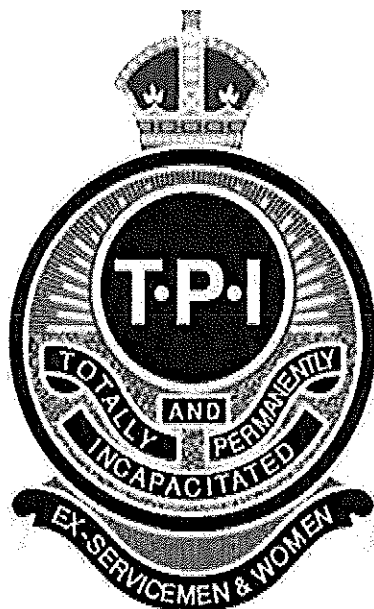


The Australian Federation of Totally and Permanently
Incapacitated Ex-servicemen and Women
(Queensland Branch) Incorporated



CONSTITUTION
(RULES)

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

References:

- A. The Incorporations Act 1981.
- B. The Incorporations Regulations 1999.

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RULE 1 – NAME AND SHORT TITLE

- 1) The name of the Incorporated Association is “The Australian Federation of Totally and Permanently Incapacitated Ex-servicemen and Women (Queensland Branch) Inc.” hereinafter referred to as “The Association”. The short title except where it conflicts with any Commonwealth or State Laws and unless it is incapable of application shall be “Qld TPI Assn. Inc.”
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RULE 2 – INTERPRETATIONS

- 1) In these rules unless inconsistent with context:
 - a) Act refers to The Incorporations Act 1981.
 - b) Regulations refer to The Incorporations Regulations 1999.
 - c) “Committee” means the Management Committee of a Sub-branch/Social Centre.
 - d) “State Conference” means the State Conference of Sub-branches/Social Centres.
 - e) “State General Meeting” means State General Meeting or State Annual Meeting.
 - f) “The Federation” or “Federal Body” shall mean “The Australian Federation of Totally and Permanently Incapacitated Ex-servicemen and Women Limited” located in the Australian Capital Territory.
 - g) All reference to Social Centre/s shall be inclusive of Sub-branch/es.
 - h) Words in the singular include the plural and words in the plural include the singular.
 - i) Any reference to the male gender, within this Constitution, shall include the female gender.
 - 2) The decision of a State General Meeting in relation to the construction or interpretation of any Rule or By-law shall be conclusive and binding on all members.
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RULE 3 – OBJECTIVES OF THE ASSOCIATION

- 1) The State Branch shall be non-political and non-sectarian, and shall confine itself to the care, maintenance, welfare and special interests of TPI's by;
 - a) Safeguarding the interests of and securing just and equitable treatment for TPI's and their dependants;
 - b) To raise funds from Members by capitation fees as determined from time to time by the State Management Committee or by other means, and to apply such funds for safeguarding the interests of and securing just and equitable treatment for TPI's and their dependants; and
 - c) To co-operate to such an extent, as the State Management Committee shall deem fit, with other State Branches and similar Associations in the State of Queensland.
 - 2) Such other objects as the State Management Committee considers appropriate from time to time.
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RULE 4 – POWERS OF THE STATE BRANCH.

- 1) The Association has the powers of an individual.
- 2) The Association may, for example:
 - a) Enter into contracts;

- b) Acquire, hold, deal with and dispose of property;
 - c) Make charges for services and facilities it supplies; and
 - d) Do other things necessary or convenient, to be done, in carrying out its affairs.
-

RULE 5 – MEMBERSHIP

- 1) Each member of the Association should belong to one (1) Sub-branch/Social Centre.
“Unattached List” Members and “Miscellaneous List” Members are hereinafter administered by the State Office and can only join a Sub-branch/Social Centre upon submitting an Application for Transfer to the State Office.
- 2) **CLASSES OF MEMBERSHIP.**
 - a) The Membership of the Association shall consist of the following classes of members:
 - i. Ordinary Members;
 - ii. Life Members,
 - iii. Associate Members, and
 - iv. Honorary Members.
 - b) The number of Ordinary Members is unlimited.
 - c) The number of Associate Members is unlimited.
 - d) The number of Life Members is shown in the By-laws.
 - e) The number of Honorary Members is described in the By-laws.
- 3) **ORDINARY MEMBERSHIP.** Any person who has served in any capacity with Australian or Allied Forces, and as a result is classified under the Veterans’ Entitlement Act (or any Act amending or replacing it) by the Repatriation Commission (or any other appropriate authority) as “Totally and Permanently Incapacitated” and in receipt of a Pension at the “Special Rate”, may be admitted to Ordinary Membership.
- 4) **ASSOCIATE MEMBERSHIP.**
 - a) Any person who is:
 - i. A partner or spouse of an Ordinary Member or Life Member, or
 - ii. A holder of a Gold Card issued by DVA.Maybe admitted to Associate Membership.
 - b) Associate Members have no voting rights. Associate Members may hold the position of Secretary or Treasurer on their Sub-branch/Social Centre Committee, if no Ordinary Member is willing or able to hold these positions.
- 5) **LIFE MEMBERSHIP.**
 - a) “Life Membership” may be conferred on an Ordinary Member of the Association on the recommendation of a Sub-branch/Social Centre or the State Management Committee. Life Membership is subject to the following conditions:
 - i) Approval of the Award shall be the prerogative of a State General Meeting only.
 - ii) When a Sub-branch/Social Centre submits the recommendation, the same shall be supported by a written citation outlining the Member’s Qualifications. The format for the citation is shown in the By-laws. If after due consideration the recommendation is

approved by State Branch, it shall then be presented to the next State General Meeting for ratification.

- iii) The Sub-branch/Social Centre concerned shall pay the State Branch the prescribed fee in accordance with the Table in the By-laws
- iv) No person shall be eligible for the award that has not been a Financial Member of the Association continuously for a prescribed period as specified in the By-laws.

- b) Any Life Member who has been "Suspended from Membership", transferred to a Miscellaneous List of Members or disqualified from holding office pursuant to **Rule 6, 3)**, shall forfeit the Award to him of Life Membership and shall henceforth be an Ordinary Member. A Life Member, to whom this Rule applies, shall return to the Association his Badge and Certificate of Life Membership.

6) HONORARY MEMBERSHIP

- a) **An Honorary Member is:** A person, who has been recognized as having provided commendable service to the Association or Sub-branch/Social Centre, may be granted Honorary Membership for a period of one (1) year.
 - b) **Nomination:** A nomination for Honorary Membership shall be signed by two (2) financial members of the Association and submitted to the State Secretary/Sub-branch/Social Centre Secretary at least twenty-eight (28) days prior to the Annual General Meeting.
 - c) **On Recommendation:** On recommendation of the State Management Committee/Sub-branch/Social Centre Management Committee an Honorary Membership shall be decided by sixty per cent (60%) majority vote of members present and eligible to vote at the Annual General Meeting.
 - d) **Re-appointment of Honorary Membership:** An existing Honorary Member may be considered for re-appointment at the Annual General Meeting without the need for re-nomination.
 - e) **Payment of Fees for Honorary Membership:** An Honorary Member shall not be required to pay a membership fee to the Association and shall have no voting rights.
- 7) **UNATTACHED LIST OF MEMBERS.** The Secretary, on behalf of the State Branch, shall keep and maintain a Register to be known as its "Unattached List of Members", as provided and administered as per the appropriate By-laws.
- 8) **MISCELLANEOUS LIST OF MEMBERS.** The Secretary, on behalf of the State Branch, shall keep and maintain a Register to be known as its "Miscellaneous List of Members" as provided for in By-laws.

RULE 6 – ADMISSION, RESIGNATION, RE-JOINING AND TERMINATION OF MEMBERSHIP.

1) ADMISSION AND REJECTION OF MEMBERSHIP.

- a) The State/Sub-branch/Social Centre Management Committee must consider an application for membership at the next committee meeting held after it receives:
 - i) The application for membership; and
 - ii) The appropriate membership fee for the application.

- b) The State/Sub-branch/Social Centre Management Committee must ensure that, as soon as possible after the person applies to become a member of the Association, and before the Management Committee considers the persons application, the person is advised:
 - i) whether or not the Association has public liability insurance; and
 - ii) If the Association has public liability insurance—the amount of the insurance.
 - c) The State/Sub-branch/Social Centre Management Committee must decide at the meeting whether to accept or reject the application.
 - d) If a majority of the members of the State/Sub-branch/Social Centre Management Committee present at the meeting vote to accept the applicant as a member, the applicant must be accepted as a member for the class of membership applied for.
 - e) The State/Sub-branch/Social Centre Secretary of the Association must, as soon as practicable after the State/Sub-branch/Social Centre Management Committee decides to accept or reject an application, give the applicant a written notice of the decision.
- 2) **A MEMBER RESIGNING AND RE-JOINING.** A member who resigns from the Association shall give notice in writing to the Sate/Sub-branch/Social Centre Secretary. If a member who subsequently wants to re-join, they shall be deemed to be a new applicant for membership.
- 3) **TERMINATING MEMBERSHIP.** The Sate Management Committee may terminate a members membership if the member:
- a. Is convicted of an indictable offence;
 - b. Does not comply with any of the provisions of these rules;
 - c. Has membership fees in arrears for at least two (2) months; or
 - d. Conducts himself or herself in a way considered to be injurious or prejudicial to the character or interests of the Association.
- 4) **RE-ADMISSION OF PERSONS PREVIOUSLY EXPELLED FROM MEMBERSHIP**
- a) Re-admission of a person previously expelled from membership:
 - i. No person, who has been expelled from ordinary membership pursuant to Paragraph 3) Terminating Membership, or By-laws, shall be re-admitted as an Ordinary Member, except by a resolution of a State General Meeting.
 - ii. Before the State General Meeting considers any application for re-admission, it shall seek the views of the Sub-branch/Social Centre that the applicant is desirous of joining.
- 5) **TERMINATION OF PENSION.** Any member whose special rate pension is terminated shall immediately notify his Sub-branch/Social Centre Secretary who shall immediately notify the State Secretary. His membership shall automatically cease unless and until he shall lodge an appeal under the **Veterans' Entitlements Act 1986 (as amended)**. The right to have membership reinstated shall be in accordance with the result of his appeal with no loss of membership continuity if reinstated.

RULE 7 – APPEAL AGAINST REJECTION OR TERMINATION OF MEMBERSHIP

- 1) A person whose application for membership has been rejected or whose membership has been terminated, may give the State/Sub-branch/Social Centre Secretary written notice of the person's intention to appeal against the decision.

- 2) A notice of intention to appeal must be given to the State/Sub-branch/Social Centre Secretary within one (1) month after the person receives written notice of the decision. All appeals shall be dealt with, not less than twenty-eight (28) days, following the receipt of the appeal by the State/Sub-branch/Social Centre Secretary.
 - 3) If the State/Sub-branch/Social Centre Secretary receives a notice of intention to appeal, the State/Sub-branch/Social Centre Secretary must, after receiving the notice, place the appeal before the next General Meeting to decide the appeal.
 - 4) All appeals shall be dealt with, not less than twenty-eight (28) days, following the receipt of the appeal by the State/Sub-branch/Social Centre Secretary.
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RULE 8 – GENERAL MEETING TO DECIDE AN APPEAL

- 1) The General Meeting to decide an appeal must be held within three (3) months after the Secretary receives the notice of intention to appeal.
 - 2) At the meeting, the applicant must be given a full and fair opportunity to show why the application should not be rejected or the membership should not be terminated.
 - 3) Also, the Management Committee and the members of the committee who rejected the application or terminated the membership must be given a full and fair opportunity to show why the application should be rejected or the membership should be terminated.
 - 4) An appeal must be decided by a majority vote of the members present and eligible to vote at the meeting.
 - 5) If a person whose application for membership has been rejected does not appeal against the decision within one (1) month after receiving written notice of the decision, or the person appeals but the appeal is unsuccessful, the Secretary must, as soon as practicable, refund the membership fee paid by the person.
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RULE 9 – MEMBERSHIP FEES

- 1) The membership fee for each ordinary membership and for each other class of membership is:
 - a) The amount decided by the members from time to time at a State General Meeting; and
 - b) Payable when, and in the way, the Management Committee decides.
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RULE 10 – REGISTER OF MEMBERS.

- 1) **REGISTRATION OF MEMBERS.** The Management Committee must keep a register of members of the Association.
 - a) The register must include the following particulars for each member:
 - i) the full name of the member;
 - ii) the postal or residential address of the member;
 - iii) the date of admission as a member;
 - iv) the date of death or of resignation of the member;
 - v) details about the termination or reinstatement of membership;

- vi) Any other particulars the Management Committee or the members at a General Meeting decide.
- b) The register must be open for inspection by members of the Association at all reasonable times.
- c) A member must contact the Secretary to arrange an inspection of the register.
- d) However, the Management Committee may, on the application of a member of the Association, withhold information about members (other than the member's full name) from the register available for inspection if the Management Committee has reasonable grounds for believing the disclosure of the information would put the member at risk of harm.

2) PROHIBITION ON USE OF INFORMATION ON REGISTER OF MEMBERS.

- a) A member of the Association must not:
 - i) use information obtained from the Register of Members of the Association to contact, or send material to, another member of the Association for the purpose of advertising for political, religious, charitable or commercial purposes; or
 - ii) Disclose information obtained from the register to someone else, knowing that the information is likely to be used to contact, or send material to, another member of the Association for the purpose of advertising for political, religious, charitable or commercial purposes.
 - b) **Rule 10, 2), a)**, does not apply if the use or disclosure of the information is approved by the Association.
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RULE 11 – BRANCH STRUCTURE.

- 1) **STATE.** The State Branch shall consist of the Queensland Branch State Office and Sub-branches/Social Centres established as required. The State Branch may make Rules and By-laws not inconsistent with the Federation for the governance and administration thereof. State Branch shall have jurisdiction over all Sub-branches/Social Centres within the State including Incorporated Sub-branches/Social Centres in accordance with all Acts and Regulations.

2) SUB-BRANCHES/SOCIAL CENTRES.

- a) **Formation of a Sub-branch/Social Centre:**
 - i. Any ten (10) or more ordinary and/or life members of the Association, resident in any town, locality or district centre, may apply to the State Branch for permission to form a Sub-branch/Social Centre.
 - ii. Such application to form a Sub-branch/Social Centre shall be in writing and signed by at least ten (10) members, setting out their respective addresses, one of whom shall be described as the provisional Secretary of the prospective Sub-branch/Social Centre through whom all correspondence shall be conducted.
 - b) Each Sub-branch/Social Centre shall:
 - i. Be bound by the provisions of the Federation and the State Constitutions and By-laws, a copy of each shall be available in the head office of the State Branch;
 - ii. Be bound by and promote these Rules and By-laws; and
 - iii. Comply with such lawful directions as are given to it from time to time by the State Branch.
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RULE 12 - STATE AND SUB-BRANCH/SOCIAL CENTRE RULES AND BY-LAWS

- 1) The Rules and By-laws shall be binding upon every member of the Association. The State Rules and By-laws shall be made accessible to each Financial Member upon request.
- 2) **Alteration of Rules:**
 - a) Subject to the Act, these rules may be amended, repealed or added to by a special resolution carried at a State General Meeting.
 - b) However an amendment, repeal or addition is valid only if it is registered by the chief executive.
- 3) **Acquiescence**
 - a) The payment of the first yearly subscription shall imply the member's acquiescence of these Rules and By-laws.
 - b) Each incorporated Sub-branch/Social Centre will take reasonable steps that its membership complies with these Rules and By-laws.
- 4) **State Branch By-laws.** The State Management Committee shall have the power from time to time to make or amend such By-laws as deemed necessary:
 - a) Notwithstanding the foregoing provisions of this Rule, a State General Meeting may amend or repeal any By-law made by the State Management Committee;
 - b) A By-law shall:
 - i) Be subject to the Federal Body's Constitution and these Rules; and
 - ii) Be not inconsistent with any provision contained therein.
- 5) **Exclusion of Section 47 of the Associations Incorporations Act 1981.** Model Rules will not apply. **Sub-section 1, Section 47 in Part 5 of the Associations Incorporation Act 1981** does not apply to this Incorporated Association.
- 6) **Sub-branch/Social Centre By-laws.**
 - a) All such Sub-branches/Social Centres may make By-laws for the good thereof to accommodate varying regional and local conditions. Such By-laws are to be consistent with the general spirit and intent of the Constitution, Rules and By-laws of the Federal Body and the Rules and By-laws of the State Branch.
- 7) **Incorporated Sub-branch/Social Centre Rules and By-laws.**
 - a) These Rules and any By-laws made pursuant thereto shall apply to all Sub-branches/Social Centres that are under the jurisdiction of the State Branch. However all such Sub-branches/Social Centres may make Rules and By-laws for the good thereof, such Rules and By-laws are to be consistent with the general spirit and intent of the Constitution, Rules and By-laws of the Federal Body and the Rules and By-laws of the State Branch.
 - b) All Rules and By-laws made pursuant to the preceding paragraph must be submitted to the State Branch for approval. On such approval being granted and the respective Sub-branch/Social Centre notified in writing thereof, such Rules and/or By-laws shall become binding and operative.
 - c) An incorporated Sub-branch/Social Centre that varies its rules in any way shall comply with all lawful requirements and, following the proper variation of its rules shall submit a copy of the resolutions varying its rules, to the State Branch.

RULE 13 – ELECTION OF MANAGEMENT COMMITTEES.

- 1) **Holding Office.** No person shall be eligible to hold office on the State Management Committee or sub-committee, or any Sub-branch/Social Centre Committee or sub-committee unless he is a Financial Member in accordance with the provisions of **Rule 5, paragraph 3) and 5)**. In a situation where the State Management Committee or a Sub-branch/Social Centre cannot fill the position of Treasurer or Secretary, the State Branch may give approval for a non-Association member to occupy that position upon such terms and conditions as the State Branch determines.
- 2) **Appointment or Election of Secretary.** The Secretary must be an individual residing in Queensland, or in another State but not more than 65km from the Queensland border, who is:
 - a) A member of the Association elected by the Association as Secretary; or
 - b) Any of the following persons appointed by the Management Committee as Secretary:
 - i) A member of the Associations Management Committee;
 - ii) Another member of the Association; and
 - iii) Another person.
 - c) If the Association has not elected an interim officer as Secretary for the Association before its incorporation, the members of the Management Committee must ensure a Secretary is appointed or elected for the Association within one (1) month after incorporation.
 - d) If a vacancy happens in the office of Secretary, the members of the Management Committee must ensure a Secretary is appointed or elected for the Association within one (1) month after the vacancy happens.
 - e) If the Management Committee appoints a person mentioned in **Rule 5, 4)**, as Secretary, other than to fill a casual vacancy on the Management Committee, the person does not become a member of the Management Committee.
 - f) However, if the Management Committee appoints a person mentioned in **Rule 13, 2), b), ii)**, as Secretary to fill a casual vacancy on the Management Committee, the person becomes a member of the Management Committee.
 - g) If the Management Committee appoints a person mentioned in **Rule 13, 2), b), iii)**, as Secretary, the person does not become a member of the Management Committee.
 - h) In this Rule— *casual vacancy*, on a Management Committee, means a vacancy that happens when an elected member of the Management Committee resigns, dies or otherwise stops holding office.
- 3) **Removal of Secretary.** The Management Committee of the Association may at any time remove a person appointed by the Committee as the Secretary.
 - a) If the Management Committee removes a Secretary who is a person mentioned in **Rule 13, 2), b), i)**, the person remains a member of the Management Committee.
 - b) If the Management Committee removes a Secretary who is a person mentioned in **Rule 13, 2), b), ii)**, and who has been appointed to a casual vacancy on the Management Committee under **Rule 13, 2), e)**, the person remains a member of the Management Committee.
- 4) **Functions of the Secretary.** The Secretary's functions include, but are not limited to:
 - a) Calling meetings of the Association, including preparing notices of a meeting and of the business to be conducted at the meeting in consultation with the President of the Association;
 - b) Keeping minutes of each meeting;
 - c) Keeping copies of all correspondence and other documents relating to the Association; and
 - d) Maintaining the register of members of the Association.
- 5) **Membership of State/Sub-branch/Social Centre Management Committee.**
 - a) The Management Committee of the Association consists of a President, Treasurer, and any other members the Association members elect at an Annual General Meeting.

- b) A member of the Management Committee, other than a Secretary appointed by the Management Committee under **Rule 13, 1)** must be a member of the Association.
- c) At the appropriate Annual General Meeting of the Association, members of the State Management Committee shall retire from office at the expiration of their three year (3 year) term, but are eligible on nomination, for re-election for further term/s.
- d) A member of the Association may be appointed to a casual vacancy on the Management Committee other than the office of State President.

6) Term of Office, State Management Committee.

- a) The members shall elect tri-annually six members to form the State Management Committee:
 - i) President;
 - ii) Secretary,
 - iii) Treasurer, and
 - iv) Three Committee Members.
- b) The Term of Office for the State Management Committee, **other than the first State Management Committee**, shall be for a period of three years (3 years), but members of the State Management Committee are eligible, on nomination, for re-election for a further term.

7) Election of the First State Management Committee.

- a) Upon acceptance, by the members, of this constitution the initial election shall take the following form and shall there after revert to three year (3 year) terms of office to ensure stability and continuity:
 - i) **The President** plus one committee member shall be elected for a three year (3 year) term of office;
 - ii) **The Treasurer** plus one committee member shall be elected for a two year (2 year) term of office; and
 - iii) **The Secretary** plus one committee member shall be elected for a period of twelve months (12 months) term of office.
- b) The preceding process shall stagger the Terms of Office but, shall not negate the requirement for annual election of Office Bearers on a rotational basis.

8) Electing the State/Sub-branch/Social Centre Management Committee.

- a) A member of the Management Committee may only be elected as follows:
 - i) Any two (2) members of the Association (a Proposer and Secunder) may nominate another member (Nominee) to serve as a member of the Management Committee;
 - ii) The nomination must be:
 - (1) In writing;
 - (2) Signed by the Nominee and the members who nominated him or her; and
 - (3) Given to the Secretary at least fourteen (14) days before the Annual General Meeting at which the election is to be held.
 - iii) Each member of the Association present and eligible to vote at the Annual General Meeting may vote for one (1) candidate for each vacant position on the Management Committee.
 - iv) If, at the start of the meeting, there are not enough candidates nominated, nominations may be taken from the floor of the meeting.
- b) A person may be a Nominee, only if the person:
 - i) Is an adult; and
 - ii) Is not ineligible to be elected as a member under section 61A of the Act.

- c) A list of the Nominees' names in alphabetical order, with the names of the members who nominated each candidate, must be made available to all members in an appropriate manner at least 7 days immediately preceding the Annual General Meeting.
- d) If required by the Management Committee, balloting lists must be prepared containing the names of the Nominees in alphabetical order.
- e) The Management Committee must ensure that, before a candidate is elected as a member of the Management Committee, the Nominee is advised:
 - i) Whether or not the Association has public liability insurance; and
 - ii) If the Association has public liability insurance also the amount of the insurance.

9) Resignation or Removal of State/Sub-branch/Social Centre Management Committee Member.

- a) A member of the Management Committee may resign from the committee by giving written notice of resignation to the Secretary.
- b) The resignation takes effect at:
 - i) The time the notice is received by the Secretary; or
 - ii) If a later time is stated in the notice, the later time.
- c) A member may be removed from office at a General Meeting of the Association if a majority of the members present and eligible to vote at the meeting vote in favour of removing the member.
- d) Before a vote of members is taken about removing the member from office, the member must be given a full and fair opportunity to show cause why he or she should not be removed from office.
- e) A member has no right of appeal against the member's removal from office under this rule.
- f) A member immediately vacates the office of member in the circumstances mentioned in **section 64(2) of the Act**.

10) Vacancies of State/Sub-branch/Social Centre Management Committee.

- a) If a casual vacancy happens on the Management Committee, the continuing members of the committee may appoint another member of the Association to fill the vacancy until the next Annual General Meeting.
- b) The continuing members of the Management Committee may act despite a casual vacancy on the Management Committee.
- c) However, if the number of committee members is less than the number fixed under **Rule 13, 5), a)**, as a quorum of the Management Committee, the continuing members may act only to:
 - i) Increase the number of Management Committee members to the number required for a quorum; or
 - ii) Call a General Meeting of the Association.

RULE 14 - FUNCTIONS OF A STATE MANAGEMENT COMMITTEE.

- 1) Subject to these rules or a resolution of the members of the Association carried at a General Meeting, the Management Committee has the general control and management of the administration of the affairs, property and funds of the Association.
- 2) The Management Committee has authority to interpret the meaning of these rules and any matter relating to the Association on which the rules are silent, but any interpretation must have regard to the Act, including any regulation made under the Act.

Note: - The Act prevails if the Association's rules are inconsistent with the Act—see section 1B of the Act.

- 3) The Management Committee may exercise the powers of the Association:
 - a) To borrow, raise or secure the payment of amounts in a way the members of the Association decide; and
 - b) To secure the amounts mentioned in **paragraph (a)** or the payment or performance of any debt, liability, contract, guarantee or other engagement incurred or to be entered into by the Association in any way, including by the issue of debentures (perpetual or otherwise) charged upon the whole or part of the Associations property, both present and future; and
 - c) To purchase, redeem or pay off any securities issued; and
 - d) To borrow amounts from members and pay interest on the amounts borrowed; and
 - e) To mortgage or charge the whole or part of its property; and
 - f) To issue debentures and other securities, whether outright or as security for any debt, liability or obligation of the Association; and
 - g) To provide and pay off any securities issued; and
 - h) To invest in a way the members of the Association may from time to time decide.
 - 4) For **Rule 14, 3), d)**, the rate of interest must not be more than the current rate being charged for overdrawn accounts on money lent (regardless of the term of the loan) by:
 - a) The financial institution for the Association; or
 - b) If there is more than 1 financial institution for the Association, the financial institution nominated by the Management Committee.
-

RULE 15 – MEETINGS, STATE AND SUB-BRANCHES/SOCIAL CENTRES.

1) Meetings of Management Committee.

- a) Subject to this rule, the Management Committee may meet and conduct its proceedings as it considers appropriate.
- b) The Management Committee must meet at least once every 4 months to exercise its functions.
- c) The Management Committee must decide how a meeting is to be called.
- d) Notice of a meeting is to be given in the way decided by the Management Committee.
- e) The Management Committee may hold meetings, or permit a committee member to take part in its meetings, by using any technology that reasonably allows the member to hear and take part in discussions as they happen.
- f) A committee member who participates in the meeting as mentioned in **Rule 15, 1), e)**, is taken to be present at the meeting.
- g) A question arising at a committee meeting is to be decided by a majority vote of members of the committee present at the meeting and, if the votes are equal, the question is decided in the negative.
- h) A member of the Management Committee must not vote on a question about a contract or proposed contract with the Association if the member has an interest in the contract or proposed contract and, if the member does vote, the members vote must not be counted.
- i) The President is to preside as chairperson at a Management Committee meeting.
- j) If there is no President or if the President is not present within ten (10) minutes after the time fixed for a Management Committee meeting, the members may choose 1 of their number to preside as chairperson at the meeting.

2) Quorum for, and Adjournment of, Management Committee Meeting.

- a) At a Management Committee meeting, more than fifty percent (50%) of the members elected to the committee as at the close of the last General Meeting of the members form a quorum.
- b) If there is no quorum within thirty (30) minutes after the time fixed for a Management Committee meeting called on the request of members of the committee, the meeting lapses.
- c) If there is no quorum within thirty (30) minutes after the time fixed for a Management Committee meeting called other than on the request of the members of the committee:
 - i) The meeting is to be adjourned for at least one (1) day; and
 - ii) The members of the Management Committee who are present are to decide the day, time and place of the adjourned meeting.
- d) If, at an adjourned meeting mentioned in **Rule 15, 2), c)**, there is no quorum within thirty (30) minutes after the time fixed for the meeting, the meeting lapses.

3) Special Meeting of Management Committee.

- a) If the Secretary receives a written request signed by at least thirty-three percent (33%) of the members of the Management Committee, the Secretary must call a Special Meeting of the committee by giving each member of the committee notice of the meeting within fourteen (14) days after the Secretary receives the request.
- b) If the Secretary is unable or unwilling to call the Special Meeting, the President must call the meeting.
- c) A request for a Special Meeting must state:
 - i) Why the Special Meeting is called; and
 - ii) The business to be conducted at the meeting.
- d) A notice of a Special Meeting must state:
 - i) The day, time and place of the meeting; and
 - ii) The business to be conducted at the meeting.
- e) A Special Meeting of the Management Committee must be held within fourteen (14) days after notice of the meeting is given to the members of the Management Committee.

4) Minutes of Management Committee Meetings.

- a) The State/Sub-branch/Social Centre Secretary must ensure full and accurate minutes of all questions, matters, resolutions and other proceedings of each Management Committee meeting are entered in a minute book.
- b) To ensure the accuracy of the minutes, the minutes of each Management Committee meeting must be signed by the Secretary and the Chairperson of the meeting, or the Chairperson of the next Management Committee meeting, verifying their accuracy.

5) Appointment of Sub-committees.

- a) The Management Committee may appoint a subcommittee consisting of members of the Association considered appropriate by the committee to help with the conduct of the Associations operations.
- b) A member of the sub-committee who is not a member of the Management Committee is not entitled to vote at a Management Committee meeting.
- c) A sub-committee may elect a chairperson of its meetings.
- d) If a chairperson is not elected, or if the chairperson is not present within 10 minutes after the time fixed for a meeting, the members present may choose 1 of their number to be chairperson of the meeting.
- e) A subcommittee may meet and adjourn as it considers appropriate.

- f) A question arising at a sub-committee meeting is to be decided by a majority vote of the members present at the meeting and, if the votes are equal, the question is decided in the negative.
- 6) **Acts not Affected by Defects or Disqualifications.**
- a) An act performed by the Management Committee, a sub-committee or a person acting as a member of the Management Committee is taken to have been validly performed.
 - b) **Rule 15, 6), a)**, applies even if the act was performed when:
 - i) There was a defect in the appointment of a member of the Management Committee, subcommittee or person acting as a member of the Management Committee; or
 - ii) A Management Committee member, subcommittee member or person acting as a member of the Management Committee was disqualified from being a member.
- 7) **Resolutions of Management Committee without Meeting.**
- a) A written resolution signed by each member of the Management Committee is as valid and effectual as if it had been passed at a committee meeting that was properly called and held.
 - b) A resolution mentioned in **Rule 15, 7), a)**, may consist of several documents in like form, each signed by one (1) or more members of the committee.
- 8) **First Annual General Meeting.** The first Annual General Meeting of a new Sub-branch/Social Centre must be held within six (6) months after the end date of the Sub-branch/Social Centre's first reportable financial year.
- 9) **Subsequent Annual General Meetings.**
- a) Each subsequent Annual General Meeting must be held:
 - i) At least once each year; and
 - ii) Within six (6) months after the end date of the Association's reportable financial year.
- 10) **Business to be Conducted at Annual General Meeting of Level 1 Incorporated Associations and Particular Level 2 and 3 Incorporated Associations.**
- a) This rule applies only if the Association is:
 - i) A level 1 Incorporated Association;
 - ii) A level 2 Incorporated Association to which **Section 59 of the Act, (Reference A)** applies; or
 - iii) A level 3 Incorporated Association to which **Section 59 of the Act, (Reference A)**, applies.
 - b) The following business must be conducted at each Annual General Meeting of the Association:
 - i) Receiving the Association's Financial Statement, and Audit Report, for the last reportable financial year;
 - ii) Presenting the Financial Statement and Audit Report to the meeting for adoption;
 - iii) Electing members of the Management Committee;
 - iv) For a level 1 Incorporated Association - appointing an Auditor or an accountant for the present financial year; and
 - v) For a level 2 Incorporated Association, or a level 3 Incorporated Association to which **Section 59 of the Act** applies - appointing an Auditor, an Accountant or an Approved Person for the present financial year.
- 11) **Notice of General Meeting.**
- a) The Secretary may call a General Meeting of the Association.

- b) The Secretary must give at least fourteen (14) days' Notice of the Meeting to each member of the Association.
- c) If the Secretary is unable or unwilling to call the meeting, the President must call the meeting.
- d) The Management Committee may decide the way in which the Notice must be given.
- e) However, notice of the following meetings must be given in writing:
 - i) A Meeting called to hear and decide the appeal of a person against the Management Committee's decision:
 - (1) To reject the person's Application for Membership of the Association; or
 - (2) To terminate the person's membership of the Association.
 - ii) A meeting called to hear and decide a proposed Special Resolution of the Association.
- f) A notice of a General Meeting must state the business to be conducted at the meeting.

12) Quorum for, and Adjournment of, General Meeting.

- a) The quorum for a General Meeting is at least the number of members elected or appointed to the Management Committee at the close of the Association's last General Meeting plus one (1).
- b) However, if all members of the Association are members of the Management Committee, the quorum is the total number of members less one (1).
- c) No business may be conducted at a General Meeting unless there is a quorum of members when the meeting proceeds to business.
- d) If there is no quorum within thirty (30) minutes after the time fixed for a General Meeting called on the request of members of the Management Committee or the Association, the meeting lapses.
- e) If there is no quorum within thirty (30) minutes after the time fixed for a General Meeting called other than on the request of members of the Management Committee or the Association:
 - i) The meeting is to be adjourned for at least seven (7) days; and
 - ii) The Management Committee is to decide the day, time and place of the adjourned meeting.
- f) The chairperson may, with the consent of any meeting at which there is a quorum, and must if directed by the meeting, adjourn the meeting from time to time and from place to place.
- g) If a meeting is adjourned under **Rule 15, 12), f)**, only the business left unfinished at the meeting from which the adjournment took place may be conducted at the adjourned meeting.
- h) The Secretary is not required to give the members notice of an adjournment or of the business to be conducted at an adjourned meeting unless a meeting is adjourned for at least thirty (30) days.
- i) If a meeting is adjourned for at least thirty (30) days, notice of the adjourned meeting must be given in the same way notice is given for an original meeting.

13) Procedure at General Meeting.

- a) A member may take part and vote in a General Meeting in person, by proxy, by attorney or by using any technology that reasonably allows the member to hear and take part in discussions as they happen.
- b) A member who participates in a meeting as mentioned in **Rule 15, 13), a)**, is taken to be present at the meeting.
- c) At each General Meeting:
 - i) The President is to preside as chairperson; and
 - ii) If there is no President or if the President is not present within fifteen (15) minutes after the time fixed for the meeting or is unwilling to act, the members present must elect one (1) of their number to be chairperson of the meeting; and

iii) The chairperson must conduct the meeting in a proper and orderly way.

14) Voting at General Meeting.

- a) At a General Meeting, each question, matter or resolution, other than a special resolution, must be decided by a majority of votes of the members present.
- b) Each member present and eligible to vote is entitled to one (1) vote only and, if the votes are equal, the chairperson has a casting vote as well as a primary vote.
- c) A member is not entitled to vote at a General Meeting if the member's annual subscription is in arrears at the date of the meeting.
- d) The method of voting is to be decided by the Management Committee.
- e) However, if at least twenty percent (20%) of the members present demand a secret ballot, voting must be by secret ballot.
- f) If a secret ballot is held, the chairperson must appoint two (2) members to conduct the secret ballot in the way the chairperson decides.
- g) The result of a secret ballot as declared by the chairperson is taken to be a resolution of the meeting at which the ballot was held.

15) Special General Meeting

- a) The Secretary must call a special General Meeting by giving each member of the Association notice of the meeting within fourteen (14) days after:
 - i) Being directed to call the meeting by the Management Committee; or
 - ii) Being given a written request signed by:
 - (1) At least thirty-three percent (33%) of the number of members of the Management Committee when the request is signed; or
 - (2) At least the number of ordinary members of the Association equal to double the number of members of the Association on the Management Committee when the request is signed plus one (1);
 - iii) Being given a written notice of an intention to appeal against the decision of the Management Committee:
 - (1) To reject an application for membership;
 - (2) To terminate a person's membership; or
 - (3) For the expulsion of a Sub-branch/Social Centre.
- b) A request mentioned in **Rule 15, 15), a), ii)**, must state:
 - i) Why the special General Meeting is being called; and
 - ii) The business to be conducted at the meeting.
- c) A Special General Meeting must be held within three (3) months after the Secretary:
 - i) Is directed to call the meeting by the Management Committee; or
 - ii) Is given the written request mentioned in **Rule 15, 15), a), ii)**, or
 - iii) Is given the written notice of an intention to appeal mentioned in **Rule 15, 15), a), iii)**.
- d) If the Secretary is unable or unwilling to call the Special Meeting, the President must call the meeting.

16) Minutes of General Meetings.

- a) The Secretary must ensure full and accurate minutes of all questions, matters, resolutions and other proceedings of each General Meeting are entered in a minute book.
- b) To ensure the accuracy of the minutes:

- i) the minutes of each General Meeting must be signed by the chairperson of the meeting, or the chairperson of the next General Meeting, verifying their accuracy; and
 - ii) The minutes of each Annual General Meeting must be signed by the chairperson of the meeting, or the chairperson of the next meeting of the Association that is a General Meeting or Annual General Meeting, verifying their accuracy.
- c) If asked by a member of the Association, the Secretary must, within twenty-eight (28) days after the request is made:
- i) Make the minute book for a particular General Meeting available for inspection by the member at a mutually agreed time and place; and
 - ii) Give the member copies of the minutes of the meeting.
- d) The Association may require the member to pay the reasonable costs of providing copies of the minutes.

RULE 16 - PROXIES.

- 1) An Instrument appointing a proxy must be in writing and be in the following or similar form:

[Name of Association]:

I, _____ of _____, being
a member of the Association, appoint _____
of _____
as my proxy to vote for me on my behalf at the (annual) General Meeting of the Association, to
be _____ held _____ on _____ the _____ day _____ of _____
20 _____
and at any adjournment of the meeting.

Signed this _____ day of _____ 20 _____ .

Signature

- 2) The Instrument appointing a proxy must:
- a) If the appointor is an individual—be signed by the appointor or the appointor's attorney properly authorised in writing; or
 - b) If the appointor is a corporation:
 - i) Be under seal; or
 - ii) Be signed by a properly authorised officer or attorney of the corporation.
- 3) A proxy may be a member of the Association or another person.
- 4) The Instrument appointing a proxy is taken to confer authority to demand or join in demanding a secret ballot.
- 5) Each Instrument appointing a proxy must be given to the Secretary before the start of the meeting or adjourned meeting at which the person named in the Instrument proposes to vote.

- 6) Unless otherwise instructed by the appointor, the proxy may vote as the proxy considers appropriate.
- 7) If a member wants a proxy to vote for or against a resolution, the Instrument appointing the proxy must be in the following or similar form:

[Name of Association]:

I, _____ of _____, being
a member of the Association, appoint

of _____
as my proxy to vote for me on my behalf at the (annual) General Meeting of the Association, to be
held _____ on _____ the _____ day _____ of _____
20_____
and at any adjournment of the meeting.

Signed this _____ day of _____ 20____.

Signature

This form is to be used *in favour of/*against [*strike out whichever is not wanted*] the following resolutions—

[List relevant resolutions]

RULE 17 – DISCIPLINE

- 1) **DISCIPLINARY PROVISIONS.** The Termination and Appeal against Termination of a member of the Association is covered at **Rule 6 and Rule 7.**
- 2) **EXPULSION OF SUB-BRANCHES/SOCIAL CENTRES.**
 - a) Any Sub-branch/Social Centre committing a serious breach of the Rules and By-laws of the State Branch for the time being in force and any incorporated Sub-branch/Social Centre, 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 the State Management Committee, 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 the State Management Committee.
 - b) Following the receipt of the special report, the State Management Committee may decide, by resolution carried by a seventy-five percent (75%) majority of votes of the members of the State Management Committee, present at such meeting, to expel a Sub-branch/Social Centre that is in breach of the Constitution, By-laws or derogatory to the interests of the Association..
 - c) The State Management Committee is to call a Special General Meeting in accordance with **Rule 15, paragraph 15).**
 - d) Upon the State Special General Meeting passing a resolution of Expulsion:
 - i. In the case of an unincorporated Sub-branch/Social Centre declare that all officers of the Sub-branch/Social Centre 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 Sub-branch/Social Centre; or

- ii. In the case of an incorporated Sub-branch/Social Centre revoke the authority issued to the Sub-branch/Social Centre.
 - e) The person directed pursuant to **Rule 17, 2), d), i)**, shall forthwith convene a Special General Meeting of all Ordinary and Life Members who are also members of that Sub-branch/Social Centre for the purpose of electing new officers. A person who, immediately prior to the resolution of the State Branch referred to in **Rule 17, 2), d), i)**, held office as an officer of that Sub-branch/Social Centre shall not be eligible to be elected to Office at the Special General Meeting referred to in this Rule.
 - f) Upon election of the New Officers referred to in **Rule 17, 2), e)**, the person referred to in the direction of the State Special General Meeting shall make a written report to the State Management Committee.
 - g) If a State Special General Meeting revokes the Charter of a Sub-branch/Social Centre pursuant to **Rule 17, 2), d), ii)**, the Sub-branch/Social Centre 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.
 - h) The said Sub-branch/Social Centre shall thereupon cease to be a Sub-branch/Social Centre of the State Branch, but without prejudice to the right of the State Branch to require payment or satisfaction from the expelled Sub-branch/Social Centre under these Rules. If any Sub-branch/Social Centre 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.
-

RULE 18 – BY-LAWS.

- 1) The Management Committee may make, amend or repeal by-laws, not inconsistent with these rules, for the internal management of the Association.
 - 2) A by-law may be set aside by a vote of members at a General Meeting of the Association.
-

RULE 19– ALTERATION OF RULES.

- 1) Subject to the Act, these rules may be amended, repealed or added to by a special resolution carried at a General Meeting.
 - 2) However an amendment, repeal or addition is valid only if it is registered by the chief executive.
-

RULE 20 – COMMON SEAL.

- 1) The Management Committee must ensure the Association has a common seal.
- 2) The common seal must be:
 - a) Kept securely by the Management Committee; and
 - b) Used only under the authority of the Management Committee.
- 3) Each instrument to which the seal is attached must be signed by a member of the Management Committee and countersigned by:
 - a) The Secretary;
 - b) Another member of the Management Committee; or
 - c) Someone authorised by the Management Committee.

- 4) The State Secretary shall keep a Register of all documents to which the Common Seal has been affixed.
-

RULE 21 – FUNDS AND ACCOUNTS, STATE/SUB-BRANCHES/SOCIAL CENTRES.

- 1) The funds of the Association must be kept in an account in the name of the Association in a financial institution decided by the Management Committee.
 - 2) Records and accounts must be kept in the English language showing full and accurate particulars of the financial affairs of the Association.
 - 3) All amounts must be deposited in the financial institution account as soon as practicable after receipt.
 - 4) A payment by the Association of \$100 or more must be made by cheque or electronic funds transfer.
 - 5) If a payment of \$100 or more is made by cheque, the cheque must be signed by any two (2) of the following:
 - a) The President;
 - b) The Secretary;
 - c) The Treasurer; and
 - d) Any one (1) of three (3) other members of the Association who have been authorised by the Management Committee to sign cheques issued by the Association.
 - 6) However, one (1) of the persons who signs the cheque must be the President, the Secretary or the Treasurer.
 - 7) Cheques, other than cheques for wages, allowances or petty cash recoupment, must be crossed not negotiable.
 - 8) A petty cash account must be kept on the Imprest System, and the Management Committee must decide the amount of petty cash to be kept in the account.
 - 9) All expenditure must be approved or ratified at a Management Committee meeting.
-

RULE 22 – GENERAL FINANCIAL MATTERS.

- 1) On behalf of the Management Committee, the Treasurer must, as soon as practicable after the end date of each financial year, ensure a properly audited Financial Statement for its last reportable financial year is prepared.
 - 2) The income and property of the Association must be used solely in promoting the Association's objects and exercising the Association's powers.
-

RULE 23 – DOCUMENTS.

- 1) The Management Committee must ensure the safe custody of books, documents, instruments of title and securities of the Association.
-

RULE 24 – FINANCIAL YEAR.

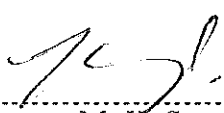
- 1) The end date of the Association's financial year is 30th September in each year.
-

RULE 25 – DISTRIBUTION OF SURPLUS ASSETS TO ANOTHER ENTITY.

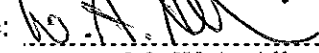
- 1) This rule applies if the Association:
 - a) Is wound-up under **Part 10 of the Act**; and
 - b) Has surplus assets.
 - 2) The surplus assets must not be distributed among the members of the Association.
 - 3) The surplus assets must be given to another entity:
 - a) Having objects similar to the Association's objects; and
 - b) The rules of which prohibit the distribution of the entity's income and assets to its members.
 - 4) In this rule— *surplus assets* see **Section 92(3) of the Act**.
-

RULE 26 – REPEAL OF OLD RULES AND ADOPTION OF FOREGOING RULES

- 1) All existing Rules of the State Branch in force at the commencement of these Rules are hereby repealed. Provided however, that nothing herein contained shall affect anything done or commenced or contracted to be done, or any rights or liabilities accrued under such repealed Rules.
 - 2) These Rules were those adopted by the Australian Federation of Totally and Permanently Incapacitate Ex-servicemen and Women (Queensland Branch) Incorporated at a General Meeting duly convened and held.
-

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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no right of appeal against the member's removal from office	14	Resignation or Removal of State/Social Centre Management Committee Member.....	14
nomination for Honorary Membership	7	resignation takes effect at.....	14
Nominee, only if the person.....	13	Resolutions of Management Committee without Meeting	17
not enough candidates nominated,.....	13	return, or procure the return, to the Secretary	22
not entitled to vote at	19	Rules and By-laws shall be binding upon	11
not more than 65km from the Queensland border	12	Rules and By-laws shall be made available	11
not required to give the members notice of an adjournment	18	Rules are hereby repealed.	24
notice of a General Meeting must state the business.....	18	safe custody of books, documents, instruments of title and securities of.....	23
Notice of a meeting is to be given	15	Secretary is unable or unwilling to.....	16
notice of a Special Meeting must state	16	Secretary is unable or unwilling to call the meeting	18
Notice of General Meeting.....	17	Secretary is unable or unwilling to call the Special Meeting	19
		Secretary may call a General Meeting	17
		Secretary must be an individual residing	12

secure the amounts.....	15
Social Centre By-laws.....	11
SOCIAL CENTRE RULES AND BY-LAWS.11	
SOCIAL CENTRES.....	10
Special General Meeting.....	19
Special General Meeting must be held within three (3) months.....	19
Special General Meeting passing a resolution of Expulsion.....	21
Special Meeting of Management Committee	16
Special Meeting of the Management Committee must be held within.....	16
STATE AND SOCIAL CENTRE RULES AND BY-LAWS	11
STATE BRANCH BY-LAWS.	11
State Management Committee.....	13
State/Social Centre Secretary must ensure	16
sub-committee may elect a chairperson.....	16
Subsequent Annual General Meetings.....	17
<i>surplus assets</i> see Section 92(3) of the Act.	24
take charge of the affairs of the Social Centre	21
taken to be present	15
technology that reasonably allows the member to hear and take part in.....	18
Term of Office, State Management Committee..	13
TERMINATING MEMBERSHIP.....	8
TERMINATION OF PENSION.....	8

<i>The Act prevails if the Association's rules are inconsistent with the Act—see section 1B of the Act.</i>	<i>15</i>
the meeting lapses	16
The nomination must be:.....	13
the rate of interest must not be more.....	15
To borrow amounts from	15
To invest in a way the members of the Association	15
To issue debentures and other securities,	15
To mortgage or charge	15
to preside as chairperson at the meeting.	15
To provide and pay off any securities issued.....	15
To purchase, redeem or pay off	15
to which the seal is attached.....	22
Unless otherwise instructed by the appointor	21
unless there is a quorum of	18
using any technology that reasonably allows.....	15
Vacancies of State/Social Centre Management Committee.....	14
vacancy happens in the office of Secretary	12
Voting at General Meeting.....	19
who are present are to decide the day, time and place of the adjourned meeting.	16
written notice of an intention to appeal.....	19
written notice of resignation to the Secretary	14
written report to the State Management Committee	22

