

Constitution of Indonesia Council Incorporated

Under the *Associations Incorporation Act 2009* (NSW)

Version: PRE-INCORPORATION

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CONSTITUTION OF INDONESIA COUNCIL INCORPORATED

ABN: [INSERT]

Part 1: Preliminary

1. PRELIMINARY

1.1 Definitions

The following definitions apply in this document.

Act means the *Associations Incorporation Act 2009*.

association means the association named at the beginning of this document whatever its name is for the time being.

Business Day means a day (other than a Saturday, Sunday or public holiday).

Chairperson means the chair of the committee.

committee means the persons set out at clause 9(a), acting collectively under this document.

member means a person whose name is entered in the Register.

ordinary resolution means a resolution passed at a meeting of members by a majority of the votes cast by members entitled to vote on the resolution.

Register means the register of members kept in accordance with clause 3.3.

Regulation means the *Associations Incorporation Regulation 2016*.

Secretary means:

- (a) the person holding office under this constitution as secretary of the association, or
- (b) if no person holds that office, the public officer of the association.

Special Resolution has the meaning given by section 39 of the Act.

1.2 Interpretation of this document

Headings are for convenience only, and do not affect interpretation. The following rules also apply in interpreting this document, except where the context makes it clear that a rule is not intended to apply.

- (a) A reference to:
 - (i) a function includes a reference to a power, authority and duty;
 - (ii) the exercise of a function includes, if the function is a duty, a reference to the performance of the duty;
 - (iii) legislation (including subordinate legislation) is to that legislation as amended, modified in relation to the association, re-enacted or replaced, and includes any subordinate legislation issued under it;

- (iv) a person includes any type of entity or body of persons, whether or not it is incorporated or has a separate legal identity, and any executor, administrator or successor in law of the person; and
- (v) anything (including a right, obligation or concept) includes each part of it.
- (b) A singular word includes the plural, and vice versa.
- (c) A word which suggests one gender includes the other genders.
- (d) If a word is defined, another part of speech has a corresponding meaning.
- (e) If an example is given of anything (including a right, obligation or concept), such as by saying it includes something else, the example does not limit the scope of that thing.
- (f) The word **agreement** includes an undertaking or other binding arrangement or understanding whether or not in writing.
- (g) A reference to something being **written** or **in writing** includes that thing being represented or reproduced in any mode in a visible form (including electronically) including any representation of words in a physical document or in an electronic communication or form or otherwise or communicated in any other manner approved by the Directors from time to time.
- (h) A reference to a Chapter, Part, Division, or section is a reference to a Chapter, Part, Division or section of the Act.
- (i) Where, by a provision of this document, 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 (including electronic signature) or in any other manner approved by the Directors.

Part 2: Objectives

2. OBJECTIVE

- (a) Promoting and supporting the study of Indonesia in Australia.
- (b) Subject to the Act and the Regulation, the association must apply its funds and assets solely in pursuance of the objectives of the association and must not conduct its affairs so as to provide a pecuniary gain for any of its members.

Part 3: Membership

3. MEMBERSHIP

3.1 Membership generally

- (a) A person is eligible to be a member of the association if:
 - (i) the person is a natural person, and
 - (ii) the person has applied and been approved for membership of the association in accordance with clause 3.2.

- (b) A person is taken to be a member of the association if the person was one of the individuals on whose behalf an application for registration of the association under section 6(1)(a) of the Act was made.

3.2 **Application for membership**

- (a) An application by a person for membership of the association:
 - (i) must be made in writing (including by email or other electronic means, if the committee so determines) in the form determined by the committee, and
 - (ii) must be lodged (including by electronic means, if the committee so determines) with the association.
- (b) As soon as practicable after receiving an application for membership, the association must determine the application in accordance with the applicable policy or procedure adopted by the committee.

3.3 **Register of members**

- (a) The secretary (or person of the association acting under delegation) must establish and maintain a register of members of the association (whether in written or electronic form) specifying the name and postal, residential or email address of each person who is a member of the association together with the date on which the person became a member.
- (b) The register of members must be open for inspection, free of charge, by any member of the association at any reasonable hour.

3.4 **Resignation of membership**

- (a) A member of the association may resign from membership of the association by giving to the secretary written notice of the member's intention to cease to be a member.
- (b) If a member of the association ceases to be a member under subclause (a), and in every other case where a member ceases to hold membership, the secretary must update the register of members accordingly.

3.5 **Cessation of membership**

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

- (a) dies, or
- (b) resigns membership, or
- (c) is expelled from the association, or
- (d) fails to pay the annual membership fee as required.

3.6 **Membership entitlements not transferable**

A right, privilege or obligation which a person has by reason of being a member of the association:

- (a) is not capable of being transferred or transmitted to another person, and
- (b) terminates on cessation of the person's membership.

- (c) If a member requests that any information contained on the register about the member (other than the member's name) not be available for inspection, that information must not be made available for inspection.

4. FEES AND SUBSCRIPTIONS

- (a) A member of the association must, on admission to membership, pay to the association a fee of \$1 or some other amount as determined in accordance with subclause (b).
- (b) The membership fee will be determined by the committee in consultation with the council.
- (c) Under subclause (a), a member of the association must pay the relevant fee to the association by the applicable date (as determined by the committee).
- (d) The committee may establish different categories of membership (including memberships with full or no voting rights) as determined by the committee from time to time.

5. MEMBERS' LIABILITIES

The liability of a member of the association 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 respect of membership of the association as required by clause 4.

6. RESOLUTION OF DISPUTES

A dispute or complaint between a member and another member (in their capacity as members) of the association, or a dispute between a member or members and the association, are to be referred to the Council.

7. COMPLAINTS, DISPUTES AND DISCIPLINING

7.1 Disputes

A dispute (including complaints) between a member and another member (in their capacity as members) of the association, or a dispute between a member or members and the association, are to be referred to the Council.

7.2 Complaints

The Council may, by resolution, expel a member from the association or suspend the member from membership of the association if, after considering the complaint and any submissions made in connection with the complaint, it is satisfied that the facts alleged in the complaint have been proved and the expulsion or suspension is warranted in the circumstances.

Part 3: The Committee and Council

8. POWERS OF THE COMMITTEE

Subject to the Act, the Regulation, this constitution and any resolution passed by the association in a general meeting, the committee:

- (a) may exercise all the functions that may be exercised by the association, other than those functions that are required by this constitution to be exercised by a general meeting of members of the association, and

- (b) may do all things that appear to the committee to be necessary or desirable for the proper management of the affairs of the association.

9. **COMPOSITION AND MEMBERSHIP OF THE COMMITTEE**

- (a) The committee is to consist of the office-bearers of the association and ordinary committee members, each of whom is to be elected or appointed in accordance with clause 10 or 11.
- (b) The total number of committee members should not exceed 10.
- (c) The office-bearers of the association are as follows:
 - (i) the president;
 - (ii) the vice-president;
 - (iii) the treasurer;
 - (iv) the secretary; and
 - (v) any other position as determined by the committee from time to time.
- (d) A member may hold up to 2 offices (other than both the offices of president and vice-president).
- (e) There is no maximum number of consecutive terms for which a committee member may hold office.
- (f) Each member of the committee is, subject to this constitution, to hold office until the second annual general meeting next following the date of the member's election or appointment.
- (g) Each member of the committee is eligible for re-election or re-appointment.

10. **ELECTION OF COMMITTEE MEMBERS**

- (a) Nominations of candidates for election as office-bearers of the association:
 - (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 form of the nomination), and
 - (ii) must be delivered to the secretary of the association at least 7 days before the date fixed for the holding of the annual general meeting at which the election is to take place.
- (b) If insufficient nominations are received to fill all vacancies on the committee, the candidates nominated are taken to be elected and further nominations are to be received at the annual general meeting.
- (c) If insufficient further nominations are received, any vacant positions remaining on the committee are taken to be casual vacancies.
- (d) If the number of nominations received is equal to the number of vacancies to be filled, the persons nominated are taken to be elected.
- (e) If the number of nominations received exceeds the number of vacancies to be filled, a ballot is to be held.

- (f) The ballot for the election of office-bearers is to be conducted at the annual general meeting in any usual and proper manner that the committee directs.
- (g) A person nominated as a candidate for election as an office-bearer must be a member of the association.

11. **CASUAL VACANCIES**

- (a) In the event of a casual vacancy occurring in the membership of the committee, the committee may appoint a member of the association to fill the vacancy and the member so appointed is to hold office, subject to this constitution, until the annual general meeting next following the date of the appointment.
- (b) A casual vacancy in the office of a member of the committee occurs if the member:
 - (i) dies, or
 - (ii) ceases to be a member of the association, or
 - (iii) is or becomes an insolvent under administration within the meaning of the *Corporations Act 2001* of the Commonwealth, or
 - (iv) resigns office by notice in writing given to the secretary, or
 - (v) is removed from office under clause 12, or
 - (vi) is unable to fulfil the duties of the office due to health reasons, or
 - (vii) is absent without the consent of the committee from 3 consecutive meetings of the committee, or
 - (viii) is convicted of an offence involving fraud or dishonesty for which the maximum penalty on conviction is imprisonment for not less than 3 months, or
 - (ix) is prohibited from being a director of a company under Part 2D.6 (Disqualification from managing corporations) of the *Corporations Act 2001* of the Commonwealth.
- (c) A casual vacancy includes where the number of total committee members is less than the number specified in clause 9(b).

12. **REMOVAL OF COMMITTEE MEMBERS**

- (a) The association in general meeting may by resolution remove any member of the committee from office before the expiration of the member's term of office and may by resolution appoint another person to hold office until the expiration of the term of office of the member so removed.
- (b) If a member of the committee to whom a proposed resolution referred to in subclause (a) relates makes representations in writing to the secretary or president (not exceeding a reasonable length) and requests that the representations be notified to the members of the association, the secretary or the president may send a copy of the representations to each member of the association or, if the representations are not so sent, the member is entitled to require that the representations be read out at the meeting at which the resolution is considered.

13. **COUNCIL**

- (a) From time to time, the committee may establish a council to advise the committee on the management of the association's affairs.
- (b) Recommendations of the council are non-binding on the committee.
- (c) The council shall consist of:
 - (i) the chair; and
 - (ii) ordinary members.
- (d) There is no maximum number of council members.
- (e) The term of any council member is as determined by the committee from time to time.
- (f) The rules governing the council will be as determined by the committee from time to time.

14. **SECRETARY**

- (a) The secretary of the association must, as soon as practicable after being appointed as secretary, lodge notice with the association of his or her address.
- (b) It is the duty of the secretary to keep minutes (whether in written or electronic form) of:
 - (i) all appointments of office-bearers and members of the committee, and
 - (ii) the names of members of the committee present at a committee meeting or a general meeting, and
 - (iii) all proceedings at committee meetings and general meetings.
- (c) Minutes of proceedings at a meeting must be signed by the chairperson of the meeting or by the chairperson of the next succeeding meeting.
- (d) The signature of the chairperson may be transmitted by electronic means for the purposes of subclause (c).

15. **TREASURER**

It is the duty of the treasurer of the association to ensure:

- (a) that all money due to the association is collected and received and that all payments authorised by the association are made, and
- (b) that correct books and accounts are kept showing the financial affairs of the association, including full details of all receipts and expenditure connected with the activities of the association.

16. **COMMITTEE MEETINGS AND QUORUM**

- (a) The committee must meet at least 3 times in each period of 12 months at the place and time that the committee may determine.
- (b) Additional meetings of the committee may be convened by the president or by any member of the committee.

- (c) Oral or written notice of a meeting of the committee must be given by the secretary to each member of the committee at least 48 hours (or any other period that may be unanimously agreed on by the members of the committee) before the time appointed for the holding of the meeting.
- (d) Notice of a committee given under subclause (c) must specify the general nature of the business to be transacted at the meeting and no business other than that business is to be transacted at the meeting, except business which the committee members present at the meeting unanimously agree to treat as urgent business.
- (e) Any 3 members of the committee constitute a quorum for the transaction of the business of a meeting of the committee.
- (f) No business is to be transacted by the committee unless a quorum is present and if, within half an hour of the time appointed for the meeting, a quorum is not present, the meeting is to stand 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 of the time appointed for the meeting, the meeting is to be dissolved.
- (h) At a meeting of the committee:
 - (i) the president or, in the president's absence, the vice-president is to preside, or
 - (ii) if the president and the vice-president are absent or unwilling to act, one of the remaining members of the committee chosen by the members present at the meeting is to preside.

17. APPOINTMENT OF ASSOCIATION MEMBERS TO CONSTITUTE QUORUM

- (a) If at any time the number of committee members is less than the number required to constitute a quorum for a committee meeting, the existing committee members may appoint a sufficient number of members of the association as committee members to enable the quorum to be constituted.
- (b) A member of the committee so appointed is to hold office, subject to this constitution, until the annual general meeting next following the date of the appointment.
- (c) This clause does not apply to the filling of a casual vacancy to which clause 11 applies.

18. USE OF TECHNOLOGY AT COMMITTEE MEETINGS

- (a) A committee meeting may be held at 2 or more venues using any technology approved by the committee that gives each of the committee members a reasonable opportunity to participate.
- (b) A committee member who participates in a committee meeting using that technology is taken to committee present at the meeting and, if the member votes at the meeting, is taken to have voted in person.

19. VOTING AND DECISIONS

- (a) Questions arising at a meeting of the committee are to be determined by a majority of the votes of members of the committee present at the meeting.

- (b) A committee member may appoint a proxy to vote at a meeting of the committee on their behalf in accordance with clause 29, except:
 - (i) references to 'general meeting' will be taken to be 'meeting of the committee'; and
 - (ii) the proxy must be a current member of the committee.
- (c) Each member present at a meeting of the committee (including the person presiding at the meeting) is entitled to one vote but, in the event of an equality of votes on any question, the person presiding may exercise a second or casting vote.
- (d) Subject to clause 16(e), the committee may act despite any vacancy on the committee.
- (e) Any act or thing done or suffered, or purporting to have been done or suffered, by the committee, is valid and effectual despite any defect that may afterwards be discovered in the appointment or qualification of any member of the committee.

Part 4: General Meetings

20. ANNUAL GENERAL MEETINGS

20.1 Holding of AGM

- (a) The association must hold its first annual general meeting within 24 months after its registration under the Act.
- (b) The association must hold its annual general meetings:
 - (i) within 6 months after the close of the association's financial year, or
 - (ii) within any later time that may be allowed or prescribed under section 37(2)(b) of the Act.

20.2 Calling and business of AGM

- (a) The annual general meeting of the association is, subject to the Act and to clause 20, to be convened on the date and at the place and time that the committee thinks fit.
- (b) In addition to any other business which may be transacted at an annual general meeting, the business of an annual general meeting is to include the following:
 - (i) to confirm the minutes of the last preceding annual general meeting and of any special general meeting held since that meeting,
 - (ii) to receive from the committee reports on the activities of the association during the last preceding financial year,
 - (iii) to elect office-bearers of the association and ordinary committee members,
 - (iv) to receive and consider any financial statement or report required to be submitted to members under the Act.
- (c) An annual general meeting must be specified as that type of meeting in the notice convening it.

21. **SPECIAL GENERAL MEETINGS**

- (a) The committee may, whenever it thinks fit, convene a special general meeting of the association.
- (b) The committee must, on the requisition of at least 10% of the total number of members, convene a special general meeting of the association.
- (c) A requisition of members for a special general meeting:
 - (i) must be in writing, and
 - (ii) must state the purpose or purposes of the meeting, and
 - (iii) must be signed by the members making the requisition, and
 - (iv) must be lodged with the secretary, and
 - (v) may consist of several documents in a similar form, each signed by one or more of the members making the requisition.
- (d) If the committee fails to convene a special general meeting to be held within 1 month after the date on which a requisition of members for the meeting is lodged with the secretary, any one or more of the members who made the requisition may convene a special general meeting to be held not later than 3 months after that date.
- (e) A special general meeting convened by a member or members as referred to in subclause (d) must be convened as nearly as is practicable in the same manner as general meetings are convened by the committee.
- (f) For the purposes of subclause (c):
 - (i) a requisition may be in electronic form, and
 - (ii) a signature may be transmitted, and a requisition may be lodged, by electronic means.

22. **NOTICE OF GENERAL MEETINGS**

- (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, give a notice to each member 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, cause notice to be given to each member specifying, in addition to the matter required under subclause (a), the intention to propose the resolution as a special resolution.
- (c) No business other than that specified in the notice convening a general meeting is to be transacted at the meeting except, in the case of an annual general meeting, business which may be transacted under clause 24(b).
- (d) A member desiring to bring any business before a general meeting may give notice in writing 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.

23. **QUORUM FOR GENERAL MEETINGS**

- (a) No item of business is to be transacted at a general meeting unless a quorum of members entitled under this constitution to vote is present during the time the meeting is considering that item.
- (b) Five members present (being members entitled under this constitution to vote at a general meeting) constitute a quorum for the transaction of the business of a general meeting.
- (c) If within half an hour after the appointed time for the commencement of a general meeting a quorum is not present, the meeting:
 - (i) if convened on the requisition of members—is to be dissolved, and
 - (ii) in any other case—is to stand adjourned to the same day in the following week at the same time and (unless another place is specified at the time of the 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 half an hour after the time appointed for the commencement of the meeting, the members present (being at least 3) are to constitute a quorum.

24. **CHAIR OF GENERAL MEETINGS**

- (a) The president or, in the president's absence, the vice-president, is to preside as chairperson at each general meeting of the association.
- (b) If the president and the vice-president are absent or unwilling to act, the members present must elect one of their number to preside as chairperson at the meeting.

25. **ADJOURNMENT OF GENERAL MEETINGS**

- (a) The chairperson of 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 is to 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 subclauses (1) and (2), 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.

26. **MAKING OF DECISIONS AT GENERAL MEETINGS**

- (a) A question arising at a general meeting of the association is to be determined by:
 - (i) a show of hands or, if the meeting is one to which clause 31 applies, any appropriate corresponding method that the committee may determine, or

- (ii) if on the motion of the chairperson or if 5 or more members present at the meeting decide that the question should be determined by a written ballot— a written ballot.
- (b) If the question is to be determined by a show of hands, a declaration by the chairperson 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.
- (c) Subclause (b) applies to a method determined by the committee under subclause (a)(i) in the same way as it applies to a show of hands.
- (d) If the question is to be determined by a written ballot, the ballot is to be conducted in accordance with the directions of the chairperson.

27. SPECIAL RESOLUTIONS

A special resolution may only be passed by the association in accordance with section 39 of the Act.

28. VOTING AT GENERAL MEETINGS

- (a) On any question arising at a general meeting of the association a member has one vote only.
- (b) In the case of an equality of votes on a question at a general meeting, the chairperson of the meeting is entitled to exercise a second or casting vote.
- (c) A member is not entitled to vote at any general meeting of the association unless all money due and payable by the member to the association has been paid.
- (d) A member is not entitled to vote at any general meeting of the association if the member is under 18 years of age.

29. PROXY VOTES

- (a) A member may appoint a proxy to attend and vote at a general meeting on their behalf.
- (b) A proxy does not need to be a member.
- (c) A proxy appointed to attend and vote for a member has the same rights as the member to speak at the general meeting and vote.
- (d) An appointment of proxy (proxy form) must be signed by the member appointing the proxy and must contain:
 - (i) the member's name and address;
 - (ii) the association's name;
 - (iii) the proxy's name or the name of the office held by the proxy; and
 - (iv) the meeting(s) at which the appointment may be used.
- (e) Proxy forms must be received by the association in writing (including by email or other electronic means) at least 48 hours before a general meeting.

- (f) A proxy does not have the authority to speak and vote for a member at a general meeting while the member is at the general meeting.
- (g) A proxy appointment may specify the way the proxy must vote on a particular resolution or issue.

30. POSTAL OR ELECTRONIC BALLOTS

- (a) The association may hold a postal or electronic ballot (as the committee determines) to determine any issue or proposal.
- (b) A postal or electronic ballot is to be conducted in accordance with Schedule 3 to the Regulation.

31. USE OF TECHNOLOGY AT GENERAL MEETINGS

- (a) A general meeting may be held at 2 or more venues using any technology approved by the committee that gives each of the association's members a reasonable opportunity to participate.
- (b) A member of an association who participates in a general meeting using that technology is taken to be present at the meeting and, if the member votes at the meeting, is taken to have voted in person.

Part 5: General

32. INSURANCE

- (a) The association may effect and maintain appropriate insurances. New policies will be decided by the committee and decided on their relevance and level of cover required.
- (b) The committee will vote on the appointment of an insurance broker or the change of broker in a general meeting as applicable.

33. GENERAL FUNDS

33.1 Source of general funds

- (a) The funds of the association are to be derived from entrance fees and annual subscriptions of members, donations and, subject to any resolution passed by the association in general meeting, any other sources that the committee determines.
- (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 or other authorised deposit-taking institution account.

33.2 Management of general funds

- (a) Subject to any resolution passed by the association in general meeting, the funds of the association are to be used solely in pursuance of the objects of the association in the manner that the committee determines.
- (b) All bank transfers, cheques, drafts, bills of exchange, promissory notes and other negotiable instruments must be signed by 2 authorised signatories.
- (c) Subject to subclause (a), the committee may, from time to time, open additional accounts for limited purposes.

34. **DISTRIBUTION OF PROPERTY ON WINDING UP OF ASSOCIATION**

- (a) Subject to the Act and the Regulations, in a winding up of the association, any surplus general property of the association is to be transferred to another organisation that holds the same legal status, with similar objects and which is not carried on for the profit or gain of its individual members.
- (b) In this clause, a reference to the surplus property of an association is a reference to that property of the association remaining after satisfaction of the debts and liabilities of the association and the costs, charges and expenses of the winding up of the association.
- (c) If the organisation is wound up or its endorsement as a deductible gift recipient is revoked (whichever occurs first) any surplus of the following assets shall be transferred to another organisation to which income tax deductible gifts can be made:
 - (i) gifts of money or property for the principal purpose of the organisation;
 - (ii) contributions made in relation to an eligible fundraising event held for the principal purpose of the organisation; and
 - (iii) money received by the organisation because of such gifts and contributions.

35. **CHANGE OF NAME, OBJECTS AND CONSTITUTION**

An application for registration of a change in the association's name, objects or constitution in accordance with section 10 of the Act is to be made by the public officer or a committee office holder.

36. **BOOKS**

36.1 **Custody of books**

Except as otherwise provided by this constitution, all records, books and other documents relating to the association must be kept in the custody and control of the Secretary (including electronically).

36.2 **Inspection of books**

The following documents must be open to inspection, free of charge, by the committee of the association at any reasonable hour:

- (a) records, books and other financial documents of the association;
- (b) this constitution and
- (c) minutes of all committee meetings and general meetings of the association.

37. **SERVICE OF NOTICES**

- (a) For the purpose of this constitution, a notice may be served on or given to a person:
 - (i) by delivering it to the person personally, or
 - (ii) by sending it by pre-paid post to the address of the person, or

- (iii) by sending it by facsimile transmission or some other form of electronic transmission to an address specified by the person for giving or serving the notice.
- (b) For the purpose of this constitution, a notice is taken, unless the contrary is proved, to have been given or served:
 - (i) in the case of a notice given or served personally, on the date on which it is received by the addressee, and
 - (ii) in the case of a notice sent by pre-paid post, on the date when it would have been delivered in the ordinary course of post, and
 - (iii) in the case of a notice sent by facsimile transmission or some other form of electronic transmission, on the date it was sent or, if the machine from which the transmission was sent produces a report indicating that the notice was sent on a later date, on that date.

38. FINANCIAL YEAR

The financial year of the association is:

- (a) the period of time commencing on the date of incorporation of the association and ending on the following 30 June, and
- (b) each period of 12 months after the expiration of the previous financial year of the association, commencing on 1 July and ending on the following 30 June.

Part 6: Public Fund

39. PUBLIC FUND PURPOSE

- (a) The objective of the public fund is the promotion and support of the study of Indonesia in Australia by promoting literature, music, arts, film and movable cultural heritage.
- (b) The association will establish and maintain a public fund to be called the 'Indonesia Council Public Fund' for the specific purpose of promoting the objective set out in clause 39(a).
- (c) The public fund is established to receive all gifts of money or property for this purpose and any money received because of such gifts will be credited to its bank account.
- (d) The public fund will not receive any other money or property into its account and it will comply with Subdivision 30-130 of the Income Tax Assessment Act 1997.
- (e) The public fund will be operated on a not-for-profit basis.

40. SEEKING FUNDS

- (a) The association will actively seek donations of money or property from the community in order to maintain their tax deductibility status.
- (b) The public will contribute to the fund and does in fact contribute to the public fund.
- (c) Members of the public will be invited to make gifts of money or property to the public fund for the objective set out in clause 39(a).

41. **MANAGEMENT COMMITTEE**

- (a) A committee of management of no fewer than three persons will administer the public fund. The committee will be appointed by the association.

42. **DEPOSITING MONIES**

- (a) A separate bank account is to be opened to deposit money donated to the public fund, including interest accruing thereon, and gifts to it will be kept separate from other funds of the institution.
- (b) Money from interest on donations, income derived from donated property, and money from the realisation of such property will be deposited into the public fund.

43. **RECEIPTS**

- (a) If the association issues a receipt for a gift, it must include certain information on the receipt this information must include:
 - (i) the number of the receipt;
 - (ii) the date the donation was received;
 - (iii) name of the association;
 - (iv) the association's Australian Business Number (ABN);
 - (v) name of the fund;
 - (vi) signature of a person authorised to act on behalf of the fund;
 - (vii) name of the donor;
 - (viii) an indication that the fund is listed on the register of cultural organisations;
and
 - (ix) the amount of the gift.
- (b) Receipts for gifts made to the public fund must be issued in the name of the public fund. Donations with a value of less than \$2.00 are not allowable deductions.
- (c) Receipts, containing specified elements, will be issued in the name of the fund and proper accounting records and procedures will be kept and used for the fund.

44. **MINISTERIAL RULES**

- (a) The association will not act as a mere conduit for the donation of money or property to other organisations, bodies or persons.
- (b) The association agrees to comply with any rules that the Minister and the Treasurer may make to ensure that gifts made to the public fund are only used for its principal activity.