



**CONSTITUTION**  
OF THE  
**TAMIL SENIOR CITIZEN'S ASSOCIATION (NSW) Inc.**  
**தமிழ் முத்த பிரசைகள் சங்கம் (நி ச வே) பதிவு.**  
(Incorporated Under The Associations Incorporation Act 1984)

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## **1.Name**

The Association shall be called the Tamil Senior Citizens' Association (N S W) INC., with the acronym of TSCA, and hereinafter referred to as the "Association"

## **2. Registered Office**

The registered office shall be at 1B Bates Street, Homebush, NSW 2140, or at such other place as determined by the Committee from time to time.

## **3. Objectives**

The objectives of the Association are:

- 3.1 To foster, preserve and promote the language and culture of the Tamils and generate fellowship amongst the Tamil community
- 3.2 To strive to establish the right of Senior Citizens, as in the case of Age Pensioners, to provide themselves with a standard of living not less than they would have been able to provide, but for their unavoidable position of being aged or deprived of their capacity to earn.
- 3.3 To promote and work in the interest of Senior Citizens to increase their living standards and quality of life by keeping the Association's needs before the Government and the community and to initiate, assist and participate in projects intended for the welfare of the elderly.
- 3.4 To provide for the relief of persons who are in poverty or necessitous circumstances, are exploited or oppressed, are in mental or physical suffering, are deprived of human rights, have little or no dignity, or are otherwise socially disadvantaged.
- 3.5 To maintain cordial links and co-ordinate activities with similar organizations in Australia and be secular and non-party political.
- 3.6 To maintain cordial and friendly relations with all ethnic communities in Australia.
- 3.7 To assist the elderly migrants to settle and integrate into the Australian society.
- 3.8 To plan, direct and carry out cultural, educational, benevolent, social and recreational activities for the benefit of its members in conjunction, if necessary, with other organizations within or outside the country.
- 3.9 To organize social and recreational activities and generate fellowship amongst the Senior Citizens.
- 3.10 To have affiliate bodies comprising of its members, and they shall be designated by pre fixing the genitive of the Association for them to be identified as affiliates of the Association.

The Committee of the Association shall annually nominate two representatives to the executive of each of these affiliate bodies, from its members or from members of the Association, in keeping with the Constitution of the affiliate body, who are not already constituent members of its executive, and they shall hold office from one AGM of the affiliate body to the next.

However, in the event of a vacancy occurring due to resignation, death or otherwise of a member so nominated, the committee shall nominate a replacement to function for the remaining period of the term of office.

- 3.11 To establish and maintain recreational, educational and cultural community Centres, community homes, and any other schemes that will promote the welfare of our members
- 3.12 To create a Building Fund and to engage in fund raising activities for the purpose of building a Community Hall for the Association
- 3.13 The Association shall:
  - 3.13.1 Undertake such activities that it deems are beneficial to the community, including activities of a benevolent nature and provide such services as will further its objectives defined above, and
  - 3.13.2 Generally engage in and execute such other acts, deeds or things, as are or may be necessary for or incidental or conducive to the attainment of the objectives of the Association.

#### **4. Membership**

- 4.1 Membership is open to Senior Citizens who subscribe towards the objectives of the Association and agree to be bound by the rules and regulations of the Association.
- 4.2 Senior Citizens are persons over the age of fifty (50) years. (AGM 23.09.17)
- 4.3 Membership of the Association and of its affiliates will be restricted to Permanent Residents (including those entitled to remain in Australia indefinitely) or Citizens of Australia at the time of application. (AGM 23.09.17)
- 4.4 Application for membership shall be made in writing, signed by the applicant and shall be in such form as the Committee may from time to time prescribe.
- 4.5 On receipt of any such application for membership, the application shall be considered by the Committee who shall determine whether to accept or reject it.
- 4.6 When the application is accepted or rejected, the Secretary shall notify the applicant of such acceptance or rejection.
- 4.7 Members applying to re-join the association subsequent to having ceased membership of the association shall pay a processing fee equivalent to the annual membership fee in addition to the annual membership fee.

#### **4A Associate Membership**

Associate Membership is open to Seniors resident in Australia but who are not, under clause 4.3 eligible for membership. The provisions of the Constitution relating to members shall apply to Associate Members but they shall not be entitled to vote at any meeting or hold any office in the Management Committee. (AGM 23.09.17)

#### **5. Subscriptions**

- 5.1 The Annual Membership shall be \$10.00 per person or such other amount as determined at the review at each Annual General Meeting. The current membership rate and the date of the Annual general Meeting at which it was adopted will be published as an ADDENDUM and attached to the Constitution and will form part of it.

**ADDENDUM:** 1.The Annual Membership Fee shall be \$15.00 per person (AGM 28.8.99)  
2. The Annual membership Fee shall be \$20.00 per person with effect from  
1 July 2013(AGM 29.9.12)

- 5.2 The annual membership fee for the current financial year shall be due on 1st July of that year and become payable not later than the last Thursday preceding the date of the Annual General Meeting, provided the right to vote at the Annual General Meeting or to nominate or be nominated for membership to the Committee shall not be before the payment of the annual membership fee.
- 5.3 Only members who have paid their current annual subscription and are not in arrears for any of the previous financial years are eligible to maintain membership and vote at General Meetings.

#### **6. Member's Liability**

The liability of membership of the Association to contribute towards the payment of the debts and liabilities of the Association or the cost, charges and expenses of winding up the of the association is limited to the amount, if any, unpaid by the member in respect of membership of the Association as required by Rule 5 of this constitution.

#### **7. The Committee of Management**

The Committee of Management of the Association, hereinafter referred to as "committee", shall, subject to the Association Incorporation Act, its regulations, these rules and to any resolution passed by the Association at a General Meeting and in pursuance of the objectives of the Association:

- 7.1 Control and manage the affairs of the Association;
- 7.2 Discharge all such functions as may be exercised by the Association other than those Functions that are required by the rules to be exercised by a General Meeting;
- 7.3 Have power to perform all such acts and do all such things as may appear to the Committee to be necessary or desirable for the proper management of the affairs of the Association.
- 7.4 Purchase or otherwise acquire any property movable or immovable for the

Association.

- 7.5 Invest surplus funds in authorized trustee investment institutions prescribed under the Charitable Collections Act.
- 7.6 Print and publish any newsletter, periodical or leaflet and telecast and broadcast material, the Association may consider desirable for the promotion of its objectives.
- 7.7 Seek affiliation with a state-wide pensioner organization with like objectives, as an Affiliate, such affiliation to preserve the autonomy and membership rights of the Association.

**8. The Committee**

- 8.1 The committee shall consist of the following 14 members who have been members of the Association for not less than 12 months:
  - (a) President
  - (b) Vice-President
  - (c) Secretary
  - (d) Assistant Secretary
  - (e) Treasurer
  - (f) Assistant Treasurer and
  - (g) Eight (8) Executive members.
- 8.2 The Committee of Management shall be elected at the Annual General Meeting and shall hold office in an honorary capacity.
- 8.3 When the election of the committee falls due, the committee shall call for nominations through the secretary. A member can be nominated for only one post. If multiple nominations are received for the same member, all such nominations will be declared null and void.
- 8.4 A member shall hold office in any post for only three consecutive years and shall not be eligible for re-election for the succeeding year.
- 8.5 Nominations duly proposed and seconded by two eligible members, with the signed consent of the nominee, should reach the Returning officer (vide infra: 24) at least ten (10) days before the Annual General Meeting.
- 8.6 In cases where there is only one nomination per vacancy or less nominations than vacancies are received, then the person or persons so nominated will be declared elected unopposed at the Annual General Meeting.
- 8.7 If insufficient nominations are received further nomination will be called for at the Annual General Meeting.
- 8.8 In the event of any member of the Committee being absent without leave for three consecutive Committee meetings, he shall be deemed to have vacated his office
- 8.9 The Committee of Management may co-opt involvement or Support Committee from their memberships including Associate Members to assist them in the activities of the Association.
- 8.10 In the event of any member of the Committee relinquishing his duties or whose duties are terminated, he shall hand over documents and property belonging to the Association, within seven (7) days of the date of such relinquishment or termination to the member so approved by the Committee for this purpose.
- 8.1 In the event of a casual vacancy occurring in the Committee, it may appoint a member of the Association to fill the vacancy. The member so appointed shall hold office, until the following Annual General Meeting.
- 8.12 Vacation of Office:

The office of a member of the Committee shall become vacant if:

  - (a) He resigns
  - (b) He dies
  - (c) He becomes bankrupt
  - (d) He becomes mentally ill
  - (e) He holds any office of profit under the Association.
  - (f) He is directly or indirectly interested in any contract or proposed contract with the Association.
  - (g) A resolution is passed by two-thirds majority of members present at a properly constituted General Meeting specially called for the purpose of removing from office.

8.13 In the event of a casual vacancy occurring in the office of Honorary Auditor or Returning Officer, the Management Committee may appoint a person to fill the vacancy. The person so appointed, shall hold office until the following Annual General Meeting. (AGM 23.09.17)

## **9. Committee & Special Committee Meetings**

9.1 The Committee shall meet at least six times each year at such place and time as it shall determine.

9.2 Special meetings of the Committee may be convened by the President or at the request of at least six (6) members of the Committee.

9.3 Any six (6) members of the Committee shall constitute a quorum for the transaction of the business of the meeting of the Committee.

9.4 At a meeting of the Committee, the President and in his absence the Vice- President and in the absence of these two, the members present shall nominate one of their members to be the Chairperson of the meeting.

9.5 Questions arising at any meeting shall be decided upon by a simple majority of votes. In the case of an equality of votes, the Chairperson shall have a second or casting vote.

## **10 Funds of the Association**

The Association shall: -

10.1 Derive its funds from annual subscriptions, donations and such other source as the Committee determines,

10.2 Utilize its income only for the promotion of the objectives of the Association and shall not be paid to or distributed among past or present members;

10.3 All moneys received by the Association shall be deposited intact at the earliest possible date to the credit of the Association's Bank Account;

10.4 All payment in excess of \$500.00 made by the Association shall be by cheque;

10.5 All accounts shall be presented to and passed for payment at every Committee Meeting and full details of such approvals shall be entered in the Minute Book.

10.6 Any money held in the Building Fund shall not be utilized for any purpose other than for the purpose set out in Rule 3.12 of this Constitution, except with the approval of the members at an Annual General Meeting or a Special General Meeting. (AGM 29.9.12)

## **11 Financial Year**

The Financial Year of the Association shall be from 1 July to 30 June of the following year.

## **12. Annual General Meeting**

12.1 With the exception of the inaugural Meeting of the Association, the Association shall convene an Annual General Meeting once every calendar year. This should be within a period of three (3) months after the expiration of each financial year.

12.2 The Association shall hold its first Annual General Meeting before 31 August 1992

12.3 The Annual General Meeting shall transact the following business:

(a) Confirmation of the minutes of the last preceding Annual General Meeting and of any Special General Meeting held thereafter.

(b) Message from the President

(c) Annual report of the Committee of Management, which may include a recommendation that any matter be considered and determined, including any amendment to the Constitution.

(d) To receive and consider the audited Annual Financial Statement.

(e) Review annual membership Subscription

(f) Any other business, for which notices in writing have been given to the Secretary at least by 31 May. Such notices must clearly indicate the nature of the business and have signed consent of at least ten (10) members.

On completion of this state of the proceedings, the Chairman will announce the dissolution of the current committee and will call on the Returning Officer to take the chair for the election of the new President. Following the election of the new president, the returning officer will hand over the chair to him.

In the absence of the returning Officer, the chairman will call for the election of a pro-tem chairman to conduct the above

- (g) The election of the President
- (h) The election of the rest of the committee
- (i) The election of the Returning Officer.
- (j) The appointment of the Honorary Auditor

### **13 Special General Meeting**

- 13.1 The Committee may convene a Special General Meeting when it deems fit.
- 13.2 These meetings shall also be convened, upon a written request of not less than one-fourth (1/4) of the membership stating its purpose, after giving not less than twenty one (21) days notice to all members.

### **14. Notice of Meeting**

- 14.1 The Secretary shall give twenty-one (21) days notice in writing of every General Meeting to all members. The notice shall specify the place, date and time of the meeting and its agenda.
- 14.2 Where the notice is sent by post, the service of it shall be deemed to be effective if addressed to the registered address of the member. Non- receipt of it by any member shall not invalidate any proceedings or resolutions passed at any General Meeting.
- 14.3 No business other than that set out in the Notice convening the meeting shall be transacted at the General Meeting.

### **15. Quorum**

No business shall be transacted at any General Meeting without a quorum. When the meeting proceeds to business, save as hereinafter provided, (i) one sixth 1/6 or (II) one fifth (1/5), if there is a special resolution on the Agenda, of the membership of the Association entitled to vote, shall be present to constitute a quorum.(AGM 23.09.17).If there is no quorum within half an hour of the appointed time, the meeting shall not proceed. It shall be adjourned to another day (within thirty (30) days of the original meeting) at such time and place as the committee may determine. If at such an adjourned meeting there is no quorum within half an hour of the appointed time, the members present shall constitute a quorum for the meeting

### **16. Procedure at General Meeting**

- 16.1 The President and in his absence the Vice-President shall preside at every meeting of the Association and in the absence of these two, the members present shall elect one of their members to preside.
- 16.2 Resolution shall be carried by a simple majority of the members voting by a show of hands at the meeting.
- 16.3 On procedural matter where the constitution is silent, the Chairperson's ruling in keeping with the conduct of the meeting of voluntary associations shall be followed.

### **17. Minutes of Meeting**

- 17.1 The Secretary shall keep minutes of all resolutions and proceedings of every General/Committee Meetings, in books provided for the specific purpose, together with a record of the names of the members present at General/Committee Meetings
- 17.2 Such minutes with any amendments as necessary shall be accepted and signed as correct by the Chairperson of the meeting at which the proceedings took place or by the Chairperson of the next succeeding meeting.

### **18. Secretary/ Public Officer**

The secretary shall exercise the following powers, subject to the general control of the president or, in his absence the Vice President:-

- 18.1 Be responsible for the day-to-day activities and administration of the Association in collaboration with the Assistant Secretary and Treasurer.
- 18.2 Maintain a Register of Members, setting forth their names, addresses, telephone numbers and dates of entry and make same available for perusal.
- 18.3 Maintain register of Committee, setting forth their names, address, telephone numbers and office held together with the period of office and make it available for perusal.
- 18.4 Call meetings if the Association and keep records (vide supra: 17.1)

- 18.5 Attend to all correspondence relating to the Association;
- 18.6 Keep control of all books, documents and securities of the Association and allow inspection on authority of the Committee, except as otherwise provided in these rules;
- 18.7 Perform the functions of the Public Officer, for the purpose of the Associations Incorporation Act.

**19. Assistant Secretary**

- 19.1 The Assistant Secretary shall work in close co-operation with the Secretary and perform such duties as may from time to time be given or assigned to him by the Secretary or the Committee.
- 19.2 The Assistant Secretary shall exercise all powers and perform all functions of the Secretary in the latter's absence.

**20 Treasurer**

The Treasurer shall:

- 20.1 Collect and receive subscriptions, donations and all monies paid to the Association and issue receipts thereof.
- 20.2 Make payments authorized by the Committee.
- 20.3 Keep not more than \$500-00 as petty cash in hand at any time.
- 20.4 Keep proper receipt books, vouchers in support of disbursements and Account Books showing the financial affairs of the Association.
- 20.5 Maintain an inventory of the Property (movable) of the Association.
- 20.6 Present periodical Financial Statements and Reports to the Committee and submit the Financial Statement at the end of each financial year to the Honorary Auditor.

**21. Assistant Treasurer**

- 21.1 The Assistant Treasurer shall work in close cooperation with the Treasurer and perform such duties as may from time to time be assigned to him by the Treasurer or the Committee.
- 21.2 He shall exercise all powers and perform all functions of the Treasurer in the latter's absence.

**22 Honorary Auditor**

- 22.1 The Honorary Auditor shall audit the Financial Statements of the Association and present his report to the Secretary, who shall place it before the Committee and the Annual General Meeting.
- 22.2 He shall not be a member or closely related to a member of the Committee.

**23. Editor**

- 23.1 The Editor, appointed by the committee, shall be responsible for the printing and publishing of the Newsletter of the Association with the concurrence of the President, Secretary and Treasurer
- 23.2 The President, Secretary, Treasurer and the Editor shall comprise the Editorial Board with powers to co-opt additional members to the Board.

**24. Returning Officer**

- 24.1 The Returning Officer will be responsible for procedural matters concerned with the election of office bearers.
- 24.2 All nominations for the posts of office bearers will be made on the appropriate forms and sent in sealed envelopes addressed to the Returning Officer at the official address of the Association.
- 24.3 A Committee Meeting will be called immediately after the closing date of the receipt of nominations for the specific purpose of the scrutiny and preparation of the list of nomination of office bearers for the ensuing year. The Returning Officer in the presence of the Committee will open the sealed nomination.
- 24.4 If more than one nomination is received for a position in the committee, the voting will be conducted by secret ballot by the Returning Officer.
- 24.5 The returning officer shall be responsible for the counting of votes, etc. If required he may request members from the house to assist him.

**25. Amendments to the Constitution**

- 25.1 No alterations or addition shall be made to the Constitution of the Association unless they are accepted by a resolution passed by three-fourths (75%) of the members present at an Annual General Meeting or Special meeting convened after giving not less than twenty-one (21) days notice.
- 25.2 Such amendments shall become effective subject to the ratification of the Minister of the Crown Administering The Charitable Collection Act.
- 25.3 The notice shall contain all the particulars of the proposed alterations and additions to the Constitution.

**26. Indemnity of Committee**

Every member of the Committee shall be indemnified, out of the assets of the association, against any liability arising out of the lawful duties of their office, which is incurred by the member in defending any proceedings whether Civil or Criminal in which judgment is given in favour or in which he is acquitted.

**27. Bank Account**

- 27.1 The Association shall open and operate a Current/Savings and any other appropriate Account/s in any bank. The Account/s shall be operated by two of the following, one of who shall be the Treasurer, or in his absence, the Assistant Treasurer
  - (a) President
  - (b) Secretary
  - (c) Treasurer
  - (d) Assistant Treasurer
- 27.2 All cheques, drafts, bills of exchange, promissory notes and other negotiable instruments shall be signed by any two of the above, one of whom shall be the Treasurer, or in his absence, the Assistant Treasurer.

**28. Common Seal**

- 28.1 The Common seal of the Association shall be kept in the custody of the Secretary
- 28.2 It shall not be affixed to any instrument except by the authority of the Committee, and the affixing of the Common Seal shall be attested by the signatures of the Public Officer and the President or the Treasurer.
- 28.3 The Secretary shall keep a record of all instruments to which the Seal is affixed.

**29. Misconduct**

- 29.1 If in the opinion of the Committee, the conduct of a member is prejudicial to the interest and detrimental to the good name of the Association; it shall serve a charge sheet on him and call for an explanation within 14 days of the date of charge sheet as to why action should not be taken against the member.
- 29.2 Should the member, in his answer, deny the charge the committee shall refer the matter to the Disciplinary Committee which shall hold an oral inquiry after summoning the member and arrive at its finding. If he is found guilty it shall impose on him the following punishments:
  - (a) Reprimand
  - (b) Suspension of membership for a period not exceeding three months
- 29.3 Only in the case of an order of suspension the member shall have a right to appeal to a Special General Meeting of the Association after serving notice of it to the Secretary within 14 days of the date of the date of suspension order. Whereupon the Committee shall convene Special General meeting within 30 days of the date of the notice for the hearing of the appeal.

The special general meeting shall hear the appeal and either affirm the order of suspension of the member or set it aside on a simple majority of votes of the members present

The Disciplinary Committee shall be composed of The President (ex-officio) and four members elected at the annual General meeting as follows:

- Two past Presidents/Past Vice-Presidents
- Two members of the Association



In the event of a casual vacancy occurring the Disciplinary Committee shall appoint a member to fill the vacancy. All members of the Disciplinary Committee shall hold office till the next Annual General Meeting.

**30. Winding Up**

- 30.1 In the event of the winding up or cancellation of the incorporation of the Association the surplus assets of the Association shall be handed over to such registered or exempted charity or charities on a simple majority of the members at a special General Meeting so convened, or at a subsequent Special General Meeting.
- 30.2 The Association can only be wound up by three fourth (75%) of the members deciding to do so at a Special General Meeting.

**N.B. Gender clause**

Where the word "he" is used in this document, it also refers to "she" as well