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The Hindu Association of Western Australia (Inc)

The Constitution

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THE HINDU ASSOCIATION OF WESTERN AUSTRALIA (Inc.) 269 WARTON ROAD (LOT 41), CANNING VALE, WA 6155

CONSTITUTION

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26. <u>Committee</u>		Formatted: Font color: Auto
26.1 Powers of Committee		Formatted: Font color: Auto
(1) Subject to the Act, these rules, the by laws (if any) and any		
meeting, the committee has power to do all things necessary or con		
management of the affairs of the Association	<u>1919</u>	
(2) The committee must not approve capital expenditure for an	iv project, the sum total of which	Formatted: Font color: Auto
exceeds AUD \$50,000/ , unless such expenditure has been first ap		Formatted: Font color: Auto
(3) The committee may make any by laws consistent with this		
necessary for the management of the Association		
Division 2 Composition of Committee and duties of members .		Formatted: Font color: Auto
27. Committee members:	<u></u>	
28. President	<u></u>	
29. Secretary	<u></u>	
Treasurer	<u></u>	
30.		
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54. Use of technology to be present at general meetings		
55. Presiding member and quorum for general meetings		
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73. Board of Trustees-	<u></u>	
74. EMPLOYEES		
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ivision 4 Committee meetings		
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43. Procedure and order of business		
44. Use of technology to be present at committee meetings		
45. Quorum for committee meetings		
46: Voting at committee meetings		
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ivision 5 Subcommittees and subsidiary offices		
48. Subcommittees and subsidiary offices:		
49. Delegation to subcommittees and holders of subsidiary offices.		
ART 6 CENERAL MEETINGS OF ASSOCIATION		ont color: Au
50. Annual General Meeting		
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	otice of general meetings		
	oxies		
	se of technology to be present at general meetings		
	esiding member and quorum for general meetings		
	djournment of general meeting		
	oting at general meeting		
	Then special resolutions are required		
	etermining whether resolution carried	<u></u>	
	inutes of general meeting		
	purce of funds		
	ontrol of funds		
	nancial statements and financial reports GENERAL MATTERS	<u></u>	
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	y laws		
-	iving notices to members	<u>35</u> <u>363635</u>	
	ustody of books and securities		
	ecord of office holders		
	spection of records and documents		
	iblication by committee members of statements about Asso		
	istribution of surplus property on cancellation of incorpora		
	Iteration of rules	37	
	pard of Trustees	<u> </u>	Formatted: Font color: Blue
101	MPLOYEES	393939	Formatted: Font: 11 pt, English (Australia)
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The Hindu Association of Western Australia (I	nc
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PART 1 — PRELIMINARY

1. Terms used In these rules, unless the contrary intention appears ----Act means the Associations Incorporation Act 2015; Associate member means a member with the rights referred to in rule 8(6); Association means the Hindu Association of WA Incorporated (HAWA), to which these rules apply; Board of Trustees means the Board of Trustees appointed under rule 73 **b**Books, of the Association, includes the following — Formatted: Font color: Auto (a) a register; (b) financial records, financial statements or financial reports, however compiled, recorded or stored; (c) a document; (d) any other record of information; Formatted: Font color: Auto **b**By laws means by-laws made by the Association under rule 64; Commissioner means the person for the time being designated as the Commissioner under section 153 of the Act; *cCommittee* means the management committee of the Association; Formatted: Font color: Auto **<u>c</u>**Committee meeting means a meeting of the committee; Formatted: Font color: Auto *cCommittee member* means a member of the committee; Formatted: Font color: Auto Formatted: Font color: Auto fFinancial records includes — (a) invoices, receipts, orders for the payment of money, bills of exchange, cheques, promissory notes and vouchers; and (b) documents of prime entry; and (c) working papers and other documents needed to explain the methods by which financial statements are prepared; and (i) adjustments to be made in preparing financial statements; (ii) *financial report*, of a tier 2 association or a tier 3 association, has the meaning given in section 63 of the Act; financial statements means the financial statements in relation to the Association required under Part 5 Division 3 of the Act; VersionDate:2019-8703-92012022650642901736 Ver1.10 Page 14

The Hindu Association of Western Australia (Inc)	The Constitution	
<i>financial year</i> , of the Association, has the meaning given in rule 2;		
<i>gGeneral meeting</i> , of the Association, means a meeting of the Associator receive notice of and to attend;	tion that all members are entitled	Formatted: Font color: Auto
<i>mMember</i> means a person (including a body corporate) who is an o member of the Association;	rdinary member or an associate	Formatted: Font color: Auto
nNon-financial member means a member whose membership fees ar		Formatted: Font color: Auto
a period of <u>up to three (3)</u> months following the 1st day of July each f	inancial year, as per-specified in	Commented [A1]: This term is not referred to in the rules
<u>rule 2</u> .		Formatted: Font color: Auto
<i>Ordinary ordinary committee member</i> means a committee member we Association under rule 27(3);	who is not an office holder of the	Formatted: Font color: Auto Formatted: Font color: Auto
ordinary member means a member with the rights referred to in rule	8(<u>3</u>);	
ordinary resolution means resolution other than a special resolution:		
president means the Committee member holding office as the charappointed under these rules perc;	airperson of the Association as	
rRegister of members means the register of members referred to in se	ection 53 of the Act;	Formatted: Font color: Auto
regulations means the Associations Incorporation Regulations 2016;		
Resident priest means the priest(s) responsible for the performance Perth Hindu Temple and at other venues under management of the As		Formatted: Font color: Auto
rReturning office/oOfficer means the returning office/officer appoi	nted by the members to conduct	Formatted: Font color: Auto
election of committee members and trustees as per rule 50(3)(i) or		Formatted: Font color: Auto
Returning Office apppintedappointedelected by the members to		Formatted: Font color: Auto
members and trustees as per rule 50(3)(i) or 50(5).		Formatted: Font color: Auto
rules means these rules of the Association, as in force for the time be	ing;	Formatted: Font color: Auto
Sagratary means the committee member holding office as the Correct	any of the Association.	Formatted: Font color: Auto
Secretary means the committee member holding office as the Secret	ary of the Association;	Formatted: Font color: Auto
Special general meeting means a general meeting of the Association meeting;	on other than the annual general	Formatted: Font color: Auto
Special resolution means a resolution passed by the members at a generation 51 of the Act.	neral meeting in accordance with	Formatted: Font color: Auto
section 51 of the Act;		
subcommittee means a subcommittee appointed by the committee un	der rule 48(1)(a);	
<i>tier 1 association</i> means an incorporated association to which section	64(1) of the Act applies;	
<i>tier 2 association</i> means an incorporated association to which section <u>VersionDate:</u> 201 <u>9-8703-92012022650642901736 Ver1.10</u> Page 15	64(2) of the Act applies;	

The Hin	du Association of Western Australia (Inc)	The Constitution		
tier 3 asso	ociation means an incorporated association to which section	on 64(3) of the Act applies;		
F reasure	er means the committee member holding office as the treas	surer of the Association:-		Formatted: Font color: Auto
Trustee_	shall have an ordinary meaning as defined in this constitut	tionmeans a member of the Board	1	Formatted: Font color: Auto
of Trustee	es as per rule 73. The term will have no reference to the Tr	ustees Act 1962.		Commented [A2]: Not sure that this will be effective as the role/duties of the trustees in rule 73 include those normally carried out by trustees
				Formatted: Font color: Auto
.1 Prea	mble			Formatted: Font color: Auto
	mble			Formatted: Font color: Auto
(1)	We recognise "that God is one, the wise men call Him va	riously" (RIGVEDA – 1:164:46)	;	Formatted: Indent: Left: 0 cm, Hanging: 0.75 cm
(2) (3)	We are aware and recognise that "Sanaatana Dharma popularly known as the "Hindu Religion" has immense d We are aware and recognise that the religious practices in varied and guided by core beliefs:	liversity in the way it is practiced		
	(a) God Exists.(b) God is manifest in every Name and Form.			
Eacl not	he below objects shall be construed as an independent objects of the below objects shall be construed as an independent be limited by implication or otherwise by reference institution.	ent object and their meaning shall	1	
The	core objects of the Association are to:			
(1)	Build, govern and manage place(s) of Hindu worship i Agamic traditions to cater to the needs of all Hindus wit		1	
(2)	Thus therefore, in keeping with the spirit of widest Hin <u>includes</u> the Temple built and governed by the Associat in Canning Vale in Western Australia known as the: Per	tion at 269 Warton Road (Lot 41)		
In a	addition to building and managing places of worship the As	ssociation shall also:		
(3)	Promote understanding of the Hindu Religion through v by learned scholars, monks and lay preachers including and similar activities for children and youth.			
(0)-	related fund raising activities, and in all such and other practice of vegetarianism according to the Hindu tradition	activities of the Association, the		
<u>(4)</u>	—		•	Formatted: Indent: Left: 1 cm, Hanging: 1 cm
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The Hindu Association of Western Australia (Inc)	The Constitution	
	• • • • • • • • • • • • • • • • • • •	Formatted: Font: (Default) Times New Roman, 12 pt
 (5) Establish a repository of books, publications and HAWA his understanding of Hindu religion, culture and practices. (1) Establish and managers bibagers to excit in an understanding 		Formatted: Indent: Left: 1 cm, Hanging: 1 cm, Numbered + Level: 2 + Numbering Style: 1, 2, 3, + Start at: 1 + Alignment: Left + Aligned at: 1.9 cm + Indent at: 2.54 cm
(1) Establish and manage a library to assist in an understandi and practices.	ng of Hindu religion, culture*	Formatted: Font color: Auto
and practices.		Formatted: Indent: Left: 2 cm, No bullets or numbering
Whereas:		
(2)(6)In worship and in invoking the God, our sages and saints have every name and every form - the manifest and also as the un-		
(3)(7)The <u>Association through</u> this constitution reaf Hindu Temple will invoke and worship God as five principal of and their incarnations, the latter as Utsav Moorthies:	firms that the Perth leities of the Hindu pantheon	
(a) Shri Ganapathi(b) Shri Shiva		
(c) Shree Shakti		
(d) Shri Vishnu		
(e) Shri Subramanya		
Such Temple will also enshrine:		
(4)(8)Shree Durga Matha		
(5)(9)Navagrahas (the principal planets and the nodal points of ec together symbolising the planetary universe and their influence		
(6)(10) Shree Hanuman ji, symbolising the Guru or the spiritual g	uide.	
2. Financial year		
The Association's financial year will be the period of 12 months comme	acing on 1st July and ending	
(1) The first financial year of the Association is to be the period notified		Formatted: Indent: Left: 0.14 cm
section 7(4)(e) or, if relevant, section 29(5)(e) of the Act.	to the commissioner under	
The Association's financial year will be the period of 12 months of ending on 30th June of the followingeach year.	ommencing on 1st July and	Formatted: Indent: Left: 0.89 cm
ending on_sour build of <u>the following</u> each year.		
PART 2 — ASSOCIATION TO BE NOT FOR PRO	FIT BODY	
3. Not-for-profit body		
$\frac{(2)(1)}{(2)}$ The property and income of the Association must be	annlind apply towards the	Formatted: Font color: Auto
promotion of the objects or purposes of the Association must be may be paid or otherwise distributed, directly or indirectly, to a faith in the promotion of those objects or purposes.	rt of that property or income	Formatted: Font color: Auto
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(3)(2) A payment may be made to a member out of the funds of the Association only if it is authorised under sub rule (3).

(4)(3) A payment to a member out of the funds of the Association is authorised if it is —

- (a) the payment in good faith to the member as reasonable remuneration for any services provided to the Association, or for goods supplied to the Association, in the ordinary course of business; or
- (b) the payment of interest, on money borrowed by the Association from the member, at a rate not greater than the cash rate published from time to time by the Reserve Bank of Australia; or
- (c) the payment of reasonable rent to the member for premises leased by the member to the Association; or
- (d) the reimbursement of reasonable expenses properly incurred by the member on behalf of the Association.

3.1 Powers

Each of the below powers shall be construed as an independent power without limitation by implication or otherwise by reference to any other provision of this constitution save that they shall be limited by the objects.

The powers of the Association shall be as follows:

- 3.1.1 By any lawful means acquire, dispose of, lease, sublease or deal with any real or personal property for purposes which are or are likely to be in furtherance of or consistent with the above objects and without limiting the generality of the foregoing;
- 3.1.2 Invest any moneys not immediately required for any of the above objects in authorised Investment Funds;
- 3.1.3 Draw, accepts and negotiate cheques, bills of exchange, promissory notes and other negotiable instruments;
- 3.1.4 Borrow or raise by the issue of or upon bonds, guarantees, debentures, bills of exchange, promissory notes or by mortgage or charge all or any part of the property of the Association;
- 3.1.5 Obtain, collect and receive money and funds by way of contributions, donations, subscriptions, legacies, grants, or any other lawful method and to accept and receive gifts of property of any description whether subject to any special trust or not;
- 3.1.6 Erect, maintain and improve or make alterations to any land or buildings or other property in the care, control, custody or ownership of the Association; and

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The Hindu Association of Western Australia (Inc)	The Constitution	
3.1.7 Take such steps and engage in such activities, as procuring of income, donations or contributions objects.		
3.1.8 Join, amalgamate, co-operate or affiliate with or corporate body for purposes, which are consistent		
3.1.9 To enter into any arrangements with any Governm Municipal or otherwise that, may seem conducive Association or any of them to obtain from or grar rights, privileges, concessions and obligations wh to obtain or grant and to carry out, exercise and rights, privileges, concessions and obligations.	e to the attainment of the objects of the at to such Government or authority any hich to the Association seem desirable	
3.1.10 Engage by contracts of service or for services services for the Association in furtherance of the		
3.1.11 To do all or any of the above things in any part of or otherwise and by and through trustees, agents of		
3.1.12 To do all such other things as the Association or i or conducive to the attainment of the above object		
3.1.13 To appoint and to remove if necessary such truste	ees as are necessary for the purpose of	
managing and controlling the real and personal pro	operty of the Association for its benefit.	
3.1.14 Notwithstanding anything herein before contained concurrence of its members at a General or Spec when and how the Temple should be built and worship at such Temple.	ial General Meeting determine where,	
		Formatted: Font: 9 pt
The Association may do all things necessary or convenient or objects and purposes.	r incidental to the carrying out of its	
Each of the below powers shall be construed as an ind		Commented [A3]: It is unnecessary to limit the powers by listing
implication or otherwise by reference to any other provi shall be limited by the objects.	sion of this constitution save that they	each power. Formatted: Font color: Auto
shan be mined by the objects.		Formatted: Font color: Auto
The powers of the Association shall be as follows:		Formatted: Font color: Auto
By any lawful means acquire, dispose of, lease, su property for purposes which are or are likely to the above objects and without limiting the general	be in furtherance of or consistent with	
3.1.1 Invest any moneys not immediately required for Investment Funds;	any of the above objects in authorised	
3.1.1 Draw, accepts and negotiate cheques, bills of e negotiable instruments;	exchange, promissory notes and other	
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mat	Association of Western Australia (Inc)	The Constitution
3.1.2-	_	
	-Obtain, collect and receive money and funds by subscriptions, legacies, grants, or any other lawful m of property of any description whether subject to an	ethod and to accept and receive g
3.1.3	Erect, maintain and improve or make alterations to ar in the care, control, custody or ownership of the Ass	
3.1.3	Take such steps and engage in such activities, as ma procuring of income, donations or contributions to o objects.	
3.1.3	Join, amalgamate, co-operate or affiliate with or su corporate body for purposes, which are consistent w	
3.1.3	To enter into any arrangements with any Governmen Municipal or otherwise that, may seem conducive to Association or any of them to obtain from or grant to rights, privileges, concessions and obligations whice to obtain or grant and to carry out, exercise and co rights, privileges, concessions and obligations.	the attainment of the objects of o such Government or authority h to the Association seem desira
3.1.3	Engage by contracts of service or for services for services for services for the Association in furtherance of the abo	
3.1.3	To do all or any of the above things in any part of the or otherwise and by and through trustees, agents or c	
3.1.3	To do all such other things as the Association or its or conducive to the attainment of the above objects a	
3.1.3	To appoint and to remove if necessary such trustees managing and controlling the real and personal prope	
	Notwithstanding anything herein before contained th concurrence <u>by ordinary resolution of its</u> member Meeting determine where, when and how the Temp determine the mode of worship at such Temple.	s at a General or Special Gene
	PART 3 — MEMBERS	
	Division 1 — Membership	
	ility for membership	

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ne Hindu Association of Western Australia (Inc)	The Constitution		
(1) Any person who supports the objects or purposes of the A become a member.	Association is eligible to apply to	_	
(2) An individual who has not reached the age of 18 years is n membership that confers full voting rights.	not eligible to apply for a class of		
(3) A person prohibited under section 39 of the Act, convicted- bankrupt, is not eligible to serve as a <u>member of the Board of</u> member or as an employee. A current National Police Clear to be a <u>t</u> Trustee, a committee member or an employee.	of Trustees Trustee, as a committee	Formatted: Font color: Text 1 Formatted: Font color: Text 1	
5. Applying for membership			
 A person who wants to become a member must apply in v form(s) as the Association from time to time directs. 	writing to the Association in such		
(2) The application must include a member's nomination of the seconded by another member.	he applicant for membership, and		
(3) The application must be signed by the applicant, the no seconding the application.	ominating person and the person		
(4) The applicant must specify in the application the class of n one, to which the application relates.	membership, if there is more than		
6. Dealing with membership applications			
(1) The committee must consider each application for members whether to accept or reject the application.	ship of the Association and decide		
(2) Subject to sub rule (3), the committee must consider appliate received by the Association.	cations in the order in which they		
(3) The committee may delay its consideration of an application any matter relating to the application needs to be clarified by needs to provide further information in support of the application	y the applicant or that the applicant		
(4) The committee must not accept an application unless the ap (a) is eligible under rule 4; and (b) has applied under rule 5.	pplicant —		
(5) The committee may reject an application even if the applica(a) is eligible under rule 4; and(b) has applied under rule 5.	ant —		
(6) The committee must notify the applicant of the committee application as soon as practicable after making the decision			
(7) If the committee rejects the application, the committee is no reasons for doing so.	ot required to give the applicant its		
<u>VersionDate:</u> 201 <u>9-8</u> 70 <u>3-92012022650642901736 Ver1.10</u> ge 21			

The Hindu Association of Western Australia (Inc) **The Constitution** (8) Should the committee reject the application for membership it shall, if requested by the applicant, refer the rejected application to an Annual General Meeting of the Association for determination. 7. Becoming a member An applicant for membership of the Association becomes a member when — An applicant for membership of the Association becomes a member when — (a) the committee accepts the application; and (b) the applicant pays any membership fees payable to the Association under rule 12. 8. Classes of membership The Association consists of ordinary members in the classes as and any associate (2)(1)members provided for under sub rule (2). The Association may have different classes of ordinary membership as provided in rule 8.1 per-Formatted: Font color: Text 1 8.1. Formatted: Justified, Space After: 0 pt, Line spacing: single, Numbered + Level: 1 + Numbering Style: 1, 2, 3, ... + Start at: 1 + Alignment: Left + Aligned at: 0.63 cm + Indent at: 1.38 (2)cm, Don't adjust space between Latin and Asian text, Don't (4) An individual who has not reached the age of 18 years is only eligible to be an associate adjust space between Asian text and numbers Formatted: Font: (Default) Times New Roman, 12 pt, Font member. color: Text 1 Formatted: List Paragraph, Indent: Left: 1.38 cm (5) - A body corporate is entitled to only an Associate membership unless otherwise decided by Formatted: Font color: Text 1 members at a general meeting. Formatted: Left, Indent: Left: 1.38 cm, Space After: 10 pt, Line spacing: Multiple 1.15 li, No bullets or numbering, Adjust A person can only be an ordinary member and belong to one class of space between Latin and Asian text, Adjust space between (6)<u>(3)</u> Asian text and numbers membership. Formatted: Indent: Left: 1.38 cm Formatted: Left, Indent: Left: 1.38 cm, Space After: 10 pt, -An ordinary member has voting rights and any other rights conferred on members by these Line spacing: Multiple 1.15 li, No bullets or numbering, Adjust rules or approved by resolution at a general meeting or determined by the committee. space between Latin and Asian text, Adjust space between Asian text and numbers (4) Formatted: Font: (Default) Times New Roman, 12 pt, Font (7)color: Text 1 Formatted: Numbered + Level: 1 + Numbering Style: 1, 2, 3, (8)(5)The number of members of any class is not limited unless otherwise approved by resolution at + Start at: 1 + Alignment: Left + Aligned at: 0.63 cm + Indent at: 1.38 cm a general meeting. 8.1 **Classes of Ordinary Members** (2)(1) Family Member A framily mMember includes the Member and his/her spouse, dependent children* Formatted: Indent: Left: 2.44 cm under 18 years of age. and other dependents. Such dependent members enjoy the same rights as of the member. However, only the mMember and his/her spouse shall have voting rights and each of them shall be entitled to be considered as two members with one vote each. (3)(2) Pensioner MemberSenior Member(s) Formatted: Font color: Auto A MembeAny person solely dependent on Australian Government or other government Formatted: Indent: Left: 2.44 cm pensions and or on social service benefits or holder of the Senior Citizens card shall be VersionDate: 2019-8703-92012022650642901736 Ver1.10 Page 22

The Hindu Association of Western Australia (Inc)	The Constitution		
eligible to become a pensioner member and shall be en of age <u>isare entitled to Senior Citizens Membership an</u> two votes according to their marital status (spouse sho well).	d shall be entitled to one <u>vote</u> or		
(4)(3) Single Member Any single <u>person member</u> over 18 <u>years years age sh</u> <u>member</u> and shall be entitled to one vote.	all be eligible to become single.	(Formatted: Indent: Left: 2.44 cm
(5)(4)_Student Member(s) <u>Each Student</u> Member over 18 years of age who <u>isare</u> students and shall be entitled to one <u>voteor two votes</u>	according to their marital status	(Formatted: Indent: Left: 2.44 cm
(spouse should be apprentice or student and should not	be a fulltime employee).		Formatted: Font color: Auto
			Formatted: Font color: Auto
 (6)(5) Life Member Subject to rule 12(74), any person over 18 years of age be determined by the Committee shall be eligible to be vote only. 		(Formatted: Indent: Left: 2.44 cm
(7)(6) Family Life Members <u>Subject to rule 12(7), a</u> Any person over 18 years of age be determined by the Committee can become a Family I spouse, dependent children under the age of 18 years-	Life member which shall include d other dependents. The member	(Formatted: Indent: Left: 2.44 cm
and his/her spouse shall each have voting rights and each and (8) deleted	ch shall be entitled to one vote.		Formatted: List Paragraph, Left, Numbered + Level: 1 + Numbering Style: 1, 2, 3, + Start at: 1 + Alignment: Left + Aligned at: 1.81 cm + Indent at: 2.44 cm
Junior Member	•		Formatted: List Paragraph, Numbered + Level: 1 + Numbering Style: 1, 2, 3, + Start at: 1 + Alignment: Left + Aligned at: 1.81 cm + Indent at: 2.44 cm
<u>Member under 18 years. A Junior Member is not eligible to vot</u>	e at meetings of the Association.		Formatted: Font: (Default) Times New Roman, 12 pt, Highlight
	<u> </u>		Formatted: List Paragraph, Left, Indent: Left: 2.44 cm
<u>Body Corporate Member</u> <u>A Body Corporate means a company or incorporated association</u> to nominate an adult person as its representative by notice in representative is the only person entitled to attend meetings and	writing to the Committee. The		
9. When membership ceases			Formatted: Font color: Text 1
(2)(1) A person ceases to be a member when any of the following the f	wing takes place		Formatted: Font color: Text 1
 (2)(1) A person ceases to be a member when any of the following of the followi	y corporate is wound up; rule 10; der rule 15;		
 (3)(2) The secretary must keep a record, for at least one ye member, of — (a) the date on which the person ceased to be a member; a (b) the reason why the person ceased to be a member. 	-		
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The Hindu Association of Western Australia (Inc)	The Constitution	
10. Resignation		
(2)(1) A member may resign from membership of the Associ the resignation to the secretary.	ation by giving written notice of	
 (3)(2) The resignation takes effect — (a) when the secretary receives the notice; or (b) if a later time is stated in the notice, at that later time. 		
and (4) deleted	*	Formatted: Font color: Red, Highlight
(11) A person who has resigned from membership of the Association (the <i>owed amount</i>) at the tim		Formatted: Numbered + Level: 1 + Numbering Style: + Start at: 1 + Alignment: Left + Aligned at: 0.63 cm Indent at: 1.27 cm
(13) The owed amount may be recovered by the Association in a debt due to the Association.	a court of competent jurisdiction as	
14.11. Rights not transferable		
The rights of a member are not transferable and ends when mem	• bership ceases.	Formatted: Indent: Left: 0.89 cm
Division 2 — Membership fees		
 15.12. Membership fees (1) The committee must determine the entrance fee (if any) and the to be paid for membership of the Association. 		
(2) The fees determined under sub rule (1) may be different for membership.	or different classes of ordinary	
(3) A member must pay the annual membership fee to the treasur by the committee to accept payments, by the date (the <i>due date</i>)	-	
(4) The due date for annual membership fees shall be on the 1st date	ay of July each <u>financial year, as</u>	
per rule 2year. If a member maintains their class of members the member is then eligible to be a Life Member of the said cla	ship for 15 years consecutively	Formatted: Font color: Text 1
the member is then engible to be a Life Member of the sald ch	ass of the Association therearter.	Formatted: Font color: Text 1 Formatted: Font color: Text 1
(5) If a member has not paid the annual membership fee within due date, the member ceases to be a member on the expiry of	1	
(6) If a person who has ceased to be a member under sub rul membership fee after the period referred to in that sub rule has (a) the committee may, at its discretion, accept that payment	s expired —	
(b) if the payment is accepted, the person's membership		Formatted: Not Highlight
payment is accepted.		Formatted: Not Highlight
(b)(7) Life membership is a one-off payment, and due within for approval <u>1, date</u> of the life membership application.	ourteen (14) days from the date of	Formatted: Not Highlight
approva 1, pare or the memoership application,		Formatted: Font: (Default) Times New Roman, 12 pt, color: Text 1
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The Hindu Association of Western Australia (Inc)	The Constitution	
Division 3 — Register of members		
16. <u>13.</u> Register of members		
(1) The secretary, or another person authorised by the committee, is a imposed on the Association under section 53 of the Act to maintar record in that register any change in the membership of the Assoc	ain the register of members and	
(2) In addition to the matters referred to in section 53(2) of the Act include the class of membership (if applicable) to which each member becomes a member.		
(3) The register of members must be ke administrative office, or at another place determined by the comm	ept at <u>the HAWA</u> iittee.	
(4) A member who wishes to inspect the register of members must concessary arrangements.	ontact the secretary to make the	
 (5) If — (a) a member inspecting the register of members wishes extract from, the register under section 54(2) of the Ac (b) a member makes a written request under section 56(1) copy of the register of members, 	t; or	
the committee may require the member to provide a statut purpose for which the copy or extract is required and declarin with the affairs of the Association.		
PART 4 — DISCIPLINARY ACTION, DISPUTES A	ND MEDIATION	
		Formatted: Heading 2, Left, Adjust space between Latin and Asian text, Adjust space between Asian text and numbers
Division 1 — Term used		
17. <u>14.</u> Term used: member		Formatted: Heading 2, Left, Adjust space between Latin and Asian text, Adjust space between Asian text and numbers
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In this Part —	· · · · · · · · · · · · · · · · · · ·	
<i>mMember</i> , in relation to a member who is expelled from the member.	e Association, includes former	
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ne Hindu Association of Western Australia (Inc)	The Constitution	
Division 2 — Disciplinary action		Formatted: Font color: Text 1
	4	Formatted: Heading 2, Left, Indent: Left: 0 cm, Ad between Latin and Asian text, Adjust space between
8. <u>15.</u> Suspension or expulsion		and numbers
 The committee may decide to suspend a member's membershi Association if — 	p or to expel a member from the	
(a) the member contravenes any of these rules; or(b) the member acts detrimentally to the interests of the A	ssociation.	
(2) The secretary must give the member written notice of the propleast 28 days before the committee meeting at which the procommittee.		
 (3) The notice given to the member must state — (a) when and where the committee meeting is to be held; a (b) the grounds on which the proposed suspension or expute 		
 (c) that the member, or the member's representative, may given a reasonable opportunity to make written or or committee about the proposed suspension or expulsion 	v attend the meeting and will be ral (or both) submissions to the	
(4) At the committee meeting, the committee must —		
 (a) give the member, or the member's representative, a swritten or oral (or both) submissions to the committee or expulsion; and 		
 (b) give due consideration to any submissions so made; ar (c) decide — 	nd	
(i) whether or not to suspend the member's membership, the period of suspens(ii) whether or not to expel the member from the A	ion; or	
(5) A decision of the committee to suspend the member's mem from the Association takes immediate effect.	bership or to expel the member	
(6) The committee must give the member written notice of the reasons for the decision, within 7 days after the committee r made.		
(7) A member whose membership is suspended or who is expe within 14 days after receiving notice of the Committee's de written notice to the secretary requesting the appointment of a	ecision under sub rule (6), give	
(8) If notice is given under sub rule (7), the member who gives t the parties to the mediation.	he notice and the committee are	
9. <u>16.</u> Consequences of suspension		
(2)(1) During the period a member's membership is suspend (a) loses any rights (including voting rights) arising as a re-	esult of membership;	
(b) loses or vacates any position arising as a result of the r VersionDate:2019-8703-92012022650642901736 Ver1.10	nembership; and	

The Hindu Association of Western Australia (Inc)	The Constitution		
(c) is not entitled to a refund, rebate, relief or credit for r to the Association.	nembership fees paid, or payable,		
 (3)(2) When a member's membership is suspended, the sec of members — (a) that the member's membership is suspended; and (b) the date on which the suspension takes effect; and (c) the period of the suspension. 	cretary must record in the register		
(4)(3) When the period of the suspension ends, the secreta members that the member's membership is no longer suspen			
Division 3 — Resolving disputes	1		
20. <u>17.</u> Terms used		_	
In this Division —	*	Foi	rmatted: Indent: Left: 0.89 cm
Grievance procedure means the procedures set out in this Divi	ision;		
 <i>Party to a dispute</i> includes a person – (a) who is a party to the dispute; and (b) who ceases to be a member within 6 months before the attention of each party to the dispute. 	he dispute has come to the		
21. <u>18.</u> Application of Division			
The procedure set out in this Division (the grievance procedure (a) between members; or (b) between one or more members and the Association.	e) applies to disputes —		rmatted: Indent: Left: 1.52 cm
22. <u>19.</u> Parties to attempt to resolve dispute			
The parties to a dispute must attempt to resolve the dispute be after the dispute has come to the attention of each party.	tween themselves within 14 days	Foi	rmatted: Indent: Left: 0.89 cm
23.20. How grievance procedure is started			
 (2)(1) If the parties to a dispute are unable to resolve the distribution that the time required by rule 19, any party to the dispute may giving written notice to the secretary of — (a) the parties to the dispute; and (b) the matters that are the subject of the dispute. 			
(3)(2) Within 28 days after the secretary is given the notic convened to consider and determine the dispute.	ce, a committee meeting must be		
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- (4)(3) The secretary must give each party to the dispute written notice of the committee meeting at which the dispute is to be considered and determined at least 7 days before the meeting is held.
- (5)(4) The notice given to each party to the dispute must state
 - (a) when and where the committee meeting is to be held; and
 - (b) that the party, or the party's representative, may attend the meeting and will be given a reasonable opportunity to make written or oral (or both written and oral) submissions to the committee about the dispute.

(6)(5) If -

- (a) the dispute is between one or more members and the Association; and
- (b) any party to the dispute gives written notice to the secretary stating that the party
 - (i) does not agree to the dispute being determined by the committee; and
 - (ii) requests the appointment of a mediator under rule 23,

The committee must not determine the dispute.

24.21. Determination of dispute by committee

- (2)(1) At the committee meeting at which a dispute is to be considered and determined, the committee must
 - (a) give each party to the dispute, or the party's representative, a reasonable opportunity to make written or oral (or both written and oral) submissions to the committee about the dispute; and
 - (b) give due consideration to any submissions so made; and
 - (c) determine the dispute.
- (3)(2) The committee must give each party to the dispute written notice of the committee's determination, and the reasons for the determination, within 7 days after the committee meeting at which the determination is made.
- (4)(3) A party to the dispute may, within 14 days after receiving notice of the committee's determination under sub rule (1)(c), give written notice to the secretary requesting the appointment of a mediator under rule 23.
- (5)(4) If notice is given under sub rule (3), each party to the dispute is a party to the mediation.

Division 4—Mediation

25.22. Application of Division

- (2)(1) This Division applies if written notice has been given to the secretary requesting the appointment of a mediator
 - (a) by a member under rule 15(7); or
 - (b) by a party to a dispute under rule 20(5)(b)(ii) or 21(3).

(3)(2) If this Division applies, a mediator must be chosen or appointed under rule 23.

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The Hindu Association of Western Australia (Inc)	The Constitution	
26.23. Appointment of mediator		
 (2)(1) The mediator must be a person chosen — (a) if the appointment of a mediator was requested by a agreement between the Member and the committee; or (b) if the appointment of a mediator was requested by 20(5)(b)(ii) or 21(3) — by agreement between the part 	a party to a dispute under rule	
(3)(2) If there is no agreement for the purposes of sub rule (rules (3) and (4), the committee must appoint the mediator.	1)(a) or (b), then, subject to sub	
 (4)(3) The person appointed as mediator by the committee mediator for another not-for-profit body, such as a community of a mediator was requested by — (a) a member under rule 15(7); or (b) a party to a dispute under rule 20(5)(b)(ii); or (c) a party to a dispute under rule 21(3) and the dispute is and the Association. 	legal centre, if the appointment	
 (5)(4) The person appointed as mediator by the committee member of the Association but must not — (a) have a personal interest in the matter that is the subject (b) be biased in favour of or against any party to the media 	of the mediation; or	
27. <u>24.</u> Mediation process		
(1) The parties to the mediation must attempt in good faith to set of the mediation.	tle the matter that is the subject	
(2) Each party to the mediation must give the mediator a written s to be considered at the mediation at least 5 days before the me		
 (3) In conducting the mediation, the mediator must — (a) give each party to the mediation every opportunity to b (b) allow each party to the mediation to give due consider given by another party; and (c) ensure that natural justice is given to the parties to mediation process. 	eration to any written statement	
(4) The mediator cannot determine the matter that is the subject o	f the mediation.	
(5) The mediation must be confidential, and any information giver in any other proceedings that take place in relation to the r mediation.		
(6) The costs of the mediation are to be paid by the party or partie the appointment of the mediator.	s to the mediation that requested	
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28.25. If mediation results in decision to suspend or expel being	
If — (a) mediation takes place because a member whose membersh expelled from the Association gives notice under rule 15(7);	ip is suspended or who is and
(b) as the result of the mediation, the decision to suspend the expel the member is revoked,	member's membership or
that revocation does not affect the validity of any decision made a general meeting during the period of suspension or expulsion.	at a committee meeting or
PART 5 — COMMITTEE	
Division 1 — Powers of Committee	
29. <u>26.</u> Committee	
(2) The committee members are the persons who, as the manage Association, have the power to manage the affairs of the Association	
Association, have the power to manage the arrans of the Association rules and the by-laws (if any) (4)(1) Subject to the Act, these rules, the by laws (if any) and any res	responsibilities allocated to the Board of trustees. It raises the fundamental question: which body controls and manages the Association?
meeting, the committee has power to do all things necessary or convenic	
management of the affairs of the Association.	Formatted: Font color: Text 1
	Formatted: Font: (Default) Times New Roman, 12 pt
(5)(2) The committee must take all reasonable steps to ensure that the A Act, these rules and the by-laws (if any).	
(6)(3) Without limiting the duties of committee members specified	
Act, all committee members are required to perform duties as deter from time to time.	
The committee must not approve capital expenditure for any project exceeds the amount specified in the budget approved by the member of the second s	
exceeds the amount specified in the budget approved by the member of more than <u>AUD \$50,000/_unless such expenditure language</u>	pers in general meeting by
exceeds the amount specified in the budget approved by the memb	pers in general meeting by
exceeds the amount specified in the budget approved by the member of more than <u>AUD \$50,000/_unless such expenditure landow</u>	has been first approved by Formatted: Font color: Text 1

ne Hindu Association of Western Australia (Inc)	The Constitution		
26.1 Powers of cCommittee		For	matted: Font color: Text 1
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(1) Subject to the Act, these rules, the by-laws (if any) and an	ny resolution passed at a general	For	matted: Font: (Default) Times New Roman, 12 pt
meeting, the committee has power to do all things necess the proper management of the affairs of the Association	ary or convenient to be done for	Nur	matted: Heading 3, Left, Outline numbered + Level: 2 nbering Style: 1, 2, 3, + Start at: 2 + Alignment: Left ned at: 0 cm + Indent at: 0.76 cm
(2) The committee must not approve ceapital expenditure for	r any project, the sum total of	For	matted: Font: Not Bold, Font color: Auto
which exceeds AUD \$50,000/-, unless such expenditure l	has been first approved by the	For	matted: Font: Not Bold, Font color: Auto
Board of Trusteesshall require the prior approval of the B	oard of Trustees.		matted: Font: (Default) Times New Roman, 12 pt, Not d, Font color: Auto
(3) ToThe committee may make any by-laws consistent with	this Constitution as it may	For	matted: Font: Not Bold, Font color: Auto
consider necessary for the management of the Association	<u>n.</u>		matted: Font: (Default) Times New Roman, 12 pt, Not d, Font color: Auto
The Committee may aAppoint or create such Sub-Com	mittees (including, but not	For	matted: Font: Not Bold, Font color: Auto
limited to);			matted: Font: (Default) Times New Roman, 12 pt, Not d, Font color: Auto
 <u>Religious Affairs;</u> <u>Technical (for matters relating to but not limited</u>) 			matted: Font: (Default) Times New Roman, 12 pt, Not d, Font color: Auto
information technology, human services; energy and	water utilities, environment);		matted: Font: Not Bold, Font color: Auto
 <u>Youth wing, and</u> <u>Public relations and promotions.</u> 			matted: Font: (Default) Times New Roman, 12 pt, Not d, Font color: Auto
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0.27. Committee members: (a) the office holders of the Association; and		Bold For For 1.11 spa For	matted: Font: (Default) Times New Roman, 12 pt matted: Font: (Default) Times New Roman, 12 pt matted: Left, Space After: 10 pt, Line spacing: Multip 5 li, Adjust space between Latin and Asian text, Adjust ce between Asian text and numbers matted: Font color: Auto
 0.27. Committee members: (a) the office holders of the Association; and (b) ordinary committee members. 2) The maximum number of ordinary committee members shall 	be seven (7) unless determined	Bold For For 1.11 spa For	matted: Font: (Default) Times New Roman, 12 pt matted: Font: (Default) Times New Roman, 12 pt matted: Left, Space After: 10 pt, Line spacing: Multip 5 li, Adjust space between Latin and Asian text, Adjust ce between Asian text and numbers matted: Font color: Auto
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heldes, in addition to sub rule (4, the person shall have served at least two (2) termscenzyeeser ing the committee within the preceding five (5) years. Formate: For totar: Ado (7)((2) A person must not hold 2 or more of the offices mentioned in sub rule (3) at the same time. Formate: For totar: Ado (1) The : President has the powers and duties relating to convening and presiding at committee meetings and president to consult with the secretary regarding the business to be conducted at each committee meeting and general meeting. Formate: For totar: Ado (2) The President has the powers and duties relating to convening and presiding at general meeting. Formate: For totar: Ado (3) The President has the powers and duties relating to convening and presiding at general meeting. Formate: For totar: Ado (3) The president has: Formate: For totar: Ado (4) (a) space that hal: Formate: For totar: Ado (a) casure that the affairs of the Association are conducted in the best interest of the Association. Formate: For totar: Ado (b) perprestident Max Formate: For totar: Ado Formate: For totar: Ado (b) dealing with the Association as the spokesperson in dealings with external organisation and media. Formate: For totar: Ado (c) a claim with the Association as the spokesperson in dealings with external organisation and meeting: Formate: For totar: Ado (a) a dealing with the Association as unbroised	(6)(5). To be appointed as an office holder president, secretary or treasurer For the position of office	Formatted: Font color: Auto	
(7)f(c) A person must not hold 2 or more of the offices mentioned in sub rule (3) at the same time. 31.28 President (1) The president has the powers and duties relating to convening and presiding at committee meetings and presiding at general meetings provided for in these rules. (2) If the president has the powers and duties relating to convening and presiding at committee meeting and presiding at general meetings provided for in these rules. (3) The president has the powers and duties relating to convening and presiding at committee meeting and general meeting. (4) If the president has the powers and duties relating to convening and presiding at committee meeting and general meeting. (5) The president has the powers and duties relating to convening and presiding at general meeting. (6) The president has the powers and duties relating to convening and presiding at general meeting. (6) The president has: (a) dealing with the affairs of the Association are conducted in the best interest of the president or at the request of the president, the yier president shall be responsible for the performance of the duties assigned to the president shall in the absence of the president or at the request of the president, the yier president shall in the absence of the president or at the request of the president, the yier president shall is 1.27 cm Formattee front color: Auo Fore		Formatted: Font color: Auto	\neg
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 (1) The president has the powers and duties relating to convening and presiding at committee meetings and presiding at general meetings provided for in these rules. (3) The president has the powers and duties relating to convening and presiding at committee meetings and presiding at general meeting. (5) The president has the powers and duties relating to convening and presiding at committee meetings and presiding at general meetings. (6) The president has the powers and duties relating to convening and presiding at committee meetings and president or at the request of the Association as the spokesperson in dealings with external organisations and media. (c) is one of the authorised signatory to all bank transactions. (c) is one of the authorised signatory to all bank transactions. (c) is one of the authorised of the president, the yice gresident shall be responsible In the absence of the president or at the request of the president. (d) dualing with the Association is correspondence: (e) prograing the notices required for meetings and for the business to be conducted at meetings: (d) unless another member is autorised by the committee to do so, maintaining on behalf of the Association an up-to-date copy of these rules, as required under section 53(1) of the Act: (f) unless another member is autorised by the committee to do so, maintaining on behalf of the Association are required under section 53(1) of the Act: (g) ensuring the stal custory of the books of the Association, are required under section 53(1) of the Act: (f) maintaining full and accurate minutes of committee to do so, maintaining on behalf of the Association are required under section 53(2) of the Act: (g) ensuring the stal custory of the books of the Association, are required under section 58(2) of the Act: (g) ensuring the stal custory of the president the meetings and general meetings: (h) maintain emplo	31.28 President	Formatted: Font color: Auto	7
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- maintain all important documents of the Association including but not limited to (j) insurance and other sub contracts;
- (k) sign all documents and correspondence of the Association or as directed to do so;
- -complete the Annual Report of the Association; (1)-
- (1)
- signatory one of the authorised signatories to all bank transactions; cheques of the (m) be-Association together with two other aut anatory to all bank transaction
- (n) act on matters of urgency in consultation with the other office holders and thereafter to have such matters ratified at the ensuing meeting of the committee; and

(o) carrying out any other duty given to the secretary under these rules or by the committee. _29.1 Assistant secretary:

In the absence of the Secretary or at the request of the Secretary, the Assistant Secretary shall be responsible for the performance of the duties assigned to the secretary.

Treasurer_F

33.30. Treasurer

The treasurer has the following duties -----

- (a) ensuring that any amounts payable to the Association are collected and issuing receipts for those amounts in the Association's name;
- (b) ensuring that any amounts paid to the Association are credited to the appropriate account of the Association, as directed by the committee;
- (c) ensuring that any payments to be made by the Association that have been authorised by the committee or at a general meeting are made on time;
- (d) ensuring that the Association complies with the relevant requirements of Part 5 of the Act:
- ensuring the safe custody of the Association's financial records, financial statements (e) and financial reports, as applicable to the Association;
- (f) if the Association is a tier 1 association, coordinating the preparation of the Association's financial statements before their submission to the Association's annual general meeting;
- (g) if the Association is a tier 2 association or tier 3 association, Coordinating the preparation of the Association's financial report before its submission to the Association's annual general meeting;
- (h) providing any assistance required by an auditor or reviewer conducting an audit or review of the Association's financial statements or financial report under Part 5 Division 5 of the Act;
- (i) ensure that a copy of the audited financial report is sent to Board of Trustees at least 14 days prior to notice of the annual general meeting;
- (j) maintain records and accounts of all monetary transactions as well as movable and fixed assets of the association and shall be responsible for their accuracy;
- (k) be responsible for managing petty cash;
- (1) all payments to be made only with the approval of the committee;
- (m) be signatory to all cheques of the Association together with two other authorised signatories;

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(n) prepare and submit monthly accounts and payables, including itemised petty cash re		
conciliation to the <u>c</u> Committee and the Board of Trustees by the 15 th of the followin		Formatted: Font color: Auto
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(o) Submit to Secretary copies of all receipts and records relating to all class of		Formatted: Font color: Auto
memberships both new & renewal(s) within 30 days of payment.		Formatted: Font color: Auto
(p) be responsible for Associations payroll payments including but not limited t		
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of the same, monthly(q) be responsible for the issue for use and subsequent collection and safe keeping of all		Formatted: Font color: Auto
(q) be responsible for the issue for use and subsequent conection and safe keeping of an valuables.		
(r) carrying out any other duty given to the treasurer under these rules or by the committee		
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be responsible for the performance of the duties assigned to the treasurer.		Formatted: Font color: Text 1
Division 3 — Election of committee members and tenure of office		
34.31. How members become committee members		
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The Hindu Association of Western Australia (Inc)

The Constitution

36.33. Election of office holders

(1) At the general meeting the election shall be conducted by the returning officer.

- (1)(2) A separate election must be held for each position of office holder of the Association.
- (2)(3) If there is no nomination for a position, the <u>rReturning oOfficer chairperson of the</u> meeting may call for nominations from the ordinary members at the meeting.
- (3)(4) If only one member has nominated for a position, the <u>rReturning oOfficerehairperson</u> of the meeting must declare the member elected to the position.
- (4)(5) If more than one member has nominated for a position, the ordinary members at the meeting must vote in accordance with procedures that have been determined by the committee to decide who is to be elected to the position.
- (5)(6) Each ordinary member present at the meeting may vote for one member who has nominated for the position.
- (6)(7) A member who has nominated for the position may vote for himself or herself.
- (7)(8) On the member's election, the new president of the Association may take over as the chairperson of the meeting.

37.<u>34.</u> Election of ordinary committee members

- (2)(1) At the annual general meeting, the Association <u>must-may</u> decide by resolution the number of ordinary committee members (if any) to hold office for the <u>next termycaryear</u>. If no such decision is made, then election shall be conducted for the number of committee members required as per the previous yeartermycar.
- (3)(2) If the number of members nominating for the position of ordinary committee member is not greater than the number to be elected, the chairperson of the meeting
 - (a) must declare each of those members to be elected to the position; and
 - (b) may call for further nominations from the ordinary members at the meeting to fill any positions remaining unfilled after the elections under paragraph (a).

(4)(3) If –

- (a) the number of members nominating for the position of ordinary committee member is greater than the number to be elected; or
- (b) the number of members nominating under sub rule (2)(b) is greater than the number of positions remaining unfilled,

the ordinary members at the meeting must vote in accordance with procedures that have been determined by the committee to decide the members who are to be elected to the position of ordinary committee member.

(5)(4) A member who has nominated for the position of ordinary committee member may vote in accordance with that nomination.

38.35. Term of office

- (2)(1) The term of office of a committee member begins when the member
 - (a) is elected at an annual general meeting or under rule 36(3)(b); or
 - (b) is appointed to fill a casual vacancy under rule 38.

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 fulc (7). (3) Subject to rule 37 and sub rule (2), a committee member holds office for a term of one year (3) Subject to rule 37 and sub rule (2), a committee member holds office for a term of one year (4) A committee member may be re-elected. (5) Terms of office of pPresident. (a) A member shall not serve more than two three (23) consecutive -yearsterms as the pPresident, except under the sub rule (b). (b) Under special circumstances, jointly approved by the committee and the Board of Trustees, a member shall not serve more than fourther as the pPresident in office, subject to sub rules (a) and (b), the member shall not serve more than fourthere (3) terms years in each of the following office; (c) A member shall not serve more fulfeenten (150) terms years in each of the following office; (d) A syststant secretary; or (e) A member shall not serve more fifteenten (150) terms years in total in the committee of the committee, who is termineted office or had; resigned or is terminated from the office, shall not be eligible to stand for re-election for five(wo (2.5) terms years years fifter sor vacating the office. (f) A member of the committee, who is termineted effice or had; resigned or is terminated from the office, shall not be eligible to stand for re-election for five(wo (2.5) terms years years fifter sor vacating the office. (f) A member of the committee, who is termineted effice or had; resigned or is terminated from the office, shall not ence more fifteenten (150) terms years and the office, shall not for committee is the scretary or gresident; or is terminated from the office. (f) A member of the committee, who is termineted by written notice given to the secretary or if the resigning member is the scretary or gresident; or is and the notice is received by the secretary or gresident; or is the scretary or gresident and may ask that the representations tof a racosnable length) to the secreta	
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he Hindu Association of Western Australia (Inc)	The Constitution	
40. <u>37.</u> When membership of committee ceases		
A person ceases to be a committee member if the person —		Formatted: Indent: Left: 1.52 cm
 (a) dies or otherwise ceases to be a member in the person — (a) dies or otherwise ceases to be a member; or (b) resigns from the committee or is removed from off (c) becomes ineligible to accept an appointment or section 39 of the Act; (d) becomes permanently unable to act as a committe physical disability; or (e)-fails to attend 3 consecutive committee meetings, notice, without having notified the committee that unless the committee member has been granted lear 	act as a committee member under tee member because of a mental or of which the person has been given the person will be unable to attend	n
(f)(e) Any member of the Committee who had a	to vacated office or had resigned or	
terminated from the office shall not be eligible to s	tand for re-election for five (5) years	color: Accent 1 Commented [A5]: See rule 35(6)
after so vacating the office.		Formatted: Font: (Default) Times New Roman, 12
41.<u>38.</u> Filling casual vacancies		color: Accent 1
(a) has become vacant under rule 37; or(b) was not filled by election at the most recent and 36(3)(b).		
(3)(2) If the position of an office holder becomes vacant, the a member within the committee who is eligible under rule days after the vacancy arises.		
(4)(3) If the position of an ordinary committee member bec within 14 days after the vacancy arises, the committee must with the nominee who secured the next highest votes (after have been elected) in the preceding AGM, failing which	st fill the position in the first instance all the ordinary committee members	e s
ordinary member.	in the <u>deominitee</u> may appoint an	
(5)(4) Subject to the requirement for a quorum under rule act despite any vacancy in its membership.	e 45, the committee may continue to	0
 (6)(5) If there are fewer committee members than require committee may act only for the purpose of — (a) appointing committee members under this rule; or (b) convening a general meeting. 	-	e
42. <u>39.</u> Validity of acts		
The acts of a committee or subcommittee, or of a consubcommittee, are valid despite any defect that may after appointment or qualification of a committee member or mer	vards be discovered in the election,	
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ge 37		

	lu Association of Western Australia (Inc)	The Constitution
.0. <u>Pow</u>	ers of Committee	Formatted: Font color: Text 1
	miting the generality of any of the foregoing and subject to the provided in the Constitution, the Committee shall have the f	
(0)	Subject to this Constitution the Committee shall be resp objectives of the Association.	onsible for carrying out the Commented [A6]: Delete this rule as covered in rule 2
(0)	<u>Capital expenditure for any project, the sum total of which</u>	
(0)	of AUD \$50,000/- shall require the prior approval of the Bo	ard of Trustees. Formatted: Font color: Text 1
(0)	To make any by laws consistent with this Constitution as it r	
	management of the Association.	Parmantha da Cambaralam Taut 1
(0)-	Appoint or create such Sub Committees (including but not l	Commented [A7]: Delete this rule. See rule 64
	(zz) Religious Affairs;	
	(aaa) Technical (for matters relating to but not limited	to: construction, engineering,
	information technology, human services; energy and w	ter utilities, environment);
	(bbb) Youth wing, and	
(0)	(ccc) Public relations and promotions. Notwithstanding any other provision of this Constitution	Commented [A8]: Delete this rule. See rule 48(1) (a)
(0)	Committee any person who in the opinion of the Committee	has a special interact or who
	has special expertise or knowledge which may assist the A	I I I I I I I I I I I I I I I I I I I
	persons shall not be entitled to vote at meetings of the Comm	
	in determining whether or not a quorum exists at any meetir	
		Formatted: Font color: Text 1
7. <u>40.</u>	Payments to committee members	Formatted: Font color: Text 1
(0) (1)	T .1 . 1	Formatted: Font color: Text 1
(2) (1)	In this rule — <u>committee member</u> includes a member of a subcommittee	
	<i>committee meeting</i> includes a meeting of a subcommittee	
(3) <u>(2)</u> any	A committee member is not entitled to be paid out of th out-of-pocket expenses for travel and accommodation incur	
	(a) in attending a committee meeting or	
	(b) in attending a general meeting;	
As	A committee member is entitled to be paid out of the fur of pocket expense for travel & accommodation properly in sociation's business provided the same is pre-approved in v ard of Trustees.	curred in connection with the
	Division 4 — Committee meetings	
8. <u>41.</u>	Committee meetings	Formatted: Font color: Auto
		Formatted: Font color: Auto
(2) (1)	The committee must meet at least once in 2 months, with	a minimum of 10 meetings in
a <u>te</u>	ermyearyear on the dates and at the times and places determine	ed by the committee. Formatted: Font color: Auto
		Formatted: Font color: Auto
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The Hindu Association of Western Australia (Inc)	The Constitution		
(3)(2) The date, time and place of the first committee meet committee members as soon as practicable after the annual committee members are elected.			
(4)(3) Subject to rules 42-47, committee meetings may be conformed for (4) committee members or at the request of the Board of 20 and 20 an			
59.42. Notice of committee meetings			
(1) Notice of each committee meeting must be given to each combefore the time of the meeting.	mittee member at least 48 hours		
(2) The notice must state the date, time and place of the meeting nature of the business to be conducted at the meeting.	g and must describe the general		
(3) Unless sub rule (4) applies, the only business that may be c business described in the notice.	conducted at the meeting is the		
(4) Urgent business that has not been described in the notice may the committee members at the meeting unanimously agree to t			
60. <u>43.</u> Procedure and order of business			
$\frac{(2)(1)}{(2)}$ The pPresident or, in the pPresident's absence, the v	Aice-pPresident must preside as		Formatted: Font color: Text 1
chairperson of each committee meeting.		\frown	Formatted: Font color: Text 1
			Formatted: Font color: Text 1
(3)(2) If the president and vice-president are absent or are			Formatted: Font color: Text 1
of a meeting, the committee members at the meeting must choose one of them to act as chairperson of the meeting.			Formatted: Font color: Text 1
(4)(3) The procedure to be followed at a committee meeting must by the committee.	st be determined from time to time		
(5)(4) The order of business at a committee meeting may be deter at the meeting.	mined by the committee members		
(5) The committee may co-opt as a member of the committee any	person who in the opinion of the		Formatted: Font color: Text 1
committee has a special interest or who has special expertise			
the Association. Such person			
 (6)(a) has no right to any agenda, minutes or other docur (b) must not comment about any matter discussed at the committee to do so. 			
(6) The Chairman of the Board of the Trustees or his or her rep	resentative, the immediate past		Formatted: Font color: Auto
pPresident, as an ex-office member, and a person invited committee meeting —	under sub rule (5) to attend a		Formatted: Numbered + Level: 1 + Numbering Style: 1, 2, 3, + Start at: 1 + Alignment: Left + Aligned at: 0.63 cm + Indent at: 1.27 cm
(a) cannot vote on any matter that is to be decided at the matter (b) shall not be included in determining whether or not a q			
the committee			
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The Hindu Association of Western Australia (Inc)	The Constitution	
∴A member or other person who is not a committee meeting if invited to do so by the committee.	e member may attend a committee	Formatted: Indent: Left: 2.54 cm, No bullets or numbering
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The Chairman of the Board of Trustees or his or her representative may	attend a meeting of the committee	Formatted: Normal
but shall not be included in determining whether or not a guorum exists		Formatted: Font color: Text 1
	•	Formatted: Normal, Left, No bullets or numbering, Adjust space between Latin and Asian text, Adjust space between Asian text and numbers
61) The immediate past President may attend the meeting as an ex-	office member but shall not be	Formatted: Normal
in determining whether or not a quorum exists at any meeting:		Formatted: Normal, Left, No bullets or numbering, Adjust space between Latin and Asian text, Adjust space between Asian text and numbers
(63) The Chairman of the Board of the Trustees or his or he		
President, as an ex-office member, and Aa person invite committee meeting	ed under sub rule (5) to attend a	
(mmm) has no right to any agenda, minutes or other document	circulated at the meeting; and	Formatted: Font: (Default) Times New Roman, 12 pt, Font color: Text 1
(nnn) must not comment about any matter discussed at committee to do so; and cannot vote on any matter that is to be decided at the	e meeting. <u>; and</u>	Formatted: Justified, Space After: 0 pt, Line spacing: single Numbered + Level: 1 + Numbering Style: 1, 2, 3, + Start a 1 + Alignment: Left + Aligned at: 0.63 cm + Indent at: 1.27 cm, Don't adjust space between Latin and Asian text, Don't adjust space between Asian text and numbers
(000) <u>shall not be included in determining wheth</u> meetings of the committee	er or not a quorum exists at any	Formatted: Font color: Text 1
68.44. Use of technology to be present at committee met	etings	Formatted: Numbered + Level: 1 + Numbering Style: 1, 2, 3 + Start at: 1 + Alignment: Left + Aligned at: 0.63 cm + Indent at: 1.27 cm
		Formatted: Font color: Text 1
 The presence of a committee member at a committee meet person but may be by that committee member and each other being simultaneously in contact by telephone or other mean A member who participates in a committee meeting as allo be present at the meeting and, if the member votes at the meeting 	r committee member at the meeting s of instantaneous communication. wed under sub rule (1) is taken to	Formatted: Font color: Text 1
voted in person.		
69. <u>45.</u> Quorum for committee meetings		
(1) Subject to rule 38(4), no business is to be conducted at a consist present.	ommittee meeting unless a quorum	
(2) The quorum is deemed to be 8 (eight) or at least 60% (which members of which at least 3 must be office holders.	hever is greater) of total committee	
(c)-If a quorum is not present within 30 minutes after the If a quorum is not present within 30 minutes after the		Commented [A10]: See rule 43(8)(d)
() The Chairperson of the Board of Trustees or his repres the meeting who shall attend the committee meetings shall attend the committee meetings of the commentation	hall not be included in determining	
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e Hindu Association of Western Australia (Inc)	The Constitution		
 (c)-If a quorum is not present within 30 minutes after the committee meeting — (a) in the case of a special meeting — the meeting laps (b) otherwise, the meeting is adjourned to the same ti week. (8)(4) If — 	ses; or		
(a) a quorum is not present within 30 minutes after the ormeeting held under sub rule (3)(b); and(b) at least 5 committee members are present at the me			
those members present are taken to constitute a quorum. <u>46.</u> Voting at committee meetings			
(1) Each committee member present at a committee meeting arising at the meeting.	has one vote on any matterquestion		Formatted: Font color: Text 1
(a) The immediate past President who is an ex officio men	where of the committee shall not be	\sim	Formatted: Font: (Default) Times New Roman, 12 pt, Font color: Text 1
entitled to vote at the meeting.	nder of the committee shar not be		Formatted: List Paragraph, Numbered + Level: 1 + Numbering Style: 1, 2, 3, + Start at: 1 + Alignment: Left + Aligned at: 0.63 cm + Indent at: 1.27 cm
(b) The Chairperson of the Board of Trustees or his represe	entative shall not be entitled to vote		Formatted: Font color: Text 1
at the meeting. (1) (2) A motion is carried if a majority of the committee membe	ers present at the committee meeting		Formatted: Left, Indent: Left: 1.27 cm, Space After: 10 pt, Line spacing: Multiple 1.15 li, No bullets or numbering, Adjus space between Latin and Asian text, Adjust space between Asian text and numbers
vote in favour of the motion.			Formatted: Numbered + Level: 1 + Numbering Style: 1, 2, 3 + Start at: 1 + Alignment: Left + Aligned at: 0.63 cm + Indent at: 1.27 cm
(3) If the votes are divided equally on a question, the chairper casting vote.	rson of the meeting has a second or		
(4) A vote may take place by the committee members pre disagreement or by a show of hands, unless the committee to determine a particular question.			
(5) If a secret ballot is needed, the chairperson of the meeting conducted.	must decide how the ballot is to be		
<u>47.</u> Minutes of committee meetings			
(1) The committee must ensure that minutes are taken and kep	ot of each committee meeting.		Formatted: Font color: Text 1
 (2) The minutes must record the following — (a) the names of the committee members present at the (b) the name of any person attending the meeting unde (c) the business considered at the meeting; (d) any motion on which a vote is taken at the meeting 	er rule 43(5);		
(d) any motion on which a vote is taken at the meeting(3) The minutes of a committee meeting must be entered in th 30 days after the meeting is held.			
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(4) The peresident must ensure that the minutes of a committee meeting are reviewed and presented to the committee and signed as correct by — (a) the chairperson of the meeting; or (b) the chairperson of the next committee meeting. 	Formatted: Font color: Text 1 Formatted: Font color: Text 1
presented to the <u>c</u> Committee and signed as correct by — (a) the chairperson of the meeting; or	
(a) the chairperson of the meeting; or	Formatted: Font color: Text 1
(b) the chairperson of the next committee meeting.	Formatted: Font color: Text 1
 (5) When the minutes of a committee meeting have been signed as correct they are, until the contrary is proved, evidence that — (a) the meeting to which the minutes relate was duly convened and held; and (b) the matters recorded as having taken place at the meeting took place as recorded; and (c) any appointment purportedly made at the meeting was validly made. 	
(6) (6) The signed minutes of all <u>c</u> Committee meetings shall be circulated to all the <u>c</u> Committee members and Board of Trustees electronically or otherwise within 14 days of the	Formatted: Font: (Default) Times New Roman, 12 pt, Font color: Auto
meeting at which it was approved.	Formatted: List Paragraph, Numbered + Level: 1 + Numbering Style: 1, 2, 3, + Start at: 3 + Alignment: Left + Aligned at: 0.63 cm + Indent at: 1.27 cm
Division 5 — Subcommittees and subsidiary offices	Formatted: Font color: Auto
Division 5 — Subcommutees and subsidiary offices	Formatted: Font: (Default) Times New Roman, 12 pt
2. <u>48.</u> Subcommittees and subsidiary offices:	
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(1) To help the committee in the conduct of the Association's business, the committee shall, in	Formatted: Font color: Auto
writing, do either or both of the following — (a) appoint one or more subcommittees as determined by the committee and without	
limiting the foregoing committees for:	
(i) <u>Religious Affairs;</u>	
 (ii) Technical (for matters relating to but not limited to: construction, engineering, information technology, human services; energy and water utilities, environment); 	
(iii) <u>Youth wing, and</u> (iv) <u>Public relations and promotions.</u>	
(b) create one or more subsidiary offices and appoint people to those offices.	
(2) At the time of appointment of a subcommittee, the committee shall, in writing provide terms of reference to the subcommittee. The terms of reference shall include (but not limited to): the purpose and operation of the subcommittee, membership, chairman, function, decision-making and communication lines, reporting to committee, quorum and conduct of meetings.	
(3) A subcommittee may consist of any number of people, whether or not members, that the committee considers appropriate.	
(a) The Religious Affairs subcommittee shall consist of 4 or more members headed by a	Commented [A11]: Net defined
committee member. At least one Resident Priest shall be a member of this committee.(b) The Technical subcommittee shall consist of one L^Trustee and other suitable members	Commented [A11]: Not defined Formatted: Font color: Auto
nominated by the Committee and shall be headed by a committee member.	Formatted: Font color: Auto
(c) The members of the Youth wing shall be below the age of 30 years. One committee	Formatted: Font color: Auto
member shall be appointed as liaison officer to the Youth Wing.	
(4) A person may be appointed to a subsidiary office whether or not the person is a member.	
(5) Subject to any directions given by the committee —	
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	(a) a subcommittee may meet and conduct business as it co(b) the holder of a subsidiary office may carry out the func holder considers appropriate.		
73. <u>49.</u>	Delegation to subcommittees and holders of subsidia	ary offices	
(1) In th	nis rule —		
Non	e-delegable duty means a duty imposed on the committee by	the Act or another written law.	
the e	committee may, in writing, delegate to a subcommittee or texercise of any power or the performance of any duty of th (a) the power to delegate; and (b) a non-delegable duty.		
or th	ower or duty, the exercise or performance of which has been the holder of a subsidiary office under this rule, may be committee or holder in accordance with the terms of the de	exercised or performed by the	
	delegation may be made subject to any conditions, qualificative committee specifies in the document by which the dele		
	delegation does not prevent the committee from exercising er or duty delegated.	g or performing at any time the	
	act or thing done by a subcommittee or by the holder of gation has the same force and effect as if it had been done		
(7) The	committee may, in writing, amend or revoke the delegatio	n.	
	PART 6 — GENERAL MEETINGS OF ASSO	<u>CIATION</u>	
74. <u>50.</u>	Annual General Meeting		
	committee must determine the date, time and place of the within 4 months after the end of the financial year.	e annual general meeting, to be	
Asso	is proposed to hold the annual general meeting more than ociation's financial year, the secretary must apply to the er section $50(3)(b)$ of the Act within 4 months after the end	Commissioner for permission	
(3) The	 ordinary business of the annual general meeting is as follo (a) to confirm the minutes of the previous annual gene general meeting held since then if the minutes of the confirmed; (b) to receive and consider — 	ral meeting and of any special	
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- (i) the committee's annual report on the Association's activities during the preceding financial year; and
- (ii) if the Association is a tier 1 association, the financial statements of the Association for the preceding financial year presented under Part 5 of the Act; and
- (iii) if the Association is a tier 2 association or a tier 3 association, the financial report of the Association for the preceding financial year presented under Part 5 of the Act;
- (iv) if required to be presented for consideration under Part 5 of the Act, a copy of the report of the review or auditor's report on the financial statements or financial report;
- (v) the Board of Trustees' annual reportsummary of the Bboard's activities and on the Association's current activities and long term vision.
- (c) to elect the office holders of the Association and other committee members;
- (d) to elect Trustees to the Board of Trustees or to fill in any vacancies in the Board of Trustees;
- (e) to appoint or remove a reviewer or auditor of the Association in accordance with the Act;
- (f) to confirm or vary the entrance fees, subscriptions and other amounts (if any) to be paid by members;
- (g) to consider and approve a proposed budget of expected income and expenditure for the normal running expenses of the Association as well as proposed capital works programmes for the ensuing financial year; and

(h) $\underline{\text{D}}_{\text{todecide on the appoint}}$ the appoint an internal <u>a</u>Auditor for the following year; and $\overline{}_{\overline{\lambda}}$

(h)(i) to confirmappoint the Western Australian Electoral Commission as athe aappoint a rReturning oOffice/officerr or to appoint an alternative Returning Office (if the Western Australian Electoral Commission is not available) to conduct election for the following year.

- (4) Any other business of which notice has been given in accordance with these rules may be conducted at the annual general meeting.
- (5) At the time of committee deciding on the Annual General Meeting as per sub rule (1), if the rReturning oOffice/officer, appointed as per sub rule 3(i) at the previous Annual General Meeting, is not available to conduct election at the meeting, then the committee and the Board of Trustees in a joint meeting, subject to sub rule (a shall), shall appoint an alternative rReturning oOffice/-offiteer, to conduct the election at the meeting.

(4)(a) The quorum for the joint meeting is deemed to be eight (8) of total committee members of which at least three (3) must be office holders, and four (4) of the trustees.

75.51. Special General Meetings

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- (1) The committee may convene a special general meeting.
- (2) The committee must convene a special general meeting if at least 20% of the members<u>or the</u> <u>Board of Trustees require</u> a special general meeting to be convened.
- (3) The members requiring a special general meeting to be convened must —

 (a) make the requirement by written notice given to the secretary; and
 (b) state in the notice the business to be considered at the meeting; and

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 (c) each sign the notice. (4) If the Board of Trustees requiring a special general meeting t the Board of Trustees must — (a) make the requirement by written notice given to the s 		Formatted: Font color: Auto
 (b) state in the notice the business to be considered at the (c) each trustee must sign the notice.state that it is a simp 	meeting; and	Formatted: Font: (Default) Times New Roman, 12 pt
of Trustees.	le majority decision by the Board	Formatted: Font: (Default) Times New Roman, 12 pt
(4)(5) The special general meeting must be convened within 28 rule (3) or (4).	days after notice is given under sub	Formatted: Font: (Default) Times New Roman, 12 pt
(5)(6) If the committee does not convene a special general m the members, or the Board of Trustees making the requirement the special general meeting.		
 (6)(7) A special general meeting convened by members und (a) must be held within 3 months after the date the origin (b) may only consider the business stated in the notice by (7)(8) The Association must reimburse any reasonable exp 	al requirement was made; and which the requirement was made.	
convening a special general meeting under sub rule (6).		
76. <u>52.</u> Notice of general meetings		
(1) The secretary or, in the case of a special general meeting con- the members convening the meeting, must give to each member		
(a) at least 21 days' notice of a general meeting if a spec the meeting; or(b) at least 14 days' notice of a general meeting in any ot		
(2) The notice must —		
(2) The holice must — (a) specify the date, time and place of the meeting; and		
(b) indicate the general nature of each item of business to(c) if the meeting is the annual general meeting, include have nominated for election to the committee under r	e the names of the members who	
 (d) if a special resolution is proposed — (i) set out the wording of the proposed resolution the Act; and (ii) state that the resolution is intended to be proposed 		
(iii) comply with rule 53(<u>8</u>).	osed as a special resolution, and	
77. <u>53.</u> Proxies		
 (1) Subject to sub rules 1(a) and -(2), an ordinary member may ordinary member as his or her proxy to vote and speak on his or those matters identified in the notice of the General meeting (a) Proxies are not allowed for election of committee memory of the section of the sectio	or her behalf, at a general meeting, <u>ng.</u> -	Formatted: Font color: Auto
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- (2) An ordinary member may be appointed as proxy for not more than twofive (25) other members. The chairperson of the general meeting may be appointed as proxy for any number of members.
- (3) The appointment of a proxy must be in writing and signed by the member making the appointment.
- (4) The member appointing the proxy may give specific directions as to how the proxy is to vote on his or her behalf.
- (5) If no instructions are given to the proxy, the proxy may vote on behalf of the member in any matter as the proxy sees fit.
- (6) If the committee has approved a form for the appointment of a proxy, the member may use that form.
- (7) Notice of a general meeting given to an ordinary member under rule 52 must
 - (a) state that the member may appoint an individual who is an ordinary member as a proxy for the meeting; and
 - (b) include a copy of any form that the committee has approved for the appointment of a proxy.
- (8) A form appointing a proxy must be given to the secretary before the commencement of the general meeting for which the proxy is appointed.
- (9) A form appointing a proxy sent by post or electronically is of no effect unless it is received by the Association not later than 24 hours before the commencement of the meeting.

78.54. Use of technology to be present at general meetings

- (1) The presence of a member at a general meeting need not be by attendance in person but may be by that member and each other member at the meeting being simultaneously in contact by telephone or other means of instantaneous communication.
- (2) A member who participates in a general meeting as allowed under sub rule (1) is taken to be present at the meeting and, if the member votes at the meeting, the member is taken to have voted in person.

79.55. Presiding member and quorum for general meetings

- (1) The period president or, in the period as chairperson of each general meeting.
- (2) If the president and vice-president are absent or are unwilling to act as chairperson of a general meeting, the committee members at the meeting must choose one of them to act as chairperson of the meeting.
- (3) No business is to be conducted at a general meeting unless a quorum is present.
- (4) A quorum for all general meetings shall be <u>51 ordinary members or twenty-fifteen percent</u> (<u>1520</u>%) of the total number of <u>ordinary members</u>, whichever is minimum.

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(5) If a quorum is not present within 3060 minutes after the no	tified commencement time of a	_	Formatted: Font color: Text 1
general meeting —	uned commencement time of a	\leq	Formatted: Font color: Text 1
(a) in the case of a special general meeting — the meeting la	upses; or		
 (b) in the case of the annual general meeting — the meeting (i) the same time and day in the following week; a (ii) the same place, unless the chairperson specifier adjournment or written notice of another place the day to which the meeting is adjourned. 	is adjourned to — ind s another place at the time of the		
 (6) If — (a)-a quorum is not present within 30 minutes after the comr general meeting held under sub rule (5)(b); and 	nencement time of an annual		
<u>(a)</u>	•		Formatted: Font: (Default) Times New Roman, 12 pt, Font
at least twenty twenty forty (24200) ordinary members ar	e present at the meeting,	\mathbb{N}	color: Text 1
(b) those members present are taken to constitute a quorur			Formatted: Numbered + Level: 2 + Numbering Style: a, b, c, + Start at: 1 + Alignment: Left + Aligned at: 1.5 cm + Indent at: 2.14 cm
those memoers present are taken to constitute a quora			Formatted: Font color: Auto
80. <u>56.</u> Adjournment of general meeting			Formatted: Font color: Auto
			Formatted: Font color: Auto
(1) The chairperson of a general meeting at which a quorum is pr			Formatted: Highlight
majority of the ordinary members present at the meeting, adjo at the same place or at another place.	ourn the meeting to another time		Formatted: Font color: Auto
 (2) Without limiting sub rule (1), a meeting may be adjourned — (a) if there is insufficient time to deal with the business at (b) to give the members more time to consider an item of 			
(3) No business may be conducted on the resumption of an ad business that remained unfinished when the meeting was adjo			
(4) Notice of the adjournment of a meeting under this rule is no adjourned for 14 days or more, in which case notice of the meet with rule 52.			
81. <u>57.</u> Voting at general meeting			
(1) On any question arising at a general meeting —			Formatted: Font color: Text 1
(a) subject to sub rule (3), each ordinary member has one(b) ordinary members may vote personally or by proxy.	vote		
(2) Except in the case of a special resolution, a motion is carried members present at a general meeting vote in favour of the me			
(3) If votes are divided equally on a question, the chairperson of the vote.	e meeting has a second or casting		
(4) If the question is whether or not to confirm the minutes of a members who were present at that meeting may vote.	previous general meeting, only		
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	The Hindu Association of Western Australia (Inc)	The Constitution		
	(5) For a person to be eligible to vote at a general meeting as an member —	ordinary member, the ordinary		
	(a) must have been an ordinary member at the time notice rule 52; and	of the meeting was given under		
	(b) must have paid any fee or other money payable to the A	Association by the member.		
	(6) A person is taken to cast a vote at a general meeting as ment <u>rule (1)</u> if the person has a right under the rules of the <u>Aassoc</u> and —			Formatted: Not Highlight
	(a) votes in person at the meeting; or			
	(b) where proxies or postal votes are allowed by the rules the resolution by proxy or postal vote.	s of the <u>A</u> ssociation, votes on		
	82. <u>58.</u> When special resolutions are required			
	(1) A special resolution is required if it is proposed at a general me	eeting —		
	(a) to affiliate the Association with another body; or	·······		
	(b) to request the Commissioner to apply to the State Admir 109 of the Act for the appointment of a statutory manage			
		-		
	(2) Sub rule (1) does not limit the matters in relation to which a spec	cial resolution may be proposed.		
		4		Formatted: Font: (Default) Times New Roman, 9 pt
	(3) Special Resolution(s) at a general meeting must be passed by t fourths of the ordinary members of the Aassociation who cast a			Formatted: Normal, No bullets or numbering
	person or by proxy.			Formatted: Font: 12 pt, Font color: Text 1
				Formatted: Font: 12 pt, Font color: Text 1
				Commented [A12]: Defined in rule 1
	(3)	4		Formatted: Indent: Left: 1.27 cm, No bullets or numbering
	83. <u>59.</u> Determining whether resolution carried			
	(1) In this rule —			
	Poll means the process of voting in relation to a matter that is a	conducted in writing.		
	(2) Subject to sub rule (4), the chairperson of a general meeting			
	agreement or disagreement or by a show of hands, declare that (a) carried; or	a resolution has been —		
	(b) carried unanimously; or			
	(c) carried by a particular majority; or			
	(d) lost.			
	(3) If the resolution is a special resolution, the declaration under resolution as a special resolution.	sub rule (2) must identify the		
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he Hindu Association of Mastern Australia (Inc)	The Constitution	
he Hindu Association of Western Australia (Inc)	The Constitution	
 (4) If a poll is demanded on any question by the chairperson of t ordinary members present in person or by proxy — (a) the poll must be taken at the meeting in the manner de (b) the chairperson must declare the determination of the r 	termined by the chairperson;	
(5) If a poll is demanded on the election of the chairperson or on a poll must be taken immediately.	a question of an adjournment, the	
(6) If a poll is demanded on any other question, the poll must meeting at a time determined by the chairperson.	be taken before the close of the	
(7) A declaration under sub rule (2) or (4) must be entered in the entry is, without proof of the voting in relation to the resolution was determined.		
34. <u>60.</u> Minutes of general meeting		
(1) The secretary, or a person authorised by the committee from minutes of each general meeting.	time to time, must take and keep	Formatted: Font color: Text 1
(2) The minutes must record the business considered at the mea vote is taken and the result of the vote.	eting, any resolution on which a	
 (3) In addition, the minutes of each annual general meeting must (a) the names of the ordinary members attending the meet (b) any proxy forms given to the chairperson of the meetin (c) the financial statements or financial report presented rule 50(3)(b)(ii) or (iii); and 	ting; and ng under rule 53(8); and	
(d) any report of the review or auditor's report on the f report presented at the meeting, as referred to in rule 5		
(4) The minutes of a general meeting must be entered in the Assa 30 days after the meeting is held.	ociation's minute book within	
(5) The peresident must ensure that the minutes of a general me	eting are reviewed and signed as	Formatted: Font color: Text 1
 correct by — (a) the chairperson of the meeting; or (b) the chairperson of the next encodered meeting. 		Formatted: Font color: Text 1
(b) the chairperson of the next general meeting.		
 (6) When the minutes of a general meeting have been signed as c evidence to the contrary, taken to be proof that — (a) the meeting to which the minutes relate was duly conv 		
(b) the matters recorded as having taken place at the meet (c) any election or appointment purportedly made at the n		
PART 7 — FINANCIAL MATTER	<u>s</u>	
35.61. Source of funds		
The funds of the Association may be derived from annual	subscriptions, donations, fund-	
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ge 49		

The Hindu Association of Western Australia (Inc) The Constitution The funds of the Association may be derived from annual subscriptions, donations, fund-raising activities, grants, interest, entrance fees and any other sources approved by the committee. In the committee shall maintain a Register of Donos who have donated money expressly for in furtherance of object, maintaining an onymptif i donors so request. Such donations, until so required, he invested only in recognised investment accounts. Remated: Foreider: Tee 1 (1) The Association must open an account in the name of the Association which all funds institution from which all expenditure of the Association is in ade and into which all funds received by the Association are deposited. Remated: Foreider: Tee 1 (2) Subject on any restrictions imposed at a general meeting and under this constitution, the committee may approve expenditure on behalf of the Association up to a section must be subscripting approval from the committee is each item on which the funds are expended. Remated: Foreider: Tee 1 (3) All funds of the Association must be deposited into the Association. Remated: Foreider: Auto (4) All chaptes, daffs, bulk of exchapte, gromissory notes and other negotiable instruments of the Association must be signed by the Tratescription that are increased. Remated: Foreider: Auto (5) All funds of the Association must be deposited into the Association. Remated: Foreider: Auto Remated: Foreider: Auto (2) All funds of the Association sa tier 2 association on the Association. Remated: Foreider: Auto Remated: Foreider: Auto </th <th></th> <th></th> <th></th> <th>1</th>				1
 activities, grants, interest, entrance fees and any other sources approved by the committee. (a) The committee shall maintain a Register of Donors who have donated money expressly for or in furtherance of Objects, maintaining anonymity if donors to request. Such donations, until so required, be invested only in recognised investment accounts. 86.62. Control of funds (i) The Association must open an account in the name of the Association with a financial institution from which all expenditure on the Association is made and into which all funds received by the Association are deposited. (2) Subject to any restrictions imposed at a general meeting and under this constitution, the committee may approve expenditure on behalf of the Association. (3) The committee may authorise the treasurer to expend funds on behalf of the Association up to a specified limit which requiring approval from the committee for each item on which the funds are expended. (4) All cheques, drafts, bills of exchange, promissory notes and other negotiable instruments of the Association must be signed by — (a) The ecommittee shall transfer to authorised Investment Funds as per sub-rule 73-(125)(b) controlled by the Turstees all moneys and receipts that are in excess of the amount approved under sub rule (3) for the normal running expenses of the Association. 87.63. Financial statements and financial reports (b) For each financial year, the committee must ensure that the requirements imposed on the Association and report of the Association or tier 3 association, the preparation of the financial statements or financial report, and (c) Without limiting apport, as applicable, on the financial statements or financial report, as applicable; and (d) the presentation to the annual general meeting of the financial statements or financial report, as applicable; and (e) frequired, the presentation to the annual general meeting	The Hindu Association of Western Australia (Inc)	The Constitution		
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The Constitution

PART 8 — GENERAL MATTERS

88.<u>64.</u> By-laws

(1) The Association may, by resolution at a general meeting, make, amend or revoke by-laws.

(2) By-laws may —

- (a)-impose restrictions on the committee's powers, including the power to dispose of the impose restrictions on the committee's powers, including the power to dispose of the (b)(a) impose restrictions on the committee's powers, including the power to dispose of the association's assets; and
- (c)(b) impose requirements relating to the financial reporting and financial accountability of the association and the auditing of the association's accounts; and (d)(c) provide for any other matter the association considers necessary or convenient to be dealt with in the by-laws.
- (3) A by-law is of no effect to the extent that it is inconsistent with the Act, the regulations or these rules.
- (4) Without limiting sub rule (3), a by-law made for the purposes of sub rule (2)(c) may only impose requirements on the Association that are additional to, and do not restrict, a requirement imposed on the Association under Part 5 of the Act.
- (5) At the request of a member, the Association must make a copy of the by-laws available for inspection by the member.

89.65. Executing documents and common seal

- (1) The Association may execute a document without using a common seal if the document is signed by
 - (a) 2 office holders; or
 - (b) 1 committee member and a person authorised by the committee.

(2) If the Association has a common seal —

- (a) the name of the Association must appear in legible characters on the common seal; and
 (b) a document may only be sealed with the common seal by the authority of the committee and in the presence of
 - (i) any of the office bearers, and the chairperson of Board of Trustees or a nominated member of Board of Trustees.

and each of them is to sign the document to attest that the document was sealed in their presence.

- (3) The secretary must make a written record of each use of the common seal.
- (4) The common seal must be kept in the custody of the secretary or another committee member authorised by the committee.

VersionDate:2019-8703-92012022650642901736 Ver1.10 Page 51 Commented [A13]: Is this correct? The Chairman of the Board of Trustees is not an office bearer. It would be usual for an office bearer and committee member to

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sign

 90.66. Giving notices to members (i) In this rule — Recorded means recorded in the register of members. (2) A notice or other document that is to be given to a member under these rules is taken not to have been given to the member under these rules is taken not to have been given to the member under these rules is taken not to (i) sent by prepaid post to the recorded address of the member or (a) delivered by hand to the recorded address of the member. 91.67. Custody of books and securities (b) Subject to sub rule (2), the books and may securities of the Association must be kept in the secretary's custody or under the secretary's control. (c) The financial records and, as applicable, the financial statements or financial reports of the Association must be kept in the researce's custody or under the secretary's custody or under the researce's control. (d) The books of the Association must be retained for at least 7 years. 92.68. Record of office holders The record of committee members and other persons authorised to act on behalf of the Association that is required to be maintimed under section \$9(2) of the Act must be kept in the secretary's custody or under the secretary's custody or under the secretary's custody or under the secretary custom \$9(2) of the Act must be kept in the secretary's custody or under members, and other persons authorised to act on behalf of the Association, under section \$9(2) of the Act; or (e) any other record of comment of the Association. (f) The member must contact the secretary to make the necessary arrangements for the inspection. (c) any other record or document for the Association. (d) Fith member wants to inspect a document that records the minutes of a committee meeting, bright to inspect the Association, under sector 3 a specific committee meeting, bright to inspect that document is subject to any decision the com	The Hindu Association of Western Australia (Inc)	The Constitution	
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(6) The member must not use or disclose information in a record or document referred to in sub rule (1)(c) except for a purpose —

(a) that is directly connected with the affairs of the Association; or

(b) that is related to complying with a requirement of the Act.

94.<u>70.</u> Publication by committee members of statements about Association business prohibited

A committee member must not publish, or cause to be published, any statement about the A committee member must not publish, or cause to be published, any statement about the business conducted by the Association at a general meeting or committee meeting unless —

- (a) the committee member has been authorised to do so at a committee meeting; and
- (b) the authority given to the committee member has been recorded in the minutes of the committee meeting at which it was given.

95.71. Distribution of surplus property on cancellation of incorporation or winding up

(1) In this rule —

Surplus property, in relation to the Association, means property remaining after satisfaction of

- (a) the debts and liabilities of the Association; and
- (b) the costs, charges and expenses of winding up or cancelling the incorporation of the Association,

but does not include books relating to the management of the Association.

(2) On the cancellation of the incorporation or the winding up of the Association, its surplus property must be distributed as determined by special resolution by reference to the persons mentioned in section 24(1) of the Act.

96.72. Alteration of rules

If the Association wants to alter or rescind any of these rules, or to make additional rules, the Association may do so only by special resolution and by otherwise complying with Part 3 Division 2 of the Act.

97. TRUSTEES

73. Board of Trustees

- (1) Subject to rules 4(3) and 16, a person may be a <u>Trustee member of the Board of Trustees if</u> the person is
 - (a) an individual who has reached 50 years of age;
 - (b) an ordinary member of the Association for not less than five (5) years in the preceding ten (10) years; and
 - (c) a citizen or permanent resident of Australia and residing in Western Australia;
- (2) The Board of Trustees:
 - (a) shall comprise of seven (7) members or as the Association may decide by resolution at the annual general meeting.
 - (b) shall be elected at <u>thean</u> the annual general meeting <u>of the Association</u> and shall hold office for a <u>term of three (3) year yearsterms</u> with maximum of two (2) such terms.

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- (c) where possible comprise of members reflecting the ethnic diversity of the membership of the Association.
- (3) No person who has been appointed a Frustee shall hold any office on the Committee or be an office bearer of the Association during the period which the person is a Frustee.
- (4) Nomination of tTrustees:
 - (a) Aat least 42 days before an annual general meeting, the <u>rReturning oOffice/officer</u> <u>secretary</u> must send written notice to all the members —
 - (1) calling for nominations for election to the vacancy in the Board of Trustees; and
 (2) stating the date by which nominations must be received by the <u>returning</u> office/officer to comply with sub rule (b).
 - (b) <u>a</u> member who wishes to be considered for election to the Board of Trustees at the annual general meeting must nominate for election by sending written notice of the nomination to the <u>returning Office/officer</u> at least 28 days before the annual general meeting.
 - (c) the written notice must include a statement by another member in support of the nomination.
 - (d) the form of nomination is the prescribed Nomination Form of the Association for the purposes of the election of trustee at the annual general meeting.
 - (e) <u>a</u> member whose nomination does not comply with this rule is not eligible for election to the Board of Trustees unless the member is nominated under sub rule 5(e).

(5) Election of tTrustees

(a) At the annual general the election shall be held by the <u>rReturning officer</u>, <u>Officer</u>,

- (a) (b) <u>At the annual general meeting, A</u> separate election must be held for each vacant position of t_{T} rustees of the <u>Board of Trustees</u> <u>Association</u>.
- (b)(c)_At the time of election, the candidates must be eligible to be nominated as per sub rule $1_{\underline{.}}$
- (c)(d) At the time of election, the candidates <u>must be eligible to behas -nominated been</u> <u>nominated as persubject to sub rule (4)</u>.
- (d)(e) If there is no nomination for a position, the <u>rReturning office/oOfficer</u> <u>chairperson</u> of the meeting may call for nominations from the ordinary members at the meeting.
- (e)(f) If only one member has nominated, the <u>rReturning office/oOfficer</u> <u>chairperson</u> of the meeting must declare the member elected.
- (f)(g) If more than one member has nominated, the ordinary members at the meeting must vote in accordance with procedures that have been determined by the committee.
- (g)(h) Each ordinary member present at the meeting may vote for one member who has nominated for the position of Frustee.
- (h)(i) A member who has nominated for the position of \underline{t} -rustee may vote for himself or herself.
- (6) The functions, powers and responsibilities of the Board of Trustees shall be only those as defined in this Constitution and any Bby Llaws and will not be those imposed upon <u>trustees</u> under the Trustees Act of 1962 of Western Australia. The <u>trustees are to discharge their</u> duties in accordance with Division 3 of the Act.
- (7) The Association shall appoint such trustees for the purpose of managing and controlling such of its real and personal property as the Association deems fit and to ensure that the committee does not divert from the objects of the Association.

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The Constitution

- (8) The Frustees shall elect one amongst them as Chairperson of Board of Trustees, who shall be responsible for the effective functioning of the Board of Trustees and carry out any functions as stipulated in the Constitution. The Chairperson of Board of Trustees shall liaise closely with the Committee and the Chairperson of Board of Trustees or a representative of the Board of Trustees shall attend the meetings of the Committee.
- (9) The Board of Trustees shall meet as often as required but not less than once in two (2) months. Any Frustee not attending three (3) consecutive meetings shall be deemed to have resigned, unless the Frustee has notified the Board of Trustees that the person will be unable to attend.
- (10) In the event of a vacancy occurring, the Board of Trustees shall temporarily fill the vacancy by co-opting a financial member having regard to the stipulations of sub rule (1). The person so appointed shall hold office until the next Annual General Meeting.
- (11) The Frustees shall arrange among themselves the meetings and order of business for carrying out their functions.
- (12) Duties of trustees
 - (a) Except where otherwise provided, all real property of the Association, raising of capital, creating mortgages, borrowing, overdrafts and investing funds of the Association, shall be managed and controlled by the Board of Trustees.
 - (b) The Board of Trustees shall in particular make all investments and operate a fund to be known as the Investment Fund with a major trading bank.
 - (c) The Board of Trustees shall, comply with any obligations or carry out any activities, imposed upon them by a majority of the membership, voting either in person or by written proxy at a general meeting.
 - (d) All legal documents that are to be executed to carry out the duties of the Board of Trustees shall be signed by the <u>schairperson of the Board of Trustees and by one</u> of either the <u>pPresident</u>, <u>schairperson of the Schairperson</u>, <u>schairperson of the Trustees and by one</u>
 - (e) The Board of Trustees may at the request of the committee consider and approve as it deems fit additional funds to supplement the budget approved under sub rule 50(3)(g) up to a maximum of thirty percent (30%) of the amount approved by the members in general meeting, for that year.
 - (f) The Board of Trustees may at the request of the committee consider and approve as it deems fit any capital expenditure the total of which equals twenty-five percent (25%) or more of the budget <u>approved by the members in general meeting</u> for that financial year, but not exceeding an amount equal to the sum of the budget for the year. Capital expenditure exceeding this amount shall be referred <u>for</u> <u>approval by a general meeting</u>.
 - (g) A real property under the control and management of the Board of Trustees shall only be disposed of by the Board of Trustees by a special resolution.
 - (g)(h) The real property at 269 Warton Road (Lot 41), Canning Vale, WA 615, or any part of it, shall only be disposed of by the Board of Trustees by a special resolution, for which seventy five percent (75%) of the membership vote in favour, either in person or by proxy. For passing such a special resolution this sub rule overrides rule 58(3), of the Board of Trustees.
 - (h)(i) The Board of Trustees shall not be subject to the direction of the Committee or office holders. However, the <u>trustees shall consult the committee for</u> discharging any functions listed in sub rule (a) and (b).
 - (i)(j) Should a dispute of any nature occur with regard to the management of the properties either by the Board of Trustees, or between the trustees and the Ccommittee, the same shall be referred to a Ggeneral Mmeeting of the members Association and resolved by a special resolution of the members at such meeting

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 (a) review the selection criteria as set out in the by laws of the Association to ensure that it will attract appropriately qualified candidates to meet the needs of the Association. (b) Addvertise the vacancy widely (internationally for Resident Prisets). (c) constitute a five member selection panel, consisting of at least two (2) members of the gommittee and two (2) prisetes (noninated by the Board of Trustees), to review all applications received, short its suitable candidates, carry out all necessary investigations and interviews, and submit a ranked list to the committee. (d) The committee shall determine the appointment to the advertised position. (e) e (f) The committee will advise the Board of Trustees, of any employment contracts, extensions of employment contracts and /or dismissal of employee(s). (g) The Association shall at any given time employ one or more Resident Priests for the Temple. In appointing Resident Priests, the Board of Trustees and the gommittee shall take into consideration the requirement for the <u>Kestform</u> Priests to be able to interact with as wide a cross-section of the Temple Section. (e) Resident Priests will be appointed for a turn of two years. (f) Aresident Priest leaving the services at the end of fix terur, or earlier, will be eligible for e-appointment only after <u>a period</u> of five years from the date of his departure. (d) The Association shall employ an Administrator and such other staff as may be needed from time to time, subject to provisions for such other staff as may be needed from time to time, subject to provisions being included in the annual budget presented at the Annual General Meeting. 			Formatted: Font color: Auto
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The Hindu Association of Western Australia (Inc)	The Constitution		
(4)—			(-
(a) <u> </u>	rs. The Ccommittee may renew*	\sim	Formatted: Font color: Auto
ne appointment.			Formatted: No bullets or numbering
(5) When employing people (includes fulltime, part time, casu the committee is required to comply with the following:	al, fixed term or commission),		
 (a) prepare a clearly formulated written selection criteria the advertised position; (b) provide every prospective employee with the selection (c) prepare and provide a written employment contraconditions of employment, including but not limited to leave and hours of work, description of duties, agreement or instrument, any special or additional association's workplace and notice of termination of e (d) if terminating an employee's contract of employment, the contract and any applicable laws and in accordance the termination is lawful and fair; (e) keep all records relating to employment, including 	n criteria and job description; act containing the terms and o matters such as remuneration, applicable relevant industrial conditions that apply in the employment. it should be in accordance with e with fair procedures to ensure		
records and superannuation records.			
99. PATRONS			Formatted: Font color: Auto
The Ceommittee may appoint any person to be a Patron and that p in any correspondence or other official documents of the Associat	erson may be identified as such		Formatted: Font color: Auto
<u>VersionDate:</u> 201 <u>9-8</u> 70 <u>3-9201202265064290173</u> 6 Ver1. <u>1</u> 0 Page 57			