



FOUNDER MEMBERS:

1. H.L. Prasanna Kumara 2. Girish Asundi 3. Arun Kumar B.A.
4. Jayanth Keshavamurthy 5. Girish C.S. 6. Jovelraj Paulraj

A. The name of the Association is: ...WESTERN AUSTRALIA KANNADA SANGHA INC.

B. The objects of the Association are:

- a. To promote social and cultural welfare of Kannada Community,
 - b. To establish institutions and/or conduct classes to instruct Kannada Culture, Kannada language, Kannada music, Kannada Folk (Janapada) tradition.
 - c. To co-ordinate support and/or assistance for Karnataka and Indian culture;
 - d. To provide direction and information to new Kannada settlers;
 - e. To promote, conserve and advance Kannada culture;
 - f. To improve the awareness of Kannada culture within the local Community;
 - g. To subscribe to and to become a member of any other organization whose objectives are similar to the Western Australia Kannada Sangha Inc.
 - h. To assist in fulfilling social aspirations of Kannada people which are not contrary to the objectives of the Western Australia Kannada Sangha Inc.
 - i. To publish a newsletter to communicate with the members of the Western Australia Kannada Sangha Inc.
 - j. To maintain links with Kannada people or organizations in order to keep the members informed of the developments in Kannada movements in India or in any other country;
 - k. To establish a library for the benefit of the members;
 - l. To enter into any suitable arrangement with Government or Authority to achieve the objectives of the Western Australia Kannada Sangha Inc.
 - m. To co-operate with all the Commonwealth states and other bodies and to supply information to them concerning Kannada culture and language.
- C.** Any Current Financial members personally present (being members entitled to vote under these rules at a general meeting) will constitute a quorum for the conduct of business at a general meeting.
- D.** Any Executive committee members constitute a quorum for the conduct of the business of a committee meeting.
- E.** The association's financial year will be the period of 12 months commencing on July 1 and ending on June 30 of each year.

PART 1 — PRELIMINARY

1 Terms used

In these rules, unless the contrary intention appears —

Act means the Associations Incorporation Act 2015;

associate member means a member with the rights referred to in rule 8(6);

Association means the incorporated association to which these rules apply;

books, of the Association, includes the following —

- (a) a register;
- (b) financial records, financial statements or financial reports, however compiled, recorded or stored;
- (c) a document;
- (d) any other record of information;

by laws means by-laws made by the Association under rule 64;

President means the Committee member holding office as the chairperson of the Association;

Commissioner means the person for the time being designated as the Commissioner under section 153 of the Act;

committee means the Executive committee of the Association;

committee meeting means a meeting of the committee;

committee member means a member of the committee;

financial records include —

- (a) invoices, receipts, orders for the payment of money, bills of exchange, cheques, promissory notes and vouchers; and
- (b) documents of prime entry; and
- (c) working papers and other documents needed to explain —
 - (i) the methods by which financial statements are prepared; and
 - (ii) adjustments to be made in preparing financial statements;

financial report, of a tier 2 association or a tier 3 association, has the meaning given in section 63 of the Act;

financial statements means the financial statements in relation to the Association required under Part 5 Division 3 of the Act;

financial year, of the Association, has the meaning given in rule 2;

general meeting, of the Association, means a meeting of the Association that all members are entitled to receive notice of and to attend;

member means a person (including a body corporate) who is an Current Financial member or an associate member of the Association;

Honorary Member means membership given to a person without usual eligibility requirements and not eligible to vote or be in a committee or in subcommittee.

Subcommittee member means a committee member who is not an office holder of the Association under rule 27(3);

Current Financial member means a member with the rights referred to in rule 8(5);

register of members means the register of members referred to in section 53 of the Act;

rules means these rules of the Association, as in force for the time being;

secretary means the committee member holding office as the secretary of the Association;

special general meeting means a general meeting of the Association other than the annual general meeting;

special resolution means a resolution passed by the members at a general meeting in accordance with section 51 of the Act;

subcommittee means a subcommittee appointed by the committee under rule 48(1)(a);

tier 1 association means an incorporated association to which section 64(1) of the Act applies;

tier 2 association means an incorporated association to which section 64(2) of the Act applies;

tier 3 association means an incorporated association to which section 64(3) of the Act applies;

treasurer means the committee member holding office as the treasurer of the Association.

2 Financial year

- (1) The first financial year of the Association is to be the period notified to the Commissioner under section 7(4)(e) or, if relevant, section 29(5)(e) of the Act.
- (2) Each subsequent financial year of the Association is the period of 12 months commencing at the termination of the first financial year or the anniversary of that termination.

PART 2 — ASSOCIATION TO BE NOT FOR PROFIT BODY

3 Not-for-profit body

- (1) The property and income of the Association must be applied solely towards the promotion of the objects or purposes of the Association and no part of that property or income may be paid or otherwise distributed, directly or indirectly, to any member, except in good faith in the promotion of those objects or purposes.
- (2) A payment may be made to a member out of the funds of the Association only if it is authorised under sub rule (3).
- (3) A payment to a member out of the funds of the Association is authorised if it is —
 - (a) the payment in good faith to the member as reasonable remuneration for any services provided to the Association, or for goods supplied to the Association, in the ordinary course of business; or
 - (b) the payment of interest, on money borrowed by the Association from the member, at a rate not greater than the cash rate published from time to time by the Reserve Bank of Australia; or
 - (c) the payment of reasonable rent to the member for premises leased by the member to the Association; or
 - (d) the reimbursement of reasonable expenses properly incurred by the member on behalf of the Association.

PART 3 — MEMBERS

Division 1 — Membership

4 Eligibility for membership

- (1) Any person who supports the objects or purposes of the Association is eligible to apply to become a member.
- (2) An individual who has not reached the age of 16 years is not eligible to apply for a class of membership that confers full voting rights.
- (3) Membership of the Association is open to –

A person is qualified to be a member of the Western Australia Kannada Sangha if,

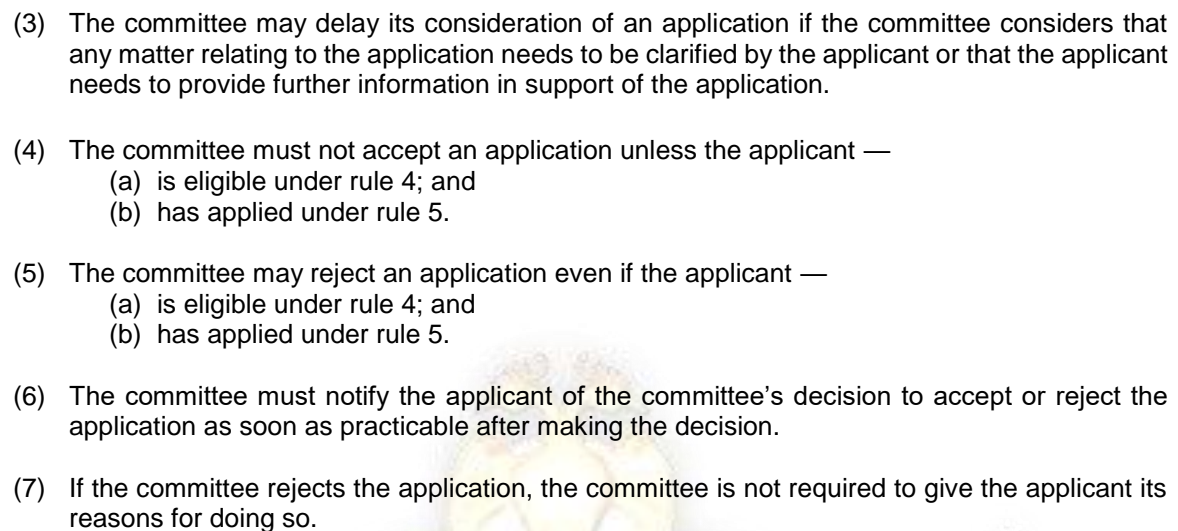
- A. The person has not ceased to be a member of the Western Australia Kannada Sangha Inc at any time due to non-payment of membership fee under Section 7;
- B. the person who is over the age of 16; and has been approved for membership by the Committee of the Western Kannada Sangha Inc.
- C. A person who knows to speak Kannada language or any one of member in their family and sister languages such as Tulu, Konkani and Kodava.
- D. A nomination of a person for membership of the Western Australia Kannada Sangha be lodged with the secretary of the Western Kannada Sangha.
- E. As soon as practicable after receiving a nomination for Membership, the Secretary shall refer the nomination to The Committee, which shall determine whether to approve or to reject the nomination.
- F. A person who wishes to become a member must-apply for membership to the Committee in writing-signed by that person and ONE of the members referred to in paragraph (b);

5 Applying for membership

- (1) A person who wants to become a member must apply in writing to the Association.
- (2) The application must include a member's nomination of the applicant for membership.
- (3) The application must be signed by the applicant and the member nominating the applicant.
- (4) The applicant must specify in the application the class of membership, if there is more than one, to which the application relates.

6 Dealing with membership applications

- (1) The committee must consider each application for membership of the Association and decide whether to accept or reject the application.
- (2) Subject to subrule (3), the committee must consider applications in the order in which they are received by the Association.

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- (3) The committee may delay its consideration of an application if the committee considers that any matter relating to the application needs to be clarified by the applicant or that the applicant needs to provide further information in support of the application.
 - (4) The committee must not accept an application unless the applicant —
 - (a) is eligible under rule 4; and
 - (b) has applied under rule 5.
 - (5) The committee may reject an application even if the applicant —
 - (a) is eligible under rule 4; and
 - (b) has applied under rule 5.
 - (6) The committee must notify the applicant of the committee's decision to accept or reject the application as soon as practicable after making the decision.
 - (7) If the committee rejects the application, the committee is not required to give the applicant its reasons for doing so.

7 Becoming a member

- An applicant for membership of the Association becomes a member when —
- (a) the committee accepts the application; and
 - (b) the applicant pays any membership fees payable to the Association under rule 12.

8 Classes of membership

- (1) The Association consists of Current Financial members and any associate members provided for under subrule (2).
- (2) The Association may have any class of associate membership approved by resolution at a general meeting, including membership, honorary membership and life membership.
- (3) An individual who has not reached the age of 16 years is only eligible to be an associate member.
- (4) A person can only be a Current Financial member or belong to one class of associate membership.
- (5) A current financial member has full voting rights and any other rights conferred on members by these rules or approved by resolution at a general meeting or determined by the committee.
- (6) An associate member has the rights referred to in sub rule (5) other than full voting rights.
- (7) The number of members of any class is not limited unless otherwise approved by resolution at a general meeting.

9 When membership ceases

- (1) A person ceases to be a member when any of the following takes place —
 - (a) for a member who is an individual, the individual dies;
 - (b) for a member who is a body corporate, the body corporate is wound up;
 - (c) the person resigns from the Association under rule 10;
 - (d) the person is expelled from the Association under rule 15;
 - (e) the person ceases to be a member under rule 12(4).

- (2) The secretary must keep a record, for at least one year after a person ceases to be a member, of —
- (a) the date on which the person ceased to be a member; and
 - (b) the reason why the person ceased to be a member.

10 Resignation

- (1) A member may resign from membership of the Association by giving written notice of the resignation to the secretary.
- (2) The resignation takes effect after 10 working days unless otherwise withdrawn.
- (3) A person who has resigned from membership of the Association remains liable for any fees/assets that are owed to the Association (the **owed amount**) at the time of resignation.
- (4) The owed amount may be recovered by the Association in a court of competent jurisdiction as a debt due to the Association.

11 Rights not transferable

The rights of a member are not transferable and end when membership ceases.

Division 2 — Membership fees

12 Membership fees

- (1) The committee must determine the entrance fee (if any) and the annual membership fee (if any) to be paid for membership of the Association.
- (2) The fees determined under subrule (1) may be different for different classes of membership.
- (3) A member must pay the annual membership fee to the treasurer, or another person authorised by the committee to accept payments, by the date (the **due date**) determined by the committee.

Division 3 — Register of members

13 Register of members

- (1) The secretary, or another person authorised by the committee, is responsible for the requirements imposed on the Association under section 53 of the Act to maintain the register of members and record in that register any change in the membership of the Association.
- (2) In addition to the matters referred to in section 53(2) of the Act, the register of members must include the class of membership (if applicable) to which each member belongs and the date on which each member becomes a member.
- (3) The register of members must be kept at the secretary's place of residence, or at another place determined by the committee.
- (4) A member who wishes to inspect the register of members must contact the secretary to make the necessary arrangements.

(5) If —

- (a) a member inspecting the register of members wishes to make a copy of, or take an extract from, the register under section 54(2) of the Act; or
- (b) a member makes a written request under section 56(1) of the Act to be provided with a copy of the register of members,

the committee may require the member to provide a statutory declaration setting out the purpose for which the copy or extract is required and declaring that the purpose is connected with the affairs of the Association.



PART 4 — DISCIPLINARY ACTION, DISPUTES AND MEDIATION

Division 1 — Term used

14 Term used: member

In this Part —

member, in relation to a member who is expelled from the Association, includes former member.

Division 2 — Disciplinary action

15 Suspension or expulsion

- (1) The committee may decide to suspend a member's membership or to expel a member from the Association if —
 - (a) the member contravenes any of these rules; or
 - (b) the member acts detrimentally to the interests and objectives of the Association.
- (2) The secretary must give the member written notice of the proposed suspension or expulsion at least 28 days before the committee meeting at which the proposal is to be considered by the committee.
- (3) The notice given to the member must state —
 - (a) when and where the committee meeting is to be held; and
 - (b) the grounds on which the proposed suspension or expulsion is based; and
 - (c) that the member, or the member's representative, may attend the meeting and will be given a reasonable opportunity to make written or oral (or both written and oral) submissions to the committee about the proposed suspension or expulsion;
- (4) At the committee meeting, the committee must —
 - (a) give the member, or the member's representative, a reasonable opportunity to make written or oral (or both written and oral) submissions to the committee about the proposed suspension or expulsion; and
 - (b) give due consideration to any submissions so made; and
 - (c) decide —
 - (i) whether or not to suspend the member's membership and, if the decision is to suspend the membership, the period of suspension; or
 - (ii) whether or not to expel the member from the Association.
- (5) A decision of the committee to suspend the member's membership or to expel the member from the Association takes immediate effect.
- (6) The committee must give the member written notice of the committee's decision, and the reasons for the decision, within 7 days after the committee meeting at which the decision is made.
- (7) A member whose membership is suspended or who is expelled from the Association may, within 14 days after receiving notice of the Committee's decision under subrule (6), give written notice to the secretary requesting the appointment of a mediator under rule 23.
- (8) If notice is given under subrule (7), the member who gives the notice and the committee are the parties to the mediation.

16 Consequences of suspension

- (1) During the period a member's membership is suspended, the member —
 - (a) loses any rights (including voting rights) arising as a result of membership; and
 - (b) is not entitled to a refund, rebate, relief or credit for membership fees paid, or payable, to the Association.
- (2) When a member's membership is suspended, the secretary must record in the register of members —
 - (a) that the member's membership is suspended; and
 - (b) the date on which the suspension takes effect; and
 - (c) the period of the suspension.
- (3) When the period of the suspension ends, the secretary must record in the register of members that the member's membership is no longer suspended.

Division 3 — Resolving disputes

17 Terms used

In this Division —

grievance procedure means the procedures set out in this Division;

party to a dispute includes a person —

- (a) who is a party to the dispute; and
- (b) who ceases to be a member within 2 months before the dispute has come to the attention of each party to the dispute.

18 Application of Division

The procedure set out in this Division (the grievance procedure) applies to disputes —

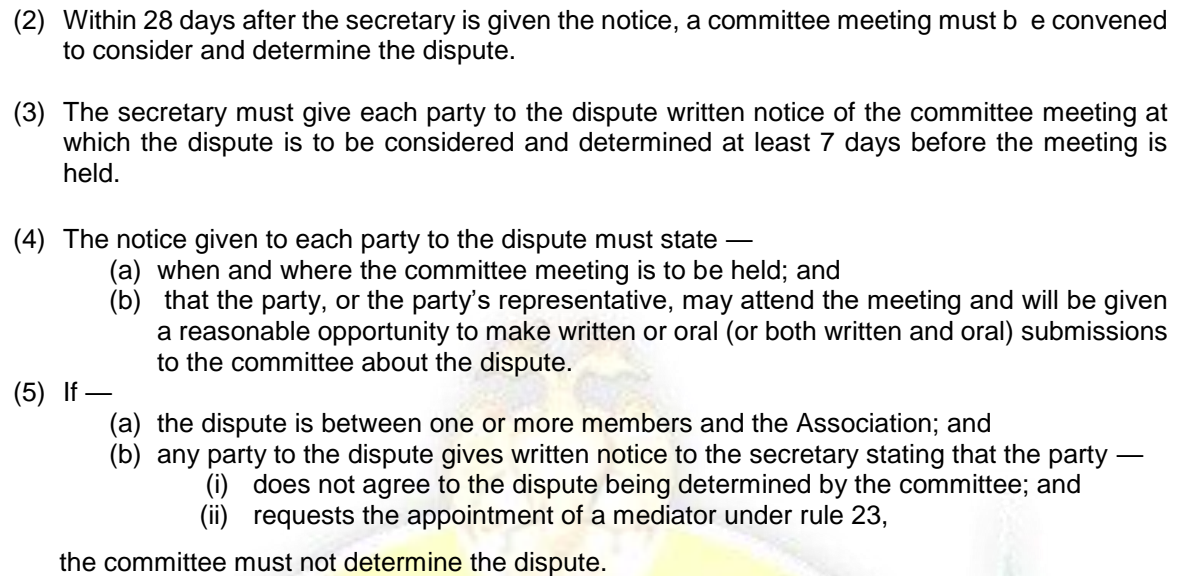
- (a) between members; or
- (b) between one or more members and the Association.

19 Parties to attempt to resolve dispute

The parties to a dispute must attempt to resolve the dispute between themselves within 14 days after the dispute has come to the attention of each party.

20 How grievance procedure is started

- (1) If the parties to a dispute are unable to resolve the dispute between themselves within the time required by rule 19, any party to the dispute may start the grievance procedure by giving written notice to the secretary of —
 - (a) the parties to the dispute; and
 - (b) the matters that are the subject of the dispute.

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- (2) Within 28 days after the secretary is given the notice, a committee meeting must be convened to consider and determine the dispute.
 - (3) The secretary must give each party to the dispute written notice of the committee meeting at which the dispute is to be considered and determined at least 7 days before the meeting is held.
 - (4) The notice given to each party to the dispute must state —
 - (a) when and where the committee meeting is to be held; and
 - (b) that the party, or the party's representative, may attend the meeting and will be given a reasonable opportunity to make written or oral (or both written and oral) submissions to the committee about the dispute.
 - (5) If —
 - (a) the dispute is between one or more members and the Association; and
 - (b) any party to the dispute gives written notice to the secretary stating that the party —
 - (i) does not agree to the dispute being determined by the committee; and
 - (ii) requests the appointment of a mediator under rule 23,the committee must not determine the dispute.

21 Determination of dispute by committee

- (1) At the committee meeting at which a dispute is to be considered and determined, the committee must —
 - (a) give each party to the dispute, or the party's representative, a reasonable opportunity to make written or oral (or both written and oral) submissions to the committee about the dispute; and
 - (b) give due consideration to any submissions so made; and
 - (c) determine the dispute.
- (2) The committee must give each party to the dispute written notice of the committee's determination, and the reasons for the determination, within 7 days after the committee meeting at which the determination is made.
- (3) A party to the dispute may, within 14 days after receiving notice of the committee's determination under subrule (1)(c), give written notice to the secretary requesting the appointment of a mediator under rule 23.
- (4) If notice is given under subrule (3), each party to the dispute is a party to the mediation.

Division 4 — Mediation

22 Application of Division

- (1) This Division applies if written notice has been given to the secretary requesting the appointment of a mediator —
 - (a) by a member under rule 15(7); or
 - (b) by a party to a dispute under rule 20(5)(b)(ii) or 21(3).
- (2) If this Division applies, a mediator must be chosen or appointed under rule 23.

23 Appointment of mediator

- (1) The mediator must be a person chosen —
 - (a) if the appointment of a mediator was requested by a member under rule 15(7) — by agreement between the Member and the committee; or
 - (b) if the appointment of a mediator was requested by a party to a dispute under rule 20(5)(b)(ii) or 21(3) — by agreement between the parties to the dispute.
- (2) If there is no agreement for the purposes of subrule (1)(a) or (b), then, subject to subrules (3) and (4), the committee must appoint the mediator.
- (3) The person appointed as mediator by the committee must be a person who is a member for a not-for-profit body, if the appointment of a mediator was requested by —
 - (a) a member under rule 15(7); or
 - (b) a party to a dispute under rule 20(5)(b)(ii); or
 - (c) a party to a dispute under rule 21(3) and the dispute is between one or more members and the Association.
- (4) The person appointed as mediator by the committee may be a member or former member of the Association but must not —
 - (a) have a personal interest in the matter that is the subject of the mediation; or
 - (b) be biased in favour of or against any party to the mediation.

24 Mediation process

- (1) The parties to the mediation must attempt in good faith to settle the matter that is the subject of the mediation.
- (2) Each party to the mediation must give the mediator a written statement of the issues that need to be considered at the mediation at least 5 days before the mediation takes place.
- (3) In conducting the mediation, the mediator must —
 - (a) give each party to the mediation every opportunity to be heard; and
 - (b) allow each party to the mediation to give due consideration to any written statement given by another party; and
 - (c) ensure that natural justice is given to the parties to the mediation throughout the mediation process.
- (4) The mediator cannot determine the matter that is the subject of the mediation.
- (5) The mediation must be confidential, and any information given at the mediation cannot be used in any other proceedings that take place in relation to the matter that is the subject of the mediation.

- (6) The costs of the mediation are to be paid by the party or parties to the mediation that requested the appointment of the mediator.

Note for this rule:

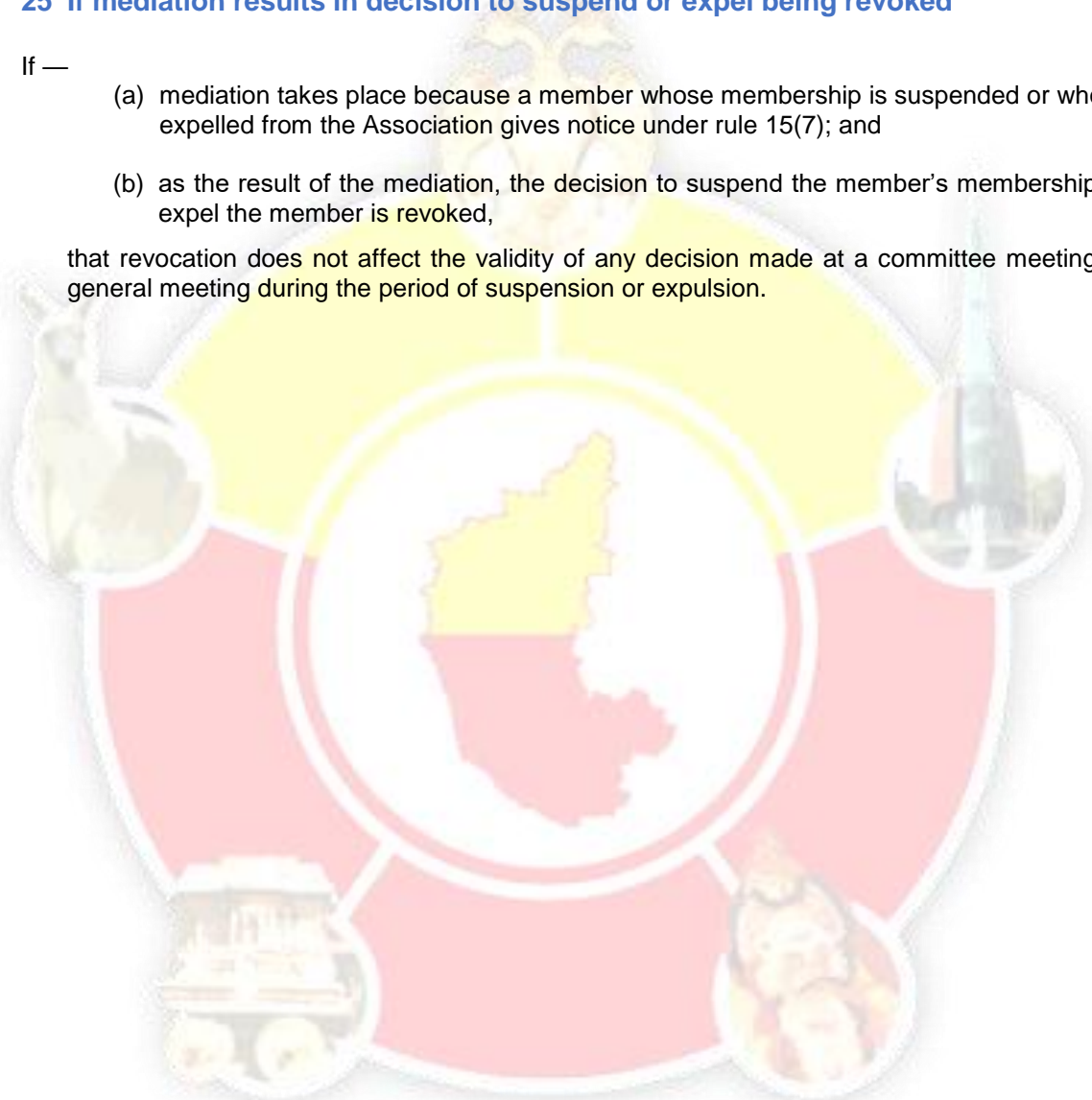
Section 182(1) of the Act provides that an application may be made to the State Administrative Tribunal to have a dispute determined if the dispute has not been resolved under the procedure provided for in the incorporated association's rules.

25 If mediation results in decision to suspend or expel being revoked

If —

- (a) mediation takes place because a member whose membership is suspended or who is expelled from the Association gives notice under rule 15(7); and
- (b) as the result of the mediation, the decision to suspend the member's membership or expel the member is revoked,

that revocation does not affect the validity of any decision made at a committee meeting or general meeting during the period of suspension or expulsion.



PART 5 — COMMITTEE

Division 1 — Powers of Committee

26 Committee

- (1) The committee members are the persons who, as the Executive committee of the Association, have the power to manage the affairs of the Association.
- (2) Subject to the Act, these rules, the by-laws (if any) and any resolution passed at a general meeting, the committee has power to do all things necessary or convenient to be done for the proper management of the affairs of the Association.
- (3) The committee must take all reasonable steps to ensure that the Association complies with the Act, these rules and the by-laws (if any).

Division 2 — Composition of Committee and duties of members

27 Committee members

- (1) The committee members consist of —
 - (a) the office bearers of the Association; and
 - (b) at least **5** committee members or maximum **7** committee members. This may change only when IPP position is vacant then this can change to **6** committee members or maximum **8** committee members.
- (2) The committee must determine the maximum number of members who may be executive committee members.
- (3) The following are the office holders of the Association —
 - (a) The President;
 - (b) The Vice President;
 - (c) The Secretary;
 - (d) The Treasurer;
 - (e) The Organising Secretary;
 - (f) The Immediate Past President.
- (4) A person may be a committee member if the person is —
 - (a) an individual who has reached 18 years of age; and
 - (b) a current financial member.
- (5) A person must not hold 2 or more of the offices mentioned in sub rule (3) at the same time.

28 President

- (1) It is the duty of the President to consult with the secretary regarding the business to be conducted at each committee meeting and general meeting.
- (2) The President has the powers and duties relating to convening and presiding at committee meetings and presiding at general meetings provided for in these rules.

29 Secretary

The Secretary has the following duties —

- (a) dealing with the Association's correspondence;
- (b) consulting with the chairperson regarding the business to be conducted at each committee meeting and general meeting;
- (c) preparing the notices required for meetings and for the business to be conducted at meetings;
- (d) unless another member is authorised by the committee to do so, maintaining on behalf of the Association the register of members, and recording in the register any changes in the membership, as required under section 53(1) of the Act;
- (e) maintaining on behalf of the Association an up-to-date copy of these rules, as required under section 35(1) of the Act;
- (f) unless another member is authorised by the committee to do so, maintaining on behalf of the Association a record of committee members and other persons authorised to act on behalf of the Association, as required under section 58(2) of the Act;
- (g) ensuring the safe custody of the books of the Association, other than the financial records, financial statements and financial reports, as applicable to the Association;
- (h) maintaining full and accurate minutes of committee meetings and general meetings;
- (i) carrying out any other duty given to the secretary under these rules or by the committee.

30 Treasurer

The treasurer has the following duties —

- (a) ensuring that any amounts payable to the Association are collected and issuing receipts for those amounts in the Association's name unless another committee member is authorised to do so by committee;
- (b) ensuring that any amounts paid to the Association are credited to the appropriate account of the Association, as directed by the committee;
- (c) ensuring that any payments to be made by the Association that have been authorised by the committee or at a general meeting are made on time;
- (d) ensuring that the Association complies with the relevant requirements of Part 5 of the Act;
- (e) ensuring the safe custody of the Association's financial records, financial statements and financial reports, as applicable to the Association;
- (f) if the Association is a tier 1 association, coordinating the preparation of the Association's financial statements before their submission to the Association's annual general meeting;
- (g) if the Association is a tier 2 association or tier 3 association, coordinating the preparation of the Association's financial report before its submission to the Association's annual general meeting;
- (h) providing any assistance required by an auditor or reviewer conducting an audit or review of the Association's financial statements or financial report under Part 5 Division 5 of the Act;
- (i) carrying out any other duty given to the treasurer under these rules or by the committee.

31 Organising Secretary

- a. Organising any events coming up in the current term including a thorough planning for the event
- b. If the event has a sub-committee to execute the event, Organising Secretary to liaise with the Chairperson of the Sub-Committee and provide all support as required to organise the event
- c. Organise such activities/programs/events to strengthen the organisation such as new membership drives, diversified activities to cover all age group and encourage new memberships into the organisation
- d. Support, guide and help specific Co-ordinators such as Cultural/Sports/Community support, etc. in case if an event is organised by them
- e. Acting in the position of Secretary in the absence of Secretary and performing all duties of Secretary in such an event.

32 Immediate Past President (IPP).

- (a) Assisting and supporting the current President in all possible ways for the smooth functioning of the organisation in achieving the objectives of the organisation (WAKS)
- (b) Providing guidance whenever asked for by the current President in the activities of the organisation
- (c) Passing on all the contact details of all external & internal contacts to the current President
- (d) Any signatures required for any of the documents and any handover from the previous term to the current President
- (e) Any pending applications to external agencies/institutions or any pending grant applications and any necessary liaison with the key contact persons to be done by IPP (keeping the current President in loop) to get the desirable outcome in favour of WAKS or IPP should support current President in such cases providing all the details.
- (f) After the term as IPP a cooling off period of 1 term before making into the committee again.
- (g) In case of resignation of President in the midterm and if Vice president is not willing to take over as President then IPP will be an acting President till next general meeting. In general meeting the position can be filled through expression of interest and elections will be held if required.

Division 3 — Election of committee members and tenure of office

33.How members become Committee members

A member becomes a committee member if the member —

- (a) is elected to the committee at a general meeting; or
- (b) is appointed to the committee by the committee to fill a casual vacancy under rule 38.

34. Nomination of committee members

- (1) At least **21** days before an annual general meeting, the secretary must send written notice to all the members —
 - (a) calling for nominations for election to the committee; and
 - (b) stating the date by which nominations must be received by the Returning officer to comply with sub rule (2).
- (2) A member who wishes to be considered for election to the committee at the annual general meeting must nominate for election by sending written notice of the nomination form to the Returning officer at least **7** days before the annual general meeting.
- (3) The written notice must include a statement by another member in support of the nomination.
- (4) A member may nominate for one specified position of office holder of the Association or to be an Executive committee member.
- (5) A member whose nomination does not comply with this rule is not eligible for election to the committee unless the member is nominated under rule 35(2) or 36(2)(b).
- (6) Eligibility criteria for office bearers:
 - a) President- to be eligible for the nomination of this position one must have served in full current financial year in the current committee and at least for one full term in previous EC or Full term in current Committee.
 - b) In case of resignation of President in midterm then Vice president will take over as President for the rest of the term and will be eligible for next term for President only if he/she has served as President in current term less than 18months.
 - c) Vice-president, Secretary, Treasurer and Organising Secretary - to be eligible for the nomination of these positions one must have served in the current committee.
- (7) Honorary members are not eligible for executive committee or subcommittee.

35 Election of office holders

- (1) At the annual general meeting, a separate election must be held for each position of office holder of the Association.
- (2) If there is no nomination for a position, the chairperson of the meeting may call for nominations from the Financial members at the meeting.
- (3) If only one member has nominated for a position, the chairperson of the meeting must declare the Member elected to the position.
- (4) If more than one member has nominated for a position, the current financial members at the meeting must vote in accordance with procedures that have been determined by the committee to decide who is to be elected to the position.
- (5) Each current financial member present at the meeting may vote for one member who has nominated for the position.
- (6) A member who has nominated for the position may vote for himself or herself.
- (7) On the member's election, the new chairperson of the Association may take over as the chairperson of the meeting.
- (8) Procedures for elections at the General Meeting.
 - a) The elections for the Officer bearers / Executive committee members of the Western Australia Kannada Sangha Inc at the general meeting shall be conducted by the 'Returning Officer'.
 - b) The Returning officer is to be appointed by the executive committee and must be approved by a majority. The role of the returning officer is to conduct fair elections for various positions of the office bearers executive committee members complying with the constitution and where any doubts exist, Current act shall be applicable.
 - c) Shall receive all the nomination forms for positions in the executive committee.
 - d) The latest copy of the financial members of the Western Australia Kannada Sangha Inc (electoral roll) is to be sent to the returning officer by the secretary at least 48 hours before the close of the nominations. Such member list must be signed jointly by the secretary and the treasurer.
 - e) Electoral roll must be closed on the date on which the executive committee announces the general meeting and the elections.

36 Election of Executive committee members

- (1) At the annual general meeting, the Association must decide by resolution the number of executive committee members (if any) to hold office for the next year.
- (2) If the number of members nominating for the position of executive committee member is not greater than the number to be elected, the chairperson of the meeting —
 - a. must declare each of those members to be elected to the position; and
 - b. may call for further nominations from the current financial members at the meeting to fill any positions remaining unfilled after the elections under paragraph (a).
- (3) If —
 - a. the number of members nominating for the position of executive committee member is greater than the number to be elected; or

- b. the number of members nominating under sub rule (2)(b) is greater than the number of positions remaining unfilled,
- (4) the current financial members at the meeting must vote in accordance with procedures that have been determined by the committee to decide the members who are to be elected to the position of Executive committee member. If votes divided equally, the committee has a second vote or casting vote. Even after second voting, if votes divided equally, the Chairperson has a third or final casting vote.
- (5) A member who has nominated for the position of executive committee member may vote in accordance with that nomination.
- (6) Election executive committee members shall be conducted as per rule 33

37 Term of office

- (1) The term of office of a committee member begins when the member —
 - (a) is elected at an annual general meeting or under sub rule 36(3)(b); or
 - (b) is appointed to fill a casual vacancy under rule 38.
 - (c) term will be for 2 years. i.e. till second successive annual general meeting.
- (2) Subject to rule 37, a committee member holds office until the positions on the committee are declared vacant at the next annual general meeting at end of the term.
- (3) President will hold office for one term only after which he /she will be IPP for next term and a cooling off period of one term before making into committee again.
- (4) A committee member may be re-elected.

38 Resignation and removal from office

- (1) A committee member may resign from the committee by written notice given to the secretary or, if the resigning member is the secretary, given to the President.
- (2) The resignation takes effect —
 - (a) when the notice is received by the secretary or President; or
 - (b) if a later time is stated in the notice, at the later time.
- (3) At a general meeting, the Association may by resolution —
 - (a) remove a committee member from office; and
 - (b) elect a member who is eligible under rule 27(4) to fill the vacant position.
- (4) A committee member who is the subject of a proposed resolution under sub rule (3)(a) may make written representations (of a reasonable length) to the secretary or President and may ask that the representations be provided to the members.
- (5) The secretary or President may give a copy of the representations to each member or, if they are not so given, the committee member may require them to be read out at the general meeting at which the resolution is to be considered.

39 When membership of committee ceases

- A person ceases to be a committee member if the person —
- (a) dies or otherwise ceases to be a member; or
 - (b) resigns from the committee or is removed from office under rule 36; or

- (c) becomes ineligible to accept an appointment or act as a committee member under section 39 of the Act;
- (d) becomes permanently unable to act as a committee member because of a mental or physical disability; or
- (e) fails to attend 3 consecutive Committee meetings, of which the person has been given notice, without having notified the Committee at least 24hrs before the meeting that the person will be unable to attend.
- (f) At the end of the term (2 years).

40 Filling casual vacancies

- (1) The committee may appoint a member who is eligible under rule 27(4) to fill a position on the committee that —
 - (a) has become vacant under rule 37; or
 - (b) was not filled by election at the most recent annual general meeting or under rule 36(3)(b).
- (2) If the position of secretary becomes vacant, the committee must appoint a member who is eligible under rule 27(4) to fill the position within 14 days after the vacancy arises.
- (3) Subject to the requirement for a quorum under rule 45, the committee may continue to act despite any vacancy in its membership.
- (4) If there are fewer committee members than required for a quorum under rule 45, the committee may act only for the purpose of —
 - (a) appointing committee members under this rule; or
 - (b) convening a general meeting.

41 Validity of acts

The acts of a committee or subcommittee, or of a committee member or member of a subcommittee, are valid despite any defect that may afterwards be discovered in the election, appointment or qualification of a committee member or member of a subcommittee.

42 Payments to committee members

- (1) In this rule —
committee member includes a member of a subcommittee;
committee meeting includes a meeting of a subcommittee.
- (2) A committee member is entitled to be paid out of the funds of the Association for any out-of-pocket expenses for travel and accommodation properly incurred unless committee decide--
 - (a) in attending a committee meeting or
 - (b) in attending a general meeting; or
 - (c) otherwise in connection with the Association's business.

Division 4 — Committee meetings

43 Committee meetings

- (1) The committee must meet at least **3** times in each year on the dates and at the times and places determined by the committee.
- (2) The date, time and place of the first committee meeting must be determined by the committee members as soon as practicable after the annual general meeting at which the committee members are elected.
- (3) Special committee meetings may be convened by the President or any **5** committee members.

44 Notice of committee meetings

- (1) Notice of each committee meeting must be sent in writing to each committee member at least 48 hours before the time of the meeting.
- (2) The notice must state the date, time and place of the meeting and must describe the general nature of the business to be conducted at the meeting.
- (3) Unless sub rule (4) applies, the only business that may be conducted at the meeting is the business described in the notice.
- (4) Urgent business that has not been described in the notice may be conducted at the meeting if the committee members at the meeting unanimously agree to treat that business as urgent.

45 Procedure and order of business

- (1) The President or, in the President's absence, the Vice President must preside as chairperson of each committee meeting.
- (2) If the President and Vice President are absent or are unwilling to act as chairperson of a meeting, the committee members at the meeting must choose one of them to act as chairperson of the meeting.
- (3) The procedure to be followed at a committee meeting must be determined from time to time by the committee.
- (4) The order of business at a committee meeting may be determined by the committee members at the meeting.

- (5) A member or other person who is not a committee member may attend a committee meeting if invited to do so by the committee.
- (6) A person invited under sub rule (5) to attend a committee meeting —
 - (a) has no right to any agenda, minutes or other document circulated at the meeting; and
 - (b) must not comment about any matter discussed at the meeting unless invited by the committee to do so; and
 - (c) cannot vote on any matter that is to be decided at the meeting.

46 Use of technology to be present at committee meetings

- (1) The presence of a committee member at a committee meeting need not be by attendance in person but may be by that committee member and each other committee member at the meeting being simultaneously in contact by telephone or other means of instantaneous communication.
- (2) A member who participates in a committee meeting as allowed under sub rule (1) is taken to be present at the meeting and, if the member votes at the meeting, the member is taken to have voted in person.
- (3) The sub rule 44(1)(2) only applicable if the committee member is out of station.

47 Quorum for committee meetings

- (1) Subject to rule 38(4), no business is to be conducted at a committee meeting unless a quorum is present, for quorum minimum **7** executive committee members must be present.
- (2) If a quorum is not present within **30** minutes after the notified commencement time of a committee meeting —
 - (a) in the case of a special meeting — the meeting lapses; or
 - (b) otherwise, the meeting is adjourned to the following week.
- (3) If —
 - (a) a quorum is not present within **30** minutes after the commencement time of a committee meeting held under subrule (2)(b); and
 - (b) at least **5** committee members are present at the meeting,those members present are taken to constitute a quorum.

48 Voting at committee meetings

- (1) Each committee member present at a committee meeting has one vote on any question arising at the meeting.
- (2) A motion is carried if a majority of the committee members present at the committee meeting vote in favour of the motion.
- (3) If the votes are divided equally on a question, the chairperson of the meeting has a second or casting vote.
- (4) A vote may take place by the committee members present indicating their agreement or disagreement or by a show of hands, unless the committee decides that a secret ballot is needed to determine a particular question.
- (5) If a secret ballot is needed, the chairperson of the meeting must decide how the ballot is to be conducted.

49 Minutes of committee meetings

- (1) The committee must ensure that minutes are taken and kept of each committee meeting.
- (2) The minutes must record the following —
 - (a) the names of the committee members present at the meeting;
 - (b) the name of any person attending the meeting under rule 43(5);
 - (c) the business considered at the meeting;
 - (d) any motion/resolutions on which a vote is taken at the meeting and the result of the vote.
- (3) The minutes of a committee meeting must be entered in the Association's minute book within 30 days after the meeting is held.
- (4) The chairperson must ensure that the minutes of a committee meeting are reviewed and signed as correct by —
 - (a) the chairperson of the meeting; or
 - (b) the chairperson of the next committee meeting.
- (5) When the minutes of a committee meeting have been signed as correct they are, until the contrary is proved, evidence that —
 - (a) the meeting to which the minutes relate was duly convened and held; and
 - (b) the matters recorded as having taken place at the meeting took place as recorded; and
 - (c) any appointment purportedly made at the meeting was validly made.

Division 5 — Subcommittees and subsidiary offices

50 Subcommittees and subsidiary offices

- (1) To help the committee in the conduct of the Association's business, the committee may, in writing, do either or both of the following —
 - (a) appoint one or more subcommittees;
 - (b) create one or more subsidiary offices and appoint people to those offices.
- (2) A subcommittee may consist of the number of people, current financial members, that the committee considers appropriate.
- (3) A person may be appointed to a subsidiary office if a current financial member.
- (4) Subject to any directions given by the committee —
 - (a) a subcommittee may meet and conduct business as it considers appropriate; and
 - (b) the holder of a subsidiary office may carry out the functions given to the holder as the holder considers appropriate.

51 Delegation to subcommittees and holders of subsidiary offices

- (1) In this rule —

non-delegable duty means a duty imposed on the committee by the Act or another written law.

- (2) The committee may, in writing, delegate to a subcommittee or the holder of a subsidiary office the exercise of any power or the performance of any duty of the committee other than —
 - (a) the power to delegate; and

- (b) a non-delegable duty.
- (3) A power or duty, the exercise or performance of which has been delegated to a subcommittee or the holder of a subsidiary office under this rule, may be exercised or performed by the subcommittee or holder in accordance with the terms of the delegation.
- (4) The delegation may be made subject to any conditions, qualifications, limitations or exceptions that the committee specifies in the document by which the delegation is made.
- (5) The delegation does not prevent the committee from exercising or performing at any time the power or duty delegated.
- (6) Any act or thing done by a subcommittee or by the holder of a subsidiary office, under the delegation has the same force and effect as if it had been done by the committee.
- (7) The committee may, in writing, amend or revoke the delegation.

PART 6 — GENERAL MEETINGS OF ASSOCIATION

52 Annual general meeting

- (1) The committee must determine the date, time and place of the annual general meeting.
- (2) If it is proposed to hold the annual general meeting more than 6 months after the end of the Association's financial year, the secretary must apply to the Commissioner for permission under section 50(3)(b) of the Act within 4 months after the end of the financial year.
- (3) The ordinary business of the annual general meeting is as follows —
 - (a) to confirm the minutes of the previous annual general meeting and of any special general meeting held since then if the minutes of that meeting have not yet been confirmed;
 - (b) to receive and consider —
 - (i) the committee's annual report on the Association's activities during the preceding financial year; and
 - (ii) if the Association is a tier 1 association, the financial statements of the Association for the preceding financial year presented under Part 5 of the Act; and
 - (iii) if the Association is a tier 2 association or a tier 3 association, the financial report of the Association for the preceding financial year presented under Part 5 of the Act;
 - (iv) if required to be presented for consideration under Part 5 of the Act, a copy of the report of the review or auditor's report on the financial statements or financial report;
 - (c) to elect the office holders of the Association and other committee members;
 - (d) if applicable, to appoint or remove a reviewer or auditor of the Association in accordance with the Act;
 - (e) Any resignations of the committee at general meeting will be filled in the general meeting if possible.
- (4) Any other business of which notice has been given in accordance with these rules may be conducted at the annual general meeting.

Note for this rule:

Unless the Commissioner allows otherwise, under section 50(3) of the Act the annual general meeting must be held within **6** months after the end of the Association's financial year. If it is the first annual general meeting, section 50(2) of the Act provides that it may be held at any time within 18 months after incorporation.

53 Special general meetings

- (1) The committee may convene a special general meeting.
- (2) The committee must convene a special general meeting if at least **30%** of the members require a special general meeting to be convened.
- (3) If a quorum is not present within **15** minutes after the notified commencement time of special general meeting the meeting is adjourned to the same Place and Same day.
- (4) If —
 - (a) a quorum is not present within **30** minutes after the commencement time of special general meeting held under subrule (3); and
 - (b) at least **10%** current financial members are present at the meeting, those members present are taken to constitute a quorum
- (5) The members requiring a special general meeting to be convened must —
 - (a) make the requirement by written notice given to the secretary; and
 - (b) state in the notice the business to be considered at the meeting; and
 - (c) each sign the notice.
- (6) The special general meeting must be convened within **28** days after notice is given under subrule (5)(a).
- (7) If the committee does not convene a special general meeting within that 28 day period, the members making the requirement (or any of them) may convene the special general meeting.
- (8) A special general meeting convened by members under subrule (7) —
 - (a) must be held within 3 months after the date the original requirement was made; and
 - (b) may only consider the business stated in the notice by which the requirement was made.
- (9) The Association must reimburse any reasonable expenses incurred by the members convening a special general meeting under subrule (7).

54 Notice of general meetings

- (1) The secretary or, in the case of a special general meeting convened under rule 51(5), the members convening the meeting, must give to each member —
 - (a) at least **14** days' notice of a general meeting if a special resolution is to be proposed at the meeting; or
 - (b) at least **21** days' notice of a general meeting in any other case.
- (2) The notice must —
 - (a) specify the date, time and place of the meeting; and
 - (b) indicate the general nature of each item of business to be considered at the meeting; and
 - (c) if the meeting is the annual general meeting,

1. include the names of the members who have nominated for election to the committee under rule 32(2);
 2. Returning officer must provide Names of the nominated candidates to secretary soon after the closure of withdrawal of the nominations and
- (d) if a special resolution is proposed —
- (i) set out the wording of the proposed resolution as required by section 51(4) of the Act; and
 - (ii) state that the resolution is intended to be proposed as a special resolution; and
 - (iii) comply with rule 53(7).

Note for this paragraph:

Section 51(1) of the Act states that a resolution is a special resolution if it is passed —

- (a) at a general meeting of an incorporated association; and
- (b) by the votes of not less than **51%** of the members of the association who cast a vote at the meeting.

55 Proxies

No proxies allowed in general meetings and special general meetings.

56 Use of technology to be present at general meetings

A current financial members must be present in person in general meeting/special general meeting.

57 Presiding member and quorum for general meetings

- (1) The President or, in the President's absence, the Vice President must preside as chairperson of each general meeting.
- (2) If the President and Vice President are absent or are unwilling to act as chairperson of a general meeting, the committee members at the meeting must choose one of them to act as chairperson of the meeting.
- (3) No business is to be conducted at a general meeting unless a quorum is present, for quorum minimum **30%** current financial members must be present.
- (4) If a quorum is not present within **15** minutes after the notified commencement time of a general meeting —
 - (a) in the case of a special general meeting — the meeting lapses; or
 - (b) in the case of the annual general meeting — the meeting is adjourned to —
 - (i) the same Place and Same day ; and
- (5) If —
 - (a) a quorum is not present within **30** minutes after the commencement time of an annual general meeting held under subrule (4)(b); and
 - (b) at least **10%** current financial members are present at the meeting,those members present are taken to constitute a quorum.

Note for this rule:

If these model rules are adopted, the quorum for a general meeting is as notified to the Commissioner under section 7(4)(c) or 29(5)(c) of the Act.

58 Adjournment of general meeting

- (1) The chairperson of a general meeting at which a quorum is present may, with the consent of a majority of the Current financial members present at the meeting, adjourn the meeting to another time at the same place or at another place.
- (2) Without limiting subrule (1), a meeting may be adjourned —
 - (a) if there is insufficient time to deal with the business at hand; or
 - (b) to give the members more time to consider an item of business.
- (3) No business may be conducted on the resumption of an adjourned meeting other than the business that remained unfinished when the meeting was adjourned.
- (4) Notice of the adjournment of a meeting under this rule is not required unless the meeting is adjourned for 14 days or more, in which case notice of the meeting must be given in accordance with rule 52.

59 Voting at general meeting

1. On any question arising at a general meeting subject to subrule (6), each Current financial member has one vote unless the member may also vote on behalf of a body corporate under subrule (2);
2. An current financial member that is a body corporate may, in writing, appoint an individual, whether or not the individual is a member, to vote on behalf of the body corporate on any question at a particular general meeting or at any general meeting, as specified in the document by which the appointment is made.
3. A copy of the document by which the appointment is made must be given to the secretary before any general meeting to which the appointment applies.
4. The appointment has effect until —
 - a. the end of any general meeting to which the appointment applies; or
 - b. the appointment is revoked by the body corporate and written notice of the revocation is given to the secretary.
5. Except in the case of a special resolution, a motion is carried if a majority of the Current financial members present at a general meeting vote in favour of the motion.
6. If votes are divided equally on a question, the chairperson of the meeting has a second or casting vote.
7. If the question is whether or not to confirm the minutes of a previous general meeting, only members who were present at that meeting may vote.
8. For a person to be eligible to vote at a general meeting as a member, the member —
 - a. must have been a Current Financial member at the time notice of the meeting was given under rule 52; and
 - b. must have paid any fee or other money payable to the Association by the member.

60 When special resolutions are required

- (1) A special resolution is required if it is proposed at a general meeting —
 - (a) to affiliate the Association with another body; or
 - (b) to request the Commissioner to apply to the State Administrative Tribunal under section 109 of the Act for the appointment of a statutory manager.
- (2) Sub rule (1) does not limit the matters in relation to which a special resolution may be proposed.

Note for this rule:

Under the Act, a special resolution is required if an incorporated association proposes to do any of the following—

- (a) to adopt these model rules (section 29(1));
- (b) to alter its rules, including changing the name of the association (section 30(1));
- (c) to decide to apply for registration or incorporation as a prescribed body corporate (section 93(1));
- (d) to approve the terms of an amalgamation with one or more other incorporated associations (section 102(4));
- (e) to be wound up voluntarily (section 121(2)) or by the Supreme Court (section 124(a) and Schedule 4 item 9);
- (f) to cancel its incorporation (section 129).

61 Determining whether resolution carried

- (1) In this rule —

poll means the process of voting in relation to a matter that is conducted in writing.
- (2) Subject to subrule (4), the chairperson of a general meeting may, on the basis of general agreement or disagreement or by a show of hands, declare that a resolution has been —
 - (a) carried; or
 - (b) carried unanimously; or
 - (c) carried by a particular majority; or
 - (d) lost.
- (3) If the resolution is a special resolution, the declaration under subrule (2) must identify the resolution as a special resolution.
- (4) If a poll is demanded on any question by the chairperson of the meeting or by at least 3 other Current financial members present in person
 - (a) the poll must be taken at the meeting in the manner determined by the chairperson;
 - (b) the chairperson must declare the determination of the resolution on the basis of the poll.
- (5) If a poll is demanded on the election of the chairperson or on a question of an adjournment, the poll must be taken immediately.
- (6) If a poll is demanded on any other question, the poll must be taken before the close of the meeting at a time determined by the chairperson.
- (7) A declaration under subrule (2) or (4) must be entered in the minutes of the meeting, and the entry is, without proof of the voting in relation to the resolution, evidence of how the resolution was determined.

62 Minutes of general meeting

- (1) The secretary, or a person authorised by the committee from time to time, must take and keep minutes of each general meeting.
- (2) The minutes must record the business considered at the meeting, any resolution on which a vote is taken and the result of the vote.
- (3) In addition, the minutes of each annual general meeting must record —
 - (a) the names of the current financial members attending the meeting; and
 - (b) the financial statements or financial report presented at the meeting, as referred to in rule 50(3)(b)(ii) or (iii); and
 - (c) any report of the review or auditor's report on the financial statements or financial report presented at the meeting, as referred to in rule 50(3)(b)(iv).
- (4) The minutes of a general meeting must be entered in the Association's minute book within 30 days after the meeting is held.
- (5) The chairperson must ensure that the minutes of a general meeting are reviewed and signed as correct by —
 - (a) the chairperson of the meeting; or
 - (b) the chairperson of the next general meeting.
- (6) When the minutes of a general meeting have been signed as correct they are, in the absence of evidence to the contrary, taken to be proof that —
 - (a) the meeting to which the minutes relate was duly convened and held; and
 - (b) the matters recorded as having taken place at the meeting took place as recorded; and
 - (c) any election or appointment purportedly made at the meeting was validly made.

PART 7 — FINANCIAL MATTERS

63 Source of funds

The funds of the Association may be derived from entrance fees, annual subscriptions, donations, fund-raising activities, grants, interest and any other sources approved by the committee.

64 Control of funds

- (1) The Association must open an account in the name of the Association with a financial institution from which all expenditure of the Association is made and into which all funds received by the Association are deposited.
- (2) Subject to any restrictions imposed at a general meeting, the committee may approve expenditure on behalf of the Association.
- (3) The committee may authorise the treasurer and President to expend funds on behalf of the Association up to a specified limit without requiring approval from the committee for each item on which the funds are expended.
- (4) All cheques, drafts, bills of exchange, promissory notes and other negotiable instruments of the Association must be signed by —
 - (a) Treasurer and President; or
 - (b) Treasurer and Secretary;
- (5) All funds of the Association must be deposited into the Association's account within 5 working days after their receipt.

65 Financial statements and financial reports

- (1) For each financial year, the committee must ensure that the requirements imposed on the Association under Part 5 of the Act relating to the financial statements or financial report of the Association are met.
- (2) Without limiting subrule (1), those requirements include —
 - (a) if the Association is a tier 1 association, the preparation of the financial statements; and
 - (b) if the Association is a tier 2 association or tier 3 association, the preparation of the financial report; and
 - (c) if required, the review or auditing of the financial statements or financial report, as applicable; and
 - (d) the presentation to the annual general meeting of the financial statements or financial report, as applicable; and
 - (e) if required, the presentation to the annual general meeting of the copy of the report of the review or auditor's report, as applicable, on the financial statements or financial report.
 - (f) Assets audit will be done by President and Treasurer.

Notes for this rule:

1. Under section 66 of the Act, an incorporated association must keep financial records that: -
 - (a) correctly record and explain its transactions and financial position and performance; and
 - (b) enable true and fair financial statements to be prepared in accordance with Part 5 Division 3 of the Act.

2. Under section 67 of the Act, an incorporated association must retain its financial records for at least 7 years after the transactions covered by the records are completed.

PART 8 — GENERAL MATTERS

66 By-laws

Guidance Note – Status of By-laws - A by-law must be consistent with the Act, the regulations and these rules. The rules of an association bind the association and the members as an enforceable contract between them. By-laws may not have that status. Therefore, the use of by-laws should be reserved for more procedural or administrative matters.

- (1) The Association may, by resolution at a general meeting, make, amend or revoke by-laws.
- (2) By-laws may —
 - (a) provide for the rights and obligations that apply to any classes of associate membership approved under rule 8(2); and
 - (b) impose restrictions on the committee's powers, including the power to dispose of the association's assets; and
 - (c) impose requirements relating to the financial reporting and financial accountability of the association and the auditing of the association's accounts; and
 - (d) provide for any other matter the association considers necessary or convenient to be dealt with in the by-laws.
- (3) A by-law is of no effect to the extent that it is inconsistent with the Act, the regulations or these rules.
- (4) Without limiting subrule (3), a by-law made for the purposes of subrule (2)(c) may only impose requirements on the Association that are additional to, and do not restrict, a requirement imposed on the Association under Part 5 of the Act.
- (5) At the request of a member, the Association must make a copy of the by-laws available for inspection by the member.

67 Executing documents and common seal

- (1) The Association may execute a document without using a common seal if the document is signed by —
 - (a) President and Secretary ; or
 - (b) one committee member and a person authorised by the committee.
- (2) If the Association has a common seal —
 - (a) the name of the Association must appear in legible characters on the common seal; and
 - (b) a document may only be sealed with the common seal by the authority of the committee and in the presence of —
 - (i) President and Secretary; or
 - (ii) one committee member and a person authorised by the committee,and each of them is to sign the document to attest that the document was sealed in their presence.
- (3) The secretary must make a written record of each use of the common seal.

- (4) The common seal must be kept in the custody of the secretary or another committee member authorised by the committee.

68 Giving notices to members

- (1) In this rule —

recorded means recorded in the register of members.

- (2) A notice or other document that is to be given to a member under these rules is taken not to have been given to the member unless it is in writing and —
- (a) delivered by hand to the recorded address of the member; or
 - (b) sent by prepaid post to the recorded postal address of the member; or
 - (c) sent by facsimile or electronic transmission to an appropriate recorded number or recorded electronic address of the member.

69 Custody of books and securities

- (1) Subject to subrule (2), the books and any securities of the Association must be kept in the secretary's custody or under the secretary's control.
- (2) The financial records and, as applicable, the financial statements or financial reports of the Association must be kept in the treasurer's custody or under the treasurer's control.
- (3) Subrules (1) and (2) have effect except as otherwise decided by the committee.
- (4) The books of the Association must be retained for at least 7 years.

70 Record of office holders

The record of committee members and other persons authorised to act on behalf of the Association that is required to be maintained under section 58(2) of the Act must be kept in the secretary's custody or under the secretary's control.

Note for this rule

Section 58 of the Act —

- (a) sets out the details of the record that an incorporated association must maintain of the committee members and certain others; and
- (b) provides for members to inspect, make a copy of or take an extract from the record; and
- (c) prohibits a person from disclosing information in the record except for authorised purposes.

71 Inspection of records and documents

- (1) Subrule (2) applies to a current financial member who wants to inspect —
 - (a) the register of current financial members under section 54(1) of the act; or
 - (b) the record of the names and addresses of committee members, and other persons authorised to act on behalf of the Association, under section 58(3) of the Act; or
 - (c) any other record or document of the association.
- (2) The current financial member must contact the secretary to make the necessary arrangements for the inspection.
- (3) The inspection must be free of charge.
- (4) If the current financial member wants to inspect a document that records the minutes of a committee meeting, the right to inspect that document is subject to any decision the committee has made about minutes of committee meetings generally, or the minutes of a specific committee meeting, being available for inspection by members.
- (5) The current financial member may make a copy of or take an extract from a record or document referred to in subrule (1)(c) but does not have a right to remove the record or document for that purpose.

Note for this subrule:

Sections 54(2) and 58(4) of the Act provide for the making of copies of, or the taking of extracts from, the register referred to in subrule (1)(a) and the record referred to in subrule (1)(b).

- (6) The current financial member must not use or disclose information in a record or document referred to in subrule (1)(c) except for a purpose —
 - (a) that is directly connected with the affairs of the Association; or
 - (b) that is related to complying with a requirement of the Act.
- (7) Records and documents provided to member-
 - a. request must be in the form writing to EC and
 - b. purpose of the request must be specifically mentioned and
 - c. no personal details of the members will be provided to external request.
 - d. any external request must be approved by committee.

Note for this subrule:

Sections 57(1) and 58(5) of the Act impose restrictions on the use or disclosure of information in the register referred to in subrule (1)(a) and the record referred to in subrule (1)(b).

72 Publication by committee members of statements about Association business prohibited

A committee member must not publish, or cause to be published, any statement about the business conducted by the Association at a general meeting or committee meeting unless —

- (a) the committee member has been authorised to do so at a committee meeting; and
- (b) the authority given to the committee member has been recorded in the minutes of the committee meeting at which it was given.

73 Distribution of surplus property on cancellation of incorporation or winding up

(1) In this rule —

surplus property, in relation to the Association, means property remaining after satisfaction of —

- (a) the debts and liabilities of the Association; and
- (b) the costs, charges and expenses of winding up or cancelling the incorporation of the Association,

but does not include books relating to the management of the Association.

(2) On the cancellation of the incorporation or the winding up of the Association, its surplus property must be distributed as determined by special resolution by reference to the persons mentioned in section 24(1) of the Act.

Note for this rule:

Section 24(1) of the Act sets out a provision that is implied in these rules describing the entities to which the surplus property of an incorporated association may be distributed on the cancellation of the incorporation or the winding up of the association. Part 9 of the Act deals with the winding up of incorporated associations, and Part 10 of the Act deals with the cancellation of the incorporation of incorporated associations.

74 Alteration of rules

If the Association wants to alter or rescind any of these rules, or to make additional rules, the Association may do so only by special resolution and by otherwise complying with Part 3 Division 2 of the Act.

Note for this rule:

Section 31 of the Act requires an incorporated association to obtain the Commissioner's approval if the alteration of its rules has effect to change the name of the association.

Section 33 of the Act requires an incorporated association to obtain the Commissioner's approval if the alteration of its rules has effect to alter the objects or purposes of the association or the manner in which surplus property of the association must be distributed or dealt with if the association is wound up or its incorporation is cancelled.



WESTERN AUSTRALIA KANNADA SANGHA INC.
APPLICATION FOR MEMBERSHIP OF AN INCORPORATED ASSOCIATION
model rule 5
WESTERN AUSTRALIA KANNADA SANGHA INC.

I,.....(Insert APPLICANT'S name)

of.....

(insert APPLICANT'S residential or postal address - required under section 27 of the Associations Incorporation Act (2014))

Email id:

Phone no.....

apply to become a member of the above Association.

If my application is accepted, I agree to be bound by the rules of the Association.

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

Rule 5(2) "A person who wishes to become a member must be proposed by one member.

PROPOSED:

Name.....

Signature.....

Date.....

----- Applicants to detach and keep -----

INFORMATION for APPLICANTS

1 If your application is accepted, your name and address, as provided above, **must** be recorded in a register of members and **no personal details of the members will be provided to external request.**(Rule 71(7)(c)).

2 If the obligations under the Associations Incorporation Act are not complied with the Association can be wound up.

3 You can contact the Association at **P.O. BOX NO. 600 MAYLANDS WA-6931**

4 You can access or correct personal information (your name and address) by contacting the Association as indicated above.

OTHER INFORMATION

1 If your application is accepted you are entitled to inspect and make a copy of the register of members under section 27 of the Associations Incorporation Act.

2 If your application is accepted you are entitled to inspect and make a copy of the rules (constitution) of the association under section 28 of the Associations Incorporation Act.

If your application for membership is rejected by the Committee: You may give notice of your intention to appeal within 14 days of being advised of the rejection. The Association in a general meeting, no later than the next annual general meeting, must confirm or set aside the decision of the Committee rejecting your application, after giving you a reasonable opportunity to be heard or to make written representations to the general meeting.