

# The 2018 CONSTITUTION of Shree Sanatan Dharam Hindu Association of Queensland Inc.

## Preamble

“Hinduism is known to its followers as Sanatana Dharma (a Sanskrit phrase meaning "the eternal law", "the eternal law that sustains/upholds/surely preserves", amongst many other expressions. Hinduism is a conglomeration of distinct intellectual or philosophical points of view, rather than a rigid common set of beliefs. Hinduism is formed of diverse traditions and has no single founder. Among its direct roots is the historical Vedic religion of Iron Age India and, as such, Hinduism is often called the "oldest living religion" or the "oldest living major religion" in the world” (Wikipedia, 2011; www.wikipedia.com)

The word Sanatan for more simplicity means “something that has been present forever, i.e. a foundation or basis for humankind” or “the most basic of principles on which humankind is maintained and evolves into future”. Dharam (or Dharma) simply means “a way of life”.

After amendment and adoption to be called the “2018 constitution”

## PART 1

### 1. Interpretation

- 1.1 In these rules Act means the Associations Incorporation Act 1981.
- 1.2 A word or expression that is not defined in this constitution, but is defined in the Act has, if the context permits, the meaning given by the Act.

### 2. Name

The name of the incorporated association is:

Shree Sanatan Dharam Hindu Association of Queensland Inc., hereby called ‘the Association’

### 3. This Constitution and Bylaws are made to:

- Preserve the liberties of each individual member of the Association.
- Ensure freedom of action of independence from any religious body or organization.
- Provide for orderly conduct of internal affairs, in dealing with others, and of governing Association members.

### 4 Objectives

#### 4.1 Primary Objective

The principal purpose of the Association is to the promotion of Indian literature, music, performing arts, craft and design.

#### 4.2 Other objectives of the Association are:

- 4.2.1 To participate and enrich the culture of Australia, which is a multicultural country providing an opportunity for those that may be interested in learning Indian culture through literature, music, performing arts, craft and design
- 4.2.2 To enhance, as a community, the values and benefits of multiculturalism in Australia.
- 4.2.3 To educate, maintain the norms, rituals, traditions, customs and culture of Hinduism.
- 4.2.4 To promote the values and virtues of the principles of Hinduism, culture, arts and performances to anyone keen to learn about Hinduism.

- 4.2.5 To teach and promote the four important pillars of Hinduism, which are: honesty, sacrifice, forgiveness and charity.
- 4.2.6 To teach and promote the values of Hinduism.
- 4.2.7 To promote and facilitate the teaching and learning of all facets of Hindu Culture such as language, music, arts, drama, sports, performances etc.
- 4.2.8 To raise funds and provide charity donations in the events of community, local, national and international catastrophes and disasters, and to raise funds to make donations for any worthy cause as determined by the Association.
- 4.2.9 To provide and maintain a library on the religious, philosophical and cultural aspect of Hinduism that can be utilised for educational and research purposes by any Australian.
- 4.2.10 To acquire and maintain any real property and equipment that would assist in fulfilling the principal purpose and functions of the Association.

## 5. Powers

- 5.1 The Association has the powers of an individual.
- 5.2 The Association may:
  - 5.2.1 enter into contracts and
  - 5.2.2 acquire, hold, deal with and dispose of property and
  - 5.2.3 make charges or services and facilities it supplies and
  - 5.2.4 do other things necessary or convenient to be done in carrying out its affairs
- 5.3 The Association may also issue secured and unsecured notes, debentures and debenture stock for the Association.
- 5.4 The Association can form any number of subgroups, sub-organisations and affiliated clubs to perform specified functions of “the Association”. These affiliated subgroups, sub-associations and clubs shall always be bound by the rules and regulations of the Association. If at any time any of these groups breakaway, any assets and benefits owned or in custody of the said sub-association will be re-possessed or taken over by the Association.
- 5.5 The number of affiliated sub-groups, sub-associations and clubs can be of any number as determined by the Association. The Association will always retain the right to dissolve any affiliated sub-group, sub-association or club we created for non-performance, financial irregularities and unsolvable disputes. All assets and finance of the affiliated group will become the property of “the Association” upon dissolution. The Association will have powers to dismiss elected officials of such subgroups, sub-associations through the decision of the Executive Management Committee, with valid reasons including but not limited to non-performance, financial irregularities, unsolvable disputes, bringing the “Association” into disrepute. If any sub-association is dismissed, they will have the opportunity for recourse and re-assessment by providing a signed petition of 50% of the affiliated Mandali/Clubs/individual members to the Executive Management Committee which will be referred to a SGM. All subgroups, sub-associations and clubs will be required to regularly report to the Association on their activities or when requested to do so. An annual financial report has to be provided to the Association immediately after the AGM of these subgroups, sub-associations and clubs.

## PART 2 – Membership

### 6 Membership:

All classes of membership shall be approved by the Association.

A person is eligible to be a member of the association if:

- (a) the person is a natural person, and
- (b) the person has applied and been approved for membership of the Association.

### 7. Classes of members

The membership of the Association shall consist of APPROVED Affiliated Ramayan Mandali/Clubs, APPROVED Affiliated Clubs (e.g. Women’s Club/Group, Mothers’ Club) and any of the following classes of members, Ordinary, Member for Life, Honorary and Affiliated members.

## **7.1 Mandali/Club membership**

Each Mandali/Club shall be considered an entity, with one vote. Each Mandali/Club will pay the prescribed subscription fees to become a member as defined.

**Definition of Ramayan Mandali/Club:** – a group of individuals/families consisting of at least 7 households who form a collective group to observe and practise religious and other cultural activities of Sanatan Dharam on a regular and permanent basis.

Each Mandali/Club shall nominate one delegate to the Executive Management Committee who will have the right to vote in the Executive Management Committee.

## **7.2 Ordinary membership**

Any person over the age of 18 who subscribes to universal laws and principles of Hinduism shall be entitled to become a bona fide member of the Association on application and approval, and then paying the prescribed membership subscription fees. The prescribed annual membership subscription fees would be \$100 (One Hundred Dollars) per individual per year and is subject to change upon proposal by the Executive Management Committee to the AGM or SGM and adopted on a majority vote.

**Voting rights:** Each paid MEMBER will have a single vote at the AGM/SGM.

## **7.3 Member for Life**

Any INDIVIDUAL who subscribes to universal laws and principles of Hinduism shall be entitled to become a bona fide LIFE member of the Association on application and approval, and then paying the prescribed membership subscription fees. Individuals will be allowed to become “members for life” by a one-off subscription payment of \$500 (Five Hundred Dollars). Subscription fees will be subject to change upon proposal by the Executive Management Committee to the AGM/SGM and adopted on a majority vote.

**Voting Rights:** Individual “MEMBERS FOR LIFE” will have one single vote per person at the AGM/SGM. Members under the age of 18 years may be represented by an immediate family member until such time the member reaches the prescribed age provided the representative is an ordinary or Life member of the Association.

## **7.4 Honorary membership**

Any person who over a period of time has made an outstanding contribution to the promotion of Hinduism and / or the welfare of the Association shall be recognised by admission as Honorary Member. The Executive Management Committee shall nominate such persons for the honorary membership by a notice of motion carried at AGM/SGM. The following criteria shall apply:

**7.4.1** The number of honorary members shall be decided by the SGM or the AGM.

**7.4.2** Honorary membership will be reviewed annually and a person’s membership can be revoked if it no longer meets the criteria.

**7.4.3** **Voting Rights:** An Honorary member shall have no voting rights

## **7.5 Affiliated members**

If an individual does not meet the requirements of membership, they may be given the opportunity to become Affiliate members at the discretion of the Association. All affiliated members will be bound by the rules and regulations of the “Association”.

Each of the sub-associations or subgroups will be required to nominate one delegate to be part of the Executive Management Committee with no voting rights. Affiliate members will have no voting rights unless they attain individual membership through other membership classes.

## **8. Patrons**

### **8.1 Appointment of Patron:**

The Association may appoint patrons under this rule at the AGM/SGM a person who has dedicated significant part of his/her life in the service of the Association predominantly in a senior executive role. Such person:

- 8.1.1 Shall be able to substantiate that he/she has made a significant contribution towards the promotion of Hindu language, culture and philosophy.
- 8.1.2 Shall be a person of high integrity and held in high regard in the community worthy of the respect and honour.
- 8.1.3 Shall be nominated for appointment by the Secretary following a special resolution (by a secret ballot) successfully carried at a special meeting of the Executive Management Committee conducted in accordance with section 28 of the rule.
- 8.2 A Patron shall be appointed for life. A Patron may by notice in writing to the secretary resign but a patron may not be forced to resign or have his/her patron-ship terminated by the Executive Management Committee or by members except where he/she is:
- 8.2.1 Convicted of an indictable offence or
- 8.2.2 Conducts himself/herself in a way considered to be prejudicial to the character or interest of the Association.
- 8.3 A Patron shall have power by a notice in writing to the secretary to convene a SGM of the Association to consider a resolution. If he/she believes that he/she has not been treated fairly under subsection 8.2.
- 8.4 Voting Rights: Patron will have no voting right during their terms of appointment.

## **9. Automatic memberships**

Other than the classes of members specified in (7) Classes of Members above, there shall be NO automatic membership provisions.

## **10. New memberships (MANDALI/CLUB)**

### **10.1 Application for membership**

#### **10.1.1 An application by a Mandali/Club for membership of the Association:**

- (a) must be made in writing (including by email or other electronic means, if the committee so determines), and
- (b) must be lodged (including by electronic means, if the committee so determines) with the secretary/treasurer of the Association.

#### **10.1.2 As soon as practicable after receiving an application for membership, the secretary must refer the application to the committee, which is to determine whether to approve or to reject the application.**

#### **10.1.3 As soon as practicable after the committee makes that determination, the secretary must:**

**10.1.3.1 notify the applicant in writing (including by email or other electronic means, if the committee so determines) that the committee approved or rejected the application (whichever is applicable), and**

**10.1.3.2 if the committee approved the application, request the applicant to pay (within the period of 28 days after receipt by the applicant of the notification) the sum payable under this constitution by a member as entrance fee (where applicable) and annual subscription.**

#### **10.1.4 The secretary must, on payment by the applicant of the amounts within the period referred, enter or cause to be entered the applicant's name in the register of members and, on the name being so entered, the applicant becomes a member of the Association.**

### **10.2 Criteria to be determined for the Mandali/Club**

**Mandali/Club membership. A Mandali/Club can apply to become a member if they fulfil the definition of Mandali/Club in Section 7.1 above.**

**New members will be admitted to the Association under class 7.2 and 7.3, with the following:**

#### **10.2.1 Application and Approval Process**

#### **10.2.2 An application for membership must be:**

10.2.2.1 in writing;

10.2.2.2 signed by the applicant and the applicant's nominator and seconder who must be admitted and current members of the Association.

10.2.2.3 Payment of the affiliation fees.

## 11. Ordinary Member and Member for Life fees

In addition to or in the absence of any specifications in Clauses under 7 above, the following criteria apply. The membership fee for each ordinary membership and for each other class of membership:

11.1 Is the amount decided by the members from time to time at an AGM after proposal from the Executive Management Committee; and

11.2 Is payable when, and in the way, the Executive Management Committee decides.

## 12. Admission and rejection of new members

12.1 The Executive Management Committee must consider an application for membership at the next Committee meeting held after it receives:

12.1.1 the application for membership; and

12.1.2 the appropriate membership fee for the application.

12.2 The Executive Management Committee must decide at a meeting whether to accept or reject the application.

12.3 If a majority of the members of the Executive Management Committee present at the meeting vote to accept the applicant as a member, the applicant must be accepted as a member for the class of membership applied for.

12.4 The secretary of the Association must, as soon as practicable after the Executive Management Committee decides to accept or reject an application, give the applicant a written notice of the decision.

12.5 Refusal of membership, disciplinary action and expulsion

12.5.1 Any individual can be refused membership regardless of member class including affiliate members, if his or her activities, actions, writing, singing, personal associations or any personal character is deemed to be contrary to principles of the "Association".

12.5.2 Disciplinary action would be taken on any member if his or her activities bring the Association into disrepute.

12.5.3 Expulsion: any member, regardless of class of membership, shall be expelled from the "Association" if his or her actions, activities and character is found to be contrary to the principles of the "Association".

12.6 Disciplinary and expulsion process

A formal process of disciplinary procedures will be followed. This Includes: facing the Executive Management Committee, letter of reprimand, timed suspension, and expulsion for good or legal proceedings if necessary. The Executive Management Committee shall determine the criteria for disciplinary action or expulsion, which would be approved by SGM/AGM.

After expulsion the expelled person will no longer be allowed to take part in any activity of "the Association" or benefit from the "Association" in any way permanently.

For Appeal against membership refusal and expulsion, see below

## 13. Cessation of membership

A person ceases to be a member of the association if the person:

(a) is deceased, or

(b) resigns membership, or

(c) is expelled from the Association, or

(d) fails to pay the annual membership/subscription fee within 3 months after the fee is due.

- 13.1 The resignation takes effect at;**
- 13.1.1 the time the notice is received by the secretary; or**
  - 13.1.2 if a later time is stated in the notice, the later time.**
- 13.2 The Executive Management Committee may terminate a members membership if the member:**
- 13.2.1 is convicted of an indictable offence; or**
  - 13.2.2 does not comply with any of the provisions of these rules; or**
  - 13.2.3 has membership fees in arrears for at least 2 months; or**
  - 13.2.4 conducts himself or herself in a way considered to be injurious or prejudicial to the character or interests of the “Association”.**
- 13.3 Before the Executive Management Committee terminates a membership, the Committee must give the member a full and fair opportunity to show why the membership should not be terminated.**
- 13.5 If, after considering all representations made by the member, the Management Committee decides to terminate the membership, the secretary of the Committee must give the member a written notice of the decision.**
- 13.6 The number of affiliated sub-groups, sub-associations and clubs can be of any number as determined by the Association. The Association will always retain the right to dissolve any affiliated sub-group, sub-association or club for non-performance, financial irregularities and unsolvable disputes. All assets and finance of the affiliated group will become the property of “the Association” upon dissolution. The Association will have powers to dismiss elected officials of such subgroups, sub-associations through the decision of the Executive Management Committee, with valid reasons including but not limited to non-performance, financial irregularities, unsolvable disputes, bringing the “Association” into disrepute. If any sub-association is dismissed, they will have the opportunity for recourse and re-assessment by providing a signed petition of 50% of the affiliated Mandali/Clubs/individual members to the Executive Management Committee which will be referred to a SGM. All subgroups, sub-associations and clubs will be required to regularly report to the Association on their activities or when requested to do so. An annual financial report has to be provided to the Association immediately after the AGM of these subgroups, sub-associations and clubs.**

#### **14. Appeal against rejection or termination of membership**

- 14.1 A person whose application for membership has been rejected, or whose membership has been terminated, may give the secretary written notice of the person’s intention to appeal against the decision.**
- 14.2 A notice of intention to appeal must be given to the secretary within 1 month after the person receives written notice of the decision.**
- 14.3 If the secretary receives a notice of intention to appeal within 1 month, the secretary must, after receiving the notice, shall include the matter on the agenda of the following AGM.**
- 14.4 If the member shows the intention to appeal then his position until the AGM shall be changed from expelled or rejected, to suspended.**

#### **15 AGM to decide appeal**

- 15.1 The AGM is to decide on an appeal.**
- 15.2 At the meeting, the applicant must be given a full and fair opportunity to show why the application should not be rejected or the membership should not be terminated.**
- 15.3 Also, the Executive Management Committee and the members of the Committee who rejected the application or terminated the membership must be given a full and fair opportunity to show why the application should be rejected or the membership should be terminated.**
- 15.4 An appeal must be decided by a majority vote of the members present and eligible to vote at the meeting.**
- 15.5 If a person whose application for membership has been rejected does not appeal against the decision within 1 month after receiving written notice of the decision, or the person appeals but the appeal is unsuccessful, the secretary must, as soon as practicable, refund the membership fee paid by the person.**

## **16. Register of members**

- 16.1** The Secretary must keep a register of members of the “Association” in written and in electronic form.
- 16.2** The register must include the following particulars for each member;
- 16.2.1** the full name of the member;
  - 16.2.2** the postal, email or residential address of the member;
  - 16.2.3** the date of admission as a member;
  - 16.2.4** the date of death or time of resignation of the member;
  - 16.2.5** details about the termination or reinstatement of membership;
  - 16.2.6** any other particulars the Executive Management Committee or the members at a general meeting decide.
- 16.3** The register must be open for inspection by members of the “Association” at all reasonable times.
- 16.4** A member must contact the secretary to arrange an inspection of the register.
- 16.5** However, the Executive Management Committee may, on the application of a member of the Association, withhold information about the member (other than the members full name) from the register available for inspection if the Executive Management Committee has reasonable grounds for believing the disclosure of the information would put the member at risk of harm.

## **17. Prohibition on the use of information on register of members**

- 17.1** A member of the “Association” must not;
- 17.1.1** use information obtained from the register of members of the “Association” to contact, or send material to, another member of the “Association” for the purpose of advertising for political, religious, charitable or commercial purposes; or
  - 17.1.2** disclose information obtained from the register to someone else, knowing that the information is likely to be used to contact, or send material to, another member of the Association for the purpose of advertising for political, religious, charitable or commercial purposes.
- 17.2** Subrule 17.1.1 does not apply if the use or disclosure of the information is approved by the “Association”.

## **18. Members’ liabilities**

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

## **Part 3 Executive Management Committee**

### **19 Membership of Executive Management Committee**

- 19.1** The Executive Management Committee shall only comprise of ELECTED OFFICIALS and NOMINATED DELEGATES.
- 19.2** Elected officials include:
- President
  - Three(3) Vice-Presidents
  - Secretary
  - Treasurer
  - Five (5) Committee Members
- 19.3** A member of the Executive Management Committee must be a CURRENT PAID member of the “Association”.



- 19.4 At the AGM of the “Association”, the members of the Executive Management Committee must retire from office, but are eligible on nomination for re-election.
- 19.5 A member of the “Association” may be appointed to a casual vacancy on the Executive Management Committee under rule 20.
- 19.6 The elected officials shall not be part of the nominated delegates of Mandali/Clubs

## **20. Electing the Executive Management Committee**

- 20.1 A member of the Executive Management Committee may only be elected as follows;
- 20.1.1 Any 2 members of the Association may nominate another member (the candidate) to serve as a member of the Executive Management Committee;
- 20.1.2 The nomination must be;
- 20.1.2.1 in writing; and
- 20.1.2.2 signed by the candidate and the members who nominated him or her; and
- 20.1.2.3 The nomination form must be received by the Secretary by email, post or in person at least 7 days before the AGM at which the election is to be held;
- 20.1.3 Each member of the Association present and eligible to vote at the annual AGM may vote for 1 candidate for each vacant position on the Executive Management Committee;
- 20.1.4 If, at the start of the meeting, there are not enough candidates nominated, nominations may be taken from the floor of the meeting.
- 20.2 A person may be a candidate only if the person;
- 20.2.1 is an adult;
- 20.2.2 a paid MEMBER
- 20.2.3 is not ineligible to be elected as a member under section 61A of the Act.
- 20.3 A list of the candidates name in alphabetical order, with the names of the members who nominated each candidate, must be posted in a conspicuous place in the office or usual place of meeting of the Association for at least 7 days immediately preceding the annual AGM.
- 20.4 If required by the Executive Management Committee, balloting lists must be prepared containing the names of the candidates in alphabetical order.
- 20.5 The Executive Management Committee must ensure that, before a candidate is elected as a member of the Executive Management Committee, the candidate is advised;
- 20.5.1 whether or not the Association has public liability insurance; and
- 20.5.2 if the Association has public liability insurance and the amount of the insurance.
- 20.6. At the AGM, ONLY the following positions will be filled by elections:
- President
  - Three(3) Vice- Presidents
  - Secretary
  - Treasurer
  - Five (5) Committee Members

Only one person from a family, defined as husband, wife and children shall be eligible to be nominated or elected to the above elected positions. If two or more candidates are nominated for any one position then elections will be conducted by secret ballot. Voters will have to verify their eligibility to vote as being;

- 20.6.1 a paid member; and
- 20.6.2 cross checking of their names and eligibility on the membership register. If there is any doubts about membership eligibility, or missing names in the membership register then the voter can;
- 20.6.3 by providing documentary evidence in the form of subscription receipt for membership renewal which must have been paid 14 days prior to the date of the AGM.
- 20.7 The following provisions apply for the nomination of delegates by Mandalis/Clubs



- 20.7.1 The tenure of the delegates shall be 1 year. All delegates retire at the AGM but are eligible for re-nomination by the approved Mandali/Club.
- 20.7.2 The nomination of a new delegate or any replacement during the year must be received in writing from the Secretary/President/authorised person of the Mandali/Club
- 20.7.3 The Mandali/Club membership subscription shall be current at the time of appointment of the new member.
- 20.7.4 Any delegate who has been absent from 3 consecutive Committee Meetings without legitimate reasons that in the view of the Executive Management Committee are compelling and is therefore deemed to have vacated their position.

All other positions that include Assistant Secretary, Assistant Treasurer, Liaison/ Public Relations Officer, or any other as deemed necessary by the executive committee, is to be appointed from within the membership of the Executive Management Committee at the first Executive Management Committee after the AGM or as required to fulfil particular functions. The position of Official priest (a practising Sanatani Priest (Purohit)) shall be appointed from the membership list of the Association.

## **21 APPOINTMENT OF AUDITOR**

An auditor shall be appointed at the AGM.

The auditor shall not be part of the Executive Management Committee

## **22. Functions of Secretary**

The secretary's functions include, but are not limited to;

- 22.1 calling meetings of the Association, including preparing notices of a meeting and of the business to be conducted at the meeting in consultation with the president of the Association; and
- 22.2 keeping minutes of each meeting and
- 22.3 keeping copies of all correspondence and other documents relating to the Association and
- 22.4 maintaining the register of members of the Association.

## **23. Resignation, removal or vacation of office of Executive Management Committee member**

- 23.1 A member of the Executive Management Committee may resign from the Committee by giving written notice of resignation to the secretary.
- 23.2 The resignation takes effect at;
  - 23.2.1 the time the notice is received by the secretary or
  - 23.2.2 if a later time is stated in the notice then its effective from that time.
- 23.3 A member may be removed from office at an SGM of the Association if a majority of 50% of the members present and eligible to vote at the meeting vote in favour of removing the member.
- 23.4 Before a vote of members is taken about removing the member from office, the member must be given a full and fair opportunity to show cause why he or she should not be removed from office.
- 23.5 A member has no right of appeal against "the (removed) member's" removal from office under this rule.
- 23.6 A member immediately vacates the office of member in the circumstances mentioned in section 64(2) of the Act.
- 23.7 Any Executive committee member who has been absent from 3 consecutive Committee Meetings without legitimate reasons that in the view of the Executive Management Committee are compelling is deemed to have vacated their position. Subsection 23.5 applies.

## **24. Vacancies on Executive Management Committee**

- 24.1 If there is a vacancy on the Executive Management Committee, then continuing members of the Committee may appoint another member of the Association to fill the vacancy until the next AGM.
- 24.2 The continuing members of the Executive Management Committee may act despite a casual vacancy on the Executive Management Committee.
- 24.3 However, if the number of Committee members is less than the number fixed under rule 27.1 as a quorum of the Executive Management Committee, then continuing members may act only to;

24.3.1 increase the number of Executive Management Committee members to the number required for a quorum; or

24.3.2 call an SGM of the Association.

## **25. Functions of Executive Management Committee**

25.1 Subject to these rules or a resolution of the members of the Association carried at an AGM, the Executive Management Committee has the general control and Management of the administration of the affairs, property and funds of the Association.

25.2 The Executive Management Committee has authority to interpret the meaning of these rules and any matter relating to the Association on which the rules are silent, but any interpretation must have regard to the Act, including any regulation made under the Act.

25.3 The management committee may exercise the powers of the association ;

(a) to borrow, raise or secure the payment of amounts in a way the members of the association decide; and

(b) to secure the amounts mentioned in paragraph (a) or the payment or performance of any debt, liability, contract, guarantee or other engagement incurred or to be entered into by the association in any way, including by the issue of debentures (perpetual or otherwise) charged upon the whole or part of the associations property, both present and future and

(c) to purchase, redeem or pay off any securities issued and

(d) to borrow amounts from members and pay interest on the amounts borrowed; and

(e) to mortgage or charge the whole or part of its property and

(f) to issue debentures and other securities, whether outright or as security for any debt, liability or obligation of the association and

(g) to provide and pay off any securities issued and

(h) to invest in a way the members of the association may from time to time decide.

25.4 For subrule (25.3)(d), the rate of interest must not be more than the current rate being charged for overdrawn accounts on money lent (regardless of the term of the loan) by;

(a) the financial institution for the association or

(b) if there is more than 1 financial institution for the association the financial institution nominated by the management committee.

25.5 Notwithstanding anything to the contrary in this constitution, the Executive Management Committee shall not have the power to purchase and/or sell any “real property” of the association without the approval via a special resolution carried out at a SGM/AGM.

25.6 The Executive Management Committee shall also not take any loans on behalf of the association without approval or a special resolution carried at a SGM/AGM.

25.7 For the 2 clauses noted above approval or resolution requires a majority of 75% of Executive Management committee members present at the meeting.

“Real property” refers to land, building or any assets above the value of \$50,000 (Fifty Thousand Dollars).

25.8 The Executive Management Committee has the powers and authority to diligently collect all subscriptions, any fees, donations and other financial income on behalf of the Association, and make payments for the proper running and functions of the Association i.e. day-to-day activities.

25.9 The Executive Management Committee can only make donations on behalf of the Association for any charity or cause to a maximum sum of \$1000 (One Thousand Dollars) for any one event. Anything in excess of \$1000 would need to be approved by the SGM/AGM.

25.10 The Executive Management Committee shall ensure that a correct and proper record of all financial transactions are kept and diligently reported annually at the AGM. (Refer section 46 BELOW)

## **26. Meetings of Executive Management Committee**

26.1 Subject to this rule, the Executive Management Committee may meet and conduct its proceedings as it considers appropriate.

26.2 The Executive Management Committee must meet at least once every 2 months to exercise its functions.

26.3 The Executive Management Committee must decide how a meeting is to be called.

26.4 Notice of a meeting is to be given in the way decided by the Executive Management Committee.

- 26.5 The Executive Management Committee may hold meetings, or permit a Committee member to take part in its meetings, by using any technology that reasonably allows the member to hear and take part in discussions as they happen.
- 26.6 An Executive Management Committee member who participates in the meeting as mentioned in subrule (26.5) is taken to be present at the meeting.
- 26.7 A question arising at an Executive Management Committee meeting is to be decided by a majority vote of members of the Committee present at the meeting and, if the votes are equal, the question is decided in the negative.
- 26.8 A member of the Executive Management Committee must not vote on a question about a contract or proposed contract with the Association if the member has an interest in the contract or proposed contract (conflict of interest) and, if the member does vote, the members vote must not be counted.
- 26.9 The president is to preside as chairperson at an Executive Management Committee meeting.
- 26.10 If there is no president or if the president is not present within 10 minutes after the time fixed for an Executive Management Committee meeting, one of the vice presidents shall preside as chairperson at the meeting. If any of the vice presidents are also not present then the members present may choose another elected official to chair the meeting.

## **27. Quorum for, and adjournment of, Executive Management Committee meeting**

- 27.1 At an Executive Management Committee meeting, more than 50% of the elected officials will form a quorum.
- 27.2 If there is no quorum within 30 minutes after the time fixed for an Executive Management Committee meeting called on the request of members of the Committee, the meeting lapses.
- 27.3 If there is no quorum within 30 minutes after the time fixed for a Executive Management Committee meeting called other than on the request of the members of the Committee;
  - 27.3.1 the meeting is to be adjourned.
  - 27.3.2 the members of the Executive Management Committee who are present are to decide the day, time and place of the adjourned meeting.
- 27.4 If, at an adjourned meeting mentioned in subrule (3), there is no quorum within 30 minutes after the time fixed for the meeting, the meeting lapses.
- 27.5 If there are three consecutive adjournments of scheduled meetings due to lack of quorum or any dispute/conflict within the Executive Management Committee, the secretary shall call a SGM within 21 days of the last adjourned meeting.

## **28. Special meeting of Executive Management Committee**

- 28.1 If the secretary receives a written request signed by at least 33% of the members of the Executive Management Committee, the secretary must call a special meeting of the Committee by giving each member of the Committee notice of the meeting within 14 days after the secretary receives the request.
- 28.2 If the secretary is unable to call the special meeting, the president must call the meeting.
- 28.3 A request for a special meeting must state;
  - 28.3.1 why the special meeting is called and
  - 28.3.2 the business to be conducted at the meeting.
- 28.4 A notice of a special meeting must state;
  - 28.4.1 the day, time and place of the meeting and
  - 28.4.2 the business to be conducted at the meeting.
- 28.5 A special meeting of the Executive Management Committee must be held within 14 days after notice of the meeting is given to the members of the Executive Management Committee.

## **29. Minutes of Executive Management Committee meetings**

- 29.1 The secretary must ensure full and accurate minutes of all questions, matters, resolutions and other proceedings of each Executive Management Committee meeting are entered in a minute book.
- 29.2 To ensure the accuracy of the minutes, the minutes of each Executive Management Committee meeting must be signed by the chairperson of the meeting, or the chairperson of the next Executive Management Committee meeting, verifying their accuracy.

### **30. Appointment of subcommittees**

- 30.1** The Executive Management Committee may appoint a subcommittee consisting of members of the Association considered appropriate by the Committee to help with the conduct of the Association's operations.
- 30.2** A member of the subcommittee who is not a member of the Executive Management Committee is not entitled to vote at an Executive Management Committee meeting.
- 30.3** A subcommittee may elect a chairperson of its meetings.
- 30.4** If a chairperson is not elected, or if the chairperson is not present within 10 minutes after the time fixed for a meeting, the members present may choose 1 of their number to be chairperson of the meeting.
- 30.5** A sub Committee may meet and adjourn as it considers appropriate.
- 30.6** A question arising at a sub Committee meeting is to be decided by a majority vote of the members present at the meeting and, if the votes are equal, the question is decided in the negative.
- 30.7** The Executive Management Committee shall co-opt only paid members for temporary positions such as chairpersons for ad-hoc committees. Ad-hoc committees shall only be in operation for the specific purpose only. If the ad-hoc committees need to continue, they have to be re-formed or re-appointed by the Executive Management Committee after the AGM. Membership of the ad-hoc committees can vary on re-appointment or remain same.

### **31. Acts not affected by defects or disqualifications**

- 31.1** An act performed by the Executive Management Committee, a subcommittee or a person acting as a member of the Executive Management Committee is taken to have been validly performed.
- 31.2** Subrule 31.1 applies even if the act was performed when;
  - 31.2.1** there was a defect in the appointment of a member of the Executive Management Committee, subcommittee or person acting as a member of the Executive Management Committee.

### **32. Resolutions of Executive Management Committee without meeting**

- 32.1** A written resolution signed by each member of the Executive Management Committee is as valid and effectual as if it had been passed at a Committee meeting that was properly called and held.
- 32.2** A resolution mentioned in subrule 32.1 may consist of several documents in like form, each signed by 1 or more members of the Committee.

## **Part 4 Annual General Meeting**

### **33. AGM or SGM**

The AGM must be held within 6 months after the end date of the Association's first reportable financial year.

### **34. Subsequent AGMs**

Each subsequent AGM must be held;

- 34.1** at least once each year; and
- 34.2** within three (3) months after the end date of the Association's reportable financial year.

### **35. Business to be conducted at AGM.**

The following business must be conducted at each AGM of the Association;

- 35.1** receiving the Executive Management Committee's Report, Association's financial statement, and audit report, for the last reportable financial year;
- 35.2** presenting the financial statement and audit report to the meeting for adoption;
- 35.3** electing members of the Executive Management Committee;
  - 35.3.1** President  
The President holds a position of responsibility in any organisation's affairs. The president must have been actively involved in the Executive Management Committee for at least 3 of the last 5 years.

### **35.3.2 Vice President**

The vice president plays important role in the any organisation and thus must be fully engaged in all aspects of Association's activities.

### **35.3.3 Secretary.**

The role of the Secretary is to support the Chair in ensuring the smooth functioning of the Management Committee. In summary, the Secretary is responsible for Ensuring meetings are effectively organised and minuted. Maintaining effective records and administration. Should have good communications skills and must have worked as a member in the Executive Management Committee of this association for at least 1 year. Sub section 22 above applies.

### **35.3.4 Treasurer.**

The Treasurer has a Financial Management role over all aspects of financial management, working closely with other members of the Management Committee to safeguard the organisation's finances. The Treasurer is responsible for General financial oversight, financial planning and budgeting, financial reporting, banking, book keeping and record keeping control of fixed assets and stock, funding, fundraising and sales. Should have accounting skills, good communications skills and must have worked as a member in the Executive Management Committee of this association for at least 1 year.

**35.4 appointing an auditor for the present financial year;**

## **36. Notice of AGM**

**36.1 The secretary will call an AGM of the Association annually.**

**36.2 The secretary must give at least 14 days notice of the meeting to members of the Association via email, newspaper, website or any other means deemed appropriate by the Executive Management Committee.**

**36.3 If the secretary is unable to call the meeting, the president must call the meeting.**

**36.4 The Executive Management Committee may decide the way in which the notice must be given.**

**36.5 However, notice of the following meetings must be given in writing;**

**36.5.1 A meeting called to hear and decide the appeal of a person against the Management Committee's decision;**

**36.5.2. To reject the person's application for membership of the Association;**

**36.5.3 To terminate the person's membership of the Association;**

**36.5.4 A meeting called to hear and decide a proposed special resolution of the Association.**

**36.6 A notice of an AGM must state the business to be conducted at the meeting.**

## **37. Quorum for, and adjournment of, AGM**

**37.1 The quorum for an AGM is AT LEAST twice the number of elected officials plus 1.**

**37.2 No business may be conducted at an AGM unless there is a quorum of members when the meeting proceeds to business.**

**37.3 If there is no quorum within 30 minutes after the time fixed for an AGM called other than on the request of members of the Executive Management Committee or the Association;**

**37.3.1 the meeting is to be adjourned for at least 7 days; and**

**37.3.2 the Executive Management Committee is to decide the day, time and place of the adjourned meeting.**

**37.4 The chairperson may, with the consent of any meeting at which there is a quorum, and must if directed by the meeting, adjourn the meeting from time to time and from place to place.**

**37.5 If a meeting is adjourned under subrule (37.4), only the business left unfinished at the meeting from which the adjournment took place may be conducted at the adjourned meeting.**

37.6 The secretary is not required to give the members notice of an adjournment or of the business to be conducted at an adjourned meeting unless a meeting is adjourned for at least 30 days.

37.7 If a meeting is adjourned for at least 30 days, notice of the adjourned meeting must be given in the same way notice is given for an original meeting.

### **38. Procedure at AGM**

38.1 A member may take part and vote in an AGM in person, by proxy (on medical grounds, or if they give substantive evidence that he/she will be overseas), or by using any technology that reasonably allows the member to hear and take part in discussions as they happen.

38.2 A member who participates in a meeting as mentioned in subrule 38.1 is taken to be present at the meeting.

38.3 At each AGM;

38.3.1 the president is to preside as chairperson; and

38.3.2 if there is no president or if the president is not present within 15 minutes after the time fixed for the meeting or is unwilling to act, any of the vice presidents will chair the meeting. Failing that the members present must elect 1 of the other elected members to be chairperson of the meeting; if none of the above provisions are practical the house may nominate a chairperson for the meeting and

38.3.3 the chairperson must conduct the meeting in a proper and orderly way.

### **39. Voting at AGM**

39.1 At an AGM, each question, matter or resolution, other than a special resolution (which shall require 75% majority), must be decided by a majority of greater than 50% votes of the members present.

39.2 Each member present and eligible to vote is entitled to 1 vote only and, if the votes are equal, the chairperson has a casting vote as well as a primary vote.

39.3 A member is not entitled to vote at an AGM if the member's annual subscription is in arrears at the date of the meeting.

39.4 The method of voting is to be decided by the Executive Management Committee.

39.5 However, if at least 20% of the members present demand a secret ballot, voting must be by secret ballot.

39.6 If a secret ballot is held, the chairperson must appoint 2 members to conduct the secret ballot in the way the chairperson decides.

39.7 The result of a secret ballot as declared by the chairperson is taken to be a resolution of the meeting at which the ballot was held.

### **40. Special General Meeting**

40.1 The secretary must call a SGM by giving each member of the Association notice of the meeting within 14 days after;

40.1.1 being directed to call the meeting by the Executive Management Committee; or

40.1.2 being given a written request signed by;

40.1.2.1 at least 33% of the number of members of the Executive Management Committee when the request is signed; or

40.1.2.2 at least the number of ordinary members of the Association equal to double the number of members of the Association on the Management Committee when the request is signed plus 1; or

40.2 A request mentioned in subrule 40.1.1 must state;

40.2.1 why the SGM is being called and

40.2.2 the business to be conducted at the meeting.

40.3 A SGM must be held within 1 month after the secretary;

40.3.1 is directed to call the meeting by the Executive Management Committee or

40.3.2 is given the written request mentioned in subrule 40.1.1 or

40.4 If the secretary is unable to call the special meeting, the president must call the meeting.



## **41. Proxies**

With the exception of clause 38.1, NO proxy voting is to be allowed

## **42. Minutes of AGMs**

- 42.1 The secretary must ensure full and accurate minutes of all questions, matters, resolutions and other proceedings of each AGM are entered in a minute book.
- 42.2 To ensure the accuracy of the minutes;
  - 42.2.1 the minutes of each annual AGM must be signed by the chairperson of the meeting, or the chairperson of the next meeting of the Association that is an AGM or annual AGM, verifying their accuracy
- 42.3 If asked by a member of the Association, the secretary must, within 28 days after the request is made;
  - 42.3.1 make the minute book for a particular AGM available for inspection by the member at a mutually agreed time and place; and
  - 42.3.2 give the member copies of the minutes of the meeting.
- 42.4 The Association may require the member to pay the reasonable costs of providing copies of the minutes.

## **43. By-laws**

- 43.1 The Executive Management Committee may make, amend or repeal by-laws, inconsistent with these rules, for the internal Management of the Association.
- 43.2 A by-law may be set aside by a vote of members at an AGM/SGM of the Association.
- 43.3 By-Laws to be enacted from time to streamline the functions of “the Association”. By-laws to be approved with a majority decision of greater than 50%.

## **44. Alteration of rules**

- 44.1 Subject to the Act, these rules may be amended, repealed or added to by a special resolution carried at an AGM or SGM.
- 44.2 However an amendment, repeal or addition is valid only if it is duly recorded by the secretary.

## **45. Common seal**

- 45.1 The Executive Management Committee must ensure the Association has a common seal/rubber stamp.
- 45.2 The common seal must be;
  - 45.2.1 kept securely by the Executive Management Committee and
  - 45.2.2 used only under the authority of the Executive Management Committee.
- 45.3 Each instrument to which the seal is attached must be signed by a member of the Executive Management Committee and secretary.

“The Association’s” rubber stamp is the official seal of the Association. All legal documents to carry the official seal.

## **Part 5 Funds Management and Accounts**

### **46. Funds Management**

- 46.1 The association shall operate separate funds one into which shall be paid all gifts and income derived from the investment of these gifts and second fund for other money from all other sources paid to the Association and any income derived from these other sources.
- 46.2 The funds of the Association must be kept in an account in the name of the Association in a financial institution decided by the Executive Management Committee.
- 46.3 All money received by the association must be deposited as soon as practicable and without deduction to the credit of the association’s bank account.
- 46.4 The association must, as soon as practicable after receiving any money, issue an appropriate receipt
- 46.5 Records and accounts must be kept in the English language showing full and accurate particulars of the financial affairs of the Association.



- 46.6 Subject to any resolution passed by the association in general meeting, the funds of the association are to be used in pursuance of the objects of the association in such manner as the association determines.
- 46.7 All cheques, drafts, bills of exchange, promissory notes and other negotiable instruments must be signed by any 2 signatories of the association, one at least of whom must be office bearers of the association, the third being a member or employee authorised to do so by the association. However, 1 of the persons who signs the cheque must be the president, the secretary or the treasurer.
- 46.8 A payment by the Association of \$100 or more must be made by cheque or electronic funds transfer.
- 46.9 Cheques, other than cheques for wages, allowances or petty cash recoupment, must be crossed not negotiable.
- 46.10 A petty cash account must be kept by the association, and the Executive Management Committee must decide on the amount of petty cash to be kept in the account.
- 46.11 All expenditure must be approved or ratified at an Executive Management Committee meeting.

#### 47. General financial matters

- 47.1 On behalf of the Executive Management Committee, the treasurer must, within 6 weeks after the end date of each financial year, ensure a financial statement for its last reportable financial year is prepared and given to the appointed auditor for auditing.
- 47.2 The income and property of the Association must be used solely in promoting the Association's objectives and in exercising the Association's powers.

#### 48. Documents

The Executive Management Committee must ensure the safe custody of books, documents, instruments of title and securities of the Association.

#### 49 Financial years

The end date of the Association's financial year is 31<sup>st</sup> December in each calendar year.

#### 50. Distribution of surplus assets to another entity

50.1 This rule applies if the Association;

50.1.1 is wound-up under part 10 of the Act and

50.1.2 have surplus assets.

50.2 The surplus assets must not be distributed among the members of the Association.

50.3 The surplus assets must be given to another entity;

50.3.1 having objects similar to the Association's objects and

50.3.2 the rules of which prohibit the distribution of the entity's income and assets to its members.

50.4 In this rule for surplus assets see *section 92(3) of the Act*.

#### 51. Establishment and operation of Gift Fund - Deductible Gift Recipient Fund (DGR)

51.1 Gift fund (DGR)

A gift fund is to be established by the Association with the following characteristics:

51.1.1 it is a separate fund from all other Association funds,

51.1.2 it is maintained and used only for the principal purpose of the fund, authority or institution,

51.1.3 all gifts and deductible contributions of money or property for the principal purpose are made to this fund,

51.1.4 any money received by the Association, because of such gifts or deductible contributions must be credited to this fund,

51.1.5 this fund will not receive any other money or property that are not gifts and deductible contributions.

## **51.2 Maintaining Gift Fund**

The Association must maintain for its purpose a fund (Gift Fund):

- 51.2.1** to which gifts of money or property are to be made,
- 51.2.2** to which any gift monies received by the Association because of those gifts are to be credited,
- 51.2.3** that does not receive any other money or property,
- 51.2.4** The Fund will be administered and controlled by a committee of members appointed by the Association, a majority of who, because of their tenure of some public office or their position in the community, have a degree of responsibility to the community as a whole, so that the requirements of paragraph 21 of Taxation Ruling TR 95/27 are satisfied.
- 51.2.5** Moneys from this Fund must not be distributed to members except as a reimbursement for out of pocket expenses incurred on behalf of the fund or as proper remuneration for any administrative services for principal purpose.

## **51.3 Limits on use of Gift Fund**

The Association must use the following only as prescribed for the principal purpose of the gift fund of the Association:

- 51.3.1** gifts made to the Gift Fund
- 51.3.2** any money received because of those gifts.

## **51.4 Accounting for Gift Fund.**

- 51.4.1** The money and property of the gift fund must be clearly separate to the rest of the Association's funds and must be accounted for accordingly.
- 51.4.2** All gifts are to be placed into the DGR status fund held as the main operating fund of the organisation, noted thus and only used for the principal purpose of the organisation.
- 51.4.3** All receipts from gifts are to be itemised separately and proper records must be maintained and provided for auditing by the executive management of the Association, government bodies and the auditor.
- 51.4.4** The Association shall maintain a separate bank account for the Gift Fund which will solely be used for the purposes of gift fund for principal purpose.
- 51.4.5** The Association shall keep separate records in relation to the Gift Fund
- 51.4.6** A property register shall be maintained for any property owned by the fund.
- 51.4.7** The following amounts must be credited to a gift fund:
  - 51.4.7.1** all gifts of money or property made for the principal purpose of the fund, authority or institution, including:
  - 51.4.7.2** testamentary gifts (that is, gifts made under a will),
  - 51.4.7.3** gifts that are not tax deductible for the donor,
  - 51.4.7.4** distributions from other charities or DGRs, if made for the principal purpose
  - 51.4.7.5** the whole amount of deductible contributions made to a fundraising event staged to raise funds for the principal purpose,
  - 51.4.7.6** money received because of these gifts and deductible contributions, including proceeds from the sale of gifted property,
  - 51.4.7.7** investment returns from money or property that continues to be part of the gift fund.
- 51.4.8** Amounts that are not gifts or deductible contributions are not to be credited to this gift fund. They include:
  - 51.4.8.1** receipts from sponsorships or commercial activities,
  - 51.4.8.2** proceeds of raffles, charity auctions, dinners, prayer offerings, and similar events, if the proceeds are not deductible contributions.

## **51.5 Dissolution of the fund and Winding up**

- 51.5.1** If the fund, authority or institution is wound up or if the endorsement of the organisation as a deductible gift recipient for the operation of the fund, authority or institution is revoked, any surplus assets of the gift fund, including gifts of money or property remaining after the

payment of liabilities attributable to it, shall be transferred to a fund, authority or institution to which income tax-deductible gifts can be made.

**51.5.2 At the first occurrence of:**

- a) the winding up of the Gift Fund or
- b) the Association ceasing to be endorsed as a DGR, any surplus funds and assets of the Gift Fund must be transferred to another DGR that shall be decided by the executive management or the government body.

#### **51.6 Alteration of Objects and Rules of Funds Management**

**51.6.1** The statement of objects and these rules can only be altered, rescinded or added to only by a special resolution of the association with a majority at the AGM.

**51.6.2** Any proposed changes to the funds management and gift funds must be circulated to each of the existing members for information and advice at least 2 weeks prior to the AGM, where the changes may be voted upon.