

FDN

IN THE SUPREME COURT OF SOUTH AUSTRALIA
No 1783 of 2003

IN THE MATTER OF:

THE ASSOCIATIONS INCORPORATION ACT 1985

AND -

APPLICANT

THE PARISH OF ST MICHAEL OF THE UKRAINIAN
AUTOCEPHALIC ORTHODOX CHURCH IN ADELAIDE INC.

ORDER

Date of document: 19 March 2004

Filed by : Applicant

Date of filing: 19 March 2004

Prepared by: Niarchos & Co.
54 Wright Street,
Adelaide. 5000
L219
Telephone : 8410 3666
Facsimile : 8231 9270
Email: action@niarchos-law.com

Judge: The Honourable Justice Sulan

Date of Hearing: 6 and 18 February 2004 and 19 March 2004

Date of Order: 19 March 2004

Attendances: Mr Nicholas Niarchos for the Applicant



THE COURT ORDERS that the rules of the applicant be and the same are hereby varied in the manner and form of the variations incorporated in the document attached hereto as the "Constitution of the Parish of St Michael of the Ukrainian Autocephalic Orthodox Church in Adelaide, South Australia".



Ed Sumner
~~CHIEF CLERK~~
for Registrar

CONSTITUTION
of
The Parish of St Michael
of the Ukrainian Autocephalic Orthodox Church
in Adelaide, South Australia

1. INTERPRETATION

In this Constitution, unless specifically stated to the contrary, the following words and expressions shall have the respective meanings hereinafter assigned to them, that is to say:

1.1 The "Mother Church" shall mean the church now called the Ukrainian Orthodox Church – Kyiv Patriarchate having its ecclesiastical centre in Ukraine which as the Holy Ukrainian Autocephalic Church traces its genesis to the Apostle Andrew The First Called and established in Ukraine in 988AD which following years of suppression and repression from 1686AD was finally restored in Ukraine in 1989 and with the enthronement of Patriarch Mstyslav (Skrypnyk) in November 1990 became known as the Ukrainian Autocephalic Orthodox Church – Kyiv Patriarchate now the Ukrainian Orthodox Church Kyiv Patriarchate of which Patriarch Filaret is presently the spiritual leader.

1.2 The "Parish" shall mean The Parish of St Michael of the Ukrainian Autocephalic Orthodox Church in Adelaide, South Australia;



- 1.3 The "Brotherhood and Sisterhood" shall mean a church organisation of the parishioners which functions under the supervision of the Parish Council with the co-operation and spiritual guidance of the Parish Priest.

2. PREAMBLE: ORIGINS OF PARISH

- 2.1 The faithful united in the Parish for the glory of the Holy Consubstantial and Indivisible Trinity with the blessing of The Lord adopts this CONSTITUTION for the purpose of:

- a. study of the Holy Scriptures and the Commandments of Jesus Christ;
- b. study, preservation and practising of the traditions, rites and customs of the Mother Church; and
- c. endeavouring to adopt the spiritual and moral guidance of the teachings of Christ and Christian morals;

- 2.2 The Parish was formed in December 1992 with amalgamation of two separate parishes being the Parish of Holy Pokrova (established 1957) and Parish of St Michael's (established 1950) which following meetings of their respective members and an amalgamation meeting on 20th December 1992 and the Parish being an incorporated



association under the Associations Incorporation Act 1985 became a member parish of the Ukrainian Autocephalic Orthodox Church Diocese of Australia and New Zealand (the "Diocese").

- 2.3 The "Diocese" was founded at an amalgamation synod of 27th – 29th December 1991 of two then separate Dioceses on the basis of the Diocese being an inseparable part of the Mother Church re-established with the enthronement in Ukraine of Patriarch Mstyslav (Skrypnyk).
- 2.4 The Diocese made formal application to join and be accepted within and as part of the Mother Church and this was duly accepted by decision of a Synod of Bishops of the Mother Church held on 5th – 6th June 1992 in Kyiv, Ukraine.
- 2.5 From its foundation in December 1992 the Parish has been a member Parish and spiritually an inseparable part of the Mother Church.
- 2.6 The Diocese through its governing authorities has not honoured and accepted the resolutions of the Amalgamation Synod of 27th -29th December 1991 and the decision accepting and completing the unification of the Diocese with the Mother Church of 5th - 6th June 1992, but has maintained (notwithstanding the decisions and events recited in 2.3 and 2.4) that it is part of a church body now known as the Ukrainian Autocephalic Orthodox Church In Diaspora not part of the Mother Church.



- 2.7 The members of the Parish giving full faith to the spiritual ideals and beliefs of its founding members and to the fundamental basis of its creation in December 1992 affirm and reassert that the Parish is, and has always been, spiritually an inseparable part of the Mother Church adopt this new Constitution giving voice to their deeply held spiritual beliefs rooted in their shared religion, faith and history.

3. NAME

- 3.1 The name of the Association shall be "The Parish of St Michael of the Ukrainian Autocephalic Orthodox Church in Adelaide, South Australia."
Short title: "The Parish of St Michael of the UAOC in Adelaide";

- 3.2 The Parish shall function in the greater metropolitan area of Adelaide in the State of South Australia;

4. OBJECTS AND POWERS

- 4.1 For the purpose of carrying out its objects the Parish through the Parish Council may, subject to the Associations Incorporation Act 1985 (as amended) and this Constitution, may:

- (a) Acquire hold, deal with, and dispose of any real or personal property; and
- (b) administer any property on trust;



- (c) open and operate bank accounts; and
- (d) invest its monies –
 - (i) in any security in which trust monies may, by Act of Parliament, be invested; or
 - (ii) in any other manner authorised by this Constitution;
- (e) borrow money on such terms and conditions as the Parish thinks fit; and
- (f) give such security for the discharge of liabilities incurred by the Parish as the Parish thinks fit; and
- (g) appoint agents to transact any business of the Parish on its behalf; and
- (h) enter into any other contract it considers necessary or desirable.

4.2 The principal objects and aims of the Parish are:

- (a) To foster the study of the Holy Scriptures and the Commandments of Jesus Christ.
- (b) To foster and promote the study, preservation and practising of the traditions, rights and customs of the Mother Church.
- (c) Promoting the spiritual and moral guidance of the teachings of Christ and Christian morals.
- (d) Fostering, promoting and supporting the religious well-being of its members within the traditions, rights and customs of the Mother Church.



- (e) To promote and foster the Ukrainian language, culture, Ukrainian Orthodox faith, philanthropic and charitable work in an atmosphere of co-operation, understanding, tolerance and good will.

5. GENERAL REGULATIONS

- 5.1 Members of the Parish Council shall act in accordance with this Constitution;
- 5.2 Subject to this Constitution the Parish shall maintain the Parish Church and ensure its proper arrangement in accordance with the ecclesiastical orthodox rite and Ukrainian traditions of the Mother Church;
- 5.3 The Holy Orthodox Church of the Parish shall be used for the purpose of joint prayers, performance of religious rites, and for the preaching of the Word of God in accordance with the customs of the Mother Church.
- 5.4 The Parish Church may not be sold, transferred to any other church institution, closed down, or designated for demolition, except with the approval of not less than three quarters of the total number of financial members of the Parish;



5.5 Unless otherwise specifically provided in this Constitution the Parish shall not in any of its spiritual and ecclesiastical affairs be subject to external interference, rule or directive by any outside religious or ecclesiastical body or authority and the management of its property, assets, and affairs shall be governed by this Constitution.

6. NEW MEMBERSHIP AND MEMBERSHIP CONDITIONS

6.1 All persons of Ukrainian descent and adhering to the religious, customs, rights and teachings of the Mother Church resident within South Australia being 18 years of age or older may, having been regular attendants at the Church services of the Parish Church for a period of at least two years, by application in writing addressed to the Parish Council, apply to become members of the Parish provided they declare in writing their wish to become parish members, to abide in all respects by the Parish Constitution, to accept the obligation to support the Parish materially and to participate in ecclesiastical parish life and pay a donation as a new member to the Parish the level of which shall be determined from time to time by the existing members in General Meeting.

6.2 The acceptance of new members is decided initially at the absolute discretion of the Parish Council and, if so accepted, subject to confirmation of members at the next Annual General Meeting of the



Parish. The names of the new parish members shall be entered by the Parish Council in the Registrar of the Parish Members.

- 6.3 Parish members shall pay annual membership fees and may vote at any Parish Meeting and stand for election to any parish office provided they are not in arrears with the parish membership fees (i.e. are fully paid up). The amount of the membership fees and the due date are determined by the Parish general Meeting.
- 6.4 Every Parish Member has the right to leave the Parish by submitting to the Parish Council a written declaration to that effect.
- 6.5 Persons who have resigned their parish membership voluntarily or who are expelled from the Parish shall forfeit all rights and privileges of parish membership and all rights to any parish property. They shall have no right whatsoever to refund of any moneys paid by them to the Parish as membership fees, or donations.
- 6.6 A Parish Member who has been found guilty by the Parish Council of a violation of this Constitution, or of failing to meet the obligations of an orthodox Christian, or of causing by his/her actions harm to the Parish may be expelled from the Parish Membership by a resolution of the Parish Council.



No existing Parish Member (i.e. a person who is a member as at the date on which this Constitution comes into legal effect) shall be liable to suspension or expulsion or disciplinary proceedings of any kind which does or may cause prejudice to them as members by reason of any actual or alleged failure to adhere to the religious rights, customs or teachings of the Mother Church or failure to promote the objects, values, traditions, rights or customs of the Mother Church

- 6.7 A resolution to expel a Parish Member must be confirmed by the next General Meeting of the Parish where such Parish Member has the right to attend and address the meeting on the issue of his/her expulsion before any final decision is made. An expelled Parish Member has the right to attend Divine Services, to perform religious rites and to receive the Holy Sacraments.
- 6.8 Any Parish Member whose membership fees are in arrears for more than two years shall automatically forfeit membership. On payment of all outstanding membership fees the member's rights may be restored by a written application to the Parish Council whose decision to accept or reject such an application must be confirmed by the next Annual General Meeting of the Parish.



7. GENERAL MEETINGS OF THE PARISH

7.1 The General Meeting of the financial Members of the Parish is the highest governing body of the Parish.

7.2 A General Meeting of the Parish may be an:

- a. Annual General Meeting; or
- b. Extraordinary General Meeting

7.3 The Annual General Meeting shall be held once a year not later than three months after the end of the financial year of the Parish. One half or more of all financial Members shall constitute a quorum at any General Meeting of members. If there is no quorum at any General Meeting at the appointed time the Meeting shall be adjourned for half an hour at which time those financial Parish Members who are present at the meeting shall constitute a quorum.

7.4 The Annual General Meeting shall be convened by the Parish Council. The Parish Council shall notify the Parish Members of the venue, date, time and agenda of the General Meeting 21 days in advance. All financial Parish members shall be notified personally in writing.



- 7.5 The Annual General Meeting shall be declared open by the Chairman of the Parish Council or in his/her absence by the Deputy Chairman or other member of the Parish Council.
- 7.6 The Annual General Meeting commences and concludes with a prayer recited by a priest or, in the absence of a priest, by the person declaring the Meeting open or the Chair Person of the Meeting.
- 7.7 The General Meeting elects a Presidium to preside over the Meeting, comprising a chair person and two minute secretaries, one to record the minutes in English and the other in Ukrainian. The official minutes of the Parish Meeting are recorded in English. The Chairman of the Parish Council may be elected to preside at a General Meeting where there are no elections to be held for the Parish Council at such meeting.
- 7.8 The General Meeting shall carry all resolutions by a simple majority of votes in a show of hands or a secret ballot. Each financial Parish Member has one vote. Proxy votes are not allowed.
- 7.9 The Parish Meeting shall be conducted in accordance with the accepted practice for the conduct of meetings.



7.10 Members of the Presidium of a Parish Meeting may take part in the deliberation and are entitled to vote. In the event of a deadlock where voting is equal the Chair Person shall have a second or casting vote.

7.11 Only the financial Parish Members shall have the right to attend a General Meeting. Other persons may attend a General Meeting with the approval of a simple majority of the financial members present. Any such person admitted to the Meeting may take part in the deliberations of the Meeting but he or she shall have no vote.

7.12 The Annual general Meeting shall:

- a. receive, discuss, and confirm (or approve) the reports of the Parish Council and the committees (if any committees are functioning within the Parish) for the past financial year of the Parish;
- b. discuss and resolve all important parish matters;
- c. elect when necessary the candidate for the Parish priest or a candidate for priesthood;
- d. elect the Parish Council, the Supervisory Board, the church warden, and the deputy church warden;
- e. elect committees as required;
- f. discuss and approve the annual parish budget;
- g. determine the amount of annual membership fees.



- h. determine the amount of the donation to be paid by persons applying to become new members of the Parish.

- 7.13 The Annual General Meeting may consider matters which were not included in the agenda but have arisen in the course of the Meeting and require resolution by the Meeting.

- 7.14 An Extraordinary General Meeting shall be convened by the Parish Council whenever the need arises.

- 7.15 An Extraordinary General Meeting shall be convened in any of the following circumstances:
 - a. when so resolved by the Parish Council;
 - b. when required by the Supervisory Board;
 - c. when requested in writing by not less than two thirds of all financial Parish Members;

- 7.16 An Extraordinary General Meeting shall be convened and conducted in the same manner as the Annual General Parish Meeting. The Extraordinary General Parish Meeting may deal only with matters for which it was convened.

8. PARISH PRIEST AND CLERGY

- 8.1 The office of the Parish Priest may be held only by an ordained priest of the Ukrainian Orthodox faith in good standing with the Mother Church.



- 8.2 The Parish Council will engage the services of a Parish Priest whose duties within the Parish shall include:
- a. to celebrate regularly the Divine Service and to administer the Holy Sacraments to the faithful in accordance with the traditions of the Mother Church;
 - b. to enlighten, counsel, comfort, and visit members of the Parish;
 - c. to oversee all cultural and educational activities within the Parish and the upbringing of the young people on the basis of Christian morality;
 - d. to maintain the Parish Register of Births, Christenings, Marriages, and Deaths of the Parish Members and the Parish Chronicle which are and shall always remain the property of the Parish.
 - e. to direct the work of the Parish clergy and of the church assistants;

AND in all respects to undertake such duties in an atmosphere of goodwill and harmony with the Parish Council and Parishioners abiding at all times with this Constitution.

- 8.3 Any disagreement between the Parish Priest and the Parish Council or the Parish Members, which cannot be resolved within the Parish, shall be referred for decision to the next Extraordinary or Annual General Meeting.



8.4 The Parish Priest may be suspended and/or removed by decision of the Parish Council but any such decision shall be subject to confirmation at the next Extraordinary or Annual General Meeting of members.

9. PARISH COUNCIL

9.1 The executive body of the Parish shall be the Parish Council elected from the Parish Members by the Annual General Meeting. Every person elected to the Parish Council must be aware of and conscientiously carry out their duties, and enjoy the respect and trust of the Parish Members.

9.2 The Parish Council shall consist of nine members and two reserve members as follows:

- a. Chairman
- b. Deputy Chairman
- c. Secretary
- d. Treasurer
- e. Property Manager
- f. Public Officer
- g. Three members and two reserve members

The Annual General Meeting separately elects the Chairman of the Parish and then the remaining eight Members of the Parish Council and two reserve members. The Church Warden and Deputy Church



Warden also are elected separately. The Church Warden is an ex-officio Member of the Parish Council with full voting rights.

- 9.3 To facilitate cooperation and coordination of activities within the Parish the chair persons of the Brotherhood and Sisterhood shall be ex-officio members of the Parish Council with full voting rights.
- 9.4 The Parish Council shall be elected for the term of two years. The term of office of the Church Warden, the Deputy Church Warden, and the Supervisory Board shall be the same as that of the Parish Council.
- 9.5 The first meeting of the Parish Council following the General Parish Meeting shall assign duties to all Members of the Parish Council. In the event of a vacancy on the Parish Council due to a resignation or a temporary absence, illness or dismissal of a Member of the Parish Council, that vacancy is filled temporarily or permanently by the first and then the second reserve member.
- 9.6 Members of the Parish Council or the Church Warden, who fail to perform their duties or misuse their authority, having found guilty of the charges, may be relieved of their duties and dismissed from the Parish Council by a resolution of the Parish Council or the Supervisory Board before the expiry of their term of office. Persons relieved of their duties or dismissed from the Parish Council have the right of appeal to the members at the next Annual General Meeting whose decision shall be final.
- 9.7 The Parish Council shall manage all administrative, economic, financial, and other affairs of the Parish.



- 9.8 The Parish Council has the right to purchase, to build, to alter, to maintain, to preserve, and to lease the real estate of the Parish. It shall take care of all means necessary for normal development of the Parish.
- 9.9 The Parish Council has the right to appoint committees for various purposes. Such committees are responsible to the Parish Council and act in accordance with its directives and guidelines. The Parish Council has the absolute discretion to disband such committees.
- 9.10 The Parish Council shall manage, either directly or through its committees, the cultural and educational activities of the Parish.
- 9.11 The Parish Council shall conduct charitable work through its committees and in cooperation with the Brotherhood and Sisterhood, assist needy members of the Parish and other needy persons who may apply for assistance.
- 9.12 The Parish Council shall manage the financial affairs of the Parish in accordance with this Constitution, the resolutions of the Parish Meetings, and the approved budget.
- 9.13 The Parish Council shall maintain the register of Parish Members, all parish books, accounts, and files, except those kept by the Parish Priest. All internal administration and correspondence of the Parish may be conducted in Ukrainian on letterhead paper bearing the name and the address of the Parish in Ukrainian and in English. All correspondence with civil and government authorities must be conducted in English.



- 9.14 The Parish Council shall supply everything necessary for the celebration of the Divine Services, shall care for the adornment of the church premises, and shall render all round-assistance to the Parish Priest in carrying out the duties of his office.
- 9.15 All parish documents in the nature of securities [eg. certificates of title] shall be lodged for safe-keeping with the bank of the parish. Photocopies of such documents shall be kept by the Secretary of the Parish Council.
- 9.16 The meetings of the Parish Council shall be held when required, but at least once a month, to resolve all current affairs. Half the members of the Parish Council, including the Chairman or in his absence the Deputy Chairman present at the meeting shall constitute a quorum.
- 9.17 Except in the case of urgency every member of the Parish Council shall be notified in writing by the Secretary of the date, time and venue of the meeting of the Parish Council at least ten (10) days in advance, unless the Parish Council introduces an alternative notification procedure. The meeting shall receive reports from the Chairman, the Secretary, and the Treasurer. Other members of the Council report as required. Minutes of the preceding meeting of the Parish Council shall be read and confirmed.
- 9.18 Meetings of the Parish Council are declared open and are presided by the Chairman or, in his/her absence, the Deputy Chairman. All resolutions of the Parish Council are carried by a simple majority vote of the present members. In event of a tied vote the person chairing the meeting shall have a casting vote.



- 9.19 A member of the Parish Council shall forfeit the rights of a Council member if he or she:
- a. has failed to attend three consecutive meetings of a Council without a valid excuse;
 - b. has been suspended by the Parish Council in the membership of the Parish;
 - c. has resigned from office; or
 - d. has been unable to carry out the duties of the office because of an extended illness.
- 9.20 Any financial member of the Parish Council is eligible for re-election to the Parish Council for the next term.
- 9.21 Where the Parish Council exercises any power of adjudicating that it may have in relation to a dispute between members, or a dispute between the Parish Council and member(s) of the Parish the rules of natural justice must be observed.

10. SUPERVISORY BOARD

- 10.1 The Supervisory Board is the supervisory body of the Parish which functions in the period between General Parish Meetings. The Supervisory Board shall consist of three members and two reserve members elected at an Annual General Meeting for a term of two years. The Chairman of the Supervisory Board shall be elected separately. Members of the Parish Council are not eligible for election to the Supervisory Board and vice versa.



- 10.2 The Supervisory Board shall carry out an examination of all financial affairs of the Parish at least once a year and not later than two weeks before the date of the Annual General Meeting.
- 10.3 The Supervisory Board shall:
- a. verify adherence of the Parish Council to the budget determined by the General Parish Meeting;
 - b. audit the cash book, the accounts, and the income and expenditure records;
 - c. audit cash held by the treasurer and verify correspondence of expenditure with the receipts;
 - d. audit economic records and files of the parish;
 - e. audit the register of parish members;
 - f. audit the inventory records and check the condition of the parish property;
- 10.4 The Supervisory Board shall maintain general supervision of the work of the Parish Council.
- 10.5 The Supervisory Board shall produce a report of the work carried out by the Board with recommendations for improvements in the economic activities of the Parish. A copy of the report shall be provided to the Parish Council.
- 10.6 The Chairman of the Supervisory Board or his deputy shall report on its activities to the General Meeting of the Parish and shall move for the acceptance of the retirement of the Parish Council.
- 10.7 The Supervisory Board may on specified grounds in writing involving a proven neglect of duties under this Constitution by any member of the



Parish Council move a resolution at an Annual General Meeting for the suspension of such member of the Parish Council. Any such member of the Parish Council must be given at least 14 days prior notice of the intention of the supervisory board to move for their suspension specifying the grounds and in addition be granted the right to be heard before any vote is taken on the resolution. If more than one third of the Parish Council are suspended by resolution confirmed by vote of the Annual General Meeting an Extraordinary General Parish Meeting shall be convened to elect a new Parish Council.

- 10.8 The Parish Council may move a resolution at an Extraordinary General Meeting or Annual General Meeting for the suspension or removal of any member/s of the Supervisory Board. Prior written notice must be given to any member of the Supervisory Board of the intention to move such a resolution at least 14 days prior to the general meeting and such member of the Supervisory Board must be granted the right to be heard before any vote is taken on the resolution. The position of any member of the Supervisory Board becoming vacant shall be taken by one or more of the reserve members previously elected. If more than two members of the Supervisory Board are removed by such resolution then a new Supervisory Board shall be elected at an Extraordinary General Meeting convened for that purpose and any new member of the Supervisory Board so elected shall hold office for the remainder of the term of the suspended members of the Board.



11. PARISH ORGANISATIONS

- 11.1 Groups and organisations may operate within the parish with the approval of the Parish Council provided the rules of any such group or organisation are approved by the Parish Council and comply in all respects with this Constitution.
- 11.2 The Parish Council shall support such church organisations which assist the Parish to achieve its objectives subject to this Constitution.
- 11.3 The primary organisations of the Parish are the Brotherhood and Sisterhood, the national and cultural societies and youth organisation.
- 11.4 All income derived from any activities of parish organisations shall be the property of the Parish to be used in the first instance to meet the needs of the Parish Church, the Parish and for charitable objectives.
- 11.5 Representation of the Parish externally and all fund raising activities shall be conducted by parish organisations only with the approval of the Parish Council.
- 11.6 In the event of dissolution of a parish organisation all its property, funds, and all records and files shall be handed over to the Parish Council.

12. REGISTRATION OF THE REAL ESTATE OF THE PARISH

All real estate of the parish, the church, the buildings, land and other assets are the property of the Parish shall be legally registered in the name of the Parish.

13. PARISH ASSETS



- 13.1 Parish assets, real estate and other property is the property and is under the control of the Parish for its purposes and for the use of its members.
- 13.2 No parish property may be divided amongst the Parish Members.

14. PARISH FUNDS

14.1 All income received by the Parish and all funds of the Parish shall be used exclusively to meet the needs of the Parish arising from its aims and objectives. No funds of the Parish may be distributed amongst members or the office bearers of the Parish as bonuses, dividends, or in any other form of income distribution.

14.2 The funds of the Parish consist of:

- a. donations;
- b. collections;
- c. income derived from sales of candles, religious literature, and other religious articles;
- d. annual membership fees;
- e. fees for rites and services;
- f. funds raised by subscriptions for special purposes such as acquisition of property, education etc; and
- g. income derived from functions.

14.3 The expenditure from parish funds shall include;

- a. the stipends of the Parish Priest, clergy, and church assistants, and remuneration of teachers and employers of the Parish;
- b. general parish needs;



- c: maintenance expenses of parish property and buildings;
- d. Philanthropic and charitable purposes;
- e. other objectives in accordance with this Constitution and resolutions of General Meetings of Members.

14.4 All income and expenditure of the Parish shall be duly recorded in appropriate accounts in English.

14.5 All moneys which belong to the Parish and all moneys received by the Parish shall be deposited in the parish banking account, preferably with a Ukrainian cooperative. All withdrawals from the parish bank account shall be signed by not fewer than two members of the Parish Council appointed by the Parish Council. The Treasurer shall be one of the appointed signatories. All expenditure shall be authorised by the Parish Council before the Treasurer may incur the expenditure.

14.6 It is desirable that, for the purpose of more exact accountability, all financial expenditure be performed by means of cheques.

14.7 The Parish Council shall produce an annual financial report with appropriate clarification of individual paragraphs, and shall table the report at the General Parish Meeting. The financial report shall be signed by the Chairman or Deputy Chairman and the Treasurer of the Parish Council.

15. PARISH SEALS

15.1 The Parish Seal shall be a circular shape with the word "Incorporated" in the middle and inscribed around the periphery with the name of the Parish in Ukrainian and in English. The Seal of the Parish Priest shall be of circular shape with the outline of the cross in the middle and



inscribed around the periphery with the name of the Parish in Ukrainian and in English. When either of the seals is affixed to a document the date and description of such document shall be entered in a register kept for that purpose; one register being kept for the use of the Parish Seal and a separate register for use of the Seal of the Parish Priest.

15.2 The Parish Seal shall be kept in the custody of the Chairman of the Parish Council. The Seal of the Parish Priest which is the property of the Parish shall be kept in the custody of the Parish Priest for application to official documents issued by him in his ecclesiastical capacity, namely the Certificate of Christening, Marriage Certificate, official extracts from the Parish register, and to pastoral references issued and signed by the Parish Priest whilst he holds such office. The Parish Seal may be applied to internal or external documents signed by the Chairman and the Secretary of the Parish Council.

15.3 A rubber stamp bearing the name and the address of the Parish shall be used for authentication of tickets for parish and internal fund raising activities.

16. ALTERATIONS AND ADDITIONS TO THE CONSTITUTION

Amendments to Clauses 1 to 6 inclusive, 16 and 17 of this Constitution shall not pass unless there is a majority vote in favour comprising a minimum of 75% of all financial Parish Members. Any other amendment or variation or addition to this Constitution shall not pass unless there is a majority vote in favour comprising a minimum of 75% of financial Parish members present and



voting at any General Meeting at which such amendment variation or addition is voted upon.

17. DISSOLUTION OR WINDING UP OF THE PARISH

17.1 Dissolution or liquidation of the Parish as an organisation may take place on the basis of a resolution at an Extraordinary General Meeting adopted by a majority of not less than three quarters of all financial Parish Members and a quorum being three quarters of all financial Parish Members.

17.2 In the case of dissolution or liquidation of the Parish its assets after settlement of all outstanding debts and financial obligations must not be distributed among Parish Members or a group of Parish Members or to any individual but be held and applied solely for religious purposes of the Mother Church, if any, as exist within the State of South Australia and in the absence of any such purpose then entirely for charitable purposes as determined by the Supreme Court of South Australia. In making the determination the Supreme Court may have regard to the views of Parish members.

18. PUBLIC OFFICER

The Public Officer of the Parish shall be that person who holds that position as the duly appointed member of the Parish Council and who may also contemporaneously be appointed to the position of Secretary.

