

ROYAL AUSTRALIAN AIR FORCE ASSOCIATION



TASMANIA DIVISION (INCORPORATED)

ABN 31 872 637 934

CONSTITUTION (26 March 2022)

Effective 26 March 2022

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PREAMBLE

The aim of the Royal Australian Air Force Association (RAAF Association) is to foster the spirit of friendship formed on Service and to perpetuate the honour and ideals of the Royal Australian Air Force and designated services and to commemorate the service of the fallen.

The RAAF Association is a National Organisation comprising the Air Force Association Ltd and a federation of State based Divisions.

PART I - PRELIMINARY

1. Name

The name of the Association shall be the '*AUSTRALIAN FLYING CORPS AND ROYAL AUSTRALIAN AIR FORCE ASSOCIATION – TASMANIA DIVISION INC.*' (hereinafter called this Association).

The short title of this Association shall be the '*RAAF ASSOCIATION - TASMANIA DIVISION*'.

The name and short title of this Association shall not be used by any organisation, including other parts of this Association, without being licensed to do so by Air Force Association Ltd.

2. Division Office

The Division office of this Association shall be situated in Hobart, in the RAAF Memorial Centre, or at such a place within the State of Tasmania as decided by the Association.

Effective 26 March 2022

3. Interpretations and Definitions

In this Constitution:

- (a) **This Association** means the Australian Flying Corps and Royal Australian Air Force Association - Tasmania Division Inc.
- (b) **Tasmania Division** is the overall organisation comprising the Division, Branches as authorised and other sub bodies or sub committees of the Division or any of the Branches.
- (c) **This Constitution** means the Constitution of this Association.
- (d) **The State Council** means the Tasmania Division State Council of the Association and the members of the State Council shall be State Council Officers and be referred to as State Councillors.
- (e) **The State Executive** means the Executive Committee of the State Council of this Association.
- (f) **The Property** means the real and personal property from time to time belonging to or vested in or under the control or management of this Association.
- (g) **The National Body** means Air Force Association Ltd ABN 66 622 976 818.

- (h) **The National Executive** means the group consisting of the National President, The National Vice President, the National Secretary and the National Treasurer.

The Management Committee means the body responsible for the day to day running of this Association and consists of the State President, the Deputy State President, the State Secretary and the State Treasurer.

- (j) **The Act** means the *Associations Incorporation Act 1964* (Tasmania).

- (k) **A Special Resolution** is a resolution that is passed at any Annual General or Special General meeting of the Association of which at least twenty one (21) days written notice has been given and which specified the intention to propose the resolution as a Special Resolution has been duly given and is passed at such a meeting by a majority of not less than 75% of the members of the Association being entitled to vote at that meeting.

- (l) **Other Designated Services** means and includes the Royal Air Force, the Air Forces of Nations which are members of the Commonwealth of Nations, the Air Forces of the United States of America and the Air Forces of any Nation so designated by the National Body from time to time.

- (m) Words importing the singular shall include them plural and vice versa.

PART II – ASSOCIATION STRUCTURE

4. Organisation

- (a) **Composition.** The Association shall consist of the Division and the Branches established now or which may be in the future.
- (b) **The State Council.** The State Council is the governing body of this Association and shall conduct the business of this Association through the State Executive.
- (c) **Branches.** At the date of this Constitution there are three Branches:

Hobart Branch, North West Branch and Launceston Branch.

The State Council may establish other Branches of the Association with such duties, rights, powers and privileges as the State Council may determine.

- (d) **Affiliated Organisations.** Organisations having objectives compatible with or ancillary to the aims and objectives of this Association may be accorded affiliation in accordance with terms agreed to by the State Council.

5. Aims

The aims for which this Association is established are:

- (a) To act for the benefit of and in the interests of members, ex-members and deceased members of the Royal Australian Air Force and other designated Services and their dependents and other persons approved under this Constitution to be members of this Association.
- (b) To disseminate information relating to compensation entitlements, hospital and medical treatment and other benefits available to entitled persons under the *Veterans Entitlement Act 1986*, the *Safety Rehabilitation and Compensation Act 1988* (Military Compensation and Rehabilitation Service – MRCS) and the *Military Rehabilitation and Compensation Act 2004 (MRCA)*, and other legislation becoming relevant from time to time.
- (c) To give advice and assistance and to provide Advocates to represent entitled persons at hearings of the Veterans Review Board (VRB), the Administrative Appeals Tribunal (AAT) and the Courts.
- (d) To make submissions and to provide advice to the relevant Ministers and Government Departments on matters connected with the welfare of veterans, ex-servicemen and members of the Australian Defence Force (ADF) and their entitlements to pensions and/or compensation for injuries.

- (e) To provide for and assist those who are sick and disabled.
- (f) To provide for and assist those who may be in straitened or necessitous circumstances.
- (g) To provide for or assist in or contribute generally to any related benevolent purpose.
- (h) To actively preserve the memory of comrades who have died.
- (i) To assist and co-operate with kindred ex-service organisations and other organisations and to assist them in attaining any common object.
- (j) To preserve the heritage and traditions of the Royal Australian Air Force.
- (k) To take an active interest in military, commercial and general aviation and aeronautical research.
- (l) To foster aviation and conservation of aviation heritage.
- (m) To perform all such acts, matters and things as are, or may be, incidental to the foregoing objects or any of them.
- (n) To provide periodic reunions of members.

6. *Associations Incorporation Act 1964*

- (a) This Constitution is subject in all respects to the *Associations Incorporation Act 1964* and any clause which is inconsistent with that Act is, to the extent of the inconsistency, deemed to be null and void.

- (b) The *Model Rules* as provided for in the *Associations Incorporation Act (Model Rules) Regulations 2017* are excluded by this Constitution.

7. *Application of Assets*

The income and assets of this Association shall be applied solely towards the attainment of the objects of this Association, and no part shall be paid or transferred directly or indirectly, by way of any dividend, bonus or otherwise by way of profit to any member of this Association, PROVIDED THAT any member of this Association may be paid or reimbursed for any expenses properly incurred on behalf of the Association.

8. Winding Up This Association

- (a) This Association shall not be wound up while any Branch continues to operate and function.
- (b) If no Branch exists at the time of winding up this Association, and if there remains, after satisfaction of all its debts and liabilities and any funds or property, the same shall not be paid or distributed among the individual members of this Association, but shall be given or transferred to a registered charity or organisation with similar objects to this Association and such beneficiaries to be determined by this Association at or before the winding up.
- (c) Notwithstanding the above the Winding Up of this Association will be carried out in accordance with Corporations Law.

PART III – MEMBERSHIP

9. Membership Categories

The following categories of membership are available in this Association:

- (a) Ordinary Member
- (b) Associate Member
- (c) Life Member
- (d) Honorary Member
- (e) Service Member

10. Ordinary Member

The following persons shall be eligible for Ordinary Membership of this Association.

- (a) Members and former members of the Royal Australian Air Force (RAAF), ADF Members whose service is or was 'air related' and other designated Services approved by the National Body for membership, provided they were not dishonourably discharged from service.

- (b) Persons not less than 18 years of age, of good character, who have a genuine interest in aviation and who are in sympathy with the aims and objectives of this Association.
- (c) A person who qualifies for membership as an Ordinary Member by virtue of his Air Force service is not permitted to be an Associate Member.

11. Associate Membership

Spouses, partners and siblings of an Ordinary Member or of a deceased Ordinary Member or persons who have not served in the RAAF or in an ADF air related capacity who are over 18 years of age.

Associate Members shall have the right to be heard but have no vote at meetings of this Association and shall not be eligible to hold any State office. Associate Membership is exempt from paying National and Division subscriptions and levies.

12. Life Member

- (a) A member of this Association who has been recommended for the honour by a Branch Committee and who has made a significant contribution to this Association over a period of not less than ten (10) years may be awarded Life Membership of the Association. A person awarded Life Membership retains all the rights and privileges of Ordinary Membership but is exempt from paying subscriptions and levies.

- (b) The process for conferring Life Membership is contained in the Honours and Awards section of this Constitution.

13. Honorary Member

- (a) Any person or representative of an organisation who has made an appropriate contribution to the Division or a Branch and who is recommended for the honour.
- (b) The Branch Committee may approve Branch Honorary Membership and are to advise the State Secretary in writing of the appointment.
- (c) The State Council may also grant Honorary Membership of the Division to a person who in its opinion is deserving of the honour.
- (d) In cases where the honour is awarded to a State or Civic Official, it may be appropriate to specify the appointment is for the duration of their term of office but that decision will lie with the approving authority (Branch or Division).
- (e) Honorary Members shall have no voice or vote in this Association and shall not be eligible to hold any office. They shall not be required to pay any subscriptions but they may participate in Association activities.
- (f) The process for conferring Honorary Membership is contained in the Awards section of this Constitution.

14. Service Member

- (a) The National Body has determined that all current serving members of the RAAF will be considered members of the Service Division of the Air Force Association.
- (b) Service Members shall be entitled to participate in Association activities but shall have no vote or voice in the affairs of this Association, not hold any State office and shall not be required to pay any subscriptions.
- (c) A Service Member may make application to be an Ordinary Member.

15. Application for Membership

- (a) An applicant wishing to apply for membership of this Association shall complete an Application Form and submit it to the relevant Branch Secretary along with the membership subscription. The applicant shall be proposed and seconded by members of the relevant Branch. Membership requires endorsement by the relevant Committee.
- (b) All applicants are to sign the declaration to the effect that the information they have provided on the Application Form is true and correct.

- (c) Both the State Council and the Branch shall have the capacity to review an Application for Membership and grant or refuse membership. The grounds for refusal must be substantial and evidence of unsuitability must be provided. Any person who has an Application for Membership refused shall be entitled to be provided with the reasons for the rejection within twenty one (21) days. In every such case, the rules of natural justice must prevail.
- (d) Branch Secretaries are to provide the State Secretary with a copy of every application for membership that is approved. This allows the State Register of members (the Division Membership Data Base) to be kept current and up to date.

16. Annual Capitation Fees

- (a) Ordinary members are required to pay an annual National capitation fee set by the National Body, and a Division capitation set by the State Executive.
- (b) These fees are paid as part of the annual Branch fee. The annual Branch fee is determined by the Branch after consideration of the National and Division capitation fees.
- (c) Associate members are required to pay a Branch fee.
- (d) Branches are to forward the National and Division capitation fees to the State Secretary as at 31 March and 30 September in each year.

17. Multiple Branch Membership

- (a) A person may be a member of more than one Branch of this Association.
- (b) A member who elects to be a Multiple Member shall pay a Branch Subscription to each Branch they belong to but shall only be liable for one National Capitation Fee.
- (c) Multiple Members shall have voting rights with every Branch they belong to but may not hold office in more than one Branch of this Association in any one financial year.

18. Transfers

- (a) **Transfer to Other Associations.** In the event that a member of this Association changes their place of residence to another State or Territory they may apply to transfer their membership to such a Division or Branch in the new locality. The transfer may be facilitated by liaison between the State or Branch Secretaries as appropriate.
- (b) **Transfer to This Association.** In the event that a member from another Association requests a transfer to this Association the member will be required to complete a transfer form supplied by this Association and provide a copy of their prior membership record. Normal Branch and Division review processes will apply.

19. Division Membership Data Base

A record (called the Membership Data Base) of all members of this Association shall be maintained by the State Council. It may be complementary to any National Data Base requirement as requested by the AFA Ltd National Secretary. The State Council shall appoint a Membership Liaison Officer to coordinate the requirements of the National Body.

20. Payment of the Annual Capitation Fee

Each Member, unless exempted elsewhere, shall pay an annual capitation fee set by their Branch.

21. Resignation

A member who wishes to resign their membership must do so by sending their resignation, in writing, to the Secretary of each Branch in which they are enrolled. The resignation shall be effective from the date specified by the member in the notice of resignation.

22. Suspension and Expulsion.

- (a) **General.** Any member who has infringed this Constitution, or the Branch By-Laws, including the non-payment of Annual Subscription as and when due, or who is acting or who has acted in a manner considered by the relevant Branch committee in which they are a member to be contrary to the interests of this Association, may, either on

the initiative of the State Council or on a recommendation from a Branch Committee, be suspended from membership of this Association until their subscriptions are paid in full or for such a period as the State Council may think fit.

(b) **Expulsion.** A member may be expelled from this Association where the State Council considers:

(i) The member to be a member of, or associated with anybody or organisation, any of whose objects or activities are subversive to the social, political or governmental institutions of the Commonwealth of Australia; or

(ii) The member has expressed views in sympathy with such objects or activities.

23. Inappropriate Behaviour

(a) Any member who has acted in an inappropriate or aggressive manner towards any other member or guest of a member shall be liable to disciplinary action. Abusive language, bullying, harassment and/or the offer of physical violence shall not be tolerated at any time and a member found to have behaved in such a manner shall be subject to such a penalty as the relevant Branch Committee or the State Executive see fit.

(b) The penalty may include suspension or a severe reprimand with such conditions as the relevant Branch Committee or the State Executive thinks fit.

24. Misconduct or Complaint

- (a) The State Council will have the power to deal with misconduct of a member or a complaint against a member involving the penalty of suspension or expulsion at a meeting of the State Executive convened for the purpose. The member concerned shall be given at least thirty (30) days' notice, in writing, of such a meeting and the nature of the alleged misconduct or complaint. Such notice will be sent to the member by registered mail at the address appearing on his membership record.
- (b) The notice shall also specify the time and place of the meeting of the State Executive and shall notify the member that they may attend with a support person, such meeting for the purpose of being heard in their defence to the alleged misconduct or complaint.
- (c) The State Executive shall provide its recommendation to the State Council.
- (d) Any such suspension or expulsion shall be effected only if passed by a resolution of the State Council. A member who has been suspended or expelled from this Association may, within fourteen (14) days after the date of the suspension, appeal the decision to the State Council.

- (e) In such a case the State Council shall convene a Meeting of State Council within twenty one (21) days to consider the appeal and the member concerned notified of the time and place and invited to attend, with a support person the appeal hearing to present their case.
- (f) The findings of the Appeal Hearing shall be provided to the member concerned, in writing, within fourteen (14) days of the hearing of the appeal.
- (g) In all processes by a Branch Committee, the State Executive and the State Council, be given a fair hearing without bias.

25. Reinstatement

- (a) Any suspension or expulsion may, at any time, be revoked or modified by the State Council, either on its own initiative or on the recommendation of the Branch Committee. Such reinstatement may be subject to such terms and conditions as the State Council may think fit.
- (b) No person shall be reinstated on any Branch Register until they have paid any or all arrears of subscription which would have become due and payable had they remained a member, however the State Council shall have the power and the discretion to reduce any amount payable in this regard as it thinks fit.

26. Resolution of Internal Disputes

Dispute between Members. Disputes between members (in their capacity as members) of this Association shall be referred to the State Executive and the decision of the State Executive shall be final and binding on both parties.

27. RAAF Association Badges

A badge shall be issued to every new member of this Association. Any additional or replacement badge shall be purchased at the expense of the member concerned.

- (a) **Life Membership Badges.** When Life Membership is granted, a Life Membership Badge will be issued by the National Body.
- (b) **Divisional President's Badge.** The President of the Division may wear a Divisional President's Badge suspended from a neck ribbon of light and dark blue ribbon material, or by affixing the badge to their clothing by pinning. This badge is only to be worn during their term of office.

PART IV - AWARDS

Awards shall be available to members of this Association.

28. AFA Ltd National Awards

- (a) **Certificate of Merit.** Where the Division considers it appropriate, it may request the National Body to issue a Certificate of Merit to a member. In that case the Division shall forward a submission to the Secretary of the National Body requesting the recognition.
- (b) **50 Year Membership.** Where a member attains fifty (50) years of continuous (or in aggregate) membership of this Association, the State Secretary shall verify the member's qualification and request the Secretary of the National Body to issue a 50 Year Membership Certificate.
- (c) **Life Member.** see State Division or Branch Awards

29. State Division or Branch Awards

- (a) **Life Member**
 - (i) Where a member has made a very significant contribution to the Association over an extended period of not less than ten (10) years, a Branch or Division President or Vice President may make a recommendation that Life Membership be granted to that member and forward that recommendation to the State Secretary.

- (i) The State Secretary shall seek the approval of the State Executive. When approval has been received the member shall be considered a Life Member of the Tasmania Division. The State Secretary shall then advise the National Secretary and request national endorsement of the honour and request that the member be issued with a Life Member Certificate from the National Body to ensure there is national recognition of the award.
 - (ii) In the unlikely event that the National Body does not give approval, the member concerned shall still be a Life Member of the Tasmania Division and a Division Life Membership Certificate shall be issued and sent to the member concerned.
- (b) **Certificate of Merit.** The member concerned must have at least 5 years membership of the Association and have made an appropriate contribution to a Branch or this Association. A Certificate of Merit may be issued by the Division or a Branch.
- (c) **Certificate of Appreciation.** These may be given to a member for a particular noteworthy contribution to a Branch or an Association activity or to a non-member or business who has made a significant contribution to a particular Branch or this Association. A Certificate of Appreciation may be issued by the Division or a Branch.

- (d) **Certificate of Membership of the Association.** Certificates of Membership will be issued to members for the following periods of membership, 15 years, 25 years, 30 years and 40 years.

Requests for Certificates of Membership are to be made to the State Secretary by the relevant Branch. On being satisfied as to the member's entitlement the State Secretary shall issue the Certificate.

30. Approval Process for Awards (excludes Certificate of Membership)

- (a) A submission is to be made from the nominating Branch or Division Officer (as relevant) and is to cover:
- (i) Full name of member being nominated,
 - (ii) The Honour or Award being recommended,
 - (iii) Details of the person's Membership of the Association,
 - (iv) Details of the member's contribution,
 - (v) Impacts the contribution have made on this Association, and
 - (vi) The endorsement of the relevant Branch Committee or Division Officer making the recommendation.
- (b) Nominations for awards should only be discussed with persons directly involved in the process.

PART V - ADMINISTRATION AND MANAGEMENT

31. State Council

- (a) **Composition.** The State Council shall consist of the State President, the Deputy State President, the State Secretary and the State Treasurer who shall be the elected Officers. The State Council shall also include the Branch Presidents, the Senior Air Force Officer Tasmania and two members appointed from each Branch (appointed by the relevant Branch Committee for a twelve month period from the date of the Branch AGM).
- (b) **Management of the Memorial Centre.** The State Council is responsible for the operation of the Memorial Centre which will be managed by the State Executive via the Management Committee. The day to day running will be coordinated by the State Secretary who shall be considered to be the Executive Officer.
- (c) **Tenure.** With the exception of the Senior Air Force Officer Tasmania, each State Councillor of the Division shall hold office for a twelve month period from the date of the AGM, except that the State Secretary shall hold office for a two year period and be elected bi-annually. The Branch Presidents are members of the State Council (State Councillors) for the period they are a Branch President.

- (d) **Casual Vacancy.** Any casual vacancy occurring on the State Council shall be filled by State Council having regard to balanced representation among the Branches.
- (e) **Grounds for Vacation of Office.** The office of a State Councillor shall become vacant:
 - (i) Upon their death,
 - (ii) If they send a written resignation to the State Council,
 - (iii) If they become mentally ill or suffers any health crisis that renders continued occupancy of office untenable,
 - (iv) If the office of the State Councillor is declared vacant by resolution of the State Council,
 - (v) If they cease to be a member of this Association, or
 - (vi) If convicted of a criminal offence

32. Meetings of the State Council

(a) When Held

- (i) The State Council shall meet at least once in each year and thereafter as often as deemed appropriate or necessary by the State President. Meetings can be held either face to face or by other electronic means.
- (ii) At least fourteen (14) days notice is required for meetings of the State Council.

(b) Emergency Meetings

Should it be necessary to call an Emergency Meeting of the State Council, the State President may with the approval of the other State Councillors, waive the usual period of notice and in consultation with the other State Councillors, set a time and date to deal with the matter or issue at hand.

(c) Disclosure of Interests

- (i) If a member of the State Council has a direct or indirect pecuniary or other personal interest in a matter being considered, or about to be considered, by the State Council at a meeting, the State Councillor is to, as soon as practicable after the relevant facts come to the State Councillor's knowledge, disclose the nature of the interest to the State Council.
- (ii) If at a meeting of the State Council a State Councillor votes in respect of any matter in which they have a direct or indirect pecuniary or other personal interest, that vote is not to be counted.

33. Proxy Votes at Meetings of State Council

- (a) State Councillors (including Branch Representatives) are entitled to attend and vote at any meeting of the State Council but if they are unable to attend the meeting, may if they wish, register their vote or donate their proxy to another State Councillor attending the meeting, on a form specified by the State Council.

- (b) Proxy forms are issued by, and held by the State Secretary.

34. Quorum at Meetings of State Council

- (a) A quorum at a meeting of the State Council shall be seven (7) State Councillors present at the meeting and must include one representative from each Branch.
- (b) If a quorum is not present at the time set for the meeting, The Chair, at their discretion, may either abandon the meeting or wait for a period of twenty (20) minutes and if no quorum is present reschedule the meeting to a date to be fixed.

35. Business Agendas of State Council Meetings

The State Secretary shall forward the agenda to all State Councillors at least seven (7) days prior to the date set for the meeting.

36. Powers and Duties of the State Council

The State Council shall have the following powers and duties in addition to any others elsewhere granted in this Constitution:

- (a) the power to approve the formation of a Branch or Branches of this Association as appropriate;
- (b) the appointment of Working Groups or Sub Committees from among members of this Association with such delegated duties as the Council may prescribe;

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- (c) the appointment of Assistant Officers to aid the main office bearers in the execution of their duties;
- (d) The State President or in their absence, the Deputy State President, may authorise public statements on behalf of this Association;
- (e) the oversight of the property, assets and finances of Branches. In the event of financial mismanagement of a Branch the State Council may if necessary take control of the business affairs of the Branch;
- (f) Where in the opinion of the State Council a deadlock occurs in the conduct of the affairs of a Branch or a Branch Committee, or in any situation where the prestige or image of the Association is adversely impacted, the State Council may conduct a formal investigation into the affairs of the Branch. While the investigation is underway the State Council may exclude any member or members of that Branch from Association and Branch activities;
- (g) make by-laws consistent with this Constitution, amend or revoke them and prescribe any forms used to administer this Association;

notify each Branch Secretary in writing of all By-Laws and amendments or revocation of By-Laws made by the State Council;

- (h) invite a person to become a Patron of the Association, or to confer Honorary Membership (see clause 13) on a person who, in the opinion of the State Council, has rendered outstanding support to the Association, its aims and objectives;
- (i) interpret the objects of the Association;
- (j) publish journals or newsletters;
- (k) exercise the power to suspend or expel members; and
- (l) may do all things necessary or convenient for carrying out the aims and objectives of the Association other than those powers and functions that are required by this Constitution to be exercised and performed by members of the Association at a general meeting.

37. The State Executive

- (a) The State Executive shall consist of the State President, the Deputy State President, the State Secretary, the State Treasurer and the Branch Presidents.
- (b) The State Executive shall have the powers vested in the State Council to manage the operations and functioning of this Association and the RAAF Memorial Centre, except to the extent that any powers have been specifically withdrawn by the Council.

- (c) The State Executive may delegate to the Office Bearers of this Association the authority to spend funds in accordance with this Association's approved Association Regulation – Approval of Tasmania Division Expenditure.
- (d) The State Executive shall meet at least twice per annum or whenever the State President deems necessary. Meetings may be face to face or by electronic means.
- (e) A notice of motion to meetings of the State Executive shall require fourteen (14) days notice.

38. Annual General Meeting of this Association

- (a) **When Held.** The Annual General Meeting (AGM) of this Association shall be held in the first three (3) months of each financial year of the Association.
- (b) **Place and Timing.** The place and time and format of the meeting shall be determined by the State Executive.
- (c) **Quorum at the AGM.** A quorum at the AGM of this Association shall be ten (10) members present, in person or by electronic means at the meeting and entitled to vote, including at least one member of each Branch.
- (d) **Chair of the AGM.** The State President, or in their absence, the Deputy State President, shall preside. Should either of those not be available, the meeting shall elect one of the Branch Presidents to act as Chair. The Chair must conduct meetings in accordance with the Laws of Meeting Procedure.

- (e) **Business of the AGM.** The business of the AGM shall be:
- (i) To confirm the minutes of the last meeting;
 - (ii) To receive and consider the audited financial statements of accounts for the preceding year and Auditor's report;
 - (iii) To receive reports from the State President, the State Secretary and the State Treasurer on the past year's activities,
 - (iv) To receive a report from the Deputy State President in their capacity as Coordinator of the Work Health and Safety Committee,
 - (v) To receive reports from the Branch Presidents, including any Work Health and Safety issues within their respective Branches,
 - (vi) To receive a report from the Chair of the Museum Committee,
 - (vii) To elect the State Officer Bearers,
 - (viii) To confirm the appointments of the Branch delegates to State Council,
 - (ix) To confirm the appointment of the Auditor for the following 12 months,

- (x) To deal with any special business of which appropriate notice has been given, and
- (xi) To transact general business.
- (f) **Entitlement to Attend.** All members of the Association are entitled to attend and, with the permission of the Chair, to speak at the AGM of this Association.
- (g) **Voting.** All questions arising from the AGM, other than those requiring a special resolution, shall normally be decided on a simple majority of votes. If deemed necessary and appropriate by the Chair a poll will be conducted in a manner determined by the Chair. Only Ordinary and Life members are entitled to vote. If members are unable to attend the meeting they may register their vote or donate their proxy to another member attending the meeting on a form specified by the State Council. Proxy forms are issued and held by the State Secretary.
- (h) **Chair's Deciding Vote.** Each member entitled to vote shall be entitled to cast one vote and in the event of an equality of votes, the Chair shall have a casting vote in addition to a deliberate vote.
- (i) **Notice of AGM.** Not less than sixty (60) days notice of the AGM shall be given to all members of the Association.

- (j) **Agenda of the AGM.** Any general business to be brought before the AGM is to be provided to the State Secretary no less than thirty (30) days prior to the meeting. The Agenda shall be forwarded to all members of the Association no less than seven (7) days prior to the meeting.

- (k) **Nomination for State Office.** Persons nominating for State President, Deputy State President, State Secretary and State Treasurer shall submit their nomination for the particular office on the prescribed form and lodge it with the State Secretary at least twenty one (21) days prior to the date of the AGM. Nominations are to be signed by a Proposer and Secunder who must be current financial Ordinary, or Life Members of this Association.

- (l) **Election of State Officers.**
 - (i) The State Officers shall be elected at the AGM of this Association,

 - (ii) If the nominations received equate to the available vacancies, no ballot shall be required and the Chair may declare the persons nominated as elected to the nominated position, and

 - (iii) In the event that there are more nominations for the same office, two (2) scrutineers shall be appointed by the meeting to conduct a ballot. The Scrutineers shall report the outcome of the ballot to the meeting Chair.

39. Special General Meetings

A Special General Meeting of all members of this Association may be called at any time by the State Council and shall also be called if demanded in writing to the State Secretary by not less than twenty (20) financial members of the Association. Notice of twenty one (21) days is required for the calling of an Special General Meeting and this notice shall specify the purpose for the meeting. No other business shall be discussed at this meeting unless it is included on the notice. Quorum and voting procedures at Special General Meetings will be conducted in the same manner as it is at the AGM.

40. Special Resolutions

- (a) A Special Resolution will be required to give effect to any of the following:
 - (i) To change the name of this Association,
 - (ii) To change this Association's Constitution,
 - (iii) To alter in any way the character and or nature of this Association,
 - (iv) To sell or dispose of the real property of this Association, and
 - (v) To affect the wind up of this Association in accordance with clause 8.

- (b) Notice of any Special Resolutions must be provided to all members at least twenty one (21) days prior to the date set for the meeting at which they are to be discussed and/or actioned. All Special Resolutions must be carried by at least 75% of members attending and entitled to vote.
- (c) Notice of any Special Resolutions will be provided with the Notice of Meeting.

41. Amendments to this Association's Constitution

- (a) This Constitution, its statement of objects, the name of this Association or the character of this Association may be amended by a Special Resolution passed at an Annual or a Special General Meeting of this Association at which proper notice of the proposed amendment has been given.
- (b) Where a Branch proposes any alteration to the Constitution or any matter requiring a Special Resolution, the Branch Secretary is to forward the request to the State Secretary to allow for notice to be issued convening a Special General Meeting.

42. Minutes of Meetings

- (a) Minutes of all meetings of the Division are to be kept by the State Secretary. Minutes are to be confirmed at the next meeting and signed by the presiding Chair.
- (b) The State Secretary shall circulate the minutes to all Branch Presidents.

43. Source of Funds

- (a) The funds of the Division shall be derived from the subscriptions of members, donations, grants and such other sources as may be approved by the State Council.
- (b) All moneys and funds received shall be deposited promptly in the accounts of this Association. The accounts must be held with an Australian bank or an institution that is the holder of an Australian Financial Services Licence (AFSL) selected by the State Executive.

44. Financial Approval

The Management Committee shall be authorised to expend monies for the day to day running of the Association, including the on-going operation of the RAAF Memorial Centre and for any emergency repairs to the limit of \$10,000 in accordance with the Association Regulation – Approval of Tasmania Division Expenditure. Any expenditure over \$10,000 requires two (2) quotes and the approval of the State Council.

45. Accounts, Audits and Reports

- (a) **Bank Signatories.** Cheques and other instruments, including electronic funds transfers, authorising payment of the funds of the Division will be executed by any two members of the State Executive.
- (b) **Payment of Accounts.** With the exception of those accounts delegated by the State Executive in para 37 (c), no account shall be paid unless it has been authorised for payment by the State Council.

- (c) **Books of Account.** The State Council shall ensure that a full set of accounts be kept to record the income, expenditure, assets and liabilities of the Division. The Accounts will be audited annually by a qualified Accountant.
- (d) **Financial Year.** The financial year of the Association and each Branch shall begin on the first day of January and will end on the thirty-first day of December of each year.
- (e) **Financial Statements.** A copy of the Division's Financial Statements and the Auditor's Report, and a report of the proceedings of the State Council since the last Annual General Meeting, will be provided to each State Councillor and the Secretary of each Branch not less than seven days (7) before the Annual General Meeting.
- (f) **Accounts of the Branches.** All Branches shall keep books of account and will prepare Annual Financial Statements which must be audited. Branches will forward a copy of the Annual Financial Statements and the Branch Auditor's Report to the State Council within seven (7) days of the conclusion of the Branch's Annual General Meeting.

46. Duties and Responsibilities of State Council Office Bearers

- (a) **State President.** The State President shall be responsible for the oversight of the management functions of the Division and the Memorial Centre and shall report to the State Council as appropriate.
- (b) **The Deputy State President.** The Deputy State President shall deputise for the State President when requested to do so and in addition shall be responsible to co-ordinate Workplace Health and Safety across the Division. He shall also co-ordinate maintenance of the National Membership Data Base with the person nominated to manage the Divisional Membership records. The Deputy State President may also be delegated other duties and responsibilities as appropriate. The Deputy State President should preferably be located in the Southern (Hobart) area.
- (c) **The State Secretary/Executive Officer.** The State Secretary who shall also act as the Executive Officer of the State Executive and coordinates the day to day running of the Memorial Centre, shall keep all the records of the Division except those financial records entrusted to the State Treasurer or Book Keeper and shall keep all minutes of meetings of the Association, the State Council and the State Executive. The State Secretary shall also be responsible to keep all correspondence and shall perform other duties as may be allocated by the State Council or by the State Executive.

- (d) **State Treasurer.** The State Treasurer shall receive all moneys belonging to the Division and shall ensure that such moneys are banked promptly.

The State Treasurer shall keep a correct account of all moneys received and expended, and he shall under no circumstance pay, lend or otherwise appropriate any of the funds of the Association for any cause or purpose whatsoever unless authorised by the State Council.

The State Treasurer shall keep all financial records and provide them to the State Council when requested. The State Treasurer may be assisted in this task by a Bookkeeper. The State Treasurer shall attend all audit meetings pertaining to the office and afford all information required by the Auditor. The State Treasurer shall prepare annual statements incorporating the whole of the financial transactions of the Association and shall forward audited copies of same to the State Council.

- (e) **Combined Duties.** The positions of State Secretary and State Treasurer may not be held by the same person.

47. RAAF Association Tasmania - Common Seal

- (a) The Common Seal shall be kept in the custody of the State Secretary. It shall only be used with the authority of the State Council or the State Executive. Every instrument signed under Common Seal shall be signed by the State President or the Deputy State President and will be countersigned by the State Secretary or another State Councillor.
- (b) The State Secretary shall keep a Register of all documents and instruments signed and the date, description of the document/instrument and the date of execution and by whom.

48. Auditor

- (a) The Auditor is to be appointed at the AGM of the Association and shall hold office until the next succeeding AGM.
- (b) A State Councillor shall not be eligible to be appointed as the Auditor.

49. Validity of Acts

All acts done by the State Council, State Executive or a Working Group or Sub Committee thereof shall, notwithstanding that it may afterwards be discovered there was some irregularity in the appointment of any member of the State Council or State Executive, or that person was disqualified, be as valid as if the person had been duly appointed and was qualified.

50. Indemnity

Every member of the State Council, State Executive or any other officer or servant of the State Council shall be indemnified by the Association against any claims or losses that may arise as a result of any act performed in good faith within the scope of his authority on behalf of the Association.

No member of the State Council or State Executive shall be responsible for the actions of any other member of the State Council or State Executive as the case may be.

PART VI - BRANCHES

51. Formation

A Branch of this Association may be established anywhere in Tasmania where in the opinion of the State Council there are sufficient members, potential members or eligible persons to become members.

52. Branch Constitutions

Individual Branch Constitutions are not required as each Branch is part of the Incorporated State Association and is covered by the Association Constitution which applies to all Branches, Sub Committees, Working Groups and the like.

53. Branch By-Laws

- (a) Each Branch shall prepare a set of By-laws to cover those aspects of operations additional to those in this Constitution.
- (b) Such By-Laws are to cover matters such as:
 - (i) Management,
 - (ii) Branch Committees,
 - (iii) Annual, Special and General Meetings,
 - (iv) Social and Commemorative functions,
 - (v) Responsibilities, and
 - (vi) Finance (including the payment of subscriptions and levies.)

- (c) State Council Approval and Endorsement: All such By-Laws shall be subject to the approval of the State Council and must be submitted to the Council before being implemented.
- (d) Amendments to Branch By-Laws: Amendments to the Branch By-Laws require approval of the State Council and must be submitted to the Council before being implemented.
- (e) The By-Laws shall not contradict this Constitution. In the event this occurs the Constitution will prevail.

PART VII - WELFARE FUND

54. The Fund

- (a) The Association shall maintain operation of a Welfare Fund with an Australian bank or an institution that is the holder of an Australian Financial Services Licence (AFSL) selected by the State Executive.
- (b) The objects of the Welfare Fund are:
 - (i) To provide welfare and assistance to members and their dependents who may be in necessitous circumstances, and
 - (ii) To arrange for fund raising and/or the conduct of activities to raise finances specifically for the Welfare Fund.

55. Eligibility

Those members and their dependents as specified in the aims and objectives of this Association or any such person who the State Executive may deem to be in necessitous circumstances are eligible for assistance from this fund.

56. Forms of Assistance

- (a) Assistance should be in the form of the provision of goods and services only but the State Executive shall have the discretion to make a determination on the most appropriate form of assistance as circumstances may dictate. In the first instance assistance shall be limited to \$1,000 but shall not be given in cash. Any two of either the State President, Deputy State President, State Secretary or State Treasurer may approve the form of assistance. Further assistance may be considered by the State Executive.

- (b) A Branch or a group of members may also be assisted with transport and function support to help reduce social isolation and to encourage social gatherings among Association membership.

57. Limitations

Any amount in excess of \$1,000 requires approval by the State Executive.

58. Financial Recording

The State Treasurer will keep a record of the circumstances and the transactions of the Welfare Fund.

59. Administration

The Welfare Fund shall be administered by the State Executive and used only for the purpose of welfare.

Effective 26 March 2022

60. Investment of Funds

Surplus funds may be invested with the authority of the State Executive. All interest from any such investment shall be credited to the Welfare Fund Account.

PART VIII – WORKPLACE HEALTH AND SAFETY

61. Workplace Health and Safety

- (a) Under the *Workplace Health and Safety Act 2012*, the Tasmanian Division is regarded as a ‘Person conducting a Business or Undertaking’ and, as a consequence, the Division has a responsibility to its members, visitors, contractors, employees and tenants in respect to health and safety.
- (b) The Division is committed to providing a safe and inclusive workplace and environment in which to socialise. It will comply fully with the legislation in respect to the management of the Memorial Centre and all the activities it conducts. The Division will establish a WHS System including a Workplace Health and Safety (WHS) Plan, Safety Committee and Hazard and Incident reporting mechanisms. Branches that conduct business both at and away from the Memorial Centre also have responsibilities under the legislation. Branch Committees are to ensure they are familiar with the legislation and all WHS directives promulgated by the Division. Branches are to ensure that they comply with these.
- (c) The Division Deputy State President is to be responsible for the coordination and oversight of Workplace Health and Safety throughout the Division. The State Executive may, at its discretion, appoint an appropriately qualified Honorary Safety Adviser and, where it sees fit, may award an

honorarium of no more than \$1,500 per annum for his service. The Honorary Safety Adviser will conduct periodic safety audits, prepare reports and make recommendations with respect to the Division's WHS compliance. The Honorary Safety Adviser will also attend periodic Safety Committee meetings as the consultant on legislative obligations. The Division shall establish a standing WHS Committee for the Memorial Centre that will meet at least once every four months. The Committee shall comprise the State President (Chair), Deputy State President, the State Secretary, the Honorary Safety Adviser, a representative from Hobart Branch and representatives from each of the Memorial Centre tenants. The Division Safety Committee shall determine safety policies and issue directives from time to time. Such policies and directives will also be placed on the Division Web Site.

- (d) Branches shall also form WHS Committees as appropriate and at the very least, shall ensure that WHS is established as a standing agenda item at every committee meeting. All safety issues, incident reports, hazard identification and remediation recommendations are to be raised at these meetings and recorded in the minutes. WHS Risk Assessments are to be prepared prior to all branch activities and events and, where necessary, Safety Briefings are to be provided prior to their commencement. All safety aspects are to be debriefed at subsequent committee meetings and recorded in the minutes. Branch Presidents are to include a report on WHS aspects in their annual reports. As any reportable incident arises, branches are responsible for the timely reporting of all safety incidents to both their host facility Safety Officer and to the Deputy State President.

PART IX - MISCELLANEOUS

62. The RAAF Association Museum

- (a) **Background.** Where in the opinion of the State Council there is a need to hold, catalogue or otherwise preserve artefacts and memorabilia related to the history and operations of the RAAF and its members, the State Council may appoint a Museum Committee to oversee the functions of the Museum, to be known as the RAAF Association (Tasmania Division) Memorial Museum. The Members of the Museum Committee are appointed and/or confirmed at the Annual General Meeting of this Association each year. The State Executive may appoint members to this committee as appropriate and report the fact to the following AGM of this Association.
- (b) **Composition of the Museum Committee.** The Committee shall consist of:
- (i) A Chair who is a member of this Association,
 - (ii) A Secretary who is to be a member of this Association, and
 - (iii) At least one other member of this Association.
- (c) **Tenure of Members.** All Committee members shall be appointed for an initial term of three years, with two year extensions approved by the State Council as appropriate.

- (d) **Reporting.** The Museum Committee Chair shall prepare a report for the AGM of this Association.
- (e) **Records and Artefacts.** The Committee shall display, store, maintain and catalogue items as are held by the RAAF Association Tasmania Division and shall manage such items in their custody in accordance with directions issued by the State Council.

63. Insurance

The State Council of this Association shall ensure that appropriate and adequate insurance cover is obtained in the areas of property, public liability and volunteer workers, and any other insurance which may be required by law.

64. Custody and Inspection of Records

- (a) The books, registers and other documents of the Association will be kept in the form and manner determined by the State Executive.
- (b) The records of the Association shall be available for inspection by financial members by application to the State Secretary.

65. Members' Liability

The members of this Association shall have no liability to contribute towards the payment of debts and liabilities of this Association or to the costs, charges and expenses of winding up of this Association except to the amount of any unpaid membership subscriptions.

66. Copies of this Constitution

A copy of this Constitution will be made available to financial members on request.

67. Interpretation of Constitution

If doubt shall arise as to the proper meaning of any part of this Constitution, the State Council's interpretation shall be final and conclusive.