

Decision of the YouX Election Tribunal

(*On Dit* Complaint)

14 October 2024

Declaration of Provisional Results, and Report to the Tribunal

1. Under the *YouX Rules Concerning the Conduct of Annual Elections, By-Elections and Referenda* ('the Rules'), immediately after generating the election results (meaning, the counting of votes in accordance with the Rules) the Returning Officer ('the RO;') must provisionally declare the results (Rule 38.1), by placing or causing a Declaration of Provision Results to be placed at various necessary locations, and by causing the same notice to be published in the next practicable edition of *On Dit* (see Rule 38.2).
2. At or around the same time, the RO must prepare a written report on the conduct of the elections and the result, and present that report to the Election Tribunal ('the Tribunal') (Rule 45.1). The RO's report to the Tribunal must contain, inter alia, details of the conduct of the elections. After the receipt of the written report, the Tribunal must convene within seven days to consider the RO's report and consider any reports of Prohibited Conduct or any appeals against the results of the elections (see Rule 45.2).
3. Once the provisional results have been declared, the Tribunal has the exclusive jurisdiction to interpret the Rules (Rule 7.2.2), and in relation to complaints about the conduct of the election, or allegations of prohibited conduct, made pursuant to Rules 42, 43, and 44 (Rule 7.2.6.6).
4. Also, after the Declaration of Provisional Results any person directly affected by Prohibited Conduct in relation to the election may make a report of that conduct to the Tribunal; and before declaring the poll the Tribunal must investigate all reported incidents of Prohibited Conduct and conduct such hearings as the Tribunal deems necessary (Rule 43.2).
5. The Tribunal must deal with any reports of Prohibited Conduct according to the procedure specified in Rule 43 (Rule 45.3) and any appeals against the results according to the procedure specified in Rule 44 (Rule 45.4).

6. The polling for the student media elections in 2024 was conducted between 2 September 2024 and 6 September 2024. The RO provided her Report to the Tribunal on 12 September 2024.

7. The RO's report included the following:

'A few complaints were received over the course of the week of polling.

Three separate complaints were lodged about campaigning behaviour, specifically about campaigners not wearing lanyards / campaigning without being registered and general behaviour issues such "crowding" voters.

Two complaints were received about campaign materials and the use of / content of those materials.

All complaints were managed via warnings being issued where appropriate and it was deemed that a rule(s) had been breached.'

8. After receiving the ROs' Report, the Tribunal received a complaint on 13 September 2024 from the unsuccessful candidates for *On Dit* Magazine Editor, namely Charlotte Whincup, Amber Lomax, Arantza Ferrand and Shreya Pande. The complaint document is lengthy (which is not a criticism); the Tribunal considers the complaint may be accurately summarised as follows:

- a. The complaint is regarding the provisionally elected *On Dit* Magazine Editor candidates; namely Jennifer Tran, Harish Thilagan, Adrian Niculescu and Raktim Argha.
- b. These candidates failed to submit their '*Mock Dit*' material in time and (on the request of the opposing candidates) the RO made a specific ruling that a late '*Mock Dit*' would not be approved. It is alleged that that, despite this ruling, these candidates impermissibly continued to use their unauthorised '*Mock Dit*' when campaigning.
- c. It is further alleged that these candidates, and campaigners acting on their behalf, campaigned in ways that were in breach of various rules, including not displaying official identification / registration lanyards when campaigning, and approaching students in groups when it was specified in the Code of Conduct that candidates and campaigners could not speak to students other than one-to-one.
- d. These matters were brought to the attention of the RO, who made various decisions including campaign restrictions.

- e. The complaint is, in effect, that the RO was wrong in her decisions dealing with these complaints, and that these candidates ought to have been and now should be banned; or, in the alternative, the Tribunal ought to be sufficiently satisfied that the results have been impugned such that it ought to declare the *On Dit* Magazine Editor result invalid.
 - f. A further component of the complaint was that these candidates and campaigners acting on their behalf failed to comply with directions of the Returning Officer.
9. The complaint included extensive supporting documents including copies of emails, photographs, and videos. The complaint invoked a variety of the Rules as its basis.
 10. The Rules invoked for the allegation of the use of an unauthorised '*Mock Dit*' were Rule 26.2 (the use of (un)authorised materials); Rule 39.4.3 (distributing misleading, false, or defamatory statements); Rule 39.4.12 (producing, distributing, or causing in any way to be made available any publicity not in accordance with Rules 25 and 26); Rule 39.4.13 (unfairly interfering with a candidates' publicity); and Rule 39.4.22 (making false statement in any claim, application, return or declaration, or in answer to a question under these Rules).
 11. The Rules invoked in relation to campaigning conduct (not displaying official identification / registration lanyards when campaigning, approaching students in groups) were Rule 41.4 under which campaigners are prohibited from campaigning without wearing their registration tag; and clauses 4(i)(a)(I) and 4(i)(a)(II) of the *Campaigner Code of Conduct* which concerns 'crowding of any prospective voter'.
 12. The Rule invoked in relation to the alleged failure to comply with a direction of the RO was Rule 34.4.19. Each invocation of Rule 39 was an allegation of Prohibited Conduct. The complaint also invoked Rule 42.1, which allows candidates to make a report of misconduct by the Returning Officer to the Tribunal. The basis of that invocation was that the RO '*did not adequately follow the election rules in her judgment of this issue and subsequently imposed an incorrect and insufficient penalty*' for the successful *On Dit* Editor candidates.
 13. The Tribunal can immediately dismiss this latter aspect of the complaint: under Rule 42, following receipt of such a written report any member of the Tribunal may, if satisfied that it is warranted, convene an Emergency Meeting for the purposes and following the procedure in Rule 10. Rule 10 is entitled 'Dismissal of the Returning Officer' and says that the 'sole purpose of an Emergency Meeting' is to conduct a hearing into any relevant allegations of Misconduct by the Returning Officer [...] or any other evidence of serious electoral impropriety, capable of damaging the validity of the

election’ and provides for only one outcome if the Tribunal is satisfied it is warranted, being the dismissal of the Returning Officer and appointment of a new Returning Officer. No member of the Tribunal was or is satisfied an Emergency Meeting was or is warranted. Nothing in the RO’s decision-making the subject of this complaint could or would amount to misconduct in the sense required by this Rule, or indeed at all. This is regardless of the fact that the dismissal of the RO is now otiose.

14. Further, even if the Tribunal was to find that the RO’s decisions were incorrect or inadequate, that would not in these circumstances amount to ‘misconduct’ in the sense required by these Rules. The Tribunal wishes to make it very clear that the complaint expressed in these terms was not warranted.

15. Several other aspects of the complaint can also be readily dismissed:

- a. The complaint invoked Rule 39.4.1, which prohibits the provision of false information in or interfering with any form lodged with the Returning Officer. That invocation appeared to be on the basis that the candidates ‘failed to comply with the general election rules and the directions provided by the Returning Officer’, which ‘applies to all instances where the team ignored the directives of the Returning Officer, especially regarding the visibility of registration tags and the distribution of unauthorised materials’. Particularised in this way, none of the alleged conduct would constitute a breach of Rule 39.4.1.
- b. The invocation of Rule 39.4.3, namely the distribution of misleading, false, or defamatory statements was connected to the allegation of the use of an unauthorised *Mock Dit*. The Tribunal considers that even if this allegation was made out, it would not amount to ‘distributing misleading, false, or defamatory statements’ in the sense prohibited by this Rule. The use of unauthorised material would not in the circumstances as set out in the complaint amount to a misleading, or false, or defamatory, statement as contemplated by this Rule. There is nothing before the Tribunal to suggest the content of the *Mock Dit* was inappropriate. Rather, the primary concern (as the Tribunal sees it) is whether the *Mock Dit* continued to be used (despite having been found to be unauthorized).
- c. The invocation of Rule 39.4.22, making false statements in any claim, application, return or declaration or in answer to a question under these rules, was connected to an incident in which one of the complainants asked one of the successful candidates questions about the apparent use of an unauthorised *Mock Dit* whilst campaigning. The allegation seems to be that the candidate avoided answering the questions in a way so as not to answer falsely and so not to contravene Rule 39.4.22. That reasoning is used to support an inference that the candidate was in fact using an unauthorised *Mock Diti* when campaigning, and that issue

will be addressed below. As an allegation that there had been a breach of Rule 39.4.22, the complaint does not make logical sense (the complaint expressly says the candidate ‘did not answer this question so that he would not contravene Clause 39.4.22’). In any event, in these circumstances the Tribunal would not be prepared to find that one candidate answering a question from another candidate falsely would fall under this Rule, given one candidate asking questions of another during the course of campaigning is not questioning ‘under these rules’ nor would any answer be in those circumstances a statement made ‘in any claim, application, return or declaration.’

16. The complaint also invoked Rule 39.4.2, which effectively prohibits impersonating another person. That invocation appears to be in error. The particularisation is that the candidates ‘engaged in dishonest conduct’ in its use of an unauthorised *Mock Dit*. That appears to be an allegation under either Rule 39.1 or 39.2. Whether the allegations if made out also constitute dishonest conduct or conduct intended or likely to mislead or deceive a voter will be considered below.

17. Under the Rules, in any complaint or appeal brought before the Tribunal:

7.13.1 The YouX Election Tribunal’s primary focus shall be a consideration of the factual basis or substance of the complaint or appeal;

7.13.2 The YouX Election Tribunal may have regard to, but is not constrained by, particular invocations of particular Rules contained in the complaint or appeal;

7.13.3 In performing its functions or exercising one or more powers provided for in these rules, the YouX Election Tribunal will primarily be guided by:

7.13.3.1 the objectives in the Rules; and

7.13.3.2 the principles of equity, good conscience and the merits of the matter;

18. Ultimately, when taken together and after dismissal of the non-applicable parts of the complaint explained above, the complaint said that the cumulative effect of the alleged breaches had required the ‘immediate disqualification’ of the successful *On Dit* Editor candidates, and as they had not been disqualified by the RO the Tribunal ought to be satisfied pursuant to Rule 44.6.2 that there had been a defect in the conduct of the election which materially affected the result.

19. The complaint construed as such, the Tribunal considers it must investigate the reported instances of Prohibited Conduct (Rule 43.2.3) and must investigate the matter as an appeal (Rule 44.5).

Investigation and Findings of Fact

20. As the complaint in substance impugned the decision-making and the conduct of the RO, the Tribunal requested further information from the RO as part of its investigation. The RO provided that information. The Tribunal refers to that information at relevant points in this decision.

Campaigning Conduct

21. On Tuesday 3 September 2024, Mr Merlin Wang (who had been a candidate in the previous week's election, and was a member of the Progress party) was alleged to have interacted with and assisted voters on behalf of the successful candidates, thereby engaging in campaigning, without a registration tag. Photos and video evidence were provided. This was reported to the RO by email, who responded that she would 'follow this up with Merlin directly'.
22. The Tribunal requested from the RO and received a copy of her subsequent communication with Mr Wang. That email says:

Hi Merlin,

I have been sent several videos and images of you interacting with a group of Candidates for On Dit Magazine whilst they are campaigning to students on 3rd September 2024.

You may or may not have been directly campaigning so this is just a warning and a request to please register to campaign if you are going to be interacting with Candidates and Students to save further complaints being made. If you are not wanting to be involved I strongly suggest that you keep away from any Student Media Election activity.

The registration process is still open and can be accessed here: [link provided]

23. In her written response to the Tribunal, the RO wrote:

On viewing the attached evidence, in my opinion all that the images showed was Merlin interacting with candidates for On Dit Magazine Editor and very short video footage of him standing with groups of students. There is no audio so I am unable to ascertain if he was actively campaigning.

24. The RO informed the Tribunal that she ‘nonetheless’ sent the warning to Mr Wang, as set out above. No responding email from Mr Wang was provided by the RO to the Tribunal.
25. The Tribunal is minded to observe that under Rule 5.1, the sole jurisdiction in interpreting the Rules lies with the RO from the time of appointment to the Declaration of Provisional Results; and under Rule 9 the RO has responsibility for the conduct of the elections (9.1.1), must decide questions of fact on the balance of probabilities (9.1.7), and has broad powers to deal with breaches of the Rules (9.2). Determinations of the RO may be appealed to the Tribunal under Rule 9.5 ‘in accordance with clauses 42 or 43’, and in any event Rule 43 obliges the Tribunal to investigate reports of Prohibited Conduct made to it. In circumstances where a complaint had been made to the RO, to which the RO responded, the Tribunal considers that its investigation ought to treat as a relevant consideration that the matter in question had been responded to by the RO.
26. In that context, the Tribunal sees no error in the RO’s response to the complaint as made to her. It is clear from her email to Mr Wang that the RO considered the material that she had been provided, and was not satisfied on the balance of probabilities that anything other than a warning and general direction was warranted. That was confirmed in her response to the Tribunal. On the face of it the Tribunal is not satisfied that there is any reason to disturb the RO’s finding or course of action. In any event, lest there be any concerns about its obligations under Rule 43, the Tribunal has viewed the photos and video submitted. On its own view the Tribunal is not satisfied to the requisite degree that the evidence establishes that Mr Wang was in fact campaigning without a registration tag. This is not to say that the report or complaint was made falsely or was not warranted but simply that, the evidence does not satisfy the Tribunal on the balance of probabilities. As a report of a breach of the Rules, it is not made out. As an appeal of the RO’s decision, it is also not made out.
27. A similar complaint was made that on Friday, 6 September 2024, Mr Jarrod Xie (who also had been a candidate in the previous week’s election, and was also a member of the Progress party) was alleged to have been campaigning without a visible registration tag, for the benefit of the successful candidates. Again, photos and video evidence were provided. The complaint also alleged that a candidate Harish Thilagan was involved in Mr Xie’s breach, in providing Mr Xie with flyers for the purpose of his campaigning although no further evidence was provided of that component of the allegation.
28. This matter was also reported to the RO by email, who (it can be seen in the materials provided to the Tribunal) contacted Mr Merlin Wang¹ by email at 12.04pm as follows:

¹ In her response to the Tribunal the RO explained that she considered, for reasons, she was more likely to get an immediate reply if she contacted Mr Wang at first instance.

Hi Merlin

Can you ask Jarrod to cease campaigning immediately.

He is not registered to Campaign.

Please let me know that he has stopped. I don't want to impose further sanctions.

29. Mr Wang sent a response which said: 'I have asked Jarrod to stop campaigning.'
30. The Tribunal makes several observations about this exchange: first, it is implicit in the RO's email that she was satisfied that Mr Xie had in fact been campaigning when he was not registered to do so. This is also implicit in Mr Wang's response, in that he confirms he has asked Mr Xie to *stop* campaigning. In her further response to the Tribunal, the RO confirmed she had at the time checked that Mr Xie was not registered as a campaigner. Secondly, the RO had turned her mind to what would be an appropriate response, and responded accordingly.
31. The RO provided the Tribunal with an email response from Mr Xie, sent on 6 September 2024 at 3.55pm in which Mr Xie wrote:

Hi Samma [sic],

As a campaigner, when I found out that I forgot to bring my lanyard, I immediately stopped the campaign, I apologise about that.

32. The relevance of this email is that Mr Xie says that he forgot to bring his lanyard when in fact, according to the RO, he was not registered as a campaigner at all. The email constitutes an admission of the reported conduct that Mr Xie was campaigning.
33. Further, on 6 September 2024, it was reported to the RO that an unidentified female wearing a pink shirt was apparently campaigning for the successful candidates without properly displaying a registration tag. The RO sent an email to Ms Jennifer Tran of the successful candidates about the report (copied also to Mr Merlin Wang). That email is relevant and set out in full as follows:

Dear Jennifer,

I have been sent complaints about people campaigning for your team who are not registered campaigners, or if they are they are not wearing their lanyards.

To date there have been complaints about Merlin, Jarrod and there is a girl in a pink shirt who is campaigning for you that does not have a lanyard.

Please can you stop anyone assisting you with your campaign who is NOT registered or who is NOT wearing their lanyards as this is in breach of the Election Rules.

I don't want to have to issue a campaign ban for the rest of the day for your OnDit Magazine and Radio teams.

Please acknowledge receipt of this email and your understanding of the instructions.

34. Mr Wang responded to that email by confirming he had already asked Mr Xie to stop campaigning (as set out above) and asking ‘*who is the girl in the pink shirt?*’ The RO’s response again is relevant, in full:

Hi Merlin,

I don't know who she is as she is NOT wearing a lanyard but is certainly speaking with student [sic].

[...]

I am sure the team know who she is as she is campaigning on behalf of them.

35. Ms Tran then responded:

That girl is my friend and she voted for me. So she did not know and just want to help me getting more votes from her friends. She did not bring any materials and really campaign.

36. The RO in turn responded to say ‘*thanks Jennifer – she needs to stop assisting you immediately as “getting more votes from her friends” is campaigning.*’ Ms Tran shortly afterwards sent another email saying that she had ‘*texted her and told her to stop getting votes for me*’.

37. As with the complaint regarding Mr Xie, the Tribunal makes several observations arising out of this exchange. It is again implicit in the RO’s email that she was satisfied that the female in the pink shirt had been campaigning, and without a registration tag; next, Ms Tran makes a clear admission that she had a friend – not an authorised campaigner - who was helping her to get votes, and it is implicit in her response that Ms Tran knew of the conduct; third, it ought to have been obvious to Ms Tran that allowing a friend to help her get more votes would be a form of campaigning.

38. A further allegation in the complaint was made in relation to Mr Raktim Argha was campaigning without a registration tag. One photograph was provided in support of this allegation. The allegation is not made out to the Tribunal’s satisfaction, on the photographic evidence before it.

39. The same email sent to the RO on 6 September 2024 also alleged ‘instances of crowding, where more than two campaigners from Jennifer Tran On Dit / Student Radio ticket surrounded voters simultaneously’. Photographic evidence was supplied, and was also provided to the Tribunal.

40. In her response to the Tribunal, the RO wrote:

I did not deal with the complaint of “crowding” as this behaviour is witnessed regularly throughout the elections with campaigners and candidates from ALL factions being guilty of this type of behaviour. This instance of “crowding” was not the worst example that I have personally witnessed.

Campaigners must engage in respectful behaviour whilst campaigning, unfortunately these behaviours are frequent and difficult to police.

All Campaigners as part of the registration process MUST read the Campaigner Induction document (attached) and agree to abide by the Election Rules at all times whilst campaigning.

41. Subject to one qualification, the Tribunal respectfully queries the position adopted by the RO (in the above response) with respect to ‘crowding’. As a general matter, if ‘crowding’ was a regular occurrence throughout the elections, with all factions being ‘guilty of this type of behaviour’, then it was incumbent on the RO to take steps to address the issue. That is inherent in the responsibilities vested in the RO under the Rules, particularly Rule 9.1.1. That might require the calling of representatives or all candidates to a further meeting to highlight the conduct requirements, and / or to issuing warnings to some or all candidates that the behaviour will not be tolerated, as a first step towards the remedies in Rules 9.2.2 or 9.2.4. Being difficult to enforce does not mean that problematic behaviour should not be enforced. The qualification is that the Tribunal accepts, within reason, that particular instances of ‘crowding’ might be difficult to police, for example because of limitations in evidence.

42. In this particular instance, the RO appears to acknowledge that there had been an instance of crowding, but found that on the evidence presented it was at the lower end of the scale.

43. The Tribunal has itself considered the photo evidence provided to it. Although the complaint is expressed as ‘instances of crowding’ these photographs provide the only evidence of specific instances where this is said to have occurred. The complaint as written is that ‘*by positioning multiple campaigners around a voter, they created a situation where voters could feel **intimidated** or*

compelled to engage with the campaign message under duress [emphasis in original]. The photographs as supplied could not reasonably be said to evidence intimidation or compulsion, and no other evidence of those things has been supplied. That is not to say that ‘crowding’ of itself is not improper or problematic conduct unless also accompanied by intimidation or compulsion, or for that matter that intimidation or compulsion are necessarily easy to observe (particularly from still photographs). The Tribunal is not satisfied on the evidence before it that ‘crowding’ as alleged has occurred in these instances; in any event if these photographs do show ‘crowding’ the Tribunal is not satisfied on the evidence before it that these instances are any more than at the lower end of the scale of what might in other circumstances be impermissible ‘crowding’ that would justify a greater response. As such the Tribunal *in this instance* finds no reason to disturb the RO’s decision (not to respond). As a report of a breach of the Rules, it is not made out. As an appeal of the RO’s decision (not to respond), it is also not made out.

44. In so finding, the Tribunal wishes to make clear that the finding is based on the *evidence* presented as proof of these particular instances. The comments above about the difficulty in policing or enforcing this sort of conduct are relevant. It should not for a moment be considered that the Tribunal endorses such conduct or would be prepared to find any instance of ‘crowding’ to be trivial. To the contrary, if ‘crowding’ is a specified Rule of Conduct and candidates or campaigners are found to be in breach, there is no inherent reason why that conduct could not, in circumstances, justify either of the remedies available under Rules 9.2.2 or 9.2.4.

Failure to Comply with a Direction of the RO

45. The complaint alleges that Mr Merlin Wang was seen again on 6 September 2024 engaging in campaigning activities (by inference, for the benefit of the successful candidates) hence after the warning given by the RO set out above. If that were so, Mr Wang would be in breach of the campaigning rules unless he had registered as a campaigner in the interim.
46. The RO referred to this matter in her response to the Tribunal as follows:

On Friday 6th September 2024 at 2:29pm I received an email from Charlotte Whincup which contained one image of Merlin Wang claiming that he was campaigning without a lanyard at 2:18pm on 6th September 2024. Unfortunately I did not review this email until approximately 3:45pm as I was away from my computer at a personal appointment.

However, on review of the one image I was sent, I did not feel that it warranted any further action as it did not provide enough evidence of Merlin engaging in campaign activity. It

only shows Merlin sitting on his own, not engaging with any persons. I do believe that when you “zoom in” on the image that Merlin is holding an approved How to Vote flyer, however there is no evidence provided that shows him passing this information to any potential voters from the photo I was emailed.

*I was not sent the image labelled **Evidence F.3** provided to the Election Tribunal.*

47. The photo to which the RO refers was included in the complaint to the Tribunal. It shows Mr Wang standing, not sitting, with a single piece of paper in his hand which the Tribunal is prepared to accept, per the RO’s description, is an approved How to Vote flyer. From its own knowledge, the Tribunal can see that Mr Wang is standing on a path adjacent to the university lawns and which is a common thoroughfare for many students. Nonetheless the photo does not show Mr Wang interacting with any other person, and the fact that he is holding a single piece of paper, as opposed to a stack of papers, means the Tribunal agrees with the RO’s summation that it cannot be found he was passing out information to any potential voters. It should be added that speaking to candidates using a single How to Vote flyer as a reference would obviously be campaigning; however, regardless of whatever level of suspicion the photo may create, it could not be found on the balance of probabilities.
48. The Tribunal was provided with the additional photograph F.3. In the photograph Mr Wang (identified as he is wearing the same clothing in the previous photograph) is somewhat in the background and it is not readily apparent what he is doing. The main subject of the photograph appears to be Mr Xie (identified as he is wearing the same clothing as in a previous photograph). Mr Xie is standing with two other people; there is a person behind him in closer proximity to Mr Wang but looking in an entirely different direction, and there is another person closer again to Mr Wang but it is not apparent in the photograph whether there is has been any interaction between that person and Mr Wang. Regardless of whatever suspicions may arise, there is nothing in the photograph F.3 from which the Tribunal could be satisfied that Mr Wang was campaigning at the time. As a report of a breach of the Rules, it is not made out. As an appeal of the RO’s decision (not to take further action) it is also not made out.

‘Mock Dit’ Complaint – Investigation

49. From the material presented to it, not only in the complaint but also subsequently upon request from the RO, it is clear (and the Tribunal so accepts) that the successful candidates did not have an authorised Mock Dit. This is because those candidates had failed to submit their Mock Dit for authorisation by the due date.

50. The RO informed those candidates by email on 23 August 2024 that she ‘cannot receive a copy of your Mock Dit or include it as part of your campaign materials.’ The email was acknowledged by Ms Jennifer Tran later that same day.
51. On Friday 5 September 2024 at 11.32am Ms Charlotte Whincup sent an email to the RO in which she reported that the day before ‘we’ (the Tribunal is prepared to accept this to mean, Ms Whincup and other members of her candidate team) had heard Mr Adrian Niculescu of the successful candidate team ‘telling voters that his team had created a Mock Dit and witnessed him showing them a PDF on his phone.’ In response the RO requested evidence of the allegation, saying: ‘*Certainly I did not approve their Mock Dit for use so if you can provide more evidence then I might be able to look into this.*’ Later that afternoon at 4.43pm Ms Whincup sent the RO an email with a link to a video recording. The email said the video had been taken at 3.17pm and ‘*For context, one of our candidates was showing a potential voter our approved Mock Dit when the other candidate began saying, “actually our team also have a Mock Dit” and opened his phone. That was when our candidate began recording and got him saying that to his understanding he was allowed to show it.*’ The email also said, ‘*We want to stress this is only one occasion where this has happened in the last 2 days of campaigning.*’
52. The email was sent to the RO at 4.43 pm on 6 September 2024, which (per the information provided by the RO to the Tribunal) was after close of polls (at 4:00pm), after the counting of votes had been completed (at 4:15pm) and after the provisional results had been published to the YouX Website (at 4:30pm). The RO did not and has not made any ruling or decision based on the video recording and, given the timing, it was jurisdictionally appropriate that she did not.
53. That same video was later provided to the Tribunal as in support of the complaint. The video recording is of one member of the successful candidate team Mr Adrian Niculescu which had been taken by a member of the complainant team Ms Amber Lomax. The video records an interaction between Ms Lomax and Mr Niculescu. In the recording the following conversation occurs:

Ms Lomax	... Mock Dit was approved?
Mr Niculescu	My understanding, and my understanding may not be completely full, but I can’t give a full understanding at this point.
Ms Lomax	Well you just said, oh we do actually have a Mock Dit.
Mr Niculescu	Well, you’re saying that, I’m saying that we do have ...

Ms Lomax	You pulled out your phone to show a PDF of the Mock Dit file that you showed other potential voters yesterday even though it wasn't a sanctioned piece of election material.
Mr Niculescu	Did you record that?
Ms Lomax	Summa did say that only candidates who had submitted Mock Dits before the nomination date were allowed to publish Mock Dit materials.
Mr Niculescu	To be correct, I was pulling out my phone to show the voting card, which was sanctioned by Summa. Our Mock Dit, my understanding however my understanding may not be complete and I best refer you to our team leader if that was an enquiry that you [inaudible].
Ms Lomax	So your understanding was that your Mock Dit <i>was</i> sanctioned which means you <i>did</i> show people ...
Mr Niculescu	Have a great day! [walks away from camera]
Ms Lomax	... your Mock Dit even though it wasn't sanctioned. You've showed people unsanctioned campaign material?
Mr Niculescu	I did?
Ms Lomax	Yeah you just said that it was your understanding that you were allowed to show people the Mock Dit so even though it wasn't sanctioned to <i>your</i> understanding you're allowed to show it so you did.
Mr Niculescu	My understanding there is a difference between action and understanding my friend. [walks away]

54. The Tribunal accepts that immediately before the video recording, Mr Niculescu was showing a potential voter their approved Mock Dit when Mr Niculescu began saying, 'actually our team also have a Mock Dit' and opened his phone. The Tribunal accepts that this was the cause for the recording as this accords with the nature and content of the recording. The Tribunal notes that the statement is *not* that the recorder directly observed a Mock Dit document at this time (nor did she say that in the recording).

55. The Tribunal considered it appropriate to put to Mr Niculescu the substance of the complaint, for his (and his team's) response. On 30 September 2024 the convenor of the Tribunal sent an email to Mr Niculescu as follows:

Subject: Election Tribunal query

Hello Mr Nicolescu,

I am again writing to you on behalf of the Election Tribunal. The Election Tribunal is currently investigating within the relevant Rules a specific complaint in relation to the election for the position of On Dit Magazine Editor in which you and your candidate group were successful on the provisional results.

The matter under investigation is an allegation that, in circumstances in which your group failed to submit its 'Mock Dit' material in time and (on the request of the opposing candidates) the RO having made a ruling that a late 'Mock Dit' would not be approved, you impermissibly used a 'Mock Dit' document when campaigning.

It is reported by members of the opposing candidates that they had heard you telling voters that your team had created a Mock Dit, and they witnessed you showing voters a PDF on your phone. On one occasion on the last day of campaigning, it is said that one of the opposing candidates was showing a potential voter their approved Mock Dit when you began saying to the same voter "actually our team also have a Mock Dit" at which point you opened your phone. That candidate then began recording the conversation, which video has been provided to the Tribunal. The Tribunal reproduces its transcript of the recording as follows:

[recording transcript inserted as above]

The Tribunal considers that it is open on the face of this dialogue to infer that you had in fact used a Mock Dit when campaigning, which would confirm the reported observations. However the Tribunal stresses that at this stage it is investigating this matter only, and has not formed any particular view. It is writing to you to give you the opportunity to comment on the observations, and also to comment on your statements in the dialogue. If you do not consider the dialogue to be accurate, or you would like to review a copy, the Tribunal can supply a copy on your request.

It is entirely a matter for you whether you wish to respond to this specific request for information. However, any assistance that you provide to the Tribunal may be a relevant matter in any further actions the Tribunal may take under the Rules (for example, under Rule 43.2.5) should the reports be found to be substantially true. The Tribunal asks you to provide a response, if you so wish, by close of business on Wednesday 2 October 2024.

This email will also be copied on behalf of the Tribunal to other members of your On Dit candidate team, who may also wish to respond if they so choose.

Thank you,

Kind regards

*Dr David Plater
Convenor
Election Tribunal*

56. Mr Niculescu subsequently requested a copy of the video recording as well as 'any other written declaration related to this query'. Accordingly, and with the consent of the complainants, the Tribunal

sent Mr Niculescu not only a copy of the video recording, but also the complaint in full as submitted to the Tribunal.

57. On 2 October, Mr Niculescu provided by email a written response to the Tribunal. Given the findings of the Tribunal that arise, in part, from its consideration of this response the Tribunal sets Mr Niculescu's response out in full:

***Subject:** Re: Election Tribunal query*

Dear Dr Plater,

I hope this email finds you well. I am writing to you and the tribunal this afternoon to provide my response to your previous email. I have received the complaints and evidence compiled and am grateful to the tribunal for an opportunity to respond to the allegations and the time it has put into gathering relevant materials as per my previous request.

It is my understanding that my response will be related to the following:

'The matter under investigation is an allegation that, in circumstances in which your group failed to submit its "Mock Dit" material in time and (on the request of the opposing candidates) the RO having made a ruling that a late "Mock Dit" would not be approved, you impermissibly used a 'Mock Dit' document when campaigning.'

Regarding the above allegations, I believe there are two separate incidents that make up the complaint: Firstly, I was alleged to have shown something on my phone (The Thursday Incident) and, secondly, the recorded video (The Friday Recording). To ensure clarity, I will discuss these two incidents separately below.

The Thursday Incident

Regarding the first allegation that I have shown a PDF on my phone, I refer to the original text from your email:

'It is reported by members of the opposing candidates that they had heard you telling voters that your team had created a Mock Dit, and they witnessed you showing voters a PDF on your phone.'

Based on what I can recall, members of the opposing team made misleading accusations against me and my team. This includes statements such as 'your team didn't even create a Mock On Dit', attacking us by saying that we lack experience in journalism and design, etc. I politely corrected the opponents. What I did after was, knowing the statements were untrue, false and misleading, with the election rules in mind and adhering to them, I clarified, 'We have created a Mock On Dit.'

As I was really upset by the statements and representations of my opponents that we lacked experience and professionalism in the position we were going for, I then showed voters

Raktim's artworks on a web platform, which was approved by the RO. I suspect that when I opened it through another app on my device in my hand, this profile had a very similar appearance as a PDF as opposed to when it is on a web browser. (I have attached what I mean to this email. As displayed, the top bar of a webpage or a document looks similar across the Android messenger system I used. Therefore, someone not familiar with the software or OS system may not have the same interpretation when viewing opened documents or websites)

It is my interpretation from my recollection of the incident that the complainant misinterpreted what was on the screen due to unconscious bias resulting from the unfamiliarity of the operating system. Similarly, I find it concerning that any point of clarification was not brought before me or my team at the time, and they have deliberately waited to complain to election authorities. This, in my opinion, is very opportunistic in nature, and I question the intention of such manoeuvrers.

To confirm that in this particular incident, I showed the approved profile, I signed a statutory declaration, and another individual who was there at the time and saw the incident would also be willing to contribute to my statement and provide a statutory declaration, but they are currently not in Australia. Having spoken to them, they stated they would get their statutory declaration notarised by a Justice of the Peace upon their return, and will send it to the tribunal if the tribunal deem this to be necessary. In the meantime, please find my statutory declaration attached below for your convenience.

Similarly, as to my wording, in my opinion, both then and now, I was trying to indicate that I was showing something else to the voter and not the Mock On Dit, and I had never intended to mislead anyone.

The Friday Recording

I begin by acknowledging the tribunal's transcript within the original email provided to me as an accurate reflection of the video provided. From the transcript, I would like to reiterate what I meant: I was under the impression at the time that the Mock On Dit was approved, as shown in the video. This is a factual statement and not an admission of guilt regarding any parts of the allegations.

In the written statement of the complainant, it was alleged that I did not provide a complete answer regarding whether I showed the Mock On Dit to voters. I submit that I was never asked in question format whether or not I showed the Mock On Dit, and whenever I tried to expand on an answer, I was interrupted by the opponents with unfounded accusations while refusing to provide evidence to support them.

I refer to the transcript again; in the final two statements (text boxes), Ms Lomax made false accusations that I had previously acknowledged that the Mock Dit was unsanctioned and, therefore, I was allowed to show it to people. This I utterly reject and draw the tribunal's attention to the other statements in the conversation where I never acknowledged that it was unsanctioned, as this was something I did not know at the time, despite Ms Lomax accusations. Similarly, in my response, I attempted to highlight how Ms Lomax's accusations throughout the video were based upon my understanding at the time that the 'Mock Dit' had been approved, and further, there had been no evidence presented to me by her to confirm

her accusations of wrongdoing. I acknowledge this was unclear; however, at the time, I was quite concerned as Ms Lomax's demeanour and tone had become more forceful, and she began to follow me even after I had indicated that I wished to conclude the conversation.

I therefore infer from the transcript that the complainant's complaint was originally and continues to be based upon allegations, lacking facts and evidence for backing.

To conclude, the election rule 39.4.12 is unequivocal that the physical 'producing, distributing, or causing in any way to be made available any publicity not in accordance with clauses 25 and 26;' constitutes prohibited conduct. Given there is no photographic or video evidence of me doing so, I don't believe the evidence present would be sufficient to substantiate their claim of the said breach and, therefore, should be dismissed by the tribunal.

This concludes my response as per the request from the tribunal, I thank the tribunal for this opportunity to submit. During the entire campaign period, I have always strived to act in accordance with all the rules and regulations and have, at times, even policed my fellow candidates and campaigners to ensure they do the same. I anticipate a positive response from the tribunal's findings.

Yours Faithfully,

Adrian

58. Attached to that email was a photograph of a statutory declaration sworn by Mr Niculescu, in which he solemnly and sincerely declared:

During the incident on September 5th, 2024, I only showed the voters my team's approved hot-to-vote card and my teammate Raktim Argha's artwork on a web platform accessed through the Messenger app on my phone, which the RO approved alongside our manifesto submission.

59. In a subsequent email, Mr Niculescu sent the Tribunal a link to a OneDrive folder said to contain the artwork referred to in Mr Niculescu's email response and statutory declaration.
60. In light of Mr Niculescu's assertion (in both his email response and his statutory declaration) that the artwork he purportedly showed to voters was approved by the RO, the Tribunal sought further clarification from the RO. In her response the RO confirmed that this team's Mock Dit submission had not been approved, and also confirmed this had been communicated to Jennifer Tran and acknowledged by Ms Tran. The RO provided further subsequent correspondence with Ms Tran concerning that team's manifesto document which as originally submitted contained references to, and a link to, the proposed Mock Dit. The team were asked to, and did, 'remove reference and the link to your Mock Dit'. The RO's email went on to say 'You can however, have a link that profiles some of your other work.'

61. The RO also provided a copy of the candidate team's manifesto document, which included a link described as 'Our members' work'.
62. The Tribunal looked at the artwork shown following the link in the Manifesto, and the artwork sent by Mr Niculescu. It is the same artwork.
63. The Tribunal has carefully considered Mr Niculescu's response. The response immediately contains two important admissions: first, that his candidate team had in fact created its own Mock Dit; and second, an admission of the essential events of the complaint: that there had been circumstances in which Mr Niculescu had told voters that his team had created a Mock Dit and had followed that comment by showing something on his phone.
64. On Mr Niculescu's account, what he showed voters was not his team's Mock Dit, but rather '*artworks on a web platform*'.
65. The Tribunal is not convinced by Mr Niculescu's explanation contained in his response.
 - a. It seems unlikely and indeed improbable that, having just said to voters, 'We have created a Mock On Dit' (as admitted by Mr Niculescu) and then showing something to the voters (also admitted by Mr Niculescu) that what was shown was something *other than* the Mock Dit just referred to. Relevantly, despite the verbose (and in parts, difficult to decipher) response Mr Niculescu gave to the Tribunal, this self-evident discrepancy is not explained. For example, Mr Niculescu does not give any detail to the effect that he had explained to the voters that what he was showing was *separate* artwork *because* his team had not been authorised to use the Mock Dit to which he had just referred (eg 'It is correct that we don't have an authorised Mock Dit that I can show you, but I can show you instead this artwork which shows our team's expertise.'). This is a conspicuous lacuna in Mr Niculescu's response.
 - b. There are discrepancies in the accounts given by Mr Niculescu. In his response to the Tribunal Mr Niculescu is quite precise to say that what he showed was 'artworks on a web platform', which 'had a very similar appearance as a PDF as opposed to when it is on a web browser' [emphasis added]. In his statutory declaration, Mr Niculescu's description is 'artwork on a web platform accessed through the Messenger app on my phone' [emphasis added]. In the recorded conversation, the transcript of which Mr Niculescu accepts as accurate, he said 'I was pulling out my phone to show the voting card.'

- c. The Tribunal accepts that a link sent in Messenger can be selected which will re-direct the user to a webpage in a browser. Likewise the Tribunal accepts that the ‘voting card’ contained a link to the stated artwork which, if selected, would re-direct the user to a webpage in a browser. Those things however are not the point: the point is, the *details* of what actually happened are not consistent across Mr Niculescu’s accounts. Relevantly, Mr Niculescu had the opportunity in his written response to the Tribunal to provide as much detail and clarity as he considered necessary (and his response is anything but brief), and it was open and available to him to explain with precision what was accessed and shown, and how; his account to the Tribunal is precise about the web platform and even the operating system yet says nothing about Messenger nor about the ‘voting card’.
 - d. The differences are small but they are significant to the Tribunal’s assessment of the truthfulness of Mr Niculescu’s explanation.
66. The Tribunal finds Mr Niculescu’s comments in the video recording not only confirm the essential details of the report as given to the Tribunal (about saying, ‘We have created a Mock On Dit’ and then showing voters something on a phone), which he has effectively admitted to in any event, but also when read as a whole contain an implicit admission that the Mock Dit *had* been shown to voters.
- a. In the recording Mr Niculescu repeatedly refers to ‘his understanding’ which ‘may not be completely full’ and of which he ‘can’t give a full understanding at this point’.
 - b. The only *relevant* matter on which he could or could not have ‘an understanding’ or ‘full understanding’ is, in the circumstances of the video, whether or not his team could *use* a Mock Dit in their campaigning activity (based on whether or not it was approved). No other interpretation of these responses makes reasonable sense.
 - c. For example, it would not reasonably make sense for Mr Niculescu to have referred to his ‘understanding’ which ‘may not be completely full’ if what he was referring to was *not using* a Mock Dit in campaigning. It would not reasonably make sense to say ‘my understanding, which may not be completely full, is that we were not authorised to use a Mock Dit in our campaign and so we have not.’ Nor, ‘My understanding is that we were authorised to use a Mock Dit in our campaign, but we have not done so.’ His answers in the video recording only make sense as an attempted explanation for *why* a Mock Dit *was* shown. The Tribunal finds on the balance of probabilities that the ellipsis in Mr Niculescu’s responses could only have been to the fact that a Mock Dit had been shown to voters.

67. Mr Niculescu’s response to the Tribunal about ‘the Friday Recording’ says nothing to suggest otherwise. He confirms that he ‘was under the impression at the time that the Mock On Dit was approved’ which, strictly speaking, is irrelevant to the issue *unless* being proffered as an explanation for *why* a Mock Dit was being shown. He gives no other explanation for his comments that would cause the Tribunal to re-consider its analysis above. Again, he had opportunity to explain the evident ellipsis in his answers in the recording. Instead, the remainder of Mr Niculescu’s response about ‘the Friday Recording’ is little more than him prevaricating about the wording in the questions and his answers, and criticising the complainants for making their complaint, rather than addressing the central question that was put to him, which he reproduced in his response (that ‘you impermissibly used a “Mock Dit” document when campaigning’).
68. Indeed on the whole, Mr Niculescu’s response to the Tribunal was less than enlightening and unimpressive. At the very least his response appears to be less than forthright. Parsing the response into two parts, one about ‘the Thursday Incident’ and the other about ‘the Friday Incident’ appears to the Tribunal to be a means to avoid the central issue. Much of his response was concerned with speaking to his ‘interpretation from [his] recollection’ that the complainants had ‘misinterpreted’ what they had seen (apparently due to ‘unconscious bias’) rather than speaking to the facts in issue. Plainly Mr Niculescu cannot speak to the state of mind of the complainants and his consideration of that is irrelevant to the matter. Likewise his complaints that the complaints made against him were ‘very opportunistic’. Mr Niculescu’s response is convoluted and, the Tribunal finds, evasive.
69. Those things being so, on the totality of the evidence, the Tribunal is satisfied on the balance of probabilities and taking into account the principles in *Briginshaw*² that it was more likely than not that the successful candidates did have their own Mock Dit which was being shown to potential voters. The Tribunal finds that is the only reasonable inference that arises on the admitted facts that Mr Niculescu had said to voters ‘We have our own Mock On Dit’ and then proceeded to show those voters something (without further explanation to the voter(s), either observed or on his own response to the Tribunal, that what he was showing was something else). The Tribunal finds the recorded conversation when read as a whole contains an implicit admission of this. The Tribunal finds nothing in Mr Niculescu’s account (including and taking into account the statutory declaration) that causes it to consider otherwise and specifically, the Tribunal does not find Mr Niculescu’s response convincing.
70. Accordingly, the Tribunal finds:

² *Briginshaw v Briginshaw* (1938) 60 CLR 336.

- a. The successful candidates for *On Dit* Magazine Editor had two instances of unauthorised campaigning, one instance involving Mr Xie and the other involving Ms Tran's 'friend' who was wearing a pink shirt. The Tribunal's finding for each is based on admissions, one from Mr Xie and the other from Ms Tran.
- b. In the case of Mr Xie, the Tribunal finds that the successful candidates knew of his campaigning. Each of the four candidates in the team were members of the same 'party' as Mr Xie (evidenced by each of their manifestos for various positions in the general elections). The complainants say they witnessed Mr Xie with campaign flyers. In any event it is improbable that Mr Xie would somehow be randomly volunteering to campaign in secret and unbeknownst to the benefactors of that campaigning activity. Mr Xie was a candidate in the general election. He is expected to know the proper rules for campaigning and candidate conduct.
- c. In the case of Ms Tran's friend, Ms Tran admits in her email that she knew of the conduct. Even if, as she says, her friend was simply motivated to help, it was incumbent on Ms Tran to intervene and tell her not to. She did not, until prompted by the initial complaint. Ms Tran had been a candidate in the general election as well as in this media election. She is expected to know the proper rules for campaigning and candidate conduct.

71. The complaint to the Tribunal was in terms of 'campaigning without a lanyard'. Instead, these two instances are of campaigning without authorisation *at all*. There is no Rule which expressly says that 'all campaigners must be authorised' however the Tribunal considers that is implicit in Rule 40 and in particular, Rule 40.3 which requires a campaigner to provide their contact details and student number and Rule 40.6 which says that a campaigner 'shall be entitled to campaign' after completing an induction. Furthermore, the Tribunal accepts the reasons given in the complaint that the rules regarding registration of campaigners are not merely procedural, but serve to guarantee accountability during campaigning. This is particularly so given the Rules expressly encompass students' rights *not* to engage with student elections (and hence, not to be engaged by, candidates and campaigners). The Tribunal finds that the two instances of unauthorised campaigning were breaches of Rule 40 and furthermore, the successful *On Dit* Candidates were involved in those breaches by virtue of their knowledge of and, at the least, failure to prevent, that conduct.

72. The Tribunal also finds that the successful candidates for *On Dit* Magazine Editor had and used an unauthorised Mock Dit document when campaigning. This was not only a breach of Rules 26.2 and

(as Prohibited Conduct) 39.4.12, but also given the RO's clear direction about their Mock Dit a breach (as Prohibited Conduct) Rule 34.4.19.

Breaches and Actions

73. The complaint in its substance invoked Rule 44 in its challenge to the decision-making of the RO. Rule 44.6 is concerned with whether there was a 'defect in the conduct of the election which has materially affected the result'. The Tribunal is not satisfied that there has been 'a defect', in so far as that concerns the decisions and actions taken by the RO.

- a. The two instances of unauthorised campaigning were brought to the RO's attention, and she responded by issuing directions in respect of each. Those decisions were open to the RO to make and there was nothing inherently incorrect in them as such. That there were two complaints of unauthorised campaigning in favour of the same candidates, and which were proximate to each other, may to some minds have warranted a greater response (eg a campaign ban for the rest of the day for these candidates). Plainly the RO turned her mind to that point when she wrote to Ms Tran, referred to all of the complaints made about unauthorised campaigning, and said that she did not want to issue a campaign ban if she did not have to. However, that a greater penalty *may* have been warranted is not of itself a sufficient basis for the Tribunal to consider it an error in the sense or degree required to be a 'defect'.
- b. The RO considered and made decisions in regards the other instances of alleged misconduct in campaigning. The Tribunal itself has considered those allegations and finds no fault in the RO's fact-finding or decision-making thereto. No defect is demonstrated in respect of these matters.
- c. The complaint about the use of the Mock Dit was not substantiated before the RO until after the elections had closed and it was appropriate for the RO not to make a decision at that point. No defect is demonstrated.

74. However, the Tribunal has found breaches of campaigning rules as well as Prohibited Conduct in the form of a breach of Rule 39.4.12 and in the circumstances a breach of Rule 39.4.19 both in relation to the use of an unauthorised Mock Dit. As such the Tribunal it may take any of the actions set out in Rule 43.2.5.

75. The Tribunal has weighed a number of competing factors when considering what (and whether) to take action in respect of this complaint. It is relevant that the unauthorised campaigning matters were detected and addressed by the RO during the course of the election. The Tribunal pays due regard to the RO's original decision making. It is also not apparent on the state of the evidence that the unauthorised campaigning was systemic; although conversely, both found instances occurred on the same day and the persons involved – Mr Xie himself, and Ms Tran in respect of her knowledge of her friend's actions – would and should have had full knowledge that the conduct was not within the Rules. Showing potential voters unauthorised material can involve a wide range of conduct of varying significance, depending on the circumstances and the nature of the material. In this case, whatever the extent of use of the unauthorised Mock Dit, and even allowing for some level of genuine misunderstanding or miscommunication of the nature of the restriction conveyed to Ms Niculescu (which, to be clear, the Tribunal considers to be a very generous allowance), its use involved direct disobedience of a decision of the RO.
76. In the time it has investigated, considered, and written this decision in regards these matters, the Tribunal has also investigated, considered and written its decision in respect of the general election that preceded the media election.
77. In that decision the Tribunal made findings that, ultimately, concerned candidates for the 'Progress' party. In considering this complaint in relation to the media elections, it has not escaped the Tribunal's attention that the successful *On Dit* Magazine Editor candidates were also Progress candidates (and indeed, all stood as candidates for other positions in the earlier general elections). Mr Xie was also a 'Progress' candidate in the general election.
78. Taking the matters cumulatively as relevant to its decision about the *On Dit* Magazine Editor complaint, the Tribunal finds its concerns about the general conduct of 'Progress' candidates in the general elections reflected also in the media election; that is, a willingness to skirt, and indeed breach, the election Rules for inappropriate gain. The successful *On Dit* Magazine Editor candidates ought not gain any benefit in the Tribunal's consideration of relevant factors simply because the media election was technically separate to the general elections.
79. The Tribunal turned its mind to whether it would be appropriate to ban the successful *On Dit* Magazine Editor candidates, particularly given their disobedience of a direction by the RO. Ultimately, the Tribunal considered the following decision to be appropriate after weighing all the relevant factors:
- a. The successful *On Dit* Magazine Editor candidates are not elected;

- b. A re-election should be held for the position of *On Dit* Magazine Editor; and
- c. Each of Jennifer Tran, Harish Thilagan, Adrian Niculescu, and Raktim Argha be banned from campaigning for the first day of that re-election, whether they stand again as a group or in any combination (including, for the avoidance of doubt, any group of candidates in which any one of these candidates is a member).

80. In final comment, although the RO's report did not raise the level of concern expressed in her report about the general election, the Tribunal nonetheless notes that there were multiple reports of problematic behaviour such as crowding voters, unauthorised campaigning, and similar. The Tribunal has dealt with such matters as it was required to as set out above. More generally, the Tribunal repeats its comments and concerns as set out at the end of its separate decision about the general election.

81. It is a benefit to all students that there exists, and a privilege that there is opportunity to participate in, student media; furthermore, well-run, independent and accountable student media plays an important role in the representation of students as a whole. As the decisions made by the Tribunal in this election year ought to make clear, the Tribunal will not hesitate to support the RO in making, and will itself not hesitate to make, the necessary decisions to protect the integrity of the student elections – including the media elections and the important responsibilities that come with the position of *On Dit* Editor - for the benefit and privilege of all.

82. The Tribunal reiterates its appreciation to the RO for her diligent efforts. It is significant that both the RO and the members of the Tribunal (who all act on a pro bono basis) have had to conduct time consuming and involved work to resolve the numerous and significant issues raised in the 2024 elections.

83. The Tribunal reiterates that it will continue to take a dim view of further breaches of the Rules committed during future elections.

These 25 pages are the agreed reasons of the YouX Election Tribunal.

Dr David Plater
Convenor