

PURPOSE

This form is to be used when an association wishes to change its rules or objects under the *Associations Incorporation Act 1991* (the Act). You can access the legislation at www.legislation.act.gov.au. You may also obtain further information and forms at www.act.gov.au/accesscbr.

PRIVACY

The Act authorises the Registrar-General to collect the personal information required by this form for the purposes of issuing a registration under the Act. The Registrar-General prevents any unreasonable intrusion into a person's privacy in accordance with the *Information Privacy Act 2014*. The Registrar-General provides identifiable information to law enforcement and other organisations that have legal authority to request information under prescribed circumstances.

INSTRUCTIONS FOR COMPLETION

- If competing by hand, please print; ensuring writing is clear and legible.
- This office will not accept lodgement of this form if it is not completed in full.
- Contact Access Canberra for payment options.
- Please retain your receipt as evidence of payment.

IMPORTANT INFORMATION

- **The model rules contained within the *Associations Incorporation Regulation 1991* cannot be altered – if the association has previously adopted the model rules, it will be necessary to adopt a new set of rules in place of the model rules.**
- If the constitution/rules are being amended for consistency with ACT gaming laws, a copy of the proposed amendments must be provided to the ACT Gambling and Racing Commission for approval prior to convening the special resolution and submitting this form.
- The committee members are held accountable for ensuring that the association operates in compliance with the applicable laws, including the *Associations Incorporation Act 1991* (the Act) and the *Associations Incorporation Regulation 1991* (the Regulation).
- The public officer is responsible for acting as a point of contact between the association and the community and is expected to be able to represent the association in dealings with the Access Canberra.
- The Act prohibits any person from serving as a committee member or the public officer if that person is insolvent or bankrupt, without leave from the ACT Supreme Court under S 63 of the Act. A search should be conducted of the records held by the Australian Financial Security Authority (AFSA) at www.afsa.gov.au before accepting the nomination of a person as a committee member.
- If the association, the public officer or a committee member fails to meet their statutory obligations under the Act (such as failure to lodge annual returns), the Registrar-General may make an application to the ACT Civil and Administrative Tribunal (ACAT) for the disqualification of the office-holder. The disqualification will be for a period the ACAT considers appropriate if satisfied that the extent of noncompliance justifies disqualification.

LODGEMENT AND CONTACT INFORMATION

Email:
accesscanberra.bil@act.gov.au
General Enquiries:
(02) 6207 3000 -
Fax Number:
(02) 6207 0424

Post:
Access Canberra
Business and Industry Licensing
GPO Box 158
Canberra, ACT 2601

In Person:
Please visit
www.act.gov.au/accesscbr
Or call **132281** to find an
Access Canberra Service Centre

TRANSLATING AND INTERPRETING SERVICE

If you require further information or require advice, a language assistance service is available by phoning the Translating and Interpreting Service (TIS) on 13 14 50.



CHANGE OF RULES OR OBJECTS OF AN ASSOCIATION – FORM A8

Associations Incorporation Act 1991
Associations Incorporation Regulation 1991

| | | |
|--|---------------------------|---------------|
| NAME OF ASSOCIATION | ASSOCIATION NUMBER | A00025 |
| POLISH EX-SERVICEMEN'S ASSOCIATION BRANCH AUSTRALIA Inc. | | |

| | |
|-----------------------------------|----------------------------------|
| DATE OF SPECIAL RESOLUTION | 20/03/2021 and 17/04/2021 |
|-----------------------------------|----------------------------------|

| | |
|--|--|
| PARTICULARS OF CHANGE (select one only) | |
| If the association operates under rules other than the model rules, and has altered those rules, place an X here. -A written statement of the specific amendments Please attach -A full updated copy of the rules and tick box: -The completed constitution/rules checklist -If the association's objects and purposes are not shown in the rules, a full copy must be attached | <input checked="" type="checkbox"/> <input checked="" type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> |
| If the association previously operated under the model rules and has adopted a new set of rules, place an X here. Please attach -A full, updated copy of the rules and tick box: -A completed constitution rules/checklist -If the association's objects and purposes are not shown in the rules, a full copy must be attached | <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> |
| If the association has now adopted the model rules in their entirety in place of a set of previous rules, place an X here. Please attach: -A full copy of the objects and purposes (it is not necessary to attach a copy of the model rules) | <input type="checkbox"/> <input type="checkbox"/> |
| If the association has altered its objects and purposes, <u>without altering its rules</u>, place an X here. Please attach -A full, updated copy of the objects and purposes and tick box: -A full copy of the rules -Completed constitution/rules checklist | <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> |

STATEMENT BY COMMITTEE MEMBERS (must be signed by two current committee members)

As a current member of this association, I confirm that the particulars shown on this form and the attached documents are true and correct, and that the special resolution passed by the members to make the amendments identified above met the requirements of S 70 of the Associations Incorporation Act 1991. I have read the Privacy statement and important information on the front of this form.

| | |
|--|---|
| Signature:  Name: Jan Tkaczyk Position: President Date: 20 / 04 / 2021 | Signature:  Name: Beata Apolinarska-Mroczek Position: Treasurer Date: 20 / 04 / 2021 |
|--|---|

| | |
|------------------------|--|
| OFFICE USE ONLY | |
| Date Lodged | |

ASSOCIATION CONSTITUTION/RULES CHECKLIST

Under Schedule 1 of the *Associations Incorporation Act 1991*, matters to be provided for in the rules of the association, other than the model rules should be clearly identified.

Please indicate where the following matters are addressed within the association's constitution/rules. Please note that every criteria listed below is required to be included within the association's rules and should indicate the specific clause reference.

| 1. Membership Qualifications | Clause No. |
|--|---------------------------|
| State any qualification that is a prerequisite to being admitted to membership of the association. | <i>Art. IV Par. 2</i> |

| 2. Fees and Subscriptions | Clause No. |
|---|--------------------------|
| State the amount of any entrance fee, subscription or other charge payable by members of the association. | <i>Art. X Par. 5</i> |

| 3. Members' Liability | Clause No. |
|--|----------------------------|
| State the liability (if any) of members of the association to contribute towards payment of the debts and liabilities of the association or the costs, charges and expenses of winding-up the association. | <i>Art. XX Par. 17</i> |

| 4. Discipline | Clause No. |
|--|---|
| State - a) The procedure (if any) for disciplining members; | <i>Art. VII Par. 2</i> <i>Art. X Par. 4h</i> |
| b) The way (if any) in which a member may appeal in respect of any disciplinary action taken against the member; and, | <i>Art. VII Par. 1-4</i> |
| c) The way (if any) in which a member may make representations to, or appear before, the association or its delegate, in relation to any charge made against the member. | <i>Art. VI Par. 1-3</i> |

| 5. Committee of the Association | Clause No. |
|---|----------------------------|
| 1) State the name, constitution and powers of the committee of the association. | <i>Art. 1 Par. 1-4</i> |
| 2) Make provision for the following matters in relation to the committee: | |
| a) The election or appointment of members of the committee; | <i>Art. X Par. 1</i> |
| b) The term of office of members of the committee; | <i>Art. X Par. 1</i> |
| c) - Any grounds on which the office of a member of the committee is taken to have become vacant; | <i>Art. X Par. 2</i> |
| d) The manner of filling a casual vacancy in the office of a committee member; | <i>Art. X Par. 2</i> |
| e) The number of members that constitute a quorum at a meeting of the committee; and, | <i>Art. X Par. 3</i> |
| f) The procedure to be followed at a meeting of the committee. | |

| 6. General Meetings | Clause No. |
|--|-------------------|
| Make provision for the following matters in relation to general meetings of the association: | |
| a) The frequency with which general meetings of the association are to be convened; | Art. 1X Par. 6 |
| b) The way in which general meetings and special meetings of the association are to be convened; | Art. 1X Par. 1 |
| c) The procedure to be followed at a general meeting of the association; | Art. 1X Par. 3 |
| d) The number of members that constitutes a quorum at a general meeting of the association; | Art. 1X Par. 2 |
| e) Whether or not members of the association are entitled to vote by proxy at a general meeting; and, | N/A |
| f) The time within which and the manner in which notices of general meetings and notices of motion are to be given, published or circulated. | Art. 1X Par. 6 |
| 7. Financial Year | Clause No. |
| State the date when the financial year of the association ends. | Art. X Par. 5 |
| 8. Funds | Clause No. |
| 1) State the source from which the funds of the association are to be or may be derived. | Art. X Par. 5 |
| 2) State the way in which the funds of the association are to be managed and, in particular, the mode of drawing and signing cheques on behalf of the association. | Art. X Par. 5 |
| 9. Common Seal | Clause No. |
| Provide for the custody and use of the common seal of the association. | Art. X Par. 6 |
| 10. Custody of Books and Documents | Clause No. |
| Make provision for the custody of any books, documents or securities of the association. | Art. X Par. 7 |
| 11. Inspection of Books and Documents | Clause No. |
| Provide for the inspection by members of any books or documents of the association. | Art. XI Par. 2 |
| 12. Gaming (if association holds a club licence) | Clause No. |
| Make provision for amendment of rules if directed by the ACT Gambling and Racing Commission, without a vote by members. | N/A |

Changes to the SPK Constitution.

Date of Special Resolution – AGM on 20/03/2021 and on 17/04/2021

Preamble to the SPK Constitution has been deleted in full.

Existing paragraph:

Art II par. 3h

h/ to invest in any forms of investments in which a trustee is authorised to invest trust funds by the Trustee Act of the state of New South Wales in its application to the Australian Capital Territory.

Amended paragraph:

Art II par. 3h

h/ to invest in any forms of investments in which a trustee is authorised to invest trust funds by the Trustee Act of any Australian state.

Existing paragraph:

Art. III The Structure of SPK Authorities:

Par.1 The Authorities of SPK in Australia are:-

- a/ The Branch Convention
- b/ The Branch Executive
- c/ Committee of Management of SPK Branch
- d/ Committee of Management of Foundation of SPK Branch
- e/ The Sub-Branch Authorities

Amended paragraph:

Art. III The Structure of SPK Authorities:

Par.1 The Authorities of SPK in Australia are:-

- a/ The Branch Convention
- b/ The Branch Executive
- c/ Committee of Management of SPK Branch
- d/ The Sub-Branch Authorities

Existing paragraph

Art. VIII The Authorities of the Association in Australia

Par.1 The Branch Authorities are:

- a/ The Branch Convention
- b/ The Branch Executive
- c/ Committee of Management of SPK Branch
- d/ Committee of Management of Foundation of SPK Branch
- e/ The Sub-Branch Authorities.

Amended paragraph:

Art. VIII The Authorities of the Association in Australia

Par.1 The Branch Authorities are:

- a/ The Branch Convention
- b/ The Branch Executive
- c/ Committee of Management of SPK Branch
- d/ The Sub-Branch Authorities.

Art XX par.5

Existing paragraph:

Par.5 The assets of the Association controlled by SPK Branch Australia, except for those associated with the Associations current operating costs, shall be lodged in the "Foundation of SPK" infrangible capital invested in investments authorized by the Trustee ACT of the State of NSW in its application to the Australian Capital Territory by the Trustee ACT 1957 as amended.

Assets of the Association invested in the infrangible Capital of the Foundation produce interest and it is that interest earned annually which may be used in accordance with the rule and objectives set out in Art II Par. 3 Objectives of this Constitution.

The Capital itself is infrangible and interest earned not used in pursuance of the Objectives set out in Art II Par. 3 Objectives, is to be returned to the Capital of the Foundation of SPK.

To protect the Capital of the Foundation of SPK from erosion by inflation the committee of Management of the Foundation Division of SPK shall return annually from the interest earned by that Capital the sum equivalent to the effect of inflation upon that Capital during that year. This is to take precedence over the fulfilment of the Objectives of the Constitution.

The disbursement of interest earned by the Capital of the Foundation of SPK will be administered by the Committee of Management of the Foundation of SPK in accordance with the rules and objectives set out in this Constitution as amended from time to time by the Branch Australia Convention. The National Executive of SPK Branch Australia may, if need be, apply for a grant under Art II Par. 3 (g) for frugal administrative expenses. The Committee of Management of the Foundation of SPK decisions are final and may only be challenged and altered by the Branch Convention of the Association.

Amended paragraph:

Par.5 The assets of the Association controlled by SPK Branch Australia, except for those associated with the Associations current operating costs shall be lodged in the "Foundation of SPK".

Assets of the Association invested in the SPK Foundation produce interest and it is that interest earned annually which may be used in accordance with the rule and objectives set out in Art II Par. 3 Objectives of this Constitution.

The disbursement of interest earned by the Foundation of SPK will be administered by the Trustee rules and Advisory Committee formed by SPK Australia.

Art XX Par. 6

Par.6 The Committee of Management of the Foundation Division of SPK consists of the three (3) members of the National Executive of the Polish Ex-Servicemen's Association Branch Australia namely the Vice President in charge of the Foundation Division of the Association, a Deputy Secretary and a Deputy Treasurer of the National Executive of SPK.

Intentionally deleted in full.

Art XX Par.7

Existing paragraph:

Par.7 Upon the resolution to dissolve the Association or a Sub-Branch being carried, any property of the Association controlled by the Sub-Branch, after payment of all debts and liabilities, shall be transferred to the Branch Executive and through it be invested in the Foundation of Polish Ex-Servicemen's Association in Australia and be administered in accordance with the rules and objectives set out in the Constitution of the Association.

Amended paragraph:

Par.7 Upon the resolution to dissolve the Association or a Sub-Branch being carried, any property of the Association controlled by the Sub-Branch, after payment of all debts and liabilities, shall be transferred to the SPK Foundation in Australia.

Par.8

A Special Branch Convention called to consider and vote on a motion for dissolution of the Association shall first elect members of a Committee of Management of the Foundation of the Polish Ex-Servicemen's Association in Australia before proceeding to deal with a motion to dissolve the Association.

Members of the Committee of Management of the Foundation of the Polish Ex-Servicemen's Association in Australia so elected, will administer the Foundation in accordance with the rules and objectives set out in this Constitution. They will serve in office until such time as they resign or reach the age of 75 years. In the event of resignation or retirement of any member of the Committee of Management the National Executive of the Polish Ex-Servicemen's Association shall co-opt a replacement member for the Foundation of SPK.

Intentionally deleted in full.

Par.9

Existing paragraph:

Par.9

If upon the winding up or dissolution of the Foundation there remains, after satisfaction of all its debts and liabilities, and any property whatsoever, the same shall not be paid to or distributed among the members of the Foundation, but shall be given or transferred to some other Polish institution or institutions having objectives similar to the objectives of the Foundation and whose memorandum of association or constitution shall prohibit the distribution of its or their income and property among its or their members to an extent at least as great as is imposed on the foundation. Such institution or institutions to be determined by the members of the Foundation (by a 2/3rds majority) at or before dissolution.

Intentionally deleted in full.