



Australian Traditional-  
Medicine Society Ltd

# **ELECTION GUIDELINES**

**OCTOBER 2019**

Leading the Natural Medicine Profession

## **ELECTION OF AUSTRALIAN TRADITIONAL MEDICINE SOCIETY LTD**

### **ELECTION POLICY and GUIDELINES 2019**

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## 1. INTRODUCTION

- 1.1 This Election Policy and Guidelines document (**Guidelines**) has been adopted by the Board of Australian Traditional Medicine Society Limited (**ATMS**) (**Board**) in accordance with the ATMS By-Laws and forms part of such By-laws.
- 1.2 Directors of ATMS will be elected by secret ballot conducted in accordance with these Guidelines.
- 1.3 The Board may amend these Guidelines from time to time.
- 1.4 These Guidelines may be viewed on the ATMS website.

## 2. DEFINITIONS

In these Guidelines:

- (a) Unless otherwise specified, capitalised terms used in the ATMS Constitution and By-Laws shall have the same meaning in these Guidelines.
- (b) **Assistant Returning Officer** means a person appointed as an Assistant Returning Officer pursuant to clause 4.2.
- (c) **Call for Nominations** means a Call for Nominations in accordance with **clause 5.1(a)**.
- (d) **Candidate** means a person nominated for a position on the Board in a Directors' Election.
- (e) **Directors' Election** means an election of directors to the ATMS Board in accordance with the Constitution and these Guidelines.
- (f) **Election Material** has the meaning given at **clause 6.1**.
- (g) **Returning Officer** means a Returning Officer appointed by the Board in accordance with **clause 4.1**.
- (h) **Secretary** means a person appointed as Company Secretary by the Board.

## 3. ELECTION TIMETABLE

At least 120 days before each AGM, the Board must agree to an election timetable, including the following steps, which must take place within the times specified in the table below:

	Action	Timing
<b>Step 1</b>	Board to request that Secretary provide the details of Members in order that it may call for Director nominations	At least 120 days before the next AGM
<b>Step 2</b>	Secretary to provide the details of Members to the Board in order that it may call for Director nominations	At least 90 days before the next AGM
<b>Step 3</b>	Board to appoint a Returning Officer	At least 90 days before the next AGM

<b>Step 4</b>	Notice to be given to Members calling for Director nominations	At least 60 days before the next AGM
<b>Step 5</b>	Notice to be given to Members that Director nominations are closed	At least 14 days after the date that nominations opened
<b>Step 6</b>	Election opens	At least 30 days before the next AGM

#### **4. RETURNING OFFICER**

- 4.1 At least 90 days before each AGM, the Board shall appoint an independent, external Returning Officer to oversee the conduct of the Directors' Election.
- 4.2 The Returning Officer may appoint Assistant Returning Officers, none of whom shall be an officer or employee of ATMS.
- 4.3 The Returning Officer will be responsible for:
- (a) preparing the Candidate draw;
  - (b) printing Candidate material;
  - (c) distributing Election Material;
  - (d) collecting votes;
  - (e) verifying voter eligibility;
  - (f) counting votes;
  - (g) declaring the result; and
  - (h) responding to Member or candidate queries in relation to the election process.
- 4.4 The Returning Officer will not be responsible for monitoring or preventing electioneering by Candidates.

#### **5. NOMINATION AND ELIGIBILITY OF CANDIDATES**

##### **5.1 Calling for Nominations**

- (a) At least 60 days before each AGM, the Board must call for nominations for Candidates by written notice to Members (**Call for Nominations**).
- (b) The Call for Nominations must include the following details:
  - (i) that the notice is a Call for Nominations for Candidates for positions on the ATMS Board of Directors;
  - (ii) the number of positions available;
  - (iii) the closing date for nominations and the dates on which a ballot, if required, will be conducted;

- (iv) the format in which nominations may be submitted electronically;
- (v) the maximum word limit (if any) for Candidate biographies; and
- (vi) how to obtain and lodge a nomination form.

## 5.2 Eligibility of Candidates

- (a) To be eligible for election or appointment as a Director, a person must:
  - (i) be an Accredited Member of ATMS;
  - (ii) satisfy any eligibility criteria specified in the Constitution and/or the By-Laws;
  - (iii) have, as at the date of their nomination, complied with the provisions of:
    - (A) the ATMS Constitution;
    - (B) any By-Laws prescribed under the ATMS Constitution;
    - (C) where applicable, the ATMS Board Code of Conduct; and
    - (D) where applicable, the ATMS Board Charter.
- (b) The Board may from time to time determine additional eligibility criteria for prospective Candidates. The Board will publish any such criteria on the ATMS website.
- (c) All Candidates must provide a written declaration, before the closing date for nominations, that he or she:
  - (i) is eligible under the Constitution and these Guidelines to be elected as a Director of ATMS;
  - (ii) will devote such time as necessary to carry out his or her duties as a Director of ATMS; and
  - (iii) will observe the requirements of:
    - (A) the ATMS Constitution;
    - (B) any ATMS By-Laws;
    - (C) the ATMS Board Code of Conduct;
    - (D) the ATMS Board Charter; and
    - (E) these Guidelines.
- (d) Notwithstanding any other provision of this **clause 5.2**, a Candidate will not be eligible for election or appointment as a Director if the Board resolves that that Candidate has conducted their campaign in a manner which is in breach of these Guidelines.

## 5.3 Nomination Process

- (a) Candidates shall be nominated in writing by post or electronically in the prescribed Nomination Form. Candidates must indicate their consent to nomination by signing the Nomination Form in the space provided.

- (b) Nominations must be received by 5:00pm on the date specified in the Call for Nominations.
- (c) Candidates may submit a biography with their nomination form and provide a list of their qualifications. This information will be made available to Members in the distribution of Election Material subject to the rules below:
  - (i) Words in excess of the maximum limit specified in the Call for Nominations will be excised at the discretion of the Returning Officer in consultation with ATMS.
  - (ii) Candidate Material, which in the opinion of the Returning Officer (in consultation with ATMS) is defamatory, misleading or deceptive, will not be published. In that event, the Candidate will be notified in writing:
    - (A) of the rejection of their material;
    - (B) the reasons for the rejection; and
    - (C) that the Candidate may amend their biography so that it is acceptable (but only by deleting rejected statements or materials from the Candidate biography).

Other than in accordance with this clause, no amendments to Candidate biographies will be permitted after nominations close.
  - (iii) A Candidate's nomination will not be invalid because they did not submit a biography.
  - (iv) Biographies must be submitted electronically, in the format specified in the Call for Nominations.
- (d) Candidates must provide a recent digital image (no more than 6 months old) of the Candidate (head and shoulder shot in colour, for reproduction at 30mm x 30mm, maximum size 500KB, smart casual clothing recommended; may be interior or exterior background) with their Nomination Form.
- (e) No nomination shall be rejected by reason of any formal defect or error in the nomination form if the Returning Officer is satisfied that the requirements of the election rules have been substantially complied with.
- (f) The Returning Officer shall provide to the Candidate with a written acknowledgement of its receipt by email or post.
- (g) Nominations will be disclosed to ATMS progressively during the Nomination period to allow for eligibility and other checks to be completed in a timely manner.
- (h) A Candidate may withdraw his or her consent to nomination as a Candidate at any time before the Close of Nominations by delivering to the Returning Officer, by post or electronically, a signed statement of withdrawal from nomination. A nomination may not be withdrawn after the Close of Nominations.

## **6. CONTENT AND DISTRIBUTION OF ELECTION MATERIAL**

### **6.1 Content**

The Election Material will consist of:

- (a) A ballot paper;
- (b) Candidate Information; and
- (c) Voting Instructions.

## **6.2 The Ballot Paper**

- (a) As soon as practical after Nominations close, the Returning Officer shall determine the order in which the names of Candidates shall appear on the ballot paper by drawing lots.
- (b) Where in the opinion of the Returning Officer similarity in the names of two (2) or more Candidates is likely to cause confusion, the names of the Candidates may be arranged with such description or addition which in the Returning Officers opinion will distinguish them from one another.

## **6.3 Distribution of Election Material**

- (a) Voting will be facilitated by electronic and/or postal methods.
- (b) Voting instructions will be distributed via Australia Post for those members with no email address.
- (c) Members with email addresses shall be sent voting instructions and a link to the electronic voting site.
- (d) The Returning Officer shall, not less than thirty (30) days prior to the AGM, send to each Member who under the Constitution is entitled to vote the Election Material

## **7. ELECTIONEERING**

- (a) Neither ATMS nor the Returning Officer may permit the register of Members to be used for electioneering purposes by or on behalf of any Candidate.
- (b) For the avoidance of doubt, electioneering may not be conducted via ATMS social media channels and any post that is considered electioneering will be removed.

## **8. CANDIDATE CONDUCT**

Without limitation to any other provision of these Guidelines:

- (a) Candidates for election must conduct themselves in a manner which is consistent the Mission of ATMS – being:

*"to promote, represent and support professional practitioners of natural medicine occupations who are encouraged to pursue the highest ideals of professionalism in their natural medicine practice and education."*

- (b) In keeping with the Mission of ATMS, Candidates must not:
  - (i) conduct their campaign for election using the ATMS website or any ATMS social media channels;
  - (ii) denigrate any other Candidate (either orally or in writing); or
  - (iii) hold themselves out in any way as having been endorsed as a Candidate by ATMS.

## **9. ELIGIBILITY TO VOTE**

- 9.1 The following categories of Members are eligible to vote in a Directors' Election:
- (a) Accredited Members; and
  - (b) Life Members.
- 9.2 Each Member eligible to vote in a Directors' Election may vote only once.
- 9.3 For the avoidance of doubt, Student and Associate Members are not entitled under the ATMS Constitution to vote at general meetings and accordingly are not entitled to a vote at a Directors' Election.
- 9.4 The Secretary is responsible for maintaining and updating the eligible voter roll.

## **10. METHOD, VALIDATION AND COUNTING OF VOTES**

- 10.1 Members will vote by post or electronically in accordance with the voting instructions on the ballot paper.
- 10.2 A Member may only vote once.
- 10.3 Where a member casts more than one vote, the Returning Officer should determine which vote, if any, shall be rejected.
- 10.4 The Returning Officer will generate a unique Voting Code to facilitate internet voting. The Voting Code will be distributed by email or post together with voting instructions to each eligible member.
- 10.5 Where a person, whose name is on the Voters Roll, claims that they have not received their ballot material or it has been lost, destroyed or spoilt, he/she may apply to the Returning Officer for the issue of duplicate ballot material.
- 10.6 The counting method shall be a First Past the Post voting system. Voters will be required to place a cross (x) or tick (✓) against the required number of candidates.
- 10.7 Counting of votes may be undertaken manually, electronically or by using scanning technology and equipment or a combination of such methods.
- 10.8 Preliminary scrutiny may be progressive for paper ballots during the ballot open period for the purpose of mark-back to roll processes.
- 10.9 Counting of the votes will be carried out after the ballot close.
- 10.10 The decision of the Returning Officer as to the admission of a ballot paper as formal or the rejection of a ballot paper as informal shall be final.
- 10.11 The candidate or candidates receiving the highest number of formal votes shall be declared elected provided that where in respect of the last vacancy two or more candidates receive an equal number of formal votes the Returning Officer shall decide by lot which candidate shall be declared elected.
- 10.12 Returned ballot materials received after the close of the ballot will not be opened and therefore not included in the scrutiny and count process.



## **11. SCRUTINEERS**

- 11.1 Each candidate may appoint in writing to the Returning Officer a person to represent him/her during the count proceedings. Such persons' may not be another candidate in the election.
- 11.2 Scrutineers must abide by the Returning Officers instructions. They are unable to handle voting materials or ballot papers. They are prohibited from attempting to detect how a person voted and from disclosing any information as to whether or not a person voted.

## **12. DECLARATION OF RESULT**

- 12.1 As soon as practicable, the Returning Officer will report the results of the count to the ATMS.
- 12.2 The Returning Officer must provide a report, and dependant on the voting method, will provide a breakdown of the following:
  - (a) the total number of persons on the Voters Roll;
  - (b) the number of ballot papers issued;
  - (c) the number of duplicate ballot papers issued;
  - (d) the number of envelopes returned for scrutiny;
  - (e) the number of envelopes rejected at the preliminary scrutiny;
  - (f) the number if ballot papers admitted to the scrutiny;
  - (g) the number of ballot papers admitted as formal;
  - (h) the number of ballot papers rejected as informal;
  - (i) the number of votes for each candidate; and
  - (j) the number of envelopes that were return to sender.

## **13. RETENTION & DESTRUCTION OF BALLOT MATERIAL**

Ballot papers must be retained under the control of the Returning Officer for two (2) months after the election announcement during which time they may be inspected by or on behalf of any candidate but only if approved by the Board. Immediately after that period, the Returning Officer must supervise the destruction of the ballot papers and provide ATMS with a declaration that all copies of the members register provided to or created by them have been destroyed.