



## REGULATION 7 – ELECTIONS & VOTING

### DEFINITIONS

“Act” means the Corporations Act 2001 (Cth).

"AGM" or "Annual General Meeting" means the annual General Meeting of the Company required to be held in each calendar year under the Act.

"Appointed Director" means a Director appointed under clause 17.

"LAA" means Australian Little Athletics Inc. trading as Little Athletics Australia.

“Board” means the body consisting of the Directors.

“Club” means a Little Athletics club which is affiliated with a Little Athletics Centre.

“Company” means Little Athletics NSW Ltd.

“Competitive Member” means an Individual Member who is a child or young person (as defined in the Regulations) and who is registered with the Company and participates in Little Athletics and/or skill related activities organised and conducted by the Company or any of its Members.

“Constitution” means the Constitution of the Company.

“Financial Year” means the year commencing on 1 April and ending on 31 March the following year.

“Individual Member” means:

- (a) a competitive member, being a child or young person (as defined in the Regulations) and who is registered with the Company and participates in Little Athletics and/or skill related activities organised and conducted by the Company or any of its Members.
- (b) any parent or legal guardian of any person who is an Individual Member under part (a) of this definition.
- (c) any individual who is a volunteer, coach or other official who is associated with the Company.
- (d) any coach providing coaching services to the Company, a Little Athletics Centre or an Individual Member.
- (e) any person who is a committee member of a Little Athletics Centre; or
- (f) any person who meets the criteria for membership as an Individual Member which are set out in the Regulations from time to time.

"Little Athletics" means the sport of athletics for children and young people between the ages of 3 and 17 years which is governed by the Company and LAA.

"Little Athletics Centre" means a Little Athletics Centre recognised by the Company as a Member under clauses 5.1(a) and 6.1 and which is responsible for administering Little Athletics competitions and Clubs within its local area.

"Member" means a member for the time being of the Company under clause 5 of the Constitution.

"Objects" means the objects of the Company in clause 3 of the Constitution.

"Official Position" means a person who:

- (a) is a Delegate or Zone Coordinator.
- (b) holds the position of president, vice president, treasurer, secretary, or registrar (or equivalent position) of a Little Athletics Centre.
- (c) is employed by a Little Athletics Centre on a full or part time (including casual) basis.

"Register" means a register of Members kept and maintained in accordance with clause 7 of the Constitution.

"Regulations" mean any Regulations made by the Board under clause 40 of the Constitution.

"Zone" means an area of New South Wales having boundaries as determined by the Board from time to time and which includes such Little Athletics Centres as have been assigned to that geographic area by the Board.

"Zone Coordinator" means the person who has been elected under clause 22(a) to undertake the duties set out in the Regulations.

## **7.1 PURPOSE**

This Regulation sets down the procedural requirements of the Company for all ballots, elections, postal and proxy votes. This Regulation is made under clause 40 and will be interpreted in accordance with the Constitution of Little Athletics NSW Ltd.

## **7.2 DELEGATES**

- a) The two (2) Delegates representing each affiliated Little Athletics Centre as set out in clauses 5.1(a) and 30.1(a) of the Constitution must be members of that affiliated Little Athletics Centre and must be nominated annually on the Little Athletics Centre's Affiliation Form.
- b) If either of the two delegates nominated on the Affiliation Form are not available for a particular meeting of the Company, alternative persons (who are members of that Little Athletics Centre), may be nominated as Little Athletics Centre delegates for that meeting only.
  - i) Notification will be on the attendance form issued by the Company for that meeting.
  - ii) The provisions of this clause only apply in the event that either or both persons referred to in clause 7.2 a) are not available. Little Athletics Centres are entitled to a maximum of two delegates.
- c) Delegates are eligible to vote on motions or discussion items submitted in accordance with the Constitution and/or Regulations, and all elections at any General Meeting.
- d) Delegates can be Life Members or Zone Coordinators of the Company.
- e) Delegates cannot be Directors or permanent employees of the Company.
- f) For the purposes of determining a count to form a quorum in the Constitution, a delegate is a representative of a Little Athletics Centre with or without the right to vote.

### **7.3 ELECTION OF THE BOARD OF MANAGEMENT**

- a) Elections for Directors of the Board shall be conducted at the Annual General Meeting of the Company.
- b) Nominations to the Board shall be open to any adult person, who has been proposed by an affiliated Little Athletics Centre, provided they:-
  - i) are not an undischarged bankrupt, and
  - ii) do not have a recorded conviction which in the opinion of the Board renders them unsuitable to serve in the role for which they have been nominated, and
  - iii) are not ruled as unsuitable by the Board to serve on the Board, and are considered to be suitably qualified to take a Director's role, and
  - iv) agree to undertake a Police Background Check
- c) Upon receipt of a nomination for an elected Director in the Little Athletics NSW office, the envelope will be date/time stamped and registered as incoming correspondence, though not opened until after the published closing date, by the Returning Officer.
- d) Nomination forms must be received in the Little Athletics NSW office on or prior to the nominated date. Any nominations received post this date will not be accepted. Pre postal stamped mail will not be accepted.
- d) A full list of nominees and their credentials will be issued to Little Athletics Centres after the closing date for nominations.
- e) Voting for the persons nominated for the positions on the Board shall take place by secret ballot, after a statement of the credentials of each nominee, if any, as provided by such nominee has been distributed.
- f) Ballot papers shall be prepared listing the name/s of nominees in alphabetical order and on which each eligible voting member present or represented by a proxy (in accordance with clause 32 of the Constitution), or voting by a postal vote in accordance with clause 31 of the Constitution, shall record a vote by indicating the nomination preferred with a tick, cross, signifying mark or other similar indication.
- g) Eligible voting members present or represented by a proxy (in accordance with clause 32 of the Constitution) or voting by a postal vote in accordance with clause 31 of the Constitution, will be allowed a maximum number of votes equivalent to the number of vacant Elected Director positions.
- h) Ballot papers other than postal votes are to be lodged at the ballot boxes provided for that purpose at the Annual General Meeting. Ballot boxes will be closed and removed ten (10) minutes after the commencement of the Annual General Meeting and no late ballot papers will then be accepted.
- i) At least two scrutineers shall be appointed by the chairperson of the meeting, prior to the election, who shall examine each vote (including postal votes), ensure its validity and record one vote for each nomination which has been indicated with a tick, cross, signifying mark or other similar indication and at the completion of such count, advise the Returning Officer the votes recorded for each nomination.
- j) The Returning Officer shall advise the chairperson of the meeting, a maximum number of persons equivalent to the vacant Elected Director positions, determined to have the greatest number of votes, who shall be deemed to be the elected member/s of the Board.
- k) In the event that there is a tied number of votes for nominees where the positions exceed the vacancies, the tied nominees will be announced, and another electronic ballot will be conducted within 1 week
- k) In accordance with clause 16.4 (b), four (4) Elected Directors shall retire in each odd year and three (3) Elected Directors shall retire in each even year, until after two (2) years the seven (7) original Elected Directors have retired, after which those Elected Directors (or their replacements) who first retired, shall retire, and so on.
- l) In accordance with clause 18.1 of the Constitution, any casual vacancy occurring in the position of Director may only be filled until the next Annual General Meeting.

### **7.4 APPOINTMENT OF THE RETURNING OFFICER**

- a) The Board shall appoint the Returning Officer.

- b) The Board will appoint a suitably qualified person who is:
  - i) An adult person.
  - ii) Not a current Board Member.
  - iii) Not a nominee for the Election of a Board member.
- c) The appointment of the Returning Officer shall be notified to Little Athletics Centres not less than forty (40) days before the date fixed for the Annual General Meeting.

#### **7.5 POSTAL VOTES**

- a) The closing date of the ballot must not be less than forty-eight (48) hours prior to the time of the scheduled start of the General Meeting.
- b) Postal votes (including the count of electronic votes) will be announced separately to the number of votes of members/delegates in attendance at the meeting, before being added to the final tally.

#### **7.6 ELECTRONIC VOTES**

- a) The closing date of the ballot must not be less than forty-eight (48) hours prior to the time of the scheduled start of the General Meeting.
- b) Electronic votes will be announced as part of the postal votes counted separately in the number of votes of members/delegates in attendance at the meeting, before being added to the final tally.

#### **7.7 PROXY VOTES**

- a) Proxy votes may be exercised: -
  - i) to elect a Director;
  - ii) in relation to conferring Life Membership on a Member;
  - iii) in relation to any amendment to the Constitution;
  - iv) where a Notice of Motion has been submitted pursuant to clause 28 of the Constitution and notice provided to the members pursuant to clause 26 of the Constitution.
- b) Proxy votes shall not be exercised on any other motion unless determined by the Board.
- c) The person holding the proxy shall vote in accordance with the instructions of the member issuing the proxy.
- d) The notice appointing the proxy shall be in the form set out in Appendix A.
- e) Electronic voting does not apply to Proxy Votes.

#### **7.8 ELECTION OF ZONE COORDINATORS**

- a) The procedure for election of Zone Coordinators shall be: -
  - i) Zone Coordinators shall be elected by delegates of Little Athletics Centres within their Zone.
  - ii) Vacancies for the position of Zone Coordinator shall be advertised through all affiliated Little Athletics Centres within the relevant Zone, by notice sent from the Chief Executive Officer .
  - iii) Nominations for Zone Coordinator shall be open to any adult person who has been proposed by an affiliated Little Athletics Centre within the relevant Zone.
  - iv) Nominations for the position of Zone Coordinator must be in writing; on the prescribed form (if any) provided for that purpose; signed by two (2) authorised members of the committee of the proposing Little Athletics Centre; and certified by the nominee expressing their willingness to accept the position for which they are nominated.
  - v) Zone Coordinator nominations shall be addressed to the Chief Executive Officer and sent to the Little Athletics NSW office by the published closing date, which shall be no later than the last day in February.
  - vi) If at the closing date no nominations have been received, a second round of advertising will be held with a revised closing date to be determined by the Chief Executive Officer, in consultation with the current Zone Coordinator.

- vii) If by the closing date of the second round, no nominations have been received, a casual vacancy may be declared by the Board. The casual vacancy will be filled in accordance with the Constitution.
- viii) The Chief Executive Officer will advise the names of the nominees to the current Zone Coordinator, within fourteen (14) days after the published closing date.  
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- ix) A full list of nominees and their credentials, along with the details for the election, will be issued to Little Athletics Centres by the current Zone Coordinator at least one (1) month prior to the election date.
- x) Voting shall be by secret ballot at a meeting of delegates of the Little Athletics Centres within the Zone. Each Little Athletics Centre shall be entitled to one vote.
- xi) Zones may make application to the Chief Executive Officer to conduct an electronic ballot for the election of a Zone Coordinator.
- xii) Where approval is granted for an electronic ballot, the ballot shall be conducted by the Company under the procedures set by the Board from time to time.
- xiii) Where the vote takes place at a meeting of the Zone (not via postal ballot), Little Athletics Centres must be in attendance at the Zone meeting in order to cast a vote.
- xiv) A quorum shall consist of no less than four (4) Zone Little Athletics Centres, attending the meeting for the Zone election to proceed. If an election cannot be conducted because a quorum was not present at two meetings called to conduct the election, a casual vacancy may be declared by the Board.
- xv) A candidate shall be declared elected only if approved by the majority of Little Athletics Centres in attendance at the Zone meeting, or in the case of a postal ballot, the majority of Little Athletics Centres eligible to vote (i.e. a vote must still take place even if there is only one candidate).
- xvi) Where more than one (1) candidate is standing, the candidate securing the highest number of votes will be deemed the elected Zone Coordinator.
- xvii) In the case of a tied vote, a second secret ballot shall be conducted to try and resolve the voting impasse. If this results in another tie the current Zone Coordinator or their appointee shall arrange a draw “from the hat” by an attending delegate, who is not one of the candidates, to determine the winner. (Alternatively, the matter can be referred to the Board for determination)
- xviii) The result of the election is to be notified to the Chief Executive Officer within one (1) month of the date of the election.
- xix) If no nominations are approved by the majority of delegates of the Little Athletics Centres within the Zone, the position will be deemed a casual vacancy by the Board. The casual vacancy will be filled in accordance with clause 22(f) of the Constitution.

## **7.9 ELECTION OF LIFE MEMBERS**

- a) A full list of nominees and their credentials will be issued to Little Athletics Centres after the closing date for nominations
- b) Voting for person/s nominated for Life Membership shall take place by secret ballot
- c) Ballot papers shall be prepared listing the name of the nominee/s and on which each member shall record a valid vote by indicating support for the nomination with a tick, cross, signifying mark or other similar indication.
- d) Such ballot papers are to be lodged at the ballot boxes provided for that purpose at the Annual General Meeting. Such ballot boxes will be closed and removed ten (10) minutes after the commencement of the Annual General Meeting and no late ballot papers will then be accepted.
- e) At least two scrutineers shall be appointed by the chairperson of the meeting, prior to the election, who shall examine each vote (including postal votes), ensure its validity and record one vote for each nomination which has been indicated with a tick, cross, signifying mark or other similar indication and at the completion of such count, advise the Returning Officer the votes recorded for each nomination.
- f) The Returning Officer shall advise the chairperson of the meeting, if the nominee has

received a three quarters majority (or higher) of the votes cast by eligible voting members at the Annual General Meeting.

- g) A nomination for Life Membership will be successful if the nominee receives a three quarters majority of the votes cast by eligible voting members at the Annual General Meeting.
- h) Announcement of the results will be made at the Annual General Meeting and the privileges of the award will become effective from the close of the meeting.