



New South Wales

# Sydney Turf Club Amendment Regulation 2009

under the

Sydney Turf Club Act 1943

Her Excellency the Governor, with the advice of the Executive Council, has made the following Regulation under the *Sydney Turf Club Act 1943*.

KEVIN GREENE, MP  
Minister for Gaming and Racing

## Explanatory note

Provisions relating to the constitution and governance of the Sydney Turf Club (*the Club*) are set out in regulations contained in the First Schedule to the *Sydney Turf Club Act 1943*.

The object of this Regulation is to amend the First Schedule to the *Sydney Turf Club Act 1943* as follows:

- (a) to improve the integrity of regular and extraordinary elections for directors of the Club,
- (b) to provide that, in the event of a casual vacancy in the office of a director of the Club, the directors of the Club may, in addition to the current option of filling that vacancy at an election at an Extraordinary General Meeting called for that purpose:
  - (i) appoint a member to fill the casual vacancy for the balance of the term of the member's predecessor or until the member sooner vacates office, or
  - (ii) determine not to fill the casual vacancy immediately and defer the election to fill the casual vacancy until the next Annual General Meeting.

In general, directors serve for a 2 year term of office. The proposed new provisions provide that if a member is appointed to fill a casual vacancy as a director (as referred to in paragraph (b) (i) above) in the member's predecessor's first year of office, the member's appointment must be confirmed by a resolution at the next Annual General Meeting.

This Regulation is made under the *Sydney Turf Club Act 1943*, including sections 4 (8) and 32 (the general regulation-making power).

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Clause 1          Sydney Turf Club Amendment Regulation 2009

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## **Sydney Turf Club Amendment Regulation 2009**

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### **1 Name of Regulation**

This Regulation is the *Sydney Turf Club Amendment Regulation 2009*.

### **2 Commencement**

This Regulation commences on the day on which it is published on the NSW legislation website.

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## Schedule 1      Amendment of Sydney Turf Club Act 1943 No 22

### [1]    First Schedule Regulations for the Sydney Turf Club

Insert “or appointed” after “elected” in clause 41 (2).

### [2]    First Schedule

Omit clause 43 (2). Insert instead:

(2) If an election at an Annual General Meeting is required to be held by ballot, the election is to be conducted as follows:

- (a) The Secretary is to send the following to each member:
  - (i) a statement of the number of vacancies to be filled at the election,
  - (ii) a voting paper containing a list of the retiring directors seeking re-election and of the other candidates, including, in the case of each candidate who is a retiring director, a summary of the candidate’s attendance at directors’ meetings held during the candidate’s term of office,
  - (iii) a small unsealed blank envelope in which the voting paper is to be enclosed (*the inner envelope*),
  - (iv) a large unsealed envelope addressed to the Secretary and bearing on the back the words “FULL NAME AND ADDRESS OF VOTER” and “SIGNATURE OF VOTER”, together with appropriate spaces for the insertion of a name, address and signature, in which the inner envelope is to be enclosed (*the outer envelope*),
  - (v) instructions on how to vote in the election (*how to vote instructions*).
- (b) A member wishing to vote is to:
  - (i) strike out from the voting paper the names of the candidates that the member does not approve of, retaining no more and no less than the number of names that matches the number of vacancies required to be filled at the election, and
  - (ii) place the completed voting paper in the inner envelope and seal the inner envelope, and
  - (iii) place the inner envelope in the outer envelope and seal the outer envelope, and

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- (iv) complete the member's full name and address on, and sign, the back of the outer envelope, and
  - (v) send the outer envelope to the Secretary so as to be received before 12 noon on the third day preceding the Annual General Meeting (*the close of the ballot*), and
  - (vi) subject to this clause, comply with the how to vote instructions.
- (c) As soon as practicable after the close of the ballot, the Secretary, with such assistants as the Secretary considers necessary, in the presence of such scrutineers as are entitled to attend, must:
- (i) produce the outer envelopes that were received by the Secretary before the close of the ballot, and
  - (ii) examine the outer envelopes and reject any envelope that has not been signed, or if the details shown on the outer envelope are not sufficient to disclose by whom the vote is being exercised, reject the envelope, and
  - (iii) reject any outer envelope that appears to have been sent by a member or other person not entitled to vote in the election, and
  - (iv) extract the inner envelopes containing the voting papers from all unrejected outer envelopes, separating the contents from the outer envelopes in such a way that no inner envelope could subsequently be identified with any particular voter, and
  - (v) when all the outer envelopes have been dealt with in the above manner, open all unrejected inner envelopes and take the voting papers from them, and
  - (vi) reject any invalid or informal voting papers, and
  - (vii) count the number of votes recorded for each candidate and record the result.
- (d) On the day of the election the Secretary is to announce, or cause to be announced, at the Annual General Meeting of the Club the results of the election and the names of candidates elected as directors.

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**[3] First Schedule**

Omit clause 49 (1)–(4). Insert instead:

- (1) If a casual vacancy in the office of a director occurs, the directors may, subject to this Act and these Regulations:
  - (a) appoint a member to fill the casual vacancy, or
  - (b) direct that the casual vacancy be filled at an election at an Extraordinary General Meeting of the Club called by the directors for that purpose, or
  - (c) determine not to fill the casual vacancy immediately and defer the election to fill the casual vacancy until the next Annual General Meeting.
- (2) Subject to subclause (3), a member appointed or elected to fill a casual vacancy as a director under this clause is to hold office for the balance of the term of the member's predecessor or until the member sooner vacates office under clause 48.
- (3) If a member is appointed to fill a casual vacancy as a director under subclause (1) (a) before the first Annual General Meeting held after the election of the member's predecessor, the member's appointment must be confirmed by a resolution at that first Annual General Meeting. If the appointment is not confirmed, the member ceases to be a director at the end of the Annual General Meeting.
- (4) If the directors have directed under subclause (1) (b) that a casual vacancy is to be filled at an election at an Extraordinary General Meeting of the Club, the Secretary is to advertise the fact of the vacancy and the date of the Extraordinary General Meeting at least 28 days before the meeting is held.

**[4] First Schedule**

Omit "this clause" from clause 49 (5). Insert instead "subclause (1) (c)".

**[5] First Schedule**

Omit clause 50 (2)–(4). Insert instead:

- (2) The Secretary is to send the following to each member:
  - (a) a voting paper containing a list of candidates for election,
  - (b) a small unsealed blank envelope in which the voting paper is to be enclosed (*the inner envelope*),
  - (c) a large unsealed envelope addressed to the Secretary and bearing on the back the words "FULL NAME AND ADDRESS OF VOTER" and "SIGNATURE OF

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VOTER”, together with appropriate spaces for the insertion of a name, address and signature, in which the inner envelope is to be enclosed (*the outer envelope*),

- (d) instructions on how to vote in the election (*how to vote instructions*).
- (3) A member wishing to vote is to:
- (a) mark the voting paper by placing the numbers “1”, “2”, “3”, and so on opposite the names of the candidates who are, respectively, the member’s first, second, third and subsequent preferences until the member has indicated, by numerical sequence, the order of his or her preferences for all of the candidates, and
  - (b) place the completed voting paper in the inner envelope and seal the inner envelope, and
  - (c) place the inner envelope in the outer envelope and seal the outer envelope, and
  - (d) complete the person’s full name and address on, and sign, the back of the outer envelope, and
  - (e) send the outer envelope to the Secretary so as to be received before 12 noon on the second day preceding the Extraordinary General Meeting (*the close of the ballot*), and
  - (f) subject to this clause, comply with the how to vote instructions.
- (4) As soon as practicable after the close of the ballot, the Secretary, with such assistants as the Secretary considers necessary, in the presence of such scrutineers as are entitled to attend, must:
- (a) produce the outer envelopes that were received by the Secretary before the close of the ballot, and
  - (b) examine the outer envelopes and reject any envelope that has not been signed, or if the details shown on the outer envelope are not sufficient to disclose by whom the vote is being exercised, reject the envelope, and
  - (c) reject any outer envelope that appears to have been sent by a member or other person not entitled to vote in the election, and
  - (d) extract the inner envelopes containing the voting papers from all unrejected outer envelopes, separating the contents from the outer envelopes in such a way that no inner envelope could subsequently be identified with any particular voter, and

- (e) when all the outer envelopes have been dealt with in the above manner, open all unrejected inner envelopes and take the voting papers from them, and
- (f) reject any invalid or informal voting papers, and
- (g) ascertain the result of the ballot in accordance with subclause (5) and record the result.