



CONSTITUTION

Federation of Hazara Council of Australia (FHCA)

**Incorporated
Association**

CONSTITUTION OF THE FEDERATION OF HAZARA COUNCIL OF AUSTRALIA (FHCA)

PREAMBLE

The Federation of Hazara Council of Australia (FHCA) acknowledges the Aboriginal and Torres Strait Islander Peoples as the First Peoples of Australia and seeks to promote harmony among and equality for all the people of Australia, including the Hazara people from Afghanistan and around the world. The FHCA acknowledges the diversity of multicultural Australia and the many organisations and structures that represent Culturally And Linguistically Diverse (CALD) Australians in which the Australian-Hazara people proudly participate and contribute. The FHCA is committed to working and partnering with organisations that represent Hazara communities across Australia and the issues of concern to those communities in any areas of shared interest. The FHCA believes that sharing knowledge, resources, and expertise will enhance the ability of Hazara people and Hazara communities to fulfill their missions for the benefit of all Australians and the Hazara people.

1. NAME.

The name of the Association is the Federation of Hazara Council of Australia (FHCA).

2. RECITALS.

FHCA is an Association duly incorporated under the Association Incorporation Act 1991 of the Australian Capital Territory (ACT) and is:

- a) Without political or sectarian affiliation;
- b) Opposed to all forms of discrimination; and
- c) Established on a non-profit basis to represent and promote the interests of its members.

3. OBJECTIVES OF THE ASSOCIATION.

- a) To enrich and enhance the well-being of the Australian Hazara community through the fullest participation and involvement of the Australian-Hazara people, especially those who have experienced immigration processes;
- b) To represent the needs, aspirations, and achievements of the Australian-Hazara people and to promote and develop the skills and knowledge of members of FHCA;
- c) To promote and address the issues affecting Hazara communities within the context of the Australian community;

- d) To play an effective and ongoing role as an advocate and policy analyst on behalf of Hazara communities which make up the Australian-Hazara community;
- e) To be an effective catalyst in identifying issues for further research and development and to implement the result of such research;
- f) To assist with the direct relief of the suffering, poverty, sickness, distress, misfortune, disability, destitution, and helplessness of Hazara people in Australia, new and emerging Hazara communities;
- g) Providing direct relief through operating programs in the core areas of education and capacity building, therapeutic interventions including counseling, and other benevolent relief services;
- h) Providing services, facilities, and programs that facilitate social connections and reduce isolation and suffering such as transport assistance, community visitor's support, carer retreats, art and exercise programs, and other services and programs as community needs are identified;
- i) To support the establishment of services such as institutions for the care of people from the Australian-Hazara people who are sick, aged, infirm, have a disability, or face severe disadvantage;
- j) To organise, advance, promote, and encourage relief, welfare, and educational work among Hazara communities whether within individual groups or by joint action and cooperation between such groups on issues of common interests; and
- k) FHCA is a Hazara community-appointed body representing a broad cross-section of Australian-Hazaras interests that advocates and provides independent and robust advice to the Government, non-governmental organisations, the private sector, associations, and not-for-profit organisations.

4. NON-PROFIT CLAUSE.

The assets and income of FHCA shall be applied solely for the furtherance of its objectives, and no portion thereof shall be distributed directly or indirectly to the members of the association except as bona fide compensation for services rendered and expenses incurred on behalf of the organisation.

5. APPLICATION OF SOCIAL JUSTICE PRINCIPLES.

FHCA shall apply the principles of social justice, and access and equality to all its policies, programs, services, and activities.

6. COMPOSITION OF FHCA.

FHCA shall comprise a council and an executive.

7. CONSTITUENTS OF FHCA.

Constituents shall be

- a) Affiliated with other Hazara associations/communities in Australia.
- b) Regional Associations are defined as follows:
 - (i) A regional association must be an incorporated body affiliated to and a financial member of the State or Territory in which its principal office is located;
 - (ii) A regional association must be a Hazara community-based organisation whose members are the Hazaras within a defined geographical area outside the capital city's metropolitan area of the State or Territory;
- c) The FHCA shall also admit associate members as the executive may from time to time decide, provided that such members are national or multiregional incorporated bodies whose constitutions are compatible with the objectives of the FHCA.
- d) Associate Members shall have speaking rights only.

7A. REQUIREMENTS FOR MEMBERSHIP OF FHCA

- a) Constituents of FHCA under Section 7 shall be required to comply with the membership requirements as follows:
 - (i) Affiliated incorporated associations must have a membership of a minimum of five (5) or more individual members resident within the State or Territory; and
 - (ii) A regional association must have a membership of a minimum of three
 - (3) individual members resident within the defined geographical area.
- b) No constituent of FHCA may engage in any activity that is illegal or contrary to the interests of FHCA;
- c) All constituents of FHCA must provide proof of their compliance with the requirements of this section no less than 60 days prior to the Annual General Meeting (AGM) each year;
- d) Any constituent that does not provide proof of their current compliance with the requirements of this section shall automatically be moved to the associate member status, with speaking rights only, until proof is provided;
- e) If a constituent fails to provide proof of their current compliance with the requirements of this section for two (2) years in a row or is in breach of subsection b), the executive may, by a two-thirds majority vote, remove that constituent from

FHCA membership; and

f) If an affiliated association is expelled under subsection e) of this section, the executive may, by a two-thirds majority vote, determine to invite any other associations whose members are from Hazara communities in the relevant State or Territory to become a member of FHCA.

8. COUNCIL/ASSOCIATIONS.

a) Councils/associations shall be the policy-making body of the FHCA; it may deliberate and resolve any issue placed before it from any one of FHCA's members or affiliated organisations that is not inconsistent with the objectives of FHCA.

b) The council shall comprise:

i. A total number of forty-one (41) delegates with the following numbers from the affiliated State/Territory Associations whose members are from Australian-Hazara communities:

- New South Wales (NSW): seven (7);
- Victoria (VIC): seven (7);
- Western Australia (WA): four (4);
- Queensland (QLD): four (4);
- South Australia (SA): four (4);
- Tasmania (TAS): four (4);
- Northern Territory (NT): four (4); and
- Australian Capital Territory (ACT): seven (7); and

ii. One (1) delegate from each affiliated regional association without any limitations on the total number of regional associations from any State or Territory, provided always that the respective regional association meets the requirements set down in this constitution.

c) FHCA shall meet at least once every association.

9. EXECUTIVE.

There shall be an executive comprising:

a) The elected officers being the chairperson, two senior deputy chairpersons at least one of whom shall be a woman, the Hon. Secretary, the Hon. Treasurer, and the regional chair;

- b) The eight (8) chairpersons/president, referred to as deputy chairs, of the respective State and Territory constituents plus the elected representative/s of the affiliated regional associations or their proxies;
- c) One (1) elected regional representative or provided that if there are more than twenty (20) regional associations then two (2) representatives shall be elected, but at no time shall both representatives elected to be drawn from the same State or Territory; and
- d) The executive shall meet at least once per association year face to face and at least two additional times either face to face or via teleconferencing or video conferencing and shall exercise the powers and functions of FHCA.

10. ELECTION OF OFFICERS.

- a) Subject to s10 (h), any financial member may be nominated for election to any elected officer's position by a current financial member of any of the constituent associations or a current financial organisation of a constituent association;
- b) Nominations for all elected officer positions shall be submitted to the returning officer one (1) calendar month prior to the relevant association meeting;
- c) The nomination must clearly indicate the name of the nominee, the proposer and the seconder, the position for which the person has been nominated, and the nominee's agreement;
- d) The nomination shall include a statement from the appropriate associations that all three (3) persons (nominee, proposer, and seconder) are financial members of a constituent association of FHCA or a financial member of an organisation that is a financial member of a constituent association;
- e) An officer or staff member of a State, Territory, or regional associations or FHCA, must retire or resign from that position on election as chairperson of FHCA;
- f) FHCA elected officers shall be elected for a term of two calendar years and may not serve more than two consecutive terms in any one position. No person may serve as an elected officer for more than four (4) consecutive terms. This constitutional requirement came into effect at the 2023 AGM;
- g) Elections for all officer positions are to be held bi-annually (every 6 months) with this system having taken effect at the 2023 AGM; and
- h) All persons nominated to an elected officer position must be residents in the same State or Territory as their nominator.

11. DUTIES OF ELECTED OFFICERS.

a) Chairperson shall:

- i. Preside at the AGM of FHCA and the executive; ii. Have the right to delegate the chair for all or part of any meeting; iii. Be the spokesperson on behalf of FHCA; and
- iv. Have the discretion to delegate the making of public statements to chairpersons/coordinators of FHCA committees, networks, or taskforces.

b) Senior deputy chairperson shall:

- i. Be responsible to the executive for the efficient functioning of all subcommittees; ii. Generally, assist the chairperson; iii. Carry out other tasks delegated by the chairperson or FHCA executive; and
- iv. In the case of incapacity, absence, or resignation of the chairperson, the executive will elect one of the senior deputy chairpersons to carry out all duties of the chairperson until the chairperson can resume the duties of the chair or a new chairperson is elected.

c) Hon. Secretary shall:

- i. Cause minutes to be made of the proceedings of all meetings of the council and the executive, including the names of members present and record apologies;
 - ii. Ensure that such minutes are signed by the chairperson of the meeting at which the proceedings were held or by the chairperson of the succeeding meeting;
 - iii. Ensure that notices and agendas as required under this constitution are duly issued;
 - iv. Cause minutes to be made of all appointments of office bearers and members of the executive;
 - v. Notify, as set out under the Associations Incorporation Act of 1991 of the Australian Capital Territory, the appropriate authorities of all constitutional amendments and changes in the FHCA's office bearers within the required time; and vi. Carry out other tasks delegated by the chairperson or the FHCA executive.
- d) Hon. Treasurer shall:

- i. Ensure that all money due to FHCA is collected and received;

- ii. Ensure that all payments authorised by FHCA are made;
 - iii. Be responsible for ensuring that correct books and accounts are kept showing the financial details of all receipts and expenditures connected with the activities of FHCA; iv. Ensure that these books and accounts are available for the auditor;
 - v. Ensure that financial statements and balance sheets, duly audited, are presented to members, prior to the AGM; and vi. Carry out other tasks delegated by the chairperson or FHCA executive.
- e) Regional Chair shall:
- i. Raise issues of concern to, and advocate on behalf of, the regional portfolio; and
 - ii. Convene a national policy network, with participants from all States and Territories. The national network is used to consult and develop national responses to issues affecting the regional portfolio.
- f) FHCA executive shall create national policy networks, with collective participation from all states and territories to raise issues of concern and advocate on behalf of Hazara women, youth, people with disabilities, new and emerging Hazara communities, and seniors. These national networks are to be used to consult and develop national responses to issues affecting specific portfolio areas. The chairs of these networks will be appointed by the FHCA executive.

12. HEADQUARTERS.

The administrative head office of FHCA is located in Canberra, ACT.

13. MEETINGS.

- a) Meetings of FHCA shall be held annually in a place to be determined by the executive;
- b) Meetings of the executive shall be held in Canberra, ACT, or at any other place from time to time as determined by the executive or chairperson. It may adjourn or otherwise appoint and regulate its meetings as it sees fit;
- c) The chairperson may at any time call a meeting of the executive and/or the council of FHCA;
- d) The Hon. Secretary shall, at the request of any three (3) constituent members, call a meeting of the executive and/or council of FHCA;

- e) The Hon. Secretary shall give not less than twenty-one (21) days' notice of all meetings to the constituent members of FHCA specifying the place, the day and hour of the meeting and the general nature of the business to be dealt with at the meeting;
- f) A notice may be given to the constituent members by sending it:
 - i. By post to the registered address of the member or if there is no registered address, to the address last known to the executive, where the notice is sent by post, service of the notice shall be deemed to be effective by properly addressing, prepaying, and posting a letter or an envelope containing the notice, on the day after the date of its posting and in any other case the time at which the letter would be delivered in the ordinary course of the post; or
 - ii. By fax to the registered address and facsimile number last given to the executive where the notice is sent, showing confirmation of the time and date of delivery of the Notice sent by facsimile transmission; or
 - iii. By email to the registered address and email address last given to the executive where the notice is sent, showing confirmation of the time and date of delivery of the Notice sent by email transmission.
- g) Resolutions to change the constitution or policy must be duly proposed and seconded by constituent financial members or elected officers of FHCA, and written notice be given, of which financial constituent members shall have not less than sixty (60) days in advance of the AGM; and
- h) The executive may at any time convene a Special General Meeting (SGM) of FHCA subject to the above.

14. PROXIES.

- a) FHCA's delegate may vote in person or by proxy. A proxy must be a member of a financial organisation of the respective delegate's State or Territory associations or a financial member of a constituent council. The instrument appointing the proxy shall be in writing and countersigned by an office bearer of the relevant State or Territory associations that elected the delegate. A copy should be available to FHCA of Australia and the original lodged with the Honorary Secretary prior to any exercising of the proxy; and
- b) Executive when chairpersons/acting chairpersons, presidents/acting presidents of State and Territory associations, as well as the regional member, nominate a proxy to attend an executive meeting in their absence from executive meetings, the name of this proxy is to be forwarded, in writing, to the Hon. Secretary by the commencement of the executive meeting.

15. QUORUM.

a) FHCA, a quorum of the council shall comprise one-quarter of the delegates entitled to attend that meeting in person or by proxy which must include delegates from State, Territory, or regional associations representing no less than two (2) to five (5) States or Territories; and

b) Executive, a quorum of the executive shall be at least six (6) members representing at least two (2) to four (4) States, Territories, or regional affiliate associations.

16. VOTING AT MEETINGS.

a) Questions arising at any meeting of the executive shall be decided by a simple majority of the votes of those present and voting;

b) The decision of the majority shall be binding on all members of the executive;

c) Questions arising at any meeting of the council shall be decided by a simple majority of the votes of those present and voting;

d) The decision of the majority shall be binding on all delegates at the council;

e) On any matter where a vote is taken the chairperson shall have a deliberative vote;

f) For the election of FHCA officers, the returning officer shall conduct ballots for elections using the optional preferential system of counting votes; and

g) Once the result of the ballots for elected officers has been declared by the returning officer the results shall be recorded by the Hon. Secretary and the ballot papers destroyed.

17. AMENDMENTS TO THE CONSTITUTION.

a) This constitution may be amended by a resolution passed by three-quarters (3/4) of delegates and elected officers present and voting at any AGM or SGM, provided that at least sixty (60) days' notice of the proposed amendment shall have been given; and

b) An amendment to the constitution does not take effect until an instrument certified under the seal of the association to be a true copy of the resolution affecting the amendment has been lodged in the office of the registrar of the ACT and the fee prescribed has been paid.

18. VACANCY.

a) Where a vacancy occurs in any officer position, the executive of FHCA shall be convened to fill the casual vacancy and the person so elected by the executive shall hold office until the next meeting of the council and thereafter, if qualified,

may present him/herself for election for the remainder, if any, of the term of the officer replaced;

b) The office of a member of the executive shall become vacant:

- i. Upon his/her decease; ii. If he/she becomes bankrupt or makes any arrangement or composition with his creditors generally; iii. If he/she becomes mentally ill or a person whose person or estate is liable to be dealt with in any way under the law relating to mental health; or
- iv. In the case of any of the deputy chairpersons holding office under clause 9(b), if he/she ceases to be the president/chairperson of a constituent of FHCA.

19. COMMITTEES.

The executive may of its own volition or on the recommendations of the associations of FHCA appoint committees, networks, working parties, or taskforces of FHCA whenever it deems fit and may co-opt any fit and proper person for that purpose while ensuring that gender balance is always maintained.

20. POLICY.

- a) Before any new policy is initiated in the name of FHCA, there shall be full consultation between the chairperson and all other members of the executive;
- b) In a matter in which ample time for consultation exists, full details of the question and the action contemplated shall be conveyed in writing by the chairperson to each deputy chairperson and elected officer setting out a definite time limit for the receipt of his/her opinion. The chairperson shall at the expiration of the time limit, determine the decision favoured by the majority, and such decisions shall be binding on the chairperson; and
- c) Should circumstances not permit full consultation with the deputy chairpersons, the chairperson shall consult all elected officers by telephone and in their absence with a deputy chairperson in their place and unless there is unanimity between those consulted, no action is to be taken.

21. FINANCIAL YEAR.

The financial year shall conclude on 30 June of each year, and an audited financial statement be presented to the next ensuing AGM.

22. ANNUAL SUBSCRIPTIONS.

Annual subscription fees for all constituent and associate members shall be determined by FHCA.

23. FUNDS AND ACCOUNTS.

- a) All monies received by FHCA shall be deposited promptly to the credit of FHCA's bank account. Receipts for monies received shall also be issued promptly;
- b) All accounts shall be presented to an executive meeting and full details of all accounts paid shall be entered in the Minute Book; and
- c) All payments made by FHCA more than an amount as determined by the executive shall be paid by cheque signed by any two of the chairpersons, senior deputy chairperson, Hon. Secretary, Hon. Treasurer, and the executive officer.

24. AUDITOR.

- a) The auditor/s shall be appointed by the council at an AGM. In the event of a casual vacancy occurring, the executive shall have the power to fill the vacancy until the next AGM;
- b) Audits shall be conducted at regular intervals of not more than twelve (12) months;
- c) An auditor shall not be an office bearer or closely related to an office bearer of FHCA;
- d) An auditor shall be independent of the person dealing with the daily accounting and financial transactions of FHCA; and
- e) Notice of intention to nominate an auditor to replace the current auditor shall be given to the Hon. Secretary at least twenty-one (21) days before the AGM. The Hon. Secretary shall send a copy of the nomination to the current auditor at least seven (7) days before the AGM. The current auditor shall be entitled to attend the AGM, at his/her own expense, if he/she so wishes to be heard at such AGM.

25. INSURANCE.

AHCA shall always maintain reasonable insurance cover in respect of

- i. Public liability;
- ii. Workers'/voluntaries compensation; and
- iii. Any other risk deemed appropriate by the executive.

26. DISCLOSURE OF INTEREST.

- a) A member of the executive or council who has interests in any contract or arrangement made or proposed to be made with FHCA, or is a member of a group or organisation which is negotiating with FHCA, shall disclose that interest at the first meeting of the executive at which the contract or arrangement is first taken into consideration if the interest then exists; or, in any other case, at the first meeting of the executive after the acquisition of the interest; and

b) If a member of the executive becomes interested in a contract or arrangement after it is made or entered into, the member shall disclose that interest at the first meeting of FHCA after the member becomes so interested.

27. WINDING UP CLAUSE.

a) In the event of the winding up of FHCA, the winding up will be conducted in accordance with Part VII of the Associations Incorporation Act 1991 of the Australian Capital Territory; and

b) The liability of the members in the winding up is restricted to any amounts unpaid on their membership subscriptions and the assets of FHCA remaining after winding up shall be transferred to a similar organisation incorporated under the Associations Incorporation Act 1991 of the Australian Capital Territory.

28. THE FEDERATION OF HAZARA COUNCIL OF AUSTRALIA BUILDING.

The ownership of the property known as FHCA house situated in ACT, is vested in FHCA. This is subject to FHCA's member's financial contributions to purchase a house for FHCA.

29. DISPUTE RESOLUTION.

The parties agree that if any dispute arises under this constitution the parties shall, in the first instance, negotiate in good faith. In the event that such negotiations are not successful, the parties agree to refer the dispute for informal dispute resolution to an independent party agreed to by the parties, or in the absence of any agreement, to a person appointed by the parties, or in the absence of any agreement, to a person appointed by the President of the Law Society of the Australia Capital Territory. Such a referral shall be without prejudice to any other right or entitlement available to either Party.

30. GOVERNING LAW.

This constitution is made under and is governed by the laws of the ACT.

31. FORUM.

The appropriate forum shall be any court of competent jurisdiction located in the ACT.

32. LIFE MEMBERSHIP.

The council shall have the power to confer Honorary Life Membership. Life members will not, however, have voting rights.

APPENDIX 1

DEFINITIONS

Chairperson - A person elected at the set AGM for two (2) years. Primary spokesperson for the association.

Elected Officers - Those persons elected at the set AGM for two (2) years and responsible for the functioning of the association between AGMs. They shall have voting rights on all issues except the election of officers. Elected officers mean the chairperson, two (2) senior deputy chair-persons at least one (1) of whom shall be a woman, Hon. Secretary, Hon. Treasurer, and regional chair reserved for a person who lives in a regional or rural area of Australia and who is a current financial member of a regional associations affiliated with FHCA.

Financial Member - A constituent association referred to in clause 7 of this constitution that has paid its affiliation fee for the coming year of the association at least one working day before the AGM.

Delegate - An individual with voting rights who has been elected to represent a constituent council at the association's AGM.

Association's Year - The twelve (12) months that elapse between two (2) consecutive AGMs.

Annual General Meeting - The annual meeting of the association which must be held before 30 November of each calendar year.

Financial Year – The period from 1 July to 30 June.

Public Officer – A person appointed/elected to be the public officer, as defined in the Associations Incorporation Act 1991 of the Australian Capital Territory, of the association.

APPENDIX 2

Conduct of AGM of the council.

1. The minutes of the previous AGM must be moved and seconded before any issues arising from the minutes can be discussed.
2. When discussing matters arising out of the minutes each questioner is entitled to his/her original question plus two supplementary questions.
3. Motions from the floor of FHCA AGM must be in writing moved and seconded by accredited delegates, and presented to the chair of the meeting.
4. Any substantive motion that is before the meeting shall be disposed of before a further substantive motion is moved.
5. Substantive motions shall be moved and seconded:

- i. A delegate moving or seconding a motion or any amendment thereto shall have the right to speak only when so moving or seconding, and shall be held to have spoken to the question because of such moving or seconding whether they contributed to the debate or not;
 - ii. A motion or amendment having been submitted to the meeting may not be withdrawn without the consent of the meeting;
 - iii. If two motions are submitted, one proposing that a certain course of action be followed, the other that it is not followed, the issue shall come before the meeting in the affirmative form; and
 - iv. Each delegate shall have the right to speak once only to any motion and subsequent amendment except for the mover, who shall have the right to reply but shall not introduce any new matter therein.
6. One amendment only shall be considered at a time:
- i. The mover of an amendment has no right to reply;
 - ii. More than one amendment may be moved by the same person provided that each such amendment refers to a different part of the motion;
 - iii. Amendments shall be taken in the order in which they affect the terms of the motion;
 - iv. An amendment must be relevant to the substantive motion. It may not be a simple negation of the motion;
 - v. The mover of the original motion may exercise the right of reply. The mover may not move an amendment but may speak to all amendments without prejudice to the normal right of reply, including amendments debated subsequently to the exercise of the right of reply; and
 - vi. Following the putting of all amendments, moved and seconded, the original motion, in its now possibly amended form, shall be put.
7. Points of order must be clearly indicated with debate being confided to the mover of the Point of order and the chair.
8. Procedural motions may be moved and seconded from the floor.
9. The following procedural motions may be moved, received, and put to the meeting during the course of the debate on a substantive motion:

- i. For permission to withdraw a motion or amendment; ii. That the question be now put; iii. To proceed to the next business;
- iv. To defer consideration of the matter for a stated time (adjournment of debate);
- v. To refer the matter elsewhere; vi. To discuss the action of a member who has been named by the chair; vii. To extend the time limit;
- viii. That the motion or communication lies on the table; ix. To go into committee of the whole;
- x. To divide the motion into separate parts; and
- xi. Motions i. to iii. shall have precedence in the order given. All procedural motions except 9-ii and 9-iii may be debated.

10. The Chair shall have the discretion to refuse the following procedural motions:

- i. That the question be now put; ii. To proceed to the next business; ii. If it is considered that there has been an inadequate opportunity for debate on the on the motion to which they refer; and
- ii. iii. To extend the time limit; so that the motion or communication lies on the table.

11. It shall be permissible for anyone who has spoken in the debate to move the following procedural motions:

- I. That the question be now put;
- II. To proceed to the next business;
- III. To refer elsewhere; and
- IV. That the motion or communication lies on the table.

12. If the procedural motion -“that the question be now put” is carried out, the mover of the original motion shall have the right of reply before the motion is put.

Time Limits

- a) For each section of the agenda, such time as is allocated by the chair and the Hon. Secretary.
- b) For each speaker making a report - 6 minutes.

- c) For each speaker move a motion - 6 minutes.
- d) For each speaker in the debate - 4 minutes.
- e) For each mover speaking in reply - 2.5 minutes.
- f) Extension of time, per speaker - 2.5 minutes.
- g) No speaker to any motion shall be granted more than two extensions of time.
- h) The number of speakers on any motion relating to the constitution or any motion shall be limited to six, including the mover and seconder—3 in favour and 3 against—with the mover having the right to reply.

Delegates' Rights and Responsibilities.

- a) A delegate shall stand to speak, address the chair, and confine debate to the question under discussion, avoiding personalities and unbecoming language.
- b) A delegate when speaking shall not be interrupted except by the chair or a delegate raising a point of order.
- c) A delegate who has spoken may be asked through the chair to explain certain statements or to clarify statements that have not been clearly understood. A delegate may, with the permission of the chair, volunteer an explanation where it is considered that the delegate's statement of the facts has been misrepresented. In making these explanations the delegate shall be prohibited from debating the merits or demerits of any proposal. Similarly, in asking for an explanation of any point a delegate shall not be permitted to debate the merits or demerits of any proposal, and the chair may rule that the questioner has spoken in the debate if this requirement is breached.
- d) A delegate requesting information or wishing to ask a question at a meeting shall do so through the chair.
- e) Any delegate may rise to a point of order against a speaker during the debate, and the delegate against whom the point of order is raised shall cease speaking and sit down. The delegate raising the point of order shall state the reasons within one minute, then the chair shall give a ruling without further discussion, and subject to each ruling the delegate who was speaking when the point of order indicated the breach creating the point of order. The chair's ruling shall be final unless challenged by a motion of dissent.
- f) A delegate dissatisfied with the chair's ruling may move a motion of dissent in the following terms: "That the Chair's ruling be dissented from".

Immediately a motion of dissent is moved the chair shall call upon a senior deputy chair, or on any deputy chair, to take the chair. When the mover and the chair (in that order) have stated their cases, each being allowed three minutes, the senior

deputy chair/deputy chair shall then put to the vote the question -“That the Chair’s ruling be upheld.” The motion shall be decided by a simple majority. The person occupying the chair during the debate of the motion shall declare the outcome of the vote, whereupon the chair shall resume control of the meeting and shall rule in accordance with the outcome of the motion of dissent.

Chairperson’s Rights and Duties.

- a) The chairperson shall have the right to debate but must first call upon a deputy to take the chair, and not resume it until the question has been resolved.
- b) It shall be the duty of the chair to preserve order so that the business may be conducted in due form and with propriety, and to call to order speakers who violate any rule of debate.
- c) The chair shall call the attention of a speaker to continued irrelevance or tedious repetition and may direct such delegate to discontinue speaking.
- d) The chair may name a delegate for disorder, and the meeting shall forthwith discuss what action shall be taken.
- e) In the case of disorder arising, the chair shall have the power to adjourn the meeting to a nominated time and place, and upon the chair being vacated the meeting is thereby terminated.
- f) When more than one delegate rises at the same time to speak, the chair shall decide who shall be heard first.
- g) Within the time allowed for the debate on a motion, and subject to procedural motions, the chair shall not put the question while any member who has not spoken wants to be heard. If the time for debate on the motion expires, the chair shall permit any delegate speaking to exhaust the time allowed for such speaking, shall invite the mover of the motion to exercise the right of reply, and shall then put the question.

Voting.

Notwithstanding the voting procedures set out in this constitution:

- a) Voting on any questions shall be decided, in the first instance, by show of hands.
- b) When a count is called for, the vote for and against shall be counted by a least two tellers appointed by the chair, and the numbers voting for and against shall be announced by the chair and recorded in the minutes.
- c) Delegates are entitled at their request to have their dissent or abstention recorded in the minutes.
- d) A simple majority is defined as when more votes are cast for the motion than against it.

e) A two-thirds ($2/3$) majority is defined as when at least twice (2) as many votes are cast for the motion as against.