

INDIAN SENIOR CITIZENS ASSOCIATION OF VICTORIA, AUSTRALIA (INC).

THE CONSTITUTION **as amended on 9th September 2006**

“ We, the Senior Citizens of Indian origin resident in the State of Victoria, in our desire to promote general welfare of Indian Senior Citizens in Victoria, to foster, preserve, and promote Indian cultural heritage, and to promote mutual friendship and goodwill amongst ourselves and between the people of Australia and India, having formed the Indian Senior Citizens Association of Victoria Inc. in 1995, have agreed to formulate and to give to ourselves this **Constitution**.”

- 1. NAME:** The name of the Incorporated Association shall be INDIAN SENIOR CITIZENS ASSOCIATION OF VICTORIA, AUSTRALIA (INC).
- 2. REGISTERED OFFICE:** The registered office shall be at 46 Torwood Ave Glen Waverley Vic 3150 or at such other place as determined from time to time by the Committee of Management.
- 3. DEFINITIONS AND INTERPRETATION:**
 - “Act” shall mean the Associations Incorporation Act 1981 (Vic.);
 - “Association” shall mean the Indian Senior Citizens Association of Victoria, Australia, Inc.
 - “Committee of Management” shall mean the Committee of Management of the Association elected or appointed under R.7 of the Constitution.
 - “Financial Year” shall mean year commencing 1 July and ending 30 June.
 - “General Meeting” shall mean meeting of the members of the Association and includes Annual General Meeting and Special General Meeting.
 - “Indian Origin” shall mean a person who or whose parents, grandparents or ancestors were born in India.
 - “Member” shall mean a person who is admitted as a member under the provisions of the Constitution and who has paid current membership subscription.
 - “Senior Citizen” shall mean a person of Indian Origin who is of the age of 60 years and over, and who resides in the State of Victoria.
 - The words “he, him and his” shall include to mean, “she, her and her” respectively wherever applicable.
 - In this Constitution, a reference to the Secretary is a reference:
 - (a) where a person holds office under this Constitution as Secretary to that Person, and
 - (b) in any other case, to the Public Officer of the Association.

Words or expressions contained in this Constitution shall be interpreted in Accordance with the Interpretation of Legislation Act 1984 and the Act in Force from time to time.

4. AIMS AND OBJECTIVES:

- i. To undertake welfare work for the benefit of the Indian Senior Citizens in Victoria.
- ii. To initiate, assist and participate in projects intended to improve the conditions of Indian Senior Citizens in Victoria and help new elderly migrants to settle and integrate into Australian society.

- iii. To encourage, foster, preserve and promote Indian Culture and Languages and organize social activities and create an association amongst Indian Senior Citizens.
- iv. To foster and promote friendship and understanding between the people of Australia and India and to maintain cordial and friendly relationship with all ethnic communities in Australia.
- v. To maintain links and co-ordinate activities with Indian and other organizations in Australia for greater good of the community.
- vi. To provide Home and Community Care type of help to the aged and fragile Indian Senior Citizens in Victoria.
- vii. To offer assistance to disadvantaged Indian Senior Citizens in the form of information sessions and disseminations about facilities available to Senior Citizens from the Commonwealth, State and Local Governments.
- viii. To publicise the existence of this Association through media namely, Ethnic Broadcasting Stations, local Indian Newspapers, and access to information through its Newsletters, activities, and website.
- ix. To promote multiculturalism among members of Indian community and other ethnic communities in Victoria, and to participate in and hold multicultural events with other ethnic communities and organisations.

5. MEMBERSHIP:

- i. There will be two categories of membership defined as Ordinary Membership and Associate membership.
- ii. Ordinary Membership:- is open to all Senior Citizens of Indian Origin and their spouses over the age of Sixty (60) years and who live in Victoria, and subscribe towards Aims and Objectives of the Association and agree to be bound by the rules and regulations of the Association.
- iii. Associate Membership: - is open to anyone interested in the activities of the Association and who lives in Victoria and agrees to abide by the rules and regulations of the Association. However they will not have voting rights and will not be eligible to be elected to the Committee of Management.
- iv. Application:- for both categories of membership, with a non-refundable admission fee of five (5) dollars, shall be made in writing, signed by the applicant on such a form as the Committee of Management may prescribe from time to time. The completed application duly proposed and seconded by Ordinary members of the Association shall be delivered to the Secretary of the Association and the decision of the Committee of Management will be final and will be communicated to the applicant. In the case of rejected application the Committee is not bound to notify the reason for rejection.

6. SUBSCRIPTION:

- i. The annual subscription for both membership shall be \$10.00 per person, and this sum may be increased or reduced from time to time by the Committee of Management. The subscription falls due on 1st July and shall become payable immediately.
- ii. Any member who fails to pay the annual subscription in terms of sub-section 6 (i) before end of July and fails to give valid explanation shall cease to be a member of the Association.
- iii. Any person who ceases to be a member in terms of sub-section 6 (ii) may re-enroll as a new member by paying the arrears, if any.
- iv. The committee of management however may give in exceptional circumstances, a grace period of three months from start of Financial Year, to pay the annual subscription. Only Financial Members will have voting rights, eligibility for elections and nomination of candidates for committee of management.
- v. Subscription paid by a member newly enrolled, between the dates of 1st April and 30th June, will be taken as pre-paid subscription for the following Financial Year, while he also enjoyed the privileges as a member for the ensuing current year.”

7. COMMITTEE OF MANAGEMENT:

- i. The affairs of the Association shall be managed by a Committee of Management.
- ii. The Committee shall enjoy all powers for the day to day work and proper functioning of the Association, other than those powers and functions that are required to be exercised at the General Meetings.
- iii. Generally to do, engage in and execute all such activities, deeds or things as are or may be necessary for, or incidental or conducive to the attainment of the objectives of the Association.
- iv. The Committee of Management shall consist of a President, Vice President, Secretary, Assistant Secretary, Treasurer, Assistant Treasurer, Editor and five (5) Committee Members all of whom shall be Ordinary Members of the Association. The Editor shall be responsible for publishing of the Newsletter of the Association, with the concurrence of the President, Secretary and Treasurer. The President, Secretary, Treasurer and the Editor shall comprise the Editorial Board with powers to co-opt additional members. The immediate Past President shall be an ex officio member of the Committee of Management without voting rights.
- v. The Committee of Management shall be elected at an Annual General Meeting for a period of two (2) years and eligible for re-election.
- vi. When the election of Committee of Management falls due the Committee shall call for nominations through the Secretary.
- vii. (a) The Secretary shall call for resolutions and nominations for filling positions vacant in the Committee of Management under section 7 (v) above giving at least seven (7) weeks notice before the Annual General Meeting. Nominations duly

proposed and seconded by Ordinary Financial Members, with the signed consent of the Nominee, shall reach the Secretary by the stipulated date.

- (b)** The Committee Members shall continue to hold office until a new committee is elected.
 - (c)** Nominations for the key positions of President, Secretary and Treasurer shall be received only from those members, who have already served in previous years as committee members of the Association”. However the Management Committee may invite nominations for any of those positions from members who in their opinion have outstanding ability to run the business of the Association.
- viii. On receipt of nominations, motions, resolutions etc., from members, the Secretary shall convene a meeting of the Committee of Management within a week from the last stipulated date for receipt of nominations. The Committee after due scrutiny shall notify all the Members of the valid Nominations received and the Agenda of the meeting.
- ix.
 - (a)** In cases where there is only one nomination per vacancy then the person so nominated will be declared elected unopposed at the Annual General Meeting. Any vacancies still left unfilled shall be filled from nominations made on the spot during the Annual General Meeting and decided by a majority vote of Ordinary Members.
 - (b)** In cases where there are more than one nomination for a vacancy, the voting to elect and fill such vacancy shall be by a secret ballot conducted by a returning officer.
- x.
 - (a)** Any casual vacancy arising through resignation, abandonment, expulsion or death of a member of the Committee during the pendency of the term may be filled by the Committee, and any Ordinary Member so co-opted shall hold office till the expiration of the term for which his or her predecessor was elected.
 - (b)** In the event of any member of the Committee being absent for three consecutive Committee Meetings he or she shall be deemed to have vacated his or her office as a Member of the Committee. This can however be condoned by the Committee on the merit of each case.
- xi. The Committee of Management may co-opt sub-committees and advisers for specific purposes to assist in different activities of the Association, from members or other interested persons, but shall have no voting rights.
- xii. The Committee of Management may:-
 - (a)** Purchase or otherwise acquire any property movable or immovable for the Association.
 - (b)** Acquire and borrow videos, films or audio/ visual aids in any manner the Association may deem fit for its activities and to establish and maintain a library of books, videos and relevant material and equipment in relation to Indians, Indian and Australian Culture and Languages.
 - (c)** Invest surplus funds in an appropriate manner beneficial to the Association and to the Indian Community.
 - (d)** Publish any newsletter, periodical or leaflet the Association considered desirable for the promotion of its objectives.

8. COMMITTEE MEETINGS:

- i. The meeting of the Committee of Management shall generally be held once in two months.
- ii. Special Meetings of the Committee of Management may be convened by the President or on request by six (6) Members of the Committee.
- iii. Any four (4) Members of the Committee shall constitute a quorum for the transaction of the business of the meeting of the committee.
- iv. At meetings of the Committee, the President and in his absence the Vice President, and in the absence of these two, the Members present shall nominate one of their Senior Members to be the Chairperson of the meeting.
- v. Questions arising at any meeting shall be decided by a majority vote, and in the case of equality of votes, the Chairperson shall have a second or casting vote.
- vi. The Committee may act, notwithstanding any vacancies in the body, provided however that the number of members in the Committee is not less than the number necessary for a quorum.

9. FINANCIAL YEAR:

The financial year of the Association shall be from 1 July to the 30 June of the following year.

10. ANNUAL GENERAL MEETING:

- i. The Inaugural Committee of Management and the present Support Committee shall continue in office till the first Annual General Meeting.
- ii. The Annual General Meeting of the Association shall be held once a year, no later than three months after the completion of the Financial year.
- iii. The Annual General Meeting shall transact the following business:
 - (a) Confirmation of Minutes of the previous Annual General Meeting and every Special General or Extra Ordinary Meetings held since the last Annual General Meeting.
 - (b) To receive and consider the Audited Annual Financial Statement and the Report of the Committee of Management of the activities carried out during the concluded Financial year.
 - (c) The election of a Committee of Management.
 - (d) To co-opt members to the Committee of Management to the extent of two from amongst the ex-office bearers or otherwise without having the right of vote.
 - (e) Nomination of one or two Internal Auditors, who are not members of the Management Committee.
 - (f) The nomination of an Honorary Auditor, for the next Financial Year.

- (g) Any other business included in the Agenda for the Annual General Meeting, for which notice was given.

11. SPECIAL GENERAL MEETING:

- a. The Committee of Management may whenever it thinks fit, convene a Special General Meeting of the Association.
- b. A Special General Meeting shall be convened by the Secretary upon the written request of no less than one third (1/3) of the Ordinary Members of the Association or twenty (20) Ordinary Members whichever is less, stating the object for which the meeting is desired to be convened. Such meetings shall be convened after giving no less than seven (7) days notice to the members.

12. NOTICE OF MEETING:

- i. The Secretary shall give three (3) weeks notice in writing of every General Meeting to each and every member of the Association. The notice shall specify the place, date and time of the meeting and the agenda for the meeting.
Where the notice is sent by post, the service of the notice shall be deemed to be effective if addressed to the last registered address of the member. The non receipt of a notice by any member shall not invalidate any proceedings or resolutions passed at any General Meeting of the Association.
- ii. No business other than that set out in the Agenda of the meeting shall be transacted at the General Meeting without the approval of the Chairperson.
- iii. Any member desiring to bring a resolution or initiate a discussion on any specific subject at a General Meeting shall give notice in writing at least five (5) weeks preceding the General Meeting to the Secretary who shall include such business for consideration in the General Meeting.
- iv. The Secretary shall attach to the Notice of an Annual General Meeting, a schedule of Nominations received duly completed in terms of section 7(vii) (a), any resolutions received under (iii) above and a copy of the Audited Financial Statement.

13. QUORUM:

i) Annual General or Special General Meeting:-

No business shall be transacted at any General Meeting without a quorum. One third (1/3) of the membership of the Association or twenty (20) members present in person at the meeting, whichever is less, shall constitute a quorum. If within half an hour of the scheduled time, there is no quorum, the meeting shall be adjourned by another half an hour.

After such adjournment, the meeting shall be reconvened and the members then present shall constitute a quorum.

ii) Meeting of the Committee of Management:-

The quorum for this meeting shall be four (4) Members of the Committee of Management.

**14. PROCEEDINGS AT
GENERAL MEETINGS:**

- i. The President and in his absence the Vice President shall preside at every meeting of the Association and in the absence of these two, the members present shall elect one of their Senior Members of the Committee to be the Chairperson.
- ii. Except in special circumstances defined in the constitution, nominations, motions, resolutions etc, shall be carried out by a simple majority vote of the Ordinary Members present by the show of hands or by secret ballot as determined by the Chairperson.
- iii. The Chairperson, may with the consent of the members present, adjourn any meeting, but no other business shall be transacted other than those left unfinished at the adjourned meeting.
- iv. No member shall be entitled to vote at a meeting unless all monies including the subscription for the current year due from the member have been paid (i.e. unless he or she is a Financial Ordinary Member).
- v. On procedural matters where the constitution is silent, the Chairperson's ruling in keeping with the conduct of the Meeting of Voluntary Associations shall be followed.
- vi. Members are not entitled to vote by proxy at General Meetings.

15. MINUTES:

- i. The Secretary shall keep minutes of all resolutions, motions and proceedings of every General, Special and Committee Meetings, in books provided for the specific purpose, together with a record of the names and signatures of the members present at General Meetings and Committee Meetings.
- ii. Such minutes with any amendments as necessary, shall be proposed and seconded by members present at that meeting, accepted and signed as correct by the Chairperson.

16. SECRETARY:

Subject to the general control of the President and in his absence the Vice President, the Secretary shall exercise the following powers:-

- i. Shall be responsible for the day to day activities and administration of the Association.
- ii. Shall keep minutes of the resolution, motions and proceedings of each General meeting and each Committee meeting in books provided for this purpose.
- iii. Shall maintain a Register of Members setting forth their names, addresses, telephone numbers, and dates of entry and make the same available for perusal.
- iv. Shall call meetings of the Association.
- v. Attend to all correspondence relating to the Association.

- vi. Except as otherwise provided in these rules, the Secretary shall keep control of all Books, Documents, and Securities of the Association and allow inspection on authority of the Committee, on giving three (3) days notice to the Secretary.
- vii. Shall be the Public Officer of the Association.

17. ASSISTANT SECRETARY

The Assistant Secretary shall work in close cooperation with the Secretary and perform such duties as may from time to time, be given or assigned to him by the Secretary or the Committee. The Assistant Secretary shall exercise all powers and perform all functions of the Secretary in the latter's absence.

18. TREASURER:

The Treasurer shall:

- i. Collect and receive subscriptions, donations and all monies paid to the Association and issue receipts thereof.
- ii. Make payments authorised by the Committee of Management.
- iii. Keep not more than \$500.00, cash in hand at anytime.
- iv. Keep proper receipt books, vouchers in support of disbursements and Account Books showing the financial affairs of the Association.
- v. Maintain an Inventory of the property (moveable) of the Association, including documents.
- vi. Present periodical Financial Statements and Reports to the Committee, and submit a Financial Statement at the end of each Financial Year to the Honorary Auditor.

19. ASSISTANT TREASURER:

The Assistant Treasurer shall work in close cooperation with the Treasurer and perform such duties as may from time to time, be given or assigned to him by the Treasurer or the Committee. He shall exercise all powers and perform all the functions of the Treasurer in the latter's absence.

20. INTERNAL AUDITOR:

One or Two members of the Association who are not members of the Management Committee shall be appointed at a General Meeting or Special General Meeting (otherwise by the Committee of Management) to serve as Internal Auditors."

21. HONORARY AUDITOR:

The Honorary Auditor shall Audit the Financial Statements submitted by the Treasurer and hand it back to the Secretary, who in turn shall place it before the Committee of Management for confirmation and presentation to the Annual General Meeting.

**22. ALTERATIONS OF AIMS & RULES
GOVERNING THE ACTIVITIES OF THE ASSOCIATION:**

No alterations or additions shall be made to the aims, objectives and rules of the Association unless such alterations or additions are accepted by a resolution passed by three-quarter (3/4) of the Ordinary Members present at an Annual or Special General Meeting convened after giving not less than twenty one (21) days notice. The notice shall contain all particulars of the proposed alterations and additions.

**23. INDEMNITY OF COMMITTEE
OF MANAGEMENT:**

Every Member of the Committee of Management of the Association shall be indemnified out of the Assets of the Association against any liability arising out of or as a result of normal performance of his or her duties as an office bearer, which is incurred by him or her in defending any proceedings or claims or actions whether Civil or Criminal, in which judgement is given in his or her favour or in which he or she is acquitted.

24. FINANCE:

- i. The funds of the Association shall be derived from annual subscriptions, donations and such other sources as the Committee of Management determines and in a manner not inconsistent with the objectives of the Association.
Any fundraising project shall comply with all legal requirements and shall have the prior approval of the Committee of Management and all monies so collected be handed over to the Treasurer.
- ii. The income of the Association shall be used only for the promotion of the Association and shall not be paid to or distributed among past or present members of the Association.
- iii. The Association shall open and operate Current/Savings/ Term Deposit Accounts/s in any bank.
The Accounts/s shall be operated by any two (2) of the following, of whom one shall be the Treasurer or in his absence the Assistant Treasurer, President or Secretary,
 - (a) President
 - (b) Vice President
 - (c) Treasurer
 - (d) Assistant Treasurer
 - (e) Secretary
- iv. All cheques, drafts, bills of exchange, promissory notes and other negotiable instruments shall be signed by any two in section 21 (iii), one of whom shall be the Treasurer or in his absence the Assistant Treasurer, President or Secretary.

25. COMMON SEAL:

- i. The Common Seal of the Association shall be kept in the custody of the Secretary.
- ii. The Common Seal shall not be affixed to any instrument except with the authority of the Committee, and the affixing of the Common Seal shall be

attested by the signatures of the Public Officer of the Association and the President or the Treasurer.

- iii. The Secretary shall keep a record of all instruments to which the seal is affixed.

26. DISSOLUTION:

- i. In the event of the winding up or the cancellation of the Incorporation of the Association, the surplus assets of the Association shall be disposed of in accordance with the provisions of the Associations Incorporation Act 1981.
- ii. Dissolution of the Association shall be by a motion to that effect, carried out at a Special General Meeting specially convened for that purpose and decided by three-quarter (3/4) of the Ordinary Members present.
- iii. If upon the 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 to or distributed among the members but shall be given or transferred to some other institution or institutions which is itself a non-profit making organization.

27. TERMINATION OF MEMBERSHIP:

- i) Members or Associate Members:-

If in the opinion of the Committee of Management, the conduct of a member is prejudicial to the interests and detrimental to the good name of the Association, the Committee shall bring it to the notice of the member concerned. The member shall be given an opportunity to explain his or her conduct either verbally or in writing. The Committee of Management then conducts an inquiry and informs the member of the decision taken on the basis of this inquiry. The decision of the Committee of Management shall be binding on the member.

- ii) Member of the Committee of Management:-

The Association in a General or Special General Meeting especially constituted for this purpose may by resolution remove any member of the Committee of Management by two-third (2/3) majority of the Ordinary Members present at this meeting if his or her conduct is prejudicial to the interests and detrimental to the good name of the Association. However the member so affected shall be afforded an opportunity to be heard prior to the resolution.

28. PATRON:

A Patron may be elected at an Annual General Meeting of the Association, by two-third (2/3) majority of the Ordinary Members present and the position shall be held for three years, but may be eligible for re-election.

29. PUBLIC OFFICER:

In the absence of an elected Public Officer, the Secretary shall perform the duties of it.

30. DISPUTES AND MEDIATION:

The grievance procedure set out in Rule 8 of the Model Rules for an Incorporated Association shall be deemed to apply to disputes between:

- (a) a member and another member; or
- (b) a member and the Association.

31. PROCEEDINGS OF THE ASSOCIATION:

The proceedings of the Association shall be conducted in English.

32. OUR PLEDGE:

The Association shall remain a non-religious, non-political, non-profit making, secular and voluntary organisation devoted to the welfare of senior members of Indian origin living in Victoria.”