



THE AUSTRALIAN NATIONAL UNIVERSITY STUDENTS' ASSOCIATION ANNUAL ELECTIONS – 2009

REPORT OF THE RETURNING OFFICER

1. The ANUSA and NUS annual elections for 2009 were held as provided for in the Constitution and Election Regulations of the Students' Association. Two Returning Officers for the Annual Elections were appointed by the Vice-Chancellor under subsection 10.2.3 of the Constitution: Ms Jan O'Connor, Head, Council and Boards Secretariat, until 18 August 2009 and Mr Alick Dodd, Council and Boards Secretariat, from 19 August 2009.

Electoral Officers

2. Ms Leslie McDonald from the Council and Boards Secretariat (CABS) assisted in the conduct of the elections. In accordance with sub-section 10.2.4 of the Constitution and with the agreement of the President of the Students' Association, the ACT Electoral Commission (ACT Elections) was employed to assist with the conduct of the elections. The report of the ACT Electoral Commission is attached.

Candidate Nominations and Ticket Registration

3. The notice calling for ANUSA nominations and ticket registrations and NUS nominations, which provided details of voting arrangements, was issued on 20 July 2009. The SA President organised for the call for nominations and ticket registration forms to be published in *Woroni*, on the Students' Association website, and the ANUSA front door. CABS arranged for notices to be placed on various notice boards on campus. All election material, including the candidate nomination forms, ticket registration application forms and the appointment forms for observers and scrutineers were published on the CABS web site at http://info.anu.edu.au/ovc/Committees/090PP_Elections/ANUSA_Election.
4. Nominations and ticket registrations were received in the Council and Boards Secretariat. At the close of nominations at 4.00pm on 5 August 2009, ACT Elections staff opened the ballot box and sorted the nominations in the Ross Hohnen Room, Chancelry Building, in the presence of witnesses. Nominations were checked against enrolment data in the Student Administration System. A total of 173 were accepted.
5. Only one person sought to nominate for the position of Indigenous Officer but as the nomination was not lodged in accordance with the instructions in the Call for Nominations and the nomination form, it could not be accepted.
6. In the presence of observers appointed by candidates, the order of names of candidates on the voting papers was determined at the drawing of lots conducted by the ACT Elections in the Rudita Leverington Room of the Chancelry Building on 10 August 2009.
7. A list of names of candidates was published on the Internet, placed on the University's billboard, sent to College Executive Officers for placement on College and other undergraduate notice boards and provided to the SA President for display on the Association's front door.

Disclosure Requirements

8. The ANUSA Election Regulations at section 2.9 require ticket conveners and independent candidates to disclose anticipated sources of campaign funding before polling commences and to lodge daily during the poll, details of financial and non-financial contributions to the campaign. The Joint Representative

Council, as required under subsection 2.10.1 of the Election Regulations, elected a Probity Officer to administer the disclosure requirements.

Polling

9. Polling booths were operated in the Union Building and the School of Art Gallery Foyer, for a total period of 22 hours over the four days 17 to 20 August 2009.
10. The times and locations for voting were decided in consultation with the President of the Students' Association after taking into account the requirements for voting locations and times set out in the Election Regulations.
11. Voting was orderly. Further details are set out in the attached report of the ACT Electoral Commissioner.

Counting of Votes

12. The counting of votes was conducted by ACT Elections staff in the R C Mills Room from 9.00 am to 5.30 pm on Friday 21 August, from 9.00am to 5.00 pm on Monday 24 August 2009, from 9.00 am to 1.30pm on Tuesday 25 August. Scrutineers were present throughout the counting of votes.
13. The following candidates were elected to the positions indicated below and these results were published on the CABS web site at http://info.anu.edu.au/ovc/assets/Committees/090PP_Elections/ANUSA_Election/2009/Results.pdf on 27 August 2009.

The President of the Association	Tully Fletcher
The Vice-President of the Association	Sebastien Willis
The General Secretary of the Association	Liz Sheaffe
The Treasurer of the Association	Pat Ingle
The Social Officer of the Association	Isaac Wright
The Education Officer of the Association	Sue-Lin Wong
The Environment Officer of the Association	Scott Walker
The Sexuality Officer	Benjamin Koval
The Women's Officer	Zoya Patel
The International Students' Officer	Nivi Nair
The Editor of Woroni	The Big Woroni
14 General Representative positions to the SRC	<ol style="list-style-type: none"> 1. Christian Dent 2. Radin Faizal 3. Jack Taylor 4. Josh Cranston 5. Georgia Marjoribanks 6. Sam Stapleton 7. Jess Millen 8. Hannah Ky McCann 9. Avril Baker 10. Elle-May Starbuck 11. Hannah Purdy (tie) 12. Joe Saunders (tie) 13. Ronda Parker 14. George Ober
2 College Representative positions to the CRC for College of Arts and Social Sciences	<ol style="list-style-type: none"> 1. Will Coward 2. Vienna Conliffe
2 College Representative positions to the CRC for College of Asia and the Pacific	<ol style="list-style-type: none"> 1. Kate Robinson 2. Jess Laughlin
2 College Representative positions to the CRC for College of Engineering and Computer Science	<ol style="list-style-type: none"> 1. Sam Brazier-Hollins 2. Julian Milthorpe
2 College Representative positions to the CRC for College of Law	<ol style="list-style-type: none"> 1. Heather Webb 2. Simon Thompson

2 College Representative positions to the CRC for College of Physical Sciences / College of Medicine, Biology and Environment	1. Bernadette James 2. Laura Poulter
2 College Representative positions to the CRC for College of Business and Economics	1. Xinyu Ru 2. Nick Xie
Delegates to the Meetings of National Conference of the National Union of Students Inc.	1. Elousie Fowler 2. Tully Fletcher 3. Sue-Lin Wong 4. Sham Sara

The following candidate was declared elected in an uncontested election:

The Disabilities Officer	Steph Smythe
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Casual Vacancy

14. As no nominations were received for the position of Indigenous Officer (see paragraph 5), there is now a casual vacancy for this position which must be filled in accordance with section 3.6 of the Election Regulations.

Costs

15. The direct costs of the Elections are to be met by the Students' Association, including the cost of the involvement of Elections ACT. The services of staff from the Council and Boards Secretariat were provided without cost to the Students' Association.

Electoral Offences

Alleged breach of subsection 7.1.5 of the Election Regulations

16. Four allegations of a breach of subsection 7.1.5, ("It is an offence to offer money, food, drink, or any other enticement to encourage a member to vote.") of the Election Regulations were received by the Returning Officer on 17 and 18 August. The complainants alleged that a BBQ held on behalf of one ticket on 17 August, and the conduct of persons engaged in conducting the event (some of whom were members of another ticket), constituted a breach of this subsection. As required under subsection 7.2.1 of the Election Regulations the complaints were investigated by the Returning Officer (by Ms O'Connor on 17 and 18 August and by Mr Dodd from 19 August). Ms O'Connor sent to the coordinators of the tickets named in the allegations a copy of the allegations and asked them to respond to the claims made. She invited the complainants to provide "substantiating statements and any other information" to support their allegation.
17. The ticket coordinators in their responses denied that the holding of the BBQ and the nature of the conduct of persons engaged in holding the BBQ, constituted a breach of the regulation. At the time of writing this report the complainants had not provided any additional substantiating information.
18. After consideration of the material before me, and in the absence of clear evidence to support the allegations, I have concluded that there is not enough substance to the allegations to support the claim of a breach of subsection 7.1.5. I have therefore concluded there was no breach of this subsection.
19. This incident has prompted both Returning Officers to observe that the wording of subsection 7.1.5 is subject to differing interpretations by different people. It might be that the Association would want to revisit the intent and wording of the subsection.

Alleged breaches of subsection 7.1.3 of the Election Regulations

20. An allegation of breaches of subsection 7.1.3 ("It is an offence to actively canvass votes within 3 metres of a polling place.") of the Election Regulations by two persons was received by the Returning Officer on 21 August. The allegation about one of the persons was withdrawn on 26 August and I discontinued my investigation of that matter.

21. The remaining allegation was that the nature of the activity of a candidate, carried out within 3 metres of the polling place, constituted a breach of the subsection. As required under subsection 7.2.1 of the Election Regulations the complaints were investigated by the Returning Officer. The person named in the allegation was sent a copy of the allegations and asked to respond to the claims made. As the alleged events took place within 3 metres of the polling place the ACT Elections officer serving as OIC of the polling place was asked to comment on the allegations.
22. The person named in the allegation denied that his conduct constituted a breach of the subsection. He stated that his activity within the polling area, retrieving how-to-vote material for re-use, had been carried out with the approval of, and under guidelines determined by, the OIC of the polling place.
23. The ACT Elections OIC of the polling place confirmed in his report that his policy is to allow members of tickets to collect how-to-vote material for re-use under the supervision of a polling place officer and on condition that election regulation 7.1.3 not be breached. He stated that his policy is that any observed or reported breaches of subsection 7.1.3 are dealt with immediately by him or his staff. In view of the information from the OIC of the polling place, and that the candidate concerned did not deny his presence in the polling area, I did not ask the complainant to provide "substantiating statements and any other information" to support this allegation.
24. After consideration of the material before me, and particularly taking into account the statement of the OIC of the polling place, I have concluded that there was no breach of subsection 7.1.3

Concluding Comments

25. I would like to thank those who assisted with the conduct of the Elections and congratulate those elected to office.

Alick Dodd
Returning Officer
27 August 2009