)
Tristan Clack (Stand Up!)
Laura Harris (Stand Up!)
Virginia Trescowthick (Stand Up!)
Dominique Ottobre (Stand Up!)
Wallace Stark (Energize)
Velika Thomev (Activate)
Dan Musil (Activate)
Liz Patterson (Activate)
Scarlet Love (Activate)
Ruth Braham (Left Student Unionists)
Daniel Lopez (Left Student Unionists)
Jamiel Sabbagh (Left Student Unionists)
Steven Chang (Left Student Unionists)
Liam Hedge (Voice)
Jennifer Munt (Voice)
Jesse Overton-Skinner (Voice)
Isaac Gross (Voice)
Michelle Radcliffe (ALP Club)
Andrew Hallam (Yes!)
Lauren Spitalnic (Yes!)
Anna Cavar (Yes!)
Louise Boyle (Make It Cheap!)
Robert Anderson-Hunt (Make It Cheap!)
Paul Coats (Green Thumbs)

Wom*n's Committee

Stacey Nguyen (ALP Club)
Anna Cavar (Yes!)
Lauren Spitalnic (Yes!)
Stephanie Gold (Yes!)
Emma Pollock (Liberal)
Clara Jordan-Baird (Voice)
Rachael Lim (Voice)
Anita Das (Voice)
Jesse Overton-Skinner (Voice)
Sabine Wolff (Energize)
Louise Boyle (Make It Cheap!)
Eden Smith (Activate)
Miriam Hamel-Green (Activate)
Georgia Ioakimidis-MacDougall (Activate)
Nicole Dowling (Activate)
Hannah Hayman (Activate)
Onagh Bishop (Stand Up!)
Kaitlin Ferris (Stand Up!)
Dominique Ottobre (Stand Up!)
Jessica Te (Dude, Where's My Education?)
Susanne Munro (Dude, Where's My Education?)

Queer Committee By-Election

NO NOMINATIONS RECEIVED

Burnley President (Education Coordinator)

Andrew Taylor (Green Thumbs)
Provisionally elected unopposed

Burnley Vice-President (Welfare Coordinator)

Erin Dowling (Green Thumbs)
Provisionally elected unopposed

Burnley Publications / Media Coordinator

Paul Coats (Green Thumbs)
Provisionally elected unopposed

Burnley Facilities Coordinator

Hugh Fraser (Green Thumbs)
Provisionally elected unopposed

Burnley Sports and Recreation Coordinator

NO NOMINATIONS RECEIVED

Burnley General Committee

Paul Coats (Green Thumbs)
Ben de Klepper (Green Thumbs)
Erin Dowling (Green Thumbs)
Hugh Fraser (Green Thumbs)
Andrew Taylor (Green Thumbs)
All provisionally elected unopposed

Burnley President By-Election

Andrew Taylor (Green Thumbs)
Provisionally elected unopposed

Burnley Vice-President By-Election

Erin Dowling (Green Thumbs)
Provisionally elected unopposed

Burnley Pubs/Media Coordinator By-Election

Paul Coats (Green Thumbs)
Provisionally elected unopposed

Burnley Facilities Coordinator By-Election

Hugh Fraser (Green Thumbs)
Provisionally elected unopposed

Burnley Sports & Rec. Coordinator By-Election

NO NOMINATIONS RECEIVED

Burnley General Committee By-Election

Paul Coats (Green Thumbs)
Ben de Klepper (Green Thumbs)
Erin Dowling (Green Thumbs)

Hugh Fraser (Green Thumbs)
Andrew Taylor (Green Thumbs)
All provisionally elected unopposed

MU Student Union Ltd. Board

Isaac Gross (Voice)
James Rankin (Labor)
Peter Chandler (Yes!)
Goldie Pergl (More Activities!)
Laura Harris (Stand Up!)
Max Kaiser (Activate)
Adam Wojtonis (Liberal)

University of Melbourne Council

James Smith (Yes!)
Gideon Rozner (Liberal)
Michael de Bruyn (Voice)
Cosima Nyx Stone (Activate)
Onagh Bishop (Stand Up!)

National Union of Students Delegates

Sabine Wolff (Energize)
Kaitlin Ferris (Stand Up!)
Evan Wallace (Stand Up!)
Bruno Friedel (Stand Up!)
Carla Drakeford (Stand Up!)
Laura Harris (Stand Up!)
Matt Incerti (Voice)
Sami El-Rafei (Voice)
Xavier Smith (Voice)
Mathew Toner (Voice)
Azlan McLennan (Save the VCA!)
Joshua Cusack (No 2am Lockout!)
Sadia Schneider (Left Student Unionists)
Cosima Nyx Stone (Activate)
Mark A. Peart (Activate)
Keith Tan (Labor)
Chris Lewis (Yes!)
Clinton Markwell (Yes!)
Paul Coats (Green Thumbs)
Natalie Tavassoli (Stop 2am Lockout, Stop Alcopops Tax)
Gideon Rozner (Liberal)
Eddie Clarke

20 August 2008

Charles Richardson
Above Quota Elections
Returning Officer

Turnout

	Union House	Baillieu Library	Education Resource Centre	Burnley	Postal	Total	2007
Monday 8 September	308	127	20			455	553
Tuesday 9 September	354	209	14	18		595	682
Wednesday 10 September	328	178	19	27		552	568
Thursday 11 September	441	227	22	7		697	657
Friday 12 September	396	196	32			624	608
Total for week	1,827	937	107	52	5	2,928	3,101

Note: This table records raw turnout, and therefore includes the 60 votes (59 provisional and one postal) that were not ultimately admitted to the count. The total valid vote was 2,868.

ABOVE QUOTA ELECTIONS

UNIVERSITY OF MELBOURNE ANNUAL STUDENT ELECTION
8 - 12 SEPTEMBER 2008

FULL PROVISIONAL DECLARATION OF RESULTS

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

President

Carla Drakeford (Stand Up!)

Secretary

Shaun Khoo (Stand Up!)

Education (Academic Affairs) Officer

Gemma Leigh-Dodds & Laura Harris (Stand Up!)

Education (Public Affairs) Officer

Sadia Schneider & Tim Arnot (Left Student Unionists)

Welfare Officer

Frances Lewis & Tristan Clack (Stand Up!)

Wom*n's Officer

Cosima Nyx Stone (Activate)

Arts Officer

Chris Summers & Adelaide Rief (Activate)

Activities Officer

Chris Kloester & David Liubinas (More Activities!)

Queer Officer

Stefania Capogreco & Elise Gould (Activate)

Environment Officer

Rachel Barrett & Sam Cossar-Gilbert (Activate)

Media Officers

Gillian Kilby, Bhakthi Puvanenthiran, Zoe-Zora Sanders & Yoshua Wakeham (Independent Media)

Clubs & Societies Officer

Piper O'Dowd & Katherine Klaus (More Activities!)

Indigenous Officer

Ruby Warber & Kyle Lancaster (*unopposed*)

Students' Council General Representatives (in order of election)

Clinton Markwell (Yes!)
Allegra Reinalda (Activate)
Dominique Ottobre (Stand Up!)
Phoebe Kelloway (Left Student Unionists)
Rudolph Hosri (Voice)
Goldie Pergl (More Activities!)
James Smith (Yes!)
Dan Musil (Activate)
Onagh Bishop (Stand Up!)
Ruth Braham (Left Student Unionists)
Hanne Watkins (Independent Media)
Stephanie Gold (Yes!)
Paul Coats (Green Thumbs)
Louise Boyle (Make It Cheap!)

Queer Representative on Students' Council

Taylor Kendall (Activate)

Indigenous Representative on Students' Council

Kyle Dadleh (*unopposed*)

International Representative on Students' Council

Sisi Ying (*unopposed*) [see note below]

Mature Age Representative on Students' Council

Joshua Cusack (Stand Up!)

Activities Committee (in order of election)

Sam Rankin (Stand Up!)

Angus Collins (More Activities!)

Clinton Markwell (Yes!)

Andrew Rowse (More Activities!)

Jennifer Munt (Voice)

Anna Cavar (Yes!)

Elanor Kloester (More Activities!)

Arts Committee (in order of election)

Ursula Speirs (Activate)

Libby Buckingham (Stand Up!)

Chris Doig (Yes!)

David Donaldson (Activate)

Amy Mullins (Voice)

Evan Wallace (Stand Up!)

Emma Pollock (Liberal)

Education Committee (in order of election)

Onagh Bishop (Stand Up!)

Yoni Cukierman (Yes!)

Hannah Hayman (Activate)

Liam Byrne (Left Student Unionists)

Evan Wallace (Stand Up!)

Nicholas Baum (Voice)

Phoebe Kelloway (Left Student Unionists)

Environment Committee (in order of election)

Velika Thomev (Activate)

Sam Rankin (Stand Up!)

Chris Lewis (Yes!)

Dan Musil (Activate)

Alexander Turnbull (Activate)

Virginia Trescowthick (Stand Up!)

Eleanor Bally (Voice)

Indigenous Committee

Sean Armistead

Jarrah Jones

Yoshi Hunter

Kyle Dadleh

(*All unopposed*)

Queer Committee (in order of election)

Eden Smith (Activate)

Shem Bennett (Yes!)

Taylor Kendall (Activate)

Sharon Lau (Yes!)

Bridget Graham (Activate)

David Donaldson (Activate)

Tracey Boyd (Activate)

Welfare Committee (in order of election)

Kaitlin Ferris (Stand Up!)

Velika Thomev (Activate)

Andrew Hallam (Yes!)

Ruth Braham (Left Student Unionists)

Virginia Trescowthick (Stand Up!)

Liz Patterson (Activate)

Liam Hedge (Voice)

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

Eden Smith (Activate)

Kaitlin Ferris (Stand Up!)

Anna Cavar (Yes!)

Miriam Hamel-Green (Activate)

Georgia Ioakimidis-MacDougall (Activate)

Dominique Ottobre (Stand Up!)

Clara Jordan-Baird (Voice)

Burnley President (Education Coordinator)

Andrew Taylor (Green Thumbs) (*unopposed*)

Burnley Vice-President (Welfare Coordinator)

Erin Dowling (Green Thumbs) (*unopposed*)

Burnley Publications / Media Coordinator

Paul Coats (Green Thumbs) (*unopposed*)

Burnley Facilities Coordinator

Hugh Fraser (Green Thumbs) (*unopposed*)

Burnley General Committee

Paul Coats (Green Thumbs)

Ben de Klepper (Green Thumbs)

Erin Dowling (Green Thumbs)

Hugh Fraser (Green Thumbs)

Andrew Taylor (Green Thumbs)

(*All unopposed*)

Burnley President By-Election

Andrew Taylor (Green Thumbs) (*unopposed*)

Burnley Vice-President By-Election

Erin Dowling (Green Thumbs) (*unopposed*)

Burnley Pubs/Media Coordinator By-Election

Paul Coats (Green Thumbs) (*unopposed*)

Burnley Facilities Coordinator By-Election

Hugh Fraser (Green Thumbs) (*unopposed*)

Burnley General Committee By-Election

Paul Coats (Green Thumbs)

Above Quota Elections

Ben de Klepper (Green Thumbs)
Erin Dowling (Green Thumbs)
Hugh Fraser (Green Thumbs)
Andrew Taylor (Green Thumbs)
(All unopposed)

MU Student Union Ltd. Board
Goldie Pergl (More Activities!)

University of Melbourne Council
Onagh Bishop (Stand Up!)

National Union of Students Delegates (in order of election)

Kaitlin Ferris (Stand Up!)
Cosima Nyx Stone (Activate)
Chris Lewis (Yes!)
Sadia Schneider (Left Student Unionists)
Evan Wallace (Stand Up!)
Matt Incerti (Voice)
Paul Coats (Green Thumbs)

No nominations were received for the following positions:

Queer Committee By-Election (four vacancies)
Burnley Sports and Recreation Coordinator
Burnley Sports and Recreation Coordinator By-Election

Note: since counting was completed it has been discovered that Joe Zhang, who received the most votes for International Representative on Students' Council, was not in fact an international student. His nomination is therefore declared void and his opponent, Sisi Ying, elected unopposed.

Recounts and Appeals

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

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.

19 September 2008

Charles Richardson
Above Quota Elections
Returning Officer

Complaints

Complainant	Date	Summary	Response
Allegra Reinalda	3-Sep	That the Independent Media ticket's use of the term "Indy Media" was misleading.	See Ruling (1).
Bakhthi Puvanenthiran	5-Sep	That the Independent Media ticket should not be required to give up use of the term "Indy Media".	See Ruling (1).
Rosalie Delaney	5-Sep	That the Independent Media ticket should be required to amend an appearance of "Indy Media" on their <i>Farrago</i> test edition.	See Ruling (2).
Bakhthi Puvanenthiran	7-Sep	That a comment on the "Activate Farrago" Facebook page was misleading and defamatory.	The ticket concerned deleted the comment and apologised.
Gideon Rozner	8-Sep	That campaigners were distributing lollipops in breach of Reg. 4.4.4	On investigation, it was found that the lollipops were part of a University promotion and not connected with the election.
Gideon Rozner	8-Sep	That a Left Student Unionist campaigner misleadingly claimed an affiliation with Labor.	The ticket concerned was warned.
Whities Pty Ltd (Inu Bar)	8-Sep	That the Yes! ticket's policy on discounted beer was impractical.	The ticket concerned agreed to change the wording of its leaflet; the Deputy Returning Officer met with Inu Bar management to address their concerns.
Gideon Rozner	8-Sep	That a leaflet concerning the Yes!, Liberal and Energize tickets contained false and misleading statements.	The candidate responsible for the leaflet was required to make a number of changes to it.
Alex Affleck	9-Sep	That the Yes! ticket's policy on discounted gym memberships was misleading.	Investigation failed to substantiate the complaint.
Bakhthi Puvanenthiran	9-Sep	That a paragraph in the Activate ticket's <i>Farrago</i> test edition was false and misleading.	Investigation failed to substantiate the complaint.
Josh Cusack	9-Sep	That the Liberal ticket's use of the Liberal Party logo was misleading.	The ticket concerned was asked to produce authorisation from the Liberal Party.
Josh Cusack	9-Sep	That the Yes! ticket's use of the No 2am Lockout campaign's logo was misleading.	The ticket concerned produced authorisation from the campaign, which in the Returning Officer's opinion met the objection.
Josh Cusack	9-Sep	That the Yes! ticket was covering entire bollards with posters.	See Ruling (3).
Josh Cusack	9-Sep	That an Energize candidate had been tearing down other tickets' posters.	The candidate, who denied the allegation, was warned.

Above Quota Elections

Josh Cusack	9-Sep	That Yes! policies concerning cheap beer and gym memberships were impossible and misleading.	Issues already addressed in the response to previous complaints.
Josh Cusack	9-Sep	That Yes! and Liberal campaigners had engaged in harassment of Stand Up! campaigners.	Several campaigners were warned.
Gideon Rozner	9-Sep	That an Activate candidate had engaged in harassment of a Yes! candidate.	Investigation failed to substantiate the complaint.
Gideon Rozner	9-Sep	That an Activate candidate spat on a Liberal campaigner.	The candidate, who denied the allegation, was warned.
Activate candidates for Media Officers	9-Sep	That the Independent Media ticket's <i>Farrago</i> test edition was not printed on recycled paper.	See Ruling (4).
Zoe Sanders	10-Sep	That the Activate candidates for Media Officers had engaged a graphic designer, in breach of Reg. 44.5.16 or 44.5.29.	See Ruling (5).
Robert Anderson-Hunt	10-Sep	That a leaflet concerning him was misleading.	See Ruling (8).
James Paterson	10-Sep	That a Left Student Unionists candidate had engaged in harassment of a Yes! candidate.	See Ruling (7).
James Field	10-Sep	That a Liberal candidate had harassed him and taken his photo without permission.	See Ruling (6).
Kaitlin Ferris and 11 others	11-Sep	That they had been harassed, intimidated and abused by various Yes!, Energize and Liberal campaigners.	Several campaigners were warned. (See also Ruling (6).)
Devon Whittle	11-Sep	That a student had sent unsolicited bulk emails concerning the election.	The student concerned was not a candidate nor associated with any ticket, but his conduct was referred to the University.
Adam Wojtonis	12-Sep	That a Left Student Unionists candidate assaulted him and attempted to steal his flag.	Investigation failed to substantiate the complaint.
Jennifer Munt and Rachael Lim	12-Sep	That they were harassed and intimidated by several Left Student Unionists candidates.	See Ruling (9). (See also Appeals section.)

Ruling (1) of the Returning Officer

- a) On 3 September 2008 a complaint was received from Allegra Reinalda on behalf of the Activate ticket (“the Complainant”) against the use by the Independent Media ticket of the term “Indy Media” in their campaign material. The complaint alleged that this use exploited the reputation of the global media network Independent Media Centre (IMC), known as IndyMedia, with which the Independent Media ticket is not connected.
- b) When presented with this complaint, representatives of the Independent Media ticket (“the Respondent”) assured the Returning Officer that it had not occurred to them before, that they had no intention of trading on the reputation of IMC, and that they apologised for any such inference. They undertook to alter their campaign material, including badges and t-shirts, and to use in the future only the words "Indie" or "Independent", not "Indy". They pointed out, however, that a single appearance of the term "Indy Media" on the back cover of their test Farrago edition would be difficult to change; in light of the other undertakings given, and the fact that (apart from the words themselves) there seemed to be no imitation of anything associated with IMC, the Returning Officer did not insist on it being changed.
- c) This compromise outcome was acceptable to the Complainant. However, the following day the Respondent indicated that they were having doubts about the undertakings given, and on 5 September Bhakthi Puvanenthiran on behalf of the Respondent presented a written submission asking for the agreement of 3 September to be overturned. The Respondent’s submission argues that average students would not reasonably be misled by their campaign material and that they should be permitted to use the term “Indy Media”, at least “colloquially or in places where text space is a concern”.
- d) Regulation 28.3 restricts permitted election material to that “... which is not otherwise deemed by the Returning Officer in his sole discretion to be misleading or deceptive in any way ...”. Having studied the material in question and the IMC’s website in light of both the original complaint and the Respondent’s submission, the Returning Officer takes the view that use of the term “Indy Media” is liable to mislead, and that the agreed position reached on 3 September is reasonable and should be upheld.
- e) The Returning Officer believes that asking whether an average student would reasonably be misled is not necessarily the correct test to apply, since voters in an annual election can be assumed to be more politically engaged than the average, and therefore more likely to have some awareness of an organisation like IMC. This is particularly relevant given that the Complainant appears ideologically closer to IMC’s orientation than does the Respondent. The fact that Australian participation in IMC is apparently quite low does not automatically mean that voters would not be aware of the brand name and therefore liable to be misled.
- f) The Returning Officer also believes that disputes of this nature should be settled by compromise where possible, and that candidates and tickets should therefore not be encouraged to revisit undertakings that they have given.
- g) In light of the above, the Returning Officer upholds the complaint to the extent represented by the compromise agreement of 3 September, and therefore rejects the Respondent’s submission.

Charles Richardson
5.9.08

Ruling (2) of the Returning Officer

- a) On 5 September 2008, following the issuing of Ruling (1), a further complaint was received from Rosalie Delaney on behalf of the Activate ticket ("the Complainant") arguing that the appearance of the term "Indy Media" on the back cover of the Independent Media ticket's test Farrago edition was misleading, for the reasons canvassed in the original complaint of 3 September that led to Ruling (1), and that Independent Media should be required to change it on all remaining copies.
- b) The misleading or deceptive nature of any item cannot be judged independently of context, and a term such as "Indy Media" appearing in isolation may be quite different from its appearance as part of a sustained campaign.
- c) The Returning Officer is of the view, as originally expressed on 3 September and repeated in Ruling (1), that the risk of voters being misled by a single use of the term "Indy Media" is sufficiently small that it would be an unreasonable burden on the Independent Media ticket to require that it be changed.
- d) The complaint is therefore dismissed.

Charles Richardson
7.9.08

Ruling (3) of the Returning Officer

In response to questions raised by various campaigners, including a written complaint lodged by Josh Cusack on 9 September, the Returning Officer rules as follows:

- a) Tickets have previously been advised to share poster space on bollards and not to cover the posters of other tickets when there was free space available, nor to blanket bollards with their own posters leaving little or no free space.
- b) Unfortunately this advice has not been consistently followed, leading to unnecessary waste of resources and tension between campaigners. This is of particular concern given the evident policy concern of the Regulations to conserve paper.
- c) Therefore, effective immediately and for the remainder of the campaign, a limit of **six (6) A3-size posters** (or 12 A4-size) per ticket on any one bollard at any time is hereby imposed, by virtue of the Returning Officer's power under Reg. 27.6 to control space allocation.
- d) Campaigners are also reminded that pulling down posters belonging to another ticket is prohibited conduct under Reg. 44.5.12, regardless of whether or not they are within the scope of this Ruling, and that the proper remedy for any alleged breach of this or any other Ruling or Regulation is to make a report to the Returning Officer.

Charles Richardson
10.9.08

Ruling (4) of the Returning Officer

In response to a complaint received on 9 September 2008 from the Activate candidates for Media Officers ("the Complainants"), the Returning Officer rules as follows:

- a) The Independent Media candidates for Media Officers ("the Respondents") concede that their test edition of *Farrago* was not printed on recycled paper, and therefore is in breach of Reg. 27.4.
- b) The Returning Officer regards this as a serious breach, since the policy rationale of Reg. 27.4 is not only to protect the environment but also to provide some protection against escalating paper warfare in elections.

- c) The seriousness of the offence is mitigated, if only slightly, by the fact that it appears to have been due to negligence rather than deliberate intention.
- d) Following the discovery of this breach, at around 3pm on 9 September, the Respondents were banned from distributing the offending material until further notice, a period which lasted until around 4pm today.
- e) In addition, it is necessary to take some measure to redress the unfair advantage that the Respondents gained from the reduced cost of printing on non-recycled paper. After studying comparative printing costs, the Returning Officer has concluded that the cost difference for this type of material is of the order of 10%.
- f) The Respondents have therefore been required to surrender 10% of the print run of their test edition of *Farrago*, or 200 copies. These will be sent by the Returning Officer for recycling.

Charles Richardson
10.9.08

Ruling (5) of the Returning Officer

In response to a complaint received on 10 September 2008 from the Independent Media candidates for Media Officers (“the Complainants”), the Returning Officer rules as follows:

- a) The Activate candidates for Media Officers (“the Respondents”) concede that a non-student, who is said to be a professional graphic designer, was involved in production of their test edition of *Farrago*, at least to the extent of teaching them how to use a layout program and giving them some tips on layout technique.
- b) Reg. 44.5.29 prohibits “campaigning, directly or indirectly, or aiding in campaigning in the elections, by any persons who are not current Students of the University.”
- c) In the Returning Officer’s view Reg. 44.5.29 does not prohibit all possible involvement by non-students in an election campaign. Given the tradition of interest by alumni of almost all political groups in student elections, it cannot have been the intention of the Regulations to exclude them completely from offering advice or limited preparatory assistance to current student groups.
- d) In the present case, the Respondents maintain that they had complete creative control of the material in question, including both text and graphics. No evidence has been offered to the contrary. The Returning Officer is unconvinced by the Complainants’ contention that graphic design skills are as central to production of a newspaper as journalism and editing. The Respondents also state that the involvement of the non-student was limited to a period some weeks before the election.
- e) In view of the above considerations, the Returning Officer finds that a material breach of Reg. 44.5.29 has not been made out.
- f) The Complainants also allege that if the person concerned had been paid for his services, this would be a breach of Reg. 44.5.16, which prohibits “Paying a person to campaign.” Since the Respondents deny that he was paid, and the Complainants offer no evidence to the contrary, the point is not really material, but it should be pointed out that the test in 44.5.16 is much stricter than that in 44.5.29. Even producing election material with creative control, while it would clearly constitute “aiding in campaigning”, would not itself amount to “campaigning”.

Charles Richardson
10.9.08

Ruling (6) of the Returning Officer

In relation to a complaint made by James Field on 10 September 2008 against Alex Cambria (“the Respondent”), the Returning Officer rules as follows:

- a) Taking photos of voters without their consent or other reasonable excuse is in breach of Reg. 44.5.26, and is most emphatically to be discouraged.
- b) While it does not appear that the Respondent was solely at fault in the incident concerned, in view of the fact that he had already been warned twice previously for alleged instances of harassment, it is appropriate for a penalty to be imposed.
- c) Alex Cambria is therefore suspended from campaigning for the remainder of today, Thursday.

Charles Richardson
11.9.08

Ruling (7) of the Returning Officer

In response to a complaint received on 10 September 2008 from James Patterson (“the Complainant”) against Samuel Flewett (“the Respondent”) and the Left Student Unionists ticket, the Returning Officer rules as follows:

- a) It appears that a candidate on the Yes! ticket was distressed as a result of a series of incidents involving the Respondent on 9 and 10 September. The Returning Officer is satisfied on the balance of probabilities that the Respondent was in breach of Reg. 44.5.26.
- b) Although it is not misleading to associate the Yes! ticket in a general way with the Liberal Party, to associate it with a policy of hostility to Asian immigration, as the Respondent admits having done, appears to be without foundation and therefore amounts to misleading conduct under Reg. 44.3.
- c) The Complainant’s allegation that this conduct was a deliberate policy of the Left Student Unionists ticket has not been made out, nor has the allegation of racist intimidation or abuse in breach of Reg. 44.5.27.
- d) However, the need to deter cases of harassment, and the evident policy concern of the Regulations that racial issues be treated with particular seriousness, make it appropriate to impose a penalty.
- e) Samuel Flewett is therefore suspended from campaigning for the remainder of today, Thursday.

Charles Richardson
11.9.08

Ruling (8) of the Returning Officer

In response to a complaint received on 10 September 2008 from Robert Anderson-Hunt (“the Complainant”) against a leaflet published by Alex Cambria, the Returning Officer rules as follows:

- a) The Complainant acknowledges that he once worked as an intern for Greg Hunt MP. The statement on the leaflet that the Complainant “Previously performed volunteer work for ... Liberal MP Greg Hunt” therefore cannot be regarded as misleading. The Returning Officer does not regard the difference, if any, between an intern and a volunteer as material.
- b) The Complainant contends that the fact that the leaflet fails to mention that the work was only for a week, that it was four years ago, that he has had no further dealings with the Liberal Party, and that Greg Hunt is his second cousin, has the effect of giving a misleading impression.

c) While the leaflet's presentation of the facts is clearly selective, it is neither inaccurate nor directly misleading. There is no obligation on campaigners to present all sides of an issue or to alert voters to all relevant facts, provided that voters are not deceived or misled.

d) If the obvious or natural conclusion from the leaflet was that the Complainant had a continuing association with the Liberal Party, then it would be in breach on Reg. 44.3, whether or not the inference was intended. However, since that is only one of a number of possible conclusions that could be drawn, the Returning Officer does not believe the leaflet falls within the ambit of that prohibition.

e) The complaint is therefore dismissed.

Charles Richardson

11.9.08

Ruling (9) of the Returning Officer

In response to a complaint received on 12 September 2008 from Jennifer Munt and Rachael Lim ("the Complainants") against the Left Student Unionists ticket ("the Respondent"), the Returning Officer rules as follows:

a) The Complainants allege that three of the Respondent's campaigners engaged in verbal abuse and physical intimidation of two Voice campaigners in an incident near the Sports Centre shortly before the close of polls on Friday 12 September.

b) The Respondent's campaigners, while admitting that an incident occurred, deny that they were guilty of harassment and offer a significantly different version of events. It has not been found possible to get independent evidence of the truth of the matter.

c) However, the Returning Officer is satisfied that genuine and unacceptable distress was caused to a Voice campaigner. In the light of previous complaints against the Respondent, the Complainants' version of events has to be given some credence.

d) Had the incident occurred and complaint been lodged earlier in the week, it would have been possible to address it by suspending one or more of the Respondent's campaigners from the campaign for a period. That remedy being no longer available, the Returning Officer's options are in practice limited to either disqualifying a candidate, or referring one or more persons to the University for disciplinary action. In this instance, the case for taking such a serious step has not been made out.

e) Since counting has now been completed and the provisional declaration of results is required to be issued forthwith, it does not appear that the Returning Officer has jurisdiction to continue to deal with complaints beyond this point. The parties are of course at liberty to raise the matter with the Electoral Tribunal under Reg. 46.2 or 47.2.

f) The Returning Officer is concerned, however, that instances of prohibited conduct near the end of the election may be insufficiently deterred. It is important that campaigners realise that harassment and intimidation are serious matters, and not come to believe that there is a time when they can be committed with impunity. These matters will be canvassed further in the Returning Officer's Report.

g) Left Student Unionists are accordingly warned of the need to comply strictly with the rules relating to harassment, particularly Reg. 44.5.26, and it is recommended that next year's Returning Officer pay particular attention to this issue.

Charles Richardson

19.9.08

Appeals

In response to Ruling 9. [Received 23 September 2008]

Ruling (9) by the Returning Officer, of “warning” Left Student Unionists, while seeming a minor matter, is unacceptable to the ticket.

Such complaints and warnings are taken very seriously by Left Student Unionists, as we are a group of progressive students, who oppose discriminatory behaviour. Such a warning implies guilt in the matter, which we deny, and that the Ruling itself admits cannot be proven (“It has not been found possible to get independent evidence of the truth of the matter.”)

Left Student Unionists have been happy to provide the Returning Officer with an account of the event, and have done everything we can to assist the Returning Officer in his investigations.

The warning issued in Ruling (9), appears to be based purely upon the fact that an individual campaigner on the Left Student Unionists ticket had a complaint made against them earlier in the week. The ruling on that complaint did not find that the Left Student Unionists campaigner had behaved in a manner that was analogous to any form of harassment, which is the basis of Ruling (9).

The Ruling states: “However, the Returning Officer is satisfied that genuine and unacceptable distress was caused to a Voice campaigner. In the light of previous complaints against the Respondent, the Complainants’ version of events has to be given some credence.”

Left Student Unionists take all accusations of harassment very seriously; we oppose all sexist, racist and homophobic behaviours. The warning that has been handed down has been based purely upon the fact that the Voice campaigner was distressed by something. There is no actual evidence that her been offered which implicates Left Student Unionists as the cause of this distress, except for an allegation from a ticket that is associated with the Right wing of the Labor Party, who obviously have little love for left wing progressive students, such as those who make up Left Student Unionists.

By warning Left Student Unionists on this matter, the Ruling implies a degree of guilt on our behalf. It is not the responsibility of Left Student Unionists to prove our innocence in this matter, though we have been happy to try. It is the duty of ‘Voice’ and the complainants to do so.

The rulings made by the Returning Officer carries influence, and it is possible that this could create a precedent that tickets can be warned, or even receive greater disciplinary measures, not for actions which have been committed, but for actions that have been alleged.

The Electoral Tribunal, if such allegations were to come before it, could quite conceivably take the rulings of the Returning Officer on such matters as the basis for ruling harsher penalties. Thus establishing a precedent that could be used as a threat, or for the purposes of intimidation by some tickets against others.

It is for these reasons that we appeal Ruling (9).

Liam Byrne for Left Student Unionists.

Declaration

I hereby declare that the 2008 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
30 September 2008.

Appendix: Full Details of Counting