

# Pol. 003 - SWA General Meetings Policy

**Effective Date: 1<sup>st</sup> Septembr 2023**

Under the Swimming WA Incorporated (SWA) Constitution (section 21.2):

“The Board may determine the procedures for electing Directors either at an Annual General Meeting, or through the use of electronic voting referred to in Rule 46, prior to an Annual General Meeting.”

In addition, under section 21.1 of the SWA Constitution:

“Nominations must be in writing on the form provided in the General Meetings Policy”

This “General Meetings and Election of Directors Policy” addresses the above issues.

## 1. Nomination of Elected Directors

### 1.1 Notice seeking nominations

1.1.1 The Chief Executive Officer (CEO) shall cause an election notice to be sent to all Entity Members and Individual Members at least 77 days before an Annual General Meeting, or General Meeting, at which there is an election of Director(s).

1.1.2 The election notice shall:

- (a) list the number of Directors for which nominations are sought;
- (b) fix the time and date for the opening and closing of nominations;
- (c) fix the time and date for the opening and closing of the ballot;
- (d) specify the accepted method of lodging a nomination;
- (e) fix a time and date for withdrawal of nominations; and
- (f) specify that a biographical and/or policy statement not exceeding 300 words in support of the nomination may be submitted with the nomination.

### 1.2 Timetable for nominations

1.2.1 The CEO shall cause the Director’s election notice to be sent to all Entity Members and Individual Members at least 77 days before an Annual General Meeting or General Meeting at which the Director Election is to be held.

1.2.2 Nominations shall open at least 77 days before the Annual General Meeting and close at 5pm on the 50<sup>th</sup> day before the Annual General Meeting, or General Meeting. Nominations received by the CEO after that time shall not be accepted.

1.2.3 If any of the above dates fall on a weekend or a public holiday, the relevant day shall be the CEO’s next standard working day after that date.

1.2.4 Nominations lodged with the CEO shall be in writing in the form set out in Appendix A and include the following information:

- a) the full name of the nominee;
- b) the form in which the nominee’s name is to appear on a ballot paper if different to the name shown above;

- c) the nominee's contact details;
- d) signed by the nominee; and
- e) signed by a witness, who shall be a Member of Swimming WA over the age of 18 years.

### 1.3 Eligibility to nominate

- 1.3.1 A nominee's eligibility to participate in the election shall be determined as at the close of nominations.
- 1.3.2 A nominee for election as a Director must meet the eligibility requirements in sections 20.2 and 20.3 of the SWA Constitution.

### 1.4 Defective nominations

- 1.4.1 Where the CEO finds that a nomination is or may be defective, they shall, before rejecting the nomination, notify the person concerned of the defect and where practicable, give the person the opportunity of remedying the defect or providing further information in support of the nomination, within a period of not less than three days after being notified.
- 1.4.2 Where the CEO has notified a person of a defective nomination, and where that person has remedied the defect and advised the returning officer within three days, the CEO shall accept the nomination.
- 1.4.3 Where the CEO has notified a person of a nomination defect, and where that person has not corrected the defect and advised the CEO within three days, the nomination shall be rejected.

### 1.5 Withdrawal of nominations

- 1.5.1 A person nominating for the office of Director may withdraw the nomination by notice in writing to the CEO at any time before the closing time for the receipt of nominations.
- 1.5.2 The notification in writing referred to above must include the signed endorsement of the nominee.

## 2. Uncontested Election

### 2.1 Declaration

- 2.1.1 If, after the close of nominations, the number of valid nominations received for the office of Director does not exceed the number of positions to be filled, the President shall declare elected the person or persons nominated.

## 3. Contested Election

### 3.1 Electronic election

- 3.1.1 If, after the close of nominations, the number of valid nominations received for the office of Director exceeds the number of positions to be filled, an online election shall be held.

### 3.2 Returning Officer – powers and duties

- 3.2.1 The Returning Officer (not being a Director, an employee of SWA, or a Delegate of a Member Club), shall be appointed by the Board to conduct each election for Elected Directors.
- 3.2.2 The Returning Officer may be a commercial organisation which runs online elections and SWA may agree to pay a fee to the Returning Officer.
- 3.2.3 Where a ballot is required, the returning officer shall conduct the ballot in accordance with the provisions of these rules

### 3.3 Roll of voters

- 3.3.1 The only persons eligible to appear on the roll of voters in a ballot are those persons who, at the close of nominations, are Delegates of Member Clubs who have provided their details to the CEO in accordance with section 42.3 of the Constitution.
- 3.3.2 The Returning Officer shall request the CEO to supply the name and email address of every Delegate. The Returning Officer may also request the CEO to supply additional information which does not form the roll of voters but is to be used to ensure no irregularity occurs, and to supply the information in electronic form.
- 3.3.3 Any candidate for election as a Director, and any Delegate entitled to vote in an election, may inspect and obtain a copy of the roll of voters for the purposes of the election only. A copy of the roll may be provided in an electronic form.

### 3.4 Ballot

- 3.4.1 The order of names on the ballot paper shall be determined by lot drawn by the Returning Officer.
- 3.4.2 The ballot shall be conducted under the first past the post system as detailed in this Rule.
- 3.4.3 The voter shall vote by marking in the squares opposite the names of the candidates the numbers 1,2,3 etc up to the number of candidates appearing on the ballot paper.
- 3.4.4 The number one marked in the square shall be known as the primary vote.
- 3.4.5 The candidate who polls the highest number of formal primary votes, – even if that number is not more than 50% plus one of the formal votes – is elected.
- 3.4.6 Where only one candidate is being elected, if two or more candidates each receive the equal highest number of formal primary votes, the Returning Officer shall decide by lot which candidate is to be elected.
- 3.4.7 Where more than one candidate is being elected and two candidates or more receive equal number of primary votes for one position, the preferences of the candidate with the least primary votes shall be distributed to the candidates with the highest votes and the person with the most votes shall be elected.
- 3.4.8 A ballot paper shall be informal if marked other than in accordance with this Rule.

### 3.5 Declaration of results

- 3.5.1 The Returning Officer shall declare the result of the election by giving notice of the result in writing to the CEO at the registered office.
- 3.5.2 The CEO shall advise the President, the Directors, and the candidates.
- 3.5.3 The President will announce the result of the election at the Annual General Meeting, or General Meeting.

## Attachment A – Elected Director Nomination Form

This form may be provided in Electronic Form online.

### NOMINATION FORM – ELECTED BOARD MEMBER

Name of Nominee	
Address	
Contact Number	
Email Address	

SWA Membership	YES		NO	
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### NOMINEE AGREEMENT AND CONSENT

Signed	
Print Name	
Date	

Nominations must be received prior to (time and date)

By email to:

Chief Executive Officer

[email address](#)

**NOMINEES INFORMATION**

Please attach your current CV to the Nomination Form.

In a total of 500 words or less, please summarise your skills, experience and qualifications on how you meet the required skill sets.

In 300 words or less, please summarise any other skill sets, experience and qualifications that contribute to the role on the SWA Board.

**PERSONAL STATEMENT:** In 200 words or less, please provide details of why you are applying for this role on the SWA Board, what has prompted you to nominate for the Board and what you feel you can contribute.

## Review History of Document

<b>Version</b>	<b>Date Approved</b>	<b>Content Reviewed/Purpose</b>
V1.0	24 <sup>th</sup> August 2023	Document drafted and approved in line with SWA Constitution