

Probity 2023 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 **2023 Probity Officers** were:

Nicholas von Guttner

Suzy Wang

Thomas Burnett

The **2023 Returning Officer** was:

Roxanne Missingham

The **2023 ANUSA Executive member** responsible for liaising with Probity and the Returning Officer as well as setting up of MSL for polling was:

Ben Yates (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 2023 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.

Significant Issues and Disputes

Spending Cap Clarity

Determining the min and max variables in the spending cap formula follows Regulation 2.9.2(c), which reads:

Min and max shall be values designated by the Probity team in line with the year-on-year CPI and changes to number of contestable positions, or other factors affecting the cost of campaigning. Any change to these values shall not create a significant change to the funding limit, except in cases of significant change to number of contestable positions, and may be disallowed by SRC.

The initially published spending caps used a method of linear scaling of min and max for the increase in number of candidates. A candidate made a complaint that this was not the most appropriate technique, and pointed to the method of computing min and max based on the result of extrapolating for greater x values, and then matching this result by scaling max appropriately for the change in y.

The Probity Team agreed with this approach, and modified the published spending caps, based upon the reasons:

- This method was the intent of the drafters of the Regulations amendment for this rule.
- This method is what has been used the past few years.
- This method avoided the first derivative of the cap with respect to x being non-strictly decreasing.

The Probity Team maintains that it is likely up to the discretion of the Probity Team in how min and max are adjusted in line with the Regulations.

Recommendation: That ANUSA consider making the intended method of scaling min/max explicit when the number of positions changes.

Anonymous Facebook Pages

This election there were posts made by a few anonymous Facebook pages. As discussed in the 2022 Probity Report, it is impossible to tell whether or not a student created these advertisements. This continues to highlight a substantial enforcement issue with the Electoral Regulations. Unlike last year, we did not observe any anonymous paid ads. After some initial investigation commenced, we believe at least one of the Facebook pages was deleted.

Fundraising BBQ

A concern was raised that an advertised BBQ by Left Action could be in breach of ANUSA Election Regulations. The following precedent setting determinations were made by the Returning Officer in the specific case of a BBQ which is designed for fundraising.

- This is not in breach of Regulation 3.1.5, as long as the food and drink are above the Fair Market Rate, and there is clearly no quid pro quo.
- In this circumstance, one does not need to collect the names or details of those purchasing food, if the amount spent is reasonably consistent with what someone spends at a fundraising BBQ (in 2023 this was approximated as equal to or less than \$10). If during the event, someone contributes more than \$10, this should be considered as a separate financial contribution, and this should be declared in the normal manner. The revenue generated by the BBQ must be declared, but this can be all grouped together without names attached.

Probity maintains that for potential edge cases where precedent setting determinations are required, tickets or candidates should reach out proactively to discuss.

Recommendation: That ANUSA consider making the rules around fundraising more explicit, in conjunction with clearer rules on financial declarations.

Actions Outside “Actively Canvassing Votes”

With the recent changes to relax regulations around the definition of campaigning, it was partially tested whether this created an implied right to passive campaigning. The Probity Team objects to this term.

The Probity Team has made the following interpretations, although they have not been tried by a determination of the Returning Officer.

- A candidate can speak at a political event in an exclusion zone as long as they do not promote a ticket or candidate while speaking. The Probity Team believes that the regulations would not allow the individual to wear election-related attire while speaking at an explicitly political event in an exclusion zone.
- Chalking is not permitted inside exclusion zones.

Recommendation: That ANUSA consider making more explicit the recent changes to what is permitted in exclusion zones.

College Representatives Voting Issue

To vote for Postgraduate Coursework Representative, students must be:

- a) enrolled as a postgraduate coursework student and
- b) enrolled in a plan owned by the relevant college..

Some postgraduate coursework students have plans owned by their research school rather than the college. They are eligible to vote under the election regulations. However, due to technical issues students whose programs were listed as owned by some research schools were unable to vote. Affected elections were annulled and re-run at a later date. This was communicated to tickets at the time, but not on public communication channels to prevent any confusion that the whole election had been cancelled.

Red Packet Incident

A complaint was made that a member of the Together ticket may be using a monetary gift to entice voters. The mechanism in question was WeChat group red packets, which are a way to set aside money in a group chat where the money is randomly split and assigned to recipients. It is based on the Chinese tradition of hongbao, with similar concepts existing in many other cultures. The Probity Team understands that in some contexts, a WeChat group red packet is used as a symbolic thank you for a minor imposition like a message which is advertising something.

The following facts were found:

- An ANU student associated with a candidate for *Together for ANUSA* who was otherwise not associated with ANUSA politics made posts in three ANU student WeChat groups which endorsed a singular candidate for a postgraduate coursework position. These messages were sent with directly associated WeChat group red packets.
- In each case, payments were made to 17, 21 and 61 people.
- The values were 3.54, 2.01, and 5.68 Chinese Yuan respectively. This totals to 11.23 Yuan, or 2.42 AUD. This averages to 2.4 Australian cents per person.
- This occurred on Monday 25th September (the first day of the election).
- The *Together for ANUSA* ticket members were informed of this by a student media organisation on Tuesday 26 September.
- The red packets naturally timed out on Tuesday 26th September.
- Complaints were made by multiple individuals, and the ticket self-reported when they learnt what had occurred.
- No other candidate for *Together for ANUSA* was promoted in these messages.
- There is no evidence as to whether those who accepted the financial incentives voted for the candidate.
- There is no evidence as to whether those who accepted the financial incentives voted for other *Together for ANUSA* candidates.
- There is no evidence that the candidate or any member of the ticket knew that the incentive had been offered before it was reported to them by a student media organisation.

The following interpretations were made:

- For the purposes of the ANUSA Election Regulations, this does constitute an offense, and should be considered as enticing voters with monetary gifts.
- This was a serious offense, but likely with minimal impact.
- The ticket cooperated proactively and in good faith.

After considering multiple potential penalties, the Returning Officer determined to give a formal warning, on the grounds:

1. The candidate and ticket were not aware of the financial enticement.
2. An extremely small amount of money was paid out.
3. There is no evidence that those who took the money voted for the candidate.
4. The election for the position will need to occur after the current election because of technical issues.

If an analogous situation were to occur where any of those four factors were not present, an alternative penalty could be decided.

Posts Associated With The Red Packet Incident

In light of the red packet incident, various individuals and a student media organisation made publications on the matter. This included some publications which included statements which were untrue, and others which were reasonable opinions to express.

Individuals who made untrue statements were requested to withdraw these statements. All individuals agreed and took this action. However, the Returning Officer found that some comments were within the fair expression of an individual's opinion, and as such did not constitute an untrue statement or misrepresentation under the ANUSA Election Regulations.

Financial Report

This report details the financial disclosures of each ticket for the 2023 ANUSA elections. The specific minimum requirements, and the exact treatment of non-financial contributions remain insufficiently clear in the Regulations.

Recommendation: That ANUSA rewrite the financial declarations and finance regulations.

Ainuojin NA

Daily signed statements

Sources of financial contributions: \$0

Actual expenditure: \$0

Actual non-financial contributions: N/A

NUS (Taylors Version)

Statement of intention

Anticipated sources of financial contributions: N/A

Anticipated sources of non-financial contributions: Stella Serrao-Smith

Campaign's estimated budget: \$0

Daily signed statements

Sources of financial contributions: \$0

Actual expenditure: \$0

Actual non-financial contributions:

home printing - \$10

Home printing - \$5

Res for NUS

Statement of intention

Anticipated sources of financial contributions: Ashlyn Horton

Anticipated sources of non-financial contributions: Ashlyn Horton, Lara Johnson, Harry Danton Jack

Campaign's estimated budget: \$200

Daily signed statements

Sources of financial contributions: Ashlyn Horton - \$130

Actual expenditure: \$129.50

Flyers - \$129.50

Actual non-financial contributions: Home printing - \$10

Stand Up

Statement of intention

Anticipated sources of financial contributions: Harry Danton Jack Sam Gorrie Sree Vaishnavi Gangarapu Lata Warner Sam Shaw Jem Rule Lara Johnson Isabella Harding Ashlyn Horton Braith Sneddon Georgia Siorokos Will Burfoot Brandon Lee Milli McDonald Samuel MacRae Nick Reich Carter Chryse Wren Sommerville

Anticipated sources of non-financial contributions: Lara Johnson, Samuel Macrae, Ashlyn Horton, Harry Danton-Jack

Campaign's estimated budget: \$1,332

Daily signed statements

Sources of financial contributions:

Harry Danton Jack \$25.00

Sam Gorrie \$25.00

Sree Vaishnavi Gangarapu \$20.00

Lata Warner \$40.00

Sam Shaw \$25.00

Jem Rule \$25.00

Lara Johnson \$160.00

Isabella Harding \$25.00

Ashlyn Horton \$160.00

Braith Sneddon \$25.00

Georgia Siorokos \$25.00

Will Burfoot \$100.00

Brandon Lee \$100.00

Milli McDonald \$100.00

Samuel MacRae \$219.00

Sam Macrae \$72.97

Carter Chryse \$73.67

Advertising on Meta, \$30.05 - Sam Macrae

Actual expenditure: \$1,243.92

Squarespace subscription \$24.20

Website domain \$17.82

Tri-fold HTV's \$759.40

Shirts \$143.65

Screenprinting paint \$22.50

Advertising on Meta \$77.26

Dye \$22.40

Advertising on Meta \$72.97

Advertising on Meta \$73.67

Advertising on Meta \$30.05

Actual non-financial contributions:

Home Printing \$20

Samuel Macrae Screen Printing Screen \$10

Wren's roommate Screen printing squeegee \$10
Avelin Cayir Chalk \$5
Harry Danton Jack Sticky tape \$10
Samuel Macrae home printing \$10

Power in Union

Daily signed statements

Sources of financial contributions: \$52.75 from Samuel MacRae

Actual expenditure: \$52.75
\$52.75 on printing how to votes

Actual non-financial contributions: N/A

Together for ANUSA

Statement of intention

Anticipated sources of financial contributions: We are anticipating financial contributions from all members of the ticket, but some members will not be able to contribute and will not be required to : Edan Habel Irina Samsonova Phoebe Denham Phoenix O'Neill Luke Harrison Anastasia Jackowski Charlotte Carnes Khubaib Qureshi Abirami Manikandan Skye Predavec Luke Williams Reese Chen Eloise Field Allegra H A C Sarah Twyman Anneysha Sarkar Punit Deshwal Seungbin Kang Hyunbin Ryu Harrison Oates Amber Chen Alex Bako Raffy Edis Luc Campbell Cian Bowes Catherine Jiawei Ye Disha Taneja Hetong Wang Sejal Bijlani Diana Tung Harry Wu Tom Webster Arbizu Harriet Ryder Nadeeka Karunasekara
Anticipated sources of non-financial contributions: Same as above — will generally be sticky tape, scissors, chalk (although we will make some purchases of these types of items as well, to be included in financial contributions)

Campaign's estimated budget: \$1700, with \$640 not included in the cap (photography and graphic design)

Daily signed statements

Sources of financial contributions:

1. Phoenix O'Neill \$330
2. Charlotte Carnes \$200
3. Seungbin Kang \$70
4. Luke Harrison \$100
5. Irina Samsonova \$70
6. Phoebe Denham \$150
7. Harrison Oates \$30
8. Luke Williams \$35
9. Nadeeka Karunasekara \$20
10. Tom Webster \$35
11. Hyunbin Ryu \$20
12. Amber Chen \$20
13. Khubaib Qureshi \$20
14. Catherine Ye \$30

15. Reese Chen \$20
16. Harry Wu \$20
17. Sarah Twyman \$20
18. Abirami Manikandan \$20
19. Diana Tung \$30
20. Edan Habel \$15
21. Skye Predavec \$85
22. Alex Bako \$20

Actual expenditure: \$980.84

1. Graphic design \$450
2. Sticky tape \$11
3. Squarespace domain \$17.82
4. Squarespace subscription \$38.50
5. Facebook ads 24/09/23 \$77
6. Facebook ads 23/09/23 1 \$44
7. Facebook ads 23/09/23 2 \$44
8. Facebook ads 23/09/23 3 \$33
9. Facebook ads 22/09/23 \$22
10. Facebook ads 21/09/23 1 \$13.20
11. Facebook ads 21/09/23 2 \$13.20
12. Facebook ads 21/09/23 3 \$9.90
13. Facebook ads 20/09/23 1 \$6.60
14. Facebook ads 20/09/23 2 \$5.50
15. Facebook ads 20/09/23 3 \$5.50
16. Facebook ads 20/09/23 4 \$5.50
17. Facebook ads 20/09/23 5 \$5.50
18. Facebook ads 24/09/23 2 \$110
19. Facebook ads 25/08/23 \$165.00
20. Chalk bucket \$1.98
21. Blu tak \$3.00
22. Officeworks printing \$20.00
23. Facebook ads \$177.36
24. Facebook ads - \$151.28

Actual non-financial contributions:

1. Phoenix O'Neill's Canva Pro 1-month Trial (0.00)
2. Printing - Phoenix O'Neill printing credit (10.78)
3. Printing - Charlotte Carnes printing credit (22.22)
4. Printing - Skye Predavec printing credit (22.00)
5. Printing - Luke Harrison printing credit (44.00)
6. Skye's a-frames and corflutes (given to her for free)
7. Printing with ANU printing (\$22.22)

Left Action

Statement of intention

Anticipated sources of financial contributions: Mostly donations from ticket members, some fundraising (Left Action bbq)

Anticipated sources of non-financial contributions: Existing screen printing equipment -

Wren Somerville Printer/copier: Carter Chryse

Campaign's estimated budget: \$300

Daily signed statements

Sources of financial contributions:

BBQ proceeds

70 Donations from ticket members 208.86

Donations from ticket members \$4

Contributions from ticket members \$4

Donations from ticket members 54

Actual expenditure: \$340.86

Facebook advertising \$20.73

HTVs \$129.49

Screen printing shirts 1 \$18

Screen printing shirts 2 \$48

Screen printing ink \$20.25

Website email \$10.95

Website domain registration \$6.94

Website building \$24.5

Facebook advertising \$4

Facebook advertising \$4

Facebook advertising \$4

ANU printing \$50

Actual non-financial contributions:

Screenprinting frame and equipment \$36.54

Printer \$214

Printer ink \$27.56

500 A4 paper \$6.74

150 A3 paper (estimated as 150/500 A3 ream) \$6.35625

Sausages for bbq \$12

Bread for bbq \$2.7

1000 A4 paper \$13.5

1000 A4 paper \$13.5

Restore ANUSA

Statement of intention

Anticipated sources of financial contributions: Contributions from individual candidates and supporters of candidates

Anticipated sources of non-financial contributions: Candidates, Social Media of Candidates

Campaign's estimated budget: \$300

Daily signed statements

Sources of financial contributions: Restore ANUSA Campaign Fund

Actual expenditure: \$168.06

Facebook Ads - \$168.06

Actual non-financial contributions: Social Media Tiles \$30

Standing with Sarah - Fighting for Working Students

Statement of intention

Anticipated sources of financial contributions: Sarah Strange - 280\$ (50 uncapped)

Anticipated sources of non-financial contributions: My own/my mum's stationary, ANU and ANUSA printing facilities. Market value etc will be listed

Daily signed statements

Sources of financial contributions: \$0

Actual expenditure: \$200.07

27 August: 1.08 facebook advertising

28 August: 3.30 facebook ads

29 August: 2.34 facebook ads

31 August 3.30 facebook ads

15 September: 85 officeworks banner

22 september: 2.07 fb ads

22 september: 4.40 fb ads

23 sep: 4.52 fb ads

23 sep: 6.60 fb ads

24 sep: 3.33 fb ads

9.90 facebook ads (24th)

3.52 facebook ads (24th)

13.20 facebook ads (25th)

8.71 facebook ads (25th)

22.00 - Facebook ads

26.80 - facebook ads

UNCAPPED 50 dollars to Penny Holloway for photographs - 16 August

Actual non-financial contributions:

Sarah Strange: Tape & scissors i owned already. Market value...20\$?

Kai Dreyfus-Ballesi: Help putting up posters. MV: unsure, 5\$ or something

Twine to hold up my banner from Seungbin Kang (like 5 cents market value idk)

Campaign's estimated budget: 230 capped dollars. 50 uncapped dollars.

Student Left Alliance

Statement of intention

Anticipated sources of financial contributions: members of the ticket

Anticipated sources of non-financial contributions: members of the ticket and campaign supporters

Campaign's estimated budget: between \$300- max limit

Daily signed statements

Sources of financial contributions:

1. Benjamin Jelfs Smith \$30 towards shirts
2. Elise Chua \$30 towards shirts
3. Finnian Collwell \$30 towards shirts
4. Beatrice Tucker \$27 for printing on shirts
5. \$20 Beatrice Tucker in library printing credit
6. \$20 Finnian Colwell in library printing credit
7. \$20 Elise Chua in library printing credit
8. \$20 Beatrice Tucker in library printing credit

Actual expenditure: \$197

1. \$90 Shirts from the greenshed
2. \$27 for printing on the shirts from Megalo Print Studio
3. \$60 for library printing
4. \$20 library printing

Actual non-financial contributions:

1. A-frame (owned by Mickey) \$108
2. Table (owned by Mickey) \$40
3. Table Cloth (spare calico owned by Finnian) \$15
4. Paint (owned by Mickey) \$10
5. Chalk pens (owned by Mickey) \$15
6. Tape (owned by Mickey) \$10
7. Clipboards (several, owned by Mickey, Finn, Beatrice, Elise) \$20
8. Pens (several, owned by ticket candidates) \$5
9. Free use of Megalo screen-printing - equipment and inks - in Kingston - Beatrice Tucker- existing membership worth \$40
10. Scissors (owned by Mickey) \$5
11. Paper (library printers)
12. Printers (library)
13. Photography and editing by Kyla Dabron \$300 estimate
14. Graphic design of posts by Elise Chua - unsure how to price

Sharmin Akther

Statement of intention

Anticipated sources of financial contributions: N/A

Anticipated sources of non-financial contributions: Online advertising in Facebook and LinkedIn, and prints from ANUSA

Campaign's estimated budget: N/A

Daily signed statements

Sources of financial contributions: \$0

Actual expenditure: \$0

Actual non-financial contributions: Prints from ANUSA

James Donnelly for ANUSA

Daily signed statements

Sources of financial contributions: All campaign funding came from myself.

Actual expenditure: \$68.76

Four Facebook ads. Ad 1: \$40 Ad 2: \$10 Ad 3: \$10 Ad 4: \$8.76 Ad 5: \$3.24 Additionally, stickers saying "Vote James" were gifted to me as a birthday present, at an unknown value.

Actual non-financial contributions: Stickers saying "Vote James" of an unknown value. About 20 were used.

Register of Recommendations

- That ANUSA consider making the intended method of scaling min/max explicit when the number of positions changes.
- That ANUSA consider making the rules around fundraising more explicit, in conjunction with clearer rules on financial declarations.
- That ANUSA consider making more explicit the recent changes to what is permitted in exclusion zones.
- That ANUSA rewrite the financial declarations and finance regulations