

The Returned & Services League of Australia  
**WA Branch Incorporated**

ABN 59 263 172 184

# By-Laws

*Rewritten December 2016  
Amended 2 MARCH 2023*



**CONTENTS**

1.	STANDING ORDERS .....	6
2.	LIFE MEMBERSHIP .....	10
3.	SERVICE MEMBERS .....	11
4.	AFFILIATES .....	16
5.	SUB-BRANCHES.....	18
6.	TRUSTEES .....	27
7.	MOTIONS AFFECTING POLICY.....	27
9.	PROCEEDINGS AT STATE CONGRESS.....	28
10.	SUB-BRANCH WELFARE .....	34
11.	SUBSCRIPTIONS.....	35
12.	PRIVACY ACT .....	36
13.	RSL COMMEMORATION CEREMONIES - Recommended Procedure.....	38
14.	USE OF THE AUSTRALIAN FLAG AT MEMBERS' FUNERALS .....	39
15.	AWARDS .....	39
16.	CODE OF ETHICS.....	42
17.	CONFLICT OF INTEREST .....	43
18.	PECUNIARY INTEREST REGISTER .....	48
19.	DISPUTES .....	48
20.	USE OF THE NAME OF THE LEAGUE .....	50
21.	BRANCH OFFICERS' RIGHT TO ADDRESS MEETING .....	51
22.	COMMUNICATION WITH BRANCH.....	51
23.	SERVICE OF NOTICES .....	51
24.	DISCIPLINARY POWERS OF A SUB-BRANCH AND APPEALS ARISING THEREFROM .....	51
25.	STATE BRANCH TRIBUNAL.....	53
26.	DISCIPLINARY POWERS OF THE STATE BRANCH TRIBUNAL AND APPEALS ARISING THEREFROM .....	53
27.	THE NATIONAL TRIBUNAL .....	55

AMENDMENT NO	DATE	BY-LAW AFFECTED
1.	July 2002	Rewrite
2.	July 2003	Rewrite
3.	February 2005	Rewrite
4.	November 2005	5 – Affiliates
5.	December 2006	Affiliates By-Law 5
6.	November 2010	By-Law 3 – Annex B
7.	November 2011	By-Law 4 - Trustees
8.	June 2017	Rewrite
9.	DECEMBER 2017	New By-Law 5.33
10.	DECEMBER 2017	New By-Law 5.5
11.	AUGUST 2018	<p><b>By-Law 10.12 - Sub-Branch Welfare Funds</b>            “That the amount be increased from \$10,000 to \$25,000 and that the Sub-Branch cannot use any of that money be it \$10,000 or \$25,000 on anything but welfare.</p>
12.	SEPTEMBER 2018	<p><b>By-Law 1 - Meritorious Service Medal</b>  <i>The cost of such a medal, plus the associated lapel badge and certificate is met by RSLWA State Branch.</i></p>
13.	FEBRUARY 2019	<p><b>By-Law 4.5 Affiliate Membership</b>            Amended</p>
14.	MARCH 2019	<p><b>By-Law 5 - Wardens</b>            5.21 remove “at least one but” and replace with “<b>may</b>”            5.42, 43 and 44            Remove “shall” and replace with “<b>may</b>”</p>

15.	APRIL 2019	<b>By-Law 5 – Establishment of a Sub-Branch 5.14</b> <i>Remove “resident within an area where no Sub-Branch exists”</i>
16.	SEPTEMBER 2019	<b>By-Law 4 – Affiliates – Amended 4.8, 4.8a(i), 4.8b, 4.8e, 4.11a and 4,21</b>
17.	NOVEMBER 2019	<b>By-Law 5 – Annual General Meeting &amp; Duties of Sub-Branch Treasurer 5.18d, 5.18f and 5.34g</b>
18.	DECEMBER 2019	<b>By-Law 5.13 Amalgamation – Delete Rename - Amalgamation and Dissolution Add - 5.13a and 5.13b</b>
19.	SEPTEMBER 2020	<b>By-Law – Affiliates – Amended 4.8 a. (1)</b>
20.	NOVEMBER 2020	<b>By-Law 2 – Life Membership – Amended 2.1, 2.1a, b, c, e, f and Delete 2.1g Amend 2.2 and Delete 2.4, 2.5 and 2.6</b>
21.	JULY 2021	<b>By-Law 10.1 – Amended</b> <b>Remove:</b> Members and their spouse, partners or dependants <b>Replace with:</b> serving and ex-serving Australian Defence Force personnel and their dependants.
22.	JULY 2021	<b>By-Law 3.5 – Application for Service Membership Form</b> Form Updated
23.	JULY 2021	<b>By-Law 15.25</b> <b>Remove words:</b> statutory declaration <b>Replace with:</b> lost badge declaration
24.	SEPTEMBER 2021	<b>By-Law 3.2</b> By-Law 3.2b <b>Amended</b> By-Law 3.2c <b>Amended</b> By-Laws 3.2d, 3.3 & 3.4 <b>Deleted</b> Annex A to By-Law 3 <b>Repealed</b>
25.	JUNE 2022	<b>BY-Law 4.5c</b> <b>Add - Nursing Profession</b>
26.	NOVEMBER 2022	<b>By-Law 3.5</b> <b>Remove –</b> Service Membership Form pages 15&16 <b>Add –</b> 3.5a – in the approved form
27.	NOVEMBER 2022	<b>By-Law 4.7</b> <b>Amended</b>
28.	NOVEMBER 2022	<b>By-Law 26.1b</b> Amended <b>By-Law 26.3a</b> Add – a caution; <b>By-Law 26.11</b> Amended <b>By-Law 26.12b</b> Remove <b>By-Law 26.13</b> Amended

29.	<b>MARCH 2023</b>	<b>BY-LAW 2.1</b> Delete 31 <sup>st</sup> March each year
30.	<b>MARCH 2023</b>	<b>BY-LAW 15.2 b</b> Amend - Delete 30 Years and amend to 25 continuous years.
31.		

**AL, 29 & 30 DATED MARCH 2023**

## 1. STANDING ORDERS

- 1.1 All proceeding at meetings of the State Congress or Board of Directors committee meetings and general meetings of Sub-Branched, and at all other meetings held under the Rules of RSLWA, shall be governed by the following Standing Orders for the conduct of such meetings.
- 1.2 **Order of Business** - The business at meetings shall be conducted in accordance with the provisions of the *Associations Incorporation Act 2015*.
- 1.3 **Addressing Chair** - A member wishing to speak shall rise in their place and address the Chair. If two or more members rise at the same time, the Chair shall call upon the member who, in their opinion, rose first to speak.
- 1.4 **Respect for Chair** - A member speaking shall at once resume their seat if the Chair rises to speak or if a point of order is raised, and shall not resume their speech until the Chair shall resume their seat or the point of order has been decided.
- 1.5 **Discussion confined to Motions, Amendments** - Subject to the Chair's right to permit discussion upon any matter they deems of importance to the meeting, no discussion shall take place except on a motion or amendment moved and seconded, and put in writing if so requested.
- 1.6 **Motions** - All motions and amendments shall, if so required by the meeting concerned, be submitted in writing, signed by the mover and seconder. Such motions shall be of an affirmative character and, once having been submitted, shall only be withdrawn by leave of the meeting or by amendment. No motion vitally affecting the policy of the League shall be submitted to a meeting without adequate notice.
- 1.7 **Motion not seconded** - A motion not seconded shall not be debated, and no entry thereof shall be made in the minutes of the meeting.
- 1.8 **Restriction upon speeches** - The mover of a motion shall be allowed ten minutes to introduce the motion and five minutes for the right of reply. Speakers for or against such proposal shall be limited to five minutes, except that at any time the meeting may resolve, on the motion of a delegate, that the speaker's time be extended by a specified number of minutes and any such proposal for an extension of time shall be put to the meeting without debate.
- 1.9 No member shall propose more than one amendment upon a motion, and no member shall speak more than once upon a motion or once upon each amendment thereto, except with the permission of the Chair or except they be the mover of the motion, who shall be entitled to the right of reply; provided that, for the purpose of this By-Law, an amendment that has become the substantive motion shall be deemed to be a separate motion. Notwithstanding, however, the right to reply given to the mover in the foregoing, the Chair may, should they consider that there is no practical difference of opinion among the members, stop the discussion and submit the proposal to the meeting.
- 1.10 **Seconding without remarks** - A member who uses the words "*I second the motion*" or "*amendment*", as the case may be, shall not be deemed to have spoken to the question before the Chair and may exercise their right to speak at a later time, always providing they are not the third consecutive speaker on the one side. For the general purpose of debate, however, they shall be deemed the second speaker in the affirmative.
- 1.11 **Debate** - When a motion has been duly proposed and seconded, the Chair shall proceed to take the votes, unless some member rises to oppose it or to propose an amendment. No more than two members shall speak in succession either for or against any question before the meeting, and if, at the conclusion of the second speaker's remarks, no

- member rises to speak on the other side, the motion or amendment shall be at once put to the meeting.
- 1.12 **Time of Amendment** – A motion may be amended at any time during the debate thereon by:
- a. striking out certain words;
  - b. adding certain words; or
  - c. striking out certain words and inserting others in their place.
- 1.13 Any member who wishes to propose a further amendment to the motion shall have power to give notice of amendment and state its nature before the amendment before the Chair has been put to the vote.
- 1.14 **Amendments** - Only one amendment shall be entertained at the one time. If the amendment is carried, it shall become the substantive motion, the original motion lapsing, and there shall be no necessity to put the original motion to the meeting.
- 1.15 **Other Amendments** - Whether an amendment is carried or not, other amendments may be submitted, in the manner to be decided, until the subject is finally disposed of.
- 1.16 **Amendment Lost** - In the case of all amendments being lost, the Chair shall put the original motion to the vote.
- 1.17 **Motion discharged from Agenda** - A motion may be superseded at any time by:
- a. another, that it be discharged from the notice paper;
  - b. a motion for the adjournment of the question under consideration; or
  - c. a motion for the adjournment of the meeting; or
  - d. a motion "*That the next item of business be proceeded with*", being resolved in the affirmative.
- 1.18 **Frequency of Speech** - A member shall not speak more than once upon any motion before the meeting, except:
- a. in reply upon an original motion;
  - b. in committee of the whole;
  - c. in explanation; or
  - d. upon a point of order raised during a debate.
- 1.19 **Explanation** - Any member who has spoken to a motion may again be heard to explain himself in regard to some part of their speech which the Chair agrees may have been misquoted or misunderstood, but such member shall not introduce any new matter or interrupt any delegate who may be speaking, and no debatable matter shall be brought forward nor debate arise upon such explanation.
- 1.20 **Motion for question to be put** - A motion "*that the question be now put*" may be moved at any stage of a debate, and shall be put immediately to the meeting without discussion. If lost, the debate shall continue as if such motion had not been moved. If carried, the mover shall have the right to reply, then the amendment if there be an amendment, or

motion, if no amendment has been moved thereon, or all amendments have been disposed of, shall be put to the meeting without further discussion. No delegate who has spoken to the motion or amendment immediately before the Chair shall be permitted to move *"that the question be now put"*.

- 1.21 **Restriction on moving that question be put** - At any meeting, no motion that the question be now put shall be proposed or seconded by a delegate from the same Sub-Branch as that represented by the proposer or seconder of the original motion.
- 1.22 **Notice of Motion** - A member may, at any meeting, give a notice of motion for a future meeting by reading such notice to the meeting and handing a copy thereof to the Chair. Such notice of motion shall take precedence in the order in which it stands in the minute book in relation to other similar notices, unless otherwise ordered by the meeting, and will lapse if the member, or some member on their behalf, be not present when the order for notice is read.
- 1.23 **Delegate's absence** - If the Chair of the meeting declares that an item on the meeting agenda paper may lapse because of the absence of the delegate proposing the item, the Chair may accord to another delegate the right to propose such item to the meeting.
- 1.24 **Precedence of Business adjourned meeting** - When a motion for the adjournment of the meeting has been carried, the business then undisposed of shall have precedence in its order at the next meeting.
- 1.25 **Rescinding Resolutions** - Any member wishing to rescind a resolution, which has been previously passed by the meeting, must give notice of motion that, at the next meeting, they will move that such a resolution be rescinded. Such notice of motion shall require a majority of two thirds of the votes of members present at the meeting to rescind the resolution in question.
- 1.26 **Cannot represent two Sub-Branches** - No delegate shall, at the one time, or in connection with the one motion or any amendments thereto, represent or vote on behalf of more than one Sub-Branch.
- 1.27 **Conducting vote** - The Chair shall put all questions in a distinct and audible voice to the meeting by asking the "ayes" to vote first and, afterwards, the "noes", and shall, thereupon, give their opinion as to which are in the majority, and shall declare a show of hands or a ballot if same is asked for.
- 1.28 **No debate during voting** - No members shall speak to any question after it has been put by the Chair, nor during a vote, except to a point of order.
- 1.29 **Voting procedure** - No member shall be allowed to vote on any show of hands or ballot who was not present when the question was first put. Every member present must vote, but in the event of a member's refusal to vote, they shall be assumed to have voted in the negative. No member shall be allowed to enter or leave the meeting while a vote is being taken.
- 1.30 **Introduction of authorised subjects only** - No member shall be allowed to obtain a discussion upon any subject through the media or correspondence, but they may introduce the matter, in their place at the meeting, by moving the suspension of Standing Orders.
- 1.31 **Meeting to resolve as committee** - The meeting may, at any time, resolve itself into a committee of the whole, and such resolution may exclude the press. So far as possible, however, business to be dealt with in committee shall be held over until all other business has been transacted.



- 1.32 **Adjournment of meeting or debate** - A motion for the adjournment of the meeting may be proposed at any time during a meeting, or for the adjournment of a debate at any time during such debate, and shall be, at once, put to the meeting by the Chair.
- 1.33 **Disorderly conduct** - If any member at any such meeting:
- a. persistently and wilfully obstructs the business of any meeting;
  - b. is guilty of disorderly conduct;
  - c. uses objectionable words and refuses to withdraw such words;
  - d. persistently and wilfully refuses to conform to these Standing Orders or any one or more of them; or
  - e. persistently and wilfully disregards the authority of the Chair;
- the Chair may report to the meeting that such Member has committed an offence.
- 1.34 **Apology or explanation for offence** - When any member has committed an offence, they shall be called upon to stand up in their place and make any explanation or apology they may think fit and, afterwards, a motion may be moved "*that the member be suspended for the sitting of the meeting*". No amendment, adjournments or debate shall be allowed on such motion, which shall be immediately put by the Chair.
- 1.35 **Suspension** - If any member be suspended, their suspension on the first occasion shall be for the remainder of that sitting; on the second occasion for the sitting of two consecutive meetings; and on the third occasion may, in the case of a member of the State Congress, Board of Directors or Sub-Branch Committees, have their seat thereon declared vacant.
- 1.36 **Points of Order** - In all cases where a point of order is raised, the member raising the same shall state their point of order clearly and distinctly and with the omission of irrelevant details. If a member is speaking, such member shall take their seat until the point of order is decided. The Chair shall decide the matter promptly, and their decision shall be final, unless their ruling is disagreed with. Points of order shall deal with the conduct or procedure of the debate. The member rising to put the point of order shall be required to prove one or more of the following that:
- a. the speaker is using unacceptable language;
  - b. they are digressing from the question;
  - c. they are transgressing some Rule of RSLWA or Sub-Branch; or
  - d. they are infringing the Standing Orders or, in the absence of a Standing Order relating to the point of order, is acting contrary to the general custom of debate. Points of correction, such as a protest that a speaker is not stating the truth, are not *Points of Order*.
- 1.37 **Disagreement with Chair's ruling** - When a motion is moved and seconded "*that the Chair's ruling be disagreed with*", the Chair shall forthwith leave the Chair and the debate on the original question then before the Chair shall be suspended. Another Chair shall then be appointed by the meeting and the question "*that the Chair's ruling be disagreed with*" shall be discussed and decided, after which the former Chair shall resume the role and the debate on the original question shall be proceeded with as if the same had not been suspended.

- 1.38 **Suspension of Standing Orders** - It shall be competent, by a two-thirds majority vote of the members present and voting, to suspend the Standing Orders, provided the effects of such suspension shall not be the amendment of these By-Laws or RSLWA Rules, and provided, further, that the suspension of the Standing Orders shall be limited in its operation to the particular purpose for which the suspension has been sought.
- 1.39 **Re-committing Resolution** - No resolution passed by a meeting shall be again debated or re-committed at the same meeting unless two-thirds of the members present and entitled to vote so agree.
- 1.40 **Objection to validity of vote** - Subject to these Standing Orders, the Chair shall be sole and absolute judge as to the validity of any vote cast on any question, and unless objection to the validity of any vote is raised immediately after the Chair has declared the result of the vote thereon, its validity cannot be again raised at any subsequent stage of the meeting.

## 2. LIFE MEMBERSHIP

- 2.1 Life Membership may be granted to Service members of the League on the recommendation of RSLWA to the National Board, subject to the following conditions:
- a. No person shall be eligible for the award who has not been a Service Member for at least 15 continuous years and has rendered not less than 10 years' outstanding service to the League;
  - b. a recommendation for an award of Life Membership shall, after due notice has been given, be submitted for approval to a general meeting of a Sub-Branch and upon approval shall then be submitted to the Board of Directors for approval. The recommendations are to be in the hands of the CEO not later than the date promulgated by the Honours & Awards Committee;
  - c. when a Sub-Branch submits the recommendation, it shall be forwarded to the CEO supported by a written citation of the member's qualifications. If, after due consideration, the recommendation is approved by the Board of Directors, it shall be presented to the National Board for approval;
  - d. the Sub-Branch concerned shall pay RSLWA the prescribed fee in accordance with the schedule below, plus the cost of the badge and certificate;
  - e. all badges for national awards are to be the same;
  - f. the number of memberships recommended in one year by RSLWA shall not be greater than one per 750, or part thereof, of the financial Service membership of RSLWA;
  - g. for a Life Member, the current annual capitation proportions are to be multiplied by the factor applicable to the corresponding age group of the nominee and be reduced by the factor shown for the number of financial members in the nominating Sub-Branch, as shown in the table hereunder rounded off to the nearest dollar.

Age Group	Reduction Factor	Financial Membership	percent
Up to 40	30	Over 500	0
41-45	25	301-500	16-2/3
46-50	20	201-300	20
51-55	15	151-200	25
56-60	12	101-150	33-1/3
61-65	7	51-100	40
Over 65	5	Up to 50	50

2.2 Other than in exceptional circumstances, RSLWA shall not propose a Service Member for election by the National Board to the class of Life Member unless that Service Member has been a Service Member for at least 15 continuous years and has rendered not less than 10 years' outstanding service to the League.

2.3 If a Service Member proposed for Life Membership pursuant to Rule 7 is also a member of a Sub-Branch that Sub-Branch shall pay to RSLWA, such fees as determined from time to time.

### 3. SERVICE MEMBERS

#### Theatres of Conflict

3.1 Since 1983 admission as a Service member of the League has been open to any member of the Australian Defence Force who in general terms has completed six months service. Prior to that, membership was generally related to service in a theatre of conflict.

#### Service Members - Eligible Service

3.2 The following shall be eligible to apply to be admitted as Service Members:

- a. any Veteran who was a member of the Armed Forces of:
  - (i) any country presently or formerly a member of the Commonwealth of Nations;
  - (ii) any country or place presently or formerly a Crown Colony of the United Kingdom; or
  - (iii) the United States of America.
- b. any Veteran to whom paragraphs 3.2a. do not apply, but who either served with or supported or was otherwise engaged with the Australian Defence Force or the Armed Forces of those countries or places referred to in paragraph 3.2a and who is an Australian citizen or a citizen of any of those countries or places;

#### Application for Service Membership - Standard Form

3.3 The *Application for Service Membership Form* is the standard form for use throughout the League. The standard form is the only form to be used by applicants applying for Service Membership. The form comes in two parts and the attached example is to be used for local production to meet requirements.

- a. **Part 1 - Mandatory Sections of Form** The first page of the form, containing preferred choice of Branch and Sub-Branch, personal details, service details, previous membership details and declaration and agreement and privacy statement sections, must be completed.
- b. **Part 2 - Other Details** The second page has been developed for use if required by RSLWA, it includes sections for Branch and Sub-Branch administration.

#### Application for Service Membership Form - Explanatory Notes

3.4 The *Application for Service Membership Form* is to be completed as follows:

- a. **Sub-Branch:** Under the provisions of Rule 7 and this By-Law, each person who applies to be admitted as a Service Member shall also apply to be admitted as a member of a particular State Branch or Sub-Branch as the case may be;

- b. **Personal Details:** The personal information in this section of the form provides the League with details for membership records;
- c. **Service Details:** The service details in this section are required to establish a person's eligibility to become a member of the League and also provide a record of the member's service for League information. *RSL Eligible Service* uses the codes listed at the bottom of this section to record theatres of operations or conflicts in which the applicant served. *Honours / Awards / Decorations* in this section are those that would be included after a member's name in the normal form of address. For example: *AO, MC, DFC*. Campaign and Service Awards are to be included in this section. For example: *1914/15 Star, Pacific Star, National Medal*.
- d. **Previous Membership Details:** This section is to be completed only if previously a member of the League;
- e. **Declaration and Agreement:** Under the provision of Rule 8 and this By-Law, each person who applies to be admitted as an Service Member shall make a declaration to be bound by the provisions of the National Rules and the National By-Laws and to be bound and promote the standing policy of the League, and be bound by the Rules and By-Laws of RSLWA;
- f. **Privacy Statement:** The RSL will not use any of the information on the membership form without the members specific permission in writing, other than to record the member as a member of the League and will not pass that information to anyone outside the League;
- g. **Administration:** For use by RSLWA and Sub-Branch administration as required. This provides a record of a member's financial status.

### **Processing of Applications for Membership**

- 3.5 An application to be admitted as a Service Member shall be:
  - a. in the approved form;
  - b. accompanied by the annual subscription payable; and
  - c. supported by such evidence as is necessary to demonstrate the eligibility of the applicant.
- 3.6 Each person who applies to be admitted as a Service Member shall, in their application form, also apply to be admitted as a member of a particular Sub-Branch as the applicant wishes.
- 3.7 An application to be admitted as a Service Member may be forwarded to, or lodged by, the applicant with the Sub-Branch referred to in paragraph 3.8. If the applicant applies to be admitted as a member of a particular Sub-Branch, then that Sub-Branch shall be responsible for processing the application.
- 3.8 If an applicant referred to in paragraph 3.8 elects to become a member of a particular Sub-Branch, then provided the applicant:
  - a. has demonstrated they are eligible to be admitted as a Service Member pursuant to this By-Law;
  - b. has completed their application form and has paid the annual subscription payable; and

- c. is considered by the committee of the Sub-Branch a fit and proper person to be admitted as a member; they shall be admitted as a Service Member and a member of that Sub-Branch.
- 3.9 A Sub-Branch committee may only reject an application if it is satisfied the applicant is not eligible, or is not, in the interests of the League, a fit and proper person to be admitted as a Service Member.
- 3.10 The decision of the Sub-Branch committee to not admit an applicant shall be recorded in the minutes of the meeting at which the decision was made. The applicant shall be notified in writing of the decision and the grounds upon which the application was rejected and their right of appeal to RSLWA, within 14 days of the committee meeting.
- 3.11 Within 28 days after the date of the notification in writing referred to in paragraph 3.12, the applicant may appeal in writing to RSLWA. Such an appeal shall be lodged with the Sub-Branch concerned, which shall thereupon forward it, together with the grounds for rejection and all other relevant papers and documents to the CEO.
- 3.12 RSLWA may direct the Sub-Branch concerned to admit the applicant as a Service Member if RSLWA is of the opinion the applicant should be admitted, or RSLWA shall reject the appeal if it is satisfied the applicant is not eligible, or is not, in the interests of the League, a fit and proper person to be admitted as a Service Member. The decision of RSLWA shall be final.
- 3.13 If RSLWA directs a Sub-Branch to admit an applicant as a Service Member, the applicant shall be deemed to have been admitted as a Service Member and a member of that Sub-Branch.
- 3.14 If an applicant referred to in paragraph 3.8 seeks to become a member of RSLWA only, then RSLWA is responsible for processing the application and subject to the provisions contained in paragraph 3.10, the applicant shall be admitted as a Service Member and a member of RSLWA. RSLWA shall, thereupon, include their name on the Unattached List of Members. RSLWA may only reject an application upon the grounds set forth in paragraph 3.14.
- 3.15 If RSLWA has rejected an application pursuant to paragraph 3.16, it shall within 14 days after the rejection notify the applicant in writing of the fact and the grounds for rejection, namely that they were not eligible, in the interests of the League, as a fit and proper person to be admitted as a Service Member and a member of RSLWA. In so doing it shall advise the applicant, in writing, of their right of appeal to the State Branch Tribunal regarding any decision made pursuant to paragraph 3.16.
- 3.16 Within 28 days after the date of the notification in writing referred to in paragraph 3.17, the applicant may appeal in writing to the State Branch Tribunal in respect of a decision made pursuant to paragraph 3.16.
- 3.17 The powers of RSLWA referred to in this By-Law shall be exercised by (and not otherwise) the State Branch Tribunal referred to in Rule 5.3, subject to such determinations being endorsed or otherwise by the Board of Directors.

#### **Unattached List of Members**

- 3.18 RSLWA shall establish and keep a register to be known as its "*Unattached List of Members*".

- 3.19 Upon RSLWA establishing such a list, there shall be transferred to it all those Service and Life Members who were previously included in the State's Miscellaneous List of Members at their own request.
- 3.20 Upon a person becoming a Service Member they may request RSLWA having jurisdiction over them to include them in the Unattached List of Members they do not wish to also be a member of a Sub-Branch.
- 3.21 A member of a Sub-Branch may request it to transfer them to the Unattached List of Members.
- 3.22 A Service or Life Member whose name is included in the Unattached List of Members by RSLWA may at any time request RSLWA to transfer them to a particular Sub-Branch or the Unattached List of another State. RSLWA is responsible for transfer action, and the receiving Sub-Branch or Branch concerned shall accept the transfer.

#### **Miscellaneous List of Members**

- 3.23 RSLWA shall keep a register known as the "Miscellaneous List of Members".
- 3.24 There shall be recorded in this list the names of all those Service Members who have been compulsorily transferred thereto consequent upon a resolution of RSLWA or consequent upon a determination made by the State Branch Tribunal.
- 3.25 A Service Member who has been transferred to the Miscellaneous List of Members for a period of time as a result of action taken under paragraph 3.26 may at the conclusion of that period request RSLWA to transfer them to the Unattached List of Members or to a particular Sub-Branch. If they do not make such a request they shall be transferred to the Unattached List of Members. However, if the Service Member requests a transfer to a Sub-Branch or the Unattached List of another Branch, then the prior approval of that Sub-Branch or Branch shall be obtained by RSLWA. An application for transfer shall not be rejected on the same grounds that resulted in the member's transfer to the Miscellaneous List.
- 3.26 A Branch or Sub-Branch to which a member wishes to transfer may accept or reject a proposed transfer. If RSLWA or a Sub-Branch decides to reject the proposed transfer of a member it shall advise the member and the member's Sub-Branch or Branch, as appropriate, in writing within 14 days, together with the reasons for its decision and their right of appeal.
- 3.27 Within 28 days after the date of notification in writing referred to in paragraph 3.28, the member may lodge an appeal in writing. Such an appeal shall be lodged, together with the sum of \$200, through their present Sub-Branch or Branch as appropriate.
- 3.28 In the case of a decision made by a Sub-Branch to reject an application, RSLWA shall be responsible for resolving the appeal.
- 3.29 In the case of a decision made by RSLWA to reject an application the member shall have the right of appeal to the State Branch Tribunal.
- 3.30 A Service Member whose name is included in the Miscellaneous List of Members shall so long as their name is so included:
- a. not be eligible to hold any office in the League; and
  - b. not be eligible to be a member of any Sub-Branch or an associate thereof.

**Processing Applications for Transfer**

- 3.31 A member may apply through their Sub-Branch, or RSLWA in the case of a member on the Unattached List, to transfer membership to another Sub-Branch or Branch list as appropriate. Transfers from the Unattached List and the Miscellaneous List are also dealt with in this By-Law.
- 3.32 The following sample *Request for Transfer of Membership Form* shall be the standard form for use by RSLWA and Sub-Branches for applying to transfer.
- 3.33 The form may be used for transfer between Branches or between Sub-Branches.

**Cessation of Membership**

- 3.34 Any Service Member or Life Member desiring to resign from the League shall give notice in writing to that effect. Upon such notice being lodged with RSLWA or Sub-Branch of which they are also a member, they shall thereupon cease to be a member.
- 3.35 Upon a Service Member or Life Member ceasing to be a member they shall cease to be entitled to or have any interest in any of the property or assets of the League but shall still be liable to pay to the League all amounts owing to it at the date of them ceasing to be a member.

**Annex C to By-Law 3  
Request for Transfer of Branch or Sub-Branch Membership**

*(Forward RSLWA and receiving Sub-Branch copies to CEO)*

\_\_\_\_\_  
*(Please print Christian or given names and surname)*

hereby request transfer of membership:

from: \_\_\_\_\_ Branch/Sub-Branch

to: \_\_\_\_\_ Branch/Sub-Branch

Old Address: \_\_\_\_\_ Postcode: \_\_\_\_\_

New Address: \_\_\_\_\_ Postcode: \_\_\_\_\_

Service No: \_\_\_\_\_ Rank: \_\_\_\_\_ Service: \_\_\_\_\_

RSL Badge No: \_\_\_\_\_ Membership Type: \_\_\_\_\_

Current Year's Subscription paid to: \_\_\_\_\_ Branch/Sub-Branch

Financial to 31 December: \_\_\_\_\_ Receipt No: \_\_\_\_\_

Date: \_\_\_\_\_ *(Signed)* \_\_\_\_\_

----- **ACKNOWLEDGEMENT SLIP** -----

Secretary: \_\_\_\_\_ *(Gaining Branch or Sub-Branch)*

The transfer of \_\_\_\_\_ has been actioned  
and the details provided are correct.

\$ \_\_\_\_\_ remains to this Life Member's/Service Member's credit and this  
is transferred to you.

\_\_\_\_\_  
Date: \_\_\_\_\_ Secretary: \_\_\_\_\_ (*Losing Branch or Sub-Branch*)

**NOTES:**

1. Number of copies as required by Branch instructions.
2. The transfer of Service Members will not involve the transfer of any part of their annual subscription.
3. Delete one as appropriate.

**4. AFFILIATES**

- 4.1 All Sub-Branches within the WA Branch that have accepted the introduction of Affiliates are bound to adopt the procedures in this By-Law and to accept Affiliates.
- 4.2 Affiliates shall comply with the Constitution, By-Laws and Standing Policy of the League in the same manner as Service Members.
- 4.3 Affiliates shall have a separate badge to that of the League, which shall be in such form as the National Executive determines. Each Affiliate shall be responsible for the cost of that badge which shall be in addition to the first annual subscription.
- 4.4 No person who is eligible for Service Membership of the League shall be admitted as an Affiliate.
- 4.5 The eligible persons who may be admitted as Affiliates are those who do not qualify for Service Membership, but comply with the following:
  - a. be 18 years of age or older;
  - b. be a person who is a relative of a League Member or a defacto partner of a League Member whether that League Member is living or has since died;
  - c. or a person who is, or has been, a member for at least six (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;
    - a Prison Officer;
    - Australian Border Force;
    - Cadets (Adult); and
    - Nursing Profession.



- d. has signed an Affiliate application form, as prescribed by the State Branch, which expressly required the Affiliate to agree to be bound by the National Constitution, Rules and By-Laws and any Rules and By-Laws of the State Branch.
- 4.6 Any person being eligible to be an Affiliate may apply for such by lodging with the Sub-Branch Secretary an application on a prescribed form and must be nominated by any Service or Life Member of the Sub-Branch and seconded by a Service or Life Member or Affiliate of the Sub-Branch.
- 4.7 All new affiliate members will be announced at the next available Sub-Branch meeting.
- 4.8 An Affiliate of a Sub-Branch may be a member of the Committee of that Sub-Branch provided that Affiliates shall not exceed more than four tenths (40 percent) of the number of positions on the Committee of that Sub-Branch:
- a. (i) An Affiliate may be elected to the position of President of a Sub-Branch subject to the approval of the Board of Directors and shall have the full rights of the position.
- (ii) That an Affiliate shall not represent their Sub-Branch as a voting delegate at a State Congress, unless that Affiliate has been elected as an Officer of a Sub-Branch by approval of the Board of Directors.
- (iii) Any variation of the foregoing provision must be authorised by the State Branch Executive responsible for policy implementation.
- b. 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 excluded under By-Law 4.11 as matters upon which Affiliates may not speak or vote.
- c. an Affiliate can only be nominated for a position on committee if there is no nomination for that position from a service member.
- d. In the event of an Affiliate entitled to nominate for Secretary, Treasurer or Committee person does so, then Affiliates shall be entitled to vote for that position.
- e. at least 60 percent of the members of the Committee of the Sub-Branch must be Service or Life Members of the League.
- 4.9 An Affiliate shall not hold any other office in the League.
- 4.10 A person may only be an Affiliate of one Sub-Branch.
- 4.11 a. An Affiliate of a Sub-Branch may speak and vote at a meeting of the Sub-Branch on any Sub-Branch matter, including the election of Affiliates to the Committee of a Sub-Branch, save and except that an Affiliate may not speak or vote of any matter relating to matters specifically relating to Service Members, the alteration or amendment to the National Constitution, the State Constitution nor cast votes for the elections for State positions.
- b. An Affiliate shall not be entitled to speak or vote at a meeting called to consider the agenda for the State Congress, unless that Affiliate has been elected as an Officer of a Sub-Branch by approval of the Board of Directors.
- 4.12 Affiliates of a Sub-Branch 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. They shall have no right of access to League or Sub Branch welfare or amelioration funds.

- 4.13 An Affiliate of a Sub-Branch shall pay to the Sub-Branch such annual subscription as is determined by that Sub-Branch. Such Annual Subscription shall include National and State capitation fees as set from time to time by the National and Board of Directors of the League.
- 4.14 A Sub-Branch shall pay to the State Branch such Capitation Fees received from an Affiliate as is determined, from time to time, by the National and Board of Directors of the League.
- 4.15 The State Branch shall make an annual payment in relation to an Affiliate of a Sub-Branch, to the League, at the same time as it pays its capitation fees, a fee in respect of each Affiliate of a Sub-Branch equal to the amount of the capitation fee set by National Congress for that year.
- 4.16 Annual subscriptions shall be payable in advance on the 1<sup>st</sup> January in each calendar year. An Affiliate who does not pay their annual subscription by the 30<sup>th</sup> April ceases to be an Affiliate of the Sub-Branch.
- 4.17 The Committee of a Sub-Branch may at any time revoke the right to be an Affiliate of any such person who has transgressed the National Constitution, By-Laws and/or State Constitution or who has failed to uphold the Objects of the League.
- 4.18 A receipt must be issued to each Affiliate of the Sub-Branch, as evidence of payment of the annual subscription.
- 4.19 RSLWA shall pay annually to the League, at the same time as it pays its capitation fees, a fee in respect of each Affiliate equal to the amount of the capitation fee set by National Congress for that year.
- 4.20 Notwithstanding the foregoing and subject to a Service or Life Member not being available, then Affiliates may be elected, to the positions of Secretary, Treasurer, (or Secretary/Treasurer) and have full voting rights.
- 4.21 An Affiliate of a Sub-Branch may be a member of the committee of that Sub-Branch provided that Affiliates may not hold more than 40 percent of the number of positions
- 4.22 An Affiliate on the committee of a Sub-Branch may only vote on matters relating to Sub-Branch member facilities.
- 4.23 The committee of a Sub-Branch may at any time revoke the right to be an Affiliate and upon that revocation such a person shall cease to be an Affiliate.

## **5. SUB-BRANCHES**

### **General**

- 5.1 Nothing in these Rules shall be construed as in any way limiting the power of the National Executive to establish a Sub-Branch in any place it sees fit. Similarly, nothing in these Rules shall be construed as in any way limiting the power of the Board of Directors to establish a Sub-Branch in any place it sees fit within Western Australia.
- 5.2 If any Sub-Branch ceases to operate or is dissolved or wound-up, its assets shall, after payment of all its debts and liabilities and subject to the applicable law, vest in RSLWA, or if there is no Branch at the time of its dissolution or winding-up in the League, to be used by the League as far as possible for its purposes in the place where the Sub-Branch formerly carried out its activities.
- 5.3 Nothing in these Rules shall be construed so as not to permit the National Executive making any By-Law dealing in any way with the assets of RSLWA or Sub-Branch.

- 5.4 Subject to any State or Commonwealth legislation to the contrary, a Sub-Branch is not authorised to and shall not transfer or offer to transfer, lease or offer to lease, or create or authorise to be created any security or interest in any property held or owned by it either legally or beneficially without the prior written approval of the Board of Directors.
- 5.5 The powers of RSLWA referred to in shall be exercisable by RSLWA and not otherwise.
- 5.6 Each member of the League, under the jurisdiction of RSLWA, shall belong to a Sub-Branch of RSLWA, except in the case where members or prospective members do not desire to be involved in Sub-Branch activities and request to be members of a central group formed by RSLWA, called the Unattached List, in which case such members shall not have any representation or voting powers at State Congress. All such members are hereinafter collectively referred to as members of RSLWA.
- 5.7 Any person eligible for membership of the League, in accordance with the National Rules and National By-Laws, shall be eligible for membership of any Sub-Branch of RSLWA.
- 5.8 Sub-Branches shall generally be situated within the locality over which they, respectively, hold jurisdiction. Notification of any change of address shall be forwarded without delay to the CEO.
- 5.9 All Sub-Branches shall meet regularly, usually on a monthly basis, unless otherwise authorised by RSLWA.
- 5.10 A member of any Sub-Branch visiting any other Sub-Branch shall be entitled to hospitality on producing evidence of their identity as a financial or honorary member of another Sub-Branch or Branch of the League.
- 5.11 Unless approved by Board of Directors no Sub-Branch shall take or cause to be taken any steps to become incorporated under the provisions of the Act.
- 5.12 All monies due to RSLWA by Sub-Branches with a monthly statement of accounts must be paid and delivered to the CEO on or before the ninth day in each month.

#### **Amalgamation and Dissolution**

- 5.13 a. The Board of Directors may amalgamate Sub-Branches if such amalgamation is formally resolved by at least a three fourths majority of eligible and financial Service Members present of each of the Sub-Branches at a special meeting called for such amalgamation.
- b. The Board of Directors may dissolve a Sub-Branch which for any reason is not operating within these Rules, By-Laws or the National Rules or By-Laws and fails to remedy the situation within a reasonable time.

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

- 5.14 Any 10 or more eligible service or ex-Service personnel may apply to the Board of Directors for leave to form a Sub-Branch.
- 5.15 Notwithstanding anything contained in these Rules, the Board of Directors may, if it so resolves by a three fourths majority of total membership, at a special meeting duly called for the purpose, permit the formation of a "*community of interest*" Sub-Branch, containing not less than 10 members.

#### **Annual General Meeting**

- 5.16 The Annual General Meeting shall be the controlling body of the Sub-Branch.

- 5.17 Each Annual General Meeting must be held within three months after the end of the previous financial year.
- a. Procedures for AGM notification to members:
    - i. Time,
    - ii. Date
    - iii. Place
    - iv. Notice Period to be not less than 30 days.
- 5.18 The following business shall be transacted at each Annual General Meeting:
- a. presentation and adoption of the President's annual report;
  - b. receiving of the statement of income and expenditure, assets and liabilities and of mortgages, charges and securities affecting the property of the Sub-Branch for the last financial year;
  - c. receiving of the report on the financial affairs of the Sub-Branch for the last financial year;
  - d. presenting of the financial statements (reviewed or audited if defined as a Tier 2 or Tier 3 charity by the *ACNC Act 2012*);
  - e. election of the Sub-Branch officers and committee; and
  - f. appointment of an independent auditor (if defined as a Tier 2 or Tier 3 charity by the *ACNC Act 2012*).
- 5.19 The State Branch must be notified of the current office bearers within 30 days of the Sub-Branch Annual General Meeting.
- 5.20 Each Sub-Branch shall, within 30 days after the expiration of the date of the Annual General Meeting, forward a copy of the balance sheet and statement of income and expenditure of the Sub-Branch for the year preceding the said Annual General Meeting, to the CEO.

#### **Election of Officers**

- 5.21 The officers and members of any committee shall be elected from among its members each year, for tenure of up to three years, at the Annual General Meeting of the Sub-Branch. Those elected shall be a President, Vice-President, Treasurer, Secretary, Membership Officer and may elect no more than two Wardens. The President, Treasurer and Secretary shall be ex-officio members of all committees.
- 5.22 The executive officers of the Sub-Branch shall be deemed to be the President, Vice-President, Treasurer, Honorary Secretary and such other persons as the Sub-Branch may decide, and shall hold office at the pleasure of the Sub-Branch.
- 5.23 Nominations for all offices whose tenure has expired shall be taken at the Annual General Meeting. All nominations shall be in writing and taken prior to the Annual General Meeting.
- 5.24 The date upon which nominations will close shall be determined by the Sub-Branch Committee but no less than 30 days before the AGM. Nominations should not be received after the promulgated date. On receipt, written nominations are to be placed in general view for Sub-Branch Members for the period of 30 days.
- 5.25 Nominations shall be signed by the Sub-Branch members who propose and second them and be endorsed by the nominee. Voting for the nominated candidates will only take

place at the Annual General Meeting by Sub-Branch Members. Proxy votes will not be accepted. Members must attend the AGM to vote.

- 5.26 The Sub-Branch is to nominate a Returning Officer for the return and counting of ballot papers. Nominees may appoint a scrutineer/s if desired.
- 5.27 In the event of there being only one nomination a ballot shall not be taken.

#### **Office Nomination More than One Position**

- 5.28 A member may be nominated for as many positions as they choose to accept without losing any of their rights upon non-election to any one position, provided that where a member has been nominated for more than one position their other nomination or nominations shall be deemed to have automatically lapsed upon their election to one of the positions for which they shall be nominated, except upon a resolution to the contrary by the meeting.
- 5.29 Election of all office bearers shall be by preferential voting which shall also apply where it is necessary to determine seniority where there are only sufficient (or in some case where there are less) nominees to fill vacant positions. Ballot/voting forms should be available at the AGM with candidates listed in alphabetical order. Voting should take place prior to general business to allow the new/old Committee Members to run the business session. The outcome is to be announced by the Returning Officer.

#### **Vacancies**

- 5.30 Vacancies, however occurring, in any of the offices shall be filled for the unexpired period as soon as is practicable after the occurrence thereof, provided that should any Sub-Branch fail to fill the office of President or Secretary within two calendar months from the date upon which the vacancy or vacancies occurred the RSLWA Board of Directors shall be empowered to call an Extraordinary General Meeting of the Sub-Branch concerned for that purpose.

#### **Duties of Sub-Branch President**

- 5.31 Whilst not exhaustive the President shall:
- a. chair meetings;
  - b. sign documents on behalf of the Sub-Branch;
  - c. ensure all relevant information is made available to committee members;
  - d. ensure the Sub-Branch is run according to and in compliance with the Constitution of RSLWA;
  - e. oversee activities and projects; and
  - f. in the President's absence, the Vice President if one is appointed or a member nominated by the President may represent the Sub-Branch and preside over meetings.

#### **Duties of Sub-Branch Secretary**

- 5.32 A Sub-Branch Secretary shall:
- a. keep a register of all members of the Sub-Branch;
  - b. keep full and correct minutes of all meetings held by the Sub-Branch;

- c. be responsible for having interim receipts issued for monies received by them on behalf of the Sub-Branch and to have all such moneys deposited in the Sub-Branch bank account or an account held by the Sub-Branch in a similar institution such as a Credit Union or Building Society;
- d. carry out all instructions received from the members of the Sub-Branch in the form of resolutions passed by the majority of the members.

5.33 All payments from the Sub-Branch accounts must be signed by any two of the following: the President, Vice-President, Secretary or Treasurer. This includes electronic forms of authorisation and signature. Note: The role of a Sub-Branch Secretary differs significantly on the size of the Sub-Branch membership.

#### **Duties of Sub-Branch Treasurer**

5.34 A Sub-Branch Treasurer shall:

- a. be responsible for having final receipts issued for the monies received on behalf of the Sub-Branch and to ensure all moneys received on behalf of the Sub-Branch are deposited in an approved bank or similar institution and vested in the name of the Sub-Branch;
- b. verify all accounts for payment, which are presented to the members for authority to pay;
- c. keep a cashbook in which is recorded all financial transactions of the Sub-Branch;
- d. keep a working account for day-to-day running of the affairs of the Sub-Branch, and an amelioration account for matters pertaining to the welfare assistance to members, proceeds from the *Poppy Day* collections and any other income, allotments, donations, or bequests made specifically for welfare purposes must be paid into the amelioration account;
- e. draw up and present to the members at the monthly meeting a statement showing clearly the financial position of the Sub-Branch as compared with the previous monthly statement;
- f. reconcile between the balance shown in the cashbook and the balance shown on the statement from the bank; and
- g. prepare and submit to the Annual General Meeting statement of the income and expenditure of the Sub-Branch, with a balance sheet setting out the assets and liabilities of the Sub-Branch (duly reviewed or audited if defined as a Tier 2 or Tier 3 charity by the *ACNC Act 2012*).

Note: the roles of Sub-Branch Treasurer differs significantly on the size of the Sub-Branch membership.

#### **Rules and By-Laws**

5.35 These Rules and RSLWA By-Laws shall apply to all Sub-Branches duly formed under the authority of RSLWA, but it shall be competent for Sub-Branches to create By-Laws to suit varying local conditions. Such By-Laws are to be submitted to the Board of Directors and to be consistent with the general spirit of the Rules and By-Laws of the League and of these Rules and RSLWA By-Laws.

5.36 Each Sub-Branch shall deal with, and as far as possible settle, all matters affecting the interests of its individual members. Such questions as it cannot settle, or questions affecting the interests of eligible service personnel generally, shall be referred to the Board of Directors whose decision shall be final.

5.37 The payment of the yearly subscription or the acceptance of honorary membership shall imply a member's acquiescence to the National Rules, National By-Laws, these Rules and Branch By-Laws.

#### **Transfer from Sub-Branch**

5.38 During the period covered by yearly subscription, any member who at the date of joining did not reside, or at any time thereafter ceases to reside, within the area wherein the Sub-Branch of which they are a member operates, may without further payment for such period claim admittance to a Sub-Branch.

5.39 Any member claiming admittance to any Sub-Branch under this Rule shall apply in person or in writing to the Secretary of that Sub-Branch.

5.40 The Secretary of an admitting Sub-Branch shall complete the requisite transfer form and forward the original and one copy to the Membership Officer who shall record such transfer in the register of members and within 10 working days forward the copy to the Secretary of the member's former Sub-Branch.

5.41 A Sub-Branch committee may only reject an application for membership of that Sub-Branch by following the procedures set forth in By-Law 3.

#### **Wardens**

5.42 A Sub-Branch Warden may be an officer of the Sub-Branch to oversee and ensure that the affairs of the Sub-Branch are conducted in accordance with the Rules and in the best interests of the League and the Sub-Branch.

5.43 A Warden or Wardens, as described in By-Law 5.21 may hold office for a period of up to three years and may be eligible for re-election.

5.44 A Warden or Wardens may be removed from their office by a majority vote of members present and voting at an Annual General Meeting or an Extraordinary General Meeting called for that purpose. Vacancies, however occurring in the office of Warden, may be filled by the members present at such meetings.

#### **Absence**

5.45 Should any officer of a Sub-Branch absent himself for three consecutive meetings of the Sub-Branch their seat thereon shall automatically be vacated unless good and valid reasons be given.

#### **Cessation of Membership**

5.46 No person retiring from RSLWA, nor any person ceasing from any cause to be a member, shall be entitled to or have any claim upon the property of RSLWA or any part thereof, nor shall they hold any office in RSLWA or Sub-Branch.

5.47 When any person shall cease from any cause to be a member of RSLWA, the Sub-Branch Secretary shall report the facts to the CEO, and the name of such person shall be removed from the register of members.

**Removal from Office**

- 5.48 Any of the officers of a Sub-Branch may be removed from office on a resolution passed by at least two-thirds of the members present at an Annual General Meeting or an Extraordinary General Meeting of the Sub-Branch called for that purpose, provided that the notice convening the meeting, and stating the purpose thereof, shall have been sent to financial members of the Sub-Branch at their last known place of address.

**Sub-Branch General Meetings**

- 5.49 Between the Annual General Meetings of the Sub-Branch there shall be held general meetings of members upon such dates as the Sub-Branch committee, subject to resolutions of the Annual General Meeting, shall decide.
- 5.50 Each Sub-Branch shall decide, in accordance with local contingencies and membership, the number of members present who shall form a quorum.

**Sub-Branch Extraordinary Meetings**

- 5.51 Extraordinary meetings shall be convened on receipt of a requisition signed by at least seven members of the Sub-Branch. Such requisition shall specify the object of the meeting and be deposited with the Secretary, who shall convene such meeting within a reasonable time from receipt of such requisition.
- 5.52 Should the President of a Sub-Branch not convene a general meeting of members within 12 months, or should a Sub-Branch petition in writing to the State President requesting an Extraordinary General Meeting of the Sub-Branch, the State President may convene an Extraordinary General Meeting which shall have the same powers as if it were convened by the Sub-Branch President, notwithstanding the absence of any Sub-Branch officer therefrom.

**Vacancies in Sub-Branch Officers or Committees**

- 5.53 Any vacancy occurring in the office of President, Vice-President, Secretary, Treasurer or Committeeman may be filled by the majority vote of members of the Sub-Branch at its next meeting.

**Holding Office - One Sub-Branch Only**

- 5.54 No member shall hold the office of President, Vice-President, Treasurer or Secretary of one Sub-Branch while holding office in another Sub-Branch.

**Defunct Sub-Branches**

- 5.55 In the event of a Sub-Branch becoming defunct or ceasing to operate and function, all money and property of whatever nature and of which it shall stand possessed shall, after satisfying all its creditors and meeting all other obligations, be taken over and held by the State Branch, under whose jurisdiction it formerly functioned, pending its reorganisation or reformation, as herein. RSLWA shall satisfy to the limits of the defunct Sub-Branch assets any creditors or obligations, which are verified to the satisfaction of RSLWA, as having been incurred by the defunct Sub-Branch.
- 5.56 Should the Sub-Branch be not reorganised or reformed under the authority of RSLWA within a period of two years from the date on which such money or property were taken over by the State, then RSLWA may sell or otherwise deal with any property held or expend any moneys in such manner and for such purposes of the League in the area in which such Sub-Branch operated.
- 5.57 If, after such disposal of the original Sub-Branch property, the Sub-Branch reforms or is reorganised, it shall have no claim to the previous assets.



- 5.58 Further, the Wardens of any defunct Sub-Branch in whom lands or other property shall be vested, shall sign all documents and do all such acts and things as may be necessary to transfer the same to RSLWA or to dispose of, or otherwise deal with, the same and the proceeds thereof as RSLWA shall direct.

#### **Expulsion of Sub-Branch**

- 5.59 Any Sub-Branch committing a serious breach of the Rules and By-Laws of RSLWA for the time being in force, shall, by direction of the State Congress or the Board of Directors have attention called thereto by notice in writing from the CEO and, if, after notice, it should continue to offend, the CEO shall make a special report on the matter to the State Congress or Board of Directors and forward a copy to the National Secretary.
- 5.60 Should State Congress or Board of Directors decide, by resolution carried by 75 percent majority of votes of the members of the State Congress or Board of Directors present at such meeting to:
- a. declare that all officers of the Sub-Branch shall be deemed to have vacated office and direct the State President or some other Service or Life Member to take charge of the affairs of the Sub-Branch; or
  - b. revoke the charter issued to the Sub-Branch.

- 5.61 If RSLWA revokes the charter of a Sub-Branch pursuant to Rule 5.2e the Sub-Branch shall be deemed to have ceased to operate and all its members shall thereupon be deemed to have been transferred to the Unattached List of Members kept by RSLWA.

- 5.62 The said Sub-Branch shall thereupon cease to be a Sub-Branch of RSLWA, but without prejudice to the right of RSLWA to require payment or satisfaction from the expelled Sub-Branch under these Rules. If any Sub-Branch is expelled as aforesaid, it shall forthwith return, or procure the return, to the CEO of all badges and the charter in its possession.

#### **No Criticism via media permitted**

- 5.63 No Sub-Branch shall authorise or permit, nor shall any office bearer or member thereof, in the name of the Sub-Branch, cause the printing in any newspaper, periodical, circular or other publication or electronic or any other means, excepting any League journal or publication, of any article or statement criticising RSLWA or the Board of Directors, or their policies, or expressing any views antagonistic thereto.

#### **Arbitrator**

- 5.64 The Board of Directors may act as arbitrator between such Sub-Branches that amalgamate and that are unable to reach an agreement in respect of their respective or joint liabilities and assets. Where RSLWA so arbitrates, its decision shall be final, save that an appeal against such decision may be submitted to, and be dealt with by, the State Congress.

#### **Contraventions**

- 5.65 If a Sub-Branch contravenes or fails to observe or perform any of the provisions of these Rules or the By-Laws or fails to be bound by or to uphold the standing policy or has been guilty of conduct prejudicial to the interests of the League, the Board of Directors may cause notice in writing specifying such contravention, failure to observe or perform, or conduct, to be forwarded to the CEO.

- 5.66 A notice referred to in By-Law 5.65 shall specify a period of time within which the Sub-Branch shall remedy the contravention, failure to observe or perform, or conduct as the case may be.
- 5.67 If a Sub-Branch fails to comply with a notice referred to in By-Law 5.65; the matter may be referred, in writing to a State Congress.
- 5.68 A State Congress, to which a report referred to in By-Law 5.67 has been made, may resolve, by a 75 percent majority vote, to:
- a. declare that all elected officers of the Sub-Branch shall be deemed to have vacated office;
  - b. direct the State President or some other Service or Life Member, to take charge of the affairs of that Sub-Branch subject to such conditions as the State Congress may deem necessary; and
  - c. revoke the charter issued to the Sub-Branch in accordance with failure to comply with the provisions of National By-Law (League Organisations) 3(e) and/or 3(f).

#### **Charter Revoked**

- 5.69 If RSLWA revokes the charter of a Sub-Branch pursuant to By-Law 5.60, the Sub-Branch shall be deemed to have ceased to operate and all its members will be transferred to the Unattached List of Members kept by RSLWA.
- 5.70 If a charter of a Sub-Branch is suspended or revoked, the provisions of National By-Laws require that:
- a. the Sub-Branch may not sell or assign any of its assets, create any security over them or pay any of its funds to a person except to pay a debt then due; and
  - b. the State Branch may dismiss the Sub-Branch's officers, appoint new officers, transfer its members to the State Branch or another Sub-Branch, transfer its net assets to the State Branch or another Sub-Branch determined by the State Branch and dissolve the Sub-Branch.

#### **Dissolution**

- 5.71 The National By-Laws require that the State Branch Rules must provide that following the dissolution of a Sub-Branch its assets remaining after paying all liabilities are paid to the State Branch or another Sub-Branch determined by the State Branch, and if there is no State Branch, the RSL.
- 5.72 The RSL or relevant State Branch will, as far as possible, use these assets for the objects of the RSL in the State or Territory of the former Sub-Branch or State Branch, as relevant.

#### **Administrative Appeals**

- 5.73 Any Sub-Branch aggrieved by a resolution of RSLWA passed pursuant to powers conferred by this By-Law may appeal in writing through RSLWA to the National Executive. Such an appeal shall be accompanied by the supporting reasons for the appeal and the sum of \$500.
- 5.74 The National Executive may appoint one of its members or some other Service or Life Member as an investigating officer to inquire into and report to the National Executive upon the matters raised in the appeal and any such other matters relevant to the appeal arising during the course of the inquiry.
- 5.75 Upon the hearing of an appeal referred to in By-Law 5.74, the National Executive, or Investigating Officer shall hear submissions by both RSLWA and the Sub-Branch concerned or may direct that each make written submissions.

## **6. TRUSTEES**

### **Duties, Powers and Functions of State Trustees**

6.1 The duties and functions of the State Trustees are to:

- a. If required, administer the trusts of the WA Branch that have been, or are, established from time to time.
- b. Maintain the integrity of the administration of the League's Rules and By-Laws in accordance with the Act.
- c. Monitor the use of the Common Seal of RSLWA.
- d. Carry out tasks that may from time to time be requested of them by State Congress, or the Board of Directors.
- e. Provide a 'corporate memory' of the established principles, policies and traditions of the League through their experience, standing and continuity of tenure.
- f. Provide impartial advice to the Board of Directors.
- g. Undertake investigations, inquiries or other responsibilities as requested by the Board of Directors.
- h. Represent the State President at commemorative and other official functions as required.

6.2 The powers of the Trustees are derived from their ability to:

- a. Administer the trusts of the League pursuant to the *Trustees Act 1962 -1978; and*
- b. Provide advice to Congress and Board of Directors.

6.3 In carrying out their duties and functions, the Trustees shall:

- a. Attend meetings of State Congress or the Board of Directors. To enable them to do so, they are to be provided with all notices of meetings and minutes of the above bodies by the CEO.
- b. Be provided with the minutes of all Branch committees and attend such meetings from time to time if they wish to do so.
- c. Represent the League at all times and, if available, represent RSLWA at official functions when requested to do so.
- d. Be bound by RSLWA Rules and By-Laws and the Rules and By-Laws of the League in the same way as other members.

## **7. MOTIONS AFFECTING POLICY.**

7.1 No motion or notice of motion affecting the policy of RSLWA made or given by a member of RSLWA shall be valid, unless RSLWA has, beforehand, received in writing from the Sub-Branch, endorsement of that motion. The State President shall be the authority as to whether any motion affects the policy of RSLWA.

## **8. TRAVEL AND ACCOMMODATION**

- 8.1 With the exception of the State President and CEO, any member of the Board of Directors or any employee of RSLWA whose duties require them to travel by air are to be restricted to economy class travel.
- 8.2 All accommodation standards are dependent on the accommodation available and subject to the approval of the Board of Directors or through delegated authority by the CEO.

## **9. PROCEEDINGS AT STATE CONGRESS**

### **Preamble**

- 9.1 In every calendar year, RSLWA shall hold an Annual General Meeting of all Sub-Branches (within the meaning of Rule 12) within its jurisdiction, to be known as State Congress, at such time and place and on such date as is determined by the Board of Directors. The business of such an Annual General Meeting shall include the:
- a. election of officers of RSLWA where tenure of office has expired;
  - b. consideration of the report of the State President;
  - c. consideration of its financial affairs and accounts;
  - d. consideration of matters in its agenda which directly affect RSLWA; and
  - e. consideration of matters in its agenda that directly affect the League as a whole and which in its opinion should be considered at the next National Congress.
- 9.2 A State Congress will be held annually at a date and place to be decided by the State President on the advice of the Board of Directors.
- 9.3 Representation of Sub-Branches at State Congress shall be on the following basis:
- a. For each 75 members or part thereof, one delegate. Each delegate to have one vote only, provided that the maximum number of delegates from any one Sub-Branch shall not exceed six. The nomination of Congress delegates for a Sub-Branch shall be in writing from the Sub-Branch and received at RSLWA not later than 14 days prior to the opening of State Congress. Any Sub-Branch may exercise its full voting power, notwithstanding that its full quota of delegates be not present when any division is taken;
  - b. On the formation of any Sub-Branch, authorised by the Board of Directors, after 31 December and before closing date of nominations and items for Congress; that Sub-Branch, in accordance with RSLWA Rules and By-Laws, may nominate delegates and propose items to the next State Congress;
  - c. Members of the Board of Directors shall have the right to submit and speak on items of which the Board of Directors has given notice, but not to vote unless appointed as a delegate by a Sub-Branch; and
  - d. Each Sub-Branch shall be limited in its number of delegates to State Congress by the respective number of financial members recorded at State Headquarters as at 31 December of the previous year.

- 9.4 The Board of Directors shall:
- a. At least four calendar months prior to the dates fixed for the holding of State Congress, notify all Sub-Branches that notice of motions thereat will be received by the CEO up to a specified date, but not later than six weeks prior to the opening of State Congress. Such motions shall be State or National in character, of an affirmative nature and accompanied by adequate preamble and support material. Sub-Branch Motions for consideration by State Congress must be approved by a majority vote present at a properly constituted meeting of that Sub-Branch and signed by not less than five financial members of the Sub-Branch present at that meeting;
  - b. Compile and have printed an agenda paper from all motions received;
  - c. The Board of Directors may reword or amalgamate items where necessary with the approval of the sponsoring Sub-Branch; and
  - d. In the event of a delegate not being able to be present at any sittings of State Congress, the Sub-Branch may appoint a proxy.

#### **Meetings of State Congress**

- 9.5 The Board of Directors shall decide the timings and venue for State Congress.
- 9.6 The office of the State President and State Vice-President shall be vacated at the State Congress after a term of three years in office and elections shall be held to fill each of those vacancies.
- 9.7 The representatives of 25 percent of Sub-Branches shall constitute a quorum.
- 9.8 Three calendar months' notice in writing shall be given by the CEO to Sub-Branches of all meetings of State Congress.
- 9.9 It shall be competent, by a two-thirds majority vote of the delegates present and voting, to suspend Standing Orders for the purpose of debating a question not on the agenda, except a motion to amend these By-Laws or RSLWA Rules.
- 9.10 The CEO shall at the earliest opportunity, post the minutes of each State Congress to the Secretary of each Sub-Branch.
- 9.11 Each Sub-Branch shall defray the expenses of its delegates to State Congress and Board of Directors shall defray the expenses of its members.

#### **Election of Board of Directors**

- 9.12 The State President, State Vice-President, State Treasurer and Members of Board of Directors shall be elected for a period of three years at the annual meeting of the State Congress from nominations submitted by Sub-Branches.
- 9.13 In addition to the powers expressly conferred on it by RSLWA Rules and By-Laws, State Congress shall have and may exercise all the powers conferred on the Board of Directors. The Board of Directors shall at all times and in all affairs and matters be subject to the control of the State Congress and it shall be subject to all directions which may from time to time be given by resolution passed by State Congress, but no such resolution shall invalidate any prior act otherwise valid.
- 9.14 All questions arising at any meeting of State Congress or Board of Directors shall, unless otherwise expressly provided by these By-Laws, be decided by a majority vote of

members present and voting, including the Chair and, in the case of equality of votes, the Chair shall have a casting vote.

- 9.15 An Extraordinary General Meeting of RSLWA shall be convened at any time not less than two, and not more than three, calendar months after the receipt by the State President of requisitions from a majority of the Sub-Branches for such a meeting. Extraordinary General Meetings of RSLWA shall be held in Perth. All Sub-Branches, when being requested to appoint their delegates, shall be informed of the reasons for calling the Extraordinary General Meeting and the business to be transacted.
- 9.16 Extraordinary General Meeting of RSLWA shall be convened on the written requisition of 51 percent of Sub-Branches.
- 9.17 The quorum at a State Congress or Extraordinary General Meeting of RSLWA shall be the majority of the maximum number of votes of Sub-Branch delegates registered at such State Congress or Extraordinary General Meeting.
- 9.18 All resolutions for State Congress are to be in the hands of the CEO at least six weeks before the date of the commencement of State Congress. A copy of the complete agenda shall be forwarded to reach Sub-Branch Secretaries four weeks prior to the opening of State Congress.
- 9.19 The resolutions of State Congress, except those resolutions requiring approval by National Congress, shall be binding on all Sub-Branches and members within RSLWA and shall, except where the State Congress expressly decides otherwise, be operative from the time of the passing of such resolution, irrespective of any requirement for confirmation of the minutes of such State Congress.

#### **Proceedings at State Congress**

- 9.20 Delegates entitled to vote at State Congress are:
- a. the State President; and,
  - b. each representative of a Sub-Branch appointed pursuant to By-Law 9.3

#### **Quorum**

- 9.21 No business shall be transacted at any State Congress unless a quorum of delegates entitled to vote is present at the time when the meeting proceeds to business. Subject to these Rules, delegates representing 25 percent of Sub-Branches, entitled to vote and present in person or by proxy shall constitute a quorum.
- 9.22 If within 30 minutes from the time appointed for the meeting a quorum is not present, it shall stand adjourned until the same day in the next week at the same time and place or to such other day and at such other time and place as the Board of Directors may determine and if at the adjourned meeting a quorum is not present within 30 minutes of the time appointed for the meeting, the delegates present and entitled to vote shall constitute a quorum.
- 9.23 The State President shall preside as Chair at every State Congress or in the event of their absence or if there is no State President or if they are not present within 15 minutes of the time appointed for the holding of the meeting or is unwilling to act, the Vice-President shall preside as Chair of the meeting. In the event of there being no Vice-President or if they is not present within 15 minutes of the time appointed for the holding of the meeting or is unwilling to act, the Vice-President shall preside as Chair. In the absence of Vice-President willing and able to act as Chair, the delegates present and entitled to vote shall elect one of the Board of Directors to be Chair of the meeting.

- 9.24 The Chair may, with the consent of any meeting at which a quorum is present, and shall if so directed by the meeting, adjourn the meeting from time to time and from place to place, but no business shall be transacted at any adjourned meeting other than business left unfinished at the meeting from which the adjournment took place. When a meeting is adjourned for 30 days or more, notice of the adjourned meeting shall be given as in the case of an original meeting, but except for notice in that case, it shall not be necessary to give any notice of adjournment or of the business to be transacted at an adjourned meeting.
- 9.25 At any State Congress, the delegates entitled to vote may vote in person and each, either on a show of hands or on a poll, shall have one vote on behalf of the Sub-Branch they represent. A Sub-Branch may exercise its full voting entitlement notwithstanding that its full quota of delegates is not present when any division is taken.
- 9.26 At any State Congress a resolution put to the vote of the meeting shall be decided on the show of hands unless a poll is demanded (before or on the declaration of the result of the show of hands) either by the Chair or by at least two Sub-Branch delegates entitled to vote and present in person or by proxy.
- 9.27 Unless a poll is so demanded, a declaration by the Chair that a resolution has on a show of hands been carried unanimously or carried by a particular majority, or lost, or not carried by a particular majority, and an entry to that effect in the minutes of proceedings of RSLWA shall be conclusive evidence of the fact without particulars of the number or proportion of the votes recorded in favour of or against the resolution. The demand for a poll may be withdrawn.
- 9.28 If a poll is duly demanded, it shall be taken in such manner and either at once or after an interval or adjournment or otherwise as the Chair directs, and the result of the poll shall be the resolution of the meeting at which the poll was demanded. A poll demanded on the election of a Chair or on a question of adjournment shall be taken forthwith.
- 9.29 In the case of an equality of votes, whether on a show of hands or on a poll, the Chair of the meeting at which the show of hands takes place or at which the poll is demanded shall in addition to their deliberative vote, have a casting vote.
- 9.30 A delegate of a Sub-Branch shall be entitled to be represented by a proxy nominated by their Sub-Branch.
- 9.31 No objection shall be raised to the qualifications of any delegate except at the meeting or adjourned meeting at which the vote objected to is given or tendered and every vote not disallowed at such meeting shall be valid for all purposes. Any such objection made in due time shall be referred to the Chair of the meeting whose decision shall be final and conclusive.
- 9.32 The instrument appointing a proxy shall be in writing or in the common or usual form under the hand of the duly authorised Sub-Branch officer. A proxy appointed by a Sub-Branch shall be a Service or Life Member as it may see fit. The instrument appointing the proxy shall be deemed to confer authority to demand or join in demanding a poll and shall be in the following form, or a form as near to this as circumstances permit:

**The Returned & Services League of Australia WA Branch Incorporated**

*(Insert name of authorised Sub-Branch officer)*

I, \_\_\_\_\_  
being a member of The Returned & Services League of Australia Limited

hereby appoint: \_\_\_\_\_  
*(Insert name of Proxy)*

of: \_\_\_\_\_  
*(Insert address)*

as my Proxy to vote on behalf of \_\_\_\_\_ Sub-Branch  
*(Insert Sub-Branch name)*

at the \*State Congress/Extraordinary State Congress of The Returned & Services League of Australia WA Branch Incorporated to be held on the \_\_\_\_\_ day of \_\_\_\_\_ and at any adjournment thereof.

*This proxy is to be used \*in favour of/against the resolution.*

**\* Unless otherwise instructed, the proxy may vote as they think fit.**

*\* (Strike out that which is not desired)*

Dated this \_\_\_\_\_ day of \_\_\_\_\_ 20\*\*

\_\_\_\_\_  
*(Signature of Member)*

9.33 The instrument appointing a proxy and the power of attorney or other authority, if any, under which it is signed shall be deposited with the CEO not less than one hour before the time for holding the State Congress or adjourned State Congress at which the person named in the instrument proposes to vote.

9.34 A vote given in accordance with the terms of an instrument of proxy shall be valid until the close of State Congress.

9.35 Standing Orders relating to the conduct of a State Congress are set forth in the By-Laws.

9.36 A State Congress of representatives nominated by all Sub-Branches shall be held annually at a time when it does not clash with the RSL Congresses held by other States, unless State Congress otherwise decides. An Extraordinary General Meeting of RSLWA may be held in the interim. The State Congress shall possess full and supreme power and control over the property and affairs of RSLWA.

**Sub-Branch in Default or Defunct not entitled to Representation at State Congress**

9.37 No Sub-Branch, which is unfinancial, shall be represented on State Congress provided nevertheless, that State Congress may in its sole discretion and on such conditions as it deems fit, permit such Sub-Branch to be represented.



**Annual Report, Statement of Income, Expenditure and Balance Sheet**

- 9.38 The externally audited Annual Report, Statement of Income and Expenditure and Balance Sheet of RSLWA made up to the 31 December preceding the opening of the State Congress along with the external auditor's opinion, shall be presented to the State Congress and copies thereof shall be forwarded to each Sub-Branch Secretary not later than one calendar month prior to the date fixed for notices of consideration for State Congress.

**Congress Resolutions**

- 9.39 All resolutions for State Congress are to be in the hands of the CEO at least six weeks before the date of the commencement of Congress. A copy of the complete agenda shall be forwarded to reach Sub-Branch Secretaries four weeks prior to the opening of Congress.
- 9.40 The resolutions of Congress shall be binding on all Sub-Branches within RSLWA and shall, except where the Congress expressly decides otherwise, be operative from the time of the passing of such resolution, irrespective of any requirement for confirmation of the minutes of such Congress.

**Powers of State Congress**

- 9.41 The State Congress shall:
- a. define the policy and general lines of administration to be followed by the Board of Directors;
  - b. discuss such matters within the scope of the National Rules and National By-Laws and these Rules and Branch By-Laws, as may be brought before it;
  - c. deal with all the motions contained in the agenda papers for the annual State Congress as notices of motion, which if carried shall alter, amend, delete or add to any previous Congress resolution on that matter;
  - d. appoint external auditors to conduct an independent audit of all the financial affairs of RSLWA. Any vacancy, howsoever occurring, in the interim between State Congresses, shall be filled by the decision of the Board of Directors;
  - e. transact such other business as may be deemed expedient for the benefit of the members of RSLWA;
  - f. elect all office bearers of the Board of Directors by preferential voting; and
  - g. allow no delegate to State Congress to speak unless accredited as such.
- 9.42 In addition to the powers by these Rules expressly conferred on it, the State Congress shall have, and may exercise, all the powers conferred by these Rules on the Board of Directors. The Board of Directors shall at all times and in all affairs and matters be subject to the control of the State Congress, and it shall be subject to all directions which may from time to time be given by resolution passed by the State Congress, but no such resolution shall invalidate any prior act otherwise valid.
- 9.43 State Congress is empowered to make a financial levy on each and every member of RSLWA for the purpose of carrying out any particular object of the League, provided that such levy does not exceed the sum of five dollars per annum. The Board of Directors shall fix the time at which such levy shall be due and payable by each member.

**10. SUB-BRANCH WELFARE**

- 10.1 Sub-Branches are to establish a Welfare Account (previously known as Amelioration or Relief Bank Account), separate from all other Sub-Branch bank accounts and investments to provide welfare services and benevolence to serving and ex-serving Australian Defence Force personnel and their dependents in accordance with the intent of the Objects of RSLWA.
- 10.2 The Sub-Branch may provide support to a Member and their spouse, partner or dependants in times of financial hardship. Support may include:
- a. Financial grants for food, necessities and rent / lodging.
  - b. Emergency housing.
  - c. Urgent support services.
  - d. Household equipment and or urgent household maintenance.
  - e. The payment of urgent accounts such as utilities, vehicle expenses and repairs, medical and dental costs, household repairs and maintenance.
  - f. Such purposes as may be necessary and considered appropriate by the Sub-Branch Committee in furtherance of welfare of members.

All recipients of financial assistance must provide a receipt for the Sub-Branch records.

- 10.3 Funding for Sub-Branch welfare will generally come from the following sources:

- a. Bequests and donations made specifically for welfare purposes.
- b. Half of the net proceeds from annual Poppy Day Appeals.
- c. Grants from external bodies.

- 10.4 Expenditure for Sub-Branch welfare is limited to:

- a. Matters as described in clause 10.2 above,
- b. Remittance to State Branch of half of the net proceeds of Poppy Day Appeals within 28 days of collection for deposit into the Western Australian Aged Sailors, Soldiers and Airmen's Relief Trust Fund within 21 days of collection.
- c. Wreaths.
- d. Notification of death notices in newspapers.

Under no circumstances should Welfare funds be used for, or placed in a General Account, or used for Sub-Branch operating expenses such as wages, non-capital expenses, functions or similar expenditure.

- 10.5 Each Sub-Branch is to establish a Welfare Sub-Committee comprising of the Sub-Branch President, Secretary, Treasurer and Welfare Officer, which is to deal with and record the outcome of applications from Members and their spouse, partner or dependents for assistance.

- 10.6 Applications by Members and their spouse, partners or dependants for assistance are to be processed promptly and in a confidential manner. Enquiries will require supporting documentation as determined by each Sub-Branch Welfare Sub-Committee.
- 10.7 Ongoing repeat applications for assistance in the same matter, in any calendar year should be referred to State Branch for determination before any payments are made.
- 10.8 Assistance to members and their spouse, partners or dependents cannot be given by way of cash payments or loans.
- 10.9 Sub-Branches are to refer any applications outside the scope of matters referred to in Clause 10.2 above to the State Branch for determination and or referral to another funding source, before any payments are made on behalf of Members and their spouse.
- 10.10 Sub-Branch Welfare Accounts are to be reviewed each year and presented to the Annual General Meeting of the Sub-Branch for adoption. The reviewed balance sheet and statement of income and expenditure for Welfare Accounts shall be forwarded to State Branch within thirty days after the completion of the Sub-Branch Annual General Meeting. Such review is to be conducted by a suitably qualified person or organisation or company that is independent of the Sub-Branch. Copies of these reviews shall be forwarded to RSLWA.
- 10.11 Sub-Branch Welfare Accounts and transactions may be subject to audit by State Branch to ensure compliance with this By-Law and State Branch policies and procedures as determined from time to time.
- 10.12 The maximum amount allowed to accumulate in Sub-Branch Welfare Accounts is \$25,000.00. Funds in excess of this are to be remitted to RSLWA at the time of lodging the reviewed financial records after the Sub-Branch Annual General Meeting.
- 10.13 In the event of a Sub-Branch expending a substantial proportion of its Welfare Account and, having previously remitted surplus funds to RSLWA, application can be made for reimbursement of funds to provide for Welfare purposes.
- 10.14 Sub-Branches are to ensure that a copy of this By-Law is to be kept with Sub-Branch Welfare accounting documents and records.
- 10.15 **Public Appeals**  
Subject to the provisions of the *Charitable Collections Act 1946* and WA Aged Sailors, Soldiers and Airmen's Relief Trust Fund a Sub-Branch may appeal to the public for funds.
- 10.16 **Promotion of any Enterprise**  
If any Sub-Branch shall promote any enterprise for the purpose of raising funds or providing revenue for the Sub-Branch concerned, or as an amenity for the ex-Servicemen in the area, the management and control thereof shall vest in the Committee of the Sub-Branch, and in any case where a Sub-Committee is appointed for the express purpose of conducting any such enterprise, such Sub-Committee shall at all times remain subject to the control and direction of the Sub-Branch Committee, as the case may be, and the rules governing the formation and conduct of such enterprise shall so provide and no action shall be taken to proceed with any such object unless, and until, the proposed rules thereof shall have been submitted to, and approved by, the Board of Directors.

## **11 SUBSCRIPTIONS**

- 11.1 The minimum annual subscription payable by Service Members and Affiliates shall be such amount as is determined from time to time by the National Congress, but RSLWA may impose such additional amounts by way of annual subscription as it sees fit.

- 11.2 Such subscription shall be paid by each Service Member and Affiliate to the Sub-Branch or Branch.
- 11.3 If a Service Member is also an Associate Member of a Sub-Branch they shall pay to such Sub-Branch a fee equal to the annual subscription less the amount of capitation fee payable by that Sub-Branch to RSLWA.
- 11.4 Affiliates shall pay to RSLWA a fee to cover administration costs associated to their membership. Such amount is to be paid by Sub-Branched as with Capitation Fees.

#### **Life Subscription**

- 11.5 If a Service Member has paid to the Sub-Branch or Branch, the amount determined as a life subscription that Service Member shall not be liable to make any payments to RSLWA or Sub-Branch of any further annual subscriptions. If paragraph 11.3 is applicable them, an Associate Member shall still be liable to pay the fee calculated in accordance with that paragraph.
- 11.6 A Service Member to whom Rule 7 applies shall pay to the League at National Headquarters, the minimum annual subscription referred to in paragraph 11.1 of this By-Law plus any additional amount determined from time to time by the National Executive.
- 11.7 This By-Law shall not apply to a Life Member save and except that if such a member is also an associate of a Sub-Branch, paragraph 11.5 shall apply to them as if they were a Service Member.
- 11.8 If a Service Member being a Life Subscriber is also a member of a Sub-Branch and transfers their membership to another Branch, RSLWA having jurisdiction over the Sub-Branch, shall pay to the new Branch that portion of the Life Subscribers Fund. RSLWA to which the payment is made shall pay to the Sub-Branch to which the member has transferred an amount equal to the annual rebate of the subscription of that Branch. Such payment shall be made out of the funds received by the new Branch.

#### **Default in payment of Subscription**

- 11.9 Any member who fails or neglects to pay their subscription by 31 January, the Secretary of the Sub-Branch to which they belongs shall notify them in writing of such failure or neglect and if their subscription shall not have been paid by 30 April they shall cease to be a member (provided however that should the non-payment within the prescribed period be due to circumstances beyond the member's control or for reasons which the committee of the Sub-Branch shall consider just and proper their membership shall remain in force subject to payment of their subscription at the time and in the manner determined by the Sub-Branch committee.

### **12. PRIVACY ACT**

- 12.1 The RSL is subject to the *Privacy Act 1988*.
- 12.2 All applications for Membership are to incorporate a Consent and Privacy Statement.

#### **PRIVACY STATEMENT**

- 12.3 We recognise the importance of your privacy and are committed to protecting personal information about you which we hold. This privacy policy describes how we manage your personal information and safeguard your privacy.

## **1. Collecting personal information about you**

We only collect personal information that is necessary for us to perform our functions and which is provided by you in your application for Service Membership and/or in any request you make for other services.

The kinds of personal information we collect and hold about you will depend upon the type of services requested. However, it may include:

- a. Information you give us when you apply for membership or request a service from us;
- b. Information you give us when you apply to become a volunteer or staff member (for example: information about you received from the referees which you nominate); and
- c. Communications between us and you.

We also collect some information from you when you use our National and State Branch Office website. The only personal information which we collect about you when you use our website is what you tell us about yourself, for example, by completing an online form or by sending us an email. We will record your email address if you send us an email.

## **2. Using and disclosing your personal information**

Information provided by you will only be used in respect of assisting us to obtain the particular service for which you have requested.

We respect your privacy. We will only use or disclose your personal information for the purpose for which you provided it to us, unless we have your consent or it is required or authorised by law.

We may disclose your personal information to:

- a. Organisations to whom we outsource information, such as information technology functions;
- b. Otherwise as you have consented; and
- c. Otherwise as required or authorised by law.

## **3. Access to your personal information**

In most cases, you can gain access to personal information that we hold about you. All requests for access to your personal information will be handled by our privacy access officer who can be contacted through the CEO.

We will deal with all requests for access to personal information as quickly as possible. Requests for a large amount of information, or information which is not currently in use may require further time before a response can be given. In some cases, consistently with the National Privacy Principles, we may refuse to give you access to personal information we hold about you. This includes circumstances where giving you access:

- a. would have an unreasonable impact on other people's privacy;
- b. would prejudice negotiations we are having with you;
- c. would prejudice an investigation of unlawful activity; or
- d. would prejudice activities carried out by, or for, a law enforcement agency.

If we refuse to give you access we will provide you with reasons for our refusal.

Generally, if you request us to do so we will amend any personal information about you held by us which is inaccurate, incomplete or out of date. If we disagree with you about the accuracy, completeness or currency of a record of your personal information held by us, we will take reasonable steps to associate with that record a statement to the effect that you claim this to be the case, if you request us to do so.

**4. What to do if you would like more information about the way we manage personal information or wish to complain about a breach of your privacy.**

You can get more information about the way we manage personal information about you which we hold by contacting the CEO.

If you are concerned that we may have breached your privacy and wish to complain, please contact the CEO.

**5. Changes to our Privacy Policy**

From time to time it may be necessary for us to review our privacy policy. We reserve the right to change our privacy policy at any time.

We may notify you about changes to this privacy policy by posting an updated version on our website.

**13 RSL COMMEMORATION CEREMONIES**

13.1 Wherever possible, RSL commemoration ceremonies should follow a standard order of service.

13.2 At the appropriate time of the commemoration the sequence of events for RSL ceremonies shall include the following:

a. The *Ode* shall be spoken by the designated person.

*'They shall grow not old, (short pause)*  
*As we that are left grow old, (longer pause)*  
*Age shall not weary them, (short pause)*  
*Nor the years condemn, (longer pause)*  
*At the going down of the sun, (short pause)*  
*And in the morning, (longer pause)*  
*We will remember them. (short pause)'*  
 The gathering repeats '*We will remember them.*'

b. The *Last Post* shall be played.

c. A period of not more than two minutes' silence shall then be observed.

d. The designated person shall say '*Lest We Forget*' and the gathering will repeat '*Lest We Forget*'.

e. *Rouse* or *Reveille* shall then be played. (*Rouse* is the bugle call more commonly used in conjunction with the '*Last Post*' and to the layman is often incorrectly called '*Reveille*'. Although associated with the '*Last Post*', '*Reveille*' is rarely used because of its length).

- f. The ceremony is ended. The words *'thank you'* shall NOT be spoken to end the ceremony.
- 13.3 While it is expected that the form of service is used at routine RSL commemoration ceremonies, variations may occur from time to time. However, where the RSL is the organising or coordinating authority of a commemoration ceremony every attempt should be made to have the ceremony follow the sequence detailed above.
- 13.4 The wearing of medals and decorations at such commemorative events shall be in accordance with current Australian Defence Force Policy. This would include events such as:
- a. commemorative services (including ANZAC Day and Remembrance Day);
  - b. funerals;
  - c. Defence Force parades; and
  - d. other events as considered appropriate.

#### **14. USE OF THE AUSTRALIAN FLAG AT MEMBERS' FUNERALS**

- 14.1. When used to cover a casket at funerals, the top left quarter (the upper hoist) of the Australian flag should be draped over the left shoulder of the deceased. The flag should be removed before the casket is lowered into the grave or, at a crematorium, after the service. At all times care should be taken to prevent any portion of the flag touching the ground.
- 14.2. To remove the flag, two representatives (funeral directors or as nominated) are to move to a position at the head and foot of the casket and:
- a. Grasp each end of the flag and remove it while stepping clear to one side of the casket and spreading the flag to arm length.
  - b. They each then fold the flag once along its width, with the upper hoist facing downwards.
  - c. The representative at the foot of the casket then moves towards the other and hands them their corners of the flag making a fold along its length. They then lift the trailing edge to fold it once again.
  - d. The representative at the head of the casket folds the flag along its width to make it a suitable size to be carried draped over the arm.

#### **15 AWARDS**

##### **Meritorious Service Medal**

- 15.1 The RSL Meritorious Service Medal is the highest award that may be made by the League to a member as an honour over and above Life Membership.
- 15.2 Such an award shall only be made to a member who:
- a. is a Life Member;
  - b. has had 25 years continuous membership; and
  - c. who, in the opinion of the National Executive, has given 25 years outstanding service.

- 15.3 The procedure to be followed by RSLWA and Sub-Bran­ches in making nominations for awards of a Meritorious Service Medal shall be determined from time to time by the National Executive.
- 15.4 The maximum number of such awards that may be made in any financial year shall be determined from time to time by the National Congress.
- 15.5 Regardless of the number determined from time to time the National President may recommend to the National Executive in any financial year that not more than one particular Life Member be awarded the Medal.
- 15.6 The award comprises:
- a. a medal which is worn on the right breast whenever Service medals, decorations and awards are worn in the usual place on the left breast, or when the recipient is on official RSL duties or at official RSL functions;
  - b. a lapel badge in the form of a Life Member's badge surrounded by a laurel wreath which is worn by recipients in place of their previously awarded Life Member's lapel badge; and
  - c. a certificate.
  - d. the cost of such a medal, plus the associated lapel badge and certificate is met by RSLWA State Branch.

#### **Certificates of Merit and Gold Badges**

- 15.7 The highest award that may be made by the League to a person who is not a member of any class of membership, is a Certificate of Merit and Gold Badge.
- 15.8 Such an award shall not be made to a person who is eligible to apply to become a member of any class of membership of the League except that this clause shall not apply to a person who is a member of a Women's Auxiliary.
- 15.9 Such an award shall only be made to a person if, in the opinion of a National Congress or the National Executive, such person has rendered outstanding service to the League, ex-service personnel or their dependants.
- 15.10 The procedure to be followed by Branches and Sub-Bran­ches in making nominations for awards of Certificates of Merit and Gold Badges shall be determined from time to time by the National Executive.
- 15.11 The maximum number of such awards that may be made in any financial year shall be determined from time to time by the National Congress.

#### **Certificate of Appreciation**

- 15.12 The National Executive may award a Certificate of Appreciation to any person or corporation considered to be worthy of special recognition for services rendered to the League. The Certificate may be awarded to a member or a non-member.

#### **Certificate of Outstanding Service**

- 15.13 The National Executive may award a Certificate of Outstanding Service to any corporation, company, association, society or other body that has given outstanding service to the League for a period of not less than 25 years.



**Special Service Awards**

- 15.14 A Service or Life Member who has given not less than 50 years continuous service as a member of the League, may be granted a Special Service Award by the National Executive.
- 15.15 RSLWA may propose to the National Executive that it grant a Special Service Award to a Service or Life Member who has given not less than 50 years continuous service as a member of the League.
- 15.16 The number of Special Service Awards that may be granted by the National Executive in any one calendar year shall not be limited.
- 15.17 For the purposes of this By-Law, service as a member of a Women's Auxiliary may be taken into account.

**Badges, Banners, Insignia and Awards of the League**

- 15.18 The badges, banners, awards and any other insignia of the League shall be in such form as the National Congress shall determine and badges shall be numbered consecutively. The National Executive and each State Branch shall record all badges issued by them and to whom the same have been issued.
- 15.19 Annexures 1 and 2 of the National By-Laws detail the design and colours of the badges, banners, awards and any other insignia of the League.
- 15.20 Each Service Member shall, on payment of their first subscription, be issued, without charge, a badge.
- 15.21 Unless the National Congress shall decide otherwise, a Service Member is issued a membership card upon receipt of their subscription.
- 15.22 Badges issued to Life Members, to Life Members awarded a Meritorious Service Medal and to Honorary Members, shall be the badge of the League with such additions thereto, if any, as the National Congress may determine.
- 15.23 All badges shall remain the property of the League and shall be returned to it upon a member ceasing to be a member.
- 15.24 If any member shall knowingly permit the badge issued to them to be used by any other person for any purpose whatsoever, they shall be deemed to be guilty of conduct unbecoming of a member and be liable to be dealt with under the National Rules.
- 15.25 If any member shall lose their badge, they shall make a lost badge declaration as to their loss and lodge it either with RSLWA or Sub-Branch of which they is also a member. Upon payment of such fee as is determined by the National Executive, they shall be issued with a replacement badge.
- 15.26 A badge of the copyright League pattern shall be the only official badge and it only shall be worn as evidence of membership of RSLWA. A badge of any other ex-Servicemen's association or league of sailors, soldiers or airmen shall not be accepted as evidence of such membership or worn in lieu of the official badge.
- 15.27 A miniature replica of the official badge may be worn but shall not be represented as other than a replica.

**Certificates**

- 15.28 The State President, CEO and two other members of the Board of Directors shall sign all certificates.
- 15.29 A Certificate of Service may only be issued to a member of the League. A Certificate of Appreciation may be issued to an organisation or any person regardless of membership status.
- 15.30 The applicant Sub-Branch shall reimburse RSLWA for the cost of all certificates.
- 15.31 Sub-Branch Past President's and/or Past Secretary's certificates may be issued by RSLWA on the application of any Sub-Branch, provided that no less than five financial members of the Sub-Branch applying for the issue of the certificate certify jointly and in writing, that the member to whom it is proposed to present such a certificate has served with dedication and for an adequate period.
- 15.32 Certificates of service may be issued by RSLWA to members of any Sub-Branch, to a maximum of three in any one year to a given Sub-Branch, when a resolution to that effect has been passed by a majority of members present at a properly constituted meeting of that Sub-Branch and an application in writing, signed by not less than five financial members of the Sub-Branch present at that meeting has been submitted to the Board of Directors.
- 15.33 A 50 Year Service Award Certificate may be issued on the recommendation of a Sub-Branch in accordance with the National Rules of the League.
- 15.34 Where membership records at ANZAC House appear to be incomplete or inaccurate, a statutory declaration submitted by the member stating that they have completed 50 years financial membership, shall be accepted as valid evidence.
- 15.35 A State Certificate of Appreciation may be issued on the recommendation of a Sub-Branch, on the appropriate form, and endorsed by the Board of Directors, under the terms and conditions listed in the National Rules and National By-Laws.
- 15.36 RSLWA may award Certificates of Service to retiring members of the Board of Directors after a minimum of two years' service, or in special circumstances for a lesser period of service at the discretion of the Board of Directors.
- 15.37 Certificates of Merit, Life Membership Certificates and Gold Badges shall be issued in accordance with the National Rules and By-Laws of the League.

**16. CODE OF ETHICS**

- 16.1 That RSL Pensions Officers, Welfare Officers, Case Officers, Advocates and members of the League will:
- a. give full, accurate, truthful and relevant information to veterans and their families in relation to claims, appeals and applications for benefits, including an assessment of the likelihood of success;
  - b. encourage veterans, their families and others to give full, accurate, truthful and relevant information when applying for benefits;
  - c. allow the veteran, spouse, or family member to make the decision to apply for benefits or to lodge an appeal;

- d. ensure that all contact with members of the veteran community, staff or government agencies, providers of services and the general community is conducted in a professional manner;
- e. ensure that all available relevant details and documents are submitted with claims and applications for benefits;
- f. only undertake work to the level at which they have been trained and have demonstrated competence;
- g. maintain and expand their knowledge base by further training and by seeking advice from the Department of Veterans' Affairs, staff of government agencies or other service providers;
- h. abide by the provisions of the Freedom of Information Act when seeking documents from government agencies;
- i. keep personal information secure and not disclose such information to others without express consent;
- j. promote the interests of the veteran community by communicating openly and honestly with the Department of Veterans' Affairs staff of government agencies or other service providers and by complying promptly with proper requests for information; and
- k. provide their services without any fees, charges or gratuity.

## 17 CONFLICT OF INTEREST

### Purpose

- 17.1 The Board of Directors believes that it is in the best interests of the RSLWA to establish a clear, concise and effective conflicts of interest policy. Accordingly, the Board of Directors has adopted this Policy to:
- a. assist Board Members and Tribunal Members to understand and identify the types of interests that might pose a conflict;
  - b. detail the responsibilities of Board Members and Tribunal Members in dealing with conflicts of interest; and
  - c. detail procedures for managing and monitoring Board Members' and Tribunal Members' conflicts of interest.

### Interpretation

- 17.2 In this Policy unless the contrary intention appears:

**Board of Directors** means the board established under Rule 14 of the Rules;

**Board Members** means the members of the Board of Directors of RSLWA;

**Chair** means the Chair for the time being of the Board of Directors or the Tribunal;

**Member** means a Member of RSLWA;

**Policy** means this Conflict of Interest Policy as amended, supplemented or replaced from time to time;

**RSL** means RSLWA and its Sub-Branches;

**Rules** means the RSL Rules from time to time;

**Tribunal** means the State Branch Tribunal established by the CEO; and

**Tribunal Member** means a member of the State Branch Tribunal.

### **Scope**

17.3 The Policy applies to:

- a. all Board Members and Tribunal Members of the RSL; and
- b. any person who is in a position to exercise substantial influence over the decisions and affairs of the RSL.

### **Policy Statement**

17.4 It is the RSL's policy that Board Members and Tribunal Members must:

- a. avoid or effectively manage positions of conflict or potential conflict; and
- b. disclose any material personal interest.

Therefore all Board Members and tribunal Members must avoid, to the extent practicable, placing themselves in a situation that could be or may lead to a conflict of interest or duty, or a reasonable perception of an actual or potential conflict of interest or duty.

All Board Members and tribunal Members must fully and frankly disclose to the Board or Tribunal, as applicable, any material personal interest that relates to the affairs of the RSL (including for the avoidance of doubt, any external business interests) that may lead to an actual or potential conflict of interest or duty, or a reasonable perception of actual or potential conflict of interest or duty.

### **What is a conflict of interest and duty?**

17.5 A conflict of interest arises when a person has two or more competing interests.

A conflict of interest may involve a conflict between a Board or Tribunal Member's duty and responsibilities to serve the RSL and their personal interest. A conflict of interest may also arise from gaining a personal advantage as well as avoiding a personal loss – whether financial or otherwise.

A conflict of duty normally arises where a person has multiple roles and could be said to be wearing two hats. That is, they have two official roles with a competitive relationship.

For example, Board Members of the RSL may have roles within their Sub-Branch or within their own personal business pursuits which may give rise to conflict of duty to the RSL. A Tribunal Member may have a role within their Sub-Branch or a personal relationship which may conflict with their disciplinary role in the State Branch Tribunal and duty to the RSL.

The term "conflict" can be:

- a. **Actual** – where a person has a conflict between their duty as a Board Member or Tribunal Member and their personal interests and where a person's personal interests could improperly influence the performance of their duties and responsibilities as an officer of RSL;

- b. **Potential** – where a person has personal interests that may conflict with their interests as a Board Member or Tribunal Member in the future due to likely, or possible events; and
- c. **Perceived** – where it appears to a third person that a person’s personal interest could improperly influence the performance of their duties as an officer of RSL whether or not this is in fact the case.

### **What is a material personal interest?**

- 17.6 In most cases a person will have a conflict of interest where they have a material personal interest in the outcome of that matter.

A personal interest exists where there is a connection between the person and a matter.

A Personal interest is material if it has the potential to have a material or significant impact. In some cases it will be appropriate to consider what is significant from primarily a financial point of view. In other cases, particularly in relation to disciplinary functions of the Board or the tribunal, other factors such as fairness and propriety (whether actual or perceived) will be relevant.

Whether a material personal interest will arise, depends on the person concerned and the circumstances of the matter. It is the responsibility of each Board Member and Tribunal Member to consider whether they have a material personal interest. If a Board Member or Tribunal Member who is not sure of whether their circumstances give rise to a material personal interest, the members must take a cautious approach and disclose that matter to the Board for the Board to consider.

It is not possible to give an exhaustive list of scenarios in which a material personal interest will arise. Set out below some examples which could give rise to a material personal interest for your guidance.

**Example:** *A Board Member has an interest in the outcome of:*

- a. *disciplinary proceedings of a Sub-Branch to which that Board Member belongs;*
- b. *a decision to grant funds from the Welfare Fund Account to that Board Member or that Board Member’s friends or family; or*
- c. *a decision to enter a contract between the RSL and a third party, if the Board Member is a significant shareholder of that third party, or their family owns or works for that third party in a senior role, or if they have the capacity as a consequence of their relationship with that third party to influence decisions of the third party in respect of matters involving the RSL.*

**Example:** *A Tribunal Member has an interest in the outcome of a review of the decision of a Sub-Branch’s discipline of a Member:*

- a. *if the tribunal Member was involved in making the Sub-Branch’s decision which is the subject of review;*
- b. *if the Tribunal Member was involved in the incident which is the subject of the review; or*
- c. *if the Tribunal Member’s friends or family were involved in the incident which is the subject of the review.*

**Procedures**

- 17.7 The Board has adopted the following procedures to assist Board Members and Tribunal Members to comply with their duties and obligations regarding conflicts of interest.

**Duty to disclose**

- 17.8 Upon appointment to the Board, each Board Member is required to disclose in writing any conflict of interest and/or a material personal interest which could conflict with their duties as a Board Member by giving notice in writing to the Chair. The nature of this conflict of interest must be entered into the Board's register of conflicts.

Upon referral of any matter to the tribunal, each Tribunal Member is required to, in writing, disclose any conflict of interest and/or a material personal interest which could conflict with their duties as a Tribunal Member by giving notice in writing to the Chair of the State Branch Tribunal. The nature of any conflict must be entered into the Tribunal's minutes of meeting.

It is the responsibility of each Board Member and Tribunal Member to make ongoing disclosures during their term of office as conflicts of interest or material personal interests arise. In any event, disclosure of a conflict of interest and/or a material personal interest must be made no later than the commencement of the meeting to which the conflict arises.

If a Board Member or Tribunal Member reasonably believes that another Board Member or Tribunal Member has an undeclared conflict of interest and/or a material interest, the Board Member or Tribunal Member should specify to the Chair (or if the conflict of interest and/or a material personal interest in relation to the Chair, to the State Vice-President in the case of the Board or to the Vice-Chair in the case of the Tribunal), the basis of this potential conflict. Where the Chair (or the State Vice-President, if applicable) considers it necessary, the issue can be referred to the non-interested Board or Tribunal Members.

**Standing agenda item**

- 17.9 The disclosure of conflict of interests and/or a material personal interest will be a standing agenda item at the beginning of each Board or Tribunal meeting. Board Members and Tribunal Members are required to advise of any conflict of interest and/or material personal interest regarding agenda items at this point and before discussion of any substantive agenda items and all such disclosures in the Board's minutes of meeting.

**Conduct of Board meeting**

- 17.10 Where a Board Member has a conflict of interest and/or a material personal interest, as defined above, the Board Member:
- a. must not initiate or take part in any Board discussion on that topic (either in the meeting or with other Board Members before or after the Board meetings); and
  - b. must not vote on that matter, unless expressly invited to do so by unanimous agreement by all other Board Members present.

To give effect to paragraphs (a) and (b) above, where the Board Member who has a conflict of interest and/or a material personal interest must leave the Board meeting as soon as that item comes up for discussion and the time that Board Member exits and enters the meeting must be recorded in the minutes of meeting.

If there are not enough non-interested Board Members to form a quorum to make a decision under By-Law 16.10, the matter must be referred to state Congress.

**Member of the State Branch Tribunal**

- 17.11 Where a Tribunal Member has a conflict of interest and/or a material personal interest, as defined above, the Tribunal Member must not participate in the appeal unless the conflict of interest and/or the material personal interest is disclosed to the Member who is the subject of the appeal, the Sub-Branch whose decision is being reviewed and the other Tribunal Members prior to the commencement of the appeal and:
- a. there is no objection to the Tribunal Member participating in the appeal from the Member who is the subject of the appeal, the Sub-Branch whose decision is being reviewed or the other Tribunal Members; and
  - b. the conflict of interest and/or the material personal interest and all relevant circumstances including the absence of objections from the Tribunal Member, Sub-Branch and other Tribunal Members are recorded in the minutes of the Tribunal.

**Transactions with the Board**

- 17.12 Board Members are not barred from engaging in business dealings with the RSL, provided that these dealings are negotiated at arm's length without the participation of the Board Member concerned. In any event, paragraph 16.10 will still apply to the conduct of Board Meetings in relation to the business dealing.

**Privacy**

- 17.13 It is acknowledged that disclosing a conflict of interest and/or a material personal may require a person to disclose personal information. If a person declares themselves to have an existing or potential conflict of interest or a material personal interest, this information will be handled in accordance with the RSL's privacy policy. If a person disclosing a conflict of interest or a material personal interest has a privacy concern, that person may disclose the interest to the Chair.

**Responsibility**

- 17.14 All Board Members and Tribunal Members are responsible for:
- a. being aware of and respecting the policy;
  - b. assessing if their personal and business interests conflict or have the potential to conflict with their duty as a Board Member (or Tribunal Member);
  - c. formally disclosing all actual, potential or perceived conflicts of interest or duty in accordance with the conflicts of interest procedure;
  - d. complying with any other requirements of this policy or conflicts of interest procedures.

The Chair is responsible for;

- e. bringing the policy to the attention of prospective Board Members (or Tribunal Members); and
- f. maintaining a register of conflicts of Board Members which shall be available for review by Board Members.

**Breach**

- 17.15 A breach of this policy or a failure to disclose an interest or duty, subject to the circumstances surrounding the breach and the nature of the interest and conflict is a serious matter and may require a Board Member or Tribunal Member to reconsider their continuing role on the Board or Tribunal.

**18 PECUNIARY INTEREST REGISTER**

- 18.1 RSLWA is to establish a Pecuniary Interest Register, pursuant to that of RSL National, to ensure potential conflicts of interest and/or material personal interest (actual, perceived or potential) are disclosed and recorded.
- 18.2 Where a Sub-Branch provides to any of their officers gratuities, honorariums or any other payments for services that Sub-Branch is to maintain a Pecuniary Interest Register as provided for in 17.1.

**19 DISPUTES****19.1 Types of disputes**

This clause applies to disputes between:

- a. a member and their Sub-Branch or State Branch;
- b. Sub-Branches; and
- c. a Sub-Branch and its State Branch.

- 19.2 A **dispute** is any dispute except a disciplinary matter and includes a dispute about membership, transfer of membership and whether this By-Law and the Rules of the League apply and their interpretation.

**Dispute Preceded By**

- 19.3 A dispute must first be the subject of mediation and conciliation.

**Who Determines**

- 19.4 A State Branch Tribunal hears and determines disputes but only if the parties have attempted to resolve their dispute by mediation or conciliation and they were unsuccessful.

**Appeal**

- 19.5
- a. There is a right of appeal from a determination of a State Branch Tribunal to the National Tribunal.
  - b. The appeal is not a fresh rehearing and may only consider the evidence put to the State Branch Tribunal.

**Rules**

- 19.6 Each State Branch and Sub-Branch, as relevant, must have rules about disciplinary matters and dispute resolution consistent with this By-Law. These must include, as relevant:
- a. rules for disciplinary hearings by a Sub-Branch Committee;
  - b. set out the circumstances in which the State Branch or the State Branch Tribunal will determine a disciplinary matter and impose discipline;
  - c. compulsory mediation and conciliation procedures;
  - d. the constitution of the State Branch Tribunal and its rules;
  - e. rights of appeal from:



- i) Sub-Branch committees to the State Branch Tribunal;
- ii) the State Branch to the State Branch Tribunal; and
- iii) the State Branch Tribunal to the National Tribunal.

### **Parties to a Dispute**

- 19.7 The parties to a dispute must attempt to resolve the dispute by negotiation between themselves within 14 days of the dispute coming to the attention of each party.
- 19.8 If the parties are unable to resolve the dispute, any party to the dispute may initiate a procedure under this rule by giving written notice to the Chief Executive Officer of the parties to, and details of, the dispute.
- 19.9 The Chief Executive officer must convene a meeting of the Board of Directors within 28 days after the Chief Executive Officer receives notice of the dispute for the Board of Directors to determine the dispute.
- 19.10 At the meeting of the Board of Directors to determine the dispute, all parties to the dispute must be given a full and fair opportunity to state their respective cases orally, in writing or both.
- 19.11 The Chief Executive Officer must inform the parties to the dispute of the decision of the Board of Directors and reasons for the decision within 7 days after the meeting.
- 19.12 If any party to the dispute is dissatisfied with the decision of the Board of Directors they may elect to initiate further dispute resolution procedures.

### **Mediation**

This applies:

- a. where a person is dissatisfied with a decision made by the Board of Directors; or
- b. where a dispute arises between a Member or more than one Member and RSLWA and any party to the dispute elects not to have the matter determined by the Board of Directors.

If the parties to a dispute are unable to resolve the dispute between themselves or a party to the dispute is dissatisfied with a decision made by the Board of Directors a party to a dispute may:

- a. provide written notice to the Chief Executive officer of the parties to, and then details of, the dispute:
- b. agree to, or request the appointment of, a mediator.

The party or parties requesting the mediation must pay the costs of the mediation.

The mediator must be:

- a. a person chosen by agreement between the parties; or
- b. in the absence of agreement:
  - i) if the dispute is between a Member and another Member – a person appointed by the Board of Directors; or

- ii) if the dispute is between a Member or more than one Member and RSLWA, the Board of Directors or a Director then an independent person who is a mediator appointed by the president of the resolution Institute at the request of any party to the dispute.
- 19.13 A Member can be a mediator, but the mediator cannot be a Member who is a party to the dispute.
- 19.14 The parties to the dispute must, in good faith, attempt to settle the dispute by mediation.
- 19.15 The parties are to exchange written statements of the issues that are in dispute between them and supply copies to the mediator at least 5 days before the mediation session.
- 19.16 The mediator, in conducting the mediation, must:
- a. give the parties to the mediation process every opportunity to be heard;
  - b. allow all parties to consider any written statement submitted by any party; and
  - c. ensure that natural justice is accorded to the parties to the dispute throughout the mediation process.
- 19.17 The mediator must not determine the dispute and the mediation must be confidential. Information provided by the parties in the course of the mediation cannot be used in any other legal proceedings that may take place in relation to the dispute.

### **Access to Courts**

- 19.18 A Member, Sub-Branch or state Branch may not commence court proceedings in connection with a dispute or a disciplinary matter unless:
- a. the procedures in this By-Law are exhausted and the proceedings relate to:
    - i) a dispute, not a disciplinary matter; and
    - ii) a matter of law, not a finding of fact; or
  - b. It is for urgent interlocutory relief.

## **20 USE OF THE NAME OF THE LEAGUE**

### **The Letters "RSL" and The Badge of the League**

- 20.1 This By-Law shall not apply to permission granted to the use of the name of the League, the letters "RSL" or the badge of the League pursuant to the National Rules in force immediately prior to these By-Laws coming into force and effect.
- 20.2 Subject to By-Law 20.1 the name of the League, the letters "RSL" and the badge of the League shall only be used by the League for the purposes of its identification or publicity. The League shall not permit any use thereof except for those purposes. In this By-Law the expression "the League" includes all Branches and Sub-Branches.
- 20.3 Only the National Executive may authorise, upon such terms and conditions as it may see fit, the use of the name of the League, the letters "RSL" or the badge of the League for a purpose other than that set forth in By-Law 20.2. Such Executive shall only grant its authority under this Rule in circumstances considered by it to be appropriate and proper.

**21. BRANCH OFFICERS' RIGHT TO ADDRESS MEETING**

21.1 Whenever the State President, or Acting State President, or CEO is, or are, present at a meeting of a Sub-Branch they shall be invited to address such meeting.

**22. COMMUNICATION WITH BRANCH**

22.1 Sub-Branches may refer the following directly to RSLWA:

- a. all matters related to the conduct of the State Congress;
- b. matters concerning the administration of By-Laws 16 and 17;
- c. disciplinary issues under RSL National By-Laws; and
- d. Branch membership database administration.

22.2 No Sub-Branch shall send letters or communications to the National President, National Secretary, or National Honorary Treasurer, or to any other Branch, or the officers thereof, unless the same shall be forwarded through the CEO and be accepted for transmission by the Board of Directors.

**23. SERVICE OF NOTICES**

23.1 Any notices which RSLWA or any Sub-Branch or any person desires to serve in accordance with these Rules on RSLWA, or on any Sub-Branch or on any person, may be served either personally by sending it as a prepaid letter through the post or by electronic means addressed to:

- a. in the case of the Sub-Branch, to the Sub-Branch Secretary;
- b. in the case of RSLWA, to the CEO;
- c. in the case of a person, to the last address communicated by them to the Sub-Branch Secretary and in the event of no such address having been communicated to the Sub-Branch Secretary, then to the last known place of abode or business of such person.

23.2 Any notice, if served by post, shall be deemed to have been served at the time when the letter containing the same would be delivered in the normal course of post and, in providing such service, it shall be sufficient to prove that the letter containing the notice was properly addressed and posted.

**24. DISCIPLINARY POWERS OF A SUB-BRANCH AND APPEALS ARISING THEREFROM**

24.1 The hearing of disciplinary matters and definition of imposing penalties shall be in accordance with the provision of Discipline & Disputes of the National Constitution.

24.2 If the committee of a Sub-Branch has reason to believe that a member may be guilty of a disciplinary matter, as per National By-Law (Discipline & Disputes) 2.1, 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 they have been guilty of such conduct.

24.3 The notice referred to in By-Law 24.2 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.

- 24.4 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. The Committee shall comply with such a request. The said member may put to the committee at the meeting such facts as they may consider relevant and shall be given every opportunity to address the meeting.
- 24.5 The committee shall decide at the meeting whether the member has been guilty of conduct unbecoming a member. If it is satisfied they has been guilty of such conduct, it may resolve that they be placed on a warning to improve their conduct, or be reprimanded or be suspended from membership of the Sub-Branch for a period not exceeding three months, or it may resolve that the matter should be referred to RSLWA for its consideration.
- 24.6 The substance and decision of the meeting referred in By-Law 24.2 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 chair, after conferring with the other members of the committee.
- 24.7 The Secretary of the Sub-Branch shall notify the member in writing of the committee's decision and their right of appeal within 14 days of such notification.
- 24.8 A member aggrieved by a resolution of a committee by which they were reprimanded or suspended from membership of the Sub-Branch for a period not exceeding three months may appeal to the State Branch Tribunal by notice in writing addressed to the CEO and lodged with the Sub-Branch Secretary.
- 24.9 Such an appeal shall be lodged within 14 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.
- 24.10 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 their appeal and the facts upon which they rely. An appeal shall not be treated as valid unless it complies with this Rule.
- 24.11 Upon receipt of an appeal the Sub-Branch shall forthwith forward to RSLWA:
- a. the appeal and accompanying statement;
  - b. all papers and documents concerning the member, particularly the notice and statement referred to in By-Law 24.2, held by the Sub-Branch; and
  - c. a copy of the minutes referred to in By-Law 24.6 relating to the matter giving rise to the appeal.
- 24.12 A State Branch Tribunal shall hear and determine an appeal as soon as possible after receipt by the CEO of the documents referred to in By-Law 24.11.
- 24.13 The Sub-Branch and the member concerned shall have a right of personally attending upon the hearing of the appeal or any application to lift a stay by the State Branch Tribunal having given prior 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 suspension shall be final.
- 24.14 The written notices submitted and other correspondence relating to the Tribunal meeting shall be attached and form part of the minutes of the appeal hearing which shall be certified by the Chair within seven days after the meeting. The decision shall be notified in writing to both the Sub-Branch and the member within 14 days of certification by its Chair, after conferring with other members of RSLWA Tribunal.

**25 STATE BRANCH TRIBUNAL**

- 25.1 The State Branch Tribunal is established as per Rule 5.3 of the RSLWA Constitution.
- 25.2 A member of a State Branch Tribunal shall be deemed to have vacated office if they:
- a. ceases to be a Service or Life Member;
  - b. ceases to be also a member of RSLWA or ceases to be also a member of a Sub-Branch subject to the jurisdiction of RSLWA.
  - c. becomes an employee of the League, any of its Branches or Sub-Branchees;
  - d. becomes of unsound mind or a person whose person or estate is liable to be dealt with under any law relating to mental health; or
  - e. resigns their office by notice in writing to the Board of Directors.
  - f. is found to be guilty of action or actions as defined in the RSL National By-Laws, Discipline & Disputes By-Law 2.1.
- 25.3 As to RSLWA Tribunal, the Board of Directors shall prescribe:
- a. the term of office of its members;
  - b. the number of its members which from time to time shall constitute a quorum in any particular matter; and
  - c. the procedures to be followed by it.
- 25.4 Upon the hearing of an appeal pursuant to Rule 5.3 of the RSLWA Constitution, the member concerned shall have a personal right of audience before the State Branch Tribunal or, with its prior leave, may be represented by any non-legally qualified person, and shall be given 28 days' notice of the date of that hearing unless the member requests a shorter period.
- 25.5 The State Branch Tribunal shall make its decision based on the information presented at the hearing.
- 25.6 Upon an appeal having been lodged with the CEO, the decision giving rise to the appeal shall be stayed unless otherwise ordered by the State Tribunal.
- 25.7 The parties to an appeal before the State Branch Tribunal shall each pay their own costs of an incident to the appeal, save and except that the State Branch Tribunal may make such order as it sees fit as to whether or not the personal out-of-pocket expenses incurred by the member in attending on the hearing of their appeal should be paid to them. No payment shall be made in relation to legal expenses.
- 25.8 The State Tribunal shall resolve all issues referred to it in accordance with the procedures prescribed in the RSLWA Grievance Policy (as updated).

**26 DISCIPLINARY POWERS OF THE STATE BRANCH TRIBUNAL AND APPEALS ARISING THEREFROM**

- 26.1 If it is determined by the State Branch Tribunal that a member may have:
- a. refused or wilfully neglected to comply with the RSL Rules or By-Laws;

- b. behaved in a manner that is considered to be bullying, harassment, discrimination or unacceptable behaviour as per the Code of Conduct;
- c. is guilty of conduct subversive to the objects and values of the League; or
- d. is convicted of any indictable offence or imprisoned for a serious offence.

The State Branch Tribunal may, subject to this By-Law, decide to conduct a hearing.

26.2 If it is determined by the State Branch Tribunal to conduct a hearing then:

- a. it shall give not less than 14 days' notice in writing to the member concerned of the date, time and place of the meeting at which it is proposed to consider whether or not they are guilty of an offence or offences; and
- b. it shall serve on the member, at the time of giving them notice, copies of all papers and documents including full particulars of the alleged offence or offences which will be considered by the State Branch Tribunal at that meeting in accordance with procedures as set out in the By-Laws; and
- c. it shall notify the Chief Executive Officer of RSLWA forthwith.

26.3 In the event of finding the member guilty of an offence the State Branch Tribunal may impose one or more of the following penalties:

- a. a caution;
- b. a reprimand;
- c. suspension from membership for up to twelve months;
- d. transfer to the State Branch member's list for an appropriate period;
- e. disqualification from holding office in any part of the League for an appropriate time;
- f. a recommendation for the withdrawal of awards; and
- g. expulsion from membership.

26.4 If a State Branch Tribunal imposes upon a member the penalty of disqualification from holding office and that member is a director of RSLWA itself such disqualification from holding office shall not be of any force or effect.

26.5 If the member is also a member of a State Branch Tribunal, they shall absent himself from the meeting of that Tribunal at which the question of their reprimand, suspension, transfer to a Miscellaneous List, disqualification from holding office or expulsion (as the case may be) is being considered. The proceedings of that Tribunal and any resolution thereof passed in the absence of a member to whom this Rule applies, shall be valid.

26.6 A resolution of the State Branch Tribunal imposing a penalty upon an officer or member, or making a recommendation to the Board of Directors in respect of a Sub-Branch or any of its officers or members shall not be valid unless passed by a majority of the members of the State Branch Tribunal present at the meeting.

26.7 Any resolution of the State Branch Tribunal, passed by a majority of members of that tribunal, shall have no effect unless endorsed by the RSLWA Board of Directors.

- 26.8 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 Chair.
- 26.9 Within 14 days after such certification, the CEO shall notify the member concerned in writing of the precise terms of the said resolution and of the provisions of appeals to the National Tribunal. A copy of such notification shall be forwarded to the National Secretary.
- 26.10 A member who is subject to a penalty imposed by a State Branch Tribunal may appeal to the National Tribunal by notice in writing addressed to the National Secretary.
- 26.11 An appeal pursuant to this By-Law shall be lodged by the appellant with RSLWA, within 28 days after the date upon which the resolution of RSLWA was passed; otherwise it shall not be treated as valid.
- 26.12 Upon receipt of an appeal, RSLWA shall forthwith forward to the National Secretary:
- a. the appeal;
  - b. all papers and documents concerning the member's appeal; and
  - c. a copy of the minutes relating to the matter giving rise to the appeal.
- 26.13 Upon an appeal, the member shall temporarily relinquish any position held as an office bearer of RSLWA or Member of the National Executive until such appeal is concluded, dismissed or discontinued.
- 26.14 Guidelines for the conduct of a State Branch Tribunal Hearing are to be kept and updated accordingly by the Chair of the State Branch Tribunal and endorsed by the Board of Directors.

## **27. THE NATIONAL TRIBUNAL**

### **Composition**

- 27.1
- a. There are five members of the National Tribunal appointed by the National Board.
  - b. The Board must appoint one of them as the Presiding Member.
  - c. The members must be Life Members or Service Members.
  - d. Their appointment is for two years and at the end of their term they may be reappointed.

### **Ceasing**

- 27.2 A person ceases to be a member of the National Tribunal if the person:
- a. resigns;
  - b. is no longer a member of the League;
  - c. becomes bankrupt or makes an arrangement or compromise with their creditors generally;
  - d. is convicted of an indictable offence or an offence involving fraud or dishonesty;

- e. becomes of unsound mind or a person whose person or estate is liable to be dealt with in any way under any law relating to mental health; or
- f. becomes a Director or an employee of the League.

### **Appeal**

- 27.3
- a. A party to a dispute or disciplinary matter may appeal to the National Tribunal if the matter is within the National Tribunal's jurisdiction and the person has paid the fee fixed from time to time by the State Branch.
  - b. The appeal must be made by notice in writing to the RSL, setting out the nature of the matter and the grounds of appeal and accompanied by the relevant State Branch Tribunal decision.
  - c. The RSL must forward the notice to the Presiding Member, the other parties and the State Branch Tribunal.
  - d. The decision of the State Branch Tribunal is stayed pending the outcome of the appeal.

### **Procedure**

- 27.4
- a. The Presiding Member may appoint either three or five members of the National Tribunal to hear and determine the appeal.
  - b. The Presiding Member must appoint the time and place of the hearing of the appeal and give the parties and the RSL at least 30 days' notice of these matters.
  - c. The other parties to the appeal must provide to the National Tribunal and the appellant their answer to the appeal, within 14 days of receiving the notice of appeal.
  - d. The parties must provide the information to the National Tribunal, the other parties and the RSL and within the times, the National Tribunal requires.
  - e. The National Tribunal may require the parties to take the further steps it considers appropriate in relation to the management of the appeal.
  - f. The State Branch Tribunal must provide to the National Tribunal a copy of its documents relating to its hearing upon receiving notice of the appeal.

### **Right of audience**

- 27.5
- a. The parties to the dispute or disciplinary matter which is the subject of appeal to the National Tribunal have the right to be heard.
  - b. The Board has the right to be heard on any appeal.

### **Hearing**

- 27.6
- a. The appeal is not a fresh rehearing and the National Tribunal may only consider the evidence put to the State Branch Tribunal and may not rehear a matter.
  - b. The National Tribunal must give each party an opportunity to present their case.



- c. The National Tribunal is not bound by the rules of evidence. The objective of the National Tribunal is to deal with all matters fairly and justly.
- d. If the parties and RSL agree, the National Tribunal may dispense with a hearing and make its decision on written submissions from the parties and the RSL and the other information provided to it.

#### **Decision**

- 27.7
- a. The National Tribunal may dismiss the appeal, allow the appeal or substitute its own findings. The decision is final.
  - b. A decision of the National Tribunal is by simple majority.
  - c. The National Tribunal must:
    - i. record the decision and give reasons for the decision;
    - ii. endeavour to reach a decision within twenty-one days of the hearing; and
    - iii. inform the parties and the RSL of the decision as soon as reasonably practicable.
  - d. The National Tribunal may in an appropriate case require a party to pay the costs of the appeal and the proceeding in the State Branch Tribunal as it sees fit.

#### **Records**

- 27.8 The National Tribunal must keep a record of the information which relates to the appeal and the decision for at least seven years.