



**AUSTRALIAN DENTAL ASSOCIATION VICTORIAN BRANCH INC.**

**BY-LAW 5**

**THE BENEVOLENT FUND**

**1. INTERPRETATION**

Unless inconsistent with the context or subject matter

- (1) "the Fund" means moneys attributed to the Benevolent Fund;
- (2) "the Benevolent Fund Advisory Board " means the persons from time to time appointed as such pursuant to the provisions of this By-Law;
- (3) words and expressions defined in the Rules of the Branch shall have the same meaning in this By-Law.

**2. OBJECT**

The Benevolent Fund is established to render financial assistance and advice, in cases of hardship, to any Member or former Member of the Branch and to the dependants of any Member, former Member or deceased Member of the Branch.

**3. REGULATIONS GOVERNING THE BENEVOLENT FUND ADVISORY BOARD**

- (1) The oversight of the Fund shall be vested in a board of five, to be called the Benevolent Fund Advisory Board, consisting of three elected Members of the Branch and the Immediate Past President.
- (2) Election of the Advisory Board Members
  - (a) Each elected Board member shall have a two year term of office. A retiring elected Board member shall be eligible for re-election.
  - (b) Following the June General Meeting in each even year the newly elected Board members shall take office.
  - (c) Election of Board members shall, except under circumstances provided for in Clauses 3(3)(b) and 3(3)(c) hereof, be consequential to an election to be held in accordance with the procedure mutatis mutandis prescribed by Rules 36 - 44 (inclusive) of the Branch.
- (3) Cessation of Office of Board Member
  - (a) Board members shall cease to hold such office:
    - (i) if they die;
    - (ii) if they resign their office by notice in writing to the Chief Executive Officer;

- (iii) if they are absent from three consecutive meetings of the Board (of which due notice has been given) without the consent of the Board;
  - (iv) if in the opinion of the Branch Council they become incapable of carrying out, or refuse to carry out, their duties as Board members;
  - (v) if for any reason they cease to be Members of the Branch.
- (b) A new Board member shall be appointed to fill any casual vacancy arising as aforesaid at the first Council Meeting of the Branch held after such vacancy arises and such new Board member shall hold office until the next June General Meeting in an even year.
- (c) Any elected Board member may be removed from office by a resolution carried by not less than two-thirds of the Members of the Branch who being entitled so to do attend and vote at an Extraordinary General Meeting of the Branch to be convened for the purpose of considering a motion for such removal. Written notice of the Extraordinary General Meeting and of the business to be considered thereat shall be given to the elected Board member whose removal is to be considered at least twenty-eight days before such Meeting. The Members present at any Extraordinary General meeting at which the removal of an elected Board member is affirmed may by resolution passed by a majority of the Members present at the Meeting appoint a Member to be a new member of the Advisory Board of the Benevolent Fund in the place of the Board member so removed and such new Board member shall hold office for the balance of the term of the Board member so removed.

#### **4. ADMINISTRATION OF THE FUND**

- (1) The Board members shall after each June General Meeting of the Branch appoint one of their number to be the Chair and another to be honorary secretary of the Benevolent Fund Advisory Board for the ensuing twelve months.
- (2) The Advisory Board shall meet as needed, and meetings shall be convened when summoned by the Chair or by any two members of the Board.
- (3) The Chair shall preside at all meetings of the Board but if that person is unable or unwilling to act the other members present may elect from their number a Chair for that meeting. In the case of an equality of votes the Chair shall have a second or casting vote.
- (4) A quorum for meetings of the Board shall comprise three members.
- (5) At the time that the annual subscription notices are rendered to Members in each year in accordance with Rule 28, the Advisory Board may recommend an appeal to Members for contributions to the Fund and, with the approval of the Branch Council, may make appeals to Members at other times or take other measures to increase the assets of the Fund. Contributions by Members to the Fund shall be voluntary and may be made at any time.
- (6) The Board shall investigate all cases and matters in which assistance is sought from the Fund or which are referred to the Board by the Branch Council or otherwise and shall have the power to grant or refuse monetary or other assistance to any applicant.
- (7) Any act done by a person bona fide acting as a Board member, notwithstanding any informality or irregularity of appointment, shall be valid.
- (8) The Chief Executive Officer shall cause proper financial records to be kept.

- (9) The Board shall cause proper minutes and records of all matters in respect of which such receipts and expenditure take place and of the assets, credits and liabilities of the Fund.
- (10) A summary of the assets and liabilities of the Fund each financial year shall be made out and included in the audit of Branch accounts by the auditor or auditors of the Branch. This financial summary shall be presented each year at the Annual General Meeting of the Branch.
- (11) All Fund moneys shall be invested at the discretion of the Branch Council.
- (12) The Board shall report at least annually to the Branch Council and, in addition, the Branch Council shall receive reports from the CEO regarding the administration and finances of the Fund. Such reports shall be included in the Branch Annual Report.
- (13) If any matter or question shall at any time arise not provided for in this By-Law or any doubt arise as to the interpretation of this By-Law or any part thereof, determination shall be by the Branch Council whose decision shall be final.

Adopted by the Branch Council	
Amended by the Branch Council	21/06/10 22/10/10 05/12/11 16/02/15 24/07/17 24/02/20 23/10/23