

RULE CHANGES APPROVED BY COUNCIL

Pursuant to the UTS Bylaw (Part 4, division 3, clause 44), the following rule changes made by UTS Council take effect from 23 October 2008.

At its meeting 08/5 on 22 October 2008, Council resolved

COU/08-5/93

Council resolved to:

- .3 approve the following recommendations of Academic Board:
- (a) that the composition of Academic Board be as detailed in Attachment 2 to Document 5.1, and G3 of the General Rules of the University be amended accordingly, as detailed in Attachment 3 to Document 5.1, with effect from 23 October 2008;
 - (b) that Academic Board be provided with Council's standing delegation of authority to determine the structures and functions of Faculty Boards, noting that a Faculty Board's authority to act on specific matters will continue to require Council's delegated authority, and G3 Div 3 14. (h) of the General Rules of the University be amended accordingly, as detailed in Attachment 3, with effect from 23 October 2008;
 - (c) that, while the term of the Academic Board will normally be from 1 January to 31 December in the year following, as a one-off transitional measure to ensure continuity of business of the Board during the elections period, the term of the new Academic Board come into effect from 18 March 2009, and the current Academic Board, its Chair and Deputy Chairs, cease to operate on 17 March 2009;

[additions in **bold underlined**, Deletions in ~~strikethrough~~].

GENERAL RULES OF THE UNIVERSITY **G3 Rules relating to the Academic Board**

These Rules are made by the Council under section 29(1) of the Act and clauses 41 of the By-law (Part 4, Division 1).

Part 1 — The Academic Board

Division 1 — Constitution of the Academic Board

1. (1) The Academic Board is to include:

- (a) ex officio members (in addition to the Vice-Chancellor); and

(b) elected members,

as provided by this Division,

in addition to any persons determined by the Council.

(2) The ex officio members of the Academic Board are to be the person or persons holding the positions of:

(a) Senior Deputy Vice-Chancellor; and

(b) Deputy Vice-Chancellor **(three to be nominated by the Vice-Chancellor)**; and

(c) University Librarian; and

~~(d) Director, Information Technology Division; and~~

~~(e) Director, Jumbunna Indigenous House of Learning; and~~

~~(f) Dean of Faculty; and~~

(d) Dean; and

~~(g) Head of School; and~~

~~(h)~~ **(e)** President of the **UTS** Students' Association; and

~~(i) Associate Dean of Faculty; and~~

(f) Associate Dean (two per Faculty, nominated by the respective Deans); and

~~(j) Dean of Graduate Studies; and~~

~~(k) Director, Student Administration; and~~

~~(l) Director, Institute for Interactive Media and Learning; and~~

~~(m) Director, Student Services; and~~

~~(n) Director, Institute for Sustainable Futures; and~~

~~(o) Director, Institute for International Studies; and~~

~~(p) Director of Research (Faculty of Nursing, Midwifery and Health)~~

~~(q) Director, University Research Institute.~~

(g) Chair of the Board of Studies for Indigenous Education;

in addition to the holder or holders of any other position determined by the Council.

(3) The elected members of the Academic Board comprise:

~~(a) three members of the academic staff elected from each faculty with at least one of these members to be a professor; and~~

(a) members elected by and from the academic staff of each Faculty on the basis of one member for every 30 EFT (continuing and fixed term) academic staff (rounded to the nearest whole number), with a minimum representation of two members per Faculty; and

(b) one student elected from each faculty, **and an alternate nominated by the Faculty Board**; and

~~(c) two postgraduate students (not from the same faculty) elected by all postgraduate students of the University with at least one of these members to be a research degree student; and~~

(c) one postgraduate research student elected by and from the postgraduate research students of the University.

~~(d) one member of the academic staff elected by and from the Institute for International Studies; and~~

~~(e) one Director, elected by and from the Directors of the Key University Research Centres.~~

(4) ~~Each elected student member~~ **Faculty Boards** may, subject to the approval of the Chair, nominate another student to act as an alternate member with speaking and voting rights at those meetings of Academic Board which the alternate member attends in place of the said elected member. A student will cease being an alternate member when the ~~nominating~~ **elected** student ceases to be a member of the Board.

Term of office of elected member of Board

2. The term of office of an elected member of the Board is **one year for student members and** two years **for all other members.**

Conduct of elections

3. (1) The elections for the elected members of the Board are to be conducted in accordance with Part 3 of this Rule.

(2) Voting at an election for membership of the Board is to be by secret ballot using the quota preferential system of voting.

(3) If at the close of nominations in the conduct of an election, the number of vacancies for elected positions exceeds the number of candidates who are declared

elected by the Returning Officer, any remaining vacancy may be filled by the Board for the period stated in the notice of election:

- (a) on the recommendation of the Dean of the relevant faculty; or
- (b) in the case of a vacancy for a postgraduate student, on the recommendation of the Chair of the Board.

~~(4) If all the professors in any faculty are ex officio members of the Academic Board and there is no professor available to fill the position for an elected professor on the Board as required under clause 1(3)(a) above, the Academic Board may, on the recommendation of the Faculty Board, after consultation by it with the Dean of the relevant faculty, appoint an additional member of the faculty for the term of office which a professor, if one had been available for election, would have had.~~

Casual vacancy in office of elected member of Board

4. (1) A casual vacancy in the office of an elected member of the Board occurs if the member:

- (a) ceases to be qualified for election, or
- (b) resigns from office by notifying the Returning Officer in writing, or
- (c) is on extended leave for a period exceeding 12 months, or
- (d) is formally acting in a position which carries ex officio membership of the Board for a period exceeding 12 months, or
- (e) is absent from three consecutive ordinary meetings of the Board unless the absence is excused by the Board either at one of those meetings or before those meetings are held.

(2) In the event that a casual vacancy in the office of an elected member of the Board occurs then:

- (a) if the remainder of the term of office of the elected member is less than twelve months, the Chair of the Board is, as soon as practicable after the vacancy occurs and after appropriate consultation, to appoint a person qualified to hold that office under clause 1(3) for the remainder of the term of office; or
- (b) if the remainder of the term of office of the elected member is twelve months or more, the Returning Officer is, as soon as practicable after the vacancy occurs, to conduct an election in accordance with clause 3 among those persons qualified to vote at such an election.
- (3) If no nominations are received to fill a casual vacancy referred to in subclause (2)(b), the Board may either leave the vacancy unfilled for the remainder of the term of office or take such other action in relation to the filling of the vacancy as the Board considers necessary.

(4) A person elected to fill a casual vacancy in the office of an elected member of the Board is to hold office for the remainder of the predecessor's term of office.

Leave of absence of elected member of Board

5. Where an elected member of the Board:

(a) is on extended leave for a period up to 12 months, or

(b) is formally acting in a position which carries ex officio membership of the Board for a period of up to 12 months

a replacement member who is qualified to hold office under clause 1(3) may be appointed by the Chair, after appropriate consultation, for the period of the elected member's leave of absence.

Division 2 — Presiding member (Chair) and deputy presiding members

Chair

6. (1) The Board:

(a) as soon as practicable after the membership of the reconstituted Board is confirmed following an election; or

(b) whenever a vacancy in the office of the presiding member occurs, unless less than three months of the term of office remains,

is to elect one of its members to be the presiding member of the Board.

(2) The title of the presiding member is to be 'Chair'.

Term of office, etc., of Chair

7. **(1)** The Chair, unless he or she resigns as the Chair or ceases to be a member of the Board, holds office for ~~such a period (not exceeding up to two years)~~ **from the date of election to the prescribed end of the general Academic Board term** and on such conditions as may be determined by the Council on the recommendation of the Board.

(2) The sitting Chair of Academic Board is ineligible to be renominated if completion of the designated term would result in the member serving more than 5 consecutive years in that office.

Deputy Chairs

8. (1) The Board:

(a) as soon as practicable after the membership of the reconstituted Board is confirmed following an election; or

(b) whenever ~~a vacancies~~ **vacancy** in the offices of the deputy presiding members occurs,

is to elect ~~four~~ **one** of its members to be the deputy presiding members of the Board.

(2) The title of ~~each~~ of the deputy presiding members is to be 'Deputy Chair'.

Terms of office, etc., of Deputy Chairs

9. (1) The Deputy Chairs, unless ~~they~~ **he or she** resigns or ceases to be ~~a~~ members of the Board, holds office for such ~~a~~ period (~~not exceeding up to~~ two years) **from the date of election to the prescribed end of the general Academic Board term** and on such conditions as may be determined by the Council on the recommendation of the Board. Should ~~a~~ **the** Deputy Chair's membership of Academic Board conclude as a result of the conclusion of his or her term in an ex officio staff member position, the Deputy Chair may continue as a co-opted member of Academic Board, for a period up to the next general Academic Board election, at the Board's discretion in order to continue or complete the work of the Board. The duties of the Deputy Chairs will be determined, from time to time, in consultation with the Chair ~~and Deputy Chairs~~.

(2) The sitting Deputy Chair of Academic Board is ineligible to be renominated if completion of the designated term would result in the member serving more than 5 consecutive years in that office.

Absence of Chair

10. If the Chair is absent or unable to act, or if the office of the Chair is vacant, ~~one~~ **the** Deputy Chair ~~as determined beforehand by the Chair, is to preside at any meeting of the Board and is to have all the functions of the Chair. In the absence of the Chair and one of the Deputy Chairs, another Deputy Chair is to preside at any meeting of the Board and shall have all the functions of the Chair.~~

Absence of the Chair and Deputy Chairs

11. In the absence of both the Chair and the Deputy Chairs:

(a) the Vice-Chancellor, if the Vice-Chancellor is present and wishes to preside, is to preside at the meeting; or

(b) if the Vice-Chancellor is not present or, being present, does not wish to preside, the Board is to elect one of its members to preside at the meeting.

Election of Chair and Deputy Chairs

12. The election of the Chair and the Deputy Chairs of the Academic Board by the members of the Board is to take place in accordance with Part 3 of this Rule.

Division 3 — Functions and powers of the Board

13. (1) The Academic Board constitutes the primary forum in the University for the discussion and resolution of academic issues and matters. The Board and the Vice-Chancellor are the principal sources of advice to the Council on all academic matters.

(2) Subject to the By-law, the Rules and the resolutions of the Council, Academic Board has a responsibility to assess the quality of, and provide direction to, the academic work of the University, including teaching, learning, scholarship, research and research training.

(3) In exercising its responsibilities, the Board:

(i) Shall work in conjunction with the Vice-Chancellor, members of the University Executive, Deans and the staff of the University to ensure that the academic goals of the University are achieved;

(ii) May refer any matter for consideration and advice to its own committees, a Faculty Board, Board of Studies, Course Advisory Committee, or the Vice-Chancellor or appropriate members of the staff of the University; and

(iii) May receive and consider advice from any such body or person on any matters related to Academic Board and its functions, powers and responsibilities.

14. Without limiting the effect of clause 13, the Board:

(a) Shall report to, or advise Council or the Vice-Chancellor, on any aspect of:

(i) the academic goals, objectives, principles, directions, priorities and profile of the University, including advice on how these provide a basis for financial, capital or human resource planning

(ii) the quality and standards appropriate to all aspects of the academic work of the University, and in particular to teaching and learning and the support thereof, and to research and research training.

(b) Shall determine the accreditation of proposed or existing award courses on their academic merit, and the removal of the accreditation of award courses.

(c) Shall undertake initiatives and institute measures to promote the communication of academic issues and matters and the coordination of academic work and activities across the whole University.

(d) Shall determine academic policies.

(e) Shall determine the standards governing all aspects of academic administration, including, but not limited to, the admission of students and the examination and assessment of students' work.

(f) Shall set the conditions for the granting of fellowships, scholarships and prizes within the University.

(g) Shall recommend to Council those students who, having satisfied all academic requirements for an award course, are considered eligible to graduate; and shall assure the validity of such recommendations by appropriate means.

(h) Shall determine the structures and functions of Faculty Boards, noting that a Faculty Board's authority to act on specific matters will continue to require Council's delegated authority.

Division 4 — Relationship between Board and Council

Reference to Council of certain matters by Board

15. If the Academic Board does not approve without amendment any recommendation of a Faculty Board or another Board, the Academic Board is, if so required by the Faculty Board or other Board, to transmit the recommendation to the Council together with any observations the Academic Board thinks fit.

Council to obtain views of Board on certain matters

16. (1) If the Council does not accept without amendment a recommendation from the Board relating to teaching, scholarship or research within the University, the Council must seek further advice from the Board before making a final decision.

(2) This clause does not apply if, in the judgment of the Chair of the Board and the Chancellor:

(a) the matter is one of urgency on which it is necessary for an immediate decision to be made by the Council; or

(b) the area of difference between the Council and the Board is not one of principle or major significance.

Division 5 — Board committees

Committees

17. (1) The Board may establish such committees as it thinks fit with such membership as it considers appropriate for the purpose for which the committee is established.

(2) It does not matter that any or all of the members of a committee are not members of the Board.

(3) A sitting Chair of an Academic Board committee is ineligible to be renominated if completion of the designated term would result in the member serving more than 5 consecutive years as Chair of that committee.

Part 2 — Faculty Boards

18. The elections for the elected members of Faculty Boards are to be conducted in accordance with Part 3 of this Rule.

Part 3 — Elections

Conduct of elections

19. (1) An election referred to in this Rule is to be conducted by the Registrar who is to be the Returning Officer for the election.

(2) The Returning Officer may appoint a Deputy Returning Officer (with such powers as the Returning Officer may determine) and other persons to assist the Returning Officer in the conduct of all or any part of an election referred to in this Rule.

(3) The Returning Officer's decision is, subject to the Act and By-law and this Rule, final on all matters affecting the eligibility of candidates, the conduct and results of an election, the validity of an election and such other matters as may from time to time affect the conduct of elections.

(4) Where an election is required to be held, the Returning Officer shall, in such manner as the Returning Officer determines, prepare a roll of eligible voters, for each relevant election.

Call for nominations and notice of election

20. (1) If an election is necessary, the Returning Officer must publish a notice referred to in this clause on the official noticeboards on the premises of the University and in such other places and in such manner as the Returning Officer considers necessary to inform the persons whose names are on the relevant rolls of the contents of the notice.

(2) A notice referred to in this clause must:

- (a) state that an election is necessary to fill the office or offices concerned;
- (b) invite nominations of persons for election;
- (c) specify the manner in which nominations must be made;
- (d) specify a date and time by which nominations must reach the Returning Officer;
- (e) in the event that a ballot is necessary, specify the method or methods the Returning Officer has determined will be used for the ballot, in accordance with clause 24(1);
- (f) in the event that a ballot is necessary, specify the dates for the commencement of the ballot and the close of the ballot;
- (g) contain such other information relating to the election as the Returning Officer thinks fit (which might include, for example, details of the number of vacancies to be filled and of the terms of office of the members of the Board to be elected).

(3) An election is not invalid only because a person whose name is on the relevant roll of eligible voters did not see a notice or a copy of a notice referred to in this clause.

Schedule of dates for elections

21. In the conduct of an election, the Returning Officer must allow:

(a) between the publication of the notice under clause 20 (1) stating that an election is necessary and the close of nominations for the election — not less than 14 and not more than 28 days, and

(b) between the close of nominations for the election and the commencement of the ballot — not more than 28 days, and

(c) between the commencement of the ballot and the close of the ballot — not less than 14 and not more than 28 days.

Making of nominations

22. (1) Nominations of candidates for an election of members of the Board must be lodged with the Returning Officer no later than the time and date specified in the notice published under clause 20(2).

(2) A nomination must be signed or endorsed by 2 persons whose names are entered on the relevant roll of eligible voters for the election for which the candidate is nominated and must be endorsed by the person nominated.

(3) There must be a separate nomination for each candidate.

(4) A candidate may provide with the nomination a statement of not more than 150 words containing information relating to the candidate that he or she wishes to supply. That information may include, for example, the following:

(a) full name,

(b) faculty, school or department,

(c) course and academic year,

(d) academic qualifications and experience,

(e) positions or offices held at any time in public bodies, clubs and institutions (including University clubs and societies) with dates of tenure.

(5) Statements containing more than 150 words will not be accepted. The Returning Officer (or a person appointed by the Returning Officer) may edit all statements supplied. The edited statements are to be published or issued on or before the opening of the ballot to persons whose names are on the relevant roll of eligible voters for the election.

(6) The Returning Officer must reject a nomination if satisfied that:

- (a) the nomination is not duly made, or
- (b) the person nominated is not eligible to be elected.

(7) The Returning Officer must, within 4 days after receipt of a nomination, send or deliver a notice to each person who has signed or endorsed the nomination, notifying the person of the acceptance or rejection of the nomination.

Dealing with nominations

23. At the close of nominations, where the number of nominations of persons for election in each elected membership category is fewer than or the same as the positions to be filled, the Returning Officer must declare the person or persons nominated to be elected. If there are more nominations than positions to be filled in an elected membership category, there must be a ballot.

Form of ballot

24. (1) A ballot must be a secret ballot using the quota preferential system. Ballots may be conducted by post, by attendance at a polling booth or by way of an electronic voting system that has been approved for use by the Registrar in accordance with clause 25. Subject to the Act, the By-law and these Rules, the Returning Officer shall determine which method or methods shall be used for any particular ballot.

(2) Ballot papers, or the component of the electronic voting system that records a vote cast by the voter, as the case may be, must contain the names of the candidates in the order drawn at random by the Returning Officer or by a person appointed by the Returning Officer for the purposes of the election.

Requirements for electronic voting system

25. The Registrar may approve an electronic voting system for use where the Registrar is satisfied that the system:

- (a) will provide a voter with instructions on how to vote;
- (b) will allow a voter to indicate his or her preferences of candidate or candidates;
- (c) gives a voter an opportunity to correct any mistakes before submitting his or her vote;
- (d) allows a voter to make an informal vote;
- (e) will not allow a person to find out how a particular voter cast his or her vote;
- (f) will not allow a voter to vote more than once for any ballot; and
- (g) will only allow a voter to vote in an election for which he or she is eligible to vote.

Conduct of ballot by post

26. (1) Where the Returning Officer has determined under clause 24 that a ballot will be conducted by post, the Returning Officer must send or deliver to each person whose name is on the roll of eligible voters for the relevant election, prepared in accordance with clause 19(4):

(a) a ballot paper, initialled by the Returning Officer or by a person authorised by the Returning Officer

(b) the edited statements provided by candidates in accordance with clause 22(4)

(c) a notice setting out how the ballot papers are to be completed and specifying the date and time of the close of ballot

(d) two envelopes, one marked "Ballot Paper" and the other addressed to the Returning Officer, on the inside of which must be printed a form of declaration of identify and of entitlement to vote to be signed by the voter.

(2) Following receipt of a written application, the Returning Officer may, on being satisfied that a ballot paper has been lost or destroyed, supply a duplicate ballot paper to the person to whom the lost or destroyed ballot paper was issued.

(3) A voter must:

(a) mark a vote on the ballot paper by placing the figure "1" in the square opposite the name of the candidate to whom the voter desires to give his or her first preference vote, and may place consecutive figures (commencing with the figure "2") in the squares opposite the names of any of the remaining candidates, so as to indicate by numerical sequence the order of the voter's preference for them

(b) sign the form of declaration of identify and entitlement to vote

(c) ensure that the Returning Officer receives the ballot paper enclosed and sealed in the envelope marked "Ballot Paper" which must be enclosed and sealed in the envelope addressed to the Returning Officer; and

(d) ensure that the Returning Officer receives the ballot paper before the close of ballot.

(4) All envelopes received by the Returning Officer under this clause must be deposited in the relevant ballot box and remain unopened until the close of ballot.

(5) An election is not invalid only because a person whose name is on the relevant roll of eligible voters did not receive ballot papers.

(6) Only those ballot papers received by the close of ballot will be counted as part of the procedure outlined in clause 29.

Conduct of ballot by attendance at polling booth

27. (1) Where the Returning Officer has determined under clause 24 that a ballot will be conducted by attendance at a polling booth, the Returning Officer must

(a) publish in such manner as the Returning Officer considers necessary a notice specifying the dates and times of polling, the location of polling booths, the procedures governing the application for a postal vote by voters who are unable to attend a polling booth, and any other relevant information, and

(b) establish on the University premises polling booths attended, during the dates and times for polling, by persons appointed by the Returning Officer for the purpose of initialling and issuing ballot papers to each person who requests one and is recognised by one of the appointed attendants as being a person whose name is on the roll of eligible voters prepared in accordance with clause 19(4), and

(c) display at the polling booths the edited statements provided by candidates in accordance with clause 22(4).

(2) A voter must, before the close of ballot, attend a polling booth to obtain a ballot paper and

(a) mark a vote on the ballot paper by placing the figure “1” in the square opposite the name of the candidate to whom the voter desires to give his or her first preference vote, and may place consecutive figures (commencing with the figure “2”) in the squares opposite the names of any of the remaining candidates, so as to indicate by numerical sequence the order of the voter’s preference for them

(b) deposit the ballot paper in the relevant ballot box provided for the purpose at the polling booth.

(3) The ballot box is to remain unopened until the close of ballot.

(4) An election is not invalid only because a person whose name is on the relevant roll of eligible voters did not see the notice published in accordance with sub-clause (1)(a).

Conduct of ballot by electronic voting system

28. (1) Where the Returning Officer has determined under clause 24 that a ballot will be conducted by way of an electronic voting system, the Returning Officer must publish a notice:

(a) detailing the nature of the election and setting out instructions on how and when voters may obtain access to the electronic voting system

(b) advising how voters may obtain access to the edited statements provided by candidates in accordance with clause 22(4).

(2) The voter must submit a vote, after the commencement of the ballot and before the close of ballot, in accordance with the instructions provided in the electronic voting system.

(3) An election is not invalid only because a person whose name is on the relevant roll of eligible voters did not see the notice published in accordance with sub-clause (1).

Procedure on close of ballot

29. As soon as practicable after the close of the ballot, the Returning Officer or a person appointed by the Returning Officer must:

(1) in the case of an election conducted by post or by attendance at a polling booth:

(a) open the ballot boxes, and

(b) open any envelopes addressed to the Returning Officer and received before the close of the ballot, and

(c) if any declaration of identity is duly signed by a qualified voter, place the unopened envelope containing the ballot paper with other similar envelopes, and

(d) open the envelopes referred to in paragraph (c) and take out the ballot papers, and

(e) count the votes, and ascertain the result of the ballot, in the manner set out in clause 32.

(2) in the case of an election conducted by way of an electronic voting system, generate a count of the votes, using a methodology such that the results obtained are as if the votes were recorded on ballot papers and the count was conducted in accordance with clause 32.

Informal vote

30. (1) A vote is informal if the voter has not indicated a clear preference for at least one candidate or if it is possible, in the opinion of the Returning Officer, to identify the voter.

(2) In the case of a ballot conducted by post or by attendance at a polling booth, a vote is also informal if the ballot paper has not been initialled in accordance with clause 26(1)(a) or clause 27(1)(b), respectively.

(3) In the case of a ballot conducted by post or by attendance at a polling booth and despite any other provision of this clause, a vote is not informal only because any figures placed on the ballot paper are not placed in or entirely in the squares opposite the candidates' names, if the figures are placed on the ballot in such positions as, in the opinion of the Returning Officer, clearly indicate the order of the voter's preference for the candidates.

Nomination of scrutineers

31. (1) Each candidate is entitled to nominate one scrutineer who is a member of the staff or students of the University to be present at the count.

(2) A person is not to be a scrutineer in an election in which he or she is a candidate.

(3) A scrutineer is subject to the conditions specified by the Returning Officer for attendance at the count.

Determination of result of ballot

32. (1) In this clause:

an absolute majority of votes means a greater number than one-half of the whole number of formal ballot votes counted.

continuing candidate means a candidate not already excluded from the count.

determine by lot means determine in accordance with the following directions:

(a) the names of the candidates concerned must be written on separate and similar slips of paper,

(b) the slips must be folded so as to prevent identification and mixed and drawn at random,

(c) the candidate whose name is first drawn must be excluded.

(2) If a ballot has been held for the purpose of an election the result of the ballot must be determined as provided in this clause.

(3) The Returning Officer must count the total number of ballot votes and exclude any informal votes.

(4) The Returning Officer must count the number of first preference votes given for each candidate.

(5) Where there is one position to be filled:

(a) The candidate who has received the largest number of first preference votes must, if that number constitutes an absolute majority of votes, be declared by the Returning Officer to be elected.

(b) If no candidate has received an absolute majority of first preference votes, the candidate who has received the fewest first preference votes must be excluded and each of the ballot papers counted to that candidate must be counted to the continuing candidate next in order of the voter's preference.

(c) If on any count 2 or more candidates have an equal number of votes and one of them has to be excluded, the candidate to be excluded must be determined as follows:

- (i) if the count is the first made in connection with the ballot, the Returning Officer must determine by lot which of those candidates is to be excluded,
- (ii) if the count is the second or subsequent count made in connection with the ballot:
 - (A) that candidate must be excluded who had the least number of votes at the last count at which one of those candidates received fewer votes than each of the others, or
 - (B) the Returning Officer must determine by lot which of those candidates is to be excluded, if at all preceding counts no one of those candidates received fewer votes than each of the others.
- (d) The process of excluding the candidate who has the fewest votes and counting each of the ballot papers counted to that candidate to the continuing candidate next in order of the voter's preference must (subject to subclause (5)(e)) be continued:
 - (i) until one continuing candidate has an absolute majority of votes in which event that candidate must be declared by the Returning Officer to be elected, or
 - (ii) until all candidates but one have been excluded in which event the remaining candidate must be declared elected.
- (e) If at any point during any particular count after the first preference votes have been counted, the candidate next in order of a voter's preference is not indicated or cannot be ascertained, that ballot paper must, from that point onwards, be excluded from that particular count and the total of the ballot papers counted must be amended accordingly.
- (6) Where there is more than one position to be filled the result of the ballot is to be determined in accordance with the procedures set out in the most recently published edition of the publication entitled Proportional Representation Manual: Rules for Conducting Elections by the Quota Preferential Method published by the Proportional Representation Society of Australia, a copy of which is available from the Returning Officer.

Secrecy of ballot to be maintained

33. (1) The result of the ballot must remain confidential until the declaration of poll by the Returning Officer.
- (2) The Returning Officer or any person appointed by the Returning Officer or any scrutineer must not in any way disclose or aid in disclosing the manner in which any voter has voted.