

THE AUSTRALIAN NATIONAL UNIVERSITY

Academic Board Rule 2017

Council of the University makes the following rule.

Dated 1 December 2017

Professor the Hon Gareth Evans AC QC FASSA FAIIA
Chancellor

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Part 1—Preliminary

1 Name

This is the *Academic Board Rule 2017*.

2 Commencement

This instrument commences on 1 January 2018.

3 Authority

This instrument is made under the *Australian National University (Academic Board) Statute 2017*, section 5.

4 Definitions

In this instrument:

Board means the Academic Board.

College Executive Committee position: see section 5(1) (Members of College Executive Committees).

exercise a function includes perform the function.

function includes authority, duty and power.

member:

- (a) of the academic staff—see section 6 (Members of the academic staff); and
- (b) of a College Executive Committee—see section 5(2) (Members of College Executive Committees); and
- (c) of the professional staff—see section 7 (Members of the professional staff).

postgraduate student association means the Australian National University Postgraduate and Research Students' Association Incorporated, an association incorporated under the *Associations Incorporation Act 1991* (ACT).

student association means the postgraduate student association or undergraduate student association.

student member means the postgraduate student member or the undergraduate student member.

undergraduate student association means the Australian National University Students' Association Incorporated, an association incorporated under the *Associations Incorporation Act 1991* (ACT).

working day means a day that is not a Saturday, a Sunday, a public holiday in the Australian Capital Territory, or a University holiday.

[Note: Section 21 has definitions that apply only to Part 5 (Board elections).]

5 Members of College Executive Committees

- (1) For this instrument, a *College Executive Committee position* is an academic staff position in an ANU College that is declared, by order, to be a College Executive Committee position.
- (2) In this instrument, a reference to *member of a College Executive Committee* is a reference to the holder of a College Executive Committee position.

6 Members of the academic staff

- (1) In this instrument, a reference to a *member of the academic staff* is a reference to a person employed by the University as a full-time or part-time standard or fixed term member of the academic staff of or above the grade of academic level A.
- (2) To remove any doubt, the members of the academic staff include the Vice-Chancellor, Provost, Deputy Vice-Chancellors, Pro Vice-Chancellors, College Deans and other Deans, and Research School Heads.
- (3) If the Vice-Chancellor considers that there may be doubt about whether a person employed by the University is employed as a member of the academic staff or as a member of the academic staff of a particular ANU College, the Vice-Chancellor may, in writing, determine that the person is to be treated, for this instrument, as a member of the academic staff or as a member of the academic staff of that ANU College.

7 Members of the professional staff

- (1) In this instrument, a reference to a *member of the professional staff* is a reference to a person employed by the University as a full-time or part-time standard or fixed term member of the professional staff.
- (2) If the Vice-Chancellor considers that there may be doubt about whether a person employed by the University is employed as a member of the professional staff, the Vice-Chancellor may, in writing, determine that the person is to be treated, for this instrument, as a member of the professional staff.

Part 2—Functions

8 Academic Board functions

- (1) The Academic Board has the following functions:
 - (a) accrediting and reaccrediting academic programs and changes to existing academic programs;
 - (b) ensuring the maintenance of the highest standards in teaching, scholarship and research within the University;
 - (c) approving degrees and other awards;
 - (d) discussing and developing policy recommendations in relation to academic matters;
 - (e) maintaining an effective overview of the academic activities of the University, and advising on them and assisting in their coordination;
 - (f) advising on the academic aspects and content of the University's strategic plan;
 - (g) providing a forum to facilitate information flow and debate within the University and between the senior executive officers of the University and the wider academic community;
 - (h) reporting to the Council on the exercise of its functions, at the times, and in the way, required by the Council;
 - (i) undertaking any other functions given to it by this instrument.
- (2) In exercising its functions, the Board is to operate with the assistance of specialist committees.
- (3) For the purpose of giving advice to the Council or the Vice-Chancellor, the Board may consult with University policy committees, committees and working groups of the Board, officers of the University, or other University bodies or their members.
- (4) The Chair of the Board must provide the Council with the reports relating to the operations of the Board that the Council requests.

9 Committees and working groups

The Academic Board may establish committees and working groups to assist it to exercise its functions.

Part 3—Membership

10 Members

- (1) The Academic Board consists of the following members:
 - (a) the Chair, appointed under section 11 (Chair and Deputy Chair);
 - (b) the Vice-Chancellor;
 - (c) the Provost;
 - (d) the Deputy Vice-Chancellors;
 - (e) the Pro Vice-Chancellors;
 - (f) the Registrars;
 - (g) the Dean of each ANU College;
 - (h) the Dean of Students;
 - (i) the Dean, Higher Degree Research;
 - (j) the University Librarian;
 - (k) 4 members of the College Executive Committees, who are not College Deans, elected by the members of the College Executive Committees;
 - (l) 3 members of the academic staff of the ANU College of Arts and Social Sciences elected by the members of the academic staff of the college;
 - (m) 3 members of the academic staff of the ANU College of Asia and the Pacific elected by the members of the academic staff of the college;
 - (n) 3 members of the academic staff of the ANU College of Business and Economics elected by the members of the academic staff of the college;
 - (o) 2 members of the academic staff of the ANU College of Engineering and Computer Science elected by the members of the academic staff of the college;
 - (p) 3 members of the academic staff of the ANU College of Health and Medicine elected by the members of the academic staff of the college;
 - (q) 2 members of the academic staff of the ANU College of Law elected by the members of the academic staff of the college;
 - (r) 3 members of the academic staff of the ANU College of Science elected by the members of the academic staff of the college;
 - (s) 2 members of the professional staff elected by the members of the professional staff;
 - (t) 2 postgraduate students appointed, in writing, by the Vice-Chancellor, after consulting with the President of the postgraduate student association;
 - (u) 2 undergraduate students appointed, in writing, by the Vice-Chancellor, after consulting with the President of the undergraduate student association;
 - (v) any members appointed under subsections (2) and (3).
 - (2) If there is no Indigenous person holding a position on the Board, the Vice Chancellor must, in writing, appoint a member of the academic staff who is an Indigenous person as a member of the Board, after consulting with the Tjabal Indigenous Higher Education Centre.
 - (3) With the agreement of the Board, the Chair may, in writing, appoint up to 5 additional members to provide a diversity of views if the Chair believes the current membership of the Board does not reflect the academic and cultural diversity of the University.
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- (4) The elected members of the Board are elected for terms of 2 years, but may be re-elected.
 - (5) The postgraduate student members mentioned in subsection (1)(t), and the undergraduate student members mentioned in subsection (1)(u), are appointed for terms of 1 year.
 - (6) The other members the Board appointed under this section are appointed for terms of 2 years.

[Note: An appointed member of the Board may be reappointed (see Acts Interpretation Act, s 33AA (Power to appoint includes power to reappoint).]

11 Chair and Deputy Chair

- (1) The Academic Board is to have a Chair and a Deputy Chair.
- (2) The Council may, on the Vice-Chancellor's recommendation, appoint a person as the Chair.
- (3) To remove any doubt, a person who is a member of the Board because of a position held by the person may be appointed as the Chair.
- (4) The Board may appoint a member of the Board as the Deputy Chair.
- (5) The Chair and Deputy Chair are appointed for terms of 2 years.

[Note: The Chair and Deputy Chair may be reappointed (see Acts Interpretation Act, s 33AA (Power to appoint includes power to reappoint).]

- (6) The Chair may, where necessary, take executive action on behalf of the Board between meetings and must report to the Board as soon as practicable on any executive action taken.

12 Vacancies etc.

- (1) If an elected or appointed member of the Academic Board is absent from 3 meetings of the Board without the written approval of the Chair, or an elected or appointed member ceases to be eligible for election or appointment, the Chair may:
 - (a) by written notice given to the member, remove the member from the Board; and
 - (b) in writing, appoint a person who is eligible for election or appointment to the position to complete the remainder of the former member's term.
- (2) If an elected or appointed member of the Board dies or resigns by written notice given to the Chair, the Chair may, in writing, appoint a person who is eligible for election or appointment to the position to complete the remainder of the former member's term.
- (3) If there is a casual vacancy in the position of an elected member of the Board because of a declaration under section 30(3) (Nominations not exceeding positions to be filled), the Chair may, in writing, appoint a person who is eligible to be elected to the position to fill the casual vacancy.
- (4) Before making an appointment under this section to a position mentioned in section 10(1)(l) to (u) or (2)(Members), the Chair must consult with:
 - (a) for a position mentioned in section 10(1)(l) to (r)—the College Dean of the relevant ANU College; or
 - (b) for a position mentioned in section 10(1)(t) or (u)—the President of the relevant student association; or

(c) for the position mentioned in section 10(2)—the Tjabal Indigenous Higher Education Centre.

[Note: The positions mentioned in section 10(1)(l) to (r) are the academic staff positions elected from the ANU Colleges. The positions mentioned in section 10(1)(t) and (u) are the student member positions. The position mentioned in section 10(2) is the Indigenous academic staff member position.]

(5) To remove any doubt, for this section an elected member ceases to be eligible to be elected to the member's position if the person would have ceased to be eligible to be elected to the position if an election were held to fill the position.

[Note: A person may cease to be eligible to be elected under the following provisions:

- section 22(4) (Eligibility: election for College Executive Committee members)
- section 23(3) (Eligibility: election for academic staff members of ANU Colleges)
- section 24(3) (Eligibility: election for professional staff members).]

Part 4—Meetings

13 Meetings

- (1) The Chair of the Academic Board is to call meetings of the Board and presides at all meetings at which the Chair is present.

[Note: It is expected that the Board will meet at least 6 times a year.]

- (2) The Chair must call a meeting if asked by at least the required number of members.
- (3) Business may be carried out at a meeting only if at least the required number of members are present.
- (4) At a meeting, the Chair has a deliberative vote and a casting vote. To remove any doubt, if the Chair is also a member of the Board because of another position held by the Chair, the Chair is only entitled to 1 deliberative vote.
- (5) At a meeting, each other member has a deliberative vote. To remove any doubt, if a person is a member of the Board (other than the Chair) because of each of 2 or more positions held by the person, the person is only entitled to 1 deliberative vote.
- (6) If the Chair is for any reason unable to call or preside at a meeting or otherwise exercise the functions of the Chair, the Deputy Chair is to act as the Chair.

[Note: The Acts Interpretation Act has provisions applying to the acting (see s 33A(2) and (3)).]

- (7) The Board is to conduct its proceedings (including its meetings) as otherwise decided by the Chair taking into account the advice of the members.

[Note: Under the Acts Interpretation Act, s 33B, the Board may permit members to participate in meetings by telephone, close-circuit television or any other means of communication.]

- (8) The Vice-Chancellor must nominate members of staff to provide secretariat and other support to the Board.
- (9) In this section:

required number, of members of the Board, means:

- (a) 50% of the number of the members of the Board for the time being; or
- (b) if that number is not a whole number—the next higher whole number.

14 Alternates

- (1) This section applies to meetings of the Academic Board.
- (2) If a Registrar is unable to attend a meeting, the Registrar may appoint, as an alternate to attend that meeting, a person who holds a senior management role in a Division for which the Registrar has direct responsibility.
- (3) If the College Dean of an ANU College is unable to attend a meeting, the College Dean may appoint, as an alternate to attend that meeting, a member of the academic staff who is a member of the College Executive Committee of that college.

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- (4) If the University Librarian is unable to attend a meeting, the University Librarian may appoint, as an alternate to attend that meeting, a person who holds a senior management role in the University Library and reports directly to the University Librarian.
 - (5) If an elected member of the College Executive Committees is unable to attend a meeting, the member may appoint, as an alternate to attend that meeting, a member of the academic staff who is a member of the College Executive Committee of any ANU College (other than a College Dean).
 - (6) If an elected member of the academic staff an ANU College is unable to attend a meeting, the College Dean may appoint a member of the academic staff as an alternate to attend that meeting.
 - (7) If an elected member of the professional staff is unable to attend a meeting, the member may appoint another member of the professional staff as an alternate to attend that meeting.
 - (8) If a student member is unable to attend a meeting, the student member may appoint, as an alternate to attend that meeting, a student member of the governing body of the relevant student association.
 - (9) If the member appointed under section 10(2) is unable to attend a meeting, the member may appoint, as an alternate to attend that meeting, a member of the academic staff who is an Indigenous person.

[Note: Section 10(2) provides for the appointment of a member of the academic staff who is an Indigenous person as a member of the Board if there is not an Indigenous person holding a position on the Board.]

15 Rights of alternates

An alternate for a member of the Academic Board:

- (a) counts towards the Board's quorum; and
- (b) may speak, move and vote on matters before the Board; but
- (c) may not be appointed as Deputy Chair or otherwise preside at a meeting of the Board.

Part 5—Board elections

Division 5.1—General

16 Provisions applying to Board elections

- (1) An election for members of the Academic Board must be conducted under this instrument.
- (2) However, for the election of a member mentioned in section 10(1)(l) to (r), a College Dean of an ANU College may adopt an alternative election procedure (in whole or part) for the election of members of the academic staff of the College.

[Note: Section 10(1)(l) to (r) relates to the academic staff members elected from the ANU Colleges.]

17 Elections: preferential voting and secret ballot

An election must be conducted by:

- (a) a method of preferential voting; and
- (b) secret ballot.

18 Appointment of returning officer etc.

- (1) The appointing officer may, in writing, appoint a person as returning officer to conduct an election or elections under this instrument.
- (2) The appointing officer must ensure that there is returning officer appointed for each election conducted under this instrument.
- (3) The power to appoint a person as returning officer must be exercised personally by the appointing officer.
- (4) The returning officer may, in writing, appoint deputies to assist the returning officer to conduct an election or elections under this instrument.
- (5) In this section:

appointing officer means:

- (a) for the election of a member mentioned in section 10(1)(k) or (s)—the Vice-Chancellor; and
- (b) for the election of a member mentioned in section 10(1)(l) to (r)—the College Dean of ANU College from which the member is to be elected.

[Note: Section 10(1)(k) relates to the academic staff members elected from the College Executive Committees and section 10(1)(s) relates to the professional staff members elected from the professional staff. Section 10(1)(l) to (r) relates to the academic staff members elected from the ANU Colleges.]

19 Conduct of election by returning officer

The returning officer for an election must ensure that the election is conducted fairly, and, in particular, the returning officer must take reasonable steps to ensure that persons eligible to become candidates and vote in the election:

- (a) are given reasonable notice of the opportunity to become candidates and vote; and

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- (b) are given reasonable information about how and when they may become candidates and vote; and
 - (c) have a reasonable opportunity to become candidates and vote in the election.

20 Decisions of returning officer final etc.

A decision of the returning officer for an election about the conduct or result of the election is final and not subject to appeal or review in any way

Division 5.2—Election definitions

21 Definitions for Part 5

- (1) This section prescribes definitions that apply in relation to an election for a member of the Academic Board conducted under this instrument.

- (2) In this Part:

close of nominations means the date and time by which nominations in the election must reach the returning officer.

declaration day means the day the returning officer declares the result of the election.

election provisions means this Part.

nominations invitation day means the day the returning officer invites nominations of persons eligible to be elected in the election.

[Note: See section 27(2)(b) (Notice of election).]

payday means a day on which the salaries of the majority of members of staff of the University are paid.

relevant payday means the payday immediately before the nominations invitation day.

returning officer means the person who is appointed under section 18 (Appointment of returning officer etc.) to conduct the election.

Division 5.3—Eligibility to be elected and vote

22 Eligibility: election for College Executive Committee members

- (1) This section prescribes the persons who are to be regarded as members of the College Executive Committees for the application of the election provisions in relation to an election for members of the Academic Board by the members of the College Executive Committees.
- (2) Subject to subsections (4), (5) and (6), a person is to be regarded as a member of a College Executive Committee for the purpose of being eligible to be elected in the election or to vote in the election if, on the relevant payday, the person is a member of a College Executive Committee (other than a College Dean).
- (3) Subject to subsection (6), a person is also to be regarded as a member of a College Executive Committee for the purpose of being eligible to vote in the election if, on the relevant payday, the person is a College Dean.

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- (4) A person ceases to be eligible to be elected in the election if, on the day immediately before the declaration day, the person is no longer a member of a College Executive Committee.
 - (5) If a member of the academic staff is acting in a College Executive Committee position on the relevant payday, the person is taken to be the holder of the position for this section if, but only if, the person produces documentary evidence to the returning officer from the substantive holder of the position (or a more senior member of the academic staff) confirming that the person has been formally appointed to act in the position.
 - (6) If a person is taken under subsection (5) to be the holder of a College Executive position in which the person is acting, the substantive holder of the position is not also eligible to be elected or vote in the election because of that position.

23 Eligibility: election for academic staff members of ANU Colleges

- (1) This section prescribes the persons who are to be regarded as members of the academic staff of an ANU College for the application of the election provisions in relation to an election for members of the Academic Board by the members of the academic staff of the college.
- (2) A person is to be regarded as a member of the academic staff of the ANU College for the purpose of being eligible to be elected in the election or to vote in the election if, on the relevant payday, the person is paid salary by the University as a member of the academic staff of the college.
- (3) However, a person ceases to be eligible to be elected in the election if, on the day immediately before the declaration day, the person is no longer a member of the academic staff of the ANU College.
- (4) For this instrument, a person is taken to be a member of the academic staff of an ANU College for the purpose of being eligible to be elected in the election or to vote in the election if, at the relevant time, the person holds an academic appointment in the college and has been declared, in writing, by the College Dean to be a member of the academic staff of the college.
- (5) To remove any doubt, subsection (4) applies to a person mentioned in that subsection whether or not the person is employed or paid salary by the University.

24 Eligibility: election for professional staff members

- (1) This section prescribes the persons who are to be regarded as members of the professional staff for the application of the election provisions in relation to an election for members of the Academic Board by the members of the professional staff.
- (2) A person is to be regarded as a member of the professional staff for the purpose of being eligible to be elected in the election or to vote in the election if, on the relevant payday, the person is paid salary by the University as a member of the professional staff.
- (3) However, a person ceases to be eligible to be elected in the election if, on the day immediately before the declaration day, the person is no longer a member of the professional staff.

Division 5.4—Conduct of election

25 Elections conducted electronically

- (1) The returning officer may conduct the election using the internet.
- (2) If the election is conducted using the internet, the following provisions apply in relation to the election:
 - (a) a reference in this instrument to a *notice board* includes a reference to the appropriate page of the University's internet website or to an email sent to an appropriate email address or the email address of each person eligible to vote the election;
 - (b) if a standard official email address within the University's email system is provided to a person—that email address may be regarded as the person's address;
 - (c) voting papers for the election may be given by email or on the internet;
 - (d) the provisions of this Part (apart from this section) apply to the election with the changes that the returning officer considers necessary or appropriate for the election to be conducted using the internet.
- (3) Despite subsection (2)(d), if the election is conducted using the internet, the returning officer must ensure that the ballot is secret and that the identity of each person voting is kept separately from the person's vote.
- (4) This section has effect despite any other provision of this instrument.

26 Intervals to be allowed by returning officer

In the conduct of the election, the returning officer must allow the following intervals:

- (a) between the publication of the fact that the election is necessary and the day by which nominations must reach the returning officer, not shorter than 10 and not longer than 20 working days;
- (b) between the day by which nominations must reach the returning officer and the issue of voting papers, not longer than 20 working days;
- (c) between the issue of voting papers and the day by which voting papers must reach the returning officer, not shorter than 10 and not longer than 40 working days.

27 Notice of election

- (1) The returning officer must:
 - (a) give a notice about the election to each person eligible to vote in the election; and
 - (b) publish a notice about the election on appropriate notice boards at the University.
- (2) A notice must:
 - (a) state that the election is necessary; and
 - (b) invite nominations of persons eligible to be elected in the election; and
 - (c) specify the form in which nominations must be made; and
 - (d) specify the date and time by which nominations must reach the returning officer.
- (3) A notice is taken to have been given to a person if a copy of a publication in which that notice is published is sent to the person.

28 Nominations to be made to returning officer

Nominations of candidates in the election must be made to the returning officer.

29 Nomination requirements

A nomination must:

- (a) nominate a person eligible to be elected in the election as a candidate; and
- (b) be signed by 2 persons (other than the candidate) eligible to vote in the election; and
- (c) contain the signed consent of the candidate to the nomination.

30 Nominations not exceeding positions to be filled

- (1) If, for the election, the number of nominations does not exceed the number of positions to be filled, the returning officer must declare each nominated candidate to be elected unless the candidate has ceased to be eligible to be elected.

[Note: A candidate may cease to be eligible to be elected under the following provisions:

- section 22(4) (Eligibility: election for College Executive Committee members)
- section 23(3) (Eligibility: election for academic staff members of ANU Colleges)
- section 24(3) (Eligibility: election for professional staff members).]

- (2) If, after all the eligible nominated candidates have been declared elected, not all positions have been filled, the returning officer must re-open nominations for a further period of no longer than 10 working days.
- (3) If, at the end of the further period, there are still insufficient nominations to fill all of the positions, the returning officer must, in writing, declare that there is a casual vacancy in each of the unfilled positions.

31 Voting papers and notice

- (1) If there are more valid nominations in the election than there are positions to be filled, the returning officer must give each person eligible to vote in the election:
 - (a) a voting paper; and
 - (b) a notice about voting in the election.
- (2) The notice must:
 - (a) set out how the voter's preference must be shown on the voting paper; and
 - (b) specify the date and time by which voting papers must reach the returning officer.
- (3) For this section, a nomination is not a valid nomination if the returning officer knows that the nominated candidate has ceased to be eligible to be elected.

32 Envelopes to be issued with voting paper

The returning officer must issue the following envelopes with every voting paper:

- (a) an envelope marked 'Voting Paper';
- (b) another envelope addressed to the returning officer on which a form of declaration is endorsed.

33 Voting papers to contain candidate names etc.

Every voting paper must contain the names of the candidates, in the order decided by the returning officer in public by lot, and indicate any retiring candidate.

34 Lost or destroyed voting papers

If a person's voting paper is lost or destroyed, the returning officer must give the person a duplicate on the person's written application.

35 Instructions on voting papers

The following instructions must be set out at the head of every voting paper:

INSTRUCTIONS TO VOTER

1. Indicate your preference, or the order of your preferences, on this voting paper by writing the number 1 against the name of the candidate for whom you wish to vote or by writing a series of consecutive numbers, beginning with the number 1, against the names of the candidates for whom you wish to vote, one number being written against the name of each such candidate. You are not required to write a number against the name of every candidate.
2. Place this voting paper in the envelope marked 'Voting Paper'.
3. Seal that envelope and place it in the envelope addressed to the returning officer.
4. Sign the declaration on the envelope addressed to the returning officer and post or deliver the envelope to the returning officer.

36 Voting must comply with instructions

A voter must vote in accordance with the instructions mentioned in section 35 (Instructions on voting papers).

37 Disclosure of vote prohibited

The returning officer, a deputy of the returning officer or a scrutineer must not disclose, or assist in disclosing, how any voter has voted.

38 Acceptance or rejection of voting papers

- (1) The returning officer must decide whether any voting paper is to be accepted or rejected.
- (2) The returning officer must accept a voting paper if it is received by the returning officer before the close of the poll.

39 Opening of envelopes at close of poll etc.

- (1) In this section:

returning officer envelope means the envelope, addressed to the returning officer, issued by the returning officer under section 32(b) (Envelopes to be issued with voting paper).

voting paper envelope means the envelope, marked 'Voting Paper', issued by the returning officer under section 32(a).

[Note: Both envelopes are issued with every voting paper. The completed voting paper is placed inside the voting paper envelope, which in turn is placed inside the returning officer envelope (see s 35 (Instructions on voting papers).)]

- (2) All returning officer envelopes received by the returning officer must remain unopened until the close of the poll.
- (3) At the close of the poll, the returning officer or a deputy of the returning officer must:
 - (a) open each returning officer envelope on which the declaration has been signed by a voter entitled to vote in the election and take out the voting paper envelope; and
 - (b) place the voting paper envelopes together; and
 - (c) after all the voting paper envelopes have been placed together, open the envelopes and ascertain the result of the election.

40 Nomination of scrutineers

Each candidate is entitled to nominate a scrutineer to represent the candidate at the scrutiny.

41 Ineligible votes not to be accepted

The returning officer must not accept a vote unless the returning officer is satisfied that:

- (a) it has been cast by a person eligible to vote in the election; and
- (b) the person has voted only once in the election.

42 Deciding result of election

- (1) The result of the election must be decided in accordance with this section.
- (2) The first preference votes given for each candidate on all unrejected voting papers must be counted.
- (3) The total number of the first preference votes counted must be divided by 1 more than the number of candidates to be elected. The result of the division (the quotient) increased by 1, and disregarding any remainder, is the *quota* for the election, and (except as provided in subsection (10)) no candidate is to be elected until the candidate obtains a number of votes equal to or more than the quota.
- (4) If a candidate has, on the count of the first preference votes, a number of first preference votes equal to or more than the quota, the returning officer must declare the candidate elected.
- (5) If the elected candidate has, on the count of the first preference votes, a number of first preference votes equal to the quota, all of the voting papers on which a first preference vote is recorded for the candidate must be set aside as finally dealt with.
- (6) If the elected candidate has, on the count of the first preference votes, a number of first preference votes more than the quota, the proportion of votes in excess of the quota is transferred to the other candidates not yet declared elected, next in the order of the voter's preference, in the following way:
 - (a) all the voting papers on which a first preference vote is recorded for the elected candidate must be re-examined, and:
 - (i) the number of second preference votes recorded for each unelected candidate must be counted; or

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- (ii) if section 44 (Deciding order of voter's preference) applies—the number of third or next consecutive preferences recorded for each unelected candidate must be counted;
 - (b) the surplus of the elected candidate must be divided by the total number of votes obtained by the elected candidate on the counting of the first preference votes, and the resulting fraction, reduced to 6 decimal places, is the *transfer value*;
 - (c) the number of second or other preference votes counted under paragraph (a) for each unelected candidate must be multiplied by the transfer value and the calculated product expressed as a whole number (ignoring any fraction);
 - (d) the resulting number must be credited to each unelected candidate and added to the number of votes obtained by each unelected candidate on the counting of the first preference votes.
- (7) On the counting of the first preference votes or on any transfer:
- (a) if more than 1 candidate has a surplus—the largest surplus must be dealt with first; and
 - (b) if, after paragraph (a) has been complied with, more than 1 candidate has a surplus—the then largest surplus must be dealt with, and so on; and
 - (c) however, if a candidate obtained a surplus at a count or transfer previous to that at which another candidate obtained a surplus, the surplus of the former candidate must be dealt with first; and
 - (d) if more than 1 candidate has a surplus of the same number of votes—the highest on the poll at the count or transfer at which they last had an unequal number of votes must be dealt with first and, if they had an equal number of votes at all previous counts or transfers, the returning officer must decide in public by lot which candidate's surplus must be dealt with first.
- (8) If the number of votes obtained by a candidate is raised up to or above the quota by a transfer:
- (a) the returning officer must declare the candidate elected and, even though the candidate may have reached the quota, the transfer must be completed and all the votes to which the candidate is entitled from the transfer must be transferred to the candidate, but no votes of any other candidate are to be transferred; and then
 - (b) all of the voting papers on which the transferred votes are recorded must be set aside as finally dealt with; and then
 - (c) the candidate's surplus must be transferred to the candidates next in the order of the voters' respective preferences in the following way:
 - (i) the voting papers on which are recorded the votes obtained by the elected candidate in the last transfer must be re-examined, and the number of third preferences (or, if section 44 applies, next consecutive preferences) recorded for each unelected candidate must be counted;
 - (ii) the surplus of the elected candidate must be divided by the total number of voting papers mentioned in subparagraph (i), and the resulting fraction, reduced to 6 decimal places, is the *transfer value*;
 - (iii) the number of preferences recorded for each unelected candidate under subparagraph (i) must be multiplied by the transfer value and the calculated product expressed as a whole number (ignoring any fraction);
 - (iv) the resulting number must be credited to each unelected candidate, and added to the number of votes previously obtained by the candidate.
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- (9) If, after the first preference votes have been counted and all surpluses (if any) have been transferred in accordance with this Part, no candidate, or less than the number of candidates required to be elected, have obtained the quota:
- (a) the candidate who is lowest on the poll must be excluded, and all the votes obtained by the excluded candidate must be transferred to the candidates next in the order of the voters' respective preferences, in the same way as is provided under subsection (6); and then
 - (b) the votes obtained by the excluded candidate as first preference votes must first be transferred, with the transfer value of each vote in this case being 1; and then
 - (c) the other votes of the excluded candidate must be dealt with in order of the transfers in which, and at the transfer value at which, the candidate obtained them; and
 - (d) each of the transfers under paragraphs (b) and (c) must be taken for all purposes to be a separate transfer; and
 - (e) if a number of votes obtained by a candidate is raised up to or above the quota by any transfer:
 - (i) the returning officer must declare the candidate elected and, even though the candidate may have reached the quota, the transfer must be completed and all the votes to which the candidate is entitled from the transfer must be transferred to the candidate, but no other votes are to be transferred; and then
 - (ii) all of the voting papers on which the transferred votes are recorded must be set aside as finally dealt with; and then
 - (iii) the candidate's surplus must be transferred to the candidates next in the order of the voters' respective preferences in the same way as is provided under subsection (8)(c), but the surplus must not be dealt with until all the votes of the excluded candidate have been transferred; and then
 - (iv) any surplus must be dealt with before any other candidate is excluded.
- (10) The same process of excluding the candidate lowest on the poll and transferring that candidate's votes to other candidates must be repeated until all the candidates, except the number required to be elected, have been excluded, and the unexcluded candidates who have not already been declared to be elected must then be declared elected by the returning officer.
- (11) However, if a candidate has (or 2 or more candidates have) ceased to be eligible to be elected and:
- (a) the number of candidates remaining does not exceed the number of positions to be filled—the returning officer must declare the remaining candidate or candidates to be elected; or
 - (b) the number of candidates remaining exceeds the number of positions to be filled—each candidate who has ceased to be eligible to be elected must be excluded, and each voting paper counted to each of the excluded candidates must be counted to the candidate next in order of the voter's preference.

[Note: A candidate may cease to be eligible to be elected under the following provisions:

- section 22(4) (Eligibility: election for College Executive Committee members)
- section 23(3) (Eligibility: election for academic staff members of ANU Colleges)
- section 24(3) (Eligibility: election for professional staff members.)]

43 Equal numbers of votes: exclusion of candidate

- (1) This section applies if 2 or more candidates have the same number of votes and it becomes necessary to exclude one of them.
- (2) Whichever of the candidates was lowest on the poll at the last count at which they had an unequal number of votes must be excluded and, if the candidates had an equal number of votes at all previous counts or there was no previous count, the returning officer must decide in public by lot which candidate must be excluded.

44 Deciding order of voter's preference

In deciding which candidate is next in the order of the voter's preference, any candidates who have been excluded must not be considered, and the order of the voter's preference must be decided as if the names of those candidates had not been on the voting paper.

45 Exhausted voting papers

If on any count there is no candidate next in the order of the voter's preference on any voting paper, the voting paper must be set aside as exhausted.

46 Recount

- (1) The returning officer may recount the voting papers received in the election, at a candidate's request or on the returning officer's own initiative.
- (2) A request for a recount must be in writing and set out reasons in support of the request.

47 Declaration that election void

- (1) If, before the result is declared in the election, the returning officer is satisfied that the election is, or will be, void because of an irregularity in the course or conduct of the election, the returning officer may, in writing, declare that the election is void from:
 - (a) the commencement of the election; or
 - (b) a specified point in the proceedings of the election that is after the notification of the fact that the election was necessary but before the irregularity happened.
- (2) If the returning officer declares the election void from the commencement of the election, the returning officer must, as soon as practicable after making the declaration, conduct a fresh election in accordance with this instrument.
- (3) If the returning officer declares the election is void from a point in the proceedings of the election, the returning officer must, in writing, determine what proceedings in the election are necessary to ensure that the election will be regularly conducted and must conduct those proceedings in accordance with this instrument.
- (4) However, in the conduct of any proceedings in the election under subsection (3), the returning officer may, despite anything in section 26 (Intervals to be allowed by returning officer), determine, in writing, the intervals to be allowed between any events in the course of the further proceedings.

Division 5.5—Other election provisions

48 Giving notices etc.

- (1) If this instrument requires or permits a notice, voting paper, publication or anything else to be given to a person by the returning officer, the returning officer may send it to the person:
 - (a) by messenger to a place in the University that the returning officer considers appropriate; or
 - (b) by post to an address that the returning officer considers appropriate; or
 - (c) by electronic means to an email or internet address that the returning officer considers appropriate.

- (2) However, if a person entitled to vote in the election applies to the returning officer personally for a voting paper after voting papers have been sent in the election and before the close of the poll, the returning officer may give a voting paper to the person personally or send a voting paper electronically to the person at the person's email or internet address.

Part 6—Miscellaneous

49 Approved forms

- (1) The Vice-Chancellor may, in writing, approve forms for this instrument.
- (2) If the Vice-Chancellor approves a form for a particular purpose, the form must be used for that purpose.
- (3) The Vice-Chancellor must ensure that approved forms are publicly available on the University's website or any other way that the Vice-Chancellor considers appropriate.

50 Delegation by Vice-Chancellor

The Vice-Chancellor may, in writing, delegate all or any of the Vice-Chancellor's functions under this instrument (other than a function that must be exercised personally) to a member of the staff of the University.

51 Repeal

The *Academic Board and Committees Rule 2016* is repealed.

52 Transitional: certain existing members of Academic Board

- (1) This section applies to a person who held office (the *relevant office*) as the Chair or other elected, appointed or nominated member of the Academic Board immediately before the day this section commences (the *commencement day*).
- (2) The person is taken to hold the relevant office under this instrument, for the balance of the term of the person's term of office that remained immediately before the commencement day, as if the person had been elected or appointed, as the case may be, to the relevant office under this instrument.
- (3) This section does not apply to the Dean, ANU Medical School.

53 Transitional: certain members of former ANU Colleges

- (1) This section applies to a person if:
 - (a) the person was an elected member of the Academic Board immediately before the commencement of the *Australian National University (ANU College Governance) Statute 2017*; and
 - (b) the person was, at the time of the member's election as a member of the Academic Board, a member of the academic staff of the former ANU College of Medicine, Biology and Environment, or the former ANU College of Physical and Mathematical Science, (the *former ANU College*); and
 - (c) the person was elected as a member of the Academic Board by the academic staff of the former ANU College; and
 - (d) the person has become, or becomes, a member of the ANU College of Health and Medicine, or the ANU College of Science.
- (2) The person is taken never to have ceased, or to cease, to be eligible to be elected only because the person is no longer a member of the academic staff of the former ANU College.
