

The
Constitution
of the
Australian
Indian
Business
Association
(AIBA)

Australian Indian Business Association (AIBA) Constitution

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1. Name of Association

The name of the Association is **Australian Indian Business Association Incorporated (AIBA)**

2. Definitions

In these rules, unless the contrary intention appears— “Committee meeting” means meeting referred to in rule 15 (1);

“Committee member” means person referred to in paragraph (a), (b), (c), (d) or (e) of rule 10 (1);

“Financial year” has the meaning given by section 3 (1) of the Act, and the period commencing 1 April and expiring 31 March the following year.

“An incorporated Association” or “the Association” means an Association incorporated under the Associations Incorporation Act of 2015;

“The Committee” means the Executive Committee referred to in Rule 10;

“general meeting” means meeting convened under rule 16;

“member” means member of the Association representing himself/herself;

“corporate member” means member of the Association representing a corporate body;

“ordinary resolution” means resolution other than a special resolution

“special resolution” has the meaning given by section 51 of the Act;

“the Act” means the Associations Incorporation Act 2015;

“the Association” means the Association referred to in rule 1;

“the President” means the president referred to in Rule 10(1) (a);and Rule 11

“the Secretary” means the Secretary referred to in rule 10 (1) (c);

“the Treasurer” means the Treasurer referred to in rule 10 (1) (d);

“the Vice-President” means the Vice-President referred to in rule 10 (1) (b);

“chapter” means branch of the Association.

“Patron” means a person referred to rule 26;

“corporate body” means legally registered entity.

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3. Objects of Association

(1) The objects of the Association are—

- a) To promote social and economic interests of the members;
- b) To promote education and interest of the community;
- c) To promote international Links;
- d) To promote recreation, sport, and charitable activities.

(2) The property and income of the Association shall be applied solely towards the promotion of the objects of the Association and no part of that property or income may be paid or otherwise distributed, directly or indirectly, to members, except in good faith in the promotion of those objects, and by special resolution of the Executive committee.

4. Powers of Association

The powers conferred on the Association by section 13 of the Act are subject to the following additions, exclusions or modifications—

- a) acquire, hold, deal with, and dispose of any real or personal property;
- b) open and operate bank accounts;
- c) invest its money—
 - (i) in any security in which trust moneys may be invested; or
 - (ii) in any other manner authorised by the rules of the Association;
- d) borrow money on such terms and conditions as the Association thinks fit;
- e) give such security for the discharge of liabilities incurred by the Association as it thinks fit;
- f) appoint agents to transact any business of the Association on its behalf;
- g) enter into any other contract it considers necessary or desirable; and
- h) create other chapters as it deems fit.

5. Qualifications for membership of Association

(1) Membership of the Association is —

- a) By invitation of a current member;
- b) Restricted to person of age of 18 years or older;

(2) A person who wishes to become a member shall—

- (a) apply for membership to the Committee in writing—
 - (i) signed by that person and by both of the members referred to in paragraph (b); and
 - (ii) in such form as the Committee from time to time directs; and
- (b) be proposed by one member and seconded by another member.

(3) Corporate Membership of the Association is –

- (a) By invitation of a current member
- (b) A corporate member is bound by same rules and regulations as a member except:
 - (i) Maximum of three persons can represent a corporate body
 - (ii) One deliberative vote per corporate body;

(4) The Committee shall consider each application made under sub rule(2),(3) at a Committee meeting and shall at the Committee meeting or a subsequent Committee meeting accept or reject that application.

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6. Register of members of Association

- (1) The Secretary shall on behalf of the Association keep and maintain the register of members in accordance with section 53 of the Act and that register shall be so kept and maintained at his or her place of residence or at such other places as the committee decides.
- (2) The Secretary shall cause the name of a person who dies or who ceases to be a member under rule 7 (3), 8 (1) or 9 to be deleted from the register of members referred to in sub rule (1).

7. Subscriptions of members of Association

- (1) The members shall from time to time at a general meeting determine the amount of the annual subscription to be paid by each member.
- (2) Each member shall pay to the Treasurer, annually on or before 1 May or such other date as the Committee from time to time determines, the amount of the subscription determined under sub rule (1).
- (3) Subject to sub rule (4), a member whose subscription is not paid within 1 month after the relevant date fixed by or under subclause (2) ceases on the expiry of that period to be a member, unless the Committee decides otherwise.
- (4) A member is a financial member for the purposes of these rules if his or her subscription is paid on or before the relevant date fixed by or under sub rule (2) or within 1 month thereafter, or within such further time granted by the committee.

8. Resignation of members of Association

- (1) A member who delivers notice in writing of his or her resignation from the Association to the Secretary or another Committee member ceases on that delivery to be a member.
- (2) A person who ceases to be a member under subrule (1) remains liable to pay to the Association the amount of any subscription due and payable by that person to the Association but unpaid at the date of that cessation.

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9. Expulsion of members of Association

(1) If the Committee considers that a member should be expelled from membership of the Association because of his or her misconduct detrimental to the interests of the Association as determined by the Association, the Committee shall communicate, either orally or in writing, to the member—

(a) notice of the proposed expulsion and of the time, date and place of the Committee meeting at which the question of that expulsion will be decided; and

(b) particulars of that misconduct,
not less than 30 days before the date of the Committee meeting referred to in paragraph (a).

(2) At the Committee meeting referred to in a notice communicated under sub rule (1), the Committee may, having afforded the member concerned a reasonable opportunity to be heard by, or to make representations in writing to, the Committee, expel or decline to expel that member from membership of the Association and shall, forthwith after deciding whether or not to expel that member, communicate that decision in writing to that member.

(3) Subject to sub rule (5), a member who is expelled under sub rule (2) from membership of the Association ceases to be a member 14 days after the day on which the decision to expel him or her is communicated to him or her under sub rule (2).

(4) A member who is expelled under sub rule (2) from membership of the Association shall, if he or she wishes to appeal against that expulsion to the Association in general meeting give notice to the Secretary of his or her intention to do so within the period of 14 days referred to in sub rule (3)(notice of appeal)

(5) When notice is given under sub rule (4)--

(a) the Association in a general meeting may, after having afforded the member who gave that notice a reasonable opportunity to be heard by, or to make representations in writing to, the Association in the general meeting, confirm or set aside the decision of the Committee to expel that member; and

(b) the member who gave the notice does not cease to be a member unless and until the decision of the Committee to expel him or her is confirmed under this sub rule.

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10. Executive Committee

(1) The affairs of the Association shall be managed exclusively by an Executive Committee consisting of—

- (a) a President;
- (b) a Vice-President;
- (c) a Secretary;
- (d) a Treasurer; and
- (e) not less than four other persons,

all of whom shall be members of the Association elected to membership of that Committee at an annual general meeting or appointed under sub rule (4)

(2) At the commencement of the first annual general meeting to be held after the incorporation of the Association under the Act—

All Committee members shall cease to be Committee members, but shall be eligible for re-election to membership of the Committee.

(3) A person is not eligible for election to membership of the Committee unless the member has nominated for election by delivering notice in writing of that nomination, signed by—

- (a) Proposed member;
- (b) Seconded member other than the proposer; and
- (c) the nominee to signify his or her willingness to stand for election,

to the Secretary not less than 7 days before the day on which the annual general meeting concerned is to be held.

(4) When a casual vacancy within the meaning of rule 14 occurs in the membership of the Committee—

- (a) the Committee may appoint a member to fill that vacancy; and
- (b) a member appointed under this sub rule shall—

- (i) hold office until the commencement of; and
- (ii) be eligible for election to membership of the Committee at the next following annual general meeting.

(5) Any member seeking nomination to the committee shall apply in the prescribed nomination form.

(6) The immediate past President shall be ex-officio member of the committee and shall not have voting rights.

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11. President

(1) Subject to this rule, the President shall preside at all general meetings and Committee meetings.

(2) In the event of the absence from—

(a) a general meeting of—

(i) the President, the Vice-President; or

(ii) both the President and the Vice- President, a member elected by the other members present at the general meeting;

or

(b) a Committee meeting of—

(i) the President, the Vice- President; or

(ii) both the President and the Vice- President, a Committee member elected by the other Committee members present,

shall preside at the general meeting or Committee meeting, as the case requires.

12. Secretary

The Secretary shall—

(a) co-ordinate the correspondence of the Association;

(b) keep full and correct minutes of the proceedings of the Committee and of the Association;

(c) comply on behalf of the Association with—

(i) section 53 of the Act in respect of the register of members of the Association;

(ii) section 35 of the Act in respect of the rules of the Association; and

(iii) section 58 of the Act in respect of the record of the officeholders, and any trustees, of the Association;

(d) have custody of all books, documents, records and registers of the Association, including those referred to in paragraph (c), other than those required by rule 13 to be kept and maintained by or in the custody of the Treasurer; and;

(e) perform such other duties as are imposed by these rules on the Secretary.

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13. Treasurer

The Treasurer shall—

- (a) be responsible for the receipt of all moneys paid to or received by him on behalf of the Association and shall forthwith issue receipts for those moneys in the name of the Association;
- (b) pay all moneys referred to in paragraph (a) into such account or accounts of the Association as the Committee may from time to time determine;
- (c) make payments from the funds of the Association with the authority of a general meeting or of the Committee and in so doing ensure that all cheques are signed by one of the following Committee members---
 - i) Treasurer and (President or Vice President)
 - ii) Secretary and (President or Vice President)
- (d) comply on behalf of the Association with sections 66,67,68 and 70 of the Act in respect of the accounting records of the Association;
- (e) whenever directed to do so by the Committee, submit to the Committee a report, balance sheet or financial statement in accordance with that direction;
- (f) have custody of all securities, books and documents of a financial nature and accounting records of the Association, including those referred to in paragraphs (d) and (e);
- (g) perform such other duties as are imposed by these rules on the Treasurer; and
- (h) account to the Association and committee for all funds received by him relating to the Association.

14. Casual vacancies in membership of Committee

A casual vacancy occurs in the office of a Committee member and that office becomes vacant if the Committee member—

- (a) dies;
- (b) resigns by notice in writing delivered to the President or, if the Committee member is the President, to the Vice- President;
- (c) is convicted of an offence under the Act;
- (d) is permanently incapacitated by mental or physical ill-health;
- (e) is absent for more than—
 - (i) 3 consecutive Committee meetings; or
 - (iii) 3 Committee meetings in the same financial year, of which he or she has received notice without tendering an apology to the committee at each of those Committee meetings; or
- (f) ceases to be a member of the Association.

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15. Proceedings of Committee

- (1) The Committee shall meet together for the dispatch of business not less than once in each calendar month and the President may at any time convene additional meeting of the Committee.
- (2) Each Committee member has a deliberative vote.
- (3) Any question arising at a Committee meeting shall be decided by a majority of votes, but, if there is an equality of votes, the person presiding at the Committee meeting shall have a casting vote in addition to his or her deliberative vote.
- (4) At a Committee meeting 50% Committee members constitute a quorum.
- (5) In absence of 50% of Committee members, the casting vote is to be applied for the purpose of establishing a quorum.
- (6) Subject to these rules; the procedure and order of business to be followed at a Committee meeting shall be determined by the Committee members present at the Committee meeting.
- (7) A Committee member having any direct or indirect pecuniary interest referred to in section 42 or 43 of the Act shall comply with that section.

16. General meetings

- (1) The Committee—
 - a) may at any time convene a special general meeting;
 - b) shall convene annual general meetings within the time limits provided for the holding of annual general meeting by section 50 of the Act; and
 - c) shall, within 30 days of—
 - (i) receiving a request in writing to do so from not less than 20% of the members, convene a special general meeting for the purpose specified in that request; or
 - (ii) the Secretary receiving a notice under rule 9 (4), convene a special general meeting for the purpose of dealing with the appeal to which that notice relates.
- (2) The members making a request referred to in subrule (1) (c) (i) shall—
 - (a) state in that request the purpose for which the special general meeting concerned is required; and
 - (b) sign that request.

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- (3) If a special general meeting is not convened within the relevant period of 30 days referred to—
- (a) in subrule (1) (c) (i), the members who made the request concerned may themselves convene a special general meeting as if they were the Committee; or
 - (b) in subrule (1) (c) (ii), the member who gave the notice concerned may himself convene a special general meeting as if he or she were the Committee.
- (4) When a special general meeting is convened under subrule (3) (a) or (b)
- (a) the Committee shall ensure that the members or member convening the special general meeting are supplied free of charge with particulars of all members; and
 - (b) the Association shall pay the reasonable expenses of convening and holding the special general meeting.
- (5) Subject to subrule (8), the Secretary shall give all members not less than 21 days notice of a general meeting and of any motions to be moved at the general meeting.
- (6) A notice given under subrule (5) shall specify—
- (a) when and where the general concerned is to be held; and
 - (b) particulars of the business to be transacted at the general meeting concerned and of the order in which that business is to be transacted.
- (7) In the case of an annual general meeting, the order in which business is to be transacted is—
- (a) first, the consideration of the audited accounts and reports of the Committee;
 - (b) second, the election of Committee members to replace outgoing Committee members;
 - (c) third, any other business requiring consideration by the Association in a general meeting, for which 14 days notice has been given to the secretary; and
 - (d) fourth, appointment of the honorary auditor.
- (8) The Secretary shall give to all members not less than 21 days notice of a general meeting at which a special resolution is to be proposed and of any other motions to be moved at that general meeting.
- (9) The Secretary may give a notice under subrule (5) or (8) by—
- (a) serving it on a member personally; or
 - (b) sending it by mail to a member at the address of the member appearing in the register of members kept and maintained under section 27 of the Act.
- (10) When a notice is sent by mail under subrule (9) (b), sending of the notice shall be deemed to be properly effected if the notice is sufficiently addressed and mailed to the member concerned by ordinary prepaid mail.

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17. Quorum in proceedings at general meetings

- (1) At a general meeting 20% of members present in person constitute a quorum.
- (2) If within 30 minutes after the time specified for the holding of a general meeting in a notice given under rule 16 (5) or (8)—
 - (a) as a result of a request or notice referred to in rule 16 (1) (c) or as a result of action taken under rule 16 (3) a quorum is not present, the general meeting lapses; or
 - (b) otherwise than as a result of a request, notice or action referred to in paragraph (a), the general meeting stands adjourned to the agreed nominated date, time and venue.
- (3) If within 30 minutes of the time appointed by subrule (2) (b) for the resumption of an adjourned general meeting a quorum is not present, the members who are present in person may nevertheless proceed with the business of that general meeting as if a quorum were present.
- (4) The President may, with the consent of a general meeting at which a quorum is present, and shall, if so directed by such a general meeting, adjourn that general meeting from time to time and from place to place.
- (5) There shall not be transacted at an adjourned general meeting any business other than business left unfinished or on the agenda at the time when the general meeting was adjourned.
- (6) When a general meeting is adjourned for a period of 30 days or more, the Secretary shall give notice under rule 16 of the adjourned general meeting as if that general meeting were a fresh general meeting.
- (7) At a general meeting—
 - (a) an ordinary resolution put to the vote shall be decided by a majority of votes cast on a show of hands, or a secret ballot, if the president, or a majority of the members present, deem it necessary; and
 - (b) a special resolution put to the vote shall be decided in accordance with section 51 of the Act.
- (8) A declaration by the President at a general meeting that a resolution has been passed as an ordinary resolution there at shall be evidence of that fact unless, during the general meeting at which the resolution is submitted, a poll is demanded in accordance with subrule (9).
- (9) At a general meeting, a poll may be demanded by the President at the general meeting or by 20% or more members present in person and, if so demanded, shall be taken in such manner as the President directs.
- (10) If a poll is demanded and taken under subrule (9) in respect of an ordinary resolution, a declaration by the President of the result of the poll is evidence of the matter so declared.
- (11) A poll demanded under subrule (9) on the election of a person to preside over a general meeting or on the question of an adjournment shall be taken forthwith on that demand being made.

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18. Minutes of meetings of Association

- (1) The Secretary shall cause proper minutes of all proceedings of all general meetings and Committee meetings to be taken and then to be entered within 30 days after the holding of each general meeting or Committee meeting, as the case requires, in a minute book kept for that purpose.
- (2) The President shall ensure that the minutes taken of a general meeting or Committee meeting under subrule (1) are checked and signed as correct by the President of the general meeting or Committee meeting to which those minutes relate or of the next succeeding general meeting or Committee meeting, as the case requires.
- (3) When minutes have been entered and signed as correct under this rule, they shall, until the contrary is proved, be evidence that—
 - (a) the general meeting or Committee meeting to which they relate (in this subrule called “the meeting”) was duly convened and held;
 - (b) all proceedings recorded as having taken place at the meeting did in fact take place thereat; and
 - (c) all appointments or elections purporting to have been made at the meeting have been validly made.

19. Voting rights of members of Association

- (1) Subject to these rules, each member present in person at a general meeting is entitled to a deliberative vote.

20. Rules of Association

- (1) The Association may alter or rescind these rules, or make rules additional to these rules, in accordance with the procedure set out in sections 30, 31 and 33 of the Act.
- (2) These rules bind every member and the Association to the same extent as if every member and the Association had signed and sealed these rules and agreed to be bound by all their provisions.
- (3) These rules can be obtained from the secretary by any member of the Association.

21. Disputes and Mediation

- 21.1 The grievance procedure set out in this clause applies to disputes under this constitution between:
- 21.1.1 A Member and another Member;
 - 21.1.2 A Member and the Association; or
 - 21.1.3 If the Association provides services to non-members, those non-members who receive services from the Association, and the Association.

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- 21.2 The parties to the dispute must meet and discuss the matter in dispute, and, if possible, resolve the dispute within 14 days after the dispute comes to the attention of the parties.
- 21.3 If the parties are unable to resolve the dispute at the meeting, or if a party fails to attend that meeting, then the parties must, within 10 days hold a meeting in the present of a mediator.
- 21.4 The mediator must be:
 - 21.4.1 A person chosen by agreement between parties; or
 - 21.4.2 In the absence of agreement:
 - 21.4.2.1 In the case of dispute between a Member and another Member, a person appointed by the committee of the Association;
 - 21.4.2.2 In the case of dispute between a Member or relevant non-member (as defined by sub-rule 19.1.3 and the Association, a person who is a mediator appointed to, or employed with, a not for profit organisation.
- 21.5 A Member of Association can be a mediator.
- 21.6 The mediator cannot be a Member who is a party to the dispute.
- 21.7 The parties to the dispute must, in good faith, attempt to settle the dispute by mediation.
- 21.8 The mediator, in conducting mediation, must:
 - 21.8.1 Give the parties to the mediation process every opportunity to be heard;
 - 21.8.2 allow due consideration by all parties on any written statement submitted by any party; and
 - 21.8.3 ensure that natural justice is accorded to the parties to the dispute throughout the mediation process.
- 21.9 The mediator must not determine the dispute.
- 21.10 The mediation must be confidential and without prejudice.
- 21.11 If the mediation process does not result in the dispute being resolved, the parties may seek to resolve the dispute in accordance with the Act or otherwise at Law.

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22. Common seal of Association

- (1) The Association shall have a common seal on which its corporate name shall appear in legible characters.
- (2) The common seal of the Association shall not be used without the express authority of the Committee and every use of that common seal shall be recorded in the minute book referred to in rule 18.
- (3) The affixing of the common seal of the Association shall be witnessed by any two of; President, Vice President, Secretary and the Treasurer.
- (4) The common seal of the Association shall be kept in the custody of the Secretary or of such other person as the Committee from time to time decides.

23. Inspection of records, etc. of Association

A member may at any reasonable time inspect without charge the books, documents, records and securities of the Association.

24. Distribution of surplus property on winding up of Association

(1) If upon the winding up or dissolution of the Association there remains after satisfaction of all its debts and liabilities any property whatsoever, the same shall not be paid to or distributed among the members but shall be given or transferred -

- (a) to another Association incorporated under the Act; or
- (b) for charitable purposes

as determined by the resolution of the members when authorising and directing the Committee under section 130 of the Act to prepare a distribution plan of the surplus property of the Association.

(2) In the event of the winding up or dissolution of the Association, the Commissioner of Taxation shall be advised of the date of dissolution within 30 days of the dissolution.

25. Indemnity

- (1) The committee members while performing their honorary duties under the constitution shall be indemnified by the Association from its funds in respect of any loss, damages or cost of any legal proceedings except where the exercise of their duties are ultra vires.

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26. Alteration of the Constitution

- (1) The constitution may be amended at an annual general meeting provided that:
 - (a) At least 30 days notice of motion to amend the constitution setting out the terms of the proposed amendments and signed by the proposer and the seconder is received by the secretary in writing.
 - (b) At least 21 days notice has been given to members of the notice of a motion proposing the amendment.
 - (c) The motion is carried by a 75% majority of those present and entitled to vote.
- (2) Unless such alteration of variation is proposed for consideration at the Association's annual general meeting. Notice in writing by at least 20% of members must be given to the committee containing specific details of the proposed amendment. The committee must ensure that the notice of the proposed amendment is forwarded to all members of the Association in accordance with rule 16.
- (3) Alterations to the Constitution shall have no effect unless the procedures as set out in sections 30, 31 and 33 of the Act have been complied with.

27. Patron.

Definition: A defender, advocate, protector and guardian. One who uses his means, influence or to help or benefit an institution or Association. A benefactor, champion of cause; one who is a master or accomplished person.

(2) Rules For Appointment

- (1) That the Association shall at any time and wish, as determined by the General committee appoint a Patron of the Association. The nomination of a patron shall be agreed to by a 75% majority vote of the full committee.
 - (a) Any member shall have the right to nominate and move that a patron shall be appointed.
 - (b) The nomination of a person to be Patron of the Association should in general meet the following criteria:
 - (i) Be an eminent person of achievement or appointment in the community;
 - (ii) have a business or professional background in keeping with the goals and aspirations of the Association;
 - (iii) be a person who can represent the Association with professionalism, distinction, influence and champion the Association's cause;
 - (iv) have demonstrated through their life the values of humanity, professionalism, ethical and high standards of business dealings and human relations;
 - (v) not have any adverse background or known undesirable business and personal background.;
 - (vi) the nominee shall accept the offer of Patron unreservedly.

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- (3) The nomination of a Patron having been agreed to and passed by a 75% majority of the Executive committee shall give notice of the nomination to the general membership in accordance with the procedures for general notices and members shall have 60 days in which to lodge any objections in writing to the Executive committee.
- (4) The Executive committee will review any objection received and give the objector notice in writing, the opportunity to address the committee to explain the objection.
- (5) If the objector fails to avail themselves of this opportunity within the next two general meetings then the Executive committee shall vote on the acceptance or not of the objection and the appointment of the Patron.
- (6) Under the circumstances of the lodgment of an objection and its rejection or acceptance the final vote on the appointment shall be by 75% majority of the Executive Committee.
- (7) A Patron shall be appointed for a period of 3 years from time of acceptance and confirmation by the General Membership.
- (8) A Patron will only be re nominated at the conclusion of their term for a further period of 3 years. A patron cannot serve for any period greater than 6 years. (2 terms)
- (9) A Patron shall have no influence into the day to day running of the association.
- (10) Should a member of the association be appointed as a patron, he/she ceases to be a member of the association.
- (11) The appointment as Patron can only be revoked and cancelled by a 75% majority vote of the Executive Committee.
- (12) Should an appointed Patron be convicted of any criminal offence or be found guilty by any Professional regulating authority or body the appointment is to be automatically reviewed by the Executive committee.
- (13) The notice of cancellation of an appointment of a Patron will be given in writing to the Patron and given to the general membership in writing in accordance with the rules of general notices.
- (14) A Patron can terminate their appointment at any time by giving 30 days notice in writing to the Association President.
- (15) Any matter arising in the matter of or concern of the Patron not covered by the rules of appointment and cancellation of a Patron may be dealt with by the Executive committee and shall be approved by majority vote of the Executive committee.