

**NAVY VETERANS'**

**WELFARE ASSOCIATION OF NEW SOUTH WALES INC.**

**CONSTITUTION**

# Contents

## **Part 1 Preliminary**

- 1 Name
- 2 Aims
- 3 Banner
- 4 Policy
- 5 Patron

## **Part 2 Membership**

- 6.1 Full Members
- 6.2 Associate Members
- 6.3 Honorary Members
- 6.4 Life Members
- 6.5 Existing Membership
- 6.6 Visiting Members
- 6.7 Records
- 6.8 Register of membership
- 7 Membership Application
- 8 Subscriptions

## **Part 3 Office Bearers**

- 9.1 Executive Committee
- 9.2 Advocacy Committee
- 9.3 Absent Friend's Dependants' Committee
- 9.4. Busy Bee Committee
- 9.5 War Memorial Committee
- 9.6 Newsletter Committee
- 9.7 Sick Bay Committee
- 9.8 Sponsorship Committee
- 9.9 Website Committee
- 9.10 Absent Friends Widows/Widowers Committee

## **Part 4 Duties**

- 10.1 The Chairperson
- 10.2 The Vice Chairperson
- 10.3 The Secretary
- 10.4 The Treasurer
- 11 Advocacy Service Assistance

**Part 5      Resolution of disputes**

12            Resolution of disputes

**Part 6      Disciplining of members**

13            Disciplining of members

**Part 7      Right of appeal of disciplined member**

14            Right of appeal of disciplined member

**Part 8      Meetings**

MEETINGS

14.1        The Annual General Meeting shall be held in July of each year.

14.2        The General Meetings to be held every six months.

14.3        Extraordinary meetings may be called by the Chairperson by giving 14 days' notice to members.

14.4        Quorum

**Part 9      Procedure**

15            PROCEDURE

**Part 10     Special Resolutions**

16            Special Resolutions

**Part 11     Voting**

17            Voting

18            Proxy votes permitted

19            Postal or electronic ballots

20            Use of technology at general meetings

**Part 12     Miscellaneous**

21            FINANCE

22            Audit

23            WELFARE FUNDS

24.         CONFIDENTIALITY

25.         INTERPRETATION

26.         NON-PROFIT CLAUSE

27.         WINDING UP CLAUSE

28.         INSPECTION OF RECORDS OF ASSOCIATION

29.         ALTERATIONS TO THE CONSTITUTION

CONSTITUTION  
**NAVY VETERANS'**  
**WELFARE ASSOCIATION OF NEW SOUTH WALES INC.**

**Part 1 Preliminary**

**NAME**

1. The name of the organisation shall be:

**NAVY VETERANS' WELFARE ASSOCIATION OF NEW SOUTH WALES INC.**  
(Hereinafter called the Association).

**AIMS**

2. The aims of the Association shall be:

- (1) To provide information and assistance to any serving or former members of the Australian Defence Force, in preparing applications for Service Pensions and Disability claims with the Department of Veterans' Affairs.
- (2) To provide information and assistance to any serving or former members of the Australian Defence Force, in preparing applications and act as Advocate at the Veterans Review Board, Reconsiderations for internal reviews and at the Administrative Appeal Tribunal.
- (3) To provide information and assistance for funeral arrangements for widows / widowers of former members of the Australian Defence Force, and to provide assistance in preparing applications for War Widow / Widower Pensions if eligible and advise of the role of Legacy.
- (4) To promote and organise social activities and foster a community spirit in Copacabana NSW.
- (5) To produce an annual magazine "Mateship" if possible.
- (6) To organise and participate in community and commemorative events.
- (7) To apply for grants/funding in pursuit of these objectives.

**BANNER**

3. Reserved

**POLICY**

4. The Association shall be non sectarian and non political.

**PATRON**

5. Any person who has rendered distinguished service to the Nation, or who occupies a distinguished position in the community, provided it is of a non sectarian and non-political nature, may be elected a patron of the Association, provided that such a person is willing to take an active interest in the work of the Association.

## Part 2 Membership

### **MEMBERSHIP**

6. There shall be four (4) classes of membership. They are:

6.1 **Full Members**

Full membership shall be open to former or serving members of the Australian Defence Force.

6.2 **Associate Members**

Shall be open to family of the Association and their widows / widowers and any person willing to take an active interest in the work of the Association will not receive voting rights.

6.3 **Honorary Members**

Honorary membership may be bestowed upon any person for meritorious service to the Association, by a majority of full members.

6.3.1 A nomination and seconder shall be required.

6.3.2 All full members shall be circularised at their last known address with a ballot card.

6.3.3 A 14-day period shall be set for return of cards to the Association's Committee.

6.3.4 Only "objection" or "no" votes need be returned to be counted as a percentage of full members for determination of vote. Any "objection" votes should be investigated by the Association's Committee and presented to members before counting votes.

6.4 **Life Members**

6.4.1 Life membership may be bestowed upon any member who has given outstanding or meritorious service to the Association.

6.4.2 A nomination and seconder shall be required.

6.4.3 All full members shall be circularised at their last known address with a ballot card.

6.4.4 A 14-day period shall be set for return of cards to the Association's Committee.

6.4.5 Only "objection" or "no" votes need be returned to be counted as a percentage of full members for determination of vote. Any "objection" votes should be investigated by the Association's Committee and presented to members before counting votes.

6.5 **Existing membership.**

Withdrawal of existing membership may be recommended by a majority vote of the Association's Committee and then actioned by a majority vote of members present at the next meeting, for a period of twelve (12) months of any member who demonstrates by action or words that they are or could be a destructive influence or could bring the Association into disrepute. Re-instatement may be made by the majority vote of the Association's members present at a meeting after the set period has elapsed.

6.6 **Visiting Members.**

Members of other Associations with similar interests may be invited to attend meetings of the Association but not to vote or participate in debate of agenda matters.

6.7 **Records.**

Any member may at any reasonable time inspect without charge the books, documents, records and securities of the Association in the presence of two (2) committee members.

6.8 **Register of members.**

The Chairperson shall on behalf of the Association keep and maintain the register of members and any person that has been given assistance in the Advocacy Service in accordance with section 27 of the Associations Incorporation Act 1987 and that register shall be so kept and maintained at the Association office or his or her place of residence.

6.9 **Cessation of membership**

A person ceases to be a member of the association if the person:

(a) dies, or

(b) resigns membership, or

(c) is expelled from the association

## 7 MEMBERSHIP APPLICATION

- 7.1 An application by a person for membership of the association must be made in writing (including by email or other electronic means, if the Management Committee so determines) in the form determined by the Management Committee.
- 7.2 As soon as practicable after receiving an application for membership to the Management Committee, which is to determine whether to approve or to reject the application.
- 7.3 As soon as practicable after the Management Committee makes that determination
  - (a) notify the applicant in writing (including by email or other electronic means, if the Management Committee so determines) that the Management Committee approved or rejected the application (whichever is applicable.)
- 7.4 No restrictions shall be imposed to any applicant by virtue of sex, race, religious beliefs or political affiliations.
- 7.5 Application form attached.

## SUBSCRIPTIONS

8. There shall be no fee necessary for membership.

## Part 3 Office Bearers

### OFFICE BEARERS

9. Office bearers shall be elected at each Annual General Meeting, to hold office for a period of twelve (12) months.
- 9.1 **Executive Committee** bearers shall consist of:  
The Chairperson, The Vice Chairperson, The Treasurer, The Secretary and not more than four full members and shall be the governing body of the Association.
- 9.2 **Advocacy Committee**
  - 9.2.1 No restriction in number.
  - 9.2.2 A coordinator to be elected by the Advocacy Committee members for the purpose of coordinating and reporting advocacy activities.
- 9.3 **Absent Friend's Dependants' Committee**
  - 9.3.1 No restriction in number.
  - 9.3.1 A coordinator to be elected by the Absent Friend's Dependants' Committee members for the purpose of coordinating and reporting Absent Friend's Dependants activities.
- 9.4 **Busy Bee Committee**
  - 9.4.1 No restriction in number.
  - 9.4.1 A coordinator to be elected by the Busy Bee Committee members for the purpose of coordinating and reporting Busy Bee activities.
- 9.5 **War Memorial Committee**
  - 9.5.1 No restriction in number.
  - 9.5.2 A coordinator to be elected by the War Memorial Committee members for the purpose of coordinating and reporting War Memorial activities.
- 9.6 **Newsletter Committee**
  - 9.6.1 No restriction in number.
  - 9.6.2 A coordinator to be elected by the Newsletter Committee members for the purpose of coordinating and reporting Newsletter activities.
- 9.7 **Sick Bay Committee**
  - 9.7.1 No restriction in number.

- 9.7.2 A coordinator to be elected by the Sick Bay Committee members for the purpose of coordinating and reporting Sick Bay activities.
- 9.8 **Sponsorship Committee**
  - 9.8.1 No restriction in number.
  - 9.8.2 A coordinator to be elected by the Sponsorship Committee members for the purpose of coordinating and reporting Sponsorship activities.
- 9.9 **Website Committee**
  - 9.9.1 No restriction in number.
  - 9.9.2 A coordinator to be elected by the Website Committee members for the purpose of coordinating and reporting Website activities.
- 9.10 **Absent Friends Widows/Widowers Committee**
  - 9.10.1 No restriction in number.
  - 9.10.2 A coordinator to be elected by the Absent Friends Widows/Widowers Committee members for the purpose of coordinating and reporting Absent Friends Widows / Widowers activities.

## Part 4 Duties

### DUTIES

- 10. Duties of Office Bearers shall be, among others listed from time to time:
  - 10.1 **The Chairperson** as being fully versed in the everyday running of the Association
    - 10.1.1 Chair all meetings.
    - 10.1.2 Liaison with kindred organisations.
    - 10.1.3 The Chairperson shall oversee the administration of the Association and have the casting vote where needed in Association's decision making.
    - 10.1.4 The Chairperson shall maintain a list of all current members.
    - 10.1.5 Hold and maintain copies of the Constitution.
    - 10.1.6 The Chairperson may fulfil the duties of any other Office Bearer in the event of such an Office bearer being absent for a temporary period and any other duties required by the Association.
  - 10.2 **The Vice Chairperson** as being fully versed in the everyday running of the Association
    - 10.2.1 The Vice Chairperson shall assist the Chairperson.
    - 10.2.2 The Vice Chairperson shall act on behalf of the Chairperson should the Chairperson be absent for a temporary period and any other duties required by the Association.
    - 10.2.3 The Vice Chairperson may fulfil the duties of any other Office Bearer in the event of such an Office bearer being absent for a temporary period
  - 10.3 **The Secretary**
    - 10.3.1 The secretary of the association must, as soon as practicable after being appointed as secretary, lodge notice with the association of his or her address.
    - 10.3.2 It is the duty of the secretary to keep minutes (whether in written or electronic form) of proceedings at a meeting.
  - 10.4 **The Treasurer**
    - 10.4.1 It is the duty of the treasurer of the association to ensure:
      - (a) that all money due to the association is collected and received and that all payments authorised by the association are made, and
      - (b) that correct books and accounts are kept showing the financial affairs of the association, including full details of all receipts and expenditure connected with the activities of the association.

### **Advocacy Service Assistance**

- 11 Any assistance in preparing applications for Service Pensions and Disability Claims with the Department of Veterans' Affairs, can only be provided by members who have successfully completed

the Pension Officer Course Level 1 with the Department of Veterans' Affairs and are therefore indemnified by the Department and registered by the Department under the Association.

## **Part 5 Resolution of disputes**

### **Resolution of disputes**

- 12.1 A dispute between a member and another member (in their capacity as members) of the association, or a dispute between a member or members and the association, are to be referred to a Community Justice Centre for mediation under the *Community Justice Centres Act 1983*.
- 12.2 If a dispute is not resolved by mediation within 3 months of the referral to a Community Justice Centre, the dispute is to be referred to arbitration.
- 12.3 The *Commercial Arbitration Act 2010* applies to a dispute referred to arbitration.

## **Part 6 Disciplining of members**

### **Disciplining of members**

- 13.1 A complaint may be made to the Management Committee by any person that a member of the association:
  - (a) has refused or neglected to comply with a provision or provisions of this constitution, or
  - (b) has willfully acted in a manner prejudicial to the interests of the association.
- 13.2 The Management Committee may refuse to deal with a complaint if it considers the complaint to be trivial or vexatious in nature.
- 13.3 If the Management Committee decides to deal with the complaint, the Management Committee:
  - (a) must cause notice of the complaint to be served on the member concerned, and
  - (b) must give the member at least 14 days from the time the notice is served within which to make submissions to the Management Committee in connection with the complaint, and
  - (c) must take into consideration any submissions made by the member in connection with the complaint.
- 13.4 The Management Committee may, by resolution, expel the member from the association or suspend the member from membership of the association if, after considering the complaint and any submissions made in connection with the complaint, it is satisfied that the facts alleged in the complaint have been proved and the expulsion or suspension is warranted in the circumstances.
- 13.5 If the Management Committee expels or suspends a member, the secretary must, within 7 days after the action is taken, cause written notice to be given to the member of the action taken, of the reasons given by the Management Committee for having taken that action. The Management Committee decision is final.

## **Part 7 Right of appeal of disciplined member**

### **Right of appeal of disciplined member**

- 14 If a member wishes to appeal the Management decision they may refer the matter to the community justice centre in accordance with clause 12 Resolution of disputes.



## Part 8 Meetings

### MEETINGS

- 14.5 The Annual General Meeting shall be held in June of each year.
- 14.6 The General Meetings to be held every six months.
- 14.7 Extraordinary meetings may be called by the Chairperson by giving 14 days' notice to members.
- 14.8 **Quorum**
- 14.4.1 The quorum shall be set at five (5) members, two (2) of whom must be Committee members.
- 14.4.2 No item of business is to be transacted at a general meeting unless a quorum of members entitled under this constitution to vote is present during the time the meeting is considering that item.
- 14.4.3 Five members present, two of which must be Management Committee members (being members entitled under this constitution to vote at a general meeting) constitute a quorum for the transaction of the business of a general meeting and Annual General Meeting.
- 14.4.4 If within half an hour after the appointed time for the commencement of a general meeting and Annual General Meeting a quorum is not present, the meeting:
- if convened on the requisition of members—is to be dissolved, and
  - in any other case—is to stand adjourned to the same day in the following week at the same time and (unless another place is specified at the time of the adjournment by person presiding at the meeting or communicated by written notice to members given before the day to which the meeting is adjourned) at the same place.
  - If at the adjourned meeting a quorum is not present within half an hour after the time appointed for the commencement of the meeting, the members present (being at least 3) are to constitute a quorum.
- 14.4.5 **Agenda**  
An agenda shall be provided by the Committee for General Meetings and the Annual General Meeting.

## Part 9 Procedure

- 15 **PROCEDURE**
- An agenda will be followed where supplied.
  - Where a motion is put to the meeting, a seconder will be called for.
  - If no seconder, the motion is deemed to have failed.
  - If seconded, views for and against may be called from the meeting, after which a vote must be held. The vote shall be resolved by the majority count.
  - Only full members may vote at a meeting and voting shall be limited to those full members present at the meeting
  - Voting shall be by a show of hands.
  - The Chairperson shall cause proper minutes of all proceedings of all general meetings and Committee meetings to be taken and then to be entered within 30 days after the holding of each general meeting or Committee meeting, as the case requires, in a minute book kept for that purpose.

## Part 10 Special Resolutions

- 16 Special resolutions

A special resolution may only be passed by the association in accordance with section 39 of the Act and requires three quarters of the votes cast by members of the association who, under the constitution, are entitled to vote on the proposed resolution.

## **Part 11 Voting**

### **17 Voting**

- 17.1 On any question arising at a general meeting of the association a member has one vote only.
- 17.2 In the case of an equality of votes on a question at a general meeting, the chairperson of the meeting is entitled to exercise a second or casting vote.
- 17.3 A member is not entitled to vote at any meeting of the association if they are an Associate Member.

### **18 Proxy votes permitted**

- 18.1 Each member entitled to vote is entitled to appoint another member as proxy, by notice (including by electronic transmission) given to the secretary no later than 24 hours before the time of the meeting in respect of which the proxy is appointed.
- 18.2 The notice appointing the proxy is to be in the form approved by the Management Committee.

### **19 Postal or electronic ballots**

- 19.1 The association may hold a postal or electronic ballot (as the Management Committee determines).

### **20 Use of technology at general meetings**

- 20.1 A general meeting may be held at 2 or more venues using any technology approved by the Management Committee that gives each of the association's members a reasonable opportunity to participate.
- 20.2 A member of an association who participates in a general meeting using that technology is taken to be present at the meeting and, if the member votes at the meeting, is taken to have voted in person.

## **Part 12 Miscellaneous**

### **21 FINANCE**

- a. All monies received on behalf of the Association shall be receipted.
- b. The Chairperson and or the Treasurer shall control all receipt books.
- c. All monies shall be deposited into the Association bank account.
- d. The Chairperson and or the Treasurer make deposits for the Association.
- e. All payments on behalf of the Association are to be made by the Chairperson and or Treasurer.
- f. A bank account shall be held in the name of the Association.
- g. Opening or closing of accounts, and selection of bank, shall be approved beforehand by the Committee.
- h. The bank account shall be in the form of a cheque account. Additional funds may be invested in a term deposit approved by the Committee.
- i. The Committee members shall be signatories to the accounts held by the Association, with any two to sign cheques.
- j. In the event of the Chairperson being absent for a temporary period then any Committee member may fulfill the duties of the Chairperson.

## **22 AUDIT**

- 22.1 The Association's finances to be subjected to an independent audit at the close of each financial year.
- 22.2 The auditor's report to be presented at the first General Meeting after the end of the financial year.

## **23 WELFARE FUND**

- 23.1 Any money held by the Association shall form the Welfare Fund. The Association shall not accrue money for any other purposes. Legitimate costs not covered by other sources shall be borne by the Association.
- 23.2 Money raised for the Welfare Fund shall be by donations by any interested persons or organisations, planned fundraising projects or donations from persons who have received assistance with applications for pensions or compensation from the Association. There shall not be any obligation upon a person who has received assistance to make a donation to the Welfare Fund.

## **24. CONFIDENTIALITY**

- 24.1 Confidential information of any member, ex member, or person who has received assistance shall not be divulged to anyone outside of the Committee without that person's written consent.

## **25. INTERPRETATION**

- 25.1. Any doubt arising as to the application or meaning of any clause in the Constitution shall be decided by a majority vote at a General Meeting, with such decision being final. The decision shall then be written into the Constitution.

## **26. NON-PROFIT CLAUSE**

- 25.1 The income and property of the Association shall be applied solely toward the promotion of the aims of the Association and no portion thereof shall be paid or transferred, either directly or indirectly, by way of dividend, bonus or otherwise, or by way of profit, to members or relatives of members of the Association, provided that nothing herein shall prevent the payment in good faith or remuneration to any officer or servant of the Association, or reasonable or proper rental for premises let by any member, to the Association.

## **27. WINDING UP CLAUSE**

- 27.1 If, upon the 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 among members of the Association, but shall be distributed to an Incorporated Association having similar aims, or to such charitable body or bodies, and which shall prohibit the distribution of income and property to members.

## **28. INSPECTION OF RECORDS OF ASSOCIATION**

- 28.1 A member may at any reasonable time inspect without charge the books, documents, records and securities of the association.

## **29. ALTERATIONS TO THE CONSTITUTION**

- 29.1 Alteration or alterations to the Constitution of the Association shall only be made at General Meetings with a quorum in attendance and with the consent of 75% of members voting at the meeting. A Notice of Motion to alter the Constitution must be made in writing to the Committee twenty-one (21) days prior to the meeting.

**CONSTITUTION CONFIRMED AND ADOPTED**

**Meeting held on 8<sup>th</sup> February 2021 and 22<sup>nd</sup> February 2021 by electronic technology approved by the five-individual accordance to the constitution Section 20.2 and also to CONFIRMED AND ADOPTED CONSTITUTION.**

**In accordance with section 6 (1 ) (a) of the Association Act 2009 and the Application for registration part 2, the five-individual also authorise Roque Charles HAMMAL to act as the first Public officer and to make an application for registration with Fair Trading NSW.**

**SIGNED BY THE CHAIRPERSON ON BEHALF OF THE ASSOCIATION**

A handwritten signature in black ink, appearing to read 'Roque Hammal', with a long horizontal stroke extending to the right.

***Roque Charles “China” HAMMAL***

***18<sup>th</sup> February 2021***

**NAVY VETERANS'**

**WELFARE ASSOCIATION OF NEW SOUTH WALES INC.**

*MEMBERSHIP APPLICATION*

SURNAME .....

GIVEN NAMES .....

ADDRESS .....

POST CODE.....

TELEPHONE .....(HOME) ..... (WORK)

Emil:.....

SERVICE :       NAVY / ARMY / AIRFORCE - OFFICIAL NUMBER .....

DATE JOINED ..... DATE DISCHARGED .....

Official Use Only

Confirmation of service records:   Yes / No                   Date: .....

Membership:       Full   /       Associate   /       Widow

Signed: ..... Committee Member

..... Committee Member

DATED .....