

Constitution

1. NAME **The Kenyan Community of Western Australia**

- 1.1. The name of the community shall be: “The Kenyan Community of Western Australia” hereinafter to be referred to as the (“*the Kenyan Community*”)

2. AIM(S)

- 2.1. The main aim of the Kenyan Community is to stand as a united group for the representation of Kenyans residing in Western Australia.

3. OBJECTIVES

The main objectives for the Kenyan Community are:

- 3.1. To be a not-for-profit, non-racial and a non-political movement that fosters friendships amongst all Kenyans.
- 3.2. To promote the interests of members and their associates.
- 3.3. To acquire and maintain property for the purpose of furthering the welfare of the Kenyan community.
- 3.4. To bring together members of the Kenyan Community to celebrate the Kenyan day of independence and other national days each year.
- 3.5. Promote awareness of developments that arise in Kenya from time to time.
- 3.6. To co-operate and liaise with humanitarian organisations and government bodies on issues that may affect the Kenyan Community of Western Australia.
- 3.7. To assist Kenyans residing in western Australia who are in crisis situations.
- 3.8. To serve as a channel for receipt of aid.
- 3.9. To promote a greater understanding of Kenyans in the wider community
- 3.10. To bring together Kenyan Groups, for the purpose of fostering cohesion whilst retaining diverse
- 3.11. To impart knowledge of cultural heritage to the children of members of

the Kenyan community, especially Kiswahili language.

- 3.12. To assist any displaced Kenyan(s) and those in need (without prejudice).
- 3.13. To help, settle and welcome new Kenyan migrants to Western Australia (without prejudice).
- 3.14. To be a vehicle and support system through which Kenyans, as individuals, legal entities or groups could meet to cater for the welfare of Kenyans.
- 3.15. To help members overcome cultural shock.

4. **POWERS.**

- 4.1. The Powers conferred on the Kenyan Community are those specified in section 13 of the Act.
- 4.2. Between the Annual General Meetings, the powers of the community are to be vested in the Executive Committee.
- 4.3. In addition to all provisions in the constitution or as specified under section 13 of the Act, the Committee;
 - 4.3.1. May create sub subcommittees/groups to further its objects and the interests of all Kenyans and its members.
 - 4.3.2. May delegate authority to a subcommittee to investigate any matter or carry out any responsibilities.
 - 4.3.3. May invite any personality to address or attend meetings or represent the interest of it's members, and the committee shall use it's discretion to make the selection of such personalities, and their voting powers shall be approved by the committee members, if any.
 - 4.3.4. May recommend to any emergency General Meeting to be convened, the removal of any member of the Executive Committee or certain members because of the prevalent nature of their situations, after not more than three cautions and such a member if dismissed by the General Meeting will cease to be a member of the committee but will remain a member of the Kenyan Community
 - 4.3.5. Shall have the powers to manage the affairs of the Kenyan Community between Annual General Meetings and shall make resolutions, provided such resolutions are in line with aims and objects of the Kenyan Community

of WA and the interests of the members.

5. PROPERTY AND INCOME

5.1. The property and income of the Kenyan Community shall be applied solely to the promotion of the objects of the Kenyan Community and no part of that property or income may be paid or otherwise distributed, directly or indirectly to members, except in good faith, to promote those objects.

6. MEMBERSHIP.

6.1. Membership of the Kenyan Community is open to:-

6.1.1. individuals;

6.1.2. groups;

6.1.3. organisations;

6.1.4. clubs;

6.1.5. incorporated associations;

6.1.6. unincorporated associations;

6.1.7. Members of such groups, organisations, clubs, incorporated associations and unincorporated Associations so long as such bodies remain members of the Kenyan Community: and that promotes Kenyan community interests and whose objects don't contradict the object of the Kenyan Community.

6.2. A person or body who wishes to become a member shall:-

6.2.1. Apply for membership to the Kenyan Community in writing;

6.2.1.1. Signed by that person;

6.2.1.2. In such a form as the committee, from time to time directs;

6.2.1.3. Together with an application fee that the Kenyan Community by General Meeting shall determine from time to time.

6.3. The committee members shall consider each application made under 6.2.1 at a committee meeting and shall, at the committee meeting are subsequent

Committee meetings accept or reject that application.

- 6.4. Any member may from time to time elect or nominate Honorary Members for their services to the community and its existence, and such nomination shall be considered and determined by the committee.

7. REGISTER OF MEMBERS.

- 7.1. The Secretary shall on behalf of the Kenyan Community keep and maintain the Register of members in accordance with section 27 of the Act, and that register shall be so kept and maintained at his or her place of residence.
- 7.2. The Secretary shall cause the name of a person who dies or ceases to be a member pursuant to these rules to be deleted from the Register of Members referenced in rule 6.1.

8. DONATION OF MEMBERS TO THE KENYAN COMMUNITY AND MEMBERSHIP FEES

- 8.1. Any member may make a donation to the Kenyan Community at any time.
- 8.2. The members shall from time to time at a General Meeting determine the amount to be paid by each member, as membership fee. This, until further notice shall be \$30 for family membership and \$ 20 per annum for single membership.
- 8.3. A member, whose membership fee is not paid within three months after relevant date fixed, ceases on expiry of that period to be entitled to vote at General Meeting, unless the committee decides otherwise.
- 8.4. A member is a financial member for the purpose of these rules if his or her membership fee is paid on or before the date for payment or within three months thereafter.

9. RESIGNATION OF MEMBERS OF THE KENYAN COMMUNITY

- 9.1. A member, who delivers notice in writing of his or her resignation from the Kenyan Community to the Secretary or to other Committee members, ceases on delivery to be a member.
- 9.2. A member who ceases to be a member under sub-rule 9.1 remains liable to pay to the Kenyan Community the amount of any subscription due and payable by that

person to the community but unpaid at the date of that cessation.

10. EXPULSION OF MEMBERS

10.1. If the committee considers that a member should be expelled from membership of the Kenyan Community because of his or her conduct detrimental to the interests of the Kenyan Community, the committee shall communicate, in writing to the member:

10.1.1. Notice of the proposed expulsion and of the time, date and place of the Committee meeting at which the question of that expulsion shall be decided.

10.1.2. Particulars of that conduct not less than 30 days before the committee meeting referred in these rules.

10.2. At the Committee meeting referred to in a notice communicated under sub rule 10.1, the committee may, having afforded the member concerned a reasonable opportunity to be heard by, or to make representations in writing to, the Committee, expel or decline to expel that member from membership of the Kenyan Community and shall, forthwith after deciding whether or not to expel that member, communicate that decision in writing to that member.

10.3. Subject to sub-rule 10.5, a member who is expelled under sub-rule 10.2 from membership of the Association ceases to be a member 14 days after the day on which the decisions so to expel him or her is communicated to him or her under sub rule 10.2.

10.4. A member who is expelled under sub-rule 10.2 from membership of the Kenyan Community shall, if he or she wishes to appeal against that expulsion, give notice to the Secretary of his or her intention to do so within the period of 14 days referred to in sub-rue 10.3.

10.5. When notice is given under sub-rule 10.4:-

10.5.1. the Kenyan Community in General Meeting may, after having afforded the member who gave that notice a reasonable opportunity to be heard by, or to make representation in writing to, the Kenyan Community in the General Meeting, confirm or set aside the decision of the Committee to expel that member and;

10.5.2. The member who gave that notice does not cease to be unless and until the decision of the committee to expel him or her is confirmed under this sub-rule.

11. EXECUTIVE COMMITTEE

- 11.1. The affairs of the Kenyan Community shall be managed exclusively by the Executive Committee of;
- 11.1.1. a President;
 - 11.1.2. a Vice President;
 - 11.1.3. a Secretary;
 - 11.1.4. a Treasurer and
 - 11.1.5. and not less than 11 other persons being, 4 public relation officers, 1 social welfare and family officer, 1 person who represents the interests of women in the Kenyan Community, one person who represents students in the Kenyan Community, 1 person who represents cultural desk in the Kenyan Community and 3 other members of the Kenyan Community;

All of who shall be members of the Kenyan Community elected to membership of that Committee at an annual meeting or appointed under sub-rule 11.7.

- 11.2. The committee shall be elected at the **first** annual General Meeting to be held after the **incorporation** of the community under the Act;
- 11.3. A committee member shall hold office until the next Annual General Meeting at which meeting all offices of the Committee shall become vacant.
- 11.4. A person not eligible for election to membership of the committee unless a member has nominated him or her for election by delivering notice in writing of that nomination, signed by-
- 11.4.1. the nominator; and
 - 11.4.2. the nominee to signify his or her willingness to stand for election,
- To the Secretary not less than 14 days before the day on which the annual General Meeting concerned is to be held.
- 11.5. The secretary shall ensure that notice of all persons seeking election to membership of the Committee is given to all members when notice is given to those members of the calling of the annual General Meeting at which that election is to be held.
- 11.5.1. if the number of persons nominated for election to membership of the Committee does not exceed the number of the vacancies in that membership

to be filled;

11.5.2. the Secretary shall report accordingly to the President;

11.5.3. the President shall declare those persons to be duly elected as members of the Committee at,

The Annual General Meeting concerned.

11.5.4. When a casual vacancy within the meaning of these rules occurs in the membership of the Committee-

11.5.5. the committee shall appoint a member to fill that vacancy; and

11.5.6. a member appointed under these sub-rule shall -

11.5.6.1. hold office until the commencement of ; and

11.5.6.2. be eligible for election to membership of the committee at, the next following Annual General Meeting

12.FUNCTION OF OFFICE-BEARER

12.1. The President;

In addition to all provisions set out in this constitution, or any related regulations or by-laws as specified hereunder, it shall be the duties of the president;

12.1.1. to exercise and control all meetings of the Kenyan Community and Committee;

12.1.2. to exercise a casting vote where necessary;

12.1.3. to manage all affairs of the Kenyan Community under the committees jurisdictions or as the General Meeting shall assign or empower to the committee;

12.1.4. to call emergency meetings whenever deemed necessary;

12.1.5. to be co-signatory to all cheques or money orders with the Treasurer or the Vice-President or the Secretary;

12.1.6. to promote and make others aware of the general policy objectives of the Kenyan Community;

12.1.7. to Act as a spokes person for the Kenyan Community;

12.1.8. To appoint or select a team of his or her executive out of the committee members for the effective, efficient running/administering of the Kenyan Community day to day matters.

12.2. The Vice-President

In addition to all provisions set out in this constitution or any related regulations or by-laws as specified hereunder, it shall be the duties of the Vice-President:

12.2.1. to carry all the duties of the president when for one reason or other the president is unable to do their duties;

12.2.2. to be the second executive officer and assistant to the president;

12.2.3. to be co-signatory to all cheques or money orders with the Treasurer, the President or the Secretary;

12.2.4. to be Acting president in the absence of the president;

12.2.5. to Act as a spokesperson for the Kenyan Community, as assistant to the President;

12.2.6. To carry any other duty of the President as responsibility may demand.

12.3. The Secretary

In addition to all provisions set out in this constitution, or any related regulations or by-laws as specified hereunder, it shall be the duties of the Secretary;

12.3.1. To record all proceedings of the Kenyan Community's meetings ie. Annual General Meetings, Committee meetings and other meetings as they are required;

12.3.2. to ensure that all matters are recorded, typed and filed into the relevant files;

12.3.3. ensure all minutes and other matters are signed by the President/Vice president before they are filed or dispatched;

12.3.4. to sign all matters under the Secretary's jurisdiction as well as for the President/Vice-president;

12.3.5. to Act as spokesperson on matters of Kenyan Community, as the Committee may assign, and also to clarify matters under the Secretary's

- jurisdictions;
- 12.3.6. to ensure that administrative matters of all kinds enjoy proper attention;
- 12.3.7. to have custody of and ensure availability of all Minutes;
- 12.3.8. to ensure that members of the committee are informed in good time about the agenda, place time and date of the meeting being General, Committee or Emergency;
- 12.3.9. to prepare the agenda in consultation with the President/Vice-president and other members concerned;
- 12.3.10. if required, to be a co-signatory to all cheques and money orders with the president, the Treasure or the Vice-President;
- 12.3.11. to register and maintain the register of financial members;
- 12.3.12. to comply on behalf of the Kenyan Community with –
- 12.3.13. Section 27 of the Act in respect of the register of members of the Kenyan Community
- 12.3.14. Section 28 of the Act in respect of the rules of the Kenyan Community; and
- 12.3.15. Section 29 of the Act in respect of the record of office holders, and any trustees, of the Kenyan Community.
- 12.3.15.1. Have custody of all books, documents, records and registers of the Kenyan Community including those referred to in paragraph 12.3.12, other than those required by rule 11.4 to be kept and maintained by, or in the custody of the Treasurer.
- 12.3.15.2. Perform such other duties as imposed by these rules on the Secretary.

12.4. The Treasurer:

In addition to all provisions set out in this constitution or any related regulations or by-laws as specified hereunder, it shall be the duties of the Treasurer:

- 12.4.1. to be responsible for the receipt of all moneys paid to or received by, or by him/her on behalf of the Kenyan Community and shall issue receipts for those moneys in the name of the Kenyan Community

- 12.4.2. to pay all moneys referred to in paragraph referred to in paragraph 11.4.1 into such account or accounts of the Kenyan Community as the Committee may from time to time direct;
- 12.4.3. to make payments from the fund of the Kenyan Community with the authority of a General Meeting or of the Committee and in so doing ensure that all cheques are signed by 2 Committee members other than him or herself;
- 12.4.4. to comply on behalf of the Kenyan Community with the section 25 of 26 of the Act with respect to accounting records of the Association;
- 12.4.5. to, whenever directed to do so by the president, submit the Committee a report, balance sheet or financial statement in accordance with that direction;
- 12.4.6. to have custody of all securities, books and documents of financial nature and accounting records of the Kenyan Community, including those referred to in paragraph 12.4.5 and 12.4.6;
- 12.4.7. to be co-signatory to all cheques and money orders with the President, the Vice-President or the Secretary;
- 12.4.8. to arrange, render and be responsible for the handling of petty cash in close consultation with the Committee or the co-signatory
- 12.4.9. to co-operate and assist Auditors to audit all financial books and records;
- 12.4.10. to perform such other duties as imposed by these rules on the Treasurer
- 12.4.11. to communicate to all co-signatories within 24 hours the news of any withdrawals of funds commencing the time it was effected;

12.5. Public Relation Officers:

It shall be the duty of all public relation officers;

- 12.5.1. to clarify and sell the policies of the Kenyan Community;
- 12.5.2. to make the Kenyan Community known to all;
- 12.5.3. to promote goodwill and understanding at all times within the Kenyan Community or between the Kenyan Community and other nationalities from other continents;
- 12.5.4. to promote human relations and a positive spirit amongst all humans.

12.6. Heads of Cultural Desk, Women’s Desk and Student’s Desk:

In addition to all provisions set out in this constitution, or all regulations and by-laws hereunder, it shall be their duty;

12.6.1. to promote and uphold the objects of the Kenyan Community;

12.6.2. promote the specific interests of the Kenyan Community by promoting and representing fully their groups without due bias or discrimination based on sex, ethnic, social status, affiliation, greed, religion or nature of conviction;

12.6.3. to carry out other tasks as their duties may demand or as the Committee or Annual General Meeting may assign.

12.7. The Social and Family Welfare Officer:

In addition to all provisions set out in this constitution, or all regulations and by-laws hereunder, it shall have the duty;

12.7.1. to liase and co-ordinate with all responsible bodies for the welfare of all members of the Kenyan Community;

12.7.2. to co-operate with all bodies concerned in this regard.

13. EXCLUSION OF A COMMITTEE MEMBER

13.1. The Committee may consider the exclusion of a committee member if the committee member;

13.1.1. is expelled under sub-rule 10.2;

13.1.2. voluntarily opts to stand down;

13.1.3. is convicted of an offence under the act;

13.1.4. is permanently incapacitated by mental or physical ill health;

13.1.5. is absent for more than;

13.1.5.1. three consecutive committee meetings; or

13.1.5.2. three committee meetings in the same financial year;

of which he or she has received notice without tendering an apology to the

person presiding at each committee meeting; or

13.1.6. cease to be a member of the Kenyan Community;

13.1.7. is dismissed by General Meeting pursuant to clause 3.3.4.

14. PROCEEDINGS OF THE COMMITTEE

14.1. The Committee shall meet together for the dispatch of business not less than once in each calendar month and the President may at any time convene a meeting of the Committee.

14.2. Each Committee member has a deliberative vote.

14.3. A question arising at a Committee meeting shall be decided by a majority of votes, but, if there is an equality of votes, the person presiding at the committee shall have a casting vote in addition to his/her deliberative vote.

14.4. At a Committee meeting, 10 committee members constitute a quorum.

14.5. Subject to these rules, the procedure and order of business to be followed at the Committee meetings shall be determined by, the Committee members present at the meeting.

14.6. A Committee member having any direct or indirect pecuniary interest referred to in section 21 or 22 of the Act shall comply with that section.

15. GENERAL MEETINGS

15.1. The Committee:-

15.1.1. may at any time convene a **Special General Meeting**;

15.1.2. shall convene **Annual General Meetings** within the time limits provided for the holding of the Annual General Meeting by section 23 of the Act; and

15.1.3. shall, within 30 days of –

15.1.3.1. receiving a request in writing to do so from not less than 5 members, convene a Special General Meeting for the purpose specified in that request; or

15.1.3.2. the Secretary receiving a notice under rule 10.4, convene a Special General Meeting for the purpose of dealing with the appeal to which that notice relate.

- 15.2. The members making a request referred to in sub-rule 15.1.3.1 shall:-
- 15.2.1. state in that request the purpose for which the Special General Meeting concerned is required; and
 - 15.2.2. sign that request.
- 15.3. if a Special General Meeting is not convened within the relevant period of 30 days referred to - .
- 15.3.1. in sub-rule 15.1.3.1, the members who made the request concerned may themselves convene a Special General Meeting as if they were the Committee; or
 - 15.3.2. in sub-rule 15.1.3.2, the members who give the notice concerned may himself convene a Special General Meeting as if he or she was the Committee.
- 15.4. When a Special General Meeting is convened under sub-rule 15.3.1 or 15.3.2 –
- 15.4.1. the Committee shall ensure that the members or member convening the Special General Meeting are supplied free of charge with particulars of all members; and
 - 15.4.2. the Kenyan Community shall pay the reasonable expenses of convening and holding the Special General Meeting.
- 15.5. Subject to sub-rule 15.8, the Secretary shall give all members not less than 14 days notice of a General Meeting and of any motion to be moved at the General Meeting.
- 15.6. A notice given under sub-rule 15.5 shall specify –
- 15.6.1. when and where the General Meeting concerned is to held; and
 - 15.6.2. particulars of the business to be transacted at the General Meeting concerned and of the order in which that business is to be transacted.
- 15.7. In the case of an Annual General Meeting, the order in which business is to be transacted is –
- 15.7.1. first, the considerations of accounts and reports of the Committee;
 - 15.7.2. second, the election of Committee members to replace outgoing Committee members; and
 - 15.7.3. third, any other business requiring consideration by the Kenyan Community in a General Meeting.
- 15.8. The Secretary shall give to all members not less than **21 days** notice of a General Meeting at which a special resolution is to be proposed and of any other motion to be moved at that General Meeting.
- 15.9. The Secretary may give notice under sub-rule 15.5 or 15.8 by –

- 15.9.1. serving it on a member personally;
 - 15.9.2. sending it by post to a member at the address of the member appearing in the register of members kept and entertained under the section 27 of the Act.
- 15.10. When a notice is sent by post under sub-rule 15.9.1, sending of the notice shall be deemed to be properly effected if the notice is sufficiently addressed and posted to the member concerned by ordinary prepaid mail.

16. QUORUM IN PROCEEDING AT GENERAL MEETING

- 16.1. At a General Meeting **two thirds 2/3** of the members present in person or by proxy constitute a quorum.
- 16.2. If within 30 minutes after the time specified for holding of a General Meeting in a notice given under 15.5 or 14.8 –
- 16.2.1. as a result of a request or notice referred to in rule 15.1.3 or as a result of action taken under 15.3 a quorum is not present, the General Meeting lapses;
 - or
 - 16.2.2. otherwise then, as a result of request a notice or action referred to in paragraph 16.2.1, the General Meeting stands adjourned to the same time on the same day in the following week and to the same venue.
- 16.3. If within 30 minutes of the time appointed by sub-rule 16.2.2 for the resumption of an adjourned General Meeting, a quorum is not present, the members who are present in person or by proxy may nevertheless proceed with the business of that General Meeting as if a quorum were present.
- 16.4. The President may, with the consent of a General Meeting at which a quorum is present, and shall, if so directed by a General Meeting, adjourn that General Meeting from time to time and from place to place.
- 16.5. There shall not be transacted at an adjourned General Meeting any business other than business left unfinished or on the agenda at the time when the General Meeting was adjourned.
- 16.6. When a General Meeting is adjourned for a period of 30 days or more, the Secretary shall give notice under rule 15, of the adjourned meeting as if that General Meeting was a fresh General Meeting.
- 16.7. At a General Meeting –
- 16.7.1. an ordinary resolution put to vote shall decide by a majority of votes cast on a show of hands; and
 - 16.7.2. a special resolution put to vote shall be decided in accordance with section 24 of the Act.

- 16.8. A declaration by the President at a General Meeting that a resolution has been passed as an ordinary resolution thereat shall be evidence of the fact unless, during the General Meeting at which the resolution is submitted, a poll is demanded in accordance with sub-rule 15.9.
- 16.9. At a General Meeting, a poll may be demanded by the President at the General Meeting or by 3 or more members present in person or by proxy and, if so demanded, shall be taken in such manner as the President directs.
- 16.10. If a poll is demanded and taken under sub-rule 16.9, in respect of an ordinary resolution, a declaration by the President of the result of the poll is evidence of the matter so declared.
- 16.11. A poll demanded under sub-rule 16.9 on the election of a person to preside over a General Meeting or on the question of an adjournment shall be taken forthwith on that demand being made.

17. MINUTES OF THE MEETING

- 17.1. The Secretary shall cause proper minutes of all proceedings of all General Meetings and committee meetings to be taken and then to be entered within 30 days after the holding of each General Meeting or committee meeting, as the case requires, in a minute book kept for that purpose.
- 17.2. The President shall ensure that the minutes taken of a General Meeting or committee meeting under sub-rule 17.1 are checked and signed as correct by the President of the General Meeting to which those minutes relate or of the next meeting or committee meeting, as the case may be.
- 17.3. When minutes have been entered and signed as correct under this rule, they shall, until the contrary is proved, be evidence that—
- 17.3.1. the General Meeting or committee meeting to which they relate (in this sub-rule called “the meeting”) was duly convened and held;
 - 17.3.2. all proceedings recorded as having taken place at the meeting did in fact take place thereat; and
 - 17.3.3. all appointments or elections purporting to have been made at the meeting have been validly made.

18. VOTING RIGHTS OF MEMBERS OF KENYAN COMMUNITY

- 18.1. Subject to these rules, each member present in person or by proxy at a General Meeting is entitled to a deliberative vote.
- 18.2. A member which is a body corporate may appoint in writing a natural

person, whether or not he or she is a member, to represent it at a particular General Meeting or all General Meetings.

- 18.3. An appointment made under sub-rule 18.2 shall be so made by a resolution of the board or other governing body of the body corporate concerned—
- 18.3.1. which resolution is authenticated under the common seal of that body corporate; and
- 18.3.2. a copy of which resolution is lodged with the Secretary.
- 18.4. A person appointed under sub-rule 18.2 to represent a member which is a body corporate shall be deemed for all purposes to be a member until that appointment is revoked by the body corporate, or, in the case of an appointment in respect of a particular General Meeting, which appointment is not revoked, the conclusion of that General Meeting.

19. PROXIES OF MEMBERS OF THE KENYAN COMMUNITY

- 19.1. A member (in this sub-rule called “*the appointing member*”) may appoint in writing another member who is a natural person to be the proxy of the appointing member and to attend and vote on behalf of the appointing member at, any General Meeting.

20. RULES OF ASSOCIATION

- 20.1. The Kenyan Community may alter or rescind these rules or make rules additional to these rules, in accordance with the procedure set out in section 17, 18 and 19 of the Act.
- 20.2. These rules bind every member and the Kenyan Community to the same extent as if every member and the Kenyan Community had signed and sealed these rules and agreed to be bound by all their provisions.

21. COMMON SEAL OF ASSOCIATION

- 21.1. The Kenyan Community shall have a common seal on which its corporate name shall appear in legible characters.
- 21.2. The common seal of the Kenyan Community shall not be used without the express authority of the committee and every use of that seal shall be recorded in the minute book referred to in rule 16.
- 21.3. The affixing of the common seal of the Kenyan Community shall be

witnessed by 2 of the President, the Secretary and the Treasurer or any member nominated by such officers.

- 21.4. The common seal of the Kenyan Community shall be kept in the custody of the Secretary or of such other person as the committee from time to time decides.

22. INSPECTION OF RECORDS OF THE KENYAN COMMUNITY

- 22.1. A member at any reasonable time inspects without charge the books, records and securities of the Kenyan Community with the consultation or permission of the Executive Committee.

23. DISTRIBUTION OF SURPLUS PROPERTY ON WINDING UP OF THE KENYAN COMMUNITY

- 23.1. If, on the winding up of the Kenyan Community, any property of the Kenyan Community remains after the satisfaction of the debts and liabilities of the Kenyan Community and the costs, charges and expenses of that winding up, that property shall be distributed -
- 23.1.1. to other incorporated associations having objects similar to those of the Kenyan Community; or
 - 23.1.2. for charitable purposes,

which incorporated associations or purposes, as the case requires, shall be determined by resolution of the members when authorising and directing the committee under section 33(3) of the Act to prepare distribution plan for the distribution of the surplus property of the Kenyan Community.

24. AUDITORS

- 24.1. The General Meeting of the Kenyan Community shall appoint auditors to audit all the financial books in the hands of the Kenyan Community and the auditors will not be members of the committee but may be members of the Kenyan Community or such auditors as nominated by the General Meeting.

25. PROPERTY OF THE KENYAN COMMUNITY

- 25.1. Should any member destroy or misuse such property, the member concerned shall incur the payments for replacement of the satisfaction of the Kenyan Community.

26. OBLIGATION OF MEMBERS OF THE KENYAN COMMUNITY

- 26.1. All members are to promote the aims and objects of the Kenyan Community amongst themselves or with other communities or bodies or the host country.

27. DEFINITIONS

- 27.1. In the rules unless the contrary appears:-
- 27.1.1. *“committee meeting”* means meeting referred to in rule 13.1;
 - 27.1.2. *“committee member”* means person referred to in paragraph 10.1.1, 10.1.2, 10.1.3, 10.1.4 or 10.1.5 or rule 10.1;
 - 27.1.3. *“financial year”* has the meaning given in 3(1) of the Act, a reference in that section to:-
 - 27.1.3.1. *“an incorporated association”* or *“the association”* being construed as reference to the Kenyan Community.