

# Proposed PAB rules changes

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2009-04-22

## Introduction

Recent events, particularly in connection with the PAB election of 2009, have identified some lacunae in the PAB rules. This paper is a set of proposals for addressing them.

Each proposal in this paper stands alone. Proposals are shown by giving the relevant rule with additions underlined and ~~deletions struck out~~.

## Co-option

The current rule 4.9 empowers the PAB to co-opt a person to fill a vacancy when somebody ceases to be a PAB member. However, it does not address the case where there is a vacancy following the election. This proposal addresses that situation.

*Proposed rule change 1:*

4.9. If ~~an elected PAB Member ceases to be a member of the~~ there is a vacancy among the elected members of the PAB for any reason, the PAB may appoint a person who is willing to act to fill the vacancy provided that the appointment is made before the start of the Closed Period. The term of appointment only lasts until the end of the year, but in all other respects this replacement shall be treated as a normal elected PAB Member.

## Death of a PAB member

While this will hopefully not happen, it has not been allowed for in the rules.

*Proposed rule change 2:*

4.10.3. their death or ceasing to be competent to manage their own affairs

4.10.4. in accordance with paragraph 4.17.

An equivalent is not needed for board members because that will be handled through the board membership process and rule 4.4.3.

## Dismissal of a PAB member

The procedures for dismissing a member did not envisage the possibility that the member in question was suspended and thereby prevented from attending. It should explicitly allow them to attend and speak.

*Proposed rule change 3:*

4.17. The PAB may dismiss any PAB Member, or instruct an appointed PAB Member not to send a specific representative (either of which event shall be termed a "Dismissal"), upon a vote to this effect of at least 75% of all PAB Members entitled to vote (excluding the PAB member under consideration for Dismissal). Such a motion shall only be considered at a duly convened meeting, and the pre-circulated agenda for such meeting must include the motion for Dismissal, together with full details as to how PAB Members may vote. It shall not be necessary for all PAB Members to attend such meeting. Voting may take place by attendance at the meeting in person, by telephone under paragraph 6.10, by post addressed to the PAB Chair or by proxy (duly completed in the form which is circulated prior to the meeting) and lodged in person, by post or delivered electronically to the PAB Chair. Irrespective of any regulation made under rule 6.2 or otherwise, the member shall be entitled to attend and speak at this portion of the meeting, or alternatively to circulate a statement of up to 500 words to all PAB members at least 3 clear days before the meeting. The PAB Chair must receive postal votes and duly completed proxy forms by the time of the commencement of the meeting. A Dismissal is not a bar to re-election of the same PAB Member at any time in the future.

**Electoral asymmetry**

With 8 elected members each serving for 2 years, it should be the case that there are 4 places for election each year. However, if there are vacancies for some reason, it could be that an imbalance occurs, with 5 or 6 places one year. The following year there would then be only 2 or 3 places, and this imbalance could continue into perpetuity. This is a less than optimal situation; there ought to be at least 4 places elected each year.

*Proposed rule change 4:*

4.8. The term of office for each elected PAB Member shall be two years. However, the number of places at each election shall be at least half the number of elected members. If necessary to reach this number, additional elected members shall volunteer or be chosen by lot to have their term expire early.

**Election process (1)**

Nominations for the 2009 election were not open for 28 days; the rules do not make it clear how long they should be open. To prevent malfeasance by the person running the elections, there should be a minimum period for nominations and a minimum for casting votes.

*Proposed rule change 5:*

4.7. Elections of the elected PAB Members shall be held once per year. Nominations for election will be sought by the PAB Chair, normally in February; nominations shall remain open for at least 14 days, ~~and~~ The vote shall take place during the Closed Period; and at least 28 days after the first call for nominations; voting shall remain open for at least 14 days. Elections shall use the "single transferable vote" system, and each member will have one vote.

## **Election process (2)**

There are detailed issues for running the election which need not be fixed into the main PAB rules.

*Proposed rule change 6:*

4.7A. The PAB may make its own regulations for the conduct of the election. However, these regulations may not affect the eligibility of candidates. In the absence of any rule or regulation concerning a matter, the PAB chair (or, if the Chair is a candidate, a Returning Officer appointed by the PAB) shall adjudicate.