
TAMIL ARTS AND CULTURE ASSOCIATION

(Incorporated under the Associations Incorporation Act, 2009)



CONSTITUTION



Contents

Part 1 – Preliminary

1. Definitions 1

Part 2 – Vision, Mission and Objectives

2. Vision 1
3. Mission 1
4. Objectives 2

Part 3 – Membership

5. Membership qualifications 3
6. Nomination for membership 3
7. Cessation of membership 4
8. Membership entitlements transferability restricted 4
9. Resignation of membership 4
10. Register of members 4
11. Fees and subscriptions 5
12. Members' liabilities 5
13. Resolution of internal disputes 5
14. Disciplining of members 6
15. Right of appeal of disciplined member 6

Part 4 – The Managing committee

16. Powers of the managing committee 7
17. Constitution of the managing committee 7
18. Election of office bearers and executive members 8
19. President 8
20. Secretary 8
21. Treasurer 9
22. Casual vacancies 9
23. Removal of member 9
24. Meetings and quorum 10
25. Delegation by managing committee to sub-committee 10
26. Voting and decisions 11

Part 5 – General meetings

27. Annual general meetings – holding of 11
28. Annual general meetings – calling of and business at 12
29. Special general meetings – calling of 12
30. Notice 13
31. Procedure 13
32. Presiding member 13
33. Adjournment 14
34. Making of decisions 14
35. Special resolution 14
36. Voting 15
37. Appointment of proxies 15

Part 6 – Miscellaneous

- 38. Insurance **15**
- 39. Funds – source **15**
- 40. Funds – management **16**
- 41. Assets – Management **16**
- 42. Alteration of objects and rules **16**
- 43. Common seal **16**
- 44. Custody of records and documents **17**
- 45. Inspection of records and documents **17**
- 46. Service of notices **17**
- 47. Communication **17**
- 48. Financial Year **18**

Schedules

- Schedule 1: Membership categories and eligibility **19**
- Schedule 2: Board of founders **20**

Appendices

- Appendix 1: Application for membership of association **21**
- Appendix 2: Form of appointment of proxy **22**

Part 1 – Preliminary

1. Definitions

(1) In these rules:

Association means Tamil Arts and Culture Association (TACA)

The Act means the *Associations Incorporation Act 2009*

Commissioner means the Commissioner of the Office of Fair Trading

executive member means a member of the managing committee who is not an office-bearer of the association, as referred to in rule 17(2)

Founders means the office bearers and executive members of the First Managing Committee referred to as First Members by Section 21 of the Act and as listed in **Schedule 2** of these rules

secretary means:

- (a) the person holding office under these rules as secretary of the association, or
- (b) if no such person holds that office – the public officer of the association

special general meeting means a general meeting of the association other than an annual general meeting

the Regulation means the Associations Incorporation Regulation 2010.

(2) In these rules:

- (a) a reference to a function includes a reference to a power, authority and duty, and
- (b) a reference to the exercise of a function includes, if the function is a duty, a reference to the performance of the duty.

(3) The provisions of the *Interpretation Act 1987* apply to and in respect of these rules in the same manner as those provisions would so apply if these rules were an instrument made under the Act.

Part 2 – Vision, Mission and Objectives

2. Vision

Tamil Arts and Culture as a mainstream culture in a multi-cultural Australia

3. Mission

To build a strong Tamil Diaspora that contributes and strengthens multi-cultural Australia through Tamil Arts and Culture

4. Objectives

The aims and objectives for which the association is established are:

- (1) To form an association of Tamil community in Australia on a not-for-profit, non-political and non-sectarian basis and to be transparent and accountable for its activities
- (2) To promote a harmonious relationship amongst Australian communities including Tamil community by cultivating mutual respect through increased social interaction, art and cultural activities, sports, recreation and such other voluntary activities of significant community benefit.
- (3) To co-operate and foster friendship and cultural relationships with other Australian communities and with other associations whose objectives are similar to this association by encouragement of music, art, science, education and other activities.
- (4) To cultivate in Australia an understanding of the Tamil arts and culture, by amongst other means educational methods and facilities including literature, films, lectures, conventions and personal contacts.
- (5) To act as a channel of communication between the Australian Tamil community, the Commonwealth and other State Governments on welfare, social and economic matters.
- (6) To facilitate community needs through cultural, social, educational and charitable activities.
- (7) To undertake welfare work for the benefit and on behalf of the Tamil community in Australia by establishing and developing education centres, retirement villages, libraries, community cultural and sports centres for the use and benefit of the community.
- (8) To provide counselling service to the people in distress due to family crisis, marital problems, unemployment, drug related and other personal and family problems.
- (9) To manage the resources of the association judiciously and prudently for the benefit of the community.
- (10) To publish books, periodicals and other literature as may be beneficial for the community needs.
- (11) To purchase, sell and lease or in exchange, hire or otherwise acquire any real and personal estate and property in the name of the association which may be deemed necessary or convenient for the purposes of the association by way of branch offices and otherwise, subject to the law for the time being in force in the Commonwealth of Australia or any State or sub-division or territory thereof, and especially to Section 34 of the New South Wales Companies Act 1916.
- (12) To create a benevolent fund for the benefit of the members of the Australian Tamil community and be held in trust.

(13) To take such action by personal or written appeals, public meetings, exhibitions entertainments or otherwise as may from time to time be deemed expedient for the purpose of procurer contributions to the funds of the association in the shape of donations, annual subscriptions, charges for admission to entertainments or otherwise.

(14) To procure and raise money in such manner as the association may think fit and to expend the same in pursuance.

(15) To establish such facilities and do all such other lawful activities as are incidental and conducive to the attainment of the purposes of the association.

Part 3 - Membership

5. Membership qualifications

A person is qualified to be a member of the association if, but only if:

(a) the person is a person referred to in section 15(1) (a), (b) or (c) of the Act and has not ceased to be a member of the association at any time after incorporation of the association under the Act, or

(b) the person is a natural person:

(i) who has been nominated for membership of the association as provided by rule 6, and

(ii) who has been approved for membership of the association by the committee of the association.

6. Nomination for membership

(1) An application of a person for membership of the association:

(a) must be made by a member of the association in writing in the form set out in **Appendix 1** to these rules, and

(b) must be lodged with the secretary of the association.

(2) As soon as practicable after receiving an application for membership, the secretary must refer the application to the managing committee which is to determine whether to approve or to reject the application.

(2a) The managing committee, if approving the application, must also determine the category of membership in which to nominate the applicant, in consideration of the eligibility criteria as set out in **Schedule 1** of these rules.

(3) As soon as practicable after the managing committee makes that determination, the secretary must:

(a) notify the applicant, in writing, that the committee approved or rejected the application (whichever is applicable), and

(b) if the committee approved the application, notify the membership category to which the applicant is nominated and request the applicant to pay (within the period of 28 days after receipt by the applicant of the notification) the sum payable as entrance fee and

annual subscription for the nominated category of membership as prescribed in **Schedule 1** of these rules.

(4) The secretary must, on payment by the applicant of the amounts referred to in clause (3) (b) within the period referred to in that provision, enter the applicant's name in the register of members and, on the name being so entered, the applicant becomes a member of the association.

7. Cessation of membership

A person ceases to be a member of the association if the person:

- (a) dies, or
- (b) resigns membership, or
- (c) is expelled from the association.

8. Membership entitlements transferability restricted

(1) A right, privilege or obligation which a person has by reason of being a member of the association in any membership category:

- (a) is not capable of being transferred or transmitted to another person other than any one of the immediate members of family, which includes only the spouse and children for the purpose of this rules members, and
- (b) terminates on cessation of the person's membership.

(2) Notwithstanding anything contained in clause (1) above, membership entitlements shall be utilised by only one person in any one instance.

9. Resignation of membership

(1) A member of the association, irrespective of the membership category, is not entitled to resign that membership except in accordance with this rule.

(2) A member of the association who has paid all amounts payable by the member to the association in respect of the member's membership may resign from membership of the association by first giving to the secretary written notice of at least 1 month (or such other period as the managing committee may determine of the member's intention to resign and, on the expiration of the period of notice, the member ceases to be a member.

(3) If a member of the association ceases to be a member under clause (2), and in every other case where a member ceases to hold membership, the secretary must make an appropriate entry in the register of members recording the date on which the member ceased to be a member.

10. Register of members

(1) The secretary of the association must establish and maintain a register of members of the association specifying the name and address of each person who is a member of

the association together with the date on which the person became a member and the person's membership category.

(2) The register of members must be kept at the principal place of administration of the association and/or at the internet based members group (such as yahoo mail group) or at association web site and must be open for inspection, free of charge, by any member of the association at any reasonable hour.

(3) A member of the association may obtain a copy of any part of the register on payment of a fee as determined by the managing committee.

11. Fees and subscriptions

(1) A member of the association must, on admission to membership, pay to the association an admission fee of \$1 or, if some other amount is determined by the committee, that other amount.

(2) In addition to any amount payable by the member under clause (1), a member of the association must pay to the association an annual membership fee as set out in **schedule 1** to these rules as determined by the managing committee from time to time:
(a) except as provided by paragraph (b), before 1st April in each calendar year, or
(b) if the member joins the association as a member on or after 1 April in any calendar year – on becoming a member and before 1 April in each succeeding calendar year.

12. 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 Rule 11.

13. Resolution of internal disputes

(1) Disputes between members (in their capacity as members) of the association are to be referred to the managing committee for mediation. At least 3 office bearers should be present for the mediation.

(2) Dispute between members if not resolved by the managing committee, then should be mediated by the **board of founders** as referred to in clause (3) below.

(3) Disputes between members and the association, are to be referred to the **board of founders** as shown in **Schedule 2** of these rules for mediation and resolution.

(4) At least 7 days before a mediation session is to commence, the parties are to exchange statements of the issues that are in dispute between them and supply copies to the **board of founders**.

(5) Only those disputes that are unresolved by the mediation processes prescribed in clause (4) above shall be referred to the community justice centre for mediation in accordance with the *Community Justice Centres Act 1983*.

14. Disciplining of members

(1) A complaint may be made to the managing committee by any person that a member of the association:

- (a) has persistently refused or neglected to comply with a provision or provisions of these rules, or
- (b) has persistently and wilfully acted in a manner prejudicial to the interests of the association.

(2) On receiving such a complaint, the managing committee:

- (a) must cause notice of the complaint to be served on the member concerned, and
- (b) must give the member at least 14 days from the time the notice is served within which to make submissions to the managing committee in connection with the complaint, and
- (c) must take into consideration any submissions made by the member in connection with the complaint.

(3) The managing committee, after consulting the board of founders and with due consideration of their recommendations, 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.

(4) If the managing committee expels or suspends a member, the secretary must, within 7 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 managing committee for having taken that action and of the member's right of appeal under rule 15.

(5) 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 rule 15(5), whichever is the latter.

15. Right of appeal of disciplined member

(1) A member may appeal to the association in general meeting against a resolution of the managing committee under rule 14, within 7 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 clause (1), the secretary must notify the managing committee which is to convene a general meeting of the association to be held within 28 days after the date on which the secretary received the notice.

(4) At a general meeting of the association convened under clause (3):

- (a) no business other than the question of the appeal is to be transacted, and

-
- (b) the managing 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.

(5) If at the general meeting the association passes a special resolution in favour of the confirmation of the resolution, the resolution is confirmed.

Part 4 – The Managing committee

16. Powers of the Managing Committee

The managing committee is the committee of management of the association and, subject to the Act, the Regulation and these rules and to any resolution passed by the association in general meeting:

- (a) is to control and manage the affairs of the association, and
(b) may exercise all such functions as may be exercised by the association, other than those functions that are required by these rules to be exercised by a general meeting of members of the association, and
(c) has power to perform all such acts and do all such things as appear to the managing committee to be necessary or desirable for the proper management of the affairs of the association.

17. Constitution of the Managing Committee

(1) Subject in the case of the first members of the managing committee to section 21 of the Act, the managing committee is to consist of:

- (a) the office-bearers of the association, and
(b) four executive members, each of whom is to be elected at the annual general meeting of the association under rule 18.

(2) The office-bearers of the association are to be:

- (a) President
(b) Vice-President
(c) Secretary
(d) Joint-Secretary, and
(e) Treasurer

(3) Each member of the managing committee is, subject to these rules, to hold office until the conclusion of the annual general meeting following the date of the member's election, but is eligible for re-election.

(4) No member shall be eligible for re-election for the same office for more than two consecutive terms.

(5) In the event of a casual vacancy occurring in the membership of the managing committee, the President after consultation with the managing committee may appoint an eligible member of the association to fill the vacancy and the member so appointed is

to hold office, subject to these rules, until the conclusion of the annual general meeting next following the date of the appointment.

18. Election of office bearers and executive members

(1) Nominations of eligible candidates for election as office-bearers of the association or as executive members of the managing committee:

(a) must be made in writing, signed by two eligible 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 at least 7 days before the date fixed for the holding of the annual general meeting at which the election is to take place.

(2) If insufficient nominations are received to fill all vacancies on the managing committee, the candidates nominated are taken to be elected and further nominations are to be received at the annual general meeting.

(3) If insufficient further nominations are received, any vacant positions remaining on the managing committee are taken to be casual vacancies.

(4) If the number of nominations received is equal to the number of vacancies to be filled, the members nominated are taken to be elected.

(5) If the number of nominations received exceeds the number of vacancies to be filled, a ballot is to be held.

(6) The ballot for the election of office-bearers and executive members of the managing committee is to be conducted either at the annual general meeting or in such usual and proper manner as the incumbent managing committee may decide, including such methods as web-based poll.

19. President

(1) The President of the association shall preside at meetings, appoint sub-committees in consultation with the managing committee and oversee all association activities

(2) The President shall maintain a record of all decisions taken by the managing committee

(3) The Vice President shall provide assistance to the President as instructed and assume duties and responsibilities in the absence of the President

20. Secretary

(1) The secretary of the association must, as soon as practicable after being appointed as secretary, lodge notice with the association of his or her address.

(2) It is the duty of the secretary to keep minutes of:

(a) all appointments of office-bearers and members of the managing committee

(b) the names of members present at a committee meeting or a general meeting, and

(c) all proceedings at managing committee meetings and general meetings.

(3) Minutes of proceedings at a meeting must be signed by the chairperson of the meeting or by the chairperson of the next succeeding meeting.

(4) The Joint Secretary shall provide assistance to the Secretary as instructed and assume duties and responsibilities in the absence of the Secretary

21. Treasurer

(1) It is the duty of the treasurer of the association to ensure:

- (a) that all money due to the association is collected and received and that all payments authorised by the association are made, and
- (b) that correct books and accounts are kept showing the financial affairs of the association, including full details of all receipts and expenditure connected with the activities of the association.

22. Casual vacancies

For the purposes of these rules, a casual vacancy in the office of a member of the managing committee occurs if the member:

- (a) dies, or
- (b) ceases to be a member of the association, or
- (c) 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 rule 23, or
- (f) becomes a mentally incapacitated person, or
- (g) is absent without the consent of the managing committee from all meetings of the committee held during a period of 6 months.

23. Removal of executive member

(1) The association in general meeting may by resolution adopted by three-quarters majority remove any member of the managing committee from the office of executive 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 executive member so removed.

(2) If a member of the managing committee to whom a proposed resolution referred to in clause (1) relates makes representations in writing to the secretary or president (not exceeding a reasonable length) and requests that the representation be notified to the eligible 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 executive member is entitled to require that the representations be read out at the meeting at which the resolution is considered.

24. Meetings and quorum

(1) The managing committee must meet at least three times in each period of 12 months at such place and time as the committee may determine.

(2) Additional meetings of the managing committee may be convened by the president or by any member of the committee.

(3) Oral or written notice of a meeting of the managing committee must be given by the secretary to each executive member of the committee in accordance with rules 47 at least 48 hours (or such other period as may be unanimously agreed on by the members of the committee) before the time appointed for the holding of the meeting.

(4) Notice of a meeting given under clause (3) must specify the general nature of the business to be transacted at the meeting and no business other than that business is to be transacted at the meeting, except business which the committee members present at the meeting unanimously agree to treat as urgent business.

(5) Any five non-casual members of the managing committee at least two of which being the current office bearers constitute a quorum for the transaction of the business of a meeting of the managing committee.

(6) No business is to be transacted by the managing committee unless a quorum is present and if, within half an hour of the time appointed for the meeting, a quorum is not present, the meeting is to stand adjourned to the same place and at the same hour of the same day in the following week unless another place is specified at the time of the adjournment by the person presiding at the meeting.

(7) If at the adjourned meeting a quorum is not present within half an hour of the time appointed for the meeting, the meeting is to be dissolved.

(8) At a meeting of the committee:

(a) the president or, in the president's absence, the vice-president is to preside, or

(b) if the president and the vice-president are absent or unwilling to act, such one of the remaining members of the committee as may be chosen by the members present at the meeting is to preside.

25. Delegation by Managing Committee to sub-committee

(1) The committee may, by instrument in writing, delegate to one or more sub-committees (consisting of such member or members of the association as the managing committee thinks fit) the exercise of such of the functions of the committee as are specified in the instrument, other than:

(a) this power of delegation, and

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

(2) A function the exercise of which has been delegated to a sub-committee under this rule may, while the delegation remains unrevoked, be exercised from time to time by the sub-committee in accordance with the terms of the delegation.

(3) A delegation under this section may be made subject to such conditions or limitations as to the exercise of any function, or as to time or circumstances, as may be specified in the instrument of delegation.

(4) Despite any delegation under this rule, the managing committee may continue to exercise any function delegated.

(5) Any act or thing done or suffered by a sub-committee acting in the exercise of a delegation under this rule has the same force and effect as it would have if it had been done or suffered by the managing committee.

(6) The managing committee may, by instrument in writing, revoke wholly or in part any delegation under this rule.

(7) A sub-committee may meet and adjourn, as it thinks proper.

26. Voting and decisions

(1) Questions arising at a meeting of the managing committee or of any sub-committee appointed by the managing committee are to be determined by a majority of the votes of members of the managing 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) Subject to rule 24(5), the managing committee may act despite any vacancy on the managing committee.

(4) 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 5 – General meeting

27. Annual general meetings – holding of

(1) With the exception of the first annual general meeting of the association, the association must, at least once in each calendar year and within the period of 6 months after the expiration of each financial year of the association, convene an annual general meeting of its eligible members.

(2) The association must hold its first annual general meeting:

(a) within the period of 18 months after its incorporation under the Act, and

(b) within the period of 6 months after the expiration of the first financial year of the association.

(3) Clauses (1) and (2) have effect subject to any extension or permission granted by the Commissioner under section 26(3) of the Act.

28. Annual general meetings – calling of and business at

(1) The annual general meeting of the association is, subject to the Act and to rule 23, to be convened on such date and at such place and time as the managing 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:

- (a) to confirm the minutes of the last preceding annual general meeting and of any special general meeting held since that meeting,
- (b) to receive from the managing committee reports on the activities of the association during the last preceding financial year,
- (c) to elect office-bearers of the association and executive members of the managing committee,
- (d) to receive and consider the statement which is required to be submitted to members under section 26(6) of the Act.

(3) An annual general meeting must be specified as such in the notice convening it.

29. Special general meetings – calling of

(1) The managing committee may, whenever it thinks fit, convene a special general meeting of the association.

(2) The managing committee must, on the requisition in writing of at least 25 eligible members or 25% of total eligible members, whichever is higher, convene a special general meeting of the association.

(3) A requisition of eligible members for a special general meeting:

- (a) must state the purpose or purposes of the meeting, and
- (b) must be signed by the members making the requisition, and
- (c) must be lodged with the secretary, and
- (d) 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 1 month after that 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 3 months after that date.

(5) A special general meeting convened by a member or members as referred to in clause (4) must be convened as nearly as is practicable in the same manner as general meetings are convened by the managing committee and any member who consequently incurs expenses is entitled to be reimbursed by the association for any expense so incurred.

30. Notice

(1) Except if the nature of the business proposed to be dealt with at a general meeting requires a special resolution of the association, the secretary must, at least 14 days before the date fixed for the holding of the general meeting, give a notice to each member specifying the place, date and time of the meeting and the nature of the business proposed to be transacted at the meeting.

(2) If the nature of the business proposed to be dealt with at a general meeting requires a special resolution of the association, the secretary must, at least 21 days before the date fixed for the holding of the general meeting, cause notice to be given to each member specifying, in addition to the matter required under clause (1), the intention to propose the resolution as a special resolution.

(3) No business other than that specified in the notice convening a general meeting is to be transacted at the meeting except, in the case of an annual general meeting, business which may be transacted under rule 28(2).

(4) A member desiring to bring any business before a general meeting may give notice in writing of that business to the secretary who must include that business in the next notice calling a general meeting given after receipt of the notice from the member.

31. Procedure

(1) No item of business is to be transacted at a general meeting unless a quorum of members entitled under these rules to vote is present during the time the meeting is considering that item.

(2) Twenty-five percent of total members or twenty five members, whichever is less, present in person (being members entitled under these rules to vote at a general meeting) constitute a quorum for the transaction of the business of a general meeting.

(3) If within half an hour after the appointed time for the commencement of a general meeting a quorum is not present, the meeting:

(a) if convened on the requisition of members, is to be dissolved, and

(b) in any other case, is to stand adjourned to the same day in the following week at the same time and (unless another place is specified at the time of the adjournment by the person presiding at the meeting or communicated by written notice to members given before the day to which the meeting is adjourned) at the same place.

(4) If at the adjourned meeting a quorum is not present within half an hour after the time appointed for the commencement of the meeting, the members present (being at least of seven members) is to constitute a quorum.

32. Presiding member

(1) The president or, in the president's absence, the vice-president, is to preside as chairperson at each general meeting of the association.

(2) If the president and the vice-president or any of the office bearers are absent or unwilling to act, the members present must elect one of their numbers to preside as chairperson at the meeting.

33. Adjournment

(1) The chairperson of a general meeting at which a quorum is present may, with the consent of the majority of members present at the meeting, adjourn the meeting from time to time and place to place, but no business is to be transacted at an adjourned meeting other than the business left unfinished at the meeting at which the adjournment took place.

(2) If a general meeting is adjourned for 14 days or more, the secretary must give written or oral notice of the adjourned meeting to each member of the association stating the place, date and time of the meeting and the nature of the business to be transacted at the meeting.

(3) Except as provided in clauses (1) and (2), notice of an adjournment of a general meeting or of the business to be transacted at an adjourned meeting is not required to be given.

34. Making of decisions

(1) A question arising at a general meeting of the association is to be determined on a show of hands and, unless before or on the declaration of the show of hands a poll is demanded, a declaration by the chairperson that a resolution has, on a show of hands, been carried or carried unanimously or carried by a particular majority or lost, or an entry to that effect in the minute book of the association, is evidence of the fact without proof of the number or proportion of the votes recorded in favour of or against that resolution.

(2) At a general meeting of the association, a poll may be demanded by the chairperson or by at least three members present in person.

(3) If a poll is demanded at a general meeting, the poll must be taken:

(a) immediately in the case of a poll which relates to the election of the chairperson of the meeting or to the question of an adjournment, or

(b) in any other case, in such manner and at such time before the close of the meeting as the chairperson directs, and the resolution of the poll on the matter is taken to be the resolution of the meeting on that matter.

35. Special resolution

A resolution of the association is a special resolution:

(a) if it is passed by a majority which comprises at least three-quarters of such members of the association as, being entitled under these rules so to do, vote in person or by proxy at a general meeting of which at least 14 days' written notice specifying the intention to propose the resolution as a special resolution was given in accordance with these rules, or

(b) where it is made to appear to the Commissioner that it is not practicable for the resolution to be passed in the manner specified in paragraph (a), if the resolution is passed in a manner specified by the Commissioner.

36. Voting

(1) On any question arising at a general meeting of the association an eligible member has one vote only.

(2) All votes must be given personally or if by proxy, subject to rule 37, no member shall hold more than three proxies

(3) In the case of an equality of votes on a question at a general meeting, the chairperson of the meeting is entitled to exercise a second or casting vote.

(4) A member or proxy is not entitled to vote at any general meeting of the association unless all money due and payable by the member or proxy to the association has been paid, other than the amount of the annual subscription payable in respect of the then current year.

37. Appointment of proxies

(1) A person who is not a member of the association under any category shall not be appointed as a proxy

(2) Each member is to be entitled to appoint another member as proxy by notice given to the secretary no later than 24 hours before the time of the meeting in respect of which the proxy is appointed.

(3) The notice appointing the proxy is to be in the form set out in **Appendix 2** to these rules.

Part 6 – Miscellaneous

38. Insurance

The association may effect and maintain insurance.

39. Funds – source

(1) The funds of the association are to be derived from entrance fees and annual subscriptions of members, donations and, subject to any resolution passed by the association in general meeting, such other sources as the managing committee determines.

(2) All money received by the association must be deposited as soon as practicable and without deduction to the credit of the association's bank account.

(3) The association must, as soon as practicable after receiving any money, issue an appropriate receipt.

40. Funds – management

(1) Subject to any resolution passed by the association in general meeting, the funds of the association are to be used in pursuance of the objects of the association in such manner as the managing committee determines.

(2) All cheques, drafts, bills of exchange, promissory notes and other negotiable instruments must be signed by any two office bearers of the association or employees of the association, being authorised to do so by the managing committee.

41. Assets – Management

(1) All movable and immovable assets and properties (eg, books, visual & audio equipment, etc) purchased for and on behalf of the association shall remain in the custody of an assets sub-committee comprising Treasurer and at least one other managing committee member as decided by the managing committee and shall remain as the property of the association.

(2) The assets sub-committee shall cause to take stock of assets annually and present report at the annual general meetings.

(3) In the event the association is wound up or dissolved, any surplus assets of association remaining after payment of liabilities attributed to it, shall be transferred to an approved charitable organisation as determined by the Board of Founders in consultation with the incumbent managing committee.

42. Alteration of objects and rules

(1) Subject to clause (2) of this rule, the statement of objects and these rules may be altered, rescinded or added to only by a special resolution of the association.

(2) Any alteration, addition or deletion to the board of founders as listed in schedule 2 and its role under rule 13 shall be effected only by the decision of board of founders in a meeting convened in the same manner as for the managing committee under rules 23 and 26.

43. Common seal

(1) The common seal of the association must be kept in the custody of the public officer.

(2) The common seal must not be affixed to any instrument except by the authority of the managing committee and the affixing of the common seal must be attested by the signatures either of two members of the managing committee or of one member of the committee and of the public officer or secretary.

44. Custody of records and documents

Except as otherwise provided by these rules, the public officer must keep in his or her custody or under his or her control all records, books and other documents relating to the association.

Records and documents, if any, in possession of an office bearers or executive member shall be handed over to the public office within 14 days of ceasing to be the office bearer or executive member.

45. Inspection of records and documents

The records, books and other documents of the association must be kept at the principal place of administration of the association and/or at the internet based members group (such as yahoo mail group) or at association web site and must be open for inspection, free of charge, by any member of the association at any reasonable hour

46. Service of notices

(1) For the purpose of these rules, 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 these rules, 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.

47. Communication

(1) All communications on behalf of the association to members or public shall be by the President, if the President is not available then the Secretary shall assume responsibility.

(2) Communication to members and public, at the discretion of the managing committee, may be made through group emails and web postings at the association website or any other social media used by the association for this purpose.

(3) All intended message to the public and to members shall be reviewed and approved by managing committee.

(4) Communications and notices served through technological means of the day shall be taken to be served as required under these rules.

48. Financial Year

The financial year of the association is:

- (a) the period of time commencing on the date of incorporation of the association and ending on the following 31 March, and
- (b) each period of 12 months after the expiration of the previous financial year of the association, commencing on 1 April and ending on the following 31 March.

Schedule 1
[Refer to Rule 6(2a)]
MEMBERSHIP CATEGORIES AND ELIGIBILITY

Membership Category	Eligibility	To be nominated by	Annual Fee \$	Life Membership Fee \$	Entitlements and Benefits
Ordinary Member	All nominated persons	Any current member	20	Not applicable	1. Membership discounts 2. Eligible to be nominated to Working Committees 3. Newsletter/ magazine and reports of TACA
Syndicate Member	Ordinary member who has held ordinary membership for at least 3 consecutive years	At least two current syndicate members	50	300	1. Membership discounts 2. Eligible to be nominated to Working Committees 3. Newsletter/ magazine and reports of TACA 4. Eligible to nominate, vote and to be elected to the managing committee
Corporate Member	Any association (irrespective of the status of incorporation) represented by a nominated office bearer	As approved by the incumbent managing committee	100	Not applicable	1. Support and assistance of TACA to achieve common and non-conflicting objectives 2. Newsletter/ magazine and reports of TACA

Schedule 2
[Refer to Rule 13(3)]

Board of Founders
(in alphabetical order)

1. Thiru. Anagan Babu Ramia Janardhanan
2. Thiru. Baskaran Gurusamy
3. Thiru Murali Ganesan
4. Thiru. Muthu Ramachandirin
5. Thiru. Narayan Manickavasagam
6. Thiru Ranjith Kumar Nachimuthu
7. Thiru. Roshan Paul Ravikumar Iyadurai
8. Thiru. Sivaguru Subramanian
9. Thiru. Sundaravadivel Marimuthu - Public Officer

Appendix 1

(Rule 5 (1))

APPLICATION FOR MEMBERSHIP OF ASSOCIATION

Tamil Art and Culture Association (TACA) Incorporated

(incorporated under the *Associations Incorporation Act 2009*)

I/ We, (full name of applicant/ association) Of

..... (address)(occupation)

..... (contact telephone/ mobile number)..... (email address)

hereby apply to become Ordinary/ Syndicate / Corporate (strike out whichever is not applicable) member of the above named incorporated association.

In the event of my/our admission as a Ordinary/ Syndicate / Corporate (strike out whichever is not applicable) member, I/ we agree to be bound by the rules of the association for the time being in force.

.....
Signature of applicant and Date

I (full name) a member of the association

..... (Membership no.) nominate the applicant, who is personally known to me, for membership of the association.

.....
Signature of proposer and Date

FOR OFFICE USE ONLY

Date of approval:

Membership no.:

.....
Signature of Secretary/ Public Officer

Appendix 2

(Rule 37 (2))

Tamil Arts and Culture Association (TACA) Incorporated

(incorporated under the *Associations Incorporation Act 2009*)

FORM OF APPOINTMENT OF PROXY

I,(full name) of
..... (address) being a ordinary/
syndicate/ corporate member of (name of incorporated
association) hereby appoint (full name of proxy) of
..... (address) being a ordinary/
syndicate/ corporate member of that incorporated association, as my proxy to vote for
me on my behalf at the general meeting of the association (annual general meeting or
special general meeting, as the case may be) to be held on the.....day of
..... and at any adjournment of that meeting. (month and year)

* My proxy is authorised to vote in favour of/against (delete as appropriate) the
resolution (insert details).

* to be inserted if desired.

.....
Signature of member appointing proxy Date

NOTE: A proxy vote shall not be given to a person who is not a member of the
association.