



**CONSTITUTION OF  
INDIAN SOCIETY OF WESTERN AUSTRALIA (ISWA)**

**2018**

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## **RULES OF ISWA**

### **1. Name**

The name of the Association is Indian Society of Western Australia (ISWA)

### **2. Definitions**

In these rules, unless the contrary intention appears under the context-

**Act** means the Associations Incorporation Act 2015 (WA) as amended;

**AGM** means Annual General Meeting;

**Arts Department** means the Department of Communications and the Arts.

**Association** means a body under the Act.

**Books** include all registers, records, books, documents and securities of ISWA in whatever form;

**Commissioner** has the same meaning ascribed to that expression in the Tax Act.

**Committee** means the Management Committee (MC);

**Committee meeting** means a meeting of the Management Committee;

**Committee member** means person elected or appointed on the Management Committee;

**Constitution** means the set of rules as formed under the Act for the Indian Society of Western Australia;

**Deductible Gift Recipient** has the same meaning as given to that expression in the Tax Act;

**Department** means the government department with responsibility for administering the Act and referred Regulations as amended;

**Financial** for the purpose of these Rules means that a member is not in arrears of any subscriptions and dues owed to ISWA;

**Financial records** include:

- (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 -
  - (i) the methods by which financial statements are prepared; and
  - (ii) adjustments to be made in preparing financial statements;

**Financial Year** means each period of 12 calendar months commencing 1st January of each year and ending 31st December of the same year;

**General Meeting (GM)** means a meeting to which all members are invited and includes both Annual General Meeting (AGM) and Special General Meeting (SGM) as will be specified on the Notice calling the meeting;

**ISWA Council** means a body comprising of representatives of member Associations and ISWA Life Members in accordance with rule 13;

**Management Committee (MC)** is Committee persons formed under this Constitution and the Act that have the power to manage the affairs of ISWA;

**Member** means a member of ISWA;

**Membership Register** means the register of members maintained by ISWA;

**Minister for the Arts** has the same meaning ascribed to that expression in the Tax Act;

**Motion** means a proposal submitted to a GM for the purpose of eliciting a decision;

**Poll** is a more formal manner of receiving and counting votes as opposed to the summary method of "show of hands";

**Public Fund** means the fund established and maintained pursuant to rules 40, 41 and 42;

**Resolution** is the successful outcome by a majority vote on a motion at a general meeting of members, management committee or ISWA Council;

**Responsible Person** means a natural person who:

- (a) performs a significant public function; or
- (b) is a member of a professional body having a code of ethics or rules of conduct; or
- (c) is officially charged with spiritual functions by a religious institution; or
- (d) is a director of a company whose shares are listed on the Australian Stock Exchange; or

- (e) has received a formal recognition from government for services to the community; or
- (f) because of their tenure in a public office or their position in the community, have a degree of responsibility to the community as a whole; or
- (g) is approved as a Responsible Person by the Commissioner.

**Returning Officer (RO)** is the officer appointed by the Management Committee to conduct elections and to attend all incidental matters relating thereto and not an office bearer of the Committee;

**Rules** means this Constitution set as per the provision of the Act;

**SGM** means Special General Meeting;

**Special resolution** is a resolution passed by a three-fourths of the members who are present and voting at the meeting;

**Society** means the Indian Society of Western Australia (ISWA); and

**Tax Act** means the *Income Tax Assessment Act 1997* (Cth).

### 3. Not-for-profit body

(1) The property and income of ISWA must be applied solely towards the promotion of ISWA's vision, mission, values and objects and no part of that property or income may be paid or otherwise distributed, directly or indirectly, to any member, except in good faith in the promotion of those vision, mission, values and objects.

(2) A payment may be made to a member out of the funds of ISWA only if it is authorised under sub-rule (3).

(3) A payment to a member out of the funds of the Association is authorised if it is -  
(a) the payment in good faith to the member as reasonable remuneration for any services provided to ISWA, goods supplied to the Society, in the ordinary course of business; or

(b) the payment of interest, on money borrowed by ISWA from the member, at a rate not greater than the cash rate published from time to time by the Reserve Bank of Australia; or

(c) the payment of reasonable rent to the member for premises leased by the member to the Society; or

(d) the reimbursement of reasonable expenses properly incurred by the member on behalf of the Society.

## 4. Vision, Mission, Values and Objects

**(1) Vision:** To be the unified and inclusive peak body which integrates, promotes and leads the people of Indian origin in Western Australia with a common objective and values to contribute and share their cultural heritage with the wider Australian community.

**(2) Mission:** Inspires, leads and facilitates the people of Indian origin and enable them to excel in education, sports, culture and strengthen community wellbeing with full commitment to the rule of law and respect for all people regardless of their diverse background, status, race, religion, origin, age, gender, language or faith.

**(3) Values:** The values of ISWA are to:

- commit to the rule of law;
- encourage and support to the people of Indian origin in their pursuit of excellence;
- support the aged population;
- sustain as well as nurture the younger generation linking them to their cultural roots and values;
- share and strengthen the rich Indian heritage and culture through interaction with the wider Australian community;
- spread the message of peace and non-violence, equity, diversity, adaptation and inclusiveness;
- contribute to the advancement of the Australian way of life and values; and
- foster the culture of honesty, integrity, high ethical standards and excellence.

**(4) Objects:** The objects of ISWA are to -

- a) assist, encourage, participate and initiate activities, which promote the welfare and social, cultural and educational aspirations of Australian residents of Indian origin.
- b) be the peak body and work closely with other Associations of Indian origin and all tiers of government on issues of shared interests and to further ISWA's vision, mission, values and objects.
- c) affiliate with any other national or interstate peak organisations sharing similar vision, mission, values and objects to that of ISWA.
- d) support and help its member Associations in their activities and objectives.
- e) allow its members and Associations to use ISWA premises for their activities at cost to be determined by the Management Committee.
- f) acquire, build or maintain facilities that can be the central hub of activity for the

Indian community and other Associations.

g) assist the Indian community with important social aspects like aged care, domestic violence, health awareness, bereavement support, suicide or other similar community concerns as may be relevant.

h) any other activities that may be incidental to or necessary for achieving ISWA's Vision, Mission and Values.

## 5. Powers of ISWA

The powers conferred on ISWA are the same as those conferred under the Act, so that subject to the Act and any additions, exclusions or modifications inserted below, ISWA may do all things necessary or convenient for carrying out its vision, mission, values and objects, and in particular, may-

- a) acquire, hold, deal with, and dispose of any real or personal property;
- b) open and operate bank accounts;
- c) invest its money-
  - i) in a recognised Australian Bank deposit; or
  - ii) in any other lawful manner authorised at a General Meeting of ISWA;
- d) borrow money upon such terms and conditions as ISWA thinks fit;
- e) give such security for the discharge of liabilities incurred by ISWA as ISWA thinks fit;
- f) appoint agents to transact any business of ISWA on its behalf;
- g) enter into any other contract it considers necessary or desirable; and
- h) may act as trustee and accept and hold real and personal property upon trust, but does not have power to do any act or thing as a trustee that, if done otherwise than as a trustee, would contravene this Act or the rules of ISWA.

## 6. Qualifications for membership

(1) Membership of ISWA is open to-

- a) any person who has an interest in fostering the objects of ISWA;
- b) all registered Associations who have similar objectives and cultural linkage; and
- c) All corporate entities that endorse the vision, mission, values and objects of ISWA.

(2) A person or an Association or Corporate entity who wishes to become a member must apply for membership to the Committee in writing-

- (i) signed by that person or authorised representative of that Association or Corporate entity; and
- (ii) in such form as the Committee may from time to time direct.

(3) The Committee members must consider each application made under sub-rule



2 at a Committee meeting and must at the Committee meeting or the next Committee meeting accept or reject that application.

(4) An applicant whose application for membership of ISWA is rejected under sub-rule 3 must, if he or she wishes to appeal against that decision, give notice to the Secretary of his or her intention to do so within a period of 14 days from the date he or she is advised of the rejection.

(5) When notice is given under sub-rule 4, the Secretary must refer the appeal to the meeting of the ISWA Council being held after 21 days of the said notice having been given. The ISWA Council must either confirm or set aside the decision of the Committee to reject the application, after having afforded the applicant a reasonable opportunity to be heard by, or to make representations in writing to the ISWA Council.

## 7. Membership Categories

Membership of ISWA shall comprise of the following categories:

**Association Member (also called member association):** A registered associations supporting ISWA's vision, mission, values and objects. They enjoy all the benefits and privileges of ISWA membership.

**Life Member:** single or family (partners married or defacto plus children under 18 years of age) Life Members continue to enjoy all benefits and privileges of ISWA membership.

**Corporate Member:** A corporate entity carrying on business that supports vision, missions, values and objects of ISWA. Corporate Members enjoy all benefits and privileges of ISWA membership except voting rights at the general meetings.

**Honorary Member:** Honorary membership is an exclusive privilege reserved for illustrious members of the wider community, irrespective of their origin, who provide or have provided meritorious or valuable services for the benefit of the Indian community. Honorary Members play no part in ISWA's political and decision-making processes save at the express invitation of the Management Committee.

## 8. Register of members

(1) The secretary, or another person authorised by the committee, 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 of ISWA.

(2) In addition to the matters referred to in section 53(2) of the Act, the register of members must include the category 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 the secretary's place of residence, or at another place determined by the committee.

(4) A member who wishes to inspect the register of members must contact the secretary to make the necessary arrangements.

(5) If -

(a) a member inspecting the register of members wishes to make a copy of, or take an extract from, the register under section 54(2) of the Act; or

(b) a member makes a written request under section 56(1) of the Act to be provided with a copy of the register of members,

the committee may require the member to provide a statutory declaration setting out the purpose for which the copy or extract is required and declaring that the purpose relates to the affairs of ISWA.

## 9. Subscriptions of members

(1) The members may from time to time at a GM determine the amount of the subscription to be paid by each member.

(2) The Management Committee may from time to time offer discounts for membership drive.

## 10. Termination of membership

(1) Membership of ISWA may be terminated upon

a) receipt by the Secretary or another Committee member of a notice in writing from a member of his or her resignation from ISWA; or

b) non-payment by a member of his or her subscription within three months of the date fixed by the Committee for subscriptions to be paid, unless the Committee decides otherwise in accordance with rule 9 (2); or

c) death of a person if the member is single and in the case of family the spouse/partner will retain the membership; or

d) expulsion of a member in accordance with rule 11.

(2) Such person remains liable to pay to ISWA the amount of any subscription due and payable by that person at the date of termination.

## 11. Suspension or expulsion of members

(1) The management committee may decide to suspend a member's membership or to expel a member from ISWA by passing a resolution with three fourth of the majority if the member acts detrimentally to the interests of ISWA.

(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 about 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 about the proposed suspension or expulsion; and
- (b) give due consideration to any submissions so made; and
- (c) 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 ISWA.

(5) A decision of the committee to suspend the member's membership or to expel the member from ISWA takes immediate effect.

(6) The committee must give the member written notice of the committee's decision, and the reasons for the decision, within 7 days after the committee meeting at which the decision is made.

(7) A member whose membership is suspended or who is expelled from the ISWA may, within 14 days after receiving notice of the Committee's decision under sub-rule (6), give written notice to the secretary requesting the appointment of a mediator under rule 40.

(8) If notice is given under sub-rule (7), the member who gives the notice and the committee are the parties to the mediation.

## 12. Consequences of suspension

(1) During the period a member's membership is suspended, the member -

- (a) loses any rights (including voting rights) arising as a result of membership; and
- (b) is not entitled to a refund, rebate, relief or credit for membership fees paid, or payable, to ISWA.

(2) When a member's membership is suspended, the secretary must record in the register of members -

- (a) that the member's membership is suspended; and
- (b) the date on which the suspension takes effect; and
- (c) the period of the suspension.

(3) 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.

## 13. ISWA Council

(1) ISWA Council shall be an advisory and consultative body to provide vision and direction to ISWA and elect the Management Committee.

(2) ISWA Council will be comprised of :

- (a) presidents of member associations; plus
- (b) representatives of member associations as per sub-rule(3); plus
- (c) subject to sub-rule(5), representatives of Life Members comprising 30% of the total strength of the ISWA Council or 30 representatives, whichever is less. Any fraction for this purpose will be ignored.

(3) Association members having two hundred or more financial members can have representative(s) on the ISWA Council as below:

- (a) financial membership of 200 or more but less than 300 – one representative
- (b) financial membership of 300 or more but less than 400 – two representatives
- (c) financial membership of 400 or more but less than 500 – three representatives
- (d) financial membership of more than 500 – four representatives.

provided that the member association must have at least one woman representative and also provided a declaration to the secretary regarding its membership as per the register of its members maintained under section 53 of the Act.

(4) Member Association(s) can change their representatives at any time by giving 21 days' notice to the Secretary.

(5) The minimum strength of the ISWA Council will be 50 members and if the strength of the ISWA Council as per sub-rule (1) is less than 50, the shortfall will be filled by increasing the number of Life Members representatives so as to make up the minimum required strength.

## 14. Transitional Provisions

Following transitional provisions will apply to ensure smooth transition to the new ISWA Council mechanism:

(1) First ISWA Council will be formed within six months of the date of approval of this constitution and a general meeting be called to elect the representatives of Life

Members to the ISWA Council.

(2) The Management Committee incumbent on the date of approval of this constitution shall complete its tenure and the new committee thereafter will be elected by the ISWA Council.

(3) The Management Committee incumbent upon approval of this constitution shall be part of the ISWA Council as representatives of Life Members for purpose of Rule 13(2)(c).

## 15. Election of Life Members' representatives to the ISWA Council

(1) Representatives of Life Members to the ISWA Council should be elected at the general meeting one month prior to the election of Management Committee by the ISWA Council.

(2) A member must be Life Member of ISWA for at least one year prior to nomination to the ISWA Council.

(3) Management Committee (MC) shall appoint a Returning Officer (RO) at least 30 days prior to the AGM and Secretary shall provide to the RO a complete list of voting members of ISWA prior to the close of nominations for election.

(4) The RO shall perform his functions and duties independently and in good faith. His functions and duties shall include, to:

- resolve objections to any nomination;
- ensure there are no irregularities in the election process;
- authenticate submitted nominations, reject irregular nominations and advise the affected parties;
- invite nominations from the floor at the AGM for positions for which no or invalid nominations were received;
- conduct the election process including counting of votes and announcement of the election results; and
- attend to any incidental duties falling within his functions.

(5) The Secretary shall issue a written notice at least 21 days prior to the elections of representatives of Life Members to the ISWA Council in substantially the sample form described at Schedule E of these Rules, to all members inviting nominations. The Notice shall also be posted on the ISWA website and delivered by email or posted to all members at their last known address.

(6) Nominations must be submitted on the prescribed forms and delivered to the RO in sealed envelopes or by scanned copy of the completed nomination by email directly to the RO, on or before the last date and time specified, being no later than 7 days prior to the elections. Late nominations or nominations not in the prescribed form must be rejected by RO.

(7) The RO shall immediately, after the fixed closing time, open all received nominations in the presence of not less than two members of the Management Committee.

(8) The RO shall then place the valid nominations on a ballot sheet, in alphabetical order and promptly email the list of valid nominations to all to all members. Any invalid nominations received shall be kept separately.

(9) If vacancies remain after the declaration under sub-rule (8), additional valid nominations may be accepted from the floor of the annual general meeting. If such nominations from the floor do not exceed the number of vacancies the RO must declare those persons to be duly elected. Where the number of nominations from the floor exceeds the remaining number of vacancies on the Committee, elections for those positions must be conducted.

## 16. ISWA Council Meetings

(1) The Committee-

(a) may at any time convene a special meeting of the ISWA Council;

(b) must convene a regular meeting of the ISWA Council every quarter on the last Sunday of January, April, July and November except that if a special meeting of the ISWA Council is called, then a regular meeting in that quarter may not be necessary.

(c) must, within 30 days of receiving a request in writing to do so from not less than 10% of the members of the ISWA Council convene a special meeting of the ISWA Council for the purpose specified in that request.

(2) The members of the ISWA Council making a request referred to in sub-rule (1) (c) must-

(a) state in that request the purpose for which the special meeting concerned is required; and

(b) sign that request.

(3) If a special meeting of the ISWA Council is not convened within the relevant period of 30 days referred to in sub-rule (1) (c), the members who made the request concerned may themselves convene a special general meeting of the ISWA Council as if they were the Committee.

(4) When a special general meeting is convened under sub-rule 1(c) above, ISWA must pay the reasonable expenses of convening and holding the special meeting of the ISWA council.

(5) The Secretary must give to all members of the ISWA Council not less than 14 days' reminder of the regular quarterly meeting of the ISWA council and that reminder must specify-

(a) when and where the meeting concerned is to be held; and

(b) particulars of the business to be transacted at the meeting of the ISWA Council and of the order in which that business is to be transacted.

(c) discussion of ISWA's financials must be a part of the business to transacted at the meeting of the Council meetings.

(6) The Secretary must give to all members of the ISWA Council not less than 21 days' notice of a special general meeting of the Council and that notice must specify-

(a) when and where the general meeting concerned is to be held; and

(b) particulars of the business to be transacted at the general meeting concerned and of the order in which that business is to be transacted.

(7) The Secretary must give a reminder or notice under sub-rule (5) or sub-rule (6) by-

(a) serving it on a member personally; or

(b) sending it by email or post to a member at the address of the member appearing in the register of members of the Council.

(8) When the reminder or notice is sent by email or post under sub-rule (7)(b), sending of the notice will be deemed to be properly effected if the notice is sufficiently addressed and emailed or posted to the member concerned by email or ordinary prepaid mail.

(9) Where a special meeting of the ISWA Council is called under sub-rule 1(c) above, the members calling the meeting must give to all members of the ISWA Council not less than 21 days' notice of a special meeting and that notice must specify-

(a) when and where the general meeting concerned is to be held; and

(b) particulars of the business to be transacted at the general meeting concerned and of the order in which that business is to be transacted.

(10) President must chair the meetings of the ISWA Council and in his absence, the Vice-President should Chair the ISWA Council Meeting(s). In absence of both the President and Vice President, the ISWA Council may elect a member of the ISWA Council to Chair the meeting.

(11) Secretary must take minutes of the ISWA Council Meeting and present them at the next ISWA Council Meeting.

## 17. Quorum and proceedings at Meetings of the ISWA Council

(1) At a meeting of the ISWA Council, 25 members present in person constitute a quorum.

(2) If the quorum is not achieved at the time specified for the meeting then the President may reconvene the meeting after the lapse of 15 minutes after the appointed time, where after the members then present shall be deemed sufficient quorum to carry out the Agenda matters. However, no vote shall be taken on non-essential business if the number of attendees falls below 15.

(3) At the meeting of the ISWA Council, any resolution put to the vote will be decided by a majority of votes cast on a show of hands, subject to sub-rule (5).

(4) A declaration by the Chair of the meeting that a resolution has been passed as an ordinary resolution at the meeting will be evidence of that fact unless, during the general meeting at which the resolution is submitted, a poll is demanded in accordance with sub-rule (5).

(5) At a meeting of the ISWA Council, a poll may be demanded by the Chair or by three or more members present in person and, if so demanded, must be taken in such manner as the Chair directs.

(6) If a poll is demanded and taken under sub-rule (5), a declaration by the President of the result of the poll is evidence of the matter so declared.

(7) A poll demanded under sub-rule (5) must be taken immediately on that demand being made.

## 18. Management Committee

(1) The affairs of ISWA will be managed exclusively by a Management Committee consisting of-

(a) a President;

(b) a Vice-President;

(c) a Secretary;

(d) a Treasurer;

(e) an Assistant Secretary;

(f) an Assistant Treasurer;

(g) 4 (four) General Committee Members;

(h) 2 (two) Women General Committee Members (to promote gender diversity on the Committee); and

(i) a member of the outgoing committee as elected by the above new Management Committee within one month of its election.

(2) All Committee members shall be eligible for re-election except for the position of President. The President cannot nominate him/herself for the third consecutive term.

(3) All members of ISWA Council are eligible to nominate for any position on MC.

(4) Committee members must be elected to membership of the Committee at a meeting of the ISWA Council.

(5) A Committee Member shall be entitled to complete his/her full term on the MC even if he /she ceases to be a member of ISWA Council after his/her election to the MC.



(6) The term of the Management Committee shall be two years.

(7) The Committee may delegate, in writing, to one to more sub-committees (consisting of such member(s), members of the ISWA Council or any other person as the Committee thinks fit) the exercise of such functions of the Committee as are specified in the delegation other than-

(a) the power of delegation; and

(b) a function which is a duty imposed on the Committee by the Act or any other law.

(8) Any delegation under sub-rule (7) may be subject to such conditions and limitations as to the exercise of that function or as to time and circumstances as are specified in the written delegation and the Committee may continue to exercise any function delegated.

(9) The Committee may, in writing, revoke wholly or in part any delegation under sub-rule (7).

(10) The acts of a Management Committee are valid despite any defect that may afterwards be discovered in the election, appointment or qualification of the Committee or a member of the Committee.

(11) A committee member is entitled to be paid out of the funds of the Society for any out-of-pocket expenses properly incurred in connection with the business of the Society.

## 19. Election of Management Committee

The Management Committee will be elected by the ISWA Council. The procedure of election to the Management Committee will be as follows:

(1) Not less than 30 days prior to completion of the term of the Management Committee (MC), the Management Committee shall appoint a Returning Officer (RO).

(2) The Secretary shall provide to the RO a complete list of members of the ISWA Council prior to the close of nominations for election.

(3) The RO shall perform his functions and duties independently and in good faith. His functions and duties shall include:

- resolve objections to any nomination;
- ensure there are no irregularities in the election process;
- authenticate submitted nominations, reject irregular nominations and advise the affected parties;
- invite nominations from the floor at the ISWA Council for positions for which no or invalid nominations were received;

- conduct the election process including counting of votes and announcement of the election results; and
- attend to any incidental duties falling within his functions.

(4) The Secretary shall issue a written notice at least 21 days prior to the elections to all members of the ISWA Council, in substantially the sample form described at Schedule F of these Rules inviting nominations for election to the incoming MC. The Notice shall also be posted on the ISWA website and delivered by email or posted to all members at their last known address.

(5) Nominations for elections must be submitted on the prescribed forms and delivered to the RO in sealed envelopes or by scanned copy of the completed nomination by email directly to the RO, on or before the last date and time specified, being no later than 7 days prior to the elections. Late nominations or nominations not in the prescribed form must be rejected by RO.

(6) The nomination must clearly specify if it is being made for the committee positions reserved for women or as a general nomination open to all genders. A person cannot nominate under both categories.

(7) A valid nomination is one which meets the basic requirements of identifying the position nominated for, the nominee must meet the criteria required for that position, states the full names of the proposer, seconder and nominee, who must all be either Life Member(s), Association Member(s) or members of the ISWA Council and be signed by all.

(8) The RO shall immediately, after the fixed closing time, open all received nominations in the presence of not less than two members of the outgoing MC. RO shall then place the valid nominations on a ballot sheet, in alphabetical order, according to positions nominated. Any invalid nominations received shall be kept separately.

(9) A member may only be nominated for one position. Nomination of a member for more than one position will automatically disqualify the nominated member for all positions.

(10) The list of valid nominees shall then be promptly emailed to all members and/or posted on the ISWA website.

(11) If vacancies remain on the Committee after the declaration under sub-rule (10), additional nominations of Committee members may be accepted from the floor of the ISWA Council Meeting. If such nominations from the floor do not exceed the number of vacancies the RO must declare those persons to be duly elected as members of Committee. Where the number of nominations from the floor exceeds the remaining number of vacancies on the Committee, elections for those positions must be conducted.

(12) If the nominations from the floor are less than the number of vacancies the newly elected Committee should appoint a member from the ISWA Council to fill that vacancy;

and the member(s) appointed under this sub-rule will hold office for the term of the Committee.

## 20. President and Vice-President

- (1) Subject to this rule, the President must preside over all general meetings, Committee meetings and meetings of the ISWA Council.
- (2) In the event of the absence from a meeting of-
  - (a) the President, the Vice-President; or
  - (b) both the President and the Vice-President, a member elected by the other voting members present at the general meeting, must preside over that general meeting.
- (3) In the event of the absence from a meeting of the ISWA Council of -
  - (a) the President, the Vice-President; or
  - (b) both the President and the Vice-President, a member of the ISWA Council elected by the other members present at the meeting, must preside over that meeting.
- (4) In the event of the absence from a Committee meeting of-
  - (a) the President, the Vice-President; or
  - (b) both the President and the Vice-President, a Committee member elected by the other Committee members present at the Committee meeting, must preside over the Committee meeting.

## 21. Secretary and Assistant Secretary

The Secretary must-

- (a) co-ordinate the correspondence of ISWA;
- (b) keep full and correct minutes of the proceedings of the Committee and of ISWA;
- (c) comply on behalf of ISWA with-
  - (i) part 4, division 5 of the Act with respect to the register of members of ISWA, as referred to in rule 8;
  - (ii) section 35 of the Act by keeping and maintaining in an up to date condition the rules of ISWA and, upon the request of a member of ISWA, must make available those rules for the inspection of the member and the member may make a copy of or take an extract from the rules but will have no right to remove the rules for that purpose; and
  - (iii) section 58 of the Act by maintaining a record of -
    - (A) the names and residential or postal addresses of the persons who hold the offices of ISWA provided for by these rules, including all offices held by the persons who constitute the Committee and persons who are authorised to execute documents under rule 36; and

(B) the names and residential or postal addresses of any persons who are part of the ISWA Council,

and the Secretary must, upon the request of a member of ISWA, make available the record for the inspection of the member and the member may make a copy of or take an extract from the record but will have no right to remove the record for that purpose;

(d) unless the members resolve otherwise at a general meeting, have custody of all books, documents, records and registers of ISWA, including those referred to in paragraph (c) but other than those required to be kept and maintained by, or in the custody of, the Treasurer; and

(e) perform such other duties as are imposed by these rules on the Secretary. The Assistant Secretary shall assist Secretary in performing his/her role

## 22. Treasurer and Assistant Treasurer

The Treasurer must-

(a) be responsible for the receipt of all moneys paid to or received by, or by him or her on behalf of, ISWA and must issue receipts for those moneys in the name of ISWA;

(b) pay all moneys referred to in paragraph (a) into such account or accounts of ISWA as the Committee may from time to time direct;

(c) make payments from the funds of ISWA with the authority of a general meeting or of the Committee and in so doing ensure that all cheques are signed by any two of the following: President, Vice President, Secretary, Assistant Secretary, Treasurer, Assistant Treasurer or any other committee member of the Society who may be authorised from time to time by the Committee;

(d) comply on behalf of ISWA with Part 5 of the Act on Financial records, reporting and accountability and maintain the financial records of ISWA by-

(i) keeping such accounting records as correctly record and explain the financial transactions and financial position of ISWA;

(ii) keeping its accounting records in such manner as will enable true and fair accounts of ISWA to be prepared from time to time;

(iii) keeping its accounting records in such manner as will enable true and fair accounts of ISWA to be conveniently and properly audited; and

(iv) submitting to members at each annual general meeting of ISWA accounts of ISWA showing the financial position of ISWA at the end of the immediately preceding financial year;

(v) retain Society's financial records for at least 7 years after the transactions covered by the records are completed.

(e) whenever directed to do so by the President, submit to the Committee a report, balance sheet or financial statement in accordance with that direction;

(f) unless the members resolve otherwise at a general meeting, have custody of all securities, books and documents of a financial nature and accounting records of ISWA, including those referred to in paragraphs (d) and (e); and

(g) perform such other duties as are imposed by these rules on the Treasurer. The Assistant Treasurer shall assist the Treasurer in performing his/her role

## 23. Resignation 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 -

- (a) when the notice is received by the Secretary or the President; or
- (b) if a later time is stated in the notice, at the later time.

## 24. Casual vacancies in membership of Committee

A casual vacancy occurs in the office of a Committee member and that office becomes vacant if the Committee member-

(a) dies;

(b) resigns by notice in writing delivered to the President or, if the Committee member is the President, to the Vice-President and that resignation is accepted by resolution of the Committee;

(c) is convicted of an offence under the Act;

(d) is permanently incapacitated by mental or physical ill-health; (e) is absent from more than-

(i) 3 consecutive Committee meetings; or

(ii) 3 Committee meetings in the same financial year without tendering an apology to the person presiding at each of those Committee meetings;

of which meetings the member received notice, and the Committee has resolved to declare the office vacant;

(e) ceases to be a member of ISWA; or

(f) is the subject of a resolution passed by a general meeting of members terminating his or her appointment as a Committee member.

## 25. Proceedings of Committee

- (1) The Committee must meet together for the dispatch of business not less than 9 (nine) times in each year and the President, or at least half the members of the Committee, may at any time convene a meeting of the Committee.
- (2) Each Committee member has a deliberative vote.
- (3) A question arising at a Committee meeting must be decided by a majority of votes, but, if there is no majority, the person presiding at the Committee meeting will have a casting vote in addition to his or her deliberative vote.
- (4) At a Committee meeting 50% of the Committee members constitute a quorum.
- (4) Subject to these rules, the procedure and order of business to be followed at a Committee meeting must be determined by the Committee members present at the Committee meeting.
- (6) As required under sections 42 and 43 of the Act, a Committee member having any direct or indirect pecuniary interest in a contract, or proposed contract, made by, or in the contemplation of, the Committee (except if that pecuniary interest exists only by virtue of the fact that the member of the Committee is a member of a class of persons for whose benefit ISWA is established), must-
  - (a) as soon as he or she becomes aware of that interest, disclose the nature and extent of his or her interest to the Committee; and
  - (b) not take part in any deliberations or decision of the Committee with respect to that contract.
- (7) Sub-rule (6) (a) does not apply with respect to a pecuniary interest that exists only by virtue of the fact that the member of the Committee is an employee of ISWA.
- (8) The Secretary must cause every disclosure made under sub-rule (6) (a) by a member of the Committee to be recorded in the minutes of the meeting of the Committee at which it is made.

## 26. Financial Reports

- (1) The financial report for a financial year should consist of -
  - (a) the financial statements for the year; and
  - (b) the notes to the financial statements; and
  - (c) the management committee's declaration about the statements and notes stating :
    - (i) whether, in the management committee's opinion, there are reasonable grounds to believe that the association will be able to pay its debts as and when they become due and payable; and

(ii) whether, in the management committee's opinion, the financial statements and notes are in accordance with this Part 5 of the Act.

- (2) The notes to the financial statements of the Society should include -
- (a) the disclosures required by the regulations; and
  - (b) notes required by the accounting standards; and
  - (c) any other information necessary to give a true and fair view of the financial position and performance of the association.
- (3) The management committee's declaration must —
- (a) be made in accordance with a resolution of the management committee; and
  - (b) specify the date on which the declaration is made; and
  - (c) be signed by at least 2 members of the management committee who are authorised to do so by the management committee.
- (5) The financial reports must be prepared within 6 months after the end of each financial year.

## 27. Auditor

- (1) The annual general meeting shall appoint a member of a recognised professional accounting body in Australia as an auditor who need not be a member of the Society and determine the fee to be paid to the auditor. Should the appointed auditor be a member of the Society he/she must not hold any other office on the Committee during his/her term as auditor.
- (2) An auditor's must form an opinion about the following -
- (a) whether the financial statements satisfy, or the financial report satisfies, the requirements of the Act;
  - (b) whether the auditor has been given all information, explanations and assistance necessary for the conduct of the audit;
  - (c) whether the association has kept financial records sufficient to enable financial statements or a financial report to be prepared and audited;
  - (d) whether the association has kept other records as required by the Act.
- (3) The auditor shall report to the members on accounts is required to be laid before the Annual General Meeting shall also be attached to the accounts presented to the annual general meeting.
- (4) The auditor's report must -
- (a) include a statement as to -
    - (i) whether the auditor is of the opinion that the financial statements are, or the financial report is, in accordance with the Act; and
    - (ii) if not of that opinion, why not; and
  - (b) describe -

- (i) any defect or irregularity in the financial statements or the financial report; and
- (ii) any deficiency, failure or shortcoming in respect of the matters referred to in sub-rule (2)(b), (c) or (d); and
- (c) include any statements or disclosures required by the auditing standards; and
- (d) specify the date on which it is made.

(5) If the auditor is of the opinion that the financial statements have not, or the financial report has not, been prepared in accordance with this Part 5 of the Act, the auditor's report must -

- (a) to the extent that it is practicable to do so, quantify the effect that non-compliance has on the financial statements or financial report; and
- (b) if it is not practicable to quantify the effect fully, say why.

## 28. General meetings

(1) The Committee-

- (a) may at any time convene a special general meeting;
- (b) must convene annual general meetings within the time limits provided for the holding of such meetings within 4 months after the end of the ISWA's financial year; and
- (c) must, within 30 days of receiving a request in writing to do so from not less than 10% of voting members, convene a special general meeting for the purpose specified in that request; or

(2) The members making a request referred to in sub-rule (1) (c) (i) must-

- (a) state in that request the purpose for which the special general meeting concerned is required; and
- (b) sign that request.

(3) If a special general meeting is not convened within the relevant period of 30 days referred to-

(a) in sub-rule (1) (c) (i), the members who made the request concerned may themselves convene a special general meeting as if they were the Committee; or

(b) in sub-rule (1) (c) (ii), the member who gave the notice concerned may him or herself convene a special general meeting as if he or she was the Committee.

(4) When a special general meeting is convened under sub-rule (3) (a) or (b) ISWA must pay the reasonable expenses of convening and holding the special general meeting.

(5) Subject to sub-rule (7), the Secretary must give to all members not less than 14 days notice of a special general meeting and that notice must specify-

- (a) when and where the general meeting concerned is to be held; and



(b) particulars of the business to be transacted at the general meeting concerned and of the order in which that business is to be transacted.

(6) Subject to sub-rule (7), the Secretary must give to all members not less than 21 days notice of an annual general meeting and that notice must specify-

- (a) when and where the annual general meeting is to be held; and
- (b) the particulars and order in which business is to be transacted, as follows-
  - (i) first, the consideration of the accounts and reports of the Committee;
  - (ii) second, the election of Committee members to replace outgoing Committee members; and
  - (iii) third, any other business requiring consideration by ISWA at the general meeting.

(7) A special resolution may be moved either at a special general meeting or at an annual general meeting, however the Secretary must give to all members not less than 21 days notice of the meeting at which a special resolution is to be proposed. In addition to those matters specified in sub-rule (5) or (6), as relevant, the notice must also include the resolution to be proposed and the intention to propose the resolution as a special resolution.

(8) The Secretary must give a notice under sub-rule (5), (6) or (7) by-

- (a) serving it on a member personally; or
- (b) sending it by email or post to a member at the address of the member appearing in the register of members kept and maintained under rule 6.

(9) When a notice is sent by email or post under sub-rule (8) (b), sending of the notice will be deemed to be properly effected if the notice is sufficiently addressed and emailed or posted to the member concerned by email or ordinary prepaid mail.

## 29. Quorum and proceedings at general meetings

(1) At a general meeting 40 members present in person constitute a quorum.

(2) If the quorum is not achieved at the time specified for the GM then-

- (a) In the case of an AGM or an SGM convened by the Management committee, the President may reconvene the meeting after the lapse of 15 minutes after the appointed time, where after the members then present shall be deemed sufficient quorum to carry out the Agenda matters. However no vote shall be taken on non essential business if the number of attendees falls below 30; and

(b) In the case of member requisitioned SGM , the meeting shall forthwith lapse and shall not be requisitioned again for the same subject matter for the remainder of the term of that Management Committee.

(3) At a general meeting-

- (a) an ordinary resolution put to the vote will be decided by a majority of votes

cast on a show of hands, subject to sub-rule (5); and

(b) a special resolution put to the vote will be decided in accordance with the Act as defined in rule 2, and, if a poll is demanded, in accordance with sub-rules (5) and (7).

(4) A declaration by the President of a general meeting that a resolution has been passed as an ordinary resolution at the meeting will be evidence of that fact unless, during the general meeting at which the resolution is submitted, a poll is demanded in accordance with sub-rule (5).

(5) At a general meeting, a poll may be demanded by the President or by three or more members present in person and, if so demanded, must be taken in such manner as the President directs.

(6) If a poll is demanded and taken under sub-rule (5) in respect of an ordinary resolution, a declaration by the President of the result of the poll is evidence of the matter so declared.

(7) A poll demanded under sub-rule (5) must be taken immediately on that demand being made.

### 30. Minutes of meetings of ISWA

(1) The Secretary must cause proper minutes of all proceedings of all general meetings, Committee meetings or meeting of the ISWA Council to be taken and then to be entered within 30 days after the holding of each general meeting, Committee meeting or meeting of the ISWA Council, as the case requires, in a minute book kept for that purpose.

(2) The President must ensure that the minutes taken under sub-rule (1) are checked and signed as correct by the President of the meeting to which those minutes relate or by the President of the next succeeding general meeting, Committee meeting of meeting of the ISWA Council, as the case requires.

(3) When minutes have been entered and signed as correct under this rule, they are, until the contrary is proved, evidence that-

(a) the meeting to which they relate (in this sub-rule called "the meeting") was duly convened and held;

(b) all proceedings recorded as having taken place at the meeting did in fact take place at the meeting; and

(c) all appointments or elections purporting to have been made at the meeting have been validly made.

### 31. Voting rights of members of ISWA

(1) Subject to these rules, Life Members present in person at a general meeting is entitled to a deliberative vote (up to two votes per family membership).

(2) A member Association may appoint in writing two members of their management committee or executive committee, whether or not they are members of ISWA, to represent the member association at a particular general meeting or at all general meetings. The person(s) so appointed will have a deliberative vote each provided they are not already a Life Member of ISWA.

(3) Ordinary, Corporate and Honorary Members do not have voting rights.

(4) Non-voting members may attend as observers but will not participate in debate.

## 32. Proxies

Proxy votes are not allowed at any meeting of Committee, ISWA Council, General Meeting or any other meeting of ISWA.

## 33. Awards and recognitions

(1) The Management Committee may from time to time call for nominations for awards and recognitions for deserving persons.

(2) The MC must appoint a committee of a minimum three independent persons who are not part of the MC to review the nominees and make recommendations to the Management Committee regarding the winners in each category.

(3) A member of the Management committee may be appointed as a coordinator of the Awards Committee and will be part of the Awards Committee.

(3) No sitting member of the Management Committee or his/her spouse should be eligible for nomination in any of the categories.

## 34. Rules of ISWA

(1) ISWA may alter or rescind these rules, or make rules additional to these rules, in accordance with the procedure set out in various sections of the Act, which is as follows-

(a) Subject to sub-rule (1) (d) and (1) (e), ISWA may alter its rules by special resolution but not otherwise;

(b) Within one month of the passing of a special resolution altering its rules, or such further time as the Commissioner may in a particular case allow (on written application by ISWA), ISWA must lodge with the Commissioner notice of the special resolution setting out particulars of the alteration together with a certificate given by a member of the Committee certifying that the resolution was duly passed as a special resolution and that the rules of ISWA as so altered conform to the requirements of this Act;

(c) An alteration of the rules of ISWA does not take effect until sub-rule (1) (b) is complied with;

(d) An alteration of the rules of ISWA having effect to change the name of ISWA does not take effect until sub-rules (1) (a) to (1) (c) are complied with and the approval of the Commissioner is given to the change of name; and

(e) An alteration of the rules of ISWA having effect to alter the objects or purposes of ISWA does not take effect until sub-rules (1) (a) to (1) (c) are complied with and the approval of the Commissioner is given to the alteration of the objects or purposes.

(2) These rules bind every member and ISWA to the same extent as if every member and ISWA had signed and sealed these rules and agreed to be bound by all their provisions.

### 35. Executing documents

(1) ISWA may execute a document if the document is signed by -

(a) the President; or

(b) jointly by Secretary and Treasurer

(c) Secretary and another member of the Committee authorised by the MC

(d) Treasurer and another member of the Committee authorised by the MC

(2) Notwithstanding anything contained in sub-rule (1) above, any execution of a document for purchase of land or building or lease of a property must be executed by joint signature of the President and Treasurer only after prior approval by the Management Committee with a three fourth majority.

### 36. Inspection of records

(1) 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.

must contact the secretary to make the necessary arrangements for the inspection.

(2) The inspection must be free of charge.

(3) 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.

(4) 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.

(5) The member must not use or disclose information in a record or document referred to in sub-rule (1) except for a purpose -

- (a) that is directly connected with the affairs of ISWA; or
- (b) that is related to complying with a requirement of the Act.

## 37. Resolving disputes

(1) The grievance procedure set out in this rule applies to disputes under these rules between-

- (a) a member and another member; or
- (b) a member and ISWA; or
- (c) if ISWA provides services to non-members, those non-members who receive services from ISWA, and ISWA.

(2) The parties to the dispute must meet and discuss the matter in dispute, and, if possible, resolve the dispute within 14 days after the dispute comes to the attention of all of the parties.

(3) If the parties to a dispute are unable to resolve the dispute between themselves within the time required by sub-rule 2 above, any party to the dispute may start the grievance procedure by giving written notice to the secretary of -

- (a) the parties to the dispute; and
- (b) the matters that are the subject of the dispute.

(4) Within 28 days after the secretary is given the notice, a committee meeting must be convened to consider and determine the dispute.

(5) The secretary must give each party to the dispute written notice of the committee meeting at which the dispute is to be considered and determined at least 7 days before the meeting is held.

(6) The notice given to each party to the dispute must state -

- (a) when and where the committee meeting is to be held; and
- (b) that the party, or the party'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 about the dispute.

## 38. Determination of dispute by committee

(1) At the committee meeting at which a dispute is to be considered and determined, the committee must -

- (a) give each party to the dispute, or the party's representative, a reasonable opportunity to make written or oral (or both written and oral) submissions to the

- committee about the dispute; and
- (b) give due consideration to any submissions so made; and
- (c) determine the dispute.

(2) 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.

(3) Where the dispute is between member(s) and ISWA, 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.

(4) If notice is given under sub-rule (3), each party to the dispute is a party to the mediation.

### 39. Mediation

(1) Mediation applies if written notice has been given to the secretary requesting the appointment of a mediator for a dispute determined by the Management Committee between member and ISWA.

(2) The mediator must be an independent committee of three persons agreeable to all parties to the dispute. Any person on the Mediation Committee should not be a party to the dispute and should not have any personal interest in the matter that is subject of the mediation.

(3) The parties to the mediation must attempt in good faith to settle the matter that is the subject of the mediation.

(4) Each party to the mediation must give the mediator a written statement of the issues that need to be considered at the mediation at least 7 days before the mediation takes place.

(5) In conducting the mediation, the mediation committee 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 given to the parties to the mediation throughout the mediation process.

(6) The mediator cannot determine the matter that is the subject of the mediation.

(7) 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.

(8) The costs of the mediation are to be paid by the party or parties to the mediation that requested the appointment of the mediator.

(9) If as the result of the mediation, the decision to suspend the member's membership or expel the member is revoked, 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.

(10) If the mediation process does not result in the dispute being resolved, the parties may seek to resolve the dispute by referring it to the ISWA Council and the decision of the ISWA Council will be final save as for any other recourse available to the aggrieved parties in accordance with the Act.

## 40. Establishment of Public Fund

The Association may, and if granted endorsement as a Deductible Gift Recipient must, establish a Public Fund for the specific purpose of supporting the objects of the Association. The Public Fund is established to receive all gifts of money or property for this purpose and any money received because of such gifts must be credited to its bank account. The Public Fund must not receive any other money or property into its account and it must comply with Division 30 of the Tax Act. The public will be invited to contribute to the Public Fund.

## 41. Management of Public Fund

(1) A Public Fund Management Committee (PFMC) of no less than three (3) persons will manage the Public Fund.

(2) The PFMC will be appointed by the Management Committee of ISWA. The members of the PFMC may be Members and/or Committee Members. A majority of the PFMC members must be Responsible Persons.

(3) The Management Committee shall have the power to remove any member of the PFMC where it appears to the Management Committee that such member of PFMC:

- (a) has lost his or her legal capacity to retain membership of the PFMC;
- (b) has used their position as a member, or information obtained through his or her membership, of the PFMC to gain an advantage for any person or entity other than ISWA or the Public Fund;
- (c) has a conflict of interest with his or her membership of the PFMC;
- (d) does not devote sufficient time nor effort in discharging his or her duties as a member of the PFMC; or
- (e) is no longer making a contribution of sufficient value to the PFMC or to the Public Fund.

(4) Subject to sub-rule (5), questions arising at a meeting of the PFMC shall be decided by a majority of votes of PFMC members present and voting and any such decision shall for all purposes be deemed a decision of the PFMC.

(5) A decision dealing with the disposition of funds in excess of one thousand dollars (\$1,000.00), whether that disposition be for an isolated transaction or a series of transactions over the period of a year, shall be decided by a unanimous vote of all PFMC members present and voting and any such decision shall for all purposes be deemed a decision of the PFMC.

(6) The Public Fund must operate on a not-profit basis. No portion of the moneys nor non-monetary gifts will be paid, transferred or distributed directly or indirectly to members of the PFMC or trustees of the Public Fund except as reimbursement for out-of-pocket expenses incurred on behalf of the Public Fund or proper remuneration for administrative services.

## 42. Rules governing the Public Fund

(1) All gifts of money made to the Public Fund and all income received by the Public Fund as gifts or donations from any member of the public or from any other source are to be deposited to one or more separate bank accounts operated by the Society and, in the books of account of the Society, credited to one or more separate accounts. For the purposes of this Constitution, any such bank account will be referred to as the Public Fund Account.

(2) All gifts or donations of a non-monetary nature or type must be specifically identified on a gift register and all such items must in the books of account of the Association be credited to the Public Fund Account.

(3) A receipt must be given by the Society to the donor of all gifts or donations, whether of a monetary or non-monetary nature. The receipt must show the following items:

- (a) name of the Society and of the Public Fund; and
- (b) the Australian Business Number applicable to the Public Fund;
- (c) if the gift or donation is of a
  - (i) monetary nature, the quantum of money received; or
  - (ii) non-monetary nature, a full and accurate description of the item or items the subject of the gift or donation; and
- (d) a statement that the receipt is for a gift.

(4) The funds standing to the credit of the Public Fund Account must be used solely in pursuance of the purposes of the Society. Detailed records are to be maintained of all amounts debited to the Public Fund Account.



(5) All income and property received by the Society from all sources other than from gifts or donations from the public or from any other source such as government grants, funds from sponsors, proceeds of raffles, fundraising activities and the like are to be credited to such other accounts in the books of account of the Society and under no circumstances shall any such income be credited to the Public Fund Account.

#### 43. Distribution of Property on Revocation of Endorsement or Winding Up of Public Fund

(1) Where on the withdrawal or revocation of any endorsement given by the Commissioner of Taxation of the Society's status as a Deductible Gift Recipient under Division 30 of the Tax Act, or upon the winding up of the Public Fund, any surplus assets or property of the Public Fund shall not form part of the Society's assets or property but must be given or transferred to such other fund, authority or institution which has all of the following features:-

- (a) it has been approved under Division 30 of the Tax Act as a body which may receive donations of money and/or property with such donations being deductible from the taxable income of the donor; and
- (b) it has similar objects to those described in rule 4; and
- (c) it is an institution or body which prohibits the distribution of income, profits or assets to its members; and
- (d) if the Society has been registered by the Australian Charities and Not-for-profits Commission as a registered charity, the other fund, authority or institution is a registered charity; and
- (e) it has gained approval to be recognised as a body whose income is exempt from taxation.

(2) Such institution or company will be determined by the Members of the Society within three (3) months of the Society's receipt of formal written notification from the Commissioner of the withdrawal or revocation of endorsement. Failing such a determination, the institution or company shall be determined by application to the Supreme Court in Western Australia.

#### 44. Revocation of Deductible Gift Recipient Endorsement

In the event that the Society is endorsed as a Deductible Gift Recipient and subsequently, the endorsement of the Society as a Deductible Gift Recipient is revoked, any surplus:-

- (1) gifts of money or property for the objects of the Society stated in rule 4;
- (2) contributions made in relation to an eligible fundraising event held for the objects of the Society stated in rule 4, and
- (3) money received by the Society because of such gifts and contributions,

shall be transferred to another organisation which:-

(4) has been approved under Division 30 of the Tax Act as a body which may receive donations of money and/or property with such donations being deductible from the taxable income of the donor; and

(6) if the Society has been registered by the Australian Charities and Not-for-profits Commission as a registered charity, the other fund, authority or institution is a registered charity.

## 45. Communication with Arts Department

The Society must inform the Arts Department as soon as possible if:-

(1) it changes its principal activity or any of its objects; or

(2) it changes its name or the name of the Public Fund ; or

(3) there is any change to the membership of the management committee of the Public Fund; or

(4) there has been any departure from the model rules for public funds as specified in rules 40 or 44 of this Constitution or the *Register of Cultural Organisations Guide* as published from time to time by the Arts Department; or

(5) it, or the Public Fund, suffers any financial difficulties.

## 46. Statistical Information

The Society must provide to the Arts Department statistical information on the gifts made to the Public Fund every six (6) months.

## 47. Ministerial Rules

The Society agrees to accept and comply with any rules that the Treasurer and the Minister may make to ensure that gifts made to the Public Fund are only used for its principal activity.

## 48. Distribution of surplus property on winding

(1) Surplus property for the purpose of this rule means property remaining after satisfaction of -

(a) the debts and liabilities of the Society; and

(b) the costs, charges and expenses of winding up or cancelling the incorporation

of the Society,  
but does not include books relating to the management of ISWA.

(2) If upon the winding up or dissolution of ISWA there remains surplus property after satisfaction of all its debts and liabilities any property whatsoever, the same must not be paid to or distributed among the members, or former members.

(3) The surplus property must be given or transferred to:-

- (a) having similar purposes to those described in rule 4; and
- (b) which is an institution or body and which prohibits the distribution of income, profit or assets to its members; and
- (c) which has gained approval from the Deputy Commissioner of Taxation to be recognised as a body whose income is exempt from taxation; and
- (d) if the Society has been registered by the Australian Charities and Not-for-profits Commission as a registered charity, the other fund, authority or institution is a registered charity.

(4) In the event of the winding up or the cancellation of the incorporation of ISWA, the surplus assets of ISWA must not be distributed to any members or former members of ISWA.

# SCHEUDLE A – MEMBERSHIP APPLICATION – LIFE MEMBER



MEMBERSHIP APPLICATION FORM – LIFE MEMBER		
MEMBERSHIP DETAILS		
<b>Type of Membership</b> (Tick one)	New Membership <input type="checkbox"/>	Renewal <input type="checkbox"/>
<b>Fees (A\$)</b>		Membership No:
Personal details		
Name:		
Date of Birth (dd/mm/yy):	Country of origin:	Citizen:
Address:		Suburb:
City:	State:	Post Code:
Home Phone:	Work Phone:	Mobile:
Email:	Spouse Name:	
CHILDREN IF MEMBERSHIP PRIVILEGES DESIRED (UNDER 18 YEARS)		
Name		Name
Name		Name
Declaration		
<p>I/We solemnly affirm that the above particulars are true and correct to best of my/our knowledge and belief and agree:</p> <ul style="list-style-type: none"> <li>- to abide by the Constitution of the Indian society of W.A. at all times and by rules that the Management Committee may establish periodically.</li> <li>- to advise the Secretary in any change in my/our contact details of the corporation.</li> <li>- that my/our contact details may be used by ISWA for communicating activities and newsletter on ISWA's activity.</li> <li>- To any verification of the information provided on this form and understand that the membership will be effective from the date this application is approved by the Management Committee.</li> </ul> <p>I/We understand that the latest copy of the Constitution is always available at the Society's office for members to read.</p>		
Signature of applicant:		Date:
Signature of spouse (only if for a joint membership):		Date:

-----  
For Office Use Only

Receipt No: \_\_\_\_\_ Membership Acceptance Date \_\_\_\_\_ Membership No.

# SCHEUDLE B – MEMBERSHIP APPLICATION – ASSOCIATION



**ISWA**

Indian Society Of Western Australia

## MEMBERSHIP APPLICATION FORM - ASSOCIATIONS

### MEMBERSHIP DETAILS

<b>Name of the Association</b>		
		Membership No: _____
No. of financial members (excluding under 18 years)		
<b>Brief activities of the Association</b>		
<b>Date of incorporation</b> (dd/mm/yy):	<b>Registration No.</b>	
Address:		Suburb:
City:	State:	Post Code:
<b>President's details</b>		
Name:	Phone:	eMail:
<b>Secretary's details</b>		
Name:	Phone:	eMail:
<b>Treasurer's details</b>		
Name:	Phone:	eMail:

### Declaration

We solemnly affirm that:

- the above particulars are true and correct to best of our knowledge and belief.
- the membership of the Association stated above is as per the Register of Members maintained under section 53 of the Act.

And agree to:

- abide by the Constitution of the Indian society of W.A. at all times and by rules that the Management Committee may establish periodically.
- to advise the Secretary in any change in my contact details of the association.
- the contact details of the Association and its office bearers may be used by ISWA for communicating activities and newsletter on ISWA's activity.
- Any verification of the information provided on this form and understand that the membership will be effective from the date this application is approved by the Management Committee.

We understand that the latest copy of the Constitution is always available at the Society's office for members to read.

<b>Signature of the President :</b>	Date:
<b>Signature of the Secretary :</b>	Date:

-----  
For Office Use Only

Receipt No: \_\_\_\_\_ Membership Acceptance Date \_\_\_\_\_ Membership No.

# SCHEUDLE C – MEMBERSHIP APPLICATION - CORPORATION



**ISWA**

Indian Society Of Western Australia

## MEMBERSHIP APPLICATION FORM - CORPORATION

### MEMBERSHIP DETAILS

<b>Name of the Corporation</b>	ABN No: _____

<b>Brief of business of the Corporation</b>

<b>Date of incorporation</b> (dd/mm/yy):	<b>ABN</b>	
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Address:	Suburb:
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City:	State:	Post Code:
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#### Director's details

Name:	Phone:	eMail:

#### Declaration

I solemnly affirm that the above particulars are true and correct to best of my knowledge and belief and agree:

- to abide by the Constitution of the Indian society of W.A. at all times and by rules that the Management Committee may establish periodically.
- to advise the Secretary in any change in my contact details of the corporation.
- the contact details of the Corporation and its office bearers may be used by ISWA for communicating activities and newsletter on ISWA's activity.
- any verification of the information provided on this form and understand that the membership will be effective from the date this application is approved by the Management Committee.

I understand that the latest copy of the Constitution is always available at the Society's office for members to read.

<b>Signature of the Director:</b>	Date:
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For Office Use Only

Receipt No: \_\_\_\_\_ Membership Acceptance Date \_\_\_\_\_ Membership No.

## SCHEDULE D – NOTICE OF GENERAL MEETING

**INDIAN SOCIETY OF WESTERN AUSTRALIA**  
**PO Box 8377, Perth Business Centre WA 6849**  
**[www.iswa-perth.org](http://www.iswa-perth.org)**

### NOTICE OF ANNUAL/SPECIAL GENERAL MEETING

Notice is hereby given that the Annual/Special General Meeting of the Indian Society of WA (ISWA) will be held on **(insert day, date and time)** at **(insert place of meeting)**.

### AGENDA

1. Attendance & Apologies
2. Minutes of the previous General Meetings
3. Business arising from the minutes of the previous General Meetings
4. President's Report
5. Financial Report
6. General Business
  - a. Ordinary Resolutions
  - b. Special Resolutions (e.g. amendments to ISWA constitution)
  - c. Other business
7. Appointment of the Auditor
8. Election of Representatives to ISWA Council
9. President's address
10. Close

Secretary

Note:

- Special resolutions require 75% majority of the members voting in person at the meeting.
- Alterations to the rules only take effect when lodged with the Department of Consumer & Employment Protection.

## SCHEDULE E - NOTICE OF ELECTION OF REPRESENTATIVES TO ISWA COUNCIL

To

Member  
Indian Society of Western Australia

**Call for Nominations for representatives of members on ISWA COUNCIL at the General Meeting to be held on (insert day, date and time)**

**Notice is hereby given that the elections of the Life member's Representatives on ISWA Council will take place at the General Meeting of the Indian Society of WA to be held on (insert day, date and time) at (insert place of meeting).**

Accordingly, I hereby invite and call for nominations from entitled members for (inset the number of representatives) representatives on the ISWA Council for the above election:

Extra copies of this form may be made for this purpose. The proposer and seconder must sign every nomination form. The Nominee must sign his consent and declaration on the nomination form.

Nomination forms must be returned to the Returning Officer in the attached form no later than

**(insert day, date and time)** at the following address:

**(insert Returning Officer's Name and Address)**

Incomplete, invalid and late forms will be rejected.

It is noted that candidates, proposers and seconders must be ISWA Life members.

(Signed) **Secretary ISWA** Dated:





## SCHEDULE F - NOTICE OF ELECTION OF MANAGEMENT COMMITTEE

To  
Member  
ISWA Council

**Call for Nominations for Positions on the Management Committee at the ISWA Council Meeting to be held on (insert day, date and time)**

**Notice is hereby given that the elections of the Management Committee will take place at the Council Meeting of the Indian Society of WA (ISWA Council) to be held on (insert day, date and time) at (insert place of meeting).**

Accordingly, I hereby invite and call for nominations from entitled members for the following positions on the Management Committee of ISWA for the above election:

1. President
2. Vice President
3. Secretary
4. Assistant Secretary
5. Treasurer
6. Assistant Treasurer
- 7 General committee members (4 positions)
- 8 Woman committee members (2 positions)

Separate forms must be submitted for each position nominated. Extra copies of this form may be made for this purpose. The proposer and seconder must sign every nomination form. The Nominee must sign his consent and declaration on the nomination form. An entitled member may nominate only one person for each position stated in items 1 to 8 above.

Nomination forms must be returned to the Returning Officer in the attached form no later than **(insert day, date and time)** at the following address: **(insert Returning Officer's Name and Address)**

Incomplete, invalid and late forms will be rejected.

It is noted that candidates, proposers and seconders must be ISWA Life member or a member of ISWA Council.

(Signed) **Secretary ISWA** Dated:

**SCHEDULE G - ELECTION OF MEMBERS TO ISWA COUNCIL AT  
THE ISWA AGM/SGM MEETING 20XX**

Nominated Position	Name of Nominee	Membership
<p><b>DECLARATION by Nominee:</b>  <b>I accept my nomination and hereby declare that I</b>  o have not been convicted at any time of any offence involving deception or dishonesty;  o am not disqualified from being a company director; and  o do not have a criminal record.</p>		

Name of Proposer & Membership	Signature of Proposer	Date

Name of Seconder & Membership	Signature of Seconder	Date

**NOTES:**

- i. The Nominee, Proposer and Seconder must be a Life Member of ISWA.
- ii. Nomination Form to reach the Returning Officer before the closing time and date.
- iii. Incomplete Forms , in any form whatsoever , will result in an invalid nomination

=====

**For use of Returning Officer**

**Nomination: Accepted / Rejected**

**Reason for Rejection: ..... Signature:**

**..... Date: .....**

**SCHEDULE H - ELECTION OF MANAGEMENT COMMITTEE AT THE ISWA COUNCIL MEETING 20XX**

<b>Nominated Position</b>	<b>Name of Nominee</b>	<b>Membership Number</b>
<p><b>DECLARATION by Nominee:</b>  <b>I accept my nomination and hereby declare that I</b></p> <ul style="list-style-type: none"> <li>o have not been convicted at any time of any offence involving deception or dishonesty;</li> <li>o am not disqualified from being a company director; and</li> <li>o do not have a criminal record.</li> </ul> <p><b>Signature of Nominee:</b> _____ <b>Date:</b> _____</p>		

<b>Name of Proposer &amp; Membership Number</b>	<b>Signature of Proposer</b>	<b>Date</b>

<b>Name of Seconder &amp; Membership Number</b>	<b>Signature of Seconder</b>	<b>Date</b>

**NOTES:**

- i. Nominee must be a member of the ISWA Council.
- ii. Proposer and Seconder must be a Life Member of ISWA or a Member of ISWA Council.
- iii. Members can be nominated in a maximum of one position only. Nomination for more than one position will automatically disqualify member for all positions.
- iv. Separate Nominations Forms must be used for each nomination.
- v. Nomination Form to reach the Returning Officer before the closing time and date.
- vi. Incomplete Forms, in any form whatsoever, will result in an invalid nomination

=====

**For use of Returning Officer**

**Nomination: Accepted / Rejected**  
**Reason for Rejection:** .....  
**Signature:** ..... **Date:** .....

**SCHEDULE I - REPRESENTATIVE OF MEMBER ASSOCIATION TO ISWA COUNCIL**

Name of Association Member	Name of Nominee	Nominee being replaced
<p><b>DECLARATION by Nominee:</b>  <b>I accept my nomination and hereby declare that I</b></p> <ul style="list-style-type: none"> <li>o have not been convicted at any time of any offence involving deception or dishonesty;</li> <li>o am not disqualified from being a company director; and</li> <li>o do not have a criminal record.</li> </ul> <p><b>Signature of Nominee:</b> _____ <b>Date:</b> _____</p>		

Name of the President of the Association Member	Signature	Date

Name of the Secretary of the Association Member Number	Signature of Seconder	Date

=====  
**For use of Management Committee**

**Nomination: Accepted / Rejected**  
**Reason for Rejection:** .....  
**Signature:** ..... **Date:** .....