

**Macfie Clan Society of Australia**  
**Constitution**  
**24/05/2008**

**Name**

- 1 The Macfie Clan Society of Australia.

**Aims**

- 2 (1) To act as a representative body of Clan members in Australia in transacting business with organisations in Australia and overseas.
- (2) To encourage the research and recording of Clan history in Australia
- (3) To promote fellowship and social contact among members of the Clan in Australia
- (4) To take an interest in the welfare of any disadvantaged members of the Clan in Australia, and, where possible within the means of the society, to assist those in need.
- (5) To establish and maintain close ties with other Societies of our Clan throughout the world.

**Membership**

- 3 **Membership of the Society** is open, on application to the Society Executive, to all interested men and women who:
- (1) have surname spellings listed under Accepted Spellings of Clan Surnames in Dr. E.D. MacPhee's, 'The Mythology, Traditions and History of MacDhubbsith-MacDuffie Clan': or
- (2) are connected by marriage with, or descended from, or adopted by persons qualifying under (1) above, or
- (3) are members of other Septs of the Clan as sanctioned by the Lord Lyon King of Arms.

**NOTE:** Members below the age of 18 years or over the age of 75 are excused from the payment of membership fees. Members below the age of 18 years will not have voting rights.

- 4 **Honorary Membership** of the Society may be granted by the Society Executive to a member of another Society of the Clan, or to a member of another Clan in Australia, who is considered to have established a significant link with the Society. Honorary Members will have no voting rights, and are excused from the payment of fees.
- 5 **Life Membership** of the Society may be conferred by the Society Executive on any Clan member, who, in their unanimous opinion, has rendered outstanding service to the Society over a number of years. Life members are to retain full membership rights at all times.
- 6 **Associated Membership** of the Society may be granted by the Society Executive to a person, resident in Australia, who is considered to have established a significant link with the Society, but is not eligible for membership of the Society under the normal provisions of membership. Associated members are to be proposed and seconded by financial members of the Society and are to pay full membership fees. Associated members are not to have voting rights.

- 7 **Termination of Membership:** Membership of the Society may be terminated at any time by the unanimous decision of the Society Executive when a member's actions are considered to be detrimental to the wellbeing and standing of the Society, the Clan, or the Community as a whole. No refund of unexpired membership subscriptions is to be made.

### **Office Bearers**

- 8 The Office Bearers of the Society are as listed in the following paragraphs. Unless specified otherwise, their duties and responsibilities are those normally and commonly accepted for such offices. Only financial members of the Society are eligible to stand for and hold elective office.
- (1) President: To be elected every 2 years by national ballot.
  - (2) Vice-President: To be elected every 2 years by national ballot.
  - (3) State Vice-Presidents: to be elected every 2 years by a State ballot confined to financial members of each State considered by the Society Executive to have a significant membership.
  - (4) Treasurer: To be elected every 2 years by a national ballot.
  - (5) Secretary: To be appointed as required by the Society Executive.
  - (6) Trustees: To be appointed as required by the Society Executive.
  - (7) Auditor: To be appointed as required by the Society Executive.
  - (8) Historians: To be appointed as required by the Society Executive.
  - (9) Society Piper: To be appointed as required by the Society Executive.

### **Election of Office Bearers**

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- (1) Where a ballot is required for the election of Office Bearers, the Society Secretary is to call for nominations at least 3 months prior to the proposed declaration date of the ballot. Each nomination is to specify the nominee's name and nominated office, and is to be signed by the proposer and the seconder, and by the nominee to signify acceptance of the nomination. Only financial members of the Society are eligible to accept nomination for office, or to propose, second, or vote for nominees for office.
  - (2) Nominations are to close 1 month after the initial call, and ballot papers are to be mailed to all financial members within 2 weeks of the close of nominations. Ballot papers are to be returnable to the Society Secretary within 4 weeks of mailing.
  - (3) The election of State Vice-President is to be conducted by the Society Secretary. Only financial members of the State concerned are eligible to accept nomination for such office, or to propose, second, or vote for nominees for such office.
  - (4) The Society Executive is to appoint two returning officers for each ballot. Preferential voting is to pertain in all ballots. All required ballots for election of Office Bearers are to be conducted concurrently.
  - (5) The Society Executive may fill vacancies amongst the Office Bearers at any time.

## **Society Executive**

10 The Society Executive is to consist of

- (1) President,
- (2) Vice President,
- (3) Immediate Past President,
- (4) State Vice-Presidents,
- (5) Treasurer
- (6) Clan Chief, Chieftain, or equivalent appointments, resident in Australia, and
- (7) Armigerous members of the Clan resident in Australia who are financial members of the Society.

**Note:**i When there is no Clan Chief, Chieftain or equivalent appointment resident in Australia, the Society Executive may appoint a Seneschal to act as Clan Leader in Australia. Such appointment is to be for a 2 year term which may be extended, as required, by the Society Executive.

- ii. The duties and responsibilities of the Seneschal are to act as Clan Custodian in Australia, to guard the Mythology. Traditions, History and Perquisites of the Clan within Australia, until such time as a Chief, Chieftain or equivalent appointment, resident in Australia is appointed.
- iii. Maximum term of office of an Immediate Past-President is to be three years.

## **Society Business**

11 (1) The business of the Society, except as specified in paragraphs 15 to 16 inclusive, is to be conducted by the Society Executive. Where considerations of time and distance preclude the holding of meetings of the Society Executive, the President is to attend to all necessary business and is to keep the other members of the Executive fully informed by his actions and intentions. The President is to arrange for mail voting by members of the Society Executive on all contentious matters. Society members are to be regularly advised on all matters.

(2) When a meeting of the Society Executive is held, a record of discussions is to be forwarded within 14 days to all members of the Executive for ratification. A quorum at a meeting of the Executive is to consist of not less than four members.

## **State Bodies**

12 Should members wish, individual State bodies may be formed to conduct business applicable to a particular State. An elected State Vice-President is automatically to be a member of the controlling body of any such group formed in his or her State. State bodies are to be financially self-supporting.

## **Meetings**

### **13 Types of Meetings**

- (1) A General Meeting of the Society is to be held every 2 years at a date and centre decided by the Society Executive.
- (2) An Ordinary Meeting of the Society may be called at any time by the Society Executive.
- (3) A Special Meeting of the Society may be called at any time by five financial members of the Society applying in writing to the secretary, stating the reasons for such special meeting.

## 14 Meeting Business

- (1) The Secretary is to notify members in writing of the details relating to any meeting of the Society, and of the business to be conducted at the meeting. Such notification is to be mailed at least 6 weeks prior to the date of the meeting.
- (2) Only financial members of the Society may vote at meetings. A Quorum at a meeting is to consist of not less than twelve financial members. The Chairman of a meeting may cast a deciding vote.
- (3) All decisions taken at a meeting are to be ratified by the general body of members as specified in Paragraph 15.

## 15 Ratification of Meeting Business

- (1) All motions passed, or resolutions adopted, at a Society meeting are to be submitted, together with supporting reasoning, to Society members for ratification. Ratification is to be considered automatic provided not more than five objections from financial members are received in writing within 4 weeks of mailing of the matter for ratification.
- (2) Should more than five objections be received the Society Executive is to consider such objections and may at its discretion, refer the disputed item to the financial members of the Society for a mail vote as specified in Paragraph 16. Should more than half the total financial membership object to an item submitted for ratification it is to be considered rejected and is not to be referred to members for a mail vote.

## 16 Mail Voting

- (1) The Society Executive may refer items of a contentious nature to the financial members of the Society for a mail vote. Such items are to be fully explained, and are to be mailed by the Secretary, along with accompanying voting paper, not less than 4 weeks prior to the closing date of the vote.
- (2) The Society Executive is to appoint two scrutineers to handle voting returns. The Society President may cast a deciding vote. The result of a mail vote is to be considered final irrespective of the number of votes received.

## Finance

- 17 All positions held by Office Bearers and by the Society Executive are to be honorary positions.
- 18 The assets and income of the Clan Society shall be applied solely in furtherance of its abovementioned objectives and no portion shall be distributed directly or indirectly to members of the Clan Society except as bona fide compensation for services rendered or expenses incurred on behalf of the Clan Society.
- 19 Members incurring expenses on behalf of the Society may submit claims for reimbursement to the Society Executive for consideration. No claim is to be considered to be automatically repayable unless the member has received written instructions from the Society Executive in regard to duties and expenditure authorised prior to incurring such expenses.
- 20 Society funds are to be controlled through a duly established bank account. Any two of the following three members of the society Executive are to be authorised to operate as signatories on the Society bank account:
  - (1) President,
  - (2) Treasurer, and
  - (3) Another member of the Society Executive.

- 21 Membership Subscriptions are to be determined from time to time by the Society Executive. Annual subscriptions are payable within 6 months of notification. Members who are more than 12 months in arrears with their annual subscription are to lose all membership rights until such arrears and the current subscription are paid in full.
- 22 Clan Chief, Chieftains, or equivalent appointments, resident in Australia, or a duly appointed Seneschal, and Life Members of the Society having title to full membership rights at all times, are excused from the payment of annual subscriptions to the Society.
- 23 In January each year the Treasurer is to submit an audited financial statement covering the previous year for approval by the Society Executive. Details of such statement are to be made available to all members of the Society.
- 24 A Travel Fund is to be established to assist the Clan Leader to attend sittings of Clan Parliament, and, when resident overseas, to visit Australia on invitation from the Clan Society. The fund is to be administered by the Clan Society Executive and contributed to by approved methods including, if agreed, the allocation in any year of up to 10% of annual subscription collected.
- 25 All social functions conducted by the Society, or sub-groups within the Society, are to be financially self-supporting.

### **Trust Fund**

- 26 A separate bank account is to be established to control such moneys as may be allocated from time to time for special purposes, and which are held in trust by the Society pending their disbursement. Control of this account is to be vested in three Trustees, appointed as required by the Society Executive, any two of whom are to be authorised to act as signatories on the account.
- 27 Disbursement of moneys from the Trust Fund in accordance with the Fourth Aim of the Society is to be made at the sole discretion of the Trustees, and any such disbursements are to remain confidential to the Executive of the Society.

### **Constitution Amendments**

- 28 (1) The constitution may be amended by any two financial members submitting a proposed amendment in writing to the Secretary. Such proposed amendment is to be considered for adoption at the next notified General Meeting of the Society.  
  
(2) A majority of not less than two thirds of the financial members present at the General Meeting considering a proposed amendment must approve of the proposed amendment before such proposed amendment can be submitted to Society members for ratification in accordance with Paragraph 15.

### **Dissolution**

- 29 The Society may be dissolved at any time by a unanimous vote of all financial members. Should such a decision be made, the funds which remain after such dissolution and the satisfaction of all debts and liabilities, shall be paid and applied by the Executive in accordance with their powers to any fund, institution or authority which is a non-profit organisation having similar aims and ideals as the Society.