



澳洲新南威爾斯州澳華公會
Australian Chinese Community Association
of NSW Inc.

Objects and Rules
宗旨與規章

English/Chinese Edition
中英雙語版

AUSTRALIAN CHINESE COMMUNITY ASSOCIATION OF NEW SOUTH WALES INCORPORATED

OBJECTS AND RULES

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AUSTRALIAN CHINESE COMMUNITY ASSOCIATION OF NEW SOUTH WALES INCORPORATED

OBJECTS AND RULES

PART I: NAME

1.0 Name

- 1.1 The name of the Association shall be AUSTRALIAN CHINESE COMMUNITY ASSOCIATION OF NEW SOUTH WALES INCORPORATED.

PART II: OBJECTS

2.0 Objects

- 2.1 The Association is a non-political, non-religious and non-sectarian organisation and the objects of the Association shall be:
- (a) To promote understanding between Australians of Chinese descent and other Australians.
 - (b) To encourage and assist the integration of Chinese Immigrants into the Australian community.
 - (c) To stimulate interest amongst Australians of Chinese descent in economic, cultural and political matters.
 - (d) To co-operate with other organisations and government bodies in the furtherance of the objects of the Association.
 - (e) To encourage and foster the maintenance of Chinese culture and language through school education.

PART III: MEMBERSHIP

3.0 Membership Qualifications

- 3.1 Membership shall consist of persons who subscribe to the objects of the Association and who agree to abide by the rules and regulations applicable to members of the Association.
- 3.2 Membership shall be divided into the following categories:
- (a) ordinary membership shall be open to natural persons of Chinese descent;
 - (b) associate membership shall be open to all other natural persons;

- (c) corporate membership shall be open to firms, companies, associations or other entities incorporated or formed within Australia approved by the Executive Committee;
- (d) honorary members shall be persons who have rendered exceptional service to the Association or to the Chinese community as may be determined by the Executive Committee;
- (e) life membership shall be open to natural persons of Chinese descent who pay a life membership fee determined from time to time by the Executive Committee;
- (f) honorary life members shall be ordinary members who have rendered outstanding service to the Association or to the Chinese community as may be nominated by the Executive Committee, and endorsed by the Council.

4.0 Application for Membership

- 4.1 Application for membership shall be made in writing signed by the applicant and in such form and content as the Executive Committee shall from time to time determine. Subject to rule 5, the application shall be accompanied by an entrance fee and an annual membership fee as determined from time to time by the Executive Committee.
- 4.2 Application for membership shall be proposed and seconded by an ordinary member, life member or honorary life member of at least one (1) year standing prior to the date of the application, who have paid all amounts which they as members are liable by these rules to pay to the Association in respect of their membership.
- 4.3 As soon as practicable after the receipt of the application the Executive Committee shall determine the application. The Executive Committee may accept or reject the application, without having to assign any reason whatsoever, and shall notify the applicant accordingly.
- 4.4 Where the application is approved the Honorary Secretary shall ensure the applicant's details are entered in the register of members and on the name of the applicant being so entered, the applicant shall become a member of the Association.

5.0 Membership Fees

- 5.1 Annual membership fees shall be payable by all members for the period from January to December of each year in an amount and at such time as the Executive Committee may from time to time determine, except that no honorary member, life member or honorary life member shall be required to pay annual membership fees.
- 5.2 A life membership fee shall be payable by an applicant for life membership, as shall be determined by the Executive Committee from time to time.
- 5.3 An entrance fee shall be paid by all persons admitted to membership of the Association in an amount as determined by the Executive Committee from time to time, except that no honorary member shall be required to pay an entrance fee.

6.0 Register of Members

6.1 A register of members shall be kept at the principal place of administration of the Association showing the name, current address, telephone number and date of commencement of membership of each member.

7.0 Cessation of Membership

7.1 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.

7.2 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.

7.3 A member of the Association is not entitled to resign his, her or its membership except in accordance with this rule:

- (a) a member of the Association who has paid all amounts which the member is liable by these rules to pay to the Association in respect of the member's membership may resign from membership of the Association by giving to the Honorary Secretary written notice of at least seven (7) days of the member's intention to resign, and on the expiration of the period of notice, the member ceases to be a member;
- (b) if a member of the Association ceases to be a member under sub-rule (a), and in every other case where a member ceases to hold membership, the Honorary Secretary must make an appropriate entry in the register of members recording the date on which the member ceased to be a member.

8.0 Disciplining of Members

8.1 A complaint may be made to the Executive Committee by any member of the Association that some other member (referred to in this Rule as the "member concerned"):-

- (a) has persistently refused or neglected to comply with a provision or provisions of the Act of these rules; or
- (b) has persistently and willfully acted in a manner prejudicial to the interests of the Association.

8.2 On receiving such a complaint, the Executive Committee:-

- (a) shall cause notice of the complaint to be served on the member concerned; and

- (b) shall give the member concerned at least fourteen (14) days from the time the notice is served within which to make submissions to the Executive Committee in connection with the complaint; and
 - (c) shall take into consideration any submissions made by the member in connection with the complaint.
- 8.3 If the Executive Committee is satisfied the facts alleged in the complaint have been proved and proposes to expel the member concerned by resolution, then the Executive Committee:
 - (a) shall call a Special General Meeting which must be convened within twenty-eight (28) days of the notice referred to in sub-rule (b) to either ratify or revoke the resolution of the Executive Committee to expel the member concerned;
 - (b) shall notify the member concerned of the proposed resolution to expel him, her or it, and of the date, place and time of the Special General Meeting to be called pursuant to sub-rule (a);
 - (c) may suspend the member concerned from participation in the affairs of the Association pending the Special General Meeting to be called pursuant to sub-rule (a).
- 8.4 At the Special General Meeting called pursuant to rule 8.3:
 - (a) no business other than the proposed expulsion of the member concerned shall be transacted;
 - (b) the member who made the complaint, the Executive Committee and the member concerned must be given the opportunity to state their respective cases both orally or in writing, or both;
 - (c) if the member who made the complaint or the member concerned wish to distribute prior to or at the Special General Meeting written representations then they shall prepare and distribute such written representations at his, her or its own cost;
 - (d) member entitled to vote at the Special General Meeting shall vote by secret ballot;
 - (e) the expulsion of the member concerned shall be only take effect if the Special General Meeting ratifies by Special Resolution, the resolution of the Executive Committee to expel the member concerned.
- 8.5 Where the Special General Meeting ratifies by Special Resolution the resolution of the Executive Committee to expel the member concerned the Executive Committee shall within seven (7) days of the Special General Meeting notify the member concerned, and the member concerned shall be deemed to have ceased to be a member from the date of the Special General meeting.
- 8.6 Upon the expulsion of the member concerned pursuant to this rule the member concerned shall not be entitled to any reimbursement of membership fees paid at any time to the Association.

- 8.7 Disputes between members (in their capacity as members) of the Association, and disputes between members and the Association, other than a complaint referred to rule 8.1, are to be referred to a Community Justice Centre for mediation in accordance with the Community Justice Centres Act 1983 (NSW), provided each party to the mediation pays its own costs.

9.0 Members' Liability

- 9.1 Members of the Association shall have no liability to contribute towards the payment of any debt or liability of the Association or the costs, charges, and expenses of winding up of the Association except to the amount of any unpaid Membership Fees.

PART IV: PATRONS

10.0 Appointment of Patrons

- 10.1 The Executive Committee may appoint for a period until the next Annual General Meeting following the date of appointment any person or persons resident in New South Wales, of distinguished position or attainment as Patron or Patrons to the Association.

PART V: MANAGEMENT

11.0 Council

- 11.1 The Council shall consist of at least five (5) and no more than nine (9) Councillors elected by the Association in an Annual or Special General Meeting.
- 11.2 Only ordinary and life members of five (5) years standing who are citizens of Australia and who have paid all amounts which the member is liable by these rules to pay to the Association in respect of his or her membership and honorary life members of five (5) years standing who are citizens of Australia shall have the right to stand for election to the Council.
- 11.3 The term of office for an elected Councillor is four (4) years. Should a vacancy in the Council arise due to resignation or death the casual vacancy may be filled by appointment in a joint sitting of the Executive Committee and the Council, chaired by the President of the Association. The term of office for the Councillor so appointed will be the remaining term of the vacated Council member.
- 11.4 A person shall not during the term as an elected Councillor concurrently hold any salaried position within the Association or receive fees, remuneration or any other benefits in money or money's worth from the Association except that:
- (a) a Councillor may obtain reimbursement of out-of-pocket expenses properly incurred in carrying out the functions of a Councillor of the Association;
 - (b) where a Councillor loans money to the Association, the Councillor may receive payments of interest at a rate not exceeding the overdraft rate then chargeable by a major commercial bank with which the Association holds an account; or

- (c) where a Councillor leases premises to the Association, the Councillor may receive a reasonable rental from the Association.
- 11.5 The Council is an advisory body and except as provided in these rules, it has no power in respect of the management and administration of the Association.
- 11.6 A Councillor shall not stand for election as, or be a member or office holder of the Executive Committee during his or her term as Councillor.
- 11.7 The Association in general meeting may by Ordinary Resolution remove any Councillor before the expiration of the Councillor's term of office and may by resolution appoint another eligible member to hold office until the expiration of the term of office of the Councillor so removed.
- 11.8 A Councillor to whom a proposed resolution referred to in rule 11.7 relates, may make oral representation at the general meeting or may distribute, at his or her own cost, written representations to members at the general meeting.
- 11.9 A member of the Council shall be deemed to have vacated his or her position as a member of the Council in the following circumstances:
- (a) Upon the death of the member.
 - (b) If the member becomes a bankrupt or makes arrangement or composition with his or her creditors generally.
 - (c) If the member becomes mentally ill or otherwise incapacitated.
 - (d) If the member ceases to be a member of the Association.
 - (e) If the member holds any office of profit under the Association.
 - (f) If the member has a direct or indirect interest in any contract or proposed contract with the Association without declaring such interest to the Council.
 - (g) If the member resigns from office by notice in writing to the Association.

12.0 Executive Committee

- 12.1 The management of the Association shall be vested in the Executive Committee which subject to these rules and to any resolution passed by the Association in General Meeting:
- (a) may do all things necessary or incidental to the furtherance of the objects of the Association;
 - (b) shall control and manage the affairs of the Association;
 - (c) may exercise all such functions as may be exercised by the Association other than those that are required by these rules to be exercised by the Association in a general meeting;
 - (d) has power to do all such things as appear to the Executive Committee to be necessary or desirable for the proper management of the affairs of the Association.

12.2 The Executive Committee shall be elected at the Annual General Meeting and shall consist of:

- (a) the office-bearers of the Association; and
- (b) fourteen (14) other committee members.

12.3 An Executive Committee Member shall not stand for election as, or be a Councillor during his or her term as an Executive Committee Member, except that the immediate past President may stand for election as a Councillor.

13.0 Executive Committee Members

13.1 Each member of the Executive Committee shall, subject to these rules, hold office until the conclusion of the next Annual General Meeting following the date of the member's election or appointment, but shall be eligible for re-election.

13.2 A person shall not during his or her term as an Executive Committee member concurrently hold any salaried position within the Association or receive fees, remuneration, or any other benefits in money or money's worth from the Association except that:

- (a) an Executive Committee member may obtain reimbursement of out-of-pocket expenses properly incurred in carrying out the functions of an Executive Committee member of the Association;
- (b) where an Executive Committee member loans money to the Association, the Executive Committee member may receive payments of interest at a rate not exceeding the overdraft rate then chargeable by a major commercial bank with which the Association holds an account; or
- (c) where an Executive Committee member leases premises to the Association, the Executive Committee member may receive a reasonable rental from the Association.

13.3 Any casual vacancy occurring amongst the Executive Committee may be filled by an appointment by the Executive Committee and the member so appointed to fill such vacancy shall hold office for the unexpired term of the Committee member so replaced.

14.0 Sub-Committee

14.1 The Executive Committee may, by resolution, delegate to one or more sub-committees, consisting of such member or members of the Association as the Executive Committee thinks fit the exercise of such of the functions of the Executive Committee as are specified in the resolution, other than:-

- (a) the power of delegation;
- (b) a function which is a duty imposed on the Executive Committee by the Act, these rules or by any other law.

- 14.2 The function the exercise of which has been delegated to a sub-committee under this rule may, while the delegation remains unrevoked, be exercised from time to time by the sub-committee in accordance with the terms of the delegation.
- 14.3 The delegation under this rule may be made subject to such conditions or limitations as to the exercise of any function, or as to time or circumstances, as may be specified in the resolution of the Executive Committee.
- 14.4 Despite any delegation under this rule, the Executive Committee may continue to exercise any function delegated to a sub-committee.
- 14.5 The Executive Committee may, by resolution, revoke wholly or in part any delegation under this rule.
- 14.6 A sub-committee may meet and adjourn as it thinks proper.
- 14.7 Sub-committee members shall serve until the conclusion of the next Annual General Meeting following their appointment unless the sub-committee member resigns or is removed by resolution of the Executive Committee.
- 14.8 Sub-committee shall be accountable to the Executive Committee and shall regularly report on their activities to the Executive Committee.

15.0 Office Bearers

- 15.1 The office-bearers of the Association shall be:-
 - (a) the President;
 - (b) the Honorary Treasurer;
 - (c) the Honorary Secretary; and
 - (d) three (3) Vice Presidents.
- 15.2 The members elected to the Executive Committee shall elect amongst themselves the positions of:
 - (a) three (3) Vice-Presidents;
 - (b) Honorary Assistant Treasurer; and
 - (c) Honorary Assistant Secretary.
- 15.3 No person shall hold the office of President for more than three (3) consecutive annual terms.
- 15.4 The President shall appoint a member of the Executive Committee to be the Acting President whenever the President is temporarily absent from office.
- 15.5 Where, during the President's temporary absence from office, no Acting President has been appointed by the President, the Executive Committee shall appoint a member among them to be Acting President.

16.0 Public Officer

- 16.1 The Executive Committee shall ensure that a person is appointed as Public Officer.
- 16.2 The first Public Officer shall be the person who completed the application for incorporation of the Association.
- 16.3 The Public Officer shall ensure that all requirements imposed by the Act are complied with.
- 16.4 The Executive Committee may at any time remove the Public Officer and appoint a new Public Officer provided the person appointed is eighteen (18) years of age or older and a resident of New South Wales.
- 16.5 The Public Officer shall be deemed to have vacated his or her position in the following circumstances:-
- (a) upon the death of the Public Officer;
 - (b) if the Public Officer resigns his or her office by notice in writing to the Association;
 - (c) if the Public Officer is removed by the Executive Committee or by the Association in general meeting;
 - (d) if the Public Officer becomes bankrupt or financially insolvent;
 - (e) if the Public Officer becomes mentally ill or otherwise incapacitated;
 - (f) if the Public Officer ceases to reside within New South Wales.
- 16.6 When a vacancy occurs in the position of Public Officer, the Executive Committee shall ensure that the requirements of the Act are complied with.

17.0 Advisers to the Executive Committee

- 17.1 The Executive Committee may appoint such persons with qualifications or experience as it sees fit to be advisers to the Executive Committee.
- 17.2 An adviser's appointment shall be terminated upon the conclusion of the next Annual General Meeting following the date of appointment under this rule, or on resolution by the Executive Committee whichever is the earlier.
- 17.3 The immediate Past President shall be an ex-officio member of the Executive Committee.

18.0 Vacation of Office

- 18.1 A member of the Executive Committee shall be deemed to have vacated his or her position as a member of the Executive Committee in the following circumstances:
- (a) Upon the expiration of the term of office at the next Annual General Meeting following his or her election or appointment.
 - (b) Upon the death of the member.

- (c) If the member becomes a bankrupt or make arrangement or composition with his or her creditors generally.
 - (d) If the member becomes mentally ill or otherwise incapacitated.
 - (e) If the member is absent from meetings of the Executive Committee for more than three (3) consecutive months without leave of the Executive Committee.
 - (f) If the member ceases to be a member of the Association.
 - (g) If the member holds any office of profit under the Association.
 - (h) If the member has a direct or indirect interest in any contract or proposed contract with the Association without declaring such interest to the Executive Committee.
 - (i) If the member resigns from office by notice in writing to the Association.
- 18.2 The Association in General Meeting may by Ordinary Resolution remove any member of the Executive Committee before the expiration of the member's term of office and may by resolution appoint another eligible member to hold office until the expiration of the term of office of the member so removed.
- 18.3 A member of the Executive Committee to whom a proposed resolution referred to in rule 18.2 relates, may make oral representations at the General Meeting or may distribute, at his or her own cost, written representations to members at the General Meeting.
- 18.4 If the offices of all the members of the Executive Committee shall become vacant other than by reason of the ordinary vacation at the expiration of the term of office at each Annual General Meeting, the Council shall immediately appoint the immediate past President, the immediate past Honorary Secretary or one of the immediate past Vice-Presidents to be the Administrator of the Association.
- 18.5 The Administrator shall call a Special General Meeting within two months of its appointment to elect a new Executive Committee and in the interim period, be responsible to the Association's Council.

19.0 Proceedings of the Executive Committee

- 19.1 The Executive Committee shall meet at least once in each calendar month on seven (7) days written notice to dispatch the business of the Association.
- 19.2 At the request of any four (4) members of the Executive Committee, the President and the Honorary Secretary shall call on seven (7) days written notice a meeting of the Executive Committee, within four (4) days of receipt of the request.
- 19.3 In the event of urgent business, an Executive Committee meeting shall be called on twenty-four (24) hours written notice, if written consent is obtained from at least four (4) of the following persons:
- (a) the President;
 - (b) the Honorary Treasurer;

- (c) the Honorary Secretary; or
 - (d) the three (3) Vice-Presidents.
- 19.4 Notice of the meeting given under rule 19.1 shall specify the general nature of the business to be transacted at the meeting.
- 19.5 Notice of the meeting given under rule 19.2 and 19.3 shall specify:-
- (a) the nature of the business to be transacted at the meeting;
 - (b) any resolution proposed to be passed at the meeting; and
- only business of which notice has been given under Rule 19.2 or 19.3 may be transacted at the meeting.
- 19.6 Matters arising at any Executive Committee Meeting shall be decided by a majority of those present which shall for all purposes be a determination of the Executive Committee. In case of an equality of votes the Chairman of the meeting shall have a second or casting vote.
- 19.7 The quorum of a meeting of the Executive Committee shall consist of seven (7) members of the Executive Committee of which two (2) are Office Bearers and any meeting where such a quorum is not present shall be adjourned to the same place and at the same hour of the same day in the following week.
- 19.8 At a meeting of the Executive Committee:-
- (a) the President, or in the President's absence, a Vice President shall be the Chairperson; or
 - (b) if the President and the Vice Presidents are absent or are unwilling to act as Chairperson, such one of the remaining members of the Executive Committee as may be chosen by the other members of the Executive Committee present at the meeting shall be the Chairperson.
- 19.9 Any act or thing done or suffered, or purporting to be done or suffered by the Executive Committee is valid and effectual despite any defect that may afterwards be discovered in the appointment or qualification of any member of the Executive Committee.

PART VI: GENERAL MEETINGS

20.0 Annual General Meeting

- 20.1 The Annual General Meeting of members shall be held during the month of August each year, when an annual report and audited financial statements of the Association shall be presented.
- 20.2 In addition to any other business which may be transacted at an Annual General Meeting, the business of an Annual General Meeting shall include the following:-
- (a) to confirm the minutes of the last preceding Annual General Meeting and of any Special General Meeting held since that meeting;

- (b) to receive from the Executive Committee and Sub-Committees (if any) reports on the activities of the Association during the preceding year:
 - (c) to elect the President, Honorary Treasurer and Honorary Secretary of the Association and other members of the Executive Committee;
 - (d) to receive and consider the statement which is required to be submitted to members under the Act.
- 20.3 No business other than that specified in the notice convening a General Meeting is to be discussed at the meeting except, with the agreement of those present at the General Meeting.
- 20.4 A member desiring to bring any business before a General Meeting shall give notice in writing, at least thirty five (35) days prior to the date of the General Meeting, of that business to the Honorary Secretary who shall include that business in the next notice calling a General Meeting after receipt of the notice of the member, unless the Executive Committee resolves that the business is scandalous, frivolous or vexatious.

21.0 Special General Meeting

- 21.1 Special General Meetings shall be called by the Honorary Secretary at the written request of at least four (4) members of the Executive Committee or at the written request of not less than fifty (50) members entitled to vote, within fourteen (14) days from the date of receipt of the request, except where the Executive Committee resolves that the purpose stated pursuant to rule 21.2 is scandalous, frivolous or vexatious.
- 21.2 A requisition of members for a Special General Meeting:-
- (a) shall state the purpose or purposes of the meeting;
 - (b) shall be signed by the members making the requisition;
 - (c) shall be lodged with the Honorary Secretary; and
 - (d) may consist of several documents in similar form, each signed by one or more of the members making the requisition.
- 21.3 If the Honorary Secretary fails to call a Special General Meeting within twenty-eight (28) days after the date on the written request of members is lodged with the Honorary Secretary, any one or more of the member who made the written request may call a Special General Meeting to be held not later than three (3) months after the date.
- 21.4 A Special General Meeting called by a member or members as referred to in rule 21.3 must be called in the same manner as General Meetings are called by the Executive Committee and any member who consequently incurs expense is entitled to be reimbursed by the Association for any reasonable expense so incurred if such reimbursement is approved by Ordinary Resolution of the members entitled to vote at the Special General Meeting.

22.0 Quorum

22.1 The quorum of a General Meeting shall consist of one hundred (100) members entitled to vote. Should a quorum be not formed within thirty (30) minutes of the time set down for the meeting, the meeting shall be adjourned to the same time and venue seven (7) days later or at a time or venue within twenty-eight (28) days of the date of the meeting determined by members present at that meeting. If at such adjourned meeting a quorum be not formed within thirty (30) minutes of the time set down for the meeting those members attending shall be deemed to form a quorum, provided the number of members present be not less than fifty (50).

23.0 Proceedings

23.1 The President or, in the absence of the President, a Vice-President nominated by the Executive Committee shall be the Chairperson at every General Meeting of the Association, but if neither is present within fifteen (15) minutes of the time set down for the General Meeting or is unwilling to take the chair then the members present shall elect by a simple majority amongst themselves a member to be the Chairperson of the General Meeting.

23.2 The Chairperson when directed by a resolution of the members entitled to vote at the meeting may adjourn such a meeting to a time and venue determined by the meeting but no new business shall be transacted at any adjourned meeting other than the business left unfinished in accordance with the agenda of the meeting so adjourned. When an adjournment exceeds thirty (30) days notice of the adjourned meeting shall be given to all members.

24.0 Voting

24.1 The following persons shall be entitled to vote at a General Meeting of the Association:

- (a) ordinary members of at least six (6) months standing as members of the Association who are citizens or permanent residents of Australia;
- (b) life members of at least six (6) months standing as members of the Association who are citizens or permanent residents of Australia;
- (c) honorary life members of at least six (6) months standing as members of the Association who are citizens or permanent residents of Australia; and
- (d) corporate members of at least six (6) months standing as members of the Association, represented by a natural person nominated in writing by the corporate member.

24.2 Subject to Rule 24.3, a person entitled to vote at a General Meeting of the Association:-

- (a) who is personally present at the General Meeting; or
- (b) in the case of a corporate member – whose nominated representative is personally present at the General Meeting,

shall have one (1) vote on any question arising at a Special Meeting.

- 24.3 Where a person is entitled to vote as the nominated representative of a corporate member and is also entitled to vote as:-
- (a) an ordinary member; or
 - (b) a life member; or
 - (c) a honorary life member;
- then the person shall be deemed to surrender the entitlement to vote as the nominated representative of a corporate member, and shall have one (1) vote on any question arising at a General Meeting.
- 24.4 No proxy votes shall be accepted at any meeting of the Association.
- 24.5 At any General Meeting, a resolution put to the vote of the Meeting shall be decided on a show of hands unless, before the vote is taken, a poll is demanded by the Chairperson or by at least three (3) members present. A declaration by the Chairperson that a resolution has been carried, either unanimously or by any particular majority or lost and an entry to that effect in the minutes book of the Association shall be conclusive evidence of the result of the vote. A demand for a poll may be withdrawn.
- 24.6 If a poll is duly demanded it shall be taken in such a manner and at such time as the Chairperson shall direct, but a poll demanded on the election of a chairperson or on a question of adjournment shall be taken forthwith. The result of the poll shall be the resolution of the meeting.
- 24.7 In the case of an equality of votes on any question arising at a General Meeting the Chairperson of the meeting is entitled to exercise a second or casting vote.

25.0 Notice and Nomination

- 25.1 The Honorary Secretary shall give at least twenty one (21) days notice in writing of all General Meetings to all members of the Association, of the time, date, venue and agenda of the meeting indicating the general nature of the business to be transacted.
- 25.2 Nominations for candidates for election of office-bearers of the Association, or committee members of the Executive Committee, or Councillors:-
- (a) shall be made in writing, dated and signed by a proposer and seconder for the nomination and accompanied by the written consent of the candidate, which may be endorsed on the form of the nomination; and
 - (b) shall be delivered to the Honorary Secretary of the Association at least seven (7) days before the date fixed for the holding of the General Meeting at which the election is to take place.
- 25.3 If insufficient nominations are received to fill all vacancies on the Executive Committee or Council, any vacant positions remaining on the Executive Committee or Council, as the case may be, are taken to be casual vacancies.
- 25.4 If the number of nominations received is equal to the number of vacancies to be filled, the persons nominated are taken to be elected.

- 25.5 If the number of nominations exceeds the number of vacancies to be filled, a ballot is to be held.
- 25.6 The ballot for the election of office-bearers and other committee members of the Executive Committee or the Councillors is to be conducted at the Annual General Meeting in such usual and proper manner as the Executive Committee may direct.
- 25.7 Candidates for election to the Executive Committee and their respective proposers and seconders must have been an ordinary member, life member or honorary life member of the Association for at least one (1) year prior to the date of the nomination, who have paid all amounts which they as members are liable by these rules to pay to the Association in respect of their membership.
- 25.8 A nomination for election to the Council must be proposed and seconded by an ordinary member, life member or a honorary life member of the Association of a least five (5) years standing prior to the date of nomination, who have paid all amounts which they as members are liable by these rules to pay to the Association in respect of their membership.
- 25.9 Nominations for the position of President will only be accepted from persons:
- (a) who have served on the Executive Committee for at least two (2) consecutive years immediately prior to the date of the nomination; and
 - (b) who have not been elected or have otherwise occupied the office of President for the period of five (5) years immediately prior to the date of the nomination, except where pursuant to rule 15.3 the nomination is for a consecutive second or third term.
- 25.10 Only honorary life members, life members and ordinary members who have paid all amounts which the member is liable by these rules to pay to the Association in respect of the member's membership and who are Citizens of Australia shall have the right to stand for election to the Executive Committee.

PART VII: FINANCES

26.0 Financial Year

- 26.1 The financial year of the Association shall commence on the first day of July each year and conclude on the last day of June of the subsequent year.

27.0 Funds – Source and Application

- 27.1 The Association may raise or seek to raise funds from any source and to apply any funds of the Association in the furtherance of the objects of the Association as determined by the Executive Committee.

28.0 Funds – Management

- 28.1 The Association shall establish and maintain a bank account or bank accounts with a major commercial bank or a number of major commercial banks in Sydney as determined by the Executive Committee from time to time.

- 28.2 The President, the Honorary Secretary, the Honorary Treasurer and two other Executive Committee Members nominated by the Executive Committee shall be the authorised persons to sign all cheques and to make payments on behalf of the Association. All cheques shall be signed by the Honorary Treasurer, and in his or her absence, the Honorary Secretary and countersigned by the President, and in his or her absence, one of the nominated Executive Committee members.
- 28.3 All monies received by the Association shall be deposited at the Association's bank account or bank accounts promptly and receipts shall be issued for all monies received.
- 28.4 All payments in excess of two hundred dollars (\$200.00) made by the Association shall be paid by cheque.
- 28.5 All accounts shall be presented to and approved for payment at an Executive Committee Meeting and full details of such approvals shall be entered in the minutes book of the Executive Committee.
- 28.6 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 all details of all receipts and expenditure connected with the activities of the Association.

29.0 Audit

- 29.1 The Auditor shall examine all accounts, vouchers, receipts, books, and other financial records, and furnish a report to the members at Annual General Meetings. Audits are to be conducted at regular intervals at the discretion of the Auditor.
- 29.2 The Auditor shall be elected at the first General Meeting and hold office until resignation, removal or death.
- 29.3 The Auditor shall not be a member or a relative of a member of the Executive Committee or Council.
- 29.4 The Auditor may by notice in writing to the Honorary Secretary resign as Auditor of the Association.
- 29.5 The Auditor may be removed from office by an Ordinary Resolution of the Association passed at a General Meeting. Upon receipt of a notice of the proposal to remove the Auditor, the Honorary Secretary shall send a copy of the said notice to the Auditor. The Auditor may make representations in person or in writing at his or her own expense, at the General Meeting so held.
- 29.6 Where the vacancy in the office of Auditor occurs:
- (a) the Executive Committee shall by resolution appoint a person or firm of auditors to fill the vacancy until the next General Meeting following the date the office of auditor becomes vacant;

- (b) the Association shall at the next General Meeting following the date the office of auditor becomes vacant appoint a person or firm of auditors to fill the vacancy.

PART VIII: MISCELLANEOUS

30.0 Sale, Purchase or Dealings with Real Property

30.1 The Association shall not:-

- (a) sell, encumber, mortgage, or charge real property in which the Association has an interest; or
- (b) purchase or acquire an interest in real property;

otherwise than in accordance with this rule.

30.2 Where the Executive Committee resolves to sell, encumber, mortgage or charge an interest in real property:

- (a) by a majority of three fourths of all Executive Committee members; and
- (b) three fourths of all Councillors have approved the resolution;

then prior to entering such sale, encumbrance, mortgage or charge the Executive Committee shall call a Special General Meeting at which the members entitled to vote may by Ordinary Resolution ratify the resolution; provided that in the absence of:

- (c) the three fourths majority of all Executive Committee members; or
- (d) the three fourths approval of all Councillors;

then a Special Resolution of the members entitled to vote at the Special General Meeting shall be required to ratify the resolution.

30.3 Where the Executive Committee resolves to purchase or acquire an interest in real property:

- (a) by a majority of three fourths of all Executive Committee members; and
- (b) three fourths of all Councillors have approved the resolution;

then the Executive Committee is authorised to execute such documents or do such things as necessary to purchase or acquire an interest in real property; provided that in the absence of:

- (c) the three fourths majority of all Executive Committee members; or
- (d) the three fourths approval of all Councillors;

then prior to entering into such purchase or acquisition the Executive Committee shall call a Special General Meeting at which the members entitled to vote may by Special Resolution ratify the resolution.

31.0 Amendment of Objects and Rules

- 31.1 The statement of objects and these rules may be altered, rescinded or added to only by a Special Resolution of the Association.
- 31.2 Where the statement of objects or these rules or both are proposed to be altered rescinded or added to, then the Executive Committee shall convene a consultative joint meeting with the Council prior to calling a general meeting to consider the proposed alteration, rescission or addition to the statement of objects or these rules or both.

32.0 Voluntary Dissolution

- 32.1 Where the Executive Committee resolves that the Association be voluntarily dissolved:
- (a) by a majority of three fourths of all Executive Committee members; and
 - (b) three fourths of all Councillors have approved the resolution;
- then the Executive Committee shall call a Special General Meeting at which the members entitled to vote may by Ordinary Resolution ratify the resolution; provided that in the absence of:
- (c) the three fourths majority of all Executive Committee members; or
 - (d) the three fourths approval of all Councillors;
- then a Special Resolution of the members entitled to vote at the Special General Meeting shall be required to ratify the resolution.
- 32.2 Upon a resolution being passed at a Special General Meeting to voluntarily dissolve the Association, all assets and funds of the Association shall be dealt with pursuant to the Act.

33.0 Minutes

- 33.1 The Honorary Secretary shall cause minutes to be kept of:
- (a) appointments of Office Bearers and members of the Executive Committee;
 - (b) the names of members of the Executive Committee present at all meetings of the Association and of the Executive Committee;
 - (c) the proceedings at all meetings of the Association and of the Executive Committee.
- 33.2 The minutes of meetings of the Association and of the Executive Committee shall be confirmed at the next succeeding meeting and signed by the Chairperson who certifies them to be a true record of that meeting.

34.0 Custody and Inspection of Books and Records, etc.

- 34.1 The Honorary Secretary shall keep at the principal place of administration of the Association and maintain records of the business of the Association including the

statement of objects and rules, register of members, books of minutes of all General, Special and Executive Committee Meetings, and a file of correspondence.

34.2 The Honorary Treasurer shall keep at the principal place of administration of the Association and maintain all financial books and records of the Association.

35.0 Common Seal

35.1 The Common Seal of the Association shall be kept in the custody of the Honorary Secretary and shall only be affixed to a document by resolution of the Executive Committee. The affixing of the Common Seal shall be attested by the signatures of the President and a member of the Executive Committee.

36.0 Insurance

36.1 The Executive Committee shall effect and maintain insurance as is required under the Act together with any such other insurance which may be required by law or determined as necessary by the Executive Committee.

37.0 Service of Notice

37.1 Service of documents on the Association is effected by serving them on the Public Officer or by serving them personally upon two (2) members of the Executive Committee.

37.2 A notice may be served by or on behalf of the Association upon any member and shall be deemed to be duly given or made:

- (a) in the case of delivery in person – when delivered to the recipient;
- (b) in the case of telex – on receipt by the sender of the answer back code of the recipient at the end of the telex;
- (c) in the case of post – if posted to an Australian address, 3 business days after posting, and in any other case 8 business days after posting by airmail;
- (d) in the case of facsimile transmission – if the sender's facsimile produces a transmission report indicating that the facsimile was sent in its entirety to the addressee's facsimile, the report will be prima facie evidence that the facsimile was received by the addressee at the time indicated on that report;

but if such delivery or receipt is later than 4 p.m. (local time) on a day on which business is generally carried on in the place to which such notice is sent, it shall be deemed to have been duly given or made at the commencement of business on the next such day in that place.

38.0 Interpretation

38.1 Definitions:-

- (a) "Act" means the Associations Incorporation Act 1984 (NSW) (as amended).

- (b) “Association” shall mean the Australian Chinese Community Association of New South Wales Incorporated.
- (c) “Council” shall mean the Council formed pursuant to paragraph 11 of these rules.
- (d) “Executive Committee” shall mean the committee formed pursuant to paragraph 12 of these rules.
- (e) “Ordinary Resolution” means a resolution passed by more than fifty percent (50%) of those entitled to vote at a General Meeting, of which at least twenty-one (21) days notice has been given.
- (f) “Special Resolution” means a resolution passed by more than seventy-five percent(75%) of those entitled to vote at a General Meeting, of which at least twenty one (21) days notice has been given.

38.2 Interpretations : -

- (a) A reference to a function includes a reference to a power, authority and duty.
- (b) A reference to the exercise of a function includes, if the function is a duty, a reference to the performance of the duty.
- (c) Headings are for convenience only and do not affect interpretation.
- (d) The singular includes the plural and conversely.
- (e) A gender includes all genders.
- (f) Where a word or phrase is defined its other grammatical forms have a corresponding meaning.
- (g) A reference to a person includes a body corporate, an unincorporated body or other entities.
- (h) A reference to any legislation or to any provision of legislation includes any modification of re-enactment of it, any legislative provisions substituted for it and all regulations and statutory instruments issued under it.
- (i) A reference to conduct includes, without limitation, any admissions, statement or undertaking, whether or not in writing.

Approved at Annual General Meeting on 26 August, 1995

新南威爾斯澳華公會註冊法團

宗旨與規章

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新南威爾斯澳華公會註冊法團

宗旨與規章

第一部：名稱

1.0 名稱

1.1 本會定名為新南威爾斯澳華公會註冊法團（以下簡稱）「本會」。

第二部：宗旨

2.0 宗旨

- 2.1 本會為一非政治、非宗教、非派系團體，宗旨在：
- (a) 促進華裔澳洲人與其他澳洲人互相了解；
 - (b) 鼓勵並協助華裔移民融入澳洲社會；
 - (c) 激發華裔澳洲人對經濟、文化及政治事物之興趣；
 - (d) 與其他團體及政府機構合作以達成本會宗旨；
 - (e) 藉學校教育，鼓勵保存中國文化，並加以培育發展。

第三部：會籍

3.0 會員資格

3.1 凡贊同本會宗旨，同意遵守本會規章與規則之人士均可加入本會。

3.2 會員分類

- (a) 華裔人士可成為普通會員；
- (b) 非華裔人士可成為贊助會員；
- (c) 在澳洲成立或註冊之公司、商號、社團或其他團體、經執行委員會認可，可成為公司會員；
- (d) 凡曾服務本會或華人社區而表現傑出之人士，經執行委員會決定，可成為名譽會員。
- (e) 凡繳交終身會費之華裔人士，可成為終身會員，費用由執行委員會決定；
- (f) 凡曾服務本會或華人社區而表現傑出之普通會員，由執行委員會提名，經監察委員會通過，可成為名譽終身會員。

4.0 入會申請辦法

- 4.1 申請入會者須署名書面提出，申請表格及內容由執行委員會決定。根據規章第五條，申請表須連同入會費及會員年費一併繳交，費用由執行委員會決定。
- 4.2 申請入會者須有一提名人士及一和議人。提名人及和議人須自申請日起計至少一年前已成為本會普通會員或終身會員或名譽終身會員，並已清繳規章指定身為本會會

員名下應繳之所有費用。

4.3 執行委員會接獲申請書後須盡快處理是項申請，執行委員會有權接納或拒絕申請，不須說明理由，惟須盡快知會申請人。

4.4 申請一經批准，義務秘書須確保申請人資料列入會員名冊，一經列入，申請人便成為本會會員。

5.0 會費

5.1 所有會員均須繳交由每年一月至十二月之年費，費用及時間由執行委員會決定，惟名譽會員、終身會員或名譽終身會員不須繳交年費。

5.2 申請為終身會員者須繳交終身會員費，費用得由執行委員會因應情況而決。

5.3 所有人士申請入會時均須繳交入會費，費用得由執行委員會因應情況而決定，惟名譽會員不須繳入會費。

6.0 會員名冊

6.1 會員名冊須放置於本會主要辦公地點，名冊應載有會員姓名、現住地址、電話號碼及入會日期。

7.0 會籍終止

7.1 會員會籍終止，由於：

- (a) 會員死亡；
- (b) 自行辭去；
- (c) 為本會擯逐。

7.2 本會會員之權利、榮譽或義務將：

- (a) 不能轉讓或轉送他人；
- (b) 因會籍終止而失效。

7.3 本會會員將不能退會，除非符合下列規定：

- (a) 已根據會章清繳名下所有應繳費用，並於退會日期七日前以書面通知義務秘書，通知期屆滿日，該會員會籍方告終止。
- (b) 如本會會員根據(a)條款及任何其他情況下終止會籍，義務秘書必須於會員名冊中填入恰當資料，並登記該名會員終止會籍之日期。

8.0 會員紀律

8.1 任何會員均可向執行委員會投訴其他會員（在此規章下指）「該有關會員」：-

- (a) 持續拒絕認同或漠視本會條文或法例規定之條文或本規章或；
- (b) 有持續及有意損害本會利益之行爲。

8.2 接獲投訴後，執行委員會須：

- (a) 知會該有關會員有關投訴事宜；
- (b) 給予該有關會員十四日通知，使其能就該項投訴向執行委員會提交解釋；
- (c) 考慮該有關會員就投訴事所提交之任何解釋。

8.3 如執行委員會滿意投訴所條陳之事實而建議擯逐該有關會員出會，則執行委員會

須：

- (a) 召開一特別會員大會，大會須於通告發出後二十八日內召集，根據附則(b)確認或推翻執行委員會擯逐該會員之決議；
- (b) 須將建議擯逐之決議及根據附則(a)召開特別會員大會之日期、地點及時間，知會該有關會員；
- (c) 可禁止該有關會員參予本會任何事務至根據附則(a)召開之特別會員大會為止。

8.4 據規章 8.3 召開之特別會員大會：

- (a) 除處理建議擯逐有關會員事項外，其他事項不予受理；
- (b) 提出投訴之會員、執行委員會及有關會員均須有機會於口頭上或/及書面上表明立場；
- (c) 如提出投訴之會員或有關會員擬於特別會員大會前派發陳情書，須自行準備及分發並自行承擔一切所需費用；
- (d) 有資格於特別會員大會投票之會員須以不記名方式投票；
- (e) 經特別會員大會正式批准之特別議案，即執行委員會決定擯逐有關會員之議決，擯逐有關會員一事，才可生效。

8.5 若特別會員大會通過批准特別議案，即執行委員會擯逐有關會員議決，執行委員會須於七日內知會該有關會員，而該有關會員，將被視為自特別會員大會召開日起已終止會籍。

8.6 依此規章被逐之有關會員，其任何已繳交之費用將不獲發還。

8.7 本會會員間（作為會員身份）之爭執及會員與本會之爭執而非按規章 8.1 提出之投訴，會轉介予社區公義中心，依據一九八三年（新南威爾斯州）社區公義中心法考慮，惟雙方須各自負擔所需費用。

9.0 會員責任

9.1 除須繳交未付之會費外，本會會員並無責任科款償還本會之債項，或解散本會所涉及之成本，費用及開支。

第四部： 贊助人

10.0 贊助人

10.1 執行委員會有權任命一名或多名居於新南威爾斯州，地位或成就出眾之人士，擔任本會贊助人，任期由委任日至下屆週年大會為止。

第五部： 管理

11.0 監察委員會

11.1 監察委員會最少由五名，最多九名委員組成，委員須經由本會週年大會或特別會員大會選出。

- 11.2 具五年會籍之普通會員及終身會員，已按本會規章所定繳足會費，而又為澳洲公民，方有權競選監察委員；名譽終身會員亦須具五年會籍，並為澳洲公民方可競選監察委員。
- 11.3 監察委員任期四年。如任何委員辭職或身故而出現空缺，執行委員會與監察委員會可召開聯席會議，由本會會長主持，提名填補此臨時空缺。經此委任之監察委員，任期為出缺委員之餘下任期。
- 11.4 監察委員不得同時擔任本會任何受薪職位，或收受費用、報酬、金錢或與金錢等值之其他利益，惟下述情況例外：
- (a) 監察委員可收回為本會執行監察委員職務時所代墊之款項；
 - (b) 如監察委員貸款予本會，應獲償還利息，利率以不超逾本會開戶銀行之透支利率計；
 - (c) 如監察委員出租場地予本會，可收取合理租金。
- 11.5 監察委員會為一諮詢組織，除本規章所規定外，監察委員會無權干預本會之管理及行政。
- 11.6 監察委員在任期內不得參予競選執行委員會委員或有職銜之委員。
- 11.7 本會可於會員大會以普通議決方式議決於監察委員任期末滿前罷免任何監察委員；亦可議決委任別位合資格會員，接任被罷免之委員，至餘下任期屆滿止。
- 11.8 與規章 11.7 所提議決有關之監察委員，可於會員大會上口頭陳情或自費印製書面聲明，分發予會員。
- 11.9 監察委員會委員如遇下述情況，其職位即告出缺：-
- (a) 身故；
 - (b) 破產或須與債權人安排或重組債務；
 - (c) 患精神病或無能力處事；
 - (d) 會籍終止；
 - (e) 出任本會任何有報酬之職位；
 - (f) 與本會之任何合約或擬達成之合約有直接或間接利益而未有向監察委員會申報。
 - (g) 向本會書面呈辭。

12.0 執行委員會

- 12.1 本會會務由執行委員會依據規章及會員大會通過之任何決議負責管理：-
- (a) 從事任何有需要或偶發性之工作，以達成本會宗旨；
 - (b) 須控制及管理會務；
 - (c) 除按本規章規定於會員大會中執行之職能外，可執行本會所推行之一切職能；
 - (d) 有權從事執行委員會認為有助妥善管理本會所需或適合之事務。
- 12.2 執行委員會由每年週年大會選出，須包括下列成員：
- (a) 本會幹事；及
 - (b) 十四名其他小組委員會委員。
- 12.3 執行委員會委員在任期內不得參予競選監察委員，惟上任會長例外。

13.0 執行委員會委員

- 13.1 按本規章規定，每名委員任期由被選日或被委任日起至下屆週年會員大會止，並可再被選任。
- 13.2 執行委員會委員於任期內不得同時出任本會任何受薪職位或收取本會費用、報酬或任何金錢或與金錢等值之利益、除非：
- (a) 執行委員可收回為本會擔任執行委員職務時所代墊之款項；
 - (b) 如執行委員貸款予本會，應獲償還利息，利息以不超逾本會開戶銀行之透支利率計；
 - (c) 如執行委員出租場地予本會，得收取合理租金。
- 13.3 執行委員會有任何出缺得由執行委員會委任填補，經此方式委任之委員，任期為出缺委員之餘下任期。

14.0 小組委員會

- 14.1 執行委員會可議決授權一個或以上之小組委員會執行其於決議內指定之職能，執行委員會可指定小組委員會應包括本會某或某些會員，惟小組委員會不得擁有下述職權：
- (a) 授權之權力；
 - (b) 按社團註冊法，本規章或任何其他法例要求執行委員會履行之職責所衍生之職能。
- 14.2 按此規章，小組委員獲授權處理特定事務，若授權未被取消，小組委員會得隨時依據授權之條款處理該項事務。
- 14.3 執行委員會根據本規章進行授權時，可於決議內列明行使獲授權職能之條件或限制，及行使之時間或情況。
- 14.4 即使已按此規章授權，執行委員會仍可繼續處理已授權予小組委員會之事務。
- 14.5 執行委員會可議決全部或部份推翻在此規章下之任何授權。
- 14.6 小組委員會得於適當時間隨時召集或休會。
- 14.7 小組委員會成員接任後須服務至下屆週年會員大會為止，除非小組委員會成員呈辭或遭執行委員會議決罷免。
- 14.8 小組委員會須向執行委員會負責，並須定期向執行委員就小組活動提供報告。

15.0 幹事

- 15.1 本會幹事應包括：-
- (a) 會長；
 - (b) 義務財政；
 - (c) 義務秘書；及
 - (d) 三名副會長。
- 15.2 執行委員會成員須互選下述職位：
- (a) 三名副會長；
 - (b) 義務助理財政；及
 - (c) 義務助理秘書。

- 15.3 任何人士不得連任會長超過三屆。
- 15.4 會長若暫時缺席，須指派一名執行委員代理會長之職。
- 15.5 如會長暫時缺席而未有指派代理會長，執行委員會須指派其中一名成員，暫代會長之職。

16.0 外務幹事

- 16.1 執行委員會須確定一名人士被任命為外務幹事。
- 16.2 第一名外務幹事應由辦理本會申請註冊事宜之人士出任。
- 16.3 外務幹事須確保已遵從法例要求之規定行事。
- 16.4 執行委員會可隨時罷免外務幹事，而任命另外一名外務幹事，惟獲委人士須年滿十八歲及為新南威爾斯州居民。
- 16.5 外務幹事如遇下述情況，其職位即告出缺：-
 - (a) 身故；
 - (b) 書面呈辭；
 - (c) 為執行委員會或本會於會員大會中罷免；
 - (d) 破產或無償債能力；
 - (e) 患精神病或無能力處事；
 - (f) 遷離新南威爾斯州。
- 16.6 如外務幹事職位出缺，執行委員會須確保已按法例之所有規定行事。

17.0 執行委員會顧問

- 17.1 執行委員會可委任其認為適合、有資格或有經驗人士擔任執行委員會顧問。
- 17.2 顧問任期自其委任日至下屆週年會員大會或經執行委員會議決之日期止，二者以日期早者為準。
- 17.3 上屆會長應為執行委員會之當然委員。

18.0 職位出缺

- 18.1 執行委員如遇下述情況，其職位即告出缺：-
 - (a) 自獲選或被委任日起，迄下屆週年大會止之任期屆滿；
 - (b) 身故；
 - (c) 破產或須與債權人安排或重組債務；
 - (d) 患精神病或無能力處事；
 - (e) 未得執行委員會批准，連續三個月缺席執行委員會會議；
 - (f) 會籍終止；
 - (g) 擔任本會受薪職位；
 - (h) 與本會之任何合約或擬達成之合約有直接或間接利益而未有向執行委員會申報；
 - (i) 向本會書面呈辭。
- 18.2 本會可於會員大會中以普通議決方式於執行委員任期末滿前，罷免任何執行委員，亦可議決委任別位合資格會員接任，至餘下任期屆滿止。

- 18.3 與規章 18.2 所提決議有關之執行委員，可於會員大會上口頭陳情或自費印製書面聲明，分發予會員。
- 18.4 倘所有執行委員職位出缺，而非因週年大會任期屆滿之正常出缺，監察委員會得立即委派上屆會長、上屆義務秘書或上屆其中一位副會長為本會之接管人。
- 18.5 接管人須於接任兩個月內召開特別會員大會，選出新執行委員會，並於過渡期間向本會監察委員會負責。

19.0 執行委員會議事程序

- 19.1 執行委員會每月最少開會一次，俾能迅速處理會務，開會通告須於七日前發出。
- 19.2 如有四名執行委員要求，會長及義務秘書須於接獲要求四日內，以書面通知七日後召開執行委員會。
- 19.3 如遇緊急事務，執行委員會得於二十四小時前發出書面通知召開執行委員會，惟須最少取得下列其中四名人士書面同意：
- (a) 會長；
 - (b) 義務財政；
 - (c) 義務秘書
 - (d) 三名副會長。
- 19.4 按規章 19.1 召開會議之通知須指明該次會議擬討論事項之大概性質。
- 19.5 按規章 19.2 及 19.3 召開會議之通知須指明：-
- (a) 該次會議討論事項之性質；
 - (b) 須於該次會議上建議通過之任何議案；
- 按規章 19.2 及 19.3 舉行之會議只處理通知書上指明之事項。
- 19.6 執行委員會會議中討論之事項，由出席者以多數票作決定，此等決定，在任何情況下均屬執行委員會之決定。遇有正反票數相等，該次會議之主席可多投一票或投決定性一票。
- 19.7 執行委員會會議之法定人數應為七名執行委員，其中兩名須為幹事，任何會議不足此法定人數，須押後下週同日同時同地舉行。
- 19.8 執行委員會會議中：-
- (a) 會長應為主席；如會長缺席，其中一名副會長應為主席。
 - (b) 如會長及副會長均缺席或不願出任主席，則主席可由餘下之出席執行委員中選出。
- 19.9 即使執行委員任何成員之委任或資歷出現問題，執行委員會於問題發生前所作或容許或聲稱由執行委員會所作或容許之任何行為或事情均屬有效。

第六部：會員大會

20.0 週年會員大會

- 20.1 週年會員大會於每年八月舉行，本會年報及經審核之財政報告須於此時提交省覽。
- 20.2 除其他事項外，須於週年大會中處理之事項，包括：-
- (a) 通過上次週年會員大會之會議記錄及自上次大會後任何特別會員大會之記錄；

- (b) 聽取執行委員會及小組委員會就過去一年活動所作之報告；
- (c) 選出會長、義務財政及義務秘書及其他執行委員會成員；
- (d) 聽取及考慮根據法例須分發予會員之聲明。

20.3 除非得出席會員大會者同意，會員大會不得討論通知書中並無指明之事項。

20.4 會員如擬於會員大會中提出任何議程，須於召開會員大會三十五日前以書面通知義務秘書，義務秘書收到通知後須於下次通知會員大會時將該事項列入議程，除非執行委員會認為該項議程令人反感，過於輕率或使人憤怒。

21.0 特別會員大會

21.1 如有最少四名執行委員或不少於五十名有權投票之會員書面要求，義務秘書可於十四日內召開特別會員大會，除非執行委員會議決認為按規章 21.2 所指陳之目的令人反感、過於輕率或使人憤怒。

21.2 會員要求召開特別會員大會須符合下列要求：

- (a) 須說明目的或該次會議之目的；
- (b) 須由會員署名提出請求；
- (c) 須正式向義務秘書提出；及
- (d) 可提交格式相若之若干份文件，每份文件由一名或多名會員簽署正式提出請求。

21.3 如義務秘書於收到書面要求二十八日內未能成功召開特別會員大會，任何一名或多名曾作書面要求之會員可於書面要求之日起計三個月自行召開特別會員大會。

21.4 按規章 21.3 由一名或多名會員召開之特別會員大會，須與執行委員會召開會員大會之式相同。任何會員因此而有任何支出，祇須支出合理，經特會員大會中有權投票之會員通過，該等支出可獲本會償還。

22.0 法定人數

22.1 會員大會之法定人數為一百名有權投票之會員。如指定開會時間首三十分鐘內仍未足法定人數，會議須延至七日後同時同地舉行，或由出席該次會議之會員決定二十八日內於某時某地舉行。若押後舉行之會議於指定開會時間首三十分鐘內仍不足法定人數，則出席該次會議之會員應視為足夠法定人數論，惟出席人數不得少於五十人。

23.0 議事程序

23.1 會長為會員大會主席，如會長缺席，執行委員會得提名其中一名副會長擔任主席。若二者於指定開會時間後十五分鐘內仍未出席，或不欲主持會議，出席會員得以簡單多數票方式互選一名會員擔任大會主席。

23.2 主席若經出席會議而有權投票之會員議決指示，可宣佈會議押後至大會所決定之時間及地點舉行。押後舉行之會議除討論上次會議議程中未經討論之事項外，不得討論任何新事項。若延期超逾三十日，須發信通知所有會員有關大會延期之事宜。

24.0 投票

24.1 下述人士於本會會員大會中有權投票：

- (a) 普通會員，最少具六個月會籍並為澳洲公民或永久居民；
 - (b) 終身會員，最少具六個月會籍並為澳洲公民或永久居民；
 - (c) 名譽終身會員，最少具六個月會籍並為澳洲公民或永久居民；
 - (d) 公司會員，最少具六個月會籍，由公司會員書面提名一名人士為代表。
- 24.2 按規章 24.3，有權於本會會員大會中投票之人士須：-
- (a) 親自出席會員大會；或
 - (b) 如為公司會員，指定之代表須親自出席會員大會。
- 於特別會員大會中每項議事只可投一票。
- 24.3 代表公司會員出席而又同時有其他身份者，如：
- (a) 為普通會員；或
 - (b) 終身會員；或
 - (c) 名譽終身會員；
- 則該名人士須放棄代表公司會員，並只能就會員大會中每項議程投一票。
- 24.4 本會任何會議均不接納授權代表投票。
- 24.5 任何會員大會中，交由大會表決之決議得以舉手方式決定，除非於表決前，主席或至少三名出席會員要求投票表決，則作別論。一經主席宣佈某項決議已獲一致或多數票通過，或不獲通過，而該結果亦已記錄在本會會議記錄冊內，此即表決結果之確實證據。有關投票表決之要求可以撤銷。
- 24.6 如正式要求投票表決，則應該按照主席指示之方式及時間進行，但若是要求就選舉之席或押後會議之問題進行投票表決，則應即時進行。投票表決結果，即該會議之決議。
- 24.7 在會員大會中如遇票數均等情況，大會主席可多投一票或決定性之一票。

25.0 通知書及提名

- 25.1 凡舉行會員大會，義務秘書須最少於二十一日前書面通知本會所有會員，列出時間、日期、地點及議程，議程述明擬討論事項之大概性質。
- 25.2 提名競選本會幹事或執行委員會委員或監察委員會委員須：-
- (a) 以書面方式提出。書明日期，由提名人及和議人簽署連同候選人之同意書或於提名表格上加簽一併提交；及
 - (b) 最少於週年大會舉行前七日送達義務秘書。
- 25.3 如無足夠提名出任執行委員會或監察委員會之所有職位，則餘下空缺將一如執行委員會或監察委員會例行出缺之情況處理。
- 25.4 如提名人數與出缺人數相等，則被提名者自動當選。
- 25.5 提名人數如超逾空缺，須進行不記名投票選舉。
- 25.6 幹事、執行委員或監察委員之不記名投票選舉將按執行委員會之指示循例行正當程序週年會員大會中進行。
- 25.7 執行委員會之候選人及其提名人、和議人必須為提名日前具會籍最少一年之普通會員或終身會員或名譽終身會員，並已清繳按本規章所定身為本會會員名下應繳之所有費用。
- 25.8 競選監察委員必須由具會籍最少五年之普通會員、終身會員或名譽終身會員提名及

和議，提名人及和議人須已清繳按本規章所定身為本會會員名下應繳之所有費用。

25.9 競選會長一職，必須符合下述資格：

(a) 提名前最少兩年連續出任執行委員；及

(b) 提名前五年未嘗出任或獲選為會長，惟按規章 15.3 獲提名連續其第二任或第三任者例外。

25.10 祇有按本規章規定已清繳其身為本會會員名下之所有費用，並為澳洲公民之名譽終身會員、終身會員及普通會員方有權競選執行委員會委員。

第七部：財政

26.0 財政年度

26.1 本會財政年度由每年七月一日起，迄翌年六月底止。

27.0 經費--來源及應用

27.1 本會可籌募或設法從任何來源籌募經費及由執行委員會決定運用任何經費，以達成本會宗旨。

28.0 經費--管理

28.1 本會得隨時由執行委員會決定在雪梨一間或多間主要商業銀行開立及維持一個或多個銀行戶口。

28.2 會長、義務秘書、義務司庫及其他兩名經執行委員會會議指定之委員，獲授權代表本會簽署所有支票及支付款項。所有支票均須由義務司庫簽署；如義務司庫缺席，則由義務秘書簽署，另由會長加簽；如會長缺席，則由其中一位被指定之執行委員加簽。

28.3 本會收受之所有款項，須盡快存入本會銀行戶口，所有收受款項，均須開出收據。

28.4 本會支付之款項凡超過二百元，均須用支票支付。

28.5 所有帳目須呈請執行委員會批准支付，一經批准，其詳情須紀錄於執行委員會會議紀錄冊內。

28.6 本會司庫之責任為確保：

(a) 收取所有應付予本會之帳項及清繳本會授權支出之款項；及

(b) 保管顯示本財政狀況之帳簿及會計紀錄，包括所有收據及與本會活動開支有關之帳單。

29.0 核數

29.1 核數人須審查所有帳目、憑單、收據、帳簿及其他財務紀錄，並於週年會員大會向會員提交報告。核數人得按情況定期進行核數。

29.2 核數人須於第一次會員大會選出，任期直至核數人辭職，遭罷免或身故止。

29.3 執行委員或監察委員或二者之親人均不得擔任核數人。

29.4 核數人可書面通知義務秘書辭任本會之核數人。

29.5 核數人可經會員大會以普通議決方式通過罷免。義務秘書於接獲提議罷免核數人之

通知書後，須將通知書副本送交核數人。核數人可親自出席會員大會或自費以書面向該會員大會陳情。

29.6 如核數人出缺：-

- (a) 執行委員會可議決委任個別人士或核數師行填補空缺，任期自出缺日至下屆會員大會止；
- (b) 本會可於最接近出缺日所舉行之會員大會中委任個別人士或核數師行填補該缺。

第八部：雜項

30.0 買賣或處置物業

30.1 本會不得：-

- (a) 出售、減持、按揭有本會利益之物業，或向之徵收費用；或
- (b) 購買或取得物業之利益；

30.2 執行委員會若議決出售、減持，按揭物業或徵收利息須：

- (a) 全部執行委員之四分三大多數票通過；及
- (b) 全部監察委員之四分三批准該項決議；

而進行出售、減持、按揭或徵收費用前，執行委員會須召開特別會員大會，由有權投票之會員以普通議決方式通過該項決議，假使未能取得：-

- (c) 全部執行委員之四分三大多數票；或
- (d) 全部監察委員之四分三批准；

則需要特別會員大會中有權投票之會員以特別議決方式通過該項決議。

30.3 若執行委員會議決購買或取得物業之利益須：-

- (a) 全部執行委員中之四分三大多數票通過；及
- (b) 全部監察委員之四分三批准該項決議；

則執行委員會可獲授權執行處理相關文件或採取必要步驟購置或取得物業之利益；惟若未能取得：

- (c) 全部執行委員之四分三大多數票；或
- (d) 全部監察委員之四分三批准；

則於購置或正式取得利益前，執行委員會須召開特別會員大會俾有權投票之會員以特別議決方式通過簽署該項決議。

31.0 修改宗旨與規章

31.1 經本會特別議決，宗旨聲明及規章可加以增刪修補。

31.2 如建議增刪修補宗旨聲明或規章或二者，執行委員會須於召開會員大會前連同監察委員會召開聯席顧問會議以考慮宗旨聲明或規章或二者之增刪修補事宜。

32.0 自動解散

32.1 如執行委員會議決本會須自動解散，則須：-

- (a) 取得全部執行委員之四分三大多數票；及
- (b) 全部監察委員四分三批准該項決議；
則執行委員會須召開特別會員大會，俾有權投票之會員以普通過議決方式通過該項決議；假使未能取得：-
- (c) 全部執行委員之四分三大多數票；或
- (d) 全部監察委員之四分三批准；
則需要特別會員大會中有權投票之會員以特別議決方式通過該項決議。

32.2 如特別會員大會通過自動解散本會之決議，所有本會資產及經費須按法例規定處理。

33.0 會議紀錄

33.1 義務秘書須著人記錄：-

- (a) 被委任之幹事及執行委員會委員；
- (b) 出席本會及執行委員會所有會議之執行委員會委員之姓名；
- (c) 本會及執行委員會所有會議的項目。

33.2 本會及執行委員會會議紀錄須於下次會議中通過及由主席簽署，證明乃上次會議之真確記錄。

34.0 帳簿及記錄之保管及檢查

34.1 義務秘書須於本會主要辦公地點置存本會事務之紀錄，包括宗旨聲明及規章、會員名冊、所有會員大會、特別會員大會及執行委員會之會議紀錄冊及來往書信之檔案。

34.2 義務司庫須於本會主要辦公地點置存本會所有財務帳冊及紀錄。

35.0 公章

35.1 本會公章須由義務秘書保管，並須經執行委員會議決方可蓋印於文件上。所蓋公章須經會長及其中一名執行委員簽署證明作實。

36.0 保險

36.1 執行委員會須按社團註冊法規定購買保險及續保，及按法例規定購買其他保險或執行委員會認為有需要購買之保險。

37.0 通知書之送達

37.1 任何文件送交本會，可送交外務幹事或親自送交兩名執行委員，即為有效。

37.2 本會或代表本會發給任何會員之通知書，在下述情況下，應視為已恰當通知或送達論：

- (a) 以人手傳送--當送達予收件人時；
- (b) 以電報方式傳送--發件人於電報末端收到收件人之回應電碼；
- (c) 以郵遞方式傳送--若郵寄往澳洲地址，由郵寄日起計三個工作日，及空郵寄往其他地方，則由郵日起計八個工作日。
- (d) 以傳真方式傳送--若發信人之傳真報告顯示已將傳真完整傳往收件人之傳真

機，則該報告於法律上可視作收件人於報告顯示之時間已收妥傳真之證據。惟若通知書未能於當地工作日下午四時（當地時間）前送達或收取，則將被視作下一個工作日開始時始恰當送達或收妥。

38.0 闡釋

38.1 定義

- (a) 「法例」指社團註冊法 1984（新南威爾斯州）（已修訂）。
- (b) 「本會」指新南威爾斯澳華公會註冊法團。
- (c) 「監察委員會」指按規章第十一段成立之委員會。
- (d) 「執行委員會」指按規章第十二段成立之委員會。
- (e) 「普通決議」指一項議於會員大會中過半數有權投票者投票通之決議，且大會召開二十一日前已發告通知。
- (f) 「特別決議」指一項決議於會員大會中逾百分之七十五有權投票者投票通過之決議，且大會召二十一日前已發出通知。

38.2 闡釋

- (a) 規章提及之職能包括權力、權利及責任。
- (b) 規章提及行使職能一詞，若職能指一種責任，則行使職能即履行職責。
- (c) 標題只為方便閱覽，並不影響內容闡釋。
- (d) 單數亦具眾數含義，相反亦然。
- (e) 單一性別概括所有性別。
- (f) 一個字或一句詞組，即使以其他文法方式表達，其涵義仍以原本之定義為依歸。
- (g) 規章提及個別人士一詞，包括一註冊法團，一非註冊團體或其他團體。
- (h) 規章提及之任何法例或法例下任何條文，包括任何修正或重訂、取代之法例條文及所有根據該法例而制定之規例及法定文件。
- (i) 規章提及行為一詞，包括任何自白，聲明或承諾，不管是否以書面作出，均無限制。