



# **BYE-LAWS OF THE SERBIAN ORTHODOX YOUTH ASSOCIATION INC.**



Serbian Orthodox Youth Association  
Australia & New Zealand

## **BYE-LAW 1 NAME**

The name of the organisation shall be the

**Serbian Orthodox Youth Association Incorporated**

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(SOYA, hereinafter called the "Association").

## **BYE-LAW 2 OBJECTIVES**

1. The objectives of the Association are:

- a) To be an auxiliary organisation of the Metropolitanate of Australia and New Zealand of the Serbian Orthodox Church (hereinafter called the "Metropolitanate"), under the direct patronage of the Metropolitan, which serves to amalgamate all of the Church Community, Mission Parish, State and Territory Boards of the Association throughout the Metropolitanate;
- b) To unite the Serbian Orthodox youth of Australia and New Zealand under the guidance of the Metropolitanate;
- c) To organise a variety of spiritual, cultural, educational and athletic programmes for Serbian youth;
- d) To foster programmes that develop a greater knowledge of the Orthodox faith and Serbian history and traditions;
- e) To establish an active Serbian Orthodox youth community in order to lead healthier, more fulfilling lives and to become more productive members of Australian society and present a positive image of the Serbian community, Orthodox faith and nation;
- f) To represent the interests and welfare of the Serbian Orthodox youth of Australia and New Zealand;

- g) To organise and assist with various charity events and make donations for charitable purposes in Australia and New Zealand and any international humanitarian efforts that foster better health, welfare and/or improve the socio-economic standing of Serbian people;
- h) To apply to all necessary statutory and government bodies and appropriate commissions for appropriate consents, authorisations, and exemptions in connection with these objectives;
- i) To apply to all persons, corporation, and government bodies for such assistance as may be necessary for the promotion of these objectives;
- j) To enter into any arrangements with any Government or authority, Federal, State, Municipal, local or otherwise, that may seem conducive to the Association's objects; and to obtain from any such government or authority any rights, privileges, and concessions which the Association may think it desirable to obtain; and to carry out, exercise and comply with any such arrangements, rights, privileges and concessions;
- k) To elect, employ, remove or suspend any Committee members, volunteers, professional advisers and other persons as may be necessary or convenient for the purposes of the Association;
- l) To borrow or raise or secure the payment of money in such manner as the Association may think fit and to secure the same or the repayment or performance of any debt liability, contract guarantee or other engagement incurred or to be entered into by the Association in any way and to purchase, redeem, or pay off any such securities;
- m) To invest and deal with the money of the Association not immediately required upon such securities and in such manner as may from time to time be determined;
- n) To accept voluntary donations and bequests for all or any of the purposes aforesaid;
- o) To take such steps by persons or written appeals, public meetings, or otherwise as may from time to time be deemed expedient for the purposes of procuring contributions to the Association by way of annual membership fees; and
- p) To do all such things as are incidental or conducive to the attainment of the objects and the exercise of the powers of the Association.

### **BYE-LAW 3 ORGANISATION**

1. The organisation of the Association is auxiliary to the Church and authority is exercised in accordance with the Constitution of the Metropolitanate of Australia and New Zealand of the Serbian Orthodox Church (herein after called the "Constitution") and these Bye-Laws.

2. The church-hierarchical governing authorities within the Metropolitanate are the Metropolitan (that is the Diocesan Hierarchy), the Metropolitanate Ecclesiastical Court, the Dean and the Spiritual Advisor.

3. The church-administrative governing authorities within the Metropolitanate are the Metropolitanate Assembly, the Metropolitanate Executive Board, and the Association Annual Assembly and the Association Committee.

#### **BYE-LAW 4 JURISDICTION**

1. The Association is an auxiliary body of the Metropolitanate and as such must recognise its authority and jurisdiction.
2. The Association must be governed in accordance with the provisions of the Constitution, these Bye-Laws and the decisions of the proper ecclesiastical authorities.
3. All governing documents of the Association must be consistent with the Constitution. Any provisions inconsistent with the Constitution are of no force and effect.

#### **BYE-LAW 5 THE ASSOCIATION**

1. The Association is an auxiliary organisation of the Metropolitanate comprised of member organisations that have voluntarily obligated themselves to assist in furthering the objectives of the organisation.
2. These Bye-Laws must be approved by the Association Committee, submitted to the Metropolitan and the Metropolitanate Executive Board for ratification by the Metropolitanate Assembly and must comply with the Constitution.
3. The Spiritual Advisor and the Metropolitanate Executive Board shall supervise the work of the Association and shall give them the necessary instructions and directives to ensure that its activities are in accordance with the Constitution and the teachings of the Church.
4. If the Spiritual Advisor and the Association Committee determine that a member organisation is no longer eligible or is unfit to be a member and that by its work it harms the general well being of its Church Community, Mission Parish or the Metropolitanate, they will make a proposal to the Metropolitan Executive Board for the expulsion of the member from the Register of Members.

#### **BYE-LAW 6 THE ASSOCIATION**

1. In order to be considered a member organisation and to have and retain rights and privileges as set out in these Bye-Laws an organisation must:
  - a) Be an auxiliary organisation of a Church Community or Mission Parish which is part of the Metropolitanate; or
  - b) Have the status of a Serbian Orthodox Youth Association, State or Territory Board;
  - c) Abide by all of the provisions of the Constitution;
  - d) Cooperate in every way toward the welfare and well being of their Church Community or Mission Parish and the Metropolitanate;
  - e) Have completed an application form for membership and been accepted as a member organisation; and

f) Have settled all annual assessment contributions.

2. A detailed list of all members of Church Community, Mission Parish, State and Territory member organisations of the Association shall be retained on the national Membership Register.

3. The Association retains the right to refuse membership to organisation not meeting the above criteria or which is deemed otherwise unsuitable for membership by a majority vote of the Association and with the approval of the Spiritual Advisor.

#### **BYE-LAW 7 THE SPIRITUAL ADVISOR**

1. The Spiritual Advisor is that priest canonically ordained and appointed by the Metropolitan to the Association.

2. The Spiritual Advisor represents the Association together with the Association Committee in all matters and is responsible directly to the Metropolitan.

3. The Spiritual Advisor performs his duties both independently of and in tandem with the Association Committee and stands under the immediate control and direction of the Metropolitan and the Ecclesiastical Court.

4. The Association Committee is neither authorised to discharge its Spiritual Advisor, nor to bring another in his place. The Spiritual Advisor can be transferred or removed from the Association Committee only by direction of the Metropolitan.

5. All grievances from the Association Committee or of an individual against the Spiritual Advisor or by the Spiritual Advisor against the Association Committee or an individual must be submitted in accordance with the Articles of the Constitution as they apply to a Parish Priest.

#### **BYE-LAW 8 STATE OR TERRITORY BOARD**

In order to be eligible to be a member organisation a Serbian Orthodox Youth Association State or Territory Board must have Bye-Laws that are approved by the Metropolitanate Executive Board and be approved by the Metropolitan as the Serbian Orthodox Youth Association for their State or Territory.

Where there is no Board in a particular State or Territory the Association shall be the representative of the Association in that State or Territory.

#### **BYE-LAW 9 THE ASSOCIATION ANNUAL ASSEMBLY**

1. The Association Board decides the agenda, date and place of an Annual Assembly provided that an Annual Assembly must be held within four (4) months of the end of the financial year of the Association. A written notice with the agenda is sent to all member organisations at least fourteen (14) days before the Assembly. Questions and proposals which arise outside of the agenda must be submitted in

writing by any member organisation at least one week in advance of the Annual Assembly and shall be incorporated at the discretion of the Association Board.

2. The Spiritual Advisor shall petition the Metropolitan for his written approval to call the Annual Assembly and approve its agenda.

3. The Spiritual Advisor opens the Annual Assembly with prayer and opens nominations for the election of the remainder of the Presidium of the Assembly the Presiding Officer (subject to Bye-Law 8.8) and Secretary.

4. The Annual Assembly performs the following duties:

- a) Elects the Presidium of the Assembly, except for the Spiritual Advisor;
- b) Elects one person who will join the President as delegate to the Metropolitanate Assembly;
- c) Elects the Association Committee and other necessary committees;
- d) Proposes Operating Rules for the Assembly, which must be approved by the Metropolitanate Executive Board;
- e) Proposes amendments to these Bye-Laws for consideration and approval by the Metropolitanate Executive Board; and
- f) Adopts budget(s) and the annual financial report of the Association and submits them to the Metropolitanate Executive Board for approval.

5. Each member organisation may send two (2) delegates to an Annual Assembly and each delegate shall be entitled to one vote, which shall be deemed to be a vote of the member organisation. The member organisation must advise the Association Committee in writing of the names and addresses of their delegates at least 7 days before the date of any Assembly, and such notice will be deemed sufficient evidence of the delegate's entitlement to represent the member organisation.

6. In the event that some important questions should arise during the course of the year which the Association Committee is not authorised to decide and it is evident that its decision cannot be postponed until the Annual Assembly, the Association Board with the written approval of the Metropolitan may call a Special Assembly which can decide only upon the matters for which it was summoned.

7. Upon the written request of one-half (1/2) of the members of the Association or if demanded by the Metropolitanate Executive Board the Association Committee is obliged to call a Special Assembly.

8. The Metropolitan may appoint his representative(s) to preside over or observe any Assembly of the Association in which case the Assembly shall elect a Vice-Chairman to the Presidium of the Assembly.

9. The quorum for an Annual Assembly is twenty member delegates personally present (being delegates of members entitled under these Bye-Laws to vote at an Assembly). If a quorum is not present, another Annual Assembly shall be called

within fourteen (14) days. At such time, the members present (being not less than 10 members delegates entitled to vote at an Annual Assembly) may make valid decisions.

10. All decisions at Annual Assemblies are rendered by a simple majority vote of delegates of the member organisations present, unless a greater majority is required by the Constitution, or these Bye-Laws. In case of a tie, the Presiding Officer of the Annual Assembly shall have a casting vote.

11. The Presiding Officer of the Annual Assembly may expel from the Assembly any delegate of a member organisation if its delegate abuses his/her privileges, creates disorder or obstructs the proceedings of the Assembly.

12. Should an Annual Assembly exceed its jurisdiction and/or prevent the execution of the directives of the Metropolitan, the Metropolitanate Ecclesiastical Court or the Metropolitanate Executive Board, the Metropolitanate Executive Board is empowered to annul decisions made in such circumstances. Until a new Annual Assembly is summoned, the Metropolitanate Executive Board may entrust the governing of the Association to the former Association Board or appoint an Interim Committee. The Metropolitanate Executive Board will grant permission to call a new Annual Assembly only when there is sufficient evidence that the Assembly will be conducted in accordance with the Constitution and these Bye-Laws.

#### **BYE-LAW 10 THE ASSOCIATION COMMITTEE**

1. The Association Committee (hereinafter called the "Committee") is the executive body of the Association which administers the affairs of the Church Community pursuant to its given authority.

2. The Committee is comprised of:

- a) The Spiritual Advisor;
- b) President;
- c) Vice-President;
- d) Secretary; and
- e) Treasurer.

3. Members of the Committee are to be elected at an Annual Assembly of the Association. To be eligible for election and to continue to hold his/her position a member must be at all times a parishioner of their Parish and its Church Community or Mission Parish.

4. The term of office for members of the Committee is for the period between Annual Assemblies. The office of President cannot be held for more than three consecutive terms unless otherwise determined by the Metropolitanate Executive Board.

5. To serve on the Committee, all Committee members are called to worthily represent Christ and the Orthodox faith before all whom they meet and in all aspects of life.
6. The service of members of the Committee is honorary and subject to Bye-Law 10.2.
7. Candidates for the Committee shall be nominated for election at the Annual Assembly.
8. The Spiritual Advisor shall explain and discuss the Constitution and these Bye-Laws and the significance of the affirmation of office with all elected members of the Committee.
9. Members of the Committee must be approved by the Metropolitan and shall take office only upon notification of the approval and after taking of the oath of office. The members of the previous Committee are not released from duty until the new Committee is approved and sworn in.
10. Newly-appointed members of the Committee take an oath of office in the Church before the Spiritual Advisor and from that moment shall be considered members of the body to which they were elected and approved. A person who refuses to take the oath cannot assume the duties of a member of the Association Committee.
11. Whenever a vacancy occurs in Committee positions, the vacancy shall be filled through direct appointment by the Metropolitan, upon the recommendation of the Spiritual Advisor.
12. In the event the Metropolitanate Executive Board determines that an Committee has failed to perform its duties in accordance with the teachings and the regulations of the Church, it may dissolve the Committee and appoint an Interim Committee to perform the daily duties of the Association until the Metropolitanate Executive Board determines that conditions have normalised for the election of a new Committee.
13. The President summons the Association Committee at least once annually. Should the Metropolitanate Executive Board or the majority of the Committee members so require the President is obliged to call a meeting of the Committee.
14. The Committee may render valid decisions if the meeting is attended by a majority of its members, on the condition that the Spiritual Advisor and President of the Committee are present or that they have reviewed the agenda and given written permission for the meeting to take place in their absence. Decisions are rendered by a majority of the members present. Should the vote end in a tie, the Spiritual Advisor has a casting vote.
15. The Metropolitanate Executive Board may, if requested by the Committee, or by official duty, suspend any member of the Committee who neglects his/her duty or without justification, does not attend three (3) consecutive meetings, or who does not

obey the decisions and directives of higher Church authorities and prevents the execution of their decisions and directives.

16. The Committee performs the following:

- a) Represents the interests of the Association whenever the need arises;
- b) Executes the decisions and directives from the Metropolitan, the Ecclesiastical Court and/or the Metropolitanate Executive Board and the Assembly;
- c) Seeks approval from the Metropolitan to issue official invitations to persons from outside the jurisdiction of the Metropolitanate;
- d) Interfaces with the Federation of Circles of Serbian Sisters and other auxiliary organisations of the Metropolitanate;
- e) Prepares and submits budgets and annual financial statements to the Annual Assembly for their review and forwards the same to the Metropolitanate Executive Board for its approval;
- f) Submits reports of its work to the Annual Assembly;
- g) Sees that the budget of the Association is realised;
- h) Cares for all property and material, including digital and electronic records, materials and resources;
- i) Prepares and updates where necessary the application for membership of the Association; and
- j) Accepts or declines applications for membership of the Association.

17. The Committee is obliged in its entire work and decisions to strictly adhere to the provisions of the Constitution, these Bye-Laws and the directives of the higher Church authorities.

18. In addition to the Spiritual Advisor, the President of the Committee is its lawful representative before both the civil and ecclesiastical authorities. As such, the President shall be entitled to attend meetings of the Metropolitanate Executive Board without the right to vote.

19. The President and the other members of the Committee are obliged to protect the dignity and honour of their Spiritual Advisor and must not demand anything from them that would lessen their dignity.

20. The President summons, opens and closes Committee meetings, proposes matters for discussion, brings them to a vote and announces its findings and decisions. He/she ensures that peace and order is maintained at the meetings and that all members present strictly adhere to the agenda.

21. When the President of the Committee is unable to perform his/her duties, the Vice-President is his/her substitute.

22. The Secretary keeps the minutes of Committee meetings; conducts all correspondence of the Association which he/she signs, together with the President;



maintains the register of member organisations, maintains the register of official Association acts; maintains the archives of the Association, all exclusively in the Association or Metropolitanate Office.

23. The Treasurer keeps a record of all the income and expenditures of the Association. The Treasurer submits his/her financial report to the Committee and to the Annual Assembly. The Committee may appoint a bookkeeper to assist the Treasurer.

24. The President or other member elected by the Committee shall be the liaison officer for the Committee to the Metropolitanate, or if directed by the Metropolitan, to a Deanery of the Metropolitanate.

24. The Association shall retain one bank account for all transactions external to the Association but may open other accounts for the earning of interest on surplus funds or for special projects approved by the Committee.

#### **BYE-LAW 11 ASSOCIATION AUDIT BOARD**

1. The Association Audit Board (hereinafter called the "Audit Board") shall be the Metropolitanate Audit Board. The Association may in lieu of an Audit Board engage a Certified Public Accountant firm with the experience and necessary accreditation to perform an audit of the financial records of the Association.

2. The Audit Board meets at least once during the fiscal year and reviews the handling of financial funds of the Association and submits its report annually to the Metropolitanate Executive Board, the Association Annual Assembly and the Committee.

5. The Audit Board may perform the review of the financial records of the Association more than once a year, should the need be justified, or if the Metropolitanate Executive Board demands it.

#### **BYE-LAW 12 INCOME, PROPERTY AND OTHER ASSETS**

1. All income, property and other assets of the Association must be applied solely towards the promotion of the objectives of the Association as provided in these Bye-Laws.

2. No part of the income, property and other assets of the Association may be paid or transferred, directly or indirectly, by way of dividend, bonus or otherwise, to the members of the Committee or any delegates of member organisations. If such payments are approved by the Committee, nothing in these Bye-Laws shall prevent the payment in good faith of remuneration to any officers or servants of the Association, or to any member of the Committee in return for any services actually rendered to the Association or for goods supplied in the ordinary and usual way of business, nor prevent the payment of interest at a rate not exceeding the overdraft rate for small business loans by the bank with which the company does its banking

at the time of any borrowing from any member of the Committee, nor reasonable and proper rent for premises demised or let by any member to the Association Committee and subject to this, the Association is prohibited from paying fees to members of the Committee or delegates of member organisations.

3. The income property and other assets of the Association may only be utilised in/and about the Commonwealth of Australia and New Zealand.

#### **BYE-LAW 13 PROPERTIES**

1. All of the real and personal property which is owned by the Association is held in trust for the use and benefit of all of the faithful of the Metropolitanate.

2. Property of the Association:

- a) Any personal property acquired by the Association shall be managed, controlled and administered by the Committee as trustees, pursuant to the authority and instructions granted by the Association and approved by the Metropolitanate Executive Board; and
- b) Any real property of the Association shall be held in trust pursuant to a Deed of Trust approved by the Metropolitanate Executive Board, and such property shall be managed, controlled and administered by the Committee pursuant to the authority and instructions of the Metropolitanate Assembly, and subject to the Constitution and these Bye-Laws.

#### **BYE-LAW 14 SPECIAL BEQUESTS**

Private persons may specifically designate as bequests real and personal property, including but not limited to land, buildings and other chattels, to be used by and dedicated in trust for the Association. Prior to their dedication, the Metropolitanate Executive Board must approve the governing document for the administration of the property and/or funds held in trust.

#### **BYE-LAW 15 DISSOLUTION**

1. If the Metropolitanate Executive Board determines that the Association is incapable of sustaining itself or the Board requests the Association to be dissolved, the Board shall summon a Special Assembly. If a simple majority of members present favour such dissolution, the Metropolitan shall dissolve the Association.

2. In the event that the Association has been disbanded by default and or a Special Assembly cannot be summoned, the Metropolitan shall have the power to declare the Association dissolved or disbanded.

3. If upon the winding up or dissolution of the Association, there remains, after satisfaction of all its debts and liabilities, any property whatsoever, the same shall not be paid to or distributed among the members of the Association but shall be given or transferred to some other organ or organisation of the Metropolitanate having objects similar to the objects of the Association, and which shall prohibit the distribution of its of their income and property among its or their members, to an extent at least as

great as is provided in the Association Bye-Law 10.2 such organ or organisation to be determined by the members of the Special Assembly and approved by the Metropolitan at or before the time of dissolution or in the absence of such determination by the Metropolitan at or before the time of such dissolution as aforesaid.

**BYE-LAW 16 HERESY, SCHISM OR DEFECTION**

In the event of heresy, schism or defection from the Metropolitanate management, administration and control of any affected property shall be entrusted by the Metropolitanate Executive Board to those who remain loyal to the Metropolitanate.

**BYE-LAW 17 CHURCH OATHS**

All newly-appointed members of the Committee, upon the assumption of their duties, shall take an Oath of Office before their Spiritual Advisor:

“I, (name and surname), pledge by my honour before Almighty God that I will be loyal to the Holy Orthodox Church, that I will conscientiously obey all Church Canons, the Constitution of the Metropolitanate of Australia and New Zealand, and other Church laws and regulations, that I will, as a member of the Serbian Orthodox Youth Association – “SOYA”, carry out correctly my duties, guard official information, and that I will always protect and defend the interests of the Metropolitanate of Australia and New Zealand. As I do this, so may God help me in this and the other world.”

**BYE-LAW 18 SEALS**

The Association shall have its seal with the official Coat-of-Arms of the Serbian Orthodox Church in the centre and the corresponding inscription circumscribed.

**BYE-LAW 19 OFFICIAL LANGUAGES**

The official languages of the Association are Serbian written in Cyrillic and English.

**BYE-LAW 20 TEXT**

For all purposes, the English text of these Bye-Laws shall be the official text.

**BYE-LAW 21 AMENDMENTS**

These Bye-Laws may be amended either by a simple majority vote of all the members present at an Annual Assembly and subsequent written approval of the Metropolitan, or by resolution of the Metropolitanate Assembly.

**BYE-LAW 22 INTERPRETATION**

In these Bye-Laws, unless the context or subject matter otherwise indicates or requires:

- a) "Constitution" means the Constitution of the Metropolitanate and includes the General Regulations of the Metropolitanate;
- b) "Metropolitan" means the Spiritual Head of the Metropolitanate in all matters pertaining to teaching, liturgical-sacerdotal officiation and governance and who is elected and appointed by the Holy Assembly of Bishops of the Serbian Orthodox Church;
- c) "Metropolitanate" means the Metropolitanate of Australia and New Zealand of the Serbian Orthodox Church which is the body of Orthodox Christians, canonically and hierarchically an integral part of the Autocephalous Serbian Orthodox Church;
- d) "Metropolitanate Assembly" means the Metropolitanate legislative body in external matters of church administration as provided for in the Constitution;
- e) "Metropolitanate Ecclesiastical Court" means the Metropolitan's tribunal for ecclesiastical adjudication and internal church matters as provided for in the Constitution;
- f) "Metropolitanate Deanery" means a church territorial unit, which is comprised of a designated number of Parishes and their Church Communities and Mission Parishes, headed by a Dean;
- g) "Metropolitanate Executive Board" means the executive authority in matters of external church administration in the Metropolitanate and is the executive body of the Metropolitanate Assembly; and
- h) "Serbian Orthodox Church" means the Autocephalous Serbian Orthodox Church with its See in Belgrade, Serbia.

### **BYE-LAW 23      IMPLEMENTATION**

These Bye-Laws shall become effective immediately upon their approval by the Assembly of the Metropolitanate of Australia and New Zealand of the Serbian Orthodox Church.

### **BE IT KNOWN THEREFORE**

These Bye-Laws of the Serbian Orthodox Youth Association Incorporated have been approved for implementation in the Metropolitanate of Australia and New Zealand of the Serbian Orthodox Church by the Assembly of the Metropolitanate on 05 September 2015 in Melbourne.

**+IRINEJ**

Bishop of the Metropolitanate of Australia and New Zealand  
The Serbian Orthodox Church

Given at the Metropolitanate See in Sydney  
E. No. 282/15  
09 October 2015