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Khacho Yulo Ling Buddhist Centre Incorporated

348 Severin Street, Parramatta Park Qld 4870

Phone: 07 40415556

www.yuloling.com

A.B.N. 79214308403

RULES FOR KHACHO YULO LING BUDDHIST CENTRE

1. WORDS AND EXPRESSIONS TO HAVE MEANING IN ACT

- 1.1 A word or expression that is not defined in these model rules, but is defined in the Associations Incorporation Act 1981 has, if the context permits, the meaning given by the Act.

2. NAME

- 2.1 The name of the incorporated association (hereafter 'Centre') shall be:

KHACHO YULO LING BUDDHIST CENTRE INCORPORATED

3. OBJECTS

The objectives of this Centre shall be to endeavour by all lawful means:

- 3.1 To promote peace and the non-violent Buddhist way of life.
- 3.2 To promote social harmony and mutual understanding among all people by establishing and maintaining interreligious dialogue.
- 3.3 To provide Buddhist teachings for members and non-members in Cairns and North Queensland.
- 3.4 To preserve and promote the Tibetan culture in general and the teachings and practices of the Sakya School of Tibetan Buddhism in particular in a way that is suitable for our western culture in North Queensland
- 3.5 To provide a centre where people can meet to learn and practice the dharma
- 3.6 To facilitate in schools, colleges and universities the study of Buddhist philosophy, the study of the Tibetan language and the translation of Tibetan Buddhist texts.
- 3.7 To construct an institution for the study of the Buddhist way of life and the Tibetan language, culture and history.
- 3.8 Where finances allow, to offer support and assistance to the Buddhist monastic community in Australia and/or overseas.

4. POWERS

- 4.1 The centre has the powers of an individual.
- 4.2 The centre may, for example -
 - (a) enter into contracts; and
 - (b) acquire, hold, deal with and dispose of property; and
 - (c) make charges for services and facilities it supplies; and
 - (d) do other things necessary or convenient to be done in carrying out its affairs.
- 4.3 The centre may also issue secured and unsecured notes, debentures and debenture stock for the centre.



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5. CLASSES OF MEMBERS

- 5.1 The membership of the centre shall consist of ordinary members , and any of the following classes of members-
- associate members;
 - life members;
 - honorary members.
- 5.2 The number of ordinary members is unlimited.

Membership category	Qualification	Voting rights
Ordinary member	The person or organisation has paid the <i>regular membership</i> fee for the current year in full OR the person or organisation has paid a <i>life membership</i> fee.	Full.
Ordinary Family member	The family has paid the <i>family membership</i> fee for the current year in full.	Full for each person aged 18 years or more.
Ordinary Concessional member	The person: (a) is a full time student, unemployed or in receipt of a social security pension or benefit at the time membership fees fall due; and (b) has paid the <i>concessional membership</i> fee for the current financial year in full.	Full
Associate member	The person or organisation has been approved to be an associate member and paid in full the <i>associate membership fee</i> for the current financial year;	None
Honorary member	(a) The person is ordained as a Buddhist nun, monk, or novice or (b) The Centre has formally recognised the person or organisation as having made a significant contribution to the Centre.	None

6. MEMBERSHIP

- 6.1 A person who, on the day the centre is incorporated, was a member of the unincorporated centre and who, on or before a day fixed by the management committee, agrees in writing to become a member of the incorporated centre, must be admitted by the management committee to the same class of membership of the centre as the member held in the unincorporated centre.
- 6.2 A member of the incorporated centre who, before becoming a member, has paid the member's annual subscription for membership of the unincorporated centre on or before a day fixed by the management committee, is not liable to pay a further amount of annual subscription for the period before the day fixed by the management committee as the day on which the next annual subscription is payable.



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- 6.3 Any person or organisation that undertakes to comply with the rules of the Centre may apply for membership. An applicant for membership of the centre, other than the members of the unincorporated centre mentioned in subsection (1), must be proposed by 1 member of the centre (the “proposer”) and seconded by another member (the “seconded”).
- 6.4 An application for membership must be-
- (a) in writing; and
 - (b) signed by the applicant and the applicant's proposer and seconder; and
 - (c) in the form decided by the management committee.

7. MEMBERSHIP FEES

- 7.1 The membership fee for each class of membership-
- (a) is the amount decided by the members from time to time at a general meeting; and
 - (b) may be varied in individual cases by resolution of the Management Committee and
 - (c) is payable when, and in the way, the management committee decides.
- 7.2 The annual membership fee is due and payable on 30 September each year.
- 7.3 Honorary members shall be exempt from membership fees.

8. ADMISSION AND REJECTION OF MEMBERS

- 8.1 The management committee must consider an application for membership at the next meeting of the committee held after it receives-
- (a) the application; and
 - (b) the appropriate membership fee for the application.
- 8.2 The management committee must decide at the meeting whether to accept or reject the application.
- 8.3 If a majority of the management committee members present at the meeting vote to accept the applicant as a member, the applicant must be accepted as a member to the class of membership applied for.
- 8.4 The secretary of the centre must, as soon as practicable after the management committee decides to accept or reject an application, give the applicant a written notice of the decision.

9. WHEN MEMBERSHIP ENDS

- 9.1 A member may resign from the centre by giving a written notice of resignation to the secretary.
- 9.2 The resignation takes effect on-
- (a) the day and at the time the notice is received by the secretary; or
 - (b) if a later day is stated in the notice - the later day.
- 9.3 The management committee may terminate a member’s membership if the member -
- (a) is convicted of an indictable offence; or
 - (b) does not comply with any of the provisions of these rules; or
 - (c) has membership fees in arrears for at least 2 months; or



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(d) conducts himself or herself in a way considered to be injurious or prejudicial to the character or interests of the centre.

9.4 Before the management committee terminates a member's membership, the committee must give the member a full and fair opportunity to show why the membership should not be terminated.

9.5 If, after considering all representations made by the member, the management committee decides to terminate the membership, the secretary of the committee must give the member a written notice of the decision.

10. APPEAL AGAINST REJECTION OR TERMINATION OF MEMBERSHIP

10.1 A person whose application for membership has been rejected, or whose membership has been terminated, may give the secretary written notice of the person's intention to appeal against the decision.

10.2 A notice of intention to appeal must be given to the secretary within 1 month after the person receives written notice of the decision.

10.3 If the secretary receives a notice of intention to appeal, the secretary must, within 3 months after the day of receipt, call a general meeting to decide the appeal.

10.4 At the meeting, the applicant must be given a full and fair opportunity to show why the application should not be rejected or the membership should not be terminated.

10.5 Also, the management committee and the committee members who rejected the application or terminated the membership must be given an opportunity to show why the application should be rejected or the membership should be terminated.

10.6 An appeal must be decided by a vote of the members present at the meeting.

10.7 If a person whose application has been rejected does not appeal against the decision within 1 month after receiving written notice of the decision, or the person appeals but the appeal is unsuccessful, the secretary must, as soon as practicable, refund the application fee paid by the person.

11. REGISTER OF MEMBERS

11.1 The management committee must keep a register of members.

11.2 The register of members must include the following particulars for each member-

(a) the full name and residential address of the member;

(b) the date of admission as a member;

(c) the date of death or resignation of the member;

(d) details about the termination or reinstatement of membership;

(e) any other particulars the management committee or the members at a general meeting decide.

11.3 The register must be open for inspection at all reasonable times.

11.4 However, before the member may inspect the register, the member must apply to the secretary to inspect it.



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12. SECRETARY

- 12.1 If the centre has not elected an interim officer as secretary for the centre before its incorporation, the members of the management committee must ensure a secretary is appointed or elected for the centre within 1 month after incorporation.
- 12.2 If a vacancy happens in the office of secretary, the members of the management committee must ensure a secretary is appointed or elected for the centre within 1 month after the vacancy happens.
- 12.3 The secretary must be an individual residing in Queensland, or in another State but not more than 65 km from the Queensland border, who is – a member of the centre elected by the centre as secretary;

13. MEMBERSHIP OF MANAGEMENT COMMITTEE

- 13.1 The management committee of the centre consists of a president, vice-president, treasurer, secretary and three committee members as elected at the first general meeting or subsequent Annual General Meetings.
- 13.2 A member of the management committee, must be a member of the centre.
- 13.3 At each annual general meeting of the centre, the members of the management committee must retire from office, but are eligible, on nomination, for re-election.
- 13.4 These positions shall all be honorary.
- 13.5 No member of the Management Committee shall, while a member of the committee, be appointed to any salaried office in the Centre whereby they would receive any remuneration or other benefit in money or money's worth, except out-of-pocket expenses as agreed by the committee

14. ELECTING THE MANAGEMENT COMMITTEE

- 14.1 A member of the management committee may only be elected as follows-
 - (a) any 2 members of the centre may nominate another member (the "candidate") to serve as a member of the management committee;
 - (b) the nomination must be-
 - (i) in writing; and
 - (ii) signed by the candidate and the members who nominated him or her; and
 - (iii) given to the secretary at least 14 days before the annual general meeting at which the election is to be held;
 - (c) each member present at the annual general meeting may vote for any number of candidates not more than the number of vacancies;
 - (d) if, at the start of the meeting, there are not enough candidates nominated, nominations may be taken from the floor of the meeting.
- 14.2 A list of the candidates' names in alphabetical order, with the names of the members who nominated each candidate, must be posted in a conspicuous place in the office or usual place of meeting of the centre for at least 7 days immediately preceding the annual general meeting.
- 14.3 If required by the management committee, balloting lists must be prepared containing the names of the candidates in alphabetical order.



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15. RESIGNATION OR REMOVAL FROM OFFICE OF MANAGEMENT COMMITTEE MEMBER

- 15.1 A management committee member may resign from the committee by giving written notice of resignation to the secretary.
- 15.2 The resignation takes effect on-
 - (a) the day and at the time the notice is received by the secretary; or
 - (b) if a later day is stated in the notice - the later day.
- 15.3 A member may be removed from office at a general meeting of the centre if a majority of the members present at the meeting vote in favour of removing the member.
- 15.4 Before a vote of members is taken about removing the member from office, the member must be given a full and fair opportunity to show cause why he or she should not be removed from office.
- 15.5 A member has no right of appeal against the member's removal from office under this section.

16. VACANCIES ON MANAGEMENT COMMITTEE

- 16.1 If a casual vacancy happens on the management committee, the continuing members of the committee may appoint another member of the centre to fill the vacancy until the next annual general meeting.
- 16.2 The continuing members of the management committee may act despite a casual vacancy on the management committee.
- 16.3 However, if the number of committee members is less than the number fixed under these rules as a quorum of the management committee **, the continuing members may act only to-
 - (a) increase the number of management committee members to the number required for a quorum; or
 - (b) call a general meeting of the centre.

** For the number of members to form a quorum, see section 19 (Meetings of Management Committee)

17. FUNCTIONS OF MANAGEMENT COMMITTEE

- 17.1 Subject to these rules or a resolution of the centre members carried at a general meeting, the management committee -
 - (a) has the general control and management of the administration of the affairs, property and funds of the centre; and
 - (b) has authority to interpret the meaning of these rules and any matter relating to the centre on which the rules are silent.
- 17.2 The management committee may exercise the powers of the centre -
 - (a) to borrow, raise or secure the payment of amounts with the approval of a general meeting.; and
 - (b) to secure the amounts mentioned in paragraph (a) or the payment or performance of any debt, liability, contract, guarantee or other engagement incurred or to be entered into by the centre in any way, including by the issue of debentures (perpetual or otherwise) charged upon the whole or part of the centre's property, both present and future; and



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- (c) to purchase, redeem or pay off any securities issued; and
- (d) to borrow amounts from members and pay interest on the amounts borrowed; and
- (e) to mortgage or charge the whole or part of its property; and
- (f) to issue debentures and other securities, whether outright or as security for any debt, liability or obligation of the centre; and
- (g) to provide and pay off any securities issued; and
- (h) to invest in a way the members of the centre may from time to time decide.
- (i) To enter into any arrangements with any Government or Authority to obtain from such Government or Authority any rights, privileges, tax exemptions, tax deductions and concessions which the Centre may think fit to obtain; and to carry out, exercise and comply with any such arrangement rights, privileges and concessions

17.3 For sub-section (2)(d), the rate of interest must not be more than the current rate being charged for overdrawn accounts on money lent (regardless of the term of the loan) by -

- (a) the financial institution for the centre; or
- (b) if there is more than 1 financial institution for the centre - the financial institution nominated by the centre.

17.4 Questions arising at any meeting of the Management Committee shall, in the first instance, be decided by consensus. An outcome reached by consensus need not be unanimous, but all members present commit themselves to observe the group decision. As a last resort only, where consensus is not possible, the resolution shall be decided on a show of hands. All votes shall be given personally or by written proxy. In the event of an equality in votes, the chairperson of the meeting shall have a casting vote only.

18. INSPECTION OF ACCOUNTS, BOOKS, ETC.

18.1 All accounts, books, securities and any other relevant documents of the Association will be made available for inspection free of charge where they are held, by any member, upon request.

19. MEETINGS OF MANAGEMENT COMMITTEE

19.1 Subject to subsections (2) to (16), the management committee may meet and conduct its proceedings as it considers appropriate.

19.2 The management committee must meet at least once every 4 months to exercise its functions. It is encouraged to meet more often.

19.3 The committee must decide how a meeting is to be called.

19.4 Notice of a meeting is to be given in the way decided by the committee.

19.5 If the secretary receives a written request signed by at least 33% of the management committee members, the secretary must call a special meeting of the committee.

19.6 A request for a special meeting must state-

- (a) why the special meeting is being called; and
- (b) the business to be conducted at the meeting.

19.7 At a management committee meeting, more than 50% of the members elected or appointed to the committee as at the close of the last general meeting of the members form a quorum.



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- 19.8 A question arising at a committee meeting is to be decided by a majority vote of committee members present at the meeting and, if the votes are equal, the question is decided in the negative.
- 19.9 A management committee member must not vote on a question about a contract or proposed contract with the centre if the member has an interest in the contract or proposed contract, and if the member does vote the member's vote must not be counted.
- 19.10 The secretary must give each management committee member at least 14 days notice of a special meeting of the committee.
- 19.11 A notice of a special meeting must state-
 - (a) the day, time and place of the meeting; and
 - (b) the business to be conducted at the meeting.
- 19.12 The president or, if there is no president or if the president is not present within 10 minutes after the time fixed for a management committee meeting, the vice-president is to preside as chairperson at the meeting.
- 19.13 If the president and the vice-president are absent from a management committee meeting, the members may choose 1 of their number to preside as chairperson at the meeting.
- 19.14 If a quorum is not present within 30 minutes after the time fixed for a management committee meeting called on the request of committee members, the meeting lapses.
- 19.15 If a quorum is not present within 30 minutes after the time fixed for a management committee meeting called other than on the request of committee members, the meeting is to be adjourned to-
 - (a) the same day, time and place in the next week; or
 - (b) a day, time and place decided by the committee.
- 19.16 If, at the adjourned meeting mentioned in subsection (15), a quorum is not present within 30 minutes after the time fixed for the meeting, the meeting lapses.

20. DELEGATION OF MANAGEMENT COMMITTEE POWERS

- 20.1 The management committee may delegate the whole or part of its powers to a subcommittee consisting of the centre members considered appropriate by the committee.
- 20.2 A subcommittee may only exercise delegated powers in the way the management committee decides.
- 20.3 A subcommittee may elect a chairperson of its meetings.
- 20.4 If a chairperson is not elected, or if the chairperson is not present within 10 minutes after the time fixed for a meeting, the members present may choose 1 of their number to be chairperson of the meeting.
- 20.5 A subcommittee may meet and adjourn as it considers appropriate.
- 20.6 A question arising at a subcommittee meeting is to be decided by a majority vote of the members present at the meeting and, if the votes are equal, the question is decided in the negative.



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21. ADVISORS

21.1 The Centre shall request:

His Holiness Sakya Trizin, the Head of the Sakyapa Order of Tibetan Buddhism, or his successor, and

His Eminence Chogye Trichen Rinpoche, the Head of the Tsarpa Sub-Sect of the Sakyapa Order of Tibetan Buddhism, or his successor,

(a) to serve in an advisory capacity as the Joint Honorary Patrons of the Centre.

21.2 The Centre shall request a representative of the Sakya Order who is resident in Australia to act as the Spiritual Director of the Centre.

(a) In this advisory capacity the Spiritual Director shall be requested to ensure that the Centre's activities are in accord with the principles, teachings and practices of the Sakya Order in particular and Buddhism in general.

(b) Should any dispute arise as to the authenticity or validity of the practices or teachings as expounded by the Spiritual Director, the matter will be referred for clarification to the Honorary Patron.

(c) The Spiritual Director will have the right to attend any meeting of the Centre and its committees and participate in any deliberations, but will not have voting powers.

21.3 In the event that no suitable candidate for Spiritual Director of the Centre is resident in Australia, then the Honorary Patron will be requested to act in the capacity until such time as a suitable representative is available.

21.4 The Centre may invite other representatives of the Sakya Order, Tibetan teachers, members of other Buddhist orders or any other person deemed suitable to serve in an advisory capacity when it is considered necessary to do so.

22. ACTS NOT AFFECTED BY DEFECTS OR DISQUALIFICATIONS

22.1 An act performed by the management committee, a subcommittee or a person acting as a member of the management committee is taken to have been validly performed.

22.2 Subsection (1) applies even if the act was performed when-

(a) there was a defect in the appointment of a member of the management committee, subcommittee or person acting as a member of the management committee; or

(b) a management committee member, subcommittee member or person acting as a member of the management committee was disqualified from being a member.

23. RESOLUTIONS OF MANAGEMENT COMMITTEE WITHOUT MEETING

23.1 A written resolution signed by each member of the management committee for the time being entitled to receive notice of a committee meeting is as valid and effectual as if it had been passed at a committee meeting that was properly called and held.

23.2 A resolution mentioned in subsection (1) may consist of several documents in like form, each signed by 1 or more members of the committee.



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24. INDEMNITY

- 24.1 The officers of the Centre shall be indemnified out of the funds of the Centre against all such charges, damages and expenses as they shall incur or be put in to account of any act, deed, matter or thing which shall be made, done, entered into or executed by them on behalf of the Centre.
- 24.2 They shall be reimbursed by the Centre for all reasonable expenses incurred by them in or about the execution of their respective office, except such costs, losses, of expenses as shall happen through their respective wilful neglect or default.
- 24.3 A member of the Management Committee shall be chargeable only for so much money as he or she shall actually receive and shall not be answerable for the acts, receipts, neglects or defaults of any other member but each of them for his or her own acts, receipts, neglects or defaults only. Nor shall a member of the executive committee respectively be answerable for any collector or other person into whose hands any property or money of the Centre may come, nor for any loss or damage which may happen in the exercise of their respective offices unless the same shall happen through their own respective wilful neglect or default.

25. FIRST GENERAL MEETING

- 25.1 The first general meeting must be held not less than 1 month, and not more than 3 months, after the day the centre is incorporated.
- 25.2 The management committee must decide where the meeting is to be held.
- 25.3 The business to be conducted at the first general meeting must include the appointment of an auditor.

26. FIRST ANNUAL GENERAL MEETING

- 26.1 The first annual general meeting must be held within 18 months after the day the centre is incorporated.

27. SUBSEQUENT ANNUAL GENERAL MEETINGS

- 27.1 Each subsequent annual general meeting must be held -
 - (a) at least once each year; and
 - (b) within 6 months after the end of the centre's previous financial year.

28. BUSINESS TO BE CONDUCTED AT ANNUAL GENERAL MEETING

- 28.1 The following business must be conducted at each annual general meeting -
 - (a) receiving the statement of income and expenditure, assets, liabilities and mortgages, charges and securities affecting the property of the centre for the last financial year;**
 - (b) receiving the auditor's report on the financial affairs of the centre for the last financial year;
 - (c) presenting the audited statement to the meeting for adoption;
 - (d) electing members of the management committee;
 - (e) appointing an auditor.



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**this statement is required to be prepared under the Centres Incorporation Act 1981, section 59 (Audit and statement).

29. SPECIAL GENERAL MEETING

- 29.1 The secretary may only call a special general meeting by giving each member notice of the meeting within 14 days after-
- (a) being directed to call the meeting by the management committee; or
 - (b) being given a written request signed by-
 - (i) at least 33% of the members of the centre presently on the management committee; or
 - (ii) at least the number of ordinary members of the centre equal to double the number of members of the centre presently on the management committee plus 1; or
 - (c) being given a written notice of an intention to appeal against the decision of the management committee-
 - (i) to reject an application for membership; or
 - (ii) to terminate a person's membership.
- 29.2 A request mentioned in subsection (1)(b) must state-
- (a) why the special general meeting is being called; and
 - (b) the business to be conducted at the meeting.

30. NOTICE OF GENERAL MEETING

- 30.1 The secretary may call a general meeting of the centre.
- 30.2 The secretary must give at least 14 days notice of the meeting to each center member.
- 30.3 The management committee may decide the way in which the notice must be given.
- 30.4 However, notice of the following meetings must be given in writing-
- (a) a meeting called to hear and decide the appeal of a member against the rejection or termination of the member's membership by the management committee; or
 - (b) a meeting called to hear and decide a proposed special resolution of the centre.
- 30.5 A notice of a general meeting must state the business to be conducted at the meeting.

31. QUORUM FOR, AND ADJOURNMENT OF, GENERAL MEETING

- 31.1 Subject to subsection (5), at a general meeting the number of members equal to double the number of members of the centre presently on the management committee plus 1 form a quorum.
- 31.2 No business may be conducted at a general meeting unless a quorum of members is present when the meeting proceeds to business.
- 31.3 If a quorum is not present within 30 minutes after the time fixed for a general meeting called on the request of members of the management committee or the centre, the meeting lapses.
- 31.4 If a quorum is not present within 30 minutes after the time fixed for a general meeting called other than on the request of members of the management committee or the centre, the meeting is to be adjourned to-
- (a) the same day, time and place in the next week; or



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- (b) a day, time and place decided by the management committee.
- 31.5 If at an adjourned meeting, a quorum under subsection (1) is not present within 30 minutes after the time fixed for the meeting, the members present form a quorum.
- 31.6 The chairperson may, with the consent of any meeting at which a quorum is present, and must if directed by the meeting, adjourn the meeting from time to time and from place to place.
- 31.7 If a meeting is adjourned under subsection (6), only the business left unfinished at the meeting from which the adjournment took place may be conducted at the adjourned meeting.
- 31.8 The secretary is not required to give the members notice of an adjournment or of the business to be conducted at an adjourned meeting unless a meeting is adjourned for at least 30 days.
- 31.9 If a meeting is adjourned for at least 30 days, notice of the adjourned meeting must be given in the same way notice is given for an original meeting.
- 31.10 In this rule - "member" includes a person attending as a proxy or representing a corporation that is a member.
- 31.11 A member desiring to bring any business before a general meeting may give notice in writing of that business to the secretary. Where such notice is given, the secretary shall include that business in the first notice calling a general meeting that is issued after the member's request is received.

32. PROCEDURE AT GENERAL MEETING

- 32.1 Subject to these rules, at each general meeting -
- (a) the president or, if there is no president or if the president is not present within 15 minutes after the time fixed for the meeting or is unwilling to act, the vice-president is to preside as chairperson; and
 - (b) if the vice-president is absent or unwilling to act as chairperson, the members present must elect 1 of their number to be chairperson of the meeting; and
 - (c) the chairperson must conduct the meeting in a proper and orderly way; and
 - (d) each question, matter or resolution must be decided by a majority of votes of the members present; and
 - (e) each member present and entitled to vote is entitled to 1 vote only and, if the votes are equal, the chairperson has a casting vote as well as a primary vote; and
 - (f) a member is not entitled to vote at a general meeting if the member's annual subscription is in arrears at the date of the meeting; and
 - (g) voting may be by a show of hands or a division of members, unless at least 20% of the members present demand a secret ballot; and
 - (h) if a secret ballot is held, the chairperson must appoint 2 members to conduct the secret ballot in the way the chairperson decides; and
 - (i) the result of a secret ballot as declared by the chairperson is taken to be a resolution of the meeting at which the ballot was held; and
 - (i) a member may vote in person or by proxy or by attorney and-
 - (i) on a show of hands, each person present who is a member or a representative of a member has 1 vote; and
 - (ii) in a secret ballot, each member present in person or by proxy or by attorney or other properly authorised representative has 1 vote; and



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- (j) an instrument appointing a proxy must be in writing; and-
 - (i) if the appointor is an individual - signed by the appointor or the appointor's attorney properly authorised in writing; or
 - (ii) if the appointor is a corporation - either under seal or signed by a properly authorised officer or attorney of the corporation; and
- (k) a proxy may be a member of the centre or another person; and
- (l) the instrument appointing a proxy is taken to confer authority to demand or join in demanding a secret ballot; and
- (m) if someone wants to give a member an opportunity to vote for or against a resolution, the instrument appointing a proxy must be in the following or like form-

CENTRE: KHACHO YULOLING BUDDHIST CENTRE INCORPORATED

I _____, being a member of the centre, appoint
_____ of _____ as
my proxy to vote for me on my behalf at the (annual) general meeting of the centre, to be held on the
day of _____, _____; and at any adjournment of the meeting.

Signed this _____ day of _____, _____.

Signature.

- (n) Unless otherwise instructed, the proxy may vote as the proxy considers appropriate. and
- (o) each instrument appointing a proxy must be given to the secretary before the start of the meeting or adjourned meeting at which the person named in the instrument proposes to vote; and
- (p) the secretary must ensure full and accurate minutes of all questions, matters, resolutions and other proceedings of each management committee meeting and general meeting are entered in a minute book; and
- (q) the secretary must ensure the minute book for each general meeting is open for inspection at all reasonable times by any financial member who previously applies to the secretary for the inspection.

32.2 To ensure the accuracy of the minutes recorded under subsection (1)(p)-

- (a) the minutes of each management committee meeting must be signed by the chairperson of the meeting, or the chairperson of the next management committee meeting, verifying their accuracy; and
- (b) the minutes of each general meeting must be signed by the chairperson of the meeting, or the chairperson of the next general meeting, verifying their accuracy; and
- (c) the minutes of each annual general meeting must be signed by the chairperson of the meeting, or the chairperson of the next meeting of the centre that is a general meeting or annual general meeting, verifying their accuracy.



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33. BY-LAWS

- 33.1 The management committee may make, amend or repeal by-laws, not inconsistent with these rules, for the internal management of the centre.
- 33.2 A by-law may be set aside by a vote of members at a general meeting of the centre.

34. ALTERATION OF RULES

- 34.1 Subject to the Associations Incorporation Act 1981, these rules may be amended, repealed or added to by a special resolution carried at a general meeting.
- 34.2 However an amendment, repeal or addition is valid only if it is registered by the chief executive.

35. COMMON SEAL

- 35.1 The management committee must ensure the centre has a common seal.
- 35.2 The common seal must be-
 - (a) kept securely by the management committee; and
 - (b) used only under the authority of the management committee.
- 35.3 Each instrument to which the seal is attached must be signed by a member of the management committee and countersigned by-
 - (a) the secretary; or
 - (b) another member of the management committee; or
 - (c) someone appointed by the management committee.

36. FUNDS AND ACCOUNTS

- 36.1 The funds of the centre must be kept in an account in the name of the centre in a financial institution decided by the management committee.
- 36.2 Records and accounts must be kept in the English language showing full and accurate particulars of the financial affairs of the centre.
- 36.3 All amounts must be deposited in the financial institution account as soon as practicable after receipt.
- 36.4 If an amount of \$100 or more is paid by cheque, the cheque must be signed by any 2 of the following-
 - (a) the president;
 - (b) the secretary;
 - (c) the treasurer;
 - (d) another member authorised by the management committee for the purpose.
- 36.5 Cheques, other than cheques for wages, allowances or petty cash recoupment, must be crossed 'not negotiable'.
- 36.6 A petty cash account must be kept on the imprest system, and the management committee must decide the amount of petty cash to be kept in the account.
- 36.7 All expenditure must be approved or ratified at a management committee meeting.
- 36.8 The treasurer must, as soon as practicable after the end of each financial year, ensure a statement containing the following particulars is prepared -



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- (a) the income and expenditure for the financial year just ended;
- (b) the centre's assets and liabilities at the close of the year;
- (c) the mortgages, charges and securities affecting the property of the center at the close of the year.

- 36.9 If the centre is incorporated within 3 months before the end of the centre's financial year, subsection (8) does not apply for the financial year in which the center is incorporated.
- 36.10 The auditor must examine the statement prepared under subsection (8) and present a report about it to the secretary before the next annual general meeting following the financial year for which the audit was made.
- 36.11 The income and property of the centre must be used solely in promoting the centre's objects and exercising the centre's powers.

37. DOCUMENTS

- 37.1 The management committee must ensure the safe custody of books, documents, instruments of title and securities of the centre.

38. FINANCIAL YEAR

- 38.1 The financial year of the centre closes on (insert date) in each year.

39. NON PROFIT CLAUSE

- 39.1 The assets and income of the association shall be applied solely in furtherance of its above-mentioned objects and no portion shall be distributed directly or indirectly to the members of the association except as bona fide compensation for services rendered or expenses incurred on behalf of the association.

40. DISSOLUTION

- 40.1 The affairs of the Centre shall be wound up upon a resolution carried by a majority of at least three-fourths of the votes cast by the voting members present at a duly constituted general meeting held for that purpose in accordance with the *Associations Incorporations Act 1981*.
- 40.2 Any assets remaining after all liabilities shall have been discharged, shall be disposed of by paying to, or distributing among such other Tibetan Buddhist associations of the Sakya Order resident in Australia, or any other Buddhist organisations with similar objectives to the Centre and resident in Australia, as the said majority shall specify by resolution passed at the meeting at which the resolution to wind up is passed.
- 40.3 No payment shall be made to members of the Centre by way of a dividend or distribution of assets nor shall any part of the property or assets of the Centre be distributed amongst the members upon wind up.



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41. DISTRIBUTION OF SURPLUS ASSETS TO ANOTHER ENTITY

41.1 This section applies if the centre-

- (a) is wound-up under part 10 of the Act;10 and
- (b) it has surplus assets.

41.2 The surplus assets must not be distributed among the centre members.

41.3 The surplus assets must be given to another entity -

- (a) having objects similar to the centre's objects; and
- (b) the rules of which prohibit the distribution of the entity's income and assets to its members.

In this section - "surplus assets" has the meaning given by section 92(3)11 of the Act.

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