



CONSTITUTION

KNIGHTS OF THE SOUTHERN CROSS

(QUEENSLAND) INCORPORATED

*(Passed 14 November 2009)
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15 November 2014)*

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CONSTITUTION

FOR

KNIGHTS OF THE SOUTHERN CROSS

(QUEENSLAND) INCORPORATED

RULES

PART I – THE ORDER

1. ASSOCIATION NAME

The name of the association is the Knights of the Southern Cross (Queensland) Incorporated, hereinafter referred to as “the Order.”

2. OBJECTS

2.1 The objects of the Order are –

- (a) to promote the advancement of Australia
- (b) to foster the Christian way of life throughout the nation
- (c) to promote the welfare of members and their families
- (d) to encourage *spiritual*, social and intellectual activities amongst its members
- (e) to conduct and support educational, charitable, religious and social welfare work.

2.2 In addition to any other provision, no change may be made to these objects without the consent of the National Council.

[‘National Council’, see rule 3.10].

3. INTERPRETATION

3.1 “Member” means a person who has been admitted to membership of the Order and, in the case of an ordinary member, senior member, Defence Force member, or clerical member, is financial.

[‘Admitted to Membership’ see rule 8; ‘Ordinary, Senior and Defence Force member’ see rule 9]

3.2 “Eligible member” means a member who has held membership of the Order for the previous twelve months and is or has been a member of a branch executive.

[‘Branch Executive’ see rule 30]

3.3 “State Council” means the governing body of the Order formed under Part III of these Rules and is “the management committee of the association” within the meaning of that expression in the Act.

3.4 “State Executive Officer” means the salaried person appointed in accordance with rule 59.

3.5 “State Secretary” means the person appointed to that position in accordance with rule 16.5

- 3.6 “Annual General meeting,” “Special General meeting,” “State Conference” and “Regional Conference” mean the respective meetings of members held in accordance with the provisions of Part V of these rules.
- 3.7 “The Act” means the Associations Incorporation Act 1981 and any amendment thereto.
- 3.8 “The Regulations” means the Associations Incorporation Regulations made pursuant to the Act.
- 3.9 “National Council” and “National Executive” mean those respective bodies established in accordance with the Constitution for the Knights of the Southern Cross (Australia) Incorporated.

A word or expression that is not defined in these rules, but is defined in the Act or the Acts Interpretation Act (Qld), has, if the context permits, the meaning given by either act.

4 POWERS

- 4.1 The Order has the powers of an individual.
- 4.2 The Order may –
- (a) enter into contracts,
 - (b) acquire, hold, deal with and dispose of property,
 - (c) make charges for services and facilities it supplies,
 - (d) purchase or acquire shares, bonds, debenture notes or other securities, or, in other ways, invest surplus moneys,
 - (e) raise moneys by way of donations or otherwise for its charitable purposes, and seek registration therefore,
 - (f) do other things necessary or convenient to be done in carrying out its affairs.
- 4.3 The Order may take over the funds and other assets and liabilities of the present unincorporated association known as the Knights of the Southern Cross (Queensland).
- 4.4 The Order may also issue secured and unsecured notes, debentures and debenture stock for the Order.

PART II - MEMBERSHIP

5 MEMBERSHIP QUALIFICATIONS

5.1 Membership of the Order shall be available to –

- (a) Catholic laymen over the age of 18, and
- (b) Members of the clergy of the Catholic Church, who are afforded the rights and privileges of membership in the Order, but are not eligible to hold an official position on Branch Executive or State Council, other than that of Chaplain.

5.2 In addition to any other provision, no change may be made to the membership qualifications set out in Rule 5.1 without the consent of National Council.

5.3 The number of members of the Order shall be unlimited.

['Catholic' see rule 3.9; 'National Council' see rule 3.10]

6 MEMBERSHIP ENTITLEMENTS NOT TRANSFERABLE

A right, privilege or obligation which a member has –

- (a) is not capable of being transferred or transmitted to another person, and
- (b) terminates upon cessation of his membership.

['cessation of membership' see rule 11]

7 NOMINATION FOR MEMBERSHIP

Anyone who has been a member for at least six months may nominate for membership a person who is qualified in accordance with rule 5. The nomination will be considered by the Executive of the branch to which the member belongs and it shall forward its decision to State Council, which will consider, at its next meeting, whether or not to invite the nominee to make application for membership.

8 ADMISSION OF MEMBERS

8.1 Upon a nominee being invited and signing an application form and satisfactorily completing a questionnaire, he shall be admitted to membership in accordance with Order rituals. *[For advice to nominee re public liability insurance, see rule 50.3]*

8.2 The procedure and forms for nomination for, and rituals for admission to, membership will be in accordance with by-laws made by State Council.

8.3 A member of a Member Organisation named in rule 5 of the Constitution of the Knights of the Southern Cross (Australia) Incorporated (excluding the Order) shall be admitted to membership of the Order upon notification by the Secretary of the Member Organisation to the State Secretary that he is resident in the State of Queensland or resides within 50 kilometres of the border thereof and is a financial member of the Member Organisation or is exempt from payment of subscription.

8.4 A member may be attached to a branch determined by State Council.

['member' see rule 3.1]

8.5 A member of the clergy of the Catholic Church may apply in writing to the State Secretary for membership. State Council may admit him to membership, subject to the limitations set out in Rule 9.7 and without compliance with any requirements of rules 7 and 8.1.

9 CLASSES OF MEMBERS

The following are the classes of members of the order –

9.1 Ordinary member – a member who resides in Queensland or within 50 kilometres of the border thereof;

- 9.2 Senior member – a member who is 65 years of age or more and who, upon application to State Council, has been granted senior membership;
- 9.3 Special member – a member who is in necessitous circumstances or whose circumstances warrant special consideration and who, upon application to State Council by his branch executive or the State Secretary, has been granted a special membership card for a financial year;
- 9.4 Overseas member – a member, who is residing outside Australia for a period of at least 2 years and who, upon application made therefore, has been granted an overseas membership card;
- 9.5 Life member – a member –
- (a) who has had 20 years continuous membership of the Order, and
 - (b) who has given exceptional and meritorious service to the Order; and
 - (c) whose nomination to State Council by a branch executive, has been approved by at least two-thirds of the total number of State Councillors at the time with not more than one State Councillor voting in the negative.
- 9.6 Defence Force Member – a permanent member of the Australian Army, Navy or Air Force.
- 9.7 Clerical member – a member of the clergy of the Catholic Church, who is afforded the rights and privileges of membership in the Order, but is not eligible to hold an official position on Branch Executive or State Council. *(See Rule 5.1(b))*
- 9.8 Elder member – a member
- (a) who has at least 5 years continuous membership of the Order
 - (b) who is of the age of 90 years or more, and
 - (c) whose application for such membership has been approved by State Council.
- (added 15th November 2014)**

10 SUBSCRIPTIONS

- 10.1 The annual subscription for an ordinary member shall be the amount determined by State Council and shall be due and payable during the period 1 July to 31 August in each financial year. With respect to the other classes of members –
- (a) Senior member shall pay *such subscription amount as determined by State Council*;
 - (b) Special member is exempt from payment of subscription only for the year for which the special membership card is granted;
 - (c) Overseas member is exempt from payment of subscription for such period of absence overseas approved by State Council;
 - (d) Life member is exempt from payment of all annual subscriptions after the date upon which his life membership is granted.
 - (e) Defence Force member shall pay such subscription as determined by State Council;
 - (f) Clerical members shall pay such subscription as determined by State Council.
 - (g) Elder member is exempt from payment of all annual subscriptions after the date on which his elder membership is granted. **(added 15th November 2014)**
- 10.2 State Council may require payment of an entry fee on admission of a person to membership.
- 10.3 When a member fails to pay his subscription by 31 August, State Council may thereafter suspend or terminate his membership; however, before doing so, State Council must give the member a full and fair opportunity to show why his membership should not be suspended or terminated.
- 10.4 Whether it be tendered before or after 31 August, State Council may refuse to accept the subscription of a member whose membership has been terminated or suspended in accordance with these rules.

11 CESSATION OF/RE-ADMISSION TO MEMBERSHIP

A person ceases to be a member when he is not financial for a period in excess of 12 months, resigns or has his membership terminated pursuant to these rules, but may be re-admitted to membership upon conditions and according to procedure determined by State Council.

12 RESIGNATION AND TERMINATION OF MEMBERSHIP

12.1 A member may resign from membership by giving written notice thereof to the State Secretary, setting out the date upon which such resignation shall take effect (not earlier than the date of such notice). If no date is given, then such resignation shall take effect from the date upon which the State Secretary receives that notice.

12.2 When a member –

- (a) is convicted of an indictable offence,
 - (b) fails to comply with any provision of these rules, or
 - (c) conducts himself in a manner injurious or prejudicial to the Order,
- State Council shall consider whether his membership must be terminated. Before State Council terminates a member's membership, he shall be given a full and fair opportunity to show why his membership should not be terminated.

12.3 The State Secretary shall enter in the register of members the date upon which a member ceased to be a member.

12.4 A person, whose membership has been terminated, may, within one month of receiving written notification thereof, lodge with the State Secretary written notice of his intention to appeal against the decision.

12.5 Upon receipt of a written notice (vide rule 12.4) the State Secretary shall, within the next three months, convene a special general meeting to determine the appeal. At such meeting, both the appellant and State Councillors have the right to be heard. The appeal will be determined upon a majority of votes of members present and voting thereat.

['voting' see rule 44]

12.6 When a member does not appeal against the decision within the time prescribed or so appeals but the appeal is unsuccessful, the State Secretary shall forthwith refund the pro rata amount of any subscription paid.

13 REGISTER OF MEMBERS

13.1 The State Secretary shall establish and maintain a register of members, which must include the following –

- (a) the full name and residential address of the member,
- (b) the date of admission as a member,
- (c) the date of death or resignation of the member,
- (d) details about the termination or reinstatement of membership
- (e) any other particulars State Council or the members at a general meeting decide.

13.2 The register of members shall be kept at the principal place of administration of the Order and must be open for inspection at all reasonable times. However, before a member may inspect the register, he must apply to the State Secretary to inspect it.

14 MEMBER'S LIABILITY

The liability of a member to contribute towards the payment of the debts and liabilities of the Order or the costs, charges and expenses of the winding up of the Order is limited to the amount, if any, unpaid by the member with respect to his membership.

['winding up' see Part 10 of the Act]

PART III – STATE COUNCIL

15 FUNCTIONS OF STATE COUNCIL

15.1 Subject to the Act, the Regulations, this Constitution and any resolution of members at a general meeting, State Council –

- (a) has the general control and management of the administration of the affairs, property and funds of the Order;
- (b) has authority to interpret the meaning of these rules and any matter relating to the Order on which the rules are silent;
- (c) will oversee the conduct of the affairs of the Order by its branches but will not interfere with those affairs except to ensure compliance with the Constitution and by-laws or prevent the occurrence of any action which it considers injurious or prejudicial to the Order;
- (d) may confer honours on a member according to its by-laws
- (e) has authority to carry out any other function assigned to it in these rules.

15.2 State Council may exercise the powers of the Order –

- (a) to borrow, raise or secure the payment of amounts in a way members decide;
- (b) to secure the amounts mentioned in paragraph (a) or the payment or performance of any debt, liability, contract, guarantee or other engagement incurred or to be entered into by the Order in any way, including by the issue of debentures (perpetual or otherwise) charged upon the whole or part of the Order's property, both present and future;
- (c) to purchase, redeem or pay off any securities issued;
- (d) to borrow amounts from members and pay interest on the amounts borrowed;
- (e) to mortgage or charge the whole or part of its property;
- (f) to issue debentures and other securities, whether outright or as security for any debt, liability or obligation of the Order;
- (g) to provide and pay off any securities issued; and
- (h) to invest in a way members may from time to time decide.

15.3 For sub-rule 15.2(d), the rate of interest must not be more than the current rate being charged for overdrawn accounts on money lent (regardless of the term of the loan) by –

- (a) the financial institution for the Order, or
- (b) if there is more than one financial institution for the Order – the financial institution nominated by the Order.

16 COMPOSITION OF STATE COUNCIL

16.1 State Council shall be composed of a maximum of twenty members, known as State Councillors. State Councillors are elected at an annual general meeting for a term expiring at the end of the second annual general meeting held after the annual general meeting at which they are elected;

Provided that one half of the first members of State Council (to be determined by ballot amongst them) shall retire at the end of the first annual general meeting held after incorporation and the other half shall retire at the end of the second annual general meeting.

[Election of State Councillors, see rule 27]

16.2 The first State Councillors shall be those holding office at the time of incorporation.

16.3 A retiring State Councillor is eligible for immediate re-election.

16.4 After each annual general meeting, the State Chairman shall be elected by ballot by those present who are State Councillors at the time but he shall not hold the position for more than three consecutive years.

16.5 Other members of the Executive of State Council will be appointed by the State Chairman from those who are State Councillors at the conclusion of an annual general meeting. The State Executive will be made up of the following, in descending order of seniority –

State Chairman,
Senior Deputy State Chairman,
Junior Deputy State Chairman
State Secretary
State Treasurer
State Economic Officer
State Community Relations Officer
State Warden,

Provided that should the State Chairman, for any reason, consider it not expedient immediately after an annual general meeting to appoint a State Councillor to any position on the Executive, with the exception of State Secretary and State Treasurer, he may decline to do so. At any time before the next annual general meeting, he may appoint a State Councillor, including one appointed to fill a vacancy (vide rule 19.3), to hold a position on the Executive which is vacant at the time. The State Chairman may also appoint an eligible member or State Councillor to act in a position on the Executive for a determined period of time, but not longer than the next annual general meeting.

['Eligible member' see rule 3.2]

16.6 Members of the Executive of State Council appointed after an annual general meeting will hold office until appointments are made after the next annual general meeting.

16.7 All State Councillors, other than members of the Executive, shall be of equal standing and shall hold such portfolios (if any) to which they may be appointed.

16.8 Before taking his position on State Council, a State Councillor shall be installed according to the ritual determined by State Council and shall at that time give his pledge to faithfully carry out his duties and to observe the Constitution of the Order and procedure for the conduct of its business and if he refuses to give his pledge his position will thereupon become vacant.

17 MEETINGS OF STATE COUNCIL

17.1 State Council –

- (a) shall meet at least 10 times each calendar year, ensuring that a meeting is held at least once in two consecutive months; and
- (b) must decide how an ordinary meeting is to be called and how notice thereof is to be given.

17.2 A special meeting of State Council may be convened by the State Chairman or at the written request signed by at least 33% of State Councillors, stating the reason for the special meeting and the business to be conducted thereat.

17.3 Notice of a special meeting (vide rule 17.2) shall state the day, time and place of the meeting and the business to be conducted thereat. No other business shall be transacted at that meeting except business which State Councillors thereat agree by special resolution to treat as urgent business.

['special resolution' see rule 57]

17.4 If, within 30 minutes after the time appointed, a quorum is not present for –
['quorum' see rule 17.7]

- (a) a special meeting called at the request of State Councillors, the meeting lapses;
- (b) any other meeting, it is to be adjourned to a day, time and place decided by those State Councillors there present;

Provided that such date shall not be later than the date of the next ordinary State Council meeting.

17.5 If, at the adjourned meeting mentioned in rule 17.4(b), a quorum is not present within 30 minutes after the time fixed for the meeting, the meeting lapses.

['quorum' see rule 17.7]

17.6 At a meeting of State Council –

- (a) the State Chairman or, in his absence,
- (b) the Senior Deputy State Chairman or, in his absence,
- (c) the Junior Deputy State Chairman or, in his absence,
- (d) one of the other State Councillors chosen from and by State Councillors present thereat, shall preside.

17.7 At a meeting of State Council, not less than 50% of the number of State Councillors at that time shall form a quorum.

18 REMOVAL FROM STATE COUNCIL

18.1 State Council may declare vacant the seat of a State Councillor who has been absent from three consecutive ordinary meetings without its consent or who shall be voted off State Council by special resolution.

['Special resolution' see rule 57]

18.2 Before a vote is taken, the State Councillor must be given full and fair opportunity to show why he should not be removed from office.

18.3 A State Councillor who has been voted off State Council by a special resolution has no right of appeal against his removal under this rule.

['State Councillor' see rule 16.1]

19 VACANCIES

19.1 A vacancy occurs in State Council when a State Councillor –

- (a) dies,
- (b) ceases to be a member,
- (c) becomes an insolvent under administration within the meaning of laws relating to bankruptcy,
- (d) resigns office by notice in writing given to the State Secretary,
- (e) is removed from office by a special resolution,
- (f) becomes of unsound mind or unfit to carry out his duties or a person who or whose estate is liable to be dealt with under the law relating to mental health,
- (g) is absent without the consent of State Council from all its meetings for a period of six months,
- (h) ceases to be a State Councillor for any other reason.

19.2 A vacancy also occurs when, after an annual general meeting, the number of State Councillors is less than 20.

19.3 At any time when the number of State Councillors is less than 20, State Council may appoint a willing and eligible member to be a State Councillor and may continue to do so as long as the number does not exceed 20. Every such appointment shall expire at the end of the next annual general meeting.

['Eligible member' see rule 3.2]

20 ACCOUNTABILITY

20.1 The State Chairman and other State Councillors shall be responsible for and accountable to members for the conduct of the Order's affairs in Queensland.

20.2 The chairman of each sub-committee and any other operation or activity of the Order shall be accountable to the Order for its activities and shall report to the State Chairman, how and when he so requires. *['sub-committee' see rule 23]*

21 STATE SECRETARY

21.1 The State Secretary shall, as soon as practicable after being appointed, notify the State Chairman of his address and such other information as he may require.

21.2 It is the duty of the State Secretary to ensure the keeping of –

- (a) a written record of the appointment of all State Councillors,
- (b) an attendance roll for a State Conference and State Council and general meetings,
- (c) minutes of questions, matters, resolutions and other proceedings of each State Council and general meeting, which, when adopted at the next such meeting, will be signed by him and the meeting chairman at that time verifying their accuracy.
- (d) a nominated address for service of documents on the Order as required by section 17 of the Act, and
- (e) copies of all correspondence and other documents relating to the Order.

21.3 The State Secretary shall perform such other duties as State Council may direct.

21.4 The State Secretary shall keep minutes [vide rule 21.2(c)] in a minute book and, if asked by a member, must within 28 days after the request is made-

- (i) make the minute book for a particular meeting available for inspection by a member at a mutually agreed time and place,
- (ii) give the member copies of the minutes of the, and
- (iii) require the member to pay the reasonable cost, if any, determined by State Council for providing copies of the minutes.

22 STATE TREASURER

It is the duty of the State Treasurer to ensure that –

- (a) all moneys due to the Order are collected and receipted and all payments authorised by State Council are made,
- (b) all moneys of the Order are deposited as soon as practicable after receipt thereof in the name of the Order in such financial institution as State Council directs,
- (c) proper books and accounts are kept and maintained either in written or printed form or upon a computer owned by the Order, with regular back-up copies being made, in the English language, showing correctly the financial affairs of the Order,
- (d) all expenditure is approved or ratified by State Council at each of its ordinary meetings and, when requested by the State Chairman, a written financial statement of receipts and payments is prepared for presentation to any such ordinary meeting, together with details of any other financial matter which may require its consideration,
- (e) all amounts of fifty dollars and over are paid to be by cheque signed by any two of State Chairman, State Secretary, State Treasurer, State Executive Officer and any 1 of 3 other State Councillors or employee authorised by State Council, or electronic funds transfer. *(Amended as at 19th November 2011)*
- (f) cheques are crossed 'Not negotiable', except those in payment of wages, allowances or petty cash recoupment,
- (g) petty cash is kept on an imprest system in such amount as determined by State Council
- (h) as soon as practicable after the end of each financial year a written statement is prepared, containing particulars of
 - (i) the income and expenditure for the financial year just ended,
 - (ii) the assets and liabilities and all mortgages, charges and securities affecting the property of the Order at the close of that year, and
 - (iii) a budget of projected income and expenditure for the next year,
- (i) the written financial statement [vide sub-rule 22(h)] is examined by the auditor, who shall present a report upon such audit to the State Secretary prior to the next annual general meeting,

- (j) have financial document available for inspection within 28 days of a members request.
- (k) all other matters as directed by State Council are attended to.

23 SUB-COMMITTEES

- 23.1 State Council may, in writing and subject to such conditions and limitations contained therein, delegate to a sub-committee the exercise of such of its functions as it specifies therein, except –
- (a) the power of delegation.
 - (b) a function which is a duty imposed on State Council by the Act or any other law.
- 23.2 The delegation of a function to a sub-committee remains in force until such time as it is revoked.
- 23.3 Notwithstanding the delegation of a function under this rule, State Council may continue to exercise that function.
- 23.4 Any act or thing done or suffered by a sub-committee acting in the exercise of a delegation under this rule has the same force and effect as it would have if it had been done or suffered by State Council.
- 23.5 State Council may, in writing, revoke wholly or in part a delegation under this rule.
- 23.6 A sub-committee may meet and adjourn as it considers appropriate and it shall elect a chairman of its meetings. If the chairman is not present within 10 minutes after the time fixed for a meeting, the members present may choose one of them-selves to be chairman of the meeting.

24 VALIDITY OF ACTS

- 24.1 An act performed by State Council, a sub-committee or a person acting as a member of State Council is taken to have been validly performed.
- 24.2 Rule 24.1 applies even if the act were performed when –
- (a) there was a defect in the appointment of a member of State Council or a sub-committee or person acting as a member of State Council, or
 - (b) a State Councillor, sub-committee member or person acting as a member of State Council was disqualified from being a member.

25 BY-LAWS

- 25.1 State Council may make, amend or repeal by-laws, not inconsistent with the Act, the Regulations and this constitution, for the internal management of itself and its branches.
- 25.2 A by-law may be set aside by a vote of members at a general meeting.
- 25.3 State Council may produce a manual containing a history of the Order and suggestions for compliance with the constitution and by-laws for the information and guidance of members.

26 STATE COUNCILLORS PRIVILEGES

Except as otherwise provided, a State Councillor shall have a right to speak and vote on any matter at any Order meeting.

27 ELECTION OF STATE COUNCILLORS

- 27.1 At each annual general meeting, eligible members shall be elected to State Council to fill vacancies existing at that time.

['eligible member' see rule 3.2]

27.2 Before an annual general meeting, the State Secretary shall call for nominations to fill the vacancies on State Council that will occur at that annual general meeting, by notifying the chairman of each branch the number of vacancies and the last date upon which a nomination may be lodged. Any nomination received after that date will not be accepted but may be dealt with as a 'nomination from the floor of the meeting.'

[see rule 27.3(d)]

27.3 A State Councillor may only be elected as follows –

- (a) any 2 members may nominate another member (the candidate), who is eligible, to serve as a member of State Council;
- (b) the nomination must be –
 - (i) in writing in the form prescribed by State Council,
 - (ii) signed by the candidate and the members who nominated him, and
 - (iii) given to the State Secretary at least 40 days before the annual general meeting at which the election is to be held;
- (c) each member present and entitled to vote at the annual general meeting may vote for any number of candidates not more than the number of vacancies;
- (d) if, at the start of the meeting, there are not enough candidates nominated, nominations may be taken from the floor of the meeting.

['member' see rule 3.1]

PART IV – BRANCHES

28 ESTABLISHMENT OF BRANCHES

- 28.1 On incorporation of the Order, State Council shall recognise all existing branches and their Executives. Thereafter, State Council may establish new branches in a manner to be determined by it. *[‘Executive’ see rule 30.1]*
- 28.2 State Council may sub-divide a branch into two or more branches, may amalgamate two or more branches into one and may close a branch for wilful and continuing non-compliance with the Constitution and by-laws or for any other reason.
- 28.3 The division of Knights Elector will be known as the Knights Consultant branch. The purpose of this branch is to safeguard and be vigilant of the functioning of the Order. Rules for admission to this branch will be as determined by State Council.

29 BRANCH MEETINGS

- 29.1 A branch shall hold at least ten business meetings each calendar year or as many as State Council shall approve. Only members are entitled to attend and vote at such meetings, but any other person may be admitted with the approval of the branch chairman. *[‘member’ see rule 3.1]*
- 29.2 An annual branch meeting of its members shall be held during a period of time determined by State Council and shall be for the following purposes, namely –
- (a) to deal with the annual report and financial statement of the branch executive;
 - (b) to carry out an election to fill vacancies on the branch executive;
 - (c) to consider matters and motions for submission to the next annual general meeting of the Order and appoint a member or members to be a branch delegate or delegates to attend general meetings and conferences of the Order which may occur before the next annual branch meeting.
 - (d) to conduct any other business which members thereat decide.
- 29.3 A special branch meeting shall be held when required in writing by –
- (a) one-tenth of its members (but not less than 5);
 - (b) the branch chairman
 - (c) the Diocesan or District councillor for that area, or
 - (d) the State Chairman.
- Such written request shall state the special purpose of the meeting. The branch secretary shall give adequate notice of the time, date and place of the meeting, stating therein the special purpose.
- 29.4 Subject to the power of State Council to direct otherwise, a quorum for an annual branch or special branch or business meeting shall be not less than one-third of the number of ordinary, senior and Defence Force members of the branch. Nothing in this rule shall preclude any other member from attending and voting at a meeting. *[‘ordinary, senior and Defence Force members’ see rules 9.1, 9.2, 9.6]*
- 29.5 When, at a meeting, a quorum is not present, or a meeting is adjourned, then the rules with respect to a lack of a quorum at, and adjournment of, a general meeting of the Order, with necessary changes being made, shall apply (vide rules 42.2 to 42.9).

30 BRANCH EXECUTIVE

- 30.1 The council of the branch shall be called the Branch Executive. It shall consist of not more than twelve members. Subject to rule 30.7, the term of office of a member of Branch Executive shall be for 2 years from the annual branch meeting at which he was elected until the second annual branch meeting when he shall retire.
- 30.2 After an annual branch meeting, the Branch Chairman will be elected by the members of the branch executive present.

The branch chairman will then appoint members to positions of Senior Deputy Branch Chairman, Branch Secretary and Branch Treasurer and, at that time or any time before the next annual branch meeting, may appoint others to positions of Junior Deputy Branch Chairman, Economic Officer, Community Relations Officer and Warden.

- 30.3 It shall meet at least ten times per calendar year or as State Council shall approve. A quorum shall be at least 50% of its members.
- 30.4 Unless State Council directs otherwise, no member shall be nominated for election to the branch executive unless he has been a member of the Order for at least 12 months prior to the date of his nomination, or he has been a member for at least 6 months and has attended no fewer than 4 branch meetings after his installation as a member. No clerical member shall be elected to a Branch Executive. *(See Rule 9.7)*
- 30.5 Election to ordinary vacancies on the branch executive shall take place at an annual branch meeting. A casual vacancy shall be filled by appointment by the branch executive. Such appointee shall hold office only until the next annual branch meeting.
- 30.6 No member shall hold the position of branch chairman for more than three consecutive years.
- 30.7 The branch executive may declare vacant the seat of any executive member who has been absent without reasonable cause from three consecutive meetings of the branch executive.
- 30.8 Retiring members of the branch executive shall hold office until their successors have been installed.
- 30.9 Before taking his position on a branch executive, a member shall be installed according to the ritual determined by State Council and shall, at that time, give his pledge, in the format determined by State Council, to faithfully carry out his duties, and observe the constitution of the Order and procedure for the conduct of its business. If he refuses to give his pledge, his position will thereupon become vacant.
- 30.10 A branch executive may appoint two trustees who are members of the Order and who shall be custodians of all branch property. Trustees need not be members of the branch executive. A branch executive may remove one or both trustees and may fill any vacancy.

31 BRANCH ASSETS

- 31.1 When required to do so, a branch shall advise State Council of its financial position.
- 31.2 A branch shall have the sole right to use all its funds and property but only so long as it continues to be a branch.
- 31.3 When amalgamation of branches is approved, the affected branches will conduct an audit of their property and funds and report thereon to State Council.
- 31.4 When a branch is closed by revocation of its Charter, its funds remaining after payment of lawful debts and its property shall become the property of the Order and be transmitted, by those who are signatories to the account of the closed branch with its financial institution, to State Council within 14 days after finalisation of an audit of its property and funds.

32 ECCLESIASTICAL VISITORS

Members of the hierarchy and clergymen of the Catholic Church may be admitted to branch meetings.

33 BRANCH CHAPLAIN

The Bishop of a diocese may appoint a chaplain or spiritual adviser to any branch in his diocese.

34. TRANSFER OF A MEMBER

A member may be transferred from one branch to another, according to a procedure determined by State Council.

['member' see rule 3.1]

PART V – ORDER CONFERENCES AND MEETINGS

35 STATE CONFERENCE

- 35.1 A State conference will be held at least once in each calendar year on a date and at a place and time State Council determines.
- 35.2 The business of a State Conference will be determined by State Council and may include
- (a) guest speakers,
 - (b) reports by State Councillors, Diocesan and District Councillors and chairmen of Order activities,
 - (c) the formulation of recommendations to be given to State Council, and
 - (d) any other matters of particular interest to all members of the Order.

36 REGIONAL CONFERENCES

- 36.1 Notwithstanding the provisions of rule 35, in any calendar year State Council may decide to hold Regional conferences in lieu of a State Conference. For that purpose, State Council will –
- (a) determine the boundaries of each region either geographically or by groupings of branches;
 - (b) appoint a convenor or convenors for each conference,
 - (c) determine a period of time during which each conference will be held, and
 - (d) give such other directions as may be necessary.
- 36.2 The convenor or convenors for each region will –
- (a) decide a time, date and place for the holding of a conference;
 - (b) formulate an agenda of business for that conference, which may include –
 - (i) guest speakers
 - (ii) reports by District councillors and branches in that region;
 - (iii) the formulation of recommendations, if any, to be given to State Council; and
 - (iv) any other matters of particular interest to all members in that region.
 - (c) give adequate prior notice to each branch in that region of the time, date and place of the conference and the agenda.
- 36.3 Any matter not on the agenda may be dealt with at the conference if the majority of those present thereat so decide.
- 36.4 As soon as practical after the conclusion of the conference, the convenor or convenors shall forward a report of proceedings and recommendations, if any, to State Council.
- 36.5 Any member may attend the conference in his region and every member thereat has a right to vote on any issue to be decided.
- 36.6 Regional conferences in lieu of a State Conference shall not be held in two consecutive calendar years.
- ['member' see rule 3.1; 'voting' see rule 44; 'District Councillor' see rule 45]*

37 ANNUAL GENERAL MEETING

- 37.1 The first annual general meeting must be held within 18 months after the day the Order is incorporated.
- 37.2 Each subsequent annual general meeting must be held –
- (a) once each calendar year; and
 - (b) within 6 months after the end of the Order's previous financial year.
- 37.3 The business for an annual general meeting shall include –
- (a) the receiving of the State Chairman's annual report;

- (b) the receiving of the statement of income and expenditure, assets, liabilities and mortgages, charges and securities affecting the property of the Order for the last financial year;
- (c) the receiving of the auditor's report on the financial affairs of the Order for the last financial year;
- (d) the presentation of the audited statement to the meeting for adoption;
- (e) the appointment of an auditor
- (f) the determination of motions on notice
- (g) the election of State Councillors
and may include the following –
- (h) the presentation of the report of any State Councillor, re-requested by the State Chairman so to do;
- (i) any matters and recommendations referred to the meeting by State Council;
and
- (j) such other business as the meeting considers urgent, except matters of which members are required to be given prior notice.

37.4 A notice of motion must be in writing signed by a proposer and seconder, state clearly the matter upon which the vote is to be taken and be given to the State Secretary at least 40 days before the next annual general meeting.

37.5 A member desiring to bring a matter, other than a motion or special resolution, before an annual general meeting shall give written notice thereof to the State Secretary at least 40 days before the next such meeting and, with the approval of State Council, it shall be included in the notice for that meeting.

37.6 An annual general meeting may be held in conjunction with a State Conference, but any notice thereof shall clearly set out the time for the commencement of the annual general meeting.

38 SPECIAL GENERAL MEETING

38.1 The State Secretary may only call a special general meeting by giving each member notice of the meeting within 14 days after –

- (a) being directed to call the meeting by State Council; or
- (b) being given a written request signed by –
 - (i) at least 33% of State Councillors; or
 - (ii) at least the number of ordinary members equal to the number of State Councillors at that time plus 1, or
- (c) being given written notice of an intention to appeal against a decision of State Council to terminate a person's membership.

['giving member notice' see rule 56]

38.2 A request mentioned in sub-rule 38.1(b) must state –

- (a) why the special general meeting is being called, and
- (b) the business to be conducted at the meeting.

38.3 No business, other than the specific purpose or purposes for which a special general meeting was convened, shall be transacted thereat.

39 ATTENDANCE AT STATE CONFERENCE AND GENERAL MEETING

Any member may attend a state conference or a general meeting and, if he is not a person entitled to vote, may be heard with the approval of the chairman of the conference or meeting but only State Councillors, Diocesan and District Councillors and those appointed as branch delegates may vote.

*['member' see rule 3.1 ; 'branch delegate' see rules 29.2(c), 40;
'Diocesan and District councillors' see Rule 45]*

40 DELEGATES

At a state conference or a general meeting, each branch shall be entitled to be represented by one duly elected delegate for every twenty members or part thereof, but the number of delegates representing a branch shall not exceed four.

41 NOTICE OF STATE CONFERENCE AND GENERAL MEETING

The State Secretary shall give each member at least 28 days written notice of the time, date and place for the holding of a general meeting or State conference and of the business or special resolution, if any, to be conducted or decided thereat.

['service of notice' see rule 56]

42 QUORUM FOR, AND ADJOURNMENT OF, GENERAL MEETING

42.1 Subject to rule 42.5, at a general meeting a quorum shall be at least the number of State Councillors elected at the close of the Order's last annual general meeting plus 1.

42.2 No business may be conducted at a general meeting unless a quorum of members is present when the meeting proceeds to business.

42.3 If a quorum is not present within 30 minutes after the time fixed for a special general meeting called on the request of members (vide rule 38.1(b)), the meeting lapses.

42.4 If a quorum is not present within 30 minutes after the time fixed for a meeting other than mentioned in rule 42.3, the meeting is to be adjourned to –

(a) the same time, day and place in the next week; or

(b) a time, date and place decided by the members present thereat.

42.5 If, at an adjourned meeting, a quorum under rule 42.1 is not present within 30 minutes after the time fixed for the meeting, the members present form a quorum.

42.6 The chairman may, with the consent of any meeting at which a quorum is present, and must, if directed by the meeting, adjourn the meeting from time to time and from place to place.

42.7 If a meeting is adjourned under rule 42.6, only the business left unfinished at the meeting from which the adjournment took place may be conducted at the adjourned meeting.

42.8 The State Secretary is not required to give members notice of an adjournment or of the business to be conducted at an adjourned meeting unless a meeting is adjourned for at least 30 days.

42.9 If a meeting is adjourned for at least 30 days, notice of the adjourned meeting must be given in the same way notice is given for the original meeting.

43 CHAIRMAN OF STATE CONFERENCE AND GENERAL MEETING

The State Chairman or, in his absence, the State Councillor who would chair a meeting of State Council in his absence will preside as chairman at a general meeting or State conference.

[see rule 17.6]

44 VOTING AND DECISIONS

Unless otherwise provided in the Act, the Regulations or this constitution, the following rules apply to all meetings of branches, State and other councils, and sub-committees and at all general meetings and State and Regional conferences.

44.1 Any question arising shall be determined on a show of hands and, unless before or on the declaration of the show of hands a poll is ordered by the chairman or demanded by not less than 3 members present, a declaration that the question has been decided in the

affirmative or the negative is evidence of that fact without proof of the number or proportion of votes given in favour or against.

44.2 Where a poll is demanded, it shall be taken –

- (a) immediately, in the case of the election of the chairman of a meeting or the question of an adjournment;
- (b) in any other case, in such manner and at such time before the close of the meeting as the chairman directs, and the declaration of the poll shall be the resolution of that matter.

44.3 In the case of an equality of votes, the chairman is entitled to exercise a second or casting vote.

44.4 No person is entitled to vote unless he is a member and each member has one (1) vote only. Proxy votes are not permitted.

['member' see rule 3.1]

PART VI – COUNCILLORS

45 APPOINTMENT

- 45.1 To assist it in carrying out its functions, in particular the requirement to oversee the conduct of the affairs of the Order by its branches, State Council may appoint eligible members to be councillors.
- 45.2 In each diocese of the Catholic Church in Queensland, State Council may appoint a councillor, who may be referred to as Diocesan Chairman.
- 45.3 In addition, State Council may establish districts geographically or by groupings of branches and in each district appoint a councillor, who may be referred to as District Chairman.
- 45.4 Appointment of a councillor will be made after an annual general meeting and shall continue until another appointment is made after the next annual general meeting. Councillors are eligible for re-appointment.
- 45.5 Should a councillor consider that he needs assistance to carry out his functions, he may appoint one or more eligible members to assist him. If he appoints two or more, the group will be known as a ‘Council’ of which the councillor is the chairman, who may allot a portfolio to an appointee. The councillor will then advise State Council of any appointment made.
- 45.6 State Council may revoke the appointment of a councillor and make an appointment to fill a vacancy before the next annual general meeting. A revocation of an appointment of a councillor also revokes any appointment made by that councillor.
[‘eligible member’ see rule 3.2]

46 INSTALLATION

A councillor will be installed in his position after the annual general meeting at which he is appointed and will, at the time, give his pledge, in the format determined by State Council, to faithfully carry out his duties, and observe the constitution of the Order and procedure for the conduct of its business. If he refuses to give his pledge, his position will thereupon become vacant.

47 FUNCTIONS

- 47.1 It is the duty of a Diocesan councillor to assist District councillors in his area to carry out their functions and the duty of a District councillor to assist members of branches in his area to carry out their functions.
- 47.2 It will be the responsibility of councillors to –
- (a) in the case of a diocesan councillor –
 - (i) attend meetings held by a district councillor,
 - (ii) periodically liaise with the bishop of the Diocese to ascertain any manner in which members may be able to assist him,
 - (b) in the case of a district councillor –
 - (i) regularly attend branch meetings held in his area,
 - (ii) when necessary, assist a branch with meeting procedure, the duties and installation of members of branch executive, any project it undertakes, order rituals, understanding the constitution and by-laws and State Council requests and directives and any other matter about which a branch may seek guidance;
 - (c) convene meetings in a region comprising a diocesan area or district area or any combination of these –
 - (i) to consider motions for submission to an annual general meeting or matters to raise at a State conference;

- (ii) to discuss matters on agendas for an annual general meeting or State conference and any matter sub-mitted by a branch;
- (iii) to make recommendations to State Council on any other matter relating to the Order;
- (iv) to consider any other matters of particular interest to members in the area or areas;
- (d) account to State Council for all property and funds which may come into their hands or the hands of their council members, if any, on behalf of the Order;
- (e) carry out a direction given by State Council;

Provided that a Diocesan councillor shall not interfere in the affairs of a District councillor, nor shall a District councillor interfere in the affairs of a branch except where necessary to ensure compliance with this constitution and the by-laws or to prevent the occurrence of any action which is considered injurious or prejudicial to the Order.

47.3 For the purpose of rule 47.2(c), councillors shall convene at least one meeting each calendar year. The councillors will determine the time, date, place and agenda for that meeting and give at least 1 month's notice thereof to each branch in the area or areas relevant to that meeting. Any member of a branch so notified may attend the meeting and every member thereat has a right to vote on any issue to be decided.

47.4 A councillor shall not be eligible to be a member of a branch executive.

47.5 State Council may request a report by a councillor –

- (a) concerning a nomination for admission or application for re-admission as a member;
- (b) and inspection of the property and funds of a branch,
- (c) on the conduct of a branch or a member,
- (d) on any other matter which it considers necessary for the performance of its functions.

PART VII – MISCELLANEOUS

48 SPIRITUAL DIRECTOR

The Archbishop of the Brisbane archdiocese and bishops of other Queensland diocese may be asked to act as spiritual directors in their respective sees or appoint another to that role.

49 STATE CHAPLAIN

49.1 The Archbishop of the Brisbane archdiocese may be asked to appoint a State Chaplain to the Order in Queensland.

49.2 A State Chaplain shall be entitled to attend any State Conference or general or State Council meeting and be heard, but does not have a right to vote.

50 INSURANCE

50.1 State Council shall take out and maintain public liability insurance required by the Act.
[section 70, 70A of the Act]

50.2 In addition to the insurance referred to in the preceding paragraph, State Council may take out and maintain such other insurance as it considers necessary.

50.3 State Council must ensure that-

(a) as soon as practicable after a person applies to become, but before a person becomes, a member the person is advised-

(i) whether or not the Order has public liability insurance, and

(ii) if the Order has public liability insurance, the amount of the insurance, and

(b) before a member is elected a State Councillor, or appointed a Diocesan or District Councillor the member is advised-

(i) whether or not the Order has public liability insurance, and

(ii) if the Order has public liability insurance, the amount of the insurance.

[see Section 70(5) of the Act about advising others if no public liability insurance]

51 SOURCE OF FUNDS

51.1 The funds of the Order shall be derived from entrance fees, if any, members' subscriptions, interest on moneys invested and such other sources as State Council determines.

51.2 For its charitable purposes, the order may raise funds by way of donations, sponsorships, commercial activities and any other endeavour approved by State Council. Such funds and the expenditure thereof for these purposes shall be accounted for separately in the books of account of the Order.

52 USE OF FUNDS

52.1 The assets and income of the Order shall be applied solely in furtherance of its objects and no portion thereof shall be distributed directly or indirectly to its members, except as bona fide compensation for services rendered or expenses incurred on behalf of the Order. The Order may recompense officers of the Order for expenses and losses the officers incur in carrying out their duties. Recompense will not apply if the expense or loss results from an officer's wilful act or default.

52.2 All drafts, bills of exchange, promissory notes and other negotiable instruments [excluding cheques] and written contracts shall be signed by any two of State Chairman, State Secretary, State Treasurer, State

Executive Officer and any 1 of 3 other State Councillors authorised by State Council, but one of the signatories must be the State Chairman, State Secretary or State Treasurer.

[For signatories to cheques, see rule 22(e)] Amended as at 16th November 2013

53 FINANCIAL YEAR

The financial year of the Order is from 1 July in one year to 30 June in the next year. The financial year of a branch shall be such time as determined by State Council.

54 COMMON SEAL

54.1 The common seal of the Order shall be kept in the custody of the State Secretary.

54.2 The common seal shall not be affixed to any instrument except with the authority of State Council and the affixing of the common seal shall be attested to by the signatures of two members of State Council.

55 CUSTODY OF DOCUMENTS

The State Secretary shall keep in safe custody and under his control all the books, documents, computer records, instruments of title and securities of the Order.

56 SERVICE OF NOTICE

56.1 For any purpose of these rules, written notice may be given to a member either by delivering it personally to him or by sending it by post to him at his address recorded in the register of members.

56.2 Unless the contrary is proved, any document sent in accordance with rule 56.1 shall be deemed, for the purpose of this constitution, to have been served on the recipient at the time at which the letter would have been delivered in the ordinary course of post.

['member' see rule 3.1]

57 SPECIAL RESOLUTION

57.1 Written notice of a proposed special resolution, and of the time and place of the general meeting at which it is proposed to move the resolution, must be given, as required by these rules, before the general meeting, to each member who has a right to vote on the resolution.

57.2 The notice must state the terms of the proposed special resolution.

57.3 A special resolution about which notice has not been given under this rule has no effect.

57.4 A declaration by the chairman of the meeting that the special resolution has been passed by the votes of 75% of members present and entitled to vote on the resolution is conclusive evidence of the fact, unless a poll is demanded at the meeting.

['notice of meeting' see rule 41; 'service of notice' see rule 56; 'voting' and 'poll' see rule 44]

58 AMENDMENT TO RULES

58.1 Subject to the Act and the Regulations, these rules may be amended, repealed or added to by a special resolution carried at a general meeting.

58.2 However, an amendment, repeal or addition is valid only if it is registered by the Chief Executive.

[Chief Executive heads the Department of Tourism, Fair Trading and Wine Industry Development]

59 STAFF

- 59.1 State Council may appoint a State Executive Officer and other staff to salaried positions, provided salaried positions and other costs can be met from budgeted funds.
- 59.2 The State Executive Officer, who is responsible to State Council for the day-to-day operation of the Order, shall –
- (a) attend each general meeting, State Council meeting and State conference but participate in any meeting only by leave of the meeting and will have no right to vote on any issue to be decided by the meeting;
 - (b) ensure that minutes are taken of each meeting and State conference and, if required by the State Chairman, are circulated to such members as directed by him;
 - (c) unless directed otherwise by State Council, carry out the functions of the State Secretary and State Treasurer;
 - (d) undertake such other duties as directed by State Council or, providing it does not conflict with those directions, as instructed by the State Chairman;
- 59.3 Members of State Council cannot be paid employees of the Order other than the State Secretary when fulfilling the role of State Executive Officer.
- 59.4 Notwithstanding that the State Executive Officer is charged with carrying out the functions in paragraph 59.2(c), nothing in this rule shall prevent the State Secretary and the State Treasurer, with the approval of the State Chairman, from carrying out any of those functions in conjunction with the State Executive Officer.

60 DISTRIBUTION OF SURPLUS ASSETS

If the Order is wound up in accordance with the Act and there remains, after payment of all its debts and liabilities, any assets, they shall not be paid to or distributed to any member, but shall be given or transferred to some other association or associations having objects similar to the objects of the Order and rules prohibiting the distribution of its or their assets to members to the same extent as imposed by this constitution, which association or associations will be determined by members of the Order.

[‘winding up’ see Part 10 of the Act]

61 APPLICATION OF MODEL RULES

If a matter is not provided for under this constitution but is provided for under a provision of the Model Rules in the Regulations, these rules shall be taken to include the additional provision.

[see section 47 of the Act]

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