



**CONSTITUTION  
FOR  
THE KNIGHTS OF THE SOUTHERN CROSS (WA)  
INCORPORATED**

**As amended in  
August 2011**

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THIS CONSTITUTION OF THE ORDER OF THE KNIGHTS OF THE SOUTHERN CROSS IN WESTERN AUSTRALIA WAS ADOPTED AT A PROPERLY CONVENED AND CONDUCTED SPECIAL MEETING OF BRANCH DELEGATES AND STATE COUNCIL ON THE MORNING OF SUNDAY MARCH 15, 1992.

**CONSTITUTION**  
**FOR**  
**THE KSC IN WESTERN AUSTRALIA (WA)**

**August 2011**

KNIGHTS OF THE SOUTHERN CROSS (WA) INCORPORATED  
RULES

PART I

THE ORDER

1. ASSOCIATION NAME

The name of the Order shall be the "Knights of the Southern Cross (WA) Incorporated".

2. OBJECTS

The objects of the Order are to pursue in the State of Western Australia the following:

- 2.1 to promote the advancement of Australia;
- 2.2 to foster the Christian way of life throughout the Nation;
- 2.3 to promote the welfare of its Members and their families;
- 2.4 to encourage spiritual, social and intellectual activities amongst its Members; and,
- 2.5 to conduct and support educational, charitable, religious and social welfare work.

### 3. INTERPRETATION

- 3.1 "Order" means the entire membership of the Knights of the Southern Cross (WA) Incorporated.
- 3.2 "Member" or "Members" means a person or persons who in accordance with these rules is admitted to the Order and deemed to be financial.
- 3.3 "State Council" means the governing body of the Order.
- 3.4 "State Secretary" means that person holding office under these rules as secretary of State Council.
- 3.5 "Special General Meeting" means a general meeting of the Order other than the Annual General Meeting of the Order.
- 3.6 "Act" means the Associations Incorporations Act 1987.
- 3.7 "National Council" that body having similar objects to the Order save and except the pursuit of those objects as not limited to the State of Western Australia and made up of the National President, the Deputy National President, the National Secretary and two representatives from each of the States and Territories appointed by State Council and such similar bodies in each State and Territory of Australia which body is established to oversee, inter alia, the operation of the Order.
- 3.8 "National Executive" means that group of people charged with the responsibility of running the day to day affairs of the National Council made up of the National President, the Deputy National President, the National Secretary and one representative from each of the States and Territories appointed by the State Council and such similar bodies in each State and Territory of Australia.
- 3.9 "National President" means the person appointed president of the National Council.
- 3.10 "Branch" shall, other than in the circumstances referred to in rule 27.3, mean a group of Members within a parish or number of adjacent parishes who, with the authority of a simple majority of State Council, are brought together, from time to time, to promote the objects of the Order within the area of such parish or adjacent parishes.

- 3.11 "Diocese" means an area within the State Of Western Australia which is determined by the Roman Catholic Church to be a diocese of the State or such other regional area as determined by State Council from time to time.
- 3.12 "Diocesan Council" means the body established by the State Council within a Diocese and charged with the responsibilities referred to in rule 12.4.2 and such other responsibilities as the State Council may determine.
- 3.13 "State Chairman" means the person elected to the office of chairman of State Council by the Members pursuant to rule 13.2.
- 3.14 "State Councillors" means those persons who are elected to the State Council by Members pursuant to rule 13.3.
- 3.15 "Branch Chairman" means the person elected to the office of chairman of the Branch at the annual general meeting of the Branch.
- 3.16 "Diocesan Chairman" means the person nominated by State Council to be chairman of the Diocesan Council.
- 3.17 "Branch Executive" means the governing body of the Branch.
- 3.18 "State Conference" means a conference of Members called together pursuant to rule 34 to consider such business as is referred to in rule 36.
- 3.19 "Branch Delegate" means the person or persons nominated by a Branch to attend meetings and Order functions on behalf of the Branch.
- 3.20 "Meeting" shall have the meaning ascribed to that term in rule 43.
- 3.21 "Diocesan Conference" means the meeting of the Diocesan Council held pursuant to rule 26.11.
- 3.22 "Annual General Meeting" means the annual meeting of the Order held pursuant to rule 38.
- 3.23 "Auditor" means a registered company accountant who is qualified to act as an auditor of the financial affairs of the Order.
- 3.24 "District Chairman" means the person nominated by State Council to be chairman of a District.
- 3.25 "District" means the area consisting of no less than three Branches.

The singular number indicates the plural number and vice versa.

The masculine gender shall include the feminine and neuter gender and vice versa.

#### 4. POWERS AND OBLIGATIONS OF THE ORDER

- 4.1 Make rules and regulations providing for the conduct of the Order.
- 4.2 Maintain the property of and conduct the business of the Order for the advantage of Members and generally to afford them all the usual privileges and advantages of membership of the Order.
- 4.3 Cultivate and promote mutual help and support among the Members of the Order.
- 4.4 Purchase or otherwise acquire, for the purposes of the Order, shares bonds debentures notes or other securities and to turn same to account as may be deemed expedient.
- 4.5 Purchase sell lease exchange hire or otherwise acquire land buildings and chattels of any tenure or description and any estate or interest therein and any rights over or connected therewith and to turn same to account as may be deemed expedient for the purposes of the Order.
- 4.6 Construct erect maintain or alter any buildings houses or works which may be required for the purpose of the Order and to furnish and equip same in such manner as may be necessary or convenient for such purposes.
- 4.7 Invest the money collected on behalf of the Order not immediately required for any of its objects in such manner as may from time to time be determined by State Council.
- 4.8 Borrow or raise money by bank overdraft or by any other means and to secure the payment of money in such manner as the Order shall think fit and in particular by way of mortgage or the issue of debentures or debenture stock perpetual or otherwise charged upon all or any of the Order's property (both present and future) and to purchase redeem or pay off any such mortgages debentures debenture stock or other securities.
- 4.9 Undertake and execute any trusts in furtherance of the objects herein set out.
- 4.10 Take any steps by personal or written appeals public meetings or otherwise as may from time to time be deemed expedient for the purpose of raising funds for and procuring contributions to the funds of the Order in the form of donations annual subscriptions or otherwise.

- 4.11 Accept any gift or real or personal property whether subject to any trust or not.
- 4.12 Acquire establish print and publish newspapers periodicals books and leaflets or other compilations that the Order may think desirable for the promotion of its objects and to enter into any contract or agreement with any person or corporation producing and/or publishing any literary compilation which will further the objects of the Order or any of them.
- 4.13 Draw make accept endorse discount execute and issue bills of exchange promissory notes warrants debentures and other negotiable or transferable instruments.
- 4.14 Hire and employ all classes of persons whose services may be considered necessary for the purposes of the administration of the affairs of the Order and pay them in return for services rendered to the Order salaries wages gratuities and pensions.
- 4.15 Do all or any of the matters hereby authorised either alone or in conjunction with or as trustees or agents for any other society or association or persons by or through any trustees or agents.
- 4.16 Apply the income and property of the Order whencesoever derived, solely towards the promotion of the objects of the Order as herein set forth and as set forth from time to time and upon the basis that no monies or property shall be paid to or transferred directly or indirectly by way of dividend, bonus or in any other manner by way of profit to Members or relatives of Members of the Order unless for services rendered and then only on the terms and conditions herein referred to. Nothing herein contained shall prevent the payment in good faith of remuneration to any officers or servants of the Order or to any Member in return for any services actually rendered to the Order or for goods supplied in the ordinary and usual way of business, or prevent the payment of interest at a contracted rate on money borrowed from any Member or reasonable and proper rent for premises demised or let by any Member to the Order but so that no member of the State Council other than the Secretary shall be appointed to any salaried office of the Order or any office of the Order paid by fees and that no remuneration or other benefit in money or money's worth shall be given by the Order to any Member or governing body except repayment of out-of-pocket expenses and interest at the rate aforesaid on money lent or reasonable and proper rent for premises demised or let to the Order or in return for services rendered as herein before referred to PROVIDED FURTHER THAT no such payment shall be made other than in accordance with such procedures as shall be recommended by the Order's Auditor and endorsed by State Council from time to time.



- 4.17 Upon any winding up or dissolution of the Order and in the event that there remains after satisfaction of all its debts and liabilities any property whatsoever due or to transfer same to such institution having objects substantially similar to the objects of the Order being an institution which itself prohibits the distribution of its income and property amongst its members to the extent at least equal to that imposed under these rules such institution or institutions to be determined by the officer-bearers of the Order at or before the time of dissolution and in default thereof by such Judge of the Supreme Court of Western Australia as may have or acquire jurisdiction in the matter. PROVIDED THAT in the first instance upon any winding up any such property shall pass to an incorporated body which most widely represents in Western Australia or Australia the organisation known as the Knights of the Southern Cross in Australia. PROVIDED FURTHER THAT any such body to which the property is to be distributed is recognised by the Australian Taxation Office as a Public Benevolent Institution pursuant to Section 78 of the Income Tax Assessment Act or any legislation which in the opinion of the State Council shall obtain equivalent recognition.
- 4.18 Indemnify all officers of the Order for all losses or expenses incurred by them in or about the discharge of their respective duties and nothing herein shall oblige the Order to indemnify or take out insurance to cover the wilful acts or defaults of the Members or office bearers.
- 4.19 Undertake such charitable works, to support others in the undertaking of charitable works and to seek any appropriate registration as a charitable or benevolent body as shall be authorised by its officers from time to time and as shall be consistent with these rules and objects.
- 4.20 Do all such acts or things as are incidental, conductive or subsidiary to all or any of the above objects.

## PART II

### MEMBERSHIP

#### 5. MEMBERSHIP QUALIFICATIONS

Membership of the Order shall be available to:

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

#### 6. MEMBERSHIP ENTITLEMENTS NOT TRANSFERABLE

A right, privilege or obligation which a person has by reason of being a Member:

- 6.1 is not capable of being transferred or transmitted to another person; and,
- 6.2 terminates upon cessation of the person's membership.

#### 7. NOMINATIONS FOR MEMBERSHIP

Nominations for membership shall be made in accordance with such by-laws as may be set down by the State Council from time to time.

#### 8. CESSATION OF MEMBERSHIP

Subject to Rule 31.3 and unless otherwise determined by State Council a person ceases to be a Member if the person ceases to be financial for a period in excess of 6 months or has his membership terminated pursuant to these rules. During the first 6 months of a financial year such a Member shall be deemed to be financial for the purpose of these rules.

#### 9. REGISTER OF MEMBERS

- 9.1 The Secretary of State Council shall establish and maintain a register of Members specifying the name and address of each person who is a Member together with the date on which the person became a Member.
- 9.2 The register of members shall be kept at the principal place of administration of the Order.

## 10. RESIGNATION OF MEMBERSHIP

10.1 A Member may resign from membership by giving written notice of his ceasing to be a Member to the Secretary of State Council.

10.2 Where a Member ceases to be a member the Secretary shall make an appropriate entry in the register of members recording the date on which the Member ceased to be a Member.

## 11. MEMBERS' LIABILITIES

The liability of a member to contribute towards the payment of the debts and liabilities of the Order or the costs, charges and expenses of the winding up of the Order is limited to the amount, if any, unpaid by the Member in respect of membership of the Order as required by these rules.

## PART III

### STATE COUNCIL

#### 12. POWERS OF STATE COUNCIL

The Order shall be governed by the State Council. State Council shall therefore, subject to the Act and these rules and to any resolution passed by the Order in Special General Meeting:

- 12.1 control and manage the affairs of the Order in Western Australia;
- 12.2 exercise all such functions as may be exercised by the Order other than those functions that are required by these rules to be exercised by a Special General Meeting of Members or otherwise specifically excluded;
- 12.3 have power to perform all such acts and do all such things as appear to the State Council to be necessary or desirable for the proper management of the affairs of the Order without derogating from the generality of this rule State Council will:
  - 12.3.1 address matters of concern to the Order to Federal, State and Local Governments and to other Public or influential bodies;
  - 12.3.2 coordinate the conduct of the Order's affairs and maintain an overview of the pursuit of the Order's objectives at all levels; and
  - 12.3.3 expeditiously address any crisis which arises in the Order at any level and retain to itself the right to veto any action proposed at any level of the Order and deemed to be inappropriate provided that the determination of whether a crisis exists, and whether the power of veto should be exercised is determined by a simple majority of State Council;
- 12.4 at all times oversee the conduct of the Order's affairs upon the basis that:
  - 12.4.1 the primary focus of the Order shall, subject to these rules, be at the level of the Branches which:
    - 12.4.1.1 shall have boundaries which wherever possible shall follow the boundaries of a parish or a number of adjacent parishes within a Diocese;

- 12.4.1.2 shall be encouraged to set priorities for Branch activities and to take initiatives consistent with Order objectives;
- 12.4.2 the affairs of the Branches in such Diocese may, subject to these rules, be conducted pursuant to the supervision of a Diocesan Council established by State Council provided that no such Diocesan Council shall interfere in the affairs of a Branch other than to the extent necessary to ensure compliance with these rules and or the objects of the Order or to prevent the occurrence of any action which is considered inappropriate having regard to the contents of these rules and the objects of the Order;
- 12.4.3 the affairs of the Branches in each Diocese and the Diocesan Councils established by State Council shall, subject to these rules, be conducted pursuant to the supervision of the State Council provided that State Council shall not interfere in the affairs of a Branch or Diocesan Council other than to the extent necessary to ensure compliance with these rules and or the objects of the Order or to prevent the occurrence of any action which is considered inappropriate by State Council having regard to the contents of these rules and the objects of the Order;
- 12.4.4 the structure of Branches and Diocesan Councils shall, as nearly as possible and appropriate, mirror the structure of State Council from time to time;
- 12.4.5 all the legislative, judicial and executive powers of the Order shall be vested in State Council. Powers which are vested elsewhere within the Order may nevertheless be exercised also by the State Council. In particular and without restricting the foregoing general powers the State Council shall have power:
  - 12.4.5.1 to interpret these rules and all other matters requiring interpretation;
  - 12.4.5.2 to terminate or suspend the membership of a Member at any time PROVIDED THAT ordinary standards of natural justice shall at all times be observed; and

12.4.5.3 to close, suspend or otherwise penalise any Branch or Diocesan Council if it finds cause so to do.

13. COMPOSITION OF STATE COUNCIL

- 13.1 State Council shall be composed of a State Chairman and a maximum of twelve other Members who will be known as State Councillors. State Councillors are elected for a term of two years except in the first year of the State Council when one half of the State Councillors shall retire at the end of that year. If it cannot be agreed who shall retire after one year then the retirees shall be determined by age with the eldest retiring first and then in descending order of age. All retiring State Councillors shall subject to these Rules be eligible for re-election.
- 13.2 The State Chairman shall be elected by the financial members or deemed financial members of the Order by ballot for a period of one year.
- 13.3 The State Councillors shall be elected by the financial members or deemed financial members of the Order by ballot.
- 13.4 No member shall hold the position of State Chairman for more than three consecutive years.
- 13.5 No member shall hold the position of State Councillor for more than four consecutive years.
- 13.6 No member shall be eligible for election to State Council unless the Member is a financial Member and:
- 13.6.1 the Member has been a Member for at least twelve months prior to the date of nomination for office and has held an executive position in a Diocesan Council or a Branch; or
- 13.6.2 the Member has been a Member for at least twelve months prior to the date of nomination for office: and
- 13.6.3 that at most four positions and no more than four positions on State Council be held by members elected in accordance with paragraph 13.6.2
- 13.7 Subject to Rule 13.6 a member who has attained the age of seventy-two years is eligible to be elected to State Council and if elected shall hold office for a period of one year.

13.8 Except for the position of State Chairman the executive of State Council shall be appointed from amongst State Councillors by the State Chairman and shall be made up of the following in descending order of seniority:

13.8.1 the State Chairman;

13.8.2 two deputy State Chairmen;

13.8.3 the Secretary; and,

13.8.4 the treasurer.

13.9 In the absence of State Council's passing a motion to the contrary with regard to a particular meeting any Member may attend a State Council meeting as a non-voting observer upon giving twenty-four hours prior notice of attendance to the Secretary.

13.10 All members of State Council other than members of the executive shall be of equal standing and shall hold such portfolios (if any) as they may be appointed to by the State Chairman.

13.11 The State Council may appoint a salaried officer as the State Secretary who shall hold office until the next ensuing Annual General Meeting.

13.12 If the State Council does not appoint a salaried officer as State Secretary then it shall appoint one of the State Councillors to be the State Secretary and to hold office until the next ensuing Annual General Meeting.

13.13 Any salaried officer appointed to the position of State Secretary shall be a State Councillor for the term of the appointment but shall have no right to vote at any meetings of the State Council.

13.14 No Member shall simultaneously hold a position on State Council, a board of management or State board of any community project which is established and operated by the Order or a State board of a commercial activity of the Order.

#### 14. MEETINGS OF STATE COUNCIL

14.1 The State Council shall meet at least 10 times in each period of 12 months at such place and time as the State Council may determine.

- 14.2 Additional meetings of the State Council may be convened by the State Chairman or by the Secretary with the concurrence of the State Chairman.
- 14.3 Written notice of a meeting of the State Council shall be given by the Secretary to each State Councillor at least five (5) days (or such other period as may be unanimously agreed upon by the members of the State Council) before the time appointed for the holding of the meeting.
- 14.4 Notice of a meeting given under rule 14.2 shall specify the general nature of the business to be transacted at the meeting and no business other than that business shall be transacted at the meeting, except business which the State Councillors present at the meeting agree by special resolution to treat as urgent business.
- 14.5 A quorum of State Council shall be not less than fifty percent of State Councillors.
- 14.6 No business shall be transacted by the State Council unless a quorum is present and if within half an hour of the time appointed for the meeting a quorum is not present the meeting shall stand adjourned to the same place and at the same hour of the same day in the following week. At such adjourned meeting unless a quorum is present and if within half an hour of the time appointed for the meeting a quorum is not present the meeting shall again stand adjourned to the same place and the same hour of the same day in the following week. At this subsequent adjourned meeting those in attendance shall constitute the quorum.
- 14.7 At a meeting of the State Council:
- 14.7.1 the State Chairman or, in the State Chairman's absence, a deputy State Chairman chosen by the meeting; or
- 14.7.2 in the absence of the State Chairman and the both deputy State Chairmen then such one of the remaining State Councillors as may be chosen by the members present at the meeting, shall preside.

## 15. PLEDGE

Every State Councillor must give to fellow State Councillors a pledge of loyalty to the rules and if a State Councillor refuses to give such pledge that State Councillor's seat shall thereupon become vacant. The National Council shall determine the form of such pledge.



## 16. REMOVAL FROM STATE COUNCIL

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

## 17. CASUAL VACANCIES

17.1 In the event of a casual vacancy occurring on State Council then State Council may appoint a replacement to fill the vacancy and the member appointed shall hold office, subject to these rules, until such time as the person replaced by him would himself have held office.

17.2 For the purposes of these rules, a casual vacancy in the office of a State Councillor occurs if the member:

17.2.1 dies;

17.2.2 ceases to be a Member;

17.2.3 becomes a bankrupt;

17.2.4 resigns office by notice in writing given to the Secretary;

17.2.5 is removed from office by a special resolution of State Council;

17.2.6 becomes of unsound mind or a person whose person or estate is liable to be dealt with in any way under the law relating to mental health; or

17.2.7 ceases for any other reason to be a State Councillor.

## 18 STATE CHAIRMAN

18.1 The State Chairman and State Councillors shall be responsible for and accountable to Members for the conduct of the Orders affairs in Western Australia.

18.2 All operations of the Order, fraternal, commercial or any other nature shall be required to report, as and when required, to the Order through the State Chairman.

19 SECRETARY

19.1 The Secretary of the Order shall, as soon as practicable after being appointed as Secretary, lodge notice of the Secretary's address with the Order.

19.2 It is the duty of the Secretary to ensure that:

19.2.1 minutes of all appointments of office-bearers and members of the State Council are kept;

19.2.2 minutes of the names of State Councillors present at a State Council meeting or minutes of the names of all Members present at a Special General Meeting are kept; and

19.2.3 minutes of all proceedings at State Council meeting or at a Special General Meeting or Annual General Meeting are kept; such minutes to be signed by the chairman of that meeting or by the chairman of the next succeeding meeting;

19.2.4 such other matters as the State Council shall from time to time appoint are attended to.

20. TREASURER

It is the duty of the Treasurer of the Order to ensure that:

20.1 all money due to the Order is collected and received and that all payments authorised by the Order are made;

20.2 correct books and accounts are kept showing the financial affairs of the Order including full details of all receipts and expenditure connected with the activities of the Order; and

20.3 attend to such other matters as the State Council shall from time to time appoint.

21. DELEGATION BY STATE COUNCIL TO COMMITTEE

21.1 The State Council may, by instrument in writing, delegate to one or more committees (consisting of such Member or Members as the State Council thinks fit) the exercise of such of the functions of the State Council as are specified in the instrument, other than:

21.1.1 this power of delegation; and

21.1.2 a function which is a duty imposed on the State Council by the Act or by any other law.

21.2 Any function, the exercise of which has been delegated to a committee under this rule may, while the delegation remains unrevoked, be exercised from time to time by the committee in accordance with the terms of the delegation.

21.3 A delegation under this section may be made subject to such conditions or limitations as to the exercise of any function the subject thereof, or as to time or circumstances, as may be specified in the instrument of delegation.

21.4 Notwithstanding any delegation under this rule, the State Council may continue to exercise any function delegated.

21.5 Any act or thing done or suffered by a committee acting in the exercise of a delegation under this rule has the same force and effect as it would have if it had been done or suffered by the State Council.

21.6 The State Council may by instrument in writing, revoke wholly or in part any delegation under this rule.

21.7 A committee will meet in accordance with its commissioning brief.

## 22. VOTING AND DECISIONS

22.1 Questions arising at a meeting of the State Council or of any committee appointed by the State Council shall be determined by a majority of the votes of members of the State Council or committee present at the meeting.

22.2 Each member present at a meeting of the State Council or of any committee appointed by the State Council (including the person presiding at the meeting) is entitled to one vote but, in the event of an equality of votes on any question, the voting person presiding may exercise a second or casting vote.

22.3 A State Councillor is not entitled to vote at any meeting of the State Council unless that person is or is deemed to be financial.

22.4 Subject to the presence of a quorum, State Council may act notwithstanding any vacancy on the State Council.

22.5 Any act or thing done or suffered, or purporting to have been done or suffered, by the State Council or by a committee appointed by the State Council, is valid and effectual notwithstanding any defect that may afterwards be discovered in the appointment or qualification of any State Councillor or committee.

23. BY-LAWS

State Council shall have the power but not the obligation to make standing orders, rules and by-laws not inconsistent with these rules for itself, for the Order, its Diocesan Councils and its Branches.

24. STATE COUNCILLORS PRIVILEGES

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

25. SALARIED OFFICERS

The State Council may appoint Members as salaried employees of the Order or its several activities. Such employees may be placed under the direct control of the State Chairman as the case may be, except where other specific provisions are made. A Member while so employed shall not hold any office in the Order or formally participate in the election of officers except that he may, if otherwise qualified, be appointed to State Council in accordance with rules 13.10 and 13.12 or be elected or appointed to any position on a Diocesan Council or Branch Executive where he shall exercise all voting rights except that he shall not vote on any matter in which he has a pecuniary interest.

## PART IV

### DIOCESAN COUNCILS

#### 26. DIOCESAN COUNCILS

- 26.1 State Council shall where appropriate establish Diocesan Councils.
- 26.2 State Council shall on incorporation recognise the existing District Councils and their office-bearers and may establish new District Councils in such manner as it may from time to time determine. The geographical area of a Diocesan Council shall be specified by State Council from time to time.
- 26.3 The responsibilities of individual Diocesan Councils will be such as are determined by State Council from time to time and will ordinarily include:
- 26.3.1 coordinating the projects of Branches within the Diocese;
  - 26.3.2 liaising with the Diocesan Bishop and assisting him in the achievement of his Diocesan objectives where possible; and
  - 26.3.3 providing a forum for the meeting of senior Branch Executive officers with a view to assisting in the administration of the Order generally but with particular regard to:
    - 26.3.3.1 liaison with the Branches and conveying Branch views to State Council; and
    - 26.3.3.2 liaison with State Council and conveying State Council views to Branches.
- 26.4 The Diocesan Council shall comprise the Branch chairman, deputy Branch chairman and secretary, or in the event any of the foregoing are not available, such other member or members, appointed by and from the Branch Executive from each Branch within the Diocese. The Diocesan chairman shall not be eligible to hold office in a Branch and shall be appointed pursuant to rule 26.6.
- 26.5 Any vacancy of the Diocesan Council shall be filled forthwith by the Diocesan Council concerned.

- 26.6 The Diocesan chairman shall be appointed by State Council for a period of twelve months. He shall be installed in office by the State Council at the Annual General Meeting. The Diocesan chairman shall if he deems it expedient appoint a secretary from the members of the Diocesan Council. A Diocesan chairman holds office until a successor has been installed in the office.
- 26.7 The Diocesan Council shall meet at such times and places as the State Council shall appoint PROVIDED THAT there shall be two meetings every year one of which shall be held within the two calendar months prior to the Annual General Meeting. At the meeting held prior to the Annual General Meeting, in addition to each Branch chairman, deputy Branch chairman and Branch secretary, any Branch chairman elect within the Diocese may attend.
- 26.8 The State Council may delegate to a Diocesan Council for the exercise in respect of its constituent Diocese and the members thereof such of its powers as have reference to one or more of the following matters:
- 26.8.1 the recommendation for approval of the admission and re-admission of Members;
  - 26.8.2 the inspection of all or designated Diocesan property of the Order and its financial and other records;
  - 26.8.3 the conduct and due observance of ritual;
  - 26.8.4 the supervision of elections within the constituent Diocese, and the installation of officers of such Diocese;
  - 26.8.5 the supervision of receipts and expenditure of Diocesan funds; and
  - 26.8.6 the supervision of its constituent Diocese to ensure the observance of the rules, ritual and by-laws of the Order.
- 26.9 The meeting of the Diocesan Council held within two months prior to the Annual General Meeting shall be the Diocesan Conference.
- 26.10 The business of the Diocesan Conference shall be:
- 26.10.1 consideration of motions proposed to be submitted to the Annual General Meeting from the constituent Diocese and the elimination of any proposed motions PROVIDED THAT the advice upon eliminated motions shall be forwarded to State Council;

- 26.10.2 proposal and consideration of motions for the Annual General Meeting;
  - 26.10.3 making of recommendations to the State Council in respect of the administration and operation of its constituent Diocese and for the betterment of the Order; and
  - 26.10.4 consideration of motions submitted by members of the Diocesan Conference or by constituent Diocese.
- 26.11 The installation of members of the Diocesan Council shall be carried out by the Diocesan Chairman at the Diocesan Council meeting next following the Annual General Meeting.
- 26.12 Every member of the Diocesan Council shall be required to give to the State Councillor or Diocesan chairman in the prescribed form his pledge of loyalty to the rules and to the National and State Councils and if he refuses to give such pledge his seat shall thereupon become vacant.
- 26.13 Members of a Diocesan Council shall subject to these rules hold office for a period of twelve months but shall be eligible for re-appointment.
- 26.14 The Diocesan Council may declare vacant the seat of any member who has been absent without reasonable cause from two consecutive meetings.
- 26.15 The Diocesan chairman may convene a meeting of the Diocesan Council at any time and shall convene such a meeting when required by the State Council or by two or more constituent Branches. Fourteen clear days notice stating the business shall also be given to the State Council. The State Council may call a meeting of the Diocesan Council at any time on shorter notice.
- 26.16 A quorum for a meeting of the Diocesan Council and the Diocesan Conference respectively shall be fifty percent of members entitled to be present at such meetings PROVIDED THAT the State Council may if it sees fit prior to the meeting fix for a specific meeting a different quorum.
- 26.17 The State Council may make standing orders, rules and by-laws not inconsistent with these rules for a Diocesan Council and a Diocesan Conference.
- 26.18 The State Council may by special resolution dissolve a Diocesan Council.

## PART V

### BRANCHES

#### 27. BRANCH RECOGNITION AND ESTABLISHMENT

- 27.1 The State Council shall on incorporation recognise all existing branches and their office bearers of the incorporated Order and State Council may establish new Branches in such manner as it shall from time to time determine.
- 27.2 The State Council may, after consultation with the Branch concerned, subdivide the Branch into two or more Branches and likewise may amalgamate two or more Branches into one Branch or at the discretion of State Council close a Branch.
- 27.3 The previous division of the unincorporated Order which was known as Knights Elector will be established as a separate Branch known as Knights Consultor and the rules for admission to such a Branch shall be as set out from time to time by State Council.

#### 28. BRANCH MEETINGS

- 28.1 A Branch shall hold at least ten business meetings per year or such lesser number as agreed by State Council.
- 28.2 An annual Branch meeting shall be held at a period of time decided by State Council in advance of the Annual General Meeting. The annual Branch meeting shall be for the following purposes namely:
- 28.2.1 to deal with the annual report and balance sheet of the Branch executive;
- 28.2.2 to carry out the annual elections for the purpose of filling all vacancies on the Branch executive;
- 28.2.3 to consider motions for submission to the Annual General Meeting, and
- 28.2.4 to transact any other business within the competence of the meeting.



- 28.3 A special meeting of a Branch shall be summoned by notice by the Branch Secretary whenever required by one-tenth of the Members who are members of that Branch (but not less than five) and also whenever required by the Branch Chairman, Diocesan Chairman or State Chairman. The notice shall state the special business of the meeting.
- 28.4 Subject to the power of the State Council to prescribe a higher or lower number the quorum shall be eight for the annual Branch meeting and five for any other business meeting of a Branch. If it shall be necessary to postpone an annual Branch meeting for lack of a quorum same shall be postponed for a period of fourteen days to the same place and shall be held at the same time of day and the number of attendees thereat shall constitute a quorum.
- 28.5 Where a Branch meeting, other than the annual Branch meeting, fails to achieve a quorum on three successive occasions then the Branch Chairman, or, if the Branch Chairman is not present on the third occasion another member designated by those present, shall as soon as is practicable notify State Council of the fact.

## 29. BRANCH EXECUTIVE

- 29.1 The Branch Executive shall consist of not more than twelve members and it shall meet ten times a year or on such lesser number of occasions as the State Council shall approve. A quorum shall be at least fifty per centum of the members of the Branch Executive.
- 29.2 Unless State Council deems otherwise no member shall be eligible for election to the Branch Executive unless that member has been a Member for at least twelve months prior to the date of his nomination for office or he has been a Member at least six months and has attended no fewer than four Branch meetings after his installation as a Member.
- 29.3 Elections to ordinary vacancies in the Branch Executive shall take place at the annual Branch Meeting. Casual vacancies in the Branch Executive shall be filled by appointment by the Branch Executive and such appointees shall hold office only until the next annual Branch meeting.
- 29.4 At the annual Branch meeting at least one half of the Branch Executive shall retire all of whom shall, subject to these rules, be eligible for re-election. In the first year one half of the members of Branch Executive shall retire and if it cannot be agreed who shall retire after one year then the retirees shall be determined by age with the eldest retiring first and then in descending order of age.

- 29.5 No member shall hold the position of Branch Chairman for more than three consecutive years and such Branch chairman shall be elected by the financial members or deemed financial members of the Branch by ballot for a period of one year.
- 29.6 The Branch Executive may declare vacant the seat of any member of the Branch Executive who has been absent without reasonable cause from three consecutive Branch Executive meetings.
- 29.7 Retiring members of the Branch Executive shall hold office until their successors have been installed.
- 29.8 The Branch Secretary who shall be appointed from the Branch Executive by the Branch Chairman shall be the custodian of all Branch property.

30. BRANCH FINANCES

- 30.1 Every Branch shall keep the State Council fully informed concerning the finances of the Branch if required to do so.
- 30.2 A Branch shall have the right to enjoy the benefits of all funds and property special to itself but only during such times as it shall continue to be a Branch within the Order.

31. TYPES OF MEMBERSHIP

The types of members of the Order are the following:

31.1 Ordinary Member

An ordinary member is a member who normally resides in Western Australia and has paid his annual subscription for the current financial year.

31.2 Overseas Member

An overseas member is a member who, residing overseas for a period of at least two years, has had payment of the basic annual subscription waived by State Council for the period of his absence overseas.

### 31.3 Special Member

A special member is a member for whom, due to necessitous circumstances or permanent incapacity and upon application by his Branch Executive or the State Secretary, has been issued with the approval of State Council with a special membership ticket for the current financial year or longer period as determined by State Council without payment of the annual subscription for the same year or that longer period.

### 31.4 Senior Member

31.4.1 A senior member is a member who is at least sixty five years of age.

31.4.2 A senior member may, on application in writing to State Council have his annual subscription reduced by half without curtailment of the privileges and rights of ordinary membership.

### 31.5 Life Membership

Life membership may be granted by State Council providing at least two-thirds of the State Council vote in the affirmative and not more than one State Councillor votes in the negative, to a member who has had twenty years of continuous membership of the Order at the date of submission and who has served on the Branch, Diocesan, State or National Council for fifteen continuous years or for twenty years of broken service or who has given exceptional or meritorious service.

### 31.6 Honours

The State Council may confer honours on Members according to rules and regulations as prescribed by it from time to time.

31.7 All Members falling into categories of membership referred to in rules 31.2 to 31.5 shall be deemed to be financial members of the Order for their period of membership of that category of membership.

## 32. SUBSCRIPTIONS

32.1 Subject to rule 31 the yearly subscriptions payable on the first day of July in each year by every member shall be the amount determined by State Council in its annual budget.

- 32.2 The State Council may require payment of an entry fee on admission of a person to membership.
- 32.3 If a Member makes default in paying his renewal subscription after six months from the due date, State Council may thereafter and for the period of the continuance of such default suspend the membership of such Member or may terminate such membership and such Member shall cease to be deemed a financial member PROVIDED THAT ordinary standards of natural justice shall at all times be observed.
- 32.4 State Council may refuse to accept the subscription of any Member notwithstanding that the same be tendered on the due date and in accordance with rule 12.4.5.3 may terminate or suspend the membership of a Member PROVIDED THAT ordinary standards of natural justice shall at all times be observed.

### 33. TRANSFERS

- 33.1 A member may request to be transferred from one Branch to another.
- 33.2 A Member of the Order in one state who moves his place of residence to another state may transfer his membership to his new state without loss of privileges accrued in his former state organisation.
- 33.3 If, prior to his transfer, he has paid any necessary membership subscription for the current financial year, he will not be required to pay any further membership subscription until the end of the financial year of his new state organisation.
- 33.4 If, at the time of his transfer, a member has not paid his current year's membership subscription, his transfer to his new state's Order shall not be effective until he has paid to the latter Order the relevant subscription for its current financial year.
- 33.5 For future years he will be required to pay to his new Order the annual membership subscription payable in accordance with its constitution, by-laws and rules.
- 33.6 Life members, Knights Emeritus and Knights of Merit on their transfer will relinquish all rights, privileges and responsibilities enjoyed in their former Order and shall automatically receive all the rights, privileges and responsibilities accrued to members in the new state with those titles, if any.
- 33.7 On transfer, a member's former state shall provide to his new state all available relevant information so that the above provision may be implemented.

## PART VI

### STATE CONFERENCE AND ANNUAL GENERAL MEETING

#### 34. CONVENING THE STATE CONFERENCE

The State Conference shall, subject to the Act and these rules, be convened by the State Council on such date and at such place and time as the State Council thinks fit (but at least triennially) and the chairman of the State Conference shall be the State Chairman or such State Councillor as agreed to by State Council in the event the State Chairman is not available.

34.1 With the exception of the first State Conference of the Order, the State Council shall at least once in every three consecutive calendar years, convene a State Conference of its Members.

34.2 The Order shall hold its first State Conference:

34.2.1 within the period of eighteen months after its incorporation under the Act; and

34.2.2 within the period of four months after the expiration of the first financial year of the Order.

34.3 Notice of the business proposed to be transacted at the State Conference shall be given to the Secretaries of the Branches twenty-eight days before the Conference but the Conference may nevertheless deal with additional business which it decides to be urgent.

#### 35. ATTENDANCE AT THE STATE CONFERENCE

All financial or deemed financial members of the Order may attend and vote at a State Conference of the Order.

#### 36. BUSINESS OF STATE CONFERENCE

The business of State Conference shall be such as is determined by State Council and may include the Annual General Meeting of the Order.

#### 37. ATTENDANCE AT AN ANNUAL GENERAL MEETING

37.1 All financial or deemed financial members of the Order may attend the Annual General Meeting and vote.

37.2 All financial or deemed financial members of the Order who cannot attend the Annual General Meeting are entitled to appoint a proxy to cast their vote on their behalf on all special resolutions or any special resolution put forward at the Annual General Meeting.

38. ANNUAL GENERAL MEETING OF THE ORDER

38.1 An Annual General Meeting shall, subject to the Act and these rules, be convened by the State Council, on such date and at such place and time as the State Council thinks fit and the Chairman of the Annual General Meeting shall be the State Chairman or such State Councillor as agreed to by State Council in the event the State Chairman is not available.

38.2 The business of the Annual General Meeting shall be such as determined by State Council but will include:

38.2.1 declaration of the ballot for the annual election of State Chairman;

38.2.2 declaration of the ballot for the annual election of State Councillors for the purpose of filling vacancies to State Council;

38.2.3 receiving recommendations from State Council, Branches, and State Conference;

38.2.4 making such decisions as are considered appropriate in respect of such recommendations;

38.2.5 receiving the annual report of the State Council and audited accounts of the Order; and

38.2.6 the appointing of the Auditor for the ensuing year.

38.3 Where the Annual General Meeting of the Order is to be part of the agenda for the State Conference notice of such will be specified in the notice convening the State Conference.

39. SPECIAL GENERAL MEETINGS: CALLING OF

39.1 The State Council may, whenever it thinks fit, convene a Special General Meeting of the Order.

39.2 The State Council shall convene a Special General Meeting of the Order on the requisition in writing of Members being not less than five (5%) per cent of the total number of Members of the Order.

- 39.3 A requisition of Members for a Special General Meeting:
- 39.3.1 shall state the purpose or purposes of the meeting;
  - 39.3.2 shall be signed by the Members making the requisition;
  - 39.3.3 shall be lodged with the Secretary; and
  - 39.3.4 may consist of several documents in a similar form, each signed by one or more of the Members making the requisition.
- 39.4 If the State Council fails to convene a Special General Meeting to be held within two months after the date on which a requisition of Members for the meeting is lodged with the Secretary, any one or more of the Members who made the requisition may convene a Special General Meeting to be held not later than three (3) months after that date.
- 39.5 A Special General Meeting convened by a Member or Members as referred to in rule 39.4 shall be convened as nearly as is practicable in the same manner as Annual General Meetings are convened by the State Council and any Member who thereby incurs expense is entitled to be reimbursed by the Order for any expense so incurred.

#### 40. NOTICE OF MEETING

- 40.1 Except where the nature of the business proposed to be dealt with either at an Annual General Meeting or a Special General Meeting requires a special resolution of the Order, the Secretary shall, at least twenty-one days before the date fixed for the holding of such meeting, cause to be sent by prepaid post to each Member at the Member's address appearing in the register of members, a notice specifying the place, date and time of the meeting and the nature of the business proposed to be transacted at the meeting.
- 40.2 Where the nature of the business proposed to be dealt with at either an Annual General Meeting or a Special General Meeting requires a special resolution of the Order, the Secretary shall, at least twenty-one days before the date fixed for the holding of the said meeting, cause notice to be sent to each Member in the manner provided in rule 40.1 specifying, in addition to the matter required under rule 40.1, the intention to propose the resolution as a special resolution.
- 40.3 No business other than that specified in the notice convening either an Annual General Meeting or a Special General Meeting shall be

transacted at the meeting except in the case of an Annual General Meeting which may deal with any business permitted pursuant to these rules.

- 40.4 A Member desiring to bring any business before either an Annual General Meeting or a Special General Meeting may give notice in writing of that business to the Secretary who shall include that business in the next notice calling the said meeting given after receipt of the notice from the Member.

#### 41. PROCEDURE

- 41.1 No item of business shall be transacted at a State Conference, an Annual General Meeting or a Special General Meeting unless a quorum of Members entitled under these rules to vote is present during the time the said meeting is considering that item.
- 41.2 A quorum for the transaction of the business of the Annual General meeting will be the greater of 5 percentum of the total membership of the Order or 30, plus a minimum of 6 State Councillors excluding the State Chairman and/or the person chairing the meeting in the absence of the State Chairman, attending in person, while a quorum for a Special General Meeting or a State Conference shall be 30 Members attending in person.
- 41.3 If within half an hour after the appointed time for the commencement of either a State Conference, an Annual General Meeting or Special General Meeting a quorum is not present, the meeting if convened upon the requisition of Members shall be dissolved and in any other case shall stand adjourned to the same day in the following month at the time and (unless another place is specified at the time of the adjournment by the person and communicated by written notice to Members given before the day to which the State Conference, Annual General Meeting or Special General Meeting is adjourned) at the same place.
- 41.4 If at the adjournment of a State Conference or Annual General Meeting a quorum is not present within half an hour after the time appointed to the commencement of the State Conference or Annual General Meeting, the Members and State Councillors present (being not less than 10 in number) shall constitute a quorum.



## 42. ADJOURNMENT

- 42.1 The Chairman of either a State Conference, Annual General Meeting or Special General Meeting at which a quorum is present may, with the consent of the majority of Members present at the meeting, adjourn the meeting from time to time and place to place, but no business shall be transacted at an adjourned meeting other than the business left unfinished at the meeting at which the adjournment took place.
- 42.2 Where either a State Conference or an Annual General Meeting is adjourned for fourteen (14) days or more, the Secretary shall give written notice of the adjourned meeting to each State Councillor stating the place, date and time of the meeting and the nature of the business to be transacted at the meeting.
- 42.3 Except as provided in rule 42.1 and 42.2, notice of an adjournment of a State Conference, an Annual General Meeting or Special General Meeting or of the business to be transacted at an adjourned meeting is not required to be given.

## 43. DECISIONS OF THE MEETING

The following rules will apply mutatis mutandis to meetings of Branches, the Branch Executives, Diocesan Councils, State Council, Annual General Meeting or Special General Meeting (which are for the purpose of this rule referred to as "the meeting").

- 43.1 A question arising at the Meeting shall be determined on a show of hands and, unless before or on the declaration of the show of hands a poll is demanded, a declaration by the chairman of the Meeting that a resolution has, on a show of hands, been carried or carried unanimously or carried by a particular majority or lost, or an entry to that effect in the minute book of the Meeting, is evidence of the fact without proof of the number or proportion of the votes recorded in favour of or against that resolution.
- 43.2 At the Meeting, a poll may be demanded by the chairman or by not less than three (3) persons present and entitled to vote.
- 43.3 Where a poll is demanded at the Meeting, the poll shall be taken:
- 43.3.1 immediately in the case of a poll which relates to the election of the chairman of the Meeting or to the question of an adjournment or

- 43.3.2 in any other case, in such manner and at such time before the close of the Meeting as the chairman of the Meeting directs, and the resolution of the poll on the matter shall be deemed to be the resolution of the Meeting on that matter.
- 43.4 Upon any question arising at the Meeting a person entitled to vote shall have one (1) vote only.
- 43.5 In the case of an equality of votes on a question at the Meeting, the chairman of the Meeting is entitled to exercise a second or casting vote.
- 43.6 Notwithstanding anything herein appearing any decision of the Meeting which relates to the appointment of office bearers to either the State Council or Diocesan Council shall be effective when passed however the appointee shall not take office until January 1 in the year following such appointment and the outgoing office bearer shall remain in the office until that time unless such office bearer has retired or been otherwise removed.

## PART VII

### MISCELLANEOUS

#### 44. INSURANCE

The Secretary shall effect and maintain insurance as is determined from time to time by State Council.

#### 45. FUNDS-SOURCE

45.1 The funds of the Order shall be derived from the entrance fees, if any, and annual subscriptions of Members, donations and such other sources as State Council determines.

45.2 All monies received by any Branch, Diocesan Council or State Council shall be deposited as soon as practicable and without deduction to the credit of State Council's bank account, one or more banks operating within Australia provided such bank or banks have been issued with a banking license under Banking Act 1959.

45.3 State Council shall, as soon as practicable after receiving any money, issue an appropriate receipt.

#### 46. FUNDS MANAGEMENT

46.1 The funds of the Order shall be used pursuant to the objects of the Order in such manner as State Council determines.

46.2 All cheques, drafts, bills of exchange, promissory notes and other negotiable instruments shall be signed by any two members of State Council or employees of the State Council, being members or employees authorised to do so by State Council.

#### 47. COMMON SEAL

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

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

#### 48. CUSTODY OF BOOKS ETC

Except as otherwise provided by these rules, the Secretary shall keep in custody or under control all records, books and other documents relating to the Order.

#### 49. SERVICE OF NOTICES

49.1 For the purpose of these rules, a notice may be served by or on behalf of the Order upon any Member either personally or by sending it by post to the Member at the Member's address shown in the register of members.

49.2 Where a document is sent to a person by properly addressing, prepaying and posting to the person a letter containing the document, the document shall, unless the contrary is proved, be deemed for the purposes of these rules to have been served on the person at the time at which the letter would have been delivered in the ordinary course of post.

#### 50. SPECIAL RESOLUTION

A resolution at any meeting of the Order is a special resolution for the purpose of these rules if it is passed by a majority which comprises of not less than seventy five per centum (75%) of such members present at the meeting and as, being entitled under these rules so to do, vote in person on the motion.

#### 51. ACCOUNTS

The accounts of the Order which are to be maintained by the treasurer pursuant to rule 20 are to be audited on an annual basis by the Auditor appointed pursuant to rule 38.2.6.

#### 52. ECCLESIASTICAL VISITORS

Members of the hierarchy and clergy of the Roman Catholic Church may be admitted to Order meetings.

#### 53. SPIRITUAL DIRECTOR

The Archbishop of Perth or the Bishop of a Diocese shall be asked by State Council to act as a spiritual director of the Order within his Archdiocese or Diocese.

#### 54. CHAPLAINS

The Archbishop of Perth or Bishop of a Diocese as appropriate may appoint a chaplain or clerical representative to any Branch in his Diocese.

55 USE OF ORDER NAME AND LOGO

- 55.1 The Order may only use the title Knights of the Southern Cross (or the abbreviations KSC) or such logo or trademark as may be the logo or trademark of the National Order with the written consent of the National Executive of the National Order.
- 55.2 Immediately it ceases to be a member of the National Order, the Order shall cease to use the title Knights of the Southern Cross (or the abbreviation KSC) or such logo or trademark as may be the logo or trademark of the National Order and shall register a new title with all the relevant authorities.
- 55.3 Within 30 days of cessation of its membership of the National Order, the Order will provide written verification of the new name it has registered with the relevant authorities.

## NOTES