



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 Elected Directors will be elected by a simple majority of eligible votes cast by a Delegate of each Member Association in attendance at the Annual General Meeting (AGM). The term of office for Elected Directors will be in accordance with clause 13.3(a) of the Netball ACT Constitution.
- 1.2 All elections shall be by secret ballot.
- 1.2 There shall be no proxy votes.

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 submit the nominations received to the Nominations Committee for its review and circulate the Committee’s report with recommendations to Member Associations prior to the AGM.
- h) The Returning Officer shall conduct the ballot in accordance with the provisions of these rules.
- i) In respect to any matter pertaining to the conduct of any election, 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.

- j) In the event that the Returning Officer cannot fulfil their duties for any reason the Board will appoint a replacement Returning Officer.

3. NOMINATIONS COMMITTEE

- 3.1 The Nominations Committee has been established by the Board of Netball ACT. The Nominations Committee operates under Terms of Reference passed by the Board and provides advice and recommendations in relation to the competencies and experience required to ensure a balanced, skills-based Netball ACT Board.
- 3.2 As part of this role, the Nominations Committee will review the nominations received for Elected Directors and prepare a report with recommendations for Member Associations. This report will be distributed to Member Associations not later than 48 hours prior to the AGM for them to consider to inform their decision regarding the candidates they wish to vote for at the AGM.

4. ELIGIBILITY TO NOMINATE

- 4.1 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 published in the election notice.
- 4.2 Further, clause 13.2 of the Netball ACT Constitution sets out the circumstances under which a person is ineligible to be elected or appointed to the Board.
- 4.3 Membership of Netball ACT is not a prerequisite for nomination or appointment to the Board.

5. NOMINATIONS PROCESS

5.1 Nominations

- a) Nominations for all offices shall open 28 days prior to the AGM.
- 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) The election notice calling for nominations for Board positions will be displayed in an electronic format, on the Netball ACT website and on other appropriate sites as determined by the Netball ACT Board. The election notice shall:
 - i. specify the knowledge, skills and commitment required of the Elected Director(s)
 - ii. state that the election is being conducted by the Returning Officer



- iii. list the offices for which nominations are sought
 - iv. fix the time and date for the opening and closing of nominations
 - v. specify the place where nomination forms may be obtained
 - vi. specify the place where nominations must be lodged
 - vii. specify the accepted method/s of lodgement
 - viii. if applicable, specify other documentation required to be submitted with the nomination, (such as a CV and candidate statement in support of the nomination).
- 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, address and signature of two nominators who must be individual members of Netball ACT;
 - v. the office for which the nominee is nominating;
 - vi. the signed endorsement/consent of the nominee;
 - vii. any further documentation required by the Returning Officer.

5.2 It is recommended that nominees for Board positions submit a curriculum vitae as part of their application outlining their experience and suitability for the Board.

6. CANDIDATE STATEMENTS

6.1 Candidates may supply a statement of not more than 200 words with their nomination.

- 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.

6.2 A candidate whose statement is rejected shall be notified and shall be given not more than 48 hours from being notified to supply a replacement statement that complies with this rule.

6.3 The Returning Officer will provide the Candidate Statements to the Nominations Committee for its consideration. The Returning Officer shall indicate to the Nominations Committee if a candidate has not submitted a statement or submitted an invalid statement.

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 to remedy the defect or provide further information in support of the nomination, within a period of not more 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 AND ENDORSEMENTS

8.1 Withdrawal of nomination

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

8.2 Information that may affect endorsement

- a) Subsequent to endorsing a nomination, if a nominator becomes aware of information that may affect their endorsement, they should bring that information to the attention of the Returning Officer to take such action as they consider appropriate.

9. VOTING PROCESS

9.1 The Nominations Committee will make voting recommendations to the Member Associations not later than 48 hours prior to the AGM.

9.2 The process outlined below does not operate to exclude alternate voting processes that may be decided on by the Board.

9.3 The following features shall appear on all ballot papers:

- 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
- 9.4 The Returning Officer shall arrange for the printing of ballot papers and distribution to the Delegate of each Member Association at the AGM.
- 9.5 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.
- 9.6 The order of names in each ballot on the ballot paper shall be determined by lot drawn by the Returning Officer.
- 9.7 The ballot shall be determined by a simple majority, with the candidate receiving the most votes elected.
- 9.8 The voter must vote for at least one candidate to be elected otherwise the ballot paper will be informal.

10. SCRUTINEERS

- 10.1 The Netball ACT Board may choose to appoint an independent person as a scrutineer to validate the voting process.

11. DECLARATION OF RESULTS

- 11.1 The Returning Officer shall declare the result of the election at the AGM.
- 11.2 The Returning Officer shall propose a Motion at the AGM for the ballot papers to be destroyed.

Adopted by the Board of Netball ACT on 20 April 2022