

CONSTITUTION

OF

THE

EAST AFRICAN COMMUNITY
ASSOCIATION
(EACA)

IN ACT. AUSTRALIA.

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CONSTITUTION OF THE EAST AFRICAN COMMUNITY ASSOCIATION (EACA) OF THE ACT INCORPORATED

1. TITLE

The name of the Organisation shall be the “East African Community Association of the ACT Incorporated”, herein after referred to as the Association.

PART 1 – PRELIMINARY

2. RULES

These Rules may be cited as the Constitution of the East African Community Association of the ACT Incorporated.

3. COMMENCEMENT

This Constitution shall be deemed to have come into force, and be of full effect , when the same is approved by a two thirds majority of members present, and entitled to voice, at an annual General Meeting or a Special General Meeting.

4. PARTS

These Rules are divided into Parts as follows –

	Title of the Association	Rule 1
Part I	Preliminary	Rules 2 – 4
Part II	The Association	Rule 5, 5A, 5B & 5C
Part III	Membership	Rules 6 – 9
Part IV	Administration	
	•1 Executive	Rules 10 – 13
	•2 Seal	Rule 14
	•3 staff	Rule 15
Part V	Elections	Rules 16 – 23
Part IV	Meetings	
	•1 Annual General Meeting	Rules 24 – 26
	•2 General and Executive	Rules 27 - 28
	•3 Quorum	Rule 29
	•4 Voting	Rule 30
	•5 Minutes	Rules 31 – 33
	•6 Chairperson	Rule 34

	•7 Procedure at Meetings	Rule 35
Part IV	Finance	Rules 36 -42

PART II – THE EAST AFRICAN COMMUNITY ASSOCIATION OF THE ACT INCORPORATED

5. VISION, OBJECTIVES AND MISSION

5A VISION

To have a well integrated East African Society in Australia with a cultural pride and decent networking both in Australia and the home countries.

5B MISSION

To unite East Africans in Australia in order to promote their culture, develop networking, integrate into Australian society and strengthen bonds and friendship between Australia and East African Countries (Kenya, Uganda and Tanzania).

5C OBJECTIVES AND AIMS

- (a) Unifying East Africans and form an extended family unit
- (b) Assisting newcomers to Australia among the target group members
- (c) Promote east African culture including food and language particularly Swahili.
- (d) Develop networking in various areas
- (e) Obtain recognition from the Australian society/governments
- (f) Be part of multicultural society/ create presence
- (g) Lobby for East Africans in Australia
- (h) Create charity/development projects in home countries
- (i) Promote east African business community in Australia
- (j) Participate in harmony/multicultural day
- (k) Develop culture / education exchange programs between home countries and Australia
- (l) Selling positive aspects of east Africa e.g. culture
- (m) Form cultural groups
- (n) Form youth support programs
- (o) Provide information sessions for educational institutions and the general public.

PART III – MEMBERSHIP

6. ELIGIBILITY

- (1) There shall be two categories of membership
 - (p) Full membership ie. Members with all rights and duties as defined in the Constitution
 - (q) Associate membership ie. Members with all rights and duties of a member excluding the right to hold positions on the Executive Committee
- (2)
 - (a) The Executive Committee of the Association may admit to full membership any individual (excluding non-Australians with diplomatic status) who supports the aims and objectives of the Association.
 - (b) The Executive Committee of the Association may admit as an associate member, any member of the diplomatic community desirous to assist in the Association's aims and objectives.

7. APPLICATION FOR MEMBERSHIP

- (1) Application for membership shall be in writing on a form provided by the Association.
- (2) Each application shall be lodged with the Secretary who shall present the same to the Executive Committee for consideration.

8. REGISTER OF MEMBERS

- (1) A register containing the names and addresses of members, their country of birth, and the date of admission to the Association, shall be kept by the Secretary.
- (2) The Register shall be kept confidential by the Secretary and shall not be released without the written permission of the Executive Committee and/or the member concerned.

9. CESSATION OF MEMBERSHIP

Membership to the Association shall cease

- (a) by official notification of withdrawal given to the Secretary.
- (b) By deliberate contravention of the rules and regulations set out in the Constitution
- (c) By failing to renew membership by paying the prescribed annual subscription fee within three months of the subscription becoming due.

PART IV – ADMINISTRATION

10. THE EXECUTIVE COMMITTEE

The administration of the affairs of the Association shall be vested in the Executive Committee, which shall comprise

- (i) The President
 - (ii) One Vice-President
 - (iii) The Secretary
 - (iv) The Honorary Treasurer
 - (v) The Public Officer
 - (vi) Three members (one from each member countries)
- (1) The Executive Committee shall be responsible to the Association for the implementation and fulfilment of the rules and regulations of this Constitution. The Executive Committee shall make regulations not inconsistent with this Constitution covering, but without limited powers herein before contained, the following:
- (a) The imposition of quantum of membership fees and special levies.
 - (b) The appointment, powers, duties and terms of reference of sub-committees not being sub-committees of the Executive Committee.
 - (c) Such other matters consistent with this Constitution and conducive to the efficient administration of the Association.
- (2) Such regulations and any amendments thereto, shall be subject to approval by a simple majority of members present at an Annual General Meeting, or any Special General Meeting called for the purpose of voting.

11. TERMINATION OF MEMBERSHIP OF THE EXECUTIVE

COMMITTEE

- (1) A member of the Executive Committee who, without tendering an adequate reason or without seeking leave of absence, fails to attend three (3) consecutive Executive Committee meetings shall, at the discretion of the Executive Committee expressed by a simple majority, be liable to forfeit their membership of the Executive Committee.
- (2) The Secretary shall advise a member of the Executive Committee,

whose membership under sub-section (1) is liable to forfeiture, that the Executive Committee may consider to invoke Rule 11 (1).

- (3) Such a forfeiture however shall not affect their membership of the Association.

12. PUBLIC OFFICER

The Committee shall appoint a person resident in the ACT to be the Public Officer. If that office at any time becomes vacant, the Committee shall, within fourteen days after it becomes vacant, appoint another such person to fill the vacancy.

13. SUB-COMMITTEES

- (1) The Executive Committee may appoint a sub-committee from the Executive Committee.
- (2) The Executive Committee may co-opt as members of a sub-committee such persons as it thinks fit, whether or not such persons are members of the Association. A person so co-opted who is not a member of the Association is not entitled to vote.

14. SEAL

- (1) There shall be a seal of the Association, which shall contain the words East African Community Association of the ACT Incorporated.
- (2) The seal shall be used on all documents and instruments used in the conduct of the business of the Association and, in particular:
 - (a) Contracts which, if made between private persons, would by law be required to be in writing under seal;
 - (b) An instrument appointing a person as agent or attorney of the Association to execute deeds on its behalf; and
 - (c) Transactions touching the acquisition, charging or disposal of any real or personal property of the Association.
- (3) The seal shall be in the custody or under the control of the Public Officer and shall be used by authority of the Executive Committee and every instrument or document to which the seal is affixed shall

be signed by the President or the vice-President and shall be countersigned by the Public Officer or such person appointed by the Executive Committee for the purpose.

15. STAFF

- (1)** The Executive Committee may appoint, promote, terminate the service, accept resignation and determine the duties, salaries and conditions of service of the Association's staff after consultation, where applicable with the Association.
- (2)** Service of a member of the staff shall not be terminated unless

 - (a)** The staff member, in the opinion of the Executive Committee, has become in any way incapable of performing their duties.
 - (b)** In the opinion of the Executive Committee there are other special circumstances, which warrant the termination of the service.
- (3)** A member of staff, whose services have been terminated under sub-section 15(2) of the Constitution, may appeal to the Executive Committee against such a decision within two weeks. A simple majority of the members present and voting at a general meeting called for that purpose shall determine the appeal.

PART V – ELECTIONS

16. PROCEDURE FOR ELECTION OF THE EXECUTIVE COMMITTEE

The following Rules shall be observed for the election of the members of the Executive Committee.

17. NOMINATIONS

- (1) A member is entitled to nominate a full member for election to the Executive Committee.
- (2) Nominations shall be in writing by a proposer and a seconder, and shall be endorsed by the nominee.
- (3) Nominations shall close seven days (7) prior to the Annual General Meeting provided that if insufficient nominations to fill the positions are received, the Chairperson may, at the Annual General Meeting, re-open nominations for such time as appropriate, to allow for further nominations from those eligible.

18. ELECTION OF EXECUTIVE COMMITTEE

- (1) Where at the close of nominations, the number of nominations received for each position is equal to, or less than the number of positions to be filled, the persons so nominated shall be deemed to be elected.
- (2) Where the number of nominations received for a position is greater than the number of positions to be filled, the provisions of Rules 19,20 and 21 shall apply.
- (3) For the purpose of the conduct of elections there shall be a Returning Officer, being a member chosen at the Annual General Meeting.

19. DISTRIBUTION AND RETURN OF BALLOT PAPERS

- (1) The Returning Officer or a person appointed by the Returning Officer shall, before the voting commences at the Annual General Meeting, hand to each member and each associate member, ballot papers with the Returning Officer's initial endorsed thereon. The Returning Officer shall ascertain the eligibility of each voter against the

Membership Register (see Section 9).

20. VOTING

- (1) At a meeting of the Association each member eligible to vote is entitled to vote on each motion or resolution put to the meeting.
- (2) At a meeting of the Executive Committee each member of the Executive is entitled to vote on each motion and resolution put to the meeting.
- (3) Voting, except for the purposes of election, shall be by show of hands or on the voices put, in any case where at least ten members so request, the motion or resolution shall be determined by secret ballot.
- (4) The member presiding at any Meeting has the casting vote.

21. COUNTING OF VOTES

- (1) The meeting shall choose at least three scrutineers who shall
 - (a) Count the votes; and
 - (b) Announce the results of the ballot to the Returning Officer
- (2) The Returning Officer shall declare the names of the persons elected to the several positions on the Executive.
- (3) The Secretary shall ensure that the ballot papers are kept in a safe place for a period of at least six (6) weeks after the date of the Annual General Meeting, after which time, at the discretion of the Executive Committee, they may be destroyed.
- (4) Any dispute relating to the voting procedure must be lodged in writing with the Secretary within seven (7) days after the Annual General Meeting.

22. TERMS OF OFFICE

- (1) A member of the Executive Committee elected or appointed by the procedure under Part 4 of this Constitution, shall hold office until the next Annual General Meeting and is eligible for re-election.
- (2) Where a member of the Executive Committee –
 - (i) Ceases to be a member;

- (ii) Forfeits membership; or
- (iii) Resigns from the Executive,

The position of that member on the Executive shall be deemed to have become vacant.

23. VACANCIES

- (1) A vacancy on the Executive Committee may be filled by the Executive. The member appointed to fill that vacancy shall hold office until the next Annual General Meeting.
- (2) Where a member of the Executive Committee obtains leave of absence in advance for such a period of the current term of office as exceeds three months, the Executive shall appoint a member to fill the position only until the return from leave of the elected member.

PART VI – MEETINGS

24. ANNUAL GENERAL MEETINGS

The Annual General Meeting should be held in the month of March and no later than August in each year.

25. NOTIFICATION OF ANNUAL GENERAL MEETING

The Secretary shall, at least two weeks before the Annual General Meeting, inform all members of the time, place and agenda for the Meeting.

26. BUSINESS AT ANNUAL GENERAL MEETING

The following business shall be conducted at Annual General Meetings

- (a) Presentation of Annual Report and audited Financial Statements for the preceding financial year.
- (b) Election of members of the Executive Committee
- (c) Consideration of any matter within the objects of, or relating to the affairs of, the Association, which the meeting considers necessary.

27. GENERAL MEETINGS

- (1) General Meetings of the Association are to be held at least once every three (3) months or as the Executive Committee considers necessary.
- (2) A special meeting of the Association shall be called by the President if
 - (i) In the case of the Association, at least one third of members request it; and
 - (ii) In the case of a meeting of the Executive Committee at least four (4) members of the Executive request it.

Requests for special meetings are to be given in writing addressed to the Secretary. Such special meetings shall be held within fourteen (14) days of the Secretary receiving the request.

28. EXECUTIVE COMMITTEE MEETINGS

- (1) A meeting of the Executive Committee shall be held at least once between each General Meeting or as often as the Executive considers necessary.

- (2) At a meeting of the Executive Committee, each member of the Executive is entitled to vote on each motion and resolution put to the meeting.

29. QUORUM

- (1) At a General Meeting, at least one third of members present shall constitute a quorum.
- (2) At a meeting of the Executive Committee, four (4) members present in person constitute a quorum.
- (3) If at any general meeting the require quorum is not met, the President shall call another general meeting within two (2) weeks where no fixed quorum will be necessary.
- (4) If at any Executive Committee meeting the required quorum is not met, the President shall call another meeting within seven (7) days where no fixed quorum will be necessary.

30. VOTING

- (1) At a meeting of the Association each member eligible to vote is entitled to vote on each motion or resolution put to the meeting.
- (2) At a meeting of the Executive Committee each member is entitled to vote on each motion and resolution put to the meeting.
- (3) Voting, except for the purposes of election, shall be by show of hands or on the voices put, in any case where at least ten members so request, the motion or resolution shall be determined by secret ballot.
- (4) The member presiding at any meeting has a casting vote.

31. PREPARATION OF MINUTES

The Secretary shall

- (a) Cause a record to be taken of the proceedings at a meeting of the Association or of the Executive Committee.
- (b) Cause a summary of these proceedings to be prepared from the record, which shall constitute the Minutes of the meeting.

- (c) Ensure the Minutes of a meeting are forwarded to each member at least fourteen (14) clear days before the next meeting.

32. CONTENTS OF MINUTES

The Minutes shall, in respect of a meeting of the Association or of the Executive Committee, contain

- (a) The names of members present;
- (b) The names of members from whom apologies for non-attendance have been received;
- (c) A summary of correspondence;
- (d) Where appropriate, the Treasurer's statement; and
- (e) A record of general business conducted at the meeting including the full text of any motion put (including any amendments), and the results of such a motion.

33. CONFIRMATION OF MINUTES

- (1) The Minutes of a meeting of the Association shall, at the next corresponding meeting, be confirmed on the motion of a member, and seconded by another member, both of whom were present in person at that meeting.
- (2) The Minutes of a meeting of the Executive Committee shall, at the next meeting of the Executive, be confirmed on the motion of a member of the Executive, and seconded by another member, both of whom were present at that meeting.
- (3) The Minutes when confirmed, shall be considered the official record of the meeting of the Association or of the Executive Committee, as the case may be, and shall be signed by the member presiding at the meeting at which they are confirmed.

34. CHAIRING OF MEETINGS

- (1) Subject to this rule, the President shall preside over all meetings at which the President is present.
- (2) If the President is not present, the Vice-President if present shall

preside.

- (3) If neither the President nor the Vice-President is present, a member of the Executive Committee shall preside over the meeting.

35. PROCEDURE AT MEETINGS

As far as possible, the rules of debate and of parliamentary procedure shall be followed at all meetings of the Association.

PART VI – FINANCE

36. THE HONORARY TREASURER

- (1) The Honorary Treasurer shall be responsible, under the direction of the Association, for the conduct of its financial affairs and for the presentation of financial statements.
- (2) The day-to-day financial administration, including bookkeeping, receiving and payment of moneys on behalf of the Association, shall be carried out by the Honorary Treasurer or by the staff under the Honorary Treasurer's supervision.
- (3) The financial year of the Association shall be from 1st of July to the 30th of June each year.

37. PASSING OF ACCOUNTS

- (1) All accounts shall, before payment, be presented to and passed for payment at a meeting of the Executive Committee.
- (2) Except in cases where
 - (a) The Association has approved a project involving the expenditure of the Association funds;
 - (b) Incidental expenses are incurred which are necessary for the proper and efficient conduct of the legitimate business of the Association; or
 - (c) It is necessary or expedient that accounts be paid at short notice before they can be referred to a meeting of the Association or of the Executive Committee

The expenses so incurred may be paid with the approval of the Executive Committee but shall, nevertheless, be notified at the

next meeting of the Association or of the Executive, as the case may be.

38. PAYMENT OF ACCOUNTS

- (1) Payment of accounts in excess of \$50 dollars shall be made by cheque.
- (2) The Honorary Treasurer and another member of the Executive Committee, as authorised by the Executive, shall sign a cheque drawn on the account of the Association.

39. GOVERNMENT GRANT

- (1) Any amount received by way of government grant shall be paid into a separate account.
- (2) The government grant shall be disbursed in accordance with the current General Regulations, respecting public accounts, and in accordance with any conditions and restrictions, which may be expressed or implied in the authority under which, the grant is paid.

40. AUDIT OF ACCOUNTS

- (1) The Honorary Auditor or Auditors shall be elected at the Annual General Meeting. They shall examine all accounts, vouchers, receipts, books etc., and furnish a report thereon to members at the Annual General Meeting. Audits shall be conducted at regular intervals of not more than (12) months.
- (2) An auditor shall not be a member of the Executive Committee.

41. AUTHORISATION OF ACTIVITIES

A person or organisation shall not, without authority of the Executive Committee given in writing by the Secretary,

- (a) Do any act which may involve the Association in any liability; or
- (b) Organise any effort to raise funds for or on behalf of the Association.

42. AMENDMENTS TO CONSTITUTION

This shall be the only Constitution of the East African Community Association of the ACT Incorporated and shall not be altered, varied, added to, or repealed, unless presented by a motion at a Special General Meeting or Annual General Meeting, and passed by a two thirds majority of members present and voting.