



## **STATE BY-LAW 8**

# **MODEL RULES FOR SUB-BRANCHES OF THE RETURNED & SERVICES LEAGUE OF AUSTRALIA (S.A. BRANCH) INC.**

**As adopted by the Annual Sub-Branch Conference  
4 July 2015**



**TABLE OF CONTENTS**  
**MODEL RULES FOR SUB-BRANCHES**

<b>Rule</b>		<i>Page</i>
1.	<b>Name and Motto.....</b>	<b>1</b>
2.	<b>Registered Office.....</b>	<b>1</b>
3.	<b>Interpretation.....</b>	<b>1</b>
4.	<b>Objects .....</b>	<b>3</b>
5.	<b>Powers of the Sub-Branch.....</b>	<b>5</b>
6.	<b>Application of Income and Property.....</b>	<b>5</b>
7.	<b>Rights and Liabilities of Members .....</b>	<b>5</b>
8.	<b>Membership of the Sub-Branch .....</b>	<b>6</b>
9.	<b>Categories of League Membership.....</b>	<b>6</b>
10.	<b>Social Members of Sub-Branch .....</b>	<b>6</b>
11.	<b>General Provisions as to Membership .....</b>	<b>6</b>
12.	<b>Cessation of Membership.....</b>	<b>7</b>
13.	<b>Disciplinary Powers of a Sub-Branch and Appeals arising therefrom.....</b>	<b>8</b>
14.	<b>Readmission of persons previously expelled from membership .....</b>	<b>8</b>
15.	<b>Subscriptions.....</b>	<b>8</b>
16.	<b>League Name, Badges, Banners, Insignia and Awards.....</b>	<b>9</b>
17.	<b>Capitations and Contraventions .....</b>	<b>9</b>
18.	<b>General Meetings.....</b>	<b>10</b>
19.	<b>Special General Meetings .....</b>	<b>10</b>
20.	<b>Annual General Meetings .....</b>	<b>11</b>
21.	<b>State Branch Annual Sub-Branch Conference.....</b>	<b>11</b>
22.	<b>Sub-Branch Appointments.....</b>	<b>12</b>
23.	<b>Accounts .....</b>	<b>12</b>
24.	<b>Common Seal.....</b>	<b>13</b>
25.	<b>Amendment of the Rules .....</b>	<b>13</b>

<b>26.</b>	<b>Standing Policy.....</b>	<b>13</b>
<b>27.</b>	<b>By-Laws.....</b>	<b>14</b>
<b>28.</b>	<b>Notices.....</b>	<b>14</b>
<b>29.</b>	<b>Women’s Auxiliaries .....</b>	<b>14</b>
<b>30.</b>	<b>General .....</b>	<b>14</b>
<b>31.</b>	<b>Winding Up of the Sub-Branch .....</b>	<b>15</b>

# **RULES FOR SUB-BRANCHES**

## **OF**

### **THE RETURNED & SERVICES LEAGUE OF AUSTRALIA (S.A. BRANCH) INC.**

#### **1. Name and Motto**

- 1.1 The name of the Sub-Branch is 'The Returned & Services League (..... ) Sub-Branch', hereinafter referred to as the 'Sub-Branch' and its motto shall be 'The Price of Liberty is Eternal Vigilance'.
- 1.2 The Sub-Branch is a Sub-Branch of The Returned & Services League of Australia (S.A. Branch) Incorporated.
- 1.3 The aims of the Sub-Branch are to uphold loyalty to the Nation and its Sovereign and to uphold the Westminster system of Government and the Constitution of the Nation.
- 1.4 So far as is permitted by law and unless it is incapable of application, the short title of the Sub-Branch shall be 'RSL .....Sub-Branch'.

#### **2. Registered Office**

- 2.1 The Registered Address of the Sub-Branch shall be ..... or such other place as may be determined from time to time by the Sub-Branch.

#### **3. Interpretation**

These Rules shall be construed with reference to the 'Associations Incorporation Act 1985', as amended from time to time.

- 3.2 Terms used herein shall be taken as having the same meanings as they have when used in that Act unless the contrary intention appears and in these Rules :
  - (a) Affiliate means a person who has been admitted as an Affiliate of a Sub-Branch pursuant to Rule 9.
  - (b) By-Laws means the By-Laws of the State Branch of the League or of the Sub-Branch.
  - (c) Eligible Institution means a fund, authority or institution :
    - (i) listed in Division 30 of the Tax Act as a fund, authority or institution to which tax-deductible gifts may be made; or
    - (ii) in a class of funds, authorities or institutions listed in Section 30 of the Tax Act as a class of funds, authorities or institutions to which tax-deductible gifts may be made.
  - (d) Chief Executive Officer means the person formerly referred to as the Executive Director or State Secretary of the State Branch of South Australia, appointed pursuant to Rule 38 of the State Branch Constitution.

- (e) Honorary Life Member means a person who has been admitted to that class of membership pursuant to Rule 9.
- (f) Honorary Member means a person who has been admitted to that class of membership pursuant to Rule 9.
- (g) League means the Returned & Services League of Australia Limited.
- (h) Life Member means a Service Member who has been elected to that class of membership pursuant to Rule 9.
- (i) Life Subscriber means a Service Member who has made a subscription for life in accordance with the Rules prevailing at the time such subscription was made.
- (j) Member means a person who has been admitted to any one of the classes of members described in Rule 8.
- (k) Member of the Australian Defence Force means a person who is or was a member of the Royal Australian Navy, Australian Army or Royal Australian Air Force and includes a person who is or was a member of the Permanent Forces, Citizen Forces, Reserve Forces, Emergency Forces or Emergency Reserve Forces or a member of a military force raised in time of war or for a specified period.
- (l) National Congress means a general meeting of the League.
- (m) National Executive means the Board of Directors of the League constituted by Rule 36 of the National Constitution and comprising those persons set forth in that Rule.
- (n) Officer includes the elected officers and the committees or other body howsoever that body may be described, charged with the duty of administering the affairs of the Sub-Branch.
- (o) Service Member means a person who has been admitted to that class of membership pursuant to Rule 9.
- (p) Person means a natural person.
- (q) Social Member means a person who has been admitted as a social member of a Sub-Branch pursuant to Rule 10.
- (r) State Board means the body constituted by Rule 39 of the State Branch Constitution.
- (s) State Branch means The Returned & Services League of Australia (S.A. Branch) Incorporated.
- (t) Regional Co-ordinator means the body constituted by Rule 8 of the State Branch Constitution, to represent the Sub-Branches in determining policy of the State Branch.
- (u) State Standing Policy means the policy of the RSL determined by the State Branch Annual Sub-Branch Conference from time to time pursuant to Rule 26.

- (v) State Branch Tribunal means the Tribunal established by the State Board pursuant to Rule 22 of the State Branch Constitution.
- (w) Sub-Branch means a Sub-Branch of the League established either by the National Executive or the State Branch within its jurisdiction.
- (x) Tax Act means the Income Tax Assessment Act 1936 and the Income Tax Assessment Act 1997, as applicable.
- (y) The Act means the ‘Associations Incorporation Act 1985’, as amended from time to time.
- (z) The Commonwealth means the Commonwealth of Australia.
- (aa) The Law means The Corporations Law.
- (bb) The Nation means the Commonwealth of Australia.
- (cc) Women’s Auxiliaries means an Auxiliary authorised within a Sub-Branch consisting of the spouse/partner, widow or close female relative of a member, or of a person eligible for membership of the Sub-Branch.
- (dd) Words importing the masculine gender include the feminine gender and words importing the feminine gender include the masculine gender, and
- (ee) Words in the singular include the plural and words in the plural include the singular.

#### **4. Objects**

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

- (a) To assist and care for the sick, elderly and needy by providing, or assisting to provide, pensions, benefits, accommodation, medical treatment, rehabilitation and other forms of welfare.
- (b) To establish and accept trusts having for their object the welfare and benefit of any member of the League or the Sub-Branch, or of any member, or ex-member, of the Australian Defence Force, or their dependants.
- (c) In furtherance of any of the objects of the League, to make grants to and give assistance to such persons, trusts, groups, associations, societies, institutions or other organisations and authorities and to establish such scholarships as the Sub-Branch may, from time to time determine.
- (d) To perpetuate the close and kindly ties of friendship created by mutual service in the Australian Defence Force or in the forces of nations traditionally allied with Australia and the recollections associated with that experience, to maintain a proper standard of dignity and honour among all past and present members of the Australian Defence Force, and to set an example of public spirit and noble hearted endeavour.

- (e) To ensure the preservation of the memory and the records of those who suffered and died for the Nation; to ensure the erection of memorials to their valour and that they have suitable burial places; to establish and preserve in their honour, ANZAC Day, Remembrance Day and other commemorative occasions.
- (f) To promote the defence of the Nation and guard the good name and preserve the interests and standing of members of the Australian Defence Force.
- (g) To encourage members of the League and citizens to serve the Nation with a spirit of self sacrifice and loyalty.
- (h) To maintain a national association, non-sectarian and in relation to party politics, non-partisan.
- (i) To enunciate, from time to time, policy on national questions and to encourage members of the Sub-Branch to abide by, support and actively carry out, such policy so far as is permitted by law.
- (j) To establish, maintain, furnish and equip premises, information bureaux, libraries, literary, social, educational and benevolent institutions for the benefit and advancement of members of the League, or the Sub-Branch and to print, circulate and publish such papers, books, magazines and circulars, carry on such other literary and journalistic undertakings, and publish material that may be conducive to the objects of the League.
- (k) To subscribe or donate, to become a member of and co-operate with any other body of persons corporate or unincorporate whose objects are similar to those of the League and which prohibits the distribution of its or their income and property, amongst its or their members, to an extent at least as great as is imposed on the League under or by virtue of Rule 6.
- (l) To establish Women's Auxiliaries and other auxiliaries of the League within the Sub-Branch.
- (m) To accept subscriptions and donations whether of real or personal estate and devises and bequests for all or any of the purposes aforesaid and so far as permitted by law to dispose of or to lease and accept surrenders of leases of and manage all real estate (including leaseholds) so received and not required or capable of being occupied for the purposes of the State Branch or the Sub-Branch. The Sub-Branch shall take or hold any property which may be subject to any Trust and shall only deal with the same in such manner as allowed by law, having regard to such Trust.
- (n) To invest and deal with any of the moneys or other assets of the Sub-Branch not immediately required upon such securities and in such manner as the Sub-Branch may determine.
- (o) To invest and deal in real estate and to hold property for the purposes of furthering all or any of the objects of the League.
- (p) To borrow or raise money in such manner as the Sub-Branch may think fit, for any of its objects and in particular by mortgage, or other securities, upon all or any of the property of the Sub-Branch, present or future.



- (q) To do all such other lawful things as are conducive or incidental to the attainment of any of the above objects, and
- (r) To make, amend and repeal Sub-Branch By-Laws pursuant to the Rules.

## **5. Powers of the Sub-Branch**

5.1 Solely for furthering the objects of the League and subject to Sub-Rule 9.7 of the State Branch Constitution, the Sub-Branch has the legal capacity and powers set out in the Act as follows:

- (a) Acquire, hold, deal with and dispose of, any real or personal property.
- (b) Administer any property on trust.
- (c) Open and operate bank accounts.
- (d) Invest its moneys –
  - (i) in any security in which trust moneys may, by Act of Parliament, be invested; or
  - (ii) in any other manner authorised by these Rules;
- (e) Borrow money upon such terms and conditions as the Sub-Branch thinks fit.
- (f) Give such security for the discharge of liabilities incurred by the Sub-Branch as it thinks fit.
- (g) Appoint Agents to transact any business on its behalf, and
- (h) Enter into any other contract it considers necessary or desirable.

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

## **6. Application of Income and Property**

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

## **7. Rights and Liabilities of Members**

7.1 Except as is provided for in the Act, a member is not liable for the debts and liabilities of the Sub-Branch.

## **8. Membership of the Sub-Branch**

8.1 The membership shall consist of the following classes, namely:

- (a) Service Members.
- (b) Life Members.
- (c) Honorary Members, and
- (d) Honorary Life Members.

8.2 The provisions of these Rules shall not disturb the continuity of membership of a person who was admitted to membership of the Sub-Branch (irrespective of the class of membership to which he had been admitted) prior to these Rules coming into force and effect.

## **9. Categories of League Membership**

9.1 Categories of League Membership are defined in the State Branch Constitution Rule Nos 12 – 18 inclusive.

## **10. Social Members of the Sub-Branch**

10.1 Rule 15 of the State Branch Constitution makes provision for Sub-Branches to apply to State Branch to admit social members. However, applications for social membership should be strongly encouraged to apply to become affiliates of the Sub-Branch in order to uphold the objects of the League. (By-Law 11 refers).

## **11. General Provisions as to Membership**

11.1 The Sub-Branch shall have jurisdiction as provided for in the State Branch Constitution, over any person who is a member of the Sub-Branch.

11.2 All classes of membership shall be deemed to have agreed to be bound by the provisions of these Rules and the By-Laws. In the event of an inconsistency deemed pursuant to Rule 38 of the State Branch Constitution, between these Rules and By-Laws and those of the State Branch, the State Branch Rules and By-Laws shall prevail to the extent of that inconsistency.

11.3 All Service and Life members shall be of equal status in the Sub-Branch.

11.4 A Service Member or Life Member who is a member of the Sub-Branch shall not be eligible to be a member of another Sub-Branch but may apply to be admitted as an Associate. Such an application shall be lodged with the Secretary of the other Sub-Branch and upon being admitted, he shall be known as an Associate of that other Sub-Branch.

11.5 The Application for Associate membership shall be displayed in a conspicuous place in the Sub-Branches premises for not less than fourteen (14) days prior to consideration at a Committee Meeting of the Sub-Branch.

- 11.6 The annual subscription payable by an Associate to the other Sub-Branch shall be the annual subscription payable by a Service Member less that proportion of each annual subscription referred to in Rule 15.
- 11.7 Subject to Sub-Rule 11.8, a Service or a Life Member who is also an Associate within the meaning of Sub-Rule 11.4, shall be entitled to hold office, vote and speak at a meeting of not more than one Sub-Branch.
- 11.8 A Service or Life Member to whom Sub-Rule 11.7 applies shall :
- (a) Elect in writing the Sub-Branch in which he wishes to be eligible to hold office, vote and speak, and
  - (b) Deliver such election to the Sub-Branches of which he is both a member and an Associate,
- and until he has complied with this Rule, he shall only be entitled to hold office, vote and speak at the Sub-Branch of which he is a member and such election shall not be able to be revoked during the membership year in which it is made.
- 11.9 Should in the opinion of the Committee an Associate Member of the Sub-Branch have been found guilty of conduct unbecoming a member or has been found guilty of any of the provisions contained in Rule 18 of the State Branch Constitution, the Committee may resolve to recommend to a General Meeting of the Sub-Branch that the Member be reprimanded or suspended at the pleasure of the General Meeting or his membership of the Sub-Branch be terminated.
- 11.10 The Sub-Branch in General Meeting may resolve to reprimand or suspend at the pleasure of the General Meeting or terminate the Sub-Branch membership of the Associate referred to in Sub-Rule 11.9. Such resolution shall not be of any force or effect unless the procedures set out in Rule 17 are complied with.
- 11.11 Where an Associate Member has been suspended or has had his Sub-Branch membership terminated, the Sub-Branch shall advise the State Branch of such member's name and the reasons for the suspension or termination.
- 11.12 The National Executive, if it is satisfied that special circumstances exist, and acting on the advice of the Sub-Branch through the State Branch, may admit as a Service Member a person who has not served for the period of six (6) months specified by Rule 9, provided such person is otherwise qualified to be admitted as a Service Member.
- 11.13 No person who is under the age of 18 years shall be eligible to apply for membership.

## **12. Cessation of Membership**

- 12.1 Any member desiring to resign and who is not in arrears with his annual subscription shall give notice in writing to that effect. Upon such notice being lodged with the Sub-Branch Secretary he shall cease to be a member and the State Branch shall be advised accordingly.

### **13. Disciplinary Powers of the Sub-Branch and Appeals Arising Therefrom**

- 13.1 Before disciplinary action is taken the State Branch and the Sub-Branches are to develop compulsory mediation/conciliation procedures to resolve disputes before they escalate to the point where formal action needs to be taken. Guidelines for the mediation process will be contained in the By-Law 7.
- 13.2 Notwithstanding the above, if the committee of the Sub-Branch has reason to believe that a member may be guilty of conduct unbecoming a member the committee can refer to State Branch Constitution Rule 21 for guidelines and disciplinary powers of the State Branch and appeals arising therefrom. In the event of a conflict between the charged member and one or more members of the committee, such as would compromise the impartiality of any committee findings, the committee or the member may resolve that the matter be referred to State Branch for resolution pursuant to Rule 23.

### **14. Re-Admission of Persons Previously Expelled from Membership**

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

### **15. Subscriptions**

- 15.1 A Service Member shall pay to the Sub-Branch such annual subscription as is determined from time to time by the State Branch Annual Sub-Branch Conference.
- 15.2 An Affiliate Member shall pay to the Sub-Branch such amount as is determined by a General Meeting of the Sub-Branch, providing, however, that the amount shall be the minimum prescribed at the State Branch Annual Sub-Branch Conference.
- 15.3 The Sub-Branch shall pay to the State Branch, such proportion of each annual subscription received by it (referred to as 'capitation fees') as is determined at the State Branch Annual Sub-Branch Conference and the amount shall not be less than that determined at the National Congress.
- 15.4 Annual subscriptions shall be payable in advance on January 1 in each calendar year.
- 15.5 A person applying for membership and paying a full year's subscription after the 30<sup>th</sup> September shall be granted membership for the period up to the 31<sup>st</sup> December of that year and the subscription will take effect from the 1<sup>st</sup> January of the following year.
- 15.6 (a) If a Member fails to pay his annual subscription by the due date, he shall cease to enjoy the privileges of membership.
- (b) A Member who has not paid his annual subscription by the due date may reinstate his membership by paying the prescribed amount in full prior to 31 December in the year that the membership became due. If the Member makes such a payment then he shall retain his continuity of membership and any office to which he has been elected or appointed. During the period that a

Member is unfinancial, he may not hold any office, exercise any voting rights or participate in any debate.

- (c) Member who has not paid his annual subscription prior to 31 December of the year in which it became due may, at the discretion of the Sub-Branch Committee, be required to complete a new Application for Membership in accordance with the Rules and By-Laws for Sub-Branches before his membership is reinstated.

15.7 A member whose subscription has not been paid pursuant to Sub-Rule 15.4 shall not be :

- (a) Elected or appointed to any office in the Sub-Branch.
- (b) Elected to represent the Sub-Branch as a Regional Co-ordinator.
- (c) Elected to any office of the State Board, or
- (d) Elected or appointed a Delegate to the State Branch Annual Sub-Branch Conference.

15.8 If the Australian Defence Force or an Allied Force is engaged in a conflict, then any Service Member who is a member of that Force and is engaged in that conflict, shall for the period of his involvement in that conflict, be relieved from any liability to pay annual subscriptions to the Sub-Branch.

## **16. League Name, Badges, Banners, Insignia and Awards**

16.1 The name of the League, the letters 'RSL', badges, banners, awards and any other insignia of the League remain the property of the League. Conditions and prescribed use are outlined in By-Laws 12 and 13.

## **17. Capitations and Contraventions**

17.1 On the first day of each month of the year, the Sub-Branch shall pay to the State Branch Office the capitation fees due and owing by it.

17.2 If the Sub-Branch is in default with payment of its capitation fees for a period of three (3) months, its right to vote at the State Branch Annual Sub-Branch Conference shall be suspended so long as such default continues, provided however that the State President at that Conference may upon such terms as he shall think fit, permit the Sub-Branch to vote.

17.3 The Sub-Branch shall provide an audited balance sheet of its financial accounts to the State Branch within thirty (30) days of its Annual General Meeting. Default of this condition will preclude the right to vote at the State Branch Annual Sub-Branch Conference.

17.4 The Sub-Branch shall, if required in writing by the State Board, produce for inspection all its books of accounts, minute books, statutory registers kept under any law (if applicable) and records and supply such returns and other information as the State Board may from time to time require.

## **18. General Meetings**

- 18.1 A General Meeting of the Sub-Branch shall be held on any regular date and at a regular time as decided by the financial Service Members of the Sub-Branch at an Annual General Meeting (AGM) or at a Special General Meeting (SGM) convened for that purpose. The General Meetings shall be held not less than quarterly, the frequency of the meetings is to be decided at each AGM and the decision notified to State Branch with the annual statistics notification.
- 18.2 A notice detailing the dates and times of General Meetings for the ensuing year, shall be exhibited on the Sub-Branch Notice Board immediately following the Annual General Meeting.
- 18.3 At a General Meeting of the Sub-Branch, twenty percentum of the Service members or ..... Service members present, whichever shall be the lessor, shall form a quorum. If within fifteen (15) minutes of the time fixed for the opening of the meeting, a quorum is not present, the meeting will stand adjourned to such date as shall be fixed by the person who would have been Chairman had the meeting proceeded. Should a quorum not be present at such adjourned meeting, those present shall constitute a quorum and may proceed to transact the business for which the meeting was called.
- 18.4 The proceedings of any General Meeting shall be conducted in accordance with the By-Laws.
- 18.5 At every General Meeting of the Sub-Branch the Bank Statement shall be produced for inspection together with a Statement of Income and Expenditure for the period since the presentation of such statement was previously provided to the General Meeting.
- 18.6 A General Meeting may appoint such Sub-Committees as it may deem necessary and Delegate to such Sub-Committees such of its powers as it thinks fit. Such Sub-Committees shall consist of at least one (1) member of the Sub-Branch Committee and such other members of the Sub-Branch as are considered necessary. The President (or his nominee) shall be an 'ex-officio' member of any Sub-Committee appointed pursuant to this Sub-Rule.

## **19. Special General Meetings**

- 19.1 The Sub-Branch President may convene a Special General Meeting as and when deemed necessary or on receiving a requisition to do so in writing, signed by not less than ten Service members of the Sub-Branch.
- 19.2 Any such requisition shall set out the business to be submitted to such Special General Meeting.
- 19.3 All business shall be special that is transacted at a Special General Meeting and shall be conducted in accordance with the By-Laws but exclude that business normally transacted at a General Meeting.
- 19.4 Subject to the provisions of the Act relating to special resolutions and agreements for shorter notice, at least twenty-one (21) days notice (exclusive of the day on which the notice is served or deemed to be served, but inclusive of the day for which notice is given) specifying the place, day and the hour of the meeting and in the case of special

business, the general nature of that business, shall be given to such persons as are entitled to receive notice.

- 19.5 The quorum of a Special General Meeting shall be twenty-five percentum of the financial Service Members of the Sub-Branch or ..... financial Service members whichever shall be the lesser.
- 19.6 If within fifteen (15) minutes of the time fixed for the opening of any Special General Meeting a quorum is not present, the meeting shall be adjourned to such date and time as shall be fixed by the person who would have been Chairman had the meeting proceeded. Should a quorum not be present at such adjourned meeting, those present shall constitute a quorum and may proceed to transact the business for which the meeting was called.

**20. Annual General Meetings**

- 20.1 There shall be an Annual General Meeting which shall be held during the month of ..... each year.
- 20.2 Notice of the date and time of the Annual General Meeting shall be given to all members of the Sub-Branch in accordance with Rule 28.
- 20.3 No business shall be transacted at any such Annual General Meeting of the Sub-Branch unless a quorum of twenty-five percentum of the financial Service Members of the Sub-Branch or ..... financial Service Members, whichever is the lesser, is present at the time when the meeting proceeds to business.
- 20.4 If within thirty (30) minutes from the time appointed for the meeting a quorum is not present, it shall stand adjourned until the same day in the next week at the same time and place or to such other day and at such other time and place as the Sub-Branch may determine and if at the adjourned meeting a quorum is not present within thirty (30) minutes of the time appointed for the meeting, the members present and entitled to vote shall constitute a quorum.
- 20.5 The Sub-Branch President shall preside as Chairman at every Annual General Meeting or in the event of his absence or if there is no Sub-Branch President or if he is not present within fifteen (15) minutes of the time appointed for the holding of the meeting or is unwilling to act, a Vice President shall preside as Chairman of the meeting. In the event of there being no Vice President or if he is not present within fifteen (15) minutes of the time appointed for the holding of the meeting or is unwilling to act, the members present and entitled to vote shall elect one of the members to be Chairman of the meeting.
- 20.6 The Chairman may, with the consent of any meeting at which a quorum is present and shall if so directed by the meeting, adjourn the meeting from time to time and from place to place, but no business shall be transacted at any adjourned meeting other than business left unfinished at the meeting from which the adjournment took place. When a meeting is adjourned for thirty (30) days or more, notice of the adjourned meeting shall be given as in the case of an original meeting, but it shall not be necessary to give any notice of the business to be transacted at the adjourned meeting.
- 20.7 The conduct of any Annual General Meeting of the Sub-Branch, shall be conducted in accordance with the By-Laws.

**21. State Branch Annual Sub-Branch Conference**

21.1 The Sub-Branch shall be entitled to appoint one Delegate to the State Branch Annual Sub-Branch Conference and an Alternate Delegate to act in the absence or non-availability of the appointed Delegate. Persons so appointed shall be Service members except as provided by Sub-Rule 9.

**22. Sub-Branch Appointments**

22.1 There shall be a Committee appointed by the Members present and voting at the Annual General Meeting, comprising :

- President
- Immediate Past President – who shall act only for the period immediately following his vacation of Office of President and until the next Annual General Meeting of the Sub-Branch
- ..... Vice President(s) - as determined by the Sub-Branch
- Secretary
- Treasurer
- ..... Committee Members - as determined by the Sub-Branch

22.2 The duties of the Officers are as prescribed in the By-Law, however, the Offices of Secretary and Treasurer may be combined at any time subject to the approval of a General Meeting of the Sub-Branch.

22.3 Any Service or Life Member shall be eligible for election as President or Vice President, providing that member has been a Service or Life Member of the Sub-Branch for not less than twelve (12) months immediately prior to the calling of nominations and has previously served at least twelve (12) months on the Committee of a Sub-Branch.

22.4 Any Service, Life Member or Affiliate of the Sub-Branch shall be eligible for election as Secretary, Treasurer or as a Member of the Management Committee provided that the member has been a Service, Life Member or Affiliate of the Sub-Branch for not less than twelve (12) months immediately prior to the calling of nominations. However, an Affiliate may be appointed to act as Committee Chair until a Service Member nominates for the position of President or Vice President. Such an appointment shall be reviewed annually and State Branch informed of any changes.

22.5 Nominations for the elections of Officers and members of the Committee shall be called at the ..... General Meeting of the Sub-Branch and a notice advising that nominations have been called, shall be given to members in accordance with By-Law No. 9.

22.6 The notice of the calling of nominations shall include the date and time such nominations close. Such nominations shall be submitted in writing and in the form prescribed in the By-Law.

22.7 The President or Vice President(s) elected in accordance with Rule 22 of the Model Rules for Sub-Branches, may be removed from office provided that:

- (a) A Special General Meeting has been called for that purpose pursuant to Rules 19, 28 and By-Law 8 of the Model Rules for Sub-Branches; and
- (b) The Motion is passed by at least two thirds majority of financial Service Members present at the meeting.

22.8 Any Sub-Branch Committee member elected in accordance with Rule 22 of the Model Rules for Sub-Branches, may be removed from office provided that:



- (a) A Special General Meeting has been called for that purpose pursuant to Rules 19, 28 and By-Law 8 of the Model Rules for Sub-Branches; and
  - (b) The Motion is passed by at least two thirds of the financial Service Members and Sub-Branch Affiliates present at the meeting.
- 22.9 Any Casual Vacancies in the Committee may be filled by the Committee and any person appointed to fill such casual vacancy shall hold office only for the unexpired portion of his predecessor's term of office.
- 22.10 Subject to the provisions of the Act one or more Auditors shall be appointed at the Annual General Meeting of the Sub-Branch, providing, however, that no member of the Management Committee shall be so appointed.

**23. Accounts**

- 23.1 The financial year of the Sub-Branch shall be for the twelve (12) months ending on .....
- 23.2 The Sub-Branch shall cause proper books of accounts to be kept with respect to :
- (a) All sums of money received and expended; and the manner in respect of which the receipt and expenditure takes place.
  - (b) All sales and purchases of real and personal property by the Sub-Branch, and
  - (c) The assets and liabilities of the Sub-Branch.
- 23.3 Such accounts shall be kept at the registered office of the Sub-Branch, or subject to the Act, at such other place as the Sub-Branch thinks fit and shall always be available for the inspection by the members of the Committee.
- 23.4 Excluding liabilities incurred in trading, the Committee shall not, except in the case of an emergency, incur any liability involving more than \$ ....., without the prior approval of the Sub-Branch in a General Meeting.
- 23.5 The Sub-Branch Committee shall cause to be prepared and to be laid before the Annual General Meeting of the Sub-Branch such Income and Expenditure accounts, Balance Sheets and reports as are required in accordance with the provisions of the Act.
- 23.6 The Auditor(s) shall at least once in every financial year, examine the Balance Sheet and all accounts relating thereto and shall make a report to the Sub-Branch as to the correctness thereof.

**24. Common Seal**

- 24.1 The Sub-Branch shall have a Common Seal (with power to break, alter and change the same from time to time) and on such Common Seal shall be inscribed the name of the Sub-Branch.
- 24.2 The Seal Holders of the Sub-Branch shall be the person for the time being discharging the duties of President and the person for the time being discharging the duties of the Secretary, or such other member or members of the Committee as may be appointed by the Committee and such persons alone shall be the persons authorised to use the Common Seal.
- 24.3 The Common Seal shall not be affixed to a document except by the authority of the Sub-Branch Committee.

24.4 Every use of the Seal shall be recorded in the Minute Book of the Sub-Branch and shall be affixed only in the presence of the Seal Holders who shall thereupon append their signatures in addition.

## **25. Amendment of these Rules**

25.1 These Rules may only be amended by a special resolution passed at a State Branch Annual or Extraordinary Sub-Branch Conference and passed by at least 75% of the votes cast by those members entitled to vote on the said resolution.

25.2 The notice served in accordance with Rule 28 shall set out the intention to propose the resolution as a special resolution and specify the terms of the resolution.

## **26. Standing Policy**

26.1 Standing Policy is the policy of the League on any particular matter or topic and which the State Branch Annual Sub-Branch Conference has determined to be Standing Policy in accordance with this Rule.

26.2 The Sub-Branch shall be bound by and promote the Standing Policy and that of the National Constitution.

26.3 The Sub-Branch shall be non-sectarian and on all questions of Party politics, shall maintain a neutral attitude.

26.4 Standing Policy may only be made, amended or repealed by resolution of the State Branch Annual Sub-Branch Conference, save that it shall be deemed to be repealed by the operation of Sub-Rule 46 of the State Branch Constitution.

26.5 Any Standing Policy will be deemed to be repealed 5 years after the policy becomes Standing Policy. Such Standing Policy can be remade by the passing of a resolution by the State Branch Annual Sub-Branch Conference to that affect.

## **27. By-Laws**

27.1 A General Meeting of the Sub-Branch shall have the power from time to time to make, amend or rescind, such By-Laws as are in its opinion necessary and desirable for the proper control, administration and management of the Sub-Branch's affairs, providing such amendments, recission or making of such By-Laws does not contravene the State Branch Constitution and Rules or those of the National Constitution.

27.2 A By-Law shall :

(a) Be subject to these Rules.

(b) Be not inconsistent with any provision contained therein.

(c) Be entered in a record, which shall be kept for the inspection of members and such By-Laws may be printed and circulated at the discretion of the Committee, and

(d) When in force shall be binding on all members, irrespective of the class of membership to which they have been admitted, and shall have the same effect as these Rules.

## **28. Notices**

28.1 A Notice may be given by the Sub-Branch to any member irrespective of the class of membership to which he has been admitted, either personally, or by sending it by post to him at his registered address. Where a notice is sent by post, service of the notice shall

be deemed to be effective by properly addressing, pre-paying and posting the notice in sufficient time for it to be delivered in the ordinary course of post.

## **29. Women's Auxiliaries**

- 29.1 The State Board may permit the formation of a Woman's Auxiliary of the Sub-Branch.
- 29.2 The Rules governing the administration of the Auxiliary are contained in the Rules and Guidelines approved by the State Board and in the By-Laws.

## **30. General**

- 30.1 Any member of the Sub-Branch shall be entitled to view a copy of these Rules at the Sub-Branch or purchase a copy from the State Branch Office.
- 30.2 The adoption of these Rules shall not invalidate any appointment made or act done under the Rules then existing, but all such appointments made and acts done shall be construed as having been made and done in pursuance of these Rules to the extent that they are not inconsistent herewith.
- 30.3 No member of the Sub-Branch, whether acting or purporting to act on behalf of the Sub-Branch, shall, unless authorised by resolution of the Sub-Branch, or in cases of emergency by the Sub-Branch President, supply any information to the news media nor take part in any deputation to any Minister of the State or Commonwealth Government or any official thereof, on any matter relating to the Sub-Branch or its affairs.
- 30.4 By resolution of a General Meeting of Service Members, recommendations may be made to the State Branch in accordance with the By-Laws for the following awards :
- (a) Meritorious Service Medal.
  - (b) Life Membership.
  - (c) League Service Award – State.
  - (d) Certificate of Merit and Gold Badge.
  - (e) Certificates of Appreciation – State and National.
  - (f) Certificate of Outstanding Service.
  - (g) Long Service Award (50 Years Cumulative Service).
  - (h) The ANZAC of the Year Award, and
  - (i) The ANZAC Peace Prize.

- 30.5 Any visitor to the Sub-Branch shall be introduced by a financial member of the Sub-Branch and if required under the Legislation, registered in a Visitors Book kept for that purpose.

- 30.6 If any situation occurs which is not, in the opinion of the Committee, provided for by these Rules, or the Constitution of the State Branch, it shall be determined by a General Meeting of the members or of the Committee, as such circumstances warrant.

## **31. Winding Up of the Sub-Branch**

- 31.1 If the Sub-Branch ceases to operate or is dissolved or is wound up, its assets shall, after the satisfaction of all its debts and liabilities and subject to the Act, vest in the Returned & Services League of Australia (S.A. Branch) Inc., to be used by the League as far as possible for its purposes in the place where that Sub-Branch formerly carried out its activities.