



Memorandum

Reference:

Pursuant to Section 216(c) of the National Bylaws "The Post may elect or the Post Commander may appoint a Judge Advocate, Surgeon, Officer of the Day and/or Guard if required by Post Bylaws.

Enclosed Template: See Article V, Section 3
(Template defaults to Appointed Positions)

Purpose:

The Post membership must decide whether the positions outlined above will be elected or appointed. Once the decision has been made the Post Bylaws must be amended and approved pursuant to Section 202 of the National Bylaws.

Please adjust the template accordingly in the referenced section above prior to submitting them to your Department for approval.

Note:

Post Bylaws must clearly state whether the positions outlined above are elected or appointed. Failure to identify these positions as elected or appointed will result in the Post Bylaws being rejected by the Commander-in-Chief.

Enclosed:
Post Bylaws Template

NATIONAL HEADQUARTERS

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BYLAWS

WESTERN AUSTRALIA POST NO. 12163

VETERANS OF FOREIGN WARS OF THE UNITED STATES

ARTICLE I NAME AND LOCATION

- Sec. 1. By virtue of charter granted, this Post shall be known as Western Australia Post No.12163 Veterans of Foreign Wars of the United States.
- Sec. 2. The location of this Post shall be in the city of Perth metropolitan area, State of Western Australia, Country of Australia.

ARTICLE II SUBORDINATION

- Sec. 1. The supreme power of this association is vested in the National Convention and this Post shall be at all times governed by the Congressional Charter and Bylaws of the Veterans of Foreign Wars of the United States, the Bylaws of the Department, orders issued by authority of the National Convention, National Council of Administration, the Commander-in-Chief, the Department Convention, Department Council of Administration and the Department Commander. Resolutions adopted by the National Convention are held to be lawful orders.

ARTICLE III MEETINGS

- Sec. 1. Place: The regular meeting place of this Post shall be at Navy League of WA, Lot 7773 Riverside Rd, East Fremantle, WA, 6158.
- Sec. 2. Time: The regular meetings of the Post shall be held on the 3rd Sunday of each month, to be called to order at 1300 (1:00 p.m).
- Sec. 3. The Post may, after at least fourteen (14) days written notice to the Department Commander and the members of the Post, change its regular meeting place, appointed day or time upon a majority vote of the members present and voting at a regular or special meeting called for such purpose.
- Sec. 4. Special meetings may be called in accordance with the provisions of the National Bylaws.
- Sec. 5. Quorum: Five members in good standing shall constitute a quorum for the transaction of business.

**ARTICLE IV
MEMBERSHIP**

- Sec. 1. Membership in this Post, eligibility to, application for, acquiring and maintenance of, loss of and discipline shall be in accordance with the provisions of the National Bylaws.
- Sec. 2. The admission fee of this Post shall be payable in accordance with the National Bylaws.
- Sec. 3. The annual dues of this Post shall never be less than the amount required to cover Department and National dues.

**ARTICLE V
OFFICERS**

- Sec. 1. Eligibility to, nomination, election or appointment, installation and term of office shall be in accordance with the provisions of the National Bylaws.
- Sec. 2. The Post shall elect the Commander, Senior Vice Commander, Junior Vice Commander, Quartermaster, and three Trustees.
- Sec. 3. The Commander shall appoint an Adjutant, Chaplain, Service Officer, Judge Advocate, Surgeon, Officer of the Day, and/or Guard.
- Sec. 4. The duties of all officers shall be those prescribed by Department and National Bylaws, lawful orders as the Post may direct and as these Bylaws may provide.

**ARTICLE VI
COMMITTEES AND DUTIES**

- Sec. 1. All Committees and their chairmen, unless otherwise provided shall be appointed by the Commander as promptly as possible after election to office, and as such shall serve at his/her will and pleasure. The Post Quartermaster, by virtue of office shall be treasurer of all committees handling funds.
- Sec. 2. The Standing Committees of the Post shall be as follows:
 - (a) Membership
 - (b) Relief
 - (c) Poppy
 - (d) Publicity
 - (e) Youth Activities
 - (f) House
 - (g) Americanism
 - (h) Ways and Means
 - (i) Community Activities
 - (j) Safety
- Sec. 3. House Committee, as applicable to assist current building owners:
 - (a) The House Committee shall be elected by the Post members to manage certain matters related to the Post property including the operation of Post Club Rooms and/or Canteen. It shall consist of not less than three members, one each of whom shall be elected annually for a three-year term. Trustees shall not serve on the House Committee. In addition, the Post Commander and Post Quartermaster by virtue of their offices shall be members of the House Committee.
 - (b) The Committee shall be responsible for the cleanliness and upkeep of the quarters and the equipment therein.

- (c) The Committee shall be in charge of the sub-rental of the Post's quarters and shall exercise such supervision over sub-renters as will ensure the protection of the Post's name and property.
- (d) The Committee may authorize such expenditures for minor emergency repairs and janitor supplies as may be necessary for the preservation and protection of the Post's quarters and its equipment, provided that the total amount so expended between any two regular meetings shall not exceed \$100.
- (e) All monies received by the Committee through the sub-rental of the Post's quarters or other sources shall be deposited with the Post Quartermaster.
- (f) All expenditures of the Committee shall be made only by regular voucher and drawn by the Quartermaster in accordance to these Bylaws.
- (g) The House Committee shall keep a record of all its receipts and expenditures and shall, at every meeting of the Post, report all monies received and all expenditures made since the last meeting.
- (h) The Post may adopt such further rules and regulations governing the conduct of club or canteen as do not conflict with the provisions of this Article. Such rules and regulations shall only become effective upon their approval by a majority vote of members present and voting at a regular or special meeting called for that purpose; at least thirty (30) days' notice in writing having first been given to all members.

**ARTICLE VII
CONTROL OF SUBSIDIARY UNITS**

- Sec. 1. Any activity, unit or clubrooms sponsored, conducted or operated by the Post, incorporated separately from the Post or unincorporated, shall be at all times under the direct control of the Post.
- Sec. 2. All funds derived from any of the above shall be in the custody of the Post Quartermaster.
- Sec. 3. All money, property and assets of every kind as well as all records in connection therewith used, held and owned by any of the above activities is the property of the Post and must be placed in the care and custody of the Post Quartermaster.
- Sec. 4. The Veterans of Foreign Wars Auxiliary and Military Order of the Cootie are governed by Articles XI and XII respectively of the National Bylaws and Manual of Procedure of the Veterans of Foreign Wars and their respective Bylaws, rules and regulations.

**ARTICLE VIII
EXPENDITURE OF FUNDS**

- Sec. 1. Expenditure of funds shall be made only after prior authorization by the Post and on proper voucher drawn by the Adjutant and approved by the Commander. All checks for the expenditure of Post funds shall be numbered in sequence, the number of each check to correspond with the voucher authorizing the same, other expenditures may be made using acceptable banking practices. All disbursements of Post funds shall bear the signature of the Quartermaster or other person(s) authorized by the Quartermaster. Such other authorized person(s) shall be bonded in accordance with Section 703 of the National Bylaws.
- Sec. 2. The adoption of this Article shall constitute authorization by the Post for the payment of all items approved by the Post in each financial year's Post Annual Budget. This includes, but is not limited to:

payment of bills, when and as due, for monthly rental, public utility service, postage, janitor service and for janitor's supplies and minor emergency repairs authorized by the House Committee, provided that the amounts to be paid for monthly rental and for janitor service shall have been previously established by the Post.

- Sec. 3. No other payment or expenditure other than those listed in **Article VIII, Sec 2** shall be made except on the specific authorization of the Post in each and every case.

ARTICLE IX COMPENSATION

- Sec. 1. No compensation shall be paid to any officer of this Post for their services as such officer, except as hereafter may be provided.
- Sec. 2. For services rendered, the Post may, by majority vote, pay the annual dues of the Adjutant and Quartermaster for the periods or parts of periods they serve as such, and such other compensation commensurate with their duties as may be determined and specified by vote of the Post.
- Sec. 3. For expenses incurred by other Post officers, committees or members, the Post may, by majority vote, reimburse those expenses which have been approved by the Post Commander or Quartermaster, upon providing proof of receipt / expenditure (i.e. sales receipt, bank statement excerpt, etc.) as may be determined and specified by vote of the Post.

ARTICLE X FUNDRAISING PROMOTIONS/SOLICITATIONS

- Sec. 1. This Post shall solicit funds or donations only by prior vote of the members agreeing to the proposition. It shall not solicit funds or donations or otherwise engage in fundraising activities or projects outside the immediate geographical area or community of the Post.
- Sec. 2. This Post shall not enter into any agreement with a promoter for the purpose of raising funds unless the said promoter shall have first furnished a good and sufficient surety bond in a principal sum sufficient to give the Post ample protection in the particular circumstances. The said bond shall be subject to the approval of the Post Advocate, bear the endorsement of the Post Commander and be kept in the possession of the Post Quartermaster. The bond will be conditioned on the payment to the Post Quartermaster of all monies due the Post as a result of the solicitation within thirty (30) days of the close of the campaign. If the promoter has made satisfactory settlement within the thirty day period, then surety will be determined to be discharged, otherwise the bond will remain in full force and effect.
- Sec. 3. If the bond cannot be furnished, then all collections shall be made by the members of the Post sponsoring the campaign or entertainment and said funds shall be paid to a bonded officer of the Post who shall hold the funds in their custody pending proper pro rata distribution.
- Sec. 4. Fundraising organizations or individuals conducting solicitations, activities or projects for a profit shall not be engaged or used by the Post for such purpose unless such engagement is made by written agreement between the Post and the organization or individuals providing those services. The form of any such written agreement must be submitted to the Department Commander for review at least thirty (30) days prior to any Post entering into any such agreement.
- Sec. 5. No solicitations or ticket sales shall be permitted in the Post quarters or at socials or meetings unless such solicitations or ticket sales shall have been approved by the Post.

**ARTICLE XI
MISCELLANEOUS**

- Sec. 1. Every member of this Post shall keep the Post Adjutant and Quartermaster advised of their current address by promptly reporting any change of same.
- Sec. 2. One copy of these Bylaws shall be issued / provided electronically to each elected and appointed officer of this Post.
- Sec. 3. In all Post procedures not provided for by the Congressional Charter and Bylaws or these Bylaws, **Robert's Rules of Order, Newly Revised** shall be the authority, and it shall be the duty of the Judge Advocate, in an advisory way, when called upon to do so by the Post Commander to advise the Post Commander on the proper rule(s).

**ARTICLE XII
SPEECHES**

- Sec. 1. No member will be permitted to speak on any one subject (Pro or Con) more than twice; and the first time no longer than five (5) minutes, and the second time no longer than three (3) minutes, with the exception of a committee report and recommendations and visiting guests who have a message to impart.
- Sec. 2. Other than the Post elected and appointed officers, no member will be permitted to speak on behalf of the Post without prior approval from the Post Commander. This applies to all forms of medium to include, but not limited to: any public or private events, printed and television news, telephone calls or interviews, social media posts and comments, and online statements – blogs / vlogs. All such enquiries must immediately be referred to the Post Commander.

**ARTICLE XIII
AMENDMENTS**

- Sec. 1. These Bylaws shall become effective after adoption by this Post and after review by the Commander of the Department and Commander-in-Chief of the Veterans of Foreign Wars of the United States.
- Sec. 2. These Bylaws may be amended by the Post by a two-thirds vote of the members present and voting at a meeting, provided each member had been notified at least twenty (20) days in advance and upon request provided a copy of the proposed amendments.
- Sec. 3. Wherever these Bylaws or subsequent amendments may be found to be in conflict with the present or any future Department or National Bylaws, the latter shall prevail and be binding upon this Post as though written herein.

These Bylaws were adopted, subject to the review of the Department Commander and the Commander-in-Chief of the Veterans of Foreign Wars of the United States on this 22nd day of January 2023, at a regular meeting of this Post.

Western Australia Post No.12163
Veterans of Foreign Wars of the United States

ATTEST:



Adjutant



Commander