

BAPA

British Australian Pensioner Association Inc

CONSTITUTION AND RULES

1. NAME

The name of the Association shall be otherwise known as the British Australian Pensioner Association Incorporated, and hereinafter called "the Association".

2. DEFINITIONS

"committee" means the committee of management of the association
"member" means a member of the association as defined in 5.below
"the Act" means the Associations Incorporation Act 1985
"month" shall mean a calendar month

3. OBJECTS OR PURPOSES OF THE ASSOCIATION

The objects and purposes of the Association shall be:

- 3.1. primarily to secure the cost of living indexation of the United Kingdom Department of Work and Pensions age pensions paid to residents of Australia.
- 3.2. secondarily to render advice and assistance to British expatriate pensioners in Australia regarding UK pension matters.
- 3.3. to do all other such things as may be incidental to the attainment of such objects.

4. POWERS OF THE ASSOCIATION

The association shall have all of the powers conferred by Section 25 of the Act

5. MEMBERSHIP

- 5.1. Members shall be persons who are British expatriate pensioners or other persons or organizations who have agreed to support the objects of the Association and to be bound by its rules.

- 5.1.1 . "Donating members" shall be those who on joining have made a contribution to the Association funds of a minimum amount as determined by the Committee from time to time. Donating members shall be entitled to receive a copy of any Newsletter published

by the Association in either printed or electronic form for a period of not less than two years from the date of their last donation.

- 5.1.2. The Committee may create a separate category to be described as "Subscribing members" being those who pay a subscription of a minimum prescribed amount in each calendar year at the prescribed time. Subscribing members shall be entitled to receive copies of any Newsletter in accordance with 5.1.1 above and furthermore shall be entitled to one single vote in any postal ballot of which not less than 14 days notice has been given and the question for decision shall be determined by a majority of members in accordance with procedures established by the Committee for the counting and reporting of such postal votes.
- 5.1.3 Any member whose subscription is outstanding for more than three months after the due date for payment shall cease to become a member of the association provided always that the committee may reinstate such a person's membership on such terms as it thinks fit
- 5.1.4. a register of members shall be kept and contain the addresses of each member by the Membership Secretary as per paragraph 13.3 herein and a record of their donation will be kept by the Treasurer. as per paragraph 12.2 herein

6. MANAGEMENT

- 6.1 . Management shall be vested in the Committee of not less than six members, comprising such persons as has held office prior to incorporation together with persons co-opted in accordance with paragraph 6.11 herein.
- 6.2. The Committee has the management and control of the funds and other property of the Association.
- 6.3 The Committee shall have the authority to interpret the meaning of these rules and any other matter relating to the affairs of the Association on which these rules are silent
- 6.4. The Committee shall appoint a public officer as required by the Act.
- 6.5. The Office Bearers of the Association shall be the President, Vice President, Secretary and Treasurer/Membership Secretary
- 6.6. The Committee shall confer as often as may be required to conduct the business of the Association.
- 6.7. The quorum shall be one-half the number of Committee members.

- 6.8 . The President or two other members of the Committee shall have the power to call a meeting of the Committee
- 6.9. The Committee may dispatch and discuss the affairs and management of the Association as required by electronic mail (email) or by any other means acceptable to the Committee. Voting when required will be in accordance with paragraph 8.7
- 6.10. An Office Bearer or Member of the Committee may hold office until such times as he/she
- 6.10.1 . resigns in writing or
- 6.10.2. fails to cast a vote in two successive Committee meetings including email meetings without an explanation acceptable to the Committee
- 6.10 3. Is permanently or temporarily suspended as a Committee member as considered necessary by a majority of the full committee
- 6.11 . Vacancies unfilled or arising in the Office Bearers or other Committee Members may be filled by the Committee by co-opting members of the Committee or members of the association subject to notice being given to all committee members of any proposed appointments and elections at least 14 days prior to the proposed changes
- 6.11.1. The Committee may appoint sub-committees of members and non-members for specific purposes who shall meet as they see fit or as directed by the Committee and who shall report to the Committee.
7. SEAL
- 7.1. The Association shall have a common seal on which its corporate name shall appear in legible characters
- 7.2. The seal shall not be used without the express authority of the Committee, and every use of the seal shall be recorded in the minute book of the Association. The affixing of the seal shall be witnessed by the chairperson and the secretary
8. GENERAL MEETINGS
- 8.1. Annual General Meetings will not apply as the Association is not a prescribed Association but the committee may at their discretion call a general or special general meeting whenever it

is considered necessary.

- 8.2. Notice of a general or special general meeting must be given at least 14 days prior to the date of the meeting
- 8.3. Proceedings at general meetings will be in accordance with a previous agenda as determined by the President and Secretary
- 8.4. A quorum of members will consist of a minimum of ten members
- 8.5. VOTING
- 8.6. subject to these rules, every subscribing member of the association shall have a single vote at a general meeting of the association
- 8.7. Voting by Committee members may be carried out by electronic mail (email), fax, or by any other means acceptable to the Committee
A quorum shall have been established when not less than half
The Committee members have voted.
- 8.8. Where the Committee so decides, any vote may be taken by secret ballot. Any votes cast by Committee members by email, fax or mail should be sent within the time limit specified by the Committee to a Person of Trust appointed by the Committee who shall be authorized to read them and forward the result to the President, naming the Committee members responding but giving the results in numerical terms only
9. MINUTES

Minutes of any proceedings of general meetings and special general meetings of the Association shall be duly recorded and and confirmed by members of the committee

Deliberations and votes of the committee members as per paragraph 6.9 shall be retained in the relevant computer files.
10. PRESIDENT
- 10.1. The President shall preside over all discussions by email where notification has been given that a vote is to be taken and shall chair any general meetings and special general meetings except that in the absence of the President or at the request of the President or of a majority of the meeting another member may be elected the meetings chairperson.
- 10.2. The chairperson at any meeting shall have a personal deliberative vote and shall in addition have a casting vote if votes are equal
- 10.3. the chairperson shall encourage full balanced participation in

meetings by all members and shall decide on matters of order.

- 10.4. The President together with the Secretary shall prepare the agenda for general meetings and special general meetings.
- 10.5. The President shall act as Spokesperson for the Association unless an alternative Spokesperson has been appointed by the committee or a general Meeting. The Spokesperson shall make statements in accordance with previously agreed policy, or in emergency following consultation with at least two members of the Committee.

11. VICE PRESIDENT

- 11.1. The Vice President shall assist the President in all of his/her duties and shall deputize for him/her when absent.

12. TREASURER

- 12.1. The Treasurer shall cause monies received to be paid into an account or accounts authorized by the Committee in the name of the Association. Payments shall be as petty cash or by cheque signed by two authorized signatories. Major or unusual expenditures must be authorized in advance by the Committee
- 12.2. The Treasurer shall cause records to be kept of all the receipts and payments and other financial transactions including a record of members donations which records shall be available for inspection by any member of the Committee
- 12.3. The Treasurer shall cause to be prepared financial statements and shall submit a report on the finances as requested for a Committee Meeting.
- 12.4. The Treasurer shall present audited accounts annually to the Committee.

13. SECRETARY

- 13.1. The Secretary shall give notice of meetings in accordance with the provisions of the constitution.
- 13.2. The Secretary shall cause records to be kept of the Association including the constitution and policies, a register of minutes of meetings and of notices and records of submissions or reports made by or on behalf of the Association.
- 13.3. The Secretary shall cause to be made and maintained an up to date

record of the membership of the Association.

13.4. In the absence of the Secretary or at the request of the Secretary or of a majority of the meeting another member shall be elected as Minutes Secretary.

14. AMENDMENT OF CONSTITUTION AND RULES.

14.1. This constitution may be repealed or amended by a resolution of two-thirds of a quorum of Committee members present as specified in paragraph 6.1 with voting conducted by email or by any other means approved by the Committee provided that not less than seven days prior notice of the proposed changes has been circulated to the members of the Committee

15. FINANCE

15.1. Persons who by authority accept or incur any pecuniary liability on behalf of the Association shall be held indemnified against any personal loss in respect of such liability.

15.2. The income and funds of the Association shall be used and applied solely towards the promotion of the objects and shall not be paid or transferred to the members or relatives of members providing nothing herein contained shall prevent any payment in good faith to any person in return for services actually rendered or to any person in furtherance of the objects of the Association.

15.3. On dissolution all property whether real or personal remaining after payment of all debts and legal liabilities shall be transferred to such other body formed for promoting similar objects or for charitable objects as shall be approved by the Association provided that:

15.3.1. such other body shall also prohibit the distribution of income and property to the members to the extent stated therein:

15.3.2. If the Association shall have been approved pursuant to Section 78(1) of the Income Tax Exemption Act then such other body shall also be approved: and

15.3.3. The Association shall not be dissolved except by approval of not less than three quarters of the subscribing members of the Association present or voting by proxy or by mail at a meeting called for that purpose of which notice of the meeting and the proposed dissolution has been mailed to all members 21 days before the meeting.

15.4. The financial year for the Association shall end on the 30th June of each calendar year.