

CONSTITUTION

OF

VEDANTA CENTRE OF SYDNEY INCORPORATED

VEDANTA CENTRE OF SYDNEY

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Associations Incorporation Act 2009

Constitution of

VEDANTA CENTRE OF SYDNEY INCORPORATED

1. Interpretation

1.1. In this Constitution:

- a) "The Act" or the "Incorporation Act" means the Associations Incorporation Act 2009;
- b) The Regulation means the [Associations Incorporation Regulation 2010](#)
- c) "Committee" means the directors and governing council of the Centre;
- d) "Secretary" means any person appointed to perform the duties of a secretary of the Centre.
- e) "Centre" means Vedanta Centre of Sydney Incorporated.

1.2. Except in so far as the contrary intention appears in these rules, an expression has, in a provision of these Rules that deals with a matter dealt with by a particular provision of the Act, the same meaning as in that provision of the Act.

1.3. The Replaceable Rules of the Law will not apply to the Centre except to the extent that they are repeated in this Constitution or made applicable by its express terms or are mandatory under the Act.

2. Objects

The name of this corporation is “VEDANTA CENTRE OF SYDNEY” which shall be located in the city of Sydney, NSW, Australia.

This corporation does not contemplate pecuniary gain or profit to the members thereof; and it is a non-profit Corporation and the purposes for which it is formed are as follows:

- 2.1. To promote the study, practice and teaching of Vedanta philosophy and religion as expounded by SRI RAMAKRISHNA. SRI SARADA DEVI AND SWAMI VIVEKANANDA and Others belonging to the Order and the school of Ramakrishna Math located at and known as Belur Math, Belur, West Bengal, India; to aid in all reasonable ways the work of the said Ramakrishna Math and of the Ramakrishna Mission whose Headquarters are at Belur, West Bengal, India.
- 2.2. To promote harmony between Eastern and Western thought;
- 2.3. To own, purchase by own funds or by borrowing or lease or accept gifts, whatever lands and buildings or other structures it may consider necessary in order to carry on the teachings and study of the said philosophy and religion; and to erect buildings for the said purpose to establish Centres: to exercise all general powers conferred upon non-profit corporations by law.
- 2.4. Set up educational programmes for the teaching of religion, philosophy, comparative religion and moral education.
- 2.5. To develop programmes of philanthropic nature to assist the poor, the needy, the aged, the lowly and the afflicted and the sick in all related fields.

3. Membership

3.1. Membership Qualifications

- 3.1.1. A person is qualified to be a member of the Centre if the person
 - a) has been nominated for membership by two members of the Centre in writing in the prescribed form and lodged with the Secretary
 - b) does not hold an office of profit in the Centre
 - c) is over eighteen years of age

- 3.1.2. As soon as practicable, the Secretary shall refer the nomination to the Managing Committee which shall determine whether to approve or reject the nomination, with the concurrence of the President Swami.
- 3.1.3. On approval of the nomination, the nominee shall pay the prescribed fee within 28 days after which the person's name shall be entered in the Register of Members, upon which the nominee becomes a member of the Centre.

3.2. Cessation of Membership

- 3.2.1. A person ceases to be a member of the Centre if the person
 - a. dies
 - b. resigns from membership
 - c. is expelled from the Centre.
- 3.2.2. A member may resign from membership by giving notice of such an intention to the Secretary provided all dues and other obligations owed are paid at the time.

3.3. Membership entitlements not transferable

- 3.3.1. A right, privilege or obligation which a person has by reason of being a member of the association:
 - a. is not capable of being transferred or transmitted to another person, and
 - b. terminates on cessation of the person's membership.

3.4. Register of Members

- 3.4.1. The Secretary of the Centre shall establish and maintain a Register of Members of the Centre specifying the name, address of the Member and the date on which the person became a Member.
- 3.4.2. The register of members must be kept in New South Wales:
 - a. at the main premises of the Centre, or
 - b. if the Centre has no premises, at the Centre's official address.

- 3.4.3. The register of members must be open for inspection, free of charge, by any member of the Centre at any reasonable hour.
- 3.4.4. A member of the Centre may obtain a copy of any part of the register on payment of a fee of not more than \$1 for each page copied.
- 3.4.5. If a member requests that any information contained on the register about the member (other than the member's name) not be available for inspection, that information must not be made available for inspection.
- 3.4.6. A member must not use information about a person obtained from the register to contact or send material to the person, other than for:
- a. the purposes of sending the person a newsletter, a notice in respect of a meeting or other event relating to the Centre or other material relating to the Centre, or
 - b. any other purpose necessary to comply with a requirement of the Act or the Regulation.

3.5. Members' Liabilities

- 3.5.1. The liability of the Members is limited.
- 3.5.2. The liability of a Member of the Centre to contribute towards the payment of the debts and liabilities of the Centre or the cost, charges and expenses of winding up of the Centre is limited to the amount, if any, unpaid by the Member in respect of Membership of the Centre as required by Clause 3.6.

3.6. Membership Fees

- 3.6.1. A Member of the Centre, upon admission to Membership, shall pay the Centre, an admission fee of \$2 and an annual Membership fee of \$50 or other amount set by the Managing Committee. The year for Membership is from 1st July to 30th June of succeeding year.
- 3.6.2. A Member who has not paid his Membership fee or any other dues shall be ineligible to seek office or to vote in the election of office-bearers of the Centre.
- 3.6.3. The President Swami and the Assistant Swami or Swamis are exempt from Membership fee.

3.7. Disciplining of Members

- 3.7.1. A member may be suspended or expelled from membership by the Managing Committee when it is deemed that the member of the Centre has persistently refused or neglected to comply with the Rules of the Centre or has persistently and wilfully acted in a manner prejudicial to the

interests of the Centre and the Secretary shall issue a notice in writing in this behalf.

- 3.7.2. A Member disqualified on the grounds of non-payment of fees or expulsion may be readmitted as Member by the President on the recommendation of the Managing Committee.

3.8. Resolving Disputes

- 3.8.1. Any Member, dissatisfied with any of the actions of the Centre, may bring the matter to the notice of the Managing Committee in writing, detailing the grievances.

- 3.8.2. The Managing Committee shall call for a Special Meeting to discuss the issue, with the complainant given the opportunity to explain the grievances.

3.9. Right of appeal of disciplined member

- 3.9.1. A Member expelled as per 3.7.1, may appeal to the President against the Resolution of the Managing Committee within two weeks of the issue of the notice. A Special Committee consisting of the President, two Members of the Managing Committee or their representatives and two Members of the Centre nominated by the member expelled, shall consider the appeal within four weeks of receiving the same by the President. The majority decision of the Special Committee regarding confirming expulsion or reinstating the Member, is final.

- 3.9.2. If the complainant is still dissatisfied, the person may be directed to approach the Community Justice Centre for disposal of the issue.

4. ADMINISTRATION

4.1. Office-bearers

- 4.1.1. The Centre shall be governed, directed and administered by a Managing Committee and the Committee shall consist of:
- a. the Office-bearers of the Centre
 - b. ordinary members between a minimum of 5 (five) and a maximum of 14 (fourteen) each of whom shall be elected at the Annual General Meeting.

- 4.1.2. The Office-bearers of the Centre shall be:
- a. The President
 - b. Two Vice-Presidents
 - c. The Secretary and
 - d. The Treasurer.

- 4.1.3. Elected members of the Managing Committee shall, subject to these rules hold office until the conclusion of election of a new Committee at the subsequent Annual General Meeting and are eligible for re-election.
- 4.1.4. In the event of a casual vacancy occurring in the membership of the Committee during its term, the Committee may appoint any Member of the Centre to fill the vacancy and the member appointed, shall hold office, subject to these rules, until the conclusion of the Annual General Meeting next, following the date of appointment.

4.2. Vacation of Office

- 4.2.1. The office of a Member of the Managing Committee shall be vacant if-
- a. the Member holds an office of profit in the Centre
 - b. the Member directly or indirectly is interested in any contract or proposed contract with the Centre for financial gain.

4.3. President

- 4.3.1. The President of the Centre shall be a Swami (Monk) deputed and belonging to the Ramakrishna Mission, Belur Math, West Bengal, India.
- 4.3.2. Till such a time a Swami (monk) as aforesaid in 4.3.1 assumes office as President, any member elected at the General Meeting shall hold the office. The activities of the Centre shall be guided by' the President Swami whose decisions made in the interests of the Centre is final and the Managing Committee or Members shall not take any action in contravention of the decisions of the President Swami.
- 4.3.3. The President shall ensure that the office-bearers carry out their duties efficiently and to the best of their ability to advance the objectives of the Centre.
- 4.3.4. The President-Swami shall fulfill the spiritual and benevolent needs of the members of the Centre. Conduct services for the benefit of the public and to the members of the Centre and do other deeds as necessary for the fulfilment of the purposes of the Centre.
- 4.3.5. When, in the opinion of the President-Swami, one or more assistant monks are required to assist him to fulfill the purposes of the Centre, he may appeal to the Trustees of the Ramakrishna Mission, Belur Math, India, to depute such an assistant or assistants.
- 4.3.6. In the event of the President-Swami's transfer or termination by the Trustees of the Ramakrishna Mission, Belur Math, India, or he wishes to

retire or resign, he shall appeal to the Trustees of the Ramakrishna Mission, Belur Math, India, to depute a Swami to replace him or if an Assistant Swami is already with the Centre, to nominate such an Assistant to succeed him.

- 4.3.7. In the event of the demise of the President Swami, the Assistant Swami or the senior of the Assistant Swamis shall be the Acting President until confirmed or replaced by the Trustees of the Ramakrishna Mission, Belur Math, India.
- 4.3.8. If there were to be no Assistant Swami at the time of the demise of the President Swami, the Managing Committee shall elect a member of the Managing Committee to be the Acting President who shall appeal to the Trustees of the Ramakrishna Mission, Belur Math, India, to depute a Swami as early as possible, to take the position of the President of the Centre.
- 4.3.9. During the interim period of the demise of the President Swami and successor deputed or nominated by the Trustees of the Ramakrishna Mission, Belur Math, India, assuming office of the President of the Centre, the Managing Committee or the General Meeting or Members shall not amend the Articles of the Constitution nor sell or buy any property or assets nor enter into any agreements or dispose of any assets of the Centre.

4.4. Meetings and Quorum

- 4.4.1. The Committee shall meet at least once in three months at such a place and time as the Committee may determine.
- 4.4.2. Additional meetings of the Centre may be convened by the President. Notice of the meetings, written or oral, shall be given to the members, at least 48 hours or such other period as may be agreed upon by the members, before the time appointed for the holding of the meeting.
- 4.4.3. Notice of the meeting shall specify the general nature of the business to be transacted at the meeting.
- 4.4.4. Any six members of the Committee and the President constitute a quorum for the transaction of the business of a meeting of the Committee.
- 4.4.5. No business shall be transacted unless a quorum is present and if within half an hour of the time appointed for the meeting a quorum is not present, the meeting stands adjourned to meet at the same place and same time of the same in the following week.

- 4.4.6. If the adjourned meeting, a quorum is not present within half an hour of the time appointed for the meeting, the meeting shall be dissolved.
- 4.4.7. At a meeting of the Committee:
- a. the President or in the absence of the President, the Vice-President shall preside, with the approval of the President.
 - b. If the President and the Vice-President are absent, one of the remaining members shall preside, provided any Resolution passed shall be approved by the President.

4.5. Technology

- 4.5.1. The Centre may hold a meeting of its Members at two or more venues using any technology that gives the Members as a whole a reasonable opportunity to participate.

4.6. Duties and Responsibilities of the Secretary

- 4.6.1. The Secretary of the Centre shall, as soon as practicable after being appointed as Secretary, lodge notice with the Centre of his or her address.
- 4.6.2. It is the duty of the Secretary to keep minutes of:
- a. all appointments of Office-bearers and Members of the Committee.
 - b. the names of Members of the Committee present at a committee meeting or a General meeting and
 - c. all proceedings at Committee Meetings and General meetings.
- 4.6.3. Minutes of Proceedings at a Meeting shall be signed by the Chairperson or by the Chairperson of the next meeting.

4.7. Duties and Responsibilities of the Treasurer

- 4.7.1. It is the duty of the Treasurer of the Centre to ensure that –
- a. all money due to the Centre is collected and that all payments authorised by the Centre are paid
 - b. correct books and accounts are kept showing the financial affairs of the Centre including full details of all receipts and expenditure connected with the activities of the Centre.

4.8. Delegation by Committee to Sub-Committee

- 4.8.1. The Committee may delegate to one or more Sub-committees, the exercise of such of the functions of the Committee as may be specified by the

Committee.

4.9. Voting and Decisions

- 4.9.1. Questions arising at a meeting of the Committee or any sub-committee appointed by the Committee, shall be determined by a majority of the Committee or sub-committee present at the Meeting.
- 4.9.2. In the event of equality of votes on any questions, the person presiding may cast a second vote as a casting vote.

5. Annual General Meeting

5.1. Annual General Meeting

- 5.1.1. With the exception of the first Annual General Meeting of the Centre, the Centre shall convene a Meeting, at least once in each calendar year and within six months after the expiration of the financial year of the Centre.
- 5.1.2. The Centre shall hold its first Annual General Meeting –
 - 5.1.2.1. within the period of 18 months after its Incorporation or Registration and
 - 5.1.2.2. within a period of two months after the expiration of the financial year of the Centre.
 - 5.1.2.3. The Annual General Meeting of the Centre shall be convened on such date time and place as the Committee deems fit.
 - 5.1.2.4. The President and the Secretary are authorised to alter the date, time and place of the Annual General Meeting, if need be.
 - 5.1.2.5. besides any other business which may be transacted at an Annual General Meeting, the business of the Meeting shall be:
 - a. to confirm the minutes of the preceding General Meeting
 - b. to receive from the Committee, reports of the activities of the Centre during the preceding year
 - c. to elect office-bearers of the Centre and the members of the Managing Committee
 - d. to approve budget for the ensuing year and authorize the Managing Committee to carry it out;
 - e. to transact any other business proposed by the Managing Committee.
 - f. to transact any other business proposed by members, provided –
 - i. at least ten members jointly propose such a business in the

- form of Resolution
- ii. any such Resolution has been notified to the Managing Committee for inclusion in the Agenda for the Annual General Meeting
- iii. such a notification has been received by the Managing Committee fifteen days prior to the date of the Annual General Meeting
- iv. the Managing Committee approves the inclusion of such a Resolution in the Agenda and the decision of the Managing Committee in this matter is final and irrevocable.

5.2. Quorum

- 5.2.1. No item of business shall be transacted at a General Meeting unless a quorum of Members is present.
- 5.2.2. One-third of the total number of Members of the Centre in person Constitute a quorum for transaction of business at a General Meeting.
- 5.2.3. If, within half an hour after the appointed time for the commencement of the General Meeting a quorum is not present, the Meeting shall stand postponed and adjourned to the same day in the following week at the same time and the same place.
- 5.2.4. If at the adjourned meeting a quorum is not present within half hour after the time appointed for the commencement of the meeting, the Members present shall constitute a quorum.

5.3. Presiding Member

- 5.3.1. The President shall preside as Chair-person at each General Meeting of the Centre. In the president's absence, the vice-president is to preside as chairperson at each general meeting of the Centre.

5.4. Making Decisions

- 5.4.1. A question arising at a General Meeting of the Centre shall be determined on a show of hands and a declaration by the Chairperson that a Resolution has, on a show of hands, been carried or carried unanimously or carried by a particular majority or lost, or an entry to that effect in the Minutes Book of the Centre is evidence of the fact without proof of the number or proportion of the votes recorded in favour or against that Resolution.

5.5. Voting

- 5.5.1. Upon any question arising at a General Meeting of the Centre a member has one vote only. In the case of an equality of votes on a show of hands, the Chairperson of the meeting at which the show of hands takes place shall be entitled to a second or casting vote.

5.6. Proxy votes not permitted

- 5.6.1. Proxy voting must not be undertaken at or in respect of a general meeting.

6. Alterations of Objectives and Rules

- 6.1. The statement of objectives and the rules may be altered, rescinded or added to, only by a special Resolution passed by the Managing Committee and ratified in the General Meeting.

7. Funds

7.1. Funds - Sources

- 7.1.1. As the essential purpose of the Centre is spiritual and benevolent, the temporalities of the Corporation shall be so directed and administered by its Managing Committee as to support and subserve the purposes of the Centre as maintained by the President Swami who will have such powers as the bye-laws of the Centre may confer upon him.
- 7.1.2. All of the properties, monies and assets of the Centre are irrevocably dedicated to charitable and religious purposes and shall not incur benefit to any private individual.
- 7.1.3. The funds of the Centre shall be derived from
- a. admission fees and annual subscriptions of Members, donations and such other sources as the Managing Committee determines.
 - b. donations towards education and school building, rented or built and towards benevolent activities.
- 7.1.4. All monies received by the Centre shall be deposited as soon as practicable, to the credit of the Centre's bank accounts.
- 7.1.5. After receiving any money, the Centre shall issue an appropriate receipt as soon as practicable.

7.2. Funds - Management

- 7.2.1. Subject to any resolution passed by the Centre in General Meeting the funds of the Centre shall be used in pursuance of the Objectives of the Centre in such a manner the Managing Committee determines.
- 7.2.2. The maintenance of the President Swami, the Assistant Swami or Swamis, other monastic members and dedicated lay devotees who work full time for the Centre shall be met by the funds of the Centre.
- 7.2.3. All cheques, drafts, bills of exchange, promissory notes and other negotiable instruments shall be signed by the Treasurer and one of the office-bearers.

8. Accounts & Audit

8.1. Financial Records

- 8.1.1. The Centre must keep, in accordance with Section 43 of the Act, written financial records that:-
 - a. correctly record and explain its transactions and financial position and performance; and
 - b. would enable true and fair financial statements to be prepared and audited.

8.2. Financial year

- 8.2.1. The financial year of the Centre is:
 - a. the period of time commencing on the date of incorporation of the Centre and ending on the following 30 June, and
 - b. each period of 12 months after the expiration of the previous financial year of the Centre, commencing on 1 July and ending on the following 30 June.

8.3. Audit

- 8.3.1. A properly qualified Auditor or Auditors shall be appointed and his or her duties regulated in accordance with the Law.

9. Indemnity and Insurance

- 9.1. Except to the extent prohibited by Law and unless otherwise unlawful, every officer or auditor of the Centre must be indemnified out of the property of the Centre against any liability (including legal costs) to another person (other than the Centre or a related Body Corporate).
- 9.2. Except to the extent prohibited by Law and unless otherwise unlawful, the Centre may pay or agree to pay a premium in respect of a contract insuring a person who is or has been an officer or auditor of the Centre against a liability for costs and expenses incurred by such person in defending proceedings, whether civil or criminal and whatever their outcome.
- 9.3. Except to the extent prohibited by Law and unless otherwise unlawful, the Centre may pay or agree to pay a premium in respect of a contract insuring a person who is or has been an officer auditor of the Centre against any liability incurred by the person as such an officer or auditor.

10. Custody of Books and Records

10.1. Custody

- 10.1.1. Except as provided by these rules, the Public Officer shall keep in his or her custody or control, all records, books and other documents relating to the Centre.

10.2. Inspection of Books and Records

- 10.2.1. The records, books and other documents of the Centre shall be open to inspection, free of charge by a member of the Centre at any reasonable hour, with prior intimation and arrangement, at a time convenient to all concerned.

11. Payments to Office-Bearers and Members

- 11.1. A Member of the Managing Committee shall not be appointed to any salaried Office of the Centre or any office of the Centre paid by fees and no remuneration or other benefit in money or money's worth shall be given by the Centre to any Member of the Committee except –
 - a. repayment of out of pocket expenses
 - b. interest at a rate not exceeding the rate existing at the time and the rate which is or would be charged by the Banks for money lent to the Centre
 - c. reasonable and proper rent for premises let to the Centre.

12. Dissolution and Surplus Property

- 12.1. The Centre shall be dissolved in the event of Membership less than three or upon the vote of three fourths majority of Members present at a General Meeting convened to consider the matter of dissolution.
- 12.2. In the event that the Centre is wound up, any surplus property available after discharging all debts and liabilities, the same shall not be paid to or distributed among the Members of the Centre. Upon determination by the members of the Centre, it should be handed over to another Charitable Organization having objectives similar to the objectives of the Centre or to any other Charitable Organization which fulfills the requirements for charity and deductible gift recipient status under the taxation or other relevant laws of Australia.

13. Notification of Proposed Alteration of Rule

- 13.1. A proposed alteration of the rules of the Centre or of the objectives of the Centre shall be notified to the Minister administering the Charitable Collections Act, 1934, in a manner required by the Act

14. Compliance with Charitable Collections Act, 1934.

- 14.1. The Centre shall comply with such of the provisions of the Charitable Collections Act, 1934, and the Regulations thereunder, as are applicable to it.

Agreement

I, Swami SRIDHARANAND agree to be the President of the Centre and agree to this Constitution and to contribute to the Centre in accordance with Rule 4.

Signature of Swami SRIDHARANAND

I, Swami ATMESHANANDA, agree to be the Vice President of the Centre and agree to this Constitution and to contribute to the Centre in accordance with Rule 4.

Signature of Swami ATMESHANANDA

I, Swami CHANDRASHEKHARANANDA agree to be a Member, Managing Committee of the Centre and agree to this Constitution and to contribute to the Centre in accordance with Rule 4.

Signature of Swami CHANDRASHEKHARANANDA

I, Paul NOTHOLT, agree to be the Secretary of the Centre and agree to this Constitution and to contribute to the Centre in accordance with Rule 4.

Signature of Paul NOTHOLT

I, Kiritkumar SODHA, agree to be the Member, Managing Committee of the Centre and agree to this Constitution and to contribute to the Centre in accordance with Rule 4.

Signature of Kiritkumar SODHA

Dated this 20th day of July 2012.

Appendix 1.

Application for membership of Centre (Clause 3 (1))

Vedanta Centre of Sydney Incorporated

(incorporated under the *Associations Incorporation Act 2009*)

2 Stewart Street, Ermington, NSW 2115

Phone: +61-2-8197 7351 e-mail: vedasydney@vedantasydney.org

MEMBERSHIP APPLICATION FORM

(Please fill in block letters)

I appreciate the concept of Universal Religion as embodied in the Vedanta Philosophy, the theme of India's Spiritual Culture. I believe that all religions, truly followed, lead to eternal peace, tranquillity, bliss and joy. I earnestly wish to know more about Vedanta and, therefore, wish to enrol as a Member of the Vedanta Centre of Sydney.

Date:(dd/mm/yyyy):_____

NAME:(Mr/Mrs/Ms/Dr/other*)_____

(Please underline family name)

ADDRESS_____

Suburb_____ State_____ Postcode_____

Telephone: (Res)_____ Office_____

Mobile_____ Fax_____ e-mail:_____

MEMBERSHIP FEE

Admission Fee: \$2.00 + Annual Fee -\$50.00

Enclosed Cash/Cheque (payable to
Vedanta Centre of Sydney)

Signature

Nominated by:-

1) Member (Name & Signature)_____

2) Member (Name & Signature)_____

Approved on_____ (date) _____ President

*Delete whichever is not applicable