

## BY-LAW

# PROCEDURE FOR ELECTION OF DIRECTORS

(By-law Made Pursuant to Clauses 25, 26 and 36 of the [Constitution](#))

Nominations for Directors to serve on the Board of the Dietitians Association of Australia (DA) shall be proposed and seconded by financial Members with Australian Recognised Dietetic Qualifications or Honorary Life Members. Prescribed forms must be used and must include the written agreement of the candidate. Financial Members with Australian Recognised Dietetic Qualifications and Honorary Life Members only are eligible to vote.

### 1. Ballot

The elections shall be held by electronic ballot.

### 2. Returning Officer

- 2.1 The Board shall appoint a Returning Officer to conduct the election of Directors.
- 2.2 The Returning Officer has the authority of the Board to make decisions in relation to the conduct of the election.

### 3. Mailing List

The membership mailing list shall not be made available to candidates.

### 4. Timetable for Call of Nominations and Ballot

- 4.1 The candidate shall consent to and counter sign the Nomination Form.
- 4.2 Procedures shall conform to the following timetable.

	Weeks before annual general meeting
(a) Send Nomination Forms to members	12
(b) Return Nomination Forms to DA. Nominations closed	8
(c) Notify members of ballot open on website. Send hard copies as required	6
(d) Close electronic poll. Return hard copy Ballot Papers to DA	3

## 5. Exclusion from Nomination

- 5.1 A member will not be eligible to be a Director on the Board of the DA if they:
- 5.1.1 are currently being investigation under the Complaints and Disciplinary Procedures By-law and that investigation has progressed to a hearing; or
  - 5.1.2 if they have ever had a finding of professional misconduct made against them under the Complaints and Disciplinary Procedures By-law.
- 5.2 If a member who is ineligible for appointment as a Director under clause 5.1 consents and signs the Nomination Form, the Returning Officer will reject the nomination and must notify the Chief Executive Officer.
- 5.3 If there is a finding of professional misconduct made against a Director of the Board of the DA during the Course of them holding that office, then that director will be ineligible to continue to hold that office and must resign.

## 6. Election Statements

- 6.1 Election Statements and Supporting Statements shall be prepared according to the prescribed format.
- (a) Election Statements shall provide a profile of the candidate, relevant attributes, reasons for nomination and should also include a summarised CV and declarations against selection criteria.
  - (b) Supporting Statements shall provide the Proposers' and Seconders' support for the suitability and vision of the candidate.
- 6.2 Election Statements shall be made on the prescribed template.
- The Election Statement shall be on the prescribed template and shall consist of no more than one A4 page of single spaced typing addressing specific questions plus the summarised CV. A recent photograph of the candidate shall be supplied electronically.
- The Supporting Statements by the Proposer and Seconder shall be on the prescribed form and shall consist of no more 250 words for each statement.
- 6.3 Election Statements and Supporting Statements should be appropriate to the role of Director and must be ethical, be able to be substantiated, and not defamatory, and shall be approved and may be edited at the discretion of the Returning Officer.
- Election statements may be accompanied by a video clip of no longer than three minutes to support their statements and must comply with the above requirements.

## 7. Ballot

- 7.1 The following shall be posted on the DA website and notification sent to all financial Members with Australian Recognised Dietetic Qualifications and Honorary Life Members:
- (a) all completed Election Statements which have been authorised by the Returning Officer, including a photo; and any other supporting material.
  - (b) a Ballot Paper listing candidates' names in random order as determined by a blind draw by a non-member; and
  - (c) names of continuing directors and links to their profiles.
- For those who do not have internet access:
- (d) a hard copy of (a) and (b) and an inner envelope marked 'Ballot Paper' and an outer envelope with DA address on front and provision for member's name on back.
- 7.2 The return of the hard copy Ballot Papers shall be in accordance with Clause 4.2. The votes shall be checked by the Returning Officer and recorded on the online system by a DA staff, who is not a voting member of DA.

## **8. Counting of Votes**

- 8.1 Votes shall be counted on the electronic system and will be valid as the system is set up to recognise:
- (a) a financial Member with Australian Recognised Dietetic Qualifications or Honorary Life Member
  - (c) one vote per member – further attempts will be locked out.
  - (d) correctly completed ballot.
- 8.2 Counting shall be by semi-preferential system i.e. elimination of lowest weighted total vote until the required number of elected candidates achieve the highest totals. These persons then become the successful candidates. If there is a tie for the last available position, the number of first preference votes will be taken into account.
- 8.3 When there is one position available counting shall be by the first past the post system whereby the candidate who polls more votes than any other candidate is elected. In line with the Australian Electoral Commission model rules guide.
- 8.4 All Ballot Papers/spreadsheets shall be held at the National Office for two months after the declaration of the ballot at the AGM.

## **9. Notification of Ballot Results by the Returning Officer**

- 9.1 Immediately after the conclusion of the ballot the Returning Officer shall notify the candidates of the ballot results.
- 9.2 Results shall be given to the chairperson of the annual general meeting for presentation to members at the annual general meeting.

## **10. Declaration of Ballot at Annual General Meeting**

The candidates who have received the highest numbers of valid votes shall be declared Directors.

## **11. Election at Annual General Meeting**

- 11.1 If less nomination forms than the available number of vacant director positions are returned to DA on or before the date being eight weeks before an annual general meeting members shall be notified on the agenda for the annual general meeting of the nomination and the requirement for the election of those candidates. The election statements will be circulated with the AGM papers.
- 11.2 The candidate/s will be elected directors if seventy-five percent of Members with Australian Recognised Dietetic Qualifications and Honorary Life Members present or by proxy vote in favour of the candidate/s at the annual general meeting.
- 11.3 If the vote is not carried a new election process shall commence within 14 days. The new election shall be based on the timetable identified in Clause 4.2.

## **12. Call for Nominations and Election at Annual General Meeting**

- 12.1 If no or insufficient nomination forms are returned to DAA on or before the date being eight weeks before an annual general meeting nominations from Members with Australian Recognised Dietetic Qualifications and Honorary Life Members shall only be accepted at the annual general meeting.
- 12.2 Members will be notified on the agenda for the annual general meeting that nominations shall be called for and that there will be an election at the annual general meeting.
- 12.3 At the annual general meeting Members with Australian Recognised Dietetic Qualifications and Honorary Life Members shall appoint a Returning Officer and two scrutineers.
- 12.4 The Returning Officer shall call for nominations. Nominations shall be proposed, seconded and accepted.

- 12.5 The candidate/s, proposer/s and seconder/s shall present to members of the annual general meeting (either orally or in writing to be read at the meeting if not in attendance) Election and Supporting Statements.
- 12.6 If only sufficient nominations are received at the annual general meeting to fill the Director vacancies the candidate/s shall be elected if seventy-five percent of the Members with Dietetic Qualifications and Honorary Life Members present in person or by proxy vote in favour of the candidate/s.
- 12.7 If the vote is not carried a new election process shall commence within 14 days. The new election shall be based on the timetable identified in Clause 4.2.
- 12.8 The Board will continue to operate, as long as there is a quorum, until the declaration of the new election.
- 12.9 If more nominations than vacancies are received at the annual general meeting the successful candidate/s shall be those persons elected by the Members with Australian Recognised Dietetic Qualifications and Honorary Life Members present in person or by proxy on a preferential basis i.e. elimination of the lowest vote until candidate/s receive the highest number of valid votes.