

ORISCON

# **ORISCON constitution under the Associations Incorporation Act 2009**

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Dubbo NSW 2830

7/19/2015

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# CONSTITUTION of ORISCON Incorporated

*Commenced in Dubbo New South Wales X August 2015*

***Inaugural General Meeting 19 July 2015***

## **1) Name**

- a) This association shall be ORISCON NSW Inc. hereinafter called “the Association”.

## **2) Purpose**

- a) Based in Dubbo, ORISCON which stands for Orana Residents of Indian Sub-Continental Heritage is a community group consisting of people from Indian Sub-Continental nations such as India, Sri Lanka, Bangladesh, Pakistan, Nepal, Bhutan, Maldives and their diasporas, families and descendants hailing from the rest of the World, including countries but not limited to Fiji, South Africa, Malaysia, Singapore and Australia to celebrate their rich cultural heritage.

## **3) Vision Statement**

- a) ORISCON seeks to promote, assist and strengthen the cultural values and identity through community events and provide platforms for the younger generation. We also intend to build capacity of the community by assisting everyone to fully participate in our community events to share and enjoy the diverse cultural richness people have to offer and promote cultural diversity and social equity.

## **4) Interpretation**

- a) In this Constitution, unless inconsistent with the context or subject matter:
  - i) “the Association” means all members of ORISCON,
  - ii) “the Committee” means the Management Committee,
  - iii) “the Executive” means Office Bearers of the Association, and
  - iv) “bank account” means any account in which the Association’s funds are held.
- b) In all the following, words importing the masculine gender shall include the female gender, and words importing the singular number shall include the plural and vice-versa unless the context requires otherwise.
- c) ORISCON countries include Indian Sub-Continental nations such as India, Sri Lanka, Bangladesh, Pakistan, Nepal, Bhutan, Maldives and places the diasporas and descendants hailing from countries including but not limited to Fiji, South Africa, Malaysia, Singapore and Australia.

## **5) Aims**

- a) The aims of the Association shall be:
  - i) to provide a sound social/cultural and philanthropic platform for members.
  - ii) to acknowledge and respect our elders and learn from their invaluable knowledge and experience to harness cultural heritage and share with wider community.
  - iii) to instil friendship, peace and harmony by respecting each other and their social & cultural heritage and cultural diversity recognised and appreciated.
  - iv) to promote and share our rich cultural heritage through Multicultural functions and organizations.

- v) to build confidence and leadership skills in our younger generation by providing the opportunity, guidance and training.
- vi) bringing about change in meeting the need of the members.

## 6) Objectives

- a) The objectives of the Association shall be:
  - i) to support cultural events and cultural diversity programs that enhances our community identity, culture and values while building cohesion and integration with wider Australian communities.
  - ii) to support the settlement of new residents to Orana region who may be prospective members of the association in a neighbourly way to be part of our community in any way deemed fit by the Committee.
  - iii) to implement such other objectives which conform to the aims of the association, as the Committee and Association members may determine from time to time.

## 7) Structure

- a) Committees
  - i) There will be two levels of committees, the first being a working committee formed by representatives of every lingo-cultural group from ORISCON countries and the second being the Management Committee which includes the Executive members as detailed further below in Figure1 and subclauses of 7b,c and d.

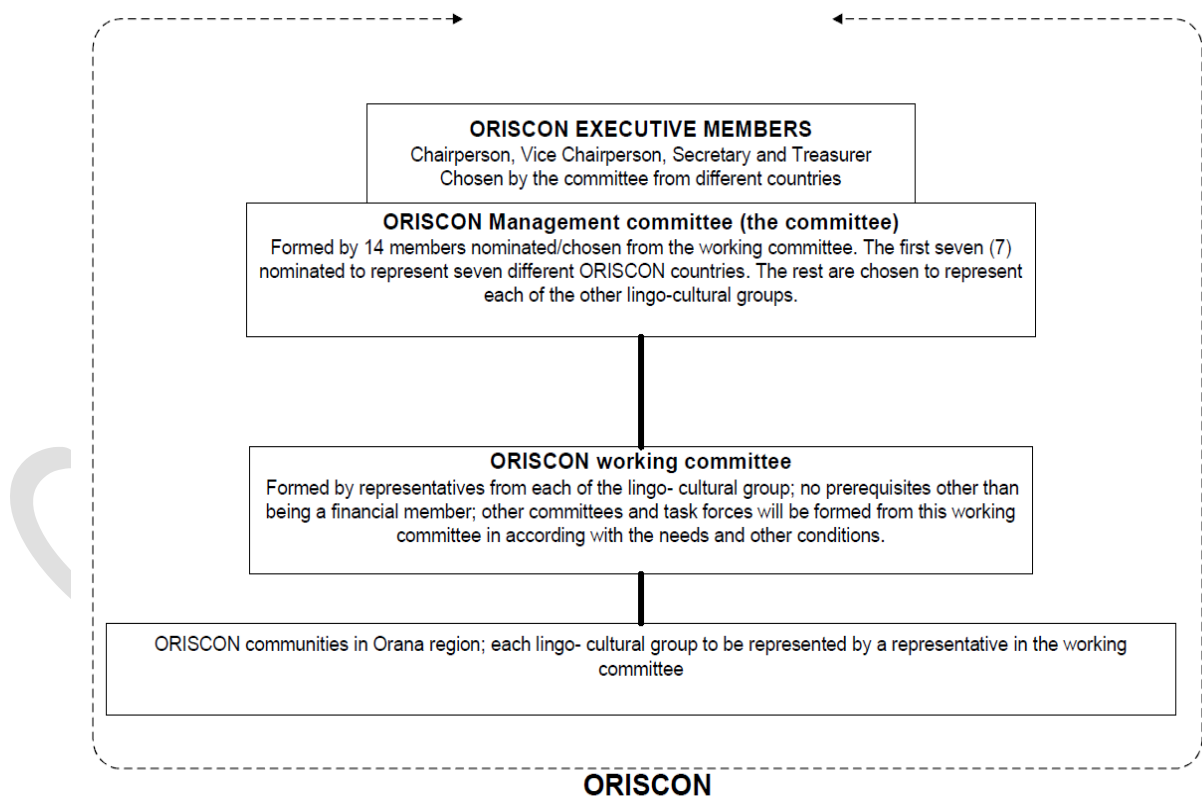


Figure 1 - Committees

- b) Working committee
  - i) Every lingo-cultural group from each of the ORISCON countries can nominate one representative to represent their community and to form a working committee.

- ii) The working committee members will co-ordinate and liaise with their lingo- cultural community members to bring in wider participation and serve in various committees and task forces to meet the aims and objectives.
- c) Management committee
  - i) The second committee will be the management committee including executive members. The management committee members will be nominated from the working committee in accordance with the following clauses.
    - (1) The management committee shall comprise of fourteen (14) members nominated/chosen from the working committee; the first seven (7) of them shall be nominated such that each having at least one year of experience in holding office as ORISCON management committee member (or interim committee or similar ORISCON experience in transition) and shall be nominated as their country representatives to represent one of the ORISCON countries.
    - (2) Then the country representatives shall co-opt rest of the members those who are active for some period and prepared to serve the community and to represent each of the various other lingo-cultural communities active in ORISCON activities.
  - ii) Every effort shall be taken to nominate wider representation from each countries and/ or lingo-cultural groups. Despite best efforts, if representatives are not available; (after a year), the management committee may nominate to fill vacant positions with representatives from active members without disproportionate concentration of any particular community,
- d) Executive members
  - i) The management Committee shall select the following Executive members within the committee: Chairperson, Vice-Chairperson, a Secretary and a Treasurer.
  - ii) The executive committee members shall be selected from different communities of minimum of four countries representing ORISCON. It is also expected that these positions will be rotated between the ORISCON countries in the following years.
  - iii) Some other Non-Executive members will be invited to join and assist the executives or the Committee.
- e) All members of the working or management or executive or any other organising Committee or task forces shall serve in an honorary capacity.
- f) All committee or working committee members shall be financial members of the association.
- g) The committee members undertake that they will lead by example to promote the aims and objectives of the association and maintain reputation in wider society.

## 8) Membership

- a) Membership shall be open to all persons in Orana region with Indian Sub-Continental Heritage and subscribing to the aims and objectives of the Association.
- b) Members will be expected to abide by the rules, code of conduct and safety instructions that are endorsed by the committee as precondition for entry to various events/meetings.
- c) Every person accepting membership of the Association shall by such acceptance, agree to abide by this Constitution and all additions and amendments thereto. Each member shall be supplied with a copy of the Constitution on request.
- d) Ordinary Member
  - i) An Ordinary Member shall be those persons whose membership has been approved by the Committee.

- ii) Each Ordinary Member shall be liable to pay an annual subscription as set out in clause9) in order to maintain his membership.
- e) Non-financial Member
  - i) Any member whose subscription is in arrears for three months or more shall be deemed to be non-financial and shall lose the right to vote.
  - ii) A member who is twelve months in arrears shall be deprived of membership and shall be eligible for reinstatement only upon payment of the current year's subscription and any other monies owing to the Association by him, or as determined by the Committee.

## 9) Subscription

- a) Annual subscriptions shall be \$5 per member unless reviewed and changed in an annual general meeting.
- b) The subscriptions shall be payable in advance for the year ending 31st December, or for a period as determined by the Committee, the fees shall be subject to review at each Annual General Meeting.

## 10) Meetings

- a) The Secretary shall issue to members, at least seven (7) days before the date fixed for the meeting, notices of all Ordinary and Extraordinary General Meetings setting out the time and place of such meetings and their agenda.
- b) Every member and every visitor attending any general meeting shall sign the attendance book as a record of his attendance at that meeting.
- c) Ordinary General Meetings
  - i) An Ordinary General Meeting or a working committee meetings shall be held at a time and place previously decided by the committee.
  - ii) Members may bring visitors to Ordinary General Meetings, provided that such visitors have not been expelled from ORISCON or refused membership of the Association.
- d) Extraordinary General Meetings
  - i) An Extraordinary General Meeting shall be convened by the Committee if it considers such a meeting necessary.
  - ii) No business other than that stated in the Agenda shall be transacted at an Extraordinary General Meeting.
- e) Annual General Meeting
  - i) An Annual General Meeting shall be held within three months after the end of the previous financial year. At least twenty one(21) days' notice prior to the fixed date of the meeting shall be given to members.
- f) Management Committee Meetings
  - i) The Committee Meetings shall be held at a time and place previously decided by the committee or as called by the Chairperson for any urgent matters.

## 11) Quorum

- a) No resolutions shall be voted upon at any meeting unless a quorum is present. The quorum shall be:
  - i) for an Ordinary General Meeting -five (5) financial members as at the date of the meeting including two Executive Office holders, and
  - ii) for an Extraordinary or Annual General Meeting – seven (7) financial members as at the date of the meeting including two Executive Office holders.

- iii) for a working or management committee meeting -five (5) committee members as at the date of the meeting including Chairperson and Secretary.

## **12) Selection of Committees and Office Bearers**

- a) Selection of the committee and office bearers shall be based on nomination as per the clause 7) and other provisions of this constitution.
- b) At each Annual General Meeting, a Committee made up as in this Constitution shall be nominated to replace the outgoing Committee, which shall retire at the meeting but the members of which shall be eligible for re-selection. The incoming Committee shall serve until the next Annual General Meeting, except as otherwise provided herein.
- c) No committee member shall be eligible for re-selection for serving the committee for more than two consecutive terms or years whichever is longer.
- d) The procedure for making nominations for the Committee shall be as follows: Nominations may be proposed and seconded by any two members of the Association during the period of 7 days immediately preceding the meeting.
- e) Nominations may be proposed orally by any member to the returning officer conducting the selections at the Annual General Meeting. The returning officer shall be an independent and long standing person among the community or outgoing chairperson who is not contesting. All oral proposals shall be seconded by a member before they are accepted.
- f) The outgoing Chairperson may chair the meeting until the new Chairperson is selected.
- g) The returning officer shall accept the nominations for candidature only those proposals that have the agreement of their respective nominees and conforms to the provisions of this constitution.
- h) During nomination and selection of the committee members, every effort will be taken to follow the provisions of the constitution and avoid election. If there is a situation, where a decision to be taken to select from two equal candidates, then the returning officer will discuss between the two or make a final decision on show of hands.
- i) The names of all the duly proposed and accepted for the positions for which they are nominated shall be announced by the returning officer.
- j) A vacancy on the Committee occurring for whatsoever reason during the year shall be filled by the Committee (with respect to the nominated person) as per the nomination process.

## **13) Lapse of membership**

- a) The office of a member on the Committee shall be vacated if:
  - i) he ceases to be a member of the Association,
  - ii) he becomes non-financial,
  - iii) he submits his resignation from the Committee in writing to the Secretary, or
  - iv) he absents himself from three consecutive Committee and/or General Meetings without leave of absence and his office is declared vacant by resolution of the Committee,
  - v) he is found to be unfit due to medical conditions or criminal conduct or caused serious reputational damage.
- b) A member wishing to resign can do so by signifying his intention in writing to the Secretary. A person who resigns shall not be entitled to any refund of any part of his subscription.
- c) If the committee member is found to be unfit due to medical conditions, criminal conduct or caused serious reputational damage, the committee shall act immediately to remedy the situation with appropriate actions including removal of the member from the committee with two third majority of either the committee or working committee or the general membership supporting the decision.

## **14) Duties and Functions of the Management Committee**

- a) A General Meeting of the members or a meeting of the Committee may appoint a sub-committee to handle any matter requiring special consideration. At least one of the members of the subcommittee shall be a member of the Committee of the Association.
- b) The Committee shall arrange the main items of business for Ordinary General Meetings, receive and deal with correspondence and applications for membership, receive and pass accounts for payment, subject to, and generally carry out the duties usually performed by the Committee of similar Associations.
- c) The Committee shall have the authority to approve or reject applications for membership.
- d) The Committee shall be empowered to grant any of its members leave of absence for reasons of illness, urgent private business or circumstances beyond the member's control.
- e) The Committee shall implement resolutions passed by the Association and may decide to do anything deemed necessary by it to achieve the objects stated or implied by a resolution. Such action by the Committee or any of its authorised members shall be binding on the Association.
- f) The Committee shall be the final authority for the interpretation of the Constitution of the Association.
- g) Chairperson
  - i) The Chairperson shall chair at meetings of the Association the Committee.
  - ii) The Chairperson has oversight of the projects undertaken by the Committee in pursuit of the Association's Objectives.
- h) Vice-Chairperson
  - i) The Vice-Chairperson shall act as deputy for the Chairperson when necessary and assist the Chairperson in the coordination of special projects.
- i) Secretary
  - i) The Secretary shall manage the Association's general business within the limits imposed by this Constitution. He will make a written record of Minutes of meetings.
  - ii) The Secretary shall deal promptly with correspondence of a routine or minor nature and generally do such other work as is usually performed by the Secretary of similar Associations or societies.
- j) Treasurer
  - i) The Treasurer shall keep the Association's financial books, receipting monies and paying accounts as authorised by the Association.
  - ii) At each Committee meeting he shall submit a statement of the financial position of the Association as at the end of the previous month.
  - iii) At the Annual General Meeting he shall present an audited financial report consisting of a Statement of Income and Expenditure for the previous financial year.
  - iv) He shall give properly endorsed receipts from a page numbered receipt book for all monies received and shall deposit such monies to the credit of the Association's bank account as soon as possible after receipt.

## **15) Finance and Audit**

- a) The Association's funds shall be used exclusively for the furtherance of the Association's aims and objectives.
- b) The Association's funds shall be kept in the name of the Association with the bank account chosen by the Committee.
- c) Cheques drawn on the Association's bank account shall be signed co-jointly by two signatories who will be members of the Committee.



- d) An Auditor shall be appointed for the Association at each Annual General Meeting for the ensuing year. His duties shall be to provide an independent report as to the truth and fairness of the accounts and reports kept by the Treasurer during that year.
- e) Should such an officer not be selected at an Annual General Meeting, he may be appointed at any subsequent General Meeting to hold office until the following Annual General Meeting.

## **16) Motions and Voting**

- a) People holding financial membership of the Association may vote at a meeting of the Association, if so required. People holding financial membership may be nominated to an office of the Association, provided they are 16 years of age or over.
- b) Every motion shall be properly moved and seconded before taken for consideration.
- c) The Chairperson may rule any motion out of order but shall state his reason for rejecting it.
- d) The Chairperson's ruling may be dissented from if a motion to that effect is carried, in which case the rejected motion shall stand and be open for discussion.
- e) Voting shall be by voices or a show of hands unless a motion is passed to hold a ballot on the issue in question.
- f) Decisions shall be made by a majority vote.
- g) If there is an equality on votes for and against a motion, the Chairperson may exercise a casting vote which shall decide the issue.

## **17) Amendments to the Constitution**

- a) No addition or alteration to the provisions of this Constitution shall be made unless it is proposed by at least two financial members and the proposal forwarded in writing to the Secretary, who shall then promptly give the members due notice of the motion at least 21 days prior to the Annual General Meeting or Extraordinary General Meeting at which the motion is to be considered.
- b) In order to be carried, such a motion shall require a majority of two thirds of the total votes cast by financial members present at the meeting or represented by proxy or postal votes.

## **18) Legal Liability**

- a) No member of the Committee or any other person of the Association shall have any power or authority, either specific or implied, to pledge the credit of any one or more of the members of the Association or to incur any liability of any description on their behalf, or on behalf of the Association, unless they are so authorised in writing from time to time by the Committee.

## **19) Dissolution of the Association**

- a) The Association shall be dissolved by the Committee (or the remnants of it) if an Extraordinary Meeting convened for the purpose of discussing a dissolution shall decide by vote to dissolve it.
- b) In order to be carried, such a motion shall require a majority of two-thirds of the total votes cast by financial members present at the meeting, or represented by proxy or postal vote. Upon the dissolution of the Association, its assets shall be realised and the debts and liabilities satisfied.
- c) Any remaining assets shall be donated to such exempted charity or charities agreed upon by the Committee or by the meeting.

## 20) General

- a) The income and property of the Association, however derived, shall be applied solely towards the promotion of the objectives of the Association.
- b) No portion of the income or property shall be paid or otherwise transferred directly or indirectly by way of dividend, bonus or any other way, as profit to the members of the Association.
- c) This does not prevent the payment to reimburse the out of pocket expenses to any member of the Association in return for any services actually rendered to the Association.

CONFIDENTIAL

# Meeting Title- ORISCON Working Team Meeting

## MINUTES

MEETING CALLED BY	Mano Manorathan
TYPE OF MEETING	Oriscon Working Committee
FACILITATOR	Mano Manorathan
NOTE TAKER	Hemant Jadhav
ATTENDEES	Harshit Amin, Ram Jagdishwar, Keshwan Madhwan, Shyamala, Suman Kavooru, Mano Manorathan
APOLOGIES	Twinkal Rupareliya, Jerose Joseph, Gargi Ganguli, Rajan Changela
PROXIES	
GUESTS	
COMMENCED AT	3:00pm 19 July 2015 at Venue- Sir Roden Cutler park Dubbo

### Agenda topics

#### 1. Last Meeting Notes

DISCUSSION	Records of the last meeting notes were read out by Hemant, which included updates on Communication, draft constitution, membership, quotes for insurance, preparation for the yearly function and the general discussion on logistics for the Association once registered. Most of the items will be updated further in the agenda items to follow.	
CONCLUSIONS	Motion to accept the Minutes as true and fair record. Moved by Keshwan and seconded by Ram. Accepted by all.	
ACTION ITEMS		
Maintain the Notes as accepted	PERSON RESPONSIBLE Hemant	DEADLINE -

#### 2. Communication

DISCUSSION	Communication system – ORISCON Google group for the committee. In progress to connect email id of member for effective communication group	
CONCLUSIONS	All members received emails for effective communication. What's app group communication is very effective for working committee.	
Email Updates about ORISCON group to all currently by Keshwan. Approximate 210 recipients are receiving information. Once the ORISCON is formally registered, it is expected that a nominated person will manage the communication and the database in a secure and safe manner.		
ACTION ITEMS		
<a href="mailto:oriscon@Google.group.com">oriscon@Google.group.com</a> to be used for communications.	PERSON RESPONSIBLE All members	DEADLINE Next meeting

#### 3. Constitution

DISCUSSION	One of the major tasks for the working committee to finalise the draft Constitution of ORISCON has now been finalised by all members. Initially the amendments were proposed by members, circulated to all members through group email, followed by discussion in the previous meetings. Once it was found to be reasonable by the committee, the draft constitution was then sent to Solicitor Nalika Padmasena in Sydney for expert review and comments. Review comments and suggestions by the solicitor have been discussed and agreed by members during the last meeting. The updated	
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	<p>constitution was then sent to Solicitor for final review and updated. The final updated version has been sent to all for final review and comments before acceptance at the meeting.</p> <p>All members accepted it as positive and to progress. All were happy to approve the current version of the constitution as it is now passed through many iterations and to serve better; all wish to proceed with incorporation sooner.</p>	
CONCLUSIONS	<p>The following three motions were adopted as required by the NSW Fair Trading.</p> <ol style="list-style-type: none"> <li>1. I move that the ORISCON be formed and that the ORISON constitution and rules be those circulated at this meeting on 19 July 2015. Moved by Keshwan and seconded by Ram.</li> <li>2. I move that the ORISCON incorporate as an incorporated association under the provisions of the Associations Incorporation Act. Moved by Keshwan and seconded by Ram.</li> <li>3. I move that the ORISCON be the first preference intended name. Moved by Keshwan and seconded by Ram.</li> </ol> <p>The motions have now been accepted by all.</p>	
<p>Thanks letter for solicitor to be drafted by Keshwan on behalf of ORISCON. Keshwan to Email (Advertise) to all recipients for Registration process initiated by working committee. Mano to pursue the incorporation with Fair Trading supported by Gargi.</p>		
ACTION ITEMS	PERSON RESPONSIBLE	DEADLINE
Registration process to be initiated at Fair Trading Department	Mano	Next meeting

#### 4. Members

DISCUSSION	<p>Active members from different community welcomed for awareness about ORISCON Ongoing Activity</p> <p>To Invite new members- Adeel (Pakistan) by Hemant We need members from Bangladesh &amp; Pakistan.</p>	
CONCLUSIONS	<p>One representative from each country should support working committee.</p> <p>Subcommittee formation in next meeting for future events. Keshwan to request spring &amp; Summer events idea from all.</p>	
ACTION ITEMS	PERSON RESPONSIBLE	DEADLINE
Discussions of ideas	All attendees	Next meetings

#### 5. Insurance

DISCUSSION	<p>For public liability insurance from AON tentatively accepted by members – ready to continue as per our requirements.</p> <p>AON-local insurer quotation compared with other two by Rajan</p>	
CONCLUSIONS	<p>Keshwan to lock quote from insurance company-AON till completion of ORISCON registration.</p>	
ACTION ITEMS	PERSON RESPONSIBLE	DEADLINE
Communicate with AON	Keshwan	Next meeting.

## 6. Upcoming Events

DISCUSSION	Year 2015 Multicultural program – primary schedule on 12 <sup>th</sup> September 2015 proposed by Keshwan.	
	ORISCON Program hall options discussed- School halls availability looks difficult now despite some renewed hope of St John's hall which will come to know by end of this week. Then CIVIC hall could be best option after registration & PL insurance. Also discussed the pros and cons of getting sponsorship, however no decision was made.	
	Shyamala's Name as representative from ORISCON in email communication.	
CONCLUSIONS	Program hall options are Dubbo Civic Hall (preliminary hall booking, food, security, sound system & other expenses calculated)	
	For councils Multicultural program 2 item slots to be filled by our community. Communication to be done with Shyamala.	
ACTION ITEMS	PERSON RESPONSIBLE	DEADLINE
Finalise the availability of School halls (St Johns and Macs) and date	Keshwan, Harshit	Next week
Collect cost and logistical data for Civic Hall; tentative booking	Keshwan, Harshit, Ram	Next meeting

## 7. Office setup

DISCUSSION	We need office & storage in future. As asset development ideas discussed.	
	For badminton practice continued by members at west Dubbo school sports hall.	
	Alternative venue proposed.	
CONCLUSIONS	Our assets are electronics communication- emails, old programs photos, videos, flyers. To collected in one place. In progressed	
ACTION ITEMS	PERSON RESPONSIBLE	DEADLINE
To be continued.	Keshwan, Harshit	Ongoing item

## 7 Other Communications

DISCUSSION	All members' attendance at meeting discussed.	
CONCLUSIONS	All Working committee members <b><u>need to confirm presence</u></b> in meeting on ORISCON what's app group or at least apologies for absentees.	
ACTION ITEMS	PERSON RESPONSIBLE	DEADLINE
Use of communication on group	All members	ongoing

OBSERVERS	
RESOURCE PERSONS	
SPECIAL NOTES	Next meeting scheduled tentatively at 3:00pm, date 26 <sup>th</sup> July & Venue- Sir Roden Cutler park, West Dubbo subjected to School Hall outcome. (Please follow updates on what's app group communication for confirmation in meeting schedule.) Meeting closed at 4:00pm