

**RETURNED & SERVICES LEAGUE  
OF  
AUSTRALIA**

***(VICTORIAN BRANCH) INC.***

**A.C.N. A0028777L**



"Serving Still"

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**Rules**

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**Volume 3.2**

Revised and reprinted in accordance with special resolutions, carried at  
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**ANZAC House, 4 Collins Street, Melbourne, Victoria, 3000**

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## PART 1 DEFINITIONS AND INTERPRETATION

### 1.1 Definitions

In these rules:

**"Act"** means the Associations Incorporation Reform Act 2012 (Vic).

**"Affiliate/s"** means an Affiliate of the Branch admitted pursuant to these Rules.

**"Associate Member of a Sub-Branch"** means a person admitted as an Associate Member of a Sub-Branch under Branch Rule 5.11 and National Rule 18.

**"Agenda Sub-Committee"** means the sub-committee appointed by the State Executive under Rule 8.8(a).

**"Annual Conference"** means the annual general meeting of the Branch convened under Rule 8.1(a).

**"Annual Subscription"** means the annual membership fee as determined by the Annual Conference under rule 5.17(a) from time to time.

**"Branch"** means the Returned & Services League of Australia (Victorian Branch) Inc.

**"Branch By-Law"** means a By-Law of the Branch.

**"Branch Delegate"** means a delegate of the Branch appointed under Rule 8.4(k).

**"Branch Officer"** means the State President, the State Senior Vice President, the State Vice President, the State Honorary Treasurer and any other position of Branch Officer the State Executive creates.

**"Business Day"** means a day on which trading banks are open for business in Melbourne.

**"Chief Executive Officer of the Branch"** means the person appointed from time to time under Rule 9.7(a) by the State Executive.

**"Community Member of a Sub-Branch"** means a person admitted as a Community member of a Sub-Branch under Branch Bylaw 10A.

**"Extraordinary Conference"** means a general meeting of the Branch, other than the Annual Conference, convened under Rules 8.1(b) or 8.1(c).

**"Financial Year"** means the year ending 31 December.

**"Gambling Regulation Act"** means the Gambling Regulation Act 2003 (Vic) or any amendment or re-enactment thereof.

**"Honorary Member"** means an Honorary Member of the League admitted under National Rule 14.

**"Honorary Life Member"** means an Honorary Life Member of the League admitted under National Rule 15.

**"League"** means The Returned & Services League of Australia Limited A.C.N. 008 488 087.

**"League Badge"** means the badge of the League as prescribed in National Rule 28 and National By-Law 12.

**"League Member"** means a Life Member or an Ordinary Member of the League.

**"League Name"** means:

- (a) The Returned & Services League, The Returned Services League, The Returned & Services League of Australia, The Returned & Services League of Australia (Victorian Branch), R.S.L., Returned Services League Club, R.S.L. Club, Returned Serviceman's Club, R.S.L. Services Club, Ex-Serviceman's Club, R.S.L. Social Club, Duckboard Club, R.S.L. Serviceman's Club, RSSAILA or Returned Diggers Club;
- (b) a name similar to a name in paragraph (a) above; or
- (c) a name that includes a name in paragraph (a) or (b) above.

**"Licensed Club"** means a club, which is the holder of a licence pursuant to the provisions of the Liquor Control Reform Act.

**"Licensed Sub-Branch"** means a Sub-Branch, which is the holder of a License pursuant to the provisions of the Gambling Regulation Act and/or of the Liquor Control Reform Act.

**"Life Member"** means a Life Member of the League admitted under National Rule 13 and National By-Law 2.

**"Life Subscription"** means the one off life subscription fee as determined by the Annual Conference under rule 5.18(a) from time to time.

**"Liquor Control Reform Act"** means the Liquor Control Reform Act 1998 (Vic) or any amendment or re-enactment thereof.

**"Member"** means a member of the Branch.

**"Memorandum"** means the Memorandum of Association of the League.

**"Minimum Subscription Fee"** means the fee established by the Annual Conference or the State Executive (as applicable) pursuant to the provision of Rules 5.19(a)(1) and (2).



**"Miscellaneous List Member"** means a person admitted to the miscellaneous list of members of the Branch under National Rule 18.13.

**"National By-Law"** means a By-Law of the League.

**"National Congress"** means a general meeting of the League.

**"National Constitution"** means the National Rules and By-Laws of the League.

**"National Executive"** means the board of directors of the League.

**"National Rules"** means the National Constitution of the League.

**"Operational Support Fee"** means a payment made for or on behalf of a Sub-Branch to the Branch to enable the Branch to provide support to Sub-Branches.

**"Patriotic Funds"** means those Funds described in Part 4 of the Veterans Act (Vic).

**"Region"** means a grouping of Sub-Branches constituted under Rule 12.2.

**"Regional Forum"** means a Forum constituted under Rule 12.2.

**"Regulations"** means the regulations under the Act.

**"Returning Officer"** In respect of the election of the State Executive and the Branch Officers means the Chief Executive Officer.

**"Service Member"** means a person admitted as a Service Member of the League under Branch Rules 5.7 or 5.8(b) and National Rule 12.

**"Social Member of a Sub-Branch"** means a person admitted as a Social member of a Sub-Branch under Branch Bylaw 10A or 10B.

**"State Branch Tribunal"** means the Tribunal established by the Branch under Branch Rule 4.18 and National Rule 20.

**"State Executive"** means the body constituted under Rule 7.3(a).

**"State Honorary Treasurer"** means an officer of the Branch, elected from time to time to act in that capacity.

**"State President"** means an officer of the Branch elected from time to time to act in that capacity.

**"State Senior Vice President"** means an officer of the Branch elected from time to time to act in that capacity.

**"State Vice President"** means an officer of the Branch elected from time to time to act in that capacity.

**"Sub-Branch"** means a Sub-Branch of the Branch including a Sub-Branch that is incorporated.

**"Sub-Branch Committee"** means the committee of the Sub-Branch.

**"Sub-Branch Delegate"** means a delegate of the Sub Branch appointed under Rule 8.4(a).

**"SUB-BRANCH MEMBER"** means a Sub Branch of the Branch being a class of membership constituted under Rule 5.1(a)(6).

**"Sub-Branch Officer"** means the officer of the Sub-Branch as provided in Rule 13.6(c).

**"Sub-Branch Property"** means the property in the possession of the Sub-Branch.

**"Unattached List Member"** means a person admitted to the State Branch unattached list of members under National Rule 18.13.

**"Veterans Act"** means the Veterans Act 2005 (Vic) or any amendment or re-enactment thereof.

**"Victorian Veterans Council"** means the Council established by section 4 of the Veterans Act.

**"Victorian Veterans Fund"** means the Fund established by section 20 of the Veterans Act.

**"Women's Auxiliary"** means the body constituted under Rule 15.2.

**"Women's Council"** means the body constituted under Rule 15.1(a).

## **1.2 Interpretation**

In these rules, unless the context otherwise requires:

- (a) headings, underlining and the table of contents are for convenience only and do not affect the interpretation of these rules;
- (b) words importing the singular include the plural and vice versa;
- (c) words importing a gender include any gender and include a Sub-Branch if applicable;
- (d) other parts of speech and grammatical forms of a word or phrase defined in these rules have a corresponding meaning;
- (e) a reference to any thing includes a part of that thing;
- (f) a reference to these rules includes a reference to any appendix, annexure, exhibit or schedule to these rules;
- (g) a reference to a statute, regulation, proclamation, ordinance or by-law includes all statutes, regulations, proclamations, ordinances or by-laws amending, consolidating

or replacing it, and a reference to a statute includes all regulations, proclamations, ordinances and by-laws issued under that statute;

- (h) a reference to a document includes all amendments or supplements to, or replacements of, that document;
- (i) a covenant or agreement on the part of two or more persons binds them jointly and severally;
- (j) an expression importing a natural person includes any company, partnership, association, corporation or other body corporate and any governmental agency; and
- (k) where the day on or by which any thing is to be done is not a Business Day, that thing must be done on or by the preceding Business Day.

## **PART 2**

### **NAME**

#### **2.1 Name**

The name of the incorporated association is the Returned & Services League of Australia (Victorian Branch) Inc.

## **PART 3**

### **PURPOSES AND POWERS OF THE BRANCH**

#### **3.1 Purposes of the Branch**

The purposes of the Branch are to:

- (a) provide for the sick, helpless, wounded, aged, disabled, destitute and needy among those who are serving or who have served in the Australian Defence Forces, the various British Commonwealth Defence Forces, members of allied Defence Forces and their dependants;
- (b) perpetuate the close and kindly ties of friendship created by the mutual service in the Australian Defence Forces or in the forces of nations traditionally allied with Australia and the recollections associated with that experience;
- (c) maintain a proper standard of dignity and honour among all past and present members of the Australian Defence Forces and set an example of public spirit and noble hearted endeavour;
- (d) preserve the memory and records of those who suffered and died for Australia, erect monuments to their valour, provide them with suitable burial places, and establish and preserve, in their honour, the annual commemoration day known as ANZAC Day;
- (e) encourage loyalty to Australia and secure patriotic service in the interests of Australia;
- (f) protect the good name and preserve the interests and standing of members of the Australian Defence Forces;
- (g) encourage a Member as a citizen, to serve Australia with that spirit of self sacrifice and loyalty with which they served as members of the Australian Defence Forces;
- (h) ensure that the Branch is a non-sectarian, and in relation to party politics, a non partisan association; and
- (i) at all times promote and defend the standing policy of the League.

#### **3.2 Powers of the Branch**

For the furtherance of the purposes set out above, the Branch has power to:

- (a) take over and acquire all the assets and the liabilities of the present unincorporated association known as the Victorian Branch of The Returned & Services League of Australia;

- (b) indemnify any person for any loss or damage incurred as a result of having on behalf of the Victorian Branch of The Returned & Services League become liable to pay any amount by way of damages or otherwise;
- (c) subscribe to, become a member of and cooperate with any other association, club or organisation, whether incorporated or not, whose objects are all or in part similar to these objects of the Branch provided that the Branch must not subscribe to or support with its funds any club, association or organisation which does not prohibit the distribution of its income and property among its members to an extent at least as great as that imposed on the Branch under these rules;
- (d) by charter establish and constitute Sub-Branches of the Branch throughout Victoria;
- (e) suspend a Sub-Branch;
- (f) administer and conduct and maintain the affairs of a Sub-Branch;
- (g) wind up and dissolve a Sub-Branch;
- (h) revoke or withdraw any charter granted to a Sub-Branch;
- (i) establish and maintain the Women's Council, Women's Auxiliaries, Citizens Auxiliaries and other subsidiary associations or sections throughout Victoria;
- (j) make grants, donations, gifts and give assistance to such persons, trusts, groups, associations, societies, institutions or other entities as the Branch thinks fit;
- (k) purchase, take on lease or in exchange, hire and otherwise acquire any lands, buildings, easements or property, real and personal, and any rights or privileges which may be requisite for the purposes of, or capable of being conveniently used in connection with, any of the objects of the Branch, provided that if the Branch takes or holds any property which is subject to any trusts, the Branch must deal with the property in such manner as is allowed by law having regard to such trusts;
- (l) enter into any arrangements with any government or authority that are incidental or conducive to the attainment of the objects and the exercise of the powers of the Branch, to obtain from any such government or authority any rights, privileges, concessions, licenses, permits or registrations which the Branch may think it desirable to obtain, and to carry out, exercise and comply with any such rights, privileges, concessions or licences;
- (m) appoint, employ, remove or suspend such managers, clerks, secretaries, servants, workmen and other persons as may be necessary or convenient for the purposes of the Branch;

- (n) construct, improve, maintain, furnish, develop, work, manage, carry out, alter or control any houses, buildings, clubrooms, information bureaux, libraries, literary, social, educational and benevolent institutions, grounds, works or conveniences which directly or indirectly advance the Branch's interests, and to contribute to, subsidise or otherwise assist and take part in the above;
- (o) invest and deal with the money or other assets in furtherance of the objects of the Branch;
- (p) take, or otherwise acquire, and hold shares, debentures or other securities of any company or body corporate;
- (q) lend and advance money or give credit to any person or body corporate, to guarantee and give a guarantee or indemnity for the payment of money or the performance of contracts or obligations by any person or body corporate, and otherwise to assist any person or body corporate;
- (r) borrow or raise money either alone or jointly with any other person or in such manner as may be thought proper and whether upon fluctuating advance account or overdraft or otherwise to secure any monies and further advances borrowed or to be borrowed alone or with others as aforesaid by notes secured or unsecured, debentures or debenture stock perpetual or otherwise, or by mortgage, charge, lien or other security upon the whole or any part of the Branch's property or assets present or future and to purchase, redeem or pay off any such securities;
- (s) draw, make, accept, endorse, discount, execute and issue promissory notes, bills of exchange, bills of lading and other negotiable or transferable instruments;
- (t) sell, improve, manage, develop, exchange, lease, dispose of, turn to account or otherwise deal with all or any part of the property and rights of the Branch;
- (u) take or hold mortgages, liens or charges, to secure payment of the purchase price, or any unpaid balance of the purchase price, of any part of the Branch's property of whatsoever kind sold by the Branch, or any money due to the Branch from purchasers and others;
- (v) take any gift of property whether subject to any special trust or not, for any one or more of the objects of the Branch but subject to paragraph (g);
- (w) take such steps by personal or written appeals, public meetings or otherwise, as may from time to time be deemed expedient for the purpose of procuring contributions to the funds of the Branch, in the shape of donations, annual subscriptions or otherwise;

- (x) print, circulate and publish a newspaper, paper, periodical, book, magazine, circular or leaflet that the Branch may think desirable for the promotion of its objects;
- (y) amalgamate with any one or more incorporated associations having objects all or in part similar to those of the Branch and which prohibit the distribution of its or their income and property among its or their members to an extent at least as great as that imposed upon the Branch under the rules;
- (z) purchase or otherwise acquire and undertake all or any part of the property, assets, liabilities and engagements of any one or more of the incorporated associations with which the Branch is authorised to amalgamate;
- (aa) transfer all or any part of the property, assets, liabilities and engagements of the Branch to any one or more of the incorporated associations with which the Branch is authorised to amalgamate;
- (bb) transact any lawful business in aid of Australia;
- (cc) do all such other things as are incidental or conducive to the attainment of the objects and the exercise of the powers of the Branch; and
- (dd) to make application pursuant to the appropriate legislation from time to time enacted and currently in force, or any re-enactment or amendment thereof and to hold, transfer, renew, vary, reinstate, remove or surrender any such licence, permit or authority if and when it is appropriate or opportune to do so, and to do and perform all such acts and things which may be necessary to retain and protect any such licence, permit or authority.



## **PART 4 GENERAL**

### **4.1 Inconsistency**

If there is an inconsistency between these rules and the National Constitution, the National Constitution prevails.

### **4.2 Rules constitute terms of a contract**

- (a) These rules constitute terms of a contract between the Branch and a Member including a SUB-BRANCH MEMBER so far as is applicable.
- (b) A Member must not:
  - (1) aid, abet, procure or induce a person to breach these rules or the National Constitution;
  - (2) in any way, directly or indirectly, be knowingly concerned in or a party to a breach of these rules or the National Constitution; or
  - (3) attempt to breach these rules or the National Constitution.
- (c) A Member must do everything in his control to ensure that these rules and the National Constitution are not breached by a person.
- (d) A Branch By-Law is binding on a Sub-Branch, Regional Forum, the Women's Council, a Women's Auxiliary, a section or association subsidiary to the Branch, or a Sub-Branch member, to the same effect as these rules.

### **4.3 Branch authorised to trade**

The Branch is authorised to trade in accordance with section 51 of the Act.

### **4.4 Application and disposal of assets**

- (a) The income and property of the Branch is to be used and applied solely in promotion of its purposes and the exercise of its powers.
- (b) Subject to Rules 4.4(c) and (d), the income and property of the Branch is not to be distributed, paid or transferred directly or indirectly by way of dividend, bonus or otherwise by way of profit to a Member.
- (c) The Branch may pay, in good faith, interest to a Member in respect of money advanced by the Member to the Branch or otherwise owing by the Branch to the Member or of remuneration to a Branch Officer or an employee of the Branch or for services rendered to the Branch by a Member.

- (d) The Branch may pay or repay a Member for out of pocket expenses, money lent, reasonable and proper charges for goods hired by the Branch from a Member or reasonable and proper rent for premises demised or let to the Branch from a Member.
- (e) If the Branch is wound up in accordance with the Act and there remains, after satisfaction of all its liabilities, any property, the property is not to be paid to or distributed to a Member but is to be given or transferred to the League in accordance with National Rule 32.25.

#### **4.5 Office of the Branch**

The Office of the Branch is to be located as the State Executive may decide.

#### **4.6 Common Seal**

- (a) The common seal of the Branch is to be kept in the custody of the Chief Executive Officer.
- (b) The common seal must not be affixed to any instrument except by the authority of the State Executive and the affixing of the common seal must be attested by any two authorised signatories.
- (c) The Branch Officers, or a member of the State Executive who has been nominated by the State Executive for that purpose in writing and the names shall be entered in the appropriate register kept for that purpose and the Chief Executive Officer, are entitled to be an attesting signatory on the affixing of the common seal of the Branch.

#### **4.7 Representation at the National Congress**

The Branch is to be represented at the National Congress by:

- (a) the State President; and
- (b) a member of the State Executive appointed by the State President.

#### **4.8 Sectarian interests debarred**

Matters of a sectarian nature must not be discussed at the Annual Conference, an Extraordinary Conference or at a meeting of the Branch, State Executive, Sub-Branch, Region, Women's Council, Women's Auxiliary, or any other meeting whether or not of the same kind as those listed.

#### **4.9 Canvassing not permitted**

There must be no canvassing for -

- (a) Any elected position in the State Executive, the positions of a Branch Officer, a Sub-Branch, a Region, the Women's Council or a Women's Auxiliary save and except that candidates for the aforementioned positions may provide, for publication and distribution to those members entitled to vote, a resume or statement on such conditions as the State Executive from time to time determines; or
- (b) any matter before, or to be put before, the State Executive, a Sub-Branch, Region, the Women's Council or a Women's Auxiliary.

#### **4.10 Public Statements**

- (a) Subject to Rule 4.10(b), a public Statement made on behalf of, or in the name of, or that relates to or concerns the Branch, a Sub-Branch, a Region, the Women's Council, a Women's Auxiliary or any other section or association subsidiary to the Branch or a Sub-Branch, may only be made by the State President or by a person who has the prior written authority of the Branch.
- (b) A public Statement may be made on behalf of, or in the name of, or that directly relates to or concerns a Sub-Branch, a Region, the Women's Council, a Women's Auxiliary, or any other section or association subsidiary to the Branch or a Sub-Branch by the president of the Sub-Branch, the Women's Council, the Women's Auxiliary, or the section or association subsidiary to the Branch or a Sub-Branch or the chairperson of the Regional Forum (as the case may be), but only if it is a local matter.

#### **4.11 Resolutions or decisions inconsistent with State Executive or Annual Conference rulings**

- (a) If there is an inconsistency between a resolution, decision or determination of a Sub-Branch, Region, the Sub-Branch Committee, the Regional Forum, a member of the Regional Forum or a Sub-Branch Officer and a resolution, decision or determination of the State Executive, the Annual Conference or an Extraordinary Conference, the latter prevails.
- (b) If there is an inconsistency between a resolution, decision or determination of a Sub-Branch, Region, the Sub-Branch Committee, the Regional Forum, a member of the Regional Forum or a Sub-Branch Officer and these Rules, or the National Constitution, these Rules or the National Constitution (as the case may be) prevail.

#### **4.12 Use of the League Name and the League Badge**

- (a) A Sub-Branch, a Region the Women's Council, a Women's Auxiliary, a section or association subsidiary to the Branch or a Sub-Branch, a Member or a past Member

must not use the League Name or the League Badge without the prior written approval of the Branch, and such approval shall be a Deed in the form approved by the State Executive.

- (b) The Branch must obtain the approval of the National Executive if the use of the name of the League, the letters "R.S.L." or the League Badge is not for the purpose of identification or publicity.
- (c) The League Badge is the property of the League and must be returned to the League if a person ceases to be a Member.
- (d) A Member must not knowingly permit the League Badge to be used by another person for any purpose whatsoever.
- (e) A Member that knowingly permits the League Badge to be used by another person for any purpose whatsoever is guilty of conduct unbecoming a Member and liable to be dealt with under National Rules 19 or 21.

#### **4.13 Notices**

- (a) A notice, written request or any other communication under these rules may be served on a person either personally or sending it by post to his last known address.
- (b) If a notice or communication is properly addressed, prepaid and posted, it is deemed to have been given to the addressee at the time of posting.

#### **4.14 Pledge of allegiance**

The pledge of allegiance contained in By-Law 2 must be recited at the:

- (a) Annual Conference;
- (b) Extraordinary Conference;
- (c) Annual meeting of a Sub-Branch; and
- (d) Annual meeting of a Regional Forum [referred to in Rule 12.2(b)].

#### **4.15 9 O'Clock Act of Remembrance**

- (a) Where practicable, an official indoor gathering held within or under the auspices of the Branch or a Sub-Branch must be halted at 9.00 p.m. in order to commemorate the fallen. If 9.00 p.m. is not a suitable time for local conditions an established 'Stand-To' is to be held at the time agreed by the Sub-Branch and/or Licensed Club i.e. 6.00 p.m. Irrespective of what time is agreed, the Act of Remembrance is to be conducted each day that the Sub-Branch and/or Club is opened for business.
- (b) The chairperson must:

- (1) announce the silent tribute;
- (2) ensure that the room is darkened;
- (3) ensure that the emblem is illuminated; and
- (4) recite, after a short silence, the following lines of Binyon's Ode:

"They shall grow not old as we that are left grow old;

Age shall not weary them nor the years condemn;

At the going down of the sun and in the morning

WE WILL REMEMBER THEM" (repeated by all present)

"LEST WE FORGET." (repeated by all present)

#### **4.16 Standing orders for meetings**

The standing orders contained in Branch By-Law 2 are to govern a meeting held within or under the auspices of the Branch or a Sub-Branch.

#### **4.17 Custody of Branch books and inspection**

- (a) Except as otherwise provided in these rules, the Chief Executive Officer of the Branch is to keep in its custody or under its control all the books, accounts, minute books, records, documents, statutory registers (if any) and securities of the Branch.
- (b) A Member is entitled to inspect and obtain copies of the books, accounts, minute books, records, documents, statutory registers (if any) and securities of the Branch however the State Executive may restrict such access if it considers that the document relates to confidential, personal, employment, commercial or legal matters or where to do so may be prejudicial to the interests of the Branch.

#### **4.18 State Branch Tribunal**

- (a) The State Branch shall establish, in pursuance of National Rule 20 (and National By-Law 7) a State Branch Tribunal consisting of no fewer than five Service or Life Members, which shall hear the following matters:-
  - (1) appeals from decisions of Sub-Branches, both disciplinary and administrative;
  - (2) disciplinary matters referred to it by the State Branch;
  - (3) appeals or hearings in relation to eligibility for memberships, transfers of membership, as set out in the National Rules; and

- (4) other such matters referred to it by the State Branch to deal with complaints, disputes and grievances from individuals arising within the jurisdiction of the State Branch.
- (b) The State Branch Tribunal exercises the powers of the State Branch in accordance with the National Constitution.
- (c) In addition to any duties, powers, functions, discretions and authorities conferred on the State Branch Tribunal under the National Constitution, the State Branch Tribunal is to be vested with such duties, powers, functions, discretions and authorities as the State Executive decides.
- (d) That the Branch Bylaws may make provision for procedures, being for the conduct of a State Branch Tribunal Hearing and other matters related to the State Branch Tribunal.
- (e) The provisions of Rule 4.18 applies to Service Members, Life Members and Affiliate Members of a Sub-Branch.

#### **4.19 Proxy Voting**

Proxy voting is only permitted at State Conference Meeting. The Proxy at State Conference Meeting must be a person present at that Meeting.

#### **4.20 Conflict of Interest**

- (a) A Member of a Sub-Branch or the State Branch must not, whilst holding any Office in a Sub-Branch or the State Branch, provide a service for a fee or reward or advantage to any member of a Sub-Branch or the State Branch, for which a facility or service is provided for or available from a Sub-Branch or the State Branch for no fee.

## **PART 5**

### **MEMBERSHIP AND SUBSCRIPTION**

#### **5.1 Membership of the Branch**

- (a) The membership of the Branch shall consist of six classes, namely:
- (1) Service members of the League;
  - (2) Life members of the League;
  - (3) Honorary members of the League;
  - (4) Honorary Life members of the League;
  - (5) Affiliates of the Branch; and
  - (6) Sub-Branches of the Branch.
- (b) A reference to a person, who is of a class of membership listed in sub-rule (a)(1) to (5) above, is a reference to a person who is a member of a Sub-Branch, or an Affiliate of the Branch, or the Unattached List, or the Miscellaneous List. A reference to a Sub-Branch who is a class of membership listed in sub rule (a)(6) above is a reference to a Sub-Branch of the Branch including a Sub-Branch that is incorporated and shall be known in these Rules as SUB-BRANCH MEMBER(S).

#### **5.2 Rules binding on a member**

A Member agrees that by virtue of his membership of the League or in the case of an Affiliate, the Branch, he shall be bound by these Rules and the National Constitution. A SUB-BRANCH MEMBER shall be bound by these Rules so far as is applicable.

#### **5.3 Sub-Branch register of members**

- (a) The secretary of a Sub-Branch must keep and maintain a register of all persons who are members of the Sub-Branch that clearly indicates the category of membership to which the member has been so admitted.
- (b) The register of members of a Sub-Branch must include the full name, address, qualifying service particulars (if applicable), date of entry and date of departure or death (if applicable) of a member of the Sub-Branch.

#### **5.4 Branch register of members**

- (a) The Branch must keep and maintain a register of State Branch Unattached List members and a register of Miscellaneous List Members and a register of SUB-BRANCH MEMBERS.

- (b) The register of State Branch Unattached List members must include the full name, address, qualifying service particulars, date of entry and date of departure or death (if applicable) of an Unattached List member.
- (c) The register of Miscellaneous List members must include the full name, address, qualifying service particulars, date of entry and date of departure or death (if applicable) of a Miscellaneous List member.

### **5.5 State Branch Unattached List member and Miscellaneous List member**

- (a) State Branch Unattached List members:
  - (1) The State Branch shall establish a “State Branch Unattached List of members”.
  - (2) Upon a person becoming a Service member he may request the State Branch to include him in the State Branch Unattached List of members if he does not wish to also be a member of a Sub-Branch.
  - (3) A member of a Sub-Branch may request it to transfer him to the State Branch Unattached List of members.
  - (4) A Service or Life Member whose name is included in the State Branch Unattached List of members by the Branch may at any time request the Branch to transfer him to a particular Sub-Branch or the Unattached List of another State Branch. The State Branch, on the receipt of agreement to the transfer from the Sub-Branch or the State Branch concerned is responsible for the subsequent transfer action. In an event that an objection is lodged, the State Branch shall conduct an enquiry into the circumstances of the objection. Should the circumstances leading to the objection be confirmed, then the Service or Life Member shall be retained on the State Branch Unattached List.
  - (5) A State Branch Officer, who has elected to transfer to the State Branch Unattached List, shall, during his/her term of office retain; all privileges, responsibilities, duties and obligations of that particular office, while included on the List.
  - (6) Upon a person becoming eligible to be admitted as an Affiliate of the Branch and for whom a Sub-Branch is not available, then he/she may request the State Branch to include him on the State Branch Unattached List of members until a Sub-Branch becomes available for him to transfer to.



- (b) A Miscellaneous List member:
  - (1) is not eligible to hold any office in the League or Branch;
  - (2) is not eligible to be a member or an associate member of a Sub-Branch;
  - (3) has no right to call for a meeting of the Miscellaneous List of members; and
  - (4) has no right to call, attend or vote at a meeting of a Sub-Branch.

#### **5.5A A SUB-BRANCH MEMBER**

- (a) A SUB-BRANCH MEMBER under Rule 5.1(a)(6) shall be a Sub-Branch of the Branch including an incorporated Sub-Branch which holds a charter issued by the Branch.
- (b) A SUB-BRANCH MEMBER may appoint Sub-Branch delegates who will cast the votes of the SUB-BRANCH MEMBER on behalf of the SUB-BRANCH MEMBER as specified in Rule 8.4 hereunder.

#### **5.6 Lodgement of application to be admitted as a Service member of the League**

- (a) An application to be admitted as a Service member of the League must comply with the National Constitution.
- (b) A person, who applies to be a Service member of the League and a Service member of a Sub-Branch, must lodge the application with the secretary of the Sub-Branch.
- (c) A person, who applies to be a Service member of the League and an Unattached List member, must lodge the application with the Branch.

#### **5.7 Admission of a Service member of the League**

If the Branch or the Sub-Branch (as applicable) resolves that a person is eligible under the National Constitution to be admitted as a Service member of the League and the person complies with Rule 5.6, the person must be admitted within sixty days of the date the application was lodged.

#### **5.8 Rejection of application to be admitted as a Service member of the League**

- (a) If a Sub-Branch resolves that a person applying to be admitted as a Service member of the League is not eligible under the National Constitution to be admitted, the Sub-Branch must, within fourteen days from the date of the resolution, forward the application, supporting documentation, the Annual Subscription and reasons for the resolution to the Branch and the application is to be dealt with by the Branch under Rules 5.8(b) or (c).

- (b) If the Branch resolves that the person applying to be admitted as a Service member of the League is eligible under the National Constitution to be admitted, the Branch must direct the Sub-Branch to admit the person and the Sub-Branch must admit that person.
- (c) If the Branch resolves that the person applying to be admitted as a Service member of the League is not eligible under the National Constitution to be admitted, the Branch must:
  - (1) reject the application; and
  - (2) within fourteen days of the date of the rejection, advise the person of the decision, the reasons for the decision and his right of appeal to the State Branch Tribunal, pursuant to Rule 4.18(a)(3).

### **5.9 Requirements on admission of a Service member of the League**

Upon an application being accepted under Rules 5.7 or 5.8(b), the Branch or the Sub-Branch (as applicable) must, as soon as possible:

- (a) notify the person of his acceptance;
- (b) enter the person's details on the register of Service members of the Sub-Branch or the Branch Register of Unattached List members (as applicable); and
- (c) issue the person with a League Badge.

### **5.10 Associate member of a Sub-Branch**

- (a) A Service member, Life member or Affiliate, who is also a member of a Sub-Branch shall not be eligible to be a member of another Sub-Branch but may apply to be admitted as an Associate thereof. Such an application shall be lodged with the Secretary of that other Sub-Branch and if the Committee accepts his application, and he is admitted, he shall be known as an Associate of that other Sub-Branch.
- (b) An Associate member of a Sub-Branch may only remain an Associate member if he continues to be a Service member, Life member or Affiliate of his original Sub-Branch.
- (c)
  - (1) A Service member, Life member or Affiliate, who is also an Associate member, shall only be entitled to hold office, vote and speak, on any matter, at a meeting of not more than one Sub-Branch, and at time of application to become an Associate member must declare which Sub-Branch he or she wishes to hold office, vote and speak at.

- (2) The annual subscription payable by an Associate of that other Sub-Branch shall be the annual subscription payable by a Service or Affiliate, of that Sub-Branch, less the Minimum Subscription Fee.
- (3) A Service member, Life member or Affiliate, to whom Rule 5.10(c)(1) applies shall:
  - (i) elect in writing the Sub-Branch in which he wishes to be eligible to hold office, vote and speak;
  - (ii) deliver such election to all the Sub-Branches of which he is a member and associate with a copy to be lodged with the Chief Executive Officer.
- (4) Until he has complied with Rule 5.10(c)(3), he shall only be entitled to hold office, vote and speak at the Sub-Branch of which he is a Service member, Life member or Affiliate and such election shall not be able to be revoked during the membership year in which it is made.
- (d) The Committee of the Sub-Branch may at any time revoke the Associate membership of a person and upon such revocation being made such person shall cease to be an Associate member of the Sub-Branch.

#### **5.11 Affiliate of the Branch**

- (a) All Sub-Branches within the Victorian Branch are bound to adopt, and to accept, Affiliates.
- (b) Affiliates shall carry out and further the Objects of the League in the same manner as a Service member.
- (c) Affiliates shall have a separate badge to the League and shall be in such form as the National Executive determines. Each Affiliate shall, on payment of the first annual subscription, be issued with a badge as part of their annual subscription.
- (d) No person who is eligible for Service membership of the League shall be admitted as an Affiliate.
- (e) The eligible persons who may be elected as Affiliates are those who do not qualify for Service membership and comply with the following:
  - (1) a person who is not eligible to be a Service member;
  - (2) is eighteen years of age or older and;

- (3) a person who is any relative of a person (living or deceased) who is or was eligible to be a League member;
  - (4) for the purposes of this rule, a relative of a League member shall be parent, grandparent, spouse, brother, sister, child, grandchild, stepchild, son-in-law, daughter-in-law, brother-in-law, sister-in-law, nephew, niece, aunt or uncle of the person who is or was eligible to be a League member (as the case may be).
  - (5) or a person who has been awarded the Certificate of Merit or a National or State Certificate of Appreciation for giving valuable service to the League;
  - (6) or a person who is, or has been, a member, for at least 6 months, of one of the following:
    - A State or Federal Police Force;
    - An Ambulance Service or Brigade;
    - A Fire Brigade or Fire Authority;
    - A State Emergency Service; or
    - A Bronze Medallion member of a Surf Life Saving Club.
  - (7) and has signed an Affiliate application form, as prescribed by the State Branch, which expressly requires the Affiliate to agree to be bound by the National Constitution, these Rules and By-Laws and any Rules and By-Laws of the Sub-Branch.
- (f) Any person being eligible to be an Affiliate may apply for such by lodging with the Sub-Branch Secretary an application, on the prescribed form, and must be nominated by a Service, Life member or Affiliate, of the Sub-Branch, and seconded by a Service or Life member or Affiliate, of the Sub-Branch.
  - (g) The name and address of the person applying to be an Affiliate must be displayed in a conspicuous place in the Sub-Branch premises for at least two (2) weeks before consideration of the application at a meeting of the Committee of the Sub-Branch.
  - (h) An Affiliate, of a Sub-Branch may be a member of the Committee of that Sub-Branch, subject to the following:
    - (1)
      - (i) An Affiliate, may not be elected to the positions of President or Vice President (League member), but may be elected to the position of

Vice President (Affiliate), (if such a position has been made available pursuant to Rule 13.6(c)), Secretary, Treasurer or Committeeman on the Sub-Branch Committee.

- (ii) That an Affiliate Vice President shall have no right to succeed a President of a Sub-Branch in the event that Office becoming vacant.
- (2) An Affiliate on the Committee of a Sub-Branch may speak and vote on all matters relating to the Sub-Branch, save and except the matters referred to in sub-rule (k) as matters relating to matters of Affiliates not speaking and voting.
- (3) Despite the provision of Rules 5.11(h)(1) and (2) and Rule 5.11(k), and subject to a Sub-Branch having a membership of 20 or less financial Service and Life members, an Affiliate may be elected or appointed to any position on the Committee of that Sub-Branch, including Sub-Branch President, and whilst President, may speak and vote on all matters.
- (i) An Affiliate shall not hold any other Office in the League.
  - (j) A person may only be an Affiliate of one Sub-Branch, except as provided for in Rule 5.10.
  - (k) An Affiliate may speak and vote at a meeting of the Sub-Branch on any Sub-Branch matter, including voting for all Sub-Branch Committee positions, save and except that an Affiliate may not speak or vote on any matter relating to the alteration or amendment to the National Constitution, the Branch Constitution or cast votes for the elections for Branch positions.
  - (l) Affiliates shall have the same rights and responsibilities as League members of the Sub-Branch in the usage and quiet enjoyment of the Sub-Branch amenities and facilities.
  - (m) The Annual Subscription Fee payable by an Affiliate is shown in Rule 5.17. The effect of not paying the Annual Subscription is shown in Rule 5.17A.
  - (n) Notwithstanding other provisions in these rules and subject to a resolution of a general meeting of the members of a Sub-Branch, the State Executive may appoint an Affiliate of the Branch to the position of President of the Sub-Branch where it has been demonstrated that it is in the best interest of the Branch (acting in its capacity as Trustee) or Sub-Branch, to do so.

Such appointment shall be for no longer than two years. Save and except that a further general meeting of the members may request the State Executive to extend the appointment for a further term or until a suitably qualified or experienced Service or Life member becomes available.

- (o) Notwithstanding other provisions in these Rules an Affiliate may attend the Annual Conference as a delegate in accordance with Rule 8.4(b).

#### **5.12 Life member of the League**

- (a) The Branch may propose to the National Executive that a Service member who is eligible under National Rule 13 and By-Law 2 be admitted as a Life member of the League.
- (b) The Annual Conference, State Executive or a Sub-Branch may make a written recommendation to the Branch that the Branch propose to the National Executive that a Service Member of the League be admitted as a Life member of the League.
- (c) A recommendation made by the Annual Conference, State Executive or a Sub-Branch under Rule 5.12(b), must be supported by reasons including evidence of eligibility under National Rule 13 and National By-Law 2.
- (d) If a Service member, proposed for Life membership, is also a member of a Sub-Branch, that Sub-Branch shall pay to the State Branch such fees as the Annual Conference determines from time to time.

#### **5.13 Honorary member and Honorary Life member of the League**

- (a) The Branch may recommend to the National Executive that a person who is eligible under National Rule 14 be admitted as an Honorary member of the League.
- (b) The Branch may recommend to the National Executive that a person who is eligible under National Rule 15 be admitted as an Honorary Life member of the League.

#### **5.14 Honorary members of a Sub-Branch**

- (a) A person is entitled to be elected as an Honorary member of a Sub-Branch (for such time as the Committee of the Sub-Branch shall determine) if he is eighteen (18) years of age or older and is:
  - (1) a Service, Life or Honorary member of the League;
  - (2) a member of an association or organisation which is a member of the British Commonwealth Ex-Services League during his presence in Victoria, but not exceeding a period of three months;

- (3) a member of a State Parliament, the Parliament of the Commonwealth of Australia or a Councillor of the municipality in which the Sub-Branch is situated;
  - (4) a member of a sporting, social or cultural body visiting the Sub-Branch for the day, but subject to the approval of the Committee of the Sub-Branch.
  - (5) a person who has applied in writing to become a member of the Sub-Branch shall be a temporary Honorary member of the Sub-Branch until the application to become a member has been dealt with by the Committee. Such membership applications must be dealt with by the Committee in an expeditious manner.
- (b) an honorary member of the Sub-Branch is not entitled to vote:
    - (1) at the election of the members of the Committee of the Sub-Branch; or
    - (2) on any other matter.
  - (c) An Honorary member shall not be required to pay an annual subscription;
  - (d) A person shall not be admitted as an Honorary or Temporary member of the Sub-Branch unless the person is of a class specified in the Rules and the admission is in accordance with the Rules.

### **5.15 Reciprocal Rights**

- (a) A Sub-Branch shall grant reciprocal rights to use Sub-Branch facilities as a temporary Honorary member to any person who is a Service member, Life member, Affiliate or Social member of any other RSL Sub-Branch, or the HQ Unattached List, under the jurisdiction of the Victorian State Branch. That a Sub-Branch shall grant to such temporary Honorary member under this rule the same price discounts as that are given at that time to similar classes of members of that Sub-Branch in relation to food, beverage and entertainment. Such person shall be required to establish their entitlement to the reciprocal rights by producing a current 'RSL Card' as issued by the State Branch.
- (b) Reciprocal rights shall not be granted to a person who is at the time of the visit suspended under the provisions of Rules 5.21, 5.22 or 13.20 or Branch By-Law 10A or any Rules of the Sub-Branch of which he is a member.
- (c) Reciprocal rights may not be granted to a person where the Committee of the Sub-Branch has resolved not to grant reciprocal rights to that person because of the prior conduct of that person.

- (d) The Sub-Branch shall request the Branch to issue Service members, Life members, Affiliates or Social members of the Sub-Branch a “RSL Card” in the format then used by the Branch. The Sub-Branch shall make such request to the Branch in relation to Service member, Affiliate and Social members as soon as practicable after the said members have become financial members of the Sub-Branch. The issued Card remains valid while the member remains financial and the Branch will, from time to time, re-issue the Card at their discretion. In relation to Life members the Sub-Branch shall make the request to the Branch as soon as practicable after this rule comes into effect.
- (e) Notwithstanding other provisions in Rule 5.15, the State Executive may authorise the issue of a ‘RSL Card’ to financial Community members of a Sub-Branch on such terms and conditions as the State Executive may, from time to time, determine.

#### **5.16 Transfer of a member**

- (a) In this Rule 5.16, a reference to a ‘Sub-Branch’ is a reference to a Sub-Branch of this Branch or a Sub-Branch of another State Branch but excludes SUB-BRANCH MEMBERS.
- (b) Subject to Rule 5.16(c), a member may make a written request to the Branch to transfer from:
- (1) a Sub-Branch to another Sub-Branch;
  - (2) a Sub-Branch to the unattached list of members;
  - (3) the unattached list of members to a Sub-Branch;
  - (4) the miscellaneous list of members to a Sub-Branch; or
  - (5) the miscellaneous list of members to the unattached list of members.
- (c) A member is not entitled to transfer his membership under Rule 5.16(b)(4) or (5) unless the period of time for which he was transferred to the miscellaneous list of members has expired.
- (d) A transfer of a member is to be made by completing and forwarding the form prescribed by National By-Law 1 to the Branch and, if applicable, the Branch must forward a copy to the secretary of the Sub-Branch to which the member is being transferred to. The transfer is to be initiated by the losing Sub-Branch to ensure that there is no outstanding administrative or other matter relating to the member, before the transfer is effective.



- (e) The Sub-Branch from which the member is being transferred from must immediately pay the Branch or the Sub-Branch to which the Member is being transferred to (as applicable) the Annual Subscriptions paid in advance by the member except the current year's Annual Subscription.
- (f) That where a Life member transfers interstate to another Sub-Branch as the member's primary Sub-Branch, the transferring State Branch shall pay the receiving State Branch that portion of the Life membership fee that remains for that member in its Life membership fund and the receiving State Branch shall pay to the receiving Sub-Branch the applicable annual rebate of that State Branch's subscription.
- (g) If a member is transferred from a Sub-Branch to another Sub-Branch, the unattached list of members or the miscellaneous list of members, the Member must, if he is a member of the Sub-Branch Committee of the Sub-Branch from which the member is being transferred from:
  - (1) immediately resign as a member of the Sub-Branch Committee; and
  - (2) immediately cease to participate in any way whatsoever in the activities or decisions of the Sub-Branch Committee.
- (h) That where a Life member transfers to another Sub-Branch, the receiving Sub-Branch must extend to that member all the rights, privileges and honours as extended to a Life member nominated by that Sub-Branch.
- (i) Notwithstanding any other provision in these Rules, a member suspended by the State Branch or by a Sub-Branch is precluded from transferring to another Sub-Branch, or visiting another Sub-Branch, during the period of suspension.
- (j) A SUB-BRANCH MEMBER is specifically excluded from this rule regarding the transfer of a member.

### **5.17 Annual Subscription**

- (a) That the minimum annual subscription payable by:
  - (1) Service members and Affiliates shall be such amount as is determined from time to time by the Annual (or Extraordinary) State Conference of the Branch and shall be not less than the Minimum Subscription Fee referred to in Rule 5.19(a)(1) of these Rules, but a Sub-Branch may impose upon such members within its jurisdiction such additional amounts by way of annual subscription as is determined by a general meeting of the Sub-Branch.

- (2) Social members of a Sub-Branch and Community members of a Sub-Branch shall be such amount as is determined for each class of member, from time to time, by the State Executive; but a Sub-Branch may impose upon such members within its jurisdiction such additional amounts by way of annual subscription as is determined by a general meeting of the Sub-Branch.
- (b) Annual subscriptions are due and payable in advance on 1 January in each calendar year.
- (c) Rules 5.17(d) to 5.17(j), both inclusive, apply to an Unattached List member, a Miscellaneous List member or a member of a Sub-Branch, who is not a life subscriber.
- (d) The Branch must forward to an Unattached List member or a Miscellaneous List member an account for renewal of the Annual Subscription at least one month before the end of the Financial Year and the Unattached List member or the Miscellaneous List member must pay the account by the 31<sup>st</sup> of January each year.
- (e) A Sub-Branch must forward to its member an account for renewal of the Annual Subscription at least one month before the end of the Financial Year and the member must pay the account by the 31<sup>st</sup> of January each year.
- (f) A Sub-Branch must forward to its associate member an account for renewal of the Annual Subscription less the applicable Minimum Subscription Fee at least one month before the end of the Financial Year and the associate member must pay the account by the 31<sup>st</sup> of January.
- (g) An account forwarded under Rules 5.17(d), (e) or (f) must:
- (1) clearly show the Annual Subscription and the applicable Minimum Subscription Fee (if any); and
  - (2) include a statement to the effect that the Unattached List member, Miscellaneous List member, a member of the Sub-Branch or an associate member of the Sub-Branch only needs to renew if they so desire.
- (h) An account forwarded under Rules 5.17(d), (e) or (f) may include other fees provided they are clearly marked.
- (i) A receipt must be issued to an Unattached List member or a Miscellaneous List member by the Branch as evidence of payment of the Annual Subscription.

- (j) A receipt must be issued to a member of the Sub-Branch, including an associate member (less the Minimum Subscription Fee), by the Sub-Branch as evidence of payment of the Annual Subscription.
- (k) Annual subscriptions for a SUB-BRANCH MEMBER shall be as determined from time to time by the Annual (or Extraordinary) State Conference of the Branch.

#### **5.17A Unpaid Annual Subscription**

- (a) A Member, who is not a Life member or a life subscriber, who has not paid the annual subscription prescribed in these rules by 31 January in the year they fall due, shall be refused entry to Licensed Sub-Branch premises and/or facilities, including sporting activities and may be required to sign in as a visitor, until such time as the said subscriptions are paid in full and details on the members RSL Card (mentioned in Rule 5.15) have been upgraded.
- (b) A member of a Sub-Branch, who is not a Life member or a life subscriber, who has not paid the annual subscription, is not eligible to speak or vote at a meeting, including elections and Committee, or nominate for or hold any office in the Sub-Branch.
- (c) A Member, who is not a Life member or a life subscriber or an Honorary member, who has not paid the annual subscription shall, on 1 May cease to be a Member and the Members name shall be removed from the Register of members. If the Member wishes to rejoin the same or another Sub-Branch they are required to make a new application for membership.

#### **5.18 Life subscription**

- (a) The Life subscription is to be determined by the Annual Conference.
- (b) Subject to Rule 5.18(c), a Service member may pay to the Branch or a Sub-Branch (as applicable) the Life subscription and is thereafter not liable to the Branch or the Sub-Branch for the Annual Subscription.
- (c) If a Service member who has paid the Life subscription is also an associate member of another Sub-Branch, he continues to be liable to that Sub-Branch for the Minimum Subscription Fee.
- (d) That where a Life subscriber member transfers interstate to another Sub-Branch as the member's primary Sub-Branch, that transferring State Branch shall pay to the receiving State Branch that portion of the Life subscriber's fee that remains for that member in its Life subscriber's fund and the receiving State Branch shall pay to the

receiving Sub-Branch the applicable annual rebate of that State branch's subscription.

- (e) An Affiliate may pay to the Branch or a Sub-Branch (as applicable) the Life subscription and is thereafter not liable to the Branch or the Sub-Branch for the annual subscription.

#### **5.19 Minimum Subscription Fee**

- (a) The Minimum Subscription Fee for:
  - (1) Service members and Affiliates is to be determined, from time to time, by the Annual State Conference.
  - (2) Social and Community members of a Sub-Branch is to be determined, from time to time, by the State Executive.

#### **5.20 Cessation of membership**

- (a) A member may resign from the League by giving one month's notice in the form prescribed by National By-Law 3 to the secretary of the Sub-Branch or the Chief Executive Officer (as applicable) of his intention to resign whereupon he ceases to be a League member at the expiration of that period of notice.
- (b) Upon the expiration of the notice given under rule 5.20(a), the Chief Executive Officer or the secretary of the Sub-Branch must record in the register of Unattached List members, Miscellaneous List members or the register of members of the Sub-Branch (as applicable) the date the person ceased to be a League member.
- (c) A person that ceases to be a member:
  - (1) is not entitled to a refund of the Annual Subscription or the Life subscription;
  - (2) is liable for all amounts owing by him to the Sub-Branch or the Branch; and
  - (3) is to return the League Badge to the secretary of the Sub-Branch or the Chief Executive Officer (as applicable).
- (d) Subject to rule 5.20(e), a right, privilege, or obligation of a member:
  - (1) is not capable of being transferred or transmitted to another person; and
  - (2) terminates upon the person ceasing to be a member whether by death, resignation or otherwise.
- (e) The obligations created by Rules 4.2(c), 4.12(a) and 5.20(c)(3) do not cease if the person resigns or is removed as a member.

- (f) A SUB-BRANCH MEMBER ceases to be a member of the Branch on the withdrawal or surrender of the charter with the consent of the Branch. Upon such surrender the use of the league name shall also be surrendered.

#### **5.21 Branch disciplinary procedure**

- (a) If in the opinion of the State Branch Tribunal a member has breached National Rule 21.1, the State Branch Tribunal may, subject to the procedure contained in National Rule 21, resolve to impose a penalty upon him.
- (b) A member aggrieved by the resolution passed by the State Branch Tribunal under Rule 5.21(a) may appeal to the National Tribunal in accordance with National Rule 23.
- (c) A member who is the subject of Branch disciplinary procedure is not entitled to the reimbursement of any legal or other professional fees incurred by him as a result of any hearing or subsequent appeal under the provisions of the Branch Rules or the National Constitution.
- (d) A member who is a Service member, a Life member and an Affiliate of the Branch shall be disciplined in accordance with Rule 13.19 hereof and the Branch delegates to the Sub-Branch the discipline of such members.

#### **5.22 Sub-Branch disciplinary procedure**

- (a) If a Sub-Branch Committee has reason to believe that a Sub-Branch member may be guilty of conduct unbecoming a member, the Sub-Branch Committee may, subject to the procedure contained in National Rule 19 or Branch Bylaws 10A and 10B, Rules 15 and 15A and 15B (see also Branch Bylaw 19 for procedures), resolve to impose a penalty upon him. Any Sub-Branch Committee member who has a material personal interest or any relationship which may lead to bias in considering whether the Sub-Branch member may be guilty of conduct unbecoming a member must not be present while such resolution is being considered and must not have any input in the decision.
- (b) A member of the Sub-Branch, including an Affiliate, aggrieved by the resolution passed by the Sub-Branch Committee under Rule 5.22(a), may appeal to the State Branch Tribunal in accordance with National Rule 19.
- (c) A resolution passed under Rule 5.22(a) whereby a member of a Sub-Branch is suspended from membership of that Sub-Branch shall not operate to otherwise effect the membership of that member, save and except as provided in National Rule 25 – Life members suspended from membership.

- (d) A Sub-Branch suspension is not to exceed twelve months.
- (e) The disciplinary procedure for Service and Life Members and Affiliates is contained in Rule 13.19 and for Social Members in Rule 13.19A.

### **5.23 The rights of a Member pending a resolution or appeal**

A member retains full rights and privileges pending a resolution of the State Branch Tribunal, the State Executive or a Sub-Branch Committee or an appeal brought by the member, unless otherwise ordered by the State Branch Tribunal as provided for in National Rule 19.8.

## PART 6

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**NOTE:**

Part 6 – State Advisory Council was repealed by special resolution (R25), State Conference 2009.

## **PART 7**

### **STATE EXECUTIVE**

#### **7.1 General Powers of the State Executive**

The State Executive shall have all powers, functions and duties as vested in it under the National Constitution as the body responsible for the administration of the Branch and shall include the following:

- (a)
  - (1) is to control and manage the business and affairs of the Branch;
  - (2) may exercise all such powers, functions, discretions or authorities as may be exercised by the Branch other than those powers, functions, discretions, or authorities exercised by the Branch in Annual Conference or at an Extraordinary Conference; and
  - (3) may perform all acts and things that appear to the State Executive to be essential for the proper management of the business and affairs of the Branch.
- (b) Without limiting the generality of Rule 7.1(a), the State Executive has power to:
  - (1) by charter establish and constitute a Sub-Branch;
  - (2) suspend a Sub-Branch;
  - (3) administer and conduct and maintain the affairs of a Sub-Branch;
  - (4) wind up and dissolve a Sub-Branch;
  - (5) revoke or withdraw any charter granted to a Sub-Branch;
  - (6) act as arbitrator between amalgamating Sub-Branches which cannot agree as to their respective allocation of assets and liabilities, subject to the decision being reviewed by the Annual Conference or an Extraordinary Conference;
  - (7) determine any questions for which these rules do not provide, subject to the review of the Annual Conference or an Extraordinary Conference;
  - (8) refer any matter for a referendum to the members or the Sub-Branches in a form and manner the State Executive thinks fit, providing that the referendum does not seek to alter, amend or revoke decisions taken at State Conference.
  - (9) vary the geographical composition of a Region;



- (10) may appoint not more than two persons to the State Executive, with appropriate qualifications, as needed, and for such purpose and period as decided by the State Executive. Appointed persons who are also members are to have equal status as any other Executive member and persons who are not also members shall not have a power to vote;
  - (11) engage all such employees as it may consider necessary and shall regulate their duties and fix their salaries;
  - (12) delegate any of its powers, functions, discretions or authorities to any person or committee or persons and on such terms and conditions as the State Executive thinks fit; and
  - (13) make, from time to time, Branch By-Laws as are in its opinion desirable for the control, administration and management of the affairs and operations of the Branch, Regions, Sub-Branches, the Women's Council, the Women's Auxiliaries, or any other sections or associations subsidiary to the Branch or a Sub-Branch and to amend or repeal from time to time such Branch By-Laws, provided that:
    - (i) the Annual Conference or an Extraordinary Conference may amend or repeal a Branch By-Law;
    - (ii) the Branch By-Law is consistent with these rules and the National Constitution; and
    - (iii) no Branch By-Law is contrary to the provisions of the Liquor Control Act and/or the Gambling Regulation Act.
  - (14) shall make or approve policy statements relating to the policy or conduct of the Victorian Branch and/or the conduct of Sub-Branches.
  - (15) fix administrative charges and fees to be charged to a Sub-Branch including but not limited to:
    - (i) a fee for the provision of part of the cost of member services, and
    - (ii) an Operational Support Fee in respect of a Sub-Branch that conducts gaming activities and does not make other financial arrangements with the Branch that are to the satisfaction of the State Executive.
- (c) The State Executive shall have the power to form committees to advise the State Executive and shall have the power to co-opt persons to those committees for the

purpose of contributing in the deliberations, but such co-opted persons shall not have a power to vote.

- (d) The State Executive may provide or approve administrative support to a Region on such terms and conditions as the State Executive decides.

## **7.2 Duties of the State Executive**

- (a) The members of the State Executive must not knowingly or recklessly make improper use of information acquired by virtue of holding that office:
  - (1) to gain advantage for himself or herself or any other person; or
  - (2) to cause detriment to the Branch.
- (b) The members of the State Executive must not knowingly or recklessly make improper use of that office:
  - (1) to gain advantage for himself or herself or any other person; or
  - (2) to cause detriment to the Branch.
- (c) The members of the State Executive must exercise his or her powers and discharge his or her duties with the degree of care and diligence that a reasonable person would if that person:
  - (1) were an officeholder of the Branch in the circumstances applying at the time of the exercise of the power or the discharge of the duty; and
  - (2) occupied the office held by, and had the same responsibilities within the Branch as, the officeholder.
- (d) The members of the State Executive must make any decision to take or not take action in respect of a matter relevant to the operations of the Branch:
  - (1) in good faith for a proper purpose; and
  - (2) without a material personal interest in the subject matter; and
  - (3) after informing himself or herself about the subject matter to the extent that it is believed appropriate; and
  - (4) in the rational belief that the best interests of the Branch have been considered.
- (e) The members of the State Executive must exercise his or her powers and discharge his or her duties:
  - (1) in good faith and in the best interest of the Branch; and

- (2) for a proper purpose.

### **7.3 Composition of the State Executive**

- (a) The members of the State Executive are:
  - (1) The Branch Officers;
  - (2) The Members elected under Rule 7.4(b);
  - (3) The persons appointed by the State Executive under Rule 7.1(b)(10);
  - (4) The Chief Executive Officer and the Chief Financial Officer, and such persons shall not have a vote;
  - (5) The immediate past State President (subject to Rule 9.5);
  - (6) The Chair, for the time being, of the RSL Licensed Sub-Branches Association. The appointed person shall be of equal status as any other Executive member save that a person who is not also a member of the State Branch shall not have the right to vote; and
  - (7) The Chair for the time being of the Veterans' Affairs, Welfare, and Aged Care Committee. The appointed person shall be of equal status as any other Executive member, save that a person who is not also a member of the State Branch shall not have the right to vote.
- (b) Subject to Rule 7.3(e), a member of the State Executive who holds office pursuant to Rule 7.3(a)(2) and (3) is to hold office until the closure of the Annual Conference two years after his election (to commence in the year 2004) or appointment but is eligible for re-election or reappointment.
- (c) If a vacancy in an office of a member of the State Executive who holds this office by pursuant to Rule 7.3(a)(1) arises, the position is to be filled pursuant to Rule 9.3 or 9.1(d).
- (d) If a vacancy in an office of a member of the State Executive who holds his office under Rule 7.3(a)(2) and (3) arises, the State Executive may appoint an eligible member of the League to the vacant office and the person so appointed may continue in office for the unexpired portion of the term of the person he is succeeding.
- (e) The office of a member of the State Executive becomes vacant if he:
  - (1) ceases to be a Member;

- (2) becomes of unsound mind or a person who is, or whose estate is, liable to be dealt with under the law relating to mental health;
- (3) becomes a bankrupt or insolvent or makes an arrangement or composition with his creditors;
- (4) is convicted of a serious criminal offence and the State Executive does not within one month of that conviction resolve to confirm the appointment or election to the office of a member of the State Executive;
- (5) resigns by notice in writing to the State Executive;
- (6) is absent for three consecutive meetings of the State Executive without the prior permission of the State Executive unless the State Executive resolves otherwise;
- (7) moves his principal place of residence outside Victoria or if he is a member of a Sub-Branch which has members from both sides of the Victorian border, moves his principal place of residence outside Victoria and the bordering State;
- (8) becomes an employee of the Branch, except as provided for under Rule 9.7; and
- (9) is unable to be insured by the Branch with officers indemnity insurance for any reason.

#### **7.4 Eligibility and Election of the State Executive**

- (a) In addition to the Branch Officers, a Service or Life member of the Victorian Branch is eligible to be a member of the State Executive if he has been:-
  - (1) a Service or Life member of the RSL for at least four years, and
  - (2) completed at least two years as a member of a Sub-Branch executive in Victoria; or
  - (3) completed at least one year service as a member of a repealed Regional Committee or repealed State Advisory Council; or
  - (4) completed at least two years service as a member of the repealed State Council or the State Executive; or
  - (5) a person who has been co-opted to the State Executive and has been a member of the State Executive for at least one year.

- (b) Subject to Rule 7.4(a), the number of Service or Life Members elected to the State Executive, under Rule 7.3(a)(2), shall be six members. As to the six members to be elected, three members shall be a member of a Sub-Branch situated in either Region 1, 2, 3, 4 or 5, and as to the other three members, they shall be a member of a Sub-Branch situated in the other Regions.
- (c) That the election for all State Executive members under this rule shall be conducted in accordance with Branch Rules, Part 10.
- (d) The vote to be exercised at the election is to be the same votes as calculated for the election of the Branch Officers [Rule 10.3].

### **7.5 Meetings of the State Executive**

- (a) The State Executive shall meet at least ten times per year at such places and such times as the State President decides, unless otherwise directed by the State Executive.
- (b) A meeting of the State Executive must be held in camera unless the State Executive resolves otherwise.
- (c) Written notice must be given to a member of the State Executive of a State Executive meeting at least seven days before the State Executive meeting.
- (d) The written notice served pursuant to Rule 7.5(c) must:
  - (1) specify the date, time and place of the meeting; and
  - (2) include the general nature of the business to be transacted at the State Executive meeting.
- (e) The accidental failure to give notice to a member of the State Executive under rule 7.4 does not invalidate any act, matter or thing done or resolution passed at the State Executive meeting.
- (f) A quorum must be present at a State Executive meeting before any business is to be transacted except for the election of a Chairperson and the adjournment of the State Executive meeting under Rule 7.5(h).
- (g) A quorum of the State Executive shall be one quarter of the persons entitled to attend the State Executive meeting.
- (h) If within half an hour after the appointed time for the commencement of a State Executive meeting, a quorum is not present, the Chairperson must adjourn the meeting to a date not less than ten and not more than twenty one days from the original meeting at the same time and at the same place as the original meeting

(unless the Chairperson determines otherwise) and if at the adjourned State Executive meeting the quorum is not present within half an hour after the time appointed for the commencement of the meeting, the members of the State Executive present are the quorum.

- (i) The State President is to be the Chairperson at a State Executive meeting but if the State President is not present within fifteen minutes after the time appointed for the commencement of the State Executive meeting, or is unwilling or unable to act as the Chairperson, the most senior Branch Officer present is to preside as Chairperson of a State Executive meeting.
- (j) The Chairperson must ensure that minutes of a State Executive meeting are kept and the minutes must be signed by the Chairperson.
- (k) The Chairperson of a State Executive meeting at which a quorum is present may, with the consent of the members of the State Executive, adjourn the State Executive meeting from time to time and place to place.
- (l) A question arising at a State Executive meeting is to be decided by a simple majority of votes cast.
- (m) Upon any question arising at a State Executive meeting, a member of the State Executive has one vote only.
- (n) A vote of a member of the State Executive is to be given personally.
- (o) In the case of an equality of voting on a question, the Chairperson of the meeting is entitled to exercise a casting vote.
- (p) A State Executive Member who has a material, personal or business interest in a matter must not be present whilst the matter is being considered at a meeting of the State Executive or vote in relation to the matter. The State Executive Member must leave the meeting prior to any discussion in relation to the subject.

#### **7.6 Interested member of the State Executive**

- (a) A member of the State Executive who has a financial or material interest in a contract or arrangement made or proposed to be made with the Branch must disclose his interest at the first State Executive meeting at which the contract or arrangement is first considered and the disclosure shall be recorded in the Minutes.
- (b) A member of the State Executive is not entitled to vote in respect of contract or arrangement with the Branch in which he has a financial or material interest and if he does vote, the vote is not to be counted.

## 7.7 Property Committee

- (a) The State Executive is to establish a Property Committee of not less than five persons.
- (b) The members of the Property Committee are to be appointed by the State Executive.
- (c) Subject to Rule 7.6(d), the members of the Property Committee are to hold office for such period as the State Executive decides and are eligible for re-appointment.
- (d) The office of a member of the Property Committee becomes vacant if he:
  - (1) becomes of unsound mind or a person who is, or whose estate is, liable to be dealt with under the laws relating to mental health;
  - (2) becomes a bankrupt or insolvent or makes an arrangement or composition with his creditors;
  - (3) is convicted of a serious criminal offence and the State Executive does not within three months of that conviction resolve to confirm the appointment to the office of a member of the Property Committee;
  - (4) resigns by notice in writing to the State Executive;
  - (5) is absent for three consecutive meetings of the Property Committee without the prior permission of the Property Committee unless the Property Committee resolves otherwise;
  - (6) moves his principal place of residence outside Victoria or if he is a member of a Sub-Branch which has members from both sides of the Victorian border, moves his principal place of residence outside Victoria and the bordering State;
  - (7) is removed by the State Executive.
- (e) If a vacancy in an office of a member of the Property Committee arises, the State Executive may appoint a person to the vacant office.
- (f) The State President shall appoint, from time to time, the Property Committee Chairman and Deputy Chairman from among the Property Committee members.
- (g) The Property Committee shall meet not less than once each month in such place and at such time as it determines.
- (h) The Property Committee may regulate the conduct of its meetings as it thinks fit.
- (i) The Property Committee is to be vested with such duties, powers and functions as the State Executive decides and such duties, powers and functions shall include the

supervision of the assets and liabilities that are contained in Sub-Branch Building and Welfare Funds, including the investigation by the Committee of the development of the properties vested in the Sub-Branch Building Patriotic Funds and the financial implications of such developments.

- (j) The Property Committee shall regularly report to the State Executive as to actions to be taken by the State Executive for and on behalf of the Victorian Branch in relation to its role as Trustee of Sub-Branch Building Patriotic Funds.

### **7.8 Trustees of Branch**

- (a) There shall be such number of trustees of the Branch, as the State Executive shall from time to time determine.
- (b) The trustees shall be appointed by the State Executive.
- (c) The trustees shall hold office for a period of 5 years and shall thereafter be able to be appointed as a trustee for further periods of 5 years.
- (d) The office of trustee shall become vacant if he:
  - (1) becomes of unsound mind, or a person to whom or in whose estate is liable
  - (2) to be dealt with under laws relating to mental health;
  - (3) becomes bankrupt or insolvent or makes an arrangement or composition with his creditors;
  - (4) is convicted of a serious criminal offence;
  - (5) resigns by notice in writing to the State Executive;
  - (6) is absent from 3 consecutive meetings of the Trustees without prior permission of the Committee of Trustees;
  - (7) moves his principal place of residence outside Victoria, or if he is a member of a Sub-Branch, which has members on both sides of the Victorian Border, moves his principal place of residence outside Victoria and the bordering State;
  - (8) becomes an employee of the State Branch, or
  - (9) is removed by the State Executive.
- (e) The trustees shall meet at least once per year at such place and time as it determines and it may regulate the conduct of its meetings as it sees fit.



- (f) The trustees shall be trustees of the Trust known as the RSL Victoria House Building Fund Trust.

### **7.9 Finance and Audit Committee**

- (a) The State Executive is to establish a Finance and Audit Committee of not less than five persons.
- (b) The members of the Finance and Audit Committee are to be appointed by the State Executive and shall include the Chief Executive Officer and the Chief Financial Officer.
- (c) Subject to Rule 7.8(d), the members of the Finance and Audit Committee are to hold office for such period as the State Executive decides and are eligible for re-appointment.
- (d) The office of a member of the Finance and Audit Committee becomes vacant if he:
  - (1) becomes of unsound mind or a person who is, or whose estate is, liable to be dealt with under the laws relating to mental health;
  - (2) becomes a bankrupt or insolvent or makes an arrangement or composition with his creditors;
  - (3) is convicted of a serious criminal offence and the State Executive does not within three months of that conviction resolve to confirm the appointment to the office of a member of the Audit Committee;
  - (4) resigns by notice in writing to the State Executive;
  - (5) is absent for three consecutive meetings of the Finance and Audit Committee without the prior permission of the Finance and Audit Committee unless the Finance and Audit Committee resolves otherwise;
  - (6) moves his principal place of residence outside Victoria or if he is a member of a Sub-Branch which has members from both sides of the Victorian border, moves his principal place of residence outside Victoria and the bordering State;
  - (7) is removed by the State Executive.
- (e) If a vacancy in an office of a member of the Finance and Audit Committee arises, the State Executive may appoint a person to the vacant office.

- (f) The State President shall appoint, from time to time, the Finance and Audit Committee Chairman and Deputy Chairman from among the Finance and Audit Committee members.
- (g) The Finance and Audit Committee shall meet not less than four times per year at such place and such time as it determines.
- (h) The Finance and Audit Committee is to be vested with such duties, powers and functions as the State Executive decides and the Finance and Audit Committee may regulate the conduct of its meetings as it thinks fit.
- (i) The Finance and Audit Committee's objectives are:
  - (1) to assist the State Executive in fulfilling its responsibilities under the Act in relation to financial reporting, risk management and internal control;
  - (2) to monitor compliance with relevant requirements of applicable laws and regulations, these Rules and the relevant Trusts and associated Deeds;
  - (3) to provide analysis and commentary of the affairs of the Branch and Associated trusts in order to make reports and representations to the State Executive; and
  - (4) to review of the integrity of the Branch's financial reporting, including the appropriateness of the Branch's accounting policies.
- (j) The Finance and Audit Committee shall report to each meeting of the State Executive.

#### **7.10 Corporate Governance Compliance Committee**

- (a) The State Executive is to establish a Corporate Governance Compliance Committee of not less than six persons with appropriate expertise.
- (b) The members of the Corporate Governance Compliance Committee are to be appointed by the State Executive.
- (c) Subject to Rule 7.9(d), the members of the Corporate Governance Compliance Committee are to hold office for such period as the State Executive decides and are eligible for re-appointment.
- (d) The office of a member of the Corporate Governance Compliance Committee becomes vacant if he:
  - (1) becomes of unsound mind or a person who is, or whose estate is, liable to be dealt with under the laws relating to mental health;

- (2) becomes a bankrupt or insolvent or makes an arrangement or composition with his creditors;
  - (3) is convicted of a serious criminal offence and the State Executive does not within three months of that conviction resolve to confirm the appointment to the office of a member of the Corporate Governance Compliance Committee;
  - (4) resigns by notice in writing to the State Executive;
  - (5) is absent for three consecutive meetings of the Corporate Governance Compliance Committee without the prior permission of the Corporate Governance Compliance Committee unless the Corporate Governance Compliance Committee resolves otherwise;
  - (6) moves his principal place of residence outside Victoria or if he is a member of a Sub-Branch which has members from both sides of the Victorian border, moves his principal place of residence outside Victoria and the bordering State;
  - (7) is removed by the State Executive.
- (e) If a vacancy in an office of a member of the Corporate Governance Compliance Committee arises, the State Executive may appoint a person to the vacant office.
  - (f) The State President shall appoint, from time to time, the Corporate Governance Compliance Committee Chairman and Deputy Chairman from among the Corporate Governance Compliance Committee members.
  - (g) The Corporate Governance Compliance Committee shall meet not less than four times per year at such place and such time as it determines.
  - (h) The Corporate Governance Compliance Committee may regulate the conduct of its meetings as it thinks fit.
  - (i) The role of the Corporate Governance Compliance Committee is to ensure that the Branch has the necessary policies and mechanisms in place to ensure Corporate Governance Compliance in day-to-day operation of the Victorian Branch and the Sub-Branches.
  - (j) The Corporate Governance Compliance Committee is to be vested with such duties, powers and functions as the State Executive decides and such duties, powers and functions shall include the development of policies, procedures and terms of reference to enable the role to be put into practice.

- (k) The Corporate Governance Compliance Committee shall regularly report to the State Executive

## **PART 8**

### **ANNUAL CONFERENCE AND EXTRAORDINARY CONFERENCES**

#### **8.1 Convening the Annual Conference and an Extraordinary Conference**

- (a) The Annual Conference must be held in each year in June or July on a day, time and place to be determined by the State Executive. Pursuant to the requirements of the Act, the Annual Conference is the Annual General Meeting of the Branch.
- (b) That an Extraordinary State Conference shall be called by the State President in the following circumstances:
  - (1) if such an Extraordinary State Conference is directed by the State Executive;  
or
  - (2) if a written request to convene an Extraordinary State Conference is made by not less than ten Sub-Branches in a General meeting of the Sub-Branches. Subject to the Sub-Branches wishing to convene an Extraordinary State Conference having Service and Life Membership of not less than 15% of the Service and Life Membership of the Victorian Branch and that such resolution shall set out the general nature of the matters which the Sub-Branches desire to consider at the Extraordinary State Conference and such resolution, passed by the Sub-Branches in general meeting shall have taken place within two calendar months prior to the requirement for the State President to convene the Extraordinary State Conference and the results of the said meetings shall be conveyed to the Chief Executive Officer and in the event of the provision of this clause being satisfied the Chief Executive Officer will give the request to the State President to convene the Extraordinary State Conference
- (c) If the State President does not convene an Extraordinary Conference under Rule 8.1(b) within twenty-one days of the written request being served on the State President, the Chief Executive Officer must convene an Extraordinary Conference, which shall consider the matters raised, by the Sub-Branches or the State Executive.

#### **8.2 Powers of the Annual Conference and an Extraordinary Conference**

- (a) The Annual Conference and an Extraordinary Conference are the supreme governing bodies of the Branch.
- (b) The resolutions of the Annual Conference or an Extraordinary Conference are binding and operative on the Branch, the State Executive, a Regional Forum, a Sub-

Branch, the Women's Council, a Women's Auxiliary and any other section or association subsidiary to the Branch or a Sub-Branch from the date the resolution is passed, unless the Annual Conference or an Extraordinary Conference resolves otherwise. Save and except that resolutions passed amending the Rules of the Branch become effective on the date approved by the Registrar of Incorporated Associations.

- (c) The Annual Conference or an Extraordinary Conference may refer a matter to the Members to be decided by a referendum in a form and manner determined by the State Executive.

### **8.3 Notice of the Annual Conference or an Extraordinary Conference**

- (a) Written notice of the Annual Conference or an Extraordinary Conference must be given to a Sub-Branch and the Branch Delegates at least twenty-eight days before the Annual Conference or an Extraordinary Conference.
- (b) The written notice provided under Rule 8.3(a) must:
  - (1) specify the date, time and place of the meeting; and
  - (2) include the agenda.
- (c) A Sub-Branch must ensure that the notice provided under Rule 8.3(a) is brought to the attention of its members.
- (d) The failure to give a notice to a Sub-Branch or a Branch Delegate under Rule 8.3(a) or the failure to bring the notice to the attention of the members of the Sub-Branch does not invalidate any act, matter or thing done or resolution passed at the Annual Conference or on Extraordinary Conference.
- (e) Notice given to a Sub-Branch under Rule 8.3(a) is deemed to be notice given to a SUB-BRANCH MEMBER and the Sub-Branch Delegates thereof.

### **8.4 Sub-Branch and Branch Delegates**

- (a) A Sub-Branch Delegate, who is a Service or Life member, may represent a SUB-BRANCH MEMBER at the Annual Conference or an Extraordinary Conference.
- (b) Affiliates may attend the Annual Conference or an Extraordinary Conference as a Sub-Branch Delegate where;
  - (1) under 5.11(r) an Affiliate is in the role of Sub-Branch President; or
  - (2) the Sub-Branch has advised the Chief Executive Officer of the Branch prior to the Annual Conference that because no Life member or Service member of

the Sub-Branch is available to attend as a Sub-Branch Delegate, an identified Affiliate being either a member of the Sub-Branch Committee or the holder of a Sub-Branch appointment, is requested to attend in lieu.

No Sub-Branch Delegate who is an Affiliate shall speak or vote on any matter relating to the alteration or amendment to the National Constitution, or the Branch Constitution. A Sub-Branch Delegate who is an Affiliate will be identified as such at the Annual Conference, and shall represent a SUB-BRANCH MEMBER.

- (c) Subject to Rule 8.4(d) and (e), a SUB-BRANCH MEMBER is entitled to appoint Sub-Branch delegates in accordance with the following table:

Number of Service Members, Life Members and Affiliates:	Number of Delegates that can be appointed:
1 - 80	1
81 - 200	2
201 - 400	3
401 and above, maximum	4

- (d) A reference to a Member of the Sub-Branch in Rule 8.4(c) is a reference to a Life Member, Life Subscriber, Service Member or Affiliate who has paid a Minimum Subscription Fee to the Sub-Branch and is not a Member who is an Associate Member of the Sub-Branch or a Social Member of the Sub-Branch.
- (e) A SUB-BRANCH MEMBER may not have more than four Sub-Branch Delegates.
- (f) If it is not possible for a SUB-BRANCH MEMBER to appoint a Sub-Branch Delegate from its members, the SUB-BRANCH MEMBER may appoint a member of the Branch to be the Sub-Branch Delegate.
- (g) The secretary of a Sub-Branch must notify the Chief Executive Officer in writing of the appointment of a Sub-Branch Delegate at least fourteen days before the Annual Conference or an Extraordinary Conference.
- (h) If a Sub-Branch Delegate is elected as a Branch Officer, he must cease to be the Sub-Branch Delegate and the Sub-Branch may appoint a replacement without written notice to the Chief Executive Officer.
- (i) A State Executive member, elected or appointed under the provisions of Rule 7.3(a)(2), (3) or (5), who is a Sub-Branch delegate or proxy at State Conference, shall not speak or vote on any motion put forward by the State Executive.

- (j) The Branch Delegate may represent the Unattached List Members and the Miscellaneous List Members at the Annual Conference or an Extraordinary Conference.
- (k) Subject to Rule 8.4(i), the Branch delegate is to be appointed by the State Executive from the eligible members of the State Executive.

#### **8.5 Proceedings at the Annual Conference or an Extraordinary Conference**

- (a) Subject to Rule 8.5(c), the State President is to be the Chairperson of the Annual Conference or an Extraordinary Conference but if the State President is not present within fifteen minutes after the time appointed for the commencement of the Annual Conference or an Extraordinary Conference, or is unwilling or unable to act as the Chairperson, the most senior Branch Officer present is to be the Chairperson of the Annual Conference or an Extraordinary Conference.
- (b) The State President or the presiding Branch Officer (as the case may be) is to vacate the chair, at the closure of the Annual Conference or Extraordinary Conference.
- (c) The Chairperson must ensure that minutes of the Annual Conference or the Extraordinary Conference are kept and the minutes must be signed by the Chairperson.
- (d) The only business to be transacted at the Annual Conference is that included on the agenda, unless the Chairperson decides that it is in the interests of the Branch that business not included on the agenda be transacted.
- (e) A quorum must be present at the Annual Conference or an Extraordinary Conference before any business is to be transacted except for the election of a Chairperson and the adjournment of the Annual Conference or an Extraordinary Conference under Rule 8.5(g).
- (f) A quorum shall be one quarter of the delegates who have registered as attending the Conference.
- (g) If within one hour after the appointed time for the commencement of the Annual Conference or an Extraordinary Conference a quorum is not present, the Chairperson must adjourn the Annual Conference or the Extraordinary Conference to a date not less than forty-five days from the original meeting and to a time and place as the Chairperson decides.

If at the adjourned meeting the quorum is not present within an hour after the appointed time for the commencement of the Annual Conference or the Extraordinary



Conference, the Sub-Branch Delegates and Branch Delegates present are the quorum.

- (h) The Chief Executive Officer must give a written notice to the SUB-BRANCH MEMBERS of the adjourned Annual Conference or Extraordinary Conference at least fourteen days before the adjourned Annual Conference or Extraordinary Conference.
- (i) A question arising at the Annual Conference or an Extraordinary Conference is to be decided by a majority unless otherwise required by the Act, these Rules or the National Constitution.
- (j) A question arising at the Annual Conference or an Extraordinary Conference is to be determined on a show of hands and unless before or on the show of hands a poll is demanded, a declaration by the Chairperson that a resolution has, on a show of hands, been carried or carried unanimously or carried by a particular majority or lost and an entry to that effect is made in the minute book, that entry is evidence of that fact, without proof of the number or proportion of the votes recorded in favour of, or against, that resolution.
- (k) Upon any question arising at the Annual Conference or an Extraordinary Conference, a Sub-Branch Delegate or a Branch Delegate has one vote only.
- (l) A vote of a Sub-Branch Delegate or a Branch Delegate may be given personally or by proxy.
- (m) In the case of an equality of voting on a question, the Chairperson is entitled to exercise a casting vote.
- (n) If a poll on any question is demanded, it is to be taken at that meeting in such manner as the Chairperson directs and the resolution of the poll is to be deemed to be a resolution of the Annual Conference or an Extraordinary Conference on that question.
- (o) If a poll is demanded on the election of a Chairperson or on a question of an adjournment under Rule 8.5(g), it is to be taken immediately.
- (p) A poll that is demanded on any other question is to be taken at such time before the close of the Annual Conference or the Extraordinary Conference as the Chairperson directs.
- (q) A Sub-Branch Delegate or a Branch Delegate is entitled to appoint a Member as his proxy by notice given to the Chief Executive Officer no later than fourteen days

before the time of the Annual Conference or Extraordinary Conference in respect of which the proxy is appointed.

- (r) The notice appointing the proxy shall be in the form set out in Branch By-Law 1.
- (s) If a Sub-Branch Delegate moves or seconds a motion at the annual Conference or an Extraordinary Conference on behalf of his Sub-Branch, the Sub-Branch Delegate is not entitled to move or second that the motion be put to the vote of the Annual Conference or the Extraordinary Conference.

#### **8.6 Interested Sub-Branch Delegates or Branch Delegates**

- (a) A Sub-Branch Delegate or a Branch Delegate who has a financial or material interest in a contract or arrangement made or proposed to be made within the Branch must disclose his interest at the first Annual Conference or Extraordinary Conference at which the contract or arrangement is first considered.
- (b) A Sub-Branch Delegate or a Branch Delegate is not entitled to vote in respect of a contract or arrangement with the Branch in which he has a financial or material interest and if he does vote, the vote is not to be counted.

#### **8.7 Attendance of a member of the State Executive or a Member**

A Branch Officer, a member of the State Executive or a Member may attend the Annual Conference or an Extraordinary Conference but, unless he is a Sub-Branch Delegate, a Branch Delegate or the Chairperson, is not entitled to vote and may only speak with the permission of the Chairperson.

#### **8.8 Agenda and the Agenda Sub-Committee**

- (a) The State Executive must, at least three months prior to the Annual Conference or two months prior to an Extraordinary Conference, appoint at least three Service or Life Members of the Branch to be the Agenda Sub-Committee.
- (b) The State Executive, the State President or a General Meeting of a Sub-Branch may submit in writing to the Agenda Sub-Committee matters to be included on the Agenda of the Annual Conference on a date and time to be decided, from time to time, by the State Executive or 21 days prior to an Extraordinary Conference.
  - (1) All remits submitted by a Sub-Branch, for inclusion on the Conference agenda, are to be supported by a written rationale, relating to each matter, at the time of submission to the Agenda Sub-Committee.
  - (2) A certificate, signed by the Sub-Branch President and Secretary, certifying that the remits submitted were debated and agreed to by a General Meeting

of the Sub-Branch and setting out the date, time and place of the General Meeting is to accompany the remits when submitted to the Agenda Sub-Committee.

- (3) Should the certificate not be provided, as required by Rule 8.8(b)(2), then the remit or remits will not be included on the Agenda of the Conference.
- (c) The Agenda Sub-Committee must:
- (1) meet to consider the submissions made to it under Rule 8.8(b);
  - (2) subject to Rule 8.8(d), set the agenda having regard to the submissions; and brief the Chairperson if a matter on the agenda becomes redundant.
- (d) The Agenda Sub-Committee may, after consultation with the person submitting a matter for inclusion on the agenda:
- (1) amend the matter; or
  - (2) omit the matter.
- (e) If a Sub-Branch submitting a matter for the agenda is aggrieved by an amendment of a matter made by the Agenda Sub-Committee under Rule 8.8(d)(1), the Sub-Branch Delegate may move the matter at the Annual Conference or an Extraordinary Conference in its original form.
- (f) If a Sub-Branch submitting a matter for the agenda is aggrieved by the omission of that matter by the Agenda Sub-Committee under Rule 8.8(d)(2), the Sub-Branch Delegate may, by a suspension of the standing orders, move to introduce the matter for discussion.
- (g) If a Sub-Branch Delegate which submitted a matter on the agenda on behalf of his Sub-Branch is absent from the Annual Conference or an Extraordinary Conference, the Chairperson may allow any Sub-Branch Delegate to move the matter.
- (h) Rule 8.8 shall not apply where the Sub-Branches pursuant to Rule 8.8(b) have called an Extraordinary Conference. In this event the Chief Executive Officer shall provide material to the delegates at the time of calling the meeting, setting out the general nature of the matters to be discussed and any other material that he considers relevant.

## PART 9

### BRANCH OFFICERS, THE CHIEF EXECUTIVE OFFICER AND THE AUDITOR

#### 9.1 Branch Officers

- (a) The Branch Officers are:
  - (1) the State President;
  - (2) the State Senior Vice President;
  - (3) the State Vice President;
  - (4) the State Honorary Treasurer; and
  - (5) any other position of Branch Officer the State Executive creates.
- (b) The position held by a Branch Officer is an honorary position.
- (c) A Branch Officer is to hold office until the closure of the Annual Conference next after his election or appointment.
- (d) Except as provided for under Rule 9.3, if a vacancy of a Branch Officer arises, the State Executive may appoint one of its members to the vacant office and the person so appointed may continue in office until the Annual Conference next after his appointment.
- (e) The office of a Branch Officer becomes vacant if he:
  - (1) ceases to be a Member;
  - (2) becomes of unsound mind or a person who is, or whose estate is, liable to be dealt with under the law relating to mental health;
  - (3) becomes a bankrupt or insolvent or makes an arrangement or composition with his creditors;
  - (4) is convicted of a serious criminal offence and the State Executive does not within one month of that conviction resolve to confirm the Branch Officer's appointment or election to the office;
  - (5) resigns by notice in writing to the Branch;
  - (6) moves his principal place of residence outside Victoria or if he is a member of a Sub-Branch which has members on both sides of the Victorian border, he moves his principal place of residence outside Victoria and the bordering State; or

- (7) is unable to be insured by the Branch with officers indemnity insurance for any reason.

## **9.2 Acting State President**

- (a) If the State President is or proposes to be absent, unable or unwilling to carry out his duties for more than one month, the State Senior Vice President is to be the acting State President.
- (b) If the State Senior Vice President is or proposes to be absent, unable or unwilling to be the acting State President, the State Vice President appointed by the State Executive is to be the acting State President.

## **9.3 Casual Vacancy**

- (a) Despite the provisions of Rule 9.1(d):-
- (1) if the office of State President becomes vacant, the State Senior Vice President shall assume the office of State President and may continue in the office until the Annual Conference next after taking up the office.
  - (2) if the office of State Senior Vice President becomes vacant, the State Vice President shall assume the office of State Senior Vice President and may continue in the office until the Annual Conference next after taking up the office.
  - (3) a vacancy arising in the office of State Vice President or State Honorary Treasurer may be filled as provided for in either Rule 9.1(d) or Rule 9.6(b); as applicable.

## **9.4 Eligibility to be a Branch Officer**

- (a) A Member is eligible to be the State President, the State Senior Vice President or the State Vice President if his principal place of residence is in Victoria or if he is a member of a Sub-Branch which has members from both sides of the Victorian border, his principal place of residence is in the bordering State, and he has been:
- (1) a Service or Life Member of the RSL for at least five years, and
  - (2) completed at least two years as a member of a Sub-Branch executive in Victoria; or
  - (3) completed at least two years service as a member of a repealed Regional Committee; or
  - (4) completed at least one year as a member of the State Executive; or

- (5) a person who has been co-opted to the State Executive and has been a member of the State Executive for at least one year.
- (b) A Member is eligible to be the State Honorary Treasurer if his principal place of residence is in Victoria or if he is a member of a Sub-Branch which has members from both sides of the Victorian border, his principal place of residence is in the bordering State and if he is an active member of a recognized Professional Accounting Association, and he has been:
- (1) a Service or Life Member of the RSL for at least five years, and
  - (2) completed at least two years as a member of a Sub-Branch executive in Victoria; or
  - (3) completed at least two years service as a member of a repealed Regional Committee; or
  - (4) completed at least one year as a member of the State Executive; or
  - (5) a person who has been co-opted to the State Executive and has been a member of the State Executive for at least one year.

#### **9.5 Immediate past State President**

- (a) The immediate past State President is entitled to be a member of the State Executive for the period of 12 months after having been replaced as State President, save and except upon the earlier retirement of his successor.
- (b) Rule 9.5(a) does not apply if:
- (c) the immediate past State President ceases to be a Member; or
- (d) the Annual Conference or an Extraordinary Conference resolves otherwise.

#### **9.6 State Honorary Treasurer**

- (a) The State Honorary Treasurer is responsible for all the financial affairs of the Branch and must ensure that proper accounts and books to record the financial affairs of the Branch are kept.
- (b) If the office of State Honorary Treasurer becomes vacant the State Executive shall appoint a qualified Member to be the State Honorary Treasurer who shall hold office until the next annual State Conference.

#### **9.7 Chief Executive Officer of the Branch**

- (a) The State Executive is to appoint a Chief Executive Officer.

- (b) The Chief Executive Officer of the Branch is the State Secretary of the Branch.
- (c) The Chief Executive Officer may only be removed from his position by a vote of two thirds of the State Executive at a meeting.
- (d) The Chief Executive Officer is the First Secretary for the purposes of the Act.
- (e) The Chief Executive Officer is appointed a member of the State Executive but shall not have a power to vote.
- (f) The Chief Executive Officer may nominate for any State Branch Office except that, prior to nominating for the Office, he must apply for, and be granted leave without pay, until the nomination is abandoned or is unsuccessful. If he is elected to the Office he must resign his employment with the State Branch before taking up the Office.

### **9.8 Branch employees**

The Branch may employ persons to assist it in carrying out its functions.

### **9.9 Auditor**

- (a) That the State Executive is to appoint an auditor and decide the auditor's remuneration. The auditor shall be appointed for such time as the State Executive decides.
- (b) The auditor must be a member of the Institute of Chartered Accountants or the Australian Society of Certified Practising Accountants or any body described in section 1280 of the Corporations Law and must be registered under section 1280 of the Corporations Law.
- (c) The auditor may use assistant staff if necessary.
- (d) The auditor is entitled to have access to the books, records and accounts of the Branch.
- (e) The Branch Officers, the Chief Executive Officer and employees of the Branch must provide information that the auditor reasonably requires to perform his duty.
- (f) The auditor must attend at the office of the Branch for such purposes and on such occasions as are arranged with the Chief Executive Officer but not less than once in each half year.
- (g) The auditor must:

- (1) Prepare an audit program in accordance with modern auditing practice and the Australian auditing standards issued by the recognised Australian accounting bodies;
  - (2) Examine the accounts and records of the Branch; and
  - (3) Ensure that the accounting and other records of the Branch are properly maintained.
- (h) The auditor must provide to the State Honorary Treasurer before the Annual Conference a written report on the financial Statements presented by the Branch to the Annual Conference under section 30(3) of the Act and must state in his report whether in his opinion:
- (1) The financial Statements are properly drawn up so as to give a true and fair view of the Branch's financial affairs as at 31 December;
  - (2) The financial Statements are in accordance with the auditing standards issued by the recognised Australian accounting bodies;
  - (3) The accounting and other records examined by the auditor have been properly maintained.

#### **9.10 Indemnity of a Branch Officer**

The Branch is obliged to indemnify a Branch Officer against a loss or an expense incurred in the discharge of his duties as a Branch Officer unless the loss or expense has incurred by a Branch Officer by his own wilful neglect or default.

#### **9.11 Committee members**

The State President is entitled to be a voting member of a committee or sub-committee appointed or formed by the Annual Conference, an Extraordinary Conference, or the State Executive.

#### **9.12 State President and Chief Executive Officer right of address**

If a Branch Officer or the Chief Executive Officer is present at a meeting of a Sub-Branch or a Regional Forum, they are entitled to address the meeting.



## **PART 10**

### **ELECTION OF A BRANCH OFFICER**

#### **10.1 Introduction**

- (a) Each year the Branch is to elect the Branch Officers.

#### **10.2 Nominations**

- (a) A member of a Sub-Branch who is eligible to be a Branch Officer under Rule 9.4 may be nominated by a General Meeting of any Sub-Branch to be elected as a Branch Officer.
- (b) The nomination must be made in writing and signed by the secretary of the Sub-Branch and the nominee.
- (c) The nomination must be lodged with the Chief Executive Officer no later than forty-nine days before the Annual Conference.
- (d) The nomination provided under Rule 10.2(c) must include the nominee's full particulars of his League record.
- (e) A member of a Sub-Branch may be nominated for one or more positions as a Branch Officer.
- (f) If on the closure of nominations, there is no nomination for a Branch Officer, a Sub-Branch Delegate may nominate a Member at the Annual Conference, subject to the nominee's consent.

#### **10.3 Election**

- (a) For the purposes of an election, the Chief Executive Officer is the Returning Officer.
- (b) If there is only one nomination for a Branch Officer, the nominee is duly elected.
- (c) If the number of nominations exceed one a ballot must be held.
- (d) A ballot paper for each Branch Officer listing the nominees as drawn by the Chief Executive Officer (names drawn from a suitable container for the order of the ballot paper) and a copy of the nominee's League record provided under Rule 10.2(d) must be posted to the Secretary of a Sub-Branch at least forty two days prior to the Annual Conference.
- (e)
  - (1) A SUB-BRANCH MEMBER is entitled to the number of votes as shown in the table below:

Number of Service and Life Members of the Sub-Branch	Number of votes
1 - 169	1
170 - 339	2
340 - 509	3
510 - 679	4
680 - 849	5
850 - 1019	6
1020 -1189	7
1190 and above, maximum	8

- (2) The Ballot Papers for State Branch elections are to be decided at the Sub-Branch General Meeting and voted upon by those members present at that Meeting. The Ballot Papers are to be completed at that Meeting in accordance with the Meetings wishes, and they are not to be considered in isolation by the Sub-Branch Committee on behalf of the Sub-Branch. (NB: This is a Sub-Branch matter, not a Sub-Branch Committee matter).
- (3) A reference to a Member in this Rule means a Life Member, Life Subscriber or a Service Member who has paid a Minimum Subscription Fee to the Sub-Branch and not to a Member who is an Associate Member or an Affiliate Member of that Sub-Branch.
- (f) The preferential method of voting is to be used.
- (g) A number must be placed opposite each name to indicate the order of preference for each nominee.
- (h) The ballot paper is to be placed in an envelope sealed and signed by the president of the Sub-Branch in the presence of the secretary of the Sub-Branch who must also sign the envelope and forwarded to reach the Returning Officer at least forty-eight hours prior to the Annual Conference.
- (i) The votes are to be counted in the following order:
- (1) State President;
  - (2) State Senior Vice President;
  - (3) State Vice President; and
  - (4) State Honorary Treasurer.

- (j) In the case of a tied vote, the name drawn from a hat by the Returning Officer in the presence of the scrutineers is the elected nominee.
- (k) After a candidate is elected to an office, his name is to be excluded from subsequent ballots for which he has been nominated.

#### **10.4 Scrutineers for ballot**

At the appropriate time the State Executive is to appoint at least five Service or Life Members to be scrutineers and to assist the Returning Officer in the conduct of a ballot.

#### **10.5 Report**

The Returning Officer must report the results of the election to the Chairperson at the Annual Conference.

**PART 11**  
**ANNUAL REPORTS AND FINANCE OF THE BRANCH**

**11.1 Submission of the Reports and Statements**

- (a) At the Annual Conference, the Branch must submit:
- (1) a report of the activities of the Branch for the previous year signed by the State President;
  - (2) a financial Statement under section 30(3) of the Act signed by the State Honorary Treasurer; and
  - (3) the auditor's report signed by the auditor.
- (b) The Branch must provide a copy of the report of the Branch activities, the Statement under section 30(3) of the Act and the auditor's report to a Sub-Branch no later than fourteen days before the date of the Annual Conference and to the Members at the Annual Conference.
- (c) The Chief Executive Officer must, within one month after the Annual Conference, give to the Registrar of Incorporated Associations a Statement in the form prescribed by the Regulations:
- (1) containing the particulars referred to in Rule 11.1(a);
  - (2) accompanied by a certificate by a Branch Officer who attended the Annual Conference, to the effect that the Statement under section 30(3) of the Act has been submitted to the Members at the Annual Conference;
  - (3) accompanied by a Statement of the terms of any resolution passed at the Annual Conference concerning the Statement under section 30(3) of the Act; and
  - (4) accompanied by the fee prescribed by the Regulations (if any).

**11.2 Interim reports**

The State Honorary Treasurer shall submit to each State Executive meeting an interim report of income and expenditure of the Branch.

**11.3 Receipts of monies etc.**

- (a) All money, cheques or other negotiable instruments received by the Branch, which do not relate to a patriotic fund of the Branch regulated by the Patriotic Funds Act must be banked as soon as possible.

- (b) All money, cheques or other negotiable instruments received by the Branch that relate to a patriotic fund of the Branch regulated by the Patriotic Funds Act must within seven days beginning on the date of receipt of the money, cheques or other negotiable instruments by the Branch, be paid to the credit of a Branch or a Sub-Branch account to be called "The (distinctive name of fund) Patriotic Fund Account".

#### **11.4 Payments**

- (a) Subject to Rule 11.4(b), a payment made by the Branch must be authorised by the State Executive.
- (b) A payment made from a relief or welfare fund must be authorised by a Branch Officer or a member of the State Executive, who has been nominated in writing, and the Chief Executive Officer.

#### **11.5 Cheques**

- (a) All cheques, or any electronic funds transfers, of the Branch must have two signatories.
- (b) A Branch Officer, the Chief Executive Officer or a person nominated by the State Executive is entitled to be a signatory of a Branch cheque drawn on an account not regulated by the Patriotic Funds Act.

#### **11.6 Branch expenditure and liability**

- (a) The State Executive, the State President, the State Honorary Treasurer or the Chief Executive Officer may incur an expense or liability for the Branch.
- (b) No other person (including, without limitations, a Sub-Branch, a Region, a Sub-Branch Committee, a Regional Forum, a member of the Regional Forum or a Sub-Branch Officer) may incur an expense or liability for, or on behalf of, the Branch.
- (c) A purchase of goods or services not being of a capital nature must be requisitioned on an approved order form signed by the Chief Executive Officer or the Accountant of the Branch.
- (d) A purchase of a capital nature must be approved by the State President and any one of the State Treasurer, or the Chief Executive Officer, on an approved order form signed by the approving signatories.
- (e) The Branch is not liable for any expenditure or liability incurred by a person other than as provided in Rule 11.6.

**11.7 Sources of funds of the Branch**

The funds of the Branch are to be derived from entrance fees, donations and such other sources as the State Executive determines.

## **PART 12**

### **REGIONS AND REGIONAL FORUMS**

#### **12.1 Formation of Regions**

- (a) The Sub-Branches are to be allocated into Regions as set out in Branch By-Law 3.
- (b) Each Region shall have a Regional Forum as constituted in Rule 12.2.

#### **12.2 Regional Forum Composition, Selection and Meeting Arrangements**

- (a) All Sub-Branches are expected to attend regular meetings of the Regional Forum. The Sub-Branch representative should be either the President or Secretary of the Sub-Branch, or a person representing the Executive of the Sub-Branch and able to participate in Regional Forum meetings with their authority.
- (b) Annually the Region shall conduct a meeting with all Sub-Branches represented and choose a Chairman and Secretary. The Chairman will ensure appropriate administrative support is provided to the Regional Forum to perform its tasks and the Licensed Sub-Branches in the Region should support this requirement. The Chairman and Secretary's terms shall be one year but can run consecutively if re-elected. The first such Annual Meeting for all Regions will be in November 2010, as arranged by the outgoing Regional Committee executive.
- (c) The Regional Forum will comprise of representatives of all the Sub-Branches in the Region except where, at the aforementioned Annual Meeting, the Region's Sub-Branches may, from their number, choose to elect from the floor a representative Regional Forum. This should not be less than a ratio of one person for every four Sub-Branches in the Region and should reflect the proportion of Licensed and Traditional Sub-Branches within the Region. If a Region wishes to elect a representative Regional Forum, application is to be made to the State Executive for approval to do this.
- (d) Regional Forums should meet bi-monthly and ensure Minutes are kept and distributed to both the State President and the Branch CEO and to each Sub-Branch in the Region.
- (e) Twice yearly, when convened, each Regional Forum shall choose four representatives to attend State President's Forums. These representatives should bring issues that are of concern or interest to the Regions' Sub-Branches, to the attention of the State President, Executive and senior Branch staff for their advice and action as appropriate. Where Regions comprise a mix of Licensed and

Traditional Sub-Branched, this should be reflected in the composition of the four Region representatives.

- (f) After the 2010 State Executive elections, a liaison appointment shall be made from among the State Executive membership, to each Regional Forum. This liaison member will attend Regional Forum meetings where possible and keep in contact with the Chairman of the Forum to bring relevant matters to the attention of the State Executive and/or the CEO for advice and action as appropriate. He is also available to ensure State Executive decisions and Branch Policies are disseminated and understood.
- (g) Arrangements other than those provided for above, may be made with the approval of State Executive on application, in writing, by a Region.
- (h) Where a Regional Forum maintains an administrative fund the audited accounts must be provided to the State Branch by 30 April each year.

### **12.3 Regional Forum Tasks**

The tasks of the Regional Forums are to:

- (a) Provide mutual support to Sub-Branched in the Region, referring problems raised within the Regional Forum to State Branch where necessary or appropriate. Where local problems can be resolved or addressed locally, through the auspices of the Region, this is a most desirable outcome. Referral of matters to State Branch may either be through the State Executive liaison member, or where expedient directly from the Regional Forum Chairman to the CEO.
- (b) This does not limit in any way the ability of each Sub-Branch to bring issues or problems directly to the Branch staff or CEO for advice or action. The CEO will advise the Regional Forum of such matters, as appropriate, through the Chairman/Secretary.
- (c) Compile and maintain a register of currently qualified Pensions/Welfare Officers working in each Sub-Branch and identify those Sub-Branched without a Pensions/Welfare Officer resource. Provide such updated lists to State Branch through VAWACCC. The Forum is to work with Sub-Branched to ensure any request for advice or assistance, is met by a suitable qualified officer at either a Sub-Branch or Veterans Centre.
- (d) Conduct appropriate training within the Region to maintain a pool of qualified and available volunteers who are able to support Sub-Branched when an RSL funeral



ritual is requested. The Regional Forum Secretary shall maintain a list of these volunteers and ensure that VAWACC has a current version at all times.

- (e) Provide suitable representatives to each of the following State Executive Advisory Committees:

- Community & Youth Affairs, and

- Memorials & Ceremonial

- (f) Identify and consider RSL recruiting opportunities within the Region that could be optimised through a collective recruiting effort co-ordinated through the Regional Forum with Branch support.

## **PART 13**

### **SUB-BRANCHES**

#### **13.1 Branch Structure and Sub-Branch Powers**

- (a) There shall be Sub-Branches of the Branch. The Sub-Branches shall comprise the following:
- (1) The Sub-Branches as listed in Branch By-Law 3 (whether incorporated or unincorporated); and
  - (2) Such other Sub-Branches whether incorporated or not that are granted a Charter by the Branch in accordance with these Rules.
- (b) In addition to any new duties, functions, discretions and authorities conferred on a Sub-Branch under the National Constitution and these Rules, a Sub-Branch, subject to its own Constitution or Rules, is to be vested with such duties, powers, functions, discretions and authorities as the State Executive may decide including each being a member of the Branch as constituted under Rule 5.1(a)(6).

#### **13.2 Establishment of a new Sub-Branch**

- (a) The Branch may by Charter establish a new Sub-Branch within Victoria on such terms and conditions as the State Executive shall from time to time determine and it shall be a prerequisite for a Charter being granted to a new Sub-Branch that the new Sub-Branch agrees in writing that the Charter granted to it shall be subject to the Sub-Branch complying with and observing these Rules and Branch By-Laws and the National Constitution and the powers of revocation therein contained. The Constitution of a new incorporated Sub-Branch shall be as set out in Branch By-Law No. 10 unless the State Executive in writing approves any amendments to the same.
- (b) The charter shall be in a form approved by the National Executive. The Branch may grant a new Sub-Branch a charter in a form approved by the National Executive.
- (c) The State Executive may request the relevant Regional Liaison Officer to provide a report on the feasibility of the establishment of a new Sub-Branch in a Region.

#### **13.3 Minimum Membership**

The minimum membership of a Sub-Branch is to be fifteen Life, Service members and Affiliates, unless the State Executive approves otherwise.

### **13.4 Incorporation**

- (a) In the event that a Sub-Branch incorporates and is granted a Charter by the Branch in accordance with these Rules the Sub-Branch shall not without the consent in writing of the State Executive alter the Constitution of the incorporated Sub-Branch.
- (b) While, and so long as the Sub-Branch is the holder of a Club Licence under the Liquor Control Reform Act the secretary of the Sub-Branch shall within fourteen (14) days of the Sub-Branch making any new Rule, alteration or variation to the Rules of the Sub-Branch or the State Executive consenting in writing to the same (whichever last occurs) forward to the Registrar of Incorporated Associations a certified copy of any new Rule, alteration or variation of these Rules. No new Rule, alteration or variation of these Rules shall have effect unless and until such new Rule, alteration or variation has been approved by the Registrar of Incorporated Associations.
- (c) While, and so long as the Sub-Branch is the holder of a Venue Operators Licence under the Gambling Regulation Act, the Secretary of the Sub-Branch shall within fourteen (14) days of the Sub-Branch making any new Rule, alteration or variation to the Rules of the Sub-Branch or the State Executive consenting in writing to the same (whichever last occurs) forward to the Victorian Commission for Gambling Regulation, a certified copy of any new Rule, alteration or variation of these Rules. No new Rule, alteration or variation of these Rules shall have effect unless and until such new Rule, alteration or variation has been approved by the Victorian Commission for Gambling Regulation.

### **13.5 Sub-Branch By-Laws**

- (a) A Sub-Branch may draw up Sub-Branch By-Laws for its administrative activities. The Sub-Branch By-Laws must not be inconsistent with the National Constitution, these Rules or the Sub-Branch Rules. Insofar as the Sub-Branch By-Laws are inconsistent with the National Constitution or these Rules or the Sub-Branch Rules, they are invalid.
- (b) The Sub-Branch By-Laws are to be submitted to the Branch for approval and are not operative until approved in writing by the State Executive.

### **13.6 Sub-Branch Committee**

- (a) The Sub-Branch Committee:
  - (1) is to control and manage the business and affairs of the Sub-Branch;

- (2) may exercise all such powers and functions as may be exercised by the Sub-Branch other than those powers and functions exercised by the Sub-Branch in general meeting; and
  - (3) may perform all acts and things that appear to the Sub-Branch Committee to be essential for the proper management of the business and affairs of the Sub-Branch.
- (b) The members of the Sub-Branch Committee are:
- (1) the Sub-Branch Officers elected under Rule 13.7;
  - (2) three or more members of the Sub-Branch elected under Rule 13.7;
  - (3) the members of the Sub-Branch co-opted by the Sub-Branch Committee under Rule 13.6(d); and
  - (4) a member of the Sub-Branch appointed under Rule 13.6(k).
  - (5) the Sub-Branch Committee, referred to in this Rule, shall meet at least monthly.
- (c) A Sub-Branch Officer is a member of the Sub-Branch elected or appointed to one of the following positions:
- (1) the President;
  - (2) an immediate past president (if applicable);
  - (3) Senior Vice President — League member (if more than one vice president);
  - (4) Vice President — Affiliate, (if resolved by the Committee to have such a position);
  - (5) a Secretary; and
  - (6) a Treasurer.
- The above Sub-Branch Officers are the Executive of the Sub-Branch.
- (d) The Sub-Branch Committee may co-opt up to three members but the co-opted member is not entitled to a vote on the Sub-Branch Committee.
- (e) A member of the Sub-Branch Committee must not be:
- (1) a member of the Committee of another Sub-Branch ; or
  - (2) an employee of the Sub-Branch (except if appointed under Rule 13.6(f)).

- (3) A member of the Sub-Branch Committee may occupy only one position at the one time.
- (f) In the case of an unincorporated Sub-Branch, and subject to the prior approval of the members of the Sub-Branch, the Sub-Branch Committee may appoint a Secretary, a Treasurer or a Secretary/Treasurer, who need not be a member of the Sub-Branch, on such terms and conditions as the Sub-Branch Committee from time to time determines, including the right to vote:
- (1) Such appointments may only be made providing, a Service or Life Member or an Affiliate is not available to fill the vacancy, and the Sub-Branch is to provide a certificate to that effect to the Chief Executive Officer. Such appointment is for the term decided by the Sub-Branch Committee and approved by the Chief Executive Officer.
- (2) A person so appointed must agree to be bound by the Rules of the Sub-Branch, the State Branch, and the National Constitution, before such appointment is confirmed.
- (g) The Sub-Branch at its annual general meeting must appoint an auditor who must be a member of the Institute of Chartered Accountants or the Australian Society of Certified Practising Accountants or any body described in section 1280 of the Corporations Law and must be registered under section 1280 of the Corporations Law, unless the State Executive approves otherwise.
- (h) A person ceases to be the immediate past president of a Sub-Branch after the annual general meeting of the Sub-Branch next following his retirement as the president, or upon the earlier retirement of his successor.
- (i) If the president of a Sub-Branch is absent or his office otherwise becomes vacant, the senior vice president (League member), assumes the office of the president. Save and except that prior to the Senior Vice President or the Vice President or any other person (as the case may be) assuming the office of President he must provide to the Sub-Branch Secretary documentary proof of their service record and medal entitlement and until he has done so he cannot occupy the office of President.
- (j) If the Senior Vice President (League member) of the Sub-Branch is absent, or his office otherwise becomes vacant, the Vice President assumes the office of Senior Vice President (League). If a Vice President is absent or his office otherwise becomes vacant, the senior member (League), of the Sub-Branch Committee [see note to rule 13.7(f)(4)], assumes the office of a Vice President. Save and except that

prior to assuming the office of Vice President he must provide to the Sub-Branch Secretary documentary proof of their service record and medal entitlement and until he has done so he cannot occupy the office of Vice President.

- (k) If there is a vacancy other than the president or vice president (League member), the Sub-Branch Committee may appoint a member of the Sub-Branch to fill the vacancy.
- (l) The office of a member of the Sub-Branch Committee becomes vacant if he:
  - (1) ceases to be a member or Affiliate of the Branch;
  - (2) becomes of unsound mind or a person who is, or whose estate is, liable to be dealt with under the law relating to mental health;
  - (3) becomes a bankrupt or insolvent or makes an arrangement or composition with his creditors;
  - (4) is convicted of a serious criminal offence and the Sub-Branch Committee does not within one month of that conviction resolve to confirm the appointment or election to the office of a member of the Sub-Branch Committee;
  - (5) resigns by notice in writing to the Sub-Branch Committee;
  - (6) is absent for three consecutive meetings of the Sub-Branch Committee unless the Sub-Branch Committee resolves otherwise;
  - (7) moves his principal place of residence outside Victoria, or if he is a member of a Sub-Branch which has members from both sides of the Victorian border, he moves his principal place of residence outside Victoria and the bordering State;
  - (8) becomes an employee of the Sub-Branch (except if appointed under Rule 13.6(f)); or
  - (9) is unable to be insured by the Sub-Branch with officers indemnity insurance for any reason.
- (m) The secretary of a Sub-Branch must notify the Chief Executive Officer of a change in the members of a Sub-Branch Committee within fourteen days of a change.
- (n) At the first meeting of a newly constituted Sub-Branch Committee, the Sub-Branch Committee must appoint, from within the Sub-Branch Committee or from the members of the Sub-Branch, a person to one or more of the following positions:
  - (1) a memorial custodian for the care of any local public memorial;

- (2) a membership recruitment officer;
  - (3) a publicity officer;
  - (4) a welfare officer; and
  - (5) an appeals officer.
- (o) The President shall exercise a general supervision over the staff and the Sub-Branch's administration and in particular:
- (1) shall be a member ex-officio of all Sub-Committees appointed or elected;
  - (2) when present shall preside at all General and Sub-Branch Committee meetings;
  - (3) may call meetings of the various Sub-Committees as and when he considers the occasion requires;
  - (4) the Sub-Branch President shall at the meetings of the Sub-Branch, or of a Committee or Sub-Committee of the Sub-Branch, possess a vote and where voting is equal upon a question shall be entitled, when in the Chair, to a further or casting vote.
- (p) The duties of a treasurer of a Sub-Branch are contained in Branch By-Law 4.
- (q) The duties of a secretary of a Sub-Branch are contained in Branch By-Law 5.
- (r) A paid employee of a Sub-Branch being a member of the Sub-Branch [except if appointed under Rule 13.6(f)] shall not be elected to, or after becoming a paid employee as aforesaid shall not remain on, the Committee of the Sub-Branch.
- (s) A social member of a Sub-Branch may not be elected to any Executive position (that is, President, Vice-President/s, Secretary and/or Treasurer) on a Sub-Branch Committee [subject to the provisions of Rule 13.6(f)]. Social members may not hold more than one position on the Committee of a Sub-Branch. A social member on the Committee of a Sub-Branch may only vote on matters relating to the operation of Sub-Branch facilities available to Social members of the Sub-Branch.
- (t)
- (1) A member of the Sub-Branch Committee who has a financial or material interest in a contract or arrangement made or proposed to be made with the Sub-Branch must disclose this interest at the first Committee meeting at which the contract or arrangement is first considered.

- (2) A member of the Sub-Branch Committee is not entitled to vote in respect of contract or arrangement with the Sub-Branch in which the member has a financial or material interest and if the member does vote, the vote is not to be counted.
- (u) The Sub-Branch Committee shall, at least, hold monthly meetings and minutes of all resolutions and proceedings of the Committee shall be entered in a book provided for that purpose and must be signed by the Chairperson.
- (v) A meeting of the Sub-Branch Committee must be held in camera unless the Committee resolves otherwise.
- (w) The Sub-Branch Committee shall be responsible for deciding prices chargeable to the members in the administration of the Sub-Branch and giving therein the necessary notices to members.
- (x) A vote of a member of the Committee of a Sub-Branch is to be given personally.
- (y) The Sub-Branch Committee may act notwithstanding any vacancy on the Sub-Branch Committee.
- (z)
  - (1) Any five members of the Sub-Branch Committee shall constitute a quorum for the transaction of the business of a meeting of the Sub-Branch Committee.
  - (2) No business shall be transacted at a Sub-Branch Committee meeting unless a quorum is present and if within half an hour of the time appointed for a Sub-Branch Committee meeting a quorum is not present the Sub-Branch Committee meeting shall stand adjourned to the same place and at the same hour of the same day in the following week.
- (aa) The position held by members of the Sub-Branch Committee elected or appointed, under Rule 13.6(b) and (c)(2), are honorary positions [except if appointed under Rule 13.6(f)].
- (bb) The Sub-Branch Committee shall undertake such training, in relation to its responsibilities and duties, including Sub-Branch corporate governance, financial matters and their responsibility under the Liquor Control Reform Act and the Gambling Regulation Act, as shall be directed by the State Executive from time to time.
- (cc) The manager of the Sub-Branch (if appointed) shall attend all appropriate Sub-Branch Committee meetings, including house and finance sub-committee meetings,



save and except that the Sub-Branch Committee may resolve, from time to time, to meet in camera at which only voting Committee members are present.

### **13.7 Elections of the Sub-Branch Committee**

(a)

- (1) Positions on the Sub-Branch Committee become vacant at the Annual General Meeting of the Sub-Branch as provided for in Rule 13.7(a)(2).
- (2) That the members of the Sub-Branch Committee shall be elected for a term of two years, save and except that, a Sub-Branch by resolution of the members, may apply to the State Executive for authority to continue one year terms of office, for all Committee positions.
  - (i) Members co-opted under Rule 13.6(d) shall be appointed for a term not exceeding 12 months or to the next AGM after appointment, whichever occurs first.
  - (ii) If a casual vacancy occurs in any committee position the person appointed to fill that position shall hold that office for the term set down for the particular office or position.
- (3) In the event that the Sub-Branch holds a Club Liquor License pursuant to the Liquor Control Reform Act, the members of the Sub-Branch Committee shall be elected for a term as provided for in Rule 13.7(a)(2) by members of a class of membership that constitutes not less than 60% of the total membership of the Sub-Branch, [excluding temporary or honorary members and persons who are members by reason only of reciprocal arrangements with another club or persons whose rights as members are limited to rights as social, community or neighbourhood members (hereinafter in this sub-clause (a) referred to as "the excluded members")]. In the event that the number of members of the Sub-Branch entitled to vote for the election of the Sub-Branch Committee is below 60% of the total membership of the Sub-Branch (excluding the excluded members) then all associate members of the Sub-Branch (excluding the excluded members) shall be entitled to vote for the election of the Sub-Branch Committee.

- (b) A Sub-Branch Committee must at least one month prior to its annual general meeting determine the manner in which an election is to be held and the number of members of the Sub-Branch (being not less than three) to be elected to the Sub-Branch Committee under this Rule 13.7 (in addition to the Sub-Branch officer positions).

- (c) Subject to Rules 13.7(l)(4) and 5.11(h)(1), a Service member, Life member or an Affiliate, may nominate or be nominated for one or more positions on the Sub-Branch Committee.
- (d) If the number of nominations for a position on the Sub-Branch Committee exceeds the number to be elected to that position, there is to be an election by secret ballot or a show of hands, as decided by the Sub-Branch Committee under Rule 13.7(b).
- (e) If a member is elected to a position on the Sub-Branch Committee, any other nominations the member has, lapses.
- (f)
- (1) For the purposes of conducting the ballot, a returning officer and not less than two Scrutineers are to be appointed by the Sub-Branch Committee from among the Service, Life or Affiliates, of the Sub-Branch.
  - (2) If for any reason, the Sub-Branch Committee resolves that they are unable to appoint a returning officer then they shall apply in writing to the State Executive for a League member to be appointed. The State Executive will then appoint a League member to be the returning officer.
  - (3) The returning officer of the Sub-Branch must not be an employee of the Sub-Branch or a candidate for Committee or office.
  - (4) The ballot shall be conducted in the following descending order:
    - President
    - Senior Vice President — League member [if more than one Vice President]
    - Vice President — League member
    - Vice President — Affiliate
    - Secretary
    - Treasurer
    - Committeeman [the senior of whom shall be the member polling the most votes, or if no vote is necessary, then a method as determined by the meeting]
- (g) If there is a tied vote, the name drawn from a hat by the returning officer in the presence of the scrutineers is the person elected.

- (h) If the number of nominations for a position on the Sub-Branch Committee does not exceed the number to be elected to that position, the nominees are duly elected to the position.
- (i) The secretary of a Sub-Branch must notify the Chief Executive Officer within fourteen days of the meeting that appointed or elected the Sub-Branch Committee the members of that Sub-Branch Committee.
- (j) Subject to the provisions of these Rules a Social member may be elected to the Committee of a Sub-Branch but not an Executive Position. A Service member, Life member, Affiliate or Social member, of a Sub-Branch, may nominate a Social member for election to the Sub-Branch Committee other than an Executive position, subject to Rule 13.6(s).
- (k) A Social member of a Sub-Branch is not entitled to vote on any matter other than in respect of the election of a social member to the Committee of a Sub-Branch.
- (l)
  - (1) At the meeting referred to in Rule 13.7(b) the Committee shall determine whether the elections are to be formal nominations or nominations from the floor at the Annual General Meeting.
  - (2) Nominations, whether formal or from the floor, of persons who are not Life members or Life subscribers who have not paid the annual subscriptions for the current year, must be rejected. [see Rule 5.17A(b)]
  - (3) Formal nominations shall be in accordance with the following Rules 13.7(l)(4) to (8).
  - (4) Nominations for Committee shall be in writing, contain the name and address of the nominated member, be signed by at least two (2) members entitled to vote and shall be delivered to the Returning Officer at least fourteen (14) days before the date fixed for the Annual General Meeting, or the date of the election (ballot) if held separately, and shall be posted on the Notice Board by Noon on the day following receipt of each such nomination.
  - (5) The name and address of any person proposed for election as a member of the Sub-Branch Committee shall be displayed in a conspicuous place in the Sub-Branch premises for not less than one (1) week before the date of the election.

- (6) The Nomination Form for election and the record of the Sub-Branch Officers and Committee shall be in accordance with Branch requirements.
- (7) Any withdrawal of a nomination by a candidate shall be in writing and submitted to the Returning Officer and shall be posted on the Notice Board by the Returning Officer at the earliest opportunity.
- (8) Notwithstanding other provisions in these Rules, a candidate for the office of Sub-Branch President or Senior Vice President (League member) or Vice President (League member) must provide to the Sub-Branch Secretary and the Returning Officer documentary proof of their service record and medal entitlement and until he has done so the Returning Officer must reject the nomination. If after the date and time of the close of nominations the required proof has not been provided then the nomination lapses.

(m)

- (1) Any officer or member of the Committee of the Sub-Branch may be deposed upon a resolution carried at a specially summoned General Meeting of the Sub-Branch convened by the President for the expressed purpose of considering the deposition, and of which at least fourteen (14) days notice shall be given to all members of the Sub-Branch at the address in the Sub-Branch register stating the time and place of such meeting and the nature of the business to be transacted at the meeting.
- (2) The meeting deposing the Officer or member of the Committee shall forthwith proceed to elect a member to fill the vacancy created. Such casual vacancy shall hold office until the next Annual General Meeting.

### **13.8 Notices – Meetings and Members**

- (a) The Secretary shall at least 14 days before any Annual or Ordinary General meeting and at least 7 days before any Extraordinary General meeting, save and except a meeting of the nature dealt with in sub-clause (c) of this rule, send in accordance with Rules 13.8(d) to (f) to each member (excluding honorary and Community members) at his address in the Sub-Branch register a notice of such meeting stating the time and the place where it will be held and the nature of the business that will be brought forward at such meeting. The accidental omission to give any notice as aforesaid to an individual member shall not invalidate any resolutions carried at an Annual, Ordinary or Extraordinary General meeting.

- (b) The nature of the business to be dealt with at such meetings and the manner in which they are to be conducted shall be in accordance with these Rules as to the conduct of particular classes of meetings.
- (c) In the case of a meeting at which a special resolution is proposed, pursuant to section 29 of the Associations Incorporations Act 1981 and where there is a statutory requirement of 21 days notice, then the Secretary shall in relation to such meeting give 21 days notice.
- (d) Every member shall communicate in writing to the Secretary regarding change of address. A notice, written request or any other communication under these Rules may be served on a member either personally or by sending it by post to his last known address.
- (e) If a notice or communication is properly addressed, prepaid and posted, it is deemed to have been given to the addressee at the time of posting.
- (f) A notice may be served by sending to the member a copy of any magazine/newsletter published by the Sub-Branch, which contains a full copy of the relevant notice.

### **13.9 Meetings of a Sub-Branch**

The Committee must ensure that minutes are taken and kept of each meeting of the Sub-Branch. The minutes must record:

- (a) the name of the members in attendance at the meeting,
- (b) the business considered at the meeting,
- (c) any resolution on which a vote is taken and the result of that vote,
- (d) the financial statements submitted to the members including the certification that the financial statements are true and fair, and
- (e) any auditor's accounts and auditor's report.

#### **13.9A Annual General Meeting**

- (a) The Sub-Branch must hold an Annual General Meeting, which is the governing body of the Sub-Branch, before the end of April each year on such date time and place, as the Committee of the Sub-Branch shall determine.

Notice of the Annual General Meeting is to be provided to all members (excluding gaming and honorary members) of the Sub-Branch in accordance with Rule 13.8.

- (b) At the Annual General Meeting of the Sub-Branch:

- (1) the president of the Sub-Branch must present his report on the Sub-Branch for the preceding year;
  - (2) the treasurer of the Sub-Branch must submit the audited financial statements of the Sub-Branch, in accordance with section 30 (3) of the Act, for the preceding year;
  - (3) the Sub-Branch Committee is to be elected or the Returning Officer declare the results of an election previously conducted in a manner determined by the Sub-Branch under the provision of Rule 13.7(b);
  - (4) the auditor of the Sub-Branch is to be appointed;
  - (5) other business of which notice has been given or which the Chairperson deems important is to be dealt with.
- (c)
- (1) until otherwise determined by the Sub-Branch, the quorum for the Annual General Meeting shall comprise those Service and Life members present at the appointed time for any meeting, subject to the proviso that the number of Service and Life members (who are not Sub-Branch Officers or Committee persons) present exceeds the number of Sub-Branch Officers and Committee members present.
  - (2) If within half an hour after the appointed time for the commencement of the Annual General Meeting a quorum is not present, the Chairperson must adjourn the Annual General Meeting to a date not less than twenty one (21) days from the original meeting and to a time and place as the Chairperson decides and if at the adjourned meeting the quorum is not present within half an hour after the appointed time for the commencement of the Annual General Meeting the Service and Life members present are the quorum.
  - (3) The Sub-Branch Secretary must give written notice to all members of the Sub-Branch [excluding honorary and Community members] of the adjourned Annual General Meeting at least fourteen (14) days before the adjourned Annual General Meeting.
- (d)
- (1) The President of the Sub-Branch is to be the Chairperson of the Annual General Meeting but if the Sub-Branch President is not present within fifteen (15) minutes after the time appointed for the commencement of the Annual

General Meeting, or is unwilling or unable to act as the Chairperson, the Sub-Branch Senior Vice-President, is to be the Chairperson of the Annual General Meeting.

- (2) If the Sub-Branch Senior Vice President is not present within fifteen (15) minutes after the time appointed for the commencement of the Annual General Meeting, or is unwilling or unable to act as the Chairperson of the Annual General Meeting, the Service and Life members of the Sub-Branch present shall elect one of their number to preside as Chairperson of the meeting.
- (e) The only business to be transacted at the Annual General Meeting is that included on the Agenda, unless the Chairperson decides that it is in the interests of the Sub-Branch that business not included on the Agenda be transacted.
- (f) A quorum must be present at the Annual General Meeting before any business is to be transacted except for the election of a Chairperson and the adjournment of the Annual General Meeting under Rule 13.9A(c)(2).
- (g) A question arising at the Annual General Meeting is to be decided by a majority unless otherwise required by the Act, the National Constitution or the Branch Constitution or these Rules.
- (h) Save for the election of the Sub-Branch Committee which shall be conducted in accordance with Rule 13.7(b), a question arising at an Annual General Meeting is to be determined on a show of hands and unless before or on the show of hands a poll is demanded, a declaration by the Chairperson that a resolution has, on a show of hands, been carried or carried unanimously or carried by a particular majority or lost and an entry to that effect is made in the minute book, that entry is evidence of that fact, without proof of the number or proportion of the votes recorded in favour of, or against, that resolution.
- (i) At an Annual General Meeting of the Sub-Branch a member of the Sub-Branch entitled to vote under these Rules has one vote only. A member of the Sub-Branch entitled to vote at an Annual General Meeting may only vote in person, by postal or absentee voting, as determined by the Committee under Rule 13.7(b). Proxy voting is not permitted.
- (j) In the case of an equality of voting on a question, the Chairperson is entitled to exercise a casting vote.

- (k) A poll at an Annual General Meeting may be demanded by no less than five members of the Sub-Branch entitled to vote at the Annual General Meeting.
- (l) If a poll on any question is demanded, it is to be taken at that meeting in such manner as the Chairperson directs and the resolution of the poll is to be deemed to be a resolution of the Annual General Meeting on that question.
- (m) If a poll is demanded on the election of a Chairperson or on a question of an adjournment under Rule 13.9A(c)(2) it is to be taken immediately.
- (n) A poll that is demanded on any other question is to be taken at such time before the close of the Annual General Meeting as the Chairperson directs.
- (o) Subject to 5.17A(b), a member of the Sub-Branch is not entitled to vote at the Annual General Meeting unless all moneys due and payable by the member to the Sub-Branch have been paid.

### **13.9B Ordinary General Meetings**

- (a) The Sub-Branch Committee shall, subject to Rule 13.8, convene not less than one Ordinary General Meeting of the members [excluding honorary and Community members] of the Sub-Branch between Annual General Meetings.
- (b) One such Ordinary General Meeting shall be held within sixty days immediately preceding the Annual Conference under the Branch Constitution to:
  - (1) Determine the votes of the Sub-Branch for Branch Officers;
  - (2) Instruct the Sub-Branch delegates to the Annual Conference on how to vote on matters listed in the Agenda for the Annual Conference.
- (c)
  - (1) Until otherwise determined by the Sub-Branch, the quorum for an Ordinary General Meeting shall comprise those Service and Life members present at the appointed time for any meeting, subject to the proviso that the number of Service and Life members (who are not Sub-Branch Officers or Committee persons) present, exceeds the number of Sub-Branch Officers and Committee members present.
  - (2) If within half an hour after the appointed time for the commencement of the Ordinary General Meeting a quorum is not present, the Chairperson must adjourn the Ordinary General Meeting to a date not less than twenty one (21) days from the original meeting and to a time and place as the Chairperson decides and if at the adjourned meeting the quorum is not present within half



an hour after the appointed time for the commencement of the Ordinary General Meeting the Service and Life members present are the quorum.

- (3) The Sub-Branch Secretary must give written notice to all members of the Sub-Branch of the adjourned Ordinary General Meeting at least fourteen (14) days before the adjourned Ordinary General Meeting.
- (d)
- (1) The President of the Sub-Branch is to be the Chairperson of the Ordinary General Meeting but if the Sub-Branch President is not present within fifteen (15) minutes after the time appointed for the commencement of the Ordinary General Meeting, or is unwilling or unable to act as the Chairperson, the Sub-Branch Senior Vice-President, is to be the Chairperson of the Ordinary General Meeting.
  - (2) If the Sub-Branch Senior Vice President is not present within fifteen (15) minutes after the time appointed for the commencement of the Ordinary General Meeting, or is unwilling or unable to act as the Chairperson of the Ordinary General Meeting, the Service and Life members of the Sub-Branch present shall elect one of their number to preside as Chairperson of the meeting.
- (e) The only business to be transacted at the Ordinary General Meeting is that included on the Agenda, unless the meeting resolves that it is in the interest of the Sub-Branch that the business not included be transacted.
- (f) A quorum must be present at an Ordinary General Meeting before any business is to be transacted except for the election of a Chairperson and the adjournment of the Ordinary General Meeting under Rule 13.9B(c)(2).
- (g) A question arising at the Ordinary General Meeting is to be decided by a majority unless otherwise required by the Act, the National Constitution or the Branch Constitution or these Rules.
- (h) A question arising at an Ordinary General Meeting is to be determined on a show of hands and unless before or on the show of hands a poll is demanded, a declaration by the Chairperson that a resolution has, on a show of hands, been carried or carried unanimously or carried by a particular majority or lost and an entry to that effect is made in the minute book, that entry is evidence of that fact, without proof of the number or proportion of the votes recorded in favour of, or against, that resolution.

- (i) At an Ordinary General Meeting of the Sub-Branch a member of the Sub-Branch entitled to vote under these Rules has one vote only. A member of the Sub-Branch entitled to vote at an Ordinary General Meeting may only vote in person. Proxy voting is not permitted.
- (j) In the case of an equality of voting on a question, the Chairperson is entitled to exercise a casting vote.
- (k) A poll at an Ordinary General Meeting may be demanded by no less than five members of the Sub-Branch entitled to vote at the Ordinary General Meeting.
- (l) If a poll on any question is demanded, it is to be taken at that meeting in such manner as the Chairperson directs and the resolution of the poll is to be deemed to be a resolution of the Ordinary General Meeting on that question.
- (m) If a poll is demanded on the election of a Chairperson or on a question of an adjournment under Rule 13.9B(c)(2) it is to be taken immediately.
- (n) A poll that is demanded on any other question is to be taken at such time before the close of the Ordinary General Meeting as the Chairperson directs.
- (o) Subject to 5.17A(b), a member of the Sub-Branch is not entitled to vote at an Ordinary General Meeting unless all moneys due and payable by the member to the Sub-Branch have been paid.

### **13.9C Extraordinary General Meetings**

- (a) Subject to the provisions of Rule 13.9C(s), the Sub-Branch Committee must, on the written request of five per cent of the Service and Life members of the Sub-Branch, convene an Extraordinary General Meeting.
- (b) The request under Rule 13.9C(a) must state the business for which the Extraordinary General Meeting is required.
- (c) The Extraordinary General Meeting shall be called within thirty (30) days from the receipt of the request. Such meeting to be held within forty nine days of the date of the receipt of the request.
- (d) If the Sub-Branch Committee does not convene an Extraordinary General Meeting pursuant to Rule 13.9C(a) in the time required under Rule 13.9C(c), the Extraordinary General Meeting may be convened by the members who had made the request under Rule 13.9C(a).
- (e) The Sub-Branch Committee or, if proceeding under Rule 13.9C(d), the requesting members, must serve on the members [excluding honorary and Community

members] of the Sub-Branch a notice of the Extraordinary General Meeting together with details of the business to be transacted at least seven (7) days before the Extraordinary General Meeting.

(f)

- (1) Except for a meeting convened under Rule 13.9C(t), the quorum for an Extraordinary General Meeting shall comprise those Service and Life members present at the appointed time for the meeting, subject to the proviso that the number of Service and Life members (who are not Sub-Branch Officers or Committee persons) present exceeds the number of Sub-Branch Officers and Committee members present.
- (2) If within half an hour after the appointed time for the commencement of the Extraordinary General Meeting a quorum is not present the meeting, if convened upon the requisition of members, shall be dissolved.
- (3) If within half an hour after the appointed time for the commencement of the Extraordinary General Meeting a quorum is not present the meeting, if convened by the State Executive, shall be adjourned by the Chairperson to a date not less than twenty one (21) days from the original meeting and to a time and place as the Chairperson decides and if at the adjourned meeting the quorum is not present within half an hour after the appointed time for the commencement of the Extraordinary General Meeting the Service and Life members present are the quorum.
- (4) The Secretary of the Sub-Branch must give written notice to all members [excluding honorary and Community members] of the Sub-Branch of the adjourned Extraordinary General Meeting at least seven (7) days before the adjourned Extraordinary General Meeting.

(g) Subject to Rule 13.9C(u) hereof:

- (1) The President of the Sub-Branch is to be the Chairperson of the Extraordinary General Meeting but if the Sub-Branch President is not present within fifteen (15) minutes after the time appointed for the commencement of the Extraordinary General Meeting, or is unwilling or unable to act as the Chairperson, the Sub-Branch Senior Vice-President is to be the Chairperson of the Extraordinary General Meeting.
- (2) If the Sub-Branch Senior Vice President is not present within fifteen (15) minutes after the time appointed for the commencement of the Extraordinary

General Meeting, or is unwilling or unable to act as the Chairperson of the Extraordinary General Meeting, the Service and Life members of the Sub-Branch present shall elect one of their number to preside as Chairperson of the meeting.

- (h) The only business to be transacted at the Extraordinary General Meeting is that included on the Agenda.
- (i) A quorum must be present at the Extraordinary General Meeting before any business is to be transacted except for the election of a Chairperson and the adjournment of the Extraordinary General Meeting under Rule 13.9C(f)(3).
- (j) A question arising at the Extraordinary General Meeting is to be decided by a majority unless otherwise required by the Act, the National Constitution or the Branch Constitution or these Rules.
- (k) A question arising at an Extraordinary General Meeting is to be determined on a show of hands and unless before or on the show of hands a poll is demanded, a declaration by the Chairperson that a resolution has, on a show of hands, been carried or carried unanimously or carried by a particular majority or lost and an entry to that effect is made in the minute book, that entry is evidence of that fact, without proof of the number or proportion of the votes recorded in favour of, or against, that resolution.
- (l) At an Extraordinary General Meeting of the Sub-Branch a member of the Sub-Branch entitled to vote under these Rules has one vote only. A member of the Sub-Branch entitled to vote at an Extraordinary General Meeting may only vote in person. Proxy voting is not permitted.
- (m) Except for an Extraordinary General Meeting convened under Rule 13.9C(t), in the case of an equality of votes the Chairperson of the meeting is entitled to exercise a casting vote.
- (n) A poll at an Extraordinary General Meeting may be demanded by no less than five members of the Sub-Branch entitled to vote at the Extraordinary General Meeting.
- (o) If a poll on any question is demanded, it is to be taken at that meeting in such manner as the Chairperson directs and the resolution of the poll is to be deemed to be a resolution of the Extraordinary General Meeting on that question.
- (p) If a poll is demanded on the election of a Chairperson or on a question of an adjournment under Rule 13.9C(f)(3) it is to be taken immediately.

- (q) A poll that is demanded on any other question is to be taken at such time before the close of the Extraordinary General Meeting as the Chairperson directs.
- (r) Subject to 5.17A(b), a member of the Sub-Branch is not entitled to vote at an Extraordinary General Meeting unless all moneys due and payable by the member to the Sub-Branch have been paid.
- (s) Unless called by the State Executive under Rule 13.9C(t), there shall only be one Extraordinary General Meeting of the Sub-Branch in any one calendar year. Should circumstances prevail that members require an additional extraordinary general meeting, the request referred to in Rule 13.9C(a) shall be directed to Chief Executive Officer who shall refer the matter to the State Branch Tribunal which shall provide a written report and recommendation to the State Executive within forty-nine (49) days of receipt of the request.
- (t) The State Executive may:
  - (1) convene an Extraordinary General Meeting of a Sub-Branch, either as a result of the deliberations of the State Branch Tribunal under Rule 13.9C(s) or of its own volition; and
  - (2) determine the quorum of the Extraordinary General Meeting.
- (u) When the State Executive convenes an Extraordinary General Meeting of the Sub-Branch the State Executive shall appoint a person to chair the meeting.
- (v) The State Executive must serve a notice on the members [excluding honorary and Community members] of the Sub-Branch of the Extraordinary General Meeting convened under Rule 13.9C(t) together with the business to be transacted at least seven (7) days before the Extraordinary General Meeting.
- (w) At the Sub-Branch Extraordinary General Meeting, however convened, a State Officer, the Chief Executive Officer or representative appointed by resolution of the State Executive, shall have the right to attend and speak at the meeting.

### **13.10 Suspension or dissolution of a Sub-Branch**

- (a) If a Sub-Branch contravenes or fails to observe or perform any of the provisions of the National Constitution, fails to be bound by or promote the standing policy of the League or has been guilty of conduct prejudicial to the interests of the League, the Branch may deal with the matter in accordance with National Rule 31.

- (b) The provisions contained in National Rule 31 apply, mutatis mutandis, if a Sub-Branch contravenes or fails to observe or perform any of the provisions of these Rules or has been guilty of conduct prejudicial to the interest of the Branch.
- (c) If the charter of a Sub-Branch is suspended, the State Executive is to control the affairs of the Sub-Branch.
- (d) If a Sub-Branch is dissolved, wound up or its charter is withdrawn, the Sub-Branch property vests in the Branch (if not already vested) and the State Executive shall apply the Sub-Branch property in accordance with any Patriotic Fund Deed of Trust or any objects and Rules of any Patriotic Fund pertaining to the Sub-Branch but if not in conflict with any Patriotic Fund Deed of Trust or any objects and Rules of any Patriotic Fund pertaining to the Sub-Branch as the State Executive deems fit for the purposes of the Branch or, failing such, for such charitable objects similar to that of the Branch.

### **13.11 Signing of Cheques**

- (a) A cheque, or an electronic funds transfer, drawn on an account of the Sub-Branch is to be signed by any two executive members of the Committee; duly minuted as signatories by the Sub-Branch Committee.. The Committee may also resolve to nominate the Manager (if appointed) to be a signatory, provided that where accounts are administered under the Veterans Act 2005 (Vic), the signatories must comply with the Act.

The procedure for urgent electronic fund transfers where no signatories are available shall be as determined by the Sub-Branch Committee. All electronic fund transfers are to be presented by the Treasurer at the next Sub-Branch Committee Meeting [see Branch By-Law 4(l)].

- (b) If signatories to cheques, as provided for in Rule 13.11(a), are not present or available to sign cheques drawn on a special gaming account, that has been set up for the purpose of paying out prize money, the authority to sign these cheques may be delegated, by the Committee, to the Manager and the duty senior supervisor. The management and the operation of this special account shall be the responsibility of the Sub-Branch Treasurer.

### **13.12 Sub-Branch Books**

- (a) Except as otherwise provided in these Rules, the secretary or the secretary/treasurer of the Sub-Branch is to keep in his custody or under his control all the books,

accounts, minutes books, statutory registers kept under any law (if any), records and securities maintained by the Sub-Branch.

- (b) A Sub-Branch must, if required by the Branch, produce for inspection all books, accounts, minutes books, statutory registers kept under any law (if any), records and securities and supply such returns and other information as the Branch may from time to time require.
- (c) Subject to the Act, any member may have access to the minutes of General Meetings and the register of members. A member must not make improper use of information about a person obtained from the register of members and access to personal information of a person recorded in the register of members may be restricted by the Committee.
- (d) Those funds generated by, or for a Sub-Committee of a Sub-Branch, remain under the control of the President and members of the Sub-Branch Committee.

### **13.13 Accounts of the Sub-Branch**

The audited accounts of the Sub-Branch must be provided to the Branch by 30 April each year.

### **13.14 Monies Received**

All monies raised, collected or otherwise received by any person or persons where the name of a Sub-Branch is used or inferred must be paid into the Sub-Branch bank account and a receipt issued.

### **13.15 Communications with Governments, the League and Branches**

A League matter raised by a Sub-Branch or a member of the Sub-Branch for the attention of any government of the Commonwealth, State or Territory, the League or any of its officers or any other State Branch, must be directed through the Chief Executive Officer unless otherwise approved in writing by the State Executive.

### **13.16 No Amalgamation**

A Sub-Branch must not amalgamate with any other body without the prior written approval of the State Executive.

### **13.17 Sale of Real Sub-Branch Property and Creation of Security Interests**

- (a) A Sub-Branch is not authorised and must not supply or offer to supply or permit a person to supply or offer to supply real Sub-Branch Property without the prior written authorisation of the State Executive.

- (b) A Sub-Branch is not authorised and must not lease or offer to lease or permit a person to lease or offer to lease real Sub-Branch Property with an option to supply or acquire the Sub-Branch Property without the prior written authorisation of the State Executive.
- (c) A Sub-Branch is not authorised and must not create any security interest whatsoever or permit a person to create any security interest whatsoever over Sub-Branch property without the prior written authorisation of the State Executive.
- (d) The request for authorisation under Rules 13.18(a), (b) or (c) must include details of the Sub-Branch Property and evidence of the market value and/or market rental of the Sub-Branch Property.
- (e) A Sub-Branch is not authorised and must not raise a secured or unsecured debenture or a secured loan from any source without the prior written authorisation of the State Executive.

#### **13.18 Sub-Branch Military Memorabilia**

- (a) A Sub-Branch or the Branch must not dispose of any military and historical memorabilia it has in its possession or power without the prior written approval of the State Executive.

#### **13.19 Sub-Branch Disciplinary Procedure — Service and Life Members and Affiliates**

- (a) A Service member, Life member or Affiliate of a Sub-Branch may be suspended or expelled from the membership of the Sub-Branch by the Sub-Branch Committee under the following circumstances:
  - (1) A member, who is drunk, violent or quarrelsome, must not refuse or fail to leave the premises if requested so to do by the Sub-Branch President or the senior member of the Committee present or the senior employee present;
  - (2) A Service member, Life member or Affiliate of the Sub-Branch who is requested to leave the Sub-Branch under Rule 13.19(a)(1) may, where suspension is necessary to maintain the proper conduct of the Sub-Branch and/or its facilities, be suspended as a result of a joint decision by the Sub-Branch President and at least one other member of the Sub-Branch Executive from all Sub-Branch facilities;
- (b) A suspension under the provisions of Rule 13.19(a)(2) shall not exceed 30 days.
- (c) If a Sub-Branch Committee has reason to believe that a Service member, Life member or Affiliate of the Sub-Branch may be guilty of conduct unbecoming a



member, the Sub-Branch Committee may resolve to impose a penalty upon him. Any Sub-Branch Committee member who has a material personal interest or any relationship which may lead to bias in considering whether the Sub-Branch member may be guilty of conduct unbecoming a member must not be present while such resolution is being considered and must not have any input in the decision.

- (d) If the Committee of a Sub-Branch have reason to believe that a member may be guilty of conduct unbecoming a member it shall give not less than fourteen days notice in writing to that member of the date, time and place of its meeting at which it will consider whether or not he has been guilty of such conduct. Such notice shall be accompanied by a statement in which there shall be set out full and precise particulars of the conduct of the member which will be considered by the Committee.
- (e) Either prior to or at the meeting of the Committee the member concerned may request it to elaborate upon any of the particulars set forth in the said statement. Such a request shall be complied with by the Committee. The said member may put to the Committee at the meeting such facts as he may consider relevant and shall be given every opportunity to address it.
- (f) The Committee shall decide at the meeting whether the member has been guilty of conduct unbecoming a member. If it is satisfied he has been guilty of such conduct, it may resolve that he be placed on a warning to improve his conduct, or be reprimanded or suspended from membership of the Sub-Branch for a period not exceeding twelve months, or expulsion from the Sub-Branch, save for accessing welfare or pension assistance, or it may resolve that the matter should be referred to the State Branch for its consideration. The Committee must consider any period of suspension already taken in accordance with Rule 13.19(b).
- (g) The substance and decision of the meeting shall be recorded in the minutes of the meeting. Written notices, submissions and other correspondence relevant to the meeting shall be certified within seven days after the meeting, by its chairman, after conferring with the other members of the Committee.
- (h) The Secretary of the Sub-Branch shall notify the member in writing of the Committee's decision and his right of appeal within fourteen days after the certification.
- (i) A member aggrieved by resolution of the Committee by which he was reprimanded or suspended from membership of the Sub-Branch for a period not exceeding twelve months, or expelled from the Sub-Branch, may appeal to the State Branch Tribunal

by notice in writing addressed to the Chief Executive Office of the Branch and lodged with the State Branch Tribunal.

- (j) An appeal shall be lodged together with the sum of \$400 within fourteen days after the date of notification in writing and thereupon the decision of the Committee shall be stayed, (unless otherwise ordered by the State Branch Tribunal) until the appeal is concluded, abandoned or discontinued. Upon application by the member, the State Branch Tribunal may waive lodgement of whole or part of the sum of \$400 if it considers it just to do so.
- (k) An appeal lodged pursuant to this Rule shall be accompanied by a statement in writing in which the member shall set out the aspect or aspects of the decision which gave rise to the appeal, the grounds of his appeal and the facts upon which he relies. An appeal should not be treated as valid unless it complies with this Rule.
- (l) Upon receipt of an appeal the Sub-Branch shall forthwith forward it to its State Branch:
  - (1) the appeal and accompanying statement;
  - (2) the sum of \$400;
  - (3) all its papers and documents concerning the member, particularly the notice and statement;
  - (4) a copy of its minutes relating to the matter giving rise to the appeal.
- (m) A State Branch Tribunal shall hear and determine an appeal pursuant to this Rule as soon as possible after receipt by the Chief Executive Office of the Branch of the documents.
- (n) The Sub-Branch and the member concerned shall have a right of personally attending upon hearing of the appeal or any application to lift the stay by the State Branch Tribunal having given proper notice that they wish to do so. The State Branch Tribunal shall make its decision based on the information presented at the hearing and that decision regarding an appeal against a reprimand or a suspension or an expulsion shall be final.
- (o) A resolution passed pursuant to this Rule whereby a member of a Sub-Branch is suspended or expelled from membership of that Sub-Branch shall not operate to otherwise affect the membership of that member save as otherwise provided in the National Rules.

**13.19A Disciplinary Procedure — Social Members**

- (a) A Social member of a Sub-Branch may be suspended or expelled from membership of the Sub-Branch by the Sub-Branch Committee under the following circumstances:
- (b) A member, who is drunk, violent or quarrelsome, must not refuse or fail to leave the premises if requested so to do by the Sub-Branch President or the senior member of the Committee present or the senior employee present.
- (c) A Social member of the Sub-Branch who is requested to leave the Sub-Branch under Rule 13.19A(b) may, where suspension is necessary to maintain the proper conduct of the Sub-Branch and/or its facilities, be suspended as a result of a joint decision by the Sub-Branch President and at least one other member of the Sub-Branch Executive from all Sub-Branch facilities.
- (d) A suspension under the provisions of Rule 13.19A(c) shall not exceed 30 days.
- (e) If the Committee of the Sub-Branch (the “Committee”) has reason to believe that a Social member of the Sub-Branch, may be guilty of conduct unbecoming a member, it shall give not less than 14 days notice in writing to that member of the date, time and place of its meeting at which it will consider whether or not he has been guilty of such conduct.
- (f) The notice referred to in Rule 13.19A(e) shall be accompanied by a statement in which there shall be set out full and precise particulars of the conduct of the member, which will be considered by the Committee.
- (g) Either prior to or at the meeting of the Committee the member concerned may request it to elaborate upon any of the particulars set forth in the said statement. Such a request shall be complied with by the Committee. The said member may put to the Committee at the meeting such facts as he may consider relevant and shall be given every opportunity to address it.
- (h) The Committee shall decide at the meeting whether the Social member has been guilty of conduct unbecoming a member. If it is satisfied he has been guilty of such conduct, it may resolve that he be placed on a warning to improve his conduct or be reprimanded or be suspended from membership of the Sub-Branch not to exceed a period of twelve (12) months or expulsion from the Sub-Branch. Any Sub-Branch Committee member who has a material personal interest or any relationship which may lead to bias in considering whether the Sub-Branch member may be guilty of conduct unbecoming a member, must not be present while such resolution is being considered and must not have any input in the decision.

- (i) The substance and decision of the meeting referred in Rule 13.19A(h) shall be recorded in the minutes of the meeting. Written notices, submissions and other correspondence relevant to the matter shall be retained in a collected form for a period of at least twelve months. The minutes shall be certified within seven days after the meeting by its Chairman, after conferring with the other members of the Committee.
- (j) The Secretary of the Sub-Branch shall notify the member in writing of the Committee's decision after the certification period referred to in Rule 13.19A(i).
- (k) The decision of the Committee shall be final.

### **13.20 Disputes and Mediation**

That in the event of a dispute between Service members, Life members, Affiliates, and the Branch, or between Sub-Branches and the Branch, or between Sub-Branches themselves, the following procedures to attempt to resolve the dispute shall apply:

- (a) that all parties to the dispute shall within 14 days after the arising of the dispute meet together and attempt to resolve the dispute;
- (b) if the parties fail to meet, or to resolve the dispute, a meeting shall take place in the presence of a mediator;
- (c) the mediator shall be a member of the State Branch Tribunal or a person appointed by the State Branch Tribunal for the purposes of conducting the mediation;
- (d) the mediator shall conduct the mediation so as to give the parties a proper opportunity to be heard and to produce written submissions if they desire and to ensure that natural justice is accorded to the parties. The mediator shall not decide the dispute;
- (e) that the parties to the dispute must in good faith attempt to resolve the dispute by mediation;
- (f) if the mediation process does not result in a dispute being resolved, the parties may seek to resolve the dispute in accordance with the Act or otherwise at law.

### **13.21 Custodians of Sub-Branch**

- (a) Subject to the written approval of the State Executive, a Sub-Branch at a General Meeting, for which notice has been given in accordance with Rule 13.9A(a) or 13.9B(a), may appoint, on the recommendation of the Sub-Branch Committee, up to a total of three Service or Life members of the Sub-Branch to be Custodians of Sub-

Branch property, for a maximum term of five years, on such terms and conditions as approved by the State Executive. A Custodian is eligible for re-election.

- (b) A Service member is only entitled to be a Custodian of Sub-Branch property if he is a financial member of the Sub-Branch.
- (c) A Custodian must resign if he transfers to another Sub-Branch, the unattached list of members, the miscellaneous list of members or ceases to be a member of the League.
- (d) A Custodian may be removed from office under the provisions of Rule 13.7(m)(1) and (2).
- (e) The duties and responsibilities of Custodians are included in the Branch By-Laws.

## **PART 14**

### **LICENSED CLUBS AND LICENSED SUB-BRANCHES**

#### **14.1 Interpretation**

In this part, a reference to a lease is a reference to:

- (a) a lease, a sub-lease, a tenancy, a licence or any other occupancy agreement, understanding or arrangement; or
- (b) a renewal of a lease, sub-lease, a tenancy, a licence or any other occupancy agreement, understanding or arrangement.

#### **14.2 Authorisation of the State Executive of lease of Sub-Branch Property**

A Sub-Branch is not authorised and must not lease or permit a person to lease Sub-Branch Property to a Licensed Club without the prior written authorisation of the State Executive.

#### **14.3 Lease of whole of Sub-Branch Property**

- (a) Subject to Rule 14.3(b) and the State Executive granting its authorisation under Rule 14.2, a Sub-Branch is not authorised and must not lease or permit a person to lease the whole of the Sub-Branch Property to a Licensed Club.
- (b) Rule 14.3(a) does not apply if:
  - (1) it is not practical that a portion of the Sub-Branch Property is not leased to the Licensed Club; and
  - (2) two thirds of the members of the Sub-Branch in general meeting approve the lease of the whole of the Sub-Branch Property to the Licensed Club.

#### **14.4 Incorporation of a Licensed Club**

A Sub-Branch is not authorised and must not lease or permit a person to lease Sub-Branch Property to a Licensed Club unless the State Executive grants its authorisation under Rule 14.2 and the Licensed Club covenants in the lease that the Licensed Club is not, without obtaining the prior written approval of the State Executive, to lodge an application for incorporation under any act of parliament of the Commonwealth or a State or Territory.

#### **14.5 Name of a Licensed Club**

A Sub-Branch is not authorised and must not lease or permit a person to lease Sub-Branch property to a Licensed Club unless:

- (a) the name of the Licensed Club consists of the League Name or a part of the League name;

- (b) the name of the Licensed Club has been authorised in writing by the State Executive;
- (c) the Licensed Club covenants in the lease that it is not to change its name without the prior written approval of the State Executive; and
- (d) the State Executive grants its authorisation under Rule 14.2.

#### **14.6 Approval of the Rules of a Licensed Club**

A Sub-Branch is not authorised and must not lease or permit a person to lease Sub-Branch Property to a Licensed Club unless:

- (a) the Rules of the Licensed Club are approved by the State Executive;
- (b) the Licensed Club covenants in the lease that:
  - (1) the Licensed Club is not to change its Rules without the prior written approval of the State Executive; and
  - (2) the Licensed Club will observe and enforce its Rules.
- (c) That the Rules of the Licensed Club and any amendments to the Rules of the Licensed Club after approval by the State Executive in accordance with sub-para 14.6(a) or (b)(1) above must then be submitted to the Registrar of Incorporated Associations and the Gaming Commission, as appropriate, for their approval.

#### **14.7 Content of the Rules of a Licensed Club or Licensed Sub-Branch**

- (a) The Rules of the Licensed Club or Licensed Sub-Branch shall be as approved from time to time by the State Executive and that such Rules shall comply with Branch bylaw 10, subject to necessary amendments and adaptation.
- (b) Subject to paragraph (a) and (c), the members of the committee of a Licensed Club or Licensed Sub- Branch must be League Members.
- (c) A Social member of the Licensed Club or Licensed Sub-Branch may be a member of the Committee of the Licensed Club or Licensed Sub-Branch provided that:
  - (1) A social member may not be elected to any Executive position (that is, President, Vice President/s, Secretary and/or Treasurer on the Committee) [subject to the provisions of Rule 13.6(f)]. A social member on the Committee of a Sub-Branch may only vote on matters relating to the operation of Sub-Branch facilities available to Social members of the Sub-Branch.
  - (2) Social members may not hold more than one position on the committee of the Licensed Club or Licensed Sub-Branch; and

- (3) At least six tenths (60%) of the members of the committee of the Licensed Club or Licensed Sub-Branch must be League Members, the remaining four tenths (40%) may comprise the one social member with the balance being Affiliates.

#### **14.8 Audited financial Statements of a Licensed Club**

A Sub-Branch, which has leased or permitted a person to lease Sub-Branch Property to a Licensed Club, must provide a copy of the Licensed Club's audited financial Statements to the Branch within fourteen days of receipt of the audited financial Statements from the Licensed Club.

#### **14.9 Branch's Right of Subrogation**

A Sub-Branch is not authorised and must not lease or permit a person to lease Sub-Branch Property to a Licensed Club unless the State Executive grants its authorisation under Rule 14.2 and the lease provides that if a Licensed Club breaches the covenants contained in Rules 14.4, 14.5 and 14.6 and the Sub-Branch does not take any action for the breach within four months of the breach, the Branch is subrogated to the rights of the Sub-Branch in relation to the breach.

#### **14.10 Licensed Clubs Compliance with the Law**

A Sub-Branch is not authorised and must not lease or permit a person to lease Sub-Branch property to a Licensed Club unless the State Executive grants its authorisation under Rule 14.2 and the Licensed Club covenants under the lease that it will comply with all statutes (eg Liquor Control Act), regulations, ordinances, proclamations or orders in relation to:

- (a) the lease property;
- (b) the use of that lease property; or
- (c) the operations of the Licensed Clubs conducted on that lease property.



**PART 15**  
**WOMEN'S COUNCIL AND WOMEN'S AUXILIARIES**

**15.1 Women's Council**

- (a) The Branch may form a Women's Council to be conducted under the rules contained in Branch By-Law 6.
- (b) The objects of the Women's Council are to:
  - (1) support the Branch in carrying out the objects of the Branch and, in particular, the welfare needs of service and ex-service persons and their dependants;
  - (2) co-ordinate and supplement the activities of the Women's Auxiliaries where such would be in the general interest of and helpful to a Women's Auxiliary; and
  - (3) carry out such other activities as may be approved or requested by the State Executive.

**15.2 Women's Auxiliary**

The Branch or a Sub-Branch may form a Women's Auxiliary which is to be conducted under the rules in Branch By-Law 6 or such other rules as the Branch or the State Executive may decide.

**PART 16**  
**SUBSIDIARY ASSOCIATIONS OR SECTIONS**

**16.1 Subsidiary Associations or Sections**

- (a) A subsidiary association or section means any association or section, not expressly contemplated in the National Constitution or these rules, subsidiary to the Branch or to a Sub-Branch, whether already formed or to be formed for social, sporting or other activities.
- (b) A subsidiary association or section may draw up local rules or local by laws for its own self-government provided that the prior written approval of the State Executive is obtained.
- (c) Rulings of the State Executive on all matters of the Branch binds a subsidiary association or section and any determination of a subsidiary association or section or of its committees or officers is invalid to the extent of any inconsistency.

## **PART 17**

### **ALTERATION OF RULES**

#### **17.1 Annual Conference or Extraordinary Conference may alter rules**

- (a) Subject to Rule 17.5, the rules of the Branch may be altered by a special resolution.
- (b) A special resolution means a resolution passed by a majority of not less than three fourths of Sub-Branch Delegates and Branch Delegates present personally or by proxy at the Annual Conference or an Extraordinary Conference.

#### **17.2 Notice of special resolution**

- (a) Written notice of the Annual Conference or an Extraordinary Conference specifying the motion that the Rules be amended by special resolution must be given to a Sub-Branch and a Branch Delegate at least twenty-eight (28) days before the Annual Conference or an Extraordinary Conference.
- (b) Notice given to a Sub-Branch under Rule 17.2(a) is deemed to be Notice given to a SUB-BRANCH MEMBER and the Sub-Branch Delegates thereof.

#### **17.3 Notice to the Registrar of Incorporated Associations**

- (a) The Chief Executive Officer must, within 28 days after the passing of a special resolution altering these rules, lodge with the Registrar of Incorporated Associations a written notice of the special resolution setting out particulars of the alteration together with a declaration signed by at least two of the Branch Officers to the effect that the special resolution was passed in accordance with the Act.
- (b) An alteration of these rules is of no effect until Rule 17.3(a) has been complied with in respect of that alteration.

#### **17.4 Submission to alter rules**

- (a) A motion to alter these rules is only to be moved at the Annual Conference or an Extraordinary Conference if the motion has been submitted by:
  - (1) a general meeting of a Sub-Branch;
  - (2) the State Executive; or
  - (3) the State President.
- (b) A motion to alter these rules must be prefaced with the words "That the rules of the Branch".

### **17.5 Consent of the Minister**

The consent of the Minister is required before any alteration is made to:

- (a) Rule 4.3; or
- (b) Rule 4.4(e) which would permit a distribution on winding-up for a purpose other than a charitable purpose.

### **17.6 Consequential Amendments**

- (a) Notwithstanding other provisions in these Rules the State Executive may authorise amendments to these Rules as a consequence of a resolution by a State Conference to amend the Rules that necessitate renumbering of the Rules or amendment to a reference to another Rule that has changed as a consequence of an amendment by a State Conference. Any such consequential amendment shall be notified by the Chief Executive Officer to all Sub-Branches and Regional Committees.