



ABN: 18 015 898 693

# CONSTITUTION

## CHAPTER I - GENERAL

### Article 1 - Name

- a. The name of the Incorporated Association is the Vietnamese Community in Australia / South Australia Chapter Incorporated referred to herein as “the Association”.
- b. The name of the Association in Vietnamese is: Cộng Đồng Người Việt Tự Do Úc Châu / Nam Úc.

### Article 2 - Definitions

- “The Association” means The Vietnamese Community in Australia / South Australia Chapter Incorporated.
- “The Act” means the [Associations Incorporation Act 1985 \(SA\)](#).
- “Auditor” means an auditor or an auditing company to be understood in the context of Section 35 of the Act.
- “Accounting books” has the meaning ascribed in Section 3(1) of the Act.
- “Vietnamese Permanent Residents” means people of Vietnamese descent and their descendants who have been granted a permanent visa in accordance with the Migration Act 1958.
- “Management Committee” means the group of persons appointed to govern the Association.
- “Advisory Committee” means the group of persons appointed by the Management Committee to provide advice and guidance to the Management Committee.
- “Referendum” means a simple majority vote by Full Members to decide on a special resolution presented at a General Meeting of the Association.

### Article 3 - Symbols and insignia

- a. The Yellow Flag with Three Red Stripes shall be the official flag in ceremonies and activities of the Association. The flag is the Vietnamese refugees’ symbol for the ideals of freedom, democracy and human rights.
- b. The song “Tiếng Gọi Công Dân”, the national anthem of the Republic of Vietnam, shall be the official song at the raising of the Yellow Flag in ceremonies and activities of the Association.
- c. The official insignia of the Association shall be round in shape, with a contour map of Vietnam and the Australian flag’s Southern Cross on a background consisting of the Yellow Flag with Three Red Stripes, encircled by the name of the Association. This is also the unified insignia of the Vietnamese Community in Australia at Federal level and across all States and Territories.



#### **Article 4 - Peak body status**

- a. The Association is the peak body representing all Vietnamese Australians living in the State of South Australia.
- b. The Association is a member of the Vietnamese Community in Australia, the peak body representing all Vietnamese Australians across Australia.
- c. The Association shall have all the powers conferred by Section 25 of the Act.

#### **Article 5 - Languages and Office**

- a. The main languages used in all activities and on all documents of the Association are Vietnamese or English.
- b. The main office of the Association is located at 62 Athol Street, Athol Park SA 5012.

### **CHAPTER II - GUIDING PRINCIPLES AND OBJECTS OF THE ASSOCIATION**

#### **Article 6 - Guiding principles**

The Association was founded by Vietnamese refugees who risked their lives to escape communism and find freedom. Their spiritual legacy has forged the Association's guiding principles:

- a. The Association shall not accept the communist ideology, any communist regime as well as any form of dictatorial government.
- b. The Association shall support demands for freedom, democracy and human rights for Vietnam.

#### **Article 7 - Objects of the Association**

- a. To represent the interests and aspirations of the South Australian Vietnamese community.
- b. To preserve, celebrate and share the culture and language of the Vietnamese community.
- c. To build an association and develop a range of services predicated on the principles of democracy and responsibility.
- d. To support vulnerable members of the Vietnamese community, addressing the social and language barriers to engaging and participating with Australian society.
- e. To cooperate with the Government to assist the welfare of members of the Vietnamese community in need of such services.
- f. To cooperate with other ethnic communities and extend welfare services to vulnerable members of South Australia's multicultural communities.

### **CHAPTER III - MEMBERSHIP OF THE ASSOCIATION**

#### **Article 8 - Full Membership**

Full Members shall meet all the following criteria:

- a. Be an Australian citizen of Vietnamese descent or a Vietnamese Permanent Resident in Australia.
- b. Currently reside in the State of South Australia.
- c. Agree to abide by this Constitution in full.

#### **Article 9 - Honorary Membership**

Honorary Members are individuals who, regardless of ethnic background, have made outstanding contributions to the Association through their work or advice.

#### **Article 10 - Responsibilities of Full Members**

Full Members are responsible for:

- a. Acting in a manner that preserves the reputation and good name of the Association and the Vietnamese community.

- b. Complying with the rules of the Constitution and any other policy, procedure or by-law established by the Association.
- c. Participating and supporting the activities of the Association and voting in general meetings in the best interest of the Association.

#### **Article 11 - Rights of Full Members**

Full Members have the right to:

- a. Attend, and vote at, general meetings of the Association.
- b. Vote in Management Committee elections, in accordance with the Constitution and election by-laws of the Association.
- c. Stand for election to the Management Committee if they are 18 years and over, and have been living at least two (2) years in South Australia, in accordance with the Constitution and election by-laws of the Association.

#### **Article 12 - No Member of the Association has the right to:**

- a. Represent themselves as a member of the Management Committee, the Advisory Committee or any other body of the Association when they are not.
- b. Represent themselves as an employee of the Association when they are not.
- c. Receive a share of the profits made by the Association for the duration of its operations or when winding up the Association.

#### **Article 13 - Cancellation of membership rights**

After consultation with the Advisory Committee, the Management Committee may resolve to cancel a Full Member's membership rights (as defined in Article 11) upon a charge of serious breach of Article 8 of the Constitution, subject to:

- a. The Management Committee communicating the particulars of the charge to the Member at least one month before the meeting of the Management Committee at which the matter will be determined.
- b. Giving the Member an opportunity to make a written submission or to be heard at the Management Committee meeting.
- c. Communicating the determination of the Management Committee meeting to the Member.
- d. In the event of an adverse determination, the Member shall have their membership rights cancelled 14 days after receipt of the Management Committee's determination, unless the Member decides to appeal in accordance with Article 14.

#### **Article 14 - Members right to appeal against membership rights cancellation**

- a. It shall be open to a Member to appeal to the Association at a general meeting against the cancellation of their membership rights. The intention to appeal shall be communicated to the Secretary of the Association within 14 days after the determination of the Management Committee has been received by the Member.
- b. The appellant's membership rights shall not be cancelled unless the Management Committee's determination is upheld by a majority vote at a general meeting.
- c. Where the decision to cancel membership rights has been upheld at a general meeting, it will come into force on the same day.
- d. During the period of time between the advice to the Member from the Management Committee of the particulars of the charge and the general meeting at which an appeal is heard, the Member's membership rights and responsibilities are suspended until the outcome of the appeal is determined.
- e. All the provisions of Articles 13 and 14 also apply to members of the Management Committee or Advisory Committee. In any such event, the Member will stand down from their position

and role on the Management Committee or Advisory Committee until the outcome of the appeal is determined.

## **CHAPTER IV - THE MANAGEMENT COMMITTEE**

### **A. COMPOSITION**

#### **Article 15 - Composition**

The affairs of the Association shall be governed and controlled by a Management Committee elected by the Full Members of the Association during a general meeting called for the purpose of elections. The Management Committee is comprised of a President, Vice President Internal Affairs, Vice President External Affairs, Vice President Planning, Secretary, Treasurer and other Officers. The number of these Officers may be increased or decreased by the Management Committee to meet the needs of the Association.

### **B. POWERS OF THE MANAGEMENT COMMITTEE**

#### **Article 16 - Calling Special General Meetings**

The Management Committee may call a Special General Meeting in special or pressing circumstances.

#### **Article 17 - Approval of contracts**

- a. The Management Committee has the power to approve contracts of employment with suitably qualified and experienced persons to perform work and deliver services for the Association, in accordance with procedures in force in each operational unit of the Association.
- b. The Management Committee has the power to approve agreements and contracts with external service providers, in accordance with procedures in force in each operational unit of the Association.

#### **Article 18 - Nomination of representatives**

The Management Committee may nominate any member to attend the General Meeting of the Vietnamese Community in Australia as well as other meetings held by Vietnamese communities around the world.

#### **Article 19 - Use of assets**

The Management Committee may:

- a. Use any asset of the Association towards the attainment of the objects of the Association as stipulated in the Constitution.
- b. Open and operate ADI accounts and sign cheques to make payments. Cheques shall be signed by the President and the Treasurer. In the event that the President or the Treasurer or both are absent for valid reasons, the Vice President Internal Affairs and the Vice President External Affairs are authorised to sign in their place.
- c. Organise fundraising campaigns for the purpose of attaining the objects of the Association.

### **C. DUTIES OF THE MANAGEMENT COMMITTEE**

#### **Article 20 - General governance**

The Management Committee is accountable for:

- a. The leadership of the Association, the governance and control of the funds, property and operations of the Association.

- b. Establishing the vision and mission of the Association, its long term and short term objectives and the strategic plans to achieve these objectives.
- c. Ensuring that the Association operates within all relevant laws and regulations.
- d. Ensuring that the Association operate in accordance with all internal policies and procedures.
- e. Ensuring the financial and operational viability of the Association, identifying and mitigating risks that may threaten its viability.
- f. Ensuring that the Management Committee has the appropriate skill base to carry out its duties.

#### **Article 21 - Governance of operational units**

The Management Committee shall:

- a. Organise the operations of the Association into operational units that are integral parts of the Association. Operational units include the Welfare Office, the Vietnamese School, the Community Centre and any other unit that may be in existence to meet the needs of the Association.
- b. Appoint the manager of each operational unit and review their performance.
- c. Set up committees or working groups to undertake necessary projects or assignments.
- d. Specify the delegation of authority and responsibilities between the Management Committee and the operational units and/or committees.
- e. Appoint a Public Officer in accordance with Section 56 of the Act.

### **D. ROLE OF MEMBERS OF THE MANAGEMENT COMMITTEE**

#### **Article 22 - General responsibilities**

Each member of the Management Committee shall assume general responsibilities as defined in Articles 23 to 29. In addition to these responsibilities, the Management Committee may assign to each of its members other short term responsibilities to meet the needs of the Association.

#### **Article 23 - President**

- a. Represent the Association in an official capacity, lead and coordinate the Management Committee in the governance of the Association.
- b. Chair meetings of the Management Committee, Annual General Meetings, Special General Meetings and other necessary meetings.
- c. Attend to urgent matters in consultation with the Secretary in the event that a meeting of the Management Committee cannot be convened in time, and provide a full report of the said matter to the Management Committee within one (1) week.

#### **Article 24 - Vice President Internal Affairs**

- a. Carry out the governance of internal operations, as delegated by the Management Committee.
- b. Assume the duties of the President in the bona fide absence of the President.
- c. Assume the governance of the Community Centre with regard to the establishment of activity programs, the monitoring and control of the Centre's assets.

#### **Article 25 - Vice President External Affairs**

- a. Carry out the governance of external operations in relation to government, media and the public, as delegated by the Management Committee.
- b. Assume the duties of the President in the bona fide absence of the President and the President Internal Affairs.
- c. Assume the governance of campaigns in support of the democratisation process in Vietnam.

#### **Article 26 - Vice President for Planning**

- a. Carry out community development strategic planning, as delegated by the Management Committee.
- b. Assume the governance of major events such as the Full Moon Festival, Tet Festival, Commemoration of the Hung Kings, 30/4 National Resistance Day, parades, demonstrations.
- c. Establish plans for the preservation and development of Vietnamese culture in the community.

#### **Article 27 - Secretary**

- a. Communicate agendas for, and take minutes of, meetings and general meetings.
- b. Inform the community about meetings, general meetings, programs and activities of the Association via public media.
- c. Keep minutes, correspondence, documents and administrative files of the Association.
- d. Assist the President in replying to correspondence.
- e. Assist the President in attending to urgent matters in the event that a meeting of the Management Committee cannot be convened in time.

#### **Article 28 - Treasurer**

- a. Coordinate finance personnel to ensure that correct financial management practices are adhered to, income and expenditure are controlled and books are complete and transparent.
- b. Ensure the safe custody and prompt banking of funds.
- c. Ensure that all accounting books and files pertaining to the Association's finances and assets are kept for at least seven (7) years.
- d. Prepare the budget for endorsement by the Management Committee and monitor compliance with the agreed budget.
- e. Table financial reports at all Management Committee meetings and present the yearly audited financial reports at the Annual General Meeting.
- f. Be a co-signatory, together with the President, of all financial reports and cheques.
- g. Provide advice to the Management Committee on its financial obligations, financial regulations and the financial implications of operational plans.
- h. Review the financial reporting and control system.
- i. The Treasurer may appoint bookkeeper(s) to assist in the preparation of day-to-day financial records.

#### **Article 29 - Other Officers**

- a. Implement plans and actions as directed by the Management Committee.
- b. Report past progress and future undertakings in monthly Management Committee meetings.
- c. Officers may nominate a person or persons to assist them as the need arises, subject to the approval of the Management Committee. An assistant may attend Management Committee meetings on behalf of an absent Officer.

#### **Article 30 - Management Committee vacancies**

- a. After consultation with the Advisory Committee, the Management Committee shall declare the office of a Management Committee member vacant if the member who holds that office:
  - (1) Is disqualified from being a Management Committee member as defined within Section 30 of the Act;
  - (2) Is expelled from being a Management Committee member due to a breach of policy, breach of the accepted codes of conduct, failure to disclose a conflict of interest, breach of confidentiality or other act detrimental to the Association's reputation, viability or operations;
  - (3) Is absent without apology acceptable to the rest of the Management Committee for three (3) consecutive meetings;
  - (4) Resigns in writing; or

- (5) Is otherwise unwilling or unable to fulfil the duties of the position.
- b. The decision by the Management Committee to declare the office vacant shall only stand if endorsed by three-quarters (3/4) of Management Committee members in the case of the office of President, or by two-thirds (2/3) of Management Committee members in the case of other offices.

#### **Article 31 - Vacancy announcement**

In consultation with the Advisory Committee and within three (3) months of the vacancy being declared, the Management Committee shall have the power to appoint a replacement for any vacant position other than the President's position.

#### **Article 32 - Acting President**

- a. In the event that the vacancy is the President's position, the Vice President Internal Affairs shall act as the President until an election is held for the position.
- b. In the event that the Vice President Internal Affairs position also is vacated, the Management Committee shall nominate another Vice President or the Secretary or Treasurer to act as President within one (1) month of the position becoming vacant.

#### **Article 33 - Filling a vacant President's position**

- a. Within three (3) months of the date the position of President was vacated, the acting President (in accordance with Article 32) will call a Special General Meeting to elect a new President. The SGM shall elect by majority vote the new President from amongst the remaining members of the Management Committee, or if this fails, from amongst other Full Members of the Association.
- b. In the event that the position of President is vacated during the last six (6) months of the term of office, the acting President shall retain the position of President until the election date for a new Management Committee.

### **CHAPTER V - ELECTION OF THE MANAGEMENT COMMITTEE**

#### **Article 34 - Election Day**

The election of the Management Committee shall be held at the General Meeting - Election on the second Saturday of November in the final year of the current Management Committee term.

#### **Article 35 - Term**

The term of office for the Management Committee shall be two (2) years.

#### **Article 36 - Transfer of office**

The transfer of office between the outgoing and incoming Management Committees shall be conducted as follows:

- a. The transfer of authority shall occur immediately after the new Management Committee is declared elected by the Electoral Commission.
- b. The transfer of monies, accounts, assets, bank accounts shall be completed within two (2) weeks of the election.
- c. The transfer of all administrative matters shall be completed within two (2) weeks of the election.

#### **Article 37 - The Electoral Commission and election announcement**

- a. The election of the Management Committee shall be organised by an Electoral Commission appointed by the Advisory Committee at least two (2) months prior to the general meeting at which elections are to take place. Members of the Electoral Commission shall not be

candidates to Management Committee positions. The Electoral Commission consists of a Chairperson, a Vice Chair, a Secretary and other Commissioners.

- b. At least six (6) weeks prior to the election, the Electoral Commission shall announce via public media the date of the election, the procedure for voting and running the election.
- c. At least three (3) weeks prior to the election, the Electoral Committee shall announce via public media the list of the teams of candidates.

#### **Article 38 - Process for standing for election**

Criteria for standing for election to the Management Committee are as follows:

- a. Candidates must be Full Members of the Association, aged 18 years and over, who have been living in South Australia for at least two (2) years, and have not been disqualified from being a Board member as defined within Section 30 of the Act.
- b. Employees of, or people on employment contracts with, the Association are not eligible to stand as a candidate. If they wish to do so, their employment with the Association must legally cease before taking up a position on the Management Committee.
- c. Nominations for election of the Management Committee shall be done in the form of a team of candidates.
- d. A team of candidates shall number at least six (6) members including the President, Vice President Internal Affairs, Vice President External Affairs, Vice President Planning, Secretary and Treasurer.
- e. The prescribed nomination form will require candidates to provide information including personal details and information regarding each candidate's personal, professional and community background and achievements. The candidates shall also be required to provide details of which candidate will fill what position and of their plans once elected to office.
- f. The candidate teams shall nominate by completing the prescribed nomination form four (4) weeks prior to the election at the latest.
- g. In the event that there are no nominations received by the Electoral Commission within the time period stated in 38f, the election will be cancelled and a new date set for elections within three (3) months of the original date, during which time the Management Committee in office will remain in office. In the event that there are still no nominations for the second election, the Management Committee in office will continue for one further full term of office.

#### **Article 39 - Voting process**

- a. All Full Members aged 18 years and over are eligible to vote in Elections General Meetings.
- b. Voting shall be by completing a ballot form.

#### **Article 40 - More than three candidate teams**

- a. In the event that there are three (3) or more candidate teams, the vote will be determined by whichever team receives 50% or more of the vote.
- b. Where there is no team achieving 50% of the vote, the two (2) teams with the most votes will move to a second round of elections held within one (1) month and the vote will be determined by whichever team receives the most votes.

#### **Article 41 - Two candidate teams**

In the event that there are two (2) candidate teams, the vote will be determined by whichever team receives the most votes.

#### **Article 42 - One candidate team**

- a. In the event that there is only one candidate team, Full Members shall vote for or against that team.



- b. In the event that the candidate team does not receive more votes in favour than against, the current Management Committee will remain in office and another election will be called within three (3) months. In the event that the second election fails to result in a new Management Committee being elected, the current Management Committee will continue for one further full term of office.

**Article 43 - Maximum number of terms**

- a. A person shall hold the office of President for a maximum number of three (3) terms only, after which he/she shall not stand for election again in any position on the Management Committee.
- b. In the event that a Management Committee is allowed to continue in office for one further full term as described in clause 38g or 42b, the said President shall be allowed to continue in office for that one term only.

**CHAPTER VI - ADVISORY COMMITTEE**

**Article 44 - Composition**

- a. The Advisory Committee is the body that provides advice to the Management Committee.
- b. The Management Committee shall appoint the members of the Advisory Committee amongst notable and distinguished members of the Vietnamese community, leaders of organisations active in the community, or individuals with outstanding skills or experience.
- c. Members of the Advisory Committee shall be Full Members of the Association who meet the same conditions as specified in clauses 38a and 38b for candidates standing for Management Committee elections.
- d. The Advisory Committee shall have at least three (3) and up to seven (7) members.
- e. The Advisory Committee shall appoint among its ranks a Lead Advisor in charge of coordination.

**Article 45 - Term**

- a. The Management Committee shall appoint and announce the composition of the Advisory Committee within the first three (3) months of the Management Committee's term.
- b. The term of each Advisor shall last the full term of the Management Committee.
- c. The Management Committee may supplement the Advisory Committee at any time, subject to the Advisory Committee not exceeding seven (7) members as per Article 44d, and the term of the new Advisors ending at the same time as the term of the Management Committee.

**Article 46 - Roles and responsibilities**

With the aim of providing advice and assistance to the Management Committee, the Advisory Committee shall:

- a. Assist the Management Committee in developing optimal solutions to issues of concern that the Association may face.
- b. Monitor the affairs of the Association so as to be in the best position to counsel the Management Committee about risk areas as well as new opportunities.
- c. Provide specialised advice to the Management Committee in such matters as legal, cultural, educational, social, financial, or in the event of vacancies on the Management Committee, or in the event of a violation of the Constitution by a Full Member or a member of the Management Committee.
- d. Form the Association's Electoral Commission in anticipation of the Management Committee's end of term.
- e. Participate in the Constitution alteration process as described in Article 59.

## **CHAPTER VII - ASSETS OF THE ASSOCIATION**

### **Article 47 - Preservation of assets**

To preserve the assets of the Association:

- a. The income, property and funds of the Association shall be used and applied solely towards the attainment and promotion of the objects of the Association.
- b. Monies of the Association shall be deposited into bank accounts in the name of the Association.
- c. The Management Committee shall not sell or mortgage any real property owned by the Association unless approved by referendum at a Special General Meeting.
- d. In addition, any decision by the Management Committee to put to referendum the sale or mortgage of a real property of the Association must be approved by at least two-thirds (2/3) of Management Committee members.

### **Article 48 - Assets control by the Vice President Internal Affairs**

The Vice President Internal Affairs shall control the management of all the assets of the Association other than financial. All transactions must be recorded on the asset list, maintained monthly and stock taken on a yearly basis.

### **Article 49 - Temporary halt and winding up of the Association**

- a. The Association may be wound up in the manner provided for in the Act.
- b. In the event that the Association is wound up in accordance with the Act, all surplus assets shall be distributed to charity organisations such as the Red Cross or to any government agencies that provide welfare services similar to the services provided by the Association.

### **Article 50 - Financial reporting**

- a. The Association's financial accounts, together with the auditor's report on the accounts, the Management Committee's statement and the Management Committee's report, shall be tabled at the Annual General Meeting.
- b. The Association's financial year commences on 1st July and ends on 30th June of the following year.
- c. The Association shall keep and retain such accounting records as are necessary to correctly record and explain the financial transactions and financial position of the Association.

## **CHAPTER VIII - MEETINGS AND GENERAL MEETINGS**

### **Article 51 - Proceedings of the Management Committee**

- a. The Management Committee shall convene once a month to plan, control and coordinate the work of the Association.
- b. Once every quarter the Management Committee will convene a public meeting with attendance from the Advisory Committee, representatives of community organisations and members of the Association in order to inform, coordinate, consult and take advice about common activities and endeavours within the community.
- c. The President shall convene a special meeting of the Management Committee to resolve important and urgent matters at the request of the Advisory Committee or half of the Management Committee members.
- d. Except in situations described in Articles 30 and 46, a quorum for a meeting of the Management Committee shall be a natural majority of the number of Management Committee members currently appointed, and decisions arising at such meetings shall be decided by a simple majority of votes.

### **Article 52 - Proceedings of the Advisory Committee**

- a. The Advisory Committee shall convene once every quarter to consider programs and plans aimed at assisting the work of Management Committee.
- b. The Chairperson shall convene a special meeting of the Advisory Committee to resolve important and urgent matters at the request of the Management Committee or half of the Advisory Committee members.
- c. A quorum for a meeting of the Advisory Committee shall be a natural majority of the number of Advisors currently appointed, and decisions arising at such meetings shall be decided by a simple majority of votes.

### **Article 53 - Annual General Meetings**

- a. An Annual General Meeting is to be held every year in the first week of October.
- b. At the AGM, the Management Committee shall table its yearly report, financial report and auditor's report, together with the forecast report for the following year, for consideration by the Members of the Association.
- c. Notice of the AGM shall be communicated via public media at least two (2) weeks before the AGM.
- d. The Management Committee shall use its best endeavour to answer questions raised by Members at the AGM.

### **Article 54 - Special General Meetings**

The Management Committee may call a Special General Meeting of the Association at any time. Notice of the SGM specifying the date, time and venue of the SGM as well as the matters to be considered at the SGM, shall be communicated via public media at least two (2) weeks before the SGM.

## **CHAPTER IX - OPERATIONAL UNITS**

### **Article 55 - Common rules**

- a. Operational units of the Association include the Welfare Office, the Vietnamese School, the Community Centre and any other unit that may be in existence to meet the needs of the Association. The Management Committee has the power to appoint and employ suitably qualified and experienced persons to manage the operational units.
- b. Operational unit managers shall be accountable to the Management Committee for the running of their unit in accordance with applicable procedures approved by the Management Committee.
- c. The employment of salaried staff within the operational units shall be governed by individual contracts that are unaffected by the Management Committee term of office.

### **Article 56 - The Welfare Office**

- a. To be managed by the Welfare Director and staff.
- b. The Welfare Director shall plan the operations of the Office, obtain funding for the welfare programs of the Association and manage these programs.
- c. The staff of the Welfare Office shall abide by procedures and processes applicable to the Office.

### **Article 57 - The Vietnamese School**

- a. To be managed by the Principal, the School Board and the teachers.
- b. The Principal and the School Board shall select and appoint staff, manage general education programs, Vietnamese language and history programs and other specialised subjects at levels

ranging from primary to high school, with the aim of fostering values that are beneficial to society and the community.

- c. The staff of the Vietnamese School shall abide by procedures and processes applicable to the School.

#### **Article 58 - The Community Centre**

The Vice President Internal Affairs shall be accountable for the governance of the Community Centre and the observance of all procedures and processes applicable to the Centre.

### **CHAPTER X - AMENDMENT OF THE CONSTITUION**

#### **Article 59 - Draft Resolution**

- a. Any article in the Constitution may be altered via a Draft Resolution being approved by referendum at a Special General Meeting or Elections General Meeting of the Association.
- b. The Management Committee shall form a Constitution Review Working Group in the event that:
  - (1) The Management Committee considers the need for the Constitution to be amended, or
  - (2) The Management Committee receives a request to amend the Constitution from the Advisory Committee as a result of the Advisory Committee's approval (by majority vote) of proposal(s) for amendment from Full Member(s).
- c. The Constitution Review Working Group shall review all amendment proposals and recommend a Draft Resolution.
- d. The Draft Resolution shall be endorsed by at least two-thirds (2/3) of Management Committee members before it can be submitted to referendum vote.
- e. The Management Committee shall publish the Draft Resolution, together with the rationale for the amendments being considered, via public media at least twice and two (2) months before the referendum is held.

#### **Article 60 - Voting on the Draft Resolution**

- a. The Draft Resolution shall be put to a referendum vote at a Special General Meeting or General Meeting - Election of the Association.
- b. The Management Committee shall announce the results of the referendum via public media, update the rules, and register the amended Constitution with Consumer and Business Services within one (1) month of it being passed.

#### **Article 61**

This Constitution contains ten (10) Chapters and sixty-one (61) Articles including this one. This Constitution has been approved by the Special General Meeting of the Association held on 9/2/1980, subsequently amended by General Meetings held in 1981, 1982, 1983; by the General Meeting of the Vietnamese Community in Australia (Federal) in 1985; General Meetings of the Association on 19/6/1993, 8/5/1999 and 22/7/2007.

This Constitution has been further amended by the Full Members of the Association in a referendum at the General Meeting of the Association held on 11/11/2017 at The Community Centre, 62 Athol Street, Athol Park SA 5012.

To comply with the [Associations Incorporation Act 1985 \(SA\)](#), article 49a of this Constitution was then amended by the Full Members of the Association in a referendum at the public meeting of the Association held on 18/3/2018 at The Community Centre, 62 Athol Street, Athol Park SA 5012.

This Constitution is effective as at 18 March 2018.