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REVISED HAWA CONSTITUTION (20198)

Revised to comply with the Associations Incorporation Act 2015
To be considered to pass at the HAWA Special General Meeting.

THE HINDU ASSOCIATION OF WESTERN AUSTRALIA (Inc.)

269 WARTON ROAD (LOT 41), CANNING VALE, WA 6155

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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 —

- (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;

~~*b*~~*y 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;

~~*c*~~*Committee* means the management committee of the Association;

~~*c*~~*Committee meeting* means a meeting of the committee;

~~*c*~~*Committee member* means a member of the committee;

~~*f*~~*Financial records* ~~includes~~*include* —

- (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 —
 - (i) the methods by which financial statements are prepared; and
 - (ii) adjustments to be made in preparing financial statements;

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;

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financial year, of the Association, has the meaning given in rule 2;

General meeting, of the Association, means a meeting of the Association that all members are entitled to receive notice of and to attend;

Member means a person ~~(including a body corporate)~~ who is an ordinary ~~member or an associate~~ member of the Association;

Non-financial member means a member whose membership fees are due and payable but unpaid for a period of ~~up to~~ three (3) months following the 1st day of ~~July~~ each financial year, ~~as per specified in rule 2.~~

~~Ordinary~~ **ordinary committee member** means a committee member who is not an office holder of the Association under rule 27(3);

ordinary member means a member with the rights referred to in rule 8(3);

ordinary resolution means resolution other than a special resolution;

president means the Committee member holding office as the chairperson of the Association as ~~appointed under these rules~~ per;

Register of members means the register of members referred to in section 53 of the Act;

regulations means the *Associations Incorporation Regulations 2016*;

Resident priest means the priest(s) responsible for the performance of the religious activities at the Perth Hindu Temple and at other venues under management of the Association.

~~**Returning office/officer** means the returning office/officer appointed by the members to conduct election of committee members and trustees as per rule 50(3)(i) or 50(5) person nominated by the Returning Office appointed~~ **Returning Office** means the person nominated by the members to conduct election of committee members and trustees as per rule 50(3)(i) or 50(5);

rules means these rules of the Association, as in force for the time being;

Secretary means the committee member holding office as the Secretary of the Association;

Special general meeting means a general meeting of the Association other than the annual general meeting;

Special resolution means a resolution passed by the members at a general meeting in accordance with section 51 of the Act;

subcommittee means a subcommittee appointed by the committee under rule 48(1)(a);

tier 1 association means an incorporated association to which section 64(1) of the Act applies;

tier 2 association means an incorporated association to which section 64(2) of the Act applies;

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tier 3 association means an incorporated association to which section 64(3) of the Act applies;

Treasurer means the committee member holding office as the treasurer of the Association;

Trustee ~~shall have an ordinary meaning as defined in this constitution~~ means a member of the Board of Trustees as per rule 73. The term will have no reference to the Trustees Act 1962.

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1.1 Preamble

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- (1) We recognise “that God is one, the wise men call Him variously” (RIGVEDA – 1:164:46);
- (2) We are aware and recognise that “Sanaatana Dharma” (Eternal Law of Nature), also popularly known as the “Hindu Religion” has immense diversity in the way it is practiced.
- (3) We are aware and recognise that the religious practices in the Hindu Religion are wide and varied and guided by core beliefs:
 - (a) God Exists.
 - (b) God is manifest in every Name and Form.

1.2 Objects

Each of the below objects shall be construed as an independent object and their meaning shall not be limited by implication or otherwise by reference to any other provision of this Constitution.

The core objects of the Association are to:

- (1) Build, govern and manage place(s) of Hindu worship in accordance with the Vedic and Agamic traditions to cater to the needs of all Hindus without prejudice or favour.
- (2) Thus therefore, in keeping with the spirit of widest Hindu inclusiveness, extends to and includes the Temple built and governed by the Association at 269 Warton Road (Lot 41) in Canning Vale in Western Australia known as the: Perth Hindu Temple.

In addition to building and managing places of worship the Association shall also:

- (3) Promote understanding of the Hindu Religion through worship, education and discourses by learned scholars, monks and lay preachers including the facilitation of classes, retreats and similar activities for children and youth.
- (4) Provide opportunities and venue(s) for cultural, educational and welfare activities, and related fund raising activities, and in all such and other activities of the Association, the practice of vegetarianism according to the Hindu tradition shall always be maintained.

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- (5) Establish a repository of books, publications and HAWA historical records to assist in an understanding of Hindu religion, culture and practices.
- (1) Establish and manage a library to assist in an understanding of Hindu religion, culture and practices.

Whereas:

- (2)(6) In worship and in invoking the God, our sages and saints have guided us to pray to God in every name and every form - the manifest and also as the un-manifest Absolute.
- (3)(7) The Association through this constitution reaffirms that the Perth Hindu Temple will invoke and worship God as five principal deities of the Hindu pantheon and their incarnations, the latter as Utsav Moorthies:
- (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 eclipses as Rahu and Ketu, all together symbolising the planetary universe and their influence on human life); and
- (6)(10) Shree Hanuman ji, symbolising the Guru or the spiritual guide.

2. Financial year

The Association's financial year will be the period of 12 months commencing on 1st July and ending (1) The first financial year of the Association is to be the period notified to the Commissioner under section 7(4)(e) or, if relevant, section 29(5)(e) of the Act.

The Association's financial year will be the period of 12 months commencing on 1st July and ending on 30th June of the following each year.

PART 2 — ASSOCIATION TO BE NOT FOR PROFIT BODY

3. Not-for-profit body

- (2)(1) The property and income of the Association must be applied solely towards the promotion of the objects or purposes of the Association and no part of that property or income may be paid or otherwise distributed, directly or indirectly, to any member, except in good faith in the promotion of those objects or purposes.

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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

3.1.7 Take such steps and engage in such activities, as may be necessary or expedient for the procuring of income, donations or contributions to enable the Association to further its objects.

3.1.8 Join, amalgamate, co-operate or affiliate with or support any other group of persons or corporate body for purposes, which are consistent with the above objects.

3.1.9 To enter into any arrangements with any Government or authority Commonwealth, State, Municipal or otherwise that, may seem conducive to the attainment of the objects of the Association or any of them to obtain from or grant to such Government or authority any rights, privileges, concessions and obligations which to the Association seem desirable to obtain or grant and to carry out, exercise and comply with any such arrangements, rights, privileges, concessions and obligations.

3.1.10 Engage by contracts of service or for services for remuneration, persons to perform services for the Association in furtherance of the above-mentioned objects.

3.1.11 To do all or any of the above things in any part of the world as principals, agents, trustees or otherwise and by and through trustees, agents or otherwise.

3.1.12 To do all such other things as the Association or its members may deem to be incidental or conducive to the attainment of the above objects and the exercise of the above powers.

3.1.13 To appoint and to remove if necessary such trustees as are necessary for the purpose of managing and controlling the real and personal property of the Association for its benefit.

3.1.14 Notwithstanding anything herein before contained the Association shall not save with the concurrence of its members at a General or Special General Meeting determine where, when and how the Temple should be built and shall likewise determine the mode of worship at such Temple.

~~The Association may do all things necessary or convenient or incidental to the carrying out of its objects and purposes.~~

~~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:~~

~~— 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;~~

~~3.1.1 Invest any moneys not immediately required for any of the above objects in authorised Investment Funds;~~

~~3.1.1 Draw, accepts and negotiate cheques, bills of exchange, promissory notes and other negotiable instruments;~~

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3.1.2—

~~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;~~

~~3.1.3 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~~

~~3.1.3 Take such steps and engage in such activities, as may be necessary or expedient for the procuring of income, donations or contributions to enable the Association to further its objects.~~

~~3.1.3 Join, amalgamate, co-operate or affiliate with or support any other group of persons or corporate body for purposes, which are consistent with the above objects.~~

~~3.1.3 To enter into any arrangements with any Government or authority Commonwealth, State, Municipal or otherwise that, may seem conducive to the attainment of the objects of the Association or any of them to obtain from or grant to such Government or authority any rights, privileges, concessions and obligations which to the Association seem desirable to obtain or grant and to carry out, exercise and comply with any such arrangements, rights, privileges, concessions and obligations.~~

~~3.1.3 Engage by contracts of service or for services for remuneration, persons to perform services for the Association in furtherance of the above mentioned objects.~~

~~3.1.3 To do all or any of the above things in any part of the world as principals, agents, trustees or otherwise and by and through trustees, agents or otherwise.~~

~~3.1.3 To do all such other things as the Association or its members may deem to be incidental or conducive to the attainment of the above objects and the exercise of the above powers.~~

~~3.1.3 To appoint and to remove if necessary such trustees as are necessary for the purpose of managing and controlling the real and personal property of the Association for its benefit.~~

~~Notwithstanding anything herein before contained the Association shall not save with the concurrence by ordinary resolution of its members at a General or Special General Meeting determine where, when and how the Temple should be built and shall likewise determine the mode of worship at such Temple.~~

PART 3 — MEMBERS

Division 1 — Membership

4. Eligibility for membership

- (1) Any person who supports the objects or purposes of the Association is eligible to apply to become a member.
- (2) An individual who has not reached the age of 18 years is not eligible to apply for a class of membership that confers full voting rights.
- (3) A person ~~prohibited under section 39 of the Act, convicted in a Court of Law or adjudicated a bankrupt,~~ is not eligible to serve as a ~~member of the Board of Trustees~~Trustee, as a committee member or as an employee. A current National Police Clearance may be required for a person to be a ~~Trustee~~Trustee, a committee member or an employee.

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5. Applying for membership

- (1) A person who wants to become a member must apply in writing to the Association in such form(s) as the Association from time to time directs.
- (2) The application must include a member's nomination of the applicant for membership, and seconded by another member.
- (3) The application must be signed by the applicant, the nominating person and the person seconding the application.
- (4) The applicant must specify in the application the class of membership, if there is more than one, to which the application relates.

6. Dealing with membership applications

- (1) The committee must consider each application for membership of the Association and decide whether to accept or reject the application.
- (2) Subject to sub rule (3), the committee must consider applications in the order in which they are received by the Association.
- (3) The committee may delay its consideration of an application if the committee considers that any matter relating to the application needs to be clarified by the applicant or that the applicant needs to provide further information in support of the application.
- (4) The committee must not accept an application unless the applicant —
 - (a) is eligible under rule 4; and
 - (b) has applied under rule 5.
- (5) The committee may reject an application even if the applicant —
 - (a) is eligible under rule 4; and
 - (b) has applied under rule 5.
- (6) The committee must notify the applicant of the committee's decision to accept or reject the application as soon as practicable after making the decision.
- (7) If the committee rejects the application, the committee is not required to give the applicant its reasons for doing so.

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- (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

- ~~(2)~~(1) The Association consists of ordinary members in the classes as and any associate members provided for under sub rule (2).

—The Association may have different classes of ordinary membership as provided in rule 8.1 per 8.1.

(2) —

~~(4) — An individual who has not reached the age of 18 years is only eligible to be an associate member.~~

~~(5) — A body corporate is entitled to only an Associate membership unless otherwise decided by members at a general meeting.~~

- (6)(3) A person can only be an ordinary member and belong to one class of membership.

—An ordinary member has voting rights and any other rights conferred on members by these rules or approved by resolution at a general meeting or determined by the committee.

(4) —

(7) —

- (8)(5) The number of members of any class is not limited unless otherwise approved by resolution at a general meeting.

8.1 Classes of Ordinary Members

~~(2)~~(1) Family Member

A ~~#~~Family ~~#~~Member includes the Member and his/her spouse, dependent children under 18 years of age, and other dependents. Such dependent members enjoy the same rights as of the member. However, only the ~~#~~Member 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)

~~A Membe~~Any person solely dependent on Australian Government or other government pensions and or on social service benefits or holder of the Senior Citizens card shall be

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~~eligible to become a pensioner member and shall be entitled to one vote over 65 years of age isare entitled to Senior Citizens Membership and shall be entitled to one voteor two votes according to their marital status (spouse should be over 65 years of age as well).~~

(4)(3) Single Member

Any single ~~person member~~ over 18 ~~years-years~~ age shall be eligible to become single ~~member~~ and shall be entitled to one vote.

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(5)(4) Student Member(s)

~~Each Student~~ Member over 18 years of age who ~~isare~~ apprenticed or ~~are-is a~~ full time students ~~and shall be entitled to one voteor two votes according to their marital status (spouse should be apprentice or student and should not be a fulltime employee).~~

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(6)(5) Life Member

Subject to rule 12(74), any person over 18 years of age on payment of such sum as shall be determined by the Committee shall be eligible to become a life member with one vote only.

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(7)(6) Family Life Members

~~Subject to rule 12(7), a~~ any person over 18 years of age on payment of such sum as shall be determined by the Committee can become a Family Life member which shall include spouse, dependent children under the age of 18 years ~~and other dependents~~. The member and his/her spouse shall each have voting rights and each shall be entitled to one vote.

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~~and (8) deleted.~~

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~~Junior Member~~

~~Member under 18 years. A Junior Member is not eligible to vote at meetings of the Association.~~

~~Body Corporate Member~~

~~A Body Corporate means a company or incorporated association. The Body Corporate is entitled to nominate an adult person as its representative by notice in writing to the Committee. The representative is the only person entitled to attend meetings and to exercise one vote.~~

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9. When membership ceases

(2)(1) A person ceases to be a member when any of the following takes place —

- (a) for a member who is an individual, the individual dies;
- ~~(b)(a)~~ ~~for a member who is a body corporate, the body corporate is wound up;~~
- (c)(b) the person resigns from the Association under rule 10;
- (d)(c) the person is expelled from the Association under rule 15;
- (e)(d) the person ceases to be a member under rule 12(5).

(3)(2) The secretary must keep a record, for at least one year after a person ceases to be a member, of —

- (a) the date on which the person ceased to be a member; and
- (b) the reason why the person ceased to be a member.

10. Resignation

~~(2)~~(1) A member may resign from membership of the Association by giving written notice of the resignation to the secretary.

(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~~

~~(11) A person who has resigned from membership of the Association remains liable for any fees that are owed to the Association (the *owed amount*) at the time of resignation.~~

~~(13) The owed amount may be recovered by the Association in a court of competent jurisdiction as a debt due to the Association.~~

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14.11. Rights not transferable

The rights of a member are not transferable and ends when membership ceases.

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Division 2 — Membership fees**15.12. Membership fees**

(1) The committee must determine the entrance fee (if any) and the annual membership fee (if any) to be paid for membership of the Association.

(2) The fees determined under sub rule (1) may be different for different classes of ordinary membership.

(3) A member must pay the annual membership fee to the treasurer, or another person authorised by the committee to accept payments, by the date (the *due date*) determined by the committee.

(4) The due date for annual membership fees shall be on the 1st day of July each financial year, as per rule 2 year. If a member maintains their class of membership for 15 years consecutively, the member is then eligible to be a Life Member of the said class of the Association thereafter.

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(5) If a member has not paid the annual membership fee within the period of 3 months after the due date, the member ceases to be a member on the expiry of that period.

(6) If a person who has ceased to be a member under sub rule (5) offers to pay the annual membership fee after the period referred to in that sub rule has expired —
 (a) the committee may, at its discretion, accept that payment; and
 (b) if the payment is accepted, the person's membership is reinstated from the date the payment is accepted.

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~~(b)(7) Life membership is a one-off payment, and due within fourteen (14) days from the date of approval, date of the life membership application.~~

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Division 3 — Register of members

16.13. Register of members

- (1) The secretary, or another person authorised by the committee, is responsible for the requirements imposed on the Association under section 53 of the Act to maintain the register of members and record in that register any change in the membership of the Association.
- (2) In addition to the matters referred to in section 53(2) of the Act, the register of members must include the class of membership (if applicable) to which each member belongs and the date on which each member becomes a member.
- (3) The register of members must be kept at [the HAWA administrative office](#), or at another place determined by the committee.
- (4) A member who wishes to inspect the register of members must contact the secretary to make the necessary arrangements.
- (5) If —
 - (a) a member inspecting the register of members wishes to make a copy of, or take an extract from, the register under section 54(2) of the Act; or
 - (b) a member makes a written request under section 56(1) of the Act to be provided with a copy of the register of members,

the committee may require the member to provide a statutory declaration setting out the purpose for which the copy or extract is required and declaring that the purpose is connected with the affairs of the Association.

PART 4 — DISCIPLINARY ACTION, DISPUTES AND MEDIATION

Division 1 — Term used

17.14. Term used: [member](#)

In this Part —

[mMember](#), in relation to a member who is expelled from the Association, includes former member.

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Division 2 — Disciplinary action

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18.15. Suspension or expulsion

- (1) The committee may decide to suspend a member's membership or to expel a member from the Association if —
 - (a) the member contravenes any of these rules; or
 - (b) the member acts detrimentally to the interests of the Association.
- (2) The secretary must give the member written notice of the proposed suspension or expulsion at least 28 days before the committee meeting at which the proposal is to be considered by the committee.
- (3) The notice given to the member must state —
 - (a) when and where the committee meeting is to be held; and
 - (b) the grounds on which the proposed suspension or expulsion is based; and
 - (c) that the member, or the member's representative, may attend the meeting and will be given a reasonable opportunity to make written or oral (or both) submissions to the committee about the proposed suspension or expulsion;
- (4) At the committee meeting, the committee must —
 - (a) give the member, or the member's representative, a reasonable opportunity to make written or oral (or both) submissions to the committee about the proposed suspension or expulsion; and
 - (b) give due consideration to any submissions so made; and
 - (c) decide —
 - (i) whether or not to suspend the member's membership and, if the decision is to suspend the membership, the period of suspension; or
 - (ii) whether or not to expel the member from the Association.
- (5) A decision of the committee to suspend the member's membership or to expel the member from the Association takes immediate effect.
- (6) The committee must give the member written notice of the committee's decision, and the reasons for the decision, within 7 days after the committee meeting at which the decision is made.
- (7) A member whose membership is suspended or who is expelled from the Association may, within 14 days after receiving notice of the Committee's decision under sub rule (6), give written notice to the secretary requesting the appointment of a mediator under rule 23.
- (8) If notice is given under sub rule (7), the member who gives the notice and the committee are the parties to the mediation.

19.16. Consequences of suspension

- ~~(2)~~(1) During the period a member's membership is suspended, the member —
- (a) loses any rights (including voting rights) arising as a result of membership;
 - (b) loses or vacates any position arising as a result of the membership; and

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(c) is not entitled to a refund, rebate, relief or credit for membership fees paid, or payable, to the Association.

(3)(2) When a member's membership is suspended, the secretary must record in the register 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.

(4)(3) When the period of the suspension ends, the secretary must record in the register of members that the member's membership is no longer suspended.

Division 3 — Resolving disputes

20.17. Terms used

In this Division —

Grievance procedure means the procedures set out in this Division;

Party to a dispute includes a person —

- (a) who is a party to the dispute; and
- (b) who ceases to be a member within 6 months before the dispute has come to the attention of each party to the dispute.

21.18. Application of Division

The procedure set out in this Division (the grievance procedure) applies to disputes —

- (a) between members; or
- (b) between one or more members and the Association.

22.19. Parties to attempt to resolve dispute

The parties to a dispute must attempt to resolve the dispute between themselves within 14 days after the dispute has come to the attention of each party.

23.20. How grievance procedure is started

(2)(1) If the parties to a dispute are unable to resolve the dispute between themselves within the time required by rule 19, any party to the dispute may start the grievance procedure by 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 notice, a committee meeting must be convened to consider and determine the dispute.

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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.

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 member under rule 15(7) — by agreement between the Member and the committee; or
 - (b) if the appointment of a mediator was requested by a party to a dispute under rule 20(5)(b)(ii) or 21(3) — by agreement between the parties to the dispute.
- ~~(3)~~(2) If there is no agreement for the purposes of sub rule (1)(a) or (b), then, subject to sub rules (3) and (4), the committee must appoint the mediator.
- ~~(4)~~(3) The person appointed as mediator by the committee must be a person who acts as a mediator for another not-for-profit body, such as a community legal centre, if the appointment 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 between one or more members and the Association.
- ~~(5)~~(4) The person appointed as mediator by the committee may be a member or former member of the Association but must not —
- (a) have a personal interest in the matter that is the subject of the mediation; or
 - (b) be biased in favour of or against any party to the mediation.

27.24. Mediation process

- (1) The parties to the mediation must attempt in good faith to settle the matter that is the subject of the mediation.
- (2) Each party to the mediation must give the mediator a written statement of the issues that need to be considered at the mediation at least 5 days before the mediation takes place.
- (3) In conducting the mediation, the mediator must —
 - (a) give each party to the mediation every opportunity to be heard; and
 - (b) allow each party to the mediation to give due consideration to any written statement given by another party; and
 - (c) ensure that natural justice is given to the parties to the mediation throughout the mediation process.
- (4) The mediator cannot determine the matter that is the subject of the mediation.
- (5) The mediation must be confidential, and any information given at the mediation cannot be used in any other proceedings that take place in relation to the matter that is the subject of the mediation.
- (6) The costs of the mediation are to be paid by the party or parties to the mediation that requested the appointment of the mediator.

28.25. If mediation results in decision to suspend or expel being revoked

If —

(a) mediation takes place because a member whose membership is suspended or who is expelled from the Association gives notice under rule 15(7); and

(b) as the result of the mediation, the decision to suspend the member's membership or expel the member is revoked,

that revocation does not affect the validity of any decision made at a committee meeting or general meeting during the period of suspension or expulsion.

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PART 5 — COMMITTEE**Division 1 — Powers of Committee****29.26. Committee**

~~(2)~~ The committee members are the persons who, as the management committee of the Association, have the power to manage the affairs of the Association, subject to the Act, these rules and the by-laws (if any).

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~~(4)(1)~~ Subject to the Act, these rules, the by laws (if any) and any resolution passed at a general meeting, the committee has power to do all things necessary or convenient to be done for the proper management of the affairs of the Association.

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~~(5)(2)~~ The committee must take all reasonable steps to ensure that the Association complies with the Act, these rules and the by-laws (if any).

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~~(6)(3)~~ Without limiting the duties of committee members specified in sections 44- to 47 of the Act, all committee members are required to perform duties as determined by the ~~c~~Committee from time to time.

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~~The committee must not approve capital expenditure for any project if the sum total of which exceeds the amount specified in the budget approved by the members in general meeting by an amount of more than AUD \$50,000/ unless such expenditure has been first approved by the Board of Trustees.~~

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~~(8)~~26.1 Powers of cCommittee

- (1) Subject to the Act, these rules, the by-laws (if any) and any resolution passed at a general meeting, the committee has power to do all things necessary or convenient to be done for the proper management of the affairs of the Association
- (2) The committee must not approve cCapital expenditure for any project, the sum total of which exceeds AUD \$50,000/-, unless such expenditure has been first approved by the Board of Trustees, shall require the prior approval of the Board of Trustees.
- (3) FeThe committee may make any by-laws consistent with this Constitution as it may consider necessary for the management of the Association.

The Committee may aAppoint or create such Sub-Committees (including, but not limited to):

- Religious Affairs;
- Technical (for matters relating to but not limited to: construction, engineering, information technology, human services; energy and water utilities, environment);
- Youth wing; and
- Public relations and promotions.

Division 2 — Composition of Committee and duties of members**30.27. Committee members:**

~~(2)~~(1) The committee members consist of —

- (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 otherwise under rule 34(1).

~~2.0. — Subject to 34(1), there shall be a seven (7) ordinary committee members.~~

~~(4)~~(3) The following are the office holders of the Association —

- (a) the president
- (b) the vice-president
- (c) the secretary;
- (d) the assistant secretary;
- (e) the treasurer;
- (f) the assistant treasurer.

~~(5)~~(4) Subject to rules 4(3) and 16, a person may be a committee member if the person is —

- (a) an individual who has reached 18 years of age;
- (b) an ordinary member of the Association for not less than 2 years; and
- (c) a citizen or permanent resident of Australia;

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~~(6)(5)~~ To be appointed as an office holder, president, secretary or treasurer, For the position of office holders, in addition to sub rule (4), the person shall have served at least two (2) ~~terms~~ years, years in on the committee within the preceding five (5) years.

(7)(6) 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 pPresident has the powers and duties relating to convening and presiding at committee meetings and presiding at general meetings provided for in these rules.~~

~~(3)~~ It is the duty of the pPresident to consult with the secretary regarding the business to be conducted at each committee meeting and general meeting.

~~(5)(2) 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.~~

(6)(3) The pPresident shall:

- (a) ensure that the affairs of the Association are conducted in the best interest of the Association.
- (b) represent the Association as the spokesperson in dealings with external organisations and media.
- (c) be one of the authorised signatory to all bank transactions.

28.1 Vice-president

In the absence of the pPresident or at the request of the pPresident, the vice pPresident shall be responsible In the absence of the pPresident or at the request of the pPresident, the yVice pPresident shall be responsible for the performance of the duties assigned to the pPresident.

32.29. Secretary

The sSecretary has the following duties —

The sSecretary has the following duties —

- (a) dealing with the Association's correspondence;
- (b) consulting with the pPresident regarding the business to be conducted at each committee meeting and general meeting;
- (c) preparing the notices required for meetings and for the business to be conducted at meetings;
- (d) unless another member is authorised by the committee to do so, maintaining on behalf of the Association the register of members, and recording in the register any changes in the membership, as required under section 53(1) of the Act;
- (e) maintaining on behalf of the Association an up-to-date copy of these rules, as required under section 35(1) of the Act;
- (f) unless another member is authorised by the committee to do so, maintaining on behalf of the Association a record of committee members and other persons authorised to act on behalf of the Association, as required under section 58(2) of the Act;
- (g) ensuring the safe custody of the books of the Association, other than the financial records, financial statements and financial reports, as applicable to the Association;
- (h) maintaining full and accurate minutes of committee meetings and general meetings;
- (i) maintain employee contracts & records;

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- (j) maintain all important documents of the Association including but not limited to insurance and other sub contracts;
- (k) sign all documents and correspondence of the Association or as directed to do so;
- (l) complete the Annual Report of the Association;
- (l) be signatory one of the authorised signatories to all bank transactions; cheques of the Association together with two other authorised signatories be one of the authorised signatory to all bank transactions;
- (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;
- (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

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;
- (e) ensuring the safe custody of the Association's financial records, financial statements 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;
- (l) 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 reconciliation to the ~~c~~Committee and the Board of Trustees by the 15th of the following month;
- (o) ~~S~~submit to ~~s~~Secretary copies of all receipts and records relating to all class of memberships both new & renewal(s) within 30 days of payment.
- (p) be responsible for Associations payroll payments including but not limited to ~~Supersuperannuation~~, and overtime if any, and submit to ~~s~~Secretary copies & receipts of the same, monthly
- (q) be responsible for the issue for use and subsequent collection and safe keeping of all valuables.
- (r) carrying out any other duty given to the treasurer under these rules or by the committee.

30.1 Assistant ~~t~~Treasurer:

In the absence of the treasurer or at the request of the treasurer, the assistant treasurer shall be responsible for the performance of the duties assigned to the treasurer.

Division 3 — Election of committee members and tenure of office**34.31. How members become ~~c~~Committee members**

_____ A member becomes a committee member if the member —

_____ A member becomes a committee member if the member —

- (a) is elected to the committee at a general meeting; or
- (b) is appointed to the committee by the committee to fill a casual vacancy under rule 38.

35.32. Nomination of committee members

- (1) At least 42 days before an annual general meeting, the ~~r~~Returning of ~~Officer~~secretary must send written notice to all the members —

- (a) calling for nominations for election to the committee; and
- (b) stating the date by which nominations must be received by the ~~r~~Returning ~~o~~fficer~~secretary~~ to comply with sub rule (2).

- (2) A member who wishes to be considered for election to the committee at the annual general meeting must nominate for election by sending the completed form of the nomination to the ~~r~~Returning ~~o~~fficer~~secretary~~ at least 28 days before the annual general meeting.

- (3) The form of nomination is the prescribed Nomination Form of the Association for the purposes of the annual general meeting.

- (4) Subject to rules 27(4) & ~~and~~ 27(5), a member may nominate for one specified position of office holder of the Association or to be an ordinary committee member.

- (5) A member whose nomination does not comply with this rule is not eligible for election to the committee unless the member is nominated under rule 33(2) or 34(2)(b).

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36.33. Election of office holders

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

(2) A separate election must be held for each position of office holder of the Association.

(3) If there is no nomination for a position, the ~~r~~Returning o~~fficer~~ chairperson of the meeting may call for nominations from the ordinary members at the meeting.

(4) If only one member has nominated for a position, the ~~r~~Returning o~~fficer~~ chairperson of the meeting must declare the member elected to the position.

(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.

(6) Each ordinary member present at the meeting may vote for one member who has nominated for the position.

(7) A member who has nominated for the position may vote for himself or herself.

(8) On the member's election, the new ~~p~~resident of the Association may take over as the chairperson of the meeting.

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37.34. Election of ordinary committee members

(1) At the annual general meeting, the Association ~~must~~ may decide by resolution the number of ordinary committee members (if any) ~~to hold office for the next term~~ ~~year~~. ~~If no such decision is made, then election shall be conducted for the number of committee members required as per the previous year~~ ~~term~~ ~~year~~.

(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).

(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.

(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

(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.

~~(2) An ordinary committee member is elected for a term of two (2) termyearsyears, subject to sub rule (7).~~

(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 may be allowed to nominate for a third consecutive termyear for the position of the pPresident.~~

~~(5)(c) After serving the third a term as the pPresident in office, subject to sub rules (a) and (b), the member shall notis not eligible to be a member of hold any other office in the committee, other than serve as President, subject to sub rules (a) and (b), and shall not serve as a trustee for the following three (3) yearstermsyears.~~

(6) A member shall not serve more than ~~fourthree (43) terms-years~~ in each of the following offices:

(a) the ~~vice-president~~;

(b) secretary;

~~(c) treasurer;~~

~~(d) assistant secretary; or~~

~~(c)(e) assistant treasurer.~~

~~(7) A member shall not serve more fifteenen (150) termsyearsyearsterms in total in the committee.~~

~~(8) Any member of the cCommittee, who had so vacated office or hads resigned or is terminated from the office, shall not be eligible to stand for re-election for five two (25) termsyearsyears after so vacating the office.~~

~~(7)(9) Any member of the cCommittee, who is terminatedexpelled from the office, shall not be eligible to stand for re-election for five (5) termyearsyears after so vacating the office.~~

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39.36. Resignation and removal from office

~~(2)(1)~~ A committee member may resign from the committee by written notice given to the secretary or, if the resigning member is the secretary, given to the pPresident.

(3)(2) The resignation takes effect —

(a) when the notice is received by the secretary or president; or

(b) if a later time is stated in the notice, at the later time.

(4)(3) At a general meeting, the Association may by resolution —

(a) remove a committee member from office; and

(b) elect a member who is eligible under rule 27(4) to fill the vacant position.

(5)(4) A committee member who is the subject of a proposed resolution under sub rule (3)(a) may make written representations (of a reasonable length) to the secretary or president and may ask that the representations be provided to the members.

(6)(5) The secretary or president may give a copy of the representations to each member or, if they are not so given, the committee member may require them to be read out at the general meeting at which the resolution is to be considered.

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40.37. When membership of committee ceases

A person ceases to be a committee member if the person —

- (a) dies or otherwise ceases to be a member; or
- (b) resigns from the committee or is removed from office under rule 36; or
- (c) becomes ineligible to accept an appointment or act as a committee member under section 39 of the Act;
- (d) becomes permanently unable to act as a committee member because of a mental or physical disability; or
- (e) fails to attend 3 consecutive committee meetings, of which the person has been given notice, without having notified the committee that the person will be unable to attend, unless the committee member has been granted leave of absence by the committee.

~~(f)(e) Any member of the Committee who had so vacated office or had resigned or terminated from the office shall not be eligible to stand for re-election for five (5) years after so vacating the office.~~

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41.38. Filling casual vacancies

~~(2)~~(1) The committee may appoint a member who is eligible under rule 27(4) to fill a position on the committee that —

- (a) has become vacant under rule 37; or
- (b) was not filled by election at the most recent annual general meeting or under rule 36(3)(b).

(3)(2) If the position of an office holder becomes vacant, the committee must elect in a secret ballot a member within the committee who is eligible under rule 27(4) to fill the position within 14 days after the vacancy arises.

~~(4)~~(3) If the position of an ordinary committee member becomes vacant, subject to rule 27(4) and within 14 days after the vacancy arises, the committee must fill the position in the first instance with the nominee who secured the next highest votes (after all the ordinary committee members have been elected) in the preceding AGM, failing which the committee may appoint an ordinary member.

(5)(4) Subject to the requirement for a quorum under rule 45, the committee may continue to act despite any vacancy in its membership.

(6)(5) If there are fewer committee members than required for a quorum under rule 45, the committee may act only for the purpose of —

- (a) appointing committee members under this rule; or
- (b) convening a general meeting.

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42.39. Validity of acts

The acts of a committee or subcommittee, or of a committee member or member of a subcommittee, are valid despite any defect that may afterwards be discovered in the election, appointment or qualification of a committee member or member of a subcommittee.

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39.0. Powers of Committee

Without limiting the generality of any of the foregoing and subject to the powers and functions of the Trustees as provided in the Constitution, the Committee shall have the following powers:

- (0) Subject to this Constitution the Committee shall be responsible for carrying out the objectives of the Association;
- (0) Capital expenditure for any project, the sum total of which exceeds the approved budget of AUD \$50,000, shall require the prior approval of the Board of Trustees;
- (0) To make any by laws consistent with this Constitution as it may consider necessary for the management of the Association;
- (0) Appoint or create such Sub Committees (including but not limited to):
 - (zz) Religious Affairs;
 - (aaa) Technical (for matters relating to but not limited to: construction, engineering, information technology, human services, energy and water utilities, environment);
 - (bbb) Youth wing, and
 - (ccc) Public relations and promotions;
- (0) Notwithstanding any other provision of this Constitution, co-opt as a member of the Committee any person who in the opinion of the Committee has a special interest or who has special expertise or knowledge which may assist the Association provided that such persons shall not be entitled to vote at meetings of the Committee and shall not be included in determining whether or not a quorum exists at any meetings of the Committee.

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57.40. Payments to committee members

- (2)(1) In this rule —
 - committee member includes a member of a subcommittee;
 - committee meeting includes a meeting of a subcommittee.
- (3)(2) A committee member is not entitled to be paid out of the funds of the Association for any out-of-pocket expenses for travel and accommodation incurred —
 - (a) in attending a committee meeting or
 - (b) in attending a general meeting;
- (4)(3) A committee member is entitled to be paid out of the funds of the Association for any out of pocket expense for travel & accommodation properly incurred in connection with the Association's business provided the same is pre-approved in writing by the committee and Board of Trustees.

Division 4 — Committee meetings

58.41. Committee meetings

- (2)(1) The committee must meet at least once in 2 months, with a minimum of 10 meetings in a term/year on the dates and at the times and places determined by the committee.

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(3)(2) The date, time and place of the first committee meeting must be determined by the committee members as soon as practicable after the annual general meeting at which the committee members are elected.

(4)(3) Subject to rules 42-47, committee meetings may be convened by the president or any four (4) committee members or at the request of the Board of Trustees.

59.42. Notice of committee meetings

- (1) Notice of each committee meeting must be given to each committee member at least 48 hours before the time of the meeting.
- (2) The notice must state the date, time and place of the meeting and must describe the general nature of the business to be conducted at the meeting.
- (3) Unless sub rule (4) applies, the only business that may be conducted at the meeting is the business described in the notice.
- (4) Urgent business that has not been described in the notice may be conducted at the meeting if the committee members at the meeting unanimously agree to treat that business as urgent.

60.43. Procedure and order of business

(2)(1) The president or, in the president's absence, the vice-president must preside as chairperson of each committee meeting.

(3)(2) If the president and vice-president are absent or are unwilling to act as chairperson of a meeting, the committee members at the meeting must choose one of them to act as chairperson of the meeting.

(4)(3) The procedure to be followed at a committee meeting must be determined from time to time by the committee.

(5)(4) The order of business at a committee meeting may be determined by the committee members at the meeting.

(5) The committee may co-opt as a member of the committee any person who in the opinion of the committee has a special interest or who has special expertise or knowledge which may assist the Association. Such person

- (6)(a) has no right to any agenda, minutes or other document circulated at the meeting; and
- (b) must not comment about any matter discussed at the meeting unless invited by the committee to do so.

(6) The Chairman of the Board of the Trustees or his or her representative, the immediate past president, as an ex-office member, and a person invited under sub rule (5) to attend a committee meeting —

- (a) cannot vote on any matter that is to be decided at the meeting; and
- (b) shall not be included in determining whether or not a quorum exists at any meetings of the committee

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~~A member or other person who is not a committee member may attend a committee meeting if invited to do so by the committee.~~

~~The Chairman of the Board of Trustees or his or her representative may attend a meeting of the committee but shall not be included in determining whether or not a quorum exists at any meetings of the committee.~~

~~(61) The immediate past President may attend the meeting as an ex-office member but shall not be included in determining whether or not a quorum exists at any meetings of the committee.~~

~~(63) The Chairman of the Board of the Trustees or his or her representative, the immediate past President, as an ex-office member, and A person invited under sub-rule (5) to attend a committee meeting~~

~~(mmm) has no right to any agenda, minutes or other document circulated at the meeting; and~~

~~(nnn) must not comment about any matter discussed at the meeting unless invited by the committee to do so; and~~

~~cannot vote on any matter that is to be decided at the meeting; and~~

~~(ooo) shall not be included in determining whether or not a quorum exists at any meetings of the committee~~

68.44. Use of technology to be present at committee meetings

- (1) The presence of a committee member at a committee meeting need not be by attendance in person but may be by that committee member and each other committee member at the meeting being simultaneously in contact by telephone or other means of instantaneous communication.
- (2) A member who participates in a committee 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.

69.45. Quorum for committee meetings

- (1) Subject to rule 38(4), no business is to be conducted at a committee meeting unless a quorum is present.
 - (2) The quorum is deemed to be 8 (eight) or at least 60% (whichever is greater) of total committee members of which at least 3 must be office holders.
 - (c) If a quorum is not present within 30 minutes after the notified commencement time of a meeting, the meeting shall be adjourned to the next meeting.
- ~~(-) The Chairperson of the Board of Trustees or his representative and any person invited to the meeting who shall attend the committee meetings shall not be included in determining whether or not a quorum exists at any meetings of the committee.~~

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(c) If a quorum is not present within 30 minutes after the notified commencement time of a committee meeting —

- (a) in the case of a special meeting — the meeting lapses; or
- (b) otherwise, the meeting is adjourned to the same time, day and place in the following week.

(8)(4) If —

- (a) a quorum is not present within 30 minutes after the commencement time of a committee meeting held under sub rule (3)(b); and
- (b) at least 5 committee members are present at the meeting,

those members present are taken to constitute a quorum.

70.46. Voting at committee meetings

(1) Each committee member present at a committee meeting has one vote on any matter arising at the meeting.

~~(a) The immediate past President who is an ex officio member of the committee shall not be entitled to vote at the meeting.~~

~~(b) The Chairperson of the Board of Trustees or his representative shall not be entitled to vote at the meeting.~~

(1)

(2) A motion is carried if a majority of the committee members present at the committee meeting vote in favour of the motion.

(3) If the votes are divided equally on a question, the chairperson of the meeting has a second or casting vote.

(4) A vote may take place by the committee members present indicating their agreement or disagreement or by a show of hands, unless the committee decides that a secret ballot is needed to determine a particular question.

(5) If a secret ballot is needed, the chairperson of the meeting must decide how the ballot is to be conducted.

71.47. Minutes of committee meetings

(1) The committee must ensure that minutes are taken and kept of each committee meeting.

(2) The minutes must record the following —

- (a) the names of the committee members present at the meeting;
- (b) the name of any person attending the meeting under rule 43(5);
- (c) the business considered at the meeting;
- (d) any motion on which a vote is taken at the meeting and the result of the vote.

(3) The minutes of a committee meeting must be entered in the Association's minute book within 30 days after the meeting is held.

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- (4) The President must ensure that the minutes of a committee meeting are reviewed and presented to the Committee and signed as correct by —
- the chairperson of the meeting; or
 - the chairperson of the next committee meeting.
- (5) When the minutes of a committee meeting have been signed as correct they are, until the contrary is proved, evidence that —
- the meeting to which the minutes relate was duly convened and held; and
 - the matters recorded as having taken place at the meeting took place as recorded; and
 - any appointment purportedly made at the meeting was validly made.
- (6) The signed minutes of all Committee meetings shall be circulated to all the Committee members and Board of Trustees electronically or otherwise within 14 days of the meeting at which it was approved.

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Division 5 — Subcommittees and subsidiary offices

72.48. Subcommittees and subsidiary offices:

- (1) To help the committee in the conduct of the Association's business, the committee shall, in writing, do either or both of the following —
- appoint one or more subcommittees as determined by the committee and without limiting the foregoing committees for:
 - Religious Affairs;
 - Technical (for matters relating to but not limited to: construction, engineering, information technology, human services; energy and water utilities, environment);
 - Youth wing, and
 - Public relations and promotions.
 - 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.
- The Religious Affairs subcommittee shall consist of 4 or more members headed by a committee member. At least one Resident Priest shall be a member of this committee.
 - The Technical subcommittee shall consist of one Trustee and other suitable members nominated by the Committee and shall be headed by a committee member.
 - The members of the Youth wing shall be below the age of 30 years. One committee 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 considers appropriate; and
- (b) the holder of a subsidiary office may carry out the functions given to the holder as the holder considers appropriate.

73.49. Delegation to subcommittees and holders of subsidiary offices

- (1) In this rule —

Non-delegable duty means a duty imposed on the committee by the Act or another written law.

- (2) The committee may, in writing, delegate to a subcommittee or the holder of a subsidiary office the exercise of any power or the performance of any duty of the committee other than —
 - (a) the power to delegate; and
 - (b) a non-delegable duty.
- (3) A power or duty, the exercise or performance of which has been delegated to a subcommittee or the holder of a subsidiary office under this rule, may be exercised or performed by the subcommittee or holder in accordance with the terms of the delegation.
- (4) The delegation may be made subject to any conditions, qualifications, limitations or exceptions that the committee specifies in the document by which the delegation is made.
- (5) The delegation does not prevent the committee from exercising or performing at any time the power or duty delegated.
- (6) Any act or thing done by a subcommittee or by the holder of a subsidiary office, under the delegation has the same force and effect as if it had been done by the committee.
- (7) The committee may, in writing, amend or revoke the delegation.

PART 6 — GENERAL MEETINGS OF ASSOCIATION

74.50. Annual General Meeting

- (1) The committee must determine the date, time and place of the annual general meeting, to be held within 4 months after the end of the financial year.
- (2) If it is proposed to hold the annual general meeting more than 6 months after the end of the Association's financial year, the secretary must apply to the Commissioner for permission under section 50(3)(b) of the Act within 4 months after the end of the financial year.
- (3) The ordinary business of the annual general meeting is as follows —
 - (a) to confirm the minutes of the previous annual general meeting and of any special general meeting held since then if the minutes of that meeting have not yet been confirmed;
 - (b) to receive and consider —

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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 report~~ summary of the Board'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) To decide on the appointment of an internal Auditor for the following year; and,~~
- ~~(h)(i) to confirm appoint the Western Australian Electoral Commission as the appoint a Returning Officer/officer 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 Returning Office/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 Returning Office/officer, 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.~~

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75.51. Special General Meetings

- (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 or the Board of Trustees require 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 to be convened, the Chairman of the Board of Trustees 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

(c) each trustee must sign the notice, state that it is a simple majority decision by the Board of Trustees.

(5) The special general meeting must be convened within 28 days after notice is given under sub rule (3) or (4).

(6) If the committee does not convene a special general meeting within that 28 days period, the members, or the Board of Trustees making the requirement (or any of them) may convene the special general meeting.

(7) A special general meeting convened by members under sub rule (6) —

- (a) must be held within 3 months after the date the original requirement was made; and
- (b) may only consider the business stated in the notice by which the requirement was made.

(8) The Association must reimburse any reasonable expenses incurred by the members convening a special general meeting under sub rule (6).

76.52. Notice of general meetings

(1) The secretary or, in the case of a special general meeting convened under rule 51(3) or 51(4), the members convening the meeting, must give to each member —

- (a) at least 21 days' notice of a general meeting if a special resolution is to be proposed at the meeting; or
- (b) at least 14 days' notice of a general meeting in any other case.

(2) The notice must —

- (a) specify the date, time and place of the meeting; and
- (b) indicate the general nature of each item of business to be considered at the meeting; and
- (c) if the meeting is the annual general meeting, include the names of the members who have nominated for election to the committee under rule 32(2); and
- (d) if a special resolution is proposed —
 - (i) set out the wording of the proposed resolution as required by section 51(4) of the Act; and
 - (ii) state that the resolution is intended to be proposed as a special resolution; and
 - (iii) comply with rule 53(8).

77.53. Proxies

(1) Subject to sub rules 1(a) and (2), an ordinary member may appoint an individual who is an ordinary member as his or her proxy to vote and speak on his or her behalf at a general meeting on those matters identified in the notice of the General meeting.

- (a) Proxies are not allowed for election of committee members and members of Board of Trustees.

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- (2) An ordinary member may be appointed as proxy for not more than ~~two~~**five (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 —
- state that the member may appoint an individual who is an ordinary member as a proxy for the meeting; and
 - 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.

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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 ~~p~~President or, in the ~~p~~President's absence, the ~~v~~ice-~~p~~President must preside as chairperson of each general meeting.
- (2) If the ~~p~~resident and ~~v~~ice-~~p~~resident 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 ~~51 ordinary members or twenty-five~~ percent (~~1520~~%) of the total number of ~~ordinary~~ members, ~~whichever is minimum~~.

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- (5) If a quorum is not present within ~~30~~⁶⁰ minutes after the notified commencement time of a general meeting —
- (a) in the case of a special general meeting — the meeting lapses; or
 - (b) in the case of the annual general meeting — the meeting is adjourned to —
 - (i) the same time and day in the following week; and
 - (ii) the same place, unless the chairperson specifies another place at the time of the adjournment or written notice of another place is given to the members before the day to which the meeting is adjourned.

- (6) If —
- (a) a quorum is not present within 30 minutes after the commencement time of an annual general meeting held under sub rule (5)(b); and

(a) ~~at least twenty twentyfour (24) ordinary members~~ ^{are} present at the meeting,

(b) those members present are taken to constitute a quorum.

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80.56. Adjournment of general meeting

- (1) The chairperson of a general meeting at which a quorum is present may, with the consent of a majority of the ordinary members present at the meeting, adjourn the meeting to another time at the same place or at another place.
- (2) Without limiting sub rule (1), a meeting may be adjourned —
- (a) if there is insufficient time to deal with the business at hand; or
 - (b) to give the members more time to consider an item of business.
- (3) No business may be conducted on the resumption of an adjourned meeting other than the business that remained unfinished when the meeting was adjourned.
- (4) Notice of the adjournment of a meeting under this rule is not required unless the meeting is adjourned for 14 days or more, in which case notice of the meeting must be given in accordance with rule 52.

81.57. Voting at general meeting

- (1) On any question arising at a general meeting —
- (a) subject to sub rule (3), each ordinary member has one vote
 - (b) ordinary members may vote personally or by proxy.
- (2) Except in the case of a special resolution, a motion is carried if a majority of the ordinary members present at a general meeting vote in favour of the motion.
- (3) If votes are divided equally on a question, the chairperson of the meeting has a second or casting vote.
- (4) If the question is whether or not to confirm the minutes of a previous general meeting, only members who were present at that meeting may vote.

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- (5) For a person to be eligible to vote at a general meeting as an ordinary member, the ordinary member —
- (a) must have been an ordinary member at the time notice of the meeting was given under rule 52; and
 - (b) must have paid any fee or other money payable to the Association by the member.
- (6) A person is taken to cast a vote at a general meeting as mentioned in ~~subsection-subrule~~sub rule (1) if the person has a right under the rules of the Association to vote on the resolution and —
- (a) votes in person at the meeting; or
 - (b) where proxies or postal votes are allowed by the rules of the Association, votes on the resolution by proxy or postal vote.

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82.58. When special resolutions are required

- (1) A special resolution is required if it is proposed at a general meeting —
- (a) to affiliate the Association with another body; or
 - (b) to request the Commissioner to apply to the State Administrative Tribunal under section 109 of the Act for the appointment of a statutory manager.
- (2) Sub rule (1) does not limit the matters in relation to which a special resolution may be proposed.

(3) Special Resolution(s) at a general meeting must be passed by the votes of not less than three-fourths of the ordinary members of the Aassociation who cast a vote at the meeting either in person or by proxy.

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83.59. Determining whether resolution carried

- (1) In this rule —

Poll means the process of voting in relation to a matter that is conducted in writing.

- (2) Subject to sub rule (4), the chairperson of a general meeting may, on the basis of general agreement or disagreement or by a show of hands, declare that a resolution has been —
- (a) carried; or
 - (b) carried unanimously; or
 - (c) carried by a particular majority; or
 - (d) lost.
- (3) If the resolution is a special resolution, the declaration under sub rule (2) must identify the resolution as a special resolution.

- (4) If a poll is demanded on any question by the chairperson of the meeting or by at least 3 other ordinary members present in person or by proxy —
 - (a) the poll must be taken at the meeting in the manner determined by the chairperson;
 - (b) the chairperson must declare the determination of the resolution on the basis of the poll.
- (5) If a poll is demanded on the election of the chairperson or on a question of an adjournment, the poll must be taken immediately.
- (6) If a poll is demanded on any other question, the poll must be taken before the close of the meeting at a time determined by the chairperson.
- (7) A declaration under sub rule (2) or (4) must be entered in the minutes of the meeting, and the entry is, without proof of the voting in relation to the resolution, evidence of how the resolution was determined.

84.60. Minutes of general meeting

- (1) The secretary, or a person authorised by the committee from time to time, must take and keep minutes of each general meeting.
- (2) The minutes must record the business considered at the meeting, any resolution on which a vote is taken and the result of the vote.
- (3) In addition, the minutes of each annual general meeting must record —
 - (a) the names of the ordinary members attending the meeting; and
 - (b) any proxy forms given to the chairperson of the meeting under rule 53(8); and
 - (c) the financial statements or financial report presented at the meeting, as referred to in rule 50(3)(b)(ii) or (iii); and
 - (d) any report of the review or auditor's report on the financial statements or financial report presented at the meeting, as referred to in rule 50(3)(b)(iv).
- (4) The minutes of a general meeting must be entered in the Association's minute book within 30 days after the meeting is held.
- (5) The pPresident must ensure that the minutes of a general meeting are reviewed and signed as correct by —
 - (a) the chairperson of the meeting; or
 - (b) the chairperson of the next general meeting.
- (6) When the minutes of a general meeting have been signed as correct they are, in the absence of evidence to the contrary, taken to be proof 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 election or appointment purportedly made at the meeting was validly made.

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PART 7 — FINANCIAL MATTERS

85.61. Source of funds

The funds of the Association may be derived from annual subscriptions, donations, fund-

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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.

- (1) The committee shall maintain a Register of Donors who have donated money expressly for or in furtherance of objects, maintaining anonymity if donors so request. Such donations, until so required, be invested only in recognised investment accounts.

86.62. Control of funds

- (1) The Association must open an account in the name of the Association with a financial institution from which all expenditure of 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 without 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) Three (3) of the office holders one of whom shall be the treasurer or subject to Rule 30.1 the assistant treasurer.
- (5) All funds of the Association must be deposited into the Association's account within 5 working days after their receipt.
- (6) The gCommittee shall transfer to authorised Investment Funds as per sub-rule 73-(123)(b) controlled by the Trustees all moneys and receipts that are in excess of the amount approved under sub rule (3) for the normal running expenses of the Association.

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87.63. Financial statements and financial reports

- (1) For each financial year, the committee must ensure that the requirements imposed on the Association under Part 5 of the Act relating to the financial statements or financial report of the Association are met.
- (2) Without limiting sub rule (1), those requirements include —
 - (a) if the Association is a tier 1 association, the preparation of the financial statements; and
 - (b) if the Association is a tier 2 association or tier 3 association, the preparation of the financial report; and
 - (c) if required, the review or auditing of 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) if required, the presentation to the annual general meeting of the copy of the report of the review or auditor's report, as applicable, on the financial statements or financial report.

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PART 8 — GENERAL MATTERS**88.64. 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 association's assets; and
 - (b) impose requirements relating to the financial reporting and financial accountability of the association and the auditing of the association's accounts; and
 - (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.

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90.66. Giving notices to members

(1) 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 unless it is in writing and —
- (a) delivered by hand to the recorded address of the member; or
 - (b) sent by prepaid post to the recorded postal address of the member; or
 - (c) sent by facsimile or electronic transmission to an appropriate recorded number or recorded electronic address of the member.

91.67. Custody of books and securities

- (1) Subject to sub rule (2), the books and any securities of the Association must be kept in the secretary's custody or under the secretary's control.
- (2) The financial records and, as applicable, the financial statements or financial reports of the Association must be kept in the treasurer's custody or under the treasurer's control.
- (3) Sub rules (1) and (2) have effect except as otherwise decided by the committee.
- (4) 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 maintained under section 58(2) of the Act must be kept in the secretary's custody or under the secretary's control.

93.69. Inspection of records and documents

- (1) Sub rule (2) applies to a member who wants to inspect —
- (a) the register of members under section 54(1) of the Act; or
 - (b) the record of the names and addresses of committee members, and other persons authorised to act on behalf of the Association, under section 58(3) of the Act; or
 - (c) any other record or document of the Association.
- (2) The member must contact the secretary to make the necessary arrangements for the inspection.
- (3) The inspection must be free of charge.
- (4) If the member wants to inspect a document that records the minutes of a committee meeting, the right to inspect that document is subject to any decision the committee has made about minutes of committee meetings generally, or the minutes of a specific committee meeting, being available for inspection by members.
- (5) The member may make a copy of or take an extract from a record or document referred to in sub rule (1)(c) but does not have a right to remove the record or document for that purpose.

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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 —
- that is directly connected with the affairs of the Association; or
 - that is related to complying with a requirement of the Act.

94.70. 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 Association business conducted by the Association at a general meeting or committee meeting unless —
- the committee member has been authorised to do so at a committee meeting; and
 - 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 —

- the debts and liabilities of the Association; and
- 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

- Subject to rules 4(3) and 16, a person may be a Trustee member of the Board of Trustees if the person is —
 - an individual who has reached 50 years of age;
 - an ordinary member of the Association for not less than five (5) years in the preceding ten (10) years; and
 - a citizen or permanent resident of Australia and residing in Western Australia;
- The Board of Trustees:
 - shall comprise of seven (7) members or as the Association may decide by resolution at the annual general meeting.
 - shall be elected at the annual general meeting of the Association and shall hold office for a term of three (3) year-years terms 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 ~~T~~Trustee shall hold any office on the ~~C~~Committee or be an office bearer of the Association during the period which the person is a ~~T~~Trustee.
- (4) ~~N~~omination of ~~T~~Trustees:
- ~~A~~at least 42 days before an annual general meeting, the ~~r~~Returning ~~o~~Office/~~o~~fficer/~~secretary~~ must send written notice to all the members —
 - calling for nominations for election to the vacancy in the Board of Trustees; and
 - stating the date by which nominations must be received by the ~~returning office/officer~~ to comply with sub rule (b).
 - a 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 ~~returning Office/officer~~ at least 28 days before the annual general meeting.
 - the written notice must include a statement by another member in support of the nomination.
 - the form of nomination is the prescribed Nomination Form of the Association for the purposes of the election of ~~t~~rustee at the annual general meeting.
 - a 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) ~~E~~lection of ~~T~~Trustees
- ~~A~~t the annual general the election shall be held by the ~~r~~Returning officer/~~o~~fficer/~~Chairperson~~
 - ~~A~~t the annual general meeting, ~~A~~a separate election must be held for each vacant position of ~~T~~Trustees of the ~~Board of Trustees Association~~.
 - ~~A~~t the time of election, the candidates must be eligible to be nominated as per sub rule 1.
 - ~~A~~t the time of election, the candidates ~~must be eligible to be~~has ~~nominated~~been ~~nominated as per~~subject to sub rule (4).
 - ~~I~~f there is no nomination for a position, the ~~r~~Returning office/~~o~~fficer ~~chairperson~~ of the meeting may call for nominations from the ordinary members at the meeting.
 - ~~I~~f only one member has nominated, the ~~r~~Returning office/~~o~~fficer ~~chairperson~~ of the meeting must declare the member elected.
 - ~~I~~f 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.
 - ~~E~~ach ordinary member present at the meeting may vote for one member who has nominated for the position of ~~T~~Trustee.
 - ~~A~~ member who has nominated for the position of ~~T~~Trustee 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 ~~B~~by ~~L~~aws and will not be those imposed upon ~~T~~Trustees under the Trustees Act of 1962 of Western Australia. The ~~T~~Trustees are to discharge their duties in accordance with Division 3 of the Act.
- (7) The Association shall ~~a~~ppoint such ~~T~~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 ~~C~~Committee does not divert from the objects of the Association.

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duties of the trustees under sub rule 12

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- (8) The Trustees 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 Trustee not attending three (3) consecutive meetings shall be deemed to have resigned, unless the Trustee 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 Trustees shall arrange among themselves the meetings and order of business for carrying out their functions.
- (12) Duties of Trustees
- 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.
 - 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.
 - 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.
 - All legal documents that are to be executed to carry out the duties of the Board of Trustees shall be signed by the Chairperson of the Board of Trustees and by one of either the President, Vice-President, Secretary or the Treasurer.
 - 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.
 - 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 approved by the members in general meeting 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 for approval by a general meeting.
 - 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 Trustees shall consult the committee for 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 Committee, the same shall be referred to a General Meeting of the members Association and resolved by a special resolution of the members at such meeting

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Commented [A15]: The role/duties of the Board of Trustees should be carefully reviewed as there are contradictions between the responsibilities and duties of committee members and the trustees.

In either case it is likely the committee members and trustees will be considered officers of the Association and exposed to the responsibilities of duties under the Act. In simple terms officers have the exposure similar to directors of companies. A member of the (...)

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on the disputed matter. For the purposes this rule, the General meeting of the ~~members~~ Association must be held at such time or times as the Committee may decide either on its own or upon request by the Board of Trustees.

98.74. EMPLOYEES

- (1) The Committee shall initiate the recruitment process when it becomes aware of an impending ~~permanent (full or part -vacancy) vacancy~~, and carry out the following steps:
- (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) Advertise the vacancy widely (internationally for Resident Priests).
 - (c) constitute a five-member selection panel, consisting of at least ~~two (2)~~ members of the committee and ~~two (2)~~ trustees (nominated by the Board of Trustees), to review all applications received, short-list 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.~~

(d) —
(e) —

(2) —

The committee will advise the Board of Trustees, of any employment contracts, extensions of employment contracts and /or dismissal of employee(s).

(2) —

- (3) 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 committee shall take into consideration the requirement for the Resident Priests to be able to interact with as wide a cross-section of the Temple's devotees as is practical, and also individually satisfy the requirements of the Selection Criteria as set out in the by laws of the Association.

- (a) Resident Priests will be appointed for a term of ~~two~~ years.
- (b) A resident Priest leaving the services at the end of his tenure, or earlier, will be eligible for re-appointment only after a period of five years from the date of his departure.

- (4) — The Association shall employ an Administrator and such other staff as may be needed from time to time, subject to provisions for such positions being included in the annual budget presented at the Annual General Meeting.

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(4) —

~~(a) The Administrator will be appointed for a term of two (2) years. The Committee may renew the appointment.~~

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(5) When employing people (includes fulltime, part time, casual, fixed term or commission), the committee is required to comply with the following:

- (a) prepare a clearly formulated written selection criteria and job description for each of the advertised position;
- (b) provide every prospective employee with the selection criteria and job description;
- (c) prepare and provide a written employment contract containing the terms and conditions of employment, including but not limited to matters such as remuneration, leave and hours of work, description of duties, applicable relevant industrial agreement or instrument, any special or additional conditions that apply in the association's workplace and notice of termination of employment.
- (d) if terminating an employee's contract of employment, it should be in accordance with the contract and any applicable laws and in accordance with fair procedures to ensure the termination is lawful and fair;
- (e) keep all records relating to employment, including payment of wages, leave, tax records and superannuation records.

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~~99. PATRONS~~

~~The Committee may appoint any person to be a Patron and that person may be identified as such in any correspondence or other official documents of the Association.~~