

# CONSTITUTION



of the

2/4 RAR

## ASSOCIATION

Email: [committee@24rarassociation.com](mailto:committee@24rarassociation.com)

Website: 24RARAssociation.com



**Gary Jear**  
**President**

**24 August 2015**



**Bill Marklew**  
**Secretary**

**24 August 2015**



## **General**

1. This constitution is applicable to the conduct of business of the 2nd/4th Battalion, The Royal Australian Regiment Association.

## **Aims**

2. To perpetuate the comradeship inspired by service with, or in support of the 2nd/4th Battalion, The Royal Australian Regiment.
3. To maintain strong links with former member's of the Battalion.
4. To conduct social gatherings of members of the 2nd/4th Battalion, The Royal Australian Regiment Association.

## **Powers**

5. The powers of the Association are:
  - a. To buy, sell and deal in any manner in all kinds of property and items for the purpose of the Association.
  - b. To acquire and grant any interest or estate in any property, whether real or personal.
  - c. To invest or deal with the money of the Association in such a manner as may be thought fit.
  - d. To construct, improve, maintain, develop, work, manage, carry out, alter or control any house, buildings, grounds, works or conveniences which may seem to directly or indirectly advance the Association's interests and to contribute to, subsidise or otherwise assist and take part in the construction, improvement, maintenance, development, working, management, carrying out, alteration or control of such items.
  - e. To borrow or organise money in any manner the Associations deems fit.
  - f. To draw, make, accept, endorse, discount, execute and issue promissory notes, bills of exchange, bills of trading and other negotiable or transferable instruments.
  - g. To take any gift of property or money or donation in kind, whether subject to any special trust or not, for any one or more of the objects of the Association.
  - h. To make donations or gratis for patriotic, charitable or community purpose.
  - i. To print and publish any newspapers, periodicals, books or leaflets that the Association may think desirable for the promotion of its objectives.

## **Classes of Members**

6. The membership of the Association shall consist of:
  - a. Ordinary Members, and
  - b. Associate Members.
7. The number of ordinary and associate members shall be unlimited.

## **Membership**

8. All ex members of the 2nd/4th Battalion, The Royal Australian Regiment, regardless of rank or Corps are welcomed as ordinary members of the Association.

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Ordinary members may vote and hold a position on either the Executive and/or Management Committee.

9. Associate membership is open to wives, partners and family members of ex serving members on the 2nd/4th Battalion, The Royal Australian Regiment and other members who have supported 2nd/4th Battalion, The Royal Australian Regiment. Associate members may vote and hold a position on the Executive and/or Management Committee.

### **Membership Fees**

10. The value of membership fees shall be determined by the Management Committee.

11. An annual membership fee will be payable in advance 12 months from the initial payment / anniversary date of membership. Membership will commence once a completed membership form is received and fees have been deposited into the association account and cleared. Membership renewals are due as at 1 August each year. The only exception is for those who have joined for multiple years.

12. Members, who fail to pay their annual membership fees by the due date, will be given one calendar month to become financial. Membership lapses if payment is not received by the end of the extra month.

13. Payment or tender of the annual membership fees can be made directly into the Association's bank account or by mail addressed to the Secretary. Membership will be renewed once fees are received.

14. Membership fees for Ordinary Members and Associate Members will be of equal amount as each has the ability to nominate for positions and vote.

### **Admission and Rejection of Members**

15. An application for membership will be considered once the applicant's service details are confirmed. After receipt of the application, membership will be accepted if:

- a. The application for membership meets the qualification requirements as described in paragraphs 8 and 9; and
- b. The applicant tenders their membership fee with their application for membership; and
- c. None of the provisions of paragraph 16 are applicable.

16. An applicant will not be entitled to membership of the Association if:

- a. The applicant has previously been a member of the Association and their membership was terminated by the Management Committee, or
- b. The Management Committee considers, on reasonable grounds, that the admission to membership of the applicant would be prejudicial to the character or interests of the Association.

17. Upon rejection of an application for any class of membership, the Secretary shall, as soon as practicable, give the applicant notice in writing. Upon acceptance of an application it will be processed by the committee.

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**Termination of Membership**

18. A member may resign from the Association at any time by giving notice in writing to the Secretary. Resignations shall take effect at the time the notice is received by the Secretary, unless a later date is specified in the notice (this will take precedence).

19. The Management Committee shall consider whether membership should be terminated if a member:

- a. is convicted of an indictable offence, or
- b. fails to comply with any of the provisions of these rules, or
- c. has membership fees in arrears for one month post their anniversary date, or
- d. their conduct is in a manner considered to be prejudicial to the character or interests of the Association.

20. The member concerned shall be given the opportunity to fairly and fully present their case for retention.

21. If the Management Committee resolves to terminate the membership it shall instruct the Secretary to advise the member accordingly.

**Appeal against Rejection or Termination of Membership**

22. A person whose application for membership has been rejected or whose membership has been terminated, may, within one month of receiving written notification, lodge with the secretary, written notice of the person's intention to appeal against the decision of the Management Committee.

23. Upon receipt of a notification of intention to appeal against rejection or termination of their membership, the Secretary shall convene, within three months of the date the Secretary received the notice, a General Meeting to determine the appeal.

24. At any such meeting, the applicant shall be given the opportunity to fully present their case to the Management Committee or those members of the Management Committee who rejected the application for membership or terminated the membership, shall likewise have the opportunity of presenting their case.

25. The appeal shall be determined by the vote of the members present at such meetings.

26. Where a person, whose application is rejected, does not appeal against the decision of the Management Committee within the time prescribed by the Constitution or so appeals but the appeal is unsuccessful, the Treasurer shall refund the amount of the paid membership.

27. Where a person's membership is terminated, there will be no reimbursement of fees paid. A multi year membership reimbursement will be considered case by case by the Executive Committee.

**Register of Members**

28. The Management Committee shall maintain a register to include all names and residential addresses of all persons admitted to membership of the Association and the date of their admission.

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29. The register is to include deaths, resignations, terminations and re-instatements of membership and any further details as the Management Committee and members deem appropriate.

30. The register shall be open for inspection at all reasonable times by any financial member who previously applies to the Secretary for such an inspection.

### **Executive Committee**

31. The Executive Committee is to consist of the following positions:

- a. President,
- b. Secretary, and
- c. Treasurer.

32. The Executive Committee is formed through the election of the Management Committee which shall be decided by the membership at the Annual General Meeting.

### **The Management Committee**

33. The Management Committee of the Association shall consist of as many members as appropriate to effectively manage the Association. These positions are to be nominated for and decided by the membership in accordance with para 37 onwards. The Management Committee currently has the following positions:

- a. President;
- b. Vice President;
- c. Secretary;
- d. Treasurer;
- e. Social member;
- f. Property member; and
- g. IT/Media/Website member.

34. Assistant position holders may be nominated for and attend meetings in the absence of the elected officer.

35. Each state can have a member volunteer to be a State representative. State representatives are not voted in (unless there is more than one volunteer) and can represent their state members at meetings. State Representatives of the Association must be a financial members in the following state or territory:

- a. South Queensland;
- b. New South Wales;
- c. Victoria;
- d. South Australia;
- e. Western Australia;
- f. Australian Capital Territory;
- g. Tasmania; and
- h. Northern Territory.

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36. All committee members must be financial members of the Association. The Management Committee is not to consist of more than 1/3 Associate Members.
37. At the Annual General Meeting of the Association, all members of the Management Committee shall retire from office. They are eligible upon nomination for re-election.
38. The election of the Executive Committee and other members of the Management Committee shall take place in the following manner.
- a. Prior to the AGM every financial member is to receive a copy of the nomination form. The form is to be used to nominate for a position on the Executive and / or the Management Committee. Any financial member of the Association can be nominated as a candidate and also may nominate themselves for a position on either committee.
    - i. In writing,
    - ii. Signed by the nominee and a seconder (preferred) both who are to be financial members. A seconder is preferred but not mandatory, and
    - iii. Members are to send their nominations via email or surface mail addressed to the Public Officer [committee@24rarassociation.com](mailto:committee@24rarassociation.com) and lodged with the Secretary at least 21 days prior to the Annual General Meeting.
  - b. If a member has nominated another member for a position the Secretary is to confirm with the nominee that they concur with their nomination. If they do not the nomination is withdrawn and the nominating person informed.
  - c. Prior to the Annual General Meeting, the Management Committee shall appoint one of its members the Public Officer.
  - d. Once nominations are received by the Secretary they will be consolidated.
  - e. If there is only one nomination for any position there is no need for members to vote and the Public Officer at the AGM will declare that nominee as elected unopposed. If there is more than one nominee for a position then the Secretary will distribute to members a voting form to allow them to vote for one of the nominated candidates.
  - f. Members are the encouraged to vote for one person in each category (as required) and return it to the Association e-mail address addressed to the Public Officer. The Secretary then forwards those e-mails to the Public Officers e-mail address for them to start consolidating the votes.
  - g. Postal votes must be received one week prior to the date of the Annual General Meeting to be considered. It shall be the responsibility of the Public Officer to receive and count the postal votes and present the results by position at the Annual General Meeting.
  - h. On the day of the AGM the Public Officer will chair the AGM and read out the votes for the election of the new Executive Committee. Once the Executive Committee is voted in, the new President assisted by the new Secretary will continue with the vote count for the remaining positions of the Management Committee.
  - i. The outgoing Executive Committee is to ensure that their positions have been nominated for prior to the AGM. No additional nominations will be taken

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from the floor for any Executive Committee positions at the AGM. This is to ensure that members are aware beforehand who the nominees are and can vote. If additional nominations are raised at the AGM it does not allow all members to cast a vote for the nominees.

- j. The association must have an Executive Committee to be deemed as functional. The manning of the Management Committee should support the Executive. Whilst not ideal; if there are vacant positions on the Management Committee this does not affect the effective running of the Association.
- k. Should, at the commencement of the meeting there be insufficient numbers of candidates nominated for the remaining positions on the Management Committee, nominations may be taken from the floor of the meeting. If no nominations are forthcoming from the floor those positions will be deemed vacant.
- l. Each financial member present at the Annual General Meeting shall be entitled to vote for a candidate for each vacancy on the Management Committee.
- m. Postal votes shall be accepted, proxy votes are acceptable.

#### **Resignation or removal of a Committee Member**

39. Any member of the Management Committee may resign from membership of the Management Committee at any time by giving notice in writing to the secretary. Resignations shall take effect at the time the notice is received by the Secretary, unless a later date is specified in the notice (this will take precedence).

40. A person may be removed from membership of the Management Committee by a special resolution passed at a Special General Meeting called for that purpose if it becomes known that circumstances in para 19 apply. The member shall not be removed unless the member has been given the opportunity to be heard and fully present their case.

#### **Vacancy on the Management Committee**

41. The Management Committee shall have the power at any time to appoint any member of the Association to fill any casual vacancy on the Management Committee until the next Annual General Meeting.

42. The composition of the Management Committee may be reduced or increased in size at any time; as approved by the Executive and passed at a General Meeting.

#### **Functions of the Management Committee**

- 43. The Management Committee shall have the following key responsibilities;
  - a. The general control and management of the administration of the affairs, property and funds of the Association.
  - b. Authority to interpret the meaning of these rules and any matter relating to the Association on which these rules are silent.
  - c. Duty statements for positions are located in annex A.

#### **Meeting of the Management Committee**

44. The Management Committee shall meet at least once every two months, or at the discretion of the Management Committee, to exercise its functions. The

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Secretary must call a Special Meeting of the Management Committee whenever the President, or two or more of the committee members, request such a meeting.

45. At least 14 days written notice of the date, time and place of a Management Committee Meeting is to be given, except where the President considers that there are special circumstances that warrant a Special Meeting being called on less than 14 days notice.

46. The quorum for a Management Committee Meeting is at least half the number of Management Committee members plus one.

47. Issues arising at any meeting of the Management Committee shall be decided by a majority vote. If there are equal votes, the President shall have a second vote.

48. The President shall preside as chairperson at every meeting of the Management Committee. If there is no President, or if at any meeting the President is not present within 15 minutes after the appointed time for holding the meeting, the senior committee member shall be chairperson.

49. When a casual vacancy becomes available on the Management Committee during the current FY, it will be filled in accordance with para 41.

### **Annual General Meeting**

50. An Annual General Meeting shall be held in August every year.

51. The business to be transacted at the Annual General Meeting shall include:

- a. The receiving of the Management Committee's report and the statement of accounts for the preceding financial year,
- b. The receiving of the treasurers report upon the accounts for the preceding financial year,
- c. The election of members of the Executive and Management Committee,
- d. The appointment of an auditor (if required IAW para 64) , and
- e. General business.

### **General Meetings**

52. Meetings are to be IAW para 44 and promulgated by the Management Committee. Meetings will be held at the Townsville RSL, unless otherwise told. Any ordinary or associate member may attend a committee meeting. The business to be dealt with at every Management Meeting shall include: Meeting shall include:

- a. Meeting open time;
- b. Attendees;
- c. Apologies;
- d. Departed comrades (one minute silence);
- e. Welcome to new members (if applicable);
- f. Reading of the previous months Management Meeting minutes;
- g. Adoption of the previous minutes as true and accurate;
- h. Business arising out of the previous minutes;
- i. Correspondence in and out;

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- j. Business arising out of correspondence;
- k. Reports;
  - i. President,
  - ii. Secretary,
  - iii. Treasurer,
    - i. Presentation of financial statements and balance sheets
    - ii. Adoption of financial statement and balance sheets
  - iv. Social,
  - v. Merchandise
  - vi. Personnel; and
  - vii. Web / IT.
- l. Additional reports may be presented if invited by the chairperson;
- m. General business;
- n. Visiting speaker /presentations;
- o. Next Meeting details; and
- p. Meeting close time.

#### **Extraordinary Meeting**

- 53. The Secretary shall convene a Extraordinary Meeting:
  - a. When directed to do so by the President or majority of the Management Committee, or
  - b. On being given notice in writing of an intention to appeal against the decision of the Management Committee, to reject an applicants membership or to terminate a membership of any person.

#### **Quorums**

- 54. The quorum at an Annual General Meeting or Extraordinary Meeting of the Association shall be 15 financial members.
- 55. The quorum for a Management Committee Meeting shall be 50% + 1.

#### **Committee Meetings**

- 56. At every Committee Meeting:
  - a. The President shall preside as chairperson at every meeting of the Management Committee. If there is no President, or if at any meeting the President is not present within 15 minutes after the appointed time for holding the meeting, the senior committee member shall be chairperson. (same as para 49).
  - b. Every question, matter or resolution shall be decided by a majority of votes by the members present.
  - c. Every financial member present at the meeting is to sign the register and be entitled to one vote.

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- d. Members unable to attend a meeting may post absentee “postal” votes on pre-listed proposals via surface or electronic mail directly to the Secretary.
- e. In the case of an equal vote the chairperson will have a second vote.
- f. Voting shall be by a show of hands.

### **Minutes of Meetings**

57. The Secretary shall record a full and accurate account of all questions, matters, resolution and proceedings of every AGM, Management Committee, General or Special Meeting into the minutes. The minutes are to be available for inspection at all reasonable times by any financial member who previously applies to the Secretary for that inspection. Minutes are to be signed and available one week after a meeting.

### **Funds, Accounts, Income and Property**

58. The funds of the Association must be kept in an account in the name of the association in a financial institution decided by the Management Committee.

- (a) Records and accounts must be kept in the English language showing full and accurate particulars of the financial affairs of the association.
- (b) All amounts must be deposited in the financial institution account as soon as practicable after receipt.
- (c) The Executive Committee can authorise a payment of up to \$1000. Any expenditure is to be ratified at the next Management Committee meeting.
- (d) A payment by the association of \$100 or more must be made by cheque or electronic funds transfer.
- (d) If a payment of \$100 or more is made by cheque or electronic funds transfer, the cheque/payment must be signed/authorised by any two (2) of the following:
  - (i) The president.
  - (ii) The secretary.
  - (iii) The treasurer.
- (e) Cheques, other than cheques for allowances or petty cash recoupment, must be crossed not negotiable.
- (f) A petty cash account may be kept and the management committee must decide the amount of petty cash to be kept in the account.
- (g) With the exception of 59(c) all expenditure must be approved or ratified at a management committee meeting.

59. The income and property of the association must be used solely in promoting the association’s objectives and exercising the association’s powers.

60. The Management Committee must ensure the safe custody of books, documents, instruments of title and securities held by the association. When a new Secretary is voted in, all books, documents, instruments of title and securities are to be handed to them within 14 days.

61. Nothing contained in this paragraph shall prevent the payment in good faith of interest to any member in respect of monies advanced by the member of the

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Association or otherwise owing by the Association to any member of the Association or other person in return for any services actually rendered to the Association. Nor shall anything in this paragraph be construed so as to prevent the payment or repayment to any member for out of pocket expenses, money lent, reasonable and proper charges for goods hired by the Association or reasonable proper rent for premises let to the Association.

### **Documents**

62. The financial year of the Association shall close on 30th June every year.

63. On behalf of the management Committee, the treasurer must, as soon as practicable after the end of each financial year, ensure a financial statement for its last reportable financial year is prepared

64. At the discretion of the Committee the Financial Books of Account may be audited at any time. Notwithstanding this, if there are any abnormalities observed on presentation of the Annual Statement of Financial Affairs, at the completion of the Financial Year, an independent Auditor is to be seconded to conduct an audit of the financial affairs. Any such report and its outcomes is to be tabled at the AGM for consideration by all members.

### **Patron**

65. A Patron may be appointed at the Annual General Meeting by majority vote, but is not mandatory. The appointed Patron must value add and bring substantial awareness and gravitas to the Association and not just be appointed because of their rank or station.

### **Winding Up/Dissolution**

66. If upon winding up or dissolution of the Association there remains after satisfaction of all its debts and liabilities, any property whatsoever, the same shall not be paid to or distributed amongst the members of the Association but shall be given or transferred to some other Association having objects similar to those of this Association and which shall prohibit the distribution of its or their income and property amongst its or their members.

### **Annexes:**

A. Committee Responsibilities / Duty Statements