

## Preamble:

Victorian Young Labor Executive holds significant concerns about the validity of the ballot held at the Victorian Young Labor Conference on 16 and 17 April 2011. There are reasonable grounds to find the ballot was not held in accordance with the rules that govern the Australian Labor Party - Victorian Branch ("the Rules"). These irregularities are set out below. Whatever the outcome of the ballot, it would be open to dispute, due to the significant number of breaches to the Rules that occurred.

## Procedural irregularities:

VYL Executive finds the following breaches occurred during the course of the ballot:

1. It is clearly stated in Rule 20.7.1 that challenges to the whole of a delegation including unions entitlement to delegates must be received by ALP State Office by 5pm on the Monday prior to Conference. In the VYL ballot that occurred on 17 April 2011, challenges were made against a number of delegates as they attempted to cast their vote on the day, rather than following the rule that clearly states that challenges must occur prior to the Conference itself. Delegates who were ruled out should have been provided an opportunity to contest their eligibility prior to the conference commencing, and where they were found ineligible count backs should have been conducted, or arrangements for casual vacancies. The late challenges meant a number of delegates were denied their voting rights during the Conference, and FEA's were denied representation.
2. It is a requirement under the Rules that nominees for VYL Executive are eligible delegates to the Conference. In the case of one delegate to the Conference, her nomination to VYL Executive was received and her name appeared on the ballot paper to be elected. However on turning up to vote at the Conference, she was told that her eligibility had been challenged and her ballot paper was enveloped as a result, and later ruled out by the Chief Returning Officer. Not only was she misled by believing she was eligible to be a delegate, but other delegates were misled by having an ineligible candidate's name appear on the ballot paper for VYL Executive.
3. The process for filling casual vacancies was only outlined by the Chief Returning Officer on the Friday prior to Conference at 2.27pm. This ruling was only communicated to a small number of people, not the entire delegation. As a result, some FEA's, such as Indi, were unrepresented at the Conference by a voting delegate.
4. VYL Executive also acknowledges that the process undertaken by the VYL Secretary in receiving proxies for an election in which he was a candidate was flawed. The VYL Secretary was given an opportunity to scrutinise the validity of proxies while other candidates were not, which is clearly a conflict of his duties under the Rules.
5. The VYL Secretary is required under Rule 14.4.8 to circulate all proxy forms to members of the Agenda Committee. After the Conference had commenced, the VYL Secretary showed the proxy forms he had received to the other members of the Agenda Committee, and it became apparent that other members of Victorian Young Labor, who were not members of Agenda Committee, had previously viewed and scrutinised the forms.
6. There was inconsistency demonstrated in the manner in which proxy forms were

scrutinised. Whilst one proxy was accepted by the VYL Secretary when it was submitted via email, without being signed, other proxies were challenged on the basis of the validity of their signature.

7. Rule 14.7.8 states that the VYL Secretary must provide a confirmation of receipt of a proxy being submitted. In most cases of the proxies that were submitted to the VYL Conference, this acknowledgement was not made in a timely manner, being only eight hours before the commencement of the conference, between the hours of 1 to 2am and in at least one case, was not made at all. This severely disadvantaged the elected delegate in being able to locate an eligible proxy to represent them at the conference, should the Secretary had found their chosen proxy ineligible.

In addition to the various procedural irregularities the VYL Executive has concerns that the results of the ballot will not have the confidence of the Young Labor membership, given the significant adverse media attention and published allegations.

On the 12th of May The Age published a story titled 'Young Labor, same old rifts'. This article made a number of allegations about the conduct of the ballot and senior party interference.

A similar allegation was made by Michael de Bruyn in his article in the 'Labor Unity' May 2011 Communiqué;

What unfolded at the subsequent ballot was a disgrace. Young delegates were pressured to vote along senior party lines based upon their workplace and their FEA. This pressure was applied by senior factional operatives and elected MPs - something unseen in Young Labor, usually a forum where such divisions are inoculated.

Whether these allegations are true is questionable and a matter for other party forums. The concern for the VYL Executive is they have been widely publicised to the wider young labor membership. The allegations are serious and cast doubt on the integrity of the ballot. Whatever the outcome of the ballot, given the negative publicity, it is unlikely to be accepted by the membership as a credible or authentic result.

Motion:

VYL Executive moves that the President of Victorian Young Labor, on behalf of the Executive, recommend to the Administrative Committee that a postal ballot, administered in full by the ALP Victorian State Office, be conducted to elect the President, Vice Presidents, and Executive of Victorian Young Labor, and delegates to AYL Conference, in accordance with the Rules. It is recommended that the nominations for the positions to be elected remain as they were for the original ballot and that the ballot papers are printed as they were for the original ballot. It is recommended that State Office post ballot papers to all eligible delegates on Wednesday 6 July 2011, to be returned to State Office by 5pm on Monday 18 July 2011.