

CONSTITUTION

of

THE INDIAN CULTURAL SOCIETY OF TASMANIA INC.

\*\*\*\*\*

C O N S T I T U T I O N  
OF  
THE INDIAN CULTURAL SOCIETY OF TASMANIA, INC.

1. NAME:

The name of the Society shall be the Indian Cultural Society of Tasmania Inc. (in this Constitution called "the Society").

2. INTERPRETATIONS:

- (1) In this Constitution, unless the contrary intention appears --  
"Council" means the committee of management of the Society.  
"Executive Committee" means the body constituted in section 6.(2) of this Constitution.  
"Ordinary Council Members" means the members of the Council to whom paragraph (d), of sub-section (1) of section 6 of this Constitution relates.
- (2) In this Constitution, unless the context otherwise directs, singular includes plural and masculine includes feminine.
- (3) Words or expressions contained in this Constitution shall be interpreted in accordance with the provisions of the Acts Interpretation Act 1951 and the Act as in force on the date on which this Constitution is adapted by the Society.

3. SOCIETY'S OFFICE:

The office of the Society shall be at Hobart in Tasmania or such other place as the Council may, from time to time, determine.

4. BASIC OBJECTS AND PURPOSES OF THE SOCIETY:

(1) The basic objects of the Society are:-

- (a) To stimulate and foster interest and appreciation of Indian culture as part of the cultural heritage of mankind through exhibitions, displays, lectures, seminars and performances in fields such as dance, music, films, culinary art, arts and crafts, etc.
- (b) To facilitate the celebration of Indian traditional festivals.
- (c) To offer hospitality to visitors interested in Indian culture, and to arrange reciprocal facilities.
- (d) To promote by all available means the knowledge and understanding of the people and culture of one another.
- (e) To provide the means for personal contact to further the cause of inter-community harmony and understanding.
- (f) To do all such things as are incidental or conducive to the attainment of any one or more of the foregoing objects.

(2) In addition to the basic objects of the Society, the objects and purposes of the Society shall be deemed to include:-

- (a) The purchase, taking or lease or in exchange, and the hiring or otherwise acquiring of any real or personal property that may be deemed necessary or convenient for any of the objects or purposes of the Society;
- (b) The buying, selling, and supplying of, and dealing in, goods of all kinds;

4. (2) (c) The construction, maintenance, and altering of buildings or works necessary or convenient for any of the objects or purposes of the Society;
- (d) The accepting of any gift, whether subject to a special trust or not, for any one or more of the objects or purposes of the Society;
- (e) The taking of such steps from time to time as the Council or the members in general meeting may deem expedient for the purposes of procuring Contributions to the Funds of the Society, whether by way of donations, subscriptions, or otherwise;
- (f) The printing and publishing of such newspapers, periodicals, books, leaflets, or other documents as the Council or the members in general meeting may think desirable for the promotion of the objects and purposes of the Society;
- (g) The borrowing and raising of money in such manner and on such terms as the Council may think fit or as may be approved or directed by resolution, passed at a General Meeting;
- (h) The investment of any monies of the Society not immediately required for any of its objects or purposes in such manner as the Council may from time to time determine;
- (i) The granting of allowances, salaries, honorariums or other benefits to servants or past servants of the Society or their dependants;
- (j) The purchase or acquisition, and undertakings, of all or any part of the property, assets, liabilities, and engagements of any Society which the Society may at any time acquire or join;

4. (2) (k) The establishment and support or aiding in the establishment and support of any other Society formed for any of the basic objects of the Society;
- (1) The doing of all such other lawful things as are incidental or conducive to the attainment of the basic objects of the Society or of any of the objects specified in the foregoing provisions of this Constitution.

5. MEMBERSHIP:

- (1) Membership of the Society shall be open to any member of the general public who cherishes interest in Indian culture and who is eighteen (18) years of age or older.
- (2) A person who was a member of the Society at the time of its incorporation, shall be a member of the Society on payment of the annual subscription as the Council may, from time to time, prescribe.
- (3) A person who is not a member of the Society at the time of its incorporation, may be admitted to membership:-
- (a) on application in writing;
  - (b) on payment of annual subscription; and
  - (c) on approval of application by the Council.
- (4) Application for membership shall be in writing addressed to the Secretary. On receipt of the application, the Secretary shall refer it to the Council at its meeting next following for consideration and approval.

5. (5) Upon the Council's approval of membership application, the Secretary shall notify the applicant and enter his name and address in the register of members of the Society.
- (6) The financial members shall pay to the Society such annual subscription as the Council may, from time to time, determine provided always that a family subscription rate shall apply where both spouses are members of the Society. The annual subscription shall be payable on the first day of the financial year of the Society each year.
- (7) The Council may nominate as honorary life members such persons as have rendered distinguished services to the Society or to Indian culture. If such nomination is approved at the annual General Meeting of the Society held next after such nomination, the person so nominated shall become an honorary life member. The honorary life members shall not be eligible for election to the Council nor shall they be entitled to vote at any meeting of the Society.
- (8) Patronship of the Society may be offered to a person of distinguished position who cherishes interest in Indian culture, tradition and people, upon nomination of the Council and upon the approval of such nomination at the Annual General Meeting held next after the nomination.
- (9) Honorary life members and Patron shall not be required to pay annual subscription, but they may offer a donation, gift or grant to the Society.

5. (10) A member of the Society shall cease to be such member:-

(a) upon lapse of three (3) calendar months from

the time the annual subscription became due if

such subscription has not been paid except such

requirement has been waived by the Council in

special circumstances;

(b) upon receipt of a written notice of resignation

from the membership of the Society; or

(c) upon death.

(11) A member of the Society may at any time resign as member by

a written notice addressed to the Secretary of the Society.

On receipt of such notice the Secretary shall inform the

Council and on the direction of the Council, shall remove

the name of that member of the register of members.

(12) A right, privilege or obligation of a person by virtue of his membership of the Society:-

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

(b) terminates upon cessation of the membership whether by death, resignation or otherwise.

6. MANAGEMENT OF THE AFFAIRS OF THE SOCIETY:

(1) The affairs of the Society shall be managed by a Council consisting of:-

(a) a President

(b) a Secretary

(c) a Treasurer

(d) three (3) Ordinary Members

all of whom shall be elected at the Annual General Meeting of the Society in each year.

6. (2) The President, the Secretary and the Treasurer shall be termed as executive officers of the Society and shall constitute the Executive Committee, and who shall be responsible for the general administration and other business matters connected with the management of the affairs of the Society during the intervals between the meetings of the Council.

(3) Each member of the Council and each executive officer shall hold office until the annual general meeting next after the date of election but shall be eligible for re-election.

(4) In the event of a casual vacancy occurring in the office of a Council member or executive officer, the Council may appoint a member of the Society to fill the vacancy and the member so appointed shall hold office, subject to the provision of this Constitution, until the conclusion of the annual general meeting next following the date of his appointment.

(5) For the purpose of this Constitution, the office of a Council member or an executive officer becomes vacant if that member or officer:-

- (a) ceases to be a member of the Society;
- (b) resigns his office;
- (c) ceases to be a resident of the State of Tasmania;
- (d) fails without leave of the Council to attend three (3) consecutive meetings of the Council;
- (e) becomes a bankrupt or insolvent;
- (f) becomes of unsound mind;
- (g) dies.



6. (6) The Secretary of the Society shall be the Public Officer of the Society.

(7) The records, correspondence and other documents and papers connected with the business and property of the Society shall be in the custody of the Secretary and shall be produced in any meeting of the Society as may be directed by the Council.

7. POWERS AND FUNCTIONS OF THE COUNCIL:

The Council:-

(1) Shall control, manage and administer the affairs of the Society.

(2) May, subject to this constitution, exercise all such powers and functions as may be exercised by the Society, other than those powers and functions that are required to be exercised by the general body of the Society.

(3) May, at any time, appoint a Special Committee or Sub-Committee for a special purpose as it may think fit and shall prescribe powers and functions thereof.

(4) May delegate any of its powers and functions to the Executive Committee, or a Special Committee for an express purpose as it may deem necessary and proper.

(5) Shall, subject to this Constitution, have power to perform all such acts and things as appear to it to be essential for proper management of the affairs of the Society and for attainment of the objects and purposes of the Society.

8. MEETINGS OF THE COUNCIL AND THE COMMITTEES:

(1) The Council may meet for the dispatch of its business at such intervals, at such place and at such time as the Council may determine.

(2) Special meetings of the Council may be convened by the President or any three (3) members of the Council.

(3) Three (3) members of the Council two (2) of which shall be executive members shall constitute a quorum for the transaction of the business of the Council meeting.

(4) The President, or in his absence, such one (1) member of the Council as may be chosen by the members present, shall preside as Chairman of the Council meeting.

(5) Questions arising at the Council meeting shall be determined by majority vote.

(6) Each member present at the meeting of the Council shall be entitled to one (1) vote and, in the event of an equality of vote on any question, the Chairman may exercise a casting vote.

(7) The Secretary shall record proper minutes of the Council and Committee meetings in the Minute Book.

(8) Any three (3) members of the Executive Committee, a Special Committee or a Sub-Committee appointed under this Constitution shall constitute a quorum for the transaction of the business of the meetings of those Committees.

8. (9) The procedure at the meetings of the Executive Committee, a Special Committee or a Sub-Committee shall be the same as is applicable to the meetings of the Council under this Constitution.

9. ANNUAL GENERAL MEETING:

- (1) The Society shall in each year hold an Annual General Meeting.
- (2) The Annual General Meeting shall be held on such date (not later than ninety (90) days after the close of financial year of the Society) and at such place as the Council may determine.
- (3) The Annual General Meeting shall be in addition to any other special general meetings that may be held in the same year.
- (4) The Annual General Meeting shall be specified as such in the notice concerning it.
- (5) The ordinary business of the Annual General Meeting shall be:-
  - (a) to confirm minutes of the last preceding Annual General Meeting held since that date;
  - (b) to receive from the Council, Committees, Officers and Auditors of the Society, reports upon transactions of the Society during the last preceding financial year;
  - (c) to elect the officers of the Society and the other Council members; and
  - (d) to appoint the Auditors.

9. (6) The Annual General Meeting may transact special business of which notice is given in accordance with this Constitution.

(7) The quorum at Annual General Meeting shall be ten (10) members personally present (being members entitled under this Constitution to vote).

(8) The President, or in his absence such one of the members as may be chosen by the members present, shall preside as Chairman at the Annual General Meeting of the Society.

(9) A question arising at Annual General Meeting shall be determined by a majority vote either by show of hands or by poll as the Chairman may think desirable and declare at that meeting.

(10) Each financial member present at Annual General Meeting shall be entitled to one (1) vote, and, in the event of equality of votes on any question, the Chairman may exercise a casting vote.

(11) The notice of Annual General Meeting shall be given by the Secretary at least fourteen (14) days before the date fixed for holding such general meeting by circulating the notice to each member specifying the place, day and time for the holding of the meeting, and the nature of the business to be transacted thereat.

(12) The Chairman of Annual General Meeting at which a quorum is present may with the consent of the meeting adjourn the meeting from time to time with not more than fourteen (14) days interval, but no business shall be transacted at an adjourned meeting other than the business left unfinished at the meeting at which the adjournment took place.

9. (13) It shall not be necessary to give any notice of an adjournment or of the business to be transacted at an adjourned meeting.

(14) The Secretary shall record proper minutes of the Annual General Meeting of the Society in the Minute Book.

10. SPECIAL GENERAL MEETINGS:

(1) All general meetings other than Annual General Meeting shall be called special general meetings.

(2) The Council may, subject to Subsection (5) hereof, on its own resolution duly passed or on the requisition in writing of not less than ten (10) financial members of the Society duly signed and delivered to the Secretary stating the objects of such meeting, convene a special general meeting.

(3) The quorum and procedure of a special general meeting shall be the same as is applicable to the Annual General Meeting as provided in this Constitution.

(4) The notice of a special general meeting shall be given in the same manner as in the case of Annual General Meeting of the Society.

(5) The interval between the general meetings of the Society shall not be less than ninety (90) days.

11. ELECTION OF THE MEMBERS OF THE COUNCIL:

(1) Nominations of candidates for election as Council members and as Executive Officers of the Society shall be proposed and seconded by two financial members respectively with the consent of the nominee at the Annual General Meeting.

(2) The Council members and the Executive Officers shall be elected by majority vote should there be more than one (1) nomination for any of the positions or more than the required number of the Council members.

(3) The election procedure shall be conducted at Annual General Meeting in such usual and proper manner as the Council may direct.

12. BANKING, ACCOUNT BOOKS, DOCUMENTS AND SECURITIES OF THE SOCIETY:

(1) The Council shall cause to be opened with such bank or banks as it may select banking account or accounts in the name of the Society or a Special Fund or Trust into which all moneys received on account of the Society, its Funds or Trusts shall be paid by the Treasurer as soon as possible after receipt thereof.

(2) All cheques, drafts, bills of exchange, promissory notes and other documents shall be signed by the President or the Treasurer and shall be countersigned by the Secretary unless the Council, in the case of a special fund or trust, or in special circumstances, otherwise directs.

12. (3) No cheques or drafts or bills shall be drawn on a bank or institution on account of the Society or its Funds or Trusts except for the purposes of the Society and the carrying out of its objects.
  - (4) The Treasurer shall keep the account books and records of receipts and expenditure connected with the operation, purpose and business of the Society in such manner and in such form as the Council may direct, and shall submit an audited financial statement to the annual General Meeting of the Society.
  - (5) The securities and documents belonging to the Society and its properties shall be in the custody of the President and shall be kept at the Society's office or such other place as the Council may decide and shall be produced at a Council or general meeting as the Council may direct.
  - (6) The financial year of the Society shall be the period beginning on the first (1st) day of July in each year and ending on the thirtieth (30th) day of June next following.
13. AUDIT OF ACCOUNTS AND THE AUDITOR:
- (1) The accounts of the Society shall be audited as at thirtieth (30th) June each year by the Auditor appointed under this Constitution.

13. (2) The Auditor shall examine the accounts of the Society once at least in each financial year and certify as to the correctness of the accounts and shall report thereon to the members at the Annual General Meeting.

(3) For the purposes of the audit, the Auditor shall have access to the relevant account books, papers, documents and records of the Society.

(4) At each Annual General Meeting of the Society, the members present shall appoint a person as the Auditor of the Society and the person so appointed shall hold office until the Annual General Meeting next after that at which he is appointed and is eligible for re-appointment.

(5) In the case of the first appointment of the Auditor, or if an appointment is not made at an Annual General Meeting, or if a casual vacancy occurs in the office of the Auditor, the Council shall appoint a person as the Auditor of the Society for that financial year and the person so appointed shall hold office until the next Annual General Meeting.

(6) The Auditor may be removed from office by special resolution.

14. INCOME AND PROPERTY OF THE SOCIETY:

(1) The income and property of the Society, however, derived, shall be applied solely towards the promotion of the objects and purposes of the Society and no portion thereof shall be paid or transferred, directly or indirectly, by dividend, bonus or otherwise, to any member of the Society.



13. (2) The Auditor shall examine the accounts of the Society once at least in each financial year and certify as to the correctness of the accounts and shall report thereon to the members at the Annual General Meeting.

(3) For the purposes of the audit, the Auditor shall have access to the relevant account books, papers, documents and records of the Society.

(4) At each Annual General Meeting of the Society, the members present shall appoint a person as the Auditor of the Society and the person so appointed shall hold office until the Annual General Meeting next after that at which he is appointed and is eligible for re-appointment.

(5) In the case of the first appointment of the Auditor, or if an appointment is not made at an Annual General Meeting, or if a casual vacancy occurs in the office of the Auditor, the Council shall appoint a person as the Auditor of the Society for that financial year and the person so appointed shall hold office until the next Annual General Meeting.

(6) The Auditor may be removed from office by special resolution.

14. INCOME AND PROPERTY OF THE SOCIETY:

(1) The income and property of the Society, however, derived, shall be applied solely towards the promotion of the objects and purposes of the Society and no portion thereof shall be paid or transferred, directly or indirectly, by dividend, bonus or otherwise, to any member of the Society.

14. (2) The Society shall not appoint a person who is a member of the Council to any office in the gift of the Society to the holder of which there is payable any remuneration by way of salary, fees or allowances or pay to any such person any remuneration or other benefit in money or money's worth (other than the reimbursement of out-of-pocket expenses).

(3) Nothing in the foregoing provisions of this section shall prevent the payment in good faith to a servant or a member of the Society of remuneration for services actually rendered to the Society by such servant or member or for goods supplied to the Society by the servant or member in the ordinary course of business.

(4) In the event of the Society being wound up every member of the Society and every person who, within the period of one (1) year immediately preceding the commencement of the winding up, was a member of the Society, shall be liable to contribute to the assets of the Society for payment of the debts or liabilities of the Society and for the costs, charges and expenses of the winding up and for the adjustment of the rights of the contributories among themselves such sum, not exceeding the annual subscription or fee applicable to the membership, but a former member shall not be liable to contribute in respect of any debt or liability of the Society contracted after he ceased to be a member.

(5) The Society shall not be dissolved except by a resolution passed by a majority of at least two-thirds of the financial members of the Society present at an annual general meeting or special general meeting convened for that purpose.

14. (6) Subject to section 33 of the Associations Incorporation Act 1964, in the event of dissolution, if there remains after satisfaction of all debts, liabilities, any property whatsoever, the same shall be given or transferred to another society or association having objects similar to those of this Society.

15. AMENDMENT, ALTERATION OR RESCINDMENT OF THE PROVISIONS OF THE CONSTITUTION AND OBJECTS AND PURPOSES OF THE SOCIETY:

Subject to Section 16, 19 and 23 of the Associations Incorporation Act, 1964, the provisions of this Constitution or the objects and purposes of the Society may be amended altered, or rescinded by a special resolution.

16. DISPUTES:

Subject to this Constitution, a dispute between a member of the Society, and the Society or between the members of the Society shall be first referred to the Council of the Society. The Council shall after hearing the parties, give their decision in writing and if the party or parties are dissatisfied with the decision of the Council may, within three (3) months after the decision of the Council apply for determination of the dispute under the provisions of the Arbitration Act, 1892.

17. SEAL OF THE SOCIETY:

(1) The seal of the Society shall be in the form of a rubber stamp with the name of the Society and the word "Seal" inscribed therein.

17. (2) The seal of the Society shall not be affixed to any instrument except by the authority of the Council and the affixing thereof shall be attested by the signatures of the President and the Secretary.

(3) The seal shall remain in the custody of the President of the Society.

\*\*\*\*\*