

A  
CONSTITUTION OF

# ASSOCIATION OF NEPAL TERAI IN AUSTRALIA



Address:

PO Box 354,  
Kogarah  
Sydney NSW 2217

E-mail : [info@terainepal.org](mailto:info@terainepal.org)  
[WWW.terainepal.org](http://WWW.terainepal.org)

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## INTRODUCTION

The Association of Nepal Terai in Australia (ANTA) is a non-profit based social organization, and was registered with the State of New South Wales on "October 1st 2008". It was very handful of Nepali Teraian living in Sydney. Thus the first Nepali Teraian Association was born in Sydney Australia with the objectives of assisting Nepalese and supports democracy and its values and practices among all Nepalese. ANTA was formed to promote Advancement and Awareness of the Teraian's Identity, Linguistic and Cultural heritage, and facilitate close ties, cooperation and networking among Nepali Teraians in Australia. It will also promote cooperation and strengthen ties with other Nepali Organizations in Australia. By cultivating closer relationship with different organization, ANTA will seek to promote harmony, better cooperation and greater unity amongst all people of Nepali origin living in Australia.

## ARTICLE I - PURPOSES AND POWERS

**Section 1** - The name of the Association is; Association of Nepal Terai in Australia (ANTA). This Association represents the Association of Nepali Teraian in Australia.

**Section 2** - The maximum number of the executive committee is up to 15 people.

**Section 3 - Membership criteria:-** The person who resides in Australia but belonging to Nepal can only participate in this Organisation. Membership opens to anyone irrespective of race, sex, political or religious. The annual membership fee, as set down by the annual general meeting, or at a special general meeting, shall fall due on January 1st of each year

**Section 4 - Goal:-** To participate in social activities, help people and help victims. Association shall be to promote friendship, understanding and goodwill between the people of Australia and Nepal, and those objectives determined by the Association.

The association shall be social, cultural, non profit and non commercial and non religious.

**Section 5** - The purposes for which this Corporation is formed and the powers which it may exercise are set forth in the Articles of Incorporation.

**Section 6 - Executive Committee:** The executive committee of the Association shall be elected for a period of two years at the annual general meeting. This committee shall consist of a President, Vice president, Secretary, Treasurer, Coordinator, Joint Coordinator and Members.

## **ARTICLE II – ELECTION AND DUTIES OF MEMBERS**

**Section 1** The Association shall have the following members: (a) a President, (b) a Vice President, (c) a Secretary (d) a Coordinate, (e) Joint Coordinator and (f) a Treasurer, each of whom shall hold office until their successors have been duly elected, designated or appointed and qualified, unless removed by death, resignation, or for other cause. The working period of the executives last for the two years and those executives are responsible for the selection of the next executives. Each Member in good standing shall cast one vote per vacancy and allocate no more than one vote per candidate, with voting being by ballot if requested by any Member. The candidates receiving the highest number of votes shall be elected.

**Section 2** No person shall be allowed to serve more than two consecutive full terms (each term known as 2 years) in any one office, but such person shall be eligible for election to any other office at the conclusion of his or her term.

**Section 3** The Directors, Senior Advisor, Advisor can be selected by the members and if there are conflict to select them, election can be carried out for their selection.

**Section 4** Any member or committee President may resign at any time by delivering written notice to the Director, the President, or the Secretary. Such resignation shall become effective upon delivery of notice, or at such later time identified in the notice. No Director may resign if Association of Nepalese Teraian in Australia would then be left without a duly elected Director; Acceptance of the resignation is required.

**Section 5** At the sole discretion of the Director, the Treasurer and the President may be bonded.

**Section 6 The President** or (President Designee) shall preside over all meetings of the Association, call special meetings of the members with Senior Advisor, Advisor and Directors, and generally perform all acts and duties usually performed by an executive and presiding members. The President shall sign all papers of the Association as he or she may be authorized and directed to sign on behalf of the Association. The President shall make a full report of all matters and business pertaining to the office to the members at the Annual Meeting. The President shall perform such other duties as may be prescribed by the Directors, somewhat by Advisors.

**Section 7 The Vice President** shall perform all of the duties of the President whenever the President is absent or unable to perform his or her duties. The Vice President shall assist in the development of agendas and programs for membership meetings. The Vice President shall obtain and distribute pertinent literature to the membership and maintain communication with supporting agencies.

**Section 8 The Coordinator** shall perform all of the duties of the President whenever the President and Vice President are absent or unable to perform their duties. The Coordinator shall oversee all committees and report on their activities to the Directors and to the members at the Annual Meeting. The Coordinator will head the Work of the Association.

**Section 9 The Joint-Coordinator** The National Coordinator shall support the Coordinator in discharging his/her responsibilities.

**Section 10 The Secretary** shall keep a complete record of all meetings of the Association and of all meetings of the members along with directors and shall be entitled to have general charge and supervision of the book and records of the Association, other than the financial records of the Association. The Secretary shall maintain a current membership list indicating the names and addresses of all the members of the Association, and indicating those members that are entitled to vote upon any proposed action to be submitted for consideration by the members. The Secretary shall serve all notices required by law and by this Constitution. The Secretary shall be responsible for all reports required by law and shall perform such other duties as may be required by the Association. At the conclusion of his or her term, the Secretary shall turn over to his or her successor all books and others papers belonging to the Association that the Secretary may have in his or her possession.

**Section 11 The Treasurer** shall keep a record of all receipts and expenditures of the Association, and shall have general charge and supervision over all financial books and records of the Association. The Treasurer shall prepare an annual budget and give a report of the financial condition of the Association at the Annual Meeting. The Treasurer shall be empowered to establish a corporation bank account(s), as required, and deposit and withdraw funds from such account(s) as necessary. The Treasurer shall perform such other duties as prescribed by the Directors. At the conclusion of his or her term, the Treasurer shall turn over to his or her successor all financial books and records of the Association that are in his or her possession, and shall relinquish to his or her successor all rights to corporate accounts and monies.

**Section 12 Members** – Members shall support in implementing the programs of the Association, attend meetings and perform tasks assigned by the Excom.

## ARTICLE III – MEMBERSHIP

**Section 1** There shall be six (6) classes of membership: (a) individual members, (b) Student members, (d) Life members, (e) Founding members, and (f) Honorary members. Membership in the Association is non-transferable and is restricted to individuals only.

**Section 2** All members shall be persons vitally concerned with or actively engaged in the Association of Nepal Terai in Australia's activities.

**Section 3** The President shall be authorized, at its sole discretion, to terminate any membership upon the affirmative vote of at least two-thirds (2/3) of the votes cast by the Members.

## ARTICLE IV – MEETINGS

**Section 1 Annual Meeting.** The Annual Meeting of the members shall be held at such time and date and at any location within Australia as determined by the Board of Executive. Each year, the Members attending the Annual Meeting of Executives will, in accordance with this section, elect Directors to fill any vacancies on the Board and to replace those Directors whose terms have expired. The Board in office at the time notice is given for the Annual Meeting shall nominate a slate of candidates for the vacant and expired terms on the Board. Additional candidates may be nominated at the Annual Meeting by any Member in attendance.

**Section 2 Special Meetings.** Special meetings of the members of this Association may be called at any time by the President of the Corporation or by the Board of Directors, and shall be called at any time upon the written request of at least ten percent (33%) of the members. Any special meeting shall state the time, place, and the purpose(s) of the meeting. No business other than that stated in the notice of the special meeting may be considered.

**Section 3 Notice of Meeting.** Written or printed notice of all meetings of members, whether regular or special meetings, shall be prepared and delivered, by first-class mail, or by telephonic or other electronic medium, to the last known address of each member, no less than ten (10) days, no more than sixty (60) days, prior to the date of said meeting. If a member doesn't attend the three meetings without prior notice after getting information about the meeting can be dismissed from the responsibilities.

**Section 4 Voting.** Voting by proxy shall not be permitted. Any member wishing to vote on the issues before any meeting must be present at the meeting to exercise the right to vote. Each member entitled to vote shall have one (1) vote for each matter submitted to the members at a regular or special meeting of members. A majority vote shall constitute the act of the members.

**Section 5** For any membership meeting, a quorum shall consist of at least twenty percent (20%) of the members eligible to vote, as set forth in this Constitution.

**Section 6** The order of business at any annual or special meeting of the members, and insofar as applicable, any meeting of the Board of Directors, shall be as follows:

- Proof of quorum.
- Proof of proper notice of meeting.
- Reading and disposal of minutes of the last regular or special meeting.
- Treasurer's report.
- Reports of executives and committees.
- Unfinished business.
- New business.
- Elections, if required.
- Adjournment

**Section 7** Any action that may be taken at any annual, regular, or special meeting of members may be taken without a meeting if the President or Secretary delivers a written ballot to every member eligible to vote on the matters to be considered.

The written ballot shall (1) set forth each proposed action; (2) provide an opportunity to vote for or against each proposed action; (3) indicate the number of responses necessary to meet quorum requirements; (4) state the percentage of approvals necessary to approve each matter; and (5) specify the time by which a ballot must be received by the Association in order to be counted. In order for a vote by mail ballot to be effective, the number of votes cast must equal or exceed the quorum requirements set forth in this Constitution. Once delivered to the Association, a written ballot may not be revoked.

## **ARTICLE V – DUES**

**Section 1** The rates for membership dues for the Association shall be set annually by the Executives committee. The Annual fee of the member is AUS\$ 10, all the voting members shall be required to pay membership fees or dues. Honorary and lifetime members shall not be required to pay annual dues. Honorary members may give advice and counsel, and may enter into discussions and engage in any committee activities. Honorary members shall have all rights that voting members are granted except the right to vote. Honorary members shall not be counted for purposes of determining whether a quorum is present at any meeting.

**Section 2** Dues shall be paid annually and become payable at the beginning of each calendar year. Dues shall be considered in arrears if not paid by 31st December of the current year. Persons who fail to pay dues when they are considered in arrears will be removed from the membership list and his or her membership shall be automatically and immediately terminated, without further action by the Board of Directors as otherwise required under Article IV, Section 3.

## **ARTICLE VI – EARNINGS**

**Section 1** The Association is organized as a non-profit corporation pursuant to the NSW Non-profit Corporation Act. Any funds obtained by the Association shall be used for the educational or benevolent purposes set forth in the Articles of

Incorporation or this Constitution. No part of the net earnings of the Association shall inure to the benefit of, or be distributable to its members, directors, executives or other private persons or to the benefit of any person who has made a substantial contribution to the corporation or to any member of the family of such donor, except that the Association shall be authorized and empowered to pay reasonable compensation for services rendered and to make payments and distributions in furtherance of the purposes set forth in the Articles of Incorporation or these Constitution. The Association shall not carry on any activities not permitted to be carried on by a corporation exempt from Australian federal income taxation of Internal Revenue Code and the applicable regulations as they now exist or as they may hereafter be amended.

**Section 2 Source of fund** – Activities of the association shall be financed from the funds received from following sources: · Donation, · Savings generated from the implementation of its programs, and · the voluntary contributions received from members.

**Section 3 Management of Fund** any amount received by the Association shall be deposited in the bank designated by the Executive Committee. All transactions shall be carried out through bank. The Treasurer and the President of the Association shall sign jointly operate the bank account.

**3.1 The Treasurer** shall maintain appropriate records of all funds received, expenditures in curred and balance. The Treasurer shall furnish the statement of income and expenditure to the Annual General Meeting (AGM).

**3.2 The fund of the association** shall be held in the bank account designated by the Executive committee. Expenditure from the fund shall be incurred with the joint signature of at least two members of the Executive Committee (President or designate and Treasurer).

**3.3 The officers of the Association** shall comply with the accounting and audit requirements of the law of Australia where the Association has its registration relevant to the income/expenditure level of the Association, with regard to the keeping of accounting records of the Association.

## **ARTICLE VII – RECORDS**

**Section 1** The records of the Association, including books and records of accounts, and minutes of proceedings of the Board of Executives, shall be maintained at such place as designated by the Board of Executives. Any member may inspect such books and records for any proper purpose at any reasonable time.

## **ARTICLE VIII - MISCELLANEOUS PROVISIONS**

**Section 1** If deemed advisable, the Board of Executives may have the Articles of Incorporation and these Constitutions reproduced in such form as they may determine desirable and cause a copy thereof to be delivered to each member of the Association.

**Section 2** The fiscal year of the Association shall be the calendar year.

## **ARTICLE IX – AMENDMENTS**

**Section 1** Amendments to the Articles of Incorporation and these Constitutions may be proposed by the Board of Executives or by written petition signed by at least fifteen (15) voting members or ten percent (10%) of all voting members, whichever is less.

**Section 2** The Articles of Incorporation of the Association and these Constitution may be amended at any regular or special meeting of the members upon the affirmative vote of at least two-thirds (2/3) of the votes cast by voting members.

## APPENDIX

1. Official logo of the Association of Nepal Terai in Australia will be;



2. Official letterhead of the Association of Nepal Terai in Australia will be;



3. The official stamp will be the same as the official logo of the association.
4. The official website of the Association of Nepal Terai in Australia will be [www.terainepal.org](http://www.terainepal.org)

