



The Returned & Services League of Australia

WA Branch Incorporated

BY- LAWS

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Amended 13 February 2026

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AMENDMENTS TABLE

NO	DATE	BY-LAW AMENDMENTS
1.	July 2002	Rewrite
2.	July 2003	Rewrite
3.	February 2005	Rewrite
4.	November 2005	5 – Affiliates
5.	December 2006	Affiliates By-Law 5
6.	November 2010	By-Law 3 – Annex B
7.	November 2011	By-Law 4 - Trustees
8.	June 2017	Rewrite
9.	December 2017	New By-Law 5.33
10.		New By-Law 5.5
11.	August 2018	<p>By-Law 10.12 - Sub-Branch Welfare Funds</p> <p>“That the amount be increased from \$10,000 to \$25,000 and that the Sub-Branch cannot use any of that money be it \$10,000 or \$25,000 on anything but welfare.”</p>
12.	September 2018	<p>By-Law 1 - Meritorious Service Medal</p> <p>“The cost of such a medal, plus the associated lapel badge and certificate is met by RSL WA State Branch.”</p>
13.	February 2019	By-Law 4.5 Affiliate Membership – Amended

14.	March 2019	By-Law 5.21 - Amended Remove <i>at least one but</i> and replace with <i>may</i>
15.		By-Law 5.42, 43 and 44 - Amended Remove <i>shall</i> and replace with <i>may</i>
16.	April 2019	By-Law 5.14 – Amended Remove “resident within an area where no Sub-Branch exists”
17.	September 2019	By-Law 4 – Affiliates – Amended 4.8, 4.8a (i), 4.8b, 4.8e, 4.11a and 4.21
18.	November 2019	By-Law 5 – Annual General Meeting & Duties of Sub-Branch Treasurer 5.18d, 5.18f and 5.34g
19.	December 2019	By-Law 5.13 Amalgamation – Deleted Rename Amalgamation and Dissolution Add 5.13a and 5.13b
20.	September 2020	By-Law 4.8 a. (1)– Amended
21.	November 2020	By-Law 2 – Life Membership Amend 2.1, 2.1a, b, c, e, f and 2.2 Delete 2.1g, 2.4, 2.5 and 2.6
22.	July 2021	By-Law 10.1 – Amended Remove <i>Members and their spouse, partners or dependants</i> Replace with <i>serving and ex-serving Australian Defence Force personnel and their dependants.</i>
23.		By-Law 3.5 – Amended Update Application for Service Membership Form
24.		By-Law 15.25 – Amended Remove <i>statutory declaration</i> Replace with <i>lost badge declaration</i>

25.	September 2021	By-Law 3.2 – Amended Amend 3.2b, 3.2c, 3.2d, 3.3 & 3.4 Repeal Annex A to By-Law 3
26.	June 2022	By-Law 4.5c – Amended Add <i>Nursing Profession</i>
27.	November 2022	By-Law 3.5 – Amended Remove Service Membership Form pages 15&16 Add 3.5a – in the approved form
28.		By-Law 4.7 - Amended
29.		By-Law 26 Amend 26.1b, 26.11 and 26.13 Remove 26.12b Add “a. a caution;” to 26.3a
30.	March 2023	By-Law 2.1 Delete <i>31st March each year</i>
31.		By-Law 15.2 b – Amended Remove <i>30 Years</i> and replace with <i>25 continuous years</i>
32.	August 2023	By-Law 3.1 – Replaced
33.		By-Law 4.5c - Replaced
34.		By-Law 4.8a (iii) - Amended
35.		By-Law 5.5 – Deleted
36.	December 2023	By-Law 24.5- Amended Remove <i>warding</i> and replace with <i>caution</i>
37.		By-Law 25.3b - Amended <i>“the number of its members which from time to time shall constitute a quorum in any particular matter; and replace with that the quorum for a hearing of the State Branch Tribunal be set at three; and”</i>
38.		By-Law 26.1b- Amended Add <i>conduct unbecoming</i>

39.	April 2024	By-Law 10- Replaced
40.		By-Law 4.12 - Amended <i>Add ...except where they are the dependent of serving or ex-serving Australian Defence Force personnel.</i>
41.	December 2024	Document Format Changes Change capital case letters for Sub-Branch/es and By-Laws Remove <i>shall</i> and replace with <i>will</i> Remove <i>himself</i> and replace with <i>themselves</i> Correct numbering and cross referencing throughout Move all Annexes to the end of the document
42.		By-Law 3- Amended Change Annex B to Annex A Amend new Annex A form
43.		By-Law 4 - Replaced
44.		By-Law 5 - Amended Change 5.14, 5.15, 5.17, 5.21, 5.22, 5.32-5.34, 5.37, 5.41, and 5.48 Add 5.76-5.80 Correct numbering throughout
45.		By-Law 9 Change Proxy Nomination Form to Annex B
46.		By-Law 11 - Amended Change 11.1 - 11.5
47.		By-Law 12 – Replaced Add Annex C
48.		By-Law 19 - Replaced Add Annex D
49.		By-Law 24 - 26 - Replaced Add Annex E and F respectively
50.		March 2025
51.	By-Law 24.4 - Amended	

52.	May 2025	By-Law 4.5b Amended
53.	June 2025	By-Law 10 – Amended Change 10.13 and 10.14
54.		Rewrite – By-Law 22
55.	February 2026	<p>The following By-Laws have been amended and/ or renumbered:</p> <p>By-Law 3.4 e. replaced in full By-Law 3.5 heading modified By-Laws 3.5 – 3.31 extensively amended with former By-Laws 3.11 – 3.13, 3.19, 3.27 & 3.28 deleted and former By-Law 3.14 – 3.18 renumbered as 3.11 – 15, Former By-Laws 3.20 – 3.26 renumbered as 3.16 – 3.22 and Former By-Laws 3.29 - 3.35 renumbered as 3.23 – 3.29 Former By-Laws 3.29 & 3.31 renumbered as 3.23 & 3.25 and amended New By-Laws 4.20 – 4.30 inserted with respective section sub-headings (NB: these new By-Laws replicate Rules 7.9 – 7.14 and 7.18 – 7.19) By-Laws 5.5 – 5.9 and 5.30 amended New By-Law 11.3 added and former By-Laws 11.3 – 11.9 renumbered as 11.4 – 11.10. New By-Law 11.4 and 11.6 amended New By-Law 11.10 replaces former By-Law 11.9 in full By-Laws 24.4, 24.22, 24.23, and 26.3 each extensively amended By-Law 26.5 amended</p>

1. STANDING ORDERS

- 1.1 All proceeding at meetings of the State Congress or Board of Directors committee meetings and general meetings of Sub-Branches, and at all other meetings held under the Rules of RSL WA, will be governed by the following Standing Orders for the conduct of such meetings.
- 1.2 **Order of Business** - The business at meetings will be conducted in accordance with the provisions of the *Associations Incorporation Act 2015*.
- 1.3 **Addressing Chair** - A member wishing to speak will rise in their place and address the Chair. If two or more members rise at the same time, the Chair will call upon the member who, in their opinion, rose first to speak.
- 1.4 **Respect for Chair** - A member speaking will at once resume their seat if the Chair rises to speak or if a point of order is raised and will not resume their speech until the Chair will resume their seat or the point of order has been decided.
- 1.5 **Discussion confined to Motions, Amendments** - Subject to the Chair's right to permit discussion upon any matter they deem of importance to the meeting, no discussion will take place except on a motion or amendment moved and seconded and put in writing if so requested.
- 1.6 **Motions** - All motions and amendments will, if so, required by the meeting concerned, be submitted in writing, signed by the mover and seconder. Such motions will be of an affirmative character and, once having been submitted, will only be withdrawn by leave of the meeting or by amendment. No motion vitally affecting the policy of the League will be submitted to a meeting without adequate notice.
- 1.7 **Motion not seconded** - A motion not seconded will not be debated, and no entry thereof will be made in the minutes of the meeting.
- 1.8 **Restriction upon speeches** - The mover of a motion will be allowed ten minutes to introduce the motion and five minutes for the right of reply. Speakers for or against such proposal will be limited to five minutes, except that at any time the meeting may resolve, on the motion of a delegate, that the speaker's time be extended by a specified number of minutes and any such proposal for an extension of time will be put to the meeting without debate.
- 1.9 No member will propose more than one amendment upon a motion, and no member will speak more than once upon a motion or once upon each amendment thereto, except with the permission of the Chair or except they be the mover of the motion, who will be entitled to the right of reply; provided that, for the purpose of this By-Law, an amendment that has become the substantive motion will be deemed to be a separate motion. Notwithstanding, however, the right to reply given to the mover in the foregoing, the Chair may, should they consider that there is no practical difference of opinion among the members, stop the discussion and submit the proposal to the meeting.
- 1.10 **Seconding without remarks** - A member who uses the words "*I second the motion*" or "*amendment*", as the case may be, will not be deemed to have spoken to the question before the Chair and may exercise their right to speak at a later time, always providing they are not the third consecutive speaker on the one side. For the general purpose of debate, however, they will be deemed the second speaker in the affirmative.

- 1.11 **Debate** - When a motion has been duly proposed and seconded, the Chair will proceed to take the votes, unless some member rises to oppose it or to propose an amendment. No more than two members will speak in succession either for or against any question before the meeting, and if, at the conclusion of the second speaker's remarks, no member rises to speak on the other side, the motion or amendment will be at once put to the meeting.
- 1.12 **Time of Amendment** - A motion may be amended at any time during the debate thereon by:
- a. striking out certain words;
 - b. adding certain words; or
 - c. striking out certain words and inserting others in their place.
- 1.13 Any member who wishes to propose a further amendment to the motion will have power to give notice of amendment and state its nature before the amendment before the Chair has been put to the vote.
- 1.14 **Amendments** - Only one amendment will be entertained at the one time. If the amendment is carried, it will become the substantive motion, the original motion lapsing, and there will be no necessity to put the original motion to the meeting.
- 1.15 **Other Amendments** - Whether an amendment is carried or not, other amendments may be submitted, in the manner to be decided, until the subject is finally disposed of.
- 1.16 **Amendment Lost** - In the case of all amendments being lost, the Chair will put the original motion to the vote.
- 1.17 **Motion discharged from Agenda** - A motion may be superseded at any time by:
- a. another, that it be discharged from the notice paper;
 - b. a motion for the adjournment of the question under consideration; or
 - c. a motion for the adjournment of the meeting; or
 - d. a motion "*That the next item of business be proceeded with*", being resolved in the affirmative.
- 1.18 **Frequency of Speech** - A member will not speak more than once upon any motion before the meeting, except:
- a. in reply upon an original motion;
 - b. in committee of the whole;
 - c. in explanation; or
 - d. upon a point of order raised during a debate.

- 1.19 **Explanation** - Any member who has spoken to a motion may again be heard to explain themselves in regard to some part of their speech which the Chair agrees may have been misquoted or misunderstood, but such member will not introduce any new matter or interrupt any delegate who may be speaking, and no debatable matter will be brought forward nor debate arise upon such explanation.
- 1.20 **Motion for question to be put** - A motion "*that the question be now put*" may be moved at any stage of a debate and will be put immediately to the meeting without discussion. If lost, the debate will continue as if such motion had not been moved. If carried, the mover will have the right to reply, then the amendment if there be an amendment, or motion, if no amendment has been moved thereon, or all amendments have been disposed of, will be put to the meeting without further discussion. No delegate who has spoken to the motion or amendment immediately before the Chair will be permitted to move "*that the question be now put*".
- 1.21 **Restriction on moving that question be put** - At any meeting, no motion that the question be now put will be proposed or seconded by a delegate from the same Sub-Branch as that represented by the proposer or seconder of the original motion.
- 1.22 **Notice of Motion** - A member may, at any meeting, give a notice of motion for a future meeting by reading such notice to the meeting and handing a copy thereof to the Chair. Such notice of motion will take precedence in the order in which it stands in the minute book in relation to other similar notices, unless otherwise ordered by the meeting, and will lapse if the member, or some member on their behalf, be not present when the order for notice is read.
- 1.23 **Delegate's absence** - If the Chair of the meeting declares that an item on the meeting agenda paper may lapse because of the absence of the delegate proposing the item, the Chair may accord to another delegate the right to propose such item to the meeting.
- 1.24 **Precedence of Business adjourned meeting** - When a motion for the adjournment of the meeting has been carried, the business then undisposed of will have precedence in its order at the next meeting.
- 1.25 **Rescinding Resolutions** - Any member wishing to rescind a resolution, which has been previously passed by the meeting, must give notice of motion that, at the next meeting, they will move that such a resolution be rescinded. Such notice of motion will require a majority of two thirds of the votes of members present at the meeting to rescind the resolution in question.
- 1.26 **Cannot represent two Sub-Branches** - No delegate will, at the one time, or in connection with the one motion or any amendments thereto, represent or vote on behalf of more than one Sub-Branch.
- 1.27 **Conducting vote** - The Chair will put all questions in a distinct and audible voice to the meeting by asking the "*ayes*" to vote first and, afterwards, the "*noes*", and will, thereupon, give their opinion as to which are in the majority, and will declare a show of hands or a ballot if same is asked for.
- 1.28 **No debate during voting** - No members will speak to any question after it has been put by the Chair, nor during a vote, except to a point of order.

- 1.29 **Voting procedure** - No member will be allowed to vote on any show of hands or ballot who was not present when the question was first put. Every member present must vote, but in the event of a member's refusal to vote, they will be assumed to have voted in the negative. No member will be allowed to enter or leave the meeting while a vote is being taken.
- 1.30 **Introduction of authorised subjects only** - No member will be allowed to obtain a discussion upon any subject through the media or correspondence, but they may introduce the matter, in their place at the meeting, by moving the suspension of Standing Orders.
- 1.31 **Meeting to resolve as committee** - The meeting may, at any time, resolve itself into a committee of the whole, and such resolution may exclude the press. So far as possible, however, business to be dealt with in committee will be held over until all other business has been transacted.
- 1.32 **Adjournment of meeting or debate** - A motion for the adjournment of the meeting may be proposed at any time during a meeting, or for the adjournment of a debate at any time during such debate, and will be, at once, put to the meeting by the Chair.
- 1.33 **Disorderly conduct** - If any member at any such meeting:
- a. persistently and wilfully obstructs the business of any meeting;
 - b. is guilty of disorderly conduct;
 - c. uses objectionable words and refuses to withdraw such words;
 - d. persistently and wilfully refuses to conform to these Standing Orders or any one or more of them; or
 - e. persistently and wilfully disregards the authority of the Chair;
- the Chair may report to the meeting that such Member has committed an offence.
- 1.34 **Apology or explanation for offence** - When any member has committed an offence, they will be called upon to stand up in their place and make any explanation or apology they may think fit and, afterwards, a motion may be moved "*that the member be suspended for the sitting of the meeting*". No amendment, adjournments or debate will be allowed on such motion, which will be immediately put by the Chair.
- 1.35 **Suspension** - If any member be suspended, their suspension on the first occasion will be for the remainder of that sitting; on the second occasion for the sitting of two consecutive meetings; and on the third occasion may, in the case of a member of the State Congress, Board of Directors or Sub-Branch Committees, have their seat thereon declared vacant.
- 1.36 **Points of Order** - In all cases where a point of order is raised, the member raising the same will state their point of order clearly and distinctly and with the omission of irrelevant details. If a member is speaking, such member will take their seat until the point of order is decided. The Chair will decide the matter promptly, and their decision will be final, unless their ruling is disagreed with. Points of order will deal with the conduct or procedure of the debate.

The member rising to put the point of order will be required to prove one or more of the following that:

- a. the speaker is using unacceptable language;
- b. they are digressing from the question;
- c. they are transgressing some Rule of RSL WA or Sub-Branch; or
- d. they are infringing the Standing Orders or, in the absence of a Standing Order relating to the point of order, is acting contrary to the general custom of debate. Points of correction, such as a protest that a speaker is not stating the truth, are not *Points of Order*.

- 1.37 **Disagreement with Chair's ruling** - When a motion is moved and seconded "*that the Chair's ruling be disagreed with*", the Chair will forthwith leave the Chair and the debate on the original question then before the Chair will be suspended. Another Chair will then be appointed by the meeting and the question "*that the Chair's ruling be disagreed with*" will be discussed and decided, after which the former Chair will resume the role and the debate on the original question will be proceeded with as if the same had not been suspended.
- 1.38 **Suspension of Standing Orders** - It shall be competent, by a two-thirds majority vote of the members present and voting, to suspend the Standing Orders, provided the effects of such suspension will not be the amendment of these By-Laws or RSL WA Rules, and provided, further, that the suspension of the Standing Orders will be limited in its operation to the particular purpose for which the suspension has been sought.
- 1.39 **Re-committing Resolution** - No resolution passed by a meeting will be again debated or re-committed at the same meeting unless two-thirds of the members present and entitled to vote so agree.
- 1.40 **Objection to validity of vote** - Subject to these Standing Orders, the Chair will be sole and absolute judge as to the validity of any vote cast on any question, and unless objection to the validity of any vote is raised immediately after the Chair has declared the result of the vote thereon, its validity cannot be again raised at any subsequent stage of the meeting.

2. LIFE MEMBERSHIP

- 2.1 Life Membership may be granted to Service members of the League on the recommendation of RSL WA to the National Board, subject to the following conditions:
- a. No person will be eligible for the award who has not been a Service Member for at least 15 continuous years and has rendered not less than 10 years' outstanding service to the League;
 - b. a recommendation for an award of Life Membership will, after due notice has been given, be submitted for approval to a general meeting of a Sub-Branch and upon approval will then be submitted to the Board of Directors for approval. The recommendations are to be in the hands of the CEO not later than the date promulgated by the Honours & Awards Committee;

- c. when a Sub-Branch submits the recommendation, it will be forwarded to the CEO supported by a written citation of the member's qualifications. If, after due consideration, the recommendation is approved by the Board of Directors, it will be presented to the National Board for approval;
- d. the Sub-Branch concerned will pay RSL WA the prescribed fee in accordance with the schedule below, plus the cost of the badge and certificate;
- e. all badges for national awards are to be the same;
- f. the number of memberships recommended in one year by RSL WA will not be greater than one per 750, or part thereof, of the financial Service membership of RSL WA;
- g. for a Life Member, the current annual capitation proportions are to be multiplied by the factor applicable to the corresponding age group of the nominee and be reduced by the factor shown for the number of financial members in the nominating Sub-Branch, as shown in the table hereunder rounded off to the nearest dollar.

Age Group	Reduction Factor	Financial Membership	Percent
Up to 40	30	Over 500	0
41-45	25	301-500	16-2/3
46-50	20	201-300	20
51-55	15	151-200	25
56-60	12	101-150	33-1/3
61-65	7	51-100	40
Over 65	5	Up to 50	50

- 2.2 Other than in exceptional circumstances, RSL WA will not propose a Service Member for election by the National Board to the class of Life Member unless that Service Member has been a Service Member for at least 15 continuous years and has rendered not less than 10 years' outstanding service to the League.
- 2.3 If a Service Member proposed for Life Membership pursuant to Rule 7 is also a member of a Sub-Branch that Sub-Branch will pay to RSL WA, such fees as determined from time to time.

3. SERVICE MEMBERS

Theatres of Conflict

- 3.1 As provided for in Rule 7.3 of the RSL WA 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.

Service Members - Eligible Service

- 3.2 The following will be eligible to apply to be admitted as Service Members:
 - a. any Veteran who was a member of the Armed Forces of:
 - (i) any country presently or formerly a member of the Commonwealth of Nations;

- (ii) any country or place presently or formerly a Crown Colony of the United Kingdom; or
 - (iii) the United States of America.
- b. any Veteran to whom By-Law 3.2 a do not apply, but who either served with or supported or was otherwise engaged with the Australian Defence Force or the Armed Forces of those countries or places referred to in By-Law 3.2 and who is an Australian citizen or a citizen of any of those countries or places;

Application for Service Membership - Standard Form

- 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 RSL WA Toolbox.
- a. **Part 1 - Mandatory Sections of Form** The first page of the form, containing preferred choice of Branch and Sub-Branch, personal details, service details, previous membership details and declaration and agreement and privacy statement sections, must be completed.
 - b. **Part 2 - Other Details** The second page has been developed for use if required by RSL WA, it includes sections for Branch and Sub-Branch administration.

Application for Service Membership Form - Explanatory Notes

- 3.4 The *Application for Service Membership Form* is to be completed as follows:
- a. **Sub-Branch:** Under the provisions of Rule 7 and this By-Law, each person who applies to be admitted as a Service Member will also apply to be admitted as a member of a particular State Branch or Sub-Branch as the case may be;
 - b. **Personal Details:** The personal information in this section of the form provides the League with details for membership records;
 - c. **Service Details:** The service details in this section are required to establish a person's eligibility to become a member of the League and also provide a record of the member's service for League information. *RSL Eligible Service* uses the codes listed at the bottom of this section to record theatres of operations or conflicts in which the applicant served. *Honours / Awards / Decorations* in this section are those that would be included after a member's name in the normal form of address. For example: *AO, MC, DFC*. Campaign and Service Awards are to be included in this section. For example: *1914/15 Star, Pacific Star, National Medal*;
 - d. **Previous Membership Details:** This section is to be completed only if previously a member of the League;
 - e. **Declaration and Agreement:** Under the provisions of Rule 8.4 and this By-Law, each person who applies to be admitted as a Member will make a declaration to adhere to the provisions of the National Rules and National By-Laws, to uphold and promote the standing policy of the League, and to comply with the Rules, By-Laws, and Code of Conduct of RSL WA.

Furthermore, in accordance with Rule 8.4 and noting the provisions of Rule 8.5, an applicant for Service or Affiliate Membership who is not an Australian Citizen must also sign a declaration that they are prepared to swear or affirm (as the case may be) loyalty to the Nation and its Sovereign and that they will uphold the Constitution of the Commonwealth. Except as provided in Rule 8.5 any applicant who fails to make this declaration will not be admitted as a Service or Affiliate member.

- f. **Privacy Statement:** The RSL will not use any of the information on the membership form without the members specific permission in writing, other than to record the member as a member of the League and will not pass that information to anyone outside the League; and
- g. **Administration:** For use by RSL WA and Sub-Branch administration as required. This provides a record of a member's financial status.

Processing of Applications for Membership (note that the following is applicable to membership applications for Service and Affiliate Members unless otherwise stipulated)

- 3.5 An application to be admitted as a Service or Affiliate 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 or Affiliate Member shall, in their application form, also apply to be admitted as a member of a particular Sub-Branch as the applicant wishes. Note that an applicant or member may apply to be placed onto the RSL WA Unattached List where they maintain membership rights and privileges but not as a Sub-Branch member.
- 3.7 An application to be admitted as a Service or Affiliate 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 and 3.7 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 (see By-Law 3.9) to be admitted as a member;they will be admitted as a Service or Affiliate 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 or Affiliate Member. As a guide – a ‘fit and proper person’ is generally taken to be a person of good character, who is law-abiding, honest, and who demonstrates sound judgement, does not have a history of breaches of RSL discipline and who agrees to uphold the values of the RSL espoused in the National and RSL WA Constitution, By-Laws and Code of Conduct.
- 3.10 The decision of the Sub-Branch committee to not admit an applicant in accordance with By-Law 3.9 will be recorded in the minutes of the meeting at which the decision was made. The applicant will be notified in writing (by email or letter) within 14 days of the committee meeting. This notification must include:
- a. the decision;
 - b. the grounds upon which the application was rejected;
 - c. advice that the Sub-Branch decision is final and not subject to appeal; and
 - d. that the applicant may now apply separately direct to the State Branch for membership of the RSL on the Unattached List.

A copy of this correspondence marked confidential, together with an expanded explanation of the grounds upon which the application was rejected, must also be provided to the CEO of RSL WA within the same timeframe.

- 3.11 If an applicant referred to in By-Law 3.6 or 3.10 d. seeks to become a member of RSL WA and be placed on the Unattached List (By-Law 3.15) then RSL WA is responsible for processing the application and, subject to the same provisions applicable to Sub-Branchedes contained in By-Law 3.9, the applicant shall be admitted as a Service or Affiliate Member and a member of RSL WA. RSL WA shall, thereupon, include their name on the Unattached List of Members. RSL WA may only reject an application upon the grounds set forth in By-Law 3.9.
- 3.12 If RSL WA has rejected an application made under By-Law 3.11 pursuant to By-Law 3.9, it shall 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 or, in the interests of the League, a fit and proper person to be admitted as a Service or Affiliate Member and a member of RSL WA. In so doing it shall advise the applicant, in writing, of their right of appeal to the State Branch Tribunal (see By-Law 3.13 following).
- 3.13 Within 28 days after the date of the notification in writing referred to in By-Law 3.12, the applicant may appeal in writing to the State Branch Tribunal.
- 3.14 The powers of RSL WA referred to in By-Law 3.13 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.

Unattached List of Members

- 3.15 RSL WA will establish and keep a register to be known as its "Unattached List of Members".
- 3.16 Upon a person becoming a Service Member they may request RSL WA having jurisdiction over them to include them in the Unattached List of Members if they do not wish to also be a member of a Sub-Branch.
- 3.17 A member of a Sub-Branch may request it to transfer them to the Unattached List of Members.
- 3.18 A Service, Affiliate or Life Member whose name is included in the Unattached List of Members may at any time request a transfer to a particular Sub-Branch or the Unattached List of another State. RSL WA is responsible for the transfer action, and, subject to By-Laws 3.7 – 3.10, the receiving Sub-Branch or Branch concerned will accept the transfer. If, pursuant to By-Law 3.9, the Sub-Branch rejects the member's transfer they will remain on the Unattached List.

Miscellaneous List of Members

- 3.19 RSL WA will keep a register known as the "Miscellaneous List of Members".
- 3.20 There shall be recorded in this list the names of all those Members who have been compulsorily transferred thereto consequent upon a resolution of RSL WA or consequent upon a determination made by the State Branch Tribunal.
- 3.21 A Member who has been transferred to the Miscellaneous List of Members for a period of time as a result of action taken under By-Law 3.20 may at the conclusion of that period request RSL WA to transfer them to the Unattached List of Members or to a particular Sub-Branch. If they do not make such a request they will be transferred to the Unattached List of Members. However, if the Member requests a transfer to a Sub-Branch or the Unattached List of another State Branch, then RSL WA is responsible for the transfer action, and, subject to By-Laws 3.7 – 3.10, the receiving Sub-Branch or State Branch concerned may choose to accept or reject the transfer. Pursuant to By-Law 3.9, if the RSL WA Sub-Branch or other State Branch rejects the member's transfer request they will be transferred to the Unattached List. Unless a member has been expelled from the Sub-Branch in question, an application for transfer will not be rejected on the same grounds that resulted in the member's transfer to the Miscellaneous List.
- 3.22 Subject to the provision shown in By-Law 3.21 above, a State Branch or RSL WA Sub-Branch to which a member wishes to transfer may accept or reject a proposed transfer. If an RSL WA Sub-Branch decides to reject the proposed transfer of a member it will follow the process outlined in By-Law 3.10 noting that, as an existing member of the RSL WA, the rejected applicant need only be advised that they may now apply separately to the State Branch for a transfer to the Unattached List.
- 3.23 In the case of a decision made by RSL WA to reject an application, following the process outlined in By-Laws 3.12 – 3.14, the member will have the right of appeal to the State Branch Tribunal.

- 3.24 A Service Member whose name is included in the Miscellaneous List of Members will so long as their name is so included:
- a. not be eligible to hold any office in the League; and
 - b. not be eligible to be a member of any Sub-Branch or an associate thereof.

Processing Applications for Transfer

- 3.25 A member may apply through their Sub-Branch, or RSL WA in the case of a member on the Unattached List (see By-Law 3.18), to transfer membership to another Sub-Branch or Branch list as appropriate. Transfers from the Miscellaneous List are dealt with under By-Law 3.21.
- 3.26 Annex A - Request for Transfer of Branch or Sub-Branch Membership will be the standard form for use by RSL WA and Sub-Branches for applying to transfer.
- 3.27 The form may be used for transfer between Branches or between Sub-Branches.

Cessation of Membership

- 3.28 Any Affiliate, Service or Life Member desiring to resign from the League shall give notice in writing to that effect. Upon such notice being lodged with RSL WA or Sub-Branch of which they are also a member, they shall thereupon cease to be a member.
- 3.29 Upon an Affiliate, Service or Life Member ceasing to be a member (including, in accordance with Rules 7.27 and 9.6, for failure to pay their annual subscription on or before the due date) they shall cease to be entitled to or have any interest in any of the property or assets of the League but shall still be liable to pay to the League all amounts owing to it at the date of them ceasing to be a member. Furthermore, if they seek to renew their membership after a 12 month period from their membership ceasing, they will be required to complete the application for membership process as if they are a new applicant.

4. OTHER MEMBERSHIP CLASSES

Affiliate Members

- 4.1 All Sub-Branches within the WA Branch are bound to adopt the procedures in this By-Law and to accept Affiliates Members.
- 4.2 Affiliates Members must comply with the Constitution, By-Laws and Standing Policy of the League in the same manner as Service Members.
- 4.3 Affiliates Members will have a separate badge to that of the League, which will be in such form as the National Executive determines. Each Affiliate Member will be responsible for the cost of that badge which is in addition to the first annual subscription.
- 4.4 No person who is eligible for Service Membership of the League will be admitted as an Affiliate Member.

- 4.5 The eligible persons who may be admitted as an Affiliate Member are those who do not qualify for Service Membership, but comply with the following:
- a. be 18 years of age or older; and
 - b. be a person who is a relative or a married or defacto partner of a League Service or Life Member or a person who is or was eligible to be a Service or Life Member whether that member is living or has since died;
 - c. or a person who is, or has been, a member for at least six (6) months, of one of the following:
 - (i) a State or Federal Police Force;
 - (ii) an Ambulance Service or Brigade;
 - (iii) a Fire Brigade or Fire Authority;
 - (iv) a State Emergency Service;
 - (v) a Prison Officer;
 - (vi) Australian Border Force;
 - (vii) Cadets (Adult); or
 - (viii) the Medical Profession
 - d. or a person who the State Board of Directors consider suitable; and
 - e. has signed an Affiliate Member application form, as prescribed by the State Branch, which expressly required the Affiliate Member to agree to be bound by the National Constitution, Rules and By-Laws and any Rules and By-Laws of the State Branch.
- 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.
- 4.7 All new Affiliate Members will be announced at the next available Sub-Branch meeting.
- 4.8 By-Laws 5.14 and 5.76 provide for the formation of an Affiliate Sub-Branch. An Affiliate Member of an Affiliate Sub-Branch has the same rights and responsibilities as a Service Member. Accordingly, any restrictions on these rights and responsibilities shown in By-Laws 4.9 and 4.10 do not apply to Affiliate Members of an Affiliate Sub-Branch.
- 4.9 An Affiliate Member of a Sub-Branch may be a member of the Committee of that Sub-Branch provided that Affiliate Members will not exceed more than 40 percent of the number of positions on the Committee of that Sub-Branch:
- a. (i) An Affiliate Member may be elected to the position of President of a Sub-Branch subject to the approval of the Board of Directors and will have the full rights of the position;

- (ii) That an Affiliate Member will not represent their Sub-Branch as a voting delegate at a State Congress, unless that Affiliate Member has been elected as an Officer of a Sub-Branch by approval of the Board of Directors; and
 - (iii) Any variation of the foregoing provision must be authorised by the Board of Directors responsible for policy implementation.
 - b. an Affiliate Member on the Committee of a Sub-Branch may speak and vote on all matters relating to the Sub-Branch, save and except the matters excluded under By-Law 4.10 as matters upon which Affiliate Members may not speak or vote;
 - c. an Affiliate Member can only be nominated for a position on committee if there is no nomination for that position from a service member;
 - d. In the event an Affiliate Member entitled to nominate for Secretary, Treasurer or Committee person does so, then Affiliate Members are entitled to vote for that position; and
 - e. at least 60 percent of the members of the Committee of the Sub-Branch must be Service or Life Members of the League.
- 4.10
- a. An Affiliate Member of a Sub-Branch may speak and vote at a meeting of the Sub-Branch on any Sub-Branch matter, including the election of Affiliate Members (but not Service or Life Members) to the Committee of a Sub-Branch, save and except that an Affiliate Member may not speak or vote on: any matter specifically relating to Service or Life Members; changes to the National or State Constitution; RSL WA State elections; and nor may they sit on any Sub-Branch Committee established for purpose of hearing a disciplinary matter unless the hearing pertains to an Affiliate Member only; and
 - b. An Affiliate Member will not be entitled to speak or vote at a meeting called to consider the agenda for the State Congress, unless that Affiliate Member has been elected as an Officer of a Sub-Branch by approval of the Board of Directors.
- 4.11 An Affiliate Member will not hold any other office in the League.
- 4.12 A person may only be an Affiliate Member of one Sub-Branch.
- 4.13 Affiliate Members of a Sub-Branch will have the same rights and responsibilities as Service or Life members of the Sub-Branch in the usage and enjoyment of the Sub-Branch amenities and facilities. They will have no right of access to League or Sub-Branch welfare or amelioration funds, except where they are the dependent of serving or ex-serving Australian Defence Force personnel.
- 4.14 An Affiliate Member of a Sub-Branch will pay to the Sub-Branch such annual subscription as is determined by that Sub-Branch. Such Annual Subscription will include National and State capitation fees as set from time to time by the National and Board of Directors of the League.
- 4.15 A receipt must be issued to each Affiliate Member of the Sub-Branch, as evidence of payment of the annual subscription.
- 4.16 A Sub-Branch will pay to the State Branch such Capitation Fees received from an Affiliate Member as is determined, from time to time, by the National and Board of Directors of the League.

- 4.17 The State Branch will make an annual payment in relation to an Affiliate Member of a Sub-Branch, to the League, at the same time as it pays its capitation fees, a fee in respect of each Affiliate Member of a Sub-Branch equal to the amount of the capitation fee set by National Congress for that year.
- 4.18 Annual subscriptions will be payable each calendar year in advance (By-Law 11.2). An Affiliate Member who does not pay their annual subscription by the due date ceases to be an Affiliate Member of the Sub-Branch (By-Law 11.9).
- 4.19 The Committee of a Sub-Branch may at any time revoke the right to be an Affiliate Member of any such person who has transgressed: the National or State Constitution; National or State By-Laws; the RSL WA Code of Conduct; or who has failed to uphold the Objects of the League.

Honorary Members

- 4.20 The National Executive and/or the State Board of Directors may award honorary membership to:
- a. members of the Australian Defence Force whilst on operational duty; and
 - b. such other persons for such period as it sees fit.

Honorary Membership shall commence upon such an award being made by the National Executive or State Board of Directors under Rule 7.9

- 4.21 If an Honorary Member is a Service Member or Life Member at the time they are awarded honorary membership, their rights, privileges and obligations as a Service Member or Life Member shall, subject to Rule 7.8, not be disturbed by the award to them of honorary membership.
- 4.22 An Honorary Member may attend as an observer at any National Congress at their own expense but shall not be entitled to be heard or vote or receive notices nor shall they be liable to pay any annual subscription or other sums to the League.

Honorary Life Members

- 4.23 The National Executive may award honorary life membership to:
- a. any member of the Royal Family; or
 - b. any representative of the Sovereign in the Commonwealth; or
 - c. any person who ordinarily resides in the Commonwealth and who has been awarded the Victoria Cross, the George Cross, the Cross of Valour or the Star of Courage; or
 - d. any person who is a citizen of any country forming part of the Commonwealth of Nations and who in the opinion of the National Executive has rendered long, continued and outstanding service to the said Commonwealth of Nations; or
 - e. any person who in the opinion of the National Executive has rendered outstanding service to the service or ex-service community of the country in which they ordinarily reside.

An Honorary Life Membership shall commence upon such an award being made by the National Executive.

- 4.24 If an Honorary Life Member is a Service Member or Life Member at the time they are awarded honorary life membership, their rights, privileges and obligations as a Service Member or Life Member (as the case may be) shall, subject to Rule 7.8, not be disturbed by the award to them of honorary life membership.
- 4.25 An Honorary Life Member may attend as an observer at any National Congress but shall not be entitled to vote or receive notices nor shall they be liable to pay any annual subscriptions or other sums to the League.

Social Members

- 4.26 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 RSL WA and are subject to the obligation and sanctions in the Code of Conduct.

Note that the Committee of a Sub-Branch may at any time revoke the right to be a Social Member of any such person who has transgressed: the National or State Constitution; National or State By-Laws; the RSL WA Code of Conduct; or who has failed to uphold the Objects of the League.

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

Associate Membership

- 4.28 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 11.4.
- 4.29 A Service or Life Member who is also an associate, shall be entitled to hold office, vote and speak at a meeting of not more than one Sub-Branch.
- 4.30 A Service or Life Member to whom By-Law 7.20 applies shall:

- a. elect in writing the Sub-Branch in which they wish to be eligible to hold office, vote and speak; and
- b. deliver such election to all the Sub-Branches of which they are a member and associate;

and until they have complied with this Rule, they shall only be entitled to hold office, vote and speak at the Sub-Branch of which they are a member, and such election shall not be able to be revoked during the membership year in which it is made.

Note that the Committee of a Sub-Branch may at any time revoke the right to be an Associate Member of any such person who has transgressed: the National or State Constitution; National or State By-Laws; the RSL WA Code of Conduct; or who has failed to uphold the Objects of the League.

5. SUB-BRANCHES

General

- 5.1 Nothing in these Rules will be construed as in any way limiting the power of the National Executive to establish a Sub-Branch in any place it sees fit. Similarly, nothing in these Rules will be construed as in any way limiting the power of the Board of Directors to establish a Sub-Branch in any place it sees fit within Western Australia.
- 5.2 If any Sub-Branch ceases to operate or is dissolved or wound-up, its assets will, after payment of all its debts and liabilities and subject to the applicable law, vest in RSL WA, or if there is no Branch at the time of its dissolution or winding-up in the League, to be used by the League as far as possible for its purposes in the place where the Sub-Branch formerly carried out its activities.
- 5.3 Nothing in these Rules will be construed so as not to permit the National Executive making any By-Law dealing in any way with the assets of RSL WA or Sub-Branch.
- 5.4 Subject to any State or Commonwealth legislation to the contrary, a Sub-Branch will not enter into any legal agreement on behalf of RSL WA. This By-Law includes but is not limited to the stipulation that a Sub-Branch is not authorised to and will not transfer or offer to transfer, lease or offer to lease, or create or authorise to be created any security or interest in any property held or owned by it either legally or beneficially without the prior written approval of the Board of Directors.
- 5.5 Each member of the League, under the jurisdiction of RSL WA, shall belong to a Sub-Branch of RSL WA, except in the case where a member is on the Unattached (By-Laws 3.15 – 3.18) or Miscellaneous members (By-Laws 3.19 – 3.24) list in which case they shall not have any representation or voting powers at State Congress. Not-with-standing this, until such time as their membership is deemed to have ceased all members are hereinafter collectively referred to as members of RSL WA.
- 5.6 Any person eligible for membership of the League, in accordance with the National Rules and National By-Laws, will be entitled to membership of any Sub-Branch of RSL WA except where a Sub-Branch committee has decided to reject an applicant as not a fit and proper person (By-Law 3.9) in which case the applicant may request membership of the RSL WA Unattached List (By-Law 3.10 d).
- 5.7 Sub-Branches will generally (but not always) be situated within the locality over which they, respectively, hold jurisdiction. Notification of any change of address will be forwarded without delay to the CEO.
- 5.8 All Sub-Branches will meet regularly, usually on a monthly basis, unless otherwise authorised by RSL WA. Meetings may be in person or on-line as suits the needs of the Sub-Branch.

- 5.9 With the exception of a member who has been banned or removed from or refused membership of a Sub-Branch wishing to visit their former Sub-Branch, a member of any Sub-Branch visiting any other Sub-Branch will be entitled to hospitality on producing evidence of their identity as a financial or honorary member of another Sub-Branch or Branch of the League.
- 5.10 Unless approved by Board of Directors no Sub-Branch will take or cause to be taken any steps to become incorporated under the provisions of the Act.
- 5.11 All monies due to RSL WA by Sub-Branches with a monthly statement of accounts must be paid and delivered to the CEO on or before the ninth day in each month.

Amalgamation and Dissolution

- 5.12 a. The Board of Directors may amalgamate Sub-Branches if such amalgamation is formally resolved by at least a three fourths majority of eligible and financial Service Members present of each of the Sub-Branches at a special meeting called for such amalgamation.
- b. The Board of Directors may dissolve a Sub-Branch which for any reason is not operating within these Rules, By-Laws or the National Rules or By-Laws and fails to remedy the situation within a reasonable time.

Establishment of a Sub-Branch

- 5.13 Any 10 or more eligible people may apply to the Board of Directors for leave to form a new or to re-form a defunct Sub-Branch. Where the 10 or more people are eligible for Service or Life Membership they will be referred to as a Sub-Branch but where there are fewer than 10 Service or Life Members they will be referred to as an Affiliate Sub-Branch (By-Law 5.75). For the purposes of these By-Laws, except where otherwise specified, an Affiliate Sub-Branch has the same rights and responsibilities as a Sub-Branch and the Affiliate Members therein have the same rights and responsibilities as a Service Member.
- 5.14 Notwithstanding anything contained in these Rules, the Board of Directors may, if it so resolves by a seventy-five percent majority of total membership, at a special meeting duly called for the purpose, permit the formation of a "*community of interest*" Sub-Branch, containing not less than 10 members.

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 RSL WA 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.

Office Nomination More than One Position

- 5.27 A member may be nominated for as many positions as they choose to accept without losing any of their rights upon non-election to any one position, provided that where a member has been nominated for more than one position their other nomination or nominations will be deemed to have automatically lapsed upon their election to one of the positions for which they will be nominated, except upon a resolution to the contrary by the meeting.
- 5.28 Election of all office bearers will be by preferential voting which will also apply where it is necessary to determine seniority where there are only sufficient (or in some case where there are less) nominees to fill vacant positions. Ballot/voting forms should be available at the AGM with candidates listed in alphabetical order. Voting should take place prior to general business to allow the new/old Committee Members to run the business session. The outcome is to be announced by the Returning Officer.

Vacancies

- 5.29 Vacancies, however occurring, in any of the offices will be filled for the unexpired period as soon as is practicable after the occurrence thereof, provided that should any Sub-Branch fail to fill the office of President or Secretary within two calendar months from the date upon which the vacancy or vacancies occurred the RSL WA Board of Directors will be empowered to call an Extraordinary General Meeting of the Sub-Branch concerned for that purpose.

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, By-Laws and Code of Conduct of RSL WA and the RSL WA Work, Health and Safety policy;
 - 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.

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.

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*).

Rules and By-Laws

- 5.34 The RSL WA Rules and By-Laws will apply to all Sub-Branches duly formed under the authority of RSL WA, 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 RSL WA Rules and By-Laws. In any instance where Sub-Branch By-Laws differ from the RSL WA Rules or By-Laws, the RSL WA 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 RSL WA Code of Conduct and Branch By-Laws.

Transfer from Sub-Branch

- 5.37 During the period covered by yearly subscription, any member who at the date of joining did not reside, or at any time thereafter ceases to reside, within the area wherein the Sub-Branch of which they are a member operates, may without further payment for such period claim admittance to a Sub-Branch.
- 5.38 Any member claiming admittance to any Sub-Branch under this Rule will apply in person or in writing to the Secretary of that Sub-Branch.
- 5.39 The Secretary of an admitting Sub-Branch will complete the requisite transfer form and forward the original and one copy to the Membership Officer who will record such transfer in the register of members and within 10 working days forward the copy to the Secretary of the member's former Sub-Branch.
- 5.40 A Sub-Branch Committee may only reject an application for membership of that Sub-Branch by following the procedures set forth in By-Law 3.9 in which case it will follow the procedures set out in By-Laws 3.10 and 3.11.

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 RSL WA 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.

Absence

- 5.44 Should any officer of a Sub-Branch absent themselves for three consecutive meetings of the Sub-Branch their seat thereon will automatically be vacated unless good and valid reasons be given.

Cessation of Membership

- 5.45 No person retiring from RSL WA, nor any person ceasing from any cause to be a member, will be entitled to or have any claim upon the property of RSL WA or any part thereof, nor will they hold any office in RSL WA or Sub-Branch.
- 5.46 When any person shall cease from any cause to be a member of RSL WA, the Sub-Branch Secretary will report the facts to the CEO, and the name of such person will be removed from the register of members.

Removal from Office

- 5.47 Any of the officers of a Sub-Branch may be removed from office on a resolution passed by at least two-thirds of the members present at an Annual General Meeting or an Extraordinary General Meeting of the Sub-Branch called for that purpose, provided that the notice convening the meeting, and stating the purpose thereof, will have been sent to financial members of the Sub-Branch at their last known place of address or to their last known email address.

Sub-Branch General Meetings

- 5.48 Between the Annual General Meetings of the Sub-Branch there will be held general meetings of members upon such dates as the Sub-Branch committee, subject to resolutions of the Annual General Meeting, will decide.
- 5.49 Each Sub-Branch will decide, in accordance with local contingencies and membership, the number of members present who will form a quorum.

Sub-Branch Extraordinary Meetings

- 5.50 Extraordinary meetings will be convened on receipt of a requisition signed by at least seven members of the Sub-Branch. Such requisition will specify the object of the meeting and be deposited with the Secretary, who will convene such meeting within a reasonable time from receipt of such requisition.
- 5.51 Should the President of a Sub-Branch not convene a general meeting of members within 12 months, or should a Sub-Branch petition in writing to the State President requesting an Extraordinary General Meeting of the Sub-Branch, the State President may convene an Extraordinary General Meeting which will have the same powers as if it were convened by the Sub-Branch President, notwithstanding the absence of any Sub-Branch officer therefrom.

Vacancies in Sub-Branch Officers or Committees

- 5.52 Any vacancy occurring in the office of President, Vice-President, Secretary, Treasurer or Committeeman may be filled by the majority vote of members of the Sub-Branch at its next meeting.

Holding Office - One Sub-Branch Only

- 5.53 No member will hold the office of President, Vice-President, Treasurer or Secretary of one Sub-Branch while holding office in another Sub-Branch.

Defunct Sub-Branches

- 5.54 In the event of a Sub-Branch becoming defunct or ceasing to operate and function, all money and property of whatever nature and of which it will stand possessed will, after satisfying all its creditors and meeting all other obligations, be taken over and held by the State Branch, under whose jurisdiction it formerly functioned, pending its reorganisation or reformation, as herein. RSL WA will satisfy to the limits of the defunct Sub-Branch assets any creditors or obligations, which are verified to the satisfaction of RSL WA, as having been incurred by the defunct Sub-Branch.
- 5.55 Should the Sub-Branch be not reorganised or reformed under the authority of RSL WA within a period of two years from the date on which such money or property were taken over by the State, then RSL WA may sell or otherwise deal with any property held or expend any moneys in such manner and for such purposes of the League in the area in which such Sub-Branch operated.
- 5.56 If, after such disposal of the original Sub-Branch property, the Sub-Branch reforms or is reorganised, it will have no claim to the previous assets.
- 5.57 Further, the Wardens of any defunct Sub-Branch in whom lands or other property will be vested, will sign all documents and do all such acts and things as may be necessary to transfer the same to RSL WA or to dispose of, or otherwise deal with, the same and the proceeds thereof as RSL WA shall direct.

Expulsion of Sub-Branch

- 5.58 Any Sub-Branch committing a serious breach of the Rules and By-Laws of RSL WA for the time being in force, will, by direction of the State Congress or the Board of Directors have attention called thereto by notice in writing from the CEO and, if, after notice, it should continue to offend, the CEO will make a special report on the matter to the State Congress or Board of Directors and forward a copy to the National Secretary.
- 5.59 Should State Congress or the Board of Directors decide, by resolution carried by 75 percent majority of votes of the members present at such meeting, it may:
- a. declare that all officers of the Sub-Branch will be deemed to have vacated office and direct the State President or some other Service or Life Member to take charge of the affairs of the Sub-Branch; or
 - b. revoke the charter issued to the Sub-Branch.
- 5.60 If RSL WA revokes the charter of a Sub-Branch pursuant to Rule 5.2e the Sub-Branch will be deemed to have ceased to operate and all its members will thereupon be deemed to have been transferred to the Unattached List of Members kept by RSL WA.
- 5.61 The said Sub-Branch will thereupon cease to be a Sub-Branch of RSL WA, but without prejudice to the right of RSL WA to require payment or satisfaction from the expelled Sub-Branch under these Rules. If any Sub-Branch is expelled as aforesaid, it will forthwith return, or procure the return, to the CEO of all badges and the charter in its possession.

No Criticism via media permitted

- 5.62 No Sub-Branch will authorise or permit, nor will any office bearer or member thereof, in the name of the Sub-Branch, cause the printing in any newspaper, periodical, circular or other publication or electronic or any other means, excepting any League journal or publication, of any article or statement criticising RSL WA or the Board of Directors, or their policies, or expressing any views antagonistic thereto.

Arbitrator

- 5.63 The Board of Directors may act as arbitrator between such Sub-Branches that amalgamate and that are unable to reach an agreement in respect of their respective or joint liabilities and assets. Where RSL WA so arbitrates, its decision will be final, save that an appeal against such decision may be submitted to, and be dealt with by, the State Congress.

Contraventions

- 5.64 If a Sub-Branch contravenes or fails to observe or perform any of the provisions of these Rules or the By-Laws or fails to be bound by or to uphold the standing policy or has been guilty of conduct prejudicial to the interests of the League, the Board of Directors may cause notice in writing specifying such contravention, failure to observe or perform, or conduct, to be forwarded to the CEO.
- 5.65 A notice referred to in By-Law 5.64 will specify a period of time within which the Sub-Branch will remedy the contravention, failure to observe or perform, or conduct as the case may be.
- 5.66 If a Sub-Branch fails to comply with a notice referred to in By-Law 5.64; the matter may be referred, in writing to a State Congress.
- 5.67 A State Congress, to which a report referred to in By-Law 5.66 has been made, may resolve, by a 75 percent majority vote, to:
- a. declare that all elected officers of the Sub-Branch will be deemed to have vacated office;
 - b. direct the State President or some other Service or Life Member, to take charge of the affairs of that Sub-Branch subject to such conditions as the State Congress may deem necessary; and
 - c. revoke the charter issued to the Sub-Branch in accordance with failure to comply with the provisions of National By-Law (League Organisations) 3(e) and/or 3(f).

Charter Revoked

- 5.68 If RSL WA revokes the charter of a Sub-Branch pursuant to By-Law 5.59, the Sub-Branch will be deemed to have ceased to operate and all its members will be transferred to the Unattached List of Members kept by RSL WA.
- 5.69 If a charter of a Sub-Branch is suspended or revoked, the provisions of National By-Laws require that:
- a. the Sub-Branch may not sell or assign any of its assets, create any security over them or pay any of its funds to a person except to pay a debt then due; and

- b. the State Branch may dismiss the Sub-Branch's officers, appoint new officers, transfer its members to the State Branch or another Sub-Branch, transfer its net assets to the State Branch or another Sub-Branch determined by the State Branch and dissolve the Sub-Branch.

Dissolution

- 5.70 The National By-Laws require that the State Branch Rules must provide that following the dissolution of a Sub-Branch its assets remaining after paying all liabilities are paid to the State Branch or another Sub-Branch determined by the State Branch, and if there is no State Branch, the RSL.
- 5.71 The RSL or relevant State Branch will, as far as possible, use these assets for the objects of the RSL in the State or Territory of the former Sub-Branch or State Branch, as relevant.

Administrative Appeals

- 5.72 Any Sub-Branch aggrieved by a resolution of RSL WA passed pursuant to powers conferred by this By-Law may appeal in writing through RSL WA to the National Executive. Such an appeal will be accompanied by the supporting reasons for the appeal.
- 5.73 The National Executive may appoint one of its members or some other Service or Life Member as an investigating officer to inquire into and report to the National Executive upon the matters raised in the appeal and any such other matters relevant to the appeal arising during the course of the inquiry.
- 5.74 Upon the hearing of an appeal referred to in By-Law 5.72, the National Executive, or Investigating Officer will hear submissions by both RSL WA and the Sub-Branch concerned or may direct that each make written submissions.

Affiliate Sub-Branches

- 5.75 In addition to an Affiliate Sub-Branch being formed when there are fewer than 10 Service or Life Members (By-Law 5.13), if a Sub-Branch requires more than 40 percent of Affiliate Members (By-Law 4.9) to form a committee comprising at least the positions of President, Vice President, Treasurer, Secretary and Membership Officer (By-Law 5.20) it also becomes an Affiliate Sub-Branch.
- 5.76 An Affiliate Sub-Branch will revert to Sub-Branch status at its next AGM or EGM where the number of Service Members exceeds 10 and the number of committee members does not exceed 40 percent Affiliate Members.
- 5.77 For the purposes of these By-Laws, except where otherwise specified an Affiliate Sub-Branch has the same rights and responsibilities as a Sub-Branch and the Affiliate Members therein have the same rights and responsibilities as a Service Member.
- 5.78 An Affiliate Sub-Branch is entitled to representation at State Congress on the same basis as a Sub-Branch (By-Law 9.3). Affiliate Sub-Branch delegates may speak and otherwise fully participate at State Congress but do not count for the purposes of forming a quorum (By-Law 9.7 and 9.21) and have no voting rights.
- 5.79 An Affiliate Sub-Branch is encouraged to have a Patron. The role of the Affiliate Sub-Branch Patron is to ensure that the vision, mission, values and objectives of the RSL are both honoured and upheld by the Affiliate Sub-Branch. Guidance for selecting a Patron and their possible role and responsibilities will be made available by the State Branch.

6. TRUSTEES

Duties, Powers and Functions of State Trustees

- 6.1 The duties and functions of the State Trustees are to:
- a. If required, administer the trusts of the WA Branch that have been, or are, established from time to time.
 - b. Maintain the integrity of the administration of the League's Rules and By-Laws in accordance with the Act.
 - c. Monitor the use of the Common Seal of RSL WA.
 - d. Carry out tasks that may from time to time be requested of them by State Congress, or the Board of Directors.
 - e. Provide a 'corporate memory' of the established principles, policies and traditions of the League through their experience, standing and continuity of tenure.
 - f. Provide impartial advice to the Board of Directors.
 - g. Undertake investigations, inquiries or other responsibilities as requested by the Board of Directors.
 - h. Represent the State President at commemorative and other official functions as required.
- 6.2 The powers of the Trustees are derived from their ability to:
- a. Administer the trusts of the League pursuant to the *Trustees Act 1962 -1978; and*
 - b. Provide advice to Congress and Board of Directors.
- 6.3 In carrying out their duties and functions, the Trustees will:
- a. Attend meetings of State Congress or the Board of Directors. To enable them to do so, they are to be provided with all notices of meetings and minutes of the above bodies by the CEO.
 - b. Be provided with the minutes of all Branch committees and attend such meetings from time to time if they wish to do so.
 - c. Represent the League at all times and, if available, represent RSL WA at official functions when requested to do so.
 - d. Be bound by RSL WA Rules and By-Laws and the Rules and By-Laws of the League in the same way as other members.

7. MOTIONS AFFECTING POLICY

- 7.1 No motion or notice of motion affecting the policy of RSL WA made or given by a member of RSL WA will be valid, unless RSL WA has, beforehand, received in writing from the Sub-Branch, endorsement of that motion. The State President will be the authority as to whether any motion affects the policy of RSL WA.

8. TRAVEL AND ACCOMMODATION

- 8.1 With the exception of the State President and CEO, unless otherwise approved by the CEO, any member of the Board of Directors or any employee of RSL WA whose duties require them to travel by air are to be restricted to economy class travel.
- 8.2 All accommodation standards are dependent on the accommodation available and subject to the approval of the Board of Directors or through delegated authority by the CEO.

9. PROCEEDINGS AT STATE CONGRESS

Preamble

- 9.1 In every calendar year, RSL WA will hold an Annual General Meeting of all Sub-Branches (within the meaning of Rule 12) within its jurisdiction, to be known as State Congress, at such time and place and on such date as is determined by the Board of Directors. The business of such an Annual General Meeting will include the:
- a. election of officers of RSL WA where tenure of office has expired;
 - b. consideration of the report of the State President;
 - c. consideration of its financial affairs and accounts;
 - d. consideration of matters in its agenda which directly affect RSL WA; and
 - e. consideration of matters in its agenda that directly affect the League as a whole and which in its opinion should be considered at the next National Congress.
- 9.2 A State Congress will be held annually at a date and place to be decided by the State President on the advice of the Board of Directors.
- 9.3 Representation of Sub-Branches at State Congress will be on the following basis:
- a. For each 75 members or part thereof, one delegate. Each delegate to have one vote only, provided that the maximum number of delegates from any one Sub-Branch will not exceed six. The nomination of Congress delegates for a Sub-Branch will be in writing from the Sub-Branch and received at RSL WA not later than 14 days prior to the opening of State Congress. Any Sub-Branch may exercise its full voting power, notwithstanding that its full quota of delegates be not present when any division is taken;
 - b. On the formation of any Sub-Branch, authorised by the Board of Directors, after 31 December and before closing date of nominations and items for Congress; that Sub-Branch, in accordance with RSL WA Rules and By-Laws, may nominate delegates and propose items to the next State Congress;
 - c. Members of the Board of Directors will have the right to submit and speak on items of which the Board of Directors has given notice, but not to vote unless appointed as a delegate by a Sub-Branch; and
 - d. Each Sub-Branch will be limited in its number of delegates to State Congress by the respective number of financial members recorded at State Headquarters as at 31 December of the previous year.

- 9.4 The Board of Directors will:
- a. At least four calendar months prior to the dates fixed for the holding of State Congress, notify all Sub-Branches that notice of motions thereat will be received by the CEO up to a specified date, but not later than six weeks prior to the opening of State Congress. Such motions will be State or National in character, of an affirmative nature and accompanied by adequate preamble and support material. Sub-Branch Motions for consideration by State Congress must be approved by a majority vote present at a properly constituted meeting of that Sub-Branch and signed by not less than five financial members of the Sub-Branch present at that meeting;
 - b. Compile and have printed an agenda paper from all motions received;
 - c. The Board of Directors may reword or amalgamate items where necessary with the approval of the sponsoring Sub-Branch; and
 - d. In the event of a delegate not being able to be present at any sittings of State Congress, the Sub-Branch may appoint a proxy.

Meetings of State Congress

- 9.5 The Board of Directors will decide the timings and venue for State Congress.
- 9.6 The office of the State President and State Vice-President will be vacated at the State Congress after a term of three years in office and elections will be held to fill each of those vacancies.
- 9.7 The representatives of 25 percent of Sub-Branches will constitute a quorum.
- 9.8 Three calendar months' notice in writing will be given by the CEO to Sub-Branches of all meetings of State Congress.
- 9.9 It will be competent, by a two-thirds majority vote of the delegates present and voting, to suspend Standing Orders for the purpose of debating a question not on the agenda, except a motion to amend these By-Laws or RSL WA Rules.
- 9.10 The CEO will at the earliest opportunity, post the minutes of each State Congress to the Secretary of each Sub-Branch.
- 9.11 Each Sub-Branch will defray the expenses of its delegates to State Congress and Board of Directors will defray the expenses of its members.

Election of Board of Directors

- 9.12 The State President, State Vice-President, State Treasurer and Members of Board of Directors will be elected for a period of three years at the annual meeting of the State Congress from nominations submitted by Sub-Branches.
- 9.13 In addition to the powers expressly conferred on it by RSL WA Rules and By-Laws, State Congress will have and may exercise all the powers conferred on the Board of Directors. The Board of Directors will at all times and in all affairs and matters be subject to the control of the State Congress and it will be subject to all directions which may from time to time be given by resolution passed by State Congress, but no such resolution will invalidate any prior act otherwise valid.

- 9.14 All questions arising at any meeting of State Congress or Board of Directors will, unless otherwise expressly provided by these By-Laws, be decided by a majority vote of members present and voting, including the Chair and, in the case of equality of votes, the Chair will have a casting vote.
- 9.15 An Extraordinary General Meeting of RSL WA will be convened at any time not less than two, and not more than three, calendar months after the receipt by the State President of requisitions from a majority of the Sub-Branches for such a meeting. Extraordinary General Meetings of RSL WA will be held in Perth. All Sub-Branches, when being requested to appoint their delegates, will be informed of the reasons for calling the Extraordinary General Meeting and the business to be transacted.
- 9.16 Extraordinary General Meeting of RSL WA will be convened on the written requisition of 51 percent of Sub-Branches.
- 9.17 The quorum at a State Congress or Extraordinary General Meeting of RSL WA will be the majority of the maximum number of votes of Sub-Branch delegates registered at such State Congress or Extraordinary General Meeting.
- 9.18 All resolutions for State Congress are to be in the hands of the CEO at least six weeks before the date of the commencement of State Congress. A copy of the complete agenda will be forwarded to reach Sub-Branch Secretaries four weeks prior to the opening of State Congress.
- 9.19 The resolutions of State Congress, except those resolutions requiring approval by National Congress, will be binding on all Sub-Branches and members within RSL WA and will, except where the State Congress expressly decides otherwise, be operative from the time of the passing of such resolution, irrespective of any requirement for confirmation of the minutes of such State Congress.

Proceedings at State Congress

- 9.20 Delegates entitled to vote at State Congress are:
- a. the State President; and,
 - b. each representative of a Sub-Branch appointed pursuant to By-Law 9.3

Quorum

- 9.21 No business will be transacted at any State Congress unless a quorum of delegates entitled to vote is present at the time when the meeting proceeds to business. Subject to these Rules, delegates representing 25 percent of Sub-Branches, entitled to vote and present in person or by proxy will constitute a quorum.
- 9.22 If within 30 minutes from the time appointed for the meeting a quorum is not present, it will stand adjourned until the same day in the next week at the same time and place or to such other day and at such other time and place as the Board of Directors may determine and if at the adjourned meeting a quorum is not present within 30 minutes of the time appointed for the meeting, the delegates present and entitled to vote will constitute a quorum.
- 9.23 The State President will preside as Chair at every State Congress or in the event of their absence or if there is no State President or if they are not present within 15 minutes of the time appointed for the holding of the meeting or is unwilling to act, the Vice-President will preside as Chair of the meeting.

- In the event of there being no Vice-President or if they are not present within 15 minutes of the time appointed for the holding of the meeting or is unwilling to act, the Vice-President will preside as Chair. In the absence of Vice-President willing and able to act as Chair, the delegates present and entitled to vote will elect one of the Board of Directors to be Chair of the meeting.
- 9.24 The Chair may, with the consent of any meeting at which a quorum is present, and will if so directed by the meeting, adjourn the meeting from time to time and from place to place, but no business will be transacted at any adjourned meeting other than business left unfinished at the meeting from which the adjournment took place. When a meeting is adjourned for 30 days or more, notice of the adjourned meeting will be given as in the case of an original meeting, but except for notice in that case, it will not be necessary to give any notice of adjournment or of the business to be transacted at an adjourned meeting.
- 9.25 At any State Congress, the delegates entitled to vote may vote in person and each, either on a show of hands or on a poll, will have one vote on behalf of the Sub-Branch they represent. A Sub-Branch may exercise its full voting entitlement notwithstanding that its full quota of delegates is not present when any division is taken.
- 9.26 At any State Congress a resolution put to the vote of the meeting will be decided on the show of hands unless a poll is demanded (before or on the declaration of the result of the show of hands) either by the Chair or by at least two Sub-Branch delegates entitled to vote and present in person or by proxy.
- 9.27 Unless a poll is so demanded, a declaration by the Chair that a resolution has on a show of hands been carried unanimously or carried by a particular majority, or lost, or not carried by a particular majority, and an entry to that effect in the minutes of proceedings of RSL WA will be conclusive evidence of the fact without particulars of the number or proportion of the votes recorded in favour of or against the resolution. The demand for a poll may be withdrawn.
- 9.28 If a poll is duly demanded, it will be taken in such manner and either at once or after an interval or adjournment or otherwise as the Chair directs, and the result of the poll will be the resolution of the meeting at which the poll was demanded. A poll demanded on the election of a Chair or on a question of adjournment will be taken forthwith.
- 9.29 In the case of an equality of votes, whether on a show of hands or on a poll, the Chair of the meeting at which the show of hands takes place or at which the poll is demanded will in addition to their deliberative vote, have a casting vote.
- 9.30 A delegate of a Sub-Branch will be entitled to be represented by a proxy nominated by their Sub-Branch.
- 9.31 No objection will be raised to the qualifications of any delegate except at the meeting or adjourned meeting at which the vote objected to is given or tendered and every vote not disallowed at such meeting will be valid for all purposes. Any such objection made in due time will be referred to the Chair of the meeting whose decision will be final and conclusive.

- 9.32 The instrument appointing a proxy will be in writing or in the common or usual form under the hand of the duly authorised Sub-Branch officer. A proxy appointed by a Sub-Branch will be a Service or Life Member as it may see fit. The instrument appointing the proxy will be deemed to confer authority to demand or join in demanding a poll and will be in the following form, or a form as near to this as circumstances permit:

See Annex B to By-Law 9 - RSL WA Branch Proxy Nomination Form

- 9.33 The instrument appointing a proxy and the power of attorney or other authority, if any, under which it is signed will be deposited with the CEO not less than one hour before the time for holding the State Congress or adjourned State Congress at which the person named in the instrument proposes to vote.
- 9.34 A vote given in accordance with the terms of an instrument of proxy will be valid until the close of State Congress.
- 9.35 Standing Orders relating to the conduct of a State Congress are set forth in the By-Laws.
- 9.36 A State Congress of representatives nominated by all Sub-Branches will be held annually at a time when it does not clash with the RSL Congresses held by other States, unless State Congress otherwise decides. An Extraordinary General Meeting of RSL WA may be held in the interim. The State Congress will possess full and supreme power and control over the property and affairs of RSL WA.

Sub-Branch in Default or Defunct not entitled to Representation at State Congress

- 9.37 No Sub-Branch, which is unfinancial, will be represented on State Congress provided nevertheless, that State Congress may in its sole discretion and on such conditions as it deems fit, permit such Sub-Branch to be represented.

Annual Report, Statement of Income, Expenditure and Balance Sheet

- 9.38 The externally audited Annual Report, Statement of Income and Expenditure and Balance Sheet of RSL WA made up to the 31 December preceding the opening of the State Congress along with the external auditor's opinion, will be presented to the State Congress and copies thereof will be forwarded to each Sub-Branch Secretary not later than one calendar month prior to the date fixed for notices of consideration for State Congress.

Congress Resolutions

- 9.39 All resolutions for State Congress are to be in the hands of the CEO at least six weeks before the date of the commencement of Congress. A copy of the complete agenda will be forwarded to reach Sub-Branch Secretaries four weeks prior to the opening of Congress.
- 9.40 The resolutions of Congress will be binding on all Sub-Branches within RSL WA and will, except where the Congress expressly decides otherwise, be operative from the time of the passing of such resolution, irrespective of any requirement for confirmation of the minutes of such Congress.

Powers of State Congress

- 9.41 The State Congress will:
- a. define the policy and general lines of administration to be followed by the Board of Directors;
 - b. discuss such matters within the scope of the National Rules and National By-Laws and these Rules and Branch By-Laws, as may be brought before it;
 - c. deal with all the motions contained in the agenda papers for the annual State Congress as notices of motion, which if carried will alter, amend, delete or add to any previous Congress resolution on that matter;
 - d. appoint external auditors to conduct an independent audit of all the financial affairs of RSL WA. Any vacancy, howsoever occurring, in the interim between State Congresses, will be filled by the decision of the Board of Directors;
 - e. transact such other business as may be deemed expedient for the benefit of the members of RSL WA;
 - f. elect all office bearers of the Board of Directors by preferential voting; and
 - g. allow no delegate to State Congress to speak unless accredited as such.
- 9.42 In addition to the powers by these Rules expressly conferred on it, the State Congress will have, and may exercise, all the powers conferred by these Rules on the Board of Directors. The Board of Directors will at all times and in all affairs and matters be subject to the control of the State Congress, and it will be subject to all directions which may from time to time be given by resolution passed by the State Congress, but no such resolution will invalidate any prior act otherwise valid.
- 9.43 State Congress is empowered to make a financial levy on each and every member of RSL WA for the purpose of carrying out any particular object of the League, provided that such levy does not exceed the sum of five dollars per annum. The Board of Directors will fix the time at which such levy will be due and payable by each member.

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 RSL WA.
- 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-Branched 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.
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- 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 RSL WA 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 RSL WA, 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 and 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 RSL WA State Branch within thirty days after the completion of the Sub-Branch Annual General Meeting.

11. 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 RSL WA 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 Annual subscriptions are payable on or before the anniversary date of a member joining the RSL. If a Member fails to pay their subscription within 30 days following their anniversary date, they shall cease to be a Member, except as provided for in National By-Laws, which relates to Default in Payment of Subscription and also in accordance with RSL WA By-Law 11.10.
- 11.4 If a Service Member is also an Associate Member (Rule 7.20) 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 RSL WA.

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

Life Subscription

- 11.6 If a Service Member has paid to the Sub-Branch or Branch, the amount determined as a life subscription that Service Member will not be liable to make any payments to RSL WA or Sub-Branch of any further annual subscriptions. If By-Law 11.4 is applicable then, as an Associate Member (Rule 7.20-7.22) they will be liable to pay the fee calculated in accordance with that By-Law.
- 11.7 A Service Member to whom Rule 7 applies will pay to the League at National Headquarters, the minimum annual subscription referred to in By-Law 11.1 of this By-Law plus any additional amount determined from time to time by the National Executive.
- 11.8 This By-Law will not apply to a Life Member save and except if such a member is also an Associate Member of a Sub-Branch in which case By-Law 11.6 will apply to them as if they were a Service Member.
- 11.9 If a Service Member being a Life Subscriber is also a member of a Sub-Branch and transfers their membership to another Branch, RSL WA having jurisdiction over the Sub-Branch, will pay to the new Branch that portion of the Life Subscribers Fund. RSL WA to which the payment is made will pay to the Sub-Branch to which the member has transferred an amount equal to the annual rebate of the subscription of that Branch. Such payment will be made out of the funds received by the new Branch.

Default in payment of Subscription

- 11.10 Where a member fails or neglects to pay their subscription by the date stipulated in By-Law 11.3, the Secretary of the Sub-Branch to which they belong shall notify them in writing of such failure or neglect. If the subscription is not paid within 30 days of that date, the individual will cease to be a member - unless the non-payment is due to circumstances beyond the member's control, or for reasons the Sub-Branch Committee considers fair and reasonable. In such cases, the member's membership will remain in force, subject to payment of the subscription at the time and in the manner determined by the Sub-Branch Committee.

12. PRIVACY ACT

- 12.1 The RSL is subject to the *Privacy Act 1988*.
- 12.2 All applications for Membership are to incorporate a Consent and Privacy Statement consistent with the wording in Annex C to By-Law 12.
- 12.3 All correspondence between RSL WA and Sub-Branches will use the relevant generic RSL email address provided for that purpose.

13 RSL COMMEMORATION CEREMONIES

- 13.1 Wherever possible, RSL commemoration ceremonies should follow a standard order of service.

- 13.2 At the appropriate time of the commemoration the sequence of events for RSL ceremonies will include the following:
- a. The *Ode* will be spoken by the designated person.
'They shall grow not old, (short pause)
As we that are left grow old, (longer pause)
Age shall not weary them, (short pause)
Nor the years condemn, (longer pause)
At the going down of the sun, (short pause)
And in the morning, (longer pause)
We will remember them. (short pause)'
The gathering repeats *'We will remember them.'*
 - b. The *Last Post* will be played.
 - c. A period of not more than two minutes' silence will then be observed.
 - d. The designated person will say *'Lest We Forget'* and the gathering will repeat *'Lest We Forget'*.
 - e. *Rouse* or *Reveille* will then be played. (*Rouse* is the bugle call more commonly used in conjunction with the *'Last Post'* and to the layman is often incorrectly called *'Reveille'*. Although associated with the *'Last Post'*, *'Reveille'* is rarely used because of its length).
 - f. The ceremony is ended. The words *'thank you'* will NOT be spoken to end the ceremony.
- 13.3 While it is expected that the form of service is used at routine RSL commemoration ceremonies, variations may occur from time to time. However, where the RSL is the organising or coordinating authority of a commemoration ceremony every attempt should be made to have the ceremony follow the sequence detailed above.
- 13.4 The wearing of medals and decorations at such commemorative events will be in accordance with current Australian Defence Force Policy. This would include events such as:
- a. commemorative services (including ANZAC Day and Remembrance Day);
 - b. funerals;
 - c. Defence Force parades; and
 - d. other events as considered appropriate.

14. USE OF THE AUSTRALIAN FLAG AT MEMBERS' FUNERALS

- 14.1. When used to cover a casket at funerals, the top left quarter (the upper hoist) of the Australian flag should be draped over the left shoulder of the deceased. The flag should be removed before the casket is lowered into the grave or, at a crematorium, after the service. At all times care should be taken to prevent any portion of the flag touching the ground.

- 14.2. To remove the flag, two representatives (funeral directors or as nominated) are to move to a position at the head and foot of the casket and:
- a. Grasp each end of the flag and remove it while stepping clear to one side of the casket and spreading the flag to arm length.
 - b. They each then fold the flag once along its width, with the upper hoist facing downwards.
 - c. The representative at the foot of the casket then moves towards the other and hands them their corners of the flag making a fold along its length. They then lift the trailing edge to fold it once again.
 - d. The representative at the head of the casket folds the flag along its width to make it a suitable size to be carried draped over the arm.

15 AWARDS

Meritorious Service Medal

- 15.1 The RSL Meritorious Service Medal is the highest award that may be made by the League to a member as an honour over and above Life Membership.
- 15.2 Such an award will only be made to a member who:
- a. is a Life Member;
 - b. has had 25 years continuous membership; and
 - c. who, in the opinion of the National Executive, has given 25 years outstanding service.
- 15.3 The procedure to be followed by RSL WA and Sub-Branched in making nominations for awards of a Meritorious Service Medal will be determined from time to time by the National Executive.
- 15.4 The maximum number of such awards that may be made in any financial year will be determined from time to time by the National Congress.
- 15.5 Regardless of the number determined from time to time the National President may recommend to the National Executive in any financial year that not more than one particular Life Member be awarded the Medal.
- 15.6 The award comprises:
- a. a medal which is worn on the right breast whenever Service medals, decorations and awards are worn in the usual place on the left breast, or when the recipient is on official RSL duties or at official RSL functions;
 - b. a lapel badge in the form of a Life Member's badge surrounded by a laurel wreath which is worn by recipients in place of their previously awarded Life Member's lapel badge; and
 - c. a certificate.

- d. the cost of such a medal, plus the associated lapel badge and certificate is met by RSL WA State Branch.

Certificates of Merit and Gold Badges

- 15.7 The highest award that may be made by the League to a person who is not a member of any class of membership, is a Certificate of Merit and Gold Badge.
- 15.8 Such an award will not be made to a person who is eligible to apply to become a member of any class of membership of the League except that this clause will not apply to a person who is a member of a Women's Auxiliary.
- 15.9 Such an award will only be made to a person if, in the opinion of a National Congress or the National Executive, such person has rendered outstanding service to the League, ex-service personnel or their dependants.
- 15.10 The procedure to be followed by Branches and Sub-Branched in making nominations for awards of Certificates of Merit and Gold Badges will be determined from time to time by the National Executive.
- 15.11 The maximum number of such awards that may be made in any financial year will be determined from time to time by the National Congress.

Certificate of Appreciation

- 15.12 The National Executive may award a Certificate of Appreciation to any person or corporation considered to be worthy of special recognition for services rendered to the League. The Certificate may be awarded to a member or a non-member.

Certificate of Outstanding Service

- 15.13 The National Executive may award a Certificate of Outstanding Service to any corporation, company, association, society or other body that has given outstanding service to the League for a period of not less than 25 years.

Special Service Awards

- 15.14 A Service or Life Member who has given not less than 50 years continuous service as a member of the League, may be granted a Special Service Award by the National Executive.
- 15.15 RSL WA may propose to the National Executive that it grant a Special Service Award to a Service or Life Member who has given not less than 50 years continuous service as a member of the League.
- 15.16 The number of Special Service Awards that may be granted by the National Executive in any one calendar year will not be limited.
- 15.17 For the purposes of this By-Law, service as a member of a Women's Auxiliary may be taken into account.

Badges, Banners, Insignia and Awards of the League

- 15.18 The badges, banners, awards and any other insignia of the League will be in such form as the National Congress will determine and badges will be numbered consecutively.

- The National Executive and each State Branch will record all badges issued by them and to whom the same have been issued.
- 15.19 Annexures 1 and 2 of the National By-Laws detail the design and colours of the badges, banners, awards and any other insignia of the League.
- 15.20 Each Service Member will, on payment of their first subscription, be issued, without charge, a badge.
- 15.21 Unless the National Congress will decide otherwise, a Service Member is issued a membership card upon receipt of their subscription.
- 15.22 Badges issued to Life Members, to Life Members awarded a Meritorious Service Medal and to Honorary Members, will be the badge of the League with such additions thereto, if any, as the National Congress may determine.
- 15.23 All badges will remain the property of the League and will be returned to it upon a member ceasing to be a member.
- 15.24 If any member shall knowingly permit the badge issued to them to be used by any other person for any purpose whatsoever, they will be deemed to be guilty of conduct unbecoming of a member and be liable to be dealt with under the National Rules.
- 15.25 If any member shall lose their badge, they will make a lost badge declaration as to their loss and lodge it either with RSL WA or Sub-Branch of which they are also a member. Upon payment of such fee as is determined by the National Executive, they will be issued with a replacement badge.
- 15.26 A badge of the copyright League pattern will be the only official badge and it only will be worn as evidence of membership of RSL WA. A badge of any other ex-Servicemen's association or league of sailors, soldiers or airmen will not be accepted as evidence of such membership or worn in lieu of the official badge.
- 15.27 A miniature replica of the official badge may be worn but will not be represented as other than a replica.
- Certificates**
- 15.28 The State President, CEO and two other members of the Board of Directors will sign all certificates.
- 15.29 A Certificate of Service may only be issued to a member of the League. A Certificate of Appreciation may be issued to an organisation or any person regardless of membership status.
- 15.30 The applicant Sub-Branch will reimburse RSL WA for the cost of all certificates.
- 15.31 Sub-Branch Past President's and/or Past Secretary's certificates may be issued by RSL WA on the application of any Sub-Branch, provided that no less than five financial members of the Sub-Branch applying for the issue of the certificate certify jointly and in writing, that the member to whom it is proposed to present such a certificate has served with dedication and for an adequate period.

- 15.32 Certificates of service may be issued by RSL WA to members of any Sub-Branch, to a maximum of three in any one year to a given Sub-Branch, when a resolution to that effect has been passed by a majority of members present at a properly constituted meeting of that Sub-Branch and an application in writing, signed by not less than five financial members of the Sub-Branch present at that meeting has been submitted to the Board of Directors.
- 15.33 A 50 Year Service Award Certificate may be issued on the recommendation of a Sub-Branch in accordance with the National Rules of the League.
- 15.34 Where membership records at ANZAC House appear to be incomplete or inaccurate, a statutory declaration submitted by the member stating that they have completed 50 years financial membership, will be accepted as valid evidence.
- 15.35 A State Certificate of Appreciation may be issued on the recommendation of a Sub-Branch, on the appropriate form, and endorsed by the Board of Directors, under the terms and conditions listed in the National Rules and National By-Laws.
- 15.36 RSL WA may award Certificates of Service to retiring members of the Board of Directors after a minimum of two years' service, or in special circumstances for a lesser period of service at the discretion of the Board of Directors.
- 15.37 Certificates of Merit, Life Membership Certificates and Gold Badges will be issued in accordance with the National Rules and By-Laws of the League.

16. CODE OF ETHICS

- 16.1 That RSL Pensions Officers, Welfare Officers, Case Officers, Advocates and members of the League will:
- a. give full, accurate, truthful and relevant information to veterans and their families in relation to claims, appeals and applications for benefits, including an assessment of the likelihood of success;
 - b. encourage veterans, their families and others to give full, accurate, truthful and relevant information when applying for benefits;
 - c. allow the veteran, spouse, or family member to make the decision to apply for benefits or to lodge an appeal;
 - d. ensure that all contact with members of the veteran community, staff or government agencies, providers of services and the general community is conducted in a professional manner;
 - e. ensure that all available relevant details and documents are submitted with claims and applications for benefits;
 - f. only undertake work to the level at which they have been trained and have demonstrated competence;
 - g. maintain and expand their knowledge base by further training and by seeking advice from the Department of Veterans' Affairs, staff of government agencies or other service providers;

- h. abide by the provisions of the Freedom of Information Act when seeking documents from government agencies;
- i. keep personal information secure and not disclose such information to others without express consent;
- j. promote the interests of the veteran community by communicating openly and honestly with the Department of Veterans' Affairs staff of government agencies or other service providers and by complying promptly with proper requests for information; and
- k. provide their services without any fees, charges or gratuity.

17 CONFLICTS OF INTEREST

Purpose

- 17.1 The Board of Directors believes that it is in the best interests of the RSL WA to establish a clear, concise and effective conflicts of interest policy. Accordingly, the Board of Directors has adopted this Policy to:
- a. assist Board Members and Tribunal Members to understand and identify the types of interests that might pose a conflict;
 - b. detail the responsibilities of Board Members and Tribunal Members in dealing with conflicts of interest; and
 - c. detail procedures for managing and monitoring Board Members' and Tribunal Members' conflicts of interest.

Interpretation

- 17.2 In this Policy unless the contrary intention appears:

Board of Directors means the board established under Rule 14 of the Rules;

Board Members means the members of the Board of Directors of RSL WA;

Chair means the Chair for the time being of the Board of Directors or the Tribunal;

Member means a Member of RSL WA;

Policy means this Conflict of Interest Policy as amended, supplemented or replaced from time to time;

RSL means RSL WA and its Sub-Branches;

Rules means the RSL Rules from time to time;

Tribunal means the State Branch Tribunal established by the CEO; and

Tribunal Member means a member of the State Branch Tribunal.

Scope

17.3 The Policy applies to:

- a. all Board Members and Tribunal Members of the RSL; and
- b. any person who is in a position to exercise substantial influence over the decisions and affairs of the RSL.

Policy Statement

17.4 It is the RSL's policy that Board Members and Tribunal Members must:

- a. avoid or effectively manage positions of conflict or potential conflict; and
- b. disclose any material personal interest.

Therefore, all Board Members and tribunal Members must avoid, to the extent practicable, placing themselves in a situation that could be or may lead to a conflict of interest or duty, or a reasonable perception of an actual or potential conflict of interest or duty.

All Board Members and tribunal Members must fully and frankly disclose to the Board or Tribunal, as applicable, any material personal interest that relates to the affairs of the RSL (including for the avoidance of doubt, any external business interests) that may lead to an actual or potential conflict of interest or duty, or a reasonable perception of actual or potential conflict of interest or duty.

What is a conflict of interest and duty?

17.5 A conflict of interest arises when a person has two or more competing interests.

A conflict of interest may involve a conflict between a Board or Tribunal Member's duty and responsibilities to serve the RSL and their personal interest. A conflict of interest may also arise from gaining a personal advantage as well as avoiding a personal loss – whether financial or otherwise.

A conflict of duty normally arises where a person has multiple roles and could be said to be wearing two hats. That is, they have two official roles with a competitive relationship.

For example, Board Members of the RSL may have roles within their Sub-Branch or within their own personal business pursuits which may give rise to conflict of duty to the RSL. A Tribunal Member may have a role within their Sub-Branch or a personal relationship which may conflict with their disciplinary role in the State Branch Tribunal and duty to the RSL.

The term "conflict" can be:

- a. **Actual** – where a person has a conflict between their duty as a Board Member or Tribunal Member and their personal interests and where a person's personal interests could improperly influence the performance of their duties and responsibilities as an officer of RSL;
- b. **Potential** – where a person has personal interests that may conflict with their interests as a Board Member or Tribunal Member in the future due to likely, or possible events; and

- c. **Perceived** – where it appears to a third person that a person’s personal interest could improperly influence the performance of their duties as an officer of RSL whether or not this is in fact the case.

What is a material personal interest?

- 17.6 In most cases a person will have a conflict of interest where they have a material personal interest in the outcome of that matter.

A personal interest exists where there is a connection between the person and a matter.

A Personal interest is material if it has the potential to have a material or significant impact. In some cases, it will be appropriate to consider what is significant from primarily a financial point of view. In other cases, particularly in relation to disciplinary functions of the Board or the tribunal, other factors such as fairness and propriety (whether actual or perceived) will be relevant.

Whether a material personal interest will arise, depends on the person concerned and the circumstances of the matter. It is the responsibility of each Board Member and Tribunal Member to consider whether they have a material personal interest. If a Board Member or Tribunal Member who is not sure of whether their circumstances give rise to a material personal interest, the members must take a cautious approach and disclose that matter to the Board for the Board to consider.

It is not possible to give an exhaustive list of scenarios in which a material personal interest will arise. Set out below some examples which could give rise to a material personal interest for your guidance.

Example: *A Board Member has an interest in the outcome of:*

- a. *disciplinary proceedings of a Sub-Branch to which that Board Member belongs;*
- b. *a decision to grant funds from the Welfare Fund Account to that Board Member or that Board Member’s friends or family; or*
- c. *a decision to enter a contract between the RSL and a third party, if the Board Member is a significant shareholder of that third party, or their family owns or works for that third party in a senior role, or if they have the capacity as a consequence of their relationship with that third party to influence decisions of the third party in respect of matters involving the RSL.*

Example: *A Tribunal Member has an interest in the outcome of a review of the decision of a Sub-Branch’s discipline of a Member:*

- a. *if the tribunal Member was involved in making the Sub-Branch’s decision which is the subject of review;*
- b. *if the Tribunal Member was involved in the incident which is the subject of the review; or*
- c. *if the Tribunal Member’s friends or family were involved in the incident which is the subject of the review.*

Procedures

- 17.7 The Board has adopted the following procedures to assist Board Members and Tribunal Members to comply with their duties and obligations regarding conflicts of interest.

Duty to disclose

- 17.8 Upon appointment to the Board, each Board Member is required to disclose in writing any conflict of interest and/or a material personal interest which could conflict with their duties as a Board Member by giving notice in writing to the Chair. The nature of this conflict of interest must be entered into the Board's register of conflicts.

Upon referral of any matter to the tribunal, each Tribunal Member is required to, in writing, disclose any conflict of interest and/or a material personal interest which could conflict with their duties as a Tribunal Member by giving notice in writing to the Chair of the State Branch Tribunal. The nature of any conflict must be entered into the Tribunal's minutes of meeting.

It is the responsibility of each Board Member and Tribunal Member to make ongoing disclosures during their term of office as conflicts of interest or material personal interests arise. In any event, disclosure of a conflict of interest and/or a material personal interest must be made no later than the commencement of the meeting to which the conflict arises.

If a Board Member or Tribunal Member reasonably believes that another Board Member or Tribunal Member has an undeclared conflict of interest and/or a material interest, the Board Member or Tribunal Member should specify to the Chair (or if the conflict of interest and/or a material personal interest in relation to the Chair, to the State Vice-President in the case of the Board or to the Vice-Chair in the case of the Tribunal), the basis of this potential conflict. Where the Chair (or the State Vice-President, if applicable) considers it necessary, the issue can be referred to the non-interested Board or Tribunal Members.

Standing agenda item

- 17.9 The disclosure of conflict of interests and/or a material personal interest will be a standing agenda item at the beginning of each Board or Tribunal meeting. Board Members and Tribunal Members are required to advise of any conflict of interest and/or material personal interest regarding agenda items at this point and before discussion of any substantive agenda items and all such disclosures in the Board's minutes of meeting.

Conduct of Board meeting

- 17.10 Where a Board Member has a conflict of interest and/or a material personal interest, as defined above, the Board Member:
- a. must not initiate or take part in any Board discussion on that topic (either in the meeting or with other Board Members before or after the Board meetings); and
 - b. must not vote on that matter, unless expressly invited to do so by unanimous agreement by all other Board Members present.

To give effect to By-Law 17.10 a and b, where the Board Member who has a conflict of interest and/or a material personal interest must leave the Board meeting as soon as that item comes up for discussion and the time that Board Member exits and enters the meeting must be recorded in the minutes of meeting.

If there are not enough non-interested Board Members to form a quorum to make a decision under By-Law 17.10, the matter must be referred to State Congress.

Member of the State Branch Tribunal

- 17.11 Where a Tribunal Member has a conflict of interest and/or a material personal interest, as defined above, the Tribunal Member must not participate in the appeal unless the conflict of interest and/or the material personal interest is disclosed to the Member who is the subject of the appeal, the Sub-Branch whose decision is being reviewed and the other Tribunal Members prior to the commencement of the appeal and:
- a. there is no objection to the Tribunal Member participating in the appeal from the Member who is the subject of the appeal, the Sub-Branch whose decision is being reviewed or the other Tribunal Members; and
 - b. the conflict of interest and/or the material personal interest and all relevant circumstances including the absence of objections from the Tribunal Member, Sub-Branch and other Tribunal Members are recorded in the minutes of the Tribunal.

Transactions with the Board

- 17.12 Board Members are not barred from engaging in business dealings with the RSL, provided that these dealings are negotiated at arm's length without the participation of the Board Member concerned. In any event, By-Law 16 will still apply to the conduct of Board Meetings in relation to the business dealing.

Privacy

- 17.13 It is acknowledged that disclosing a conflict of interest and/or a material personal may require a person to disclose personal information. If a person declares themselves to have an existing or potential conflict of interest or a material personal interest, this information will be handled in accordance with the RSL's privacy policy. If a person disclosing a conflict of interest or a material personal interest has a privacy concern, that person may disclose the interest to the Chair.

Responsibility

- 17.14 All Board Members and Tribunal Members are responsible for:
- a. being aware of and respecting the policy;
 - b. assessing if their personal and business interests' conflict or have the potential to conflict with their duty as a Board Member (or Tribunal Member);
 - c. formally disclosing all actual, potential or perceived conflicts of interest or duty in accordance with the conflicts of interest procedure; and
 - d. complying with any other requirements of this policy or conflicts of interest procedures;
- The Chair is responsible for:
- e. bringing the policy to the attention of prospective Board Members (or Tribunal Members); and
 - f. maintaining a register of conflicts of Board Members which will be available for review by Board Members.

Breach

- 17.15 A breach of this policy or a failure to disclose an interest or duty, subject to the circumstances surrounding the breach and the nature of the interest and conflict is a serious matter and may require a Board Member or Tribunal Member to reconsider their continuing role on the Board or Tribunal.

18 PECUNIARY INTEREST REGISTER

- 18.1 RSL WA is to establish a Pecuniary Interest Register, pursuant to that of RSL National, to ensure potential conflicts of interest and/or material personal interest (actual, perceived or potential) are disclosed and recorded.
- 18.2 Where a Sub-Branch provides to any of their officer's gratuities, honorariums or any other payments for services that Sub-Branch is to maintain a Pecuniary Interest Register as provided for in By-Law 18.1.

19 MANAGING DISPUTES

Natural Justice

- 19.1 RSL WA 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 RSL WA Code of Conduct.
- 19.5 Disputes can be between:
- a. two or more members or the staff 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 - RSL WA 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 RSL WA Chief Executive Officer.
- 19.9 The RSL WA 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 RSL WA Chief Executive Officer will appoint as a mediator:
- a. an RSL WA 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 RSL WA 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; or
 - (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 RSL WA State Tribunal (By-Law 19.21 – 19.23).
- 19.13 The RSL WA State Branch Tribunal will only make a determination about a dispute when requested to do so by the RSL WA 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 RSL WA 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 RSL WA 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 RSL WA 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 RSL WA 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.

20 USE OF THE NAME OF THE LEAGUE

The Letters "RSL" and The Badge of the League

- 20.1 This By-Law will not apply to permission granted to the use of the name of the League, the letters "RSL" or the badge of the League pursuant to the National Rules in force immediately prior to these By-Laws coming into force and effect.
- 20.2 Subject to By-Law 20.1 the name of the League, the letters "RSL" and the badge of the League will only be used by the League for the purposes of its identification or publicity. The League will not permit any use thereof except for those purposes. In this By-Law the expression "the League" includes all Branches and Sub-Branches.
- 20.3 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 the League for a purpose other than that set forth in By-Law 20.2. Such Executive will only grant its authority under this Rule in circumstances considered by it to be appropriate and proper.

21. BRANCH OFFICERS' RIGHT TO ADDRESS MEETING

- 21.1 Whenever the State President, or Acting State President, or CEO is, or are, present at a meeting of a Sub-Branch they will be invited to address such meeting.

22 MEMBER AND SUB-BRANCH COMMUNICATIONS

- 22.1 All communications (verbal, written, electronic etc.) between RSL members and/ or Sub-Branches and other RSL members and the wider community (including but not limited to government or non-government agencies, politicians, political parties and lobby groups) must comply with the RSL WA Rules and By-Laws (in particular see Rule 20.1 and By-Law 5.62 which deal with communicating in public and the media) and the RSL WA Code of Conduct.

- 22.2 Furthermore, RSL WA members and Sub-Branches are not authorised to speak publicly on, or as if on, behalf of the RSL on matters: (1) of RSL policy; or (2) which are, or have the potential to be, contentious, controversial or critical of the RSL or it's stakeholders without the permission of the RSL WA State President, CEO or the Board. Finally, direct communications with the National Branch, other State Branches or the media is not permitted without the State President, CEO or Board Approval.
- 22.3 Outside of the requirements of Rule 20.1 and By-Laws 5.62, 22.1 and 22.2 Sub-Branches are free to communicate with other parties (including RSL Sub-Branches and their members) as they deem necessary for the effective and efficient management of their branch.

23. SERVICE OF NOTICES

- 23.1 Any notices which RSL WA or any Sub-Branch or any person desires to serve in accordance with these Rules on RSL WA, or on any Sub-Branch or on any person, may be served either personally by sending it as a prepaid letter through the post or by electronic means addressed to:
- a. in the case of the Sub-Branch, to the Sub-Branch Secretary;
 - b. in the case of RSL WA, to the CEO;
 - c. in the case of a person, to the last address communicated by them to the Sub-Branch Secretary and in the event of no such address having been communicated to the Sub-Branch Secretary, then to the last known place of abode or business of such person.
- 23.2 Any notice, if served by post, will be deemed to have been served at the time when the letter containing the same would be delivered in the normal course of post and, in providing such service, it will be sufficient to prove that the letter containing the notice was properly addressed and posted.

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

General Principles

- 24.1 RSL WA 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 wilfully neglects to comply with the RSL Rules, By-Laws or the RSL WA 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 RSL WA CEO that it has done so.

Determining a Disciplinary Matter

- 24.4 a. If a Sub-Branch has cause to commence a disciplinary process against one or more of its members, the Sub-Branch Committee (or in the case of a member/s on the Unattached or Miscellaneous List – the CEO of RSL WA) will choose Service or Life members (OR they may choose 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**:
 - (i) it considers that it does not have the capacity to manage the process;
 - (ii) it believes that the penalty it can impose is not sufficient;
 - (iii) the disciplinary matter falls outside the remit of By-Law 24.2; or;
 - (iv) 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).

- b. Note that if a Sub-Branch elects to appoint a Service or Life Member from outside its own membership as the "one other member" of the Sub-Branch Disciplinary Hearing Committee (see By-Law 24.4 a. above), the State Branch Tribunal Registrar may, under certain circumstances, approve the appointment of that individual from the State Branch Tribunal. An application for such an appointment must be submitted, and approval will be considered on a case-by-case basis. Approval will be granted only where there is a clear and demonstrable need for the experience and expertise the individual would contribute to the effective management of the disciplinary process.
- 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 RSL WA; 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 RSL WA 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 RSL WA 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 RSL WA 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 RSL WA 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 RSL WA 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 RSL WA 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 Mindful of By-Law 24.4 a. and b. which advises a Sub-Branch to refer breaches of discipline that it doesn't have the capacity to manage or which it considers should attract a higher penalty to the SBT, 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, including a ban on attending the Sub-Branch premises and Sub-Branch non-public activities, for **up to six months**;
 - d. a recommendation to the State Board for the withdrawal of RSL related awards;
 - e. removal from the Sub-Branch committee; and/or
 - f. disqualification from holding any office in the Sub-Branch for a designated period of time.
- 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, including a ban on attending the Sub-Branch premises and Sub-Branch non-public activities, for **up to twelve months**;
 - d. transfer to the State Branch Miscellaneous list for a designated period;

- e. expulsion from a Sub-Branch;
 - f. disqualification from holding office in any part of the League for an appropriate time;
 - g. a recommendation for the withdrawal of RSL related awards; or
 - h. expulsion from RSL WA 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.

25 STATE BRANCH TRIBUNAL

- 25.1 The State Branch Tribunal is established as per Rules 5.3 and 5.4 of the RSL WA Constitution.
- 25.2 A member of a State Branch Tribunal will be deemed to have vacated office if they:
- a. ceases to be a Service or Life Member;
 - b. ceases to be also a member of RSL WA or ceases to be also a member of a Sub-Branch subject to the jurisdiction of RSL WA;
 - c. becomes an employee of the League, any of its Branches or Sub-Branches;
 - d. becomes of unsound mind or a person whose person or estate is liable to be dealt with under any law relating to mental health;
 - e. resigns their office by notice in writing to the Board of Directors; or
 - f. is found to be guilty of action or actions as defined in the RSL WA By-Law 24.2.
- 25.3 As to the RSL WA Tribunal, the Board of Directors will prescribe:
- a. that the quorum for a hearing of the State Branch Tribunal be set at three; and
 - b. the procedures to be followed by it.
- 25.4 Upon the hearing of an appeal pursuant to Rule 5.3 of the RSL WA Constitution, the member concerned will have a personal right of audience before the State Branch Tribunal or, with its prior leave, may be represented by any non-legally qualified person, and shall be given 14 days' notice of the date of that hearing unless the member requests a shorter period.
- 25.5 The State Branch Tribunal will make its decision based on the information presented at the hearing. An appeal is not a fresh rehearing and the Tribunal may only consider the evidence put to the Sub Branch Committee which originally heard the matter.
- 25.6 Upon an appeal having been lodged with the CEO, the decision giving rise to the appeal will be stayed unless otherwise ordered by the State Tribunal.

- 25.7 The parties to an appeal before the State Branch Tribunal will each pay their own costs of an incident to the appeal, save and except that the State Branch Tribunal may make such order as it sees fit as to whether or not the personal out-of-pocket expenses incurred by the member in attending on the hearing of their appeal should be paid to them. No payment shall be made in relation to legal expenses.
- 25.8 The Board of RSL WA will appoint a person to act as the Registrar of the Tribunal who will:
- a. act as a liaison between the parties in all matters before the Tribunal, ensuring that all parties have complied with their obligations under this By-Law;
 - b. conduct a preliminary assessment of referrals submitted to the Tribunal;
 - c. give the parties and potential parties reasonable assistance in understanding the Tribunal's practices and procedures;
 - d. co-ordinate administrative support for the conduct of Tribunal hearings;
 - e. provide guidance and support to Sub-Branch Disciplinary Hearing Committees including developing and managing the distribution of the Schedule A and B forms (see By-Laws 24.6 f and 24.14) and other templates and support documentation as required;
 - f. keep the Board informed and updated as required on matters involving the State Branch Tribunal; and
 - g. exercise the Registrar's authority as otherwise allowed under the provisions of this By-Law.
- 25.9 The State Tribunal Registrar will assess all referrals to the Tribunal and take action as follows:
- a. refer the dispute back to the RSL WA CEO to contact the member or his Sub-Branch for mediation; or
 - b. refer the issue to the appropriate Sub-Branch for their resolution; or
 - c. refer the issue to the Tribunal for preliminary consideration.
- 25.10 In all cases the State Tribunal Registrar will notify the parties of the action to be taken as per By-Law 25.9 within fourteen (14) days of receiving the referral.
- 25.11 A generalised summary of the sequence of events to follow in managing an appeal against a Sub-Branch disciplinary decision is shown in a flow chart at Annex F.

26 DISCIPLINARY POWERS OF THE STATE BRANCH TRIBUNAL AND APPEALS ARISING THEREFROM

26.1 Note that the sequence of events to follow in managing a State Branch Tribunal Disciplinary matter, be it a complaint or an appeal, is summarized in a flow chart shown at Annex F. If it is determined by the State Branch Tribunal that a member may be subject to discipline for any of the reasons outlined in By-Law 24.2, mindful of the guidance provided in By-Law 24.4 sub-paragraphs a - d and By-Law 24.5, the State Branch Tribunal may, subject to By-Law 26, decide to conduct a hearing.

26.2 If it is determined by the State Branch Tribunal to conduct a hearing, the State Tribunal Registrar will:

- a. ensure that the complaint is drafted in the required format (see Schedule A at By-Law 24.6 f);
- b. give not less than within 14 days', notice in writing to the member concerned of the date, time and place of the meeting at which it is proposed to consider whether or not they are guilty of an offence or offences;
- c. serve on the member, at the time of giving them notice, copies of all papers and documents including full particulars of the alleged offence or offences which will be considered by the State Branch Tribunal at that meeting in accordance with procedures as set out in the By-Laws 24.6 and 24.7;
- d. notify the Chief Executive Officer of RSL WA forthwith; and
- e. communicate to the Respondent that all documentary evidence must be received by the State Tribunal Registrar at least five (5) days before the date of the hearing. Any documentary evidence not received by that date may be presented at the hearing only with the leave of the Tribunal.

Note that it is not permissible to take a visual or audio recording of the hearing.

26.3 In the event of finding the member guilty of an offence, the State Branch Tribunal may impose one or more of the following penalties:

- a. a caution;
- b. reprimand;
- c. suspension from membership, including a ban on attending the Sub-Branch premises and Sub-Branch non-public activities, for **up to twelve months**;
- d. transfer to the State Branch Miscellaneous List for a designated period;
- e. expulsion from a Sub-Branch;
- f. disqualification from holding office in any part of the League for an appropriate time;
- g. a recommendation for the withdrawal of RSL related awards; or
- h. expulsion from RSL WA membership.

- 26.4 If a State Branch Tribunal imposes upon a member the penalty of disqualification from holding office and that member is a director of RSL WA, such disqualification from holding office shall not be of any force or effect.
- 26.5 If the member is also a member of a State Branch Tribunal, they shall absent themselves from the meeting of that Tribunal at which the question of their reprimand, suspension, transfer to the Miscellaneous List, disqualification from holding office or expulsion (as the case may be) is being considered. The proceedings of that Tribunal and any resolution thereof passed in the absence of a member to whom this Rule applies, shall be valid.
- 26.6 A resolution of the State Branch Tribunal imposing a penalty upon an officer or member or making a recommendation to the Board of Directors in respect of a Sub-Branch or any of its officers or members shall not be valid unless passed by a majority of the members of the State Branch Tribunal present at the meeting.
- 26.7 Any resolution of the State Branch Tribunal, passed by a majority of members of that tribunal, shall have no effect unless endorsed by the RSL WA Board of Directors.
- 26.8 The substance and decision of the Tribunal meeting shall be recorded in the minutes of the meeting. Written notices, submissions and other correspondence relevant to the Tribunal meeting shall be certified to the CEO of RSL WA within seven days after the meeting by its Chair or the State Tribunal Registrar.
- 26.9 Within 14 days after endorsement by the RSL WA Board of Directors, the CEO shall notify the member concerned in writing of the precise terms of the said resolution and of the provisions of appeals to the National Tribunal. A copy of such notification shall be forwarded to the National Secretary.
- 26.10 A member who is subject to a penalty imposed by a State Branch Tribunal may appeal to the National Tribunal by notice in writing addressed to the National Secretary within 28 days after the date upon which the resolution of RSL WA was passed; otherwise it will not be treated as valid. Schedule B (By-Law 24.14) must be completed by the Appellant.
- 26.11 The appeal is not a fresh rehearing and the National Tribunal may only consider the evidence put to the RSL WA State Tribunal and may not rehear a matter.
- 26.12 The right to appeal is limited to an appeal on one or more of the following grounds:
- a. the Tribunal proceedings lacked procedural fairness;
 - b. the decision of the Tribunal was not reasonable having regard to the evidence presented at the Tribunal hearing; or
 - c. the penalty imposed by the Tribunal was excessive having regard to the circumstances of the complaint.
- 26.13 Upon receipt of an appeal from the National Secretary, RSL WA shall forthwith forward to the National Secretary:
- a. the appeal;
 - b. all papers and documents concerning the member's appeal; and
 - c. a copy of the minutes relating to the matter giving rise to the appeal.

- 26.14 Upon an appeal, the member shall temporarily relinquish any position held as an office bearer of RSL WA or Member of the National Executive until such appeal is concluded, dismissed or discontinued.
- 26.15 Guidelines for the conduct of a State Branch Tribunal Hearing are to be kept and updated accordingly by the State Branch Tribunal Registrar and endorsed by the Board of Directors.
- 26.16 A generalised summary of the sequence of events to follow in managing a State Branch Tribunal Disciplinary matter, be it a complaint or an appeal, is summarized in a flow chart shown at Annex F.

27. THE NATIONAL TRIBUNAL

Composition

- 27.1
- a. There are five members of the National Tribunal appointed by the National Board.
 - b. The Board must appoint one of them as the Presiding Member.
 - c. The members must be Life Members or Service Members.
 - d. Their appointment is for two years and at the end of their term they may be reappointed.

Ceasing to be a Member

- 27.2 A person ceases to be a member of the National Tribunal if the person:
- a. resigns;
 - b. is no longer a member of the League;
 - c. becomes bankrupt or makes an arrangement or compromise with their creditors generally;
 - d. is convicted of an indictable offence or an offence involving fraud or dishonesty;
 - e. becomes of unsound mind or a person whose person or estate is liable to be dealt with in any way under any law relating to mental health; or
 - f. becomes a Director or an employee of the League.

Appealing to the National Tribunal

- 27.3
- a. A party to a dispute or disciplinary matter may appeal to the National Tribunal if the matter is within the National Tribunal's jurisdiction and the person has paid the fee fixed from time to time by the State Branch.
 - b. The appeal must be made by notice in writing to the RSL, setting out the nature of the matter and the grounds of appeal and accompanied by the relevant State Branch Tribunal decision.
 - c. The RSL must forward the notice to the Presiding Member, the other parties and the State Branch Tribunal.

- d. The decision of the State Branch Tribunal is stayed pending the outcome of the appeal.

Procedure

- 27.4
 - a. The Presiding Member may appoint either three or five members of the National Tribunal to hear and determine the appeal.
 - b. The Presiding Member must appoint the time and place of the hearing of the appeal and give the parties and the RSL at least 30 days' notice of these matters.
 - c. The other parties to the appeal must provide to the National Tribunal and the appellant their answer to the appeal, within 14 days of receiving the notice of appeal.
 - d. The parties must provide the information to the National Tribunal, the other parties and the RSL and within the times, the National Tribunal requires.
 - e. The National Tribunal may require the parties to take the further steps it considers appropriate in relation to the management of the appeal.
 - f. The State Branch Tribunal must provide to the National Tribunal a copy of its documents relating to its hearing upon receiving notice of the appeal.

Right of Audience

- 27.5
 - a. The parties to the dispute or disciplinary matter which is the subject of appeal to the National Tribunal have the right to be heard.
 - b. The Board has the right to be heard on any appeal.

Hearing

- 27.6
 - a. The appeal is not a fresh rehearing and the National Tribunal may only consider the evidence put to the State Branch Tribunal and may not rehear a matter.
 - b. The National Tribunal must give each party an opportunity to present their case.
 - c. The National Tribunal is not bound by the rules of evidence. The objective of the National Tribunal is to deal with all matters fairly and justly.
 - d. If the parties and RSL agree, the National Tribunal may dispense with a hearing and make its decision on written submissions from the parties and the RSL and the other information provided to it.

Decision

- 27.7
 - a. The National Tribunal may dismiss the appeal, allow the appeal or substitute its own findings. The decision is final.
 - b. A decision of the National Tribunal is by simple majority.
 - c. The National Tribunal must:
 - (i) record the decision and give reasons for the decision;
 - (ii) endeavour to reach a decision within twenty-one days of the hearing; and

- (iii) inform the parties and the RSL of the decision as soon as reasonably practicable.
- d. The National Tribunal may in an appropriate case require a party to pay the costs of the appeal and the proceeding in the State Branch Tribunal as it sees fit.

Records

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

ANNEXES

ANNEX A TO BY-LAW 3

Request for Transfer of Branch or Sub-Branch Membership

(Please print Christian or given names and surname)

hereby request transfer of membership:

From Sub-Branch: _____

To Sub-Branch: _____

Old Address: _____

New Address: _____ Postcode: _____

Service No: _____ Rank: _____ Service: _____

RSL Badge No: _____ Membership Type: _____

Current Year's Subscription paid to: _____ Branch/Sub-Branch

Financial to 31 December: _____ Receipt No: _____

Signature of Member

Date

ACKNOWLEDGEMENT SLIP

Gaining Sub-Branch Secretary: _____

The transfer of _____ has been requested

and the details provided are correct. \$ _____ remains to this Life Member's/Service Member's

credit which can be transferred to you. Please confirm your acceptance to proceed with the transfer.

Signature of losing Sub-Branch Secretary

Date

State Branch to be included in all transfer correspondence between Sub-Branches.

ANNEX B TO BY-LAW 9

RSL WA Branch Proxy Nomination Form

I, _____
(Insert name of authorised Sub-Branch officer)

being a member of The Returned & Services League of Australia Limited

hereby appoint: _____
(Insert name of Proxy)

of _____
(Insert address)

as my Proxy to vote on behalf of _____ Sub-Branch
(Insert Sub-Branch name)

at the *State Congress/Extraordinary General Meeting of The Returned & Services League of

Australia WA Branch Incorporated to be held on the _____ day of _____ 20____

and at any adjournment thereof.

This proxy is to be used in favour of the resolution.

This proxy is to be used against the resolution.

Unless otherwise instructed, the proxy may vote as they think fit.

Signature of Member

Date

ANNEX C TO BY-LAW 12

Consent and Privacy Statement

We recognise the importance of your privacy and are committed to protecting personal information about you which we hold. This privacy policy describes how we manage your personal information and safeguard your privacy.

Collecting personal information about you

We only collect personal information that is necessary for us to perform our functions and which is provided by you in your application for Service Membership and/or in any request you make for other services.

The kinds of personal information we collect and hold about you will depend upon the type of services requested. However, it may include:

- a. Information you give us when you apply for membership or request a service from us;
- b. Information you give us when you apply to become a volunteer or staff member (for example: information about you received from the referees which you nominate); and
- c. Communications between us and you.

We also collect some information from you when you use our National and State Branch Office website. The only personal information which we collect about you when you use our website is what you tell us about yourself, for example, by completing an online form or by sending us an email. We will record your email address if you send us an email.

Using and disclosing your personal information

Information provided by you will only be used in respect of assisting us to obtain the particular service for which you have requested.

We respect your privacy. We will only use or disclose your personal information for the purpose for which you provided it to us, unless we have your consent or it is required or authorised by law.

We may disclose your personal information to:

- a. Organisations to whom we outsource information, such as information technology functions;
- b. Otherwise as you have consented; and
- c. Otherwise as required or authorised by law.

Access to your personal information

In most cases, you can gain access to personal information that we hold about you. All requests for access to your personal information will be handled by our privacy access officer who can be contacted through the CEO.

We will deal with all requests for access to personal information as quickly as possible. Requests for a large amount of information, or information which is not currently in use may require further time before a response can be given. In some cases, consistently with the National Privacy Principles, we may refuse to give you access to personal information we hold about you. This includes circumstances where giving you access:

- a. would have an unreasonable impact on other people's privacy;
- b. would prejudice negotiations we are having with you;
- c. would prejudice an investigation of unlawful activity; or
- d. would prejudice activities carried out by, or for, a law enforcement agency.

If we refuse to give you access, we will provide you with reasons for our refusal.

Generally, if you request us to do so we will amend any personal information about you held by us which is inaccurate, incomplete or out of date. If we disagree with you about the accuracy, completeness or currency of a record of your personal information held by us, we will take reasonable steps to associate with that record a statement to the effect that you claim this to be the case, if you request us to do so.

What to do if you would like more information about the way we manage personal information or wish to complain about a breach of your privacy.

You can get more information about the way we manage personal information about you which we hold by contacting the CEO.

If you are concerned that we may have breached your privacy and wish to complain, please contact the CEO.

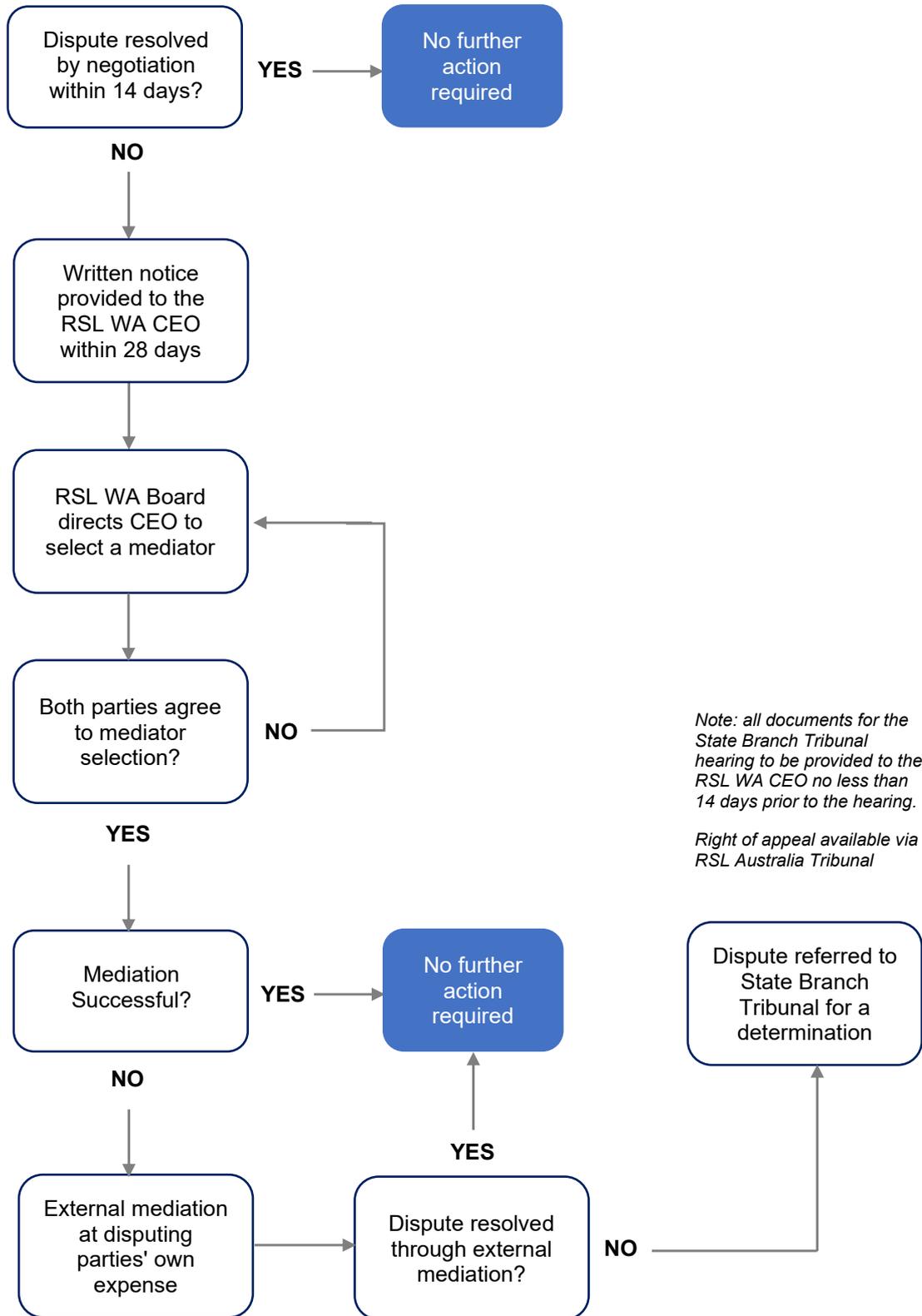
Changes to our Privacy Policy

From time to time it may be necessary for us to review our privacy policy. We reserve the right to change our privacy policy at any time.

We may notify you about changes to this privacy policy by posting an updated version on our website.

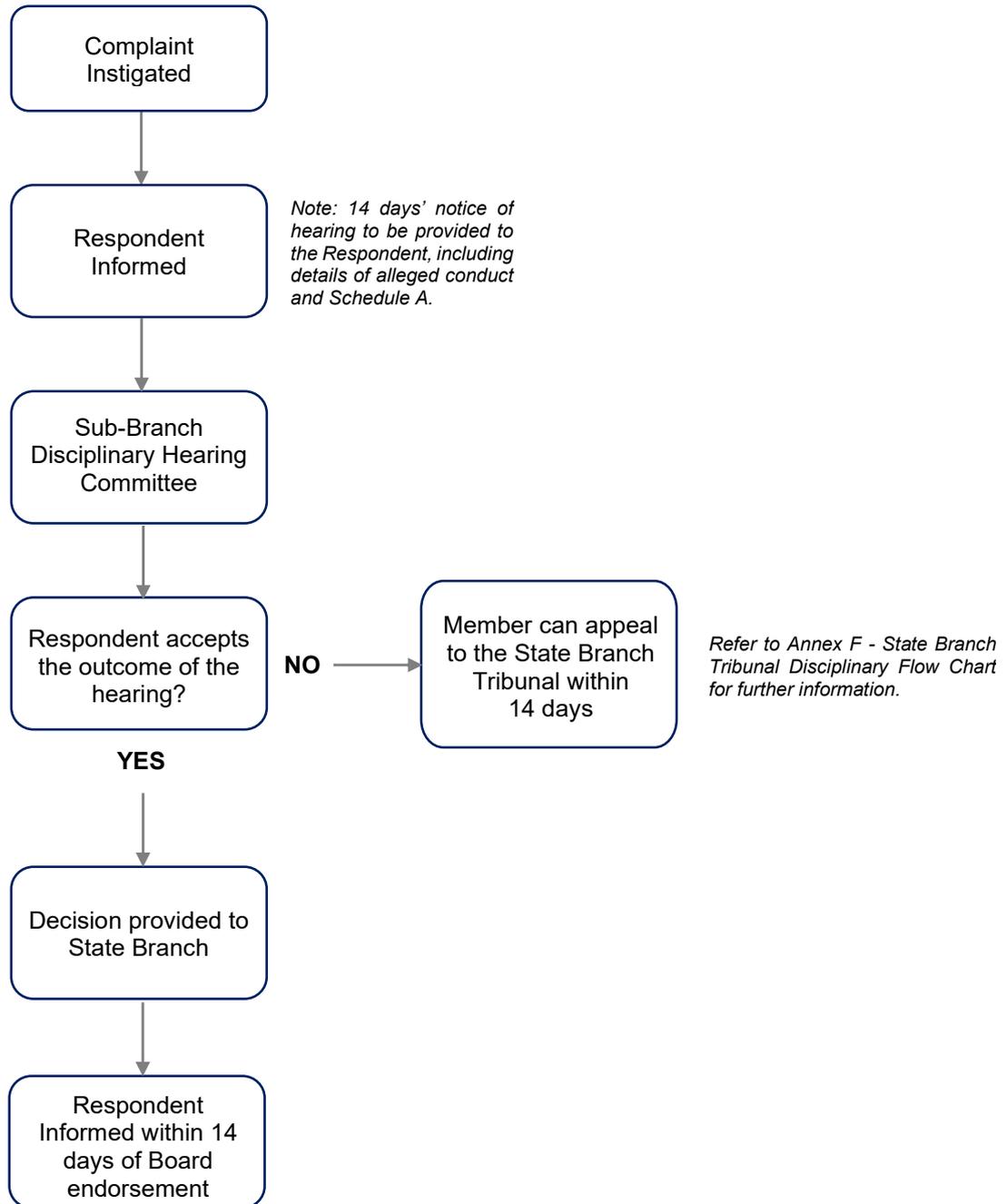
ANNEX D TO BY-LAW 19

RSL WA Sub-Branch Dispute Flow Chart



ANNEX E TO BY-LAW 24

RSL WA Sub-Branch Disciplinary Flow Chart



ANNEX F TO BY-LAW 24, 25 and 26

RSL WA State Branch Tribunal Disciplinary Flow Chart

