

CONSTITUTION

OF

INTERNATIONAL BUDDHIST ORGANIZATION
FOR CULTURE, EDUCATION AND SOCIAL DEVELOPMENT Inc.

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1. NAME:

The name of the organization is **the International Buddhist Organization for Culture, Education and Social Development Inc.**, (hereinafter in abbreviation the IBO or the Organization) a non-profit charitable Buddhist organization.

2. AIMS AND OBJECTS:

2.1. The aims and objects of the Organization are set out hereunder:

- 2.1.1. to promote a Community Peace and Harmony environment based on Buddhism principles of loving kindness and equality for all people.
- 2.1.2. to establish and assist to establish Worldwide humanitarian and charitable institutions and its associated services serving the poor and disadvantaged people in any remote and poor regions;
- 2.1.3. to establish, assist and cooperate to establish any social welfare programs and related facilities serving the critical needs of the poor people.
- 2.1.4. to organize Buddhist instruction and training programs at any schools, educational institutions or centers for children and youths so that they may be aware of ethical and moral values and so become better citizens;
- 2.1.5. To provide counseling, assistance and training for other people; to combat with their delinquent habits such as gambling, drinking, sexually improper desire and drug addiction.
- 2.1.6. to carry out Buddhist teachings to all Buddhists and others who want to learn about and practice Buddhism;
- 2.1.7. to organize and/or sponsor public talks, forums and seminars on Buddhism and other related community development subjects;
- 2.1.8. to publish journals, newsletters and books in any media on Buddhism and other related subjects;
- 2.1.9. to organize and lead the congregation, worshipping, to practice meditation and perform other traditional religious activities for all Buddhists of other nationalities anywhere;
- 2.1.10. to promote and safeguard friendship between Buddhist monks, Buddhists in general and people of other religions and their religious organizations.
- 2.1.11. to establish, assist and cooperate educational institutions for the training and ordination of Buddhist monks, nuns and novices;

- 2.1.12. to provide mediation services for Buddhist members and Buddhist organizations where there is any disagreement between members and between members and the Organizations.
- 2.1.13. to provide management services for fund raising and fund management for any social charitable religious purposes.
- 2.2. In pursuance of the above Aims and Objectives and to assist in the furtherance thereof whether directly or indirectly:
 - 2.2.1. To acquire by purchase, lease, exchange or otherwise, land, buildings and hereditaments of any tenure or description situated any where and any estate therein and any rights over or connected with any such lands, buildings and hereditaments and to construct at and/or maintain improvements thereon.
 - 2.2.2. To purchase or otherwise acquire and to sell, exchange, surrender, lease, mortgage, charge or otherwise deal with and dispose of property both real and personal of whatsoever nature.
 - 2.2.3. To borrow or raise or secure payments of monies in such manner as the Management Committee may think fit and to secure same for the repayment or performance of any debt, liability, contract, guarantee or other engagement incurred or to be entered into by the Organization in any way.
 - 2.2.4. To draw, make, accept, endorse, discard, execute and issue promissory notes, bills of exchange and other negotiable or transferable instruments.
 - 2.2.5. To enter into any arrangements with any Government or authority, shire, municipal, local or otherwise that may seem conducive to the aims and objects of the Organization or any of them and to obtain from any such government or authority any rights, privileges and concessions and grant any rights, privileges and concessions which the Management Committee may deem desirable and to obtain and to carry out, exercise and comply with any such arrangements, rights, privileges and concessions.
 - 2.2.6. To purchase, take on lease or in exchange, hire and/or otherwise acquire any real and personal property and any rights or privileges which the Management Committee may think necessary or convenient for the furtherance of its objects or any of them.
 - 2.2.7. To construct, improve, maintain, develop, work, manage, carry out or control any property assets or interest which may seem calculated directly or indirectly to advance the interests of the Organization and to contribute to subsidize or otherwise assist or take part in the construction, improvement, maintenance, development, working, management, carrying out or control thereof.
 - 2.2.8. To invest and deal with money of the Organization in such manner as may from time to time be thought fit.

- 2.2.9. To act for trustees and to do any act or thing in relation to any matter arising out of any trust and/or funds which may be established for the benefit of the Organization.
- 2.2.10. To amalgamate with any Buddhist Society or Organization, whether incorporated or unincorporated, having objects substantially similar to those of the Organization and which shall prohibit the distribution of its or their income and property amongst its or their members.
- 2.2.11. To purchase or acquire all or any part of the property, assets or liabilities of such incorporated or unincorporated Society or Organization with which the Organization is authorized to amalgamate.
- 2.2.12. To transfer all or part of the property, assets or liabilities of the Organization to any such incorporated or unincorporated Society or Organization to which the Organization is authorized to amalgamate.

3. INTERPRETATION.

3.1. In these Rules except in so far as the context or subject matter otherwise indicates or requires:

"Member" means a person admitted to membership of the Organization in accordance with this Constitution. S/he may or may not be a Buddhist Adherents.

"Buddhist member" means a person who has sincerely accepted the Doctrines and refuge in the Buddha, the Dharma and the Sangha;

"Sangha" shall mean fully ordained Buddhist monks, as well as nuns who have taken at least the ten (10) precepts, and novices who are trained for higher ordination. Buddhist monks, nuns and novices are those who have left home for the homeless life and to pursue a monastic life.

"Seal" means the common seal of the Organization;

"Subscriber" means a person specified in the application for the Organization's registration under the Law as a person who consents to become a member.

"Secretary" means:

- 3.1.1. the person holding office under these Rules as Secretary of the Organization;
or
- 3.1.2. where no such person holds that office - the Public Officer of the Organization;

"Register" means the register of members kept under the Law.

"the financial year" shall be the last day of June each year.

"Special General Meeting" means a general meeting of the members of the Organization other than the annual general meeting;

"the Act" means the Associations Incorporation Act, 1984 (New South Wales);

"the Regulation" means the Associations Incorporation Regulation, (New South Wales);

"Rule of 28 days" means the duration of twenty eight days shall be applicable for notice services or other references of time requirements thorough this Constitution.

3.2. In these Rules:

a reference to a function includes a reference to a power, authority and duty; and

- 3.2.1. reference to the exercise of a function includes, where the function is a duty, a reference to the performance of that duty.
- 3.2.2. headings are for convenience only and do not affect meaning; and unless the contrary intention appears:
- 3.2.3. words importing the singular number include the plural number and vice versa;
- 3.2.4. words importing any gender include all other genders;
- 3.2.5. a reference to a person includes a corporation, a partnership, a body corporate, an unincorporated association and a statutory authority;
- 3.2.6. where any word or phrase is given a defined meaning any other part of speech or grammatical form in respect of that word or phrase has a corresponding meaning;
- 3.2.7. The provisions of the Interpretation Act, 1897, apply to and in respect of these Rules in the same manner as those provisions would so apply if these Rules were an instrument made under the Act.

3.3. Application of the Associations Incorporation Act, 1984 (New South Wales);

Except so far as a contrary intention appears anywhere in this Constitution:

- 3.3.1 an expression used in a particular Part or Division of the Law which is given a special meaning by any provision of that Part or Division for the purposes of that Part or Division (or any part thereof) has, in any of this Constitution which deals with a matter dealt with by that Part or Division (or part thereof), the same meaning as in that Part or Division;
- 3.3.2 an expression which is given a general meaning by any provision of the Law has the same meaning in this Constitution; and

- 3.3.3 if at any time any provision of this Constitution is or becomes illegal, invalid or unenforceable in any respect under the Law of any jurisdiction, that does not affect or impair:
- 3.3.4 the legality, validity or enforceability in that jurisdiction of any other provision of this Constitution; or
- 3.3.5 the legality, validity or enforceability under the Law of any other jurisdiction of that or any other provision of this Constitution

3.4 Powers

- 3.4.1 Solely for the purpose of carrying out these objects and not otherwise, the Organization has the power to do all such things as are necessary, incidental or conducive to the attainment of these objects and, for that purpose and not otherwise, the Organization has the legal capacity of an individual with all consequential powers as conferred by the Acts, to do the following things as incidental to its objects:
- 3.4.2 Promote and carry out the Buddhist ethical and moral teachings, social activities and any charitable undertakings;
- 3.4.3 Raise money on loan for any objects of the Organization;
- 3.4.4 Acquire by purchase or provide and maintain buildings and grounds for education, recreation or other community purpose, or operate, maintain or carry on a Buddhist club, or promote or assist clubs, for any such purpose;
- 3.4.5 Enter into guarantees, indemnities and agreements for recourses, purchases and re-purchases with an owner in relation to hire purchase agreements made between such owner and members of the Organization respect of goods, plant, machinery or equipment.

4 MEMBERSHIP.

- 4.1 All Buddhist monks and nuns who have accepted the invitation to become members of the Organization are accepted as a member of the Organization;
- 4.2 Buddhist lay persons who have sincerely accepted the Buddha (the Teacher), the Dharma (his Teaching) and the Sangha (the monks and nuns) for refuge and wish to participate in the activities of the Organization are eligible for membership of the Organization;
- 4.3 Any lay person who is interested in World Peace and Buddha teachings, but who have not accepted Refuse in Buddha, Dharma and Sangha, shall be entitled to Associate membership. Associates shall have all rights and privilege of membership except voting.

4.4 A register of members shall be kept showing, in respect of each member, his/her name, address and telephone number.

5. NOMINATION FOR MEMBERSHIP.

5.1. Any monk or nun may, at the instigation of or subject to the approval of the Management Committee of the Organization, be invited to join the monastic community of the Organization and, should the invitation be accepted, shall be deemed to be a member of the Organization;

5.1 A nomination of a person for lay membership of the Organization:

5.1.1. shall be made to the Organization in writing in the form set out in Appendix 1 to these rules; and

5.1.2. shall be lodged with the Secretary of the Organization.

5.2. As soon as practicable after receiving a nomination for lay membership, the Secretary shall refer the nomination to the Management Committee which shall determine whether to approve or reject the nomination.

5.3. Where the Management Committee determines to approve a nomination for lay membership, the Secretary shall, as soon as practicable after that determination, notify the nominee of that approval and request the nominee to pay, within the period of twenty eight (28) days after receipt by the nominee of the notification, the sum payable under these Rules by a lay member as admission fee and annual subscription.

5.4. The Secretary shall, on payment by the nominee of the amounts referred to in clause 5.3 above, within “the rule of 28 days”, enter the nominee's name in the register of members and, upon the name being so entered, the nominee becomes a lay member of the Organization.

5.5. Where the Management Committee determines to reject a nomination for lay membership, the Secretary shall, as soon as practicable after that determination, notify the nominee of that rejection in a written notice:

5.5.1. setting out the resolution of the committee and the grounds on which it is based; and

5.5.2. stating that the members, or his or her representative, may address the committee at a meeting to be held no later than twenty eight (28) days after the notice has been given to that member; and

5.5.3. stating the date, place and time of that meeting; and

5.5.4. informing the member that s/he may elect to do one or both of the following:

5.5.4.1. attend that meeting

- 5.5.4.2. give to the Committee before the date of that meeting a written statement seeking the revocation of the resolution.
 - 5.5.5. informing the member that, if at that meeting, the committee confirms the resolution, he or she may, not later than 48 hours after that meeting, give the Secretary a notice to the effect that he or she wishes to appeal to the Organization in a general meeting against the resolution.
- 5.6. At a meeting of the committee to confirm or revoke a resolution passed under the sub-rule 5.5, the committee must:
 - 5.6.1. give the member, or his or her representative, an opportunity to be heard; and
 - 5.6.2. give due and fair consideration to any written statement submitted by the member; and
 - 5.6.3. determine by resolution whether to confirm or to revoke the resolution.
- 5.7. If at that meeting of the committee, the committee confirms the resolution, the member may, not less than 48 hours and not more than 7 days after the meeting, give the Secretary a notice to the effect that he or she wishes to appeal to the Organization in a general meeting against the resolution.
- 5.8. If the Secretary receives a notice under sub-rule 5.7 above, he or she must notify the committee and the committee must convene a general meeting of the Organization to be held within twenty eight (28) days after the date on which the Secretary receives the notice.
- 5.9. At a general meeting of the Organization convened under sub-rule 5.8 above:
 - 5.9.1. no business other than the question of the appeal may be conducted; and
 - 5.9.2. the committee may place before the meeting details of the grounds for the resolution and the reasons for the passing of the resolution; and
 - 5.9.3. the member, or his or her representative, must be given an opportunity to be heard; and
 - 5.9.4. the members present must vote by secret ballot on the question whether the resolution should be confirmed or revoked.
- 5.10. A resolution is confirmed if, at the general meeting, not less than seventy five percents (75%) of the members vote in person in favor of the resolution. Otherwise, the resolution is deemed revoked.
- 5.11. In the case of a discipline serving on a member of the Management Committee and the Organization cannot resolve the problem itself, fifty (50%) percents of the

total number of Committee members of the Organization may request a special general meeting by a written notice; and

5.12. After receiving the notice set out in the sub-rule 5.11 above within twenty eight (28) days, the Organization must convene a special general meeting according to the Rules. The decision of the special general meeting is final and conclusive.

6. DISPUTE AND MEDIATION

6.1. The grievance procedure set out in this rule applies to disputes under these Rules between:

6.1.1. a member and another member; or

6.1.2. a member and the Committee member/s of the Organization.

6.2. The parties to the dispute must meet and discuss the matter in dispute, and, if possible, amicably resolve the dispute within twenty eight (28) days after the dispute comes to the attention of all concerned parties.

6.3. If the parties are unable to resolve the dispute at the meeting, or if a party fails to attend that meeting, then the parties must, within twenty eight (28) days, hold a meeting in the presence of a mediator.

6.4. The mediator must be:

6.4.1. a person chosen by prior agreement between the parties; or

6.4.2. in the absence of agreement:

6.4.2.1. in the case of a dispute between a member and another member, a person appointed by the Management Committee; or

6.4.2.2. in the case of a dispute between a member and the Committee Member/s of the Organization:

6.4.2.2.1. A senior Buddhist monk of the Organization and/or

6.4.2.2.2. A person who is a legal (or paralegal) mediator appointed or employed by the Organization.

6.5. A member of the Management Committee of the Organization can be a mediator.

6.6. The mediator cannot be a member who is a party to the dispute.

6.7. The parties to the dispute must, in good faith, attempt to settle the dispute by mediation.

- 6.8. The mediator, in conducting the mediation, must:
- 6.8.1. give the parties to the mediation process every opportunity to be heard; and
 - 6.8.2. allow due and fair consideration by all parties of any written statement submitted by any party; and
 - 6.8.3. ensure that natural justice is accorded to the parties to the dispute throughout the mediation process.
- 6.9. The mediator must not determine the dispute, but shall confirm the mutually consensus resolution achieved by all concerned parties.
- 6.10. If the mediation process does not result in the dispute being resolved, the parties may seek to resolve the dispute in accordance with the Rule 5 above or the Act or otherwise at law.

7. MEMBERS' LIABILITIES

Members of the Organization, either monastic or lay, shall not be liable to contribute towards the payment of the debts and liabilities of the Organization or the costs, charges and expenses of the winding up of the Organization.

8. DISCIPLINE OF MEMBERS.

- 8.1. The Sangha shall have power and is solely responsible for the conduct of members of the Sangha in accordance with the Rules of Conduct as laid down in the Vinaya Pataki of the Buddhist cannon. The rule 8.2 shall not apply to this clause.
- 8.2. Where the Management Committee is of the opinion that a member of the Organization
- 8.2.1. has persistently refused or neglected to comply with a provision or provisions of these Rules: or
 - 8.2.2. has persistently and willfully acted in a manner prejudicial to the interests of the Organization;
- the Management Committee may, by resolution
- 8.2.3. expel the member from the Organization; or
 - 8.2.4. suspend the member from membership of the Organization for a specified period; and the Management Committee shall serve notice of such resolution on the member within 21 days of the passing of such resolution.
- 8.3. A member shall have right of appeal against a resolution of the Management Committee under sub-rule 8.2 hereof by submitting a written appeal to the Secretary who then presents it to a Special General Meeting of the Organization. The

procedure to convene a special general meeting is accorded rules 17 and 18. The decision of the General Meeting is final and conclusive.

8.4. for the purpose of service of notice under this section, notice is deemed to be received:

8.4.1. seven (7) days after sending by post to registered address of members, or

8.4.2. the same day when sending by fax or electronic means upon request of members.

9. CESSATION OF MEMBERSHIP.

9.1. A person ceases to be a member of the Organization if the person:

9.1.1. dies;

9.1.2. resigns that membership; or.

9.1.3. is expelled from the Organization; or

9.1.4. fails to pay all moneys due to the Organization upon request.

9.2. Within twenty eight (28) days after the rule 9.1 is satisfied, the Secretary must cause a notice:

9.2.1. to declare that the member ceases to be a member; and

9.2.2. to record in the register of members the date on which the member ceases to be a member.

10. FEES AND SUBSCRIPTIONS.

10.1. Members of the Sangha community due to their non-income nature are exempted from all fees and subscriptions applicable to membership of the Organization.

10.2. A lay member of the Organization shall, upon admission to membership, pay to the Organization an admission fee of one hundred dollars (\$100) or, where some other amount is determined from time to time, by the Management Committee, of that other amount.

10.3. In addition to any amount payable by the member under sub-rule 10.2, a lay member of the Organization shall pay to the Organization an annual membership fee of one hundred dollars (\$100) or, where some other amount is determined from time to time, by the Management Committee, of that other amount

11. MANAGEMENT OF THE ORGANIZATION.

11.1. The Management of the Organization shall comprise of two independent committees having two different functions and powers:

11.1.1. Management Committee which shall

- 11.1.1.1. manage daily business and affairs of the Organization
- 11.1.1.2. manage the membership
- 11.1.1.3. make decisions on any expenses not more than five thousand dollars (\$5000)
- 11.1.1.4. make decisions to acquire, lease, rent or dispose properties, equipments and facilities for the implementation of its aims and objects.
 - 11.1.1.4.1. to liaise with governments or international organizations for implementing the aims and purposes of the Organization

11.1.2. Asset Custodial Committee which shall

- 11.1.2.1. hold all properties in trust for the Organization
- 11.1.2.2. place all funds exceeding five thousand (\$5000) in a banking term deposit with accrued interest.
- 11.1.2.3. have by itself no power to dispose of funds nor assets of the Organization,
- 11.1.2.4. jointly with the Management Committee dispose the properties and funds of the Organization as authorized by the General Meeting.

11.1.3. The Organization shall be an autonomous body and the sole responsibility for the management of its affairs rests with the members and the Management Committee;

12. OFFICE BEARERS.

- 12.1. The management of the Organization shall be vested in the Management Committee consisting of office bearers and five (5) other members. No members of the Management Committee shall be appointed to any salaried office of the Organization paid by fees or remuneration or other benefit in money or money's worth, except for repayment of out-of-pocket expenses;
- 12.2. The office bearers of the Asset Custodial Committee shall consist of three members being a Head, Deputy Head and Secretary and five (5) other officers as shall be decided by the members of the Organization at the annual general meeting. No members of the Asset Committee shall be appointed to any salaried office of the Organization paid by fees or remuneration or other benefit in money or money's worth, except for repayment of out-of-pocket expenses;

12.3. Each office bearer shall be elected annually at the annual general meeting and shall, subject to these Rules, hold office until the conclusion of the annual general meeting following the date of the office bearer's election, but is eligible for re-election. Any casual vacancy occurring among the office bearers may be filled by the Committees and the person so appointed to fill such vacancy shall hold office for the expired term of the member so replaced.

12.4. No office bearer shall be relatives in any sense.

13. PROCEEDINGS OF THE COMMITTEES

13.1. The Committee may meet together for the dispatch of business, adjourn and otherwise appoint and regulate its meetings as it thinks fit. The Chairman may at any time and the Secretary on the requisition of any two members of the Committee may summon a meeting of the Committee

13.2. More than half of the number of members of the Committee constitute a quorum for the transaction of the business of a meeting of the Committee;

13.3. Questions arising at any meeting of the Committee shall be decided by a majority of votes of those present and a determination by a majority of the members of the Committee present shall for all purposes be a determination of the Committee. In case of an equality of votes, the Chairman shall have a second or casting vote;

13.4. The continuing members of the Committee may act notwithstanding any vacancy in the Committee, but if and so long as their number is reduced below the number fixed by or pursuant to these Rules as the necessary quorum, the continuing member or members may act for the purposes of increasing the number of members of the Committee from amongst the members, which they are hereby empowered to do, or of summoning a general meeting of the Organization, but for no other purpose;

13.5. The Organization general meeting shall have the right to veto any decision of the Management Committee should they consider such decision contrary to the best interests of the Organization or the harmonious conduct of it.

14. ELECTION OF OFFICE BEARERS.

14.1. The Chairman, the Treasurer and the Secretary shall be chosen by the members of the Organization;

14.2. Any Buddhist (one who has sincerely accepted the Doctrines and refuge to the Buddha, the Dharma and the Sangha) shall be eligible to run for the offices of Chairman, Secretary or Treasurer of the Organization provided that

14.2.1. he/she is a member of the Organization for more than six (6) months,

14.2.2. he/she is a Buddhist of high virtue, understanding of Buddhism, and good characters,

- 14.2.3. he/she is nominated by at least one-tenth of number of members, and
- 14.2.4. he/she submits an application in writing to the Management Committee at least twenty one (21) days before the date of the annual general meeting;
- 14.3. If no applications for the offices of Chairman, Secretary or Treasurer are received by the Management Committee, by the closing date, the Management Committee shall submit at least four names and not more than six names of possible candidates to contest the election of office bearers at the annual general meeting of the Organization;
- 14.4. If more than one candidate is standing for election for Chairman, Secretary or Treasurer, the person with the majority of votes of the members present at the annual general meeting shall be deemed to be elected to that position;
- 14.5. Prior to the holding of the election of office bearers at the annual general meeting, nominations for General Management Committee members shall be called from the floor of the meeting; and
- 14.6. Should the number of general Management Committee members nominated exceed five (5), voting for the Management Committee members shall be decided by a show of hands;
- 14.7. Prior to the election of office bearers, members of the new Management Committee and auditor, the retiring Management Committee shall present the annual report and an audited financial statement;
- 14.8. At the conclusion of the annual general meeting, the retiring Management Committee shall resign and hand control of all books and properties to the incoming Management Committee.

15. VACATION OF OFFICE

The office of a member of the Management Committee or of a trustee shall become vacant:

- 15.1. Upon his/her decease
- 15.2. If he/she becomes bankrupt or makes any arrangement or composition with his/her creditors generally
- 15.3. If he/she becomes mentally ill or a person whose person or estate is liable to be dealt with, in any way, under the law relating to mental health;
- 15.4. If he/she resigns his/her office by notice in writing to the Organization;
- 15.5. If he/she is absent for more than six months without leave of the Management Committee from meetings of the Management Committee held during that period;
- 15.6. If he/she ceases to be a member of the Organization.

16. FINANCIAL YEAR.

The financial year shall conclude on the last day of June each year.

17. ANNUAL GENERAL MEETING.

- 17.1. The annual general meeting of members shall be held during the month of June or July in each year when the Annual Report and audited financial statement shall be presented and the election of the new Management Committee and auditor shall be conducted.
- 17.2. The Management Committee will convene a general meeting on the request of Members in accordance with the Law.
- 17.3. The annual general meeting of members shall be held during the month of June each year when the Annual Report and audited financial statement shall be presented and the election of the new Executive members of Administration Committee and Auditor shall be conducted.
- 17.4. Persons entitled to attend general meetings
 - 17.4.1. All Members are entitled to attend meetings of the Organization as well as any other persons entitled to attend under the Law.
 - 17.4.2. The chairperson may require any person to leave and remain out of any meeting who in the opinion of the chairperson is not complying with his or her reasonable directions.
- 17.5. Postponement or Cancellation of Meeting

The Management Committee may whenever they reasonably think fit postpone or cancel any meeting of the Organization in accordance with the Notice Rule 19.

18. PROCEEDINGS AT GENERAL MEETINGS.

- 18.1. Subject to the requirements of the Law, the chairperson will be responsible for the general conduct of general meetings and for the procedures to be adopted at general meetings.
- 18.2. The chairperson may make rulings, adjourn the meeting without putting the question (or any question) to the vote if such action is required to ensure the orderly conduct of the meeting.
- 18.3. The chairperson may require the adoption of any procedures which are in the chairperson's opinion necessary or desirable for the proper and orderly casting or recording of votes at any general meeting of the Organization, whether on a show of hands or on a poll.
- 18.4. The chairperson may determine conclusively any dispute concerning the admission, validity or rejection of a vote.

- 18.5. Persons in possession of visual-recording, pictorial-recording or sound-recording devices or placards, banners or rules considered by the Management Committee or the chairperson to be dangerous, offensive or liable to cause disruption, or persons who refuse to produce or to permit examination of any articles in their possession or the contents thereof, may be refused admission to any general meeting or may be required to leave and remain out of the meeting.
- 18.6. Nothing contained in this Clause will be taken to limit the powers conferred on the chairperson by law,
- 18.7. The Organization Chairman shall preside as Chairperson at every general meeting of the Organization, but if he/she is not present within fifteen (15) minutes after the appointed time before the commencement of the meeting, or is unwilling to act, then the Executives present shall elect one senior of their number to be Chairperson of that meeting, a simple majority sufficing;
- 18.8. No item of business shall be transacted at a general meeting unless a quorum of members is present during the time the meeting is considering that item;
- 18.9. Five members present in person (being members entitled under these Rules to vote at a general meeting) constitute a quorum for the transaction of the business of a general meeting;
- 18.10. The Chairperson may, with the consent of any meeting at which a quorum is present, adjourn the meeting from time to time and from place to place but no business shall be transacted at any adjourned meeting other than the business left unfinished at the meeting from which the adjournment took place. When a meeting is adjourned for thirty days or more, notice of the adjourned meeting shall be given as in the case of an original meeting;
- 18.11. At any general meeting a resolution put to the vote of a meeting shall be decided on a show of hands unless a poll is demanded by the Chairperson or by at least three (3) members present. Unless a poll is so demanded a declaration by the Chairperson that a resolution has on a show of hands been carried or unanimously, or by a particular majority, or lost, and an entry to that effect in the book containing the minutes of the proceedings of the Organization shall each be conclusive evidence of the fact without proof of the number or proportion of votes recorded in favor of or against the resolution. The demand for a poll may be withdrawn;
- 18.12. If a poll is duly demanded it shall be taken in such manner and either at once or after an interval or adjournment or otherwise as the Chairperson directs and the result of the poll shall be the resolution of the meeting at which the poll was demanded but a poll demanded on election of a Chairperson or on a question of adjournment shall be taken forthwith;
- 18.13. In the case of an equality of votes, whether on a show of hands or poll, the Chairperson of the meeting at which the show of hands takes place or at which a poll is demanded shall be entitled to a second or casting vote;

- 18.14. Each member present and voting at a general meeting of the Organization shall have one vote. Members shall be entitled to vote by ONE proxy at general meetings

19. NOTICE OF MEETINGS.

- 19.1 Except where the nature of the business proposed to be dealt with at a special general meeting requires a special resolution of the Organization, the Secretary shall give at least twenty eight (28) days' notice in writing of all general meetings and Management Committee meetings to the members of the Organization by specifying the day, the hour, the place and the general nature of the business to be dealt with at the meeting.

- 19.2 for the purpose of service of notice, it is deemed that the notice is received :

19.2.1 seven (7) days after sending by post; or

19.2.2 the same day if sending by fax or electronic means being communication requested by the member.

- 19.3 Contents of notice:

A notice of a meeting of the Organization Members will specify:

19.3.1 the place, day and time of the meeting (and, if the meeting is to be held in 2 or more places, the technology that will be used to facilitate this);

19.3.2 the general nature of the meeting's business;

19.3.3 in the case of an election of Executive members of Management Committee, the names of the candidates for election; and

19.3.4 such other information as is required by the Law.

- 19.4 Failure to give notice:

19.4.1 Subject to the Law, the accidental omission to give notice of any meeting of the Organization to or the non-receipt of that notice by any of the Members will not invalidate any resolution passed at that meeting.

19.4.2 Notice of adjourned meeting in certain circumstances only

- 19.5 Whenever a meeting of the Organization is adjourned for less than 28 days, no further notice of the time and place of the adjourned meeting need be given.

- 19.6 Whenever a meeting of the Organization is adjourned for 28 days or more, at least 7 days' notice of the time and place of the adjourned meeting will be given to Members.

- 19.7 Persons entitled to notice of general meeting:

19.7.1. Notice of every general meeting of the Organization will be given in a manner authorized by the Rules and in accordance with the Law:

19.7.2 every Member;

19.7.3 every Executive of the Management Committee; and

19.7.4 the auditors of the Organization.

19.7.5 No other person is entitled to receive notices of general meetings.

20 FUNDS.

20.1 The funds of the Organization shall be derived from fees, donations, interest, temple building funds, State and Commonwealth Government grants and, subject to any resolution passed by the Organization in general meeting, such other sources as the Management Committee determines;

20.2 All moneys received by the Organization shall be deposited intact at the earliest possible date to the credit of the Bank Account of the Organization. Receipts for moneys received shall also be issued promptly;

20.3 Any amount exceeding five thousand (\$5000) from the Management Committee's account shall be placed it in a banking term deposit with accrued interest component with a nominated bank.

20.4 All payments in excess of twenty dollars (\$20) made by the Organization shall be paid by cheque signed by any two of the Chairman, Secretary General or Treasurer.

20.5 Any payments in excess of five thousand dollars (\$5000) shall be paid by cheques approved by the General Meeting and signed by three signatures of which any two signatures shall be of Chairman, Secretary General or Treasurer and any one signature of the members of the Asset Custodial Committee.

21 AUTHORISATION OF ACCOUNTS.

All accounts shall be presented to and passed for payment at Management Committee meetings and full details of all such approvals shall be entered in the minute book.

22 AUDIT

22.1 The auditor or auditors shall be elected at the annual general meeting. They shall examine all accounts, vouchers, receipts, books, etc. and furnish a report thereon to the members at the annual general meeting. Audits shall be conducted at regular intervals of not more than twelve (12) months;

22.2 An auditor shall not be a member or closely related to a member of the Management Committee

- 22.3 Subject to paragraph (d) herein, notice of the intention to nominate an auditor to replace the current auditor shall be given, in writing, to the Secretary at least twenty-eight (28) days before the annual general meeting. The Secretary shall send a copy of the nomination to the current auditor at least seven (7) days before the annual general meeting. The current auditor shall be entitled to attend the annual general meeting and, if he/she so wishes, be heard at such annual general meeting;
- 22.4 Where the current auditor submits his/her resignation or notifies the Secretary of his/her intention not to seek re-election as auditor, paragraph 22.3 hereof shall not apply.

23 **TREASURER.**

It is the duty of the Treasurer of the Organization to ensure that

- 23.1 all money due to the Organization is collected and received and that all payments authorized by the Organization are properly made;
- 23.2 all money exceeding five thousand dollars (\$5000) are transferred to the account of Asset Custodial Committee as per rule 11.1.2 above.
- 23.3 correct books and accounts are kept showing the financial affairs of the Organization, including full details of all receipts and expenditure connected with the activities of the Organization.

24 **PUBLIC OFFICER.**

- 24.1 The Management Committee shall ensure that a Public Officer is appointed to the Organization.
- 24.2 The first Public Officer may be the person who made application for the incorporation of the Organization.
- 24.3 The Management Committee may at any time remove the Public Officer and appoint a new Public Officer provided the person so appointed is over the age of eighteen (18) years and a resident of New South Wales.
- 24.4 The Public Officer shall be deemed to have vacated his/her position upon:
- 24.4.1 death;
 - 24.4.2 resignation;
 - 24.4.3 removal by the Management Committee or at a special general meeting;
 - 24.4.4 bankruptcy or financial insolvency;
 - 24.4.5 mental illness

24.4.6 ceasing to be resident in New South Wales.

24.5 When a vacancy occurs in the position of Public Officer, the Management Committee shall within fourteen (14) days notify the Government Authority by the prescribed form and appoint a new Public Officer.

24.6 The Public Officer is required to notify the Government Authority such decision by the prescribed form and in the following circumstances:

24.6.1 within 14 days - his/her appointment;

24.6.2 within 14 days - his/her change of address;

24.6.3 within one month - any change to the aims, objectives or Rules of the Organization;

24.6.4 within 14 days - a change in the membership of the Management Committee;

24.6.5 within one month after the annual general meeting – the Organization's financial affairs including the Auditor's report

24.6.6 within one month - a change in the name of the organization.

25 MINUTES.

The Management Committee shall cause minutes to be made:

25.1 of all appointments of office bearers and members of the Management Committee;

25.2 of the names of members of the Management Committee present at all meetings of the Organization and the Management Committee;

25.3 of all proceedings at all meetings of the Organization and of the Management Committee. Such minutes shall be signed by the Chairperson of the meeting at which the proceedings were held or by the Chairperson of the next succeeding meeting.

26 INTERNAL REGULATIONS.

A set of internal regulations may be drawn up and implemented after they have been approved by the Management Committee and ratified by the annual or special general meeting.

27 INDEMNITIES

To the extent permitted by law:

27.1 the Organization indemnifies every person who is or has been an Officer of the Organization or of a wholly-owned subsidiary of the Organization against any liability for costs and expenses incurred by that person in defending any

Proceedings in which judgment is given in that person's favor, or in which the person is acquitted, or in connection with an application in relation to any Proceedings in which the Court grants relief to the person under the Law; and

27.2 the Organization indemnifies every person who is or has been an Officer of the Organization or of a wholly-owned subsidiary of the Organization against any liability incurred by the person, as an Officer of the Organization or of a wholly-owned subsidiary of the Organization, to another person (other than the Organization or a related body corporate of the Organization) unless the liability arises out of conduct involving a lack of good faith

28 NON-PROFIT CLAUSE

The income and the property of the Organization whence so ever derived shall be applied solely toward the promotion of the objectives of the Organization and no portion thereof shall be paid or transferred directly or indirectly by way of dividend, bonus or otherwise howsoever by way of profit to the members of the Organization provided that nothing herein shall prevent the payment in good faith of remuneration to any officer or servant of the Organization or to any member of the Organization in return for any services actually rendered to the Organization or reasonable and proper rent for premises let by any member to the Organization.

29 DISSOLUTION AND SURPLUS PROPERTY

29.1 The Organization shall be wound up or dissolved by a general meeting's unanimous resolution;

29.2 If upon the winding up or the dissolution of the Organization there remains, after the satisfaction of its debts and liabilities, any property whatsoever,

29.2.1 the same shall not be paid to or distributed among the members of the Organization, but

29.2.2 shall, subject to any trust affecting the property or part of it, be distributed to any charitable organizations having similar charitable objects which shall be directed by a general meeting, or

29.2.3 if no conclusive decision is made on the distribution of the property by a general meeting as per article 29.2.2 above, the final decision shall be conclusively made by the Chief Justice of the Supreme Court of New South Wales.

29.3 Revocation of Deductible Gift Recipient endorsement:

29.3.1 If the Organization is wound up or its endorsement as a deductible gift recipient is revoked (whichever occurs first), any surplus of the following assets shall be transferred to another charitable Organization to which income tax deductible gifts can be made:

29.3.2 gifts of money or properties for the principal purpose of the Organization;

29.3.3 contributions made in relation to an eligible fundraising event held for the principal purposes of the Organization; and

29.3.4 money received by the Organization because of such gifts and contributions.

30 AMENDMENT OF RULES.

The Statement of Objects and these Rules may be amended by a special resolution passed by not less than three quarters (3/4) of such members of the Organization as, being entitled under these Rules so to do, vote in person at any annual general meeting, or special general meeting called for such purpose, at which not less than twenty eight (28) days written notice of the proposed amendment shall have been given.

31 COMMON SEAL.

31.1 The common seal of the Organization shall be kept in the custody of the Public Officer.

31.2 The common seal shall not be affixed to any instrument except by the authority of the Management Committee and the affixing of the common seal shall be attested by the signatures either of two members of the Management Committee or of one member of the Management Committee and of the Public Officer or Secretary General.

32 CUSTODY OF BOOKS.

Except as otherwise provided by these Rules, the Public Officer shall keep in his or her custody or under his/her control all records, books and other documents relating to the Organization Affairs.

33 INSPECTION OF BOOKS.

The records, books and other documents of the Organization shall be open to inspection, free of charge, by a member of The Organization at any reasonable hour.

FORM OF PROXY APPOINTMENT

I,

Of

Being a member of

Appoint

Of

Being a member of the Organization as my proxy to vote for me on my behalf at the general meeting of the Organization to be held on

And any adjournment of that meeting.

I authorize my proxy to vote on my behalf at their discretion in respect of the following resolution.....

.....
Signed

Date