

Constitution of the Elwood Talmud Torah Congregation

(Incorporating amendments passed by Members at the annual general meeting on Wednesday 12th December 2018)

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1 Interpretations

- 1.1 The Board of Management of the Elwood Talmud Torah Congregation (the “**Board**”) is an elected committee as outlined in clause 17 who meet regularly to consider, ratify and approve all matters of governance.
- 1.2 A Delegate of the Elwood Talmud Torah Congregation is a voting member of the Elwood Talmud Torah Congregation who has been elected by the Board to represent ETTC in an official capacity as further outlined in clause 8.5
- 1.3 The Executive of the Board is a subcommittee of the Board who may meet from time to time to make day to day decisions and/or recommendations for consideration by the Board and to supervise and instruct employees of the Elwood Talmud Torah Congregation.
- 1.4 The ETTC means the Elwood Talmud Torah Congregation.
- 1.5 An Auditor may be appointed by the Board to independently examine the balance sheet, statement of income and expenditure, and other relevant accounting documentation, especially for consideration at the Annual General Meeting.
- 1.6 The Treasurer of the Board is elected to oversee the financial activities, records and statements of ETTC as described in clause 13.
- 1.7 The Solicitor may be appointed by the Board to make recommendations and assist with legal considerations presented to the Board from time to time.
- 1.8 A Minister is a male employed by the Board to serve ETTC in the spiritual and pastoral capacity of an Orthodox Rabbi.
- 1.9 The President/s of the Board is an elected member of the Board whose broad role is to chair meetings and oversee the smooth and functional running of ETTC.
- 1.10 A Register of each Voting Member and Seat Holder will be maintained.
- 1.11 A Voting Member of ETTC, means any Jew or Jewess who has paid or has had paid on their behalf by another person an annual membership fee and satisfies the eligibility criteria set out in clause 6.2 .
- 1.12 The Secretary of ETTC is an officer employed to handle correspondence, keep files, and do clerical work for ETTC and the Board. The secretary keeps records, takes minutes of meetings, and answers correspondence under the direction of the Board.
- 1.13 A Voting Member is a Member of ETTC who is at least eighteen years of age.
- 1.14 The Vice President/s of the Board assists the President/s with senior management decisions and roles.
- 1.15 The Trustee means the Trustee of ETTC established in accordance with clause 16 of this constitution.

2 Name

The name of the Congregation shall be the Elwood Talmud Torah Congregation (“**ETTC**”).

3 Purposes

The primary purposes of ETTC are to:

- 3.1 promote the laws and customs of traditional Orthodox Judaism in accordance with the rites, customs and usage of the Ashkenazi tradition; and
- 3.2 to provide a place of worship for persons of the Jewish faith; and
- 3.3 to promote the Jewish education and welfare of its congregants and other persons of the Jewish faith; and
- 3.4 to support the State of Israel.

4 No profit or gain to Members

- 4.1 ETTC will not be carried on for the purpose of profit or gain to its Members and the income and property of ETTC, however and wherever derived, will be applied solely towards the promotion of the purposes of ETTC.
- 4.2 No portion of the income or property of ETTC will be paid or transferred, directly or indirectly, to the Members of ETTC but nothing contained in these Rules will prevent the payment in good faith of remuneration to any officers or servants of ETTC or to any Member of ETTC in return for any services actually rendered to ETTC or for goods supplied in the ordinary and usual course of business.

5 Services

All prayers and services shall be conducted in accordance with the rites of Orthodox Judaism, consistent with the long-established Ashkenazi customs of the Congregation.

Services shall be held daily and, on each Sabbath, and on all Festivals and on such other occasions and at such times as the MINISTER/S and the Board of Management ("**the Board**") as provided for in Clause 7 shall determine.

6 Members, Voting Members and Seat Holders

- 6.1 Any Jew or Jewess wishing to become a Member of ETTC shall make application in writing on the form prescribed by the Board from time to time, which application form shall be signed by the applicant/s. The signed application shall be delivered to the Secretary for submission to the Board and Minister/s.
 - (a) The Board shall be empowered to reject any application for membership or defer consideration of the application until such later date as it shall determine provided that Notice for Deferral shall not be longer than two months or two ordinary meetings of the Board whichever shall be the later.
 - (b) An applicant so rejected from Membership shall be entitled to seek and obtain from the Board the reason for such rejection. The decision of the Board shall be final.
- 6.2 Any Member shall be eligible to be a Seat Holder and if eighteen years of age or older shall also be eligible to be a Voting Member of ETTC provided that:
 - (a) They are a member of the Jewish faith according to Halacha as determined by the Melbourne Beth Din; and
 - (b) They have paid an annual membership fee; and
 - (c) Their membership has not been refused, suspended or revoked by the Board, which may do so at its absolute discretion, but provided that such discretion is exercised reasonably; and
 - (d) They have applied for membership of ETTC and that application has been approved by the Board; and

- (e) A person complying with the aforesaid requirements shall be deemed a Member notwithstanding that any membership fee has been paid on their behalf by another person;
- (f) Each member shall be entitled to a single vote at any meeting held by ETTC, and
- (g) A Voting Member who holds more than one seat will be entitled to a single vote at any meetings held by ETTC.

7 Composition of the Board of Management (“Board”)

At the annual general meeting of ETTC described in clause 17, voting members of ETTC will elect a Board comprising of the Executive and the Committee.

7.1 The Executive shall comprise of:

- (a) The President or any two Co-Presidents of the Board (heretofore referred to as President/s).
- (b) One or Two Vice Presidents of the Board.
- (c) The Treasurer of the Board.

7.2 The Committee shall comprise of no fewer than six elected voting members of the ETTC and no more than ten elected voting members of ETTC.

7.3 Any prospective office holder of the Board shall have been a voting member of ETTC for a period of no fewer than twenty four months prior to offering him or herself for election, unless the Board otherwise determines.

7.4 Ex Officio Members

The Immediate Past President/s of the Board shall be an ex-officio member/s of the Committee serving the term of their successor/s and they shall have the right to vote provided that they had served one full term of twelve months as President or Co-President and continue to be a Voting Member of the ETTC.

8 Powers and Responsibilities of the President/s

8.1 The President/s will be responsible for implementing the smooth and functional day-to-day running of ETTC and the supervision of ETTC employees.

8.2 The President/s shall be empowered to suspend any employee for neglect of duty or for misconduct. In the event of such suspension, the President/s shall forthwith call a meeting of the Board which shall deal with such suspended employee. The Board shall, if it sees fit, ratify the determination of the President/s, and in any case, shall announce its decision within fourteen days.

8.3 The President/s shall be entitled to call meetings of the Board and convene an Extraordinary General Meeting of the ETTC as outlined in clause 18 to refer matters of dispute to the relevant body as determined by the Board.

8.4 The President/s may appoint any other member of the Board to act as Chairperson of the Board meeting or any other formal meeting of ETTC provided that such member is familiar with the duties and responsibilities of a Chairperson and is able to satisfactorily perform those duties and responsibilities.

8.5 The President/s shall be entitled to appoint delegates of ETTC at all times that ETTC shall be required to be represented for any purpose, provided that only members of not less than one year's standing shall be eligible to act as delegates. Such delegates shall not

have any voting rights at a Board meeting unless they have been duly elected to the Board at the previous Annual General Meeting of ETTC. Any delegate so nominated shall carry out the direction of the Board and shall provide a full report to the Board of any such representation.

9 Powers and Responsibilities of the Executive

- 9.1 To interview prospective employees of ETTC and notify the Board of any recommendations.
- 9.2 To suspend or disqualify Board Members.
- 9.3 To resolve disputes and grievances of employees and members, but any such disputes and/or grievances not amenable to such resolution shall be referred to the Board.

10 Powers and Responsibilities of the of the Board

- 10.1 To arrange and conduct lectures, courses of education, schools and cultural and social activities of all descriptions relevant to the purposes of ETTC.
- 10.2 To promote the development of maintenance and observance of the laws of Orthodox Judaism according to the rites, customs, and usages of the Ashkenazi tradition.
- 10.3 To arrange and conduct religious services on Sabbaths, Festivals and other appropriate occasions.
- 10.4 To affiliate with the Jewish Community Council of Victoria, the Council of Orthodox Synagogues of Victoria and other such Jewish Organisations and bodies within the State of Victoria and elsewhere as the Board shall determine at its absolute discretion.
- 10.5 To arrange and conduct functions and activities for the aged and elderly, the sick and the needy, and for those in sorrow and distress, and generally to support charitable and benevolent activities for persons of the Jewish faith.
- 10.6 To cause the execution and giving of all variations, discharges, transfers, instruments, acknowledgements, applications, proposals, declarations and other documents and perform or cause to be performed all such acts and things as may be required in respect of any property or interest therein, held or proposed to be held by or on behalf of ETTC.
- 10.7 To acquire by purchase, lease, grant, licence or otherwise, such rights over lands, buildings and all kinds of real property and estate rights and interests therein without any restriction, limitation or qualification whatsoever.
- 10.8 To erect and construct buildings or works of every and any description on any land of ETTC in its own right OR to authorise other parties so to do on any land or property of ETTC and upon any other lands or property held by lease, grant or licence and to demolish, rebuild, enlarge, alter, and/ or improve existing buildings or works thereon and to decorate, furnish and maintain such buildings or works and generally to deal with and improve property of ETTC.
- 10.9 To cause the exchange, demise, letting on lease, granting by licences or rights of in or over or otherwise realise or deal with all or any portion of the property or assets of ETTC.
- 10.10 To grant easements, advantages, conveniences, licences or privileges with respect to the whole, or any part, of such property or property in which ETTC has any estate or interest to any person, upon and subject to, such terms and conditions as the Board shall deem fit or cause the same to be done.

- 10.11 To acquire by purchase, subscription or otherwise, and to invest the funds of ETTC, in stocks, shares, debentures, debenture stock notes, bonds, obligations or securities of any government, state or authority, or of any public or private company, whether incorporated or unincorporated, and to place moneys upon deposit with any such aforesaid body or cause the same to be done.
- 10.12 To enter into and complete all contracts and agreements and to do all matters and things incidental to any activities of ETTC.
- 10.13 To undertake, execute, manage, promote or engage in any contract, project, scheme or enterprise involving sale, promotion, marketing, distribution or advertising of the operations and facilities of ETTC.
- 10.14 To borrow money and/or to receive money on deposit on any terms and conditions whether with or without security.
- 10.15 To lend and advance money or give credit to any person, firm or company on a commercial or charitable basis with or without security.
- 10.16 To give any guarantee, indemnity or bond, either with or without security or consideration, and whether for the payment of any money or in conjunction with the performance of any duty or obligation of any person, whether the said guarantee, indemnity or bond is, or is not, of a pecuniary nature.
- 10.17 To hire and employ and to subsequently terminate the employment of any relevant persons, including Ministers, Secretaries, Clerks, Managers, Caretakers any other workers and to pay them for services rendered to ETTC such fees, salaries, wages, gratuities, bonuses and/or allowances as may be thought fit and in accordance with Australian Law.
- 10.18 To print and publish newspapers, periodicals, books and or leaflets, and to distribute the same either free or by sale or hire or by social media platforms.
- 10.19 To undertake and to execute any trusts, the undertaking or execution of which may seem desirable to ETTC.
- 10.20 To appoint attorneys or agents to act for and on behalf of ETTC, the said attorneys or agents being granted such powers as may be deemed relevant.
- 10.21 To effect and maintain indemnities and insurance of all relevant kinds including fire, storm and tempest, burglary, public risk, civil commotion and workers compensation, in respect of the property, members of the Board, employees and visitors of ETTC.
- 10.22 To pay, satisfy or compromise any claims made against ETTC notwithstanding that the same may not be enforceable at law.
- 10.23 To demand, sue for, collect, receive and give effectual receipts and discharges for moneys and/or other properties to which ETTC may be entitled.
- 10.24 To make gifts to, and bonuses, allowances and other moneys to or in respect of any person or persons whether connected to ETTC or not.
- 10.25 To accept subscriptions, guarantees, gifts, donations, devises and bequests of property of any nature and whatsoever situate for the purposes of ETTC.
- 10.26 To enter into any arrangements with any authorities being state, municipal, local or otherwise, that may seem conducive to the objectives of ETTC, and to obtain from any such authority any rights, privileges and/or concessions which ETTC may consider desirable and to carry out, exercise and comply with any such arrangements, rights, privileges and concessions.

- 10.27 To do all such other acts and things as are incidental or conducive to the attainment of the purposes and exercise of any of the powers of ETTC.
- 10.28 To dispose of any or all of the assets of ETTC by way of sale or by way of charitable bequest.

11 Meetings of the Executive

- 11.1 The Executive shall meet either informally or formally as frequently as may be determined by the President/s acting on the advice of all or any of the members of the executive.
- 11.2 All formal meetings shall follow the guidelines for the order of business of the Board as described in clause 12.8.
- 11.3 All matters discussed at formal and informal meetings shall be recorded in the form of Minutes and signed by the chairperson of the relevant meeting.

12 Meetings of the Board of Management

- 12.1 The Board shall hold regular meetings once each calendar month or otherwise as determined by The Board.
- 12.2 At least two days' notice of such meetings are to be sent to each member of the Board.
- 12.3 Should it become necessary, extra meetings shall be held as determined by the President/s or the Board Member acting in their stead, on the advice of the Chairperson of any regular meeting, notice to be sent to each Board Member within three days of the determination of each meeting.
- 12.4 The President/s shall convene a Special Extraordinary Meeting of the Board upon receiving a request signed by no fewer than three members of the Board. The request must state the purpose for which the meeting is required and no other subject shall be discussed at such meeting. The meeting shall be convened within fourteen days of the receipt of such request. In the event of the President/s failing to convene such a meeting, the Secretary shall forthwith convene the same.
- 12.5 A quorum for a meeting of the Board shall consist of at least six Board Members.
- 12.6 Should any member of the Board be absent for three consecutive meetings without having been granted leave of absence by the Board, then their position may be declared vacant by the Board.
- 12.7 Any member of the Board who shall cease to retain membership of ETTC shall accordingly be deemed to have vacated their office and such vacancy shall be filled by the Board from eligible members of ETTC at the next Annual General Meeting.
- 12.8 The order of business of each and every meeting of the Board shall observe the guidelines set out below as closely as possible:
- (a) Appointment of Chairperson;
 - (b) The Chairperson shall declare the meeting open (if that is necessary);
 - (c) Apologies;
 - (d) Confirmation of previous minutes;
 - (e) Business arising from the minutes, including the tabling or relevant correspondence;

- (f) Treasurer's report detailing income and expenditure since the previous meeting and a current statement of the bank balance;
- (g) Any other reports including relevant correspondence;
- (h) Specific business as stated in the agenda accompanying the Notice of Meeting;
- (i) General Business;
- (j) Close of Meeting.

13 Financial Protocols of Officials of ETTC

- 13.1 The Secretary and Treasurer shall receive all moneys paid to ETTC and shall deposit the same to the credit of the ETTC account in a bank or other financial institution approved by the Board.
- 13.2 The Treasurer or Secretary shall be responsible for payment of all salaries.
- 13.3 All cheques and all withdrawals from the account of ETTC shall be signed or approved by any two authorised persons appointed by The Board.

14 Auditor

The Board may prior to the Annual General Meeting appoint a qualified person to serve as auditor for the ensuing year. The auditor's duty shall be to examine the balance sheet, statement of income and expenditure, and all other accounting documentation they believe to be relevant. All such documentation shall be submitted by the Treasurer and/or Secretary as requested by the auditor. Should any auditor decline to act or become disqualified from acting after confirmation by the Annual General Meeting, the Board shall have the power to appoint another person or persons in their stead.

15 Solicitor

The Board shall from time to time appoint one or more Solicitors to advise ETTC on legal matters and implications.

16 Trustees

- 16.1 The Board shall cause a Corporation to be registered to act as the trustee for and on behalf of the ETTC and in which trustee all real estate, fixtures, fittings, chattels and effects of ETTC shall be vested and held by the Trustee on trust for ETTC.
- 16.2 The officers of the Trustee shall comprise of at least two directors and a director/secretary who are elected by the Board and ratified at the annual general meeting of ETTC.
- 16.3 All deeds, writings and securities of ETTC shall be held made and taken by the Trustee which Trustee shall provide and sign a Declaration of Trust and any other document relating to the Trust in favour of ETTC whenever required to do so by the Board.
- 16.4 The directors of the Trustee shall hold such office for life or such shorter period as the Corporations Act shall allow unless they:
 - (a) retire from such office upon giving notice in this regard of at least twenty eight days to the Board;
 - (b) be or become incapable of acting either from mental or bodily infirmity;
 - (c) be permanently residing out of the State of Victoria, Australia;

- (d) be guilty of any neglect or improper conduct;
 - (e) refuse to sign a Declaration of Trust or any other document relating to the Trust on behalf of ETTC whenever required to do so by the Board;
 - (f) become bankrupt or insolvent;
 - (g) be guilty of misconduct as shall entitle the Board to suspend or expel such Officer from membership of ETTC; or
 - (h) cease to be a Voting member of ETTC.
- 16.5 On the death of an Officer of the Trustee, Or upon such Officer ceasing to hold office by reason of the matters referred to in clause 16.4 above, the Board shall nominate a replacement Officer and the Officers of the Trustee shall accept such nomination and direct the Secretary of the Trustee to give notice of the appointment of such Officer to the Australian Securities and Investment Commission. Such replacement Officer so appointed shall hold office until the next Annual General Meeting of ETTC when such Officer's position in the Trustee shall be declared vacant and an election is held with respect to the appointment of a replacement Officer by the members of ETTC.
- 16.6 The Trustee shall if requested by the President for the time being of ETTC to make available to the President all deeds writings and securities which may from time to time be made, taken for and on behalf of ETTC and of all other matters and things within the scope of the office of the Trustee as shall be required of it by the Board.
- 16.7 The Officers of the Trustee or any of them may attend all meetings of the Board and offer their opinions provided that no Officers of the Trustee shall be entitled to vote at such meeting of the Board unless otherwise qualified by election to the Board as Office Bearers.

17 Membership Fees

The Board may from time to time at its absolute discretion establish a Membership and/or Seat Holders Fee. Payment of such Fee shall be payable only subsequent to acceptance and approval of an Application of Membership.

18 Register of Members

The Board through its officers will arrange to keep and maintain a current and up-to-date Register of all eligible Members and Voting Members showing only relevant details pertaining to membership.

19 Revocation and/or Suspension of Membership

If any member shall be in arrears of membership fees, offerings or fines for a period of more than twelve months and shall fail to liquidate such arrears within three months of notice being served upon them requiring them to do so, or shall be guilty of a serious indictable offence or guilty of conduct likely, in the opinion of the Board, to bring the Jewish Community or ETTC into disrepute, or shall have assaulted any officer of the ETTC, or ceased to be eligible for Membership of ETTC, then such a person may be expelled or disqualified or suspended from membership as decided by the Board. The expulsion, disqualification or suspension shall take effect twenty-eight clear days after notification in writing had been sent by the Board or by its officer.

20 Allocation of Seats

The Secretary shall allocate seats in the Synagogue according to the principles communicated by the Board.

21 Annual General Meeting

- 21.1 There shall be an Annual General Meeting (“**AGM**”) of voting members of ETTC to be held on a date to be determined by The Board.
- 21.2 Nominations to any office shall be restricted to persons who have been Voting Members of ETTC for at least twenty-four months prior to the AGM, and who shall not be more than twelve months in arrears of any financial obligations to ETTC such as seat rental, offering, fines or membership fees.
- 21.3 Elections for Board members shall be held every two years.
- 21.4 To be eligible to nominate to any office, a candidate must be a frequent attendee at Synagogue Services or be regularly involved in the Shule activities.
- 21.5 A frequent attendee is one who attends services at least three times per month on average over a twenty four month period, prior to nomination, as affirmed by the Board, unless the Board otherwise determines.
- 21.6 All nominations for candidature for any office must be received by the Secretary at least fourteen days prior to the AGM. Such nominations shall be signed by the Candidate for office. In the absence of the signature of the Candidate the nomination shall not be accepted. No person shall be entitled to be nominated from the floor of the AGM.
- 21.7 The President/s shall preside over the AGM or they may appoint any other voting member of the ETTC to act as Chairperson of the AGM provided that such voting member is familiar with the duties and responsibilities of a Chairperson and is able to satisfactorily perform those duties and responsibilities.
- 21.8 The agenda or order of business shall be as follows:
- (a) Welcome and opening of the meeting;
 - (b) Apologies;
 - (c) Confirmation of minutes;
 - (d) Business arising from minutes;
 - (e) Presentation of Annual Reports by the President/s;
 - (f) Questions and responses pertaining to the Annual Report/s;
 - (g) Motion to receive/accept the Annual Report;
 - (h) The Treasurer's Report and presentation of financial statements;
 - (i) Questions and responses or explanations on the Treasurer's Report and financial statements;
 - (j) Motion to receive and accept Treasurer's Report and financial statements;
 - (k) Election of office bearers for ensuing year where applicable;
 - (l) General Business as submitted in writing at least fourteen days before the scheduled date of the AGM;
 - (m) Close of meeting.

- 21.9 The Treasurer's Report and financial statement shall consist of:
- (a) A complete statement of income and expenditure for the preceding twelve months;
 - (b) A full and detailed Balance Sheet.
- 21.10 In response to any questions from the floor the Treasurer and/or the Secretary shall respond with complete and satisfactory explanations.
- 21.11 Each member of ETTC shall be sent notification by electronic means or mail of the AGM, at least twenty-eight days before the AGM, together with:
- (a) The proposed agenda;
 - (b) A copy of the minutes of the previous AGM;
 - (c) A copy of the statements of income and expenditure;
 - (d) A copy of the balance sheet;
 - (e) All relevant documents will be posted on the website for members receiving electronic notification or for members receiving mailed notification, printed copies will be available for pickup from the office.

22 Extraordinary General Meeting

The President/s (or in their absence, the next senior officer of the Board) shall instruct the Secretary to convene an Extraordinary General Meeting, on receipt of a request signed by at least fifteen voting members of ETTC, none of whom are in arrears in regarding to any financial obligations to ETTC. Any such request must state clearly the purpose of the meeting. Such a meeting shall be held within thirty five days after receipt of such a request and no other business shall be entertained other than that set out in the request.

23 Notification of Meetings

- 23.1 Voting members shall receive a notice of each meeting by electronic notification or mail addressed to them and sent or posted at least twenty eight days before such meeting is scheduled to be held. At all AGMs twenty Voting Members (including the Chairperson) shall form a quorum, except that in the case of a meeting by request as set out in clause 18, the quorum shall consist of twenty Voting Members of whom at least ten shall be signatories to the request.
- 23.2 The Chairperson of all meetings shall be the President/S, a Vice President or the Honorary Treasurer in that order. Should all these said office bearers be absent, the meeting shall elect a Chairperson from among the members of the Board.
- 23.3 Save where this Constitution shall provide otherwise, voting shall be decided by a simple majority of Voting Members.
- 23.4 The Chairperson shall record their vote at the same time as the other Voting Members cast their votes, but the Chairperson's vote shall be put aside and not counted with the general votes. Should the votes of the meeting be indecisive insofar as there is no simple majority, then the Chairperson's vote will be used to break the deadlock
- 23.5 Any member may request that a particular subject be placed on the agenda of any General Meeting by giving notice in writing to that effect to the Secretary at least fourteen days before the scheduled date of the meeting.

24 Amending the Constitution

The constitution may be repealed or amended (in whole or part) by a new constitution by a motion carried by a minimum of a two thirds majority of Voting Members present at either an Extraordinary General Meeting called for this purpose or at a regular AGM.

25 Winding up and cancellation

On the winding up or cancellation of ETTC, any surplus assets or property remaining, after satisfaction of all its debts and liabilities, will not be paid to or distributed among the Members but will be given or transferred to some other institution or institutions having objects or purposes similar to the purposes of ETTC and whose constituent documents prohibit the distribution of its or their income, assets and property among its or their members, and which is exempt from income tax under the provisions of the [Income Tax Assessment Act 1997 \(Cth\)](#).

26 Distribution of this Constitution

- 26.1 Every member of ETTC is entitled to have a access to the Constitution, and shall receive a printed copy, available for pickup from the office upon request to the Secretary.
- 26.2 The Constitution shall be posted on the website.