



## **ELECTION AND VOTING POLICY OF THE NEW SOUTH WALES NETBALL ASSOCIATION LIMITED**

**Adopted by NSW Netball Association Ltd Board Meeting on  
18 September 2018**

<b><i>Update</i></b>	<b><i>Comments</i></b>
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## 1. PURPOSE OF THIS POLICY

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In accordance with the terms of the Constitution, this Election and Voting Policy (**'Policy'**) has been developed by the Board of The New South Wales Netball Association Limited (**'Netball NSW'**) to clearly outline the policies and procedures that apply to:

- (a) the nomination and election of Elected Directors;
- (b) the nomination and election of Life Members;
- (c) the appointment of scrutineers; and
- (a) postal voting.

## 2. DEFINITIONS

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In this Policy, unless otherwise indicated, capitalised terms have the same meaning given to those terms in the Constitution.

## 3. ELECTION OF ELECTED DIRECTORS

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- a. **Constitution** – Pursuant to Clauses 14.7(c) and 15.7 of the Constitution, the election of Elected Directors must be conducted on an annual basis in accordance with the requirements of this Policy and the Constitution.
- b. **External online voting services provider** - To conduct the election process, Netball NSW shall engage the services of an external services provider that specialises in online voting processes.
- c. **Returning Officer** – The external services provider engaged by Netball NSW will appoint the Returning Officer who will oversee the opening and closing of the election process (including election results). The Returning Officer must be a suitably qualified, independent person (who is not an employee of Netball NSW) and their appointment must be ratified by Netball NSW. The Returning Officer will confirm that they are satisfied that the election process has been conducted in a manner consistent with this Policy and the Constitution and that they are satisfied that the election results are true and correct.
- d. **Call for nominations** - The Returning Officer must prepare an election notice calling for nominations for relevant Elected Director positions by 15 January each year.
- e. **Content of election notice** - The election notice must:
  - a. state that the election is being conducted on behalf of Netball NSW by an external services provider appointed by Netball NSW;
  - b. list the Elected Director positions for which nominations are sought (ie President and/or Elected Directors);
  - c. invite nominations 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 nomination forms must be lodged;
  - h. specify the accepted methods of lodgement of nomination forms;
  - i. fix a time and date for withdrawal of nominations; and
  - j. specify any other documentation required to be submitted with nomination forms, including a biographical statement, a policy statement not exceeding 400 words and a passport quality photograph for the relevant candidate.
- f. **Issue of election notice** - Netball NSW must make the election notice (and associated documents) available to all affiliated Associations (including their Delegates), Life Members and Directors by publishing them on Netball NSW's website and by sending them to each affiliated Association (including their Delegates), Life Member and Director via email (using the email addresses previously provided to Netball NSW). Upon request, Netball NSW will also make the election notice (and associated documents) available to eligible voters in hard copy form.
- g. **Period for nominations** - The Returning Officer shall open nominations for a period for at least 2 weeks by 25 January each year.
- h. **Withdrawal of nominations** - Candidates are able to withdraw their nominations no later than 3 days after the date fixed for the closure of nominations.
- i. **Nomination of candidates** - A candidate for election as an Elected Director must be nominated in writing by two (2) Individual Members of affiliated Associations who are at least 18 years of age using the nomination form set out in Annexure A to this Policy, with such nominations to be received by the due date set by the Returning Officer.
- j. **Nomination for President** - A candidate may nominate for the positions of both President and ordinary Elected Director. Where a nomination is received for the position of both President and Elected Director, the election for the position of President shall be determined first.
- k. **Acceptance of nominations** - The Returning Officer will accept all nominations that satisfy the requirements of this Policy and the Constitution (including Clause 15.3 of the Constitution).
- l. **Validity of nominations** - At the close of nominations, and upon the receipt of nominations from the Returning Officer, the Netball NSW Chief Executive Officer will ratify the validity of the nominations received and advise the Returning Officer accordingly.
- m. **Ballot to be held** - A ballot for all Elected Director positions will be held irrespective of whether the number of nominations received exceeds available positions.
- n. **Online & postal voting** - The ballot will be conducted using the online voting system administered by the external service provider appointed by Netball NSW and, upon request, via postal voting. For the avoidance of any doubt, the voting process described in Clause 14.13 of the Constitution shall not apply to the election of Elected Directors.

- o. **Roll of eligible voters** - The Returning Officer shall ensure that the roll of eligible voters as at the close of business on the day prior to the ballot being opened (as verified as accurate by the Netball NSW Chief Executive Officer) is uploaded on to the online voting system. The roll of eligible voters shall include:
- i) The Directors
  - ii) Life Members; and
  - iii) The two delegates representing each affiliated Association who will be the Association President and Secretary, unless an alternative person is nominated in writing to Netball NSW by the Association prior to 31 January of that year. The alternative nominated person(s) must be a member of the Association Executive must hold the position of Vice President, Treasurer or Registrar and hold primary membership with that Association. This nominee will be confirmed by the Netball NSW Chief Executive Officer.
  - iv) Sub-clause o. iii) is also subject to the relevant Association has paid the required affiliation fee for the relevant year in accordance with Clause 9.4 of the Constitution. If an affiliated Association has failed to pay the required affiliation fee by the due date, the two Delegates representing that affiliated Association shall not be entitled to exercise their votes in respect of the election of Elected Directors.
- p. **Voting entitlements** - In accordance with Clause 9.3 of the Constitution, but subject to the requirements of Clause 9.4 of the Constitution, the two Delegates of each affiliated Association, Life Members and Directors will each have one vote in respect of the election of Elected Directors. A Council Member who is both a Director and a Life Member, however, shall only be allowed one vote. In accordance with Clause 14.8 of the Constitution, if the number of nominations received is equal to or less than the number of vacancies, nominated candidates shall only be elected by a majority of votes cast by Delegates, Life Members and Directors.
- q. **Voting information** - The completed nomination forms and passport quality photographs of each candidate, online voting instructions and other voting information will be made available via the online voting system and via email (using the email addresses previously provided to Netball NSW) to each affiliated Association Delegate, Life Member and Director who is eligible to vote in the election of Elected Directors at least 28 days before the relevant Annual General Meeting (in accordance with the requirements of Clause 15.7(a) of the Constitution). The information made available to eligible voters in relation to the election of Elected Directors is in addition to the information that must be included in any Notice of Annual General Meeting. Upon request, Netball NSW will also make the biographical statements, 400 word policy statements and passport quality photographs of each candidate, voting instructions and other voting information available to eligible voters in hard copy form.
- r. **Voting system** –
- a. The voting system will be by the “first past the post” system.

- b. Where a ballot is held for the election of only one candidate, the candidate with a simple majority of votes, that is, the highest number of votes in the count, is elected.
- c. Where a ballot is held for more than one candidate, subject to Clause 14.8 of the Constitution, votes are counted in the same way as for the election of one candidate, with successful candidates being those who receive the highest number of votes.
- d. If two or more candidates each receive the same number of votes for the remaining vacancy the Returning Officer shall decide by drawing lots which candidate is to be elected as an Elected Director.
- s. **Counting of votes** - As soon as practicable after the closing date and time of the ballot, the Returning Officer shall finalise the vote count via the online voting system, but by also taking into account any postal votes received, and shall then record the names and positions of all candidates declared to be elected.
- t. **Announcement of election result** - The result of the ballot for the election of Elected Directors shall be declared by the Returning Officer at the Annual General Meeting, with the following information being declared:
  - the number of voters eligible to vote;
  - the number of votes received;
  - the number of votes declared valid; and
  - results of the ballot.

## 4. SCRUTINEERS

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### 4.1 Appointment

Each candidate standing for election as an Elected Director 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 that is also included in a ballot in the election. The candidate may only appoint one scrutineer but may appoint a substitute scrutineer, notice of which must be in writing.

### 4.2 Rights & Obligations

- i) A scrutineer may be present at any stage in the ballot and may:
  - a) countersign any document being used in connection with the ballot; and
  - b) bring to the attention of the Returning Officer any alleged irregularity in the issue of ballot papers, the formality or informality of ballot papers or the counting of votes.
- a. A scrutineer shall not:
  - a) interrupt the scrutiny without lawful reason;
  - b) disclose any knowledge acquired by them 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; or
- e) act in a manner which will interfere with the proper conduct of the election.

#### **4.3 Failure to attend**

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

## 5. ELECTION OF LIFE MEMBERS

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- a. **Constitution** – Pursuant to Clause 11(d) of the Constitution, the election of a Life Member must be conducted in accordance with the requirements of this Policy and the Constitution.
- b. **External online voting services provider** - To conduct the election process, Netball NSW shall engage the services of an external services provider that specialises in online voting processes.
- c. **Returning Officer** - The external services provider engaged by Netball NSW will appoint the Returning Officer who will oversee the opening and closing of the election process (including election results). The Returning Officer must be a suitably qualified, independent person (who is not an employee of Netball NSW) and their appointment must be ratified by Netball NSW. The Returning Officer will confirm that they are satisfied that the election process has been conducted in a manner consistent with this Policy and the Constitution and that they are satisfied that the election results are true and correct.
- d. **Eligibility criteria** – Pursuant to Clause 11 of the Constitution, an Individual member may be nominated to receive Life Membership of Netball NSW in recognition of not less than ten (10) years outstanding service to Netball NSW.
- e. **Nomination of candidates** - A candidate for election as a Life Member must be nominated in writing by two (2) Individual Members of affiliated Associations who are at least 18 years of age using the nomination form set out in Annexure B to this Policy, with such nominations to be received by the Netball NSW Chief Executive Officer by 31 October each year.
- f. **Acceptance of nominations** - The Netball NSW Board of Directors shall review all nominations received to ensure that they meet the criteria defined for Life Membership and, if appropriate, shall put forward such nominations to the Members to vote on. The Board will make a decision on a nomination for Life Membership by 31 December each year-and the Netball NSW Chief Executive Officer will advise the Returning Officer accordingly.
- g. **Online & postal voting** - The ballot will be conducted using the online voting system administered by the external service provider appointed by Netball NSW and, upon request, via postal voting.
- h. **Roll of eligible voters** - The Returning Officer shall ensure that the roll of eligible voters as at the close of business on the day prior to the ballot being opened (as verified as accurate by the Netball NSW Chief Executive Officer) is uploaded on to the online voting system. The roll of eligible voters shall include:
  - i) The Directors
  - ii) Life Members; and
  - iii) The two delegates representing each affiliated Association who will be the Association President and Secretary, unless an alternative person is nominated in writing to Netball NSW by the Association prior to 31 January of that year. The alternative nominated person(s) must be a member of the Association Executive hold the position of Vice President, Treasurer or Registrar and hold primary



membership with that Association. This nominee will be confirmed by the Netball NSW Chief Executive Officer.

- iv) Sub-clause h. iii) is also subject to the relevant Association has paid the required affiliation fee for the relevant year in accordance with Clause 9.4 of the Constitution. If an affiliated Association has failed to pay the required affiliation fee by the due date, the two Delegates representing that affiliated Association shall not be entitled to exercise their votes in respect of the election of Elected Directors.
  
- i. **Voting entitlements** - In accordance with Clause 9.3 of the Constitution, but subject to the requirements of Clause 9.4 of the Constitution, the two Delegates of each affiliated Association, Life Members and Directors will each have one vote in respect of the election of Life Members. A Council Member who is both a Director and a Life Member, however, shall only be allowed one vote.
  
- j. **Voting information** - The biographical statements of each candidate for Life Membership, online voting instructions and other voting information will be made available via the online voting system and via email (using the email addresses previously provided to Netball NSW) to each affiliated Association Delegate, Life Member and Director who is eligible to vote in the election of Life Members by no later than 1 February of the relevant year. The information made available to eligible voters in relation to the election of Life Members is in addition to the information that must be included in any Notice of Annual General Meeting. Upon request, Netball NSW will also make the biographical statements of each candidate, voting instructions and other voting information available to eligible voters in hard copy form.
  
- k. **Counting of votes** - As soon as practicable after the closing date and time of the ballot, the Returning Officer shall finalise the vote count via the online voting system, but by also taking into account any postal votes received, and shall then record the names of all candidates declared to be elected as Life Members.
  
- l. **Announcement** - If an affirmative vote is returned, the award of Life Membership will be announced and presented at the Annual General Meeting.

## 6. POSTAL VOTING

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- i) **Constitution** - As contemplated by Clauses 14.7 and 14.15 of the Constitution, postal votes may be submitted by Council Members in respect of any item of business listed on a Notice of General Meeting, including with respect to the election of Elected Directors and Life Members, provided such postal votes are submitted in accordance with this Policy and the Constitution.
- ii) **Voting entitlements** - In accordance with Clause 9.3 of the Constitution, but subject to the requirements of Clause 9.4 of the Constitution, the two Delegates of each affiliated Association, Life Members and Directors will each have one vote in respect of any item of business listed on a Notice of General Meeting.
- iii) **Issue of postal ballot papers** - Upon request, the Returning Officer will issue for each item of business listed on a Notice of General Meeting postal ballot papers to each affiliated Association for each of its Delegates and to each Life Member and Director, together with instructions on how the postal ballot paper should be completed and returned to the Returning Officer.
- iv) **Return of postal ballot papers** - Postal ballot papers must be completed in accordance with the voting instructions provided by the Returning Officer and returned to the Returning Officer in the sealed envelope marked "Ballot Paper" that has been provided for that purpose. The sealed envelope must be enclosed in a separate envelope on which the Delegate, Life Member or Director (as the case may be) prints and signs their name. The postal vote returned by the Delegate, Life Member or Director shall not be valid unless it complies with the requirements of this Policy and is returned to the Returning Officer by no later than 5.00pm on the date fixed by the Returning Officer.

**ANNEXURE A - Nomination Form for Directors Netball NSW**

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**NOMINEE DETAILS AND QUALIFICATIONS**

**Full Name of Nominee:**   
**Address:**   
**Phone:**  **Work:**   
**Fax:**  **Email:**   
**MyNetball ID:**   
**Association:**   
**Club:**

***Please provide details of Club and Association experience:***

***Please provide details of State and National Experience:***

***Please provide a list of your formal qualification:***

***Please provide details of work related experience, netball governance experiences or other experience addressing the skill set relevant to the role of a Director of Netball NSW.***

***Please indicate the number of hours per week, on average, that you feel you can contribute to Netball NSW Board matters, by placing a cross in the relevant column:***

<input type="checkbox"/>	Less than 1 hour
<input type="checkbox"/>	1 to 2 hours
<input type="checkbox"/>	2 to 3 hours
<input type="checkbox"/>	3 to 4 hours
<input type="checkbox"/>	5 or more hours

***Please provide details of your relevant experience to the below skill sets as advertised:***

Understanding of Netball NSW business relating to the sports sector

Demonstrated Leadership, strategic planning and business acumen

Finance, Accounting and Risk Management knowledge

Governance

Marketing and Business Development

Government Liaison and Advocacy

Digital Media Platforms

Human Resources and Organisational Experience

**Policy Statement:** *(Max 400 words)*

Nominated by:

Signature:

MyNetball ID:

Association:

Club:

Seconded by:

Signature:

MyNetball ID:

Association:

Club:

I accept the nomination/s for the positions of Director of Netball NSW:

Signature of nominee:

Date:

***Please submit a passport size photo with this application.***

**Consent to Act as Director  
The Board of Directors  
New South Wales Netball Association Limited**

Pursuant to the Corporations Law, I hereby notify my consent to act as a Director, if elected or appointed, to the Board of New South Wales Netball Association Limited.  
If my election is successful, I request you to table at the next meeting of Directors of the New South Wales Netball Association Limited and record in the Company Register the following information.

**1. Personal Details:**

Name:   
Residential Address:   
Business Occupation:   
Date of Birth:  **Place:**

**2.** Particulars of Public Directorships held by me in public corporations or their subsidiaries incorporated in any Australian State or Territory of the Commonwealth are as follows:

**3.** Particulars of share, debentures and prescribed interests in corporations related to New South Wales Netball Association Limited or rights or options thereto for purchase, allotment or disposals in which I have relevant interest are as follows:

**4.** As required by the Corporations Law, I disclose my direct or indirect interest in the following contracts with New South Wales Netball Association Limited:

**5.** I give you general notice that I am an officer or member of the under mentioned corporate(s) and firm(s) and should be regarded as interested in any contact which may be made with that corporation(s) or firm(s).

**6.** I give you further notice that I possess the undermentioned property and hold the following offices whereby duties or interests might be created directly or indirectly in conflict with my duties as a Director of New South Wales Netball Association Limited.

**7.** I understand that if elected as a Director of the New South Wales Netball Association Limited that I will be assuming a range of legal responsibilities and I agree to act honestly and diligently in my performance of those legal responsibilities.

Signature: \_\_\_\_\_ this \_\_\_\_\_ day of \_\_\_\_\_

**Note:** Any changes in relation to the above must be advised to the Netball NSW in writing within fourteen (14) days of becoming aware of this change. Delay in advising of any change may result in a fine from the Australian Securities Commission

**ANNEXURE B - Nomination Form for Life Membership of Netball NSW**

**NOMINEE DETAILS AND QUALIFICATIONS**

**Full Name of Nominee:**

**Address:**

**Phone:**

**Fax:**

**MyNetball ID\*:**

**Association:**

**Club:**

**Work:**

**Email:**

*\*Please provide if you have access to MyNetball*

**Nominated by:**

**MyNetball ID:**

**Association:**

**Club:**

**Seconded by:**

**Signature:**

**MyNetball ID:**

**Association:**

**Club:**

Please outline the nominee's service to Netball NSW, highlighting their achievements, recognition and outstanding service of no less than ten (10) years.

**Please provide nominations by 31 October each year to the Chief Executive Officer of Netball NSW**