Question 1

According to Regulation 3.2.1 minutes of each meeting shall be prepared by the Chief Executive Officer, whose draft shall be approved by the Chairman of the meeting. After such approval the draft will be circulated to all members of Council present at the meeting within three weeks of the meeting except in exceptional circumstances. Members of Council may propose amendments to any entry in the minutes which they do not consider constitute a fair and true representation of what took place at the meeting. The Chairman shall consider their objections but his decision as to the contents of the minutes to be published shall be final.

Are potential errors pointed out by Councillors in the voting matrix attached to the Council meeting minutes to be regarded as proposed amendments to an entry in the minutes?

Answer 1

If the matrix of vote results is formally attached to the minutes (a question of fact), it is incorporated into the minutes. Therefore, a question about its accuracy amounts to a question on the accuracy of the minutes and any potential errors are to be considered proposed amendments.

Question 2

Based on Regulation 3.2.1 does the Chairman (the President) at all have the power to consider objections to potential errors pointed out by Councillors in the voting matrix?

Answer 2

Regulation 3.2.1 concerns the obligation to record the minutes, and the formal approval of those minutes by the Chairman. Once they have been approved, then any further challenges have to be addressed under Regulation 3.2.3.

However, the question expressly refers to Regulation 3.2.1. Under that Regulation, the Chairman is required to consider a proposed objection to the draft minutes, and then make a decision on whether the objection is valid. In doing so, the Chairman may consider all relevant evidence as to what happened at the meeting (including evidence from those present and any technical company providing an electronic voting system).

The Chairman then decides on the final contents of the minutes (and may withhold his approval until he is satisfied as to the correct contents). His decision is final.

Question 3

If the Chairman does not have the power to consider objections of the above nature, is there a WS body/organ based on the Regulations / Constitution which has such power?
Answer 3

Assuming that Regulation 3.2.1 is relevant on the facts, then the question does not arise because the Chairman does have the power and obligation to consider the objections, and to make a decision (see Answer 2).

However, that is not necessarily the end of the process. A Council Member is entitled to propose amendments to those minutes and that proposal must be placed on the next Council agenda (Regulation 3.2.4). It would then have to be debated and decided by Council as a whole acting by a simple majority.

It must be noted that any debate and decision at the next Council meeting can only be about the accuracy of the minutes, and it should not be about reconsidering the original decision made. Article 58 requires that this debate is to be recorded in the minutes of the meeting where the change is debated.

Constitution Committee
World Sailing

13 December 2018