



GSA Elections 2024 - Electoral Tribunal Meeting Minutes

Monday, 22nd April 2024

10:00am – 12:00pm

Room 198-L1-102 | Zoom

Acknowledgement: We acknowledge that we meet and work on the land of the Wurundjeri people of the Kulin Nation. We pay our respects to the Elders, past and present and recognize the strength, resilience and capacity of Aboriginal and Torres Strait people in this land.

Electoral Tribunal Members	Michael Gronow KC (Chair) Gabrielle Ostberg Michelle Power
Returning Officer (RO)	Stephen Luntz Patrick Clearwater (Deputy)
Staff Members in attendance	Kavisha Garg (Minute Taker)
Other Attendees	Disha Zutshi Tanmay Kabir Devyani Vadke Yingchen Zhao Emma Tam Ethan Chou Siti Fathonah Wijayanti Sakshi Chawla Florence Chan Nadira Natasya
Complaint: Tanmay Kabir raised concerns about the adequacy of penalties imposed on certain candidates and advocated for their disqualification. Mr Kabir raised the following points: <ul style="list-style-type: none">- Questioned the adequacy of the penalties in proportion to the severity of the breaches committed by these candidates: Tushar Joshi, Alexandra Tayler, Disha Zutshi, Bhavya Sharma, Deli Zhou, and Snigdha Kar ("Connect candidates").- Specifically referenced Electoral Regulations ("ER") 2.15 and 2.31(ix), highlighting the Regulations around campaign supporters and offering incentives for campaigning activities, respectively.- Alleged that Union Mart food was used as an incentive for votes and could have influenced approximately 700 votes, given the high student population served by Union Mart.- Posting on social media platforms offering incentives to voters in exchange for their support.- Asserted that continued breaches of the ER benefited these candidates while negatively impacting compliant ones. Mr Kabir concluded that these actions constituted a complete disregard for the ER and requested the disqualification of the Connect candidates.	

Response to the Complaint:

In response to the allegations raised, Disha Zutshi addressed each point in detail:

- Ms Zutshi maintained their campaign supporters followed the ERs, and in the event that a breach of the ER were found, considers statement removal an adequate punishment.
- Union Mart resources were not utilised for their campaign efforts and that the flyer distribution was unrelated to GSA campaigning and was instead tied to the UMSU international survey.
- Explained the mistranslation of a social media post in Chinese language, which was promptly deleted after being contacted by the RO.
- Noted Deli Zhou's language barrier, emphasising that while it does not excuse ER breaches, immediate action was taken to rectify the situation as Ms Zhou refrained from campaigning for the remainder of the campaign period. Ms Zutshi asserted that no further complaints were received following this action.
- Concerning Snigda Kar's Instagram post regarding paid internships, Ms Zutshi clarified that upon receiving a response from the RO, the post was promptly removed the following day.
- Regarding ballot secrecy, Ms Zutshi affirmed that all six candidates understood its importance. She acknowledged a single instance in which a candidate was observed looking at a student's phone and expressed apologies for this occurrence and noted that appropriate penalties were imposed.
- Expressed concern with Mr Kabir's behaviour of taking photos of candidates, citing discomfort, and feeling targeted.

RO's Response:

- The RO apologised for any delays in their responses to the issues raised.
- Believed that the penalty imposed on the students was appropriate. Concerns were raised about Ms Zhou's continued violation of the ERs despite warnings.

Mr Kabir reiterated concerns regarding the use of Union Mart resources, highlighting that similar incidents continued to occur. Additionally, he addressed allegations of taking photos of students, clarifying that he took photos while walking around and did not target anyone specifically.

In-Camera Session for Electoral Tribunal Members:

The Electoral Tribunal Members convened to discuss the alleged breaches of the ER. The session was limited to Tribunal Members to ensure confidentiality.

Tribunal Decision on Breaches of Electoral Regulations:

- The Tribunal unanimously concluded that there were indeed serious breaches and prohibited conduct under the ER observed.
- These breaches included campaigners continuing prohibited conduct after being directed to desist by the RO and the failure to promptly remove social media posts despite instructions from the RO.
- The Tribunal expressed satisfaction with the actions taken by the RO in addressing the situation, deeming them adequate.
- Consequently, it was determined that no further action was warranted.

Matter regarding decrease in Board Position Vacancies:

- Ms Zutshi raised concerns about a decrease in board position vacancies, potentially disadvantaging certain candidates.
- The Tribunal acknowledged that while immediate solutions might not be feasible for the current election cycle, steps would be taken to address the issue in future elections.

Action Items:

Two matters noted for ER review:

- Consideration to be given to setting revised deadlines for Board members' resignations to avoid last-minute changes in board position vacancies, while avoiding the need for unnecessary by-elections.
- Candidates using foreign languages in campaign materials should provide translations of the materials into English to the RO at the same time as they provide the materials for registration and approval, with the RO having the option of requiring the translation to be by a NAATI level 3 or higher certified translator if the RO considered that necessary.

In each case it is requested that proposed amendments to the ER be presented to the Electoral Tribunal for approval in due course.

Close of Meeting: 11:31am