

Indonesian Buddhist Society of NSW

Indonesian Buddhist  
Society of NSW

# CONSTITUTION OF INDONESIAN BUDDHIST SOCIETY OF NEW SOUTH WALES (IBS) INCORPORATED.

## 1. NAME:

The name of the organisation is Indonesian Buddhist Society of New South Wales (IBS) Incorporated, a Buddhist association.

## 2. AIMS AND OBJECTS:

(i) The aims and objects of Indonesian Buddhist Society of New South Wales Incorporated are set out hereunder:-

1. To engage in and encourage educational activities that will increase public awareness of Buddhism according to the Pali Texts
2. To Provide facilities for the teaching and practice of Buddhism according to the Pali Texts.
3. To Provide support for Buddhist monks and nuns
4. To Provide social welfare services to members of the association and to other people in need.

(ii) In pursuance of the above Aims and Objectives and to assist in the furtherance thereof whether directly or indirectly:-

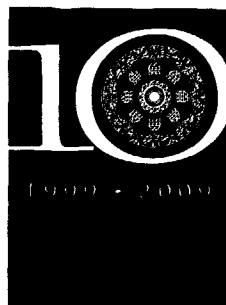
- (a) To acquire by purchase, lease, exchange or otherwise, land, buildings and hereditaments of any tenure or description situate in the State of New South Wales and any estate therein and any rights over or connected with any such lands, buildings and hereditaments and to construct at and/or maintain improvements thereon.
- (b) To purchase or otherwise acquire and to sell, exchange, surrender, lease, mortgage, charge or otherwise deal with and dispose of property both real and personal of whatsoever nature.
- (c) To borrow or raise or secure payments of monies in such manner as the Management Committee of Indonesian Buddhist Society of NSW Incorporated may think fit and to secure same for the repayment or performance of any debt, liability, contract, guarantee or other engagement incurred or to be entered into by Indonesian Buddhist Society of NSW Incorporated in any way.

## CETIYA DHAMMADASSA

Indonesian Buddhist Society NSW, Inc. 37/112 McEvoy Street, Alexandria NSW 2015

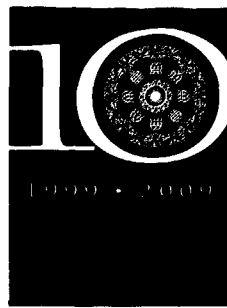
ABN 76 243 205 631 Inc No ICN9874508

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- (d) To draw, make, accept, endorse, discard, execute and issue promissory notes, bills of exchange and other negotiable or transferable instruments.
- (e) To enter into any arrangements with any Government or authority, shire, municipal, local or otherwise that may seem conducive to the aims and objects of Indonesian Buddhist Society of NSW Incorporated or any of them and to obtain from any such government or authority any rights, privileges and concessions and grant any rights, privileges and concessions which the Management Committee may deem desirable and to obtain and to carry out, exercise and comply with any such arrangements, rights, privileges and concessions.
- (f) To purchase, take on lease or in exchange, hire and/or otherwise acquire any real and personal property and any rights or privileges which the Management Committee may think necessary or convenient for the furtherance of its objects or any of them.
- (g) To construct, improve, maintain, develop, work, manage, carry out or control any property assets or interest which may seem calculated directly or indirectly to advance the interest of Indonesian Buddhist Society of NSW Incorporated and to contribute to subsidies or otherwise assist or take part in the construction, improvement, maintenance, development, working, management, carrying out or control thereof.
- (h) To invest and deal with money of Indonesian Buddhist Society of NSW Incorporated in such manner as may from time to time be thought fit.
- (i) To act for trustees and to do any act or thing in relation to any matter arising out of any trust and/or funds which may be established for the benefit of Indonesian Buddhist Society of NSW Incorporated.
- (j) To amalgamate with any Buddhist Society or Organization, whether incorporated or unincorporated, having objects substantially similar to those of Indonesian Buddhist Society of NSW Incorporated and which shall prohibit the distribution of its or their income and property amongst its or their members.
- (k) To purchase or acquire all or any part of the property, assets or liabilities of such incorporated or unincorporated Society or Organisation with which is authorised to amalgamate.



- (l) To transfer all or part of the property, assets or liabilities of Indonesian Buddhist Society of NSW Incorporated to any such incorporated or unincorporated Society or Organisation to which Incorporated is authorised to amalgamate.

### 3. INTERPRETATION.

- (a) In these Rules except in so far as the context or subject matter otherwise indicates or requires:

**"Buddhist"** means a person who has sincerely gone for refuge and thereby accepts the ideals of the Buddha, the Dhamma and the Sangha;

**"Sangha"** shall mean fully ordained Buddhist monks, as well as nuns who have taken the ten (10) precepts and novices who are training for higher ordination. Buddhist monks, nuns and novices are those who have left home for the homeless life and to pursue a monastic life.

**"Secretary"** means the person holding office under these Rules as Secretary of Indonesian Buddhist Society of NSW Incorporated.

**"Special General Meeting"** means a general meeting of the members of Indonesian Buddhist Society of NSW Incorporated other than the annual general meeting;

**"the Act"** means the Associations Incorporation Act, 1984 (New South Wales);

**"The Regulation"** means the Associations Incorporation Regulation, (New South Wales);

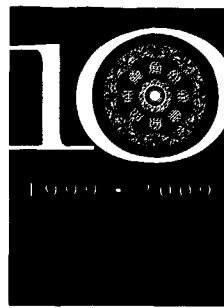
**"The financial year"** shall be the year ending 30th June.

- (b) In these Rules:

(i) a reference to a function includes a reference to a power, authority and duty; and

(ii) A reference to the exercise of a function includes, where the function is a duty, a reference to the performance of that duty.

(iii) The provisions of the Interpretation Act, 1897, apply to and in respect of these Rules in the same manner as those provisions would so apply if these Rules were an instrument made under the Act.



#### 4. MEMBERSHIP.

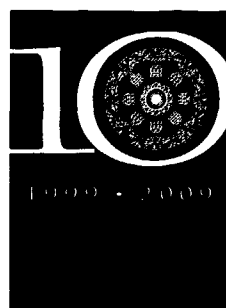
Everybody who want to study and practice Buddhism.

Membership is divided into two categories :

- (i) Ordinary member;
- (ii) Associate member i.e. who may enjoy all the right and benefit of membership, but cannot vote and hold office.

#### 5. NOMINATION FOR MEMBERSHIP

- (a) A nomination of a person for lay membership Of Indonesian Buddhist Society of NSW Incorporated:
  - (i) shall be made by a member of Indonesian Buddhist Society of NSW Incorporated in writing in the form set out in Appendix 1 to these rules; and
  - (ii) Shall be lodged with the secretary of Indonesian Buddhist Society of NSW Incorporated.
- (b) As soon as practicable after receiving a nomination for lay membership, the secretary shall refer the nomination to the Management Committee which shall determine whether to approve or reject the nomination.
- (c) Where the Management Committee determines to approve a nomination for lay membership, the secretary shall, as soon as practicable after that determination, notify the nominee of that approval and request the nominee to pay, within the period of 28 days after receipt by the nominee of the notification, the sum payable under these Rules by a lay member as entrance -fee and annual subscription.
- (d) The secretary shall, on payment by the nominee of the amounts referred to in clause
- (e) Within the period referred to in that clause, enter the nominee's name in the register of members and, upon the name being so entered, the nominee becomes a lay member of Indonesian Buddhist Society of NSW Incorporated.
- (f) After 1 year as an associate member, the person can be promoted as an ordinary member if suggested by 2 ordinary members and approved by the committee.



## 6. MEMBERS' LIABILITIES

Members of Indonesian Buddhist Society of NSW Incorporated, either monastic or lay, shall not be liable to contribute towards the payment of the debts and liabilities of Indonesian Buddhist Society of NSW Incorporated or the costs, charges and expenses of the winding up of Indonesian Buddhist Society of NSW Incorporated.

## 7. DISCIPLINE OF MEMBERS

(a) Where the management Committee is of the opinion that a lay member of Indonesian Buddhist Society of NSW Incorporated

- (i) has persistently refused or neglected to comply with a provision or provisions of these Rules;
- (ii) has persistently and willfully acted in a manner prejudicial to the interests of Incorporated; the Management Committee may, by resolution
- (iii) Suspend the lay member from membership of Indonesian Buddhist Society of NSW Incorporated for a specified period; and the Management Committee shall serve notice of such resolution on the lay member within 14 days of the passing of such resolution.

(b) A lay member shall have right of appeal against a resolution of the Management Committee under sub-rule (a) here of

## 8. CESSATION OF MEMBERSHIP

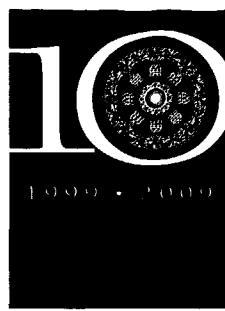
A person ceases to be a member of Indonesian Buddhist Society of NSW Incorporated if the person:

- (a) Dies;
- (b) Resigns that membership

## 9. FEES AND SUBSCRIPTIONS

(a) A lay member of Indonesian Buddhist Society of NSW Incorporated shall, upon admission to membership, pay to Incorporated a fee of \$2 or, where some other amount is determined, from time to time, by the Management Committee, of that other amount.

(b) In addition to any amount payable by the member under clause



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(c) A lay member of Indonesian Buddhist Society of NSW Incorporated shall pay to Indonesian Buddhist Society of NSW Incorporated an annual membership fee of \$5 or, where some other amount is determined, from time to time, by the Management Committee, of that other amount

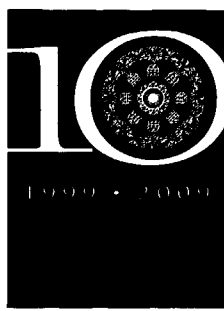
- (i) except as provided by paragraph (ii) before the 1st of July in any calendar year; or
- (ii) Where the lay member becomes a member on or after the 1st of July in any calendar year - upon becoming a member and before the 1st of July in each succeeding calendar year.

#### 10. MANAGEMENT.

- (a) Indonesian Buddhist Society of NSW Incorporated shall be an autonomous body and the sole responsibility for the administration of its affairs rests with the members and the Management Committee;
- (b) The management of Indonesian Buddhist Society of NSW Incorporated shall be vested in a Management Committee consisting of the office bearers and five (5) other members. No members of the Management Committee shall be appointed to any salaried office of Indonesian Buddhist Society of NSW Incorporated paid by fees or remuneration or other benefit in money or money's worth shall be given by Indonesian Buddhist Society of NSW Incorporated to any member of the Management Committee except for repayment of out-of-pocket expenses;
- (c) Each member of the Management Committee shall be elected annually and shall, subject to these Rules, hold office until the conclusion of the annual general meeting following the date of the member's election, but is eligible for re-election.

#### 11. OFFICE BEARERS.

- (a) The office bearers shall consist a President, vice-president, Secretary I, Secretary II, Treasurer I, Treasurer II, Service staff I, Service staff II and Public Relation as shall be decided by the members of Indonesian Buddhist Society of NSW Incorporated at the annual general meeting.
- (b) Each office bearer shall be elected annually at the annual general meeting and shall, subject to these Rules, hold office until the conclusion of the annual general meeting following the date of the office bearer's election, but is eligible for re-election. Any casual vacancy occurring among the office bearers may be filled by the Management Committee and the person so appointed to fill such vacancy shall hold office for the expired term of the member so replaced



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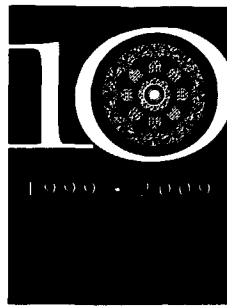
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## 12. PROCEEDINGS OF THE MANAGEMENT COMMITTEE

- (a) The Management Committee may meet together for the dispatch of business, adjourn and otherwise appoint and regulate its meetings as it thinks fit. The President may at any time and the Secretary on the requisition of any two members of the Management Committee may summon a meeting of the Management Committee
- (b) More than half of the number of members of the Management Committee constitute a quorum for the transaction of the business of a meeting of the Management Committee;
- (c) Questions arising at any meeting of the Management Committee shall be decided by a majority of votes of those present and a determination by a majority of the members of the Management Committee present shall for all purposes be a determination of the Management Committee. In case of an equality of votes, the President shall have a second or casting vote;
- (d) The continuing members of the Management Committee may act notwithstanding any vacancy in the Management Committee, but if and so long as their number is reduced below the number fixed by or pursuant to these Rules as the necessary quorum, the continuing member or members may act for the purposes of increasing the number of members of the Management Committee from amongst the members, which they are hereby empowered to do, or of summoning a general meeting of Incorporated, but for no other purpose;

## 13. ELECTION OF OFFICE BEARERS.

- (a) Any member of Indonesian Buddhist Society of NSW (one who has sincerely gone for refuge to the Buddha, the Dhamma and the Sangha) shall be eligible to run for the offices of President, Secretary or Treasurer of Indonesian Buddhist Society of NSW Incorporated upon submitting an application in writing to the Management Committee at least fourteen (14) days before the date of the annual general meeting;
- (b) If more than one candidate is standing for election for President, Secretary or Treasurer, the person with the majority of votes of the members present at the annual general meeting shall be deemed to be elected to that position;



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- (c) Prior to the holding of the election of office bearers at the annual general meeting, nominations for general Management Committee members shall be called from the floor of the meeting; and
- (d) Should the number of general Management Committee members nominated exceed five (5), voting for the Management Committee members shall be decided by a show of hands;
- (e) Prior to the election of office bearers, members of the new Management Committee and auditor, the retiring Management Committee shall present the annual report and an audited financial statement;
- (f) At the conclusion of the annual general meeting, the retiring Management Committee shall resign and hand control of all books and properties to the incoming Management Committee.

#### 14. VACATION OF OFFICE

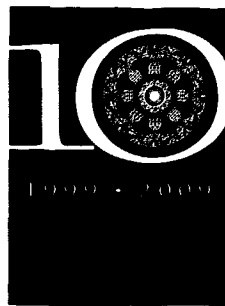
The office of a member of the Management Committee or of a trustee shall become vacant:-

- (a) Upon his/her decease
- (b) If he/she becomes bankrupt or makes any arrangement or composition with his/her creditors generally
- (c) If he/she becomes mentally ill or a person whose person or estate is liable to be dealt with, in any way, under the law relating to mental health;
- (d) If he/she resigns his/her office by notice in writing to Indonesian Buddhist Society of NSW Incorporated;
- (e) If he/she is absent for more than six months without leave of the Management Committee from meetings of the Management Committee held during that period;
- (f) If he/she ceases to be a member of Indonesian Buddhist Society of NSW Incorporated.
- (g) Criminality

#### 15. FINANCIAL YEAR.

The financial year shall conclude on the 30th of June



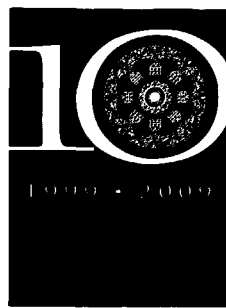


**16. ANNUAL GENERAL MEETING.**

The annual general meeting of members shall be held during the month of August in each year when the Annual Report and audited financial statement shall be presented and the election of the new Management Committee and auditor shall be conducted.

**17. PROCEEDINGS AT SPECIAL GENERAL MEETINGS.**

- (a) The President shall preside as Chairperson at every general meeting of , but if he/she is not present within fifteen (15) minutes after the appointed time for the commencement of the meeting, or is unwilling to act, then the members present shall elect one of their number to be Chairperson of that meeting, a simple majority sufficing;
- (b) No item of business shall be transacted at a general meeting unless a quorum of members is present during the time the meeting is considering that item;
- (c) Two third of the members present in person (being members entitled under these Rules to vote at a general meeting) constitute a quorum for the amendment of the constitution or half plus one of the members otherwise;
- (d) The Chairperson may, with the consent of any meeting at which a quorum is present, 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.
- (e) At any general meeting a resolution put to the vote of a meeting shall be decided on a show of hands unless a poll is demanded by the Chairperson or by at least three (3) members present. Unless a poll is so demanded a declaration by the Chairperson that a resolution has on a show of hands been carried or unanimously, or by a particular majority, or lost, and an entry to that effect in the book containing the minutes of the proceedings of Indonesian Buddhist Society of NSW Incorporated shall each be conclusive evidence of the fact without proof of the number or proportion of votes recorded in favour of or against the resolution. The demand for a poll may be withdrawn;
- (f) If a poll is duly demanded it shall be taken in such manner and either at once or after an interval or adjournment or otherwise as the Chairperson directs and the result of the poll shall be the resolution of the meeting at which the poll was demanded but a poll demanded on election of a Chairperson or on a question of adjournment shall be taken forthwith;



- (g) In the case of an equality of votes, whether on a show of hands or poll, the Chairperson of the meeting at which the show of hands takes place or at which a poll is demanded shall be entitled to a second or casting vote;
- (h) Each member present and voting at a general meeting of Incorporated shall have one vote. Members shall not be entitled to vote by proxy at general meetings

#### 18. NOTICE OF MEETINGS.

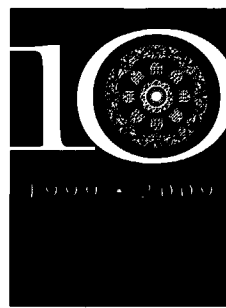
Except where the nature of the business proposed to be dealt with at a special general meeting requires a special resolution of Indonesian Buddhist Society of NSW Incorporated, the Secretary shall give at least seven (7) days notice in writing of all general meetings and Management Committee meetings to the members of Indonesian Buddhist Society of NSW Incorporated by specifying the day, the hour, the place and the general nature of the business to be dealt with at the meeting.

#### 19. FUNDS.

- (a) The funds of Incorporated shall be derived from fees, donations, interest, temple building funds, State and Commonwealth Government grants and, subject to any resolution passed by Indonesian Buddhist Society of NSW Incorporated in general meeting, such other sources as the Management Committee determines;
- (b) All moneys received by Incorporated shall be deposited intact at the earliest possible date to the credit of the Bank Account of Indonesian Buddhist Society of NSW Incorporated. Receipts for moneys received shall also be issued promptly;
- (c) All payments in excess of \$100 made by Indonesian Buddhist Society of NSW Incorporated shall be paid by cheque signed by any two of the President, Secretary or Treasurer.

#### 20. AUTHORISATION OF ACCOUNTS.

All accounts shall be presented to and passed for payment at Management Committee meetings and full details of all such approvals shall be entered in the minute book.



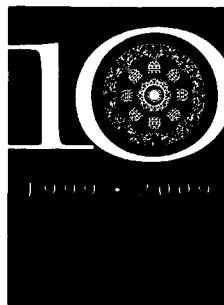
**21. TREASURER.**

It is the duty of the Treasurer of Indonesian Buddhist Society of NSW Incorporated to ensure that:

- (a) all money due to Indonesian Buddhist Society of NSW Incorporated is collected and received and that all payments authorised by Indonesian Buddhist Society of NSW Incorporated are made;
- (b) correct books and accounts are kept showing the financial affairs of Indonesian Buddhist Society of NSW Incorporated, including full details of all receipts and expenditure connected with the activities of Indonesian Buddhist Society of NSW Incorporated.

**22. PUBLIC OFFICER.**

- (a) The Management Committee shall ensure that a Public Officer is appointed to Indonesian Buddhist Society of NSW Incorporated.
- (b) The first Public Officer shall be the person who made application for the incorporation of Indonesian Buddhist Society of NSW Incorporated.
- (c) The Management Committee may at any time remove the Public Officer and appoint a new Public Officer provided the person so appointed is over the age of eighteen (18) years and a resident of New South Wales.
- (d) The Public Officer shall be deemed to have vacated his/her position upon:
  - (i) death;
  - (ii) resignation;
  - (iii) removal by the Management Committee or at a special general meeting;
  - (iv) Bankruptcy or financial insolvency;
  - (v) Mental illness
  - (vi) Ceasing to be resident in New South Wales.
- (e) When a vacancy occurs in the position of Public Officer, the Management Committee shall within fourteen (14) days notify the N.S.W. Corporate Affairs Commission by the prescribed form and appoints a new Public Officer.



- (f) The Public Officer is required to notify the NSW Corporate Affairs Commission by the prescribed form and in the following circumstances:

- (i) within 14 days - his/her appointment;
- (ii) Within 14 days - his/her change of address;
- (iii) Within one month - any change to the aims, objectives or Rules of Indonesian Buddhist Society of NSW Incorporated;
- (iv) Within 14 days - a change in the membership of the Management Committee;
- (v) within one month after the annual general meeting - Indonesian Buddhist Society of NSW Incorporated's financial affairs including the Auditor's report
- (vi) within one month - a change in the name of the organisation.

### 23. NON-PROFIT CLAUSE

The income and the property of Indonesian Buddhist Society of NSW Incorporated whence so ever derived shall be applied solely toward the promotion of the objectives of Indonesian Buddhist Society of NSW Incorporated and no portion thereof shall be paid or transferred directly or indirectly by way of dividend, bonus or otherwise how so ever by way of profit to the members of Indonesian Buddhist Society of NSW Incorporated provided that nothing herein shall prevent the payment in good faith of remuneration to any officer or servant of Indonesian Buddhist Society of NSW Incorporated or to any member of Indonesian Buddhist Society of NSW Incorporated in return for any services actually rendered to Incorporated or reasonable and proper rent for premises let by any member to Indonesian Buddhist Society of NSW Incorporated.

### 24. DISSOLUTION AND SURPLUS PROPERTY

- (a) Indonesian Buddhist Society of NSW Incorporated shall be wound up or dissolved in the event that there are no Buddhist monks; ]
- (b) If upon the winding up or the dissolution of Indonesian Buddhist Society of NSW Incorporated there remains, after the satisfaction of its debts and liabilities, any property whatsoever, the same shall not be paid to or distributed among the members of Indonesian Buddhist Society of NSW Incorporated, but shall, subject to any trust affecting the property or part of it, vest in an association in accordance with Section 53 of the Associations Incorporation Act 1984 (New South Wales)

### AMENDMENT OF RULES.



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The Statement of Objects and these Rules may be amended by a special resolution passed by not less than two third (2/3) of such members of Indonesian Buddhist Society of NSW Incorporated as, being entitled under these Rules so to do, vote in person at any annual general meeting, or special general meeting called for such purpose, at which not less than twenty one (21) days written notice of the proposed amendment shall have been given.

#### COMMON SEAL.

- (a) The common seal of Indonesian Buddhist Society of NSW Incorporated shall be kept in the custody of the Public Officer.
- (b) The common seal shall not be affixed to any instrument except by the authority of the Management Committee and the affixing of the common seal shall be attested by the signatures either of two members of the Management Committee or of one member of the Management Committee and of the Public Officer or Secretary.

#### CUSTODY OF BOOKS.

Except as otherwise provided by these Rules, the Public Officer shall keep in his or her custody or under his or her control all records, books and other documents relating to Indonesian Buddhist Society of NSW Incorporated.

#### INSPECTION OF BOOKS

The records, books and other documents of Indonesian Buddhist Society of NSW Incorporated shall be open to inspection, free of charge, by a member of Indonesian Buddhist Society of NSW Incorporated at any reasonable hour.

#### AMENDMENT.

Based on the voted conducted by IBS on 26 August 2001 the following amendment is adopted to the constitution.

"Chairmen will be elected at least every two years."

"A same person can not be elected as chairman for more than three consecutive periods"

Indonesia Buddhist society of NSW Inc

ABN no.76.243.205.631