

**PHILIPPINE COMMUNITY COUNCIL  
OF NEW SOUTH WALES INC.**

**(PCCNSW)**

# **CONSTITUTION**

REGISTERED UNDER THE ASSOCIATIONS INCORPORATION ACT

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## Part 1 Preliminary

### 1.1 Interpretation

(1) In these rules, except so far as the context or subject matter otherwise indicates or requires:

***secretary*** means:

- (a) the person holding office under these rules as secretary of the Council, or
- (b) if no such person holds that office - the public officer of the Council.

***Special general meeting*** means a general meeting of the Council other than an annual general meeting.

***the Act*** means the ***Associations Incorporation Act of 2009 No.7***

***the Regulation*** means the ***Associations Incorporation Regulation 2022***

***Affiliate*** means a member of the Council referred to in Part II Membership.

***Director*** means a member of the Board referred to in Part III The Board of Directors

***Financial Member*** means an affiliate of good standing who has paid the current year's membership fee and has no outstanding obligations to the Council.

***Financial Year*** means from 1st of July of any year and ending 30th of June the following year

***Council*** means the Philippine Community Council of New South Wales.

***Board*** means the Board of Directors or the members of the Board of Directors

(2) In these rules:

- (a) a reference to a function includes a reference to a power, authority and duty, and
- (b) a reference to the exercise of a function includes, if the function is a duty, a reference to the performance of the duty.

(3) The provisions of the Interpretation Act 2022 apply to and in respect of these rules in the same manner as those provisions would so apply if these rules were an instrument made under the Act.

## 1.2 Objectives

- (1) To represent the unified voice and promote the interests of the Filipino Community in New South Wales and relevant overseas Filipino communities.
- (2) To foster cooperation, friendship and unity among the various associations in New South Wales that are interested in improving the social and economic welfare, status and well being of the Australian community in general and the Filipino community in particular.
- (3) To act as a source of information in New South Wales for the activities, accomplishments, aspirations and areas of concern to the Filipino community to enable the Council to increase awareness of the Australian community on matters and issues affecting Filipinos in New South Wales.
- (4) To identify issues of broad and general concerns affecting the Filipinos and to coordinate with member associations so that Filipinos may respond to these issues effectively.
- (5) To promote arts, culture, language, heritage and legacy of the Filipinos among the general community, especially those of Filipino descent in New South Wales.
- (6) To raise funds for charity in support of the Philippines Australia Disaster Emergency Response (PADER) program of the Council aimed at providing immediate help for people affected by natural calamities in the Philippines and Australia.
- (7) To do whatever is necessary for the implementation of anything incidental to the achievement of the above objectives or any part of it.

## Part II - Membership in the Council

### 2a. Membership Qualifications

2a.1 An organisation is qualified to be an **Affiliate** of the Council if, and only if:

- a) the non-profit organisation is duly constituted and a bona fide Philippine Australian association in New South Wales registered with the NSW Office of Fair Trading pursuing primarily civic, social, religious and/or welfare activities;
- b) the non-profit organisation has an active membership in its roll of at least ten (10) at the time of its application for membership;
- c) the non-profit organisation holds at least one function or event each year; with the event being any activity organized and hosted by the affiliate and held in pursuance of the affiliates's Constitutional objectives.
- d) the non-profit organisation has been nominated for membership in the Council as provided by rule 3;

- e) all affiliated organisations at the General Assembly Meeting duly registered on 10th November 1990 at Earlwood will be recognised as founding members;
- f) all affiliated organisations referred to in clause (e) be Life Time members of PCC NSW Inc.

2a.2 A body corporate or any business entity registered with the NSW Office of Fair Trading (OFT) or Australian Securities and Investment Commission (ASIC) may be accepted as an **Associate member**, of the Council on the recommendation of the Membership Committee and approved at the Annual General Meeting.

2a.3 **Honorary and Life Membership** of individuals or organisations for outstanding contributions to the Council and/or the community or exemplary works may be conferred on the recommendation of a committee created for this purpose and approved at the Annual General Meeting.

2a.4 The classes of membership under clauses 2a.2 and 2a.3 are non-voting and cannot stand for elective positions but may be invited or by leave speak in any general or special meeting.

## 2b. Membership Committee

2b.1. The Council shall have a Membership Committee as a standing committee subject to the Rules and Regulations, and/or to any resolutions passed by the Council in an Annual General Meeting or Board meeting.

2b.2. Composition

- a) The Chairperson of the Membership Committee shall be vested to the Vice President for Internal Affairs.
- b) Members of the Membership Committee shall be the Secretary, and any other members appointed by the President.
- c) In the event that the Vice President for Internal Affairs informs the Board of his/her intention to run for the position of President in the next election, he/she should immediately handover, on the same day, the Chairmanship position of the Membership Committee to the Secretary.

2b.3: Duties & Responsibilities

- a) Shall administer, manage, and control the recruitment and application of affiliates to the Council
- b) Shall check and verify the accuracy of the information presented in the application according to the rules of this constitution.
- c) Shall endorse applications to the Board for their approval or rejection.

- d) Shall record the name of affiliates, date of membership, signatory to the application and the contact persons of approved affiliates in the register of affiliates.
- e) Shall keep, and maintain a register of affiliates up-to-date.
- f) Shall monitor and inform affiliates regarding their membership status and payment of membership fees and ask the Secretary to communicate appropriately.
- g) Shall provide assistance in disseminating information, coordinating attendance and such other tasks concerning Council matters and activities to the general membership
- h) Shall provide regular reports to the Board
- i) Shall perform other tasks regarding membership as delegated by the Board.
- j) Shall conduct an annual review on membership status of all affiliates not later than forty-five (45) calendar days prior to election date.

### **3. Nomination for Membership**

(1) A nomination of an organisation for membership of the Council:

- a) must be made by a financial member of the Council in writing, and
- b) must be lodged with the Membership Committee of the Council.

(2) As soon as practicable after receiving a nomination for membership, the Membership Committee must announce the application to all affiliates and after Paragraph 5 is satisfied, refer the nomination to the Board which is to determine whether to approve or to reject the nomination.

(3) As soon as practicable after the Board makes that determination, the Membership Committee must notify the nominee of such approval and request the nominee to pay (within the period of 28 days after receipt by the nominee of the notification) the required entrance fee and membership fees.

(4) The Membership Committee must, on payment by the nominee of the amounts referred to in clause (3) within the period referred to in that provision, enter the nominee's name in the register of affiliates and, on the name being so entered, the nominee becomes an affiliate of the Council.

(5) A financial member has 14 days from submission of a new member's application to lodge an objection to the application. Any five or more affiliates raising objections on the new applicant must be heard by the Membership Committee.



## 4. Cessation of Membership

An organisation ceases to be an affiliate of the Council if the organisation:

- a) resigns membership, or
- b) is expelled from the Council in accordance with Rule 10.
- c) Non-Payment of Dues: The Council through the Board may terminate a membership of an affiliate by reasons of non-payment of dues for three consecutive years, following a 60-day notification and grace period and with due process subject to Rule 10. Affiliates removed by this rule may re-apply subject to the rules and regulations on new applications.

## 5. Membership Entitlements Not Transferable

A right, privilege or obligation which an organisation has by reason of being an affiliate of the Council:

- a) is not capable of being transferred or transmitted to another organisation, and
- b) terminates on cessation of the organisation's membership.

## 6. Resignation of Membership

(1) An affiliate of the Council is not entitled to resign that membership except in accordance with this rule.

(2) An affiliate of the Council who has paid all amounts payable by the affiliate to the Council in respect of the affiliate's membership may resign from membership of the Council by first giving to the secretary a written notice of at least one month (or such other period as the Board may determine) of the affiliate's intention to resign and, on the expiration of the period of notice, the affiliate ceases to be a member.

(3) If an affiliate of the Council ceases to be a member under clause (2), and in every other case where an affiliate ceases to hold membership, the secretary must make an appropriate entry in the register of affiliates recording the date on which the affiliate ceased to be a member.

(4) An affiliate that is duly represented in the 15 member Board of Directors of the Council is not entitled to resign their membership until after the term of office of their current representation.

## 7. Register of Affiliates

(1) The Membership Committee of the Council must establish and maintain a register of affiliates of the Council specifying the name and address of each organisation who is an affiliate of the Council together with the date on which the organisation became an affiliate.

(2) The register of affiliates must be kept at the principal place of administration of the Council and must be open for inspection, free of charge, by any affiliate of the Council at any reasonable hour.

## **8. Fees**

(1) An applicant for membership of the Council must, on admission to membership, pay to the Council a fee of \$75.00 or, if some other amount is determined by the Board, that other amount.

(2) In addition to any amount payable by the affiliate under clause (1), an affiliate of the Council must pay to the Council an annual membership fee of \$75.00 or, if some other amount is determined by the Board, that other amount:

- a) except as provided by paragraph (b), on or before the day of the annual general meeting.
- b) if the affiliate becomes a member on or after the 1st of July in any financial year – on becoming a member and on or before the day of the next annual general meeting.

## **9. Members' Liabilities**

The liability of an affiliate of the Council to contribute towards the payment of the debts and liabilities of the Council or the costs, charges and expenses of the winding up of the Council is limited to the amount, if any, unpaid by the affiliate in respect of membership of the Council as required by rule 8.

## **10. Disciplining of Members (Affiliate or Director)**

(1) A complaint may be made to the Board by any person that a member (affiliate or director) of the Council:

- a) has persistently refused or neglected to comply with a provision or provisions of these rules, or
- b) has persistently and wilfully acted in a manner prejudicial to the interests of the Council.

(2) On receiving such a complaint, the Board:

- a) must cause notice of the complaint to be served on the member (affiliate or director) concerned; and
- b) must give the member (affiliate or director) at least 14 days from the time the notice is served within which to make submissions to the Board in connection with the complaint, and
- (c) must take into consideration any submissions made by the member (affiliate or director) in connection with the complaint.

(3) The Board may, by resolution, expel the member (affiliate or director) from the Council or suspend the member (affiliate or director) from membership of the Council if, after considering the complaint and any submissions made in connection with the complaint, it is satisfied that the facts alleged in the complaint have been proved.

(4) If the Board expels or suspends a member (affiliate or director), the secretary must, within 7 days after the action is taken, cause written notice to be given to the member (affiliate or director) of the action taken, of the reasons given by the Board for having taken that action and of the member's (affiliate's or director's) right of appeal under rule 11.

(5) The expulsion or suspension does not take effect:

a) until the expiration of the period within which the member (affiliate or director) is entitled to appeal against the resolution concerned, or

b) if within that period the member (affiliate or director) exercises the right of appeal, unless and until the Council confirms the resolution under rule 11 (5), whichever is the later.

## **11. Right of Appeal of Disciplined Member (Affiliate or Director)**

(1) A member (affiliate or director) may appeal to the Council in general meeting against a resolution of the Board under rule 10, within 7 days after notice of the resolution is served on the member (affiliate or director), by lodging with the secretary a notice to that effect.

(2) The notice may, but need not, be accompanied by a statement of the grounds on which the member (affiliate or director) intends to rely for the purposes of the appeal.

(3) On receipt of a notice from a member (affiliate or director) under clause one (1), the secretary must notify the Board which is to convene a general meeting of the Council to be held within 28 days after the date on which the secretary received the notice.

(4) At a general meeting of the Council convened under clause (3):

a) no business other than the question of the appeal is to be transacted, and

b) the Board and the member (affiliate or director) must be given the opportunity to state their respective cases orally or in writing, or both, and

c) the affiliates present are to vote by secret ballot on the question and a simple majority will decide whether the resolution should be confirmed or revoked.

(5) If at the general meeting the Council passes a special resolution in favour of the confirmation of the resolution, the resolution is confirmed.

## Part III - The Board of Directors

### 12. Powers of the Board of Directors

The Board is to be called the Board of Directors of the Council and, subject to the Act, the Regulation and these rules and to any resolution passed by the Council in general meeting:

- a) is to control and manage the affairs of the Council, and
- b) may exercise all such functions as may be exercised by the Council, other than those functions that are required by these rules to be exercised by a general meeting of affiliates of the Council, and
- c) has the power to perform all such acts and do all such things as it appear to the Board to be necessary or desirable for the proper management of the affairs of the Council.

### 13. Membership of the Board of Directors

(1) Subject in the case of the first directors of the Board to Section 21 of the Act, the Board is to consist of:

- a) the office bearers of the Council;
  - b) 7 directors; and
  - c) the immediate past president
- each of whom, except the immediate past president is to be elected at the bi-annual elections during an annual general meeting of the Council under rule 14.

(2) The office bearers of the Council are to be:

- a) the president
- b) the external vice-president
- c) the internal vice-president
- d) the secretary
- e) the treasurer
- f) the public relations officer, and
- g) the internal auditor.

(3) A bona fide member of an affiliate of the Council shall be qualified for election as an office bearer or a director. However, for the positions of the President, Vice President External and Vice President Internal, additional qualifications for election are as follows:

- a) must have been the President of the affiliated association being represented and
- b) must have served in the PCC NSW Board of Directors for one (1) full term

(4) Only one representative from each association is allowed to sit in the Board.

(5) Each Director of the Board is, subject to these rules, to hold office for a term of two (2) years until the conclusion of the annual general meeting during their second year in office. Except for the position of President, all other Directors shall be eligible for re-election but

shall not serve in the Board for more than two (2) consecutive (2-year) term of office unless he/she runs for the position of President thereafter.

(6) In the event of a casual vacancy occurring in the membership of the Board, the Board may appoint a replacement Director of the Council from among the candidates who did not make it in the most recent elections to fill the vacancy and the Director so appointed is to hold office, subject to these rules, until the conclusion of the current term of office.

## **14. Election of Members of the Board of Directors**

### **14.A Election Rules**

(1) Nominations of candidates for election as office bearers and directors of the council shall be made in writing by the president or authorised representative of an affiliate and accepted by the candidate and filed with the Committee on Elections (Comelec) at least 14 calendar days before the Annual General Meeting at which the election is to take place.

(2) If insufficient nominations are received to fill all vacancies on the Board, the candidates nominated are taken to be elected and further nominations are to be received at the annual general meeting. If insufficient further nominations are received, any vacant positions remaining on the Board are taken to be casual vacancies.

(3) If the number of nominations received is equal to the number of vacancies to be filled, the persons nominated are taken to be elected.

(4) If the number of nominations received exceeds the number of vacancies to be filled, a ballot is to be held.

(5) The ballot for the election of office bearers and directors of the Board is to be conducted at the annual general meeting. The office bearers and directors shall be directly elected by the financial affiliates.

(6) Only affiliates through their respective presidents or heads or their duly authorised representatives can participate at the elections of office bearers and officers.

(7) Other than his own vote, a President or head of an affiliate is allowed to hold only one (1) other Authorized Representative Form whilst a non-President or non-Head of an affiliate is entitled to hold only one (1) Authorized Representative Form.

(8) The Committee on Elections may promulgate additional implementing rules not in conflict with (1) to (7) above which they find necessary for the conduct of an honest and credible elections.

## **14.B Committee on Elections**

A duly constituted Committee on Elections (Comelec) composed of a Returning Officer, to be appointed by the Board of Directors, and two (2) members, to be appointed by the Advisory Committee, shall supervise the conduct of the elections.

## **14.C Committee on Elections – Duties and Responsibilities**

- (1) Accept and validate eligibility of affiliates to participate and vote in the Annual General Meeting and Election.
- (2) Accept and validate nomination of candidates.
- (3) Accept and validate Authorised Representatives' appointments.
- (4) Prepare and issue ballots to Presidents and Authorised Representatives
- (5) Promulgate and Issue not later than 14 days before the election the implementing Rules governing the conduct of election that are not in conflict with the Rules in Par 14.A.
- (6) Announce before the election is conducted the names of registered affiliates and their respective Authorised Representatives who are entitled to vote.
- (7) Conduct the election, canvass votes and announce the results.
- (8) Rule on any election issues raised during the elections.
- (9) Decide on any election protests within 5 calendar days from receipt of protests.

## **15. Duties of Office Bearers and Directors**

### **15.A. Duties of the President**

- (1) to act as executive officer of the Council;
- (2) to call, convene and preside over all regular and special meetings of the Board, Annual General Meetings and Special General Meetings;
- (3) to act as spokesperson of the Council on all official matters, unless delegated;
- (4) to sign all correspondence and communications sent out in the name of the Council, unless delegated;
- (5) to sign cheques and authorise financial transactions for the Council subject to acceptable accounting standards;
- (6) to verify and sign the Treasurer's report and Projects' Financial Statements;
- (7) to report on the Board's activities and accomplishments once a year to all members;
- (8) to delegate tasks and form committees as the need arises and appoint chairpersons and members of the committee in accordance with Rule 10;
- (9) to formulate policies and guidelines in conjunction with the Board of Directors by way of an approved resolution not in conflict with the Model Rules, the PCC-NSW constitution and the law;
- (10) to work closely with the Filipino Communities Council of Australia (FILCCA), Philippine Embassy and consulates, federal, state, and local government agencies, affiliates, and non-government organisations in the interest of the Council.
- (11) to perform all other duties related to the position of President.

## **15.B. Duties of the External Vice President**

- (1) to act as interim executive officer and to assume the duties of the President of the Council in his/her absence;
- (2) to assist the President in the identification, development, managing, and implementation of the Council's programmes, projects and activities directed towards achieving the goals and aims of the Council.
- (3) to assist the President in the supervision and administration of the affairs of the Council including fund sourcing.
- (4) to act as the Council's liaison officer dealing with other fraternal associations and/or councils, fraternal and resourcing organisations, private and government entities, corporations and individuals.
- (5) to perform all other duties related to the position of External Vice President and as directed by the President

## **15.C. Duties of the Internal Vice President**

- (1) to assist the President in the development and maintenance of administrative roles, functions and structures that support and facilitate the achievement of Council's goals and objectives.
- (2) to supervise and support other office bearers in the performance of their roles and functions.
- (3) to assist the External Vice-President in his/her duties and assume the role in his/her absence.
- (4) to assume the role of Chairperson of the Membership Committee, in charge of the application process of affiliates, their screening, acceptance and induction into the Council;
- (5) to perform all other duties related to the position of Internal Vice President and as directed by the President.

## **15.D. Duties of the Secretary**

- (1) the Secretary of the Council must, as soon as practicable after being elected as secretary, lodge notice with the Council of his or her address.
- (2) It is the duty of the secretary to keep minutes of:
  - a) all appointments of office-bearers and directors of the Board,
  - b) the names of directors of the Board present at a Board meeting or a general meeting, and
  - c) all proceedings at Board meetings and general meetings.
- (3) Minutes of proceedings at a meeting must be signed by the chairperson of the meeting or by the chairperson of the next succeeding meeting.
- (4) to receive incoming correspondences and to maintain file copies of agenda, minutes of meetings, attendance records, correspondence, resolutions, reports, community mailing list and other pertinent documents per instruction of the President and/or the Board;
- (5) to provide copies of agenda and minutes of previous business meeting to all members at

- current Board meeting two (2) days prior;
- (6) to keep current list of members of the Board, their addresses and contact details;
  - (7) to prepare draft correspondence as the President and the Board may direct;
  - (8) to undertake turnover of all official documents to the incoming Secretary;
  - (9) to perform other related duties as directed by the President and the Board.

## **15.E. Duties of the Treasurer**

- (1) It is the duty of the treasurer of the Council to ensure:
- a) that all money due to the Council is collected and received and that all payments authorised by the Council are made, and
  - b) that correct books and accounts are kept showing the financial affairs of the Council, including full details of all receipts and expenditure connected with the activities of the Council.
- (2) to prepare and present cash flow positions and financial reports every Board meeting;
- (3) to sign cheques together with the President and other designated signatories,
- (4) to maintain a Petty Cash management system for cash disbursement;
- (5) to receive and review Project's financial budgets and reports
- (6) to establish and maintain the funds deposited in banking accounts of the Council: funds being General Fund and Trust Fund; banking accounts being Savings and Cheques, and Time Deposit/Managed Fund Accounts;
- (7) to oversee investment of Trust Fund as approved by the Board;
- (8) to prepare, sign and submit annual financial statements and reports as attested by the President and pre-audited by the Internal Auditor and audited by the External Auditor for each fiscal year ending 30 June.
- (9) to authorise administrative and Project's financial transactions for Council, together with the President and Project's Chairperson, respectively
- (10) to act as Property Custodian and to maintain the Council's asset register.
- (11) to perform other related duties as directed by the President

## **15.F. Duties of the Public Relations Officer**

- (1) to coordinate with the Media and prepare Press Releases as directed and approved by the President and/or the Board
- (2) to develop publicity and promotion of important PCC-NSW events/activities in coordination with the President and the Board;
- (3) to prepare the association's newsletter and other publications under the direction of the President and Vice Presidents;
- (4) to prepare publication/press reports to the President and/or to the Board;
- (5) to develop a list of media contacts and keep the list updated every term;
- (6) to assist with PCC-NSW website, e-mail group, social media pages and internet content production;
- (7) to assist in community forum/seminar planning and promotion;
- (8) to prepare other publication/news materials as directed by the President and/or the Board.



## **15.G. Duties of the Internal Auditor**

- (1) to conduct pre-audit of financial transactions and reports of the Council, its undertakings and projects;
- (2) to conduct quality assurances measures on activities and projects of the Council;
- (3) to conduct review and evaluation of project procedures and documentation to ascertain resources, budgeting and scheduling are consistent with the project objectives and scope;
- (4) to assist the President and Project Chairpersons in conducting project's analysis of issues and evaluation of risks in order to reduce and minimise them and to provide quality control checks in accordance with item 2;
- (5) to review and confirm by way of an approved resolution policies, guidelines and procedures whether administrative or operational in nature, formulated by the President or any member of the Board.
- 6) to assist the President and the Treasurer in the maintenance and management of Council's properties and assets;
- (7) to provide internal audit reports and quality control reports in accordance with item 4; and
- (8) to perform other related duties as directed by the President and/or the Board.

## **15.H. Duties of the Directors**

- (1) to assist in the identification, planning, development, implementation and review of Projects of the Council;
- (2) to assist in the identification of the priorities of the Council, consistent with the Council's aims and objectives;
- (3) to advise the President in ensuring that the administration and operation of the Council and the implementation and running of its Projects are consistent with the constitution and the Council's policies, procedures and tradition;
- (4) to perform the fiduciary role of ensuring the continuity of Council's existence and safeguarding the Council's aims and objectives.
- (5) to perform other related duties as directed by the President and/or by the Board.

## **15.I. Duties of the Immediate Past President**

- (1) the immediate past president, by virtue of his/her position, is deemed to represent not only his/her affiliated association but all of the Affiliates of the Council.
- (2) to act and serve in an Advisory capacity and/or Consultative resource to the President and to the Board;
- (3) to orient the incoming President as to the major policies and practices of the Council and its administration, to ensure operational and business continuity, by conducting turnover/handover session and presenting the Annual Report no less than 30 days following the Annual General Meeting;
- (4) to serve as an ex-officio and voting member of the Board;
- (5) to act as chairperson when past presidents are called to a meeting/session.
- (6) to carry out special assignments/projects as may be directed by the President;

## **16. Casual Vacancies**

For the purposes of these rules, a casual vacancy in the Board of Directors occurs if a member:

- a) dies, or
- b) ceases to be a member of the Board of the Council, or
- c) becomes an insolvent under administration within the meaning of the Corporations Act 2001 of the Commonwealth, or
- d) resigns office by notice in writing given to the secretary, or
- e) is removed from office under rule 17, or
- f) becomes a mentally incapacitated person, or
- g) is absent without the consent of the Board from at least 3 meetings of the Board.

## **17. Removal of a Member of the Board of Directors**

(1) The Council in a general meeting may by resolution remove any member of the Board before the expiration of the Board Member's term of office and may by resolution appoint another person to hold office until the expiration of the term of office of the Board Member so removed.

(2) Where a member of the Board to whom a proposed resolution referred to in clause (1) relates makes representations in writing to the secretary or president (not exceeding a reasonable length) and requests that the representation be notified to the affiliates of the Council, the secretary or the president may send a copy of the representations to each affiliate of the Council, or, if the representations are not so sent, the Director is entitled to require that the representations be read out at the meeting at which the resolution is considered.

(3) The Board may by resolution approved by three fourths of the members of the Board suspend and/or relieve another Board Member from the performance of his/her duties and responsibilities for a well-defined period before the expiration of the term of office of the Board Member so suspended and/or relieved.

(4) Where a member of the Board to whom a proposed resolution referred to in clause 3 makes an appeal, a reconsideration motion must be made by any Director who voted with the prevailing side, duly seconded by another Director, and passed by a majority vote for the appeal to proceed and be heard. This particular motion once lost cannot be repeated and the appeal process is not to take place.

(5) Any member of the Board found to have been convicted of a criminal offence may be banned/prohibited from holding an office. A police clearance and/or a criminal record check may be requested to verify his/her/their conviction.

## 18. Board Meetings and Quorum

- (1) The Board must meet at least 8 times in each period of 12 months at such place and time as the Board may determine.
- (2) Additional meetings of the Board may be convened by the president or by any Director of the Board.
- (3) Oral or written notice of a meeting of the Board must be given by the secretary to each member of the Board at least 48 hours (or such other period as may be unanimously agreed on by the members of the Board) before the time appointed for the holding of the meeting.
- (4) Notice of a meeting given under clause (3) must specify the general nature of the business to be transacted at the meeting and no business other than that business is to be transacted at the meeting, except business which the Board members present at the meeting unanimously agree to treat as urgent business.
- (5) Any 8 members of the Board constitute a quorum for the transaction of the business of a meeting of the Board.
- (6) No business is to be transacted by the Board 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 is to stand adjourned to the same place and at the same hour of the same day in the following week.
- (7) If at the adjourned meeting a quorum is not present within half an hour of the time appointed for the meeting, the meeting is to be dissolved.
- (8) At a meeting of the Board:
  - a) the president or, in the president's absence, the vice-president -external is to preside, or
  - b) if the president and the vice-presidents are absent or unwilling to act, such one of the remaining members of the Board as may be chosen by the Board members present at the meeting is to preside.
- (9) If all of the members of the Board have signed a document containing a statement that they are in favour of a resolution of the Board of Directors in terms set out in the document, a resolution in those terms shall be deemed to have been passed at a meeting of the members of the Board of Directors held on the day on which the document was signed, or if the Board members signed the document on different days, on the day on which the document was last signed by a member of the Board.

## 19. Delegation by the Board to a Committee

(1) The Board of Directors may, by instrument in writing, delegate to one or more committees (consisting of such member (affiliate or director) or members (affiliates or directors) of the Council as the Board thinks fit) the exercise of such of the functions of the Board as are specified in the instrument, other than:

- a) this power of delegation, and
- b) a function which is a duty imposed on the Board by the Act or by any other law.

(2) The term of office of all Committee members, other than the Advisory Committee is co-terminus with the Appointing Board. If a project remains unfinished, the succeeding Board is encouraged to retain the composition of the current Committee.

(3) A function the exercise of which has been delegated to a committee under this rule may, while the delegation remains unrevoked, be exercised from time to time by the committee in accordance with the terms of the delegation.

(4) A delegation under this section may be made subject to such conditions or limitations as to the exercise of any function, or as to time or circumstances, as may be specified in the instrument of delegation.

(5) Despite any delegation under this rule, the Board may continue to exercise any function delegated.

(6) Any act or thing done or suffered by a committee acting in the exercise of a delegation under this rule has the same force and effect as it would have if it had been done or suffered by the Board

(7) The Board may, by instrument in writing, revoke wholly or in part any delegation under this rule.

(8) A committee may meet and adjourn, as it thinks proper.

## 20. Voting and Decisions

(1) Questions arising at a meeting of the Board or of any committee appointed by the Board are to be determined by a majority of the votes of members of the Board or members of the committee present at the meeting.

(2) Each Director present at a meeting of the Board or of any member of a committee appointed by the Board at a committee meeting (including the person presiding at the meeting) is entitled to one vote but, in the event of an equality of votes on any question, the person presiding may exercise a second or casting vote.

(3) Subject to rule 19(5), the Board may act despite any vacancy on the Board.

(4) Any act or thing done or suffered, or purporting to have been done or suffered, by the Board or by a committee appointed by the Board, is valid and effectual despite any defect that may afterwards be discovered in the appointment or qualification of any member of the Board or committee.

## **21. Conduct of the Members of the Board**

(1) The members of the Board shall conduct themselves in a civil and professional manner.

(2) Abusive and foul language expressed verbally or in written form shall not be tolerated and shall not be used during Board and Council meetings and functions. This shall apply especially during meetings and also on Board and Council e-mail group.

(3) The members of the Board shall not be entitled to receive gratuities nor favours from any or all sources.

(4) The members of the Board shall not represent themselves at anytime on behalf of the Board or Council without prior approval of the Board and/or the President, unless delegated or such action is in the course of the execution and performance of an official duty.

(5) The members of the Board and members of Committees appointed by the Board must disclose any potential conflict of interest, must not use their position or information for a dishonest purpose, and must hand over any documents of the association within 14 days after ceasing to hold office.

## **Part IV - General Meetings**

### **22. Annual General Meetings - Holding of**

(1) With the exception of the first annual general meeting of the Council, the Council must, at least once in each calendar year and within the period of 6 months after the expiration of each financial year of the Council, convene an annual general meeting of its members.

(2) The Council must hold its first annual general meeting:

- a) within the period of 18 months after its incorporation under the Act, and
- b) within the period of 2 months after the expiration of the first financial year of the Council.

## **23. Annual General Meetings - Calling of and Business at**

(1) The annual general meeting of the Council is, subject to the Associations Incorporation Act of 2009 No.7 and to rule 37, to be convened on such date and at such place and time as the Board thinks fit.

(2) In addition to any other business which may be transacted at an annual general meeting, the business of an annual general meeting is to include the following:

a) to confirm the minutes of the last preceding annual general meeting and of any special general meeting held since that meeting,

b) to receive from the Board reports on the activities of the Council during the last preceding financial year,

c) to elect office-bearers of the Council and ordinary members of the Board, at the AGM held at the end of their term of office.

d) to receive and consider the financial statement which is required to be submitted to the affiliates under Part 5 section 47 & 48 of the Associations Incorporation Act of 2009 No.7 .

(3) A general meeting may be held at 2 or more venues using any technology that gives each of the association's members a reasonable opportunity to participate.

(4) In any legal proceedings, a general meeting held in accordance with subsection (3), or part of such a meeting, is not to be declared invalid on the ground that one or more of the association's members did not have a reasonable opportunity to participate unless the court is satisfied that—

(a) substantial injustice has been, or may be, caused, and

(b) the injustice cannot be remedied by any other order available to the court.

(5) An annual general meeting must be specified as such in the notice convening it.

## **24. Special General Meetings - Calling of**

(1) The Board may, whenever it thinks fit, convene a special general meeting of the Council.

(2) The Board must, on the requisition in writing of at least 5 per cent of the total number of affiliates, convene a special general meeting of the Council. In determining the minimum 5 percent requirement, each individual requestor is only entitled to a single request and can only have one representation as a requestor even if he/she represents two or more affiliates. The requisition must be accompanied by a resolution of each affiliate's Board or Executive Committee authorising its President to sign the request for a special general meeting.

(3) A requisition of affiliates for a special general meeting:

- (a) must state the purpose or purposes of the meeting, and
- (b) must be signed by the affiliates making the requisition, and
- (c) must be lodged with the secretary, and
- (d) may consist of several documents in a similar form, each signed by one or more of the affiliates making the requisition.

(4) A meeting, shall, notwithstanding that it is convened by notice shorter than required by clauses (1) and (2) be deemed to be duly convened if it is so agreed by two thirds of all the affiliates of the Council by way of signed petition or electronic mail to the Council Secretary.

(5) If the Board fails to convene a special general meeting to be held within 1 month after that date on which a requisition of affiliates for the meeting is lodged with the secretary, anyone or more of the affiliates who made the requisition may convene a special general meeting to be held not later than 3 months after that date.

(6) A special general meeting convened by an affiliate or affiliates as referred to in clause (4) must be convened as nearly as is practicable in the same manner as general meetings are convened by the Board and any affiliate who consequently incurs expenses is entitled to be reimbursed by the Council for any expense so incurred.

## **25. Notice of General Meetings**

(1) Except if the nature of the business proposed to be dealt with at a general meeting requires a special resolution of the Council, the secretary must, at least 14 days before the date fixed for the holding of the general meeting, give a notice to each affiliate specifying the place, date and time of the meeting and the nature of the business proposed to be transacted at the meeting.

(2) If the nature of the business proposed to be dealt with at a general meeting requires a special resolution of the Council, the secretary must, at least 21 days before the date fixed for the holding of the general meeting, cause notice to be given to each affiliate specifying, in addition to the matter required under clause (1), the intention to propose the resolution as a special resolution.

(3) No business other than that specified in the notice convening a general meeting is to be transacted at the meeting except, in the case of an annual general meeting, business which may be transacted under rule 23(2).

(4) An affiliate desiring to bring any business before a general meeting may give notice in writing of that business to the secretary who must include that business in the next notice calling a general meeting given after receipt of the notice from the affiliate.

## **26. Meeting Procedure**

(1) No item of business is to be transacted at a general meeting unless a quorum of affiliates entitled under these rules to vote is present during the time the meeting is considering that item.

(2) Thirteen (13) affiliates present in person (being affiliates entitled under these rules to vote at a general meeting) constitute a quorum for the transaction of the business of a general meeting.

(3) If within half an hour after the appointed time for the commencement of a general meeting a quorum is not present, the meeting:

(a) if convened on the requisition of affiliates, is to be dissolved, and

(b) in any other case, is to stand adjourned to the same day in the following week at the same time and (unless another place is specified at the time of the adjournment by the person presiding at the meeting or communicated by written notice to members given before the day to which the meeting is adjourned) at the same place.

(4) If at the adjourned meeting a quorum is not present within half an hour after the time appointed for the commencement of the meeting, the affiliates present (being at least 7) is to constitute a quorum.

## **27. Presiding Member**

(1) The president or, in the president's absence, the vice-president external or the vice-president internal, is to preside as chairperson at each general meeting of the Council.

(2) If the president and the vice-presidents are absent or unwilling to act, the affiliates present must elect one of their numbers to preside as chairperson at the meeting.

## **28. Adjournment**

(1) The chairperson of a general meeting at which a quorum is present may, with the consent of the majority of affiliates present at the meeting, adjourn the meeting from time to time and place to place, but no business is to be transacted at an adjourned meeting other than the business left unfinished at the meeting at which the adjournment took place.

(2) If a general meeting is adjourned for 14 days or more, the secretary must give written or oral notice of the adjourned meeting to each affiliate of the Council stating the place, date and time of the meeting and the nature of the business to be transacted at the meeting.

(3) Except as provided in clauses (1) and (2), notice of an adjournment of a general meeting or of the business to be transacted at an adjourned meeting is not required to be given.



## 29. Making of Decisions

(1) A question arising at a general meeting of the Council is to be determined on a show of hands and, unless before or on the declaration of the show of hands a poll is demanded, 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 minute book of the Council, is evidence of the fact without proof of the number or proportion of the votes recorded in favour of or against that resolution.

(2) At a general meeting of the Council, a poll may be demanded by the chairperson or by at least 3 affiliates present in person or by the “authorised representative” of an affiliate at the meeting.

(3) If a poll is demanded at a general meeting, the poll must be taken;

(a) immediately in the case of a poll which relates to the election of the chairperson of the meeting or to the question of an adjournment, or

(b) in any other case, in such manner and at such time before the close of the meeting as the chairperson directs, and the resolution of the poll on the matter is taken to be the resolution of the meeting on that matter

## 30. Special Resolution

A resolution of the Council is a special resolution:

(a) if it involves the alteration of the Constitution and is passed by a majority which comprises at least three-fourths of all the affiliates of the Council.

(b) if it is passed by a majority which comprises at least three-fourths of such affiliates of the Council as, being entitled under these rules so to do, vote in person or by an “authorised representative” at a general meeting of which at least 21 days' written notice specifying the intention to propose the resolution as a special resolution was given in accordance with these rules, or

## 31. Voting

(1) On any question arising at a general meeting of the Council an affiliate has one vote only.

(2) A President or Head of an Affiliate, other than his own vote is allowed to be an Authorized Representative of one (1) other Affiliate where he is also a member. Other duly Authorized Representative of an Affiliate can vote on behalf of only one (1) affiliated association being represented.

(3) In the case of an equality of votes on a question at a general meeting, the chairperson of the meeting is entitled to exercise a second or casting vote.

(4) An affiliate is not entitled to vote at any general meeting of the Council unless all money due and payable by the affiliate to the Council has been paid, other than the amount of the annual membership fee payable in respect of the then current year.

(5) At least 6 months membership in the Council will entitle an affiliate to vote at the elections of Board of Directors.

## **Part V - Miscellaneous**

### **33. Insurance**

The Council may effect and maintain a public liability insurance.

### **34. Funds - Source**

(1) The funds of the Council are to be derived from entrance fees and annual membership fees of affiliates, donations and, subject to any resolution passed by the Council in general meeting, such other sources as the Board determines.

(2) All money received by the Council must be deposited as soon as practicable and without deduction to the credit of the Council's bank account.

(3) The Council must, as soon as practicable after receiving any money, issue an appropriate receipt.

### **35. Funds - Management**

(1) Subject to any resolution passed by the Council in general meeting, the funds of the Council are to be used in pursuance of the objectives of the Council in such manner as the Board determines.

(2) All cheques, drafts, bills of exchange, promissory notes and other negotiable instruments must be signed by any 2 members of the Board being members authorised to do so by the Board.

### **36. Alteration of Objects and Rules**

The statement of objects and these rules may be altered, rescinded or added to only by a special resolution of the Council.

### **37. Common Seal**

(1) The common seal of the Council must be kept in the custody of the public officer.

(2) The common seal must not be affixed to any instrument except by the authority of the Board and the affixing of the common seal must be attested by the signatures either of 2 members of the Board or of 1 member of the Board and of the public officer or secretary.

(3) The common seal or the official “logo” of the Council shall be that which is formally adopted by the general membership. The official logo must be one that depicts the true meaning and purpose of the Philippine Community Council of NSW.

### **38. Custody of Books**

Except as otherwise provided by these rules, the public officer must keep in his or her custody or under his or her control all records, books and other documents relating to the Council.

### **39. Inspection of Books**

The records, books and other documents of the Council must be open to inspection, free of charge, by an affiliate of the Council at any reasonable hour.

### **40. Service of Notices**

(1) For the purpose of these rules, a notice may be served on or given to a person:

- a) by delivering it to the person personally, or
- b) by sending it by pre-paid post to the address of the person, or
- c) by sending it by facsimile transmission or some other form of electronic or digital transmission to an email address or other social media application specified by the person for giving or serving the notice.

(2) For the purpose of these rules, a notice is taken, unless the contrary is proved, to have been given or served:

- a) in the case of a notice given or served personally, on the date on -- which it is received by the addressee, and
- b) in the case of a notice sent by pre-paid post, on the date when it would have been delivered in the ordinary course of post, and
- c) in the case of a notice sent by facsimile transmission or some other form of electronic or digital transmission, on the date it was sent as printed or indicated on the document.

### **41. Surplus Property**

41.1 At the first general meeting of the Council, the Council shall pass a special resolution nominating an incorporated association as the association in which to vest its surplus property pursuant to Part 6 Division 3 Article 65 of the Act in the event of the winding up or the cancellation of the incorporation of the Council.

41.2 The incorporated association so nominated shall be one which fulfils the requirements specified in Part 6 Division 3 Article 65 Section (2) (a) to (c) of the Act.

## **42. Advisory Committee**

42.1. The Council shall have an Advisory Committee as a special committee subject to the Rules and Regulations, and/or to any resolutions passed by the Council in an Annual General Meeting or Board meeting.

42.2. Composition: This Advisory Committee shall have the past presidents as members and those appointed by the Board on recommendation of the incumbent President. This Committee shall be chaired by the Immediate Past President.

42.3. Duties and Responsibilities:

- a) to serve as an Advisory Body to the Board.
- b) to meet at least once a year
- c) to provide support and advice on any issue within the responsibility of the Council as requested by the Board.

## **43. Committee on Disputes and Grievances**

43.1. The Board shall create a Disputes and Grievance Committee as a Special Committee subject to the Rules and Regulations and/or to any resolutions passed by the council in an Annual General Meeting or Board Meeting. The committee shall be created whenever a dispute arises and shall be constituted by the President, or the External Vice President subject to the Implementing Guidelines and Procedure in handling disputes, complaints, and grievances.

43.2. The composition of the Disputes and Grievance Committee shall be determined and appointed once the protagonists are known in order to ensure neutrality and fairness.

- a) The Board shall appoint the Chairperson of the Disputes and Grievance Committee on recommendation of the President.
- b) Members of the Disputes and Grievance Committee shall be appointed by the President and the Chairperson
- c) The Committee must have at least one (1) community member with Philippine or Australian legal qualifications and of Filipino heritage.

43.3. Grievances or disputes arising from the operations of the Council are to be settled amicably in the first instance

43.4. The complainant shall submit a duly signed statement and particulars about the alleged complaint.

43.5 The conduct of proceedings of the Committee shall be governed by Implementing Guidelines and Procedures approved by the Council and/or the Board and in accordance with the relevant rules in Rule 10, 11 and 17.

43.6 The complainant has the right of appeal to the Board and/or to any statutory bodies created for the purpose like Community Justice Commission (CJC).

## **44. Standing Committees**

44.1 The Council shall have 10 standing committees :

- a) Committees on Youth,
- b) Committee on Elderly
- c) Committee on Health
- d) Committee on Education
- e) Committee on Sports
- f) Committee on Immigration
- g) Committee on Special Projects
- h) Committee on Disaster and Calamity
- i) Committee on Arts & Culture
- j) Committee on Women

44.2 The committees are to be chaired by a member of the Board or any other individual appointed by the Board.

44.3 Members of the committees shall be from the affiliates and those appointed by the Chairperson of the committee.

## **Part VI - Additional Rules Applicable to Charities**

This Part applies where the Council is registered under or is exempted from registration by or under the Charitable Collections Act, 1934.

## **45. Payment, etc, of Office Bearers and Directors**

A member of the Board shall not be appointed to any salaried office of the Council or any office of the Council paid by fees, and no remuneration or other benefit in money or money's worth shall be given by the Council to any member of the Board except:

- (1) repayment of out-of-pocket expenses;
- (2) interest at a rate not exceeding interest at the rate for the time being which is or would be charged by the Council's bankers for money lent to the Council; and
- (3) reasonable and proper rent for the premises let to the Council.

## **46. Vacation of Office**

Without limiting the operation of rule 17, the office of a member of the Board shall become vacant if:

- (1) the member holds an office of profit in the Council; or
- (2) the member is directly or indirectly interested in any contract or proposed contract with the Council.

## **47. Notification of Proposed Alterations of Rules**

A proposed alteration of the rules or of the statement of objectives of the Council shall be notified to the Minister administering the Charitable Collections Act, 1934, in the manner required by the regulations under that Act.

## **48. Compliance with Charitable Collections Act, 1934**

The Council shall comply with such of the provisions of the Charitable Collections Act, 1934 and the Regulations there under as are applicable to it.

## **Part VII - Transitory Provisions**

### **49. Effectivity**

Except for the provisions detailed below, this Constitution as amended and ratified shall take effect upon submission to and acceptance by the Office of Fair Trading.

(1 ) The term of office of the Board of Directors duly elected in February 2023 shall be until the end of the Financial Year 2024 (30 June 2024).

(2) The term of office of the Board of Directors duly elected after 30 June 2024 shall be until the end of Financial Year 2026 (30 June 2026).

## Appendix 1

### FORM OF APPOINTMENT OF AUTHORISED REPRESENTATIVE

I, .....of .....

*(full name) (address)*

being a member of.....

*(name of affiliate association)*

hereby appoint ..... of .....

*(full name of authorised representative) (address)*

being a member of this association, which is a financial member of PCC-NSW, Inc. as the authorised representative of the association to vote for and on behalf of the association at the general meeting of the Council (annual general meeting or special general meeting, as the case may be) to be held on the .....day of.....

*(month and year)*

and at any adjournment of that meeting.

.....

Signature of president/chairperson

Date.....

This Constitution of the Philippine Community Council of NSW Inc. adopted by the Members at the Special General Meeting on 30th November 2003

Catherine Andres  
Chairman of the Meeting  
Special General Meeting  
30th November 2003

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This Constitution of the Philippine Community Council of NSW Inc was ratified at the Special General Meeting by a Special Resolution of the Council submitted by the PCCNSW Constitutional Amendments Committee 2005 through the PCC-NSW Board 2005. The Special General Meeting was held on 12 March 2006.

Constitutional Amendments Committee 2005

Chairperson – Rey Manoto

Members:

Neria Soliman

Marissa Bala

Josie Musa

Emily Rudd

Ruben Amores

Robert Bock

Cesar Bartolome

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This Constitution of the Philippine Community Council of NSW Inc was re-ratified and reaffirmed at the Special General Meeting by a Special Resolution of the Council submitted by the PCC-NSW Constitutional Amendments Committee 2007 through the PCC-NSW Board 2007. The Special General Meeting was held on 30 June 2007.

Constitutional Amendments Committee 2007

Chairperson – Rey Manoto

Members:

Elsa Collado

Max Lopez

Robert Bock

Daisy Cumming

Jimmy Lopez

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This Constitution of the Philippine Community Council of NSW Inc was re-ratified and reaffirmed at the Special General Meeting by a Special Resolution of the Council submitted by the PCC-NSW Constitutional Amendments Committee 2011 through the PCC-NSW Board 2011. The Special General Meeting was held on 22 May 2011.

#### Constitutional Amendments Committee 2011

Chairperson – Alric Bulseco

##### Members

Manny Diel

Linda Geronimo

Lourdes Kaiser

Max Lopez

Rey Manoto

Arturo Sayas

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This Constitution of the Philippine Community Council of NSW Inc was re-ratified and reaffirmed at the Special General Meeting by a Special Resolution of the Council submitted by the PCC-NSW Constitutional Amendments Committee 2022 through the PCC-NSW Board 2022 and PCC-NSW Board 2023. The Special General Meeting was held on 15 April 2023.

#### Constitutional Amendments Committee 2022

(The 2022 Board of Directors constituted the Constitutional Amendments Committee for 2022)

Chairperson – Cesar Bartolome

##### Members:

Demi Robinson

Grace Liston

Darrell Swadling

Jess Arranz

Espie Pogson

Sheila Collantes

Lee Meekan

Maureen Santiago

Penny Perfecto

Mercy Jones

Dave Tan

Precy Santos

Emily Rudd

Alric Bulseco