

**CONSTITUTION OF  
INDIAN SOCIETY OF WESTERN AUSTRALIA  
(ISWA) [2011 Edition]**

# Indian Society of Western Australia Constitution

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## **RULES OF ISWA**

### **1. Name**

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

### **2. Definitions**

In these rules, unless the contrary intention appears-

**Act** means the Associations Incorporation Act 1987 (WA) as amended;

**AGM** means Annual General Meeting;

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

**Committee** means the Management Committee;

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

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

**Department** means the government department with responsibility for administering the *Associations Incorporation Act (1987)*;

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

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

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

**Management Committee** is Committee of Management of ISWA;

**Member** means member of ISWA;

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

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

**Resolution** is the successful outcome by a majority vote at a GM on a Motion.

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

**Returning Officer (RO)** is the officer appointed by the Management Committee to conduct elections and to attend all incidental matters relating thereto;

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**Rules** means this Constitution;

**SGM** means Special General Meeting;

**The Society** means Indian Society of Western Australia (or ISWA)

**Special resolution** is a resolution passed by a special majority (three-fourths of the members of ISWA who are entitled under the rules of ISWA to vote and vote in person) in accordance with the Act.

### 3. Objects of ISWA

(1) The objects of ISWA are-

- I. To foster participation of people of Indian origin with other likeminded communities in the development of a cohesive, culturally pluralistic society.
- II. To stimulate and promote interest and appreciation of Indian culture and values in its widest sense.
- III. To assist, encourage, participate and initiate activities, which promote the welfare and social, cultural and educational aspirations of Australian residents of Indian origin.
- IV. To promote joint action and cooperation between Indian ethnic communities on issues of common concern in Australia.
- V. To cooperate and/or affiliate with any other association in Australia or elsewhere sharing the principles enshrined in these objects.

(2) The property and income of ISWA shall be applied solely towards the promotion of the objects of ISWA and no part of that property or income may be paid or otherwise distributed, directly or indirectly, to members, except in good faith in the promotion of those objects.

### 4. Powers of ISWA

- (1) The powers conferred on ISWA are the same as those conferred in the Act, so that subject to the Act and any additions, exclusions or modifications inserted below, ISWA may do all things necessary or convenient for carrying out its objects and purposes, and in particular, may-
- a) acquire, hold, deal with, and dispose of any real or personal property;
  - b) open and operate bank accounts;
  - c) invest its money-
    - i) in a recognised Australian Bank deposit; or
    - ii) in any other lawful manner authorised at a General Meeting of ISWA;
  - d) borrow money upon such terms and conditions as ISWA thinks fit;
  - e) give such security for the discharge of liabilities incurred by ISWA as ISWA thinks fit;
  - f) appoint agents to transact any business of ISWA on its behalf;
  - g) enter into any other contract it considers necessary or desirable; and

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- h) may act as trustee and accept and hold real and personal property upon trust, but does not have power to do any act or thing as a trustee that, if done otherwise than as a trustee, would contravene this Act or the rules of ISWA.

## 5. Qualifications for membership of ISWA

- (1) Membership of ISWA is open to-
  - a) Membership of ISWA is open to any person who has the interest in fostering the objects of ISWA;
  - b) All Associations who have similar objectives and cultural linkage; and
  - c) All corporate entities that endorse objectives of ISWA.
- (2) A person or an Association or Corporate entity who wishes to become a member must-
  - (a) apply for membership to the Committee in writing-
    - (i) signed by that person or authorised representative of that Association or Corporate entity and by both of the members referred to in paragraph (b); and
    - (ii) in such form as the Committee from time to time directs; and
  - (b) be proposed by one ordinary/life member and seconded by another ordinary/life member.
- (3) The Committee members must consider each application made under sub-rule (2) at a Committee meeting and must at the Committee meeting or the next Committee meeting accept or reject that application.
- (4) An applicant whose application for membership of ISWA is rejected under sub-rule (3) must, if he or she wishes to appeal against that decision, give notice to the Secretary of his or her intention to do so within a period of 14 days from the date he or she is advised of the rejection.
- (5) When notice is given under sub-rule (4), ISWA in a general meeting no later than the next annual general meeting, must either confirm or set aside the decision of the Committee to reject the application, after having afforded the applicant who gave that notice a reasonable opportunity to be heard by, or to make representations in writing to, ISWA in the general meeting.

## 6. Membership Categories

- (1) Membership of ISWA shall comprise of the following categories:
  - (i) **Ordinary Member:** single or family (partners married or defacto plus children under 18 years of age). Ordinary Members enjoy all benefits and privileges of ISWA membership.
  - (ii) **Life Member:** single or family (partners married or defacto plus children under 18 years of age). Life Members continue to enjoy all benefits and privileges of ISWA membership.
  - (iii) **Associate Member:** is reserved for likeminded associations.
  - (iv) **Corporate Member:** is reserved for businesses that support ISWA.

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

## **7. Register of members of ISWA**

- (1) The Secretary, on behalf of ISWA, must comply with the Act by keeping and maintaining-
- an up to date condition a register of the members of ISWA, their postal or residential addresses and, upon the request of a member of ISWA, shall make the register available for the inspection of the member and the member may take an extract from the register but shall have no right to remove the register for that purpose.
- (2) The register must be so kept and maintained at the Secretary's place of residence or at such other place as the members at a general meeting decide.
- (3) The Secretary must cause the name of a person who dies or who ceases to be a member under rule 9 to be deleted from the register of members referred to in sub-rule (1).

## **8. Subscriptions of members of ISWA**

- (1) The members may from time to time at a GM determine the amount of the subscription to be paid by each member.
- (2) Each member must pay to the Treasurer, annually on or before 1 January or such other date as the Committee from time to time determines, the amount of the subscription determined under sub-rule (1).
- (3) Subject to sub-rule (4), a member whose subscription is not paid within 3 months after the relevant date fixed by or under sub-rule (2) ceases on the expiry of that period to be a member, unless the Committee decides otherwise.
- (4) A person exercises all the rights and obligations of a member for the purposes of these rules if his or her subscription is paid on or before the relevant date fixed by or under sub-rule (2) or within 3 months thereafter, or such other time as the Committee allows.
- (5) The Management Committee may from time to time offer discounts for membership drive at events only.

## **9. Termination of membership of ISWA**

- (1) Membership of ISWA may be terminated upon-
- a. receipt by the Secretary or another Committee member of a notice in writing from a member of his or her resignation from ISWA. Such person remains liable to pay to ISWA the amount of any subscription due and payable by that person to ISWA but unpaid at the date of termination; or

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- b. non-payment by a member of his or her subscription within three months of the date fixed by the Committee for subscriptions to be paid, unless the Committee decides otherwise in accordance with rule 8 (3); or
- c. death of a person if the member is single and in the case of family the spouse/partner will retain the membership; or
- d. expulsion of a member in accordance with rule 10.

## **10. Suspension or expulsion of members of ISWA**

- (1) If the Committee considers that a member should be suspended or expelled from membership of ISWA because his or her conduct is detrimental to the interests of ISWA, the Committee must communicate, in writing, to the member-
  - a. notice of the proposed suspension or expulsion and of the time, date and place of the Committee meeting at which the question of that suspension or expulsion will be decided; and
  - b. particulars of that conduct,

not less than 30 days before the date of the Committee meeting referred to in paragraph (a). The member may appear in person and address the Management Committee meeting before the Committee proceeding to vote on the matter.

- (2) At the Committee meeting referred to in a notice communicated under sub-rule (1), the Committee may suspend or expel or decline to suspend or expel that member from membership of ISWA and must, forthwith after deciding whether or not to suspend or expel that member, communicate that decision in writing to that member.
- (3) Subject to sub-rule (5), a member has his or her membership suspended or ceases to be a member 14 days after the day on which the decision to suspend or expel a member is communicated to him or her under sub-rule (2).
- (4) A member who is suspended or expelled under sub-rule (2) must, if he or she wishes to appeal against that suspension or expulsion, give notice to the Secretary of his or her intention to do so within the period of 14 days referred to in sub-rule (3).
- (5) When notice is given under sub-rule (4)-
  - (a) ISWA in a general meeting, must either confirm or set aside the decision of the Committee to suspend or expel the member, after having afforded the member who gave that notice a reasonable opportunity to be heard by, or to make representations in writing to, ISWA in the general meeting; and
  - (b) the member who gave that notice is not suspended or does not cease to be a member unless and until the decision of the Committee to suspend or expel him or her is confirmed under this sub-rule.

## **11. Management Committee**

- (1) Subject to sub-rule (9), the affairs of ISWA will be managed exclusively by a Management Committee consisting of-
  - (a) a President;
  - (b) a Vice-President;

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- (c) a Secretary;
  - (d) a Treasurer;
  - (e) an Assistant Secretary;
  - (f) an Assistant Treasurer;
  - (g) Immediate Past President; and
  - (h) 6 (six) additional Committee Members, all of whom must be ordinary/life members of ISWA.
- (2) A member must be financial member of ISWA for at least one year prior to nomination on the Committee.
  - (3) A member must have served on the Management Committee for at least one full term at any time to nominate for the positions of President and Secretary.
  - (4) All Committee members shall be eligible for re-election except for the position of President. The President cannot nominate him/herself for the third consecutive term.
  - (5) Committee members must be elected to membership of the Committee at an annual general meeting or appointed under sub-rule (6).
  - (6) If a vacancy remains on the Committee after the election conducted in accordance with rule 12, or when a casual vacancy within the meaning of rule 16 occurs in the membership of the Committee-
    - (a) the Committee may appoint a member to fill that vacancy; and
    - (b) a member appointed under this sub-rule will -
      - (i) hold office until the election referred to in sub-rule (5); and
      - (ii) be eligible for election to membership of the Committee, at the next following annual general meeting.
  - (7) The term of the Management Committee shall be two years i.e. elected at every alternative AGM.
  - (8) The Committee may delegate, in writing, to one to more sub-committees (consisting of such member or members of ISWA as the Committee thinks fit) the exercise of such functions of the Committee as are specified in the delegation other than-
    - (a) the power of delegation; and
    - (b) a function which is a duty imposed on the Committee by the Act or any other law.
  - (9) Any delegation under sub-rule (8) may be subject to such conditions and limitations as to the exercise of that function or as to time and circumstances as are specified in the written delegation and the Committee may continue to exercise any function delegated.
  - (10) The Committee may, in writing, revoke wholly or in part any delegation under sub-rule (9).

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## **12. Election of Management Committee**

- (1) Not less than 30 days prior to an Annual General Meeting (AGM), the Management Committee shall appoint a Returning Officer (RO).
- (2) The Secretary shall provide to the RO a complete list of voting members prior to the close of nominations for election.
- (3) The RO shall perform his functions and duties independently and in good faith. His functions and duties shall include, to:
  - Resolve objections to any nomination;
  - Ensure there are no irregularities in the election process;
  - Authenticate submitted nominations, reject irregular nominations and advise the affected parties;
  - Invite nominations from the floor at the AGM, for positions for which no or invalid nominations were received;
  - Conduct the election process at the AGM including counting of votes and announcement of the election results; and
  - Attend to any incidental duties falling within his functions.
- (4) The Secretary shall issue a written notice at least 21 days prior to the elections, in substantially the sample form described at Schedule C of these Rules, to all eligible members inviting nominations for election to the incoming MC. The Notice shall also be posted on the ISWA website and delivered by email or posted to all members at their last known address.
- (5) Nominations for elections must be submitted on the prescribed forms and delivered to the RO in sealed envelopes, on or before the last date and time specified, being no later than 7 days prior to the elections. Late nominations or nominations not in the prescribed form shall be rejected by RO.
- (6) A valid nomination is one which meets the basic requirements of identifying the position nominated for, the nominee must meet the criteria required for that position, states the full names of the proposer, seconder and nominee, who must all be either Ordinary or Life Members, and be signed by all.
- (7) The RO shall immediately, after the fixed closing time, open all received nominations in the presence of not less than three members of the outgoing MC. RO shall then place the valid nominations on a ballot sheet, in alphabetical order, according to positions nominated. Any invalid nominations received shall be kept separately.
- (8) A member may only be nominated for one position. Nomination of a member for more than one position will automatically disqualify the nominated member for all positions.
- (9) The list of valid nominees shall then be promptly emailed to all members and/or posted on the ISWA website.
- (10) If vacancies remain on the Committee after the declaration under sub-rule (9), additional nominations of Committee members may be accepted from the floor of the annual general meeting. If such nominations from the floor do not exceed the number of vacancies the RO must declare those persons to be duly elected as members of Committee. Where the number of nominations from the floor exceeds

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the remaining number of vacancies on the Committee, elections for those positions must be conducted.

## **13. President and Vice-President**

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

## **14. Secretary and Assistant Secretary**

The Secretary must-

- (a) co-ordinate the correspondence of ISWA;
- (b) keep full and correct minutes of the proceedings of the Committee and of ISWA;
- (c) comply on behalf of ISWA with
  - (i) section 27 of the Act with respect to the register of members of ISWA, as referred to in rule 7;
  - (ii) section 28 of the Act by keeping and maintaining in an up to date condition the rules of ISWA and, upon the request of a member of ISWA, must make available those rules for the inspection of the member and the member may make a copy of or take an extract from the rules but will have no right to remove the rules for that purpose; and
  - (iii) section 29 of the Act by maintaining a record of -
    - (A) the names and residential or postal addresses of the persons who hold the offices of ISWA provided for by these rules, including all offices held by the persons who constitute the Committee and persons who are authorised to use the common seal of ISWA under rule 25; and
    - (B) the names and residential or postal addresses of any persons who are appointed or act as trustees on behalf of ISWA,and the Secretary must, upon the request of a member of ISWA, make available the record for the inspection of the member and the member may make a copy of or take an extract from the record but will have no right to remove the record for that purpose;
- (d) unless the members resolve otherwise at a general meeting, have custody of all books, documents, records and registers of ISWA, including those referred to in paragraph (c) but other than those required by rule 13 to be kept and maintained by, or in the custody of, the Treasurer; and
- (e) perform such other duties as are imposed by these rules on the Secretary.

The Assistant Secretary shall assist Secretary in performing his/her role

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## **15. Treasurer and Assistant Treasurer**

The Treasurer must-

- (a) be responsible for the receipt of all moneys paid to or received by, or by him or her on behalf of, ISWA and must issue receipts for those moneys in the name of ISWA;
- (b) pay all moneys referred to in paragraph (a) into such account or accounts of ISWA as the Committee may from time to time direct;
- (c) make payments from the funds of ISWA with the authority of a general meeting or of the Committee and in so doing ensure that all cheques are signed by any two of the following: President, Vice President, Secretary, Assistant Secretary, Treasurer, Assistant Treasurer or any other committee member of the Society who may be authorised from time to time by the Committee;
- (d) comply on behalf of ISWA with sections 25 and 26 of the Act with respect to the accounting records of ISWA by-
  - (i) keeping such accounting records as correctly record and explain the financial transactions and financial position of ISWA;
  - (ii) keeping its accounting records in such manner as will enable true and fair accounts of ISWA to be prepared from time to time;
  - (iii) keeping its accounting records in such manner as will enable true and fair accounts of ISWA to be conveniently and properly audited; and
  - (iv) submitting to members at each annual general meeting of ISWA accounts of ISWA showing the financial position of ISWA at the end of the immediately preceding financial year;
- (e) whenever directed to do so by the President, submit to the Committee a report, balance sheet or financial statement in accordance with that direction;
- (f) unless the members resolve otherwise at a general meeting, have custody of all securities, books and documents of a financial nature and accounting records of ISWA, including those referred to in paragraphs (d) and (e); and
- (g) perform such other duties as are imposed by these rules on the Treasurer.

The Assistant Treasurer shall assist the Treasurer in performing his/her role

## **16. Casual vacancies in membership of Committee**

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

- (a) dies;
- (b) resigns by notice in writing delivered to the President or, if the Committee member is the President, to the Vice-President and that resignation is accepted by resolution of the Committee;
- (c) is convicted of an offence under the Act;
- (d) is permanently incapacitated by mental or physical ill-health;
- (e) is absent from more than-
  - (i) 3 consecutive Committee meetings; or
  - (ii) 3 Committee meetings in the same financial year without tendering an apology to the person presiding at each of those Committee meetings; of which meetings the member received notice, and the Committee has resolved to declare the office vacant;

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- (f) ceases to be a member of ISWA; or
- (g) is the subject of a resolution passed by a general meeting of members terminating his or her appointment as a Committee member.

## **17. Proceedings of Committee**

- (1) The Committee must meet together for the dispatch of business not less than 9 (nine) times in each year and the President, or at least half the members of the Committee, may at any time convene a meeting of the Committee.
- (2) Each Committee member has a deliberative vote.
- (3) A question arising at a Committee meeting must be decided by a majority of votes, but, if there is no majority, the person presiding at the Committee meeting will have a casting vote in addition to his or her deliberative vote.
- (4) At a Committee meeting 50% of the Committee members constitute a quorum.
- (5) Subject to these rules, the procedure and order of business to be followed at a Committee meeting must be determined by the Committee members present at the Committee meeting.
- (6) As required under sections 21 and 22 of the Act, a Committee member having any direct or indirect pecuniary interest in a contract, or proposed contract, made by, or in the contemplation of, the Committee (except if that pecuniary interest exists only by virtue of the fact that the member of the Committee is a member of a class of persons for whose benefit ISWA is established), must-
  - (a) as soon as he or she becomes aware of that interest, disclose the nature and extent of his or her interest to the Committee; and
  - (b) not take part in any deliberations or decision of the Committee with respect to that contract.
- (7) Sub-rule (6) (a) does not apply with respect to a pecuniary interest that exists only by virtue of the fact that the member of the Committee is an employee of ISWA.
- (8) The Secretary must cause every disclosure made under sub-rule (6) (a) by a member of the Committee to be recorded in the minutes of the meeting of the Committee at which it is made.

## **18. Auditor**

The annual general meeting shall appoint an auditor who need not be a member of the Society. Should the appointed auditor be a member of the Society he/she may not hold any other office on the Committee during his/her term as auditor.

- (a) The auditor shall report to the members on accounts required to be laid before the Annual General Meeting and on the Society's accounting records.
- (b) The auditor's report referred to in sub-clause (b) shall be attached to the accounts presented to the annual general meeting.

## **19. General meetings**

- (1) The Committee-

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- (a) may at any time convene a special general meeting;
  - (b) must convene annual general meetings within the time limits provided for the holding of such meetings within 4 months after the end of the ISWA's financial year; and
  - (c) must, within 30 days of-
    - (i) receiving a request in writing to do so from not less than-10% of voting members, convene a special general meeting for the purpose specified in that request; or
    - (ii) the Secretary receiving a notice under rule 10 (4), convene a general meeting to deal with the appeal to which that notice relates;
  - (d) must, after receiving a notice under rule 5 (4), convene a general meeting, no later than the next annual general meeting, at which the appeal referred to in the notice will be dealt with. Failing that, the applicant is entitled to address ISWA at that next annual general meeting in relation to the Committee's rejection of his or her application and ISWA at that meeting must confirm or set aside the decision of the Committee.
- (2) The members making a request referred to in sub-rule (1) (c) (i) must-
- (a) state in that request the purpose for which the special general meeting concerned is required; and
  - (b) sign that request.
- (3) If a special general meeting is not convened within the relevant period of 30 days referred to-
- (a) in sub-rule (1) (c) (i), the members who made the request concerned may themselves convene a special general meeting as if they were the Committee; or
  - (b) in sub-rule (1) (c) (ii), the member who gave the notice concerned may him or herself convene a special general meeting as if he or she was the Committee.
- (4) When a special general meeting is convened under sub-rule (3) (a) or (b) ISWA must pay the reasonable expenses of convening and holding the special general meeting.
- (5) Subject to sub-rule (7), the Secretary must give to all members not less than 14 days notice of a special general meeting and that notice must specify-
- (a) when and where the general meeting concerned is to be held; and
  - (b) particulars of the business to be transacted at the general meeting concerned and of the order in which that business is to be transacted.
- (6) Subject to sub-rule (7), the Secretary must give to all members not less than 21 days notice of an annual general meeting and that notice must specify-
- (a) when and where the annual general meeting is to be held; and
  - (b) the particulars and order in which business is to be transacted, as follows-
    - (i) first, the consideration of the accounts and reports of the Committee;
    - (ii) second, the election of Committee members to replace outgoing Committee members; and
    - (iii) third, any other business requiring consideration by ISWA at the general meeting.

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- (7) A special resolution may be moved either at a special general meeting or at an annual general meeting, however the Secretary must give to all members not less than 21 days notice of the meeting at which a special resolution is to be proposed. In addition to those matters specified in sub-rule (5) or (6), as relevant, the notice must also include the resolution to be proposed and the intention to propose the resolution as a special resolution.
- (8) The Secretary must give a notice under sub-rule (5), (6) or (7) by-
  - (a) serving it on a member personally; or
  - (b) sending it by email or post to a member at the address of the member appearing in the register of members kept and maintained under rule 6.
- (9) When a notice is sent by email or post under sub-rule (8) (b), sending of the notice will be deemed to be properly effected if the notice is sufficiently addressed and emailed or posted to the member concerned by email or ordinary prepaid mail.

## **20. Quorum and proceedings at general meetings**

- (1) At a general meeting 40 members present in person constitute a quorum.
- (2) If the quorum is not achieved at the time specified for the GM then-
  - (a) In the case of an AGM or an SGM convened by the Management committee, the President may reconvene the meeting after the lapse of 15 minutes after the appointed time, whereafter the members then present shall be deemed sufficient quorum to carry out the Agenda matters. However no vote shall be taken on non essential business if the number of attendees falls below 30; and
  - (b) In the case of member requisitioned SGM , the meeting shall forthwith lapse and shall not be requisitioned again for the same subject matter for the remainder of the term of that Management Committee.
- (3) At a general meeting-
  - (a) an ordinary resolution put to the vote will be decided by a majority of votes cast on a show of hands, subject to sub-rule (5); and
  - (b) a special resolution put to the vote will be decided in accordance with the Act as defined in rule 2, and, if a poll is demanded, in accordance with sub-rules (5) and (7).
- (4) A declaration by the President of a general meeting that a resolution has been passed as an ordinary resolution at the meeting will be evidence of that fact unless, during the general meeting at which the resolution is submitted, a poll is demanded in accordance with sub-rule (5).
- (5) At a general meeting, a poll may be demanded by the President or by three or more members present in person and, if so demanded, must be taken in such manner as the President directs.
- (6) If a poll is demanded and taken under sub-rule (5) in respect of an ordinary resolution, a declaration by the President of the result of the poll is evidence of the matter so declared.

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

## **21. Minutes of meetings of ISWA**

- (1) The Secretary must cause proper minutes of all proceedings of all general meetings and Committee meetings to be taken and then to be entered within 30 days after the holding of each general meeting or Committee meeting, as the case requires, in a minute book kept for that purpose.
- (2) The President must ensure that the minutes taken of a general meeting or Committee meeting under sub-rule (1) are checked and signed as correct by the President of the general meeting or Committee meeting to which those minutes relate or by the President of the next succeeding general meeting or Committee meeting, as the case requires.
- (3) When minutes have been entered and signed as correct under this rule, they are, until the contrary is proved, evidence that-
- (a) the general meeting or Committee meeting to which they relate (in this sub-rule called "the meeting") was duly convened and held;
  - (b) all proceedings recorded as having taken place at the meeting did in fact take place at the meeting; and
  - (c) all appointments or elections purporting to have been made at the meeting have been validly made.

## **22. Voting rights of members of ISWA**

- (1) Subject to these rules, Ordinary and Life Members present in person at a general meeting is entitled to a deliberative vote (up to two votes per family membership).
- (2) Associate Member may appoint in writing two natural persons, whether or not they are members of ISWA, to represent the Associate Member at a particular general meeting or at all general meetings.
- (3) Corporate and Honorary Members do not have voting rights.
- (4) Non voting members may attend as observers but will not participate in debate.

## **23. Proxies**

Proxy votes are not allowed at any meeting of ISWA.

## **24. Rules of ISWA**

- (1) ISWA may alter or rescind these rules, or make rules additional to these rules, in accordance with the procedure set out in sections 17, 18 and 19 of the Act, which is as follows-
- (a) Subject to sub-rule (1) (d) and (1) (e), ISWA may alter its rules by special resolution but not otherwise;
  - (b) Within one month of the passing of a special resolution altering its rules, or such further time as the Commissioner may in a particular case allow (on written application by ISWA), ISWA must lodge with the Commissioner notice of the

# Indian Society of Western Australia Constitution

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special resolution setting out particulars of the alteration together with a certificate given by a member of the Committee certifying that the resolution was duly passed as a special resolution and that the rules of ISWA as so altered conform to the requirements of this Act;

- (c) An alteration of the rules of ISWA does not take effect until sub-rule (1) (b) is complied with;
  - (d) An alteration of the rules of ISWA having effect to change the name of ISWA does not take effect until sub-rules (1) (a) to (1) (c) are complied with and the approval of the Commissioner is given to the change of name; and
  - (e) An alteration of the rules of ISWA having effect to alter the objects or purposes of ISWA does not take effect until sub-rules (1) (a) to (1) (c) are complied with and the approval of the Commissioner is given to the alteration of the objects or purposes.
- (2) These rules bind every member and ISWA to the same extent as if every member and ISWA had signed and sealed these rules and agreed to be bound by all their provisions.

## **25. Common seal of ISWA**

- (1) ISWA must have a common seal on which its corporate name appears in legible characters.
- (2) The common seal of ISWA must not be used without the express authority of the Committee and every use of that common seal must be recorded in the minute book referred to in rule 21.
- (3) The affixing of the common seal of ISWA must be witnessed by any two of the President, the Secretary and the Treasurer.
- (4) The common seal of ISWA must be kept in the custody of the Secretary or of such other person as the Committee from time to time decides.

## **26. Inspection of records, etc. of ISWA**

A member may at any reasonable time inspect without charge the books, documents, records and securities of ISWA.

## **27. Disputes and mediation**

- (1) The grievance procedure set out in this rule applies to disputes under these rules between-
  - (a) a member and another member; or
  - (b) a member and ISWA; or
  - (c) if ISWA provides services to non-members, those non-members who receive services from ISWA, and ISWA.
- (2) The parties to the dispute must meet and discuss the matter in dispute, and, if possible, resolve the dispute within 14 days after the dispute comes to the attention of all of the parties.

## Indian Society of Western Australia Constitution

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- (3) If the parties are unable to resolve the dispute at the meeting, or if a party fails to attend that meeting, then the parties must, within 10 days, hold a meeting in the presence of a mediator.
- (4) The mediator must be-
  - (a) a person chosen by agreement between the parties; or
  - (b) in the absence of agreement-
    - (i) in the case of a dispute between a member and another member, a person appointed by the Management Committee; or
    - (ii) in the case of a dispute between a member or relevant non-member (as defined by sub-rule (1) (c)) and ISWA, a person who is a mediator appointed to, or employed with, a not for profit organisation.
- (5) A member of ISWA can be a mediator.
- (6) The mediator cannot be a member who is a party to the dispute.
- (7) The parties to the dispute must, in good faith, attempt to settle the dispute by mediation.
- (8) The mediator, in conducting the mediation, must-
  - (a) give the parties to the mediation process every opportunity to be heard;
  - (b) allow due consideration by all parties of any written statement submitted by any party; and
  - (c) ensure that natural justice is accorded to the parties to the dispute throughout the mediation process.
- (9) The mediator must not determine the dispute.
- (10) The mediation must be confidential and without prejudice.
- (11) If the mediation process does not result in the dispute being resolved, the parties may seek to resolve the dispute in accordance with the Act or otherwise at law.

### **28. Distribution of surplus property on winding up of ISWA**

If upon the winding up or dissolution of ISWA there remains after satisfaction of all its debts and liabilities any property whatsoever, the same must not be paid to or distributed among the members, or former members. The surplus property must be given or transferred to another association incorporated under the Act which has similar objects and which is not carried out for the purposes of profit or gain to its individual members, and which association shall be determined by resolution of the members.

# Indian Society of Western Australia Constitution

## SCHEDULE A



INDIAN SOCIETY  
OF WESTERN AUSTRALIA

### MEMBERSHIP APPLICATION FORM

#### MEMBERSHIP DETAILS

<b>Type Of Membership</b> (Tick one)	New Membership	Renewal
	<input type="checkbox"/>	Existing Membership No: _____
<b>Membership Category</b>	<b>Annual</b>	<b>Fees (A\$)</b>
Ordinary Membership	<input type="checkbox"/>	25
Life Membership	<input type="checkbox"/>	250
Associate Membership	<input type="checkbox"/>	
Corporate Membership	<input type="checkbox"/>	

**PLEASE NOTE THAT THE ANNUAL MEMBERSHIP EXPIRES ON 31<sup>ST</sup> DEC EVERY YEAR.**

#### PERSONAL DETAILS

Name:		
Date of Birth (dd/mm/yy):	Country of origin:	Citizen:
Address:		Suburb:
City:	State:	Post Code:
Home Phone:	Work Phone:	Mobile:
Email:	Spouse Name:	

#### CHILDREN IF MEMBERSHIP PRIVILEGES DESIRED (UNDER 18 YEARS)

Name	Name
Name	Name

#### SIGNATURES

I authorize the verification of the information provided on this form. I understand that the membership will be effective from the date this application is approved by the Executive Committee. I agree to abide by the Constitution of the Indian society of W.A. at all times and by rules that the Management Committee may establish periodically. I agree to advise the Secretary in any change in my contact details. I understand and agree that my contact details will be used by ISWA for communicating activities and newsletter on ISWA's activity. I understand that the latest copy of the Constitution is always available at the Society's office for members to read.

Signature of applicant:	Date:
Signature of spouse (only if for a joint membership):	Date:

#### REFERENCES (FROM EXISTING ISWA MEMBER)

	Name	Sign
Proposed by:		
Seconded by:		

For Office Use Only

Receipt No: \_\_\_\_\_ Membership Accepted date: \_\_\_\_\_ Membership No:



## ISWA MEMBERSHIP INFORMATION

### WHY BECOME AN ISWA MEMBER:

- The foremost reason is to join activities and communication on our India community by way of registering for ISWA membership. You would be receiving all communications from ISWA, including this newsletter.
- Consider this as your contribution to the community. By merely registering your presence you are doing a great service to community.
- We are not a commercial or leisure establishment. Ours is truly a community organization. Hence, profit / returns could not be motive for becoming member of ISWA. However, joining ISWA and participating in various programs would give you good opportunities for networking with various community members.
- If you have spirit / ambition to do community service, ISWA is one of the platforms to do so. You can take initiatives to conduct community service programs under the ISWA banner, supported by other members.
- You receive rebates on charged programs arranged by ISWA.
- You receive discounts with some commercial establishments.

**Note: Membership amount to be paid by Cheque / Cash / Money Order ONLY.**

### CONTACT DETAILS

Postal Address - P.O. Box: 8377, Perth business Centre, Perth WA 6849

Email: [secretary@iswa-perth.org](mailto:secretary@iswa-perth.org)

Website: [www.iswa-perth.org](http://www.iswa-perth.org)

**SCHEDULE B**

**NOTICE OF A GENERAL MEETING**



**Annexure**

**INDIAN SOCIETY OF WESTERN AUSTRALIA**

PO Box 8377, Perth Business Centre WA 6849

[www.iswa-perth.org](http://www.iswa-perth.org)

**NOTICE OF ANNUAL/SPECIAL GENERAL MEETING**

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

**AGENDA**

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

**Secretary**

**Note:**

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

# Indian Society of Western Australia Constitution

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## SCHEDULE C

### NOTICE OF ELECTION OF MANAGEMENT COMMITTEE OF ISWA

To

Member  
Indian Society of Western Australia (ISWA)

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

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

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

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

Separate forms must be submitted for each position nominated. Extra copies of this form may be made for this purpose. The proposer and seconder must sign every nomination form. The Nominee must sign his consent and declaration on the nomination form. An entitled member may nominate only one person for each position stated in items 1 to 6 below.

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

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

Incomplete, invalid and late forms will be rejected.

It is noted that candidates, proposers and seconders must be eligible to attend the Annual General Meeting, vote and hold elected positions as prescribed in the ISWA Constitution.

(Signed)  
**Secretary ISWA**  
Dated:

# Indian Society of Western Australia Constitution

## SCHEDULE D

### NOMINATION FORM: ELECTION OF MANAGEMENT COMMITTEE AT ANNUAL GENERAL MEETING 20XX

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

Name of Proposer & Membership Number	Signature of Proposer	Date

Name of Secunder & Membership Number	Signature of Secunder	Date

**NOTES:**

- i. The Nominee, Proposer and Secunder must be Ordinary or Life Members of ISWA.
- ii. Nominees for President and Secretary should have served for at least one full term in the Management Committee.
- iii. Members can be nominated in a maximum of one position only. Nomination for more than one position will automatically disqualify member for all positions.
- iv. Separate Nominations Forms must be used for each nomination.
- v. Nomination Form to reach the Returning Officer before the closing time and date.
- vi. Incomplete Forms , in any form whatsoever , will result in an invalid nomination

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**For use of Returning Officer**

**Nomination: Accepted / Rejected**

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

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