

THE AUSTRALIAN NATIONAL UNIVERSITY

Information Infrastructure and Services Rule 2020

I, Professor Brian P. Schmidt, Vice-Chancellor, make the following rule.

Dated 22 December 2020

Professor Brian P. Schmidt AC FAA FRS
Vice-Chancellor

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Part 1—Preliminary

1 Name

This is the *Information Infrastructure and Services Rule 2020*.

2 Commencement

This instrument commences on 1 January 2021.

3 Authority

This instrument is made under the Governance Statute, 68(1) (General power to make rules and orders).

4 Definitions

In this instrument:

account means an account assigned to a user under section 6(2) (Authorised access to information infrastructure).

Appeals Committee means the Information Infrastructure and Services Appeals Committee.

information includes data stored in print, digitally or in any other format.

information infrastructure includes the buildings, permanent installations, information services, fixtures, cabling and capital equipment that comprise the underlying system within or by which the University:

- (a) holds, transmits, manages, uses, analyses or accesses information; or
- (b) carries communications.

Examples of things that may form part of information infrastructure

1 A laboratory, library, or theatre.

2 A computer, another hardware or software application, a VCR, a DVD, another sound or recording system, or an image projector.

information services includes all library, archive, records, computer (hardware and software), network, and analogue and digital information, services of the University.

item includes a book, periodical, newspaper, thesis, pamphlet, manuscript, musical score, map, plan, chart or table, photograph, sound recording, cinematograph film, audiovisual material, electronic material, digital material, and microform material.

Library includes:

- (a) the physical library collections and information resources of the University; and
- (b) archival collections of the University; and
- (c) any place provided by the University for students to carry out their work.

Library collection includes a collection of Library items.

password means a password, passphrase, PIN or other form of authentication, mentioned in section 6(3) (Authorised access to information infrastructure), supplied to a user by a responsible officer.

responsible executive means the holder of the executive position within the University with responsibility for information technology facilities and services for the University.

responsible officer means a person who is appointed as a responsible officer under section 43 (Appointment of responsible officers etc.).

user means a person (wherever located) who accesses the information infrastructure.

[Note: For definitions applying to University legislation generally, see the dictionary in the Legislation Statute. That dictionary defines terms relevant to this instrument, including the following:

- contravene
- function
- order
- prescribed
- student association
- University legislation
- working day.]

5 References to *information infrastructure*

In this instrument, a reference to the *information infrastructure* includes a reference to any part of the information infrastructure.

Part 2—Information infrastructure

Division 2.1—Information infrastructure: access and use

6 Authorised access to information infrastructure

- (1) A responsible officer may give a person access to all or a particular part of the information infrastructure, depending on the person's individual work or study requirements.
- (2) A responsible officer may assign an account to a user to enable the user to access the information infrastructure.
- (3) Access to the information infrastructure may be regulated by password, passphrase, PIN, or other form of authentication, supplied to a user by a responsible officer.
- (4) If a user is uncertain about whether the user is authorised to use any part of the information infrastructure, the user must ask a responsible officer whether the use by the user is authorised.

7 Unauthorised use of information infrastructure etc.

A person must not:

- (a) use the information infrastructure, unless the person is authorised to do so; or
- (b) permit another person to use the information infrastructure, unless the person is authorised to permit the other person to do so; or
- (c) use another person's account; or
- (d) use the information infrastructure for a purpose for which the person is not authorised to use the information infrastructure; or
- (e) attempt to do anything prohibited under paragraphs (a) to (d).

8 Proof of user's identity

A user must provide proof of the user's identity if required by a member of staff of the University.

9 Priority users

If a user of the information infrastructure is not a member of staff or student of the University (a *priority user*), the user must, if requested by a priority user, cede use of the information infrastructure to the priority user, unless a responsible officer otherwise directs.

10 System security

- (1) If a password is personal to its user, the user must not make it available to anyone else.
- (2) If a user inadvertently obtains information on the information infrastructure to which the user is not entitled, or becomes aware of a breach of security relating to the information infrastructure, the user must immediately report the matter in the way prescribed by order.
- (3) A user must not:

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- (a) find out a password for a part of the information infrastructure that the user is not authorised to use; or
 - (b) introduce malicious software (for example, a computer virus, ransomware, spyware, a Trojan horse or a worm) into the information infrastructure, including any part of the University's network or any of the University's equipment, whether or not the equipment is connected to the network; or
 - (c) copy, disclose, transfer, examine, rename, change, add to or delete information on the information infrastructure belonging to someone else (including the University) without the information owner's express permission, unless it is part of the user's duties as a member of staff of the University to do so; or
 - (d) collect or discard any analogue, digital, electronic, printed or magnetic output from the information infrastructure belonging to someone else (including the University) without the owner's express permission, unless it is part of the user's duties as a member of staff of the University to do so; or
 - (e) attempt to do anything prohibited under paragraphs (a) to (d).
- (4) A user must not do anything, or omit to do anything, that adversely affects the security of the information infrastructure.

11 Material to be presented professionally

If a user creates, or is responsible for, material sent over or published on the information infrastructure, the user must present the material in a professional way that upholds the reputation of the University.

12 Limits on use of equipment and software

- (1) A user must not exceed the user's allocation on any machine governed by allocation of resources to individuals or groups (for example, supercomputer time allocation).
- (2) If a user becomes aware of an abuse of a shared resource, the user must immediately report the matter to a responsible officer.
- (3) If a user is provided by the University with, or with access to, software to be used on the information infrastructure, the user must comply with the *Copyright Act 1968* in relation to the software and with all relevant terms of any licence agreement for the software.

13 Development of software

If a user develops software with potential commercial value on, or using, the information infrastructure, the user must comply with University legislation and the University's policies, procedures and standards (however described) about intellectual property in relation to the software.

14 Access to remote services

A user must not, without authority or lawful excuse, interfere with any information or information service at another site accessed using the information infrastructure.

[Note: Information services at another site may also be covered by other legislation or policies administered by the other site.]

15 Application of further conditions

- (1) A responsible officer may apply further conditions to the use of a particular part of the information infrastructure or a particular information service.
- (2) If a user of a part of the information infrastructure or an information service knows that further conditions have been applied under subsection (1) to the use of the part of the information infrastructure or the information service, the user must comply with the conditions.

Division 2.2—Information infrastructure: particular prohibited conduct

16 Unethical use of information infrastructure etc.

A user must not use the information infrastructure in a way that:

- (a) is unethical; or
- (b) contravenes the law (including any University legislation); or
- (c) contravenes a University policy, procedure or standard (however described) applying in relation to the use of the information infrastructure; or
- (d) is detrimental to the rights or property of others.

17 Using information infrastructure for personal gain etc.

A user must not intentionally or recklessly use, or attempt to use, the information infrastructure for personal or private gain, or for a financial gain to a third party, without the prior written approval of the Vice-Chancellor.

18 Copying etc.

A user must not:

- (a) copy any information on the information infrastructure belonging to another user without the other user's express permission, unless it is part of the user's duties as a member of staff of the University to copy the information; or
- (b) copy any software located, or for use, on the information infrastructure without the consent of the licensor of the software, unless it is part of the user's duties as a member of staff of the University to copy the information; or
- (c) copy any information on the information infrastructure belonging to the University that the user is not authorised to access or copy (including copying that would cause the University to be in breach of a licence agreement); or
- (d) using the information infrastructure, make anything available in contravention of the *Copyright Right Act 1968*; or
- (e) otherwise contravene the *Copyright Act 1968* in relation to information on, or by using, the information infrastructure; or
- (f) attempt to do anything prohibited under paragraphs (a) to (e).

19 Subverting security of information infrastructure etc.

- (1) A person must not subvert, or attempt to subvert, the security of the information infrastructure.
- (2) A person must not, without authority or lawful excuse:

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- (a) destroy, erase or alter information on, or insert information into, the information infrastructure; or
 - (b) interfere with, interrupt or obstruct the operation or lawful use of the information infrastructure; or
 - (c) destroy, erase, alter or add to information on the information infrastructure or stored elsewhere on behalf of the University; or
 - (d) impede or prevent access to, or impair the usefulness or effectiveness of, information on the information infrastructure or stored elsewhere on behalf of the University; or
 - (e) attempt to do anything prohibited under paragraphs (a) to (d).

20 Using information infrastructure to bring University into disrepute etc.

- (1) A person must not use the information infrastructure:
 - (a) in a way that brings the University into disrepute; or
 - (b) to publish or send spam; or
 - (c) to publish or send a message or material to someone else, whether at the University or elsewhere, if the message or material is obscene, offensive, harassing, threatening or defamatory.
- (2) A user must not publish or send spam, or a message or material of a kind mentioned in subsection (1)(c), on a network connected to the information infrastructure, whether or not it identifies the user as affiliated with the University.
- (3) A user must not publish or send, through equipment that is not part of the University's information infrastructure, spam, or a message or material of a kind mentioned in subsection (1)(c), if the spam, message or material associates the University with the spam, message or material.

21 Misleading or false representations

- (1) A user must not send material over, or publish material on, the information infrastructure that misrepresents, or could reasonably mislead anyone else about, the user's identity or the user's position in or connection with the University.
- (2) A person must not falsely represent that the person is someone else, whether fictional or not:
 - (a) to obtain access to the information infrastructure; or
 - (b) in publishing or sending any message or material on the information infrastructure.
- (3) A person must not falsely represent that the person is the author of any work or material, or the owner of any information or anything else, on the information infrastructure.

22 Damaging information infrastructure etc.

A person must not, intentionally or recklessly:

- (a) damage the information infrastructure, including, for example, any hardware, software, or digital or print media, that forms part of the information infrastructure; or
- (b) erase, delete or damage any information through the information infrastructure without authority or lawful excuse.

23 Causing disturbance or nuisance etc.

A person must not:

- (a) without authority or lawful excuse, disturb anyone else using the information infrastructure; or
- (b) cause a nuisance in premises that are part of the information infrastructure; or
- (c) attempt to do anything prohibited under paragraphs (a) and (b).

Division 2.3—Information infrastructure: miscellaneous

24 Direction to leave premises

- (1) If a person on University premises contravenes a provision of this Part, any member of staff of the University may direct the person to leave the premises.
- (2) If a person is given a direction under subsection (1), the person must immediately leave the premises and not re-enter the premises for 24 hours without a responsible officer's prior permission.

25 Examination of information

- (1) If the Vice-Chancellor believes, on reasonable grounds, that the information infrastructure is being or has been used in contravention of an industrial award, enterprise agreement or workplace agreement, University legislation, or any other law, the Vice-Chancellor may, in writing, appoint a member of staff of the University to examine information stored on the information infrastructure.
- (2) If a member of staff is appointed under subsection (1) to examine information stored on the information infrastructure, the member of staff must comply with the provisions of the *Privacy Act 1988* in relation to information obtained through the examination except in relation to its disclosure for purposes of substantiating, or taking action in relation to, a contravention mentioned in that subsection.

Part 3—Library and Library collections

26 Application of Part 3

This Part applies to:

- (a) all Library collections; and
- (b) any part of the information infrastructure in which:
 - (i) a part of the Library collections is located; or
 - (ii) through which scholarly information in digital or electronic form is accessed.

27 Return or recall of borrowed items

- (1) If a person borrows an item from a Library collection, the person must return the item to the Library within the period prescribed by order.
- (2) Despite subsection (1), if a person borrows an item from a Library collection, the University Librarian may, either orally or by written notice given to the person, recall the item and require the person to return the item to the Library on or before a specified date (or at or before a specified time on a specified date) that is earlier than the time by which the item would otherwise have been required to be returned to the Library.
- (3) Subsection (2) does not apply to a borrowing prescribed by order.
- (4) If a person is required under subsection (2) to return an item to the Library, the person must comply with the requirement.
- (5) If a person contravenes subsection (1) or (4), without reasonable excuse, by not returning an item to the Library as required, the person must pay to the University the penalty prescribed by order.
- (6) If a person is liable to pay the University a penalty under subsection (5) of not less than the amount prescribed by order (or penalties under that subsection totalling not less than that prescribed amount), the person is not entitled to borrow any item from the Library, or to use the Library or any facilities of the Library, until the penalty is paid.

28 Loss or destruction of borrowed items

- (1) If an item borrowed by a person from a Library collection is lost or destroyed, the person must:
 - (a) tell the University Librarian, in writing, about the loss or destruction of the item as soon as practicable; and
 - (b) pay to the University the penalty, prescribed by order, for the loss or destruction of the item, unless the University Librarian otherwise directs in writing.
- (2) For subsection (1), an item borrowed by a person from a Library collection is taken to have been lost if the person does not return the item, or tell the University Librarian in writing about the loss or destruction of the item, within 4 weeks after the day the person was required under section 27 (Return or recall of borrowed items) to return the item to the Library.

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- (3) If a person is liable to pay a penalty to the University under subsection (1)(b), the University Librarian may give the person a written notice specifying the amount of the penalty.
 - (4) If a person is given a notice under subsection (3), the person must pay the amount of the penalty specified in the notice to the University within 20 working days after the day the notice is given to the person.
 - (5) If the person does not pay the penalty to the University as required under subsection (4), the person is not entitled to borrow any item from the Library, or to use the Library or any of the facilities of the Library, until the penalty is paid.

29 Damage to library items etc.

- (1) A person must not intentionally, recklessly or negligently damage an item in a Library collection or anything else in the Library.
- (2) If a person intentionally, recklessly or negligently damages an item in a Library collection or anything else in the Library, the person must pay to the University the penalty, prescribed by order, for the damage, unless the University Librarian otherwise directs in writing.
- (3) If a person is liable to pay a penalty to the University under subsection (2), the University Librarian may give the person a written notice specifying the amount of the penalty.
- (4) If a person is given a notice under subsection (3), the person must pay the amount of the penalty specified in the notice to the University within 20 working days after the day the notice is given to the person.
- (5) If the person does not pay the penalty to the University as required under subsection (4), the person is not entitled to borrow any item from the Library, or to use the Library or any facilities of the Library, until the penalty is paid.

30 Conduct of persons in Library premises

- (1) This section applies to a person who is in any Library premises.
- (2) The person must produce proof of the person's identity if required by the University Librarian or a member of staff of University.
- (3) The person must permit the University Librarian, or a member of staff of the University, to inspect at any time any bag, folder, container or anything else in the person's possession.
- (4) The person must not make any unnecessary noise or otherwise behave in a way that unreasonably disturbs, or is likely to unreasonably disturb, Library users.
- (5) If the person contravenes subsection (2), (3) or (4), the University Librarian, or a member of staff of the University, may direct the person to leave the Library premises.
- (6) If the person is given a direction under subsection (5), the person must immediately leave the Library premises and must not enter any Library premises for 24 hours without the University Librarian's prior permission.

Part 4—Contraventions of this instrument

Division 4.1—Dealing with contraventions

31 How contraventions may be dealt with

- (1) If a person contravenes this instrument, the responsible executive may:
 - (a) decide that the contravention is to be dealt with under this instrument; or
 - (b) take action to have it dealt with under:
 - (i) the Discipline Rule, the Medical Leave Rules or any other relevant University legislation; or
 - (ii) a relevant industrial award, enterprise agreement or workplace agreement.
- (2) However, subject to subsections (3) and (4), a person may not be held accountable more than once for the same contravention.
- (3) To remove any doubt, a direction may be given under section 24 (Direction to leave premises) or section 30(5) (Conduct of persons in Library premises), and a suspension may be imposed under section 36 (Suspension from information infrastructure), for a contravention of this instrument whether or not:
 - (a) the contravention is (or may be) dealt with under:
 - (i) this instrument; or
 - (ii) the Discipline Rule, the Medical Leave Rules or any other relevant University legislation; or
 - (iii) a relevant industrial award, enterprise agreement or workplace agreement; or
 - (b) a penalty or other amount is (or may be) subsequently imposed or payable for the contravention.
- (4) To remove any doubt, a direction or suspension mentioned in subsection (3) must not be taken into account in imposing any penalty, or taking any other action, for the contravention under:
 - (a) section 32 (Liability to penalties); or
 - (b) the Discipline Rule, the Medical Leave Rules or any other relevant University legislation; or
 - (c) a relevant industrial award, enterprise agreement or workplace agreement.

Division 4.2—Penalties under this instrument

32 Liability to penalties

- (1) If a person contravenes a provision of this instrument, the person is liable to the penalty provided for the contravention by this instrument or, if a penalty is not provided for the contravention by this instrument, a penalty under section 33(1) (Penalties that may be imposed etc.).
- (2) However, if an act or omission by a person is a contravention of this instrument and an offence against the *Copyright Act 1968*, a financial penalty may not be imposed on the person under section 33(1)(f) for the act or omission if the person is to be prosecuted for an offence against that Act.

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- (3) Also, if an act or omission by a person is a contravention of 2 or more provisions of this instrument, the person may be dealt with and a penalty imposed for any of the contraventions, but only 1 penalty may be imposed for the act or omission.

33 Penalties that may be imposed etc.

- (1) If a responsible officer finds that a person contravened this instrument, the responsible officer may, in relation to the contravention:
- (a) decide to take no action; or
 - (b) recommend to the responsible executive that action be taken to have the contravention dealt with under:
 - (i) the Discipline Rule, the Medical Leave Rules or any other relevant University legislation; or
 - (ii) a relevant industrial award, enterprise agreement or workplace agreement; or
 - (c) reprimand the person; or
 - (d) direct that the person must not use the information infrastructure, the Library, or a stated part or facility of the information infrastructure or the Library, for a stated period of no longer than 20 working days; or
 - (e) close the person's account; or
 - (f) impose a financial penalty of no more than \$500 on the person; or
 - (g) determine conditions under which the person may have access to, or use, the information infrastructure, the Library or a stated part or facility of the information infrastructure or the Library; or
 - (h) decide that compensation is payable by the person to the University for damage to the information infrastructure and, if so, decide the amount of the compensation payable in accordance with section 34(1) (Amount of compensation); or
 - (i) take any combination of the actions mentioned in paragraphs (c) to (h).
- (2) A responsible officer may, in relation to a contravention for which the sole penalty provided for the contravention by this instrument is a financial penalty:
- (a) waive the penalty; or
 - (b) extend the time for payment of the penalty.
- (3) If a person is given a direction under subsection (1)(d), the person must not contravene the direction.
- (4) If conditions are determined in relation to a person under subsection (1)(g), the person must not contravene any of the conditions.
- (5) If a person is liable to pay a financial penalty or amount of compensation under subsection (1) in relation to a contravention, the person must pay to the University the amount specified in the notice given to the person under subsection (7) in relation to the contravention within 20 working days after the day the notice is given to the person or, if an appeal is made under Part 5 (Appeals) in relation to the contravention, the day the person is given notice of the decision on the appeal.
- (6) If a person does not pay a financial penalty or amount of compensation to the University as required under subsection (5), the person is not entitled to use the information infrastructure or the Library until the penalty or amount is paid, without a responsible officer's prior permission.

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- (7) If a responsible officer makes a decision under this section in relation to a person, the responsible officer must give written notice of the decision to the person, and the responsible executive, within 7 working days after the day the decision is made.

34 Amount of compensation

- (1) If a responsible officer decides under section 33(1)(h) (Penalties that may be imposed etc.) that compensation is payable by a person to the University for damage to the information infrastructure, the amount of the compensation payable is to be decided by the responsible officer in accordance with the following provisions:
- (a) if the responsible officer considers that the damage is reparable—the amount of the compensation payable is the lesser of:
 - (i) the amount that the responsible officer decides is the cost of repairing the damage; and
 - (ii) \$5,000;
 - (b) if the responsible officer considers that the damage is irreparable—the amount of the compensation payable is the lesser of:
 - (i) the amount that the responsible officer decides is the cost (including any reasonable administrative costs) of replacing the relevant part of the information infrastructure (or anything forming part of it); and
 - (ii) \$5,000.
- (2) Despite any compensation paid (or payable) by the person under section 33(1)(h) for the damage to the information infrastructure, the University may recover from the person, in a court of competent jurisdiction, as a debt and in addition to the costs of the recovery:
- (a) any unpaid part of the cost of repairing the information infrastructure; or
 - (b) any unpaid part of the cost (including any reasonable administrative costs) of replacing the relevant part of the information infrastructure (or anything forming part of it).

35 Imposition of penalties

A penalty may be imposed on a person under section 33(1)(c) to (i) (Penalties that may be imposed etc.) for a contravention of this instrument only if:

- (a) the person has been given written notice of:
 - (i) the contravention; and
 - (ii) the penalty proposed to be imposed for the contravention (in addition to any suspension under section 36 (Suspension from information infrastructure)); and
- (b) the notice was accompanied by a copy of this section and Part 5 (Appeals); and
- (c) a period of not less than 20 working days, or any shorter period agreed to by the person, has elapsed since the day the person was given the notice; and
- (d) the responsible officer has taken into account any written representations made by the person to the responsible officer within the period mentioned in paragraph (c).

36 Suspension from information infrastructure

- (1) If it appears to a responsible officer that a person is contravening, or has contravened, this instrument in relation to the information infrastructure, the responsible officer may suspend the person from using the information infrastructure, or a stated part of the information infrastructure, for an initial period of no longer than 20 working days.

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- (2) The responsible officer must give written notice of the suspension to the person before, or not later than 1 working day after the day, the suspension takes effect.
 - (3) The responsible officer may, at any time while the suspension is in force, extend the suspension until the contravention has been finally dealt with (including any appeal finally decided).
 - (4) If the responsible officer extends the suspension, the responsible officer must give written notice of the extension of the suspension to the person before, or not later than 1 working day after the day, the extension takes effect.
 - (5) If a person was given a direction under section 24 (Direction to leave premises), the direction must not be taken into account for this section.
 - (6) If a suspension under this section is in force in relation to a person in relation to the information infrastructure or a part of the information infrastructure and the person has been given written notice of the suspension, the person must not use the information infrastructure or that part of the information infrastructure, as the case requires.

Part 5—Appeals

37 Information Infrastructure and Services Appeals Committee

- (1) There is to be an Information Infrastructure and Services Appeals Committee.
- (2) For an appeal, the Appeals Committee consists of a chair and 4 other members appointed, in writing, by the Vice-Chancellor for the appeal.
- (3) However, if the appellant is a student, or the appeal is an appeal under section 39 (Appeal by responsible executive) and the relevant contravention is a contravention by a student, the Vice-Chancellor must, after consultation with the President of the relevant student association, appoint an appropriate student representative as one of the members of the Appeals Committee appointed under subsection (2) for the appeal.
- (4) Also, if the appellant is a student, or the appeal is an appeal under section 39 and the relevant contravention is a contravention by a student, a person must not be appointed as a member of the Appeals Committee for the appeal if the person is a member of staff of, or a student in, the same ANU College as the student.

38 Appeal by person against whom finding is made

- (1) If a responsible officer finds that a person has contravened this instrument, the person may appeal to the Appeals Committee against the finding made or penalty imposed (or both).
- (2) The appeal is made by giving a written notice of appeal to the Vice-Chancellor within 20 working days after the day the person is given written notice of the responsible officer's decision.

39 Appeal by responsible executive

- (1) This section applies if:
 - (a) a responsible officer finds that a person (the *relevant person*) contravened this instrument; and
 - (b) the responsible executive considers that the penalty imposed under this instrument is inappropriate in the circumstances of the case.
- (2) The responsible executive may, after giving the relevant person the opportunity to be heard, appeal to the Appeals Committee against the penalty.
- (3) The appeal is made by giving a written notice of appeal to the Vice-Chancellor and the relevant person within 20 working days after the day the responsible executive is given written notice of the responsible officer's decision.
- (4) If the responsible executive appeals to the Appeals Committee, the responsible executive and the relevant person are parties to the appeal by the responsible executive.
- (5) If the responsible executive appeals to the Appeals Committee and the relevant person also appeals to the Appeals Committee in relation to the contravention, the appeals may be heard together.

40 Conduct of appeal by Appeals Committee

- (1) Business may be carried out at a meeting of the Appeals Committee (including any hearing) only if the chair and at least 2 other members are present.
- (2) The Appeals Committee may, subject to this Part, decide its own procedures in relation to an appeal.
- (3) The Appeals Committee is not bound to act in a formal way and may inform itself in any way it considers just.
- (4) However, the Appeals Committee must give the appellant (and, if the appellant is the responsible executive, each party to the appeal) an opportunity to present evidence and make representations.
[Note: For the parties to an appeal by the responsible executive, see section 39(4) (Appeal by responsible executive).]
- (5) But, the Appeals Committee must disregard any statement that, in the committee's opinion, has been obtained unfairly or to which it would be unjust to have regard.
- (6) A decision of the Appeals Committee is not invalid only because of a formal defect or irregularity in the convening or conduct of the committee.
- (7) To remove any doubt, this Part does not limit the power of the Appeals Committee to permit or require a person to participate in the appeal remotely by teleconference, videoconference or any other method of communication.

41 Representation at Appeals Committee hearings

- (1) At a hearing of the Appeals Committee, the appellant (or, if the appellant is the responsible executive, the other party to the appeal (the **respondent**)) is entitled to be accompanied by a relevant person.
[Note: For the parties to an appeal by the responsible executive, see section 39(4) (Appeal by responsible executive).]
- (2) The relevant person may:
 - (a) advise the appellant (or respondent) in relation to the appeal; and
 - (b) address the Appeals Committee and examine and cross-examine witnesses on behalf of the appellant (or respondent).
- (3) In this section:
relevant person means a person (other than a person acting as a practising lawyer) who is:
 - (a) a student of the University; or
 - (b) a member of staff of the University; or
 - (c) a member of a registered trade union.

42 Decision of Appeals Committee

- (1) The Appeals Committee may:
 - (a) confirm the decision appealed against; or
 - (b) set aside the decision; or
 - (c) vary the decision; or
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- (d) set aside the decision and make a decision in substitution for the decision set aside.
- (2) If the Appeals Committee is divided in opinion about the decision to be made on any question, the question must be decided according to the opinion of the majority or, if the members are equally divided in opinion, in favour of the appellant (or, if the appellant is the responsible executive, against the appellant).
- (3) Within 7 working days after the day the Appeal Committee makes a decision on the appeal, the chair of the committee must:
- (a) by written notice, tell the appellant and the responsible executive (or, if the appellant is the responsible executive, each of the parties to the appeal) about the decision made on the appeal; and
 - (b) give each of them a written statement of reasons for the decision.
- (4) A decision of the Appeals Committee is final.

Part 6—Miscellaneous

43 Appointment of responsible officers etc.

- (1) The Vice-Chancellor may, in writing, appoint a person to be a responsible officer for this instrument.
- (2) The responsible executive may not be appointed as a responsible officer.
- (3) A responsible officer's appointment is subject to any conditions, limitations or directions stated in the appointment.
- (4) In exercising functions under the appointment, the responsible officer must comply with any directions of the Vice-Chancellor.

Part 7—Transitional provisions

44 General application and savings

- (1) This instrument (other than this Part) does not apply to an act or omission that happened before the commencement of this instrument.
- (2) Despite the repeal of the *Information Infrastructure and Services Rule 2015* by the *Australian National University (Repeal) Statute 2020*, that rule continues to apply to an act or omission that happened before the commencement of this instrument if that rule applied to the act or omission immediately before the commencement.

45 Transitional orders

- (1) Orders made under the Governance Statute, section 68(1) (General power to make rules and orders) may prescribe matters of a transitional nature (including prescribing any savings or application provisions) relating to:
 - (a) the repeal of the *Information Infrastructure and Services Rule 2015*; or
 - (b) the making of this instrument.
- (2) This instrument (other than this section) does not limit the matters that may be prescribed by orders made for subsection (1).
- (3) Orders made for subsection (1) have effect despite anything in this instrument (other than this section).

46 Application of Legislation Statute, section 26

- (1) The Legislation Statute, section 26 (Repeal of University legislation) applies to the repeal of the *Information Infrastructure and Services Rule 2015*.
- (2) For the Legislation Statute, section 26 the provisions of this Part are transitional provisions.

47 Transitional provisions additional

This Part is additional to, and does not limit:

- (a) the Governance Statute, Part 10 (Transitional provisions); or
 - (b) the Legislation Statute, section 26 (Repeal of University legislation) and Part 6 (Transitional provisions); or
 - (c) the Acts Interpretation Act, section 7 (Effect of repeal or amendment of Act), as applied by the Legislation Act, section 13(1)(a) (Construction of legislative instruments and notifiable instruments).
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