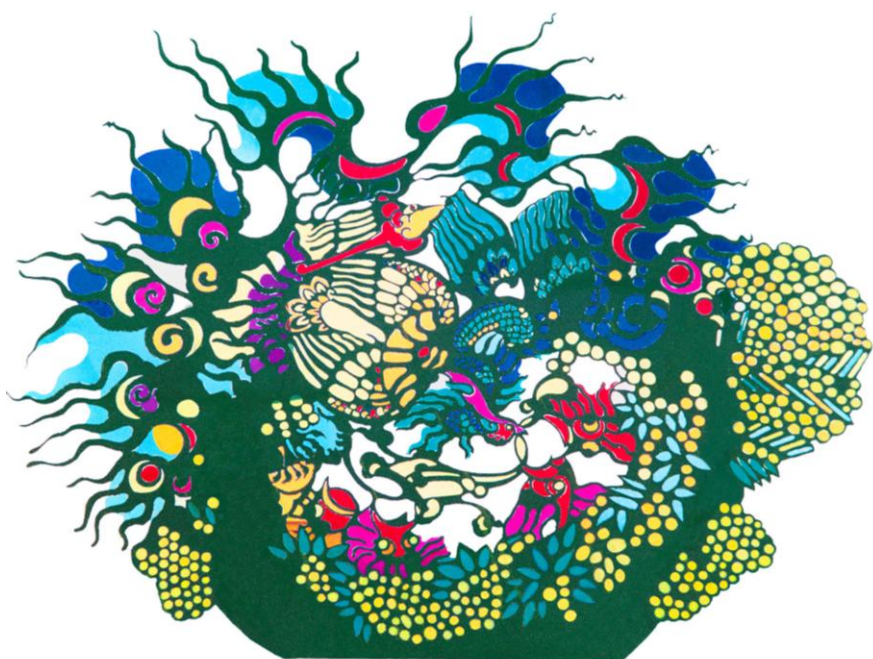


Rules



**Acacia
Indochinese
Community
Support
Association**

October 2013

Acacia Indochinese Community Support Association Inc

Rules October 2013

ASSOCIATIONS INCORPORATION REFORM ACT 2012

ASSOCIATIONS INCORPORATION REFORM REGULATIONS 2012

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Note

Under section 46 of the **Associations Incorporation Reform Act 2012**, these Rules are taken to constitute the terms of a contract between the Association and its members.

PART 1 - PRELIMINARY

1. Name

- (1) The name of the incorporated association is **Acacia Indochinese Community Support Association Incorporated** (in these rules called "the Association").
- (2) Mission Statement: **"Maintenance of family's culture enriches the society"**
- (3) The centres to be sponsored by the Association are:
 - Acacia Children's Centre at 13 Belgium Avenue, Richmond Vic. 3121 and
 - Acacia Fitzroy Crèche at 187 Napier Street, Fitzroy Vic. 3065 and
 - Acacia Children's Centre - St Albans at 159 Taylors Road, St Albans Vic. 3021

2. Purposes

The purposes for the establishment of the Association are to:

- (1) encourage and assist in the development of community based early childhood education and care services, family support and adult learning centre which:
 - (a) ensure children a safe, loving, educational and developmental environment and a sense of security and belonging in their families and the community;
 - (b) provide a high quality educational and care program at an affordable fee;
 - (c) assist parents in their child rearing practice;
 - (d) are based on the needs and aspirations of the families;
 - (e) are available to all parents taking into account that the most urgent needs for services must be met first;
 - (f) provide opportunities for parents who mind children at home to participate the centre's activities;
 - (g) provide a real choice for women in relation to the care of their children as to whether to engage in paid employment or work at home;
 - (h) help maintain and develop the children's language and culture background so as to foster their self confidence and provide a stable base from which they can freely interact with other cultures;
 - (i) prepare for children a sound foundation of English so that when they enter school they will have good language skills;
 - (j) encourage parents' participation and community control in all activities of the centre.
 - (k) serve a diverse adult population by providing learner-centered educational opportunities and experiences that foster personal advancement, life-long learning and educational excellence for all participants
 - (l) provide a responsive and innovative adult educational program that enables participants to be literate, productive, and successful in the workplace, home, and community
 - (m) commit to a quality adult education program that is accountable, efficient and meets the needs of adult learners.

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- (n) value and respect adult learners and deliver services in a courteous, timely and productive manner.
- (o) encourage creative ideas and strive for continuous improvement in all aspects of adult education.

AND solely for the purpose of carrying out such objects, the Association shall have the power to do all or any of the following:

- (2) hire employ and dismiss employees and to pay them and other persons in return for their services rendered to the Association's salaries, wages, gratuities, and pensions.
- (3) take any gift of property by way of direct donations, bequests, or devises whether subject to any special trust or not for any one or more of the objects of the Association.
- (4) purchase take or lease or in exchange hire or otherwise acquire and hold either in its own name or in the name or names of nominees any estate or interest in any real and personal property and any rights concessions licences or privileges which the Association may think necessary or convenient for the purpose of carrying out its objectives.
- (5) invest money of the Association not immediately required in such manner as may from time to time be determined by the Committee of Management of the Association and to vary sell or dispose of all or any of such investments.
- (6) work in close co-operation and/or amalgamate with any other association having objects similar to those of the Association and which shall prohibit the distribution of its income and property among its members to an extent at least as great as is imposed on the Association.
- (7) exchange, disseminate all information and concepts related to the development of early childhood education and care services through newsletters or other printed material and through workshops, seminars or lectures.
- (8) collect and collate published material or current studies related to the above objects, especially material on bilingual / bicultural programs.
- (9) provide consultative services to parents, community groups and local agencies, on planning and running child care services and family support systems.
- (10) In furtherance of the objects of the Association to enter into any arrangements with any governments, municipalities to other corporation or public bodies or any of them and to obtain any rights privileges and concessions which the Association may think it desirable to obtain and to carry out exercise and comply with any such arrangements rights privileges and concessions.
- (11) Each member of the Association in the event of its being wound up while he or she is a member of within one year after he or she ceases to be a member for payment of the debt and liabilities of the Association contracted before he or she ceased to be a member, and the costs charges and expenses of winding up and for adjustment of the rights of contributions among themselves such amount as may be required not exceeding twenty dollars (\$20.00).

3. Financial Year

The financial year of the Association is each period of 12 months ending on 30 June

4. Definitions

In these rules, unless the contrary intention appears:

absolute majority, of the Committee, means a majority of the committee members currently holding office and entitled to vote at the time (as distinct from a majority of committee members present at a committee meeting);

Chairperson, of a general meeting or committee meeting, means the person chairing the meeting as required under rule 44;

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Committee	means the Committee having management of the business of the Association;
committee meeting	means a meeting of the Committee held in accordance with these Rules;
committee member	means a member of the Committee elected or appointed under Division 3 of Part 5;
director	means a manager of the Association's childcare centre
disciplinary appeal meeting	means a meeting of the members of the Association convened under rule 21(3);
disciplinary meeting	means a meeting of the Committee convened for the purposes of rule 20;
disciplinary subcommittee	means the subcommittee appointed under rule 20;
financial year	means the 12 month period specified in rule 3;
general meeting	means a general meeting of the members of the Association convened in accordance with Part 4 and includes an annual general meeting, a special general meeting and a disciplinary appeal meeting;
managing director	means a manger of directors and directs operations of the Association.
member	means a member of the Association;
member entitled to vote	means a member who under rule 13(2) is entitled to vote at a general meeting;
special resolution	means a resolution that requires not less than three-quarters of the members voting at a general meeting, whether in person or by proxy, to vote in favour of the resolution;
the Act	means the Associations Incorporation Reform Act 2012 and includes any regulations made under that Act;
the Registrar	means the Registrar of Incorporated Associations.

PART 2 - POWERS OF ASSOCIATION

5. Powers of Association

- (1) Subject to the Act, the Association has power to do all things incidental or conducive to achieve its purposes.
- (2) Without limiting sub rule (1), the Association may:
 - (a) acquire, hold and dispose of real or personal property;
 - (b) open and operate accounts with financial institutions;
 - (c) invest its money in any security in which trust monies may lawfully be invested;
 - (d) raise and borrow money on any terms and in any manner as it thinks fit;
 - (e) secure the repayment of money raised or borrowed, or the payment of a debt or liability;

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- (f) appoint agents to transact business on its behalf;
 - (g) enter into any other contract it considers necessary or desirable.
- (3) The Association may only exercise its powers and use its income and assets (including any surplus) for its purposes.

6. **Not for Profit Organisation**

- (1) The Association must not distribute any surplus, income or assets directly or indirectly to its members.
- (2) Sub rule (1) does not prevent the Association from paying a member:
 - (a) reimbursement for expenses properly incurred by the member; or
 - (b) for goods or services provided by the member.

If this is done in good faith on terms no more favourable than if the member was not a member.

Note

Section 33 of the Act provides that an incorporated association must not secure pecuniary profit for its members. Section 4 of the Act sets out in more detail the circumstances under which an incorporated association is not taken to secure pecuniary profit for its members.

PART 3 - MEMBERS, DISCIPLINARY PROCEDURES AND GRIEVANCES

Division 1 - Membership

7. **Minimum Number of Members**

The Association must have at least 5 members.

8. **Who is Eligible to Be a Member**

- (1) Parents or guardians who place and placed their child or children at the centres will consequentially become members of the Association
- (2) Employee who are employed by the Association will consequentially become members of the Association.
- (3) A person, regardless of gender, over eighteen years of age, who supports the purposes of the Association is eligible to be a member of the Association on application for under these rules.

9. **Application for Membership**

To become a member of the Association a person must:

- (1) Be parents or guardians who fill or filled their child or children child care enrolment form at the centre; or
- (2) Be an employee of the Association or
- (3) Apply by writing in the form set out in Appendix 1; and
- (4) Lodge it with the Secretary of the Association.

10. **Consideration of Application**

- (1) As soon as practicable after an application for membership is received, the Committee must decide whether to accept or reject the application.

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- (2) The Committee must notify the applicant in writing of its decision as soon as practicable.
- (3) If the Committee rejects the application, no reason need be given for the rejection of an application.

11. New Membership

- (1) If an application for membership is approved by the Committee, the Secretary must, as soon as practicable, enter the name and address of the new member, and the date of becoming a member, in the register of members.
- (2) A person becomes a member of the Association and, subject to rule 13(2), is entitled to exercise his or her rights of membership from the date the Committee approves the person's membership.

12. Annual Subscription

The annual subscription is free and/or will be determine by the Committee.

13. General Rights of Members

- (1) A member of the Association who is entitled to vote has the right to
 - (a) receive notice of general meetings and of proposed special resolutions in the manner and time prescribed by these Rules; and
 - (b) submit items of business for consideration at a general meeting; and
 - (c) attend and be heard at general meetings; and
 - (d) vote at a general meeting; and
 - (e) have access to the minutes of general meetings and other documents of the Association as provided under rule 73; and
 - (f) inspect the register of members.
- (2) A member is entitled to vote if
 - (a) more than 10 business days have passed since he or she became a member of the Association; and
 - (b) the member's membership rights are not suspended for any reason.

14. Rights Not to Transferable

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

15. Ceasing Membership

- (1) A member may resign from the Association by notice in writing to the Association of his or her intention to resign.

Note

Rule 72(3) sets out how notice may be given to the association. It includes by post or by handing the notice to a member of the committee.

- (2) Upon the notice given under sub rule (1),
 - (a) the member ceased to be a member; and
 - (b) the Secretary must record in the register of members the date on which the member ceased to be a member.

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- (3) If a parent or guardian was granted membership on the basis that their child was enrolled in one of the centres, then that parent's membership terminates 28 days after withdrawal of their child from the centre in which the child is enrolled unless notification of a desire to continue membership is provided in writing to the Secretary within that time period.
- (4) If an employee was granted membership on the basis that they was employed by the Association, then that employee's membership terminates 28 days after cease his or her employment unless notification of a desire to continue membership is provided in writing to the Secretary within that time period.

16. Register of Members

- (1) The Secretary must keep and maintain a register of members that includes
 - (a) for each current member
 - (i) the member's name;
 - (ii) the address for notice last given by the member;
 - (iii) the date of becoming a member;
 - (iv) any other information determined by the Committee; and
 - (b) for each former member, the date of ceasing to be a member.
- (2) Any member may, at a reasonable time and free of charge, inspect the register of members.

Note

Under section 59 of the Act, access to the personal information of a person recorded in the register of members may be restricted in certain circumstances. Section 58 of the Act provides that it is an offence to make improper use of information about a person obtained from the Register of Members.

Division 2 - Disciplinary Action

17. Ground for Taking Disciplinary Action

The Association may take disciplinary action against a member in accordance with this Division if it is determined that the member

- (1) has failed to comply with these Rules; or
- (2) refuses to support the purposes of the Association; or
- (3) has engaged in conduct prejudicial to the Association.

18. Disciplinary Subcommittee

- (1) If the Committee is satisfied that there are sufficient grounds for taking disciplinary action against a member, the Committee must appoint a disciplinary subcommittee to hear the matter and determine what action, if any, to take against the member.
- (2) The members of the disciplinary subcommittee
 - (a) may be Committee members, members of the Association or anyone else; but
 - (b) must not be biased against, or in favour of, the member concerned.

19. Notice to Member

- (1) Before disciplinary action is taken against a member, the Secretary must give written notice to the member:

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- (a) stating that the Association proposes to take disciplinary action against the member; and
 - (b) stating the grounds for the proposed disciplinary action; and
 - (c) specifying the date, place and time of the meeting at which the disciplinary subcommittee intends to consider the disciplinary action (the ***disciplinary meeting***); and
 - (d) advising the member that he or she may do one or both of the following:
 - (i) attend the disciplinary meeting and address the disciplinary subcommittee at that meeting;
 - (ii) give a written statement to the disciplinary subcommittee at any time before the disciplinary meeting; and
 - (e) setting out the member's appeal rights under rule 21.
- (2) The notice must be given no earlier than 28 days, and no later than 14 days, before the disciplinary meeting is held.

20. Decision of Subcommittee

- (1) At the disciplinary meeting, the disciplinary subcommittee must
 - (a) give the member an opportunity to be heard; and
 - (b) consider any written statement submitted by the member.
- (2) After complying with subrule (1), the disciplinary subcommittee may
 - (a) take no further action against the member; or
 - (b) subject to subrule (3)
 - (i) reprimand the member; or
 - (ii) suspend the membership rights of the member for a specified period; or
 - (iii) expel the member from the Association.
- (3) The disciplinary subcommittee may not fine the member.
- (4) The suspension of membership rights or the expulsion of a member by the disciplinary subcommittee under this rule takes effect immediately after the vote is passed.

21. Appeal Rights

- (1) A person whose membership rights have been suspended or who has been expelled from the Association under rule 20 may give notice to the effect that he or she wishes to appeal against the suspension or expulsion.
- (2) The notice must be in writing and given
 - (a) to the disciplinary subcommittee immediately after the vote to suspend or expel the person is taken; or
 - (b) to the Secretary not later than 48 hours after the vote.
- (3) If a person has given notice under subrule (2), a disciplinary appeal meeting must be convened by the Committee as soon as practicable, but in any event not later than 21 days, after the notice is received.

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- (4) Notice of the disciplinary appeal meeting must be given to each member of the Association who is entitled to vote as soon as practicable and must
 - (a) specify the date, time and place of the meeting; and
 - (b) state
 - (i) the name of the person against whom the disciplinary action has been taken; and
 - (ii) the grounds for taking that action; and
 - (iii) that at the disciplinary appeal meeting the members present must vote on whether the decision to suspend or expel the person should be upheld or revoked.

22. Conduct of Disciplinary Appeal Meeting

- (1) At a disciplinary appeal meeting
 - (a) no business other than the question of the appeal may be conducted; and
 - (b) the Committee must state the grounds for suspending or expelling the member and the reasons for taking that action; and
 - (c) the person whose membership has been suspended or who has been expelled must be given an opportunity to be heard.
- (2) After complying with subrule (1), the members present and entitled to vote at the meeting must vote by secret ballot on the question of whether the decision to suspend or expel the person should be upheld or revoked.
- (3) A member may not vote by proxy at the meeting.
- (4) The decision is upheld if not less than three quarters of the members voting at the meeting vote in favour of the decision.

Division 3 - Grievance Procedure

23. Application

- (1) The grievance procedure set out in this Division applies to disputes under these Rules between:
 - (a) a member and another member;
 - (b) a member and the Committee;
 - (c) a member and the Association.
- (2) A member must not initiate a grievance procedure in relation to a matter that is the subject of a disciplinary procedure until the disciplinary procedure has been completed.

24. Parties Must Attempt to Resolve the Dispute

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

25. Appointment of Mediator

- (1) If the parties to a dispute are unable to resolve the dispute between themselves within the time required by rule 24, the parties must within 10 days
 - (a) notify the Committee of the dispute; and

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- (b) agree to or request the appointment of a mediator; and
 - (c) attempt in good faith to settle the dispute by mediation.
- (2) The mediator must be
- (a) a person chosen by agreement between the parties; or
 - (b) in the absence of agreement
 - (i) if the dispute is between a member and another member - a person appointed by the Committee; or
 - (ii) if the dispute is between a member and the Committee or the Association - a person appointed or employed by the Dispute Settlement Centre of Victoria.
- (3) A mediator appointed by the Committee may be a member or former member of the Association but in any case must not be a person who
- (a) has a personal interest in the dispute; or
 - (b) is biased in favour of or against any party.

26. Mediation Process

- (1) The mediator to the dispute, in conducting the mediation, must
- (a) give each party every opportunity to be heard; and
 - (b) allow due consideration by all parties of any written statement submitted by any party; and
 - (c) ensure that natural justice is accorded to the parties throughout the mediation process.
- (2) The mediator must not determine the dispute.

27. Failure to Resolve Dispute by Mediation

If the mediation process does not resolve the dispute, the parties may seek to resolve the dispute in accordance with the Act or otherwise at law.

PART 4 - GENERAL MEETINGS OF THE ASSOCIATION

28. Annual General Meeting

- (1) The Committee must convene an annual general meeting of the Association to be held within 5 months after the end of each financial year.
- (2) The Committee may determine the date, time and place of the annual general meeting.
- (3) The ordinary business of the annual general meeting shall be:
- (a) to confirm the minutes of the last preceding annual general meeting and of any general meeting held since that meeting;
 - (b) to receive and consider
 - (i) the annual report of the Committee on the activities of the Association during the preceding financial year; and
 - (ii) the financial statements of the Association for the preceding financial year submitted by the Committee in accordance with Part 7 of the Act;

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- (c) to elect officers of the Association and the ordinary members of the Committee; and
- (4) The annual general meeting may transact special business of which notice has been given in accordance with these rules
- (5) All meetings of the Association must be conducted in two languages (English/Vietnamese).

29. Special General Meetings

- (1) Any general meeting of the Association, other than the annual general meeting or a disciplinary appeal meeting, is a special general meeting
- (2) The Committee may convene a special general meeting whenever it thinks fit.
- (3) No business other than that set out in the notice under rule 31 may be conducted at the meeting

Note

General business may be considered at the meeting if it is included as an item for consideration in the notice under rule 31 and the majority of members at the meeting agree.

30. Special General Meeting Held at Request of Members

- (1) The Committee must convene a special general meeting if a request to do so is made in accordance with sub rule (2) by at least 10% of the total number of members.
- (2) A request for a special general meeting must:
 - (a) be in writing; and
 - (b) state the business to be considered at the meeting and any resolutions to be proposed; and
 - (c) include the names and signatures of the members requesting the meeting; and
 - (d) be given to the Secretary.
- (3) If the Committee does not convene a special general meeting within one month after the date on which the request is made, the members making the request (or any of them) may convene the special general meeting.
- (4) A special general meeting convened by members under sub rule (3)
 - (a) must be held within 3 months after the date on which the original request was made; and
 - (b) may only consider the business stated in that request.
- (5) The Association must reimburse all reasonable expenses incurred by the members convening a special general meeting under subrule (3).

31. Notice of General Meetings

- (1) The Secretary (or, in the case of a special general meeting convened under rule 30(3), the members convening the meeting) must give to each member of the Association:
 - (a) at least 21 days' notice of a general meeting if a special resolution is to be proposed at the meeting; or
 - (b) at least 14 days's notice of a general meeting in any other case,
- (2) The notice must
 - (a) specify the date, time and place of the meeting; and

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(b) indicate the general nature of each item of business to be considered at the meeting; and

(c) if a special resolution is to be proposed:

(i) state in full the proposed resolution; and

(ii) state the intention to propose the resolution as a special resolution; and

(d) comply with rule 32(5).

(3) This rule does not apply to a disciplinary appeal meeting.

Note

Rule 21(4) sets out the requirements for notice of a disciplinary appeal meeting.

32. Proxies

(1) By filling in the form set out in Appendix 2, each member may appoint another member as his or her proxy to vote and speak on his or her behalf at a general meeting other than at a disciplinary appeal meeting.

(2) The member appointing the proxy may give specific directions as to how the proxy is to vote on his or her behalf, otherwise the proxy may vote on behalf of the member in any matter as he or she sees fit.

(3) Notice of a general meeting given to a member under rule 31 must:

(a) state that the member may appoint another member as a proxy for the meeting; and

(b) include a copy of Appendix 2 (Proxy Appointment form).

(4) The form appointing a proxy must be given to the Chairperson of the meeting before or at the commencement of the meeting.

(5) The form appointing a proxy sent by post or electronically is of no effect unless it is received by the Association no later than 24 hours before the commencement of the meeting.

33. Use of Technology

(1) A member not physically present at a general meeting may be permitted to participate in the meeting by the use of technology that allows that member and the members present at the meeting to clearly and simultaneously communicate with each other.

(2) For the purposes of this Part, a member participating in a general meeting as permitted under subrule (1) is taken to be present at the meeting and, if the member votes at the meeting, is taken to have voted in person.

34. Quorum at General Meetings

(1) No business may be conducted at a general meeting unless a quorum of members is present.

(2) The quorum for a general meeting is the presence (physically, by proxy or as allowed under rule 33 of 10% of the members entitled to vote.

(3) If a quorum is not present within 30 minutes after the notified commencement time of a general meeting

(a) in the case of a meeting convened by, or at the request of, members under rule 30, the meeting must be dissolved;

Note

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If a meeting convened by, or at the request of, members is dissolved under this subrule, the business that was to have been considered at the meeting is taken to have been dealt with. If members wish to have the business reconsidered at another special meeting, the members must make a new request under rule 30.

(b) in any other case

(i) the meeting must be adjourned to a date not more than 21 days after the adjournment; and

(ii) notice of the date, time and place to which the meeting is adjourned must be given at the meeting and confirmed by written notice given to all members as soon as practicable after the meeting.

(4) If a quorum is not present within 30 minutes after the time to which a general meeting has been adjourned under subrule (3)(b), the members present at the meeting (if not fewer than 3) may proceed with the business of the meeting as if a quorum were present.

35. 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 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.

Example

The members may wish to have more time to examine the financial statements submitted by the Committee at an annual general meeting.

(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 31.

36. Voting at General Meeting

(1) On any question arising at a general meeting:

(a) subject to subrule (3), each member who is entitled to vote has one vote; and

(b) members may vote personally or by proxy; and

(c) except in the case of a special resolution, the question must be decided on a majority of votes.

(2) If votes are divided equally on a question, the Chairperson of the meeting has a second or casting vote.

(3) If the question is whether or not to confirm the minutes of a previous meeting, only members who were present at that meeting may vote.

(4) This rule does not apply to a vote at a disciplinary appeal meeting conducted under rule 22.

37. Special Resolutions

A special resolution is passed if not less than three quarters of the members voting at a general meeting (whether in person or by proxy) vote in favour of the resolution.

Note

In addition to certain matters specified in the Act, a special resolution is required:

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- (a) to remove a committee member from office;
- (b) to alter these Rules, including changing the name or any of the purposes of the Association.

38. Determining Whether Resolution Carried

- (1) Subject to subsection (2), the Chairperson of a general meeting may, on the basis of 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) lostand an entry to that effect in the minutes of the meeting is conclusive proof of that fact.
- (2) If a poll (where votes are cast in writing) is demanded by three or more members on any question:
 - (a) the poll must be taken at the meeting in the manner determined by the Chairperson of the meeting; and
 - (b) the Chairperson must declare the result of the resolution on the basis of the poll.
- (3) A poll demanded on the election of the Chairperson or on a question of an adjournment must be taken immediately.
- (4) A poll demanded on any other question must be taken before the close of the meeting at a time determined by the Chairperson.

39. Minutes of General Meeting

- (1) The Committee must ensure that minutes are taken and kept for 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 and must be in bilingual (English/Vietnamese) format.
- (3) In addition, the minutes of each annual general meeting must include
 - (a) the names of the members attending the meeting; and
 - (b) proxy forms given to the Chairperson of the meeting under rule 32(4); and
 - (c) the financial statements submitted to the members in accordance with rule 28(3)(b)(ii); and
 - (d) the certificate signed by two committee members certifying that the financial statements give a true and fair view of the financial position and performance of the Association; and
 - (e) any audited accounts and auditor's report or report of a review accompanying the financial statements that are required under the Act.

PART 5 - COMMITTEE

Division 1 - Powers of Committee

40. Role and Powers

- (1) The business of the Association must be managed by or under the direction of a Committee.

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(2) The Committee may exercise all the powers of the Association except those powers that these Rules or the Act require to be exercised by general meetings of the members of the Association.

(3) The Committee

(a) where a Managing Director exists, shall oversee the business and affairs of the Association. In the absence of a Managing Director the committee shall directly control and manage the business and affairs of the Association

(b) may establish subcommittees consisting of members with terms of reference it considers appropriate.

(c) shall abide by the current Rule, Policies and Procedures of the Association.

41. Delegation

(1) The Committee may delegate to a member of the Committee, a subcommittee or staff, any of its powers and functions other than

(a) this power of delegation; or

(b) a duty imposed on the Committee by the Act or any other law.

(2) The delegation must be in writing and may be subject to the conditions and limitations the Committee considers appropriate.

(3) The Committee may, in writing, revoke a delegation wholly or in part.

Division 2 - Composition of Committee and Duties of Members

42. Composition of Committee

(1) the Committee shall consist of a minimum of 5 and a maximum of 10 members as follows:

(a) Among the members of the Committee to be elected, there shall be at least 50% parents having children cared in the Association's centres.

(b) Among the members of the committee to be elected, there shall be persons from at least one ethnic group: Vietnamese or Cambodian or Laotian.

(2) the Committee consists of

(a) a President; and

(b) a Vice-President; and

(c) a Secretary; and

(d) a Treasurer; and

(e) ordinary members elected under rule 51.

43. General Duties

(1) As soon as practicable after being elected or appointed to the Committee, each committee member must become familiar with these Rules and the Act.

(2) The Committee is collectively responsible for ensuring that the Association complies with the Act and that individual members of the Committee comply with these Rules.

(3) Committee members must exercise their powers and discharge their duties with reasonable care and diligence.

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- (4) Committee members must exercise their powers and discharge their duties
 - (a) in good faith in the best interests of the Association; and
 - (b) for a proper purpose.
- (5) Committee members and former committee members must not make improper use of
 - (a) their position; or
 - (b) information acquired by virtue of holding their positionso as to gain an advantage for themselves or any other person or to cause detriment to the Association.

Note

See also Division 3 of Part 6 of the Act which sets out the general duties of the office holders of an incorporated association.

- (6) The committee shall maintain the Association current Policies & Procedures document which shall clearly outline roles and responsibilities, meeting procedures, and other items deemed of importance to the efficient and effective running of the committee. Where the Rules and the guide conflict, the Rules shall take precedence. This document shall be maintained by the Committee and updated from time-to-time. Changes to the document shall be made by quorum vote at any Committee meeting.
- (7) In addition to any duties imposed by these Rules, a committee member must perform any other duties imposed from time to time by resolution at a general meeting.

44. President and Vice-President

- (1) Subject to subrule (2), the President or, in the President's absence, the Vice-President is the Chairperson for any general meetings and for any committee meetings.
- (2) If the President and the Vice-President are both absent, or are unable to preside, the Chairperson of the meeting must be
 - (a) in the case of a general meeting, a member elected by the other members present; or
 - (b) in the case of a committee meeting, a committee member elected by the other committee members present.
- (3) As an ethnic Association the President shall be person from ethnic group: Vietnamese, Cambodian, and Laotian.

45. Secretary

- (1) The Secretary must perform any duty or function required under the Act to be performed by the secretary of an incorporated association.

Example

Under the Act, the secretary of an incorporated association is responsible for lodging documents of the association with the Registrar.

- (2) the Secretary must
 - (a) maintain the register of members in accordance with rule 16; and
 - (b) keep custody of the common seal (if any) of the Association and, except for the financial records referred to in rule 68(3), all books, documents and securities of the Association in accordance with rules 70 and 73; and

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- (c) subject to the Act and these Rules, provide members with access to the register of members, the minutes of general meetings and other books and documents; and
 - (d) perform any other duty or function imposed on the Secretary by these Rules.
- (3) the Secretary must give to the Registrar notice of his or her appointment within 14 days after the appointment.

46. Treasurer

- (1) the Treasurer must
 - (a) receive all moneys paid to or received by the Association and issue receipts for those moneys in the name of the Association; and
 - (b) ensure that all moneys received are paid into the account of the Association within 5 working days after receipt; and
 - (c) make any payments authorised by the Committee or by a general meeting of the Association from the Association's funds; and
 - (d) ensure cheques are signed by at least 2 committee members.
- (2) the Treasurer must
 - (a) ensure that the financial records of the Association are kept in accordance with the Act; and
 - (b) coordinate the preparation of the financial statements of the Association and their certification by the Committee prior to their submission to the annual general meeting of the Association.
- (3) the Treasurer must ensure that at least one other committee member has access to the accounts and financial records of the Association.

Division 3 - Election of Committee Members and Tenure of Office

47. Who is Eligible to be a Committee Member

A member is eligible to be nominated and elected or appointed as a committee member'

48. Position to be Declared Vacant

- (1) This rule applies to any subsequent annual general meeting of the Association, after the annual report and financial statements of the Association have been received.
- (2) The Chairperson of the meeting must declare all positions on the Committee vacant and hold elections for those positions in accordance with rules 49 to 52.

49. Nominations

- (1) Prior to the election of each position, the Chairperson of the meeting must call for nominations to fill that position. Appendix 3
- (2) An eligible member of the Association may
 - (a) nominate himself or herself; or
 - (b) with the member's consent, be nominated by another member.
- (3) A member who is nominated for a position and fails to be elected to that position may be nominated for any other position for which an election is yet to be held.

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50. Office Bearer Election

- (1) At the annual general meeting, separate elections must be held for each of the following office of bearer positions:
 - (a) President;
 - (b) Vice-President;
 - (c) Treasurer; and
 - (d) Secretary.
- (2) If only one member is nominated for the position, the Chairperson of the meeting must declare the member elected to the position.
- (3) If more than one member is nominated, a ballot must be held in accordance with rule 52.
- (4) On his or her election, the new President may take over as Chairperson of the meeting.
- (5) Paid staff could be nominated to the position of Secretary of the Association. In the event of being elected, this staff has to carry on all the duties of a Secretary of the Association as specified in the Association's Rules and Policies and Procedures except voting right in the Committee meetings.

51. Ordinary Members Election

- (1) The annual general meeting must by resolution decide the number of ordinary members of the Committee (if any) it wishes to hold office for the next year.
- (2) A single election may be held to fill all of those positions.
- (3) If the number of members nominated for the position of ordinary committee member is less than or equal to the number to be elected, the Chairperson of the meeting must declare each of those members to be elected to the position.
- (4) If the number of members nominated exceeds the number to be elected, a ballot must be held in accordance with rule 52.

52. Ballot

- (1) If a ballot is required for the election for a position, the Chairperson of the meeting must appoint a member to act as returning officer to conduct the ballot.
- (2) The returning officer must not be a member nominated for the position.
- (3) Before the ballot is taken, each candidate may make a short speech in support of his or her election.
- (4) The election must be by secret ballot.
- (5) The returning officer must give a blank piece of paper to
 - (a) each member present in person; and
 - (b) each proxy appointed by a member.

Example

If a member has been appointed the proxy of 5 other members, the member must be given 6 ballot papers one for the member and one each for the other members.

- (6) If the ballot is for a single position, the voter must write on the ballot paper the name of the candidate for whom they wish to vote.

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- (7) If the ballot is for more than one position
 - (a) the voter must write on the ballot paper the name of each candidate for whom they wish to vote;
 - (b) the voter must not write the names of more candidates than the number to be elected.
- (8) Ballot papers that do not comply with subrule (7)(b) are not to be counted.
- (9) Each ballot paper on which the name of a candidate has been written counts as one vote for that candidate.
- (10) The returning officer must declare elected the candidate or, in the case of an election for more than one position, the candidates who received the most votes.
- (11) If the returning officer is unable to declare the result of an election under subrule (10) because 2 or more candidates received the same number of votes, the returning officer must
 - (a) conduct a further election for the position in accordance with subrules (4) to (10) to decide which of those candidates is to be elected; or
 - (b) with the agreement of those candidates, decide by lot which of them is to be elected.

Examples

The choice of candidate may be decided by the toss of a coin, drawing straws or drawing a name out of a hat.

53. Term of Office

- (1) Each committee member of the Association shall hold office until the second annual general meeting next after the date of his or her election but is eligible for re-election.
- (2) Subject to subrule (3) and rule 55, a committee member holds office until the positions of the Committee are declared vacant at the next annual general meeting.
- (3) A general meeting of the Association may
 - (a) by special resolution remove a committee member from office; and
 - (b) elect an eligible member of the Association to fill the vacant position in accordance with this Division.
- (4) A committee member who is the subject of a proposed special resolution under subrule (3)(a) may make representations in writing to the Secretary or President of the Association (not exceeding a reasonable length) and may request that the representations be provided to the members of the Association.
- (5) The Secretary or the President may give a copy of the representations to each member of the Association or, if they are not so given, the member may require that they be read out at the meeting at which the special resolution is to be proposed.

54. Vacation of Office

- (1) A committee member may resign from the Committee by written notice addressed to the Committee.
- (2) A person ceases to be a committee member if he or she
 - (a) ceases to be a member of the Association; or
 - (b) fails to attend 3 consecutive committee meetings (other than special or urgent committee meetings) without leave of absence under rule 65; or
 - (c) otherwise ceases to be a committee member by operation of section 78 of the Act.

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Note

A Committee member may not hold the office of secretary if they do not reside in Australia.

55. Filling Casual Vacancies

- (1) The Committee may appoint an eligible member of the Association to fill a position on the Committee that
 - (a) has become vacant under rule 54; or
 - (b) was not filled by election at the last annual general meeting.
- (2) If the position of Secretary becomes vacant, the Committee must appoint a member to the position within 14 days after the vacancy arises.
- (3) In the event of a casual vacancy in any office referred to in sub-rule (1), the Committee may appoint one of its members to the vacant office and the member appointed may continue in office up to and including the conclusion of the annual general meeting next following the date of the appointment.
- (4) Rule 53 applies to any committee member appointed by the Committee under subrule (1) or (2).
- (5) The Committee may continue to act despite any vacancy in its membership.

Division 4 - Meetings of Committee

56. Meetings of Committee

- (1) The Committee must meet at least 8 times in each year at the dates, times and places determined by the Committee.
- (2) Special committee meetings may be convened by the President or by any 3 members of the Committee Office.
- (3) All meetings of the Association must be conducted in two languages (English/Vietnamese).

57. Notice of Meetings

- (1) Notice of each committee meeting must be given to each committee member no later than 5 days before the date of the meeting.
- (2) Notice may be given of more than one committee meeting at the same time.
- (3) The notice must state the date, time and place of the meeting.
- (4) If a special committee meeting is convened, the notice must include the general nature of the business to be conducted.
- (5) The only business that may be conducted at the meeting is the business for which the meeting is convened.

58. Urgent Meetings

- (1) In cases of urgency, a meeting can be held without notice being given in accordance with rule 57 provided that as much notice as practicable is given to each committee member by the quickest means practicable.
- (2) Any resolution made at the meeting must be passed by an absolute majority of the Committee.
- (3) The only business that may be conducted at an urgent meeting is the business for which the meeting is convened.

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59. Procedure and Order of Business

- (1) The procedure to be followed at a meeting of a Committee must be determined from time to time by the Committee.
- (2) The order of business may be determined by the members present at the meeting.

60. Use of Technology

- (1) A committee member who is not physically present at a committee meeting may participate in the meeting by the use of technology that allows that committee member and the committee members present at the meeting to clearly and simultaneously communicate with each other.
- (2) For the purposes of this Part, a committee member participating in a committee meeting as permitted under subrule (1) is taken to be present at the meeting and, if the member votes at the meeting, is taken to have voted in person.

61. Quorum

- (1) No decision can be made at a Committee meeting unless a quorum is present.
- (2) The quorum for a committee meeting is the presence of a majority of the committee members holding office.
- (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;
 - (b) in any other case - the meeting could be carried out with no motion.

62. Voting

- (1) On any question arising at a committee meeting, each committee member present at the meeting has one vote.
- (2) A motion is carried if a majority of committee members present at the meeting vote in favour of the motion.
- (3) Subrule (2) does not apply to any motion or question which is required by these Rules to be passed by an absolute majority of the Committee.
- (4) If votes are divided equally on a question, the Chairperson of the meeting has a second or casting vote.
- (5) Voting by proxy is not permitted.

63. Conflict of Interest

- (1) A committee member who has a material personal interest in a matter being considered at a committee meeting must disclose the nature and extent of that interest to the Committee.
- (2) The member
 - (a) must not be present while the matter is being considered at the meeting; and
 - (b) must not vote on the matter.

Note

Under section 81(3) of the Act, if there are insufficient committee members to form a quorum because a member who has a material personal interest is disqualified from voting on a matter, a general meeting may be called to deal with the matter.

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- (3) This rule does not apply to a material personal interest
 - (a) that exists only because the member belongs to a class of persons for whose benefit the Association is established; or
 - (b) that the member has in common with all, or a substantial proportion of, the members of the Association.

64. Minutes of Meeting

- (1) The Committee must ensure that minutes are taken and kept of each committee meeting.
- (2) The minutes must be in bilingual (English/Vietnamese) format and must record the following
 - (a) the names of the members in attendance at the meeting;
 - (b) the business considered at the meeting;
 - (c) any resolution on which a vote is taken and the result of the vote;
 - (d) any material personal interest disclosed under rule 63.

65. Leave of Absence

- (1) The Committee may grant a committee member leave of absence from committee meetings for a period not exceeding 3 months.
- (2) The Committee must not grant leave of absence retrospectively unless it is satisfied that it was not feasible for the committee member to seek the leave in advance.

PART 6 - FINANCIAL MATTERS

66. Source of Funds

The funds of the Association shall be derived from subsidies from the government departments, weekly fee from the service of caring children in the centers, fund-raising activities, interest, donations and any other sources approved by the Committee.

67. Management of Funds

- (1) The assets and income of the Association shall be applied solely in furtherance of its objectives and no portion shall be distributed directly or indirectly to its members except as bona fide compensation for services rendered or expenses incurred on behalf of the Association.
- (2) The Association must open accounts with a financial institution from which all expenditure of the Association is made and into which all of the Association's revenue is deposited.
- (3) Subject to any restrictions imposed by a general meeting of the Association, the Committee may approve expenditure on behalf of the Association.
- (4) The Committee may authorise the Treasurer and/or Managing Director to expend funds on behalf of the Association (including by electronic funds transfer) up to a specified limit without requiring approval from the Committee for each item on which the funds are expended.
- (5) All cheques, drafts, bills of exchange, promissory notes and other negotiable instruments shall be signed by:
 - (a) The President and the Treasurer or
 - (b) The President or the Treasurer and the Managing Director of the Association.

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- (6) All funds of the Association must be deposited into the financial account of the Association no later than 10 working days after receipt.
- (7) With the approval of the Committee, the Managing Director may maintain a cash float provided that all money paid from or paid into the float is accurately recorded at the time of the transaction.

68. Financial Records

- (1) The Association must keep financial records that
 - (a) correctly record and explain its transactions, financial position and performance; and
 - (b) enable financial statements to be prepared as required by the Act.
- (2) The Association must retain the financial records for 7 years after the transactions covered by the records are completed.
- (3) The Treasurer must keep in his or her custody, or under his or her control
 - (a) the financial records for the current financial year; and
 - (b) any other financial records as authorised by the Committee.

69. Financial Statements

- (1) For each financial year, the Committee must ensure that the requirements under the Act relating to the financial statements of the Association are met.
- (2) Without limiting subrule (1), those requirements include:
 - (a) the preparation of the financial statements;
 - (b) the auditing of the financial statements;
 - (c) the certification of the financial statements by the Committee;
 - (d) the submission of the financial statements to the annual general meeting of the Association;
 - (e) the lodgement with the Registrar of the financial statements and accompanying reports, certificates, statements and fee.

PART 7 - GENERAL MATTERS

70. Common Seal

- (1) The name of the Association must appear in legible characters on the common seal.
- (2) The common seal must be kept in the custody of the Secretary.
- (3) All contracts, agreements and other legal documents of the Association may only be sealed with the common seal by the authority of the Committee and the sealing must be witnessed by the signatures either of two members of the committee or one committee member and the Secretary of the Association.

71. Address

The registered address of the Association currently is 13 Belgium Avenue, Richmond Victoria 3121 and/or will be determined by the Committee.

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72. Notices to Members

- (1) Any notice that is required to be given to a member or a committee member, by on behalf of the Association, under these Rules may be given by:
 - (a) delivering to notice to the member personally; or
 - (b) sending it by prepaid post addressed to the member at his or her address shown in the register of member;
 - (c) email or facsimile transmission
- (2) Subrule (1) does not apply to notice given under rule 58.
- (3) Any notice required to be given to the Association or the Committee may be given by:
 - (a) handing the notice to a member of the Committee; or
 - (b) sending the notice by post to the registered address; or
 - (c) leaving the notice at the registered address; or
 - (d) if the Committee determines that it is appropriate in the circumstances by:
 - (i) email to the email address of the Association or the Secretary; or
 - (ii) facsimile transmission to the facsimile number of the Association.

73. Custody and Inspection of Books and Records

- (1) Except as otherwise provided in these Rules, the Secretary shall keep in his custody or under his control all books, documents are securities of the Association at 13 Belgium Avenue Richmond, Victoria 3121.
- (2) All accounts, books, securities and any other relevant documents of the Association must be available for inspection free of charge by any member upon request.
- (3) Members may on request inspect free of charge
 - (a) the register of members;
 - (b) the minutes of general meetings;
 - (d) subject to sub rule (4), the financial records, books, securities and any other relevant document of the Association, including minutes of Committee meetings.

Note

See note following rule 16 for details of access to the register of members.

- (4) The Committee may refuse to permit a member to inspect records of the Association that relate to confidential, personal, employment, commercial or legal matters or where to do so may be prejudicial to the interests of the Association.
- (5) The Committee must on request make copies of these rules available to members and applicants for membership free of charge.
- (6) Subject to subrule (4), a member may make a copy of any of the other records of the Association referred to in this rule and the Association may charge a reasonable fee for provision of a copy of such a record.

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- (7) For purposes of this rule, **relevant documents** means the records and other documents, however compiled, recorded or stored, that relate to the incorporation and management of the Association and includes the following:
- (a) its membership records;
 - (b) its financial statements;
 - (c) its financial records;
 - (d) records and documents relating to transactions, dealings, business or property of the Association.

74. Winding Up or Cancellation

- (1) The Association may be wound up voluntarily by special resolution
- (2) In the event of the Association winding-up or dissolution there remains, after satisfaction of all debts and liabilities, any properties, whatsoever, the surplus assets will not be distributed to any members or former members of the Association, but will be given or transferred to any organisation which has similar objects and which is approved by the Commissioner of Taxation as a charitable organisation or public benevolent institution for the purposes of any Commonwealth Taxation Act, and which prohibit the distribution of the assets amongst members to an extent at least as great as that imposed on the Association.
- (3) The body to which the surplus assets are to be given must be decided by special resolution.

75. Alteration of Rules

These Rules may only be altered by special resolution of a general meeting of the Association.

Note

An alteration of these Rules does not take effect unless or until it is approved by the Registrar. If these Rules (other than rule 1, 2 or 3) are altered, the Association is taken to have adopted its own rules, not the model rules.

76. Appointment of Staff in the Association's Centres and Programs

- (1) The staff of the Association's centres shall be such as are decided and appointed by the Managing Director with assistance from centre Directors. In the absence of a Managing Director, the Committee of Management shall assume this responsibility
- (2) All appointments shall be openly advertised.

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Appendix 1

**Application
for
Membership
of
Acacia Indochinese Community Support Association Inc.**

I _____
Tên

of _____
địa chỉ

_____ Postcode: _____

Telephone: _____ Email: _____
Điện thoại Điện thư

desire to become member of Acacia Indochinese Community Support Association Inc. In the event of my admission as a member, I agree to be bound by the rules of the Association for the time being in force and support the purposes of the Association.

Muốn trở thành hội viên của Hội Tương Trợ Cộng Đồng Đông Dương Acacia. Khi trở thành hội viên, tôi sẽ tuân theo và thi hành những điều đã ghi trong nội quy và tôn chỉ của Hội

Signature of applicant _____
Ký tên

Date: _____/_____/201__
Ngày

To: the Secretary
Acacia Indochinese Community Support Association
13 Belgium Avenue
Richmond 3121

Received by the Secretary on: _____/_____/201__

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Appendix 2

Form of Appointment of Proxy

I _____
Tôi

of _____
địa chỉ

_____ Postcode: _____

being a member of Acacia Indochinese Community Support Association Inc.
là hội viên của Hội Tương Trợ Cộng Đồng Đông Dương Acacia

appoint _____
ủy nhiệm

of _____
địa chỉ

_____ Postcode: _____

being a member of the Association, as my proxy to vote for me on my behalf at the annual/special* general meeting of the Association to held on _____/_____/201__ and at any adjournment of that meeting.

là hội viên của Hội được ủy nhiệm thay tôi bầu phiếu trong đại hội thường niên hay trong phiên họp bất thường của Hội vào ngày _____/_____/201__ và trong những lần dời đổi của phiên họp

My proxy vote is authorised to vote in favour or/against* following resolution _____
Phiếu ủy nhiệm của tôi ủng hộ hay/không tán thành quyết định

Signature: _____

Date _____/_____/201__

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Appendix 3

**Nomination for
Management Committee of
Acacia Indochinese Community Support Association**

The Secretary
Acacia Indochinese Community Support Association
13 Belgium Ave
Richmond 3121

I _____
Tôi (Name - Tên)

of _____
địa chỉ (Address - Địa chỉ)

wish to become:
muốn được là:

- President – Hội Trưởng Vice-President – Phó Hội Trưởng
 Treasurer – Thủ Quỹ Secretary – Thư Ký
 An Ordinary Member – Thành viên bình thường

of the Management Committee of the Acacia Indochinese Community Support Association at the next Annual General Meeting on/...../ 201

của ban Quản Trị Hội Tương Trợ Cộng Đồng Đông Dương Acacia trong kỳ Đại Hội Thường Niên tổ chức vào ngày tháng năm 201

Phone - Điện thoại:

Home: _____ Mobile: _____ Work: _____
Nhà: Di động Sở

Email: _____

Please provide a short statement as to your reasons for wanting to join the Committee. If you wish to hold office, please include a statement as to your qualifications. This information will be provided on the ballot underneath your name.

Xin vui lòng cho biết lý do tại sao quý vị muốn tham gia vào ban Quản Trị. Nếu quý vị muốn được đề cử vào các chức vụ chính, xin quý vị vui lòng cho biết khả năng chuyên môn. Chi tiết này sẽ được ghi vào bên dưới tên của quý vị trong danh sách ứng viên.

Signed: _____ Date: _____ / _____ / 201

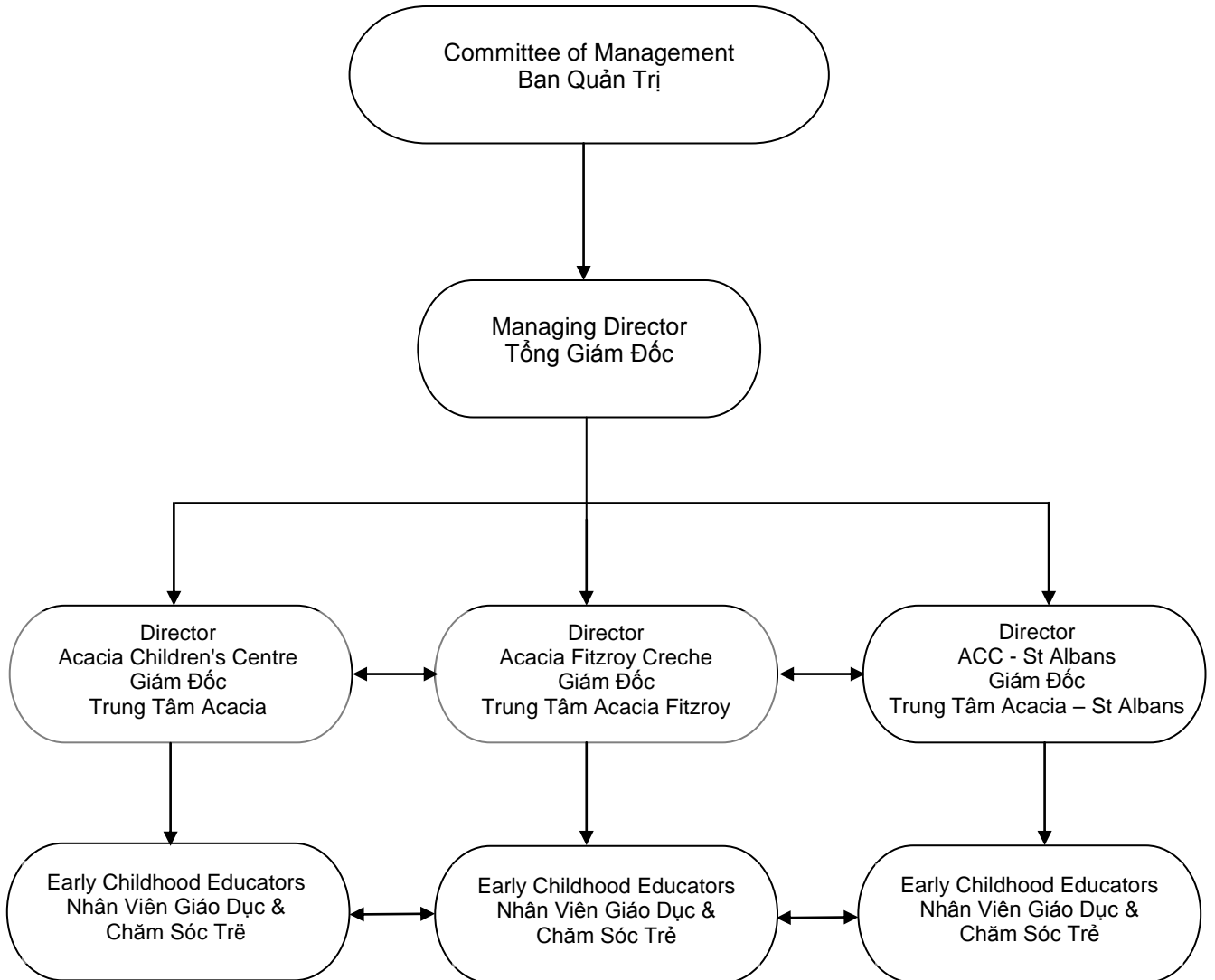
All parents and members of the Association are eligible for nomination
Tất cả phụ huynh và hội viên có quyền ứng cử

All nomination forms must be received by 6pm on _____ / _____ / 201
Đơn ứng cử phải được nhận trước 6 giờ chiều ngày

Received by the Secretary on: _____ / _____ / 201

Appendix 4

Acacia Indochinese Community Support Association Inc.
Hội Tương Trợ Cộng Đồng Đông Dương Acacia



Organisation's Structure
Sơ Đồ Tổ Chức