

## **Extracts from the Institute's Regulations relating to Area Committees**

### **10. Area Committees**

Regulation 10.

Where a body of members is resident in an area outside Australia and such area has not been constituted a territory by resolution of the Council pursuant to the provisions of Article 54 the Council may declare such area to be an Organised Area.

Regulation 15 applies to Area Committees. All such Area Committees shall be directly responsible to the Council.

### **15. Administration of Area Committees**

Regulation 15.1.

The election of Area Committee Members by Institute members will be organised and administered by National Council. Corporate Institute Members and Graduate Institute Members resident in the Organised Area are entitled to vote in an election to appoint Area Committee Members for the Organised Area. The Committee Members take office for approximately 2 years, with an election called by National Council to be held every year in accordance with these Regulations

If, in the prior election year, less than 3 valid nominations were received from Corporate and Graduate Institute Members resident in the Organised Area, National Council may, at its discretion, defer calling an election for, or abandon Institute support for an Area Committee, unless and until it sees fit.

Regulation 15.2.

The maximum number of Area Committee Members is 10, of which not less than 6 must have been elected by Institute members resident in the relevant Organised Area in an election administered by National Council.

Regulation 15.3.

Each year, at least half of the existing Members must retire. Those to retire are:

- a. Members elected or appointed as a result of an election cycle which occurred prior to the last preceding cycle, or
- b. if there is any doubt, any Member who would serve for more than 2 years if he or she did not retire, and
- c. where half of the existing Members is not a whole number, any Member who is directed to retire following the drawing of lots

Any retiring Member who remains eligible may seek re-election without formal announcement of an intention to do so.

Each year, subject to Regulation 15.1, National Council must issue to all Institute members entitled to elect an Area Committee's Members a notice generally in the form of the equivalent notice of the election of Chapter Councillors, which (except in the initial year) includes a list of retiring members of the Area Committee, indicating their level of attendance at Area Committee meetings since their last election and, if known, those former Members who are eligible for and seek re-election by re-nomination.

The notice must state the closing date for nominations as determined by the Principal Returning Officer from time to time. Each nominee must be an Institute Corporate or Graduate Member resident in the relevant Organised Area and the nomination must be by 2 Corporate or Graduate Institute Members also resident in the Organised Area. The nominee must give a written undertaking to serve if elected and to take office at the first Area Committee meeting after the election, or ballot, as applicable.

Any defective nomination or nomination delivered late must be rejected and the person nominated in that rejected nomination will not be eligible for election pursuant to that nomination.

#### Regulation 15.4

If less than 3 nominations for Area Committee Members elected by the Institute members in the Organised Area are received, (6 nominations in an initial year), the matter must be referred to National Council to take whatever action it considers necessary. Pending National Council's decision, a pre-existing Area Committee for an Organised Area will continue in office until National Council determines otherwise.

If at least 3 but no more than 5 valid nominations are received, (6 but no more than 10 in an initial year) the candidates so nominated are declared elected, and the Area Committee constituted may appoint during its term, from Institute members resident in the Organised Area, any remaining vacancies. Such appointees hold office for the remainder of the Area Committee's term, and are eligible for re-election.

If more than 5 nominations are received, (10 in an initial year), National Council must conduct a ballot. As soon as practicable, ballot papers in a form approved by the Principal Returning Officer, but generally similar to the ballot paper for the election of National Councillors, will be issued to all Institute members entitled to elect Area Committee Members in the Organised Area. The ballot papers will be accompanied by the candidate's platform statements in the form prescribed by National Council for National Council elections. The place to which the ballot paper must be returned must be stated on the papers along with the ballot return date. The date must be at 4.00pm EST (irrespective of daylight saving in Australia) on a day not less than 2 weeks after the date of posting of the ballot papers.

Regulation 15.5.

Voting in a ballot for Area Committee Members is by eligible Institute members marking with a cross the names of candidates for whom they desire to vote. A ballot paper with more names marked than the number of candidates to be elected is invalid, but is not invalid if fewer names than the number of candidates to be elected are marked. Voting members must demonstrate their eligibility by stating their Institute membership number and signing the ballot envelope containing the voting paper.

Regulation 15.5A

Alternatively, an electronic voting system approved by National Council covering either the whole election, or a part of the election, may be utilized. National Council may approve an electronic voting system, or part system, without being satisfied that every Institute member eligible to vote has access to the electronic system.

Regulation 15.6.

In any ballot, the candidates , up to the number of vacancies, who receive the largest number of valid votes in a single count must be declared elected. If any 2 or more candidates qualifying for the last vacancy to be filled receive an equal number of votes, the candidate or candidates to be elected shall be determined by lot in a manner the Principal Returning Officer may determine. When satisfied that all the positions are filled the Principal Returning Officer must declare the result and inform the elected candidates and National Council.

Regulation 15.7.

Regulations 2.3, 2.4 and 2.5 apply to the election of Area Committee Members.

(These Regulations are)

Regulation 2.3.

The Principal Returning Officer shall be appointed by the Council or, in default thereof, shall be the person fulfilling the role of Secretary. The Principal Returning Officer shall conduct the elections and may from time to time appoint a Returning Officer to act for him or her and may appoint Deputy Returning Officers. For the purpose of these Regulations, the terms Deputy Returning Officer and Returning Officer mean the person delegated by the Principal Returning Officer, or if none is appointed, the Principal Returning Officer.

The required notification to candidates of the result of a ballot is by e-mail, provided that a read receipt is requested and the confirmation is received. If not received within a reasonable time, notification must be by facsimile to the number indicated in the Institute's membership records unless an alternative facsimile number is notified to the Returning Officer before the ballot is conducted. Nothing prevents telephone contact if convenient but it is not required under this regulation.

#### Regulation 2.4.

The Principal Returning Officer (and his or her delegates) shall decide questions relating to the validity of any nomination or ballot paper and a statement signed by him or her to the effect that a person has been elected or appointed to any office or has vacated any office (except as provided in Article 19) shall be sufficient evidence of the same, provided that the Principal Returning Officer shall not act in any matter which concerns an elected office for which he or she is a candidate, in which case the Principal Returning Officer must appoint a Returning Officer to assume such responsibility.

#### Regulation 2.5.

All hardcopy ballot papers and electronic records of nomination forms and voting (ballot) must be retained by the Returning Officer for a period of 45 days after the relevant date for submission.

A request for a re-count may only be made by a candidate and by written request to the Principal Returning Officer delivered within 30 days after the ballot. The Principal Returning Officer must conduct the re-count within a further 30 days under arrangements made at his or her discretion, not limited to reliance on an external provider for verification of the integrity of the on-line voting process in the re-count. The re-count is final, subject to Regulations 2.13 or 3.7, as applicable.

(Regulation 2.13 is applicable, as follows)

#### Regulation 2.13.

If at any ballot 2 or more candidates receive an equal number of votes, the candidate or candidates to be considered as having the higher number of votes shall be determined by lot. The drawing of lots shall be conducted in such manner as the Principal Returning Officer may determine, the candidates whose name is first drawn being considered as having the higher number of votes.

#### Regulation 15.8.

The Secretary must call a meeting of the Area Committee to take place as soon as practicable but no more than 60 days after declaration of the Area Committee Members who are elected.

At the first meeting after an election, the Area Committee must elect a Chair from its membership. The Chair until that time will be the prior Chair, unless the Chair has retired without re-election, or that is otherwise not practicable. In that case, the Secretary must nominate an Acting Chair to hold office until the Chair is elected. Area Committee Members, including the Acting Chair, may self nominate, but may not vote while their nomination stands. If the Committee is unable to elect the Chair by a clear majority vote the National President must at first opportunity appoint the Chair from the nominees with the highest numbers of votes.

Once elected, the Chair has a vote and a casting vote in the event of a tied vote of the Area Committee. The Chair does not have a casting vote in a motion to remove the Chair, which must have the supporting vote of at least 2/3 of the Area Committee Members.

The Chair must call meetings as necessary to allow the Area Committee to properly conduct the affairs of the Area Committee, or as directed by National Council.

The Chair must by written notice call a meeting on written request of 4 Area Committee Members. The written request must state the business proposed to be transacted at the meeting and this must be incorporated in the notice, giving not less than 21 days notice of the meeting. No business requiring a vote other than that stated in the written request for the meeting may be transacted at the requested meeting.

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Regulation 15.9.

The number of Area Committee Members present physically or by voice communication to constitute a quorum is that whole number immediately above half of the number of Area Committee Members.

Regulation 15.10.

An Area Committee is empowered, subject to the overriding direction of National Council, to make rules only in respect of the following matters:

- (1) the constitution and administration of subcommittees of the Area Committee;
- (2) the delegation of powers of the Area Committee;
- (3) the election and tenure of office bearers (not being the Chair) from within the Area Committee;
- (4) procedures at meetings of the Area Committee and subcommittees;

(5) media releases and publicity in respect of issues concerning the Area Committee.

Subcommittee members must be Corporate Institute Members or Graduate Institute Members.

No Area Committee may enter into or purport to enter into any agreement, lease, covenant or contractual obligation of any kind on behalf of the Institute unless it relates to the provision of goods or services required in the normal day to day operations of the Area Committee.

Regulation 15.11.

Each Area Committee must ensure that the policies of the Institute are implemented so far as is applicable to the Organised Area represented by the Area Committee and that the Area Committee conducts itself in a manner consistent with those policies.

The Institute CEO or delegate must be copied every Area Committee notice, circular, report or the like issued by the Area Committee or office bearer at the same time it is issued and within 15 days of the relevant meeting, must be copied every resolution adopted by an Area Committee.

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As at July 2012