

The Australian Federation of Totally and Permanently  
Incapacitated Ex-servicemen and Women  
(Queensland Branch) Incorporated



## BY-LAWS

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Incorporation Number: IA15479  
Complete Re-write: 5 November 2012

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References:

- A. The Incorporations Act 1981.
- B. The Incorporations Regulations 1999.
- C. The Collections Act 1966.
- D. TPI Association Queensland Branch Inc. Constitution, (Complete Re-write, 1 September 2011)
- E. Joske's Law and Procedure at Meetings in Australia.
- F. TPI Association Queensland Branch Inc. Administrative Guide, dated 10 February 2011.

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## **By-law 1 – Objectives of the Association.**

- 1) **The Objects.** The Association is established with the principle purpose of promoting the interests and welfare of any person who at any time served in any capacity with Australian or Allied Forces, and as a result is classified under the Veteran’s Entitlement Act (or any Act amending or replacing it) by the Repatriation Commission (or any proper authority) as “Totally and Permanently Incapacitated” and in receipt of a pension at the “Special Rate” and for this purpose has the following object:
  - a) To assist and care for members or their dependants by providing, or assisting to provide, pensions, benefits, accommodation, medical treatment, rehabilitation and other forms of welfare.
  - b) To alleviate cases of distress of members and confine itself to care, maintenance and welfare of its members.
  - c) To establish and accept trusts having as object the welfare and benefit of any member of the Association or their dependants.
  
- 2) **The Aims.** To assist in the maintenance of the Objectives the Association has the following Aims:
  - a) To perpetuate the ties of friendship created by passed service rendered to the Australian Defence Force or in forces of nations traditionally allied to Australia.
  - b) To encourage loyalty to Australia and to the Allied Nations.
  - c) To maintain a National Association that is non-sectarian, and in relation to any party politics is non-partisan.
  - d) To subscribe or donate, to become a member of and co-operate with any other body of persons, corporate or non-corporate whose objectives are similar to those of the Association and which prohibits the distribution of its or their income and property, amongst its or their members, to an extent at least as great as is imposed on the Association under this Constitution.
  - e) To amalgamate with any one or more organizations having objects all together or in part similar to those of the Association and which shall prohibit the distribution of its or their income and property among its or their members to an extent at least as great as that imposed upon the Association and which is an organization approved by the Commissioner of Taxation as an organization referred to in sub-section 78(4) of the Income Tax Assessment Act 1936 (as amended).
  - f) To establish, maintain and administer Social Centre/Sub-branches throughout the State of Queensland.
  - g) To safeguard the interests of its members and to promote matters of advantage to the Association generally.
  - h) To secure equitable treatment of all members and their dependants.
  - i) To provide premises for the purpose of the Association and other conveniences for the use of members of the Association.
  - j) To accept subscriptions and donations whether, of real or personal estate, and devises and bequests for all or any of the purposes aforesaid and, so far as permitted by law, to dispose of or to lease and accept surrenders of leases of and manage all real estate 9including leaseholds) so received and not required or capable of being

occupied for the purposes of the Association. In case the Association shall take or hold any property which may be subject to any trust, the Association shall only deal with the same in such manner as allowed by law, and having regard to the terms of such trust.

- k) To invest and deal with any of the monies or other assets of the Association, not immediately required, upon such securities and in such manner as the Association may determine, in accordance with the manner authorized by law.
- l) To invest in and deal in real property and to hold such property for the purposes of furthering all or any of the objects of the Association.
- m) To purchase, sell, lease, mortgage, charge, exchange or otherwise acquire or dispose of any real or personal property as may be determined by State General Meeting, State Management Committee (SMC), or a Social Centre/Sub-branch, and apply both capital income thereof and proceeds of sale or mortgage thereof for or towards all or any of the objects herein specified.
- n) To borrow or raise money in such manner as the Association may think fit, for any of its objects, and in particular by mortgage or other securities, upon all or any of the property of the Association, present or future.
- o) To pay out of the funds of the Association all expenses of and incidental to the formation thereof, its management and the carrying out of its objects, including the payment of salaries to persons employed by it.
- p) To make contributions from funds of the Branch, by way of gratuities, testimonials, or otherwise, to any person, body, institution or organization where in the opinion of State General Meeting, State Management Committee (SMC), such should be made.
- q) To do all such other lawful things as are conducive or incidental to the attachment of any of the above objects.
- r) To appoint, employ, remove or suspend such employees, contractors, agents and other persons as may be necessary or convenient for the purposes of the Association.
- s) To remunerate any person for services rendered or to be rendered, in such manner as the Association thinks fit or in such manner as is agreed with the persons.
- t) To guarantee and give guarantees or indemnities for the payment of money or the performance of contracts or obligations of any person.
- u) To borrow or raise money in any manner as the Association thinks fit.
- v) To make donations or gratuitous payments for patriotic, charitable or community purposes; and
- w) To encourage members in rehabilitation by occupational therapy and all other available therapeutic forms with or without the aid of other organizations.

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## **By-law 2 – Ordinary Membership**

### **1) Application for Membership.**

- a) The Application for Membership Form is shown in the TPI Association Queensland Branch, Inc. Administrative Guide.

## **2) Processing Applications for Membership.**

- a) An application to be admitted as a member shall be:
  - i) In the form set forth in the Administrative Guide;
  - ii) Accompanied by the annual subscription payable; and
  - iii) Supported by such evidence as is necessary to demonstrate the eligibility of the applicant.
- b) If the applicant applies to be admitted as a member of a particular Social Centre/Sub-branch, then that Social Centre/Sub-branch shall be responsible for processing the application.
- c) If an applicant referred to in paragraph 2, b) elects to become a member of a particular Social Centre/Sub-branch, then provided the applicant:
  - i) Has demonstrated he is eligible to be admitted as a member pursuant to this By-law; and
  - ii) Has completed his application form and has paid the annual subscription payable.
  - iii) They shall be admitted as a member of the Association and a member of that Social Centre/Sub-branch.
- d) A Social Centre/Sub-branch Committee may only reject an application if it is satisfied the applicant is not eligible. In this case State Branch is to be notified within seven (7) days.
- e) The decision of the Social Centre/Sub-branch Committee to reject an application shall be recorded in the minutes of the meeting at which the decision was made. The applicant is to be notified, in writing, of the decision and the grounds upon which the application was rejected, and his right of appeal to the State Branch, within fourteen (14) days of the committee meeting.
- f) Within twenty-eight (28) days after the date of the notification in writing referred to in paragraph 2, e), the applicant may appeal in writing to the State Branch. Such an appeal shall be lodged with the Social Centre/Sub-branch concerned, which shall thereupon forward it, without delay, together with the grounds for rejection and all other relevant papers and documents to the State Secretary.
- g) State Branch may recommend that the Social Centre/Sub-branch concerned admit the applicant as a member if the State Branch is of the opinion he should be admitted.
- h) State Branch shall reject the appeal if it is satisfied the applicant is not eligible. The decision of the State Branch shall be final.

## **3) Unattached List of Members**

- a) State Branch shall establish and keep a register to be known as its "Unattached List of Members".
- b) Upon State Branch establishing such a list, there shall be transferred to it all those Ordinary and Life Members who were previously included in the State Branch's Miscellaneous List of Members at their own request.



- c) Upon a person becoming an Ordinary Member he may request State Branch to include him in the Unattached List of Members if he does not wish to be a member of a Social Centre/Sub-branch.
- d) A member of a Social Centre/Sub-branch may request Social Centre/Sub-branch to transfer him to the Unattached List of Members.
- e) An Ordinary or Life Member whose name is included in the Unattached List of Members may at any time request the State Branch to transfer him to a particular Social Centre/Sub-branch. The State Branch is responsible for transfer action, and the receiving Social Centre/Sub-branch shall accept the transfer.

**4) Miscellaneous List of Members.**

- a) The State Branch shall keep a register known at its ‘Miscellaneous List of Members’.
- b) There shall be recorded in this list the names of all those members who have been transferred thereto compulsorily consequent upon a resolution of a Social Centre/Sub-branch and ratified by State Branch.
- c) A member who has been transferred to the Miscellaneous List of Members for a period of time as a result of action taken under paragraph 4, subparagraph b), may at the conclusion of that period request the State Branch to transfer him to the Unattached List of Members or to a particular Social Centre/Sub-branch. If he does not make such a request he shall be transferred to the Unattached List of Members. An application for transfer shall not be rejected on the same grounds, which resulted in the member’s transfer to the Miscellaneous List of Members.
- d) A member whose name is included in the Miscellaneous List of Members shall so long as his name is included:
  - i) Not be eligible to hold any office in the Association; and
  - ii) Not be eligible to be a member of any Social Centre/Sub-branch.

**5) Processing Applications for Transfer.**

- a) A member may apply through their Social Centre/Sub-branch or their State Branch in the case of members on the Unattached List, to transfer membership to another Social Centre/Sub-branch. Transfers from the Unattached List and the Miscellaneous List are also dealt with in this By-law.
- b) A member of a Social Centre/Sub-branch of the Association may be admitted by transfer, and without payment of any fee, as a member of another Social Centre/Sub-branch provided that the member produces, either a duly completed Transfer Form signed by his losing Social Centre/Sub-branch, or a receipt issued by the gaining Social Centre/Sub-branch, in which case the gaining Social Centre/Sub-branch is responsible for processing the transfer request.
- c) The Social Centre/Sub-branch to which the member wishes to transfer may accept or reject a proposed transfer. If a Social Centre/Sub-branch decides to reject the proposed transfer of a member it shall advise the member and the members Social Centre/Sub-branch, as appropriate, in writing within fourteen (14) days, together with the reasons for its decision and his right of appeal.

- d) Within twenty-eight (28) days after the date of notification in writing referred to in paragraph 5, sub-paragraph c), the member may lodge an appeal in writing. Such an appeal shall be lodged, through his present Social Centre/Sub-branch.
  - e) In the case of a decision made by a Social Centre/Sub-branch to reject an application, the State Branch shall be responsible for resolving the appeal.
  - f) The Application for Transfer document is described at Reference F.
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## **By-law 3 – Membership Fees.**

### **1) Membership Fees.**

- a) All Ordinary Members and Associate Members of the Association shall pay such annual subscription as may be determined from time to time by the State Management Committee (SMC). The Associate Membership subscription fee is not to exceed seventy percent (70%) of the Ordinary Members subscription fee.
- b) All annual subscriptions shall be due and payable when, and in the way, the State Management Committee (SMC) decides.
- c) New members joining in October, November and December will be financial for the remainder of the year and next membership year e.g. Member joins October 2017. He/she will be financial for the remainder of 2017 and 2018.

### **2) Allocation of Fees**

- a) The annual subscription paid by each member shall be apportioned as follows:
  - i) To State Branch (including the National allocation) sixty percent (60%).
  - ii) The balance thereof shall be allocated to the Social Centre/Sub-branch.
- b) The annual subscription of any member may be paid to the State Branch or Social Centre/Sub-branch.
- c) Once, at least, in each month State Branch and Social Centre/Sub-branches shall make such adjustments and effect such financial settlements between them, with respect to subscriptions received as shall be necessary.

### **3) Capitations.**

- a) The State portion referred to in this By-law, shall be forwarded by the Social Centre/Sub-branch to the State Branch during the currency of the month following payment of the subscription or subscriptions.
- b) Payment of Capitation Fees shall be automatic and be forwarded by the Social Centre/Sub-branch Secretary regularly in accordance with this Rule and it shall not be necessary for the Secretary to obtain the approval of the Social Centre/Sub-branch Committee for remittance of such Capitation Fees. The Association's Remittance Proforma is described at Reference F.

#### **4) Defaults in Payment of Fees.**

- a) If a member fails or neglects to pay his subscription by the thirty-first day of January in any year, the Secretary of the Social Centre/Sub-branch to which he belongs shall notify him of such failure or neglect and if his subscription shall not have been paid by the thirty-first day of March of that financial year he shall cease to be eligible to be a member.
- b) Should the non-payment within the prescribed period, be due to circumstances beyond the member's control or for reasons which the Committee of the Social Centre/Sub-branch shall consider just and equitable, his membership shall remain in force subject to payment of his subscription at the time and in the manner determined by the Social Centre/Sub-branch Committee, but such indulgence shall not extend beyond the current financial year.

#### **5) Pro-rata Payment of Fees.**

- a) Any member may make representation to the Executive Committee if his inability to pay is caused by illness or financial embarrassment. He may then be deemed to be financial at the pleasure of the Executive Committee and shall be liable to a pro-rata payment of contribution to the end of the financial year.
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### **By-law 4 – Meetings, National Conference.**

#### **1) Meetings and the National Conference:**

- a) The Delegates (or Directors) to the National Conference and National Annual General Meeting (AGM) shall consist of the State President and the State Secretary or another member of the State Management Committee (SMC) who is appointed by the State Management Committee (SMC) at their first meeting after the State elections.
  - b) Where any vacancy arises in any of the said positions and in any case where an urgent appointment is necessary, and it is impossible to call for nominations, such position may be filled by ballot at a meeting of the State Executive.
  - c) The State Branch representatives attending the National Conference shall be allowed such sum for expenses as is provided by the Rules and By-laws of the Association. A State General Meeting (GM) shall fix the expenses of any other representative approved by the State Management Committee (SMC) to attend the National Conference as an observer.
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### **By-law 5 – Meetings, State Conference.**

- 1) Calling a State Conference.** The State President may call a State Conference when and if required.

- a) Each Social Centre/Sub-branch may be represented by two (2) representatives who shall be Ordinary or Life Members (only one of which shall be entitled to vote at the State Conference on behalf of their Social Centre/Sub-branch).
- b) The Representatives of seventy-five per cent (75%) of Social Centre/Sub-branches shall constitute a quorum.
- c) State Branch shall meet the expenses of one representative per Social Centre/Sub-branch and each Social Centre/Sub-branch shall meet the expenses of the other.

**2) Voting at a State Conference.**

- a) Each Social Centre/Sub-branch attending the State Conference shall be entitled to one vote by their designated representative. The State Secretary and State Treasurer shall have the right to vote at any meeting of the State Conference.
  - b) The Chairman (normally the State President, or in his absence a nominated Chairman) presiding at any meeting of the State Conference, shall only possess and may exercise, a deliberative vote. In the event of an equality of votes, the motion shall lapse.
  - c) In the event that a member chooses not to vote on a motion, he will be counted as a vote against the motion.
  - d) All delegates of a Social Centre/Sub-branch shall be financial and will have been elected by the Social Centre/Sub-branch to which they represent.
- 3) **State Conference Minutes.** The Secretary shall at the earliest opportunity, dispatch the minutes of each meeting of the State Conference to each Social Centre/Sub-branch.
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**By-law 6 – Meetings, Social Centre/Sub-branch.**

- 1) In addition to its Annual General Meeting (AGM), each Social Centre/Sub-branch shall hold General Meetings (GMs) throughout the year upon such dates as decided by the Social Centre/Sub-branch or Social Centre/Sub-branch Committee. Subject to resolutions of the Annual General Meeting (AGM), shall decide.
  - a) Each Social Centre/Sub-branch shall decide, in accordance with local contingencies and membership, the number of members present who shall form a quorum
  - b) If within thirty (30) minutes from the time appointed for the commencement of a general meeting a quorum is not present, the meeting, if convened upon requisition of members shall lapse. In any other case it shall stand adjourned to the same day in the next week at the same time and place as may be determined, and if at the adjourned meeting a quorum is not present within thirty (30) minutes from the time appointed for the meeting, the members present shall constitute a quorum.
- 2) The officers, except paid officers of the Social Centre/Sub-branch, and the Committee shall be elected each year at the Annual General Meeting (AGM) of the Social Centre/Sub-branch. Nominations for all officers, except paid officers of the Social Centre/Sub-branch, shall be taken at the Annual General Meeting (AGM); unless the

Social Centre/Sub-branch shall have decided that all nominations are to be submitted in writing prior thereto.

- 3) The Social Centre/Sub-branch Committee shall determine the date upon which nominations will close, and reasonable notice of such dates shall be given to members at such time and in such manner as the Social Centre/Sub-branch Committee shall determine. Failing such determination or notice, nominations shall close at the Annual General Meeting (AGM).
  
- 4) Nominations shall be signed by the Social Centre/Sub-branch members who propose and second any nomination, and shall be endorsed by the nominee to signify his acceptance of the nomination. In the event of no nominations in writing for the office of President being received, nominations for the office of President shall be called for from the floor of the Meeting.
  - a) The Executive Officers of the Social Centre/Sub-branch shall be deemed to be the President, Vice-president, Treasurer, Secretary (if unpaid) and/or such persons as the Social Centre/Sub-branch may decide, and hold office at the pleasure of the Social Centre/Sub-branch.
  - b) Any officer of a Social Centre/Sub-branch may be removed from office on a resolution passed by at least two-thirds of the members present at an Extraordinary General Meeting of the Social Centre/Sub-branch called for that purpose, provided that the notice convening the meeting, and stating the purpose thereof, shall have been sent to all financial members of the Social Centre/Sub-branch at their last known place of address.
  
- 5) The Annual General Meeting (AGM) shall be the controlling body of the Social Centre/Sub-branch:
  - a) Each Annual General Meeting (AGM) must be held:
    - i. At least once each year, and
    - ii. Within ninety (90) days after the end of the previous financial year of the particular Social Centre/Sub-branch.
  
  - b) The following business must be transacted at every Annual General Meeting (AGM):
    - i. The presentation of the President's Annual Report;
    - ii. The receiving of the statement of income and expenditure, assets and liabilities, and of mortgages, charges and securities affecting the property of the Social Centre/Sub-branch for the last financial year;
    - iii. The receiving of the Auditor's Report on the financial affairs of the Social Centre/Sub-branch for the last financial year;
    - iv. The presenting of the audited statement to the meeting for adoption;
    - v. A vote of thanks to the outgoing Committee Members;
    - vi. The election of the Social Centre/Sub-branch Officers and Committee; and

- vii. The appointment of an Auditor.
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## **By-law 7 – Special General Meeting.**

- 1) A Special General Meeting:
    - a. Such meeting shall be convened on receipt of a requisition signed by at least ten per cent (10%) of the members of the Social Centre/Sub-branch. Such requisition shall specify the object/s of the meeting and be deposited with the Secretary, who shall convene such meeting within twenty-one (21) days from receipt of such requisition.
    - b. In the event of the President of a Social Centre/Sub-branch not convening a General Meeting of members within twelve (12) months, or should a majority of the members of a Social Centre/Sub-branch petition, in writing, to the State President requesting a Special General Meeting of the Social Centre/Sub-branch, the State President may convene a Special General Meeting which shall have the same powers as if it were convened by the Social Centre/Sub-branch President, notwithstanding the absence of any Social Centre/Sub-branch officer.
    - c. The members present at the meeting shall determine the method of voting to be adopted at such meeting.
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## **By-law 8 – Standing Orders.**

- 1) All proceedings at meetings of the State Conference, State Management Committee (SMC), General Meetings and Committee Meetings of Social Centre/Sub-branches and at all other meetings held under pursuant of the foregoing Constitution of the State Branch shall be governed by the following Standing Orders for the conduct of such meetings.
- 2) **Order of Business.** The business at such meetings are to be conducted in the following order:
  - a) “The Ode” to fallen and departed comrades.
  - b) At the commencement of the meeting the Chairperson is to ensure that a record of attendance and apologies has been carried out and that it is in the hands of the Secretary.
  - c) Acceptance and formal welcoming of Official Guests and New Members.
  - d) Reading, with a view to their confirmation, all minutes not previously confirmed.
  - e) Business arising out of the minutes.
  - f) Reading and dealing with the correspondence.
  - g) Financial statement/s.

- h) Discussion of business of which notice has been given.
  - i) Business left unresolved from the previous meeting.
  - j) Reports from the Secretary, committees or delegates etc.
  - k) Notices of motion for next meeting.
  - l) Other items on the agenda.
  - m) General business.
- 3) **Addressing the Chair.** A member desiring to speak shall rise in his place and address the Chairman. If two or more members rise at the same time, the Chair shall call upon the member who, in his opinion, rose first to speak.
- 4) **Respect to Chair.** Any member speaking shall at once resume his seat if the Chairman rises to speak or if a point of order is raised, and shall not resume his speech until the Chairman has resumed his seat or the point of order has been resolved.
- 5) **Discussion Confined to Motions or Amendments.** Subject to the Chairman's right to permit discussion upon any matter he deems of importance to the meeting, no discussion shall take place except on a motion or amendment moved and seconded, and put in writing if so requested.
- 6) **Motions.** All motions and amendments shall if so required by the meeting concerned be submitted in writing, signed by the mover and seconder:
- a) Shall be of an affirmative character;
  - b) Once having been submitted shall be the property of the meeting;
  - c) Shall be withdrawn only by leave of the meeting or amendment; and
  - d) No motion vitally affecting the policy interests of the Association shall be submitted to a meeting without adequate notice.
- 7) **Motion not Seconded.** A motion not seconded shall not be debated and no entry thereof shall be made in the Minutes of the Meeting.
- 8) **Restriction Upon Speeches.**
- a) The mover of an original motion shall be allowed ten (10) minutes to introduce the motion and five (5) minutes for the right of reply and the speakers for or against such proposal shall be limited to five (5) minutes, except that at any time the meeting may resolve, on the motion of a financial member, that the speaker's time be extended by a specified number of minutes and any such proposal for an extension of time shall be put to the meeting concerned without debate.
  - b) No member shall propose more than one amendment upon a motion, and no member shall speak more than once upon a motion or once upon each amendment thereto, except with the permission of the Chairman or except he be the mover of the motion, who shall be entitled to right of reply; provided that, for the purpose of this By-law, an amendment that has become the substantive motion shall be deemed to be a separate motion. Notwithstanding, however, the right to reply given to the mover in the foregoing, the Chairman may, should he consider that there is no practical

difference of opinion among the members, stop the discussion and submit the proposition to the meeting.

**9) Seconding Without Remarks.** A member uses the words “I second the motion” or “amendment”, as the case may be, shall not be deemed to have spoken to the question before the Chair and may exercise his right to speak at a later stage, always providing he is not the third consecutive speaker on the one side. For the general purpose of debate, however, he shall be deemed the second speaker in the affirmative.

**10) Debate.** When a motion has been duly proposed and seconded, the Chairman shall proceed to take votes, unless some member arises to oppose it or propose an amendment. No more than two (2) members shall 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 shall be at once put to the meeting.

**11) Time of Amendment.**

- a) A motion may be amended at any time during the debate thereon by:
  - i) Striking out certain words;
  - ii) Adding certain words; and
  - iii) Striking out certain words and inserting others in their place.
- b) Any member who wishes to propose a further amendment to the motion shall have power to give notice of amendment and state its nature before the amendment before the Chair has been put to the vote.

**12) Amendments.** Only one amendment shall be entertained at one time. If the amendment is carried, it shall become the substantive motion, the original motion lapsing and there shall be no necessity to put the original motion to the meeting.

**13) Other Amendments.** Whether an amendment is carried or not, other amendments may be submitted, and at a time to be decided, in a like manner until the subject is finally disposed of.

**14) Amendments Lost.** In the case of all amendments being lost, the Chairman shall put the original motion to the vote.

**15) Motion Discharged from Agenda.** A motion may be superseded at any time:

- a) By another that it be discharged from the notice paper;
- b) By a motion for the adjournment of the question under consideration;
- c) By the adjournment of the meeting; and
- d) By a motion “That the next business be proceeded with”, being resolved in the affirmative.

**16) Frequency of Speech.** A member shall 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.

**17) Explanation.** Any member who has spoken to a motion may again be heard to explain himself in regard to some part of his speech which the Chairman agrees may have been misquoted or misunderstood, but such member shall not introduce any new matter or interrupt any delegate who may be speaking, and no debatable matter shall be brought forward or debate arise upon such explanation.

**18) Motion for Question to be put.** A motion “that a question be now put” may be moved at any stage of a debate, and shall be put immediately to the meeting without discussion. If lost, the debate shall continue as if such motion had not been moved. If carried, the mover shall have the right of 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, shall be put to the meeting without further discussion. No delegate who has spoken to the motion or amendment immediately before the Chair shall be permitted to move “that the question be now put”.

**19) Restriction on Moving that a Question be put.** At any conference or General Meeting, no motion that the question be now put shall be proposed or seconded by a Delegate from the same Social Centre/Sub-branch as that represented by the Proposer or Secunder of the original motion.

**20) Notice of Motion.** A member may, at any meeting, give notice of motion for a future meeting by reading such notice to the meeting and handing a copy thereof to the Chairman. Such notice of motion shall 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 his behalf, be not present when the order for notice is read.

**21) Delegate’s Absence.** If the Chairman of the meeting or conference declares that an item on the agenda paper may lapse because of the absence of the member proposing the item, the Chairman may accord to another member the right to propose such item to the meeting or conference.

**22) Precedence of Business Adjourning Meeting.** When a motion for the adjournment of the meeting has been carried, the business then undisposed shall have precedence in its order at the next meeting.

**23) 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, he will move that such a resolution be rescinded. Such notice of motion shall require a

majority of sixty-six percent (66%) of the votes of members present at the meeting to rescind the resolution in question.

- 24) Cannot Represent Two Social Centre/Sub-branches.** No delegate shall, at the one time, or in connection with one motion and/or any amendments thereto, represent or vote on behalf of more than one Social Centre/Sub-branch.
- 25) Conducting Vote.** The Chairman shall put all questions in a distinct and audible voice to the meeting by asking the “Ayes” to vote first and afterwards, the “Noes”, and shall, thereupon, give opinion as to which are in the majority, and shall declare a show of hands or a ballot if same is asked for.
- 26) No Debate During Voting.** No members shall speak to any question after it has been put by the Chairman, nor during a vote, except to a point of order.
- 27) Voting Procedure.** No member shall 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, he shall be assumed to have voted in the negative. No member shall be allowed to enter or leave the room while a vote is being taken.
- 28) Introduction of Authorized Subjects Only.** No member shall be allowed to obtain a discussion upon any subject through the media or correspondence, but he may introduce the matter in his place at the meeting by moving the suspension of Standing Orders.
- 29) Meeting to Resolve as a Committee.** The meeting may, at any time, resolve itself into a Committee of the whole and such resolution may include the exclusion of the press. So far as possible, however, business to be dealt with in Committee shall be held over until all other business has been transacted.
- 30) Adjournment of Meeting or Debate.** A motion for the adjournment of the meeting may be proposed at any time during the meeting or for the adjournment of a debate at any time during such debate, and shall be, at once put to the meeting by the Chairman.
- 31) 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 disregards the authority of the Chair.
- The Chairman may report to the meeting that such member has committed an offence.
- 32) Apology or Explanation for Offence.** When any member has committed an offence, he shall be called upon to stand in his place and make an explanation or an apology he 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 shall be allowed on such motion, which shall be immediately put by the Chairman.

**33) Suspension.** If any member is suspended, his suspension on the first occasion shall be for the remainder of that sitting; on the second occasion for the sitting two (2) consecutive General Meetings of a Social Centre/Sub-branch or Management Committee Meetings and on the third occasion may, in the case of a member of the State Conference, State Management Committee (SMC), State Branch or Social Centre/Sub-branch Committees, have his seat thereon declared vacant.

**34) Point of Order.** In all cases where a point of order is raised, the member raising the same shall state his point clearly and distinctly, and with the omission of any irrelevant details. If a member is speaking, such member shall take his seat until the point of order is decided. The Chairman shall decide the matter promptly, and his decision shall be final, unless his ruling is disagreed with. Points of order shall be deal with the conduct or procedure of debate. The member rising to put the point of order shall be required to prove one or more of the following:

- a) That the speaker is using un-parliamentary language;
- b) That he is speaking beside the question;
- c) That he is transgressing some Rule of the State Branch or Social Centre/Sub-branch;  
or
- d) That he is infringing the Standing Orders or, in the absence of a Standing Order bearing on the point, is acting contrary to the general custom of debate (Points of Correction, such as a protest that the speaker is not stating the truth, are not points of order.)

**35) Disagreement with the Chairman’s Ruling.** When a motion is moved and seconded “That the Chairman’s ruling is disagreed with,” the Chairman shall forthwith leave the Chair and the debate on the original question then before the Chair shall be suspended. Another Chairman shall then be appointed by the meeting and the question “That the Chairman’s ruling be disagreed with” shall be discussed and decide, after which the former Chairman shall resume the Chair and the debate on the original question shall proceeded with as if the same had not been suspended.

**36) Suspension of Standing Orders.** It shall be competent, by a sixty-six percent (66%) majority vote of the member present and voting, to suspend the Standing Orders, provided the effects of such suspension shall not be the rescission of paragraph 34, and provided, further, that the suspension of Standing Orders shall be limited in its operation to the particular purpose for which suspension has been sought.

**37) Re-committing Resolution.** No resolution passed by a meeting shall be again debated or re-committed at the same meeting unless sixty-six percent (66%) of the members present and entitled to vote so agree.

**38) Objection to Validity of Vote.** Subject to these By-laws, the Chairman shall be the sole and absolute judge to the validity of any vote cast on any question, and unless an objection to the validity of any vote is raised immediately after the Chairman has declared the result of the vote thereon, its validity cannot be again raised at any subsequent stage of the meeting.

**39) Rules of Debate.** In the event that a matter pertaining to Rules of Debate is not covered in this By-law, the publication “Law and Procedure at Meetings in Australia”, by P.E. Joske shall be used to determine the matter.

**40) Voting Majorities.** In spite of any opinion that involved computations of figures are required, a rule which calls for either seventy-five percent (75% or ¾’s) or sixty-six percent (66% or 2/3’s) majorities simply means that seventy-five percent (75% or ¾’s) or sixty-six percent (66% or 2/3’s) respectively of the financial members present and voting at a meeting shall be in favour. The following rules call for either seventy-five percent (75% or ¾’s) or sixty-six percent (66% or 2/3’s) majorities.

Majority	Reference	Title
75% or ¾’s	Rule 17, paragraph 2, sub-paragraph b).	Expulsion of Social Centre/Sub-branch.
75% or ¾’s	Rule 12, paragraph 2.	Alteration /Amendment of Rules.
66% or 2/3’s	Rule 15.	Alteration of Resolution.
66% or 2/3’s	By-law 8, paragraph 23).	Rescinding Resolutions.
66% or 2/3’s	By-law 8, paragraph 36).	Suspension of Standing Orders.
66% or 2/3’s	By-law 8, paragraph 37).	Re-committing of Resolution.

**All other voting shall be resolved by a majority of financial members present and eligible to vote.**

**Table 1 – Voting Majorities.**

## **By-law 9 – Election of State Branch Officers.**

- 1) Subject to Rule 17, the President, Secretary, Treasurer and Committee Members of the State Branch shall be elected at the State Annual General Meeting (AGM) from votes cast by Social Centres/Sub-Branches.
- 2) Nominations for State President, Secretary, Treasurer and Committee Members shall be called. Such nominations should include a short history of the nominee's career, specific skills and appropriate qualifications, and shall close sixty (60) days prior to the Annual General Meeting (AGM). A person may be nominated for more than one position. Nominees are to indicate in writing their acceptance of the nomination. The State Secretary shall advise all Social Centre/Sub-branches within seven (7) days after such closing date of the nominations received.

- 3) For purposes of an election a Returning Officer will be appointed. The Returning Officer for elections for State Branch Officers may be a partner from the Legal Firm that is currently the provider of legal services to the Association. The address for the return of ballot papers is to be determined by the Returning Officer.
- 4) If the position is un-contested the nominee will be declared elected
- 5) If the number of nominees exceeds the number of vacancies a ballot is to be conducted by each Social Centres/Sub-Branched. Only financial Ordinary and Life Members are eligible to vote.
- 6) A ballot paper for each position listing the nominees in alphabetical order and a copy of the nominees' history provided under paragraph 2) of this By-law must be posted by the State Secretary to each Social Centre/Sub-Branch at least forty (40)
- 7) No information is to be printed on the ballot paper other than the office and the candidate's name.
- 8) The Social Centre/Sub-Branch will conduct a meeting of its financial Ordinary and Life Members and mark the ballot paper in accordance with the vote taken by the Social Centre/Sub-Branch. The Social Centre/Sub-Branch is entitled to one (1) vote for each position.
- 9) The ballot paper is to be placed in an envelope provided, sealed and signed by the President and Secretary of the Social Centre/Sub-Branch and forwarded to reach the Returning officer at least seven (7) days prior to the State Annual General Meeting (AGM).
- 10) The votes will be counted in the following order:
  - a) State President.
  - b) State Treasurer.
  - c) State Secretary.
  - d) Committee.
- 11) In the case of a tied vote, the Returning Officer is to conduct a two (2) person ballot, in the presence of the scrutineers and the winner of this ballot is to be declared elected.
- 12) After a candidate is elected to an office his name is to be excluded from subsequent ballots for which he has been nominated.
- 13) Electioneering by any candidate is not permitted.

## **By-law 10 – Duties of Office Bearers.**

- 1) **State Secretary.** State Secretary shall be elected to the office and under the supervision of the Management Committee shall:
  - a) As per Reference A comply with the requirements of the following:
    - i) Part 3, Division 2, Para 24, duty to notify Registrar of Titles of land or interest of land etc.
    - ii) Part 3, Division 3, Para 28, check that Contracts are dealt with as per requirements of this paragraph

- iii) Part 5, Division 2, Para 48 Process the Application to register the amendment of the Rules
  - iv) Part 5, Division 2, Para 52 Supply a complete copy of the Rules when requested to do so by the Chief Executive
  - v) Part 5, Division 3, Para53, and Make Rules available to Members when Requested
  - vi) Part 5, Division 3, Para 54, Rules to be maintained in the required Form
  - vii)Part 6, Division 1, Para 57B, Make the Minute Book for a particular General Meeting available within 28 days of receiving a request by a member
  - viii) Part 6, Division 2, Para 59C, Make the Associations Financial Documents available within 28 days of receiving a request for an inspection by a Member
  - ix) Part 9, Division 1, Para 78, Ensure that Incorporated Social Centres have the word “**Sub-Branch**” in its Registered Name
- b) Carry out such duties as the President and Management Committee may assign including but not limited to:
- i) Prepare business papers for and attend all meetings of the State Conference, State General Meetings and the State Management Committee (SMC).
  - ii) Ensure the safe custody of books, documents, instruments of title, securities and the Official Seal of the Association.
  - iii) Maintain the Rules of the association in accordance with By-Law 15.
  - iv) Keep an accurate record of the proceedings at State Conference, General Meetings and meetings of the Management Committee. For the purposes of ensuring accuracy of the recording of such minutes, the President/Chairperson at a succeeding meeting shall sign the minutes of every meeting.
  - v) Provide notice to members of all such meetings, and shall enter the minutes of the same in a book kept for that purpose.
  - vi) Give written notice of Management Committee meetings to each member of the Management Committee.
  - vii) As soon as possible after each meeting of the Management Committee forward an accurate report of the proceedings to each member of the Management Committee.
  - viii) Conduct and file all correspondence and read same at the next meeting and reply thereto, as directed.
  - ix) Make available all records to the President and any member on request. Ensuring it is provided in accordance with the Privacy Act or legislation.
  - x) Receive proposals for admission to membership to the Association.
  - xi) Any information which they may receive officially, and having relation to the Association, the members or any of its objects and activities shall be submitted to the President, and they are hereby empowered jointly to take such action thereon as they shall see fit until the same can be submitted to a State General Meeting or State Management Committee (SMC), as the case may be for final

determination.

- xii) Using information provided by Social Centres maintain an accurate register of the names and addresses and other relevant details of all members in the State.
  - xiii) Keep a register of the names and addresses of the office-bearers of the State Branch, and also a register of the names and addresses of all financial members of the Association, the amount of subscription paid, and date to which the same is paid.
  - xiv) In conjunction with the Treasurer, forward all such reports to The Federation as may be required by the Rules and By-Laws of the Association.
  - xv) On being directed by the State President or other duly authorised body, call a meeting of the State Conference or any other body constituted under these rules.
  - xvi) Supervise the State Office Manager and any other hired staff, also keeping abreast of the required Industrial Relation Laws and implementing any changes that arise and are appropriate.
- c) Maintain and keep records in affect with Associations Incorporations Regulations 1999, Part 3, Divisions 2 and 3, also Schedule 4, Paragraphs 35 and 36.
  - d) He shall supervise the State Office Manager and any other hired staff, also keeping abreast of the required Industrial Relation Laws and implementing any Changes that arise and are appropriate.

2) **State Treasurer.** The following are the duties of the State Treasurer:

- a) Exercise a detailed supervision over the accounts and finances of the State Branch.
- b) Receive monies, giving an official receipt for the same and is to keep a correct account of such monies.
- c) Pay all monies into the financial institution of the State Branch.
- d) Keep proper books of accounts of all such monies and he shall, at least once in each month, examine the primary records of Income and Expenditure.
- e) Enter the details of all transactions into the cashbooks and general ledger.
- f) After having conducted a reconciliation of the bank account and cashbooks, shall produce a trial balance.
- g) Produce a statement of account at each State General Meeting (GM) or State Management Committee (SMC).
- h) At all meetings of the State Management Committee (SMC) submit a statement of all transactions since the submission of the previous financial statement to the previous meeting of the State Management Committee (SMC).
- i) At the close of each financial year cause to be prepared an Income and Expenditure Account, a Balance Sheet containing a summary of the Income, Expenditure, Assets and Liabilities of the State Branch during the financial year just ended.
- j) Ensure the Income and Expenditure Account, and the Balance Sheet shall be audited by a qualified Auditor, who is appointed at the State Annual General Meeting (AGM).
- k) Present a report on such audit to the Secretary prior to the next Annual General Meeting (AGM), for the financial year, in respect of which, such an audit was made.
- l) Prior to the State Annual General Meeting (AGM), a copy of the following shall be sent to each Social Centre:

- i) The Auditor's Report;
  - ii) The Treasurer's Report; and
  - iii) An Agenda.
- m) At the commencement of each financial year prepare a budget and present that budget to the first meeting of the State Management Committee (SMC) and also submitted to the Social Centres, for information, prior to their first General Meeting of each year.
  - n) Pay Capitation Fees to Federation.
  - o) Keep signatories current with the State Branches Financial Institutions.
  - p) Undertake financial Reporting in accordance with the Incorporations Act 1981, Part 6, Division 2.
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## **By-law 11 – Welfare Co-ordinator.**

### **1) State Welfare Co-ordinator.**

- a) **Accreditation of Pension/Welfare Practitioners.** Veterans or people who are trained under the TIP program are not automatically covered for insurance through VITA. People trained through the TIP program need to be authorised and accredited by their VITA member ESO to act for them in order to be covered by VITA's insurance policy. The VITA ESO members need to ensure the following criteria for authorising and accrediting practitioners to act on its behalf are followed, including:
  - i) They are in good standing of their parent organisation and comply with the TIP *Code of Ethics*;
  - ii) They have completed TIP training, including refresher training as needed;
  - iii) Authorisation in writing to act on its behalf to provide pension, compensation and or welfare services to the Ex-Service Community at a level that matches their TIP levels of competency training and currency, and
  - iv) Provide their services free of charge as per the requirements of the VITA's indemnity insurance contract.
  
- b) **The Indemnity Insurance Cover.** The Indemnity Insurance policy provided by VITA to authorised practitioners of its member organisations covers them against providing incorrect or bad advice given in the course of discussion with or acting on behalf of their clients. The VITA insurance policy does not cover practitioners of non-VITA member organisations. Nor are individuals who are not authorised to act on behalf of a VITA member organisation – even though they may be TIP trained and a member of the organisation. The nature of claims against a practitioner can vary greatly on the circumstances of each particular situation. Claims need to be made in writing to VITA and include factual written information from the litigant (claimant) to the practitioner or his ESO as to the matters of the incorrect or bad advice given to the litigant together with the adverse result of this advice. The case notes the practitioner has maintained, concerning the pension/advocacy/welfare support provided to the litigant (claimant), need to be included with the claim before



VITA can process the claim to its insurer. Accordingly, the client case notes of the practitioner are vital documents in the claim process.

- c) **The Paper Trail of Case Work.** It is vitally important that practitioners prepare and maintain a paperwork file of their clients' advice and activities to provide the insurance cover. As each case progress, a log of events and information needs to be maintained and added to the client file that includes any information given to the client and any notes made relating to the particular case. The case notes should also clearly state the name and address of the client, the practitioner and the name of the Ex-service Organization (ESO) being represented. The ESO needs to maintain a database record of client case notes. Client case notes need to be deposited with the ESO at the completion of a case, if the practitioner or client leaves the ESO to another ESO or on retirement of the practitioner as an authorized pension/welfare officer of the organization, the records need to be kept for seven (7) years.
  
  - d) **Welfare Officer Duties.** The Welfare Officer is often the first person that a Veteran will contact when they require assistance or advice. The Welfare Officer is to have completed the appropriate accredited training courses.
  
  - e) The Welfare Officer is to act with compassion and understanding to the Veteran's concerns and circumstances. The Welfare Officer can only act upon the information the Veteran surrenders to the Welfare Officer.
  
  - f) The Welfare Officer is to act in accordance with Department of Veterans' Affairs, Training and Information Programme (TIP), Repatriation Handbook, and the training received.
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## **By-law 12 – State Management Committee (SMC).**

- 1) **State Management Committee (SMC).** The State Management Committee (SMC) shall be comprised of the following members to administer the affairs of the State Branch between the State General Meetings in accordance with Reference A, Part 7, section 61:
  - a) The President,
  - b) Secretary,
  - c) Treasurer, and
  - d) Further Committee Members may be appointed as required and when needed.
  
- 2) **Restrictions:**
  - a) The positions of President, Secretary and Treasurer shall be elected by members at the Annual General Meeting (AGM) (AGM).

- b) The incumbents of these State Executive positions can only be re-elected twice in succession.

3) **Committee Positions:**

- a) This/these position/s shall be elected at the Annual General Meeting (AGM).
- b) The incumbents of these State Management Committee (SMC) positions can only be re-elected twice in succession.
- c) In the event that there are no nominations for any of the positions on the State Management Committee (SMC) then either or both of 2), b) and 3), b) may be waived.

4) **Vacating Office** Subject to these Rules, any member of the State Management Committee (SMC) shall ipso facto, vacate his office:

- a) If he becomes a paid employee of the Association.
- b) If by notice in writing to the State Secretary, he resigns his office.
- c) If he is absent from three (3) consecutive meetings of the State Management Committee (SMC) without leave of absence, such leave of absence not being unreasonably refused.
- d) If he dies or commits an act of bankruptcy or makes any arrangement or composition with his creditors generally, or becomes a person whose person or estate is liable to be dealt with under the laws relating to mental health.

5) **Removal from Office.**

- a) A member may be removed from office by Special Resolution only at a meeting.
  - b) Before a vote of members is taken about removing the member from office, the member must be given full and fair opportunity to show cause why he should not be removed from office.
  - c) A member has no right of appeal against his removal from office under this Rule.
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## **By-law 13 – State Executive.**

- 1) The Executive Officers of the State Branch shall be deemed to be the President, Secretary and the Treasurer.
- 2) The Executive Officers may meet as often as the State President may deem necessary, in order to discuss issues requiring a recommendation being made to State General Meeting or State Management Committee (SMC).
- 3) Except in the case of the Treasurer, a member of the Executive shall possess individually only such powers, in relation to the administration of the State Branch, as a State General Meeting or the State Management Committee (SMC) may specifically delegate to him.
- 4) The Executive shall exercise such powers and authority as may be delegated to it by the State Management Committee (SMC).

- 5) The Executive shall not have the authority to approve transactions pertaining to real property.
  - 6) In all other matters concerning the day to day management of the affairs of the Queensland Branch including, but not limited to, approval of financial grants and assistance, liaison with Social Centre/Sub-branches, co-ordination of State Committees, human resource management, public relations activities and State Branch financial and administrative arrangements, the State Executive, having regard to Federal and State Rules and By-laws, shall exercise full authority as delegated by State Management Committee (SMC).
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### **By-law 14 – Requirements to Hold Office.**

- 1) **Office Nominations, more than one Position.** A member may be nominated for as many positions as he chooses to accept without losing any of his rights upon his non-election to any one position, provided that where a member has been nominated for more than one position his other nomination or nominations shall be deemed to have automatically lapsed upon his election to one of the positions for which he had been nominated, except upon a resolution to the contrary by the meeting.
  - 2) **Office Nomination, Attendance Requirements.** Any member of the State Management Committee (SMC) must have attended at least seventy-five percent (75%) of the eligible management committee meetings to be eligible to accept nomination for the following year, unless the member has extenuating circumstances, which are approved by the State Management Committee (SMC).
  - 3) **Election of Officers, Social Centre/Sub-branch.** When the number of candidates nominated for any position or office in any Social Centre/Sub-branch exceeds the number to be elected, a ballot shall be taken. For the purpose of conducting a ballot, a Returning Officer shall be appointed at the meeting at which the election is being held. Voting shall be by ballot paper or by show of hands, as the meeting may decide. Where two (2) or more candidates secure an equal number of votes, the Returning Officer is to conduct a further ballot to secure a deciding vote. In the presence of the scrutineers the further ballot votes shall be counted and the winner of this ballot will be declared elected. Scrutineers shall, if necessary, be elected to assist the Returning Officer.
  - 4) **Informalities in Elections.** When any accidental or unavoidable impediment or omission shall have happened during, at, or in connection with, or in the conduct of any election, a State General Meeting or State Management Committee (SMC) may take all such measures as may be necessary for removing such impediment or rectifying such omission, or may declare any or all of the proceedings at, or for, any elections valid as to notwithstanding such impediment or omission.
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## **By-law 15 – Powers.**

- 1) **State General Meeting.** In addition to the powers by these Rules expressly conferred on it, a State General Meeting shall have and may exercise all the powers conferred by these Rules on the State Management Committee (SMC). The State Management Committee (SMC) shall at all times and in all affairs and matters be subject to the control of a State General Meeting, and it shall be subject to all directions which may from time to time be given by resolution passed by a State General Meeting, but no such resolution shall invalidate any prior act that would otherwise be valid.
- 2) **State Management Committee (SMC).** Subject to these Rules and to any resolution carried by a State General Meeting, the State Management Committee (SMC) shall have the power to:
  - a) Superintend and conduct the business and affairs of the State Branch according to the rules provided for government thereof, and do all such acts and things as may be considered necessary in connection therewith, other than those expressly directed and required by these Rules to be exercised or done by a State General Meeting.
  - b) Purchase, sell, lease, mortgage, charge, exchange or otherwise deal with or dispose of any real or personal property of the State Branch upon such terms and conditions as it shall decide.
  - c) Invest money in the names of the State Branch, or Trustees for the State Branch, in any investment authorized by the laws of the State of Queensland for the investment of trust monies or in the purchase or improvement of any land, estate or interest therein or other property whatsoever or by way of mortgage over freehold land, or in debenture, notes, or other deposits, with permanent building societies or any finance company which is wholly owned by an Australian bank, or in which an Australian bank owns an interest of fifty per cent (50%) or more.
  - d) Promote and contribute to any enterprise, present or future, which shall have for its objects the carrying out of any works or construction or use of any building for a purpose connected directly or indirectly with objects of the trust under which the property is accepted by the State Branch.
  - e) Pay all expenses incurred in the management of the affairs and concerns of the State Branch.
  - f) Employ Solicitors and take Counsel's opinion on any matter as shall be considered necessary and no responsibility shall rest upon it or any member thereof for any loss which may arise from action taken upon legal advice.
  - g) Appoint such officers and employees as it may from time to time consider necessary and to fix their remuneration and also remove suspend or discharge any officer or employee for any reason it may deem necessary.
  - h) Direct the activities of any sub-committee or sub-committees consisting of one or more persons selected from its members and/or members or non-members of the Association, and to fix the quorum of any sub-committee.
  - i) Direct and control all Social Centre/Sub-branches on questions of public policy and inspect the books, papers and correspondence and other documents of a Social

Centre/Sub-branch, which inspection may be carried out by the Secretary or such other person or persons as the State Management Committee (SMC) may direct.

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## **By-law 16 – Recording of Amendments.**

- 1) **Definition.** Any change, alteration or deviation from the original wording of the base document is to be considered an amendment.
  - 2) **Recording of Amendments.**
    - a) When a By-law is changed or amended, it is to be recorded on a Proforma, which is to be headed “Record of Amendments”.
    - b) It is the responsibility of the State Secretary to ensure that the master copy of the Rules and By-laws, Record of Amendments is amended to reflect the changes to the Rules and By-laws. The Secretary is to ensure that the correct date of change, amendment number and reference to the relevant paragraph/s appear on the Record of Amendments, and to sign the entry off with the date of entry and his/her initials.
    - c) If the master copy of the Rules and By-laws is maintained electronically or parallel with a hard copy this must also be updated as per paragraph 2), sub-paragraph b).
  - 3) **Proforma.** A copy of the Proforma is attached as an Annex to Reference D.
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## **By-law 17 – Visitors.**

- 1) **Visitors, General.** State Branch or a Social Centre/Sub-branch may admit, temporarily, a member from another State or Social Centre/Sub-branch after checking credentials. Such visitors shall have no voting rights in State Branch or Social Centre/Sub-branch meetings. A State General Meeting (GM) or State Management Committee (SMC) Meeting may cancel or suspend such temporary admission if desired.
  - 2) **Social Centre/Sub-branch Delegate to Management Committee Meeting.** The Committee of any Social Centre/Sub-branch may, by resolution, appoint one of its members as a delegate to attend any meeting of the State Management Committee (SMC) for the purpose of presenting the views of that Social Centre/Sub-branch on any matter of which notice in writing has been given to the State Management Committee (SMC) and notification of approval of such attendance has been forwarded to the Social Centre/Sub-branch by the Secretary, and such delegate shall have the right to speak thereon but shall not be entitled to vote.
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## **By-law 18 – Auxiliary Bodies.**

- 1) Social Centre/Sub-branches may form internal auxiliaries to accommodate members within the Rules. (Amended at the Quarterly General Meeting (QGM), 9 February 2004.)
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## **By-law 19 – Discipline.**

- 1) **Disciplinary Powers and Appeals Arising There From.** If the Committee of a Social Centre/Sub-branch (the “Committee”) has reason to believe that a member of the Social Centre/Sub-branch may be guilty of conduct unbecoming a member, it shall give not less than twenty-eight (28) days’ notice in writing to that member of the date, time and place of its meeting at which it will consider whether or not the member has been guilty of such conduct, e.g.
  - a) Being convicted of an indictable offence;
  - b) Failing to comply with any of the provisions of the Association Rules; or
  - c) Conducting himself in a manner considered to be prejudicial to the character or interests of the Association.
- 2) The notice referred to in paragraph 1) shall be accompanied by a statement in which there shall be set out in full and precise particulars of the conduct of the member which will be considered by the Committee.
- 3) Either prior to or at the meeting of the Committee, the member concerned may request it to elaborate upon any of the particulars set forth in the said statement. The Committee is to comply with such a request. The said member may put to the Committee at the meeting such facts as he may consider relevant and shall be given every opportunity to address it. The member is permitted to be accompanied by another member to assist him with the presentation of facts.
- 4) The Committee shall decide at the meeting whether the member has been guilty of conduct unbecoming a member. If it is satisfied he has been guilty of such conduct, it may resolve that he be placed on a warning to improve his conduct, or be reprimanded or be suspended from membership of the Social Centre/Sub-branch for a period not exceeding three (3) months.
- 5) The substance and decision of the meeting referred in paragraph 4) shall be recorded in the minutes of the meeting. Written notices, submissions and other correspondence relevant to the meeting shall be attached to and form part of the minutes which shall be confirmed within seven (7) days of the meeting by the Chairman.
- 6) The Secretary of the Social Centre/Sub-branch shall notify the member in writing of the Committee’s decision and his right of appeal within fourteen (14) days after the meeting of the Committee concluded.
- 7) A member aggrieved by a resolution of a Committee by which they have been reprimanded or suspended from membership of the Social Centre/Sub-branch for a

- period not exceeding three (3) months may appeal to the State Branch by notice in writing addressed to the State Secretary and lodged with the Committee.
- 8) Such an appeal shall be lodged together with the sum of fifty dollars (\$100.00) within twenty-eight (28) days after the date of notification in writing referred to in paragraph 6, and thereupon the decision of the Committee shall be stayed until the appeal is concluded, abandoned or discontinued. Upon application by the member referred to in paragraph 7, the State Branch may waive lodgement of the whole or part of the sum of one hundred dollars (\$100.00) if it considers it just to do so. If the appeal is successful the lodgement fee, if applicable, is to be refunded.
  - 9) An appeal lodged pursuant to this paragraph shall be accompanied by a statement in writing in which the member shall set out the aspect or aspects of the decision which gave rise to the appeal, the grounds of his appeal and the facts upon which he relies. An appeal shall not be treated as valid unless it complies with this paragraph.
  - 10) Upon receipt of an appeal the Social Centre/Sub-branch shall forthwith forward to State Branch:
    - a) The appeal and accompanying statement;
    - b) The sum of one hundred dollars (\$100.00) referred to in paragraph 8);
    - c) All its papers and documents concerning the member, particularly the notice and statement referred to in paragraph 2); and
    - d) A copy of its minutes referred to in paragraph 5) relating to the matter giving rise to the appeal.
  - 11) The State Management Committee (SMC) shall hear and determine an appeal pursuant to this paragraph as soon as possible after receipt by the State Secretary of the documents referred to in paragraph 10).
  - 12) The Social Centre/Sub-branch and the member concerned (at their expense), shall have the right of personally attending upon the hearing of the appeal by the State Branch having given prior notice that they wish to do so. The State Branch shall make its decision based on the information presented at the hearing and that decision regarding an appeal against a reprimand or suspension shall be final.
  - 13) The minutes of the appeal hearing shall be confirmed by the appointed Chairman within seven (7) days of the meeting and the decision shall be notified in writing to both the Social Centre/Sub-branch and the member within fourteen (14) days.
  - 14) A resolution passed pursuant to this By-law whereby a member of a Social Centre/Sub-branch is suspended from membership of the Social Centre/Sub-branch shall not operate to otherwise affect the ordinary membership of that member. Save and except as provided in Rule 5, par 5, sub-par b), Life Member suspended from membership.
  - 15) **Expulsion of Social Centre/Sub-branches.** The Expulsion of Social Centre/Sub-branches shall be determined by the following criterion:
    - a) Any Social Centre/Sub-branch committing a serious breach of the Rules and By-laws of the State Branch for the time being in force and any incorporated Social Centre/Sub-branch, whose actions are derogatory to the best interests of the Association or are in breach of any terms or conditions applying to the issue of its Rules shall, by direction of a State General Meeting or State Management

Committee (SMC), have its attention called thereto by notice in writing from the Secretary, and, if, after notice, it should continue to offend, the Secretary, or his nominee, shall make a special report on the matter to a State General Meeting or State Management Committee (SMC).

- b) Following receipt of the special report, the State General Meeting or State Management Committee (SMC) may decide, by resolution carried by a seventy-five per cent (75%) majority of votes of the members of the State General Meeting or State Management Committee (SMC), present at such meeting to:
    - i. In the case of an unincorporated Social Centre/Sub-branch declare that all officers of the Social Centre/Sub-branch shall be deemed to have vacated office and direct the State President or some other Ordinary or Life Member to take charge of the affairs of the Social Centre/Sub-branch; or
    - ii. In the case of an incorporated Social Centre/Sub-branch revoke the authority issued to the Social Centre/Sub-branch.
  - c) Upon State Branch passing a resolution pursuant to Rule 17, paragraph 2), all officers of the Social Centre/Sub-branch shall be deemed to have vacated office and the person referred to in the said resolution may exercise all the powers of its officers until the election referred to in Rule 17 paragraph 2), sub-paragraph d), sub-sub-paragraph i), is held.
  - d) The person directed pursuant to sub-rule Rule 17 paragraph 2), sub-paragraph d), sub-sub-paragraph i), shall forthwith convene a General Meeting of all Ordinary and Life Members who are also members of that Social Centre/Sub-branch for the purpose of electing new officers. A person who, immediately prior to the resolution of the State Branch referred to in Rule 20.2 b), held office as an officer of that Social Centre/Sub-branch shall not be eligible to be elected to office at the general meeting referred to in this sub-rule.
  - e) Upon election of the new officer referred to in Rule 17 paragraph 2), sub-paragraph d), sub-sub-paragraph i), the person referred to in the direction of the State Branch shall make a written report to the State Branch.
  - f) If a State Branch revokes the Charter of a Social Centre/Sub-branch pursuant to Rule 17 paragraph 2), sub-paragraph d), sub-sub-paragraph ii), the Social Centre/Sub-branch shall be deemed to have ceased to operate and all its members shall be thereupon be deemed to have been transferred to the Unattached List of Members kept by the State Branch.
  - g) The said Social Centre/Sub-branch shall thereupon cease to be a Social Centre/Sub-branch of the State Branch, but without prejudice to the right of the State Branch to require payment or satisfaction from the expelled Social Centre/Sub-branch under these Rules. If any Social Centre/Sub-branch is expelled as aforesaid, it shall forthwith return, or procure the return, to the Secretary of all badges, membership cards and the Charter in its possession.
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## **By-law 20 – Award of Life Membership with Badge (Rule 7 refers).**

### **1) Conditions.**

- a) The nominated member must have at least ten (10) years continuous membership and during this period must have given at least ten (10) years honorary service.
- b) It must be borne in mind that the onus of proving continuous membership lies with the nominating Social Centre/Sub-branch. In the event that the nominee has had previous membership at another location, a Statutory Declaration may be used for verification and should have been obtained by the nominating Social Centre/Sub-branch so that it may be presented to the State Branch if so requested.
- c) Social Centre/Sub-branches should give careful consideration before nominating members for the award, as no case should be recommended unless the honour is thoroughly deserved. It is better, if there is any doubt that the award may be granted, to recognise the person by a presentation of some description, rather than subject them to the indignity of having to eventually advise them that their nomination was not successful. Similarly when a member is nominated by a Social Centre/Sub-branch for the award, publication of the nomination should not be released until the general meeting at which it is placed upon the agenda has made a decision.

### **2) Procedure.**

- a) When it is considered that a member is worthy of nomination for the award, the following procedures apply:
  - i) The member is proposed and seconded at any meeting of the Social Centre/Sub-branch. The proposal may be decided by those present, either by open vote or by secret ballot, depending on the wishes of the members.
  - ii) If the proposal is carried, a citation is then to be prepared, signed by both the President and Secretary; it is then forwarded to the State Branch.
  - iii) The State Branch, where after due consideration by the State Executive, will place the decision for granting of the award on the agenda for a State General Meeting.

### **3) Citations.**

- a) The State Executive will allot points for various facets of service and, in order to do this correctly, it is most important that all citations conform to a standard type of format.
- b) Social Centre/Sub-branches are requested to ensure that they conform to the following format:
  - i) Full name;
  - ii) Date of birth;
  - iii) Address;
  - iv) Social Centre/Sub-branch;
  - v) Badge number;
  - vi) Period of membership and location/s;

- vii) Association Service at;
  - (1) State level.
  - (2) Social Centre/Sub-branch level.
- viii) Service as Delegate or Councillor at;
  - (1) National level.
  - (2) State level.
- ix) Social Centre/Sub-branch activities in;
  - (1) Fund raising.
  - (2) Welfare.
  - (3) Repatriation.
  - (4) Other activities; and
- x) Any other relevant general remarks.

#### **4) Points to Remember.**

- a) Activities that do not directly or indirectly benefit the Association are of no consequence. For instance, being the Association representative on other bodies would be noteworthy, but membership or even being an office bearer, in some other organization is not of significance. Remember that the award is for service to the Association not for service/s rendered to other organizations.
- b) The mere holding of Association Executive positions is not, in itself, a reason for the award, but vigour and enthusiasm which has been displayed in discharging the duties of Executive positions is a good reason.
- c) Although exceptional, a member may qualify for the award even if he had not been an office bearer, provided he had been extremely active in general Social Centre/Sub-branch work.
- d) A member is not automatically entitled to Life Membership because he has completed ten (10) years continuous financial membership.
- e) The nominee's military service has no bearing on the granting of the award and no reference thereto is required in the citation.
- f) The award is limited, at any time, to a number equivalent to two percent (2%) of the State Branch Membership. Nominations should be restricted to those members whose service to the Association has been particularly outstanding.
- g) Citations for members who have been unsuccessful in being granted the award are not automatically re-submitted at State level. The nominations must again come forward as detailed in the section titled "Procedure".
- h) The cost of this Award to the Social Centre/Sub-branch based on the age of the recipient and to the Annual Subscription plus the cost of the Badge and Certificate. The current cost/s is describe at Table 2:

Ser.	Life Membership Parameters	Cost
1	Up to and including age 39 years.	\$300.00
2	Age 40 to 44 years.	\$260.00
3	Age 45 to 49 years.	\$220.00
4	Age 50 to 54 years.	\$180.00
5	Age 55 to 59 years.	\$140.00
6	Age 60 to 64 years.	\$120.00
7	Age 65 years and over.	\$100.00

**Table 2 – Life Membership Parameters.**

Upon approval of the award and before presentation to the member, the Social Centre/Sub-branch will be invoiced for the above amount. Only after payment will the award be presented.

- i) When changes to the Annual Subscription occur, a new scale will be forwarded to Social Centre/Sub-branch Secretaries.
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### **By-law 21 – Associate Membership.**

- 1) In addition to Rule 5, sub para 4 Membership of the constitution. Associate membership of a social centre can include a person who is a holder of a white card issued by DVA.
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### **By-law 22 – Administration.**

- 1) All Administrative Procedures and Documentation is contained within the TPI Association, Queensland Branch, Inc. Administrative Guide dated, 10 February 2011.
  - 2) The Administrative Guide was written to assist those within the Association, on management committees or key office bearers, administer their membership and Branch/Social Centre/Sub-branch.
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### **By-law 23 – Paid Officials and Employees.**

- 1) All paid officials and employees of the State Branch shall be immediately responsible to the State Secretary or nominated office bearer for effective discharge of their duties.

- 2) Any Social Centre/Sub-branch Committee may appoint paid officials and employees, and remove, discharge or suspend any of such officials or employees for any lawful reason, as the Social Centre/Sub-branch Committee may deem expedient.
  - 3) It shall be the duty of all paid officials and employees of the State Branch and any Social Centre/Sub-branch to give, and they shall have the right to be given by the State Secretary or nominated office bearer or Social Centre/Sub-branch Secretary or nominated office bearer by which they are employed, such notice of termination of engagement as may be determined by any award governing their employment or by terms of any written agreement they have entered into in connection with the same, and failing either any award applying or a written agreement, then the period of notice required to terminate such engagement shall be as appropriate.
  - 4) No permanently paid official or employee of the State Branch or of any Social Centre/Sub-branch shall be qualified to be elected as a voting representative of the State or as a member of the State Conference, State Management Committee (SMC) or Social Centre/Sub-branch Committee.
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#### **By-law 24 – Publications and Press Communications.**

- 1) No officer, except the State President or, in his absence, the Deputy President or Vice-president shall communicate with the Press, speak publicly or in any way attempt to commit the State Branch on any question of policy of the Association, on behalf of the State Branch, without authority of the State Management Committee (SMC).
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#### **By-law 25 – Restriction on Official Contracting.**

- 1) No official of the State Branch or Social Centre/Sub-branch shall buy, order or contract for any goods, articles or property on behalf of the Association or any Executive or Social Centre/Sub-branch thereof without first obtaining the sanction, by resolution, of the State Management Committee (SMC) or Social Centre/Sub-branch Committee concerned, as the case may be, and any goods, articles or property bought, ordered or contracted for by any such official, in breach of this provision, shall be taken and paid for by any such official and shall be his separate property unless the Executive concerned shall elect to adopt the transaction.
- 

#### **By-law 26 – Liability of Social Centre/Sub-branches.**

- 1) Social Centre/Sub-branches are responsible for the liabilities that they incur.

- 2) The State Branch shall not accept or become responsible for the liabilities of any Social Centre/Sub-branch, unless:
    - a) One or a number of them are expressly taken over by resolution of:
      - i) A State General Meeting; or
      - ii) The State Management Committee (SMC).
  - 3) A Social Centre/Sub-branch, in accordance with Rule 4, paragraph 2), shall have no power to incur any liability or expense beyond its own security without the authority, by resolution, of the State Branch.
- 

### **By-law 27 – Promotion of any Enterprise.**

- 1) A Social Centre/Sub-branch may promote any enterprise for the purpose of raising funds or providing revenue for the Social Centre/Sub-branch concerned, or as an amenity for ex-servicemen in their area.
  - 2) The management and control thereof shall vest in the Committee of the Social Centre/Sub-branch and in any case where a Sub-committee is appointed for the express purpose of conducting any such enterprise.
  - 3) Such Sub-committee shall at all times remain subject to the control and direction of the Social Centre/Sub-branch. Such Sub-committee shall be governed by the Rules for the formation and conduct of such enterprises.
  - 4) No action may be taken to proceed with any such object unless and until the proposed Rules thereof shall have been submitted to, and approved by the State Management Committee (SMC).
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### **By-law 28 – Association Badge.**

- 1) The design of the Association Badge is a registered Trade Mark and, as such, the design shall remain the property of the Australian Federation.
- 2) Each badge shall be numbered consecutively. State Branch shall record all badges issued by them and to whom the same have been issued.
- 3) Badges issued to Life Members shall be the badge of the Association with such additions thereto (if any) as the Federal Body may determine
- 4) All members when renewing their annual subscription may produce their badge or documentary proof of ownership acceptable to the management committee in its sole discretion.
- 5) Should a member lose his badge, clip or membership card, he shall report the loss immediately to the Social Centre/Sub-branch Secretary, stating fully the circumstances surrounding the loss, and information as to what steps have been taken to recover it. Where circumstances warrant and loss advertised, a new badge will be issued on payment of a sum determined from time to time by the State Management Committee

(SMC). In the event of the loss of a second badge, the State Management Committee (SMC) will be permitted to use its discretion as to the issue of a third badge taking into consideration the condition in relation to loss of it and the reliability of such member; sum determined from time to time by the State Management Committee (SMC).

- 6) If any person shall knowingly permit the badge issued to him to be used by any other person for any purpose whatsoever, he shall be deemed to be guilty of conduct unbecoming of a member and be liable to be dealt with under By-law No 18.
  - 7) A miniature replica of the official badge may be worn but shall not be represented as other than a replica.
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### **By-law 29 – Incorporation of Social Centre/Sub-branches.**

- 1) The members of a Social Centre/Sub-branch or a group of Social Centre/Sub-branches, of the State Branch, may decide to incorporate under the Incorporations Act 1981, by a Special Resolution passed by the members of the Social Centre/Sub-branch/s.
  - 2) Approval for incorporation is to be sought, in writing, from the State Branch and is to be accompanied by the proposed Constitution of the relevant Social Centre/Sub-branch/s.
  - 3) A group of Social Centre/Sub-branches may incorporate even if some or all of the Social Centre/Sub-branches are already incorporated.
  - 4) Incorporation of Social Centre/Sub-branch/s is to be in accordance with, Reference A, the Incorporations Act 1981.
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### **By-law 30 – Appointed Positions**

- 1) **Returning Officer.** Any Financial Member or partner, from the Legal Firm that is currently representing the association, may be appointed as the Returning Officer for the Association at the Annual General Meeting (AGM) each year and must be of good character. He shall be responsible for the oversight of the following in accordance with current and future legislation:
  - a) Annual Election of Office Bearers;
  - b) The Great Southern Rail Ballot; and
  - c) Other tasks as appropriate for the appointed position.
- 2) The Returning Officer shall be accountable to the members through the Management Committee.
- 3) The Returning Officer shall conduct all ballots in a fair and equitable manner:
  - a) Firstly he shall oversee the dispatching of any Ballot Papers that are required.
  - b) Control the Returns Mail Bag to and from the Post Office.
  - c) With Scrutineers, as appointed by the candidates, conduct the duties of counting the returned ballot papers and rule on any anomalies that occur.

- d) He shall advise the State Secretary, in writing, of the outcome of each ballot and any anomalies that may have occurred.
- 4) The Returning Officer shall move that the ballot papers be destroyed at an appropriate time after the count and the result be accepted by the members present.
  - 5) If the Returning Officer is unavailable to act in his appointed capacity due to ill health or unavoidable circumstances, the Management Committee may, temporarily, appoint a substitute Returning Officer until his return or availability.
  - 6) If it is determined, by the Management Committee, that the Returning Officer is unable to carry out his duties for the remainder of his tenure, the substitute Returning Officer appointed by the Management Committee may then fill the vacancy.
  - 7) **Scrutineers.** Shall be appointed from volunteers who are of good character by the Management Committee as required, normally four (4) in numbers. Their duties are those to assist the Returning Officer to ensure fair and equitable outcome of association ballots in accordance with current and future legislation.
-

## Acceptance of By-laws

These By-laws have been accepted by the members of the Totally and Permanently Incapacitated Ex-servicemen and Women Association, Queensland Branch Incorporated. The By-laws are endorsed by the State Executive of the Totally and Permanently Incapacitated Ex-servicemen and Women Association, Queensland Branch Incorporated.

Signature: .....

Name: Mr K. Savage

Position: State President

Date: 5 November 2012

Signature: .....

Name: Mr W.A. Allen

Position: State Secretary

Date: 5 November 2012



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