# CONSTITUTION

Coordination::Collaboration::Cooperation

# FEDERATION OF INDIAN ASSOCIATIONS OF ACT INC. (FINACT)

Amendments:

1. Original April 2011
2. First Amendment in June 2013
3. Second Amendment, approved in November 2018
    - Deleted 5 clauses, amended 19 clauses, approved by the Special General Council Meeting held on 13 November 2018
4. Third Amendment, approved in July 2021
    - Changes to the sub-committee clauses, approved at the AGM held on 25 July 2021.
5. Fourth Amendment, approved in July 2025
    - Changes to membership rules, updates to committee structure, removal of reference to Common Seal and Trustees

# Contents

## FEDERATION OF INDIAN ASSOCIATIONS OF ACT INCORPORATED (FINACT)

## VISION

To be the peak body representing all Indian Community Groups in the Australian Capital Territory and surrounding region; to advocate on matters of interest to the Indian Communities; to promote Indian Art & Culture and to foster friendships with the wider Australian Community.

## AIMS AND OBJECTIVES

1. To present a unified front for all its member associations and promote the advancement of people of Indian origin (hereinafter referred to as "the Indian community") in the Australian Capital Territory (ACT) and surrounding region.
2. To act as a channel of communication between the Indian community and the Commonwealth Government, State and Territory Governments, and the Indian Government on matters related to welfare, social, cultural and economic issues where practical and justifiable.
3. To promote inclusiveness among the people resident in Australia and, in particular, the ACT and surrounding region, raise awareness about Indian diaspora being responsible Australian citizens and to cultivate mutual respect through increased social & cultural interaction, sport and recreation.
4. To celebrate at least two major Indian events every year to nurture networks for community empowerment.
5. To establish, develop and maintain an "India Centre" – a Community and Resource centre in ACT for use and benefit of member organisations and the community.
6. To establish such facilities and to do all such other lawful activities as are incidental or conducive to the attainment of the vision of the Federation.

## 1. THE ORGANISATION

**a)** The name of the organisation shall be "Federation of Indian Associations of ACT Incorporated" (hereinafter referred to as the "FINACT").

**b)** FINACT is an association of organisations from within the Australian Capital Territory (ACT) and surrounding region, Commonwealth of Australia.

**c)** FINACT is a non-political, not-for-profit, voluntary organisation committed to the welfare of people of Indian origin living in the ACT and surrounding region.

## 2. REGISTERED ADDRESS

The registered address of FINACT shall be the address as the General Council may determine from time to time.

## 3. DEFINITIONS & INTERPRETATIONS

In this constitution unless the contrary intention appears, the following words and expressions shall have the meanings respectively set after them:

**a) Associate Member:**

i. An association, incorporated or unincorporated, shall be admitted as associate member of FINACT and shall remain as associate member for two years. An incorporated association will be required to submit the certificate of incorporation along with the application for full membership of FINACT.

After the expiry of two years the incorporated association which has minimum 20 members can apply for full membership by submitting the required membership form.

An unincorporated association, to become a full member will have to get itself incorporated, would follow the same procedure as an incorporated association to become full member.

An associate member is not eligible to file nominations for any post of the Executive Committee and has no voting rights.

ii. The provisions outlined in Clause 3(a)(i) shall apply exclusively to associations who apply for new FINACT membership from 1 August 2025 onwards. All associate and full members, as of 31 July 2025, refer to Grandfather provision Clause 3(g).

**b) Full Member:**

An Incorporated Association with minimum 20 members can apply to become a full member after 2 years of continuous membership as associate member.

**c) General Council [GC]:**

Shall consist of the Executive Committee and two delegates (primary and secondary) from each full member association and Associate member associations.

**d) Executive Committee [EC]**:

Shall mean the Committee of Management comprising of President, Vice President, Secretary, Treasurer and Co-opted Coordinators and Representatives.

**e) Elected Officials:**

Hereafter referred to as Office Bearers, consists of the elected positions namely the President, Vice-President, Secretary and Treasurer.

**f) Sub-Committee (SC):**

Committees, other than the Office Bearers and Executive Committee, that may be established by the General Council (GC) to implement FINACT initiatives. These sub-committees will be chaired by an Executive Committee member.

**g) Grandfather Provision – Membership Status as of 31 July 2025**

All Associate and Full Member organisations as of 31 July 2025 shall retain their membership status without being required to be incorporated, provided they continue to meet all other constitutional obligations.

- **Full Members** as of 31 July 2025 shall remain eligible to:

  (a) File nominations for any elected Office Bearer position and also be co-opted into Executive Committee roles.

  (b) Exercise their voting rights in General Council meetings, in accordance with Clause 7(b).

- **Associate Members** as of 31 July 2025 shall remain eligible to:

  (c) Be co-opted into Executive Committee positions, excluding elected office bearer roles (i.e. President, Vice President, Secretary, Treasurer).

  (d) Exercise their voting rights in General Council meetings, and election of office bearers.

**h) Financial year (FY):**

The designated financial reporting period shall commence on 1st July and conclude on 30th June of the following year.

**i) The Act:**

means the Associations Incorporation Act 1991.

**j) The Regulations:**

mean the regulations under the Act.

**k) Family:**

Refers to the individual's immediate family, including their spouse or partner, children and their respective spouses or partners, siblings, and parents.

**l) ACT and surrounding region:**

Means the geographical boundaries of Australian Capital Territory and neighbouring townships within a radius of 100kms from the Canberra, Central Business District.

**m) Interpretation clause:**

Words or expressions contained in this constitution shall be interpreted in accordance with the provisions of the Associations Incorporation Act 1991.

**n) Gender clause:**

Insofar as this constitution is concerned, any reference to one gender is taken to include all genders.

**o) Member reference:**

Unless expressly stated otherwise, all references to 'members' shall be deemed to include full members and associate members also.

**p) Clause headings:**

The headings used in these clauses are for ease of reference only and are in no way to be used in interpreting the provisions herein.

## 4. MEMBERSHIP

**a) Autonomy of member organisations**

Each member organisation shall retain autonomy to manage its internal affairs independently, in accordance with its own constitution or governing rules.

i. In the event of any inconsistency between a provision of this Constitution and any provision of a member organisation’s constitution or governing rules, the provisions of the member organisation’s constitution or rules shall take precedence with respect to the management of that organisation’s internal affairs.

ii. A conflict in the clauses as stated in (i) above may be resolved by discussions and mutual agreement between the Executive Committee of FINACT and the Executive Committee or equivalent body of the member organisation concerned.

iii. FINACT shall not be held responsible in any manner or form for the behavior and conduct of any of its member organisation vis-a-vis communities in Canberra.

**b) Eligibility**

i. Any Incorporated or Unincorporated Association whose membership includes a majority of persons of Indian origin and whose aims and activities are consistent with the aims and objectives of the FINACT shall be eligible for associate membership to start with and subsequently eligible for membership after satisfying Clause 3(b).

(a) An association that meets the criteria outlined in Clause 4(b)(i) shall be admitted as an associate member for an initial period of no less than two (2) years, before becoming eligible for full membership of FINACT.

ii. To be admitted as a Full Member, an association shall be required to submit a copy of its certificate of incorporation at the time of seeking membership with FINACT.

Should the organisation’s status of incorporation change at any time after it joins FINACT, it is the responsibility of the Member organisation to inform FINACT of such changes.

**c) Application for membership**

i. Application for membership shall be made using the prescribed form. The application shall be accompanied by relevant documents as per clause 4(b)(ii)

ii. The Secretary shall table the new membership application initially at the EC meeting convened immediately after the receipt of the membership application. If the EC is satisfied with the new membership application the secretary shall table the application at the next General Council meeting (GCM)

iii. The General Council, by a simple majority vote, shall decide to accept or to reject the application for membership. The General Council has a right to decline the request for membership and is not legally bound to assign any reason to the applicant.

iv. If accepted by the General Council, membership shall become effective after payment of the prescribed Joining fee and applicable annual subscription fee.

**d) Subscription**

i. The Annual Subscription for the next financial year shall be payable by 30 June of the current financial year and be such sum or sums as may be determined by the General Council and shall be non-refundable. To be eligible to vote or stand for election or being co-opted for any position, the incorporated associations must pay the annual subscription before the AGM of FINACT.

ii. On payment of the annual subscription by due date but subject to Clause 4(c) an organisation shall be deemed a member for the period beginning on the first day of July and ending on the thirtieth day of June in the following year.

iii. For an association joining or renewing their membership after 30 June, the membership period shall start on the date of receipt of the required fee and all the documents as per clause 4(c).

iv. Any adjustments arising out of changes to Annual Subscription at the Annual General Meeting (AGM) shall be attended to within 30 days of AGM.

**e) Register of members**

The Secretary shall keep and maintain a register of members, in which shall be entered the full name of the organisation, address, email address, incorporation number, contact details of the President and Secretary, name and contact details of Primary and Secondary delegates. The register shall be available for inspection by members on request to the Secretary of FINACT at a mutually agreed time and place.

**f) Resignation of a member**

i. A Member of the Federation who has paid all monies due and payable may resign from the Federation by first giving notice in writing to the Secretary. Upon the expiration of any period specified in the notice, the member shall cease to be a member or where no period is specified, then that member shall cease to be a member seven days from the date of receipt of the notice.

ii. Upon expiration of notice given under sub clause 4(f) (i), the Secretary shall make an entry in the register of members recording the date on which that member ceased to be a member.

**g) Termination of membership**

The membership of a member organisation shall cease upon:

i. Dissolution of a member organisation.

ii. Non-payment of subscription within the time limit as specified in clause 4(d) (i),

iii. A member association that has not renewed its membership within the nominated period shall automatically (upon receipt of notification of its status) acquire the Associate Member status. The rights and responsibilities of a delegate from such an organisation shall be governed by clause 7. The managing committee of the member organisation must inform the Secretary of FINACT, in writing of this event within 14 calendar days.

**h) Expulsion**

A member may be expelled from the membership of FINACT if, in the opinion of the General Council, the conduct of the member is prejudicial to the interests of FINACT, or such conduct is unbecoming provided that the member is given a reasonable opportunity to respond to the allegations and to present his/her case before a final decision is made by the General Council. The decision of the General Council shall be final and binding.

i. Such expulsion shall not be valid unless it is approved by a majority of two thirds of the members of the FINACT present and voting (such a vote has to be taken by secret ballot) at a Special General Council Meeting convened for that purpose.
ii. The written notice of such a meeting shall be sent to each member at least 21 days prior to the meeting.
iii. At such a meeting, the expelled member shall be entitled to present their case against possible expulsion if they attend the meeting in person.

## 5. FUNDS

(a) The FINACT's source of funds shall be:

i. Joining fees and Annual Subscription from member organisations as determined from time to time by the General Council.
ii. Donations, sponsorships, endowments, subsidies, grants, interest earned from funds in bank accounts, and other such sources as determined from time to time by the Executive Committee.
iii. Any monies received through funding/grants from ACT and/or Commonwealth Governments and other appropriate funding bodies/organisations such as sponsors must be deposited into the FINACT bank account.
iv. All grant applications must be made through official FINACT Grants Access Accounts only.

(b) FINACT shall open and maintain a Bank Account in the name of FINACT - to be operated by at least two authorised Executive Committee members, one of whom shall preferably be the Treasurer.

(c) Any excess funds (after meeting the estimated yearly running costs) may be invested in an interest-bearing account in the name of FINACT, with a major financial institution in Australia.

(d) **Expenditure Approval and Reimbursements:** All requests for expenditure including the sub-committee budgets and expenses must be approved by the Executive Committee before it is committed or the expenditure is incurred. Monies spent by members/office bearers for approved FINACT activities must be reimbursed from the FINACT account on provision of valid proof.

(e) **Petty cash:** The Executive Committee may, on such terms as it determines, authorise the Treasurer to retain a petty cash not exceeding $250 at any one time for the purchase of small items of stationery, postage stamps and sundries.

(f) **Cash Receipts:** All monies, including cash received by any office bearers on behalf of FINACT must be deposited in full into the FINACT bank account at the earliest.

(g) **Transactions:** Transactions of monies must occur only through FINACT bank account.

## 6. POWERS OF THE FINACT

**a)** To enter into any arrangements with any Government or Authority that is incidental or conducive to the attainment of the objects and exercise of the powers of the FINACT to obtain from any such Government or authority any rights, privileges or concessions, which the FINACT may think desirable to obtain; and to carry out, exercise and comply with any such arrangements, rights, privileges and concessions.

To take such steps by personal or written appeals, public meetings or otherwise, as may from time to time be deemed expedient for the purpose of procuring contributions to the funds of the FINACT in the shape of donations, annual subscriptions or otherwise upon approval of the Executive Committee.

b) **Publications**: To print, publish, and distribute any newspapers, newsletters, periodicals, books, leaflets, flyers, including online publications, or other materials in print or digital format that the FINACT may consider desirable for the promotion of its objectives.

c) **Donations**: To make donations for charitable or community purposes upon approval by the General Council (GC) by simple majority rule.

d) **Other Duties**: To perform all such other duties as are incidental or conducive to the attainment of the objects and the exercise of the powers of the FINACT.

## 7. THE GENERAL COUNCIL

### a) Composition

The General Council shall consist of:

i. Two delegates, primary and secondary, nominated by each member organisation. In case both the delegates are unable to attend the meeting, the member organisation can give name of a Substitute Delegate who will attend the meeting.

   Each member association must ensure that its nominated Delegates do not represent any political party or organisation at the time of nomination to the FINACT General Council (GC). If a nominated delegate accepts an official role in a political party, or becomes a candidate in any election, they shall immediately cease to be a delegate to FINACT. Any Executive Committee (EC) position held by such a delegate will also be deemed vacant.

ii. The immediate past President.

iii. The Executive Committee

iv. **Delegate Replacement:** A delegate who ceases to be the representative of his/her own association, will lose their position at the General Council. The managing committee of the member association can provide, in writing to the Secretary of FINACT, the details of a Replacement Delegate. A delegate who is elected or coopted to the Executive Committee (EC) shall forfeit his/her position in the EC.

If the matter pertains to the Office Bearers, it shall be referred to the General Council for final determination.

No delegate, Substitute Delegate or Replacement Delegate shall represent more than one member organisation at the same time and also in the same financial year. Replacement delegate does not automatically assume the Executive Committee functions of the original delegate.

It is preferable that no delegate and his/her family be nominated to the General Council for more than two terms of office without one term gap in-between. A delegate and his/her family shall not be represented in the General Council at the same time.

**b) Voting rights**

i. Only a Full Member Association shall be entitled to one vote, to be exercised solely by its designated Primary Delegate. An associate member is not entitled to vote or to file nomination for any post of the Executive Committee. The provisions of this clause shall apply to all associations who apply for new FINACT membership on or after 1 August 2025.

ii. Note: Associate members who joined FINACT on or before 31 July 2025 retain voting rights under Grandfather Provision Clause 3(g).

iii. The Immediate past President, Secondary Delegates, Public Officer, and observers shall have no voting rights, unless the immediate past president or Public Officer is nominated as a primary delegate of any member organisation, which they have to declare at the start of the meeting.

iv. **The Chairperson Voting:** The Chair of the meeting shall have a casting vote as distinct from his/her ordinary vote in the event of equality of voting.

**c) Powers, duties & responsibilities**

The General Council shall determine the policies and principles upon which the affairs of the FINACT shall be conducted, including those functions performed on its behalf by the Executive Committee described in Clause 8 as well as those listed below:

i. To develop policies that are consistent with the purposes set out in Clauses 4 and 6.

ii. To admit new member organisations in accordance with Clause 4.

iii. To elect members of the Executive Committee in accordance with Clause 8(b).

iv. To appoint an auditor in accordance with Clause 13.

v. To receive and approve reports, including quarterly financial reports of the Executive Committee and Sub-Committees.

vi. To approve the budget for the financial year as prepared by the Executive Committee.

vii. To amend the clauses as necessary in accordance with clause 22.

viii. To decide on all matters affecting the FINACT which are not within the purview of the Executive Committee.

ix. The General Council provides authority to the Executive Committee to take decisions for all its operational matters.

**d) Meetings**

i. **Meeting Notice:** The General Council shall meet at least once in each quarter, and the last one will be the AGM. At least **21 days'** notice in writing to members shall be given for each meeting.

ii. Quorum at meetings including any adjournment thereof shall not be less than 1/3 (one third) of the member organisations rounded to the nearest whole number including three members of the Executive Committee.

iii. All business that is transacted at a Special General Meeting and all business that is transacted at the Annual General Meeting with the exception of that specially referred to in these Clauses as being the ordinary business of the Annual General Meeting shall be deemed to be special business.

iv. No item of business shall be transacted at a general meeting unless a quorum of members entitled under these Clauses to vote is present during the time when the meeting is considering the item.

v. If within thirty minutes after the appointed time for the commencement of a general meeting, a quorum is not present, the meeting if convened upon the requisition of members shall be dissolved and in any other case shall stand adjourned to the same day in the next week at the same time and (unless another place is specified by the Chairman at the time of the adjournment or by written notice to members given before the day to which the meeting is adjourned) at the same place and if at the adjourned meeting the quorum is not present within thirty minutes after the time appointed for the commencement of the meeting, the members present shall be a quorum.

vi. The meetings shall be chaired by the President and in his absence the Vice President. Should both the President and Vice President be absent, the Chairman for that meeting shall be elected by a simple vote of the members present.

vii. All motions put to the meeting of the General Council shall be decided upon by a simple majority of votes unless otherwise specified by the constitution. The Chairman of the meeting shall have a casting vote as distinct from his/her ordinary vote in the event of equality of voting.

viii. All votes shall be cast personally. Proxy voting is not permitted.

ix. Votes shall be counted by a show of hands unless the meeting decides by a simple majority to vote by secret ballot.

x. All members must have paid the prescribed subscription otherwise, they cannot participate in the General Council (or vote or be elected to the Executive Committee).

xi. **Expulsion of Delegate:** The General Council shall have the right to expel a delegate or observer from the meeting, if in its opinion, the conduct of the delegate is prejudicial to the interests of the FINACT.

xii. Any member organisation not represented by any of its nominated primary or substitute delegates for 3 (three) consecutive meetings of the General Council, without a valid reason, shall not be permitted to vote at the AGM or SGCM or in any General Council meeting.

xiii. Once the GCM, AGM or Special General Meeting proceedings have commenced the Member Association cannot change or nominate new delegates during the course of meeting.

## 8. THE EXECUTIVE COMMITTEE

### a) Composition

i. The affairs of the FINACT shall be managed by an Executive Committee.

ii. Members of the Executive committee shall not hold paid office of the FINACT.

iii. Members of the Executive Committee shall not use their positions for personal or business gains. FINACT executive position shall not be included in the business cards of any executive committee member.

iv. Any Executive Committee member resigning shall do so in writing. In the event of a casual vacancy occurring in the Executive Committee, such vacancy may be filled by co-opting a member of the General Council until the Annual Elections. If the office of the President becomes vacant, the Vice President shall take over for the remainder of the term.

v. Should a delegate cease to be a representative of his own association but is an office-bearer of the Executive Committee, he/she will not continue to serve the Executive Committee. A replacement will be selected as per 8(a)(iv). If the matter pertains to the Elected Officials, it shall be referred to the General Council for final determination.

**b) Election of Office Bearers of the Executive Committee**

i. The Annual Elections of Office Bearers – President, Vice President, Secretary, and Treasurer for the next financial year shall be held preferably at the Annual General Meeting no later than 30th September every year.

ii. The Office Bearers shall be elected every year by a majority vote of the General Council members present at the Annual Election Meeting.

iii. Returning Officer: The returning officer shall be nominated by the outgoing Executive Committee. The nominated Returning Officer will accept the nominations submitted in writing and conduct the elections according to the FINACT constitution.

iv. The election process shall be conducted formally, with the Executive Committee for the next term from among the current General Council members. Voting shall be carried out by a show of hands, unless the Returning Officer determines that a secret ballot is more appropriate.

v. Nomination Process: Nominations for Officer Bearer positions shall close 24 hours before the AGM. At the AGM, the Returning Officer shall call for nominations from the floor from the Primary Delegates in attendance only in case no nominations are received against any position(s) 24 hours before the AGM. Nominations can be withdrawn at any time, even on the day of election.

vi. If the nomination comes from the AGM floor, only Primary Delegates from the current General Council, present on the day of elections, can contest for the Office Bearer position.

vii. The election will be held for Executive Committee positions namely President, Vice President, Secretary and Treasurer at the Annual Election General Meeting. Rest of the executive committee comprising of coordinators and representatives will be co-opted by the office bearers from the current General Council members.

viii. Once the AGM proceedings have commenced the Member Association cannot change or nominate new delegates during the course of meeting.

ix. Co-opted Members: Members of the Executive Committee, other than elected Office Bearers-President, Vice-President, Secretary and Treasurer, shall be co-opted by the elected Office Bearers from the GC members at a later date.

**c) Eligibility to Executive Committee positions**

i. No Office Bearer (except the President for whom rule 8 (d) (iv) applies) and his/her family having served for two consecutive terms can be nominate for a third term unless there is a minimum gap of one term in-between. Where no delegate stands for the position of Vice President, Secretary or Treasurer at the Annual General Meeting, under exceptional circumstances, the Returning Officer and members at the Annual General Meeting, may decide to allow a Office Bearer Member, who has already served for two consecutive terms, to be nominated for a third term.

ii. Delegates to the General Council coming from a single family cannot be elected to the Executive Committee for more than 4 years over a period of 12 year.

iii. A delegate and his/her family members cannot be in the Executive Committee at the same time.

iv. Associate Members are not eligible to contest for the position of President, Vice President, Secretary and Treasurer.

v. A person holding a political party position or candidate for election is not eligible for any executive position. FINACT should be considered as apolitical and able to work with the government of the day without perceived or un-perceived political bias.

vi. **Eligibility Criteria:** A member organisation is eligible to contest for Office Bearer positions – President, Vice Preside, Secretary and Treasurer positions if their delegate has attended at least one General Council Meeting during the year and the annual subscription has been paid before the AGM is held.

### d) Term of office

i. The Executive Committee members shall hold office for a period of one financial year.

ii. The outgoing Executive Committee shall hand over charge to the newly elected Executive Committee within a fortnight after the conclusion of the AGM and the elections.

iii. The outgoing Executive Committee shall provide all help and advice to the new Executive Committee, until there is a formal handover of charge to enable the EC to file the necessary paperwork for grants for next year and any other legal and commercial matters.

iv. The office of President may be held by a person for a maximum of two years, whether consecutive or non- consecutive. After serving for two years in total, the individual shall become ineligible to hold the office of President again. However, the individual can take other elected or non- elected positions.

### e) Powers, duties & responsibilities

The Executive Committee shall:

i. Manage the business of the FINACT.

ii. Convene meetings of the General Council.

iii. Provide operational, financial and funding/grants reports at every General Council Meeting.

iv. The Executive Committee shall not:

(a) Sell or otherwise dispose of assets of the FINACT (with a value exceeding $500 Australian Dollars) unless approved by the members in a properly constituted General Council meeting.

(b) **Financial Limits:** The Executive Committee shall not commit FINACT to any financial liability exceeding A$2000 without prior approval of the GC obtained in a properly constituted GCM convened for that purpose.

v. Administer the funds of the FINACT.

vi. Receive applications for membership and make recommendations to the General Council.

vii. Recommend to the General Council the appointment of sub-committees and/or task forces as required.

viii. To bring to the knowledge of the Governments and the general public, the contribution of Indian Community to the Australian economy, enrichment of Australian way of life etc.

ix. Recommend the General Council for co-opting a Women’s representative from any member organisation to its Executive Committee if there happens to be no woman delegate in the General Council.

### f) Meetings

i. The Executive Committee shall meet at least once every two months.

ii. The quorum at such meetings shall be 50 percent of the members of the Executive committee.

iii. Resolutions shall be carried out by a simple majority of votes. The Chairperson shall have a casting vote as distinct from his/her ordinary vote, in case of tied vote.

iv. Votes shall be counted by a show of hands, unless the meeting decides by a simple majority to vote by secret ballot.

v. **Attendance Requirement:** Any Executive Committee Member who fails to attend three consecutive meetings without a valid reason, duly notified to the EC, shall stand as disqualified from participation in the Executive Committee Meetings.

vi. At meetings of the Council, Executive and Sub Committees:

(a) A written record of all meetings must be maintained.

(b) At each meeting the minutes of the preceding meeting must be read, verified as correct and signed by the Chairperson and Secretary of the respective Committee and Council.

(c) As soon as practicable after each meeting, a copy of the minutes must be forwarded to the Secretary of the FINACT for the records of the FINACT.

(d) An attendance register must be maintained for each meeting by each committee to facilitate compilation of the Annual Report.

(e) To facilitate the flow of discussions at meetings, Chairpersons are required to submit a written report for inclusion with the agenda of the meeting within the required time as outlined in the clauses applicable to a specific committee.

vii. **Meeting Documentation:** All EC meetings tractions should be recorded as minutes of the meeting by the Secretary or by any EC member in absence of Secretary and forwarded to the Secretary.

## 9. SUB-COMMITTEES

(a) The General Council may from time to time and consistent with the aims and objectives of the FINACT establish and maintain such sub-committees as are appropriate for the effective conduct and development of specified programs and activities.

(b) The provisions relating to the establishment, conduct and functions of such Sub-committees shall be as follows:

i. **Duration of Sub-Committees:** A sub-committee may be established by the Executive Committee as required and approved by the General Council in the preceding GCM for the duration lasting either until the task is completed or until the next AGM, whichever occurs first. The tenure of the sub-committee can be reviewed and extended by the incoming EC for a period not going exceeding the next AGM and with the approval of the GCM.

ii. The establishment of such a sub-committee may be initiated by either the Executive Committee or the General Council.

iii. The Executive Committee in consultation with the General Council will decide the number of members for each sub-committee.

iv. **Co-opting Individuals:** With the approval of the Executive Committee, the Chair of any such sub-committee shall have the power to co-opt individuals with relevant knowledge and experience to be part of the sub-committee. If such expertise is not available within the member associations, the chair may, with EC approval, co-opt suitably qualified individuals from outside the FINACT membership. Chair of the sub-committee has to be a member of the EC.

v. The role, duties and conduct of sub-committees shall be vested in the Executive Committee.

vi. Any vacancies, which may arise, may be filled by the sub- committee leader in consultation with the Executive Committee and any person so co-opted shall hold office until the expiry of the term for which his/her predecessor was elected.

vii. **Sub-Committee Fundraising Responsibility:** Sub-Committees shall raise funds through sponsorships and/or grants for their events or activities only after prior approval of the EC. All funds raised through sponsorships and/or grants must be routed through FINACT bank account only.

viii. Application for grants and sponsorship fund raising must be in the name of FINACT and not in the name of sub-committee or in the name of any individual.

ix. Ownership of Initiative Titles: Sub-committee chairs, coordinators, leaders, members of EC and GC cannot claim ownership or authorship of the theme or the title of all the FINACT initiatives. These will remain the permanent intellectual property of FINACT.

## 10. DUTIES OF OFFICE BEARERS AND DELEGATES

### a) The President

The President shall,

i. Be responsible for the welfare and dignity of the FINACT, the maintenance of harmony among its members and the strict observance of the rules, regulations and procedures herein contained.

ii. Direct the Executive Committee towards obtaining funds, grants and other revenues.

iii. Promote FINACT to associations who are not members of the FINACT.

iv. Presiding Over Meetings: Preside at all FINACT meetings, including GC and EC meetings. Can attend the sub-committee meetings if required.

v. Act as the spokesperson for the FINACT.

vi. Liaise with all member associations and other organisations to work in collaboration, coordination and cooperation.

vii. Represent FINACT at external forums.

viii. Annual Report: Prepare the Annual Report and present it at the AGM.

### b) The Vice President

The Vice President shall:

i. Assume the aforementioned duties and responsibilities in the absence of or on the resignation of the President.

ii. Vice President’s Responsibilities: Assume duties as assigned by the President, General Council or Executive Committee.

iii. Identify potential sources of funding for community service initiatives and advise the Treasurer and Executive Committee to pursue appropriate funding opportunities.

### c) The Secretary

The Secretary shall:

i. Keep and record in the book or books provided for that purpose the Minutes of the proceedings, motions moved and resolutions of the General Council and Executive Committee meetings together with the names of the persons present at such meetings.

ii. Keeping Minutes: Secretary shall record the minutes of all the meetings and shall place at the draft minutes at the next meeting for approval. Ensure that minutes are approved at the next meeting.

iii. Ensure that the minutes of the meeting are sent to all member organisations preferably, electronically.

iv. Ensure that the agenda of the meeting is sent to member organisations prior to the General Council meeting.

v. Issue notices of meetings as prescribed in these Clauses.

vi. Conduct correspondence and implement the decisions of the General Council and Executive Committee meetings.

vii. Keep in safe custody the files and other records and documents of the FINACT.

viii. Keep in safe custody a copy of the current registered version of the FINACT Constitution for ready reference.

ix. Compile and present an operational report at every general council meeting, open public meeting, coordinate and submit for approval of the Executive Committee, the Annual Report for presentation to the Annual General Meeting.

x. Member Register Inspection: Maintain a register of members, open to inspection by members at a mutually agreed time.

xi. Assume any other duties and responsibilities as may be determined by the President, the General Council or Executive Committee.

## d) The Treasurer

The Treasurer shall:

i. Collect and receive all monies due to the FINACT and make all payments authorised by the FINACT.

ii. Keep correct accounts and books showing the financial affairs of the FINACT with full details of all receipts and expenditure connected with the activities of the FINACT.

iii. Financial Reports: Prepare financial summaries of Income, Expenditure, Assets and Liabilities and present them in GCM and Executive Committee meetings.

iv. Financial Audit Process: Prepare annual financial statements, get them approved from the Executive Committee before audit, and present audited accounts at the AGM.

v. Circulate a copy to each member organisation electronically.

vi. Assume any other duties and responsibilities as may be determined by the General Council or Executive Committee.

## e) Coordinator of Community Services

The Coordinator of Community Services shall:

i. Propose, develop and implement policies relating to community social services in consultation with the General Council and Executive Committee.

ii. Manage the activities of the India Centre together with the volunteers.

iii. Identify sources of funding for community services and, subject to written approval from the Executive Committee, obtain funding where appropriate.

iv. Acquit properly any funding obtained in compliance with the requirements of the funding body.

v. Provide written financial and activity reports of the India Centre at Executive and General Council meetings.

## f) Coordinator of Entertainment & Cultural Programmes

The Co-Ordinator of Entertainment & Cultural Programmes shall:

i. Propose, develop and implement policies relating to various festivals, Cultural, Educational and Entertainment programmes in consultation with the General Council and Executive Committee.

ii. Identify sources of funding for such programmes and initiate proposals for obtaining funding from various sources.

iii. Acquit properly any funding obtained in compliance with the requirements of the funding body.

iv. Provide financial and activity reports of various functions at Executive and General Council meetings.

## g) Coordinator of Media

The Coordinator of Media shall:

i. Propose, develop and implement policies relating to website, newsletter, social media and promotion of events.

ii. Coordinate the content and photographs for website, newsletter, social media and promotion of events. Provide the content to the web administrator for dissemination.

iii. Ensure the website is accessible by the members of the community access website.

iv. Support the President to make the media release and assist the secretary for correspondence.

## h) Students/Youth Coordinator

Student/Youth Coordinator would normally be a delegate of Indian student associations in the Universities in the ACT. If no student from such associations is available to take up this position, then a delegate to the General Council may be elected as Youth Representative. The Student/Youth Representative shall be responsible for raising matters/issues of concern to students/youth; be responsible for policy submissions on such matters; shall liaise with other student/youth organisations in the ACT and surrounding regions.

## i) Seniors Representative

Senior Representative would normally be a delegate from an Indian Seniors Association. If no senior from such an association is available to take up this position, then a delegate to the General Council who is over the age of 65 years may be elected as Seniors Representative. The Senior Representative shall be responsible for raising matters/issues of concern to Seniors; be responsible for policy submissions on such matters; shall liaise with other seniors' organisations in the ACT and surrounding regions.

## j) Women Representative

Women's representative would normally be a woman elected from the delegates to the General Council. If no such member is nominated or elected, then a woman can be co- opted as Women's Representative from a Women's association or the Indian community. The Women's Representative shall be responsible for raising matters/issues of concern to women; be responsible for policy submissions on such matters; shall liaise with other women's organisations in the ACT and surrounding regions.

### k) Joint Secretary

Joint Secretary is an optional position to assist the Secretary in his/her duties and responsibilities and assume any other duties and responsibilities as may be determined by the General Council or Executive Committee. The role can be filled by the Executive committee from the General Council.

### l) Joint Treasurer

Joint Treasurer is an optional position to assist the Treasurer in his/her duties and responsibilities and assume any other duties and responsibilities as may be determined by the General Council or Executive Committee. The role can be filled by the Executive committee from the General Council.

### m) Public Officer

The public Officer shall:

i. The public officer must be at least 18 years of age and must reside in the Australian Capital Territory.
ii. The public officer acts as the contact between the association and Access Canberra for the purpose of statutory matters.
iii. The public officer is the person, Access Canberra will contact to notify the association of legislative requirements, including lodgement of annual returns.
iv. The public officer should not be part of the Executive Committee.

### n) Delegates

Each delegate, as a representative of their member organisation, shall:

i. Attend meetings of the FINACT as required.
ii. Seek FINACT Executive Committee directions on all matters of policy, where prior notice is given, other than procedural matters.
iii. Vote as directed by the Association they represent, or, if given a free vote, according to their individual decision.
iv. Present a written report to their member organisation within one week after each meeting attended as a delegate.
v. Provide a summary of functions and festivities organised by the member organisation for inclusion in the FINACT annual report.
vi. A delegate will communicate with FINACT committee and participate in the decision making

### o) Subcommittee Chair

The Sub-committee Chair (SC) shall ensure that the objectives and purposes of the sub-committee are being met. The SC shall communicate with the Executive Committee (EC) and the General Council (GC) regarding the developments and progress of the sub-committee.

## 11. VACANT OFFICE

The office of an officer of the Association, or of a coordinator of the committee becomes vacant if the officer or coordinator:

i. Ceases to be a member of his/her Association.
ii. Becomes insolvent under administration within the meaning of the Corporation's law.
iii. Resigns from office by notice in writing given to the Secretary to be approved by the Executive Committee.
iv. Member association becomes insolvent under administration within the meaning of the Corporation's/ Association's law.
v. Member association is expelled from the federation by the General Council.

## 12. INSPECTION OF BOOKS

A member shall be entitled to inspect relevant documents of the FINACT as defined by the Associations Incorporations Act, by arranging a mutually convenient time and place with the Secretary of FINACT.

## 13. AUDITOR

The auditor shall:

i. Be appointed as per rules governed by **Associations Incorporation Act 1991**.
ii. Be appointed at the General Council Meeting (GCM) preceding the next Annual General Meeting (AGM).
iii. Conduct an **audit of the financial statements** and provide a written report to the Treasurer.
iv. If the appointed auditor is unable to undertake the duties, the **Executive Committee shall appoint a replacement auditor**.

## 14. CONFLICT OF INTEREST

a) **Declaration Requirement:** Executive Committee members and sub-committee members must declare in writing to the Secretary using the prescribed form any actual or perceived conflict of interest with any FINACT activities with which they may be involved. Failure to declare may result in expulsion from the committee.

b) **Conflict of Interest Register**: A conflict-of-interest register must be maintained by the Secretary.

## 15. PATRON(S)

Each year the General Council may invite a distinguished person to be a patron for the FINACT.

i. Will normally be persons of eminence, by virtue of the offices they hold or distinction they have achieved in their respective spheres of activity and with definite interest in furthering the objectives of the Federation.
ii. Shall have no voting rights and will not be a member of any FINACT Committee or General Council.
iii. May be invited to Executive Committee meeting and GCM as a guest.

## 16. ANNUAL GENERAL MEETING (AGM)

a) The outgoing Executive Committee shall convene the AGM of the FINACT no later than two months after the end of the Financial Year at such place and time as may be determined by the outgoing Executive Committee and approved by the General Council at its third GCM, by giving at least 21 days' notice to members.

**b)** The Annual General Meeting shall have the following agenda:

i. To confirm the minutes of the last AGM.

ii. To receive and approve the Annual Report of the outgoing Executive Committee.

iii. To receive and approve the audited annual Financial Statements.

iv. And any other business.

v. To elect new Office Bearers.

**c)** Annual General Meeting may transact special business, provided that proper notice has been given in accordance with the relevant clauses. However, amendments to the Constitution cannot be made at the AGM.

## 17. SPECIAL GENERAL COUNCIL MEETING

**a)** A SGCM may be called at any time by the Executive Committee for the transaction of urgent business, provided that 21 days' notice is given to the members. Notice of the meeting, proposed agenda and motions are to be circulated to all member organisations and members of the Executive Committee.

**b)** Any such request from the member association, for a SGCM shall state the purpose of the meeting, shall be signed by the members making the request, and shall be sent to the Registered Address of the FINACT and/or emailed to the Secretary and President of FINACT.

**c)** A Special General Council Meeting (SGCM) may be convened upon a written request signed by at least one-quarter of the total membership.

**d)** Should the Executive Committee fail to convene the Special General Meeting within one month from the date of the receipt of the request, then the persons requesting the meeting may themselves call a Special General Meeting, giving not less than 21 days' notice to all members.

**e)** Only matters included in the notification shall be the business discussed at such Special General Meeting.

**f)** All reasonable expenses incurred in convening the meeting shall be refunded by the FINACT to the persons incurring the expenses.

## 18. NOTICE

**a)** Any notice may be served by or on behalf of the FINACT upon any member, either in person to the member delegate or by electronic media (email or other electronic communication media) or by post at the address shown in the Register of Members.

**b)** Where a notice is properly addressed, pre-paid and posted to a person as a letter, the document shall, unless the contrary is proved, be deemed to have been served on the person at the time at which the letter would have been delivered in the ordinary course of post. Any accidental omission to serve a notice on or the non-receipt of a notice by a member shall not invalidate the proceedings of a meeting of the General Council or the Executive Committee.

## 19. INDEMNITY

The Executive Committee, Members of the General Council and Trustees, while performing their honorary duties under this constitution, shall be indemnified by the FINACT from its funds in respect of any loss, damages or cost of any legal proceedings except where the exercise of such power or duties were ultra vires.

The liability of members to contribute towards the payment of the debts and liabilities of FINACT or the costs, charges and expenses of winding up the association is limited to the amount (if any) unpaid by the member in relation to the membership fees of the association.

## 20. DISPUTES AND MEDIATION

**a)** The grievance procedure set out in this clause applies to disputes under this constitution between:

i. A Member Organisation and another Member Organisation of the FINACT

ii. A Member Organisation and the FINACT.

**b)** The parties to the dispute must meet and discuss the matter in dispute, and, if possible, resolve the dispute within a reasonable time after the dispute comes to the attention of all the parties. If requested by either party, the President or a person nominated by the Executive Committee of the FINACT should facilitate the holding of the meeting.

**c)** If the parties are unable to resolve the dispute at the meeting, or if a party fails to attend that meeting, then, regardless of the fact that the Association may be one of the parties to the dispute, the President or a person nominated by the Executive Committee, should initiate the holding of a meeting by giving a written notice to both the parties to meet within 10 days to:

i. Choose a mediator, including the option to choose more than one person as joint mediators; and

ii. Fix a date for the mediation meeting

**d)** If the parties are unable to agree upon a mediator, then, the mediator must be:

i. In the case of a dispute between a Member Association and another Member Association of the FINACT, a person appointed by the Executive Committee of the FINACT; or

ii. In the case of a dispute between a Member Association and the FINACT, a person appointed or employed either by the Institute of Arbitrators & Mediators Australia or the Conflict Resolution Service or any similar professional body in the ACT.

**e)** A delegate of the FINACT can be a mediator.

**f)** The mediator cannot be a member who is a party to the dispute.

**g)** The parties to the dispute must, in good faith, attempt to settle the dispute by mediation.

**h)** The mediator, in conducting the mediation, must:

i. Notify and agree with both parties the process and the procedure for the conduct of the meeting; and

ii. Give the parties to the mediation process every opportunity to be heard; and

iii. Allow due consideration by all parties of any written statement submitted by any party; and

iv. Ensure that natural justice is accorded to the parties to the dispute throughout the mediation process.

v. The mediator must not determine the dispute. The mediator may, however, offer a solution, which may assist in the determination of the dispute.

vi. A member or the FINACT should not resort to any litigation or redress in a court of law unless a certified written statement from a mediator is obtained stating that the mediation process has been exhausted and that the matter could not be settled.

vii. If the mediation process does not result in the dispute being resolved, and

viii. the mediator provides a certified written statement, the parties may then seek to resolve the dispute through legal processes.

## 21. AMENDMENTS TO CONSTITUTION

Amendments to the Clauses and Aims and Objectives may be made by General Council only in accordance with the *Associations Incorporation Act 1991.*

**a)** Proposal of Amendments: Amendments to the Constitution can be proposed by one-quarter of all the Member Associations in a petition to the Executive Committee or by the Executive Committee.

**b)** The Executive Committee shall:

i. Call for a SGCM by giving at least 21 days' notice.

ii. Notify GC and provide information on the amendments to the member organisations.

iii. Present the proposed amendments to vote at the SGCM

iv. If the quorum is not met, hold a referendum amongst all Member Associations;

v. Allow a period of ten days following the referendum for member associations to return the completed voting paper to the Secretary.

**c)** Voting Requirements at SGCM: All amendments to the Constitution must be passed as a special resolution by 75% majority of the members present and voting at the SGCM.

**d)** the Committee may conduct a referendum of Members as per 21.b (iv) and 21.b(v)

**e)** An amendment approved by more than one half of the Ordinary Members voting in the referendum shall become effective.

## 22. BY-LAW

The Executive Committee shall make, repeal or amend by-laws for the conduct and management of the FINACT, subject to the approval of the General Council.

## 23. DISSOLUTION

**a)** Dissolution of the FINACT shall be by a motion to that effect carried at a SGCM, 21 days of notice of which has been given to delegates representing member organisations, convened specially for this purpose.

**b)** To take effect the motion shall be carried by three-quarters of the members present and are entitled to vote.

**c)** After discharging all liabilities, the net assets of the FINACT shall be distributed to charitable organisations, as may be decided by the General Council, and in accordance with the provisions of the Associations Incorporation Act 1991.

## 24. CODE OF CONDUCT

Each member organisation must accept that the collective interests of all member organisations as represented by the General Council, the Executive and Sub-Committees should always take precedence over the interests of individual member organisations.

## 25. DATE OF EFFECT

This amended constitution takes effect from the date of registration of FINACT's amended constitution with the ACT Government.

## 26. OPERATION

The FINACT adopts this constitution and this constitution together with Model Rules, and Associations Incorporation Act 1991, as amended from time to time. This shall form the basis for all activities undertaken or conducted by the FINACT.