

Deputy Returning Officer's Report 1995

Supplementary to Returning Officer's Report

The following report briefly outlines the events which took place in the absence of the Returning Officer during the 1995 La Trobe University SRC Elections.

Thursday October 12, following a medical examination, the Returning Officer (RO) was admitted to hospital with suspected appendicitis. This was brought to the attention of the Deputy Returning Officer (DRO), who later met with the RO in hospital to discuss continuing with the election in her absence.

Friday morning polls opened and polling continued as usual. The DRO met with the President of the SRC to inform her of the RO's condition and a meeting of all candidates was called to be held at the close of polls after 6.00pm.

Friday afternoon before the close of polls a bag containing the Postal Votes delivered to Glenn College earlier in the week was received, not through the University's internal mail system but presented by hand to the DRO by Robin Scott of the TinTin/TinTin for NUS Ticket. Scott was questioned about how he came to collect all the Postal Votes sent to students at Glenn College and after offering no satisfactory explanation was told by the DRO that at this point the votes may be ruled invalid due to the possibility of interference with the Ballot Papers. The matter was discussed with some concern between Scott and Stephen Donnelly of the College Frontline Ticket.

The DRO soon after received from Nick Bolger of the Students for Education Action Ticket a report in writing of the suspected breach. Shortly afterwards the DRO received a telephone call from Sydney from Robert Larocca of the TinTin/TinTin for NUS inquiring about the matter. Larocca was told by the DRO that the votes would be set aside, most likely to be ruled invalid pending an investigation.

Friday afternoon at 6.00pm polls closed. The DRO met with all candidates and announced the RO's hospitalisation, advising that the counting of the election would commence in her absence and that the Postal Votes had been delivered by hand by a candidate and further due to the possibility of interference with the Ballot Papers they would be set aside from the counting until a determination was made regarding their validity. Counting commenced.

Later Friday evening the DRO met with Andrea Chatwin of the Start Tickets and Jackie Lynch of Bloody Feminists, both of whom would observe the initial investigation into the Postal Vote matter. The Postal Votes were taken to Glenn College and students of the College were interviewed at random in the presence of a tutor, Chatwin and Lynch. The following was ascertained:

The Postal Vote had not been received by the students through Glenn College's internal mail system.

The Postal Votes were hand delivered to the individual students by members of the College Frontline Ticket.

The outer envelopes with the individual students names and addresses had been opened and discarded prior to the delivery of the Postal Votes to the students by the members of the College Frontline Ticket.

Students were asked by the members of the College Frontline Ticket to sign the envelope addressed to the Office of Returns.

These envelopes were returned unsealed to the members of the College Frontline Ticket.

The students interviewed were asked if they had objections to their Ballot Papers being located and opened for inspection. None of the students interviewed had objections. The following was determined:

Some student interviewed had not seen the SRC or NUS Ballot Papers. Students interviewed had not received all three Ballot Papers contained in the envelope.

Students interviewed had not filled out all three of their Ballot Papers themselves.

SRC and NUS Ballot Papers contained in individual students' envelopes had been filled out in different handwriting and different inks.

Of Ballot Paper inspected, every vote cast for the SRC and NUS Election was for the College Frontline Ticket or for members of the College Frontline Ticket.

Stephen Donnelly, Nigel Rohde, Robert Larocca and Robin Scott were called to meet with the DRO. All four were advised to prepare and submit statements immediately.

Withdrawal of Nominations were received from all candidates suspected of involvement.

All Postal Votes were ruled invalid and isolated. Counting continued uninterrupted. Counting was completed on Monday, October 16. For results refer to the Returning Officer's Report.

Further investigation into the Postal Vote matter included speaking with staff of Glenn College and a representative sample of Postal Vote Ballot Papers being removed from the privacy envelopes, opened and inspected. It was revealed that:

Donnelly had requested and been allowed by the College Porter to collect the Postal Votes from the College internal mail system before they were delivered to the individual students' mailboxes.

Ballot Papers had been repeatedly filled in and folded in the same manner, establishing distinct patterns. With some exceptions, particularly on the Rabelais Ballot Paper, distinct handwriting was observed time and time again. However different inks were used.

Further conversation with the members of the College Frontline and TinTin Tickets revealed that they were under the impression that the Ballot Papers could be handled by candidates as in the manner of NUS Conferences. However no statements were made by these candidates in writing.

Robert Larocca, Robin Scott, Stephen Donnelly and Nigel Rohde were charged by the Returning Officer with Dishonest Conduct and Interfering with Ballot Papers. However the La Trobe University SRC Electoral Regulations do not empower the Returning Officer or Deputy to enforce charges or disciplinary procedures and the charges were never faced by the accused. The matter was brought to the attention of the Dean of Glenn College and University Secretary. Their disinterest was extraordinary. It was decided not to involve the Police in the matter.

Provisions in the Electoral Regulations regarding the Appointment of an Electoral Tribunal and Applications for Postal Votes are in urgent need of review. Please do not hesitate to consult me on these matters or with any queries you may have regarding this report. I can be contacted through Samantha Sharp.

Karsten Mackay
Deputy Returning Officer