



130First Ave  
Fivedock 2046 NSW  
ABN 13 751 132 847.

---

# **Lokanatha Buddhist Association Inc**

## Constitution

21<sup>st</sup> February 2014

## **Contents**

Part 1 - Preliminary	4
1 Name	4
2 Definitions	4
Part 2 - Purpose and activities of the association	6
3 Purpose and activities	6
Part 3 - Membership	7
4 Membership generally	7
5 Types of membership	7
6 Applications for Membership	8
7 Cessation of membership	9
8 Membership entitlements not transferable	9
9 Resignation of membership	9
10 Register of members	9
11 Members' liabilities	10
12 No profits for Members	10
13 Resolution of disputes	11
14 Disciplining of members	11
15 Right of appeal of disciplined Member	12
Part 4 - Powers of the association	13
16 Powers	13
Part 5 - The committee	14
17 Powers of the committee	14
18 Membership of committee	14
19 Election of committee members	14
20 Secretary	15
21 Treasurer	15
22 Casual vacancies	15
23 Removal of committee members	16

24	Committee meetings and quorum	16
25	Chair	17
26	Delegation by Committee to sub-committee	17
27	Voting and decisions	18
28	Payments to Committee members	18
	Part 6 - General Meetings	18
29	Annual general meetings-holding of	18
30	Annual general meetings - calling of and business at	19
31	Special general meetings - calling of	19
32	Notice	20
33	Quorum for general meetings	20
34	Presiding member	21
35	Adjournment	21
36	Making of decisions	21
37	Special resolutions	22
38	Voting	22
39	Proxy votes not permitted	22
40	Postal ballots	22
	Part 8 – Winding Up	22
41	Winding up	22
	Part 9 - Miscellaneous	23
42	Insurance	23
43	Funds - source	23
44	Funds - management	23
45	Change of name, objects and constitution	23
46	Custody of books etc	23
47	Inspection of books etc	24
48	Service of notices	24
49	Financial year	24

---

## Part 1 - Preliminary

### 1 Name

The name of the association is the Lokanatha Buddhist Association Inc.

---

### 2 Definitions

(a) In this Constitution,

**Annual general meeting** means a general meeting held once every twelve (12) months as required by the Act.

**Buddhist Lay Community** refers to any community of persons that support the Sangha, whether financially, spiritually, by volunteering time or services. Anyone who helps the Sangha in any way.

**Committee** means the committee of management of the Association.

**Director-General** means the Director-General of the Department of Services, Technology and Administration.

**Association** means the Lokanatha Buddhist Association Inc.

**Member** means an honorary member or Ordinary member of the Association, and Membership has the requisite meaning.

**Ordinary Committee Member** means a member of the Committee who is not an Office Bearer of the Association.

**Sangha** refers to the Order of Buddhist Monks and Nuns.

**Secretary** means:

- (a) the person holding office under this constitution 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 Act** means the Associations Incorporations Act 2009 (NSW).

**The Regulation** means the Associations Incorporation Regulations 2010 (NSW).

(a) In this constitution:

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

- (b) The provisions of the Interpretation Act 1987 apply to and in respect of this constitution in the same manner as those provisions would so apply if this constitution were an instrument made under the Act

---

## Part 2 - Purpose and activities of the Association

### 3 Purpose and activities

#### 3.1 Purpose

The principal purpose of the Association is to advance Buddhism and to encourage the teaching, practice and realisation of the Buddha-Dhamma / Truth (the teaching of the Buddha).

#### 3.2 Activities

The activities of the Association will be performed in the furtherance of its purpose and include:

- (a) establishing suitable facilities for and to support the Sangha so they may act as spiritual guides and minister for the well-being of the Buddhist community in particular and the general community as a whole;
- (b) fostering the establishment of a Buddhist lay-community to support the Sangha;
- (c) providing facilities and arranging community health events for meditation, Buddhist ceremonies and other related activities or functions;
- (d) providing Buddhist teaching for children birth to 13 years;
- (e) providing social support in collaboration with families to those who express interest and demonstrate need, such as the elderly. Social support that will reflect the Buddha's message of compassion and loving kindness;
- (f) collaborating with other Buddhist and/or Philanthropic organisations with similar aims and objectives;
- (g) establishing and maintaining for the propagation of the teachings of the Buddha, Monasteries or hermitages in the tradition of the Vinaya (the code of discipline of Sangha) and subject to the guidelines and limitations as laid out in the Vinaya-Pitaka of the Pali Canon under the sections dealing with Sangha property; and
- (h) doing all other things ancillary to or necessary for the fulfilment of the purpose of the Association.

---

## Part 3 - Membership

### 4 Membership generally

- (a) A person is taken to be a Member if:
  - (i) the person is a human being; and
  - (ii) the person was, in the case of an unincorporated body that is registered as the association, a member of that unincorporated body immediately before the registration of the association.
- (b) A person is also taken to be a Member if the person was one of the individuals on whose behalf an application for registration of the association under section 6 (1) (a) of the Act was made.
- (c) A person is eligible to be a Member if:
  - (i) the person is a Human Being;
  - (ii) the person complies with the requirements of Membership as described at rule5; and
  - (iii) the person has been nominated and approved for Membership in accordance with rule6.

---

### 5 Types of membership

#### 5.1 Ordinary Membership:

- (a) to be eligible for admission as an Ordinary Member the person must:
  - (i) have taken refuge in the Buddha (the Teacher), the Dhamma (His teachings) and the Sangha; and
  - (ii) be practicing the five precepts of the Buddha, being:
    - 1) To refrain from killing any beings
    - 2) To refrain from stealing
    - 3) To refrain from false, harsh, abusive and gossip speech
    - 4) To refrain from sexual misconduct
    - 5) To refrain from mental intoxicants.
- (b) the fees for Ordinary Membership will be determined by the Committee from time to time.
- (c) Ordinary Members have the right to:
  - (i) receive notice of and attend all general meetings of the Association; and

- (ii) exercise one vote at a general meeting of members be it on a show of hands, on a poll or upon any written or postal ballot.

## 5.2 Honorary membership

- (a) to be eligible for admission as an Honorary Member,:
  - (i) the person must be an Ordinary Member;
  - (ii) the person must have demonstrated and rendered outstanding services to the cause of Buddhism; and
  - (iii) a meeting of the Association's guiding Sangha must agree to confer Honorary membership upon that person.
- (b) Honorary Membership may be conferred for such time as the Association's guiding Sangha determines, including for life, but will automatically lapse if the person ceases to be an Ordinary Member or a member of the Sangha.
- (c) An Honorary Member has all the rights of an Ordinary Member.
- (d) There is no joining or annual Membership fee for Honorary Members.

## 5.3 Membership for Children and Teenagers.

Any child or teenager under the age of 18 may apply for and be admitted into membership of the Association for free. Children on this free membership do not have any voting rights until they reach 18 years of age and are otherwise subject to the normal terms, conditions and requirements of Membership.

---

# 6 Applications for Membership

- (a) Applications for Ordinary Membership must be:
  - (i) on such form as prescribed by the Committee from time to time;
  - (ii) signed by an existing Member by way of nomination;
  - (iii) signed by the person wishing to become an Ordinary Member;
  - (iv) accompanied by such payment as the Committee directs (students, unemployed and pensioners are eligible for concessionary payments); and
  - (v) lodged with the Secretary.
- (b) The amount of that payment (known as the "**Annual Subscription**") shall be determined by the Committee no later than 1 month prior to the end of the Association's financial year.
- (c) As soon as practicable after receiving a nomination for membership, the Secretary must refer the nomination to the Committee which is to determine whether to approve or to reject the nomination.
- (d) As soon as practicable after the Committee makes a determination about whether to admit a person into membership of the Association, the Secretary must notify



the nominee, in writing, that the Committee approved or declined the nomination (whichever is applicable).

- (e) If an application for Membership is rejected, any amount paid with the application shall be refunded to the applicant.
- (f) The secretary must, on payment by the applicant of the required membership fee enter or cause to be entered the applicant's name in the register of members and, on the name being so entered, the applicant becomes a Member.

---

## 7 Cessation of membership

A person ceases to be a Member if the person:

- (a) dies;
- (b) resigns from Membership;
- (c) is expelled from the Association;
- (d) fails to pay any annual membership fee within 3 months after the fee is due; or
- (e) no longer complies with the eligibility criteria for Membership.

---

## 8 Membership entitlements not transferable

A right, privilege or obligation which a person has by reason of being a Member:

- (a) is not capable of being transferred or transmitted to another person, and
- (b) terminates on cessation of the person's Membership.

---

## 9 Resignation of membership

- (a) A Member may resign from Membership by first giving the Secretary written notice of at least one month (or such other period as the Committee may determine) of the Member's intention to resign. On the expiration of the period of notice, the Member ceases to be a Member.
- (b) If a Member ceases to be a Member under rule (a), 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 person's membership ceased.

---

## 10 Register of members

- (a) The public officer of the Association must establish and maintain a register of Members specifying:
  - (i) the name and postal or residential address of each Member;
  - (ii) the type of Membership to which that person belongs; and

- (iii) the date on which the person became a Member and the date that person's Membership ceased.
  - (b) The register of members must be kept in New South Wales:
    - (i) at the main premises of the Association, or
    - (ii) if the Association has no premises, at the Association's official address.
  - (c) The register of members must be open for inspection, free of charge, by any Member at any reasonable hour.
  - (d) A Member may obtain a copy of any part of the register on payment of a fee of not more than \$1 for each page copied.
  - (e) If a Member requests that any information contained on the register about the Member (other than the Member's name) not be available for inspection, that information must not be made available for inspection.
  - (f) A Member must not use information about a person obtained from the register to contact or send material to the person, other than for:
    - (i) 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
    - (ii) any other purpose necessary to comply with a requirement of the Act or the Regulation.
- 

## 11 Members' liabilities

The liability of a Member 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.

---

## 12 No profits for Members

- (a) Subject to rule 12(b), the assets and income of the Association must be applied solely in furtherance of its purpose and no portion of the income or assets may be paid or transferred, directly or indirectly, to any Member.
- (b) The Association may, with the approval of the Committee, make payment in good faith to a Member:
  - (i) by way of reasonable and proper remuneration for any goods supplied or services rendered to the Association (including remuneration as an employee or consultant);
  - (ii) by way of interest on money lent to the Association by that Member at a reasonable and proper rate per annum not exceeding the rate for the time being charged by the Association's bankers on overdrawn accounts;
  - (iii) by way of reasonable and proper rent for premises let by that Member to the Association; and

- (iv) for authorised out-of-pocket expenses reasonably and properly incurred by that Member in connection with the affairs of the Association.
- 

## 13 Resolution of disputes

- (a) If there is a dispute between a Member and another Member (in their capacity as Members), or a dispute between a Member or Members and the Association, the people involved must first meet and attempt to resolve the dispute in good faith.
  - (b) If a dispute cannot be resolved in accordance with rule 13(a), then the matter is to be referred to a community justice centre for mediation under the Community Justice Centres Act 1983.
  - (c) If a dispute is not resolved by mediation within 3 months of the referral to a community justice centre, the dispute is to be referred to arbitration.
  - (d) The Commercial Arbitration Act 1984 applies to any such dispute referred to arbitration.
- 

## 14 Disciplining of members

- (a) A complaint may be made to the Committee by any person that a Member:
  - (i) has refused or neglected to comply with a provision or provisions of this constitution;
  - (ii) is working against the purpose of the Association; or
  - (iii) has wilfully acted in a manner prejudicial to the interests or reputation of the Association.
- (b) The Committee may refuse to deal with a complaint if it considers the complaint to be trivial or vexatious in nature.
- (c) If the Committee decides to deal with the complaint, the committee:
  - (i) must cause notice of the complaint to be served on the member concerned;
  - (ii) must give the member at least 14 days from the time the notice is served within which to make submissions to the Committee in connection with the complaint; and
  - (iii) must take into consideration any submissions made by the Member in connection with the complaint.
- (d) The Committee may, by resolution, expel the Member from the Association or suspend the Member from Membership 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.
- (e) 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 rule 15.

- (f) The expulsion or suspension does not take effect:
    - (i) until the expiration of the period within which the member is entitled to appeal against the resolution concerned; or
    - (ii) if within that period the Member exercises the right of appeal, unless and until the Association confirms the resolution under rule15, whichever is the later.
- 

## **15 Right of appeal of disciplined Member**

- (a) A Member may appeal to the Association in general meeting against a resolution of the Committee under rule14, within seven days after notice of the resolution is served on the Member, by lodging with the Secretary a notice to that effect.
- (b) 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.
- (c) On receipt of a notice from a Member under rule(a), the Secretary must notify the 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.
- (d) At a general meeting of the Association convened under rule(c):
  - (i) no business other than the question of the appeal is to be transacted, and
  - (ii) the Committee and the Member must be given the opportunity to state their respective cases orally or in writing, or both, and
  - (iii) the Members present are to vote by secret ballot on the question of whether the resolution should be confirmed or revoked.
- (e) The appeal is to be determined by a simple majority of votes cast by Members.

---

## Part 4 - Powers of the Association

### 16 Powers

Without limiting the powers of the Association, the Association has the power to:

- (a) accept donations (whether periodical or otherwise) from such persons as the Committee shall in its discretion think fit or to refuse to accept any donation;
- (b) hold community and/or fundraising events and issue appeals for donations and to prepare periodical reports on the work of the Association;
- (c) rent, lease, hire or otherwise acquire the use of any property for such period and at such rent or cost and on such terms and conditions as the Committee may think fit;
- (d) insure the property of the Association or any part of it and all persons employed by or engaged in work associated with the Association against such risks and for such amounts as the Committee may think fit;
- (e) employ and pay agents or servants or contractors to transact all or any business of whatever nature to be done in pursuance of the said purpose in Part 2, including the payment and receipt of money and the Association shall pay all charges and expenses so incurred;
- (f) open and maintain in the name of the Association a bank account;
- (g) mortgage, sell, exchange, let, invest, dispose of, vary or deal with, the property (real and personal) of the Association or in the name of any person or persons as trustee for the Association or otherwise where the Association is the ultimate beneficial owner of such property or any part thereof and to give a receipt for any money received by the Association;
- (h) invest any money of the Association for the time being not required for the purpose of the Association in any investment authorised by the constitution in accordance with Buddhist principles;
- (i) borrow money or other property on such terms as regards interest repayments and otherwise as the Committee thinks fit upon the security of the property of the Association or part thereof and to use such money for any purpose for which the Committee may deem fit, in accordance with this constitution; and
- (j) purchase any land in the name of the Association or in the name of any person or persons as trustee for the Association or otherwise so long as the Association is the ultimate beneficial owner of such property to be used for the purpose of the Association and to improve any land which may belong to the Association, and to erect, enlarge, alter, improve, rebuild and repair any buildings thereon and generally to manage, maintain and deal with such land and the layout and arrangement thereof and buildings and to decorate, furnish and fit out such buildings.

---

## Part 5 - The committee

### 17 Powers of the committee

Subject to the Act, the Regulation and this constitution and to any resolution passed by the Association in general meeting, the Committee:

- (a) is to control and manage the affairs of the Association;
- (b) may exercise all such functions as may be exercised by the Association, other than those functions that are required by this constitution, the Act or the Regulation to be exercised by a general meeting of Members; and
- (c) has power to perform all such acts and do all such things as appear to the Committee to be necessary or desirable for the proper management of the affairs of the Association.

---

### 18 Membership of committee

- (a) Unless otherwise resolved by the Members, the total number of Committee members is to be five.
- (b) The Committee is to consist of:
  - (i) the office-bearers of the Association, and
  - (ii) at least 1 ordinary Committee member,each of whom is to be elected at the annual general meeting of the Association
- (c) The office-bearers of the Association are as follows:
  - (i) the president;
  - (ii) the treasurer;
  - (iii) the secretary; and
  - (iv) the public officer.
- (d) A Committee member may hold up to 2 offices.
- (e) Each member of the Committee is, subject to this constitution, to hold office until the conclusion of the annual general meeting following the date of the person's election, but is eligible for re-election.

---

### 19 Election of committee members

- (a) Nominations of candidates for election as office-bearers of the Association or as ordinary Committee members:
  - (i) must be made in writing, signed by 2 Members and accompanied by the written consent of the candidate (which may be endorsed on the form of the nomination), and

- (ii) must be delivered to the secretary at least 7 days before the date fixed for the holding of the annual general meeting at which the election is to take place.
  - (b) If the number of nominations received is equal to or less than the number of vacancies to be filled, the persons nominated are taken to be elected unopposed.
  - (c) Any vacant positions remaining on the Committee are taken to be casual vacancies and may be filled by the Committee in accordance with rule 22(a).
  - (d) If the number of nominations received exceeds the number of vacancies to be filled, a ballot is to be held.
  - (e) The ballot for the election of office-bearers and ordinary committee members of the Committee is to be conducted at the annual general meeting in such usual and proper manner as the Committee may direct.
  - (f) A person nominated as a candidate for election as an office-bearer or as an ordinary Committee member must be a Member.
- 

## 20 Secretary

- (a) The Secretary must, as soon as practicable after being appointed as Secretary, lodge notice with the Association of his or her address.
  - (b) It is the duty of the Secretary to ensure that the following records are kept:
    - (i) all appointments of office-bearers and ordinary members of the Committee;
    - (ii) the names of members of the Committee present at a Committee meeting or a general meeting of Members; and
    - (iii) minutes of all proceedings of Committee meetings and general meetings of Members.
  - (c) Minutes of proceedings at a meeting must be signed by the chairperson of the meeting or by the chairperson of the next succeeding meeting.
- 

## 21 Treasurer

It is the duty of the treasurer 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

- (a) In the event of a casual vacancy occurring in the membership of the Committee, the Committee may appoint a Member to fill the vacancy and the Member so

appointed is to hold office, subject to this constitution, until the conclusion of the annual general meeting next following the date of the appointment.

- (b) A casual vacancy in the office of a member of the Committee occurs if the person:
    - (i) dies;
    - (ii) ceases to be a Member;
    - (iii) resigns office by notice in writing given to the Secretary;
    - (iv) is removed from office under rule 23;
    - (v) is absent without the consent of the Committee from 3 consecutive meetings of the Committee;
    - (vi) is convicted of an offence involving fraud or dishonesty for which the maximum penalty on conviction is imprisonment for not less than 3 months; or
    - (vii) is prohibited from being a director of a company under Part 2D.6 (Disqualification from managing corporations) of the *Corporations Act 2001* of the Commonwealth.
- 

## 23 Removal of committee members

- (a) The Association in general meeting may by resolution remove any member of the Committee from the office of Committee member before the expiration of the person'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.
  - (b) If a member of the Committee to whom a proposed resolution referred to in rule (a) 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, the secretary or the president may send a copy of the representations to each Member 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.
- 

## 24 Committee meetings and quorum

- (a) The Committee must meet at least 3 times in each period of 12 months at such place and time as the Committee determines (including through the use of technology such as by telephone).
- (b) Additional meetings of the Committee may be convened by any member of the Committee.
- (c) Oral or written notice of a meeting of the Committee must be given by the Secretary to each member of the Committee 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.
- (d) Notice of a meeting given under rule (c) 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.

- (e) Any 3 members of the Committee constitute a quorum for the transaction of the business of a meeting of the Committee.
- (f) No business is to be transacted by the Committee unless a quorum is present at the time the business is dealt with.
- (g) If, within 30 minutes after the time appointed for the meeting, a quorum is not present, then, without prejudice to the right of those present to discuss but not to vote on any matter, the meeting will be dissolved.

---

## 25 Chair

At each meeting of the Committee:

- (a) the president or, in the president's absence, the Secretary, is to preside as chair of the meeting; or
- (b) if the president and the secretary 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 as chair.

---

## 26 Delegation by Committee to sub-committee

- (a) The Committee may, by instrument in writing, delegate to one or more sub-committees (consisting of such Members as the Committee thinks fit) the exercise of such of the functions of the Committee as are specified in the instrument, other than:
  - (i) this power of delegation, and
  - (ii) a function which is a duty imposed on the Committee by the Act, the Regulation or by any other law.
- (b) 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.
- (c) A delegation under this rule 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.
- (d) Despite any delegation under this rule, the Committee may continue to exercise any function delegated.
- (e) 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 Committee.
- (f) The Committee may, by instrument in writing, revoke wholly or in part any delegation under this rule.
- (g) A sub-committee may meet and adjourn as it thinks proper.

---

## 27 Voting and decisions

- (a) 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.
- (b) 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 as chair may exercise a second or casting vote.
- (c) Subject to rule24(f), the Committee may act despite any vacancy on the Committee.
- (d) 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.

---

## 28 Payments to Committee members

- (a) Subject to rule28(c), Committee members are entitled to be paid all reasonable authorised travelling and other expenses properly incurred by them in connection with the affairs of the Association (including attending and returning from general meetings of the Association, meetings of the Committee and meetings of sub-committees) but will not otherwise receive any payment for acting as a Committee member.
- (b) Nothing in this rule 28 restricts the remuneration to which a Committee member may be entitled as an officer or employee of the Association in a capacity other than Committee member.
- (c) Notwithstanding anything else in this constitution, no payment of any kind which is permitted to be paid to a Committee member by this constitution can be made by the Association to a Committee member until that payment is approved by the Committee or such other person or persons to which the Committee may have delegated such authority.

---

## Part 6 - General Meetings

### 29 Annual general meetings-holding of

- (a) The Association must hold its first Annual General Meeting within 18 months after its registration under the Act.
- (b) The Association must hold its Annual General Meetings:
  - (i) within 6 months after the close of the Association's financial year; or
  - (ii) within such later time as may be allowed by the Director-General or prescribed by the Regulation.

---

## 30 Annual general meetings - calling of and business at

- (a) The annual general meeting of the Association is, subject to the Act and rule 29, to be convened on such date and at such place and time as the Committee thinks fit.
- (b) 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:
  - (i) to confirm the minutes of the last preceding Annual General Meeting and of any special general meeting held since that meeting;
  - (ii) to receive from the Committee reports on the activities of the Association during the last preceding financial year;
  - (iii) to elect office-bearers of the Association and ordinary committee members; and
  - (iv) to receive and consider any financial statement or report required to be submitted to Members under the Act.
- (c) An Annual General Meeting must be specified as such in the notice convening it.
- (d) Without limiting rule 30(b), an Annual General Meeting may also include:
  - (i) opening of meeting; Homage to the Buddha, Dhamma and Sangha;
  - (ii) respects paid to any Sangha member or members;
  - (iii) apologies for non-attendance;
  - (iv) an address by the Sangha representative (if the Sangha member/s wishes to do so);
  - (v) the presentation and consideration of such other reports as determined by the Committee from time to time or that may be required by law;
  - (vi) Consideration of other matters described in the notice calling the meeting; and
  - (vii) Questions without notice. The chair of the meeting may, in his or her absolute discretion, allow questions to be asked of the Committee, provided however that there shall be no compulsion on the Committee or any Committee member to answer any such question at that meeting and provided further that the chair may at any time refuse to accept any further questions and may reject any question.
- (e) Non-members of the Association may, at the invitation of the president, be permitted to attend, but not to vote at, any general meeting.

---

## 31 Special general meetings - calling of

- (a) The Committee may, whenever it thinks fit, convene a Special General Meeting.
- (b) The Committee must, on the requisition in writing of at least 5 per cent of the total number of Members, convene a Special General Meeting of the Association.

- (c) A requisition of Members for a Special General Meeting:
    - (i) must state the purpose or purposes of the meeting;
    - (ii) must be signed by the Members making the requisition;
    - (iii) must be lodged with the Secretary; and
    - (iv) may consist of several documents in a similar form, each signed by one or more of the Members making the requisition.
  - (d) 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.
  - (e) A Special General Meeting convened by Members as referred to in rule(d) must be convened as nearly as is practicable in the same manner as general meetings are convened by the Committee.
- 

## 32 Notice

- (a) Except if the nature of the business proposed to be dealt with at a general meeting requires a special resolution, the Secretary must, at least 14 days before the date fixed for the holding of a general meeting (including an Annual 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.
  - (b) If the nature of the business proposed to be dealt with at a general meeting requires a special resolution, 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 rule(a), the intention to propose the resolution as a special resolution.
  - (c) 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 rules 30(b) and 30(d).
  - (d) A Member wishing 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.
  - (e) Notice of a General Meeting may also be given if:
    - (i) It is published in any paper or other publication that the Committee knows is distributed or accessible to all Members including the Buddhist Library electronic mail or Association's webpage if available.
- 

## 33 Quorum for general meetings

- (a) No item of business is to be transacted at a general meeting unless a quorum of Members entitled under this constitution to vote is present during the time the meeting is considering that item.

- (b) Five Members present (being Members entitled under this constitution to vote at a general meeting) constitute a quorum for the transaction of the business of a general meeting.
  - (c) If within half an hour after the appointed time for the commencement of a general meeting a quorum is not present, the meeting:
    - (i) if convened on the requisition of Members, is to be dissolved, and
    - (ii) 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 as chair of the meeting or communicated by written notice to Members given before the day to which the meeting is adjourned) at the same place.
  - (d) 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 3) are to constitute a quorum.
- 

## 34 Presiding member

- (a) The president or, in the president's absence, the Secretary, is to preside as the chair of each general meeting of the Association.
  - (b) If the president and Secretary are absent or unwilling to act, the Members present will elect one of the members to preside as chair of the meeting.
- 

## 35 Adjournment

- (a) The chair 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.
  - (b) If a general meeting is adjourned for 14 days or more, the Secretary must give written (either email or letter) or oral notice of the adjourned meeting to each Member stating the place, date and time of the meeting and the nature of the business to be transacted at the meeting.
- 

## 36 Making of decisions

- (a) A question arising at a general meeting of the Association is to be determined by either:
  - (i) a show of hands, or
  - (ii) if on the motion of the chair or if 3 or more Members present at the meeting decide that the question should be determined by a written ballot, a written ballot will be carried out by the Members.
- (b) If the question is to be determined by a show of hands, a declaration by the chair that a resolution has, on a show of hands, been carried or carried unanimously or carried by a particular majority or lost, 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.

- (c) If the question is to be determined by a written ballot, the ballot is to be conducted in accordance with the directions of the chair.

---

## 37 Special resolutions

A special resolution may only be passed by the Association in accordance with section 39 of the Act.

---

## 38 Voting

- (a) On any question arising at a general meeting of the Association a Member has one vote only.
- (b) In the case of an equality of votes on a question at a general meeting, the chair of the meeting is entitled to exercise a second or casting vote.
- (c) A Member is not entitled to vote at any general meeting of the Association unless all money due and payable by the Member to the Association has been paid.
- (d) A Member is not entitled to vote at any general meeting of the Association if the Member is under 18 years of age.

---

## 39 Proxy votes not permitted

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

---

## 40 Postal ballots

- (a) The Association may hold a postal ballot to determine any issue or proposal (other than an appeal under rule15).
- (b) A postal ballot is to be conducted in accordance with Schedule 3 to the Regulation.

---

## Part 8 – Winding Up

### 41 Winding up

- (a) If upon the winding up or dissolution of the Association there remains after satisfaction of all of its debts and liabilities, any property or moneys whatsoever (**Surplus Assets**), such Surplus Assets must not be paid to, or distributed amongst its Members or former Members, but must be given or transferred to one or more organisations that:
  - (i) has objects or purposes similar to those of the Association; and
  - (ii) by its constituent rules, prohibits the distribution of its income and property amongst its members to an extent at least as great as is imposed upon the Association.

- (b) The decision as to which organisation is, or which organisations are, to be the recipient of the Surplus Assets distributed in accordance with rule(a) is to be determined by the Committee at or before the winding up or dissolution of the Association, or in default of such determination, by the Court.
  - (c) Any part of the Surplus Assets consisting of property supplied by a government department or public authority, including any unexpended portion of a grant, must be returned to the department or authority that supplied it or to a body nominated by the department or authority.
- 

## **Part 9 - Miscellaneous**

### **42 Insurance**

The Association may effect and maintain insurance.

---

### **43 Funds - source**

- (a) 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 Committee determines.
  - (b) All money received by the Association must be deposited as soon as practicable and without deduction to the credit of the Association's bank or other authorised deposit-taking institution account.
  - (c) The Association must, as soon as practicable after receiving any money, issue an appropriate receipt.
- 

### **44 Funds - management**

- (a) All cheques, drafts, bills of exchange, promissory notes and other negotiable instruments must be signed by the President and 1 member of the Committee or employee of the Association, being members or employees authorised to do so by the Committee.
- 

### **45 Change of name, objects and constitution**

An application to the Director-General for registration of a change in the Association's name, objects or constitution in accordance with section 10 of the Act is to be made by the Secretary or a Committee member.

---

### **46 Custody of books etc**

Except as otherwise provided by this constitution, the Secretary must keep in his or her custody or under his or her control all records, books and other documents relating to the Association.

---

## 47 Inspection of books etc

- (a) The following documents must be open to inspection, free of charge, by a Member at any reasonable hour:
  - (i) records, books and other financial documents of the Association, other than minutes of meetings of the Committee;
  - (ii) this constitution; and
  - (iii) minutes of all general meetings of the Association.
- (b) A member of the Association may obtain a copy of any of the documents referred to in rule 47(a) on payment of a fee of not more than \$1 for each page copied.

---

## 48 Service of notices

- (a) For the purpose of this constitution, a notice may be served on or given to a person:
  - (i) by delivering it to the person personally;
  - (ii) by sending it by pre-paid post to the address of the person; or
  - (iii) by sending it by facsimile transmission or some other form of electronic transmission (email, SMS, etc) to an address specified by the person for giving or serving the notice.
- (b) For the purpose of this constitution, a notice is taken, unless the contrary is proved, to have been given or served:
  - (i) in the case of a notice given or served personally, on the date on which it is received by the addressee;
  - (ii) 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
  - (iii) 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.

---

## 49 Financial year

The financial year of the Association is:

- (a) the period of time commencing on the date of inception of the Association and ending on the following 30 June, and
- (b) each period of 12 months after the expiration of the previous financial year of the Association, commencing on 1 July and ending on the following 30 June.