

DEMOCRACY 4 UQU

FAQs

With voting week upon us, the D4UQU team wants every student to know the facts. These are the most common questions students have been asking over the last week. If we've missed something, please email us at democracy4uqu@gmail.com and we'll happily get back to you.

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WHO IS DEMOCRACY 4 UQU?

D4UQU is organised by students who had intended to contest the election but had their tickets disqualified. Unfortunately, these elections are unfair, lack transparency and are designed to shut out all competition. Now, our goal is to secure free and fair elections at UQ.

WHY AREN'T YOU RUNNING IN THE ELECTIONS?

This year, the election rules were changed in secret and withheld from all students except the incumbents. They were disclosed once elections had already been called, and we discovered that we had five days to assemble a campaign. Forty-eight hours before campaigning started, opposition tickets were advised that their registrations were invalid under the new rules. Three opposition tickets which had registered last year were unable to register this year. In the case of Pulse, it was because someone had already taken that name, which was previously reserved for that group under the electoral regulations.

A TEAM CALLED PULSE APPEARS ON THE BALLOT PAPER. WHO ARE THEY?

The ticket registered as "Pulse" in the 2012 Elections has no relationship to the ticket that registered as Pulse last year.

Despite claiming in an interview with Triple J's [Hack program](#) that he didn't know who had registered the Pulse ticket this year, current Fresh President Colin Finke's [brother](#) is a [candidate](#) for Administrative Committee. The UQ Skeptics have also investigated the relationship between "Pulse" candidates and the Union executive to produce [this infographic](#), showing that most "Pulse" candidates are Facebook friends with one or more Fresh officebearers.

Given their ties to Fresh and their lack of campaigners, policy and materials in this election, it is obvious to D4UQU that Pulse is not a serious ticket.

WERE THE CHANGES REALLY SECRET?

D4UQU organisers were present at the Council meeting where the changes were made to the Regulations. However, the content of the changes were kept secret until Tuesday, 14 August, when the Returning Officer emailed the new Regulations to us.

The changes were referred to in the following motion in the agenda for the Council meeting:

"That the University of Queensland Union Regulations be amended in accordance with the proposed changes as presented to Union Council."

The proposed changes were not included in the agenda. Hard copies of the proposed changes were circulated at the Council meeting, but there were not enough copies for every person present, including Science Councillor Flynn Rush, who was elected under Pulse last year. Despite repeated requests to view a copy of the proposed changes which were denied by the approximately fifteen Fresh representatives present, Flynn was then required to vote on the motion without having access to the proposed changes.

In the [Weekend Australian](#) on Saturday, 25 August, Union Secretary Brodie Thompson admitted that not everyone was able to access the changes. He said that he had printed enough copies for all Councillors, but because any student is allowed to attend Council, he "couldn't guarantee" that everyone would get a copy.

On Monday, 13 August, Pulse treasurer candidate Lorelei Links [emailed](#) Brodie Thompson requesting a copy of the Regulations but received no response. Verbal requests were made to the Returning Officer at 11.30am by Lorelei and VP Student Rights candidate Gianni Sottile, and again at 2.30pm by Lorelei and VP Gender and Sexuality candidate Laurence McLean.

WHEN DID THE NEW REGULATIONS BECOME AVAILABLE?

In an interview published on [news.com.au](#) on Wednesday, 22 August, Union Secretary Brodie Thompson said that the Returning Officer made copies of the new Regulations available to all students on the day nominations opened - Monday, 13 August. However, our [correspondence with the Returning Officer](#) proves that she did not distribute them until the morning of Tuesday, 14 August.

SO YOU GOT THEM A DAY LATE. DOES IT MATTER?

The Regulations were changed on the afternoon of Friday, 10 August, and not released to any student except the incumbent officebearers until Tuesday, 14 August. This means that for three days, including one day of the election period, the only students with access to rules governing the timing of elections and the naming of tickets were the incumbent party. In this time, the incumbents were able to register many "dummy" ticket names, including "Pulse".

WHAT SPECIFIC CHANGES WERE MADE TO TARGET OPPOSITION GROUPS?

(N.B. You can access the old Regulations [here](#) and the new Regulations [here](#)).

1. TIMING OF ELECTIONS

Under the old Regulations, the Returning Officer was required to give notice of the Election at least five days before the opening of nominations (R95.1). This means that had the previous Regulations been in force when the Returning Officer gave notice of the Elections on Monday, 13 August, she would not have been allowed to open nominations until after Saturday, 18 August. Practically speaking, nominations would have opened on Monday, 20 August.

Also under the old Regulations, the Returning Officer was required to open nominations for the Election at least twenty days before the commencement of polling (R94.1). This means that polling would have commenced on Monday, 10 September, with campaigning beginning in the week immediately prior, commencing Monday, 3 September.

The new Regulations stipulate that the Returning Officer is now required to give notice of the Election and open nomination simultaneously (R95.1). The Returning Officer is also only required to do so ten days before the commencement of polling (R94.1). As such, campaigning began on Monday, 20 August and voting on Monday, 27 August.

Further, the old Regulations mandated Elections in either September or October (R113.1). The new Regulations allow for Elections at any time during Second Semester (R113.1). The old and new Regulations charge the Union Secretary with the responsibility of deciding polling dates (R113.2 in both).

We, like any students preparing to run, were operating under the assumption that Elections would not be held before September and that there would be a total of at least twenty-five days between notice of Elections and the commencement of polling. Instead, polling was set for late August and the total notification period was ten days long.

2. PROTECTION OF ELECTORAL GROUP NAMES

The previous Regulations were changed before Elections last year to include a new mechanism for the protection of Electoral Group names. Under these Regulations, candidates were unable to register the name of any Electoral Group which had been registered in the last ten years without the signatures of ten previous candidates (R105.4). This means that names such as Fresh (since 2007), Pulse (2011), Now (2008), Real Students (2009), Change (2009 & 2010) and others were automatically protected by R105.4.

If an Electoral Group wanted to alter the standard protection of their Electoral Group name as set out in R105.4, they could submit a Schedule Eighteen at the time they submitted their candidate nominations, in which new conditions could be stipulated (R105.5).

Under the new Regulations, the standard protection set out in R105.4 was scrapped. Instead, an Electoral Group must submit a Schedule Eighteen to secure any protection of their Group name whatsoever (R105.8). The Schedule Eighteen can be submitted at any time up until the opening

of nominations, or during the nomination period simultaneous with the submission of candidate nominations.

These rules came into effect immediately after the Council meeting on Friday, 10 August, which concluded at approximately 4.30pm. Nominations opened at approximately 2.30pm on Monday, August 13. Therefore at any time after 4.30pm on 10 August and 2.30pm on 13 August, an Electoral Group name could be registered without submitting candidate nominations. Essentially, an Electoral Group name could be 'reserved.' The only students in possession of this information were the incumbents.

3. LIMITATIONS ON NAMING OF ELECTORAL GROUPS

No limitations existed regarding what one could or could not name an Electoral Group under the previous Regulations.

Here are some examples of limitations on Group names this year:

R105.14 The name of an Electoral Group must not include any words that are or are a substantial part of:

c) the names of any University College or reference to University Colleges in general;

(This means no college ticket can identify itself as a college ticket.)

R105.15 The name of an Electoral Group must not:

b) be one that a reasonable person would think suggests that the Electoral Group can or cannot provide a means by which students do not have to pay, or incur a debt with respect to, some or all of the costs of attending the University;

c) be one that a reasonable person would think suggests that the Electoral Group supports or opposes a means by which students do not have to pay, or incur a debt with some respect to, some or all of the costs of attending the University;

(This means tickets cannot identify, for example, their support or opposition to the Student Services and Amenities Fee (SSAF) or HECS, or promise a way for students to get out of paying it.)

d) include the name, or an abbreviation, variation or derivative of the name, of another Electoral Group;

e) include a word that so nearly resembles the name, or an abbreviation, variation or derivative of the name, of another Electoral Group, that it is likely to be confused with or mistaken for that name;

(This means that tickets cannot in any way utilise a word that has been registered by another ticket.)

g) include the word "independent" or "voucher".

Last year, tickets called Fresher Spread and I Just Want My Voucher attempted to register. Under the new name restrictions, both of these ticket names would be rejected.

WHY DIDN'T YOU JUST PICK A NEW NAME?

There are three reasons why picking a new name was not a viable option for the Pulse ticket when we were informed that our name had already been registered.

Firstly, registering under a different name would be to forgo the brand recognition and voter base we had already established as the serious opposition ticket in the 2011 UQ Union elections. This would have been a huge disadvantage, especially given the saturation of our campus with the Fresh brand. We had also ordered hundreds of shirts and printed thousands of posters and flyers. It is clear that Fresh was attempting split the vote of any Pulse-associated ticket that did manage to run by running the ticket themselves.

Secondly, there was no guarantee that any other name we picked would actually be available. Another change in the Regulations means that this year it was possible to register an Electoral Group for Semper Floreat positions only (R105.4). Candidates on such an Electoral Group would only appear below the line (i.e. would not appear on the main ballot), but would still have a name and be subject to the same Regulations governing the protection of Electoral Group names (R105.5). That means that any name registered for a Semper ticket effectively 'reserves' a name.

In practical terms, what we saw this year were several two-candidate Semper Floreat Electoral Groups register. The following names were registered by such Groups:

- Epic
- Party
- Students (knocking out Real Students, which ran in 2009, Students For Justice, which ran in 2011, and Green Students, which was registered in 2011)
- Active Change (knocking out Activate, similar to Pulse at QUT in 2011, Change, which ran at UQ in 2009 and 2010, and Climate Change Coalition, which was registered in 2011)
- Now (which ran in 2008)
- New
- Beer
- Liberal National LNP

(The list can be viewed [here](#)).

Finally, and most importantly, D4UQU organizers could not reconcile ourselves with the idea of legitimising this election by participating in it. The actions taken by the incumbents have made it impossible for any other ticket to succeed. Students elections should not be won by a ticket best capable of excluding their opposition. It should be a contest between people who are passionate about the UQU, representation and the student experience. The Union represents every student, not just a privileged few, and should have the tenets of democracy and inclusivity at its core. Rather than engage with these corrupt tactics, D4UQU demands free, fair and accessible elections.

WHY ARE YOU ASKING ME NOT TO VOTE (OR VOTE INFORMALLY)?

Democracy 4 UQU are suggesting that, in accordance with the boycott, students refuse to vote or vote informally. Having a record low turnout and record high informal vote sends a clear message that students know these elections have been rigged and refuse to legitimise such an undemocratic process.

We understand that many students want the \$5 voucher that comes with voting. If you need that voucher, we suggest voting informally by writing "Democracy" on the ballot paper. If you mark "Fresh" or "Pulse" in any way, your vote may be counted towards that ticket and not be recognisable as a protest.

We also understand that many students will want to exercise the power of their vote in some way, however insignificant, by voting for a party or an independent. We think, however, that refusing to engage at all in this corrupted electoral process is the best way of securing free and fair elections at UQ Union this year. The time has come at which it is impossible to work within the system any longer, as students' options have been narrowed by the exclusion of the serious opposition candidates.

The bottom line is this: who you vote for is your choice, but we want your vote to count. In this election, it doesn't. That's why we're demanding free and fair elections.

WHAT IF FRESH WIN THIS ELECTION?

Fresh are guaranteed to win in the current election. No serious opposition ticket is running against them, and no other group has been campaigning for election or released policy. There are only two choices on the [ballot](#): Fresh and the fake "Pulse" ticket.

If Fresh is reelected, it will not be a legitimate appointment. We will vehemently oppose their employment.

If, after the election, the President, Secretary or Treasurer resign or are dismissed, a by-election must be held to fill the position (C31.2(a)(i)). If any other officebearer resigns or is dismissed, the Union Council can fill the vacancy created. The current Union Council is dominated by Fresh representatives, and the new Union Council likely to be almost entirely comprised of Fresh representatives.

WHAT DO YOU WANT THE UNIVERSITY TO DO ABOUT IT?

Democracy 4 UQU is calling on the University to act to ensure free and fair elections at the UQ Union this year. Whatever happens, the results of the current elections will be illegitimate. Once the new officebearers are elected there is very little that students will be able to do to change the result. The University must utilize every means available to it to ensure that the results of the current elections are declared invalid, and new elections are called according to fair rules.

One solution is to appoint an impartial, external body such as the Electoral Commission of Queensland (ECQ) to conduct the election at least in compliance with the old Regulations in place before the Union Council meeting on Friday, 10 August.

The University has already [stated publicly](#) that it is considering an audit of the UQ Union. Democracy 4 UQU welcomes this audit, and hopes that the audit includes the electoral mechanisms of the Union as well as financial activities and other processes.

Regardless of the contemplated audit, the University must ensure that the current elections are either stopped, or declared invalid. The facts about the undemocratic nature of this election speak for themselves, and the University must not use the audit as an excuse to allow this abuse of process to proceed. Democracy 4 UQU proposes that the elections be deferred until after the results of a comprehensive, all-inclusive audit are known.

DO YOU REALLY THINK IT'S THE UNI'S PLACE TO STEP IN?

Yes. The University has a huge financial stake in the UQU. The University contributes between \$1 and 1.5 million to the Union every year. That funding comes from Federal Government grants, University money and the Student Services and Amenities Fee (SSAF). The SSAF is the \$262 paid or deferred every year by every student on top of their HECS or other fees.

Right now, the University is handing over students' money to the Union, but cannot guarantee that the officebearers who will spend that money are elected democratically. As a public institution, the University must maintain accountability for how students' and taxpayers' money is spent.

The 2009 Funding and Services Agreement between UQ and the Union for 2010-2015 anticipates and [includes the SSAF](#). There are legal rules governing how the SSAF can be spent. The [Higher Education Support Act 2003 \(Cth\)](#), section 19-67 states that universities must comply with the [Student Services, Amenities, Representation and Advocacy Guidelines](#) ("the Guidelines") when handing over SSAF money. The Guidelines, at item 3.2.3, state that the University "must provide enrolled students with the opportunity to participate in a process to democratically elect student representatives", contemplating "valid and transparent polls". The evidence is overwhelming that the current elections are not democratic, valid or transparent.

The University may therefore be in breach of its legal obligations to provide students with a democratically elected student organisation if it allows the results of the current elections to stand.

The University provides the bulk of the Union's funding, and therefore ought to take final responsibility for guaranteeing democracy when the electoral system is being abused. Normally we would not advocate University intervention in autonomous student organisations, but in this case there are very few alternatives. We would expect that UQ continue to respect the autonomy of the UQ Union after democratic accountability has been restored.

DIDN'T THE ELECTORAL TRIBUNAL DISMISS YOUR CLAIMS?

The Electoral Tribunal is a body set up by the [Union Regulations](#) (Part Five). It's comprised of a member of the Alumni Association, a member of the Bar Association of Queensland (a barrister) and a member of the Queensland Law Society (a solicitor) (R134.1). The Tribunal is independent, but members must be re-appointed every 12 months (134.4).

The Tribunal is not like an ordinary court. The Tribunal may only decide on very limited questions. For instance, the Tribunal does not have the power to decide whether Regulations were validly passed. The authority for interpreting the Regulations and Constitution lie with the Union Council, ([Union Constitution](#), C58.6) an elected body currently dominated by Fresh members.

Crucially, the Tribunal is bound by the Regulations as passed by the Union Council. The Tribunal may not decide whether the Regulations are fair, or balanced, or democratic. Professor Graeme Orr, an expert on electoral law and former member of the Tribunal [said on ABC radio](#), that "[The Tribunal] can really only take the rules that it's given, so if the rules get rigged, the Tribunal are largely hamstrung by that."

Abraham O'Neill, an organiser for the Democracy 4 UQU movement and the former Presidential candidate on the original Pulse ticket, brought an appeal from decisions of the Returning Officer under R136.1. That appeal was dismissed on Wednesday, 22 August 2012. The grounds of the appeal were that:

- firstly, the Returning Officer had been appointed invalidly;
- secondly, that the changes to the Regulations passed on Friday, 10 August 2012 were legally invalid, and;

- thirdly, that the elections called on Monday, 13 August 2012 had been called and conducted invalidly because Regulations had not been made available to all students.

These grounds were dismissed by the Tribunal. All proceedings of the Tribunal are confidential, so it is not permitted to disclose the reasons for the Tribunal's decision (R135.3 and 135.7).

A [media release](#) from Fresh has alleged that the Tribunal "vindicated" the Fresh team and that the claims of Democracy 4 UQU are "baseless". There is no reason to believe this to be true. The fact that the Tribunal has made a finding dismissing an appeal does not mean that nothing is wrong with the election process. Why would the incumbents break the rules when they could just rewrite them?

THE UNIVERSITY IS GOING TO AUDIT THE UNION, DOES THAT MEAN THIS IS OVER?

The University has met with Union Executives, and has not been satisfied with their responses. The University has [announced](#) it will be conducting an audit of the Union, including all "processes". D4UQU anticipates that this audit will include all aspects of the Union including the democratic conduct of elections.

The audit is a step in the right direction, but the current undemocratic election must be stopped. We are looking forward to seeing the results of the audit, but Democracy 4 UQU believes that elections or the declaration of the polls should be suspended until the results of audit are known.

WHAT WILL YOU DO IF THERE IS ANOTHER ELECTION?

Democracy 4 UQU is a movement focused solely on getting free and fair elections for the UQ Union. Our organizers come from many groups, and many were planning to run in the 2012 elections before they were excluded. It will be up to every individual involved what they do if real elections are called.

There are some students in Democracy 4 UQU who will run if free and fair elections are called. Some will run on tickets opposing one another. There are also many individuals who only became involved with the movement after elections began. Ordinary students who have never before voted in, much less been active around, student elections have joined us. This movement is about more than getting elected, it's about having elections.