



xxxxxxxxxx RSL SUB BRANCH INC.

CONSTITUTION

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SOUTH ARM RSL SUB BRANCH INC.

CONSTITUTION

1. NAME

The name of the Sub Branch shall be XXXXXXXX Sub Branch Inc.

2. STATEMENT OF PURPOSES OF THE SUB BRANCH

The objects for which the Sub Branch is established are:

- (a) Provide for the sick, helpless, wounded, aged, disabled, destitute, needy and vulnerable among those who are serving or who have served in the Australian Defence Forces, the various British Commonwealth Defence Forces, members of allied Defence Forces and their dependants;
- (b) Perpetuate the close and kindly ties of friendship created by the mutual service in the Australian Defence Forces or in the forces of nations traditionally allied with Australia and the recollections associated with that experience;
- (c) Maintain a proper standard of dignity and honour among all past and present members of the Australian Defence Forces and set an example of public spirit and noble hearted endeavour;
- (d) Preserve the memory and records of those who suffered and died for Australia, erect monuments to their valour, provide them with suitable burial places, and establish and preserve, in their honour, the annual commemoration day known as ANZAC Day;
- (e) Encourage loyalty to Australia and secure patriotic service in the interests of Australia;
- (f) Protect the good name and preserve the interests and standing of members of the Australian Defence Forces;
- (g) Encourage a Member as a citizen, to serve Australia with that spirit of self sacrifice and loyalty with which they served as members of the Australian Defence Forces;
- (h) The promotion of a social organisation and Sub Branch of the Branch composed of those who are serving or who have served in the Australian Defence Forces, the various British Commonwealth Defence Forces, Members of the Allied Defence Forces, their dependants and such other persons who from time to time may be admitted to membership in accordance to these Rules.

- (i) To establish, maintain and conduct a Sub Branch of a non-political and non-sectarian character and to provide, furnish, equip and maintain Sub Branch rooms, reading rooms, recreation rooms and refreshment facilities; to establish and maintain billiard tables and facilities for other lawful games, sporting facilities and recreation for its Members for the maintenance and improvement of friendly relationships amongst the Members and generally to afford to Members and their friends and guests all the usual privileges, advantages, conveniences and facilities of a Sub Branch.
- (j) To make contributions to any charitable relief benefit commemoration or memorial fund of any kind whatsoever as the Committee may deem advisable.
- (k) To make application pursuant to the appropriate legislation from time to time enacted and currently in force, or any re-enactment or amendment thereof, to:
 - (i) Make application for a Club Liquor Licence pursuant to the provisions of the *Liquor Licensing Act 1990* or any re-enactment or amendment thereof;
 - (ii) To make application as a Venue Operator for the operation of lawful games and activities as authorised by the *Gaming Control Act 1993* and amendment thereto;
 - (iii) To hold, transfer, renew, vary or surrender any licence permit or authority or do all other things that are necessary pursuant to the provisions of the said Act for the protection of any such licence, permit or authority;
- (l) To further the interests of and to support the Branch and to support other Sub Branches of the Branch.
- (m) To form within the Sub Branch sporting groups for members, and to direct such groups as to their activities.
- (n) To provide for the sick, helpless, wounded, aged, disabled, destitute and needy.

3. POWERS OF THE SUB BRANCH

- (a) To purchase, take on lease or in exchange or otherwise to acquire any land, buildings, easements of property real or personal which may be required for the purposes of or be conveniently used in connection with any of the objects of the Sub Branch and for the purpose of managing revenue the better to finance the operations of the Sub Branch and the maintenance of any premises owned by it to lease, sell, demise, mortgage, give in exchange or otherwise dispose of the same or any part thereof from time to time and to grant easements in, through, over or upon any land and to acquire easements or other rights of any kind or nature over any other real or personal property provided that if the Sub Branch takes or holds any property which is subject to any

Trusts the Sub Branch must deal with the property in such a manner as is allowed by law having regard to such Trusts. The Sub Branch in exercising the rights in relation to the lease, purchase, transfer, exchange or sale of any real estate shall not take such action without the prior written approval of the State Executive of the Branch pursuant to Rule 21 of the Constitution of the Branch.

- (b) To borrow or raise money or to secure the repayment of any debt, liability or engagement incurred, undertaken or entered into by the Sub Branch by the issue of bonds, debentures, bills of exchange, promissory notes or other obligations or securities of the Sub Branch or by way of overdraft or by mortgage or charge on all or any part of the property and assets of the Sub Branch. The powers contained in this Rule shall only be exercised with the prior consent in writing of the State Executive of the Branch. Pursuant to Rule 21 of the Constitution of the Branch.
- (c) To encourage the fullest liaison and co-operation with other responsible persons and organisations in the community as the Committee shall decide, with particular emphasis to encouraging the use of the rooms of the Sub Branch when such use shall be calculated to benefit the community.
- (d) To draw, make, accept, endorse, discount, execute and issue promissory notes, bills of exchange, warrants, debentures and other negotiable or other transferable interests.
- (e) To invest and deal with the money of the Sub Branch not immediately required upon such securities and investments, generally in such manner, and in accordance with the directions by the Committee.
- (f) To undertake and execute any trusts which may seem to the Sub Branch conducive to any of its objects and in accordance with the overall policy of the League.
- (g) To engage, employ, dismiss and remunerate professional advisers, secretaries, accountants, managers, brokers, experts and such other persons, officers and employees as may be necessary or desirable for the purpose of carrying on the business of the Sub Branch or furthering any or all of the objects herein set out.
- (h) To establish and maintain funds for relief, scholarships, insurance, mortuary, sickness or other benefits and/or for the assistance or advantage of members or their dependants or the dependants of deceased members contributing thereto from any of the revenues of the Sub Branch.
- (i) To encourage the formation of a Women's Auxiliary, youth and other subsidiary associations subject to the provisions of the Branch Constitution and By-Laws.

- (j) To construct, improve, maintain, furnish, develop, work, manage, carry out, alter or control any houses, buildings, clubrooms, information bureaux, libraries, literary, social, educational and benevolent institutions, grounds, works or conveniences which directly or indirectly advance the Sub Branch's interests, and to contribute to, subsidise or otherwise assist and take part in the above;
- (k) To take any gift of property whether subject to any special trust or not, for any one or more of the objects of the Sub Branch;
- (l) To make grants, donations, gifts and give assistance to such persons, trusts, groups, associations, societies, institutions or other entities as the Sub Branch thinks fit and is in accordance with the objects of the Sub Branch;
- (m) To do all such other things as are incidental or conducive to the attainment of the objects and the exercise of the powers of the Sub Branch.

4. PUBLIC OFFICER

The Sub Branch shall have a person as a public officer and such person shall carry out the function and duties of a public officer as set out in the *Associations Incorporation Act 1964*.

5. ALTERATION TO THESE RULES

- (a) The Sub Branch shall not without the consent in writing of the State Executive make any new Rule, alteration or variation to the Rules of the Sub Branch. No new Rule, alteration or variation to these Rules shall take effect, unless and until the new Rule, alteration or variation has been approved in writing by the State Executive, by a General Meeting of the Sub Branch in accordance with the provisions of the Act, and notice of such Rule has been lodged pursuant to the provisions of the Act.
- (b) The public officer of the Sub Branch shall within twenty-eight (28) days after the passing of a resolution making it a new Rule, or altering or varying these Rules lodge pursuant to the provisions of the Act a written notice of the special resolution setting out the particulars of the new Rule, alteration or variation.
- (c) If there is inconsistency between these Rules and the Branch Constitution and/or the National Constitution, the Branch Constitution and the National Constitution shall prevail to the extent that the Branch Constitution and the National Constitution do not conflict with the requirements of the Liquor Control Reform Act, the Gambling Regulation Act and/or any other relevant Act. In the event that there is any inconsistency between the Branch Constitution and the National Constitution, then the provisions of the National Constitution shall prevail.

6. POLICY

The Policy of the Sub Branch shall be non-sectarian and in relation to the questions of party politics non-partisan.

7. DEFINITIONS AND INTERPRETATION

In these Rules -

"Act" means the Associations Incorporation Act 1964 (Tas).

"Affiliate/s" means an Affiliate of the Branch admitted pursuant to the rules of the Branch, and is a member of the Sub Branch.

"Branch" shall mean The Returned & Services League of Australia (Tasmania Branch).

"Branch Constitution" means the Statement of Purposes and the Rules and By-Laws of the Branch.

"Chief Executive Officer of the Branch" means the person appointed from time to time under Branch Rule 29 by the State Executive.

"Committee" or "Sub Branch Committee" means the Committee of the Sub Branch.

"Financial Year" means the year ending 31 December

"Gaming Control Act" means the Gaming Control Act 1993 or any amendment or re-enactment thereof.

"In Writing" and **"Written"** include typing or printing, lithography, photography and other modes of representing or reproducing words and figures in visible form.

"League" means the Returned and Services League of Australia Limited A.C.N. 008 488 097.

"League member" means a Life member or a Service member of the League, and is a member of the Sub Branch.

"Liquor Licensing Act" means the Liquor Licensing Act 1990 or any amendment or re-enactment thereof.

"Members" shall mean all persons admitted pursuant to these Rules to any of the following classes of membership:

- Service members
- Life members
- Associate members
- Affiliate members
- Honorary members and
- Social members

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

"Regulations" mean the Regulations under the Act.

"State Branch Tribunal" means the Tribunal established by the Branch under State Branch Rule 13 and National Rule 20.

"State Executive" means the Body constituted under Rule 26 of the Branch.

"Sub Branch Secretary" or "Secretary of the Sub Branch" means the Secretary of the Sub Branch.

8. INTERPRETATION

In these Rules, unless the context otherwise requires:

- (a) Words importing the singular include the plural and vice versa;
- (b) Words importing a gender include any gender;
- (c) A reference to any thing includes a part of that thing;
- (d) A reference to these Rules includes a reference to any appendix, annexure or exhibit or schedule to these Rules;
- (e) An expression importing a natural person includes any company, partnership, association, incorporation or other corporate body;
- (f) Where the day on which anything is to be done is not a Business Day, that thing must be done on or by the end of the succeeding Business Day.

9. MINIMUM MEMBERSHIP

The minimum membership of the Sub Branch shall be five (5) members.

10. AGE REQUIREMENT

No person under the age of eighteen (18) shall be admitted to membership of the Sub Branch.

11. MEMBERSHIP

The Sub Branch shall comprise the following categories of membership:

Service Members
Life Members
Associate Members
Affiliate Members
Honorary Members
Social Members

11.1 RULES CONSTITUTE TERMS OF A CONTRACT

These Rules constitute terms of a contract between the Sub Branch and a Member. A member agrees that by virtue of his membership of the Sub Branch to be bound by these Rules, the National Constitution and the Branch Constitution.

11.2 REGISTER OF MEMBERS

The Secretary of the Sub Branch shall maintain a Register of all persons who are members of the Sub Branch that clearly indicates the category of membership to which the members are so admitted, including Social Members. The Register of Members of the Sub Branch must include the full name, address and qualifying service particulars (if applicable), the date of entering and the date of joining the Sub Branch.

11.3 SERVICE MEMBERS

A person who is a Service member of the League or who has applied to be a Service member of the League may apply to be a Service member of the Sub Branch.

- (a) It shall be a prerequisite to Service membership of the Sub Branch that the applicant declares:
- I hereby agree if elected a member to be bound by and comply with the Rules and By-Laws of the Sub Branch; and
 - I hereby declare that I am not a member of any other organization whose objectives are incompatible with the objects of the League; and
 - I hereby further declare that I am prepared to swear/affirm allegiance to Australia and its people, and do hereby subscribe to the Constitution of the Commonwealth of Australia and the Constitution of the Returned & Services League of Australia.

- (b) Lodgement of application to be admitted as a Service member of the League and Service member of the Sub Branch.
- (i) An application to be admitted as a Service member of the League and as a Service member of the Sub Branch must comply with the National Constitution and the Branch Constitution and these Rules. An Applicant for Service membership of the League and Service membership of the Sub Branch must be nominated by a person who is a Service or Life member of the Sub Branch and seconded by a member who is also a Service or Life member of the Sub Branch.
 - (ii) A person who applies to be a Service member of the League and a Service member of the Sub Branch must lodge the application with the Secretary of the Sub Branch in writing in the form prescribed from time to time. Not less than two (2) weeks shall elapse between the date of nomination and the date of election of a Service member of the League and a Service member of the Sub Branch.
 - (iii) Application for membership of the League and membership of the Sub Branch shall be accompanied by the payment of the Annual Subscription determined by the Annual Congress of the Branch and any further subscription as set by the Sub Branch at a General Meeting and hereafter referred to in these Rules. No applicant who is admitted to membership shall be entitled to a refund of such amount, but where an applicant is not eligible under the National Constitution to be admitted, the Sub Branch must return the Annual Subscription.
 - (iv) The Committee may require an applicant for membership to produce such evidence, as it thinks fit as to his qualification for membership.
 - (v) If the Sub Branch Committee resolves that an Applicant is eligible under the National Constitution to be admitted as a Service member of the League and is a fit and proper person to be admitted as a Service member of the League then the Applicant must be admitted as a Service member of the League and as a Service member of the Sub Branch within sixty (60) days of the date the application was lodged.
 - (vi) If the Sub Branch Committee resolves that an Applicant applying to be admitted as a Service member of the League and a Service member of the Sub Branch is not eligible under the National Constitution to be admitted as a Service member of the League the Committee of the Sub Branch must within

fourteen (14) days from the resolution forward the application, supporting documentation, the annual subscription and the reasons for the resolution to the Branch and the application shall then be dealt with by the Branch under the Branch Constitution.

- (vii) If the Branch resolves that the Applicant is eligible under the National Constitution to be admitted as a Service member of the League the Branch must direct the Sub Branch to admit the applicant as a Service member of the League and thereupon the Sub Branch must admit the Applicant as a Service member of the League and as a Service member of the Sub Branch.
- (viii) If the Branch resolves that the person applying to be admitted as a Service member of the League is not eligible under the National Constitution to be admitted the Branch must:
 - I. Reject the application; and
 - II. Within fourteen (14) days of the date of rejection advise the Applicant of the decision, the reasons for the decision and his right of appeal to the State Branch Tribunal
- (iv) A Service or Life member of the Sub Branch shall be entitled to one vote at the election of members of the committee of the Sub Branch and at any meeting of the Sub Branch in respect of any matter.

11.4 LIFE MEMBERS

- (a) A Service Member of a Sub Branch who is elected as a Life Member of the League in accordance with the National Constitution and the Branch Constitution shall automatically become a Life Member of the Sub Branch.
- (b) The rights, privileges and obligations of a Service Member of the Sub Branch who becomes a Life Member of the Sub Branch under Rule 11.4(a) shall not be disturbed by his becoming a Life Member of the Sub Branch save and except that he shall not be liable to pay an Annual Subscription either to the League, the Branch or the Sub Branch as the case may be.

11.5 HONORARY MEMBERS OF A SUB BRANCH

- (a) A person is entitled to be elected as an Honorary member of the Sub Branch (for such time as the Committee of the Sub Branch shall determine) if he is eighteen (18) years of age or older and is:
 - (i) a Service, Life or Honorary member of the League;

- (ii) a member of an association or organisation which is a member of the British Commonwealth Ex-Services League during his presence in Tasmania, but not exceeding a period of three months;
 - (iii) a member of a State parliament, the parliament of the Commonwealth of Australia or a Councillor of the municipality in which the Sub Branch is situated;
 - (iv) A current serving member of the ADF, upon presentation of a Service Identification Card, such honorary membership shall operate whilst the serving member is present on the Sub Branch premises.
 - (v) a member of a sporting, social or cultural body visiting the Sub Branch for the day, but subject to the approval of the committee of the Sub Branch; or
 - (vi) a person who has applied in writing to become a member of the Sub Branch shall be a temporary Honorary member of the Sub Branch until the application to become a member has been dealt with by the Committee. Such membership applications must be dealt with by the Committee in an expeditious manner.
- (b) An honorary member of the Sub Branch is not entitled to vote at the election of the members of the Committee of the Sub Branch or on any other matter.
 - (c) An Honorary member shall not be required to pay an annual subscription.
 - (d) A person shall not be admitted as an Honorary or Temporary member of the Sub Branch unless the person is of a class specified in the Rules and the admission is in accordance with the Rules.

11.6 AFFILIATE MEMBERS

The Sub Branch shall have a class of membership being an Affiliate Member.

- (a) Affiliate Members shall carry out and further the Objects of the League and an application for membership as an Affiliate shall declare the following:
 - (i) The Affiliate agrees that if elected as an Affiliate to be bound by and to comply with the Rules and By-Laws of the Sub Branch; and
 - (ii) Declare that he/she is not a Member of any other organisation whose objectives are incompatible with the Objects of the League.
- (b) No person who is eligible for Service Membership of the League shall be able to be admitted as an Affiliate Member.
- (c) The eligible persons who may be elected as Affiliate Member are those who do not qualify for Service membership and comply with the following:

- (i) A person who is not eligible to be a Service Member;
 - (ii) Is eighteen (18) years of age or older;
 - (iii) A person who is any relative of a person (living or deceased) who is or was eligible to be a League member;
 - (iv) A person who has been awarded the Certificate of Merit or a National or State Certificate of Appreciation for given valuable service to the League;
 - (v) A person who is, or has been, a member, for at least six (6) months, of one of the following:
 - 1. A State or Federal Police Force;
 - 2. An Ambulance Service or Brigade;
 - 3. A Fire Brigade or Fire Authority;
 - 4. A State Emergency Service;
 - 5. Cadet Officers and Cadets who at the time of making an application are over eighteen (18) years of age;
- (d) Any person being eligible to be an Affiliate Member may apply for such by lodging with the Sub Branch Secretary an application, on the prescribed form, and must be nominated by a Service, Life Member or an Affiliate Member, and seconded by a Service, Life Member or an Affiliate Member.
- (e) The name and address of the person applying to be an Affiliate Member must be displayed in a conspicuous place in the Sub Branch premises for at least two (2) weeks before consideration of the application at a meeting of the Committee of the Sub Branch.
- (f) An Affiliate Member of a Sub Branch may be a Member of the Committee of that Sub Branch, subject to the following:
- (i) An Affiliate Member, may not be elected to the positions of President or Vice President (League member), but may be elected to the position of Vice President (Affiliate), (if such a position has been made available pursuant to a decision passed at an AGM of the Sub Branch), Secretary, Treasurer, or Committeeman on the Sub Branch Committee.
 - (ii) An Affiliate Vice President shall have no right to succeed a President of the Sub Branch in the event of that Office becoming vacant.

- (iii) The number of Affiliates on the Committee including Executive positions shall not be greater than 60% of the total membership of the Executive and Committee or such lesser percentage as may be determined by the Sub Branch in General Meeting from time to time.
- (g) An Affiliate Member on the Committee of the Sub Branch may speak and vote on all matters relating to the Sub Branch, save and except the matters referred to in sub-rule 11.6 (i) as matters where Affiliates cannot speak or vote.
- (h) An Affiliate Member shall not hold any other Office in the League. A person may only be an Affiliate Member of one Sub Branch at any one time. An Affiliate Member shall be able to be transferred to the Unattached List.
- (i)
 - (i) An Affiliate Member may speak and vote at a meeting of the Sub Branch on any Sub Branch matter, including voting for all Sub Branch Committee positions, save and except that an Affiliate Member may not speak or vote on any matter to the alteration or amendment to the National Constitution, the Branch Constitution or cast votes for the elections for Branch positions.
 - (ii) An Affiliate Member shall not be entitled to speak and vote at a meeting of the Sub Branch in relation to the Sub Branch voting for Divisional representatives.
- (j) An Affiliate Member shall pay to the Sub Branch such annual subscription to that Sub Branch as it determined, including an amount equal to the administrative fee payable to the League, from time to time by the State Annual Congress.
- (k) A Sub Branch shall pay to the State Branch such proportion of a subscription received from an Affiliate Member as determined, including an amount equal to the administrative fee payable to the League, from time to time by the State Annual Congress.
- (l) The State Branch shall pay annually, in relation to an Affiliate Member, to the League at the same time as it pays its capitation fees, a fee in respect of each Affiliate Member, equal to the amount of the capitation fee set by National Congress for that year.
- (m) Annual Subscriptions shall be payable in advance on 1st January in each calendar year. A Sub Branch must forward to each Affiliate Member, a notice for the renewal of

membership at least one month before the end of the financial year and the member must pay the account by the 30th April of each year.

- (n) An Affiliate Member, who does not pay his annual subscription by 30th April ceases to be an Affiliate Member.

11.7 ASSOCIATE MEMBERS

The Sub Branch shall have Associate Members who shall be appointed in accordance with Rule 10.13 of the State Branch Rules.

11.8 SOCIAL MEMBERS

- (a) A person is eligible to be a Social Member of the Sub Branch if he:
 - (i) Is over the age of eighteen (18) years; and
 - (ii) That the Committee of the Sub Branch shall prior to considering the application of a person to be a Social Member seek the views of other Members of the Sub Branch and pay due regard to such views prior to the consideration of the application for approval of the person to be admitted as a Social Member.
 - (iii) Has signed a Social Member Application Form in the form approved by the Committee of the Sub Branch which requires the Social Member to be bound by the Rules and By-Laws of the Sub Branch; and
 - (iv) Has declared that he is not a member of any organisation whose objectives are not compatible with the objects of the League and, if an Australian Citizen, he is prepared to affirm/swear loyalty to the Commonwealth of Australia and its Head of State and to uphold the Constitution of the Commonwealth;
 - (v) Has paid the annual membership subscription as determined by the Committee of the Sub Branch.
- (b) A Social Member of a Sub Branch may be a Member of the Committee or a Member of the Executive as provided in these Rules. There shall not be more than two (2) Social Members on the Committee unless the State Executive consents in writing to a greater number. The State Executive may impose such conditions on its consent as it considers appropriate. Social Members shall not hold both the position of Secretary and Treasurer of the Sub Branch nor shall a Social Member hold the position of President or Vice President of the Sub Branch.
- (c) Social Members shall be able to be nominated to positions on the Committee or Executive by Service, Affiliate or Social Members and the election of Social Members

to the Executive or Committee shall be elected by the Service, Life, Affiliate and Social Members of the Sub Branch.

- (d) A Social Member of the Committee shall only be able to vote on matters relating to the conduct of the Sub Branch facilities operated at the Sub Branch.

11.9 LIFE MEMBERS OF THE SUB BRANCH

1. Those persons who at the date of the adoption of this Constitution were Life Members of the Sub Branch shall continue to hold that position and the privileges of that position.
2. The Sub Branch may in General Meeting on the motion of the Committee of the Sub Branch award a Life Membership of the Sub Branch to a Service, Social or Affiliate Member who is given exceptional service to the Sub Branch in relation to the maintenance of the Sub Branch, assistance in the operation of the Sub Branch, or the support of the social and community activities of the Sub Branch. A Life Membership that is awarded pursuant to this Rule shall not effect the voting rights of the persons so appointed.

11.10 TEMPORARY HONORARY MEMBERS

The Sub Branch shall be entitled to have Temporary Honorary Members who are aged over the age of eighteen (18) years. The Sub Branch shall make Rules as to the conditions of entry and conduct of such Members on the Sub Branch premises. The Temporary Honorary Members shall have no right to receive Notice of Meetings of the Sub Branch, or to attend and speak at Meetings of the Sub Branch, or to vote for any position at the Sub Branch.

12. RESERVED

13. PROVISION OF RSL MEMBER CARD

The Sub Branch shall request the Branch to issue a Service, Life, Affiliate member of the Sub Branch an "RSL Membership Card" in the format then used by the Branch. The Sub Branch shall make such request to the Branch in relation to Service, Life and Affiliate members as soon as practicable after the said members have become financial members of the Sub Branch. In relation to Life members the Sub Branch shall make the request to the Branch as soon as practicable after this rule comes into effect.

14. SUBSCRIPTIONS

That the minimum annual subscription payable by Service and Affiliate Members shall be such amount as it determined from time to time by the Sub Branch in General Meeting and shall be not less than the Capitation fee referred to in Branch Rule 10.9(m). The annual subscription in respect of any other class of membership shall be as determined by General Meeting of the Sub Branch from time to time.

- (a) A Sub Branch must forward to its Member an account for renewal of the Annual Subscription at least one (1) month before the end of the Financial Year and the member must pay the account by the 30th April of each year.
- (b) A receipt must be issued to a Member of the Sub Branch by the Sub Branch as evidence of payment of the Annual Subscription.
- (c) Annual subscriptions shall be payable in advance on January 1st in each calendar year.
- (d) If a Service or Affiliate Member who is not a Life Subscriber, shall fail to pay his annual subscription on or before April 30th following upon the date annual subscriptions become due and payable, he shall cease to be a Member of the Sub Branch.
- (e) A member of a Sub Branch, who is not a Life Member or a Life Subscriber, who has not paid the annual subscription, is not eligible to speak or vote at a meeting, including elections, or to hold any office in the Sub Branch.
- (f) If the Australian Defence Force is engaged in conflict then any Service Member who is a Member of that Force and who is engaged in that conflict shall for the period of his involvement in that conflict be relieved from any liability to pay Annual Subscriptions either to the League, the State Branch or the Sub Branch as the case may be. The Sub Branch Committee may in other appropriate circumstances waive subscription fees however the Sub Branch shall be required to pay the Capitation Fee to the Branch if the same is applicable in relation to any Member where the Sub Branch Committee has waived the payment of a Subscription Fee.

15. NOTICES OF MEETING

- (a) The Secretary shall at least 14 days before any Annual, Ordinary or Extraordinary General Meeting place a notice of the meeting in a local newspaper setting out the time and place where the meeting is to be held, and the nature of business that will be brought forward at the said meeting. In the alternative, if the Committee so decides, a written notice of meeting can be forwarded to each member at the address shown on the Registrar of Members of the Sub Branch. The accidental omission to give any

notice as aforesaid to any member shall not invalidate any resolutions carried at an Annual, Ordinary or Extraordinary general meeting.

- (b) The nature of the business to be dealt with at such meetings and the manner in which they are to be conducted shall be in accordance with these Rules as to the conduct of particular classes of meetings.
- (c) In the case of a meeting at which a special resolution is proposed, pursuant to the provisions of the Act, the statutory period of twenty-one (21) days notice shall be for such meetings.

16. NOTICES – MEMBERS

- (a) Every member shall communicate in writing to the Secretary regarding change of address. A notice, written request or any other communication under these Rules may be served on a member either personally or by sending it by post to his last known address.
- (b) If a notice or communication is properly addressed, prepaid and posted, it is deemed to have been given to the addressee at the time of posting.
- (c) A notice may be served by sending to the Member a copy of any magazine/newsletter published by the Sub Branch, which contains a full copy of the relevant notice.

17. SUB BRANCH DISCIPLINARY PROCEDURE

- (a) Notwithstanding the provisions of Rule 19, if the Committee of a Sub Branch has reason to believe that a member may be guilty of conduct unbecoming of a Service, Life, Affiliate or Social Member it shall give not less than fourteen (14) days notice in writing to that member of the date, time and place of its meeting at which it will consider whether or not he has been guilty of such conduct.
- (b) The Executive of the Sub Branch can suspend any Member who has been given a notice pursuant to Rule 17(a) from attending the Sub Branch premises for a period of thirty (30) days or until the Hearing of the charge against the Member, whichever date shall first occur.
- (c) The notice referred to in Rule 17(a) 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.
- (d) 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 this said statement. Such a request shall be complied with by the Committee. The said member may put to the

Committee at the meeting such facts as he may consider relevant and shall be given every opportunity to address it.

- (e) The Committee shall decide at the meeting whether the member has been guilty of conduct unbecoming a member. If it is satisfied he has been guilty of such conduct, it may resolve that:
 - (1) he be placed on a warning to improve his conduct, or
 - (2) be reprimanded, or
 - (3) be suspended from membership of the Sub Branch for a period not exceeding 12 months, or
 - (4) in the case of Life, Service and Affiliate Members it may resolve that the matter should be referred to the State Branch for its consideration pursuant to Rule 12.7 (Appeal to the State Branch Tribunal), or
 - (5) in the case of a Social Member, that the member be expelled from membership of the Sub Branch.

- (f) The substance and decision of the meeting referred in Rule 17(c) shall be recorded in the minutes of the meeting. Written notices, submissions and other correspondence relevant to the meeting shall be certified within seven (7) days after the meeting with the other members of the Committee.

- (g) The rights of appeal from the decision of the Committee shall be restricted to Service, Life and Affiliate Members, and there shall be no right to appeal in relation to the decision of the Committee concerning a Social Member.

- (h) A Service, Life or Affiliate Member aggrieved by a resolution of a Committee may appeal to the State Branch Tribunal by notice in writing addressed to the Chief Executive Officer to the Branch who shall forward it to the State Branch Tribunal. Such appeal shall be lodged within fourteen (14) after the notification in writing referred to in Rule 17(e) and upon lodging of the appeal, the decision of the Committee shall be stayed (unless otherwise ordered by the State Tribunal) until the appeal is concluded, abandoned or discontinued.

- (i) Any appeal shall be conducted in accordance with the State Branch Rules.

18. RESERVED

19. DISPUTES AND MEDIATION

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

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

20. CESSATION OF MEMBERSHIP

- (a) A member may resign from the Sub Branch or from the League and the Sub Branch by giving one (1) month's notice in writing in the form prescribed from time to time to the Secretary of the Sub Branch or the Sub Branch and the League of his intention to resign, whereupon he ceases to be a member of the Sub Branch and a League member at the expiration of that period of notice.
- (b) Upon the expiration of the notice given under Rule 20(a), the Secretary of the Sub Branch must record in the Register of members of the Sub Branch the date the person ceased to be a League and Sub Branch member.
- (c) A Service member who does not pay his Annual Subscription by 30 April or has not paid any life subscription ceases to be a Service member of the League and the Sub Branch.
- (d) A person who ceases to be a member:
 - (i) is not entitled to a refund of the annual subscription or the life subscription;
 - (ii) is liable for all amounts owing by him to the Sub Branch or the Branch; and
 - (iii) is to return the League badge to the Secretary of the Sub Branch.
- (e) A right, privilege, or obligation of a member is not capable of being transferred or transmitted to another person; and terminates upon the person ceasing to be a member, whether by death, resignation or otherwise.

21. TRANSFER OF MEMBERSHIP

- (a) A Service or a Life member or an Affiliate, who desires to transfer his membership to another Sub Branch, may do so provided the provisions relating to transfer of a member in the Branch Rules are complied with.
- (b) A Service or a Life member or an Affiliate, who wishes to apply for a transfer to another Sub Branch, must inform the Sub Branch Secretary of his intention to transfer his membership to another Sub Branch.

22. SUB BRANCH COMMITTEE

- (a) The Sub Branch Committee:
 - (i) is to control and manage the business and affairs of the Sub Branch;
 - (ii) may exercise all such powers and functions as may be exercised by the Sub Branch other than those powers and functions exercised by the Sub Branch in general meeting; and
 - (iii) may perform all acts and things that appear to the Sub Branch Committee to be essential for the proper management of the business and affairs of the Sub Branch.
- (b) The members of the Sub Branch Committee are:
 - (i) the Sub Branch Officers elected under Rule 22(c);
 - (ii) three or more members of the Sub Branch elected. The Committee shall determine the number of members to be elected to the Committee;
 - (iii) the persons co-opted by the Sub Branch Committee under Rule 22(d);
 - (iv) a member of the Sub Branch appointed under Rule 22(j); and
 - (v) the Sub Branch Committee, referred to in this Rule shall meet at least monthly.
- (c) A Sub Branch Officer is a member of the Sub Branch elected or appointed to one or more of the following positions:

President;

Vice President— League member;

Vice President — Affiliate (if resolved by the Sub Branch Committee in General Meeting to have an Affiliate Vice President);

Secretary; and

Treasurer.

The above Sub Branch Officers are the Executive of the Sub Branch.

- (d) The Sub Branch Committee may co-opt up to three persons but a co-opted person is not entitled to a vote on the Sub Branch Committee.
- (e) A member of the Sub Branch Committee must not be:
 - (i) a member of the Committee of another Sub Branch; or
 - (ii) an employee of the Sub Branch (unless appointed under Rule 22(f);
 - (iii) a member of the Sub Branch Committee may occupy only one Committee position at the one time (with the exception of a combined position of Secretary/Treasurer existing).
- (f) Subject to the prior approval of the Service Life and Affiliate Members of the Sub Branch, the Sub Branch Committee may appoint a secretary, treasurer/secretary or treasurer who need not be a Service, Life or Affiliate Member, on such terms and conditions as the Sub Branch Committee from time to time determines. Such appointments may only be made if a Service, Life or Affiliate Member of the Sub Branch is not available to fill the vacancy.

A person so appointed must agree to be bound by these Rules, the Branch Constitution and the National Constitution before such appointment is confirmed.
- (g) The Sub Branch at its annual general meeting must appoint an auditor of a class and with the qualifications required by the Act for the appointment of auditors.
- (h) If the president of the Sub Branch is absent or his office otherwise becomes vacant, the senior vice president (League member) assumes the office of the president.
- (i) If a vice president (League member) of the Sub Branch is absent or his office otherwise becomes vacant, the senior member (League) of the Sub Branch Committee (by votes polled) assumes the office of a vice president.
- (j) If there is a vacancy other than the president or vice president (League member), the Sub Branch Committee may appoint a member of the Sub Branch to fill the vacancy.
- (k) The office of a member of the Sub Branch Committee becomes vacant if he:
 - (i) ceases to be a member of the Sub Branch;
 - (ii) becomes of unsound mind or a person who is, or whose estate is, liable to be dealt with under the law relating to mental health;
 - (iii) becomes a bankrupt or insolvent or makes an arrangement or composition with his creditors;

- (iv) is convicted of a serious criminal offence and the Sub Branch Committee does not within one month of that conviction resolve to confirm the appointment or election to the office of a member of the Sub Branch Committee;
- (v) resigns by notice in writing to the Sub Branch Committee;
- (vi) is absent for three consecutive meetings of the Sub Branch Committee without leave of the Committee of the Sub Branch unless the Sub Branch Committee resolves otherwise;
- (vii) moves his principal place of residence outside Tasmania, or
- (viii) becomes an employee of the Sub Branch.

The secretary of the Sub Branch must notify the Chief Executive Officer of a change in the members of the Sub Branch Committee within fourteen days of a change.

- (l) At the first meeting of a newly constituted Sub Branch Committee, the Sub Branch Committee must appoint, from within the Sub Branch Committee or from the members of the Sub Branch a person to one or more of the following positions:
 - (i) a membership recruitment officer; and
 - (ii) a welfare officer.
- (m) The President shall exercise a general supervision over the staff and the Sub Branch's administration and in particular:
 - (i) shall be a member, ex-officio, of all Sub-Committees appointed or elected;
 - (ii) when present shall preside at all General and Sub Branch Committee meetings;
 - (iii) may call meetings of the various Sub-Committees as and when he considers the occasion requires;
 - (iv) the Sub Branch President shall at the meetings of the Sub Branch, or of a Committee or Sub-Committee of the Sub Branch, possess a vote and where voting is equal upon a question shall be entitled, when in the Chair, to a further or casting vote.
- (n) The duties of a treasurer of the Sub Branch are contained in Branch By-Law 3.
- (o) The duties of a secretary of the Sub Branch are contained in Branch By-Law 4.
- (p) A paid employee of the Sub Branch being a member of the Sub Branch shall not be elected to, or after becoming a paid employee as aforesaid shall not remain on, the Committee of the Sub Branch.

- (q) That where a staff member of the Sub Branch resigns, or is terminated for any reason, that staff member shall not be eligible to hold a position on the Committee of the Sub Branch for a period of one (1) year from the date of resignation or termination, save and except that this rule can be waived in relation to a particular person who has previously been a staff member by the passing of a resolution by the Sub Branch in General Meeting with such resolution receiving a vote of at least 75% of the members present and voting at the said meeting.
- (r) A social member of the Sub Branch may not be elected to any executive position other than Secretary or Treasurer on the Sub Branch Committee (subject to the provisions of Rule 22(f)). Social members may not hold more than two (2) positions on the Committee of the Sub Branch save and except if the written consent of the State Executive has been obtained pursuant to Rule 11.8(c). A social member on the Committee of a Sub Branch may only vote on matters relating to the operation of Sub Branch facilities available to members of the Sub Branch.
- (s)
 - (i) A member of the Sub Branch Committee who has a financial or material interest in a contract or arrangement made or proposed to be made with the Sub Branch must disclose this interest at the first Committee meeting at which the contract or arrangement is first considered.
 - (ii) A member of the Sub Branch Committee is not entitled to vote in respect of any contract or arrangement with the Sub Branch in which the member has a financial or material interest and if the member does vote, the vote is not to be counted.
 - (iii) A member of a Sub Branch or the State Branch must not, whilst holding any Office in a Sub Branch or the State Branch, provide a service for a fee or reward or advantage to any member of a Sub Branch or the State Branch, for which a facility or service is provided for or available from a Sub Branch or the State Branch for no fee.
- (t) The Sub Branch Committee shall, at least, hold monthly meetings and minutes of all resolutions and proceedings of the Committee shall be entered in a book provided for that purpose and must be signed by the Chairperson.
- (u) A meeting of the Sub Branch Committee must be held in camera unless the Committee resolves otherwise.
- (v) The Sub Branch Committee shall be responsible for deciding prices chargeable to the Members at the Sub Branch and giving therein the necessary notices to members.

- (w) A vote of a member of the Committee is to be given personally.
- (x) Sub-Committees
 - (i) The Sub Branch Committee shall have power to appoint from among the members such other Sub-Committees for such purposes it shall deem necessary and shall have full power to delegate thereto such power, as it deems appropriate.
 - (ii) All Sub-Committees shall report in writing upon their proceedings at the next meeting of the Sub Branch Committee. All such Sub-Committees shall be subordinate to the Sub Branch Committee, which may allot, vary or amend the duties of such Sub-Committees. Each Sub-Committee shall appoint a Convenor, who shall convene meetings as may be directed by the Sub Branch Committee or the president of the Sub Branch. Each Sub-Committee shall keep a minute book containing a true record of all proceedings.
- (y) The Sub Branch Committee may act notwithstanding any vacancy on the Sub Branch Committee.
- (z) Quorum
 - (i) Fifty (50) per cent of the Members of the Sub Branch Committee shall constitute a quorum for the transaction of the business of a meeting of the Sub Branch Committee. Where the 50% is not a complete number, it shall be rounded up to the next complete number.
 - (ii) No business shall be transacted at a Sub Branch Committee meeting unless a quorum is present and if within half an hour of the time appointed for a Sub Branch Committee meeting a quorum is not present the Sub Branch Committee meeting shall stand adjourned to the same place and at the same hour of the same day in the following week.
- (aa) The position held by members of the Sub Branch Committee elected or appointed under rule 22(b) are honorary positions.

23. RESERVED

24. ELECTIONS OF THE SUB BRANCH COMMITTEE

(a)

Positions on the Sub Branch Committee become vacant at the Annual General Meeting of the Sub Branch as provided for in Rule 24(a) (i).

- (i) That the members of the Sub Branch Committee shall be elected for a term of two years, save and except that, a Sub Branch by resolution of the members, may apply to the State Executive for authority to continue one year terms of office, for all Committee positions.
 - (ii) In the first election after the adoption of these Rules by the Sub Branch, the terms of election shall be as follows. For the President and the Treasurer of the Sub Branch, and 50% of the Committee of the Sub Branch shall be elected for one (1) year and thereafter for a two (2) year term.
 - (iii) The Vice President and the Secretary of the Sub Branch and the other 50% of the Committee shall be elected for two (2) years and thereafter elections for positions rotating shall be for a two (2) year term.
 - (iv) Persons co-opted under Rule 22(d) shall be appointed for a term not exceeding the term of office for the Committee as provided for in Rule 20(a).
 - (v) If a casual vacancy occurs in any committee position the person appointed to fill that position shall hold that office for the term set down for the particular office or position.
- (b) The Sub Branch Committee shall at least one (1) month prior to the Annual Meeting determine the manner in which the election shall be held, and as to whether the Sub Branch shall have any Social Members on the Committee. There shall in any event be not more than two (2) Social Members elected to the Committee save and except if the written consent of the State Executive has been obtained pursuant to Rule 11.8(c).
 - (c) The number of Affiliates and Social Members on the Committee, including Executive positions shall not be greater than sixty (60) percent of the total membership of the Executive and the Committee, or such lesser percentage as shall be determined by the Sub Branch in General Meeting from time to time.
 - (d) A person can nominate for more than one (1) position at the Sub Branch so long as they are otherwise allowed pursuant to the Rules to so nominate.
 - (e) If the number of nominations for a position on the Sub Branch Committee exceeds the number to be elected to that position, there is to be an election by secret ballot or a show of hands, as decided by the Sub Branch Committee.
 - (f) Ballot

For the purposes of conducting the ballot, a returning officer and not less than two scrutineers are to be appointed by the Sub Branch Committee from among the Service or Life members or Affiliates.

- (i) The ballot shall be conducted in the following descending order at the first Annual Meeting after the adoption of these Rules and thereafter in accordance with Rule 24(a):

President;

Vice President - League member;

Vice President – Affiliate Member (if it is agreed by the Sub Branch in General Meeting to have an Affiliate Vice President);

Secretary;

Treasurer;

Committeeperson: [the senior of who shall be the member polling the most votes, or if no vote is necessary, then a method as determined by the meeting]

- (ii) If there is a tied vote, the name drawn from a hat by the returning officer in the presence of the scrutineers is the person elected.
 - (iii) If for any reason, the Sub Branch Committee resolves that they are unable to appoint a returning officer then they shall apply in writing to the State Executive for a League member to be appointed. The State Executive will then appoint a League member to be the returning officer.
 - (iv) The returning officer of the Sub Branch must not be an employee of the Sub Branch or a candidate for Committee or office.
-
- (g) If the number of nominations for a position on the Sub Branch Committee does not exceed the number to be elected to that position, the nominees are duly elected to the position.
 - (h) The secretary of the Sub Branch must notify the Chief Executive Officer within fourteen days of the meeting that appointed or elected the Sub Branch Committee the members of that Sub Branch Committee.
 - (i) Canvassing is not permitted for any elected position in the Sub Branch.
 - (j) Removal of Office Bearer
 - (i) Any office bearer or member of the Committee of the Sub Branch may be removed from their position upon a resolution carried at a specially

summoned General Meeting of the Sub Branch convened by the Committee for the expressed purpose of considering the deposition, and of which at least fourteen (14) days notice shall be given to all members of the Sub Branch at the address shown in the Sub Branch register. The notice is to state the time and place of such meeting and the nature of the business to be transacted at that meeting.

- (ii) The removing of the office bearers or Members of the Committee shall forthwith proceed to elect a member to fill the vacancy created. Such casual vacancy shall hold office until the next Annual General Meeting. Such nominations shall be called from the floor at the Meeting where an office bearer or Committeeperson has been removed.
- (k)
- (i) The Committee shall determine whether the elections are to be conducted by formal nominations or nominations from the floor at the Annual General Meeting.
 - (ii) Nominations, whether formal or from the floor shall only be able to be received in relation to persons who have paid the annual subscription for the current year or who are Life members or Life subscribers.
 - (iii) Formal nominations shall be conducted as follows:
 - I. Nominations for Executive and the Committee shall be in writing, contain the name of the nominated member, be signed by at least two (2) members entitled to vote and shall be delivered to the returning officer at least fourteen (14) days before the date fixed for the Annual General Meeting, or the date of the election (ballot) if held separately, and shall be posted on the notice board by noon on the day following receipt of each such nomination.
 - II. The name of any person proposed for election as a member of the Sub Branch Committee shall be displayed in a conspicuous place in the Sub Branch premises for not less than one (1) week before the date of the election.
 - III. The nomination form for election and the record of the Sub Branch Officers and Committee shall be in accordance with Branch requirements.

- IV. Any withdrawal of a nomination by a candidate shall be in writing and submitted to the returning officer and shall be posted on the notice board by the returning officer at the earliest opportunity.

25. MEETINGS OF THE SUB BRANCH

25A ANNUAL GENERAL MEETING

The Sub Branch must hold an Annual General Meeting (AGM), which is the governing body of the Sub Branch, before the end of March each year on such date, time and place as the Committee of the Sub Branch shall determine. Notice of the annual general meeting is to be provided to all members (excluding Honorary Members or Temporary Members) of the Sub Branch or by way of a public notice in the local newspaper giving 14 clear days notice of the Annual General Meeting.

- (a) At the annual general meeting of the Sub Branch:
 - (i) the president of the Sub Branch must present his report on the Sub Branch for the preceding year.
 - (ii) the treasurer of the Sub Branch must submit the audited financial statements of the Sub Branch, in accordance with the Act, for the preceding year.
 - (iii) the Sub Branch Committee are to be elected or the returning officer declare the results of an election previously conducted in a manner determined by the Sub Branch under the provision of Rule 24(f).
 - (iv) the auditor of the Sub Branch is to be appointed.
 - (v) other business of which notice has been given or which the chairperson deems important is to be dealt with.
 - (vi) the returning officer of the Sub Branch must not be a candidate for office or Committee for which an election is necessary.
 - (vii) Until otherwise determined by the Sub Branch, the quorum for the annual general meeting shall comprise those Members present at the appointed time for any meeting, subject to the proviso that the number of Members (who are not Sub Branch officers or Committee persons) present exceeds the number of Sub Branch officers and Committee members present.
 - (viii) If within half an hour after the appointed time for the commencement of the annual general meeting a quorum is not present, the chairperson must adjourn the annual general meeting to a date not less than twenty one (21) days from the original meeting and to a time and place as the chairperson decides and if

at the adjourned meeting the quorum is not present within half an hour after the appointed time for the commencement of the annual general meeting the Members present are the quorum.

- (ix) The Sub Branch Secretary must give written notice to all members (excluding Honorary Members and Temporary Members) of the Sub Branch of the adjourned annual general meeting at least fourteen (14) days before the adjourned annual general meeting.
- (b) The president of the Sub Branch is to be the chairperson of the annual general meeting but if the Sub Branch president is not present within fifteen (15) minutes after the time appointed for the commencement of the annual General meeting, or is unwilling or unable to act as the chairperson, the Sub Branch Vice President, is to be the chairperson of the annual general meeting.
 - (i) If the Sub Branch senior vice president is not present within fifteen (15) minutes after the time appointed for the commencement of the annual general meeting, or is unwilling or unable to act as the chairperson of the annual general meeting, the Service and Life members of the Sub Branch present shall elect one of their number to preside as chairperson of the meeting.
- (c) The only business to be transacted at the annual general meeting is that included on the agenda, unless the chairperson decides that it is in the interests of the Sub Branch that business not included on the agenda be transacted.
- (d) A question arising at the annual general meeting is to be decided by a majority unless otherwise required by the Act, the National Constitution or the Branch Constitution or these Rules.
- (e) Save for the election of the Sub Branch Committee which shall be conducted in accordance with Rule 24(f), a question arising at an annual general meeting is to be determined on a show of hands and unless before or on the show of hands a poll is demanded, a declaration by the chairperson that a resolution has, on a show of hands, been carried or carried unanimously or carried by a particular majority or lost and an entry to that effect is made in the minute book, that entry is evidence of that fact, without proof of the number or proportion of the votes recorded in favour of, or against, that resolution.
- (f) At an annual general meeting of the Sub Branch a member of the Sub Branch entitled to vote under these Rules has one vote only. A member of the Sub Branch

entitled to vote at an annual general meeting may only vote in person, by postal or absentee voting, as determined by the Committee. Proxy voting is not permitted.

- (g) In the case of an equality of voting on a question, the chairperson is entitled to exercise a casting vote.
- (h) A poll at an annual general meeting may be demanded by no less than five members of the Sub Branch entitled to vote at the annual general meeting.
- (i) If a poll on any question is demanded, it is to be taken at that meeting in such manner as the chairperson directs and the resolution of the poll is to be deemed to be a resolution of the annual general meeting on that question.
- (j) If a poll is demanded on the election of a chairperson or on a question of an adjournment under Rule 25.A (a)(vii) it is to be taken immediately.
- (k) A poll that is demanded on any other question is to be taken at such time before the close of the annual general meeting as the chairperson directs.
- (l) Subject to Rule 14(e) a member of the Sub Branch is not entitled to vote at the annual general meeting unless all moneys due and payable by the member to the Sub Branch have been paid.

25B ORDINARY GENERAL MEETINGS

- (a) The Sub Branch will conduct at least one (1) Ordinary General Meeting within four (4) weeks prior to the date for the Annual Congress of the Branch. At that Ordinary General Meeting, the Members of the Sub Branch shall consider the motions to be brought forward at Congress and shall where appropriate give instructions or advice to the delegates of the Sub Branch as to the casting of votes in relation to such motions.
- (b) The Sub Branch shall have such other Ordinary General Meetings as the Committee shall determine and shall provide fourteen (14) days notice of any such Ordinary General Meeting. The conduct of such Ordinary General Meetings shall be similar to the conduct for Annual General Meetings as to procedure for the conduct of the Meeting save and except that there shall be no requirement to produce Annual Reports by the President and the Treasurer, nor to conduct elections, nor to appoint an Auditor.

25C EXTRAORDINARY GENERAL MEETINGS

- (a) The Sub Branch must on the written request of 10 members of the Service and Life Members of the Sub Branch convene an Extraordinary General Meeting.
- (b) The request must state the business for which the Extraordinary General Meeting is required.

- (c) The extraordinary general meeting shall be called within thirty days from the receipt of the request, such meeting to be held within forty-nine days of the date of the receipt of the request.
- (d) If the Sub Branch Committee does not convene an extraordinary general meeting pursuant to Rule 25C(a) in the time required under Rule 25C(c), the extraordinary general meeting may be convened by the members who had made the request under Rule 25C(a).
- (e) The Sub Branch Committee or, if proceeding under Rule 25C(d), the requesting members, must serve on the members of the Sub Branch a notice of the extraordinary general meeting together with details of the business to be transacted at least seven (7) days before the extraordinary general meeting. The reasonable costs of calling such meeting shall be paid by the Sub Branch.
- (f)
 - (1) Except for a meeting convened under Rule 25C(t) the quorum for an extraordinary general meeting shall comprise those members present at the appointed time for the meeting, subject to the proviso that the number of members (who are not Sub Branch officers or Committee persons) present exceeds the number of Sub Branch officers and Committee members present.
 - (2) If within half an hour after the appointed time for the commencement of the extraordinary general meeting a quorum is not present the meeting, if convened upon the requisition of members, shall be dissolved.
 - (3) Where an Extraordinary General Meeting has been called by the State Executive pursuant to Rule 25C(t), if within half an hour after the appointed time for the commencement of the Extraordinary General Meeting, a quorum is not present the meeting shall be adjourned by the chairperson to a date not less than twenty-one days from the original meeting and to a time and place as the chairperson decides and if at the time adjourned meeting the quorum is not present within half an hour after the appointed time for the commencement of the Extraordinary General Meeting the Service and Life members present are the quorum.
 - (4) The Secretary of the Sub Branch must give written notice to all members (excluding Temporary and Honorary members) of the Sub Branch of the

adjourned extraordinary general meeting at least seven days before the adjourned extraordinary general meeting.

- (g) Subject to Rule 22C(u) hereof:
 - (1) The president of the Sub Branch is to be the chairperson of the extraordinary general meeting but if the Sub Branch president is not present within fifteen minutes after the time appointed for the commencement of the extraordinary general meeting, or is unwilling or unable to act as the chairperson, the Sub Branch vice-president, is to be the chairperson of the extraordinary general meeting.
 - (2) If the Sub Branch vice president is not present within fifteen minutes after the time appointed for the commencement of the extraordinary general meeting, or is unwilling or unable to act as the chairperson of the extraordinary general meeting, the Service and Life members of the Sub Branch present shall elect one of their numbers to preside as chairperson of the meeting.
- (h) The only business to be transacted at the extraordinary general meeting is that included on the agenda.
- (i) A quorum must be present at the extraordinary general meeting before any business is to be transacted except for the election of a chairperson and the adjournment of the extraordinary general meeting under Rule 22C(f)(3).
- (j) A question arising at the extraordinary general meeting is to be decided by a majority unless otherwise required by the Act, the National Constitution or the Branch Constitution or these Rules.
- (k) A question arising at an extraordinary general meeting is to be determined on a show of hands and unless before or on the show of hands a poll is demanded, a declaration by the chairperson that a resolution has, on a show of hands, been carried or carried unanimously or carried by a particular majority or lost and an entry to that effect is made in the minute book, that entry is evidence of that fact, without proof of the number or proportion of the votes recorded in favour of, or against, that resolution.
- (l) At an extraordinary general meeting of the Sub Branch a member of the Sub Branch entitled to vote under these Rules has one vote only. A member of the Sub Branch entitled to vote at an extraordinary general meeting may only vote in person. Proxy voting is not permitted.

- (m) Except for an extraordinary general meeting convened under Rule 22C (t), in the case of an equality of votes the chairperson of the meeting is entitled to exercise a casting vote.
- (n) A poll at an extraordinary general meeting may be demanded by no less than five members of the Sub Branch entitled to vote at the extraordinary general meeting.
- (o) If a poll on any question is demanded, it is to be taken at that meeting in such manner as the chairperson directs and the resolution of the poll is to be deemed to be a resolution of the extraordinary general meeting on that question.
- (p) If a poll is demanded on the election of a chairperson or on a question of an adjournment under Rule 22C (f) (3) it is to be taken immediately.
- (q) A poll that is demanded on any other question is to be taken at such time before the close of the extraordinary general meeting as the chairperson directs.
- (r) Subject to Rule 14(e) a member of the Sub Branch is not entitled to vote at an extraordinary general meeting unless all moneys due and payable by the member to the Sub Branch have been paid.
- (s) Unless called by the State Executive under Rule 22C (t), there shall only be one extraordinary general meeting of the Sub Branch in any one calendar year. Should circumstances prevail that members require an additional extraordinary general meeting, the request referred to in Rule 22C(a) shall be directed to the Chief Executive Officer who shall refer the matter to the State Branch Tribunal, which shall provide a written report and recommendation to the State Executive within forty-nine days of receipt of the request.
- (t) The State Executive may:
 - (1) convene an extraordinary general meeting of a Sub Branch, either as a result of the deliberations of the State Branch Tribunal or of its own volition; and
 - (2) determine the quorum of the extraordinary general meeting.
- (u) When the State Executive convenes an extraordinary general meeting of the Sub Branch the State Executive shall appoint a person to chair the meeting.
- (v) The State Executive must serve a notice on the members (excluding Temporary and honorary members) of the Sub Branch of the extraordinary general meeting convened under Rule 22C (t) together with the business to be transacted at least seven (7) days before the extraordinary general meeting.

- (w) At the Sub Branch extraordinary general meeting, however convened, a State officer, the Chief Executive Officer or representative appointed by resolution of the State Executive, shall have the right to attend and speak at the meeting.

26. SUSPENSION OR DISSOLUTION OF THE SUB BRANCH

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

The provisions contained in National Rule 31 apply, mutatis mutandis, if the Sub Branch contravenes or fails to observe or perform any of the provisions of these Rules or has been guilty of conduct prejudicial to the interest of the Branch.

If the charter of the Sub Branch is suspended, the State Executive is to control the affairs of the Sub Branch.

If the Sub Branch is dissolved, wound up or its charter is withdrawn by the Branch, the Sub Branch property shall be dealt with in accordance with Rule 38(e).

27. SIGNING OF CHEQUES & ELECTRONIC FUNDS TRANSFER

A cheque drawn on an account of the Sub Branch is to be signed by the Treasurer and any one of the President, Vice Presidents, Secretary or Secretary/Treasurer or in their absence the Sub Branch Committee person nominated by the President and duly minuted as signatory. The Committee may also resolve to nominate the Manager (if appointed) to be a signatory.

An Electronic Fund transfer drawn upon an account of the Sub Branch is to be authorised by the Treasurer and any one of the signatories as provided for in Rule 27. The procedure for urgent electronic fund transfers where no signatories are available shall be as determined by the Sub Branch Committee. All electronic fund transfers are to be presented by the Treasurer at the next Committee meeting.

If signatories to cheques, as provided for in rule 27 are not present or available to sign cheques drawn on a special gaming account, that has been set up for the purpose of paying out prize money, the authority to sign these cheques may be delegated, by the Committee, to the Manager and the duty senior supervisor. The management and the operation of this special account shall be the responsibility of the Sub Branch Treasurer.

28. SUB BRANCH BOOKS

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

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

- (b) The Sub Branch must, if required by the Branch, produce for inspection all books, accounts, minutes books, statutory registers kept under any law (if any), records and securities and supply such returns and other information as the Branch may from time to time require.
- (c) A member of the Sub Branch is only entitled to inspect the books, accounts, minutes books, statutory registers kept under any law (if any), records and securities if he has the prior written approval of the Sub Branch Committee.
- (d) Those funds generated by, or for a Sub-Committee of the Sub Branch, remain under the control of the President and members of the Sub Branch Committee.

29. ACCOUNTS OF THE SUB BRANCH

The audited accounts of the Sub Branch must be provided to the Branch by 30 April each year. The financial year for the Sub Branch shall be the calendar year being 1st January to 31 December.

30. MONEY RECEIVED

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

31. COMMUNICATIONS WITH GOVERNMENTS, THE LEAGUE AND BRANCHES

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

32. NO AMALGAMATION

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

33. SALE OF REAL SUB BRANCH PROPERTY AND CREATION OF SECURITY INTERESTS

- (a) The Sub Branch is not authorised and must not supply or offer to supply or permit a person to supply or offer to supply Sub Branch real property without the prior written authorisation of the State Executive.
- (b) The Sub Branch is not authorised and must not lease or offer to lease or permit a person to lease or offer to lease Sub Branch real property with an option to supply or acquire the Sub Branch property without the prior written authorisation of the State Executive.
- (c) The Sub Branch is not authorised and must not create any security interest whatsoever or permit a person to create any security interest whatsoever over Sub-Branch property without the prior written authorisation of the State Executive.

The request for authorisation under Rule 33(a), (b) or (c) must include details of the Sub Branch property and evidence of the Market Value and/or Market Rental of the Sub Branch property.

- (d) A Sub Branch is not authorised and must not raise a secured loan from any source without the prior written authorisation of the State Executive, which shall not be unreasonably withheld.

34. SUB BRANCH MILITARY MEMORABILIA

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

35. STAND TO

Stand To is to be observed at 6:00pm, or such other time as agreed by the Committee on each occasion the Sub Branch premises are open.

36. BY-LAWS

The Sub Branch may draw up Sub Branch By-Laws for its administrative activities. The Sub Branch By-Laws must not be inconsistent with the National Constitution, the Branch Constitution or these Rules. Insofar as the Sub Branch By-Laws are inconsistent with the National Constitution or the Branch Constitution or these Rules they are invalid.

The Sub Branch By-Laws are to be submitted to the Branch for approval and are not operative until approved in writing by the State Executive.

37. VISITORS AND GUESTS

The names of all Visitors shall be recorded in a book kept for that purpose.

- (a) Visitors shall be entitled to attend the Sub Branch premises in accordance with the provisions for visitors in the Liquor Licensing Act 1990. Such visitors shall be required to sign the visitors' book and shall be required to leave the premises if requested by the Management of the Sub Branch at any time to do so. An authorized representative of the Sub Branch shall have the power to refuse entry to a visitor at any time.
- (b) This Rule shall be subject to the provisions of the Liquor Licensing Act 1990 and shall be construed in a manner that complies with that Act and any directions and rules made pursuant to that Act.
- (c) Visitors may be allowed to take part in games conducted at the premises of the Sub Branch but not to the exclusion of members of the Sub Branch and any such visitors if requested by an Officer or Official of the Sub Branch to vacate the premises shall do so immediately.
- (d) A person may only enter the Sub Branch as a visitor for a maximum of 12 times over a 12 month period.

38. APPLICATION AND DISPOSAL OF ASSETS

- (a) The income and property of the Sub Branch is to be used and applied solely in promotion of its purposes and the exercise of its powers.
- (b) Subject to Rules 38(c) and (d), the income and property of the Sub Branch is not to be distributed, paid or transferred directly or indirectly by way of dividend, bonus or otherwise by way of profit to a member.
- (c) The Sub Branch may pay, in good faith, interest to a Member in respect of money advanced by the member to the Branch or otherwise owing by the Sub Branch to the member or of remuneration to a Sub Branch Officer or an employee of the Sub Branch or for services rendered to the Sub Branch by a member.
- (d) The Sub Branch may pay or repay a Member for out of pocket expenses, reasonable and proper charges for goods hired by or supplied to the Sub Branch from a member or reasonable and proper rent for premises demised or let to the Sub Branch from a member.
- (e) If the Sub Branch is wound up, dissolved or its Charter is removed by the Branch or by the Returned & Services League of Australia Ltd and there remains after distribution of all its liabilities any property, the property is not to be paid or distributed to members

but is to be vested in the Branch and applied by the State Executive in fulfilment of the Objects of the Branch in such manner as the State Executive shall deem fit. In the event of there being no Branch, the funds shall be transferred or given to the Returned & Services League of Australia Limited.

- (f) If the Sub Branch is wound up, dissolved, or its Charter is removed by the Branch, the Sub Branch must not thereafter use the words “RSL”, “Returned & Services League”, display the RSL Badge or otherwise hold itself to be an RSL Sub Branch or otherwise associated with the State Branch or with the Returned & Services League of Australia Limited.

39. SUB BRANCH AUTHORISED TO TRADE

The Sub Branch is authorised to trade in accordance with the Act.

40. COMMON SEAL

- (a) The common seal of the Sub Branch shall be kept in the custody of the Secretary of the Sub Branch.
- (b) The common seal shall not be affixed to any instrument except by the authority of the Committee of the Sub Branch and the affixing of the common seal shall be attested by any two authorised signatories.
- (c) The affixing of the seal shall be recorded in a Register kept by the Secretary of the Sub Branch.