

**Safety Institute of Australia Limited trading as the Australian Institute of Health and Safety**

**(ACN 151 139 329)**

**ELECTIONEERING RULES**

## 1. Introduction

These Electioneering Rules have been developed for the election of directors for the Australian Institute of Health and Safety (Company), to ensure that there is fairness and equity attached to the electoral process, and that the framework for the conduct of the election is clearly understood.

The Company supports fair and democratic elections and takes all reasonable steps to ensure that all candidates are afforded equal opportunities to promote their candidacy in accordance with these Electioneering Rules in order to assist with an informed membership prior to elections, and an election process which is fair and respectful to all.

## 2. Terminology

For the purposes of these Electioneering Rules:

“**Board**” means the directors of the Company and may include an alternate director;

“**Campaigning**” or “**electioneering**” is any action seeking or canvassing for votes, requesting support in a forthcoming election, distribution of any Electioneering Material, or any other actions intended to promote any individual’s candidacy for election as a member elected director;

“**Distribute**” or “**distribution**” means to distribute, publish, disseminate, copy, reproduce, email, SMS text message, release or otherwise give or provide in any manner whatsoever (including but not limited to electronic, digital or hard copy form) any Electioneering Material to members, where the Electioneering Material is intended to be circulated to more than twenty (20) members;

“**Electioneering Material**” includes any literature, poster, leaflet, flyer, booklet, letter, email, SMS text message, advertisement, editorial, press release, release to members, photographs, pictures, or any other material in any form whatsoever (including but not limited to electronic, digital or hard copy form) intended to promote the candidacy of an individual for election as a member elected director and/or influence the vote of any member in any way in an election for member elected director.

## 3. Statements of candidature

3.1 Each candidate for election as a member elected director of the Company is required to submit a biography and overview which makes their case to members to seek their vote, in the form prescribed by the Company (Statement).

3.2 A Statement may present alternative preferred policies to that of the current Company Board; however, a Statement is defective if in the opinion of the Returning Officer it:

- is defamatory, libelous or indecent;
- will bring the Company into disrepute;
- is contrary to the interests of the Company, to any provision of the Constitution, the Company’s By-Laws, or any applicable law;
- is not fair, truthful or contains any misrepresentations or misleading statements;
- includes negative statements about other candidates or individual officers of the Company;
- is defamatory, libelous, and indecent, impugns existing directors, or brings the Company into disrepute.

- 3.3 Candidates are not precluded from using their Statement or Electioneering Materials to urge members to vote for other candidates than themselves.
- 3.4 Statements must not claim that the candidate intends, if elected, to support or campaign for issues or to take any actions, or to take any position on any issue, which are not within the authority of the Company and/or Board of the Company to address.
- 3.5 A Statement may not be submitted or modified after the close of submission date for Statements except by the Returning Officer as described in this clause 1.
- 3.6 Before disallowing any candidate Statement or subsequent Electioneering Material, the Returning Officer may (at his or her discretion) seek and be guided by the opinion of the Company's solicitor (not being a candidate) as the Board determines appropriate from time to time.
- 3.7 Where a Statement is found to be defective, the Returning Officer will notify the nominee by telephone, email or other means and will determine a period in which the nominee may remedy the defect. Should the defect not be remedied at the end of that period, the Returning Officer shall delete the defective parts of the Statement.
- 3.8 The Returning Officer will distribute a copy of the Statements for all candidates with the ballot materials and/or post them on the Company's website.

## 4. Electioneering and use of Electioneering Material – conduct of candidates

- 4.1 Candidates are entitled to electioneer, utilising various forms of media to make their case to be elected as a director. In doing so candidates must:
  - (a) not do so until their candidate Statement is approved; and
  - (b) **confine the broad content of their electioneering to the content of their candidate Statement pre- approved by the Returning Officer.** This ensures that any electioneering that candidates undertake is not outside the Electioneering Rules outlined in *section 3. Statements of candidature*, and therefore provides freedom for candidates to electioneer without prior approval of additional content by the Returning Officer.
- 4.2 Without limiting any other provision of these Electioneering Rules, no Electioneering Material or 'how to vote' material prepared and distributed by or on behalf of a candidate may show a method of voting which would, if followed, lead to an informal or invalid vote.
- 4.3 Candidates must not engage in any practice which would generally impede the orderly and proper conduct of the election and without limiting the generality of the foregoing, must not:
  - (a) distribute any Electioneering Material which is outside these Electioneering Rules;
  - (b) offer gifts, prizes, entertainment or financial inducement of any kind as an inducement to vote, or not to vote, or to vote in any particular way;
  - (c) respond in kind to another candidate's improper conduct or activities; or
  - (d) use Company offices, Company-run meetings of members, members events or functions (including events or functions arranged by, hosted or sponsored by branches), for purposes of electioneering or campaigning activities.
- 4.4 No Electioneering Material is to be displayed or distributed in, near or around the Company office, however candidate may post Statements which comply with these Rules, on Company public social media platforms (i.e., LinkedIn group).
- 4.5 All persons who distribute Electioneering Material or otherwise engage in any campaigning activities in relation to a candidate must have the prior authorisation of that candidate or candidates, and each candidate carries the responsibility to ensure that all such people follow these Electioneering Rules and is accountable for their actions.

- 4.6 Breaches of these Electioneering Rules by candidates are considered a breach of the members' Code of Ethics. Any person who is considered by the Board of the Company to be in breach of these Electioneering Rules, at the discretion of the Board, shall (a) be given the opportunity to remedy the breach, and/or (b) be referred to a review of suitability for membership of the Company in accordance with clause 15 of the Constitution.

## 5. Other general limitations on electioneering and use of Electioneering Material

- 5.1 Members, directors, and employees of the Company, must not engage in any practice which would generally impede the orderly and proper conduct of the election and without limiting the generality of the foregoing, must not:
- (a) distribute any Electioneering Material which is outside these Electioneering Rules;
  - (b) offer gifts, prizes, entertainment or financial inducement of any kind as an inducement to vote, or not to vote, or to vote in any particular way;
  - (c) respond in kind to any candidate's improper conduct or activities; or
  - (d) use Company offices, Company-run meetings of members, members events, Intellectual Property, resources, personnel, or funds (including events or functions arranged by, hosted or sponsored by Branches), for purposes of *public* electioneering or endorsement of any candidate.
- 5.2 The normal performance of duly assigned Company activities will not be considered to be a violation of these Electioneering Rules.
- 5.3 Should a candidate or officer of the Company become aware of any campaigning or electioneering activities contravening any of these Electioneering Rules, the candidate must immediately inform the Returning Officer.
- 5.4 All nominees, candidates, members, directors, Branch officials, employees, agents or officers of the Company must comply with the Company's Privacy Policy and all applicable laws relating to the use and/or disclosure of member details including but not limited to the *Privacy Act 1988* (Cth).

## 6. Communication with Members

- 6.1 Members may gain additional information about candidates or their Statements or candidacy by making contact with the candidate through the contact details provided in the candidate's Statement.
- 6.2 The Company will not provide member details, including the whole or part of the Company's membership list, to anyone, including candidates, members, or Branch Committee members that are not already freely available in the public domain.
- 6.3 No nominee, candidate, member, or employee, agent or officer of the Company may access, provide to any other person, or use the whole or part of the Company's membership list for the purposes of contacting members for electioneering or campaigning.

## 7. Consultation if in doubt

Candidates and members shall consult with the Returning Officer if they have any doubts, concerns, or queries about the conduct of an election including but not limited to permissible electioneering and campaign practices.

Consultation can be made by contacting the Returning Officer through the national office: 03 8336 1995 or by e-mail to: [companysecretary@aihs.org.au](mailto:companysecretary@aihs.org.au) or by mail to:

The Company Secretary  
Safety Institute of Australia Limited (trading as the Australian Institute of Health and Safety)  
PO Box 2078  
Gladstone Park Vic 3043