

# Report of the Returning Officer

Swinburne Student Union Annual Election

October 18 – 22, 2010

## **Table of Contents**

Table of Contents	Page 2
Staffing	Page 3
Nominations	Page 4
Support to Candidates	Page 6
Polling	Page 7
Counting	Page 8
Results	Page 9
Recommendations	Page 10
Appendix 1	Page 13
Appendix 2	Page 14

## **Staffing**

Above Quota Elections Pty Ltd put forward Director Charlie Sanders as Returning Officer (RO), and Director Stephen Luntz was appointed Deputy Returning Officer (DRO).

From AQE's experience running the elections at SSU in 2009, staffing was cut at the outer campuses, as turnout was not sufficient to warrant paying two clerks at each of those three booths. However, due to the isolated nature of the outer campuses, an Assistant Deputy Returning Officer (ADRO) position was created, which was shared between Junior Partners Haydn Steel and Andrew Butterworth. This appointment allowed the outer campuses to be staffed by a single poll clerk each, with the ADRO roaming between campuses, reducing the staffing cost of the election significantly.

Two poll clerks were provided at both Prahran and Hawthorn, and turnout was appropriately high to warrant this continuing in the future.

## Nominations

Nominations for Students' Council were received as per the following table:

President	Damian Ridgwell James Searle
Education/Vice President	Lucas Anderson Mark Briers
Secretary Treasurer	Matthew Landolfo Elizabeth Walsh
Access and Equity Officer	Daniel Dadich Conrad Corry
Hawthorn Campus Chair	Meit Shah Vivian Farrelly
Prahran Campus Chair	James Oliver Alexandra Ryrie-Golding
Lilydale Campus Chair	Jessica Stave Charis Goodwin
Croydon Campus Chair	Peter Coates Harley Brown
Wantirna Campus Chair	Keith Warburton
Queer Representative	Abigail Michell
Women's Representative	Nilumi Amarabandu Mia Anstee
Post-Graduate Representative	Christian Tagle Hardikkumar Gajjar
Undergraduate Representative	Andrew Kirkpatrick Mehr Hussain Gurkamal Singh Gill
Part-Time Representative	Langley Tay Michael Kandelaars
International Representative	Vivek Sarode Rakibul Islam
Mature-Aged Representative	Aimee McCarten Saad Bin Abul Kashem
Tafe/Apprentices Representative	James Cooper Md. Asfaq Hossain Khan
Disability Support Representative	Najlaa Albatat Noel Gardiner

No nominations were received for the position of Indigenous Representative.

Nominations for the SISA Committee (5 General Members to elect) were received as per the following table:

General Members	Vivek Sarode Krutika Parmar Naresh Alagappa Viren Anthonisz
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No nominations were received for the SUPA Committee (5 General Members to elect).

Nominations for the National Union of Students (6 Delegates to elect) were received as per the following table:

NUS Delegate	Noel Gardiner Daniel Dadich Matthew Landolfo James Searle Lucas Anderson Damian Ridgwell James Oliver Langley Tay Michael Kandelaars Conrad Corry Claudius Corry Andrew Kirkpatrick
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Withdrawals of nomination were received as per the following table:

NUS Delegate	Claudius Corry Andrew Kirkpatrick
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As no more nominations were received than positions available, the following nominees were declared provisionally elected unopposed at the close of nominations:

Wantirna Campus Chair	Keith Warburton
Queer Representative	Abigail Michell
SISA Committee General Members	Vivek Sarode Krutika Parmar Naresh Alagappa Viren Anthonisz

## **Support to Candidates**

As per the Regulations, all nominees were allotted 500 A4 black-and-white double-sided and 10 single-sided A3 photocopies (per position nominated for) at Minuteman in Hawthorn to produce promotional material. Where Minuteman was unavailable or unable to provide these photocopies within acceptable timelines (such as over the weekend, early mornings and late nights, during blackouts, or technical issues at Minuteman's premises), candidates were allowed to use other methods of printing and photocopying; receipts for this external production were provided to the Returning Officer and printing allowances at Minuteman reduced accordingly.

Chalk and sticky tape was also provided for the candidates, although no balloons were requested.

A forum was held in the break between polling hours from 2-3pm in the Atrium at Hawthorn, and four members of each of the two tickets spoke and answered questions from the floor. The event was, on the whole, without incident, excepting a breach which occurred (see Appendix 1 – Written Ruling (1) of the Returning Officer). Student attendance was reasonably high due to the location, and also the proximity to the lunch hour.

## Polling

Polling occurred from 10:30am-2pm and 3-5:30pm from Monday October 18 to Thursday October 21, and from 10am-4pm on Friday October 22, 2010.

Polling booth locations and voter turnout were as follows:

Hawthorn – Atrium: 1,582

Prahran – cafeteria: 79

Lilydale – cafeteria: 44

Croydon – cafeteria: 65

Wantirna – cafeteria: 67

Total voter turnout: 1,837

The increased turnout at all campuses can be attributed to two things: the ability of AQE to secure a booking for the polling booth to be placed in the Atrium at Hawthorn, and the high levels of campaigning at outer campuses. It should be noted that, with a recent Federal election, and the University's own internal elections having been held just two weeks previously, voter fatigue would be expected to have been a significant factor, and such a high turnout given this circumstance is an enormous achievement for all involved.

**All the candidates and campaigners involved in this election enfranchised a huge number of students and are to be congratulated in this mammoth effort. Thank you all for contributing in such a positive way to the democratic process.**

It should be noted that a number of both minor and serious infractions occurred during the polling week, one of which resulted in a written ruling (Appendix 1 of this Report). Most penalties were accepted with grace and adhered to in a respectful and honourable manner. To those people, I give my personal and professional thanks.

## Counting

Counting took place from 6pm on Friday October 22, 2010 in the student lounge known as 'Space Bar' on Level 3 of the UN Building. Once the Returning Officer was satisfied with the reconciliation of the ballot numbers per campus and, at Hawthorn, per day, the sorting and counting commenced. As is customary, President ballots were counted first, and were broken down into results by day at Hawthorn and by campus at the outer campuses. The results listed show these breakdowns. All other positions were then counted en masse.

Counting continued until approximately 1am, at which time the Returning Officer adjourned the count due to the tiredness of staff and scrutineers.

Scrutineers were present from both tickets from the start, until it was clear that the NUS count was going to have to be recounted from scratch due to the extremely close nature of the results, at which point one of the tickets left the room and informed the Returning Officer that they were not interested in scrutineering any remaining ballots apart from NUS.

Counting of the remaining individual positions commenced at 4pm on Saturday, 23 October, with scrutineers present from one of the tickets, and was adjourned at 1am. Counting continued the next day from 2pm with scrutineers from one ticket and all individual positions were counted and declared by 5:15pm on Sunday 23 October, 2010. These results were posted on the AQE website under the SSU elections page by 5:20pm.

The NUS ballot was restarted from scratch with scrutineers present from both groups on Wednesday 27 October, 2010, and was completed and declared at 6:30 on that day.

## Polling Results

President	Hawthorn					Prahran	Croydon	Lilydale	Wantirna	Total
	Mon	Tue	Wed	Thu	Fri	All	All	All	All	
Ridgwell	194	152	128	137	138	11	13	27	9	809
Searle	182	145	173	121	116	59	43	10	46	895
Informal	20	22	15	21	18	9	9	7	12	133
Total	396	319	316	279	272	79	65	44	67	1837

Education Vice President	
Anderson	791
Briers	876
Access and Equity Officer	
Dadich	805
Corry	846
Prahran Campus Chair	
Oliver	739
Ryrie-Golding	806
Croydon Campus Chair	
Coates	834
Brown	700

Undergraduate Representative		
Kirkpatrick	178	Elim.
Hussain	794	851
Singh	608	636

Part-Time Representative	
Tay	862
Kandelaars	680

Mature-Aged Representative	
McCarten	883
Kashem	717

Disability Support Representative	
Albatat	747
Gardiner	824

Secretary Treasurer	
Landolfo	908
Walsh	769
Hawthorn Campus Chair	
Shah	779
Farrelly	886
Lilydale Campus Chair	
Stave	753
Godwin	789
Women's Representative	
Amarabandu	729
Anstee	846

Postgraduate Representative	
Tagle	876
Gajjar	668

International Representative	
Sarode	909
Islam	732

TAFE / Apprentices Representative	
Cooper	880
Khan	702

NUS Delegates in order of election (for full count and distribution details, please see Appendix 2 of this Report)		
1. James Searle	2. Matthew Landolfo	3. Damian Ridgwell
4. Lucas Anderson	5. Daniel Dadich	6. Noel Gardiner

## Recommendations

Having read the documentation for the SSU, my first and most strident recommendation is for the incoming Secretary Treasurer to go through both the Constitution and the Regulations and rectify areas of the latter which are in conflict with the former. The Secretary should then read every set of Minutes from every meeting of Council since the Regulations were last updated, and bring the Regulations up to date from any motions which have effectively changed that document.

The next step would be to consult widely within the Students' Council and related bodies to determine what SSU wants its Constitution and Regulations to achieve. You may also decide to create Policies to deal with specific issues such as allocation of resources, use of office space, delegations to negotiate with the University or Government on particular issues, etc. Each role in the Union could be clearly defined in a role description, or the positions could be left vague to allow for different people to flow in and out of roles where they might have areas of expertise.

Engaging a consultant to facilitate this entire process would be ideal, but, given the Union's current financial status, it seems unlikely. In this case, reading the documentation of other universities would be of great help, and hiring a consultant to review your ideas and consolidate them would be far less costly than having them do all the work. I am sure that the current and incoming Secretary Treasurers have plenty of experience and resourcefulness and will be able to rise to the task.

As regards specific recommendations, the following issues arose from the Regulations this year and should be rectified:

1. RI(f) specifies that election material is limited to printed or electronic information. This effectively means that the Returning Officer is unable to make rulings on verbal or other statements (interpretive dance, paintings, crayon, etc.).
2. RI(g) specifies that the election period runs until the declaration of the ballot and not to the submission and publication of the Report of the Returning Officer. This effectively means that the Election Regulations cease to be in force as soon as the votes are declared, and the Returning Officer can no longer act in that capacity to do such things as receive appeals, write a report, convey results to the NUS Secretary, etc.
3. RI(m) specifies that a poster is limited to items intended to be displayed on noticeboards. This effectively means that any poster displayed on a bollard, pole, wall, café, or any other surface does not come under these Regulations.
4. RII(6) states a date of appointment of a Returning Officer which is completely unreasonable given the usual timelines of student union election seasons.
5. RIV(11) is impossible to carry out and should be changed to 'during an academic period when students are expected to be attending classes on campus'.
6. RIV(12) states that the President may call the election. My recommendation is that either the power to call an election should reside with Council or even that a specific academic week be chosen by Council and set into the Regulations or Constitution.
7. RIV(16) sets out the times of polling, which include a break of one hour in a peak period of student activity on campus. My recommendation is to change the hours to 'from 10am to 4pm' on each day of polling, and to limit the number of days of polling at campuses other than Hawthorn to three days each (to be advised by the relevant Campus Chairs as to the most active days on their respective campuses), and to change polling hours at campuses other than Hawthorn to fit the nature of the student activity patterns at those campuses. Allowing for a longer day of polling at some convenient point during the week to enfranchise students studying after business hours may also be of great benefit.
8. RVI(21) is vague as to whether students may simultaneously hold positions on two separate student union bodies, such as being both President and a General Member on the SUPA Committee.
9. RVII(26) is overruled by RVII(30) and is therefore redundant.

10. RVII(27) should be prefaced with the words 'at the time of the close of nominations'.
11. RVII(32) is wasteful of people's time and should be removed altogether. If you don't trust the Returning Officer to duly receive and process nominations, don't hire them.
12. RVII(33.2) specifies that a student union member must show their membership card upon nomination. As a) the student union does not currently issue membership cards, and b) students do not have to be members to nominate for positions in the election, this statement is incredibly flawed and should be removed.
13. RVII(34) has a typo in it. It also states that nominations should be available for inspection as soon as the election period starts, which is the beginning of the opening of nominations. It is very poor form to allow people to inspect nominations before nominations have closed. I recommend that this be changed accordingly.
14. RVII(35) allows candidates to withdraw at any time before a result is declared. This could result in costly recounts being started from scratch at great cost to the union, and should be changed to 'at any time before the commencement of the count of the ballot for which they are a candidate'.
15. RVIII should be removed and replaced with a clause in RII compelling the Returning Officer to publish the therein-mentioned information in a public place including but not limited to a dedicated election webpage if one exists.
16. RIX(42) specifies material support for candidates. I recommend that the 10 sheets of A3 paper be amalgamated into the 500 photocopies as '10 single-sided black-and-white A3 photocopies', and that the balloons be removed altogether.
17. RIX(48) specifies the terms of the candidates' forums. Some discretion on the part of the Returning Officer should be added to allow for changes to dates, times, and locations of these forums so as to take extenuating circumstances into account. The Returning Officer should also be given the ability to determine the nature of the forum as long as all parties agree to the format chosen.
18. RX(56.1) specifies that each ballot paper be numbered by the poll clerk issuing said ballot paper. As registers are utilised in the deplorable absence of the provision of the roll of voters by the university, this numbering of ballots would violate the secrecy of the ballot and should therefore be removed from the Regulations.
19. RX(58) specifies that the ballot papers be locked in a secure location in the university. As no such location is available, this should be amended.
20. RXII does not specify any prohibited conduct in the way of racist, sexist, homophobic, discriminatory, aggressive, abusive, or any other type of behaviour other than dishonest, misleading or deceptive behaviour, and libel or slander. I recommend that prohibited conduct be expanded to include a wide range of unacceptable behaviour. The UMSU Election Regulations have an excellent section on this matter and I encourage SSU to investigate this further.
21. RX(73.a) requires that no student may incur any monetary expenses for electioneering purposes. Interpreted in a black-letter way, this would prohibit students from buying water or sunscreen, catching public transport or using a petroleum-powered vehicle to and from campaigning, and require coming to university naked. At most other universities, students are allowed to incur expenses as they see fit, including the production of colour printing, campaign team tshirts, and other identifying items. This identification enfranchises voters and makes campaigners easier to identify and either approach or avoid. I recommend that this clause be removed entirely.
22. RXII(76) refers to election material, which has been defined as printed or electronic material in RI(f) as previously stated. Please refer to Recommendation 1.
23. RXIII is vague in its outline of process for objections and appeals and needs to be completely rewritten.
24. SISA is not mentioned anywhere in the Election Regulations. This should be rectified.

While there are many more recommendations for changes I could make, I feel that these are the most pressing and should be dealt with immediately. If the current Secretary Treasurer is unable to enact these changes, they can wait until the new Council convenes in January, but there is a great deal of preparation to be undertaken, and I suggest you start now.

Apart from the inevitable minor conflicts over rulings, it has been a pleasure working with all the students at Swinburne, and AQE looks forward to working with SSU again in the future if the occasion arises.

In addition, I would like to thank the Swinburne University security team for their extreme patience and unending support, the staff of the SSAA for their goodwill, all the crew at Haddons and Uni Caffe for their provision of sustenance and smiles, Deputy Returning Officer Stephen Luntz, Assistant Deputy Returning Officers Haydn Steel and Andrew Butterworth, the long-suffering and tireless AQE poll clerks, and, in particular, to the voters: for participating in the democratic process and making my job worthwhile.

Charlie Sanders

Returning Officer – Swinburne Student Union Annual Election 2010

Director – Above Quota Elections Pty Ltd

## **APPENDIX 1 – Written Ruling 1 of the Returning Officer**

In response to information brought to the Returning Officer by duly employed Poll Clerks, and subsequently investigated by the Returning Officer, the Returning Officer rules as follows:

1. That comments made by Damian Ridgwell and Liz Walsh ('the Respondents') in their participation in the candidates' forum amount to a breach of the Regulation 73.(g) (relating to defamation) of the Student Union;
2. That the comments made by the Respondents amount to discrimination against a disabled student of the University;
3. That, given that the comments were made as part of a well-attended public forum in a well-populated public space of the University, the breach has significantly disadvantaged the student and his ticket in question to warrant a penalty;
4. That, given the nature of the breach, it is important to send a clear message about the use of discrimination in any form in this election;
5. The Respondents, Damian Ridgwell and Liz Walsh, are therefore banned from campaigning from midday, Thursday October 21, 2010 until polling reopens on Friday October 22, 2010.

Ms Charlie Sanders

Returning Officer

21 October, 2010

## APPENDIX 2 – NUS Ballot Count Results

CANDIDATE	Primaries	2nd count	3rd count	4th count	5th count	6th count	7th count	8th count	9th count	
<b>Noel Gardiner (Shake Up!!)</b>	127	134.76	146.12	147.25	147.31	155.38	156.94	158.62	160.75	ELECTED (6)
<b>Daniel Dadich (Student Voice)</b>	113	115.74	117.64	120.38	120.61	122.63	132.64	204.18		ELECTED (5)
<b>Matty Landolfo (Shake Up!!)</b>	136	242.33	ELECTED (2)							
<b>James Searle (Shake Up!!)</b>	324	ELECTED (1)								
<b>Lucas Anderson (Student Voice)</b>	143	144.37	145.76	151.22	151.72	155.03	253.03	ELECTED (4)		
<b>Damian Ridgwell (Student Voice)</b>	166	168.28	169.25	174.7	ELECTED (3)					
<b>James Oliver (Student Voice)</b>	30	32.282	33.095	Eliminated						
<b>Langley Tay (Shake Up!!)</b>	29	34.933	38.894	38.894	38.973	Eliminated				
<b>Michael Kandelaars (Student Voice)</b>	114	114.91	115.19	119.6	121.21	122.51	Eliminated			
<b>Conrad Corry (Shake Up!!)</b>	51	60.583	104.94	106.94	106.96	126.23	129.56	131.24	134.14	Eliminated
<b>TOTAL FORMAL</b>	1233	1048.2	870.9	858.99	686.79	681.79	672.17	494.04	294.89	
<b>No. to be elected</b>	6	5	4	4	3	3	3	2	1	0
<b>Quota</b>	176.143	174.7	174.18	171.8	171.7	170.45	168.04	164.68	147.44	
<b>Informal</b>	160	168.67	171.26	183.17	183.57	188.57	196.57	205.3	222.52	
<b>Used quotas</b>	0	176.14	350.84	350.84	522.64	522.64	522.64	690.68	855.36	
<b>TOTAL</b>	1393	1393	1393	1393	1393	1393	1391.4	1390	1372.8	
<b>Discrepancy</b>	0	0	0	0	0	0	-1.6209	-2.9752	-20.229	

Numbers in round brackets indicate order of election.

Discrepancies at the 7th and subsequent counts represent very small parcels of fractional votes not distributed.