**Guidance for Sub-Branch Use in By-Law Development**

**Preamble**

The following *Guidance for Sub-Branch Use in By-Law Development* is intended as a reference only. This also applies to the example set of By-Laws generously provided by the RSLWA North Beach Sub-Branch, which are presented separately. **You must not feel obliged to slavishly copy either the Sample By-Laws shown in Part 3 below or the Example set provided by North-Beach. They are simply offered to assist as you develop your own customized set of Sub-Branch By-laws.**

**By-Law 5.34 advises that**: *“The RSLWA Rules and By-Laws will apply to all Sub-Branches duly formed under the authority of RSLWA,* ***but it will be competent for Sub-Branches to create By-Laws with additional details that suit local conditions****. Such By-Laws are to be submitted to the Board of Directors and must be consistent with the RSLWA Rules and By-Laws. In any instance where Sub-Branch By-Laws differ from the RSLWA Rules or By-Laws, the RSLWA Rules or By-Laws will have primacy.”*

As outlined above, Sub-Branch By-Laws are intended to operationalize the RSLWA Constitutional Rules and By-Laws by offering Executive Officers and Members more detailed and locally relevant direction. The ultimate aim of these By-Laws is to support the objectives of RSLWA while fostering a friendly, welcoming environment that meets the needs of all members and ensures compliance with policies and procedures. Additionally, By-Laws should promote transparency in the operations and management of the Sub-Branch.

The guidelines follow the structure outlined in the index below (which also alignment with the North Beach *Example By-Laws*) and include extensive extracts from the RSLWA By-Laws to enhance understanding. This approach aims to ensure consistency between your Sub-Branch By-Laws and the overarching state By-Laws. However, these extracts need not be replicated in any By-Laws your Sub-Branch may be developing. It is important to note that copying the RSLWA By-Laws carries the risk of misalignment, particularly as they are under continual review. The extracts included in this guidance document are correct as at June 2025.

Please note that the *Example By-Laws* provided by North Beach generally, though not always, reference Rules and By-Laws by their heading and number (e.g., "Life Members – RSLWA Constitution Rules 7.1 – 7.8"). While the North Beach example occasionally includes full quotations of relevant sections, they more commonly paraphrases or summarizes them when adapting the By-Laws for local conditions (e.g., *"Pursuant to RSLWA By-Laws Section 5.21, the President, Vice-President, Treasurer, Secretary, and any other persons deemed appropriate by the Sub-Branch are the designated Executive Officers of the Sub-Branch"*).

**Finally, one of the RSLWA Board's standing sub-committees is the Constitution Committee. This committee is responsible to the Board for the oversight and management of our Constitution (Rules) and By-Laws. It is the Constitution Committee that makes recommendations to the Board regarding changes to the Rules or By-Laws. Meeting on a monthly basis, the committee welcomes enquiries relating to the interpretation of the Rules or By-Laws, as well as feedback on potential changes.**

**Contents**:

1. Guidance for Sub-Branch By-Law Development Parts 1, 2 and 3 (this document)

2. Example By-Laws (North Beach) Part 1 – the By-Laws as at 6 June 2025 (separate doc)

3. Example By-Laws (North Beach) Part 2 – the Annexes as at 6 June 2025 (separate doc)

**Guidance for Sub-Branch By-Law Development**

**Part 1 – The Index for <Insert Name of Sub-Branch Here> By-Laws**

**Part 1 – The By-Laws**

**RECORD OF AMENDMENTS** <*this record is important as RSLWA By-Laws are subject to ongoing review meaning your Sub-Branch By-laws* ***will*** *need to be amended accordingly>*

**INTRODUCTION** - Hierarchy of By-Laws - National, State and Sub-Branch

1. **ORGANISATION AND MANAGEMENT**

1.1 **Executive**

1.1.1 Executive Committee

1.1.2 Sub-Committees

1.2 **Contact Information**

1.3 **Types of Membership**

1.3.1 Service Members

1.3.2 Affiliate Members

1.3.3 Life Members

1.3.4 Honorary Members

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1.3.6 Social Members

1.3.6 Associate Members

1.4 **Processing Membership**

1.5 **Annual Subscriptions**

1.6 **Sub-Branch Affiliations**

1.7 **Meetings**

1.7.1 Annual General Meeting

1.7.2 Monthly General Meetings

1.7.3 Sub-Branch Disciplinary Hearing Sub-Committee

1.8 **Managing Disputes**

1.9 **Newsletter**

1.10 **Memorials**

1.11 **Display Policy**

1.12 **Ceremonies**

1.13 **Disciplinary Powers of Sub-Branches**

1.14 <**Insert Additional Organisational and Management Topics** relevant to your Sub-Branch>

2 **DUTIES AND RESPONSIBILITIES <Insert or remove positions as applicable to your Sub-Branch>**

2.1 **Code of Conduct**

2.1.1 Committees

2.1.2 Members and guests

2.2 **President**

2.3 **Vice President**

2.4 **Secretary** (including **Sub-Branch Welfare**)

2.5 **Treasurer**

2.6 **Membership Officer**

2.7 **Warden**

2.8 <**Insert Additional Duties and Responsibilities Topics** relevant to your Sub-Branch>

3 **FINANCIAL AND GOVERNANCE**

3.1 **Bank Accounts**

3.2 **Contingency Fund**

3.3 **Expenditure Limit**

3.4 **Australian Charities and Not-for- Profit Commission (ACNC)**

3.5 **Donations**

3.6 **Sub-Branch Welfare** (see section 2.4.8 above)

3.7 **Auditor**

3.8 <**Insert Additional Financial and Governance Topics** relevant to your Sub-Branch>

**Part 2 - Example List of Annexes**

***Note****: for your consideration only. The sorts of information contained in the Annexes listed below could just as easily be included in the main body of your By-Laws. However, by including them as Annexes it reduces the clutter of the main By-Laws – but your call! The “detail” contained in the Annexes listed here is shown in the Annex section of the Example By-Laws provided by North Beach (shown separately).*

**Index to Annexure**

1 **Code of Conduct**

1.1 Standing Orders

2 **Flag Protocol**

3 **Procedures and Guidelines**

3.1 Death of Member and Funeral Arrangements

3.2 Welfare and Advocacy

3.3 Memorial Warden, Wall of Remembrance

3.4 Donated Material to Sub Branch

3.5 Appeal Collections Guidelines

3.6 Warden Guidelines

3.7 Management of Clothing

3.8 Executive Committee Members and Meetings

4 **Forms**

4.1 Membership Application Forms

4.2 Election to Sub-Branch Office

4.3 Finance

4.4 Administration

**Part 3 – Sample By-Laws**

***Note*:** *As mentioned earlier, the following sample Sub-Branch By-Laws contain extensive extracts from the RSLWA By-Laws (shown in blue) to illustrate the important connection between the two. While this approach helps ensure close alignment with the overarching state By-Laws, it also introduces an administrative burden - any changes to the RSLWA By-Laws would require corresponding updates to your Sub-Branch By-Laws. Therefore, although this sample includes verbatim excerpts, Sub-Branches are encouraged to consider whether this model best suits their needs.*

**By-Laws National, State and Sub-Branch**

RSL Sub-Branches operate under RSL National (National) and The Returned & Services League of Australia WA Branch Incorporated (RSLWA) Constitution Rules and By-Laws. The ***<Insert name of Sub-Branch>*** RSL Sub-Branch (Sub- Branch) By-Laws provide further guidance to its Executive Officers and Members to ensure compliance and transparency in its operations and management.

Where Sub-Branch By-Laws are inconsistent with RSLWA or National Constitution Rules or By-Laws, the higher authority of State or National take precedence.

Within this document, RSLWA Rules and By-Laws are incorporated unaltered in Blue Italics as a point of reference and relevance. If entered, extracts of RSLWA By-laws are at the beginning of the appropriate section. Note that from time to time RSLWA Rules and By-Laws are amended. Accordingly these Sub-Branch By-Laws will need to be adjusted as each amendment occurs. Such changes are tracked in the Record of Amendments sheet shown at the front of these By-Laws.

The Sub-Branch will operate and be managed to ensure its consistency with National, State and Sub-Branch By-Laws.

**RSLWA By-Laws (Extract from)**

*5.34 The RSLWA Rules and By-Laws will apply to all Sub-Branches duly formed under the authority of RSLWA,* ***but it will be competent for Sub-Branches to create By-Laws with additional details that suit local conditions****. Such By-Laws are to be submitted to the Board of Directors and must be consistent with the RSLWA Rules and By-Laws. In any instance where Sub-Branch By-Laws differ from the RSLWA Rules or By-Laws, the RSLWA Rules or By-Laws will have primacy.*

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

*5.36 The payment of the yearly subscription or the acceptance of honorary membership will signify a member's acquiescence to the National and State Rules, National and State (these) By-Laws, the RSLWA Code of Conduct and Branch By-Laws.*

***<Insert name of Sub-Branch>*** Sub-Branch By-Laws

Consistent with Section 24 of RSLWA Constitution Rules, the RSLWA Board of Directors may make and amend the RSLWA By-Laws consistent with the Constitution Rules prescribing all matters and things that are required for the effective management and operation of the RSLWA. In turn RSLWA By-Law 5.34 empowers the <name of Sub-Branch> Executive Committee to create By-Laws with additional details to suit local conditions. Note that in any instance where Sub-Branch By-Laws differ from the RSLWA Rules or By-Laws, the RSLWA Rules or By-Laws will have primacy.

# **Organisation and Management.**

## Executive

Pursuant to Clause 5.21 RSLWA By-Laws, the President, Vice-President, Treasurer, Secretary and such other persons as the Sub-Branch may decide are the designated Executive Officers of the Sub-Branch and will hold office as determined by the Sub-Branch for up to three years from their election. The Executive is charged with responsibility for efficient conduct and management of the Sub-Branch and to ensure consistency with the Constitution Rules and By- Laws of RSLWA and the By-Laws of the Sub-Branch. With the exception of any Sub-Committee formed for the purpose of managing a disciplinary matter (see By-Law 24)the President, Secretary and Treasurer are ex officio members of all committees.

**1.1.1 Executive Committee**

The Executive Committee consists of the Executive Officers, a Membership Officer and any other member as agreed to by the Executive Officers (see By-Laws 5.20 – 5.21).

**1.1.2 Sub-Committees**

Sub-Committees are established Pursuant to RSLWA By-Law 5.20. The President, Vice President, Secretary and Treasurer are ex officio members of all committees, with the exception of any Sub-Committee formed for the purpose of managing a disciplinary matter, (RSLWA By-Law 24), in which case they will only be a member if so appointed by the Sub Branch Committee.

Sub- Committees may be of a permanent (ceremonies) or ad hoc (special events) nature. Sub-Committee members appointed from time to time shall be shown in the Minutes of Sub-Branch Meetings where such appointments are made, displayed on the Notice Board of the Sub-Branch and on its website.

Where the Sub-Branch decides to form ad hoc Sub-Committees throughout the year members of the Sub-Committee may be appointed by the Executive Committee or by consensus of members at a General Meeting.

## 1.2 Contact Information

Contact information will be available to members on the Sub-Branch website and in communications.

## 1.3 Types of Membership *<Following are relevant extracts from the Rules and By-Laws. Note that these are extracts and are not quoted in full>*.

***Service Members (By-Laws Section 3)***

*3.1 As provided for in Rule 7.3 of the RSLWA Constitution, any person who has served in the Australian Defence Force as either a Regular or a Reservist or any other person provided for in these By-Laws may be admitted as a Service Member.*

*3.3 The Application for Service Membership Form is the standard form for use throughout the League. The standard form is the only form to be used by applicants applying for Service Membership. The form comes in two parts and must be copied from the latest version found in the RSLWA Toolbox.*

***Affiliate Members (By-Laws Section 4)***

*4.1 All Sub-Branches within the WA Branch are bound to adopt the procedures in this By-Law and to accept Affiliates Members.*

*4.4 No person who is eligible for Service Membership of the League will be admitted as an Affiliate Member.*

*4.6 Any person being eligible to be an Affiliate Member may apply for such by lodging with the Sub-Branch Secretary, or in the absence of a Sub-Branch the State Branch Membership Officer, an application on a prescribed form and must be nominated by any Service or Life Member of the Sub-Branch, or in the absence of a Sub-Branch by any Service or Life Member, and seconded by a Service or Life Member or Affiliate Member of the Sub-Branch, or in the absence of a Sub-Branch by any Service or Life Member or Affiliate Member.*

***Life Members (Rules 7.1 – 7.8)***

*7.5 The State President may propose that a Service Member, who has given long, continued and outstanding service to the League, be granted Life Membership by the National Board.*

*7.8 The rights, privileges and obligations of a Service Member elected as a Life Member shall not be disturbed by their election to that class, save and except that they shall not be liable to pay any annual subscription either to the League, RSLWA or a Sub-Branch, as the case may be.*

***Honorary Members*** *(see Rules 7.9 – 7.11)*

***Honorary Life Members*** *(see Rules 7.12 – 7.14)*

***Social Members*** *(Rules 7.18 – 7.19)*

*7.18 Persons not eligible to join the League may be admitted as Social Members at Sub-Branch level. Social Members may not hold an honorary office in any Sub-Branch, nor may they vote at any Sub-Branch meetings. However, they may be invited to speak at Sub-Branch meetings on matters of a purely social (entertainment) nature. Social Members are required to comply with the Constitution and By-Laws of RSLWA and are subject to the obligation and sanctions in the Code of Conduct.*

*7.19 The subscription for social membership is to be fixed, and payment retained, by the Sub-Branch.*

***Associate Members*** *(Rules 8.4 – 8.6)*

*8.4 A Service or Life Member who is also a member of a Sub-Branch shall not be eligible to be a member of another Sub-Branch but may apply to be admitted as an associate thereof. Such an application shall be lodged with the Secretary of that other Sub-Branch and upon their being admitted, they shall be known as an associate of that other Sub-Branch. The annual subscription payable by an associate to that other Sub-Branch shall be the annual subscription payable by a Service Member to a Sub-Branch less that proportion of each annual subscription referred to in By-Law 11.3.*

1.3.1 *<If required insert Sub-Branch specific By-Laws that may be particular to your Sub-Branch>*

**1.4 Processing Membership**

*3.5 An application to be admitted as a Service Member will be:*

*a. in the approved form;*

*b. accompanied by the annual subscription payable; and*

*c. supported by such evidence as is necessary to demonstrate the eligibility of the applicant.*

*3.6 Each person who applies to be admitted as a Service Member will, in their application form, also apply to be admitted as a member of a particular Sub-Branch as the applicant wishes.*

*3.7 An application to be admitted as a Service Member may be forwarded to, or lodged by, the applicant with the Sub-Branch referred to in By-Law 3.6. If the applicant applies to be admitted as a member of a particular Sub-Branch, then that Sub-Branch will be responsible for processing the application.*

*3.8 If an applicant referred to in By-Law 3.6 elects to become a member of a particular Sub-Branch, then provided the applicant:*

*a. has demonstrated they are eligible to be admitted as a Service Member pursuant to this By-Law;*

*b. has completed their application form and has paid the annual subscription payable; and*

*c. is considered by the committee of the Sub-Branch a fit and proper person to be admitted as a member; they will be admitted as a Service Member and a member of that Sub-Branch.*

*3.9 A Sub-Branch committee may only reject an application if it is satisfied the applicant is not eligible, or is not, in the interests of the League, a fit and proper person to be admitted as a Service Member.*

Note that the following By-Laws (shown in red) are currently being redrafted due to a Rule change approved as Congress 2025.

*3.10 The decision of the Sub-Branch committee to not admit an applicant will be recorded in the minutes of the meeting at which the decision was made. The applicant will be notified in writing of the decision and the grounds upon which the application was rejected and their right of appeal to RSLWA, within 14 days of the committee meeting.*

*3.11 Within 28 days after the date of the notification in writing referred to in By-Law 3.10, the applicant may appeal in writing to RSLWA. Such an appeal will be lodged with the Sub-Branch concerned, which will thereupon forward it, together with the grounds for rejection and all other relevant papers and documents to the CEO.*

*3.12 RSLWA may direct the Sub-Branch concerned to admit the applicant as a Service Member if RSLWA is of the opinion the applicant should be admitted, or RSLWA will reject the appeal if it is satisfied the applicant is not eligible, or is not, in the interests of the League, a fit and proper person to be admitted as a Service Member. The decision of RSLWA will be final.*

*3.13 If RSLWA directs a Sub-Branch to admit an applicant as a Service Member, the applicant will be deemed to have been admitted as a Service Member and a member of that Sub-Branch.*

*3.14 If an applicant referred to in By-Law 3.7 seeks to become a member of RSLWA only, then RSLWA is responsible for processing the application and subject to the provisions contained in By-Law 3.8, the applicant will be admitted as a Service Member and a member of RSLWA. RSLWA will, thereupon, include their name on the Unattached List of Members. RSLWA may only reject an application upon the grounds set forth in By-Law 3.9.*

*3.15 If RSLWA has rejected an application pursuant to By-Law 3.14, it will within 14 days after the rejection notify the applicant in writing of the fact and the grounds for rejection, namely that they were not eligible, in the interests of the League, as a fit and proper person to be admitted as a Service Member and a member of RSLWA. In so doing it will advise the applicant, in writing, of their right of appeal to the State Branch Tribunal regarding any decision made pursuant to By-Law 3.14.*

*3.16 Within 28 days after the date of the notification in writing referred to in By-Law 3.15, the applicant may appeal in writing to the State Branch Tribunal in respect of a decision made pursuant to By-Law 3.14.*

*3.17 The powers of RSLWA referred to in this By-Law will be exercised by (and not otherwise) the State Branch Tribunal referred to in Rule 5.3, subject to such determinations being endorsed or otherwise by the Board of Directors.*

1.4.1 *<If required insert Sub-Branch specific By-Laws that may be particular to your Sub-Branch>*

**1.5 Annual Subscriptions**

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

*11.2 Such subscription will be paid by each Service and Affiliate Member to the Sub-Branch or Branch.*

*11.3 If a Service Member is also an Associate Member (Rule 8.4) of a Sub-Branch they will pay to such Sub-Branch a fee equal to the annual subscription less the amount of capitation fee payable by that Sub-Branch to RSLWA.*

*11.4 Affiliate Members will pay to RSLWA a fee to cover administration costs associated to their membership. Such amount is to be paid by Sub-Branches as with Capitation Fees.*

1.5.1 <If required insert Sub-Branch specific By-Laws that may be particular to your Sub-Branch>

**1.6 Sub-Branch Affiliations**

From time to time the Sub-Branch may enter into agreements with other organisations, clubs or associations that align with the broad aims and objectives of RSLWA for mutual beneficial purposes, such as the provision and sharing of accommodation, social and sporting facilities. Affiliation agreements and arrangements are managed by the Executive Officers and held by The Secretary. These supplement those arrangements and agreements entered into by RSLWA from time to time. Sub-Branch affiliations that **<Insert name of Sub-Branch>** haveinclude:

**1.7 Meetings**

***Annual General Meeting***

*5.15 The Annual General Meeting will be the controlling body of the Sub-Branch.*

*5.16 Each Annual General Meeting must be held within three months from the end of the previous financial year and a minimum of 30 days’ notice of the meeting must be given. Notification to members must include the following information:*

*a. Time;*

*b. Date; and*

*c. Place.*

*5.17 The following business will be transacted at each Annual General Meeting:*

*a. presentation and adoption of the President's annual report;*

*b. receiving of the statement of income and expenditure, assets and liabilities and of mortgages, charges and securities affecting the property of the Sub-Branch for the last financial year;*

*c. receiving of the report on the financial affairs of the Sub-Branch for the last financial year;*

*d. presenting of the financial statements (reviewed or audited if defined as a Tier 2 or Tier 3 charity by the ACNC Act 2012);*

*e. election of the Sub-Branch officers and committee; and*

*f. appointment of an independent auditor (if defined as a Tier 2 or Tier 3 charity by the ACNC Act 2012).*

*5.18 The State Branch must be notified of the current office bearers within 30 days of the Sub-Branch Annual General Meeting.*

*5.19 Each Sub-Branch will, within 30 days after the expiration of the date of the Annual General Meeting, forward a copy of the balance sheet and statement of income and expenditure of the Sub-Branch for the year preceding the said Annual General Meeting, to the RSLWA CEO.*

***Election of Officers***

*5.20 At the Sub-Branch Annual General Meeting the officers and members of the Sub-Branch Committee and any on-going Sub-Committees will be elected from among its members for a tenure of up to three years. Those elected to the Sub-Branch Committee must include a President, Vice-President, Treasurer, Secretary, and Membership Officer and, at the discretion of the Sub-Branch, may include up to two Wardens (By-Law 5.41) and three additional positions that can be assigned roles and responsibilities relevant to the needs of the Sub-Branch (e.g. Junior Vice President, Property Member etc.). The President, Treasurer and Secretary will be ex-officio members of all committees with the exception of any Sub-Committee formed for the purpose of managing a disciplinary matter (By-Law 24) in which case they will only be a member if so appointed by the Sub-Branch Committee. Where the Sub-Branch decides to form ad hoc Sub-Committees throughout the year the positions there-in may be appointed by the Sub-Branch Committee OR the Sub-Branch may elect to call an EGM for this purpose.*

*5.21 The executive officers of the Sub-Branch will be deemed to be the President, Vice-President, Treasurer, Secretary and such other persons as the Sub-Branch may decide and will hold office as determined by the Sub-Branch for up to three years from their election.*

*5.22 Nominations for all offices whose tenure has expired will be taken at the Annual General Meeting. All nominations will be in writing and taken prior to the Annual General Meeting.*

*5.23 The date upon which nominations will close will be determined by the Sub-Branch Committee but no less than 30 days before the AGM. Nominations should not be received after the promulgated date. On receipt, written nominations are to be placed in general view for Sub-Branch Members for the period of 30 days.*

*5.24 Nominations will be signed by the Sub-Branch members who propose and second them and be endorsed by the nominee. Voting for the nominated candidates will only take place at the Annual General Meeting by Sub-Branch Members. Proxy votes will not be accepted. Members must attend the AGM to vote.*

*5.25 The Sub-Branch is to nominate a Returning Officer for the return and counting of ballot papers. Nominees may appoint a scrutineer/s if desired.*

*5.26 In the event of there being only one nomination a ballot will not be taken.*

*<Following is an example of the types of additional information that may be provided in Sub-Branch By-Laws. Please customize your By-Laws to suit your circumstances.>*

1.7.1 **The Annual General Meeting**

a. will be conducted at the time of the August General Meeting. Guidelines relating to the Annual General Meeting and Nomination forms are contained in the Annexure to the By-Laws

b. In accordance with RSLWA By-Laws the executive Officers, Membership Officer and no more than two Wardens are elected from among its members for a tenure of up to three years. At the expiration of such term members may re-nominate for election. Nomination forms duly executed must be submitted by a date set by the Executive Officers to allow all nominations to be displayed for members’ information for not less than 30 days prior to the Annual General Meeting.

1.7.2 **Monthly General Meeting**

a. **Location**. Is held at *<insert name of Sub-Branch location>* on the Second Monday each month except January, at a time determined by the Executive.

b. **Quorum**. The quorum for any Sub-Branch general meeting is thirty members.

c. **Resolution**. Resolution of all Motions is by majority vote. The chair of the meeting has a casting vote.

d. **Code of Conduct** (see Annex X to the By-Laws)

i **Member**: Members wishing to make a formal address to a meeting, outside of General Business, shall make a request to the Secretary to include time for such address on the meeting agenda and such agenda item shall be endorsed by the Executive Committee at its meeting prior to the meeting.

ii **Invited Guests**: Guest speakers are required to submit a precis of their address to the Secretary at least 2 weeks prior to the meeting. The precis must include subject topic, possible controversial content, and presentation time. Guest speakers shall be advised of Executive Officers approval by the Secretary.

1.7.3 **Sub-Branch Disciplinary Hearing Committee**

*24.4 If a Sub-Branch has cause to commence a disciplinary process against one or more of its members, the Sub-Branch Committee will chose Service or Life members (OR they may chose Affiliate Members if the disciplinary process is only against an Affiliate Member) from within or outside the Sub-Branch to form a Sub-Branch Disciplinary Hearing Committee comprising a chair, a secretary and one other member who will determine both the disciplinary matter and the imposition of any penalty unless:*

*a. it considers that it does not have the capacity to manage the process;*

*b. it believes that the penalty it can impose is not sufficient;*

*c. the disciplinary matter falls outside the remit of By-Law 24.2; or*

*d. the State Branch or the State Branch Tribunal so directs;*

*in which case the matter will be referred to the State Branch Tribunal Registrar (see By-Law 25.9).*

*<Note that the procedures for the conduct a Sub-Branch Disciplinary Hearing Committee are set out in RSLWA By-Laws 24.6 – 24.12.>*

1.8 **Managing Disputes**

**19 Managing Disputes**

**Natural Justice**

19.1 RSLWA must follow the rule of natural justice (procedural fairness) in managing a dispute (By-Law 19) or a disciplinary matter (By-Law 24). Procedural fairness includes the following principles:

a. the member who is the subject of a dispute (By-Law 19) or disciplinary (By-Law 24) matter will be given a fair opportunity to know and understand the case against them and to answer the other side's case;

b. the decision-makers must be impartial and have no personal interest in the matter being decided;

c. the decision-makers must act only on the evidence put before them; and

d. the decision makers will provide a written explanation of the reasons for any findings that they make if requested to do so by any party.

**Interested Persons**

19.2 A person having a material interest or relationship with a party to a dispute (By-Law 19) or a person subject to a disciplinary matter (By-Law 24) which may lead to bias, or an apprehension of bias, must not be on the body hearing and determining the dispute or disciplinary matter.

**Informality**

19.3 Disputes should be resolved/determined with as little formality as possible.

**Types of Disputes**

19.4 A dispute is any disagreement, argument or quarrel that is not considered to be a disciplinary matter (which are dealt with under By-Law 24). Disputes can arise in any circumstances and include but are not limited to: interpersonal conflicts; questions about membership status; Sub-Branch operations; and/or any real or perceived breach of the RSLWA Code of Conduct.

19.5 Disputes can be between:

a. two or more members of a Sub-Branch;

b. a member and their Sub-Branch or the State Branch;

c. two or more Sub-Branches; or

d. a Sub-Branch and the State Branch.

19.6 A dispute must first be the subject of negotiation (By-Law 19.14 – 19.17), before, if necessary, proceeding to mediation (By-Law 19.18 - 19.20). See Annex D to By-Law 19 - RSLWA Sub-Branch Disputes Flow Chart.

**Determining a Disputed Matter**

19.7 Within 14 days of the dispute coming to the attention of each party the parties must attempt a resolution by negotiation (By-Laws 19.14 – 19.17) between themselves. In the first instance, where-ever possible, this process will be managed within the relevant Sub-Branch noting though that members from another Sub-Branch or State Branch may be asked to help in the negotiation process.

19.8 If the parties are unable to resolve the dispute, any party to the dispute, or, where the dispute is contained to a particular Sub-Branch, the Sub-Branch President, may initiate a process under this rule requesting mediation (By-Laws 19.18 – 19.20) by giving written notice, including details of the dispute, within 28 days to the RSLWA Chief Executive Officer.

19.9 The RSLWA Chief Executive Officer will table the details of the dispute for discussion at the next scheduled Board meeting. Acting under the direction of the Board, where the request for mediation is approved, the RSLWA Chief Executive Officer will appoint as a mediator:

a. an RSLWA member if the dispute is between:

i) two or more members of a Sub-Branch;

ii) a member or members and their Sub-Branch and/or the State Branch;

iii) two or more Sub-Branches;

iv) a Sub-Branch and the State Branch.

This appointment must be agreed by all parties.

b. An external mediator can be appointed by or for the disputing parties if they are dissatisfied with the initial mediation attempt noting that:

i) Written notice that the internal mediation (By-Law 19.9 a) has broken down must be provided to the RSLWA Chief Executive Officer within 28 days from agreed date of the breakdown.

ii) The party or parties requesting the external mediation must pay the costs of the mediation equally, unless otherwise agreed.

iii) The mediator must be:

(a) a person chosen by agreement between the parties; o

(b) in the absence of agreement and at the request of any party to the dispute, a suitably qualified independent person.

19.10 The parties to the dispute must, in good faith, attempt to settle the dispute by mediation.

19.11 The parties to the dispute must help the mediator to start and finish the mediation within the time previously agreed to by all parties.

19.12 The refusal of any party to participate in mediation will be deemed to be an unsuccessful attempt in which case the dispute will be referred to the RSLWA State Tribunal (By-Law 19.21 – 19.23).

19.13 The RSLWA State Branch Tribunal will only make a determination about a dispute when requested to do so by the RSLWA Chief Executive Officer where the parties have been unsuccessful in their attempt to resolve their dispute by negotiation and/or mediation.

**The Negotiation Process**

19.14 A Member (the ‘Aggrieved Party’) initiates the dispute resolution procedure in relation to the dispute by giving notice in writing of the dispute:

a. to the other party; and

b. the Sub-Branch President (where the dispute is between: two members of the same Sub-Branch; or between a member or members of a Sub-Branch and the State Branch; or between two Sub-Branches) and/or the RSLWA Chief Executive Officer (where the dispute is between: a member or members of a Sub-Branch and the State Branch; or two or more Sub-Branches; or a Sub-Branch and the State Branch).

19.15 The parties to the dispute must, in good faith, attempt to resolve the dispute.

19.16 ‘Negotiation’ requires the disputing parties to communicate either verbally or in writing directly with each other in a civil manner in accordance with the RSLWA Code of Conduct. Both parties are entitled to a support person who is not involved in the dispute.

19.17 If the parties to the dispute cannot resolve the matter within 14 days after the Aggrieved Party initiates the dispute resolution procedure, the Aggrieved Party may, within a further 28 days, ask the RSLWA Chief Executive Officer to refer the dispute to mediation.

**The Mediation Process**

19.18 The parties are to exchange written statements of the issues that are in dispute between them and supply copies to the mediator at least 5 days before the mediation session.

19.19 The mediator, in conducting the mediation, must:

a. give the parties to the mediation process every opportunity to be heard;

b. allow all parties to consider any written statement submitted by any party; and

c. ensure that natural justice is accorded to the parties to the dispute throughout the mediation process.

19.20 While the mediator must not ‘determine’ the dispute they may provide advice and/or guidance on how to resolve it. Information provided by the parties in the course of the mediation is confidential and cannot be used in any other civil proceedings that may take place in relation to the dispute.

**State Branch Tribunal**

19.21 Where the dispute resolution process has been unsuccessful, the RSLWA Chief Executive Officer may request that the State Branch Tribunal become involved and that they assume responsibility for making a determination. In such cases, upon receipt of a request, the State Branch Tribunal Registrar will contact all parties to determine a hearing date and to ensure all documents are received by them within 14 days of the State Branch Tribunal hearing.

19.22 In the event that the Registrar’s directions are not complied with, the Registrar may, with the concurrence of the Tribunal Chairperson, reschedule the hearing or, with written notice to the parties, elect to proceed with the hearing on the nominated date and time.

19.23 All members who appear before the Tribunal will abide by directions issued by the Chairperson and/or Registrar in connection with the conduct of the proceedings.

**Appeals**

19.24 Any determination made by the State Branch Tribunal may be appealed to the National Tribunal (By-Law 27.3). Such an appeal is not a ‘fresh rehearing’ and the National Tribunal may only consider the evidence put to the State Branch Tribunal.

**Access to Courts**

19.25 A Member, Sub-Branch or State Branch may not commence court proceedings in connection with a dispute matter unless:

a. the procedures in this By-Law have been exhausted and the proceedings relate to:

(i) a dispute, not a disciplinary matter; and

(ii) a matter of law, not a finding of fact; or

b. It is for urgent interlocutory relief.

**Written Process for Managing Disputes**

19.26 Each Sub-Branch must have rules and procedures for managing disputes (By-Law 19) consistent with these By-Laws. Noting By-Law 5.34, such rules and procedures may be an adaption at the Sub-Branch level of the format and level of detail provided in these By-Laws. Otherwise, the following rules and procedures must be included:

a. the dispute resolution procedures;

b. an explanation of the negotiation and mediation procedures;

c. the procedures to follow for involving the State Branch and the State Branch Tribunal; and

d. an explanation of the appeals process.

*<**If required insert**Sub-Branch specific amplifications to these RSLWA By-Laws to suit your Sub-Branch>*

1.9 **Newsletter** *< If required insert Sub-Branch specific By-Laws that may be particular to your Sub-Branch>*

1.10 **Memorial** *< If required insert Sub-Branch specific By-Laws that may be particular to your Sub-Branch>*

1.11 **RSL Display Policy** *< If required insert Sub-Branch specific By-Laws that may be particular to your Sub-Branch>*

1.12 **Ceremonies** *< If required insert Sub-Branch specific By-Laws that may be particular to your Sub-Branch>*

**1.13 Disciplinary Powers of a Sub-Branch**

**24 DISCIPLINARY POWERS OF A SUB-BRANCH (INCLUDING AN AFFILIATE SUB-BRANCH) AND APPEALS ARISING THEREFROM**

**General Principles**

24.1 RSLWA Sub-Branches must observe the rules of natural justice (By-Law 19.1) and ensure that no ‘interested person’ (By-Law 19.2) is involved as a decision maker in determining a disciplinary matter.

**Disciplinary Matters**

24.2 An RSL member may be disciplined if he or she:

a. refuses or willfully neglects to comply with the RSL Rules, By-Laws or the RSLWA Code of Conduct;

b. is guilty of conduct unbecoming a member;

c. is guilty of conduct subversive to the objects and values of the League; or

d. is charged or convicted of any indictable offence or imprisoned for a serious offence.

**Referral to Police**

24.3 If an RSL Sub-Branch reasonably believes, based on available information, that a member may have committed a criminal or civil offence, it must report the matter to the police or other relevant government authority and immediately notify the RSLWA CEO that it has done so.

**Determining a Disciplinary Matter**

24.4 If a Sub-Branch has cause to commence a disciplinary process against one or more of its members, the Sub-Branch Committee will chose Service or Life members (OR they may chose Affiliate Members if the disciplinary process is only against an Affiliate Member) from within or outside the Sub-Branch to form a Sub-Branch Disciplinary Hearing Committee comprising a chair, a secretary and one other member who will determine both the disciplinary matter and the imposition of any penalty unless:

a. it considers that it does not have the capacity to manage the process;

b. it believes that the penalty it can impose is not sufficient;

c. the disciplinary matter falls outside the remit of By-Law 24.2; or;

d. the State Branch or the State Branch Tribunal so directs;

in which case the matter will be referred to the State Branch Tribunal Registrar (see By-Law 25.9).

24.5 As a guide, the State Branch Tribunal will typically become involved where the actions of the individual/s concerned and/or the nature of the matter being determined have the potential to:

a. cause reputational damage to RSLWA; or

b. have an impact on more than one Sub-Branch.

**Sub-Branch Procedures**

24.6 Note that the generalised sequence of events to follow in managing a Sub-Branch Disciplinary matter are summarized in a flow chart shown at Annex E to these By-Laws. When the Committee of a Sub-Branch considers that a member may be guilty of a disciplinary matter (By-Law 24.2) and determines that it is within its remit and capacity to commence a disciplinary process (By-Law 24.4) it will give not less than 14 days’ written notice to that member including:

a. the date, time and place of the meeting at which the matter will be considered;

b. the names of the three members who will comprise the Sub-Branch Disciplinary Hearing Committee (By-Law 24.4);

c. the names of anyone else who may be attending the meeting;

d. advice that the member may nominate a support person to accompany them to the meeting noting that a support person is only there to provide emotional support and reassurance and that they may NOT advocate for or represent the member and nor may they speak on their behalf including answering questions for them;

e. a list of the possible outcomes of the meeting including potential penalties (By-Law 24.22); and

f. a completed copy of the Schedule A “Complaint to the Sub-Branch Committee or to the State Tribunal” form as a cover sheet (the latest version of, and guidance on how to complete Schedule A will be provided by the State Branch Tribunal Registrar – see By-Law 25.8 e).

The CEO of RSLWA must also be briefed on the situation at this stage in the process and provided with a copy of the written notice (see above).

24.7 Either prior to or at the meeting of the Sub-Branch Disciplinary Hearing Committee set up for the purpose of managing the process (By-Law 24.4), the member concerned may request an elaboration of any particulars set out in Schedule A (By-Law 24.6 f). To the extent that this is reasonable the Sub-Branch Disciplinary Hearing Committee shall comply with such a request. The member will also be given every reasonable opportunity to address the meeting where they may put such facts as they consider relevant to their case.

24.8 Following is an outline of the stages for a typical Sub-Branch Disciplinary Hearing Committee meeting:

a. The chair opens the meeting, briefly introduces the case, introduces the attendees and their various roles, and outlines the procedure that will be followed.

b. The chair next outlines the allegation and the evidence gathered in the case which may include calling witnesses and/or the submission of signed and dated witness statements.

c. The member responds and presents his or her side of the case. During this process, the member may also call witnesses and/or submit signed and dated witness statements, introduce evidence, and ask questions.

d. There is a general discussion and opportunity for questions from both sides. The Sub-Branch Disciplinary Hearing Committee might ask if the member has an explanation for the misconduct. The member might ask to have rules or witness statements clarified. This part of the hearing is intended to raise all the facts – but note this is not a court of law and the usual rules of evidence do not apply.

e. The chair provides a summary of the discussion, including the misconduct allegation, main arguments, and evidence. The member may also be invited to give a closing summary. The hearing is concluded.

Note that the appointment of the Sub-Branch Disciplinary Hearing Committee chair is particularly important. The chair must be capable of conducting the meeting in a professional manner - i.e. they must be well-organised, efficient, systematic, objective, and while needing to manage the meeting as firmly as required to ensure efficiency they must at all times be fair. They are encouraged to halt proceedings to re-establish control and even to adjourn proceedings if necessary. Throughout the meeting the chair must ensure the hearing is fair to all parties subject to the disciplinary complaint (see also By-Law 24.9).

24.9 During the meeting the Sub-Branch Disciplinary Hearing Committee may decide that fresh evidence presented require it to refer the matter to the State Branch Tribunal (By-Law 24.4) in which case the meeting will be adjourned, the member advised of the purpose for and the duration of the adjournment and the State Tribunal Registrar consulted. If the Registrar in turn determines that the State Branch Tribunal will assume responsibility for managing the hearing (see By-Law 25.9) the procedures outlined in By-Law 26.2 will be followed. Otherwise the Registrar will advise the Sub-Branch Disciplinary Hearing Committee to reconvene and continue their meeting at their earliest convenience.

24.10 After considering the evidence presented, the Sub-Branch Disciplinary Hearing Committee will decide, on the balance of probability, the guilt or innocence of the member and the penalty (if guilty) from the range of discipline shown in By-Law 24.22. In imposing discipline the Sub-Branch **Disciplinary Hearing Committee must have regard to:**

a. the nature of the conduct;

b. the member's previous breaches;

c. the seriousness of the conduct;

d. the member's previous conduct; and

e. any mitigating circumstances.

24.11 As soon as possible but no longer than seven days after the meeting has made its decision, the Sub-Branch Disciplinary Hearing Committee will notify the member in writing of the committee's decision and their right to appeal to the State Tribunal within 14 days of the notification.

24.12 The substance and decision of the meeting will be recorded in minutes taken by the Sub-Branch Disciplinary Hearing Committee. Within seven days of the decision being made and after conferring with all members of the Sub-Branch Disciplinary Hearing Committee, written notices, submissions and other relevant correspondence will be certified by the meeting chair. Once the documents are certified a copy of the meeting minutes and all relevant paperwork will be provided to the Sub-Branch Secretary (as the Sub-Branch official record) and the RSLWA CEO for attention the State Branch Tribunal Registrar. This process must be completed no later than fourteen days after the decision has been made and the member informed.

**Appealing a Sub-Branch Decision**

24.13 There is a right of appeal from a decision of:

a. a Sub-Branch Disciplinary Hearing Committee to the State Branch Tribunal; and

b. a State Branch Tribunal to the National Tribunal, but only in relation to a decision of the State Branch Tribunal in its original jurisdiction. There is no right of appeal from a decision appealed to the State Branch Tribunal.

24.14 Note that the generalised sequence of events to follow in managing an appeal against a Sub-Branch disciplinary decision are summarized in a flow chart shown at Annex F to these By-Laws. A member aggrieved by the decision of a Sub-Branch Disciplinary Hearing Committee may appeal in writing through their Sub-Branch Secretary to the State Tribunal. A Schedule B “Notice of an Appeal Against a RSL Sub-Branch Committee Decision or an RSLWA State Branch Tribunal Decision” form must be completed (the latest version of and guidance on how to complete Schedule B will be provided by the State Branch Tribunal Registrar – see By-Law 25.8 e).

24.15 Such an appeal shall be lodged within 14 days after the date of notification in writing and thereupon the decision of the committee shall be stayed, (unless otherwise ordered by the State Branch Tribunal) until the appeal is concluded, abandoned or discontinued.

24.16 An appeal lodged pursuant to this Rule will be accompanied by a statement in writing in which the member sets out the aspect or aspects of the decision which gave rise to the appeal, the grounds of their appeal and the facts upon which they rely. The member may decide that completion of Schedule B (By-Law 24.14) meets this requirement or a statement in writing may be appended to Schedule B. An appeal will not be treated as valid unless it complies with this Rule. It must also be noted that an appeal is not a fresh rehearing and the appeal body may only consider the evidence put to the body which originally determined the matter.

24.17 Upon receipt of an appeal the Sub-Branch Secretary will forward it to the RSLWA CEO for attention of the State Tribunal Registrar. The appeal documents must include:

a. the appeal and accompanying statement (which may be entirely contained in Schedule B – By-Law 24.14);

b. Schedule B (By-Law 24.14);

c. the written notice referred to in By-Law 24.6 and all papers and documents held by the Sub-Branch concerning the member including Schedule A (By-Law 24.6 f); and

d. the minutes of the Sub-Branch Disciplinary Hearing Committee meeting including certified copies of the notices, submissions and other relevant correspondence referred to in By-Law 24.12.

24.18 The State Tribunal Registrar will write to the parties within fourteen (14) days of receipt of a Notice of Appeal notifying the parties of the time, date and place at which the Tribunal will consider the appeal.

24.19 The State Branch Tribunal will hear and determine an appeal as soon as possible after receipt by the RSLWA CEO/State Tribunal Registrar of the documents referred to in By-Laws 24.16 and 24.17.

24.20 A representative of the Sub-Branch Disciplinary Hearing Committee and the member concerned shall have the right to personally attend the hearing of the appeal or any application to lift a stay by the State Branch Tribunal having given prior notice that they wish to do so. The State Branch Tribunal will make its decision based on the information presented at the hearing and subject to endorsement by the RSLWA Board of Directors that decision shall be final. Within 14 days of endorsement by the Board, the Sub-Branch and the member/s will be notified in writing of the decision.

24.21 Within seven days of the meeting all documentation and other correspondence relating to the Tribunal meeting will be certified by the Registrar and attached as part of the appeal minutes.

**Penalties for a Breach of Discipline**

24.22 A Sub-Branch Disciplinary Hearing Committee may only impose one or more of the following penalties:

a. a caution;

b. reprimand;

c. suspension from membership for up to three months; and/or

d. a recommendation to the State Board for the withdrawal of RSL related awards.

24.23 The State Branch Tribunal may impose any one or more of the following penalties:

a. a caution;

b. reprimand;

c. suspension from membership for up to twelve months;

d. transfer to the State Branch unattached list for a designated period;

e. disqualification from holding office in any part of the League for an appropriate time;

f. a recommendation for the withdrawal of RSL related awards; or

g. expulsion from RSLWA membership.

24.24 A generalised summary of the sequence of events to follow in managing a Sub-Branch Disciplinary matter is shown at Annex E and in the case of an appeal against a Sub-Branch disciplinary decision, at Annex F to By-Law 26.

*<**If required insert**Sub-Branch specific amplifications to these RSLWA By-Laws to suit your Sub-Branch>*

1.14 *<Insert Additional Organisational and Management Topics relevant to your Sub-Branch>*

**2 Duties and Responsibilities**

The duties and responsibilities of all elected and appointed Officers of the Sub-Branch are to be consistent with RSLWA Constitution Rules and By-Laws, Sub-Branch By-Laws and the procedures and guidelines issues from time to time by RSLWA under its secure logon Toolbox.

2.1 **Code of Conduct** – Committees *<shown below is an example of a committee’s Code of Conduct – please customize to suit your Sub-Branch>*

a. Act honestly, in good faith and in the best interest of the Sub-Branch.

b. Use due care and diligence in fulfilling the functions of office and exercising the powers attached.

c. Use the powers of office for a proper purpose, in the best interest of the Sub-Branch and its Members.

d. Recognise that the primary responsibility is to the Sub-Branch.

e. Maintain security and privacy of information and confidential information acquired.

f. Not to take improper advantage of an appointed position.

g. Not allow personal interests of other Sub-Branch or Associations or associated person, to conflict with the Objectives and Purposes of the Sub-Branch.

h. Be independent in judgement and actions and take all reasonable steps to be satisfied as to the soundness of all decisions taken.

i. Not engage in conduct likely to bring discredit upon RSLWA, the Sub-Branch or its Members.

j. Maintain behavior that is respectful, not physically, sexually, or verbally abusive to other RSLWA and Sub-Branch Members, staff, or the public.

2.2 **President**

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

*5.30 Whilst not exhaustive the President will:*

*a. chair meetings;*

*b. sign documents on behalf of the Sub-Branch;*

*c. ensure all relevant information is made available to committee members;*

*d. ensure the Sub-Branch is run according to and in compliance with the Constitution of RSLWA;*

*e. oversee activities and projects; and*

*f. in the President’s absence, the Vice President if one is appointed or a member nominated by the President may represent the Sub-Branch and preside over meetings.*

*<Shown below is an example of the sorts of additional duties a President could have – please customize to suit your Sub-Branch>*

The duties of the President include, but are not limited to:

a. Become thoroughly acquainted with the President's duties.

b. Receive information, material, and assistance from the Past President of the Sub-Branch.

c. Preside over monthly Sub-Branch meetings (Chair).

d. Attend all Sub-Branch meetings.

e. Familiarise oneself with the duties of the Sub-Branch Secretary.

f. Watch over the committee system and assist committee chairs.

g. Attend and chair monthly committee meetings.

h. Co-operate with an incoming President and assist that officer to assume the role.

2.3 **Vice President** *<Shown below is an example of the sorts of duties a Vice President could have – please customize to suit your Sub-Branch>*

2.3.1 The duty of the Vice President is to assist the President and other Sub-Branch officers in carrying out their duties. It is also the Vice President's responsibility to effectively contribute to the Sub-Branch’s operations. To do this, the officer must be familiar with the work of other Sub-Branch Officers and understand the policies and operations of the Sub-Branch.

2.3.2 In addition, the Vice President must:

a. Preside over monthly Sub-Branch meetings in the absence of the President.

b. Become thoroughly acquainted with the President's duties.

c. Receive information, material, and assistance from the past Vice President of the Sub-Branch.

d. Attend monthly committee meetings as an ex-officio member and advisor.

e. Attend all Sub-Branch meetings.

f. Familiarise oneself with the duties of the Sub-Branch Secretary.

g. Watch over the committee system and assist committee chairs.

h. Attend all meetings of project committees as a counselor and ex-officio member.

i. Assist a new elected Vice President to assume the role.

2.4 **Secretary**

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

*5.31 Noting that the role of the Sub-Branch Secretary may vary based on the size of the Sub-Branch the Sub-Branch Secretary will:*

*a. keep a register of all members of the Sub-Branch;*

*b. keep full and correct minutes of all meetings held by the Sub-Branch;*

*c. be responsible for having interim receipts issued for monies received by them on behalf of the Sub-Branch and to have all such moneys deposited in the Sub-Branch bank account or an account held by the Sub-Branch in a similar institution such as a Credit Union or Building Society; and*

*d. carry out all instructions received from the members of the Sub-Branch in the form of resolutions passed by the majority of the members.*

*5.32 All payments from the Sub-Branch accounts must be signed by any two of the following: the President, Vice-President, Secretary or Treasurer. This includes electronic forms of authorisation and signature.*

*<Shown below are examples of the sorts of additional duties a Secretary could have – please customize to suit your Sub-Branch>*

2.4.1 **The role of the Secretary is** to support the Chair in ensuring the smooth functioning of the Management Committee. The Secretary’s duties include, but not limited to, the following:

a. Maintain the Membership List, Membership Statements from ANZAC House, and currency of membership.

b. Maintain Affiliate Members List, send out renewals, (Affiliates belong to the Sub-Branch. Currently we charge the same as Service Members, but we pay for their NBBC Associate Membership).

c. Record death of Member, inform Executive Officers and Members and ensure advice is provided to RSLWA and other responsible organisations. Arrange tribute in the paper, remove from Membership list to Archives, inform members of funeral arrangements).

d. Maintain Members Email list and send out advice, information, and news to ensure Members are aware of all RSLWA and Sub-Branch related matters that impact them.

e. Manage the Sub-Branch computer, printer, Secretary’s Account (paper, stamps, printer cartridges, software updates) and update Sub-Branch files and contact lists.

2.4.2 **Financial**. Liaise with Treasurer to ensure that Acquittals and Returns are prepared in a timely manner.

2.4.3 **Correspondence**

a. Receive all correspondence for presentation at Monthly meetings and reply, as necessary.

b. Following meetings prepare outgoing correspondence.

c. File and retain correspondence records in accordance with good management practices.

2.4.4 **General Meetings**

a. Send a “Notice of Meeting” one week prior to meetings.

b. Prepare Agenda.

c. Advise of Meeting dates, Tributes to members if required.

d. Prepare meeting place, flags, banner, gavel.

e. Ensure that the President has all relevant paperwork and that arrangements are in place for a successful meeting.

f. Take Minutes of all meetings, distribute to members, retain Minute Books.

2.4.5 **Annual General Meetings (AGM)**

a. Prepare Nomination Forms, Refer Annexure to the By-Laws, for display not less than 30 days prior to the August AGM.

b. Ensure that the Annual report is prepared for presentation.

c. Following the AGM, inform RSLWA of any changes, post list of office bearers on Notice Board.

d. Liaise with Treasurer to ensure compliance with the requirements of the Australian Charities and Not for Profit Commission. (ACNC)

2.4.6 **Membership**. Contact new members as soon as notified, welcome them, and advise of meeting dates, add to Membership List and Email List.

2.4.7 **Ceremonial**

a. ANZAC Day: Ensure that the ANZAC Day Dawn Service Committee/Co-ordinator is in place, liaise with the Committee to make sure that Funding requests, Requests for assistance are submitted on time, correspondence to participants to be sent February and advertising in various media.

b. ANZAC Day Appeal, Contact venues, and attend to administrative arrangements.

c. Remembrance Day, Advertise the service within the media, organise the Committee/ Memorial Warden to manage the event.

d. Poppy Day Collection: Contact venues in July/August and attend to administrative arrangements.

e. School Visits, Maintain a list of members prepared to carry out school visits, ANZAC Day assemblies, liaise with school principals and allocate school visitors.

2.4.8 **Welfare**

*10* ***Sub-Branch Welfare***

*10.1 In addition to providing a safe and welcoming environment for League members to enjoy, each Sub-Branch will establish a separate Welfare Account to provide welfare services and benevolence, including financial support, to Sub-Branch members who are serving or ex-serving Australian Defence Force personnel and their spouse, partner and dependents at home or abroad in accordance with the intent of the Objects of RSLWA.*

*10.2 Where financial support is provided by a Sub-Branch it should be viewed as immediate or urgent support and must not be provided to any member on an ongoing basis. Sub-Branches should refer eligible members who require longer term assistance, who have more complex needs, are in crisis or where the Sub-Branch is otherwise unable to provide support to the State Branch. In cases where an otherwise eligible person is not a member of the Sub-Branch they may be provided with support following the guidelines outlined in this section of the By-Laws or they should be referred to the State Branch.*

*10.3 The Sub-Branch may provide support to an eligible member and their spouse, partner or dependants in times of hardship. When in doubt about the type of support that may be provided the State Branch should be contacted for advice. Support may include (but is not limited to):*

*a. Financial grants or vouchers for food, necessities and rent/lodging;*

*b. Short term emergency housing;*

*c. Accessing government and/or non-government support services;*

*d. Household equipment and or urgent household maintenance;*

*e. The payment of urgent accounts such as utilities, vehicle expenses and repairs, medical and dental costs, household repairs and maintenance;*

*f. Provision of wreaths, remembrance plaques and/or death notices etc.; or*

*g. Such purposes as may be necessary and considered appropriate by the Sub-Branch Committee in furtherance of the welfare and well-being of eligible members including proactive or preventative activities that benefit members by reducing the likelihood of future hardship or poor physical or mental health.*

*10.4 Welfare funds will not be placed into a General Account or otherwise used for Sub-Branch operating expenses such as purchasing alcohol, wages, non-capital expenses, functions (except when the purpose of the function is considered a preventative activity that does not include alcohol and is for the benefit of members as described in s10.3(g), or similar expenditure.*

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

*a. Bequests and donations made specifically for welfare purposes;*

*b. Grants from external bodies;*

*c. Half of the net proceeds from annual Poppy Day Appeals; and*

*d. Raffles and fund raising events.*

*Note that in accordance with section 3 (2B) of the Western Australian Aged Sailors, Soldiers and Airmen’s Relief Fund Act of 1932 a remittance of one-half of the net proceeds of Poppy Day Appeals is required to be paid by the Sub-Branch to the State Branch within 28 days of collection for subsequent deposit into the Western Australian Aged Sailors, Soldiers and Airmen’s Relief Trust Fund within 21 days of collection.*

*10.6 Subject to the provisions of the Charitable Collections Act 1946 and WA Aged Sailors, Soldiers and Airmen’s Relief Trust Fund, a Sub-Branch may appeal to the public for funds. Sub-Branches are required to consult with State Branch before commencing a public appeal.*

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

*10.8 Applications by eligible members and their spouse, partners or dependants for assistance are to be processed promptly and in a confidential manner. Enquiries will require supporting documentation as determined by each Sub-Branch Welfare Sub-Committee. With the permission of an eligible member, applications may be made on their behalf by a second party or by the Sub-Branch Welfare Sub-Committee if the committee deem the applicant to be incapable, unable or unwilling apply themselves. Proactive or preventative activities conducted for the benefit of more than one member in accordance with By-Law 10.3 g must be approved in advance by the Sub-Branch Welfare Sub-Committee and should clearly outline the perceived benefit to the general welfare and/or well-being of the individuals and/or groups involved.*

*10.9 Assistance to eligible members and their spouse, partners or dependents cannot be given by way of cash payments or loans.*

*10.10 The maximum amount allowed to accumulate in Sub-Branch Welfare Accounts is $25,000.00. Funds in excess of this are to be remitted to RSLWA at the time of lodging the reviewed financial records after the Sub-Branch Annual General Meeting.*

*10.11 In the event of a Sub-Branch expending a substantial proportion of its Welfare Account and, having previously remitted surplus funds to RSLWA, application can be made for reimbursement of funds to provide for Welfare purposes.*

*10.12 Sub-Branches are to ensure that a copy of this By-Law is to be kept with Sub-Branch Welfare accounting documents and records.*

***Governance and Audit***

*10.13 Any decision to provide support under the terms and conditions of By-Law 10, must be fully documented and made available, together with the Sub-Branch Welfare Accounts, for independent review OR audit each year. The independent review OR audit report is to be presented to the Annual General Meeting of the Sub-Branch for endorsement.*

*10.14 The audited statement of income and expenditure, balance sheet OR independent review of the Sub-Branch Welfare Account will be forwarded to the RSLWA State Branch within thirty days after the completion of the Sub-Branch Annual General Meeting.*

*<Shown below are further examples of the sorts of duties a Secretary could have – please customize to suit your Sub-Branch>*

Maintain list of approved/accredited Wellbeing Officers (required for their Insurances.) and Wellbeing Support Officers Form part of the Welfare Sub Committee.

2.4.9 **General Administration**

a. Initiate newsletter and media preparation, publication, and distribution.

b. Oversee administration and maintenance of Sub-Branch website.

c. Liaise with Memorial Warden relating to Wall of Remembrance and Memorial Plaques.

d. Liaise with City of Stirling, booking the Memorial Precinct for commemorative events.

e. Kayaks. Ensure trailer registration is up to date and kayaks and trailer are maintained.

f. Oversee the management of external and special Sub-Branch events.

g. Support and ensure effective administration of the Sub-Branch.

h. Prepare agenda for Executive Committee Meetings as determined by the Executive Officers and distribute to relevant members and participants.

2.5 **Treasurer**

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

*5.33 Noting that the role of the Sub-Branch Treasurer may vary based on the size of the Sub-Branch the Sub-Branch Treasurer will:*

*a. be responsible for having final receipts issued for the monies received on behalf of the Sub-Branch and to ensure all moneys received on behalf of the Sub-Branch are deposited in an approved bank or similar institution and vested in the name of the Sub-Branch;*

*b. verify all accounts for payment, which are presented to the members for authority to pay;*

*c. keep a cashbook in which is recorded all financial transactions of the Sub-Branch;*

*d. keep a working account for day-to-day running of the affairs of the Sub-Branch, and an amelioration account for matters pertaining to the welfare assistance to members, proceeds from the Poppy Day collections and any other income, allotments, donations, or bequests made specifically for welfare purposes must be paid into the amelioration account;*

*e. draw up and present to the members at the monthly meeting a statement showing clearly the financial position of the Sub-Branch as compared with the previous monthly statement;*

*f. reconcile between the balance shown in the cashbook and the balance shown on the statement from the bank; and*

*g. prepare and submit to the Annual General Meeting statement of the income and expenditure of the Sub-Branch, with a balance sheet setting out the assets and liabilities of the Sub-Branch (duly reviewed or audited if defined as a Tier 2 or Tier 3 charity by the ACNC Act 2012).*

*<Shown below are examples of the sorts of additional duties a Treasurer could have – please customize to suit your Sub-Branch>*

2.5.1 Maintain an overview of the Sub-Branch’s finances in accordance with the requirements of RSLWA Constitution Rules and By-Laws.

a. Receipt monies received on behalf of the Sub-Branch and ensure all money received is deposited in a Sub- Branch Bank Account approved by the Executive Officers.

b. Assist the Secretary with Poppy Day management.

c. Verify all accounts and requests for payment and present to the Executive Officers for authority to pay.

d. Keep accounting records of the Sub-Branch of all financial related transactions.

e. Keep a working account for day-to-day running of the affairs of the Sub-Branch, and an Amelioration Account for matters pertaining to the welfare assistance to members. Proceeds from the Poppy Day collections and any other income, allotments, donations, or bequests made specifically for welfare purposes shall be paid into the Amelioration Account.

f. Reconcile all accounts, draw up and present to the members at the monthly meeting a statement clearly showing the financial position of the Sub-Branch as compared with the previous monthly statement.

g. Prepare and submit to the Annual General Meeting a reviewed statement of the income and expenditure of the Sub-Branch, with a balance sheet setting out the assets and liabilities of the Sub Branch.

**2.6 Wardens**

***Wardens***

*5.41 A Sub-Branch Warden may be an officer of the Sub-Branch to oversee and ensure that the affairs of the Sub-Branch are conducted in the best interests of the League and the Sub-Branch in accordance with the National and State Rules and By-Laws and the RSLWA Code of Conduct.*

*5.42 A Warden or Wardens, may hold office for a period of up to three years and may be eligible for re-election (By-Law 5.20).*

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

*<Shown below are examples of the sorts of additional duties a Warden could have – please customize to suit your Sub-Branch>*

2.6.1 The Sub-Branch may in accordance with RSLWA By-Laws elect no more than two Wardens. The Executive Committee may appoint additional Wardens to undertake specific defined responsibilities, including a Memorial Warden to, among other things:

a. Ensure that the area around the Memorial Precinct is kept to an acceptable standard.

b. Arrange for flags to be flown at appropriate times.

c. Liaise with Events Coordinators for commemorative events as required.

d. Contact family of deceased members to advise of Memorial Plaques procedure in a timely manner/

e. Keep records of all applications for the sponsorship of Plaques.

f. Ensure that applications are valid and meet the requirements for eligibility.

g. Liaise with the Plaque applicant and the Plaque Manufacturer to ensure that details are correct.

h. Obtain permission from Office of War Graves for permission to use Australian Military Forces badge on the Plaque.

i. Arrange the placement and fixing of Plaques.

j. Keep a database of the location of all Plaques.

2.7 **Membership Officer** *< If required insert Sub-Branch specific By-Laws that may be particular to your Sub-Branch>*

2.8 *<Here Insert Additional Duties and Responsibilities Topics relevant to your Sub-Branch>*

**3 Financial and Governance**

*<Shown below are examples heading that may be applicable to managing the finances of your Sub-Branch – please customize to suit your Sub-Branch>*

3.1 **Bank Accounts**

*5.32 All payments from the Sub-Branch accounts must be signed by any two of the following: the President, Vice-President, Secretary or Treasurer. This includes electronic forms of authorisation and signature.*

Consistent with RSLWA By-laws and Subject to 3.1.1 and 3.1.2 (below) any two of the President, Vice-President, Secretary or Treasurer will authorise expenditure of funds from Sub-Branch Bank Accounts and any one of the President, Vice-President,Secretary, Treasurer are authorised to operate the Accounts as detailed in these By-Laws. < **Note:** Two or three bank accounts are generally considered sufficient for most Sub-Branches. It’s important to remember that as the number of accounts increases, so does the workload for the treasurer - along with the potential for confusion, errors, or even fraud.>

Bank Name General Account

Bank Name Welfare Account

Bank Name Contingency Fund

Bank Name Insert Account Name

The Treasurer to maintain accountable evidence that all financial transactions have been made in accordance with RSLWA By-Laws and Sub-Branch By-Laws and that account BSB and Account Numbers are confidentially retained and made available to the Executive Officers.

3.1.1 **Contingency Fund.**

The Contingency Fund is a legacy from the founding members of the Sub-Branch, accrued over many years. Nominally it is maintained at $40,000 *<insert value to suit your Sub-Branch needs>.* The integrity of the capital is protected by a requirement of a Special General Meeting Resolution to withdraw /reduce capital. Interest on this account is allocated for Sub-Branch purposes at the discretion of the Executive Committee.

3.1.2 **Expenditure Limit**

The Executive is authorised to spend up to $3000.00 *<insert value to suit your Sub-Branch needs>* for capital acquisition in one instance, limited to $8,000 *<insert value to suit your Sub-Branch needs>* over the financial year and $3,000 *<insert value to suit your Sub-Branch needs>* per month for general and consumer items, limited to $10,000 <*insert value to suit your Sub-Branch needs>* over the financial year. Permission for expenditures in excess of these amounts and for recurring payment shall be subject to approval at a General Meeting.

3.2 **Australian Charities and Not-for- Profit Commission (ACNC)**

The Sub-Branch will comply with the requirements of the ACNC and maintain its registration as required under ACNC legislation. The Treasurer will be accountable for updating the Sub-Branch’s registration and maintain and share with the Executive the log-on and password.

3.3 **Donations**

*<Insert name of Sub-Branch if relevant>* has for many years adopted a policy of supporting local service-related organisations and the Executive Committee shall approve any such donation.

3.4 **Sub-Branch Welfare** – see Section 2.4.8 above

3.5 **Auditor**

Under provisions of the Associations Act 2015, the Sub-Branch, being a Tier 1 Association as defined by the Act, resolved not to use the services of an independent qualified auditor.

3.6 *<****Insert Additional Financial and Governance Topics relevant to your Sub-Branch****>*

**Index to Annexes**

1 **Code of Conduct**

1.1 Standing Orders

2 **Flag Protocol**

3 **Procedures and Guidelines**

3.1 Death of Member and Funeral Arrangements

3.2 Welfare and Advocacy

3.3 Memorial Warden, Wall of Remembrance

3.4 Donated Material to Sub Branch

3.5 Appeal Collections Guidelines

3.6 Warden Guidelines

3.7 Management of Clothing

3.8 Executive Committee Members and Meetings

4 **Forms**

4.1 Membership Application Forms

4.2 Election to Sub-Branch Office

4.3 Finance

4.4 Administration

***Note****: for your consideration only. The sorts of information contained in the Annexes listed above could just as easily be included in the main body of your By-Laws. However, by including them as Annexes it reduces the clutter of the main By-Laws – but your call! The “detail” contained in the Annexes listed here is shown in the Annex section of the Example By-Laws provided by North Beach (shown separately).*