

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



CONSTITUTION

May 2025

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MILITARY BROTHERHOOD MMC

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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. The Constitution is supported by Standard Operating Procedures (SOP's) which are documents that describe the fundamental operating nature of clauses in the Constitution.

This Constitution establishes the governance structure and guiding principles for the Military Brotherhood Military Motorcycle Club (MBMMC) – the Club, under the leadership and authority of the National Executive (the Governing Board) and the National Executive Committee (NEC). The National Executive (NAT EXEC) and the NEC shall oversee and control the Club to ensure unity and adherence to national standards. Sub-branches, while being individual Incorporated Associations in their own State or Territory, bear the responsibility to manage their operations in accordance with the national rules set forth by this Constitution. Additionally, sub-branches shall maintain compliance with their respective State or Territory regulations to ensure lawful and efficient operation.

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.

The importance of open communications, honesty, and transparency in the Club operations cannot be over emphasised. Sub Branches are expected to assist and support one another, fostering a cooperative and unified environment. Just as members within a Sub Branch are expected to help each other, so too are Sub Branches expected to help other Sub Branches. The NAT EXEC is committed to leading, guiding, and supporting the entire club, ensuring that all members and Sub Branches work together harmoniously and effectively. Conducting actions without informing the NAT EXEC can lead to misunderstandings and is ultimately harmful to the cohesion and success of our Club.

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Amendment Schedule

Paragraph / Section	Amendment Applied	Amended By	Date

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MISSION AND OBJECTIVES

References

- A. Club SOP 01 Club Organisation**
- B. Club SOP 04 Branch Building Funds**
- C. Club SOP 09 Riding & Road Safety**
- D. Club SOP 11 Club Code of Conduct**
- E. Club SOP 14 DVA Welfare, Pension and Advocacy Training**
- F. Club SOP 21 Club Social Media Policy**
- G. Club SOP 25 Guidelines for Raising a New Sub Branch**

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 the appropriate authority in their state using this naming convention example as well as any other social media (SOP 21) platform:

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 including Model Rules as a guideline. The NAT EXEC will ensure each Sub Branch registers a constitution with Fair Trading in their home state. The Sub Branch Constitution shall not exclude any clause of this Constitution.
- 3) Should a Sub Branch choose, they may apply to be a registered Charity (including Public Benevolent Institution - PBI) 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".

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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.”

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. (Refer SOP 01)
- b. To conduct a Welfare and Advocacy Service (SOP 14) 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 nurture 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. (Ref SOP 25)
- d. To maintain and promote the Club and its Sub Branches using the Australian Defence Force (ADF) standards, values and codes of conduct. (Ref SOP 11)

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- e. To ensure all further objectives of the Sub Branch by maintaining their own local SOPs in accordance with this – the Club Constitution and SOPs. The Club has only one Constitution.
- 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. (Ref SOP 04)
- 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. (Ref SOP 09)
- h. To promote the Club and its objectives through the media, social media, exposure at appropriate biking and related events and liaising with other *Ex Services Organizations* (ESO). (Ref SOP 21 and SOP 25)

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 National Executive and the affixing thereof shall be attested by the signatures either of two members of the National Executive or of one member of the National Executive and of the Secretary of the Club or such other person as the National Executive may appoint for that purpose, and that attestation is sufficient for all purposes that the seal was affixed by authority of the National Executive.

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- 9) The seal shall remain in the custody of the NAT EXEC. The Club Seal shall be used to authenticate official documents and agreements as required. The application of the seal shall be at the discretion of the NAT EXEC or an authorized representative. There shall be no requirement to maintain a formal record of instances when the seal is applied, provided its use remains consistent with the purposes and objectives of the Club and complies with relevant legal obligations.
- 10) Sub Branches shall follow the above design direction for their Sub Branch Seal including their incorporated name if required by the state authorities to hold one.
- 11) Paragraphs 11 to 20 intentionally left blank.

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ADVOCACY TRAINING

References

- A. Club SOP 14 DVA Welfare, Pension and Advocacy Training
- B. Club SOP 25 Guidelines for Raising a New Sub Branch
- C. Club SOP 07 Sub Branch Quarterly Situation Report

General

- 21) Training as Advocates is conducted by the Department of Veterans Affairs (DVA) under its Advocacy Development Training Program (ADTP).
- 22) Members within each Sub Branch should complete courses to provide qualified support to Veterans
- 23) Course information is promulgated on the DVA website at:

<https://www.dva.gov.au/get-support/advocates-organisations/advocacy-training-and-development/advocacy-training-and-development-program>
- 24) Paragraphs 24 to 30 intentionally left blank.

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OPERATION AND MANAGEMENT OF VETERANS SUPPORT CENTRES

References

- A. Club SOP 12 Club Achievement Awards
- B. Club SOP 14 DVA Welfare, Pension and Advocacy Training
- C. Club SOP 17 Duties & Responsibilities of a VAC Manager

General

- 31) 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

- 32) 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 and/or VAC Manager being members of the closest Sub Branch. (Ref SOP 17)

Management Committee

- 33) A Management Committee for each VSC should be comprised of the Club or Sub Branch Executive and all trained ADTP members, (Ref SOP 14). The Management Committee will conduct the daily Operations of the VSC, observing the provisions as set out in this Constitution and relevant legislative guidelines.
- 34) Paragraphs 34 to 40 intentionally left blank.

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CONSTITUTIONAL EFFECTS

References

- A. Club SOP 13 Bill of Member's Rights
- B. Club SOP 15 Amending, Repealing or Adding to the Club Constitution

Effects of the Constitution

- 41) 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. There is only one Club Constitution, and any such variant will only be by the addition of the Sub Branch name inclusive of specific clauses relevant to the area of operations as long as it contains no omissions or relaxations of this overarching document. In the unique circumstance where a specific State Government requirement is not addressed in the Constitution, it should be detailed in a separate "Supplementary [insert State] Rules" document, using the State Model Rules as a guideline.

Inconsistency between Constitution and Act

- 42) The Club Constitution shall be the primary governing document. However, in the event of any inconsistency between the Club Constitution and any State or Federal Act or Regulation, the State and/or Federal Acts and Regulations shall prevail whenever the state/territory rule is more stringent.

Alteration of the Constitution

Proposal Stage

- 43) 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 National Secretary and be submitted through the relevant State President and members Sub Branch President (*refer to SOP 15 – Amending, Repealing or Adding to the Club Constitution*).
- 44) The NAT EXEC can also call for a Sub Committee to be established consisting of no fewer than one representative from each State headed by the National Secretary to perform a complete audit of the Constitution. The Committee is to produce a report of recommended changes. This report will replace

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Annex A of SOP 15; however all proposed changes will still be subject to the determination process as detailed below.

NEC Acceptance Stage

- 45) Should amendments be proposed and accepted by the NEC, a vote should be held with all service members of the club having the opportunity to vote for proposed changes.
- 46) Any motions for constitutional amendments shall be tabled at an extraordinary meeting of the NEC. These proposals will then be put forward for a vote by the Service Members of the Club. To ensure sufficient participation and that the vote is legitimate and representative of the Club's decision, at least 75% of the Service Members must submit a vote for the proposal to achieve a quorum.

Review Stage

- 47) Proposed amendments, repeals, or additions shall be disseminated to every confirmed Service Member for review. Members will be provided with a minimum of 30 days to provide feedback on their review. They may pass back to the NEC any suggested changes to the proposed amendment. The NEC will then review members' suggestions and adjust the proposal accordingly before going to the Voting Stage.

Voting Stage

- 48) The members' adopted proposal will be submitted for a National Vote. The closing date for the vote shall be no less than 30 days from the date the call for votes is issued. If the amendment, repeal, or addition is successfully voted affirmative (with a quorum of 75% of confirmed Service Members and 50% plus one or more of these Service Members voting 'YES'), it will be registered by the Club Executive, and notice will be provided to every confirmed Service Member of the outcome of the proposed change to the Constitution,

Standard Operating Procedures (SOPs)

- 49) 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 topic clause relating to it being within the Constitution. Whilst SOPs will normally be referred to by a specific SOP number within this Constitution, there may be occasions where an SOP is raised to clarify a constitutional clause or section.

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- 50) NEC will produce the 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. (Ref SOP 15)

Rights of Members

- 51) 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*.
- 52) 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, including Financial Reports;
 - c. a summary of the NEC general meeting minutes; and
 - d. their Sub Branch and National annual reports and annual financial reports.
- 53) Paragraphs 53 to 60 intentionally left blank.

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NATIONAL EXECUTIVE & NATIONAL EXECUTIVE COMMITTEE

References

- A. Club SOP 01 Club Organisation
- B. Club SOP 02 Club & Sub Branch Position Responsibilities
- C. Club SOP 04 Branch Building Funds
- D. Club SOP 16 Voting at General Meetings and AGM
- E. Club SOP 22 State Presidents
- F. Club SOP 24 Handover Procedures

General

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

National Executive and National Executive Committee

- 62) 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 SOP 22 for further State President information), they make up the National Executive Committee (NEC). The NEC will be voted in by Service Members. (Ref SOP 01). The NEC is the broader governing body responsible for overseeing and controlling the Club to ensure unity and adherence to national standards.
- 63) NAT EXEC members must fully disclose any perceived or actual conflict of interest 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 regard to any duties contained within this Constitution and its SOPs.

Enhanced Functions and Responsibilities of the NEC

- 64) Building upon the principles of oversight and control, the NEC also plays a significant role in the following areas:
- a. **Constitutional Amendments:** While the NAT EXEC manages the Constitution [paragraph 84, 125b], proposed amendments, after submission through State Presidents, will be subject to a more formal review and acceptance stage by the NEC to ensure the perspectives of all states and territories are considered early in the amendment process before proceeding to a club-wide vote.
 - b. **Standard Operating Procedures (SOPs):** The NEC will make SOPs, consistent with this Constitution, for the internal management of the Club and its Sub Branches. Sub Branches can request amendments to Club SOPs, but the overarching responsibility for their creation and maintenance resides with the NEC.

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- c. **Club Standard of Dress (CSOD):** The NAT EXEC manages the CSOD [paragraph 125c]. Decisions and reviews related to the CSOD may involve input from the NEC to ensure broader acceptance and practicality across different states and territories.
- d. **Club Communication Platforms:** The NAT EXEC administers certain social media pages [paragraph 125f]. The NEC may establish and oversee the policies and guidelines governing these communication channels to ensure alignment with the broader interests and communication strategies of the entire national club.
- e. **Conflict Resolution:** The NAT EXEC raises a 'conflict resolution' committee [paragraph 125g]. The NEC may determine the composition and mandate of this committee, as well as oversee the overarching approach to conflict facilitation within the club, particularly for conflicts with state-level implications.
- f. **Disciplinary Matters and Appeals:** The NAT EXEC has a significant role in discipline [paragraphs 84h, 160]. The NAT EXEC may be involved in the review or appeal stages of serious disciplinary matters that have national implications to enhance fairness and provide a more comprehensive perspective. The NAT EXEC also appoints a NAT Disciplinary Committee.
- g. **Branch Documentation:** NAT EXEC and SPs are entitled to access and review all documentation of the sub-branches, including but not limited to financial records and annual reports. This ensures transparency and accountability across all levels of the Club and helps maintain consistent and high standards in all our operations.
- h. **Sub Branch Compliance:** The NAT EXEC ensures sub-branches comply with the Constitution and SOPs and can access their documentation. State Presidents, as part of the NEC, may have a role in overseeing compliance at the state level and reporting significant issues to the full NEC.
- i. **Endorsement of New Sub Branches:** A new provisional Sub Branch is commenced under the mentorship of the NEC and is under its administrative command during its probation period. The NEC grants final endorsement upon successful completion of the probation period.
- j. **Financial Matters:** The NAT Treasurer maintains the National Building Fund (NBF), with fees determined as detailed in SOP 4. The NEC approves fund distribution decisions for sub-branches that are winding up.

National Executive Authority and the Binding Nature of NEC Minutes

- 65) The NEC holds significant authority, enabling it to enforce the Constitution and Standard Operating Procedures (SOPs). This power renders the NEC's decisions effectively binding. Furthermore, any decisions recorded in the minutes of NEC meetings are not just recommendations; they are mandatory directives that apply to all members of the Club as well as its sub-branches. This means that all entities / sub branches under the NEC's jurisdiction must adhere to these documented decisions, ensuring

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uniformity and compliance throughout the Club. Consequently, the binding nature of these minutes underscores the NEC's commitment to upholding integrity and accountability within the Club.

Election Procedure for NAT EXEC Members

- 66) On 1ST of August of each year, 50% of the NAT EXEC positions which will be declared vacant in November of that year, The members will be identified at the August NEC Monthly Meeting. This will be published via the August NEC Meeting Minutes to all State Presidents for dissemination to all members.
- 68) The August NEC Meeting Minutes will call for nominations for the declared positions. All nominations must include a member's biography focusing on their:
 - a. MBMMC club history,
 - b. recognition of the position's duty statement,
 - c. goals if elected to the position,
 - d. evidence of experience to demonstrate suitability for the position; and
 - e. current photo.
- 69) Returns direct to the NAT EXEC will not be accepted. They must be staffed via the respective State President (SP) who have the right to reject the nomination if the criteria is not met (as per paragraph 68).
- 70) All nominations must be submitted to the respective SP in sufficient time for them to be forwarded to the NAT EXEC appointed vote coordinator by the close of business (1700hrs) 30th of September.
- 71) The NAT EXEC appointed vote coordinator will collate and send out to all SP's a vote pack including nominations, biographies and vote return forms by 1700hrs, 1st of October.
- 72) All votes must be submitted to the NAT EXEC-appointed vote coordinator via the respective SPs no later than 1700hrs on 31st of October. The collation of financial service member votes must be finalized by 5th of November. This ensures votes are counted in time to provide notification at Operation RoundUp (RU), held early every second November. In non-RU years, members will be notified through the November NEC minutes.
- 73) When the successful applicants are notified the Handover/takeover (SOP 24) (HOTO) will commence, this is to be completed by 30th of November.
- 74) Paragraphs 74 to 80 intentionally left blank.

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PRINCIPLES OF SUB BRANCH OPERATIONS

References

- A. Club SOP 01 Club Organisation
- B. Club SOP 02 Club & Sub Branch Position Responsibilities
- C. Club SOP 04 Branch Building Funds
- D. Club SOP 15 Amending, Repealing or Adding to the Club Constitution
- E. Club SOP 21 Club Social Media Policy

- 81) Each Sub Branch will manage its operations through a Sub Branch Executive which is comprised of confirmed Service Members (Ref SOP 02). This Executive 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). A member who has been convicted of, or has been found to have engaged in, conduct involving dishonesty, fraud, or an offense punishable by imprisonment is ineligible for appointment to any Executive Position (National or Sub Branch) for a period of five years from the date of the conviction, finding, or release from prison, whichever occurs later.
- 82) Sub Branch Executive members must fully disclose any perceived or actual conflict of interest 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 regard to any duties contained within this Constitution and its SOPs.
- 83) The principle of 'one member, one vote' will apply to all financial service members, regardless of "double hatted" Executive positions.
- 84) 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.

Control of Funds and Property

- 85) The management of funds and other property within a Military Brotherhood MMC Sub Branch is distributed among several key positions and the Sub Branch Executive, as outlined in the constitution:
- a) **Treasurer:** The Sub Branch Treasurer is primarily responsible for receiving monies, issuing receipts, depositing funds, and making authorised payments. They also maintain account records, coordinate annual statements of accounts, and have custody of financial securities and accounting records (ref paragraph 178).

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- b) **Sub Branch Executive:** The Sub Branch Executive authorises payments from the Sub Branch's funds and ensures cheques are signed by the Treasurer and at least one other Executive member [ref paragraph 178 c & d].
- c) **Quartermaster (QM):** The Quartermaster maintains a register of all assets and stores, ensures they are in a usable state, reports on the status of assets, provides a means for ordering stores, and delivers monies from sales to the Treasurer. They are also a signatory for releasing funds (paragraph 179).

Financial Viability

86) The Club shall manage both National and Sub Branch financial viability as follows (Ref SOP 04):

- a. The NAT Treasurer shall maintain a Club (National) Account – This account will contain the National Building Fund (NBF) provided from each Sub Branch. Each year a fee as detailed in SOP 4 is to be paid by each Service and Sierra Squad member (excluding Life Members, Retired Members, Members Partners and Junior Members), to be paid as a lump sum per Sub Branch the National Bank account. This fund covers the cost of club administration. Financial Reports will be generated and will be sent out within the minutes of each NEC 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 (excluding Life Members, Retired Members, Members Partners and Junior Members) pays a fee as detailed in SOP 04 each month into a Sub Branch Building Fund (SBF). Individual Sub Branches can set a higher fee than the minimum as detailed in SOP 4, if it is so voted by 100% of all Sub Branch Service and Sierra members.
- c. Payments by other members (Life Members, Retired Members, Members Partners and Junior Members) are usually exempt, however this is at Sub Branch discretion, there can be a local rule voted by 100% of all Sub Branch Service and Sierra members, that provides for any or all exempt member categories to pay the monthly SBF. This monthly SBF fee will provide the Sub Branch with a continuous fund for asset purchases e.g. regalia and operating funds for the Sub Branch.
- d. The SBF is not to be used for the purchase of alcohol, other beverages or food stuffs
- e. Under no circumstances are NBF or SBF contributions to be reimbursed back to members. These funds become the asset of the Sub Branch or Club and can only be used to further the capabilities of the Sub Branch or Club.

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- f. Once a Sub Branch indicates it is to Wind Up or amalgamate with another, all transfers of funds must be approved by the NAT EXEC until the NAT EXEC releases fund distribution decisions back to the Sub Branch. Any pre-distribution of funds and/or assets by the Sub Branch once the Sub Branch has indicated a decision to Wind Up or amalgamate and prior to a vote by the Sub Branch members, without NAT EXEC approval, will be taken as an attempt to circumvent this rule and is prohibited.
- g. Any distribution of funds and/or assets must follow the Incorporated Association guidelines, which specify that surplus funds and assets must be distributed to another association with similar aims and objectives. For MBMMC, these aims are veteran assistance. If assets have been received through a Deductible Gift Recipient (DGR) process, asset transfer is even more strictly controlled by ATO Rules.
- h. Sub Branches may undertake fundraising IAW relevant State and Federal requirements. These funds must be accounted for separately to the Building Fund, preferably in a separate account.
- i. 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 create any security or interest in any property held or owned by it either legally or beneficially without prior written approval of NAT EXEC.

Pecuniary Profit

- 87) No member of the Club shall receive any pecuniary profit from the operations of the Club, except for the reimbursement of expenses incurred on behalf of the Club or as wages or salary if the member is an employee of the Club. This clause is designed to comply with relevant legislation in all Australian states and territories, which prohibits incorporated associations from securing profits for their members.

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Disclosure of Interest

- 88) **Disclosure of Pecuniary Interests:** A member who has a direct or indirect pecuniary interest in a contract or proposed contract with the Sub Branch or Club must disclose the nature and extent of that interest to the Executive Committee as soon as they become aware of it. This disclosure must also be made at the next annual general meeting if one is required.
- 89) **Participation in Deliberations and Decisions:** A member who has disclosed a pecuniary interest in a contract or proposed contract must not participate in any decision regarding that contract. However, they may take part in deliberations related to the contract, provided they comply with the relevant provisions of the applicable state or territory legislation. If at a meeting of any committee or subcommittee a member of the committee or subcommittee votes in respect of any matter in which the member has a direct or indirect pecuniary interest, that vote is not to be counted.

Charitable Fundraising

- 90) Sub Branches may undertake fundraising IAW relevant State and Federal requirements. These funds must be accounted for separately to the Building Fund, preferably in a separate account.
- 91) Each Australian state and territory have their own regulations governing charitable fundraising activities. Any inconsistency between the Club Constitution and State or Federal Act and or Regulation, the State and/or Federal Acts and or Regulations shall prevail.
- Note: State incorporation laws and regulations, as well as the Australian Charities and Not-for-profits Commission (ACNC) Act 2012, will dictate the number of members for a quorum of the Charity Governing body.
- 92) Sub Branches may choose to apply for individual charitable status after contacting NAT EXEC through their SP and receiving official notification to proceed.

Communication

- 93) The Club will maintain a single official website to display information related to the Club and its Sub Branches. The responsibility for managing the website lies with the Club Web Master. The National Treasurer, acting as the IT Manager on behalf of the NAT EXEC, will oversee the management of the NAT EXEC's data resources. The National Treasurer will liaise with the Web Master to ensure that any Sub Branch-related information received through State Presidents is uploaded or updated on the website as necessary. The website will contain the following information as a minimum:

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- a. Club Constitution
 - b. Club SOPs
 - c. Club and Sub Branch contacts
 - d. Veteran support information
- 94) No SOP change will be uploaded to the website without having been presented and approved as an agenda item at a NEC monthly meeting. Constitutional changes must be presented for a Club wide vote: reference SOP 15 for the procedures.
- 95) Sub Branch social media (including email addresses) is to follow the guidelines referenced in SOP 21.
- 96) Paragraphs 96 to 100 intentionally left blank.

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NATIONAL AND SUB BRANCH OBSERVED EVENTS / RUNS

References

- A. Club SOP 07 Sub Branch Quarterly Situation Report
- B. Club SOP 12 Club Achievement Awards
- C. Club SOP 25 Guidelines for Raising a New Sub Branch

MAJOR EVENTS/RIDES

101) The Club and each Sub Branch are to observe and support the following events as a minimum:

- a. ANZAC Day;
- b. UN Day Service each year, being 24th of October (this can be deferred to the nearest Saturday/Sunday);
- c. Remembrance Day 11th of November (this can be deferred to 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 NAT EXEC, whilst not compulsory, it is strongly encouraged for all members to attend.

Note: Certain State or Territory Governments may alter the official dates or names of some of these days. It is the responsibility of the SP to ensure that their State Sub Branches are informed of any such changes so that these can be officially recorded as the designated event, replacing the event listed above.

102) A Sub Branch event for the purpose of Club Awards described within SOP 12 is:

- a. A Sub Branch event typically occurs within the immediate geographic location of the Sub Branch. However, in certain cases, an event may be officially held at a remote location. A member is not considered to have attended the event unless they are physically present at the designated location and in the company of the Sub Branch quorum.
- b. Any Club-recognized rides or activities (excluding Sub Branch-specific events) that are supported at a national level may qualify, provided credible evidence of participation is submitted. Examples include national fundraising commitments, awareness campaigns, and similar activities.
- c. For nationally observed events (as described in paragraph 101), a member temporarily away from the Sub Branch's event location may still be deemed to have attended for Club purposes. This requires prior approval from the Sub Branch President and submission of credible evidence of participation. Such deemed attendance is permitted a maximum of twice per Sub Branch

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financial reporting year. Members are encouraged to prioritize and support their Sub Branch by attending as many events as possible, whether in the immediate geographic location or designated remote locations.

103) Paragraphs 103 to 110 intentionally left blank.

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PURPOSELY LEFT BLANK FOR FUTURE USE

References:

Nil

111) Paragraphs 111 to 120 intentionally left blank for future additional section.

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NATIONAL EXECUTIVE OPERATIONS

Reference

- A. Club SOP 01 Club Organisation
- B. Club SOP 03 Club Standard of Dress (CSOD)
- C. Club SOP 04 Branch Building Funds
- D. Club SOP 08 Grievances & Complaints Procedure

121) Any confirmed Service Member in any State or Territory may nominate for a NAT EXEC position if that member is:

- a. A Life Member or a financial member of both the Sub Branch Building Fund (SBF) and Club National Building Fund (NBF); and
- b. Is a permanent Australian resident.

122) A member who has been convicted of, or has been found to have engaged in, conduct involving dishonesty, fraud, or an offense punishable by imprisonment is ineligible for appointment to any Executive Position (National or Sub Branch) for a period of five years from the date of the conviction, finding, or release from prison, whichever occurs later.

123) Apart from its Club responsibilities overall (as referred to in paragraph 125)125), **the** National Executive members' daily responsibilities are the same as those daily responsibilities of Sub Branch Executive members as described herein.

124) 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 or is suspended from the NAT EXEC after due process as described herein;
- f. cannot attend Monthly Meetings of the NAT EXEC and/or declines his/her financial responsibilities to the Club; or
- g. if they are convicted of, or found to have engaged in, conduct involving dishonesty, fraud, or an offense punishable by imprisonment.

125) NAT EXEC will ensure the following elements of Club operations are maintained:

- a. Mentor each individual Sub Branch through their probation period;

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- b. Manage the Club Constitution and SOPs;
- c. Manage the Club Standard of Dress;
- d. Maintain a Club Register of all Members;
- e. Maintain the Club Website.
- f. Administer the 'Presidents Page' and 'Open State President Page' on Facebook (whilst in use);
- g. Raise a 'conflict resolution' committee and exercise a Facilitator role as and when required;
- h. Exercise and enforce authority on matters of discipline, including conducting thorough investigations into violations and ensuring appropriate actions are taken to maintain the integrity, order, and values of the Club;
- i. 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 NEC; and
 - vi) other costs as deemed appropriate by the NEC.

126) The NAT EXEC shall be responsible for overseeing the Club Constitution and Standard Operating Procedures (SOPs), ensuring they remain up to date and relevant to the Club's operations. The NEC shall actively enforce the provisions of the Constitution and SOPs by overseeing compliance, addressing breaches, and taking appropriate actions to uphold the governance and principles of the Club.

127) Paragraphs 126 to 130 intentionally left blank.

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SUB BRANCH OPERATIONS

References

- A. Club SOP 04 Branch Building Funds**
- B. Club SOP 07 Sub Branch Quarterly Situation Report**
- C. Club SOP 14 DVA Welfare, Pension and Advocacy Training**
- D. Club SOP 16 Voting at General Meetings and AGM**
- E. Club SOP 17 Duties & Responsibilities of a VAC Manager**
- F. Club SOP 25 Guidelines for Raising a New Sub Branch**

- 131) The Club is organised into Sub Branches made up of Service Members, Sierra Squad Members, Life Members, Retired Members and Junior Members.
- 132) Each Sub Branch will bear the name (as determined in paragraph 1) of this Constitution.
- 133) 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 (SOP 14),
 - 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 (SOP17).
- 134) 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.
- 135) 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. However, there is no impediment for a Sub Branch to contact the NAT EXEC via their State President when appropriate. Equally the NAT EXEC may from time to time seek information from a member of a Sub Branch, where possible this will be via the State President and Sub Branch President, however at times may be directly with the member.
- 136) Each Sub Branch must comply with all lawful directions or requests as are given to it from time to time by NAT EXEC.
- 137) If any two or more Sub Branches amalgamate, their funds and assets shall, subject to the applicable law, respectively vest in the amalgamated Sub Branch. Refer to SOP 4 for details re the distribution of funds and assets for a branch is to close or amalgamate.

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Regular Meetings

- 138) Each Sub Branch will conduct a minimum of 11 Monthly General Meetings and one AGM of all members in each calendar year. The Sub Branch executive must meet in accordance with state requirements.

Voting At Regular Meetings (SOP 16)

- 139) Full voting rights on all Club and Sub Branch matters are reserved exclusively for financial Service Members and Life Members. A motion will be considered passed if a majority—defined as 50% plus one—of the Service Members present vote in favor. In the event of a tied vote, the motion will be deferred to the next general meeting. All members, including both Service and Sierra Squad Members, are encouraged to voice their opinions on Sub Branch matters. Voting procedures will follow the rules set out by the relevant State regulations.

Adjournment of Meeting

- 140) If a quorum is not present within 30 minutes after the scheduled start of a general meeting, the meeting stands adjourned to the same day in the next week at the same time and place, and no further notice is required.

Formal Declaration of Resolutions

- 141) A declaration by the chairperson regarding the outcome of a vote (show of hands) and an entry in the minutes serve as evidence of that fact unless a poll is demanded.

Proxy Voting

- 142) **No Proxy Voting:** Proxy voting is not permitted at any Club meetings. Members must attend in person or participate remotely through approved virtual communication platforms, such as video conferencing or other real-time online tools, to cast their votes on matters presented to the Club.
- 143) **Attendance Requirement:** Voting eligibility requires members to attend in person or via approved virtual methods, as specified in the Club's constitution.

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Special General Meetings

- 144) The Sub Branch Executive committee may convene a Special General Meeting of the Association at any time.
- 145) A Special General Meeting can be called by members of the Sub Branch upon the Sub Branch Executive being presented in writing a signed requisition from at least 50% of Service members of the Sub Branch.
- 146) The Special Meeting is to have only one agenda item, this is to be included in the information about when the Special General Meeting is to be held.

Virtual Meeting Attendance

- 147) **Virtual Meetings:** The Club recognises the need for flexibility in meeting attendance and allows for virtual meetings using approved communication platforms. This includes, but is not limited to, video conferencing, teleconferencing, or other electronic means that enable members to participate remotely. The following is to be observed when participating in virtual meetings:
 - a) **Participation and Voting:** Members attending meetings virtually shall be considered present and counted towards the quorum. They shall have the same rights and responsibilities as those attending in person, including the right to speak, participate in deliberations, and vote on matters.
 - b) **Notice of Virtual Meetings:** Notice of virtual meetings shall be given in the same manner as notice for in-person meetings. The notice shall include the means by which members can join the meeting and participate remotely.
 - c) **Confidentiality and Security:** The Club shall take reasonable steps to ensure the confidentiality and security of virtual meetings, including the use of secure and reliable technology platforms.
 - d) **Technical Issues:** The Club is not responsible for technical issues that may arise during virtual meetings, but it will make reasonable efforts to assist members in resolving such issues to ensure smooth participation.

Situation Reports (SITREP) (SOP 07)

- 148) 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.

- 149) Paragraphs 149 to 150 intentionally left blank-

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SUB BRANCH EXECUTIVE GROUPS

References

- A. Club SOP 01 Club Organisation
- B. Club SOP 02 Club & Sub Branch Position Responsibilities
- C. Club SOP 16 Voting at General Meetings and AGM

- 151) Sub Branches are to be managed by an Executive Committee.
- 152) The business of the Sub Branch shall be managed by an Executive comprising Service Members; however the Sub Branch can allow Sierra Squad or Retired members to fill honorary Treasurer or QM positions but only until a Service Member becomes available to fill that position. A member (who falls under Paragraph 122) cannot be part of the Executive.
- 153) Subject to the relevant State Incorporation Act, this Constitution, its SOPs and 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

- 154) The Sub Branch Executive Positions are:
- a. President
 - b. Vice President
 - c. Secretary
 - d. Treasurer
 - e. Sub Branch Sergeant Major
 - f. Quartermaster
- 155) 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.
- 156) In the event of a casual vacancy in any office, the Sub Branch Executive may appoint one of the Sub Branch Service members (see exception in Paragraph 81) to the vacant office, and the member so appointed may continue in office up to and including the Sub Branch Annual General Meeting where the

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Executive is voted in next following the date of his or her appointment. If there is not a Service Member that can fill the position of Treasurer or QM, then a Sierra or Retired Member can be appointed as an Honorary Position (see paragraph 152).

- 157) Any member who has had their licence suspended or cancelled must immediately resign or stand down from any Executive or extra responsibility position held. The vacated position must be filled by an appointed member until such time as a vote can be completed. There are no voting rights for the period of the suspension. This period is deemed non- effective membership time as far as the award of service stars is concerned. The suspended member can only return to the position via the standard Sub Branch election process.

Election of Officers of the Sub Branch Executive

- 158) A member must be elected to the Sub Branch Executive.
- 159) Potential candidates are to be nominated then seconded by Service Members of the Sub Branch and either accepted or declined by the candidate in writing in accordance with state requirements.
- 160) 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)

- 161) 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. they are convicted of, or found to have engaged in, conduct involving dishonesty, fraud, or an offense punishable by imprisonment.
 - c. has their driver's licence temporarily or permanently suspended.
 - d. resigns by giving written notice to the Sub Branch Secretary;
 - e. dies or is rendered permanently incapable of performing the duties of office by mental or physical ill-health;
 - f. ceases to be a resident of Australia;
 - g. ceases to be a member of the Club; or
 - h. is absent from three (3) consecutive meetings of the Sub Branch without tendering an apology to the Sub Branch President/ Secretary or nominated Chairperson.

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Filling casual vacancy on the Sub Branch Secretary

162) If the office of Sub Branch Secretary becomes vacant, a person must be appointed by the remaining Executive to fill the vacancy immediately.

163) Paragraphs 163 to 170 intentionally left blank.

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RESPONSIBILITIES OF THE SUB BRANCH EXECUTIVE

Reference

A. Club SOP 02 Club & Sub Branch Position Responsibilities

General

- 171) As soon as possible after being elected to the Sub Branch Executive, each member must acquaint themselves with the State Act and the Regulations governing incorporation laws. Additionally, they must re-familiarize themselves with this Constitution and the SOPs, paying particular attention to the sections relevant to their new roles on the Sub Branch Executive.
- 172) 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. The duties outlined below are not exhaustive and may include additional responsibilities as required to assist in the management of the Sub Branch.

Presiding over Meetings

- 173) Subject to sub-clause (a) and (b) the Sub Branch President is to preside at all general meetings and executive meetings:
- a. If the President is absent from a meeting, the Vice-President must preside at the meeting.
 - b. If the President and Vice-President are both absent, the presiding member for that meeting must be:
 - i. A member elected by the other members present if it is a general meeting; or
 - ii. An executive member elected by the other executive members present if it is an executive meeting. If both the President and VP are absent, the 50% plus one quorum rule requires a minimum of three additional Executive members for the meeting to proceed.

President

- 174) 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;

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- 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. fulfill any additional responsibilities required to manage the Sub Branch, as dictated by state regulations, this Constitution, or arising from unforeseen circumstances.

Vice President

175) The Sub Branch Vice President must:

- a. Assists in all policy decisions with the President;
- b. Preside over meetings when the President is absent,
- c. Will supervise the activities of the Executive and Sierra Squad officers;
- d. Is the Sub Branch NOTIFICATION OFFICER for members who are sick or injured; and
- e. assumes control in the absence of the President.

Secretary

176) 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. Advise the NAT Secretary of new member applications and advice when Probation is completed.
- d. Compile the Sub Branch Annual Events Calendar and ensure member attendance is recorded in the quarterly SITREPs.
- e. Compile the Sub Branch SITREP and ensure it is passed to the State President to meet the quarterly return schedule.
- f. Coordinate the correspondence of the Sub Branch.
- g. Ensure minutes of all proceedings of general meetings are kept in accordance with their relevant State Incorporation laws.
- h. 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.

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- i. Ensure there is a quorum and Chairman at meetings in the absence of both the President and Vice President.
- j. Perform any other duties imposed by this Constitution or state rules on the Sub Branch Secretary.

Public Officer

177) For Incorporated Association requirements, the Sub Branch Secretary is also to fulfil the duties of the Public Officer, this includes:

- a. **Record Keeping and Compliance:** The Sub Branch Secretary is responsible for maintaining the register of members, validating military history and awards, and ensuring that meeting minutes are kept according to state regulations. The Secretary is also responsible for coordinating correspondence.
- b. **Liaison:** The Secretary communicates with the Club NAT Secretary to update the National Register and handle other administrative matters. They are also responsible for informing the National Secretary and State President about the progress of probationary members.
- c. **Handling Official Documents:** The Sub Branch Secretary is responsible for receiving and managing documents addressed to and/or from the Sub Branch including Grants, liaison with Government and private industry, membership applications etc.
- d. **Notifications:** The Sub Branch Secretary is responsible for notifying members of the AGM. The Sub Branch Secretary is also responsible for informing the National Secretary of a member's resignation. The Sub Branch Secretary is responsible for updating the Sub Branch roll.

Treasurer

178) 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.

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- h. Perform any other duties imposed by state rules and this Constitution on the Sub Branch Treasurer.

Quartermaster (QM)

179) The QM must:

- a. Maintain a register of all assets.
- b. Ensure all assets are kept in a useable state.
- c. Report at meetings on 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)

180) The SSM duties are:

- a. Maintain the discipline of all members.
- b. Report any misconduct to the President.
- c. To arbitrate between members during disputes and misunderstandings.
- d. Ensure all members' vests are appropriate as per the CSOD.
- e. Provides mentorship to all Service Member Nominees.

Sierra Squad Leader

181) The Squad Leader must:

- a. Provide mentorship to Sierra Squad 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.

182) Paragraphs 182 to 190 intentionally left blank.

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ADMINISTRATIVE OPERATIONS (also refer to State Incorporation Laws)

General

191) 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. Note that relevant legislation across various Australian states and territories includes provisions that may impact these activities. 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:

- 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 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.

192) Paragraphs 192 to 200 intentionally left blank.

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MEMBERSHIP

References

- A. Club SOP 01 Club Organisation
- B. Club SOP 04 Branch Building Funds
- C. Club SOP 05 Guidelines for Nominee Members
- D. Club SOP 06 Guidelines for Sierra Squad Members
- E. Club SOP 09 Riding & Road Safety
- F. Club SOP 10 Membership Application Process
- G. Club SOP 11 Club Code of Conduct
- H. Club SOP 20 Leave of Absence, Retirement, Resignation, & Rejoining our Club
- I. Club SOP 23 Guidelines for Junior Members
- J. Club SOP 27 Life Membership

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

- a. **Service Membership** – Individuals who are permanent residents of Australia and are either ex-service or currently serving members of the Australian Defence Force, Commonwealth Defence Force, or an Allied Nation Defence Force (i.e., a force with which the Australian Government maintains a Defence alliance)
- b. **Sierra Squad Membership** – those persons with or without Defence service and who fulfil the requirements as described below; **Refer SOP 5 and 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. Life Members have the same voting privileges as Service Membership. **Refer SOP 27.**
- f. No other form of membership is recognised within the MBMMC, Sub Branches do not have the jurisdiction to introduce membership types other than those described above.

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Service Members

- 202) 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 Nation Regular or Reserve Armed Forces.
- 203) The member must as a minimum have an Australian motorcycle licence, excluding a learner licence not held in conjunction with a licence to ride a 600cc motorcycle or motor trike.
- 204) Any member cannot be a current member of another MC, MCC, SMC, CMC or MMC or others as defined in SOP 1.
- 205) The member must be prepared to ride (SOP 9) 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 at least one motorcycle, and
 - b. each confirmed Service Member in the relationship has a motorcycle licence for a motorcycle capacity of 600cc or greater.

Sierra Squad Membership

- 206) 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 Nation Force or;
 - c. 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
 - d. Is not a current member of another MC, MCC, SMC, CMC or MMC.; and
 - e. Is a permanent Australian resident.

Application for Membership

- 207) Applications for membership to the Club—including Service, Sierra Squad, or Junior Membership—as well as applications from former members wishing to rejoin the Club, must follow the procedure outlined in SOP 10. Membership Application forms must be obtained directly through the SP under all circumstances. Sub

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Branches are prohibited from using blank copies of previous application forms or storing such forms in hard copy or electronic format. Forms must not be distributed or stored on any social media platform.

- a. Applications must be submitted in writing using the prescribed Club form, signed by the applicant, approved by the appropriate Sub Branch membership, and accompanied by payment of the membership fee.
 - b. Completed applications must be lodged with the Sub Branch Secretary. Electronic submissions are not permitted.
- 208) If a member is found to have intentionally provided false or misleading information on their application, the Club reserves the right to take disciplinary action, including but not limited to the cancellation of membership and immediate expulsion from the Club.
- 209) An applicant with previous convictions for serious crimes e.g. : crimes of violence against other persons, serious vandalism, sexual assault, and fraud, may not be considered suitable for membership. Advice is to be sought from the National Sergeant Major (NSM) in these instances.
- 210) On acceptance of the application, all members are required to pay the initial membership fee (see SOP 5) including re-joining members 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. This fee is non-refundable no matter the outcome of the membership application.
- 211) 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.
- 212) 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.
- 213) If after reconsidering an application the Sub Branch membership reaffirms its decision to reject the application, the decision is final. A justification is not required to be given to the applicant.
- 214) Upon an application being approved by the Sub Branch membership, vetted by the National Secretary with consent provided, the Sub Branch President or his delegate shall notify the applicant. This may be in writing or by presentation of a Sierra Squad breast patch. 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 and can be issued Club regalia.

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- 215) Any person who is deemed a 'nominee' for all membership types must complete a minimum 6 month probation period. A Sub Branch does have the option to review the probation period tenure if the applicant has previously been a club member.
- 216) At 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, Sierra Squad or Junior Membership, whichever is applicable. The Sub Branch Secretary shall note the register of members accordingly and advise the National Secretary to update the Club Database.
- 217) 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.
- 218) MBMMC Application forms:
- a. Must not be made publicly available. The current application form should be provided to an applicant in printed form, obtained from the National Secretary through the State President and Sub Branch Secretary. The National Secretary may electronically send the current application form to the requesting State President, who may then distribute it to the Sub Branch via the same method.
 - b. Sub Branches are only permitted to keep records of completed forms. Neither the State President nor the Sub Branch should keep any blank forms. Each applicant must receive a new form sent by the National Secretary for every instance, ensuring the application requirements of the Club are current and valid.
 - c. Completed applications on outdated forms submitted to the National Secretary will be rejected, potentially affecting the applicant's probation period duration.

Sub Branch Building Fund Fee

- 219) The Sub Branch Building Fund fee is paid monthly by each confirmed Service Member and Sierra Squad Member, excluding Life Members, Retired Members, Members Partners and Junior Members.
- 220) 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.
- 221) The Sub Branch Building Fund is described in Club SOP 4.

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- 222) The minimum fee to be paid will be published in SOP 4, determined by the NEC based on advice by the National Treasurer. Sub Branches are able to establish an appropriate levy that is not less than the minimum published to ensure local operational costs are met.

Liability of Members

- 223) Members will not be responsible for any outstanding obligations of the Sub Branch upon leaving. However, members with personal debts for the purchase or issuance of regalia or other items must settle their account in full. Additionally, any issued regalia must be returned upon departing the Club. The QM of the losing Sub Branch is to provide to the gaining Sub Branch QM a list of regalia the member has in their possession.

- 224) Issued regalia includes, regardless of quantities in your possession:

- a. Breast Patch – all membership types;
- b. The Task is Ours Patch;
- c. Founding Members Patch;
- d. Years of Service Patch;
- e. AKA Patch;
- f. Executive and Extra Responsibility Position Patch;
- g. Number Plate;
- h. ANF if provided by a sub branch of the MBMMC;
- i. camouflage or single colour material provided by a sub branch of the MBMMC; and
- j. your worn vest if provided by a sub branch of the MBMMC.

- 225) Destruction of any item (listed in paragraph 224) is an offence under SOP 28. Slight damage and reasonable wear and tear is understandable, however blatant destruction can be grounds for expulsion from the Club and the member added to the National Do Not Readmit database. See SOP 3 for Board of Survey procedures for lost or damaged items.

Register of Sub Branch Members

- 226) 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,

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- 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.

227) The Sub Branch Secretary is responsible for validating licence and registration currency, and all military history and honours and awards claimed by Service Members and applications for membership.

228) 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

229) 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 in accordance with SOP 11.

230) All members must devolve any conflict or perceived conflict of interest if it affects club business. They are to inform their next highest Executive member as soon as possible on being made aware of the conflict.

231) Each member of the Club is also protected by the 'Members Bill of Rights (SOP 13).

232) Paragraphs 232 to 240 intentionally left blank.

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**WEARING OF REGALIA INCLUDING AUSTRALIAN HONOURS, AWARDS AND
OTHER ITEMS**

References

- A. Club SOP 03 Club Standard of Dress (CSOD)
- B. Club SOP 12 Club Achievement Awards
- C. Club SOP 20 Leave of Absence, Retirement, Resignation, & Rejoining our Club
- D. Club SOP 28 Offences Against the Club

General

- 241) The Club 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 3 & 12 (Club Awards) including Service Stars, Club Commendation and Diligence Patch.
- 242) 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 honours and awards system and demeans the genuine service of the rightful wearer.
- 243) Members can better understand the protocols as defined by the Returned Services League (RSL) Medal Compliance at www.rsl.org.au. Additional information on medals both Australian and overseas issued can be found on the Honours and Awards page on the Defence web site: www.defence.gov.au/adf-members-families/honours-awards.

Wearing of Member Regalia

- 244) Each member will wear the designated club regalia as per SOP 3.
- 245) Any member who has had their licence suspended or cancelled shall still be able to wear their regalia and be an active member of the club but not ride.
- 246) Restrictions on wearing club regalia may occasionally be imposed at specific events or in certain geographic locations.

After Leaving the Club

- 247) After membership ceases all use of the Club's intellectual property (IP) is to cease without limitation.

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- 248) All regalia signed for and/or issued to 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.
- 249) Destruction of any item (listed in paragraph 248) is an offence under SOP 28. Slight damage and reasonable wear and tear is understandable, however blatant destruction will be grounds to add the ex-member to the National Do Not Readmit database.

Misrepresentation of the Club.

- 250) 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.
- 251) Camouflage and single block colour material must be removed from the back of the vest as it seen to be part of the club identity. The Membership Application form signed by all members details that on the departure of the member from the Club, they are to remove the camouflage or solid colour material from the rear of their vest.
- 252) Members who have left the club and wear Camouflage and single block colour material and wish to attend MBMMC activities will not be considered welcome as it is seen as a misrepresentation of the MBMMC's identity.
- 253) Members who choose to leave the Club are advised that wearing a vest with MMC regalia and camouflage, despite no longer being part of the Club, could lead to unintended and potentially unsafe situations if they encounter members of other MCs (e.g., 1% clubs). This highlights the importance of being mindful of potential risks when no longer affiliated with the Club.
- 254) Paragraphs 254 to 260 are intentionally left blank.

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

References:

- A. Club SOP 19 Transfer Between Sub Branches
- B. Club SOP 20 Leave of Absence, Retirement, Resignation, & Rejoining our Club

General

- 261) A member of the Club may resign, retire, take leave of absence, transfer between sub branches as described in SOP 19 or rejoin the Club by notifying the relevant Sub Branch Secretary in writing of their resignation, retirement, transfer or rejoining.
- 262) Any member resigning, retiring, on leave of absence or transferring shall be liable for any outstanding fees and other financial liabilities, which may be recovered as a debt being due to the departed Sub Branch.

Cessation of Membership

- 263) 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;
- d. remains non-financial for more than 3 months; or
- e. the member does not belong to a Sub Branch.

Resigning

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

Expelled

- 265) 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 active registers and group e-mails. The expelled member is to be placed on the NAT EXEC and Sub Branch Expelled Members List.
- 266) 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.

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Reapplying for Membership after Resigning

- 267) 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 of no longer than that of a new member (6 months).
- 268) If the member who is applying to join a different Sub Branch from which he resigned, the new Sub Branch Executive must ensure that any outstanding matters from the old Sub Branch are cleared and finalised to the satisfaction of all parties.

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

- 269) 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.
- 270) No person who has been expelled from membership pursuant to this Constitution will be re-admitted as a member except with NAT EXEC permission who are to take into consideration:
- 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 without NAT EXEC permission, such re- admission is invalid, and the person will be immediately expelled.
- 271) A decision to allow the former member to rejoin the Club will result in the former member also being liable for the cost of all new regalia and must pay the normal application fees.

Retiring

- 272) Those financial members who have completed 10 years' service in the club or for accepted medical grounds can't ride any longer and choose to step back but remain with the Club can apply to become a Retired Member. Members must apply for this status to the NAT EXEC via their Sub Branch executive for consideration.

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- 273) Upon retiring the member may retain and wear the Club regalia as a mark of respect for service to the Club.
- 274) 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'.
- 275) 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. They will also not accumulate Service Stars (except as detailed in paragraph 276).
- 276) When a Retired Member completes the elected duties of the Treasurer or QM in an honorary roll or participates in 10 or more calendar events for the sub-branch, they are entitled to be issued a service star for that 12-month period. If this criterion is not met, the member would not be eligible for a service star.

Leave of Absence

- 277) 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.
- 278) 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.
- 279) 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.
- 280) 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

- 281) Where a member wishes to transfer between Sub Branches, that member may apply to the Sub Branch Executive in writing to transfer.
- 282) The NEC does not offer a member temporary administrative support if not belonging to a Sub Branch. The MBMMC does not have Lone Riders.

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- 283) Members wishing to transfer from a Sub Branch to a non-Sub Branch location must advise their relevant State President. The State President will provide a recommendation in accordance with SOP 19.
- 284) 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.
- 285) 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.
- 286) The Club recognises the need of current serving members (i.e. serving ADF personnel) 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 (i.e. serving ADF personnel) is posted out of a location containing a Sub Branch, they (and their Sierra partner and Junior member/s if applicable) may remain a member of their current Sub Branch or apply to become a member of the closest Sub Branch.
- 287) All membership types considering relocation from their current Sub Branch location, who are not currently serving (as described in paragraph 286), must apply to relocate to the closest Sub Branch to their new location. The member is to be administered by a Sub Branch in the State they are residing. A waiver may be considered by the gaining and current State President in consultation with the NAT EXEC, however, the circumstances would be considered extraordinary to be not wanting to contribute to the closest sub branch.
- 288) (Paragraph 287) is not applicable to Club members in a remote living situation prior to 29th of January 2025, their current administrative arrangements with their sub branch remain. However, if after this date, those members do relocate a further time, or they wish to change the Sub Branch they are administered by, they must adhere (to paragraph 287).
- 289) Fly-in/Fly out (FIFO) members are also exempt (from paragraph 287) if their non-work residence remains unchanged.

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290) Paragraphs 290 to 300 intentionally left blank.

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CLUB MEMBERS RIGHTS AND PERSONAL CONDUCT

References

- A. Club SOP 11 Club Code of Conduct**
- B. Club SOP 13 Bill of Member's Rights**

301) Each member of the Club will be treated with respect by all other members. 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.

302) Members shall not engage in any behaviour that is prejudicial to the integrity, operation, or reputation of the Club. Such behaviour includes, but is not limited to:

- a. Distressing the Club: Any actions that intentionally cause emotional or psychological harm to members or disrupt the harmonious functioning of the Club.
- b. Lying and Dishonesty: Providing false information, misleading members, or withholding critical information from the Club and its officials.
- c. Undermining the Club: Activities that disrupt the unity, morale, or effectiveness of the Club, including spreading rumours, fostering dissent, or working against the Club's interests.

303) Club members must fully disclose any conflict of interest 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, this is particularly important in regard 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 their appointment.

304) Paragraphs 304 to 310 intentionally left blank.

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DISCIPLINE

General

References:

- A. Club SOP 08 Grievances & Complaints Procedure
- B. Club SOP 11 Club Code of Conduct
- C. Club SOP 13 Bill of Member's Rights
- D. Club SOP 18 Administrative Warnings
- E. Club SOP 28 Offences Against the Club

- 311) The NEC 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.
- 312) 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). Due to the nature of some offences, the NAT SGT MAJ can liaise directly with any member of the club at any time on any matter without going through the Sub Branch Executive.
- 313) Offences deemed to be of a criminal nature being murder, abduction, assault, fraud, vandalism and sexual assault, are to be reported to civilian authorities whether or not the aggrieved member wishes to pursue the grievance as a criminal / civil matter.
- 314) If a member has been placed under investigation or arrested by authorities for any of the above offences **whilst a member**, they are to be immediately suspended from the club until the matter is resolved. Resolved being no case to answer or, has fully served any sentencing requirements. A suspended member is not to wear club regalia in public.
- 315) An applicant with previous convictions for serious crimes e.g.: crimes of violence against other persons, serious vandalism, sexual assault, and fraud, may not be considered suitable for membership. Advice is to be sought from the National Sergeant Major in these instances.
- 316) Where a member believes they have been aggrieved, the standard time for raising and submitting any administrative or disciplinary documentation is twelve (12) months from the date the alleged

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offense was committed or reported, whichever is later. However, there is no statute of limitations, therefore submissions outside of the twelve-month period must be submitted through the NAT SGT MAJ for guidance on how to proceed. This is due to the length of time and possible change in circumstances of the members involved (e.g., they may have left the club). All post 12-month submissions will be held by the NAT Secretary as a historical record to provide the member an avenue to reapply to the NAT EXEC for further consideration if new information comes to light.

Note: Regardless of the above, under Australian law, members or former members can apply to the Supreme or Magistrates Court if the Incorporated Association has acted oppressively or unreasonably, as per relevant state or territory laws. The rules of natural justice must be followed in dispute resolution, regardless of the time limit.

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

Vexatious Accuser

- 318) Whilst (paragraph 317) allows any member to raise a complaint, this process must not be abused. The NEC can designate a member as a Vexatious Accuser if that member persistently initiates grievance actions without reasonable grounds, often to harass or subdue another member, or if they coerce others to do so on their behalf. This behaviour includes but is not limited to filing meritless grievances, repeatedly targeting the same member(s), or engaging in activities that cause unnecessary administrative or disciplinary processes.
- 319) A member designated as a Vexatious Accuser will lose automatic access to initiate grievances against any member. They must apply in writing to the National President through their Sub Branch and State Presidents if they believe they have been wronged. This application must outline all relevant information and be supported by written statements from at least three members of their Sub Branch Executive.
- 320) The National President will be sole arbiter of the action to be taken for all grievances brought forward by a Vexatious Accuser, if the grievance is valid then standard disciplinary action can be undertaken. However, if it is again proved that the Vexatious Accuser is conducting another

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vendetta, they will immediately be subject to a Category C1 offence and suspended in accordance with SOP 28 with a possible result they could face expulsion from the Club and placed on the National Do Not Readmit database.

Administrative / Discipline Process

- 321) Club members must fully disclose any conflict of interest 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, this is particularly important in regard 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 their appointment.
- 322) 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.
- 323) 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.
- 324) During any disciplinary process carried out under this Constitution and its associated SOPs, members who provide supporting statements will not face disciplinary action for the content of their statements. However, this protection does not extend to statements that are found to deliberately include blatant falsehoods or inaccuracies intended to misrepresent or embellish the facts.

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- 325) If a member submits a grievance that is not upheld, they will not face a counter-grievance as an act of retaliation. However, this protection does not apply if the original grievance is found to include deliberate falsehoods or inaccuracies intended to misrepresent or exaggerate the facts.
- 326) To align with Australian double jeopardy principles, if a member has a grievance is submitted against a member and they are acquitted, they cannot be charged again for the same offence (except as outlined in paragraph 327). The member should be able to consider the grievance fully resolved.
- 327) The NEC 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.
- 328) 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.
- 329) In all circumstances, there are three types of evidence available for use in an administrative or grievance procedure:
- a. Real - any material object or lack of that 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, or a member was directed to return property known to be in their possession and they fail to do so.
 - b. Circumstantial - information and testimony presented by a party in an 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.

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- 330) Should a grievance be raised in a Sub Branch that a member of the 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 321).
- 331) 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

- 332) SOP 28 describes those offences that have been deemed sufficiently grave in nature that the NEC or Sub Branch Executive has a responsibility to make an immediate determination on the outcome of these offences.
- 333) In regard to the word “member”, for the purposes of SOP 28, that means a Service, Sierra, Life Members, Retired Members and Junior member.
- 334) Other offences shall be declared and documented by the NAT EXEC and Sub Branch Executive as required, and the NEC shall be involved prior to informing any member in question of that declaration, this includes Administrative Warnings investigated and subsequently issued by the NAT SGT MAJ.

Grounds For Taking Administrative or Disciplinary Action

- 335) Prior to any action taking place, a Sub Branch Review Committee or National Review Committee for cases being actioned by the NAT SGT MAJ, 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).
- 336) If the offence is minor and can be dealt with under Administrative Warning action (SOP18) this is the preferable action.
- 337) 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.

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- 338) 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.
- 339) In all circumstances where the grievance is passed to the NEC for action, or the NSM has identified or been made aware of an alleged offence that is of significant nature that it should be dealt with at the National level, the NAT EXEC must appoint a NAT Disciplinary Committee, chaired by the NSM with a minimum of two 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.
- 340) 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

- 341) Before disciplinary action is taken against a member for a grievance, the NEC or Sub Branch Executive must give written notice to the member.
- 342) The notice must be in writing and include:
- a. the time, date and place of the meeting at which the question of 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.
- 343) The member must attend the meeting or submit a written statement. If no written statement is received 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.

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- 344) At the meeting, the Disciplinary Committee must afford the member a reasonable opportunity to be heard or to make representations in writing.
- 345) The Disciplinary Committee will report to the NEC or Sub Branch Executive on its findings.
- 346) Once the NEC or Sub Branch Executive has reviewed the detail, a final decision by the NEC or Sub Branch Executive on the suspension or expulsion shall be advised to the NAT EXEC, if required, and the member.
- 347) 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.
- 348) 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 NAT EXEC on concerns and updates relating to the member whilst on suspension.
- 349) SP is to support the member on return to the Sub- Branch on completion of the suspension period.
- 350) 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

- 351) 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.
- 352) 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.

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Scale of Outcome

353) 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	NATIONAL EXECUTIVE COMMITTEE
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

354) 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.

355) 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.

356) 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.

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Offences by Sub Branches

- 357) If the NEC 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 enquire into such conduct.
- 358) 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 NEC may provide notice in writing specifying such contravention. This will be forwarded to the executive of the Sub Branch.
- 359) Any identified breaches of civil law, such as theft of funds or blackmail of office holders, must be promptly reported to the appropriate State Authority. Additionally, the State President must notify the NAT EXEC at the earliest opportunity.
- 360) Penalties, orders, or directions imposed under the above rules are binding and must be adhered to by all Sub Branches and members of the Club. Any notice regarding these will specify a timeframe within which the Sub Branch must address the contravention.
- 361) If a Sub Branch fails to comply with a notice referred as above, the NEC 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.
- 362) Upon the NEC 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.
- 363) 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.

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364) Upon election of the new officers referred to above, the Acting Officer must make a written report to NAT EXEC.

365) If the NEC 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 is to forfeit its Club endorsement. In such a situation the affected sub-branch shall be presented with one of the following two binding options:

- a. **Disbandment:** The sub-branch shall immediately comply with all NEC directives to cease its operations as an endorsed sub-branch. In this scenario, the sub-branch is required to undertake thorough winding-up procedures and dissolve the Incorporated Association in strict accordance with applicable State legislative requirements. All funds and assets, where permitted by their respective State regulations, can be absorbed by the Club, with such resources reallocated to sub-branches within the same geographical area. The State President will assist members to transfer to other Sub Branches (SOP 19), however those Sub Branches have the option to accept or reject any such application.
- a. **Independence with Severance from Club Identity:** Should the sub-branch elect to continue operations as an independent Incorporated Association, it must expunge any and all manifestations of the Club's intellectual property without delay. This includes, but is not limited to:
 - All Club-associated apparel such as vests and clothing.
 - Any written, printed, digital, or otherwise produced imagery incorporating the Club's IP.
 - All social media accounts, financial accounts, and any other platforms or documentation displaying or utilizing the Club's branding.

Note: Opting for this route will result in the dis-endorsed sub-branch having no affiliation with the Club, and all its members will be promptly removed from national Club membership lists. Members who remain with the dis-endorsed sub-branch will be deemed persona non grata at any Club-organized event and, depending on the circumstances surrounding the dis-endorsement, may be placed on the "Not Welcome Back" database. Furthermore, the sub-branch will neither receive, maintain, nor transfer any funds or assets that are inconsistent with the national body's objectives and principles, as

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mandated by State regulations. Additionally, the sub-branch will not be covered by any insurance or other protection provided by the Club.

Investigation of Sub Branch and Sub Branch Executives

- 366) 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.
- 367) 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.
- 368) 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.
- 369) 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 with '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.

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Penalties

- 370) 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.
- 371) A notice referring to the above will specify a period of time within which the Sub Branch will remedy the contravention.
- 372) If a Sub Branch fails to comply with a notice referred as above, the NEC 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.
- 373) Upon the NEC 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.
- 374) 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.
- 375) Upon election of the new officers referred to above, the Acting Officer must make a written report to NEC.
- 376) (Refer to paragraph 365) if the penalty from NEC is to revoke the charter of the Sub Branch.
- 377) Paragraphs 377 to 380 intentionally left blank.

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RAISING A NEW SUB BRANCH

Reference

- A. Club SOP 07 Sub Branch Quarterly Situation Report**
- B. Club SOP 25 Guidelines for Raising a New Sub Branch**

General

- 381) A new provisional Sub Branch may be proposed in any location in Australia taking into account the following conditions:
- a. The provisional Sub Branch is commenced under the mentorship of NEC; and
 - b. The provisional Sub Branch is UNDER ENDORSEMENT; they are under the administrative Command of the NEC during its nominee (probation) period.

Probation Period

- 382) The period of probation for the provisional Sub Branch shall be at a minimum of six months from its conception date, unless the NEC determines that the period should be extended due to circumstances as required. If a provisional Sub Branch has not obtained endorsement within this second 6-month period, their attempt to become a sub branch has failed.
- 383) During the probation period the provisional Sub Branch shall report its progress through monthly SITREPS and Meeting Minutes. These reports are to be emailed to the NAT Secretary via the relevant State President.
- 384) The National Secretary will provide a copy of the current Constitution which will be the initial submission to the relevant state incorporation authority to start the incorporation process. No other MC Constitution, MOU, or document will be accepted as the Sub Branch Constitution with the only alteration being listed in Paragraph 41). If a different Constitution is submitted Sub Branch endorsement will not occur due to breach of SOP 25 Criteria 2.
- 385) During the probation period, the provisional Sub Branch must obtain permission from the NEC before establishing any social media pages, websites, or other digital presence. Additionally, the provisional

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Sub Branch is to be listed on the MBMMC National website as “sub-branch” UNDER ENDORSEMENT until all criteria are fulfilled or special permission is granted from the NEC.

Number of Service Members

- 386) The provisional Sub Branch shall have a minimum of five Service Members by the end of the probation period. The provisional sub branch can commence the probation period with fewer Service Members, however the NEC will not provide endorsement until such time as the minimum service membership number is met.
- 387) Minimum numbers should also be in accordance with State Laws for an Incorporated Association.
- 388) If a probationary Sierra member transfers from an existing Sub Branch, their probation period is not waived nor restarted, however they must still complete the probationary period.
- 389) Any new applicant or transferred member undergoing probation at a provisional sub branch is to wear the Sierra Breast Patch. They may wear a responsibility patch and camouflage / single colour material. The probationary member cannot wear the Numberplate nor Service Member Breast Patch until their probation period is completed and the members probation has been approved.
- 390) No member of the newly raised provisional sub branch can wear the sub branch location or founding members patch until the sub branch has been endorsed.
- 391) Provisional sub branches are exempt from the restrictions in SOP 2 regarding the positions a probationary member can hold. However, probationary members holding executive positions are limited to the internal management of the provisional sub branch. These members have the same privileges and are bound by the same restrictions as any other probationary member in the Club, including not having a vote on any National matter.
- 392) Upon successful completion of the endorsement period, the SP must provide a recommendation to the NEC to accept all probationary members as substantive. This is mandatory if any of the probationary members constitute the minimum 5 Executive positions required for sub branch endorsement. Otherwise, endorsement cannot be granted. Upon endorsement the new Sub Branch members can adorn their approved location patch and Founding Members patch as detailed in SOP 03.

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- 393) Any applicant who wishes to join 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, they will not however be entitled to wear the Founding Members patch.

Sub Branch Executive

- 394) A new provisional Sub Branch shall be governed by an Executive in accordance with this Constitution, with the exception that Sierra Members may hold any role within the Executive. *Note:* This exception is only applicable during the probationary period of the provisional Sub Branch. Before endorsement is granted, the Sub Branch Executive must comprise at least five Service Members.

Founding Member Status

- 395) All members (both Service and Sierra Squad) who have joined the new provisional Sub Branch during its probation period and until NEC 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. This is not to be issued until Endorsement Day. A new location patch as approved by the NAT SGT MAJ can also be issued but is not to be worn until endorsement occurs.
- 396) After endorsement of the new Sub Branch by NEC, members joining after the endorsement date do not qualify as "founding members".

Incorporation

- 397) Each Sub Branch shall abide by the relevant State laws, legislation and regulations applicable in the jurisdiction in which the Sub Branch is incorporated.

Unsuccessful Endorsement

- 398) If the NEC does not Endorsement the Sub Branch pursuant to the sections above, the Sub Branch will be deemed to have ceased to operate and is to forfeit its Club affiliation. In such a situation the affected sub-branch shall be presented with one of the following two binding options:

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- a. **Disbandment:** The sub-branch shall immediately comply with all NEC directives to cease its operations as a sub-branch. In this scenario, the sub-branch is required to undertake thorough winding-up procedures and dissolve the Incorporated Association in strict accordance with applicable State legislative requirements. All funds and assets, where permitted by their respective State regulations, can be absorbed by the Club, with such resources reallocated to sub-branches within the same geographical area.
- b. **Independence with Severance from Club Identity:** Should the sub-branch elect to continue operations as an independent Incorporated Association, it must expunge any and all manifestations of the Club's intellectual property without delay. This includes, but is not limited to:
- All Club-associated apparel such as vests and clothing.
 - Any written, printed, digital, or otherwise produced imagery incorporating the Club's IP.
 - All social media accounts, financial accounts, and any other platforms or documentation displaying or utilizing the Club's branding.
- 399) Opting Option B will result in the un-endorsed sub-branch having no affiliation with the Club, and all its members will be promptly removed from national Club membership lists. Furthermore, the sub-branch will neither receive, maintain, nor transfer any funds or assets that are inconsistent with the national body's objectives and principles, as mandated by State regulations. Additionally, the sub-branch will not be covered by any insurance or other protection provided by the Club.
- 400) Full Service members that moved to form the new sub branch are to return to their original Sub Branch. The State President will assist new members to transfer to other Sub Branches (SOP 19), however those Sub Branches have the option to accept or reject any such application. If a probationary member is accepted by another Sub Branch, that Sub Branch Executive can place an additional probation period (no greater than 6 months) on the member to determine they are acceptable as a Club member.
- 401) If the sub branch is not successful in obtaining endorsement, the NEC may exercise this clause to determine that any remaining probationary member is not suitable for club membership if they are not accepted by other Sub Branches.

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- 402) No member is to wear a Founding Member or Location patch of the un-endorsed probationary Sub Branch. However, time spent at the probationary Sub Branch does count towards Service Stars.

REDUCED MEMBERSHIP

- 403) An endorsed Sub Branch does not cease to be a Sub Branch because 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.

- 404) Paragraphs 404 to 410 intentionally left blank.

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DISSOLUTION OF A SUB BRANCH or THE CLUB

Reference:

- A. Club SOP 04 Branch Building Funds

General

- 411) The Club can only be dissolved (wound-up) if the following three (3) conditions exist together, whereas a Sub Branch can be voluntarily closed down if condition 411c is carried out:
- 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.
- 412) Under paragraph 411c above, a special resolution must be passed to approve the winding up of the Club/Sub Branch. This requires:
- a) At least 21 days' notice of the meeting to all members, stating the intention to propose the resolution.
 - b) A quorum present as defined by the Club's constitution.
 - c) A 75% majority of members present vote in favor of the resolution.
- 413) If on the winding up or dissolution of the Club/Sub Branch and after satisfaction of all its debts and liabilities, there remain any funds and/or assets, these must not be distributed to any remaining member(s) or former members of the Club. However, the members can vote that these funds and/or assets can be distributed to another organisation that has similar goals to the Club.

Communications and Notifications

- 414) In all cases where the Club or Sub Branch is to be wound up, the Executive Committee or senior remaining member is to inform their members about the dissolution process, including timelines, reasons, and any actions required of them.
- 415) Where necessary relevant stakeholders and the public are to be notified. This includes updating websites, social media, and where required by relevant State regulations, publication of notices in the press.

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- 416) Final annual reports where necessary are to be submitted to relevant government organisations such as the Corporate Affairs, Australian Charities and Not-for-profits Commission (ACNC), and the Australian Tax Office (ATO). These reports are also to include details of the winding-up process and the distribution of assets.

Common Assets of the Club or Sub Branch

- 417) The surplus assets must, by resolution of the remaining Service Members be given or transferred to either of the following:
- a. another MBMMC Sub Branch (if still available);
 - b. handed to NAT EXEC (if still existing);
 - c. a similar organisation to the Club; or
 - d. sold for fair market value with all the resulting funds donated to veteran charities or veteran organisation.

Winding Up and Revocation of DGR Clause

- 418) If the Club/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.
- 419) With respect to (paragraph 418) above, if the Club/Sub Branch is not wound up but is surrendering its DGR endorsement the assets listed in that paragraph only apply to gifts received via the DGR. i.e. donations that the supplier has made for the tax exemption purposes to the Club/Sub Branch DGR Charity. Gifts and other assts that were not received via DGR do not come under this rule.
- 420) The transfer of DGR assets can only be made to an organisation with similar goals and objectives of the Club and that organisation also has a DGR endorsement. DGR gifts are to be recorded separately

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to Sub Branch assets on their own DGR Register. More information can be found at the ATO web site under “Organisations with DGR endorsement”.

Other Considerations

- 421) If the club or sub-branch has employees, ensure all employee entitlements are settled, including final pay, leave balances, and any redundancy payments.
- 422) Each State will have specific rules and regulation for winding up a Sub Branch. Additional requirements may be placed on the organisation if the Club/Sub Branch surplus assets are greater than a specific amount, in this case a liquidator may need to be engaged to distribute the assets.
- 423) The Club/Sub Branch can be ordered by the Courts or State Corporate Affairs Commission if the Club/Sub Branch no longer complies with the eligibility requirements for incorporation or if its operations would be more appropriately performed by another body.
- 424) After the Club/Sub Branch is deregistered, the Executive Committee members must archive their club books and records for at least three years or as specified by the relevant State authority.
- 425) Paragraphs 425 to 430 intentionally left blank.

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ENDORSEMENT OF THIS CONSTITUTION

Military Brotherhood MMC Executive Certification and Endorsement of this Constitution

I certify that this document is accurate and has been approved by the Military Brotherhood MMC Club Executive as the Constitution for the Military Brotherhood MMC, as voted on and accepted by the Club Service Membership.

Furthermore, I declare that the Club upholds its operations and management practices as outlined herein.



Signed: _____

Full Name: Stew (Stewy) Tonkin

Position: NATIONAL PRESIDENT

Dated: 5 May 2025

I certify that this document is accurate and has been approved by the Military Brotherhood MMC Club Executive as the Constitution for the Military Brotherhood MMC, as voted on and accepted by the Club Service Membership.

Furthermore, I declare that the Club upholds its operations and management practices as outlined herein.



Signed: _____

Full Name: Shannon (Effie) Mafodda

Position: NATIONAL SECRETARY

Dated: 5 May 2025

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STATE SPECIFIC REGULATIONS

General

1. The Club Constitution, in conjunction with these State Government Appendices, **must be adhered to by all Sub Branches across Australia to ensure the cohesive and lawful operation of the entire organisation**. This national Constitution serves as the foundational contract between the Military Brotherhood MMC and its members, establishing the overarching rules, principles, mission, and objectives that bind every part of the club. By mandating a single national Constitution, the MBMMC ensures **uniformity in governance, operational standards, and member conduct** throughout all its chapters, fostering a sense of unity and shared purpose amongst members nationwide.
2. Furthermore, the requirement for all Sub Branches to operate in accordance with this national Constitution ensures that the fundamental aims of the MBMMC – such as providing welfare and advocacy services to past and present Defenders of the Nation – are consistently pursued across all states. Sub Branches are established and endorsed under the guidance of the National Executive Committee (NEC) and are expected to uphold the values and standards outlined in the Constitution, including the adoption of Australian Defence Force standards and codes of conduct. This commitment to a unified framework, overseen by the National Executive (NAT EXEC), is crucial for maintaining the integrity and reputation of the MBMMC as a national organisation.
3. While Sub Branches are also required to be incorporated under their respective State or Territory regulations and must register a constitution locally, this local constitution **cannot exclude any clause of the national MBMMC Constitution**. The State Government Appendices included within this document serve to address specific legal or regulatory requirements unique to each state, ensuring that Sub Branches operate lawfully and efficiently within their respective jurisdictions. These appendices are a necessary supplement to the national Constitution, allowing for state-specific compliance without undermining the core principles and rules of the national body. In instances where a specific State Government requirement is not explicitly addressed in the national Constitution, Sub Branches are expected to detail this

in supplementary state-specific rules that remain consistent with the overarching national document. Ultimately, the consistent application of the national Constitution, complemented by the state-specific appendices, is essential for the **lawful, unified, and effective operation of every Military Brotherhood MMC Sub Branch across Australia.**

Changes to Appendices

4. Notwithstanding the procedures outlined in the 'Alteration of the Constitution' section of this document, amendments to the Appendices containing State Specific Regulations may be initiated to ensure these appendices accurately reflect changes in relevant State Government legislation or regulations.
5. Upon official announcement of such changes by a State Government, the relevant State President shall, in consultation with the NEC, propose amendments to the corresponding Appendix. The NEC shall review these proposed amendments to ensure they accurately reflect the State Government's announcement and do not contradict the core principles of this Constitution.
6. Upon approval by the NEC, the relevant Appendix will be amended accordingly. Notification of such amendments to the Appendices will be communicated to all club members via notation in the NEC minutes directly after the NEC approval. The National Web Master will ensure the Constitution is updated with the approved updated State Appendix amendment.

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APPENDIX A

QUEENSLAND REGULATIONS APPENDIX A

QLD PAGE 1 Refer to Changes of Appendices paragraph 6

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APPENDIX A

QLD PAGE 2 Refer to Changes of Appendices paragraph 6

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APPENDIX B

NEW SOUTH WALES REGULATIONS APPENDIX B

NSW PAGE 1 Refer to Changes of Appendices paragraph 6

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NSW PAGE 2 Refer to Changes of Appendices paragraph 6

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APPENDIX C

VICTORIA REGULATIONS APPENDIX C

VIC PAGE 1 Refer to Changes of Appendices paragraph 6

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VIC PAGE 2 Refer to Changes of Appendices paragraph 6

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APPENDIX D

TASMANIA REGULATIONS APPENDIX D

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TAS PAGE 2 Refer to Changes of Appendices paragraph 6

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APPENDIX E

SA REGULATIONS APPENDIX E

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APPENDIX F

WA REGULATIONS APPENDIX F

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APPENDIX F

WA PAGE 2 Refer to Changes of Appendices paragraph 6