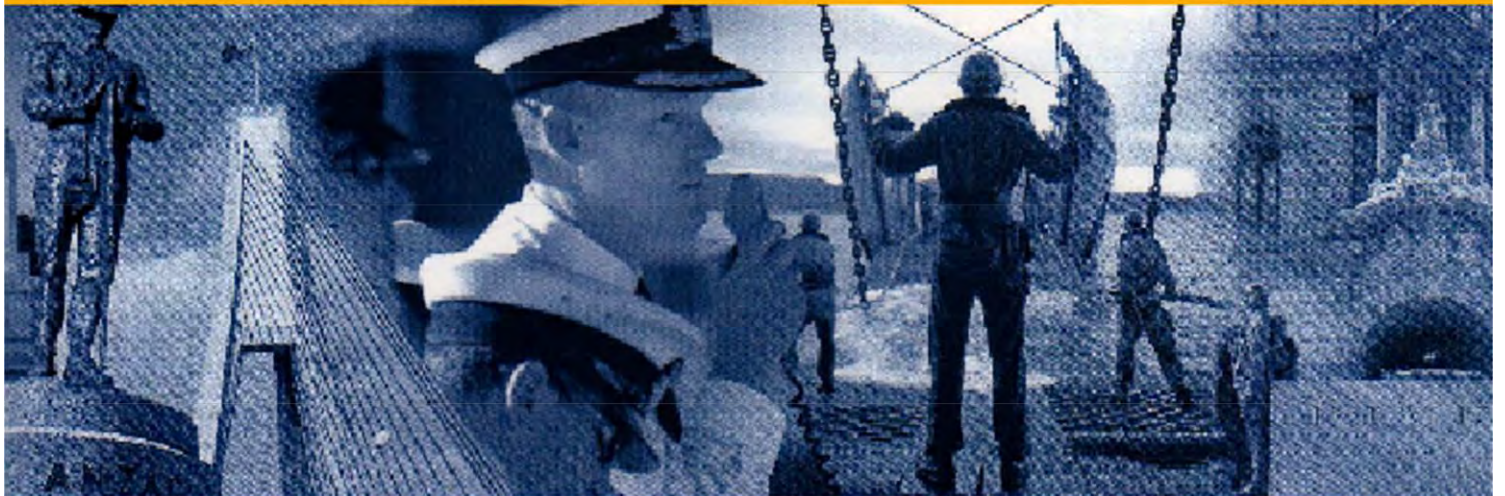




THE RETURNED AND SERVICES LEAGUE OF AUSTRALIA (NEW SOUTH WALES BRANCH)



# BY - LAWS

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**BY-LAWS**

**OF**

**THE RETURNED AND SERVICES LEAGUE OF AUSTRALIA**

**(NEW SOUTH WALES BRANCH)**

These are the By-Laws of the New South Wales Branch in force and effect following upon the 2011 Annual State Congress, 25<sup>th</sup> May 2011 (as amended).

**AMENDMENT RECORD**

<b><u>Amendment</u></b>	<b><u>Entered by</u></b>
1/17 Dated 21/11/17 (Congress Minute No. 3)	By-Law 22. 14 Table 2 JOB
2/17 Dated 21/11/17 (SC Circular Resolution 16/10/17)	By-Law 6. 36-42 JOB
3/17 Dated 21/11/17 (SC Minute 5.5 Oct 2017)	By-Law 9.17 (a) JOB
4/17 Dated 21/11/17 (SC Minute 5.6 Oct 2017)	By-Law 10 .47 JOB
1/18 Dated 03/10/18 (SC Circular Resolution 03/10/2018)	By-Law 22 JOB
2/18 Dated 22/11/18 (SC Minute 5.4.2 Nov 2018)	By-Law 9.8 JOB
3/18 Dated 22/11/18 (SC Minute 5.4.3 Nov 2018)	By-Law 10.25 JOB
1/19 Dated 28/03/19 (Board Minute 5.2 Mar 2019)	By-Law 9.1-.9, .15 & .20 JOB
2/19 Dated 23/05/19 (Circular Resolution 23 May 2019)	By-Law 4.3 JOB
3/19 Dated 19/06/19 (Board Minute 6.3. Jun 2019)	By-Law 11 JOB

**THE RETURNED AND SERVICES LEAGUE OF AUSTRALIA**

**(NEW SOUTH WALES BRANCH)**

**BY-LAWS**

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**By-Law No. 1**

**BADGES OF THE RSL NSW**

**Clause 3 & Clause 16**

1. The Badge of RSL NSW will be in the form determined by RSL National.
2. Each Service Member will, on payment of their first Annual Subscription, be issued a Badge free of any additional charges.
3. Badges will be issued to Life Members, Meritorious Service Medal Life Members, Honorary Members and Honorary Life Members in accordance with the National Constitution.
4. All Badges issued by RSL NSW will remain the property of RSL NSW and must be returned to RSL NSW upon a person ceasing to be a Member of RSL NSW for whatever reason.
5. If any Member knowingly permits their Badge to be used by any other person, for any purpose whatsoever, they will be deemed to be guilty of Misconduct under the Constitution and may be disciplined in accordance with the Constitution.
6. All Badges issued by RSL NSW must be numbered consecutively. State Branch must maintain a record of all Badges issued by RSL NSW including the name of each Member to whom a Badge has been issued.
7. If any Member loses their Badge, they must make a statutory declaration, declaring that they have lost their Badge and must lodge the statutory declaration with State Branch or the sub-Branch of which they are a member. Upon payment of a fee determined by State Branch, the Member will be issued a replacement Badge.
8. State Secretary or a sub-Branch Secretary may institute legal proceedings for recovery of a Badge in accordance with the provisions of the *Discharged Servicemen's Badges Act 1964* or other relevant law.

**USE OF THE NAME OF THE LEAGUE, THE LETTERS "RSL" AND THE BADGE OF THE LEAGUE**

9. This By-Law will not apply to permission granted for the use of the name RSL National, the letters "RSL" or the Badge of RSL National pursuant to the National Constitution.
10. Subject to By-Law 1.11 below, the name RSL NSW, the letters "RSL" and the Badge of RSL NSW may only be used by RSL NSW or for identification or publication purposes. RSL NSW may not permit any person to use the name RSL NSW or the letters "RSL" except for identification or publicity of RSL NSW. In this By-Law the expression "RSL NSW" includes all sub-Branches and Subsidiaries.

11. Only the National Executive may authorise, upon such terms and conditions as it may see fit, the use of the name of “the League”, the letters "RSL" or the Badge of RSL National for any purpose in accordance with the National Constitution.

### **AFFILIATE BADGE**

12. Each Affiliate Member will, on payment of their first Annual Subscription, be issued a Badge free of any additional charges.
13. Affiliate Members must comply with protocols for Badges as described in this By-Law.
14. Affiliate Members may wear the prescribed badge for that type of membership. The badge must only be obtained from RSL NSW and is depicted below.



Badge of an Affiliate Member



**By-Law No. 2**

**MEMBERSHIP**

**CLAUSE 3 & CLAUSE 4**

**GENERAL PROVISIONS AS TO MEMBERSHIP**

1. Jurisdiction over members
  - (a) Subject to By-Law 2.1(b) below, the National Constitution will regulate all National Members;
  - (b) This Constitution will regulate all RSL NSW Members; and
  - (c) RSL NSW has jurisdiction over all Service Members and shall have jurisdiction over all National Members who are Service Members in respect to any matter relating to, or affecting, RSL NSW.
  
2. Associates of sub-Branches
  - (a) A Service Member or Life Member who is the member of a sub-Branch is not eligible to be a member of any other sub-Branch but may apply to be admitted as an associate of other sub-Branches.
  - (b) An application to become an associate of a sub-Branch must be lodged with the secretary of that sub-Branch.
  - (c) The Annual Subscription payable by an associate to the sub-Branch shall be the Annual Subscription payable by a Service Member to a sub-Branch less that proportion of the Annual Subscription payable to RSL NSW.
  - (d) A Service Member or Life Member who is an associate of a sub-Branch is only entitled to hold office, vote and speak at a meeting of one sub-Branch and the associate must:
    - (i) elect in writing the sub-Branch in which they wish to be eligible to hold office, vote and speak;
    - (ii) deliver such election to all sub-Branches of which they are a member or associateand until they have complied with this By-Law 2.2(d) will only be entitled to hold office, vote and speak at the sub-Branch of which they are a member.
  - (e) Any election made under By-Law 2.2(d) cannot be revoked during the calendar year in which the election was made.

3. A person who is an Australian citizen will not be admitted as a Service Member unless they have signed a declaration that they are prepared to swear or affirm (as the case may be) loyalty to the Crown and that they will uphold the Australian Constitution.
4. If an applicant for Service Membership is not an Australian citizen, then unless they prove to the satisfaction of RSL NSW that by making a declaration as required by By-Law 2.3 above, they would, or would be likely to, lose their citizenship, they must make such declaration to be admitted as a Service Member.
5. An application to be admitted as a Service Member must be:
  - (a) in accordance with the By-Laws;
  - (b) accompanied by Annual Subscription payable in accordance with the By-Laws; and
  - (c) supported by such evidence as necessary to demonstrate the eligibility of the applicant.
6. In all cases the onus shall be on the applicant to produce all papers and documents, proof of campaign stars and medal entitlements, and naturalisation papers (where required) in support of their application for membership. RSL NSW is the sole authority for deciding whether or not such evidence is satisfactory.
7. All applications for membership are to be treated as provisional by the sub-Branch until checked and endorsed by RSL NSW.
8. An application for membership not clearly covered in these Constitution and By-Laws will be referred to RSL NSW for specific ruling as to eligibility.
9. Each person who applies to be admitted as a Service Member may also apply to be admitted as a member of a particular sub-Branch.
10. An application to be admitted as a Service Member may be lodged with RSL NSW or a sub-Branch, provided that if the applicant applies to be admitted as a member of a particular sub-Branch, then the application must be lodged with that sub-Branch.
11. If an application for Service Membership is forwarded to or lodged with a sub-Branch then provided the applicant:-
  - (a) has confirmed their eligibility to be admitted as a Service Member pursuant to the Constitution;
  - (b) has completed their application form and paid the Annual Subscription payable;
  - (c) is not a member of any organisation whose aims are irreconcilable or diametrically opposed with the aims and objects of RSL NSW; and

- (d) is considered by the sub-Branch a fit and proper person to be admitted as a member.

The sub-Branch must admit the person as a Service Member and a member of that sub-Branch.

12. To the extent possible, each sub-Branch must ensure that each nomination form for membership of RSL NSW is completed by the applicant in duplicate, and the sub-Branch must forward one copy to RSL NSW.
13. A sub-Branch Committee may only reject an application for Service Membership if it is satisfied that:
  - (a) the applicant is not eligible;
  - (b) it is not in the interest of RSL NSW to admit the person as a Service Member; or
  - (c) the person is not a fit and proper person to be admitted as a Service Member.
14. The decision of a sub-Branch Committee to reject an application must be recorded in the minutes of the meeting at which the decision was made. The applicant must be notified in writing of the decision and the grounds upon which the application was rejected and his right of appeal to RSL NSW within 14 days of the sub-Branch Committee meeting.
15. Within 28 days of the date of the notification referred to By-Law 2.14 above, the applicant may appeal in writing to RSL NSW. Such an appeal must be lodged with the sub-Branch, which must forward it, together with the grounds for rejection and all other relevant papers and documentation to the State Secretary.
16. RSL NSW may direct the sub-Branch concerned to admit the applicant as a Service Member and a member of the sub-Branch or may uphold the decision of the sub-Branch Committee.
17. If RSL NSW directs a sub-Branch to admit an applicant as a Service Member and a member of the sub-Branch, the applicant will be deemed to have been admitted as a Service Member and a Member of that sub-Branch on the date of the resolution of RSL NSW.
18. If RSL NSW upholds the decision of the sub-Branch Committee under By-Law 2.14, it must, within 14 days of its decision, provide written notification to the applicant of the rejection of their application and the grounds for the rejection.
19. The powers of RSL NSW referred to in this By-Law are exercisable by (and not otherwise) the State Branch Tribunal.
20. A Member of RSL NSW who is also a Member of a sub-Branch may transfer their membership to another sub-Branch without payment of additional fees provided that:

- (a) at the time of application Member is a resident in the local area of the sub-Branch to which they wish to be transferred.
  - (b) the Service Member has received written confirmation from the State Secretary that the Service Member has paid all Annual Subscriptions due and payable by the Service Member.
21. The State Secretary must provide written notification to the sub-Branch to which a Member is to be transferred of the financial status, service history and if possible, the new address of the Service Member.
22. A Member of a sub-Branch may request to be transferred to another sub-Branch provided that:
- (a) the receiving sub-Branch is prepared to accept the transfer of the Service Member; and
  - (b) the Service Member has received written confirmation from the State Secretary that the Service Member has paid all Annual Subscriptions due and payable by the Service Member.
23. In the event that a receiving sub-Branch is not prepared to accept a transfer of a Service Member or does not provide confirmation that it will accept the transfer of a Service Member within 14 days of the request for transfer, State Council or a nominated representative of State Council may direct the sub-Branch to accept the request for transfer and to admit the Member. RSL NSW, in reaching its decision, may give consideration to any written submission of the sub-Branch.
24. RSL NSW or a sub-Branch may temporarily admit a Service Member or National Member who is not currently a Member of RSL NSW or the sub-Branch (as applicable). A person admitted as a temporary member of RSL NSW will have no voting rights, title or interest in RSL NSW property or affairs but may be permitted, if so desired and invited, to address Members on matters appertaining to RSL NSW and its aims and objects. State Council may cancel or suspend such temporary membership if desired.

#### **LIST OF UNATTACHED SERVICE MEMBERS**

25. RSL NSW must maintain a register of all Members who are not also Members of a sub-Branch known as the "unattached list of Members".
26. The unattached list of Members must contain all Members whose name, was previously included in the miscellaneous list of Members.
27. Upon a person becoming a Service Member they may request RSL NSW to include their name in the unattached list of Members if the person does not wish to also be a Member of a sub-Branch.

28. A Member who is also a Member of a sub-Branch may request to have their name transferred to the unattached list of Members.
29. A sub-Branch may request to RSL NSW to transfer a Member to the unattached list of Members.
30. A Member whose name is list on the unattached list of Members may at anytime request that RSL NSW transfer their name to a particular sub-Branch.
31. In the event of a general plebiscite of all Members, the unattached list of Members will be eligible to vote.

### **MISCELLANEOUS LIST OF MEMBERS**

32. RSL NSW shall keep a register known as “miscellaneous list of Members”.
33. The miscellaneous list of Members will list the names of all Service Members who RSL NSW has resolved be transferred to the miscellaneous list of Members due to Misconduct of the Member.
34. A Service Member who has been transferred to the miscellaneous list of Members for a period of time, as a result of a resolution of RSL NSW, may at the conclusion of that period request RSL NSW to transfer their name to the unattached list of Members or to a particular sub-Branch. If the person does not make such a request the person shall be transferred to the unattached list of Members. However, if the Service Member requests to be transferred to a sub-Branch, then the prior approval of that sub-Branch must be obtained by RSL NSW. An application for transfer must not be rejected on the same grounds which resulted in the Member’s name being placed on the miscellaneous list of Members.
35. A sub-Branch may reject the transfer of the Service Member to the sub-Branch. If the sub-Branch rejects the proposed transfer of a Service Member it must provide written notice to the Service Member and RSL NSW within 14 days of the rejection together with the reasons for its decision and the right of appeal.
36. Within 28 days after that date of notification in writing referred to in By-Law 2.35 the Service Member may lodge an appeal in writing. Such an appeal must be lodged, together with the sum of \$200.00 with State Branch.
37. State Branch Tribunal is responsible for resolving the appeal.
38. A Service Member whose name is included in the miscellaneous list of Members will so long as their name is so included:
  - (a) not to be eligible to hold any office in RSL NSW; and
  - (b) not to be eligible to be a Member or associate of any sub-Branch.

39. Any Life Member who has been suspended from membership, or whose name has been transferred to the miscellaneous list of Members will forfeit the award to him or her of Life Membership.
40. A Life Member to whom the above By-Law applies, must return to RSL NSW their Badge depicting their life membership and must be issued, free of charge, a Badge usually issued to a Service Member.

### **SUBSCRIPTION AND SUB-BRANCH MEMBERSHIP RETURNS**

41. Each Service Member who is a member of a sub-Branch must pay to that sub-Branch the Annual Subscription as determined from time to time in the By-Laws.
42. Each Service Member whose name is included in the unattached list of members or the miscellaneous list of Members maintained by RSL NSW, must pay to RSL NSW the Annual Subscription as determined from time to time in the By-Laws.
43. The Annual Subscription is determined by Congress and circularised annually to all sub-Branches immediately after each Congress.
44. All Annual Subscriptions must be paid:
  - (a) for new Service Members, at the time of approval of their membership; or
  - (b) for all continuing Members, on or before 1 January of each year.
45. If a continuing Service Member fails to pay their Annual Subscription for a financial year on or before April 30 of that financial year, they will cease to be a Service Member.
46. No Service Member will be entitled to:
  - (a) to vote at meeting of Sub-Branch, District Council or RSL NSW;
  - (b) to be elected or appointed to an office of Sub-Branch, District Council or RSL NSW; while their Annual Subscription remains unpaid.
47. If the Australian Defence Force is engaged in a conflict, then any Service Member who is a member of the Australian Defence Force and is engaged in that conflict, will, for the period of their involvement in that conflict, be relieved from any obligation to pay an Annual Subscription to either a sub-Branch or RSL NSW, as the case may be.
48. If a Service Member pays a Life Subscription to a sub-Branch or RSL NSW they will be relieved from any further requirement to pay Annual Subscription.
49. An Associate Member will pay the Annual Subscription minus the Capitation Fee.

50. Each sub-Branch must ensure that upon payment by a Member of the sub-Branch, of an Annual Subscription an official receipt is issued to the Member and a copy of the receipt is forwarded to RSL NSW together with the amount of the Capitation Fee due and payable to RSL NSW.
51. Where a sub-Branch has maintained electronic records of the sub-Branch Member's Annual Subscription payments, the sub-Branch is not required to forward receipts to RSL NSW, provided that they can provide a copy of the electronic records (if required) to RSL NSW, from time to time.
52. Each sub-Branch must pay to RSL NSW the Capitation Fees due to RSL NSW in accordance with this By-Law.
53. The Capitation Fee is also determined by Congress and circularised annually to all sub-Branches immediately after each Congress.
54. The Capitation Fees payable to RSL NSW for each Service Member, must be forwarded to RSL NSW monthly of a calendar year having regard to the total amount received by that sub-Branch pursuant to the Constitution in a one month period immediately preceding each of those dates, provided that all Capitation Fees for a financial year must be paid to RSL NSW by 31 March the following year at the latest.
55. RSL NSW must pay to RSL National a portion of each Capitation Fee received by it as required under the National Constitution from time to time.

#### **AFFILIATE MEMBERS OF RSL NSW**

56. Membership is only available in NSW sub-Branches that are registered with RSL NSW and that they accept the class of Affiliate Member.
57. Affiliate Members shall carry out and further the Objects of the League in the same manner as a Service Member.
58. Affiliate Members shall have a separate badge to the League (Service & National Members) and shall be in such form as the New South Wales State Congress determines. Each RSL Affiliate Member shall, on payment of the first annual subscription, be issued with a badge, provided by RSL NSW, as part of their annual subscription.
59. No person who is eligible for Service membership of the League shall be admitted as an Affiliate Member.
60. Persons who are eligible to become an Affiliate Member must be eighteen years of age or older and comply with one of the following:
  - (a) is a person who is any relative of a person (living or deceased) who is or was eligible to be a Service or Life Member of the League (proof of eligibility to be provided to the sub-Branch);

- (b) is a person who has been awarded the Certificate of Merit or a National or State Certificate of Appreciation for giving valuable service to the League;
  - (c) is a Cadet and/or Officer of Cadets;
  - (d) is any such person deemed by the sub-Branch Committee to have provided significant service to the sub-Branch and support of the Objects of the League.
61. Affiliate Members will be required to fill out an application form, as prescribed by the RSL NSW, which expressly requires the Affiliate Member to agree to be bound by the Constitution of The Returned and Services League of Australia (New South Wales Branch) and any By-Laws and Regulations of RSL NSW and approved By-Laws and rules of the sub-Branch. Such form must be lodged with the sub-Branch Secretary, and each applicant must be nominated by a Service, Life Member or an Affiliate Member, and seconded by a Service, Life Member or an Affiliate Member.
62. The name and address of the person applying to be an Affiliate Member must be read out at a General Meeting of the sub-Branch. If passed by a simple majority, the application may proceed and be dealt with by the Committee of the sub-Branch in the proper manner.
63. An Affiliate Member of a sub-Branch may be a member of the Committee of that sub-Branch, subject to the following:
- (a) An Affiliate Member may not be elected to the position of President or Vice President of the sub-Branch/District Council.
  - (b) That the number of Affiliate Members on the Committee shall not be greater than 60% of the total membership of the sub-Branch Committee or such lesser percentage as may be determined by the sub-Branch at an Annual General Meeting from time to time.
64. An Affiliate Member shall not be eligible to hold any Office on District Council or State Council and not be eligible to be a delegate to District Council or Annual State Congress.
65. A person may only be an Affiliate Member at one sub-Branch at any one time. An Affiliate Membership shall not be able to be transferred but such member may reapply at the closest sub-Branch registered to accept Affiliate Members.
66. 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 speak but not vote on any matter relating to the alteration or amendment to the RSL NSW / National Constitutions, By-Laws & Regulations.



67. An Affiliate Member shall pay to that sub-Branch an annual subscription equal to that of a Service Member of that sub-Branch. The Application Form must be accompanied by the amount of the Annual Subscription.
68. RSL NSW 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 & State Congress for that year.
69. All Annual Subscriptions must be paid:
  - (a) for new Affiliate Members, at the time of approval of their membership; or
  - (b) for all continuing Affiliate Members, on or before 1 January of each year.
70. If a continuing Affiliate Member fails to pay their Annual Subscription for a financial year on or before April 30 of that financial year, they will cease to be an Affiliate Member.

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**By-Law No. 3**

**Dispute Resolution**

**Clause 41**

**Purpose of this By-Law**

1. This RSL NSW Dispute Resolution By-Law aims to maintain ethical and informed decision-making and responsible behaviours within our organisation. It outlines our commitment to a person's right to be treated with respect and dignity and to be safe and protected from abuse. This By-Law informs everyone involved in our organisation of his or her legal and ethical rights and responsibilities and the standards of behaviour that are required.
2. The By-Law attachments outline the procedures that support our commitment to eliminating discrimination, harassment, child abuse and other forms of inappropriate behaviour from our organisation. As part of this commitment, the RSL NSW may take disciplinary action against any person or organisation bound by this policy if they breach it.
3. If a dispute (which, for the avoidance of doubt, does not include disciplinary action taken against a sub-branch, subsidiary or member under this constitution) arises between any member or body under the control of, or governed by RSL NSW and another member or RSL NSW, the dispute must be resolved in accordance with this By-Laws and Regulations.

**To whom this By-Law applies**

4. This RSL NSW By-Law applies to the following people, whether they are in a paid or unpaid/voluntary:
  - (a) Members of all RSL NSW sub-Branches and Subsidiaries
  - (b) Members of all RSL NSW Youth Clubs
  - (c) Members of all RSL NSW Women's Auxiliary Clubs
  - (d) Members of all RSL NSW Day Clubs
  - (e) All volunteers of RSL NSW
5. This By-Law will continue to apply to a person, even after they have stopped their association or employment with RSL NSW, if disciplinary action against that person has commenced.

***Responsibilities of the Organisation***

6. The RSL NSW, RSL sub-Branches and Subsidiaries must:
  - (a) Adopt, implement and comply with this By-Law;

- (b) Publish, distribute and promote this By-Law and Regulations and the consequences of breaches;
- (c) Promote and model appropriate standards of behaviour at all times;
- (d) Promptly deal with any breaches or complaints made under this By-Law and Regulation in a sensitive, fair, timely and confidential manner;
- (e) Apply this By-Law consistently;
- (f) Recognise and enforce any penalty imposed under this By-Law and Regulation;
- (g) Ensure that a copy of this By-Law is available or accessible to the persons and bodies to whom this By-Law applies;
- (h) Use appropriately trained people to receive and manage complaints and allegations; and
- (i) Monitor and review this By-Law at least annually.

### **Individual Responsibilities**

7. Individuals bound by this policy are responsible for:

- (a) Making themselves aware of the By-Law and complying with its standards of behaviour;
- (b) Complying with our screening requirements and any state/territory Working with Children checks;
- (c) Placing the safety and welfare of children above other considerations;
- (d) Being accountable for their behaviour;
- (e) Following the procedures outlined in this By-Law if they wish to make a complaint or report a concern about possible child abuse, discrimination, harassment or other inappropriate behaviour; and
- (f) Complying with any decisions and/or disciplinary measures imposed under this By-Law.

**Position Statements**

8. Child Protection

- (a) RSL NSW acknowledges that our members and volunteers provide a valuable contribution to the positive experiences of children involved in our organisation. RSL NSW aims to continue this and to take measures to protect the safety and welfare of children participating in our activities by:
- Prohibiting any form of abuse against children;
  - Ensuring people have completed a satisfactory Working with Children Check where the relevant state/territory law requires this;
  - Carefully selecting and screening people over the age of 16 years who work, coach or have regular unsupervised contact with children;
  - Promoting and enforcing our codes of behaviour, particularly for roles associated with juniors;
  - Responding to all reports and complaints of abuse promptly, seriously and confidentially;
  - Making information about child protection available, particularly for roles associated with children;
  - Adopting practices that reduce risks and provide the greatest opportunity of having a child safe environment.
- (b) Anyone who reasonably suspects that a child has been or is being abused by someone within our organisation, is to report it immediately to the CEO RSL NSW, police or relevant government agency.
- (c) Descriptions of the sorts of activity which may be abuse are in the Dictionary contained in the RSL NSW Dispute Resolution Regulation. If anyone suspects that a child is being abused by his or her parent/s, they are advised to contact the relevant government department for youth, family and community services in their state/territory.
- (d) A person will not be victimised for reporting possible child abuse and the privacy of all persons concerned will be respected. Our procedures for handling allegations of child abuse are outlined in RSL NSW Dispute Resolution.

9. Taking Images of Children

- (a) Images of children can be used inappropriately or illegally. The RSL NSW requires that individuals and associations, wherever possible, obtain permission from a child's parent/guardian before taking an image of a child who is not their own and ensure that the parent knows the way the image will be used. We also require the privacy of others to be respected and disallow the use of camera phones, videos and cameras inside changing areas, showers and toilet facilities.
- (b) If the RSL NSW uses an image of a child it will avoid naming or identifying the child or it will, wherever possible, avoid using both the first name and surname. We will not display personal information such as residential address, email address or telephone numbers without gaining consent from the parent/guardian. We will not display information about hobbies, likes/dislikes, school, etc as this information can be used as grooming tools by paedophiles or other persons. We will only use appropriate images of a child, relevant to our organization and ensure that the child is suitably clothed in a manner that promotes the organization and displays its successes.
- (c) We, the RSL NSW require our Members, sub-Branches and Subsidiaries to do likewise.

10. Anti-Discrimination and Harassment

- (a) The RSL NSW opposes all forms of harassment, discrimination and bullying. This includes treating or proposing to treat someone less favourably because of a particular characteristic; imposing or intending to impose an unreasonable requirement, condition or practice which has an unequal or disproportionate effect on people with a particular characteristic; or any behaviour that is offensive, abusive, belittling, intimidating or threatening – whether this is face-to-face, indirectly or via communication technologies such as mobile phone and computers. Some forms of harassment, discrimination and bullying, based on personal characteristics such as those listed in the Dictionary contained in the RSL NSW Dispute Resolution Regulation, are against the law.
- (b) If any person feels they are being harassed or discriminated against by another person or organisation bound by this policy, please refer to our complaints procedure contained in the RSL NSW Dispute Resolution Regulation. This will explain what to do about the behaviour and how the RSL NSW will deal with the problem.

11. Sexual Relationships

- (a) RSL NSW takes the position that sexual relationships between coaches and the adult athletes that they coach should be avoided as these relationships can have harmful effects on the individual athlete involved, on other athletes and coaches and on the organization's/sport's public image. Such relationships may be intentionally or unintentionally exploitative due to a disparity between coaches and athletes in terms of authority, power, maturity, status, influence and dependence.
- (b) Should a sexual relationship exist between an athlete and coach, RSL NSW will consider whether any action is necessary. Factors that may be relevant in this consideration are the age and maturity of the athlete relative to the coach, the financial or emotional dependence of the athlete on the coach and the likelihood of the relationship having any adverse impact on the athlete and/or other athletes. If it is determined that the sexual relationship is inappropriate, action may be taken to stop the coaching relationship with the athlete. Action may include transfer, a request for resignation or dismissal from coaching duties.
- (c) In the event that an athlete attempts to initiate an intimate sexual relationship, the coach must take personal responsibility for discouraging such approaches, explaining the ethical basis for such action. The coach or athlete may wish to approach the RSL NSW if they feel harassed. Complaints procedure is contained in the RSL NSW Dispute Resolution Regulation

12. Pregnancy

- (a) Everyone bound by this policy must treat pregnant women with dignity and respect and any unreasonable barriers to participation by them in our organisation should be removed. We will not tolerate any discrimination or harassment against pregnant women.
- (b) While many organizational activities are safe for pregnant women, there may be particular risks that apply to some women during pregnancy. Those risks will depend on the nature of the activity and the particular pregnant woman's circumstances. Pregnant women should be aware that their own health and wellbeing and that of their unborn children, should be of utmost importance in their decision making about the way they participate in our activities.
- (c) The RSL NSW recommends that pregnant women wanting to participate in activities consult with their medical advisers, make themselves aware of the facts about pregnancy in recreation and ensure that they make informed decisions about participation. We will only require pregnant women to sign a disclaimer if we require other participants to sign one in similar circumstances. We will not require women to undertake a pregnancy test.

13. Gender Identity

- (a) Everyone bound by this policy must treat people who identify as transgender fairly and with dignity and respect. This includes acting with sensitivity and respect where a person is undergoing gender transition. We will not tolerate any unlawful discrimination or harassment of a person who identifies as transgender or transsexual or who is thought to be transgender. Descriptions of the types of behaviour which could be regarded as transgender discrimination or harassment are provided in the Dictionary contained in the RSL NSW Dispute Resolution Regulation.
- (b) RSL NSW recognises that the exclusion of transgender people from participation in sporting events has significant implications for their health, well-being and involvement in community life. In general the National Sporting Organisation will facilitate transgender persons participating in their sport with the gender with which they identify.
- (c) RSL NSW also recognises there is debate over whether a male to female transgender person obtains any physical advantage over other female participants. This debate is reflected in the divergent discrimination laws across the country. If issues of performance advantage arise, RSL NSW will seek advice on the application of those laws in the particular circumstances.
- (d) RSL NSW is aware that the International Olympic Committee (IOC) has established criteria for selection and participation in the Olympic Games. Where a transgender person intends competing at an elite level, we will encourage them to obtain advice about the IOC's criteria which may differ from the position taken by RSL NSW.
- (e) Drug testing procedures and prohibitions also apply to people who identify as transgender. A person receiving treatment involving a Prohibited Substance or Method, as described on the World Anti-Doping Agency's Prohibited List, should apply for a standard Therapeutic Use Exemption.

14. Dispute Resolution Regulation

- (a) Procedures and guidelines for the reporting of complaints and the handling of such complaints are contained in the RSL NSW Dispute Resolution Regulation.



**By-Law No. 4**

**DISCIPLINARY PROCEDURES**

**LIST OF BREACHES – CONSTITUTION AND BY-LAWS**

**SECTION A – CLAUSE 9 – DISCIPLINE AND PROCEDURES FOR THE STATE  
BRANCH TRIBUNAL**

**SECTION B – CLAUSE 10 – DISCIPLINARY POWERS OF STATE COUNCIL**

**SECTION C – CLAUSE 11 – DISCIPLINARY POWERS OF SUB-BRANCH**

**LIST OF BREACHES – CONSTITUTION AND BY-LAWS**

- (a) Wilfully, refused or neglect to comply with the provisions of the Constitution or the National Constitution;
- (b)
  - (i) Conduct unbecoming a member;
  - (ii) Conduct subversive to the Aims and Objects of the RSL NSW;
  - (iii) Conduct prejudicial to the interest of RSL NSW;
  - (iv) Conduct detrimental to the interest of the sub-Branch of which they are a member.
- (c) A Member has been convicted of an Indictable Offence;
- (d) A member of any organisation whose aims are irreconcilable or diametrically opposed with the Aims and Objective of the RSL NSW;
- (e) A Member has falsely representing themselves to be a member of the Australian Defence Force;
- (f) A Member has been wearing a service medal, award, or decoration for which they are not authorised; or
- (g) A Member has been suspended or expelled as a National Member.

**SECTION A – CLAUSE 9 – DISCIPLINE AND PROCEDURES FOR THE STATE  
BRANCH TRIBUNAL**

**Composition of the State Branch Tribunal**

1. The State Branch Tribunal will consist of at least five Service Members or Life Members appointed by State Council. The State Branch Tribunal must appoint a chairman and deputy chairman from the members of the State Branch Tribunal.
2. The term of appointment of a member of the State Branch Tribunal will be determined by State Council.
3. The State Branch Tribunal may appoint a registrar to the State Branch Tribunal who will undertake administrative tasks to ensure compliance by the State Branch Tribunal with the Constitution for all disciplinary matters.
4. The quorum for the State Branch Tribunal will be three members or the State Branch Tribunal present in person, one of whom must be the chairman or deputy chairman.
5. A member of the State Branch Tribunal will be deemed to have vacated office if they:
  - (a) cease to be a Service Member or Life Member;
  - (b) become paid employee of RSL NSW;
  - (c) become of unsound mind or a person whose person or estate is liable to be dealt with under laws relating to mental health; or
  - (d) resign their office by notice in writing to RSL NSW.

**Procedures for referrals to the State Branch Tribunal**

6. The State Branch Tribunal may either be:
  - (a) directly referred a matter for review from a sub-Branch;
  - (b) directly referred a matter for review from State Council; or
  - (c) required to determine an appeal against a decision of a sub-Branch Committee or State Council.
7. If the State Branch Tribunal receives an appeal made in accordance with this By-Law, against a decision of a sub-Branch committee or State Council, the State Branch Tribunal must:
  - (a) if it has not already received the documentation required to be provided by the sub-Branch or State Council under By-Laws, request that the sub-Branch or State Council immediately provide such documentation; and

- (b) hear and finally determine the appeal as soon as possible in accordance with this By-Law.

### **Appeals from sub-Branch or State Council**

- 8. The review by the State Branch Tribunal of a decision of a sub-Branch Committee or State Council must be conducted in accordance with the provisions of this By-Law.
- 9. The State Branch Tribunal must make its decision on whether to uphold or dismiss the appeal based on all information:
  - (a) contained in the appeal;
  - (b) contained in the sub-Branch Committee or State Council documentation; and
  - (c) presented at the hearing.
- 10. All parties to hearing before the State Branch Tribunal will be responsible for the payment of their own costs of, and incidental to, the hearing, subject to any orders of the State Branch Tribunal. The State Branch Tribunal may make an order for one party to be responsible for some or all of the other party's costs.
- 11. The decision of State Branch Tribunal to uphold or dismiss the appeal will be final and binding on the parties to the appeal.

### **Procedures for the conduct of the State Branch Tribunal**

- 12. If in the reasonable opinion of the State Branch Tribunal, a Sub-Branch, Subsidiary or Member is found proven of any of misconduct as set out in the List of Breaches (a) to (g) above (each an incident of "**Misconduct**") State Branch Tribunal may, on behalf of RSL NSW and subject to the Constitution and this By-Law, resolve to take either administrative action or disciplinary action against the sub-Branch, Subsidiary or Member provided that, if in the reasonable opinion of the State Branch Tribunal, a sub-Branch, Subsidiary or Member is a member of an organisation whose aims are irreconcilable or diametrically opposed with the aims and objects of RSL NSW, the State Branch Tribunal will expel the sub-Branch, Subsidiary or Member from RSL NSW.
- 13. If following compliance with the Constitution and this By-Law, the State Branch Tribunal finds a sub-Branch, Subsidiary or Member found proven of any Misconduct, the State Branch Tribunal may resolve to discipline a sub-Branch, Subsidiary or Member by:
  - (a) if the State Branch Tribunal determines that the Misconduct is not serious or malicious in nature, taking the following administrative actions:
    - (i) caution (an official warning);
    - (ii) admonishment (reprove mildly, kindly but firmly);

- (iii) rebuke (criticise or reprove sharply);
- (iv) censure (express strong disapproval, criticise severely); or
- (v) reprimand (rebuke or censure severely).

against the sub-Branch, Subsidiary or Member. The administrative actions listed above will not interrupt the rights of the sub-Branch, Subsidiary or Member under the Constitution.

- (b) if the State Branch Tribunal determines that the Misconduct is serious or malicious in nature, by taking the following disciplinary actions:
  - (i) in relation to a Member, disallowing the Member from being eligible to hold office in an body or organisation governed by, or under the control and direction of RSL NSW for a given period;
  - (ii) in relation to a Member, disallowing the Member from being eligible to hold office in an body or organisation governed by, or under the control and direction of RSL NSW indefinitely;
  - (iii) in relation to a Member, suspending the Member for a period not exceeding six months;
  - (iv) in relation to a Member, expelling the Member;
  - (v) in relation to a sub-Branch or Subsidiary, terminating the sub-Branch or Subsidiary and revoking its Charter. In the case of a sub-Branch, all members of the sub-Branch will be transferred to the Unattached List of Members in accordance with the By-Laws; or
  - (vi) in relation to a sub-Branch or Subsidiary, removing the Officers of the sub-Branch or Subsidiary and disallowing the Officers from being eligible to hold office in an body or organisation governed by, or under the control and direction of RSL NSW for a given period; and
  - (vii) in relation to a sub-Branch or Subsidiary, removing the Officers of the sub-Branch or Subsidiary and disallowing the Officers from being eligible to hold office in an body or organisation governed by, or under the control and direction of RSL NSW indefinitely.

The disciplinary actions listed above will interrupt the rights of the sub-Branch, Subsidiary or Member under the Constitution and may suspend or terminate any rights of the sub-Branch, Subsidiary or Member under the Constitution.

14. A Member who is a member of the State Branch Tribunal will not be entitled to vote on:

- (a) any resolution regarding the possible reprimand, suspension or expulsion of that sub-Branch, Subsidiary or Member; or
- (b) any resolution regarding the referral of the conduct of that sub-Branch, Subsidiary or Member to the State Branch Tribunal,

and any purported vote on such resolutions will be null and void.

15. The State Branch Tribunal must, at least 28 days before the relevant State Branch Tribunal hearing, provide to each sub-Branch, Subsidiary or Member, the subject of the hearing, written notice of:
  - (a) the time, date and place of the hearing at which the State Branch Tribunal will hear and determine a sub-Branch, Subsidiary or Member's appeal against a decision of a sub-Branch Committee or State Council.
  - (b) the right of the sub-Branch, Subsidiary or Member to attend the hearing;
  - (c) the right of the sub-Branch, Subsidiary or Member to address the State Branch Tribunal;
  - (d) the right of the sub-Branch, Subsidiary or Member to provide written evidence to the State Branch Tribunal either at or in advance of the hearing; and
  - (e) the fact that neither the sub-Branch, Subsidiary or Member is permitted legal representation.
16. A sub-Branch, Subsidiary or Member must, at least 14 days before the relevant State Branch Tribunal hearing, notify the State Branch Tribunal that they wish to attend the hearing.
17. Subject to compliance with By-Law 4.15 above, the sub-Branch, Subsidiary or Member must be provided with a reasonable opportunity at the hearing to:
  - (a) address the State Branch Tribunal;
  - (b) provide written evidence to the State Branch Tribunal;
  - (c) respond to any evidence submitted, or facts alleged, against the sub-Branch, Subsidiary or Member; or
  - (d) request further and more specific / more detailed particulars of any fact alleged against the sub-Branch, Subsidiary or Member.
18. The State Branch Tribunal must meet any reasonable request made by a sub-Branch, Subsidiary or Member either before or at the time of the hearing, for further and more specific / more detailed particulars.

19. If a sub-Branch, Subsidiary or Member is required to provide specific reasons for non-attendance at a hearing of the State Branch Tribunal, which may be heard in their absence. In the event that the sub-Branch, Subsidiary or Member does not attend the hearing, they must be provided with the opportunity to forward any relevant written material to the State Branch Tribunal for review at the hearing.
20. The State Branch Tribunal must take all facts, information and evidence presented at the hearing, or received by it in advance of the hearing, into account when considering any proposed action against any sub-Branch, Subsidiary or Member.
21. The State Branch Tribunal must notify the National Secretary of any disciplinary action taken against a sub-Branch, Subsidiary or Member.
22. Any resolutions passed by the State Branch Tribunal in accordance with this By-Law must be recorded in the minutes of meeting. All written notices, submissions and other correspondence relevant to the meeting must be attached to and form part of the minutes and must be ratified by the chairman of the meeting as being a true and correct record of the meeting.
23. The State Branch Tribunal registrar must, within 14 days of the hearing, provide to the sub-Branch, Subsidiary or Member written notice of:
  - (a) the resolution of the State Branch Tribunal;
  - (b) the sub-Branch's, Subsidiary's or Member's right to appeal the State Branch Tribunal's decision (subject to By-Law 4.16); and
  - (c) the procedure the sub-Branch, Subsidiary or Member must follow if they wish to appeal the State Branch Tribunal's decision.

#### **Appeal from a decision of the State Branch Tribunal**

24. If the decision of the State Branch Tribunal was not as a result of an appeal by the sub-Branch, Subsidiary or Member of a prior decision, the sub-Branch, Subsidiary or Member may, within 28 days of receipt of the notice under this By-Law, appeal to the National Tribunal by notice in writing addressed to and lodged with the National Secretary with a copy lodged with the State Branch Tribunal.
25. A sub-Branch, Subsidiary or Member which has already appealed a prior decision of a sub-Branch Committee or State Council will have no right to appeal any decision of the State Branch Tribunal.
26. Any appeal provided under By-Law 4.24 must include:
  - (a) \$400.00 by way of cash, cheque or money order; and
  - (b) the sub-Branch, Subsidiary or Member's grounds for appeal and the facts upon which the sub-Branch, Subsidiary or Member purports to rely.

27. Upon receipt of an appeal, provided in accordance with this By-Law, the decision of the State Branch Tribunal will be stayed until the appeal is finally determined.
28. Upon receipt of an appeal, provided in accordance with this By-Law, the State Branch Tribunal must forward to the National Tribunal
  - (a) the appeal;
  - (b) the minutes of meeting of the State Branch Tribunal dealing with the sub-Branch, Subsidiary or Member;
  - (c) a copy of the notification provided under By-Law 4.23; and
  - (d) all other documentation relating to the sub-Branch, Subsidiary or Member.

## **GUIDELINES FOR STATE BRANCH TRIBUNAL**

### **Introduction**

29. These Guidelines [Regulations] are intended for the guidance of State Branch Tribunal.
30. The aim of these Guidelines is to provide guidance on how to implement the provisions of the Constitution so that the operations of the State Branch Tribunal:
  - (a) support the aims and objects of the RSL NSW;
  - (b) afford to parties appearing before them, natural justice and procedural fairness; and
  - (c) comply with the law.
31. The State Branch Tribunal operates within the provisions of the Constitution. Members must be aware of the relevant provisions of the Constitution as they will take precedence over any of these Guidelines at any time that any conflict arises.
32. The disciplinary procedures outlined for RSL NSW and its sub-Branches under the Constitution and By-Laws are premised on the fact that everyone is entitled to receive natural justice and procedural fairness as part of any disciplinary process. The steps involved in the disciplinary process of the RSL NSW are all components of an administrative procedure that must be adhered to in order to effectively carry out the necessary disciplinary functions of the RSL NSW and ultimately ensure that the RSL NSW is able to operate efficiently and fairly.

### **Natural Justice**

33. The principles of natural justice must be applied in administrative decision-making by committees that have been delegated power by the RSL NSW pursuant to the Constitution, where the decision may have an effect on a person's rights or interests.

The three principles to be considered when dealing with a disciplinary matter are as follows:

- (a) The right of a member to a fair meeting by being heard and given the opportunity to present his/her case either in person, on the basis of documents alone or a combination of a meeting in person and presentation of documents. A fair meeting requires that a party be given sufficient particulars to know the case that needs to be met and the opportunity to meet it.
- (b) The right to have a decision made by an unbiased decision maker. Bias may be actual or apparent. If actual bias is alleged, then evidence is required to show that the decision maker is incapable of considering the matter fairly. Allegations of apparent bias are tested on the basis of whether a reasonable and informed bystander would suspect that the decision maker is not impartial. When the decision maker is a committee, a member who may not be considered impartial shall step aside and absent themselves from any decision making.
- (c) The right to have the decision based on evidence which is relevant.

### **Procedural Fairness**

34. The parties to any matter being investigated or assessed by the State Branch Tribunal have the right to procedural fairness. The following is a guide as to the rights which parties are entitled in the disciplinary process.
- (a) The parties should be given 28 days notice, in writing, of the time, date and place of a meeting.
  - (b) The parties should receive all relevant material in conjunction to the matter.
  - (c) The parties should be able to make a statement in regards to any claims made against them, if they wish, to the State Branch Tribunal.
  - (d) The parties are entitled to be present for the whole duration of any hearing but are not entitled to be legally represented.
  - (e) The parties present at any hearing may take notes or electronically record the hearing.
  - (f) Any aggrieved party has the right to address the State Branch Tribunal.
  - (g) If it is intended that the State Branch Tribunal issue a penalty, any aggrieved party has the right to address the State Branch Tribunal in regards to the particular sanctions which may be imposed.
  - (h) The parties may request an adjournment for any reasonable reason. Any request for adjournment will be reasonably considered by the State Branch Tribunal.



- (i) A matter can be determined in the absence of the parties, provided that proper notice has been given to each party.

### **Approach to State Branch Tribunal Meetings**

- 35. The State Branch Tribunal should ensure that it has a clear and common understanding of the matters to be considered at the meeting, the information required, and how the meeting should be convened in order to achieve the proper outcome.
- 36. The following information should be obtained from the relevant sub-Branch or State Branch that has referred the matter to the State Branch Tribunal before proceeding with the meeting:
  - (a) specific identification of the alleged offence; and
  - (b) particulars of the alleged offence.
- 37. It is important that the State Branch Tribunal is thoroughly prepared for each meeting and that meetings are conducted in a manner that reassures parties that all relevant information put before the State Branch Tribunal will be considered.
- 38. The State Branch Tribunal should make it clear from the outset of the meeting that it will reach a decision based solely on what is presented at the meeting and that there will be no opportunity to provide supplementary submissions once the meeting is concluded.
- 39. The State Branch Tribunal must remain objective and must not be seen as favouring any party in the meeting or its approach to the meeting.

### **Conduct of State Branch Tribunal Meetings**

- 40. The State Branch Tribunal should be conducted in a reasonably informal manner. However, it must also be administered within the bounds of courtesy and orderly management. Evidence is not given on oath or affirmation and the strict rules of evidence do not apply. Nonetheless, abusive, scandalous or clearly irrelevant material should not be permitted. The application of patience, respect and common sense by all parties is essential in conducting a hearing as emotions can sometimes run high with parties being discourteous to each other and disrupting proceedings.
- 41. It is essential that the chairman, despite the informality of the meeting, control and maintain decorum, allowing all parties the opportunity to state their case. One way to do this is to allow the parties to speak as often as they like while insisting that they speak only when permission is given. It is possible that a disorderly meeting, especially in a disciplinary matter, is less likely to reach a proper finding and may result in an appeal at a later stage.

42. The chairman should open the meeting by identifying all those present and their interest in the matter. The chairman should outline the nature of the matters before the Tribunal and how the meeting will be conducted, covering such matters as:
- (a) the purpose of the meeting;
  - (b) the informal nature of the meeting albeit with the need to maintain decorum and the role of the chairman in doing so;
  - (c) the State Branch Tribunal's obligation to base its finding on the information presented;
  - (d) an explanation as to whether the decision of the State Branch Tribunal will be advised as soon as possible after the meeting with written confirmation to follow, or whether the decision will be reserved with the relevant parties to be notified of the outcome in writing;
  - (e) the procedure for handling questions from State Branch Tribunal members; and
  - (f) that the meeting will be recorded but not necessarily transcribed and permission is given to all parties to do likewise.
43. The State Branch Tribunal should confine itself to understanding the submissions by both parties and ask only questions which clarify fact or circumstance.
44. For any charge to be proved, the evidence should support every particular of the alleged offence, that is, that the alleged offence occurred and that the offence warrants a charge under the relevant provisions of the Constitution or By-Laws. The State Branch Tribunal must exercise its judgement in deciding whether the evidence presented is sufficient to prove a charge.
45. In making its decision, the State Branch Tribunal should review all the information submitted to it and relate it specifically to the individual elements of the matter at hand. Although it is preferable that the decision of the State Branch Tribunal is handed down immediately following the meeting, it may be necessary to consider the evidence and discuss the matter further before the State Branch Tribunal can reach a final decision. Therefore, in closing the meeting, the chairman should either promulgate the decision made by the State Branch Tribunal or explain the steps to be taken by the State Branch Tribunal in notifying parties of the final determination.

### **Penalties**

46. Decisions of State Council, State Executive and State Branch Tribunal may result in penalties being imposed for proven breaches of the Constitution.
47. The Constitutional penalties imposed by these bodies may be categorised into two types of actions; administrative and disciplinary actions.

- (a) Administrative actions are those penalties that are imposed on a Member or a sub-Branch or Subsidiary found proven of an offence and are used to record that action without interrupting the rights of the Member, sub-Branch or Subsidiary. A resolution to improve conduct or warning may also be given with respect to an administrative action. The following are types of administrative actions that may be taken by the State Branch Tribunal:
- \* caution (an official warning);
  - \* admonishment (reprove mildly, kindly but firmly);
  - \* rebuke (criticise or reprove sharply);
  - \* censure (express strong disapproval, criticise severely); or
  - \* reprimand (rebuke or censure severely).
- (b) Disciplinary actions are those penalties that are imposed on a Member, sub-Branch or Subsidiary, found guilty of an offence and are used to punish that guilt by wilfully interrupting the rights of the Member, sub-Branch or Subsidiary. The following are types of disciplinary actions that may be taken by the State Branch Tribunal:
- \* Inability to hold office in a sub-Branch or Subsidiary for a given period;
  - \* Inability to hold office in a sub-Branch or Subsidiary indefinitely;
  - \* Inability to hold office within the League for a given period;
  - \* Inability to hold office within the League indefinitely;
  - \* Suspension;
  - \* Loss of Life Membership of the League or Subsidiary;
  - \* Transfer to the Miscellaneous List of Members;
  - \* Expulsion from a Subsidiary; or
  - \* Expulsion from the League.

**SECTION B – Clause 10 -**

**DISCIPLINARY POWERS OF STATE COUNCIL**

**SUB-CLAUSE 10.2 AND 10.6**

48. State Council may discipline a sub-Branch or Subsidiary in accordance with the Constitution and these By-Laws.
49. If State Council reasonably believes that a sub-Branch or Subsidiary is guilty of Misconduct, State Council must provide written notice to the sub-Branch or Subsidiary, with a copy provided to the National Secretary, stating:
- (a) the Misconduct which RSL NSW believes the sub-Branch or Subsidiary is guilty of; and
  - (b) the period of time which the sub-Branch or Subsidiary has to remedy the Misconduct.

50. If a sub-Branch or Subsidiary fails to comply with the notice, State Council may resolve by special resolution of the State Councillors present and voting at the meeting, to:
- (a) take administrative action against the sub-Branch or Subsidiary in accordance with this By-Law;
  - (b) terminate the sub-Branch or Subsidiary and revoke its Charter and, in the case of a sub-Branch, all Members of the sub-Branch will be transferred to the Unattached List of Members in accordance with the By-Laws;
  - (c) removing the Officers of the sub-Branch or Subsidiary and disallowing the Officers from being eligible to hold office in any body or organisation governed by, or under the control and direction of RSL NSW for a given period; or
  - (d) removing the Officers of the sub-Branch or Subsidiary and disallowing the Officers from being eligible to hold office in any body or organisation governed by, or under the control and direction of RSL NSW indefinitely.
51. Immediately upon State Council passing a resolution under (c) and (d) of By-Law 4.50 above:
- (a) all sub-Branch Officers or Subsidiary Officers will be deemed to have vacated office and, if the sub-Branch or Subsidiary is to retain its Charter and continue in existence, an appointed representative of State Council, will take control of the management of the sub-Branch or Subsidiary and may exercise all the powers of its Officers until new sub-Branch Officers are elected in accordance with this Constitution;
  - (b) the State Secretary must provide written notice to the Secretary of the affected sub-Branch or Subsidiary, requiring them to deliver to the State Secretary all accounts, books, statutory registers, records or other documents of the sub-Branch or Subsidiary, which the sub-Branch or Subsidiary is required to keep under this Constitution or at law, within 14 days of the notice.
52. State Council must, within 7 days of passing the resolution under By-Law 4.50, provide to the sub-Branch formal written notice of State Council's decision together with the minutes of the meeting. A copy of the formal written notice provided under this clause must be forwarded to the National Secretary.
53. A sub-Branch or Subsidiary may, within 28 days of receipt of the notice under By-Law 4.52, appeal to the State Branch Tribunal by notice in writing addressed to the State Secretary and lodged with State Council.
54. Any appeal provided under By-Law 4.53 must comply with the By-Laws applying to an appeal by a Member of a decision of sub-Branch (with the necessary changes to that By-Law).

55. Subject to By-Law 4.56 below, upon receipt of an appeal, provided in accordance with this By-Law, State Council may take no further action in enforcing its decision and State Council must forward to the State Branch Tribunal:
- (a) the appeal;
  - (b) the minutes of meeting of State Council dealing with the sub-Branch or Subsidiary;
  - (c) a copy of the notification provided under By-Law 4.52; and
  - (d) all other documentation relating to the sub-Branch or Subsidiary.
56. If the representative of State Council has taken control of the affairs of a sub-Branch or Subsidiary in accordance with this clause, the appointed representative of State Council will remain in control of the affairs of the sub-Branch or Subsidiary whilst any appeal is being conducted by the sub-Branch or Subsidiary until the appeal has been finally determined.
57. If the sub-Branch or Subsidiary has not appealed the decision of State Council within 28 days of the notice under By-Law 4.52, and it is to retain its Charter and continue in existence, the appointed representative of State Council managing the affairs of the sub-Branch or Subsidiary must convene a general meeting of all members of the sub-Branch or Subsidiary for the purpose of electing new Sub-Branch Officers or Subsidiary Officers. A person who immediately held office prior to the disciplinary action being taken by State Council will not be eligible to be re-elected to office.

**SECTION C – Clause 11 -**

**DISCIPLINARY POWERS OF SUB-BRANCH**

**SUB CLAUSE 11.1 AND 11.2**

58. A sub-Branch Committee may discipline a member of the sub-Branch in accordance with the Constitution and these By-Laws.
59. The sub-Branch Committee must, at least 28 days before the relevant sub-Branch Committee meeting at which the alleged Misconduct of a Member will be determined, provide to the Member, the subject of the meeting, written notice of:
- (a) the time, date and place of the meeting at which the sub-Branch Committee may pass a resolution to discipline, reprimand or suspend the Member;
  - (b) particulars of the alleged conduct of the Member;
  - (c) the right of the Member to personally attend the meeting and to address, and provide evidence to, the sub-Branch Committee;
  - (d) the right of the Member to provide written evidence to the sub-Branch Committee either at or in advance of the sub-Branch Committee meeting; and

- (e) the fact that neither the sub-Branch or the Member is permitted legal representation.
60. A Member who is the subject of a disciplinary hearing must be given reasonable opportunity, both prior to and at the meeting:
- (a) to request, and be provided with, further information in relation to any of the particulars of their alleged conduct;
  - (b) to address, and provide evidence to, the sub-Branch Committee; and
  - (c) to respond to any evidence submitted, or facts alleged, against the Member.
61. A majority of the members of a sub-Branch Committee, acting in accordance with the Constitution and these By-Laws finds a Member guilty of Misconduct as set out in By Law 4, it may:
- (a) take administrative action against the Member in accordance with By-Law 4; or
  - (b) suspend the Member's membership of RSL NSW for a period not exceeding 3 months; or
  - (c) refer the matter to the State Branch Tribunal; or
  - (d) refer the matter to the State Branch Tribunal and recommend to the State Branch Tribunal that the Member be expelled from RSL NSW.
62. Any resolutions passed in accordance with By-Law 4.60 above must be recorded in the minutes of meeting. All written notices, submissions and other correspondence relevant to the meeting must be attached to and form part of the minutes and must be ratified by the chairman of the meeting as being a true and correct record of the meeting.
63. The sub-Branch Secretary must, within 14 days of the sub-Branch Committee meeting, provide the Member with written notice of:
- (a) the resolution of the sub-Branch Committee;
  - (b) the Member's right to appeal the sub-Branch Committee's decision; and
  - (c) the procedure the Member must follow if they wish to appeal the sub-Branch Committee's decision.
64. If the sub-Branch Committee resolves to suspend a Member's membership of the sub-Branch, the sub-Branch Secretary must, within 7 days of the sub-Branch Committee meeting, provide the State Secretary written notice of the sub-Branch Committee's decision, together with the minutes of the meeting.

65. A Member may, within 28 days of receipt of the notice under By-Law 4.63, appeal to the State Branch Tribunal by notice in writing addressed to the State Secretary and lodged with the sub-Branch Committee.
66. Any appeal provided under By-Law 4.64 must include:
  - (a) \$200.00 by way of cash, cheque or money order;
  - (b) the Member's grounds for appeal and the facts upon which the Member purports to rely.
67. Upon receipt of an appeal, provided in accordance with this By-Law, the decision of the sub-Branch Committee will be stayed until the appeal is finally determined.
68. Upon receipt of an appeal, provided in accordance with this By-Law, the sub-Branch must forward to the State Branch Tribunal
  - (a) the appeal;
  - (b) the minutes of meeting of the sub-Branch Committee dealing with the Member;
  - (c) a copy of the notification provided under By-Law 4.64; and
  - (d) all other documentation relating to the Member.
69. The suspension of a Member in accordance with this By-Law will not otherwise affect the obligations of that Member under the Constitution.

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**By-Law No.5**

**AMENDMENTS TO THE CONSTITUTION**

**CLAUSE 14**

1. The Constitution, including all By-Laws, Regulations and Standing Policies may only be amended in accordance with the Constitution and these By-Laws.
2. A motion submitted by a sub-Branch or Subsidiary relating to a proposed new By-Law or Regulation or an Amendment to an existing By-Law or Regulation to State Council, which is in accordance with the Constitution, may be approved or rejected by State Council for any reason.
3. Any motion submitted by a sub-Branch or Subsidiary relating to a proposed new By-Law or Regulation or an Amendment to an existing By-Law or Regulation which has been rejected by State Council may be submitted to State Congress, in accordance with the Constitution and these By-Laws, for review and consideration.

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**By-Law No. 6**

**NOMINATIONS AND ELECTION OF STATE COUNCIL**

**SUB-CLAUSE 15.3 AND 15.5**

1. The State Secretary will be Returning Officer at each Congressional Election and the filling of casual vacancies as they arise (**Returning Officer**).

**Nominations for State Council**

2. Nominations from sub-Branches will be invited by Returning Officer by circular letter at least 12 weeks prior to the Congressional Election.
3. A candidate must be a Service Member or Life Member.
4. Subject to this Constitution, all retiring persons on the State Council will be eligible for re-election.
5. Nomination forms will be signed by:
  - (a) the sub-Branch President and the sub-Branch Secretary of the nominating sub-Branch; or
  - (b) any persons on the sub-Branch Executive in event of sickness or absence.
6. A candidate will signify acceptance of nomination either on signing the form or signing a separate letter.
7. Supporting details of each candidate will include:
  - (a) full name;
  - (b) sub-Branch;
  - (c) age;
  - (d) occupation;
  - (e) residential address;
  - (f) business skills;
  - (g) director training and appointments;
  - (h) war service;
  - (i) RSL NSW service and offices held; and

- (j) general information will not exceed fifty words considered relevant to candidate.
8. A nomination may be made by:
- (a) any sub-Branch for the position of State President and State Treasurer;
  - (b) any sub-Branch in the Metropolitan District for the positions of Metropolitan State Councillors;
  - (c) any sub-Branch in the Northern New South Wales District for the position of Northern New Southern Wales State Councillors; and
  - (d) any sub-Branch in the Southern New South Wales District for the position of Southern New South Wales State Councillors.
9. A person nominated for the office of State Treasurer must provide evidence of:
- (a) being a member of the Institute of Chartered Accountants in Australia, CPA Australia or the Institute of Public Accountants or by whatever name these organisations adopt in the future;
  - (b) holding a Bachelor of Accounting or Certificate in Accounting which would entitle him or her to be eligible to belong to one of the organisations referred to in sub-paragraph (a) above;
  - (c) hold a Bachelor of Economics; or
  - (d) hold a degree or diploma or have held a management position in these disciplines.
10. Each candidate may, for each office sought:
- (a) present their case for election in 1 A4 size page to be distributed with the voting material;
  - (b) make available in electronic form the information in (a) above, and/or distribute it to relevant sub-Branches; and
  - (c) visit and address District Councils and sub-Branches, at the candidate's own expense, on invitation by resolution of those respective bodies;
- after the date of calling for nominations.
11. The closing date for lodgement of nominations fixed by State Council will be at least six weeks prior to the Congressional Election.

12. In the event of:
- (a) a candidate dying or withdrawing from after the closing date for nominations and before the returning officer declares the result of the ballot; or
  - (b) no nomination being received for the office;

State Council will call for further nominations and will determine the dates and conditions of the conduct of any necessary ballot.

13. In the event that a ballot is not required for the election of State Councillors of a District, a ballot will be held to elect a Vice President of that District.

### **Voting for State Council**

14. Prior to sending the ballot papers to the sub-Branches, the ballot box's access door will be locked and sealed by the Returning Officer.
15. At least eight weeks prior to the Congressional Election, the Returning Officer will send to each sub-Branch the ballot papers and the covering envelopes for each of the positions for which the sub-Branch may vote.
16. Ballot papers will bear the following information:
- (a) the name of sub-Branch;
  - (b) the title "*Ballot Paper*";
  - (c) followed by "*Election of (office) for (year)*";
  - (d) a list of candidates whose nominations comply with this Constitution, in the order determined by a draw conducted by the Returning Officer;
  - (e) a square provided opposite name of each candidate; and
  - (f) a footnote stating that "*This Ballot Paper is to be completed in accordance with directions of sub-Branch at duly convened General Meeting or Special Meeting*".
17. No distinguishing rank or mark is to be displayed against a candidate's name.
18. On receiving the ballot papers, the sub-Branch Secretary will call a general meeting or a special meeting of the sub-Branch. At this meeting the sub-Branch will decide the candidate's order and record the decision on the ballot papers.
19. The order of voting is preferential. Numbers indicating the order of preference will be placed in square provided opposite the name of each candidate.
20. Any ballot paper not showing a complete list of preferences will be declared invalid.

21. The sub-Branch Secretary will:
  - (a) place the completed ballot papers in the envelope marked "*Ballot Papers*" which will not be marked;
  - (b) seal the envelope and place it into the numbered envelope pre-addressed to "*Returning Officer, State Council Elections, C/- State Secretary, RSL NSW*" at State Offices;
  - (c) insert name of sub-Branch; and
  - (d) seal the envelope and forward it to the Returning Officer.
22. The Returning Officer:
  - (a) can issue replacement ballot papers when the ballot paper is spoilt or lost;
  - (b) will issue replacement ballot papers on the return of the spoilt ballot paper or being provided with a Statutory Declaration giving details of the loss of the ballot paper; and
  - (c) will retain and provide for inspection by scrutineers any spoilt ballot paper and/or Statutory Declarations.
23. On receipt of sealed ballot papers the Returning Officer's accredited representative will acknowledge the date of receipt and send confirmation to the to sub-Branch.
24. The ballot papers will be placed unopened in the ballot box.
25. The ballot will close at noon on the Thursday before the opening of the Annual State Congress.
26. At the closing of the ballot not less than two Returning Officer's accredited representatives will witness the sealing of the ballot box and will endorse the seal with their signatures.

### **Congressional Election**

27. The Annual State Congress at which a Congressional Election is held, will on the opening day, proceed to:
  - (a) appoint Assistant Returning Officers; and
  - (b) appoint scrutineers;following which the ballot will be counted.

28. The following process will be used to count the ballots:
- (a) the Returning Officer providing for the scrutineers' inspection:
    - (i) the printer's certificate of the number of ballot papers supplied;
    - (ii) the remaining unused ballot papers; and
    - (iii) a statement of the number of ballot papers issued in each ballot;
  - (b) breaking the seals and unlocking the ballot box;
  - (b) counting envelopes and checking with tally;
  - (c) removing outer envelopes and contents counted and recorded;
  - (d) removing the ballot papers, sorting, counting and recording on tally sheet;
  - (e) where the counting is not completed in one session:
    - (i) the ballot papers will be returned to ballot box and ballot box sealed and signed by the Returning Officer, his assistants and scrutineers;
    - (ii) the key will be placed in a sealed envelope and signed by the Returning Officer, his assistants and scrutineers; and
    - (iii) on resuming the count, the seals will be examined before breaking by the signatories;
  - (f) on completing the count, the Returning Officer and scrutineers will sign the tally sheet; and
  - (g) the Returning Officer will proceed to Congress and declare result of the ballot.
29. If 2 or more candidates record the same number of votes the position will be determined by drawing one of the names from a hat.
30. If a candidate is elected to more than one position on State Council, the candidate will declare the position they will hold. The vacant position will be filled by nominations from sub-Branches concerned.
31. The State Councillor with the highest number of votes for the:
- (a) Metropolitan District;
  - (b) Northern New South Wales District; and
  - (c) Southern New South Wales District;
- will be appointed as the Vice President for that District.

32. If a State Councillor declines the position of Vice President or resigns, the State Councillor with the next highest number of votes in the District will be appointed as the Vice President.
33. A person will not be eligible to hold office of State Council unless they are a Service Member or a Life Member.
34. The newly elected State Council will take office following the rising of the Annual State Congress.
35. The Returning Officer will destroy all ballot papers at the expiration of 28 days following the declaration of the result of the ballot.

### **State Council Vacancy**

36. When a member of State Council resigns and nominations for a Congressional Election have not been invited by the Returning Officer, a casual vacancy occurs and will be filled upon the rising of the next State Congress. Upon receipt of a resignation the State Secretary will notify State Executive of the resignation at their next meeting and notify sub-Branches within 7 days of that meeting.
37. When a member of State Council resigns and nominations for a Congressional Election have been invited by the Returning Officer, a casual vacancy occurs and State Council will fill the vacancy until the Congressional Election.
38. The sub-Branches will have 42 days to submit nominations.
39. If no nominations are received from sub-Branches within 42 days, State Council will fill the casual vacancy.
40. If there is only one (1) nomination that person will fill the vacancy.
41. If there are 2 or more nominations and the vacancy occurs 90 days or more prior to a Congressional Election, the ballot will be conducted by postal ballot pursuant items 14 to 26 of this By-Law
42. In the event all members of State Council resign, any casual vacancy will be deemed to be a permanent vacancy and a Congressional Election for all positions must be conducted.



**By-Law No. 7**

**ELECTION BY POSTAL BALLOT**

**CLAUSE 15.3, 30.1 & 30.2**

1. An election by postal ballot for the following positions:
  - (a) the sub-Branch Executive and/or sub-Branch Committee; or
  - (b) election of a State President, State Treasurer or State Councillor due to a casual vacancy.
2. The ballot papers will contain the following information:
  - (a) the name of the sub-Branch;
  - (b) the title "Ballot Paper";
  - (c) the position to be elected and date;
  - (d) a list of the candidates in the order determined by a draw conducted by the Returning Officer;
  - (e) a square provided opposite the name of each candidate; and
  - (f) directions as to how to record the vote.
3. The returning officer shall dispatch to each eligible voter:
  - (a) a ballot paper for the position to be elected;
  - (b) an envelope marked "Ballot Papers"; and
  - (c) an envelope marked "Returning Officer" C/- the address.
4. For each position to be elected the voter is to receive a separate ballot paper and envelopes listed above.
5. The order of voting is preferential. Numbers indicating the order of preference will be placed in square provided opposite the name of each candidate.
6. Any ballot paper not showing a complete list of preferences will be declared invalid.
7. The voter will:
  - (a) place the completed ballot papers in the envelope marked "Ballot Papers" which will not be marked;

- (b) seal the envelope and place it into the numbered envelope pre-addressed to "Returning Officer" C/- and addressed;
  - (c) insert particulars to identify the voter; and
  - (d) seal the envelope and forward it to the Returning Officer.
8. The Returning Officer will:
- (a) remove outer envelopes and the contents counted and recorded;
  - (b) remove the ballot papers, sort, count and record on tally sheet;
  - (c) where a person is candidate for more than one position and has been elected to another office, their votes for other positions will be allocated according to the next available preference marked;
  - (d) on completion of the count, the returning officer will sign the tally sheet; and
  - (e) will provide report to State Executive or Sub-Branch Executive as required.

**By-Law No. 8**

**AUTHORITY, POWERS AND DUTIES OF STATE COUNCIL**

**CLAUSE 16**

**Duties of a person appointed to State Council**

1. A person appointed to State Council will:
  - (a) attend meetings of State Council and/or State Executive as required unless leave of absence approved or unable to attend due to sickness;
  - (b) criticise, disagree, express his views in keeping with the recognised principles of debate at State Council or State Executive Meetings. On a resolution being determined all persons on State Council or State Executive will abide by the decision;
  - (c) undertake diligent analysis of all proposals placed before State Council;
  - (d) serve on such Committees of the RSL NSW to which he is appointed;
  - (e) in their duties as a member of State Council and/or State Executive have no individual authority to participate in the day-to-day management of RSL NSW. They will be entitled to obtain certain resources and information from RSL NSW, including direct access to employees and advisers to the entity, as considered appropriate;
  - (f) not make any representations or agreements with member companies, suppliers, customers, employers, employees or other parties or entities unless such an authority is explicitly delegated by State Council through a resolution either individually or as a member of a State Council committee;
  - (g) will review RSL NSW's 5 year Corporate Plan annually and prepare and scrutinise annual budgets and performance indicators including financial strength, membership levels, property management and senior employee remuneration;
  - (h) will maintain adequate employed personnel at State Branch and personal training to ensure their ability to meet all compliance issues;
  - (i) make reasonable inquiries to ensure that RSL NSW is operating efficiently, effectively and legally in achieving the Aims and Objects of the Constitution;
  - (j) not allow personal interests or the interest of any associated person to conflict with the interests of RSL NSW;
  - (k) ensure that collectively, the members of State Council have the appropriate level of skills and expertise required to fulfil its responsibilities;

- (l) ensure that State Council review delegated authority to RSL NSW employees at each State Council meeting and receive reports of actions taken under delegated authority through the State Secretary;
- (m) review the most effective structure of State Council and recommend any necessary changes to every Annual State Congress;
- (n) endeavour at all times to assist in the escalation of Members' concerns, raised through sub-Branches to the appropriate level. Local and state issues may be dealt with directly with local and state authorities, whilst national issues should be referred to RSL National;
- (o) have a sound knowledge of the Constitution and Rules of Procedure and Debate and be conversant with the Regulations;
- (p) be prepared to represent the State President or RSL NSW at official functions as requested from time to time;
- (q) When representing State Branch on authorised RSL NSW business, proceed by the most economical method of transport;
- (r) Recognise and bring to notice of State President/State Secretary any problems, irregularities or contravention of the Constitution; and
- (s) ensure that State Council keep, and record in the minutes of meeting of State Council, written records of all:
  - (i) appointments of State Councillors;
  - (ii) names of the State Councillors present at each meeting of RSL NSW and State Council; and
  - (iii) meetings of State Congress, State Council, State Executive and any other Committee meetings. The minutes of meeting must be signed by the Chairman of the meeting as a correct record of the meeting.

**RSL NSW Common Seal**

2. The RSL NSW will have a Common Seal in accordance with Act.
3. State Council must keep the common seal of RSL.
4. State Council can change or alter the common seal of RSL NSW.
5. The common seal shall be kept in the custody of the State Secretary and shall not be affixed to any instrument except on resolution of State Council.
6. Any instrument executed in pursuance of any such resolution shall be attested by the signature of any two members of the State Council.

- 7. All courts, judges and persons acting judicially shall take judicial notice of the common seal of the corporation affixed to any deed or instrument and shall, where the instrument purports to have been executive in accordance with the Constitution, presume that such seal was properly affixed thereto.
- 8. The State Secretary and in his absence the Assistant State Secretary, shall be authorised to attest any instrument executed pursuant to paragraph 6.
- 9. Attestation attached to any instrument shall be:-

Dated at Sydney this ..... day of .....20.....

The Common Seal of The Returned and) .....  
 Services League of Australia ) Councillor  
 (New South Wales Branch) was )  
 hereunto affixed by authority )  
 of State Council and given in ) .....  
 the presence: ) Councillor

.....  
State Secretary

- 10. Once document has been attested by signature of two Councillors the Common Seal of the League shall be affixed over signature of two Councillors and then State Secretary or in his absence Assistant State Secretary, shall attest instrument.

**RSL NSW Auditor**

- 11. At first meeting of State Council for each financial year, State Council must elect one or more duly qualified auditors for the financial year at a remuneration determined by State Council. Subject to this Constitution, a person who was appointed as an auditor in a previous financial year will be eligible for re-election.
- 12. The auditor(s) of RSL NSW must have access at all times to all records, accounts, receipts and vouchers of RSL NSW and must submit to each quarterly meeting of Council a statement verifying the accuracy of all records, accounts, receipts and vouchers of RSL NSW or noting errors contained in these documents.
- 13. The auditor(s) of RSL NSW must prepare a written statement of the financial position of RSL NSW to be included in the annual report of RSL NSW.
- 14. No paid or honorary Officer or employee of RSL NSW may be appointed as an auditor of RSL NSW.

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15. Any casual vacancy in the role of auditor of RSL NSW must be filled by State Council at the next meeting of State Council.

**By-Law No. 9**

**ACCOUNTS**

**CLAUSE 19. 27 AND 35**

**RSL NSW ACCOUNTS**

1. RSL NSW must maintain records and accounts of all:
  - (a) money received and expended by RSL NSW;
  - (b) transactions affecting any property of RSL NSW; and
  - (c) assets and liabilities of RSL NSW including all mortgages, charges or any other form of security interest affecting any property of RSL NSW.
2. All records and accounts of RSL NSW must be kept at the State Office or subject to the law, at such other place as the Board thinks fit, and must be open for inspection by:
  - (a) Directors; and
  - (b) other Members who have received prior written consent of the Board,  
  
between the hours of 9.00 a.m. and 5.00 p.m. on normal business days.
3. All money received by RSL NSW must, as soon as possible upon receipt, be deposited into a bank appointed and operated by RSL NSW.
4. The Chief Financial Officer of RSL NSW is responsible for maintaining the records and accounts of RSL NSW on behalf of the Board and must prepare and present reports for the Finance Committee.
5. The State Treasurer is responsible for presenting a Finance Committee report to each meeting of the Board which includes the Chief Financial Officer's report.
6. All payments by RSL NSW must follow internal governing policies and procedures.

7. The Audited Financial Statements for the preceding financial year must be made available on the RSL NSW website not less than 28 days prior to the Annual State Congress.
8. RSL NSW must circulate to all sub-Branches four (4) weeks prior to the Annual State Congress, the Annual Report of the operations of RSL NSW, including the Financial Statements in graphical format. This report must be tabled at State Congress.
9. The financial year of RSL NSW is 1 July to 30 June.

### **DISTRICT COUNCIL ACCOUNTS**

10. Each District Council must maintain accounts of all:
  - (a) money received and expended by the District Council;
  - (b) transactions affecting any property of the District Council; and
  - (c) assets and liabilities of the District Council including all mortgages, charges or any other form of security interest affecting any property of the District Council.
11. The accounts of a District Council must be kept and maintained by the District Council Treasurer or District Council Secretary, as the case may be. The District Council Treasurer must allow a Member, who is a member of a sub-Branch in that District to inspect the accounts of the District Council where the Member has received prior consent from the District Council.
12. Subject to the Constitution, all money received by the District Council must be paid directly into the bank account of the District Council.
13. The District Council Treasurer (or District Council Secretary if a separate District Council Treasurer has not been appointed) is responsible for maintaining the records and accounts of the District Council must prepare and table at each meeting of the District Council reports of all money received and expended by the District Council.
14. All payments by the District Council must be made by one of the following methods:
  - (a) Cheque signed by at least two members of the District Council Executive;
  - (b) Electronic Funds Transfer (EFT) authorised by two members of the District Council Executive;



- (c) Direct Debit authorised by two members of the District Council Executive;
  - (d) Debit/Credit card signed by the member and authorised by at least two members of the District Council Executive;
  - (e) If the amount is under \$200 payment may be by petty cash authorised by at least two members of the District Council Executive.
15. The financial year for a District Council is 1 January to 31 December of a calendar year.

### **SUB-BRANCH ACCOUNTS**

16. Each sub-Branch must maintain accounts of all:
- (a) money received and expended by the sub-Branch;
  - (b) transactions affecting any property of the sub-Branch; and
  - (c) assets and liabilities of the sub-Branch including all mortgages, charges or any other form of security interest affecting any property of the sub-Branch.
17. The accounts of the sub-Branch must be kept and maintained by the sub-Branch Treasurer or sub-Branch Secretary, as the case may be. The sub-Branch Treasurer must allow a Member, who is a member of that sub-Branch to inspect the accounts of the sub-Branch where the Member has received prior consent from the sub-Branch Committee.
18. The sub-Branch Treasurer (or sub-Branch Secretary if a separate sub-Branch Treasurer has not been appointed) is responsible for maintaining the records and accounts of the sub-Branch must prepare and table at each meeting of the sub-Branch, reports of all money received and expended by sub-Branch.
19. All payments by the sub-Branch must be made by one of the following methods:
- (a) Cheque signed by at least two members of the sub-Branch Executive or two duly nominated members of the sub-Branch;
  - (b) Electronic Funds Transfer (EFT) authorised by two members of the sub-Branch Executive;
  - (c) Direct Debit authorised by two members of the sub-Branch Executive;
  - (d) Debit/Credit card signed by the member and authorised by at least two members of the sub-Branch Executive;
  - (e) If the amount is under \$200 payment may be by petty cash authorised by at least two members of the sub-Branch Executive.
20. The financial year for Sub-Branch is 1 January to 31 December of a calendar year

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**By-Law No. 10**

**MEETINGS**

**CLAUSE 21.2, 24.1, 31.3 AND 39**

**Conduct of Meetings Generally**

1. All meetings of any body under the control of, or governed by RSL NSW or this Constitution (“**RSL NSW Body**”) must be conducted in accordance with this By-Law unless otherwise provided in the Constitution.
2. The Standing Orders for the meeting of any RSL NSW Body, other than State Congress, will be the Standing Orders of a sub-Branch as set out in this By-Law, subject to any variations set out in the Constitution or otherwise deemed necessary.
3. Any notice served by a RSL NSW Body must by either be hand delivered or sent by pre-paid post if the notice is to:
  - (a) a RSL NSW Body, to the Secretary of that RSL NSW Body;
  - (b) any other body, to the registered address of that body; or
  - (c) a person, to their last known address.

**Motions Generally**

4. Subject to By-Law 10.6 below, any Member or RSL NSW Body who wishes to raise a motion at any meeting of an RSL NSW Body must submit a motion to the Secretary of that RSL NSW Body at least 7 days prior to the date of the meeting, in accordance with this By-Law, unless otherwise provided in the Constitution.
5. No matter or issue may be heard, discussed or determined by any RSL NSW body, without a motion having been received in respect to that matter or issue in accordance with By-Law 10.4 above, excluding discussion on a report or finding of State Council, State Executive, a Board of Enquiry, Subsidiary or a sub-Branch (“**Report**”) or a charge in writing against any Member or Subsidiary (“**Charge**”).
6. A motion arising out of a Report or Charge or any other motion provided the motion is not in relation to a proposed:
  - (a) amendment of the Constitution;
  - (b) disciplining of any sub-Branch, Subsidiary, Officer or Member;
  - (c) change to a policy of RSL NSW on any vital particular issue,the motion may be moved without prior notice being provided to the Secretary of the RSL NSW Body, if the motion is approved by a majority vote of all Members and / or Officers present and entitled to vote at the relevant meeting.

7. A motion and an amendment having been duly proposed and seconded, no further amendment shall be received until one of former has been disposed of. But members may indicate further amendments before existing amendment has been disposed of.
8. The proposer of a motion shall be limited to four minutes or such time as may be decided, in which to introduce the subject and two minutes to proposer of motion in which to reply.
9. Extension of time may be granted by meeting without debate.
10. The seconder of a motion and all other speakers shall be limited to three minutes each but a time extension may be granted by a vote without debate.
11. When a time keeper has been appointed he shall, for the purposes of determining the time limits, stop the clock whenever the proposer, seconder or other speaker is interrupted and restart the clock when the interruption has ceased.
12. No member shall speak more than once to any question before chair except by way of personal explanation or with consent of meeting. Such consent shall be given by vote of majority of members present and question shall be put without debate.
13. Motions discussed and voted upon shall not be reconsidered at same meeting unless with consent of not less than three-fourths majority of those present.
14. President or chairman of meeting shall have a deliberative vote only. Should there be an equality of votes the motion shall be declared in the negative.
15. Any member may move a motion of dissent from ruling of chairman.
16. On the motion of dissent being seconded, the chairman shall forthwith leave chair and debate on the original question then before the chair shall be suspended.
17. Another chairman shall then be appointed by meeting.
18. The member who moved the motion of dissent shall then state his reason for such dissent.
19. The former chairman shall then give his reasons for so ruling and there shall be no other debate on the subject.
20. The matter shall then be put to the vote of the meeting and decided.
21. The former chairman shall then resume chair and debate on original question shall be proceeded with as if same had not been suspended.
22. In all cases not here provided for, N.E. Renton "*Guide for Meetings and Organisations, Volume 2 (Guide for Meetings)*" shall be followed so far as they are applicable to proceedings of RSL NSW.

23. Chairman of any meeting may, with consent of meeting, adjourn meeting from time to time and from place to place.
24. Every delegate or Member entitled to be present shall have a deliberative vote only.
25. All voting in the first instance at a meeting shall be by the manner declared by the Chair at the commencement of the meeting.
26. Should a division be called for, it shall be taken in such a manner as the meeting may determine.
27. Closure to terminate debate and bring a matter to vote, shall be in the form of a motion "*That the question be now put*".
28. The chairman has discretion as to acceptance of motion of closure and may put the motion without seconding, providing the matter has been reasonably discussed and minority view been heard.
29. The closure may be moved while another person is speaking.
30. The Closure Motion may not be moved or seconded by a person who has already moved, seconded, or spoken to the main motion or any amendment.
31. No further statement and/or submissions, with the exception of right-of-reply by the original mover, shall be permitted once the closure motion has been confirmed.
32. A vote shall then be taken on the original motion or amendment, as the case may be.
33. If a meeting determines to "go into Committee" only official delegates or members to meeting and those persons essential to the conduct of the meeting shall be present at such meeting.
34. With a majority approval of meeting the chairman may invite any person to address that meeting without any debate.
35. An amendment proposed but not seconded, shall not be entertained nor entered in minutes.

### **STATE CONGRESS**

36. Standing Orders of State Congress
  - (a) Wreath Laying Ceremony.
  - (b) Pledges of Allegiance.
  - (c) Addresses.
  - (d) Awards and Presentations.

- (e) Confirmation of Minutes of Previous Meeting.
- (f) Congress Appointments.
- (g) Nomination of National Officers.
- (h) Reports.
- (i) Agenda.
- (j) Conclusion.

### **State Congress Session Times**

37. Each session of State Congress shall be structured to allow maximum time for the business of Congress and also allow an adequate break for lunch.

### **Standing Orders**

38. No suspension of Standing Orders shall be permitted unless matter is one of immediate urgency and of vital importance to RSL NSW.
39. Notwithstanding anything contained in this By-Law no Suspension of Standing Orders shall be permitted in respect of any motion which is not submitted in accordance with the Constitution unless the same is of an urgent or of an emergency nature and has been signed by the President and Secretary of the sub-Branch which has submitted such motion except where the matter arises from the meeting of State Congress in session.
40. At State Congress when Suspension of Standing Orders is required, the subject matter of the motion, in writing, shall be handed to the chairman, who will then hand same to Suspension Committee for recommendation.
41. If motion is recommended by Suspension Committee, it shall be read to Congress and question of Suspension decided without debate.
42. If Suspension is permitted by State Congress, then the motion will be debated and voted upon in the normal manner.
43. No amendment shall be permitted to any resolution appearing on the Agenda for State Congress, amending, adding to or rescinding the Constitution or any part thereof.

### **STATE COUNCIL**

44. State Secretary must, at least 10 days prior to a meeting of State Council, provide written notice to each State Councillor stating:

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- (a) the time, place and date of the meeting; and
  - (b) the nature of business to be transacted at the meeting.
45. Extraordinary general meetings of State Council may be convened at any time in Sydney by the State President:
- (a) as required; or
  - (b) upon receipt of a written request from 8 State Councillors, by providing 7 days notice to all State Councillors.
46. An extraordinary general meeting of State Council which has been convened for the purpose of authorising the signing of documents under the common seal pursuant to the Constitution may be convened at the conclusion of a meeting of State Council, without the need to provide any further notice.
47. The quorum for meetings of State Council will be half of available State Councillors plus one.
48. In the event of a quorum not being formed within 30 minutes of the appointed commencement time of the scheduled meeting, the meeting will be adjourned until 10.00am the following day at the same location and the State Councillors present in person at the adjourned meeting will form a quorum.
49. Subject to this Constitution, each State Councillor will have one vote only on each matter to be determined by State Council. If there is an equality of votes, the resolution will not be passed.
50. At every meeting of the State Council, the State President will be appointed as the Chairman. If the State President is unwilling or unable to act, the Senior Vice President will be appointed as Chairman. If the Senior Vice President is unwilling or unable to act, one of the other Vice Presidents will be appointed as Chairman.
51. State Council may pass a resolution without holding a meeting if 75% of all State Councillors sign a written statement approving the resolution. The written statement may be signed by each State Councillor in counterpart. The resolution will be of the same force and effect as if it had been passed at a meeting of State Council duly convened and held.
52. Any deficiency in the appointment or the disqualification of a State Councillor will not affect the validity of any resolution or act of State Council or the State Councillors.
53. Where a State Councillor is deemed to have automatically vacated office under the Constitution, State Council may appoint a Service Member or Life Member as an alternate State Councillor at a general meeting of State Council until another State Councillor is elected in accordance with this Constitution.

54. The State President must direct the State Secretary to forward to all District Councils a 'Report on the Proceedings of State Council' within one month of the annual general meeting of State Council. The report may be delivered by electronic means or via State Branch Bulk Mail and is to expand on important issues discussed at the annual general meeting of State Council.

### **STATE EXECUTIVE**

55. If a scheduled State Executive meeting falls within 14 days of a scheduled State Council meeting, all business listed on the agenda for scheduled State Executive meeting may be referred to next State Council or State Executive Meeting, as State Executive determines.
56. Extraordinary general meetings of State Executive may be convened at any time in Sydney by the State Executive President:
- (a) as required; or
  - (b) upon receipt of a written request from 2 or more members of State Executive, by providing 1 days written notice to all members of State Executive.
57. The quorum for meetings of State Executive will be 3 members of State Executive present in person.
58. In the event of quorum not being formed within 30 minutes of the appointed commencement time of the scheduled meeting, the State Executive meeting will be adjourned until 6:00pm the following day at the same location and those members of State Executive present in person at the adjourned meeting will form a quorum.
59. Subject to this Constitution, each member of State Executive will have one vote only. If there is an equality of votes, the resolution will not be passed.
60. At each State Executive meeting, the State President will be appointed as chairman of the meeting. If the State President is unwilling or unable to act, the Senior Vice President will be appointed as chairman of the meeting. If the Senior Vice President is unwilling or unable to act, one of the other members of State Executive present at the meeting will be appointed as chairman.
61. If a member of State Executive, who has been appointed as a representative of a District, is unable to attend a State Executive meeting, the District Council of that District may appoint another Service or Life Member as an alternate representative of the District to attend that State Executive meeting. However, the appointment of the alternate representative will have no force or effect unless it is approved by State Council.



62. The State President will direct the State Secretary to forward to all District Councils a 'Report on the Proceedings of State Executive' within one month of the annual general meeting of State Executive. The report may be delivered by electronic means or via State Branch Bulk Mail and is to expand on important issues discussed at the annual general meeting of State Executive.

### **DISTRICT COUNCIL**

63. Extraordinary general meetings of a District Council may be convened at any time in the District by the District Council President:
- (a) as required; or
  - (b) upon receipt of a written request by at least one-third of District Council Delegates,

The District Council President must require the District Council Secretary to provide written notice to all District Council Delegates of the time, date, location and purpose of the extraordinary general meeting.

64. The quorum for a District Council meeting of the Metropolitan District will be one third of the total District Council Delegates for the Metropolitan District present in person.
65. The quorum for a District Council meeting of all other Districts will be one quarter of the total District Council Delegates of that District present in person.
66. In the event of quorum not being formed within 30 minutes of the appointed commencement time of the scheduled meeting, the District Council meeting will be adjourned until 6:00pm the following day at the same location and those members of District Council present in person at the adjourned meeting will form a quorum.
67. District Council must hold an annual general meeting prior to 31 March in each year.
68. District Council Delegates must report to their respective sub-Branches after each meeting of District Council on business conducted at such meeting.

### **District Council Motions**

69. Motions for Annual State Congress must be submitted by sub-Branches to their respective District Councils in the first instance, for endorsement. A District Council may withhold its endorsement for any motion but where such endorsement is withheld the sub-Branch is empowered to submit the motion direct to State Council together with written notice that the motion has not been endorsed by the District Council.
70. A District Council may re-phrase or re-word any motion submitted by a sub-Branch in accordance with this By-Law in order to clarify its purpose or meaning or correct errors but not to negate or otherwise alter the original intention of such a motion.

71. District Councils may formulate and submit motions for debate at Annual State Congress.
72. District Councils are permitted to discuss with other District Councils motions to be submitted to State Congress prior to final lodgement of the motion with State Secretary.

**SUB-BRANCHES**

73. The following Standing Orders must be followed by each sub-Branch at a meeting of that sub-Branch, subject to a variation approved by the sub-Branch at a general meeting.
  - (a) Silence in memory of departed comrades.
  - (b) Pledge of Allegiance (pursuant to the By-Laws).
  - (c) Reading and confirmation of minutes of previous meeting.
  - (d) Apologies.
  - (e) Correspondence in and out, read and dealt with.
  - (f) Proposals of applicants for membership.
  - (g) Election of new Members (provisional).
  - (h) Introduction of new members whose applications have been endorsed and badges issued by Headquarters and their welcome by Chairman pursuant to By-Laws.
  - (i) Passing of accounts for payment.
  - (j) Reports of District Council delegates, welfare, pension, hospital visitation and other officers and such other items deemed necessary.
  - (k) Any special business for which meeting may have been called.
  - (l) General Business.
  - (m) Closure.
74. Where meeting is in progress at 9.00 p.m., the Act of Remembrance shall be observed pursuant to the By-Laws.
75. Each sub-Branch is required to hold quarterly general meetings but is permitted to hold monthly general meetings, if and as required.
76. The sub-Branch Secretary must at least 7 days prior to a sub-Branch meeting, notify members required to attend the meeting of:

- (a) the time, date and place of the meeting; and
- (b) the business to be discussed at the meeting,

by providing written notice either individually to each member by printed and/or electronic means or by advertisement in the local newspaper.

77. Extraordinary General Meetings of a sub-Branch or sub-Branch Committee may be convened at any time in the sub-Branch by the sub-Branch President:

- (a) as required; or
- (b) within 21 days of receipt of a written request signed by at least ten Members of the sub-Branch, specifying the object of the meeting (or by such other number of members as determined by the sub-Branch in an annual general meeting).

78. The sub-Branch President must require the sub-Branch Secretary to provide written notice to all members of the sub-Branch of the extraordinary general meeting at least 14 days in advance. Such notice must include the Motion/s to be considered and sufficient information on the matter to enable Members to make an informed decision. Once called, the only business to be discussed at the Extraordinary General Meeting will be in accordance with the Agenda described in the notice calling the meeting.

79. Subject to the By-Law below and unless otherwise determined at the annual general meeting of the sub-Branch, the quorum for general meetings and Committee meetings of the sub-Branch is the number determined at the first annual general meeting of the sub-Branch.

80. If the sub-Branch is unable to determine or recall the number of Members required to form a quorum as determined at the first annual general meeting of the sub-Branch, then the sub-Branch President may:

- (a) at the next annual general meeting of the sub-Branch; or
- (b) call an extraordinary general meeting of the sub-Branch in accordance with By-Law 10.77 above,

determine the number of Members of the sub-Branch that will be required to be present in person at a meeting of that sub-Branch in order to form a quorum. The quorum for the annual general meeting or extraordinary general meeting will be the number of Members present in person at the meeting.

81. In the event of a quorum not being present within one half hour of the appointed commencing time of a scheduled meeting, the meeting shall stand adjourned and a further meeting may be called with at least seven days notice given of such meeting, such notice being given in accordance with this By-Law.

82. In the event of a quorum not being present at the adjourned meeting, the Members present in person at the adjourned meeting will form a quorum.
83. The annual general meeting of each sub-Branch must be held between January and March in each financial year at such time, day and place fixed by the sub-Branch Committee.
84. The financial year of each sub-Branch is 1 January to 31 December of each calendar year.
85. A sub-Branch Committee must, at the annual general meeting, table a report of the affairs of the sub-Branch for the preceding year, together with SBA 1 and SBA 2 for the sub-Branch and its subsidiary organisations.

**SUBSIDIARIES (OTHER THAN DISTRICT COUNCIL)**

86. The By-Law above which applies to meetings of a sub-Branch will apply to meetings of a Subsidiary (other than District Council).

**By-Law No. 11**

**STATE CONGRESS AGENDA COMMITTEE**

**CLAUSE 21.**

1. The Annual State Congress Agenda Committee (Agenda Committee) shall be appointed by the Board of RSL NSW.
2. At least four (4) Directors will be appointed to the Agenda Committee.
3. The Agenda Committee will nominate a Chair from its members.
4. RSL NSW staff support shall be available as required.
5. The Agenda Committee shall meet to consider agenda items from the Board, District Councils and sub-Branches.
6. The Agenda Committee shall be empowered to re-word or re-phrase any motion/s submitted for inclusion in the Annual State Congress Agenda. Any re-wording or re-phrasing shall not alter the original intention of the motion.
7. Motions deemed to be ruled out of order or irrelevant to RSL NSW shall not be approved by the Agenda Committee for inclusion in the Annual State Congress Agenda.
8. Such items or motions mentioned in 11.7 above, shall be returned to the originators with an explanation.
9. Motions submitted by sub-Branches, District Councils or the Board for the Annual State Congress Agenda without supporting details and argument shall not be approved by the Agenda Committee for inclusion in the Annual State Congress Agenda.
10. The supporting argument of a motion for State Congress to be included in the Agenda and the Agenda Committee may summarise the supporting argument so as not to exceed a half of an A4 size page.
11. Resolutions from RSL National Congress and RSL National Executive amending the National Constitution and requiring the Constitution to be amended and subsequently adopted by the Board shall be included in the Annual State Congress Agenda for confirmation of State Congress.
12. Annual State Congress Agenda motions referred to in 11.11 above shall be grouped in the Constitution section of the Annual State Congress Agenda, with special comment if required, and showing the Board as sponsor of the motion.
13. Motions submitted for the Annual State Congress Agenda and which are covered by RSL National Standing Policy or RSL NSW Standing Policies, shall be set aside in a special section of the Annual State Congress Agenda and noted with applicable Standing Policy reference number.

14. Such motions as referred to in 11.13 above shall only require confirmation of State Congress Delegates in attendance.
15. Any motion submitted to the Agenda Committee with the exception of 11.7 mentioned above may be referred to the Board for necessary action if the Agenda Committee considers such action appropriate.
16. Motions of similar content or intention shall be grouped into one common motion under names of the originating sub-Branches.
17. All motions listed in the Annual State Congress Agenda shall show the name of the originating sub-Branch and District Council.
18. In the case of sub-Branch motions not endorsed by District Council, the motion shall be noted as 'UNENDORSED' following the originating sub-Branch name, with Congress to decide whether to hear the motion or not.
19. Only motions originating from sub-Branches, District Councils and the Board shall be included in the Annual State Congress Agenda.
20. Matters seeking the opinion of State Congress, where possible shall be circulated to sub-Branches or published in Reveille prior to State Congress with full details and requirements.
21. The closing date for receipt of motions from any source for consideration by the Agenda Committee shall be 10 weeks prior to the date set for Annual State Congress.
22. The official printed Agenda for each Annual State Congress shall list and group motions and other detail as required in the following order of business:-
  - (a) Index
  - (b) Congressional Election Details
  - (c) Rules and Procedures of Debate
  - (d) Motions covered by Standing Policies (in same section order as motions for debate).
  - (e) Motions for debate shall be in one of the following Agenda sections:-
    - (i) Constitution
    - (ii) RSL National Constitution
    - (iii) Veterans' Affairs Matters

- (iv) Veterans' Affairs Matters
- (v) Social Security and Tax
- (vi) Defence Service Homes
- (vii) RSL NSW
- (viii) ANZAC, Commemoration, Ceremonial and Memorials
- (ix) Defence and Foreign Affairs
- (x) Security
- (xi) Population
- (xii) Education
- (xiii) Australian Youth
- (xiv) Aged Care in the Veteran Community
- (xv) General Standing Policy on Various Matters

The above Agenda Order of Business may be altered from time to time when matters of an urgent nature are required to be dealt with earlier than that listed in (e) above but shall be the exception rather than the rule.

23. The official printed State Congress Agenda shall be distributed to sub-Branches at least six (6) weeks prior to the holding of State Congress.

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**By-Law No. 12**

**DUTIES AND RESPONSIBILITIES OF  
ANNUAL STATE CONGRESS DELEGATE**

**CLAUSE 21.2**

1. Each District Council and RSL sub-Branch of RSL NSW is entitled to have a Delegate at an Annual State Congress or Extraordinary State Congress, with a nominated Alternate Delegate.
2. A District Council or a sub-Branch in default of the Constitution at the commencement of the Annual State Congress or Extraordinary State Congress shall be denied franchise and debarred representation at State Congress.
3. The District Council and sub-Branch Delegate and Alternate Delegate to Annual State Congress or Extraordinary State Congress shall be elected in accordance with the Constitution.
4. The elected District Council and sub-Branch Delegate and Alternate Delegate to Annual State Congress or Extraordinary State Congress shall undertake to comply with the provisions of the Constitution.
5. The elected District Council, sub-Branch Delegate and Alternate Delegate to Annual State Congress or Extraordinary State Congress will familiarize themselves with the Constitution prior to State Congress.
6. The Alternate Delegate may not be heard or vote on Motions before State Congress except when the Delegate is not present on the floor of State Congress.
7. The District Council and sub-Branch Delegate to State Congress is to ensure that, where appropriate, any views expressed by the District Council or sub-Branch which he / she represents, are conveyed to State Congress, irrespective of his / her personal opinion.
8. The District Council and sub-Branch Delegate to State Congress shall vote on each motion on the Annual State Congress or Extraordinary State Congress agenda, in accordance with the direction of the District Council or sub-Branch.
9. To ascertain the direction of the District Council or sub-Branch the Delegate to State Congress in conjunction with the District Council or sub-Branch Secretary is to arrange that all motions for State Congress be placed before the members of the District Council or sub-Branch for their consideration at a General Meeting of the District Council or sub-Branch prior to the State Congress.
10. Delegates to State Congress that are required to present or speak to a Motion at State Congress, on behalf of a District Council or sub-Branch, shall do so in the following manner:-
  - (a) The Delegate proposing the Motion is to proceed to a microphone and wait to be acknowledged by the Chairman.

- (i) On being acknowledged, the Delegate is to state his name and the District Council or sub-Branch he represents.
  - (ii) The Delegate is to then say *“I move the Motion as printed in the Agenda”*. The Delegate is then to await the motion being seconded.
  - (iii) Once seconded, the Delegate will be then directed by the Chairman to proceed to speak in favour of the Motion. He is to do this in his own words. For expedience sake, the Delegate is not to read the already printed Supporting Statement but is to amplify, enhance and/or justify the intent of the Motion. He may speak for four (4) minutes.
- (b) The Seconder of the Motion may speak immediately after being offered the opportunity by the Chairman OR he may reserve his right to speak until some time prior to the Proposer of the Motion exercising his “Right of Reply”. He may speak for three (3) minutes.
11. Speakers ‘FOR’ or ‘AGAINST’ the Motion are to move to a microphone and wait to be acknowledged by the Chairman.
- (a) On being acknowledged, the Delegate is to state his name, the District Council or sub-Branch he represents and state whether he is speaking “FOR” or “AGAINST” the Motion. The Chairman will ensure that both speakers in favour of the Motion and those opposing the Motion will be heard equally. Delegates are advised that not all speakers will therefore be heard.
  - (b) In accordance with the By-Laws, speakers are limited to speak for three (3) minutes.
12. Speakers are to address all communication through the Chair. Note:- Speakers are reminded that they speak on behalf of the District Council or sub-Branch they represent and will be corrected if the “First Person” is used.
13. To conclude Debate and if there have been speakers “Against” the Motion, the proposer of the Motion may exercise his “Right of Reply”. He may speak for two (2) minutes in further support of the Motion.
14. Immediately on conclusion of Debate, the Chairman shall put the matter to the vote. Note:- Delegates should hold their ‘voting paddles’ in the air so their vote can be tallied, either “FOR” or “AGAINST” the Motion.
15. At the completion of the Annual State Congress the District Council or sub-Branch Delegate to Congress or Extraordinary Congress shall provide the District Council or sub-Branch Secretary a written report to be included in the agenda at the next General Meeting of the District Council or sub-Branch which occurs within eight (8) weeks of the rising of the Congress.

**By-Law No. 13**

**STATE CONGRESS SUSPENSION COMMITTEE**

**CLAUSE 21.2**

1. The State Congress Suspension Committee shall be nominated and elected annually at the first working session of State Congress each year.
2. At least five State Councillors and/or State Congress Delegates shall be nominated and elected from persons in attendance at the State Congress.
3. The elected State Congress Suspension Committee shall nominate a Chairman from its members.
4. The State Congress Suspension Committee shall meet during State Congress as required to consider motions handed to the State Congress Chairman who shall hand same to State Congress Suspension Committee for recommendation.
5. The State Congress Suspension Committee shall only deal with motions submitted in accordance with the Constitution that are:
  - (a) of an urgent or of an emergency nature.
  - (b) of vital importance to the RSL NSW.
  - (c) are fully justified matters arising from business at the State Congress in session.
6. All motions submitted to State Congress Suspension Committee shall be in writing on District Council or sub-Branch official letterhead signed by the President and Secretary of the District Council or sub-Branch submitting the motion with the exception of item 5 (c) above.
7. If a motion is submitted from the floor of State Congress and is approved by the State Congress Suspension Committee for debate, it shall be placed on the Agenda for discussion of State Congress. The said motion or motions shall be printed by facilities at the State Congress venue for distribution to the delegates present for perusal prior to a motion or motions being discussed.
8. Any District Council or sub-Branch motion submitted to the State Congress Suspension Committee and subsequently rejected by State Congress Suspension Committee shall be returned to originator of motion for submission (if still required) through the sub-Branch and/or District Council and NOT referred direct to State Council.
9. The State Congress Suspension Committee shall be empowered to reword or rephrase all motions submitted to State Congress Suspension Committee for recommendation to State Congress.

10. The State Congress Suspension Committee may seek further verbal explanation from originators of motions submitted for consideration of State Congress Suspension Committee.
11. The State Congress Suspension Committee shall be empowered to consider a motion of extreme urgency, arising from business of the State Congress in session, seeking change or amendment to the Constitution and make recommendation to State Congress.
12. The Chairman of the State Congress Suspension Committee may be called upon by the Chairman of State Congress to give reasons for State Congress Suspension Committee recommendation to State Congress.
13. The State Congress Suspension Committee shall not be required to give reasons at State Congress to originators for rejection of any submission to State Congress Suspension Committee.
14. State Congress Suspension Committee recommendations accepted by State Congress shall be included in State Congress Minutes and referenced with other resolution/s of similar content or intention.

**By-Law No. 14**

**ELECTION OF DISTRICT COUNCIL EXECUTIVE**

**CLAUSE 25.1**

1. At the General Meeting preceding the third Annual General Meeting, in accordance with Congressional elections, the District Council will:
  - (a) appoint the Returning Officer for the District Council election; and
  - (b) appoint the Scrutineers.
2. Any person nominating for positions on the District Council Executive must not be appointed as the Returning Officer or Scrutineer.
3. The District Council Secretary will provide to the returning officer and scrutineers the register of District Council Delegates.
4. The scrutineers are to assist the Returning Officer in the conducting of the election of District Council Officers and Committee.
5. Nominations for positions on the District Council Executive will be made verbally from the floor at the third District Council annual general meeting.
6. A candidate must be a District Council Delegate.
7. The District Council Secretary must record each nomination received by the District Council and the time and date received, in the minutes of the annual general meeting.
8. Only District Council Delegates are entitled to vote.
9. The election of District Council Executive positions will be in the following order:
  - (a) President;
  - (b) Vice Presidents;
  - (c) Secretary;
  - (d) Treasurer;
  - (e) and any other offices.
10. Where there are 2 or more nominees for a position on the District Council Executive, the election of the District Council Executive will be conducted by secret ballot.
11. The Returning Officer will declare any ballot an informal vote where the Ballot Paper has not been filled in, in accordance with the Returning Officers directions.

12. The nominee who receives the highest number of votes will be elected to the office they nominated for and accepted.
13. If 2 or more candidates record the same number of votes the position will be determined by the Returning Officer drawing one of the nominees' names out of a hat.
14. The chairman must declare the name of each nominee elected to the District Council Executive and District Council Committee and the position to which they have been elected at the third annual general meeting of the District Council.
15. The election of the District Council Executive will take immediate effect, subject to the District Council complying with clauses 25 and 27 of the Constitution.

**By-Law No. 15**

**DISTRICT COUNCIL POWERS AND DUTIES**

**CLAUSE 26**

**DISTRICT COUNCIL PRESIDENT**

1. The duties of each District Council President set out in this By-Law must be read in conjunction with role of the sub-Branch President set out in the sub-Branch Governance Regulation.
2. A District Council President, or their representative must, at State Congress, raise any motion of a sub-Branch from that District which has been approved by the District Council, in the event of the absence of a State Congress Delegate from that sub-Branch.
3. A District Council President, or their representative, may, with the approval of State Council, explain or provide substance or background in relation to any motion raised by the District Council President at State Congress or of a meeting of State Council or State Executive.
4. A District Council President or their representative must provide a written report to their District Council following State Congress and any meeting of State Council or State Executive attended by the District Council President as a representative of the District.

**DISTRICT COUNCIL EXECUTIVE**

5. The role of each District Council Executive as set out in this By-Law must be read in conjunction with role of a sub-Branch Executive as set out in the sub-Branch Governance Regulation.
6. Each member of a District Council Executive must, if requested by a member of a constituent sub-Branch Executive, provide guidance, assistance and mentoring to the member of the sub-Branch Executive, or to the sub-Branch Executive as a whole, to enable all constituent sub-Branches to further the aims and objects of RSL NSW.
7. A District Council Secretary who also performs the duties of District Council Treasurer unless decided otherwise, must:
  - (a) collect all monies due and payable to the District Council;
  - (b) open a bank account on behalf of the District Council;
  - (c) issue receipts and pay accounts approved by District Council;
  - (d) keep proper records and accounts of all money received and expended by District Council and all property of the District Council;

- (e) prepare DC 1 and DC 2 on behalf of the District Council;
  - (f) pay affiliation fees due to RSL NSW;
  - (g) keep or cause to be kept a record of all minutes of meetings of the District Council and all resolutions passed by the District Council and provide a copy of the minutes and resolutions to the State Secretary;
  - (h) ensure that the record of all minutes of meetings and resolutions of the District Council are available for inspection by District Council Delegates; and
  - (i) conduct all correspondence on behalf of District Council and report from time to time to District Council.
8. Where District Council resolves to elect a District Council Treasurer (who is separate from the District Council Secretary) from among its members, the District Council Treasurer must carry out the roles set out in (a) to (f) of By-Law 15.7 above.
9. District Council Executive Officers may be called upon to represent the District at constituent sub-Branch functions, commemorative and celebratory events. The costs of attendance of the District Council Executive Officer must be borne by the District Council, which must consider the most cost effective means of providing a District Council Officer to be in attendance at such functions. Any District Council Executive Officer must be prepared to represent the District Council if and when reasonably requested in writing by a constituent sub-Branch.
10. Any expenses incurred by a District Council in fulfilling its obligations under By-Law 15.6 and 15.9 above, may be reimbursed by RSL NSW. A District Council wishing to recover expenses from RSL NSW must submit a budget to State Council for approval by 31 October each financial year.
11. RSL NSW will reimburse any reasonable District Council expenses for investigations, reports or any activity undertaken at the direction of State Council or State Executive.
12. A person appointed to a District Council Executive or District Council Committee will:
- (a) Have a sound working knowledge of the Constitution and Rules of Procedure and Debate.
  - (b) Exercise discretion as to the frequency of official visits to sub-Branches within the District Council area.
  - (c) Represent State Council at official functions as requested from time to time.
  - (d) When visiting sub-Branches, or representing RSL NSW, proceed by the most economical method of transport.
  - (e) Attend all meetings of District Council unless leave of absence has been approved or is unable to attend due to sickness.



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- (f) In their capacity as President of District Council, chair meetings of the District Council when in attendance.
- (g) Be responsible that District Council business is conducted in accordance with the Constitution.
- (h) Through District Council promote a better understanding of the League among members and the general public.
- (i) Ensure the Policy of District Council is national and non-sectarian on all questions of party politics as distinct from national questions contained in the policy of the League.
- (j) Ensure all sub-Branches within the District Council area are affiliated with District Council and RSL NSW and if entitled, are represented at meetings of District Council.
- (k) Ensure District Council meets at least once every six (6) months (Country) and three (3) months (Metropolitan).
- (l) Support and actively encourage sub-Branches within his area to participate in State Branch fund raising.
- (m) Investigate and bring to notice of the RSL NSW any problems, irregularities or contraventions of the Constitution by sub-Branches within his / her area.
- (n) Be conversant with problems associated with the sub-Branches.
- (o) Ensure that sub-Branches actively pursue membership recruitment on a continuing basis.
- (p) Encourage District Council and its sub-Branches to participate in local community projects and affairs.
- (q) Maintain a close liaison with the RSL NSW on all matters associated with District Council and RSL National.
- (r) Ensure that State Secretary is kept fully advised on any sub-Branch property concerns within the District Council area.
- (s) Maintain a close liaison with Central Council of Women's Auxiliaries State Councillor within the District and her Women's Auxiliaries.
- (t) Take immediate corrective action on defaulting sub-Branches within the District Council area as notified by RSL NSW from time to time.
- (u) Act as State Branch Liaison Officer within the District Council area on matters associated with flood, fire or other disaster requiring RSL NSW support at RSL NSW expense.

- (v) Organise and facilitate an annual visit by the State President or his / her representative to a meeting of District Council. Such a meeting should be arranged to include any necessary State Branch Officers to ensure District Council is kept well informed of State Council/State Branch issues.

**By-Law No. 16**

**SUB-BRANCH FORMATION**

**CLAUSE 29**

1. Any ex-Service person eligible for membership of RSL National, whether Member or not, may organise a sub-Branch of the RSL NSW in any area not already embraced or adequately covered by a sub-Branch or Intra-Mural sub-Branch of RSL NSW.

The following procedure is to be used when forming a new sub-Branch:

2. A meeting, well advertised, shall be called of all ex-service persons in district.
3. A media release or advertisement should be made available to local Press and circulated as widely as possible in area.
4. Five is accepted minimum membership for the formation of a sub-Branch but it is not necessary, however, to have minimum number at preliminary meeting convened to consider making application for setting up sub-Branch.
5. If at any time the membership of a sub-Branch falls below 5 and in the opinion of State Council the continuation of a sub-Branch is practicable and feasible, the sub-Branch may be allowed to retain its Charter.
6. After aims, objects and current work of RSL NSW have been briefly outlined and explained, a person present should move *"that a Provisional Committee be appointed for purpose of making preliminary arrangements to form a sub-Branch of the Returned Services League to be affiliated with the New South Wales Branch."*
7. The motion having been seconded and discussed should be submitted to the meeting.
8. Upon meeting agreeing to apply for permission to form sub-Branch, a Provisional Committee will be elected including:
  - (a) Provisional Chairman;
  - (b) Vice-Chairman;
  - (c) Honorary Treasurer;
  - (d) Honorary Secretary; and
  - (e) a Committee of not less than three.
9. As provisional officers are elected by persons who have not yet paid subscriptions they shall have no authority within the RSL NSW, except to further organise sub-Branch, arrange for collection of annual subscriptions and finalise arrangements for a future meeting.

10. The preliminary meeting shall decide upon date, time and place of future meeting of eligible persons who shall have in the meantime agreed to become members of RSL NSW.
11. When five persons shall have paid their subscription, the Chairman shall accept the motion: "*That eligible members who have paid their subscriptions to a new sub-Branch constitute the ..... sub-Branch of the Returned Services League of Australia.*" Only such Members who have paid one year's subscription shall vote on this question.
12. The Provisional Committee when applying to RSL NSW for permission to become a Chartered sub-Branch shall send to State Secretary a remittance covering capitation fees of Members enrolled together with signed nomination forms. Such application shall be referred to the next meeting of State Council/Executive.
13. Upon State Council/Executive authorising formation of sub-Branch, the State Secretary shall officially notify that affiliation has been granted and shall forward badges, financial clips together with stationery and official membership receipt books and summary forms.
14. The Charter shall be forwarded to the District Council for presentation to the new sub-Branch at a date mutually convenient.
15. Provisional Committee upon receipt of notice of affiliation, shall convene a meeting of all financial members giving seven day's notice in writing or by publicity in local press.
16. The meeting shall proceed to election of President, Vice Presidents, Honorary Treasurer, Honorary Secretary, two Honorary Auditors and a Committee of not less than three, such officers holding office until first annual meeting of sub-Branch. Three Trustees shall also be elected.
17. Three trustees shall be elected to assume Trusteeship of a sub-Branch real and personal property.
18. Officers having been duly appointed and President having taken Chair following the presentation of the Charter by a representative of the relevant District Council, the following matters will be determined:-
  - (a) Name of Bank and of sub-Branch Account thereat.
  - (b) Whether Minute Secretary shall be appointed.
  - (c) Time, date and place of next General Meeting.
  - (d) Quorum of sub-Branch and Committee.
  - (e) Whether a Welfare Committee be appointed.
  - (f) Whether a Social Committee be appointed.

- (g) Whether a Women's Auxiliary be formed.
  - (h) Whether Assistant Secretary, Publicity Officer, Investigation Officer, etc., shall be appointed.
  - (i) General Business.
19. Where the sub-Branch or its subsidiaries intends to conduct fundraising activities, the sub-Branch is to make application to the Department of Gaming and Racing for an Authority to Fundraise.

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**By-Law No. 17**

**ELECTION OF SUB-BRANCH EXECUTIVE  
AND SUB-BRANCH COMMITTEE**

**CLAUSE 30.1**

1. Each member of a sub-Branch Executive and each member of the sub-Branch Committee must be elected for three years so that sub-Branch elections are aligned with State Branch and District Councils, effective from the next Congressional elections.
2. Members elected to fill casual vacancies are to be elected for the period of time remaining in the sub-Branch three year election term.
3. A sub-Branch must, at least one month prior to the annual general meeting of the sub-Branch determine whether:
  - (a) nominations for sub-Branch Executive and/or sub-Branch Committee are required to be made verbally or in writing; and
  - (b) sub-Branch Member's votes for nominees are to be:
    - (i) submitted by postal ballot (if applicable) pursuant to the By-Laws;
    - (ii) based on a show of hands of those members present and voting at the meeting;
    - (iii) conducted by secret ballot of those members present and voting at the meeting; or
    - (iv) conducted by a combination of one or more of the above.
4. If nominations are required to be made:
  - (a) verbally, the nomination must be made at the annual general meeting of the sub-Branch;
  - (b) in writing, the nomination must be received by sub-Branch at least 14 days prior to the annual general meeting and signed by two Members of the sub-Branch.
5. A candidate must be a Service Member, Life Member or an Affiliate Member of the sub-Branch, and subject to the conditions as describe in By-Law 2 Item 63.
6. The sub-Branch Secretary must record each nomination received by the sub-Branch and the time and date received, in the minutes of the annual general meeting.
7. The Members of the sub-Branch must endorse a Returning Officer(s) at the annual general meeting to facilitate the elections.

8. Any person nominating for positions on the sub-Branch Executive or sub-Branch Committee must not be appointed as the Returning Officer or Scrutineer.
9. The sub-Branch Secretary will provide to the Returning Officer and scrutineers the register of all financial members.
10. Only Service Members, Life Members & Affiliate Members of the sub-Branch are entitled to vote.
11. The election of Sub-Branch Executive and Sub-Branch Committee positions will be in the following order:
  - (a) President;
  - (f) Vice Presidents;
  - (g) Secretary;
  - (h) Treasurer;
  - (i) and any other offices.
12. The Returning Officer will declare any ballot an informal vote where the Ballot Paper has not been filled in, in accordance with the Returning Officers directions.
13. The nominee who receives the highest number of votes will be elected to office they nominated for and accepted.
14. If 2 or more candidates record the same number of votes the position will be determined by the Returning Officer drawing one of the nominees' names out of a hat.
15. The chairman must declare the name of each nominee elected to the sub-Branch Executive and sub-Branch Committee and the position to which they have been elected at the annual general meeting of the sub-Branch.
16. The election of the sub-Branch Officers and sub-Branch Committee will take immediate effect, subject to the sub-Branch complying with clause 30 of the Constitution.



**By-Law No. 18**

**SUB-BRANCH COMMITTEE POWERS AND DUTIES**

**CLAUSE 30.1**

**Sub Branch Committee**

1. A sub-Branch which has fewer than twenty-five financial members in any one financial year, or due to extenuating circumstances has received the approval of State Council, may form a Committee (which will also be the sub-Branch Executive) consisting of the sub-Branch President and any combination of sub-Branch Vice President, sub-Branch Secretary and sub-Branch Treasurer.

**Sub Branch President**

2. The President of a sub-Branch is the senior officer of the sub-Branch and must chair all meetings of the sub-Branch and represent the sub-Branch at all RSL NSW and sub-Branch official functions, if required. If the sub-Branch President is unable to act or to carry out their role, they may delegate some or all of their powers to the Vice President/s or other sub-Branch Officers.

**Sub-Branch Secretary**

3. A sub-Branch may employ a Service or Life Member as the sub-Branch Secretary. The terms of employment and remuneration of the sub-Branch Secretary will be determined by the sub-Branch Committee acting reasonably.
4. The sub-Branch Secretary must attend, where possible, all meetings of the sub-Branch, sub-Branch Executive and sub-Branch Committee and be heard on any matter but will not be entitled to vote.
5. The sub-Branch Secretary is responsible for:
  - (a) convening all meetings of the sub-Branch, sub Branch Committee and sub-Branch Executive;
  - (b) taking minutes of all meetings of the sub-Branch, sub-Branch Committee and sub-Branch Executive;
  - (c) sub-Branch correspondence;
  - (d) maintaining a register of sub-Branch members;
  - (e) subject to sub-Branch Committee approval, opening a bank account in name of the sub-Branch;
  - (f) maintaining a record of all fees paid by each sub-Branch Member and seeking payment of the annual subscription from each sub-Branch Member; and

- (g) requesting sub-Branch Members who have not paid their annual fees, to return their Badge to the sub-Branch.

**Sub Branch Treasurer**

- 6. The sub-Branch Treasurer is responsible for:
  - (a) the collection of money owing to the sub-Branch;
  - (b) issuing receipts for monies received by the sub-Branch;
  - (c) paying all accounts approved for payment by sub-Branch;
  - (d) keeping proper books of accounts;
  - (e) preparing and signing the annual Statement of Financial Position and Comprehensive Income Statement of the sub-Branch;
  - (f) tabling the financial statements and accounts of the sub-Branch at sub-Branch Committee meetings; and
  - (g) forwarding to RSL NSW any documents and money required in accordance with this Constitution.

**By-Law No. 19**

**AMALGAMATION & WINDING-UP OF  
RSL SUB-BRANCH & SUBSIDIARIES**

**CLAUSE 38 & 39**

**This By-Law covers the amalgamation and winding-up of sub-Branches and State Branch Subsidiaries not including RSL District Councils. It also covers the formation of Chapters.**

**Procedures for Amalgamation for RSL Subsidiaries**

1. If subsidiaries wish to amalgamate, agreement between the parties shall be reached in regard to:-
  - (a) To amalgamate with the general meeting motion placed in each sub-Branch minute book.
  - (b) Title of new sub-Branch.
  - (c) Venue of new premises for meetings and activities of new sub-Branch.
2. The approval of State Council shall be obtained prior to any further action.
3. Following State Council approval there shall be an election of a new sub-Branch Committee and Trustees to conduct affairs of the new sub-Branch or one existing sub-Branch Committee elected to carry on affairs of both sub-Branches under the new title.
4. The new sub-Branch shall advise State Branch of the names, addresses and appointments of new sub-Branch Executive immediately following election of new officers to allow for Administration adjustments.
5. The closure of each sub-Branch's books shall take place on a specific date.
6. Preparation and audit of Statement of Comprehensive Income (SBA1) Statement of Financial Position (SBA2) for the period ending as at the agreed date of wind up and prior to amalgamation.
7. Stock-taking of all assets, fixtures and fittings as at date of wind up and prior to amalgamation.
8. Each sub-Branch to return the Authority to Fundraise to Branch.
9. The new sub-Branch if intending to fundraise should apply for a new Authority from the Office of Liquor, Gaming and Racing.

10. The RSL Charters of the sub-Branches may be retained for display purposes, with the approval of State Council. If not required, same shall be returned to the Branch. A new Charter will be issued by State Branch in the name of the new sub-Branch and sent to the District Council for presentation.
11. All minute books and records must be passed to the officers of the new elected sub-Branch Management Committee who shall be responsible for their safe custody.
12. A true and proper record shall be kept of all receipts issued (where necessary) for each sub-Branches assets for future reference in the case of one sub-Branch reforming.
13. Bank accounts shall be opened in the name of the new sub-Branch and funds of both sub-Branch transferred to new accounts. Bank statements shall be obtained on closure of old sub-Branch accounts and retained for record purposes.
14. Prior to final audit of sub-Branches, all outstanding payments shall be satisfied.
15. Three Trustees shall be appointed for the sub-Branch Real Property, consideration being be given to appointing RSL Custodian Pty Ltd as Trustees.
16. A list of financial Members associated with new sub-Branch shall be notified to State Branch.
17. The new sub-Branch shall affiliate with appropriate RSL District Council.
18. In the case of a Subsidiary other than a sub-Branch, the provisions of By-Laws 19.1 to 19.14 above shall apply mutatis mutandis.

**Procedure for Winding up a sub-Branch**

19. In the event of a sub-Branch deciding to wind up its affairs and surrender its Charter, certain administration procedures and additional provisions to this Constitution shall be observed as detailed in this By-Law.
20. In order to determine whether or not a sub-Branch is to return its Charter, a postal ballot shall be conducted amongst all financial Members of the sub-Branch for the current year.
21. Any decision to wind up affairs of sub-Branch must be carried by a 75 per cent of the total financial Members for the current year of the sub-Branch.
22. Prior to conduct of the postal ballot a formal notice shall be given at a sub-Branch general meeting that consideration is to be given to the surrendering of sub-Branch Charter and a postal ballot to be conducted. This shall be duly recorded in Minute Book.
23. On the outcome of a postal ballot in favour of winding up the affairs of sub-Branch all books of record and account shall be made up to the date of closure.

24. A Statement of Comprehensive Income (SBA1) Statement of Financial Position (SBA2) to date of closure shall be prepared and duly audited and signed as provided in the Constitution.
25. In the event of S.B.A.2 and 1 having not been submitted for previous financial year ending the 31st December, two sets of accounts shall be forwarded to State Branch on closure.
26. The RSL sub-Branch Charter, all books of Records and Account and Authority to Fundraise Certificate issued by Office of Liquor, Gaming and Racing, shall be forwarded to Branch for safe custody.
27. A sub-Branch can request the retention of their Charter on the provision that it can be publicly and safely displayed. Approval of State Council is required.
28. State Branch on receipt of Authority to Fundraise Certificate, shall forward it to the Office of Liquor, Gaming and Racing.
29. An "Application to Cancel Registration" Form (available from Australian Tax Office) to cancel the Australian Business Number (ABN) which all sub-Branches have, must be completed by the sub-Branch and sent to State Branch with the abovementioned records.
30. All funds that have been accumulated by the sub-Branch in the name of RSL NSW shall be forwarded to Branch on closure after reasonable payment of all debts and liabilities.
31. Funds returned to Branch shall include any monies accumulated by any Subsidiary who winds up their affairs with the sub-Branch.
32. A final bank statement for all sub-Branch or other accounts up to date of closure shall be forwarded to State Branch.
33. Funds received by State Branch on closure of sub-Branch shall be banked in the Branch General Account.
34. The sub-Branch Trustees shall be responsible for arranging the surrender of any Title Deeds for sub-Branch Real Property.
35. RSL NSW shall arrange for transfer of Property Title Deeds from Trustees to RSL NSW.
36. State Council shall be the final authority on disposing of League property on closure of sub- Branch or any Unincorporated Subsidiary.
37. Dispersal of any funds on sub-Branch closure shall not be made by the sub-Branch or any Unincorporated Subsidiary without the prior approval of State Council and in accordance with the provisions of this Constitution and By-Laws.

38. Members of the sub-Branch on closure wishing to retain membership of the League may be transferred to other sub-Branches of their choice and locality or be transferred to State Branch Unattached List until their wishes are made known.
39. The annual Member's subscription for the current year shall be included in sub-Branch funds received by Branch in view of the decision to close the sub-Branch, they were financial Members prior to the winding up of sub-Branch affairs.
40. The current status of Members shall be retained on transfer.
41. Sub-Branch on closure shall be responsible to submit final returns as required under law.
42. The provisions of paragraphs 19.19 to 19.41 apply to sub-Branch on dissolution or instruction to wind up affairs of sub-Branch.
43. In the event of a sub-Branch ceasing to operate any attached Subsidiary wishing to remain active and is capable of continuing in the interests of League, may seek approval of State Council / Executive to continue operating under its control on such terms and conditions as deemed necessary.
44. In the case of a Subsidiary other than a sub-Branch, the provisions of By-Laws 19.19 to 19.43 above shall apply, mutatis mutandis.

### **RSL Chapters**

45. A sub-Branch may form an RSL Chapter within a neighbouring area that no longer has any RSL sub-Branch; any such RSL Chapter shall be formed, conducted and operated in accordance with this By-Law.
46. An RSL Chapter shall be known as, the \_\_\_\_\_ Chapter of the \_\_\_\_\_ RSL sub-Branch.
47. Aims and Objects of RSL Chapters:-
  - (a) The aims of RSL Chapters are to promote community participation and involvement in remembrance and commemoration programmes and activities recognising the sacrifices of Australia's deceased war veterans from all wars and conflicts.
  - (b) The objects of RSL Chapters are to maintain an RSL presence and promote the aims and objects of the League within their local community.
48. Requirements for an RSL Chapter;
  - (a) On the closure of a sub-Branch in accordance with the Constitution, a request from a neighbouring sub-Branch may be made to State Branch to form a RSL Chapter within that area. The property, both real and personal of the closed RSL sub-Branch may be retained by the parent RSL sub-Branch on behalf of the RSL Chapter.

- (b) An RSL Chapter shall have the full support of the parent sub-Branch.
- (c) Membership of an RSL Chapter shall be open to all financial Members of The Returned and Services League of Australia (New South Wales Branch). Upon the financial Member of The Returned and Services League of Australia (New South Wales Branch) becoming a member of the RSL Chapter they will be entitled to become a Member of the parent sub-Branch.
- (d) Any number of local community members, as the RSL Chapter may determine, may be coopted to assist them meet their aims and objects but shall hold no membership rights.
- (e) The RSL Chapter shall elect from their membership an RSL Chapter Co-ordinator who shall record the minutes, liaise with the parent sub-Branch, and report to the RSL Chapter on matters of interest.
- (f) The Parent sub-Branch Executive shall be ex-officio members of the RSL Chapter.
- (g) The RSL Chapter shall meet, at such time and place as determined by the parent sub-Branch.
- (h) The RSL Chapter shall formulate commemorative programmes and activities suitable for their area and make recommendations to the parent sub-Branch who shall have sole responsibility for the implementation and operation of any such programme or activity.
- (i) The parent sub-Branch shall have full responsibility for the financial and administrative affairs of the RSL Chapter including cost of commemoration events and necessary insurance requirements.
- (j) An RSL Chapter shall have no right of representation at District Council, State Council or State Congress.
- (k) The parent sub-Branch shall conduct all fund raising activities on behalf of the RSL Chapter.

#### **Winding Up of a Chapter**

49. The parent sub-Branch may wind up a RSL Chapter provided that;
- (a) prior notice has been given to sub-Branch Members in General Meeting and;
  - (b) a simple majority of sub-Branch Members entitled to vote agree to the wind up of the RSL Chapter;
  - (c) they transfer all assets held on behalf of the RSL Chapter to State Branch;
  - (d) all such assets shall be dealt with in the same manner as those for a sub-Branch when winding up.

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**RSL SUBSIDIARIES**

**CLAUSE 39**

**This By-Law covers the administration of RSL subsidiaries not including RSL District Councils.**

**RSL DAY CLUB COMMITTEE**

1. The RSL State Council at its sole discretion may sponsor the formation of a Committee and the establishment of any Day Club. A donation can be made in accordance with RSL NSW Property and Finance Regulations and payment of the yearly insurance premium of the Committee or any Day Club sponsored by the State Council.
2. The Day Club (DC) Committee shall comprise of:
  - (a) Two (2) State Councillors, one of whom shall be the Chairman of the DC Committee by State Council.
  - (b) Six (6) members of the RSL NSW who are to be appointed by the State Council from a list of candidates recommended by the DC Committee. Preference is to be given to financial Members of the RSL NSW who have served as a Co-ordinator or deputy Co-ordinator of any Day Club for at least twelve (12) continuous months.
  - (c) The NSW Deputy Commissioner of the DVA or nominee and the approved DVA Advisors.
  - (d) A State Co-ordinator is to be appointed annually by State Council to be responsible for the establishment and administration of Day Clubs and supervise the conduct of each Day Club for compliance with RSL NSW Constitution and any other policies, manuals or rules imposed by the DC Committee from time to time.
  - (e) A State Administrator who shall be appointed by the RSL NSW State Secretary for part-time duty to the DC Committee. The State Administrator shall:
    - (i) prepare and distribute the agenda, minutes and endorsed resolutions from DC Committee meetings;
    - (ii) attend to incoming correspondence referred by the RSL NSW; and
    - (iii) liaise with the State Co-ordinator and Committee Chairman when required.

3. The aims and objectives of the DC Committee are to:
  - (a) foster the establishment of Day Clubs in the State;
  - (b) provide support for the formation of Day Clubs where the aged, disabled and socially isolated may meet and participate in activities; and
  - (c) formulate policy and supervise the conduct of Day Clubs on behalf of the State Council from time to time.
4. RSL State Branch Secretary, or any person authorised by State Council or State Executive, shall have the power to inspect records, including all correspondence and other documentation in possession of or belonging to the DC Committee.

### **RSL YOUTH COUNCIL**

5. The New South Wales RSL Youth Council shall be the authorised body elected by State Council to administer and control the RSL Youth Movement in New South Wales.
6. The RSL Youth Council shall be known as the "New South Wales RSL Youth Council."
7. Aims and objects of the RSL Youth Council are:-
  - (a) Assistance, guidance and advice to Youth Clubs on all phases of youth work and activities.
  - (b) To foster the establishment of RSL Youth Clubs throughout New South Wales.
  - (c) To constantly reappraise the general direction of the Youth Movement.
  - (d) To further improve sporting and cultural activities.
  - (e) To afford youth the opportunity to clean healthy recreation.
  - (f) For youth to observe the principles of good citizenship and need for observance of laws.
  - (g) For youth to display good fellowship and sportsmanship in both social and competition sport.
  - (h) Development of loyalty of youth in all facets of community and private associations.
  - (i) Perpetuate the close friendship created by Mutual Service.

- (j) To foster and promote the RSL Charter on Australia Youth as stipulated in the Regulations.

**CENTRAL COUNCIL OF WOMEN'S AUXILIARIES**

- 8. The Central Council of Women's Auxiliaries shall be sponsored by State Council and shall be known as the Central Council of Women's Auxiliaries (NSW Branch) (hereafter called 'Central Council').
- 9. The Central Council is responsible for the general government and administration of NSW RSL Women's Auxiliaries subject to the Constitution and such directions of its Annual Congress but it shall not interfere with the domestic workings of any auxiliary so long as such conforms to the Aims, Objects and Policies of the League.
- 10. The Head Office of the Central Council shall be at such place as RSL State Council may direct.

**D. OTHER SUBSIDIARIES**

- 11. All other subsidiaries will be administered by RSL NSW as per the RSL NSW Constitution.

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**RSL CHARITABLE INSTITUTION STATUS**

- (1) Each sub-Branch is to comply with the requirements of the Australian Tax Office (ATO) and the Australian Charities and Not-for-Profits Commission (ACNC) in conjunction with RSL NSW Constitution, By-Laws, Regulations and Fact Sheets.
- (2) Each sub-Branch is to be registered with the ACNC and to remain registered all sub-Branches must comply with the RSL NSW Constitution, By-Laws, Regulations and RSL/ACNC governance standards (Annex A).
- (3) This By-Law sets out the methods for implementing the compliance measures of RSL NSW, sub-Branches and subsidiaries to maintain the status of a Charitable Institution with exemption from income tax and concessions for FBT and GST.
- (4) RSL NSW acknowledges that the ability of RSL sub-Branches and subsidiaries to carry out the requirements will depend on the size of membership and the physical resources of the each sub-Branch, including the number and age of its members, and the economic strength or otherwise of the sub-Branch/subsidiaries.
- (5) There is an expectation from the Government Regulatory Bodies that RSL NSW and its sub-Branches/subsidiaries will expend a reasonable proportion of their income in fulfilment of the charitable objects taking into account the need for RSL NSW and a sub-Branch/subsidiary to make reasonable provision for future activities. Sub-Branches/subsidiaries shall not make unspecified accumulation of funds for future projects. In the event of such accumulations, it shall only be in circumstances where the project has been clearly defined and approved by RSL NSW, costed and budgeted for with a defined period of commencement of the project.
- (6) RSL NSW sub-Branches/subsidiaries charitable purposes include the payment of donations to approved RSL Charities. Approved RSL Charities are those which have a predominate purpose that is charitable and is consistent with the aims and objects of RSL NSW (By-Law 22 & Chapter 5 Property and Finance Regulation). A minimum threshold of the quantum of donations required to be paid by the sub-Branch/subsidiary will be established by the RSL NSW Constitution, By-Laws & Regulations and will be dependent on the net income of the sub-Branch – after taking into account expenses and the necessity to preserve the capital of the sub-Branch in order to make reasonable provision for future activities.
- (7) The following is the basis for the establishment and maintenance of the requirements with the RSL NSW Constitution, By-Laws and Regulations and the ATO/ACNC.
  - (i) Each sub-Branch/subsidiary will maintain monthly records that enable the appropriate recording of the information set out below :
    - a. Minutes of sub-Branch/subsidiary meetings that record the activities of the sub-Branch/subsidiaries that are related to the fulfilment of the sub-Branch/subsidiary's charitable activities, including welfare, commemorative and patriotic activities;

- b. The creation and maintenance of an activities diary recording the nature of the voluntary work performed by members of the sub-Branch/subsidiary including a record of the hours spent and the funds, if any, expended and a short description of the general nature of the volunteer activity for example:
1. Welfare Officer;
  2. Pension Officer;
  3. Commemoration Activities;
  4. Recreational Activities & functions;
  5. Funeral Activities;
  6. Maintenance of Memorials;
  7. Transportation of Members, widows, veterans & their families; and
  8. Any other voluntary activities in furtherance of the sub-Branch's charitable activities in accordance with the RSL NSW Objects as set out in the RSL NSW Constitution.
- (ii) A record of donations made (including to whom, the amount of the donation, and how the funds donated are to be used to further the RSL NSW Objects).
- (iii) Each sub-Branch/subsidiary shall create and keep a financial budget, which will set out the proposed allocation of funds earned or received by the sub-Branch/subsidiary including welfare and charitable activities. The sub-Branch budget and any variation to the budget shall be recorded and approved by State Council.
- (iv) RSL NSW together with its sub-Branches shall also, where practicable, create a plan regarding the nature of the projects of a charitable or welfare nature that they each intend to undertake over the subsequent twelve month period with the possible allocations of money in relation to those projects.
- (v) Sub-Branches shall not make unspecified accumulation of funds for future building projects. In the event of such accumulations, it shall only be in circumstances where the project has been approved by RSL NSW, costed and budgeted for with a defined period of commencement of the project.
- (vi) The ATO acknowledges that the expenditure of funds in promotion of RSL NSW Objects may include monies expended in conduct of welfare, including the refund of expenses to sub-Branch members. As such, the advance payment or honorariums to Officers, Committee and sub-Branch members are not allowed.
- (8) RSL NSW will each year review sub-Branch activities to confirm sub-Branch compliance with the RSL NSW Constitution, By-Laws and Regulations as well as the requirements of the ATO and ACNC.
- (9) If RSL NSW forms the view that a sub-Branch is not reasonably and substantially complying with the provisions of the RSL NSW Constitution, By-Laws and Regulations and the requirements of the ATO and ACNC, then RSL NSW shall

advise the sub-Branch of its failure to carry out its obligations. Discussions shall take place between RSL NSW and the sub-Branch in relation to action items required to rectify the non-compliance. Where, after such discussions and any agreed actions with the sub-Branch have taken place, RSL NSW continues to form the view that the sub-Branch is continuing to be in substantial non-compliance with the RSL NSW Constitution, By-Laws and Regulations and the requirements of the ATO and ACNC, RSL NSW shall inform the ATO Commissioner within a reasonable timeframe and take such other action as is required which may include winding up of the sub-Branch in accordance with the powers upon State Council in the Constitution of The Returned and Services League of Australia (New South Wales Branch).

Annexures:

A RSL/ACNC GOVERNANCE STANDARDS

**RSL/ACNC GOVERNANCE STANDARDS**

The minimum governance standards for RSL NSW sub-Branches/subsidiaries are to be read in conjunction with the RSL NSW Constitution, By-Laws, Regulations & Fact Sheets.

**Standard 1:** Purposes and not-for-profit nature of a sub-Branch/subsidiary

Sub-Branch/subsidiary must be not-for-profit and work towards their charitable purpose. A sub-Branch/subsidiary must be able to demonstrate this to the ACNC and provide information about its purpose to the public.

**Standard 2:** Accountability to members

Sub-Branch/subsidiary must take reasonable steps to be accountable to their members and provide their members adequate opportunity to raise concerns about how the sub-Branch/subsidiary is governed.

**Standard 3:** Compliance with Australian laws

A sub-Branch/subsidiary must not commit a serious offence (such as fraud) under any Australian law or breach a law that may result in a civil penalty.

**Standard 4:** Suitability of Executive/Committee members ('responsible persons')

Sub-Branch/subsidiary must take reasonable steps to ensure that their Executive/Committee members are not disqualified from managing a corporation (under the Corporations Act) or currently disqualified from being an Executive/Committee member for a registered charity by the ACNC Commissioner. RSL NSW and/or sub-Branch/subsidiary must take reasonable steps to remove Executive/Committee members who do not meet these requirements.

**Standard 5:** Duties of Executive/Committee members ('responsible persons')

Sub-Branch/subsidiary must take reasonable steps to make sure that their Executive/Committee understand and carry out the duties set out in the RSL NSW Constitution, By-Laws, Regulations & Fact Sheet 21.



## **BY-LAW NO. 22 – SUB-CLAUSE 34**

### **RSL DONATIONS POLICY FOR SUB-BRANCHES AND SUBSIDIARIES**

RSL NSW is a charitable organisation.

The following criteria and conditions will assist sub-Branches to comply with their regulatory obligations as a charity, including their obligation to fulfil the charitable purpose and objects of the RSL NSW Constitution.

RSL NSW requires sub-Branches to spend a minimum of 51% of their income (regardless of the source of that income) on their charitable purpose every year. This can be done through welfare and commemoration activities and donations to organisations that deliver services that meet the charitable purpose and objects of RSL NSW.

51% of expenditure on the organisation's charitable purpose and objects is considered by State Council to be the absolute minimum requirement for RSL NSW sub-Branches to meet their regulatory requirements as a charity. RSL NSW acknowledges that this percentage is below community expectations and encourages sub-Branches to spend as much as prudently possible each year in fulfilling the organisation's charitable purpose, while ensuring their financial sustainability.

Some sub-Branches have accumulated significant charitable monies and their surpluses are in excess of what is reasonably needed by a sub-Branch to cover the welfare and commemoration needs and further its charitable purpose. These guidelines apply to monies that are donated by sub-Branches each year in order to fulfil their regulatory requirements as a charity.

#### **General Criteria for all sub-branches for all donations**

Sub-Branches *must* only make donations in accordance with the charitable purpose and objects of the RSL NSW Constitution and *must not* make donations for the welfare of the community at large.

Sub-Branches *must not* make donations to any of the following:

RSL clubs and other registered and service clubs,  
RSL LifeCare,  
Individuals,  
Organisations unable to provide a tax invoice with a valid ABN or ACN, and  
Local, State and Federal Government organisations or agencies (including the ADF and its agencies/units but not including local public schools).

Sub-Branches *must* prepare a budget each year to meet their obligations under the ATO Deed of Agreement and this budget will identify the expected surplus or deficit for the forthcoming financial year.

The first \$5,000 of annual surplus funds identified in the budget is *not* subject to the conditions of this By-Law and can be spent, retained for future needs, or donated in accordance with the charitable purpose and objects of the RSL NSW Constitution. Sub-Branches with an annual surplus of \$5,000 or less *may* donate to the organisations listed in Conditions 2 and 3 (below).

If a sub-Branch complies with this By-Law, State Council is deemed to have given consent under clause 34.4(j)(iii) for any single donation that is made in accordance with this By-Law and no further consent is required.

The following conditions of this By-Law *only* apply to the amount of a sub-Branch's annual surplus funds in excess of \$5,000.

### **Conditions for Donations where a sub-Branch's surplus exceeds \$5,000**

#### **Condition 1 – Amount of surplus applied to Donations**

51% of a sub-Branch's annual net surplus over \$5,000 must be donated in accordance with Conditions 2, 3 and 4 below. The amount equal to 51% of the annual net surplus is referred to as '*funds available for donation*'.

#### **Condition 2 – 70% of funds available for donation must be donated to RSL DefenceCare**

All sub-Branches with *funds available for donation* must donate **a minimum of 70%** to RSL DefenceCare. This condition must be met at the start of the financial year and before donations can be made under conditions 3 and 4.

#### **Condition 3 – 30% of funds available for donation**

After meeting Condition 2, Sub-Branches may donate **up to a maximum of 30% and subject to a limit of \$50,000** to the following organisations:

Organisations, including but not limited to Cadet units, bands, local schools and local volunteer organisations, that provide support to Commemorative Services, and/or Local community charities that have similar objects, or support the objects of RSL NSW, and/or

Charitable organisations that are approved by ANZAC House and are listed in the sub-Branch section of the website.

Sub-Branches are responsible for ensuring that donations in this category are in accordance with the RSL NSW charitable purpose and objects.

#### **Condition 4 – Unspent funds available for donation**

Before the end of each financial year, sub-Branches with unspent *funds available for donation* after meeting conditions 2 and 3, must donate all unspent funds to RSL DefenceCare.

## APPLICATION OF BY-LAW No. 22

This is a step by step application of By-Law No. 22 with a summary table at the end.

### Step 1: Prepare sub-Branch budget for the coming year and calculate your surplus.

Net surplus	What to do
Up to and including \$5,000	By-Law No.22 doesn't apply, but sub-Branches can still choose to make donations in accordance with RSL NSW's charitable purpose and objects. Moving to step 2 is optional.
More than \$5,000	By-Law No.22 applies to the surplus in excess of \$5,000 ( <i>funds available for donation</i> ). Moving to step 2 is compulsory.

### Step 2: Calculate the funds available for donation under By-Law No. 22.

This By-Law only applies to surplus monies in excess of \$5,000.

#### Example 1 – sub-Branch surplus \$20,000

A sub-Branch's surplus for the year is \$20,000. Subtract \$5,000 and the remaining surplus is \$15,000. 51% of \$15,000 is \$7,650. \$7,650 is the ***funds available for donation*** for the year.

#### Example 2 – sub-Branch surplus \$500,000

A sub-Branch's surplus for the year is \$500,000. Subtract \$5,000 and the remaining surplus is \$495,000. 51% of \$495,000 is \$252,450. \$252,450 is the ***funds available for donation*** for the year.

Once you have calculated the ***funds available for donation***, move on to Step 3.

### Step 3: Calculate the amount to be donated to RSL DefenceCare (Condition 2 – minimum donation 70% of funds available for donation).

#### Example 1 – sub-Branch surplus \$20,000

70% of \$7,650 (the ***funds available for donation***) is \$5,355. This is the minimum that must be donated to RSL DefenceCare at the start of the financial year and before any other donations are made.

#### Example 2 – sub-Branch surplus \$500,000

70% of \$252,450 (the ***funds available for donation***) is \$176,715. This is the minimum that must be donated to RSL DefenceCare at the start of the financial year and before any other donations are made.

Once you have donated the minimum amount to RSL DefenceCare, move on to Step 4.

### Step 4: Calculate the amount, if any, the sub-Branch wants to donate to organisations that support commemorative services and/or local community charities that meet the

**aims and objects of RSL NSW and/or RSL NSW approved charities (Condition 3 – maximum of 30% of funds available for donation).**

**Example 1 – sub-Branch surplus \$20,000**

30% of \$7,650 (the ***funds available for donation***) is \$2,295. Sub-Branches can choose to donate up to this amount to organisations that provide support to commemorative services and/or local community charities that meet the aims and objects of RSL NSW and/or approved charities that are listed in the sub-Branch section of the RSL NSW website. Donations under Condition 3 are not compulsory.

**Example 2 – sub-Branch surplus \$500,000**

30% of \$252,450 (the ***funds available for donation***) is \$75,735, but donations are limited to \$50,000 in total under Condition 3. This sub-Branch can donate a maximum of \$50,000 to organisations that provide support to commemorative services and/or local community charities that meet the aims and objects of RSL NSW and/or approved charities that are listed in the sub-Branch section of the RSL NSW website. Donations under Condition 3 are not compulsory.

**Step 5: Check if you have any unspent surplus funds and donate to RSL DefenceCare (Condition 4).**

**Example 1 – sub-Branch surplus \$20,000**

The sub-Branch adds up donations made during the year and finds that donations total \$7,650 and there are no unspent funds. The sub-Branch is not required to donate any additional funds to RSL DefenceCare.

**Example 2 – sub-Branch surplus \$500,000**

Towards the end of the financial year, the Sub-Branch adds up the total donated so far - \$176,715 + \$50,000 and notes that the total of \$226,715 is less than the required \$252,450 to be donated under By-Law 22. The shortfall of \$25,735 is donated to RSL DefenceCare before the end of the financial year.

## Summary of example calculations

### Sub-Branch with a surplus of \$20,000

	Initial Calculation	Distribution
Surplus \$20,000	\$20,000	
Subtract \$5,000 from surplus	\$15,000	
Funds available for donation (51% of \$15,000)	\$7,650	
Condition 2 – 70% to RSL DefenceCare	70% of \$7,650	\$5,355
Condition 3 – optional 30% maximum to organisations supporting commemoration and/or other local organisations that meet the aims and objects of RSL NSW and/or RSL approved charities listed on RSL NSW website (to a maximum spend of \$50,000).	30% of \$7,650	\$2,295
Condition 4 – any unspent monies left over to be donated to RSL DefenceCare.		N/A
Total donated		\$7,650

### Sub-Branch with a surplus of \$500,000

	Initial Calculation	Distribution
Surplus \$5,000	\$500,000	
Subtract \$5,000 from surplus	\$495,000	
Funds available for donation (51% of \$495,000)	\$252,450	
Condition 2 – 70% to RSL DefenceCare	70% of \$252,450	\$176,715
Condition 3 – up to 30% to organisations supporting commemoration and/or other local organisations that meet the aims and objects of RSL NSW and/or RSL approved charities (listed on RSL NSW website) to a maximum spend of \$50,000.	30% of \$252,450 (\$75,735)	\$50,000
Condition 4 – any unspent monies left over to be donated to RSL DefenceCare.	\$75,735-\$50,000	\$25,735
Total donated		\$252,450

An Excel donation calculator is available in the secure section of the website for sub-Branches to assist with these calculations.