

# Sur-O-Dhwani

## Constitution

### 1.1 Name of the Association

The name of the Association shall be **Sur-O-Dhwani**, hereinafter called “The Association”.

### 1.2 Monogram of the Association

*To be designed by the Management Committee and placed to the General Body for approval.*

### 2.1 Mission of the Association

The Association shall be a non-profit, non-political, and religion-neutral body motivated in preserving Bangalee culture, and devoted primarily in promoting *Rabindra Sangeet* (songs of Nobel Laureate Rabindranath Tagore), and other Bangla songs, Bangla literature, in the form of cultural programs, seminars, workshops.

### 2.2 Policy of the Association

In pursuance of the multi-cultural policy of the Commonwealth Government of Australia the Association’s policy shall be based on the premise that:

All Australians should have an overriding and unifying commitment to Australia, to its interests and future.

Every Australian requires to accept the basic structure and principles of Australian society- the Constitution and the rule of law, tolerance and equality, parliamentary democracy, freedom of speech and religion, and gender equality.

The right to express and practise one’s culture and beliefs involves a reciprocal responsibility to accept others right to express and practise their views and values.

### 3 Objectives of the Association

3.1 To promote *Rabindra Sangeet*, other Bangla songs, and other forms of performing arts (as authorised by the General Body).

3.2 To arrange regular practice and public performance of *Rabindra Sangeet* and other forms of performing arts.

3.3 To create an opportunity for the members and other interested people (see 4.4) to be familiar with the history and heritage, literature and music, and culture and values of Bangalee people.

3.4 To undertake other activities as warranted to promote the above activities.

### 4 Membership

4.1 *Beneficiary Member*: Any individual, eighteen years and over, irrespective of ideological, political, or religious background, interested in promoting, practising and performing *Rabindra Sangeet* and other forms of performing arts, are eligible for membership in the Association.

4.1.1 *Parent Member*: Either parent of a child (less than eighteen years of age) who participates in practising and performing *Rabindra Sangeet* or other Bangla songs or any other form of performing arts, offered by the Association, will be eligible for becoming parent member of the Association (see 5.2.2).

4.2 There shall be a scheduled membership fee as determined, time to time, by the General Body.

4.3 The participants shall have to commit to and physically be available for practising and performing songs, or other forms of performing arts, at times specified by the Management Committee.

4.4 The individuals who are not included in 4.1 but can promote the interests of the Association, and have language/cultural interests similar to that of most participants in the Association will be allowed to participate in the Association's activities subject to the approval of the Management Committee.

4.4.1 These participants shall not be regarded as ‘members’ of the Association for management and other purposes.

## **5 Management of the Association**

### **5.1 The Board**

5.1.1 The General Body will select a Board with individuals not included in 4.1, but who have language/cultural interests similar to that of most members of the Association, and can promote the interests of the Association.

5.1.2 The membership term in the Board will be for two years.

5.1.3 An individual shall be eligible for membership in the Board for two consecutive terms.

5.1.4 The spouse of any member of the General Body shall not be eligible for membership in the Board.

5.1.5 The number of members of the Board shall be five or seven.

5.1.6 The Board shall establish the mission and purposes of the Association; approve, monitor, and strengthen overall programs and services of the Association; be involved in raising funds for achieving the objectives of the Association; work for enhancing public image of the Association; and ensure legal and ethical integrity of the Association.

### **5.2 General Body**

5.2.1 The general body of the Association will be composed of Beneficiary Members and Parent Members of the Association (see 4.1).

5.2.2 The number of the Parent Members in the General Body shall not be more than 50% of the Beneficiary Members.

5.2.3 The primary responsibility of the General Body shall be to frame policy and programs for the Association based on the NSW government guidelines to achieve the missions and objectives of the Association, and to make arrangements for their implementation.

5.2.4 In order to make arrangements for successful running of the Association, and implementing its objectives, the General Body will elect a Management Committee.

### **5.2 Management Committee**

5.2.1 The Association shall be run and managed by a five member Management Committee, to be known as the Committee.

5.2.2 The Committee will be elected on a simple majority vote by the General Body from among its members (see 5.2.2.2).

5.2.2.1 The Committee shall nominate two people for each position for election from among the interested members of the General Body (there may be an exception to this Clause in the first year of the Association, as decided by the General Body).

5.2.2.2 An individual who is not member of the General Body may be nominated by the Committee to contest the election for President, provided most Committee members believe that the person's profile, knowledge of Bangla literature and songs, organisational skills, and network will immensely help the Association in achieving its objectives.

5.2.3 The term of office in the Committee will be for one calendar year.

5.2.4 A member of the Committee shall not be eligible for election in the Committee for more than two consecutive years, if other members seek nominations.

5.2.4.2 This clause will not apply to the President who, not being a member of the General Body, holds position due to his/her personal profile, knowledge of Bangla literature and songs, organisational skills, and network to help the Association in achieving its objectives (see 5.2.2.2).

5.2.5 The Committee shall be elected on the second Sunday in December of any calendar year, and take over the responsibilities on following Sunday to continue over to the next calendar year (there may be an

exception to this Clause in the first year of the Association, as decided by the General Body).

5.2.6 The structure of the Management Committee shall be:

President:	1 (One)
General Secretary	1 (One)
Treasurer	1 (One)
Member	2 (Two) (Preferably one Parent Member)

5.2.6.1 Each member of the Committee is to hold office until a newly elected Committee takes over following the election.

5.2.6.2 Any member of the Committee may resign from the Committee, if he/she is unable to continue, by tendering the resignation to the President.

5.2.6.3 If any member of the Committee, without any valid reasons and informing the President, fails to attend three consecutive meetings of the Committee, his/her position in the Committee shall stand cancelled.

5.2.6.4 In the event of a casual vacancy in the Committee, the Committee shall elect a person from the General Body (subject to Clause 5.2.3) to fill the vacancy until the next election of the Committee.

### **5.3 Removal of Office Bearers of the Management Committee**

5.3.1 No office bearer of the Committee shall be removed from the office during an elected term of office unless:

5.3.1.1 It is proved that he/she has committed a serious offence or acted against the interest of the Association;

5.3.1.2 A resolution to remove the incumbent from the Office for the proven subversive act or offence is passed in a General Meeting of the General Body by a majority of the members present.

### **5.4 Duties and Responsibilities**

#### **5.4.1 Of the Management Committee**

A. The Committee shall perform as a “team” and shall be responsible to the General Body for the proper management of the Association.

B. The committee shall be responsible, in particular, for:

- i. Promoting the Association within Bangalee community and mainstream society in Australia;
- ii. Encouraging and selecting performance conductors, and participants;
- iii. Defining and approving relationships with Commonwealth/NSW government departments, other business/non-profit organisations, other associations/organisations having similar objectives, to promote the Association and achieve its objectives;
- iv. Developing and approving the Association's activities;
- v. Authorising the annual budget.

#### **5.4.2 Of the President**

A. The President shall be the executive head of the Association and shall act on the advice of the Committee, and shall:

- i. Be Responsible for planning and developing activities following the NSW government guidelines;
- ii. As the Public Officer of the Association, keep close contacts with the NSW Government, and related government departments and business/non-profit organisations in Australia regarding grants, and development activities of the Association;
- iii. Keep contacts and communicate with other organisations and/or other cultural associations to enrich the

Association's image;

- iv. Establish and maintain relationships with individuals to promote the Association and its activities;
- v. Organise two meetings of the General Body a year with a minimum of fifteen days notice;
- vi. Arrange and maintain insurance cover for compensation and public liabilities that may be involved with any activities of the Association;
- vii. Work as a facilitator in the performance of their respective duties by the General Secretary and the Treasurer.
- viii. Perform such tasks that will be required to be performed in a short notice in order to efficiently and effectively run the Association.

#### **5.4.3 Of the General Secretary**

A. The General Secretary shall be responsible for the routine administration of the Association and, shall:

- i. Cooperate with the President in achieving the objectives of the Association and in undertaking the Committee approved programs and activities.
- ii. Maintain all the non-financial records of the Association including the membership register;
- iii. Keep and circulate minutes (including the names of the persons present) of the Committee meeting, Annual General meeting, and other meetings of the Association.
- iv. Maintain relationships with the members for proper running of the Association (see Clause 10 & 11);
- viii. Perform such tasks that will be required to be performed in a short notice and are requested by the President, in order to efficiently and effectively run the Association.

#### **5.4.4 Of the Treasurer**

A. The treasurer shall be responsible for the mobilisation of funds, and preparation of the Association budget.

B. The Treasurer shall:

- i. Collect and receive money due to the Association and make all payments authorised by the Committee
- ii. Maintain an account register to keep the up-to-date clear records of all income and expenses, maintain cash books, and receipts/memos/certified records of payment;
- iii. Be responsible to show, on demand, to any person authorised to demand so, the complete account of the Association with supported documents;
- iv. To arrange for annual audit report and to submit it to the relevant NSW government department.

### **6 Financial Aspects of the Association**

6.1 The Association shall be a non-profit organisation and the fund mobilised will be spent exclusively for the benefit of the Association, its members, and performers.

6.2 Major financial sources of the Association could be from:

- i. Membership fee
- ii. Personal donation
- iii. Annual grants from the NSW and Commonwealth governments (if and when available)
- iv. Grants or donations from other government (eg. city), business or non-profit organisations.
- v. Fund raising activities organised by the Committee at different times.

6.3 A bank account shall be operated in the name of **Sur-O-Dhwani**.

6.3.1 The Account shall have two signatories: the Treasurer, and the President or the General-Secretary (as

available).

6.4 In order to keep an accurate record of the financial aspects, all the transactions of the Association shall be audited by an auditor as required by the NSW Department of Fair Trading.

6.5 The following conditions shall apply to the Association as a non-profit organisation:

6.5.1 *Non-Profit Clause*: The assets and income of the Association shall be applied solely in furtherance of the Association's aforementioned objectives and no portion shall be distributed directly or indirectly to the members of the General Body or the Management Committee of the Association as bona fide compensation for services rendered or expenses incurred on behalf of the Association.

6.5.2 *Winding-up Clause*: In event of the Association being dissolved, money which remains during such dissolution, shall, after the satisfaction of all debts and liabilities, be transferred to any organisation(s) with similar objectives and tax exemption status.

6.5.3 *Amalgamation Clause*: Where it furthers the objectives of the Association to amalgamate with any other organisation having similar objectives, the other organisation must have rules prohibiting the distribution of its assets and income to members; and must be exempted from income tax.

## **7 Dissolution of the Association**

The Association shall be dissolved or amalgamated to other organisation(s) having the similar objectives if the decision is resolved by the two-third of the members of the General Body in an extra general meeting called for such purpose.

## **8 Meeting and Voting**

8.1 *The Management Committee* shall meet at least once in every quarter to review the activities of the Association.

8.2 *Annual General Meeting* shall be held once a calendar year but not more than 15 months shall elapse between two consecutive AGMs (may have exception in the first year of operation).

8.2.1 A two-third majority support of the members present shall be required to pass a resolution at the meeting.

8.3 *Extraordinary General Meeting* can be convened any time with thirty days notice if it is deemed essential by the Committee.

8.3.1 A simple majority support of the members present shall be required to pass a resolution at the meeting.

8.4 *Quorum* for the Committee meeting shall be three members, and for the AGM and extra AGM shall be 1/3<sup>rd</sup> of the General Body members.

## **9 Resolution of Internal Disputes**

9.1 Disputes between members of the association, and disputes between members and the association, are to be referred to a community justice centre for mediation in accordance with the *Community Justice Centres Act 1983*.

9.2 At least seven days before a mediation session is to commence, the parties are to exchange statements of the issues that are in dispute between them, and supply copies to the mediator.

## **10 Disciplinary Matters**

10.1 A complaint may be made to the Committee by any person that a member of the Association has:  
persistently refused or neglected to comply with a provision or provisions of this Constitution; or  
persistently and wilfully acted in a manner prejudicial to the interests of the Association.

10.2 On receiving such a complaint, the Committee shall:

10.2.1 cause notice of the complaint to be served on the member concerned giving the member at least fourteen days (from the time the notice is served) to make submissions to the Committee in connection with the complaint,

10.2.2 take into consideration any submissions made by the member in connection with the complaint.

10.3 The committee may, by resolution, expel the member from the Association or suspend the member from membership of the Association if, after considering the complaint, and any submissions made in connection with the complaint, it is satisfied that the facts alleged in the complaint have been proved.

10.4 If the Committee expels or suspends a member, the Secretary must, within seven days after the action is taken, cause written notice to be given to the member of the action taken, of the reasons given by the Committee for having taken that action and of the member's right of appeal under Clause 11.

10.5 The expulsion or suspension shall not take effect:

10.5.1 Until the expiration of the period within which the member is entitled to appeal against the resolution concerned, or

10.5.2 If within that period the member exercises the right of appeal, unless and until the Association confirms the resolution under Clause 11.2, whichever is the later.

## **11. Right of Appeal of Disciplined Member**

11.1 A member may appeal to the Association against a resolution of the Committee under Clause 10, within seven days, after notice of the resolution is served on the member, by lodging with the Secretary a notice to that effect (stating or without stating) the grounds on which the member intends to rely for the purposes of the appeal).

11.2 On receipt of a notice from a member under Clause 11.1, the Secretary must notify the Committee which is to convene a General Meeting of the Association to be held within twenty-eight days from the date on which the Secretary received the notice.

11.2.1 At the General Meeting of the Association convened for this purpose:

11.2.2 no business other than the question of the appeal is to be transacted,

11.2.3 the Committee and the (disciplined) member must be given the opportunity to state their respective cases orally or in writing, or both, and

11.2.4 the members present shall vote by secret ballot on the question of whether the resolution should be confirmed or revoked.

11.3 If at the general meeting the association passes a special resolution in favour of the confirmation of the resolution, the resolution is confirmed.

## **12 Amendment**

This Constitution may be amended by two-third of the members of the General Body in a General Meeting provided three-weeks written notice of the proposed amendment is given to all members.