



2017

Shree Jalaram Mandal WA (INC)

Association Rules

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Association Rules**

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PART 1 — PRELIMINARY

1. Name

The name of the Association shall be Shree Jalaram Mandal WA (INC).

2. Registered Office

The registered office of the Mandal shall be at the home of the Secretary or such office as the Committee may determine from time to time.

3. Terms used

In these rules, unless the contrary intention appears —

Act means the *Associations Incorporation Act 2015*;

Association means Shree Jalaram Mandal WA (INC), an 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 65;

chairperson means the Committee Member holding office as the chairperson of the Mandal;

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

Committee means the Managing Committee of the Mandal;

Committee meeting means a meeting of the Committee;

Committee Member means a Member of the Committee;

financial records includes —

- (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 has the meaning given in section 63 of the Act;

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

financial year, of the Mandal, has the meaning given in rule 4;

General Meeting, of the Mandal, means a meeting of the Mandal that all Members are entitled to receive notice of and to attend;

Member means a person who is a Member of the Mandal referred to in rule 10;

Mandal means Shree Jalaram Mandal WA (INC), an incorporated association to which these rules apply.

Managing Committee means Committee.

Ordinary Committee Member means a Committee Member who is not an office holder of the Mandal under rule 29(2);

Ordinary Member means a Member with the rights referred to in rule 10;

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;

Sub-Committee means a Sub-Committee appointed by the Committee under rule 49(2)(a);

treasurer means the Committee Member holding office as the treasurer of the Mandal.

trustees means a member of the board of trustees duly elected by the Members under rule 49(1)(i);

4. Financial year

- (1) The Mandal's financial year will be from 1 April to 31 March of each year.

PART 2 — ASSOCIATION TO BE NOT FOR PROFIT BODY

5. Objects of the Mandal

- (1) The objects of the Mandal are to:
 - a. Assist, encourage, participate in, provide facilities and undertake those activities which promote welfare, social, cultural, Hindu religious and educational interests of its Members and the wider community;
 - b. Conserve, promote and advance generally the cultural, social, educational, linguistic and religious aspirations of its Members;
 - c. Provide facilities for recreation and leisure, taking into account the needs of Members, children, youth and elders in the Community;
 - d. To improve Members social welfare and to generally improve the quality of life of the Community;
 - e. Provide a link between the Members and other associations within Australia and throughout the world which share similar aims and objects so that information on matters of common interest may be exchanged and the aims and objects of the Mandal are promoted;
 - f. Provide relief of poverty, sickness and needs of the community as approved by the Managing Committee from time to time;
 - g. Promotion of other activities of a non-political nature, as may be deemed fit and necessary for the welfare and upliftment of the Members of the Mandal and wider community; and
 - h. The assets, property and income of the Mandal shall be applied solely in furtherance of its above mentioned objectives and no portion shall be distributed directly or indirectly to the Members of the Mandal except as bona fide compensation for services rendered or expenses incurred on behalf of the Mandal.

6. Not-for-profit body

- (1) The Mandal shall not be affiliated with any political party in Australia or elsewhere
- (2) The property and income of the Mandal must be applied solely towards the promotion of the objects or purposes of the Mandal and no part of that property or income may be paid or otherwise distributed, directly or indirectly, to any Member.
- (3) A payment may be made to a Member out of the funds of the Mandal only if it is authorised under subrule (4).
- (4) A payment to a Member out of the funds of the Mandal is authorised if it is —
 - (a) the payment in good faith to the Member as reasonable remuneration for any services provided to the Mandal, or for goods supplied to the Mandal, in the ordinary course of business; or
 - (b) the payment of interest, on money borrowed by the Mandal from the Member, at a rate not greater than the Division 7A – benchmark interest rates of the Income Tax Assessment Act 1936 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 Mandal from the Member; or

- (d) the reimbursement of reasonable expenses properly incurred by the Member on behalf of the Mandal.

PART 3 — MEMBERS

Division 1 — Membership

7. Eligibility for Membership

- (1) Any person who supports the objects of the Mandal is eligible to apply to become a Member.
- (2) An individual who has reached the age of 18 years.

8. Applying for Membership

- (1) A person who wants to become a Member must apply in writing to the Mandal.
- (2) The application must be signed by the applicant
- (3) The application must be accompanied by payment of membership fee
- (4) The application must be proposed by Member and seconded by another Member.

9. Dealing with Membership applications

- (1) The Committee must consider each application for Membership of the Mandal 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 Mandal.
- (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 7; and
 - (b) has applied under rule 8.
- (5) The Committee may reject an application even if the applicant —
 - (a) is eligible under rule 7; and
 - (b) has applied under rule 8.
- (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 and the Mandal must refund to the applicant any membership fees paid.

10. Becoming a Member

- (1) An applicant for Membership of the Mandal becomes a Member when the Committee accepts the application
- (2) Once the applicant becomes a Member the membership will be for life and can only cease under rule 11(1).

11. When Membership ceases

- (1) A person ceases to be a Member when any of the following takes place —
 - (a) the person resigns from the Mandal under rule 12;
 - (b) the person is expelled from the Mandal under rule 17;
 - (c) Upon death.
- (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.

12. Resignation

- (1) A Member may resign from Membership of the Mandal by giving written notice of the resignation to the secretary.
- (2) The resignation takes effect —
 - (a) when the secretary receives the notice; or
 - (b) if a later time is stated in the notice, at that later time.

13. Rights not transferable

The rights of a Member are not transferable and end when Membership ceases.

Division 2 — Membership fees

14. Membership fees

- (1) Membership fees are as determined by the Members of the Mandal.
- (2) Any changes to the Membership fee are to be proposed and approved at a General Meeting of the Mandal.
- (3) A Member must pay the Membership fee to the treasurer, or another person authorised by the Committee to accept payments determined by the Committee.

Division 3 — Register of Members

15. Register of Members

- (1) The secretary, or another person authorised by the Committee, is responsible for the requirements imposed on the Mandal under section 53 of the Act to maintain the register of Members and record in that register any change in the Membership of the Mandal.
- (2) In addition to the matters referred to in section 53(2) of the Act, the register of Members must include 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 Mandal.

PART 4 — DISCIPLINARY ACTION, DISPUTES AND MEDIATION

Division 1 — Term used

16. Term used: Member

In this Part —

Member, in relation to a Member who is expelled from the Mandal, includes former Member.

Division 2 — Disciplinary action

17. Suspension or expulsion

- (1) The Committee may decide to suspend a Member's Membership or to expel a Member from the Mandal if —
 - (a) the Member contravenes any of these rules; or
 - (b) the Member acts detrimentally to the interests of the Mandal.
- (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 Mandal.
- (5) A decision of the Committee to suspend the Member's Membership or to expel the Member from the Mandal 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 Mandal 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 25.
- (8) If notice is given under subrule (7), the Member who gives the notice and the Committee are the parties to the mediation.

18. 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 Mandal.
- (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

19. 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 6 months before the dispute has come to the attention of each party to the dispute.

20. 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 Mandal.

21. 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.

22. 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 21, 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.
- (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 Mandal; 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 25,

the Committee must not determine the dispute.

23. 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 25.
- (4) If notice is given under subrule (3), each party to the dispute is a party to the mediation.

Division 4 — Mediation

24. 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 17(7); or
 - (b) by a party to a dispute under rule 22(5)(b)(ii) or 23(3).
- (2) If this Division applies, a mediator must be chosen or appointed under rule 25.

25. 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 17(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 22(5)(b)(ii) or 23(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 acts as a mediator for another not-for-profit body, such as a community legal centre or a like-minded organisation, if the appointment of a mediator was requested by —
 - (a) a Member under rule 17(7); or
 - (b) a party to a dispute under rule 22(5)(b)(ii); or
 - (c) a party to a dispute under rule 22(3) and the dispute is between one or more Members and the Mandal.
- (4) The person appointed as mediator by the Committee may be a Member or former Member of the Mandal 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.

26. 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.

27. 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 Mandal gives notice under rule 17(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

28. Committee

- (1) The Committee Members are the persons who, as the management Committee of the Mandal, have the power to manage the affairs of the Mandal.
- (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 Mandal.
- (3) The Committee must take all reasonable steps to ensure that the Mandal complies with the Act, these rules, and the by-laws (if any).

Division 2 — Composition of Committee and duties of Members

29. Committee Members

- (1) The Committee Members consist of—
 - (a) the office holders of the Mandal; and
 - (b) up to five ordinary Committee Member.

- (2) The following are the office holders of the Mandal —
 - (a) the chairperson;
 - (b) the vice-chairperson;
 - (c) the secretary;
 - (d) the treasurer.
- (3) A person must be a Member to be a Committee Member.
- (4) A person may be an office holder if the person has —
 - (a) been a Member for at least 2 years prior to the date of nomination for the position;
and
 - (b) subject to rule 35(2), not served in the same position for the past three years consecutively.
- (5) A person cannot hold more than one position mentioned in subrule (2) at the same time.

30. Chairperson

- (1) It is the duty of the chairperson to consult with the secretary regarding the business to be conducted at each Committee meeting and General Meeting.
- (2) The chairperson has the powers and duties relating to convening and presiding at Committee meetings and presiding at General Meetings provided for in these rules.
- (3) The Vice-Chairperson shall assume the duties and responsibilities of the Chairperson in the event of the absence or resignation of the Chairperson

31. Secretary

- (1) The Secretary has the following duties—
 - (a) dealing with the Mandal'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 Mandal 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 Mandal 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 Mandal a record of Committee Members and other persons authorised to act on behalf of the Mandal, as required under section 58(2) of the Act;
 - (g) ensuring the safe custody of the books of the Mandal, other than the financial records, financial statements and financial reports, as applicable to the Mandal;
 - (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.

- (2) The chairperson, on recommendation from the secretary, will appoint one of the ordinary Committee Members as a joint-secretary to assist the secretary to fulfil his or her responsibilities.

32. Treasurer

- (1) The treasurer has the following duties —
- (a) ensuring that any amounts payable to the Mandal are collected and issuing receipts for those amounts in the Mandal's name;
 - (b) ensuring that any amounts paid to the Mandal are credited to the appropriate account of the Mandal, as directed by the Committee;
 - (c) ensuring that any payments to be made by the Mandal have been duly authorised by the Committee, trustees or at a General Meeting are made on time;
 - (d) ensuring that the Mandal complies with the relevant requirements of Part 5 of the Act;
 - (e) ensuring the safe custody of the Mandal's financial records, financial statements and financial reports, as applicable to the Mandal;
 - (f) coordinating the preparation of the Mandal's financial statements before their submission to the Mandal's annual General Meeting;
 - (g) providing any assistance required by an auditor or reviewer conducting an audit or review of the Mandal's financial statements or financial report under Part 5 Division 5 of the Act;
 - (h) carrying out any other duty given to the treasurer under these rules or by the Committee or trustees.
- (2) The chairperson, on recommendation from the treasurer, will appoint one of the ordinary Committee Members as a joint-treasurer to assist the treasurer to fulfil his or her responsibilities.

Division 3 — Election of Committee Members and tenure of office

33. How Members become Committee Members

- (1) 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 40.

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 secretary to comply with subrule (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 to the secretary at least 3 days before the annual General Meeting.

- (3) A Member may nominate for one specified position of office holder of the Mandal or to be an ordinary Committee Member.
- (4) 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(1)(b).

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 Mandal.
- (2) The chairperson will call for nomination of a returning officer from the floor to conduct the elections. The nominated returning officer will need to be proposed and seconded. The nomination, once seconded, will confirm the appointment of the returning officer to chair the meeting only for the purpose of conducting the elections.
- (3) The returning officer will conduct the election as set out on the meeting agenda.
- (2) If there is no nomination for a position, the returning officer will call for nominations from the Members present at the meeting. An outgoing office holder who may have already served in the same position for the past three years will be eligible to be nominated.
- (3) If only one Member has nominated for a position, the returning officer must declare the Member elected to the position.
- (4) If more than one Member has nominated for a position, the 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 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 newly elected chairperson of the Mandal takes over as the chairperson of the meeting and the appointment of the returning officer ceases.

36. Election of ordinary Committee Members

- (1) If the number of Members nominating for the position of ordinary 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 Members at the meeting to fill any positions remaining unfilled after the elections under paragraph (a).
- (2) If —
 - (a) the number of Members nominating for the position of ordinary Committee Member is greater than the number to be elected; or
 - (b) the number of Members nominating under subrule (1)(b) is greater than the number of positions remaining unfilled,

the 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 ordinary Committee Member.

- (3) A Member who has nominated for the position of ordinary Committee Member may vote in accordance with that nomination.

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 subrule 38(3)(b); or
 - (b) is appointed to fill a casual vacancy under rule 40.
- (2) Subject to rule 39, a Committee Member holds office until the positions on the Committee are declared vacant at the next Annual General Meeting.
- (3) 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 chairperson.
- (2) The resignation takes effect —
- (a) when the notice is received by the secretary or chairperson; or
 - (b) if a later time is stated in the notice, at the later time.
- (3) At a General Meeting, the Mandal may by resolution —
- (a) remove a Committee Member from office; and
 - (b) elect a Member who is eligible under rule 29(3) and 29(4) to fill the vacant position.
- (4) A Committee Member who is the subject of a proposed resolution under subrule (3)(a) may make written representations (of a reasonable length) to the secretary or chairperson and may ask that the representations be provided to the Members.
- (5) The secretary or chairperson 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) ceases to be a Member; or
- (b) resigns from the Committee or is removed from office under rule 38; 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 that the person will be unable to attend.

40. Filling casual vacancies

- (1) The Committee may appoint a Member who is eligible under rule 29(3) and 29(4) to fill a position on the Committee that —
 - (a) has become vacant under rule 39; or
 - (b) was not filled by election at the most recent annual General Meeting or under rule 38(3)(b).
- (2) If the position of secretary becomes vacant, the Committee must appoint a Member who is eligible under rule 29(3) and 29(4) to fill the position within 14 days after the vacancy arises.
- (3) Subject to the requirement for a quorum under rule 46, 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 46, 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 Sub-Committee, or of a Committee Member or Member of a Sub-Committee, are valid despite any defect that may afterwards be discovered in the election, appointment or qualification of a Committee Member or Member of a Sub-Committee.

Division 4 — Committee meetings

42. 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 chairperson or any 2 Committee Members.

43. Notice of Committee meetings

- (1) Notice of each Committee meeting must be given 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 subrule (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.

44. Procedure and order of business

- (1) The chairperson or, in the chairperson's absence, the vice chairperson must preside as chairperson of each Committee meeting.
- (2) If the chairperson and vice chairperson 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 subrule (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.

45. 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 subrule (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.

46. Quorum for Committee meetings

- (1) Subject to rule 40(4), no business is to be conducted at a Committee meeting unless a quorum is present.
- (2) At least one half of the Committee shall form a quorum for the conduct of business of a Committee meeting.

- (3) 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 same time, day and place in the following week.
- (4) If —
 - (a) a quorum is not present within 30 minutes after the commencement time of a Committee meeting held under subrule (3)(b); and
 - (b) at least 2 Committee Members are present at the meeting,

those Members present are taken to constitute a quorum.

47. 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.

48. 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 44(5);
 - (c) the business considered at the meeting;
 - (d) any motion 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 Mandal'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 approved 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 approved 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 — Board of Trustees, Sub-Committees and subsidiary offices

49. Board of Trustees, Sub-Committees and subsidiary offices

- (1) There shall be a Board of Trustees “The Board” comprising of three Members, who must be Members of the Mandal for at least five years (or two years, if nomination is prior to 31 March 2019) and have regularly participated in the Mandal’s activities. The functions, powers and responsibilities of the Trustees shall be only those as defined below and will not be those imposed upon Trustees under the Trustees act of 1962 of Western Australia:
- (a) Trustees shall be entitled upon request to receive notice, agenda and minutes of every meeting of the Managing Committee.
 - (b) The Board will elect a chairperson and a secretary from amongst themselves to conduct their business, hold quarterly meetings; record minutes and liaise with the Managing Committee regularly.
 - (c) The role of the Trustees would be to manage and control all of the Mandal’s real property and to ensure the Managing Committee does not divert from the objectives of the Mandal.
 - (d) The Trustees shall allow the Managing Committee to manage the day to day activities of the Mandal without interference unless they reasonably believe that the Mandal is being managed in a manner which is detrimental to its Members and contrary to the aims and objectives.
 - (e) Any real and personal property of the Mandal including all capital raising involving mortgages, borrowing, overdrafts and the investment of funds (exceeding the sum of \$10,000) of the Mandal, shall be managed and controlled by the Trustees.
 - (f) The Members shall have the right to replace or remove any of the Trustees at a General Meeting.
 - (g) The Trustees shall arrange amongst themselves the meetings and order of business for carrying out their functions. All decisions shall be on simple majority. If votes are divided equally on a question, the chairperson of the meeting will not have a second or casting vote; instead the matter will be referred to a General Meeting to be decided by the Members.
 - (h) Any Trustee who becomes bankrupt, or convicted of a criminal offence or ceases to be a Member of the Mandal shall also cease to be a Trustee of the Mandal.
 - (i) Trustees shall be elected at a General Meeting.
 - (j) The term of office of a Trustee shall be five years from the date of the Trustees election.
 - (k) All retiring Trustees shall be eligible for re-election.
 - (l) The quorum for the meeting of the Trustees shall be two.

- (m) The Trustees shall act independently at their sole discretion in the best interest of the Mandal and shall not be subject to the direction of the Committee.
 - (n) In case of any dispute or disagreement with the Managing Committee which remains unresolved, the Trustees (or the Managing Committee) shall have the right to be heard by the Members at a General Meeting of the Mandal with that matter clearly specified on the agenda of such meeting. If the Managing Committee is unwilling to act then the Board of Trustees shall have the right to call a special General Meeting of the Mandal by giving no less than 28 days' notice to the Members, with the business to be transacted clearly specified in the agenda.
 - (o) If a vacancy occurs for a trustee position, that position shall be filled as soon as reasonably practicable at a General Meeting.
- (2) To help the Committee in the conduct of the Mandal's business, the Committee may, in writing, do either or both of the following —
- (a) Appoint one or more Sub-Committees;
 - (b) Create one or more subsidiary offices and appoint people to those offices.
- (3) A Sub-Committee may consist of a number of people, whether or not Members, that the Committee considers appropriate.
- (4) A person may be appointed to a subsidiary office whether or not the person is a Member.
- (5) Subject to any directions given by the Committee —
- (a) a Sub-Committee 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.

50. Delegation to Sub-Committees 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 Sub-Committee 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 Sub-Committee or the holder of a subsidiary office under this rule, may be exercised or performed by the Sub-Committee 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 Sub-Committee 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 MANDAL

51. Annual General Meeting

- (1) The Annual General Meeting must be scheduled to be held within four months of the end of the financial year.
- (2) The Committee must determine the date, time and place of the annual General Meeting. The meeting must be held in Perth Western Australia.
- (3) If it is proposed to hold the annual General Meeting more than 6 months after the end of the Mandal'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.
- (4) 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 from the chairperson and secretary and on the Mandal's activities during the preceding financial year; and
 - (ii) the financial statements of the Mandal for the preceding financial year presented under Part 5 of the Act; and
 - (iii) a copy of the report of the review or auditor's report on the financial statements or financial report;
 - (iv) the Trustee's annual report.
 - (c) to elect the office holders of the Mandal and ordinary committee members;
 - (d) to elect Trustees, if due per rule 49(1)(i);
 - (e) if applicable, to appoint or remove a reviewer or auditor of the Mandal in accordance with the Act;
 - (f) to confirm or vary the Membership fees and other amounts (if any) to be paid by Members.
- (5) Any other business of which notice has been given in accordance with these rules may be conducted at the annual General Meeting.

52. Special General Meetings

- (1) The Committee may convene a special General Meeting.
- (2) The Board of Trustee's may convene a special General Meeting under rule 49(1)(n) and 49(1)(g).
- (3) The Committee must convene a special General Meeting if 20% of the Members require a special General Meeting to be convened.

- (4) 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.
- (5) The special General Meeting must be convened within 28 days after notice is given under subrule (4)(a).
- (6) 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.
- (7) A special General Meeting convened by Members under subrule (5) —
 - (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.
- (8) The Mandal must reimburse any reasonable expenses incurred by the Members convening a special General Meeting under subrule (5).

53. Notice of General Meetings

- (1) The secretary or, in the case of a special General Meeting convened under rule 52(6), the Members convening the meeting, must give to each Member —
 - (a) at least 28 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 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 54(7).

54. Proxies

- (1) Subject to subrule (2), a Member may appoint an individual who is a Member as his or her proxy to vote and speak on his or her behalf at a General Meeting.
- (2) A Member may be appointed as a proxy for no more than one other Member.
- (3) The appointment of a proxy must be in writing and signed by the Member making the appointment.

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- (4) The Member appointing the proxy may give specific directions as to how the proxy is to vote on his or her behalf.
- (5) If no instructions are given to the proxy, the proxy may vote on behalf of the Member in any matter as the proxy sees fit.
- (6) If the Committee has approved a form for the appointment of a proxy, the Member may use that form or any other form —
 - (a) that clearly identifies the person appointed as the Member's proxy; and
 - (b) that has been signed by the Member.
- (7) Notice of a General Meeting given to a Member under rule 53 must —
 - (a) state that the Member may appoint an individual who is a Member as a proxy for the meeting; and
 - (b) include a copy of any form that the Committee has approved for the appointment of a proxy.
- (8) A form appointing a proxy must be handed in to the secretary before the commencement of the General Meeting for which the proxy is appointed.
- (9) A form appointing a proxy sent by post or electronically is of no effect unless it is received by the Mandal not later than 24 hours before the commencement of the meeting.

55. Use of technology to be present at General Meetings

- (1) The presence of a Member at a General Meeting must be by attendance in person. The use of technology being simultaneously in contact by telephone or other means of instantaneous communication is not permitted.

56. Presiding Member and quorum for General Meetings

- (1) The chairperson or, in the chairperson's absence, the deputy chairperson must preside as chairperson of each General Meeting.
- (2) If the chairperson and deputy chairperson 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) With the exception of subrule 4, at least 25 Members personally present will constitute a quorum for the conduct of business at a General Meeting which does not include a proposed Special Resolution as part of its notice under rule 53(2).
- (4) The quorum to conduct of business which includes a Special Resolution proposed as part of its notice under rule 53(2) shall be 50% of the total registered Members.

- (5) No business is to be conducted at a General Meeting unless a quorum is present.
- (6) If a quorum is not present within 60 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 time and day in the following week; and
 - (ii) the same place, unless the chairperson specifies another place at the time of the adjournment or written notice of another place is given to the Members before the day to which the meeting is adjourned.
 - (iii) all members must be informed of the adjournment within 48 hours.
- (7) If —
- (a) a quorum is not present within 60 minutes after the commencement time of an annual General Meeting held under subrule (6)(b) —
 - (i) in the case where a Special Resolution proposed as part of its notice under rule 53(2)— the proposed Special Resolution is declared as lost per rule 60(2)(d); or
 - (ii) in the case of the annual General Meeting — at least 2 Members present at the meeting are taken to constitute a quorum to conduct all business other than a Special Resolution.

57. 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 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 53.

58. Voting at General Meeting

- (1) On any question arising at a General Meeting —
- (a) subject to subrule (6), each Member has one vote; and
 - (b) Members may vote personally or by proxy.
- (2) The appointment as a proxy has effect until —
- (a) the end of any General Meeting to which the appointment applies; or
 - (b) the appointment is revoked and written notice of the revocation is given to the secretary.

- (3) Except in the case of a Special Resolution, a motion is carried if a majority of the Members present at a General Meeting vote in favour of the motion.
- (4) In the case of a Special Resolution, a motion is carried if 75% of the Members present at a General Meeting vote in favour of the motion.
- (5) If votes are divided equally on a question, the chairperson of the meeting has a second or casting vote.
- (6) 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.
- (7) For a person to be eligible to vote at a General Meeting as a Member, the Member must have been a Member at the time notice of the meeting was given under rule 53;

59. When Special Resolutions are required

- (1) A Special Resolution is required if it is proposed at a General Meeting —
 - (a) to alter or rescind its rules under rule 77, including changing name of the Mandal;
 - (b) to decide to apply for a registration or incorporation as a prescribed body corporate;
 - (c) to sell or dispose the Mandal's real property (i.e. land or buildings);
 - (d) to lease more than 50% of the Mandal's property for a term greater than 24 months;
 - (e) to be wound up voluntarily or by the Supreme Court;
 - (f) to cancel the Mandal's incorporation;
 - (g) to request the Commissioner to apply to the State Administrative Tribunal under section 109 of the Act for the appointment of a statutory manager;
 - (h) to affiliate or merge, the Mandal with another body;
- (2) Subrule (1) does not limit the matters in relation to which a Special Resolution may be proposed.

60. 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 Members present in person or by proxy —
 - (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.

61. 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 Members attending the meeting; and
 - (b) any proxy forms given to the chairperson of the meeting under rule 54(8); and
 - (c) the financial statements or financial report presented at the meeting, as referred to in rule 51(4)(b)(ii); and
 - (d) 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 51(4)(b)(iii).
- (4) The minutes of a General Meeting must be entered in the Mandal'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 approved 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 approved by members 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

62. Source of funds

- (1) The funds of the Mandal may be derived from entrance fees, subscriptions, donations, fund-raising activities, grants, interest, facility hire and any other sources approved by the Committee.
- (2) The Mandal may also borrow funds or enter into leases as it deems reasonable for the purposes of acquiring or construction of facilities to fulfil its objects.

63. Control of funds

- (1) The Mandal must open an account in the name of the Mandal with a financial institution from which all expenditure of the Mandal is made and into which all funds received by the Mandal are deposited.
- (2) Subject to any restrictions imposed at a General Meeting and under rule 49(1)(e), the Committee may approve expenditure on behalf of the Mandal. All expenditure greater than \$10,000 will require a prior approval from the Board of Trustees or from the Members at a General Meeting.
- (3) The Committee may formally delegate a limit (which it can vary from time to time) for the Treasurer to expend funds towards sundry expenditure on behalf of the Mandal without requiring prior approval from the Committee for each item on which the funds are expended. The Treasurer must seek formal approvals from the Committee at the next committee meeting for all amounts spent under this subrule.
- (4) All cheques, drafts, bills of exchange, promissory notes and other negotiable instruments of the Mandal must be signed by 2 officeholders;
- (5) All funds of the Mandal must be deposited into the Mandal's account within 5 working days after their receipt.

64. Financial statements and financial reports

- (1) For each financial year, the Committee must ensure that the requirements imposed on the Mandal under Part 5 of the Act relating to the financial statements or financial report of the Mandal are met.
- (2) Without limiting subrule (1), those requirements include —
 - (a) the preparation of the financial statements; and
 - (b) the review or auditing of the financial statements or financial report, as applicable; and
 - (c) the presentation to the annual General Meeting of the financial statements or financial report, as applicable; and
 - (d) 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.

PART 8 — GENERAL MATTERS

65. By-laws

- (1) The Mandal 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 Membership approved under rule 10(2); and
 - (b) impose requirements relating to the financial reporting and financial accountability of the Mandal and the auditing of the Mandal's accounts; and
 - (c) provide for any other matter the Mandal 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 Mandal that are additional to, and do not restrict, a requirement imposed on the Mandal under Part 5 of the Act.
- (5) At the request of a Member, the Mandal must make a copy of the by-laws available for inspection by the Member.

66. Executing documents and common seal

- (1) The Mandal does not have or use a common seal
- (2) Any legal document or agreements relating to rule 49(1)(e) that may need to be executed by the Mandal:
 - (a) must be duly approved by the Board of Trustees or at a General Meeting
 - (b) must be signed by two of the Trustees and by one other person who shall be either the chairperson or the treasurer of the Managing Committee.
- (3) All other documents duly approved by the Managing Committee or at a General Meeting can be executed by any two office holders.

67. 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.

68. Custody of books and securities

- (1) Subject to subrule (2), the books and any securities of the Mandal 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 Mandal 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 Mandal must be retained for at least 7 years.

69. Property

- (1) No member shall deliberately damage or destroy any property of the Mandal and any articles taken or removed or damaged shall be replaced or repaired or the damage made good forthwith.
- (2) The trustees and Managing Committee must ensure that the property of the Mandal are kept in good repair and are insured to their full value against fire and other usual risks all the buildings of the Mandal (except those buildings that are required to be kept in repair and insured by a tenant). They must also insure suitably in respect of public liability and employer's liability.

70. Auditor

An Auditor shall be nominated at each annual General Meeting of the Mandal. The Auditor must be a qualified Accountant and may be a member of the Mandal but shall not be a member of the Committee.

71. Indemnity

The Committee members while performing their honorary duties under the Constitution shall be indemnified by the Mandal from its funds in respect of any loss, damages or cost of any legal proceedings except where the exercise of their duties are ultra vires.

72. Pledging Credit of the Mandal

Other than as provided by the Constitution, no Member shall have power to pledge the Mandal's credit or involve the Mandal in any liability without the written consent and direction of the Committee first being obtained

73. Record of office holders

The record of Committee Members and other persons authorised to act on behalf of the Mandal 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.

74. Inspection of records and documents

- (1) Subrule (2) applies to a Member who wants to inspect —
 - (a) the register of 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 Mandal, under section 58(3) of the Act; or
 - (c) any other record or document of the Mandal.

- (2) The Member must contact the secretary to make the necessary arrangements for the inspection.
- (3) The inspection must be free of charge.
- (4) If the 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 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.
- (6) The 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 Mandal; or
 - (b) that is related to complying with a requirement of the Act.

75. Publication by Committee Members of statements about Mandal business prohibited

A Committee Member must not publish, or cause to be published, any statement about the business conducted by the Mandal 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.

76. Distribution of surplus property on cancellation of incorporation or winding up

- (1) In this rule —

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

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

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

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

77. Alteration of rules

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



MEMBERSHIP APPLICATION FORM

I, the undersigned, hereby apply to become a member of SHREE JALARAM MANDAL WA (INC) (SJMWA) and enclose my joining fee. I also confirm that I have read and understood the SJMWA Association Rules and I am eligible to become a member.

Application Date:	
Applicant Name:	
Applicant Address: (Street / Suburb / State / Post Code)	
Home Phone No:	
Mobile Phone No:	
Work Phone No:	
Occupation:	
Email Address:	

In the event of my admission to membership:

1. I agree to be bound by the Constitution and any by-laws of SJMWA for the time being in force.
2. I give consent for the SJMWA to use any still photographs, motion picture footage and voice recordings taken during any of the SJMWA activities. The still photographs, motion picture footage and voice recordings may be used by the SJMWA in any of its own publications (including posters and brochures) and for print and electronic media (including the internet).

Name of Applicant :	Signature of Applicant:
Name of Proposer:	Signature of Proposer:
Name of Seconder:	Signature of Seconder:

Official use only:

Receipt no:	
Date approved by Committee (Date and Initial of Membership Secretary)	
Completion of Member Registration (Member Number)	



NOMINATION FORM

I, the undersigned, submit my nomination for the position as detailed in the table below. I also confirm that I have read and understood the Shree Jalaram Mandal WA Association Rules and I am eligible to apply for the position as per rule 29(3), 29(4) and 29(5).

Please mark with a cross in box next to the position you are nominating for:

Chairman	<input type="checkbox"/>
Vice-Chairman	<input type="checkbox"/>
Secretary	<input type="checkbox"/>
Treasurer	<input type="checkbox"/>
Trustee (if applicable)	<input type="checkbox"/>
Ordinary Committee Member	<input type="checkbox"/>

This nomination paper must be lodged with the Secretary of the Mandal not later than 72 hours before the commencement of the General Meeting at which the elections will be held.

Date of Application:	
Name of Applicant:	
Address of Applicant:	
Email Address:	
Telephone Contact:	
Signature of Applicant:	

Official use only:

Date received by the Secretary	
Signature of Secretary to Confirmation of validity of nomination	



APPOINTMENT OF PROXY

I, _____
(Insert MEMBER'S name)

of _____
(Insert MEMBER'S address)

being a member of Shree Jalaram Mandal WA (INC)

APPOINT

(Insert PROXY'S name)

who also is a member of the Mandal, as my proxy.

My proxy is authorised to vote on my behalf: (Tick only **ONE** of the following)

at the general meeting/s (and any adjournments of the meeting/s) on:

(Insert relevant date/s)

OR

in relation to the following resolutions and/or nominations

In favour:

Against:

(Insert resolution Nos, brief description or nominees' name/s)

(Insert resolution Nos. brief description or nominees' name/s)

Signature: _____
(of Member appointing Proxy)

Date: _____

This written notice must be given to the secretary before the commencement of the General Meeting.

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