

**Shree Kutchi Leva Patel Community WA (Samaj)
(INC.)**

Constitution

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1. Name

The name of the association shall be Shree Kutchi Leva Patel Community WA (Samaj) (INC.) ("Association").

2. Registered Office

The registered office of the Association shall be at the principal residence of the Secretary or such office as the Association may from time to time determine.

3. Definitions

Kutchi Leva Patel people originate from the Leva Patel community in Kutch region of India and share hundreds of years of common cultural, social and religious ties. Many people have lived throughout all parts of the world for many generations and community organisations exist in India, United Kingdom and East Africa.

Throughout this constitution the following terms and abbreviations apply:

- a. "Act" mean the Association Incorporation Act 2015(W.A.)
- b. "Association" means Shree Kutchi Leva Patel Community WA (Samaj) (INC.)
- c. "Commissioner" means the Commissioner of Consumer Protection or as defined in the Act from time to time.
- d. "Committee" means the Executive Committee of the Association.
- e. "Office Bearers" shall refer to those elected to the Executive Committee (Refer section 9).
- f. "Registered Office" – see section 2 above.
- g. "General Meetings" refer to an Annual General Meeting, Ordinary General Meeting or a Special General Meeting. (Refer section 12).
- h. "Ordinary Member" is any person in the Kutchi Leva Patel Community WA (Samaj) who has consented to be listed as such.
- i. "Subscribed Member" means any person who has become member by paying the agreed subscription fee. (Refer section 7b).
- j. "Samaj" means Shree Kutchi Leva Patel Community WA (Samaj) (INC.).
- k. "Financial year" starts 1 January and ends 31 December.

4. Aims & Objectives

The aims of the Association shall be to cultivate an understanding and an appreciation of the Leva Patel culture amongst all Australians and as follows:

- a. Foster opportunities to uplift the cultural, social, educational and sporting activities of the Association;
- b. Promote friendly relationship and unity amongst all members of the Association;

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- c. Promote the traditional Leva Patel cultural values encompassing the wider aspects of Hinduism;
- d. To undertake fund raising activity for the benefit of the Association;
- e. Contribute to the wider WA society by working with charitable organisation for charitable purposes;
- f. Work closely with sister Leva Patel organisations in India and throughout the world;
- g. Promote co-operation with other community organisations;
- h. Refrain from any party political activities;
- i. Always work within the State and Federal laws; and
- j. Work on both short-term as well as long-term objectives of the organisation.

5. Powers

- a. Raise funds by all lawful means to fulfil its aims and objectives.
- b. Acquire or lease any real or personal property and any rights and privileges and thereafter improve, manage, develop, sell, lease, dispose of, turn to account or otherwise deal with all parts of the property which it shall think necessary or expedient for the purpose of meeting its objectives.
- c. Print, publish, sell or gratuitously distribute any leaflets, magazines, periodicals, newspapers or books for the promotion of its aims and objectives.
- d. Consider and make representation on community matters, bills, legislation or other measures or by-laws affecting the interests of all its members.
- e. Do all such things as are identical or conducive to the attainment of the Associations aims and objectives.

These powers shall be exercised through the Executive Committee with due authority being granted through a General meeting.

6. Political Affiliations

The Association shall not be affiliated to any political party in Australia or elsewhere.

7. Membership

Any person who agrees to work towards the attainment of the aims and objectives of the Samaj shall be eligible for Ordinary Membership of the Samaj.

a. Ordinary Member

All Ordinary Members shall be permitted to participate in general functions and activities.

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b. Subscribed Member

- i. A Subscribed Member shall pay an annual subscription fee as determined by the Committee.
- ii. Only Subscribed Members shall be invited to General meeting and be allowed to vote.
- iii. All Subscribed Members shall enjoy special privileges and shall be invited to all activities and functions.

c. Subscriptions

- i. Annual subscription amount shall be \$30 per person over 18 years of age.
- ii. A three year subscription amount is available at \$75 per person over 18 years of age.
- iii. This amount shall from time to time be determined at a General meeting.

d. Applying for Membership

- i. Any person who agrees to work towards the aims and objectives of the Samaj residing in WA is eligible to become a Subscribed Member.
- ii. Any person seeking membership shall apply to the Committee (pro forma forms shall be available from the Secretary).
- iii. The Committee shall consider the application for Subscribed Member status and inform applicant of the outcome.
- iv. The application must include a member's nomination of the applicant for membership.
- v. The Committee shall duly consider applications for membership from outside WA.

e. Membership Records

- i. The Secretary shall on behalf of the Samaj keep and maintain a register of members in accordance with section 53 of the Act and shall enter the full name, address and date of admission of each member, and the date at which any person ceases to be a member.

f. Resignation of Members of Association

- i. A Subscribed Member can resign from the association by writing to the Secretary or a Committee member.

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- ii. A person who ceases to be a Subscribed Member does not have any rights to refund of fees paid.

g. Expulsion of Members of Association

- i. If any individual infringes or neglects to comply with the provisions of the Constitution or whose conduct is detrimental to or inconsistent with the aims and objectives of the Association that person may be expelled from the Association.
- ii. No refund of any subscriptions paid to the Association shall be allowed on expulsion from the association.
- iii. The expulsion of any member shall take effect from the date of resolution of expulsion by the Committee.
- iv. The withdrawal of privileges shall take effect from the date of the resolution of such withdrawal by the Committee.
- v. Any application for re-admission shall be made to the Committee in writing.

8. Committee

a. Executive Committee

The affairs of the association shall be managed exclusively by an elected Committee. It shall have the power to determine any of the following:

- i. Admissions of Subscribed Members and their rights and privileges.
- ii. The fees to events and functions.
- iii. The terms and conditions of the involvement and participation of Ordinary and Subscribed Members at social, cultural, educational, sporting and other activities, events and functions.
- iv. The conduct of all members at such events.
- v. Generally perform such tasks that in their opinion are necessary for the improvement of the facilities and amenities of the association for the better utility, enjoyment and comfort of all its members.
- vi. The Committee shall not authorise expenditure of sum exceeding \$5,000 (Five thousand Australian dollars) outside or above any approved budget, or such sum as may be determined by a General meeting for the purposes of a special project.

The Executive Committee of management shall consist of the following:

- i. A President;
- ii. A Vice-President;
- iii. A General Secretary;
- iv. Assistant Secretary;
- v. A Treasurer;
- vi. Assistant Treasurer;
- vii. Three other Committee members;

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viii. Immediate Past President.

All of whom shall be Subscribed Members and have been elected at an Annual General Meeting (AGM) or appointed under rule (8.b.vi) below.

b. Committee Rules

- i. The Office Bearers shall be eligible to stand for position they serve for a maximum of 3 consecutive years.
- ii. The meetings of the Committee shall be called by the secretary or a nominated Committee member at least every 2 calendar months. Written notice of 14 days shall be given for all regular Committee meetings. Any emergency Committee meeting called shall require minimum of 2 days written notice.
- iii. At least 50% of Committee members shall be present to constitute a quorum for a Committee meeting.
- iv. All motions put to the meeting shall be decided upon by a majority vote. The president shall have the casting vote in the event of a tie (in addition to their deliberate vote).
- v. The Committee shall administer the finances of the Association in conformance with the aims and objectives and in line with the wishes of the AGM.
- vi. The Committee shall ensure that true and accurate accounts of the finances are kept.
- vii. The Committee members shall ensure the Samaj does not incur debts causing the Samaj to become insolvent or while it is insolvent in accordance with the Act.
- viii. The Committee shall have the power to co-opt up to 2 members (total of two) to fill any short-term vacancies or supplement the team. The vacancy shall be filled at the next AGM or a General meeting. The office of the Executive Committee shall be considered vacant in the following circumstances:
 - a) Death;
 - b) Bankruptcy;
 - c) Lunacy;
 - d) Serious criminal conviction;
 - e) Resignation;
 - f) Continuous absence from Western Australia for a period of over nine months.
- ix. Minutes of Meeting will be circulated to Executive Committee members.
- x. At the end of service in the Committee all Samaj documents and belongings will be passed on to their successor.

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- xi. At the end of service in the Committee a handover to their successor must be completed within 30 days.
- xii. A member of the Committee having any direct or indirect pecuniary interest including referred to in Section 42 and 43 of the Act shall comply with that Section. A member of the Committee must disclose material personal interests in accordance with the Act.

c. Membership Records

All membership details shall be kept confidential and be used for the sole purpose of contacting the membership or for internal use only to analyse trends for organising events and functions for the benefit of the membership.

- i. The Secretary and Assistant Secretary shall keep record of the Samaj membership email account information and shall maintain the contacts list.
- ii. The email contact list shall be password protected and the password should be changed as a minimum every 12 months. In particular, the Samaj contact list shall not be used to promote any profit making businesses or business events.
- iii. Indian cultural and Hindu religious events in WA may be promoted using the Samaj email account at the discretion of the Executive Committee.
- iv. The Committee members or any other member must use and disclose the information in the register of members in accordance with section 53 and section 57 of the Act.

9. Duty Of Officers

a. President

The President is the head of the Association and shall:

- i. Represent the wishes of the organisation;
- ii. Shall preside at all General and Committee meetings;
- iii. Promote the prestige and the good name of the Association;
- iv. Represent the Association on all occasions whenever possible;
- v. Deliver the President's report at the AGM

b. Vice-President

- i. The Vice-President shall assume the duties and responsibilities of the President in the event of an absence or resignation of the President.
- ii. The Vice-President shall support and work closely with the president sharing the responsibilities.

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c. General Secretary

The General Secretary shall:

- i. Coordinate the receipt and dispatch of correspondence of the Association;
- ii. Keep full and correct minutes of the proceedings of the Committee, General and other meetings of the association;
- iii. Keep the records of Office Bearers and the register of Subscribed Members in accordance with the Act;
- iv. Have custody and keep safe the common seal of the Association and all books, documents, records and registers of the Association apart from those kept by the Treasurer;
- v. Issue notices of meetings;
- vi. Accept receipt of any notices required by the Constitution to be served on the association; and
- vii. Perform such duties as are imposed by the Constitution on the Secretary.

d. Assistant Secretary

- i. The Assistant Secretary shall assume the duties and responsibilities of the Secretary in the event of an absence or resignation of the Secretary.
- ii. The Assistant Secretary shall support and work closely with the secretary sharing the responsibilities.

e. Treasurer

The Treasurer shall:

- i. Be responsible for the receipt of all money paid to or received by him or her on behalf of the Association and shall issue all receipts in the name of the Association;
- ii. Pay all money referred to in paragraph (i) above into such account of the Association;
- iii. Make payments from the Association funds with authority from the Committee or a General meeting and in doing so ensure all cheques are signed by two Office Bearers of the Committee;
- iv. Comply on behalf of the Association with section 66, section 68 and section 70 of the Act in respect of the accounting records of the Association;
- v. Submit to the Committee at each meeting a financial report in accordance with Committee requirements;
- vi. Have custody of and keep safe all securities, books and documents of a financial nature and accounting records of the association;

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- vii. Ensure the preparation and audit of annual financial statements including a budget, a balance sheet and profit and loss account in conformity with general accepted accounting principles;
- viii. Present audited financial statements to the Annual General Meeting;
- ix. Issue notices of the renewal of annual subscription; and
- x. Perform such other duties as are imposed by the Constitution on the Treasurer.

f. Assistant Treasurer

- i. The Assistant Treasurer shall assume the duties and responsibilities of the Treasurer in the event of an absence or resignation of the Treasurer.
- ii. The Assistant Treasurer shall support and work closely with the Treasurer sharing the responsibilities.

10. Honorary Auditor

The Honorary Auditor shall:

- i. Check periodically, verify and audit the accounts;
- ii. Have full access to all financial documents;
- iii. Shall be a qualified accountant; and
- iv. Work closely with the Treasurer

11. Sub-Committees

The Executive Committee shall have the power to form various Sub-Committees to undertake different activities. All Sub-Committees shall:

- i. Have a member of the Executive Committee to participate in the Sub-Committee;
- ii. All Sub-Committee members shall be Subscribed Members;
- iii. Operate within the terms of reference and guidelines given by the Executive Committee;
- iv. Refer all resolutions passed to the Executive Committee for ratification; and
- v. The Executive Committee has the power to dissolve any Sub-Committee.

12. General Meetings

The Committee may at any time convene an ordinary or Special General meeting to put proposals to the membership and seek clarification on issues and activities.

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- i. A General meeting shall require the secretary to invite all Subscribed Members in writing giving at least 30 days' notice with an agenda of transactions.
- ii. All decisions shall be by simple majority using show of hands unless votes are so close as to warrant a ballot.
- iii. The Constitution may be altered and rescinded at an General Meeting provided that:
 - a) At least 30 days' notice of a special resolution to amend the Constitution setting out the terms of the proposed amendments;
 - b) The special resolution is carried by a 3/4 majority of those members present and eligible to vote.
- iv. Similarly, requested Special General Meetings (12.c.i below) shall require a 3/4th majority.

a. Annual General Meeting

An Annual General Meeting (AGM) shall be held in February each year. The AGM should have as minimum the following agenda items:

- i. To receive the President's report and the Treasurer's audited financial statements for the preceding year and a budget for next year;
- ii. To agree membership fees;
- iii. To elect officer bearers and other Executive Committee members;
- iv. To appoint an honorary auditor; and
- v. To transact other business that has been duly notified to all Subscribed Members.

b. Ordinary General Meeting

An Ordinary General meeting may be called by the Committee to transact non-urgent business.

c. Special General Meeting

A Special General meeting may be called by the Committee or requested by the membership to deal with urgent or critical matters.

- i. A Special General meeting may be requested by a submission in writing from not less than 30 Subscribed Members.
 - a) This request must state the purpose of the meeting; and
 - b) The request must be signed by all requestors.
- ii. A Subscribed Member requested meeting shall only be valid if there is attendance from:

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- a) 2/3rd of the requestors; and
 - b) 20% of the membership or 50 Subscribed Members (which ever is smaller).
- iii. Should the Committee fail to convene the requested Special General Meeting within 21 days of the date of request then:
- a) The Subscribed Members requesting the meeting may themselves call the meeting;
 - b) Access to membership records is available to the convenors; and
 - c) The Committee shall give access to membership records and reimburse any reasonable expenses for calling the meeting.
- iv. Any resolution at a Special General meeting shall require 3/4th majority of those present.
- v. If the Committee has resigned or a resolution is passed to dissolve the Committee then:
- a) An interim Committee with limited powers shall be elected to primarily call a General meeting to elect a new Committee.

d. Quorum

- i. Quorum for **all** General Meetings shall be the smaller of 50 Subscribed Members or 40% of the membership.
- ii. If the quorum is not reached within 45 minutes after the specified start time then the meeting shall lapse.
- iii. In case of an adjournment as above, another meeting shall be called within 28 days.

13.The Advisory Board

- a. The Board shall consist of three members who shall be elected at the Annual General meeting of the Samaj by a simple majority and shall hold office for three consecutive years and thereafter shall be subject to re-election. The Advisory Board members shall be appointed to stagger election to rotate one member each year.
- b. A Subscribed Member shall be eligible for post of Advisory Board if the member:
 - i. is at least 30 years of age; and
 - ii. is a permanent resident of Western Australia;
 - iii. is a person of high standing and responsibility in the Samaj;
 - iv. has never been declared bankrupt, convicted of a serious criminal offence, or of unsound mind; and

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- v. has served at least 2 years on the Executive Committee and is experienced in undertaking one of the following roles: Executive Committee as either President, Vice-president, General Secretary or Treasurer.
- c. The Advisory Board members shall be appointed at an Annual General Meeting of the Samaj. The office of the Advisory Board shall be considered vacant in the following circumstances:
 - i. Death;
 - ii. Bankruptcy;
 - iii. Lunacy;
 - iv. Serious criminal conviction;
 - v. Resignation;
 - vi. Continuous absence from Western Australia for a period of over nine months; or
 - vii. Removal of the Board at a General Meeting called for the purpose by a resolution duly passed by a majority of not less than 3/4 with the meeting having obtained a quorum.

14. Responsibilities and Special Powers of the Advisory Board

- a. The Advisory Board has the responsibility of protecting the assets of the Samaj and to ensure the Samaj is being run according to this constitution.
 - i. The Advisory Board may be asked to provide advice and deliberate on matters of concern to the Committee / Community.
 - ii. Likewise it may seek to intervene to offer such advice that may benefit the Samaj and/or protect its assets.
 - iii. The Advisory Board may oversee any long term projects and initiatives.
- b. The Advisory Board shall have the power to convene meetings of the Executive Committee or the members when the Advisory Board considers this to be necessary in the interests of the Samaj. The Secretary shall convene a meeting of the Executive Committee or members within at least 24 days of being asked to do so by any two of the Advisory Board members.

15. Minutes of Meetings

- a. The secretary shall ensure that minutes of all Committee and General Meetings are recorded and filed within 30 days of the meeting.

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- b. The President shall review and sign the minutes after ensuring accuracy of the proceedings, decisions and outcome of election.

16. Inspection of Records of Association

A Subscribed Member may at any reasonable time inspect without charge any books, documents, records and securities of the Association by giving 14 days' notice in writing to the General Secretary or President.

17. Indemnity

The Committee members while performing their duties under the Constitution shall be indemnified by the Association in any financial liability without the consent and direction of the Committee first being obtained.

18. Income and Property

- a. The property and income of the Samaj must be applied solely towards the promotion of the objects or purposes of the association and no part of that property or income may be paid or otherwise distributed, directly or indirectly, to any member of the Samaj, except in good faith in the promotion of those objects or purposes.
- b. No member shall be entitled to take any legal action against the Samaj (other than a claim for goods sold and delivered or for services rendered), and must conform to the decisions of the Committee from which decision there shall be an appeal to a General Meeting of the Samaj for a decision, which shall be final.
- c. No member shall damage or destroy any property of the Samaj and any articles taken or removed or damaged shall be replaced or repaired or the damage made good forthwith.
- d. As to whether any property is to be repaired or replaced shall be decided by the Committee whose decision shall be final and the member causing such loss or damage shall forthwith pay to the Samaj such amount as the Committee may determine, but not exceeding the actual cost of repair or replacement.

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19. Funds

- a. All the funds of the Samaj shall be managed by the Committee and shall be used for activities approved by the Committee in furtherance of the aims and objectives of the Samaj.
- b. The funds of the Samaj shall be kept in any financial institution approved by the Committee, from which all expenditure of the Samaj is made and into which all funds received by the Association are deposited.
- c. All accounts shall be managed by the Treasurer and operated with the authority of any two of the Executive Committee.
- d. All funds of the Association must be deposited into the Association's account within 5 working days after their receipt.

20. Disputes and Mediation

- a. The grievance procedure set out in this clause applies to disputes under this constitution between-
 - i. A member and another member;
 - ii. A member and the Samaj; or
 - iii. If the Samaj provides services to non-members, those non-members who receive services from the Samaj, and the Samaj.
- b. The parties to the dispute must meet and discuss the matter in dispute, and, if possible, resolve the dispute within 14 days after the dispute comes to the attention of the parties.
- c. If the parties are unable to resolve the dispute at the meeting, or if a party fails to attend that meeting, then the parties must, within 10 days hold a meeting in the presence of a mediator.
- d. The mediator must be –
 - i. A person chosen by agreement between parties; or
 - ii. In the absence of agreement-
 - (a) In the case of dispute between a member and another member, a person appointed by the Committee of the Samaj;
 - (b) In the case of dispute between a member or relevant non-member (as defined by rule **18.a**) and the Samaj, a person who is a mediator appointed to, or employed with, a not for profit organisation.
- e. A member of Samaj 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.

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- h. The mediator, in conducting mediation, must-
 - i. Give the parties to the mediation process every opportunity to be heard;
 - ii. Allow due consideration by all parties on any written statement submitted by any party; and
 - iii. Ensure that natural justice is accorded to the parties to the dispute throughout the mediation process.
- i. The mediator must not determine the dispute.
- j. The mediation must be confidential and without prejudice.
- k. If the mediation process does not result in the dispute being resolved, the parties may seek to resolve the dispute in accordance with the Act or otherwise at Law.

21.Common seal of Association

The Association shall have a common seal with its name. The common seal shall only be used with authority from the Committee or with authority from a General Meeting. The affixing of the common seal shall be witnessed by any two of the President, General Secretary or the Treasurer. The General Secretary or a nominated Committee member shall keep the common seal secure.

22.Dissolution of the Association

- a. The Samaj may be dissolved or wound up by special resolution at any General Meeting called for such purpose.
- b. If, on the dissolution or winding up of the Samaj, any property of the Samaj remain after satisfaction of the debts and liabilities of the Samaj and the costs, charges and expenses of that winding up, that property shall be distributed:
 - i. To another incorporated association having objectives similar to those of the Samaj; or
 - ii. For charitable or benevolent purposes, which incorporated association or purposes, as the case requires shall be determined by resolution of the members when authorizing and directing the Committee under section 133 of the Act to prepare a distribution plan for the distribution of the surplus property of the Samaj.

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- c. Any special resolution for the dissolution or winding up of the Samaj shall be lodged with the Commissioner as set out in Section 130 of the Act.

23. Adoption of the Constitution

This constitution was agreed at the Annual General Meeting

Date: Sunday 11th February at 11:30am

Place: Woodvale Secondary College

	Name	Signed	Dated
President:	Kanji Patel		
General Secretary:	Rena Patel		

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Appendix A – Membership Application Form

Registration is not final until a completed form is received by the Secretary and applicable fees paid

Surname:
Given Names:
Address:
Suburb: Post Code: Village in Kutch:
Date of Birth: Occupation: Sex: Male ☐ Female ☐
Contact No.: Email:

Name of Spouse: Maiden Village in Kutch:
Date of Birth: Occupation: Sex: Male ☐ Female ☐
Contact No.: Email:

Name of Child:
Date of Birth: Occupation: Sex: Male ☐ Female ☐
Contact No.: Email:

Name of Child:
Date of Birth: Occupation: Sex: Male ☐ Female ☐
Contact No.: Email:

Name of Child:
Date of Birth: Occupation: Sex: Male ☐ Female ☐
Contact No.: Email:

Please add details of any additional family members on separate paper and attach to this form

Next of Kin (In case of Emergency):

Full Name: Relationship:
Address:
..... Contact No.:

***Registration is not final until a completed form is received by the Secretary and applicable fees paid.
This form may change from time to time as directed by a General Meeting of members.***

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Terms and Conditions:

- Membership fee is \$30 per person for persons over 18 years of age
- Membership is free for persons under 18 years of age but applicable at age 18 years.
- I /We hereby apply to become subscribed member(s) of the Shree Kutchi Leva Patel Community WA (Samaj).
- I/We agree to be bound by the Constitution and any byelaws of the Shree Kutchi Leva Patel Community (Samaj) of WA.
- I/We agree to inform the Secretary immediately of any changes to my/our contact details.

All the information provided in this form by me/us is accurate and true. I/We have read, understood and agree to above conditions. I/We acknowledge and accept that SKLPC WA's decision to accept or not accept my/our application is at its discretion and is final.

I enclose \$ _____ for the year ending 31st December. (\$30 per member, 18 and over only)

(Signature)	(Signature)	(Signature)	(Signature)	(Signature)
(Name)	(Name)	(Name)	(Name)	(Name)

Nominated by existing subscribed member:

(Signature)	
(Name)	(Dated)

If you wish the above details to be published in future community directories, please provide your consent below. All members over 18 years of age must sign to list their information in the directory. All children under 18 years are covered under their parents / guardians signature.

☐ I hereby give my consent to include my/our personal information in the Shree Kutchi Leva Patel Community WA (Samaj) directory

☐ I do not want my/our personal information to be included in the Shree Kutchi Leva Patel Community WA (Samaj) directory

The Samaj will treat the information you have provided in accordance with its obligations under the National Privacy Principles (NPPs), as set out in the Privacy Act 1988 (Cth.).

All membership details shall be kept confidential and be used for the sole purpose of contacting the membership or for internal use only to analyse trends for organising events and functions for the benefit of the membership.