

Policy for the conduct of Council elections

As in force as at Council resolution 15/09/6.2 (11 September 2015)

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Purpose

1. The rules laid out under this policy are made pursuant to clause 11.7 of the Institute's Constitution and must be read in conjunction with clause 11 of the Institute's Constitution. In the event of any inconsistency between these rules and the Constitution, the latter prevails.
2. The purpose of the rules is to provide for the conduct of fair and open elections for the Council.

Appointment and role of the Returning Officer

3. Clause 11.8 provides for Council elections to be under the control of a Returning Officer appointed by Council (not being a candidate for election). Generally, the Company Secretary will be appointed as Returning Officer.
4. If the appointed Returning Officer is unable to act for any reason, an alternate Returning Officer will be appointed by the President on Council's behalf.
5. The role of the Returning Officer is to conduct, in its entirety, the election for members of the Institute's Council consistent with the provisions of clause 11 of the Constitution. The Returning Officer fulfils a critical function in ensuring a fair and transparent election process for all candidates in accordance with the Constitution.
6. Broadly speaking, the Returning Officer's role includes:
 - (a) preparing the notice inviting nominations and ensuring it is published;
 - (b) receiving nominations;
 - (c) reviewing nominations to ensure they satisfy any requirements set out in the Constitution;
 - (d) acceptance of nominations and declaring formal acceptance when nominations close;
 - (e) conducting the draw for positions on the ballot paper;
 - (f) drafting and arranging for the printing of hard copy ballot papers and the production of electronic voting ballot papers;
 - (g) distributing hard copy and electronic voting ballot papers to Voting Members in accordance with their nominated preference;
 - (h) arranging for the counting of ballot papers; and
 - (i) providing the results to both Council and Members.

7. The Returning Officer must not, and cannot be seen to, have any affiliation with or show support to any candidate or group of candidates. The integrity of the election relies on the ability and complete impartiality of the Returning Officer.

Powers of the Returning Officer and Institute in connection with the conduct of elections

8. In conducting elections, the power and role of the Returning Officer includes:
 - (a) the decisions of the Returning Officer must be accepted by Council and the Institute, unless there is some clearly stated reason to the contrary;
 - (b) the Returning Officer must be consulted on any discrepancy or concern raised about the election process; and
 - (c) if the Returning Officer raises a concern about the manner or conduct of the election or candidates, then these concerns must be addressed by the Institute.
9. In the event that factually incorrect statements are published in relation to a Council election, the Institute reserves the right to issue, at its absolute discretion, a correction on matters of fact.

Election timetable

10. There must be a period of at least two weeks, but generally not more than four weeks, between the date nominations are invited and the close of nominations.
11. There must be a period of at least two weeks between the close of nominations and the commencement of the voting period.
12. The period allowed for voting must be convenient to Members and must ensure that, as far as practicable, Members are given adequate opportunity to vote.
13. Where ballot papers are posted to Members, there must be a period of not less than three weeks between posting to Members and the date for the return of ballot papers.
14. Clause 11.6(b) of the Constitution provides that the ballot shall close on such date within the 90 days period ending on 31 December in the calendar year as the Council shall determine. On 1 March 2011, Council delegated its power to determine the ballot closing date to the Company Secretary.

Notice of call for nominations

15. Notice of call for nominations must be published on the Institute's website and in the Institute Bulletin.

16. The notice must:
- (a) state that an election is to be held and identify and provide contact details for the Returning Officer;
 - (b) invite nominations, specifying the expected number of positions on Council to be filled;
 - (c) clearly set out any requirements or qualifications required under the Constitution to be eligible to contest any position;
 - (d) advise where nomination forms may be obtained;
 - (e) specify the place where nominations are to be lodged; and
 - (f) fix the time and date for the close of nominations.

Notice of opening of voting

17. Notice of the opening of voting in a Council election must be published on the Institute's website and in the Institute Bulletin.
18. The notice must:
- (a) state that an election is to be held and identify and provide contact details for the Returning Officer;
 - (b) confirm the names of the candidates for election; and
 - (c) fix the time and date for the close of voting.

Nominations

General

19. A nomination form must require completion of the information required under clause 11.9 of the Constitution, as well as include an unqualified declaration in the form set out in the Annexure to these Rules.
20. If the Returning Officer is of the opinion that there is an anomaly in a nomination, such that it may require the Returning Officer to reject the nomination, the Returning Officer must, as soon as practicable after receiving the nomination, contact the candidate and advise that the anomaly must be rectified before the time and date for the close of nominations.
21. Unless there are exceptional circumstances, the Returning Officer cannot accept a nomination after the time and date for the close of nominations.

22. Members of the Nominations Council Committee are not permitted to sign as a nominee on the nomination form of a Member standing for Council election.

Withdrawal of a nomination

23. A candidate who has been nominated in an election must be permitted to withdraw that nomination, but only in writing addressed to the Returning Officer, provided it is received by the Returning Officer before the time and date for the close of nominations.

Certification of a nomination

24. Where the Returning Officer is not an employee of the Institute then, for the purpose of enabling the Returning Officer to form an opinion as to the eligibility of a candidate and the candidate's nominators/proposers, the Returning Officer must require the Chief Executive Officer of the Institute to furnish him or her with such information regarding the candidate and nominators/proposers as the Returning Officer may specify. The Chief Executive Officer of the Institute must provide the required information, in writing, as soon as practicable after the request is made and before the time and date for the close of nominations.

Uncontested elections

25. Clauses 11.10(a) and (b) of the Constitution deals with uncontested elections.

Contested elections

26. Clause 11.10(c) of the Constitution deals with contested elections.

Candidate profiles

27. Candidates are permitted to provide information (profiles) about themselves to be made available to Voting Members, provided that:
 - (a) profiles are submitted to the Returning Officer, in an approved format (if any), at any time before the close of nominations;
 - (b) profiles do not exceed 1,000 words in length (or such other word limit as may be specified from time to time).
28. Only one profile per candidate is permitted.
29. If the Returning Officer considers that any information provided by a candidate is not appropriate, is false or misleading or exceeds the stipulated word limit, the Returning Officer will liaise with the candidate with a view to agreeing amendments to the information. If agreement cannot be reached, the Returning Officer may take action

to omit or rectify the information, or reduce the length of the information, as he or she considers the case requires.

30. The Returning Officer will compile and present the profiles in the same order as the candidates on the ballot paper.
31. Photographs of candidates must all be of approximately the same size.

Delivery of roll of Voting Members to the Returning Officer

32. As soon as practicable after the close of nominations, the Returning Officer must receive a roll of eligible Voting Members from the Institute.
33. The roll must show, in alphabetical surname order, the full surname, given names, residential address, email address and member ID of each eligible Voting Member. The roll must distinguish between those eligible Voting Members who have nominated to receive electronic voting papers and those who have nominated to receive hard copy ballot papers.

Order of candidates on ballot papers

34. The Returning Officer will determine the order of candidates on a ballot paper by drawing lots.
35. The Returning Officer must not conduct a draw for positions on the ballot paper without at least one independent witness present.
36. The draw of lots for positions on the ballot paper must be conducted in the following manner:
 - (a) each candidate's name (as it will appear on the ballot paper) must be written on an identical slip of paper;
 - (b) the slips of paper must be placed into a sealed container;
 - (c) the container of slips of paper must be rotated or otherwise disturbed by the Returning Officer. The independent witness(es) must be allowed to do the same;
 - (d) one at a time, the slips of paper must be removed and the number of the draw recorded on each slip, as verified by the independent witness(es).

Form of ballot papers

37. Ballot papers must:
 - (a) show the names of the candidates contesting the election in the order of the draw of lots prescribed under these Rules;

- (b) distinguish names from each other where there is a similarity in the names of two or more candidates likely to cause confusion;
 - (c) provide clear and concise direction as to the manner in which the vote is to be recorded; and
 - (d) specify the date for the close of voting.
38. In the case of hard copy ballot papers, instructions must be provided on how the ballot paper is to be returned to the Returning Officer.

Voting

Electronic voting

39. In the case of Voting Members who have nominated to vote electronically, an electronic vote made by them and for which they have been sent a vote confirmation may not be recalled and re-submitted.

Postal voting

40. In the case of Voting Members who have nominated to vote by hard copy ballot paper, the ballot paper must first be enclosed in a sealed envelope. That sealed envelope must be enclosed in an outer envelope upon which the Voting Member must record their name and signature, before submitting it to the Returning Officer (either by post or hand delivery) prior to the close of voting.
41. On receipt of an envelope, the Returning Officer must, if satisfied that a person of that name is on the roll for the election, accept the ballot paper in the envelope without opening the envelope and make a mark on the roll to indicate that the person has voted.
42. If the Returning Officer is not satisfied that a person of that name is included on the roll, or if the person's name and signature does not appear on the envelope, it must be rejected and the envelope not opened.
43. Envelopes received by the Returning Officer after the date for the close of voting must be rejected and remain unopened.

Incentives to vote

44. Providing incentives to vote before or during an election period is not permitted.

Security of the ballot

45. The Returning Officer must, at all times, ensure the security of the returned postal vote envelopes.

46. Unused ballot papers must be securely stored by the Returning Officer in a separate facility to returned postal vote envelopes.

Scrutiny and counting

47. At the close of voting, the Returning Officer is to open each envelope satisfying Rule 41 above, extract the ballot paper and examine it for formality.
48. The Returning Officer must then scan each formal postal vote and provide the scanned votes to the Institute's provider of electronic voting services for entry into that provider's system as individual electronic votes.

Informal ballot papers

49. A ballot paper is generally considered to be informal if it:
- (a) has not been completed in accordance with the directions on it; or
 - (b) contains a mark or writing which, in the Returning Officer's opinion, would enable the elector to be identified.
50. The Returning Officer's decision on the formality/informality of a ballot paper is to be regarded as final.

Result of election

51. Once the final number of positions available for election to Council has finally been determined (including, but not limited to, the results of the election of the Vice President under clause 12.1 of the Constitution being known):
- (a) the Institute's provider of electronic voting services will perform a count using proportional representation (as required under clause 11.6(a) of the Constitution) and advise the Returning Officer of the candidate so elected;
 - (b) the Returning Officer will notify Council and the Chief Executive Officer of the full poll results of the election, which shall be kept confidential by Council and the Chief Executive Officer; and
 - (c) thereafter, the names only of the successful candidates (in alphabetical order, by surname) will be advised to all Members of the Institute by the Returning Officer via the Institute's website and the Institute Bulletin.
52. In addition to the report to Council referred to in rule 51(b), the Returning Officer must also report to Council on:

- (a) any non-'business as usual' matters relating to the election he or she considered and dealt with (for example, anomalies in nominations or rejected nominations); and
- (b) the overall percentage of Voting Members who voted and, subject to preserving the confidentiality of individual Member votes, any available demographic information relating to the overall voting percentage (for example, age, practice area and geographic location).

Challenging election result

- 53. Only a candidate for election may challenge the result of his or her particular election and any such challenge may only be made on the basis of non-compliance with these Rules.
- 54. To make a challenge, the candidate must:
 - (a) set out, in writing, the reasons why he or she considers that the election was not conducted in accordance with these Rules; and
 - (b) submit the challenge to the Returning Officer within two weeks of the date on which the election result was announced.
- 55. The Returning Officer will investigate the matter and make a decision as to whether the challenge is upheld or overturned. The Returning Officer's decision, which will be conveyed to the challenging candidate in writing, is final.
- 56. If the challenge is upheld and the Returning Officer decides, at his or her own discretion, that the relevant breach of these rules was such as to have been:
 - (a) unlikely to have materially affected the outcome of the election, no further action will be taken; or
 - (b) likely to have materially affected the outcome of the election, then the results of the election will be set aside and a further election held.

Retention of materials

- 57. All materials (roll of eligible Voting Members, ballot papers etc) are to be kept by the Returning Officer for at least one month following the announcement of the election results, prior to being destroyed. This is in case there is any challenge by a candidate concerning the result of the election.



[year] Council Election

Probity Declaration by Nominee

I, _____

of _____

being a nominee for the [year] election of members of the Council of the Institute of Actuaries of Australia, declare that I have not:

- (a) been disqualified from managing corporations under or by virtue of sections 206B, 206C, 206D, 206E or 206F of the Corporations Act 2001 (Cth);
- (b) been found to suffer mental illness or mental incapacity under legislation relating to mental health;

and have not, in the last five (5) years:

- (c) been convicted of an indictable criminal offence;
- (d) been found to have acted fraudulently or dishonestly by any court of competent jurisdiction or tribunal or equivalent professional body to the Institute in Australia or elsewhere;
- (e) been found by any court of competent jurisdiction or tribunal to have engaged in misleading or deceptive conduct in civil proceedings;
- (f) been the subject of an adverse determination by a regulatory body or equivalent professional body to the Institute in Australia or elsewhere;
- (g) either presently or in the past, been made 'insolvent under administration' as defined in the Corporations Act 2001 (Cth); or
- (h) breached a determination of a Tribunal or Appeal Board of the Institute's Disciplinary Scheme (including, but not limited to, an enforceable undertaking).

I acknowledge and agree that any false declaration by me may constitute Actionable Conduct under the Institute's Disciplinary Scheme and my removal as a Councillor of the



Institute. I also agree to advise Council as soon as practicable should I no longer be in a position to make this declaration.

Signature

Date

END OF POLICY