

# Branch Executive Committee Powers and Duties

## 1. What does the Branch Executive Committee do?

The management of the business of the Branch, and of the Victorian Branch Council, is vested in the Branch Executive Committee. While Scouting is undertaken through various formations throughout the State, all assets and liabilities of the organisation are ultimately those of The Scouts Association of Australia, Victorian Branch, being the legal entity.

It meets regularly throughout the year to consider a broad range of issues facing the Branch. In particular, the work of the Branch Executive Committee is focussed on Branch finance, property, insurance, policy development and management of the Branch. Oversight of risk management and regulation compliance are also important tasks, as is taking a lead with relationships with Government.

In discharging the powers and duties of the Branch Executive Committee, members have a clear obligation to do so on the basis of the best interests of Scouts Victoria.

## 2. How can people get involved in the Branch Executive Committee?

The members of the Branch Executive Committee are members either because they hold a particular position within the Scout Association or because they have been elected from within the Branch Council at its Annual Meeting.

However, between Annual Meetings, the Branch Executive Committee can, where numbers permit, appoint new members to the Branch Executive Committee. This is done where there is a need for specific skills within the Branch Executive Committee or where there is a need to replace someone who can no longer be a member of the Branch Executive Committee because they retire, resign or are removed.

If you know someone who may be able to assist the Branch Executive Committee or bring particular skills that may assist the Branch Executive Committee in running the Victorian Branch of the Scout Association you should contact the Chairman of the Branch Executive Committee, the President of the Branch Council, or the Chief Commissioner.

## 3. What are the Branch Executive Committee's powers and duties?

The Branch Executive Committee exercises the powers and duties of the Branch Council unless the duty or power is specified in the Constitution as a power or duty of the Branch Council. This means the Branch Executive Committee must:

- (a) exercise the powers and duties delegated to the Branch or the Branch Council by the Australian Association under the provisions of the Royal Charter;
- (b) control the Scout Movement in Victoria in accordance with Section 5 of the Boy Scouts Association Act 1932 (Vic); and
- (c) provide and maintain an efficient Branch organisation.

The Constitution, the Policy and Rules of the Scout Association of Australia provides the Branch Executive Committee with a broad range of powers and duties as set out below.

### 3.1 The Branch Executive Committee's powers

#### (a) Finance

The Branch Executive Committee can:

- receive and accept donations, endowments and gifts including as trusts;
- invest and deal with all moneys, funds and assets of the Branch, or the Branch Council; and
- borrow or raise money, with or without security, for any of the objects of the Branch or the Branch Council.

### **(b) Property**

The Branch Executive Committee can:

- buy or sell, take on any other interest in any type of property; and
- construct, improve, maintain, develop, work, manage, carry out or control any assets.

### **(c) Management of the Branch**

The Branch Executive Committee can:

- employ people on a permanent, temporary or short-term contracts;
- appoint agents;
- pay salaries, honoraria, gratuities and other sums in consideration or recognition of services;
- enter into contracts related to the objects of purposes of the Branch or the Branch Council; and
- execute a broad range of legal documents.

### **(d) Promote Scouting and its objectives**

The Branch Executive Committee can:

- encourage, aid and facilitate the formation of other bodies or organisations of Scouts;
- work cooperatively with other organisations carrying on work similar to the Branch or the Branch Council;
- supply (with or without charges) and deal in, goods of all kinds for the use of Scouts provided that every Scout shall be left entirely free to obtain his equipment; and
- assist past or present Scouts in establishing themselves in life including assistance with apprenticeships, immigration or funding.

### **(e) Education and Training**

The Branch Executive Committee can:

- organise classes and lectures and publish and sell or distribute papers, books, pamphlets and information for the purposes of creating or stimulating interest in, and promoting the objects of, the Branch or the Branch Council; and
- enter into any arrangement with any educational authorities or any department of the Government.

## **3.2 The Branch Executive Committee's duties**

### **(a) Constitution**

The Constitution of the Scout Association imposes duties on the Branch Executive Committee to:

- appoint a General Secretary;
- set the duties of the Honorary Treasurer;
- keep accounts; and
- place before the Annual Meeting of Branch Council an income and expenditure report and a balance sheet audited by the Auditor. (These must be provided to the members of the Branch Council 14 days before the Annual Meeting of the Branch Council).

### **(b) Policies and Rules**

The national Policies and Rules of the Scout Association of Australia impose duties on the Branch Executive Committee in the following areas:

#### **(i) Finance and insurance**

The Branch Executive Committee must:

- ensure financial management of each formation in the Branch, including making rules for fundraising, vesting of funds, accounting practices, auditing and reporting;

- obtain public liability and member to member insurance, personal accident insurance, directors' liability insurance; and
- make rules for fundraising conduct either on behalf of the Association or for other bodies.

### **(ii) Property**

The Branch Executive Committee must:

- act to protect the use of the Scout Association's name, trademarks and registered designs; and
- ensure that titles of properties are in the name of the Branch of the Association.

### **(iii) Management of the Branch**

The Branch Executive Committee must:

- provide the necessary financial and administrative support mechanisms to enable the Branch and its officers to carry out their responsibilities effectively;
- define and promulgate Branch policy, procedures and rules; and
- establish procedures to facilitate the management of adults that include dispute resolution that provides natural justice to the parties covering:
  - summary dismissal, when the Association's Duty of Care is infringed, or actions bring or are likely to bring the Association into disrepute;
  - discipline of members in the event of misdemeanours or infringement of the Code of Conduct;
  - conflict resolution in the event of disputes between members or committees; and
  - resolution of grievances of members.

### **(iv) Promote Scouting and its objectives**

The Branch Executive Committee must:

- ensure the long-term viability and development of Scouting in the Branch;
- market and promote Scouting to establish a community climate where it may flourish as an organisation which adults and young people will want to join;
- ensure welfare and protection of members;
- actively expand and develop Scouting to ensure its growth in the community interest;
- establish and support community Scout Groups;
- establish, register and operate Areas, Regions and Districts as necessary;
- make available to Scout Groups the Scout Program and supporting literature and materials;
- provide camping and activity sites for community Scout Groups;
- promulgate rules for the conduct of activities, which give effect to and are consistent with the policies of the Scout Association of Australia;
- ensure activities are conducted in accordance with the competency standards and curriculum of the Scout Association of Australia;
- ensure compliance with State or Territory legislation and regulations;
- monitor proposed State or Territory legislation to ensure it meets the needs of young people and youth organisations; and
- conduct National events and provide other services as agreed on behalf of the National organisation.

### **(v) Education and training**

The Branch Executive Committee must:

- provide support and training in accordance with the national Adult Resources Policy and Rules to adults to enable them to attain the required level of competency; and
- provide the staff, facilities and courses necessary to train leaders to meet the required levels of competency.

### **3.3 Obligations as a registered Charity and Not-for-profits organisation**

As the Victorian Branch is a registered not-for-profit organisation, the members of the Branch Executive Council also are required to meet the obligations of directors under the regulation of the Australian Charities and Not-for-profits Commission. It is required to:

- continue to be not-for-profit and pursue the stated charitable purpose/s
- maintain specified records and submit an Annual Information Statement
- comply with defined Governance Standards.

### **3.4 Government Laws and Regulations**

The Branch Executive Council must ensure that the organisation meets all relevant State and Federal Government laws and regulations.

## **4. Who are the members of the Branch Executive Committee?**

### **4.1 Membership on the basis of a uniformed position (ex officio)**

The following persons are members because they hold a particular position within the Scout Association.

- Chief Commissioner.
- Chief Commissioner Designate.
- Deputy Chief Commissioners.
- Assistant Chief Commissioners.
- Branch Commissioners determined by the Branch Executive Committee to be members of the Branch Executive Committee.

### **4.2 Membership on the basis of an appointment (ex officio)**

The following persons are members because they hold a particular position within the Scout Association.

- President of the Branch.
- Vice Presidents of the Branch (2).
- Honorary Treasurer.

### **4.3 Elected members**

No less than 5 and no more than 15 persons elected by the Branch Council. These elected members may include those members of the council who are Region Presidents, Region Chairman and the Region appointed members of the Region Council.

Elected members must retire after three years but may be re-elected. However, if the retiring members are not replaced by Branch Council, they may continue to serve until replaced by Branch Council, or removed if the Branch Executive Committee decides to reduce its numbers at a meeting convened for that purpose.

### **4.4 Appointed members**

Where:

- there are less than 15 members elected by Branch Council; or
- a member resigns or is removed,

the Branch Executive Committee can appoint members to the Branch Executive Committee (and to the Branch Council).

The term of these appointed members expires at the next Annual Meeting of the Branch Council at which they may be elected or appointed to the Branch Executive Committee.

## **5. How does the Branch Executive Committee operate?**

The Branch Executive Committee is entitled to regulate its own business and meetings. It has adopted a set of meeting procedures and a process for appointing its chairman. It meets on a monthly basis.

## **5.1 Branch Executive Committee meetings**

The Branch Executive Committee conducts its meetings subject to the following constitutional restrictions:

- A quorum of seven members of the Branch Executive Committee is required.
- The Branch Executive Committee can elect a Chairman and a Vice Chairman and when present at a meeting they are entitled to chair that meeting.
- Decisions are made by voting and where required the Chairman shall have a casting vote.

Meetings are open to all Association members but they cannot participate in the proceedings unless the Committee gives them leave to address the meeting. The meeting may declare any item of business to be confidential and close the meeting to non-members of the Committee.

The Branch Executive Committee may delegate any of its powers to subcommittees.

## **5.2 Subcommittees**

Subcommittees must have at least two members of the Branch Executive Committee. They can appoint any person to be a member of the subcommittee but these appointments require the approval of the Branch Executive Committee. The Chairman of each subcommittee is appointed by the Branch Executive Committee.

Each subcommittee operates in accordance with a charter that has been approved by the Branch Executive Committee. Except where provided differently by the Branch Executive Committee, subcommittee meetings are conducted in the same way as a Branch Executive Committee meeting.

The Branch Executive Committee may delegate some its powers to a subcommittees. All provide advice to the Branch Executive Committee and are permitted to make decisions within limited delegated authorities.

The current subcommittees (July 2020) are as follows:

- Adventure Facilities
- Audit
- Finance
- Governance
- Group Facilities Support
- Investment
- New Group Facilities
- Risk Management
- Sponsorship
- Strategic Property
- Succession Planning and Remuneration

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