

**SEAFARER'S WELFARE FUND**  
**CONSTITUTION**

**1. NAME**

The Name of the fund shall be the "Seafarer's Welfare Fund".

**2. INTERPRETATION**

In this Constitution unless inconsistent with the context or subject matter the following terms shall have the following meanings:

"Act" means the Income Tax Assessment Act 1997;

"Association" means the Missions to Seamen Victoria Inc.;

"Association's Constitution" means the Constitution and Rules of the Association.;

"Committee" means the Committee of Management from time to time of the Association;

"Constitution" means this Constitution;

"Fund" means the Seafarer's Welfare Fund;

"Necessitous circumstances" has the meaning attributed to the term in the Act.

"Seafarer" means all those persons in Australia whom the Committee deem to be in necessitous circumstances whose vocation or calling is or has been in any way associated with the sea maritime trade or naval defence and the spouses and children of those persons.

**3. OBJECTS**

The objects for which the Fund shall be established and carried on is to provide by any of the means specified in Clause 8(1) hereof for the relief of seafarers who are in necessitous circumstances without prejudice as to their race, creed, sex or religion.

**4. POWERS**

The Fund shall have the power to do all such things as are necessary, incidental or conducive to the attainment of the objects of the Fund.

**5. INCOME AND PROPERTY**

5.1 Donations and contributions to the Fund shall be sought from the public.

5.2 The assets and income of the Fund shall be applied solely in furtherance of the objects of the Fund and no portion shall be distributed directly or indirectly to the members or trustees of the Fund except as bona fide compensation for services rendered or expenses incurred on behalf of the Fund.

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## 6. TRUSTEE

The Fund shall be administered by the Association. When acting on behalf of the Fund the Association shall be known as the Trustee.

## 7. ASSOCIATION'S CONSTITUTION APPLIES

Unless inconsistent with the context or subject matter, the Association's Constitution shall apply to the administration of the Fund. Where any inconsistency arises between this Constitution and Association's Constitution this Constitution shall prevail.

## 8. APPLICATION OF FUNDS

8.1 The Fund may be applied to the relief of seafarers in any or all of the following ways to aid or assist them directly or indirectly in the form of:

- (a) cash grants and short-term loans;
- (b) the purchase and supply of food, clothing, furnishings and equipment
- (c) the payment of medical, pharmaceutical and dental accounts;
- (d) providing accommodation, financial assistance or transportation; and
- (e) any other manner which the Committee may deem necessary and desirable.

8.2 The Fund may be used to purchase or lease real property for the purpose of providing temporary housing for seafarers in necessitous circumstances PROVIDED THAT the property is leased or purchased in the name of the Association as trustee for the Fund and the property is accounted for as an asset of the Fund as distinct from an asset of the Association.

8.3 The Fund may from time-to-time at the discretion of the Committee appoint as an employee of the Fund suitably qualified persons (whether lay or clerical) to assist advise and care for seafarers to pay all expenses relating thereto.

8.4 The Fund may from time-to-time purchase, hire or lease real or personal property or otherwise make payments to the Association or another public institution.

## 9. BANKING

All monies received by the Fund shall be banked in a separate account to be opened with a bank, building society or any other authorised trustee investment selected by the Committee in an account entitled "Seafarer's Welfare Fund". All cheques drawn on any account shall be

authorised by the Committee and shall be signed by the person whom the Committee may from time-to-time designate.

#### 10. ACCOUNTS

The Committee shall cause true and separate accounts to be kept of all moneys received and expended by or for the Fund and proper books of account shall be kept at the Association's principal office or at such other place as the Committee may determine.

11. The Committee shall publish a summary of the activities of the Fund and shall publish at the expiry of the Association's financial year a balance sheet containing a summary of assets and liabilities of the Fund together with a statement of receipts and expenditure of the Fund for the proceeding 12 month period.

12. All monies received by the Fund shall be separately receipted from the general fund of the Association

#### 13. DISSOLUTION

The Fund may be dissolved by a majority decision of the Committee or upon the dissolution of the Association.


14. In the event of the Fund being dissolved, the amount which remains after such dissolution and the satisfaction of all debts and liabilities shall be transferred to any fund, association, institution or organisation which has similar objects and is approved by the Commissioner of Taxation for the purposes subsection 4.1.3 of Section 30-45 of the Act, that is, restricted to relief of persons in necessitous circumstances.

#### 15. AMENDMENT TO THE CONSTITUTION

Subject to the consent of the Commissioner of Taxation, the Committee may amend, repeal or add to any of the provisions of this Constitution by a resolution carried by a majority of its members.

**THIS CONSTITUTION OF THE "SEAFARER'S WELFARE FUND" WAS FORMALLY ADOPTED AT THE STATE COUNCIL MEETING HELD ON FRIDAY FEBRUARY 7 2003.**

  
J. C. ASHTON  
Chairman – State Council  
28 / 04 / 2003

  
R.W.ROMNEY  
Secretary – State Council  
28 / 04 / 2003