

THE AUSTRALIAN NATIONAL UNIVERSITY

Membership of the Council Statute 2010

MEMBERSHIP OF THE COUNCIL RULES (No. 2) 2010

The Council of The Australian National University makes these Rules under section 12 of the *Membership of the Council Statute 2010*.

Dated: 4 June 2010.

Professor the Hon Gareth Evans AO QC
CHANCELLOR

PART 1—PRELIMINARY

Name of Rules and commencement

1.(1) These Rules are the Membership of the Council Rules (No. 2) 2010.

(2) These Rules commence on the day after they are registered.

Interpretation

2. In these Rules, unless the contrary intention appears:

Act means the *Australian National University Act 1991*;

Statute means the *Membership of the Council Statute 2010*.

Election to be conducted in accordance with Schedule

3. An election of a member of the Council referred to in paragraph 10(1)(l), (m) or (n) of the Act must be conducted in accordance with the Schedule.

Nominations not exceeding vacancies

4. If, at an election, the number of nominations does not exceed the number of seats to be filled, the Returning Officer must declare the persons nominated to be elected.

Ineligible votes not to be accepted

5. The Returning Officer must not accept a vote at an election unless the Returning Officer is satisfied:

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

Electronically conducted election

6.(1) Notwithstanding any other provision of these Rules, an election conducted under these Rules may be conducted using the internet.

(2) If an election is to be conducted using the internet:

- (a) a reference in these Rules 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 to the email addresses of each constituent for the election; and
- (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; and
- (c) voting papers for the election may be provided by email or on the internet; and
- (d) the Schedule applies to an election with such modifications as the Returning Officer regards as necessary for the conduct of the election using the internet.

(3) In spite of paragraph (2)(d), if an election is to be 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.

PART 2—ELECTING A DEAN OR HEAD OF RESEARCH SCHOOL AS MEMBER OF THE COUNCIL

Nomination at meeting of deans and heads of research schools

7.(1) If an election of a member of the Council referred to in paragraph 10(1)(k) of the Act is necessary, the Returning Officer must convene a meeting of the deans and the heads of research schools to elect the member.

(2) At that meeting 7 persons constitute a quorum.

(3) For this Part, the person holding each office mentioned in an item in the following table is to be regarded, for paragraph 10(1)(k) of the Act, as the dean or head of the body mentioned in that item, and that body is to be regarded as a faculty or research school:

Table of offices etc

Item	Office	Body
1	College Head	ANU College of Arts and Social Sciences
2	Education Dean	ANU College of Arts and Social Sciences
3	Director	Research School of Humanities and the Arts
4	Director	Research School of Social Sciences
5	College Head	ANU College of Asia and the Pacific
6	Education Dean	ANU College of Asia and the Pacific
7	Director	Crawford School of Economics and Government
8	Director	School of Culture, History and Language
9	Director	School of International, Political and Strategic Studies
10	Director	School of Regulation, Justice and Diplomacy
11	College Head	ANU College of Business and Economics
12	Education Dean	ANU College of Business and Economics
13	Director	Research School of Business
14	Director	Research School of Economics
15	College Head	ANU College of Engineering and Computer Science
16	Education Dean	ANU College of Engineering and Computer Science

17	Director	School of Computer Science
18	Director	School of Engineering
19	College Head	ANU College of Law
20	Education Dean	ANU College of Law
21	College Head	ANU College of Medicine, Biology and Environment
22	Dean of Medicine and Health Sciences	ANU College of Medicine, Biology and Environment
23	Director	The Fenner School of Environment and Society
24	Director	The John Curtin School of Medical Research
25	Director	Research School of Biology
26	Director	School of Health and Psychological Sciences
27	College Head	ANU College of Physical and Mathematical Sciences
28	Dean of Science	ANU College of Medicine, Biology and Environment ANU College of Physical and Mathematical Sciences
29	Director	Mathematical Sciences Institute
30	Director	Research School of Astronomy and Astrophysics
31	Director	Research School of Chemistry
32	Director	Research School of Earth Sciences
33	Director	Research School of Physics and Engineering

Manner of election

8. The deans and heads of research schools present at a meeting convened under this Part must elect from their number a person to be a member of the Council:

- (a) by agreement; or
- (b) if more than 1 person is nominated as a member—by ballot; or
- (c) if a member is not chosen under paragraph (a) or (b)—by lot.

PART 3—ELECTING A MEMBER OF THE ACADEMIC STAFF OF THE UNIVERSITY AS MEMBER OF THE COUNCIL

Nominations

9.(1) If an election of a member of the Council referred to in paragraph 10(1)(l) or (m) of the Act is necessary, the Returning Officer must:

- (a) give to each person eligible to vote at the election; and
- (b) publish on appropriate notice boards at the University;

a notice:

- (c) stating that an election is necessary; and
- (d) inviting nominations of persons eligible for election; and
- (e) specifying the form in which nominations must be made; and
- (f) fixing a date and time by which nominations must reach the Returning Officer.

(2) A notice under subrule (1) 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.

Voting papers

10. If there is more than 1 nomination at an election under this Part, the Returning Officer must send to each person eligible to vote at the election a voting paper and a notice:

- (a) setting out how the voter's preference must be shown; and

- (b) specifying a date and time by which voting papers must reach the Returning Officer.

Who is eligible to be a candidate for election and who is eligible to vote at an election under this Part?

11.(1) For the purposes of paragraph 10(1)(l) of the Act and this Part, a candidate for election who is to be regarded as a *member of the academic staff of the Institute of Advanced Studies* must be a person who, on the pay day immediately before the day on which nominations for the election were invited under rule 9:

- (a) was paid salary by the University; and
- (b) was employed 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 with duties that involve a predominant research focus.

(2) For the purposes of paragraph 10(1)(m) of the Act and this Part, a candidate for election who is to be regarded as a *member of the academic staff of The Faculties* must be a person who, on the pay day immediately before the day on which nominations for the election were invited under rule 9:

- (a) was paid salary by the University; and
- (b) was employed 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 with duties that involve both teaching and research.

(3) For the purposes of paragraphs 10(1)(l) and 10(1)(m) and paragraph 50(2)(d) of the Act, all staff employed as full-time or part-time standard or fixed term members of the academic staff at or above the grade of academic level A are to be regarded as being concurrently members of the academic staff of the Institute and of The Faculties and are eligible to vote for each of the candidates nominated under subrule 11(1) or 11(2).

(4) In subrules (1) and (2), *pay day* means a day on which the salary of the majority of the persons referred to in paragraph (1)(b) or (2)(b), as the case requires, is paid.

(5) For paragraphs (1)(b) and (2)(b), the Vice-Chancellor, or his or her nominee, may determine, in writing, whether an academic staff member is to be regarded as employed on duties with a predominant research focus or on duties involving both teaching and research.

PART 4—ELECTING A MEMBER OF THE GENERAL STAFF OF THE UNIVERSITY AS MEMBER OF THE COUNCIL

Nominations

12.(1) If an election of a member of the Council referred to in paragraph 10(1)(n) of the Act is necessary, the Returning Officer must:

- (a) give to each person eligible to vote at the election; and
- (b) publish on appropriate notice boards at the University;

a notice:

- (c) stating that an election is necessary; and
- (d) inviting nominations of persons eligible for election; and
- (e) specifying the form in which nominations must be made; and
- (f) fixing a date and time by which nominations must reach the Returning Officer.

(2) A notice under subrule (1) 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.

Voting papers

13. If there is more than 1 nomination at an election under this Part, the Returning Officer must send to each person eligible to vote at the election a voting paper and a notice:

- (a) setting out how the voter's preference must be shown; and
- (b) specifying a date and time by which voting papers must reach the Returning Officer.

Who is eligible to vote at an election under this Part?

14.(1) For the purposes of paragraph 10(1)(n) of the Act and this Part, *member of the general staff of the University* means a person:

- (a) who was employed as a full-time or part-time standard or fixed term member of the general staff in the University on the pay day immediately before the day on which nominations for the election were invited under rule 12; and
- (b) who was paid salary by the University on that pay day.

(2) In subrule (1), *pay day* means a day on which the salary of the majority of persons referred to in paragraph (1)(a) is paid.

PART 5—MISCELLANEOUS

Maximum term

15. Unless the Vice-Chancellor determines otherwise, a member of the Council who holds office under paragraph 10(1)(k) to (q) of the Act may not hold office for more than 8 years.

Repeal

16. The Membership of the Council Rules 2010, as amended and in force at the commencement of these Rules, are repealed.

SCHEDULE

(Rule 3)

1. In the conduct of an election under these Rules the Returning Officer must allow the intervals set out below between the following events:

- (a) between the publication of the fact that an election is necessary and the time prescribed for the receipt of nominations, not less than 14 and not more than 30 days;
- (b) between the time prescribed for the receipt of nominations and the issue of voting papers, not more than 28 days;
- (c) between the time of issuing voting papers and the time by which voting papers must reach the Returning Officer, not less than 28 and not more than 60 days.

2. Nominations of candidates must be made to the Returning Officer.

3. A nomination must be signed by 2 persons qualified to vote at the election and must contain the written consent of the candidate to nomination.

4. With every voting paper there must be issued:
- (a) an envelope that is marked 'Voting Paper'; and
 - (b) another envelope that is addressed to the Returning Officer and on which is endorsed a form of declaration.

5.(1) Every voting paper must contain the names of the candidates in alphabetical order (the names of any retiring candidates being indicated).

(2) If a voting paper is lost or destroyed a duplicate must be supplied on written application to the Returning Officer.

6. There must be set out at the head of every ballot paper the following instructions:

"INSTRUCTIONS TO VOTER

- 1. Indicate your preference, or the order of your preference, 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."

7. A voter must vote in conformity with the instructions set out in clause 6.

8. All envelopes referred to in paragraph 4.(b) that are received by the Returning Officer must remain unopened until the close of the poll, at which time the Returning Officer or his or her deputy must:

- (a) open each envelope in respect of which the declaration has been signed by a qualified voter;
- (b) place the envelopes containing the voting papers together; and
- (c) after all the envelopes containing the voting papers have been so placed together, open the envelopes and ascertain the result of the election.

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

10. Neither the Returning Officer nor anyone acting as deputy of the Returning Officer nor any scrutineer may in any way disclose or aid in disclosing in what manner any voter has voted.

11. A voting paper must be accepted if it is received by the Returning Officer before the close of the poll.

12. The Returning Officer must decide whether any voting paper is to be accepted or rejected.

13. In an election at which only 1 candidate is to be elected, the result of the election must be determined in the following manner:

- (a) the Returning Officer must count the first preference votes given for each candidate on all unrejected voting papers;
- (b) the candidate who has received the largest number of first preference votes must, if that number constitutes an absolute majority of votes, be elected;
- (c) if no candidate has received an absolute majority of first preference votes, the counting of votes must proceed as follows:
 - (i) the candidate who has received the fewest first preference votes is to be excluded, and each voting paper counted to that candidate must be counted to the candidate next in the order of the voter's preference;
 - (ii) if a candidate then has an absolute majority of votes that candidate is elected, but if no candidate then has an absolute majority of votes, the process of excluding the candidate who has the fewest votes, and counting each of that candidate's voting papers to the unexcluded candidate next in the order of the voter's preference, must be repeated until 1 candidate has received an absolute majority of votes; and
 - (iii) the candidate who has received an absolute majority of votes is elected.

14. In an election at which more than 1 candidate is to be elected, the result of the election must be determined in the manner following:

- (a) the first preference votes given for each candidate on all unrejected voting papers are to be counted;
- (b) the aggregate number of such first preference votes is to be divided by 1 more than the number of candidates required to be elected, and the quotient increased by 1, disregarding any remainder, is to be the quota, and (except as provided in paragraph (j)) no candidate is to be elected until the candidate obtains a number of votes equal to or greater than the quota;
- (c) any candidate who has, upon the first preference votes being counted, a number of such votes equal to or greater than the quota is to be declared elected;
- (d) if the number of such votes obtained by any candidate is equal to the quota, the whole of the voting papers on which a first preference vote is recorded for such elected candidate must be set aside as finally dealt with;
- (e) if the number of such votes obtained by any candidate is in excess of the quota, the proportion of votes in excess of the quota is to be transferred to the other candidates not yet declared elected, next in the order of the voter's preferences, in the following manner:
 - (i) all the voting papers on which a first preference vote is recorded for the elected candidate must be re-examined, and the number of second preference votes, or (in the case provided for in clause 16) third or 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 votes obtained by that candidate on the counting of the first preference votes, and the resulting fraction, truncated to 6 decimal places, is the transfer value;
 - (iii) the number of second or other preferences ascertained in subparagraph (i) to be recorded for each unelected candidate, must be multiplied by the transfer value and the calculated product expressed as an integer (ignoring any fraction);

- (iv) 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;
- (f) if on the counting of the first preference votes or on any transfer:
 - (i) more than 1 candidate has a surplus, the largest surplus is to be first dealt with; and
 - (ii) after subparagraph (i) has been complied with, more than 1 candidate has a surplus, the then largest surplus is to be dealt with, and so on; provided that if 1 candidate has obtained a surplus at a count or transfer previous to that at which another candidate obtains a surplus, the surplus of the former is to be first dealt with; and
 - (iii) 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 is to be the first dealt with, and if they had an equal number of votes at all preceding counts or transfers, the Returning Officer must decide by lot which candidate's surplus is to be first dealt with;
- (g) if the number of votes obtained by a candidate is raised up to or above the quota by a transfer under paragraph (f):
 - (i) the candidate is to be declared elected, and in such case, notwithstanding the fact that the candidate may have reached the quota, such transfer is to 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 so transferred; then
 - (ii) the whole of the voting papers on which such votes are recorded are to be set aside as finally dealt with; then
 - (iii) the candidate's surplus must be transferred to the candidates next in the order of the voters' respective preferences, in the following manner:
 - (A) 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, or (in the case provided for in clause 16) next consecutive preferences recorded for each unelected candidate on each such voting paper counted;
 - (B) the surplus of the elected candidate must be divided by the total number of voting papers mentioned in subparagraph (A), and the resulting fraction, truncated to 6 decimal places, is the transfer value;
 - (C) the number of preferences, ascertained in subparagraph (A) to be recorded for each unelected candidate, must be multiplied by the transfer value and the calculated product expressed as an integer (ignoring any fraction);
 - (D) the resulting number must be credited to each unelected candidate, and added to the number of votes previously obtained by that candidate;
- (h) if, after the first preference votes have been counted and all surpluses (if any) have been transferred in accordance with this Schedule, no candidate, or less than the number of candidates required to be elected, has or have obtained the quota:

- (i) the candidate who is lowest on the poll is to be excluded, and all the votes obtained by that candidate are to be transferred to the candidates next in the order of the voters' respective preferences, in the same manner as is directed in paragraph (e); then
 - (ii) the votes obtained by such excluded candidate as first preference votes must first be transferred, the transfer value of each vote in this case being 1; then
 - (iii) the other votes of such excluded candidate must then be dealt with in order of the transfers in which, and at the transfer value at which, that candidate obtained them; and then
 - (iv) each of the transfers which takes place under subparagraphs (ii) and (iii) is to be regarded for all purposes to be a separate transfer;
- (i) if a number of votes obtained by a candidate is raised up to or above the quota by any such transfer:
- (i) the candidate must be declared elected, and, in such case, notwithstanding the fact that the candidate may have reached the quota, such transfer is to 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 must be so transferred; then
 - (ii) the whole of the voting papers on which such votes are recorded must be set aside as finally dealt with; then
 - (iii) the surplus must be transferred to the candidates next in the order of the voters' respective preferences in the same manner as is directed in subparagraph (g)(iii); provided that such surplus must not be dealt with until all the votes of the excluded candidate have been transferred; and then
 - (iv) if any surplus exists it must be dealt with before any other candidate is excluded;
- (j) 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 so declared, must then be declared elected.

15. If 2 or more candidates have the same number of votes and it becomes necessary to exclude 1 of them, then whichever of the candidates was lowest on the poll at the last count or transfer at which they had an unequal number of votes, must be excluded and, if such candidates have an equal number of votes at all preceding counts or transfers or if there was no preceding count or transfer, the Returning Officer must decide by lot which candidate must be excluded.

16. In determining which candidate is next in the order of the voter's preference, any candidates who have been declared elected or who have been excluded must not be considered, and the order of the voter's preference must be determined as if the names of such candidates had not been on the voting paper.

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

18. The Returning Officer may, on the request of any candidate setting forth the reasons for the request, or of the Returning Officer's own motion, recount the voting papers received in connection with any election.

19.(1) If, before the poll is declared at an election, the Returning Officer is satisfied that the election has been vitiated by reason of an irregularity in the course or conduct of the election, the Returning Officer may declare the election to be void from the commencement of the election or from such point in the proceedings of the election as the Returning Officer specifies in the declaration, being a point in those proceedings after the notification of the fact that the election was necessary but before the occurrence of the irregularity.

(2) If, under subclause (1), the Returning Officer declares an election to be void from the commencement of the election, the Returning Officer must, as soon as practicable after making the declaration, conduct a further election in accordance with these Rules in place of the void election.

(3) If, in pursuance of subclause (1), the Returning Officer declares an election to be void from a point in the proceedings after the notification of the fact that the election was necessary, the Returning Officer must determine what further proceedings in the election are necessary to ensure that the election will be regularly conducted and must, subject to subclause (4), conduct those further proceedings in accordance with these Rules in place of the void proceedings.

(4) In the conduct of any further proceedings in an election under subclause (3), the Returning Officer may, notwithstanding anything contained in clause 1, determine the intervals to be allowed between the occurrence of any events in the course of those further proceedings.

