

RULES (Constitution)
OF
THE MULTICULTURAL DISABILITY ADVOCACY
ASSOCIATION OF NEW SOUTH WALES
INCORPORATED

(ABN 60 737 946 674)



NOVEMBER 2006



WHAT IS IN HERE

1. The Association (MDAA)	3
2. What MDAA wants - MDAA's objects	5
3. MDAA's money	7
4. Members	9
5. Meetings	15
6. The Committee	20
7. What the Committee can do	22
8. How a person gets on the Committee	23
9. At the Committee Meeting	25
10. Being a Committee Member	26
11. Accounts	28
12. Other things	29
13. Meaning of some words	31
14. Membership application form	34
15. Form for someone to vote on your behalf (proxy)	36

1. The Association (MDAA)

The Multicultural Disability Advocacy Association of NSW Incorporated is called MDAA. MDAA was set up for people who live in NSW whose first language is not English and who have a disability and their families. MDAA makes sure they get their rights.

People whose first language is not English are also called 'people from a non-English speaking background' or 'people from a NESB'. 'People from a NESB' includes people whose parents' first language wasn't English.

MDAA is an 'incorporated association'. This means if MDAA shuts down and it owes people money, the Members of MDAA who are up to date with their membership fees do not have to pay anything.

There are laws that say what an incorporated association can do. The main law is called the Associations Incorporation Act 1984.

The law says what has to happen to run MDAA. It says how MDAA has to work and what will happen if MDAA doesn't do it.

The law also says what are the responsibilities and rights of MDAA's Committee members.

These Rules say what MDAA believes in. The rules MDAA has to follow so it works properly are written down here. These Rules are called the Constitution.

MDAA believes people from a NESB with disability have the right:

- To respect
- To live in the community
- To be an individual
- To services and support
- To information
- To choose
- To make decisions
- To be safe
- To make complaints
- To advocacy
- To be independent
- To be treated the same as other people

2. What MDAA wants to do for people from a NESB with disability and their families/ carers

The things MDAA wants to do are called MDAA's **objects**.

MDAA wants:

- To give information to people from a NESB about the rights and needs of people with disability.
- To get better services and support for people from a NESB with disability and their families.
- To make life better for people from a NESB with disability and their families.
- To support people from a NESB with disability to make their own decisions (this means MDAA advocates for people).
- To support people from a NESB with disability to have their voice heard.
- To support people from a NESB with disability and their families to be part of MDAA.

- To support people from a NESB with disability to plan what services they need.
- To speak up when people from a NESB with disability are not treated fairly.
- To support other services to work better for people from a NESB with disability.
- To support the community to understand people from a NESB with disability better.
- To support governments to do a better job for people from a NESB with disability.

3. MDAA's Money



MDAA gets money from membership fees and donations. MDAA also gets money from governments (this is called a grant) and other organisations.

When MDAA gets money it has to go into MDAA's bank account.

MDAA has to give a receipt as soon as it can after getting any money.

MDAA must be responsible with the money and use it for the reasons MDAA was started or for the reason MDAA got the money.

The money can only be used to pay for things MDAA does for people from a NESB with disability.

MDAA must spend the money the way the law says and not in the wrong way.

MDAA cannot give the money to any other organisations or to the Members of MDAA.

MDAA can work to get more money. When it does this, it must always use the money to do the best for people from a NESB with disability.

MDAA cannot give Committee members money to be on the Committee.

Committee members who spend their own money doing MDAA work can get it back from MDAA.

People who work at MDAA must be paid the right money.

MDAA cheques have to be signed by 2 people who are allowed to sign the cheques. Two Committee members or 1 Committee member and 1 staff member who are allowed can sign the cheques.

4. Members

MDAA has 2 kinds of Members.

1. Voting Members

Voting Members are people who can vote and be on the Committee.

There are 3 kinds of Voting Members. They are called Ordinary Members, Family or Carer Members, and Life Members.

Any person from a NESB with disability, an advocate, a person with skills and experience in disability or in ethnic communities can be an **Ordinary Member**.

Any person who is in the family of a person from a NESB with disability and who provides support for that person can become a **Family/ Carer member**.

A person who has been a Voting Member of MDAA and has done a lot for MDAA for a long time can become a **Life Member**. The Committee asks Voting Members at the Annual General

Meeting to decide if a person can become a Life Member.

2. Non-voting Members (cannot vote)

Non-voting Members can come to general meetings but cannot vote or be on the Committee. They are called Associate Members.

They can be any person or group of people who support MDAA's objects and beliefs. They can be an informal group or a group which is a more formal organisation.

How to become a Member of MDAA

If a person or a group wants to become a Member, they need to fill out a membership form and send it to the Committee.

A person or group has to pay some money if they want to be a Member. Voting Members only have to pay once. Non-voting Members have to pay once a year to stay Members.

The Committee can say 'no' to a person or group becoming a Member. If they say 'no' they need to tell the person or group and give their money back.

Each Ordinary Member has one vote on every question that has to be decided at a General Meeting.

Each Family/ Carer members gets one vote.

Non-voting Members have to pay their money on 1 July each year.

The Committee can decide how much money Members pay, how they pay it and when they pay it.

If a Member does not pay in time, the Committee writes them a letter. They do not have the rights of a Member until they pay.

MDAA keeps a list called a **Register of Members**. This has the Member's name, address and information about their membership written down.

When do you stop being a member?

A Member can write a letter and say they do not want to be a Member any more. This means they resign. They have to pay any money they owe to MDAA.

A person stops being a Member if they die, or resign, or if the Committee stops the person being a Member.

Sorting out Disagreements

If MDAA Members disagree about something there are rules for sorting it out. If Step 1 doesn't sort it out, the

Members can use Step 2. If that doesn't sort it out, they can use Step 3.

Step 1 is to use MDAA's Complaints Policy. (A person can get this policy from MDAA at any time)

Step 2 is to ask someone else to help sort it out. The Members who disagree have to choose someone to help.

Step 3 is for the Members who disagree to go to a community justice centre.

Disciplining Members

If a Member doesn't follow the rules (this **Constitution**), the Committee can stop them being a Member of MDAA. Or the Committee can stop them for a short time (this is called **suspending** the Member).

They must do this at a Committee meeting and then let the person know what their decision is.

They must write the person a letter straight after the meeting, saying they will have another meeting in 14 to 28 days after the first meeting. The person can come to the second meeting and talk to the Committee or write to the Committee about it. The person can have an advocate.

At the second meeting the Committee can change its mind after hearing what the person has to say. Or the Committee can make the same decision as before and stop or suspend the person from being a Member of MDAA.

The Committee must write a letter to the person to let them know the decision. The letter must say what the person can do if they don't like the decision (this is called an **appeal**).

Member can Appeal (disagree with the decision)

The person or their advocate can write to the Committee to appeal against the decision. The person has up to 7 days to do this after getting the Committee's letter.

The Secretary has to write to all MDAA Members inviting them to a general meeting about the person's appeal.

The meeting has to be within 21 days of MDAA getting the person's appeal. The appeal is the only thing that can be discussed at the meeting.

The person and the Committee can tell their side of the story at the meeting. The person can have an advocate.

The Members at the meeting make a decision about the appeal. They can agree with the Committee and stop the person from being a Member or they can decide that the person should stay a Member. They make this decision by voting. This is called passing a **special resolution**.

5. Meetings

Annual General Meeting

This is a General Meeting that happens once a year.

At this meeting Voting Members have a say (vote) about who will be on the Committee.

Before the Annual General Meeting, MDAA must:

- 1) tell Members 14 days before the meeting that it is on
- 2) say where the meeting will be
- 3) say what day the meeting is on
- 4) say what time the meeting is on
- 5) say what the meeting is about (this is called 'the **agenda**' or 'the **business**' of the meeting)

What happens at an Annual General Meeting?

Decisions can be made at the meeting only if enough Voting Members are there.

There must be 5 or more Voting Members at the meeting. This is called a **quorum**.

If there are not enough Voting Members at the meeting it will have to be held on another day. The Chairperson and Voting Members at the meeting have to make a new date and time.

If there are still not enough Voting Members at the next meeting, those who are there can make the decision.

The **Chairperson** runs the meeting.

If the Chairperson is not at the meeting, the **Vice Chairperson** will do the job.

If the Vice Chairperson is not at the meeting, the Voting Members can choose one Voting Member who is a person from a NESB with disability to do the job.

Making Decisions

Voting Members vote 'yes' or 'no' by putting up their hands at the meeting.

The Chairperson counts the votes.

If more than half the Voting Members say 'yes', then 'yes' wins.

If half the Voting Members say 'yes' and half say 'no' then 'no' wins.

A Voting Member can only vote at a meeting if they have paid the membership money to MDAA.

The Voting Members can decide to put the meeting off until another day to decide on any business they did not finish.

Proxy – a person who can vote on your behalf

When a Voting Member cannot be there to vote at a meeting, another Voting Member can do it for them. This person is called a **proxy**.

The person who can't be at the meeting has to send a special form to MDAA to say they want the other person to be their proxy, to vote on their behalf.

The special form has to get to MDAA at least 24 hours before the meeting starts.

The special form is at the back of these rules (this **Constitution**). The person can get a copy from MDAA.

Special Resolutions

Special Resolutions are decisions which have special rules. They can only be made at a general meeting.

A Special Resolution is needed

- to change MDAA's name
- to change MDAA's rules (this **Constitution**)
- to change MDAA's objects
- to shut MDAA down
- for MDAA to join together with another organisation

A special resolution needs two thirds (2 out of 3) of the Voting Members at the meeting to vote 'yes'.

If there is going to be a meeting to decide a special resolution MDAA must:

1. write to Members 21 days before the meeting
2. say what the special resolution is about

Special General Meeting

The Committee can call a special general meeting of MDAA Members.

If 5 Voting Members write a letter asking the Committee to call a special general meeting the Committee must do it.

The letter has to say why the Members want a special general meeting and the Members must sign it.

The Committee must follow the same 5 steps for having an Annual General Meeting (on page 15).

If the Committee does not arrange the meeting within 1 month of getting the letter, the 5 Members who asked for the meeting can organise it themselves.

What happens at a Special General Meeting?

At a Special General Meeting the Members talk about the issue that is the reason for having the meeting. The Voting Members can have a say and make a decision about the issue (vote).

A Special General Meeting is run in the same way as an Annual General Meeting.

6. The Committee



A Committee is responsible for MDAA.

The Committee is chosen from Voting Members of MDAA.

There must be 6 or more Committee members.

There can be no more than 13 Committee members.

Half the Committee members must be people from a NESB with disability.

One quarter (1 out of 4) of the Committee members should be family/ carers.

The Committee should have men and women from different cultural backgrounds, including people with disability.

People are on the Committee for 2 years. Then they might be voted for again.

The Committee has a Chairperson (who must be a person from a NESB with disability; a Vice Chairperson (who must be a person from a NESB with disability or a Family/ Carer member; a

Treasurer; and a Secretary. These 4 Committee members are called **Office bearers**.

The Office bearers can only be in the same position for 4 years in a row. If they wait for another 2 years the Voting Members can vote for them to be in that same position for 2 more years.

The other Committee members are not office bearers. They are called ordinary Committee members.

If a Committee member needs some support to do their Committee work, the Committee has to make sure they get it.

7. What the Committee can do

Decide who is responsible for paying the bills

Make decisions that follow these rules (the **Constitution**)

Decide who can speak for MDAA

Make sure MDAA is sticking to the law

Look after MDAA's money

Look after the things (property) MDAA owns

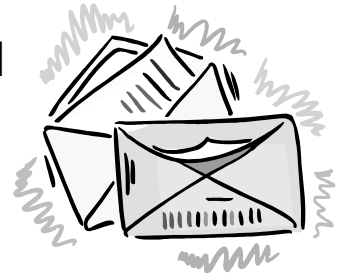
Take good care of the business of MDAA

Set up sub-committees to do some of the work

Get reports from the sub-committees about their work

8. How a person gets on the Committee

1. The person must be a Voting Member of MDAA.
2. Two other Members of MDAA must fill out a form to say the person would make a good Committee member.
3. The Members should say on the form if the person wants to be an Office bearer or an ordinary Committee member.
4. The person must also sign the form to say they are happy to be an Office bearer or an ordinary Committee member.
5. The form must be sent to the Secretary so it arrives 7 days before the Annual General Meeting.
6. If only 13 people apply for the Committee they all become Committee members.
7. If more than 13 people apply, the Voting Members at the Annual General Meeting vote to decide who gets on the Committee.



8. All the votes are added up and the people with the most votes get to be a Committee member.
9. If less than 13 people apply for the Committee they all become Committee members. The Chairperson then asks at the Annual General Meeting if any other Voting Member wants to apply.
10. If there are still positions on the Committee that are not filled they are called **casual vacancies**.
11. The Committee can ask any Voting Member to be on the Committee to fill a casual vacancy until the next Annual General Meeting.
12. A casual vacancy also happens if a Committee member dies, or stops being a Member of MDAA, or resigns from MDAA, or is removed from the Committee, or owes too much money.

9. At the Committee Meeting

1. At the Committee meeting the **Chairperson** runs the meeting.
2. The **Vice Chairperson** runs the meeting if the Chairperson is away.
3. The **Treasurer** takes care of the money.
4. The **Secretary** writes down all the things that happen at a meeting. This is called writing the **minutes**.
5. To make decisions there must be 4 Committee members at the meeting. This is the **quorum**.



10. Being a Committee member

The things a Committee member does for MDAA should help people from a NESB with disability.

When Committee members make a decision it should be to help MDAA, not just to help themselves. MDAA represents all people from a NESB with disability. A Committee member must remember this when making decisions for MDAA.

If MDAA can't pay the bills, Committee members may have to stop MDAA working.

A Committee member does the job for 2 years.

If you don't want to be a Committee member any more you can write a letter to MDAA and tell them.

If you can't go to a meeting you need to tell the Committee. If you don't tell them you can't come, and you miss 3 meetings in a row, the Committee can ask you to stop being a Committee member.

You have to stop being a Committee member:

- if you stop being a Member of MDAA
- if you don't understand what you are doing

- if you want to do work for MDAA that you get money for

If a Committee member doesn't do the right thing:

1. They might have to pay MDAA some money
2. They might get into trouble with the law



11. Accounts

The Committee is responsible for making sure the information about the money is written down properly.

This information is called the **accounts**.

The Committee needs to give this information to the Members.

Someone has to check the every year. This person is called **Auditor**. An auditor is a professional person who is independent from MDAA.



The information from the auditor goes to the Members.

All the accounts information has to go to the Members 7 days before the Annual General Meeting.

The Voting Members decide at the Annual General Meeting who will be the auditor for the next year.

13. Other Things

Books and records

The Voting Members decide at the Annual General Meeting who will be MDAA's **Public Officer** for the year.

The Law says MDAA's public officer has to keep all records, books and papers about MDAA.

Members can look at the records, books and papers any time MDAA's office is open. They can do this for free.

Common seal

MDAA has a stamp for putting on important papers. The stamp is called the **common seal**.

The public officer keeps MDAA's common seal safe.

The common seal can only be stamped on a paper if the Committee agrees. The paper has to be signed by 2 Committee members or by 1 Committee member and the public officer.

Charitable Fundraising Act 1991

MDAA has to do what the law says when MDAA is raising funds. This law is called the Charitable Fundraising Act 1991. There are also regulations made under this law. MDAA has to stick to what this law and the regulations allow.

Gift Fund

MDAA has a Gift Fund so people can give money to MDAA.

If MDAA shuts down the Gift Fund, or if MDAA stops being a **deductible gift recipient**, MDAA has to give any money left in the Gift Fund to a **public benevolent institution**, which has the same kind of objects as MDAA.

14. Meaning of some words

Association

MDAA is called an 'Incorporated Association'. If the Association closes down and owes money to people, then any Members who haven't paid their membership fees have to pay up.

Chairperson

This person runs the meetings.

Committee

These people are given the job of being responsible for MDAA by the Members.

Committee Member

This is the name of a person who is on the Committee.

Common seal

This is MDAA's stamp for putting on important papers.

Deductible Gift Recipient

This is about the income tax law. MDAA is called a Deductible Gift Recipient under the income tax law. This means people can give money to MDAA and get it off their taxable income.

Law

There is a law called the Associations Incorporation Act 1984. This law says what MDAA can do and how to do it. The law says what will happen if the Committee doesn't do those things.

Member

These people pay money to belong to MDAA.

Objects

These are the things MDAA wants to do to support people from a NESB with disability and their families.

Public Benevolent Institution

This is about the tax law. MDAA is called a Public Benevolent Institution under the tax law. This means MDAA gets tax benefits.

Public Officer

The person who is chosen by Voting Members at the Annual General Meeting to look after MDAA's books, records and other papers for the year.

Secretary

The person on the Committee who writes about what happened at the meetings and takes care of written business.

Sub-committee

A group of Committee members who work together on tasks the Committee asks them to do.

Treasurer

The person on the Committee who looks after the money.

Vice Chairperson

A person on the Committee who helps the Chairperson do their job.

Application for Membership

(Membership is from 1 July of one year to 30 June the next year)

Multicultural Disability Advocacy Association of NSW, Incorporated

Date: _____

Name: _____

(Person or Organisation)

Contact Person: _____

Address: _____ Postcode: _____

Postal Address: _____ Postcode: _____

Telephone: _____ Fax: _____

I wish to:

- apply for membership renew my membership

Please tick the kind of member you think you should be:

Ordinary Member (any person from a NESB with disability, an advocate, a person with skills and experience in disability or in ethnic communities can be an Ordinary Member).

Ordinary members can vote at the Annual General Meeting

Cost: \$5.50 (includes GST) for new application

- Family / Carer Member** (any person who is in the family of a person from a NESB with disability and who provides support for that person can be a Family/ Carer member).

Family/ carer members can vote at the Annual General Meeting

Cost: \$5.50 (includes GST) for new application

- Associate Member** (any person or organisation who supports MDAA's objects and beliefs)

Associate members cannot vote at the Annual General Meeting


Cost: \$33.00 (includes GST) new application

\$27.50 (includes GST) renewal

Please send this form and a cheque or money order for the fee to

MDAA, PO Box 9381, Harris Park, NSW 2150

If you are a person from non-English speaking background with a disability

or a family member/ carer , please turn over. 

For people from a non-English speaking background with a disability or family members/ carers Only

You can help MDAA by giving us some information. This will help us work out what we can do to make life better for people from a non-English speaking background with a disability. We will not give your information to anyone.

For people with a disability:

Date of Birth: _____

Sex: Male Female

Country of Birth: _____

Language you speak: _____

Disability type: _____

What are your needs/ interests?

For Family/ Carer:

Date of Birth: _____

Sex: Male Female

Country of Birth: _____

Language you speak: _____

Disability type (of the person you care for): _____

What are your needs/ interests?

FORM TO APPOINT A PROXY

I,.....
(full name)

of.....
(address)

am a Voting Member of the Multicultural Disability Advocacy Association of New South Wales Incorporated (MDAA).

I appoint
(full name)

of
(address)

who is a Voting Member of MDAA, as my proxy to vote for me on my behalf at the general meeting of MDAA to be held on
(date)

and at any adjournment of that meeting.

(Please tick your choice below)

- My proxy is authorised to vote as follows:**
- My proxy can vote however they decide to.
- My proxy can vote to elect Committee members.
- My proxy can vote on the proposed motions as follows:**
(If there are further motions an additional sheet will be attached)

Motion 1

(insert details)
 For Against

Motion 2

(insert details)
 For Against

Motion 3

(insert details)
 For Against

Signature of member appointing proxy

Signature of proxy

Date_____

Note: You cannot give a proxy to a person who is not a Voting Member of MDAA