ETHNIC COMMUNITIES' COUNCIL OF NEW SOUTH WALES INC

CONSTITUTION

NAME

The name of the organisation is "Ethnic Communities' Council of NSW Inc''

PART I

INTERPRETATION

1. PRELIMINARY INTERPRETATION

In these rules, except in so far as the context or subject matter otherwise indicates or requires

a) i) a reference to a function includes a reference to a power, authority and duty and

ii) a reference to the exercise of a function includes, where the function is a duty, a reference to the performance of the duty.

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

2. DEFINITIONS

a) **"Council"** means the Ethnic Communities 'Council of NSW Inc;

b) **"Ethnic"** means pertaining to distinct cultures with particular reference to languages other than English;

c) **"Association"** means a non-profit association, society, club coordinating committee, church or similar organisation having objectives that are not contrary to the objects of the Council;

d) **"Regional Ethnic Umbrella Bodies"** means any organisation which is formed pursuant to Rule 4 hereof;

e)" **"Delegate"** means a person appointed by a member organisation or group of associate members, to represent that member association or group of associate members at general meetings of the Council;

f) **"Member"** means a member association or delegate;

g) **"Associate Member"** means a person admitted to the Council by Council as an associate member in accordance with Rule 5:

h) **"Executive"** means the Executive as constituted in accordance with Rule 27;

i) **"Management Committee"** means the Management Committee as constituted in accordance with Rule 24:

j) **"Office Bearer"** means an office bearer for the purpose of Rule 25;

k) **"Secretary"** means the person holding office under these rules as secretary of the Council

1) **"General Meeting"** means a general meeting of the Council including the annual general meeting;

m) **"Special Resolution"** means a resolution at a general meeting passed in accordance with Rule 23:

n) **"the Act"** means the Associations Incorporation Act, 1984, as amended from time to time;

o) **"the Commission"** means the Australian Securities Commission;

p) **"the Regulation"** means the Associations Incorporation Regulation, 1985:

q) **"Public Officer"** means the elected Secretary of the Council;

r) **"Corporate or Government Affiliated member"** means any business corporation , government agency or statutory authority or its delegates.

3. OBJECTS

The objects for which the Council is established are:

a) Promoting of joint action and co-operation between ethnic communities on issues of common concern to provide for social coherence and stability.
b) Ensuring the rights of ethnic communities including effective participation in decisions which affect them and sharing of community resources.
c) Encouraging the development of ethnic organisations concerned with the social and cultural life of their communities.
d) Participating actively in the development of a culturally pluralistic society in Australia, and relating to relevant community organisations and structures keeping in mind the purpose of interaction with, rather than isolation from, the mainstream of Australian life.
e) Promoting actively the principles of multiculturalism.
f) Promoting democratic attitudes for racial harmony and understanding.
g) Opposing all forms of discrimination, defamation and vilification on the grounds of ethnic or national origin race, religion or colour.

PART II

MEMBERSHIP

4. MEMBERSHIP QUALIFICATIONS

a) Membership consists of affiliated associations.
b) Application for membership shall be made in writing, signed by a competent officer of the applicant association (and shall be in such form and containing such requirements as the Council from time to time prescribes.
c) As soon as practicable after the receipt of an application for membership it shall be considered by the Council who shall thereupon determine upon the admission or rejection of the applicant association. In no case shall the Council be required to give any reason for the rejection of an applicant association. An association so rejected may apply to the Secretary to bring the question of admission for consideration of the assembly in the next General Meeting.
d) The Secretary shall as soon as practicable inform in writing the applicant association of the result of the application and request the nominee to pay within the period of 28 days after receipt by the nominee of the notification the sum payable under these rules by a member as entrance fee and annual subscription. If admitted, the names and addresses of the appointed delegates shall be requested.
e) The delegates must be re-appointed by the member associations and institutions every year for the Annual
General Meeting.
f) Nothing shall prevent a member association or institution from recalling a delegate at any time and appointing another delegate in his/her place.
g) A register of member associations and institutions shall be kept showing name, address, and the date of commencement of membership and the names and addresses of accredited delegates.
h) Member associations shall be entitled to the following number of delegates:
   i) An association with up to one hundred members, one delegate.
   ii) An association with one hundred and one to 500 members, two delegates.
   iii) An association with five hundred and one to two thousand members, three delegates.

iv) An association with two thousand and one or more members, four delegates.

i) Member associations shall be entitled to a youth delegate (where appropriate) above the already existing delegate entitlements. The following conditions should apply to this delegate:
   i) That only one such delegate should represent an association.
   ii) That the provision or votes by proxy for a youth delegate only be allowed if the proxy is a young person.
   iii) That the extra subscription incurred by a youth delegate is waived for the first year only.
   iv) That youth are defined as people from sixteen to twenty eight years of age.

j) Nothing shall prevent an association to accredit a lesser number of delegates than as entitled.

k) Bodies joining the Council are required to have a written constitution to become members.

l) All associations wishing to join the Council are required to demonstrate that they are non-profit making organisations.

m) The Accreditation or Management committees of the Council are the only mechanisms through which the initial scrutinisation of applications for membership should take place.

5 ASSOCIATE MEMBERSHIP

a) The Executive may admit any person to be an associate member of the Council.

b) The provisions of rule 4 b), c) and d) apply mutatis mutandis for the admission of an associate member.

c) An associate member has all the rights and duties of a delegate save the right to vote at a general meeting.

d) A register of associate members shall be kept showing name, address and date of commencement of membership and current financial member status.

e) The associate members as a group are entitled to the same number of delegates as an association for the purposes of rule 4 (h).

f) Corporate or Government agencies or their delegates may be entered as corporate members, with no voting rights, on payment of an affiliation fee which shall be set and determined from time to time by the Council for the purpose of promoting interaction and co-operation with the ECC and its individual members

6 HONORARY LIFE MEMBERSHIP

The Annual General Meeting may elect any person to be an Honorary Life Member of the Council and such Life member shall be entitled to attend and speak at all Management and Executive meetings but shall not have the right to vote in his/her capacity as a Life Member.

7 MEMBERSHIP ENTITLEMENTS NOT TRANSFERABLE

A right, privilege or obligation which a member has by reason of being a member association or an associate member of the Council -

a) is not capable of being transferred or transmitted to another person or organisation; and

b) terminates upon cessation of membership.

8 REGISTER OF MEMBERS AND ASSOCIATE MEMBERS

a) The Public Officer of the Council shall establish and maintain a register of members and associate members of the Council specifying the name and address of each member or associate member of the Council together with the date on which membership commenced, and whether a current financial member.

b) The register of members and associate members shall be kept at the principal place of administration of the Council and shall be open for inspection, free of charge, by any member or associate member of the Council at any reasonable hour.

9 VACATION OF OFFICE

The Office of a member of the Executive or of the Management Committee shall become vacant:

a) Upon the member's death;
b) If the member becomes bankrupt or makes any arrangements for composition with his creditors generally:
c) If the member becomes mentally ill or a person whose person or estate is liable to be dealt with in any way under the law relating to mental health;
d) If the member resigns the office by notice in writing to the Council;
e) If the member is absent for more than three months without leave of the Executive from meetings of the Executive or of Management Committee held during that period, unless otherwise decided by the Executive;
f) If in case of being a delegate, the person's accrediting association recalls him/her, or ceases to be a member of the Council; and in case of the member being an associate member, he/she ceases to be such member; provided that if a delegate whose accrediting association recalls him/her or ceases to be a member of the Council, the member applies for associate membership within a fortnight and is admitted as such at the next meeting of the Executive;
g) Upon resolution being passed by a two-thirds majority of delegates present and voting at the properly constituted general meeting specially called for the purpose to remove the member from office or expel the accrediting association from the membership of the Council and in the latter case the provision in the sub-rule (f) applies;
h) If the member holds office of profit under the Council;
i) If the member is directly or indirectly interested in any contract or proposed contract with the Council.

10. RESIGNATION OF MEMBERSHIP

a) A member or an associate member of the Council is not entitled to resign that membership except in accordance with this rule.
b) A member or an associate member of the Council which has paid all amounts payable by the member to the Council in respect of the member's or associate member's membership may resign from membership of the Council by first giving notice (being not less than one month or not less than such other reasonable period as the Executive may determine) in writing to the Secretary of the member's or associate member's intention to resign and, upon the expiration of the period of notice, the member or associate member ceases to be a member.
c) Where a member or associate member of the Council ceases to be a member pursuant to sub-rule (b), and in every other case where a member or associate member ceases to hold membership, the Secretary shall ensure there is an appropriate entry in the register of members recording the date on which the member or associate member ceased to be a member.

11 MEMBERS' LIABILITIES

The liability of a member or associate member of the Council to contribute towards the payment of the debts and Liabilities of the Council or the cost, charges and expenses of the winding up of the Council is limited to the amount, if any, unpaid by the member or associate member in respect of membership as required by rule 36.

12. RESOLUTION OF INTERNAL DISPUTE

Dispute between members or associate members (in their capacity as members) of the Council, and disputes between members and the Council, are to be referred by the Chairperson, Secretary or member or associate member involved in the dispute to a community justice centre for mediation in accordance with the Community Justice Centres Act, 1983, or as agreed by both parties.

13. DISCIPLINING OF MEMBERS AND ASSOCIATE MEMBERS

a) Where the Executive is of the opinion that a member or associate member of the Council
   i) has persistently refused or neglected to comply with a provision or provisions of these rules:

   or

ii) has persistently and wilfully acted in a manner prejudicial to the interests of the Council,

the Executive may, by resolution -

iii) suspend the member or associate member from membership of the Council for a specified period;

iv) expel the member or associate member from the Council;

or

v) demand the recall of the delegate, and that same member association can appoint another delegate.

b) A resolution of the Executive under rule 13 (a) is of no effect unless the Executive, at a meeting held not earlier than 14 days and not later than 28 days after service on the member of a notice under rule 13 (b), confirms the resolution in accordance with this rule.

c) Where the Executive passes a resolution under rule 13 (a), the Secretary shall, as soon as practicable, issue a notice in writing to be served on the member or associate member

i) setting out the resolution of the Executive and the grounds on which it is based:

ii) stating that the member or associate member may address the Executive at a meeting to be held not earlier than 14 days and not later than 28 days after service of the notice;

iii) stating the date, place and time of that meeting:

and

iv) informing the member or associate member that the member or associate member may do either or both of the following:

- attend and speak at the meeting: or appoint a representative to so do;
- submit to the Executive at or prior to the date of that meeting, written representations relating to the resolution.

d) At a meeting of the Executive held as referred to in rule 13 (c), the Executive shall -

i) give to the member or associate member or an appointed representative an opportunity to make oral representations;

ii) give due consideration to any written representations submitted to the Executive by the member or associate member at or prior to the meeting;

and

iii) by resolution determine whether to confirm or revoke the resolution made by Executive in accordance with rule 13 (a).

e) Where the Executive confirms a resolution under sub-rule (c), the Secretary shall, within 7 days after that confirmation, by notice in writing inform the member or associate member of the fact and of the right of appeal under rule 14.

f) A resolution confirmed by the Executive under rule 13 (d) does not take effect -

i) until the expiration of the period within which the member or associate member is entitled to appeal against the resolution where the member or associate member does not exercise the right of appeal within that period;

or

ii) where within that period the member or associate member exercises the right of appeal unless and until the Council confirms the resolution pursuant to rule 14 (d).

g) The membership of any member or associate member which has been unfinancial for over two years, shall automatically be terminated, except in such cases as the Executive of the Council decides to give a member or associate member which has submitted good reasons, an exemption from such disqualification and provided that at least a thirty day warning notice be served on the organisation prior to the termination of membership.

14. RIGHT OF APPEAL OF DISCIPLINED MEMBER

a) A member or associate member may appeal to the Council in a general meeting against a resolution of the Executive which is confirmed under rule 13 (d), within 7 days after notice of the resolution is served on the member or associate member by lodging with the Secretary a notice to that effect.

b) Upon receipt of a notice from a member or associate member under rule 14 (a), the Secretary shall notify the Executive which shall convene a general meeting of the Council to be held within 28 days after the date on which the Secretary received the notice.

c) At a general meeting of the Council convened under rule 14 (b) -

i) no business other than the question of the appeal shall be transacted;

ii) the Executive and the member or associate member shall be given the opportunity to state their respective cases orally or in writing, or both;

and

iii) the members present shall vote by secret ballot on the question of whether the resolution should be confirmed or revoked.

d) The resolution of the Executive in accordance with rule 13 (d) shall be revoked unless at the general meeting the Council passes a special resolution in favour of its confirmation.

PART III

COUNCIL STRUCTURES

15 THE ANNUAL GENERAL MEETING - ASSEMBLY

a) The accredited delegates form the assembly which shall meet at least once a year in the Annual General Meeting in the month of August, at such a place and time as the Executive decides.

b) In addition to any other business which may be transacted at an annual general meeting, the business of an annual general meeting shall be -

i) to confirm the minutes of the last preceding annual general meeting and of any special general meeting held since that meeting;

ii) to receive from the committee reports upon the activities of the Council during the last preceding financial year;

iii) to elect office bearers of the Council and members of the Executive;

and

iv) to receive and consider the statement which is required to be submitted to members pursuant to section 26 (6) of the Act.

c) The annual general meeting shall be specified as such in the notice covering it.

16 SPECIAL GENERAL MEETINGS - CALLING OF AND BUSINESS AT

a) The Executive may, whenever it thinks fit, convene a special general meeting of the Council.

b) The Secretary shall, on the requisition in writing of not less than 5 per cent of the total number of member associations, convene a special general meeting of the Council.

c) A requisition of member associations of a special general meeting -

i) shall state the purpose or purposes of the meeting;

ii) shall be executed by the member associations making the requisitions;

iii shall be lodged with the Secretary

and

iv) may consist of several documents in a similar form, each executed by one or more of the member associations making the requisition.

d) If the Secretary fails to convene a special general meeting to be held within 1 month after the date on which the requisition of member associations for the meeting is lodged with the Secretary, any one or more of the member associations who made the requisition may convene a special general meeting to be held not later than 3 months after that date,

e) A special general meeting convened by a member association/s as referred to in sub-rule 16 (d) shall be convened as nearly as practicable in the same manner as special general meetings are convened by the Secretary and any member association which thereby incurs expense is entitled to be reimbursed by the Council for any expense so incurred.

17 NOTICE

a) The Secretary shall give at least 28 days notice in writing of all general meetings including the annual general meeting to the member associations and associate members, specifying the place, day and hour of meeting and the general nature of the business to be dealt with at the meeting. This is to be sent by pre-paid post to each member association's and associate member's address appearing in the register of members.

b) No business other than that specified in the notice convening a general meeting shall be transacted at the meeting except, in the case of an annual general meeting, business which may be transacted pursuant to rule 15 (b).

c) A member desiring to bring any business before a general meeting may give notice in writing of that business to the Secretary, who shall include that business in the next notice calling for a general meeting given after receipt of the notice from the member.

18 CHAIRPERSON AT GENERAL MEETINGS

At proceedings of all general meetings of the Council the Chairperson of the Council shall act as chairperson; but if he/she is not present within fifteen minutes after the time appointed for the holding of the meeting or is unwilling to act, the Deputy Chairperson or a Vice-Chairperson in the order of seniority should preside, or if none of the Vice-Chairpersons are present or willing to act, then the delegates present shall elect one of their number to chair the meeting, a simple majority sufficing.

19. QUORUM

At all general meetings of the Council, the quorum shall be fifty. Should a quorum not be present within half an hour of the time set down fora meeting to commence, then the meeting shall be adjourned to the same time and place seven days later or to a place and to a time within one month of the date of such meeting, to be determined thereat. If at such adjourned meeting a quorum be not present, then those delegates or members of member associations holding proxies shall be deemed to be a quorum, provided the number of such delegates is not less than three.

20. VOTING AT GENERAL MEETINGS

a) Individual delegates shall have one vote at a general meeting of the Council and no one person may be a delegate for more than three associations. A delegate may vote in person or by proxy. A proxy must be a person who is a member of the same member association that the delegate represents. The instrument appointing the proxy shall be in writing under the hand of the appointer, in the form set out in appendix 3.

b) No person may hold more than six proxies in all for the purposes of a general meeting of the Council.

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

21. MAKING OF DECISIONS AT A GENERAL MEETING

a) A question arising at the general meeting of the Council 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 chairperson that a resolution has, on a show of hands,

been carried or carried unanimously or carried by a particular majority or lost, or an entry to that effect in the minute book of the Council, is evidence of the fact without proof of the number or proportion of the votes recorded in favour of or against that resolution.

b) At a general meeting of the Council, a poll may be demanded by the chairperson or by not less than 3 delegates present in person or by proxy at the meeting.

c) i) Where a poll is demanded at a general meeting, the poll shall be taken -immediately in the case of a poll which relates to the election of the chairperson of the meeting or to the question of an adjournment;

or

ii) in any other case, in such a manner and at such a time before the close of the meeting as the chairperson directs, and the resolution of the poll on the matter shall be deemed to be the resolution of the meeting on that matter.

22 ADJOURNMENT

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

b) Where a general meeting is adjourned for 14 days or more, the Secretary shall give written or oral notice of the adjourned meeting to each member association and associate member of the Council stating the place, date and time of the meeting and the nature of the business to be transacted at the meeting.

c) Except as provided in sub-rules (a) and (b), notice of an adjournment of a general meeting or of the business to be transacted at an adjourned meeting is not required to be given.

23. SPECIAL RESOLUTION

A resolution of the Council is a special resolution if-

a) it is passed by a majority which comprises not less than three-quarters of such delegates or proxies of the Council as, being entitled under these rules to so vote in person or by proxy at a general meeting of which not less than 28 days' written notice specifying the intention to propose the resolution as a special resolution was given in accordance with these rules;

or

b) where it is made to appear to the Commission that it is not possible or practicable for the resolution to be passed in the manner specified in sub-rule (a) -the resolution is passed in manner specified by the Commission.

24. MANAGEMENT COMMITTEE

The management of the Council shall be vested in the Management Committee, consisting of the Office Bearers. The Management Committee takes care of the day-today administration of the Council. It has no authority to adopt any policies or make any policy decisions save in case of urgency or in unforeseeable circumstances in which case such policies or policy decision must be ratified by the Executive at its first subsequent meeting. The question of what is policy or a policy decision shall be resolved by the Executive.

The Management Committee may meet together for the dispatch of business, adjourn and otherwise appoint and regulate its meetings as it thinks fit.

Seven members of the Management Committee, of whom one shall be the Chairperson or the Deputy Chairperson shall form a quorum. If neither the Chairperson nor the Deputy Chairperson is present at the meeting, more than half of the members of the Management Committee shall form a quorum.

25. OFFICE BEARERS

a) The Office Bearers shall consist of

- a Chairperson,
- Deputy Chairperson,
- twelve Vice-Chairpersons,
- Youth Vice-Chairperson (18-28 years of age).
- Secretary,
- two Assistant Secretaries,
- Treasurer,
- Assistant Treasurer, and
- Ex-officio, the Immediate Past Chairperson of the Council.

b) Ten of the Vice-Chairpersons shall be elected, together with the other office bearers, for a term of two years, at the Annual General Meeting of the Council to be held in 2003, and in each second year thereafter. The Executive Committee shall have the power to co-opt a further two Vice-chairpersons in accordance with the terms of the following sub-clause, on the recommendation of the Management Committee.

c) The Chairperson may serve for only two terms as Chairperson.
Other members of Management may serve for only two terms in the one position: and
All members of Management may serve for only four (4) consecutive terms on Management.

d) In accordance with the recommendations of the Roach Report (February, 2001):
i) The Executive shall exercise each year its power to co-opt two (2) Vice Chairpersons to the Management Committee and shall do so within two months of the election of the new Management Committee:
ii) The ECC shall annually research the representation of delegates and Associate members in the Executive and Management committees and identify which groups are under-represented:
iii) The ECC shall develop guidelines for co-options to the Executive and Management Committees to improve the balance of representation; for example, of new and emerging communities, minority communities, youth, gander balance, people with disabilities, rural and regional members, and also to enable members with special skills and abilities to participate:
iv) The criteria for co-options shall be:

- effective representation of under-represented groups, as identified above
- individuals with specialist skills and abilities.

Any casual vacancy occurring among the Office Bearers may be filled by the Council and the person so appointed to fill such vacancy shall hold office for the unexpired term of the Office Bearer so replaced. Not less than 14 days written notice shall be given to members of the Council of a meeting of the Council to fill a casual vacancy, such notice to specify the place, the day and the hour of the meeting and to include in the business to be dealt with at the meeting notice of the casual vacancy to be filled. Should there be more than one nomination to fill such casual vacancy the voting to fill the casual vacancy shall be by secret ballot.

No Office Bearer may serve in the same position for more than four consecutive years, (see 25. c) above), excluding any portion of a year when serving in the position in a casual capacity.

26. FUNCTIONS AND DUTIES OF CERTAIN OFFICE BEARERS

a) **Chairperson:**
   i) to preside at general meetings of the Council, Executive and Management meetings. The Chairperson shall have the right to chair or delegate the chairmanship of all such meetings or parts thereof.
   ii) to be, ex officio, a member of all sub-committees of the Council.

b) **Deputy Chairperson:**
   i) to be responsible to the Council for the efficient functioning of subcommittees.
   ii) to be, ex officio, a member of all subcommittees of the Council.
   iii) generally to assist the Chairperson.
   iv) in the case of incapacity, absence or resignation of the Chairperson, to carry out all the duties of the Chairperson until a new Chairperson is elected.

c) **Vice-Chairpersons**:
   i) to carry out such duties as Management Committee delegates to them.
   ii) to deputise for the Chairperson when the Deputy Chairperson is unable so to do.

d) **Treasurer:**
   i) to ensure that all money due to the Council is collected and received and that all payments authorised by the Council are made;
   ii) to be responsible for ensuring that correct books and accounts are kept showing the financial affairs of the Council including full details of all receipts and expenditure connected with the activities of the Council.

e) **Assistant Treasurer**:
   i) to generally assist the Treasurer.
   ii) in the case of incapacity, absence or resignation of the Treasurer, to carry out the duties of the Treasurer until a new Treasurer is elected.

f) **Secretary:**
   i) to act as the Public Officer
   ii) to be responsible for the keeping of minutes of all proceedings of the Council, Executive and Management Committee and of all sub-committees.
   iii) to be responsible for the maintenance of all membership records.
   iv) to be responsible for the issue of all notices required under this constitution by law.

g) **Assistant Secretaries:**
   i) to generally assist the Secretary
   ii) in the case of incapacity, absence or resignation of the Secretary, to carry out the duties of the Secretary until a new Secretary is elected.

27 THE EXECUTIVE: COMPOSITION

The Executive shall comprise all members of the Management Committee, a further 80 persons who shall be elected by the annual general meeting in accordance with rule 28, and up to 20 further persons who may be co-opted by the Council from amongst members of member associations and associate members on the recommendation of the Board.

No member of the Executive shall be appointed to any salaried office or any office of the Council paid by fees and no remuneration or any other benefit in money or money's worth shall be given by the Council to any member of the Executive except repayment of out-of-pocket expenses, interest at a rate not exceeding interest at the rate for the time being charged by bankers in Sydney for money lent to the Council and reasonable and proper rent for premises let to the Council.

28 ELECTION OF THE EXECUTIVE

a) At the Annual General Meeting of the Council to be held in 2003, and in each second year thereafter, the Office Bearers and other members of the Executive shall be elected. Only Association delegates and Associate members shall be eligible for election.

b) Any two delegates or associate members shall be at liberty to nominate any other delegate or associate member to serve as an Office Bearer or member of the Executive.

c) At least twelve weeks prior to the annual general meeting at which an election of Office Bearers and other members of the Executive is to take place , the Executive shall appoint a Returning Officer who shall:

- receive all nominations;
- accept and/or reject nominations;
- conduct a draw to determine positions on the ballot paper;
- supervise the preparation of all necessary and properly certified ballot papers;
- notify candidates of all subsequent electoral procedures including appointment of scrutineers; determination of ballot times; formality issues including admission and rejection of ballot papers;
- conduct all necessary ballots;
- rule on all matters of dispute covering the election;
- supervise the counting of all votes;
- declare the results of all ballots; and
- conduct any recount if requested by any candidate.

Nominations shall close at the ECC office at noon twelve days before the date appointed for the meeting. The Returning Officer in the discharge of his duties shall have full responsibility for the conduct of the elections. The Returning Officer shall also have safe custody of ballot papers for a period of one month after the elections and then have the authority to dispose of ballot papers after this period if no challenge is lodged in the meantime to the result of the election.
The declaration of each ballot shall include the number of votes cast for each candidate and the names of the candidates elected.

d) Ballot papers shall be prepared for the following positions:

- Chairperson;
- Deputy Chairperson
- Twelve Vice-Chairpersons
- Youth Vice-Chairperson
- Secretary
- Two Assistant Secretaries
- Treasurer
- Assistant Treasurer
- Members of the Executive.

e) In order for the vote to be valid, the delegate must complete the ballot paper in the manner prescribed on the ballot paper, as determined by the Returning Officer.

f) If there is only one nomination for the Chairperson, or only one for the Deputy Chairperson, or the nominations do not exceed the number of vacancies for other Office Bearers or other members of the Executive, no balloting shall take place for the respective positions and the nominees shall be declared elected.

g) nomination for one position does not preclude nomination for another position.

h) the seniority of the twelve Vice-Chairpersons is decided by the number of votes obtained by the respective candidates for the twelve positions; if no ballot takes place, the Executive shall decide the seniority of the twelve Vice-Chairpersons.

i) In case there is not a sufficient number of candidates nominated, the Executive shall fill the remaining vacancy or vacancies.

29. THE EXECUTIVE PROCEDURE

a) he Executive may meet together for the dispatch of business, adjourn and otherwise appoint and regulate its business as it thinks fit, provided that no more than three months shall elapse between the meetings. The Chairperson may at any time and the Secretary on the requisition of any five members of the Executive may summon a meeting of the Executive.

b) Questions arising at any meeting of the Executive shall be decided by a majority of votes of those present and voting and a determination by a majority of the members of

the Executive present shall for all purposes be a determination of the Executive . In case of equality of votes, the Chairperson of the meeting shall have a second or casting vote.

c) The continuing members of the Executive may act notwithstanding any vacancy in the committee, but if and so long as their number is reduced below the number fixed by these Rules as the necessary quorum, the continuing members may act for the purposes of increasing the number of members of the Executive from amongst the accredited delegates or Associate Members.

30 QUORUM FOR EXECUTIVE MEETINGS

At a meeting of Executive the quorum shall be ten. Should a quorum not be present within half an hour of the time set down for a meeting to commence, then the meeting shall be adjourned to the same time and place seven days later or to a place and to a time within one month of the date of such meeting, to be determined thereat.

31 APPOINTMENT AND RESPONSIBILITY OF THE EXECUTIVE OFFICER

a) The Executive shall appoint and employ an Executive Officer to carry out such duties as it deems necessary for the proper running of the Council.

b) The person employed shall be responsible to the Management Committee through the Chairperson for the performance of these duties.

c) The person employed shall be, ex officio, a member without vote of Council, Executive, Management Committee and sub-committees of Council.

d) The person employed shall be responsible for the efficient functioning of Council's administration including-the supervision and training of all staff and purchasing of all necessary equipment within the limits of funds allocated by the Executive, and such other functions delegated by the Management Committee.

32 REGIONAL ETHNIC UMBRELLA BODIES

The associations outside the Sydney metropolitan region may form a Regional Ethnic Umbrella Body with objects similar to that of the Council and having their own Management to deal with local matters. The Executive on the recommendation of the Management Committee may co-opt as additional members to the Management Committee, representatives nominated by Regional Ethnic Umbrella Bodies with objects similar to that of the Council, provided such representatives are members of the body they represent and such bodies are financial members of the Council and provided that no more than one representative shall be co-opted from any one such body. The term of such representatives shall expire at the next Annual General Meeting of the Council

33 SUBCOMMITTEES

The Executive may appoint any number of subcommittees. The Chairperson, the Deputy Chairperson and the Secretary of the Council are ex-officio members of each of the subcommittees. The Convener of a subcommittee shall be appointed by the Executive on the recommendation of the Management Committee and must be a member of the Executive. Any member of the Executive, any member of any member association and any Associate member has the right to serve on any subcommittee and only such persons shall be entitled to vote at any such subcommittee.

34. MINUTES

The Management Committee shall cause Minutes to be made:

a) of all appointments of Office Bearers, members of the Management Committee and members of Executive:

b) of the names of members of the Management Committee and the Executive present at all meetings;

c) of all proceedings of all meetings of the Council and its committees. Such minutes shall be signed by the chairperson of the meeting at which the proceedings were held or by the chairperson of the next succeeding meeting.

PART IV
MISCELLANEOUS

35 FINANCIAL YEAR

The financial year shall conclude on 30 June of each year.

36 FEES. SUBSCRIPTIONS ETC

a) A member or associate member of the Council shall, upon admission to membership, pay to Council a fee as determined by the Executive.

b) In addition to any amount payable by the member or associate member under 36.sub-rule (a), a member of Council shall pay to the Council an annual membership fee as determined by the Executive,

i) except as provided by paragraph (ii), before I July in each calendar year:

or

ii) where a member or associate member becomes a member or associate member on or after I July in any calendar year - upon becoming a member or associate member and before I July in each succeeding calendar year.

c) The Executive may by resolution make provision for a graded fee structure based on the size of the organisation,to encourage smaller and poorer organisations to join, and in special circumstances waive fees

37 FUNDS

a) All moneys received by the Council shall be deposited intact at the earliest possible date to the credit of the Council's bank account. Receipts for moneys received shall be issued promptly.

b) All payments in excess of an amount, as determined by the Management Committee made by the Council shall be paid by cheque signed by any two of the Chairperson, Deputy Chairperson, Secretary, Treasurer, Assistant Treasurer and Executive Officer.

38 AUTHORISATION OF ACCOUNTS

All accounts shall be presented to and passed for payment at a Management Committee meeting and all details of all such approvals shall be entered in the Minute book.

39 AUDIT

a) The auditor or auditors shall be appointed at the Annual General Meeting. They shall examine all accounts, receipts, books, etc. and furnish a report thereon to the members of the Annual General Meeting. Audits shall be conducted at regular intervals of not more than twelve months.

b) An auditor shall not be a member or closely related to a member of the Council.

c) Subject to sub-rule d) hereof, notice of the intention to nominate an auditor to replace the current auditor shall be given to the Secretary at least twenty-one (21) days before the Annual General Meeting. The Secretary shall send a copy of the nomination to the current auditor at least seven (7) days before the Annual General Meeting. The current auditor shall be entitled to attend the Annual General Meeting and if he so wishes, be heard at such Annual General Meeting.

d) Where the current auditor submits his resignation, or notifies the Secretary of his/her intention not to seek re-election as auditor, sub-rule c) hereof shall not apply.

40 INSURANCE

a) The Council shall effect and maintain insurance pursuant to section 44 of the Act.

b) In addition to the insurance required under rule I, the Council may effect and maintain other insurance.

41 FUNDS-SOURCE

a) The funds of the Council shall be derived from the entrance fees and annual subscriptions of members, associate members, from donations and, subject to any

resolution passed by the Council in general meeting, such other sources as the Executive determines.

b) All money received by the Council shall be deposited as soon as practicable and without deduction to the credit of the Council's bank account.

c) The Council shall, as soon as practicable after receiving any money, issue an appropriate receipt.

42 FUNDS - MANAGEMENT

a) Subject to any resolution passed by the Council in general meeting, the funds of the Council shall be used in pursuance of the objects of the Council in such manner as the Executive determines.

b) All cheques, drafts, bills of exchange, promissory notes and other negotiable instruments shall be signed by any two members of the Management or employees of the Council, being members or employees authorised to do so by the Management Committee. [as specified in 37 (d)].

42A. REAL PROPERTY

Unless authorised by special resolution of the Council in general meeting, the property located at 221 Cope Street, Waterloo, shall not be:

a) mortgaged other than to the NSW Land and Housing Corporation or its successor, to secure any outstanding part of that property's purchase price and interest thereon, or to refinance such mortgage,

or

b) sold.

43. COMMON SEAL

a) The common seal of the Council shall be kept in the custody of the Public Officer.

b) The common seal shall not be affixed to any instrument except by the authority of the Management Committee and the affixing of the common seal shall be attested by the signatures either of two members of Management Committee, one of whom shall be the Chairperson, or of one member of the Management Committee and of the Executive Officer or Secretary.

44. CUSTODY OF BOOKS

Except as otherwise provided by these rules, the Public Officer shall keep in his custody or under his or her control all records, books and other documents relating to the Council.

44 INSPECTION OF BOOKS ETC

The records, books and other documents of the Council shall be open to inspection, free of charge, by a member of the Council at any reasonable hour.

46. SERVICE OF NOTICES

a) For the purpose of these rules, a notice may be served by or on behalf of the Council upon any member either personally or by sending it by post to the member at the member's address shown in the register of members.

b) Where a document is sent to a person by properly addressing, prepaying and posting to the person a letter containing the document, the document shall, unless the contrary is proved, be deemed for the purposes of these rules to have been served on the person at the time at which the letter would have been delivered in the ordinary course of post.

47. AMENDMENT OF RULES

These rules may be amended by a special resolution as described in Rule 23, passed at any General Meeting, provided that twenty-eight (28) days notice of the proposed amendment shall have been given. This will not be effective unless the Minister of the Crown for the time being administering the Charitable Collections Act, 1934, as amended has signified his approval to such amendment being made.

PARTV

ADDITIONAL RULES APPLICABLE TO CHARITIES

This part applies where the Council is registered under or is exempted from registration by or under the Charitable Collections Act 1934.

48. PAYMENT ETC OF OFFICE-BEARERS AND MEMBERS

A member of the Council shall not be appointed to any salaried office of the Council nor any office of the Council paid by fees, and no remuneration or other benefit in money or money's worth shall be given by the Council to any member of the Executive except -

a) repayment of out-of-pocket expenses;
b) interest at a rate not exceeding interest at the rate for the time being which is or would be charged by the Council's bankers for money lent to the Council; and
c) reasonable and proper rent for premises let to the Council

49 NOTIFICATION OF PROPOSED ALTERATION OF RULES

A proposed alteration of the rules or of the statement of objects of the Council shall be notified to the Minister administering the Charitable Collections Act, 1934, in the manner required by regulations under that Act.

50. COMPLIANCE WITH CHARITABLE COLLECTIONS ACT, 1934

The Council shall comply with such of the provisions of the Charitable Collections Act, 1934, and the regulations thereunder as are applicable to it.

51. DISSOLUTION:

a) The Council shall be dissolved in the event of membership of less than three associations or upon the vote of a three-fourths majority of delegates and voting at a Special General Meeting convened to consider such question.
b) Upon a resolution being passed in accordance with Paragraph (a) of this rule, all assets and funds of the Council in hand shall, after the payment of all expenses and liabilities, be handed over to such registered or exempted charity or charities having similar objects to this Council and which shall prohibit the distribution of its income and property amongst its members, as a simple majority of the delegates at the Special General Meeting so convened, or at a subsequent Special General Meeting, may decide.