

**THE RETURNED & SERVICES LEAGUE OF AUSTRALIA
WA BRANCH INCORPORATED**

**93rd STATE CONGRESS AGENDA
(adjourned portion)**

&

SPECIAL CONGRESS

As Called By the State President Under State Rule 40.3



**TO BE HELD IN THE
GALLIPOLI ROOM
ANZAC HOUSE
28 ST GEORGES TCE, PERTH**

**SATURDAY 6th MARCH 2010
1.00PM**

**William E. Gaynor, OAM, RFD
State President**

**Kevin Davidson, MVO, OAM
Chief Executive Officer**

ANNUAL CONGRESS PROCEDURE

All proceeding at meetings of the State Congress, State Executive, Board of Directors, committee meetings and general meetings of Sub-Branches, and at all other meetings held under the Rules of the Branch, shall be governed by the following Standing Orders for the conduct of such meetings

Order of Business

The business at meetings, after the roll call and receipt of apologies, shall be conducted in the following order, as far as applicable:

- a. one minute's silence should be observed, "*In Memory of Fallen and Departed Comrades*", at the commencement of the meeting and at 2100 hours, or whenever is the local custom;
- b. acceptance and formal reception of new members;
- c. reading, with a view to their confirmation, all minutes not previously confirmed;
- d. business arising out of minutes;
- e. reading and dealing with correspondence;
- f. finance;
- g. discussion of business of which notice has been given;
- h. business left over from previous meeting;
- i. reports of Secretary, committees and delegates;
- j. notices of motion for next meeting;
- k. other items on the agenda; and
- l. General business.

Addressing Chair

A member wishing to speak shall rise in his place and address the Chairman. If two or more members rise at the same time, the Chairman shall call upon the member who, in his opinion, rose first to speak.

Respect for Chair

A member speaking shall at once resume his seat if the Chairman rises to speak or if a point of order is raised, and shall not resume his speech until the Chairman shall resume his seat or the point of order has been decided.

Discussion confined to Motions, Amendments

Subject to the Chairman's right to permit discussion upon any matter he deems of importance to the meeting, no discussion shall take place except on a motion or amendment moved and seconded, and put in writing if so requested.

Motions

All motions and amendments shall, if so required by the meeting concerned, be submitted in writing, signed by the mover and seconder. Such motions shall be of an affirmative character and, once having been submitted, shall only be withdrawn by leave of the meeting or by amendment. No motion vitally affecting the policy of the League shall be submitted to a meeting without adequate notice.

Motion not seconded

A motion not seconded shall not be debated, and no entry thereof shall be made in the minutes of the meeting.

Restriction upon speeches

The mover of a motion shall be allowed ten minutes to introduce the motion and five minutes for the right of reply. Speakers for or against such proposal shall be limited to five minutes, except that at any time the meeting may resolve, on the motion of a delegate, that the speaker's time be extended by a specified number of minutes and any such proposal for an extension of time shall be put to the meeting without debate.

No member shall propose more than one amendment upon a motion, and no member shall speak more than once upon a motion or once upon each amendment thereto, except with the permission of the Chairman or except he be the mover of the motion, who shall be entitled to the right of reply; provided that, for the purpose of this By-Law, an amendment that has become the substantive motion shall be deemed to be a separate motion. Notwithstanding, however, the right to reply given to the mover in the foregoing, the Chairman may, should he consider that there is no practical difference of opinion among the members, stop the discussion and submit the proposal to the meeting.

Seconding without remarks

A member who uses the words "*I second the motion*" or "*amendment*", as the case may be, shall not be deemed to have spoken to the question before the Chair and may exercise his right to speak at a later time, always providing he is not the third consecutive speaker on the one side. For the general purpose of debate, however, he shall be deemed the second speaker in the affirmative.

Debate

When a motion has been duly proposed and seconded, the Chairman shall proceed to take the votes, unless some member rises to oppose it or to propose an amendment. No more than two members shall speak in succession either for or against any question before the meeting, and if, at the conclusion of the second speaker's remarks, no member rises to speak on the other side, the motion or amendment shall be at once put to the meeting.

Time of Amendment

A motion may be amended at any time during the debate thereon by:

- a. striking out certain words; or
- b. adding certain words; or
- c. striking out certain words and inserting others in their place.

	Any member who wishes to propose a further amendment to the motion shall have power to give notice of amendment and state its nature before the amendment before the Chair has been put to the vote.	Restriction on moving that question be put	At any meeting, no motion that the question be now put shall be proposed or seconded by a delegate from the same Sub-Branch as that represented by the proposer or seconder of the original motion.
Amendments	Only one amendment shall be entertained at the one time. If the amendment is carried, it shall become the substantive motion, the original motion lapsing, and there shall be no necessity to put the original motion to the meeting.	Notice of Motion	A member may, at any meeting, give a notice of motion for a future meeting by reading such notice to the meeting and handing a copy thereof to the Chairman. Such notice of motion shall take precedence in the order in which it stands in the minute book in relation to other similar notices, unless otherwise ordered by the meeting, and will lapse if the member, or some member on his behalf, be not present when the order for notice is read.
Other Amendments	Whether an amendment is carried or not, other amendments may be submitted, in the manner to be decided, until the subject is finally disposed of.	Delegate's absence	If the Chairman of the meeting declares that an item on the meeting agenda paper may lapse because of the absence of the delegate proposing the item, the Chairman may accord to another delegate the right to propose such item to the meeting.
Amendment Lost	In the case of all amendments being lost, the Chairman shall put the original motion to the vote.	Precedence of Business adjourned meeting	When a motion for the adjournment of the meeting has been carried, the business then undisposed of shall have precedence in its order at the next meeting.
Motion discharged from Agenda	A motion may be superseded at any time by: <ul style="list-style-type: none"> a. another, that it be discharged from the notice paper; or b. a motion for the adjournment of the question under consideration; or c. a motion for the adjournment of the meeting; or d. a motion "That the next item of business be proceeded with", being resolved in the affirmative. 	Rescinding Resolutions	Any member wishing to rescind a resolution, which has been previously passed by the meeting, must give notice of motion that, at the next meeting, he will move that such a resolution be rescinded. Such notice of motion shall require a majority of two thirds of the votes of members present at the meeting to rescind the resolution in question.
Frequency of Speech	A member shall not speak more than once upon any motion before the meeting, except: <ul style="list-style-type: none"> a. in reply upon an original motion; or b. in committee of the whole; or c. in explanation; or d. upon a point of order raised during a debate. 	Cannot represent two Sub-Branches	No delegate shall, at the one time, or in connection with the one motion or any amendments thereto, represent or vote on behalf of more than one Sub-Branch.
Explanation	Any member who has spoken to a motion may again be heard to explain himself in regard to some part of his speech which the Chairman agrees may have been misquoted or misunderstood, but such member shall not introduce any new matter or interrupt any delegate who may be speaking, and no debatable matter shall be brought forward nor debate arise upon such explanation.	Conducting vote	The Chairman shall put all questions in a distinct and audible voice to the meeting by asking the " <i>ayes</i> " to vote first and, afterwards, the " <i>noes</i> ", and shall, thereupon, give his opinion as to which are in the majority, and shall declare a show of hands or a ballot if same is asked for.
Motion for question to be put	A motion " <i>that the question be now put</i> " may be moved at any stage of a debate, and shall be put immediately to the meeting without discussion. If lost, the debate shall continue as if such motion had not been moved. If carried, the mover shall have the right to reply, then the amendment if there be an amendment, or motion, if no amendment has been moved thereon, or all amendments have been disposed of, shall be put to the meeting without further discussion. No delegate who has spoken to the motion or amendment immediately before the Chair shall be permitted to move " <i>that the question be now put</i> ".	No debate during voting	No members shall speak to any question after it has been put by the Chairman, nor during a vote, except to a point of order.
		Voting procedure	No member shall be allowed to vote on any show of hands or ballot who was not present when the question was first put. Every member present must vote, but in the event of a member's refusal to vote, he shall be assumed to have voted in the negative. No member shall be allowed to enter or leave the meeting while a vote is being taken.

Introduction of authorised subjects only	No member shall be allowed to obtain a discussion upon any subject through the media or correspondence, but he may introduce the matter, in his place at the meeting, by moving the suspension of Standing Orders.	<ul style="list-style-type: none"> a. that the speaker is using unacceptable language; or b. that he is digressing from the question; or c. that he is transgressing some Rule of the Branch or Sub-Branch; or d. that he is infringing the Standing Orders or, in the absence of a Standing Order relating to the point of order, is acting contrary to the general custom of debate. Points of correction, such as a protest that a speaker is not stating the truth, are not <i>Points of Order</i>.
Meeting to resolve as committee	The meeting may, at any time, resolve itself into a committee of the whole, and such resolution may exclude the press. So far as possible, however, business to be dealt with in committee shall be held over until all other business has been transacted.	
Adjournment of meeting or debate	A motion for the adjournment of the meeting may be proposed at any time during a meeting, or for the adjournment of a debate at any time during such debate, and shall be, at once, put to the meeting by the Chairman.	
Disorderly conduct	<p>If any member at any such meeting:</p> <ul style="list-style-type: none"> a. persistently and wilfully obstructs the business of any meeting; or b. is guilty of disorderly conduct; or c. uses objectionable words and refuses to withdraw such words; or d. persistently and wilfully refuses to conform to these Standing Orders or any one or more of them; or e. persistently and wilfully disregards the authority of the Chair; <p>the Chairman may report to the meeting that such Member has committed an offence.</p>	Disagreement with Chairman's ruling When a motion is moved and seconded " <i>that the Chairman's ruling is disagreed with</i> ", the Chairman shall forthwith leave the Chair and the debate on the original question then before the Chair shall be suspended. Another Chairman shall then be appointed by the meeting and the question " <i>that the Chairman's ruling is disagreed with</i> " shall be discussed and decided, after which the former Chairman shall resume the Chair and the debate on the original question shall be proceeded with as if the same had not been suspended.
Apology or explanation for offence	When any member has committed an offence, he shall be called upon to stand up in his place and make any explanation or apology he may think fit and, afterwards, a motion may be moved " <i>that the member be suspended for the sitting of the meeting</i> ". No amendment, adjournments or debate shall be allowed on such motion, which shall be immediately put by the Chairman.	Suspension of Standing Orders It shall be competent, by a two-thirds majority vote of the members present and voting, to suspend the Standing Orders, provided the effects of such suspension shall not be the amendment of these By-Laws or the Branch Rules, and provided, further, that the suspension of the Standing Orders shall be limited in its operation to the particular purpose for which the suspension has been sought.
Suspension	If any member be suspended, his suspension on the first occasion shall be for the remainder of that sitting; on the second occasion for the sitting of two consecutive meetings; and on the third occasion may, in the case of a member of the State Congress, Board of Directors, State Executive or Sub-Branch Committees, have his seat thereon declared vacant.	Re-committing Resolution No resolution passed by a meeting shall be again debated or re-committed at the same meeting unless two-thirds of the members present and entitled to vote so agree.
Points of Order	In all cases where a point of order is raised, the member raising the same shall state his point of order clearly and distinctly and with the omission of irrelevant details. If a member is speaking, such member shall take his seat until the point of order is decided. The Chairman shall decide the matter promptly, and his decision shall be final, unless his ruling is disagreed with. Points of order shall deal with the conduct or procedure of the debate. The member rising to put the point of order shall be required to prove one or more of the following:	Objection to validity of vote Subject to these Standing Orders, the Chairman shall be sole and absolute judge as to the validity of any vote cast on any question, and unless objection to the validity of any vote is raised immediately after the Chairman has declared the result of the vote thereon, its validity cannot be again raised at any subsequent stage of the meeting.

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PROGRAM OF EVENTS
SATURDAY, 6 MARCH 2010

Business:

Adjourned portion of 93rd State Congress

- *To receive and, if appropriate adopt the Annual Audited Financial Statement for the year end 30 June 2009*

Special Congress

Item 1

To amend State Rule 27.11 to read

- *“Unless approved by State Executive no Sub Branch shall take or cause to be taken any steps to become incorporated under the provisions of The Act”.*

(Note additional words are underlined)

Item 2

- *To consider an independent report on options available to the RSL for the realisation of RSLWA Branch Assets*

SUB-BRANCH AND DELEGATE ENTITLEMENTS

Sub-Branch	Delegates	Sub-Branch	Delegates
Albany	3	Dwellingup	1
Applecross	1	East Victoria Park	2
Armadale	4	Eastern Regional	2
Bakers Hill	1	Ellenbrook	1
Ballajura	1	Esperance	1
Bedford-Morley	2	Exmouth	1
Bellevue	2	Fremantle City	1
Bencubbin	1	Gascoyne	1
Beverley	1	Geraldton City	3
Bicton-Palmyra	4	Gnowangerup-Borden	1
Bindoon	1	Gosnells	1
Boddington	1	Greenbushes	1
Boulder	1	Halls Creek	1
Boyup Brook	1	Harvey	1
Bridgetown	1	Highgate	4
Brookton	1	Jurien Bay	1
Broome	1	Kalgoorlie	1
Bruce Rock	1	Kambalda	1
Bullsbrook & Districts	1	Karratha & Districts	1
Bunbury	6	Karridale-Augusta	1
Busselton	3	Katanning	1
Cambridge	2	Kellerberrin	1
Canning District & Victoria Park	2	Kelmscott-Roleystone	1
Capel	1	Kojonup	1
Central	4	Kondinin	1
City of Belmont	3	Kulin	1
City of Cockburn	3	Kununurra	1
City of Mandurah	6	Kwinana	1
City of Perth	6	Lake Grace	1
City of Rockingham	5	Lancelin & Coastal Districts	1
City of South Perth	2	Leonora	1
City of Subiaco	1	Manjimup	1
Claremont	1	Margaret River	1
Collie-Cardiff	1	Merredin	1
Coolgardie	1	Moora	1
Cottesloe	1	Morawa-Gutha	1
Cunderdin	1	Mosman Park	1
Darkan	1	Mt Barker	1
Darling Range	2	Mt Hawthorn	1
Dawesville	1	Mt Lawley-Inglewood	1
Denmark	1	Mundaring	1
Dongara	1	Nannup	1
Donnybrook	1	Narrogin	1
Dowerin	1	Nedlands	1
Dumbleyung	1	Newman	1

Sub-Branch	Delegates
Nollamara	4
Norseman	1
North Beach	3
Northam	1
Northampton	1
Ocean Reef	2
Osborne Park	2
Peaceful Bay	1
Pemberton	1
Perenjori	1
Pingelly	1
Pinjarra	2
Port Hedland	1
Port Kennedy	6
Quairading	1
Quinns Rocks	1
Ravensthorpe	1
Returned Ex-Service Women	2
Riverton	3
Scarborough	2
Serpentine-Jarrahdale	2

Sub-Branch	Delegates
Shark Bay	1
Shenton Park	1
Sir John Monash	1
Tammin	1
Three Springs-Arrino	1
Tom Price	1
Toodyay	1
Turkish RSL	1
Upper Swan	1
Vietnamese Services	2
Wagin	1
Walpole	1
Wanneroo-Joondalup	3
Waroona-Hamel	1
Wongan Hills	1
Wubin-Dalwallinu	1
Wyalkatchem	1
Wyndham	1
Yanchep-Two Rocks	1
Yokine-Joondanna	1
York	1

Total Sub-Branches

132

Total Delegate Entitlement

200

STATE EXECUTIVE

ITEM NO. 1

CATEGORY: FINANCE

SUBJECT: ANNUAL FINANCIAL STATEMENT

MOTION:

- **THAT THE RETURNED & SERVICES LEAGUE OF AUSTRALIA (WESTERN AUSTRALIAN BRANCH) ADOPT THE ANNUAL AUDITED FINANCIAL STATEMENT FOR THE YEAR END 30 JUNE 2009**

MOVED:

SECONDED:

SUPPORTING DOCUMENTATION:

As attached

OFFICER RECOMMENDATION

That the Report is adopted

CARRIED/LOST

AMENDMENT:

STATE EXECUTIVE

ITEM NO. 1 (Special Congress)

CATEGORY: CONSTITUTIONAL AMENDMENT

SUBJECT: AMEND STATE RULE 27.11

MOTION:

THAT THE RETURNED & SERVICES LEAGUE OF AUSTRALIA (WESTERN AUSTRALIAN BRANCH) AMEND STATE RULE 27.11 AS FOLLOWS:

INSERT THE WORDS:

“Unless approved by State Executive”...immediately prior to the opening of the clause

The amended Clause to read

- ***“Unless approved by State Executive no Sub Branch shall take or cause to be taken any steps to become incorporated under the provisions of The Act”.***

(Note additional words are underlined)

MOVED:

SECONDED:

SUPPORTING STATEMENT:

While the current structure of the League in Western Australia has served the organisation well for the past 93 years there is a need to review how the League operates in an ever changing world. The growth of RSL Sub Branches in many suburbs and regional areas has placed a demand on Sub Branches to provide services that were far beyond those in place when the State Rules were drafted.

With the Sub Branch forming an Incorporated Club with a Liquor Licences there has emerged the potential for the Sub Branch to lose its identity in that Club environment even though it operates in a building that is owned or vested in the State Branch. Clearly, an unacceptable situation.

Acting on Legal Opinion, State Executive is seeking your approval to an amendment to State Rules to permit certain Sub Branches that are engaged in commercial operations to become Incorporated in Western Australia under The Associations Incorporation Act 1987. This will preserve the role of the Sub Branch, still provide the same service to the membership and offer considerable Taxation benefits.

The attached enclosures (letters from Bruce Curl and Adrian Pagett) provide the Legal Opinion and recommend a way ahead. I stress the need to Incorporate will not be necessary for many Sub Branches, such as those who meet in premises not owned by the League or those not engaged in commercial activities.

In summary, the move will afford protection to the members, the League and be of considerable financial advantage to Sub Branches. It will also, hopefully end the confusion that exists over Sub Branch/Club identity.

OFFICER RECOMMENDATION

That the Motion be adopted

CARRIED/LOST

AMENDMENT:

STATE EXECUTIVE

ITEM NO. 2

CATEGORY: ASSET MANAGEMENT

SUBJECT: REALISATION OF CURRENT AND SURPLUS ASSETS

MOTION: TO CONSIDER AN INDEPENDENT REPORT ON OPTIONS AVAILABLE TO THE RSL FOR THE REALISATION OF RSLWA BRANCH ASSETS

MOVED:

SECONDED:

SUPPORTING STATEMENT:

The RSL WA Branch operates with finite cash reserves and currently relies on the generosity of organisations such as Lotterywest, DVA, Celebrate WA, ANZAC Day Trust Fund, WAASSATF, and bequests and donations to cover operating expenses. The RSL WA Branch is mindful that this level of ongoing support may not always be available and is considering strategic options to secure the long term independent economic viability of the Branch.

The RSL WA recently commissioned a review of its asset portfolio to assist these considerations. The report is on-going and will be completed in the not to distant future. Interim reports reveal we have an extensive property portfolio which is spread all over Western Australia and consists of commercial operations, vacant land and buildings in various state of repair. For example, in Coolgardie we own a hotel (de-licensed in 1926) which is under a Heritage listing. In many cases we are liable for rates, taxes and utilities charges. We attempt to offset these charges by leasing the facility to local enterprises but this is not always possible. The only course we have is to bear the loss or dispose of the property.

Legal opinion confirms that State Executive does not require Congress approval to operate within its Charter and Rules however your State Executive believes it is important the Membership is aware of possible pathways the League can take in realising Assets as well as the reason for such action.

This is a decision that must be made quickly by your elected representatives.

We have received a **Commercial-in-Confidence** Report on asset disposal together with rationale for such action. This will be shared with those who attend the meeting. Unfortunately, prior disclosure of the recommendations may compromise any strategies recommended.

OFFICER RECOMMENDATION

That the actions of State Executive relative to the contents of the Report be endorsed

CARRIED/LOST

AMENDMENT: