



PINJARRA HARNESS
RACING CLUB

Pinjarra Harness Racing Club Inc
BY-LAWS
Updated August 2024

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Pinjarra Harness Racing Club Inc **BY-LAWS 2024**

PART 1 - PRELIMINARY

1.1 Title and Jurisdiction

These By-laws may be referred to as the Pinjarra Harness Racing Club Inc By-laws 2024.

These By-laws are made under Rule 58 of the Pinjarra Harness Racing Club Inc Constitution. All previous By-laws made concerning the matters addressed in these By-laws are rescinded.

1.2 Definitions

In these By-laws, unless the contrary context or such otherwise indicates or requires:

“Annual Meeting” means an Annual General Meeting.

“Auditor” means the auditor appointed by the members;

“Board” means the Management Committee for the Club, duly elected for the time being in accordance with the Constitution and these By-laws.

“Books” means:

- (a) a register;
- (b) financial records, financial statements or financial reports, however compiled, recorded or stored;
- (c) a document;
- (d) any other record of information;

“By-laws” means these By-laws of the Club.

“Constitution or Rules” means the Constitution of the Club in effect from time to time, including any amendments made thereto.

“Financial year” means from the first of August each year, until the following 31st of July.

“General Manager” means the person appointed by the Board as the General Manager of the Club.

“General Meeting” means a General meeting of the Club whether Annual or Special.

“Harness racing” means pacing and trotting;

“Immediate family” means a person’s partner/spouse, mother/father, brother/sister, daughter/son.

“Member” means a member of the Club;

“Month” means a calendar month.

“Rules of racing” means the rules of harness racing made under the Racing and Wagering Western Australia Act 2003;

“RWWA” means the Statutory Body regulating all greyhound, harness and thoroughbred racing in Western Australia.

“Special General Meeting” means a Special General Meeting as referred to in the Clubs Constitution.

“Special Resolution” means a resolution passed by the members at a general meeting in accordance with Section 51 of The Act.

“The Act” means the Associations Incorporation Act 2015, its amendments and any other legislation that may come into force to replace or supplement this Act,.

“The Club” means Pinjarra Harness Racing Club Inc.

“The Club Premises” means all land, building and structures thereon of which The Club is the bona fide occupier.

“Voting rights” means the ability for a financial member to propose or second an application for membership; move or second a motion or special motion; speak at all general meetings; nominate for a position on the Board; vote at all general meetings; and petition for a Special General Meeting.

1.3 Interpretation

For the purpose of interpretation of these By-laws and the Constitution, the Interpretation Act 1984 shall be taken to apply to these By-laws and to the Constitution as if they were a written law.

PART 2 - THE BOARD

2.1 Election by annual postal ballot

An election for members of the Board shall be conducted:

- (a) in accordance with the Constitution;
- (b) annually by postal ballot; and
- (c) in accordance with **Schedule 1**.

2.2 Election procedures

Schedule 1 (which deals with procedures for elections) has effect.

2.3 Sale of Pinjarra Harness Racing Club Inc

- (1) Notwithstanding the Board's power to sell and dispose of any real or personal property of the Club, no part of the property known as "Pinjarra Harness Racing Club Inc" shall be sold or otherwise disposed of unless:
 - (a) such sale or disposal shall have first been approved at a referendum conducted for the purpose by seventy five per centum (75%) or more of the eligible voting members; and
 - (b) the number of members who voted in favour of the approval shall exceed fifty per centum (50%) of the eligible voting members.
- (2) In this clause, "eligible voting member" means a full member or life member included in the electoral roll prepared for the referendum in accordance with the provisions of Schedule 1.
- (3) The Board shall arrange for the referendum referred to in subclause (1) to be conducted in accordance with Schedule 1.

2.4 Election procedures to apply to referendums

To the extent to which the provisions of Schedule 1 are capable of being applied with or without adaptation in respect of referendums to be conducted by the Club, those provisions apply with or without adaptation in respect of those referendums.

2.5 Disqualification because of employment

- (1) A person is disqualified from membership of the Board if the person becomes an employee of the Club.
- (2) If a person who is employed by the Club is declared to be elected as a member of the Board:
 - (a) then the person is ineligible to attend meetings of the Board until the person has ceased employment with the Club; and
 - (b) if the person remains employed by the Club at the expiry of 2 months after the date on which the person is declared elected, then the person is disqualified from membership of the Board.

2.6 Disqualification because of ceasing to be a full member

A person is disqualified from membership of the Board if the person ceases to be a full member of the Club unless that person is an Appointed Board member.

2.7 Disqualification for failure to attend meetings

- (1) The Board may, by resolution, grant leave of absence, to a Board member.
- (2) Leave is not to be granted to a Board member in respect of more than 12 consecutive ordinary meetings of the Board.
- (3) The granting of the leave is to be recorded in the minutes of the meeting.
- (4) A Board member who is absent, without first obtaining leave of the Board, throughout 3 consecutive ordinary meetings of the Board is disqualified from continuing his or her membership of the Board.
- (5) A Board member who is absent for three Board meetings in the same Financial Year without tendering an apology to the presiding person at each of those Board meetings is disqualified from continuing his or her membership of the Board.
- (6) The non-attendance of a Board member at the time and place appointed for an ordinary meeting of the Board does not constitute absence from an ordinary meeting of the Board if no meeting of the Board at which a quorum is present is actually held on that day.

2.8 Disqualification because of insolvency

A person is disqualified for membership of the Board if the person is an insolvent under administration within the meaning of the Corporation Law.

2.9 Disqualification because of convictions

A person is disqualified for membership of the Board if the person has been convicted of a crime and is in prison serving a sentence for that crime.

2.10 Disqualification because of warning off

A person is disqualified for membership of the Board if the person is, or has been:

- (a) warned off under the Rules of Racing;
- (b) warned off by a recognised harness racing authority of a State or Territory of Australia or in any other country or part of a country, including by the officials, officers or stewards of the authority; or
- (c) warned off by a controlling body for thoroughbred or greyhound racing in a State or Territory of Australia or in any other country or part of a country including by the officials, officers or stewards of the controlling body.

2.11 Disqualification because of disqualification

A person is disqualified for membership of the Board if the person is or has been under disqualification for a period or periods which total 5 years or more where the disqualification is imposed:

- (a) under the Rules of Racing;
- (b) by a recognised harness racing authority of a State or Territory of Australia or in any other country or part of a country, including by the officials, officers or stewards of the authority; or
- (c) by a controlling body for thoroughbred or greyhound racing in a State or Territory of Australia or in any other country or part of a country including by the officials, officers or stewards of the controlling body.

2.12 Disqualification because of entry on unpaid forfeit list

A person is disqualified for membership of the Board if the person is entered in the unpaid forfeit list under the Rules of Racing.

2.13 Family eligibility for Board

No more than two (2) Members of one immediate family (as prescribed in section 1.2 Definitions) may hold a position on the Board at any one time.

2.14 Disqualification because of rejection of the Board Code of Conduct

A person is disqualified for membership of the Board if the person does not sign the Board Code of Conduct upon their election to the Board. Failure to abide by the Code of Conduct throughout their term of office will result in the appropriate disciplinary action.

2.15 Revocation motions

(1) In this clause:

(a) **“relevant meeting”**, means:

- (i) the ordinary meeting specified in the notice of the revocation motion; or
- (ii) if that meeting is adjourned before the motion is announced by the person presiding, then at the resumption of the adjourned meeting; or
- (iii) if that meeting is closed before the motion is announced by the person presiding, then at the next ordinary meeting; or
- (iv) if the motion is deferred by the Board to another meeting of the Board, then at that other meeting,

as the case may be;

(b) **“revocation motion”** means a motion to revoke or change a decision made at a meeting of the Board.

(2) This clause does not apply to the change of a decision unless the effect of the change would be that the decision would be revoked or would become substantially different.

(3) A member wishing to move a revocation motion at a meeting of the Board must give to the General Manager notice of the revocation motion, which is to:

- (a) be in writing;
- (b) specify the decision proposed to be revoked or changed;
- (c) include a reason or reasons for the revocation motion;
- (d) be signed by four (4) members of the Board;

- (e) specify the date of the ordinary meeting of the Board, as the case may be, which next follows the expiry of five (5) clear days after the notice is given to the General Manager; and
 - (f) be given to the General Manager not less than five (5) clear days prior to the date of the ordinary meeting specified in the notice.
- (4) (a) If, at the relevant meeting, the member who gave the notice of the revocation motion, is present, then the person presiding is to call on that member to move the revocation motion.
- (b) If that member is not present or, being present, does not move the revocation motion when called upon to do so by the person presiding, then any member of the Board may move the revocation motion.
- (5) Where notice of a revocation motion is given in accordance with the requirements of this clause, then the General Manager must not implement or continue to implement, the decision the subject of the revocation motion until:
- (a) no member of the Board moves the revocation motion;
 - (b) the motion is moved but not seconded; or
 - (c) the motion is moved and seconded but is not carried,
- at the relevant meeting.
- (6) A notice of revocation motion given in accordance with the requirements of this clause is to lapse when:
- (a) no member of the Board moves the revocation motion;
 - (b) the motion is moved but not seconded; or
 - (c) the motion is moved and seconded but is not carried,
- at the relevant meeting.

PART 3 - FINANCIAL

3.1 Accounts

In addition to the requirements expressed in Rules 55-57 of the Clubs Constitution, the Club shall keep correct accounts and financial records showing the financial affairs of the Club and the particulars usually shown in accounts and financial records of a like nature.

3.2 Subsidiaries

In the event of a corporation being a subsidiary of the Club, separate accounts and financial records shall be kept for the Club and the corporation and no group accounts shall be prepared without a resolution of the Board.

3.3 Appointment of Auditor

- (1) The Auditor, who shall be a registered company auditor, shall be appointed by the Board from time to time as required.
- (2) Any outgoing or past Auditor is not precluded from submitting an expression of interest or from being appointed for a further term or terms of office.
- (3) A copy of a statement containing the names of all eligible nominees and remunerations sought will be sent to each Board member seven (7) days prior to the relevant Board meeting.
- (4)
 - (a) The Board may make a recommendation to members on the basis of expressions of interest and submissions received.
 - (b) The appointment of the Auditor shall be decided by the highest number of votes counted from a show of hands.
 - (c) In the event of a tie the presiding person shall decide the issue by a casting vote.
- (6) In the event that the Auditor dies or is unwilling or unable to continue in that position before the expiration of his or its appointed term, then the vacancy shall be filled by a registered company auditor for the time being appointed by a majority of the members of the Board at a meeting of the Board.
- (7) The Auditor (including any employees, partners or associates of the Auditor and any persons with an interest in the Auditor) shall not be eligible to serve as a member of the Board.

3.4 Auditor's functions

- (1) Before each annual general meeting, the accounts for the previous financial year, with all vouchers and receipts and also balance sheet, shall be examined by the Auditor, whose report on them shall be provided, annually, members at the annual general meeting.
- (2) The Auditor shall have power to call for all books, accounts and other papers relating to the affairs of the Club.

PART 4 - MISCELLANEOUS

4.1 Admission charges

- (1) Subject to subclause (2), admission and other charges shall be fixed by the Board from time to time.
- (2) All members of the Club shall, upon production of their tickets, be admitted free of charge to any part of the racecourse, lands and grounds, with exception of the parts set aside for the use of officials employees of the Club or of RWWA, drivers or reinspersons, and any other parts as the Board shall from time to time determine.

4.2 Protection of Board members and employees

A member of the Board or any employee of the Club is not personally liable for any act done or omitted to be done in good faith by the Club in the performance or purported performance of any function under these By-laws.

4.3 Track Rules and Usage Times

Financial members may utilise the Club's track facilities for horse training purposes as prescribed from time to time by the Board, provided that the Board may alter the Track Rules and Usage Times as they see fit;

4.4 Employees Children in the Workplace

Employees of the Pinjarra Harness Racing Club Inc are not permitted to have their children in the work place during working hours (except in exceptional circumstances on an isolated basis and with the express permission of the Club Chairperson or General Manager).

4.5 Subscriptions

Membership Subscriptions for new members will be calculated as follows:

- (a) If membership is granted between 1 August and 31 October – Full annual subscription
- (b) If membership is granted between 1 November and 31 January – 75% annual subscription
- (c) If membership is granted between 1 February and 30 April – 50% annual subscription
- (d) If membership is granted between 1 May and 31 July – 25% annual subscription

The above calculations apply to all memberships, including trainer subscriptions.

The Board shall determine, in its sole discretion from year to year, whether any and if so what member dollars are paid to members, upon members having fully paid their subscription/fees.

SCHEDULE 1

PROCEDURE FOR ELECTIONS AND REFERENDUMS

Division 1 - Election procedures

1. Application and definitions

- (1) This Schedule applies to the following stages in the preparation for, and conduct of an election:

Stage 1 - Appointment of Independent Returning Officer

Stage 2 - Preparing the electoral roll

Stage 3 - Nomination of candidates

Stage 4 - After nominations close

Stage 5 - Preparing for voting

Stage 6 - Voting

Stage 7 - Counting the Votes

Stage 8 - Declaring the result

- (2) In this Schedule, unless the contrary intention appears:

“Returning Officer” means the independent person appointed by the Board to act as returning officer in respect of an election or referendum conducted under this Schedule.

Stage 1 - Appointment of Returning Officer

2. Appointment of the Returning Officer

- (1) The Board shall appoint an independent person to be the Returning Officer of the Club for the election.
- (2) The appointment of the Returning Officer shall be effective from the date of the appointment until the declaration of the result of the election for which the Returning Officer was appointed.
- (3) A person must not be appointed as the Returning Officer if the person is a candidate or a person eligible to vote in the election.
- (4) Other officers may be appointed by the Returning Officer to assist in the conduct of the election.

4. Information to be provided to the Returning Officer

The Club shall provide the following information to the Returning Officer conducting elections:

- (a) number of positions requiring election;

- (b) terms of office;
- (c) number of electors; and
- (d) name, title and contact details of the Club's officer with whom the Returning Officer is to liaise during the election.

Stage 2 - Preparing the electoral roll

5. New roll for each election

An electoral roll is to be prepared by the General Manager for each election of members to the Board.

6. Close of enrolments

- (1) In order to be included in the electoral roll for an election, a person must:
 - (a) be a full member; and
 - (b) have paid all subscriptions and other money due to the Club;
or
 - (c) be a life member,as at the "**Close of Enrolments**".

7. Preparation of electoral roll

As soon as practicable after the Close of Enrolments, the General Manager is to prepare the electoral roll for the election.

8. Supply of roll to Returning Officer, members of Board and candidates

- (1) The General Manager is to ensure that the Returning Officer has as many copies of the electoral roll as the Returning Officer may require for the purposes of the election.
- (2) A copy of the roll is to be supplied, free of charge, to any member of the Board or candidate who requests it.

Stage 3 - Nomination of candidates

9. Times for nomination

- (1) The General Manager shall determine the times and dates of the commencement and close of the period for lodging nominations of candidates for election to the Board 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; and
 - (d) the provisions of Clubs Constitution and these By-laws relating to the times and dates of the commencement and close of the period for lodging nominations in respect of the election.
- (2) The General Manager shall determine the place for lodging nominations of candidates for election.

10. Notice inviting nominations

- (1) The General Manager shall issue a notice inviting nominations of candidates for election to the Board which shall set out:
 - (a) the intention to hold an election;
 - (b) the name of the Club;
 - (c) the title of the office;
 - (d) the number of Board members to be elected;
 - (e) the form in which nominations are to be made and where those forms can be obtained;
 - (f) the place for lodging nominations;
 - (g) the times and dates of the commencement and close of the period for lodging nominations, which shall be in accordance with the Club's Constitution;
 - (h) eligibility criteria for electors, nominees and nominators; and
 - (i) the time and date of the ballot, if required,

and inviting nominations of persons eligible for election for the office under the Club's Constitution and these By-laws to stand as candidates for election to the Board.

11. Form of nomination

- (1) A person is eligible for election to the Board if:
 - (a) the candidate is eligible to be elected as a member of the Board under the Clubs Constitution; and
 - (b) 2 members of the Club who are entitled to do so under the By-laws have nominated him or her for election by completing in writing the prescribed nomination form, which signed by the nominators; and
 - (c) the candidate signifies, by notice signed by him or her on the prescribed Nomination Form, their willingness to accept the office if elected.
- (2) A person nominated as a candidate may, by notice signed by him or her and witnessed by a member of the Club who is entitled to vote, 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 and that person shall thereupon be deemed not to have been nominated.
- (3) The nomination form shall include the candidate's name to be used on the ballot paper.
- (4) A person who is eligible for election or re-election may vote for himself or herself.
- (5) The Returning Officer may reject a nomination that does not conform with this Schedule.
- (6) Before rejecting a nomination under subclause (5), the Returning Officer shall notify the person nominated and give the person the opportunity to remedy the defect within a specified period other than a defect relating to eligibility.

Stage 4 - After nominations close

12. Death of a candidate

- (1) Where the death of a candidate occurs in an election with a single vacancy:

- (a) where a nominee dies before the declaration of nominations, his or her name shall not be declared as a candidate and the election shall proceed as normal;
 - (b) where the death occurs after the declaration of nominations but before postal votes are dispatched, no voting shall take place for the relevant position for which the deceased was a declared candidate;
 - (c) where the death occurs after the dispatch of postal votes but before the close of polling, all further voting is to be suspended in respect to only the position contested by the deceased. No count of any votes already received shall take place and the votes themselves shall be placed in a sealed parcel if the ballot paper is solely devoted to that particular position.
- (2) Where the death of a candidate occurs in an election with multiple vacancies:
- (a) where a nominee dies before the declaration of nominations, he or she shall not be declared as a candidate and elections shall proceed as normal; and
 - (b) where a candidate dies between the declaration of nominations and the close of the poll, the following action shall apply:
 - (i) if the public list has not been printed, the name shall be excluded from that list;
 - (ii) if the ballot papers have not been printed, the name shall be excluded from the ballot paper and no redraw shall be necessary; and
 - (iii) if the ballot papers have been printed, a notice shall be displayed on the ballot paper to alert voters in the polling place and the candidate shall be excluded from the count.

Stage 5 - Preparing for voting

13. Commencement and close of ballot

- (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 this Schedule relating to the times and dates of the commencement and close of the ballot in respect of the election.

(2) Elections shall be conducted in secret by a postal ballot.

14. Election package

(1) An election package posted to eligible electors shall contain:

- (a) a ballot paper on security paper authorised by the Returning Officer or a ballot paper initialled by the Returning Officer or bearing an exact copy of those initials;
- (b) an envelope marked "ballot paper", which may have a counterfoil attached or, where the back of that envelope is not so used, a separate counterfoil is numbered to coincide with an identifying number shown against the name of that person on the Returning Officer's electoral roll;
- (c) any instructions; and
- (d) a reply-paid envelope addressed to the Returning Officer at the private box referred to in clause 23 of this Schedule.

(2) Any or all of the items referred to in subclause (1) may be printed as one stationery item.

15. Form of ballot paper

(1) The ballot paper for an election for an office shall be in a form that is determined by the Returning Officer.

(2) The order of names of candidates for election for an office that appear on the ballot paper for that election, shall have been drawn by lot by the Returning Officer, as soon as practicable following the Close of the Nominations.

(3) The Returning Officer shall include on the ballot paper information and instructions to the voter with respect to the following matters:

- (a) the number of positions to which the election relates;

- (b) the names of the candidates as determined in accordance with subclause (2);
 - (c) the time and date of the close of the ballot;
 - (d) instructions on how to mark the ballot paper in order to record a formal vote;
 - (e) instructions not to put on the ballot paper any mark or writing by which the voter can be identified, as this will cause the vote to be rejected; and
 - (f) instructions:
 - (i) to place the ballot paper, when completed, in the envelope marked "ballot paper" and then to seal that envelope;
 - (ii) to complete the details on the counterfoil; and
 - (iii) to place the ballot paper envelope (and the counterfoil if a separate one is used) in the envelope addressed to the Returning Officer, and then to seal the envelope addressed to the Returning Officer and post it to reach the Returning Officer before the time of the close of the ballot.
- (4) The Returning Officer shall obtain from the printer of the ballot papers a certificate stating the number of ballot papers printed in respect of the election.

16. Form of counterfoil

- (1) The counterfoil shall contain:
 - (a) the full name of the voter;
 - (b) the address of the voter; and
 - (c) an identifying number shown against the name of that person on the Returning Officer's electoral roll.
- (2) The counterfoil shall make provisions for the voter to declare, by placing his or her signature in the space provided, that he or she is the elector named on the counterfoil.

17. Issue of ballot papers

- (1) As soon as practicable after the date determined under clause 15 for the commencement of issuing ballot papers in respect of an election, the General Manager shall issue, by posting by pre-paid post, to

each person whose name is on the electoral roll for the election, 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 without expense to the voter.

- (2) The envelope referred to in subclause (1) shall bear an instruction that, if it is not delivered to the addressee:
 - (a) in the case of an election conducted by the person referred to in subclause (1) of clause 23, it should be returned to the private box referred to in that subclause; and

18. Issue of duplicate ballot paper or return envelope

- (1) Where, on an application made before the time of the close of the ballot in an election, the Returning Officer is satisfied that a ballot paper or return envelope issued to a person whose name is on the electoral roll has not been received or has been lost, destroyed or spoiled, the Returning Officer shall issue to that person a duplicate ballot paper or return envelope, as the case may be.
- (2) An application under subclause (1) by a person for a duplicate ballot paper or return envelope for an election shall:
 - (a) be made orally or 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, loss, destruction or damage.

Stage 6 - Voting

19. How to mark ballot paper

- (1) If only one position is to be filled at the election, an elector is to mark the ballot paper by placing a tick or a cross in the box opposite the name of the candidate whom the elector wishes to elect.
- (2) If 2 or more positions are to be filled at the election, an elector is to mark the ballot paper by placing a tick or a cross in the box opposite the name of each candidate whom the elector wishes to elect, but is not to place ticks or crosses in more boxes than the number of offices to be filled.
- (3) Voting by proxy shall not be permitted.

20. Ballot boxes

- (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 this Schedule.
- (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.
- (3) Ballot boxes that are to be used on election day are to be displayed and secured under subclause (2) in the presence of any electoral officers and scrutineers then present.

21. Receipt of ballot papers

- (1) Where an election is conducted by a Returning Officer appointed by the Club, the Returning Officer shall use, for the purpose of receiving ballot papers in respect of that election by post, a private box at a post office, being a private box used exclusively by the Club.

Stage 7 - Counting the Votes

22. Procedure for checking counterfoils

- (1) Counterfoils are to be checked as follows:
 - (a) the Returning Officer is to open each postage pre-paid envelope and remove the papers contained in it;
 - (b) the Returning Officer is to check that the counterfoil is completed in accordance with this Schedule;
 - (c) if satisfied, the Returning Officer is to mark the roll either manually or electronically; and
 - (d) if not satisfied, the Returning Officer is to make a record on the ballot paper envelope of its rejection without opening it or allowing it to be opened.
- (2) The Returning Officer shall compare signatures on counterfoils to those appearing in the register referred to in clause 6.3 of the By-laws and, if not similar, reject these.
- (3) The Returning Officer shall place all envelopes in a sealed ballot box until the count or prepare the ballot papers for the count in accordance with clause 25.

23. Preparation of postal ballot papers for count

- (1) Postal voting papers for a postal election that have been:
 - (a) received by the Returning Officer before the close of poll;
 - (b) checked in accordance with clause 24(1); and
 - (c) accepted by the Returning Officer,shall be prepared for counting by the Returning Officer.
- (2) To prepare postal voting papers under subclause (1), the Returning Officer may, before the close of the poll:
 - (a) detach each counterfoil if it is attached to the envelope, and put aside;
 - (b) remove the ballot paper envelopes from the ballot box in which they were placed;
 - (c) open each ballot paper envelope; and
 - (d) without:
 - (i) examining the ballot paper personally; or
 - (ii) allowing the examination of the ballot paper by any scrutineers present,remove the ballot paper from the envelope and place the ballot paper into a sealed ballot box, which must remain sealed until the close of the poll.
- (3) The Returning Officer may conduct any or all of the processes referred to in clauses 24 and 25(2) after the close of the poll.
- (4) The Returning Officer is to keep:
 - (a) the electors' counterfoils;
 - (b) the ballot paper envelopes rejected under clause 24; and
 - (c) empty ballot paper envelopes,in safe custody until the count is complete.

24. The count

- (1) The votes shall be counted using the "First Past the Post" method.
- (2) The candidates are elected in order according to highest number of votes received.
- (3) In the case of a tie, the Returning Officer shall decide the issue by a casting vote.
- (4) If the terms of office differ in length, the candidate or candidates with the larger number of votes are elected for the longer term.
- (5) 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 shall take the ballot box or boxes to the place of count and proceed to make the count.
- (6) Where any voting paper is rejected, the Returning Officer shall mark the voting paper "rejected" with the reasons for rejection and set it aside for safe keeping.
- (7) The Returning Officer may, from time to time, adjourn the count to a day and hour to be fixed by the Returning Officer and notify the Club, candidates and scrutineers.

25. Use of computers in the counting process

The Returning Officer may use automated means to carry out the checking and counting procedures for any ballot where the Returning Officer considers this method would be a cost-efficient and appropriate method.

26. Recount

- (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 or her own motion, recount the ballot papers.
- (2) The Returning Officer in conducting the recount shall have the same powers as if the recount was the count and may reverse any decision in relation to the scrutiny as to the allowance, admission or disallowance or rejection of any ballot paper.

27. Informal ballot papers

- (1) The Returning Officer shall reject as informal a ballot paper that is not printed on security paper or does not bear the initials of the Returning Officer or the exact copy of those initials.
- (2) The Returning Officer shall also reject as informal any ballot paper that:

- (a) has upon it a mark or writing by which the voter can be identified; or
 - (b) is not marked substantially in accordance with the instructions on the ballot paper.
- (3) 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 decision on the ballot paper.
- (4) The Returning Officer is to be the sole and final judge of whether a ballot paper is formal or informal.

Stage 8 - Declaring the result

28. Declaration of result

- (1) The Returning Officer shall declare the result of the ballot to the General Manager and the Returning Officer shall announce the result to the members present at the annual general meeting or in a public announcement.
- (2) Where it is not practicable for the Returning Officer to declare the result of an election under subclause (1), the Returning Officer shall declare the result of the election by giving notice of the result in writing, to the General Manager in a sealed envelope which shall be opened at the annual general meeting and not before, by the presiding person at the meeting who shall declare the results of the election to those present.
- (3) The Returning Officer shall, in the manner and at the time of declaring the result of an election under subclause (1) or (2), as the case may be, 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; and
- (h) the number of votes admitted as recorded in favour of each candidate.

Division 2 -Validity of election

29. Preservation and custody of election material

- (1) On the completion of the counting of votes, the Returning Officer, in consultation with the General Manager 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 informal;
 - (d) all counterfoils 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 counterfoils were checked; and
 - (g) all unused ballot papers, counterfoils and other documents prepared in connection with the election,

which shall be respectively placed in separate containers, each endorsed with the name of the Club and the office to which the election relates.

- (2) The documents referred to in subclause (1) shall be sealed, signed and dated by the Returning Officer and retained for a period of not less than one month after the date of the election.

Division 3 - Miscellaneous

30. Preliminary powers of Returning Officer

The Returning Officer may take such action and give such directions as are considered necessary in order to:

- (a) ensure the secrecy of the ballot;

- (b) ensure that no irregularities occur in or in connection with the election; and
- (c) remedy any inconsistency or inadequacy that arises in the application of this Schedule to the conduct of an election.

31. Fees and costs of the election

- (1) All costs, charges and expenses incurred by the Returning Officer under subclause (1) in connection with the election are to be paid by the Club.
- (2) Where the Returning Officer is appointed by the Club to conduct an election, the Club will be responsible for all costs, charges and expenses incurred in connection with that election.

Division 4 - Referendums

32. Modifications to the election procedures

The provisions of this Schedule shall apply to a referendum conducted by the Club with the following modifications:

(a) **Information to be provided to the Returning Officer**

In lieu of the requirement under clause 4 of this Schedule, the Club shall provide the following information to the Returning Officer:

- (i) the questions to electors structured so as to give the voter the choice to vote “Yes” or “No” to the question;
- (ii) a balanced case “for” and “against” the question;
- (iii) any contents to be included in the election package other than those referred to in clause 16 of this Schedule; and
- (iv) whether the result is binding and, if so, the result required;

(b) **Close of enrolments**

For the purpose of applying clause 6 of this Schedule, in the case of a referendum the “**Close of Enrolments**” is to be 5.00pm on the 10th day before the day appointed for the referendum;

- (c) In lieu of the requirement under clause 15(1) of this Schedule, the Returning Officer shall, in consultation with the General Manager, determine the date of commencement of issuing the ballot papers for the referendum and the time and date of the close of the ballot.

