

# Returned & Services League of Australia (Queensland Branch)



## STATE BY-LAWS 2011

### Legislation & Awards Committee

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Amendment Status				
Level	Comment	Date	Drafted By	Approved By
	Rewrite to comply with the State Constitution	15 Dec 2011	L&A Committee	Board
AL1	By-Law 6 - Clause 6.63 Reword first paragraph	20 April 2012	L&A Committee	Board
AL2	Insert new By-Law 13	25 October 2012	L&A Committee	Board
AL3	By-Law 7 - Clause 7.3.1 Amend last paragraph to show correct clause reference. Clause 7.4.17 delete (d) and renumber	25 October 2012	L&A Committee	Board
AL4	Rewrite of By-Law 7	28 February 2013	Board Matters	Board
AL5	Insert new By-Law 14	18 April 2013	L&A Committee	Board
AL6	Insert new By-Law 13	24 June 2013	Tribunal	Board
AL7	Insert new By-Law 6	24 Oct 2013	L&A Committee	Board
AL7	Insert new By-Law 8	12 Dec 2013	L&A Committee	Board
AL8	Insert new By-Law 7	27 Feb 2014	Tribunal	Board
AL9	Insert new By-Law 10	27 Feb 2014	L&A Committee	Board
AL10	Insert new By-Law 5	23 June 2014	L&A Committee	Board
AL11	Insert new By-Law 6	27 August 2014	L&A Committee	Board
AL12	Insert new By-Law 14	27 August 2014	L&A Committee	Board
AL13	By-Law 8 - Clause 8.9 Reword sentence	12 Dec 2014	L&A Committee	Board
AL14	Insert new By-Law 10	12 Dec 2014	L&A Committee	Board
AL15	By-Law 3 - Amend clause 3.3	17 August 2017	C & A Committee	Board
AL16	By-Law 3 - Amend clause 3.3, 3.5 and Annexure A	24 January 2018	C & A Committee	Board
AL17	By-Law 1 - Amend clause 1.1, 1.2, 1.3	16 July 2020	State Branch	Board
AL18	Rewrite of By-Law 7	16 July 2020	Tribunal	Board
AL19	By-Law 13 - insert new 13.3A	20 August 2020	State Branch	Board
AL20	Insert new By-Law 15	22 April 2021	Board	Board
AL21	By-Law 6 - amend clause 6.2, remove clauses 6.80-6.90	29 July 2021	State Branch	Board
AL22	By-Law 6 - amend clause 6.74	25 March 2022	GCA Committee	Board
AL23	By-Law 6, Move clause 6.74 - 6.76 to By-Law 8, amend By-Laws 8 and 9	29 April 2022	GCA Committee	Board
AL24	Amend By-Laws 3 and 5	27 June 2022	State Branch	Board

## **BY-LAW 1      SERVICE MEMBERSHIP**

### **Eligibility for Service Membership**

- 1.1 Admission to Service Membership of the League is open to any member or ex-member of the Australian Defence Force who in general terms has completed at least one day's service [fulltime equivalent].
- 1.2 The following shall be eligible to apply to be admitted as Service Members:
  - a. a person who was a member, with at least 6 months' service, of the Armed Forces of:
    - (i) any country presently or formerly a member of the Commonwealth of Nations;
    - (ii) any country or place presently or formerly a Crown Colony of the United Kingdom; or
    - (iii) the United States of America;
  - b. a person to whom paragraph 1.02 a. does not apply; but who has, for at least 6 months in a theatre of conflict, either served with or supported or was otherwise engaged with the Australian Defence Force or the Armed Forces of those countries or places referred to in paragraph 1.02.a. and who is an Australian citizen or a citizen of any of those countries or places;
  - c. a person who is an Australian citizen and who :
    - (i) was a member of the Armed Forces of another country or place for at least 6 months, which was an ally of the Commonwealth in a theatre of conflict; or
    - (ii) in a theatre of conflict either served with or supported or was otherwise engaged with the Armed Forces of such a country or place for at least 6 months;
  - d. an Officer of Cadets or Instructors of Cadets, after completing 10 years of aggregate service in such an appointment.

### **Service Members - Other Eligible Service**

- 1.3 The following shall, in addition, be eligible to apply to be admitted as Service Members:
  - a. a person who was a member of the Australian Defence Force but who was honourably discharged there from either for medical reasons or for reasons outside their control;
  - b. any person who was honourably discharged either for medical reasons or for reasons outside their control and has been a member of the Armed Forces of:
    - (i) any country presently or formerly a member of the Commonwealth of Nations;
    - (ii) any country or place presently or formerly a Crown Colony of the United Kingdom; or
    - (iii) the United States of America;
  - c. a person who was a member of a SEATO Surgical and Medical Team in Vietnam during the Conflict in that Country;
  - d. Any person who is not otherwise eligible to be admitted as an Service Member but who is an Australian Citizen and who for a period of not less than 6 months served in the armed forces of any other country or place not included in those countries or places previously referred to in this By-Law provided however that at no time during such service, the country or place in



the Armed Forces of which he served, was in conflict in war or war-like operations against the Commonwealth;

- e. a person who is not otherwise eligible to be admitted as a Service Member but who for a period of not less than 6 months has been a member of a Philanthropic Organisation and during that period been formally accredited to and administered by the Australian Defence Force.

## Rejection of Application for Membership

- 1.4 The decision of the Sub-Branch Committee to reject an application shall be recorded in the minutes of the meeting at which the decision was made. The applicant shall be notified in writing of the decision and the grounds upon which the application was rejected and the right of appeal to RSL (Queensland Branch), within 14 days of the Committee meeting.
- 1.5 Within 28 days after the date of the notification in writing of their rejection, the applicant may appeal in writing to RSL (Queensland Branch). Such an appeal shall be lodged with the Sub-Branch concerned, which shall forward it, together with the grounds for rejection and all other relevant papers and documents to the RSL (Queensland Branch) CEO.
- 1.6 RSL (Queensland Branch) may direct the Sub-Branch concerned to admit the applicant as a Service Member if RSL (Queensland Branch) is of the opinion the applicant should be admitted or RSL (Queensland Branch) shall reject the appeal if it is satisfied the applicant is not eligible, or is not, in the interests of the League, a fit and proper person to be admitted as a Service Member. The decision of RSL (Queensland Branch) shall be final.
- 1.7 If RSL (Queensland Branch) directs a Sub-Branch to admit an applicant as a Service Member, the applicant shall thereupon be deemed to have been admitted as a Service Member and a member of that Sub-Branch.
- 1.8 If an applicant seeks to become a member of RSL (Queensland Branch) only, then RSL (Queensland Branch) is responsible for processing the application, the applicant shall be admitted as a Service Member and a member of the Branch. RSL (Queensland Branch) shall thereupon include the applicants name on the Unattached List of Members. RSL (Queensland Branch) may only reject an application upon the grounds set forth in paragraph 1.06.
- 1.9 If RSL (Queensland Branch) has rejected an application, it shall within 14 days after the rejection notify the applicant in writing of the fact and the grounds for rejection, namely that the applicant is not eligible, or is not, in the interests of the League; a fit and proper person to be admitted as a Service Member and a member of RSL (Queensland Branch). In so doing it shall advise the applicant in writing of the right of appeal to the RSL National Executive.

## Applications for Transfer

- 1.10 The procedure to be adopted for a Request for Transfer is detailed in the Manual of Membership Administration.

## **BY-LAW 2                    STANDING ORDERS - CONDUCT OF MEETINGS**

2.1 All proceedings at meetings of the State AGM; Board meeting, District Branch and General and Committee meetings of Sub-Branched and at all other- meetings held under and in pursuance of the foregoing Rules of RSL (Queensland Branch) shall be governed by the following Standing Orders for the conduct of such meetings:

### **Order of Business**

- 2.2 The business at such meetings, shall be conducted in the following order, as far as is applicable:
- a. One minutes silence should be observed, in “Memory of Fallen and Departed Comrades”, followed by the recitation of the “ODE” by the Chairman;
  - b. Roll call and receipt of confirmed apologies;
  - c. Acceptance and formal reception of new members;
  - d. Reading, with a view to their confirmation, all minutes not previously confirmed;
  - e. Business arising out of minutes;
  - f. Reading and dealing with correspondence;
  - g. Financial reports
  - h. Discussion of business of which notice has been given;
  - i. Business left over from previous meeting;
  - j. Reports of Secretary, Committees and Delegates;
  - k. Notices of motion for next meeting;
  - l. Other items on Agenda; and
  - m. General business.

### **Addressing Chair**

2.3 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 Chairman shall call upon the member who, in his opinion, rose first to speak.

### **Respect to Chair**

2.4 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 shall resume his seat or the point of order has been decided.

### **Discussion Confined to Motions, Amendments**

2.5 Subject to the Chairman's right to permit discussion upon any matter lie 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.

### **Motions**

2.6 All motions and amendments shall if so required by the meeting concerned be submitted in writing, signed by the mover and seconder, and (a) shall be of an affirmative character (b) once

having been submitted shall be the property of the meeting, and shall be withdrawn only by leave of the meeting or by amendment. No motion vitally affecting the policy interests of the League shall be submitted to a meeting without adequate notice.

### Motions Not Seconded

- 2.7 A motion not seconded shall not be debated, and no entry thereof shall be made in the Minutes of the Meeting.

### Restriction Upon Speeches

- 2.8 The mover of an original motion shall be allowed four minutes to introduce the motion and two minutes for the right of reply and the speakers for or against such proposal shall be limited to three minutes, except that at any time the Conference may resolve, on the motion of a delegate, that the speaker's time be extended by a specified number of minutes and any such proposal for an extension of time shall be put to the Conference concerned without debate.
- 2.9 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 the right of reply; provided that, for the purpose of this Rule, 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.

### Seconding Without Remarks

- 2.10 A member who 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.

### Debate

- 2.11 When a motion has been duly proposed and seconded, the Chairman shall proceed to take the votes, unless some member arises to oppose it or to propose an amendment. No more than two 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.

### Time of Amendment

- 2.12
- a. A motion may be amended at any time during the debate thereon by:
    - (1) Striking out certain words;
    - (2) Adding certain words; or
    - (3) 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.

## Amendments

- 2.13 Only one amendment shall be debated at the one time. If the amendment be 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.

## Other Amendments

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

## Amendments Lost

- 2.15 In the case of all amendments being lost, the Chairman shall put the original motion to the vote.

## Motion Discharged From Agenda

- 2.16 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; or
  - d. By a motion "That the next business be proceeded with", being resolved in the affirmative.

## Frequency of Speech

- 2.17 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.

## Explanation

- 2.18 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.

## Motion for Question to be Put

- 2.19 A motion "that the 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 to reply, then the amendment, if there be an amendment, or motion, if no amendment has been moved thereon, or all amendments have been disposed of 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".

### **Restriction on Moving that Question be Put**

- 2.20 At any Conference, no motion that the question be now put shall be proposed or seconded by a Delegate from the same District or Sub-Branch as that represented by the Proposer or seconder of the original motion.

### **Notice of Motion**

- 2.21 A member may, at any meeting, give a notice of motion for a future meeting by reading such notice to the meeting and handing a copy thereof to the 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.

### **Delegate's Absence**

- 2.22 If the Chairman of the Conference declares that an item on the Conference agenda paper may lapse because of the absence of the Delegate proposing the item, the Chairman may accord to another Delegate the right to propose such item to the Conference.

### **Precedence of Business Adjourned Meeting**

- 2.23 When a motion for the adjournment of the meeting has been carried, the business then undisposed of shall have precedence in its order at the next meeting.

### **Rescinding Resolutions**

- 2.24 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 two thirds of the votes of members present at the meeting to rescind the resolution in question.

### **Cannot Represent Two Sub-Branches**

- 2.25 No Delegate shall, at the one time, or in connection with the one motion and/or any amendments thereto, represent or vote on behalf of more than one Sub-Branch or District.

### **Conducting Vote**

- 2.26 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 his opinion as to which are in the majority, and shall declare a show of hands or a ballot if same is asked for.

### **No Debate During Voting**

- 2.27 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.

### **Voting Procedure**

- 2.28 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.

## Introduction of Authorised Subjects Only

- 2.29 No member shall be allowed to obtain a discussion upon any subject through the medium or correspondence, but he may introduce the matter, in his place at the meeting, by moving the suspension of Standing Orders.

## Meeting to Resolve as Committee

- 2.30 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.

## Adjournment of Meeting or Debate

- 2.31 A motion for the adjournment of the meeting may be proposed at any time during a meeting, or for the adjournment of a debate at any time during such debate, and shall be, at once, put to the meeting by the Chairman.

## Disorderly Conduct

- 2.32 if any member at any such meeting -
- a. Persistently and wilfully obstructs the business of any meeting;
  - b. Is guilty of disorderly conduct;
  - c. Uses objectionable words and refuses to withdraw such words;
  - d. Persistently and wilfully refuses to conform to these Standing Orders or any one or more of them;
  - e. Persistently and wilfully disregards the authority of the Chair;
- the Chairman may report to the meeting that such member has committed an offence.

## Apology or Explanation for Offence

- 2.33 When any member has committed an offence, he shall be called upon to stand up in his place and make any explanation or 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.

## Suspension

- 2.34 If any member be suspended, his suspension on the first occasion shall be for the remainder of that sitting; on the second occasion for the sitting of two consecutive meetings; and on the third occasion may, in the case of a member of the State AGM, Board, District Branch or Sub-Branch Committees, have his seat thereon declared vacant.

## Points of Order

- 2.35 In all cases where a point of order is raised, the member raising the same shall state his point of order clearly and distinctly and with the omission of any irrelevant details. If a member be 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 deal with the conduct or procedure of the 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 unparliamentarily language;

- b. that he is speaking beside the question;
- c. that he is transgressing some Rule of the Branch or 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 a speaker is not stating the truth, are not points of order).

### Disagreement with Chairman's Ruling

- 2.36 When a motion is moved and seconded "That the Chairman's ruling be 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 decided, after which the former Chairman shall resume the Chair and the debate on the original question shall be proceeded with as if the same had not been suspended.

### Suspension of Standing Orders

- 2.37 It shall be competent, by a two-thirds majority<sup>o</sup> vote of the members present and voting, to suspend the Standing Orders, provided the effects of such suspension shall not be the rescission of paragraph 2. 36, and provided, further, that the suspension of the Standing Orders shall be limited in its operation to the particular purpose for which the suspension has been sought.

### Re-Committing Resolution

- 2.38 No resolution passed by a meeting shall be again debated or re-committed at the same meeting unless two-thirds of the members present and entitled to vote so agree.

### Objection to Validity of Vote

- 2.39 Subject to these Rules, the Chairman shall be sole and absolute judge as to the validity of any vote cast on any question, and unless objection to the validity of any vote is raised immediately after the Chairman has declared the result of the vote thereon, its validity cannot be again raised at any subsequent stage of the meeting.

### Voting Majorities

- 2.40 A rule which calls for either 3/4 or 2/3 majority, simply means that 3/4's or 2/3rds respectively of the members present at a meeting shall be in favour.
- 2.41 The following rules call for either 3/4 or 2/3 majority:
- |              |     |  |
|--------------|-----|--|
| 3/4 Majority | (1) | - Expulsion of Sub-Branch                |
|              | (2) | - Special Resolutions (General Meetings) |
| 2/3 Majority | (1) | - Suspension Standing Orders at the AGM  |
|              | (2) | - Removal of Sub-Branch Officers         |
|              | (3) | - Alteration of Resolution               |
|              | (4) | - Dismissal of CEO                       |
|              | (5) | - Amendment of Constitution              |
|              | (6) | - Rescinding Resolutions                 |
|              | (7) | - Suspension of Standing Orders          |
|              | (8) | - Re-committing of Resolution            |

## BY-LAW 3 ELECTION OF STATE BRANCH OFFICERS

### EXECUTIVE OFFICERS

- 3.1 The following applies to candidates for election as Directors in the positions of Chair, Deputy Chair, Vice-Chair (**Executive Officers**) as identified in Clauses 9.9 to 9.10 of the Constitution.
- 3.2 Calls for nominations of these candidates will be made via the RSL (Queensland Branch) web site at least five months prior to the AGM.
- 3.3 Nominations of these candidates must be submitted in writing in the form approved by the Board and published on the RSL (Queensland Branch) web site. Nominations must be received by the Company Secretary not later than 5pm on the day which is three months prior to the AGM at which the candidate seeks election.
- 3.4 The Board must send a list of nominations received in accordance with By-Law 3.3 (**Nominees**) to the District Branches and Sub-Branches at least one month prior to the AGM. This may be in either paper or electronic form, at the discretion of the Board.
- 3.5 In accordance with Clause 9.29 of the Constitution, if there is only one Nominee for a specific Executive Officer vacancy on the Board, the Chair must declare that Nominee to be duly elected as the relevant Executive Officer at the relevant general meeting.
- 3.6 If the number of Nominees exceeds the number of the vacancies for the relevant Executive Officer position a ballot of all Delegates attending the AGM will be held for the election of the Nominee to the relevant Director positions.
- 3.7 Ballot papers in respect of the relevant Executive Officer positions (either in paper or electronic form, at the discretion of the Board), listing the names of the Nominees in alphabetical order by surname, will be provided to each Delegate during registration at the AGM.
- 3.8 The Delegate will complete and lodge the ballot papers (either in the ballot box or via electronic ballot submission, as applicable) at the AGM.
- 3.9 In the case of a tied vote in respect of any relevant Executive Officer position, the names of the Nominees who received the same number of votes must be put to further ballots (either in paper or electronic form, at the discretion of the Board) until such time as a Nominee is elected. The Nominee receiving the greatest number of votes in a ballot must be declared by the Chair of the meeting to be elected to the relevant Director position.
- 3.10 Nomination and other forms will be as determined by the Board.

### ELECTED DIRECTORS

- 3.11 The following applies to candidates for election as Directors identified in Clause 9.1.4 of the Constitution (Elected Director).
- 3.12 The Board may publish a competency matrix setting out the desired background, skills and/or experience of Directors on the RSL (Queensland Branch) web site.
- 3.13 Candidates may be required to satisfy particular requirements of the competency matrix, and/or a position description relevant to such position that is published on the RSL (Queensland Branch) web site.
- 3.14 Any published competency matrix will be reviewed by the Board on a biannual basis by reference to



the strategic requirements of RSL (Queensland Branch).

- 3.15 Calls for nominations of these candidates will be made via the RSL (Queensland Branch) web site at least five months prior to the AGM.
- 3.16 Nominations of these candidates must be submitted in writing in the form approved by the Board (as published on the RSL (Queensland Branch) web site) and must evidence that the candidate has the requisite background, skills and experience. Nominations must be received by the Company Secretary not later than 5pm on the day which is three months prior to the AGM at which the candidate seeks election.
- 3.17 Nominations received by the Company Secretary in accordance with By-Law 3.16 and Clause 9.26 of the Constitution will be assessed against any applicable competency matrix and/or position description in order for an external recruiter to identify eligible candidates to be reviewed by a Nominations Committee and subsequently recommended to the Board for approval as eligible for election (**Eligible Candidates**).
- 3.18 The Board must send a list of approved Eligible Candidates (and if applicable, categorised by reference to the particular Director position for which the Eligible Candidate is eligible) to the District Branches and Sub-Branched at least one month prior to the AGM. This may be in either paper or electronic form, at the discretion of the Board.
- 3.19 In accordance with Clause 9.29 of the Constitution, if there is only one Eligible Candidate for a specific Director vacancy on the Board, the Chair must declare that Eligible Candidate to be duly elected as a Director at the relevant general meeting.
- 3.20 If the number of Eligible Candidates exceeds the number of the vacancies for the relevant Elected Director position a ballot of all Delegates attending the AGM will be held for the election of the Eligible Candidates to the relevant Director positions.
- 3.21 Ballot papers in respect of the relevant Elected Director positions (either in paper or electronic form, at the discretion of the Board), listing the names of the Eligible Candidates in alphabetical order by surname, will be provided to each Delegate during registration at the AGM.
- 3.22 Delegates will complete and lodge the ballot papers (either in the ballot box or via electronic ballot submission, as applicable) at the AGM. Nominations shall close two months prior to the meeting of the State AGM. Nominees are to indicate in writing their acceptance of the nomination.
- 3.23 In the case of a tied vote in respect of any relevant Elected Director position, the names of the Eligible Candidates who received the same number of votes must be put to further ballots (either in paper or electronic form, at the discretion of the Board) until such time as an Eligible Candidate is elected. The Eligible Candidate receiving the greatest number of votes in a ballot must be declared by the Chair of the meeting to be elected to the relevant Elected Director position.
- 3.24 Nomination forms, and any other required forms, will be as determined by the Board

## **BY-LAW 4      PRINCIPLES & GUIDELINES FOR RE-IMBURSEMENT OF EXPENSES**

### **General**

- 4.1 Re-imbursalment of expenses to members of RSL (Queensland Branch) are made to defray the substantiated expense that members may incur in the authorised conduct of their duties.

### **Principles**

- 4.2 The principles to be applied in the payment of member's expenses are contained in the Policy and Procedures Manual.

### **RSL (Queensland Branch) Executive**

#### **Guidelines**

- 4.3 The guidelines relating to Executive expenses are:
- a. All submissions for reimbursement of expenses or travel allowance are to be submitted to the CEO or other authorised person for verification, authorization and payment.
  - b. The rate of Travel Allowance will be determined and amended from time to time by the Board.
  - c. All RSL (Queensland Branch) Credit Card accounts, complete with copies of the relevant dockets, are to be submitted to the CEO for verification.
  - d. All airline travel is to be booked and purchased as directed by the CEO. Other issues relating to air travel are:
    - (i) All air travel is to be logged on the one account.
    - (ii) Where possible all travel is to be by advance purchase or discount economy class tickets.
    - (iii) Upgrading to Business Class for extended flights will be considered on a case by case basis. Such decision will be made by the Board on the advice of the CEO.
- 4.4 Air travel by the spouse of the Chair will be paid by RSL (Queensland Branch) when accompanying the Chair on authorised RSL business.
- 4.5 All car rentals by members of the Board will be undertaken as approved by the CEO unless otherwise directed by the Board.
- 4.6 Subject to Board approval, individual members of the Board may be issued with an agreed RSL (Queensland Branch) Credit Card. This is to be organised by the CEO.
- 4.7 Legitimate expenses incurred whilst on RSL business are to be paid where possible by the individual using their RSL (Queensland Branch) Credit Card.

### **National Congress**

- 4.8 The principles to be applied in the payment of Executive expenses for National Congress are:
- a. At National Congress the following are representatives of and hence the responsibility of RSL (Queensland Branch):
    - i. Chair;

- ii. Deputy Chair and
  - iii. CEO.
- b. RSL (Queensland Branch) shall pay accommodation and travel expenses for the RSL (Queensland Branch) representatives at the daily rate of accommodation expenses as provided for in the Rules & By-Laws of the League.

### Annual General Meeting

- 4.9 The principles to be applied in the payment of Executive expenses for the AGM is as provided for in this By Law:
- a. At the Annual General Meeting the following are the responsibility of RSL (Queensland Branch):
    - (i) State Executive,
    - (ii) CEO, and
    - (iii) Any other person approved by the Board.
  - b. RSL (Queensland Branch) will book and pay for accommodation and reasonable travel expenses for RSL (Queensland Branch) representatives at the daily rate of accommodation expenses.
  - c. Additionally, RSL (Queensland Branch) shall pay accommodation and travel expenses required for the attendance of each District President or a representative appointed in the absence of the District President by the District Board.

### District Annual General Meeting

- 4.10 The principles to be applied in the payment of expenses for District Annual General Meetings are:
- a. The Chair will attempt to attend all District Annual General Meetings if he is unable to attend, a member of the State Executive or a Committee Chairman may attend in his place. RSL (Queensland Branch) will not pay travel, accommodation or meal expenses for other attendees unless previously agreed to by the Board.
  - b. At District Annual General Meetings the following are regarded as the responsibility of RSL (Queensland Branch):
    - (i) The Chair or in his absence his representative;
    - (ii) CEO or in his absence his representative; and
    - (iii) Where appropriate, the associated RSL (Queensland Branch) Advocate.

### Other Visits to Districts/Sub Branch

- 4.11 On occasions Districts and/or Sub Branches may issue invitations to the Chair to attend functions or meetings. Where a member of the Executive represents the Chairman, RSL (Queensland Branch) will meet all legitimate expenses.
- 4.12 Expenses will not be reimbursed in respect of personal invitations to attend or speak at meetings or social functions unless the executive member is officially representing the Chair or unless otherwise approved by the Board.

### Other situations

- 4.13 Any other situation not covered above will be considered on a case-by-case basis by the Board.

## **RSL (Queensland Branch) Non Executive Members**

### **Guidelines**

- 4.14 The guidelines relating to expenses for members of the Board, Committees and members appointed for specific tasks by RSL Queensland Branch that involve travel and/or accommodation and meals are:
- a. All submissions for reimbursement of expenses or travel allowance are to be submitted to the CEO for authorisation.
  - b. The rate of Travel Allowance will be determined and amended from time to time by the Board.
  - c. Board Members are not to be issued with credit cards without the express approval of the Board.
  - d. All airline travel and accommodation is to be booked and purchased as approved by the CEO.

## **RSL (Queensland Branch) Employees**

### **Guidelines**

- 4.15 The guidelines relating to Employee expenses are as covered in the Board approved Policy and Procedures Manual.

## **BY-LAW 5      APPOINTMENT OF APPOINTED DIRECTORS**

### **Appointed Directors**

- 5.1 Clauses 9.17 to 9.20 of the Constitution allows the Board to appoint up to two Appointed Directors to the Board whose background, skills and/or experience is considered by the Board to be prudent or necessary to enhance the ability of the Board to better discharge its role and legal duties.
- 5.2 Appointed Directors are appointed to the Board in addition to the Executive Officers and Elected Directors, at the discretion of the Board.
- 5.3 Nothing in this By-Law compels the Board to appoint an Appointed Director under clauses 9.17 to 9.20 of the Constitution.
- 5.4 The Board may establish:
  - (a) a Nominations Committee to provide the Board advice on processes to identify suitable candidates to appoint as Appointed Directors to optimise the composition of the Board;
  - (b) an Interview Panel, which may be comprised of members of the relevant committee and members of the Board, to interview candidates and recommend a preferred candidate to the Board.
- 5.5 The Board may appoint an external recruiter to assist the Board, Nominations Committee and/or Interview Panel with the requirements of this By Law.
- 5.6 The Board will approve and publish position descriptions for the position of an Appointed Director on the RSL (Queensland Branch) web site.
- 5.7 Candidates for the role of Appointed Director will be assessed with reference to the requisite skills and qualifications referred to in any applicable position description (in the absolute discretion of the Board).
- 5.8 If the Board is unable to identify suitable candidates for the position of an Appointed Director from the Service Members of RSL (Queensland Branch), then the Board may seek a Member from another membership class of RSL (Queensland Branch) or a non-Member to fill the position, including by publishing details of the position on the RSL (Queensland Branch) web site.
- 5.9 The Nominations Committee may identify a shortlist of candidates to be recommended to the Interview Panel.
- 5.10 The shortlisted candidates may be interviewed by the Interview Panel in order to make a recommendation to the Board.
- 5.11 The Board has the ultimate responsibility for appointing an Appointed Director on such terms and conditions as the Board in its absolute discretion decides.

## **BY-LAW 6 RSL AUXILIARIES**

### **RSL Auxiliaries**

- 6.1 This By-Law shall apply to all Auxiliaries formed under the jurisdiction of the State Branch. Each Auxiliary shall comply with such lawful directions as are given from time to time by the District Branch or Sub Branch having jurisdiction over it. This By-Law shall apply to both the Women's Auxiliary and the Citizen's Auxiliary equally.
- 6.2 An Auxiliary Branch may adopt By-Laws, providing they shall be first submitted to the District Council or Sub Branch for consideration before adoption.

### **Formation**

- 6.3 RSL Auxiliaries may be formed as follows:
- a. A Sub-Branch or a group of interested citizens (who meet the eligibility criteria) of a location which does not have a Sub Branch may apply to the District Branch for the formation of an Auxiliary.
  - b. The By-Laws of each Auxiliary shall not have effect until approved by the District Council and no alteration shall be made unless they have been approved by the District Council.
  - c. The By-Laws of each Auxiliary shall be consistent with the Rules and By-Laws of RSL (Queensland Branch).
  - d. Each Auxiliary shall carry out and further the Objects of the League and be bound by its Standing Policy. In addition, it shall promote that Standing Policy within its jurisdiction.
  - e. The Purposes and Rules under which an Auxiliary is to be conducted are as provided for in this By-Law and State Branch Rules and By-Laws.
- 6.4 An Auxiliary shall consist of a minimum of 5 members willing to give practical service to the Sub-Branch or to the District Branch where a Sub Branch does not exist, all of whom shall be eligible to hold office in the Auxiliary.
- 6.5 A Sub-Branch may form an Auxiliary for the purpose of supporting the Sub-Branch in the carrying out of the Objects of the League and the social and welfare aspects of the Sub-Branch.
- 6.6 Upon the formation of any Auxiliary Branch, the Sub-Branch (or the District where appropriate) forming it shall, notwithstanding anything contained in the Auxiliary Branch By-Laws, continue to control, assist and guide it in its activities.
- 6.7 Should a difference or dispute arise between a Sub-Branch and its Auxiliary on any aspect relating to the operations or activities of the Auxiliary or the Sub-Branch control of its Auxiliary, the committee of either may refer matters in dispute to the District Council for determination and each shall be bound by the decision of the District Council.

### **Boundaries**

- 6.8 The formation of Auxiliary Branches lie with each of the Sub-Branches of the Queensland Branch; but no Auxiliary Branch shall be deemed as being properly formed if the boundaries of the area wherein it is proposed to operate differ from those of the Sub-Branch (or District Branch) forming it.

## **Sub-Branch or District Branch May Suspend or Disband an Auxiliary**

- 6.9 A Sub-Branch Committee may recommend to a general meeting of the Sub-Branch the suspension or disbandment of an Auxiliary where, in its opinion, a continuance of its activities would not be in the best interest of the Sub-Branch, the District Branch or State Branch. Where an Auxiliary is formed under the auspices of the District Branch, the District Council has the same power.
- 6.10 The Auxiliary will be advised of any such recommendation and offered the opportunity for its representatives to attend such meeting and speak in its defence.
- 6.11 Where the General Meeting resolves to suspend the Auxiliary for a period longer than three months or to wind up the Auxiliary, the decision must be notified to the District Secretary and the Auxiliary will have a right of appeal to the District Council, whose determination shall be final.

## **Winding Up of Auxiliaries**

- 6.12 Any Auxiliary may be wound up if at a meeting specially called for the purpose, a majority of member's present vote in favour of such winding up. An Auxiliary can be compulsorily wound up in accordance with By-Law 6.11. The date of commencement of winding up is the date of the resolution.
- 6.13 Where a Sub Branch is either compulsorily or voluntarily wound up in accordance with State Rules the resolution may include any Auxiliary supporting the Sub Branch and this will take precedence over paragraph 6.12. The winding up of the Auxiliary is to be completed prior to the winding up of the Sub Branch. Where an auxiliary chooses not to be wound up, the auxiliary will petition the District Council to continue to operate under the control of the District.
- 6.14 The winding up process must be completed within three calendar months from the commencement date.
- 6.15 Once all of the actions are taken all Auxiliary members may transfer to another Auxiliary.
- 6.16 All monies and property of whatever nature and of which it shall stand possessed shall, after satisfying all its creditors and meeting all other obligations, be taken over and held by the Sub Branch or District Branch as appropriate or if the Sub Branch shall have been wound up, the District Branch shall take over, and hold, the money and property in trust for a period of two years. In the event of an auxiliary not being wound up under 6.13, but is under the control of the District Branch the auxiliary is permitted to be the custodians of the non-financial assets (e.g. honour boards, memorabilia) of the wound up Sub Branch, so that they are kept within the community.
- 6.17 Further, the Trustees of any Auxiliary in whom lands or property shall be vested, shall sign all documents and do all such acts and things as may be necessary to transfer the same to the Sub Branch or District Branch or to dispose of, or otherwise deal with the same and the proceeds thereof, as the Sub Branch or District Branch shall direct.

## **Eligibility - Women's Auxiliary**

- 6.18 The following persons shall be eligible for membership in any Women's Auxiliary Branch:
- a. Any adult female relative of a serving, discharged or deceased member of a Commonwealth or Allied military force. Relative to include those persons in, or who were in, a de-facto relationship;
  - b. Any woman eligible for membership of the League shall be eligible for full membership in any Auxiliary Branch;

- c. The members of any Women's Auxiliary Branch may, by resolution, admit to membership any adult woman not coming within the above categories.

### Eligibility - Citizen's Auxiliary

- 6.19 Any person within the local community may be eligible to be a member of the Citizen's Auxiliary. The minimum age for Citizen's Auxiliary membership shall be eighteen (18) years
- 6.20 The Citizen's Auxiliary may admit Junior Members under the following conditions:
  - a. the minimum age shall be twelve (12) years
  - b. the Junior Member must be related to a parent or child guardian who is a current member of the Citizen's Auxiliary
  - c. the current member must sign the Membership Application Form providing consent for the Junior Membership.
  - d. Junior membership is to cease at eighteen years of age.

### Junior Member Participation

- 6.21 A Junior Member can only participate in a Sub Branch or Citizen's Auxiliary activity under the following Queensland Government Child Protection Legislation:
  - a. a parent who is a member of the Citizen's Auxiliary may act as the supervisor on the condition that they are the parent or child guardian of a Junior Member present at the activity and will be present for the duration of the activity, or,
  - b. Junior members may participate if they are supervised by an adult member of the Citizen's Auxiliary who has been issued with a current Suitability Card (Blue Card) and will be present for the duration of the activity.
  - c. Junior Members are not to pay fees, vote or be elected to Citizen's Auxiliary Committees

### Sub-Branch or District Branch Veto of Membership

- 6.22 A person is eligible to be a member of an Auxiliary if they are an Australian Citizen and have signed an Auxiliary Membership Application Form in the form from time to time approved by the Committee of the Sub-Branch or District Executive which requires the Auxiliary Member to be bound by the Rules and By,-Laws of the Sub-Branch, State Branch and the National Rules and By-Laws.
- 6.23 A person who is a member of the League or eligible to be a member of the League may be eligible to be a member of an Auxiliary.
- 6.24 No candidate shall be admitted to any Auxiliary, or having been admitted, be allowed to remain as a member, whose admission, or continuance of membership, would be, in the opinion of the Sub-Branch/District Branch, prejudicial to the best interests of the Sub-Branch/District Branch or the Auxiliary.

### Discipline of Members

- 6.25 Auxiliary members shall be subject to the same disciplinary rules of suspension or expulsion from an Auxiliary as are members of a Sub-Branch. Disciplinary action may be commenced by the Sub-Branch/District Branch or the Auxiliary in accordance with By-Law 7.



## Appeal Regarding Removal or Suspension

- 6.26 With the written consent of the Sub-Branch responsible for the formation and guidance of the Auxiliary Branch concerned, any, or all, of the parties may appeal to the District Council against their removal or suspension and any decision given shall be final. Where the Auxiliary is responsible directly to the District Branch no appeal is possible.

## Resignation

- 6.27 Any member may resign from membership by giving notice in writing to the Secretary.

## Membership Fees

- 6.28 The Annual Membership fee for Auxiliaries shall be set by the Sub Branch/District Branch and is to be reviewed annually and is to be no more than fifty percent of the Annual League Subscription.
- 6.29 Membership fees shall be payable in advance on 1<sup>st</sup> day of January in each year, and any member whose subscription remains unpaid after the expiration of two clear months from the aforesaid date shall be deemed unfinancial and their name shall be removed from the register of members.

## Allocation of Fees

- 6.30 No portion of the annual membership fee shall be claimable by, or payable to, any Sub-Branch, District Branch or State Branch, but any Auxiliary Branch may, by resolution of which notice has been given, vote moneys, from such membership fees, to any of the bodies aforesaid.

## Auxiliary Badges

- 6.31 The badges of Auxiliaries shall be in such form as the National Executive shall determine. Each member of the Auxiliary shall, on payment of the first subscription, be issued, a badge of the Auxiliary for which they have been approved for membership.

## Supply of Badges

- 6.32 Badges shall be obtained by each Auxiliary Secretary from the membership office of State Branch.

## AUXILIARY MEETINGS

### Annual General Meeting

- 6.33 The Committee shall be elected each year at the Annual General Meeting of the Auxiliary. Nominations for all offices of the Auxiliary, shall be taken at the Annual General Meeting (except for the office of President who must be nominated in writing prior to the Annual General Meeting), unless the Auxiliary shall have decided that all nominations are to be submitted in writing prior thereto.
- 6.34 The Management Committee of an Auxiliary is to be elected in total each year.
- 6.35 The Auxiliary 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 Auxiliary Committee shall determine. Failing such determination or notice, nominations shall close at the Annual General Meeting.
- 6.36 Nominations shall be signed by the Auxiliary members who propose and second any nomination and shall be endorsed by the nominee. 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.

- 6.37 The Annual General Meeting shall be the controlling body of the Auxiliary.
- 6.38 Each Annual General Meeting must be held within 6 months after the end of the previous financial year.
- 6.39 The following business must be transacted at every Annual General Meeting:
- a. the presentation and adoption of the President's Annual Report;
  - b. the receiving of the statement of income and expenditure,
  - c. the receiving of the auditor's report on the financial affairs of the Auxiliary for the last financial year;
  - d. the presenting of the audited statement to the meeting for adoption;
  - e. the election of the Auxiliary committee; and
  - f. the appointment of an auditor, except where the Auxiliary is responsible to the District Branch, in which case the audit shall form part of the District Branch's annual audit.

## MEETING PROCEDURE

### Auxiliary Officers

- 6.40 The Annual General Meeting of an Auxiliary shall elect from its financial members a President, a Vice-President, Secretary and Treasurer. These officers and not less than two other financial members of the Auxiliary elected at the Annual General Meeting shall comprise the committee empowered to attend to the business of the Auxiliary between the General Meetings of members.
- 6.41 If it is not practicable for an Auxiliary to elect both a Secretary and a Treasurer both positions may be filled by one member.

### Election of Officers

- 6.42 The Sub-Branch President, or District President as appropriate, or nominated representative, shall take the chair during the annual election of office bearers of an Auxiliary

### Notification of Election

- 6.43 The Secretary of the Auxiliary shall, within 14 days of an election, furnish to the Sub-Branch/District Branch Secretary a list of the duly elected officers.

### Meetings

- 6.44 An Auxiliary shall meet regularly at such times as determined by each Annual General Meeting but at no lesser period than 3 monthly, including: the Annual General Meeting. The quorum for meetings shall be twice the Executive plus one.

### Special Meeting - Committee

- 6.45 A requisition; from a minimum of four (4) members of an Auxiliary Committee, for the purpose of calling any Special Meeting of an Auxiliary Committee must specify the objects of the meeting required and be delivered to the Auxiliary Secretary a reasonable time before the date of the required meeting. The requisition may consist of several documents in similar form. Each signed by one or more members requiring the calling of such meeting, and the same must be convened only for the purposes specified in the requisition.

- 6.46 Should the Auxiliary Committee fail, within 21 days, to convene a Special Meeting after receipt of the requisition, the signatories, may convene the Special Meeting on giving to the members entitled to be present reasonable notice.
- 6.47 The members present at the meeting, unless specified otherwise in their respective By-Laws shall determine the method of voting at the meeting.

### **Special General Meeting - Auxiliaries**

- 6.48 Such meetings shall be convened on receipt of a requisition signed by at least twenty percent of the members of the Auxiliary. Such requisition shall specify the object/s of the meeting and be deposited with the Secretary, who shall convene a Special General Meeting within two (2) months from receipt of such requisition.
- 6.49 In the event of the President of an Auxiliary not convening a Special General Meeting of members within two (2) months, all of the members who signed the requisition may petition in writing to the Sub Branch President requesting a Special General Meeting of the Auxiliary, the Sub Branch President may convene a Special General Meeting which shall have the same powers as if it were convened by the Auxiliary President, notwithstanding the absence of any Auxiliary officer.
- 6.50 Any of the officers of an Auxiliary may be removed from office on a resolution passed by at least two-thirds of the members present at a Special General Meeting of the Auxiliary called for that purpose, provided that the notice convening the meeting, and stating the purpose, shall have been sent to all financial members of the Auxiliary at their last known place of address.

### **Convening**

- 6.51 All meetings shall be convened by the Secretary of the Auxiliary at the direction of the President of the Auxiliary.

### **Vacancies - Officers and Committee**

- 6.52 Where the President is absent or the office otherwise becomes vacant, the Vice-President shall assume that office.
- 6.53 Except as above, any temporary vacancy may be filled by the committee.
- 6.54 Upon a vacancy occurring on the Auxiliary committee subsequent to the Annual General Meeting, a Special Meeting may, be convened to elect a member of the Auxiliary to fill the vacancy.
- 6.55 On a change of officers being made between Annual Meetings, the Auxiliary Secretary shall notify the Sub-Branch or District Branch as appropriate, details of the new appointee(s), and shall do so within 14 days of the appointment being made.

### **Office Bearers Shall Be Financial**

- 6.56 No person shall hold office in an Auxiliary if they are, or become non-financial.

### **Removal from Office**

- 6.57 The Committee, or any member, may be removed from office, by resolution passed to that effect, at a Special General meeting called for that purpose, but no such resolution may be passed unless notice in writing, to that effect, has been served on, or posted to, the member or members, whom it is proposed to remove from office, seven clear days prior to the date fixed for the holding of such meeting.

### **Veto of Officers by Sub-Branch/District Branch**

- 6.58 No officer shall be appointed or, having been appointed, be allowed to remain as an officer whose appointment or continuance of office, would be, in the opinion of the Sub-Branch, /District Branch prejudicial to the best interests of the Auxiliary or Sub-Branch/District Branch.

### **Management and Sub-Branch/District Branch Representation**

- 6.59 The affairs and management of every respective Auxiliary Branch shall be vested in the members, subject to these Rules and By-Laws, but the parent Sub-Branch/District Branch shall have the right to nominate the President, Treasurer and/or Secretary of such Sub-Branch/District Branch as ex-officio members of the Auxiliary Branch and its management committee, with the right to speak but not to vote nor be elected to any office.

### **Right to Address Meetings**

- 6.60 The Sub-Branch/District Branch President, Secretary, Treasurer or other authorised representative of the Sub-Branch or District Branch shall be entitled to address any meeting of their respective Auxiliary.

### **Receipt of Monies**

- 6.61 The monies and property of the Auxiliary shall be under the control of the Sub-Branch/District Branch and shall be used, invested, disposed of, as the Auxiliary and the Sub-Branch/District Branch determine.

### **Disbursements**

- 6.62 The funds raised by an Auxiliary, including fundraising and the Auxiliary fees are to be retained in an account styled RSL XXX Sub Branch/District Branch, Citizens/Women's Auxiliary.
- 6.62.1 Any two to sign, one of whom must be a member of the Sub Branch/ District Branch Executive
- 6.62.2 These funds remain the property of the Sub Branch / District Branch and are to be retained within the Sub Branch / District Branch accounts.
- 6.62.3 The Auxiliary may expend funds up to \$1000 without the approval of the Sub Branch / District Branch

### **Auditors and accounts**

- 6.63 The accounts of the Auxiliary shall be audited by the same Auditor and at the same time as the accounts of the Sub Branch/District Branch.

### **Auditors**

- 6.64 The Auditor or Auditors shall be appointed at every AGM of the Sub Branch/District Branch, who shall certify as to the correctness, or otherwise, of the accounts kept by the Auxiliary Treasurer and Secretary, and shall sign, if correct, the Annual Financial Statement presented to the Sub Branch / District Branch AGM and Auxiliary AGM.

## **FINANCE GENERAL**

### **Inspection of Books and Minutes**

- 6.65 The CEO, District or Sub Branch Secretary, or any person authorised by their respective Executive, shall have power to inspect and/or take possession of the books, papers and

correspondence or other documents in the possession of, or belonging to, any Auxiliary Branch and report to their respective Executive, which shall have the power to do all matters and things it may deem necessary to rectify anything brought before it by such report.

### Indemnity

6.66 The Executive, Treasurer, Secretary, every Trustee and all officers and members of all Auxiliaries shall be indemnified out of the funds of the Sub Branch/District Branch against all losses and expenses incurred in the discharge of their duties, except such as shall happen through their own wilful acts or default, and each one shall be responsible only for so much money or property as they shall actually receive for or in the discharge of the business of the Auxiliaries and each one shall be answerable only for their own acts, neglects or defaults, and not for those of any other person nor for the insufficiency of any security for money invested or of title to any estate or property acquired nor for any loss or damage which may happen in the discharge of their duties, unless the same shall happen through their own wilful neglect or default, and, in particular, where any such person, by resolution is recorded in the minutes, shall accept or incur pecuniary or other liabilities on behalf of any Auxiliaries, they shall be indemnified by the respective Sub Branch/District Branch against loss, in respect of such liabilities.

### Trustees

6.67 The trustees of an unincorporated Sub-Branch/District Branch shall also be the Trustees of the Auxiliary.

### Duties of the Secretary

6.68 The Auxiliary Secretary is to carry out the following duties on behalf of the Auxiliary:

- a. attend all meetings of the Auxiliary and of the committee;
- b. enter, or cause to be entered, accurate minutes of the proceedings of such meetings in the minute book of the Auxiliary;
- c. keep proper accounts in a manner to be prescribed by the Sub-Branch/District Branch, including a Cash Book Ledger to record the receipt and disbursement of all monies of the Auxiliary;
- d. receive all monies payable for the Auxiliary Branch and ensure that these are paid into the Sub-Branch/District Branch sub account in the manner laid down by the Sub Branch/District Branch;
- e. issue a receipt for all monies received;
- f. certify to the correctness of an account before such account is recommended to be paid;
- g. produce all books to each general meeting of the Auxiliary;
- h. attend the Sub-Branch/District Branch when required and explain any matter concerning the Auxiliary that the Sub Branch/District Branch Executive may require;
- i. furnish the Sub-Branch/District Branch with all necessary information concerning the affairs of the Auxiliary following each general meeting;
- j. prepare and sign all documents required under the rules of the Auxiliary;
- k. enter into a record book the names and addresses of all members and the date and the amount of the subscription paid by the member;

- l. provide the Sub Branch or District Branch Secretary with the list of members, subscription paid etc for the purpose of maintenance of State Branch electronic membership records
- m. under the direction of the President or Committee, handle all correspondence for the Auxiliary;
- n. perform such other duties as the Auxiliary or Committee may from time to time require.

### **Duties of the Treasurer**

6.69 Ensure that the following financial requirements are met:

- a. supervise the receipt of all monies;
- b. examine regularly and at least once a month, pay-in slips, accounts and other books of the Auxiliary and ensure that such documents, accounts and books are properly kept and that financial transactions of the Auxiliary are conducted in a regular manner.
- c. prepare a report for the general meeting of the Auxiliary showing the financial position of the Auxiliary as disclosed by the documents, accounts and books.
- d. examine all accounts submitted for payment certify to their correctness for presentation to the members.
- e. cause to be prepared and shall submit to the annual meeting of the Auxiliary an annual Statement of receipts and expenditure together with a balance sheet showing assets and liabilities of the Auxiliary. Such Statement and balance sheet to be forwarded to the Sub-Branch at least fourteen days prior to its being presented to the Auxiliary annual meeting.
- f. for those Auxiliaries affiliated with District Branches, to forward all books of account, financial instruments etc to District Secretary within 14 days of the close of the Financial Year for Audit by the District Branch Auditor

### **Correspondence**

6.70 No correspondence is to be sent direct to the Chair, the CEO or the District Branch, (unless the Auxiliary is under the direct control of the District Branch), or to any non-League organisation, except through the Sub-Branch.

### **Sub-Branch/District Branch Procedure to Apply**

6.71 Where no rule exists concerning the control, conduct, or guidance of an Auxiliary in its activities, the rules of State Branch for control, conduct or guidance of Sub-Branched/District Branches shall be held to be applicable to Auxiliaries. In the absence of any existing Sub Branch or State Branch rule, a ruling in writing by the District Branch shall be binding.

### **By-Laws Binding**

6.72 These By-Laws and any resolutions conforming thereto, duly passed at a properly convened meeting of any Auxiliary Branch, shall be binding upon all members affected, whether they shall be present and have voted or not.

### **Amendment of By-Laws**

6.73 These By-Laws may be altered or amended by resolution passed at any Board meeting of the Returned & Services League (Queensland Branch).

### Auxiliary Burial Ritual

6.74 "We assemble to honour a former Member of our Auxiliary (name of person) who served the Auxiliary and RSL with distinction and faithfully observed the pledge undertaken at the time they joined as a member. (Auxiliary membership details here). We will remember (name) with affection. In acknowledging their long and devoted service. I place here this flower/poppy (to be selected by Auxiliary) the emblem of service to the Auxiliary, in their Memory. I invite Members of the Auxiliary and RSL to join me in doing so. Would you please stand in silence as a tribute to (name). LEST WE FORGET".

6.75 The Service should be conducted by the President of a Sub-Branch/District Branch or their nominated representative.

## **BY-LAW 7 DISCIPLINE & DISPUTES**

### **7.1.**

#### **GENERAL PRINCIPLES**

##### **Natural Justice**

- 7.1.1 The Returned and Services League of Australia (Queensland Branch) (**RSL Queensland**) must observe the rules of natural justice (procedural fairness) in determining a dispute or a disciplinary matter. Procedural fairness has three basic parts:
- 7.1.1.1 the person the subject of a dispute or a disciplinary matter shall be given the opportunity to know and understand the case against them, and to state their case in response;
  - 7.1.1.2 the decision maker shall be impartial, unbiassed and have no personal stake or interest in the matter being decided; and
  - 7.1.1.3 the decision maker shall act only on relevant information and/or evidence.

##### **Interested person**

- 7.1.2 A person having a material personal interest or relationship with a party to a dispute or to a person subject to a disciplinary matter which may lead to real or apprehended bias must not be on the body hearing and determining the dispute or disciplinary matter.

##### **Resolution**

- 7.1.3 Discipline and dispute matters should be handled at the lowest appropriate level.

##### **Informality**

- 7.1.4 Proceedings shall be conducted with as little formality as is consistent with the specific setting. This, however, does not negate the requirement for all parties involved to conduct themselves with dignity and respect. At the commencement of any hearing, the Chairperson shall explain the manner in which the proceedings will be conducted.

##### **Decision Making**

- 7.1.5 Decisions will be made based solely on the relevant evidence presented.

### **7.2.**

#### **DISCIPLINARY POWERS OF THE BOARD**

- 7.2.1 The Board of RSL Queensland may directly discipline a member of RSL Queensland in accordance with Clause 5.5 to 5.10 and 11.3.13 of the RSL Queensland Constitution.
- 7.2.2 A member disciplined by the Board has a right of appeal only to the RSL Queensland State Tribunal. The guidelines for the appeal process are the same as for a Sub Branch Discipline Hearing Appeal Process as per paragraphs 7.5.16 -7.5.26 below in this By-Law 7.

### **7.3.**

#### **RSL QUEENSLAND STATE TRIBUNAL**

##### **Appointment of Members**

- 7.3.1 RSL Queensland Board will establish a State Tribunal (Tribunal) of no fewer than five (5) members to deal with discipline and disputes in accordance with the following:
- 7.3.1.1 members of the Tribunal shall be appointed by the Board;
  - 7.3.1.2 the Board must appoint one of them as the Chairperson, and another of them as Deputy Chairperson;



- 7.3.1.3 all appointed members must be Life Members or Service Members of RSL Queensland; and
- 7.3.1.4 their appointment is for a maximum of one year ending 31 May and they may be reappointed by the Board with effect from 1 June that year

### **Ceasing Membership**

- 7.3.2 A person ceases to be a member of the Tribunal if the person:
  - 7.3.2.1 resigns;
  - 7.3.2.2 is no longer a member of the League;
  - 7.3.2.3 becomes bankrupt or makes an arrangement or compromise with his or her creditors generally;
  - 7.3.2.4 is convicted of an indictable offence or an offence involving fraud or dishonesty;
  - 7.3.2.5 becomes of unsound mind or a person whose person or estate is liable to be dealt with in any way under any law relating to mental health; or
  - 7.3.2.6 becomes a member of the Board of RSL Queensland or a paid employee of the League.

### **Quorum**

- 7.3.3 A quorum for a Tribunal hearing is three members although the Chairperson may roster a higher odd number of members for a hearing.

### **Registrar**

- 7.3.4 The Board of RSL Queensland shall appoint a person to act as the Registrar of the Tribunal who shall:
  - 7.3.4.1 act as a liaison between the parties in all matters before the Tribunal, ensuring that all parties have complied with their obligations under this By-Law 7;
  - 7.3.4.2 conduct a preliminary assessment of referrals submitted to the Tribunal;
  - 7.3.4.3 give the parties and potential parties reasonable assistance in understanding the Tribunal's practices and procedures;
  - 7.3.4.4 coordinate administrative support for the conduct of Tribunal business; and
  - 7.3.4.5 exercise the Registrar's authority as otherwise allowed under the provisions of this By-Law.
- 7.3.5 The Registrar shall assess all referrals to the Tribunal and take action as follows:
  - 7.3.5.1 refer the dispute back to the member or his Sub Branch for mediation; or
  - 7.3.5.2 refer the issue to the appropriate Sub Branch for their resolution; or
  - 7.3.5.3 refer the issue to the Tribunal for preliminary consideration.
- 7.3.6 In all cases the Registrar shall notify the parties of the action taken within fourteen (14) clear days of receiving the referral.

## **7.4.**

### **DISCIPLINE - GENERAL**

- 7.4.1 Disciplinary matters will be dealt with by an RSL Queensland Sub Branch Committee, the Tribunal, or the Board of RSL Queensland as provided for in this By-Law 7. A member may be disciplined if he or she:
  - 7.4.1.1 refuses or wilfully neglects to comply with the RSL Queensland Constitution, By-Laws and/or any other RSL Rules;
  - 7.4.1.2 is guilty of conduct unbecoming a member;
  - 7.4.1.3 is guilty of conduct subversive to the objects and values of the League; or

- 7.4.1.4 is convicted of any indictable offence or imprisoned for a simple offence.
- 7.4.2 The Board, Sub-Branch Committees and the Tribunal shall not proceed with any matter subject to investigation or action under criminal law or in which action under a statute has been initiated, until it has been dealt with in the courts or statutory authorities or police and/or statutory authorities have refused to proceed.

### Referral to police

- 7.4.3 If RSL Queensland reasonably believes, based on evidence in its possession, that a member has committed a criminal or regulatory offence, it may report the matter to the police or other appropriate public official. Indictable offences must be reported.

## 7.5.

### SUB BRANCH COMMITTEE DISCIPLINARY HEARINGS

- 7.5.1 A Sub Branch Committee must determine a disciplinary matter and impose discipline in relation to a member of the Sub Branch except in the following situations (when the disciplinary matter must be referred directly to the Tribunal), being when:
- 7.5.1.1 it believes that the disciplinary penalty that could be appropriate for it to impose is not one allowed for in By-Law 7.5.7
  - 7.5.1.2 RSL Rules specify that it may not hear a matter of that type;
  - 7.5.1.3 RSL Queensland requests that the matter be referred to it or to the Tribunal; or
  - 7.5.1.4 the Sub Branch member is a member of the Sub Branch Committee or a District Committee.
- 7.5.2 A formal complaint against a Sub Branch member shall be in writing to the member's Sub Branch President or Secretary and include:
- 7.5.2.1 the identity of the person against whom the complaint is made;
  - 7.5.2.2 the actions giving rise to the complaint; and
  - 7.5.2.3 the date, time and place of the actions complained about.
- 7.5.3 A complaint submitted by a non-League member should be referred to the Member's Sub Branch Committee for consideration. If informal resolution is not appropriate a formal disciplinary hearing may be conducted in which case the non-League member could act as a witness.
- 7.5.4 The Sub Branch Committee shall provide to the member notice in writing containing:
- 7.5.4.1 details of the conduct in which the member is alleged to have engaged including the date, time and location;
  - 7.5.4.2 a direction that the member attend a meeting of the Committee to show cause why the member should not be disciplined in respect of such conduct;
  - 7.5.4.3 the time, date and place at which the meeting will be convened and an outline of the manner in which the meeting will be conducted;
  - 7.5.4.4 a statement that the member is entitled to request of the Committee any further information the member considers relevant to the particulars identified in the notice; and
  - 7.5.4.5 a statement that the member will be invited at the meeting to present to the Committee either orally or in writing (including by way of statements signed by the member and any other relevant individuals) such information as the member considers relevant to the issues to be considered.
- 7.5.5 The notice shall be received by the member at least fourteen (14) clear days before the date on which the hearing is scheduled. The Sub Branch shall make best endeavours to confirm (and retain proof thereof) that the member has received the notice within the time frame.

- 7.5.6 If the member requests further information from the Sub Branch Committee prior to the meeting, the Committee shall provide the information to the member as soon as practicable. If unable to provide the information, the Sub Branch Committee shall advise the member in writing of the reasons.

### **Disciplinary Powers of Sub Branches**

- 7.5.7 The Sub Branch Committee, after considering all of the material presented and submissions made to it at the meeting, shall decide whether the member engaged in the conduct identified in the notice, and if it so decides in the affirmative the Sub Branch Committee may only impose any one or more of the following forms of discipline:
- 7.5.7.1 a reprimand;
  - 7.5.7.2 suspension from membership of the Sub Branch for up to three months; and
  - 7.5.7.3 a recommendation to the Board of RSL Queensland, through its relevant District Board, for the withdrawal of RSL awards.
- 7.5.8 The details and consequences of each such penalty is listed in Annex A to this By-Law.
- 7.5.9 If the complaint is proven the member shall be given the opportunity to make a statement in mitigation prior to the imposition of one or more of such penalties.
- 7.5.10 In imposing a penalty, the Sub Branch Committee must have regard to:
- 7.5.10.1 the nature of the conduct;
  - 7.5.10.2 the member's previous breaches (if any);
  - 7.5.10.3 the seriousness of the conduct;
  - 7.5.10.4 the member's previous conduct; and
  - 7.5.10.5 any mitigating circumstances.
- 7.5.11 The substance of the hearing and the decision from the Sub Branch Committee deliberations shall be recorded in the minutes of the meeting.
- 7.5.12 Where the Sub Branch seeks to make a recommendation under By-Law 7.5.7.3, the Sub Branch must, prior to making a decision, submit all details of the complaint and hearing along with the recommendation for the withdrawal of RSL awards to its relevant District Branch.
- 7.5.13 A District Branch must, within 14 days of receiving a recommendation from a Sub Branch for the withdrawal of RSL awards, consider the submission from the Sub Branch and determine whether the member, in the District Branch's opinion, no longer fulfils the ideals and values of the RSL nor is a fit and proper person to hold the award and communicate its decision back to the Sub Branch.
- 7.5.14 If the District Branch does not believe that the recommendation for the withdrawal of RSL awards is appropriate in the circumstances, the Sub Branch's decision communication under By-Law 7.5.15 must not contain a recommendation for the withdrawal of RSL awards.
- 7.5.15 Within fourteen (14) clear days of the conclusion of the meeting, the Sub Branch Committee shall ensure that the member physically receives a notice in writing, certified by the meeting Chairperson or the Sub Branch President, formally giving notice of:
- 7.5.15.1 its decision;
  - 7.5.15.2 the reasons for its decision;
  - 7.5.15.3 the penalty imposed on the member; and
  - 7.5.15.4 the member's right to appeal to the Tribunal in accordance with By-Laws 7.5.16 - 7.5.26.

### **Sub Branch Discipline Hearing Appeal Process**

- 7.5.16 A member who has been awarded a penalty by a Sub Branch Committee (and equally a member disciplined by the Board) may appeal against the decision by lodging a Notice of Appeal (Schedule A to Annex B to this By-Law 7) to the Tribunal within the time limit specified within By-Law 7.5.17. If an appeal is lodged the penalty imposed by the Sub Branch Committee is

- stayed from the date of lodgement of the appeal until the appeal is concluded, abandoned or discontinued.
- 7.5.17 All Notices of Appeal must be lodged with the Tribunal Registrar within twenty-one (21) days clear of receipt by the member of the written formal notification of the Sub Branch Committee Disciplinary Hearing decision(s). Written submissions and copies of relevant documents are to be attached and should include documents relied upon by the appellant at the Sub Branch Committee hearing.
- 7.5.18 All Notices of Appeal submitted to the Registrar under this By-Law shall be accompanied by any necessary appeal fee remittance as advised by the Registrar.
- 7.5.19 An appeal is not a fresh rehearing and the Tribunal may only consider the evidence put to the Sub Branch Committee which originally heard the matter. Moreover, the right to appeal is limited to an appeal on one or more of the following grounds:
- 7.5.19.1 the Sub Branch Committee breached the rules of procedural fairness;
- 7.5.19.2 the decision of the Sub Branch Committee was not reasonable having regard to the evidence before the Committee; and/or
- 7.5.19.3 the penalty imposed by the Sub Branch Committee was excessive having regard to the circumstances.
- 7.5.20 An appeal to the Tribunal under this By-Law shall identify:
- 7.5.20.1 the specific grounds which give rise to the appeal, and
- 7.5.20.2 the reasons why the appellant considers the Sub Branch Committee's proceedings, decision and/or penalty imposed give rise to the specified grounds.
- 7.5.21 The Registrar shall write to the parties within fourteen (14) clear days of receipt of a Notice of Appeal:
- 7.5.21.1 providing a copy of the Notice of Appeal and attached documentation to the respondent Sub Branch and requesting from it copies of all documents relied upon by the respondent Committee at the initial hearing, and
- 7.5.21.2 notifying the parties of the time, date and place at which the Tribunal will consider the appeal.
- 7.5.22 Before the date upon which the appeal has been set down for hearing, the Registrar shall contact the parties to ensure that all directions issued by the Registrar have been complied with. In the event that the Registrar's directions have not been complied with the Registrar may, with the concurrence of the Tribunal Chairperson, reschedule the hearing.
- 7.5.23 At the hearing of an appeal the Sub Branch Committee shall be represented by one member of the Sub Branch Committee who was a panel member at the relevant disciplinary hearing. The appellant may represent himself or, with prior leave of the Tribunal, may be represented by a non-legally qualified Service or Life Member.
- 7.5.24 At the appeal hearing both parties are entitled to speak to and expand upon their written submissions but are not entitled to present any new evidence.
- 7.5.25 After considering all submissions, the Tribunal shall decide whether to uphold or dismiss the appeal and, where appropriate, the penalty or penalties to be imposed. The decision of the Tribunal shall be final.
- 7.5.26 Proceedings before the Tribunal will be recorded electronically and a transcript of the recording will be made available to either party, on request to the Registrar. A fee is payable, but such fee will not exceed the cost to RSL Queensland of providing a copy.

## 7.6.

### TRIBUNAL DISCIPLINARY HEARINGS

- 7.6.1 Disciplinary matters referred directly to the Tribunal shall be in writing and include the following information:
- 7.6.1.1 the identity of the person against whom the complaint is made;
  - 7.6.1.2 the actions giving rise to the complaint; and
  - 7.6.1.3 the date, time and place of the actions complained about.
- 7.6.2 Upon receipt of the submission the Registrar shall ensure that the complaint is drafted in the required format as at Schedule B to Annex A to this By-Law 7.
- 7.6.3 Where a complaint is received from a non-League member, the Registrar is to direct the complaint to the applicable Sub Branch for consideration or, if outside Sub Branch jurisdiction, refer it to the State President of RSL Queensland for the determination of the appropriate action.

### Presentation of Complaints to the Tribunal

- 7.6.4 The following persons may be heard at a disciplinary hearing of the Tribunal:
- 7.6.4.1 the complainant; or
  - 7.6.4.2 a non-legally qualified member of RSL Queensland nominated in writing by a Sub Branch or District Branch Committee or the State Board to act on behalf of and in lieu of the complainant; and
  - 7.6.4.3 the respondent; or
  - 7.6.4.4 with prior leave of the Tribunal, a non-legally qualified Service or Life Member requested by the respondent.

### Tribunal Hearings

- 7.6.5 If the Tribunal decides to conduct a hearing the Registrar shall write to all parties:
- 7.6.5.1 informing the parties of the time, date and place at which the Tribunal will consider the complaint; and
  - 7.6.5.2 notifying the parties that:
    - (a) they may call witnesses to give evidence before the Tribunal;
    - (b) they shall submit to the Tribunal beforehand all relevant documents they intend to rely on at the hearing;
    - (c) they may cross examine the other party and its witnesses;
    - (d) Tribunal members may cross examine both parties and their witnesses at the hearing; and
    - (e) they may request further time to comply with the Registrar's directions and the Registrar, with the concurrence of the Tribunal Chairperson, may grant such extra time.
- 7.6.6 All documents shall be submitted at least fourteen (14) clear days before the date of the hearing. Any documentary evidence not received by that date may be presented at the hearing only with the leave of the Tribunal.
- 7.6.7 The Registrar shall contact both parties before the hearing to ensure that all his or her directions issued have been complied with. In the event that the Registrar's directions have not been complied with the Registrar may, with the concurrence of the Tribunal Chairperson, reschedule the hearing or the Tribunal may, upon written notice to the party, elect to proceed with the hearing on the nominated date and time.
- 7.6.8 All parties and their witnesses who appear before the Tribunal shall abide by directions issued by the Chairperson and/or Registrar in connection with the conduct of the proceedings.

- 7.6.9 In the event that the Tribunal finds that all or some of the conduct alleged against the respondent is proven, the Registrar shall notify that party of the Tribunal's decision and inform that party of:
- 7.6.9.1 the date, time and place at which the Tribunal will conduct a penalty hearing to determine the penalty(s) it considers appropriate; and
  - 7.6.9.2 that party's right to appear at the hearing to make a statement in mitigation and/or to submit to the Tribunal in writing any information the party considers the Tribunal should take into account before deciding the penalty(s) to be imposed.
- 7.6.10 All proceedings before the Tribunal shall be recorded electronically and a transcript of this recording shall be made available to the parties upon request to the Registrar. A fee is payable, but the fee shall not exceed the cost to RSL Queensland of providing the copy to the member.

### **Disciplinary Powers of the Tribunal**

- 7.6.11 If a member is found guilty of the conduct alleged, at the subsequent penalty hearing the Tribunal may impose upon a member one or more of the following penalties:
- 7.6.11.1 a reprimand;
  - 7.6.11.2 suspension from membership for up to twelve months;
  - 7.6.11.3 disqualification from holding office in any part of the League for an appropriate time;
  - 7.6.11.4 transfer to the Miscellaneous List of Members for an appropriate period;
  - 7.6.11.5 a recommendation for the withdrawal of RSL awards; and
  - 7.6.11.6 expulsion from membership.
- 7.6.12 The detail and consequences of each such penalty are listed in Annex A to this By-Law.
- 7.6.13 In imposing a penalty, the Tribunal must have regard to:
- 7.6.13.1 the nature of the conduct;
  - 7.6.13.2 the seriousness of the conduct;
  - 7.6.13.3 the member's previous breaches (if any);
  - 7.6.13.4 the member's previous conduct; and
  - 7.6.13.5 any mitigating circumstances.

### **Tribunal Disciplinary Hearing Appeal Process**

- 7.6.14 A member subject to a penalty imposed by the Tribunal may appeal to the National Tribunal.
- 7.6.15 An appeal to the National Tribunal shall be in writing and lodged with the Registrar of the National Tribunal within twenty-eight (28) clear days of receipt of the notice of the penalty imposed by the State Tribunal. If a Notice of Appeal is not lodged with the National Tribunal Registrar within the stipulated time the appellant loses the right to appeal.
- 7.6.16 Notices of Appeal submitted to the National Tribunal Registrar under this By-Law shall be accompanied by a remittance in a sum determined by the National Tribunal but advised by the State Registrar.
- 7.6.17 The appeal is not a fresh rehearing and the National Tribunal may only consider the evidence put to the RSL Queensland State Tribunal and may not rehear a matter.
- 7.6.18 The right to appeal is limited to an appeal on one or more of the following grounds:
- 7.6.18.1 the Tribunal proceedings lacked procedural fairness;
  - 7.6.18.2 the decision of the Tribunal was not reasonable having regard to the evidence presented at the Tribunal hearing; or
  - 7.6.18.3 the penalty imposed by the Tribunal was excessive having regard to the circumstances of the complaint.

- 7.6.19 An appeal to the National Tribunal under this By-Law shall identify:
- 7.6.19.1 the specific grounds which give rise to the appeal; and
  - 7.6.19.2 the reasons why the appellant considers the Tribunal's proceedings, decision and/or penalty imposed give rise to the specified grounds.
- 7.6.20 Upon lodgement of a Notice of Appeal to the National Tribunal in accordance with this By-Law, the decision of the State Tribunal shall be stayed until the appeal is concluded, abandoned or discontinued.

## 7.7.

### DISPUTE RESOLUTION

- 7.7.1 For the purposes of this By-Law a dispute is any dispute except a disciplinary matter between any class of members subject to this By-Law (individual, Sub-Branch, District, or RSL Queensland) and another member of RSL Queensland in respect of an organisational decision. (Interpersonal disputes are not included unless one of the parties to the dispute was at that time exercising their perceived responsibility as an office holder within the organisation.)
- 7.7.2 Types of disputes that may arise include disputes between:
- 7.7.2.1 a member and his or her Sub Branch, District Branch or RSL Queensland;
  - 7.7.2.2 Sub Branches; and
  - 7.7.2.3 a Sub Branch and District Branch or RSL Queensland.
- 7.7.3 Such disputes include a dispute about membership, transfer of membership and whether this By-Law 7, the State Constitution and any other RSL Rules apply and their interpretation. (A situation of a dispute about refusal of an application for membership is specifically covered in By-Law 1.)
- 7.7.4 Parties to a dispute must attempt resolution in the first instance through mediation and conciliation. Each Sub Branch is responsible for developing its own specific mediation procedures in line with the guidance provided in this By-Law.
- 7.7.5 Mediation may be conducted by using the services of the Queensland Government, Department of Justice and Attorney General, Dispute Resolution Branch; any of the commercially available trained mediators operating in the community; or any other person acceptable to all parties involved in the dispute.
- 7.7.6 The Tribunal hears and determines disputes but only if the parties have attempted to resolve their dispute by mediation or conciliation and that process was unsuccessful. The refusal of any of the parties involved to participate in a mediation process will be deemed an unsuccessful attempt.
- 7.7.7 The format for a Dispute Resolution Hearing will vary from case to case and will be notified to the parties involved by the Registrar. All parties shall submit to the Registrar the documents they intend to rely on at the hearing at least 14 days in advance of the hearing.
- 7.7.8 The Registrar shall contact all parties prior to the hearing to ensure that all directions issued by him or her have been complied with. In the event that the Registrar's directions have not been complied with the Registrar may, with the concurrence of the Tribunal Chairperson, reschedule the hearing or the Tribunal may, upon written notice to the parties, elect to proceed with the hearing on the nominated date and time.
- 7.7.9 All members who appear before the Tribunal shall abide by directions issued by the Chairperson and/or Registrar in connection with the conduct of the proceedings.
- 7.7.10 All proceedings before the Tribunal shall be recorded electronically and a transcript of this recording shall be made available to the parties upon request to the Registrar. A fee is payable, but the fee shall not exceed the cost to RSL Queensland of providing the copy to the member.

## Tribunal Dispute Resolution Hearing Appeal

- 7.7.11 There is a right of appeal from a dispute determination of the Tribunal to the National Tribunal. The appeal is not a fresh rehearing and may only consider the evidence put to the Tribunal.
- 7.7.12 The appeal process for a Tribunal Dispute Resolution Hearing is identical to that for a Tribunal Disciplinary Hearing as detailed in the preceding paragraphs 7.6.14 - 7.6.20 of this By-Law.

## 7.8.

### INVESTIGATIONS

- 7.8.1 Where the Tribunal determines that the circumstances of a complaint or potential complaint under consideration warrant the appointment of an Investigating Officer, the Tribunal will request the Board to make such an appointment. Each request is to include:
- 7.8.1.1 suggested Terms of Reference for the investigation; and
- 7.8.1.2 a suggested submission date for the Investigating Officer's report.

## 7.9.

### INTERPRETATION

In this By-Law:

**clear days** means days reckoned from one day to another with exclusion of both the first and the last day, e.g. from Sunday to Sunday there are six clear days.

**conduct unbecoming a member** includes, by way of example:

- (a) drunk, violent or quarrelsome behaviour;
- (b) disrespectful, unruly, or offensive behaviour;
- (c) denigrating or offending a person because of the person's gender, age, religion, ethnicity, national extraction, sexual orientation, impairment, disability or political opinions;
- (d) misleading the League;
- (e) making untrue statements about another member which may cause others to think less of the other member;
- (f) acting to the prejudice or detriment of the League;
- (g) falsely representing himself or herself to be a soldier, sailor, airman or officer;
- (h) misrepresenting their service history;
- (i) knowingly permitting the badge issued to him or her to be used by any other person;
- (j) wearing any service medal, award or decoration for which he or she is not authorised;
- (k) conduct which does not reflect current community standards.

**disciplinary matter** means a matter which may result in the sanctioning of a member;

**dispute** means any dispute except a disciplinary matter and includes a dispute about membership, transfer of membership and whether this By-Law and the RSL Rules apply and their interpretation;

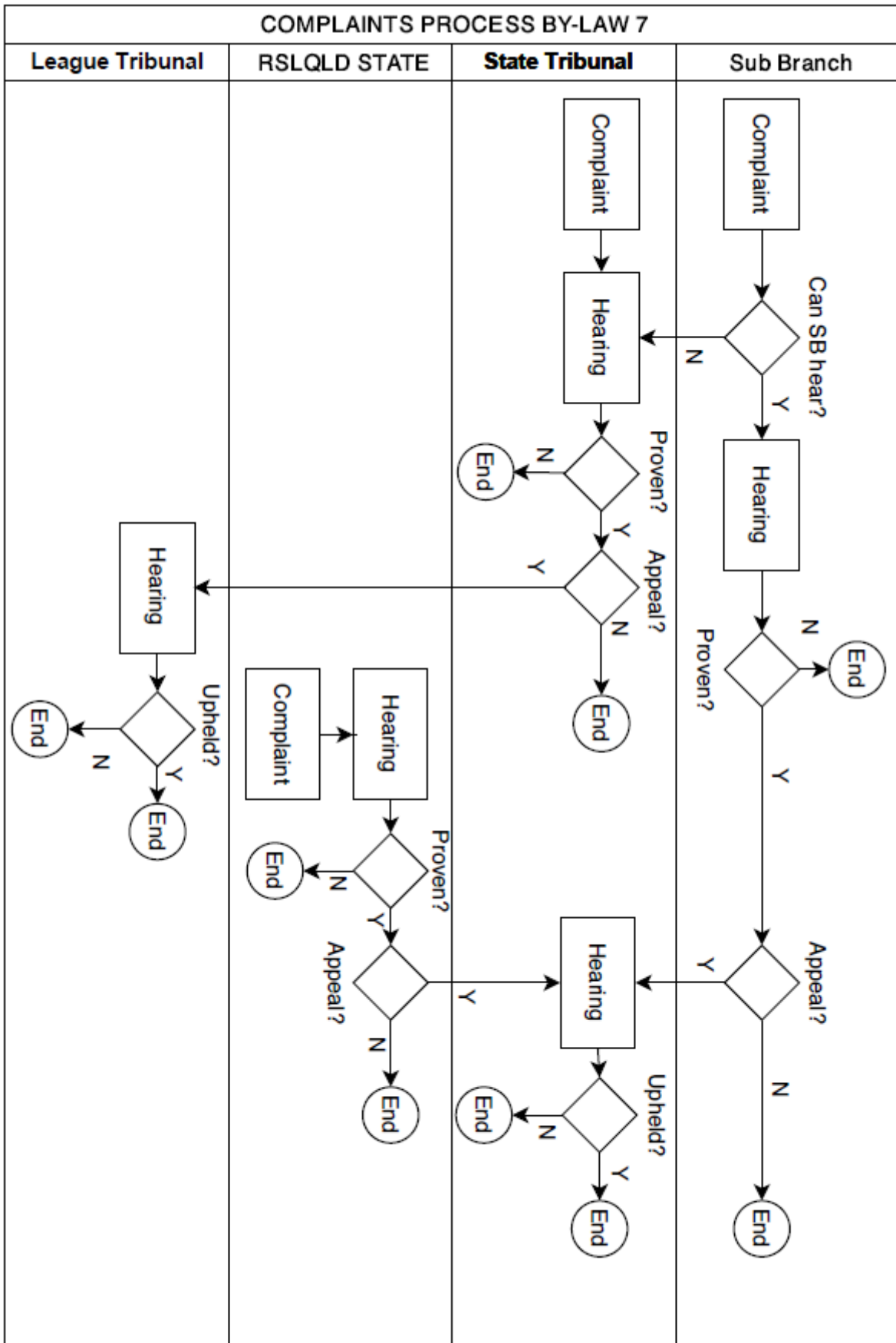
**document** means a piece of written, printed, or electronic matter that provides information or evidence or that serves as an official record and for the purpose of this By-Law, the term '**document**' includes but is not limited to letters, file notes, memoranda, emails, diary entries, images, recordings and video, accounting and financial records, books of account and all other



books, papers and commercial documents of whatever nature;

***National Tribunal*** means a tribunal established by the League;

***RSL Rules*** mean the Constitution and By-Laws of the League, RSL Queensland, and relevant Districts and Sub Branches, the RSL Queensland Code of Conduct and Code of Conduct for Directors.



## PENALTY DETAILS AND CONSEQUENCES

1. **Reprimand.** A Reprimand is an official sanction of the member's behaviour at the lowest end of the scale of penalties. The member is warned to be mindful of their behaviour in future. A Reprimand will be recorded on the member's membership file and will be taken into account in awarding any subsequent penalties.
2. **Suspension from membership.** The member is banned from accessing Sub Branch facilities for the duration of the suspension except to access Pensioner Advocacy and Welfare Services (PAWS) services or attend formal commemorative ceremonies (but not after-ceremony social activities). The member shall stand down from any and all offices or appointments for the duration of the suspension.
3. **Disqualification from holding office.** The member is immediately disbarred from any and all offices within the League. The member is ineligible for election or appointment to any office in the League for the period of disqualification.
4. **Transfer to the Miscellaneous List of Members.** Members who are placed on the Miscellaneous List of Members are;
  - a. not eligible to hold any office in the League;
  - b. not eligible to be a member of any Sub Branch; and
  - c. not eligible to attend, meet or be involved in any official activity or function conducted or sponsored by a Sub Branch except formal commemorative ceremonies (but not after-ceremony social activities) or to access Pensioner, Advocacy and Welfare Services.
  - d. at the conclusion of the period, to be transferred to the Unattached List of Members in accordance with Clause 3.21 of the RSL Queensland Constitution.
5. **Recommendation for the Withdrawal of Awards.** A recommendation for the withdrawal of RSL awards awarded under these By-Laws and the By-Laws of the League made in recognition of RSL service will be forwarded to RSL Queensland via the District Branch for their consideration.
6. **Expulsion from Membership.** The member is expelled from membership of the League. Any application to re-join the League in any State Branch will require the approval of the League.

## Annex B to By-Law 7

## FRAMING COMPLAINTS

Complaints will not be heard unless they are adequately framed. If complaints are not properly specified the Registrar may refer them back to the complainant for resubmission.

## The steps for framing a complaint are:

Submit all complaints on Schedule B using this framing guide. Most complaints will fall under conduct unbecoming a member.

**Example 1.** Conduct unbecoming a member - disrespectful behaviour.

Items to include	Framing the Complaint
1. The By-Law number	Under By-Law 7.4.1.2
2. The name of the respondent	Mr John Blank,
3. Details of the By-Law	is guilty of conduct unbecoming a member,
4. Interpretation from By-Law 7.9 if necessary	namely disrespectful behaviour,
5. Time, date, place	in that he, at approximately 5.00 pm on 21 Nov 20XX in the foyer of the Brisbane Services Club,
6. Particulars of the alleged offence	made an insulting gesture in the direction of the wife of the Sub Branch President

From the right hand column, the complaint then is:

Under By-Law 7.4.1.2 ,Mr John Blank, is guilty of conduct unbecoming a member, namely disrespectful behaviour, in that he, at approximately 5.00 pm on 21 Nov 20XX in the foyer of the Brisbane Services Club, made an insulting gesture in the direction of the wife of the Sub- Branch President.

**Example 2.** A more complex example where a member makes disparaging remarks in the media, thus refusing wilfully or neglecting to comply with RSL Rules:

Items to include	Framing the Complaint
1. The By-Law number	Under By-Law 7.4.1.2
2. The name of the respondent	Mr John Blank,
3. Details of the By-Law	refused or wilfully neglected to comply with the RSL Queensland State Branch Rules and/or any other RSL Rules;
4. Details of the rule	Namely RSL Queensland By-Law 13.1:  No member of RSL (Queensland Branch) is to cause or assist in, the printing or dissemination in any public media,  of any article or other format  or statement criticising, or expressing any view, or antagonistic or derogatory comment, regarding any RSL (Queensland Branch) District, Sub-Branch or Auxiliary Board, or its members
5. Time, date, place if appropriate	in that he, on or before 21 November 20XX
6. Particulars of the alleged offence	wrote a letter to the editor that was published in the Grantville Gazette of that date that was highly critical of the Grantville RSL Sub Branch Board, saying, among other things ‘their approval of expenditure on the building repairs was negligent, unnecessary and not in the best interests of the Sub Branch Members’.

From the right-hand column, the complaint then is:

Under By-Law 7.4.1.2 Mr John Blank, refused or wilfully neglected to comply with the RSL Queensland State Branch Rules and/or any other RSL Rules; namely RSL Queensland By-Law 13.1,

No member of RSL (Queensland Branch) is to cause or assist in, the printing or dissemination in any public media, of any article or other format or statement criticising, or expressing any view, or antagonistic or derogatory comment, regarding any RSL (Queensland Branch) District, Sub-Branch or Auxiliary Board, or its members

in that he, on or before 21 November 20XX wrote a letter to the editor that was published in the Grantville Gazette of that date that was highly critical of the Grantville RSL Sub Branch Board, saying, among other things ‘their approval of expenditure on the building repairs was negligent, unnecessary and not in the best interests of the Sub Branch Members’.

## Statements

Statements by the complainant, respondent and witnesses must stick to the facts of the complaint and not be opinions, speculations, hearsay and/or irrelevant. They should be signed and dated but do not need to be statutory declarations as evidence of witnesses will be tested at the hearing.

**RSL (QUEENSLAND BRANCH)  
NOTICE OF APPEAL FROM A RSL SUB-BRANCH  
COMMITTEE OR RSL QUEENSLAND BOARD DECISION  
BY-LAWS 7.5.13-23**

**DETAILS**

<b>NAME</b>	
<b>RSL MEMBERSHIP NO</b>	
<b>SUB BRANCH</b>	
<b>APPEAL FROM</b>	
<b>DATE OF DECISION</b>	

**PARTICULARS OF APPEAL**

If insufficient space, attach a separate statement. Enquire with District for form in Word Format.

<b>Complainant's Signature</b>			<b>Date:</b>
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**RSL (QUEENSLAND BRANCH)  
COMPLAINT TO TRIBUNAL BY-LAW 7.4.9**

**COMPLAINANT DETAILS**

<b>NAME</b>	
<b>RSL MEMBERSHIP NO</b>	
<b>SUB BRANCH</b>	

**RESPONDENT DETAILS**

<b>NAME</b>	
<b>RSL MEMBERSHIP NO</b>	
<b>SUB BRANCH</b>	

**PARTICULARS OF COMPLAINT**

--

If insufficient space, attach a separate statement. Enquire with District for form in Word Format.

<b>Complainant's Signature</b>		
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## **BY-LAW 8 AWARDS FOR RSL MEMBERS**

### **RSL (National) Life Members**

- 8.1 Life Membership is earned through years of unselfish and dedicated work performed by a Service Member. The award is limited each year to one member per 750 members of RSL (Queensland Branch).
- 8.2 Other than in exceptional circumstances, a Service Member must have at least 15 continuous years of membership and contributed at least 10 years' outstanding service to the League to be eligible for Life Membership.
- 8.3 When it is considered that a member is worthy of nomination for the award the following procedure is to apply:
- a. The member is nominated at any meeting of the Sub Branch, District Branch or State Branch. Those present, either may decide to proposal by open ballot or secret ballot, depending on the member's wishes.
  - b. If the proposal is carried, a citation is to be prepared, signed by both the President and Secretary of the responsible Branch.
  - c. A Sub Branch nomination is to be forwarded to the District Branch for consideration at either a District Council Meeting or the Annual District Congress and, if approved is then forwarded to State Branch. A nomination passed by a District Branch is to be forwarded direct to State Branch.
  - d. After due consideration by the relevant State Branch Committee, recommendations will be considered at either the Board Meeting or the State AGM.
  - e. Successful nominations are to be forwarded to the National Headquarters for consideration.
- 8.4 That RSL (Queensland Branch) shall accept the cost of Life Member Awards, including costs of the gold badge, certificate, life membership and capitation fees, if applicable.

### **RSL (National) Meritorious Service Medal**

- 8.5 The RSL Meritorious Service Medal is the highest award that can be made available to a member.
- 8.6 A Life Member who has been a member continuously for a period of at least 25 years and who during that period has given at least 25 years outstanding service to the League, may, on the recommendation of the National Executive, be awarded a Meritorious Service Medal by the National Congress.
- 8.7 The cost of the Meritorious Service Medal is to be borne by RSL (Queensland Branch)

### **RSL (National) Membership Certificates**

- 8.8 A Membership Certificate may be granted by the National Executive for 50 and 75 years' service
- 8.9 The National Executive may delegate to RSL (Queensland Branch) the power to grant a Membership Certificate to a Service or Life Member who has given at least 50 or 75 years cumulative service as a member of the League and over whom RSL (Queensland Branch) has jurisdiction.
- 8.10 The number of Membership Certificates that may be granted by the National Executive in any one calendar year shall not be limited.
- 8.11 For the purposes of this By-Law, service as a member of a Women's Auxiliary may be taken into account.
- 8.12 A Membership Certificate may be granted posthumously to a Sub-Branch's late member's family provided that according to the Sub-Branch records, the late member had fulfilled cumulative membership of the League, but had died without making application for the Certificate.

### **RSL (Queensland) Membership Certificates**

- 8.13 A Membership Certificate may be granted by the RSL (Queensland Branch) for 30 and 60 years' service
- 8.14 The number of Membership Certificates that may be granted by the RSL (Queensland Branch) in any one calendar year shall not be limited.
- 8.15 For the purposes of this By-Law, service as a member of a Women's Auxiliary may be taken into account.
- 8.16 A Membership Certificate may be granted posthumously to a Sub-Branch's late member's family provided that according to the Sub-Branch records, the late member had fulfilled cumulative membership of the League, but had died without making application for the Certificate.

### **RSL (Queensland Branch) Certificate of Appreciation**

- 8.17 The RSL (Queensland Branch) may award an RSL (Queensland Branch) Certificate of Appreciation to members of the League who have rendered outstanding service or assistance to the League.
- 8.18 When it is considered that a member is worthy of nomination for the award, the following procedures apply:
- a. The member is proposed and seconded at any meeting of the Sub-Branch, District Branch or RSL (Queensland Branch) Executive. The proposal may be decided by those present, either by open vote or secret ballot.
  - b. If the proposal is carried, a letter of recommendation has then to be prepared, signed by both the President and Secretary, and forwarded to RSL (Queensland Branch) for consideration by the Board.

### **Other RSL (National) Awards**

- 8.19 RSL (National) may grant other Awards, such as the Certificate of Outstanding Service (recognition to a body for long term outstanding service).
- 8.20 Details of these Awards, including the criteria, are set out in the RSL (National) By-Laws.

## Death of Life Members

- 8.21 On the Death of Life Members, Sub Branch Secretaries are requested to notify their District Office, when any Life Member in their particular Sub Branch has passed away, as both State and District Branches should have a representative present at the funeral.
- 8.22 District office will notify State Office of the passing of any Life Member so that arrangements may be made, if at all possible, to have someone representing State Branch at the funeral of the deceased Life Member.

## Withdrawal of Award

- 8.23 The State or RSL Australia Board, as appropriate, may in its discretion withdraw an award if:
- the State Tribunal, a Sub-Branch or a District has recommended that it be withdrawn; or
  - the holder of the award no longer fulfils the ideals and values of the RSL nor is a fit and proper person to hold it.

## RSL AUXILIARY MEMBERS

### Auxiliary Life Membership

- 8.24 Life Membership may be granted to Auxiliary members of, subject to the following conditions:
- approval of the grant shall be the prerogative of the RSL (Queensland Branch) Board only;
  - when the recommendation is submitted by an Auxiliary, the same shall, in the first instance, be forwarded to the Sub-Branch/District Branch for approval and then to the District Council, supported by a written Citation of the member's qualifications. If, after due consideration, the recommendation shall be approved by District Branch, it shall be presented to the next Board meeting for final approval;
  - the Auxiliary concerned shall pay State Branch the prescribed fee of \$5.50 plus the cost of the Gold Badge;
  - a person must have:
    - been a financial member of the Auxiliary, continuously, for a period of at least ten years immediately prior to date of the citation, unless there are extenuating circumstances in which case the board may, in its sole discretion, determine that a non-continuous period of ten years is appropriate, and
    - rendered at least seven years honorary services of outstanding nature to the League;to be eligible for Auxiliary Life Membership.
  - financial membership and outstanding service to an Auxiliary can count toward this award where the female member has transferred to or from a Women's Auxiliary or Citizen's Auxiliary and maintained continuity;
  - the award shall only be made to members, who in the opinion of the Board; have performed services to the Auxiliary and/or League so outstanding as to merit special recognition;
  - the membership of such Life Member shall be subject to the Rules of the State and Sub-Branch/District Branch concerned. The nomination is to be submitted using the Membership Management System and the form contained in the Manual of Membership Administration.

### Auxiliary Membership Certificates

- 8.25 A Membership Certificate may be granted to members of the Auxiliary, for 30 and 50 years'

service, and is to be submitted using the Membership Management System.

### **Auxiliary Life Member Badges**

8.26 The badges of Auxiliaries shall be in such form as the Board shall determine.

### **Supply of Badges**

8.27 Badges shall be obtained by each Auxiliary Secretary from the membership office of State Branch.

## **BY-LAW 9 AWARDS FOR NON - RSL MEMBERS**

### **RSL (Queensland Branch) Certificate of Appreciation**

- 9.1 RSL (Queensland Branch) may award an RSL (Queensland Branch) Certificate of Appreciation to non-members of the League who have rendered outstanding service or assistance to the League.
- 9.2 When it is considered that a non-member is worthy of nomination for the award, the following procedures apply:
  - a. The non-member is proposed and seconded at any meeting of the Sub-Branch, District Branch or the Board. The proposal may be decided by those present, either by open vote or secret ballot.
  - b. If the proposal is carried, a letter of recommendation has then to be prepared, signed by both the President and Secretary, and forwarded to the State Branch for consideration by the Board.

### **RSL (National) Certificate of Merit and Gold Badge**

- 9.3 The National Congress of the RSL may award Certificates of Merit with Gold Badge to men and women non-members of the League who have rendered outstanding service to ex Servicemen and ex Servicewomen and their dependents.
- 9.4 This award is also available to members of the Women's Auxiliary, who have held the award of Life Membership and Gold Badge of the Auxiliary for a period of three or more years, prior to the nomination for the above award.
- 9.5 The maximum number awarded, to cover all sections as outlined above, is eight per year for each State.
- 9.6 Ex-Service members of Auxiliaries are eligible for this award; item 9.7 notwithstanding.
- 9.7 Citations of recommendation from Sub Branches or Districts are submitted to Annual District Conferences and, if successful, to State Congress for final approval at National Headquarters.
- 9.8 This is the highest award the League has in its power to bestow on non-members.

## **BY-LAW 10 THE RSL SIR RAYMOND HUISH CBE MEMORIAL GRANT**

10.1 Until varied by the State AGM the conditions shall be as follows:

- a. The grant is to be an amount not exceeding \$20,000.00
- b. The amount of the grant is to be periodically reviewed by the Board of RSL (Queensland Branch) to ensure its sufficiency and sustainability is maintained.
- c. The grant is to fund a suitable project for the furtherance of the rehabilitation and welfare of ex-service personnel who are suffering from the behavioural, mental and physical effects of military service on overseas deployments (“the project”).
- d. The application is to be in the form set out in the by-laws (“the application”) and is to include details of the proposed budget and timeline for the continuance of the current project or the undertaking of the proposed project, or projects to be funded by the grant.
- e. The application is to be received by the Chairman, RSL Legislative & Awards Committee no later than 1 March of the year in which the grant is proposed to be made.
- f. In order to qualify for the grant, the proposed project cannot be otherwise funded from other RSL sources.
- g. The Chairman, RSL Legislative & Awards Committee (“the Chairman”) is to forward to the State Board, no later than 1 May, a list of no more than three candidates for the award of the grant, in order of priority, for the Board’s consideration. The Chairman’s decision is to be made having taken such advice from such persons as he deems fit.
- h. The State Board, in the exercise of its discretion shall select a candidate for the award of the grant for the ratification of State Congress.
- i. The decisions of the State Board and the Chairman on any matter touching on the making of the award of the grant shall be final and not open to further correspondence or review.
- j. The execution of a receipt for the grant, by the proper officer of the organisation administering or sponsoring the project (“the organisation”), is to be a sufficient discharge for all purposes for the payment of the grant by RSL (Queensland Branch).
- k. During the course of the project, RSL (Queensland Branch) will require a written report from the organisation, as to the activities and expenditures undertaken by it up to the date of such request.
- l. At the completion of the project, RSL (Queensland Branch) will require a written report from the organisation, as to activities and expenditures undertaken, as well as the achievements that resulted from the project.

## **BY-LAW 11      LIFE SUBSCRIPTION**

### **General**

- 11.1      Sub Branches may, on behalf of their members, or members may on their own behalf purchase Life Subscription in accordance with State Constitution clause 4.2.
- 11.2      RSL (Queensland Branch) will award Life Subscriber Status to those attaining the age of 80 years, as an act of grace, providing they have been League Members for the preceding 10 years or more.
- 11.3      RSL (Queensland Branch) will award Life Subscriber Status, as an act of grace, to Members of the League suffering from Dementia or Alzheimer's disease.
- 11.4      Details of requirements, Life Subscription fees and eligibility are shown in the Manual of Membership Administration.

## **BY-LAW 12 RSL SUB BRANCH CHAPTERS**

### **The RSL Chapter System**

- 12.1 The RSL Chapter System is designed to allow small Sub Branches the opportunity to retain an RSL presence in their town, to retain their name in part and to continue to promote the objects of the League if they are unable to continue to operate and function as a Sub Branch.
- 12.2 The Sub Branch would cease to function and operate as a Sub Branch and become a component of a larger Sub Branch in the area. An Incorporated Sub Branch would need to wind up prior to becoming a Chapter. To ensure that the name is retained the word "Chapter" would apply to that group of RSL members. An example would be:
- Fortitude Valley Chapter of Brisbane RSL Sub Branch.
- 12.3 A new RSL Chapter may be raised in an area where there is no RSL presence but shows potential for the raising of a Sub Branch in the future. Any ten (10) or more members or persons eligible for membership of the League, resident in any town or locality where no Sub Branch exists, may apply to a Sub Branch geographically located near the area in which such town or locality is situated, for permission to form a new RSL Chapter, however, the Chapter is to seek approval to raise a chapter from the closest geographically located Sub Branch or a Sub Branch approved by the District Branch.
- 12.4 A Sub Branch wishing to raise a new chapter is to seek approval from RSL (Queensland Branch). All applications are to be ratified by the District Branch of which the Sub Branch is a member prior to seeking approval.

### **Administrative Requirements**

- 12.5 The Chapter is not required to administer itself in accordance with RSL (Queensland Branch) Rules and all administration will become the responsibility of the foster Sub Branch. The Chapter is to appoint a member to represent their interests who would automatically become a member of the foster Sub Branch Committee representing the interests of the chapter at all foster Sub Branch meetings. This member would not have voting rights unless he elected to become a voting associate member of the foster Sub Branch.
- 12.6 There will be no requirement for the Chapter to appoint any committee members other than their representative. They may appoint a President and Secretary, if available, to represent them in the local community. The representative would conduct meetings in the local area to keep members up to date with RSL matters.
- 12.7 Representation at both District and RSL (Queensland Branch) level would be vested in the foster Sub Branch and the Chapter would have no voting rights at this level.

### **Financial Requirements**

- 12.8 Upon the creation of a Chapter all property is to be transferred to the foster Sub Branch and held in trust for the Chapter until the Chapter ceases to function in accordance with paragraph 12.10 or is re-established as a Sub Branch in accordance with paragraph 12.15. Where disposal of property is to occur Sub Branches are required to resolve by special resolution that the surplus assets shall be disposed of. All monies and property of whatever nature shall, after satisfying all its creditors and meeting all other obligations, be taken over and held by the District Branch. If the District Branch shall have been wound up, RSL (Queensland Branch) shall



take over the money and property, however, the assets are to be transferred to the foster Sub Branch.

- 12.9 Where the continued holding of property is undesired or can only be retained at considerable cost, the property is to be disposed of, in accordance with RSL (Queensland Branch) Rules, before the Chapter is formed.
- 12.10 All cash assets are to be transferred to the foster Sub Branch and are to be maintained in a separate sub account operated by the foster Sub Branch on behalf of the Chapter.
- 12.11 Cash received from the sale of property is to be used to finalize Chapter debt and any remaining moneys are to be transferred to the Sub Account. All transactions are to be agreed to by the foster Sub Branch Committee.
- 12.12 Where a new Chapter is raised in accordance with this By-Law, the fostering Sub Branch is responsible for the financial management of the Chapter. The foster Sub Branch is to maintain a separate sub account on behalf of the new Chapter.

### Chapter Identity

- 12.13 The Chapter would be required to return its charter or may apply to retain the charter for historical reasons. Whichever the case a new charter would be issued detailing the new name of the Chapter.

### Chapter Management

- 12.14 Where a Chapter decides to cease to function or operate, the procedure to be employed is detailed in the procedures for the winding up of Sub Branches and Chapters.
- 12.15 The Chapter may re-establish itself as a viable Sub Branch in its own right. However, the Chapter will have to justify its viability by exhibiting an ability to financially and administratively manage itself for a period of twelve months under the administration of the foster Sub Branch before it can apply for re-instatement RSL (Queensland Branch) as a Sub Branch in its own right.
- 12.16 The District can only approve the re-raising of the Chapter to Sub Branch status after a viability report has been provided by the supporting Sub Branch and, in accordance with current rules this could be vetoed by RSL (Queensland Branch) Branch.
- 12.17 The authority to change a Sub Branch to Chapter status is vested in the District Branch. However, when considering the change, the District must not only consider the ability for the entity to continue to exist as a Chapter rather than closing but must also decide which Sub Branch will be tasked with fostering that Chapter based on its Administrative and Financial situation and administrative ability.
- 12.18 Where a suitable Sub Branch is not available within the vicinity, a Chapter can be fostered by a District Branch.
- 12.19 The District Branch, where paragraph 12.18 applies, is to accept the responsibility of financial and administrative management of the Chapter. The Chapter representative would attend District Council meetings as an observer without voting rights to ensure that up to date information is provided to the Chapter members.
- 12.20 The Chapter would not have voting rights or provide representation at RSL (Queensland Branch) AGM.

## Raising New Sub Branches from Chapters

- 12.21 The District Branch may raise a Chapter for the first twelve months under a foster Sub Branch. After that period the Chapter may be granted Sub Branch status based on the viability assessment of the foster Sub Branch, however, Sub Branches may still be formed in accordance with the Constitution if it is believed that the new Sub Branch would be viable from establishment.

## **BY-LAW 13 PUBLIC COMMENT BY MEMBERS**

### **No Criticism Via Media Permitted**

- 13.1 No member of RSL (Queensland Branch) is to cause or assist in, the printing or dissemination in any public media, (including electronic, newspaper, periodical, circular or other publication, except any League sponsored journal or publication) of any article or other format (such as cartoon or diagram etc.) or statement criticising, or expressing any view, or antagonistic or derogatory comment, regarding;
- a. the League;
  - b. RSL (Queensland Branch);
  - c. RSL (Queensland Branch) Board, its committees or its members;
  - d. any RSL (Queensland Branch) District, Sub-Branch or Auxiliary Board, or its members;
  - e. the RSL (Queensland Branch) State Tribunal or its members; or
  - f. any employee of RSL (Queensland Branch) or subordinate organisations.
- 13.2 The Board of RSL (Queensland Branch) or any Board of a subordinate District, Sub-Branch or Auxiliary is not to authorise any person or organisation, whether in the name of the entity or not, to cause or assist in, the printing or dissemination in any public media, (including electronic, newspaper, periodical, circular or other publication, except any League sponsored journal or publication) of any article or other format (such as cartoon or diagram etc.) or statement criticising, or expressing any view, or antagonistic or derogatory comment, regarding;
- a. the League;
  - b. RSL (Queensland Branch);
  - c. RSL (Queensland Branch) Board, its committees or its members;
  - d. any RSL (Queensland Branch) District, Sub-branch or Auxiliary Board, or its members;
  - e. the RSL (Queensland Branch) State Tribunal or its members; or
  - f. any employee of RSL (Queensland Branch) or subordinate organisations.
- except as allowed in paragraph 13.3.

### **Comment on RSL Policy**

- 13.3 No RSL (Queensland Branch) member except the State President or CEO, or in their absence the Deputy President, is to communicate with, or make comment in, any public media (including electronic, newspaper, periodical, circular or other publication) on RSL (Queensland Branch) or League policy without the express authority of the RSL (Queensland Branch) State Board.
- 13.3A
- a. Members must not post, publish or distribute (or cause to be posted, published or distributed) any communication, comments, commentary or opinions, in connection with supporting or criticising any person or persons standing for election to any position on any Sub Branch or District Branch board or management committee (election materials), irrespective of whether the post or publication is an email, flyer, brochure or social media

or website post and whether distributed electronically, newspaper, periodical, circular or any other publication.

- b. Under no circumstances shall any member use the media to criticise or adversely impact any person or persons who may be currently serving on any Sub Branch or District Branch board or management committee. Members must not use the media in any form to cause reputational damage to the League or the RSL name or brand. Any Disputes or Disciplinary matters should be referred under By Law 7 unless required to be dealt with otherwise under law.

### **Comment on Discriminatory or Contentious Issues Forbidden**

- 13.4 Members of RSL (Queensland Branch), whilst representing the League, are not to make any criticism of any religious, racial or other discriminatory issue such as gender, age, etc. or any issue that is likely to arouse sectarian or political controversy.
- 13.5 No RSL (Queensland Branch) publication (including electronic, newspaper, periodical, circular or any other publication or any other media) is to contain any criticism of any religious, racial or other discriminatory issue such as gender, age, etc. or any issue that is likely to arouse sectarian or political controversy.

## **BY-LAW 14 WEARING OF HONOURS AND AWARDS**

### **The Order of Wearing Australian Honours And Awards**

- 14.1 The Order of Wearing Australian Honours and Awards, Schedule and Annexes, as promulgated from time to time by the Governor-General of Australia deals with the positioning and wearing of Honours and Awards;
- a) within the Australian System of Honours and Awards;
  - b) conferred by The Sovereign in exercise of the Royal Prerogative;
  - c) within the Order of St John; and
  - d) foreign awards, the acceptance and wearing of which have been authorised by the Governor-General. Of note is that Imperial awards made to Australian citizens before 5 October 1992 are within the Australian system but awards after this date are foreign awards and should be worn accordingly.
- 14.2 Members of RSL (Queensland Branch) (Members) are to comply with The Order of Wearing Australian Honours and Awards.

### **Foreign Awards**

- 14.3 Guidelines concerning the acceptance and wearing of foreign awards by Australian citizens are promulgated by the Governor-General via a Commonwealth Gazette. The extant gazettal is Commonwealth of Australia Gazette No S159, of Friday, 12 October 2012. Members who are Australian citizens are to comply with the guidelines contained within the extant and any subsequent replacement gazettal.
- 14.4 Foreign awards to Members who are not Australian citizens should be worn in accordance with appropriate national protocols.

### **Other Awards**

- 14.5 Australian state government agencies as well as other organisations and associations present and/or sponsor awards which are not included in The Order of Wearing Australian Honours and Awards. If a recipient Member elects to wear such an award they are to be worn only on the right breast or as a lapel badge. They are not to be worn on the left breast. In particular, this applies to association awards commonly referred to as 'tin medals'.

### **Returned From Active Service Badge**

- 14.6 The Returned from Active Service Badge (RASB) is issued to Australian Defence Force personnel who have rendered warlike service. The badge enables individuals to display their involvement in warlike service when wearing civilian attire. It is worn when the wearing of service awards is not appropriate or possible. Conversely, it should not be worn when wearing service awards.

- 14.7 The RASB is only worn by the person to whom it has been issued. Family members and others, who may wear a deceased person's awards on appropriate occasions, do not wear the RASB.

### **Wearing Of Awards on The Right Breast**

- 14.8 Where a Member wears the awards of a deceased family member(s) the awards are worn on the right breast. This would normally only apply during ANZAC Day and Remembrance Day commemorative events.
- 14.9 Where a Member wears a number of awards of different categories on the right breast the different categories are not to be mixed. For example, awards of deceased family members are to be separate from association awards.

### **Wearing Of Awards Where There Is No Entitlement**

- 14.10 The fraudulent wearing of Honours and Awards is covered by Federal legislation and RSL Constitutions. In addition to those regulations Members are not to wear any badge, insignia or the like to which they are not entitled: for example, the Infantry Combat Badge (ICB), Aircrew brevets, Submariners badge, or RASB.

## BY-LAW 15 CODE OF CONDUCT

### PREAMBLE

#### 15.1 Who this Code of Conduct applies to

Please read this Code of Conduct as it applies to all members of the League in Queensland as a By-Law made under State Branch Constitution. This Code of Conduct should be read together with the State Branch Constitution and By-Laws, in particular By-Law 7.

District Boards are empowered to review and intervene in any breach of this Code of Conduct, where the Board of District may refer a breach of this Code of Conduct to the Sub Branch for its consideration, or otherwise refer the matter to the Tribunal if required to do so under the By-Laws.

#### 15.2 Purpose

Everything we do in connection with RSL Queensland should be measured against the highest standards of ethical conduct. Living these behaviours consistently helps enhance who we are and what we do.

The purpose of this Code of Conduct is to outline behaviours that are expected of us as members of the League.

- a) This Code of Conduct guides, shapes and informs our everyday activities as members of the League, in how we treat each other, care for veterans and their families, and how we conduct ourselves when dealing with other people.
- b) This Code of Conduct is designed to help members make sound and responsible decisions in their dealings with members, employees, volunteers and other stakeholders, in the best interests of the League.
- c) This Code of Conduct does not outline every situation, or every law that may apply, but offers a set of guidelines that should inform the behaviours that are expected of us as members of the League.
- d) This Code of Conduct outlines the behaviour expected of us in and around Sub Branches and Districts as places where we meet with each other, and with employees, volunteers, clients and customers.
- e) **This Code of Conduct considers the use of common sense as a guiding principle.**

#### 15.3 RSL Values

This Code of Conduct reflects the culture and values of RSL Queensland and is underpinned by the RSL Values that apply to all RSL Queensland members, employees and volunteers in Queensland. In adhering to this Code of Conduct, we adopt and put these RSL values into practice.

Our commitment to the RSL Values helps us build and provide services for veterans and their families and supports the Objects of the League.

##### We All Should Create Positive Change

- We are curious and ask if there is a better way
- We look for opportunities that empower people to create their own future

- We collaborate with one another to implement effective solutions
- We are adaptable and flexible
- We create an environment where innovation and smarter ways of working are acknowledged, encouraged and shared

#### We All Should Walk The Talk

- We are accountable for our actions
- We deliver on our promises
- We demonstrate high levels of drive and motivation that translate into output
- We lead by example and set standards for professional behaviour
- Wherever possible, we willingly and actively support those in other teams who are in need of assistance

#### We All Should Be Veteran Focused

- We are courteous, considerate and always willing to help
- We go the extra mile
- We adapt our services to meet changing customer and organisational needs
- We seek feedback to ensure veterans needs are met
- We consider the feelings, rights and opinions of others in every situation

#### We All Should Value All Voices

- We actively respect the needs, diversity and uniqueness of all
- We actively seek out the ideas of others
- Wherever possible we integrate other people's thoughts and feedback into our work
- Our behaviour and communication are respectful, courteous and effective
- We have one vision, and are one organization

#### We All Should Be Open and Honest

- We share experiences, knowledge and ideas
- We act ethically
- We ask for help
- We display openness, honesty and transparency
- We give feedback in a constructive, open, honest and respectful manner

#### We All Should Do It With Heart

- We show pride and passion for our RSL brand and heritage
- We take time to listen
- We act with empathy
- We go above and beyond to support team mates
- We openly champion the positive aspects of our work, our colleagues, and of RSL Queensland

## CODE OF CONDUCT

### 15.4 Our Conduct

#### a) Governance, Board duties and Responsibilities

Members of Sub Branches and District Boards must ensure their Sub Branches and District Boards adhere to the Objects of the League and the Rules of the League in the discharge of their



responsibilities.

Where members hold a position as a Director of a Sub Branch or District Board, they must also adhere to their Directors duties.

Where the Sub Branch or District Board is a registered charity, Directors must also ensure the Sub Branch or District Board adheres to the Governance Standards under the Australian Charities and Not-for-profits Commission Act 2012 (Cth) which includes the following Directors duties and responsibilities:

- Act with reasonable care and diligence
- Act honestly and fairly in the best interests of the charity and for its charitable purposes
- Not misuse their position or information they gain as a Director
- Disclose actual or potential conflicts of interest
- Ensure the financial affairs of the charity are managed responsibly
- Not allow the charity to operate while insolvent

Where a Sub Branch or District Board is required to obtain the approval of State Branch for any dealings or transactions, members who hold positions as Directors must ensure that the Sub Branch or District Board obtains the prior consent of State Branch.

Clause 14.10 of the State Branch Constitution provides that a change to the constitution or By-Laws of a Sub Branch or District Board may not be made without the express written consent of State Branch.

#### **b) Veterans and the Defence family**

It is important that we place veterans and the Defence family front and centre in our decision making.

Members should ensure that any decision taken does not adversely impact on the quality of life of veterans and the Defence family and makes a positive impact.

#### **c) Ethical behaviour**

We have uncompromising ethical standards and must comply with all relevant legal and legislative requirements. A number of laws and regulations including financial, organisational, disclosure, fair trading, gaming and other requirements may apply in Sub Branch and District Board matters. We must comply with the law and take our responsibilities to comply with legislation and regulations very seriously as each of us is expected to comply with applicable legal requirements.

#### **d) Conflict of interest**

Conflicts of interest may be real or perceived and should be avoided or otherwise managed. A conflict of interest may typically arise if members are in a position of responsibility on the Board of a Sub Branch or District Board, and experience actual or perceived competing loyalties, whether it is a personal benefit or a benefit for their family or friends.

#### **e) Gifts, benefits and entertainment**

Accepting gifts, benefits or entertainment from suppliers and business partners may create the appearance of a conflict of interest, especially if the value is significant. If the gift benefit or entertainment arises in the course of Sub Branch or District Board activities, members should ensure that it is declared to the President and is recorded in a Gift registry.

Gifts, benefits and entertainment should not be accepted if this may compromise, or appear to compromise, the duties members may have as members of the Board to the Sub Branch.

This document acknowledges that Sub Branches may have relationships with Clubs that support the observance of commemoration events where food and beverages are provided.

**f) Workplace relationships**

Members who hold a position of responsibility in a Sub Branch or District Board should disclose to their President if they hold any personal relationships in their Sub Branch or District Board (familiar, romantic or sexual relationship). Members must ensure that the relationship does not present a conflict of interest or create a perception of favouritism or bias and should be managed to ensure that there is no direct reporting line or opportunity for financial gain.

**g) Risk management**

However great or small, we all have a responsibility to identify and manage risk appropriately. There is an element of risk in many aspects of our activities. If not mitigated, some risks may impact our ability to continue to operate to our purpose, or endanger the lives of members, employees, volunteers, customers or the veteran family.

**h) Workplace Health and Safety**

Activities conducted in or around Sub Branches and District Boards, which includes social media, may constitute activities conducted in a workplace under the *Workplace Health & Safety Act 2011* (Qld). Members should be aware of and comply with workplace health and safety policies and procedures of the Sub Branch or District Board to prevent or mitigate the risk of workplace accidents, illness or injuries. Members should report any potential hazard or safety risk to their Sub Branch or District Board, as may be applicable.

**i) Drugs and alcohol abuse**

Our position is that alcohol abuse is incompatible with the health and safety of our people and we do not accept it. Consumption of alcohol is not banned at our locations. However, members should use good judgement and never drink in a way that leads to:

- impaired performance or driving, or inappropriate behaviour
- endangering the safety of yourself or others
- violating the law

We do not dictate how you live your life. However, we do encourage members to proactively look after their health and wellbeing. Doing so will have a positive impact.

Drug and alcohol abuse may constitute a criminal offence and any drugs or illegal substances found in Sub Branch or District Board premises should be reported to the Queensland Police Service or other relevant authority, along with any other illegal conduct or activity, such as assault or theft.

**j) Bullying and harassment**

All of us should feel safe in the workplace, valued for our skills and diversity, and recognised for our efforts. Those of us in leadership positions must lead our members and employees with fairness, engage in fair debate, and allow alternative points of view to be expressed.

We are committed to ensuring a violence-free work environment, and we do not tolerate any level

of violence or the threat of violence in the workplace. Accordingly, our commitment and compliance with relevant legislation and policy is unwavering.

Members should be aware that inappropriate, aggressive or disrespectful behaviour, including those listed below as examples, will not be tolerated towards other members, volunteers, employees, clients or customers.

Examples of conduct and behaviours that may constitute conduct unbecoming under By-Law 7 is set out below. These examples are not exhaustive, and you should be guided by By-Law 7 as paramount.

- Profane or disrespectful language (By-Law 7.9(b))
- Derogatory statements (By-Law 7.9(b)(c))
- False statements (By-Law 7.9(d)(e)(f))
- Inappropriate touching or sexual advances, sexual comments or innuendo (By-Law 7.9(b)(c)(k))
- Inappropriate or other unlawful harassment or bullying in the workplace (By-Law 7.9(b)(k))
- Public comments undermining the trust in, and inappropriately criticising, another member or State Branch that creates reputational damage to the individual or to the League (By-Law 7.9(e)(f))
- Physical aggression including throwing an object (By-Law 7.9(a))
- Refusal to work collaboratively with others (By-Law 7.9(f))
- Demeaning or intimidating behaviour (By-Law 7.9(b))
- Racial or ethnic jokes (By-Law 7.9(b)(c))
- Inappropriate documentation and record keeping (By-Law 7.4.1.1 as a failure to adhere to rules)
- Repeated failure to respond to calls or correspondence (By-Law 7.9(f))
- Outbursts of rage or violent behaviour (By-Law 7.9(a))
- Intimidating or threatening behaviour (By-Law 7.9(a)(b))
- Inappropriate arguments with members, employees, volunteers, clients and customers (By-Law 7.9(a))
- Dishonest behaviour, including fraud and theft (By-Law 7.9(f)(k))
- Unethical or dishonest behaviour (By-Law 7.9(f)(k))
- Possession, use, sales, or distribution of illicit drug (By-Law 7.4.3 and 7.9 (k))
- Possessions of firearms, explosives, prohibited substances or illegal matter (By-Law 7.4.3 and 7.9 (k))

#### **k) Other Conduct**

Other activities which could be regarded as detrimental to the well-being and good standing of the League. Additional specific behaviours that we expect members to follow, include but are not limited to:

- Respect the ownership of all funds, assets, supplies, books and records, inventory and property of Sub Branches and District Boards
- Do not cause damage to the property of Sub Branches and District Boards
- Do not remove any property of Sub Branches or District Boards without written authorisation
- Do not fight in the workplace
- Do not swear in the workplace
- Avoid shouting and socially unacceptable behaviour in the workplace
- Do not smoke in the workplace, smoking is only permitted in designated outdoor smoking areas
- Do not be rude to members, volunteers, employees, clients or customers

- Do not falsify records

**l) Property and assets**

We use the League's property and assets responsibly. Tools and equipment may be provided to ensure we do our jobs effectively, but members need to be responsible and respectful with all property and assets.

Funds, office supplies, motor vehicles, computers, mobile phones or other property and assets are not to be requisitioned for personal use.

If you are unsure if the use of any property or asset is appropriate or not, please speak to your Sub Branch or District Board President.

**m) RSL identifiable apparel**

It is important to understand that our behaviours may adversely impact on the reputation of the League, particularly when we are wearing RSL branded apparel or where we are otherwise identifiable as a member of the League in our communications in a public forum such as LinkedIn, Facebook, Instagram or other social media.

A member may be in breach of this Code of Conduct if their behaviour breaches this Code of Conduct whilst they are identifiable as an RSL member.

**n) Confidentiality and Privacy**

Depending on your role with the League, you may have access to information that must be treated as confidential and cannot be shared with other persons. Limited exceptions to this are where such information is publicly available, is required By-Law to be disclosed, or you have the explicit authority to do so.

Confidential information includes privacy protected information such as personal information. Sub Branches and District Boards have a responsibility to take reasonable steps to secure personal information and ensure that any use or disclosure of personal information meets the requirements of the Privacy Legislation and the expectations of the individual to whom it belongs.

**o) Data security**

We follow best practices for managing information securely. Anyone who requires access to Sub Branch or District Board Information Systems is required to sign a declaration accepting the terms and conditions for use. Anyone with access to the system should be aware that:

- Users are provided with unique accounts (IDs) and passwords that must not be shared with others
- Any information stored, received, communicated or sent on information systems is owned by the organisation
- Material stored, received, communicated or sent on the organisation's system, including email, internet and intranet, may be monitored

Easy rules for internet and emails:

- If in doubt, seek guidance!
- Do not download inappropriate material
- Do not send, forward or save inappropriate information

- Be aware our system is monitored
- The system and information are owned by the Sub Branch or District Board

**p) Emails and social media**

We should behave in email and social media as we do in person. Just like our words and actions, messages and graphics in electronic form can be offensive to some people. Ensure that whilst identifiable as a Member you:

- Do not send racial, sexual, defamatory, threatening or obscene messages to any anyone
- Do not download, retrieve, send or store inappropriate, sexually explicit or racist material on your work computer or other work electronic device, or your own device using RSL networks
- Do not instigate or distribute 'junk or chain' mail that can congest the network and inhibit the free flow of business information.

This includes your personal social media accounts such as Facebook, LinkedIn, Instagram, if you are using these to discuss RSL matters.

**q) Using the media to make public comments**

The League has a long and proud history, built on the legacy of veterans, and our reputation is vital to ensuring we can continue to support veterans and the Defence families. If we have veterans and the Defence family foremost in all our dealings, we will make better decisions in how we handle complaints and disputes. Complaints and disputes should be handled as outlined in By-Law 7.

When comments are made by members to the media, they may be seen as representative of the entire organisation and may damage the reputation of the League.

Any public comment or solicitation from the media for comment must be approved by the State President of RSL Queensland under By-Law 13.

Normally, District Presidents who have media training will be given permission by the State Presidents to speak in their Districts, as will Sub Branch Presidents with approval from their District Presidents.

Should you be invited to speak at any conferences, seminars or similar where you are representing RSL Queensland, seek approval before accepting.

**r) Government stakeholders**

It is the role of RSL Queensland as State Branch to represent the interests of members, veterans and the Defence family in Queensland.

Members should ensure that any stakeholder engagement with government or regulatory authorities are channelled through their District President for representation at State Branch level.

## PROCESS AND PROCEDURES

### 15.5 What to do if you have any concerns?

Like all codes and rules, some people will knowingly or unknowingly act in ways that go against the intent of this Code of Conduct.

In some instances, you may feel comfortable challenging members, however if the matter is serious and you do not feel comfortable about challenging their behaviour or decisions, you should promptly report your concerns to your Sub Branch or District Board President.

Any person, acting in good faith, may report a breach of this Code of Conduct to their Sub Branch or District Board President if the matter is serious and has the potential to injure people or the reputation of the League. If the matter relates to a Sub Branch or District Board President, the matter may be dealt with in accordance with the Discipline and Disputes in By-Law 7.

### 15.6 Breach of this Code of Conduct

#### a) This Code of Conduct constitutes an RSL Rule

This Code of Conduct constitutes an RSL Rule within the meaning of By-Law 7.4.1.1, and a breach of this Code of Conduct is a breach of an RSL Rule.

By-Law 7.4.1 provides that a member may be disciplined where the member:

- 7.4.1.1 - Refuses or wilfully neglects to comply with the RSL Constitution, By-Laws and/or any other RSL Rules
- 7.4.1.2 - Is guilty of conduct unbecoming a member
- 7.4.1.3 - Is guilty of conduct subversive to the objects and values of the League
- 7.4.1.4 - Is convicted of any indictable offence or imprisoned for a simple offence.

#### b) Sub Branches are the first port of call

A key principle for all disciplinary matters and the resolution of disputes is that these matters should be dealt with at a grass roots level in the first instance by the Sub Branch.

By-Law 7.5.7 enables all Sub Branches to determine a breach of this Code of Conduct, unless the breach constitutes a disciplinary matter that must be referred to the Tribunal under the By-Law. By-Law 7 contains a flow chart entitled “Complaints Process By-Law 7” which confirms the role of Sub Branches of dealing with all Disciplinary and Dispute matters, including a breach of this Code of Conduct.

#### c) Referral to Queensland Police Service or other relevant authority

A matter may not be dealt with as a disciplinary matter under this By-Law or By-Law 7 if:

- the matter is subject to investigation or action under criminal law or
- the matter is one where action under a statute has been initiated

until such time as it has been dealt with in the courts or statutory authorities, or the police and/or statutory authorities have refused to proceed with the matter.