



Sudanese Community Association of Australia Inc.  
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## **THE CONSTITUTION OF THE SUDANESE COMMUNITY ASSOCIATION OF AUSTRALIA INC**

(July 2007 Amendment)

### **1. NAME OF THE ASSOCIATION**

The name of the Association shall be “The Sudanese Community Association of Australia” hereinafter referred to as the Association.

### **2. ADDRESS**

The Association shall have a permanent postal address, which may or may not be the same with the Association office location.

### **3. LANGUAGE**

All business of the Association shall be conducted in English however in meetings interpretation where appropriate in a Sudanese language(s) may be provided on necessity.

### **4. OBJECTIVES OF THE ASSOCIATION**

- a) To provide recreational, social, development needs, services and opportunities to the Association and its members.
- b) To play active role in the settlement, provision and access to services of new arrivals.
- c) To encourage and promote friendship and cooperation among its members, and with members of other similar organizations.
- d) To promote the Sudanese culture in Australia.

e) To do all lawful things, in the best interest of the community, as may be determined by the Executive Committee, incidental and conducive to the achievement of the Association's objectives and purposes.

f) To raise money either by subscription, public appeal or otherwise and on such Terms and securities and in a manner that may be determined by the Committee.

## 5. MEMBERSHIP

Regular members of the Association shall be drawn from any person of Sudanese extraction and from other persons who accept to adhere to and support the objectives of the Association.

## 6. REGISTER OF MEMBERS

(1) The General Secretary shall keep and maintain a register of members containing

(a) The name and address of each member and

(b) The date on which each member's name was entered in the register

(2) The General Secretary at the physical address of the Association must make available the Register for inspection by members.

## 7. CEASING OF MEMBERSHIP

(1) A member of the Association who has paid all moneys due and payable by a member to the association may resign from the Association by giving one-month notice to the Secretary of his or her intention to resign.

(2) After the expiry of the period referred to in sub-article (1)

(a) The member ceases 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.

(3) Death.

## 8. DISPUTES AND MEDIATION

(1) The grievance procedure set out in this rule applies to disputes under these Rules between

(a) A member and another member, or

(b) A member and the Association.

(2) The parties to the disputes must meet and discuss the matter in disputes, and, if possible, resolve the dispute within 14 days after the dispute comes to the attention of all of the parties.

(3) If the parties are unable to resolve the dispute at the meeting, or if a party fails to attend that meeting, then the parties must within 10 days, hold a meeting in the presence of mediator.

(4) The mediator must be a person chosen by agreement between the parties; or in the absence of agreement

(a) In the case of a dispute between a member and another, a person appointed by the committee of the Association; or

(b) In the case of a dispute between a member and the Association, a person who is appointed or employed by the Dispute Settlement Centre or Victoria Department of Justice.

(5) A member of the Association can be mediator.

(6) A mediator cannot be a member who is a party to the dispute.

(7) The parties to the dispute must in good faith attempt to settle the dispute by mediation.

(8) The mediator, in conducting the mediation, must give the parties to the mediation process every opportunity to be heard and allow due consideration by all parties of any written statement submitted by any party and ensure that natural justice is accorded to the parties to the disputes throughout the mediation process.

(9) The mediator must not determine the dispute.

(10) If the mediation process does not result in the dispute being resolved, the parties may seek to resolve the dispute in accordance with the Act otherwise at law.

## 9. POLICY

a) The Association shall not espouse (the cause) of any person, political party, ideology, and religious or non-religious beliefs.

b) The Association shall not render, allow or deprive any member from any entitlement(s) because of his/her political affiliations or beliefs.

c) The Association shall not receive or spend any money without issuing duplicate receipts and complying with current best professional accounting practice in the field.

## 10. FUNDS

The funds of the Association shall be derived from entrance fees, annual subscriptions, grants, donations and such other sources as the committee may determine.

## 11. SUBSCRIBERS

a) Persons eligible for membership of the Association as in 5 and are

1) Interested in the well being of the Association and

2) Prepared to abide by the objectives and policies of the Association.

b) For every member there shall be an annual membership fee of \$15.00.

Such fee shall become due and payable by the 30 of May of each fiscal year, and when paid shall entitle such person to vote at all General Meetings (and Extraordinary General Meetings).

c) Each member shall pay a yearly subscription fee.

Such fee shall be determined at the Annual General Meeting in each financial year.

d) Notice for members to pay as in (11 .b & c) must be duly served. A notice must be duly served between March 30 and May 30 of each fiscal year.

- e) New members joining for the first time in less than thirty days prior an already scheduled Annual General Meeting shall attend but will not be eligible to vote.
- f. The financial year shall run from 1 July to 30 June of the following year.

## 12. OFFICE BEARERS

### 1) Eligibility

For any person to be eligible to stand for any office of the Association refers hereby as the Executive Committee, he/she must be a financial member of the Association.

### 2) Executive Committee

The Executive Committee comprises of 11 members and elected into their positions at the Annual General Meeting and formed as follows:

- a) The President
- b) The Vice-President
- c) The Secretary
- d) The Treasurer
- e) The Information Officer
- f) Public Relation Officer
- g) Welfare Officer
- h) Women and Children Affairs Officer (Gender)
- i) Youth Affairs Officer
- j) Assistant Secretary
- k) Assistant Treasurer

### 3) The Office Tenure

- a) The Executive Committee Members shall hold office for two- years period and be eligible for re-election.
- b) But the President shall not be eligible under whatever circumstances for re-election for a third time consecutively.

## 13. DUTIES OF THE EXECUTIVE COMMITTEE

The Executive Committee:

- a. Shall be responsible for the general management, administration and control of the affairs and property of the Association.
- b. The Executive Committee must maintain a bank account in the name of the Association and all monies received shall be paid to this account forthwith.

### 1) The President:

- a) To preside on all meetings of the Association.
- b) The right to adjourn a meeting for a suitable reason.
- c) To represent the Association in external activities, including conferences meetings and functions.
- d) The president shall be the primary co-signatory and the Treasurer as secondary co signatories of significant financial dealings approved in a recorded meeting which include the Secretary.
- e) Notwithstanding (13,2, d) above the President can without recourse to the Executive Committee approve a certain amount of money necessary for the daily discharge of the office routine
- f) To approve financial assistance in consultation with the Executive Committee.
- g) To present the Annual Report to the Annual General Meeting.

2) Vice-President:

- a) To act as President in the President's absence
- b) To assist the President in the day to day running of the Association

3) Secretary:

- a) To run the general administration of the Association including work attendance.
- b) To record the minutes of meetings and compile general report(s) of the Executive Committee businesses.
- c) The Secretary shall safe keep all books, documents, and assets of the Association
- d) Shall cause at least once a year all books, documents, and assets of the association available for inspection by members at the physical address of the Association.

4) The Treasurer

- a) Shall receive all monies and issue receipts.
- b) Shall pay all account which have been passed for payment by the President and the Executive Committee.
- c) Shall be accountable for the Association funds.
- d) Shall cause at least once a year all the Association accounts to be inspected by [auditors] approved by the Annual General Meeting upon the Executive Committee recommendation.
- e. The panel review shall be made available to the Annual General Assembly
- f) Shall coordinate submission for grants in conjunction with president

5) The Information Officer:

- a) To be the spokesperson of the Association in consultation with the President.
- b) Shall publish information of the Association amongst members and the public
- c) Shall advertise association events in form of news papers, flyers etc

- d) Shall generally inform members of the Association's activities.
- e) Shall update the association's website.

6) The Public Relation Officer

- a) Shall Manage Database of Sudanese people in Victoria
- b) Shall coordinate and communicate with Sudanese communities groups and associations in Victoria
- c) Shall liaise and maintain contacts with Sudanese people in Rural Victoria
- d) Shall organize information forums on identified issues in conjunction with welfare officer.
- e) Shall initiate and oversee Memorandum of understanding between SCAA and other Sudanese sub-communities and organizations

7) The Welfare Officer

- a) Shall handle all welfare programs including:
  - 1. Relief and rehabilitation programs
  - 2. Education
  - 3. Health
  - 4. Functions such as celebrations, festivals, marriages and other social matters of the Association.
- b) Shall organize cultural events, recreational and sporting activities

8) The Women & Children Affairs Officer:

- a) To promote women activities in the Association.
- b) To organize children activities.
- c) To co-ordinate Sudanese Women groups involvement with other women in community groups.
- d) To encourage women to actively participate during Sudanese functions.
- e) To represent women in all relevant issues

9) The Youth Affairs Officer

- a) Shall represent youth in all relevant matters
- b) Shall encourage and promote peace and harmony amongst the Sudanese young people
- c) Shall coordinate youth activities such as sports, music and dance
- d) Shall organize cultural events in consultation with welfare officer

10) Assistant Secretary:

- a) Shall assist the secretary

b) Shall act as secretary in his/her absence

11) Treasurer:

a) He/she will be assisting the Treasurer

b) He/she shall act as the Treasurer in his /her absence.

#### 14. VACANCY

For the purposes of these rules, the office of the Association or of an ordinary member of the committee becomes vacant if the officer:

a) Ceases to be a member of the Association.

b) Resign from the office by notice in writing given to the General Secretary.

c) Loss of legal capacity

d) Death; and

e) Vote of no confidence is to be passed by 2/3 majority vote of financial members cast in a secret ballot at a special or an extraordinary Assembly General Meeting

#### 15. THE FILLING OF THE EXECUTIVE COMMITTEE VACANCY

a) In the event of a vacancy occurring during the office tenure. The EC shall

1. Declare the vacant post and at the same time invite interested financial members of the Association to submit in their applications.

2. In case of no consensus the applicant who get Executive Committee majority vote shall be appointed to fill the vacancy

b) Any person so appointed shall be eligible for re-election at the following Annual General Meeting.

#### 16. MEETINGS OF THE EXECUTIVE COMMITTEE

1) The number of meetings

The Executive Committee must meet at least six times in each year and the interval between any two consecutive meetings shall not exceed three months.

2) Abstention

a) The Executive Committee may bring to the attention of the General Assembly Meeting the case of a member who has been absent from at least three consecutive statutory meetings during one single year without reasonable grounds and may advise the Assembly on any appropriate course of action such as

b) The dismissal, suspension, warning or reprimand etc

c) At least seven days prior notice of all meetings shall be given to Executive Committee members.

3) Quorum for the meetings

a) The quorum requisite at all Executive Committee meetings shall be two third of Committee members

b) A member of the Executive Committee absenting him/herself from three consecutive statutory meetings during each year without reasonable grounds will be subject to the following measures

i. Must be served with an explanation notice; then

ii. If the explanation is deemed not satisfactory from the Executive Committee point of view and happens to attend the meeting then the matter is quashed or he will be served with a warning.

iii. However if his/her absence continues to the next meeting after the explanation notices then the matter must be brought before the nearest AGM.

## 17. SUB-COMMITTEE

a) The General Assembly shall have the right to form a sub-committee according to the needs of the Association.

b) The sub-committee is answerable and reports only to the General Assembly.

c) The Executive Committee shall have the right to form ad hoc committee to assist it in the way it sees fit. At least one member of the Executive Committee shall become a member of the ad hoc committee who will form a link between the ad hoc committee and the Executive Committee.

d) The ad hoc committee is answerable and reports only to the Executive Committee.

## 18. ANNUAL GENERAL MEETING

1. The Committee may determine the date; time and place of the Annual General Meeting of the Association, and the notice convening the annual general meeting must specify that the meeting is an annual general meeting.

2. The Annual General meeting shall be opened to all financial members and non-financial members, and shall take place within one month at the beginning of the financial year.

3. The quorum pre-requisite at the Annual General Meeting, and the Extraordinary General Meeting shall be two thirds of the financial members of the Association.

4. The ordinary business of the annual general meeting shall be:

a) To confirm the minutes of the previous Annual General Meeting and Extraordinary General Meetings if any, without allowing any discussion, except where there is accuracy in question.

b) To receive and adopt the Annual Report of the Executive Committee through the President on the activities of the Association.

c) To receive the Treasurer's audited statement of all accounts for the financial year.

d) To transact any other business of which prior notice of at least 14 days has been given.

e) To elect (number to be determined on AGM) financial members by showing of hands, to act as scrutinizers to conduct the Executive Committee elections.

f) To elect the Executive Committee members for ensuing two years period

## 19. ELECTION OF THE EXECUTIVE COMMITTEE MEMBERS

- 1) Nominations of candidates for election to the different offices of the Executive Committee of the Association shall be
  - a. Made in writing, signed by two financial members of the Association accompanied by the written consent and signature of the candidate.
  - b. Delivered to the Secretary of the Association not less than seven (7) days before the date fixed for the holding of the Annual General Meeting.
- 2) The Executive Committee members shall be elected to their position by direct voting.
- 3) No financial member shall be elected into an office during his/her absence on the Election Day.
- 4) If insufficient nominations are received to fill all vacancies on the committee, the candidate nominated shall be deemed elected and further nominations shall be received at the Annual General Meeting for the still vacancies.
- 5) If the number of nominations received is equal to the number of vacancies to be filled, the persons nominated shall be deemed elected.

## 20. VOTING

- a) Every financial member eligible to vote shall have one vote. Voting shall be by secret ballot.
- b) Members shall not be entitled to vote by proxy at a meeting.
- c) [Without prejudice to the exception stipulated in this constitution] the president or in his/her absent the Vice president shall preside all meetings of the Executive Committee including Annual General Meetings and Extraordinary General Meetings.
- d) The president in addition to his/her ordinary vote shall have a casting vote in case of an equality of votes.

## 21. SPECIAL GENERAL MEETING

- a) Special General meetings may be called by the Executive Committee or on receipt of a petition signed by at least 51% of regular financial members. An advance notice of at least seven (7) days prior to the meeting outlining the business to be discussed must be given in writing to all subscribers.
- b) The quorum required for any special Meeting shall be two thirds of the regular financial members.
  - c) If the EC does not cause a special general meeting to be held within one month after the date on which the requisition is sent to the address of the secretary, the members making the requisition, or any of them, may convene a special general meeting to be held not later than three (3) months after that date.
  - d) A special general meeting convened by members in pursuance of these regulations shall be convened in the same manner as nearly as possible that in which those meetings

are convened by the committee and all reasonable expenses incurred in convening the meeting shall be refunded by the Association to the persons incurring the expenses.

## 22. NOTICE OF MEETING

- a) The Secretary of the Association shall, at least 14 days before the date fixed for holding of a General Meeting of the Association, cause a notice to be sent to each member of the Association at his/her address appearing in the Register stating the place, date and time of the meeting and the nature of the business to be transacted at the meeting.
- b) No business other than that set out in the notice covering the meeting shall be transacted at the meeting.
- c) A member desiring to bring any business before a meeting may give notice of that business in writing to the Secretary, and in consultation with the President, the Secretary shall include that business in the next General Meeting after the receipt of the notice.

## 23. MINUTES

The Secretary shall keep accurate minutes of all meetings and shall on request, make these available for examination by any member of the Executive Committee. The Secretary shall deal with correspondence and motions as directed.

## 24. CHEQUES

Two members of the committee at least shall sign all cheques, drafts, bills of exchange, promissory notes and other negotiable instruments.

## 25. AUDITOR

At each Annual General Meeting an auditor shall be appointed who shall carefully audit all accounts of the Association and report to the following Annual General Meeting. The auditor so appointed shall be a member of some recognized institute of accounts, if

available or shall be a person qualified in business practice who can carry out the duties of the auditor, and shall not be a member of the Association.

## 26. ASSETS OF THE ASSOCIATION

The assets or an income generating, property or otherwise of the Association, shall not be given or transferred in any way to any person(s) or member(s) of the Association. Exemption are payment made in good faith as remuneration for goods and services rendered or supplied to the Association in the ordinary way of business, or for reasonable out-of expenses incurred by a member of the Association acting under the authority of the Executive Committee.

## 27. DISSOLUTION

- a) The Association shall not be wound up or dissolved except by the consent of three-fourths of those present at a special meeting of financial members of the Association, in a special meeting which has been specially called for that purpose.
- b) In the event of the Association not having function for a period of one year, dissolution shall be compulsory. The latest available list of members shall be used to give effect to the provision of this clause.
- c) The Corporate Affairs office and Local Government Authority shall be informed of the intention to hold such a meeting and their approval sought on the proposed realization and distribution of the assets of the Association.
- d) Any and all assets remaining after full settlement of all just debts and liabilities incurred by the Association shall be disposed of by transfer to some other institution or organization having similar objects of the Association which has, in its constitution, a clause or paragraph prohibiting the gift or transfer of its assets to one of its members or subscribers.

## 28. REGULATIONS

- a) An Internal Regulations shall run the normal function of the Association.
- b) The Executive Committee in furtherance of the objectives of the Association shall make regulations for matters pertaining to the normal functions of the Association. Such regulations shall be entered in the minutes of the Association and be attached to a copy of the Association's constitution.
- c) No regulation shall be adopted which are in a way contrary to the provision of this constitution.
- d) A regulation may be revoked or amended at a meeting of the Executive Committee, providing notice of such intention is given to members of the Executive Committee at least 14 days prior to such meeting.

## 29. Discipline, suspension and expulsion of members:

- (1) Subject to these Rules, if the committee is of the opinion that a member has refused or neglected to comply with these Rules, or has been guilty of conduct unbecoming a member, or prejudicial to the interests of the Association, the Executive Committee shall have the power to:

- (a) Suspend membership of that member from the Association for a specific period.
  - (b) Expel that member from the Association.
- (2) If a member of the Executive Committee acts outside his duties and responsibilities, or neglected to comply with these Rules, the Executive Committee has a power to:
- (a) Explain that member of the Executive Committee.
  - (b) Warn that member or blame him.
  - (c) Suspend his membership from the Executive Committee for a period of (2) two months or more by two-thirds majority of the Executive Committee members.
  - (d) Expel that member from the Executive Committee by two-thirds majority.
- (3) A resolution of expulsion is confirmed, if at the General Meeting not less than two thirds of the members of the Association vote in persons by showing of hands in favour of the resolution. In any other case, the resolution is revoked.

### 30. AMENDMENT TO CONSTITUTION

The financial members shall have the power to alter the constitution at the Extraordinary General Meeting especially convened for the purpose, at the request of the EC or one-third of the regular financial members. At least twenty-one days notice of such meetings must be given and the nature of the proposed alterations must be specified in the notice. Such alterations must be approved by at least three-quarters of the subscribers present at the meeting and at least two-thirds of financial members must be present. Such alterations shall only become valid when approved by Corporate Affairs.

### 31. ANNUAL RETURNS

Two copies of the Annual Report, and audited or [reviewed] statement of the financial affairs, and the names of office bearers shall be forwarded to the office of Fair Trading and Business Affairs within one month following the Assembly General Meeting election of the EC every two years.

### 32. ALTERATIONS FOR RULES AND STATEMENT OF PURPOSE

The regulations and the statement of purpose of the Association shall not be altered except in accordance with this constitution.

### 33. INSPECTION OF RECORDS

Without prejudice to the right of other office bearers the Secretary shall be the custodian of all books, documents, and securities of the Association and shall make them available for inspection by members at the Association's premises.

### 34. SEAL

- a) The Association shall have a seal, which shall be kept by the Secretary.
- b) The common seal of the Association shall not be affixed to an instrument except by authority of the Executive Committee and
- c) Affixing of the Seal shall be accompanied together with the signature of at least one member of the EC.