



# SOUTH AUSTRALIAN CRICKET ASSOCIATION LIMITED

## BOARD ELECTION CAMPAIGN GUIDELINES

### MEMBER ELECTED DIRECTORS

#### 1. Introduction

- 1.1. The SACA Board has, by resolution dated 7 October 2021, pursuant to clauses 13.2 and 11.3(a) of SACA's Constitution, made a Regulation in the form of these Board Election Campaign Guidelines (**Guidelines**), which will apply where a ballot is to be held to elect persons to fill Vacant Positions for Member Elected Directors on the SACA Board under clause 11.4 of the Constitution.
- 1.2. These Guidelines must be complied with by any candidate who has nominated for, and seeks election as, a Member Elected Director (**Candidate**).
- 1.3. These Guidelines provide guidance on permissible Campaign Activities, Campaign Materials and appropriate Candidate campaign conduct.
- 1.4. These Guidelines should be read, and will apply, in conjunction with SACA's Constitution and By-Laws. In the event of any inconsistency, SACA's Constitution and By-Laws will prevail and these Guidelines will be read down to the extent of any inconsistency.

#### 2. Candidate campaigning

- 2.1. Candidates may campaign or lobby for support for their election to the SACA Board, including through Campaign Activities and Campaign Materials, subject to these Guidelines.
- 2.2. If/to the extent any third party campaigns or lobbies for support for a Candidate's election to the SACA Board for or on behalf of a Candidate, the Candidate must take all reasonable steps to ensure that the third party complies with these Guidelines. In the event of any breach of these Guidelines by any such third party:
  - (a) the breach may be attributed to the Candidate; and/or
  - (b) the Candidate will be responsible for ensuring and enforcing the third party's compliance with any request under clause 6 below.
- 2.3. All Campaign Activities and Campaign Materials must be at the Candidate's own expense. No SACA resources may be used.



- 2.4. No SACA website, SACA electronic media (including but not limited to email) or any SACA account on any Social Media Platform is permitted to be used by or on behalf of any Candidate for or in connection with any Campaign Activities and/or any Campaign Materials.
- 2.5. A Candidate may, subject to these Guidelines and SACA's By-Laws, use and deploy their own website(s), electronic media (including but not limited to email) and/or their own account(s) on any Social Media Platform for or in connection with their Campaign Activities and/or Campaign Materials.
- 2.6. A Candidate will be responsible and accountable for monitoring and moderating their own website and/or their own account(s) on any Social Media Platform for compliance with these Guidelines, extending to any third party comments or content that may be posted or otherwise published or uploaded on them (or any of them).

### **3. Embargo periods**

- 3.1. Until the election ballot is officially declared open by SACA (at such date and time as will be advised by SACA and/or the Returning Officer to the Candidate in advance), Candidates must refrain from:
  - (a) publicly announcing, disclosing or commenting on their nomination;
  - (b) publicly conducting any Campaign Activities;
  - (c) disseminating any Campaign Materials;
  - (d) participating in any on-the-record or off-the-record media interviews; and/or
  - (e) making or engaging in any other public comment or commentary.
- 3.2. Whilst Candidates will be advised by SACA and/or the Returning Officer of the election result in advance of the AGM (in their capacity as a Candidate), until the election result is officially declared and publicly announced by the Chair of the AGM and/or the Returning Officer at the AGM, Candidates must keep the result confidential and refrain from publicly announcing, disclosing or commenting on the result or making any other public statement regarding the result until after conclusion of the AGM.

### **4. Campaign guidance**

- 4.1. A Candidate must ensure that any and all of the Candidate's Campaign Activities and/or Campaign Materials:
  - (a) comply with these Guidelines;
  - (b) maintain the integrity of the election process and do not interfere with SACA's and/or the Returning Officer's administration of the ballot and election process;



- (c) are not false, misleading or deceptive or include any inaccurate or misleading or deceptive information or statement(s);
- (d) are not obscene, offensive, discriminatory, harassing, abusive, vilifying, bullying or threatening in nature (determined in SACA's opinion at its sole discretion);
- (e) are not derogatory or defamatory in any way towards SACA (including any SACA officers or employees and the SACA Board), any other Candidate, any Member or any other person or organisation (determined in SACA's opinion at its sole discretion);
- (f) are not prejudicial or damaging to SACA's interests or reputation (determined in SACA's opinion at its sole discretion);
- (g) do not bring SACA into disrepute or otherwise censure SACA (including any SACA officers or employees and the SACA Board) (determined in SACA's opinion at its sole discretion);
- (h) do not involve any cyber-bullying or 'trolling' on any Social Media Platform or any other medium (or incite, encourage or condone any such conduct);
- (i) do not use, depict, display, contain, reproduce, modify, adapt, upload, publish or incorporate any SACA logo, trademarks or other SACA intellectual property or copyright material;
- (j) do not infringe the intellectual property rights of any other third party (including through plagiarism);
- (k) do not use, depict, display, contain, reproduce, upload, publish or incorporate any imagery of any SACA premises or property (including Adelaide Oval and Karen Rolton Oval) to convey or imply any association or affiliation with SACA or any SACA premises or property, or otherwise refer to, convey or imply any association or affiliation with SACA or any SACA premises or property, other than solely their status as a Member (determined in SACA's opinion at its sole discretion);
- (l) do not state, claim, represent, suggest or imply in any way any approval, support or endorsement by SACA of the Candidate (other than by reference to any Candidate guidance given by the Nominations Committee pursuant to clauses 13.5(i) and 11.4(b) of the Constitution, provided any such reference is complete, accurate and the guidance is clearly attributed to the Nominations Committee and not SACA or the SACA Board), any Campaign Activities and/or any Campaign Materials;
- (m) do not purport to represent SACA or the views or position of SACA;
- (n) do not disseminate or otherwise circulate malicious software, data or files;



- (o) do not violate the terms of use of any relevant website or Social Media Platform or other medium used by or on behalf of the Candidate;
  - (p) do not involve communications constituting spam or otherwise prohibited by any Law;
  - (q) do not improperly disclose any confidential, commercially sensitive or private information or breach any applicable confidentiality or privacy obligations or requirements;
  - (r) comply with SACA's Constitution, By-Laws and any Regulations; and/or
  - (s) do not breach any Laws (or encourage any breach of any Laws).
- 4.2. If/where any third party makes any comment or post or otherwise publishes any content or material on a Candidate's own website or account(s) on any Social Media Platform, which does not comply with these Guidelines, the Candidate will be responsible for monitoring and deleting/removing any such material and must do so as soon as feasible.
- 4.3. SACA and/or the Returning Officer will take appropriate action as necessary in accordance with clause 6 of these Guidelines in relation or response to any breach of these Guidelines.

## **5. Media comment / interviews**

- 5.1. SACA requests that Candidates take reasonable steps to provide SACA and/or the Returning Officer with prior notice of any media interviews or other public comment(s) involving, or anticipated to involve, the Candidate, including the identity of the relevant media outlet/publisher and anticipated timing and content, to allow SACA to prepare for any comment or response sought from it.
- 5.2. SACA and the Returning Officer will not provide any Candidate's contact details to any media representative(s) without the Candidate's prior knowledge and consent.
- 5.3. For the avoidance of doubt, the requirements in clause 4.1 of these Guidelines apply to any media comments or interviews.

## **6. Breach of Guidelines**

- 6.1. If/where a Candidate, any Campaign Activities or any Campaign Materials have not complied with these Guidelines, SACA and/or the Returning Officer will take appropriate action as necessary, including but not limited to SACA and/or the Returning Officer:
- (a) requesting the Candidate to amend, modify, cease and/or refrain from any specified Campaign Activities to otherwise comply with these Guidelines;



- (b) requesting the Candidate to amend, modify, delete, remove, retract, re-publish and/or re-distribute any specified Campaign Materials to otherwise comply with these Guidelines;
  - (c) requesting the Candidate to amend or modify any specified Campaign Materials to remove or no longer display any SACA logo, trademark or other intellectual property or copyright material;
  - (d) requesting the Candidate to amend or modify any specified Campaign Materials to remove or no longer display any imagery of, or references to, any SACA premises or property;
  - (e) requesting or directing the Candidate to publish, issue or otherwise communicate a corrective notice, retraction or apology in relation to any Campaign Activities and/or any Campaign Materials;
  - (f) requesting or directing the Candidate to remove any or all of their Campaign Activities and/or Campaign Materials from public view and access (including any electronic access);
  - (g) publishing, issuing or otherwise communicating a corrective notice or other statement to some or all Members; and/or
  - (h) lodging a report or complaint with any relevant Social Media Platform operator or relevant website domain name registrar, and seeking removal of any content or material of concern, including but not limited to pursuant to any relevant applicable acceptable use terms or policies or community guidelines or similar.
- 6.2. If SACA and/or the Returning Officer makes a request pursuant to clause 6.1 of these Guidelines, the Candidate must immediately comply.
- 6.3. If/where a Candidate fails to comply with a request under clause 6.1 of these Guidelines, SACA may take further action as it deems appropriate at its discretion having regard to the circumstances, including but not limited to any disciplinary action under the Constitution or By-Laws or suspension or cancellation of the Candidate's Membership pursuant to clause 5.2 of the Constitution.

## 7. Definitions

- 7.1. In these Guidelines, unless it is stated to the contrary, the contrary intention appears or the context otherwise requires or admits:
- (a) **Campaign Activities** means any activities undertaken by or on behalf of a Candidate to solicit, lobby, promote or encourage support for, or bring attention to, a Candidate's candidacy during an election period or for the purpose or actual or intended effect of causing a Member or Members to vote for a Candidate's election, or to refrain from voting for a Candidate's



election (whether oral, written, digital, electronic or any other form or medium), including but not limited to any communications, correspondence, publications, posting or commenting on any website or Social Media Platform, interviews, blogging, presentations, events, discussions, public speaking, statements or other approaches;

- (b) **Campaign Materials** means any material in any form or medium created, generated, uploaded, distributed, disseminated, published or otherwise used or deployed by or on behalf of a Candidate to solicit, lobby, promote or encourage support for, or bring attention to, a Candidate's candidacy during an election period or for the purpose or actual or intended effect of causing a Member or Members to vote for a Candidate's election, or to refrain from voting for a Candidate's election, including but not limited to emails, letters, pamphlets, brochures, leaflets, flyers, webpages, articles, interviews, blogs, posters, imagery or audio-visual recordings or some combination thereof, published in any forum and in any format whatsoever, including but not limited to newspapers, journals, radio, television, online or on any Social Media Platform;
- (c) **"Candidate"** has the meaning given in clause 1.2 (and the plural has a corresponding meaning);
- (d) **"Guidelines"** has the meaning given in clause 1.1;
- (e) **"Laws"** means any applicable:
  - (i) Commonwealth, State or Territory and local government legislation, including regulations, by-laws, orders, awards and proclamations; and/or
  - (ii) common law and equity; and
- (f) **Social Media Platform** includes but is not limited to Facebook, Messenger, Twitter, Instagram, LinkedIn, YouTube, TiKTok, Snapchat, WhatsApp, Reddit or Tumblr.

Note: Capitalised terms used but not otherwise defined in these Guidelines have the meaning given to them in SACA's Constitution or By-Laws (as applicable).