

СВІЙ ДО СВОГО



Ukrainian Business and Community Directory

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who can contribute to our community



СВІЙ ДО СВОГО Ukrainian Community Issues – July 2012

Developing Hromada Constitutions - Considerations

These issues were a combination of contributions from several contributors

We welcome further contribution or constructive comments.

Most organisations whether Corporations, Associations or Co-operatives have either “Constitutions” or “Memorandum and Articles of Association” known as their “Rules”.

These Rules are no different to any other legal document or agreement. To say that one form of Rule is better than another, is untrue.

Any legal or constitution document succeeds or fails based on the:

- level of input by members,
- actual content,
- the intent of the person(s) drafting such a document,
- the level of scrutiny and the
- persons approving such documents.

Governments in most states assist organisation in setting up their organisations in a fair and equitable manner. Part of this assistance is the provision of Model Rules which are used as a basis of the organisations constitutions.

The organisational structures of:

- Corporations are predominantly profit based businesses that formulate policies and provide funds to territorial and local operations direct from Head Office.
- Associations are predominantly formed at a Central Operational level and have regional and local involvement through clubs or such smaller organisations. The policies and funding is provided by a central body and membership is quite loosely based on subscription.
- Co-operatives are in the main, voluntary organisations based on persons with common interests, goals and aspirations. These co-operatives generally fall into three categories:
 - a. Non-trading Co-operative
 - b. Membership based Trading Co-operative
 - c. Share based Trading Co-operative

Our recommended option is a **Membership based Trading Co-operative**.

Anyone having doubts about our recommendations should visit the website:
http://www.australia.coop/the_formation_decision.htm#_A_Misunderstanding

It has been said that certain Ukrainian Hromadas that have operated under Co-operative constitutions have failed. As we have said earlier, like any legal document, it succeeds or fails depending on the content of the document; this applies to all legal documents.

Equally, as we previously stated, the demise of some of our Ukrainian Branches, in the main resulted from, at the time when the most of our facilities were constructed, the majority of the Ukrainian in diaspora definitely would not have known:

- the implications behind any such agreement,
- the English language, which was new to them at the time,
- let alone understand the legal terminology.

This is a case where uneducated migrants, in the main of village background, may have been misled into such agreements by unscrupulous or ill-informed persons.

Currently, it is quite clear that each of the Ukrainian local organisations (Branches) have a strong desire to operate autonomously and are fiercely reluctant to hand over any control, their facilities and assets to a central body and yet they all have a desire to be affiliated in some close bonded form.

This reluctance has its origins in past experience where assets appear to have been mismanaged by either unscrupulous persons or ill-informed persons. Equally, the branch membership does not wish to be dictated to by anyone outside their own local community.

There are many examples of successfully established Trading Co-operatives. One excellent local example is;

- The Kalyna Ski Club that has been in operation since 1986 and has assets valued in the order of \$4 Million, membership of 79 and is operating very successfully.

Kalyna Ski Club	Ukrainian Association
<ul style="list-style-type: none"> • Kalyna Ski Club is a <u>Share based</u> Trading Co-operative with 79 members and has assets of approx. \$4Million 	<ul style="list-style-type: none"> • Any Branch should be a <u>Membership based</u> Trading Co-operative having assets approx. \$ x Million
<ul style="list-style-type: none"> • There are 52 similar Ski Clubs at Mt Hotham each send delegates that have formed the Hotham Ski Association (HSA). 	<ul style="list-style-type: none"> • There are approx.' 6 Ukrainian Branches, each send delegates to the State Level (they form an association called e.g. Association Of Ukrainians In Victoria (AUV)
<ul style="list-style-type: none"> • The HSA acts in the interests of the 52 clubs at local community level. However, the HSA in no way interferes in the running of any of the clubs on the mountain. 	<ul style="list-style-type: none"> • The AUV acts in the interests of the 6 Ukrainian Branches. However, in no way interferes in the running of any of the branches.
<ul style="list-style-type: none"> • The delegates from HSA together with delegates from similar organisation at Buller, Baw Baw, Buffalo and Lake Mountain formed the "Victorian Ski Association" (VSA). The VSA does not in any way interfere in the running of either the individual mountain ski Association and the individual clubs. It only acts in the interest of the local associations and the individual clubs on National issues 	<ul style="list-style-type: none"> • The AUV together with delegates from other States form a National executive called the AFUO which represents all branches and state organisations on Federal and International issues.
<ul style="list-style-type: none"> • The VSA and its NSW counterpart (the only two states in Australia having Ski Fields) have an Australian alliance (which we are not entirely familiar with 	<ul style="list-style-type: none"> • The AFUO has delegates from all State Associations and do not interfere in running of either the individual branches of at State Level.
<ul style="list-style-type: none"> • They all work together for our mutual benefit. 	<ul style="list-style-type: none"> • They all work together for our mutual benefit.

Definition of “The Hromada”

The Hromada is the principle and focal organisation for the mainstream Ukrainian Community in diaspora.

It is a community based social organisation of people of Ukrainian descent and heritage united by a common and mutual cause, interest, goal and aspirations. It is a non-secular, non- denominational, non-political or non-racial and all-encompassing organisation.

Hromadas works closely with and where possible collaborates with and supports the Peripheral Organisations in the Ukrainian community. These Peripheral Organisations are parallel organisations in our community which consist of but are not limited to the various churches and religious denominations, youth and scouting organisations, elderly citizens’ organisations, aged care facilities, cultural, professional and historical groups.

The Hromadas principle aims and goals are in fostering the Ukrainian language, history, heritage and culture through social interaction and education of our members, their siblings and the community at large. Historically, the Hromadas have provided the majority of the facilities in strategic locations in the unification of the Ukrainian community in diaspora and to support these Peripheral Organisations.

Naming Convention

It is also recommended that the naming of the Constitution of each of the Branch Hromada should officially be:

Constitution of the Association of Ukrainian (Hromada) Keilor
(or other such named locality)

Developing a Constitution Recommendations

A. Replace the “Presidential” / “Holova” structure with a “Chairmanship” organisational structure with a Board of Directors / Committee at each of the Branches, State and Federal level as detailed below:

Each Branch to be autonomous, as such it shall be responsible for its own:

1. Nomination and election its own Board of Directors
2. The elected Board shall elect a Chairman from members of the Board.
3. The Board shall nominate the persons to perform specific portfolios or functions for the Branch
4. It should be encouraged that Ordinary Members take on such roles to leverage work load
5. The Board shall nominate two delegates to the State Level of the organisation.
6. Finances and fund raising etc.
7. Assets of land, buildings and infrastructure
8. Community education, culture and aged care etc.
9. Maintain a perpetual Membership Register, including re-establishing Historical Register of past members and their details.
10. This should not preclude branches and peripheral organisations working together to rationalise their resources.

B. The key important issue that need to be considered when preparing any constitution are:

1. Use the Model Rules category suitable for you organisation as provided by the various government department.
2. Using these Models you can modify, alter and add to it as the Constitutional Committee wishes.
3. State the "Purpose of the Organisation" so it is full and encompassing and elaborating:
 - a. The need to work co-operatively with other Branches, State and Federal levels of the overall organisations.
 - b. The need to foster our language, culture, heritage and traditions
 - c. The need to work co-operatively with the peripheral organisations with the Ukrainian community
 - d. To incorporate and develop a management succession plan
 - e. Etc.
4. Membership
 - a. Stating clearly that this Branch Constitution is a **membership based organisation** and **NOT a share based** organisation
 - b. Membership of a Hromada Branch shall be free of any cost to members. This avoids forfeiture of membership by dubious means.
 - c. Membership eligibility:
 - i. shall be based on proof of family lineage to original Ukrainian settlers into the country
 - ii. shall include descendants of mixed marriages who can identify their lineage to Ukrainian settlers and the
 - iii. eligibility age is at day of birth.
 - d. Partners of persons referred to in points (c) i and (c) ii above.
 - e. The level of evidence of such Ukrainian lineage shall be that which would be reasonably accepted in the community at large.
 - f. Cessation of membership shall be by personal request or on the death of a member.
 - g. Each individual member shall only be a member of one Branch. Dual membership is not permitted.
 - h. Individual members can be a member of a Branch as well as a member of any other peripheral Ukrainian organisation.
 - i. Voting rights. To minimise "Branch Stacking" members should not be able to vote on any issues until the expiry of two years of their membership
 - j. Members who have attained the age of 18 years of age are eligible to vote.
 - k. Voting shall be based on One Person One Vote
 - l. All voting shall be by Secret Ballot
 - m. A Preferential voting system should be implemented and Not "First Past the Post"
 - n. The Democratic principles of "Majority Rules" shall apply and be respected by all.

5. Ensure that the regularly adjustable aspects of the Constitution are provided as Schedules to the Constitution; stating within the document that these adjustable components can only be adjusted by an AGM with no need to advise that appropriate Authorities
6. Stating that no facilities or assets shall be used as securitisation for any other Branches, State or Federal Facilities unless at least 80% of the membership approves at all levels of the organisation.
7. Any rationalisation, sale, renovation, modification or re-construction of Community Facilities and Assets shall be supported by independent property related professionals such as Architects, Town Planners, Quantity Surveyors, Valuers, Accountants, Auditors and Banks showing full and detailed "Feasibility Studies", "Cash flows" and "Rates of Return" supporting or otherwise all projects before widely publicly detailing the projects to the Ukrainian Community for their concurrence.
8. At the current rate of dissolution, by assimilation or other means, of our community, in 10 - 20 years' time the:
 - churches will not have any parishioners,
 - classrooms will not have any students or pupils,
 - CYM and Plast will no longer exist
 - there will not be such celebrations as the MalankaWe will only exist in history books.

So what will happen with the assets our forefathers provided for us!

We have been advised that many organisations have vested their assets, upon their dissolution, to the churches and to CYM and Plast. With the dissolution of our community, it is then pointless to disseminate assets to these peripheral organisations.

In considering this question, it is reasonable to assume that the Peripheral Organisations, referred to above, have their own dedicated specific interest group that have donated time, effort and money to ensure these groups foster their own specific causes, interest, goal and aspirations. As such we have sufficient evidence that each of these Peripheral Organisations, on the dissolution of their branches, ensure their facilities, assets and financial benefits are transferred within their own organisation either to a local branch or somewhere else within their own hierarchy.

As reciprocal arrangements do not exist with any other organisation; these principles should equally apply to the Hromada Organisations. As Hromada Branches progressively become less effective and membership drops to unmanageable levels that they should consider:

- merging with a nearest geographically located Branch. By doing so they can rationalise their facilities, assets and resources. In rationalisation the facilities and assets, it is recommended facilities should not be sold off, but lease managed by external providers to achieve a suitable "Rate of Return" that will enable reasonable funding for the continuance of the remaining community.

Last Person Standing

Finally, before it is too late, we should consider what should happen to all those facilities and assets when we are almost just part of the history books.

There are only two fair and reasonable options:

- My father said to me, despite the fact that as a result of the war and subsequent events, we in diaspora were the lucky ones; the families they left behind lived in very deprived and unbelievable conditions. However, their conditions are slowly improving; therefore the most neediest of people in Ukraine are the orphans. The orphanages should be the benefactors.
- Given that our Community is aging rapidly, perhaps the benefactors should be, in part or whole, our Ukrainian Aged Care facilities.

These decisions should be permanently enshrined into the constitutions in such a manner that this intent is perpetual and cannot be changed.

Branch Funding should be on a “User Pays” basis.

Given that we have recommended that membership to the Hromada Organisation should be free of any cost to members, other forms of funding should be encouraged:

The fundamental principle behind this is that in the event that the member is not sent, or receive, a membership reminder invoice their membership will not be forfeited.

User Pays basis means that entry into functions and use of the facilities shall have a cost that covers all “outgoing”.

Branches that have facilities should market these facilities to the Broader Community in their locality on an “outgoings and profit” basis.

Organisational Hierarchy

1. State organisational level should consist of two representatives from each of the Branches within that State. This committee of state delegate members shall elect their chairman and allocate portfolios relating to state issues as necessary. State organisational level shall not have individual members.
2. Federal organisational level should consist of two delegates from each of the state organisations. This committee of Federal delegate members shall elect their chairman and allocate portfolios relating to Federal and International issues as necessary. All meeting to have full representation from all State Organisations.
3. Peripheral organisations as previously described shall be represented at the Federal and at State levels in an advisory capacity only. The reasoning behind this is that they have their own:
 - a. hierarchical structure and
 - b. constitutions /rules

As the Hromada organisation is the mainstream organisation in our community, members of these peripheral organisations are encouraged to become members of their local branch of Hromada.

The only equitable impact these Peripheral Organisation will have will be that same as ordinary members at a Branch. It is encouraged that members of a Peripheral Organisation to be members of a Hromada Branch.

4. At Branch, State and Federal level, each of the Boards and Committees should there be no person suitably qualified, experience or available to undertake a specific portfolio, the Board or Committee with the approval of all delegates are able to nominate a suitable person from the membership at large. Equally, volunteers who have specific expertise and/or have the spare capacity are encouraged to assist with the various functions at Branch, State and Federal level of the Hromada.

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