



Australian Army Rugby Union (AARU)

Constitution

August 2022

Australian Army Rugby Union (AARU) Constitution

References:

- A. Army Training Instruction 4-4/21, *Australian Army Policy on Sport*, dated 9 Dec 21.
- B. MILPERSMAN Part 3 Chap 3 *Sport in Defence*.
- C. *Army Non-Public Monies Manual*.
- D. *Sponsorship – Defence Finance Group webpage*.
- E. *Defence Force Discipline Act 1982 (CTH)*.

PART 1 – DEFINITIONS

- 1. In this Constitution:
 - a. “AARU” means Australian Army Rugby Union.
 - b. “AARU logo” means the image depicting the Australian Army Rising Sun with “Established 1919” on the inner and “Australian Army Rugby Union” on the outer.
 - c. “ADF” means Australian Defence Forces.
 - d. “Calendar year” means from 1 January to 31 December.
 - e. “Financial Year” means the period from 1 July in any year to 30 June of the following year.
 - f. “NPMA” means the Army Non-Public Monies Administration Manual contained in the electronic Manual of Personnel Administration (MPA), and any further Australian Defence Force publications or directives that may replace it.
 - g. “Executive management committee” comprises the AARU President, Vice President (Support), Vice President (Operations), Secretary and Treasurer.
 - h. “Management committee” comprises the AARU National Manager, Team Manager(s), Head Coach, Team Coach(es), Player Liaison Officer, Sponsorship Officer, Property Manager, Public Affairs Officer and Event Manager.
 - i. “Patron” is a serving or retired officer of colonel rank or higher that acts as an ambassador for the AARU however has no executive or non-executive function. The patron is to be appointed by the AARU President.

PART 2 – PURPOSE, NAME AND STATUS

2. **Purpose.** The purpose of this Constitution is to act as a source document to guide the existence, operation and functioning of the AARU.
3. **Name.** The name of the organisation shall be ‘Australian Army Rugby Union’. The name of the organisation shall be abbreviated as the ‘AARU’.
4. **AARU Status.** The AARU is an Approved National Army Sporting Association (NASA) pursuant to Annex A of Reference A and is to comply with References A to D and any amendments. The AARU will receive resource allocations from within the ADF and is lawfully able to seek sponsorship and donations from external sources in accordance with Reference D.

PART 3 – AMENDMENTS TO THE AARU CONSTITUTION

5. Any proposed changes to the AARU Constitution are to be submitted by the AARU President, with the endorsement of the executive committee, to the COL TRG HQ FORCOMD in accordance with Reference A.

PART 4 – AARU MISSION, OBJECTIVES AND CODE OF CONDUCT

6. **AARU Mission.** The AARU’s mission is to promote and develop Rugby Union throughout the Australian Army.
7. **AARU Objectives.** The objectives of the AARU are to:
 - a. **Objective 1.** Contribute to the capability of the ADF through international engagement efforts and initiatives.
 - b. **Objective 2.** Applying the ADF values, promote and develop Rugby Union in the Australian Army in order to attract and develop players, coaches, managers and referees and contribute to the capability of the ADF.
 - c. **Objective 3.** To promote the principles of Safe Rugby at all levels across the Australian Army.
 - d. **Objective 4.** To field representative Men’s and Women’s Teams that are competitive in all matches they play.
 - e. **Objective 5.** To promote AARU within the ADF and to the wider community in order to provide a pathway for talented AARU players to gain state and national recognition.
8. **AARU Code of Conduct.** All members of the AARU are to behave in accordance with ADF values with the AARU code of conduct and additional values that are unique to the AARU. The AARU code of conduct requires all members to:
 - a. Play rugby union in the spirit of the game.
 - b. Respect other AARU members, other teams, players and spectators. Opposing teams are to be made welcome.

- c. Avoid any action which may compromise the member or bring into disrepute the reputation of the AARU or the ADF.
- d. Foster teamwork within the AARU and promote the AARU.

PART 5 – AARU MANAGEMENT

9. The AARU rugby season typically consists of the Inter Brigade Rugby Competition (IBRC) followed by the AARU camp for selected players and staff, followed by the ADFRU Competition (known as ADFRC) conducted. The sequence of these carnivals is subject to some variation but typically commences in mid-April, concluding in early May. The second half of the calendar year will often include tours conducted by ADFRU, AARU and the other single service unions. On occasion, matches conducted as part of Army's or Defence's international engagement activities will also be scheduled in the second half of the calendar year. There will be circumstances where the AARU season may be paused due to operational commitments, or other circumstances that may prevent the scheduling of representative sport.

10. The AARU is managed by an executive management committee and a subordinate management committee. The AARU executive and management committees are composed entirely of volunteer members who, by virtue of their experience, are also in senior appointments with a broad range of roles and responsibilities. The variabilities in the AARU season require an agile approach by management members in order to ensure the scheduled events in the first half of the calendar year are well-coordinated, and that AARU compliance and regulatory requirements are adhered to effectively, while not placing excessive requirements on volunteer members during the 'off-season'.

PART 6 – EXECUTIVE MANAGEMENT COMMITTEE AND AARU SOPs

11. The executive management committee ensures that the AARU achieves its mission and objectives while conforming to the AARU Code of Conduct.

12. **Irreplaceable Constitution Rules.** In accordance with Reference A, the AARU is to strictly apply the "Irreplaceable Constitution Rules" with additional rules included. These rules are contained in Annex A.

13. **Appointment to the executive management committee.** The following processes are to be applied:

- a. **Appointment to the AARU executive management committee.** The nominee is to be appointed by the existing executive management committee by a majority vote. An executive management committee member may be co-appointed to a management committee role.

- b. **Vacant position.** If an AARU executive management committee position is not filled, the President is to allocate the duties of the vacant position among the existing executive management committee in accordance with Annex A, or if the duty is not contained in Annex A, at the discretion of the President until the position is filled.

c. **Tenure of AARU executive management committee members.** Tenure on the executive management committee is two calendar years with an option to extend which is to be affirmed by the executive management committee by a majority vote.

14. **AARU Standard Operating Procedures.** The executive management committee is to maintain the AARU Standard Operating Procedures (SOPs) to act as a single source document to guide the operation and functioning of the AARU.

PART 7 – MANAGEMENT COMMITTEE

15. **Appointment to the AARU management committee.** AARU management committee members are to be appointed by the executive management committee by a majority vote. The period may be fixed or enduring and remains at the discretion of the executive management committee.

PART 8 – MEMBERSHIP

16. **Eligibility.** All members of the Australian Army are eligible to be members of the AARU. Navy, Air Force, Defence civilians and members of the military forces of other nations posted or temporarily assigned for duty with the Australian Army are also eligible to be members of the AARU at the discretion of the President, however, they can comprise no more than 20% of the total membership.

17. **Membership.** AARU membership is bestowed on persons who are appointed to the AARU executive management committee or the management committee, or directly play for or support the AARU. The AARU may levy a membership fee for AARU membership.

18. **Voting membership.** The executive management committee exclusively hold voting rights at all meetings.

19. **General membership.** All other AARU members hold general membership status and do not have voting rights at meetings however are encouraged to provide submissions and/or representations to the executive management committee.

20. **Cessation of membership.** AARU membership will cease on completion of:

- a. separation from the Army,
- b. expulsion from the AARU by the AARU executive management committee,
- c. by a written resignation, or
- d. the member dies.

PART 9 – EXECUTIVE MANAGEMENT COMMITTEE AND ANNUAL GENERAL MEETINGS

21. Between January and May annually, executive committee meetings are to be held monthly. In the second half of the calendar year when no tours or international engagement activities are held executive committee meetings are to be held bi-monthly. The quorum for a general executive management committee meeting will be

at least three of the five management executive committee members. Executive management committee meetings are to include:

- a. general business,
- b. planning coordination,
- c. review of projects,
- d. delegation of tasks, and
- e. monitoring of resource and governance compliance.

22. An Annual General Meeting (AGM) is to be convened by the AARU President once each calendar year and within two months of the Annual Report being due. The date, place and time of AGM and Notice of the AGM are to be made available to all members with 14 days' notice to be given. The requisite quorum for the AGM will be at least four of the five executive management committee members. The business of the AGM is to include:

- a. confirming the minutes of the previous AGM,
- b. receiving reports from executive management and management committee members,
- c. appointment of executive management and management committee members for the following calendar year, and
- d. Conducting other general business that has been included on the agenda.

23. **Making decisions.** Decisions arising from a general executive management committee meeting or AGM are to be decided by a majority unless otherwise stated. In the event of a tied vote, the President may exercise a casting vote.

24. **Minutes of Meetings.** Minutes of a general executive management committee meeting or AGM is to be recorded by the secretary and submitted for confirmation at the next meeting.

25. **Compliance.** AARU will conduct itself in accordance with the references listed as well as the respective policies and directives from Rugby Australia in regard to the conduct of the sport, with the aim of being an effective, responsible and respected single service union. Noting the nature of the AARU season and the roles and responsibilities of the management committees (as described in para 9 and 10) there will be occasions where the requirements of respective references and other rugby policies or directives may not be complied with in part or in full. Furthermore, there may also be circumstances where the compliance and regulatory requirements are excessive relative to the nature of the AARU season and the voluntary status of the AARU committee members. Where issues of non-compliance arise, the respective committee member is to communicate the issue of non-compliance to the President at the earliest opportunity, with the matter presented at the next committee meeting with

a plan to mitigate the non-compliance, or correspondence drafted for the President to declare any issue of non-compliance to NASA.

PART 10 – DISCIPLINE AND EXPULSION FROM THE AARU

26. **DFDA Discipline and expulsion.** This constitution does not confer any ADF powers of punishment or ADF power to discipline any member of the Army in accordance with Reference E. However the AARU executive management committee has the power to expel (for a fixed period or permanently) an AARU member who by their conduct has prejudiced the interests of the AARU including breaches of the AARU Code of Conduct.

27. **Expulsion process.** Upon alleged conduct prejudicial to the interests of the AARU being raised with the executive management committee the member must be notified of the particulars of the allegations by the party making the allegation. The member is to be notified of the time and place of the proceedings including any pre-hearing review and hearing time and place. The party making the allegations and the respondent member may make a written and/or verbal submission to the AARU hearing which will consist of at least the AARU President and two other members of the executive management committee. The hearing may proceed in the member's absence.

PART 11 – AMENDMENT OF THE CONSTITUTION

28. No amendment to the Constitution shall be made unless:

- a. At least 28 days' written notice of the motion to amend the Constitution is disseminated in writing to the executive management committee. The notice is to include the draft which has been reviewed and endorsed for future use by the COL TRG HQ FORCOMD.
- b. The resolution to amend the Constitution must be passed by a two-thirds majority of the executive management committee prior to being submitted by the AARU President to the COL TRG HQ FORCOMD.

PART 12 – DISSOLUTION OF THE AARU

29. If at any AGM a resolution for the dissolution of the AARU is presented the following actions are to take place:

- a. The resolution for the dissolution of the AARU must include the reasons for the dissolution and how the assets are to be dispersed. The resolution must be passed by a two-thirds majority of members that are present.
- b. After the resolution has been confirmed the executive management committee is to proceed to realise the property after discharging all liabilities.
- c. Options for disposal of assets include one or more of the following:
 - (1) funds/property can be transferred to one or more NPMAs,

- (2) non-cash assets may be offered for sale,
 - (3) historic items should be donated to an appropriate Army Museum,
 - (4) funds are expended by conducting various amenity and welfare activities, or
 - (5) funds are distributed to a not-for-profit organisation that supports the Army as identified by the executive management committee.
- d. Any surplus funds on winding up the AARU must not be distributed to the members as this would negate the not-for-profit status of the AARU.
- e. Any taxation registrations are to be cancelled with the ATO.
- f. A final audit is completed.
30. This constitution was approved by the AARU executive management committee on 01 August 2022 and submitted for approval to the COL TRG HQ FORCOMD.

ME Garraway, AM, CSC
Brigadier
AARU President

Brad Smith
LTCOL
COL TRG HQ FORCOMD

ANNEX A
AARU CONSTITUTION
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IRREPLACEABLE CONSTITUTION RULES FOR THE AARU

1. The President, Vice President(s), Secretary, Treasurer and Property Manager are to be serving members of the Army.
2. The AARU executive and management committee is deemed a NASA management committee and along with the Property Manager are assigned the following duties and are responsible for the proper performance of such duties.

Responsibilities of the President

3. The President of the executive and management committees of the AARU is responsible for:
 - a. being present and presiding over all executive management committee meetings and general meetings of the members of the AARU,
 - b. convening an annual general meeting of the AARU at least once yearly,
 - c. ensuring the correct keeping of all minutes, records and correspondence, and that a proper record is made of information concerning matters which might be of value to future committees,
 - d. the co-ordination and general supervision of the executive and management committee members, ensuring that the AARU Non-Public Monies Account (NPMA) management is conducted IAW Defence policy and any civil legislative requirements,
 - e. the co-ordination and general supervision of the executive and management committee members, and ensuring that the committee members are conducting their duties IAW the AARU constitution and the AARU Standing Orders with the AARU constitution being the precedent document,
 - f. ensuring that sufficient members of the executive and management committee are available to conduct AARU business efficiently and during the absence of the Secretary or the Treasurer that their duties are allotted, in writing, to other members of the executive or management committee,
 - g. supervising the duties allotted to other members of the committee (executive management committee) or sub-committees (management committee) or managers (as directed),
 - h. the immediate supervision, conduct and management of the AARU so that it is positioned to meet its creditors,
 - i. verifying any cash book reconciliation and, independently, bank account balances for the purpose of reconciliation, and ensuring that banking is conducted in accordance with NPMA requirements and any civil legislative requirements,
 - j. carrying out random spot-checks on selected items of non-public property and comparing these checks with periodic stocktakes carried out within the AARU,

- k. certification of the AARUs financial statement position,
- l. ensuring that the AARU's accounting records, together with all supporting documents, are audited in accordance with References A and C and ensuring that there is no undue accumulation of non-public monies, with respect to the size and type of the AARU being an NPMA,
- m. ensuring that all non-public property and executive members of the AARU are adequately covered by insurance in accordance with the NPMA manual,
- n. ensures that the AARU Sports Risk Management Plan (SRMP) is approved by the COL TRG HQ FORCOMD,
- o. ensures that an Annual Report is submitted to COL TRG HQ FORCOMD no later than 1 September yearly,
- p. appoint a Patron of the AARU,
- q. act in the interests of the AARU as necessary or desirable for the proper management of the affairs of the AARU, and
- r. Delegate in writing powers, whilst remaining liable for the delegate's performance.

Responsibilities of the Vice President

- 4. The Vice President is responsible for assisting the President in the conduct of their duties. In the President's absence, the Vice President is to assume the duties of the President and accept the full responsibilities of the President. In the absence of the President and the Vice President, the Secretary is to assume the duties of the President. In addition to these duties, the Vice President is responsible for:
 - a. ensuring members' conduct is at all times in keeping with Defence values and the AARU Code of Conduct both on and off the field,
 - b. commencing administrative action for the President's decision with respect to the expulsion of any person who engages in behaviour that is inconsistent with Defence values and the AARU's Code of Conduct,
 - c. Informing the member's chain of command if the executive management committee determines that the member is to be expelled, including the period, as a member of the AARU.

Responsibilities of the Secretary

- 5. The Secretary's duties include the administration and daily management of the AARU. In the absence of the Vice President for Support, or when the Vice President for Support is acting as the President, the Secretary is responsible for the duties of the Vice President for Support. The Secretary is also responsible for:
 - a. ensuring staff are aware of and conducting their duties,
 - b. issuing notices of all meetings,

- c. recording and keeping the Minutes of all meetings,
- d. keeping a visitors' book, if applicable,
- e. creating and storing all correspondence relating to the AARU,
- f. raising documentation for the procurement of goods authorised by the committee,
- g. supervising the security of AARU assets,
- h. issuing keys and maintaining the key register,
- i. maintaining the members and honorary members roll, where applicable,
- j. keeping the function attendance roll, for preparation of function accounts, where applicable,
- k. the purchase and issue of receipt books,
- l. acknowledging, in writing, all gifts or loans by civilians or philanthropic or other organisations, and
- m. Ensuring that random spot checks are carried out in conjunction with the President to ensure all accurate financial transactions are correct and accurate, including monthly checks of the cash book reconciliation or accounting system.

Responsibilities of the Treasurer

6. The Treasurer's duties include the financial administration of the AARU and is responsible for:
- a. ensuring all books of account and accounting documents are in accordance with Reference C,
 - b. issuing receipts, safe custody, banking and disbursement of all non-public monies and monies received from sponsors and donations,
 - c. preparing and certifying the financial statements and all other accounting books and documents,
 - d. immediately reporting to the President any loss or suspected loss of non-public monies or the misuse or lack of accountability of monies received from sponsors or donors,
 - e. preparing all expenditure documentation before signing and presenting to the appointed countersigning officer (if required),
 - f. utilising non-public monies IAW the requirements of the general meeting or as per the executive and management direction,
 - g. preparing accounts for members, their distribution and subsequent advice to the President of unpaid accounts by the prescribed date for payment,
 - h. ensuring that all sponsorship and donations comply with References A and D including that all sponsorship revenue is recorded in the Defence Financial Management Information System (ROMAN) and that a sponsorship summary (list of sponsors and value of each sponsorship) is submitted as part of the Annual Report, and

- i. Assisting the preparation of budget/ business plans including the resource request which is to be submitted as part of the Annual Report and any supplementary bids for the AARU activities.

Responsibilities of the Property Member

- 7. The Property Member's duties, when established within a NASA management committee, include the administration of the NASA NPMA property and:
 - a. ensuring the maintenance of the property register for all items which contains the purchase value of each item,
 - b. for ADF allocated property ensure that all equipment is accounted for on a Supplier Customer Account (SCA) on the Military Integrated Logistics Information System (MILIS),
 - c. preparing the non-public property and ADF allocated property for stocktaking and audit purposes, as required by the management committee,
 - d. for ADF allocated property ensure a stocktaking certificate
 - e. advising the committee of any repairs or maintenance required and ensuring that the committee's directions with respect to the method of repair are carried out,
 - f. advising the committee of any unrepairable non-public property or ADF allocated property,
 - g. advising the committee of any held non-public property or ADF allocated property that is surplus to requirement,
 - h. ensuring that non-public property is disposed of in accordance with committee direction,
 - i. ensuring that ADF allocated property is disposed of in accordance with ADF policy and processes,
 - j. ensuring compliance with the Secretary's directions with respect to the security of non-public property and ADF allocated property, and
 - k. Reporting any known or suspected non-public property or ADF allocated property discrepancies to the President.

Responsibilities of all AARU members

- 8. All AARU members, including players, coaches, officials and other supporting staff, are responsible for:
 - a. behaving in accordance with ADF values, both on and off-field, whether or not at an AARU event, training session, meeting, tournament, tour or social event. This includes NASA members who are members of other Services, Defence and other civilians, and
 - b. behaving in accordance with the AARU Code of Conduct.

9. AARU members acknowledge that conduct that falls short of these standards may result in the member being excluded from membership (including members with life or honorary membership) and may be referred to the member's chain of command for further action.