
Constitution
of the
Returned & Services League of Australia
(South Australia Branch)
Darwin Sub-Branch Incorporated

Part 1 Preliminary

1 Name

The name of the incorporated association is *Returned & Services League of Australia (South Australia Branch) Darwin Sub-Branch Incorporated*.

2 Objects and purposes

The Association is established for the principal purpose of promoting the interests and welfare of former and serving members of the Australian Defence Force and their dependants and for this purpose the Sub-Branch has the following objects:

- (a) To assist and care for the sick, elderly and needy by providing, or assisting to provide, pensions, benefits, accommodation, medical treatment, rehabilitation and other forms of welfare.
- (b) To establish and accept trusts having for their object the welfare and benefit of any member of the League or the Sub-Branch, or of any member, or ex-member, of the Australian Defence Force, or their dependants.
- (c) In furtherance of any of the objects of the League, to make grants to and give assistance to such persons, trusts, groups, associations, societies, institutions or other organisations and authorities and to establish such scholarships as the Sub-Branch may, from time to time determine.

- (d) To perpetuate the close and kindly ties of friendship created by mutual service in the Australian Defence Force or in the forces of nations traditionally allied with Australia and the recollections associated with that experience, to maintain a proper standard of dignity and honour among all past and present members of the Australian Defence Force, and to set an example of public spirit and noble hearted endeavour.
- (e) To ensure the preservation of the memory and the records of those who suffered and died for the Nation; to ensure the erection of memorials to their valour and that they have suitable burial places; to establish and preserve in their honour, ANZAC Day, Remembrance Day and other commemorative occasions.
- (f) To promote the defence of the Nation and guard the good name and preserve the interests and standing of members of the Australian Defence Force.
- (g) To encourage members of the League and citizens to serve the Nation with a spirit of self-sacrifice and loyalty.
- (h) To maintain a national association, non-sectarian and in relation to party politics, non-partisan.
- (i) To enunciate, from time to time, policy on national questions and to encourage members of the Sub-Branch to abide by, support and actively carry out, such policy so far as is permitted by law.
- (j) To establish, maintain, furnish and equip premises, information bureaux, libraries, literary, social, educational and benevolent institutions for the benefit and advancement of members of the League, or the Sub-Branch and to print, circulate and publish such papers, books, magazines and circulars, carry on such other literary and journalistic undertakings, and publish material that may be conducive to the objects of the League.
- (k) To subscribe or donate, to become a member of and co-operate with any other body of persons corporate or unincorporate whose objects are similar to those of the League and which prohibits the distribution of its or their income and property, amongst its or their members, to an extent at least as great as is imposed on the League under or by virtue of Rule 6.
- (l) To establish Women's Auxiliaries and other auxiliaries of the League within the Sub-Branch.
- (m) To accept subscriptions and donations whether of real or personal estate and devises and bequests for all or any of the purposes aforesaid and so far as permitted by law to dispose of

or to lease and accept surrenders of leases of and manage all real estate (including leaseholds) so received and not required or capable of being occupied for the purposes of the State Branch or the Sub-Branch. The Sub-Branch shall take or hold any property which may be subject to any Trust and shall only deal with the same in such manner as allowed by law, having regard to such Trust.

- (n) To invest and deal with any of the moneys or other assets of the Sub-Branch not immediately required upon such securities and in such manner as the Sub-Branch may determine.
- (o) To invest and deal in real estate and to hold property for the purposes of furthering all or any of the objects of the League.
- (p) To borrow or raise money in such manner as the Sub-Branch may think fit, for any of its objects and in particular by mortgage, or other securities, upon all or any of the property of the Sub-Branch, present or future.
- (q) To do all such other lawful things as are conducive or incidental to the attainment of any of the above objects, and
- (r) To make, amend and repeal Sub-Branch By-Laws pursuant to the Rules.

3 Minimum number of members

The Association must have at least 8 Service members.

4 Definitions

In this Constitution, unless the contrary intention appears:

Act means the *Associations Act* and regulations made under that Act.

Affiliate means a person who has been admitted to that class of membership of a Sub-Branch pursuant to State Branch Rule 13.

By-Laws means the By-Laws of the State Branch which forms part of this Constitution.

Committee means the Management Committee of the Association.

financial institution means an authorised deposit-taking institution within the meaning of section 5 of the *Banking Act 1959* of the Commonwealth.

general meeting means a general meeting of members convened in accordance with clause 44.

League means the Returned & Services League of Australia Limited

member means a member of the Association.

register of members means the register of the Association's members established and maintained under section 34 of the Act.

special resolution means a resolution notice of which is given under clause 47 and passed in accordance with section 37 of the Act.

State Branch means the Returned & Services League of Australia (SA/NT Branch) Incorporated.

Part 2 Constitution and powers of Association

5 Powers of Association

- (1) For achieving its objects and purposes, the Association has the powers conferred by sections 11 and 13 of the Act.
- (2) Subject to the Act, the Association may do all things necessary or convenient for carrying out its objects or purposes, and in particular, may:
 - (a) acquire, hold and dispose of real or personal property;
 - (b) open and operate accounts with financial institutions;
 - (c) invest its money in any security in which trust monies may lawfully be invested;
 - (d) raise and borrow money on the terms and in the manner it considers appropriate;
 - (e) secure the repayment of money raised or borrowed, or the payment of a debt or liability;
 - (f) appoint agents to transact business on its behalf; and
 - (g) enter into any other contract it considers necessary or desirable.

The income and property of the Sub-Branch shall be applied exclusively for the promotion of the objects of the Sub-Branch. No amount may be distributed directly or indirectly to any member except as bona fide remuneration for services rendered or expenses incurred on behalf of the Sub-Branch.

- (3) The Sub-Branch shall not be authorised, entitled, or empowered to engage the credit of, or incur any liability, on behalf of the State Branch.

6 Effect of Constitution

This Constitution binds every member and the Association to the same extent as if every member and the Association had signed and sealed this Constitution and agreed to be bound by it.

7 Inconsistency between Constitution and Act

If there is any inconsistency between this Constitution and the Act, the Act prevails.

8 Altering the Constitution

- (1) These Rules may only be amended by a special resolution passed at a State Branch Annual or Extraordinary Sub-Branch Conference and passed by at least 75% of the votes cast by those members entitled to vote on the said resolution.
- (2) The notice served in accordance with Rule 28 shall set out the intention to propose the resolution as a special resolution and specify the terms of the resolution.
- (3) If the Constitution is altered, the public officer must ensure compliance with section 23 of the Act.

Part 3 Members

Division 1 Membership

9 Membership

The association shall have the following categories of membership:

- (a) Service Membership
 - (b) Life Membership
 - (c) Honorary Membership
 - (d) Honorary Life Membership
- (1) The following shall also be eligible to apply to be admitted as Service Members;
- a. a person who was a member of the Armed Forces of:

- (i) any country presently or formerly a member of the Commonwealth of Nations;
 - (ii) any country or place presently or formerly a Crown Colony of the United Kingdom; or
 - (iii) the United States of America.
- b. a person to whom paragraph 1.2 does not apply, but who has, in a theatre of conflict, either served with or supported or was otherwise engaged with the Australian Defence Force or the Armed Forces of those countries or places referred to in paragraph 1.2 and who is an Australian citizen or a citizen of any of those countries or places.
- c. a person who is an Australian citizen and who:
- (i) was a member of the Armed Forces of another country or place which during that time of conflict was an ally of the Commonwealth; or
 - (ii) in a theatre of conflict either served with or supported or was otherwise engaged with the Armed Forces of such a country or place.
- d. an Officer of Cadets or Instructor of Cadets, after completing 10 years of aggregate service in such an appointment.
- e. a person who for less than 6 months was a member of the Australian Defence Force but who was honourably discharged therefrom either for medical reasons or for reasons outside their control;
- f. any person who for a period of not less than 6 months, or a person who for less than 6 months was such a member but who was honourably discharged therefrom either for medical reasons or for reasons outside their control and has been a member of the Armed Forces of:
- (i) any country presently or formerly a member of the Commonwealth of Nations;
 - (ii) any country or place presently or formerly a Crown Colony of the United Kingdom; or
 - (iii) the United States of America.
- g. a person who was a member of a SEATO Surgical and Medical Team in Vietnam during the conflict in that country;

- h. any person who is not otherwise eligible to be admitted as a Service Member but who is an Australian citizen and who for a period of not less than 6 months served in the Armed Forces of any other country or place not included in those countries or places previously referred to in this By-Law provided however that at no time during such service, the country or place the Armed Forces of which he served, was in conflict in war or war-like operations against the Commonwealth;
 - i. a person who is not otherwise eligible to be admitted as a Service member but who for a period of not less than 6 months has been a member of a Philanthropic Organisation and during that period been formally accredited to and administered by the Australian Defence Force.
- (2) The Sub Branch can propose a member for Life Membership by submitting an application to the State Branch for election by the National Executive, provided that that Service Member shall have been a Service Member for at least 15 continuous years and shall have rendered not less than 10 years' outstanding service to the League.
- (3) Any person deemed by the Sub-Branch Committee to have demonstrated empathy with the Objects of the League and a desire to assist the League in its work, who has signed an Application for Affiliation, and agrees to be bound by the National Constitution, Rules and By-Laws and any Rules and By-Laws of the State Branch.
- may be admitted as an Affiliate.
- (4) To apply to become a member of the Association a person must:
- (a) submit a written application for membership to the Committee:
 - (i) in a form approved by the Committee; and
 - (ii) signed by the person and both of the members referred to in paragraph (b); and
 - (b) be proposed by one member and seconded by another member.

10 Approval of Committee

- (1) The Committee must consider any application made under clause 9 (4) at the next available committee meeting and must

accept or reject the application at that meeting or the next.

- (2) If an application is rejected, the applicant may appeal against the decision by giving notice to the Secretary within 14 days after being advised of the rejection.
- (3) If an applicant gives notice of an appeal against the rejection of his or her application, the Committee must reconsider the application at the next committee meeting after receipt of the notice of appeal.
- (4) If after reconsidering an application the Committee reaffirms its decision to reject the application, the decision is final.

11 Annual membership fees

- (1) The annual membership fee is the amount determined from time to time by resolution at a general meeting provided that it is not less than the minimum set by the State Branch.
- (3) The Sub-Branch shall pay to the State Branch, such proportion of each annual subscription received by it (referred to as 'capitation fees') as is determined at the State Branch Annual Sub-Branch Conference and the amount shall not be less than that determined at the National Congress.
- (4) Annual subscriptions shall be payable in advance on January 1 in each calendar year.
- (5) A person applying for membership and paying a full year's subscription after the 30th September shall be granted membership for the period up to the 31st December of that year and the subscription will take effect from the 1st January of the following year.
- (6)
 - (a) If a Member fails to pay his annual subscription by the due date, he shall cease to enjoy the privileges of membership.
 - (b) A Member who has not paid his annual subscription by the due date may reinstate his membership by paying the prescribed amount in full prior to 31 December in the year that the membership became due. If the Member makes such a payment then he shall retain his continuity of membership and any office to which he has been elected or appointed. During the period that a Member is unfinancial, he may not hold any office, exercise any voting rights or participate in any debate.
 - (c) Member who has not paid his annual subscription prior to 31 December of the year in which it became due may, at

the discretion of the Sub-Branch Committee, be required to complete a new Application for Membership in accordance with the Rules and By-Laws for Sub-Branches before his membership is reinstated.

- (7) A member whose subscription has not been paid pursuant to Sub- Rule 15.4 shall not be:
- (a) Elected or appointed to any office in the Sub-Branch.
 - (b) Elected to represent the Sub-Branch as a Regional Co-ordinator.
 - (c) Elected to any office of the State Board, or
 - (d) Elected or appointed a Delegate to the State Branch Annual Sub-Branch Conference.
- (8) If the Australian Defence Force or an Allied Force is engaged in a conflict, then any Service Member who is a member of that Force and is engaged in that conflict, shall for the period of his involvement in that conflict, be relieved from any liability to pay annual subscriptions to the Sub-Branch.

Division 2 Rights and Liabilities of members

12 General

- (1) Subject to clause 14(2), a member may exercise the rights of membership when his or her name is entered in the register of members.
- (2) A right of membership of the Association:
 - (a) is not capable of being transferred or transmitted to another person; and
 - (b) terminates on the cessation of membership whether by death, resignation or otherwise.
- (3) Except as is provided for in the Act, a member is not liable for the debts and liabilities of the Sub-Branch.

13 Voting

- (1) Subject to subclause (2) and clause 18, each Service and Life member has one vote at general meetings of the Association.
- (2) Affiliates of a Sub-Branch shall have the same rights and responsibilities as Service Members of the Sub-Branch in the

usage and quiet enjoyment of the Sub-Branch amenities and facilities and may participate in Sub-Branch activities as follows:

- (a) may vote and be elected to the positions of Secretary, Treasurer or Committeeman but may not vote or be elected to the positions of President or Vice-President.
- (b) any variation to the foregoing provision must be authorised by the State Branch Executive responsible for policy implementation.
- (3) Affiliates may speak and vote at a meeting of the Sub-Branch on any Sub-Branch domestic matter that does not involve the disposal of the Sub-Branch facility nor issues such as relocation or redevelopment (these issues being covered by the Constitution as the rights of Service Members).
- (4) Affiliates shall not speak or vote on any matter relating to the alteration or amendment to the National Constitution, the State Branch Constitution or cast votes in the elections for State Branch positions.
- (5) Affiliates shall not be entitled to speak or vote at a meeting called to consider the Agenda for the Annual State Branch Conference, nor attend as a Delegate.

14 Notice of meetings and special resolutions

The Secretary must give all members notice of general meetings and special resolutions in the manner and time prescribed by this Constitution.

15 Access to information on Association

The following must be available for inspection by members:

- (a) a copy of this Constitution;
- (b) minutes of general meetings;
- (c) annual reports and annual financial reports.
- (d) No member of the Sub-Branch, whether acting or purporting to act on behalf of the Sub-Branch, shall, unless authorised by resolution of the Sub-Branch, or in cases of emergency by the Sub-Branch President, supply any information to the news media nor take part in any deputation to any Minister of the State or Commonwealth Government or any official thereof, on any matter relating to the Sub-Branch or its affairs.

16 Raising grievances and complaints

- (1) A member may raise a grievance or complaint about a committee member, the Committee or another member of the Association.
- (2) The grievance or complaint must be dealt with by the procedures set out in Part 8.

17 Associate members

- (1) A Service Member or Life Member who is a member of the Sub-Branch shall not be eligible to be a member of another Sub-Branch but may apply to be admitted as an Associate. Such an application shall be lodged with the Secretary of the other Sub-Branch and upon being admitted, he shall be known as an Associate of that other Sub-Branch.
- (2) The Application for Associate membership shall be displayed in a conspicuous place in the Sub-Branches premises for not less than fourteen (14) days prior to consideration at a Committee Meeting of the Sub-Branch.
- (3) The annual subscription payable by an Associate to the other Sub-Branch shall be the annual subscription payable by a Service Member less that proportion of each annual subscription referred to in Rule 15.
- (4) Subject to Sub-Rule 11.8, a Service or a Life Member who is also an Associate within the meaning of Sub-Rule 11.4, shall be entitled to hold office, vote and speak at a meeting of not more than one Sub-Branch.
- (5) A Service or Life Member to whom Sub-Rule 11.7 applies shall:
 - (a) Elect in writing the Sub-Branch in which he wishes to be eligible to hold office, vote and speak, and
 - (b) Deliver such election to the Sub-Branches of which he is both a member and an Associate,

and until he has complied with this Rule, he shall only be entitled to hold office, vote and speak at the Sub-Branch of which he is a member and such election shall not be able to be revoked during the membership year in which it is made.

Division 3 Termination, death, suspension and expulsion

18 Termination of membership

Membership of the Association may be terminated by:

- (a) a notice of resignation addressed and posted to the Association or given personally to the Secretary or another committee member;

19 Death of member or whereabouts unknown

If a member dies or the whereabouts of a member are unknown, the Committee must cancel the member's membership.

20 Suspension or expulsion of members

- (1) If the Committee considers that a member should be suspended or expelled because his or her conduct is detrimental to the interests of the Association, the Committee must give notice of the proposed suspension or expulsion to the member.
- (2) The notice must:
 - (a) be in writing and include:
 - (i) the time, date and place of the committee meeting at which the question of that suspension or expulsion will be decided; and
 - (ii) the particulars of the conduct; and
 - (b) be given to the member not less than 14 days before the date of the committee meeting referred to in paragraph (a)(i).
- (3) At the meeting, the Committee must afford the member a reasonable opportunity to be heard or to make representations in writing.
- (4) The Committee may suspend or expel or decline to suspend or expel the member from the Association and must give written notice of the decision and the reason for it to the member. In accordance with State Branch Constitution Rule 21.
- (5) Subject to clause 22, the decision to suspend or expel a member takes effect 14 days after the day on which notice of the decision is given to the member.

21 Appeals against suspension or expulsion

- (1) A member who is suspended or expelled under clause 21 may appeal against that suspension or expulsion by giving notice to the Secretary within 14 days after receipt of the Committee's decision.

- (2) The appeal must be considered at a general meeting of the Association and the member must be afforded a reasonable opportunity to be heard at the meeting or to make representations in writing prior to the meeting for circulation at the meeting.
- (3) The members present at the general meeting must, by resolution, either confirm or set aside the decision of the Committee to suspend or expel the member.
- (4) The member is not suspended or does not cease to be a member until the decision of the Committee to suspend or expel him or her is confirmed by a resolution of the members.
- (5) Clauses 22 (1) to 22 (4) inclusive must be read in accordance with the State Branch Constitution Rule 21.

22 Re-Admission of Persons Previously Expelled from Membership

- (1) No person who has been expelled from Service Membership pursuant to these Rules shall be re-admitted as a Service Member except by the National Executive.
- (2) No person whose Associate or Affiliate Membership of the Sub-Branch has been previously terminated shall be readmitted as an Associate or an Affiliate, as the case may be, except by a majority of three quarters of the Service Members present and voting at a General Meeting, approving such readmission.

Part 4 Management Committee

Division 1 General

24 Role and powers

- (1) The business of the Association must be managed by or under the direction of a Management Committee.
- (2) The Committee may exercise all the powers of the Association except those matters that the Act or this Constitution requires the Association to determine through a general meeting of members.
- (3) The Committee may appoint and remove staff.
- (4) The Committee may establish one or more subcommittees consisting of the members of the Association the Committee considers appropriate.

- (5) Subject to the provisions of the Act one or more Auditors shall be appointed at the Annual General Meeting of the Sub-Branch, providing, however, that no member of the Sub-Branch shall be so appointed.

25 Composition of Committee

- (1) The Management Committee consists of:
- (a) a President;
 - (b) 2 Vice-Presidents;
 - (c) a Secretary (appointed by Committee);
 - (d) a Treasurer; and
 - (e) 5 Committee members
- (2) Unless elected directly as a separate office holder, the President will be the Association's public officer.

26 Delegation

- (1) The Committee may delegate to a subcommittee or staff any of its powers and functions other than:
- (a) this power of delegation; or
 - (b) a duty imposed on the Committee by the Act or any other law.
- (2) The delegation must be in writing and may be subject to the conditions and limitations the Committee considers appropriate.
- (3) The Committee may, in writing, revoke wholly or in part the delegation.

Division 2 Tenure of office

27 Eligibility of committee members

- (1) A committee member must be a member who is 18 years or over.
- (2) A committee member must also have been a member for a minimum of twelve months unless a dispensation has been granted by the State Branch.
- (3) Any Service or Life Member shall be eligible for election as President or Vice President, providing that member has been a Service or Life Member of the Sub-Branch for not less than

twelve (12) months immediately prior to the calling of nominations and has previously served at least twelve (12) months on the Committee of a Sub-Branch.

- (4) Committee members must be elected to the Committee at an annual general meeting or appointed under clause 33.

28 Nominations for election to committee

- (1) A member is not eligible for election to the Committee unless the Secretary receives a written nomination for that member by another member not less than 7 days before the date of the next annual general meeting.
- (2) The nomination must be signed by:
 - (a) the nominator and a seconder; and
 - (b) the nominee to signify his or her willingness to stand for election.
- (3) A person who is eligible for election or re-election under this clause may:
 - (a) propose or second himself or herself for election or re-election; and
 - (b) vote for himself or herself.
- (4) Clauses 28 (1) to 28 (3) must be read in conjunction with Sub-Branch By-Law 9 'Conduct of Sub-Branch Elections'.

29 Retirement of committee members

- (1) A committee member holds office for two years unless the member vacates the office under clause 31 or is removed under clause 32.
- (2) Subject to subclause (3) at an annual general meeting at least one half of the Committee Members excluding Appointed Committee Members (or, if their number is not even, the number nearest to but not exceeding half) must retire from office and elections for new Committee Members must be held. The Committee Members to retire under this subclause will be the Committee Members that have been longest in office from their last election and, if two or more Committee Members have been in office an equal length of time, the Committee Member or Committee Members to retire will, in default of agreement, be determined by lot. In one year the positions of President and one Vice President are to be elected and in the subsequent

year the position of Treasurer and the other Vice President are to be elected to ensure continuity on the Board. If both President and Treasurer are due to retire in the same year, one of them (who will, in default of agreement, be determined by lot) may remain in office for an additional year without retiring.

- (3) The President of the outgoing Committee must preside at the annual general meeting until a new member is elected as President.
- (4) Members may serve consecutive terms on the Committee.

30 Election by default

- (1) If the number of persons nominated for election to the Committee under clause 27 does not exceed the number of vacancies to be filled, the Returning Officer must declare the persons to be duly elected as members of the Committee at the annual general meeting.
- (2) If vacancies remain on the Committee after the declaration under subclause (1), additional nominations of committee members may be accepted from the floor of the annual general meeting.
- (3) If the nominations from the floor do not exceed the number of remaining vacancies, the Returning Officer must declare those persons to be duly elected as members of the Committee.
- (4) If the nominations from the floor are less than the number of remaining vacancies, the unfilled vacancies are taken to be casual vacancies and must be filled by the new Committee in accordance with clause 33.

31 Election by ballot

- (1) If there are more candidates nominated than there are vacancies to be filled, an election by secret ballot shall be had. An example of the Ballot Paper is at Annex B
- (2) The conduct of such ballot shall be in the hands of the Returning Officer and in the event of an equality of votes, the Returning Officer shall decide the matter by lot.
- (3) The members chosen by ballot must be declared by the Returning Officer to be duly elected as members of the Committee

32 Vacating office

The office of a committee member becomes vacant if:

- (a) the member:
 - (i) is disqualified from being a committee member under section 30 or 40 of the Act;
 - (ii) resigns by giving written notice to the Committee;
 - (iii) dies or is rendered permanently incapable of performing the duties of office by mental or physical ill-health;
 - (iv) ceases to be a resident of the Territory; or
 - (v) ceases to be a member of the Association;
- (b) the member is absent from more than:
 - (i) 3 consecutive committee meetings; or
 - (ii) 3 committee meetings in the same financial year without tendering an apology to the President;

of which meetings the member received notice and the Committee has resolved to declare the office vacant; or
- (c) in any of the circumstances provided for by the Schedule.

33 Removal of committee member

- (1) The Association, through a special general meeting of members, may remove any committee member before the member's term of office ends.
- (2) If a vacancy arises through removal under subclause (1), an election must be held to fill the vacancy.

34 Filling casual vacancy on Committee

- (1) If a vacancy remains on the Committee after the application of clause 29 or if the office of a committee member becomes vacant under clause 31, the Committee may appoint any member of the Association to fill that vacancy.
- (2) However, if the office of public officer becomes vacant, a person must be appointed under section 27(6) of the Act to fill the vacancy.

Division 3 Duties of committee members

35 Collective responsibility of Committee

- (1) As soon as practicable after being elected to the Committee, each committee member must become familiar with the Act and regulations made under the Act.
- (2) The Committee is collectively responsible for ensuring the Association complies with the Act and regulations made under the Act.

36 President and Vice-President

- (1) Subject to subclauses (2) and (3), the President must preside at all general meetings and committee meetings.
- (2) If the President is absent from a meeting, the Vice-President must preside at the meeting.
- (3) If the President and the Vice-Presidents are all absent, the presiding member for that meeting must be:
 - (a) a member elected by the other members present if it is a general meeting; or
 - (b) a committee member elected by the other committee members present if it is a committee meeting.

37 Secretary

The Secretary must:

- (a) coordinate the correspondence of the Association;
- (b) ensure minutes of all proceedings of general meetings and of committee meetings are kept in accordance with section 38 of the Act;
- (c) maintain the register of members in accordance with section 34 of the Act;
- (d) unless the members resolve otherwise at a general meeting – have custody of all books, documents, records and registers of the Association, other than those required by clause 37(5) to be in the custody of the Treasurer; and
- (e) perform any other duties imposed by this Constitution on the Secretary.

38 Treasurer

- (1) The Treasurer must:
 - (a) receive all moneys paid to or received by the Association

and issue receipts for those moneys in the name of the Association;

- (b) pay all moneys received into the account of the Association within 5 working days after receipt;
 - (c) make any payments authorised by the Committee or by a general meeting of the Association from the Association's funds; and
 - (d) ensure cheques are signed by him or her and at least one other committee member, or by any 2 other committee members authorised by the Committee.
- (2) The Treasurer must ensure the accounting records of the Association are kept in accordance with section 41 of the Act.
 - (3) The Treasurer must coordinate the preparation of the Association's annual statement of accounts.
 - (4) If directed to do so by the President, the Treasurer must submit to the Committee a report, balance sheet or financial statement in accordance with that direction.
 - (5) The Treasurer has custody of all securities, books and documents of a financial nature and accounting records of the Association unless the members resolve otherwise at a general meeting.
 - (6) The Treasurer must perform any other duties imposed by this Constitution on the Treasurer.

39 Public officer

- (1) The public officer must ensure that documents are filed with the Commissioner of Consumer Affairs in accordance with sections 23, 28 and 45 of the Act.
- (2) The public officer must keep a current copy of the Constitution of the Association.

Part 5 Meetings of Management Committee

40 Frequency and calling of meetings

- (1) The Committee must meet together for the conduct of business not less than once a month.
- (2) The President, or at least half the committee members, may at any time convene a special meeting of the Committee.

- (3) A special meeting may be convened to deal with an appeal under clause 22.

41 Voting and decision making

- (1) Each committee member present at the meeting has a deliberative vote.
- (2) A question arising at a committee meeting must be decided by a majority of votes.
- (3) If there is no majority, the person presiding at the meeting has a casting vote in addition to a deliberative vote.

42 Quorum

For a committee meeting, one-half of the committee members constitutes a quorum.

43 Procedure and order of business

- (1) The procedure to be followed at a committee meeting must be determined from time to time by the Committee.
- (2) The order of business may be determined by the members present at the meeting.
- (3) Only the business for which the meeting is convened may be considered at a special meeting.

44 Disclosure of interest

- (1) A committee member who has a direct or indirect pecuniary interest in a contract, or proposed contract, with the Association must disclose the nature and extent of the interest to the Committee in accordance with section 31 of the Act.
- (2) The Secretary must record the disclosure in the minutes of the meeting.
- (3) The President must ensure a committee member who has a direct or indirect pecuniary interest in a contract, or proposed contract, complies with section 32 of the Act.

Part 6 General meetings

45 Convening general meetings

- (1) The Association must hold its first annual general meeting

within 18 months after its incorporation.

- (2) The Association must hold all subsequent annual general meetings within 5 months after the end of the Association's financial year.
- (3) The Committee:
 - (a) may at any time convene a special general meeting;
 - (b) must, within 21 days after the Secretary receives a notice under clause 22(1), convene a special general meeting to deal with the appeal to which the notice relates; and
 - (c) must, within 21 days after it receives a request under clause 45(1), convene a special general meeting for the purpose specified in that request.

46 Special general meetings

- (1) Not less than 10 Service Members may make a written request to the Committee for a special general meeting.
- (2) The request must:
 - (a) state the purpose of the special general meeting; and
 - (b) be signed by the members making the request.
- (3) If the Committee fails to convene a special general meeting within the time allowed:
 - (a) for clause 44(3)(b) – the appeal against the decision of the Committee is upheld; and
 - (b) for clause 44(3)(c) – the members who made the request may convene a special general meeting as if they were the Committee.
- (4) If a special general meeting is convened under subclause (3)(b), the Association must meet any reasonable expenses of convening and holding the special general meeting.
- (5) The Secretary must give to all members not less than 21 days' notice of a special general meeting.
- (6) The notice must specify:
 - (a) when and where the meeting is to be held; and
 - (b) the particulars of and the order in which business is to be

transacted.

47 Annual general meeting

- (1) There shall be an Annual General Meeting which shall be held during the month of February each year.
- (2) The Secretary must give to all members not less than 30 days' notice of an annual general meeting.
- (3) The notice must specify:
 - (a) when and where the meeting is to be held; and
 - (b) the particulars of and the order in which business is to be transacted.
- (4) The order of business for each annual general meeting is as follows:
 - (a) first – the consideration of the accounts and reports of the Committee;
 - (b) second – the election of new committee members;
 - (c) third – any other business requiring consideration by the Association at the meeting.

48 Special resolutions

- (1) A special resolution may be moved at any general meeting of the Association.
- (2) The Secretary must give all members not less than 21 days' notice of the meeting at which a special resolution is to be proposed.
- (3) The notice must include the resolution to be proposed and the intention to propose the resolution as a special resolution.

49 Notice of meetings

- (1) The Secretary must give a notice under this Part by:
 - (a) serving it on a member personally or via email; or
 - (b) sending it by post to a member at the address of the member appearing in the register of members.
- (2) If a notice is sent by post under subclause (1)(b), sending of the notice is taken to have been properly effected if the notice is

addressed and posted to the member by ordinary prepaid mail.

50 Quorum at general meetings

At a general meeting, 20% or 10 of Service Members present in person constitutes a quorum.

51 Lack of quorum

- (1) If within 15 minutes after the time specified in the notice for the holding of a general meeting a quorum is not present:
 - (a) for an annual general meeting or special general meeting convened under clause 44(3)(a) – the meeting stands adjourned to the same time on the same day in the following week and to the same place or at a time and place fixed by the person who would have been the chairman had the meeting proceeded;
 - (b) for a meeting convened under clause 44(3)(b) – the members who are present in person or by proxy may proceed with hearing the appeal for which the meeting is convened; or
 - (c) for a meeting convened under clause 44(3)(c) – the meeting lapses.
- (2) If within 30 minutes after the time appointed by subclause (1)(a) for the resumption of an adjourned general meeting a quorum is not present, the members who are present in person may proceed with the business of that general meeting as if a quorum were present.
- (3) The President may, with the consent of a general meeting at which a quorum is present, and must, if directed by the members at the meeting, adjourn that general meeting from time to time and from place to place.
- (4) There must not be transacted at an adjourned general meeting any business other than business left unfinished or on the agenda at the time when the general meeting was adjourned.
- (5) If a general meeting is adjourned for a period of 30 days or more, the Secretary must give notice of the adjourned general meeting as if that general meeting were a fresh general meeting.

52 Voting

- (1) Subject to clauses 14(2) and 18, each member present in

person at a general meeting is entitled to a deliberative vote.

(2) At a general meeting:

- (a) an ordinary resolution put to the vote is decided by a majority of votes made in person; and
- (b) a special resolution put to the vote is passed if three-quarters of the members who are present in person vote in favour of the resolution.

(3) A poll may be demanded by the President or by 3 or more members present in person.

(4) If demanded, a poll must be taken immediately and in the manner the President directs.

53 Proxies

A member may not appoint another member to be the proxy of the appointing member to attend and vote on behalf of the appointing member at any general meeting.

54 State Branch Annual Sub-Branch Conference

- (1) The Sub-Branch shall be entitled to appoint one Delegate to the State Branch Annual Sub-Branch Conference and an Alternate Delegate to act in the absence or non-availability of the appointed Delegate.

55 Standing Policy

- (1) Standing Policy is the policy of the League on any particular matter or topic and which the State Branch Annual Sub-Branch Conference has determined to be Standing Policy in accordance with this Rule.
- (2) The Sub-Branch shall be bound by and promote the Standing Policy and that of the National Constitution.
- (3) The Sub-Branch shall be non-sectarian and on all questions of Party politics, shall maintain a neutral attitude.
- (4) Standing Policy may only be made, amended or repealed by resolution of the State Branch Annual Sub-Branch Conference, save that it shall be deemed to be repealed by the operation of Sub-Rule 46 of the State Branch Constitution.
- (5) Any Standing Policy will be deemed to be repealed 5 years after the policy becomes Standing Policy. Such Standing Policy can be remade by the passing of a resolution by the State Branch Annual Sub-Branch Conference to that effect.

56 By-Laws

- (1) A General Meeting of the Sub-Branch shall have the power from time to time to make, amend or rescind, such By-Laws as are in its opinion necessary and desirable for the proper control, administration and management of the Sub-Branch's affairs, providing such amendments, rescission or making of such By-Laws does not contravene the State Branch Constitution and Rules or those of the National Constitution appointed shall be Service members except as provided by Sub-Rule 9.

Part 7 Financial management

57 Financial year

The financial year of the Association is from 1 January to 31 December or as determined by the Sub-Branch.

58 Funds and accounts

- (1) The Association must open an account with a financial institution from which all expenditure of the Association is made and into which all of the Association's revenue is deposited.
- (2) Excluding liabilities incurred in trading, the Committee shall not, except in the case of an emergency, incur any liability involving more than \$35 000 without the prior approval of the Sub-Branch in a General Meeting.
- (3) All cheques, drafts, bills of exchange, promissory notes and other negotiable instruments must be signed by 2 committee members.
- (4) All funds of the Association must be deposited into the financial account of the Association no later than 5 working days after receipt or as soon as practicable after that day.
- (5) With the approval of the Committee, the Treasurer may maintain a cash float provided that all money paid from or paid into the float is accurately recorded at the time of the transaction.

59 Accounts and audits

The responsibility of the Committee under clause 34(2) for ensuring compliance with the Act includes meeting the requirements of Part 5 of the Act and regulations made for that Part relating to:

- (a) the keeping of accounting records;

- (b) the preparation and presentation of the Association's annual statement of accounts; and
- (c) The Auditor(s) shall at least once in every financial year, examine the Balance Sheet and all accounts relating thereto and shall make a report to the Sub-Branch as to the correctness thereof.

60 Capitations and Contraventions

- (1) On the first day of each month of the year, the Sub-Branch shall pay to the State Branch Office the capitation fees due and owing by it.
- (2) If the Sub-Branch is in default with payment of its capitation fees for a period of three (3) months, its right to vote at the State Branch Annual Sub-Branch Conference shall be suspended so long as such default continues, provided however that the State President at that Conference may upon such terms as he shall think fit, permit the Sub-Branch to vote.
- (3) The Sub-Branch shall provide an audited balance sheet of its financial accounts to the State Branch within thirty (30) days of its Annual General Meeting. Default of this condition will preclude the right to vote at the State Branch Annual Sub-Branch Conference.
- (4) The Sub-Branch shall, if required in writing by the State Board, produce for inspection all its books of accounts, minute books, statutory registers kept under any law (if applicable) and records and supply such returns and other information as the State Board may from time to time require.

Part 8 Grievance and disputes

61 Grievance and disputes procedures

- (1) This clause applies to disputes between:
 - (a) a member and another member; or
 - (b) a member and the Committee.
- (2) Within 14 days after the dispute comes to the attention of the parties to the dispute, they must meet and discuss the matter in dispute, and, if possible, resolve the dispute.
- (3) If the parties are unable to resolve the dispute at the meeting, or if a party fails to attend that meeting, then the parties must, within 10 days after the meeting, hold another meeting in the presence of a mediator.

- (4) The mediator must be:
 - (a) a person chosen by agreement between the parties; or
 - (b) in the absence of agreement:
 - (i) for a dispute between a member and another member – a person appointed by the Committee; or
 - (ii) for a dispute between a member and the Committee – a person who is a mediator appointed or employed by the department administering the Act.
- (5) A member of the Association can be a mediator.
- (6) The mediator cannot be a party to the dispute.
- (7) The parties to the dispute must, in good faith, attempt to settle the dispute by mediation.
- (8) The mediator, in conducting the mediation, must:
 - (a) give the parties to the mediation process every opportunity to be heard;
 - (b) allow due consideration by all parties of any written statement submitted by any party; and
 - (c) ensure natural justice is accorded to the parties to the dispute throughout the mediation process.
- (9) The mediator must not determine the dispute.
- (10) If the mediation process does not result in the dispute being resolved, the parties may seek to resolve the dispute in accordance with the Act or otherwise at law.

Part 9 Miscellaneous

62 Common seal

- (1) The common seal of the Association must not be used without the express authority of the Committee and every use of that common seal must be recorded by the Secretary.
- (2) The affixing of the common seal of the Association must be witnessed by any 2 of the following:
 - (a) the President;
 - (b) the Secretary;

(c) the Treasurer.

- (3) The common seal of the Association must be kept in the custody of the Secretary or another person the Committee from time to time decides.

63 League Name, Badges, Banners, Insignia and Awards

- (1) The name of the League, the letters 'RSL', badges, banners, awards and any other insignia of the League remain the property of the League. Conditions and prescribed use are outlined in By-Laws 12 and 13.
- (2) By resolution of a General Meeting of Service Members, recommendations may be made to the State Branch in accordance with the By-Laws for the following awards:
- (a) Meritorious Service Medal.
 - (b) Life Membership.
 - (c) League Service Award – State.
 - (d) Certificate of Merit and Gold Badge.
 - (e) Certificates of Appreciation – State and National.
 - (f) Certificate of Outstanding Service.
 - (g) Long Service Award (50 Years Cumulative Service).
 - (h) The ANZAC of the Year Award, and
 - (i) The ANZAC Peace Prize.

64 Distribution of surplus assets on winding up

- (1) If on the winding up or dissolution of the Association, and after satisfaction of all its debts and liabilities, there remains any assets, the assets must not be distributed to the members or former members.
- (2) The surplus assets must be given or transferred to another association incorporated under the Act that:
- (a) has similar objects or purposes;
 - (b) is not carried on for profit or gain to its individual members; and
 - (c) is determined by resolution of the members.