

Constitution of the HINDU AHLAYA SANGAM QUEENSLAND INC.

1. The name of the Association shall be the "Hindu Ahlaya Sangam Queensland Inc." and hereinafter the word "Association" shall be the "Hindu Ahlaya Sangam Queensland Inc."

2. **2.1 OBJECTS OF THE ASSOCIATION**

The objects for which the Association is formed are:

- 2.1.1 To preserve and foster the Hindu way of life, philosophy and practices.
- 2.1.2 To arrange for, organise and hold religious ceremonies for members of the Hindu faith.
- 2.1.3 To plan, construct and maintain a Hindu Education Centre named "Brisbane Selva Vinayakar Kovil" herein referred to as "The Centre" to hold religious and educational programs.
The Centre should provide at least the following facilities:
 - 2.1.3.1 An educational foundation for teaching of Hindu philosophy, Indian languages, culture and other related subjects not taught in a normal school curriculum.
 - 2.1.3.2 Library facilities.
- 2.1.4 To preserve and maintain the traditional Saivite form of worship as prescribed in the Vedhas and Siva Agamas and educate our children in these traditional and cultural values.
- 2.1.5 To acquire land for, maintain, expand and preserve The Centre.
- 2.1.6 To co-operate with other religious and cultural organisations in promoting the aims of the Association.
- 2.1.7 To promote the religious, social and moral well being of members of the Hindu faith and all activities and matters in furtherance thereof.
- 2.1.8 To establish and maintain institutions and classes for instructing and training persons desirous of becoming teachers of Hindu religion and culture.
- 2.1.9 To establish and maintain institutions for instructing in the Hindu religion and culture.
- 2.1.10 To establish welfare and assistance to members of the Hindu faith.
- 2.1.11 To create and promote programs for the integration of persons of the Hindu faith in the Australian ethnic communities.
- 2.1.12 To promote and make known the cultural background and heritage of persons of the Hindu faith for the benefit of the community in general.
- 2.1.13 To liaise and co-operate with the relevant local, state and federal government bodies as required.
- 2.1.14 To organise lectures, seminars, conferences, discussion groups workshops and similar groups concerning the Hindu religion and its cultural and historical background.
- 2.1.15 To establish a library of works on Hindu philosophy, mythology, teachings, ethics, history and the writings of Hindu teachers, saints and holy persons.

2.2 POWERS OF THE ASSOCIATION

- 2.2.1 To co-operate with any other association, club or organisation, whether incorporated or not, whose objects are altogether or in part similar to those of the Association provided that the Association shall not subscribe to or support with its funds any club, association or organisation which does not prohibit the distribution of income and property among its members to an extent at least as great as that imposed on the Association under or by virtue of rule 15.11.
- 2.2.2 In furtherance of the objects of the Association to buy, sell and deal in all kinds of articles, commodities and provisions, both liquid and solid, for the members of the Association or members frequenting the Association's premises.
- 2.2.3 To purchase, take on lease or in exchange, hire and otherwise any lands, buildings, easement or property, real and personal, and any rights or privileges which may be requisite for the purpose of, or capable of being conveniently used in connection with, any of the objects of the Association: Provided that in case the Association shall take or hold any property which may be subject to any trusts, the Association shall only deal with the same in such a manner as is allowed by law having regard to such trusts.
- 2.2.4 To enter into any arrangement with any government or authority, local, state or federal, that may confer rights, privileges and concessions upon the Association.
- 2.2.5 To appoint, employ, remove or suspend such managers, clerks, secretaries, workmen and other persons as may be necessary or convenient for the purposes of the Association.
- 2.2.6 To construct, improve, maintain, develop, work, manage, carry out, alter or control any houses, buildings, grounds, works or conveniences which may seem calculated directly or indirectly to advance the Association's interests, and to contribute to, subsidise or otherwise assist and take part in the construction, improvement, maintenance, development, working, management, carrying out, alteration or control thereof.
- 2.2.7 To invest and deal with the money of the Association not immediately required in such a manner as may from time to time be thought fit and beneficial to the Association.
- 2.2.8 To take, or otherwise acquire, and hold shares, debentures or other securities of any company or body corporate as may from time to time be thought fit and beneficial to the Association.
- 2.2.9 In pursuant to the above clauses 2.2.1 to 2.2.8, to borrow or raise or secure the payment of money in such a manner as the Association may think fit and to secure the same or the repayment or performance of any debt liability contract, guarantee or other engagement incurred or to be entered into by the Association in any way and in particular by the issue of debentures perpetual or otherwise charged upon all or any of the Association's property (both present and future), and to purchase, redeem or pay off any such securities.
- 2.2.10 In pursuant to the above clauses 2.2.1 to 2.2.9, to draw, make, accept, endorse, discount, execute and issue promissory notes, bills of exchange, bills of lading and other negotiable or transferable instruments.
- 2.2.11 In furtherance of the objects of the Association to sell, improve, manage, develop, exchange, lease, dispose of, turn to account or otherwise deal with all or any part of the property and rights of the Association.
- 2.2.12 To take or hold mortgages, liens or charges, to secure any payment of the purchase price, or any unpaid balance of the purchase price, of any part of the Association's property of whatsoever kind sold by the Association or any money due to the Association from the purchasers and others.

- 2.2.13 To take such steps by personal or written appeals, public meetings or otherwise, as may from time to time be expedient for the purpose of procuring contributions for the funds of the Association, in the shape of donations, annual subscriptions or otherwise.
- 2.2.14 To print and publish any newspapers, periodicals, books or leaflets that the Association may think desirable for the promotion of its objects.
- 2.2.15 To make donations for religious, charitable or community purposes, in conformity with paragraph 78(1) (a) of the Income Tax Assessment Act.
- 2.2.16 To do all such other things as are incidental or conducive to the attainment of the objects and the exercise of the powers of the Association.
- 2.2.17 No change to the object of the Association to maintain **The Centre** shall be made except by the consent of at least 90% of all **current financial Founder Members and Life Members of the Association** or their legal representatives in Queensland.
- 2.2.18 Any special resolution for amalgamation of this Association with any other body shall not be carried except by the consent of at least 90% of all **current financial Founder Members and Life Members** of the Association, (or their legal representatives in Queensland), and the consent of the Australian Commissioner of Taxation.
- 2.2.19 No change to the object of the Association to preserve and maintain the traditional Saivite form of worship as prescribed in the Vedhas and Siva Agamas and educate our children in these traditional and cultural values shall be made except by the consent of at least 90% of all **current financial Founder Members and Life Members of the Association**, or their legal representatives in Queensland.
- 2.2.20 No changes to Rules **3.1.4.1, 3.1.4.2, 3.1.4.3, 3.1.4.4 or 3.1.4.5** shall be made except by the consent of at least 75% of all the **current financial Founder Members and Life Members** of the Association:

3. **MEMBERSHIP, SUBSCRIPTION FEES AND VOTING RIGHTS**

3.1 **MEMBERSHIP**

3.1.1 All members shall subscribe to the objects of the Association and agree to be bound by its constitution.

3.1.2 All members shall fulfil the required eligibility criteria for the Association membership as per the separate Membership Application form – please see annexure 1 – Association Membership Application Form.

3.1.3 Successful Membership applications shall be approved by simple majority decision of the Management Committee.

3.1.4 There shall be five categories of membership of the Association.

3.1.4.1 **Founder Member - Annual** – All existing financial members at the founding of the Association, and all persons who have made significant contribution to the building of The Centre up to the opening day of 1st February 1995, and whose admissions were approved on or before the 31st January 1996 by a majority decision of the management committee, and whose annual membership subscription fees are not in arrears at the end of the previous calendar year, shall form this category of membership.

3.1.4.2 **Life Member** – This category of membership maybe granted to any current

3.1.4.2.1 Founder Member who donates Aus \$2,000.00 per single membership (or Aus \$3,000.00 per couple membership) to the Association fund shall be classified as a **Founder Member – Life**

- 3.1.4.2.2 Ordinary Member who has been a strong supporter of the Association over 3 years and donates Aus \$10,000.00 per single membership (or Aus \$15,000.00 per couple membership) to the Association shall be classified as **Ordinary Member – Life**
- 3.1.4.2.3 Both the above classes of Life Membership shall entitle the holder to be elected to the executive positions (President, Vice President, Secretary and Treasurer) on the management committee.
- 3.1.4.2.4 Life Members are not required to pay annual subscriptions.
- 3.1.4.2.5 Both classes of Life Membership are transferable once only to a direct descendant or a chosen family member who fulfils all membership requirements of the Association – this will be at no cost. Life Membership shall be subscription free for the life of the recipient of such transfer. Any further transfers of Life Membership (after the initial free transfer) to a direct descendant or a chosen family member who fulfils all membership requirements of the Association shall attract a cost by way of donation to the Association fund with the amount to be determined by the organisation in keeping with the prevailing monetary situation of the organisation at the time of said transfer.
- 3.1.4.2.6 In order to ensure that continuity of Life Membership occurs without interruption, the existing Life Members are expected to nominate a recipient of their Life Membership and the time when the transfer becomes effective on the designated Life Membership Transfer Form available from the Association. Failure to complete this form and register with the Association during the life of the Life Member shall result in the loss of transfer of Life Membership.

3.1.4.3 Ordinary Member - Annual

- 3.1.4.2.1 All current ordinary members whose annual membership subscription fees are not in arrears.
- 3.1.4.2.2 Any practising Hindu whose application for membership has been accepted by the Association and who has completed the provisional membership period of 12 months, and whose annual membership subscription fees are not in arrears at the end of the previous calendar year.
- 3.1.4.2.3 Ordinary members accepted into membership are eligible to apply for life membership after a 3 year period of membership during which time they shall make significant support, contribution and commitment to the ideals of the Association as decided by the Management Committee.

3.1.4.4 Provisional Member –

- 3.1.4.4.1 Those members whose membership applications have been accepted but have not yet paid the full membership fees, or
- 3.1.4.4.2 Those members whose membership applications have been accepted and they have paid the full membership fees only within the last 12 months, or
- 3.1.4.4.3 Those members who have not paid their annual membership renewal fees by the end of the previous calendar year

- 3.1.4.5 Co-opted Honorary Member** – A non-financial member of the Association. This membership is for a specific time period only and is an honorary membership granted to supporters of the organisation who are otherwise ineligible to apply for the ordinary membership of the Association. Co-opted honorary members do not have rights of voting at any Association meetings. They are unable attend any meetings of the Association unless granted express permission from the majority of the management committee of the Association.

3.1.5 The total number of current financial Founder Members and Life Members shall be limited to 150.

3.1.6 The total number of current financial Ordinary Members shall be limited to 1000.

3.1.7 Founder Members, Life Members (of both classes as per Rule 3.1.4 1, 3.1.4.2), and Ordinary Members who have completed a qualifying period of one year (from the date of admission to membership) are hereafter referred to as “current financial members”.

3.2 ANNUAL SUBSCRIPTION FEES

- 3.2.1 There shall be no annual subscriptions fees for Life Members.
- 3.2.2 The annual subscription fees for Founder, Ordinary and Provisional Members shall be Aus \$108.00 per single membership and Aus \$162.00 per couple membership.
- 3.2.3 Annual membership fees are subject to review by management committee annually.
- 3.2.4 The annual subscription fees shall be payable in advance and without demand.
- 3.2.5 For the membership to be considered current for any calendar year, the annual subscription fees shall have been paid in advance by end of the preceding calendar year.
- 3.2.6 Membership applications at any date shall attract a pro-rata fee in complete months to the end of the calendar year.

3.3 VOTING RIGHTS

All Founder Members, Life Members, and Ordinary Members who have completed the qualifying period of one year from the date of admission shall be eligible to vote at any of the General Meetings of the Association provided that all arrears of the subscription fees payable to the Association have been paid and their membership is current as per Rule 3.2.4.

3.4 MEMBERSHIP REQUIREMENTS:

Membership applicants shall fulfil the following eligibility criteria.

Mandatory Eligibility Criteria:

- 3.4.1 The applicant shall be an Australian citizen or permanent resident (for over 5 years). This is not applicable to existing financial members.
- 3.4.2 The applicant shall be a Practising Hindu regardless of caste, creed or place of origin.
- 3.4.3 The applicant shall be over 18 yrs of age.
- 3.4.4 The application shall be completed on the Membership Application Form (see Annexure 1) issued by the Association and proposed by one current financial Founder/Life Member and seconded by one current financial Founder/Life/Ordinary Member of the Association.

Non-Mandatory Eligibility Criteria:

- 3.4.5 Proof of service to the Association.

Other matters pertaining to Membership:

- 3.4.6 There shall be a non-refundable application fee of Aus \$50.00 - This will form part of the first year membership fee if elected to membership.
- 3.4.7 Membership fees and financial contribution as per membership requirements shall be paid within 4 weeks of election to membership or the membership will be cancelled.
- 3.4.8 Once a membership application has been accepted, there shall be 1 year of provisional membership prior to right to vote at general meetings.
- 3.4.9 A newly elected member of the Association shall have to serve a 3 year satisfactory probationary period prior to eligibility for election to membership of the management committee. The management committee

position available for such a member shall be as mentioned in Rule VIII (and all its clauses and sub-clauses) of the constitution of the Association

3.4.10 In the event a membership application (which fulfils all mandatory criteria for such application) has been rejected, the applicant shall have the right to appeal to the Association requesting an Extraordinary General Meeting for the Management Committee to show cause for such a decision.

4. **ADMISSION AND REJECTION OF MEMBERSHIP APPLICATIONS**

4.1 Every application for membership shall be completed on the Membership Application Form (see Annexure 1) issued by the Association and proposed by one current financial Founder/Life Member and seconded by one current financial Founder/Life/Ordinary Member of the Association.

4.2 No employee of the Association shall be eligible for membership of the Association.

4.3 After the receipt of any application and the fees applicable for any class of membership, such application shall be considered at the next meeting of the Management Committee, who shall thereupon determine upon the admission or rejection of the applicant by a simple majority by secret ballot. The Management Committee shall have the power to refuse membership to any applicant for Life or Ordinary membership.

4.4 Upon the acceptance or rejection of an application for any class of membership, the secretary shall forthwith give the applicant notice in writing of such acceptance or rejection giving reasons for such decision.

4.5 The process of application for ordinary membership of the Association shall always remain open up to 1000 members in total unless more than 90% of the current financial Members of the Association vote by secret ballot at a future General Meeting in favour of a motion to freeze the membership application process.

5. **RESIGNATION AND TERMINATION OF MEMBERSHIP**

5.1. A member may resign from the Association at any time by giving notice in writing to the secretary. Such resignation shall take effect at the time such notice is received by the secretary unless a later date is specified in the notice when it shall take effect on that later date.

5.2. The Management Committee shall consider whether a membership shall be terminated if a member,

5.2.1 is convicted of an indictable offence, or

5.2.2 fails to comply with any of the provisions of these rules, or

5.2.3 has membership fees in arrears for a period of twelve months or more, or

5.2.4 conducts him/herself in a manner considered to be injurious or prejudicial to the character or interests of the Association.

5.2.5 directly indulges in physical or verbal conflict with, or abuse of the Management Committee or employee of the Association or general public within the temple premises.

5.3 The member concerned shall be given a full and fair opportunity for presenting his/her case and if the Management Committee resolves to terminate his/her membership by two-thirds majority decision it shall instruct the secretary to advise the member in writing accordingly and post to the last known registered address.

5.4. A member or office bearer terminated under provisions of Rule 5.2.1, 5.2.2, 5.2.3, 5.2.4 and 5.2.5 shall not be eligible for readmission as a member for a minimum period of two years from the date of termination.

5.5. Any member who ceases to be a member either by resignation or termination from the Association shall forfeit all moneys paid to the Association and lose all rights, benefits and privileges of the Association.

6. APPEAL AGAINST TERMINATION OF MEMBERSHIP

- 6.1 A person who was a member and whose membership has been terminated, may within one month of receiving written notification thereof lodge with the secretary written notice of his/her intention to appeal against the decision of the Management Committee.
- 6.2 Upon receipt of a notification of intention to appeal against the termination of membership the secretary shall convene, within three months of the date of receipt by him/her of such notice, a general meeting to determine the appeal. At any such meeting the applicant shall be given the opportunity to fully present his/her case and the Management Committee or those members thereof who terminated the membership subsequently shall likewise have the opportunity of presenting its or their case. The appeal shall be determined by a simple majority vote of the current financial members present and eligible to vote at such meeting.

7. REGISTER OF MEMBERS

- 7.1 The Management Committee shall cause a Register to be kept in which shall be entered the names and residential addresses of all persons admitted to membership of the Association and the dates of their admission.
- 7.2 Particulars shall also be entered into the Register of deaths, resignations, terminations and reinstatements of memberships and further particulars as the Management Committee or the members at any general meeting may require from time to time.
- 7.3 The Register shall be open for inspection at all reasonable times by any member who previously applies to the secretary for such inspection.
- 7.4 Contact details of the members in the register shall be kept in a separate segment and shall not be open for inspection in order to protect the privacy of the members.
- 7.5 It shall be the responsibility of the member to keep the Association informed of his/her contact details including electronic mail in addition to postal address as all future communications will be gradually changed to electronic mail for ease of delivery and cost saving.

8. MEMBERSHIP OF MANAGEMENT COMMITTEE

- 8.1
- 8.1.1 The Management Committee of the Association shall consist of seven (7) members and they shall consist of a President, a Vice-President, a Secretary, a Treasurer, and three Committee Members.
- 8.1.2 A simple majority of the Management Committee members including the President, Vice-President, Secretary and Treasurer shall be elected from the category of Founder or Life Members. This requirement may be reviewed every 5 years subject to the provisions of Rule 2.2.20.
- 8.1.3 The Management Committee may co-opt a maximum of three financial members from the Hindu community to attend its meetings. The co-opted financial members shall have no voting rights at the management committee meetings.
- 8.1.4 Any decision at the meeting of the management committee shall pass with a simple majority of the total number in the Management Committee Team (i.e., 4 out of a 7 member Management Committee). Attendance at Management Committee meetings shall be by physical presence or via teleconferencing.

- 8.2 The Management Committee shall be elected at the Annual General Meeting by a majority of members entitled to voting rights and shall remain in office until the next Annual General Meeting.
- 8.3 At the Annual General Meeting of the Association all the members of the Management Committee for the time being shall retire from office, but shall be eligible for re-election **subject to Rule 8.4.7.**
- 8.4 The election of officers and other members of the Management Committee shall take place in the following manner:
- 8.4.1 Any two **current** financial members of the Association (**see Rule 3.1.7**) shall be at liberty to nominate any other current financial member to serve as an officer or other member of the Management Committee.
- 8.4.2 The nomination, which shall be in writing and signed by the **nominated** member and his/**her** proposer and seconder, shall be lodged with the **Returning Officer elected at the previous AGM, or by the secretary of the Association in the unforeseen circumstance of such Returning Officer not being available,** at least fourteen days before the Annual General Meeting at which the election is to take place.
- 8.4.3 A list of the candidates' names in alphabetical order with the proposers' and seconders' names shall be posted in a conspicuous place in the office or usual place of meeting of the Association, **and the Centre** for at least seven days immediately preceding the Annual General Meeting.
- 8.4.4 Balloting lists shall be prepared (if necessary) containing the names of the candidates in alphabetical order, and each financial member present at the Annual General Meeting shall be entitled to vote for any number of such candidates not exceeding the number of vacancies.
- 8.4.5** Should at the commencement of such meeting, there be an insufficient number of candidates nominated, nominations may be taken from the floor of the meeting **whence Rule 8.4.7 shall not apply. The names of the proposer and seconder of such nominations shall be recorded in the minutes.**
- 8.4.6** Any member of the Management Committee may resign from membership of the Management Committee at any time by giving notice in writing to the secretary **and such resignation shall take effect at the time such notice is received by the secretary unless a later date is specified in the notice when it shall take effect on that later date.**
- 8.4.7 **A member of the Management Committee may** be removed from office at a General Meeting of the Association where that member shall be given the opportunity to fully present his/**her** case. The question of removal shall be determined by a **simple majority** vote of the current financial members present at such General Meeting.
- 8.4.8.1 **No member who has served in the office of President or Vice-President or Secretary or Treasurer (hereinafter called Executive Positions) for three of a five year cycle of consecutive terms shall be eligible for re-election to the management committee within the remaining two years of the five year cycle of consecutive terms – a five year cycle shall be calculated to commence from the member's first position in the Management Committee.**
- 8.4.8.2 **Alternate Version of above:** Positions of President, Secretary and 1 committee member shall be elected for a 2 year term and the Vice-President, Treasurer and 2 committee members shall be elected for 2 year term the next year. This practice will continue to ensure there is continuity in the committee every year. After a 2 year period in any executive position (President, Vice-President, Secretary and Treasurer), there shall have to be a break of a year before a member is eligible to apply for another executive position in the committee, but he/she shall be eligible to apply for the position of a committee member without having to wait out a period of one year.

9. VACANCIES OF MANAGEMENT COMMITTEE

- 9.1 The Management Committee shall have power at any time to appoint any member of the Association to fill any casual vacancy on the Management Committee until the next Annual General Meeting. This casual vacancy shall be filled by a Founder or Life Member for the positions of President, Vice-President, Secretary or Treasurer, and by Founder, Life or Ordinary members for the other positions.
- 9.2 The continuing members of the Management Committee may act notwithstanding any casual vacancy in the Management Committee, but if and so long as their number is reduced below the number fixed by or pursuant to these Rules as the continuing member or members may act for the purpose of increasing the number of members of the Management Committee to that number by summoning a General Meeting of the Association.
- 9.3 In the event of the post of President falling vacant, it shall be filled by the Vice-President until the next Annual General Meeting and the post of Vice-President be filled as a casual vacancy.

10. FUNCTIONS OF THE MANAGEMENT COMMITTEE

- 10.1 Except as otherwise provided by these Rules and subject to resolutions of the members of the Association carried at any General Meeting, the Management Committee
- 10.1.1 shall have the general control and management of the administration of the affairs, property and funds of the Association, and
- 10.1.2 shall have authority to obtain legal advice to interpret the meaning of these Rules and any matter relating to the Association on which these Rules are silent.
- 10.2 The Management Committee may exercise all the powers of the Association:
- 10.2.1 to borrow or raise or secure the payment of money in such a manner as the Management Committee may think fit and secure the same or the payment or performance of any debt, liability, contract, guarantee or other engagement incurred or to be entered into by the Association in any way and in particular by the issue of debentures, perpetual or otherwise, charged upon all or any of the Association's property, both present and future, and to purchase, redeem or pay off any such securities,
- 10.2.2 to borrow from members at the rate of interest not exceeding interest at the rate for the time being charged by bankers in Brisbane for overdrawn accounts on money lent, whether the term of the loan be short or long, and to mortgage or charge its property or any part thereof and to issue debentures and other securities, whether outright or as security for any debt, liability or obligation of the Association, and to provide and pay off any such securities, and
- 10.2.3 to invest in such manner as the members of the Association may from time to time determine.
- 10.2.4 Capital Expenditure of the Association shall be limited to a total of \$100,000 at any point in time or for any one job (either in part or as a whole) and the Management Committee will act according to the Rule 10.2.5.1 and 10.2.5.2 given below.
- 10.2.5.1 For any amount in excess of \$100,000.00, the above rules 10.2.1, 10.2.2, 10.2.3 and 10.2.4 shall be subject to approval by a 75% vote of the current financial members.
- 10.2.5.2 For any amounts less than \$100,000.00, approval shall be obtained by a simple majority of the management committee (i.e., 4 out of a 7 member management committee).

- 10.3 The Management Committee shall cause minutes to be made
- 10.3.1 of all appointments of officers, work contracts and employees,
 - 10.3.2 of names of members of the Management Committee present at all meetings of the Association and of the Committee, and
 - 10.3.3 of all proceedings at all meetings of the Association and of the Management Committee.

Such minutes shall be signed by the chairman of the meeting at which the proceedings were held or by the chairman of the next succeeding meeting.

- 10.4 The Management Committee may delegate any of its powers to a sub-committee consisting of such members of the Association as the management committee thinks fit. Any sub-committee so formed shall, in the exercise of the powers so delegated, conform to any regulations that may be imposed on it by the management committee.

11. MEETINGS OF MANAGEMENT COMMITTEE (Previously Rule 14)

- 11.1 The Management Committee shall meet at least once every calendar month to exercise its functions.
- 11.2 A special meeting of the Management Committee shall be convened by the secretary on the requisition in writing signed by not less than one-third of the members of the Management Committee, which requisition shall clearly state the reason why such special meeting is being convened and the nature of business to be transacted thereat.
- 11.3 At every meeting of the Management Committee a simple majority of a number equal to the number of members elected and/or appointed to the Management Committee as at the close of the last General Meeting of the members, shall constitute a quorum.
- 11.4 Subject to rules 11.1, 11.2 and 11.3 as previously provided in this rule, the Management Committee may meet together and regulate its proceedings as it thinks fit provided that questions arising at any meeting of the Management Committee shall be decided by a majority of vote, and in the case of equality of votes the question shall be deemed to be decided in the negative.
- 11.5 A member of the Management Committee shall not vote in respect of any contract or proposed contract with the Association in which he/she has an interest in, or on any matter arising thereout, and if he/she does so vote, his/her vote shall not be counted.
- 11.6 Not less than fourteen days notice shall be given by the secretary to the members of the Management Committee of any special meeting of the Management Committee. Such notice shall clearly state the nature of the business to be discussed thereat.
- 11.7 The president shall preside as chairman at every meeting of the Management Committee, or if there is no president, or if at any meeting he/she is not present within ten minutes after the time appointed for holding the meeting, the vice-president shall be chairman, or if the vice-president is not present, then the members present at the meeting may choose one of their number to be chairman of the meeting.
- 11.8 All acts done by any meeting of the Management Committee or of a sub-committee or by any person acting as a member of the Management Committee shall, notwithstanding that it is afterwards discovered that there was some defect in the appointment of any such member of the Management Committee or person acting as aforesaid, or that the members of the Management Committee or any of them were disqualified, be as valid as if every such person had been duly appointed and was qualified to be a member of the Management Committee, provided such acts were done in good faith and for the benefit of the Association, and not for the benefit of an individual.

- 11.9 A resolution in writing signed by all the members of the Management Committee for the time being entitled to receive notice of a meeting of the Management Committee shall be as valid and effectual as if it had been passed at a meeting of the Management Committee duly convened and held. Any such resolution may consist of several documents in like form, each signed by one or more of the Management Committee.
- 11.10 The co-opted financial members shall not have the right to vote at the meetings of the Management Committee.

12. **MEETINGS OF THE ASSOCIATION (Previously Rule 13.2 to 13.4)**

- 12.1 The secretary shall convene all General Meetings of the Association by giving not less than 14 days notice of any such meeting to the members of the Association.
- 12.2 The manner by which such notice shall be given shall be determined by the Management Committee provided that notice of any meeting convened for the purpose of hearing and determining the appeal of a member against the rejection or termination of his membership by the Management Committee, shall be given in writing. Notice of a General Meeting shall clearly state the nature of the business to be discussed thereat.
- 12.3 Unless otherwise provided by these rules, at every General Meeting
- 12.3.1 The president shall preside as chairman at every General Meeting of the Association, or if there is no president, or if he is not present within fifteen minutes after the time appointed for the holding of the meeting, the vice-president shall be the chairman or if the vice-president is not present or is unwilling to act, **any member of the management committee or if a member of the management committee is not present or is unwilling to act**, then members shall elect one of their number to be chairman of the meeting.
- 12.3.2 The chairman shall maintain order and conduct the meeting in a proper and orderly manner.
- 12.3.3 Every question matter or resolution shall be decided by a majority of votes of the members present.
- 12.3.4 Every financial member present shall be entitled to one vote and in the case of an equality of votes the chairman shall have a second or casting vote.
- 12.3.5 **A member may vote in person or by proxy or by attorney, and on a show of hands every person present who is a current financial member shall have one vote, and a representative of a member shall have one vote per proxy, and in a secret ballot every member present in person or by proxy shall have one vote each. A person shall be entitled to have a vote for each proxy (maximum of 10% of total membership) he/she holds in addition to his/her own vote if he/she is are also a current financial member.**
- 12.3.6 The instrument appointing a proxy shall be in writing, in the common or usual form under the hand of an officer or attorney duly authorized. A proxy may, but need not be a member of the Association. The instrument appointing a proxy shall be deemed to confer authority **only to participate by voting in a ballot, secret or otherwise, and not to confer any authority to speak at the meeting.**
- 12.3.7 Where it is declared to afford members an opportunity of voting for or against a resolution the instrument appointing a proxy shall be in a form as near as the following format as circumstances permit and printed in the official letterhead of the Association, and issued by the current Management Committee of the Association – **please see Annexure 2 – Association Proxy Appointment Form.**
- 12.3.8 The instrument appointing a proxy shall be deposited with the secretary prior to the commencement of any meeting or adjourned meeting at which the person named in the instrument proposed to vote, and
- 12.3.9 The secretary shall cause full and accurate minutes of all questions, matters, resolutions and other proceedings of every Management Committee meeting and General Meeting to be entered in a book to

be open for inspection at all reasonable times by any financial member within a fortnight of such application to the secretary for that inspection. For the purpose of ensuring the accuracy of the recording of such minutes, the minutes of every Management Committee meeting shall be signed by chairman of that meeting or the chairman of the next succeeding Management Committee meeting verifying their accuracy. Similarly the minutes of every General Meeting shall be signed by the chairman of that meeting or the chairman of the next succeeding General Meeting.

12.4 GENERAL MEETINGS (Previously Rule 12.1 followed by Rule 11.1 to 11.4.(ii))

12.4.1 The first General Meeting shall be held at such time, not being less than one month nor more than three months after the incorporation of the Association, and at such place as the Management Committee may determine.

12.4.2 No business shall be transacted at a General Meeting unless a quorum of current financial members is present at the time when the meeting proceeds to business. Save as herein otherwise provided twenty per centum (20%) of the current financial members present in person shall be the quorum. For the purpose of this article, 'member' includes a person attending as a proxy. A person shall be entitled to have a vote for each proxy (maximum of 10% of total membership) he/she holds in addition to his/her own vote if he/she is also a current financial member.

12.4.3 If within half an hour from the time appointed for the meeting a quorum is not present, the meeting, if convened upon requisition of members, shall be dissolved; in any other case it shall stand adjourned to the same day in the next week at the same time and place, or to such other day and at such other time and place as the Committee may determine, and if at the adjourned meeting a quorum is not present within half hour from the time appointed for the meeting, the meeting shall be dissolved.

12.4.4 The president shall preside as chairman at every General Meeting of the Association, if there is no president, or if he is not present within fifteen minutes after the time appointed for the holding of the meeting, the vice-president shall be the chairman or if the vice-president is not present or is unwilling to act then members shall elect one of their number to be chairman of the meeting.

12.4.5 At any General Meeting a resolution put to the vote of a meeting shall be decided on a show of hands unless a poll by secret ballot is demanded before or on the declaration of the result of the show of hands:

12.4.5.1 by the chairman, or

12.4.5.2 by at least three members present in person or by proxy.

12.4.5.3 Unless a poll is so demanded, a declaration shall be made by the chairman that a resolution has on a show of hands been lost or carried unanimously or by a particular majority, and an entry to that effect shall be made in the minutes of the proceedings of the Association. This entry shall be conclusive evidence of the above fact without requirement for proof of the number or proportion of the votes which are recorded in favour of or against the resolution.

12.5 ANNUAL GENERAL MEETING

12.5.1 The Annual General Meeting shall be held within three months of the close of the financial year, which is also the calendar year ending on the 31 day of the month of December.

12.5.2 All attempts should be made to mail (electronic or postal) audited accounts to financial members of the Association at least 1 week before the Annual General Meeting. If audited accounts are not available, a provisional financial report must be mailed in it's place at least 1 week before the Annual

General Meeting, to be followed up by Audited Financial Report being presented at an Extraordinary General Meeting of the Association to adopt the Audited Financial report, and this shall be done within four months of the close of the previous financial year.

12.5.3 All relevant documents in paper or electronic form pertaining to the immediately past financial year shall be brought to the Annual General Meeting, and handed over to the incoming committee at the end of the meeting and signed off by both outgoing and incoming committees.

12.5.4 Ensuring the Audited Financial Report is presented for adoption at the Annual or Extraordinary General Meeting shall be the responsibility of the outgoing treasurer.

12.5.5 All other documents relating to the past records of the Association shall be handed over to the incoming committee within two weeks of the Annual General Meeting, and be itemised, dated and signed off by both the outgoing and incoming committees.

12.5.6 The business to be transacted at every Annual General Meeting shall include:

12.5.6.1 the receiving of the Management Committee's report and the statement of income and expenditure, assets and liabilities and mortgages, charges and securities affecting the property of the Association for the preceding financial year,

12.5.6.2 the receiving of the auditor's report upon the books and accounts for the preceding year,

12.5.6.3 the election of members of the Management Committee,

12.5.6.4 the appointment of an auditor, and

12.5.6.5 the appointment of a Returning Officer for the next AGM.

12.6 **EXTRAORDINARY GENERAL MEETINGS (Previously Rule 13.1)**

The secretary shall convene an Extraordinary General Meeting of the Association

12.6.1 when directed to do so by the Management Committee, or

12.6.2 on the requisition in writing signed by not less than one third of the members presently on the Management Committee or not less than 25% of current financial members. Such requisition shall clearly state the reasons why such Special General Meeting is being convened and the nature of the business to be transacted thereat, or

12.6.3 on being given a notice in writing of an intention to appeal against the decision of the Management Committee to reject an application for membership or to terminate the membership of any person.

13. **BY LAWS (Previously Rule No: 15)**

The Management Committee may from time to time make, amend or repeal by-laws not inconsistent with these rules for the internal management of the Association and any by-law may be set aside by a general meeting of members.

14. **ALTERATION OF RULES (Previously Rule No: 16)**

Subject to the provisions of the Association's Incorporation Act 1981, these rules may be amended, rescinded or added to from time to time by a special resolution carried at any General Meeting: Provided that no such amendment, rescission or addition shall be valid unless the same shall previously be submitted to and approved by the Under Secretary, Department of Justice, Brisbane.

15. **FUNDS AND ACCOUNTS (Previously Rule 18)**

- 15.1 The funds of the Association except for the funds specified in 15.2 shall be banked in the name of the Association in such bank as the Management Committee may from time to time direct.
- 15.2 Special Hindu Education Centre accounts shall be established for the sole purpose of planning, constructing and maintaining a Hindu Education Centre. All donations given for such planning, constructing and maintaining of The Centre shall be placed in these funds and shall be deposited in special accounts maintained at a prime trading bank, as determined by the Management Committee. Any withdrawal by the authorised signatories shall be made for the sole purpose of planning, and constructing and maintaining The Centre.
- 15.3 Proper books and accounts shall be kept and maintained either in writing or printed form showing correctly the financial affairs of the Association and the particulars usually shown in books of a like nature.
- 15.4 All moneys shall be banked as soon as practicable after receipt thereof.
- 15.5 All amounts, of twenty dollars or over shall be paid by Internet Banking or by a cheque signed by the President, Vice-President, Secretary, Treasurer or other member authorised from time to time by the Management Committee.
- 15.6 Cheques shall be crossed 'not negotiable' except those in payment of wages, allowances or petty cash recouplements which may be open.
- 15.7 The Management Committee shall determine the amount of petty cash, which shall be kept, on the imprest system.
- 15.8 All expenditure shall be approved or ratified at a Management Committee meeting.
- 15.9 As soon as practicable after the end of each financial year the Treasurer shall prepare a statement containing particulars of:
- 15.9.1 the income and expenditure for the financial year just ended, and
- 15.9.2 the assets and liabilities and of all mortgages, charges and securities affecting the property of the Association at the close of that financial year.
- 15.10 All such statements shall be examined by the auditor who shall present his report upon such audit to the secretary prior to the holding of the Annual General Meeting next following the financial year in respect of which such audit was made.
- 15.11 The income and property of the Association whencesoever derived shall be used and applied solely in promotion of its objects and in the exercise of its powers as set out herein-and no portion thereof shall be distributed, paid or transferred directly or indirectly by way of dividend, bonus or otherwise by way of profit to or amongst the members of the Association provided that nothing herein contained shall prevent the payment in good faith of interest to any such member in respect of moneys advanced by him/her to the Association or otherwise owing by the Association to him/her or of remuneration to any officers or servants of the Association or to any member of the Association or other person in return for any services actually rendered to the Association provided further that nothing herein contained shall be construed so as to prevent the payment or repayment to any member of out of pocket expenses, money lent, reasonable and proper charges for goods hired by the Association or reasonable and proper rent for premises demised or let to the Association.
- 15.12 Every member of the Association undertakes to contribute to the assets of the Association, in the event of

the same being wound up while he/she is a member, or within one year after he/she ceases to be a member, for payment of the debts and liabilities of the Association (contracted before he/she ceases to be a member) and of the costs, charges and expenses of winding up and for the adjustment of the rights of the contributories among themselves, such amount as may be required not exceeding one hundred dollars (\$100.00).

15.13 Dissolution of the Association:

15.13.1 The Association shall be dissolved in the event of membership of less than three persons or upon the vote of three-fourths majority of members present at such a Special General Meeting convened to consider such a question.

15.13.2 Upon a resolution being passed in accordance with rule 15.13.1, all assets and funds of the association on hand shall, after the payment of all expenses and liabilities, be handed over to such registered or exempted charity, meeting the requirements of paragraph 78 (i) of the Income Tax Assessment Act, or charities as a simple majority of current Founder and Life Members of the Association at the Special General Meeting so convened, or at a subsequent Special General Meeting, may decide.

15.13.3 Pursuant to sub-clauses above, the Association or its assets shall always remain the property of its membership or of a charity and shall never be owned by private individuals or groups.

16. COMPLAINTS AND SUGGESTIONS (Previously Rule No: 19)

Complaints and suggestions may be made in writing to the Secretary, who shall submit the same to the Management Committee at its next meeting provided the said complaints and suggestions are not anonymous.

17. DAMAGE TO PROPERTY (Previously Rule No: 20)

Any member who damages or loses any property belonging to the Association shall be required to make good the loss.

18. CHANGE OF ADDRESS (Previously Rule No: 21)

Members shall keep the Secretary informed of all changes to their addresses. All notices posted or sent to the last registered address of any member shall be deemed to have been duly served.

19. DOCUMENTS (Previously Rule No: 22)

19.1 The Management Committee shall provide for the safe custody of books, documents, instruments of title and securities of the Association.

19.2 The Management Committee shall maintain proper filing of all activities relating to legal, statutory and financial dealings and transactions, observing acceptable filing standards and procedures, conducted under its term of office. These files, records together with keys, electronic data and administration passwords shall be brought to the Annual General Meeting and formally handed over to the incoming committee and be witnessed and countersigned by at least two current financial members present at the Annual General Meeting. The document of hand over will include all signatures of the outgoing and incoming committee members and two independent witnesses as mentioned above.

20. COMMON SEAL (Previously Rule No: 17)

The Management Committee shall provide for a Common Seal and for its safe custody. The Common Seal shall only be used by the authority of the Management Committee and every instrument to which the seal is affixed shall be signed by a member of the Management Committee and shall be countersigned by the Secretary or a second member of the Management Committee or by some person appointed by the Management Committee for the purpose.

21. **FINANCIAL YEAR (Previously Rule No: 23)**

The financial year of the Association shall close on 31st December each year.

22. **AUDIT (Previously Rule No: 24)**

A properly qualified auditor or auditors shall be appointed at a General Meeting and his/her or their duties regulated according to that act. If the office of the auditor or auditors is vacant, a pro-term appointment will be made by the Committee until the next General Meeting.

23. **WINDING-UP (Previously Rule No: 25)**

The provision of Rules 15.12 and 15.13 of the Association relating to the winding up or dissolution of the Association shall have effect and be observed as if the same were repeated in these regulations.

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Annexure 1 - Sample Membership Application Form of the Association.

APPLICATION FOR FULL MEMBERSHIP

I, of
(print full name of the applicant) (address)

.....
(address)

Phone: Mob:

Email Address: hereby apply to become a

Tick one box only. Circle amount and whether single or couple. The donation should be paid with the completed Application Form.

Only an Australian Citizen over 18 yrs eligible to apply. \$50.00 Application Fee is non refundable.

1. Life Member/s (annual renewal fees not required)

- i) Current Founder Member/s = Donation of \$2,000 / \$3,000
single / couple
- ii) Current Ordinary Member/s = Donation of \$10,000 / \$15,000
single / couple

2. Ordinary Member/s (annual renewal fees required) = Donation of \$1,000 / \$1,500
single / couple

New Membership applicants – Please provide evidence of your service to the Association and the SSVK in the last 5 years. Use a separate sheet if required.

.....
.....
.....
.....
.....
.....
.....

In the event of my admission as a member of any category, I agree to be bound by the current constitution of the Association - Hindu Ahlaya Sangam Qld (HASQ) Inc. (only current HASQ financial members eligible to propose and second application).

.....
Signature of the applicant Date

.....
Proposed by Founder/Life Member (Name) Signature Date

.....
Seconded by Member (Name) Signature Date

Annexure 2 – Sample Proxy Appointment Form of the Association

Proxy Appointment Form

I, of
(print full name of the applicant) (address)
.....
(address)

being a member of the above named Association, hereby appoint

..... of
(print full name of the proxy 1) (address)
..... or of failing
(address)

him/her, of
(print full name of the proxy 2) (address)
.....
(address)

- as my proxy to vote for me on my behalf at the Annual General Meeting of the Association, to be held on the day of, 20, and at any adjournment thereof.
- I direct my proxy to vote in relation to the following candidates, resolutions or matters as follows:

.....

- I understand that in the event I am present at the meeting, my proxy will become null and void.
- I understand that my proxy will have the authority to only vote or demand or join in demanding a secret ballot. (Clauses 12.3.5, 12.3.6 and 12.3.7)
- I understand that unless otherwise instructed by me, my proxy may vote as he/she thinks fit.
- No proxy shall accept appointments to represent more than 10% of the HASQ membership, including their own.
- I understand that my proxy's vote (on my behalf) will be rendered null and void if my proxy attempts to vote on behalf of more than 10% of the HASQ membership, including their own. It is therefore my responsibility to make the necessary inquiries.

.....
Signature of the member Date

.....
Witnessed by (Name) Signature Date

This Proxy Form should be signed by the member giving proxy and witnessed, signed, dated and stamped where applicable by a Founder/Founder-Life/Ordinary/Ordinary-Life Member of the Association or a registered Notary Public, Justice Of The Peace or Commissioner Of Declarations.