

BYE-LAWS OF THE NATIONAL MALAYA AND BORNEO VETERANS ASSOCIATION AUSTRALIA Incorporated

These Bye-laws are supplementary to the Constitution and are binding upon the members of The Association by virtue of Rule 25 but do not overrule the Constitution in any way and under Rule 25 must be consistent with the Constitution. The Constitution is issued under the requirements of the Law of Australia but may not be seen to be an authority to overrule the International Constitution or pertinent Bye-laws that do not conflict with Australian Law.

The following 'interpretations' as authorised in Rule 14.1.b of the constitution shall apply.

'Level'. The Association is divided into four levels. Sub-Branch, State, National and International. Members holding office in any of the said levels are of that level. They are not of a higher level by reason of holding office in a level. Where they represent their level at a higher level they are of the higher level only when so engaged
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A President of a Sub-Branch is an officer of Sub-Branch level. When attending a State meeting as the representative of the Sub-Branch becomes a member of State level. A member holding a Sub-Branch office as well as, say, the State Secretary's office is of Sub-Branch level at Sub-Branch meetings and State level at State meetings.

1. ORGANISATION

The organisation of The Association within Australia shall be as follows:-

- a. National Headquarters which shall be controlled by The Management Committee consisting of the officers according to the constitution. State Presidents, or their delegates, shall have the right to attend all committee meetings to speak and to vote thereat in person, by proxy or by postal vote. They may bring any matter to the attention of the committee and such matters shall be discussed at the next meeting. State presidents may canvas all other State Presidents before so submitting such matters or may leave this to the Management Committee.
- b. National H.Q. shall be responsible:-
 - i. for the administration, finance and membership of the Association.
 - ii. for the administration and co-ordination of all publications, merchandise, and Association property within Australia.
 - iii. With the exception of minor local contracts such as post office boxes etc, all contracts for any purpose whatsoever entered into or being negotiated by any element of The Association, and to this end no element of The Association has any authority to enter into such contracts without prior written authority of National H.Q.
 - iv. for all membership matters within States and Territories where no State Branch has been formed or such is non-operational.
 - v. for adjudication in all matters of membership and constitution.

2. STATE BRANCHES

- a. State Branches may be set up in any State or Territory of The Commonwealth of Australia, with the written authority of National H.Q., always provided that there are a minimum of ten paid up members residing within the said State or Territory and that any three of these are prepared to accept nomination for, and are elected to, the offices of President, Secretary and Treasurer. As soon as possible after formation the Branch should fill the positions of Vice-President, Membership Secretary and Communications Officer, and each Sub-Branch should appoint a Delegate to the State Committee, preferably but not necessarily, the Sub-Branch President.
- b. State Branches are responsible for:-
 - i. all aspects of membership within the State or Territory but may delegate such to Sub-Branches as seen necessary.
 - ii. the accounting for all moneys within the State or Territory including that of Sub-Branches.
 - iii. reporting at least once each calendar month to National H.Q. on all matters including all applications for or alterations to membership. (See all public relations and other communication matters within the State or Territory.
 - iv. co-ordination of Sub-Branches and communications between Sub-Branches and National H.Q. This later may be direct with authority from State H.Q.
 - v. States are authorised to raise funds from their own State Members for administrative purposes in any way legal that they deem fit and that they keep 100% of such funds raised.

3. SUB-BRANCHES may be formed on the written authority of the State President and shall consist of not less than five paid up members of whom shall be appointed at least a President, Secretary and Treasurer and every effort shall be made to include a Vice-President, Membership Secretary, Communications Officer and such Committee Members as is considered necessary. These Committees may not consist of less than three separate persons. Any member, Ordinary or Associate, may hold two positions but no more at one time. (See also Bye-laws 11b & 12b) All positions shall be declared vacant at the Annual General Meeting but current holders of offices may renominate for a further period of one year.

4. MEMBERSHIP (See constitution Rule 4)

- a. **Ordinary Membership** of The Association may be granted with the payment of a Joining Subscription and thereafter an Annual Subscription. The criteria for acceptance of membership application shall be in the spirit of this bye-law not the letter.

The following shall be eligible to apply to be admitted as an Ordinary Member: -

- i. a person who served in Malaya, Malaysia, Borneo (as an entirety), Singapore, Indonesia or East Timor and those areas which surround or are closely connected to the above as a member of the Defence Forces of Australia, Britain, and Armed Forces of allied countries and Australian Federal Police.
- ii. a person who during World War II, the Malayan Emergency, the Indonesian Confrontation, with the cut-off date being 30th October 1971, were as listed : - Members of Royal Federation of Malay Police, civilians who were directly connected to operations, members of the Civil Service, auxiliary services supporting the armed services including the Merchant Navy, and civilians who

were interned by the Japanese anywhere within the designated theatre: Allied Services and St. John Ambulance Brigade

- b. **Associate Membership** may be granted to the spouses and family members of Ordinary and Service Members and widows and widowers of those who would have qualified. Also to persons of special circumstances other than 4c below subject to agreement by National H.Q. A special category of 'Junior Associate Member' may be granted to family members under the age of 18 years, to members of officially recognised Cadet Units and again to persons of special circumstances subject to agreement by National H.Q. These members will pay no subscriptions unless they wish to receive the Newsletter in their own right, they will have no voting rights and can not hold office.
 - i. Applications for Associate Membership must be Proposed and Seconded by an Ordinary member and recommended for acceptance by the Committee of the Sub-Branch submitting.
- c. **Honorary Membership** may be granted to foreign diplomats with theatre connections, politicians and persons who are rendering, or have rendered, special service to the Association. In all cases recommendation for acceptance shall be submitted to National Management Committee whose decision shall be final. Honorary membership will be for one year only and will be reviewed annually. Recommendation for renewal shall be made to National Management Committee and if not so made will automatically lapse.
- d. If an applicant or member has provided incorrect information and/or falsely represented himself or herself in respect of details of service or qualifying theatres and dates served, or any other information, then such an application may be refused, or if already a member, his the membership may be terminated according to Rule 8 of the constitution.
- e. The Management Committee, State Committee or Sub-Branch Committee may call upon an applicant or member to produce evidence of service at any time it is felt necessary.
- f. If after 14 days of the date of such a written request being posted to an applicant or member to produce such evidence, no response has been received, then the Management Committee or State or Sub-Branch Committee may reject the application and so inform the applicant in writing, or start proceedings to terminate membership according to the constitution. In the case of refusal of an application all monies received shall be refunded in full.
- g. Under Rule 8. 2d of the Constitution, 'Termination of Membership', if the Management Committee so considers that a member's membership should be terminated, they may suspend that member until the provisions of Rule 8. 3 and Rule 9 have been fulfilled. If so suspended, all membership rights except those in Rules 8 and 9 shall be withdrawn.

5. SUBSCRIPTIONS

Until further notice within The Commonwealth of Australia, subscriptions shall be as follows:-

- a. Ordinary Members and Service Members a Joining Subscription which shall include the Newsletter subscription for the remainder of the current year followed by an

- Annual Subscription which shall include the newsletter for the year and shall be payable on 1st February each year.
- b. Associate Members a Joining Subscription (less if the spouse of an Ordinary or Service Member) which shall include the newsletter subscription for the remainder of that year, and thereafter an Annual Subscription which shall include the newsletter subscription (less if the spouse of an Ordinary or Service Member).
 - c. Honorary Members shall be requested to make a donation to cover service, but such donations are not obligatory, and to pay a newsletter subscription. The exception is the Government Officers of Malaysia, Singapore and Borneo who shall not be so requested.

6. VOTING

Voting for the election of Officers at any level shall always be by secret ballot. If only one nomination is received for any particular office, appointment shall not be automatic and a 'Yes No' vote shall be taken. If the result is in the negative further nominations shall be called for and if the position is not filled it shall be left vacant until the next general meeting. In the case of a President not being elected and the position being left vacant, State and National HQ shall be immediately informed and may appoint a temporary President. Honorary Members shall not be entitled to vote at any time.

7. A No Confidence Motion carried against a person holding office at that level (see interpretations) shall automatically cause that position to be declared vacant. A no confidence motion carried against an officer of a higher level shall be taken to the next meeting of that level, a special meeting for such may be called, and, if seconded at that level, shall be dealt with at that meeting. Such a motion proposed at a National or State General Meeting by an Ordinary, Service or Associate member present at the meeting, if seconded, shall be dealt with by that meeting and if carried, and the office is of that level, the position shall be declared vacant.

8. Fax messages shall be accepted as valid communication but if challenged the original must be produced and the matters referred to may be held in abeyance until such production.

9. Publications, pamphlets, merchandise, badges or any material pertaining to The Association may not be issued, circulated, published or sold without prior authority from National HQ. State Newsletters are excluded from prior approval by National HQ, however, they may not contain anything detrimental to The Association or contravene any Rule or Bye-law. A copy must be sent to National HQ on publication.

10. Sub-Branches may be formed upon the authority of the Committee of the State Branch but shall follow the regulations set out in Bye-law 12.

11. CONSTITUTION FOR STATE BRANCHES OF THE NATIONAL MALAYA AND BORNEO VETERANS ASSOCIATION AUSTRALIA Incorporated

This Bye-law will supersede all previous Bye-laws and instructions except that it can not over rule any provision of The Constitution of The Association and any deficiencies herein shall be determined by the provisions of the Constitution the spirit of which shall prevail at all times.

- a. The name of the branch shall be the State name followed by '...State Branch of the National Malaya and Borneo Veterans Association Australia Incorporated'.
This may be condensed to '..... State Branch NMBVA Australia. Inc' for administrative purposes.
- b. State Branches may be formed or disbanded upon the written authority of the Management Committee but must consist of no less than a President, Secretary and Treasurer. The position of Secretary may also be held by the President or Treasurer but if so a further Committee member must be elected making a minimum of three members. The President may at no time also hold the position of Treasurer. It is desirable that a Vice-President, Membership Secretary and Communications Officer be elected or appointed as soon as possible. Initially all these offices may be filled by appointment by the Management Committee but should be elected as soon as the first general meeting is held.
- c. The President of the State Branch, or his delegate, automatically has the right to attend all Management Committee Meetings, to speak thereat, to propose or second motions, to hold one vote thereat and conduct any business in the like manner as a member of the Committee. He may also give his proxy to any member of the Association. Where appropriate he, or his delegate, may complete a postal vote.
- d. The President, either directly or through the Secretary, communicates with the Management Committee or National H.Q. on all matters regarding that State except that the State Treasurer may communicate directly with the National Treasurer.
- e. The Vice-President may be delegated any authority of the State Committee that the State Committee see fit from time to time.
- f. The Communications Officer should handle all public relations matters, publications and advertising subject to the approval of the State Committee. Authority may be given for direct contact with the National Communications Officer when one is appointed.
- g. The State Branch is virtually autonomous within the general National Structure subject to:-
 - i. being responsible to the Management Committee for the correct and proper handling of all State Finances including that of Sub-Branches.
 - ii. Complying with the Constitution of the Association, the Bye-laws thereunder and compliance with all instructions issued by or through National H.Q.s.
 - iii. No publications, pamphlets, merchandise, badges or any material pertaining to The Association being issued, circulated, published or sold without prior authority from National H.Q. This excludes State Newsletters which may not contain anything detrimental to The Association or contravene any rule, Bye-law or instruction. A copy of all newsletters and posters must be sent to National H.Q. on publication.

- iv. Under normal circumstances State Branches will not communicate direct with International H.Q. but copies of all and any communication that are sent must be sent to National H.Q. at the same time of posting.
- h. The State Committee has authority to form Sub-Branches within the State subject to the regulations for these and is fully responsible to the Management Committee for the correct running of these once formed.
- i. State Branch accounts shall be kept in the normal manner, shall be available to the National Treasurer at any reasonable notice, and shall be audited at the end of each financial year. A copy of the accounts and the auditor's report shall be forwarded to the National Treasurer as soon as available and will be presented to the State Annual General Meeting for adoption.
- j. Membership Applications shall be processed according to Management Committee instruction and the National share of all subscriptions, as laid down from time to time by Management Committee, shall be forwarded to National H.Q. prior to the end of each calendar month along with the 'Return of New Members'. (Form 2).
- k. State H.Q. may refuse an application for membership or terminate a membership according to the Association Rules but in the event of a membership application being refused by State Committee, or proceedings started to terminate a membership, National shall be informed immediately with such information as is relevant to the action. A member whose membership is terminated or a proposed member who is refused shall have the right of appeal to the Management Committee according to the National Constitution. (See also Bye-law 4)
- l. The State Secretary, or Membership Secretary where one exists, shall keep an accurate and up to date Register of all membership details including deaths, resignations, changes of address and the like. This may be kept in book form or computer program. If the latter, it is advisable that all States should have a program common to National H.Q. which currently is Microsoft Excel. National H.Q. shall be informed of all changes to the Register prior to the end of each calendar month. A monthly Treasurer's report must be submitted to NHQ from each State.
- m. **ANNUAL GENERAL MEETINGS**
 The Annual General Meetings of all Branches will be held within three months of the end of the financial year.(30th June)
 The Agenda must include:-
 - a) Declaration of Quorum
 - b) Apologies
 - c) Minutes of the last A.G.M. (when applicable) and matters arising.
 - d) Correspondence (appertaining to the meeting)
 - e) Matters arising
 - f) Reports
 - President
 - Secretary
 - Treasurer
 - g) Matters arising
 - h) Election of Officers
 - i) (All positions shall be declared vacant by the President who will then vacate the chair which will be taken by the outgoing Vice-President or Secretary who will chair the election of the new President. On election the new President will then take the chair and continue with the election of officers.

Positions to be filled: President, Vice-President, Secretary, Treasurer, Communications Officer, Membership Secretary, Committee Members as required).

- j) Appointment of an auditor
- k) General Business
- l) Close of Meeting.

n. **Procedures**

- i. The decision to hold the A.G.M. must be made at least two months prior to the date decided and nominations for Offices called. All members shall be notified in writing of the date and time of the meeting at least 21 days prior to the meeting along with the agenda, and nominations for offices.
- ii. Nominations for offices will close 30 days prior to the meeting.
- iii. Subject to Bye-law 11b, any paid up member resident in that State may be nominated to hold any office but must be nominated and seconded by two other members of the same branch and sign the nomination form as willing to stand for office.
- iv. Postal Voting is allowed for the election of officers and a 'Postal Vote Form' shall be enclosed with the notice of meeting. This form must be returned to the Secretary in an envelope clearly marked "Election of Officers" at least 2 days prior to the meeting and will be opened at the meeting by the appointed scrutineers.
- v. The responsibility for the recording of all nominations will rest with the Secretary.
- vi. At the A.G.M. two scrutineers will be appointed. These need not be members of the Branch or of the Association. All votes will be kept for seven days after the meeting and then destroyed.
- vii. A suitable ballot form will be used at the meeting. Postal Votes must be signed by the member stating membership number. NO faxed votes may be accepted.
- viii. On completion of the vote for each office the Chairman will announce the results.
- ix. Complying with the Constitution of the Association, the Bye-laws thereunder and those elected will take office immediately. Voting numbers will not be declared.
- x. All State Branches shall advise National H.Q. of elected officers within seven days.
- xi. Other than the postal vote for the election of officers no proxies may be given nor held at State level.
- xii. Communications. With the exception of between National President and State Presidents, at all levels within the Association all communications shall be addressed to 'The Secretary' at such address as shall be nominated by the relevant committee. Where possible and financially viable such addresses should be a P.O. Box to ensure continuity with the changes of Secretaries.
- xiii. State Branches will at all times endeavour to obtain new members either directly or through Sub-Branches. A reasonable target is expected to be a minimum of six per calendar month.
- xiv. Vacancies on Committee may be filled by a majority vote of the remaining committee members but should be confirmed at the next general meeting.

- xv. State Committees may, with written authority from National H.Q., raise funds in any way laid down in the constitution.
- xvi. State Committees may not at any time enter into contracts which affect the Association as a whole and any intended contracts, other than minor initiatives such as Post Office Boxes, telephone or bank accounts, or venue hire and local advertising, must be submitted to National H.Q. for approval before final commitment.
- xvii. The State Committee should meet at least once every two months to run the affairs of the State. A copy of the minutes shall be sent to National H.Q. within two weeks of the meeting.

12. CONSTITUTION FOR SUB-BRANCHES OF MALAYA AND BORNEO VETERANS ASSOCIATION AUSTRALIA Incorporated

This Bye-law will supersede all previous Bye-laws and instructions except that it can not over rule any provision of The Constitution of The Association and any deficiencies herein shall be determined by the provisions of the Constitution the spirit of which shall prevail at all times.

- a. The name of the branch shall normally be a local location name followed by '....Sub-Branch Association of Malaya and Borneo Veterans of Australia Incorporated'. This may be condensed to '..... Sub-Branch NMBVA Australia Inc' for administrative purposes.
- b. Sub-Branches may be formed or disbanded upon the written authority of the State Branch Committee but must consist of no less than a President, Secretary and Treasurer. The position of Secretary may be held by the President or Treasurer but if so a further Committee member must be elected making a minimum of three members. The President may at no time also hold the position of Treasurer. It is desirable that a Vice-President, Membership Secretary and Communications Officer be elected or appointed as soon as possible. Initially these offices may be filled by appointment by the State Committee but should be elected as soon as the first general meeting is held.
- c. The President of the Sub-Branch, or his delegate, automatically has the right to attend all State Branch Committee Meetings, to speak thereat, to propose or second motions, to hold one vote thereat and conduct any business in the like manner as a member of the Committee. He may also give his proxy to any member of the Association. Where appropriate he, or his delegate, may complete a postal vote.
- d. The President, either directly or through the Secretary, communicates with the State Branch Committee on all matters regarding that Branch except that the Treasurer may communicate directly with the State Treasurer.
- e. The Vice-President may be delegated any authority of the Branch Committee that the Branch Committee see fit from time to time.
- f. The Communications Officer should handle all public relations matters, publications and advertising subject to the approval of the State Committee. Authority may be given for direct contact with the State or National Communications Officer when one is appointed.
- g. The Sub-Branch is virtually autonomous within the general State structure subject to:-
 - i. Being responsible to the State Committee for the correct and proper handling of all Sub-Branch matters and compliance with all instructions issued by or through State or National H.Q.s.
 - ii. No publications, pamphlets, merchandise, badges or any material pertaining to The Association being issued, circulated, published or sold without prior authority from State or National H.Q. This excludes local Newsletters which may not contain anything detrimental to The Association or contravene any rule, Bye-law or instruction. A copy of all newsletters and posters must be sent to State H.Q. on publication.
 - iii. Under normal circumstances Sub-Branches will not communicate direct with National or International H.Q. but copies of all and any communication that are sent must be sent to State and National H.Q. at the same time of posting.
- h. Sub-Branch accounts shall be kept in the normal manner, shall be available to the National or State Treasurer at any reasonable notice, and shall be audited at the end of

each financial year if so required by State Branch. A copy of the accounts and the auditor's report, when done, shall be forwarded to the State Treasurer as soon as available and will be presented to the Sub-Branch Annual General Meeting for adoption.

- i. Membership Applications shall be processed according to Management Committee instruction and the State and National share of all subscriptions, as laid down from time to time by Management Committee, shall be forwarded to State H.Q. prior to the end of each calendar month along with the 'Return of New Members'. (Form 2).
- j. Sub-Branch Committee may refuse an application for membership or terminate a membership according to the Association Rules but in the event of a membership application being refused by Sub-Branch Committee, or proceedings started to terminate a membership, State and National H.Q. shall be informed immediately with such information as is relevant to the action. A member whose membership is terminated or a proposed member who is refused shall the right of appeal to the State and Management Committees according to the National Constitution. (See also Bye-law 4)
- k. The Sub-Branch Secretary, or Membership Secretary where one exists, shall keep an accurate and up to date Register of all membership details including deaths, resignations, changes of address and the like. This may be kept in book form or computer program. If the later it is advisable that all Sub-Branches should have a program common to National or State H.Q. which currently is Microsoft Excel. State H.Q. shall be informed of all changes to the Register prior to the end of each calendar month.

l. **ANNUAL GENERAL MEETINGS**

- i. The Annual General Meetings of all Branches will be held within three months of the end of the financial year. (30th June)
- ii. The Agenda must include:-
 - a) Declaration of Quorum.
 - b) Apologies
 - c) Minutes of the last A.G.M. (when applicable) and matters arising
 - d) Correspondence (appertaining to the meeting)
 - e) Matters arising
 - f) Reports
 - President
 - Secretary
 - Treasurer
 - g) Matters arising
 - h) Election of Officers
 - i) (All positions shall be declared vacant by the President who will then vacate the chair which will be taken by the outgoing Vice-President or Secretary who will chair the election of the new President. On election the new President will then take the chair and continue with the election of officers.
Positions to be filled: President, Vice-President, Secretary, Treasurer, Communications Officer, Membership Secretary).
 - j) Motions on Notice
 - k) General Business
 - l) Close of Meeting.

m. **Procedures**

- i. The decision to hold the A.G.M. must be made at least two months prior to the date decided and nominations for Offices called. All members shall be notified in writing of the date and time of the meeting at least 21 days prior to the meeting along with the agenda, and nominations for offices.
- ii. Nominations for offices will close 30 days prior to the meeting.
- iii. Subject to Bye-law 2, any paid up member resident in that State may be nominated to hold any office but must be nominated and seconded by two other members of the same branch and sign the nomination form as willing to stand for office.
- iv. Postal Voting is allowed for the election of officers and a 'Postal Vote Form' shall be enclosed with the notice of meeting. This form must be returned to the Secretary in an envelope clearly marked "Election of Officers" at least 2 days prior to the meeting and will be opened at the meeting by the appointed scrutineers.
- v. The responsibility for the recording of all nominations will rest with the Secretary.
- vi. At the A.G.M. two scrutineers will be appointed. These need not be members of the Branch or of the Association. All votes will be kept for seven days after the meeting and then destroyed. A suitable ballot form will be used at the meeting. Postal Votes must be signed by the member stating membership number. NO faxed votes may be accepted.
- vii. On completion of the vote for each office the Chairman will announce the results and those elected will take office immediately. Voting numbers will not be declared.
- viii. All Sub-Branches shall advise State H.Q. of elected officers within seven days.
- ix. Other than the postal vote for the election of officers no proxies may be given nor held at Sub-Branch level.
- x. Sub-Branch Committees may, with written authority from State H.Q., raise funds in any way laid down in the constitution. Raffles and Lotteries must be run according to State Law at all times.

13. **Membership Applications** shall be lodged at a Sub-Branch where such is in existence within a reasonable distance. If none is in existence lodge with the State Branch. When accepted by the Sub-Branch a copy of the Application shall be made and the ORIGINAL forwarded to State H.Q. along with 50% of the subscription paid.
14. State HQ will also, after acceptance, copy the Application and forward the ORIGINAL to National HQ along with 25% of the subscription paid. Only when the Application has been accepted by National HQ and a Membership Card issued is membership confirmed. Applicants may attend all meetings, but do not hold a vote, pending the issue of a membership Card.
15. Applications that are received directly by State H.Q. and no appropriate Sub-Branch is available will be processed by State HQ and the member will be administered by State H.Q. and 50% of the subscription paid will be forwarded to National HQ.
16. **Associate Members** may hold any office except that of President at any level of the Association. Honorary Members may not hold office but may be appointed to any Sub-Committee at any level of the Association and may hold an 'Assistant' office. (i.e. Assistant Secretary).
17. **Communications.** With the exception of between National President and State President, and subject to other Bye-laws, at all levels within the Association all communications shall be addressed to 'The Secretary' at such address as shall be nominated by the relevant committee. Where possible and financially viable such addresses should be a P.O. Box to ensure continuity with the changes of Secretaries.
18. **New Members.** Sub-Branches will at all times endeavour to obtain new members. A reasonable target is expected to be a minimum of three per calendar month.
19. **Vacancies on Committee** may be filled by a majority vote of the remaining committee members but should be confirmed at the next general meeting.
20. **Contracts** may not at any time be entered into by Sub-Branch Committees which affect the Association as a whole and any intended contracts, other than minor initiatives such as Post Office Boxes, telephone or bank accounts, or venue hire and local advertising, must be submitted to State H.Q. for approval before final commitment.
21. **Meetings** of the Sub-Branch Committee should meet at least once every two months to run the affairs of the Branch. A copy of the minutes of each meeting shall be sent to State H.Q. within two weeks of the meeting.

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