

RSL National By-Laws

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ENACTED BY THE BOARD
on 7 JUNE 2016

RSL National By-Laws

League Organisation

1 RSL Constitution

The Constitution:

- (a) establishes The Returned & Services League of Australia Limited (**RSL**);
- (b) provides that the RSL Members are:
 - (1) the President; and
 - (2) the State Branches;
- (c) allows the RSL to establish a State Branch;
- (d) has the effect that a State Branch may comprise:
 - (1) Sub-Branches (which includes Districts, councils and committees established by State Branches);
 - (2) individual members of Sub-Branches; and
 - (3) individual members, if the RSL and the State Branch agree.
- (e) provides that State Branches shall adopt rules and governance structures consistent with Federal and State laws, the RSL Constitution and these By-Laws.

2 RSL

The RSL is the representative national body of the League.

3 State Branches

- (a) A State Branch may, by granting charters, establish within its jurisdiction the Sub-Branches it sees necessary or desirable and may make rules, not inconsistent with the Constitution or these By-Laws, for their governance and control.
- (b) A State Branch may grant a charter to a new Sub-Branch in a form approved by the Board.
- (c) All existing charters have the Board's approval.
- (d) Each Sub-Branch must:
 - (1) be bound by the provisions of the Constitution, these By-Laws and its State Branch Rules;
 - (2) be bound by and uphold the standing policy of the League; and
 - (3) comply with any lawful direction of its State Branch.
- (e) A State Branch may suspend or revoke a charter if the Sub-Branch fails to comply with:
 - (1) the Constitution or these By-Laws;
 - (2) its State Branch Rules; or
 - (3) the objects or values of the League.
- (f) A State Branch may also revoke a charter due to insufficient numbers within the Sub Branch or the re-organisation of Sub Branch boundaries.

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- (g) If a charter of a Sub-Branch is suspended or revoked:
 - (1) 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
 - (2) 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.
- (h) If a State Branch ceases to be a member of the RSL:
 - (1) the RSL may transfer its members or Sub-Branches to a new or existing State Branch;
 - (2) it retains its assets in its current legal entity;
 - (3) it must change its name so it does not contain any of **RSL, Returned & Services League** or **Returned Services League** or similar;
 - (4) it must not use the RSL logo, the words **RSL, Returned & Services League** or **Returned Services League** or anything including them ; and
 - (5) it must assign to the RSL the benefit of any arrangement for the use of any trademark, name or brand connected to the League to the extent that the benefit is assignable.

4 Dissolution

- (a) The State Branch Rules must provide that following its dissolution the assets remaining after paying all its liabilities are paid to the RSL or to an organisation, that:
 - (1) is determined by the State Branch members at or before the time of dissolution, and if no determination is made in the manner determined by the RSL or other manner set out in its State Branch Rules;
 - (2) has objects and a taxation status similar to the State Branch; and
 - (3) prohibits the distribution of its income and property amongst its members to an extent at least as great as is imposed by the State Branch Rules;
- (b) 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.
- (c) 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.
- (d) If a State Branch is dissolved, the RSL will liaise with all Sub-Branches affected by the dissolution to determine an appropriate ongoing structure. This may result in the Sub-Branches becoming Sub-Branches of an existing or new State Branch.

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5 Amalgamation

- (a) If two or more Sub-Branches intend to amalgamate they shall take steps to ensure their assets vest in the new Sub-Branch.
- (b) If two or more Sub-Branches amalgamate:
 - (1) the charters issued to each are revoked. The relevant State Branch shall issue a new charter to the amalgamated Sub-Branch; and
 - (2) the members of the former Sub-Branches cease to be members of those Sub-Branches and become members of the amalgamated Sub-Branch.

6 State AGM or Conference

- (a) Each State Branch must hold an annual general meeting or conference of all Sub-Branches within its jurisdiction once in every calendar year at the time and place it determines.
- (b) The business of the annual general meeting or conference must include:
 - (1) the election of officers of the State Branch unless the rules of the State Branch provide for fixed or rotating terms of office or the election of officers by ballot outside the annual general meeting or conference ;
 - (2) presentation of its President's report;
 - (3) consideration of its financial affairs and accounts;
 - (4) the appointment of an auditor;
 - (5) consideration of those matters directly affecting the State Branch included in the agenda; and
 - (6) consideration of those matters directly affecting the League.

7 Interpretation

In this By-Law the interpretation rules and the definitions in The Returned & Services League of Australia Constitution apply. Also:

State Branch Rules mean the constitution or rules and by-laws of the relevant State Branch.

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Membership

1 Types

Membership of the League may comprise:

- (a) State Branches;
- (b) Sub-Branches
- (c) Service Members;
- (d) Life Members;
- (e) Honorary Members;
- (f) Honorary Life Members;
- (g) Affiliate Members; and
- (h) other classes of members that a State Branch determines for its jurisdiction.

2 General Eligibility

A person may not be admitted as a member of the League unless:

- (a) in the opinion of the body granting membership the person is a fit and proper person to be a member; and
- (b) if the person has been previously expelled, his or her State Branch approves the person's re-admission.

3 Service Members

3.1 Eligibility

A person may only become a Service Member if:

- (a) the person has signed a declaration that he or she is prepared to swear or affirm (as the case may be) loyalty to Australia and its Sovereign and that he or she will uphold the Constitution of Australia and the RSL Constitution; or
- (b) if the person is not an Australian citizen, the person proves to the satisfaction of the League that by making the declaration he or she would or would be likely to lose his or her citizenship of a foreign country.

AND:

- (c) the person is or was a member of the Australian Defence Force with at least 6 months' service, unless the Board is satisfied that special circumstances exist;
- (d) the person was a member, with at least 6 months' service, of the armed forces of:
 - (1) any member or former member of the Commonwealth;
 - (2) any country or place presently or formerly a Crown Colony of the United Kingdom; or
 - (3) of America the United States;

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- (e) the person:
 - (1) has served with, supported or was engaged with the Australian Defence Force for at least 6 months in a theatre of conflict or the armed forces of the places referred to paragraph (d); and
 - (2) is an Australian citizen or a citizen of any of the places in paragraph (d);
- (f) the person is an Australian citizen and:
 - (1) was a member of the armed forces of another place for at least 6 months which was an ally of a member of the Commonwealth in a theatre of conflict; or
 - (2) served with, supported or was engaged with the armed forces of that place for at least 6 months in a theatre of conflict;
- (g) the person has completed 10 years of aggregate service as an Officer of Cadets or Instructors of Cadets;
- (h) the person was a member of:
 - (1) the Australian Defence Force; or
 - (2) the armed forces of the places referred to in paragraph (d);but was honourably discharged for medical reasons or for reasons outside the person's control;
- (i) the person was a member of a SEATO Surgical and Medical Team in Vietnam during the conflict there;
- (j) the person is an Australian Citizen and:
 - (1) served for at least 6 months in the armed forces of any other place not specified in this clause: and
 - (2) at no time during the service, the armed forces of that place was in conflict against a member of the Commonwealth or the United States of America; or
- (k) the person was for not less than 6 months a member of a philanthropic organisation formally accredited to and administered by the Australian Defence Force for that period.

3.2 Application

A person may apply to become a Service Member by:

- (a) completing an application in the form approved by the relevant State Branch from time to time; and
- (b) lodging the application and providing the other information the relevant State Branch requires from time to time with the State Branch or Sub-Branch together with the applicable annual subscription

3.3 Determination

The State Branch or the Sub-Branch as relevant under the State Branch Rules must determine whether the applicant is eligible to be a Service Member and if so admit the applicant as a Service Member.

3.4 Record

The State Branch or the Sub-Branch, as relevant, must record its decision in its minutes of meeting.

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3.5 Notice

- (a) The State Branch or the Sub-Branch, as relevant, must notify each applicant of its decision within 14 days.
- (b) If the application is rejected the State Branch or the Sub-Branch, as relevant, must in its notification, inform the applicant of the grounds the application was rejected and the applicant's right of appeal.
- (c) The notice must be in the form approved by the State Branch from time to time.

4 Life Members

4.1 Eligibility

A person may become a Life Member if the person:

- (a) is a Service Member; and
- (b) has, in the opinion of the Board, given long, continued and outstanding service to the League.

4.2 Proposal

- (a) The President or a State Branch, for a Service Member in its jurisdiction, may propose to the Board that a Service Member be granted Life Membership.
- (b) A State Branch may not propose a person unless:
 - (1) the person 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) the Sub-Branch has paid the relevant fee prescribed by the State Branch rules; and
 - (3) the number of other proposals in the relevant financial year are less than 1 for every 750, or part, of Service Members in its jurisdiction.

4.3 Grant

- (a) The Board may in its sole discretion grant Life Membership to a person who is properly proposed and is eligible to become a Life Member.
- (b) If the person proposed dies before the Board considers the proposal, the Board may still grant Life Membership to that person. Any badge and certificate will be given to the person's next of kin.

5 Honorary Members

The Board may make a person for the period it sees fit, an Honorary Member.

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6 Honorary Life Members

The Board may make:

- (a) any member of the Royal Family;
 - (b) any representative of the Sovereign in Australia;
 - (c) any person who ordinarily resides in Australia and who has been awarded the Victoria Cross, the George Cross, the Cross of Valour, the Star of Gallantry or the Star of Courage;
 - (d) any person who is a citizen of a member of the Commonwealth or the United States of America and who in the opinion of the Board has rendered long, continued and outstanding service to the Commonwealth or the United States of America; and
 - (e) any person who in the opinion of the Board has rendered outstanding service to the service or ex-service community of the country in which he or she ordinarily resides,
- an Honorary Life Member.

7 Rights of Members

In addition to the rights that apply to members of the League generally:

- (a) a Service Member may attend a National Conference as an observer but is not entitled to receive notices, be heard or vote.
- (b) a Life Member, an Honorary Member and an Honorary Life Member:
- (c) has the same rights as a Service Member; and
- (d) pays no member fees to the League.

8 Affiliate and other Members

- (a) A State Branch or Sub-Branch may admit an affiliate or any Other Member on the terms and conditions determined by the State Branch Rules from time to time.
- (b) An Affiliate or Other Member must not be eligible to be a Service Member.

9 Associates

- (a) A person who is a Service Member of a Sub-Branch may be an associate of another Sub-Branch.
- (b) An associate may only hold office, vote and speak at a meeting of only one Sub-Branch.
- (c) An associate shall elect the Sub-Branch at which he or she will exercise these rights by advising in writing each relevant Sub-Branch of the associate's election. An election may only be made once in any membership year.

10 Record of members

- (a) Each Sub-Branch or its State Branch must keep a register of members.
- (b) Each State Branch must keep a register of members who are not members of a Sub-Branch.

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- (c) Each register must contain for a member:
 - (1) his or her name and contact details;
 - (2) his or her class of membership;
 - (3) a statement of subscriptions paid; and
 - (4) the other information that the Board requires from time to time.
- (d) Each State Branch must provide to the Board the generic information about the membership in its jurisdiction which the Board requests.

11 Transfer

- (a) A member may transfer from a:
 - (1) Sub-Branch to another Sub-Branch or a State Branch; and
 - (2) State Branch to a Sub-Branch or another State Branch.
- (b) The member must apply for a transfer by completing a form of transfer in the form approved by his or her State Branch and lodging it with either his or her existing or proposed Sub-Branch or State Branch.
- (c) The entity receiving the form must give a copy of the form to the existing or proposed Sub-Branch or State Branch as relevant.
- (d) The member's existing Sub-Branch or State Branch must advise the proposed Sub-Branch or State Branch whether the member has paid all money due to it and his or her membership is suspended or cancelled.
- (e) A proposed Sub-Branch or State Branch may accept or reject a proposed transfer.
- (f) The fact that a member has paid a life subscription amount determined by his or her State Branch is not a relevant consideration that the new Sub-Branch or State Branch may take into account in determining whether to accept or reject a proposed transfer.
- (g) The State Branch or the Sub-Branch, as relevant, must notify each applicant of its decision within 14 days.
- (h) If the application is rejected the State Branch or the Sub-Branch, as relevant, must in its notification, inform the applicant of the grounds the application was rejected and the applicant's right of appeal to the State Branch.
- (i) The notice must be in the form approved by the Board from time to time.

12 Cessation

- (a) A person ceases being a member:
 - (1) if the person fails to pay the annual subscription on or before April 30 following upon the date annual subscriptions become due;
 - (2) by giving notice in writing to the State Branch or Sub-Branch of which he or she is a member;
 - (3) if the person is suspended, for the term of the suspension; or
 - (4) if the person is expelled.
- (b) The person is still liable for all amounts owing to the League at the date of ceasing to be a member.

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13 Subscriptions

13.1 Who pays

- (a) Service Members and Affiliate Members are ***Paying Members***.
- (b) Life Members, Honorary Members and Honorary Life Members do not pay subscriptions.
- (c) A member, who has paid the life subscription amount determined by his or her State Branch from time to time, pays no further subscriptions to his or her Sub-Branch, State Branch or any Sub-Branch or State Branch to which he or she transfers.
- (d) If a member is an associate of another Sub-Branch he or she must pay the annual subscription (less the Capitation Fee for that subscription payable to the State Branch) as if he or she is a member of that Sub Branch. This applies even if the member has paid the life subscription amount.

13.2 Payment

- (a) A Paying Member must pay the annual subscriptions in the manner provided in his or her State Branch Rules.
- (b) If a Paying Member is a member of the Australian Defence Force and is deployed on operations, he or she does not have to pay the subscription for the period of his or her deployment.
- (c) The subscription is payable in advance on or before 1 January for each calendar year.

14 Other Membership Fees

A State Branch or a Sub-Branch may collect membership fees from Other Members on the terms and conditions set out in the State Branch Rules.

15 Capitation fees

- (a) A Sub-Branch within the jurisdiction of a State Branch must pay to the State Branch the proportion of annual subscriptions it receives as is determined by the State Branch from time to time.
- (b) A Sub-Branch must pay these fees by the times required under the State Branch Rules.
- (c) A State Branch must pay to the RSL the proportion of the annual subscription fees it receives and the proportion of the fees it receives under the previous paragraph as determined by the Board from time to time.
- (d) A State Branch must pay its proportion of the fees on the first day of each month immediately following the month in which the State Branch receives the fees.

16 Accounts

- (a) Each State Branch must before:
 - (1) 1 July in each year, forward to the RSL a copy of its Annual Report and Income and Expenditure Accounts; and
 - (2) 7 July in each year forward to the RSL a certificate, verified by its Auditor, setting out all amounts it was due to pay to the RSL during its immediately preceding financial year ending 31 December.

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- (b) Each Sub-Branch must:
 - (1) provide its audited financial accounts to its State Branch within 30 days of its annual general meeting.
 - (2) provide the other information the State Branch from time to time requires.
- (c) A State Branch and a Sub-Branch must:
 - (1) keep and produce to RSL at RSL's request proper books of accounts, minute books, statutory registers and records; and
 - (2) provide the other information to the RSL it requests from time to time.

17 Interpretation

In this By-Law the interpretation rules and the definitions in The Returned & Services League of Australia Constitution apply. Also:

Australia means the Commonwealth of Australia;

Commonwealth means the Commonwealth of Nations established by the London Declaration of 1949;

Other Members mean the classes of members other than Service Members, Life Members, Honorary Members, Honorary Life Members or Affiliate Members that a State Branch determines for its jurisdiction. These can include social, junior and community members; and

State Branch Rules mean the constitution or rules and by-laws of the relevant State Branch.

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Election of National President

1 Background

Under the Constitution:

- (a) the term of appointment of the President is until the Annual General Meeting three years after the Annual General Meeting of his or her appointment;
- (b) the office of President is deemed vacant at the end of an Annual General Meeting;
- (c) if there is only one nomination for election to the office of President, then the person so nominated is deemed to be elected to the office of President.

2 Eligibility

A person is eligible to be President only if he or she is a Service or Life Member of the League.

3 Nominations

- (a) Nominations for election of President must be called by the Chief Executive Officer by written notice to each State Branch by no later than 28 February before the relevant Annual General Meeting or the later time the Board determines.
- (b) A nomination for President must be:
 - (1) for an eligible person;
 - (2) in writing and contain the consent of the person nominated;
 - (3) from a State Branch and be its sole nomination; and
 - (4) given to the Chief Executive Officer.
- (c) Nominations close on the 31 March before the relevant Annual General Meeting or the later time the Board determines.

4 Notice to State Branches

The Chief Executive Officer must within fourteen days of the close of nominations notify the State Branches of the nominations.

5 Election

- (a) If there is more than one nomination for President, at the Annual General Meeting the Members will elect the President from amongst those nominated.
- (b) The election will be conducted by secret ballot.
- (c) The returning officer is the National Solicitor or other person appointed by the Board.
- (d) The person receiving the majority of the votes cast will be declared elected.
- (e) If there are only two nominees and a tied vote, the current President has a casting vote.

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Election of National President

- (f) If there are more than two persons nominated and no nominee receives a majority of the votes cast, then:
 - (1) the nominee receiving the least number of votes is eliminated. If there is a tie of the least votes then the returning officer must determine by lot the nominee to be eliminated;
 - (2) following the elimination of the nominee a further secret ballot must be held;
 - (3) if no nominee then receives a majority of the votes cast, the process in this clause must be repeated until there are only two nominees remaining;
 - (4) if there are two nominees remaining and there is a tied vote, the current President has a casting vote.

6 Interpretation

In this by-law the interpretation rules and the definitions in The Returned & Services League of Australia Constitution apply.

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National Officers

1 National Officers

The Board may appoint officers to perform certain roles within the RSL on the terms and conditions it sees fit.

2 National Solicitor and National Treasurer

- (a) The Board must appoint a National Solicitor and a National Treasurer.
- (b) The National Solicitor must be a qualified lawyer with significant experience. His or her role is to assist the Board with legal matters and risk related issues.
- (c) The National Treasurer must be a qualified accountant with significant experience. His or her role is to assist the Board with audit, accounting and financial matters.
- (d) The RSL must give the National Solicitor and the National Treasurer notice of each Board meeting and a copy of all papers provided to Directors for the meeting at the same time as they are each provided to the Directors.
- (e) The National Solicitor and the National Treasurer may attend meetings of the Board. They may be heard on any matter but have no right to vote.
- (f) The RSL will pay the expenses of the National Solicitor and the National Treasurer in attending Board and other meetings of the RSL where, in their respective view, attendance is required or desirable.
- (g) The terms of their appointment are otherwise on the terms and conditions that the Board sees fit.

3 Interpretation

In this By-Law the interpretation rules and the definitions in The Returned & Services League of Australia Constitution apply.

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Badge & Banner

1 Ownership

The League owns all RSL badges.

2 Badge

(a) The RSL badge must conform to the specifications in Annexure 1.

(b) Badges for Life Members, Honorary Members and the Meritorious Service Medal may be the RSL badge with the modifications the Board sees fit.

3 Issue

The League must issue without charge a RSL badge to each Service Member on becoming a member or, if relevant, his or her member status changes.

4 Numbering

(a) All badges issued by the League must be numbered consecutively.

(b) Each State Branch must record the number of the badge issued by it and the name of the member to whom it is issued.

5 Use

A member must not knowingly permit the badge issued to him or her to be used by any other person.

6 Lost badge

If a member loses his or her badge, the League will issue a replacement badge.

7 Return of badge

If a person ceases to be a member the person must immediately return his or her RSL badge to the League.

8 Banners

The banners used by the League must conform to the specifications in Annexure 2.

9 Interpretation

In this By-Law the interpretation rules and the definitions in The Returned & Services League of Australia Constitution apply.

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Badge & Banner

Annexure 1

RSL Badge Specifications

The specified colours are from the Standards Association of Australia - Australian Standard 2700-1996, Colour Standards for General Purposes.



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Badge & Banner

Two Colour Badge



(v) remainder of Badge

Three Colour Badge



(iv) remainder of Badge

The colour name and AS2700 number, where included, shall be used in the respective parts of the badge as indicated in the diagram:

Full Colour Badge	Two Colour Badge	Three Colour Badge
(i) Gold (AS2700 – Y16 Inca Gold)		
(ii) Wattle (AS2700 - Y12 Wattle)		
(iii) White (AS 2700 – N14 White)		
(iv) Red (AS2700 - R13 Signal Red)	(iv) Red (R13)	(iv) Red (R13)
(v) Blue (AS2700 - B13 Navy Blue)	(v) Blue (B13)	(v) Blue (B13)
(vi) Blue (AS2700 - B12 Royal Blue)		
(vii) Blue (AS2700 - B44 Light Grey)		
(viii) Green (AS2700 - G23 Shamrock)		
(ix) Khaki (AS2700 – Y63 Khaki)		
(x) Flesh (AS2700 - R42 Salmon Pink)		
(xi) Black (AS 2700 N61 Black)		(xi) Black (N61)
(xii) Brown (AS2700 - X65 Dark Brown)		
(xiii) Khaki (AS2700 - PMS 133U)		

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Badge & Banner

Annexure 2

RSL Banner Specifications

- 1 The banner shall be rectangular with a background colour the same blue as is depicted in the Australian National Flag (see Part 2 of Schedule 2 of the Flags Act 1953).
- 2 The stars on the Australian National Flag shall be positioned on the Banner in the same position as they are on the flag except that they shall be coloured yellow. (AS2700-1985 Colour Y12 Wattle).
- 3 The RSL Badge shall be positioned centrally in the top quarter of the banner immediately above the centre of the Commonwealth star. The top and bottom of the badge is to be 1/20th width of the fly from the top and bottom of the first quarter of the banner.
- 4 Each Women's Auxiliary's banner is the same except that instead of depicting the RSL Badge, it shall depict the Badge of the Women's Auxiliary in the upper quarter next to the staff.

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Awards

1 Granting Awards

- (a) The Board may grant an award if:
- (b) the criteria for the award is met;
- (c) the nominee is nominated by a RSL Director or a State Branch in accordance with the policy determined by the Board from time to time; and
- (d) the Board believes the nominee fulfils the ideals and values of the RSL.

2 Awards

The awards are:

- (a) The RSL Meritorious Service Medal. *(The league's highest award)*
- (b) Certificate of Merit and Gold Badge. *(The league's highest award to a person who is not a member)*
- (c) Certificate of Appreciation. *(Recognition for services rendered to the League)*
- (d) Certificate of Outstanding Service. *(Recognition to a body for long term outstanding service)*
- (e) 50 Year Membership Certificate. *(50 years cumulative membership)*
- (f) 75 Year Membership Certificate. *(75 years cumulative membership)*

3 Criteria

3.1 The RSL Meritorious Service Medal

The criteria for The RSL Meritorious Service Medal are:

- (a) the nominee:
 - (1) is a Life Member;
 - (2) has been a member for at least 30 continuous years; and
 - (3) has, in the opinion of the Board, given at least 25 years outstanding service to the League;
- (b) no more than the Allocated Number of other RSL Meritorious Service Medals have been awarded in in the relevant financial year;
- (c) if the President recommends the nominee to the Board, the President has recommended no other nominee for this purpose in the relevant financial year; and
- (d) if the nominee has died, the nominee's death occurred after the nomination.

3.2 Certificate of Merit and Gold Badge

The criteria for the Certificate of Merit and Gold Badge are:

- (a) the nominee:
 - (1) is an individual;
 - (2) is not eligible to be a Service Member;
 - (3) has, in the opinion of the Board, given outstanding service to the League, ex-service personnel or their dependants; and
- (b) no more than the Allocated Number of other Certificates of Merit and Gold Badges has been awarded in the relevant financial year.

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Awards

3.3 Certificate of Appreciation

The criterion for the Certificate of Appreciation are that the nominee is considered to be worthy of special recognition for services rendered to the League.

3.4 Certificate of Outstanding Service

The criteria for the Certificate of Appreciation are that the nominee:

- (a) is an entity; and
- (b) has given outstanding service to the League for a period of not less than 25 years.

3.5 50 Year Membership Certificate

The criterion for the 50 Year Membership Certificate is that the nominee has been a Service Member or a Life Member for at least 50 cumulative years.

3.6 75 Year Membership Certificate

The criterion for the 75 Year Membership Certificate is that the nominee has been a Service Member or a Life Member for at least 75 cumulative years.

4 RSL Meritorious Service Medal

A person awarded the RSL Meritorious Service Medal is provided:

- (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 the recipient in place of their previously awarded Life Member's lapel badge; and
- (c) a certificate

5 Withdrawal of awards

The Board may in its discretion withdraw an award if:

- (a) the National Tribunal, a Sub-Branch, a State Branch or a State Branch Tribunal has recommended that it be withdrawn; or
- (b) the holder of the award no longer fulfils the ideals and values of the RSL nor is a fit and proper person to hold it.

6 Interpretation

In this By-Law the interpretation rules and the definitions in The Returned & Services League of Australia Constitution apply. Also:

Allocated Number means the number, if any, for a financial year that the Board determines for an award from time to time.

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Brands

1 Ownership

- (a) RSL will own, manage and protect all RSL Brands.
- (b) RSL will licence RSL Brands to State Branches for their use and the use of their Sub-Branches.
- (c) RSL may licence RSL brands to third parties. RSL may do this itself or through or with a State Branch.
- (d) State Branches may sub-licence RSL Brands to third parties if their use relates to their geographical area and is on terms allowed by the National Guidelines.
- (e) State Branches and Sub-Branches will refer to RSL proposals which do not conform to the National Guidelines.

The annexure shows the relationships.

2 Design

The RSL Brands must be in the form and of a design the Board determines.

3 Licence

- (a) The Core Brands may be used by the League for identification and publicity.
- (b) Each other use of a RSL Brand must be formally licensed and be in a form approved by RSL.

4 Commercial return

A third party may only be licensed to use a RSL brand if there is a fair and reasonable commercial return to the League unless the League is working in partnership with the third party in a project strategically aligned to the League.

5 Use

- (a) RSL Brands may only be used for a purpose aligned with RSL's objectives and in accordance with the Use Policy.
- (b) A person may not use an RSL Brand in a way which could adversely affect the RSL Brand, the RSL Brand's goodwill or the League's reputation. This means that it may not be used:
 - (1) in a scandalous way;
 - (2) in relation to sexually suggestive goods or services;
 - (3) in relation to illegal business activities;
 - (4) in relation to dangerous goods;
 - (5) in relation to goods or services which could lead to significant legal claims against the third party or the RSL;
 - (6) to support a political party or candidate for political office;
 - (7) in a way that could denigrate, exclude or offend minority groups;
 - (8) in a way that could unfairly discriminate against, denigrate or offend a person because of the person's gender, age, religion, ethnicity, national extraction, sexual orientation, impairment, disability or political opinion; or
 - (9) in a way which does not reflect current community standards.

RSL National By-Laws

Brands

6 Quality

RSL Brands may only be used:

- (a) by persons whose values align with those of the RSL; and
- (b) in relation to high quality goods and services.

7 Promotion

RSL Brands may only be promoted consistently with RSL's values.

8 Protection

RSL will enforce the correct use of RSL Brands. RSL may delegate enforcement rights.

9 Interpretation

In this By-Law the interpretation rules and the definitions in The Returned & Services League of Australia Constitution apply. Also:

Core Brands means *RSL, The Returned & Services League, Returned Services League* and the RSL logos from time to time;

National Guidelines means the guidelines determined by the Board from time to time and relating to the use of the RSL Brands by State Branches and Sub-Branched.

RSL Brand means the Core Brands and any trademark or other name or brand owned by the RSL or used generally in Australia and connected to the RSL.

Third Party is a person other than the League.

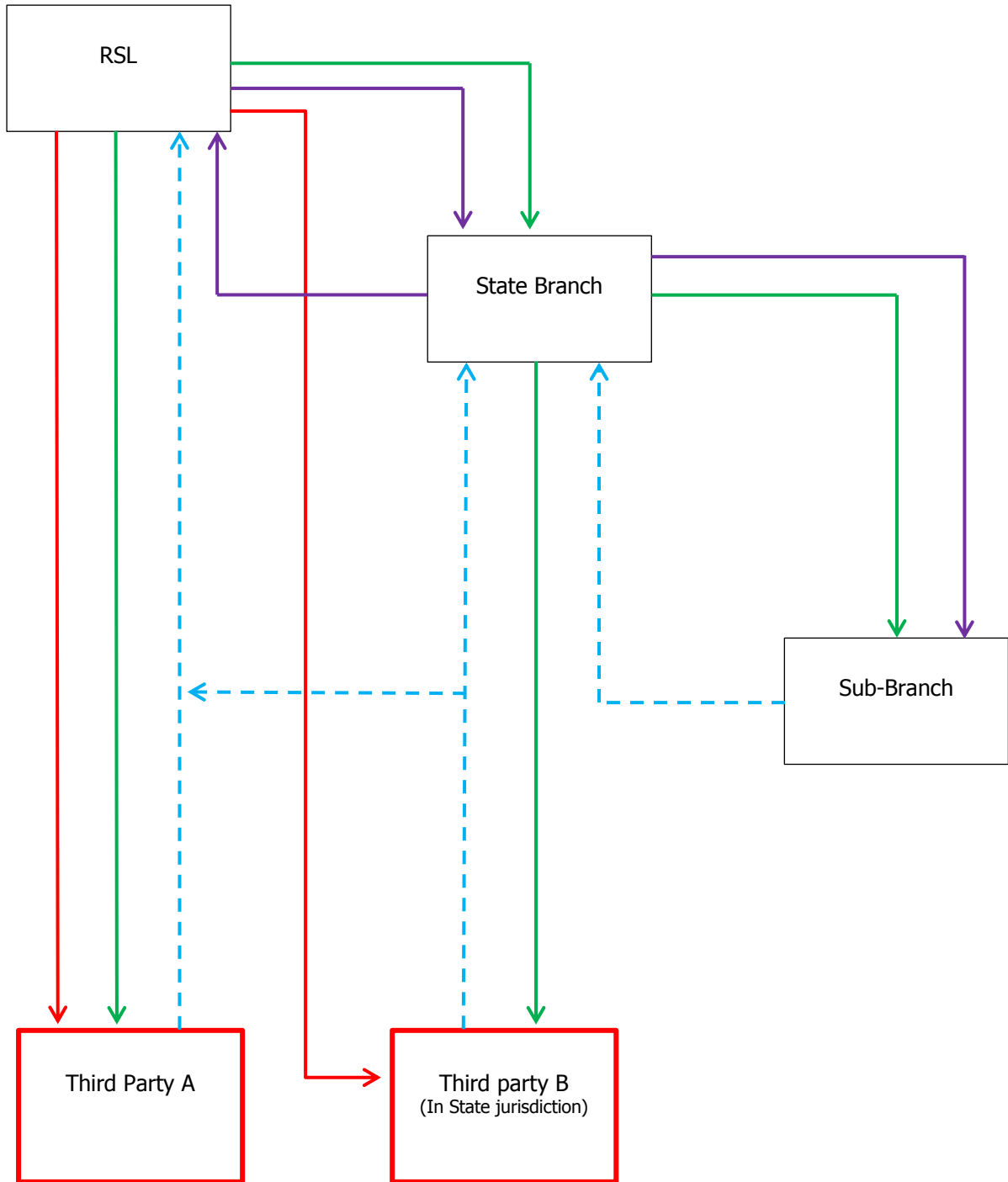
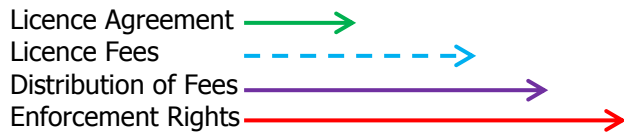
Use Policy is the policy developed by the Board setting out how the RSL Brands may be used consistently with this By-Law.

RSL National By-Laws

Brands

Annexure

Diagram



RSL National By-Laws

Discipline & Disputes

1 General principles

1.1 Natural justice

The League must observe the rules of natural justice in determining a dispute or a disciplinary matter.

1.2 Interested person

A person having a material personal interest or relationship with a party to a dispute or a person subject to a disciplinary matter which may lead to bias must not be on the body hearing and determining the dispute or disciplinary matter.

1.3 Informality

A dispute or a disciplinary matter should be determined with as little formality as possible.

2 Discipline

2.1 Disciplinary matters

A member may be disciplined if he or she:

- (a) refuses or wilfully neglects to comply with the RSL Rules;
- (b) is guilty of conduct unbecoming a member;
- (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.

2.2 Referral to police

If the League reasonably believes, based on evidence in its possession, that a member has committed a serious criminal offence, it must report the matter to the police or the other appropriate public official.

2.3 Who determines

- (a) A Sub-Branch committee must determine a disciplinary matter and impose discipline in relation to one of its members unless:
 - (1) it believes that the discipline that it can impose is not sufficient;
 - (2) its State Branch Rules specify that it may not hear a matter of that type; or
 - (3) its State Branch requests that the matter be referred to it or its State Branch Tribunal.
- (b) The State Branch or the State Branch Tribunal must, as directed in the State Branch Rules, determine all other disciplinary matters and impose discipline in relation to a member within its jurisdiction.
- (c) A State Branch may, if its State Branch Rules provide, investigate a disciplinary matter in relation to a member in its jurisdiction and either refer the matter to its State Branch board or its State Branch Tribunal to hear and determine

RSL National By-Laws

Discipline & Disputes

2.4 Appeal

- (a) There is a right of appeal from a determination of:
 - (1) a Sub-Branch committee to either the State Branch or to its State Branch Tribunal, as provided in the State Branch Rules;
 - (2) a State Branch to its State Branch Tribunal; and
 - (3) a State Branch Tribunal to the National Tribunal, but only in relation to a decision of the State Branch Tribunal in its original jurisdiction. There is no right of appeal from a decision appealed to the State Branch Tribunal.
- (b) An appeal is not a fresh rehearing and the appeal body may only consider the evidence put to the body which originally determined the matter.

2.5 Form of discipline

- (a) A Sub-Branch may only impose any one or more of the following forms of discipline:
 - (1) a reprimand;
 - (2) suspension from membership for up to three months; and
 - (3) a recommendation for the withdrawal of awards.
- (b) A State Branch, a State Branch Tribunal and the National Tribunal may impose any one or more of the following forms of discipline:
 - (1) a reprimand;
 - (2) suspension from membership for up to twelve months;
 - (3) transfer to the State Branch member's list for an appropriate period;
 - (4) disqualification from holding office in any part of the League for an appropriate time;
 - (5) a recommendation for the withdrawal of awards; and
 - (6) expulsion from membership.

2.6 Imposing discipline

A person imposing discipline must have regard to:

- (a) the nature of the conduct;
- (b) the member's previous breaches;
- (c) the seriousness of the conduct;
- (d) the member's previous conduct; and
- (e) any mitigating circumstances.

RSL National By-Laws

Discipline & Disputes

3 Disputes

3.1 Types of disputes

This clause applies to disputes between:

- (a) a member and his or her Sub-Branch or State Branch;
- (b) Sub-Branches; and
- (c) a Sub-Branch and its State Branch.

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.

3.2 Mediation and conciliation

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

3.3 Who determines

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.

3.4 Appeal

- (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.

4 Disputes between State Branches and the RSL

- (a) Disputes between State Branches or between State Branches and the RSL must be referred to the Board.
- (b) The Board hears and determines disciplinary matters in relation to a State Branch.

5 Rules

- (a) 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:
 - (1) rules for disciplinary hearings by a Sub-Branch Committee;
 - (2) set out the circumstances in which the State Branch or the State Branch Tribunal will determine a disciplinary matter and impose discipline;
 - (3) compulsory mediation and conciliation procedures;
 - (4) the constitution of the State Branch Tribunal and its rules;
 - (5) rights of appeal from:
 - (A) Sub-Branch committees to the State Branch Tribunal;
 - (B) the State Branch to the State Branch Tribunal; and
 - (C) the State Branch Tribunal to the National Tribunal.
- (b) The National Tribunal rules are set out in this By-Law.

RSL National By-Laws

Discipline & Disputes

6 Access to Courts

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 proceeding relates to:
 - (1) a dispute, not a disciplinary matter; and
 - (2) a matter of law, not a finding of fact; or
- (b) it is for urgent interlocutory relief.

All disciplinary matters must be referred to and finally determined by League entities under this By-Law.

7 Board and disputes

If a dispute between State Branches or between State Branches and the RSL is referred to the Board:

- (a) the parties to the dispute must provide to the Board the information it requests within the time it determines together with a brief outline of the dispute and their contentions;
- (b) the parties to the dispute must cooperate and act in good faith at each stage of the process;
- (c) the Board will consider the matter and engage parties in a discussion with a view to resolving the dispute;
- (d) if the dispute is not resolved within 60 days of the start of the discussions the Board may, if it sees fit, submit the dispute to mediation in accordance with the Institute of Arbitrators & Mediators Australia Mediation Rules or the other commonly used rules it sees fit;
- (e) if the dispute is not resolved within 60 days of the start of the discussions or within 30 days of the submission to mediation (unless the period is extended by agreement of the parties) as the case may be, the Board may submit the dispute to arbitration in accordance with, and subject to, The Institute of Arbitrators & Mediators Australia Arbitration Rules or the other commonly used rules it sees fit;
- (f) if the parties do not agree a mediator or arbitrator or the venue for mediation or arbitration the Board will appoint a mediator, arbitrator or venue.

8 Board and discipline

- (a) If a State Branch refuses or wilfully neglects to comply with the RSL Rules and three quarters of the Directors agree, the Board must appoint an independent investigator to examine the conduct of the State Branch and commission a report.
- (b) Upon receiving the report, the Board must give a copy to the State Branch under investigation and allow it to provide its comments to the Board within 14 days.
- (c) The Board must meet within 45 days of receiving the report to consider it and determine whether the State Branch should be disciplined.
- (d) The State Branch under investigation has a right to be heard and may be represented.
- (e) The Board will deliberate in private. The President of the State Branch under investigation is excluded from the deliberation and has no right to vote.
- (f) The Board may only discipline a State Branch if those present and voting all agree that the State Branch should be disciplined and that the form of discipline is appropriate.
- (g) The forms of discipline that may be imposed are any one or more of:
 - (1) a reprimand; and
 - (2) expulsion from membership.

RSL National By-Laws

Discipline & Disputes

9 National Tribunal

9.1 Constitution

There is a National Tribunal.

9.2 Composition

- (a) There are five members of the National Tribunal appointed by the 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.

9.3 Ceasing

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 his or her 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.

9.4 Appeal

- (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.

9.5 Procedure

- (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.

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Discipline & Disputes

9.6 Right of audience

- (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.

9.7 Hearing

- (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.

9.8 Decision

- (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:
 - (1) record the decision and give reasons for the decision;
 - (2) endeavour to reach a decision within twenty-one days of the hearing; and
 - (3) 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.

9.9 Records

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

10 Interpretation

In this By-Law the interpretation rules and the definitions in The Returned & Services League of Australia Constitution apply. Also:

conduct unbecoming a member includes, by way of example:

- (a) drunk, violent or quarrelsome behaviour;
- (b) disrespectful, unruly, or offensive behaviour;
- (c) denigrating or offending a person because of the person's gender, age, religion, ethnicity, national extraction, sexual orientation, impairment, disability or political opinion;
- (d) misleading the League;
- (e) making untrue statements about another member which may cause others to think less of the other member;
- (f) acting to the prejudice or detriment of the League;
- (g) falsely representing himself or herself to be a soldier, sailor, airman or airwoman;

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- (h) knowingly permitting the badge issued to him or her to be used by any other person;
- (i) wearing a service medal, award or decoration for which he or she is not authorised; or
- (j) conduct which does not reflect current community standards.

disciplinary matter means a matter which may result in the sanctioning of a member;

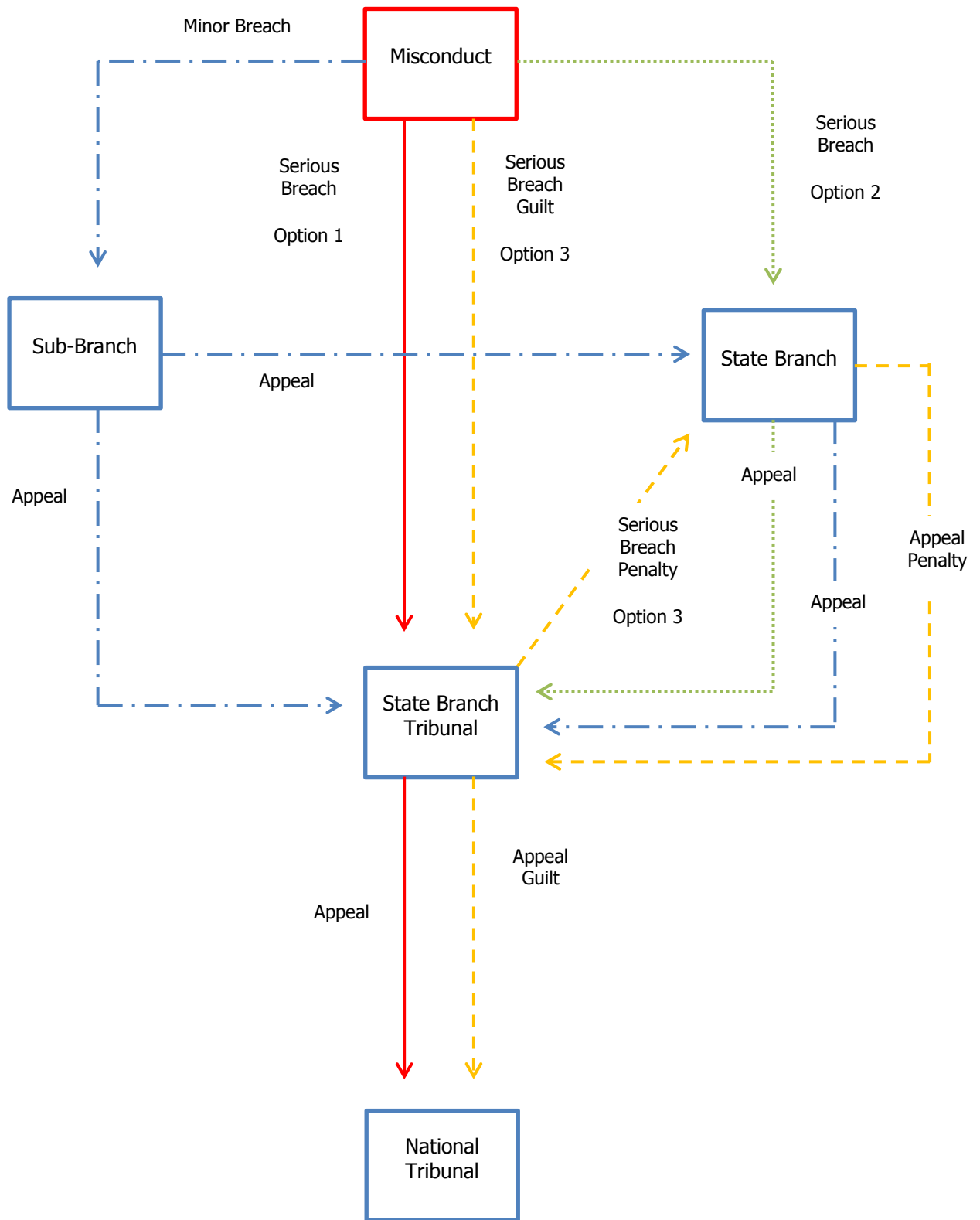
dispute means any dispute except a disciplinary matter and includes a dispute about membership, transfer of membership and whether this By-Law and the rules of the League apply and their interpretation;

RSL Rules mean the Constitution, the RSL By-Laws, the constitution and by-laws of the relevant State Branch and Sub-Branch; and

State Branch Rules mean the constitution or rules and by-laws of the relevant State Branch.

RSL National By-Laws Discipline & Disputes

Discipline Of Members



RSL National By-Laws

Discipline & Disputes

Disputes

