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Constitution

Telugu Association of Australia
Inc.

Organisation Number: A0025533F

Associated Incorporation- Not-for-Profit Organisation

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PART 1 - PRELIMINARY

1. Name

The name of the association is "Telugu Association of Australia Incorporated" herein after referred to as TAAI.

2. Purposes

The purposes of the association are:

- 1) Promote goodwill at large.
- 2) Preserve, maintain, and perpetuate the heritage of the people of Telugu Origin and uphold the secular nature of Telugu communities.
- 3) Promote Telugu literature, culture, educational, social, economic, and community affairs of the Telugu speaking people.
- 4) Maintain close collaboration, foster friendship and understanding with other social, cultural and community organisations.
- 5) Organise periodic Telugu literary, educational, youth, cultural functions and conferences.
- 6) Work closely with government departments and other likeminded organisations to ensure Telugu community interests are protected.
- 7) Assist people of Telugu origin in need and aid newly arrived immigrants, visitors and students.
- 8) Promote cultural and social integration between Telugu community and local Australian population at large.
- 9) To operate and maintain the tax-deductible gift fund set out in Part 8 of the Rules.

3. Financial year

The financial year of the Association is each period of 12 months ending on 30th June.

4. Definitions

In these Rules -

Absolute majority, of the Committee, means a majority of the committee members currently holding office and entitled to vote at the time (as distinct from a majority of committee members present at a committee meeting);

ACNC means the Australian Charities and Not-for-profits Commission.

ACNC Legislation means the Australian Charities and Not-for-profits Commission Act 2012 (Cth) and the Australian Charities and Not-for-profits Commission (Consequential and Transitional) Act 2012 (Cth).

Annual Associate Member means a member referred to in rule 13(1);

Advisory Board means the Advisory Board responsible for long term strategy and financial monitoring.

Australia Telugu Community and Cultural Centre Ltd (ATCCC) means charitable entity of Telugu Association of Australia Incorporated (TAAI).

Chairperson, of a general meeting or committee meeting, means the person chairing the meeting as required under rule 45;

Charity means a charity registered under the ACNC Legislation.

Committee means the Committee having management of the business of the Association;

Committee meeting means a meeting of the Committee held in accordance with these Rules;

Committee member means a member of the Committee elected or appointed under Division 4 of Part 5;

Deductible Gift Recipient means an entity to which tax deductible gifts may be made pursuant to Division 30 of the ITAA 97.

Disciplinary appeal meeting means a meeting of the members of the Association convened under rule 22(3);

Disciplinary meeting means a meeting of the Committee convened for the purposes of rule 21;

Disciplinary subcommittee means the subcommittee appointed under rule 19;

Donor Member means any individual who becomes a member as per rule seven

Financial year means the 12 month period specified in rule 3;

Financial statements means income and expenditure (Income Statement); assets and liabilities (Balance Sheet) prepared for the financial year.

General meeting means a general meeting of the members of the Association convened in accordance with Part 4 and includes an annual general meeting, a special general meeting and a disciplinary appeal meeting;

ITAA 97 means the Income Tax Assessment Act 1997 (Cth).

Immediate family member means a spouse, de facto partner, child, parent, brother, sister, brother-in-law, sister-in-law.

Member means a member of the Association;

Member entitled to vote means a member who under rule 12(2) is entitled to vote at a general meeting;

Regional Entity (RE) means any group of Telugu people living in Regional Victoria.

Special resolution means a resolution that requires not less than three-quarters of the members voting at a general meeting, whether in person or by proxy, to vote in favour of the resolution;

The Act means the **Associations Incorporation Reform Act 2012** and includes any regulations made under that Act;

The Registrar means the Registrar of Incorporated Associations.

PART 2 - POWERS OF ASSOCIATION

5. Powers of Association

- 1) Subject to the Act, the Association has power to do all things incidental or conducive to achieve its purposes.
- 2) Without limiting sub rule (1), the Association may -
 - a) Acquire, hold and dispose of real or personal property;
 - b) Open and operate accounts with financial institutions;
 - c) Enter into any other contract it considers necessary or desirable.
- 3) The Association may only exercise its powers and use its income and assets (including any surplus) for its purposes.

6. Not for profit organisation

- 1) The Association must not distribute any surplus, income or assets directly or indirectly to its members.
- 2) Sub rule (1) does not prevent the Association from paying a member -
 - a) Reimbursement for expenses properly incurred by the member; or
 - b) For goods or services provided by the member

If this is done in good faith on terms no more favourable than if the member was not a member. This reimbursement has to be authorised by Executive Committee and recorded in the minutes along with the reasons and justification for reimbursement.

.PART 3 - MEMBERS, DISCIPLINARY PROCEDURES AND GRIEVANCES

Division 1 - Membership

7. Who is eligible to be a member?

- 1) For a member to be eligible
 - a) An Australian Citizen or Permanent Resident who is above 18 years of age and
 - b) Who supports the purposes of the Association and
 - c) Nominated and approved for membership as provided in these rules and
 - d) Who makes a payment to become a Donor Member, Life Member and/or Annual Associate Member under these rules.
 - 2) There shall be three categories of members.
 - a) Donor (Individual)
 - b) Life (Individual/Family)
 - c) Associate (Individual/Family).
 - 3) Members of the Association other than Annual Associate Members have voting rights in the general meetings of the Association.
 - 4) Other than voting rights at general meetings, a Family membership comprises the husband/wife or two partners or two spouses, dependent children and dependent parents who are living under the same roof.
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- 5) Other than voting rights at TAAI general meeting, a Donor member shall have voting rights in the general meetings of Australia Telugu Community and Cultural Centre Ltd.

8. Application for membership

- 1) To apply to become a member of the Association, a person must submit a written application to a committee member stating that the person -
 - a) Wishes to become a member of the Association; and
 - b) Supports the purposes of the Association; and
 - c) Agree to comply with these Rules.
- 2) The application—
 - a) Must be signed by the applicant; and
 - b) Must be accompanied by the annual or life subscription fee.

Note

The annual and life subscription fee is the fee determined by the Association under rule 11(3).

9. Consideration of application

- 1) As soon as practicable after an application for membership is received, the Committee must decide by resolution whether to accept or reject the application.
- 2) The Committee must notify the applicant in writing of its decision as soon as practicable after the decision is made.
- 3) If the Committee rejects the application, it must return any money accompanying the application to the applicant.
- 4) No reason need be given for the rejection of an application.

10. New membership

- 1) If an application for membership is approved by the Committee -
 - a) The resolution to accept the membership must be recorded in the minutes of the committee meeting; and
 - b) The Secretary must, as soon as practicable, enter the name and address of the new member, and the date of becoming a member, in the register of members.
- 2) A person becomes a member of the Association and, subject to rule 12 (2), is entitled to exercise his or her rights of membership from the date, whichever is the later, on which -
 - a) The Committee approves the person's membership;
 - or b) The person pays the subscription fee.

11. Annual and life subscription fee

- 1) At annual general meeting, the Association may determine -
 - a) The amount of the annual and life subscription for the following financial year; and
 - b) The date for payment of the annual subscription.
-

- 2) The Association may determine that a lower annual subscription is payable by Annual Associate Members.
- 3) The Association may determine that any new member who joins after the start of a financial year must, for that financial year, pay a fee equal to -
 - a) The full annual subscription; or
 - b) A pro rata annual subscription based on the remaining part of the financial year; or
 - c) A fixed amount determined from time to time by the Association.
- 4) The rights of a member (including the right to vote) who has not paid the annual subscription by the due date are suspended until the subscription is paid.
- 5) Any annual member can upgrade his/her membership to Life membership by paying the difference in membership dues within the same calendar year. Membership status shall be effective from the date of receipt of the payments.

12. General rights of members

- 1) A member of the Association who is entitled to vote has the right -
 - a) To receive notice of general meetings and of proposed special resolutions in the manner and time prescribed by these Rules; and
 - b) To submit items of business for consideration at a general meeting; and
 - c) To attend and be heard at general meetings; and
 - d) To vote at a general meeting; and
 - e) To have access to the minutes of general meetings and other documents of the Association as provided under rule 78; and
 - f) To inspect the register of members.
- 2) A member is entitled to vote if—
 - a) The member is not an Annual Associate Member.
 - b) More than 50 days have passed since he or she became a member of the Association prior to the date of general or special meetings.
 - c) The member's membership rights are not suspended for any reason.
 - d) He/she is one of the spouse or partner in the life/annual family category.

13. Annual Associate Members

- 1) Annual Associate Members of the Association include -

A natural person who is NOT a Citizen or Permanent Resident of Australia but residing in Australia. Upon approval by the Committee and payment of all annual subscription fees, the applicant is eligible to become an Annual Associate Member of the Association.
- 2) An Annual Associate Member must not vote but may have other rights as determined by the Committee or by resolution at a general meeting.

14. Rights not transferable

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

15. Ceasing membership

- 1) The membership of a person ceases on resignation, expulsion or death.
- 2) If a person ceases to be a member of the Association, the Secretary must, as soon as practicable, enter the date the person ceased to be a member in the register of members.

16. Resigning as a member

- 1) A member may resign by notice in writing given to the Association.

Note

Rule 77(3) sets out how notice may be given to the association. It includes by post or by handing the notice to a member of the committee.

- 2) A member is taken to have resigned if the member's annual subscription is more than 12 months in arrears.

17. Register of members

- 1) The Secretary must keep and maintain a register of members that includes -
 - a) For each current member -
 - i) The member's name;
 - ii) The address for notice last given by the member;
 - iii) The date of becoming a member;
 - iv) If the member is an Annual Associate Member, a note to that effect;
 - v) Any other information determined by the Committee; and
 - b) For each former member, the date of ceasing to be a member.
- 2) Any member may, at a reasonable time and free of charge, inspect the register of members.

Note

Under section 59 of the Act, access to the personal information of a person recorded in the register of members may be restricted in certain circumstances. Section 58 of the Act provides that it is an offence to make improper use of information about a person obtained from the Register of Members.

Division 2—Disciplinary action

18. Grounds for taking disciplinary action

The Association may take disciplinary action against a member in accordance with this Division if it is determined that the member -

- a) Has failed to comply with these Rules; or
- b) Refuses to support the purposes of the Association; or
- c) Has engaged in conduct prejudicial to the Association.

19. Disciplinary subcommittee

- 1) If the Committee is satisfied that there are sufficient grounds for taking disciplinary action against a member, the Committee must appoint a disciplinary subcommittee to hear the matter and determine what action, if any, to take against the member.
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- 2) The members of the disciplinary subcommittee -
 - a) May be Committee members, TAAI Advisory Board members, members of the Association or anyone else; but
 - b) Must not be biased against, or in favour of, the member concerned.

20. Notice to member

- 1) Before disciplinary action is taken against a member, the Secretary must give written notice to the member—
 - a) Stating that the Association proposes to take disciplinary action against the member; and
 - b) Stating the grounds for the proposed disciplinary action; and
 - c) Specifying the date, place and time of the meeting at which the disciplinary subcommittee intends to consider the disciplinary action (the *disciplinary meeting*); and
 - d) Advising the member that he or she may do one or both of the following -
 - i) Attend the disciplinary meeting and address the disciplinary subcommittee at that meeting;
 - ii) Give a written statement to the disciplinary subcommittee at any time before the disciplinary meeting; and
 - e) Setting out the member's appeal rights under rule 22.
- 2) The notice must be given no earlier than 28 days, and no later than 14 days, before the disciplinary meeting is held.

21. Decision of subcommittee

- 1) At the disciplinary meeting, the disciplinary subcommittee must
 - a) Give the member an opportunity to be heard; and
 - b) Consider any written statement submitted by the member.
- 2) After complying with sub rule (1), the disciplinary subcommittee may
 - a) Take no further action against the member; or
 - b) Subject to sub rule (3)
 - i) Reprimand the member; or
 - ii) Suspend the membership rights of the member for a specified period; or
 - iii) Expel the member from the Association.
- 3) The disciplinary subcommittee may not fine the member.
- 4) The suspension of membership rights or the expulsion of a member by the disciplinary subcommittee under this rule takes effect immediately after the vote is passed.

22. Appeal rights

- 1) A person whose membership rights have been suspended or who has been expelled from the Association under rule 21 may give notice to the effect that he or she wishes to appeal against the suspension or expulsion.
-

- 2) The notice must be in writing and given -
 - a) To the disciplinary subcommittee immediately after the vote to suspend or expel the person is taken; or
 - b) To the Secretary not later than 48 hours after the vote.
- 3) If a person has given notice under sub rule (2), a disciplinary appeal meeting must be convened by the Committee as soon as practicable, but in any event not later than 21 days, after the notice is received.
- 4) Notice of the disciplinary appeal meeting must be given to each member of the Association who is entitled to vote as soon as practicable and must -
 - a) Specify the date, time and place of the meeting; and
 - b) State -
 - i) The name of the person against whom the disciplinary action has been taken; and
 - ii) The grounds for taking that action; and
 - iii) That at the disciplinary appeal meeting the members present must vote on whether the decision to suspend or expel the person should be upheld or revoked.

23. Conduct of disciplinary appeal meeting

- 1) At a disciplinary appeal meeting -
 - a) No business other than the question of the appeal may be conducted; and
 - b) The Committee must state the grounds for suspending or expelling the member and the reasons for taking that action; and
 - c) The person whose membership has been suspended or who has been expelled must be given an opportunity to be heard.
- 2) After complying with sub rule (1), the members present and entitled to vote at the meeting must vote by secret ballot on the question of whether the decision to suspend or expel the person should be upheld or revoked.
- 3) A member may not vote by proxy at the meeting.
- 4) The decision is upheld if not less than three quarters of the members voting at the meeting vote in favour of the decision.

Division 3—Grievance procedure

24. Application

- 1) The grievance procedure set out in this Division applies to disputes under these Rules between—
 - a) A member and another member;
 - b) A member and the Committee/Advisory Board;
 - c) A member and the Association.
 - 2) A member must not initiate a grievance procedure in relation to a matter that is the subject of a disciplinary procedure until the disciplinary procedure has been completed.
-

25. Parties must attempt to resolve the dispute

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

26. Appointment of mediator

- 1) If the parties to a dispute are unable to resolve the dispute between themselves within the time required by rule 25, the parties must within 10 days -
 - a) Notify the Committee of the dispute; and
 - b) Agree to or request the appointment of a mediator; and
 - c) Attempt in good faith to settle the dispute by mediation.
- 2) The mediator must be—
 - a) A person chosen by agreement between the parties; or
 - b) In the absence of agreement -
 - i) If the dispute is between a member and another member - a person appointed by the Committee; or
 - ii) If the dispute is between a member and the Committee or the Association - a person appointed or employed by the Dispute Settlement Centre of Victoria.
- 3) A mediator appointed by the Committee may be a member or former member of the Association but in any case must not be a person who -
 - a) Has a personal interest in the dispute; or
 - b) Is biased in favour of or against any party.

27. Mediation process

- 1) The mediator to the dispute, in conducting the mediation, must -
 - a) Give each party every opportunity to be heard; and
 - b) Allow due consideration by all parties of any written statement submitted by any party; and
 - c) Ensure that natural justice is accorded to the parties throughout the mediation process.
- 2) The mediator must not determine the dispute.

28. Failure to resolve dispute by mediation

If the mediation process does not resolve the dispute, the parties may seek to resolve the dispute in accordance with the Act or otherwise at law.

PART 4—GENERAL MEETINGS OF THE ASSOCIATION

29. Annual general meetings

- 1) The Committee must convene an annual general meeting of the Association to be held within 1 month after the end of each financial year.
 - 2) The Committee may determine the date, time and place of the annual general meeting.
-

- 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;
 - b) To receive and consider -
 - i) The annual report of the Committee on the activities of the Association during the preceding financial year; and
 - ii) The financial statements of the Association for the preceding financial year submitted by the Committee in accordance with Part 7 of the Act;
 - c) To elect the members of the Committee;
 - d) To confirm or vary the amounts (if any) of the subscription fee.
 - e) To appoint an Honorary Auditor for the ensuing year;
 - f) To appoint an Honorary Lawyer for the ensuing year.
- 4) The annual general meeting may also conduct any other business of which notice has been given in accordance with these Rules.

30. Special general meetings

- 1) Any general meeting of the Association, other than an annual general meeting or a disciplinary appeal meeting, is a special general meeting.
- 2) The Committee may convene a special general meeting whenever it thinks fit.
- 3) No business other than that set out in the notice under rule 32 may be conducted at the meeting.

Note

General business may be considered at the meeting if it is included as an item for consideration in the notice under rule 32 and the majority of members at the meeting agree.

31. Special general meeting held at request of members

- 1) The Committee must convene a special general meeting if a request to do so is made in accordance with sub rule (2) by at least 10% of the total number of members.
 - 2) A request for a special general meeting must -
 - a) Be in writing; and
 - b) State the business to be considered at the meeting and any resolutions to be proposed; and
 - c) Include the names and signatures of the members requesting the meeting; and
 - d) Be given to the Secretary.
 - 3) If the Committee does not convene a special general meeting within one month after the date on which the request is made, the members making the request (or any of them) may convene the special general meeting.
 - 4) A special general meeting convened by members under sub rule (3) -
 - a) Must be held within 3 months after the date on which the original request was made; and
 - b) May only consider the business stated in that request.
-

- 5) The Association must reimburse all reasonable expenses incurred by the members convening a special general meeting under sub rule (3).

32. Notice of general meetings

- 1) The Secretary (or, in the case of a special general meeting convened under rule 32(3), the members convening the meeting) must give to each member of the Association -
 - a) At least 21 days' notice of a general meeting
 - 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 a special resolution is to be proposed -
 - i) State in full the proposed resolution; and
 - ii) State the intention to propose the resolution as a special resolution; and
 - d) Comply with rule 33(5).
 - 3) A reminder notice along with Agenda, Financial Statements and announce the nominations received, shall be sent to members before 48 hours.
-

- 4) This rule does not apply to a disciplinary appeal meeting.

Note

Rule 22(4) sets out the requirements for notice of a disciplinary appeal meeting.

33. Proxies

- 1) A member may appoint another member as his or her proxy to vote and speak on his or her behalf at a general meeting other than at a disciplinary appeal meeting.
- 2) The appointment of a proxy must be in writing and signed by the member making the appointment along with an email sent to secretary by the member from the member's registered email with TAAI.
- 3) The member appointing the proxy may give specific directions as to how the proxy is to vote on his or her behalf, otherwise the proxy may vote on behalf of the member in any matter as he or she sees fit.
- 4) If the Committee has approved a form for the appointment of a proxy, the member may use any other form that clearly identifies the person appointed as the member's proxy and that has been signed by the member.
- 5) Notice of a general meeting given to a member under rule 32 must -
 - a) State that the member may appoint another member as a proxy for the meeting; and
 - b) Include a copy of any form that the Committee has approved for the appointment of a proxy.
- 6) A form appointing a proxy must be given to the Secretary before 24 hours of the meeting.
- 7) A form appointing a proxy sent by post or electronically is of no effect unless it is received by the Secretary of the Association no later than 24 hours before the commencement of the meeting.

34. Use of technology

- 1) A member not physically present at a general meeting may be permitted to participate in the meeting by the use of technology that allows that member and the members present at the meeting to clearly and simultaneously communicate with each other.
- 2) For the purposes of this Part, a member participating in a general meeting as permitted under sub rule (1) is taken to be present at the meeting and, if the member votes at the meeting, is taken to have voted in person.

35. Quorum at general meetings

- 1) No business may be conducted at a general meeting unless a quorum of members is present.
 - 2) The quorum for a general meeting is the presence (physically, by proxy or as allowed under rule 33) of thirty (30) members who are entitled to vote. A log for members present with their signatures is maintained to ensure a quorum.
 - 3) If a quorum is not present within 30 minutes after the notified commencement time of a general meeting -
-

- a) In the case of a meeting convened by, or at the request of, members under rule 31 - the meeting must be dissolved;

Note

If a meeting convened by, or at the request of, members is dissolved under this sub rule, the business that was to have been considered at the meeting is taken to have been dealt with. If members wish to have the business reconsidered at another special meeting, the members must make a new request under rule 32.

- b) In any other case -
 - i) The meeting shall be conducted with a quorum of 15 members.
 - ii) If the reduced quorum of 15 is still not present, the meeting must be adjourned to a date not more than 21 days after the adjournment; and notice of the date, time and place to which the meeting is adjourned must be given at the meeting and confirmed by written notice given to all members as soon as practicable after the meeting.

36. 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 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.

Example

The members may wish to have more time to examine the financial statements submitted by the Committee at an annual general meeting.

- 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 32.

37. Voting at general meeting

- 1) On any question arising at a general meeting -
 - a) Subject to sub rule (3), each member who is entitled to vote has one vote; and
 - b) Members may vote personally or by proxy; and
 - c) Except in the case of a special resolution, the question must be decided on a simple majority of votes.
 - 2) If votes are divided equally on a question, the Chairperson of the meeting has a second or casting vote.
 - 3) If the question is whether or not to confirm the minutes of a previous meeting, only members who were present at that meeting may vote.
 - 4) This rule does not apply to a vote at a disciplinary appeal meeting conducted under rule 24.
-

38. Special resolutions

A special resolution is passed if not less than three quarters of the members voting at a general meeting (whether in person or by proxy) vote in favour of the resolution.

Note

In addition to certain matters specified in the Act, a special resolution is required -

- a) To remove a committee member from office;
- b) To alter these Rules, including changing the name or any of the purposes of the Association.

39. Determining whether resolution carried

- 1) Subject to subsection (2), the Chairperson of a general meeting may, on the basis of 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 -

And an entry to that effect in the minutes of the meeting is conclusive proof of that fact.

- 2) If a poll (where votes are cast in writing) is demanded by majority of members on any question -
 - a) The poll must be taken at the meeting in the manner determined by the Chairperson of the meeting; and
 - b) The Chairperson must declare the result of the resolution on the basis of the poll.
- 3) A poll demanded on the election of the Chairperson or on a question of an adjournment must be taken immediately.
- 4) A poll demanded on any other question must be taken before the close of the meeting at a time determined by the Chairperson.

40. Minutes of general meeting

- 1) The Committee must ensure that minutes are taken and kept 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 include -
 - a) The names of the members attending the meeting; and
 - b) Proxy forms given to the Secretary under rule 33(6); and
 - c) The financial statements submitted to the members in accordance with rule 290(3)(b)(ii); and
 - d) The certificate signed by two committee members certifying that the financial statements give a true and fair view of the financial position and performance of the Association; and
-

- e) Any audited accounts and auditor's report or report of a review accompanying the financial statements that are required under the Act.

PART 5 - COMMITTEE

Division 1 - Powers of Committee

41. Role and powers

- 1) The business of the Association must be managed by or under the direction of a Committee.
- 2) The Committee may exercise all the powers of the Association except those powers that these Rules or the Act require to be exercised by general meetings of the members of the Association.
- 3) The Committee may -
 - a) Appoint and remove staff;
 - b) Establish subcommittees consisting of members with terms of reference it considers appropriate.

42. Sub-committee

The Committee shall have the power:

- 1) To form Sub-Committees, with a tenure by no more than 2 years by passing a resolution to that affect in TAAI Committee meeting approved by 75% of the Committee members present in the meeting.
- 2) To extend the tenure of the Sub-Committees, by no more than 2 years by passing a resolution to that affect in TAAI Committee and Advisory Board Joint meeting approved by 75% of the Committee members present in the meeting.
- 3) To terminate a Sub-Committee before its tenure comes to an end, by passing a resolution to that effect in TAAI Committee and Advisory Board Joint meeting approved by 75% of the Committee members present in the meeting.

The Convener of the Sub-Committee must be a sitting member of the Committee.

Division 2 - Composition of Committee and duties of members

43. Composition of Committee

- a) President;
 - b) Vice-President;
 - c) Secretary;
 - d) Treasurer;
 - e) Associate Secretary
 - f) Four (4) ordinary members elected under rule 56.
-

44. General Duties

- 1) As soon as practicable after being elected or appointed to the Committee, each Committee member must become familiar with these Rules and the Act.
- 2) The Committee is collectively responsible for ensuring that the Association complies with the Act and that individual members of the Committee comply with these Rules.
- 3) Committee members must exercise their powers and discharge their duties with reasonable care and diligence.
- 4) Committee members must exercise their powers and discharge their duties -
 - a) In good faith in the best interests of the Association; and
 - b) For a proper purpose.
- 5) Committee members and former committee members must not make improper use of
 - a) Their position; or
 - b) Information acquired by virtue of holding their position -

So as to gain an advantage for themselves or any other person or to cause detriment to the Association.

Note

See also Division 3 of Part 6 of the Act which sets out the general duties of the office holders of an incorporated association.

- 6) In addition to any duties imposed by these Rules, a committee member must perform any other duties imposed from time to time by resolution at a general meeting.

45. President and Vice-President

- 1) Subject to sub rule (2), the President or, in the President's absence, the Vice-President is the Chairperson for any general meetings and for any committee meetings.
 - 2) If the President and the Vice-President are both absent, or are unable to preside, the Chairperson of the meeting must be -
 - a) In the case of a general meeting - a member elected by the other members present; or
 - b) In the case of a committee meeting - a committee member elected by the other committee members present.
 - 3) The President and/or, in the President's absence the Vice-President have a responsibility to ensure the successful functioning of the Association, the attainment of its objectives, the responsibility to foster the fair participation of all members and consistent adherence to its constitution.
 - a) Should ensure that new members are made to feel welcome.
 - b) Preside at all meetings of the Association and the Executive Committee.
 - c) Preserve order, rule on contentious matters of procedure and assist the progress of discussion by preventing irrelevant or repetitious discussion or offensive remarks.
 - d) Shall represent the Association at official functions and act as the Association's spokesperson at all times when public statements or actions are appropriate.
-

- e) Shall have a second or casting vote, after exercising first deliberative vote in the case of equality of votes in all committee deliberations.
 - f) Shall attend at least TWO incoming Committee meetings to help successful transition.
 - g) Shall be an ex officio member of the TAAI Advisory Board
 - h) Shall be responsible to organise TAAI activities and events together with the Committee.
- 4) The President shall act as one of the directors of the ATCCC Ltd.

46. Secretary

- 1) The Secretary must perform any duty or function required under the Act to be performed by the secretary of an incorporated association.

Example

Under the Act, the secretary of an incorporated association is responsible for lodging documents of the association with the Registrar.

- 2) The Secretary must -
- a) Maintain the register of members in accordance with rule 18; and
 - b) Keep custody of the common seal (if any) of the Association and, except for the financial records referred to in rule 74(3), all books, documents and securities of the Association in accordance with rules 76 and 79; and
 - c) Subject to the Act and these Rules, provide members with access to the register of members, the minutes of general meetings and other books and documents; and
 - d) Perform any other duty or function imposed on the Secretary by these Rules.
 - e) Shall hand over all records and minutes, to the incoming Secretary on vacating the position, no later than 14 days.
- 3) The Secretary must give to the Registrar notice of his or her appointment within 14 days after the appointment.
- 4) The Secretary
- a) Must prepare, in consultation with the Committee, all AGM and SGM (if any) meeting agendas.
 - b) Must attend every AGM and SGM (if any) meeting and take notes of the discussions in order to produce a set of minutes for subsequent distribution to members.
 - i) Minutes should indicate the time, date and location of the meeting.
 - ii) The members in attendance, and the apologies accepted and
 - iii) Record every decision, which was supported by majority vote.
 - c) Shall assist in organising TAAI activities and events along with the President and the rest of the Committee.
 - d) Shall receive and table all incoming correspondence and write and send all outgoing correspondence in consultation with president.
 - e) Shall hand over all records and minutes, to the incoming Secretary on
-

vacating the position.

f) Shall be responsible for sending the AGM/SGM notices to the members.

47. Treasurer

- 1) The Treasurer must—
 - a) Receive all moneys paid to or received by the Association and issue receipts for those moneys in the name of the Association; and
 - b) Ensure that all moneys received are paid into the account of the Association within 5 working days after receipt; and
 - c) Make any payments authorised by the Committee or by a general meeting of the Association from the Association's funds; and
 - d) Ensure cheques are signed by President and Treasurer only.
- 2) The Treasurer must -
 - a) Ensure that the financial records of the Association are kept in accordance with the Act; and
 - b) Coordinate the preparation of the financial statements of the Association and their certification by the Committee prior to their submission to the annual general meeting of the Association.
- 3) The Treasurer must ensure that at least one other committee member has access to the accounts and financial records of the Association.
- 4) The Treasurer is responsible for the sound financial management of the Association.
 - a) Shall receive and deposit monies, maintain records and draw cheques monitor the income and expenditure of the association
 - b) Keep committee members informed of the financial position of the association on a regular basis
 - c) Shall prepare and manage the budget
 - d) Represent the association on funding applications; and maintaining custody of all securities, books and documents of financial nature
 - e) Shall prepare and publish mid-term financial statement
 - f) Shall prepare end of term financial statement, present all records and table for adoption at the Annual General Meeting.
 - g) Shall hand over of all records to the incoming Treasurer at the AGM

48. Associate Secretary

- 1) The Associate Secretary
 - a) Shall prepare, in consultation with the Committee, all committee meeting agendas.
 - b) Shall send welcome letter to every person who renews or takes up new membership of the Association.
 - c) Shall take and produce set of minutes of all committee meetings to distribute to every committee member within 5 days from the meeting held.
 - i) Minutes should indicate the time, date and location of the meeting.
-

- ii) The committee members in attendance, and the apologies accepted and
- iii) Record every decision, which was supported by majority vote in the committee.
- d) Shall assist Secretary and Committee as needed from time to time but primarily responsible for new membership drive and renewals of memberships.
- e) Carry out the duties of Secretary if the Secretary is unable to fulfil his or her duties by reason of disability or other absence.

49. Ordinary Members

- 1) Ordinary Members shall assist all other office bearers in fulfilling the collective duties of the committee such as membership, sponsors, grants, admin, event management, youth affairs, newsletter, electronic media etc.

Note: the committee will assign the duties to Members by resolution in the committee

Division 3- TAAI Advisory Board

50. Role

- 1) To provide strategic direction to the Executive but shall not involve in day to day operational matters of TAAI except in the case of sub rule 50 (4).
- 2) To ensure financial monitoring by making sure
 - a) The half yearly financial statement is prepared and submitted to members
 - b) To liaise with executive committee and auditor to ensure annual financial report is prepared in time for annual general meeting.
- 3) To participate in disciplinary subcommittee as per Rule 19
- 4) To involve in making decisions in the affairs of the association if the Executive committee decides by a minimum of 5 committee members such an involvement is required from the TAAI Advisory Board.
- 5) To represent the association, each of the two elected members shall act as a director in ATCCC Ltd for ONE year term.
 - a) The role shall be rotated between both members in an alphabetical order of their last names

51. Term of office, eligibility, election and removal

- 1) The TAAI Advisory Board consists of 2 elected members and the prevailing President of the Executive Committee as an ex officio member.
 - 2) The term of office for each elected member is 2 years.
 - 3) The President is an ex officio member for the duration of his or her term of office in the Executive Committee
 - 4) The position of Chairperson of the Advisory Board shall be rotated between both the elected members on a one year term in an alphabetical order of their surnames.
 - 5) Eligibility criteria for 2 elected Advisory Board members
 - a) Shall have served at least once as an office bearer in the Executive Committee.
 - b) Shall have been a Life member of the Association for 5 years.
-

- c) Shall be nominated by at least two current financial members.
 - d) An Advisory Board member cannot be re-elected for successive terms
 - e) Current TAAI Executive Committee Office bearer cannot file a nomination for TAAI Advisory Board Member position. Minimum of one year gap is required to file a nomination between the positions.
- 6) Election will be held every alternate year during Annual General Meeting.
- 7) A newly elected Advisory Board member shall start in his/her new role after 3 months from the election date. Advisory Board members can only be removed by a special general meeting, with a simple majority.
- 8) A casual vacancy of an Advisory Board member can be filled with a person who is eligible under rule 51 (5) by a joint meeting of the TAAI Committee and TAAI Advisory Board with the approval of 75% of Committee and Advisory Board members present at the joint meeting.

Division 4—Election of Committee members and tenure of office

52. Who is eligible to be a Committee member

A member is eligible to be elected or appointed as a committee member if the member -

- a) Is 18 years or over; and
- b) Is entitled to vote at a general meeting.
- c) Current TAAI Advisory Board Member cannot file a nomination for a TAAI Executive Committee position. Minimum of one year gap is required to file a nomination between the positions
- d) Is not currently bankrupt or insolvent
- e) Is not convicted and does not have pending charges in any criminal court
- f) Is not ineligible to be a committee member under the ACNC Legislation or the Act.
- g) Eligibility criteria for the Position of President: Shall have been a Life member of the Association for 1 year.
- h) Is not an immediate family member of another committee member or the Board member.

53. Positions to be declared vacant

- 1) This rule applies to -
 - a) The first annual general meeting of the Association after its incorporation; or
 - b) Any subsequent annual general meeting of the Association, after the annual report and financial statements of the Association have been received.
- 2) The Secretary must declare all positions on the Committee as vacant for every general meeting and all positions on the Advisory Board as vacant for every second year and hold elections for all vacant positions.

54. Nominations

- 1) Nominations of candidates for election as officers of the Association or as committee members of the Committee:-
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- a) Shall be made in writing, signed by two current financial members of the Association and accompanied by the written consent of the candidate (which may be endorsed on the form of nomination declaring that the eligibility criteria is met by the member); and
 - b) Shall be delivered to the Secretary of the Association not less than 7 days before the date fixed for the holding of the annual general meeting.
- 2) Nomination of candidates for election of Advisory Board members
 - a) Shall be made in writing, signed by two current financial members and accompanied by the written consent of the candidate (which may endorsed on the form of nomination); and
 - 3) Shall be delivered to the Secretary of the Association not less than 7 days before the date fixed for the holding of the annual general meeting. If insufficient nominations are received to fill all vacancies of the Committee/Advisory Board, the candidate nominated shall be deemed to be elected and further nominations shall be received at the annual general meeting.
 - 4) If only one nomination is received per position, the persons nominated shall be deemed to be elected.
 - 5) If the number of nominations exceeds one, for any position to be filled, a ballot shall be held.
 - 6) The ballot for the election of the Committee/Advisory Board members shall be conducted at the annual general meeting in such usual and proper manner as the Committee may direct.
 - 7) A nomination of a candidate for election under this clause is not valid if that candidate has been nominated for another office for election at the same election.

55. Election of President etc.

- 1) At the annual general meeting, separate elections must be held for each of the following positions -
 - a) President;
 - b) Vice-President;
 - c) Secretary;
 - d) Treasurer;
 - e) Associate Secretary;
 - f) Four ordinary members
- 2) If only one member is nominated for the position, the Chairperson of the meeting must declare the member elected to the position.
- 3) If more than one member is nominated, chairperson calls for vote by raising hands, unless members call for ballot by simple majority on the AGM floor.
- 4) On his or her election, the new President may take over as Chairperson of the meeting.

56. Election of ordinary members

- 1) The annual general meeting may by resolution decide the number of ordinary
-

members of the Committee (if any) it wishes to hold office for the next year.

- 2) A single election may be held to fill all of those positions.
- 3) If the number of members nominated for the position of ordinary committee member is less than or equal to the number to be elected, the Chairperson of the meeting must declare each of those members to be elected to the position.
- 4) If more than one member is nominated, chairperson calls for vote by raising hands, unless members call for ballot by simple majority on the AGM floor.

57. Ballot

- 1) If a ballot is required for the election for a position, the Chairperson of the meeting must appoint a member to act as returning officer to conduct the ballot.
- 2) The returning officer must not be a member nominated for the position.
- 3) Before the ballot is taken, each candidate may make a short speech in support of his or her election.
- 4) The election must be by secret ballot.
- 5) The returning officer must give a blank piece of paper to -
 - a) Each member present in person; and
 - b) Each proxy appointed by a member.

Example

If a member has been appointed the proxy of 5 other members, the member must be given 6 ballot papers—one for the member and one each for the other members.

- 6) If the ballot is for a single position, the voter must write on the ballot paper the name of the candidate for whom they wish to vote.
- 7) If the ballot is for more than one position -
 - a) The voter must write on the ballot paper the name of each candidate for whom they wish to vote;
 - b) The voter must not write the names of more candidates than the number to be elected.
- 8) Ballot papers that do not comply with sub rule (7) (b) are not to be counted.
- 9) Each ballot paper on which the name of a candidate has been written counts as one vote for that candidate.
- 10) The returning officer must declare elected the candidate or, in the case of an election for more than one position, the candidates who received the most votes.
- 11) If the returning officer is unable to declare the result of an election under sub rule (10) because 2 or more candidates received the same number of votes, the returning officer must -
 - a) Conduct a further election for the position in accordance with sub rules (4) to (10) to decide which of those candidates is to be elected; or
 - b) With the agreement of those candidates, decide by lot which of them is to be elected.

Examples

The choice of candidate may be decided by the toss of a coin, drawing straws or drawing a name out of a hat.

58. Term of office

- 1) Subject to sub rule (3) and rule 59, a committee member holds office until the positions of the Committee are declared vacant at the next annual general meeting.
- 2) A committee member may be re-elected up to a maximum of two terms.
- 3) A general meeting of the Association may -
 - a) By special resolution remove a committee member/Advisory Board member from office; and
 - b) Elect an eligible member of the Association to fill the vacant position in accordance with this Division.
- 4) A member who is the subject of a proposed special resolution under sub rule (3)(a) may make representations in writing to the Secretary or President of the Association (not exceeding a reasonable length) and may request that the representations be provided to the members of the Association.
- 5) The Secretary or the President may give a copy of the representations to each member of the Association or, if they are not so given, the member may require that they be read out at the meeting at which the special resolution is to be proposed.

59. Vacation of office

- 1) A committee/Advisory Board member may resign from the Committee/Advisory Board by written notice addressed to the Committee.
- 2) A person ceases to be a committee/Advisory Board member if he or she -
 - a) Ceases to be a member of the Association; or removed by a special general meeting, called specifically for this purpose with a simple majority of members present at the special general meeting as listed under 58 (3), a) and b).
 - b) Fails to attend 3 consecutive committee/Advisory Board meetings (other than special or urgent meetings) without leave of absence under rule 70; or
 - c) Otherwise ceases to be a committee/Advisory Board member by operation of section 78 of the Act OR Becomes ineligible to be a committee member under the Act or the ACNC Legislation.

d) Note

Any Committee member will not be able to hold the office if they do not reside in Australia.

60. Filling casual vacancies

- 1) The Committee may appoint an eligible member of the Association to fill a position on the Committee that—
 - a) Has become vacant under rule 59; or
 - b) Was not filled by election at the last annual general meeting.
 - 2) If the position of Secretary becomes vacant, the Committee must appoint a member to the position within 14 days after the vacancy arises.
 - 3) Rule 58 applies to any committee member appointed by the Committee under sub rule
-

(1) or (2).

- 4) The Committee may continue to act despite any vacancy in its membership.

Division 4—Meetings of Committee

61. Meetings of Committee

- 1) The Committee must meet at least 8 times in each year at the dates, times and places determined by the Committee.
- 2) The Advisory Board must meet at least 4 times in each year at the dates, times and places determined by the Advisory Board.
- 3) The Committee and Advisory Board shall have a joint meeting at least 2 times in each year at the dates, times and places mutually agreed.
- 4) The date, time and place of the first committee meeting must be determined by the members of the Committee as soon as practicable after the annual general meeting of the Association at which the members of the Committee were elected.
- 5) Special committee meetings may be convened by the President or by any 4 members of the Committee.

62. Notice of meetings

- 1) Notice of each committee meeting must be given to each committee member no later than 7 days before the date of the meeting.
- 2) Notice may be given of more than one committee meeting at the same time.
- 3) The notice must state the date, time and place of the meeting.
- 4) If a special committee meeting is convened, the notice must include the general nature of the business to be conducted.
- 5) The only business that may be conducted at the meeting is the business for which the meeting is convened.

63. Urgent meetings

- 1) In cases of urgency, a meeting can be held without notice being given in accordance with rule 63 provided that as much notice as practicable is given to each committee member by the quickest means practicable.
- 2) Any resolution made at the meeting must be passed by an absolute majority of the Committee.
- 3) The only business that may be conducted at an urgent meeting is the business for which the meeting is convened.

64. Procedure and order of business

- 1) The procedure to be followed at a meeting of a Committee must be determined from time to time by the Committee.
- 2) The order of business may be determined by the members present at the meeting.

65. Use of technology

- 1) A committee member who is not physically present at a committee meeting may participate in the meeting by the use of technology that allows that committee member and the committee members present at the meeting to clearly and
-

simultaneously communicate with each other.

- 2) For the purposes of this Part, a committee member participating in a committee meeting as permitted under sub rule (1) is taken to be present at the meeting and, if the member votes at the meeting, is taken to have voted in person.

66. Quorum

- 1) No business may be conducted at a Committee meeting unless at least 4 committee members are present.
- 2) The quorum for a committee meeting is the presence in person or as allowed under rule 65 of a majority of the committee members holding office.
- 3) 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;
 - b) In any other case - the meeting must be adjourned to a date no later than 14 days after the adjournment and notice of the time, date and place to which the meeting is adjourned must be given in accordance with rule 62.

67. Voting

- 1) On any question arising at a committee meeting, each committee member present at the meeting has one vote.
- 2) A motion is carried if a majority of committee members present at the meeting vote in favour of the motion.
- 3) Sub rule (2) does not apply to any motion or question which is required by these Rules to be passed by an absolute majority of the Committee.
- 4) If votes are divided equally on a question, the Chairperson of the meeting has a second or casting vote.
- 5) Voting by proxy is not permitted.

68. Conflict of interest

- 1) A committee member who has a material personal, financial, and pecuniary interest in a matter being considered at a committee meeting must disclose the nature and extent of that interest to the Committee.
- 2) The member -
 - a) Must not be present while the matter is being considered at the meeting; and
 - b) Must not vote on the matter.

Note

Under section 81(3) of the Act, if there are insufficient committee members to form a quorum because a member who has a material personal interest is disqualified from voting on a matter, a general meeting may be called to deal with the matter.

- 3) This rule does not apply to a material personal interest -
 - a) That exists only because the member belongs to a class of persons for whose benefit the Association is established; or
 - b) That the member has in common with all, or a substantial proportion of, the members of the Association.
-

69. Minutes of meeting

- 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 members in attendance at the meeting;
 - b) The business considered at the meeting;
 - c) Any resolution on which a vote is taken and the result of the vote;
 - d) Any material personal interest disclosed under rule 69.

70. Leave of absence

- 1) The Committee may grant a committee member leave of absence from committee meetings for a period not exceeding 3 months.
- 2) The Committee must not grant leave of absence retrospectively unless it is satisfied that it was not feasible for the committee member to seek the leave in advance.

PART 6—FINANCIAL MATTERS

71. Source of funds

The funds of the Association may be derived from joining fees, annual subscriptions, donations, fund-raising activities, grants, interest and any other sources approved by the Committee.

72. Management of funds

- 1) The Association must open an account with a financial institution from which all expenditure of the Association is made and into which all of the Association's revenue is deposited.
- 2) Subject to any restrictions imposed by a general meeting of the Association, the Committee may approve expenditure on behalf of the Association.
- 3) Cheques issued by the office bearers of the association for more than \$1000 must be presented at the committee meeting and approved by 75% of committee members present. This is to be minuted for committee records.
- 4) All cheques, drafts, bills of exchange, promissory notes and other negotiable instruments must be signed by President and treasurer or any two (2) committee members as nominated a resolution of the Committee and communicated to the relevant financial institution where TAAI accounts reside.
- 5) All funds of the Association must be deposited into the financial account of the Association no later than 5 working days after receipt.
- 6) With the approval of the Committee, the Treasurer may maintain a cash float provided that all money paid from or paid into the float is accurately recorded at the time of the transaction.

73. Financial records

- 1) The Association must keep financial records that -
 - a) Correctly record and explain its transactions, financial position and performance; and
 - b) Enable financial statements to be prepared as required by the Act.
-

- 2) The Association must retain the financial records for 7 years after the transactions covered by the records are completed.
- 3) The Treasurer must keep in his or her custody, or under his or her control
 - a) The financial records for the current financial year; and
 - b) Any other financial records as authorised by the Committee.

74. Financial statements

- 1) For each financial year, the Committee must ensure that the requirements under the Act relating to the financial statements of the Association are met.
- 2) Without limiting sub rule (1), those requirements include-
 - a) The preparation of the financial statements;
 - b) Previous year Financial Statements audit and review shall be completed within three months after Annual General Meeting;
 - c) The certification of the financial statements by the Committee;
 - d) The submission of the financial statements and previous year audit report to the annual general meeting of the Association;
 - e) The lodgement with the Registrar of the financial statements and accompanying reports, certificates, statements and fee.
 - f) Preparing the interim/half yearly financial statement and making it available to the members.

PART 7 - GENERAL MATTERS

75. Common seal

- 1) The Association may have a common seal.
- 2) If the Association has a common seal -
 - a) The name of the Association must appear in legible characters on the common seal;
 - b) A document may only be sealed with the common seal by the authority of the Committee and the sealing must be witnessed by the signatures of two committee members;
 - c) The common seal must be kept in the custody of the Secretary.

76. Registered address

The registered address of the Association is -

- a) The address determined from time to time by resolution of the Committee; or
- b) If the Committee has not determined an address to be the registered address - the postal address of the Secretary.

77. Notice requirements

- 1) Any notice required to be given to a member or a committee member under these Rules may be given -
-

- a) By handing the notice to the member personally; or
 - b) By sending it by post to the member at the address recorded for the member on the register of members; or
 - c) By email or facsimile transmission.
- 2) Sub rule (1) does not apply to notice given under rule 64.
- 3) Any notice required to be given to the Association or the Committee may be given -
- a) By handing the notice to a member of the Committee; or
 - b) By sending the notice by post to the registered address; or
 - c) By leaving the notice at the registered address; or
 - d) If the Committee determines that it is appropriate in the circumstances -
 - i) By email to the email address of the Association or the Secretary; or
 - ii) By facsimile transmission to the facsimile number of the Association or by registered post to the registered address of the Association.

78. Custody and inspection of books and records

- 1) Members may on request inspect free of charge -
 - a) The register of members;
 - b) The minutes of general meetings;
 - c) Subject to sub rule (2), the financial records, books, securities and any other relevant document of the Association, including minutes of Committee meetings.

Note

See note following rule 17 for details of access to the register of members.

- 2) The Committee may refuse to permit a member to inspect records of the Association that relate to confidential, personal, employment, commercial or legal matters or where to do so may be prejudicial to the interests of the Association.
- 3) The Committee must on request make copies of these rules available to members and applicants for membership free of charge.
- 4) Subject to sub rule (2), a member may make a copy of any of the other records of the Association referred to in this rule and the Association may charge a reasonable fee for provision of a copy of such a record.
- 5) For purposes of this rule -

Relevant documents means the records and other documents, however compiled, recorded or stored, that relate to the incorporation and management of the Association and includes the following -

- a) Its membership records;
- b) Its financial statements;
- c) Its financial records;
- d) Records and documents relating to transactions, dealings, business or property of the Association.

79. Winding up and cancellation

- 1) The Association may be wound up voluntarily by special resolution.
- 2) In the event of the winding up or the cancellation of the incorporation of the Association, the surplus assets of the Association must not be distributed to any members or former members of the Association.
- 3) Subject to the Act and any court order made under section 133 of the Act and after compliance with Rule 87, the surplus assets must be given to a Charity that has similar purposes to the Association and which is not carried on for the profit or gain of its individual members.
- 4) The Charity to which the surplus assets are to be given must be decided by special resolution.

80. Alteration of Rules

A Joint meeting of the Committee and Advisory Board, by a 75% majority should approve any proposal to change these Rules and to call a Special meeting of the Association.

These Rules may only be altered by special resolution of a general meeting of the Association. If the Association is a Charity, the Rules must not be amended if the amendments cause the Association to no longer be a Charity.

Note

An alteration of these Rules does not take effect unless or until it is approved by the Registrar. If these Rules (other than rule 1, 2 or 3) are altered, the Association is taken to have adopted its own rules, not the model rules.

81. Fixed deposits

- 1) All the monies received from the life subscriptions must be deposited into Fixed Deposit account.
- 2) The executive committee cannot withdraw any money from fixed deposit bank account, without the approval of 75% of the members present in any AGM/SGM.
- 3) The interest gained from the Fixed Deposit account may be utilised for running expenses of the association activities.

82. Financial Auditor and Lawyer

- 1) The general meeting of the association shall appoint or renew an auditor every year.
- 2) The general meeting of the association shall appoint or renew an Honorary Lawyer every year.

83. AksharaJyothi Telugu School Council

- 1) AksharaJyothi Telugu Badi Sub Committee will be deemed as TAAI AksharaJyothi Telugu School Council.
 - 2) TAAI AksharaJyothi School Council is represented by:
 - a) Secretary and Advisory Board Member
 - b) AksharaJyothi Principal Coordinator and Assistant Coordinator
 - c) AksharaJyothi Centre Coordinator from each school branch.
 - 3) AksharaJyothi Telugu School Council is governed by all rules detailed in Section 4. of BY-LAWS OF THE TELUGU ASSOCIATION OF AUSTRALIA INC., and TAAI
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84. TAAI Regional Entity (RE)

Any Regional Entity can become associated with TAAI by signing a Memorandum of Understanding (MoU) and comply with the Regional Entity framework outlined in Annexure. iii. TAAI Regional Framework.

PART 8 – NECESSITOUS CIRCUMSTANCES FUND

85. Establishment

The Association has established and maintains the Public Fund (a necessitous circumstances fund) to be called the TAAI Benevolence Fund - solely for the purpose of providing relief in the form of money or goods for individuals in Australia who are in necessitous circumstances.

86. Administration of a Public Fund

- 1) The TAAI Benevolence Fund shall be operated on a not-for-profit basis.
 - 2) The public shall be invited to contribute to the TAAI Benevolence Fund.
 - 3) No monies or assets of the TAAI Benevolence Fund may be distributed to Members, Committee members or Advisory Board members of the Association or members of the management committee of the TAAI Benevolence Fund, except as reimbursement of out-of-pocket expenses incurred on behalf of the TAAI Benevolence Fund or proper remuneration for administrative services.
 - 4) Gifts and deductible contributions to the TAAI Benevolence Fund and any money received by the Association because of those gifts or contributions must be deposited into, and stored in, a separate bank account (a Gift Fund) to the other funds of the Association and may only be used for the purpose of the TAAI Benevolence Fund.
 - 5) The TAAI Benevolence Fund must have clear accounting procedures.
 - 6) Receipts for gifts or contributions to the TAAI Benevolence Fund must be issued and state:
 - i) the name of the Public Fund.
 - ii) the Australian Business Number of the Association.
 - iii) the fact that the receipt is for a gift made to the TAAI Benevolence Fund; and
 - iv) any other matter required to be included on the receipt pursuant to the requirements of the ITAA 1997.
 - 7) The TAAI Benevolence Fund must be administered by a management committee of at least three members. The management committee may be, but are not required to be, Committee members of the Association. A majority of the management committee must, because of their tenure of some public office or their position in the community, be responsible persons (as defined by the Australian Taxation Office from time to time including in Tax Ruling TR 95/27) and have a degree of responsibility to the community as a whole.
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8) The Commissioner of Taxation must be notified of any proposed amendments or alterations to provisions for the TAAI Benevolence Fund, to assess the effect of any amendments on the TAAI Benevolence Fund's continuing Deductible Gift Recipient status.

9) The Association must comply with any rules that the Commissioner of Taxation makes to ensure that gifts made to the TAAI Benevolence Fund will only be used for the purpose of the TAAI Benevolence Fund.

87. Winding up, dissolution or revocation of the TAAI Benevolence Fund

If the TAAI Benevolence Fund is wound up or if the endorsement of the Association as a Deductible Gift Recipient for the operation of the TAAI Benevolence Fund is revoked, any surplus assets of the TAAI Benevolence Fund remaining after the payment of liabilities attributable to it must be transferred to some other fund, authority, or institution which:

- 1) is a Deductible Gift Recipient.
- 2) has objects similar to the objects of the TAAI Benevolence Fund; and
- 3) is charitable at law.

BY-LAWS OF
THE TELUGU ASSOCIATION OF
AUSTRALIA INC

Section 1:

Australia Telugu Community and Cultural Centre Ltd.

Australia Telugu Community and Cultural Centre Ltd is a not-for-profit public company limited by guarantee, which is established to be, and to continue as, a charity.

- 1) TAAI is the sole member of ATCCC Ltd.
- 2) The association will be represented by its donor members in all the affairs of ATCCC Ltd.

Section 2:

Donor membership status is accorded to a Life member who donate \$5000 or more directly to ATCCC Ltd Fund.

Subscription fee for Life membership (Individual/family) is \$ 200.

Individual Life members can upgrade their Life membership to Family Life membership once they have a spouse or partner without any additional fee.

Annual Associate Membership is effective from the date of becoming a member till the next Annual General Meeting.

Annual Associate Individual membership is \$10.

Section 3:

TAAI Benevolence Fund

The Benevolence Fund is established and maintained for the purpose of helping people from Telugu community in general who are experiencing extreme financial hardship.

As per Australian Tax Office, a person is in necessitous circumstances where they don't have financial resources to have a modest standard of living in Australia.

The reasonable causes of this hardship may include:

- Serious Illness, including physical incapacity and hospitalisation
 - Family breakdown or death of the main income earner in the family
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Management Committee of TAAI Benevolence Fund:

- The Management Committee shall consist of five members: President, Treasurer and three life members from outside of TAAI executive committee.
- Other than the President and Treasurer, the rest of the Management committee members must be responsible persons in accordance with clause 86(7) of the constitution.
- The TAAI Executive Committee shall appoint the three external members.
- The tenure of all external members of the Management Committee is 3 years.
- The Management Committee is responsible for overall management of the Benevolence Fund.
- Selecting beneficiaries and disbursement of funds should be approved by at least 2 of the 3 responsible members of the Management Committee.

Section 4:

AksharaJyothi Telugu School Council

AksharaJyothi is TAAI Initiative to promote and establish Telugu Schools and teach Telugu Language through its schools around Victoria. For smooth function and uninterrupted continuity, AksharaJyothi Telugu School requires its autonomy through an AksharaJyothi School Council which will function under the charter of TAAI to achieve the common objectives.

- 1) TAAI EC role is to identify new opportunities into new suburbs / areas to facilitate open days in promotion and expansion of AksharaJyothi.
 - 2) AksharaJyothi School Council will work autonomously.
 - 3) Copy of AksharaJyothi Telugu School Council Operating Guidelines will be always made available with TAAI Secretary.
 - 4) All AksharaJyothi positions are Voluntary.
 - 5) School Fees, Grants, Funds, Donations that are received towards AksharaJyothi Telugu School shall be deposited into TAAI AksharaJyothi Nominated Account: TAAI Westpac BSB: 033-003 Account: 591978
 - 6) TAAI AksharaJyothi Nominated Account money shall be exclusively used for all Telugu School activities such as school venue hiring; purchase of Stationary; course materials; publication of books; school promotional and educational activities. Under no circumstances the funds shall be withdrawn or utilized for any other TAAI related events or activities.
 - 7) Assets purchased for AksharaJyothi will remain as property of TAAI.
 - 8) All Syllabi and educational materials that are existing and new will be under TAAI Copyright and is governed by copyright law.
 - 9) AksharaJyothi Telugu School Centre Coordinators are required to maintain Income and expenditure statements for their respective centres.
 - 10) Centre Coordinators are required to send "Income and Expenditure" statements for interim/half yearly and annual statements to TAAI EC.
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Annexure i: TAAI Nomination Form



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Annexure ii: TAAI Proxy Form Format



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Annexure iii: TAAI Regional Framework



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