



2020 ANNUAL GENERAL MEETING - AGENDA

The following is the Agenda of the Annual General Meeting of members of the Cairns RSL Sub Branch Inc will be held at the Cairns RSL Club 115 Esplanade Cairns.

Sunday 19th of July at 1130am.

1. Opening of Meeting
2. Ode
*They shall grow not old as we that are left grow old
Age shall not weary them, nor the years condemn
At the going down of the sun and in the morning
We will remember them
Lest We Forget*
3. Vale
4. Pledge of Allegiance
I,do hereby swear allegiance to the Commonwealth of Australia and it's people and do hereby subscribe to the Constitution of Australia and the Constitution of the Returned and Services League of Australia.
5. Present
6. Apologies
7. Welcome by Acting President Hayton
8. Welcome to Special Guests
9. Confirm the Minutes of the previous 2019 Annual General Meeting
Motion:
"That the Minutes of the 2019 AGM as promulgated be confirmed".
Moved: **Seconded:**
10. Business Arising from the 2019 AGM Minutes
11. To receive and consider the Acting President's Annual Report
Motion:
"That the meeting resolves to accept and adopt the Acting Presidents report as tabled".
Moved: **Seconded:**
12. To receive and consider the Treasurer's Report for the year ended 31 December 2019
Motion:
"That the meeting resolves to accept and adopt the Treasurers report as tabled".
Moved: **Seconded:**
13. To receive and consider the Auditors Report for the year ended 31 December 2019
Motion:
"That the audit report for the period 2019 as prepared by Grueber- Beckett presented by the Treasurer, be received and adopted"
Moved: **Seconded:**

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14. Appointment of Auditor for the 2020 Financial Year

Motion:

"That the AGM appoint Gruebers Beckett as the Auditor for the financial year 2020."

Moved: **Seconded:**

15. To receive and consider the following reports:

Executive Officers Report

Motion: "That the meeting resolves to accept and adopt the Executive Officer's report as tabled".

Moved: **Seconded:**

Marketing Report

Motion:

"That the meeting resolves to accept and adopt the Marketing report as tabled".

Moved: **Seconded:**

Museum Report

Motion:

"That the meeting resolves to accept and adopt the Museum report as tabled".

Moved: **Seconded:**

16. To elect **President** to serve until the 2021 AGM.

a. Nomination:

- i. Hayton, Peter

17. To elect **Treasurer** to serve until the 2023 AGM

a. Nomination

- i. Hemphill, Benjamin

18. To elect **two Board members** to serve until the 2023 AGM

a. Nominations:

- i. Burgess, Gordon
- ii. Bryant, Shane
- iii. Turnbull, Neil

19. Notice of Motion

a. Notice of Motion x 2 are attached at the end of the Agenda

*The **Notices of Motion** below deals with both the requirements of the Office of State Revenue recognising the Sub Branch as a Charity in the eyes of the Queensland Government and request for updating Sub Branch Constitutions from RSL Qld. If passed they will be forward to FND RSL for consideration to be advanced to RSLQ seeking approval.*

20. DUE DILIGENCE STATEMENT

The Cairns RSL Sub Branch Inc is satisfied that this meeting was conducted in accordance with the Constitution of the Sub Branch and that the positions formulated and resolutions passed are consistent with the furtherance of the Objects of the Qld RSL and otherwise satisfy the Sub Branch's obligations to superintend and conduct the business of the Sub Branch pursuant to its constitution.

Moved: **Seconded:**

21. The date of the next AGM

Sunday the 28th March 2021 at 1000hrs.



Lee Ann Greenwood
Secretary
3rd July 2020



RSL
Cairns Sub Branch

Caring For Our Defence Family

NOTICE OF MOTION
ANNUAL GENERAL MEETING 19th July 2020

Motion

That the following amendment of replacing current section 55 with the following new section 55 (below) be made to the Sub Branch Constitution to enable request from RSL Qld for conformity with Office of State Revenue requirements and Sub Branch ACNC GDR application.

55. Winding up or dissolution of association

- 55.1 If the association is wound-up under part 10 of the Act or is otherwise dissolved, the association must:
- (a) after satisfying all debts and liabilities, transfer all assets and property (real or personal but excluding cash assets and liquor and gaming licences and gaming machines):
 - (i) to an institution that may be registered as a charitable institution under the *Taxation Administration Act 2001 (Qld)*; or
 - (ii) to an institution the Commissioner of State Revenue is satisfied has a principal object or pursuit of fulfilling a charitable object or promotion of the public good; or
 - (iii) for a purpose the Commissioner of State Revenue is satisfied is charitable or for the promotion of the public good;
 - (b) to the extent that they are capable of being transferred, transfer any liquor and gaming licences and gaming machines to another entity (other than State Branch) having similar objects to those of the association, or otherwise deal with those assets in accordance with the relevant provisions of the *Liquor Act 1992 (Qld)* and *Gaming Machine Act 1991 (Qld)*, as applicable;
 - (c) return all memorabilia (including any memorabilia obtained through bequests) to its rightful owner or arrange for it to be transferred to another District Branch or another Sub Branch for preservation and public display;
 - (d) cease and desist using the name or style 'RSL' or 'Returned & Services League' including in electronic media (including social media) and on signage, correspondence and all other communications whether verbal, electronic or otherwise; and
 - (e) promptly notify all relevant government authorities.

- 55.2 If the Association is wound up or its endorsement as a deductible gift recipient is revoked (whichever occurs first), any surplus of the following assets, received through DGR Status, shall be transferred to another organisation with similar objects, which is charitable at law, to which income tax deductible gifts can be made:
- (a) gifts of money or property for the principal purpose of the organisation
 - (b) contributions made in relation to an eligible fundraising event held for the principal purpose of the organisation
 - (c) money received by the organisation because of such gifts and contributions

55.3. The surplus assets must not be distributed among the members of the association.

55.4. In this rule— **surplus assets** has the meaning set out in section 92(3) of the Act.

Moved: Peter Hayton

Seconded: Nathan Singles



Current Constitution Section 55 Page 33 (Below)

55 Distribution of surplus assets to another entity

- 55.1 This rule applies if the association:
- (a) is wound-up under part 10 of the Act; and
 - (b) has surplus assets.
- 55.2 The surplus assets must not be distributed among the members of the association.
- 55.3 The surplus assets will be given to State Branch to be used for League objects provided that:
- (a) State Branch has a higher or equivalent tax status to the association; and
 - (b) State Branch rules prohibit the distribution of the entity's income and assets to its members.
- 55.4 If the surplus assets cannot be given to the State Branch due to the operation of rule 55.3, the surplus assets will be given to the League.
- 55.5 In this rule— **surplus assets** has the meaning set out in section 92(3) of the Act.



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NOTICE OF MOTION
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Motion

That the following section 52.7 be added to the current section 52 of the Constitution, to the Sub Branch Constitution to enable request from RSL Qld for conformity with Office of State Revenue requirements

52.7 No part of the Associations income or property is to be distributed, paid or transferred by way of bonus, dividend or other similar to any of its members.

Moved: **Peter Hayton**

Seconded: Nathan Shingles

Current Constitution Section 52

52 General financial matters

- 52.1 The association shall provide a balance sheet of its financial accounts to State Branch within 30 days of its AGM, including statements of financial position and financial performance, verified to the level required of the association under the Act.
- 52.2 The association shall forward to State Branch by 31 March each year, or within such further time as that State Branch allows, any other records or documents as State Branch may from time to time direct.
- 52.3 The association shall, if required in writing by the National Executive, produce for its inspection all its books of accounts, minute books, statutory registers kept under any law (if applicable) and records and supply such returns and other information as the National Executive may from time to time require.
- 52.4 Subject to rules 17.3, 47.3 and 52.3, the Board may determine whether and to what extent, and at what times and places and under what conditions, the accounting records and other documents of the association are open to the inspection of members other than Directors, and a member other than a Director does not have the right to inspect any document of the association except as provided by law or authorised by the Board or by the association in general meeting.
- 52.5 Despite rule 52.4, the Board may refuse access to a document where the Board (acting reasonably) considers that such access would or would be likely to cause the association to lose the benefit of any form of evidentiary privilege, including legal professional privilege.
- 52.6 The income and property of the association must be used solely in promoting the association's objects and exercising the association's powers.

Acting President – Peter Hayton

Executive Officer – Mal McCullough

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