

# CONSTITUTION

of the

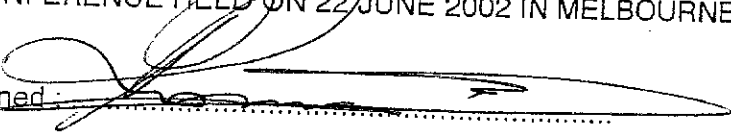
AUSTRALIAN FEDERATION OF UKRAINIAN ORGANISATIONS

Adopted by the 23<sup>rd</sup> National Conference

22 June 2002

Melbourne

I, STEFAN ROMANIW, PRESIDENT OF THE AUSTRALIAN  
FEDERATION OF UKRAINIAN ORGANISATIONS, CERTIFY  
THAT THIS IS A TRUE COPY OF THE CONSTITUTION OF  
THE AUSTRALIAN FEDERATION OF UKRAINIAN  
ORGANISATIONS ADOPTED BY THE 23<sup>rd</sup> NATIONAL  
CONFERENCE HELD ON 22 JUNE 2002 IN MELBOURNE.

signed: 

date : .....

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**STATEMENT OF PURPOSE  
OF THE  
AUSTRALIAN FEDERATION OF UKRAINIAN ORGANISATIONS**

1. The name of the organisation is the Australian Federation of Ukrainian Organizations (AFUO)
2. The aims of the AFUO are as follows :
  - a) to represent Ukrainian community in all spheres of political, public and social life and to promote, support and defend its well-being, interests and aspirations on the Australian continent;
  - b) to initiate, plan and coordinate various activities of its members at the overall country level;
  - c) to foster Ukrainian traditions and cultural heritage amongst the Ukrainian community;
  - d) to establish friendly and harmonious connections with diverse groups of the Australian society, so that through exchange of information and ideas to contribute to better understanding of history, culture and the national aspirations of the Ukrainian people;
  - e) to collect and to forward information to, or to otherwise inform its members, about the structures and possibilities of Australian social, cultural, economic and political life;
  - f) to establish and support relations and contacts with other ethnic communities for the exchange of information and ideas, to promote multiculturalism and social development and to counter racism;
  - g) to support Ukrainian community schools in Australia with the aim of improving and raising the standard of education in the area of Ukrainian language, literature, history, philosophy, as well as the arts, sciences, applied arts and in other associated fields;
  - h) to uphold the principals of Christian morals and to strive for healthy physical development and training of Ukrainian youth in Australia;
  - i) to distribute amongst its members information on issues concerning their community life, interests and development and to print, to publish and to issue and distribute all such newspapers, periodicals, circulars and other materials which appear to be suitable for any of these purposes;
  - j) to defend national and political freedoms, freedom of religion, social justice and human rights in general, particularly in Ukraine, to counter persecution of national, political and religious persuasions and to draw attention of governments, of the society at large, the interested organisations and of individual persons to their responsibilities in these spheres of activity, to unmask despotic regimes and organisations which infringe upon or deny these freedoms;
  - k) to receive contributions, donations, bequests, commissions and to manage property;

- l) to allocate and distribute monies for the fulfillment of any of the AFUO aims;
  - m) to advance AFUO aims, to collect, to borrow, to invest, to donate and to loan funds, to acquire and to manage any kind of property, to employ workers, to conclude contracts and to establish companies for the attainment of the above stated aims;
  - n) to join with, associate and to maintain contact with other organization, or organizations, which has, or which have aims similar to the AFUO aims, so that through exchange of information and ideas means may be secured to assist and to facilitate the attainment of the aims;
  - o) to extend and to support the establishment and maintenance of charitable and welfare organizations and assistance services within Ukrainian community and to coordinate the distribution of assistance and services;
  - p) to purchase, to let or to accept in exchange, to rent or to acquire by other means real or personal property or any right or privileges which AFUO may consider necessary or beneficial for the realization of its objectives and to maintain or renovate any buildings or structures which are required or beneficial for AFUO needs;
  - q) to participate in any other activities which may be compatible or favorable in the attainment of the above stated aims;
3. All monies deposited in various AFUO accounts, in any bank, cooperative or any other organisations, cash on hand of members of the Executive, which has been received by the AFUO from any source whatsoever but not deposited in an appropriate AFUO account, monies with AFUO debtors, credits, office equipment, books, films, journals, tapes, items of art, items of technical assistance and all other kinds of property which possess monetary value irrespective of when it was acquired or from time to time entrusted to the care of AFUO Executive, are considered to be the assets of the AFUO.
  4. All AFUO income and assets whenever acquired shall be used exclusively to realize the AFUO aims which have been described in this Memorandum, and no part of this income and assets may be paid out or transferred to, directly or indirectly, or in the form of a dividend or a premium, or in any other form whatsoever, as profit for AFUO members, or whosoever of them or for any person who puts a claim through them, **ON CONDITION** that nothing that has been stated here shall interfere with payment, in good faith, of a remuneration to AFUO officials or employees, or to any other persons in exchange for services, which in fact have been performed for AFUO, and will not interfere with payment of interests at the level demanded by the Commercial Bank of the Commonwealth of Australia for overdraft, or the repayment of debts and of appropriate interests on borrowed funds, or the normal and appropriate payment for premises which are tenanted by any AFUO member or by any other person, provided always that **NO** member of the Executive or any member of any AFUO elected body or committee may receive from the AFUO any payment in Cash or with articles of monetary value, except to defray personal costs and interests on borrowed money at the above stated rates or for normal and appropriate rent of premises tenanted by AFUO.
  5. The responsibility of members to compensate for damages is limited.

6. Every AFUO member, in the even of winding up or liquidation of the AFUO during his membership or during the year following his termination of membership, shall contribute to AFUO assets a sum of money which will be required to discharge AFUO debts and liabilities which came into being prior to the termination of his membership and /or to pay the costs and expenses of liquidation, as well as for the adjustment of rights of those who make such a donation amongst themselves at a rate which may be required, but which is not greater than one hundred (100) dollars.
7. Following dissolution or liquidation of the AFUO and the payment of all its debts and liabilities, any assets left over may not be distributed or paid out to AFUO members, but may be handed over or transferred to some organisation or organizations the objectives of which are similar to those of AFUO and which prohibits the distribution of its profits and assets amongst their members, at least to the extent of the AFUO constitution (Clause 7 of this document) and that such an organisation or organisations will be accepted an/or approved by AFUO member during or before the dissolution or liquidation. In the even it is not possible to satisfy the above requirement, the assets shall be handed over to a welfare or an educational fund, which has been properly establish and maintained by the Ukrainian Community in Australia.
8. No additions, changes or amendments may be included into the AFUO Statement of Purpose or the Constitution, currently in force, if such additions, changes and amendments have not been approved by the AFUO conference, in compliance with the requirements of clause 67 of this Constitution.
9. The financial records shall detail accurate and true records of all the monies received and paid out by the AFUO. They shall also show assets, credits and liabilities of the AFUO. These records shall be available for examination by members, taking into account justified limitations concerning time and methods of examination, which may be determined in accordance with the AFUO rules applicable at given times.
10. The location of a permanent AFUO office shall be determined from time to time by the AFUO conference.

## CONSTITUTION OF THE AFUO

### NAME

1. The name of the organisation is the Australian Federation of Ukrainian Organizations ( hereinafter referred to as AFUO).

### DEFINITIONS

2. In the following clauses unless there be something in the subject or context inconsistent therewith, the following words and expressions shall have the several meanings hereby assigned to them, that is to say:
  - a) AUSTRALIA shall mean Australia and its Territories;
  - b) CONFERENCE in relation to the AFUO shall mean an ordinary triennial or an extraordinary meeting of the duly elected delegates by the members of the AFUO;
  - c) THE EXECUTIVE shall mean the ruling body of the AFUO, elected by the conference for a period of three years;
  - d) AUDIT COMMISSION shall mean the auditing body of the AFUO, elected by the conference for a period of three years to perform the functions defined by this constitution;
  - e) MEMBER shall mean an organisation which is an AFUO member, and such organisations which will be accepted in compliance with the rules of this constitution;
  - f) STATEMENT OF PURPOSE shall mean a statement of details of the aims for the attainment of which the AFUO has been established and the principal instructions concerning the use of the AFUO assets, financial liabilities of members and the distribution of the AFUO assets in the even of its liquidation;
  - g) CLAUSES shall mean the clauses of this constitution with amendments which may be introduced therein from time to time;
  - h) UKRAINIAN shall mean a person who is conscious of his Ukrainian roots and his Ukrainian extraction and/or a person who acknowledges his Ukrainian heritage by being a member of one or more Ukrainian organisations which are associated with the AFUO, and which acknowledge the right of Ukrainian peoples to an Independent Ukrainian State;
  - i) UKRAINIAN COMMUNITY shall mean a community of persons, which includes Ukrainians as well as person who are spiritually related with the persons who are conscious that they belong within the sphere of the Ukrainian spiritual heritage;
  - j) COMMUNITY shall mean the Ukrainian Community in Australia;
  - k) STATE shall mean any state of Australia, including the Australian Capital Territory and the Northern Territory;
  - l) ORGANISATION shall mean Ukrainian community, church or any other organisation which has been established to promote its legitimate aims amongst Ukrainian community;
  - m) SPECIAL RESOLUTION shall mean a resolution which requires for its approval at least three-quarter majority of the members present at the meeting and entitled to a vote;

- n) words importing the singular number only shall include the plural number and vice versa; words importing the masculine gender only shall include the feminine gender and vice versa; words importing individual persons shall include organisations and vice versa;
- o) ARBITRATION COMMISSION shall mean the arbitration commission of the AFUO.

### **MEMBERSHIP**

- 3. Membership of the AFUO consists of ordinary and honorary members
  - a) Ordinary members:
    - any Ukrainian State Association, National organisation of individual members or a body which is active in at least three states and has no fewer than one hundred (100) financial members above the age of 18 years, or a National umbrella body consisting of organisations and has at least three (3) affiliates which share the aims of the AFUO.
  - b) Honorary members:
    - any Ukrainian Christian church which is firmly established in Australia and is active in at least three states and shares with the AFUO its aims.
- 4.
  - a) An application for membership shall be in writing on a form which is prescribed from time to time by the Executive. An application shall be supported by two (2) ordinary AFUO members.
  - b) The application and such additional documents as may be requested from time to time by the Executive from the applicant shall be presented to the Membership Officer of the AFUO Executive.
  - c) On receipt of the application for membership, the Membership Officer shall submit it for consideration by the Executive at its next sitting.
  - d) When the Executive accepts the application by the majority of three-quarter of its members present at the sitting, the applicant becomes an AFUO member.
  - e) There shall be no entrance fee.
  - f) If the Executive declines the application for membership, the applicant may request the following in writing :
    - (1) a written explanation of the reasons for the application being declined;
    - (11) a review the Executive decision;
    - (111) an appeal to the conference to annul the Executive decision and to request acceptance of its application for membership;
    - (1V) the decision of the congress shall be considered to be final.
- 5. When the membership application is accepted, the Membership Officer shall inform the applicant of the decision within fourteen (14) days.
- 6. When an organisation is admitted to membership of the AFUO, the name and address of the successful applicant is entered into the membership register which shall be kept by the secretary and shall be made available for examination by any member at the time which is suitable for both the secretary and the given member.

7. All AFUO members shall have the same rights with the exception of the cases specifically defined by AFUO clauses.

### **ANNUAL FEE**

8. An annual fee of AFUO members is determined by the following criteria:
  - a) State Associations - two (2) dollars annually for each financial member or a sum which may be determined from time to time by the conference;
  - b) National organisations - one (1) dollar from each financial member of 18 years of age and older, or a sum which may be determined from time to time by the conference;
  - c) National umbrella bodies of organisations shall pay one hundred (100.00) dollars for each organisation associated with it or a sum which may be determined, from time to time, by the conference;
  - d) all other associations and organisations which, because of their structure, do not have individual and/or financial members, or such organisations the membership of which is limited to a particular group, profession or trade ( or gender) shall pay one hundred (100.00) dollars annually or a sum which may be determined from time to time by the conference.
9. a) All contributions shall be paid in January of each year, unless determined otherwise by the conference.  
A member who fails to pay his annual fee on time as prescribed by these clauses, shall pay an interest of 20% on the sum outstanding, or a rate which is determined, from time to time, by the Executive.  
Such interest is calculated from the first day of January of a given year to the end of the month in which the outstanding annual fee is paid.

### **TERMINATION OF MEMBERSHIP**

10. An AFUO member ceases to be a member and his name is deleted from the register of members if:
  - a) he renounces his membership by tendering his resignation to the secretary;
  - b) his annual fee is outstanding for more than two (2) years;
  - c) his action or behavior is detrimental to the reputation, interest and activities of the AFUO;
  - d) member consistently disregards the directives of this constitution;
  - e) his membership is discontinued by a decision of the AFUO Arbitration Commission

### **EXPULSION FROM MEMBERSHIP**

11. In accordance will these rules the Executive by its resolution may demand:
  - a) a temporary termination of AFUO membership of a given member for a definite period;
  - b) resignation of a member;
  - c) expulsion of an AFUO member, when in the opinion of the Executive the member refuses to act in accordance with the requirement of



constitutional clauses and/or the AFUO aims, or disregards them or his behaviour was or is harmful to the reputation, interest or activities of the AFUO.

12. In the event of the Executive's demand for a temporary termination of membership, resignation or expulsion of a member, the secretary shall take care to inform the member as soon as possible in writing which:
  - a) details the Executive's indicting affirmations and the grounds on which they are based;
  - b) invites the member to appear before an Executive sitting, which is held, if it is practical, sixty (60) days following the handing over of the notice, giving date, place and time of the sitting, to enable the member to speak before the Executive and to reply to the accusations.
13. When the member is fully and fairly heard, the Executive decides, by three-quarter majority of the members present at the sitting, whether the accusations are proved. If the accusations have been justified the Executive may temporarily suspend the membership of the accused, may request his resignation, or may commence action to expel the accused from the AFUO membership.
14. To approve a resolution on temporary cessation of membership, proposition on resignation and/or expulsion from membership, the AFUO secretary shall call a new sitting of the Executive forewarning all members of the Executive about the nature of expulsion. Such a resolution requires three-quarter majority of the Executive members present at the sitting.
15. A member who has temporarily lost his membership by the decision of the Executive, or who has been requested to resign or has been expelled from the AFUO membership, shall have the right to appeal that decision at the AFUO conference, which shall be the next conference following the date of the appeal. The appeal shall be promptly submitted to the secretary who is to include the matter on the agenda of the next congress, which may conform or annul the decision. The judgment of the conference shall be final and binding.

#### **AFUO CONFERENCE**

16. The supreme authority of the AFUO is its conference which has the following rights:
  - a) to approve the agenda of the conference;
  - b) to change and to introduce amendments to the statement of purpose and the constitution of the AFUO;
  - c) to hear, to consider and to accept reports of the chairman and of other members of the Executive, the financial reports and the report of the Audit Commission;
  - d) to propose approval of the activities of the retiring Executive;
  - e) to review and verify the objects of the AFUO;
  - f) to elect the Executive, the Audit Commission and the Arbitration Commission of the AFUO for a period of 3 years, and to elect chairman of each of these bodies by a separate vote;
  - g) to approve the budget and to determine the annual fee;
  - h) to hear members appeals;
  - i) to approve guidelines of the Executive of the AFUO;

- j) to decide on all matters relating to the aims and activities of the AFUO.
  - k) Annual general meetings
    - (1) The committee may determine the date, time and place of the annual general meeting of the Association.
    - (2) The notice convening the annual general meeting must specify that the meeting is an annual general meeting.
    - (3) The ordinary business of the annual general meeting shall be –
      - (a) to confirm the minutes of the previous annual general meeting and of any general meeting held since that meeting;
      - (b) to receive from the committee reports upon the transactions of the Association during the last preceding financial year ; and
      - (c) to receive and consider the statement submitted by the Association in accordance with section 30 (3) of the Act.
    - (4) The annual general meeting may conduct any special business of which notice has been given in accordance with these Rules.
17. The congress is convened by the Executive or the Audit Commission, if the Executive fails to do so, in compliance with this constitution, once every three years; all members shall be advised by notice, together with the proposed agenda, at least eight (8) weeks prior to the date of the congress. If possible, notice about the conference shall be published in all Ukrainian language newspapers throughout Australia.
18. Written reports of the chairman, the members of the Executive, the Audit Commission, together with the proposed budget and proposals of change of the value of the annual fee for members shall be posted out to all members at least four (4) weeks prior to the date of conference.
19. A member, wishing to raise a matter at an ordinary congress, may submit it to the Presidium of the conference before approval of the agenda.
20. The Executive shall convene an extraordinary conference upon receipt of a written demand from at least a quarter of all the AFUO members.
21. The Audit Commission has the right to convene an extraordinary conference of the AFUO if:
- a) the Executive ceases its activity;
  - b) the Executive has neglected AFUO affairs;
  - c) the Executive is responsible for illegal misappropriation of AFUO funds;
  - d) the Executive has caused a serious harm to the character, interests and activity of the AFUO.
22. The extraordinary conference is convened, as far as possible, in a manner similar to the ordinary conference.

## PROCEDURES AT CONFERENCE

23. a) I) Quorum of an ordinary conference.  
Not less than fifty (50) percent of members, which are represented by duly elected or appointed members present at the conference, shall form a quorum. If there is no quorum one hour after the appointed commencement time, the present delegates shall form the quorum.
- II) The quorum of an extraordinary conference shall be represented by at least one half (50%) of all AFUO members.
- III) Casting of the vote of delegates is conducted by show of the mandate card. On demand of the majority of delegates, when moved by at least three (3) members, the vote shall be cast by secret ballot, by a method determined by chairman of the congress.
- b) Casting vote  
Where the votes are evenly divided the conference chairman shall have the casting vote.
- c) Voting of members  
In the event thirty (30) percent of the AFUO members present a conference demand a vote for members, the vote shall be cast after an interval no longer than sixty (60) days by correspondence and the results shall be made public by the Executive and be considered to be the resolution of the conference at which the members' vote was demanded
24. A member who is elected by a simple majority of the delegates may be chairman of the conference. If a conference fails to elect a chairman half an hour after its opening, the AFUO President shall assume the chairmanship of the conference.
25. In accordance with the requirements of this constitution, every AFUO member shall send an appropriate number of its delegates to take part an AFUO conference.
26. Before every AFUO conference, the Executive shall convene a mandate committee which shall verify the number of delegates that each member of the AFUO is entitled to send to the conference.
27. The number of delegates to the conference is determined by the following rules:
- a) State Associations (member category according to clause 8a) the number shall be:
- I) fewer than one hundred (100) financial members - chairman or his deputy;
- II) more than one hundred (100) financial members - chairman or his deputy and one additional delegate from every hundred (100) members;
- b) National organisations with a physical membership (member according to paragraph 8 b):
- I) fewer than one hundreds (100) members - chairman or his deputy;

- II) more than one hundred (100) members - chairman or his deputy and one additional delegate from every two hundred (200) members;
  - c) National Umbrella bodies (member category according to clause 8 c) - chairman or his deputy and one additional delegate from every organisation, which is affiliated with that body.
  - d) other organizations (member category in accordance with clause 8 d) each have the right to send one delegate to the AFUO conference.
28. Each member is responsible for covering all costs associated with his delegates' participation in the AFUO conference.
29. The retiring members of the Executive, the Audit Commission and the Arbitration Commission, together with former AFUO chairman, shall have the status of an honorary member at the conference unless they have a delegates mandate from an AFUO member.
30. Honorary delegates have the same rights as legally elected or appointed delegate's except for the right to vote in matters concerning:
- a) election of members of the Executive, the Audit Commission and the Arbitration Commission;
  - b) budget and finances;
  - c) approval of special resolutions.
31. If a duly elected delegate cannot be personally present at the conference, the organisation which has elected him as its delegate may allocate his proxy to another delegate.
32. No member present at the conference shall be entitled to have more than two (2) proxies.
33. Every AFUO member shall provide the secretary of AFUO Executive, not later than twenty-one (21) days before the date of conference, with a list of his delegates together with all relevant payments, including registration fees, which are from time to time determined by the Executive, to cover the cost of the conference.

### **THE EXECUTIVE**

34. The AFUO is managed by a body which is called the Executive. The Executive consists of a chairman and ten (10) members, which are elected by conference in accordance with this constitution.
35. Members are elected by the following rules:
- a) a list of candidates to the executive is prepared by a nominating committee which is elected at the beginning of the conference for this purpose or the candidates are nominated in a manner determined by the conference.
  - b) The member representing the Ukrainian Central School Council (UCSC) on the Executive of the AFUO is the incumbent chairman of the Council. If the Executive of the AFUO is located in different State, to the UCSC, the UCSC shall nominate its representative from that state.

- c) If the number of candidates to the Executive is less than the required number, the Executive may fill the vacant position or positions by co-opting. The number of co-opted members shall not be greater than one half of the number of members elected by the conference.
36. As soon as practically possible after the election of the Executive, the chairman and members of the Executive shall select from amongst themselves persons for the following positions: first deputy chairman, second deputy chairman, secretary and treasurer. Together with the President these Officers form the Presidium of the Executive which performs administrative duties and anything delegated to it by the Executive.
37. A member, co-opted by the Executive during its term in office, retires on the day of the next conference after the Executive's activities have been approved by delegates, and has the right in accordance with this constitution to be elected or co-opted by the newly elected Executive.
38. No person may be elected or co-opted to the Executive, if at the time of nomination that person is not a financial member of an Association of Ukrainians in any state of Australia.
39. The size of the Executive or the Presidium may from time to time be increased or decreased by the AFUO, by an ordinary resolution presented at conference.
40. The position of a member at the Executive becomes vacant if that member:
- d) does not attend three sittings of the Executive during a period of six (6) months without the Executive agreement;
  - e) becomes a bankrupt or a doubtful debtor;
  - f) is convicted of a criminal offence or misuse of funds;
  - g) tenders a written resignation.
41. The vacant position of the Executive may be filled by co-opting a person, on the condition that no clause or paragraph of this constitution will be violated.

#### **RIGHTS AND RESPONSIBILITIES OF THE EXECUTIVE**

42. The Executive manages all AFUO affairs, with the exception of those affairs which are the responsibility of the AFUO conference.
43. The Executive is responsible to ensure that minutes of its sittings contain:
- a) all the matters considered;
  - b) names and surnames of all members present at each sitting;
  - c) all appointment of officials and employees.
- Minutes shall be signed by the chairman of the sitting, at which given matters were considered, or by the chairman of the following sitting and shall be entered into a book kept for this purpose by the Executive.
44. The responsibilities of the Executive include the proper maintenance of financial records for all sums received and paid out by the AFUO, and of the circumstances relating to all incomes and expenditure and of all AFUO assets and liabilities;

a) Custody and inspection of books and records

Except as otherwise provided in this Constitution, the Secretary must Keep in his or her custody or under his or her control all books, documents and securities of the Association.

All accounts, books, securities and any other relevant documents of the Association must be available for inspection free of charge by any member upon request.

A member may make a copy of any accounts, books, securities and any other relevant documents of the Association.

- b) Unless the Executive otherwise resolves, all AFUO monies shall be deposited in AFUO accounts at a bank and/or a credit cooperative, which at the time is an AFUO banker;
- c) all financial liabilities of the AFUO shall be paid by cheque jointly signed by the treasurer and/or the chairman, deputy chairman or another person who from time to time may be appointed by the Executive;
- d) a receipt on an AFUO printed form shall be issued by the treasurer or the secretary for every payment received in the name of AFUO;
- e) the treasurer shall present to the Executive every three (3) months, if he has not received instructions to the contrary, a statement of income and expenditure and a list of unpaid accounts;
- f) the financial reports and the balance sheet shall be examined by the AFUO Audit Commission prior to their submission to conference.
- g) The Treasurer of the Association must –

(1) collect and receive all moneys due to the Association and make all payments authorised by the Association ; and

(11) keep correct accounts and books showing the financial affairs of

the Association with full details of all receipts and expenditure connected with the activities of the Association.

The funds of the Association shall be derived from annual subscriptions, donations and such other sources as the committee determines.

h) Seal :

- (1) The common seal of the Association must be kept in the custody of the Secretary.
- (11) The common seal must not be affixed to any instrument except by the authority of the committee and the affixing of the common seal must be attested by the signatures either of two members of the committee or, of one member of the committee and of the public officer of the Association.

**EXECUTIVE PROCEDURES**

- 45. The Executive shall meet at least every two (2) months and may interrupt and manage its sittings as it considers appropriate. At the request of three (3) members of the Executive, the secretary shall call a sitting of the Executive.

46. In accordance with this constitution questions which arise at any sitting, shall be resolved by the majority vote and the decision of the majority of members shall be considered to be the decision of the Executive. Where the votes are evenly divided, the chairman of the sitting shall have the casting vote.
47. The quorum, necessary to conduct affairs of the Executive, constitutes the majority of its members, including AFUO chairman or his deputy.
48. The AFUO chairman, or in his absence his deputy, shall chair every sitting of the Executive.

#### **EXECUTIVE GUIDELINES**

- 49 a) The Executive has the right to publish from time to time EXECUTIVE Guidelines, for the purpose of achieving AFUO aims and responsibilities. The Guidelines shall not be in conflict with the requirements of this constitution.
- b) Published guidelines shall be circulated to members not less than four (4) weeks prior to becoming legally binding.
- c) Executive guidelines shall be approved by the next ordinary conference following there by the Executive. If the Executive does not submit the Guidelines for approval by the next conference, or if the conference rejects them, the Guidelines lose their legitimacy from the day of the next ordinary conference following their proclamation or from the day of rejection by the conference.
- d) Executive Guidelines which have been approved by a conference may be amended or rejected only by another conference.

#### **AUDIT COMMISSION**

50. The AFUO shall elect at its conference an Audit Commission which consists of a Chairman, two (2) members and two (2) deputy-members.
51. Candidates for the Audit Commission shall be nominated by members at the conference and shall be elected by the manner prescribed in this constitution for the election of the Executive members for a three (3) year term.
52. The Audit Commission has the following responsibilities:
  - a) to perform the duties of an auditor in accordance with this constitution;
  - b) oversee activities of the Executive and to examine the finances, assets and liabilities of the AFUO;
  - c) to employ the services of an appropriate specialist where required;
  - d) to convene an extraordinary conference of the AFUO as prescribed;
  - e) to prepare reports for the conference;
  - f) to propose the approval of the activities of the retiring Executive;
  - g) to report to the AFUO Arbitration Commission any abuse and/or exceeding authorizations entrusted the Executive or any of its members;
  - h) to administer the judgement of the AFUO Arbitration Commission.
53. Members of the Audit Commission have the right to participate in the sittings of the Executive, but only in an advisory capacity.

54. Normal expenses of the Audit Commission shall be paid by the AFUO Executive.

**DISPUTES AND MEDIATION COMMISSION OF THE AFUO**

55. a) the AFUO Arbitration Commission, consisting of a chairman and four (4) members, is elected for a period of three (3) years by the AFUO conference;
- b) as far as it is possible, the elected Arbitration Commission members shall be professional lawyers and respectable persons with social and community experience;
- c) members of the AFUO Arbitration Commission are elected in accordance with the requirements of clause 35 of this constitution;
56. The AFUO Arbitration Commission, as an independent body elected by the conference of members, is to be the mediator in disputes.
- a) The grievance procedure set out in this rule applies to disputes under these Rules between-
- (1) a member and another member; or
- (11) a member and the AFUO; or
- (111) the audit commission and the committee of the AFUO.
- b) 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 all of the parties.
- c) 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 presence of the mediator.
- d) If a member of the Arbitration Commission is a party to the dispute he/she must expel themselves from the commission for the duration of the dispute.
- e) The parties to the dispute must, in good faith, attempt to settle the dispute by mediation.
- f) The Arbitration Commission, in conducting the mediation, must-
- (1) give the parties to the mediation process every opportunity to be heard: and
- (11) allow due consideration by all parties of any written statement submitted by any party: and
- (111) ensure that natural justice is accorded to the parties to the dispute throughout the mediation process.
- g) The mediator must not determine the dispute.
- h) If the mediation process does not result in the dispute being resolved, the parties may seek to resolve the dispute by allowing the Arbitration Commission to make a final ruling which shall be final and binding, or in accordance with the Act or otherwise at law.
57. The AFUO Arbitration Commission shall consider any matter, provided:
- a) it falls within the competency of the Arbitration Commission in compliance with the requirements of this constitution;



- b) the matter has been submitted to the Arbitration Commission in accordance with the requirements of Executive Guidelines on Arbitration Procedures;
  - c) the plaintiff shall pay a sum of money stipulated by the Executive on Arbitration Procedures, to cover the cost of the arbitration inquiry.
58. The highest penalty that can be imposed by the AFUO Arbitration Commission is the termination of AFUO membership for the following transgressions:
- a) conscious action to harm the character and interests of the Ukrainian community;
  - b) disregarding the judgment of the AFUO Arbitration Commission;
59. For other transgressions, the Arbitration Commission may impose one or more of the following penalties:
- a) pronounce a warning to the defendant;
  - b) adjudge the guilty to apologize before the Commission;
  - c) adjudge the guilty to apologize publicly;
  - d) adjudge damages to the aggrieved;
  - e) impose a monetary penalty of up to of Five Hundred Dollars (\$500);
  - f) adjudge arbitration costs;
  - g) bring the essence of the case and the arbitration judgment to public notice.
60. The matters submitted for consideration by the Arbitration Commission shall not be discussed outside the confines of the Commission or by the opposing parties.
61. Trivialising or disregarding the rules, the decision or judgment of the Arbitration Commission, as well as discussion of the matter under Commission's consideration, show disrespect towards the Commission and are therefore considered to be detrimental to the AFUO interests.
62. All AFUO members, in all matters which are within the competency of the Arbitration Commission, are subject to the jurisdiction of the AFUO Arbitration Commission.
63. Judgments of the Arbitration Commission are final, subject to Section 14A of the Associations Incorporation Act (1981).
64. The executor of the Arbitration Commission judgments is the Audit Commission of the AFUO.
65. The Arbitration Commission is the only AFUO authority to interpret any part or parts of this constitution and of any rules, sub-rules and directives made in compliance with them or about any matter which concerns the AFUO but is not covered by this constitution or by any rules, sub-rules or directives made in compliance with them. The interpretations of the Commission shall be final and binding on all members subject to the rights at law of the AFUO and its members.

### **PROCEDURES TO AMEND THE CONSTITUTION**

66. The Statement of Purpose and Constitution of the AFUO may be amended in the following manner:
- a) a motion to amend the constitution may be presented by the Executive or by an ordinary member not later than twelve (12) months prior to the date of conference;
  - b) the motion to amend the constitution by an ordinary member shall be supported by at least two (2) other members;
  - c) the motion shall be well founded, suitably formulated and signed by the proposer and those who support the motion;
  - d) the well prepared submission of an ordinary member shall be considered by the Executive and, by a majority vote, shall make one of the following decisions:
    - I) the submission is worthy of further consideration;
    - II) to be returned to the originator for reconsideration and redefinition;
  - e) if the submission deserves attention, the Executive shall convene an investigative committee which shall examine the proposed amendments and present its recommendations for consideration by the Executive;
  - f) the Executive shall forward the text of recommendations of the investigative committee to all AFUO members, together with the notice to convene a conference.  
The agenda shall include an item "Amendments to the Constitution".
  - g) an amendment of the constitution requires three-quarter majority of mandates who, according to the rules of this constitution, have full voting rights at the AFUO conference.
  - a) each amendment of this constitution shall be inscribed into the section "Amendments and additions to constitution" and each such amendment shall be numbered by an ordinal number (i.e. first amendment, second amendment, etc).

### **INDEMNITY**

67. Every member of the Executive, the Audit Commission, the Arbitration Commission and other officials of the AFUO shall be indemnified out of the assets of the AFUO against any liability incurred by him in his capacity as an officer defending any proceeding concerning activities or actions performed in good faith, which occurred whilst performing his normal and legitimate duties in fostering the AFUO aims which are defined by the articles and clauses of this constitution or in executing decisions, resolutions and directions of the conference and/or the Executive, the Audit Commission and the Arbitration Commission of the AFUO.

### **LIQUIDATION**

68. a) The liquidation congress of the AFUO shall be convened by the Executive on the written demand of the majority of ordinary members. If the Executive is incapable of convening the conference, the Audit Commission shall do so.

- b) Convening the liquidation conference, election of delegates and procedures at the conference shall be the same as those at an ordinary conference.
  - c) The decision concerning the dissolution or liquidation of the AFUO requires three-quarter majority of the mandates.
69. Any assets remaining after payment of all debts and liabilities shall be transferred or given to such charitable and/or educational organisation or organisations which have been properly established and supported by the Ukrainian Community in Australia, the portions or sums involved shall be determined by the majority vote at the liquidation congress.
70. In the event that it is not possible to convene a proper conference, the remaining assets shall be handed over in equal parts to welfare organisations of the Ukrainian Community and to Ukrainian scientific and educational centres in Australia.

### **CHANGES AND ADDITIONS TO THE CONSTITUTION**