

SIKH ASSOCIATION OF WESTERN AUSTRALIA

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SIKH ASSOCIATION OF WESTERN AUSTRALIA

CONSTITUTION

1. NAME

The name of the Association is the SIKH ASSOCIATION OF WESTERN AUSTRALIA, INCORPORATED [abbreviated to "SAWA" or "SAWA Inc"].

2. REGISTERED ADDRESS

The registered office of the association shall be Lot 123 Saddleback Grove; Canning Vale in the state of Western Australia or such other address as may be determined by the executive committee.

3. OBJECTS

The Objects of the Association are:

- i. to serve as vehicle for advancement of the hopes and aspirations of the Sikh community;
- ii. to establish, maintain and run *Gurdwaras* and centers for the religious and spiritual needs and development of the Sikh community;
- iii. to provide for the teaching and promotion of the Punjabi language by organizing school classes and teachers;
- iv. to provide for the religious, ritual and cultural purposes of the Sikh community including births, deaths, marriages and other rites of passage, and promoting Sikh culture, traditions and practices.
- v. to attend to the recreational and social needs of the Sikh community;
- vi. to foster goodwill, understanding, peace and harmony between the Sikh community and the wider Australian community.
- vii. to do all lawful acts and things ancillary and/or incidental to the attainment of the above objects and purposes, including fund-raising.

4. MEMBERSHIP

- 4.1 Membership of SAWA is reserved to persons of the Sikh faith, except in the case of the classes of honorary and associate membership.
- 4.2 For the purposes of these Rules a Sikh is a person professing the Sikh religion, or who was born to a Sikh parent. If any question arises as to whether a person is a Sikh, that question shall be decided according to the criterion of general reputation.
- 4.3 Membership comprises of 6 classes, namely Ordinary, Life, Family, Concessional, Honorary, and Associate members.

- 4.4 Applications for membership shall be made in the prescribed manner. The Executive Committee may accept or reject an application without assigning a reason.
- 4.5 An applicant by applying for membership thereby confirms his acceptance of and undertaking to subscribe to the principles of SAWA as expressed in these Rules and any by-laws made from time to time.
- 4.6 The qualifications for and privileges of the respective classes of membership shall be:
- i. **Ordinary:** Sikhs are eligible for ordinary membership upon payment of the prescribed ordinary annual subscription fee. Ordinary members enjoy all benefits and privileges of membership including the right to vote and to hold elected position.
 - ii. **Life:** Life membership is open to ordinary members who have been financial in the preceding two years, upon payment of the one-time prescribed life subscription fee. Life members are entitled to all benefits and privileges of ordinary membership.
 - iii. **Family:**
 - a. Spouses and minor children of Ordinary members can become Family members by payment of the prescribed nominal family annual subscription fee. Spouse members are eligible to vote and hold elected office.
 - b. Spouses and minor children of Life members are deemed Family members without requirement to pay any subscription fee. Spouse members are eligible to vote and hold elected office.
 - iv. **Concessional: Sikh Aged Pensioners** permanently domiciled in Western Australia are eligible for concessional membership by payment of the prescribed concessional annual subscription fee. Concessional members enjoy all the benefits and privileges enjoyed by ordinary members.
 - v. **Honorary:** Honorary membership may be conferred on any personality whether or not a Sikh by virtue of his special qualities or by reason that he has rendered or is rendering valuable services for the benefit of the Sikh community without payment. A decision to confer honorary membership shall be by a simple majority vote of the total membership of the executive committee at a meeting called for that purpose. Honorary members have no voting rights and cannot hold elected office. The Executive Committee may review honorary membership in the same manner.
 - vi. **Associate:** Associate membership is open to non-Sikhs acceptable to the Executive Committee. Associate members are liable to pay the prescribed associate annual subscription fee. Associate members may not exceed one-fourth of the total membership of SAWA at any one time. Associate members have no right to vote or hold elected office.
- 4.7 All members described as eligible to vote and hold elected positions shall so long as they are financial be considered “entitled” members.
- 4.8 The provisions relating to membership rights shall not operate to detract or remove any existing rights already accrued to or vested in right of any current member by virtue of the previous constitution.

5. TERMINATION OF MEMBERSHIP

- 5.1. Membership may be terminated for reasons of resignation, non-payment of dues, expulsion, or death.
- 5.2. **Resignation:** A member who delivers notice in writing to the Secretary of his or her resignation from SAWA shall forthwith cease to be a member on that delivery.
- 5.3. **Non-payment of dues:** All dues are payable within 15 days of due date. In the event of breach the Secretary shall give notice to the defaulting member in writing personally or by post. If the debt remains unpaid 21 days after date of the notice the defaulter's membership shall automatically terminate.
- 5.4. **Expulsion:** The Executive Committee may terminate a membership for good cause by a majority decision of the total executive committee at a meeting convened for that purpose. The following procedure for expulsion shall be followed:
- i. 10 days written notice must be given to the member in question in person or by post of the intended action to expel and the reason. The member has the right to submit to the Secretary a written answer to the complaint. If he makes such submission the executive committee may give him an opportunity to attend at the meeting to state his case.
 - ii. The decision made shall be notified in writing to the member within 7 days. If it is to expel, the member has the right to appeal the decision.
 - iii. An appeal shall be made to the Association in the form of a written submission and be lodged with the Secretary within 10 days after date of receipt of the decision. The secretary shall within 14 days of its receipt convene an extraordinary general meeting [EGM] to determine the appeal.
 - iv. The executive committee shall prepare a guideline for the hearing and conduct of the appeal. The appellant shall argue his appeal in person and be given reasonable time at the hearing for this purpose. A representative of the Executive committee appointed for this purpose may cross-examine the appellant. The chairman may at his discretion invite selected members to express their views for and against the decision before putting the matter to the floor for decision. The appeal shall be decided by special resolution.
- 5.5 If the member concerned does not make a submission to the executive committee, or does not appeal, or having lodged an appeal fails to appear at the EGM, the decision of the executive committee shall be final. If an appeal is lodged and argued the decision of the Association shall be final.

6. SUBSCRIPTIONS

- 6.1 The Association shall from time to time at general meeting determine the subscription fees payable by the respective classes of members. No entrance fees are payable.
- 6.2 Subscription fees so determined must be paid by 15th April of each year subject to article 5.3. A member shall be deemed "non-financial" if in default of payment.
- 6.3 To be eligible to vote at general meetings, members must have been financial for not less than 6 months immediately preceding the general meeting in question.

7. REGISTER OF MEMBERS

The Register of members shall be kept and maintained by the Secretary for the purposes of the Associations Incorporation Act 1987 [“the Act”]. The Register shall detail the names, postal addresses, telephone numbers, and other pertinent particulars of members, and be regularly updated to reflect notified or known changes.

8. EXECUTIVE COMMITTEE

8.1. Power to manage the affairs property and effects of the association shall vest in the Executive Committee which shall comprise of the President, Vice President, Secretary, Assistant secretary, Treasurer, Assistant Treasurer, and not less than six and not more than eight general members.

8.2 The Executive committee shall have power:

- i. to make repeal or alter any by-laws not inconsistent with the spirit of these Rules for the purposes of the conduct and regulation of meetings and proceedings of the Association, executive committee, and sub-committees;
- ii. To set up and constituting of sub-committees.
- iii. Subject to a mandate from a general meeting, to set up special committees for specific roles for terms extending beyond the life of the executive committee;
- iv. for confirmation, review or revocation of any action or decision of any sub-committee, office bearer, officer or employee.
- v. To act for the good government of the Association.

8.3 The by-laws, repeals or alterations shall be posted without delay and remain posted on the notice board of the association’s *Gurdwara* premises at Canning Vale for not less than 6 weeks and shall come into force upon such postings.

8.4 The Executive committee has the power to the extent not inconsistent with the relevant provisions of the Act to:

- i. appoint any member to fill any **casual vacancy** occurring on the Executive or sub-committees.
- ii. co-opt any member as a **non-executive** general member of the Executive committee.
- iii. **appoint**, engage or dismiss any agent or employee of the association, and decide their terms of appointment, engagement or dismissal. This includes the appointment of the Manager to run the Punjabi School.
- iv. take disciplinary action against any member whose behaviour or conduct is deemed unbecoming or prejudicial to the best interests of the association; such action may include requiring that member’s suspension, resignation or expulsion from the association.
- v. incur expenditure on any duly approved SAWA project to the limit pre-authorized by the association at an annual or other general meeting.

- vi. To prepare a projected budget for information of the Association.
- 8.5 The Executive committee shall meet at least eight times during its term for the dispatch of business. The quorum shall be not less than half the elected members. Each elected member shall have one deliberative vote, and questions arising shall be decided by a simple majority of votes. In the case of equality of votes the chairperson shall have a casting vote in addition to his deliberative vote.
- 8.6 An executive committee member having a direct or indirect pecuniary interest in any contract or proposed contract made or contemplated by the Executive committee shall as soon as he becomes aware of his interest, disclose the nature and extent of his interest to the committee. He shall not take part in any deliberations or decisions of the committee respecting the matter unless requested by the executive committee

9. ELECTION OF EXECUTIVE COMMITTEE

- 9.1. Not less than one month prior to every Annual General Meeting [AGM] the Executive committee shall appoint a member to act as the Returning Officer.
- 9.2. The duties of the Returning Officer shall include:
 - a. Within 7 days of his appointment giving due notice in substantially the format provided at **Schedule A** of these Rules to all eligible members inviting nominations for the incoming executive committee. The Notice shall be delivered to all members in accordance with these Rules and also be posted on the notice board of the association's *Gurdwara* at Canning Vale at the same time.
 - b. Dealing with objections to any nomination.
 - c. Ensuring there are no irregularities in the election process.
 - d. Authenticating submitted nomination forms, and advising any irregularity detected to both the Executive committee and the nominator or nominee.
 - e. Inviting nominations from the floor for positions for which no or no valid nomination has been received.
 - f. Conducting the elections.
 - g. Attending to any necessary and incidental duties relating to his functions.
- 9.3 Nominations shall be on the prescribed forms delivered by hand to the Returning Officer in separate sealed envelopes by the specified deadline. Late nominations will be rejected. Nominees must be eligible members as defined elsewhere in these Rules;
- 9.4 The Receiving Officer shall promptly after the specified deadline open all nomination envelopes received duly in the presence of three members of the executive committee at the *Gurdwara* premises at Canning Vale.
- 9.5 Valid nominations shall be placed on a ballot in alphabetical order according to positions nominated. The ballot shall be promptly posted and remain posted on the *Gurdwara* notice board for at least one week immediately preceding the AGM. A nomination shall be valid if the form states the position nominated, been signed by the nominee and countersigned by a proposer and seconder, all of whom are financial.

- 9.6 A person may nominate for up to two positions and if elected to both, shall at his discretion choose which position to accept. The candidate with the next highest votes for the relinquished position shall then be declared for the latter position.
- 9.7 Candidates for positions on the Executive Committee must have been financial members for not less than 2 years prior to the elections for which they have been nominated.
- 9.8 Candidates for the positions of President, Vice President and Secretary must have held an elected position on the Executive committee for not less than one full financial year at any time prior to the date of their candidacy.
- 9.9 A person may not hold the post of President, Vice President or Secretary for more than two consecutive years. Candidates for all other committee positions shall be eligible for re-election without limitation.
- 9.10 The duly elected committee shall assume office immediately after announcement of the election results, and shall hold office until the next AGM.

10. DUTIES OF EXECUTIVE COMMITTEE MEMBERS

The duties of the principal office bearers of the Executive committee shall include:

- a. **President:** The President is the official spokesperson of the Association and shall preside at all meetings of the association including the executive. He shall also perform such other functions and duties as ordinarily pertain to his office, including serving as ex officio member of all sub and special committees of the Association
- b. **Vice President:** The Vice President shall preside at meetings of the association and committees in the absence of the President. He shall also perform such other duties as ordinarily pertain to his office, or as may be delegated to him by the President.
- c. **Secretary:** The Secretary shall keep and maintain the records of membership, record and preserve minutes of all proceedings of the association, coordinate the correspondence of the association, have custody of all books, documents, records and registers of the association. The Secretary shall also perform such other functions and duties as ordinarily pertain to his office, including those described at article 21.
- d. **Treasurer:** The Treasurer shall have custody of all funds, securities, books and documents of a financial nature and accounting records of the association. He shall account for same to the association annually and at any other time upon demand by the Executive committee. He shall make payments from the funds of the association with the authority of a general meeting or of the Executive committee and in so doing ensure that all cheques are duly signed by the authorised signatories. The Treasurer shall also prepare or cause to be prepared balance sheets and financial statements of the association when directed by the President or Executive committee.
- e. **The Assistant Secretary & Assistant Treasurer** shall provide support duties to the Secretary and Treasurer respectively.
- f. **The general members** of the Executive committee shall perform such duties that the Executive committee may allocate to them from time to time.

11. **REMOVAL FROM OFFICE**

- 11.1 Members of the executive committee may be removed from the committee upon a vote of not less than three quarters (3/4) of the total membership of the elected members.
- 11.2 No executive committee member shall be removed from office except for good cause, and after adequate notice has been given to him stating reasons for the intended removal, and giving him reasonable opportunity to challenge the intended removal.

12. **AUDITORS**

- 12.1 Two persons shall be elected each year at the annual general meeting [AGM] to be auditors of the association till the next AGM. They need not be members of SAWA. The auditors shall examine the relevant accounts and financial documentation respecting the financial affairs of the association, with power to require the Treasurer and other association officers upon two weeks notice to deliver to them the said accounts and documents for audit.
- 12.2 The auditors shall produce and deliver to the Secretary their report of audit within 21 days after receiving the requisite books and documents.

13. **GENERAL MEETINGS**

- 13.1 Notice of all general meetings shall be given in writing to all entitled members specifying the date time and venue of the meeting, and stating the agenda and business to be transacted at the meeting.
- 13.2 The notice shall be served by ordinary prepaid post at the addresses recorded in the Register of members or last known addresses, and be deemed properly served in the ordinary course of post.
- 13.3 The quorum at general meetings shall be 33% of the entitled members listed in the Register of Members present in person. If the quorum is not met within 15 minutes of the specified time, then:
 - i. if the meeting is the annual general meeting or convened at the volition of the Executive committee, the President may reconvene the meeting 30 minutes after the time specified, at which time the members present shall be deemed to constitute a quorum.
 - vi. if the meeting was requisitioned by members, the meeting shall lapse.
- 13.4 All entitled members present in person shall have one vote on each motion. Decisions shall be taken by show of hand, or where permitted by the chairperson by voice or ballot. The usual rules governing meetings shall apply.
- 13.5 **Annual General Meeting [AGM]**
 - a. The AGM shall be held each year before the end of August. The Secretary shall give not less than 21 days notice to all entitled members. The notice shall be in substantially the format in Schedule B of these Rules.

- b. The annual report, audited balance sheet and financial statements of the association for the preceding year ended 30 June shall be presented at the AGM. The accounts shall be posted to members at least one week before the meeting.
- c. The Executive committee for the following year shall be elected at the AGM, and shall forthwith assume office.

13.6 Extraordinary General Meetings [EGM]

- a. An EGM may be called by the executive committee of its own volition or upon written request supported and signed by not less than 20 financial members.
- b. The Secretary shall give not less than 14 days notice to all entitled members, except where a motion requiring a special resolution is sought, in which case notice of not less than 21 days must be given. The notice shall specify the purpose of the EGM and the motions for consideration.
- b. The EGM shall be held within 30 days of a requisition, and only the business for which it is convened shall be discussed and resolved.

14. MOTIONS AND RESOLUTIONS

14.1 Ordinary resolutions requiring a simple majority of votes cast shall suffice for all routine business to be transacted at meetings unless otherwise provided or decided.

14.2 Extraordinary resolutions shall require a majority of not less than three-fourths of members entitled to and voting in person, and are required only for matters of which notice has been given specifying the intention to vote as extraordinary resolutions.

14.3 Special resolutions shall be required for inter alia the following purposes:

- a. to amend these Rules
- b. to change the name of the association
- c. expulsion from membership
- d. to wind up the association
- e. motions specifying the intention to propose them as extraordinary resolutions.

14.4 For the purposes of these Rules the terms “extraordinary” and “special” in relation to resolutions shall bear the same meaning and be interchangeable.

14.5 A declaration by the chairperson that a resolution has been passed shall be evidence of that fact except where a ballot was demanded. A ballot may be demanded by the chairman or by at least three members present. If a ballot is taken a declaration by the chairperson of the result of that ballot is evidence of the matter so declared.

15. PROXIES

Proxy and postal votes shall not be permitted at any meetings of the Association.

16. MINUTES OF MEETINGS

16.1 The Secretary or person functioning as secretary shall at all meetings of the Association, executive committee or sub-committees cause proper minutes to be taken in a Minute Book or File kept for that purpose within 14 days of the holding of each meeting.

- 16.2 The President or chairperson shall within 7 days of art. 16.1 ensure that the minutes so taken are checked and signed as correct as soon as practicable.
- 16.3 Minutes so entered and signed as correct shall unless the contrary is proved be evidence that the meeting to which they relate was duly convened and held; that the proceedings recorded as having taken place at the meeting did in fact take place thereat; and all appointments decisions or elections purporting to have been made at the meeting were validly made.

17. FUNDS AND PROPERTY

- 17.1 The Treasurer shall keep true accounts of all monies or valuable gifts received by the Association, and shall forthwith issue official receipts. He shall also keep and maintain proper records of all non-monetary gifts made to the association.
- 17.2 Receipts of money shall be deposited in the name of the association in such accounts at banks or financial institutions as determined by the Exco from time to time. Non-monetary gifts shall be kept at such place or places as the Exco decides.
- 17.3 All cheques and negotiable instruments issued by the association shall be signed by the Treasurer and countersigned by either the President or the Secretary.
- 17.4 The property and income of the association shall be applied solely towards the promotion of the objects or purposes of the association; no part of that property or income may be paid or otherwise distributed directly or indirectly to members of the association except in good faith in the promotion of the said objects and purposes.
- 17.5 Any purchase sale disposal or dealing of any real property by, for, or on behalf of the association, or any significant alteration to the assets of the association must first be approved by a special resolution at a general meeting of the association or by a referendum.

17.6 Trustees:

Up to three persons may be elected as trustees of the Association at general meeting upon nomination by the executive committee. A trustee may be removed for good cause at general meeting. Any real property of the Association may be held in trust in the names of the Trustees.

18. COMMON SEAL

- 18.1 The Common Seal of the Association shall bear the insignia of the Sikh faith [“the Khanda”] and have the name of the Association inscribed on it. The Seal shall be kept in the custody of the secretary or other person as the Executive committee may decide.
- 18.2 The common seal shall not be affixed to any instrument without the express authority of the Executive committee. Any affixing of the seal is to be witnessed by any two of the President, Secretary and Treasurer of the Association.

19. DISTRIBUTION OF ASSETS ON DISSOLUTION

- 19.1 A special resolution passed at an extraordinary general meeting convened for that purpose shall be required to wind up the Association.
- 19.2 If on the winding up after satisfaction of all debts and liabilities of the association and the costs of winding up there remains any surplus property, such surplus property shall be distributed among Sikh organizations Incorporated under the Associations Incorporation Act 1987 or Incorporated Associations having similar objectives to those of the association and which prohibit distribution of assets among their members.

20. AMENDMENTS TO CONSTITUTION

The Association has the power to and may amend, alter or rescind this Constitution by special resolution in the manner and in accordance with the relevant provisions of the Act.

21. INSPECTION OF RECORDS AND RECORD MANAGEMENT

- 21.1 The books documents and records of the association (“the records”) shall be kept in safe-custody at the registered address of the association and may not be removed from the registered office save upon express approval of the President, Secretary or Treasurer of the Association. The secretary shall be in charge of retrieval and archivist duties respecting SAWA records.
- 21.2 Members may inspect SAWA records at any reasonable time upon prior arrangement with the Secretary, and if wishing to make copies may do so at their own cost.

22. DEFINITIONS

In these rules unless the contrary intention appears:

“Association” means the Sikh Association of Western Australia Inc (or SAWA for short).

“Entitled” shall bear the meaning described at art. 4.7.

“Exco” means the Executive Committee of SAWA.

“Financial” shall mean that the member is not in arrear of his applicable subscription or any part thereof at the material time in consideration.

“Financial Year” means the period of 12 months ending on 30 June.

“Member” means a member of any class of membership of the Association.

“Motion” is a proposition or proposal put forward for discussion and decision at a meeting, and for the purposes of this document may have the same meaning as a “resolution” at a general meeting.

“Person” or any expression descriptive of a person includes a public body company or association.

“Resolution” is the acceptance of the Motion after it has been put to the vote. The types of resolutions are defined at article 14 of these Rules.

“Rules” means this Constitution.

“The Act” means the Associations Incorporation Act 1987 and any amendment or replacement Act.

Words denoting a gender or genders include each other gender.

Words in the singular include the plural and words in the plural include the singular.

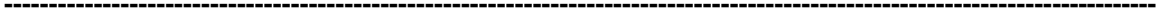
23. REPEAL

This Constitution shall upon due acceptance by the Association and registration with the relevant State Government Body for Corporate Affairs have the effect of immediately repealing and superseding the constitution of SAWA currently registered.

SCHEDULES

SCHEDULE A: Notice by returning Officer [Article 9.1]

SCHEDULE B: Format for AGM Notice (Article 13.5)



[continued on following pages]

SCHEDULE A: Notice by Returning Officer[Article 9.1]: Call for Nominations for Election to Executive Committee

.....

[SAWA letterhead]

To (all members).

Annual General Meeting to be held on (date) :
Call for Nominations for Positions on the Executive Committee

As Returning Officer I hereby invite and call for nominations from entitled members for the following Positions on the Executive Committee of SAWA for election at the AGM to be held on (date).

Separate forms must be submitted for each position nominated. Extra copies of this form may be made for this purpose. The proposer and seconder must sign every nomination form. The nominee must sign his consent on the nomination form. An entitled member may nominate only one person for each position stated at Items Nos. 1 to 6.

Nomination forms must be returned to the Returning Officer in the attached format (*) by (time) not later than (date) in **sealed envelopes**. Invalid and late forms will be rejected.

Positions for Election

1. President
2. Vice President
3. Secretary
4. Assistant Secretary
5. Treasurer
6. Assistant Treasurer
7. General committee members (6 to 8 positions)
8. Auditors (2 positions)

Signed: [Returning Officer]

NOTE:

- a. Candidates, proposers and seconders must be eligible to attend vote and hold elected positions as prescribed in the SAWA Rules.
- b. Nominations for any position will be accepted from the floor at the AGM only if no valid nomination has been received for that position.

(*) **FORMAT FOR NOMINATIONS**

SAWA LETTERHEAD

ELECTIONS OF OFFICE BEARERS AT GENERAL MEETING

To be held on at

NOMINATION FORM (Schedule A)

NOMINATED POSITION	Name of Nominee	Signature of Nominee

Name of PROPOSER	Signature of Proposer	Date

Name of SECONDER	Signature of Seconder	Date

NOTES:

- i. The Nominee, Proposer and Seconder must be Ordinary members.
- ii. Nominees for President, Secretary and Treasurer should have served for at least 1 year in another capacity in the Executive Committee
- iii. Members can be nominated in a maximum of two positions only.
- iv. Separate Nominations Forms must be used for each nomination.
- v. Nomination Form to reach the Returning Officer before the closing time and date.

=====

For use of Returning Officer

Nomination: Accepted / Rejected

Reason for Rejection:

Signature:

Date:

SCHEDULE B: NOTICE OF ANNUAL GENERAL MEETING [article 13.5]

.....
[SAWA letterhead]

To:

NOTICE OF ANNUAL GENERAL MEETING FOR YEAR 20.....

TAKE NOTICE that the Annual General Meeting of SAWA for the year
will be held at the *Gurdwara* premises at Lot 123 Saddleback Grove, Canning Vale on the
day of at am/pm.

The Agenda and order of business to be transacted will be as follows:

1. Meeting Called to order
2. President's address
3. Reading and acceptance of Minutes of previous AGM (and any applicable EGMs)
4. Presentation and acceptance of financial reports.
5. Reports of Sub-Committees
6. To consider and if thought fit to pass any Motions duly received.
7. To elect a new Executive Committee
8. Election of Auditors
9. Setting of pre-authorised spending limits for Exco.
10. General/ AOB
11. Address of Incoming President
12. Close.

Signed: (Secretary SAWA)

NOTE:

- Only members entitled to attend and vote may do so.
- Any motions and proposals for discussion or voting must be submitted in writing to the Secretary not less than 7 days prior to the meeting.