



Netball NSW

Election and Voting Policy

Adopted by New South Wales Netball Association Ltd at its Board Meeting held on 5 September 2023

Last Reviewed: July 2023
Next Reviewed: July 2024

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1 Purpose of this Policy

1.1 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
- d) postal voting.

2 Definitions

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

Affiliate Member means a body corporate that is affiliated with the Company through Netball and becomes a voting Member in accordance with the Netball NSW Constitution and the relevant Company Policy.

Association and/or Affiliated Association means any Affiliate Member as defined in accordance with clause 9.3 of Netball NSW Constitution and such application has been approved by Voting Members.

Delegate means, with respect to Affiliate Members, Interested Members and Community Members, the person or persons appointed by each of them in accordance with the Netball NSW Constitution who will have the rights and obligations set out in the Constitution.

Nominations Committee means the Nominations Committee established by the Directors under clause 14.5 of the Netball NSW Constitution.

Office Bearer means members of the executive or management committee of an Affiliate Member, Community Member or Interested Member or a director of an Affiliate Member, Community Member or Interested Member.

Online Voting Delegate means a delegate of any Affiliated Member Association entitled to vote in accordance with clause 3.n. iii) and clause 4.h.iii) of this Policy.

Online Voting Returning Officer means the Online Returning Officer as appointed in accordance with clause 3.c and clause 4.c of this Policy.

Returning Officer means the Returning Officer as appointed in accordance with clause 13.6 of the Netball NSW Constitution.

Voting Member means a member of the Company that is entitled to vote at Members' Meetings, being the Affiliate Members, Directors and Life Members.

3 Election of Elected Directors

- a. **Constitution** – Pursuant to clauses 13.7(f) and 14.6 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. **Term of Elected Director** - An Elected Director is elected for a term of three years. An Elected Director can be elected for up to three consecutive terms (nine consecutive years). The following rotation system is utilised 3 Directors, 2 Directors and 2 Directors respectively through the rotation at each Annual General Meeting as outlined clause 14.4 and 14.6 of the Constitution.
- c. **External online voting services provider** - To conduct the election process, Netball NSW shall engage the services of an external provider that specialises in online voting processes.
- d. **Online Voting Returning Officer** – The external provider engaged by Netball NSW will appoint the Online Voting Returning Officer who will oversee the opening and closing of the election process (including election results). The Online Voting Returning Officer must be a suitably qualified, independent person (who is not an employee of Netball NSW) and their appointment must be ratified by the Netball NSW Board. The Online Voting 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.
- e. **Call for nominations** - The Returning Officer and the Online Voting Returning Officer must prepare an election notice calling for nominations for relevant Elected Director positions.
- f. **Content of election notice** - The election notice must:
 - i. state that the election is being conducted on behalf of Netball NSW by an external services provider appointed by Netball NSW;
 - ii. list the Elected Director positions for which nominations are sought including the length of term;
 - iii. include a recommendation from the Nominations Committee regarding the skills which are to be highlighted as areas of need for new Directors of Netball NSW to ensure an appropriate skills balance and succession planning;
 - iv. invite nominations for election from all eligible persons as defined in clause 14.3 of the Constitution;
 - v. fix the time and date for the opening and closing of nominations;
 - vi. fix the time and date for the opening and closing of the ballot;
 - vii. specify the place where nomination forms, including Annexure A and B (as may be amended from time to time as relevant to each nominations process) may be obtained;
 - viii. specify the place where nomination forms must be lodged;
 - ix. specify the accepted methods of lodgement of nomination forms;
 - x. fix a time and date for withdrawal of nominations;

- xi. specify any other documentation required to be submitted with nomination forms, including a biographical statement, and a policy statement not exceeding 750 words;
 - xii. Notify that a successful candidate cannot hold an executive or officer position in any Affiliate Member, Interested Members or Community Member as per clause 14.3 (c) of the Constitution, and will be required to resign such position upon their election. For clarity this includes any director or executive role, company secretary or paid or unpaid administrator position at any Association;
 - xiii. The Board of Netball NSW may advertise the Elected Director positions in any external manner as required to ensure quality nominations are received.
- g. **Issue of election notice** - Netball NSW must make the election notice (and associated documents) available to all affiliated Associations (including their Online Voting Delegates), Life Members and Directors by publishing them on Netball NSW's website and by sending them to each affiliated Association (including their Online Voting 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.
- h. **Period for nominations** - The Returning Officer and the Online Voting Returning Officer shall open nominations for a period for at least 2 weeks
- i. **Withdrawal of nominations** - Candidates are able to withdraw their nominations no later than 2 days after the date fixed for the closure of nominations.
- j. **Nomination of candidates** - A candidate for election as an Elected Director must be nominated in writing by two (2) Individual Members (who are at least 18 years of age), Life Members or Directors 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 and the Online Voting Returning Officer.
- k. **Acceptance of nominations** - The Returning Officer will accept all nominations that satisfy the requirements of this Policy and the Constitution (including clause 14.3 of the Constitution).
- l. **Validity of nominations** To be a valid nomination the nominee must be a Member of an Affiliate Member of Netball NSW at the time of nomination as per clause 14.3 of the Constitution. At the close of nominations, and upon the receipt of nominations from the Returning Officer, the Netball NSW Chief Executive Officer, or their delegate, and the Returning Officer will ratify the validity of the nominations received and advise the Nominations Committee accordingly.
- m. **Assessment of nominations** The Nominations Committee will assess all nominees for Director vacancies in accordance with its Terms of Reference. The Nominations Committee has the power to determine that a nomination is unsuitable for further consideration by the Company, the Directors or the Members (as applicable) but only if this decision is unanimous.
- n. **Nominations Committee Recommendation** Ahead of the Ballot opening, the Nominations Committee will provide guidance to the membership outlining how the

nominees address the current needs of the Netball NSW Board and recommending for election the candidates who best deliver a balanced, skills-based Board based on prioritized expertise/skill sets and the Board's strategic focus.

- o. **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.
- p. **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 13.12 of the Constitution shall not apply to the election of Elected Directors.
- q. **Roll of eligible voters** - The Returning Officer in conjunction with the Online Voting 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 or their delegate) 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 Online Voting Delegates representing each affiliated Association as submitted at the time of Affiliation, in accordance with clause 12.1 of the Constitution unless an alternative person is nominated in writing to Netball NSW by the Association prior to the date decided by the Returning Officer annually. The alternative nominated person(s) must be a member of the Association Executive must hold the position of Association President, Vice President, Treasurer, Secretary or Registrar and hold primary membership with that Association. This nominee will be confirmed by the Netball NSW Chief Executive Officer, or their delegate, and Returning Officer.
 - iv) Sub-clause o. iii) is also subject to the relevant Association having paid the required affiliation fee for the relevant year in accordance with clause 9.3 of the Constitution and Clause 4 of the Affiliation and Membership Policy. If an affiliated Association has failed to pay the required affiliation fee by the due date, the two Online Voting Delegates representing that affiliated Association shall not be entitled to exercise their votes in respect of the election of Elected Directors.
- r. **Voting information** - The completed nomination forms (Annexure A – as amended from time-to-time by the Nominations Committee - excluding personal details) 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 Online Voting Delegate, Life Member and Director who is eligible to vote in the election of Elected Directors at least 14 days before the relevant Annual General Meeting. 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 hard copy forms available.
- s. **Voting entitlements** - In accordance with clause 9.2 of the Constitution, but subject to the requirements of clause 9.3 of the Constitution, the two Online Voting

Delegates of each affiliated Association, Life Members and Directors will each have one vote per vacant position 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 13.8 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 Voting Members.

- t. **Voting system –**
- i) The voting system will be by the “first past the post” system.
 - ii) 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.
 - iii) Where a ballot is held for more than one candidate, subject to clause 13.8 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.
 - iv) 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.
- u. **Counting of votes** - As soon as practicable after the closing date and time of the ballot, the Online Voting 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. The Online Voting Returning Officer will provide this information to the Returning Officer to announce at the Annual General Meeting.
- v. **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 eligible votes;
 - the number of votes received;
 - the number of votes declared valid; and
 - results of the ballot.
- w. Directors cannot be an officer (as defined by the Act) or an Officer Bearer of any Affiliate Member, Interested Member or Community Member or hold an equivalent position in circumstances where the Affiliate Member, Interested Member or Community Member is not a corporation.

In the event that a Nominee is elected, they will be required to resign from any such position outlined in this clause before the first Board Meeting held after the Annual General Meeting.

4 Election of Life Members

- 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 provider that specialises in online voting processes.
- c. **Online Voting Returning Officer** -The external provider engaged by Netball NSW will appoint the Online Voting Returning Officer who will oversee the opening and closing of the election process (including election results). The Online Voting Returning Officer must be a suitably qualified, independent person (who is not an employee of Netball NSW) and their appointment must be ratified by the Netball NSW Board. The Online Voting 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 (who are at least 18 years of age), Life Members or Directors using the nomination form set out in Annexure C to this Policy, with such nominations to be received by the Netball NSW Company Secretary by 30 September 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 Voting Members to vote on. The Board will make a decision on a nomination for Life Membership by the last Board Meeting each year-and the Netball NSW Chief Executive Officer will advise the Online Voting 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 in conjunction with the Online Voting 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 or their delegate) 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 Online Voting Delegates representing each affiliated Association as submitted at the time of Affiliation, in accordance with clause 12.1 of the Constitution, unless an alternative person is nominated in writing to Netball

NSW by the Association prior to the date decided by the Returning Officer annually. The alternative nominated person(s) must be a member of the Association Executive hold the position of Association President, Vice President, Secretary, Treasurer or Registrar and hold primary membership with that Association. This nominee will be confirmed by the Netball NSW Chief Executive Officer or their delegate and Returning Officer.

iv) Sub-clause h. iii) is also subject to the relevant Association having paid the required affiliation fee for the relevant year in accordance with Clause 9.3 of the Constitution and Clause 4 of the Affiliation and Membership Policy. If an affiliated Association has failed to pay the required affiliation fee by the due date, the two Online Voting 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 9.2 of the Constitution, but subject to the requirements of clause 9.3 of the Constitution, the two Online Voting Delegates of each affiliated Association, Life Members and Directors will each have one vote in respect of the election of each 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 at least 14 days prior to the Annual General Meeting. 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 Online Voting 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. The Online Voting Returning Officer will provide this information to the Returning Office to announce at the Annual General Meeting.
- l. **Announcement** - If an affirmative vote is returned, the award of Life Membership will be announced and presented at the Annual General Meeting.

5 Postal Voting

- i) **Constitution** - As provided by clauses 13.7 and 13.12 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 9.2 of the Constitution, the two Online Voting Delegates of each affiliated Association, Life Members and Directors will each have one vote per item of business listed on a Notice of General Meeting.
- iii) **Issue of postal ballot papers** - Upon request, the Online Voting Returning Officer will issue for each item of business listed on a Notice of General Meeting, or any ballot for Life Membership or the election of Directors, postal ballot papers, together with instructions on how the postal ballot paper should be completed and returned to the Online Voting Returning Officer.
- iv) **Return of postal ballot papers** - Postal ballot papers must be completed in accordance with the voting instructions provided by the Online Voting Returning Officer and returned to the Online Voting 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 Online Voting Delegate, Life Member or Director (as the case may be) prints and signs their name. The postal vote returned by the Online Voting Delegate, Life Member or Director shall not be valid unless it complies with the requirements of this Policy and is returned to the Online Voting Returning Officer by no later than 5.00pm on the date fixed by the Online Voting Returning Officer.

Annexure A – Director of Netball NSW Nomination Form

*To be amended by the Nominations Committee from time-to-time as relevant to each election/appointment process.

Personal Details

First Name	<input type="text"/>	Surname	<input type="text"/>
Address	<input type="text"/>	Suburb	<input type="text"/>
Postcode	<input type="text"/>		
Association	<input type="text"/>	Club	<input type="text"/>

Contact Details

Mobile	<input type="text"/>	Email	<input type="text"/>
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Nomination Details

Please provide details of your netball or general sport experience and qualifications at all levels:

<input type="text"/>
<input type="text"/>
<input type="text"/>

Please provide a list of your academic qualifications:

<input type="text"/>
<input type="text"/>
<input type="text"/>

Please provide details of work-related experience, governance experience or other experience in each of the below skill sets where applicable.

Note, you are not required to complete every section, only those relevant to your skill and experience.

[Skill Set #1 – As determined by the Nominations Committee]

<input type="text"/>
<input type="text"/>
<input type="text"/>

[Skill Set #2 – As determined by the Nominations Committee]

<input type="text"/>
<input type="text"/>
<input type="text"/>

[Skill Set #3 – As determined by the Nominations Committee]

<input type="text"/>
<input type="text"/>
<input type="text"/>

[Skill Set #4 – As determined by the Nominations Committee]

Annexure B – Consent to Act as a Director and Disclosure Form

In accordance with Section 201D of the Corporations Act (**Act**), I hereby notify my consent to act as a Director, if elected or appointed, to the Board of Netball NSW. If my election or appointment is successful, I request you to table at the next meeting of Directors of Netball NSW and record in the Company Register the following information:

1 Personal Details

Name	<input type="text" value="Click or tap here to enter text."/>
Residential Address	<input type="text" value="Click or tap here to enter text."/>
Business Occupation	<input type="text" value="Click or tap here to enter text."/>
Date of Birth	<input type="text" value="Click or tap to enter a date."/>
Place	<input type="text" value="Click or tap here to enter text."/>
Director ID	<input type="text" value="Click or tap here to enter text."/>

2 I am an officer or member of the following corporations and firms and must be regarded as interested in any contract with these corporations or firms. I have also set out the nature and extent of my interest:

3 The offices and property that I hold where duties or interests might be created in conflict with my duties or interest as a Director of the Netball NSW, and the nature, character and extent of the conflicts are:

4 As required by the Act, I disclose my direct or indirect interest in the following contracts with Netball NSW:

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 Netball NSW.

7 I understand that if elected or appointed as a Director of Netball NSW 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.

[Click or tap here to enter text.](#)

8 I acknowledge that service on the Board of Netball NSW will include but is not limited to:

- Bimonthly Board Meetings – *currently held Tuesday evenings, every 6 weeks.*
- Sub Committee Meetings – *dependent on the subcommittee there is at least 6 meetings held annually.*
- Attendance to Suncorp Super Netball home games for both the NSW Swifts and GIANTS Netball.
- Attendance to various ceremonial events.

[Click or tap here to enter text.](#)

Signature

this

day of

Note: Any changes in relation to the above must be advised to 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 and Investments Commission.

Annexure C – Life Member of Netball NSW Nomination Form

Personal Details of Nominee

First Name	<input type="text"/>	Surname	<input type="text"/>
Address	<input type="text"/>	Suburb	<input type="text"/>
Postcode	<input type="text"/>		
Association	<input type="text"/>	Club	<input type="text"/>

Contact Details of Nominee

Mobile	<input type="text"/>	Email	<input type="text"/>
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Nomination Details

Please provide details of the Nominees extraordinary and outstanding voluntary service to Netball NSW.

<input type="text"/>
<input type="text"/>
<input type="text"/>

Please provide details on the Nominees individual contribution to Netball NSW having been above and beyond what could be reasonably expected to be undertaken within the netball community.

<input type="text"/>
<input type="text"/>
<input type="text"/>

Please outline the Nominees outstanding contribution to the growth or development and or standing of the sport within the community

<input type="text"/>
<input type="text"/>
<input type="text"/>

Please provide details how the Nominees service made a significant impact to Netball NSW

<input type="text"/>
<input type="text"/>
<input type="text"/>

Please provide details on how the Nominee demonstrated behaviours and values in their ethical and exemplary service and has a positive reputation and standing within the Netball Community

<input type="text"/>
<input type="text"/>
<input type="text"/>

Nomination Support

Nominated by

Signature

Association

Club

Seconded by

Signature

Association

Club