

UTSAV MALAYALEE
SAMAJ - BY LAWS
(MODIFIED: 2015)

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Part 1 – Preliminary

1. Name

The name of the incorporated association is **Utsav Malayalee Samaj Incorporated**

2. Purpose

The purposes of the association are -

- (1) To bring all families of Keralite descent primarily residing in the Western suburbs of Melbourne to a common platform to preserve and promote the rich values and traditions of Kerala
- (2) To plan and organize cultural events and recreational activities aimed at imparting cultural, educational and social values of Kerala among the community
- (3) To provide a platform for the demonstration of cultural and leadership abilities of community members
- (4) To impart the richness of Malayalam language, art forms and social heritage to the Australian born children of Keralite descent.
- (5) To explore areas of cooperation with the wider community to promote multicultural values as well as contribute to the well-being of the broader society
- (6) To represent and further the interests of the community among local councils, governmental as well as non-governmental bodies and other public forums
- (7) To cultivate Australian values of respect for the freedom and dignity of the individual, equality of men and women, freedom of religion, commitment to the rule of law, parliamentary democracy and the spirit of egalitarianism among the community members

3. Financial Year

The financial year of the association is each period of 12 months ending on 30th June.

4. Definitions

In these Rules—

absolute majority, of the Committee, means a majority of the committee members currently holding office and entitled to vote at the time (as distinct from a majority of committee members present at a committee meeting)

associate member means a member referred to in rule 14(1);

President, of a general meeting or committee meeting, means the person ***presiding over*** the meeting as required under rule 46;

Committee means the Committee having management of the business of the Association; ***committee meeting*** means a meeting of the Committee held in accordance with these Rules;

committee member means a member of the Committee elected or appointed under Division 3 of Part 5;

disciplinary appeal meeting means a meeting of the members of the Association convened under rule 23(3); ***disciplinary meeting*** means a meeting of the Committee convened for the purposes of rule 22;

disciplinary subcommittee means the subcommittee appointed under rule 20; ***financial year*** means the 12 month period specified in rule 3; ***general meeting*** means a general meeting of the members of the Association convened in accordance with Part 4 and includes an annual general meeting, a special general meeting and a disciplinary appeal meeting;

member means a member of the Association; **member entitled to vote** means a member who under rule 13(2) is entitled to vote at a general meeting

operational matters means any activities undertaken by the Committee or the General Body of the association

special resolution means a resolution that requires not less than three-quarters of the members voting at a general meeting, whether in person or by proxy, to vote in favour of the resolution;

the Act means the **Associations Incorporation Reform Act 2012** and includes any regulations made under that Act;

the Registrar means the Registrar of Incorporated Associations.

Part 2 – Powers of Association

5. Powers of Association

- (1) Subject to the Act, the Association has power to do all things incidental or conducive to achieve its purposes.
- (2) Without limiting sub rule (1), the Association may—
 - (a) Acquire, hold and dispose of real or personal property;
 - (b) Open and operate accounts with financial institutions;
 - (c) Invest its money in any security in which trust monies may lawfully be invested;
 - (d) Raise and borrow money on any terms and in any manner as it thinks fit;
 - (e) Secure the repayment of money raised or borrowed, or the payment of a debt or liability;
 - (f) Appoint agents to transact business on its behalf;
 - (g) Enter into any other contract it considers necessary or desirable.
- (3) The Association may only exercise its powers and use its income and assets (including any surplus) for its purposes.

6 Not for profit organisation

- (1) The Association must not distribute any surplus, income or assets directly or indirectly to its members.
- (2) Sub rule (1) does not prevent the Association from paying a member—
 - (a) Reimbursement for expenses properly incurred by the member; or
 - (b) For goods or services provided by the member— if this is done in good faith on terms no more favourable than if the member was not a member.

7. Minimum number of members

Minimum number of members for the association is 5

8. Who is eligible to be a member

- (1) Any family of Keralite descent who supports the purpose of the association is eligible for membership
- (2) Any individual of Keralite descent who supports the purpose of the association is eligible for associate membership subject to rule 14
- (3) Any individual or family from other community groups, who supports the purpose of the association is eligible for associate membership subject to rule 14
- (4) Honorary members – conferred by the Committee as required

9. Application for membership

- (1) To apply to become a member of the Association, a person must submit a written application, **honorary members exempted**, to a committee member stating that the person—
 - (a) Wishes to become a member of the Association; and
 - (b) Supports the purposes of the Association; and
 - (c) Agrees to comply with these Rules.
- (2) The application—
 - (a) **Must be signed by the applicant**
 - (b) **Must list details of all family members**
 - (c) **Must contain updated contact details including home/postal addresses**
 - (d) **Must be accompanied by the joining fee, as determined by the Association under rule 12 (3)**

10. Consideration of application

- (1) As soon as practicable after an application for membership is received, the Committee must decide by resolution whether to accept or reject the application.
- (2) The Committee must notify the applicant in writing of its decision as soon as practicable after the decision is made.
- (3) If the Committee rejects the application, it must return any money accompanying the application to the applicant.
- (4) No reason need be given for the rejection of an application

11. New membership

- (1) If an application for membership is approved by the Committee—
 - (a) The resolution to accept the membership must be recorded in the minutes of the committee meeting; and
 - (b) The Secretary must, as soon as practicable, enter the name and address of the new member, and the date of becoming a member, in the register of members.
- (2) A person becomes a member of the Association and, subject to rule 13(2), is entitled to exercise his or her rights of membership from the date, whichever is the later, on which—
 - (a) The Committee approves the person's membership; or
 - (b) The person pays the joining fee

12 Annual subscription and fee on joining

- (1) At each annual general meeting, the Association must determine - the amount of the annual subscription for the following financial year; and
- (2) Existing members should pay membership fee within four months of the financial year, i.e. on or before 31 October
- (3) In case an existing member fails to renew the membership as per rule 12(2), they must apply for a new membership as per rule 11
- (4) Membership fee for Associate members will be same as ordinary members
- (5) Honorary members are exempted from membership fees
- (6) Any new member who joins after the start of a financial year must pay the full annual subscription
- (7) Membership fee paid is non-refundable
- (8) The rights of a member (including the right to vote) who has not paid the annual subscription by the due date are suspended until the subscription is paid

13 General rights of members

- (1) A member of the Association who is entitled to vote has the right—
 - (a) To receive notice of general meetings and of proposed special resolutions in the manner and time prescribed by these Rules; and
 - (b) To submit items of business for consideration at a general meeting; and
 - (c) To attend and be heard at general meetings; and
 - (d) To vote at a general meeting; and
 - (e) To have access to the minutes of general meetings and other documents of the Association as provided under rule 75; and
 - (f) To inspect the register of members.
- (2) A member is entitled to vote if—
 - (a) The member is a member other than an associate member; and

- (b) More than 10 business days have passed since he or she became a member of the Association; and
- (c) The member's membership rights are not suspended for any reason.

14 Associate members

- (1) Associate members of the Association include —
 - (a) Any person of Keralite descent who maintains a 'single' status in Australia
 - (b) Any individual or family of non-Keralite descent who wishes to support and work with the Association
 - (c) Any organization, incorporated or non-incorporated, governmental or nongovernmental, business or not for profit that wishes to support Association's purposes

- (d) Any other category of member as determined by special resolution at a general meeting
- (2) An associate member must not vote but may have other rights as determined by the Committee or by resolution at a general meeting
- (3) All associate members 'must' be 'referred' by an existing member of the Association
- (4) Associate membership will cease immediately in case the referee member ends his/her membership with the Association

15 Rights not transferable

The rights of a member are not transferable and end when membership ceases.

16 Ceasing membership

- (1) The membership of a person ceases on resignation, expulsion or death
- (2) Associate membership will cease immediately in case the referee member ends his/her membership with the Association
- (3) Committee may revoke honorary membership anytime, if the situation warrants such an action
- (4) If a person ceases to be a member of the Association, the Secretary must, as soon as practicable, enter the date the person ceased to be a member in the register of members
- (5) Attendance at the AGM (decided on 2nd July 2016 AGM)

Attendance at the AGM compulsory for all member families at least one adult member from each family is to attend the AGM without fail. Exceptions can be sought from the Executive Committee in exceptional circumstances (travelling overseas, ill-health etc.). Failure to attend two consecutive AGMs will lead to termination of membership.

17 Resigning as a member

- (1) A member may resign by notice in writing, including electronic communication, given to the Association
 - (a) Committee must respond to the notice of resignation within 14 days of receiving such a request
- (2) A member is taken to have resigned if—
 - (a) The member's annual subscription has not been paid by 31 October of the operational year
 - (b) Where no annual subscription is payable —
 - (i) The Secretary has made a written request to the member to confirm that he or she wishes to remain a member; and

- (ii) The member has not, within 3 months after receiving that request, confirmed in writing that he or she wishes to remain a member.

18 Register of members

- (1) The Secretary must keep and maintain a register of members that includes—
 - (a) For each current member—
 - (i) The member's name;
 - (ii) The address for notice last given by the member;
 - (iii) The date of becoming a member;
 - (iv) If the member is an associate member, a note to that effect;
 - (v) Any other information determined by the Committee; and
 - (b) For each former member, the date of ceasing to be a member.
- (2) Any member may, at a reasonable time and free of charge, inspect the register of members
- (3) Association will not provide copies of membership register, in paper or electronically, to any other member or members or to an external body unless it is required by law or specifically requested by law enforcement agencies including tribunals and courts of justice
- (4) Association will notify the member or an adult member of the family, as soon as practicable, in case any of their details are shared as per rule 18 (3)

Division 2 – Disciplinary Action

19 Grounds for taking disciplinary action

The Association may take disciplinary action against a member in accordance with this Division if it is determined that the member— (a) Has failed to comply with the Associations by laws

- (b) Refuses to support the purposes of the Association; or
- (c) Has engaged in conduct prejudicial to the Association

20 Disciplinary subcommittee

- (1) If the Committee is satisfied that there are sufficient grounds for taking disciplinary action against a member, the Committee must appoint a disciplinary subcommittee to hear the matter and determine what action, if any, to take against the member.
- (2) The members of the disciplinary subcommittee—
 - (a) Current President, Secretary, one current committee member and two immediate preceding Presidents of the committee
 - (b) In case any of the immediate preceding Presidents are not available, the slot will be filled by the President preceding the immediate two
 - (c) Must not be biased against, or in favour of, the member concerned, should not have any direct involvement in the conflict and must act in the best interest of the association

21 Notice to member

- (1) Before disciplinary action is taken against a member, the Secretary must give written notice to the member—
 - (a) Stating that the Association proposes to take disciplinary action against the member; and
 - (b) Stating the grounds for the proposed disciplinary action; and
 - (c) Specifying the date, place and time of the meeting at which the disciplinary subcommittee intends to consider the disciplinary action (the *disciplinary meeting*); and
 - (d) Advising the member that he or she may do one or both of the following—
 - (i) Attend the disciplinary meeting and address the disciplinary subcommittee at that meeting;
 - (ii) Give a written statement to the disciplinary subcommittee at any time before the disciplinary meeting; and
 - (iii) May be accompanied by another individual who ‘must’ be a current member of the Association
 - (e) Setting out the member's appeal rights under rule 23.
- (2) The notice must be given no earlier than 28 days, and no later than 14 days, before the disciplinary meeting is held.

22 Decision of subcommittee

- (1) At the disciplinary meeting, the disciplinary subcommittee must—
 - (a) Give the member an opportunity to be heard; and
 - (b) Consider any written statement submitted by the member.
- (2) After complying with sub rule (1), the disciplinary subcommittee may—

- (a) Take no further action against the member; or
- (b) Subject to sub rule (3)—
 - (i) Reprimand the member; or
 - (ii) Suspend the membership rights of the member for a specified period; or
 - (iii) Expel the member from the Association.
- (3) The suspension of membership rights or the expulsion of a member by the disciplinary subcommittee under this rule takes effect immediately after the vote is passed.

23 Appeal rights

- (1) A person whose membership rights have been suspended or who has been expelled from the Association under rule 22 may give notice to the effect that he or she wishes to appeal against the suspension or expulsion.
- (2) The notice must be in writing and given—
 - (a) To the disciplinary subcommittee immediately after the vote to suspend or expel the person is taken; or
 - (b) **To the Secretary not later than 7 days after the vote.**
- (3) If a person has given notice under sub rule (2), a disciplinary appeal meeting must be convened by the Committee as soon as practicable, but in any event not later than 21 days, after the notice is received.
- (4) Notice of the disciplinary appeal meeting must be given to each member of the Association who is entitled to vote as soon as practicable and must—
 - (a) Specify the date, time and place of the meeting; and
 - (b) State—
 - (i) The name of the person against whom the disciplinary action has been taken; and
 - (ii) The grounds for taking that action; and
 - (iii) That at the disciplinary appeal meeting the members present must vote on whether the decision to suspend or expel the person should be upheld or revoked.

24 Conduct of disciplinary appeal meeting

- (1) At a disciplinary appeal meeting—
 - (a) No business other than the question of the appeal may be conducted; and
 - (b) The Committee must state the grounds for suspending or expelling the member and the reasons for taking that action; and
 - (c) The person whose membership has been suspended or who has been expelled must be given an opportunity to be heard.

- (2) After complying with sub rule (1), the members present and entitled to vote at the meeting must vote by secret ballot on the question of whether the decision to suspend or expel the person should be upheld or revoked.
- (3) A member may not vote by proxy at the meeting.
- (4) The decision is upheld if not less than three quarters of the members voting at the meeting vote in favour of the decision.

Division 3 – Grievance Procedure

25 Application

- (1) The grievance procedure set out in this Division applies to disputes under these Rules between—
 - (a) A member and another member;
 - (b) A member and the Committee;
 - (c) A member and the Association.
- (2) A member must not initiate a grievance procedure in relation to a matter that is the subject of a disciplinary procedure until the disciplinary procedure has been completed

26 Parties must attempt to resolve the dispute

The parties to a dispute must attempt to resolve the dispute between themselves within 14 days of the dispute coming to the attention of each party.

27 Appointment of mediator

- (1) If the parties to a dispute are unable to resolve the dispute **informally** between them within the time required by rule 26, the parties must within 10 days—
 - (a) Notify the Committee of the dispute; and
 - (b) Agree to or request the appointment of a **mediation committee**
 - (c) Attempt in good faith to settle the dispute by mediation.
- (2) The composition of the mediation committee will be—
 - (a) **A person representing the Committee - President or anyone else nominated by the Committee**
 - (b) **A person representing the aggrieved member**

- (c) Three Presidents of immediate preceding years. In case any of the Presidents are not available, that position will be taken by the next preceding President
- (3) Mediators appointed must not be a person who—
 - (a) Has a personal interest in the dispute; or
 - (b) Is biased in favour of or against any party

28 Mediation process

- (1) The mediation committee to the dispute, in conducting the mediation, must—
 - (a) Give each party every opportunity to be heard; and
 - (b) Allow due consideration by all parties of any written statement submitted by any party; and
 - (c) Ensure that natural justice is accorded to the parties throughout the mediation process.
- (2) The mediation committee must not determine the dispute.

29 Failure to resolve dispute by mediation

If the mediation process does not resolve the dispute, the parties may seek to resolve the dispute in accordance with the Act or may make use of third party interventions such as the services of Dispute Settlement Centre, Victoria

PART 4—GENERAL MEETINGS OF THE ASSOCIATION

30 Annual general meetings

- (1) The Committee must convene an annual general meeting of the Association on the first Saturday of July. In case annual general meeting is not feasible on the first Saturday due to unforeseen circumstances, it may be convened on the Saturday before or after the first Saturday of July
- (2) The Committee may determine the date, time and place of the annual general meeting.
- (3) The ordinary business of the annual general meeting is as follows—
 - (a) To confirm the minutes of the previous annual general meeting and of any special general meeting held since then;
 - (b) To receive and discuss—

- (i) The annual report of the Committee on the activities of the Association during the preceding financial year; and
 - (ii) The financial statements of the Association for the preceding financial year submitted by the Committee in accordance with Part 7 of the Act;
- (c) To elect the members of the Committee;
- (d) To confirm or vary the amounts (if any) of the annual subscription and joining fee.
- (4) The annual general meeting may also conduct any other business of which notice has been given in accordance with these Rules.

31 Special general meetings

- (1) Any general meeting of the Association, other than an annual general meeting or a disciplinary appeal meeting, is a special general meeting.
- (2) The Committee may convene a special general meeting whenever it thinks fit.
- (3) No business other than that set out in the notice under rule 33 may be conducted at the meeting.

32 Special general meeting held at request of members

- (1) The Committee must convene a special general meeting if a request to do so is made in accordance with sub rule (2) by at least **20%** of the total number of members.
- (2) A request for a special general meeting must—
 - (a) Be in writing; and
 - (b) State the business to be considered at the meeting and any resolutions to be proposed; and
 - (c) Include the names and signatures of the members requesting the meeting; and
 - (d) Be given to the Secretary.
- (3) If the Committee does not convene a special general meeting within one month after the date on which the request is made, the members making the request (or any of them) may convene the special general meeting.
- (4) A special general meeting convened by members under sub rule (3)—
 - (a) Must be held within 3 months after the date on which the original request was made; and
 - (b) May only consider the business stated in that request.
- (5) **The Association may reimburse reasonable hall hire expenses incurred by the members convening a special general meeting under sub rule (3).**

33 Notice of general meetings

- (1) The Secretary (or, in the case of a special general meeting convened under rule 32(3), the members convening the meeting) must give to each member of the Association—
 - (a) At least 21 days' notice of a general meeting if a special resolution is to be proposed at the meeting; or
 - (b) At least 14 days' notice of a general meeting in any other case.
- (2) The notice must—
 - (a) Specify the date, time and place of the meeting; and
 - (b) Indicate the general nature of each item of business to be considered at the meeting; and
 - (c) If a special resolution is to be proposed—
 - (i) State in full the proposed resolution; and
 - (ii) State the intention to propose the resolution as a special resolution; and
 - (d) Comply with rule 34(5).
- (3) This rule does not apply to a disciplinary appeal meeting.

34 Proxies

- (1) A member may appoint another member as his or her proxy to vote and speak on his or her behalf at a general meeting other than at a disciplinary appeal meeting.
- (2) The appointment of a proxy must be in writing and signed by the member making the appointment.
- (3) The member appointing the proxy may give specific directions as to how the proxy is to vote on his or her behalf, otherwise the proxy may vote on behalf of the member in any matter as he or she sees fit.
- (4) The member may use any form, including an electronic version, that clearly identifies the person appointed as the member's proxy
- (5) Notice of a general meeting given to a member under rule 33 must—
 - (a) State that the member may appoint another member as a proxy for the meeting; and
 - (b) Include a copy form that the Committee has approved for the appointment of a proxy.
- (6) A form appointing a proxy must be given to the President of the Committee before the commencement of the meeting.
- (7) A form appointing a proxy sent by post or electronically is of no effect unless it is received by the Association no later than 24 hours before the commencement of the meeting.

35 Use of technology

- (1) A member not physically present at a general meeting may be permitted to participate in the meeting by the use of technology that allows that member and the members present at the meeting to clearly and simultaneously communicate with each other.
- (2) For the purposes of this Part, a member participating in a general meeting as permitted under sub rule (1) is taken to be present at the meeting and, if the member votes at the meeting, is taken to have voted in person.

36 Quorum at general meetings

- (1) No business may be conducted at a general meeting unless a quorum of members is present.
- (2) The quorum for a general meeting is the presence (physically, by proxy or as allowed under rule 35) of 10% of the members entitled to vote.
- (3) If a quorum is not present within 30 minutes after the notified commencement time of a general meeting—

(a) In the case of a meeting convened by, or at the request of, members under rule 32—the meeting must be dissolved;

Note

If a meeting convened by, or at the request of, members is dissolved under this sub rule, the business that was to have been considered at the meeting is taken to have been dealt with. If members wish to have the business reconsidered at another special meeting, the members must make a new request under rule 32.

(b) In any other case—

- (i) The meeting must be adjourned to a date not more than 21 days after the adjournment; and
 - (ii) Notice of the date, time and place to which the meeting is adjourned must be given at the meeting and confirmed by written notice given to all members as soon as practicable after the meeting.
- (4) If a quorum is not present within 30 minutes after the time to which a general meeting has been adjourned under sub rule (3)(b), the members present at the meeting (if not fewer than 3) may proceed with the business of the meeting as if a quorum were present.

37 Adjournment of general meeting

- (1) The Chairperson of a general meeting at which a quorum is present may, with the consent of a majority of members present at the meeting, adjourn the meeting to another time at the same place or at another place.
- (2) Without limiting sub rule (1), a meeting may be adjourned—
 - (a) If there is insufficient time to deal with the business at hand; or
 - (b) To give the members more time to consider an item of business.
- (3) No business may be conducted on the resumption of an adjourned meeting other than the business that remained unfinished when the meeting was adjourned.

- (4) Notice of the adjournment of a meeting under this rule is not required unless the meeting is adjourned for 14 days or more, in which case notice of the meeting must be given in accordance with rule 33.

38 Voting at general meeting

- (1) On any question arising at a general meeting—
- (a) Subject to sub rule (3), each **member family** who is entitled to vote has one vote; and
 - (b) Members may vote personally or by proxy; and
 - (c) Except in the case of a special resolution, the question must be decided on a majority of votes.
- (2) If votes are divided equally on a question, the Chairperson of the meeting has a second or casting vote.
- (3) If the question is whether or not to confirm the minutes of a previous meeting, only members who were present at that meeting may vote.
- (4) This rule does not apply to a vote at a disciplinary appeal meeting conducted under rule 24.

39 Special resolutions

A special resolution is passed if not less than three quarters of the members voting at a general meeting (whether in person or by proxy) vote in favour of the resolution.

40 Determining whether resolution carried

- (1) Subject to subsection (2), the Chairperson of a general meeting may, on the basis of a show of hands, declare that a resolution has been—
- (a) Carried; or
 - (b) Carried unanimously; or
 - (c) Carried by a particular majority; or
 - (d) Lost
- And an entry to that effect in the minutes of the meeting is conclusive proof of that fact.
- (2) If a poll (where votes are cast in writing) is demanded by three or more members on any question—
- (a) The poll must be taken at the meeting in the manner determined by the Chairperson of the meeting; and
 - (b) The Chairperson must declare the result of the resolution on the basis of the poll.
- (3) A poll demanded on the election of the Chairperson or on a question of an adjournment must be taken immediately.

- (4) A poll demanded on any other question must be taken before the close of the meeting at a time determined by the Chairperson.

41 Minutes of general meeting

- (1) The Committee must ensure that minutes are taken and kept of each general meeting.
- (2) The minutes must record the business considered at the meeting, any resolution on which a vote is taken and the result of the vote.
- (3) In addition, the minutes of each annual general meeting must include—
- (a) The names of the members attending the meeting; and
 - (b) Proxy forms given to the Chairperson of the meeting under rule 34(6); and
 - (c) The financial statements submitted to the members in accordance with rule 30(4)(b)(ii); and
 - (d) The certificate signed by two committee members certifying that the financial statements give a true and fair view of the financial position and performance of the Association; and
 - (e) Any audited accounts and auditor's report or report of a review accompanying the financial statements that are required under the Act.

PART 5—COMMITTEE

Division 1—Powers of Committee

42 Role and powers

- (1) All activities of the Association must be managed by or under the direction of the Committee.
- (2) The Committee may exercise all the powers of the Association except those powers that these Rules or the Act require to be exercised by general meetings of the members of the Association.
- (3) All communications, internal and external, about the Association and its activities, including those by electronic mode, has to be delivered by the President or the Secretary of the Committee. On instances, as authorized by the Committee, Cultural Coordinator and the Treasurer also may send out communications to the members. In the absence of President and Secretary, any

such actions will be executed by the Vice-President with explicit approval from the Committee

- (4) The Committee may—
- (a) Appoint and remove staff;
 - (b) Establish subcommittees consisting of members with terms of reference it considers appropriate.

43 Delegation

- (1) The Committee may delegate to a member of the Committee, a subcommittee or staff, any of its powers and functions other than—
 - (a) This power of delegation; or
 - (b) A duty imposed on the Committee by the Act or any other law.
- (2) The delegation must be in writing and may be subject to the conditions and limitations the Committee considers appropriate.
- (3) The Committee may, in writing, revoke a delegation wholly or in part.

Division 2—Composition of Committee and duties of members

44 Composition of Committee

The Committee consists of—

- (a) a President; and
- (b) a Vice-President; and
- (c) a Secretary; and
- (d) a Treasurer; and
- (e) Ordinary members (if any) may be elected under rule 53. Number of ordinary members is limited to 5
- (f) Public Liaison Officer - such a position may be created to act as a relationship officer for the Association to work with local councils and other government entities as guided below
 - (i) Must be a member of the Executive Committee
 - (ii) Permitted to have a term of two years (maximum tenure)

45 General Duties

- (1) As soon as practicable after being elected or appointed to the Committee, each committee member must become familiar with these Rules and the Act.

- (2) The Committee is collectively responsible for ensuring that the Association complies with the Act and that individual members of the Committee comply with these Rules.
- (3) Committee members must exercise their powers and discharge their duties with reasonable care and diligence.
- (4) Committee members must exercise their powers and discharge their duties—
 - (a) In good faith in the best interests of the Association; and
 - (b) For a proper purpose.
- (5) Committee members and former committee members must not make improper use of—
 - (a) Their position; or
 - (b) Information acquired by virtue of holding their position— so as to gain an advantage for themselves or any other person or to cause detriment to the Association.
- (6) In addition to any duties imposed by these Rules, a committee member must perform any other duties imposed from time to time by resolution at a general meeting.

46 President and Vice-President

- (1) Any ordinary member with a minimum of one year's membership of the association, subject to rule 8 & rule 9 on membership, can be elected as President or Vice President
- (2) Subject to sub rule (3), the President or, in the President's absence, the VicePresident is the Chairperson for any general meetings and for any committee meetings.
- (3) If the President and the Vice-President are both absent, or are unable to preside, the Chairperson of the meeting must be—
 - (a) In the case of a general meeting—a member elected by the other members present; or
 - (b) In the case of a committee meeting—a committee member elected by the other committee members present.

47 Secretary

- (1) Any ordinary member with a minimum of one year's membership of the Association, subject to rule 8 & rule 9 on membership, can be elected as Secretary
- (2) The Secretary must perform any duty or function required under the Act to be performed by the secretary of an incorporated association.
- (3) The Secretary must—
 - (a) Maintain the register of members in accordance with rule 18; and

- (b) Keep custody of the common seal (if any) of the Association and, except for the financial records referred to in rule 70(3), all books, documents and securities of the Association in accordance with rules 72 and 75; and
 - (c) Subject to the Act and these Rules, provide members with access to the register of members, the minutes of general meetings and other books and documents; and
 - (d) Perform any other duty or function imposed on the Secretary by these Rules.
- (4) The Secretary must give to the Registrar notice of his or her appointment within 14 days after the appointment.

48 Treasurer

- (1) Any ordinary member with a minimum of one year's membership of the Association, subject to rule 8 & rule 9 on membership, can be elected as Treasurer
- (2) The Treasurer must—
 - (a) Receive all moneys paid to or received by the Association and issue receipts for those moneys in the name of the Association; and
 - (b) Ensure that all moneys received are paid into the account of the Association within 5 working days after receipt; and
 - (c) Make any payments authorised by the Committee or by a general meeting of the Association from the Association's funds; and
 - (d) Ensure cheques are signed by at least 2 committee members.
- (3) The Treasurer must—
 - (a) Ensure that the financial records of the Association are kept in accordance with the Act; and
 - (b) Coordinate the preparation of the financial statements of the Association and their certification by the Committee prior to their submission to the annual general meeting of the Association.
- (4) The Treasurer must ensure that at least one other committee member has access to the accounts and financial records of the Association.

Division 3—Election of Committee members and tenure of office

49 Who is eligible to be a Committee member

A member is eligible to be elected or appointed as a committee member if the member—

- (a) Is 18 years or over; and
- (b) Is entitled to vote at a general meeting.

50 Positions to be declared vacant

- (1) This rule applies to—
 - (a) The first annual general meeting of the Association after its incorporation; or
 - (b) Any subsequent annual general meeting of the Association, after the annual report and financial statements of the Association have been received.
- (2) **The Chairperson of the meeting may declare all positions on the Committee vacant, subject to prevailing situation, and hold elections for those positions in accordance with rules 51 to 54.**

51 Nominations

- (1) Prior to the election of each position, the Chairperson of the meeting must call for nominations to fill that position.
- (2) An eligible member of the Association may—
 - (a) Nominate himself or herself; or
 - (b) With the member's consent, be nominated by another member.
- (3) A member who is nominated for a position and fails to be elected to that position may be nominated for any other position for which an election is yet to be held.

52 Election of President etc

- (1) At the annual general meeting, separate elections must be held for each of the following positions—
 - (a) President;
 - (b) Vice-President;
 - (c) Secretary;
 - (d) Treasurer.
- (2) If only one member is nominated for the position, the Chairperson of the meeting must declare the member elected to the position.
- (3) If more than one member is nominated, a ballot must be held in accordance with rule 54.
- (4) On his or her election, the new President may take over as Chairperson of the meeting.

53 Election of ordinary members

- (1) The annual general meeting must by resolution decide the number of ordinary members of the Committee (if any) it wishes to hold office for the next year.
- (2) A single election may be held to fill all of those positions.

- (3) If the number of members nominated for the position of ordinary committee member is less than or equal to the number to be elected, the Chairperson of the meeting must declare each of those members to be elected to the position.
- (4) If the number of members nominated exceeds the number to be elected, a ballot must be held in accordance with rule 54.

54 Ballot

- (1) If a ballot is required for the election for a position, the Chairperson of the meeting must appoint a member to act as returning officer to conduct the ballot.
- (2) The returning officer must not be a member nominated for the position.
- (3) Before the ballot is taken, each candidate may make a short speech in support of his or her election.
- (4) The election must be by secret ballot.
- (5) The returning officer must give a blank piece of paper to— (a) Each member present in person; and (b) Each proxy appointed by a member.
- (6) If the ballot is for a single position, the voter must write on the ballot paper the name of the candidate for whom they wish to vote.
- (7) If the ballot is for more than one position—
 - (a) The voter must write on the ballot paper the name of each candidate for whom they wish to vote;
 - (b) The voter must not write the names of more candidates than the number to be elected.
- (8) Ballot papers that do not comply with sub rule (7)(b) are not to be counted.
- (9) Each ballot paper on which the name of a candidate has been written counts as one vote for that candidate.
- (10) The returning officer must declare elected the candidate or, in the case of an election for more than one position, the candidates who received the most votes.
- (11) If the returning officer is unable to declare the result of an election under sub rule (10) because 2 or more candidates received the same number of votes, the returning officer must—
 - (a) Conduct a further election for the position in accordance with sub rules (4) to (10) to decide which of those candidates is to be elected; or
 - (b) With the agreement of those candidates, decide by lot which of them is to be elected.

55 Term of office

- (1) Subject to sub rule (3) and rule 56, a committee member holds office until the positions of the Committee are declared vacant at the next annual general meeting.

- (2) The following office bearers of the Committee are neither eligible for reelection nor allowed to continue as ordinary members in the immediately succeeding committee
 - (i) President
 - (ii) Secretary
 - (iii) Treasurer
- (3) No more than 3 ordinary members may continue for a period not exceeding 2 years in the Committee and these members may take up official positions for the Association in the second year
- (4) A general meeting of the Association may—
 - (a) By special resolution remove a committee member from office; and
 - (b) Elect an eligible member of the Association to fill the vacant position in accordance with this Division.
- (5) A member who is the subject of a proposed special resolution under sub rule (4) (a) may make representations in writing to the Secretary or President of the Association (not exceeding a reasonable length) and may request that the representations be provided to the members of the Association.
- (6) The Secretary or the President may give a copy of the representations to each member of the Association or, if they are not so given, the member may require that they be read out at the meeting at which the special resolution is to be proposed.

56 Vacation of office

- (1) A committee member may resign from the Committee by written notice addressed to the Committee.
- (2) A person ceases to be a committee member if he or she—
 - (a) Ceases to be a member of the Association; or
 - (b) Fails to attend 3 consecutive committee meetings (other than special or urgent committee meetings) without leave of absence under rule 67; or
 - (c) Otherwise ceases to be a committee member by operation of section 78 of the Act.

57 Filling casual vacancies

- (1) The Committee may appoint an eligible member of the Association to fill a position on the Committee that—
 - (a) Has become vacant under rule 56; or
 - (b) Was not filled by election at the last annual general meeting.
- (2) If the position of Secretary becomes vacant, the Committee must appoint a member to the position within 14 days after the vacancy arises.
- (3) Rule 55 applies to any committee member appointed by the Committee under sub rule (1) or (2).
- (4) The Committee may continue to act despite any vacancy in its membership.

Division 4—Meetings of Committee

58 Meetings of Committee

- (1) The Committee must meet at least 4 times in each year at the dates, times and places determined by the Committee.
- (2) The date, time and place of the first committee meeting must be determined by the members of the Committee as soon as practicable after the annual general meeting of the Association at which the members of the Committee were elected.
- (3) Special committee meetings may be convened by the President or by any 4 members of the Committee.

59 Notice of meetings

- (1) Notice of each committee meeting must be given to each committee member no later than 7 days before the date of the meeting.
- (2) Notice may be given of more than one committee meeting at the same time.
- (3) The notice must state the date, time and place of the meeting.
- (4) If a special committee meeting is convened, the notice must include the general nature of the business to be conducted.
- (5) The only business that may be conducted at the meeting is the business for which the meeting is convened.

60 Urgent meetings

- (1) In cases of urgency, a meeting can be held without notice being given in accordance with rule 59 provided that as much notice as practicable is given to each committee member by the quickest means practicable.
- (2) Any resolution made at the meeting must be passed by an absolute majority of the Committee.
- (3) The only business that may be conducted at an urgent meeting is the business for which the meeting is convened.

61 Procedure and order of business

- (1) The procedure to be followed at a meeting of a Committee must be determined from time to time by the Committee.
- (2) The order of business may be determined by the members present at the meeting.

62 Use of technology

- (1) A committee member who is not physically present at a committee meeting may participate in the meeting by the use of technology that allows that
committee member and the committee members present at the meeting to clearly and simultaneously communicate with each other.
- (2) For the purposes of this Part, a committee member participating in a committee meeting as permitted under sub rule (1) is taken to be present at the meeting and, if the member votes at the meeting, is taken to have voted in person.

63 Quorum

- (1) No business may be conducted at a Committee meeting unless a quorum is present.
- (2) The quorum for a committee meeting is the presence (in person or as allowed under rule 62) of a majority of the committee members holding office.
- (3) If a quorum is not present within 30 minutes after the notified commencement time of a committee meeting—
 - (a) In the case of a special meeting—the meeting lapses;
 - (b) In any other case—the meeting must be adjourned to a date no later than 14 days after the adjournment and notice of the time, date and place to which the meeting is adjourned must be given in accordance with rule 59.

64 Voting

- (1) On any question arising at a committee meeting, each committee member present at the meeting has one vote.
- (2) A motion is carried if a majority of committee members present at the meeting vote in favour of the motion.
- (3) Sub rule (2) does not apply to any motion or question which is required by these Rules to be passed by an absolute majority of the Committee.
- (4) If votes are divided equally on a question, the Chairperson of the meeting has a second or casting vote.
- (5) Voting by proxy is not permitted.

65 Conflict of interest

- (1) A committee member who has a material personal interest in a matter being considered at a committee meeting must disclose the nature and extent of that interest to the Committee.
- (2) The member—
 - (a) Must not be present while the matter is being considered at the meeting; and
 - (b) Must not vote on the matter.
- (3) This rule does not apply to a material personal interest—

- (a) That exists only because the member belongs to a class of persons for whose benefit the Association is established; or
- (b) That the member has in common with all, or a substantial proportion of, the members of the Association.

66 Minutes of meeting

- (1) The Committee must ensure that minutes are taken and kept of each committee meeting.
- (2) The minutes must record the following—
 - (a) The names of the members in attendance at the meeting;
 - (b) The business considered at the meeting;
 - (c) Any resolution on which a vote is taken and the result of the vote;
 - (d) Any material personal interest disclosed under rule 65.

67 Leave of absence

- (1) The Committee may grant a committee member leave of absence from committee meetings for a period not exceeding 3 months.
- (2) The Committee must not grant leave of absence retrospectively unless it is satisfied that it was not feasible for the committee member to seek the leave in advance.

PART 6—FINANCIAL MATTERS

68 Source of funds

The funds of the Association may be derived from joining fees, annual subscriptions, donations, fund-raising activities, grants, interest and any other sources approved by the Committee.

69 Management of funds

- (1) The Association must open an account with a financial institution from which all expenditure of the Association is made and into which all of the Association's revenue is deposited.
- (2) Subject to any restrictions imposed by a general meeting of the Association, the Committee may approve expenditure on behalf of the Association.
- (3) The Committee may authorise the Treasurer to expend funds on behalf of the Association (including by electronic funds transfer) up to a specified limit without requiring approval from the Committee for each item on which the funds are expended.

- (4) All cheques, drafts, bills of exchange, promissory notes and other negotiable instruments must be signed by 2 committee members.
- (5) All funds of the Association must be deposited into the financial account of the Association no later than 5 working days after receipt.
- (6) With the approval of the Committee, the Treasurer may maintain a cash float provided that all money paid from or paid into the float is accurately recorded at the time of the transaction.

70 Financial records

- (1) The Association must keep financial records that—
 - (a) Correctly record and explain its transactions, financial position and performance; and
 - (b) Enable financial statements to be prepared as required by the Act.
- (2) The Association must retain the financial records for 7 years after the transactions covered by the records are completed.
- (3) The Treasurer must keep in his or her custody, or under his or her control—
 - (a) The financial records for the current financial year; and
 - (b) Any other financial records as authorised by the Committee.

71 Financial statements

- (1) For each financial year, the Committee must ensure that the requirements under the Act relating to the financial statements of the Association are met.
- (2) Without limiting sub rule (1), those requirements include—
 - (a) The preparation of the financial statements;
 - (b) If required, the review or auditing of the financial statements;
 - (c) The certification of the financial statements by the Committee;
 - (d) The submission of the financial statements to the annual general meeting of the Association;
 - (e) The lodgement with the Registrar of the financial statements and accompanying reports, certificates, statements and fee.

PART 7—GENERAL MATTERS

72 Common seal

- (1) The Association may have a common seal.
- (2) If the Association has a common seal—
 - (a) The name of the Association must appear in legible characters on the common seal;
 - (b) A document may only be sealed with the common seal by the authority of the Committee and the sealing must be witnessed by the signatures of two committee members;
 - (c) The common seal must be kept in the custody of the Secretary.

73 Registered address

The registered address of the Association is—

- (a) The address determined from time to time by resolution of the Committee; or
- (b) If the Committee has not determined an address to be the registered address—the postal address of the Secretary.

74 Notice requirements

- (1) Any notice required to be given to a member or a committee member under these Rules **may be given by the Secretary of the Association—**
 - (a) By handing the notice to the member personally; or
 - (b) By sending it by post to the member at the address recorded for the member on the register of members; or
 - (c) By email or facsimile transmission.
- (2) Sub rule (1) does not apply to notice given under rule 60.
- (3) Any notice required to be given to the Association or the Committee may be **given —**
 - (a) By handing the notice to a member of the Committee; or
 - (b) By sending the notice by post to the registered address; or
 - (c) By leaving the notice at the registered address; or
 - (d) If the Committee determines that it is appropriate in the circumstances—
 - (i) By email to the email address of the Association or the Secretary; or
 - (ii) By facsimile transmission to the facsimile number of the Association.

75 Custody and inspection of books and records

- (1) Members may on request inspect free of charge—
 - (a) The register of members;

- (b) The minutes of general meetings;
- (c) Subject to sub rule (2), the financial records, books, securities and any other relevant document of the Association, including minutes of Committee meetings.
- (2) The Committee may refuse to permit a member to inspect records of the Association that relate to confidential, personal, employment, commercial or legal matters or where to do so may be prejudicial to the interests of the Association.
- (3) The Committee must on request make copies of these rules available to members and applicants for membership free of charge.
- (4) Subject to sub rule (2), a member may make a copy of any of the other records of the Association referred to in this rule and the Association may charge a reasonable fee for provision of a copy of such a record.
- (5) For purposes of this rule—

relevant documents means the records and other documents, however compiled, recorded or stored, that relate to the incorporation and management of the Association and includes the following—

- (a) Its membership records;
- (b) Its financial statements;
- (c) Its financial records;
- (d) Records and documents relating to transactions, dealings, business or property of the Association.

76. Privacy and protection of personal details

- (1) Association has an obligation to its members to respect privacy and protect personal details
- (2) Association must not collect personal information unless the information is necessary for one or more of its functions or activities.
- (3) Association must collect personal information about an individual, as far as reasonable and practicable, only from that individual
- (4) Association must not use or disclose personal information about an individual for a purpose other than the primary purpose for which the information was collected
- (5) Association must take reasonable steps to protect the personal information it holds from misuse and loss and from unauthorised access, modification or disclosure.
- (6) Association must take reasonable steps to destroy or permanently deidentify personal information if it is no longer needed for any purpose for which the information was collected
- (7) Association may use pictures and videos of its activities, functions and social gatherings, including those of children participating in these programs for information and display purposes

- (8) Association may disclose personal details to third parties like law enforcement agencies if there is a duty of disclosure as per state and federal laws. However, in case any such disclosure occurs, Association will keep the member informed as per rule 18 (4)

77 Winding up and cancellation

- (1) The Association may be wound up voluntarily by special resolution.
- (2) In the event of the winding up or the cancellation of the incorporation of the Association, the surplus assets of the Association must not be distributed to any members or former members of the Association.
- (3) Subject to the Act and any court order made under section 133 of the Act, the surplus assets must be given to a body that has similar purposes to the Association and which is not carried on for the profit or gain of its individual members.
- (4) The body to which the surplus assets are to be given must be decided by special resolution.

78 Alteration of Rules

These Rules may only be altered by special resolution of a general meeting of the Association.

Annexure 1 – President: Key Responsibilities

- 1) Primary responsibility to provide leadership to Utsav Malayalee Samaj
- 2) Plan, organize and preside over Committee meetings
- 3) Act as the leading organizer for all Utsav Malayalee Samaj organized events and programs
- 4) Represent Utsav Malayalee Samaj to governmental and non-governmental organizations
- 5) Represent Utsav Malayalee Samaj to Brimbank and Melton Councils and liaise with various departments to further organization's visibility
- 6) Plan, coordinate and implement civic programs and activities in association with other community groups and local councils
- 7) Promote inter-cultural cooperation and exchanges with other communities
- 8) Funding – primary responsibility to ensure that Utsav Malayalee Samaj remains financially and operationally viable by taking necessary actions to generate funds and other material and non-material support
- 9) Membership - responsible to present Utsav Malayalee Samaj and broaden its support base among resourceful members of Keralite community
- 10) Issue formal communications, internal and external, on various activities, programs and events of Utsav Malayalee Samaj
- 11) Deliver welcome speeches in all Utsav Malayalee Samaj events
- 12) Act as key contact person for Association's invitees and guests for various events including honorary members
- 13) Delegate and coordinate roles and responsibilities to other committee members to ensure smooth conduct of Association's various events and programs
- 14) Address grievances of members – limited to those directly involving the Association
- 15) Lead dispute resolution mechanisms to address internal conflicts
- 16) Ensure smooth handover of Association's affairs to succeeding Committee

Annexure II – Secretary: Key Responsibilities

1. Act as the primary contact for all regulatory and legal matters of Utsav Malayalee Samaj
2. Represent and liaise with Consumer Affairs Victoria on all matters concerning the Association
3. Represent Association in all matters relating to registration, incorporation, legal and regulatory issues with all external bodies and ensure that Utsav Malayalee Samaj complies and function within the boundaries of law
4. Ensure that all mandatory reporting to regulatory bodies are completed and records maintained for future inspections and audits
5. Update and maintain Membership Register
6. Provide clarifications on queries from members on rules and regulations including member rights and obligations
7. Generate and maintain minutes of Committee meetings
8. Convene AGM and Special General Meetings as required
9. Schedule AGM and SGM agendas including measures for voting, if required. Issue internal communications setting the order and general conduct of business during the AGM/SGM
10. Present Operational Report to AGM
11. Prepare AGM and SGM minutes and maintain copies for future reference
12. Issue communications, internal & external, on various issues concerning the Association as required
13. Chair Committee meetings in the absence of President and Vice-President
14. Deliver vote of thanks in all Utsav Malayalee Samaj organized events and programs
15. Ensure handover of all relevant reports, documents and other pertinent articles to the succeeding Committee

Annexure III – Treasurer: Key Responsibilities

1. Maintain detailed and accurate accounts for all income and expenses of the Association
2. Complete all banking operations including reconciliation of accounts
3. Manage cash flow to ensure that operational funds are maintained
4. Coordinate membership fee collection with other committee members
5. Oversee collection activities at all events of the Association, including raffles and auctions
6. Ensure public liability insurance of the Association is renewed and documented
7. Perform all payments and reimbursements for the Association's activities
8. Complete or delegate and coordinate all purchases including gifts for children and Association's invitees
9. Issue communications, internal and external, on financial matters of the Association as required
10. Maintain asset/inventory register
11. Prepare and present financial statements during the AGM
12. Support President and Committee in organizing various activities of the Organization
13. Ensure that detailed financial records are handed over to the succeeding Committee

Annexure IV – Cultural Coordinator: Key Responsibilities

1. Perform as chief organiser for all cultural events of the Association
2. Generate detailed plans for programs and performances for the cultural events

3. Coordinate and liaise with member families to make sure that all interested children get opportunities to perform in Association's events
4. Organize rehearsals to ensure that children are trained and performances at the events are of high quality
5. Initiate necessary actions to get all needed resources are in place for the cultural events. For example – costumes, makeup etc.
6. Issue communications, mostly internal, on all relevant matters concerning cultural events of the Association
7. Prepare appropriate program schedules for the events in consultation with the Committee and trainers & other facilitators
8. Manage the cultural show to ensure adherence to schedule, including stage and backstage coordination

Annexure V – CALD & External Body Representatives: Key Responsibilities

1. Represent Kerala community in local councils and other forums
2. Represent Utsav Malayalee Samaj in various community forums
3. Liaise with local councils and its various departments to advance the interests of Utsav in particular and the Kerala community in general
4. Support the President of the Association in various grant applications and fund raising activities

5. Work with Committee to plan and deliver participation in various civic programs organized by local councils
6. Work with respective councils and governmental bodies to identify developmental programs that are of benefit to the community. Coordinate with Committee to develop schemes for community members to participate and profit from such programs
7. Work with other communities to promote inter-cultural cooperation and exchanges