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# George the Sixth

by the grace of God of Great Britain Ireland and the British Dominions beyond the Seas King Defender of the Faith Emperor of India.

TO ALL TO WHOM THESE PRESENTS SHALL COME, GREETING:

WHEREAS it has been represented to Us by Our Prime Minister of Our Commonwealth of Australia as follows:

- (i) That the Australian Red Cross Society is an unincorporated Society formed in the year 1914 as a Branch of the British Red Cross Society and that its primary objects are the furnishing of aid to the sick and wounded irrespective of nationality, the rendering of assistance in the case of any great public disaster calamity or need, and the improvement of health the prevention of disease and the mitigation of suffering in Australia and elsewhere and that it is governed by a Council and has its affairs managed and regulated by an Executive annually appointed by the Council and that Her Excellency the wife of Our Governor-General of Our Commonwealth of Australia is President of the said Society and Harold Bayard Piper Chairman of the Council thereof.
- (ii) That the said Society is representative of the whole of Australia and of the Territories thereof (including the Territory of New Guinea) and has been authorised by Our Minister of State for Defence of Our Commonwealth of Australia pursuant to the Geneva Convention Act 1938 of Our Commonwealth of Australia to use therein the heraldic emblem of the red cross on a white ground formed by reversing the Federal colours of Switzerland and to use the words "Red Cross" and also to render assistance to the Medical Services constituted under the Defence Acts of Our Commonwealth of Australia and to the Medical Units and establishments thereof and also that the said Society is recognised by the International Committee of the Red Cross as an autonomous national Society.
- (iii) That the said Society since its formation has received voluntary donations and subscriptions throughout Our Commonwealth of Australia and otherwise and has thereby accumulated funds and other assets which are held for the purposes of the said Society.
- (iv) That it will greatly promote and facilitate the work of the said Society if the same is incorporated by this Our Charter and that it will be expedient that the said Society when so incorporated should have such powers and be subject to such provisions as

are hereinafter contained.

- (v) That a draft of Rules for the management of the affairs of the said Society when so incorporated (a true copy of which draft is annexed hereto) has been submitted to and approved by a specially convened meeting of the Council and a copy of such draft has for the purpose of identification been signed by the Acting Chairman.
- (vi) That it has been resolved at a specially convened meeting of the Council that if and when this Our Charter shall have been granted the assets of every description belonging to or held in trust for the said Society or for the use of the said Society in the furtherance of any object thereof shall be transferred to and vested in the Society so incorporated subject nevertheless to the Society so incorporated thereof defraying and providing for all debts and liabilities (if any) then incurred by or on behalf of the said unincorporated Society to which the said assets may at the moment of such transfer and vesting be applicable.

NOW THEREFORE KNOW YE that We having taken the said representations into Our Royal consideration and being always ready to give Our Royal countenance and encouragement to all useful and charitable works by virtue of Our Royal Prerogative in this behalf and of all other powers thereunto Us enabling do of Our special grace certain knowledge and mere motion by these presents for Us Our Heirs and Successors give grant and ordain that Her Excellency the wife of Our Governor-General of Our Commonwealth of Australia and the said Chairman and all other persons who are now members of the said unincorporated Society or shall hereafter in accordance with the Rules of the Society hereby incorporated become members thereof shall while they remain members of the Society hereby incorporated in accordance with the Rules thereof be one body politic and corporate by the name "Australian Red Cross Society" for the primary objects hereinbefore recited and by its said name shall sue and be sued, plead and be impleaded in all Courts and in all manner of actions and suits and shall have power to do all other matters and things incidental or appertaining to a body corporate AND shall have perpetual succession with a Common Seal which may be changed or varied by it at its pleasure PROVIDED THAT the Society hereby incorporated may with approval of a specially convened meeting of the Council and with the approval of Our Governor-General from time to time hereafter change its name but no change in its name so made shall affect any of its rights or obligations or render defective any legal proceedings instituted by or against it and any legal proceeding may be continued or commenced by or against it by its new name that might have been continued or commenced by or against it by its former name.

AND We do hereby further grant and ordain that

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the Society hereby incorporated shall have and may exercise all or any of the powers hereby mentioned and shall be entitled to the benefit of and be subject to the provisions hereinafter contained and such provisions shall have effect accordingly.

1. In this Charter unless the context otherwise requires:

**“Commonwealth Taxation Act”** means the *Income Tax Assessment Act 1997 (Cwlth)* and any amendments to or substitutions of that Act as appropriate.

**“Fundamental Principles”** means the Fundamental Principles of the International Red Cross and Red Crescent Movement adopted by the International Conference of the Red Cross and Red Crescent.

**“Governor-General”** means Governor-General in and over Our Commonwealth of Australia acting with the advice of the Federal Executive Council.

**“Geneva Conventions”** means the First Convention for the amelioration of the condition of the wounded and sick in armed forces in the field, the Second Convention for the amelioration of wounded sick and shipwrecked members of armed forces at sea, the Third Convention relative to the treatment of Prisoners of War and the Fourth Convention relative to the protection of Civilian Persons in time of war (copies of which Conventions are set out in the Schedules to the Geneva Conventions Act No. 103 of 1957 of the Parliament of Our Commonwealth of Australia) and include any Convention or other arrangement in substitution for or an addition to or any modification amendment or extension of the said Conventions or any of them to which Our Commonwealth of Australia is for the time being a party.

**“The Society”** shall mean the Australian Red Cross Society incorporated by this Charter.

**“The unincorporated Society”** shall mean the unincorporated body known at the date of this Charter as the “Australian Red Cross Society”.

**“The Rules”** shall mean the Rules of the Society for the time being in force under or by virtue of this Charter.

**“The Patrons” “The President” “The Chairman of the Council” “The Vice-Chairmen of the Council” and “The Council”** shall mean respectively the Patrons of the Society the President of the Society the Chairman of the Council the Vice-Chairmen of the Council and the Council for the time being in accordance with this Charter or the Rules.

**“The Board”** shall mean the Board for the time being appointed by the Council in accordance with the Rules or such number of the members of such Board as under the Rules shall for the time being be entitled to act as such Board.

And words importing the singular number shall include the plural number and vice versa and words importing the masculine gender shall include the feminine gender and words importing persons shall include corporations.

2. The Society shall have the legal capacity and powers of an individual and all the powers of a body corporate, including all such powers as are necessary or convenient for carrying out the objects of the Society. The Society does not have the power to issue shares.

The Society shall at all times act in conformity with the Geneva Conventions and their Additional Protocols, the laws of Australia and the Fundamental Principles.

The Society shall carry out the functions set out in this Charter, the functions required of the Society by international treaties relating to international humanitarian law to which Australia is a party and the resolutions of the International Conference of the Red Cross and Red Crescent.

The Society is a voluntary aid society, auxiliary to the public authorities in the humanitarian field, including during times of emergency and times of armed conflict in accordance with the Geneva Conventions and their Additional Protocols.

The public authorities shall at all times respect the adherence by the Society to the Fundamental Principles.

The Society is the only Red Cross society in the territory of Australia.

The Society is authorised to use as its emblem a red cross on a white ground for all the purposes foreseen by the International Conference of the Red Cross and Red Crescent, in conformity with the Geneva Conventions, their Additional Protocols and the Regulations on The Use of The Emblem by National Societies adopted by the International Conference of the Red Cross and Red Crescent.

3. There shall be a Patron of the Society. We do hereby reserve to Ourselves and to Her Majesty the Queen to be the first Patron. The subsequent Patron from time to time shall be the Governor-General, if the Governor-General so consents to accept the office.
4. The accounts of the Society must be audited annually by an external auditor and the audited accounts must be laid before the Council at its Annual General Meeting.

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5. The organisation of the Society shall be undertaken and its affairs managed and regulated in accordance with Rules as may for the time being be in force under or by virtue of the succeeding provisions of this Clause. Any of the Rules may from time to time be altered added to or repealed and any new Rules may from time to time be made by the Council upon Resolution passed by a majority consisting of not less than three-fourths of the members of the Council present in person or by proxy of which Resolution at least two months' written notice of motion, or such shorter notice as may be consented to in writing or by telegram by at least three-fourths of all members of the Council has been given PROVIDED that no new Rule and no alteration of or addition to any of the Rules shall have any force or effect if it be repugnant to any of the provisions of this Charter or to the law and PROVIDED further that no new Rule and no alteration of or addition to or repeal of any of the Rules shall have any force or effect until it has been approved by Our Governor-General.

6. It shall be lawful for Us, Our Heirs and Successors by Supplementary Charter to add to, amend or repeal the provisions of this Our Charter or any of them, provided that a resolution to accept and approve such Supplementary Charter shall have been passed by the votes of a majority consisting of not less than three-fourths of the members of the Council present in person or by proxy at a General Meeting of the Council specially called for the purpose on at least two months' notice in writing.

7. And We do hereby further declare that when the Society shall cease to be a Society for the purposes aforesaid and the affairs thereof shall have been completely wound up and its debts and obligations fully discharged this Our Charter shall be absolutely void. If after discharge of all debts and obligations there remains any moneys or assets of the Society We do further declare that those remaining moneys or assets shall be paid or transferred to such charitable institution or purposes in Australia as shall be nominated by Our Governor-General:

- (a) which has objects and/or purposes similar to those of the Society;
- (b) whose memorandum of association or constitution prohibits the distribution of its income and property among its members to an extent at least as great as imposed on the Society; and
- (c) which is an institution entitled to receive deductible gifts under a Commonwealth Taxation Act.

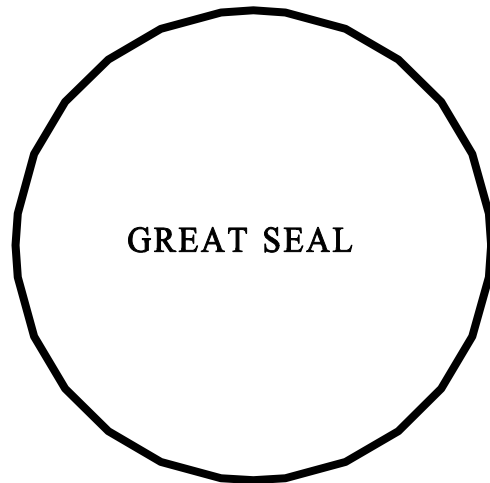
8. And We do for Ourselves Our Heirs and Successors grant and declare that this Charter or the enrolment thereof shall be in all things valid and effectual in law according to the true intent and meaning of the same and shall be recognised as valid and effectual by all Our Courts and Judges in Our dominions

and by all other officers persons and bodies politic and corporate whom it doth concern and that the same shall be construed in the most favourable and beneficial sense and for the best advantage of the Society as well in all Our Several Courts of Record as elsewhere notwithstanding any non-recital or mis-recital uncertainty or imperfection in this Charter.

IN WITNESS WHEREOF We have caused these Our Letters to be made Patent Witness Ourselves at Westminster the twenty-eight day of June in the fifth year of Our Reign.

By Warrant under the King's Sign Manual.

SCHUSTER



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[Draft Fourth Supplemental Charter]

# Elizabeth the Second

by the Grace of God, Queen of Australia and Her other Realms and Territories, Head of the Commonwealth:

GREETINGS!

WHEREAS Our Royal Predecessor King George the Sixth in the year of Our Lord one thousand nine hundred and forty-one by Royal Charter dated the twenty-eighth day of June in the fifth year of His Reign constituted Her Excellency the wife of Our then Governor-General of Our Commonwealth of Australia and Harold Bayard Piper, since deceased, and all other persons who were then or should thereafter in accordance with the Rules of the Society thereby incorporated become members thereof while they remain members thereof in accordance with its Rules a body politic and corporate by the name of the “Australian Red Cross Society” for the primary objects of the furnishing of aid to the sick and wounded irrespective of nationality, the rendering of assistance in the case of any great public disaster, calamity or need, and the improvement of health, the prevention of disease and the mitigation of suffering in Australia and elsewhere, with perpetual succession (and with power to sue and be sued by the said name and to use a Common Seal):

AND WHEREAS a Supplemental Charter (“The First Supplemental Charter”) so varying The Charter was on 4 November 1961 granted to the Australian Red Cross Society by Ourselves:

AND WHEREAS on 8 December 1987 We have assigned to Our Governor-General of the Commonwealth of Australia all Our powers and functions in respect of the issuing of letters patent:

(a) granting a supplemental charter to anyone in the Commonwealth of Australia to whom a charter of incorporation has been granted by Us or Our predecessors; or

(b) revoking, amending, or adding to, any charter of incorporation or supplemental charter granted to anyone in the Commonwealth of Australia by Us or Our predecessors,

and have authorised the Governor-General to exercise any of those powers and functions in Our name and on Our behalf:

AND WHEREAS a Supplemental Charter (“The Second Supplemental Charter”) so varying The Charter was on 19 April 1999 granted to the Australian Red Cross Society by Our Governor-General of the Commonwealth of Australia:

AND WHEREAS a Supplemental Charter (“The Third Supplemental Charter”) so varying The Charter  
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was on [insert date] granted to the Australian Red Cross Society by Our Governor-General of the Commonwealth of Australia:

AND WHEREAS The Society has made representation to Our Governor-General of the Commonwealth of Australia to grant a further Supplemental Charter so varying the Charter as varied by the First Supplemental Charter, the Second Supplemental Charter and the Third Supplemental Charter that the Society may more conveniently carry out its objects and purposes:

NOW THEREFORE We do, by these Letters Patent issued in Our name by Our Governor-General of the Commonwealth of Australia, grant and declare as follows, namely:

1. The said Royal Charter shall henceforth take effect as if:

(a) the following was inserted as new definitions before the definition of “Governor-General” in clause 1 thereof:

““**Commonwealth Taxation Act**” means the *Income Tax Assessment Act 1997* (Cwlth) and any amendments to or substitutions of that Act as appropriate.”;

“**Fundamental Principles**” means the Fundamental Principles of the International Red Cross and Red Crescent Movement adopted by the International Conference of the Red Cross and Red Crescent.

(b) in lieu of the words:

““**The ARC Board**” shall mean the ARC Board for the time being appointed by the Council in accordance with the Rules or such number of the members of such ARC Board as under the Rules shall for the time being be entitled to act for such ARC Board.”

in clause 1 thereof was substituted the following:

““**The Board**” shall mean the Board for the time being appointed by the Council in accordance with the Rules or such number of the members of such Board as under the Rules shall for the time being be entitled to act as such Board.”

(c) in lieu of clause 2 thereof there was substituted the following:

“The Society shall have the legal capacity and powers of an individual

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and all the powers of a body corporate, including all such powers as are necessary or convenient for carrying out the objects of the Society. The Society does not have the power to issue shares.

The Society shall at all times act in conformity with the Geneva Conventions and their Additional Protocols, the laws of Australia and the Fundamental Principles of the International Red Cross and Red Crescent Movement adopted by the International Conference of the Red Cross and Red Crescent.

The Society shall carry out the functions set out in this Charter, the functions required of the Society by international treaties relating to international humanitarian law to which Australia is a party and the resolutions of the International Conference of the Red Cross and Red Crescent.

The Society is a voluntary aid society, auxiliary to the public authorities in the humanitarian field, including during times of emergency and times of armed conflict in accordance with the Geneva Conventions and their Additional Protocols.

The public authorities shall at all times respect the adherence by the Society to the Fundamental Principles.

The Society is the only Red Cross society in the territory of Australia.

The Society is authorised to use as its emblem a red cross on a white ground for all the purposes foreseen by the International Conference of the Red Cross and Red Crescent, in conformity with the Geneva Conventions, their Additional Protocols and the Regulations on The Use of The Emblem by National Societies adopted by the International Conference of the Red Cross and Red Crescent.”

- (d) in lieu of clause 3 thereof there was substituted the following:

“There shall be a Patron of the Society. We do hereby reserve to Ourselves and to Her Majesty the Queen

to be the first Patron. The subsequent Patron from time to time shall be the Governor-General, if the Governor-General so consents to accept the office.”

- (e) in lieu of clause 4 thereof there was substituted the following:

“The accounts of the Society must be audited annually by an external auditor and the audited accounts must be laid before the Council at its Annual General Meeting.”

- (f) clauses 5, 6, 7 and 8 thereof were deleted;

- (g) clause 9 thereof was renamed clause 5;

- (h) the words:

“in the terms of the said draft Rules so approved by the Council of the unincorporated Society as aforesaid or with such other Rules”

in the new clause 5 thereof were deleted;

- (i) clause 10 thereof was renamed clause 6;

- (j) the following words were inserted after the words “such charitable institution in Australia as shall be nominated by Our Governor-General” in new clause 7:

(a) which has objects and/or purposes similar to those of the Society;

(b) whose memorandum of association or constitution prohibits the distribution of its income and property among its members to an extent at least as great as imposed on the Society; and

(c) which is an institution entitled to receive deductible gifts under a Commonwealth Taxation Act.”

- (k) clause 11 thereof was renamed clause 8.

2. Subject to Clause 5 of the Charter as varied by this Our Supplemental Charter, the Rules appended to this Our Supplemental Charter shall be the Rules of the Society.

AND WE do grant and declare for Us Our Heirs and Successors that this Our Supplemental Charter or the enrolment or exemplification thereof shall be in all things good firm valid and effectual according to the true intent and meaning of the same and shall be taken construed and adjudged in all Our Courts or elsewhere in the most favourable and beneficial sense and for the best advantage of the Society any misrecital non-recital

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omission defect imperfection matter or thing  
whatsoever notwithstanding.

WITNESS under my hand and the Great Seal of  
Australia on 12 October 2010.

[Ms Quentin Bryce AC]  
Governor-General of the Commonwealth of Australia