

**Uniting Church in Australia
ASSEMBLY STANDING COMMITTEE
11 - 13 March 2005**

**CONSTITUTION
UNITING CHURCH IN AUSTRALIA - NATIONAL ASSEMBLY
NATIONAL DISASTER RELIEF FUND**

1. Introduction

This constitution replaces the earlier documentation that established the National Disaster Fund of the Uniting Church in Australia ("UCA"). It reflects the objects of the Fund as it has operated to this time.

2. Purpose

2.1 The purpose of this Fund is to provide financial resources for the relief of suffering caused by natural disasters occurring in Australia.

2.2 Relief may be offered directly to persons affected by such disasters, their families and other dependents who may suffer as a result of these disasters, or through providing resources to third parties who deliver the assistance.

2.3 The purpose of this Constitution and its other provisions shall be read and implemented so that the Fund complies with the requirements of the Income Tax Assessment Act so as to make the Fund at all times eligible to be a tax deductible gift recipient.

2.4 The assets and income of the Fund must be applied exclusively to the promotion of its objects and no portion is to be paid or distributed directly or indirectly to the members of the National Assembly of UCA except as remuneration in good faith for services rendered or expenses incurred on behalf of the Fund.

3. Trustees

3.1 The Trustee of the National Disaster Fund is the UCA Assembly Ltd.

4. Management of the Fund

4.1 The Fund shall be administered by a Committee of Management of seven persons appointed in accordance with the provisions set out below. A majority of the members of the Committee of Management must be members, or members in association, of UCA.

4.2 Six members of the Committee of Management shall be appointed by the Standing Committee of the Assembly of the UCA so that each Trustee shall serve a 3 year term, and 2 Trustees shall retire in each calendar year. The first to retire shall be determined by agreement among the members of the Committee of Management or, by failing agreement, by lot.

4.3 The seventh member shall be the person who is for the time being occupying the position, or carrying out the duties, of General Secretary of the Assembly of the UCA.

4.4 Notwithstanding any vacancy or inability to act among the membership of the Committee of Management the members holding office shall at all times be able to exercise the authority vested in them, subject to clause 4.7 below.

- 4.5 The General Secretary of the Assembly shall be the ex officio secretary / treasurer of the Fund and in that capacity may delegate his / her duties to employees of the National Secretariat of the UCA.
- 4.6 At the first meeting of the Committee of Management each calendar year the members shall elect a chairperson and a deputy chairperson from among the membership appointed by the Standing Committee.
- 4.7 Four members of the Committee of Management shall constitute a quorum for meetings of the Committee. The concurrence of four members of the Committee shall be required in administering the Fund and dispensing funds for the purposes of the Fund except when the circumstances dealt with under clause 4.9 apply.
- 4.8 In accordance with procedures agreed to at a meeting of the Committee of Management the Committee may make provision for decisions to be made between formal meetings providing at least four members concur in that decision unless the circumstances provided for under clause 4.9 apply. Decisions made between meetings of the Trustees shall be minuted in the minutes of the subsequent formal meeting under a heading especially devoted to that topic.
- 4.9 Should the General Secretary determine that the circumstances warrant urgent action and after reasonable effort s/he is unable to contact three other members then the General Secretary acting together with the Chairperson or Deputy Chairperson as may be available may give approval for any appropriate action.
- 4.10 The Committee of Management in the exercise of its responsibilities may be guided by the views of the National Disaster Co-ordinators of the various Synods and in support thereof may pay the costs of national gatherings of those officers.
- 4.11 The Committee of Management may apply the financial resources of the Fund in support of such research as is necessary and desirable to more effectively achieve the purpose of the Fund.
- 4.12 Members of the Committee of Management shall not be entitled to any remuneration or reimbursement for their time and effort in the administration of the Fund other than travel expenses and direct expenses of meeting together.
- 4.13 However the Committee of Management may agree to reimburse the National Secretariat of the UCA for the time and effort of its employed staff other than the General Secretary for work performed by such staff under delegation by the General Secretary of his / her duties as secretary and treasurer.
- 4.14 Where a member of the Committee of Management does not attend a meeting for three meetings in a row then the other members of the Committee of Management may recommend to the Assembly Standing Committee that the person be removed as a member of the Committee.
- 4.15 The Standing Committee of the National Assembly may terminate the appointment of a member of the Committee of Management at any time for such reasons as it deems sufficient.
- 4.16 Any casual vacancy occurring in the Committee of Management may:
- 4.16.1 be filled by the Standing Committee of the Assembly of the UCA; or
 - 4.16.2 where the Committee of Management wishes to fill the vacancy immediately, be filled by the Committee of Management, but the term of the person so appointed ends if the Standing Committee of the Assembly of the UCA makes an appointment under clause 4.16.1 not later than three months after the appointment by the Committee of Management.
- 4.17 Any person appointed under clause 4.16 by the Standing Committee of the Assembly of the UCA or, in the absence of such appointment, by the Committee of Management, is a member of the Committee of Management for the remainder of the term of the member replaced.”

5. Meetings of the Committee of Management

- 5.1 The Trustees shall meet formally at least twice each calendar year at times determined by them and otherwise when convened by the chairperson with the agreement of any two Trustees.
- 5.2 The Committee of Management may meet in person or via teleconference or other electronic means.
- 5.3 The Secretary shall provide seven days notice of meetings by mail or such form of electronic communication as is agreed by the Committee of Management.
- 5.4 Meetings of the Committee of Management shall use the decision making procedures adopted in *The Manual for Meetings*.

6. Administration of the Fund

- 6.1 The Committee of Management may receive funds for the relief of suffering caused by a particular event or circumstances or generally in support of the purpose of the Fund.
- 6.2 The Treasurer shall ensure that all Funds are receipted as subject to the provisions of the constitution of the Fund.
- 6.3 The Committee of Management shall comply with the provisions of Regulation 5.5.10 (a), (b) and (c) in respect of books of account, banking arrangements and Audit.
- 6.4 The auditor shall be the auditor of the UCA Assembly, as determined from time to time by the Assembly Standing Committee.
- 6.5 Audited accounts shall be presented to the Assembly Standing Committee annually, and as required by the Assembly Standing Committee.
- 6.6 The financial year of the National Disaster Fund shall end at December 31.
- 6.7 Where monies are received in support of the relief of suffering arising from a particular event or set of circumstances and are in excess of the amount the Committee of Management decides can effectively be allocated to relieve that suffering caused by that particular event, the Committee of Management may agree to apply the excess monies to alleviate suffering caused by any other present or future situation or circumstance which is consistent with the purposes of the Fund.
- 6.8 The Committee of Management must establish and maintain a fund to be known as the "Gift Fund":
 - (a) to which all tax deductible gifts received by the Fund are to be made; and
 - (b) to which any money received by the Fund because of such gifts is to be credited; and
 - (c) that does not receive any other money or property.
- 6.9 All tax deductible gifts received by or on account of the Fund as money shall be deposited in a bank account or accounts in the name of "National Disaster Fund Gift Fund".
- 6.10 The Committee of Management may invest the whole or any part of the Gift Fund in such forms of investment as the Trustee shall approve. All such investments shall be made in the name of "National Disaster Fund".
- 6.11 The Fund may not use money or property held in the Gift Fund other than for the purposes outlined in clause 2.

6.12 All money received by the Fund other than tax deductible gifts must be deposited into an account in the name of "National Disaster Fund – General Account". The Committee of Management may invest the whole or any part of such money in such forms of investments as the UCA Assembly may approve.

6.13 All payments made on account of the Fund other than for petty cash items shall be made by cheque or authorised bank transfer.

7. Amendment to the Constitution

7.1 This Constitution may be amended at any time by the Standing Committee of the Assembly of the Uniting Church in Australia.

7.2 In the event that any amendment of this Constitution means that the Fund is no longer eligible to be a tax deductible gift recipient then the existing assets of the Fund shall be transferred to a Fund with similar purposes enjoying that status prior to the receipt of any new Funds under the amended Constitution.

8. Dissolution of the Fund

8.1 In the event of the dissolution of the National Disaster Fund, or if the Gift Fund is wound up or if the endorsement of the National Disaster Fund's work as a deductible gift recipient under sub-division 30BA of the Income Tax Assessment Act 1997 is revoked, any surplus assets of the Gift Fund remaining after the payment of liabilities attributable to it shall be transferred to a fund, authority or institution to which tax deductible gifts can be made.

8.2 In the event of the dissolution of the National Disaster Fund, the surplus funds and assets other than the Gift Fund shall, after meeting all liabilities, be paid or transferred to another fund, authority or institution of the UCA.

8.3 Subject to any specific trust or agreement in respect thereof, the fund, authority or institution to which surplus assets shall be distributed under clauses 8.1 or 8.2 shall be selected by the UCA Assembly, having regard to any recommendation made by the Committee of Management.