



The Constitution  
of the  
Jaffna Hindu College Old Boys Association of  
Australia, New South Wales Branch

December 2016

## Table of Contents

<b>Part 1 - Preliminary</b> .....	2
1. Definitions .....	2
2. Name of the Association.....	2
3. Address of the Association .....	2
4. Objectives .....	3
<b>Part 2 - Membership</b> .....	3
5. Membership of the Association .....	3
6. Application and Payment for membership.....	3
7. Cessation of Membership.....	4
8. Membership Entitlements .....	4
9. Register of Members .....	4
10. Members Liabilities .....	4
11. Resolution of disputes .....	5
12. Misconduct and Dishonest use of information and position .....	5
13. Disciplining of Members .....	5
14. Right of appeal of disciplined member .....	6
<b>Part 3 - The Committee</b> .....	7
15. Powers of the Committee .....	7
16. Operations of the Committee.....	7
17. Composition and Membership of Management Committee .....	7
18. Election of Committee Members .....	8
19. Role and Responsibilities of the Committee members .....	9
20. Casual Vacancies .....	11
21. Resignation from the Management Committee.....	11
22. Removal of Committee Members.....	12
23. Voting and Decisions .....	12
<b>Part 4 – General Meetings</b> .....	13
24. Annual General Meeting.....	13
25. Business and process of Annual General Meeting .....	13
26. Special General Meetings .....	13
27. Proxy votes not permitted.....	14
28. Postal or Electronic ballots .....	14
<b>Part 5 – Miscellaneous</b> .....	14
29. Patron and Vice Patron .....	14
30. Insurance .....	15
31. Communication:.....	15
32. Funds Management.....	15
33. Distribution of property on winding up of association .....	15
34. Inspection of Books .....	16
35. Service of Notices.....	16
36. Guidelines.....	16
37. Amendment to Constitution .....	17
38. Transitional Provisions .....	17

## Part 1 - Preliminary

### 1. Definitions

In this constitution,

**Act** means, Associations Incorporation Act 2009

**Association** means, Jaffna Hindu College Old Boys Association of Australia – New South Wales Branch Incorporated.

**College** means, Jaffna Hindu College

**Jaffna Hindu College** means the Jaffna Hindu College established in Jaffna, Northern Sri Lanka in 1890.

**Management Committee** means, the committee, consisting of office bearers and seven other ordinary committee members, who are elected at the Annual General Meeting and has the responsibility of managing the affairs of the Association.

**Office Bearers** means, members of the Management Committee who hold the position of President, Vice President, Secretary and Treasurer.

**Ordinary Committee Member** means, a member of the committee who is not an office bearer of the Association

**Sub-committee** means, any sub-committee appointed by the committee for planning and execution of sports activities, social activities or any other activities as determined by the committee.

**Member** means, a member of the Association who has paid his annual subscription or is a life member of the Association.

**Financial Year** means, financial year of the Association which begins on the 01 November and ends on the 31 October in the following year.

### 2. Name of the Association

The association shall be called: **Jaffna Hindu College Old Boys Association of Australia – New South Wales Branch Incorporated**, hereinafter referred to as the Association. It is also referred to as the **JHC OBA Sydney** as has been referred to by members and well-wishers in the wider community in Australia.

### 3. Address of the Association

- (1) Unless the Committee decides otherwise, the address of the Association shall be the address of the Secretary. All files, minutes of meetings, registers, records and other documents of the Association shall be kept at this address.
- (2) Address for all correspondence shall be the Post Office Box number which is in operation.

## 4. Objectives

Objectives of the Association shall be:

- (1) To foster a close and cordial relationship between members of the association and maintain loyalty and preserve the high traditions of the college
- (2) To provide all possible assistance with its needs relating to Teaching, Learning and Sporting activities.
- (3) To foster fellowship and friendship amongst old boys and staff and their families in accordance with the College ethics.
- (4) To organise programs of any art form and traditional festivals for the Tamil Community in NSW as the association deems fit.
- (5) To contribute to the educational advancement of needy children and students in our community in Australia and Sri Lanka.
- (6) To raise, collect or accept funds from member subscriptions, donations, gifts, fund raising events and any other similar source that is in accordance with the objectives of the Association.

## Part 2 - Membership

### 5. Membership of the Association

There shall be two types of members namely, Ordinary members and Life members

- (1) **Ordinary Members** - Old boys of Jaffna Hindu College and past members of the College academic and non-academic staff residing in Australia shall be entitled to be ordinary members of the Association. Membership shall be for the Financial Year.
- (2) **Life Members** - A person who is entitled to be an ordinary member may become a life member of the Association, on paying a once and for all subscription of a sum of money, as provided in clause 6(4).

### 6. Application and Payment for membership

- (1) Application for membership shall be in the prescribed form, as provided in the Operational Guidelines of the Association. The application shall be signed by the applicant and proposed and seconded by any two members of the Association. In considering the application, the committee shall accept or reject the application for membership. If any application is rejected, the committee shall, if requested by the applicant give reasons for its rejection. On admission, an applicant shall pay the annual subscription applicable at the time of application and become a member.
- (2) Membership including renewals are for a financial year.
- (3) Renewals and new member applications shall be closed seven days prior to all General Meetings and shall remain closed until the closure of the General Meeting.
- (4) Any eligible person who wants to become a life member, shall pay a once and for all payment of a sum, equivalent of ten years of subscription applicable at the time of payment and become a life member.
- (5) Annual subscription amount shall be determined by the committee and be approved at the Annual General Meeting. Change of annual subscription becomes valid only when it is approved at the Annual General Meeting.

- (6) The Management Committee shall consider all pending applications for membership, which had been received not later than seven days prior to any General Meeting and accept or reject them.
- (7) Subscription fees paid are non-refundable

## **7. Cessation of Membership**

- (1) A person ceases to be a member of the association if the person:
  - (a) dies, or
  - (b) fails to pay the annual membership fee within 3 months after the fee is in default ,  
or
  - (c) resigns from membership, or
  - (d) is expelled from the association.
- (2) Anyone who has ceased to be a member as per sub clause (b), (c) or (d) above, should hand over all documents, registers or assets which were given to him or acquired by him as a member of the Association, to the Secretary in the presence of the another committee member within fourteen days from cessation of membership.

## **8. Membership Entitlements**

A right, privilege or obligation which a person has by reason of being a member or life member of the association:

- (1) is not capable of being transferred or transmitted to another person, and
- (2) terminates on cessation of the person's membership.

## **9. Register of Members**

- (1) The secretary must establish and maintain a register of members of the Association in written or electronic form specifying the name and postal, residential and email addresses and telephone number of each member of the Association together with the date on which the person became a member.
- (2) The register of members must be kept in New South Wales at the address of the Secretary.
- (3) The register of members must be open for inspection, free of charge, by any member of the association at any reasonable time.
- (4) A member must not use information about a person obtained from the register to contact or send material to the person, other than for:
  - (a) the purposes of sending the person a newsletter, a notice in respect of a meeting or other event relating to the association or other material relating to the association, or
  - (b) any other purpose necessary to comply with a requirement of the Act or any Regulation.
- (5) If the register of members is kept in electronic form, it must be convertible into hard copy

## **10. Members Liabilities**

The liability of a member of the association to contribute towards the payment of the debts and liabilities of the association or the costs, charges and expenses of the winding up of the association is limited to the amount, if any, unpaid by the member in respect of membership of the association as required by clause 6.

## 11. Resolution of disputes

- (1) A dispute between a member and another member (in their capacity as members) of the Association, or a dispute between a member or members and the Association, are to be resolved by an expert panel of three members appointed by the Management Committee.
- (2) Members to the he Expert panel can be appointed from the members of the Association. Management Committee may invite experts outside the Association for the purpose of assisting the Expert Panel.
- (3) If a resolution is not reached within six weeks from the time the panel was set up, the matter can be referred to a Community Justice Centre for mediation under the *Community Justice Centres Act 1983*.
- (4) If a dispute is not resolved by mediation within three months of the referral to a Community Justice Centre, the dispute is to be referred to arbitration.
- (5) The *Commercial Arbitration Act 2010* applies to a dispute referred to arbitration.

## 12. Misconduct and Dishonest use of information and position

Any member who has engaged in a misconduct or acted in a dishonest manner shall be subjected to a Disciplinary Action or Actions as outlined in Clause 13.

- (1) **Misconduct:**  
A member of the association including a committee member or sub-committee member who has engaged in misappropriation of the Association's funds or acted in a manner which affected the reputation of the association is considered to have engaged in a misconduct.
- (2) **Acting in Dishonest Manner:**  
Any one of those classified in the following sub clauses (a), (b), (c) or (d) is considered to be acting in a dishonest manner, if that person acted directly or indirectly with the intention of gaining an advantage for himself or for any other person, or causing detriment to the association.
  - (a) A committee member of the association who uses his position for a purpose other than for the purpose or benefit of the Association.
  - (b) A committee member or a former committee member of the association who uses information obtained as a committee member.
  - (c) A member of the association who uses information obtained by a committee member or a former committee member.
  - (d) A member who has resigned from Management Committee or otherwise ceased to be a member of the Management Committee and who has failed to handover the documents, registers or assets belonging to the Association within fourteen days of resignation or cessation as a member of the Management Committee.
  - (e) Anyone who ceased to be member as per clause 7(b), 7(c) or 7(d) above and who has failed to handover the documents, registers or assets belonging to the Association within fourteen days of cessation of membership.

## 13. Disciplining of Members

- (1) A complaint may be made to the committee by any person that a member of the association:
  - (a) has refused or neglected to comply with a provision or provisions of this constitution, or

- (b) has wilfully or dishonestly acted in a manner prejudicial to the interests of the association, or
  - (c) has refused to hand over documents, registers or assets of the Association, despite a written request by the Management Committee, or
  - (d) has committed a misconduct
- (2) The committee may refuse to deal with a complaint, if it considers the complaint to be trivial or vexatious in nature.
- (3) If the committee decides to deal with the complaint, the committee
- (a) must cause notice of the complaint to be served on the member concerned,
  - (b) must give the member at least fourteen days from the time the notice is served within which to make submissions to the committee in connection with the complaint, and
  - (c) must take into consideration any submissions made by the member in connection with the complaint.
- (4) The committee may, by resolution, expel the member from the association or suspend the member from membership of the association if, after considering the complaint and any submissions made in connection with the complaint, it is satisfied that the facts alleged in the complaint have been proved and the expulsion or suspension is warranted in the circumstances.
- (5) If the committee expels or suspends a member, the secretary must, within seven days after the action is taken, cause written notice to be given to the member of the action taken, of the reasons given by the committee for having taken that action and of the member's right of appeal under Clause 14.
- (6) The expulsion or suspension does not take effect:
- (a) until the expiration of the period within which the member is entitled to appeal against the resolution concerned, or
  - (b) if within that period the member exercises the right of appeal, unless and until the association confirms the resolution under clause 14 (4) whichever is the later.

#### **14. Right of appeal of disciplined member**

- (1) A member may appeal to the association against the resolution of the committee under clause 12, within seven days after notice of the resolution is served on the member, by lodging with the secretary a notice to that effect.
- (2) The notice may, but need not, be accompanied by a statement of the grounds on which the member intends to rely for the purposes of the appeal.
- (3) On receipt of a notice from a member under sub clause (1), the secretary must notify the committee, which is to convene a Special General Meeting of the Association to be held within twenty eight days after the date on which the secretary received the notice.
- (4) At a General Meeting of the association convened under sub clause (3):
  - (a) no business other than the question of the appeal is to be transacted, and
  - (b) the committee and the member must be given the opportunity to state their respective cases orally or in writing, or both, and
  - (c) the members present are to vote by secret ballot on the question of whether the resolution should be confirmed or revoked.

- (d) The appeal is to be determined by a simple majority of votes cast by members of the association present on that day.

## **Part 3 - The Committee**

### **15. Powers of the Committee**

Subject to the Act, the Regulation, this constitution and any resolution passed by the association in General Meetings, the committee:

- (1) is to control and manage the affairs of the association, and
- (2) may exercise all the functions that may be exercised by the association, other than those functions that are required by this constitution to be exercised by a General Meeting of members of the association, and
- (3) has power to perform all the acts and do all things that appear to the committee to be necessary or desirable for the proper management of the affairs of the association.

### **16. Operations of the Committee**

The committee shall plan and execute all projects, activities and events as per the objectives of the Association. It shall focus on the following

- (1) prepare a budget for the year.
- (2) meet at regular intervals to perform its functions but not less than six meetings per financial year.
- (3) discuss planned projects, activities and events for the year ahead at its regular committee meetings.
- (4) appoint sub-committees as provided in the constitution.
- (5) initiate fund raising activities.
- (6) allocate funds to the Sports and Social activities of the Association.
- (7) consider and approve financial reports submitted by the Treasurer at each of its committee meeting.
- (8) consider all new member applications for approval, provided by the Secretary.
- (9) consider all requests addressed to the Association and take actions subject to the provisions of this constitution.
- (10) Quorum for the Management Committee Meeting shall be more than 50 % of the number of management committee members.
- (11) The Agenda of a committee meeting shall include the following items:
  - (a) Adoption of minutes of the last meeting.
  - (b) Adoption of the financial reports submitted by the treasurer.
  - (c) Incoming and outgoing mails and communications received and sent by the Association

### **17. Composition and Membership of Management Committee**

- (1) The Management committee is to consist of:
  - (a) the office-bearers of the association, and
  - (b) seven other committee members as detailed below.
- (2) The Office Bearers of the Association are:
  - (a) the President,



- (b) the Vice President,
  - (c) the Secretary and
  - (d) the Treasurer.
- (3) Other members of the Management Committee are:
- (a) the Assistant Secretary,
  - (b) the Assistant Treasurer,
  - (c) the Sports Secretary,
  - (d) the Social Secretary and
  - (e) three Committee members.

## 18. Election of Committee Members

- (1) Nominations of candidates from members of the Association for election as office-bearers and other committee members:
  - (a) must be made in the prescribed form, as provided in the operational guideline, proposed and seconded by any two members of the association and accompanied by the written consent of the candidate (which may be endorsed on the form of the nomination), and
  - (b) must be delivered to the secretary of the association preferably in a sealed cover fourteen days prior to the Annual General Meeting at which the election is to take place. This clause doesn't prevent any member from sending the nomination form to the secretary by e-mail within the stipulated time referred in this clause.
- (2) A committee meeting shall be convened no later than one week from the closing of the nominations, for the purpose of validating the nominations received. One of the Patron or Vice Patron shall also be invited for this purpose.
- (3) The Secretary shall open all the nominations received under sealed cover by the due date, in the presence of those present at the meeting convened as per sub clause (2) above.
- (4) The Secretary shall also table all nominations received in electronic format to the committee.
- (5) No member shall be nominated for more than one position at a time.
- (6) A member is eligible to be nominated to a position defined under officer bearer, if he had served for any two years in the Management Committee in the previous years.
- (7) After the validation of nominations at the committee meeting convened as per sub clause (2), a list of nomination shall be compiled by the Secretary which includes the name of member, position applied for, and the names of proposer and seconder of each nomination.
- (8) If only one nomination is received for each position other than committee members, the persons nominated are taken to be elected at the Annual General Meeting.
- (9) If insufficient nominations are received to fill all vacancies on the Management Committee, the candidates nominated are taken to be elected and further nominations are to be received from the members present at the Annual General Meeting.
- (10) A member shall nominate only one member at the Annual General Meeting if nominations are called for from the floor as per sub clause (6) above.
- (11) If insufficient nominations are received as per sub clause (10) above, any vacant positions remaining on the committee are taken to be casual vacancies.
- (12) If the number of nominations received exceeds the number of vacancies to be filled, a ballot is to be held.

- (13) The ballot for the election of the members of the committee is to be conducted at the Annual General Meeting in usual and proper manner that the committee directs.
- (14) The maximum number of consecutive term of any office bearer is two terms. They shall be elected at every Annual General Meeting.

## **19. Role and Responsibilities of the Committee members**

### **1. President:**

The President of the association is responsible for the overall running of the association and its financial wellbeing.

He shall,

- (a) preside all meeting and functions organised by the Association.
- (b) get as many members actively involved in the activities of the association as possible.
- (c) delegate Vice President to officiate events and meetings, in the event of his inability to attend any such event or meeting.
- (d) acquaint each member of the committee with their function, responsibility and duties.
- (e) prioritise the projects and events including the items and agenda covered in the events.
- (f) table all correspondence received and sent by the President on behalf of the association at the next Committee meetings for consideration and / or information.

### **2. Vice President:**

Vice President shall perform all functions of the President, when the president is unable or not willing to perform such duties. He shall seek guidance from the committee when required.

### **3. Secretary:**

The Secretary of the association is responsible for the smooth function of the association.

He shall:

- (a) organise meetings including General Meetings and Management Committee meetings.
- (b) take minutes from all meetings.
- (c) keep, or effectively store, the documents of the Association.
- (d) updates the office of fair trading with the required documentation.
- (e) updates the Membership register or Membership database as soon as change occurs in the composition of the membership.
- (f) maintain the database of the members in a book (print) and electronic format.
- (g) ensure that members of the association are informed of activities and events.
- (h) provide guidance to Webmaster on the content of the material published in official websites of the association.
- (i) prepare an Annual Report on the activities, projects and events carried out or by or on behalf of the association and present at the Committee Meeting and at the Annual General Meeting.
- (j) discharge his duties as described in other clauses in this Constitution.

### **4. Treasurer**

The Treasurer is the custodian of the funds and financial records of the Association.

He shall

- (a) be responsible for the funds and maintain proper accounts including but not limited to the provisions given in the clauses below.
- (b) with the assistance of the Asst. Treasurer collect all monies; issue receipts for all payments received, and keep proper accounts that can be conveniently be audited.
- (c) pay all monies into the bank account of the Association as soon as practicable.
- (d) keep a columnar cashbook and or a suitable accounting package showing details of receipts, expenditure and balance
- (e) present at each committee meeting a statement of income and expenditure with the cash at hand, balances of bank account(s) as at the last statement period.
- (f) provide an end of year financial statement and bank reconciliation statement for the benefit of auditing and ongoing financial scrutiny.
- (g) be the custodian of all the financial records including cheque books and receipt books.
- (h) observe and act as per the financial guidelines.

## **5. Assistant Treasurer**

The Assistant Treasurer shall assist the Treasurer in all his duties as and when required by the treasurer and perform all such functions in the absence of the Treasurer.

## **6. Sports Secretary**

The Sports Secretary shall be responsible for all the sports activities organised by the Association.

He Shall:

- (a) head the subcommittee for sports activities appointed by the Committee to organise, manage and control all the sports activities.
- (b) provide a list of sporting activities planned during his term to the Committee.
- (c) work with the Sub-committee and the Committee on the selection of players or participants for any sports activities organised by the Association or take part on behalf of the Association.
- (d) prepare a budget and get it approved by the Committee
- (e) not exceed the spending limit as determined by the Management Committee.
- (f) ensure all payments and receipts are carried out through the Treasurer
- (g) not approach a sponsor or well-wisher without the letter authorising him to do so by the Management Committee.

## **7. Social Secretary**

Social Secretary shall be responsible for all the recreational activities organised for and on behalf of the Association.

He shall:

- (a) head the sub-committee for social activities appointed by the Committee
- (b) provide a list of activities planned during his term to the Committee

- (c) prepare a budget and get it approved by the Committee
- (d) not exceed the spending limit as determined by the Management Committee.
- (e) ensure all payments and receipts are carried out through the Treasurer
- (f) not approach a sponsor or well-wisher without the letter authorising him to do so by the Management Committee.

## **8. Other Ordinary Committee members**

An ordinary committee member shall assist the Committee with any responsibilities delegated to the member by the Committee.

He shall:

- (a) attend all committee meetings.
- (b) actively engages in the discussion including the actioned items, actions planned and financial reports at any committee meeting.
- (c) be part of any sub-committee, when he is appointed to any such sub-committee
- (d) be an advocate of the Association.

## **20. Casual Vacancies**

- (1) In the event of a casual vacancy occurring in the membership of the committee, the committee may appoint a member of the association to fill the vacancy and the member so appointed is to hold office, subject to this constitution, until the annual general meeting next following the date of the appointment.
- (2) A casual vacancy in the office of a member of the Management Committee occurs if the member:
  - (a) dies, or
  - (b) ceases to be a member of the association, or
  - (c) is or becomes an insolvent under administration within the meaning of the *Corporations Act 2001* of the Commonwealth, or
  - (d) resigns office by notice in writing given to the secretary, or
  - (e) is removed from office under clause 22, or
  - (f) becomes a mentally incapacitated person, or
  - (g) is absent without the consent of the committee from three consecutive meetings.

## **21. Resignation from the Management Committee**

- (1) All members of the Management Committee are expected to serve in the committee until the next Annual General Meeting. If any member wants to resign from the Committee for any reason shall do so as per the clauses provided below.
- (2) Letter of resignation shall be sent to the Secretary of the Association in writing by any approved form of communication.
- (3) The Secretary or any office bearer on behalf of the Secretary, shall confirm with the concerned member if the resignation letter has been received
- (4) Letter of resignation shall be acknowledged by the Secretary.
- (5) Letter of resignation shall be brought to the notice of the Management Committee within two days from the day the request was received.
- (6) The Management Committee shall be convened to discuss the letter of resignation within two weeks from the day it was received.

- (7) The Management Committee may address the concerns of the member who wanted to resign before making any decision on the letter of resignation.
- (8) If the Management Committee wants the member to reconsider his decision to resign, it shall arrange for a meeting with the member.
- (9) If the member who sent his letter of resignation reconsidered his decision after a meeting with the Management Committee as per sub clause (7), he shall inform the Secretary in writing.
- (10) The Management Committee shall accept the letter of resignation and declare the position held by that member vacant, if a resolution as per sub clause (7) and (8) is not reached.
- (11) If the member who sent his letter of resignation has changed his mind and wanted to remain in the Management Committee, he can only do so before the Management Committee make a decision as per sub clause (10).
- (12) A member who resigned as per clause 21 shall return all documents, registers, assets or any other valuable information belonging to the Association within seven days of his resignation being accepted by the Management Committee.
- (13) Refusal or failure to do a hand over as per sub clause (12) above shall deemed to be misconduct act and shall be dealt with as provided in the constitution.

## **22. Removal of Committee Members**

- (1) The association in general meeting may by resolution remove any member of the committee from the office of member before the expiration of the member's term of office and may by resolution appoint another person to hold office until the expiration of the term of office of the member so removed.
- (2) If a member of the committee to whom a proposed resolution referred to in subclause (1) relates makes representations in writing to the secretary or president (not exceeding a reasonable length) and requests that the representations be notified to the members of the association, the secretary or the president may send a copy of the representations to each member of the association or, if the representations are not so sent, the member is entitled to require that the representations be read out at the meeting at which the resolution is considered.

## **23. Voting and Decisions**

- (1) Questions arising at a meeting of the committee or of any sub-committee appointed by the committee are to be determined by a majority of the votes of members of the committee or sub-committee present at the meeting.
- (2) Each member present at a meeting of the committee or of any sub-committee appointed by the committee (including the person presiding at the meeting) is entitled to one vote but, in the event of an equality of votes on any question, the person presiding may exercise a second or casting vote.
- (3) Any act or thing done or suffered, or purporting to have been done or suffered, by the committee or by a sub-committee appointed by the committee, is valid and effectual despite any defect that may afterwards be discovered in the appointment or qualification of any member of the committee or sub-committee

## Part 4 – General Meetings

### 24. Annual General Meeting

The association must hold its Annual General Meeting on or before the 15<sup>th</sup> Day of December after the close of the association's financial year.

### 25. Business and process of Annual General Meeting

- (1) The Annual General Meeting of the association is, subject to the Act and to clause 25, to be convened on the date and at the place and time that the committee thinks fit.
- (2) In addition to any other business which may be transacted at an Annual General Meeting, the business of an Annual General Meeting is to include the following:
  - (b) Confirmation of the minutes of the previous annual general meeting and of any special general meeting held since that Annual General Meeting,
  - (c) Annual Report from the Secretary on the activities of the association during the last preceding financial year,
  - (d) Reports of the sub-committees previously approved by the Committee.
  - (e) Audited Financial Reports required to be submitted to members under the Act.
  - (f) Election of Management Committee members of the association.
  - (g) Nomination of Patron, Vice Patrons and an Auditor.
- (3) Notice of Annual General Meeting shall be sent to all the members not later than three weeks before the date on which Annual General Meeting is to be held.
- (4) The following need to be included with the Notice of Annual General Meeting:
  - (a) Annual report
  - (b) Resolutions brought for consideration by the Committee.
  - (c) Request for Resolution, if any from the members to reach the committee ten days before the Annual General Meeting.
  - (d) Request for nominations to the New Management Committee along with the Nomination form.
- (5) Audited Financial Reports shall be sent to all members one week before the date of the Annual General Meeting.
- (6) A list of validated nominations received and compiled as per clause 18 shall be sent to all members one week before the date of the Annual General Meeting.
- (7) Quorum for the Annual General Meeting shall be one third of the total eligible membership or twenty eligible members whichever is higher.

### 26. Special General Meetings

- (1) The committee may, whenever it thinks fit, convene a special general meeting of the association.
- (2) The committee must, on the requisition of at least one third of the total number of members, convene a Special General Meeting of the association.
- (3) A requisition of members for a Special General Meeting:
  - (a) must be in writing, and
  - (b) must state the purpose or purposes of the meeting, and
  - (c) must be signed by the members making the requisition, and
  - (d) must be lodged with the secretary, and

- (e) may consist of several documents in a similar form, each signed by one or more of the members making the requisition.
- (4) If the committee fails to convene a Special General Meeting to be held within six weeks after the date on which a requisition of members for the meeting is lodged with the secretary, any one or more of the members who made the requisition may convene a Special General Meeting to be held not later than three months after that date.
- (5) If the committee resolves to convene a meeting, it shall give three weeks' notice to the members.
- (6) A notice on the Special General Meeting shall be sent to all the members by email not later than three weeks from the date of the Special General Meeting.
- (7) The notice of Special General Meeting shall also contain the agenda items that is going to be the subject matter of the Special General Meeting along with the contact person of the requestors who requested the Special General Meeting.
- (8) A special general meeting convened by a member or members as referred to in subclause (4) must be convened as nearly as is practicable in the same manner as general meetings are convened by the committee.
- (9) For the purposes of subclause (3):
  - (a) a requisition may be in electronic form, and
  - (b) a signature may be transmitted, and a requisition may be lodged, by electronic means.
- (10) Quorum for the Special General Meeting shall be one third of the total eligible membership or twenty eligible members, whichever is higher.

## **27. Proxy votes not permitted**

Proxy voting must not be undertaken at or in respect of a general meeting.

## **28. Postal or Electronic ballots**

Postal or Electronic ballot must not be undertaken at or in respect of a general meeting

## **Part 5 – Miscellaneous**

### **29. Patron and Vice Patron**

#### **(1) The Patron**

There shall be two patrons to the Association.

- (a) The Principal of Jaffna Hindu College shall be the ex-officio Patron of the Association.
- (b) Other patron shall be one of the old boys or teachers who live in NSW and be nominated at the Annual General Meeting.

#### **(2) The Vice Patrons**

There shall be two vice patrons to the Association.

- (a) Two vice patrons, living in NSW shall be nominated by members at the Annual General Meeting.
- (b) Vice patrons shall be old boys of Jaffna Hindu College and who have rendered outstanding and invaluable services to the college, association or community and shall be nominated by members at the Annual General Meeting.

### 30. Insurance

The Association may effect and maintain adequate insurance to cover risks associated with the operation of the association.

### 31. Communication:

#### (1) General

- (a) All correspondences shall be addressed to the Secretary.
- (b) No member other than the incumbent Secretary shall use the association's name to circulate any form of correspondence, publications and e-mails.
- (c) No member shall use the association's name to circulate any form of correspondence dis-crediting another member or the association.
- (d) Any breach to the above clause shall be deemed to have acted in a misconduct and appropriate disciplinary action may be taken against that member as decided by the committee.

#### (2) Webmaster

The Webmaster shall be responsible for the maintenance of the official website of the Association [www.jhcobasydney.org.au](http://www.jhcobasydney.org.au). Tending to any means by which the content of the Association is made available to the public using web resources.

He shall:

- (a) be responsible for ensuring that the website content is consistent and the purpose of the Association that it is not used for any purpose or activity prohibited to the Association.
- (b) maintain website and social media platforms for the members.
- (c) serve as the server administrator.
- (d) ensure that no documents in the web will be deleted; instead, they shall be archived.
- (e) act upon the instructions received from the Committee.

### 32. Funds Management

- (1) Subject to any resolution passed by the Association in General Meeting, the funds of the Association are to be used solely in pursuance of the objects of the Association in the manner that the committee determines.
- (2) All cheques, drafts, bills of exchange, promissory notes and other negotiable instruments must be signed by two authorised signatories, one of them shall be the treasurer or in his absence the assistant treasurer and the other shall be the president or secretary.
- (3) The committee shall at all times, follow the financial guidelines when dealing with funds management, including collection, receipt, banking and spending of the funds.

### 33. Distribution of property on winding up of association

- (1) Subject to the Act and the Regulations, in a winding up of the association, any surplus property of the association is to be transferred to another organisation with similar objects and which is not carried on for the profit or gain of its individual members.
- (2) In this clause, a reference to the surplus property of an association is a reference to that property of the association remaining after satisfaction of the debts and liabilities of the association and the costs, charges and expenses of the winding up of the association.



### 34. Inspection of Books

- (1) The following documents must be open to inspection, free of charge, by a member of the association at any reasonable hour:
  - (a) records, books and other financial documents of the association,
  - (b) this constitution,
  - (c) minutes of all committee meetings and general meetings of the association.
- (2) A member of the association may obtain a copy of any of the documents referred to in sub-clause (1) on payment of a fee of not more than \$10 for each page copied.
- (3) Despite subclauses (1) and (2), the committee may refuse to permit a member of the association to inspect or obtain a copy of records of the association that relate to confidential, personal, employment, commercial or legal matters or where to do so may be prejudicial to the interests of the association.

### 35. Service of Notices

- (1) For the purpose of this constitution, a notice may be served on or given to a person:
  - (a) by delivering it to the person personally, or
  - (b) by sending it by pre-paid post to the address of the person, or
  - (c) by sending it by facsimile transmission or some other form of electronic transmission to an address specified by the person for giving or serving the notice.
- (2) For the purpose of this constitution, a notice is taken, unless the contrary is proved, to have been given or served:
  - (a) in the case of a notice given or served personally, on the date on which it is received by the addressee, and
  - (b) in the case of a notice sent by pre-paid post, on the date when it would have been delivered in the ordinary course of post, and
  - (c) in the case of a notice sent by facsimile transmission or some other form of electronic transmission, on the date it was sent or, if the machine from which the transmission was sent produces a report indicating that the notice was sent on a later date, on that date.

### 36. Guidelines

The guidelines developed for the smooth operation of the Association in respect of the matters set out below, appear as a schedule to the constitution:

- (1) **Guidelines on Operational Matters**  
These guidelines are for membership drive, nominations for positions in the management committee and other operational matters.
- (2) **Guidelines on Financial Matters and Fund Raising**  
These guidelines are to ensure that the financial transactions are as per Australian Accounting Standard as well as to reduce the Financial and Reputational risk to the Association.
- (3) **Guidelines on Sports Activities.**  
These guidelines are to ensure that all sports activities are streamlined and executed within the approved budget and the objectives of the Association.
- (4) **Guidelines on Social Activities.**

These guidelines are to ensure that all our social activities are streamlined and executed within the approved budget as well as to enhance the intended positive outcome.

(5) **Guidelines on Projects and Project Related Activities.**

These guidelines are to ensure that all the projects, undertaken by the Association are meticulously planned and executed as per Australian Standards.

### **37. Amendment to Constitution**

Any change to this Constitution would require to be passed as a special resolution and supported by at least three-quarters of the votes cast by eligible members. Notice has to be given to members no later than 21 days before the date on which the general meeting is held, including the terms of the resolution and a statement to the effect that the resolution is to be passed as a special resolution. The quorum required to pass a special resolution shall be 40 eligible members or one- third of the eligible membership, whichever is higher.

### **38. Transitional Provisions**

Upon coming in to force of this Constitution, the previous Constitution shall be repealed and notwithstanding any preceding provisions to the contrary,

- (1) All members of the Management Committee functioning immediately prior to the coming in to force of this Constitution, shall continue to hold the corresponding position under this Constitution until the next Annual General Meeting, and
- (2) The first Financial Year under this Constitution shall be from 01 November 2016 to 31 October 2017

#### **SCHEDULE**

- (1) Guidelines on Operational Matters
- (2) Guidelines on Financial Matters and Fund Raising
- (3) Guidelines on Sports Activities.
- (4) Guidelines on Social Activities.
- (5) Guidelines on Projects and Project Related Activities.

*The new constitution was adopted unanimously by a special resolution, at the Annual General Meeting held on 4<sup>th</sup> of December 2016.*