

CONSTITUTION

OF

VIETNAMESE COMMUNITY IN AUSTRALIA/WA CHAPTER INC.

2010

The City of Perth, Western Australia

<i>Index</i>		Page
Chapter/ Article		
Chapter 1: Legal Status, Name, Symbol and Insignia, Language and Office		3
Article 1 - Article 4		
Chapter 2: Objectives		4
Article 5		
Chapter 3: Membership		4
Article 6 - Article 7		
Chapter 4: Structure of the Community		5
Article 8		
Chapter 5: The Management Committee		5-7
Article 9 - Article 11		
Chapter 6: Supervising Board		7
Article 12 - Article 17		
Chapter 7: Positions of the Committee Becoming Vacant		8
Article 18 - Article 21		
Chapter 8: Annual General Meeting		8-9
Article 22 - Article 27		
Chapter 9: Extraordinary Meeting		9
Article 28 - Article 29		
Chapter 10: Voting and Standing For Election		9-11
Article 30 - Article 39		
Chapter 11: Joining and Membership Fee		11-12
Article 40 - Article 43		
Chapter 12: Finance and Properties of the Community		12-13
Article 44 - Article 47		
Chapter 13: Amendment of Constitution		13
Article 48 - Article 49		
Chapter 14: Discontinuation of Operation and Liquidation		13-14
Article 50 - Article 51		
Chapter 15: Seal of the Vietnamese Community in Western Australia		14
Article 52		
Chapter 16: Disciplinary Actions		14
Article 53		
Chapter 17: Specialized Fields		14-16

Chapter 1: Legal Status, Name, Symbol and Insignia, Language and Office

Article 1: Legal Status

- I. The Vietnamese Community in Australia/WA Chapter is a non-profit organization, which was formed by Vietnamese who love Freedom and consists of all Vietnamese Australians and permanent resident Vietnamese who are permanently living in Western Australia, regardless of their gender, religion, and organization as long as they share the same purpose of serving Vietnamese Community;
- II. The Vietnamese Community in Western Australia is a member of Vietnamese Community in Australia;
- III. The Association is the formal and unique body of the Vietnamese Community in Australia to represent Vietnamese community who are living in Western Australia

Article 2: Name and Definition

- I. The name of the Association of the Vietnamese who love Freedom and Democracy in Western Australia shall be as following
 - a) In Vietnamese: Cộng Đồng Người Việt Tự Do Úc Châu/Tây Úc;
 - b) Its recognised contraction shall be CĐ/NVTDUC/TU, or Cộng Đồng (in capital);
 - c) In English: Vietnamese Community in Australia / Western Australia Chapter Incorporated;
 - d) Its recognised contraction shall be VCA/WA Inc.
- II. Terminology Definitions
 - **The Association Act** means The Association Incorporation Act 1987, which was enacted by the Western Australia government in 1987.
 - **Accounting Books** are to be understood in the context of Section V (25) of the Association Act.
 - **Permanent Resident Vietnamese** consist of Vietnamese and their children who are holding Australian citizenship or have been granted a permanent visa in accordance with the section 30(1) of Migration Act 1958.

Article 3: Symbol and Insignia

- I. The flag of the Association shall be the Yellow Flag with Three Red Stripes as a formal symbol to be used during activities and rituals of the Association. The flag symbolises Freedom, Democracy and Human Rights which is considered as idealism for Vietnamese who are communist refugees.
- II. The song ‘Tieng Goi Cong Dan’, an anthem of the Republic of Vietnam before 1975, is the song to be sung when the symbolised flag is raised in all activities of the Community
- III. Insignia of the Community is a circle in shape, with the Yellow Flag with Three Red Stripes in background and a map of Vietnam on the top. On the upper right-hand corner of the Insignia are 5 stars from the Australian flag. The name of the Community text is to surround the Insignia. This is the only Insignia of the Vietnamese Community in Australia, states and territories.

Article 4: Language and Office

- I. The main languages used are Vietnamese and English during Community’s meetings and on documents issued by the Community;

- II. The main office is located at Unit 4 & 5/151-155 Brisbane St, Perth WA 6000.

Chapter 2: OBJECTIVES

Article 5:

- I. To maintain and to develop the mutual help between Vietnamese who are living in Western Australia as well as across the nation;
- II. To maintain and to develop good relations to other Vietnamese Communities all over the world with an aim to fight for an Independence, Freedom, Democracy and Prosperity Vietnam whose citizens can enjoy a full human rights defined by The International Declaration of Human Rights;
- III. To preserve and to develop the Vietnamese traditional culture;
- IV. To encourage virtuous, intellectual and sport activities of the Vietnamese youth who are living in Western Australia
- V. To develop friendship with other ethnic communities within a freedom, democratic and multicultural society of Australia.
- VI. To cooperate with Australian government in order to build a healthy and happy community.

Chapter 3: Membership

Article 6: General Regulations

- I. All Vietnamese Australians and permanent resident Vietnamese who are permanently living in Western Australia are members of the VCA/WA.
- II. All Vietnamese Australians and permanent resident Vietnamese who are 18 years old or over and living in Western Australia, regardless of their gender, religion, and organization as long as they share the same purpose of serving Vietnamese Community, and understand and accept all Sections in the Constitution of the VCA/WA shall become an official member of the VCA/WA upon his/her application having approved by its Management Committee.
- III. The VCA/WA consists of some honorary and supportive members who are not necessarily Vietnamese as long as these individuals understand and accept all Sections in the Constitution of the VCA/WA and have gained approval from its Management Committee.
- IV. Spouse of any Vietnamese members who are living in Western Australia are considered an honorary member, if they want to.

Article 7: Members' duty

- I. All members have a duty to:
 - a) Preserve a good name for Vietnamese people and reputation of the Community.
 - b) Respect and implement all the Articles in the Constitution.
 - c) Take part in and support all activities of the Community.

Chapter 4: Structure of the Community

Article 8: General Stipulation

- I. The VCA/WA is an official and unique member of Vietnamese Community in Australia to represent Vietnamese Community in Western Australia with its structure consists of two bodies: the Management Committee (MC) and the Supervising Board (SB).
- II. The MC consists of one President, two or three Vice Presidents, one Secretary and one Treasurer.
- III. The MC may invite and nominate some Officers, depending on the needs of the Community, to positions such as: Secretary Assistant, Social Officer, Women Officer, Media Officer, Arts and Literature Officer, Youth, Student and Sport Officer, Education Officer and Information Officer.

Chapter 5: The Management Committee

Article 9: Term

- I. The Term of the Management Committee shall be two years.

Article 10: Responsibilities of the Management Committee

- I. The Management Committee has responsibility to:
 - a) Plan and govern all activities of the VCA/WA.
 - b) Manage properties of the VCA/WA.
 - c) Purchase, sell, lease, fix and use all properties of the VCA/WA with a purpose to develop and serve interests of the VCA/WA.
 - d) Implement the Constitution.
 - e) It shall be responsibility of the President to call for a meeting of the MC, when a request is made by the Supervising Board or by 50% of total of members of the MC, in order to deal with urgent and necessary matters.
 - f) With the exception of special cases as defined in Chapter 7, Article 18 and Chapter 12, Article 46, all the meetings of the MC with the attendance of 50% or more the number of its members shall be considered adequate for voting. All the decisions which shall be approved by the relative majority of its members present shall be considered as a final decision of the Management Committee.

Article 11: Roles and Powers of Members of the Management Committee

- I. President:
 - a) To represent and to be an official spokesman of the VCA/WA;
 - b) To govern all activities and sign all documents relating to the VCA/WA;
 - c) To summon and to preside over meetings of the MC and together with the Treasurer and Secretary to work with the Supervising Board, if necessary.
 - d) To be the person entrusted to access the Seal
- II. Internal Affairs Vice President:
 - a) To assist the President in the internal management of the Community.
 - b) To be the Director of the Radio (detail in Chapter 17: Special Areas)

- c) To assume the duties of the President during the President's absence.

III. External Affairs Vice President:

- a) To assist the President in relating to and attending meetings with government bodies as well as other communities and organizations
- b) To research and implement external and international affairs with an aim to support the democracy process in Vietnam;
- c) To be a spokesman for the Community in external and international affairs.
- d) To assume the duties of the President during the absence of the President and the Internal Affairs Vice President.

IV. Vice President For Planning:

- a) To assist the President in planning activities and developments of the Community.
- b) To research and design plans for preserving and developing Vietnamese culture in activities of the Vietnamese Ethnic School and other traditional festivals such as Vietnamese New Year, Full Moon Festival and the Festival of the Hung Kings;
- c) To organize, together with the Internal Affairs Vice President, major events of the Community.
- d) To manage activities of the Community in case of the absence of the President, the Internal Affairs Vice President and the External Affairs Vice President.

V. General Secretary:

- a) To manage all documents relating to activities of the MC and the VCA/WA
- b) Together with members of the MC to draft all documents relating to the VCA/WA before it is to be approved by the MC.
- c) To keep minutes of all the regular and general meetings. To manage daily activities of the MC. Together with the President and the Treasurer to work with the Supervising Board, if needed.
- d) To organize and arrange general meetings and workshops at State and Federal levels;
- e) To be the person entrusted to access the Seal.

VI. Treasurer:

- a) The Treasurer shall be responsible for managing all properties of the Community, including cash and cheque accounts.
- b) The Treasurer shall be entitled to keep five hundred dollars (500) in cash at the most; the remaining amount must be deposited into a bank's account of the Community.
- c) To pay all expenses which have been approved upon by the MC.
- d) To compile budget and to keep details of financial dealings monthly and yearly in order to have them presented to the MC and at the Annual General Meeting.
- e) To co-sign with President on all financial reports.
- f) At the end of financial year, Treasurer shall have a duty to submit all financial details to an independent accountant for audit before they could be presented at the Annual General Meeting.
- g) Under no circumstances are bank cheques of the Community to be signed in advance (that is no blank cheque is allowed to be signed)
- h) It is a duty of the Treasurer to keep a book and files recording all activities regarding finance and other properties of the Community.

- i) Documents of all bank accounts of the Community must be kept by the MC in order of time and in a period defined by law.
- j) Treasurer is entitled to have an assistant to help him/her in everyday book keeping.

Chapter 6: Supervising Board

Article 12: The Supervising Board

- I. The Supervising Board (SB) is a body nominated by the Electoral Committee (EC) and each nominated member must gain an approval of 3/4 of all voting members present on the General Meeting for Election. The Electoral Committee is responsible for checking the approval ballots;
- II. The SB is independent to the MC

Article 13: Component

- I. Members of the SB consist of representatives from organizations among the Community, former Presidents, seniors and notable and distinguished persons in the Vietnamese Community or even honorary members.
- II. The total members of Supervising Board shall be at least three (3) persons and at most seven (7) persons. The Board is coordinated by a Chief, a Chief Assistant and a Secretary. Positions of the Board shall be decided by members of the Board itself.
- III. The main duty of the Chief is to manage the SB, to communicate with the MC, organizations and associations when needed.
- IV. The main duty of the Secretary is to communicate with organizations, associations by correspondence and to draft minutes of meetings.
- V. The main duty of the Chief Assistant is to assist or to assume the duties of the Chief where needed.
- VI. Members of the SB must be official members of the VCA/WA. Members of the SB must be Vietnamese with a strong national view-point, a high moral standard and over 21 years of age;
- VII. Members of the SB shall not be limited by their knowledge, gender, age, occupation and religion.

Article 14: Election procedure

- I. The Supervising Board shall be elected by a referendum held on the General Meeting for Election.
- II. Each nominated member must gain an approval of 3/4 of all voting members present on the General Meeting for Election.
- III. The Electoral Committee is responsible for checking the approval ballots;
- IV. The Electoral Committee is responsible for announcing the components of the SB after the election.

Article 15: Roles of the SB

- I. To supervise the MC in its implementation of the Constitution;
- II. In order to fulfill this task, the SB is entitled to discuss with the MC, and to examine documents relating to the running of the Community.

Article 16: Duties of the SB

- I. The SB is responsible to the Vietnamese community. In case the SB shall not fulfill its duty, voters shall be able to vote a non-confidence against the SB in an Extraordinary General Meeting. If the non-confidence votes reach 3/4 of the number of members present, the Management Committee must dissolve the whole Supervising Board and nominate a replacement list within two weeks.

Article 17: Term of the SB

- I. The Term of the SB shall be the same as the MC's

Chapter 7: Positions of the Committee Becoming Vacant

Article 18: Positions of the Committee becoming vacant

- I. After consultation with the Supervising Board, it shall be responsibility of the MC to announce any position of the Committee vacant in case a member who holds that position passing away, becoming incapable, resigning in writing, being absent from the MC's meetings 3 consecutive times with no reason, or having behaviours which were detrimental to the MC in specific or to Community in general, or being sentenced on a criminal offence as forbidden in sections of the Association Act 1987, Western Australia.
- II. For the MC's decision relating to the member shortcoming becoming effective it shall require the approval of at least 2/3 of the MC members. For the position of president it shall require the approval of at least 3/4 of the MC members.

Article 19: Announcement of the vacancy

- I. After consultation with the Supervising Board on the person who is to fill in the vacancy, the MC shall have power to appoint the person into the vacant position, except the position of president. The appointment of this person must be carried out in three (3) months since the day of announcement.

Article 20: Procedure to fill in the vacancy

- I. In case the position of the President becoming vacant, the Internal Affairs Vice President shall be acting the President until a new President officially elected.
- II. In case the position of the Internal Affairs Vice President also becoming vacant, the MC shall nominate another Vice President or the Secretary to act as President.
- III. The Secretary to temporarily act as President. The nomination must be carried out in one (1) month.

Article 21: Procedure to fill in the vacancy of the President position

- I. It shall be responsibility of the Internal Affairs Vice President to call for a Special Meeting within three (3) months since the day the position became vacant in order to nominate a new president. The new president shall be elected if the relative majority of votes were achieved during the Meeting.
- II. If the position of President becoming vacant during the last six (6) months of the Term, the Internal Affairs Vice President shall be holding presidentship until the election date for a new MC

Chapter 8: Annual General Meeting

Article 22: Time to organize

- I. The Annual General Meeting shall be summoned by the Vietnamese Community in Australia/WA Chapter once a year in October or earlier, but it must be held within four (4) months after the financial year ended.
- II. Details of the meeting shall be announced on public media at least two weeks before the Annual General Meeting.

Article 23: Responsibility

- I. The MC in power is responsible for organizing the Annual General Meeting.

Article 24: Duty

- I. The objectives of the Annual General Meeting (AGM) consists of tasks as following:

- a) To consider and to approve of the annual report (including financial report) of the MC in power;
- b) To consider if a suggestion of amending the Constitution is raised.

Article 25: Voting approval

- I. AGM shall vote approval in the principle of majority towards any regular activities of the Community.

Article 26:

- I. For a suggestion of amendment of the Constitution to be approved it shall require the approval of at least 3/4 of members present in the AGM.

Article 27:

- I. All decisions made in the AGM shall be recorded in the minutes and to be signed by the chief of the Supervising Board, President and Secretary of the MC.

Chapter 9: Extraordinary Meeting

Article 28:

- I. Where a special or urgent case arises, the Chief of SB, the President of the VCA/WA or two third of the number of the MC's members or SB's members could request an Extraordinary Meeting to deal with urgent matters;
- II. The reasons given for calling an Extraordinary Meeting must be the ones affecting directly to the survival and the reputation of the Community; for example the existing MC does not fulfill its tasks as defined in the Constitution, or the Community office was left unattended. Other reasons could be the ones relating to politics and relation between the Management Committee and the Vietnamese Communist government.
- III. Date, time, place and reason for holding the meeting must be widely published on public media at least two (2) weeks before the meeting.
- IV. All decisions made in the Extraordinary meeting must be recorded in a minutes of the Meeting and must be signed by the Chief of the SB, the President and the Secretary of the VCA/WA.
- V. The vote for dissolving the VCA/WA made by bodies is defined in Article 50(I) of the Constitution;
- VI. As to the decision to dissolve the VCA/WA, the majority required must be three fourth of the number of the members present.

Article 29:

- I. The decision to dissolve the VCA/WA must be co-approved by the President of the VCA/WA, the Chief of the SB and the Secretary of the Management Committee.

Chapter 10: Voting and Standing For Election

Article 30: Standing For Election

All official members who are 18 years of age or over who has been living in Western Australia for at least 2 years are entitled to stand for election in a MC election, except persons who have been sentenced on a criminal offence as forbidden in sections of the Association Act 1987, Western Australia

Article 31: Election Date

- I. The Election Day of the Management Committee shall be held during the General Meeting for Election, which shall be held no later than the First Sunday of October of the ending year of the Term

Article 32: Term

- I. The Term of the Management Committee shall be two (2) years, with the maximum being from the time elected until the next Election Day as defined in Article 31

Article 33: Transferring procedure

- I. The transferring procedure between the existing Committee and a newly elected One shall be carried out as following:
 - a) The transferring of power must be carried out immediately when the new MC is announced elected by the Electoral Commission
 - b) The transferring of monies, accounts, assets, and Community's bank accounts must be carried out within two (2) weeks after the Election Day.
 - c) The transferring of other administrative works must be carried out within one (1) week after the Election Day.

Article 34: the Electoral Commission and Announcement Process

- I. The Election of Management Committee shall be organised by the Electoral Commission, which is formed in an open meeting of the Community (the meeting is to be held no later than the first Sunday of August on the final year of the Term of the existing Management Committee). Members of the Electoral Commission shall not be allowed to stand for any positions of the Management Committee candidates.
- II. The Commission shall consist of one Chief, one Chief Assistant, one Secretary and other officials. The procedure for voting and running for election shall be announced widely by the Commission on public media at least six (6) weeks before the election day
- III. The list of candidates shall be noticed by the Commission on public media at least two (2) weeks before the Election Day.

Article 35: Procedure for Standing for Election

- I. The standing for election into the Management Committee is defined as following:
 - a) Any official member of the Vietnamese Community who is 18 years old or above and has been living in Western Australia for two years or over and keep a regular contact with the Community shall be entitled to run as a candidate for the Management Committee position, except where the person is involved in a criminal offence as defined in the Association's Law 1987, Western Australia (Associations Incorporation Act 1987).
 - b) Applications for election of the Management Committee shall be done in the form of a team.
 - c) A team should have at least six members with positions such as: President, Internal Affairs Vice President, External Affairs Vice President, Vice President for Planning, General Secretary and Treasurer
 - d) The application form of the team must include name, age, address, and intended position of all candidates. Also a background of achievement of each candidate and plans to be carried out after the election must be advised of.
 - e) The application form must be forwarded to the Electoral Commission four (4) weeks before the Election Day at the latest
 - f) In case there shall be no application form received before the defined date as in Article 35(I)(e), the General Meeting for Election shall be extended for at most one (1) month to call for candidates to register for Election, and the existing Management Committee shall continue its power during this time.
 - g) In case no application is received during the second General Meeting for Election it's a responsibility of the existing Management Committee to call for an Extraordinary Meeting to form a Management Committee.
 - h) During the Extraordinary General Meeting, Organizations and Associations, the notables and personalities and official members who keep a regular connection with the Community shall nominate at least one member from each Organization and Association or notables and personalities to form a Management Committee.

- i) During the Extraordinary General Meeting, each nominated member shall be voted in the form of a direct vote by a ballot of confidence. Six (6) members who achieve the most ballots shall form a new Management Committee.

Article 36: Voting Right & Procedure

- I. All official members who are 18 years old or over have the right to vote in the General Meeting for Election day.
- II. The election of the MC shall be done in the form of joint list, direct and by secret ballot.

Article 37: Where there shall be 3 or more applications

- I. The team, which achieved more than 50% of the votes, shall be pronounced elected.
- II. In case no team achieving more than 50% of the votes, the two (2) teams with the most votes shall proceed in a second round of voting , within one month.
- III. In a second round of voting, the team which achieves the relative majority of the regular votes cast shall be elected.

Article 38: Where there shall be 2 applications

- I. The team, which achieved the relative majority of the regular votes, shall be pronounced elected

Article 39: Where There Shall Be Only 1 Application

- I. The voting ballot shall become a vote of confidence
- II. In case the number of votes of confidence is less than the number of votes of no confidence, the General Meeting for Election shall be extended to a maximum of one (1) month, and the existing MC shall automatically continue its power during this time.
- III. In case no application is received during the second General Meeting for Election it's a responsibility of the existing MC to summon an Extraordinary General Meeting to form a Management Committee.
- IV. During the Extraordinary General Meeting, Organizations and Associations, the notables and personalities and official members who keep a regular connection with the Community shall nominate at least one member from each Organization and Association or notables and personalities to form a Management Committee. There is no limit to the number of members being nominated
- V. During the Extraordinary General Meeting, each nominated member shall be voted in the form of a direct vote by a ballot of confidence. Six (6) members who achieve the most ballots shall form a new Management Committee. The new MC shall have power for the arrangement of staff.

Chapter 11: Joining and Membership Fee

Article 40: Joining

- I. All Vietnamese Australians and permanent resident Vietnamese who are permanently living in Western Australia, without committing any criminal offence pending trial at the time of application, and are willing to pay membership fee shall be able to apply for a membership of the VCA/WA.
- II. The official member shall be able to cancel his/her membership after notifying the VCA/WA by filling a form called "Canceling Membership Form" with signatures of the person concerned and a witness. The cancellation date shall be notified by the MC after the form was considered.

Article 41: Membership fee

- I. Membership fee is AUD \$5. The fee must be paid to the Treasurer. A receipt shall be issued for the person to proceed with the application process.

Article 42:

- I. It shall be responsibility of the General Secretary of the VCA/WA to maintain application process for joining the VCA/WA and to issue a membership card to persons who have been approved by the MC.

Article 43:

- I. The time it takes for considering and approving of the application since the date it was received is two weeks

Chapter 12: Finance and Properties of the Community

Article 44: Community's Assets

- I. Assets of the VCA/WA consist of:
 - a) Cash bank accounts or bank cheques;
 - b) Real estates purchased by the budget of the Community, by government grants or by other Australian bodies' grants.
 - c) Gifts in the form of cash or things which were donated by people with a good heart or by members of the Community.
 - d) Other assets such as vehicles, equipment and machinery.

Article 45 : Rights to Use Assets of the Community

- I. The usage of the Community's assets is for the purpose of achieving goals designed in the Constitution.
- II. All assets of the Community must be used for the purposes outlined in Chapter 2 and would absolutely not be distributed to members of the VCA/WA, except for expenses of activities of the Community.
- III. To sign cheques payable for Community-related expenses. However, only the President and the Treasurer are qualified to co-sign those cheques. In case of the absence of the President or the Treasurer due to their ill health or any other appropriate reasons which result in them unable to sign the cheques, the Internal Affairs Vice President or the External Affairs Vice President shall assume power to sign those cheques. In case of the absence of the President and the Treasurer, the Internal Affairs Vice President and the External Affairs Vice President shall assume power to deal with reasonably urgent matters.
- IV. To organize fund-raising for the purpose of public benefits in order to achieve goals outlined by the Community.

Article 46: The Preserve of the Community's Assets

- I. In order to preserve the assets of the Community
 - a) The budget of the Community must be deposited into a bank account owned by the Community.
 - b) The Management Committee shall not be allowed to put up any existing property for sale, in pledge or for mortgage. In rare and urgent case where the Management Committee shall have to sell any property of the Community in order to purchase a bigger property due to the growing of the Community, the decision to perform such action must be passed in a Special General Meeting where a referendum shall be done (a Referendum General Meeting)
 - c) Any decision made by the Management Committee relating to selling, mortgaging or pledging any community's property must be approved by at least 2/3 of the Management Committee members before it shall be put out in a referendum.

Article 47: procedure for preserving assets of the Community

- I. The Management Committee must comply to the financial activities as defined by the Association Incorporation Act 1987, Western Australia.
- II. A financial report must be done by the Management Committee in the Annual General Meeting as defined in Article V(26) of the Association Incorporation Act;
- III. A financial year of the Community shall start from 1 July and end on 30 June of the following year.
- IV. All financial documents must be kept, as defined in Article V925) of the Association Incorporate Act, in the Community's financial files for noting and explanation of all expenses.

Chapter 13: Amendment of Constitution

Article 48: Procedure for Suggesting an Amendment

- I. Any article in this Constitution could be suggested for amendment by the MC(with an approval of 2/3 of its members) where a need for amendment is raised
- II. Any article in this Constitution could be suggested for amendment by the official members by means of the Supervising Board. In this case, the Supervising Board (with an approval of 2/3 of its members) after considering the need for amendment, must forward to the MC in writing specifying the Articles to be amended with a full explanation of reasons and contents to be amended
 - a) The suggestion of an amendment must be considered and passed by the MC with an approval of half of its members (1/2).
 - b) When the suggested amendments were accepted, the MC shall publish widely Articles, reasons and contents suggested for amendment on public media within three (3) months since the date of receiving the amendment suggestion

Article 49: Amending Procedure

- I. Having approved by the MC, the suggested amendments have to be presented at the General Meeting of the Community and shall be approved for application with an approval of 3/4 of members present in the General Meeting.
 - a) The MC shall present the amendment draft to the General Meeting of the Community and it shall be voted for application with an approval of 3/4 of members present in the General Meeting.
 - b) Any suggested amendment which is not approved shall be corrected or cancelled upon the decision made by 3/4 of members present in the General Meeting.
 - c) Draft with amended Sections which were approved shall replace or compliment sections in the existing Constitution.
 - d) The MC shall publish the result of the amendment process and make an update to the Constitution of the Community

Chapter 14: Discontinuation of Operation and Liquidation

Article 50: Discontinuing of Operation

- I. The Management Committee of the VCA/WA shall be dissolved when a 4/5 of the number of members vote for a non-confidence against it in the Extraordinary General Meeting.

Article 51: Liquidation

- I. The Management Committee must be clear about the assets of the VCA/WA in the Extraordinary General Meeting.

- II. The Management Committee shall form a Liquidation Team. In case a Liquidation Team could not be formed, the Management Committee and the Supervising Board shall assume the role of the Liquidation Team.
- III. The duty of the Liquidation Team shall be to deal with the assets of the VCA/WA and to announce a discontinued operation of the VCA/WA as defined by law.
- IV. If upon the winding up of the association, there remains after satisfaction of all its debts and liabilities any property whatsoever, the same shall not be paid or distributed amongst the members or former members, but shall be given or transferred to another association incorporated under the Act which has similar objects and which is approved by the Commissioner of Taxation as a public benevolent institution to which income tax deductible gifts can be made and which association shall be determined by resolution of the members.

Chapter 15: Seal of the Vietnamese Community in Western Australia

Article 52:

- I. The Seal of the VCA/WA shall be kept by the President or the General Secretary, upon the decision made by the Management Committee of the VCA/WA for each specific period, and this decision shall be printed on all legal documents.
- II. In case of the absence of the President, another member of the Management Committee shall be entrusted to sign documents.

Chapter 16: Disciplinary Actions

Article 53:

- I. Members of the Community who have had behaviours which were detrimental to the reputation of the VCA/WA, shall receive one of the disciplinary actions, depending on its seriousness, as following:
 - a) Warning
 - b) Temporarily expelled
 - c) Expelled for good
- II. The temporarily expelled and expelled for good actions must be decided upon by 2/3 of the number of the members present at the Annual General Meeting, in accordance with Article 15, regarding the Annual General Meeting procedure.
- III. The member who is to receive the disciplinary action must be invited to this meeting and is entitled to defence himself/herself.
- IV. In case the disciplined member fails to come to the meeting, the Management Committee must prove that an invitation letter has been sent to the person concerned and a disciplinary action shall proceed.

Chapter 17: Specialised Fields

Article 54: The Community Centre (including library)

- I. The Internal Affairs Vice President shall assume the position of Director of the Centre.
- II. It shall be responsibility of the Director to manage the operation of the Centre in accordance to the Centre's Regulations
- III. It shall be responsibility of the Director to keep the key of the Centre. Anyone who wants to use the Centre, out of working hours, for any reason, must contact the Director first for arrangement before using it.

Article 55: The Community Vietnamese School (CVS)

- I. The Community Vietnamese School which is named as the Hung Vuong Vietnamese Ethnic School (known as Vietnamese Ethnic School in Western Australia), is an education body of the VCA/WA and run by a School Managing Board which is nominated or approved by the Management Committee
 - a) The Principal of the Hung Vuong Vietnamese Ethnic School must be a member of the Management Committee, specializing in education.
 - b) The School Managing Board must include a Principal, a Deputy-Principal and a Treasurer. Under no circumstances, should the Management Committee accept a School Managing Board with one of its positions left vacant.
- II. Three main responsibilities of the School Managing Board:
 - a) To implement the Regulations of the Vietnamese Ethnic School which was designed by the Management Committee (which is attached hereto as Annex I);
 - b) To manage the lease of the facility and to manage the teaching facilities for the School.
 - c) The School Managing Board is entitled to manage its finance and is responsible for a yearly financial reporting to the Management Committee in writing, with signatures of all members of the School Managing Board. This report must be done before the end of Financial Year.
- III. Two main responsibilities of the Principal and the Deputy Principal::
 - a) To represent the Management Committee and the School Managing Board to directly run the teaching program, including teachers and teaching facilities.
 - b) To be responsible for organizing cultural activities of the Vietnamese Ethnic School.
- IV. Two main responsibilities of the Management Committee:
 - a) It shall be responsibility of the Management Committee to nominate or approve a School Managing Board;
 - b) The Management Committee and the School Managing Board are together responsible for seeking state and federal government grants, based on yearly reports of the Vietnamese Ethnic School. All grants received shall be used for yearly expenses of the Hung Vuong Vietnamese Ethnic School. The Principal of the Vietnamese Ethnic School, the President and the Treasurer of the Community shall be the ones to co-sign the applications for state and federal government grants.

Article 56: Radio Station of the Community

- I. The Radio Station of the Community (RSC) is a communication body of the Vietnamese community who love Freedom and Democracy. The Radio is set up by the Community and is operated for the Community. Therefore, the Radio Station must bear responsibility to the Community and not to be controlled by any individual or organization.
- II. Director of the Radio Station:
 - a) The position to be held by the Internal Affairs Vice President
 - b) Is responsible for its operation and implementation of regulations designed by the MC(the Regulations attached hereto as Annex II)
 - c) Is authorised in fund-raising functions for the Radio Station. The fund raised must be officially announced on public media.
- III. The Chief of the Radio Station:
 - a) The position of the Chief is to be invited by the Director of the Radio Station
 - b) Is responsible to the Director and carrying out the regulations designed by the MC (more details on Annex II)

- c) Not allowed to organise fund-raising functions and holds no responsibility for any of these functions.
- d) Can invite assistants for operating the Station.
- e) Can design daily programs
- f) With regard to the interviews relating to politics (domestic and overseas), and foreign matters with Australian government (State or Federal level), the Chief of the Station should discuss the matter with the Director and seek his approval first.
- g) In case of resignation, the Chief of the Station should notify the Director four weeks in advance. In case of urgency the time of notice may be reduced to one week.