

APPENDIX 2

Rules For The Conduct of Elections To The Committee

1. Definitions

In these Rules:

“ballot box” means a ballot box acquired and secured in accordance with rule 7.1 hereof.

“candidate” means a person:

- (a) who has nominated for election to the Committee;
- (b) whose nomination has been accepted in accordance with rule 4.6 hereof;
and
- (c) whose nomination has not been withdrawn.

“eligible member” means:

- (a) in relation to the first election of Committee members following the adoption of this Constitution, a person who is a member of Boxing Australia (NSW) as at the commencing time for nominations for the election concerned; and
- (b) in relation to each subsequent election of Committee members, a person who was a member of Boxing Australia (NSW) 30 days prior to the commencing time for nominations for the election concerned.

“**member**” means a member of Boxing Australia (NSW).

“**return envelope**” means an envelope answering the description contained in sub-rule 6.10(b) hereof.

“**Returning Officer**” means a person appointed by the Committee from time to time in accordance with rule 2.1 hereof to conduct an election of Committee members.

“**roll**” means a roll of voters prepared in accordance with rule 6.2 hereof for an election of Committee members.

“**scrutineer**” means:

- (a) a candidate who personally acts as a scrutineer; and/or
- (b) a person appointed to act as a scrutineer for a candidate in accordance with sub-rule 7.4(b) hereof.

“**Secretary**” means:

- (a) the person holding office as the Secretary of Boxing Australia (NSW); or
- (b) the person performing the office of Secretary of Boxing Australia (NSW) in the absence of a Secretary.

“**voter**” means a person:

- (a) who is an eligible member; and

(b) whose name is on the roll.

“**voting materials**” means the material answering the description contained in rule 6.10 hereof.

2. **Returning Officer**

2.1 Not more than 10 weeks, and not less than 8 weeks, prior to the holding of each Annual General Meeting of Boxing Australia (NSW), the Committee shall appoint a Returning Officer to supervise the conduct of the election of Committee members to be conducted prior to such Annual General Meeting.

2.2 The Returning Officer may be a member or non-member of Boxing Australia (NSW); and may, but need not, be an officer of the Australian Electoral Office employed to act as Returning Officer; provided that no person shall be appointed as the Returning Officer for any election in which he or she is a candidate, or if he or she is a member of the Committee.

2.3 The Returning Officer:

(a) must not influence, or attempt to influence, the outcome of the election; and

(b) may take such actions, and give such directions, as he or she reasonably considers necessary:

- (i) to ensure that the processes under which the election is conducted are transparent;
- (ii) to ensure that no irregularities occur in the election;
and
- (iii) to remedy any procedural defect that appears to the Returning Officer to exist in connection with the election.

3. **Timing of the Election**

As soon as reasonably practicable after his or her appointment as Returning Officer, the Returning Officer must:

- (a) fix the opening day for nominations for election to the Committee; which day shall be a date not more than 7 weeks, and not less than 6 weeks, prior to the holding of the forthcoming Annual General Meeting of Boxing Australia (NSW);
- (b) fix the closing day for nominations for election to the Committee; which day shall be the date 14 days immediately after the date fixed as the opening day for nominations;
- (c) fix the starting day for any ballot to decide the results of the election; which day shall be the date 21 days immediately after the date fixed as the opening day for nominations; and
- (d) fix the closing day for any ballot to decide the results of the election; which day shall be the date 35 days immediately after the date fixed as the opening day for nominations.

4. Nominations

4.1 Immediately after fixing the days referred to in rule 3 hereof, the Returning Officer must call for nominations for election to the Committee by written notice given to the eligible members; such notice being posted by the Returning Officer by ordinary post to each member at such member's address recorded in the Register of Life Members and General Members.

4.2 The written notice calling for nominations must state:

- (a) the opening day for nominations;
- (b) the closing day for nominations;
- (c) the starting day for any ballot to decide the results of the election;
- (d) the closing day for any ballot to decide the results of the election;
- (e) that nominations:
 - (i) open at 9.00 am on the opening day; and
 - (ii) close at 5.00 pm on the closing day;
- (f) the qualifications of those who may nominate;
- (g) that nominations must be in writing and signed by the nominee, and also signed by a nominator and a seconder (both of whom must be eligible members);

- (h) that only members who are eligible members may nominate or vote in the election; and
- (i) that the ballot will be decided by a “first-past-the-post” system of voting; with the candidates recording the highest votes being elected.

4.3 Nominations for election to the Committee shall:

- (a) open at 9.00 am on the opening day; and
- (b) close at 5.00 pm on the closing day.

4.4 Only eligible members may nominate for election to the Committee of Boxing Australia (NSW).

4.5 A nomination for election to the Committee must:

- (a) be in writing;
- (b) be signed by the nominee (who must be an eligible member);
- (c) be also signed by a nominator and a seconder (both of whom must be eligible members); and
- (d) given in person or by post to the Returning Officer prior to the close of nominations.

4.6 The Returning Officer must accept a nomination if it complies with rule 4.5 hereof.

4.7 If a nomination given to the Returning Officer is defective, then the following sub-rules shall apply:

- (a) the Returning Officer must reject a nomination given to him or her after nominations have closed;
- (b) if the nominee is not qualified for nomination for election to the Committee, the Returning Officer must reject the nomination;
- (c) if the nomination is defective, other than because the nomination is given to the Returning Officer after nominations have closed or because the nominee is not qualified for nomination for election to the Committee, the Returning Officer must:
 - (i) reject the nomination;
 - (ii) give the nominee written and/or oral notice of the defect; and
 - (iii) if practicable, give the nominee an opportunity to remedy the defect with a new nomination to be given to the returning officer prior to the close of nominations; and
- (d) failure by the Returning Officer to give the notice referred to in sub-rule 4.7(c) hereof does not invalidate the election.

5. Election Without Ballot

5.1 The Returning Officer must declare each candidate elected to the Committee if:

- (a) nominations for election to the Committee have closed; and
- (b) the number of candidates is not more than the number of Committee membership positions to be filled.

5.2 In the event that no valid nomination for election to the Committee is received by the Returning Officer by the close of nominations, then the Returning Officer must declare that a casual vacancy exists for each of the Committee membership positions which was to have been filled by the election.

5.3 In the event that the number of valid nominations for election to the Committee is less than the number of Committee membership positions to be filled by the election, then the Returning Officer must declare:

- (a) each candidate elected to the Committee; and
- (b) that a casual vacancy exists for each remaining Committee membership position which was to be filled by the election.

6. Election by Ballot

6.1 If there are more candidates for election to positions on the Committee than the number to be elected, then the Returning Officer must conduct a postal ballot for such positions.

6.2 A roll of voters must be prepared by or at the direction, and under the supervision, of the Returning Officer.

6.3 The Returning Officer must ensure that the roll:

- (a) states:

- (i) the name of each person who is an eligible member of Boxing Australia (NSW) in alphabetical order; and
- (ii) each such eligible member's address beside his or her name; and

(b) is complete by the close of nominations.

6.4 The Secretary must give the Returning Officer:

- (a) a copy of its Register of Life Members and General Members; and
- (b) access to such of the records of Boxing Australia (NSW) as may be reasonably necessary for the Returning Officer to ensure that the roll is accurate.

6.5 The Returning Officer must make the roll available for inspection by eligible members in the period that:

- (a) starts on the day after the roll is completed in accordance with sub-rule 6.3(a) hereof; and
- (b) ends 30 days after the results of the election are declared.

6.6 An eligible member may inspect the roll free of any charge.

6.7 If, during the period referred to in rule 6.5 hereof, an eligible member asks for a copy of the roll, or for any stated part of the roll, the Returning Officer shall give such eligible member such copy; provided that the

eligible member pays the Returning Officer the reasonable costs associated with such provision.

6.8 Notwithstanding the requirements of rule 6.3(a) hereof, if an eligible member's name does not appear on the roll, such eligible member may apply to the Returning Officer to have his or her name included on the roll.

6.9 If the Returning Officer is satisfied that an applicant referred to in rule 6.8 hereof is an eligible member, the Returning Officer must include such applicant's name and address on the roll.

6.10 The Returning Officer must post the following materials ("the voting materials") to each voter:

- (a) a ballot paper initialled by the Returning Officer;
- (b) an unsealed reply paid envelope addressed to the Returning Officer (a "return envelope");
- (c) an unsealed declaration envelope (a "declaration envelope");
- and
- (d) such other material as the Returning Officer may consider appropriate to assist the voter in casting a valid vote.

6.11 The voting materials must be posted to each voter:

- (a) in a sealed envelope addressed to the voter at the address of the voter contained in the roll;

- (b) by ordinary mail; and
- (c) so as to reach such voter in the ordinary course by the starting day fixed for the conduct of the ballot in accordance with sub-rule 3(c) hereof.

6.12 If a voter gives the Returning Officer a notice in writing that such voter will be at an address other than his or her address recorded in the roll when the voting materials are to be posted to him or her, the Returning Officer must post the voting materials to such other address.

6.13 Each ballot paper for the election must:

- (a) alphabetically list the names of the candidates; with each such candidate's surname listed first, followed by his or her other names;
- (b) state how the voter may vote;
- (c) state that the voter must sign the declaration envelope where directed or his or her vote will not be counted;
- (d) state that the voter must return the ballot paper to the Returning Officer so that it is received by the Returning Officer before the close of the ballot; and
- (e) must not be marked in any way that could identify the voter.

6.14 If two or more candidates have the same surname and first name or names, they must be distinguished on the ballot paper in some

appropriate way (which way may, but need not necessarily, be by listing each such candidate's occupation beside his or her name).

6.15 The declaration envelope posted by the Returning Officer to each voter must comply with the following requirements:

- (a) the declaration envelope must be a smaller envelope than the return envelope, such that the declaration envelope can be placed inside the return envelope without being folded;
- (b) the declaration envelope must have a removable flap or label with the following details printed on it:
 - (i) the words of declaration referred to in sub-rule 6.15(c) hereof;
 - (ii) provision for the name and postal address of the voter to be printed by the voter; and
 - (iii) provision for the voter to sign his or her name;
- (c) the words of declaration must state that the voter:
 - (i) is the voter named on the removable flap or label;
 - (ii) has voted on the ballot paper contained in the declaration envelope; and
 - (iii) has not voted before in the ballot concerned.

6.16 Before posting the voting materials to each voter, the Returning Officer must mark a ballot number for the voter concerned on:

- (a) the roll beside that voter's name; and

- (b) on the flap or label attached to the declaration envelope to be posted to that voter.

6.17 The Returning Officer must give each voter a different ballot number chosen by the Returning Officer.

6.18 In the event that:

- (a) the voting materials have not been received by a voter;
- (b) the voting materials, or any of them, have or has been lost or destroyed after receipt by the voter; or
- (c) the ballot paper has been spoilt after receipt by the voter;

then rules 6.19, 6.20 and 6.21 hereof shall apply.

6.19 The voter may apply in writing to the Returning Officer not less than 7 days prior to the close of the ballot for duplicates of the voting materials or a duplicate of the ballot paper, as the case may be (“the application”).

6.20 The application must:

- (a) state the ground or grounds on which it is made;
- (b) state that the voter has not voted in the ballot concerned; and
- (c) if the ground for the application is a spoilt ballot paper, be accompanied by the spoilt ballot paper.

6.21 If the application complies with rule 6.20 hereof, the Returning Officer must:

- (a) if the application is made because of a spoiled ballot paper:
 - (i) mark the ballot paper with the word "spoilt";
 - (ii) initial the ballot paper beside the marking, and retain the ballot paper so marked and initialled; and
 - (iii) provide a fresh ballot paper to the voter;
- (b) otherwise, provide duplicates of the voting materials to the voter.

6.22 In order to cast a valid vote, a voter must:

- (a) complete the ballot paper provided by the Returning Officer to him or her by:
 - (i) writing a tick or cross in the square or squares opposite the name or names of the candidate or candidates for whom the voter wishes to vote; and
 - (ii) otherwise complying with any instructions on the ballot paper as to how to vote;
- (b) put the completed ballot paper into the declaration envelope provided by the Returning Officer to him or her;
- (c) seal the declaration envelope;
- (d) fill in his or her name and address, and sign the declaration on the removable flap or label on the declaration envelope;
- (e) put the completed declaration envelope into the return envelope provided by the Returning Officer to him or her;

- (f) seal the return envelope; and
- (g) return the return envelope to the Returning Officer so that it is received by the Returning Officer before the close of the ballot.

6.23 A voter may cast votes for up to that number of candidates on a ballot paper as is equal to the number of positions on the Committee to be elected in the election concerned; and any extra vote or votes marked on the ballot paper by the voter shall render the ballot paper as a whole invalid.

7. Counting And Scrutiny of Votes

7.1 It is the obligation of a Returning Officer to obtain a ballot box and:

- (a) at all times keep the ballot box in a secure location;
- (b) allow no other person access to the ballot box; and
- (c) seal the ballot box in a manner that:
 - (i) allows returned return envelopes to be placed inside it until the close of the ballot; and
 - (ii) prevents returned return envelopes from being taken from it until votes for the ballot are to be counted.

7.2 The Returning Officer must put all return envelopes returned to him or her in the ballot box until the close of the ballot.

7.3 If, after the close of the ballot, the Returning Officer receives a return envelope apparently containing a ballot paper for the election, the Returning Officer must:

- (a) keep the return envelope sealed;
- (b) mark the return envelope:
 - (i) with the date and time it is received by the Returning Officer; and
 - (ii) with the additional words: "Received by the Returning Officer after the close of the ballot";

and

- (c) keep the envelope in safe custody, but separated from other return envelopes received by the Returning Officer prior to the close of the ballot, for a period of at least 30 days following the declaration of the election results.

7.4 A candidate may:

- (a) act personally as his or her own scrutineer; or
- (b) appoint one other person ("an appointee") as the candidate's scrutineer;

for an election ("the appointment").

7.5 An appointment must be in writing and signed by the candidate.

- 7.6 A candidate must notify the Returning Officer of the name of the candidate's appointee as soon as reasonably practicable after the appointment of such appointee.
- 7.7 The Returning Officer may refuse to allow an appointee to act as a scrutineer if:
- (a) the Returning Officer asks to inspect the appointment; and
 - (b) the appointee does not produce it.
- 7.8 Each candidate's scrutineer may, subject to rule 7.9 hereof, be present at all stages in the counting of votes cast in the ballot for the election.
- 7.9 If, at any stage in the counting of votes cast in the ballot for the election, the scrutineer:
- (a) attempts to interfere, or interferes, with a ballot paper; or
 - (b) disrupts the orderly counting of votes;
- the Returning Officer may require the scrutineer concerned to leave the vicinity of the place where the counting of votes take place.
- 7.10 As soon as possible after the close of the ballot, the Returning Officer must:
- (a) seal the ballot box in a manner that prevents any further return envelope being placed in it; and

- (b) after advising each candidate in the election of the date, time and place for the counting of votes, take the ballot box to the place where the votes are to be counted.

7.11 After taking the ballot box to the place where the votes are to be counted, the Returning Officer must, in the presence of all eligible scrutineers attending for the counting of votes:

- (a) unseal the ballot box;
- (b) take out the return envelopes inside the ballot box;
- (c) open each return envelope and take out the declaration envelope inside;
- (d) examine the particulars on the flap or label attached to each declaration envelope, and ensure that the same have been completed and signed;
- (e) ensure that the ballot number marked on the flap or label attached to each declaration envelope matches the ballot number marked on the roll beside the name of the voter concerned; and then
- (f) if the contents of the flap or label attached to declaration envelope are apparently in order, mark off the name of the voter concerned on the roll.

7.12 If satisfied that a declaration envelope is in order, the Returning Officer must:

- (a) separate the flap or label from each such declaration envelope;
and
- (b) place the flap or label so separated, and the unopened balance of the declaration envelope, into separate, secure containers.

7.13 If not satisfied that a declaration envelope is in order, the Returning Officer must:

- (a) briefly note on the exterior of the unopened declaration envelope the reason or reasons why he or she has determined that it is not in order;
- (b) place the unopened declaration envelope, with the flap or label still attached, into a separate, secure container; and
- (c) keep any and all such declaration envelopes in such container for a period of at least 30 days following the declaration of the election result.

7.14 After complying with the requirements of rules 7.10, 7.11, 7.12 and 7.13 hereof, the Returning Officer must, in the following order:

- (a) seal the container containing the flaps or labels separated from the declaration envelopes; keeping such sealed container for a period of at least 30 days following the declaration of the election result;
- (b) open the container containing the declaration envelopes referred to in sub-rule 7.12(b) hereof, and remove such declaration envelopes therefrom;

- (c) open the declaration envelopes referred to in sub-rule 7.14(b) hereof, and remove the ballot papers therefrom;
- (d) in the event that a declaration envelope contains more than one ballot paper, mark each such ballot paper with the words “informal under sub-rule 8.3(f)”; and
- (e) place all of the ballot papers so removed (including all of the ballot papers marked in accordance with sub-rule 7.14(d) hereof) into the ballot box.

8. Counting Votes

8.1 After complying with the requirements of sub-rule 7.14(e) hereof, the Returning Officer must remove each ballot paper in random sequence from the ballot box for the purpose of counting the vote or votes recorded on the same.

8.2 In counting votes on ballot papers removed from the ballot box in accordance with rule 8.1 hereof, the Returning Officer must:

- (a) admit formal votes and reject informal votes;
- (b) count the formal votes and record the number for each candidate; and
- (c) count the informal votes and record the total of the same.

8.3 The Returning Officer must regard a vote or votes as informal if:

- (a) the Returning Officer is satisfied that the ballot paper on which such vote or votes is or are recorded is not authentic;
- (b) the ballot paper on which such vote or votes is or are recorded is not initialled by the Returning Officer;
- (c) the ballot paper on which such vote or votes is or are recorded is marked in a way that allows the voter to be identified;
- (d) the ballot paper on which such vote or votes is or are recorded is not marked in a way that makes it clear how the voter meant to vote;
- (e) the ballot on which such vote or votes is or are recorded, as marked by the voter, does not comply with the requirements of rule 6.23 hereof; or
- (f) the ballot paper on which such vote or votes is or are recorded was marked in accordance with sub-rule 7.14(d) hereof.

8.4 During the counting of votes, a scrutineer may:

- (a) object to a ballot paper being admitted as formal or rejected as informal by the Returning Officer;
- (b) advise the Returning Officer that the scrutineer considers that an error has been made in counting votes.

8.5 If a scrutineer objects in accordance with sub-rule 8.4(a) hereof, the Returning Officer must:

- (a) decide whether a ballot paper is to be admitted or rejected; and

(b) mark the ballot paper concerned with a note of his or her decision, and initial the note.

8.6 If a scrutineer provides advice in accordance with sub-rule 8.4(b) hereof, the Returning Officer must:

(a) decide whether an error has been made; and

(b) if so, and if reasonably possible, take such action as is necessary to correct or mitigate the error.

9. Ballot Results

9.1 The result or results of each ballot shall be decided by the first-past-the-post system;

9.2 Subject to rule 9.3 hereof, that number of candidates corresponding with the number of positions to be filled on the Committee in the election who have the most formal votes shall be elected.

9.3 If the Returning Officer cannot determine which candidate is elected in the ballot because the formal votes cast for two or more candidates are equal, the Returning Officer must forthwith decide which such candidate is elected by drawing lots.

9.4 Any drawing of lots in accordance with rule 9.3 hereof must be made in the presence of any scrutineer who wishes to attend the same.

10. Declaration of Elections

The Returning Officer must:

- (a) make a signed declaration of the result or results of the election as soon as possible after the same has concluded;
- (b) as soon as possible after making such a declaration, provide copies of the same to each candidate in the election and to the Secretary; and
- (c) where the election was by ballot, retain the counted ballot papers for a period of at least 30 days following the declaration of the election.

11. Costs

Boxing Australia (NSW) shall meet the reasonable costs and expenses of the Returning Officer in conducting each election.