



**AUSTRALIAN FLYING CORPS AND
ROYAL AUSTRALIAN AIR FORCE
ASSOCIATION (NEW SOUTH
WALES DIVISION) Inc.**

BY-LAWS

Revised Version 5 - Dated 19th October 2017

Revision List

Date Approved

Approved Bylaws introduction.....	15 th May 2015
1. Bylaw 17, Appendix 3 Nomination Form amended.....	19 th May 2016
2. Bylaw 7, Multiple membership, amended.....	27 th October 2016
3. Bylaw 5, Application for membership – administration amended.....	20 th April 2017
Bylaw 6, Membership subscription and capitation amended.....	20 th April 2017
Appendix 2 removed, 3 & 4 renumbered 2 & 3 respectively.....	20 th April 2017
4. Bylaw 8, Member register amended.....	15 th June 2017
Revision list added.....	15 th June 2017
5. Bylaw 5, Application for membership – administration amended.....	19 th October 2017
Badge on Cover updated	

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1. *Definitions, references and interpretations*

- (1) The definitions, references and interpretations prescribed in the constitution apply to these bylaws.

2. *Force and precedence*

- (1) These by-laws:
 - (a) must be read in conjunction with, and
 - (b) have the same force as the provisions in the constitution, provided that:
 - (c) if any conflict or inconsistency whatsoever should exist the constitution has precedence over these bylaws.

3. *Intent*

- (1) These bylaws identify the discretionary boundaries and the appropriate management and administrative actions that may be taken to implement the governance provisions and due diligence obligations in the association's constitution.
- (2) Whereas amendment of the constitution requires the approval of the Director General, the association may amend its bylaws without reference to the legislative regulator. But to avoid capricious or willful amendment the vote at a general meeting of the majority of members present and entitled to vote is required.

4. *Classes of membership – limits on numbers*

- (1) Pursuant to clauses 7 and 8 in the constitution the association will limit to the following numbers the members in the classes of membership:
 - (a) Life member: Not more than two times the number of branches of the association.
 - (b) Honorary member: Not more than one per branch of the association at any time.

5. *Application for membership - administration*

- (1) An application for membership must:
 - (a) be made either online at www.raafansw.org.au > "Become a Member"; or
 - (b) using the branch specific form downloadable from the website at www.raafansw.org.au > "Become a Member" or
 - (c) on the form at Appendix 1; and
 - (d) be lodged with the secretary or the MMS Membership Person of Contact (POC); and
 - (e) include the membership fee stipulated in clause 6 of these by-laws.

- (2) An application received via the national website or received at the association office in a manner other than the association's online application process, is to be forwarded to the applicant's nominated branch or the administrator sub-committee as applicable for processing in accordance with this bylaw.
- (3) As soon as practicable after receiving an application for membership, the secretary, or in the case of delegation the membership officer, must take the following actions:
 - (a) submit the application to the branch committee or the state council administrator sub-committee for approval; and
 - (b) if approved notify the applicant in writing, by letter or email that their application has been accepted; and
 - (c) enter or ensure the nominee's name is entered in the Membership Management System; and
 - (d) send notification of the new member to the division secretary with that portion of the membership fee stipulated in the association bylaws; and
 - (e) should an application be rejected notify the applicant in writing why his/her application has been rejected.
- (4) On receipt of a new member notification, Division is to send the respective branch the new member's membership badge.
- (5) If an appeal against rejection of an application for membership is received by state council the secretary will:
 - (a) for a rejection by a branch committee:
 - (i) within seven (7) days request the branch committee to prepare a statement of reasons for the rejection;
 - (ii) within five (5) working days forward the statement of reasons to the appellant and request the appellant to prepare within fourteen (14) days a statement in reply; and
 - (iii) include on the agenda of the next meeting of state council the branch committee's statement of reasons and the appellant's statement in reply; and
 - (iv) advise the appellant of the state council's decision.
 - (b) for a rejection by state council:
 - (i) within seven (7) days prepare and forward to the appellant a statement of reasons for the rejection and request the appellant to prepare within fourteen (14) a statement in reply; and;
 - (ii) refer the state council's statement of reasons and the appellant's statement in reply to the national council for consideration; and
 - (iii) request national council to advise its decision in writing to the appellant and state council.

6. Membership subscription and capitation

- (1) Constitution clause 10 (1) requires subscription and capitation fees to be determined by resolution at a general meeting.
- (2) The amount to be paid by each branch to the association as membership capitation is to be:
 - (a) resolved annually by a majority of votes at the annual general meeting of the association; and
 - (b) paid to the Division account or the Division office monthly, on the last business day, commencing February in each financial year.
- (3) Branch membership administration devolved to each branch the right to determine the amount to be paid as annual subscription and to record that amount in the respective branch details list of the Division's Orion Membership management System.
- (4) Division administered branches subscription fees shall be determined by a division general meeting and that amount shall be recorded in the respective branch details list of the Division's Orion Membership management System.
- (5) To retain membership, subscription and capitation fees are to be paid as prescribed in this bylaw, by the last day of March in each financial year.
- (6) If a person becomes a member on or after 1 October and before or on 30 December in any year the membership and capitation fees shall be as prescribed for the next financial year and the member shall be financial until 31 December of the following year.
- (7) Should a person not be admitted to membership, the secretary must refund in full the fees paid.

7. Multiple membership

- (1) An Ordinary or Life member of the association may be a member of more than one branch.
- (2) Except for a life member, a member of more than one branch shall pay the annual fee prescribed by each branch pursuant to clause 6 of these bylaws. For administration purposes the member will be recorded in the Member Register as an Ordinary or Life member of only one branch and will be recorded as Multiple Member in other branches of membership. Division capitation, clause 6 3 shall be collected and paid only by the branch of which the member is recorded as an ordinary member in the Division register.
- (3) A member may hold office in any branch of which he is a member provided that he shall not hold any of the offices of President, Vice-President, Secretary or Treasurer in more than one branch in the same financial year.
- (4) A financial member of another Division of the Air Force Association may be recorded as a Multiple Member of a branch of this Association. Membership administration and charges will be the responsibility of the member's branch. No Division capitation will be collected or paid in respect of the member.

8. Register of members

- (1) The register of members of the association is to include each member's:
 - (a) name, and
 - (b) date of birth, and
 - (c) postal or residential address, and
 - (d) date on which the person became a member, and
 - (e) the class of membership.
- (2) The register of members is to be kept in New South Wales:
 - (a) at the main premises of the association, or
 - (b) if the association has no premises, at the association's official address; and
 - (c) if the register of members is kept in electronic form.
 - (i) it must be convertible into hard copy, and
 - (ii) the requirements of sub-clauses (2) (a) and (b) apply as if a reference to the register of members is a reference to a hard copy of the register of members.

9. Badges and Membership Cards

- (1) The secretary is to issue a badge to every new member when notifying an applicant that their application has been accepted.
- (2) The secretary is to issue a life membership badge to each member who becomes a life member.
- (3) The secretary may issue a new badge to a member who has lost or had damaged their badge at a cost to be determined by state council from time to time.
- (4) The secretary may issue a card showing the member's name, class of membership and membership number to each life member, service member and honorary member, and to each ordinary member on each renewal of their subscription.

10. Transfer of membership

- (1) A member who changes place of residence either within or from New South Wales to another state or territory may apply to transfer to such other branch or state division as is appropriate.
- (2) The transfer of membership will occur when the receiving branch, state or territory enters the member on its register of members.
- (3) When advised of the entry into the recipient branch, state or territory's register the secretary will enter in the register of members the transfer of the member.

11. Resignation of membership

- (1) A member who wishes to resign their membership of the association is to:
 - (a) give the secretary one month's written notice, or
 - (b) such other period as the state council may determine from time to time.
- (2) On the expiration of the period of notice at sub-clause 11.(1) the member ceases to be a member.
- (3) On cessation of membership, the secretary is to enter in the register of members the date on which the member ceased membership.

12. Resignation of office etc

- (1) A member resigns from office or membership of state council or as public officer by notice in writing to the secretary.

13. Investigation of complaint against practitioner

- (1) Having given notice to the VITA Secretariat pursuant to clause 15 of the constitution the secretary will take the following actions:
 - (a) encourage the complainant to prepare a written complaint detailing how the advice and/or support provided by the practitioner led to an actual financial loss, and
 - (b) give notice of the complaint to the practitioner concerned, and
 - (c) take custody of and secure the practitioner's case file and case notes including all electronic records; and
 - (d) on receipt of notice forward the submissions and case files and notes and records to the VITA Committee
 - (e) encourage the practitioner to prepare a written submission in connection with the complaint; and
 - (f) on any finding of negligence against the practitioner give notice to the practitioner that their authorisation is:
 - (i) suspended subject to further specified training and satisfactory re-evaluation of competence, or
 - (ii) terminated.

14. Right of appeal of disciplined member

- (1) A member who appeals a state council resolution of expulsion or suspension made under sub-clause 16.(5) of the constitution must lodge the appeal with the secretary within seven (7) days after receipt of the notice of the resolution.

- (2) The notice may not need to be accompanied by a statement of the grounds on which the member intends to appeal.
- (3) On receipt of a notice from a member under sub-clause 13.(1) of these bylaws the secretary must notify the state council which must convene a general meeting to be held within twenty-eight (28) days after the date on which the secretary received the notice.
- (4) At a general meeting convened under clause 17 of the constitution:
 - (a) no business other than the appeal is to be transacted;
 - (b) the member's rights of natural justice must be strictly upheld; and
 - (c) state council and the member must be given the opportunity to state their respective cases; and
 - (d) the member and state council may state their case orally or in writing or both

15. *Accessing registers, books, records etc - fee*

- (1) The registers, books, records, minutes and all other documents of the association are open for inspection by any member of the association at any reasonable time during business hours free of charge.
- (2) A member of the association may obtain a copy of any part of any register, book, record, minute or all other documents of the association on payment of a fee of \$1 for each page copied.
- (3) Pursuant to the *Privacy and Personal Information Protection Act 1998 (NSW)* any member to whom information about another member has been released from the register must not use the information to contact or send material to the other person for any purposes other than:
 - (a) a newsletter, or
 - (b) a notice of a meeting or other association event, or
 - (c) other material relating to the association, or
 - (d) in compliance with the Act or the Regulation.

16. *Composition and membership of state council*

- (1) The maximum number of members of state council is prescribed in the constitution; however, contemporary practice is to restrict the number of members to the minimum consistent with good governance of an association.

17. *Election of members of state council*

- (1) Nomination of a member for election as an office-bearer or councillor must be made on the nomination form at Appendix 2.

18. *Casual vacancies*

- (1) In the event of a vacancy on state council, the state council will appoint a member of the association to fill the vacancy.

19. *Duties of secretary*

- (1) The secretary is as soon as practicable after being elected as secretary formally advise the association of their address for the receipt of notices.
- (2) In addition to the duties stipulated elsewhere in the constitution and these bylaws, the secretary, will be responsible to the state council for:
 - (a) the proper conduct of the office of the association and the supervision of any paid staff; and
 - (b) the registration of, and custody of all inwards and a copy of all outwards correspondence; and
 - (c) keeping minutes of:
 - (i) all appointments of office-bearers, and
 - (ii) the names of office-bearers present at a state council meeting or a general meeting, and
 - (iii) all proceedings at state council meetings and general meetings; and
 - (d) ensuring the proceedings of all sub-committee meetings are entered into the minutes; and
 - (e) circulating in draft to office holders and state council and sub-committee members within 7 days of the closure of the meeting; and
 - (f) performing such other duties as may from time to time be agreed by state council.

20. *Duties of treasurer*

- (1) The duties of the treasurer include but are not limited to ensuring:
 - (a) the highest level of probity is maintained in the association's financial affairs; and
 - (b) all moneys due to the association are collected and receipted; and
 - (c) all payments authorised by the association are made; and
 - (d) correct books and accounts are maintained recording full and accurate details of the financial affairs of the association including all receipts and expenditure related to the association's business activities; and
 - (e) regular reports are provided to the state council and to the annual general meeting on the association's books and accounts and financial affairs to the level of completeness and accuracy prescribed by the authority; and
 - (f) the safe custody of deeds and documents of title to any of the assets of the association; and

(g) such other functions and duties as may from time to time be agreed by the state council.

21. Duties of public officer

- (1) The public officer may be an office-bearer of other member of state council, or any other person regarded by state council as suitable for the position.
- (2) Pursuant to the *Incorporated Associations Act (NSW) 2009* the responsibilities, duties and obligations of the public officer are prescribed in the Department of Fair Trading publication entitled 'Public Officer' accessible via the URL:

www.fairtrading.nsw.gov.au/ftw/About_us/Publications/Download_publications.page?#Flyers.%20brochures.%20booklets.%20posters.%20other%20resources

22. Appeal by member of removal from state council

- (1) The representation of an office holder or member of state council to whom clause 27.(2) of the constitution applies shall:
 - (a) not exceed a reasonable length, and
 - (b) be lodged not less than 7 days before the meeting at which the appeal will be resolved.
 - (c) Pursuant to clause 18 of the constitution, if the member-removed disputes confirmation of their removal the secretary is to take the actions prescribed under the *Community Justice Centres Act 1983* and subsequently if required under the *Commercial Arbitration Act 1984*.

23. Determination of a matter by vote

- (1) If a matter is to be determined by show of hands the presiding officer may declare that the resolution has been either:
 - (a) carried, or
 - (b) carried unanimously, or
 - (c) carried by a particular majority, or
 - (d) lost.
- (2) When a matter has been determined by a show of hands the record in the minute book of the presiding member's declaration is evidence of the fact without proof of the number or proportion of the votes recorded in favour of or against that resolution.

24. Determination of a matter by written ballot

- (1) If a matter is to be determined by a written ballot:
 - (a) the members shall appoint a returning officer and two scrutineers, and
 - (b) the scrutineers shall open and examine the ballots and report the result of the voting to the returning officer, and
 - (c) the returning officer shall prepare and sign a statement of the vote which shall be tabled at the meeting and incorporated into the minutes, and
 - (d) the returning officer after the vote has been announced shall propose a motion that the ballots be destroyed

25. Use of technology - voting

- (1) Pursuant to clause 41.(2) of the constitution a vote conducted in part or in full by use of technology will be conducted as follows:
 - (a) for those present face-to-face at the meeting: by show of hands.
 - (b) for those present by technology: by oral declaration.

26. Use of technology – ballot

- (1) Pursuant to clause 41.(2) of the constitution a ballot by use of technology will be conducted as follows:
 - (a) The notice of meeting is to nominate a returning officer and electronic address.
 - (b) The returning officer is to:
 - (i) prepare for the ballot in accordance with clauses 1, 2 and 3 of Schedule 3 to the Regulation,
 - (ii) enter in full the proposal on the ballot paper at Appendix 3 pursuant to sub-clause 3 (3) (b) of Schedule 3 to the Regulation,
 - (iii) save the ballot paper as a portable document format (pdf) file, and
 - (iv) attach the pdf file to an email and send to all members;
 - (c) each member is to:
 - (i) print the ballot paper,
 - (ii) complete the ballot paper in their own hand writing,
 - (iii) scan the completed ballot paper and save (preferably) as a protected pdf file,
 - (iv) attach the (protected pdf) file to an email addressed to the returning officer; and

- (c) the returning officer is to:
 - (i) print the ballot paper sign and annotate the date and time of receipt, and
 - (ii) safe-keep the printed ballot papers, and
 - (iii) complete the ballot in accordance with clauses 6 to 10 of Schedule 3 to the Regulation.

27. Branch – forming after approval

- (1) On approval by state council of such an application, the members concerned are to:
 - (a) convene an inaugural general meeting not less than six (6) months after approval; and
 - (b) elect a branch committee; and
 - (c) ensure all members are aware of the provisions of the constitution of the association; and
 - (d) adopt or adapt these bylaws for the sound management and administration of the branch.

28. Honours and Awards – proposal

- (1) The honours and awards that the association may confer and the pertinent eligibility criteria are stipulated in the constitution clause 79.
- (2) Any member of the association may propose any other member for conferral of an honour or award.
- (3) A member who proposes conferral of an honour or award is to take the following actions:
 - (a) the proposer must lodge with the secretary a proposal as detailed at sub-clause 28.(3)(b) not less than two months before the date of the general meeting at which the proposal is to be resolved;
 - (b) the proposal must:
 - (i) be in writing, and
 - (ii) identify the honour or award proposed; and
 - (iii) set out in full:
 - (aa) the membership history of the proposed awardee, and
 - (bb) the nature of the proposed awardee's contribution to the association, and
 - (cc) the justification for the honour or award; and
 - (c) the secretary must place the proposal on the agenda for the next meeting of state council; and
 - (d) state council may resolve to reject the proposal or amend the proposal for conferral of another honour or award and put to the proposal to the association as stipulated in sub-clause 28.(3)(c); and

- (e) on state council's resolution to progress the proposal:
 - (i) for a national honour or award: forward a proposal to the secretary of the national council; and
 - (ii) for a state honour or award:
 - (aa) give notice to members on the agenda for the next annual general meeting; and
 - (ab) resolve conferral by the majority of votes at that annual general meeting.



AIR FORCE ASSOCIATION

New South Wales Division

Membership application with _____ Branch

Account Information

Email address _____ Username _____

Personal Information

Title: _____ Address Line 1: _____

First Name: _____ Address Line 2: _____

Surname: _____ Town/City: _____

Middle Initials: _____ State: _____

Preferred Name: _____ Post Code: _____
(If Offshore)

Post-Nominal: _____ State: _____
(If Offshore)

Telephone: _____ Country: _____

Mobile : _____ Date of Birth: _____

Other

Telephone: _____ Next of Kin: _____

Next of Kin _____ Next of Kinn _____

Telephone: _____ Address: _____

Membership Information

Retired: Serving: Wings by Post:

Service: _____ PMKeys: _____ Rank: _____

Enlistment Date: _____ Discharge Date: _____

Service History or

Membership

Eligibility:

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Signature : _____ Date: _____

Instructions

Please complete as much of the Membership Application form as possible.

Account information is for email and member identification used in the RAAFA NSW Member Management System.

If you do not have an email address, leave blank.

Your Username is used to login to the RAAFA NSW Member Management System. If you do not want access, leave blank.

Post-Nominal on this form means approved letters shown after a persons Title and Name, for Orders, Decorations, Officers and Appointments. Do not include Academic and Professional Post-Nominal letters.

Retired only applies to Retired Australian Defence Officers approved to use the initials "(Retd)" as suffix to their title and name.

PMKeys means Service Number or PMKeys as applicable.

Please briefly describe your Service History or reason for Membership Eligibility.

When completed and signed, please post your application to:

(Division or branch membership application address and subscription payment Information is available from the website branches page, the Division office or applicable branch contacts)

Membership Manager

Branch _____

Address _____

Annual subscription for membership with _____ Branch is \$ ____.

Payment Options

Posting a cheque

Bank Transfer

Make cheque out to: _____

Bank Name: _____

BSB Number: _____

Account Number: _____

Reference: Your name and initials

Additional space if required:

**NOMINATION FOR ELECTION AS
AN OFFICER, COUNCILLOR, OR COMMITTEE MEMBER
IN THE ROYAL AUSTRALIAN AIR FORCE ASSOCIATION (NSW) Inc.**

I,.....

Hereby consent to my nomination for the position of:

.....

in the of the NSW Division

I agree to act in the best interests of the Association, not abuse my position and exercise due care and diligence in the performance of my duties.

SignedDate

This nomination is proposed by

Signature of proposer Date.....

This nomination is seconded by

Signature of seconder Date

Electronic ballot paper

Associations Incorporation Regulation 2010 (Schedule 3, clause 3 (3))

Note: Before completing a ballot paper read the “How to vote” section below.

ROYAL AUSTRALIAN AIR FORCE ASSOCIATION (NSW) Inc.

(Incorporated under the [Associations Incorporation Act 2009](#))

Ballot of members to determine the following proposal:

.....
.....
.....

I,
[full name of member voting in the ballot]

vote as follows on the above proposal (Please write YES or No in the box).

.....
Signature of member voting in the ballot Date

How to vote:

1. Read these instructions and the ballot paper carefully.
2. If: (a) you are in favour of the proposal, write the “YES” in the box above, or
(b) you are not in favour of the proposal, write the word “NO” in the box above.
3. Ensure the ballot paper is completed in full and marked as indicated in 2 above
4. Scan the completed ballot paper, save and attach it to an email, and send to the returning officer in accordance with the by-laws of the association sub-clause 26.(1)(c).
4. Ensure the ballot paper is received by the returning officer no later than the date and time advised in the notice relevant to the ballot.