


This is the Annexure of 18 pages marked "A" referred to in Form 5 signed by me

and dated 09 /05/2016.

Signed:



**CONSTITUTION**

**"THE  
HELLENIC COMMUNITY  
OF  
WESTERN AUSTRALIA  
INCORPORATED"**

**CONSTITUTION**  
**of**  
**“THE HELLENIC COMMUNITY OF**  
**WESTERN AUSTRALIA INCORPORATED”**

**1. NAME**

The name of this Association shall be “The Hellenic Community of Western Australia Incorporated” (to be referred to as “the Greek Community”).

- 1.1** The registered office of the Association shall be 20 Parker Street, Northbridge, Western Australia, 6003.

**2. OBJECTS**

**2.1** To ensure the promotion of the religious, moral and intellectual education and learning of the members of the Community and all persons of Greek Orthodox Faith and/or Greek origin and without in any way limiting the generality of the foregoing:

- (1)** To preserve and maintain the Greek Orthodox Cathedral of St Constantine and Helene and maintain the fixtures, fittings, and ornaments therein and thereof,
- (2)** The official address of the Bishop for the District of Western Australia shall always be attached to the Cathedral of St Constantine and Helene,
- (3)** To encourage proper holy services conducted by the duly appointed clergy,
- (4)** To promote the teaching of the Greek language and the catechism and dogma of the Greek Orthodox Faith to children and generally to all members of the Greek Orthodox Faith and/or persons of Greek origin,
- (5)** To establish, maintain and repair churches, schools or other buildings of the Community as may become necessary from time to time.

**2.2** To render such assistance as the Community shall think fit for the promotion of the welfare and the relief of persons of Greek origin and/or Greek Orthodox Faith in necessitous, circumstances and without limiting the generality of the foregoing whether such circumstances are caused by social or psychological problems, old age, poverty, illness, disease or otherwise.

**2.3** To do and perform all acts, matters and things as are charitable and/or benevolent purposes having public benefit.

**2.4** To conduct, promote, give or support social entertainments of all kinds and raise funds by all means for the benefit of the members of the Community and other persons for charitable and/or benevolent purposes having public benefit.

**2.5** To assist the integration of migrants of Greek origin and/or Greek Orthodox Faith into the Australian Community.

- 2.6** To work in consultation and co-operation with any government authority (whether Federal, State or Local) or other authority for the purpose of providing welfare facilities or assistance for persons of Greek origin and/or Greek Orthodox Faith and for that purpose to provide suitable office accommodation and other facilities to enable social workers and/or officers appointed by the Community to work in circumstances appropriate to the task.
- 2.7** To preserve and maintain the Greek culture and community spirit and promote a closer relationship amongst the members of the Community.
- 2.8** To promote and maintain a closer friendship between the members of the Community and other Australians generally and for that purpose to support any national, patriotic or community purpose.
- 2.9** To promote and support sporting, educational, cultural and religious and other groups comprised of youth of Greek origin and/or Greek Orthodox Faith.
- 2.10** To do all such acts, matters and things as are necessary or incidental to the promotion of the aforementioned objects.
- 2.11** The assets and income of the Community shall be applied solely in furtherance of its above-mentioned objectives and no portion shall be distributed directly or indirectly to the members of the Community except as bonafide compensation for services rendered or expenses incurred on behalf of the Community.

### **3. QUALIFICATIONS OF MEMBERS**

- 3.1** (a). Every person of Greek Orthodox Faith and of Greek origin and resident in Western Australia or the spouse of such person may apply to become a member of the Community.
- 3.1(b). Every person of Greek Orthodox Faith and of Greek origin and resident in Western Australia who shall have attained the age of 18 years or the spouse of such person may apply to become a Full member of the Community.
- 3.1 (c). Associate Membership to the Community shall be open to those persons over the age of 18, being resident or non-resident of Western Australia, who are unable to satisfy the provisions of full membership, but are desirous of participation with and in the Community.
- 3.1 (c)(i) Associate Members shall enjoy all the privileges of membership excepting the ability to participate in General Meetings and Elections of the Community.
- 3.1 (c)(ii) Applications for Associate Membership shall be subject to approval by the Committee of Management. Upon acceptance, the name of the Associate Member shall be added to the Roll of Associate Members
- 3.1 (c)(iii) The Annual Subscription for Associate Membership shall be the same as the Annual Subscription for Full Membership. (amended 22/04/2012)

- 3.2** Provided however that only members of the Greek Orthodox Faith of Greek origin or the spouse of such person (provided that such spouse shall be of Greek Orthodox Faith) shall be eligible for election to the Committee.
- 3.3** Any member of the Community shall be eligible for election to the Committee as aforesaid provided that such member has been a financial member of the Community for three consecutive years prior to his nomination.
- 3.4** The annual subscription shall be such sum as determined by the Annual General Meeting payable in ONE (1) instalment on joining and thereafter falling due on the 1st day of January in each year. (amended 26/04/09)
- 3.5 (i)** All applications for membership having satisfied all qualifications for membership as prescribed by Section 3, shall be confirmed as a member by the Committee and admitted to the Roll of Members. (amended 26/04/09)
- 3.5 (ii)** Applicants for Youth Membership having satisfied the provisions of Section 3.8 shall be confirmed as a youth member by the Committee and admitted to the Roll of Youth Members. (inserted 26/04/09)
- 3.6** A person shall be eligible to vote if:  
(Amended 30/3/97)
- 3.6.1** He/she has been a Full and financial member in the membership year immediately preceding the year of the election or general meeting, is able to demonstrate financial membership for the full twelve months of that previous year, and is a financial member at the time of the election or general meeting. (amended 22/4/12&19/4/2015)
- 3.6.2** A person shall not be eligible to vote if he/she was admitted to membership for the first time in the calendar year of the election or general meeting.
- 3.6.3** Any person making application for membership who has not been a financial member within the five years immediately preceding the calendar year of the election or general meeting shall be treated as a person seeking to membership for the first time.
- 3.7** Financial members of the last financial year, who are able to demonstrate financial membership for the full twelve months of that previous year, are entitled to retain their membership up to the day before the elections and can pay their membership fees on election day to enable them to vote at those elections. (amended 03/05/98 & 19/4/15)
- 3.8 Youth and Family Membership** (Inserted 04/05/03)
- 3.8.1**
- (a) Youth Membership is open to all persons aged not more than 25 years of Greek Orthodox Faith and of Greek origin and resident in Western Australia. Youth members must pay the nominal membership fee set by the AGM of the HCWA. (amended 22/04/12)
- b) To be eligible to stand for election as a Youth Representative, the candidate must have been a financial Youth member of the HCWA for at least one year. (In the first instance of such an election the qualifying period shall be at least three weeks prior to the date set for Youth Representative elections.)

c) Youth Members are only entitled to vote at other meetings of the general membership, including general elections, if they have satisfied the provisions for Full membership to the Association as stipulated in Clause 3.6. (amended 22/04/12)

### **3.8.2 - Youth Members on HCWA Management Committee**

#### **a) Elections**

i) Two Youth Members shall be elected to the HCWA Management Committee the month following the HCWA elections, ("Youth Representatives").

ii) Members aged 26 or over cannot vote for Youth Representatives.

iii) Only youth members having attained the legal age requirements of 18 years, are permitted to stand for elections to the position of youth representative.

#### **b) Role**

i) The role of the Youth Representatives is to represent the voice of Hellenic youth in meetings and dealings of the HCWA.

#### **c) Scope**

i) The two Youth representatives shall only be entitled to a single vote in Committee meetings.

ii) The Youth Representatives may form a youth sub-committee to attend to the social, educational and other needs of the youth members. (amended 22/04/12)

iii) A Youth member cannot simultaneously hold a HCWA Committee position and be a Youth Representative on the HCWA Committee.

### **3.8.3 – Voting**

a) Youth members who have held Youth membership for at least six months before the election day are entitled to vote at the election. (In the first instance of such an election the qualifying period shall be at least three weeks prior to the date set for Youth representative elections.)

### **3.8.4 - Election procedure**

a) The HCWA Committee of Management shall instruct the Election Committee to hold elections for two Youth Representatives in July of each year. (amended 19/4/15)

b) The conduct of the elections for the Youth Representatives shall proceed in accordance with the relevant clauses of the HCWA Constitution and the instructions of the Election Committee. (amended 19/4/15)

c) Each successfully elected youth candidate shall hold office for 12 months, until the day prior to the subsequent election.

d) Should an elected Youth Representative forfeit their position, the candidate who polled next may fill that position. Where there were no other candidates, the Committee of Management may appoint a replacement.

(amended 22/04/12)

## **4. ADMINISTRATION**

**4.1** The management of the Community shall be vested in a Committee consisting of President, Vice President, Treasurer, Secretary and eight members whose term of office shall be from their election until the election of their successors. An election for the Committee of Management shall take place every two years. (amended 22/04/2012)

**4.1.1** And, the said Committee shall also admit to each ordinary meeting of the Management Committee the two Youth Representatives elected separately

in accordance with Clause 3.8 of the Constitution. (inserted 04/05/03)

- 4.2** Subject as hereinafter provided the Committee may meet together for the dispatch of business, adjourn or otherwise regulate its meetings and proceedings as it thinks fit. The Committee shall meet once at least in every calendar month. Seven members of the Committee shall constitute a quorum. Four (4) days notice at least of every meeting of the Committee shall be given to each member of the Committee and the accidental omission to give any notice or the non-receipt of any notice shall not affect the validity of the proceedings of the meeting.
- 4.3** All meetings of the Committee shall be presided over by the President or failing him the Vice President and failing him such other member of the Committee as the Committee shall appoint.
- 4.4** The President shall have the right to call a meeting of the Committee whenever he thinks necessary and all Committee members shall be notified by the Secretary of the date, place and hour at which the meeting is to be held.
- 4.5** On a written requisition to the President signed by four (4) members of the Committee setting forth the object thereof, the President shall call a Committee meeting to be held as soon as possible after such requisition has been presented. If no quorum is then present, the meeting shall lapse.
- 4.6** In the event of any member of the Committee absenting himself without reasonable cause from three consecutive meetings of the Committee, the Committee may declare that member's position vacant. The Committee in its absolute discretion shall determine what constitutes reasonable cause.
- 4.7** (1) If a vacancy occurs on the Committee such vacancy shall be filled by the candidate who at the last election received the highest number of votes for election as a Committee member (and not as an office bearer) and is not already a member of the Committee. If a vacancy occurs amongst the office bearers, the Committee may fill the vacancy by secret ballot from amongst the Committee.
- (2) If six (6) members of the Committee resign at the same time the President shall call for General Elections within 21 days.
- (3) If the President dies, resigns or is no longer able to carry his duties as President, the Vice-President shall call for General Elections within 21 days.
- 4.8** If a vacancy on the Committee cannot be filled as hereinbefore provided then the Committee shall by secret ballot fill the vacancy by appointing a member of the Community who is willing to act.
- 4.9** Questions arising at any meeting of the Committee shall be decided by a majority of votes of the members of the Committee present in person. The President shall not have a deliberative vote but in the case of an equality of votes, the President shall have the casting vote.
- 4.10** Any member of the Committee shall be deemed to have vacated his office immediately upon his sending his resignation in writing to the President or upon his ceasing to hold the qualifications prescribed herein.

**4.11** The Committee shall cause Minutes to be duly entered in books to be provided for that purpose in the English and Greek language of:

- (a)** all appointments of officers and members of the Committee,
- (b)** names of the members of the Committee present at each meeting of the Committee,
- (c)** all resolutions, business and proceedings of General Meetings and of meetings of the Committee. Upon receipt of a written request from a member for copies and/or translation of resolutions, business and proceedings of General Meetings or of meetings of the Committee the Committee shall provide same to the member if the Committee in its absolute discretion deems such request to be reasonable.

**4.12** The Committee members and office bearers shall automatically vacate their office on the election of their successors.

**4.13** The Financial Year of the Community shall be from the 1st day of January in any year to the 31st day of December.

**4.14** Any two of the following, President, Vice President, Secretary, or Treasurer or persons approved by a motion of the Management Committee shall authorise payments on the Hellenic Community of Western Australia Inc bank accounts.

(amended 26/409)

Any capital or expense items by the Committee in excess of \$20,000 shall be authorised by any **three** of the Office Bearers President, Vice President Secretary or Treasurer, on the decisions approved by the Management Committee. (amended 06/04/2008)

**4.15** The Committee may appoint Sub-Committees from time to time, whose powers and duties shall be determined by the Committee and their term of appointment shall end thirty (30) days after the election. (amended 21/03/99)

**4.16** The Committee shall put aside in a reserve fund such an amount which represents 10% of the Church takings per year for the Cathedral of St Constantine and Helene and expenditure to be determined and approved at the Annual General Meeting.

## **5. OFFICE BEARERS' DUTIES**

### **5.1 President**

- (1)** To declare meetings of the Committee and Community open and to direct discussion, accept motions and put them to the vote at such meetings.
- (2)** To adjourn or recess a meeting in the event of uncontrollable or other exigency menacing the safety, health, integrity or property of the members or of the Community.

- (3) To sign all the documents executed under the seal of the Community and together with the Secretary to sign the minutes.
- (4) To follow closely and direct the work of the members of the Committee.

## **5.2 Vice President**

The Vice President has the same duties and privileges as the President whenever he replaces him in the President's absence.

## **5.3 Secretary**

- (1) To attend all meetings of the Committee and all General Meetings of the Community and keep the minutes of both and to sign the same together with the President.
- (2) To conduct the official correspondence of the Community and keep its archives under the direction of the President.
- (3) The Secretary shall have no authority to sign any documents sent out in the name of the Community unless specifically directed to do so by the Committee.
- (4) To deliver to his successor in proper order all documents and other items in his charge and received by him in the course of his duties.
- (5) To maintain a roll of life members of the Community.
- (6) In conjunction with the Treasurer to maintain the roll of financial members.

## **5.4 Treasurer**

- (1) To receive all money paid to the Community and to deposit the same in the name of the Community in a Bank determined by the Committee not later than seven (7) days after receipt.
- (2) To keep the financial books, ledgers, books of expenses and income and all other books and documents relating to the Community's financial affairs.
- (3) To sign or endorse cheques jointly and other negotiable securities or instruments authorised to do so by the Committee.
- (4) To keep true accounts of moneys received and expended by the Community and to record the matters in respect of which such receipt and expenditure takes place and also record all sales and purchases of goods and the credits, debits, assets and liabilities of the Community.
- (4a) Each associated entity of the Community including Villa Hellas Aged Care Hostel, St Andrew's Greek Orthodox Grammar School, Hellenic Greek Orthodox Schools of Western Australia and any additional entities established henceforth shall provide for each calendar month financial



statements comprising balance sheet and profit and loss to the Treasurer within 30 days of the close of the previous monthly reporting period.

(inserted 30/3/97)

- (5) To maintain a roll of financial members of the Community and to present that roll to the Chairman at any General Meeting of the Community and also to present a copy of that roll to the Chairman of the Election Subcommittee at least fourteen (14) days prior to the conduct of any elections. The said roll of financial members shall be open to the scrutiny of members. The roll of financial members shall close on the 31 December each year. The production by a member of a receipt for membership fees on a form approved by the Committee shall be conclusive proof of that persons entitlement to vote at a General Meeting or election. (amended 03/05/98)
- (6) Any trust or trusts constituted by a member of the Community shall be properly recorded and shown in the books of account of the Community.
- (7) To deliver to his successor in proper order everything relating to the financial affairs of the Community.

## 6. GENERAL MEETINGS

- 6.1 The Annual General Meeting of the Community shall be held on a Sunday preferably in March or not later than the end of April in each year. (amended 19/03/00)
- 6.2 All other General Meetings shall be called Extraordinary General Meetings.
- 6.3 At least fourteen (14) days' notice of General Meetings specifying the place and date and hour of meetings and in the case of special business the general nature of such business shall be given to the members. The meetings of the Community shall only be held at a Hellenic Community facility. Notice may be by mail (post or electronic including email, messaging, website or electronic newsletters). (amended 19/4/15)
- 6.4 The accidental omission to give any such notice to or the non-receipt of such notice by any of the members shall not invalidate any resolution passed at any such meeting.
- 6.5 A quorum shall constitute not less than 40 members or 20% of financial members whichever is less. (amended 21/04/13)
- 6.6 If within a half of an hour from the time appointed for an Annual General Meeting, a quorum of members is not present, the meeting shall be adjourned to such day, time and place not later than 21 days as the Committee may by notice to the members appoint and if at the adjourned meeting a quorum of members is not present within one half of an hour of the time appointed for the meeting, the members present and entitled to vote shall constitute a quorum.
- 6.7 On a requisition to the President by not fewer than one hundred (100) financial members setting forth the object thereof, the President shall call an Extraordinary General Meeting to be held as soon as possible after receipt of such notice. (amended 3/5/98)

- 6.8** The Committee may by notice in writing signed by two thirds of its members petition the President to call an Extraordinary General Meeting for purposes to be stipulated in the said notice. On receipt of such notice the President shall call an Extraordinary General Meeting to be held as soon as possible.
- 6.9** If within a half of an hour from the time appointed for an Extraordinary General Meeting, a quorum of members is not present, the meeting shall lapse. No further Extraordinary General Meeting shall be convened for similar purposes to those of the meeting which failed to draw a quorum for twelve (12) months from the date of that meeting.
- 6.10** The President and failing him the Vice President and failing him such other person as the General Meeting shall elect shall preside as Chairman at every General Meeting of the Community.
- 6.11** Every question submitted to a General Meeting upon which the members are by virtue of this Constitution entitled to vote will be decided by a show of hands unless a secret ballot is demanded by the Chairman or by at least 25percent of the members present and entitled to vote. (amended 06/04/08)
- 6.12** In the case of an equality of votes arising from a question submitted to a General Meeting, the Chairman shall have the casting vote. (amended 06/04/08)
- 6.13** The Chairman may with the consent of the meeting adjourn the meeting from time to time and from place to place, but no business shall be transacted at any adjourned meeting other than the business left unfinished at the meeting from which the adjournment took place. When the meeting is adjourned for 21 days or more, notice of the adjourned meeting shall be given as in the case of an original meeting.
- 6.14** No motion shall be put at any General Meeting, unless a written notification of the motion has been given to the President or the Secretary at least seven (7) days before such meeting.

### **6.15 Procedure at Annual General Meetings**

The following shall be the order of business at every Annual General Meeting:

- (1)** Confirmation of the Minutes of the last Annual General Meeting and of any Extraordinary General Meeting or Meetings, held since the preceding Annual General Meeting.
- (2)** The receipt of the Annual Balance Sheet, profit and loss and accompanying accounts and reports of the auditor and adoption of the same or otherwise.
- (3)** The election of the auditors.
- (4)** Any special business of which notice has been given or which is brought forward by the Committee.
- (5)** Election of the Trustees and Election Committee. (amended 19/4/15)

**(6) General Business.**

- (7) All records of the general meetings together with annual reports, the list of financial/life/ youth members, the list of serving personnel inclusive of committees and subcommittee, and boards, and the constitution of each year must be kept and archived. (inserted 19/4/15)

**7. TRUSTEES**

- 7.1** There shall be five (5) Trustees of the Community to be elected at the Annual General Meeting. (amended 06/04/08)
- 7.2.**
- (1) The Term of Office for all Trustees shall be 4 years from the time of their election.
- (2) The duties of the trustees shall be: to oversee the elections, to co-operate with the Election Committee in the orderly and impartial conduct of the elections, to ensure that the committee works within the bounds of the constitution and to safeguard the rights of the members and the interests of the Community. (amended 19/4/15)
- (3) Three (3) of the Trustees shall be elected at the 2008 AGM of the Community
- 7.3.**
- (1) The Trustees shall elect a Chairman of Trustees from amongst themselves.
- (2) The Trustees shall meet as often as is reasonably necessary for them to discharge their duties.
- (3) All decisions of the Trustees shall be by simple majority. (amended 06/04/08)
- (4) The Trustees shall not meet to discharge their duties unless a quorum of three (3) Trustees is present.
- 7.4** Members offering themselves for election as Trustees shall have been financial members of the Community for at least ten (10) years and be current financial members. (amended 20/03/11)
- 7.5** The Trustees shall execute the directions given to them by a General Meeting.
- 7.6** Retiring Trustees shall be eligible for re-election upon retirement.
- 7.7** A Trustee may only be removed from office by the resolution of a general meeting for a sound reason.
- 7.8** A Trustee shall be deemed to have vacated his office immediately upon his sending notice of his resignation in writing to the President or upon his ceasing to hold the qualifications prescribed herein.

**7.9** Upon the resignation of any Trustee or upon a Trustee ceasing to hold the qualifications prescribed, or when a vacancy occurs for any other reason, the Committee shall appoint a member duly qualified to act as Trustee for the remainder of the term of the trustee being replaced. (amended 21/03/99)

**7.10** The Chairman of Trustee shall be responsible for the recording of the minutes of all meetings of the Trustees. A copy of the minutes of the meetings of the Trustees shall be supplied to the Management Committee. (amended 06/04/08)

## **8. ELECTIONS**

**8.1 (1)** At the Annual General Meeting of a non-election year, five financial members shall be elected, who shall constitute the Election Committee whose responsibilities shall be the conduct of any Election of the Community for the following two years. The election will be held by secret ballot if more than five nominations are received. (amended 19/4/15)

**(2)** Members of the Election Committee are eligible for re-election. (amended 19/4/15)

**(3)** Members elected to the Election Committee must remain financial for the duration of their term. Should they cease to be financial they will not be able to participate in the business of the Election Committee. (inserted 22/04/12 & amended 19/4/15)

**(4)** Any Election Committee member who resigns, is no longer able to carry his duties or ceases to be financial may be replaced by the Committee of Management. (inserted 19/4/15)

**8.2** The Election Committee shall generally regulate its own affairs. Three members of the Election Committee shall constitute a quorum. The Chairman of the Election Committee shall have a casting vote in the event of tied voting. (amended 19/4/15)

**8.3** No member of the Election Committee shall be eligible for election or shall be eligible to nominate a candidate for election until three (3) months has elapsed after he or she has ceased to be a member of the Election Committee. (amended 19/4/15)

**8.4** The Election Committee shall fix the date which shall be the second Sunday in the month of June, for the conduct of the elections, which shall be held at a Hellenic Community facility. (amended 19/4/15)

**8.5.(1)** The Election Committee shall in such manner as it may decide call for nominations for the office bearers and for committee members at least 28 days prior to the date set for the elections.

**8.5 (2)** At least 28 days prior to the date set for the conduct of the elections, the Election Committee shall place on the Notice Board of the Hellenic Community Centre, situated at 20 Parker Street, Northbridge and at such other places as it thinks fit, a notice which shall:

- a) Specify the election date.
- b) Call for nominations for office bearers' positions and committee members.

- c) Notify the closing date for the receipt of nominations, which shall be by mail (post or electronic including email, messaging, website or electronic newsletters) by the close of business 15 days before the election date. (amended 22/04/12 & 19/4/15)
- 8.6 (1)** All nominations shall be in writing signed by the Nominator who shall be a financial member of the community and the nomination shall be counter signed by the Nominee, who signifies their willingness to stand for election. (inserted 22/04/12)
- (2)** A Nominee may only be nominated once and for one position on the Committee of Management. (inserted 22/04/12)
- (3)** Disclosure of official nominations on an as received basis is permissible with those nominations being published by a notice at a prominent place or places as determined by the Election Committee. (inserted 07/04/02 & amended 19/4/15)
- 8.7** The Election Committee shall have suitable ballot papers prepared for use at the elections. Only nominations received on authorised nomination forms shall be valid. At the elections, only votes cast on authorised ballot papers shall be valid. (amended 19/4/15)
- 8.8** The elections shall be conducted between the hours of 11.00 am and 5.00 pm on the appointed day. The Election Committee shall preside at the Polling Station and ballot papers shall be initialled by a member of the Election Committee and be distributed to persons entitled to vote and applying therefore at the polling place. Voting shall be by secret ballot. The President, Vice President, Treasurer and Secretary shall each be voted for separately. The remaining members of the Committee shall be elected collectively in the order in which they poll on a list of nominated candidates. (amended 19/4/15)
- 8.9** Voting in all elections shall be by each member signifying on his ballot paper the candidate to whom he wishes to receive his vote. There shall be no preferential voting or voting by proxy.
- 8.10** At the conclusion of the poll, the ballot papers shall be scrutinised by the Election Committee who shall forthwith declare the result of the election. (amended 19/4/15)
- 8.11** Any candidate for election may by notice in writing to the Election Committee, which notice must be received by the Election Committee, not later than 48 hours before the election date, appoint one scrutineer to be present on the candidate's behalf at the counting of the ballot papers. No persons other than a Trustee, authorised scrutineer or member of the Election Committee shall be present at the counting of votes. (amended 22/04/12 & 19/4/15)
- 8.12** The decision of the Election Committee on all matters relating to the conduct of elections, including the informality or otherwise of any ballot paper and the result of the election shall be final and conclusive and not open to challenge by any person on any pretext. (amended 19/4/15)
- 8.13** Notice of the result of the election shall be published by notice affixed to such prominent place or places as may be determined by the Election Committee. (amended 19/4/15)

## **9. SEAL**

- 9.1** The Common Seal of the Association shall bear the inscription “The Hellenic Community of Western Australia Incorporated”.
- 9.2** The Secretary shall have the custody of the Common Seal, which shall be affixed to all appropriate documents and shall be verified by any two office bearers, at least one of whom shall be the President or Secretary.

## **10. REAL PROPERTY**

- 10.1** The real property upon which is constructed the Greek Orthodox Cathedral of St Constantine and Helene shall never be sold, leased, mortgaged or otherwise encumbered.
- 10.2** The real properties adjoining the Greek Orthodox Cathedral of St Constantine and Helene and the property situated at the corner of Francis and Parker Streets being No 115 Francis Street and known as the rectory, may be disposed of only by a motion carried by a five-sixths (5/6) majority of all members, the qualifications of such members shall be those who are financial members for twelve (12) calendar months preceding the end of the last financial year.
- 10.3** Any other real property owned by the Community may be disposed of by a majority resolution at a General Meeting.

## **11. RELIGIOUS MATTERS**

- 11.1** The Priest who is engaged in or about the religious or spiritual affairs of the Church shall be appointed by the Archbishop of the Greek Orthodox Archdiocese of Australia in consultation with the Committee. However, his services can be terminated by the Committee in consultation with the Archbishop.
- 11.2** The Committee shall at all times refer serious and important ecclesiastical matters of the Greek Orthodox Christian Faith to the Archbishop and at all times agree to act in the said matters in accordance with his directions.
- 11.3 (1)** The Priest shall be responsible to the Archdiocese and Committee for the due performance and discharge by himself and his assistants all his and their ecclesiastical duties.
- (2)** The administrative responsibilities of the Priest to the Community shall include the registration of baptisms, weddings, funerals and the issue of the necessary certificates.
- (3)** The welfare duties of the Priest and his assistants shall be determined from time to time by the Committee and shall unless otherwise determined be to take an active part in Community welfare activities and to visit people who are sick, in prison or in necessitous circumstances and to offer such help, comfort and advice to them as he is able.

(4) Any proposed alterations or disposal to the assets, articles, paraphernalia, furnishing or structures of the Cathedral of St Constantine and Helene, inclusive of purchases and donations, shall be referred in writing to the Committee of Management for approval before the alteration or disposal commences. The alteration or disposal shall then be catalogued and recorded in a register of Church Assets and Articles. (inserted 20/03/2011 & amended 19/4/15)

11.4 The Priest shall not at any time absent himself from the city, town or area in which his Church is allocated except with the prior consent of the Committee and consent of the Archdiocese.

11.5 The Committee, after seeking nominations, shall appoint from the members of the Community, a maximum of seven and minimum of five persons for a period of a two year term to a Church Council with defined degrees of autonomy in pursuit of Community objects and to undertake on behalf of the Committee to preserve teach and propagate in uncorrupted form the Christian Faith and traditions in conformity with the doctrine, canons, administrative rulings, discipline, divine worship, usages, and customs as formulated in accordance with Holy Scripture and the sacred traditions of the Orthodox Faith as set by the seven Ecumenical Synods of the Undivided church and regulations and encyclicals of the Ecumenical Patriarchate of Constantinople and of the Greek Orthodox Archdiocese of Australia constituted by his Holiness Athenagoras Archbishop of Constantinople New Rome and Ecumenical Patriarch with the concurrent approval of the members of the Holy and Sacred Synod on 3 April 1959 and by the resolutions of the local Synods approved by the Ecumenical Councils of and as interpreted by the said Ecumenical Patriarchate. (Inserted 25/04/04)

## 12. EMPLOYEES

- (1) The Committee shall engage contract or employ such persons as it deems necessary for the needs of the Community, fix their stipend or salary and terminate their engagement, according to the circumstances or terms of any agreement under which they have been engaged or employed. (amended 21/04/13)
- (2) No employee or contractor of the Community shall be eligible to be a member of the Committee until six (6) months have elapsed after he shall cease to be an employee or contractor of the Community. (amended 21/04/13)

## 13. LIFE MEMBERS and IMMEDIATE PAST PRESIDENT

### 13.1 Life Members

13(1.1) The Committee may recommend to the Annual General Meeting nominations received for life membership of the Community, persons who have rendered at least twenty (20) years important service to the Community. (amended 21/04/13)

13(1.2) The nominations for life membership must be moved by no less than five financial members, where each of the movers is at arm's length from the nominee; that is, not being an immediate relative (spouse, parent, child, or sibling). (inserted 21/04/13)

13(1.3) A member may be elected to life membership by a motion passed by a two third (2/3) majority of members present and entitled to vote at an Annual General Meeting. (amended 21/04/13)

### **13.2 Immediate Past President**

13.2 (1) The President immediately preceding the incumbent president, will be the Immediate Past President. (inserted 20/03/11)

13.2(2) The Immediate Past President will be eligible to attend Committee of Management meetings upon the invitation of the Committee of Management. (amended 22/04/12)

13.2 (3) The Committee of Management will determine the voting rights of the Immediate Past President at its meetings (inserted 20/03/11)

## **14. HONORARY MEMBERS**

The Committee may appoint honorary members of the Community who shall be persons not eligible for Full membership. Honorary members shall have no right to vote at General Meetings of the Community and shall not be eligible to stand for election for any office, but shall otherwise be entitled to all privileges of membership, without payment of annual subscription. (amended 22/04/12)

## **15. DONORS AND BENEFACTORS**

**15.1** The Community shall honour its benefactors and donors by declaring them to be either:

- (1) Donors where the donation of the sum is equal to or exceeding ONE THOUSAND DOLLARS (\$1,000.00) but less than TEN THOUSAND DOLLARS (\$10,000.00), (amended 22/04/12)
- (2) Great Donors where the sum donated is equal to or exceeding TEN THOUSAND DOLLARS (\$10,000.00) but less than ONE HUNDRED THOUSAND DOLLARS (\$100,000.00), (amended 22/04/12)
- (3) Benefactors where the sum donated is equal to or exceeding ONE HUNDRED THOUSAND DOLLARS (\$100,000.00) but less than TWO HUNDRED and FIFTY THOUSAND DOLLARS (\$250,000.00), (amended 22/04/12)
- (4) Great Benefactors where the sum donated is equal to or exceeding TWO HUNDRED and FIFTY THOUSAND DOLLARS (\$250,000.00). (amended 22/04/12)

**15.2** Donors, Great Donors and Benefactors to the Community shall be issued with an appropriate Certificate acknowledging their donations. Great Benefactors to the Community shall be acknowledged by having their name engraved on the Board provided for that purpose in the Greek Orthodox Cathedral of St Constantine and Helene.

## **16. AUDITORS**

**16.1** The books of the Community and of each of its associated entities including Villa Hellas Aged Care Hostel, St Andrew's Greek Orthodox Grammar School and Hellenic Greek Orthodox Schools of Western Australia and any additional entities established henceforth shall be audited each year as at 31 December. The books of account of the Community and of each of its entities as at 31 December of the



immediately preceding year shall be presented to the Treasurer not later than the 10th day of February of the following year for audit and the Treasurer shall immediately present the books of account to the Auditors. (amended 30/03/97)

- 16.2** The Auditors shall be such firm of Public Accountants appointed by the Annual General Meeting for a maximum of three years and shall remain the Auditors for that period unless a motion to remove and replace the Auditors is passed at an Annual General Meeting. The Annual General Meeting may after three years reappoint the Auditors or remove the Auditors and appoint new Auditors. (amended 30/03/97)

## **17. ALTERATION OF RULES**

Any of these rules may from time to time be amended or altered, abrogated or added to by a 75 per cent majority of the members at a General Meeting subject to Clause 10.1 hereof, provided notice of such amendments, alterations, abrogations or additions are presented as motions in writing to the Secretary at least twenty one (21) days prior to such meetings. All motions for amendments, alterations, abrogations or additions must be circularised to all financial members with the notice of the General Meeting.

## **18. EXPULSION OF MEMBERS**

- 18.1** The Community may by resolution carried at a General Meeting expel a member for conduct likely to bring or which is deemed to have brought the Community into disrepute a member expelled by General Meeting, or the subject of a motion for expulsion pursuant to this clause who resigns in advance of the General Meeting shall not be accepted as a member unless approved by a subsequent Annual General Meeting of the Community. (amended 30/03/97)

- 18.2** The Committee may suspend the membership rights of any member for a period not exceeding two months for conduct likely to bring, or which is deemed to have brought the Community into disrepute. The Committee shall as well as the power of suspension have the power to caution a member. No suspension of a member may be handed down by the Committee until that member has had the opportunity of a fair hearing by the Committee. The Committee shall advise any suspended member of its decision to suspend him in writing within seven (7) days of the date of its decision.

- 18.3 (1)** Any suspended member aggrieved by a decision of the Committee made pursuant to Clause 18.2 hereof, may within fourteen (14) days of receipt of advice of such suspension, appeal in writing to the Trustees.

- (2)** The Trustees shall forthwith consider the merits of the appeal and after such consideration may;

**(a)** uphold the appeal and set aside the suspension,

**(b)** dismiss the appeal and uphold the period of suspension,

**(c)** dismiss the appeal, but reduce the period of suspension imposed by the Committee.

- (3) The Trustees shall advise the Committee and the suspended member of their decision in writing, not later than fourteen (14) days from the date of receipt of a notice of appeal.
- (4) There shall be no right of appeal from the decision of the Trustees, in relation to an appeal and the Trustees decision shall be final and conclusive.

## **19. DISSOLUTION**

**19.1** The Community shall be deemed to exist as long as there are seven financial members thereof.

**19.2** Upon dissolution of the Community its assets shall vest in the Greek Orthodox Archdiocese of Australia Property Trust to use such assets for such charitable and/or benevolent purposes having public benefit in the State of Western Australia as the said body shall think fit.

## **20. INTERPRETATION**

In this Constitution:

- (1) Every word of the masculine gender shall be construed as including the feminine gender,
- (2) Every word in the singular member shall be constructed as including the plural member,
- (3) Every word in the plural member shall be constructed as including the singular member.