

**MILITARY BROTHERHOOD
MILITARY MOTORCYCLE CLUB
(MBMMC)**



CONSTITUTION

Mar 2020

CONSTITUTION
MILITARY BROTHERHOOD MMC

Contents

MISSION AND OBJECTIVES

Name of the Club.....	9
Incorporation and Charitable Status	9
Motto of the Club.....	9
Credo of the Club	9
Mission.....	10
Objectives.....	10

CLUB SEAL

ADVOCACY TRAINING

General.....	12
--------------	----

OPERATION AND MANAGEMENT OF VETERANS SUPPORT CENTRES

General.....	13
Nature of Properties	13
Management Committee	13

CONSTITUTIONAL EFFECTS

Effects of the Constitution	14
Inconsistency between Constitution and Act.....	14
Alteration of the Constitution	14
Standard Operating Procedures (SOPs)	15
Rights of Members.....	15

PRINCIPLES OF CLUB AND SUB BRANCH OPERATION

General.....	16
--------------	----

CONSTITUTION
MILITARY BROTHERHOOD MMC

National Executive and National Executive Committee	16
Election Procedure for Non-Round Up Years	16
Election Process for Round Up Years	17
Sub Branch Operations	17
Financial Viability.....	18
Charitable Fundraising	18
Communication.....	19
Nationally Observed Events / Runs.....	19
Wearing Of Insignia / Regalia	19
NATIONAL EXECUTIVE (NAT EXEC) OPERATIONS	
SUB BRANCH OPERATIONS	
General.....	21
Regular Meetings	21
Voting At Regular Meetings	22
SUB BRANCH EXECUTIVE GROUPS	
Sub Branch Executive Positions	23
Election of Officers of the Sub Branch Executive	24
Vacating Office (Casual Vacancies)	24
Filling casual vacancy on the Sub Branch Executive	24
RESPONSIBILITIES OF THE SUB BRANCH EXECUTIVE	
President.....	25
Vice President	25
Secretary.....	26
Treasurer	26
Quartermaster (QM)	27
Sub Branch Sergeant Major (SSM)	27
Sierra Squad Leader	27

CONSTITUTION
MILITARY BROTHERHOOD MMC

ADMINISTRATIVE OPERATIONS (refer to State Incorporation Laws)

MEMBERSHIP

Service Members	29
Sierra Squad Membership.....	30
Application for Membership.....	30
Sub Branch Building Fund Fee	31
Liability of Members	32
Register of Sub Branch Members.....	32
Behavior while a member of the Club.....	32

WEARING OF AUSTRALIAN HONOURS, AWARDS AND OTHER ITEMS

General.....	33
Wearing of Full Service Member Regalia	33
After Leaving the Club.....	33
Property Purchased by Members with the MBMMC Trademark.....	34

**RESIGNATION, REJOINING, RETIRING, LEAVE OF ABSENCE, TRANSFER OR CESSATION
AS A MEMBER**

Cessation of Membership	35
Resigning or Expelled	35
Resigning.....	35
Expelled	36
Reapplying for Membership after Resigning.....	36
Re-Admission of a person previously expelled from membership of the Club.....	36
Retiring	37
Leave of Absence.....	37
Transfer between Sub Branches	37

CLUB MEMBERS RIGHTS AND PERSONAL CONDUCT

DISCIPLINE

CONSTITUTION
MILITARY BROTHERHOOD MMC

General.....	40
Administrative / Discipline Process	41
Offences Against the Club	43
Grounds For Taking Administrative or Disciplinary Action.....	43
Notice to Member.....	44
Appeals against Suspension or Expulsion	45
Scale of Outcome.....	46
Table 1 – Scale of Outcome	46
Offences by Sub Branches	47
Investigation of Sub Branch and Sub Branch Executives	48
Penalties	49
RAISING A NEW SUB BRANCH	
General.....	50
Probation Period	50
Number of Service Members.....	50
Sub Branch Executive	51
Founding Member Status	51
Incorporation.....	51
Reduced Membership.....	51
DISSOLUTION OF THE CLUB	
General.....	52
Common Assets of the Club or Sub Branch.....	52
Winding Up and Revocation of DGR Clause	52
ENDORSEMENT OF THIS CONSTITUTION	

CONSTITUTION MILITARY BROTHERHOOD MMC

Preamble

The Constitution of an association is a contract between the association and its members, who agree to adhere to the provisions outlined in the Constitution.

This Constitution forms the basic rules of the Military Brotherhood Military Motorcycle Club.

The mission and objectives of the Military Brotherhood MMC, as outlined in this Constitution, provide the fundamental direction with which this Club shall fulfill its aims, and is framed to ensure the Club remains focused on helping the past and present Defenders of our Nation by providing a welfare and advocacy service that facilitates access to government entitlements and professional support for veterans and their families through promoting camaraderie between members that recognises their commitment and sacrifices.

Each Sub Branch will operate independently guided by a Committee of Management as outlined in this constitution and register a constitution to Fair Trading in their home state.

CONSTITUTION
MILITARY BROTHERHOOD MMC

Amendment Schedule

Paragraph / Section	Amendment Applied	Amended By	Date
26	Give Sub Branch discretion on payment by partner and junior members	Zepp As per NAT EXEC May21 minutes	16/06/21
22	Include CSM in executive	Zepp As per NAT EXEC minutes May21	16/06/21
29	Modify wording and add remembrance day	Zepp As per NAT EXEC minutes May21	16/06/21
72	Remove word "or"	Zepp As per NAT EXEC minutes May21	16/06/21
22	Include Voting process for National Exec positions	Zepp As per NAT EXEC Minutes Aug21	7/08/21
As per details noted in next column as accepted amendments to Constitution from the result of national vote effective 20JUN2023.	<ol style="list-style-type: none"> 1. Delete the following paragraphs: 54-66, 126-168. 2. Insert new Administrative and Discipline Process paragraphs after "Club Members Rights and Personal Conduct" paragraph, currently para 125. (see attached: 21 Apr 23 - Constitutional Amendment - Administrative & Discipline Process) 1. Correct the font and paragraph alignment through whole document to provide a more professional look for the website should non-members read it. 3. For consistency, use the same wording/acronyms for positions and 	STEWY (NAT SEC)	20JUN2023

CONSTITUTION
MILITARY BROTHERHOOD MMC

	<p>appointments, with no changes to responsibilities:</p> <p>a. Sub Branch instead of Sub Branch or sub branch</p> <p>b. NAT EXEC instead of Nat exec or NAT Exec</p> <p>3. Paragraph 4 - insert full Club Credo instead of shortened version.</p> <p>5. Paragraph 22 -</p> <p>Delete "Club Sergeant Major", Insert "National Sergeant Major (NAT SGT MAJ)</p>		
Prior to preamble.	Added Table of Contents for ease of finding information.	STEWY (NAT SEC)	20JUN2023
89(d)	Correct typo – reference to SOP21 should read SOP20	STEWY (NAT SEC)	05AUG2023
PARA 113	Inclusion of Club Awards as per National Vote.	STEWY (NAT SEC)	DEC2023

CONSTITUTION
MILITARY BROTHERHOOD MMC

MISSION AND OBJECTIVES

Name of the Club

- 1) The name of the Club is the **Military Brotherhood Military Motorcycle Club**. All Sub Branches are to register as an Incorporated Entity with appropriate authority in their state using this naming convention example:

Military Brotherhood MMC Sub Branch Inc.

Incorporation and Charitable Status

- 2) The Club (being composed of Sub Branches that are Incorporated Associations under relevant State Fair Trading Departments or equivalent) abides by the provisions of the relevant State Associations Incorporation Act and Associations Incorporation Regulation or equivalent. The National Executive will ensure each Sub Branch registers a constitution with Fair Trading in their home state.
- 3) Should a Sub Branch choose, they may apply to be a registered Charity (Benevolent Society) under the Australian Charities and Not for Profit Commission (ACNC) with Deductible Gift Recipient (DGR) status under the Australian Taxation Department (ATO).

Motto of the Club

- 4) The Club motto reads: "The Task Is Ours".

Credo of the Club

- 5) The Club Credo reads:

"Ours is a military brotherhood from the very beginning, and we have been and still are bound to one another in such a way, that each will stand by the other, offering support, camaraderie and respect for the individual."

CONSTITUTION MILITARY BROTHERHOOD MMC

Mission

- 6) The mission of the Club and each Sub Branch is to operate a Military Motorcycle Club (MMC) made up of individual members and organised Sub Branches for the benefit of serving and ex serving members, Veterans, their families and supporters, where camaraderie and mate-ship can be created and sustained to provide all members and Veteran non-members with welfare, advocacy support, and access to government entitlements through recognition as an *Ex Services Organisation* (ESO) and Charitable Organisation.

Objectives

- 7) The Objectives of the club and each Sub Branch are:
 - a) To recognise the service of ADF, Commonwealth and Allied Force members of any service or gender who are currently serving, or have previously served, and to foster and promote camaraderie between members and between the various service branches that acknowledges their commitment and sacrifices.
 - b) To conduct a Welfare and Advocacy Service as an *Ex Service Organization* (ESO) that provides support, access to professional care, and government entitlements for all Club members and Veterans and their families.
 - c) To nature the Club by raising and endorsing Sub Branches throughout Australia that follow the Club Constitution and SOPs, and who support the concept of welfare-focused facilities including Veteran Assistance Centers (VAC) and others, to raise funds and requisition the support of local businesses, sponsorship and government grants, and other appropriate methods, to finance the continuation of our Club objectives.
 - d) To maintain and promote the Club and its Sub Branches using the Australian Defence Force (ADF) standards, values and codes of conduct.
 - e) To ensure all further these objectives by maintaining their own Constitution in accordance with this – the Club Constitution and SOPs.
 - f) To generate financially secure Sub Branches that are self-sufficient and that assist and support its members and Veterans through financial and welfare support and use of Sub Branch property.

CONSTITUTION
MILITARY BROTHERHOOD MMC

- g) To promote safe motorcycling activities for all Club members by ensuring Sub Branches schedule activities and encourage participation in other events while maintaining a family orientated philosophy.
- h) To promote the Club and its objectives through the media, exposure at appropriate biking and related events and liaising with other *Ex Services Organizations* (ESO).

CLUB SEAL



- 8) The common seal of the Club shall be in the form of a rubber stamp, inscribed with the name of the Club encircling the word "Common Seal". The seal of the Club shall not be fixed to any instrument except by the authority of the Club Executive and the affixing thereof shall be attested by the signatures either of two members of the Club Executive or of one member of the Club Executive and of the Secretary of the Club or such other person as the Club Executive may appoint for that purpose, and that attestation is sufficient for all purposes that the seal was affixed by authority of the Club Executive.
- 9) The seal shall remain in the custody of the Club Secretary or other person as decided from time to time by the Club Executive.
- 10) Sub Branches shall follow above design direction for their Sub Branch Seal including their incorporated name if required by the state authorities to hold one.

CONSTITUTION
MILITARY BROTHERHOOD MMC

ADVOCACY TRAINING

References

A: Club SOP 14 - ADTP (DVA) TRAINING

General

- 11) Training as Advocates is conducted by the Department of Veterans Affairs (DVA) under its Advocacy Development Training Program (ADTP).
- 12) Members within each Sub Branch should complete courses to provide qualified support to Veterans
- 13) Course information is promulgated on the DVA website at:
http://www.dva.gov.au/ex-service_organisations/tip/Pages/index.aspx

CONSTITUTION
MILITARY BROTHERHOOD MMC

OPERATION AND MANAGEMENT OF VETERANS SUPPORT CENTRES

General

- 14) The immediate and long- term strategy of the Club is to raise Veterans Support Centres (VSC). Being both Veterans Assistance Centres (VAC) and Veterans Retreats (VR) - where Sub Branch Membership can provide assistance and on-going support. The purpose of the VSC is to provide Facilities where Veterans can seek support, camaraderie, mateship and respite, including advocacy advice.

Nature of Properties

- 15) The facility for any VSC is to be a suitable property approved by Local Government for volunteer Work, habitable and secure premises, capable of being used as a 'drop in' centre, with private consulting room(s) for conducting welfare, pension and advocacy interviews with Veterans. Ideally, the premises will have a live-in full-time caretaker being a member of the closest Sub Branch.

Management Committee

- 16) A Management Committee for each VSC should be comprised of the Club or Sub Branch Executive and all trained ADTP members. The Management Committee will conduct the daily Operations of the VSC, observing the provisions as set out in this Constitution and under the Associations Incorporated Act 1981 for Sub Branch operations.

CONSTITUTION
MILITARY BROTHERHOOD MMC

CONSTITUTIONAL EFFECTS

References

SOP 15 – Amending, Repealing or Adding to the Club Constitution

Effects of the Constitution

- 17) This Constitution binds every member of the **Military Brotherhood MMC** (herein referred to as the “Club”). Through signing an application to join the Club, each member commits to abide by this Constitution.

Inconsistency between Constitution and Act

- 18) If there is any inconsistency between the Club Constitution and any State or Federal Act and or Regulation, the State and/or Federal Acts and or Regulations shall prevail.

Alteration of the Constitution

- 19) Proposed amendments to this Constitution can be submitted by any confirmed Service Member. The amendment, repeal or addition must be in writing, can be emailed or mailed and must be addressed to the Club Secretary and be submitted through the relevant State President (*refer to SOP 15 – Amending, Repealing or Adding to the Club Constitution*).
- 20) Should amendments be proposed, a vote shall be held with all service members of the club having the opportunity to vote for proposed changes.
- 21) Any motions for constitutional amendments are to be tabled at an extraordinary meeting and have 75% of the Service Members present as a quorum.
- 22) Amendments to the Constitution can only take effect after a vote has occurred and the proposed amendment submitted to the governing authority.

CONSTITUTION
MILITARY BROTHERHOOD MMC

Standard Operating Procedures (SOPs)

- 23) An SOP describes the fundamental operating nature of a clause of the Constitution. It describes the way a clause of the Constitution should be applied. An SOP will not exist without a clause relating to it being within the Constitution.
- 24) NAT EXEC will make SOPs, consistent with this constitution, for the internal management of the Club and its Sub Branches. Sub Branches have the right to request an amendment to a Club SOP, and to raise additional 'local SOPs' which reflect the nature of their location as long as they do not contradict this constitution.

Rights of Members

- 25) Each member of the Club will be treated with respect by all other members. SOP 13 articulates the fourteen (14) Articles that describe each member's rights to which they, anywhere in Australia, are entitled, without any discrimination, while members of the Club. Each Article complements the *UN International Bill of Human Rights*.
- 26) The following must be available for inspection by any member of the Club:
- a) A copy of this Constitution and all SOPs;
 - b) Minutes of their Sub Branch meetings;
 - c) A summary of the NAT EXEC general meeting minutes;
 - d) Their Sub Branch and National annual reports and annual financial reports.

CONSTITUTION
MILITARY BROTHERHOOD MMC

PRINCIPLES OF CLUB AND SUB BRANCH OPERATION

General

27) The following principles apply to the operation of the Club and its Sub Branches:

National Executive and National Executive Committee

28) The NAT EXEC is comprised of the National President, National Secretary, National Treasurer and National Sergeant Major. With a State President from each state/territory (refer SOP22 for further State President information), they make up the National Executive Committee (NEC). The NEC will be voted in by Service Members.

Election Procedure for Non-Round Up Years

29) 1st Aug of a non-Round Up year a call for nominations for 50% of the NAT EXEC positions which will be declared vacant in Nov of that year will be sent out remotely to all State President for dissemination to all members (these positions to be identified by 31st July)

30) With all nominations to include the members MBMMC service and BIO.

31) All nominations to be returned to the State President (SP) in time for them to be forwarded to the NAT SEC by the 31st of Aug.

32) The NAT SEC to collate and send out to all SP's with absentee voting ballot papers for voting with results to be sent to the relevant SP and forwarded then to NAT SEC by mid Oct so the results can be posted on the 1st of Nov.

33) The successful applicants will then be notified and the Handover/takeover will commence and be completed by 30th of Nov.

34) Returns direct to the NAT EXEC **will not** be accepted.

CONSTITUTION MILITARY BROTHERHOOD MMC

Election Process for Round Up Years

- 35) Four months prior to Round up a notice of which positions are being voted on will be sent out remotely to all State President for dissemination to all members. A call for nominations for 50% of the NAT EXEC positions which will be declared vacant during Round up.
- 36) All nominations include the members MBMMC service and BIO.
- 37) All nominations to be returned to the SP in time for them to be forwarded to the NAT SEC two months prior to Round up.
- 38) The NAT SEC collates and sends out nominations to all SP with voting ballot paper six weeks prior to Round Up.
- 39) Each Sub Branches votes are to be returned to the relevant SP three weeks prior to Round Up.
- 40) The SP is to forward the votes to NAT SEC to collate.
- 41) The result of the vote will be announced at Round Up.
- 42) Post Round Up the handover/ takeover is to commence and be finalised within one month after Round Up.
- 43) Returns direct to the NAT EXEC **will not** be accepted.

Sub Branch Operations

- 44) Each Sub Branch will manage its operations through a Sub Branch Executive which is comprised of confirmed Service Members. This group will be responsible for executing the wishes of the Sub Branch membership as a collective, while observing the requirements of the Club Constitution and SOPs (Refer SOP 1 for more details on club structure).
- 45) The principle of 'one member, one vote' will apply to all financial service members.

CONSTITUTION
MILITARY BROTHERHOOD MMC

- 46) The Sub Branch Executive is responsible solely for executing collective motions which the Sub -branch membership has voted to adopt. The Sub -branch Executive is responsible for the daily operations and future direction of its Sub Branch but only as agreed to by the Sub Branch membership as a whole.

Financial Viability

- 47) The Club shall manage both National and Sub Branch financial viability as follows:
- a) The NAT Treasurer shall maintain a Club (National) Account – This account will contain funds provided from each Sub Branch. Each year \$10 per member per annum for both Service and Sierra Squad (excluding Service members Partners or Junior Members) is payable to this bank account. This covers the cost of club administration. Annual Financial Reports will be generated and will be sent out with the minutes of each NAT EXEC meeting.
 - b) Each Sub Branch - shall ensure a firm financial management arrangement is in place on commencement of operations, and that each Service Member and Sierra Squad Member (spouse/partner does not pay) pays into a Sub Branch Building Fund of no less than \$10 per month. Payments by other members (spouses / partners and junior members) will be at Sub Branch discretion. This will provide the Sub Branch with a continuous fund for asset purchases e.g. regalia.
 - c) Sub Branches may undertake fundraising IAW relevant State and Federal requirements. These funds must be accounted for separately to the Building Fund.
 - d) Subject to any State or Commonwealth legislation to the contrary, a Sub Branch is not authorised to and will not transfer or offer to transfer, lease or offer to lease, or create or authorise to be created any security or interest in any property held or owned by it either legally or beneficially without prior written approval of NAT EXEC.

Charitable Fundraising

- 48) Under the Charitable Fundraising Act of 1991, should a Sub Branch choose to apply for individual charitable status that Sub Branch must be administered by a governing body of not fewer than three persons and the minimum quorum for all meetings of the governing body must not be fewer than three persons. Note: State model rules may dictate a requirement for more than three members and are the higher authority.

CONSTITUTION
MILITARY BROTHERHOOD MMC

- 49) Sub Branches may choose to apply for individual charitable status after receiving written approval from the NAT EXEC.

Communication

- 50) The Club will maintain one Internet website where all Club and Sub Branch information will be displayed. This website will be the responsibility of the Club Web Master and each Sub Branch Secretary is to communicate with the Web Master if information relevant to their Sub Branch is to be uploaded to the website. The website will maintain the following information as a minimum:

- a) Club Constitution
- b) Club SOPs
- c) Club and Sub Branch contacts
- d) Veteran support information

Nationally Observed Events / Runs

- 51) The Club and each Sub Branch are to observe and support the following minimum events:

- a) ANZAC Day;
- b) UN Day Service each year, being 24th October (but held on the nearest Saturday/Sunday);
- c) Remembrance Day 11th Nov (but held on the nearest Saturday/Sunday); and
- d) Individual Sub Branch AGM.
- e) Op Round Up, Conducted every two (2) years at a designated date and location as advised by the Club National Executive is strongly encouraged for all members to attend.

Wearing Of Insignia / Regalia

- 52) Each member will wear the designated club uniform as per SOP 3.

CONSTITUTION
MILITARY BROTHERHOOD MMC

NATIONAL EXECUTIVE (NAT EXEC) OPERATIONS

- 53) Any confirmed Service Member in any State may nominate for a NAT EXEC position if that member is:
- a) A financial member of both the Sub Branch (building fund) and Club (annual fee); and
 - b) Is a permanent Australian resident.
 - c) Apart from its Club responsibilities overall as referred to in paragraph 55, Club Executive members' daily responsibilities are the same as those daily responsibilities of Sub Branch Executive members as described herein.
- 54) A person ceases to be a member of the NAT EXEC if the person:
- a) dies;
 - b) voluntarily resigns;
 - c) resigns his or her Club membership;
 - d) is not re-elected;
 - e) is expelled from the NAT EXEC after due process as described herein; or
 - f) cannot attend Monthly Meetings of the NAT EXEC and/or declines his/her financial responsibilities to the Club.
- 55) NAT EXEC will ensure the following elements of Club operations are maintained:
- a) Mentor each individual Sub Branch through their probation period;
 - b) Maintain the Club Constitution and SOPs;
 - c) Maintain a Club Register of all Members;
 - d) Maintain the Club Website.
 - e) Administer the 'Presidents Page' and 'Open State President Page' on Facebook (whilst in use);
 - f) Raise a 'conflict resolution' committee and exercise a Facilitator role as and when required;
 - g) Exercise matters of authority related to discipline.
 - h) With monies received from all Sub Branches pay for:
 - i) Indemnity Insurance through Veterans' Indemnity and Training Association (VITA) which covers all trained Advocates;
 - ii) the Internet domain name;
 - iii) relevant web hosting agency for the Club web site;
 - iv) costs associated with raising and maintaining the Club Trade Marks;
 - v) any future public liability insurance costs deemed necessary by NAT EXEC; and
 - vi) other costs as deemed appropriate by the NAT EXEC.

CONSTITUTION
MILITARY BROTHERHOOD MMC

SUB BRANCH OPERATIONS

Reference SOP25- Guidance for setting up a Sub Branch

General

- 56) The Club is organised into Sub Branches made up of Service Members, Sierra Squad Members, Retired and Junior Members.
- 57) Each Sub Branch will bear the name as determined in Section 1 of this Constitution.
- 58) Each Sub Branch shall ensure that the following remains the focus of its membership:
- a) Volunteer member(s) trained through ATDP (DVA) to act as Advocates,
 - b) Volunteer member(s) qualified to provide one-on-one advocacy support to ex- serving and current serving members of the ADF, Commonwealth and Allied Forces and their families,
 - c) Charitable work to support Veterans in their local area; and
 - d) Provide support to or raise a Veterans Assistance Centre (VAC) when appropriate.
- 59) Each Sub Branch will be bound by the provisions of this Constitution and the Club SOPs for the governance and control of the Sub Branch.
- 60) Each Sub Branch is to manage its own operations without recourse to the NAT EXEC or any other Sub Branch while abiding with this Constitution and its SOPs.
- 61) Each Sub Branch must comply with all lawful directions or requests as are given to it from time to time by NAT EXEC.
- 62) If any two or more Sub Branches amalgamate, their assets shall, subject to the applicable law, respectively vest in the amalgamated Sub Branch.

Regular Meetings

- 63) Each Sub Branch will conduct a minimum of 11 general monthly meetings of all members in each calendar year. Sub Branch executive must meet in accordance with state requirements.

CONSTITUTION
MILITARY BROTHERHOOD MMC

Voting At Regular Meetings

- 64) Only service members have full voting rights on all matters pertaining to the club and Sub Branch. Any vote taken on a motion will be passed if 51% or more of those Service Members present vote in the affirmative. If a tied vote should occur, the Executive is to hold over the motion to the next general meeting. All members – both Service and Sierra Squad Members – will be provided an opportunity to voice their opinion on Sub Branch matters. Voting to be in accordance with State rules.

- 65) Each Sub Branch Executive will ensure its Sub Branch operations are reported in a quarterly SITREP. This is to ensure a firm 'passage of information' is maintained between each Sub Branch and the NAT EXEC. In this manner NAT EXEC will be aware of the circumstances existing throughout the Club. Apart from personal internal issues relevant to any one Sub Branch, the content of SITREPS will be reported via the Club website, on the prescribed template.

- 66) The NAT EXEC may at any time establish additional Sub Branches in any place it sees fit.

CONSTITUTION
MILITARY BROTHERHOOD MMC

SUB BRANCH EXECUTIVE GROUPS

- 67) Sub Branches are to be managed by an Executive Committee.
- 68) The business of the Sub Branch shall be managed by an Executive comprising Service Members; however the Sub Branch can allow Sierra Squad members to fill honorary Treasurer or QM positions but only until a Service Member becomes available to fill that position.
- 69) Subject to the relevant State Incorporation Act, this Constitution, its SOPs and to any resolution passed by the Sub Branch in a general meeting, the Sub Branch Executive may:
- a) exercise all the powers and functions as may be exercised by the Sub Branch other than those powers and functions that are required by the Act or this Constitution; to be determined through a Sub Branch annual general meeting of members;
 - b) establish one or more subcommittees the Sub Branch Executive considers appropriate; and
 - c) appoint and remove staff only through a general meeting of the Sub Branch membership.

Sub Branch Executive Positions

- 70) The Sub Branch Executive Positions are:
- a) President
 - b) Vice President
 - c) Secretary
 - d) Treasurer
 - e) Sub Branch Sergeant Major
 - f) Quartermaster
- 71) Each Executive member of the Sub Branch shall hold office until the Sub Branch Annual General Meeting next after the date of his or her election but is eligible for re-election.
- 72) In the event of a casual vacancy in any office, the Executive may appoint one of its members to the vacant office, and the member so appointed may continue in office up to and including the conclusion of the Sub Branch Annual General Meeting next following the date of his or her appointment.

CONSTITUTION
MILITARY BROTHERHOOD MMC

Election of Officers of the Sub Branch Executive

- 73) A member must be elected to the Sub Branch Executive.
- 74) Nominations of candidates are to be nominated then seconded by two members of the Sub Branch and either accepted or declined by the candidate in writing in accordance with state requirements.
- 75) The ballot for the election of officers and ordinary Sub Branch Executive persons shall be conducted at the Annual General Meeting in such usual and proper manner as the Sub Branch Executive may direct.

Vacating Office (Casual Vacancies)

- 76) The office of a Sub Branch Executive member becomes vacant if a member:
 - a) is disqualified from being a Sub Branch Executive Member under the relevant State Act (i.e. becomes bankrupt or applies to take or takes advantage of any law relating to bankrupt or insolvent debtors or compounds with his creditors) etc;
 - b) resigns by giving written notice to the Sub Branch Secretary;
 - c) dies or is rendered permanently incapable of performing the duties of office by mental or physical ill-health;
 - d) ceases to be a resident of Australia;
 - e) ceases to be a member of the Club; or
 - f) is absent from three (3) consecutive meetings of the Sub Branch without tendering an apology to the Sub Branch President/ Secretary or nominated Chairperson.

Filling casual vacancy on the Sub Branch Executive

- 77) If a vacancy remains on the Sub Branch Executive or if the office of a Sub -branch Executive member becomes vacant, the Sub Branch Executive may appoint any member of the Sub Branch to fill that vacancy.
- 78) However, if the office of Sub Branch Secretary becomes vacant, a person must be appointed by the remaining Executive to fill the vacancy.

CONSTITUTION
MILITARY BROTHERHOOD MMC

RESPONSIBILITIES OF THE SUB BRANCH EXECUTIVE

Reference: SOP 2 Sub Branch position responsibility.

General

- 79) As soon as practicable after being elected to the Sub Branch Executive, each member must become familiar with the State Act and Regulations made under incorporation laws.
- 80) The Sub Branch Executive is collectively responsible to its membership for ensuring the Sub Branch complies with the Act and Regulations made under the above Act.

President

- 81) The Sub Branch President must:
- a) ensure the other members of the Executive conduct their duties and responsibilities in accordance with the motions as passed by the membership;
 - b) preside at all general meetings;
 - c) execute the role of Liaison Officer (LO) for the Sub Branch;
 - d) validate all minutes taken from any meeting conducted within the Sub Branch;
 - e) contact and maintain relationships with business enterprises to provide opportunities for discounts for Club members;
 - f) Work with the Executive to ensure communications with other Sub Branches, businesses and government organisations is maintained; and
 - g) perform any other duties imposed by state rules and this Constitution.

Vice President

- 82) The Sub Branch Vice President must:
- a) Assists in all policy decisions with the President;
 - b) Will supervise the activities of the Executive and Sierra Squad officers;
 - c) Is the Sub Branch NOTIFICATION OFFICER for members who are sick or injured; and
 - d) assumes control in the absence of the President.

CONSTITUTION
MILITARY BROTHERHOOD MMC

Secretary

83) The Sub Branch Secretary must:

- a) Maintain the Sub Branch Register of Members in accordance with their relevant State corporation laws.
- b) Validate all military history, honours and awards claimed by members and applications for membership.
- c) Complete the Sub Branch quarterly Situation Report (SITREP) is and send to the State President,
- d) Advise the Club Secretary of confirmed applications.
- e) Coordinate the correspondence of the Sub Branch.
- f) Ensure minutes of all proceedings of general meetings are kept in accordance their relevant State Incorporation laws.
- g) Unless the members resolve otherwise at a general meeting – have custody of all books, documents, records and registers of the Sub Branch, in accordance their relevant State Incorporation laws.
- h) Chair meetings in the absence of both the President and Vice President.
- i) Perform any other duties imposed by this Constitution or state rules on the Sub Branch Secretary.

Treasurer

84) The Sub Branch Treasurer must:

- a) Receive all moneys paid to or received by the Sub Branch and issue receipts for those moneys in the name of the Sub Branch.
- b) Deposit all moneys received into the account of the Sub Branch within five working days of receipt.
- c) Make any payments authorized by the Sub Branch Executive or by a general meeting of the Sub Branch from the Sub Branch's funds.
- d) Ensure cheques are signed by him/her and at least one other Sub Branch Executive member as authorized by the Sub Branch Executive and ensure the account records of the Sub Branch are kept in accordance with relevant State Incorporation laws.
- e) Coordinate the preparation of the Sub Branch's annual statement of accounts.
- f) When directed by the Sub Branch President, submit to the Sub Branch Executive a report, balance sheet or financial statement in accordance with that direction.
- g) Have custody of all securities, books and documents of a financial nature and accounting records of the Sub Branch unless the members resolve otherwise at a general meeting.
- h) Perform any other duties imposed by state rules and this Constitution on the Sub Branch Treasurer.

CONSTITUTION
MILITARY BROTHERHOOD MMC

Quartermaster (QM)

- 85) The QM must:
- a) Maintain a register of all assets.
 - b) Ensure all assets are kept in a useable state.
 - c) Report at meetings the to-date situation regarding all assets and stores.
 - d) Provide a means of ordering stores.
 - e) Deliver all monies obtained from sale of items and stores to the Treasurer within five days.
 - f) **Be** a signatory for signing cheques to release funds.

Sub Branch Sergeant Major (SSM)

- 86) The SSM duties are included in SOP 2 including:
- a) Maintain the discipline of all members.
 - b) Report any misconduct to the President.
 - c) Be available to arbitrate between members having a dispute; and ensure all members' vests are appropriate as per SOP 03.

Sierra Squad Leader

- 87) The Squad Leader must:
- a) Provide mentorship to all Nominees.
 - b) Attend all Squad meetings, general meetings and Executive meetings.
 - c) If the Squad Leader is absent, the attending member for that meeting from the Squad must be a member elected by the other Squad members present.
 - d) ensure the Squad and all members comply with the Constitution and SOPs.
 - e) perform any other duties directed by the President.

CONSTITUTION
MILITARY BROTHERHOOD MMC

ADMINISTRATIVE OPERATIONS (refer to State Incorporation Laws)

General

- 88) In addition to the mission and objectives of the Club, each Sub Branch may do all things necessary or convenient for carrying out its mission and objectives, and in particular may, with regard to the relevant State Incorporation laws and regulations including State 'Model Rules':
- a) Purchase, lease, exchange, hire or otherwise acquire and dispose of any real or personal property.
 - b) Open and operate accounts with financial institutions.
 - c) Invest its money in any security in which trust monies may lawfully be invested.
 - d) (Subject to the State Act) Raise money in such manner and on such terms as the Sub Branch membership may think fit as approved or directed by resolution passed at a general meeting.
 - e) Securing the repayment of money so raised or borrowed or the payment of a debt or liability of the Sub Branch by giving mortgages, charges or securities upon or over all or any of the real or personal property of the Sub Branch.
 - f) Appoint agents to transact business on its behalf.
 - g) Enter any other contract it considers necessary or desirable.
 - h) The buying, selling, and supplying of, and dealing in, goods of all kinds.
 - i) The construction, maintenance, and alteration of building or works.
 - j) Subject to the provisions of the Trustee Act, the investment of any moneys of the Sub Branch not immediately required for any of its objects or purposes in such manner as the Sub Branch member's may from time to time determine.
 - k) The accepting of any gifts, whether subject to a special trust.
 - l) The printing and publishing of such newspapers, periodicals, books, leaflets, or other documents as the members in general meeting may think desirable for the promotion of the objects and purposes of the Sub Branch.
 - m) The making of gifts, subscriptions, or donations to any funds, authorities, or institutions relates;
 - n) Undertaking all such other lawful things as are incidental or conducive to the attainment of the basic objects of the Sub Branch or any of the objectives and purposes specified in the foregoing provisions of this sub-clause.

CONSTITUTION
MILITARY BROTHERHOOD MMC

MEMBERSHIP

89) The club shall have five classes of membership without limitations to numbers within each class:

- a) **Service Membership** – those persons who are a permanent Australian resident and ex-service or serving members of the Australian Defence Force, Commonwealth Defence Force or Allied Force.
- b) **Sierra Squad Membership** – those persons with or without Defence service and who fulfil the requirements as described below; **Refer SOP 6.**
- c) **Junior Membership** – those members aged between 0 and 17 years of age, who are children of either Service members or Sierra Squad Members only; **Refer SOP 23.**
- d) **Retired Service Membership** – Those financial members who have completed 10 years service in the club, or have accepted medical conditions which stop them from riding and chose to step back but remain a member. Members must apply for this status to the NAT EXEC via their Sub Branch executive for consideration, **Refer SOP 20.**
- e) **Life Membership** – Members who have shown exceptional service to the Club over a long period of time can be nominated by their Sub Branch to the National executive for consideration. **Refer SOP 27.**

Service Members

- 90) Service Membership applies to any permanent Australian resident who is currently serving or was a former serving member of the Australian Defence Force or any Commonwealth or Allied Regular or Reserve Armed Forces.
- 91) The member must as a minimum have a motorcycle licence and cannot be a current member of another MC, MCC, SMC, CMC or MMC.
- 92) The member must be prepared to ride and own a registered motorcycle or motor trike that is greater than 600cc. This includes currently serving or former serving members who are within a recognized relationship where:
 - a) each partner is either currently serving or a former serving member and together own one motorcycle only, and
 - b) each confirmed Service Member in the relationship has a motorcycle licence for a motorcycle capacity of 600cc or greater.

CONSTITUTION
MILITARY BROTHERHOOD MMC

- 93) The Club recognises the need of current and ex-serving members who wish to join the Club or remain as a Service Member but may not be in a location to attend an existing Sub Branch regularly. If a current serving member is posted out of a location containing a Sub Branch, they (and their Sierra partner if applicable) may remain a member of their current Sub Branch or apply to become a member of the closest Sub Branch.

Sierra Squad Membership

- 94) Sierra Squad Membership applies to any member who:
- a) is a current or ex-service member completing his/her probation (nominee) period; or
 - b) has not been a member of the Australian Defence Force or a Commonwealth or Allied Regular Force or;
 - c) Reserve Armed Forces but supports the constitution, rules and objectives of the Club; or
 - d) is currently serving or was a former serving member of the Australian Defence Force or any Commonwealth or Allied Defence Forces who has an interest in motorcycle riding but does not ride a registered motorcycle or motor trike that is greater than 600cc; and
 - e) Is not a current member of another MC, MCC, SMC, CMC or MMC.; and
 - f) Is a permanent Australian resident.

Application for Membership

- 95) An application by a person for Service Membership or Sierra Squad Membership (including Junior) of the Club:
- a) shall be made in writing on the form prescribed by the Club, signed by the applicant and approved by the appropriate Sub Branch membership and membership costs paid;
 - b) shall be lodged to the Sub Branch Secretary.
- 96) On acceptance of the application, all members are required to pay the initial membership fee (see SOPs) and are required to pay into the Sub Branch Building Fund, unless they are a spouse, partner or dependent of a Service Member or Sierra squad member.
- 97) If an application for membership is rejected, the applicant may appeal against the decision by giving notice to the Sub Branch Secretary within 14 days after being advised of the rejection.

CONSTITUTION
MILITARY BROTHERHOOD MMC

- 98) If an applicant gives notice of an appeal against the rejection of his or her application, the Sub Branch membership must reconsider the application at the next Sub Branch general meeting after receipt of the notice of appeal.
- 99) If after reconsidering an application the Sub Branch membership reaffirms its decision to reject the application, the decision is final.
- 100) Upon an application being approved by the Sub Branch membership, the Sub Branch President or his delegate shall notify the applicant, in writing or by presentation of a Sierra Squad breast patch, that they have been approved for membership of the Sub Branch. The Sub Branch Secretary shall enter the applicant's name in a register of members to be kept by the Sub Branch Secretary, whereupon the applicant becomes a nominee of the Sub Branch.
- 101) Any person who is deemed a 'nominee' for Service Membership or Sierra Membership shall complete a probation period.
- 102) Upon the end of the probation period, and after being voted in by 75% of confirmed Service Members in the Sub Branch, the applicant will be conferred Service or Sierra Squad Membership, whichever is applicable. The Sub Branch Secretary shall note the register of members accordingly and advise the Club Secretary to update the Club Database.
- 103) A Service Member within the Sierra Squad who later elects to become a full member by riding a registered motorcycle or motor trike that is greater than 600cc can then apply to the Sub Branch Executive to transfer over as a Service Member wearing the Service Member breast patch.

Sub Branch Building Fund Fee

- 104) The Sub Branch Building Fund fee is paid monthly by each confirmed Service Member and Sierra Squad Member, not being a spouse, partner or dependent of a service Member or Sierra squad member.
- 105) Each relevant member must pay the Sub Branch Building Fund fee to the Sub Branch Treasurer by the first day of each month or another date determined by the Sub Branch Executive from time to time.
- 106) The Sub Branch Building Fund fee is described in Club SOP 4, and the minimum amount to be paid as determined from time to time by resolution at a Sub Branch General Meeting.

CONSTITUTION
MILITARY BROTHERHOOD MMC

Liability of Members

107) Members shall have no liability towards payment of liabilities of the Sub Branch on leaving a Sub Branch. Members who have a personal debit for the purchase or issue of regalia and other items will be required to finalise their account or return the issued regalia upon leaving the Sub Branch or transferring to another Sub Branch.

Register of Sub Branch Members

108) The Sub Branch Secretary shall keep and maintain a Sub Branch Register of Members. The Sub Branch Register must include the following particulars for each member as a minimum:

- a) full name and residential address of the member,
- b) contact details of the member,
- c) type of membership sought,
- d) military history (record of service), including service enlistment and discharge date, honours and awards and service number,
- e) type of motorcycle/trike, registration and class of licence; and
- f) medical and Next of Kin details.

109) The Sub Branch Secretary is responsible for validating all military history and honours and awards claimed by Service Members and applications for membership.

110) A Club Register of all Service Members shall be kept at the principal place of administration of the Club and shall be available for inspection by members upon request.

Behavior while a member of the Club

111) Each member shall be responsible for their behavior while a member of the Club. The Club Code of Conduct is to be adhered to at all times.

112) Each member of the Club is also protected by the 'Members Bill of Rights'.

CONSTITUTION
MILITARY BROTHERHOOD MMC

WEARING OF AUSTRALIAN HONOURS, AWARDS AND OTHER ITEMS

References

A: SOP 12 – Club Awards

B: SOP 3 – Club Standards of Dress (CSOD)

General

- 113) Military Brotherhood MMC mandates the wearing of Australian, Commonwealth and Allied Force decorations on both sides of the Club vest as applicable. It also mandates the wearing of Club Awards as detailed in SOP 12 (Club Awards) including Service Stars, Club Commendation and Diligence Patch.
- 114) The Club does not stand for wearing of unofficial commemorative medals or other non-issue items in combination with official ones on the left side of the vest. Wearing unofficial commemoratives with issued medals destroys the integrity of Australia's honors and awards system and demeans the genuine service of the rightful wearer.
- 115) Members can better understand the protocols as defined by the Returned Services League (RSL) at www.rsl.org.au.

Wearing of Full Service Member Regalia

- 116) Any member who has had their license suspended or cancelled shall still be able to wear their regalia and be an active member of the club but not ride. However, they must stand down from any Executive position and they lose voting rights for the period of the suspension. This period is deemed as non-effective membership time as far as the award of service stars is concerned.
- 117) A Sierra squad member who is the partner of a service member who dies will be allowed to remain as a Sierra squad member.

After Leaving the Club

- 118) After membership ceases all use of the Club's intellectual property (IP) is to cease without limitation.
- 119) All regalia signed for by the member including logo, emblems, insignia's, regalia, patches, manuals, documents and trademark Regalia must be returned to the Sub Branch QM within one month.

CONSTITUTION
MILITARY BROTHERHOOD MMC

Property Purchased by Members with the MBMMC Trademark.

- 120) After leaving the club no ex-member, at any time, is to misrepresent themselves as a member of the club through the wearing of the MBMMC logo, emblems, insignias, patches purchased. Cam must be removed from the back of the vest as it seen to be part of the club identity.

CONSTITUTION
MILITARY BROTHERHOOD MMC

**RESIGNATION, REJOINING, RETIRING, LEAVE OF ABSENCE, TRANSFER OR
CESSATION AS A MEMBER**

**Refer: SOP 20 Resigning, retiring and rejoining
SOP 19 Transfer between Sub Branches**

General

121) A member of the Club may, at any time, resign, retire, take leave of absence, transfer between locations or rejoin the Club/Sub Branch they attends or otherwise by notifying the relevant Club/Sub Branch Secretary in writing of their resignation, retirement, transfer or rejoining.

122) Any member resigning, retiring, on leave of absence or transferring shall be liable for any outstanding fees, which may be recovered as a debt being due to the departed Sub Branch.

Cessation of Membership

123) A person ceases to be a member of the Club if the person:

- a) Dies
- b) resigns his or her membership;
- c) is expelled from the Club; or
- d) Remains non-financial for more than 3 months.

Resigning or Expelled

124) A member is deemed to no longer be part of the Club if:

- a) the member voluntarily resigned
- b) the member was expelled
- c) the member is unfinancial for a period of over 3 months
- d) if the member does not belong to a Sub Branch and fails to keep NATIONAL EXEC up to date with quarterly SITREPS

Resigning

125) Upon receipt of a notice of resignation the Club Secretary and Sub Branch Secretary shall remove the name of the member from any club registers and group e-mails.

CONSTITUTION
MILITARY BROTHERHOOD MMC

Expelled

- 126) Upon determination that the member is expelled from the Club, the Club Secretary and Sub Branch Secretary shall remove the name of the member from any club registers and group e-mails. The expelled member is to be placed on the NAT EXEC and Sub Branch expelled Members List.
- 127) Where a member of the Club resigns his or her membership, or is expelled after due process, that member will not hold the Club or Sub Branch liable for refund or return of any fees.

Reapplying for Membership after Resigning

- 128) A member who voluntarily resigns and then wishes to rejoin may apply to the Club to rejoin. Upon receiving the application form to rejoin, the Sub Branch membership as a whole - where the member rejoins - will determine the provisions for rejoining, taking into account the reasons for the member's original resignation and length of time the member has been out of the Club. The Sub Branch membership may impose a nominee period but no more than the original nominee period for the type of membership (e.g. Service Member or Sierra Squad Member).

Re-Admission of a person previously expelled from membership of the Club

- 129) Any member who was expelled from the Club by the NAT EXEC may reapply to join the Club, but the decision whether to allow the member to rejoin is a determination of NAT EXEC.
- 130) No person who has been expelled from membership pursuant to this Constitution will be re-admitted as a member except with NAT EXEC permission. This will consider:
- a) the views of the Sub Branch and the respective Sub Branch Executive which originally may have had jurisdiction over the applicant; and
 - b) if any person to whom this rule applies is re-admitted as a member except by the NAT EXEC, such re- admission will be invalid.
- 131) A decision to allow the member to rejoin the Club will result in the member being liable for the cost of all new regalia.

CONSTITUTION
MILITARY BROTHERHOOD MMC

Retiring

- 132) Those financial members who have completed 10 years service in the club or for accepted medical grounds can't ride any longer and chose to step back but remain a member. Members must apply for this status to the NAT EXEC via their Sub Branch executive for consideration.
- 133) Upon retiring the member may retain and wear the Club regalia as a mark of respect for service to the Club.
- 134) Upon retirement the member shall be eligible to wear the 'RETIRED MEMBER' patch in the same position as executive position patch is worn. Upon receipt of a notice of retirement the Sub Branch Secretary shall move the name of the member by whom the notice was given from the 'Register of Members' (both in the Sub Branch and the Club Register) to the 'Register of Retired Members'.
- 135) Where a member of the Club retires, that member cannot vote on any motions of the Club/Sub Branch and no longer contributes to the Sub Branch Building Fund.

Leave of Absence

- 136) A member may take a leave of absence from the Club/Sub Branch for personal, medical, family or other relevant reason. During this time the club vest is not to be worn unless attending an official club activity.
- 137) Any leave of absence must be a specified period, agreed to in writing between the member and the Club/Sub Branch Executive. This period may be extended by the Executive on application by the member as circumstances dictate.
- 138) Where a member of the Club takes leave of absence, that member will not hold the Club or Sub Branch liable for refund or return of any fees or subscriptions.
- 139) When the member is ready to return to the Club/Sub Branch, that member is to advise in writing of the completion of his leave of absence.

Transfer between Sub Branches

- 140) Where a member wishes to transfer between Sub Branches, that member may apply to the Sub Branch Executive in writing to transfer.

CONSTITUTION
MILITARY BROTHERHOOD MMC

- 141) Members wishing to transfer from a Sub Branch to a non-Sub Branch location must advise NAT EXEC who then takes them UNDER ADMIN CONTROL of the relevant State President.
- 142) Members wishing to transfer must:
- a) Advise their respective Sub Branch Secretary in writing using the 'Sub Branch transfer application form.
 - b) Must ensure they are not leaving the respective Sub Branch with debts.
 - c) Time spent on leave of absence (leave, resigns and rejoins etc.) will not count towards service stars.
- 143) Where a member is transferring, the losing Sub Branch must provide both NAT EXEC and the receiving Sub Branch with:
- a) the Sub Branch transfer application form
 - b) any other details which are pertinent to that member.

CONSTITUTION
MILITARY BROTHERHOOD MMC

CLUB MEMBERS RIGHTS AND PERSONAL CONDUCT

References

A: SOP 11 Club Code of Conduct

B: SOP 13 Member Bill of Rights

144) Each member of the Club will be treated with respect by all other members. The SOP 13 consists of fourteen (14) Articles describing each member's rights to which they, anywhere in Australia, are entitled, without any discrimination while members of the Club. Each Article complements the UN International Bill of Human Rights and the principles of:

- a) Each member is equal before this Constitution and is entitled without any discrimination to equal protection by this Constitution. All are entitled to equal protection against any discrimination in violation of this Declaration and against any incitement to such discrimination.

- b) Each member has the right to an effective remedy by the Executive and membership for acts violating the fundamental rights granted him or her by this Constitution.

- c) Each member is entitled to privacy.

CONSTITUTION
MILITARY BROTHERHOOD MMC

DISCIPLINE

General

References:

- A. SOP 28: Offences against the Club**
- B. SOP 8: Complaints and Grievances Procedure**
- C. SOP 18: Administrative warning**
- D. SOP 11: Club Code of Conduct**
- E. SOP 13: Member Bill of Rights**

- 145) The National Executive shall, from time to time, declare such offences as it deems necessary to protect the membership and the Club as an entity. These offences shall be described in SOP 28 and their execution shall be conducted and documented as per SOP 8.
- 146) The member charged with maintaining discipline overall within the Club is the National Sergeant Major (NAT SGT MAJ), and the member charged with maintaining discipline within a Sub Branch is the Sub Branch Sergeant Major (SSM)
- 147) Offences deemed to be of a criminal nature being; murder, abduction, assault, fraud, vandalism and sexual assault, are to be reported to civilian authorities where the aggrieved member wishes to pursue the grievance as a criminal / civil matter.
- 148) If a member has been placed under investigation or arrested by authorities for any of the above offences, the member is immediately suspended from the club until the matter is resolved. Resolved being; no case to answer or, has fully served any sentencing requirements.
- 149) Where a member believes they have been aggrieved, the statute of limitations for the raising, and submission, of any administrative or discipline documentation will be twelve (12) months from the date of the alleged offence being committed. Any submissions outside of the twelve month period will be held by the NEC only as a historical record with no further action will be taken.
- 150) Any member may raise a grievance or complaint about a Club or Sub Branch Executive member, or any other member of the Club however, not all offences require a grievance to be raised and can be dealt with under SOP 18 - Administrative Warning. SOP 18 should be reviewed prior to a grievance

CONSTITUTION
MILITARY BROTHERHOOD MMC

being raised, and that review be documented as part of the discipline procedure where required in accordance with SOP 8.

Administrative / Discipline Process

- 151) Club members must fully disclose any conflict of interests that may have an influence on, or be perceived to have influence on, their ability to properly and impartially discharge the duties of their role in regards to any disciplinary appointment. Members are also responsible for disclosing the interests of their partner and/or dependents if those interests have an influence, or may be perceived to have an influence, on their ability to properly and impartially discharge the duties of that appointment.
- 152) Members involved in the grievance have a right to natural justice, and may request the matter be dealt with in confidence. In accordance with Article 7 of SOP 13, and the processes required for procedural fairness, any comments made by a member not directly involved in the grievance process, either verbally or on any type of social media, regarding an issue under investigation may compromise themselves under a Category A offence of SOP 28. Members not directly involved in the grievance are requested to refrain from commenting on any issues pertaining to the grievance, this includes contacting MBMMC members outside of the members' own Sub Branch. Those comments could inadvertently bring bias into the process and delay a finding, thus denying both parties of their rights to natural justice and a speedy resolution.
- 153) Should the grievance involve suspension whilst the investigation is underway, Category B or C offence of SOP 28, the members involved in the grievance are able to contact any other member of their Sub Branch or wider Club to request statements of support. Members requested to supply a statement are free to as they see fit and are not to be, or feel, pressured to supply one. However, any statement provided is to contain only facts pertaining to the grievance and is not an opportunity to denigrate the other party involved in the grievance.
- 154) During any disciplinary processes conducted in accordance with this Constitution and associated SOPs, where member(s) do supply supporting statement(s), those member(s) will not be liable to have any disciplinary action issued against them for any comments made in the statement(s), unless the statement(s) are found to contain blatant lies or inaccuracies in an effort to embellish the statement.

CONSTITUTION
MILITARY BROTHERHOOD MMC

- 155) Should a member submit a grievance that is subsequently not upheld, that member shall not be subject to a counter-grievance as a form of retribution, unless the initial grievance is found to contain blatant lies or inaccuracies in an effort to embellish the statement.
- 156) In an effort to align with Australian double jeopardy rulings, if a member has a grievance submitted against them, and is acquitted of that grievance, the member cannot be charged again for that same offence. The member charged should be allowed to assume that this grievance has been finalized.
- 157) However, the National Executive Committee is empowered to order an acquitted member to be retried only for Category B or C offences if satisfied that there is fresh and compelling evidence against the acquitted member in relation to the specific offence, and in all the circumstances it is in the interests of justice for the order to be made:
- a. Evidence is “fresh” only if it was not submitted as evidence in the grievance in which the person was acquitted; and it could not have been submitted in the grievance with the exercise of reasonable diligence.
 - b. Evidence is “compelling” only if it is reliable; and it is substantial; and in the context of the issues in dispute in the grievance in which the member was acquitted, it is highly probative of the case against the acquitted member.
- 158) Unless a named member involved in the grievance, the NAT SGT MAJ will be the sole judge of whether evidence is “fresh and compelling” in all re-submissions. If the NAT SGT MAJ is named in the grievance, the judge then becomes the NAT President.
- 159) In all circumstances, there are three types of evidence available for use in an administrative or grievance procedure:
- a. Real - any material object that plays some role in the matter that gave rise to the administrative or grievance procedure, to prove a fact in issue based on the object's physical characteristics, i.e. a knife.
 - b. Circumstantial - information and testimony presented by a party in a administrative or grievance procedure that permit conclusions that indirectly establish the existence or nonexistence of a fact or event that the aggrieved member seeks to prove, i.e. the other member was seen running away from an assault with a stick in their hand.
 - c. Testimonial – any evidence that is not proven or supported by the real evidence but based on a statement. It is used to recreate the timeline of the grievance.

CONSTITUTION
MILITARY BROTHERHOOD MMC

- 160) Should a grievance be raised in a Sub Branch that a member of the National Executive Committee (NEC) is a member, that NEC member is to excuse themselves from all discussions involving the grievance to avoid any conflict of interest in accordance with paragraph 6 above.
- 161) All administrative and disciplinary matters dealt with under this Constitution and associated SOPs are to be dealt with ensuring SOPs 11 and 13 are used as the guiding principles.

Offences Against the Club

- 162) SOP 28 describes those offences that have been deemed sufficiently grave in nature that the NAT EXEC or Sub Branch Executive has a responsibility to make an immediate determination on the outcome of these offences.
- 163) In regard to the word “member”, for the purposes of SOP 28, that means a Service, Sierra, Junior, Retired and Life member.
- 164) Other offences shall be declared and documented by the NAT EXEC and Sub Branch Executive as required, and the NAT EXEC shall be involved prior to informing any member in question of that declaration.

Grounds For Taking Administrative or Disciplinary Action

- 165) Prior to any action taking place, a Sub Branch Review Committee is to be convened, in order to confirm there has been an offence and decide what action, if any, should be taken. It is recommended that this committee be made up of the Sub Branch Vice President (VP) and SSM however, if either member is involved in the incident, any senior member of the Sub Branch can be part of this committee. These can either be Administrative Action (SOP 18) or Disciplinary (SOP 8).
- 166) If the Review Committee are satisfied that there are sufficient grounds to take disciplinary action against a member, the Sub Branch must appoint a Disciplinary Committee, chaired by the SSM, to hear the matter and determine what action, if any, is to be taken against the member, following the process detailed in SOP 8.
- 167) The members of the Sub Branch Disciplinary Committee -
- a. may be Committee members, members of the Club or anyone else; but
 - b. must not be biased against, or in-favour of, the member concerned.

CONSTITUTION
MILITARY BROTHERHOOD MMC

- 168) In all circumstances where the grievance is passed to the NAT EXEC for action, the NAT EXEC must appoint a NAT Disciplinary Committee, chaired by the NAT SGT MAJ with the five SP as members, to hear the matter and determine what action, if any, is to be taken against the member, following the process detailed in SOP 8.
- 169) The remaining members of the NAT EXEC, (NAT President, NAT Secretary and NAT Treasurer), will be precluded from the NAT Disciplinary Committee, and form the NAT Review Committee (NRC). This will allow the NRC to conduct the review of any appeals, in accordance with the appeal process below, without bias.

Notice to Member

- 170) Before disciplinary action is taken against a member, the NAT EXEC or Sub Branch Executive must give written notice to the member.
- 171) The notice must be in writing and include:
- a. the time, date and place of the meeting at which the question of that suspension or expulsion will be decided;
 - b. the particulars of the misconduct, and a copy of all evidence provided to support the grievance; and
 - c. provide notification to the member not less than ten days before the date of the proposed meeting.
- 172) The member must attend the meeting or submit a written statement. The Disciplinary Committee have authority to continue the meeting if:
- a. the member refuses to attend, or
 - b. the member cannot be located and efforts to locate them are documented.
- 173) At the meeting, the Disciplinary Committee must afford the member a reasonable opportunity to be heard or to make representations in writing.
- 174) The Disciplinary Committee will report to the NAT EXEC or Sub Branch Executive on its findings.

CONSTITUTION
MILITARY BROTHERHOOD MMC

- 175) Once the NAT EXEC or Sub Branch Executive has reviewed the detail, a final decision by the NAT EXEC or Sub Branch Executive on the suspension or expulsion shall be advised to the NAT EXEC, if required, and the member.
- 176) Once the member has been suspended he/she will come under the administration of the STATE PRESIDENT (SP). The SP will remain in contact as required, or as a minimum fortnightly, during the suspension period to ensure the member remains informed if there is outstanding decisions or outcomes pending from the initial grievance.
- 177) SP is to provide support or guidance to the member(s) relating to the grievance in question, and provide Club information during the suspension period, whilst also informing NEC on concerns and updates relating to the member whilst on suspension.
- 178) SP is to support the member on return to the Sub- Branch on completion of the suspension period.
- 179) The NAT EXEC may suspend or expel, or decline to suspend or expel the member from the Sub Branch and must give written notice to the member of the decision, the reason for it, and the right to appeal against the decision.

Appeals against Suspension or Expulsion

- 180) A member who is suspended or expelled may appeal against that suspension or expulsion by giving notice to the Sub Branch within 14 days after receipt of the decision in accordance with SOP 8.
- 181) Where the decision of the NAT Disciplinary Committee does not support the expulsion of the member in dispute, the aggrieved member may also appeal this decision by giving notice to the NAT Discipline Committee within 14 days after receipt of the decision in accordance with SOP 8. This appeal will then be passed to the NRC for review. The NRC are to provide a final outcome within seven days after receipt of the appeal.

CONSTITUTION
MILITARY BROTHERHOOD MMC

Scale of Outcome

182) To ensure all members are treated equally under the discipline procedure, Table 1 – Scale of Outcome below is to be used to set sanction levels, dependent on the authority issuing the sanction:

SER	OFFENCE / ISSUE	SCALE OF OUTCOME	
		SUB BRANCH	NEC
1	EXEC POSITION BAN	UP TO 3 YEARS	UP TO 5 YEARS
2	LOSS OF SENIORITY	UP TO 1 YEAR	UP TO 3 YEARS
3	SUSPENSION	UP TO 3 MONTHS	UP TO 12 MONTHS
4	EXPULSION	RECOMMENDER	APPROVER

Table 1 – Scale of Outcome

183) Any proposed action taken must be sent to the NAT SGT MAJ for review and confirmation, to ensure the outcome is consistent with that confirmed for similar offences in other Sub Branches. This will ensure consistency in disciplinary action at all levels of the Club. The NAT SGT MAJ is not able to amend any outcomes, he/she will only confirm to the Sub – Branch that the outcome is in line with the scale used by all Sub Branches or recommend amending the outcome to reflect the same level of outcome across the Club.

184) Should the SSM issuing the outcome disagree with the scale of outcome within the Club, provided by the NAT SGT MAJ, a SSM Sub Committee will be formed from three independent SSMs, who will review both options submitted as outcomes, and provide an agreed outcome that must be implemented.

185) The NAT SGT MAJ is required to maintain a Discipline Register to ensure scale of outcomes remain consistent, regardless of the incumbent in NAT SGT MAJ position. The Discipline Register will be maintained as a historical record.

CONSTITUTION
MILITARY BROTHERHOOD MMC

Offences by Sub Branches

- 186) If the NAT EXEC has reason to believe that a Sub Branch and/or its officers have engaged in conduct that is contrary to this Constitution or the Club's SOPs, the NAT EXEC may resolve to enquire into such conduct.
- 187) If a Sub Branch contravenes or fails to observe or perform any of the provisions of this Constitution or the Club SOPs or has been found guilty of conduct prejudicial to the interests of the Club, the Club may provide notice in writing specifying such contravention. This will be forwarded to the Secretary of the Sub Branch.
- 188) Penalties, orders or directions imposed or made pursuant to the above rules are binding on and must be given effect to by all the Sub Branches and all members of the Club.
- 189) A notice referring to the above will specify a period of time within which the Sub Branch will remedy the contravention.
- 190) If a Sub Branch fails to comply with a notice referred as above, the Club may resolve by a special majority:
- a. To declare that all officers of the Sub Branch have been deemed to have vacated office and direct the Club President, or some other Club Member to take charge of the affairs of the Sub Branch subject to such conditions as the Club may deem necessary (Acting Officer); or
 - b. To revoke the charter (Endorsement) of the Sub Branch.
- 191) Upon the Club passing a resolution pursuant to the sections above, all officers of the Sub Branch will be deemed to have vacated office and the Acting Officer may exercise all the powers of the Sub Branch officers until the election referred to above is held.
- 192) The Acting Officer must, not later than 90 days after appointment, convene a general meeting of the members of the Sub Branch for the purpose of electing new officers of the Sub Branch. A person who held office as an officer of that Sub Branch immediately prior to the resolution of the Club referred to as above, will not be eligible to be elected to office at the general meeting referred to above. Election to office at a subsequent general meeting can occur following a confirmed nomination, seconded and voting process.

CONSTITUTION
MILITARY BROTHERHOOD MMC

- 193) Upon election of the new officers referred to above, the Acting Officer must make a written report to NAT EXEC.
- 194) If the NAT EXEC revokes the charter (Endorsement) of a Sub Branch pursuant to the sections above, the Sub Branch will be deemed to have ceased to operate and all its members will thereupon be deemed to have transferred to NAT EXEC until a new Sub Branch is established. As to its assets, after payment of all its debts and liabilities, they will be temporarily transferred to Nat Exec and will be accounted for separately by the NAT Treasurer prior to re-establishment of the Sub Branch or after 12 months will be absorbed by NAT EXEC.

Investigation of Sub Branch and Sub Branch Executives

- 195) The NAT President, NAT Secretary and relevant STATE President shall form an Investigation Committee (IC) charged with the responsibility of handling inquiries into the Sub Branch and its officers.
- 196) The Sub Branch and/or its officers being investigated shall cooperate with the IC and shall provide all information, documentation and other assistance that is reasonably requested by the IC.
- 197) The Sub Branch and its officers will be given the opportunity to provide statements, evidence or documents regarding the inquiry into the Sub Branch and/or its officers.
- 198) Any statements, evidence or documents provided by the Sub Branch and/or its officers will be considered by the IC. Once this review is complete, a report will be provided to the full NEC with recommendations. If agreed by a majority of the members of the full NEC, the NEC will:
- a. Order the Sub Branch and/or any of its officers to do certain actions or to cease doing certain actions;
 - b. Give notice to the Sub Branch in accordance under 'Offences by a Sub Branch';
 - c. Remove from office such officers as are responsible for the actions of the Sub Branch that are the subject of the enquiry;
 - d. Take some lesser administrative action in respect of the Sub Branch, or any of its officers.

CONSTITUTION
MILITARY BROTHERHOOD MMC

Penalties

- 199) Penalties, orders or directions imposed or made pursuant to the above rules are binding on and must be given effect to by all the Sub Branches and all members of the Club.
- 200) A notice referring to the above will specify a period of time within which the Sub Branch will remedy the contravention.
- 201) If a Sub Branch fails to comply with a notice referred as above, the NAT EXEC may resolve by a special majority:
- a. To declare that all officers of the Sub Branch have been deemed to have vacated office and direct the NAT President, or some other Club Member to take charge of the affairs of the Sub Branch subject to such conditions as the Club may deem necessary (Acting Officer); or
 - b. To revoke the charter (Endorsement) of the Sub Branch.
- 202) Upon the Club passing a resolution pursuant to the sections above, all officers of the Sub Branch will be deemed to have vacated office and the Acting Officer may exercise all the powers of the Sub Branches officers until the election referred to above is held.
- 203) The Acting Officer must, not later than 90 days after appointment, convene a general meeting of the members of the Sub Branch for the purpose of electing new officers of the Sub Branch. A person who held office as an officer of that Sub Branch immediately prior to the resolution of the Club referred to as above, will not be eligible to be elected to office at the general meeting referred to above. Election to office at a subsequent general meeting can occur following a confirmed nomination, seconded and voting process.
- 204) Upon election of the new officers referred to above, the Acting Officer must make a written report to NAT EXEC.
- 205) If the NAT EXEC revokes the charter (Endorsement) of a Sub Branch pursuant to the sections above, the Sub Branch will be deemed to have ceased to operate and all its members will thereupon be deemed to have transferred to NAT EXEC until a new Sub Branch is established. As to its assets, after payment of all its debts and liabilities, they will be temporarily transferred to NAT EXEC and will be accounted for separately by the NAT Treasurer prior to re-establishment of the Sub Branch or after 12 months will be absorbed by NAT EXEC.

CONSTITUTION
MILITARY BROTHERHOOD MMC

RAISING A NEW SUB BRANCH

Reference

A: SOP: 25- Guidelines Kit for Raising a New Sub- Branch

B: SOP 7 – Sub Branch Quarterly SITREP

General

206) A new Sub Branch may be proposed in any location in Australia taking into account the following conditions:

- a) The new Sub Branch is commenced under the mentorship of NAT EXEC; and
- b) The new Sub Branch is UNDER ADMINISTRATIVE COMMAND to NAT EXEC during its nominee (probation) period.

Probation Period

207) The period of probation for the new Sub Branch shall be six months from its conception date, unless the NAT EXEC determines that the period should be extended due to circumstances as required.

208) During the probation period the new Sub Branch shall report its progress through monthly SITREPS. These reports are to be emailed to the Club Secretary as per reference C.

Number of Service Members

209) The new Sub Branch shall have a minimum of five Service Members. If the Service Membership of the new Sub Branch is below five Service members, NAT EXEC may vote – at time of endorsement – to extend the probation period of the new Sub Branch.

210) Minimum numbers should also be in accordance with State Laws for an Incorporated association.

211) Additionally, all Service Members who are involved in raising a new Sub Branch are to wear the Service Member breast patch. Any Service Member who joins the new Sub Branch after it has been endorsed is to commence his/her nominee period within the Sierra Squad as per the relevant SOP.

CONSTITUTION MILITARY BROTHERHOOD MMC

Sub Branch Executive

212) A new Sub Branch shall be managed by an Executive as laid down within this Constitution and the relevant State Model Rules.

Founding Member Status

213) All members (both Service and Sierra Squad) who have joined the new Sub Branch during its probation period and until NAT EXEC officially endorses the new Sub Branch, shall be deemed to be 'founding members' of the new Sub Branch and as such are qualified to wear the 'founding member' patch as per SOP 3 CSOD to be issued on endorsement day.

214) On endorsement of the new Sub Branch by NAT EXEC, members joining after the endorsement date do not qualify as "founding members".

Incorporation

215) Each Sub Branch shall abide by their relevant State incorporation laws, and legislation/regulations applicable in the jurisdiction in which the Sub Branch is incorporated.

Reduced Membership

216) An endorsed Sub Branch does not cease to be a Sub Branch as a result of reduced Service Membership. The Sub Branch shall remain active as long it meets the Incorporation requirements for the state it resides in, and continues to provide SITREPS indicating a continued commitment to recruiting new members; and continues to provide advocacy support to Veterans.

CONSTITUTION
MILITARY BROTHERHOOD MMC

DISSOLUTION OF THE CLUB

General

217) The Club can only be dissolved if the following two (2) conditions exist together:

- a) Sub Branches no longer exist; and
- b) The last Service Member remaining elects to discontinue the mission and objectives of the Club.
- c) The members agree by motion at a special meeting

218) If on the winding up or dissolution of the Club and after satisfaction of all its debts and liabilities, there remain any assets, the assets must not be distributed to any remaining member(s) or former members of the Club.

Common Assets of the Club or Sub Branch

219) The surplus assets must, by resolution of the remaining Service Members be given or transferred to either:

- a) another MBMMC Sub Branch; or
- b) handed to National Executive.

Winding Up and Revocation of DGR Clause

220) If the Sub Branch is wound up or its endorsement as a deductible gift recipient (DGR) is revoked, any surplus of the following assets 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.

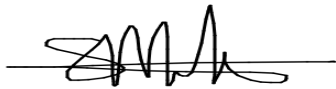
CONSTITUTION
MILITARY BROTHERHOOD MMC

ENDORSEMENT OF THIS CONSTITUTION

Military Brotherhood MMC Executive Certification and Endorsement of this Constitution

I certify that this document is true and correct and has been accepted by the Military Brotherhood MMC Club Executive and as the Constitution for the Military Brotherhood MMC.

I further declare that the Club maintains its operations and management practices as described herein.



Signed: _____

Full Name: Sean Milne

Position: PRESIDENT

Dated: 24th day of April 2020

I certify that this document is true and correct and has been accepted by the Military Brotherhood MMC Executive and as the Constitution for the Military Brotherhood MMC.

I further declare that the Club maintains its operations and management practices as described herein.



Signed: _____

Full Name: Graeme Park

Position: SECRETARY

Dated: 24th day of April 2020

CONSTITUTION
MILITARY BROTHERHOOD MMC

INTENTIONALLY LEFT BLANK