

Probity 2022 Report



anusa
australian national university students' association
anusa.com.au

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Acknowledgments

This report was produced by the Probity Officers in accordance with the requirements listed under the Australian National University Students Association (ANUSA) Electoral Regulations. It is a summary of the financial disclosures from tickets, major issues and disputes that arose during the election period and the manner in which they were resolved.

The **2022 Probity Officers** were:

*Max Sandler
Ned Strange
Thomas Burnett
Isabella Gockel*

The **2022 Returning Officer** was:

Roxanne Missingham

The **2022 ANUSA Executive member** responsible for liaising with Probity and the Returning Officer as well as setting up of MSL for polling was:

Christian Flynn (President)

The Probity Officers would like to thank all of the above, the ANUSA Executive and staff, the candidates, and all members of the Association for their conduct during the election period.

Election Overview

This report covers significant issues that occurred during the course of the 2022 ANUSA elections. The Probity team would like to once more thank the ANUSA Executive and staff and the Returning Officer for their support in this election period. This year, we upheld very few complaints and were impressed with the outstanding efforts of tickets to comply with the rules.

Significant Issues and Disputes

Woroni and ANU Observer Debate

Campaigning on an exclusion zone is prohibited under Regulation 3.1.3, and teaching spaces are exclusion zones under Schedule B. Schedule B also provides that the Returning Officer can waive exclusion zones for the purposes of events such as debates. A debate was held on the 20th of September in the Copland lecture theatre by Woroni and ANU Observer, who did not receive any permission to hold this debate. That caused every candidate who spoke at those debates to be in clear breach of the Electoral Regulations, as the Returning Officer held.

That said, the Returning Officer decided to take no action against these candidates, who presumably attended these events under the assumption that the organisers had received permission to waive the exclusion zones. Contacting both Woroni and Observer led to some discussion with ANU Observer. We therefore reiterate that no debates can be held inside teaching spaces or other exclusion zones without the permission of the Returning Officer.

ANUSA Environment Officer Nominations

On Friday, September 23rd, Probity received a complaint about two of the candidates who had nominated themselves for the position of Environment Officer. Hayden Mendoza and Rex Michelson were said to not have met the active membership requirements of the Environment Collective (EC) outlined in section 7.3.2 of the ANUSA constitution:

“An active member of a Department means:

(a) a member who has attended three meetings of that Department in that Academic year, with the exception of Disabilities where the requirement is two meetings; or

(b) a member who, although they do not satisfy regulation 7.3.2(a), are recognised as an active member by a majority vote of the members of the Department concerned who are themselves active members as provided under regulation

7.3.2(a), at a regularly constituted meeting of the Department, taking into account apologies and evidence of exceptional circumstances (sickness, exchange, work commitments, timetable clash, mid-year commencement, etc.).”

The Probity team and the Returning Officer began investigating whether both individuals failed to meet the active membership requirements. Probity was able to quickly confirm that Hayden Mendoza was not an active member of the EC because neither he, nor the Environment Officer, nor any other member of the Collective claimed he attended a single meeting.

Probity then began investigating whether Rex was an active member of the EC. Unlike Hayden, Rex claimed to have been an active member and presented us with substantial

evidence. The complainants against Rex also presented their own evidence. The evidence provided to Probity and the Returning Officer is as follows:

- 1) Statutory declarations from different parties declaring which dates Rex was / was not present for EC meetings;
- 2) Personal statement from Rex about certain meetings he claimed to have attended;
- 3) EC minutes mentioned Rex twice, although these minutes didn't register attendance;
- 4) The current Environment Officer provided screenshots which indicate that Rex was planning to be present at May 10, May 24, and August 30 meetings;
- 5) Zoom logs acquired from Zoom itself, which indicate Rex's attendance at the May 10 meeting;
- 6) The EC passed a motion at the September 27 collective meeting that stated Rex was not an active member of EC;

Probity came to the conclusion that this evidence demonstrated that Rex was present for at least three EC meetings. The zoom log and EC minutes demonstrated Rex was present at the May 10 and April 26 meetings, although some statutory declarations dispute Rex's presence at the May 10 meeting. A different statutory declaration corroborated with Rex's claim that he was present at the March 29 meeting, although the person who wrote it does have an interest in supporting Rex as they were from the same ticket. The Facebook screenshots with the Environment Officer indicate Rex was likely present at the August 30 meeting.

The Probity team sent their recommendation to the Returning Officer, who ruled that Rex was an active member of the EC. Rex was therefore not disqualified from running for the Environment Officer position.

Technical Issues with Ballot

The software used to conduct the Elections for a number of years does not easily allow candidates to be ordered in a fixed way on the ballot. Rather, the software randomises the order on each individual's screen each time the page is loaded. This conflicted with the versions of Regulations 2.4.2 and 2.4.5 that were in force for this election. Given these software requirements and the fact that the issue was only noticed after the election began, the Returning Officer waived these Regulations under her broad authority under section 3.3 of the Regulations.

Two of us proposed at the OGM that these provisions of the Regulations be amended to fit with the software, which also makes elections substantially fairer by removing any 'donkey vote' advantage. This proposal was successful, so this issue shouldn't recur. However, we recommend that compliance with the Regulations is prioritised when contracting with any future election software providers.

ANU Mining Society Advertisements

An entity called the ANU Mining Society posted and spent money to promote the following advertisements.

ANU Mining Society
Sponsored · Paid for by ANU for Environmental Action

When it comes to the upcoming ANUSA election, don't let money vote for you!
Presidential candidate Ben Yates from the Power in Community ticket had three times the financing of the next highest spending ticket in the 2021 election. Don't let their money vote for you!
#Stayinformed

DON'T LET MONEY VOTE FOR YOU

In 2021, **Ben Yates'** ticket had **three times** the **financing** of the next highest spending ticket.

WORONI - A Rich Ticket's World? - 18.12.21

ANU MINING SOCIETY

ANU Mining Society
Sponsored · Paid for by ANU for Environmental Action

Best ANUSA Diversity and Inclusion Policy?
See our independent analysis.

Ticket with the best diversity and inclusion policies?

Voices for ANUSA
A TRUE INDEPENDENT VOICE

- Supports Religious Students
- Pro ADF employment options
- Pro-Smoking

Power in Community

- Bans ADF from Campus
- No Policy on antisemitism
- No Comments on Smoking

ANU Mining Society
Sponsored · Paid for by ANU for Environmental Action

Best ANUSA Environmental Policy?
See our independent analysis.

Ticket with the best environmental policy?

Voices for ANUSA
A TRUE INDEPENDENT VOICE

- 100 New Trees on Campus
- More Bins to Reduce Litter
- Pro-Recycling

Power in Community

- 0 New Trees
- 0 New Bins
- No Comments on Recycling

These advertisements possibly breached Regulation 3.1.7 which provides that only students may campaign in an ANUSA election. As these advertisements are completely anonymous and ANU Mining Society and ANU for Environmental Action do not appear to be genuine Clubs or other student organisations, it is impossible to tell whether or not a student created these advertisements. We did try contacting the facebook pages and also the conveners of

every ticket, including Voices for ANUSA, to see whether anyone would admit to running the pages. All tickets that replied to us, including Voices, denied being the source of the ads.

This highlights a substantial enforcement issue with the Electoral Regulations. Much or even most campaigning is conducted via facebook these days, but anyone may anonymously advertise for or against any candidate or ticket. Further, they may anonymously spend any amount of undisclosed money in doing so, which provides for a simple end-run around spending caps as long as their identity is impossible to figure out.

A complaint was also received that the second two advertisements were misleading in breach of Regulation 3.1.2. They were alleged to be misleading in describing themselves as 'independent analyses' and in attributing the ban on the ADF from having a stall on campus to the Power in Community ticket, which did not exist at the time that policy was made. We were advised that the advertisements were removed less than 20 minutes after posting and unfortunately none of the enforcement options the Returning Officer has are particularly useful against anonymous individuals who may be non-students. Therefore, we decided not to take any action.

[Candidate withdrawal after close of voting](#)

A candidate, Noah Edwards, received the votes to be elected as a General Representative. However, he indicated that he declined the position and wished to withdraw from the election. The Probity team and the Returning Officer consulted ANUSA electoral procedures for how to respond, however the constitution didn't specify any procedures for if a candidate withdrew from the election.

The Returning Officer decided to re-run the count with Edwards excluded, and another candidate was elected to this position. All other candidates who had been elected in the previous count were unchanged in the recount.

At the OGM after the election, a motion passed allowing and formalising withdrawals. These motions were designed so that there would be a procedure to follow in future instances of withdrawals from ANUSA elections. These motions were passed at the OGM, and are now part of future electoral procedures.

Financial Report

This report details the financial disclosures of each ticket for the 2022 ANUSA elections. The requirements for disclosure are extremely difficult to meet, and they were made more difficult by the extremely late time at which we released these forms. We have catalogued all the errors we found in these disclosures - but don't let that detract from the extraordinary efforts that each of the tickets and their conveners put into compliance with the extremely burdensome Regulations.

Action for ANUSA

Action didn't provide an estimated market value for the A-Frames and corflutes under the non-financial expenditure section. Also, the total of their declared expenditure adds up to 3 dollars less than the number they declared. Finally, they didn't give specific information on exactly who contributed how much on their daily signed statement, although this information appears on their statement of intention form.

Statement of intention

Anticipated sources of financial contributions: 1) Azraa Hussain - \$122.00

- 2) Sinead Winn - \$130.00
- 3) Harry Danton-Jack - \$80.00
- 4) Isabella Harding - \$50.00
- 5) Lara Johnson - \$20.00
- 6) Deanna Athanasos - \$20.00
- 7) Max Marland - \$25.00
- 8) Myka Davis - \$20.00
- 9) Noor Shah - \$20.00
- 10) Sophie McDowall - \$20.00
- 11) Ashlyn Horton - \$5.00
- 12) Noah Mccarthy - \$5.00
- 13) Aden Hamilton - \$5.00
- 14) Elijah Smith - \$5.00
- 15) Flynn Schulz - \$5.00
- 16) Liam Blundell - \$5.00
- 17) Sejay Segal - \$5.00
- 18) Alex Nancarrow - \$242.00
- 19) Gigi Mouawad - \$100.00
- 20) Samuel Macrae - \$100.00
- 21) Milli McDonald - \$100.00

Anticipated sources of non-financial contributions: A-Frames & Corflutes - Borrowed from Azraa's work, Camera + Photography - Borrowed from friend (Flynn Schulz), Misc Art Supplies (washable chalk, glue, iron) - Azraa's personal items

Campaign's estimated budget: \$800 (cap = \$1,085)

Daily signed statements

Sources of financial contributions: All monetary funds were contributed to by all ticket candidates as well as current ACT members of National Labor Students and Student Unity. All expenditure was spent by either Azraa Hussain or Alex Nancarrow.

Actual expenditure: provided amount = \$859.23, actual amount based on declared expenditure = \$856.23

- 1) Photography - Camera borrowed from a friend + Photos Taken by a friend (no cost)
- 2) Website Subscription: \$29.70
- 3) Domain purchase - \$29.70

- 4) Font - \$8.17
- 5) T-Shirts - \$108.00
- 6) Transfer Paper - \$89.96
- 7) HTV Printing - \$286.86
- 8) Transfer Paper Printing 1- \$1.50
- 9) Transfer Paper Printing 2 - Paid \$26.40, MV \$33
- 10) FB Ad #1 - \$35.00
- 11) FB Ad #2 - \$38.50
- 12) FB Ad #3 - \$33.00
- 13) FB Ad #4 - \$33.00
- 14) Poster Printing - \$30
- 15) Sticky Tape - \$1.69
- 16) Poster Printing #2 - \$37.25
- 17) Poster Printing #3 - \$52.50
- 18) HTV Printing - \$15.00

Actual non-financial contributions:

- 1) Photography tools + service
- 2) Iron ~ \$20
- 3) Sidewalk Chalk ~\$18
- 4) Metal A-Frames + Corflutes - borrowed from Azraa's work

Climate Action for ANUSA and NUS

Climate Action added the estimated market value of their non-financial contributions to their declared expenditure despite the fact that it was not expenditure. This resulted in an error of slightly over a dollar, which of course is insignificant.

Statement of intention

Anticipated sources of financial contributions: Personal contributions from candidates and supporters of the ticket

Anticipated sources of non-financial contributions: Use of printing facilities, paper, T-shirts, online advertising, screen printer, A-frames, tape, chalk, clipboards

Campaign's estimated budget: \$700

Daily signed statements

Sources of financial contributions:

- Wren Somerville - \$100
- Carter Chryse - \$100
- Nick Reich - \$100
- Chris Morris - \$100
- Yerin Park - \$100
- Nick Carlton - \$100
- Aveline Cayir - \$100

Actual expenditure: provided amount = \$582.96, actual amount based on declared expenditure = \$581.42

- Printing (HTVs) - \$325
- Printing (Posters) - \$70
- T-shirts - \$15
- Screen printing ink - \$18.45
- Corflutes (for making A-frames) - \$80.29
- Cloth tape - \$9.79

Second hand metal A-frame (market value: ~\$50) - \$10.00
Zip ties - \$0.29
Timber offcuts - \$3
Velcro - \$7.60
90mm Framing Nails - \$1.10
Rope - \$0.80
Stanley knife blade - \$0.10
Tape - \$10
Printing on day 3: \$20
Printing on day 4: \$10

Actual non-financial contributions:

Estimated cost of screen printer usage (owned by supporter) - \$1
Estimated usage of Ozito Mitre saw (owned by supporter) - \$0.48
Estimated usage of Ryobi Router (owned by supporter) - \$0.06
Estimated cost of Milwaukee Framing nailer (owned by supporter) - \$0.01

Engage for NUS

Statement of intention

Anticipated sources of financial contributions: Candidates on ticket + myself
Anticipated sources of non-financial contributions: Online advertising to be paid for using campaign budget
Campaign's estimated budget: \$50-60

Daily signed statements

Sources of financial contributions: Alexander Nancarrow, 40\$
Actual expenditure: 40\$ - Facebook ads
Actual non-financial contributions: N/A

Jedi Council for ANUSA

Statement of intention

Anticipated sources of financial contributions: No funding
Anticipated sources of non-financial contributions: No funding
Campaign's estimated budget: \$0

Daily signed statements

Sources of financial contributions: None
Actual expenditure: \$0
Actual non-financial contributions: N/A

Kai for Welfare

Statement of intention

Anticipated sources of financial contributions: \$10, as to be provided Kai Dreyfus-Ballesi
Anticipated sources of non-financial contributions: 2 scissors, provided by Kai Dreyfus-Ballesi
2 roll of sellotape, provided by Kai Dreyfus-Ballesi
1 rolls of sellotape, provided by Siang Jin Law

Photography, provided by Sebastien Tierney
Graphics design, provided by Siang Jin Law
Mandarin translations, provided by Humphrey Yang
\$150 credit worth of Facebook ads, provided by Facebook employee Ying Li
\$40 colour printing credit, provided by the ANU
Campaign's estimated budget: \$10

Daily signed statements

Sources of financial contributions: Kai Dreyfus-Ballesi (\$4)
Actual expenditure: \$4 - Two rolls of sellotape
Actual non-financial contributions:
ANU Library printing credit (\$35.42)
2 pairs of scissors from Kai Dreyfus-Ballesi (\$7.90)
3 used rolls of sellotape from Kai Dreyfus-Ballesi and Siang Jin Law (\$9.95)
Graphic design from Siang Jin Law (\$200)
Photography from Seb Tierney (\$200)
Mandarin Translation from Humphrey Yang (\$40)
Scrap Cardboard from Kambri
Facebook ad credit from Ying Li (\$150) - as yet unused

Power in Community

Power in Community made multiple errors in their daily disclosures. They declared a capped spending number of 547.22, yet adding up their specifically claimed expenditure yields only 493.32. The difference comes from squarespace subscriptions that they sent us the receipts for but forgot to declare in the form Further, Power in Community failed to estimate the market value of the non-financial contributions, as the form asked for and the Regulations require. Obviously these errors were inadvertent and we failed to pick them up until now. Still, disclosure is important!

Statement of intention

Anticipated sources of financial contributions: Contributions from individual candidates
Anticipated sources of non-financial contributions: Use of basic items owned by candidates (paint brushes, scissors), endorsement posts on Facebook, Instagram, WeChat and other social media from candidates and non-candidates, use of Canva Pro subscription already owned by Ben Yates and Beatrice Tucker, election printing credit of 300 points, use of a trestle table
Campaign's estimated budget: \$2340 (including cost of photography and graphic design which do not count towards the cap)

Daily signed statements

Sources of financial contributions:

- 1) Oscar Moysey - 15
- 2) Abirami Manikandan - 15
- 3) Adhyan Dhull - 15
- 4) Harrison Oates - 15
- 5) Patrick Stephenson - 15
- 6) Aidan Harris - 15
- 7) Katrina Ha - 65
- 8) Luke Harrison - 80
- 9) Wei Lerr - 15
- 10) Will Carey - 15
- 11) Skye Predavec - 20

- 12) Mickey Throssell - 15
- 13) Suzie Ma - 15
- 14) Phoenix O'Neill - 250
- 15) Ben Yates - 1122.39

Actual expenditure: 547.22 (an additional 1140 dollars was spent on uncapped graphic design and photography expenses)

Paint and tape - \$18.26

Facebook ads to morning 26/9- \$296.67

Facebook ads 26/9-27/9 -- \$68.39

Facebook ads 27/9-28/9 -- \$110.00

[The below was not declared on the form but was sent to us via receipt]

Squarespace subscription - 29.70

Squarespace subscription - 24.20

Actual non-financial contributions:

- 1) Ticket printing budget
- 2) Use of Ben Yates and Beatrice Tucker Canva Pro subscription
- 3) Use of trestle table

Stand Up for our Union

Statement of intention

Anticipated sources of financial contributions: Contribution from candidates

Anticipated sources of non-financial contributions: Candidates, friends of candidates, employers of candidates

Campaign's estimated budget: \$200-\$300

Daily signed statements

Sources of financial contributions: Sinead Winn - \$70.39

\$21.50 - Sinead Winn

\$75 - Sinead Winn

Actual expenditure: \$166.89

T shirts - \$21

Transfer paper - \$24

Gloss paper - \$25.39

\$21.50 - t shirts

\$75 - printing

Actual non-financial contributions: Printing services - approx \$60 provided by employer of candidate free of charge

Photography - provided by candidate free of charge

printing - approx \$75 provided free of charge by candidates' employer

Voices for ANUSA

Voices for ANUSA failed to provide the market value of their non-financial contributions and were very non-specific about these contributions. Further, they didn't declare the sources of the financial contributions to their campaign on the daily signed statement. However, they did disclose in their statement of intention that the expected source of funding was the ANU Liberal Club.

Statement of intention

Anticipated sources of financial contributions: ANU Liberal Club

Anticipated sources of non-financial contributions: Printing signup forms, posting to facebook (on the ticket page), campaign photos, creation of campaign graphics

Campaign's estimated budget: \$400

Daily signed statements

Sources of financial contributions: [The ticket's response to this question duplicated their response to the expenditure question]

Actual expenditure: \$232.84, all on facebook advertisements.

Actual non-financial contributions: Printing, Posting to Facebook, Take Still Images