



Australian
National
University

AGENDA – ANUSA ANNUAL GENERAL MEETING 2020

Thursday, 21 May 2020 6:15pm, Zoom

Item 1: Meeting Open and Apologies

- 1.1 Acknowledgement of Country
- 1.2 Apologies

Item 2: Chair outlines standing orders for the meeting

Item 3: Passing the previous meetings minutes

Motion to pass the minutes from the 2019 Annual General Meeting.

Mover:

Seconder:

Item 4: Reports

- 4.1 President's report (L. Day) [Reference A]
 - 4.2 Treasurer's report (M. Wang) [Reference B]
 - 4.3 Financial Review Committee report [Reference C]
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Item 5: Election of Financial Review Committee

Item 6: Discussion items/motions on notice

Motion 6.1

That the ANUSA AGM notes the 2019 financial statements
(<https://anusa.com.au/pageassets/about/financialreportsandssaf/Financial-Report-2019.pdf>).

Mover: Maddy Wang

Secunder: Lachy Day

Motion 6.2

Explanation:

Section 3.5.3 of the ANUSA Finance Regulations needs to be amended to bring it into compliance with superannuation law. At the moment the section states that superannuation is paid to ANUSA Executive *as a matter of policy*. This is inconsistent with the law as section 12 of the Superannuation Guarantee (Administration) Act requires that superannuation be paid to “A person who is entitled to payment for the performance of duties as a member of the executive body (whether described as the board of directors or otherwise) of a body corporate.” Members of the ANUSA Executive fall within this description. Also section 3.5.3 of the Finance Regulations provides a fixed rate for superannuation, whereas the law will increase or change that rate from time to time. In July 2021 the applicable rate will increase to 10% and will continue to increase after that. Finally section 3.5.3 provides that superannuation will be paid every fortnight, however practice is for payment to be made quarterly, as this reduces administrative costs of compliance. The amended version of section 3.5.3 below addresses these issues.

Motion:

Section 3.5.3 of the ANUSA Finance Regulations is amended by deleting section 3.5.3 and inserting instead:

The Association will, at least quarterly, make a superannuation contribution at the applicable rate required by superannuation law to a complying superannuation fund of the Executive member’s choice. Contributions must be able to be made by electronic funds transfer.

Mover: Maddy Wang

Secunder:

Motion 6.3

Motion:

That the following amendments be made to the ANUSA Election Regulations.

2.10 Disclosure Requirements

2.10.1 Upon nomination, each ticket convener and independent candidate must complete and lodge with the Returning Officer or their nominee a statement of intention identifying anticipated sources of campaign funding. This statement must include all financial and non-financial contributions to the campaign. Non-financial contributions include but are not limited to the use of printing facilities, paper, paint, glue, T-shirts, advertising including online advertising, and other sundry items.

Change 2.10.2 from:

2.10.2 At 9am on each of the days that the election polls are open, the ticket convener or independent candidate will lodge with the Probity Officer a signed statement including:

- (a) completed expenditure to date;
- (b) copies of receipts and/or tax invoices corresponding to the items, services, materials and any other campaign-related expenditure which together account for the completed expenditure to date; and

- (c) where items, services or materials are acquired for less than market value, evidence of the market value of each such item, service, or material; and
- (d) an itemised list of all financial and non-financial contributions to the campaign, including but not limited to printing facilities, paper, paint, glue, T shirts, advertising including online advertising, and other sundry items.

To:

2.10.2 At 9am on the first day that the election polls are open, the ticket convener or independent candidate will lodge with the Probity Officer a signed statement including:

- (a) completed expenditure to date;
- (b) copies of receipts and/or tax invoices corresponding to the items, services, materials and any other campaign-related expenditure which together account for the completed expenditure to date; and
- (c) where items, services or materials are acquired for less than market value, evidence of the market value of each such item, service, or material; and
- (d) an itemised list of all financial and non-financial contributions to the campaign, including but not limited to printing facilities, paper, paint, glue, T shirts, advertising including online advertising, and other sundry items.

Add s 2.10.3:

2.10.3 Should any additional expenditure occur, any items, services, or materials be acquired for less than market value, or any other financial or non-financial contributions be made to the campaign after the first signed statement is lodged under s. 2.10.2, the ticket convener or independent candidate will lodge with the Probity Officer a signed statement at 9am on the day after this occurs including:

- (a) the additional expenditure conducted;
- (b) copies of receipts and/or tax invoices corresponding to the additional items, services, materials and any other campaign-related expenditure which together account for the additional expenditure to date; and
- (c) where additional items, services or materials are acquired for less than market value, evidence of the market value of each such item, service, or material; and
- (d) an itemised list of all additional financial and non-financial contributions to the campaign, including but not limited to printing facilities, paper, paint, glue, T shirts, advertising including online advertising, and other sundry items.

Re-number s 2.10.3 and s 2.10.4:

2.10.4 All items, services or materials attributable to the campaign must be at the candidate's or ticket's own expense, except where those items, materials or services are provided by:

- (a) the Australian National University; or
- (b) the Australian National University Students' Association.

2.10.5 Any ordinary member of the Association may request information in relation to the campaign expenditure of any candidate or ticket that is disclosed under 2.10.1, 2.10.2 or 2.10.3. The Probity Officer(s) must provide such information as soon as reasonably practicable.

Mover: Jordyn Gibson

Seconded:

Motion 6.4

Preamble:

The reasoning for this section is to allow the Returning Officer to issue directions to waive the requirements of Election Regulation provisions where COVID-19 restrictions impact the

elections. A change in policy that requires the university to shut down again in semester two could impact several Regulations, including the following sections: 2.3.5 (having a locked ballot box at the ANUSA office for nominations), 2.3.10 (displaying a list of nominations on the front door of ANUSA) and 2.5.1 (five hours of polling occurring in the Kambri precinct each day for people who are having troubles with online voting). This section gives the Returning Officer a clear basis for implementing alternative mechanisms to ensure that the election runs smoothly and fairly.

Motion:

That the following amendments be made to the ANUSA Election Regulations.

Add section 3.3:

3.3 Force Majeure

3.3.1 If Force Majeure prevents or hinders the implementation of a provision of the Election Regulations the Returning Officer may issue directions waiving the requirements of that provision to the extent and for the period that its performance is affected by Force Majeure, subject to those directions providing alternative measures which promote the purposes of that provision.

3.3.2 Alternative measures set out in a direction made under Regulation 3.3.1 must be such as to:

- (a) promote a free and fair election;
- (b) promote the right and accessibility for every member of the Association to stand for office or vote in the election;
- (c) adhere to the spirit of these Regulations; and
- (d) depart as little as practicable from the provisions of these Regulations affected by Force Majeure.

3.3.3 For the purposes of this clause, Force Majeure includes any closure of any part of the University or the ANUSA offices on the grounds or health or safety or other events of the kind mentioned in this provision, and any event which prevents, impedes, or makes impossible, impracticable, unlawful or unsafe the performance or continued performance of a provision of these Regulations; including any natural or health disaster, civil unrest, riot, fire, flood, storm, explosion, terrorist or other attack, unavailability of essential services, any event involving serious injury, illness or harm to any person in connection with performance of the a provision of these Regulations, denial of access to any facility, resource, or location necessary for the performance of a provision of these Regulations.

Mover: Taylor Heslington

Seconder:

Motion 6.5

Preamble:

This amendment will allow nominees to withdraw their nominations right up almost until the opening of the polls. The reasoning for the time limit of two Teaching Days (defined in the ANSUA Constitution as ‘any weekday that falls during a Teaching Period of the Colleges, excluding public holidays’) before the election is to provide enough time to allow changes to be made to the online voting system to remove the candidate.

Motion:

That the following amendment be made to the ANUSA Election Regulations.

Amend s 2.3.9 of the Election Regulations from:

2.3.9 A nominee can withdraw their nomination at any time up until two Working Days after the date the Returning Officer confirms the nomination under section 2.3.7D.

To:

2.3.9 A nominee can withdraw their nomination at any time up until two Teaching Days before the polls open for the Annual Elections.

Mover: Taylor Heslington

Secunder:

Motion 6.6

Preamble:

This amendment updates the language used in this section from 'Union Court' to 'Kambri'.

Motion:

That the following amendment be made to the ANUSA Election Regulations.

Amend s 2.5.1 of the Election Regulations from:

2.5.1 On each of the four Teaching Days upon which the Annual Elections are held, at least 5 hours of polling must be conducted in the Union Court precinct. The Returning Officer or their nominee must ensure procedures are in place to enable ordinary members of the Association to cast their vote in the Union Court precinct at these times.

To:

2.5.1 On each of the four Teaching Days upon which the Annual Elections are held, at least 5 hours of polling must be conducted in the Kambri precinct. The Returning Officer or their nominee must ensure procedures are in place to enable ordinary members of the Association to cast their vote in the Kambri precinct at these times.

Mover: Taylor Heslington

Secunder:

Motion 6.7

Preamble:

This amendment corrects what I'm assuming was an oversight in the Probity system. In the current s 2.11.1(c), a Probity Officer would not be taken to have resigned from their position immediately upon tendering their nomination for NUS attendee or University Council member, as those positions do not fall under Schedule 1 to the Constitution. This stands in contrast to the current s 2.11.1(b), which states that '[n]o member of the Association who will be contesting a position at the next Annual Elections may nominate for the position of Probity

Officer.' S 2.11.1(b) prevents people who will be contesting for NUS or Uni Council from nominating for Probity, so it makes sense to bring s 2.11.1(c) in line with this.

Motion:

That the following amendment be made to the ANUSA Election Regulations.

Amend s 2.11.1(c) of the Election Regulations from:

(c) If, subsequent to their election under 2.11.1, a Probity Officer nominates for any position under Schedule 1 to this Constitution at any time, they are taken to have resigned from their position as Probity Officer immediately on tendering their nomination.

To:

(c) If, subsequent to their election under 2.11.1, a Probity Officer nominates for any position under Schedule 1 to this Constitution, for a position of delegate to the National Union of Students' National Conference, or for the position of University Council Member at any time, they are taken to have resigned from their position as Probity Officer immediately on tendering their nomination.

Mover: Taylor Heslington

Seconder:

Motion 6.8

Motion:

That the following amendments be made to the ANUSA Election Regulations.

Insert new Regulations 3.10-3.10B:

3.1.12 It is an offence to campaign outside of the Campaign Period.

3.1.12A For the purposes of 3.1.12A, the Campaign Period means the period starting when the Returning Officer issues the notice of the call for nominations under Regulation 2.2.1A and ending at the close of voting.

3.1.12B For the purposes of this Regulation 3.1, to campaign includes any of the following acts by a member of ANUSA: announcing an intention of any person to stand for office, announcing the purported name of any ticket or grouping for an ANUSA election, announcing any proposed policies of any person or ticket purportedly planning to stand for office, canvassing for votes for an office to be filled at an ANUSA election, publishing or distributing Electoral Publication, and any other action or measure the predominant effect or purpose of which is to promote an electoral outcome in an ANUSA election.

Insert new Regulation 2.2.1A

2.2 Call for Nominations

2.2.1 The Returning Officer must call for nominations at least 4 weeks before the commencement of polling, and nominations must remain open for at least 2 weeks.

2.2.1A The Returning Officer must issue notice of when the call for nominations will occur at least 2 weeks before the call for nominations.

Mover: Skanda Panditharatne

Seconder: Ben Wicks

Motion 6.9

Motion:

That the following amendments be made to the ANUSA Election Regulations.

Amend Schedule B of the Election Regulations from:

SCHEDULE B – EXCLUSION ZONES

Section 3.1.3 provides that it is an offence to actively canvass votes within the areas specified in Schedule B to these Regulations.

For the avoidance of doubt, the following areas are ‘exclusion zones’:

1. Kambri Precinct (bound by North Road, the perimeter of Fellows Oval, Tangney Road and Kingsley Street)
2. The Melville Hall Student Space;
3. The Copland precinct;
4. The Chifley Library & associated walkways;
5. The Taibal Centre;
6. Outside the Childers Street UniLodge residences;
7. The small footpath next to University Avenue between the Copland Courtyard and Kambri;
8. ANU libraries;
9. ANU teaching spaces;
10. Daley Road;
11. David Cocking Sport and Recreation Centre; and
12. Hancock bridge;

Campaigners are permitted to campaign in all other areas.

For the avoidance of doubt, the Returning Officer or their nominee will clarify exclusion zones at the beginning of each general election. This include but is not limited to a map of exclusion zones.

The Returning Officer or their nominee may temporarily suspend an area so debates or other informative events may be informed

To:

SCHEDULE B – EXCLUSION ZONES

Section 3.1.3 provides that it is an offence to actively canvass votes within the areas specified in Schedule B to these Regulations.

For the avoidance of doubt, the following areas are ‘exclusion zones’:

1. Kambri Precinct (bound by North Road, the perimeter of Fellows Oval, Tangney Road and Kingsley Street)
2. Melville Hall;
3. The Copland precinct, including the ramp and stairway to Kingsley Street;
4. The Chifley Library & associated walkways;
5. The Tjabal Centre;
6. Outside the Childers Street UniLodge residences;

7. The small footpath next to University Avenue between the Copland Courtyard and Kambri;
8. ANU libraries;
9. ANU rooms where lectures, tutorials, labs or other teaching takes place, including online spaces;
10. Daley Road;
11. David Cocking Sport and Recreation Centre; and
12. Hancock bridge;

In addition, no campaigning other than putting up posters may take place inside any other building on the ANU campus.

Campaigners are permitted to campaign in all other areas.

For the avoidance of doubt, the Returning Officer or their nominee will clarify exclusion zones before the beginning of the Campaign Period. This includes but is not limited to a map of exclusion zones.

The Returning Officer or their nominee may temporarily suspend an area so debates or other informative events may be held.

Mover: Ben Yates

Secunder: Ben Chesler

Motion 6.10

Motion:

The meeting notes Appendix A.

Mover: Jordyn Gibson

Secunder: Georgette Mouawad

Motion 6.11

Preamble:

These amendments fix typos that were noticed during the review of the Election Regulations.

Motion:

That the following amendments be made to the ANUSA Election Regulations.

Re-number:

2.3.7A to 2.3.8A

2.3.7B to 2.3.8B

2.3.7C to 2.3.8C

2.3.7D to 2.3.8D

Amend s 2.3.7A from '2.3.7 and 2.3.7C' to '2.3.8 and 2.3.8C'.

Amend s 2.3.7C from '2.3.7B' to '2.3.8B'.

Amend s 2.3.7D from '2.3.7' to '2.3.8'.

Amend s 2.7.5(a)(iv) from 'include' to 'including'.

Amend s 2.8.5 from 'It is an offence not comply' to 'It is an offence to not comply'.

Amend s 2.9.3 from 'provision' to 'provisions'.

Amend s 2.9.4 from 'provision' to 'provisions'.

Mover: Taylor Heslington

Seconded:

Motion 6.12

Solidarity With Drew Pavlou

Preamble:

Drew Pavlou, an elected student representative on the University of Queensland (UQ) Senate, is facing expulsion from UQ in relation to a series of satirical stunts, social media posts and criticisms of the vice-chancellor, Peter Høj.

Over 30,000 people have signed an online petition in support of Mr Pavlou, in defence of his right to free speech, urging UQ to drop charges against him. Independent observers have reviewed the dossier of allegations against him, including Clive Hamilton, professor of public ethics at Charles Sturt University in Canberra; and Olivia Brumm, President of the student Guild at the Queensland University of Technology. These observers have claimed that the charges levelled against Mr Pavlou are absurdly trivial, and suggest a personal vendetta from the university against him.

Platform:

1. ANUSA stands in solidarity with Drew Pavlou, and calls for UQ to drop the current charges against him.
2. ANUSA stands for the expression of free speech by students, and legitimate criticism of university administrations.

Action:

1. ANUSA will forward a copy of this motion to Drew Pavlou.
2. ANUSA will continue to defend student rights to free speech and expression.

Mover: Skanda Panditharatne

Seconded: Ben Wicks

Item 7: Other Business

Item 8: Meeting Close

Expected Close of Meeting: 9:30pm

Released: 18 May 2020 by Taylor Heslington

Reference A

[PRESIDENT]

Reference B

[TREASURER]

Reference C

No report was received from the Financial Review Committee.

Appendix A

Affirmative Action for ANSUA General Representative Elections

How would this policy operate?

- At the time of election, candidates would be excluded from being elected to the genrep pool at the time that their election would result in 2/3+ of that pool sharing the same gender identity - e.g. in the current case, if the first 10 genreps elected were cis males, and the 11th gen rep who received the requisite quota of votes to be elected is also a cis male, that 11th gen rep would be excluded at that point and their preferences distributed accordingly. This would occur until a candidate with a different gender identity received the quota to be elected, at which point they would be elected as genrep 11
- Candidates for genrep would therefore have to disclose their gender identity to the returning officer. This information would be kept private, and the RO would only disclose whether that candidate's election would violate these provisions when voting is being counted (not the candidate's specific identity)
- In the event that there are not enough candidates of the non-dominant gender identity to fill the remaining genrep positions, AA provisions are disregarded and the first candidate who was excluded on the basis of the AA provisions would be elected to the next position
- The amendments necessary for this proposal are at the conclusion of this item

Why is this necessary?

- In the previous year's election, despite a reasonably gender-balanced candidate pool (nominations form here: <https://anusa.com.au/pageassets/about/elections/ANUSA-2019-Election-Nominations-7.pdf>), only 2 female genreps were elected to a total of 14 positions
- ANUSA elections appear to be trending towards being increasingly competitive - it's likely that this year's will be no exception and may be substantially more competitive than in previous years.
- This presents a number of potential flow-on problems:
 - A less diverse SRC is a less competent SRC. Policy that would benefit non cis-males is less likely to be recognised, created, or supported. Similarly, policy that would inadvertently disadvantage non cis-males is less likely to be recognised and criticised.
 - Departments have less ability to advocate when their representation on SRC is largely confined to their officer, and the audience they are advocating to is less likely to understand or care about their perspective. This compounds the above problem.
 - Non cis-male advocates who want to make change directly through SRC are more likely to be excluded from that body, which results in a deeper divide between activist groups and ANSUA.
 - Tickets find it harder to create teams that are both diverse and experienced, particularly for Executive candidates, when there is a lack of non cis-male genreps to draw from. Obviously tickets can look at other areas of ANUSA and the University for qualified candidates, but anything that makes assembling a diverse and experienced team harder should be opposed.
 - ANSUA as a whole is likely to grow less diverse when non cis-males don't see themselves represented by that body and therefore feel less able or willing to engage with it.

Potential problems created by this policy, and responses:

1. Candidates who are less qualified or unprepared will be elected due to AA provisions

- a. Tickets generally don't run candidates who are so unqualified that they would be unable to fulfil the role of genrep anyway - that candidate would be unlikely to gain the sufficient number of votes to be elected.
- b. The difference in qualifications between genrep 11 and genrep 12 is unlikely to be substantial.
- c. Genreps are not elected based exclusively on their qualifications anyway - if that were the aim, these positions would be appointed on a CV basis by an independent board.
- d. This is a problem that occurs regardless of these provisions - cis male genreps who are less qualified may be elected under the status quo due to the advantage that their gender gives them in the elections. The qualifications of non cis-male candidates are already overlooked (which is the problem this policy aims to solve), and so the actual effect is unlikely to produce a meaningfully less qualified genrep 11-14.
- e. Even if the individual genrep is slightly less qualified than the genrep who would have otherwise been elected but for these provisions, the SRC as a whole is substantially more competent when it includes people from a diverse range of backgrounds. If a candidate is truly unprepared (despite having chosen to run for the position) they are able to resign.

2. Candidates who are elected due to AA provisions will be undermined on that basis

- a. The only person who would seriously attack a genrep elected due to these provisions is probably already deeply misogynistic. Attacking someone in general is not something that people who are acting in good-faith do. It seems as though non cis-males who are elected would be attacked regardless of these provisions, and while this arguably does create an additional way of attacking those people, it is unlikely to increase the volume or intensity of those attacks.
- b. If the means of election or electoral success of genreps was something that was used to attack them, we would presumably see examples of bullying targeting the final few genreps who were elected. This doesn't seem to occur in the status quo.

3. Candidates may declare their gender identity in bad faith with the aim of gaining an edge at election time

- a. Realistically, this looks like cis men claiming to be genderqueer or trans*. The actual advantage that would be gained by an individual candidate is relatively small - they would have to be somewhere between the 11th-20th genreps already, and be running in a year where a large number of cis male genreps have already been elected.
- b. The actual benefits of a genrep position to an individual, compared to other positions that they might choose to run for (within departments, Clubs Council, student clubs and societies, ANUSA committees, etc.) are relatively small.
- c. The combination of a low advantage and a low benefit means that candidates are unlikely to take the risk of their bad faith declaration being discovered (which would likely result in some degree of coverage and a permanent mark against them when it comes to employment).
- d. That means this is likely to occur very rarely, and this policy will overwhelmingly benefit the people it is actually intended to benefit. Without this policy, that candidate would be elected anyway, so it is best understood as a very small mark against the efficacy of this policy rather than a serious problem.
- e. If this did occur in a large number of circumstances, this policy could simply be removed - again noting that the policy itself wouldn't have actually disadvantaged non cis-males in this case compared to the status quo, it would have just failed to sufficiently benefit them.

4. This outs candidates who are elected due to AA provisions

- a. Gender identity nominations would be kept strictly confidential by the Returning Officer, and the only disclosure that would occur would be to scrutineers and vote counters. That disclosure would not include the candidate's actual gender identity, it would only refer to

the candidate's belonging or not belonging to the dominant gender identity that has already been elected.

b. Candidates who wish for vote breakdowns to be kept confidential already have the option of ensuring that they are kept confidential. Someone would have to request a private viewing of the results, and then do the math themselves, to work out whether a candidate was of the non-dominant gender identity.

c. Candidates who are unwilling to take the risk of outing themselves also have the option of nominating the gender identity that they do feel comfortable openly identifying as. This would, in some cases, mean that the AA provisions would not benefit them, but under the status quo they also don't receive any benefits either.

Other criticisms, and responses:

1. This policy requires more consultation

a. Agreed! That's why this is being brought to the AGM as a discussion item, and why we're intending on bringing it back to departments for consultation. If anyone has any ideas of further consultation that should be done, we'd be very happy to take them on board.

2. This policy doesn't go far enough to increase diversity

a. Given the amount of debate this policy created in the electoral working group, where it was first discussed, and in the Women's Collective that it was brought to, we thought it best to start small and gradually increase the aggressiveness of this policy over time. If anyone else wants to create AA policies targeting other groups, or that are more aggressive, we'd be happy to work with them and discuss those at future general meetings.

3. This policy is a band-aid solution that won't solve broader issues

a. AA isn't going to solve disadvantage, but an SRC that is broadly unrepresentative is far less equipped to make the bigger policies that are necessary to make broader progress. The very implementation of this policy sends a strong message that gender does matter in terms of how someone experiences student politics and activism, and it demonstrates the need to make positive change. If anyone suggests that this or any other policy aimed at alleviating disadvantage has 'solved the problem', a more diverse SRC is also better equipped to manage that and correct that perception.

4. This policy is undemocratic

a. The actual effect this would have on results is fairly small. Given that ANSUA already has a number of affirmative action policies in place in other areas (e.g. for department executives, the appointment of deputy heads of committees), we thought this policy also aligned with the goals of those policies and is consistent with things ANSUA has supported and continues to support.

AA Amendments:

Italicised: already existing provisions

Bolded: amendments

2.3 Nominations

2.3.1 Nominations for any position contested at the Annual Elections must:

- (a) be signed by two ordinary members of the Association (in addition to the nominee);*
- (b) contain a signed undertaking by the nominee that they will act in the position if elected; and*
- (c) contain a signed undertaking by the nominee that they will abide by these Regulations.*

2.3.2 A nominee may indicate on their nomination form:

- (a) if they are running as a candidate endorsed by a registered ticket; or*
- (b) if they wish to run as an Independent.*

2.3.3 Where a nominee indicates on their nomination form that they are running as a candidate endorsed by a registered ticket, the Returning Officer or their nominee shall verify the endorsement only if:

(a) at least one of the nominators is a signatory to the application to register the ticket name; or

(b) the Returning Officer or their nominee receives notice of the endorsement from a signatory to the application to register the ticket name.

2.3.4 Nominees must provide their full name on their nomination form. If a nominee wishes for an alternative name to be recorded on the ballot, they may specify their 'Preferred Name' on their nomination form. The Returning Officer must record the 'Preferred Name' on the ballot if it is a commonly accepted variation of the candidate's name, or a truncation of that name, or an alternative form of that name, or an alternative name by which the candidate is commonly known

Insert s. 2.3.5:

2.3.5 Nominees for the position of General Representative must also nominate their gender identity. This information is only to be disclosed to the Returning Officer, who is only permitted to use that information to inform those present at the counting of the votes whether a candidate must be excluded due to the affirmative action requirements of Schedule A Item 9. For this purpose, the Returning Officer may state that the exclusion is necessary to avoid breaching the affirmative action requirements of Schedule A Item 9.

Renumber subsequent sections accordingly

SCHEDULE A – ASCERTAINING RESULT OF POLL

8. EXCLUSION OF CANDIDATES

(1) Where clause 5 requires a candidate to be excluded, the candidate with the least total votes shall be excluded.

(2) Where 2 or more candidates each have the same total votes, being fewer total votes than any other candidate and—

a. 1 of those candidates had fewer total votes than any other of those candidates at the last count at which all those candidates had unequal votes—that candidate; or

b. There is no count at which all those candidates had unequal total votes—the candidate who, of those candidates, is determined by the Returning Officer by lot to be the candidate to be excluded; shall be excluded.

Amend 8(1)

*(1) Where clause 5 **or clause 9** requires a candidate to be excluded, the candidate with the least total votes shall be excluded.*

Insert clause 9:

9. Affirmative Action in the Election of General Representatives

(1) Subject to sub-clause (2), if a candidate for the position of General Representative achieves the quota of votes necessary to be elected, but that candidate's election would result in nine or more of the fourteen General Representatives sharing the same

gender identity, as nominated to the Returning Officer under s. 2.3.5 of the Election Regulations, that candidate is to be excluded.

(2) If however there are an insufficient number of candidates of other gender identities existing to fill any of the remaining General Representative positions, the candidate shall not be excluded under sub-clause (1).

(3) Subject to sub-clause (2), sub-clause (1) may be applied repeatedly until no more than eight candidates of one gender would be elected to serve as a General Representative.