



**Australian Association of the Order of Malta Limited  
Elections Policy as approved at March 2023  
(Policy Number: AAOML\_P\_025)**

**Effective Date: 6 March 2022**  
**Review Date: 1 January 2025**

**1 Purpose**

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The purpose of this policy is to outline the procedures applying to Australian Association of the Order of Malta Ltd (Order of Malta Australia) elections and to ensure that all Order of Malta Australia elections are conducted with the highest degree of integrity, fairness and transparency.

**2 Scope**

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This Policy consolidates the election rules, regulations and procedures for all Order of Malta Australia elections and defines the policy basis for the election of Order of Malta Australia representatives to the Executive Council and to Regional Councils.

This Policy applies to Order of Malta Australia elections for elected Executive Council and Regional Council members.

This Policy is to be read in conjunction with the Constitution of Australian Association of the Order of Malta Ltd and the Regional Statutes. In the event of an inconsistency between this Policy and the Constitution, the Constitution prevails.

**3 Principles**

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The election processes described in this policy are designed to be simple and transparent, to assist the Executive Council and Regional Councils to conduct elections and to minimise the resources expended.

Order of Malta Australia is committed to:

- inclusive elections at all levels;
- fair competition between Candidates;
- ensuring Candidates understand their rights, responsibilities and expectations before, during and after elections;
- providing and refining processes to ensure maximum Member participation;
- maintaining integrity, accuracy and transparency in all election processes;
- ensuring Members have sufficient information to make informed choices; and
- conducting elections in a manner befitting a National Association of the Sovereign Order of Malta.

## **4 Returning Officer**

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### **4.1 Appointment of Returning Officer**

Prior to the holding of elections at a National or Regional level, the Executive Council must appoint a member of Order of Malta Australia pursuant to Art. 45, who is not a candidate for election or a current Officer, as the Returning Officer.

The Returning Office's mandate is operational from the date of appointment to the date of the declaration of the election result.

### **4.2 Duty and Responsibility of Returning Officer**

The Returning Officer is responsible for the administration of all Ballots and the preservation of their integrity. The Returning Officer must work with the Chancellor to ensure the integrity, accuracy and transparency of election processes.

The Chancellor is responsible for ensuring the Returning Officer's powers and duties are clear, understood and sufficient to administer all relevant aspects of the elections.

Other than as specified in this Policy, the Returning Officer and the Chancellor must work together to allocate the Policy's responsibilities between them.

## **5 Nominations Committee**

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### **5.1 Appointment of a Nominations Committee**

The Executive Council must appoint a Nominations Committee, comprising members of Order of Malta Australia who are not candidates for election or an incumbent Office Bearer (Officer).

### **5.2 Duty and Responsibility of the Nominations Committee**

The Nominations Committee will, pursuant to Art. 45.11 of the Constitution, seek to identify well qualified Candidates for positions on the Executive Council.

In addition, the Nominations Committee will also establish a formal protocol, to be approved by Executive Council, that will permit a Region to nominate a preferred Candidate to fill a vacant Regional Hospitaller position. When a preferred Candidate is identified, this is to be made known to the membership of Order of Malta Australia by the Nominations Committee, through the Chancellor, as being the preferred candidate for that role.

The Nominations Committee is responsible for conferring with the Chancellor, or the Chancellor's appointed substitute, that each nominated Candidate complies with the requirements under the Constitution for appointment to the office for which the Candidate

## **6 Election Rules**

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The Executive Council from time to time may make rules, regulations and procedures to govern its elections as required. Any such rules, regulations and procedures are binding on members so long as they are appended to this Policy.

Rules, regulations and procedures are to be read in conjunction with the Constitution and Regional Statutes. In the event of inconsistency between any rules, regulations or procedures and the Constitution, the Constitution prevails.

All rules, regulations and procedures should be added as Appendices to this Policy.

## **Australian Association of the Order of Malta Ltd Elections Policy**

### **7 Compliance with this policy**

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Candidates must comply with this Policy, including the Appendices. A failure to do so may be met with disciplinary action.

### **8 Appendices**

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1. Election Procedures
2. Campaign Rules
3. Disciplinary Action Procedure

### **9 Related Documents and Policies**

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1. Constitution of the Australian Association of the Order of Malta Ltd
2. *Corporations Act 2001* (Cth).

### **10 Policy Review**

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This Policy will be reviewed periodically and updated when required.

The Chancellor and Company Secretary is responsible for overseeing the review, and recommending changes to the National Executive Council.

This Policy is approved by the National Executive Council.

## **Appendix 1: Election Procedures**

### **1 Conduct of Elections**

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Elections may be conducted by postal ballot or electronic (including web-based) means. Promotion of Order of Malta Australia elections should occur via electronic communication.

Service of notices must comply with the time frames in Art 28 of the Constitution.

An election is not invalidated only because:

- an Eligible Voter did not receive the Ballot Materials;
- there was an error in any register of Eligible Voters;
- an Eligible Voter or the Returning Officer failed to comply strictly with any of the requirements of the Constitution or any regulations made under it; or
- there was any procedural irregularity.

All elections are to be carried out in accordance with this Appendix.

### **2 Nominations**

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Calls for nomination must be provided to all Eligible Voters at least 90 days before the next General Assembly.

Information on the nomination procedure for National Executive and Regional Council elections should be added to the Order of Malta Australia website on or before the commencement of each nomination period.

Candidates may forward nominations by mail, as attachments by email or facsimile or by hand to the Chancellor, or in the Chancellor's absence to the substitute appointed by the Nominations Committee if constituted (or otherwise by the Executive Committee), not later than 60 days prior to the date of the next General Assembly.

The Chancellor must reject all nominations that are not Valid Nominations.

Prior to rejecting an invalid nomination, the Chancellor should make a reasonable effort within the nomination period to contact those nominees who have supplied nominations that are invalid, with the aim of correcting any defects.

At the expiry of the nomination period, nominations must be publicised in appropriate Order of Malta Australia communications to Members such as a Members' email, e-newsletter or printed newsletter.

### **3 Valid Nominations**

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A Valid Nomination must:

- a. be on the prescribed form and lodged with the Chancellor as directed;
- b. contain the following details:
  - i. the Candidate's full (and preferred) Ballot names;
  - ii. the Candidate's contact details;
  - iii. the office for which the Candidate is nominating;
  - iv. the Candidate's consent to the nomination;
  - v. the Candidate's agreement to comply with the Rules during the Election Period;
  - vi. the signatures of two nominators;
  - vii. a statement attesting to the Candidate's qualification for election; and
  - viii. any particular requirements identified in the Appendices for the various specific positions;

## **Australian Association of the Order of Malta Ltd Elections Policy**

- c. contain in detail any further information required by the Chancellor; and
- d. be received prior to the expiry of the relevant nomination period.

### **4 Electoral Roll**

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The Chancellor will provide the Returning Officer with a list of registered, financial members of the Australian Association of the Order of Malta Ltd 60 days before the next General Assembly.

Before issuing a notice of an election by ballot, the Chancellor and Returning Officer will determine the electoral roll based on:

- a. the Australian Association's electronic records; and
- b. information provided by the National Treasurer under Art. 8 of the Constitution.

The electoral roll will not be invalidated because of any error, omission, or mistaken entry.

The Returning Officer will, in their absolute discretion, determine any queries or disputes about the eligibility of any person to be included on the electoral roll.

### **5 Ballot Procedures**

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With the exception of election results, all involved parties must treat all Ballot information as confidential, and no party may either directly or indirectly, divulge or communicate any such information.

The Returning Officer will determine:

- the dates and times for the opening and closing of Ballots, provided the period between the opening and closing of the Ballot. The closing of the Ballots must be no later than 14 days prior to the next General Assembly; and
- where practicable, does not coincide with any Australian State or Territory or New Zealand school holidays or major festivities/public holidays; and
- extends for no less than 10 days; and
- the method of voting in the Ballot.

The Returning Officer must arrange for the Ballot Materials to be served on Eligible Voters.

Electronic Ballots must be conducted via a secure electronic process capable of ensuring the validity of Ballots, to the satisfaction of the Returning Officer.

For those members unable or unwilling to participate in an electronic Ballot, the Returning Officer may send the Ballot Materials instead or additionally by post.

The Returning Officer may, at any time during the voting period send a communication to Members eligible to vote, but who have not yet voted, reminding them to vote.

### **6 Validation and Counting of Votes**

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The validation and counting of Ballot forms may be undertaken manually, electronically or by a combination of such methods.

After the closing date of the Ballot, the Returning Officer must declare invalid any Ballot form that, in the reasonable opinion of the Returning Officer:

- is not personally completed by the Eligible Voter or cannot be authenticated;
- has no vote recorded on it, or does not clearly indicate the Eligible Voter's voting intention;
- is cast by a member who is not an Eligible Voter;
- identifies the voting Member;

## Australian Association of the Order of Malta Ltd Elections Policy

- is received from a member who has previously voted in that Ballot; or
- is received after the Ballot's closing date.

### **7 Proxies**

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Proxies may be not used for any election under this Policy.

### **8 Withdrawal of Candidates**

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Candidates may withdraw their nomination at any time after the closing of the nomination period.

During the Election Period, if a Candidate:

- a. withdraws;
- b. becomes ineligible to hold the position they are Campaigning for; or
- c. is withdrawn as a result of disciplinary proceedings;

their Candidacy is voided and, if occurring after the service of Ballot Materials, the Returning Officer must disregard that Candidate's votes.

### **9 Disqualification of Candidates**

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Where a Candidate is disqualified as a result of a complaint or disciplinary action under Appendix 3, their Candidacy is voided and, if occurring after the service of Ballot Materials, the Returning Officer must disregard that Candidate's votes.

### **10 Voting System**

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All Ballots are to be determined on a simple majority voting basis.

In the case where no Candidate receives a simple majority of votes from eligible Members or where two or more Candidates receiving an equal number of votes, the Returning Officer will seek a casting vote from:

- a. in the case of an election to the office of President, the most senior Officer after the President (as set out in Article 27.9); or
- b. in the case of an election to any other office, the President.

The casting vote will decide which Candidate shall be successful and declared as such by the Returning Officer.

### **11 Determination of Election Outcome**

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Upon determining the valid Ballots and counting the valid Ballots in accordance with this Procedure, the Returning Officer must record:

- the total number of Ballots issued;
- the total number of Ballot forms received, allocated between valid and invalid; and
- the total number of votes cast for each Candidate.

A copy of the record must be provided to the Chancellor promptly upon completion, and in any event no later than 7 days after the Ballot closing date.

The result of the Election shall be declared on confirmation of the result.

Following the declaration of the Ballots, the Ballots must be destroyed, save in the case of any pending or anticipated dispute, in which event the time period for destruction, is extended until determined by a refreshed Executive Council.

## **12 Publication of Election Outcome**

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The Chancellor must publish the election outcome through a communication to Members, including:

- a. the total number of votes received;
- b. the names of all candidates elected without ballot; and
- c. individual vote tallies for every candidate for all contested elections;

as soon as results have been declared by the Returning Officer.

## **13 Timing of Elections**

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Despite anything to the contrary in this Appendix 1, the processes leading to the close of Ballots must be completed at least 14 days prior to the date of the next General Assembly.

### **13.1 Minimum period required to conduct Elections**

Election processes must be commenced at least 90 days prior to the date of the next General Assembly.

The following timeline prior to the date of the next General Assembly must be met:

90 days prior – Chancellor calls for nominations

60 days prior – Calls for nominations close and close of the roll of eligible voting members

24 days prior – Returning Officer declares Ballots open

14 days prior – Returning Officer declares Ballots closed

7 days prior – Returning Officer to provide record of confirmation of result to Chancellor

## Appendix 2: Campaign Rules

### 1 Context and Scope

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These Rules apply to all Campaigning conducted during an Election Period.

These Rules supplement the Policy and all other applicable Order of Malta Australia policies. A breach of any of these Rules will be considered a breach of the Policy.

### 2 General Rules

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#### 2.1 Candidate Conduct

Candidates:

- a. must comply with these Rules;
- b. are each responsible for their own campaigns, including controlling (where possible) the materials written about them by third parties;
- c. are responsible for familiarising themselves with these Rules;
- d. must not solicit, entice or encourage, directly or indirectly, another member to campaign on their behalf in a way that would, had the Candidate performed the activity themselves, breach these Rules;
- e. must not offer directly or indirectly any inducement of any kind, whether for a person or any other person, on an understanding that the person's election conduct will be in any manner influenced or affected;
- f. should discuss with the Chancellor and/or Returning Officer prior to any Campaigning being undertaken, how their Campaign activities may impact any current roles/positions held with Order of Malta Australia and the Candidate's expected behaviours during the Election Period;
- g. must not interfere with the administration of a Ballot;
- h. must, if an incumbent Office Bearer, restrict their activities as a responsible Director according to the *Corporations Act 2001* (Cth) would ordinarily perform their role outside of the Election Period;
- i. must comply with all Australian laws, including the *Privacy Act 1988* (Cth), *Spam Act 2003* (Cth) and the *Do Not Call Register Act 2006* (Cth) when making any communication; and
- j. and their supporters, in all written and oral communications, are expected to conduct and represent themselves in a manner commensurate with the dignity of office they aspire to hold, are to respect competition and equity and must not make derogatory comments concerning any other candidate in any communication, publicity or campaigning.

If Candidates are unsure if a particular activity breaches these rules, they should contact the Returning Officer at first instance for an interpretation. This interpretation is indicative only and non-binding on any party, and Candidates should seek their own advice for further assistance. Candidates may also ask a question under clause 3 of this Appendix.

#### 2.2 National Executive Council and Regional Council Conduct

The National Executive Council and Regional Councils do not endorse Candidates, either explicitly or implicitly. Directors and Office Holders may make individual decisions regarding their voting preference for Candidates, however, must not publicly endorse or support them.

#### 2.3 Use of Order of Malta Australia Resources for Campaigning

Unless expressly permitted under these Rules, Candidates, their supporters, and Members shall not use any privileges, including but not limited to access to communications channels, attached to any Order of Malta Australia office or position for any conduct during the Election Period.



## **Australian Association of the Order of Malta Ltd Elections Policy**

Unless expressly permitted under these Rules, no communications may be sent on Order of Malta Australia letterhead or from an Order of Malta Australia email address, or through using Order of Malta Australia databases or mailing lists, if the communication could be considered Campaigning in form or substance.

### **3 Official Candidate Statements**

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All Candidates may, along with their nomination form, provide material in support of their Candidacy as follows:

for distribution with Ballot material:

- a statement not exceeding 1000 words; and
- a curriculum vitae of no more than 2000 words; and
- a colour photograph in high resolution (300DPI) in a jpeg format satisfactory to the Chancellor.

Election material for publication will be accepted from Candidates after receipt and acceptance of their Valid Nomination.

Candidate statements are subject to the following rules:

- words in excess of the word limit may be excised by the Chancellor from the point where the word limit is reached in the material, where necessary without consultation;
- the Candidate's name, title and letters after their name to indicate qualifications, honours and memberships will not be counted in the word limit. Normally hyphenated words will count as one word;
- the word limit will be a computer-generated count, however may be cross-referenced manually where necessary; and
- where a Candidate waives the right to provide any material as part of their nomination, then the Chancellor will not accept any material as part of that statement after nominations have closed.

Subject to this clause 3, Candidate statements will be published unedited (without altering spelling, punctuation or grammar) along with a note to the effect that the information was provided by the Candidate.

Candidate statements and photographs must be presented in the same order as on the Ballots.

### **4 Communications Blackout**

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Candidates and/or their supporters are not to publish and/or disseminate any campaign material, other than Candidate statements and photographs, to any Eligible Voter from the calls for nomination to the conclusion of the voting period.

### **5 Candidate Questions**

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Candidates may ask the Chancellor or the Returning Officer questions regarding the administration or interpretation of this policy at any time. The Chancellor or the Returning Officer must publish any question and the response to it via an email to Eligible Voter within 24 hours of the response being given.

## Appendix 3: Disciplinary Action Procedures

### 1 Complaints

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Any person may lodge a complaint about an alleged breach of this policy under this Procedure. A complaint must be lodged:

- at any time during the Election Period; or
- within 72 hours of the declaration of the results of an election.

A complaint can only be lodged regarding a breach of the following clauses of this Policy:

- Appendix 2, clauses 2.1 (d), (e), (g), (h), (i), and (j);
- Appendix 2, clause 2 relating to behaviour unbecoming of a Member of the Sovereign Order of Malta;
- Appendix 2, clause 2.3; and
- Appendix 2, clause 4.

Alleged breaches of this Policy must be directed at first instance to the Returning Officer.

A complaint about an alleged breach must specify:

- The name of the person making the complaint;
- The name of the person against whom the complaint is made;
- The specific clause alleged to have been breached; and
- The conduct the subject of the complaint, including the date and time the conduct took place.

The Returning Officer must promptly investigate any allegations which are *prima facie* substantiated, to determine the allegation's merit.

The Returning Officer must decline the complaint if the complaint does not allege a breach of any the provisions of Appendix 2 listed above. The Returning Officer must advise the complainant of any other appropriate means for investigating the allegations.

If the Returning Officer determines a Candidate other than the incumbent President or Chancellor has breached any rules, procedures or regulations governing the relevant election, he or she must, after consulting with the Chancellor, send a summary report and recommendation (which may involve any sanction under the Constitution) to the Nominations Committee if constituted (or otherwise, Members of the Executive Committee who are not Candidates for election).

If the substantiated breach relates to the incumbent President or Chancellor then the Returning Officer must, after consulting with the Nominations Committee, send the summary report to the Members of the Executive Committee who are not Candidates for election.

The Members of the Executive Committee who are not Candidates for election must review the summary report and confirm the automatic sanction and determine if any further appropriate sanction should be imposed.

The burden of satisfying the Executive Committee of the Candidate's compliance rests with the Candidate.

## **2 Disciplinary Action**

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Candidates who violate election rules undermine the integrity of and trust in Order of Malta Australia's election process.

In general, the Executive Committee should evaluate breaches of election rules against the key criterion of whether the breach has the capacity to provide an unfair advantage to the Candidate the subject of the complaint, irrespective of whether it did or not. The Executive Committee must consider all the evidence when deciding whether a breach has occurred.

A Candidate found to have breached the election rules is subject to mandatory sanctions and may be subject to disciplinary action. Such action should be determined in accordance with clause 2.3 of this Appendix.

Disciplinary action is deemed to have effect as of the Executive Committee's determination. Any further activity required to implement a sanction must be performed as soon as practical.

Notice of the disciplinary action must be provided to the Candidate the subject of the complaint as soon as practical, and in any event no later than 4 days of the Executive Committee's determination.

A summary notice of the outcome of the Executive Committee's determination must be provided to the aggrieved person as soon as practical, and in any event no later than 7 days of the Executive Committee's determination.

### **2.1 Appeals**

There are no appeal rights from the Executive Committee's determination made under this Procedure unless otherwise provided under the Constitution.

### **2.2 Mandatory Sanctions**

A Candidate found to have breached the election rules is subject to:

- where election results have yet to be declared, disqualification from the election and removal as a Candidate; and
- where election results have been declared, the election of the Candidate is voided and the Candidate placed immediately behind according to the vote is declared elected.

### **2.3 Discretionary Sanctions**

The Executive Committee may, in addition to the mandatory sanctions, impose any other sanction including:

- requiring the Candidate to apologise to the complainant;
- an official warning;
- requiring a public apology to all other Candidates;
- disciplinary action under the Members Code of Conduct; and/or
- disciplinary action under the Constitution

The Executive Committee may also defer determining any other sanction until the first meeting of the refreshed Executive Council.