



R S L N S W

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Standard Operating Procedure 4

Sub-Branch Election Procedures

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1. Purpose

This Standard Operating Procedure (**SOP**) outlines sub-Branch Election Procedures.

Unless otherwise stated, capitalised terms used in this SOP have the meaning set out in Appendix A of the Constitution.

2. Term of Office

2.1. Sub-Branch Executives and Delegates

A sub-Branch Executive will hold office for the period set out in clauses 15.11 – 15.12 of the Constitution. The terms in clause 15.11 – 15.12 also apply to the positions held by any sub-Branch Committee Member or delegate (being a Delegate or District Council Delegate referred to collectively in this SOP as a Delegate).

2.2. Casual Vacancy

Clause 15.12 of the Constitution sets out the manner in which a casual vacancy of a sub-Branch Executive is created and filled. The terms of this clause also apply to the positions held by any sub-Branch Committee Member or Delegate.

3. Sub-Branch Election Procedures

3.1. Nominations

A sub-Branch must, at least one month prior to the sub-Branch Annual General Meeting, determine:

- a) whether nominations for sub-Branch Executives, Committee or Delegates are required to be made verbally or in writing; and
- b) whether votes for nominees are to be:
 - i. submitted by postal ballot (if applicable);
 - ii. based on a show of hands of those members present and voting at the meeting;
 - iii. conducted by secret ballot of those members present and voting at the meeting; or
 - iv. conducted by a combination of one or more of the above.

The sub-Branch's determination must be made and communicated to sub-Branch members. If nominations are required to be made verbally:

- a) the nomination must be made at the sub-Branch Annual General Meeting; and
- b) the sub-Branch Secretary must record each nomination received by the sub-Branch, and the time and date received, in the minutes of the meeting.

If nominations are required to be made in writing, the nomination must be received by the sub-Branch Secretary at least 14 days prior to the sub-Branch Annual General Meeting and be signed by a nominator and seconder who are members of the sub-Branch.

All candidates for nomination must be a Service Member, Life Member or Affiliate Member of the sub-Branch except that an Affiliate Member may not be nominated or hold the positions of President or Vice President.

Nominees must indicate either acceptance or rejection of the nomination failing which they will be deemed to have rejected the nomination.

3.2. Eligibility to Participate in Election

Only Members who have paid their membership fees in any year in accordance with clause 11 Appendix B of the Constitution and who are therefore financial members, can participate in elections whether by nominating, seconding, endorsing a trustee nomination in accordance with clause 3.4 above, standing for nomination or voting at an election.

3.3. Returning Officer and Scrutineers

For any election of persons to be a sub-Branch Executive, the members of the sub-Branch must endorse a returning officer. The returning officer is responsible for the proper administration and facilitation of the election and must not be a nominee for a position in the election. The returning officer will usually be the sub-Branch Secretary unless the Secretary is nominating for a position.

Any nominee for a position may appoint a scrutineer to observe the proper procedure of the election on their behalf at the sub-Branch Annual General Meeting. The scrutineer must be appointed by the relevant nominee. The scrutineer must not be a nominee for a position in the election.

A challenge to the proper conduct of the election may only be raised by the scrutineer with the returning officer. In the event of such challenge, the returning officer must make a determination which determination is final and binding.

Any person nominating for positions listed under clause 3.3 below must not be appointed as the returning officer or scrutineer.

3.4. Conduct of Election

The election of Sub-Branch Executives, sub-Branch Committee Members or Delegates will be in the following order:

- a) Trustees (if required and in accordance with clause 3.4 below);
- b) President;
- c) Vice Presidents;
- d) Secretary;
- e) Treasurer;
- f) Committee Members; and then
- g) District Council Delegates or Delegates.

Subject to the provisions of clause 3.5 relating to Trustees, the election must be conducted in accordance with the determination made by the sub-Branch pursuant to clause 3.1 above.

Where an election is not based solely on a show of hands and is conducted in whole or in part by way of ballot, if a ballot paper is not completed in accordance with the returning officer's directions (issued with the ballot paper) the returning officer will declare the ballot an informal vote.

The nominee who receives the highest number of votes will be elected to the office they nominated for and accepted.

If two or more candidates record the same number of votes the position will be determined by the returning officer drawing one of the nominees' names out of a suitable container.

If only one candidate is nominated to fill a position, then they may be elected to the position if their nomination is seconded by a person entitled to vote pursuant to clause 3.1 above.

The returning officer must declare the name of each nominee elected and the position to which they have been elected at the sub-Branch Annual General Meeting.

The election to the sub-Branch positions will take immediate effect except that any Trustee appointment will be subject to clause 3.5 below.

3.5. Appointment of sub-Branch Trustees

Trustees must be appointed in accordance with clauses 16.1 – 16.8 of the Constitution.

Nominations for the position of Trustee at a sub-Branch General Meeting may be made verbally at that meeting or by written notice received by the sub-Branch Secretary at least 14 days prior to the general meeting and signed a nominator and a seconder who are members of the sub-Branch, eligible to participate in an election in accordance with clause 3.2 above.

The sub-Branch secretary must record each nomination received by the sub-Branch and the time and date received, in the minutes of the general meeting.

If more than one eligible person is being nominated to fill the position of Trustee, then the election may be at the discretion of the returning officer to determine a result:

- a) based on a show of hands of those members present and voting at the meeting; or
- b) conducted by secret ballot of those members present and voting at the meeting.

If the returning officer determines that the election is to be conducted by secret ballot, then a returning officer and scrutineer (if the nominee so wishes to appoint one) must be appointed in accordance with clause 3.3 above.

Where an election is not based solely on a show of hands and is conducted in whole or in part by way of ballot, if a ballot paper is not filled in in accordance with the returning officer's direction (issued with the ballot paper) the returning officer will declare the ballot an informal vote.

The nominee for a position who receives the highest number of votes will be elected to that position.

If two or more candidates record the same number of votes the position will be determined by the returning officer drawing one of the nominees' names out of a suitable container.

If only one candidate is nominated to fill a position, then they may be elected to the position if their nomination is seconded by a person entitled to vote pursuant to clause 3.2 above.

The Returning Officer must declare the name of each nominee elected and the position to which they have been elected at meeting of the sub-Branch at which the election was held.

Following the appointment of sub-Branch Trustees, the sub-Branch must approach a solicitor to prepare a Declaration of Trust and register it in accordance with clause 16.10 of the Constitution.

4. Definitions

Unless otherwise stated, capitalised terms used in this SOP have the meaning set out in Appendix A of the Constitution.

Sub-Branch General Meeting means a sub-Branch general meeting and includes annual and general meetings.

5. References & Resources

Legislation, standards, etc.

Australian Charities and Not for Profits Commission Act 2012 (Cth)

Corporations Act 2001 (Cth)

N. E. Renton 'Guide for Meetings and Organisations', Volume 2, 'Guide for Meetings'