

## Constitution of St. Peter's Jacobite Syrian Orthodox Christian Church

### PREAMBLE

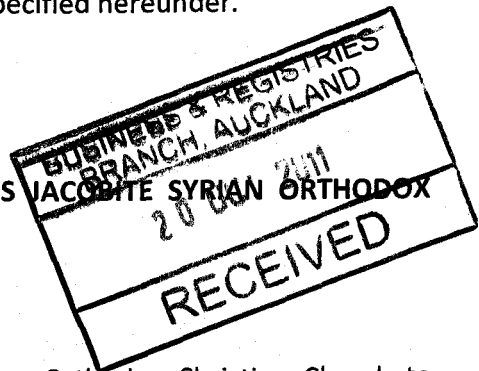
Where as some members of the Malankara Syrian Christian Community, now residing in and around Auckland, New Zealand, who owe their allegiance to The Patriarch of Antioch and All the East adorning the throne of St. Peter of the Universal Syrian Orthodox Church, presently His Holiness Moran Mar Ignatius Zakka I Iwas (herein referred to as The Patriarch), to the Catholicos of the East under the Holy Apostolic See of Antioch and All the east and his successors in Office, presently His Beatitude Aboon Mar Baselios Thomas I and other Bishops duly ordained and or to be ordained by The Patriarch of Antioch and or by the Catholicos of the East under the Holy Apostolic See of Antioch and All the East or his successors, ordained by or under the authority of The Patriarch of Antioch, have formed themselves into a congregation named The St. Peter's Syrian Orthodox Christian Church with effect from 18<sup>th</sup> August 2003 and are desirous of continuing to function as St Peter's Jacobite Syrian Orthodox Christian Church in the future for the realisation of the objectives specified hereunder.

#### 1. NAME OF THE SOCIETY

1.1 The name of the society shall be "ST.PETER'S JACOBITE SYRIAN ORTHODOX CHRISTIAN CHURCH"

#### 2. OBJECTIVES OF THE SOCIETY

- 2.1 The Society aims to establish a Jacobite Syrian Orthodox Christian Church to conduct Holy Worship and such religious activities that may be part of this Constitution
- 2.2 To conduct a Sunday school for providing religious education to children of the Christian community
- 2.3 To conduct retreats for the members of the Christian community
- 2.4 To undertake or partake in community development programs for the social welfare and spiritual development of the New Zealand community at large.
- 2.5 To collect funds necessary from the members and the community for fulfilling the objectives of the society
- 2.6 To assist members in whatever way possible especially in times of difficulties, misfortune and the like.
- 2.7 To assist migrants with necessary help and guidance for their smooth settlement in New Zealand
- 2.8 (a) To acquire by purchase taken on lease or otherwise lands and buildings and all other property real and personal which the General Body of the Society may from time to time think proper or dispose of



erect on any such land any building and to alter add to and maintain any building erected upon such land for the attainment of the above objectives.

(b) To sell improve maintain manage exchange lease mortgage dispose of turn to account or otherwise deal with all or any part of the property assets and rights of the Society for fulfilling the objectives of the Society

### **3. MEMBERSHIP**

**3.1** Persons who are 18 years and above, who accept the Syrian Orthodox faith and who owe their allegiance to the Patriarch of Antioch and All the East are eligible to be members of the Society

**3.2** Persons who wish to apply for membership to the society should make a written application in the prescribed form of the society and hand it over to the Executive committee for consideration. A decision of the Executive Committee regarding membership will be conveyed to the member within 7 working days of the following Executive Committee meeting.

#### **3.3 Fees**

##### **Membership fees**

Each member shall pay to the Society an annual membership fee. The membership fee is set by a majority decision at the Annual General Meeting at which the Executive Committee is elected

##### **Subscription Fees**

Each member/family shall pay to the Society a monthly subscription fee as set by a majority decision at the Annual General Meeting at which the Executive Committee is elected. Any changes to these contributions may be made by the Executive committee on the recommendation of the Vicar based on the financial circumstances of the individual.

**3.3 (a)** The membership fee should be paid along with the application.

(b) All members are required to pay the membership fee and the member/family the monthly subscription. Any changes to these contributions may be made by the Executive committee on the recommendation of the Vicar based on the financial circumstances of the individual.

(c) No refund of membership and monthly subscription will be made when a person withdraws their membership

**3.4** The Society shall keep a register of the members containing the names, addresses of all of the members and the dates at which they became members.

#### **4. MANNER IN WHICH MEMBERS CEASE TO BE MEMBERS OF THE SOCIETY**

##### **4.1 Resignation**

Should a member wish to resign from the society, a written letter of resignation should be handed over to President / Secretary of the society

##### **4.2 Suspension**

**4.2(a)** A member who acts against the objectives of the society is liable for disciplinary action.

(b) A special Executive Committee meeting will be called to which the concerned member will be invited to attend and submit written grounds to refute the allegation.

(c) The member shall remain suspended until the recommendation of the Executive Committee and is debated in the General Body. The member will be informed in writing of the decision of the General Body.

**4.3** Any member who defaults payment of subscription fees for more than 3 months shall ipso facto forfeit the rights and privileges conferred upon him as member by these rules, which shall be revived by the clearance of the entire arrears before such date as the committee removes his/her name from the membership rolls

#### **5. AMENDMENTS**

**5.1(a)** The Preamble to this Constitution is the established principles of this Church and is of a fundamental nature and cannot be altered, amended or expunged by any of the bodies or offices constituted in this Constitution.

(b) The rules and by-laws of the Society can be amended by a two thirds majority of members at any Special General meeting of the Society. The quorum for this Special General Meeting shall be at least half the existing membership of the society.

(c) If within half an hour from the time appointed for this Special General Meeting a quorum of members is not present, the Meeting shall be adjourned to some convenient time and place as is determined by a majority of the members then present and shall be notified in writing to members at least seven (7 days) before such adjourned Meeting. If a quorum of members is not present at such adjourned Meeting, the members then present shall constitute a quorum of this Special General meeting.

**5.2** The agenda of this meeting should explicitly indicate the proposed amendments and should be officially notified to members at least ten working days in advance.

## **6. MEETINGS**

**6.1(a)** There shall be a general body of the Society consisting of the valid members of the Society at the time of the meetings

(b) A General Meeting of the Society shall be held once in every calendar year on the second Sunday of April. If this falls on Easter Sunday, the AGM will be held on the following Sunday at such time (not being more than fifteen months after the holding of the last preceding General Meeting) and place as the Committee may determine. The above mentioned General Meeting shall be called Annual General Meetings. All other General Meetings shall be called Special General Meetings.

(c) Half yearly Special General Meeting shall be convened in the month of October every year, which shall examine the half-yearly report by the Secretary and accounts by the Treasurer. This meeting shall also consider matters allowed by the Chairperson

### **6.2 Summoning**

**6.2(a)** Special General Meetings of the Society may be convened at any time by the Secretary or the President under the direction of the Committee and shall be convened on the written requisition of not less than 5 members of the Committee or not less than one-third of the existing members of the Society

(b) Notice summoning all General meetings will be provided electronically or in writing to the General Body 10 working days prior to the date in the case of Special General meetings and 15 working days prior to the date in the case of Annual General Meeting

### **6.3 Quorum**

**6.3(a)** The quorum for all Special General Meetings shall be one-fourth the existing membership of the society.(b) the quorum for all meetings of the Executive Committee shall be atleast half the membership of the committee except in the case of a committee with fewer than four members, when the entire committee shall constitute the quorum.

(c) At every Annual General Meeting or Special General Meeting the chair shall be taken by the President or, in his or her absence, the Vice President. In the absence of both the President and Vice President a Chairperson shall be nominated from members of the Committee by the persons present at the meeting.

(d) The voting at an Annual General Meeting or Special General Meeting shall be taken as the Chairperson shall direct. However, any member present may demand a secret ballot which shall be immediately taken in a manner determined by the Chairperson and the results declared by the Chairperson. In case of equality of votes, the Chairperson shall have a casting vote.

(e) The business of the Annual General Meeting shall be:-

- (i) To approve the Annual Report of the Secretary.
- (ii) To approve the duly audited Annual Statements of the income and expenditure and assets and liabilities of the Society
- (iii) To appoint an auditor for the ensuing year.
- (iv) To transact any other business of which notice in writing has been given to the Secretary at least fourteen days prior to the last day upon which notice of meetings may be given.
- (v) To elect the Officers and Executive Committee members for the next year.

**6.4**The agenda for all General Meetings will be discussed and decided by the Executive Committee of the society and intimated to the General body along with the notice calling the meetings

**6.5** Notices of Motion

If a member wishes to raise any issue at the Special General Meetings other than the items specified in the agenda, a notice in writing should be provided to the Executive body atleast fourteen days prior to the date of the meeting

**6.6** (a) Voting on all issues at all meetings will be by a majority show of hands or secret ballot

(b) Subject to the foregoing provisions every member shall have one vote

(c) Votes may only be recorded personally or by proxy. The form of proxy must be in the hands of the Secretary at the office of the Society before the commencement of the meeting at which it is proposed to be used. An instrument appointing a proxy shall be signed by the member making the appointment and shall be in the following form or such other form as the Committee shall approve:

I/WE \_\_\_\_\_ being a Member of

hereby appoint \_\_\_\_\_ as my proxy to vote for me and on my behalf at the Annual/Special General Meeting of the Society to be held on the \_\_\_\_\_ day of \_\_\_\_\_ year or any adjournment thereof.

Date: \_\_\_\_\_ Signature: \_\_\_\_\_

6.7(a) If within half an hour from the time appointed for a Special General Meeting a quorum of members is not present the Meeting shall be dissolved. In any other case it shall stand adjourned to some convenient time and place as is determined by a majority of the members then present and shall be notified in writing to members at least seven (7 days) before such adjourned Meeting. If a quorum of members is not present at such adjourned Meeting, the members then present shall constitute a quorum.

(b) Only a valid member shall be eligible to vote at any Meeting. A valid member shall have no arrears of subscription fee in excess of one month.

6.8 Minutes of the Annual General Meeting and Special General Meetings shall be recorded by the Secretary and the minutes shall be presented and confirmed with or without amendment at the next meeting. Such minutes shall be signed by the Chairperson and atleast two members present in the meeting and carefully kept under the custody of the Secretary and shall be open for inspection to members on request in writing to the Executive Committee.

## **7. EXECUTIVE COMMITTEE**

### **7.1 Executive Committee Membership**

(a) An Executive Committee elected by the members at the Annual General Meeting will administer the society.

(b) The Vicar of the Church appointed by the Diocesan Metropolitan appointed by the Patriarch of Antioch, in consultation with the General body, shall be the President of the Society

(c) Any existing member of the society who is of good character and without any charges of dishonesty can become an office bearer of the Executive Committee of the society.

(d) A member with valid membership of the Society for atleast six month and who does not have any arrears will only be eligible for appointment to the Executive Committee

(e) No two members of the same family can become members of the Executive Committee

(f) The Executive Committee will consist of the President, Vice-President, Secretary, Treasurer three other members and the immediate past Secretary and Treasurer.

(g) Any two members of the Executive Committee shall be lady members.

## **7.2 Election process**

- (a) The President of the Church or in his absence the Vice-President will oversee the election process and declare the election of the Executive Committee for the new operational year
- (b) A member of the society who wishes to take up a position in the Executive Committee should be nominated by two valid members of the society prior to or during the AGM
- (c) The President or in his absence the Vice-President will scrutinize the applications and validate their nomination forms set by the society.
- (d) In the case where no written applications are received for the posts of the Executive committee members, the posts can be nominated or shall be elected from the members present at the Annual General Meeting
- (e) Elections to positions will be held during the Annual General Meetings and appointees elected by show of hands or secret ballot

**7.3** The Committee shall meet at least once every two months. Notice calling the Executive Committee must be notified to the committee members atleast one week in advance.

**7.4** Members of the Executive Committee shall hold office until the election of their successors. The Executive Committee is authorized to fill any vacancy of its office bearers due to resignation, incapacity, and suspension from within the Committee and the post vacated can be filled by nomination from the members of the society and subsequently ratified by the General Body

**7.5** The Executive Committee can form sub-committees with the other members of the society for any special administration or operation of the society.

**7.6** The Executive committee shall keep proper minutes of their meetings' proceedings

**7.7** The annual report and accounts shall be prepared by the secretary and the Treasurer respectively and submitted to the Executive committee prior to presenting at the Annual General Meetings for their approval.

**7.8** Any member of the Executive Committee abstaining from three consecutive meeting of the committee without giving valid reasons to the President shall forfeit his/her membership to the Executive committee and shall be replaced as per clause 7.4

## **8 THE COMMON SEAL**

**8.1** The Society shall have a common seal on which shall be engraved the name of the Society and which shall be kept in the custody of the Secretary. Such seal shall not be affixed to any document except pursuant to resolution of the Committee and in the presence of at least two members thereof who shall sign every document so sealed.

**8.2** The Society shall have a Vicar's Seal for use by the Vicar to affix onto certificates of the Society required for Character, Baptisms, Marriages and Deaths or any other document that the Executive committee so decides.

## **9 THE CONTROL AND INVESTMENT OF THE SOCIETY'S FINANCE**

**9.1** All funds of the Society shall be deposited in a bank account in the name of "St. Peters Jacobite Syrian Orthodox Christian Church." without delay.

**9.2** The Executive Committee will be responsible for the day to day management and allocation of funds available to the society in keeping with the objectives of the society, as per 9.11.

**9.3** The Treasurer of the society is authorised to issue receipts for funds collected or received by the society and the banking of such funds. The President, Secretary or Treasurer (any two) of the society is authorized to jointly sign cheques on behalf of the society and shall be notified at the next Executive Committee meeting

**9.4** All monetary transactions shall be made in the name of "St. Peter's Jacobite Syrian Orthodox Christian Church"

**9.5** The income and expenditure of accounts of the society shall be subject to yearly audit by an auditor appointed at the AGM.

**9.6** The St. Peter's Jacobite Syrian Orthodox Christian Church is a charitable and a non-profitable organisation and no individual may obtain private pecuniary gain from the Society. The members may, however, be reimbursed for expenditure incurred on behalf of the Society subject to approval of such expenses by the Executive Committee and or wages of the employee.

**9.7** Any donations received towards the Society from any non-member or other organizations, will be used only for the activities catering to the objectives of the society as defined in **Section 2**

**9.8** The Treasurer shall distribute annually to members a copy of the audited statement of accounts or a summary thereof. The detailed accounts shall be made available to members who may demand to inspect them.

**9.9** The Secretary of the Executive committee shall publish the existing membership list before the AGM.

**9.10** Early in the term of the Executive Committee, the Treasurer shall prepare and present a budget of the society for the following year.

**9.11** The Secretary/Treasurer of the Society is authorized to spend an amount not exceeding \$500.00 The Executive Committee is authorized to spend upto \$10,000.00 and any expenditure exceeding \$10,000.00 should have the prior approval of the General Body



## **10 WINDING UP OF THE SOCIETY AND THE DISPOSITION OF ITS PROPERTY**

### **10.1 Winding up**

A resolution in favour of winding up the society must be passed by three-fourth of the existing membership of the society at a General Body Meeting. This resolution should be ratified at a subsequent meeting held not earlier than one month from the date of the resolution.

### **10.2 Disposal**

All assets of the society may be disposed of after the resolution for winding up the society is ratified by the General body. Payment of all costs, debts and liabilities are to be met from the sale proceeds of the assets. Any remaining property will be donated to another organization that is charitable under New Zealand law or for some other charitable purpose recognized under New Zealand law, as decided by the General Body.

## **11 BAPTISMS, MARRIAGES & DEATHS**

**11.1** All baptisms, marriages and funeral services will be conducted in accordance with the rules set out by the Jacobite Syrian Orthodox rites.

**11.2** A fee is payable to the Church for the conduct of the baptism, marriages and funeral services which will be recommended by the Executive Committee and ratified by the the AGM from time to time.

**11.3** A register of Baptisms, Marriages and Deaths is to be maintained by the Church.

## **12 INDEMNITY OF OFFICERS**

**12.1** No Officer or ordinary Committee member shall be liable for the acts, receipts, neglects or defaults of any other Officer or ordinary Committee member or for any loss occasioned by any error of judgement or oversight on his or her part or for any other loss damage or misfortune whatever which shall happen in the execution of the duties of his or her office or Committee membership or in relation thereto unless the same has been through his or her own wilful default, dishonesty or fraud.

## **POWERS OF THE COMMITTEE**

**13.** The administration of the business of the Society shall be vested with the Executive Committee and the Committee may exercise all such powers and do all such acts and things as the Society is by its Rules or otherwise authorised to exercise and do and are not hereby or by Statute directed or required to be exercised or done by the Society in General Meeting but subject nevertheless to the provisions of the Act and of these Rules and to any regulations not being inconsistent with these Rules from time to time made by the Society in General Meeting. The Committee may exercise all or any of the powers, authority, functions and discretions vested in the Society including:

- (a) To provide suitable premises for meetings and carrying on the work of and for the purpose of carrying into effect the objects of the Society and to employ and dismiss servants and agents.
- (b) To acquire by purchase taken on lease or otherwise lands and buildings and all other property real and personal which the General Body of the Society may from time to time think proper or dispose of such property or any part thereof and to erect on any such land any building and to alter add to and maintain any building erected upon such land.
- (c) To sell improve maintain manage exchange, lease, mortgage, dispose of turn to account or otherwise deal with all or any part of the property assets and rights of the Society, which the General Body of the Society may from time to time think proper or dispose of such property or any part thereof.
- (d) To raise or borrow money in such manner and upon such security (if any) as the General Body of the Society shall think fit and in particular upon the security of any mortgage or mortgages charge or charges of all or any part of the Society's property assets and rights (both present and future) or by the issue of debentures charges or not upon all or any part of the Society's property assets and rights (both present and future) and generally with such rights and upon such terms and conditions in all respects as the General Body of the Society shall see fit and to purchase redeem or pay off any such securities and re-issue same.
- (e) To give guarantees, bonds and indemnities and to make draw accept endorse discount execute and issue promissory notes bills of exchange drafts debentures and all or any negotiable or transferable instruments subject to approval of the General Body.
- (f) To invest, to establish a subsidiary society/company for fulfilling the objectives of the society and deal with the moneys of the Society not immediately required upon such securities or otherwise in such manner as may from time to time be determined and subject to approval of the General Body.
- (g) To enter into any contract or agreement for any purpose within the power of the Society or for the furtherance of any of its objects.
- (h) To receive gifts and grants of money and property.
- (i) To employ a person or persons to carry out its objects and to remunerate such employees by way of reasonable payment including wage or salary for work and/or services actually performed. Where such a person (or persons) is a member of the Society, such person shall not take part in any discussions or decisions directly or indirectly affecting the amount of remuneration or conditions of such employment.

## **BOOKS AND FINANCIAL STATEMENTS**

- 14** (a) The Society shall cause to be kept proper books of account in which shall be kept true and complete accounts of the Society, assets and transactions of the Society.
- (b) At the close of each financial year, an income and expenditure account and a statement of assets and liabilities of the Society shall be prepared and shall be examined and the correctness thereof ascertained by the auditor of the Society
- (c) The Society shall deliver annually to the Registrar of Incorporated Societies in such form and at such times as he or she requires a statement containing the following particulars:
- (i) The income and expenditure of the Society during the Society's last financial year.
  - (ii) The assets and liabilities of the Society at the close of the said year.
  - (iii) All mortgages, charges and securities of any description affecting any of the property of the Society at the close of the said year.
- (d) The said statement shall be accompanied by a Certificate signed by the Treasurer or in his or her absence another Officer of the Society authorised by the Committee to the effect that the statement has been submitted to and approved by the members of the Society at a General Meeting.

## **VICAR**

- 15** (a) The Vicar of the Parish shall be appointed by the Diocesan Metropolitan (Bishop) in consultation with the General Body of the Society.
- (b) The term of the Vicar shall be for 3 years. Any extension of this term should be in consensus of the General body present and the Executive committee should seek the approval of the Diocesan Metropolitan.
- (b) The Vicar shall officiate the church services at the appointed days and also cater to the spiritual needs of the members of the church.
- (c) The Vicar shall be the President of the Executive Committee meetings and all the General Body meetings.
- (d) The Vicar shall be responsible along with the Secretary and the Treasurer to write, maintain and keep the Baptism register, Marriage Register, Death Register, Membership register and voter's registers
- (e) The Vicar shall be responsible to issue certificates, if necessary as per the registers mentioned above. He shall maintain copies of the certificates issued.

(f) The working conditions, remuneration and perquisites of the Vicar shall be in accordance with the New Zealand labour laws.

### **AUDITOR**

**16 (a)** The remuneration of the auditor shall be fixed by the Committee.

(b) If any casual vacancy occurs in the office of any auditor appointed by the Society, the Executive Committee shall appoint an auditor to carry on the duties of the auditor until the next Annual General Meeting.

(c) Every auditor shall be supplied with a copy of the accounts and statements referred to in Rule 14 hereof. It shall be the auditor's duty to thoroughly examine the same in detail with the books, accounts and vouchers relating thereto.

(d) Every auditor shall have a list delivered to him of all books kept by the Society. The auditor shall have access at all reasonable times to the books and documents of the Society and the auditor may in investigating such accounts examine the Committee members who shall at all times render all possible assistance to the auditor.

(e) The auditor shall make a report to the members upon the accounts and statements aforesaid. Every such report shall state whether in his or her opinion the same is or are full and fair accounts and statements containing the particulars required by the rules of the Society and properly drawn up so as to exhibit a true and correct view of the Society's affairs. Such report shall be read together with the report and the statement of accounts, assets and liabilities at the Annual General Meeting.

### **THE SECRETARY**

**17.** The Secretary shall:

(a) Notify each person when elected of his or her election to membership of the Society or the Committee or an office.

(b) Notify members of the Society of each Meeting of the Society, and Members of the Executive Committee of meetings of the Committee and give all such notices as may be required by these rules.

(c) Keep a Register of Members as herein before mentioned.

(d) Keep a record of proceedings of all meetings and of the attendance of officers and members of the Society at such meetings.

- (e) Keep a record of the number of members voting at the election of candidates for membership and of the result of such voting.

**TREASURER**

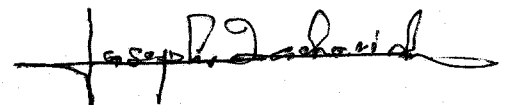
18. The Treasurer shall:

- (a) Bank or cause to be banked in the name of the Society all monies received within 5 working days.
- (b) Disburse the funds of the Society as may be determined by the Committee.
- (c) Keep the Society books of account and prepare the necessary financial accounts and statements.


**PECUNIARY GAIN**

19. No member shall derive any pecuniary gain from the property or operations of the Society. Provided however that in the event of the winding up or intended winding up of the Society or its dissolution by any means whatever, the funds, property and assets of the Society shall be dealt with and disposed of in such manner as the three-fourth majority of the members of the Society shall from time to time resolve or decide. Provided also that although no member of the Society shall receive or participate in any direct personal benefit from the Society, the fact that any member derives from the Society pecuniary gain by way of salary or grant, as a servant, agent or Officer of the Society, or derives personal gain to which the member would be equally entitled if he or she were not a member of the Society such payment shall not be deemed to be personal benefit under this clause.

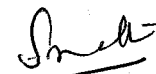
Rev. Dr. Joseph Zachariah  
Vicar & President

  
20-09-2011

Ratish Kurian.  
Secretary

  
20.09.2011

Sam Mathan.  
Exec. Committee Member.

  
5/10/11