



RULES

CANBERRA HINDU MANDIR INCORPORATED

ABN 17 487 375 497

AN ASSOCIATION INCORPORATED

UNDER THE *ASSOCIATIONS INCORPORATIONS ACT 1991 (ACT)*

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1 Definitions and interpretation

1.1 Definitions

In these rules unless a contrary intention appears:

association means the Canberra Hindu Mandir Incorporated.

financial year means the year ending on 30 June.

Hinduism includes all people who believe in or respect or follow the eternal, ethical or spiritual values of life that have originated in India, including all sects of Hinduism.

member means a member, however described, of the association.

ordinary committee member means a member of the executive committee who is not an office-bearer of the association as mentioned in section 8.2(a).

Religious Practices means the statement of religious practices set out in appendix 1 of these rules.

secretary means the person holding office under these rules as secretary of the association or, if no such person holds that office, the public officer of the association.

the Act means the *Associations Incorporation Act 1991* (ACT).

the regulation means the *Associations Incorporation Regulation 1991* (ACT).

Territory means the Australian Capital Territory.

1.2 Application of *Legislation Act 2001* (ACT)

The *Legislation Act 2001* (ACT) applies to these rules in the same way as it would if they were an instrument made under the Act.

1.3 Interpretation

In these rules unless the contrary intention appears:

- (a) words importing any gender include all other genders;
- (b) the singular includes the plural and vice versa;

- (c) a reference to a law includes regulations and instruments made under the law;
- (d) a reference to a section is a reference to a section in these rules unless otherwise stated;
- (e) a reference to a law or a provision of a law includes amendments, re-enactments or replacements of that law or the provision, whether by the State or the Commonwealth of Australia or otherwise;
- (f) a reference to a meeting includes a meeting by technology where all attendees have reasonable opportunity to participate;
- (g) a power, an authority or a discretion reposed in a member of the executive committee, the executive committee, the association in general meeting or a member may be exercised at any time and from time to time;
- (h) "writing" and "written" includes printing, typing and other modes of reproducing words in a visible form including, without limitation, any representation of words in a physical document or in an electronic communication or form or otherwise; and
- (i) Australian dollars, dollars, A\$ or \$ is a reference to the lawful currency of Australia.

1.4 Signing

Where, by a provision of these rules, a document including a notice is required to be signed, that requirement may be satisfied in relation to an electronic communication of the document in any manner permitted by law or by any State or Commonwealth law relating to electronic transmissions, or in any other manner approved by the executive committee.

1.5 Headings

Headings are inserted for convenience and are not to affect the interpretation of these rules.

2 Objects

The objects for which the association is established are:

- (a) to meet the religious and spiritual needs of those who seek God realisation through His various manifestations, in accordance with traditional Hinduism following the doctrine of Sanatana Dharma;

- (b) to enhance the spiritual understanding of Hinduism by any means, including establishing a Hindu Temple, Vedic educational centre, public heritage museum and/or public library;
 - (c) to act as trustee and to perform and discharge the duties and functions incidental thereto where this is incidental or conducive to the attainment of these objects, including establishing a public fund; and
 - (d) to do such other things as are incidental or conducive to the attainment of these objects.
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3 Powers

The association has the legal capacity and powers of a natural person and also has all the powers of an incorporated association under the Act.

4 Funds

4.1 Source

- (a) The funds of the association must be derived from entrance fees and annual subscriptions of members, donations, temple service fees and, subject to any resolution passed by the Association in general meeting and subject to section 114 of the Act, any other sources that the executive committee decides.
- (b) All money received by the association must be deposited as soon as practicable and without deduction to the credit of the Association's bank account.
- (c) The Association must, as soon as practicable after receiving any money, issue an appropriate receipt.

4.2 Management of funds

- (a) Subject to sections 4.3 and 4.4, and any resolution passed by the association in general meeting, the funds of the association must be used for the objects of the Association in the way that the executive committee decides.
- (b) All cheques, drafts, bills of exchange, promissory notes and other negotiable instruments must be signed by any 2 members of the executive committee or employees of the association, being members of the executive committee or employees authorised to do so by the executive committee.

4.3 Application of income and property

The income and the property of the association however derived:

- (a) must be applied solely towards the promotion of the objects of the association as set out in section 2; and
- (b) may not be paid or transferred to the members, in whole or in part, either directly or indirectly by way of dividend, bonus or otherwise.

4.4 Payment in good faith

The above section does not prevent payment in good faith to a member, or to a firm of which a member is a partner:

- (a) of fair and reasonable remuneration for services to the association;
- (b) for goods supplied in the ordinary course of business;
- (c) of fair and reasonable interest on money borrowed from a member at a rate not exceeding that fixed for the purposes of this subsection by the association in a general meeting; or
- (d) of a reasonable rent for premises let by a member.

5 Winding up

5.1 Liability of members

The liability of a member to contribute towards the payment of the debts and liabilities of the Association or the costs, charges and expenses of the winding up of the association is limited to the amount (if any) unpaid by the member in relation to membership of the association as required by section 7.3.

5.2 Application of surplus property

- (a) If any property remains on the winding up or dissolution of the association and after satisfaction of all its debts and liabilities, that property may not be paid to or distributed among the members but must be given or transferred to some other institution:
 - (i) having objects substantially the same as the objects of the association; and

- (ii) whose governing document prohibits the distribution of its income and property among its members to an extent at least as great as imposed on the association under these rules.
- (b) The institution will be determined by a special resolution of the members at or before the time of dissolution.

5.3 Revocation of Australian tax office endorsement

- (a) Where the association has been endorsed as a deductible gift recipient as an organisation or in relation to a public fund under Subdivision 30-BA of the Income Tax Assessment Act, then where:
 - (i) the association is wound up; or
 - (ii) the fund is wound up; or
 - (iii) the endorsement under Subdivision 30-BA of the Income Tax Assessment Act is revoked;then any surplus assets of the association or fund remaining after payment of all liabilities must be transferred to an institution or fund that:
 - (iv) complies with section 5.2; and
 - (v) is an endorsed deductible gift recipient.
- (b) Where the association operates more than one fund for which it is a deductible gift recipient and its endorsement under Subdivision 30-BA of the Income Tax Assessment Act is revoked only in relation to one of those funds then it may transfer any surplus assets of the fund after payment of all liabilities to any other fund for which it is endorsed as a deductible gift recipient.

6 Alteration of objects and rules

Neither the objects of the association mentioned in the Act nor these rules may be altered except in accordance with the Act.

7 Membership

7.1 Membership qualifications

A person is qualified to be a member of the association if—

- (a) the person is a person mentioned in the Act, section 21 (2) (a) or (b) and has not ceased to be a member of the association at any time after incorporation of the association under the Act; or
- (b) the person—
 - (i) is over the age of 18 years;
 - (ii) agrees to be bound by these rules and abide by the Religious Practices of the association;
 - (iii) has been nominated for membership in accordance with section 7.4; and
 - (iv) has been approved for membership of the association by the executive committee of the association.

7.2 Membership categories

- (a) Persons qualified to be a member may be admitted as a member of the association into one of the following categories of membership:
 - (i) trustee;
 - (ii) life member; and
 - (iii) annual member.
- (b) Annual members must renew their membership on a yearly basis.
- (c) Trustees and life members remain members for life, unless they resign or are otherwise removed or cease to be a member under these rules.
- (d) The first 25 persons admitted as trustees shall be called the “Founding Trustees”.

7.3 Fees, subscriptions etc

- (a) The membership fee to the association is as follows:

- (i) trustee membership - \$10001;
- (ii) life membership - \$251;
- (iii) annual membership - \$25;

or, if any other amount has been determined by resolution of the executive committee, that other amount.

- (b) The annual membership fee is payable—
 - (i) except as provided by paragraph (ii) —before 1 July in each calendar year; or
 - (ii) if a person becomes a member on or after 1 July in any calendar year—before 1 July in each succeeding calendar year.
- (c) A member is not entitled for a refund of membership fee paid to the association.

7.4 Nomination for membership

- (a) A nomination of a person for membership of the association—
 - (i) must be made by a member of the association in writing in the form set out in appendix 2;
 - (ii) must be lodged with the secretary of the association.
- (b) As soon as is practicable after receiving a nomination for membership, the secretary must refer the nomination to the executive committee which must decide whether to approve or to reject the nomination.
- (c) The executive committee has the discretion to refuse any person admission as a member, or to refuse any person admission to a particular category of membership, without giving any reason for refusing.
- (d) If the executive committee decides to approve a nomination for membership, the secretary must as soon as practicable after that decision notify the nominee of that approval and request the nominee to pay within 28 days after receipt of the notification the sum payable under these rules by a member as the entrance fee and the first year's annual subscription.
- (e) The secretary must, on payment by the nominee of the amounts mentioned in section 7.3(a) within the period mentioned in that section, enter the nominee's name in the

register of members and, on the name being so entered, the nominee becomes a member of the association.

7.5 Membership entitlements not transferable

A right, privilege or obligation that a person has because of being a member of the association—

- (a) cannot be transferred or transmitted to another person; and
- (b) terminates on cessation of the person's membership.

7.6 Cessation of membership

A person ceases to be a member of the association if the person—

- (a) dies or, for a corporation, is wound up;
- (b) resigns from membership of the association;
- (c) is expelled from the association;
- (d) fails to pay any subscription that may be prescribed by the executive committee from time to time for a period of six months after the subscription was due and payable; or
- (e) fails to renew membership of the association (if applicable).

7.7 Resignation of membership

- (a) A member is not entitled to resign from membership of the association except in accordance with this section.
- (b) A member who has paid all amounts payable by the member to the association may resign from membership of the association by first giving notice (of not less than 1 month or, if the executive committee has determined a shorter period, that shorter period) in writing to the secretary of the member's intention to resign and, at the end of the period of notice, the member ceases to be a member.
- (c) If a person ceases to be a member, the secretary must make an appropriate entry in the register of members recording the date the member ceased to be a member.

7.8 Disciplining of members

- (a) If the executive committee is of the opinion that a member other than a trustee —

- (i) has persistently refused or neglected to comply with a provision of these rules or Religious Practices;
 - (ii) has persistently and wilfully acted in a manner prejudicial to the interests of the association; or
 - (iii) is no longer willing or able to abide by the Religious Practices of the association;
- the executive committee may, by resolution—
- (iv) expel the member from the association; or
 - (v) suspend the member from the rights and privileges of membership of the association that the executive committee may decide for a specified period.
- (b) A resolution of the executive committee under subsection (a) is of no effect unless the executive committee, at a meeting held not earlier than 14 days and not later than 28 days after service on the member of a notice under subsection (c), confirms the resolution in accordance with this section.
- (c) If the executive committee passes a resolution under subsection (a), the secretary must, as soon as practicable, serve a written notice on the member—
- (i) setting out the resolution of the committee and the grounds on which it is based; and
 - (ii) stating that the member may address the committee at a meeting to be held not earlier than 14 days and not later than 28 days after service of the notice; and
 - (iii) stating the date, place and time of that meeting; and
 - (iv) informing the member that the member may do either or both of the following:
 - (A) attend and speak at that meeting;
 - (B) submit to the committee at or before the date of that meeting written representations relating to the resolution.
- (d) Subject to the Act, section 50, at a meeting of the executive committee mentioned in subsection (b), the executive committee must—
- (i) give to the member mentioned in subsection (a) an opportunity to make oral representations; and

- (ii) give due consideration to any written representations submitted to the executive committee by that member at or before the meeting; and
 - (iii) by resolution decide whether to confirm or to revoke the resolution of the executive committee made under subsection (a).
- (e) If the executive committee confirms a resolution under subsection (d), the secretary must, within 7 days after that confirmation, by written notice inform the member of that confirmation and of the member's right of appeal under section 7.9.
- (f) A resolution confirmed by the executive committee under subsection (d) does not take effect—
 - (i) until the end of the period within which the member is entitled to appeal against the resolution if the member does not exercise the right of appeal within that period; or
 - (ii) if within that period the member exercises the right of appeal—unless and until the association confirms the resolution in accordance with section (d).
- (g) If the executive committee is of the opinion that a trustee —
 - (i) has persistently refused or neglected to comply with a provision of these rules or Religious Practices;
 - (ii) has persistently and wilfully acted in a manner prejudicial to the interests of the association; or
 - (iii) is no longer willing or able to abide by the Religious Practices of the association;
 the executive committee may call a meeting of the trustees to—
 - (iv) expel the trustee from the association; or
 - (v) suspend the trustee from the rights and privileges of membership of the association that the trustees may decide for a specified period.

The resolution of the trustees shall be determined by at least 75% of the votes cast at the meeting of the trustees.

7.9 Right of appeal of disciplined member

- (a) A member may appeal to the association in general meeting against a resolution of the executive committee that is confirmed under section 7.8(d) or the resolution of the trustees under section 7.8(g), within 7 days after notice of the resolution is served on the member, by lodging with the secretary a notice to that effect.
- (b) On receipt of a notice under subsection (a), the secretary must notify the executive committee which must call a general meeting of the association to be held within 21 days after the date when the secretary received the notice or as soon as possible after that date.
- (c) Subject to the Act, section 50, at a general meeting of the association called under subsection (b)—
 - (i) no business other than the question of the appeal may be transacted; and
 - (ii) the executive committee and the member must be given the opportunity to make representations in relation to the appeal orally or in writing, or both; and
 - (iii) the members present must vote by secret ballot on the question of whether the resolution made under section 7.8(d) should be confirmed or revoked.
- (d) If the meeting passes a resolution in favour of the confirmation of the resolution made under section 7.8(d) or section 7.8(g), that resolution is confirmed.

8 Executive committee

8.1 Powers of executive committee

The executive committee, subject to the Act, the regulation, these rules, and to any resolution passed by the association in general meeting—

- (a) controls and manages the affairs of the association;
- (b) oversees the religious, philosophical, social, spiritual and strategic direction of the association in accordance with the objects and Religious Practices of the association;
- (c) may exercise all functions that may be exercised by the association other than those functions that are required by these rules to be exercised by the association in general meeting; and

- (d) has power to perform all acts and do all things that appear to the executive committee to be necessary or desirable for the proper management of the affairs of the association.

8.2 Constitution and membership

- (a) The executive committee consists of—
 - (i) the office-bearers of the association; and
 - (ii) 5 ordinary committee members;each of whom must be elected under sections 8.3 and 8.4 or appointed in accordance with subsection (d).
- (b) The office-bearers of the association are—
 - (i) the chairman;
 - (ii) the vice-chairman;
 - (iii) the treasurer;
 - (iv) the joint treasurer;
 - (v) the secretary; and
 - (vi) the joint secretary.
- (c) Each member of the executive committee holds office, subject to these rules, until the conclusion of the annual general meeting following the date of the member's election, but is eligible for re-election.
- (d) If there is a vacancy in the membership of the executive committee, the executive committee may appoint a member of the association to fill the vacancy and the member so appointed holds office, subject to these rules, until the conclusion of the next annual general meeting after the date of the appointment.

8.3 Election of executive committee members

At an annual general meeting:

- (a) the trustees of the association shall elect from their number the following executive committee member positions:

- (i) chairman;
 - (ii) vice-chairman;
 - (iii) secretary;
 - (iv) treasurer; and
 - (v) 1 ordinary executive member.
- (b) The members of the association who are not trustees shall elect from their number the following executive committee members:
- (i) joint secretary;
 - (ii) joint treasurer; and
 - (iii) 4 ordinary executive committee members.

8.4 Qualification

Unless otherwise agreed by the executive committee:

- (a) A person is qualified to be nominated for election to any of the positions on the executive committee referred to in section 8.3(a) if the person:
- (i) is:
 - (A) a trustee;
 - (B) a spouse of a trustee, where the trustee is not a member or nominated to become a member of the executive committee; or
 - (C) a life member; and
 - (ii) with the exception of the spouse of a trustee, has been a member for:
 - (D) at least 180 continuous days prior to nomination; or
 - (E) for a chairman, at least one continuous year prior to nomination.
- (b) A person is qualified to be nominated for election to any of the positions on the executive committee referred to in section 8.3(b) if he or she if:
- (i) he or she is a member of the association;

- (ii) has paid his or her membership fees; and
- (iii) has been a member for at least 180 continuous days prior to nomination.

8.5 Process for election

- (a) Nominations of candidates for election as office-bearers of the association or as ordinary committee members—
 - (i) must be made in writing, signed by 2 members of the association and accompanied by the written consent of the candidate (which may be endorsed on the nomination form); and
 - (ii) must be given to the secretary of the association not less than 7 days before the date fixed for the annual general meeting at which the election is to take place.
- (b) If insufficient nominations are received to fill all vacancies on the executive committee, the candidates nominated are taken to be elected and further nominations may be received at the annual general meeting.
- (c) If insufficient further nominations are received, any vacant positions remaining on the executive committee are taken to be vacancies.
- (d) If the number of nominations received is equal to the number of vacancies to be filled, the people nominated are taken to be elected.
- (e) If the number of nominations received exceeds the number of vacancies to be filled, a ballot must be held.
- (f) The election of the executive committee members shall be chaired and supervised by a person appointed by the executive committee (**election chair**), and the ballot for the election of office-bearers and ordinary committee members must be conducted at the annual general meeting either by show of hands or secret ballot as the election chair shall direct.
- (g) A person is not eligible to simultaneously hold more than 1 position on the executive committee.

8.6 Secretary

- (a) The secretary of the association must, as soon as practicable after being appointed as secretary, notify the association of his or her address.

- (b) The secretary must keep minutes of—
 - (i) all elections and appointments of office-bearers and ordinary committee members; and
 - (ii) the names of members of the executive committee present at an executive committee meeting or a general meeting; and
 - (iii) all proceedings at executive committee and subcommittee meetings and general meetings.
- (c) Minutes of proceedings at a meeting must be signed by the person presiding at the meeting or by the person presiding at the next succeeding meeting.

8.7 Joint secretary

The joint secretary of the association must assist the secretary in his or her duties and responsibilities and assume any other duties and responsibilities as may be determined by the executive committee or members (other than Trustees) in general meeting.

8.8 Treasurer

The treasurer of the association must—

- (a) collect and receive all amounts owing to the association and make all payments authorised by the association; and
- (b) keep correct accounts and books showing the financial affairs of the association with full details of all receipts and expenditure connected with the activities of the association.
- (c) provide financial report of the association at each executive meeting.

8.9 Joint treasurer

The joint treasurer of the association must assist the treasurer in his or her duties and responsibilities and assume any other duties and responsibilities as may be determined by the executive committee or members (other than Trustees) in general meeting.

8.10 Term of office

- (a) The inaugural executive committee members shall retire at the first annual general meeting of the association, but are eligible for reappointment.

- (b) The executive committee members elected at the first annual general meeting of the association are to be elected for terms of 4 years. Thereafter, executive committee members are to be elected for terms of 2 years.
- (c) At each annual general meeting, a member of the executive committee whose term of office has expired, must retire from office but subject to 8.10(d) is eligible for reappointment.
- (d) Executive committee members must not hold office for more than two consecutive terms, unless otherwise approved by a special resolution of members in general meeting.

8.11 Vacancies

For these rules, a vacancy in the office of a member of the executive committee happens if the member—

- (a) dies; or
- (b) ceases to be a member of the association; or
- (c) resigns the office; or
- (d) is removed from office under section 8.12 (Removal of committee members); or
- (e) becomes bankrupt or personally insolvent; or
- (f) suffers from mental or physical incapacity; or
- (g) is disqualified from office under the Act, section 63 (1); or
- (h) is subject to a disqualification order under the Act, section 63A; or
- (i) is absent without the consent of the executive committee from two consecutive meetings of the committee.

8.12 Removal of executive committee members

- (a) The trustees at a general meeting of the association may by resolution and subject to the Act, section 50, remove any member of the executive committee elected under section 8.3(a) from that office before the end of the executive committee member's term of office.

- (b) The members who are not trustees at a general meeting of the association, may by resolution, and subject to the Act, section 50, remove any member of the executive committee elected under section 8.3(c) from that office before the end of the executive committee member's term of office.

8.13 Executive Committee meetings and quorum

- (a) The executive committee must meet at least 3 times in each calendar year at the place and time that the executive committee may decide.
- (b) Additional meetings of the executive committee may be called by any member of the executive committee.
- (c) Oral or written notice of a meeting of the executive committee must be given by the secretary to each member of the executive committee at least 48 hours (or any other period that may be unanimously agreed on by the members of the executive committee) before the time appointed for the holding of the meeting.
- (d) Notice of a meeting given under subsection (c) must specify the general nature of the business to be transacted at the meeting and no business other than that business may be transacted at the meeting, except business that the executive committee members present at the meeting unanimously agree to treat as urgent business.
- (e) One half of the members of the executive committee constitute a quorum for the transaction of the business of a meeting of the executive committee.
- (f) No business may be transacted by the executive committee unless a quorum is present and, if within half an hour after the time appointed for the meeting a quorum is not present, the meeting stands adjourned to the same place and at the same hour of the same day in the following week.
- (g) If at the adjourned meeting a quorum is not present within half an hour after the time appointed for the meeting, the meeting is dissolved.
- (h) At meetings of the committee—
 - (i) the chairman or, in the absence of the chairman, the vice-chairman presides; or
 - (ii) if the chairman and the vice-chairman are not present within 10 minutes after the time set down for the meeting —1 of the remaining members of the committee may be chosen by the members present to preside.

8.14 Delegation by executive committee to subcommittee

- (a) The executive committee may, in writing, delegate to 1 or more subcommittees (consisting of such members of the association or other persons that the executive committee considers appropriate) the exercise of the functions of the executive committee that are specified in the instrument, other than—
 - (i) this power of delegation; and
 - (ii) a function that is a function imposed on the executive committee by the Act, by any other Territory law, or by resolution of the association in general meeting.
- (b) The executive committee may establish a standing subcommittee to consider applications for membership and make recommendations to the executive committee, and to consider the strategic planning of the association.
- (c) A function, the exercise of which has been delegated to a subcommittee under this section may, while the delegation remains unrevoked, be exercised from time to time by the subcommittee in accordance with the terms of the delegation.
- (d) A delegation under this section may be made subject to any conditions or limitations about the exercise of any function, or about time or circumstances that may be specified in the instrument of delegation.
- (e) Despite any delegation under this section, the committee may continue to exercise any function delegated.
- (f) Any act or thing done or suffered by a sub-committee acting in the exercise of a delegation under this section has the same force and effect as it would have if it had been done or suffered by the committee.
- (g) The committee may, in writing, revoke wholly or in part any delegation under this section.
- (h) A subcommittee may meet and adjourn as it considers appropriate.

8.15 Voting and decisions

- (a) Questions arising at a meeting of the committee or of any subcommittee appointed by the committee are decided by a majority of the votes of members of the committee or subcommittee present at the meeting.

- (b) Votes are decided by a show of hands unless the meeting decides by a majority to vote by secret ballot.
- (c) Each member present at a meeting of the committee or of any subcommittee appointed by the committee (including the person presiding at the meeting) is entitled to 1 vote but, if the votes on any question are equal, the person presiding may exercise a second or casting vote.

9 General Meetings

9.1 Annual general meetings—holding of

- (a) With the exception of the first annual general meeting of the association, the association must, at least once in each calendar year and within 5 months after the end of each financial year of the association, call an annual general meeting of its members.
- (b) The association must hold its first annual general meeting—
 - (i) within 18 months after its incorporation under the Act; and
 - (ii) within 5 months after the end of the first financial year of the association.
- (c) Subsections (a) and (b) have effect subject to the powers of the registrar-general under the Act, section 120 in relation to extensions of time.

9.2 Annual general meetings—calling of and business at

- (a) The annual general meeting of the association must, subject to the Act, be called on the date and at the place and time that the committee considers appropriate.
- (b) In addition to any other business that may be transacted at an annual general meeting, the business of an annual general meeting is—
 - (i) to confirm the minutes of the last annual general meeting and of any general meeting held since that meeting; and
 - (ii) to receive from the committee reports on the activities of the association during the last financial year; and
 - (iii) to elect members of the committee, including office-bearers; and

- (iv) to receive and consider the statement of accounts and the reports that are required to be submitted to members under the Act, section 73 (1).
- (c) An annual general meeting must be specified as such in the notice calling it in accordance with section 9.4 (Notice).
- (d) An annual general meeting must be conducted in accordance with the provisions of this part.

9.3 General meetings—calling of

- (a) The committee may, whenever it considers appropriate, call a general meeting of the association.
- (b) The committee must, on the requisition in writing of not less than 5% of the total number of members, call a general meeting of the association.
- (c) A requisition of members for a general meeting—
 - (i) must state the purpose or purposes of the meeting; and
 - (ii) must be signed by the members making the requisition; and
 - (iii) must be lodged with the secretary; and
 - (iv) may consist of several documents in a similar form, each signed by 1 or more of the members making the requisition.
- (d) If the committee fails to call a general meeting within 1 month after the date when a requisition of members for the meeting is lodged with the secretary, any 1 or more of the members who made the requisition may call a general meeting to be held not later than 3 months after that date.
- (e) A general meeting called by a member or members mentioned in subsection (d) must be called as nearly as is practicable in the same way as general meetings are called by the committee and any member who thereby incurs expense is entitled to be reimbursed by the association for any reasonable expense so incurred.

9.4 Notice

- (a) Except if the nature of the business proposed to be dealt with at a general meeting requires a special resolution of the association, the secretary must, at least 14 days

before the date fixed for the holding of the general meeting, send by prepaid post to each member at the member's address appearing in the register of members, a notice specifying the place, date and time of the meeting and the nature of the business proposed to be transacted at the meeting.

- (b) If the nature of the business proposed to be dealt with at a general meeting requires a special resolution of the association, the secretary must, at least 21 days before the date fixed for the holding of the general meeting, send notice to each member in the way provided in subsection (a) specifying, in addition to the matter required under that subsection, the intention to propose the resolution as a special resolution.
- (c) No business other than that specified in the notice calling a general meeting may be transacted at the meeting except, for an annual general meeting, business that may be transacted under section 9.2(b).
- (d) A member desiring to bring any business before a general meeting may give written notice of that business to the secretary who must include that business in the next notice calling a general meeting given after receipt of the notice from the member.

9.5 General meetings—procedure and quorum

- (a) No item of business may be transacted at a general meeting unless a quorum of members entitled under these rules to vote is present during the time the meeting is considering that item.
- (b) Fifteen (15) members present in person (who are entitled under these rules to vote at a general meeting) constitute a quorum for the transaction of the business of a general meeting.
- (c) If within 30 minutes after the appointed time for the start of a general meeting a quorum is not present, the meeting if called on the requisition of members is dissolved and in any other case stands adjourned to the same day in the following week at the same time and (unless another place is specified at the time of adjournment by the person presiding at the meeting or communicated by written notice to members given before the day to which the meeting is adjourned) at the same place.
- (d) If at the adjourned meeting a quorum is not present within 30 minutes after the time appointed for the start of the meeting, the members present (being not less than 3) constitute a quorum.

9.6 Presiding member

- (a) The chairman, or in the absence of the chairman, the vice-chairman, presides at each general meeting of the association.
- (b) If the chairman and the vice-chairman are not present within 10 minutes after the time set down for a general meeting, or are unwilling or unable to act, the members present must elect 1 of their number to preside at the meeting.

9.7 Adjournment

- (a) The person presiding at a general meeting at which a quorum is present may, with the consent of the majority of members present at the meeting, adjourn the meeting from time to time and place to place, but no business may be transacted at an adjourned meeting other than the business left unfinished at the meeting at which the adjournment took place.
- (b) If a general meeting is adjourned for 14 days or more, the secretary must give written or oral notice of the adjourned meeting to each member of the association stating the place, date and time of the meeting and the nature of the business to be transacted at the meeting.
- (c) Except as provided in subsections (a) and (b), notice of an adjournment of a general meeting or of the business to be transacted at an adjourned meeting is not required to be given.

9.8 Making of decisions

- (a) A question arising at a general meeting of the association is to be decided on a show of hands and, unless before or on the declaration of the show of hands a poll is demanded, a declaration by the person presiding that a resolution has, on a show of hands, been carried or carried unanimously or carried by a particular majority or lost, or an entry to that effect in the minute book of the association, is evidence of the fact without proof of the number or proportion of the votes recorded in favour of or against that resolution.
- (b) At a general meeting of the association, a poll may be demanded by the person presiding or by not less than 3 members present in person or by proxy at the meeting.
- (c) If the poll or ballot is demanded at a general meeting, the poll must be taken—

- (i) immediately if the poll relates to the election of the person to preside at the meeting or to the question of an adjournment; or
- (ii) in any other case—in the way and at the time before the close of the meeting that the person presiding directs, and the resolution of the poll on the matter is taken to be the resolution of the meeting on that matter.

9.9 Voting

- (a) Subject to subsection (c) on any question arising at a general meeting of the association:
 - (i) a trustee has 2 votes;
 - (ii) a life member has 1 vote only; and
 - (iii) an annual member has 1 vote only.
- (b) All votes must be given personally or by proxy but no member may hold more than 1 proxy.
- (c) If the votes on a question at a general meeting are equal, the person presiding is entitled to exercise a further casting vote.
- (d) A member or proxy is not entitled to vote at any general meeting of the association unless all money due and payable by the member or proxy to the association has been paid, other than the amount of the annual subscription payable for the then current year.

9.10 Appointment of proxies

- (a) Each member is entitled to appoint another member as proxy by notice given to the secretary no later than 24 hours before the time of the meeting for which the proxy is appointed.
- (b) The notice appointing the proxy must be in the form set out in appendix 3.

10 Common seal

10.1 Safe custody of common seals

The executive committee must provide for the safe custody of the common seal of the association.

10.2 Use of common seal

- (a) The common seal of the association must not be attached to any instrument except by the authority of the executive committee.
- (b) Every instrument to which the common seal is affixed must be signed by either 2 members of the executive committee or 1 member of the executive committee and the secretary.

11 Custody and inspection of books

11.1 Custody of books

Subject to the Act, the regulation and these rules, the secretary must keep in his or her custody or under his or her control all records, books, and other documents relating to the association.

11.2 Inspection by members

The records, books and other documents of the association must be open to inspection at a place in the ACT, free of charge, by a member of the association at any reasonable hour.

12 Service of notice

12.1 Methods of service

- (a) The association may serve notice on a member:
 - (i) personally;
 - (ii) by sending it by post to the address for the member in the register of members or an alternative address nominated by the member; or
 - (iii) by sending it to a fax number or electronic address nominated by the member.
- (b) A document sent by post:
 - (i) if sent to an address in Australia, may be sent by ordinary post and is taken to have been received on the day after the date of its posting; and
 - (ii) if sent to an address outside Australia, must be sent by airmail and is taken to have been received on the fifth day after the date of its posting.

- (c) If a document is sent by fax or electronic transmission, delivery of the document is taken:
 - (i) to be effected by properly addressing and transmitting the fax or electronic transmission; and
 - (ii) to have been delivered on the day following its transmission.

12.2 Evidence of service

A certificate in writing signed by a member of the executive committee or a secretary stating that a document was sent to a member by post or by fax or electronic transmission on a particular date is prima facie evidence that the document was so sent on that date.

13 Indemnity and Insurance

13.1 Indemnity

The association may indemnify any current or former member of the executive committee, secretary or executive officer of the association out of the property of the association against:

- (a) every liability incurred by the person in that capacity; and
- (b) all legal costs incurred in defending or resisting (or otherwise in connection with) proceedings, whether civil or criminal or of an administrative or investigatory nature, in which the person becomes involved because of that capacity;

except to the extent that:

- (c) the association is forbidden by statute to indemnify the person against the liability or legal costs; or
- (d) an indemnity by the association of the person against the liability or legal costs would, if given, be made void by statute.

13.2 Insurance

The association may pay or agree to pay, whether directly or through an interposed entity, a premium for a contract insuring a person who is or has been a member of the executive committee or secretary or executive officer of the association against liability incurred by the person in that capacity, including a liability for legal costs, unless:

- (a) the association is forbidden by statute to pay or agree to pay the premium; or
- (b) the contract would, if the association paid the premium, be made void by statute.

13.3 Contract

The association may enter into an agreement with a person referred to in sections 13.1 and 13.2 with respect to the matters covered by these sections. An agreement entered into pursuant to this section may include provisions relating to rights of access to the books of the association conferred by statute or otherwise by law.

14 Public relations officer

The trustees of the association shall elect a public relations officer for the association.

Appendix 1 Statement of Religious Practices

1 Hindu Community

- (a) The temple will be a traditional Vedic temple of worship for wider Hindu community.
- (b) It is established to meet the spiritual, ritual and ceremonial needs of steadily increasing Hindu population in the rapidly growing Gungahlin district, greater Canberra and surrounding regions.
- (c) The Hindu-Mandir and its members shall strive to create an environment based on the key values of Hinduism namely mutual respect, righteousness, tolerance, humility, honesty, compassion, cleanliness and nonviolence.
- (d) The activities of the temple shall not be limited to Hindus from one particular nation or community, but be open to all Hindu Practitioners, regardless of gender, nationality, ethnicity, race or class. The temple shall meet the spiritual needs of all those who seek God realisation through His various manifestations, in accordance with traditional Hinduism or Sanatana Dharma.
- (e) The temple will be developed in a phased approach.
 - (i) Initial phase will deliver a Shirdi Sai Baba Mandir with a meditation hall and an activity room.
 - (ii) Upon completion of the initial phase, subsequent phases will be determined by the executive committee.

2 The focus of worship and prayers

Personal form

- (a) The personal form of the supreme God, Lord shiva/Lord Vishnu, Sadguru Shirdi Sai Baba will be the presiding deities in the temple and will remain the centre of attention, focus of worship and prayers.
- (b) The deities that will be placed in the temple will be restricted to only:
 - Lord Ganesh
 - Lord Shiva
 - Durga Maata
 - Subramanyam

- Lord Venketeshwara
- Lakshmi Devi
- Lord Rama, Sita, Lakshmana
- Hanuman
- Lord Krishna
- Navagrahas
- Shirdi Sai Baba

- (c) If a request for a new deity is to be placed then it should be taken to the executive committee and annual general meeting and upon approval and consideration of at least 2/3 of the majority to see if the request for a new deity falls within the objectives and aims of the temple and its rules.

Impersonal form

- (l) Hinduism also meditates upon and worships the impersonal form of Almighty God, the Supreme Brahman or the Supreme Being. Both the manifest and the unmanifest forms are a projection of God. The diversity is inherent part of Vedic heritage and will be reflected in the functioning of the Mandir.

Other activities

- (m) To publish books/leaflets/magazines in electronic or print media containing Holy Scriptures and devotional songs.
- (n) To run Vedic, ethnical educational and traditional Carnatic or Hindustani music, yoga and various forms of classical and traditional Indian dance forms used in expressing the worship of Supreme as prescribed under Navavidha bhakthi
- (o) The temple shall provide a facility for conducting Hindu religious and ritual activities for Hindus from all walks of life. The rituals shall not remain limited to just puja, arti, bhajans, prayers, havan, and satsang, but also include other ritual activities to support the common needs of Hindu community. Such rituals shall include but not limited to –
- (i) Purification ceremonies
 - (ii) Household worships
 - (iii) Sraddha and Tarpan
 - (iv) Rituals for birth, wedding

- (v) funeral rites like death Samskara and Antyesthi Kria
- (vi) Rituals for new homes
- (vii) Sankalpa puja and
- (viii) Other religious rituals and ceremonies.

3 Traditional values that shall be observed and restricted to the temple

- (a) Puja, offerings and various religious ceremonies and rituals shall be conducted in a manner consistent with the traditional Sanatan Dharma and Vedic Values.
- (b) Pure Vegetarian preparations shall be used (no onions and garlics). The highest level of cleanliness shall be observed for
 - (i) personal bodily cleanliness,
 - (ii) cleanliness of puja/bhoga items and Paraphernalia
 - (iii) cleanliness any preparations/offerings, including pots, dishes, glass, spoon, etc
- (c) Non-vegetarian foods, smoking, liquor, or alcoholic beverages or liquor-based intoxicating drugs shall not be permitted within the Temple premises and precinct.
- (d) Shoes, slippers or any kind of footwear shall not be permitted inside the temple building, temple kitchen, near the havan/puja and ritual arena. All congregation and visitors to temple should leave their footwear outside the temple.
- (e) The temple shall encourage congregation and members of the Hindu community to wear clean Vedic dress and costumes when visiting the temple if possible and feasible.

Appendix 2

(see s 3 (1))

Application for membership of association

Canberra Hindu Mandir Incorporated (incorporated under the *Associations Incorporation Act 1991*)

I,

(full name of applicant)

of

(address)

.....apply to become

(occupation)

a member of the incorporated association and be admitted to the following membership category:

.....

(trustee, life member, annual member)

If I am admitted as a member, I agree to be bound by the rules of the association for the time being in force.

.....

(Signature of applicant) Date

I,

(full name)

a member of the association, nominate the applicant, who is personally known to me, for the membership of the association.

.....

(Signature of proposer) Date

I,

(full name)

a member of the association, second the nomination of the applicant, who is personally known to me, for membership of the association.

.....

(Signature of seconder) Date

Appendix 3

(see s 30 (2))

Form of appointment of proxy

I,

(full name)

of

(address)

a member of

(name of incorporated association)

appoint

(full name of proxy)

of

(address)

a member of that incorporated association, as my proxy to vote for me on my behalf at the general meeting of the association (annual general meeting or other general meeting, as the case may be) to be held on and at any adjournment of that meeting.

*My proxy is authorised to vote in favour of/against (delete as appropriate) the resolution (insert details).

.....

(Signature of member appointing proxy)

(*To be inserted if desired.)

Date

Note A proxy vote may not be given to a person who is not a member of the association.