



NETBALL ACT - BY LAW 01/06 - BOARD ELECTIONS

In accordance with the ACT Netball Association Limited ("Netball ACT") Constitution, the following By Law is adopted by the Board of Netball ACT.

1. METHOD OF ELECTION

1.1 All elections shall be by secret ballot. In spite of anything else contained in these Rules, a person is eligible to vote in a ballot if they are 18 years or older and a registered financial member of the Association as at 7 May in the year of the election.

1.2 There shall be no proxy votes

1.3 The term of office for successful candidates will be in accordance with the constitution.

2. RETURNING OFFICER

2.1 Returning Officer - Powers and Duties

- a) A returning officer, not being a current member of Netball ACT, shall be appointed by the Board of Netball ACT to conduct each election for office.
- b) Where a returning officer is required to conduct an election for any position other than an office, the returning officer shall apply these election rules making any necessary changes and shall have the same powers and duties as apply under these rules to the conduct of an election for office.
- c) The returning officer shall prepare and circulate a notice calling for nominations in accordance with these rules.
- d) After the close of nominations the returning officer shall consider all nominations received during the nomination period. The Returning officer shall reject any nominations received after the nomination period has closed.
- e) The returning officer shall accept all nominations which satisfy the requirements of these rules.
- f) The returning officer shall treat any defective nominations in the manner prescribed in these rules.
- g) The returning officer shall conduct the ballot in accordance with the provisions of these rules.
- h) In respect to any matter pertaining to the conduct of any election, and in spite of anything else contained in these rules, the returning officer shall take such action and give such directions as the returning officer considers necessary, including but not limited to making void a step already taken in the election, to ensure the secrecy of the ballot and to prevent or remedy an irregularity.
- i) In the event that the returning officer cannot fulfil his/her duties for any reason the Board will appoint a replacement returning officer.



3. ADVERTISING

3.1 Election notice - The election notice shall:

- a) state that the election is being conducted by the returning officer
- b) list the offices for which nominations are sought;
- c) invite nomination for election from all eligible persons;
- d) fix the time and date for the opening and closing of nominations;
- e) fix the time and date for the opening and closing of the ballot;
- f) specify the place where nomination forms may be obtained;
- g) specify the place where nominations must be lodged;
- h) specify the accepted method/s of lodgement;
- i) fix a time and date for withdrawal of nominations;
- j) if applicable, specify other documentation required to be submitted with the nomination, (ie a biographical and/or policy statement not exceeding 200 words in support of the nomination).

4. SCRUTINEERS

4.1 Appointment - Each candidate may appoint, in writing, one person as scrutineer to represent the candidate's interests in the conduct of the ballot. A scrutineer shall not be a candidate for any position which is also included in a ballot in the election. The candidate may appoint one or more substitute scrutineers, if required.

4.2 Rights and obligations - A scrutineer may be present at any stage in the ballot. This includes bringing to the attention of the returning officer any alleged irregularity in:

- a) the issue of ballot papers
- b) the admission of envelopes to scrutiny
- c) the formality or informality of ballot papers
- d) the counting of votes

4.3 A scrutineer shall not

- a) interrupt the scrutiny without lawful reason
- b) disclose any knowledge acquired by him/her concerning the votes of any particular voter or voters
- c) fail to carry out any lawful request by the returning officer
- d) touch any ballot material
- e) act in a manner which will interfere with the proper conduct of the election

4.4 Failure of a scrutineer to attend any scheduled event will not delay any step in the election.

5. TIMETABLE - NOMINATIONS AND VOTING



5.1 Nominations

- a) Nominations for all offices shall open 28 days prior to the Annual General Meeting
- b) Nominations shall close at 12 noon on the twenty-first day after nominations have opened.
- c) Nominations received by the returning officer after that time shall not be accepted.
- d) If any of the above dates fall on a weekend or a public holiday, the relevant day shall be the returning officer's next standard working day after that date.
- e) Applications for Board positions will be called for by Notices distributed for display at all Districts, at the Netball Centres in Lyneham and Tuggeranong, on the Netball ACT web site.
- f) Nominations lodged with the returning officer shall be in writing and include the following information.
 - i. the full name of the nominee;
 - ii. the form in which the nominee's name is to appear on a ballot paper if different to the name shown above;
 - iii. the nominee's contact details;
 - iv. the name and address of two nominators who must be financial members of the Association;
 - v. the office for which the nominee is nominating;
 - vi. the signed endorsement/consent of the nominee;
 - vii. the signature of each nominator;
 - viii. any further documentation required by the returning officer.

5.2 Details of nominations received will be posted on the Netball ACT website

5.3 Polling day will be between the hours of 4.00pm and 8.15pm on the day of the Netball ACT Annual General Meeting.

6. ELIGIBILITY TO NOMINATE

6.1 Each member's eligibility to participate as a nominee or nominator shall be determined as at the close of nominations.

6.2 Any person who is 18 years or older on the day of nomination may be nominated on the correct form to become a member of the Board provided that they meet the requirements of the position as described in below (6.3) below.

6.3 Nominees for Board positions should demonstrate knowledge, skills and commitment in all or most of the following areas:

- a) reasonable knowledge/experience of Netball



- b) demonstrated ability to understand a wide scope of community issues, including requirements and objectives of governing not for profit bodies.
- c) previous experience as a company director would be advantageous.
- d) Good knowledge and understanding of the ACT Associations Incorporation ACT 1991 and common law obligations in the areas of corporate governance and directors duties and responsibilities.
- e) Management/leadership/administration skills in areas of expertise (e.g. commerce, finance, marketing, sports management, law, business) that can directly benefit and advance the development of Netball ACT.
- f) Excellent presentation and communication skills.
- g) Ability to demonstrate major achievements or contributions made in previous roles (either professional or Netball).
- h) Ability to work and communicate effectively within the Board and with external parties with a willingness to learn and promote the vision of Netball ACT.
- i) Understanding and ability to undertake strategic planning processes.
- j) Commitment to the role and the ability to devote sufficient time and energy to the position.

6.4 It is recommended that nominees for Board positions submit a curriculum vitae outlining their experience and suitability for the Board.

7. DEFECTIVE NOMINATIONS

7.1 Notification

- a) Where the returning officer finds that a nomination is or may be defective, the returning officer shall, before rejecting the nomination, notify the person concerned of the defect and where practicable, give the person the opportunity of remedying the defect or providing further information in support of the nomination, within a period of not less than 48 hours after being notified.
- b) Where the returning officer has notified a person of a defective nomination, and where that person has remedied the defect and advised the returning officer within the time prescribed by the returning officer, the returning officer shall accept the nomination.
- c) Where the returning officer has notified a person of a nomination defect, and where that person has not corrected the defect and advised the returning officer within the time prescribed by the returning officer, the nomination shall be rejected.

8. WITHDRAWAL OF NOMINATIONS

8.1 Notification of withdrawal

- a) A member nominating for any office may withdraw the nomination:



- i. by notice in writing to the returning officer at any time before the closing time for the receipt of nominations;
- b) The notification in writing referred to above must include the signed endorsement of the nominee and be in a form acceptable to the returning officer.

ONCE A NOMINATOR HAS ENDORSED THE NOMINATION OF ANOTHER MEMBER FOR ELECTION TO ANY OFFICE IN THE ORGANISATION, THAT NOMINATOR MAY NOT SUBSEQUENTLY WITHDRAW THAT ENDORSEMENT.

9. ROLL OF VOTERS

9.1 The only persons who are registered financial members of the Association as at 7 May in the year of the election will be eligible to vote in any election.

9.2 The returning officer shall request Netball ACT to supply the name and postal address of every member eligible to vote at an election. The returning officer may also request Netball ACT to supply additional information which does not form the roll of voters but is to be used to ensure no irregularity occurs, and to supply the information in electronic form. Netball ACT shall comply with such a request.

9.3 Netball ACT must take all reasonable steps to ensure the listings supplied to the returning officer contain, where practicable, each eligible member's residential or other postal address rather than workplace address.

9.4 Pre Polling

- a) Any member who is entitled to vote at any election held under these rules may vote at the pre polling times advertised for the election.

10. CONTESTED ELECTIONS

10.1 All elections shall be contested.

10.2 Candidates will be required to receive a minimum of 5% of the total votes cast in an election. Once this quota is reached, the number of candidates equal to the number of vacant positions will be elected and this will be determined after a straight count of votes. The candidates receiving the most votes will be considered elected.

10.3 The Board will have the authority to co-opt members to the Board where insufficient candidates have received the minimum quota. These appointees will hold office until the next AGM.

11. BALLOT PAPERS

11.1 The following features shall appear on all ballot papers prepared in respect of a secret postal ballot for an election for office:



- a) the name of the organisation
- b) the initials of the returning officer or other authenticating mark
- c) the name and number of office/s to be filled
- d) instructions for marking the ballot paper
- e) the names of the candidates in the format and order required by these rules
- f) instructions for returning the ballot paper
- g) name of the returning officer
- h) any other instruction considered necessary by the returning officer

11.2 The returning officer shall arrange for the printing of ballot papers and distribution to members eligible to vote.

11.3 The ballot papers shall contain the names of the candidates with the surname first followed by the given names. No other candidate information will be printed on the ballot paper.

11.4 The order of names in each ballot on the ballot paper shall be determined by lot drawn by the returning officer.

11.5 The ballot shall be conducted under the first past the post voting system.

11.6 The ballot paper shall contain instructions for the voter to place an X opposite the name or names of the candidates for whom the voter wishes to vote. The voter must vote for at least one candidate to be elected otherwise the ballot paper will be informal. The voter may vote for between one and five candidates for the ballot to be valid.

12. CANDIDATES STATEMENTS

12.1 Candidates may supply a statement of not more than 200 words with their nomination. The statement will be made available on the associations web site and in printed form at the ACT Netball Centre on polling day/s.

- a) A candidate can only submit one statement.
- b) The returning officer shall reject any statement
 - i. which, in the opinion of the returning officer, is false or misleading or may lead to an irregularity; or
 - ii. which does not strictly comply with these rules

12.2 A candidate whose statement is rejected shall be notified and shall be given not more than 2 working days from being notified to supply a replacement statement that complies with this rule.



12.3 The order of publication of candidates' statements shall be the same order as candidates' names on the ballot paper, unless there is more than one ballot in which case the returning officer may print statements in alphabetical order by surname. The returning officer shall also indicate if a candidate has failed to submit a valid statement.

13. DECLARATION OF RESULTS

13.1 The returning officer shall declare the result of the election within 24 hours of the closing day of the ballot by giving notice of the result in writing to Netball ACT at its registered office.

13.2 The returning officer shall, at the same time and in the same manner as the returning officer declares the result of the election, declare the following information in relation to the ballot:

- a) the total number of persons on the roll of voters
- b) the total number of ballot papers issued
- c) the total number of ballot papers received by the returning officer
- d) the total number of ballot papers rejected as informal

Adopted by the Board of Netball ACT on 28 March 2006.

Amended by the Board of Netball ACT on 26 April 2018.