

CONSTITUTION (RULES)
of
The BURGHER ASSOCIATION (AUSTRALIA)
INCORPORATED

Registration No. A 0007821 F

ABN 28890322651



Incorporating changes accepted by the Annual General Meeting in November 2007 and approved by The Registrar of Incorporated Associations in December 2007

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BA(A) Inc. RULES Page 2 of 28**STATEMENT OF PURPOSES**

1. The name of the association is BURGHER ASSOCIATION (AUSTRALIA) INCORPORATED.
2. The purposes of the association are, as the representative organization of the Burgher Community in Australia:
 - (a) To afford relief to needy members of the community resident in Australia and Sri Lanka.
 - (b) To combat the problem of loneliness of the elderly or retired persons, especially migrants of the Sri Lankan communities and related groups in the country of our adoption.
 - (c) To assist wherever possible in overcoming problems created by illness, disability or death.
 - (d) To foster integration, friendship and good relations between members and the people of the country of our adoption.
 - (e) To promote social, recreational and educational interests and activity for children, adults and the elderly.
 - (f) To provide and maintain a building as a place of

assembly to be used for appropriate purposes listed above; and to be operative on a charitable basis irrespective of sex, political and religious persuasions or economic situation.

RULES OF THE BURGHER ASSOCIATION (AUSTRALIA) INCORPORATED

1. The name of the incorporated association is:
Burgher Association (Australia) Inc.

INTERPRETATION

2. (1) In these rules, unless the contrary intention appears:

“**Association**” means Burgher Association (Australia) Inc;

“**Committee**” means the Committee of Management of the Association;

“**Financial Member**” at any date means a member who has paid all moneys due and payable by that person as a member including the annual subscription for the year in which that date occurs;

“**Financial Year**” means the year ending on 30 June;

“**General Meeting**” means a general meeting of members convened in accordance with Rule 11;

“**Member**” means a member of the Association;

“**Ordinary Member of the Committee**” means a member of the Committee who is not an officer of the Association under Rule 20;

“**Spouse**” includes a defacto spouse or partner of the opposite sex;

“**The Act**” means the Associations Incorporation Act 1981;

“**The Regulations**” means the regulations under the Act.

- (2) In these Rules, a reference to the secretary of an Association is a reference:
 - (a) where a person holds office under the Rules as secretary of the Association - to that person; and
 - (b) in any other case, to the public officer of the Association.

- (3) Words or expressions contained in these rules shall be interpreted in accordance with the provisions of the Acts Interpretation Act 1958, and the Act as in force from time to time

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- (4) In, and for the purpose of, these Rules a person belongs to or is a member of the Burgher Community if:
- (a) an ancestor of that person (whether by paternal or maternal lineage) is or was, by birth or legal adoption, of Portuguese, Dutch or other European nationality; and
 - (b) either:
 - (i) that person was born in Ceylon/Sri Lanka ; or
 - (ii) an ancestor of that person (whether by paternal or maternal lineage) was born in Ceylon/Sri Lanka;
- (5) In, and for the purpose of, these Rules a spouse of a person who belongs to or is a member of the Burgher Community also belongs to or is a member of the Burgher Community.

3. MEMBERSHIP

- (a) Any natural person may apply for membership by making application to the Association in the form set out in Appendix 1 containing the signatures of a proposer and seconder, each of whom must be financial members;
- (b) There shall be 3 categories of Membership, namely Ordinary Members, Associate Members and Affiliate Members and,
 - (i) Ordinary Membership shall be available to persons who qualify as belonging to the Burgher Community as defined in these rules, and,
 - (ii) Associate Membership shall be available to all other persons who do not qualify under category 3. (b) (i) above and obtained such category of membership prior to 18th April 2006,

and after which date no more applications for Associate membership will be considered.

- (iii) Affiliate Membership shall be available from 18th April 2006 to all other persons who do not qualify under category 3. (b) (i) above

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- c) Every Ordinary Member or an Associate Member who is a Financial Member (whether or not paying for membership of part of a couple) is entitled to nominate an eligible person under these rules to any office on the Committee, to propose or second a proposal for membership, or vote at meetings of members subject to qualifying under Clauses 8 (8) or 10 (6) of these rules as it applies to Annual General Meetings or Special General Meetings. Only an Ordinary Member may be an office bearer of the Association.
- (d) Any Affiliate member is entitled to participate and enjoy all of the benefits that the Association offers to Ordinary and Associate Members but they are not entitled to:-
 - (i) Vote or be present at general meetings of members,
 - (ii) Nominate a person to any position on the Committee of Management, and
 - (iii) Propose or second an application for membership
- (e) the Secretary or a person acting in the place of the Secretary shall table at each Committee meeting all applications for membership received since the previous Committee meeting (or which have not otherwise been considered by the Committee)
- (f) the fees for both categories of membership of an individual, or of a couple who are and identify themselves as spouses, shall be:
 - (i) a joining fee of \$5.00 plus any government charges and/or taxes (if any) for new applications for membership;
 - (ii) annual subscriptions of \$15.00 plus any government charges and/or taxes (if any) for each year commencing on 1 July and

ending on 30 June of the following year, or any part of that year;
or such other amounts as the members in general meeting
determine from time to time

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- (g) Upon a nomination being referred to the Committee, the Committee shall determine whether to approve or to reject the nomination. An application for membership can only be rejected if three fourths of the members of the Committee of Management present, reject the application. The Association shall, within 2 weeks notify the nominee of the decision of the General Committee and if the decision was to reject the application the proposer and seconder may request that a general meeting be called so that the members can then vote on the applicant.
- (h) A right, privilege, or obligation of a person by reason of his/her membership of the Association:-
 - (i) is not capable of being transferred or transmitted to another;
 - (ii) terminates upon the cessation of his/her membership whether by death, resignation, being not financial after the expiry of six months from the financial year that has just ended or otherwise as determined in these rules.
- (i) a financial member can request that his or her spouse become a member without payment of any joining or annual fee by notice (containing the signed consent of the spouse to be a member) in writing to the Association requesting that the spouse be made a member and at the next committee meeting that person shall be entered in the register of members as a member.

REGISTER OF MEMBERS

- 4. The Secretary shall keep and maintain a register of all Members:
 - (a) In which shall be entered the full name, address, category of membership and date of entry of each Member;
 - (b) which may be maintained in electronic form;

- (c) which shall be available for inspection by Members, by appointment with the Secretary at the registered address of the Association.

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Within 5 business days of a request made by a person to the Secretary of a copy of the register for the purpose of requisitioning a meeting under clause 10(4) the Secretary shall provide that person with a certified paper copy of the register without charge.

FINANCE

5. Finance shall be obtained from the subscriptions of members, endowments, grants, public subscription, voluntary contribution, fundraising efforts and other approved means as determined by the Committee, in all cases subject to the requirements of any law, including the Fund Raising Appeals Act (Victoria) 1998 or its successor

TERMINATION OF MEMBERSHIP

6. (1) A member of the Association who has paid all moneys due and payable by him to the Association may resign from the Association by first giving one month's notice, in writing, to the secretary of his intention to resign and upon the expiration of that period of notice, the member shall cease to be a member.
- (2) Upon the expiration of a notice given under sub-clause (1), the secretary shall make in the register of members an entry recording the date on which the member by whom the notice was given, ceased to be a member.
7. (1) Subject to these rules, the Committee may by resolution -
- (a) expel a member from the Association;
 - (b) suspend a member from membership of the Association for a specified period; or
 - (c) fine a member in accordance with the Regulations if the Committee is of the opinion that the member —

- (i) has refused or neglected to comply with these rules; or
- (ii) has been guilty of conduct unbecoming a member or prejudicial to the interests of the Association.

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(2) A resolution of the Committee under sub-clause (1):-

- (a) does not take effect unless the Committee, at a meeting held not earlier than fourteen (14) days and not later than twenty-eight (28) days after the service on the member of a notice under sub-clause (3) confirms the resolution in accordance with this clause; and
- (b) where the member exercises a right of appeal to the Association under this clause it does not take effect unless the Association confirms the resolution in accordance with this clause.

(3) Where the Committee passes a resolution under sub-clause (1), the Secretary shall, as soon as practicable, cause to be served on the member a notice in writing –

- (a) setting out the resolution of the Committee and the grounds on which it is based;
- (b) stating that the member may address the Committee at a meeting to be held not earlier than fourteen (14) days and not later than twenty-eight (28) days after service of the notice;
- (c) stating the date, place and time of that meeting;
- (d) informing the member that he/she may do one or more of the following-
 - (i) Attend that meeting;
 - (ii) Give the Committee, before the date of that meeting, a written statement seeking the revocation of the resolution.
 - (iii) Not later than twenty-four (24) hours before

the date of the meeting, lodge with the Secretary a notice to the effect that he/she wishes to appeal to the Association in general meeting against the resolution

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- (4) At a meeting of the Committee held in accordance with sub-clause (2), the Committee -
 - (a) shall give to the member an opportunity to be heard;
 - (b) shall give due consideration to any written statement submitted by the member; and
 - (c) shall by resolution determine whether to confirm or to revoke the resolution
- (5) Where the Secretary receives a notice under sub-clause (3), he/she shall notify the Committee and the Committee shall convene a general meeting of the Association to be held within fourteen (14) days after the date on which the Secretary received the notice.
- (6) At a general meeting of the Association convened under sub-clause (5) -
 - (a) no business other than the question of the appeal shall be transacted;
 - (b) the Committee may place before the meeting details of the grounds for the resolution and the reasons for the passing of the resolution;
 - (c) the member shall be given an opportunity to be heard; and
 - (d) the members present shall vote by secret ballot, on the question whether the resolution should be confirmed or revoked.
- (7) If at a general meeting -
 - (a) two thirds of the members vote in person in favour of the

- confirmation of the resolution, the resolution is confirmed; and
- (b) in any other case, the resolution is revoked.

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ANNUAL GENERAL MEETING

8. (1) The Association shall in each calendar year convene an annual general meeting of its members.
- (1) The annual general meeting shall be held within five (5) months of the end of the financial year.
- (2) The annual general meeting shall be specified as such in the notice convening it
- (3) The ordinary business of the annual general meeting shall be
- (a) to confirm the minutes of the last preceding annual general meeting and of any general meeting held since that meeting;
- (b) to receive from the Committee reports upon the transactions of the Association during the last preceding financial year;
- (c) to elect officers of the Association and the ordinary members of the Committee;
- (d) to receive and consider the audited statement submitted by the Association in accordance with Section 30(3) of the Act;
- (e) to elect an auditor for the ensuing year; and
- (f) to discuss any other business.
- (5) The annual general meeting may transact special business of which notice is given in accordance with these rules.
- (6) The annual general meeting shall be in addition to any other

general meetings that may be held in the same year.

- (7) At least 21 days notice of the annual general meeting shall be given to all members.

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- (8) Only Ordinary and Associate members who are Financial Members as at the date of the Annual General Meeting and were also Financial Members on the 30th of June just preceding the Annual General Meeting are entitled to be present and vote at such Annual General Meeting
- (9) Fifteen members personally present being members entitled to vote at a general meeting, constitute a quorum for the transaction of business at the annual general meeting.

SPECIAL GENERAL MEETING

- 9 All general meetings other than the annual general meeting shall be called special general meetings.
10. (1) The Committee may, whenever it thinks fit, convene a special general meeting of the Association.
 - (2) The Committee shall, convene a special general meeting of the Association on the requisition in writing of thirty Ordinary and/or Associate members who were Financial members on the 30th June just preceding the date of the requisition.
 - (3) The requisition for a special general meeting shall state the objects of the meeting and shall be signed by the members making the requisition and sent to the address of the Secretary and may consist of several documents in a like form, each signed by one or more of the members making the requisition
 - (4) If the Committee does not cause a special general meeting to be held within one month after the date on which the requisition is sent to the address of the Secretary the members making the requisition as per Clause 10 (2) above,

or any of them, may convene a special general meeting to be held not later than three (3) months after that date.

- (5) A special general meeting convened by members in pursuance of these rules shall be convened in the same

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manner as nearly as possible as that in which those meetings are convened by the Committee and all reasonable expenses incurred in convening the meeting shall be refunded by the Association to the persons incurring the expenses.

- (6) Only Ordinary and Associate members who are Financial Members as at the date of the Special General Meeting and were also Financial Members on the 30th of June just preceding the Special General Meeting are entitled to be present and vote at such Special General Meeting.

NOTICE OF MEETINGS

11. (1) The Secretary of the Association shall, at least 21 days before the date fixed for holding a general meeting of the Association, cause to be sent to each member of the Association at his address appearing in the register of members, a notice by pre-paid post or personally stating the place, date and time of the meeting and the nature of the business to be transacted at the meeting.
- (2) No business other than that set out in the notice convening the meeting shall be transacted at the meeting
- (3) A member desiring to bring any business before a meeting may give notice of that business in writing to the Secretary, who shall include that business in the notice calling the next general meeting after the receipt of the notice.
- (4) A notice may be served by or on behalf of the Association upon any member either personally or by sending it by post to the member at his address shown in the Register of Members.

(5) Where a document is properly addressed pre-paid and posted to a person as a letter, the document shall, unless the contrary is proved, be deemed to have been given to the person at the time at which the letter would have been delivered in the ordinary course of post.

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PROCEDURE AT MEETINGS

- 12 (1) All business that is transacted at a special general meeting and all business that is transacted at the annual general meeting with the exception of that specially referred to in these rules as being the ordinary business of the annual general meeting shall be deemed to be special business.
- (2) No item of business shall be transacted at a general meeting unless a quorum of members entitled under these rules to vote is present during the time when the meeting is considering that item.
- (3) Fifteen (15) members personally present (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.
- (4) If within half an hour after the appointed time for the commencement of a general meeting, a quorum is not present, the meeting if convened upon the requisition of members shall be dissolved and in any other case shall stand adjourned to the same day in the next week at the same time and (unless another place is specified by the Chairman at the time of the adjournment or by written notice to members given before the day to which the meeting is adjourned) at the same place and if at the adjourned meeting the quorum is present within half an hour after the time appointed for the commencement of the meeting, the members present (being not less than ten (10) shall be a quorum.
- 13 (1) The President, or in his absence, the Vice President, shall preside as Chairman at each general meeting of the Association.
- (2) If the President and the Vice-President are absent from a general meeting, the members present shall elect one of their number to preside as Chairman at the meeting.

- 14 (1) The Chairman of the general meeting at which a quorum is present may, with the consent of the meeting, adjourn the meeting from time to time and place to place, but no business

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shall be transacted at an adjourned meeting other than the business left unfinished at the meeting at which the adjournment took place.

- (2) Where a meeting is adjourned for 14 days or more, a like notice of the adjourned meeting shall be given as in the case of the general meeting.
- (3) Except as provided in sub-clauses (1) and (2), it is not necessary to give notice of an adjournment or of the business to be transacted at an adjourned meeting.
15. A question arising at a general meeting of the Association shall 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 Chairman that a resolution has, on a show of hands, been carried or carried unanimously or carried by a particular majority or lost, and 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.
- 16 (1) Upon any question arising at a general meeting of the Association, a member has one vote only.
- (2) All votes shall be given personally.
- (3) In the case of an equality of voting a question, the Chairman of the meeting is entitled to exercise a second or casting vote.
- 17 (1) If at a meeting a poll on any question is demanded by not less than three members, it shall be taken at that meeting in such manner as the Chairman may direct and the resolution of the poll shall be deemed to be a resolution of the meeting on that question.
- (2) A poll that is demanded on the election of a Chairman or on a question of an adjournment shall be taken forthwith and a poll that is demanded on any other question shall be taken at such

time before the close of the meeting as the Chairman may direct

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- 18 (1) A member is not entitled to vote at any general meeting unless all moneys due and payable by him to the Association have been paid, including the amount of the annual subscription payable in respect of the current financial year.
- (2) There shall be no votes cast by proxy at any general meeting of the Association.

COMMITTEE OF MANAGEMENT

- 19 (1) The affairs of the Association shall be managed by a Committee of Management constituted as provided in Rule 20.
- (2) The Committee :-
- (a) shall control and manage the business and affairs of the Association;
 - (b) may, subject to these rules, the regulations and the Act, exercise all such powers and functions as may be exercised by the Association other than those powers and functions that are required by these rules to be exercised by general meetings of the members of the Association; and
 - (c) subject to these rules, the Regulations and the Act, has power to perform all such acts and things as appear to the Committee to be essential for the proper management of the business and affairs of the Association but not including any transaction to sell or mortgage/encumber any real estate properties owned by the Association unless executing a decision adopted by a resolution to do so by a General Meeting of the membership.
- 20 (1) The Committee of Management shall consist of the following office bearers and committee members:—
- (a) A President;

- (b) A Vice President;
- (c) A Secretary;

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- (d) (an Assistant Secretary;
 - (e) A Treasurer;
 - (f) An Assistant Treasurer,
 - (g) An Editor;
 - (h) A Public Relations Manager, and,
 - (f) Seven (7) ordinary members of the Committee.
- (2) (a) A member is only entitled to hold the Office of President for Two consecutive years. However, he/she may nominate again for the same position after the expiry of at least 3 years
- (b) Members are not permitted to occupy more than one position on the committee.
- (c) The nominations for positions on the committee of management shall be requested in the Notice summoning the Annual General Meeting. The nomination form, which is attached to the notice will allow for the name and signature of the nominee, as well as that of the proposer and seconder. Additionally:
- (i) The completed nomination form is to be placed in a sealed envelope with the word nomination at the bottom left hand corner and delivered to the Association at its Postal Address on or before the date and time specified on the Notice(which should be at least 14 days from the date of the Notice but no later than 14 days before the AGM).
 - (ii) All nominations are to remain confidential until the time of their opening at the registered premises of the Association. All members will be notified of the date and time of the opening of all nominations in order that they may witness the complete process

21 (1) All Office Bearers and members of the Committee shall be elected

at the annual general meeting. They shall be elected for a period of one year and shall retire at the annual general meeting next following but shall be eligible for re-election.

(2) In the event of a casual vacancy occurring during the year, the

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Committee shall have power to appoint a new member from the members of the Association. Any person so appointed shall hold office until the next annual general meeting only, but shall be eligible for re-election.

22 No member of the Committee shall be appointed to or retain any paid office of the Association whilst he/she is a member of the Committee.

23 (1) No member of the Committee shall directly or indirectly supply goods or services to the Association where such goods or services can be satisfactorily obtained elsewhere locally.

(2) Any member of the Committee who has a financial interest in any contract or arrangement made or proposed to be made with the Association shall disclose his/her interest at the first meeting of the Committee at which the contract or arrangement is first taken into consideration if his/her interest then exists, or in any other case at the first meeting of the Committee after the acquisition of his/her interest, if he/she becomes interested in a contract or arrangement after it is made or entered into, he/she shall disclose his/her interest at the first meeting after he/she becomes so interested.

(3) No member of the Committee shall vote as a member of the Committee in respect of any contract or arrangement in which he/she is so interested as aforesaid, and if he/she do so vote, his/her vote shall not be counted.

TERMINATION OF OFFICE

24 For the purposes of these rules, the office of an officer of the Association or of an ordinary member of the Committee becomes vacant if the officer or member:

(a) ceases to be a member of the Association;

- (b) becomes an insolvent under administration within the meaning of the Companies (Victoria) Code;
- (c) resigns his office by notice in writing given to the Secretary;
or

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- (d) is absent for three consecutive meetings without acceptable reason or leave of absence.

PROCEEDINGS OF COMMITTEE

- 25 (1) The Committee shall meet at least once each month except the month of January at such place and such times as the Committee may determine.
- (2) Special meetings of the Committee may be convened by the President or by any five (5) of the members of the Committee.
 - (3) Notice shall be given to members of the Committee of any special meeting specifying the general nature of the business to be transacted and no other business shall be transacted at such a meeting.
 - (4) Any five (5) members of the Committee constitute a quorum for the transaction of the business of a meeting of the Committee
 - (5) No business shall be transacted 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 shall stand adjourned to the same place and at the same hour of the same day in the following week unless the meeting was a special meeting in which case it lapses.
 - (6) At meetings of the Committee:
 - (a) The President or in his absence the Vice-President shall preside; or
 - (b) If the President and the Vice-President are absent, such one of the remaining members of the Committee as may be chosen by the members present shall preside.

- (7) Questions arising at a meeting of the Committee or of any sub-committee appointed by the Committee shall be determined on a show of hands or, if demanded by a member, by a poll taken in such manner as the person presiding at the meeting may determine

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- (8) 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 and, in the event of an equality of votes on any question, the person presiding may exercise a second or casting vote.
- (9) Written notice of each committee meeting shall be served on each member of the Committee by delivering it to him at least two (2) days before the meeting or by sending it by pre-paid post addressed to him at his usual or last known place of abode at least two business days before the date of the next meeting.
- (10) Subject to sub-clause (4), the Committee may act notwithstanding any vacancy on the Committee.

SUB-COMMITTEES

- 26 (1) The Committee may appoint any Sub-Committee deemed necessary to promote the interest, welfare or any special activity of the Association.
- (2) A Sub-Committee shall consist of at least five (5) persons, two of whom shall be from the Committee. Remaining members could be drawn from the general membership or externally from interested persons.
- (3) Sub-Committee members shall have voting rights within the Sub-Committee.
- (4) The Sub-Committee will be chaired by a member of the Committee who will report to the Committee.
- (5) The quorum for a Sub-Committee meeting shall be three (3) and

the Sub-Committee will meet as often as required, but at least once in three months.

- (6) Expenditure of a Sub-Committee will be limited to funds approved by the Committee.
- (6) The Committee shall have the power to approve or veto, lay down policy or direct each Sub-Committee.
- (7)

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SECRETARY

27 The Secretary of the Association shall keep minutes of the resolutions and proceedings of each general meeting and each committee meeting in books provided for that purpose, together with a record of the names of persons present at committee meetings and deal with administrative matters, correspondence and motions as directed and notify all members of meetings.

TREASURER

28 The Treasurer of the Association:-

- (1) (a) shall collect and receive all moneys due to the Association and make all payments authorised by the Association; and

(b) shall keep correct accounts and books showing the financial affairs of the Association with full details of all receipts and expenditure connected with the Activities of the Association
- (2) The accounts and books referred to in sub-clause (1) shall be available for inspection by members.

FINANCIAL ADMINISTRATION

29 The funds of the Association shall be lodged in such investments as are authorised by the Law for the time being in force for the investment of funds, or on deposit with a bank.

- (4) The Treasurer shall receive all monies and issue receipts for same, shall pay all accounts which have been passed for payment by the Committee, shall keep a proper record of all such receipts

and payments and shall submit a financial report at each Committee meeting.

- (5) All accounts must be paid by cheque.
- (3) The financial year shall run from 1 July to 30 June next following.

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DISTRIBUTION OF ASSETS

- 30 The assets and income of the Association shall be applied solely in furtherance of its objects and no portion shall be distributed directly or indirectly to its members except as bona fide compensation for services rendered or expenses incurred on behalf of the Association.

AUDITING AND PRESENTATION OF ACCOUNTS

- 31 (1) The Association is a Prescribed Association as defined in Section 3 of the Act and must comply with the requirements for a Prescribed Association stipulated in the Act.
- (2) The audited accounts of a financial year must be despatched to all financial members at least 14 days before the scheduled General Meeting at which the Accounts will be presented for consideration by the membership.

REMOVAL OF MEMBER OF COMMITTEE

- 32 (1) The Association in general meeting may by resolution remove any member of the Committee before the expiration of his term of office and appoint another member in his stead to hold office until the expiration of the term of the first-mentioned member.
- (2) Where the member to whom a proposed resolution referred to in sub-clause (1) makes representations in writing to the Secretary or President of the Association (not exceeding a reasonable length) and requests that they be notified to the members of the Association, the Secretary or the President may send a copy of the representations to each member of

the Association or, if they are not so sent, the member may require that they be read out at the meeting.

- 33 All cheques, drafts, bills of exchange, promissory notes and other negotiable instruments shall be signed by two (2) office bearers.
- 34 (1) The Common Seal of the Association shall be kept in the custody of the Secretary.

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- (2) The Common Seal shall not be affixed to any instrument except by the authority of the Committee and the affixing of the Common Seal shall be attested by the signatures either of two members of the Committee or of one member of the Committee and of the Public Officer of the Association.

ALTERATION OF RULES AND STATEMENT OF PURPOSES

- 35 Any proposed alteration to these rules and the Statement of Purposes of the Association shall be in accordance with the Act.

WINDING UP OR CANCELLAION

- 36 (1) Subject to Sections 32 and 33 of the Act:
- (a) The Association may be wound up by special resolution (in accordance with section 29 of the Act);
 - (b) On a winding up of the Association all of the assets of the Association shall be converted to cash and, after payment of all genuine liabilities of and claims against the Association, all remaining cash must be distributed to one or more (as determined by the members by special resolution) charitable institutions which pursue their objectives and incur their expenditure principally in Australia and which are not carried on for the profit or gain of its individual members;

QUORUM

- 37 No item of business may be conducted at a General Meeting, meeting of a Committee of Management unless a quorum of members entitled under these Rules to vote, is present at the time when the meeting is

considering to vote on that item.

CUSTODY OF RECORDS

38 Except as otherwise provided in these Rules, the Secretary shall keep in his custody or under his control all books, documents and securities of the Association.

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RACIAL AND RELIGIOUS DIVISIVENESS

39 The Committee, on receipt of an allegation, or material alleging or bringing to the attention of the Committee the possibility, that a member of the Committee in the capacity of a member of the Committee or while purporting to represent the Association, or while identifying himself or herself with the Association has done anything which is prohibited under, or would enable a complaint to be made under, the Racial and Religious Tolerance Act (that thing being an “Inappropriate Act”):

- (a) must meet within 5 business days (“the Initial Meeting”) to determine, after affording the Committee member the opportunity to be heard, whether that allegation or material prima facie supports the allegation or possibility;
- (b) if at the Initial Meeting the Committee decides that the allegation or material prima facie supports a conclusion that the member did an Inappropriate Act it shall:
 - (i) suspend that person as a member of the Committee for the period until the course of action determined under sub-clause 39(c) is completed;
 - (ii) meet again within 28 days to determine (after making further enquiries) whether to take action in relation to that member under clause 7 or refer the matter to the members of the Association under clause 32 or to take no further action;
- (c) if at the Initial Meeting the Committee decides that the allegation or material does not prima facie support a conclusion that the member

did an Inappropriate Act it must meet again within 28 days to determine (after making further enquiries) whether to take action in relation to that member under clause 7 or refer the matter to the members of the Association under clause 32 or to take no further action

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This copy of the Rules includes the changes approved at the Annual General Meeting held on 20th NOVEMBER, 2007.

And

Accepted by CONSUMER AFFAIRS VICTORIA BY THEIR LETTER DATED 14th December 2007

VERY IMPORTANT NOTES

As no grievance procedure has been incorporated in these rules, Section 21 (3) of the Associations Incorporations Act 1981 becomes effective and Rule 8 of the Model Rules in the Regulations under the Associations Incorporations Act 1981 is the procedure to be followed in dealing with grievances between a member and another member or a member and the Association.

Section 14 (A)(1) of the Associations Incorporations Act 1981, states that the rules of an Incorporated Association constitute the terms of a contract between the Incorporated Association and its members. Accordingly, members are advised that our Association's Rules should be read in conjunction with the Model Rules in the Regulations under the Associations Incorporations Act 1981. If any matter is not covered in our rules and is covered in the Model Rules then that section of the Model Rules shall be accepted as part of our rules for dealing with that matter. However, our rules will apply in all instances and will not be over-ridden by the Model Rules when it deals with the

same subject matter in a different manner.

This is a true copy of the Rules of the Burgher Association (Australia) Inc. as at 15th May 2008.



.....
Honorary Secretary on behalf of the Committee of Management

This copy of the Rules includes the changes approved at the Annual General Meeting held on 20th NOVEMBER, 2007.

And

Accepted by CONSUMER AFFAIRS VICTORIA BY THEIR LETTER DATED 14th December 2007

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.....
Honorary Secretary on behalf of the Committee of Management

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APPENDIX 1

BURGHER ASSOCIATION(AUSTRALIA) INC.

APPLICATION FOR MEMBERSHIP

I/We -----

[CAPITAL LETTERS]

presently of -----

[ADDRESS]

HAVING READ AND UNDERSTOOD THE DEFINITIONS OF EACH OF THESE CATEGORIES OF MEMBERSHIP DESCRIBED ON THIS APPLICATION I/WE apply to be enrolled as

- ORDINARY MEMBER/S AFFILIATE MEMBER/S

TICK APPROPRIATE CATEGORY

CATEGORIES OF MEMBERSHIP A person and the spouse of the person is entitled to apply for ORDINARY membership if the paternal or maternal ancestry of the person by birth or by legal adoption is Portuguese, Dutch, or other European nationality and the person was born in Ceylon/Sri Lanka or this paternal or maternal ancestry referred to above of the person is traced to a person born in Ceylon/Sri Lanka. In all other instances any natural person can ONLY apply for AFFILIATE membership. **An AFFILIATE MEMBER is NOT ENTITLED to vote or be present at General Meetings, nominate a person to any position on the Committee of Management, and propose or second an application for membership**

Phone Fax Number Mobile Number.....E-mail address

.....
[SIGNATURE/S of APPLICANT/S]

Dated this day of 20.....

We the undersigned FINANCIAL members of the Association RECOMMEND THAT THE

APPLICANT/S BE ACCEPTED AS MEMBERS FOR THE CATEGORY OF MEMBERSHIP NOMINATED.

Proposed BY: Signature Date

Seconded BY Signature Date

NOTE:

Joining Fee: \$ 5.00 **Annual Membership Fee** for period 1 July to 30 June \$15.00 – **no pro rata fees**

Please complete this form and mail it to:

The Honorary Secretary B.A.(A) Inc. P.O. Box 75 CLARINDA, VIC 3169

For Office use only:

Tabled at meeting on

Approved/Rejected

Membership Number

Applicant/s Advised on.....

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**THIS DOCUMENT CONTAINS THE
RULES OF THE
BURGHER ASSOCIATION
(AUSTRALIA) INCORPORATED**

Registration No. A 0007821 F

ABN 28890322651

