



## 2017 SWIMMING NEW ZEALAND BOARD APPOINTMENT PANEL INFORMATION AND VOTING REQUIREMENTS

### Introduction

1. Under the SNZ Constitution, two Board members are retiring by rotation; one appointed, **Bruce Cotterill**, and one elected, **Nick Tounge**, both have indicated that they intend to stand for re-appointment/election.
2. Under rule 11.4, The Board must appoint a Swimming New Zealand Board Appointments Panel (SNZBAP) to:
  - (a) oversee the process for Appointed Board members and Elected Board members;
  - (b) call for and vet applicants for membership of the Board;
  - (c) determine from the applicants those to be put forward for election as Elected Board members; and
  - (d) appoint Appointed Board members;
  - (e) decide, subject to rule 12, the term of office Board members.
3. The SNZBAP must comprise of five members:
  - (a) two persons, one of whom will chair the SNZAP, who must be experience in governance relevant to a sporting organisation, both appointed by the Institute of Directors of New Zealand (Inc) or by Sport NZ or other organisation recognised for its experience in governance in each case as decided by the Board;
  - (b) the Chair of SNZ, or if the Chair is standing for election or appointment to the Board, the Board's nominee chosen from other members of the Board; and
  - (c) **two persons from within the Sport elected under rule 11.4 by the Regional Associations**
4. A person standing for election or appointment to the Board is not eligible to be a member of the SNZBAP.
5. The Board shall ensure the members of the SNZAP are appointed or elected as needed to perform the SNZAP role and shall:
  - (a) provide to the chosen appointing organisation in rule 11.2a a list of the expected competencies for the persons to be appointed; and
  - (b) allow each Regional Association to nominate up to two persons eligible for election to the SNZBAP; and
  - (c) allow each Regional Association to vote by email or electronic voting, in accordance with SNZ requirements, to elect two persons from the list of eligible candidates. In this process, a Regional Association has the number of votes as determined in Rule 17; is not required to vote through its Voting Representative; and must not vote for its own nominees. The successful candidates are the two who receive the highest number of votes. In a tie further vote by email is held to choose between those tied. Any issue or dispute in relation to Rule 11.4c is decided by

the SNZAP or where the SNZAP is not yet established then by the three persons in Rule 11.2a and b, and in each case the decision is final.

(d) The SNZAP disbands after it has undertaken its role and a new SNZAP is established as needed. SNZAP members may be re-appointed, but only if all candidates were elected to the Board when previously recommended by the SNZAP of which they were a member.

6. This document explains the process for the appointment, nomination and election of the SNZBAP members, and the voting requirements. These are important, so please read them carefully.
7. Regional Associations and members are also encouraged to read the SNZ Constitution.
8. Any queries about the SNZBAP process should be directed to the SNZ CEO [steve@swimming.org.nz](mailto:steve@swimming.org.nz)

#### **Nomination of elected members of the SNZBAP**

9. Regional Associations are permitted to nominate up to two persons each who may stand for election to the SNZAP. These persons must come from within the Sport, which is defined in Rule 2.1 of the SNZ Constitution as “the sport of competitive swimming”.
10. Beyond this, Regional Associations are free to select their nominees based on any criteria they deem relevant. The **nomination form is attached** to this email.
11. Nomination forms must be signed by someone who is authorised to sign documents on behalf of a Regional Association. SNZ also requires that nominees sign their nomination forms, to indicate that they accept their nominations and are eligible. Note that all sections of the nomination form must be completed.
12. Once completed and signed, nomination forms must be sent to the SNZ CEO [steve@swimming.org.nz](mailto:steve@swimming.org.nz) **no later than 5.00pm, Thursday 29 June 2017**. Any nomination form received after this time will not be valid. Similarly, incomplete or inaccurate nomination forms will not be valid.
13. The Regional Associations are responsible themselves for ensuring that nomination forms are completed in accordance with SNZ’s requirements. However, SNZ is willing to assist the Regional Associations by providing guidance on the completion of forms. Regional Associations wanting guidance should contact SNZ CEO.
14. In addition, if SNZ receives a nomination form from a Regional Association that SNZ identifies as not being in accordance with its requirements, SNZ may contact the Regional Association and invite the Regional Association to address the issue SNZ has identified and resubmit its nomination form. If a new nomination form is received in accordance with the SNZ requirements set out in this document (including the deadline of 5:00pm on Thursday 29 June 2017), the new form will be accepted and the original form will be disregarded. Note that a Regional Association may not replace a valid nomination form once it has been submitted in accordance with SNZ’s requirements.
15. Regional Associations will be notified of all nominees/candidates for election to the SNZBAP as soon as practicable after the nomination deadline passes. Notification is expected to be given on Monday 3 July 2017.

## Voting for elected members of SNZBAP

16. After nominations close and the nominees/candidates have been announced, rule 11.4c provides that the Board must allow each Regional Association to *“vote by email or electronic voting, in accordance with SNZ requirements”*, to elect two persons from the list of eligible candidates. This document sets out these requirements.
17. Voting will be conducted by email and by way of secret ballot.
18. Voting forms will be distributed following notification of nominees as noted above. Voting will open as soon as the voting forms have been sent, which is expected to be on or before Wednesday 5 July 2017.
19. The completed voting form must be signed by someone who is authorised to sign documents on behalf of a Regional Association, and must be sent to the SNZ CEO at [steve@swimming.org.nz](mailto:steve@swimming.org.nz) **no later than 5:00pm on Friday 14 July 2017**. Any voting forms received after this time will not be valid. Incomplete or incorrect voting forms will not be valid.
20. Regional Associations may cast their votes for up to two candidates. Voting for each candidate constitutes a separate “casting” – that is, a Regional Association casts all its votes for each candidate. For example, if a Regional Association has 4 votes and it votes for candidates A and B, then candidate A and candidate B will each receive 4 votes. Regional Associations cannot split their votes for each “casting” among multiple candidates.
21. Regional Associations may vote for any candidate except for candidates that the Regional Association nominated.
22. The Regional Associations are responsible themselves for ensuring that voting forms are completed in accordance with SNZ’s requirements. However, SNZ is willing to assist the Regional Associations by providing guidance on the completion of forms. Regional Associations wanting guidance should contact SNZ Office Manager.
23. In addition, if SNZ receives a voting form from a Regional Association that SNZ identifies as not being in accordance with its requirements, SNZ may email the Regional Association at the email address given to SNZ Office Manager (as above), and invite the Regional Association to address the issue SNZ has identified and resubmit its voting form. If a new voting form is received in accordance with the SNZ requirements set out in this document (including the deadline of 5:00pm on Friday 14 July 2017), the new form will be accepted and the original form will be disregarded. Note that a Regional Association may not replace a valid voting form once it has been submitted in accordance with SNZ’s requirements.
24. The successful candidates are the two who receive the highest number of votes. Votes will be scrutinised by the Swimming New Zealand President and will inform the Board of the successful candidates. The successful candidates will be announced by email to the Regional Associations and on the SNZ website.
25. In case of a tie, a further vote by email will be held to choose between those tied. The timing and other arrangements will be notified then, if need be.

### *How many votes does each Regional Association have?*

26. Under the constitution, the number of votes held by a Regional Association is equal to the number of Members in Rule 6.1a, b, c and d recorded on the Database for the Regional Association on the last day of the Financial Year immediately preceding the date on which the vote is to be exercised, provided that:
  - (a) a Member in Rule 6.1a, b and c is not counted in the number of votes held by their Regional Association if any Amount due from them for the Financial year referred to above is not paid fourteen or more days before the date on which the vote is to be exercised;
  - (b) if a Member is a Member in more than one of the categories in Rule 6.1a, b, c or d, they shall only be counted once in the number of votes held by their Regional Association;
  - (c) a Member who does not satisfy the requirement of rule 6.6 is not counted; and
  - (d) voting rights are suspended if so determined by the Board under Rule 8.5 m.
27. A table showing the number of votes per region will be distributed with the voting forms.
28. If there is any dispute regarding voting rights, the dispute – “is determined by the Board and such decision is final (Rule 27.8b).

### **Privacy principles**

29. SNZ will comply with its Privacy Act obligations in respect of personal information obtained during the election process for the SNZBAP. Any personal information that SNZ obtains about nominators, nominees and candidates will be used for purposes connected to the election process.
30. The names of nominees/candidates for election to the SNZAP will be published on the SNZ website ([www.swimming.org.nz](http://www.swimming.org.nz)) and on the voting forms distributed to Regional Associations. SNZ may also publish other relevant information on its website or voting forms, including:
  - (a) the club affiliation of the nominee (if any);
  - (b) the Regional Association that nominated the nominee; and
  - (c) the basis on which the nominee comes from within the sport of competitive swimming, as advised by the nominee.
31. Subject to these principles, or to any other legal right SNZ has to use or disclose information, personal information that SNZ obtains in the course of carrying out the election will be held in confidence by SNZ.
32. Individuals will have the right to access or correct any personal information held about them, and should contact SNZ if required. The CEO will have the responsibility for making all decisions regarding personal information.

### **Variations**

33. The Board may vary the process, including any voting requirements, as they consider reasonably necessary to address any issues that arise in the course of the election process. Any variations will be notified to the Regional associations and on SNZ’s website, and will be consistent with SNZ’s Constitution.