

**SAIVA MAHA SABAI OF WESTERN AUSTRALIA INC.
ASSOCIATION RULES**

10 FEBRUARY 2019

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PART 1 — PRELIMINARY

1. Terms Used

In these Rules, unless the contrary intention appears -

Act means the *Associations Incorporation Act 2015*;

Association means the **Saiva Maha Sabai of Western Australia Incorporated** to which these Rules apply;

Books, of the Association, includes the following -

- (a) a membership register;
- (b) financial records, financial statements or financial reports, however compiled, recorded or stored;
- (c) a document;
- (d) any other record of information;

By laws means by-laws made by the Association under Rule 7;

Chairperson means the Committee member holding office as the President of the Association;

Commissioner means the person for the time being designated as the Commissioner under section 153 of the Act;

Committee means the Management Committee of the Association;

Committee meeting means a meeting of the Committee;

Committee member means a member of the Committee;

Election means the conduct of elections for the positions of the Management Committee at an Annual General Meeting in accordance with Rule 25 (2);

Financial records includes -

- (a) invoices, receipts, orders for the payment of money, bills of exchange, cheques, promissory notes and vouchers; and
- (b) documents of prime entry; and
- (c) working papers and other documents needed to explain the methods by which financial statements are prepared; and adjustments to be made in preparing financial statements;

Financial report, has the meaning given in section 63 of the Act;

Financial statements means the financial statements in relation to the Association required under Part 5 Division 3 of the Act;

Financial year, of the Association, means a period commencing 1 July and ending on 30 June;

General Meeting, of the Association, mean meetings of the Association that all members are entitled to receive notice of and to attend;

Member means a person who is an **Ordinary** or a **Life** or an **Associate** member of the Association;

Ordinary Committee member means a Committee member who is not an Executive Member of the Association under Rule 28 (1);

Ordinary Resolution means resolution other than a special resolution;

Poll means voting conducted in written form (as opposed to a show of hands);

President means the Committee member holding office as the Chairperson of the Association as appointed under these rules;

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

Resident priest means the Priest(s) responsible for the performance of the religious activities under management of the Association;

Regulations means the *Associations Incorporation Regulations 2016*;

Returning Officer means the person nominated by the Management Committee who is an Ordinary or Life member (and not a candidate) or an official from the WA Electoral Commission to conduct election of Committee members;

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

Saivam means a branch of Hindu Religion originated in South India;

Saivitie means a person who believes in Saivam and follows it's teachings;

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

Special General Meeting means a general meeting of the Association other than the Annual General Meeting;

Special resolution means a resolution passed by the members at a general meeting in accordance with section 51 of the Act i.e. a special resolution must be approved by 75% of the members who attend and vote at a general meeting that has been convened under the rules;

Sri Balamurugan Dewasthanam means an entity managed in accordance with the rules of the Association and may act, accept and hold real and personal property in the capacity of a trustee;

Subcommittee means a subcommittee appointed by the committee under Rule 36 (1)(a);

Subsidiary offices means a member may carry out the functions given to the member as the holder considers appropriate;

Tamil means a person who accepts the Tamil language as his or her mother tongue or his or her forefathers' mother tongue was Tamil language;

Treasurer means the committee member holding office as the Treasurer of the Association.

PART 2 — OBJECTIVES AND RULES

2. Objectives

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

The objectives of the Association are to:

- (1) Build, develop, maintain and manage a place of worship for Saivites who wish to practice religion in accordance with vedic and siva agamic traditions;
- (2) Promote and develop Saivism (as our religion and culture) and reaffirm through this constitution that Murugan, the traditional God of Tamils, as the principal deity with other deities namely Ganapathi, Siva, Shakthi, Vishnu, Bairavar, Ayyappan, Hanuman and Navagrahas;
- (3) Arrange for and provide facilities and conduct religious activities at the temple according to vedha saiva agama traditions;
- (4) Raise funds for the purposes of facilitating the erection, equipping, furnishing, establishing, and administrating the support facilities of the Association for cultural, educational and welfare purposes;
- (5) Provide opportunities and venue(s) for cultural, educational and welfare activities, and related fund raising activities, represent the interest of Saivites to the relevant authorities;
- (6) Promote understanding of the Saivam through worship, education and discourses by learned scholars, including the facilitation of classes, Indian dance and music, retreats and similar activities for children, youth and senior members of the Association;
- (7) Establish and manage a library to assist in an understanding of Saivam, culture and practices;
- (8) Establish and manage food stalls to serve the needs of the members and to promote practice of vegetarianism according to the Hindu tradition;
- (9) Do all such other things as are incidental or conducive to the attainment of the above objectives or any of them.

3. Financial Year

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

4. Rules

- (1) These rules bind every member (ordinary, life and associate members) and the Association to the same extent as if every member (ordinary, life and associate members) and the Association had signed and sealed these rules and agreed to be bound by all their provisions.
- (2) If the Association wants to alter or rescind any of these rules, or to make additional rules, the Association may do so only by following the procedure set out as follows -
 - (a) the Association may alter its rule by special resolution passed at a general meeting but not otherwise;

- (b) the Committee may, whenever it thinks fit, on its own motion include a special resolution at a general meeting for rescission alteration or addition to rules for the consideration of the members of the Association;
- (c) any member so wishing to move for rescission, alteration or addition to any of the rules of the Association shall give at least twenty-eight (28) days' notice in writing to the Secretary prior to the holding of the general meeting at which the motion for rescission alteration or addition is to be considered;
- (d) no rescission, alteration or addition to this rule shall be deemed carried unless seventy-five percent (75%) of the members (ordinary and life), voting either in person or by written proxy in the form approved by the Committee vote in favour;
- (e) within one month of the passing of a special resolution altering its rules, or such further time as the Commissioner may in particular case allow (on written application by the Association), the Association must lodge with the Commissioner notice of the special resolution setting out particulars of the alteration together with a certificate given by a Committee member certifying that the resolution was duly passed as special resolution and that the rules of the Association as so altered conform to the requirements of the Act;
- (f) an alteration of the rules of the Association does not take effect until sub-rule 2(e) is complied with;
- (g) an alteration of the rules of the Association having effect to change the name of the Association does not take effect until Rules 2(a), 2(e) and 2(f) are complied with and the approval of the Commissioner is given to the change of name.

5. Powers

The powers conferred on the Association are the same as those conferred by section 13 of the Act, so that subject to the Act and any additions, exclusions or modifications inserted below, the Association may do all things necessary or convenient for carrying out its objectives and purposes, and in particular, may-

- (1) acquire, hold, lease, deal with, and dispose of any real or personal property;
- (2) open and operate bank accounts and draw, accepts and negotiate cheques, bills of exchange, promissory notes and other negotiable instruments;
- (3) invest any moneys not immediately required for any of the above objectives in authorised Investment Funds;
- (4) borrow or raise money upon such terms and conditions as the Association thinks fit;
- (5) refer any particular capital works exceeding fifty-thousand dollars (\$50,000, exclusive of GST) to a general meeting of the Association;
- (6) enter into any other contract it considers necessary or desirable and give such security for the discharge of liabilities incurred by the Association as the Association thinks fit;
- (7) employ, control and remove any contract, volunteers or unpaid workers of the Association;
- (8) act on behalf of Sri Balamurugan Dewasthanam in accordance with the rules of the Association and manage properties in the capacity of a trustee;

- (9) obtain, collect, and receive monies and funds by way of contributions, donations, subscriptions, legacies, grants, or any other lawful method and to accept and receive gifts of property of any description whether subject to any special trust or not;
- (10) erect, maintain and improve or make alterations to any land or buildings or other property in the care, control, custody or ownership of the Association;
- (11) take such steps and engage in such activities as may be necessary or expedient for the procuring of income, donations or contributions to enable the Association to further its objectives;
- (12) enter into any arrangements with any Government or authority of Commonwealth, State, Local or otherwise that, may seem conducive to the attainment of the objectives of the Association;
- (13) engage by contracts of service or for services for remuneration persons to perform services for the Association in furtherance of the above mentioned objectives; and
- (14) do all such other things as the Association may deem to be incidental or conducive to the attainment of the above objectives and the exercise of the above powers.

6. Common Seal

- (1) The Association must have a common seal on which its name appears in legible characters.
- (2) The common seal of the Association must not be used without the express authority of the Committee and every use of that common seal must be recorded in the minute book.
- (3) The common seal shall be affixed in the presence of any two of the President, Vice-President, Secretary or Treasurer who shall sign and counter sign respectively the affixation of the seal.
- (4) The common seal of the Association must be kept in the custody of the Secretary or such other person as the Committee from time to time decides.

7. By-laws

- (1) The Association may, by resolution at a general meeting, make, amend or revoke by-laws.
- (2) By-laws may -
 - (a) provide for the rights and obligations that apply to any classes of membership approved under Rule 9(1); and
 - (b) impose restrictions on the Committee's powers, including the power to dispose of the Association's assets; and
 - (c) impose requirements relating to financial reporting and accountability of the association, auditing of the Association's accounts, and procurement of services (Financial Code of Conduct);
 - (d) impose requirements relating to the conduct of the members of the Association within the Association's premises (Member's Code of Conduct); and
 - (e) provide for any other matter the Association considers necessary or convenient to be dealt with in the by-laws.
- (3) A by-law is of no effect to the extent that it is inconsistent with the Act, Regulations or these rules.
- (4) Without limiting sub rule 3, a by-law made for the purposes of sub rule 2(c) may only impose requirements on the Association that are additional to, and do not restrict, a requirement imposed on the Association under Part 5 of the Act.

PART 3 — MEMBERSHIP

8. Eligibility for membership

- (1) The following shall be eligible to become a financial member of the Association on payment of such fee prescribed from time to time by the Committee:
 - (a) the Tamil Saivities or persons who are married to Tamil Saivities; and
 - (b) have reached the age of 18 years.
- (2) A fulltime contract worker who directly involved in the day to day activities of the Association shall not be eligible to become a financial member of the Association.

9. Classes of membership

Members of the Association shall consist of:

(1) **Ordinary Members:**

Ordinary memberships shall be confined to the Tamil Saivities or persons who are married to Tamil Saivities resident in Western Australia and are divided into the following categories:

- a) **Individual member:** Single person over the age of 18 years shall be eligible to become Individual member and shall be entitled to one vote;
- b) **Family member:** A family member includes the member and his/her spouse and dependent children under the age of 18 years. However, only the member and his/her spouse shall have voting rights, with one vote each;
- c) **Senior/Pensioner member:** Members solely dependent on Australian or other government pension and/or social service benefits or holders of the Senior Citizens Card and their spouses. Each member and his/her spouse shall be eligible to a vote(s).

(2) **Life Members:**

Any member eligible to become an Ordinary Member shall be eligible to become a life member on payment of such fee prescribed from time to time by the Committee.

- a) **Individual member:** Single person over the age of 18 years shall be eligible to become Individual member and shall be entitled to one vote;
- b) **Family member:** A family member includes the member and his/her spouse and dependent children under the age of 18 years. However, only the member and his/her spouse shall have voting rights, with one vote each;
- c) **Senior/Pensioner member:** Members solely dependent on Australian or other government pension and/or social service benefits or holders of the Senior Citizens Card and their spouses. Each member and his/her spouse shall be eligible to a vote(s).

(3) **Associate Members:**

Associate membership shall be confined to person who accept and adopt the objectives of the Association, but not entitled to become an Ordinary or a Life member. An associate member shall be entitled to all privileges of membership of the Association except the right to vote or to seek election to the Committee.

10. Applying for membership

- (1) A person who wants to become a member must apply in writing to the Association in such form as the Committee from time to time directs.
- (2) The applicant must specify in the application the class of membership to which the application relates to along with the prescribed fees to the Association under Rule 12.
- (3) The applicant must be proposed by a financial member and seconded by another member.

11. Dealing with membership applications

- (1) The Committee must consider each application and decide whether to accept or reject the application.
- (2) The committee may delay its consideration of an application if the committee considers that any matter relating to the application needs to be clarified by the applicant or that the applicant needs to provide further information in support of the application.
- (3) The committee must not accept an application unless the applicant is eligible under Rule 8 and has applied under Rule 10.
- (4) The Secretary must notify the applicant of the committee's decision to accept or reject the application as soon as practicable after making the decision.
- (5) If the applicant is accepted as a member then the membership shall take effect from the date on which the Committee accepts the application.
- (6) Should the committee reject the application for membership, it shall, if requested by the applicant, refer the rejected application to an Annual General Meeting for determination.
- (7) The annual membership of the Association shall be renewable at the end of each financial year and fall due on the 1st day of July each year.

12. Membership fees

- (1) The Committee must determine the membership fee to be paid for each class of membership.
- (2) An Ordinary or Associate member must pay the annual membership renewal fee to the Treasurer, or another person authorised by the Committee, on the 1st day of July each year.
- (3) If a member has not paid the annual membership fee within a grace period of August 31 of the year, the member ceases to be a member for the new financial year.
- (4) If a person who has ceased to be a member under sub rule (3) offers to pay the annual membership fee after the period referred to in that sub rule has expired, the committee may, at its discretion, accept that payment; and reinstate the person's membership only from the date the payment is accepted. However, the member shall not be eligible to vote in the Annual General Meeting for the new financial year.

13. When membership ceases

- (1) A person ceases to be a member when any of the following takes place -
 - (a) a member who is an individual, the individual dies;
 - (b) the member resigns from the Association under Rule 14;
 - (c) the member is expelled from the Association under Rule 16;
 - (d) the member failed to renew his/her membership within two (2) months after the due date referred in Rule 12(3).
- (2) The rights of a member are not transferable and end when membership ceases.
- (3) The Secretary must keep a record, for at least one year after a person ceases to be a member, of -
 - (a) the date on which the person ceased to be a member; and
 - (b) the reason why the person ceased to be a member.

14. Resignation

- (1) A member may resign from membership of the Association by giving written notice of the resignation to the Secretary.
- (2) The resignation takes effect –
 - (a) when the Secretary receives the notice; or
 - (b) if a later time is stated in the notice, at that later time.

15. Register of members

- (1) The Secretary is responsible for the requirements imposed on the Association under section 53 of the Act to maintain the register of members and record in that register any change in the membership.
- (2) In addition to the matters referred to in section 53(2) of the Act, the register of members must include the class of membership to which each member belongs and the date on which each member becomes a member.
- (3) The register of members must be kept at a place determined by the Committee, or provided to a member within 14 days of making the request to the Secretary.
- (4) A member who wishes to inspect the register of members must contact the Secretary to make the necessary arrangements.

PART 4 — DISCIPLINARY ACTION, DISPUTES AND MEDIATION

16. Suspension or expulsion

- (1) The Committee may decide to suspend a member's membership or to expel a member from the Association if –
 - (a) the member contravenes any of these rules; or
 - (b) the member acts detrimentally to the interests of the Association.
- (2) The Secretary must give the member written notice of the proposed suspension or expulsion at least 28 days before the Committee meeting at which the proposal is to be considered by the Committee.
- (3) The notice given to the member must state –
 - (a) when and where the Committee meeting is to be held; and
 - (b) the grounds on which the proposed suspension or expulsion is based; and
 - (c) that the member, or the member's representative, may attend the meeting and will be given a reasonable opportunity to make written or oral (or both written and oral) submissions to the Committee against the proposed suspension or expulsion;
- (4) At the Committee meeting, the Committee must –
 - (a) give the member, or the member's representative, a reasonable opportunity to make written or oral (or both written and oral) submissions to the committee; and
 - (b) decide –
 - (i) whether or not to suspend the member's membership and, if the decision is to suspend the membership, the period of suspension; or
 - (ii) whether or not to expel the member from the Association.
- (5) The Committee must give the member written notice of the Committee's decision, and the reasons for the decision, within 7 days after the meeting at which the decision is made.
- (6) A member whose membership is suspended or who is expelled from the Association may, within 14 days after receiving notice of the Committee's decision under sub rule (5), give written notice to the Secretary requesting the appointment of a mediator under Rule 18.
- (7) During the period a member's membership is suspended, the member –
 - (a) loses any rights (including voting rights) arising as a result of membership;
 - (b) loses or vacates any position arising as a result of the membership; and
 - (c) is not entitled to a refund, rebate or credit for membership fees paid to the Association.
- (8) When the period of the suspension ends, the secretary must record in the register of members that the member's membership is no longer suspended.
- (9) If notice is given under sub rule (5), the member who gives the notice and the Committee are the parties to the mediation.

17. Resolving disputes

- (1) The parties to a dispute must attempt to resolve the dispute between themselves within 14 days after the dispute has come to the attention of each party.
- (2) If the parties to a dispute are unable to resolve the dispute between themselves within the time required by sub rule 1, any party to the dispute may start the grievance procedure by giving written notice to the Secretary of the parties to the dispute; and the matters that are the subject of the dispute.

- (3) Within 28 days after the Secretary is given the notice, a committee meeting must be convened to consider and determine the dispute.
- (4) The Secretary must give each party to the dispute written notice at least 7 days before the committee meeting at which the dispute is to be considered and determined.
- (5) If -
 - (a) the dispute is between one or more members and the Association; and
 - (b) any party to the dispute gives written notice to the secretary stating that the party -
 - (i) does not agree to the dispute being determined by the committee; and
 - (ii) requests the appointment of a mediator under Rule 18,

The committee must not determine the dispute.
- (6) The committee must give each party to the dispute written notice of the committee's determination, and the reasons for the determination, within 7 days after the committee meeting at which the determination is made.
 - (a) A party to the dispute may, within 14 days after receiving notice of the committee's determination, give written notice to the Secretary requesting the appointment of a mediator under Rule 18.
 - (b) If notice is given under sub rule 6(a), each party to the dispute is a party to the mediation.

18. Appointment of mediator

- (1) The mediator must be a person chosen if the appointment of a mediator was requested by a member under Rule 16(6) - by agreement between the Member and the Committee.
- (2) The person appointed as mediator by the Committee may be a member or former member of the Association but must not -
 - (a) have a personal interest in the matter that is the subject of the mediation; or
 - (b) be biased in favour of or against any party to the mediation.

19. Mediation process

- (1) In conducting the mediation, the mediator must -
 - (a) give each party to the mediation every opportunity to be heard; and
 - (b) allow each party to the mediation to give due consideration to any written statement given by another party; and
 - (c) ensure that natural justice is adopted throughout the mediation process.
- (2) The mediator cannot determine the matter that is the subject of the mediation.
- (3) The mediation must be confidential, and any information given at the mediation cannot be used in any other proceedings that take place in relation to the matter that is the subject of the mediation.
- (4) The costs of the mediation are to be paid by the party or parties to the mediation that requested the appointment of the mediator.
- (5) If -
 - (a) mediation takes place because a member whose membership is suspended or who is expelled from the Association; and
 - (b) as the result of the mediation, the decision to suspend the member's membership or expel the member is revoked,
 - (c) that revocation does not affect the validity of any decision made at a committee meeting or general meeting during the period of suspension or expulsion.

PART 5 — COMMITTEE

20. Powers of Committee

- (1) The Committee members are the persons who, as the Management Committee of the Association, have the power to manage the affairs of the Association.
- (2) Subject to the Act, these rules, the by-laws (if any) and any resolution passed at a general meeting, the Committee has power to do all things necessary or convenient to be done for the proper management of the affairs of the Association.
- (3) The Committee must take all reasonable steps to ensure that the Association complies with the Act, these rules and the by-laws (if any).

21. Composition of Committee

- (1) The committee members consist of the Executive Member of the Association; and Ordinary Committee Members.
- (2) The maximum number of Ordinary Committee Members shall be five (5).
- (3) The following are the Executive Member of the Association -
 - (a) the President;
 - (b) the Vice President;
 - (c) the Secretary;
 - (d) the Assistant Secretary;
 - (e) the Treasurer;
 - (f) the Assistant Treasurer.
- (4) Subject to Rules 8 and 16, a person may be a committee member if the person is -
 - (a) an ordinary or life member of the Association for not less than 2 years at the time of nomination; and
 - (b) a permanent resident of Western Australia.
- (5) A member must not hold 2 or more of the offices mentioned in sub rule (3) at the same time.

22. President

The President has the following duties -

- (1) Consulting with the Secretary regarding business to be conducted at each committee meeting and general meeting.
- (2) Presiding at Committee meetings and general meetings.
- (3) Ensuring that the affairs of the Association are conducted in the best interest of the Association.
- (4) Representing the Association as the spokesperson in dealing with external organisations.
- (5) Be one of the authorized signatory to all bank transaction.
- (6) Managing contract workers including selection, retention and or termination in accordance with Rule 54.

In the absence of the President, the Vice President shall be responsible for the duties assigned to the President.

23. Secretary

The Secretary has the following duties -

- (1) Consulting with the President regarding the business to be conducted at each committee meeting and general meeting.
- (2) Preparing the notices and the businesses to be conducted at meetings.
- (3) Maintaining the Association register of members, and recording any changes in the membership.
- (4) Maintaining on behalf of the Association an up-to-date copy of these rules as required under section 35(1) of the Act.
- (5) Ensuring the safe custody of the books and securities of the Association, other than those in the custody of the Treasurer.
- (6) Maintaining full and accurate minutes of committee meetings and general meetings.
- (7) Maintaining workers contracts & records.
- (8) Convening all General and Committee Meetings (except subcommittee meetings) and such other meetings as may be directed by the Committee from time to time.
- (9) Keeping records and coordinate all the correspondence of the Association.
- (10) Be one of the authorized signatory to all bank transaction.
- (11) Carrying out any other duty given to the Secretary under these rules or by the Committee.

In the absence of the Secretary, the Assistant Secretary shall be responsible for the duties assigned to the Secretary.

24. Treasurer

The treasurer has the following duties -

- (1) Ensuring that any amounts payable to the Association are collected and issuing receipts for those amounts in the Association's name.
- (2) Ensuring that any amounts paid to the Association are credited to the appropriate account of the Association, as directed by the Committee.
- (3) Ensuring that any payments to be made by the Association that have been authorised by the Committee or at a general meeting are made on time.
- (4) Ensuring that the Association complies with the relevant requirements of Part 5 of the Act.
- (5) Ensuring the safe custody of the Association's financial records, financial statements and financial reports, as applicable to the Association.
- (6) Coordinating the preparation of the Association's financial report before its submission to the Association's Annual General Meeting.
- (7) Providing any assistance required by an auditor or reviewer conducting an audit or review of the Association's financial statements or financial report under Part 5 Division 5 of the Act.
- (8) Presenting the budget of capital works programs for the ensuing financial year, if any.

- (9) Ensuring that an audited financial statement for the financial year as at 30 June was presented at each Annual General Meeting of the Association.
- (10) Presenting a budget for the normal running expenses for the financial year of the Association.
- (11) Be responsible for managing petty cash and safe keeping of all valuables.
- (12) Submitting monthly accounts to the Committee.
- (13) Maintaining a Register of Donors who donated money expressly for or in furtherance of the objectives, maintaining anonymity if donors requested.
- (14) Performing such other duties as are imposed by these rules on the Treasurer.

In the absence of the Treasurer, the Assistant Treasurer shall be responsible for the duties assigned to the Treasurer.

25. Term of office of Management Committee

- (1) Members of the Committee shall be elected –
 - (a) at an Annual General Meeting; or
 - (b) appointed by the committee to fill a casual vacancy under Rule 31.
- (2) The Committee shall hold office for one (1) year from 1 September to 31 August.
- (3) Subject to Rule 2, a committee member holds office until the positions on the Committee are declared vacant at the Annual General Meeting.
- (4) A member shall not hold a given Executive Member position for more than two (2) years.
- (5) A member shall not serve more than six (6) years (in aggregate) in the Executive Committee.
- (6) A member shall not serve more than ten (10) years (in aggregate) in the Management Committee.
- (7) The Sub Rules (4), (5), (6) and (7) may be waived in cases no nominations are received for any given position.
- (8) Any member of the Committee who had so vacated office or has resigned from the office shall not be eligible to stand for re-election for two (2) years after so vacating the office.
- (9) Any member of the Committee who is terminated from the office shall not be eligible to stand for re-election for five (5) years after so vacating the office.

26. Nomination and Election of Management Committee

- (1) At least 42 days before an Annual General Meeting, the Secretary must send notice to all the members calling for nominations for election to the Committee; and stating the date by which nominations must be received by the Returning Officer to comply with sub rule (3).
- (2) The form of nomination is the prescribed Nomination Form of the Association for the purposes of the Annual General Meeting.
- (3) A member who wishes to be considered for election to the Committee at the Annual General Meeting must nominate for a position by sending the completed form of the nomination to the Returning Officer at least 28 days before the Annual General Meeting.

- (4) A member having a vested interest or being a member of a management committee of a similar religious organisation shall not be eligible to serve in the Management Committee.
- (5) A member may nominate for one specified position of Executive Member or to be an Ordinary Committee member of the Association.
- (6) A member whose nomination does not comply with this rule is not eligible for election to the Committee unless the member is nominated under Rule 31.
- (7) A Member nominated for a position must be present on the day of election to qualify unless the member is unable to be present due to exceptional circumstances (such as bereavement, or hospitalisation), and the Returning Officer is satisfied with such a request in writing made by the member, or on his/her behalf by another member, before the commencement of the Annual General Meeting.
- (8) Each member present at the meeting shall only vote for a member in accordance with the procedures that have been determined by the Committee.
- (9) If two or more members who have nominated for a position get equal number of votes, a member will be selected based on *toss-of-a-coin* by the Returning Officer.
- (10) At the general meeting the election shall be conducted by the Returning Officer.

27. Election of Executive Members

- (1) The election for the positions of the Executive Members shall be on the basis that the candidates must have served at least two (2) years in the Committee within the preceding four (4) years.
- (2) A separate election must be held for each Executive position of the Association.
- (3) If only one member has nominated for each Executive position, the Returning Officer -
 - (a) must declare each of those members elected to the position; and
 - (b) may call for further nominations from the members at the meeting to fill any positions remaining unfilled after the elections under paragraph (a).
- (4) If more than one member has nominated for a position, the members must vote in accordance with the procedures that have been determined by the Committee.
- (5) At the election, the incoming President of the Association may take over as the President of the meeting, once the official results are announced.

28. Election of Ordinary Committee Members

- (1) The election for the positions of the Ordinary Committee members shall be on the basis that the candidates must have been an Ordinary or Life member for a period of not less than two (2) years prior to the close of the nomination date.
- (2) If the number of members nominating for the position of Ordinary Committee member is not greater than the number to be elected, the Returning Officer -
 - (a) must declare each of those members to be elected to the position; and
 - (b) may call for further nominations from the members at the meeting to fill any positions remaining unfilled after the elections under paragraph (a).
- (3) If more than five members have nominated for a position, the members must vote in accordance with the procedures that have been determined by the Committee.

29. Resignation and removal from office

- (1) A Committee member may resign from the Committee by written notice given to the Secretary or, if the resigning member is the Secretary, given to the President.
- (2) The resignation takes effect when the notice is received by the Secretary; or if a later time is stated in the notice, at the later time.
- (3) At a general meeting, the Association may by resolution remove a Committee member from office; and elect a member who is eligible under Rules 21(4) or 27(1) to fill the vacant position.
- (4) A Committee member who is the subject of a proposed resolution under sub rule (3) may make written submissions to the Secretary and may ask that the submissions be provided to the members.
- (5) A Committee member who fails to attend three (3) Committee meetings in a 12 month period, the Committee has resolved to declare the position vacant.

30. Ceases to be a Committee Member

A person ceases to be a Committee member if the person –

- (a) dies or otherwise ceases to be a member; or
- (b) resigns from the Committee or is removed from office under Rule 29; or
- (c) becomes ineligible to act as a committee member under section 39 of the Act;
- (d) becomes permanently unable to act as a Committee member because of a mental or physical disability; or
- (e) fails to attend three (3) scheduled Committee meetings in a 12 month period.

31. Filling casual vacancies

- (1) The Committee may appoint a member who is eligible under Rule 21(4) to fill a position on the Committee that has become vacant under Rule 30.
- (2) If the position of an Executive Member becomes vacant, the Committee must appoint a member who is eligible under Rule 27(1) to fill the position within 14 days after the vacancy arises.

32. Committee meetings

- (1) The Committee must meet together for the dispatch of business at least once a month and the President may at any time call a special meeting of the Management Committee.
- (2) The date, time and place of the first Committee meeting must be determined by the Committee members as soon as practicable after the Annual General Meeting.
- (3) Special Committee meetings may be convened by the President or any 4 Committee members.
- (4) At its first meeting, all Management Committee members should agree to abide by its own Code of Conduct or the *Guide for Incorporated Associations in Western Australia*.
- (5) Subject to the requirement for a quorum under Rule 41, the Committee may continue to act despite any vacancy in its membership.
- (6) If there are fewer Committee members than required for a quorum under Rule 41, the Committee may act only for the purpose of appointing Committee members under this rule.

33. Notice of Committee meetings

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

34. Procedure and order of business

- (1) The President or, in the President's absence, the Vice President must preside as Chair of each Committee meeting.
- (2) If the President and Vice President are absent or are unwilling to act as Chair of a meeting, the Committee members at the meeting must choose one of them to act as Chair of the meeting.
- (3) The procedure to be followed at a Committee meeting must be determined from time to time by the Committee.
- (4) The order of business at a Committee meeting may be determined by the committee members present at the meeting.
- (5) Each committee member, including co-opted members, has a deliberative vote.
- (6) A member or other person who is not a committee member may attend a Committee meeting if invited to do so by the Committee. A person invited under this rule -
 - (a) has no right to any agenda, minutes or other document circulated at the meeting; and
 - (b) must not comment about any matter discussed at the meeting unless invited by the Committee to do so; and
 - (c) cannot vote on any matter that is to be decided at the meeting.
- (7) A question arising at a Committee meeting must be decided by a majority of votes, but, if there is an equality of votes, the person presiding at the Committee meeting will have a casting vote in addition to his or her deliberative vote.
- (8) At a Committee meeting six (6) members (of whom 3 are Executive Members) constitute a quorum.
- (9) Subject to these rules, the Committee shall have power to make decisions on all matters and things coming before it unless it has been expressly forbidden to do so by any resolution carried at any general meeting of the Association.
- (10) The number of members required to constitute a quorum at any meeting of any sub-committee shall be not less than half of the members of such subcommittee unless otherwise determined by the Association.

35. Minutes of committee meetings

- (1) The Committee must ensure that minutes are taken and kept of each Committee meeting.
- (2) The minutes must record the following -
 - (a) the names of the committee members present at the meeting;
 - (b) the name of any person attending the meeting under Rule 34(5);
 - (c) the business considered at the meeting;
 - (d) any motion on which a vote is taken at the meeting and the result of the vote.
- (3) The chairperson must ensure that the minutes of a Committee meeting are reviewed and signed as correct by the chairperson of the meeting.
- (4) When the minutes of a Committee meeting have been signed as correct they are, until the contrary is proved, evidence that -
 - (a) the meeting to which the minutes relate was duly convened and held; and
 - (b) the matters recorded as having taken place at the meeting took place as recorded; and
 - (c) any appointment purportedly made at the meeting was validly made.

36. Subcommittees and subsidiary offices

- (1) To help the Committee in the conduct of the Association's business, the Committee may, in writing, do either or both of the following -
 - (a) appoint one or more subcommittees;
 - (b) create one or more subsidiary offices and appoint people to those offices.
- (2) The Committee may delegate all or any of its power to any Sub-committee and may give such powers to Subcommittee as it may think fit. The Chairperson of such sub-committee shall always be a member of the Management Committee; and in his or her absence another sub-committee member nominated by the sub-committee.
- (3) The decisions of all Sub-committees shall be circulated to all members of the Committee and tabled before a meeting of the Committee as soon as practicable after the meeting of the subcommittee in which those decisions have been made and the Committee shall then be at liberty to allow, disallow or amend the same by its resolution.
- (4) Subject to the Terms of Reference given by the Committee -
 - (a) a subcommittee may meet and conduct business as it considers appropriate; and
 - (b) the holder of a subsidiary office may carry out the functions given to the holder as the holder considers appropriate.

PART 6 — GENERAL MEETINGS OF ASSOCIATION

37. Annual General Meeting

- (1) The Committee must determine the date, time and place of the Annual General Meeting. The Annual General Meeting shall be held as soon as practicable after the first day of July in each year but in any event not later than the 31st day of August.
- (2) If it is proposed to hold the Annual General Meeting more than 6 months after the end of the Association's financial year, the Secretary must apply to the Commissioner for permission under section 50(3)(b) of the Act within 4 months after the end of the financial year. This can only happen in the event of a natural disaster or the members allow time for the sitting Committee to complete a major event, in the Temple calendar without disruption.
- (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 on the Association's activities during the preceding financial year;
 - (ii) the financial report of the Association for the preceding financial year; and
 - (iii) a copy of the auditor's report on the financial statements;
 - (c) to elect the Executive Members and other Committee members annually;
 - (d) appoint an Auditor of the Association in accordance with the Act;
 - (e) appoint an Honorary Lawyer for the ensuing year.
- (4) Any other business of which notice has been given in accordance with these rules may be conducted at the Annual General Meeting.

38. Special General Meetings

- (1) The Committee must convene a Special General Meeting if at least 20% of the members require a Special General Meeting or the Committee considered there is a need to convene a meeting for a Special Purpose.
- (2) The members requiring a Special General Meeting to be convened must -
 - (a) make the requirement by written notice given to the Secretary; and
 - (b) state in the notice the business to be considered at the meeting; and
 - (c) each signs the notice.
- (3) The Special General Meeting must be convened within 28 days after notice is given.
- (4) If the Committee does not convene a Special General Meeting within that 28 day period, the members making the requirement may convene the Special General Meeting.
- (5) A Special General Meeting convened by members under sub rule (4) -
 - (a) must be held within 3 months after the date the original requirement was made; and
 - (b) may only consider the business stated in the notice by which the requirement was made.

39. Notice of General Meetings

- (1) The Secretary or, in the case of a Special General Meeting convened under Rule 38(3), the members convening the meeting, must give to each member -
 - (a) at least 21 days' notice of a general meeting if a special resolution is to be proposed at the meeting; or
 - (b) at least 14 days' notice of a general meeting in any other case.

- (2) The notice must -
 - (a) specify the date, time and place of the meeting; and indicate the general nature of each item of business to be considered at the meeting; and
 - (b) if a special resolution is proposed -
 - (i) set out the wording of the proposed resolution as required by section 51(4) of the Act; and
 - (ii) state that the resolution is intended to be proposed as a special resolution.

40. Proxies

- (1) Subject to sub rule (2) and (3), a member may appoint an individual who is an Ordinary or Life member as his or her proxy to vote and speak on his or her behalf at a general meeting.
- (2) A member cannot appoint a proxy to vote in the election of Committee Members.
- (3) A member may be appointed proxy for not more than 4 other members.
- (4) The appointment of a proxy must be in writing and signed by the member making the appointment.
- (5) The member appointing the proxy may give specific directions as to how the proxy is to vote on his or her behalf.
- (6) If the Committee has approved a form for the appointment of a proxy, the member must use that form to clearly identify the person appointed as the member's proxy.
- (7) Notice of a general meeting given to a member under Rule 39 must -
 - (a) state that the member may appoint another member as a proxy for the meeting; and
 - (b) include a copy of the form that the Committee has approved for the appointment of a proxy.
- (8) A form appointing a proxy must be given to the Secretary before the commencement of the general meeting for which the proxy is appointed.
- (9) A form appointing a proxy sent by post or electronically is of no effect unless it is received by the Association not later than 24 hours before the commencement of the meeting.

41. Presiding member and quorum for general meetings

- (1) The President or, in the President's absence, the Vice President must preside as Chairperson of each general meeting.
- (2) If the President and Vice President are absent or are unwilling to act as Chairperson of a general meeting, the Committee members at the meeting must choose one of them to act as Chairperson of the meeting.
- (3) No business is to be conducted at a general meeting unless a quorum is present.
- (4) If a quorum is not present within 30 minutes after the notified commencement time -
 - (a) in the case of a Special General Meeting, where the meeting is requested by the members - the meeting lapses; or
 - (b) in the case of a Special General Meeting, where the meeting is called by the Committee - the meeting is adjourned to -
 - (i) a day within 28 days; and
 - (ii) at the same place, unless the Chairperson specifies another place at the time of the adjournment or by written notice.

- (c) in the case of the Annual General Meeting - the meeting is adjourned to -
 - (i) a day within 28 days; and
 - (ii) at the same place, unless the Chairperson specifies another place at the time of the adjournment or by written notice.
- (5) A quorum for all general meetings shall be twenty percent (20%) of the total number of members (ordinary and life members). If the meeting is resumption of an adjourned general meeting and a quorum is not present, the meeting shall proceed with the members (ordinary and life members) present in person or by proxy and shall constitute a quorum.

42. Adjournment of general meeting

- (1) The Chairperson of a general meeting at which a quorum is present may subject to sub rule (2), with the consent of a majority of the members present at the meeting, adjourn the meeting to another time at the same place or at another place.
- (2) Without limiting sub rule (1), a meeting may be adjourned -
 - (a) if there is insufficient time to deal with the business at hand; or
 - (b) to give the members more time to consider an item of business.
- (3) No business may be conducted on the resumption of an adjourned meeting other than the business that remained unfinished when the meeting was adjourned.
- (4) Notice of the adjournment of a meeting under this rule is not required unless the meeting is adjourned for 14 days or more, in which case notice of the meeting must be given in accordance with Rule 39.

43. Voting at general meeting

- (1) On any question arising at a general meeting -
 - (a) subject to sub rule (6), each member has one vote, and
 - (b) members may vote personally or by proxy.
- (2) A copy of the document by which the appointment is made must be given to the Secretary before any general meeting to which the appointment applies.
- (3) Except in the case of a special resolution, a motion is carried if a majority of the members present at a general meeting vote in favour of the motion.
- (4) If votes are divided equally on a question, the Chairperson of the meeting has a second or casting vote.
- (5) If the question is whether or not to confirm the minutes of a previous general meeting, only members who were present at that meeting may vote.
- (6) For a person to be eligible to vote at a general meeting, the person must have -
 - (a) been an Ordinary member or Life member at the time notice of the meeting was given under Rule 39; and
 - (b) paid any fee or other money payable to the Association by the member; and
 - (c) been a member for not less than six (6) months prior to the date of the general meeting.

44. When special resolutions are required

- (1) A special resolution is required if it is proposed to -
 - (a) affiliate the Association with another body; or
 - (b) amend the Rules of the Association.

- (2) Sub rule (1) does not limit the matters in relation to which a special resolution may be proposed.
- (3) Special Resolution(s) relating to sub rule (1) must be passed by the votes of not less than three-fourths of the members who cast a vote at the meeting either in person or by proxy.
- (4) Special Resolution(s) to all other matters must be passed by the votes of not less than one-fourth of the members who cast a vote at the meeting either in person or by proxy.

45. Determining whether resolution carried

- (1) Subject to sub rule (4), the chairperson of a general meeting may, on the basis of general agreement or disagreement or by a show of hands, declare that a resolution has been -
 - (a) carried unanimously; or
 - (b) carried by a particular majority; or
 - (c) lost.
- (2) If the resolution is a special resolution, the declaration under sub rule (2) must identify the resolution as a special resolution.
- (3) If a poll is demanded on any question by the chairperson of the meeting or by at least 3 other members present in person or by proxy -
 - (a) the poll must be taken at the meeting in the manner determined by the chairperson;
 - (b) the chairperson must declare the determination of the resolution on the basis of the poll.
- (4) If a poll is demanded on the election of the chairperson or on a question of an adjournment, the poll must be taken immediately.
- (5) If a poll is demanded on any other question, the poll must be taken before the close of the meeting at a time determined by the chairperson.
- (6) A declaration under sub rule (2) or (4) must be entered in the minutes of the meeting, and the entry is, evidence of how the resolution was determined.

46. Minutes of general meeting

- (1) The Secretary must take and keep minutes of each general meeting.
- (2) The minutes must record the business considered at the meeting, any resolution on which a vote is taken and the result of the vote.
- (3) In addition, the minutes of each Annual General Meeting must record -
 - (a) the names of the members attending the meeting; and
 - (b) any proxy forms given to the Secretary under Rule 40(7); and
 - (c) the financial statements presented at the meeting, as referred to in Rule 49; and
 - (d) any report of the review or auditor's report on the financial statements presented at the meeting, as referred to in Rule 49(2).
- (4) The chairperson must ensure that the minutes of a general meeting are reviewed and signed as correct by the chairperson of the meeting; or the chairperson of the next general meeting.
- (5) When the minutes of a general meeting have been signed as correct they are, in the absence of evidence to the contrary, taken to be proof that -
 - (a) the meeting to which the minutes relate was duly convened and held; and
 - (b) the matters recorded as having taken place at the meeting took place as recorded; and
 - (c) any election or appointment purportedly made at the meeting was validly made.

PART 7 — FINANCIAL MATTERS

47. Source of funds

- (1) The funds of the Association may be derived from entrance fees, annual subscriptions, donations, fund-raising activities, grants, interest, commercial ventures and any other sources approved by the Committee.
- (2) **Non-profit/not for profit:** The income and property of the Association shall be applied solely towards the promotion and achievement of the objectives of the Association. No portion of the income or property shall be paid, transferred or distributed directly or indirectly to the members of the Association, provided that nothing shall prevent the payment in good faith or remuneration to any employee of the Association for services actually rendered to the Association.

48. Control of funds

- (1) The Association must open an account in the name of the Association with a financial institution from which all expenditure of the Association is made and into which all funds received by the Association are deposited.
- (2) Subject to any restrictions imposed at a general meeting, the Committee may approve expenditure on behalf of the Association.
- (3) The Committee may authorise the Treasurer to expend funds on behalf of the Association up to a specified limit without requiring approval from the Committee for each item on which the funds are expended.
- (4) All funds of the Association must be deposited into the Association's account within 5 working days after their receipt.
- (5) All cheques issued on behalf of the Association shall be signed by the Treasurer or in the absence of the Treasurer by the Assistant Treasurer and one of the authorized signatory.
- (6) The Committee shall ensure the preparation of a budget of capital works, if any and a budget of the normal running expenses of the ensuing financial year.
- (7) The Committee shall transfer, to authorized Investment Funds with major trading bank(s) or pay any outstanding financial liabilities, all monies and receipts that are in excess of the amount approved for the normal running expenses of the Association.
- (8) The Treasurer shall present to the auditor who is appointed by members of the Association at each Annual General Meeting, as soon as can be conveniently done after the close of each financial year the accounts for the year together with all books of account, cheque books, receipts, vouchers, bank statements and other information as the auditor may reasonably require.
- (9) The Auditor shall compare the financial statements and other accounts for the financial year with the Association's books of account and vouchers and shall prepare a report thereon for submission by the Treasurer at the Annual General Meeting.

49. Financial statements and financial reports

- (1) For each financial year, the Committee must ensure that the requirements imposed on the Association under Part 5 of the Act relating to the financial statements or financial report of the Association is met.

- (2) Without limiting sub rule (1), those requirements include —
 - (a) preparation of the financial statements and the financial report; and
 - (b) auditing of the financial statements and financial report; and
 the presentation to the Annual General Meeting of the copy of the report of the auditor's report.

50. Financial Responsibilities

- (1) The collections of monies are only at the front counter at the Association Building.
- (2) The affairs of the Building Fund shall be managed in the form of a "Declared Trust Fund" and administered by the Executive Members in accordance with the rules.
- (3) Monies collected for and on behalf of the Association should be receipted and banked in full in the appropriate account as listed below.
 - a) Building Fund account - Building fund donations - Point of Sale (POS) Tax Deductible Gift Receipt (DGR). Disbursements from the building fund are restricted to "approved capital and fixed asset maintenance works" only.
 - b) Operating account - Association shall maintain separate account for the membership fund as part the requirements.
 - c) Dewasthanam Account - Collections from general daily activities of Sri Balamurugan Dewasthanam.
 - d) All accounts needs to be audited annually and presented as separate audited accounts.
- (4) Undiyal collections are to be verified as correct by the Treasurer or the Assistant Treasurer and another member of the Committee and to be banked. Cash is to be receipted into POS general as Undiyal collections. Count sheets are to be retained to provide an audit trail.
- (5) A banking summary is to be prepared weekly. Funds are to be banked weekly, with an option of daily banking if the collection exceeds \$1,000. The deposit slip is to be attached to the banking summary. Funds received are to be deposited in full in the stipulated bank accounts. No cash disbursements for expenses are to be made from collections. No cash receipts are to be given for anticipated collections.
- (6) Accounting records are to be weekly updated with Bank reconciliation. Receipts issued should be in the form of POS receipts with the option of hand written receipts in the event of a POS terminal fault. Manual cash receipt books are to be pre-numbered. There is a limit of one receipt book per bank account at the Front Desk. Stock of new receipt books is to be retained by the Treasurer. No alternate receipting system or books is to be adopted.
- (7) The Committee to nominate suitable persons with purchasing and procurement responsibilities subject to the purchasing limits (exclusive of GST) listed below.
 - (a) Operational expenses - <\$500: Purchase Officer Judgement; \$500 to \$2,000: Approval of Committee except in emergency situations; \$2,000 to \$5,000: Approval of Committee and a written quote; \$5,000 and above: It is not expected that a single item of operational expense will exceed \$5,000, however, in the event that this does occur, the full consent of the Committee must be obtained. If there is no common agreement such matters must be referred to a Special General Meeting for adoption.
 - (b) Capital expenditure - <\$1000: Committee approval; \$1000-\$5,000: Committee approval and a written quote; \$5,001 to \$49,999 - a minimum of three written quotations, accompanied by technical expert advice and approval at the Committee meeting; \$50,000 and above - Public tender process, appoint technical Sub-committee for project appraisal, Committee Approval and follow up with and approval at a Special General Meeting.

- (c) Supplier payments prerequisites - Supplier tax invoices must be obtained in favour of the Association; Payment is to be made in accordance with terms agreed by the Association; NO payments are to be made without invoices; Payment details are to be recorded on cheque counterfoils.
- (d) Petty cash - Float shall be \$1,000; Maximum limit per disbursement shall be \$200; Supporting documents requirement for Petty Cash payment are: a petty cash voucher reimbursement docket with payee name, details of payments, amount paid and date of payment is to be retained.
- (e) Salary and wages – Must comply with statutory guidelines and directives for all permanent and casual salary and wage payments; No cash payments are to be made.
- (8) Non-monetary donations (other than perishables) - A non-monetary donations register is to be retained providing details of the donations received; Donors' name and contact details; Date donation received; Recipient signature; Valuable Jewellery stock and movement register. For Issues/Returns - Date issued/returned; Name of person issued/returned and signature; Items issued/Returned; Verified and Signed by Treasurer/Assistant Treasurer.
- (9) Fund raising events – Committee shall be responsible for Association fund raising events. All collections made and payments made must be documented and accounted for in full. The organising committee must include the Treasurer/Assistant Treasurer with full authority and responsibility for the management of the event finances.
- (10) Record keeping
The Treasurer is responsible for complying with various regulatory bodies record-keeping requirements; POS management; Bookkeeping and accounting software management; Signed list of handover documents from the outgoing Treasurer to the incoming Treasurer; Insurance (property, public liability, workers compensation) and the maintenance of all books and records in good order.
- (11) All Bank borrowings shall be approved at an Annual or Special General Meeting.
- (12) Bank signatories shall jointly be the President or the Vice President or the Secretary with the Treasurer or the Assistant Treasurer.
- (13) Treasurer shall report monthly Balance Sheet, Income and Expenditure statement and cash flow statement to the Committee with posting at Association Building for members viewing; including membership payment records in line with the Membership Register maintained by the Secretary; and monetary and non-monetary donations list.
- (14) Independent audit report shall be completed by 31 July each year.
- (15) Audit report and latest financial reports to be provided at the Annual General Meeting to be held by 31 August each year.
- (16) Monthly management reports shall be provided to the Committee Members, and Quarterly reports to all the Financial Members.
- (17) Handover Documents at end of term - All relevant documents (hard/ electronic), bank statements and records to be handed over to the successive Management Committee within 7 days of Annual General Meeting or 31 August each year whichever is the earliest date.
- (18) Bank Accounts and associated accounting procedure shall be reviewed every five years in consultation with the Auditor.

PART 8 — GENERAL MATTERS

51. Giving notices to members

- (1) A notice or other document that is to be given to a member under these rules is taken not to have been given to the member unless it is in writing and -
 - (a) delivered by hand to the recorded address of the member; or
 - (b) sent by prepaid post to the recorded postal address of the member; or
 - (c) sent by facsimile or electronic transmission to an appropriate recorded number or recorded electronic address of the member.

52. Custody of books and securities

- (1) Subject to sub rule (2), the books and any securities of the Association must be kept in the Secretary's custody or under the Secretary's control.
- (2) The financial records and, as applicable, the financial statements or financial reports of the Association must be kept in the Treasurer's custody or under the Treasurer's control.
- (3) Sub rules (1) and (2) have effect except as otherwise decided by the Committee.
- (4) The books of the Association must be retained for at least 7 years.

53. Inspection of records and documents

- (1) Sub rule (2) applies to a member who wants to inspect -
 - (a) the register of members under section 54(1) of the Act; or
 - (b) the record of the names and addresses of committee members, and other persons authorised to act on behalf of the Association, under section 58(3) of the Act; or
 - (c) any other record or document of the association.
- (2) The member must contact the Secretary to make the necessary arrangements for the inspection.
- (3) The inspection must be free of charge.
- (4) If the member wants to inspect a document that records the minutes of a Committee meeting, the right to inspect that document is subject to any decision the Committee has made about minutes of Committee meetings generally, or the minutes of a specific Committee meeting, being available for inspection by members.
- (5) The member may make a copy of or take an extract from a record or document referred to in sub rule (1) (c) but does not have a right to remove the record or document for that purpose.
- (6) The member must not use or disclose information in a record or document referred to in sub rule (1)(c) except for a purpose that is directly connected with the affairs of the Association; or that is related to complying with a requirement of the Act.
- (7) A committee member must not publish, or cause to be published, any statement about the business conducted by the Association at a general meeting or Committee meeting unless—
 - (a) the committee member has been authorised to do so at a Committee meeting; and
 - (b) the authority given to the committee member has been recorded in the minutes of the Committee meeting at which it was given.

54. Short Term Contract Personnel

- (1) The Association shall contract an Administrator and such other staff as may be needed from time to time, subject to provisions for such positions being included in the annual budget presented at the Annual General Meeting. The positions should be advertised widely to attract suitable persons.
- (2) The Committee shall initiate a process when it becomes aware of a need to contract workers to carry out a service. The following steps need to be considered:
 - (a) Procurement of human services can only be undertaken on a contractual basis.
 - (b) Selection criteria should clearly stipulate the requirements and the expectations to attract appropriately qualified person to meet the needs of the Association.
 - (c) Seek expression of interest from wider community and geographical location.
 - (d) Appoint a five-member Selection Panel, consisting of at least 2 members of the Committee to review and submit a ranked list of suitable applications in order of preference.
 - (e) A prioritised list of candidates should be submitted to the Committee for consideration and appointment.
- (3) The term of appointment shall be for a period of two years. But the incumbent may be extended if the Committee so decide for no more than another two years.
 - (a) The maximum term of the contract should not exceed two years at a time and four years in total.
 - (b) A worker leaving the services at the end of his tenure, or earlier, will be eligible for re-appointment only after an interval of five years.
- (4) The President, in association with the Secretary, shall manage the execution of contractual arrangement including appointment and or termination of workers.

55. Dissolution of the Association

- (1) The Association shall not be dissolved except at a special general meeting specifically convened for the purpose and by a resolution carried by not less than seventy-five (75%) of the members (ordinary and life members) of the Association.
- (2) At any general meeting called for the dissolution, members (ordinary and life members) must attend and vote in person.

56. Distribution of Surplus Assets on Dissolution

If upon winding up or dissolution of the Association there remains after satisfaction of all its debts and liabilities any property whatsoever, the same shall not be paid or distributed amongst the members, or former members, but shall be given or transferred to another association incorporated under the Act which has similar objectives and to which income tax deductible gifts can be made as approved by the Commissioner of Taxation and which association shall be determined by the resolution of members (ordinary and life members).