

# **WAGYL KAIP ABORIGINAL CORPORATION**

## **Election Manual**

**For the election of Member Elected Directors and members of the Cultural Advice Committee**

**May 2022**

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# Election of Member Elected Directors

Rule 8.13 requires that the Directors must establish an Election Manual.

The appointment of Expert Directors is managed by the Member Directors in accordance with Rule 8.5.2.

## 1. Interpretation

In these rules, unless the contrary intention appears:

**'Rule Book'** refers to the rule book of the Corporation;

**'Board'** means the Directors of the Corporation;

**'Member'** means a member of the Corporation;

**'Member Directors'** has the meaning given in the Corporation's Rule Book;

**'ORIC'** means the Office of the Registrar of Indigenous Corporations

**'Principles'** means the CSC or Regional Corporation Principles in Annexure E of the ILUA's

**'Returning Officer'**, in relation to an election, means the Returning Officer appointed for that election under Rule 8.13;

**'Selections Committee'** means the Nominations Committee of the Noongar Boodja Trust, unless the Corporation is not an Eligible Noongar Entity, in which case the Corporation may appoint a Selections Committee in accordance with the Rule Book. The Nominations Committee of the Noongar Boodja Trust is eligible to be so appointed by the Corporation.

**'Cultural Advice Policy'** means the policy and procedures adopted by the Corporation under Rule 15.2 for the purposes of Cultural Governance, including all of the definitions of terms in the Cultural Advice Policy document.

## 2. Eligibility of Electors

2.1 Electors must be members of the Corporation.

2.2 Electors can only vote if their name is on the Corporation's Register of Members at the close of the electoral roll or, in the case of elections at a General Meeting at the time that a Notice of Meeting has been sent by the Corporation to its members.

## 3. Eligibility of Director Candidates

3.1 All candidates for Member Director positions must be members.

3.2 Candidates must consent to their nomination for a vacancy and must signify their willingness to accept the office if elected.

3.3 Candidate eligibility will be assessed by the Selections Committee against the eligibility requirements set out in the Rule Book.

## 4. Requesting the Returning Officer to conduct Director Elections

4.1 A request to an independent Returning Officer for the conduct of an election shall be made not less than **8 weeks** before the commencement of the period for lodging nominations.

- 4.2 The Returning Officer may accept a request made less than **8 weeks** before the commencement of such period if satisfied that it is practicable for the election to be conducted under the rules of the Corporation and a request so accepted shall be deemed to have been made in due time.
- 4.3 The Corporation will provide the following information to the Returning Officer:
- (a) In the case of casual vacancies, the name of the director who is to be replaced
  - (b) The term of office for Member Directors
  - (c) The number of electors at the close of the electoral roll
  - (d) The name, title and contact details of the Corporation contact person that the Returning Officer is to liaise with during the election period and contact details for the Selections Committee

## **5. Electoral Roll**

- 5.1 The electoral roll, which is a list of all the Corporation's eligible electors, must be approved by the Chief Executive Officer (or the Board, where the Chief Executive Officer is unable to do so) as containing correct names and addresses.
- 5.2 The date for the close of the electoral roll shall be at the time and date of the declaration of an election in accordance with Rule 8.13(e).
- 5.3 If an election is to be held, the Corporation shall provide the Returning Officer with a certified copy of the electoral roll for the election in the format specified by the Returning Officer, immediately following the close of the electoral roll.
- 5.4 The Corporation shall provide the Returning Officer with the names and addresses of any persons who, after the date of receipt by the Returning Officer of such electoral roll, have been omitted in error from the electoral roll.
- 5.5 The Corporation shall provide the Returning Officer with the names of persons who, after the date of receipt by the Returning Officer of such electoral roll, cease to be entitled to vote in the election and shall delete these from the electoral roll.
- 5.6 The Returning Officer shall make the electoral roll applicable to an election for an office available for inspection by members of the Corporation, or by any person authorised by the Returning Officer, during the ordinary hours of business until the day on which the result of the election is declared.

## **6. Casual Director Vacancies**

- 6.1 This Election Manual shall apply to any by-elections required under rule 8.7.
- 6.2 The term of office of a person entitled to fill a casual vacancy shall be limited to the unexpired portion of the current term.

## **7. Returning Officer Appointment**

- 7.1 The Directors or their delegate, the Chief Executive Officer (CEO), shall appoint an independent Returning Officer (or an independent body who will appoint a Returning Officer), to oversee the conduct of elections.
- 7.2 The appointment of the Returning Officer shall be effective from the date of the instrument of appointment until the declaration of the election for which that officer has been appointed.

- 7.3 The Returning Officer must complete a declaration that they have no conflict of interest in acting as the Returning Officer.

## **8. Powers of Returning Officer**

- 8.1 The Returning Officer may take such action and give such directions as are considered necessary for the good conduct of an election:
- (a) To ensure the secrecy of the ballot and that no irregularities occur in or in connection with the election; or
  - (b) To remedy any inconsistency or inadequacy that arises in the application of the Election Manual.
- 8.2 The Returning Officer may declare an election invalid if a candidate and/or their nominee interferes with a member's ballot paper, or uses coercion or improper inducement to obtain a vote, in accordance with Rule 8.13(i).
- 8.3 The Returning Officer shall set the **timetable** for each step of the election process, following discussion with the Corporation and the Selections Committee.

## **9. Disputes**

- 9.1 The Corporation authorises the Returning Officer to deal with all disputes, complaints and charges of misconduct which relate to, or are directly concerned with, the conduct of the election, **other than** matters related to eligibility, which shall be managed by the Selections Committee.
- 9.2 So as to minimise administrative disputes, upon the receipt of Nomination Forms, the Returning Officer shall review the Nomination information received and shall advise a candidate if their Nomination information needs to be corrected or more properly completed before the Selections Committee undertakes its eligibility assessment. Any corrections must be completed in time for the Nomination information to be sent to the Selections Committee.
- 9.3 Only the Selections Committee shall deal with disputes and complaints in relation to the eligibility of candidates for office.

## **10. Times and place for Nominations**

- 10.1 The Returning Officer shall determine the times and dates of the commencement and close of the period for nominees lodging nominations for election for an office having regard to:
- (a) The date of expiration of the term of office of the holder of the office.
  - (b) The time required to lodge nominations.
  - (c) The time required to complete the election.
  - (d) The provisions of the Rule Book or other relevant rules relating to the times and dates of the commencement and close of the period for lodging nominations in respect of the election.
- 10.2 Nomination Forms shall be sent to the Returning Officer at an address to be nominated.

## **11. Notice Inviting Nominations**

- 11.1 The Returning Officer shall, not less than **7 days and not more than 21 days** before the date of commencement of the period for lodging nominations, cause to be published a notice by any appropriate means which sets out:
- (a) The intention to hold an election

- (b) The name of the Corporation
- (c) The number of persons to be elected
- (d) The form in which nominations are to be made and where those forms can be obtained
- (e) The place for lodging nominations
- (f) The times and dates of the commencement and close of the period for lodging nominations, which shall be a period of not less than **21 days**
- (g) The roles and responsibilities of the office
- (h) Eligibility criteria for electors and candidates, as provided by the Selections Committee
- (i) The time and date of the proposed ballot
- (j) Inviting nominations of persons eligible for election.

11.2 The notice inviting nominations of candidates for election must be circulated to members by post and any other appropriate means. Information should also be posted on the Corporation's website.

## **12. Nomination process and role of Selections Committee**

### 12.1 Conditions for Nominations

- (a) The candidate must be a member of the Corporation (or of the Agreement Group in the case of elections for the Cultural Advice Committee), and the Returning Officer shall confirm such membership to the Selections Committee.
- (b) The candidate must nominate using a prescribed **nomination package** developed by the Selections Committee, and shall send the package to the Returning Officer at the address nominated.
- (c) A candidate for a director position must address the selection criteria as prescribed by the Selections Committee to confirm their eligibility under the requirements set out in Rule 8.2.2 of the Rule Book.
- (d) The candidate must signify willingness to accept the office if elected.

### 12.2 Confirmation of Director Eligibility by the **Selections Committee**

- (a) In accordance with Rule 8.2.1 of the Rule Book, the Selections Committee will receive Nominations from the Returning Officer and will consider them against the director eligibility requirements set out in Rule 8.2.2 of the Rule Book.
- (b) The Selections Committee will provide a report to the Returning Officer listing those candidates that the Selection Committees determines are eligible.
- (c) The Selections Committee has absolute discretion to determine whether a nominee satisfies the eligibility criteria. The Selections Committee's decision in this regard is final, and there shall be no appeal against, or review of the decision.
- (d) The Returning Officer shall be bound by the Selections Committee's findings on the eligibility of candidates.
- (e) The Selections Committee must undertake their eligibility assessment within a timeframe agreed with the Returning Officer.
- (f) The Selections Committee must deal with any appeals, complaints or request for information from candidates in accordance with Terms of Reference that guide their assessment activity and processes.
- (g) The Returning Officer and the Corporation shall have no role in relation to determining candidate eligibility to be a Member Director, however the Returning Officer shall advise candidates if their Nomination is incomplete and will endeavour to have the Nomination corrected before it needs to be sent to the Selections Committee.

### 12.3 Preliminary notice of ineligibility

- (a) The Selections Committee must immediately notify in writing any ineligible nominees:



- (i) of the Selection Committee's decision that they are ineligible;
- (ii) the reasons for the Selection Committee's decision, by reference to the relevant clauses of Rule 8.2.2;
- (iii) of a limited right to provide submissions to the Selections Committee to have the decision reviewed, only where the nominee believes the Selection Committee has made an administrative error in processing the nominee's application; and
- (iv) that no other basis for an appeal is allowed.

#### 12.4 Submissions in reply to ineligibility notification:

- (a) Nominees who receive a notification of ineligibility for candidacy, have a right to provide a submission in reply to notification, provided that those submissions must:
  - (i) be provided in writing to the Committee within 7 days of receipt of the ineligibility notification;
  - (ii) be provided by, or on behalf of the ineligible nominee;
  - (iii) be succinct and strictly relevant to the matters in issue provided in the notification; and
  - (iv) only be in respect of an alleged administrative error in processing the nominee's application.
- (b) The Selections Committee's decision on review of a nominee's submission in reply is final.
- (c) If no submission is made by a candidate within the allowed time, the decision of the Committee will be deemed to be final.

#### 12.5 Candidate's profile

A may submit a "candidate profile". The candidate profile is intended to be used to give the electors information about the suitability of the candidate for a Director position. The profile will be sent to electors along with the election mail-out material.

The profile:

- (a) is to be in the English language and is not to contain more than 150 words;
- (b) is to be confined to biographical information about the candidate and statements of the candidate's policies or beliefs. is to be hand written, typed or printed on a single A4 page, or if it is delivered electronically, is to be capable of being printed on a single A4 page;
- (c) is to include the candidate's full name in the form in which he or she has asked for it to be included on the ballot paper and details of an address where he or she can be contacted. Other contact details such as telephone numbers or email addresses may also be included; and
- (d) may include a photograph (passport size) of the proposed candidate's head or head and shoulders. The photograph should be recent, taken less than six months before the date of the nomination form.

#### 12.6 Name on Ballot Paper

The nomination form shall include the candidate's name to be used on the ballot paper. The name to be printed on the ballot paper should include the surname and one or more of the candidate's given names (or an initial or a commonly accepted variation). The candidate must use the same name on the candidate profile if one is provided. To ensure fairness between candidates the Returning Officer may rule that a name is inappropriate for inclusion on the ballot paper. If so, he or she may ask the candidate to nominate another name or choose one he or she considers appropriate.

#### 12.7 Withdrawal of Nomination

A candidate may, by notice signed by him or her, and witnessed by an elector, and addressed to and lodged with the Returning Officer before the time and date fixed for the expiry of the period for lodging nominations, withdraw his or her consent to the nomination. That person shall be deemed not to have nominated.

### **13. Candidates Elected Unopposed**

13.1 Where, on the expiry of the period for lodging nominations, the number of eligible candidates does not exceed the number of offices to be filled, the Returning Officer shall declare those candidates to be elected unopposed to that office.

### **14. Insufficient Candidates**

14.1 Where, on the expiry of the period for lodging the nominations for election for an office, insufficient nominations for that office have been received, the Returning Officer shall as soon as practicable after the expiry of that period, so advise the Corporation.

### **15. Death of a Candidate**

15.1 If a candidate dies before the declaration of nominations, his or her name shall not be declared as a candidate and the election shall proceed.

15.2 If the death occurs after the declaration of nominations but before postal votes are dispatched, the name of the deceased candidate shall be removed from the ballot paper and the election will proceed.

15.3 If the death occurs after the dispatch of postal votes but before the close of voting, votes will not be counted in respect of any candidate that is deceased and the election will proceed.

15.4 If, after the close of voting but before the declaration of the election, any successful candidate in an election dies, the candidate with the next highest vote shall be declared elected.

### **16. Number of Candidates**

16.1 Where the number of candidates exceeds the number of offices to be elected, the Returning Officer shall determine the date of commencement of issuing ballot papers and the time and date of the close of the ballot having regard to:

- (a) the date of expiration of the term of office of the holder of the office;
- (b) the time required to send and return ballot papers by post;
- (c) the time required to complete the election; and
- (d) the provisions of the Rule Book relating to the times and dates of the commencement and close of the ballot in respect of the election.

16.2 Where an election occurs at a General Meeting, ballots will be distributed on the day and the Returning Officer must ensure that sound processes are in place to enable a fair and accurate count of the votes on the day.

### **17. Election Package to be sent to Members**

17.1 An election package shall be posted by the Corporation to the members and shall contain:

- (a) A ballot paper.
- (b) An envelope marked 'Ballot Paper', which may have a declaration attached or, where the back of that envelope is not so used, a separate declaration is numbered to coincide with an identifying number shown against the name of that person on the Returning Officer's electoral roll.

- (c) Any voting instructions.
- (d) A reply-paid envelope addressed to the Returning Officer, or other suitable means for recording the vote (in the case of an election at a General Meeting).
- (e) A candidate profile, if provided by the candidate.
- (f) A timetable for the election, including the deadline for the receipt of ballots by the Returning Officer.

17.2 The time allowed for members to forward ballots to the Returning Officer shall not be less than **28 days**.

## **18. Form of Ballot Paper**

18.1 The order of names of candidates for election for an office that appear on the ballot paper for that election, shall be in alphabetical order by surname. The Returning Officer shall include on the ballot paper information and instructions to the voter with respect to the following matters and substantially in accordance with the following form:

- (a) The title of the office to which the election relates.
- (b) The names of the candidates in alphabetical order.
- (c) The time and date of the close of the ballot, or the date of the General Meeting at which the election is held.
- (d) Instructions on how to mark the ballot paper in order to record a formal vote.

## **19. Form of Elector's Declaration**

19.1 In the case of a postal vote, a declaration shall contain:

- (a) The full name of the elector.
- (b) The address of the elector.
- (c) An identifying number shown against the name of that person on the Returning Officer's electoral roll.
- (d) The type of election.

19.2 The declaration shall make provisions for the elector to declare, by placing his or her signature in the space provided, that he or she is the elector named on the declaration.

## **20. Date of close of Vote and Issue of Ballot Papers**

20.1 As soon as practicable after the date determined for the commencement of issuing ballot papers in respect of an election, the Returning Officer shall issue, by post to each person: at the address shown on the electoral roll, a ballot paper and the other ballot material in a sealed envelope and provide for the return of the ballot paper in a reply paid envelope.

20.2 The envelope referred to above shall include an instruction that, if it is not delivered to the addressee it should be returned to the address nominated by the Returning Officer for the receipt of ballots.

20.3 The close of vote shall be not less than **28 days** after the date that Election packages are sent to members.

## **21. Issue of Duplicate Postal Vote Ballot Paper or Ballot Paper Envelope**

- 21.1 Where, on application before the time of the close of the ballot in an election, the Returning Officer is satisfied that a ballot paper or ballot paper envelope issued to a person whose name is on the electoral roll has not been received or has been lost, destroyed or spoiled, he or she shall issue to that person a duplicate ballot paper, or ballot paper envelope, as the case may be.
- 21.2 An application by a person for a duplicate ballot paper or ballot paper envelope for an election shall:
- (a) be made in writing;
  - (b) set out the grounds on which the application is made;
  - (c) declare that the person has not voted in the election; and
  - (d) if practicable, be accompanied by any evidence that is available of that non-receipt, destruction or damage of the original ballot paper.

## **22. How to Vote**

Ballot papers should be marked as follows:

- (a) An elector is to mark the ballot paper by placing a cross in the boxes opposite the names of the candidates that the elector wishes to elect.
- (b) An elector may vote for only one candidate if they wish, but may vote for two, three or four candidates.
- (c) When an elector marks the ballot paper in a manner, other than the prescribed manner, but the ballot paper clearly indicates the voter's intention, the Returning Officer may include the ballot paper in the count.
- (d) Voting by proxy shall not be permitted.

## **23. Ballot Boxes**

- 23.1 The Returning Officer is to provide such ballot boxes as are necessary for the election at the places at which ballot boxes are required under these rules.
- 23.2 Before a ballot box is used to take ballot papers or envelopes, the Returning Officer or assistant is to satisfy himself or herself that it is empty and then secure it with a security device in a way that ensures that nothing can be removed from it without breaking the security device.
- 23.3 Ballot boxes that are to be used at a General Meeting are to be displayed and secured under in the presence of any scrutineers then present.

## **24. Scrutineers**

- 24.1 Each candidate nominated for election may, by written notice given to the Returning Officer, appoint a person who is eligible to be a scrutineer in respect of that election, being a person other than a candidate for that position.
- 24.2 A scrutineer must make a declaration before the Returning Officer as prescribed in Form 1.
- 24.3 A scrutineer appointed under this regulation may:
- (a) Be present while the Returning Officer carries out his functions
  - (b) Not touch any ballot paper or envelope containing any ballot paper;
  - (c) Direct the attention of the Returning Officer to –

- (i) any irregularity concerning the issue of ballot papers.
- (ii) the admission of any envelope to scrutiny.
- (iii) the admission of a ballot paper as formal.
- (iv) the rejection of a ballot paper as informal, or
- (v) the counting of the vote; and

(d) Carry out any other functions of a scrutineer under the rules of the Corporation.

24.4 Where a scrutineer;

- (a) Interrupts the count other than for a purpose noted above, or;
- (b) Fails to carry out a lawful request by the Returning Officer,

the Returning Officer may direct the scrutineer to leave the place where the scrutiny is being conducted.

24.5 A scrutineer shall comply with a direction by the Returning Officer.

## **25. Receipt of Postal Vote Ballot Papers**

25.1 Procedure for Checking Declarations.

Declarations are to be checked as follows:

- (a) The Returning Officer or assistant is to open each election package and remove the papers contained in it.
- (b) The Returning Officer or assistant is to check that the declaration is completed in accordance with these rules.
- (c) If satisfied, the Returning Officer or assistant is to mark the electoral roll either manually or electronically.
- (d) If not satisfied that the declaration conforms with the rules, the Returning Officer or assistant is to make a record on the ballot paper envelope of its rejection without opening it or allowing it to be opened.

25.2 In any case where doubt has arisen in relation to whether a ballot has been received from the member to whom a ballot paper was sent, the Returning Officer may compare signatures on declarations to membership applications and, if not similar, reject them.

25.3 The Returning Officer may place all envelopes in a sealed ballot box until the count or prepare the ballot papers for the count.

## **26. Preparation of Postal Ballot Papers for Count**

26.1 To prepare postal voting papers the Returning Officer or assistants may, before close of voting:

- (a) Detach each declaration attached to the envelope, and put it aside
- (b) Place the ballot paper envelope unopened, into a sealed ballot box ready for the count.

26.2 The Returning Officer is to keep:

- (a) The electors' declarations
- (b) The ballot paper envelopes rejected under rule 25.1(d) of this Election Manual
- (c) The empty ballot paper envelopes,

in safe custody until the term of office of the elected candidates has expired.

## **27. The Count**

- 27.1 Votes must be counted by the first past the post method.
- 27.2 As soon as practicable after the time of the close of the ballot, and in the presence of the scrutineers, if any, the Returning Officer may take the ballot box or boxes to the place of the count.
- 27.3 If there are no scrutineers appointed, the Returning Officer must appoint an independent person to be present during the counting process.
- 27.4 Where any voting papers are rejected, the Returning Officer shall mark the envelope 'rejected' with the reason(s) for rejection and set it aside for safe keeping.
- 27.5 After the close of the voting, the Returning Officer, in the presence of scrutineers (if any) may open the sealed ballot box and take out the ballot paper envelopes and extract the ballot papers ready for the count.
- 27.6 In the event that two or more candidates receive an equal highest number of votes, the tie will be resolved by the Returning Officer placing the name of each candidate into unmarked identical envelopes (one name per envelope). The envelopes will be placed into a box, and the Returning Officer will draw one envelope from the box, containing the name of the successful candidate.
- 27.7 Where the count has produced a result where the "Majority of Directors" requirement of Rule 8.1.3 (2 or more Directors must not be Family Members of each other) would be breached, the Returning Officer must declare as elected the Family Member who has the highest vote and must not declare any further Family Members as elected.

## **28. Re-count**

- 28.1 At any time before the declaration of the poll, the Returning Officer may, if he or she thinks fit, at the request of any scrutineer, or of his own volition, re-count the ballot papers.
- 28.2 The Returning Officer in conducting the re-count shall have the same powers as if the re-count was the count and may reverse any decision in relation to the scrutiny as to the allowance, admission, disallowance or rejection of any ballot paper.

## **29. Informal Ballot Papers**

- 29.1 The Returning Officer shall reject as informal any ballot paper that is not marked substantially in accordance with the instructions on the ballot paper.
- 29.2 Where, during the scrutiny, the Returning Officer is informed by a scrutineer that the scrutineer objects to a ballot paper being admitted as formal, or rejected as informal, as the case may be, the Returning Officer shall decide the matter and endorse his or her decision on the back of the ballot paper.
- 29.3 The Returning Officer is to be the sole and final judge of whether a ballot paper is formal or informal prior to the declaration of the result.

## **30. Declaration of Result of voting by Postal vote**

- 30.1 The Returning Officer shall declare the result of the election by giving notice of the result in writing to the Corporation at its registered office. The Corporation may declare the results of the election at an event such as the organisation's Annual General Meeting or in any other prescribed way.

- 30.2 The Returning Officer shall, at the time of declaring the result of the election, declare in respect of the election;
- (a) The number of ballot papers printed, as certified by the printer
  - (b) The number of ballot papers, (other than duplicate ballot papers) issued
  - (c) The number of duplicate ballot papers issued
  - (d) The number of unused ballot papers
  - (e) The number of ballot papers rejected from scrutiny
  - (f) The number of ballot papers admitted as formal
  - (g) The number of ballot papers rejected as informal
  - (h) The number of votes admitted as recorded in favour of each candidate.

### **31. Preservation and Custody of Election Material**

- 31.1 On the completion of the counting of votes, the Returning Officer, in consultation with a representative of the Corporation, shall make provision for the preservation and custody of:
- (a) All nomination papers
  - (b) All ballot papers admitted as formal
  - (c) All ballot papers rejected as not complying with the rules or informal
  - (d) All declarations relating to the ballot papers, whether formal or informal
  - (e) All envelopes received after the close of the ballot
  - (f) The marked electoral roll against which the declarations were checked
  - (g) All unused ballot papers, declarations and other documents prepared in connection with the election,

which shall be placed in labelled containers, each endorsed with the name of the Corporation and the office to which the election relates. These shall be sealed, signed and dated by the Returning Officer and retained for not less than the term of office of the elected candidates.

### **32. Extension of Time**

- 32.1 The Returning Officer may allow an extension of time to receive nominations or to undertake any other elements of the election process where the circumstances are such that an extension would allow for the better conduct of the election.

### **33. Fees and costs incurred by the Returning Officer**

- 33.1 Where the Returning Officer is appointed by the Corporation to conduct an election, the Corporation will be responsible for all costs, charges and expenses reasonably and necessarily incurred in connection with that election. An agreement should be entered into with any Returning Officer (or other independent entity which undertakes some or all Returning Officer functions).





# Appointment of members to the Cultural Advice Committee

## 34. Eligibility of Cultural Advice Committee Candidates

- 34.1 To be eligible for election and to serve as a Cultural Advice Committee member, a candidate must meet the eligibility criteria set out in the Cultural Advice Policy.
- 34.2 A candidate is not eligible for appointment if the person is excluded under the exclusion provisions set out in the Cultural Advice Policy.

## 35. Time for undertaking Appointments to the Committee

- 35.1 The Corporation must have regard to the Term of Appointment of the members of the Committee and must commence a nomination and appointment process early enough to complete the nomination and vetting process before the Notice for a General Meeting is required to be sent.

## 36. Lodging Nominations

- 36.1 The Directors shall determine the time and date of the commencement and close of the period for nominees to lodge their nominations, which shall be not less than 21 days.
- 36.2 Nominations shall be sent to the Corporation, addressed to "Cultural Advice Committee Nominations", at the address of the Corporation.

## 37. Notice inviting Nominations

- 37.1 At the commencement of the Appointment process, the Directors shall publish by way of letter and/or any other reasonable form of communication to members and potential nominees, a Notice inviting nominations, setting out:
- (a) The intention to hold an election
  - (b) The number of persons to be elected and where relevant the number of Male or Female identified persons to be elected
  - (c) That no more than six men or six women can be represented on the committee and that at least three men and three women must be represented on the committee;
  - (d) The form in which nominations are to be made and where those forms can be obtained
  - (e) The place for lodging nominations
  - (f) The times and dates of the commencement and close of the period for lodging nominations
  - (g) The roles and responsibilities of the office
  - (h) Eligibility criteria for electors and candidates, as per the Cultural Advice Policy
  - (i) The time and date of the proposed General Meeting when a vote is to occur
  - (j) Inviting nominations of persons eligible for election.

## 38. Nomination process

- 38.1 The Directors shall provide a Nomination Form which must be completed by nominees and returned to the Corporation within the prescribed time.
- 38.2 The Nomination Form must be signed by the nominee and seconded by a person who is a member of the Corporation.

- 38.3 The Nomination Form must include the full name and contact details for the Nominee.
- 38.4 The Nominee must provide information in the Nomination Form which will allow the Directors to make a preliminary assessment of eligibility against each of the membership criteria set out in the Cultural Advice Policy.
- 38.5 The Nominee must confirm that they are not ineligible under the eligibility criteria set out in the Cultural Advice Policy.
- 38.6 The Nominee must indicate that they have read and understood the Cultural Advice Policy and that they are ready, willing and able to serve as a member of the Committee.

### **39. Initial assessment by the Directors**

- 39.1 Within 7 days of the close of Nominations, the Directors shall meet in a manner that is in accordance with Rule 11 of the Corporation Rule Book. At this meeting, the Directors shall consider the Nominations received and shall determine and undertake the following:
- (a) Whether each Nominee has provided sufficient information and has fully completed the Nomination Form
  - (b) What action, if any, is required to be taken where the nominee has not completed the Form fully, or has not provided sufficient information for the Directors to make a proper assessment of eligibility
  - (c) Request that the CEO or delegate in the absence of the CEO of the Corporation makes contact with the nominee for the purposes of undertaking a process whereby the Nominee can be given assistance to rectify the deficits in their Nomination
  - (d) Prescribe a date by which a rectified Nomination Form can be received for assessment by the Directors at a subsequent meeting.
- 39.2 At the meeting of Directors, or at a subsequent meeting following the receipt of any rectified Nomination Forms, the directors shall make a determination as to whether each candidate does or does not meet the eligibility criteria.
- 39.3 The Directors must establish a written policy and procedure in relation to the manner in which they will undertake the eligibility assessment process
- 39.4 The Directors shall pass a resolution in relation to the above assessment process.

### **40. Initial assessment by the Directors**

- 40.1 The Directors must immediately notify in writing any ineligible nominees:
- (i) Of the Directors' decision that they are not eligible;
  - (ii) the reasons for the decision, by reference to the relevant clauses of the Cultural Advice Policy;
  - (iii) of a limited right to provide submissions to the Directors to have the decision reviewed, only where the nominee believes the directors have made an administrative error in processing the nominee's application;
  - (iv) that no other basis for an appeal is allowed.
- 40.2 Candidates shall have 7 days to request a review, and shall in making a request, provide any information required for a review to be properly undertaken.
- 40.3 The Directors shall make a decision on the review request within 7 days of receipt of the request and their decision shall be final. A Resolution will be made, and the nominee shall be immediately informed of the review decision.

## **41. Insufficient Candidates to fill the available or the required vacancies**

- 41.1 After the Directors have finalised the list of eligible candidates, the number of Female and Male eligible nominees will be known. Where the number of Nominees is less than the total of available Male or Female vacancies, no further nominations will be requested unless the number of members would otherwise fall below the **minimum of 3 Male and 3 Female members**.
- 41.2 As a General Meeting would normally be required to fill vacancies, and as the calling of a new General Meeting for this purpose would be neither economical nor desirable, the directors may make an appointment of as many Male or Female members as may be necessary to meet the minimum representation requirements.
- 41.3 Any member so appointed must first forward a Nomination Form and must be declared to be eligible to be a member by the Directors.
- 41.4 Casual vacancies which would result in less than the minimum representation may also be filled on the same basis.
- 41.5 Appointments made under this process shall be valid until the next General Meeting, at which the usual Nomination and appointment process is undertaken.
- 41.6 If there are 6 or less eligible Female or Male Nominees at the time of the initial appointments to the Committee, or subsequently if the number of eligible nominees is equal to or less than the number of available positions, a vote at the general meeting will not be required, except at the first general meeting, where this is required so as to allocate the lengths of term of appointments.
- 41.7 In the event that no vote is required, the appointment of persons to the Committee will be noted at the General Meeting, and the term of appointment of members shall commence from the date of that General Meeting.

## **42. Voting at the General Meeting**

- 42.1 The list of candidates eligible for election shall be included in the Notice sent to members for the General Meeting.
- 42.2 If a Corporation member requests it, the Nomination Form submitted by any nominees can be forwarded to them for their review prior to the meeting.
- 42.3 All Nomination Forms are to be made available at the General Meeting.
- 42.4 Candidates may be given the right to speak to their Nomination, but this is subject to the discretion of the Chair, who may decide, for example that the number of nominees is too large to allow for such a process.
- 42.5 Voting shall be by way of a secret ballot.
- 42.6 The Corporation is responsible for preparing the Ballot Papers based on the list of eligible candidates provided by the Directors
- 42.7 Ballot paper will be split into two sections; being one for Female nominees and the other for Male nominees.
- 42.8 The Ballot will be listed in alphabetical order by Family name.

- 42.9 Members will be advised of the total number of Male and Female nominees for which there are vacancies.
- 42.10 Voting intention shall be indicated by placing a cross against the name of one male and one female nominee only, that a member wishes to vote for.
- 42.11 If the General Meeting at which voting is to take place is held at two or more venues, the Returning Officer must ensure that adequate procedures are in place that will enable the counting of votes from all locations. The votes from all locations must be consolidated, the outcome of which must be declared during the course of the General Meeting. The Meeting will then consider a resolution in relation to membership of the Cultural Advice Committee, as required under the Cultural Advice Policy.

### **43. Role of Returning Officer and declaration of results**

- 43.1 The Returning Officer will ensure that completed ballots are placed in an empty box which is secured against being accessed by any person other than the Returning Officer and any authorised assistants.
- 43.2 The Returning Officer will count as valid any ballot that gives a clear indication of the voting intention of the member and which has at least one cross (or other indicative mark) for both the Male and Female sections of the Ballot.
- 43.3 Members may observe the count, but from a distance to be advised by the Returning Officer and no unauthorised person may disrupt or otherwise interfere with the counting process.
- 43.4 The Returning Officer will count the vote, tabulate the result, and when satisfied that the count is correct, will declare as elected, the persons with the highest number of votes, up to the number of candidates to be appointed in the election, in both the Female and Male divisions of the Ballot.
- 43.5 In the event of a tied vote for any available vacancy, the Returning Officer will arrange for the names of the tied candidates to be put into separate envelopes and for one envelope to be drawn from a box. The candidate drawn will be given the higher position in the result declaration.
- 43.6 The Returning officer will make arrangements with the Corporation for the safe keeping of the ballots and tabulations.

### **44. Appointment of a Returning Officer**

- 44.1 A Returning Officer will be appointed by the Corporation to undertake the counting of the vote.
- 44.2 The Returning Officer shall be a person who has skill and experience in supervising voting activities of the sort contemplated.
- 44.3 If the Returning Officer that has been appointed cannot attend the General Meeting so as to undertake duties, the Directors must confer and as soon as practical, identify and appoint an alternative person to undertake the role of the Returning Officer.
- 44.4 Any Returning Officer must complete a declaration, in a form satisfactory to the directors that they have no conflict of interest in undertaking the role, and that they are independent of any of the candidates for election.

- 44.5 The Returning Officer is to be appointed by the Directors, unless the Directors delegate this appointment to the CEO of the Corporation.
- 44.6 The Returning Officer is to be provided with a copy of the Cultural Advice Policy, this Election Manual and the Rule Book of the Corporation.
- 44.7 The Returning Officer must be given sufficient notice of the date time and place of the proposed General Meeting, the purpose of the election, the number of candidates and the proposed process for undertaking the vote.
- 44.8 The Corporation must enter into an Agreement with the Returning Officer which sets out the terms and conditions of their appointment.

# Appendix 1 Form 1

## APPOINTMENT OF SCRUTINEER

<b>Organisation</b>			
<b>Office</b>			
<b>Election date</b>	/	/	

Candidate			
<b>Surname</b>			
<b>Given names</b>			
<b>Address</b>	No.	Street Name	
	Suburb		Postcode

Scrutineer			
<b>Surname</b>			
<b>Given names</b>			
<b>Address</b>	No.	Street Name	
	Suburb		Postcode
<b>Phone numbers</b>	(H)		(W)
<b>Fax number</b>		<b>Email</b>	

I hereby appoint the following person as a scrutineer at the above election.

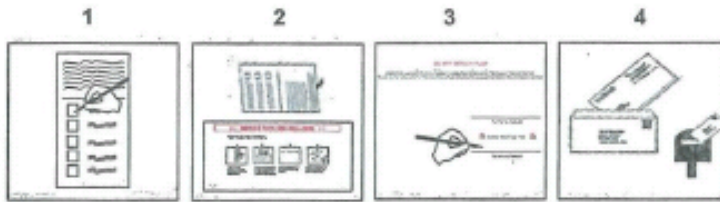
<b>Signature of candidate</b>		<b>Date</b>	/ /
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I DECLARE that I will only observe the election processes and will not record or convey details of who has voted in the election. I will comply with instructions from the Returning Officer.

<b>Signature of scrutineer</b>		<b>Date</b>	/ /
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**/// REMOVE TAPE AND SEAL HERE ///**

How to use this envelope...



1 Complete your ballot paper(s) by following the instructions on the ballot paper(s).

2 Place this ballot Paper(s) in the envelope and seal it. This envelope is for your ballot paper(s) only.

3 Sign the Declaration. Do not detach it from this envelope.

4 Place this envelope in the Reply Paid envelope and post it straight away.

(INSIDE FLAP)

# BALLOT PAPER ENVELOPE

(FRONT)

**DO NOT DETACH FLAP**

PLEASE COMPLETE THE DECLARATION BELOW OR YOUR VOTE WILL NOT BE COUNTED.  
YOUR VOTE IS SECRET – The Returning Officer will detach this declaration before the envelope is opened.

\_\_\_\_\_  
Full name of elector

↓ Elector MUST sign here ↓

\_\_\_\_\_  
Signature of elector

(OUTSIDE FLAP)