



**CONSTITUTION OF
THE SIKH ASSOCIATION OF WESTERN
AUSTRALIA
INC. (SAWA) [2018 Edition]**



CONTENTS

1. NAME	4
2. REGISTERED ADDRESS	4
3. BACKGROUND TO RULES	4
4. DEFINITIONS & INTERPRETATION	4
4.1 Definitions	4
4.2 Interpretation	5
5. OBJECTS OF SAWA	5
6. POWERS OF SAWA	6
7. MEMBERSHIP	6
7.1 General	6
7.2 Prerequisites for Membership	7
7.3 Categories of Membership	7
7.3.1 Associate Member	7
7.3.2 Ordinary Member	8
7.3.3 Life Member	8
7.3.4 Honorary Member	8
7.4 Subscriptions	8
8. CESSATION, SUSPENSION AND TERMINATION OF MEMBERSHIP	9
8.1 Cessation	9
8.2 Suspension and Termination/Expulsion	9
9. REGISTER OF MEMBERS	10
9.1 MEMBERS DETAILS	10
9.2 INSPECTING MEMBERS REGISTER	10
10. EXECUTIVE COMMITTEE [EXCO]	10
10.1 Composition of EXCO and Term of Office	10
10.1.1 Composition of EXCO	10
10.1.2 Term of Office	11
10.2 The Election Process	11
10.2.1 Appointment of Returning Officer [RO]	11
10.2.2 Qualifications for EXCO Members	12
10.2.3 Powers of EXCO Members and Proceedings	12
10.3 Duties of Individual EXCO Office Bearers	13
10.3.1 President	13
10.3.2 Vice President	13
10.3.3 Secretary	14
10.3.4 Treasurer	14
10.3.5 Assistant Secretary & Assistant Treasurer	14
10.3.6 General Members of the EXCO	14

10.3.7	EXCO Meetings	14
10.4	Resignation and Removal from Office	15
10.5	When membership of committee ceases	15
10.6	Filling casual vacancies	16
11.	AUDITORS	16
12.	TRUSTEES	16
13.	GENERAL MEETINGS	17
13.1	Special General Meeting (SGM)	17
13.2	Annual General Meetings (AGM)	17
13.3	Quorum	18
14.	VOTING AND PARTICIPATION	19
15.	MOTIONS & RESOLUTIONS	19
16.	COMMITTEES & PROJECT TEAMS	20
17.	FUNDS, ACCOUNTS & PROPERTY	20
17.1	Funds	20
17.2	Control of Funds & Property	21
17.3	Books & Records	21
17.4	Common Seal	21
17.5	Payments to committee members	22
18.	AMENDMENTS TO CONSTITUTION	22
19.	BY LAWS	22
20.	WINDING UP AND DISTRIBUTION OF SURPLUS PROPERTY	22
21.	RESOLVING DISPUTES	22
21.1	Application	22
21.2	Parties to attempt to resolve dispute	22
21.3	How grievance procedure is started	23
21.4	Determination of dispute by committee	23
22.	MEDIATION	24
22.1	Application	24
22.2	Mediators:	24
22.3	Mediation process	24
22.4	If Mediation Results in Decision to Suspend or Expel Being Revoked	24
23.	SCHEDULES	26
	SCHEDULE A: NOTICE BY RETURNING OFFICER	27
	SCHEDULE B: NOTICE FOR ANNUAL GENERAL MEETING	33
	SCHEDULE C: DECLARATION TO BE INCLUDED IN THE MEMBERSHIP FORM	35

1. NAME

The name of the Association is the Sikh Association of Western Australia Inc. (or SAWA).

2. REGISTERED ADDRESS

The registered office of SAWA is 280 Shreeve Road, Canning Vale WA 6155.

3. BACKGROUND TO RULES

- a. SAWA is an incorporated body registered under the Associations Incorporations Act 2015.
- b. These Rules [2018 Edition] are intended to replace previous editions of the SAWA constitution.
- c. The background to this edition of SAWA Rules is to amend the previous edition to comply with the Associations Incorporation Act 2015.
- d. This edition of the Rules has no retrospective effect and will not impact on the existing membership to detract or remove their current rights and obligations under the previous editions of these Rules.

4. DEFINITIONS & INTERPRETATION

4.1 Definitions

In these Rules the following definitions shall apply:

Act means the Associations Incorporation Act 2015;

AGM means Annual General Meeting;

Books of the Association include all registers, records, books, documents and securities of the Association in whatever form;

EXCO is the Executive Committee of SAWA;

Financial for the purpose of these Rules means that a member is not in arrears of any subscriptions and dues owed to SAWA.

Financial Year means each period of 12 months commencing 1st July of each year and ending 30th June of the following year;

GM means and includes both Annual General Meeting (AGM) and Special General Meeting (SGM) as will be specified on the Notice calling the meeting;

Gurdwara for the purposes of these Rules means and includes, according to the specific context, both the main prayer hall housing the Sri Guru Granth Sahib as well as the grounds around the prayer hall and bearing address 280 Shreeve Road, Canning Vale;

Member means a member of any class of SAWA membership;

Membership Register means the register of members maintained by the Association;

Motion means a proposal submitted to a GM for the purpose of eliciting a decision.

Resolution is the successful outcome by a majority vote at a GM on a Motion.

Poll is a more formal manner of receiving and counting votes as opposed to the summary method of 'show of hands';

Returning Officer (RO) is the officer appointed by the EXCO to conduct elections and to attend all incidental matters relating thereto;

Rules means this Constitution;

SGM means Special General Meeting;

A **Sikh** for the purpose of these Rules means a person who unconditionally declares that he is of the Sikh faith and accepts Sri Guru Granth Sahib as a living Guru.

4.2 Interpretation

In these Rules unless the context indicates otherwise the following interpretations shall apply:

Reference to one **gender** includes all genders;

The **singular** includes the plural and vice versa;

Terms used in these Rules shall have the same meanings as those in the Act;

Writing includes typing, printing or other mode representing words and/or figures in a visible form;

Month refers to a calendar month.

5. OBJECTS OF SAWA

The Objects of SAWA are:

- a. To serve as a vehicle for the promotion and advancement of the aspirations of the Sikh community;
- b. To establish, maintain and run Gurdwara(s) and other centers to promote and propagate the religious, cultural and spiritual welfare and activities of the Sikh community;
- c. To provide teaching and library facilities for the promotion of the Punjabi language;

- d. To provide for the religious, cultural and ritual requirements of the Sikh community including in relation to births, deaths, marriages and other rites including rites of passage;
- e. To provide and/or organise recreational, sporting and social activities for the Sikh community, including in cooperation with other bodies sharing similar objectives; and
- f. To foster goodwill and understanding between the Sikh community and the wider Australian community.

6. POWERS OF SAWA

SAWA shall have all the powers and discretions conferred under the Act in addition to the following:

- a. To fix, charge and collect subscriptions and other fees or dues from members;
- b. To use SAWA funds and assets for the bona fide needs and activities of members and the Sikh community;
- c. To acquire, purchase, hold, deal with and dispose of any real estate or personal property;
- d. To establish and operate bank accounts;
- e. To invest money in any investment scheme or security, in which monies may be lawfully and prudently invested;
- f. To borrow and/or raise funds in such manner and/or upon such terms and conditions it honestly and reasonably considers suitable;
- g. To give security for the discharge of its liabilities on acceptable terms and conditions;
- h. To appoint agents and or attorneys to transact any business on its behalf;
- i. To make or enter into any contract agreement or arrangement with any person or party for the advancement of SAWA objectives;
- j. To act as trustee and/or accept and hold real estate and personal property upon trust;
- k. To organise and/or participate in activities and projects in a joint venture or otherwise with other bodies sharing similar ideals and objectives;
- l. To do all other lawful acts and things ancillary or incidental to the attainment of the above objectives and purposes.

7. MEMBERSHIP

7.1 General

- a. All persons who declare that they are of the Sikh faith, above the age of 18 years and are citizens of Australia residing in Western Australia may apply for membership of

SAWA. For the purposes of "residency", a person will be deemed to be resident in Western Australia, if that person can, on request, provide evidence of a home address in Western Australia, to the reasonable satisfaction of the EXCO.

- b. SAWA Membership including all categories shall not exceed 500 at any time.
- c. If the total membership falls below 500 the EXCO may, but is not obligated to, invite applications for new members.
- d. A copy of the rules must be given to each person who becomes a member of the association

7.2 Prerequisites for Membership

- a. By submitting an application for membership the Applicant is taken to confirm his unconditional acceptance of the SAWA Rules and his undertaking to abide by the same.
- b. Applications (including for transfer from one category to another) will be assessed by the EXCO in accordance with these Rules.
- c. The EXCO shall assess applications in good faith and may accept or reject any application without assigning any reason.
- d. Unsuccessful applicants may apply to the EXCO for a review within 14 days of the rejection. As a pre-condition for review the EXCO may require the unsuccessful applicant to produce 2 additional references from either Ordinary or Life Members. The outcome from the EXCO's review shall be final.
- e. Associate and Ordinary memberships are valid for the year of subscription ending 31st December of that year. Any application received after 30th June of a year shall be considered an application for the following year.
- f. Adult children of life members may apply for Ordinary Membership without the requirement to commence as Associate Members.
- g. Spouses of life members may apply for Ordinary Membership without the requirement to commence as Associate Members.

7.3 Categories of Membership

Membership of SAWA shall comprise of the following categories:

7.3.1 Associate Member

- a. Associate membership is the first stage of membership in SAWA and must remain in force for not less than two consecutive years before an Associate can apply for a higher category of membership.
- b. Associate Members enjoy all benefits and privileges of SAWA save that they have no rights to vote and participate at SAWA meetings or hold elected positions.

7.3.2 Ordinary Member

- a. Ordinary Membership is the second stage of membership and is only open to Associate Members, who have completed not less than two consecutive years as Associate Members.
- b. Ordinary Members enjoy all the benefits and privileges of SAWA membership.

7.3.3 Life Member

- a. Life membership is open to Ordinary Members who have served not less than two consecutive years as Ordinary Members.
- b. Life Members continue to enjoy all benefits and privileges of SAWA.

7.3.4 Honorary Member

- a. Honorary membership is an exclusive privilege reserved for illustrious members of the wider community, irrespective of race or religion, who provide or have provided meritorious or valuable services for the benefit of the Sikh community. Honorary Members play no part in SAWA politics and decision-making processes save at the express invitation of the EXCO.
- b. Honorary membership may be conferred only pursuant to a decision of SAWA made at a GM.

7.4 Subscriptions

- a. The Association shall from time to time at a GM determine the membership subscription fees payable by the respective categories of members.
- b. Membership subscriptions become due on 1st January of each year, unless otherwise determined at a GM.
- c. Associate Members who fail to pay their subscriptions within 3 months of due date shall automatically forfeit their membership.
- d. Ordinary Members who fail to pay their subscription within 3 months of due date will become non-financial and thereby forfeit their right to participate in any executive or decision making activities of SAWA. They may renew their membership at any time within 2 years of becoming non-financial, by paying all their outstanding dues.
- e. The membership of Ordinary Members shall automatically lapse and cease after two consecutive years of being non-financial.
- f. Ex Members wishing to rejoin SAWA may reapply for membership but shall commence as Associate Members.

8. CESSATION, SUSPENSION AND TERMINATION OF MEMBERSHIP

8.1 Cessation

Membership shall automatically cease upon a member's resignation, death or non-payment of dues over 2 consecutive years.

8.2 Suspension and Termination/Expulsion

- a. The committee may decide to suspend a member's membership or to expel a member from the Association if —
 - i. the member contravenes any of these rules; or
 - ii. the member acts detrimentally to the interests of the Association.
- b. The secretary must give the member written notice of the proposed suspension or expulsion at least 28 days before the committee meeting at which the proposal is to be considered by the committee.
- c. The notice given to the member must state —
 - i. when and where the committee meeting is to be held; and
 - ii. the grounds on which the proposed suspension or expulsion is based; and
 - iii. that the member, or the member's representative, may attend the meeting and will be given a reasonable opportunity to make written or oral (or both written and oral) submissions to the committee about the proposed suspension or expulsion;
- d. At the committee meeting, the committee must —
 - i. give the member, or the member's representative, a reasonable opportunity to make written or oral (or both written and oral) submissions to the committee about the proposed suspension or expulsion; and
 - ii. give due consideration to any submissions so made; and
 - iii. decide —
 - (i) whether or not to suspend the member's membership and, if the decision is to suspend the membership, the period of suspension; or
 - (ii) whether or not to expel the member from the Association.
- e. A decision of the committee to suspend the member's membership or to expel the member from the Association takes immediate effect.
- f. The committee must give the member written notice of the committee's decision, and the reasons for the decision, within 7 days after the committee meeting at which the decision is made.
- g. A member whose membership is suspended or who is expelled from the Association may, within 14 days after receiving notice of the Committee's decision under subrule (6), give written notice to the secretary requesting the matter to be referred to the Trustees for mediation under rule 22.
- h. If notice is given under subrule (7), the member who gives the notice and the committee are the parties to the mediation.
- i. During the period a member's membership is suspended, the member —
 - i. loses any rights (including voting rights) arising as a result of membership; and

- ii. is not entitled to a refund, rebate, relief or credit for membership fees paid, or payable, to the Association.

- j. When a member's membership is suspended, the secretary must record in the register of members —
 - i. that the member's membership is suspended; and
 - ii. the date on which the suspension takes effect; and
 - iii. the period of the suspension.

- k. When the period of the suspension ends, the secretary must record in the register of members that the member's membership is no longer suspended.

9. REGISTER OF MEMBERS

9.1 MEMBERS DETAILS

A Register of Members shall be kept and maintained by the Secretary for the purposes of the Act and be regularly updated to reflect any advised changes. Members shall be responsible for advising the Association on any changes to their details. The Register shall contain the following particulars of each member:

- a. Name, gender and date of birth;
- b. Address and contact details;
- c. Citizenship & residency status;
- d. Membership category and number;
- e. E-mail address, if available.

9.2 INSPECTING MEMBERS REGISTER

A member who wishes to inspect the register of members must contact the secretary to make the necessary arrangements.

10. EXECUTIVE COMMITTEE [EXCO]

10.1 Composition of EXCO and Term of Office

10.1.1 Composition of EXCO

The EXCO shall consist of a President, Vice President, Secretary, 2 Assistant Secretaries, Treasurer, 2 Assistant Treasurers and 8 general members. In addition, the immediate past President should remain available (as ex-officio) for EXCO meetings for a period of 2

months, immediately following completion of his term in office, if requested by the new EXCO. Ex-officio members have no right of vote at the EXCO meetings.

10.1.2 Term of Office

- a. The term of office of a committee member begins when the member —
 - i. is elected at an annual general meeting; or
 - ii. is appointed to fill a casual vacancy
- b. A committee member holds office until the positions on the committee are declared vacant at the next annual general meeting.

10.2 The Election Process

10.2.1 Appointment of Returning Officer [RO]

- a. Not less than 30 days prior to an AGM, the EXCO shall appoint a senior Life Member as the Returning Officer (RO),
- b. The Secretary shall provide to the RO a complete list of voting members prior to the close of nominations for election.
- c. The RO shall perform his functions and duties independently and in good faith. His functions and duties shall include, to:
 - i. Resolve objections to any nomination;
 - ii. Ensure there are no irregularities in the election process;
 - iii. Authenticate submitted nominations, reject irregular nominations and advise the affected parties.
 - iv. Invite nominations from the floor at the GM, for positions for which no or invalid nominations were received.
 - v. Conduct the election process at the GM including counting of votes and announcement of the election results.
 - vi. Attend to any incidental duties falling within his functions.
- d. The RO shall within 7 days of his appointment, issue written notice, in substantially the sample form described at Schedule A of these Rules, to all eligible members inviting nominations for election to the incoming EXCO. The Notice shall also be posted on the notice board of the Gurdwara at Canning Vale and delivered by hand or posted to all members at their last known address.
- e. Nominations for elections must be submitted on the prescribed forms and delivered to the RO by hand in sealed envelopes, on or before the last date and time specified, being no later than 7 days prior to the elections. Late nominations or nominations not in the prescribed form shall be rejected.
- f. A valid nomination is one which meets the basic requirements of identifying the position nominated for, the nominee must meet the criteria required for that position,

states the full names of the proposer, seconder and nominee, who must all be either Ordinary or Life Members, and be signed by all.

- g. The RO shall immediately, after the fixed closing time, open all received nominations in the Gurdwara premises in the presence of not less than three members of the outgoing EXCO. He shall then place the valid nominations on a ballot sheet, in alphabetical order, according to positions nominated. Any invalid nominations received shall be kept separately.
- h. A member may only be nominated for one position. Nomination of a member for more than one position will automatically disqualify the nominated member for all positions.
- i. The ballot sheet shall then be promptly posted and remain posted on the Gurdwara notice board for not less than seven days immediately preceding the AGM.
- j. The registration of members at the meeting will stay open for one hour from the notification of the start of the meeting. The members will receive the ballot papers simultaneously with registration and they may cast their vote at any time prior to close of voting. The voting shall close 15 minutes after the close of the registration.

10.2.2 Qualifications for EXCO Members

- a. Members applying for any EXCO position or at the time of serving in the EXCO shall automatically be disqualified if they:
 - have been convicted at any time of any offence involving deception or dishonesty, unless the conviction is legally regarded as spent;
 - are un-discharged bankrupts; or
 - have a criminal record.
- b. Candidates for the posts of President, Vice President, Secretary, Assistant Secretary, Treasurer and Assistant Treasurer must have previously served as elected members of the EXCO for a period of not less than 2 years at any time prior to the election.
- c. A person may not hold the post of President or Secretary for more than two consecutive terms.
- d. The newly elected EXCO will assume office at the conclusion of the AGM.

10.2.3 Powers of EXCO Members and Proceedings

- a. The executive power and authority of SAWA vests in the President and office bearers of the EXCO and extends over all SAWA members and also over all visitors to all SAWA premises and functions.
- b. The EXCO shall act in accordance with these Rules and as prescribed by the Act.
- c. The quorum at all EXCO meetings shall not be less than 50% of the total EXCO membership.

- d. EXCO authority and power includes:
 - i. Responsibility for the appointment, discipline, and dismissal of all employees and agents of SAWA and determining their wages and terms of engagement;
 - ii. Making, altering or repealing any bylaws for the smooth governance and running of SAWA. The affected bylaws shall be promptly posted and left posted on SAWA's notice board for not less than 30 days;
 - iii. Incur expenditure on any approved SAWA project in accordance with the conditions of approval at a GM;
 - iv. Incur expenditure on any project/program approved by the EXCO to the limit pre-authorized at a GM;
 - v. Appoint members to fill any vacancy occurring in the EXCO or a committee or project team, however, based on the criteria defined in these Rules, for each respective position; and
 - vi. Appoint a Trustee in the event of a vacancy until the next GM.
- e. Each member of the EXCO has a deliberative vote and any question arising at an EXCO meeting must be decided by a majority vote. If there is a tie, the person presiding the meeting has a casting vote in addition to his personal deliberative vote.
- f. An EXCO member having any direct or indirect pecuniary interest in a contract/matter or proposed contract/matter to be decided by the EXCO, must disclose the nature and extent of his or her interest to the EXCO. The other EXCO members should then decide if the member may or may not take part in any deliberations or decision of the EXCO with respect to that contract/matter.

10.3 Duties of Individual EXCO Office Bearers

10.3.1 President

The President is the principal executive officer and official spokesperson of SAWA. The President shall preside at all meetings and functions unless delegated otherwise.

The President shall also perform such other duties and functions as ordinarily pertaining to his/her office or delegated to him/her, including serving as ex-officio member of all SAWA committees and project teams.

10.3.2 Vice President

The Vice President performs the functions and duties of the President in his/her absence, and such other duties and functions as ordinarily pertaining to his/her office, and as may be delegated to him/her by the President.

10.3.3 Secretary

The Secretary shall keep, maintain and have custody and control of all books, keys and records of SAWA of a non-financial nature including the Membership Register, records and minutes of all proceedings of SAWA and its sub and special committees/ project teams, and shall coordinate the correspondence of the Association.

The Secretary shall also perform such other functions and duties as ordinarily pertaining to his/her office or delegated to him/her.

10.3.4 Treasurer

The Treasurer is responsible for and shall have custody of all books and records of SAWA of a financial nature including cheque books, accounting records, funds and securities, and shall account for same at each AGM or at any other time upon request by the EXCO.

The Treasurer shall also be responsible to make any legitimate payments from SAWA funds upon due authority of a GM or the EXCO and in so doing ensure that all cheques are duly signed by the President and the Treasurer or their authorised signatories.

The Treasurer shall prepare appropriate financial statements of the Association as and when directed by the President or EXCO.

10.3.5 Assistant Secretary & Assistant Treasurer

The Assistant Secretary & Assistant Treasurer shall provide support duties to the Secretary and Treasurer respectively and shall also perform such other functions and duties as ordinarily pertaining to his/her office or delegated to him/her.

10.3.6 General Members of the EXCO

The general members of the EXCO shall perform such duties as may be allocated or deputized to them by the EXCO from time to time.

10.3.7 EXCO Meetings

- a. Members of the EXCO shall meet as necessary to make decisions and act on matters within the power and discretion of the EXCO. A minimum of 8 meetings shall be held per term of office. Only the President or his/her delegate can call for meetings.
- b. The Secretary or a member, deputizing as Secretary, shall at all meetings take proper minutes and should within 14 days of the holding of that meeting issue them to all EXCO members.
- c. All Minutes of meetings shall be maintained on electronic file and hard copy.
- d. All Minutes of meetings shall be signed by the President or his nominated Chair for the meeting and shall be sufficient evidence that they are an accurate record of the matters addressed.

10.4 Resignation and Removal from Office

- a. A committee member may resign from the committee by written notice given to the secretary or, if the resigning member is the secretary, given to the president. The resignation takes effect when the notice is received, or at the later time if stated in the notice.
- b. The EXCO may be removed from office by a resolution to that effect passed by a 2/3rd majority at a SGM. Upon removal of EXCO, the provisions of clause 12 shall apply.
- c. Any member of the EXCO may be removed from the EXCO for conduct detrimental to the interests and good name of SAWA.
- d. On the recommendation of at least 2/3rd of the members of the EXCO, the member in question shall be provided written notice detailing the conduct complained about, and be asked to show cause within 14 days why removal should not be effected.
- e. If the member presents a satisfactory response the EXCO may terminate the action.
- f. If the member's response is not acceptable, then the EXCO, if requested by the aggrieved member, shall:
 - i. In the case of President, Vice President, Secretary or Treasurer, call an SGM to consider removal. A 2/3rd majority of all members present and voting at the SGM shall be required to effect a removal. If the removal is endorsed, then the vacant position should be filled by nominees present at the SGM by means of a poll. The criteria for nomination shall remain as per the requirements of the respective position.
 - ii. For all members other than those defined in (i) above, appoint a Commission to function in accordance with Rule 8.4 (d) to (h). If removal is endorsed by the Commission, the EXCO may appoint another non-elected member to replace a removed member, however, in accordance with the criteria defined in these Rules for the respective position.

10.5 When membership of committee ceases

A person ceases to be a committee member if the person —

- a. dies or otherwise ceases to be a member; or
- b. resigns from the committee or is removed from office under rule 10.4; or
- c. becomes ineligible to accept an appointment or act as a committee member under section 39 of the Act; or
- d. becomes permanently unable to act as a committee member because of a mental or physical disability.

10.6 Filling casual vacancies

Any vacancy in the committee will be filled in accordance with rule 10.2.3(d)(v).

11. AUDITORS

- a. The outgoing EXCO shall nominate two persons for appointment as Auditors, at least one of whom shall be a qualified accountant (Certified Practising Accountant or Chartered Accountant or ASIC registered Auditor or equivalent qualification). The nomination shall be recorded as an appointment, provided it is endorsed by a simple majority at the AGM.
- b. The role of the Auditors will be to examine the relevant financial records of SAWA for the past accounting period. The Treasurer and other EXCO officers shall present the accounts and documents for audit upon two weeks' notice from the Auditors.
- c. The Auditors shall prepare and deliver their written audit report to the Secretary within 28 days of receiving the requisite books and documents.

12. TRUSTEES

- a. Up to five Trustees shall be elected each for a term not exceeding five years at the first AGM after the adoption of this Edition of the Rules. The trustees must be Life Members of not less than 10 years membership.
- b. The Election Process described in clause 10.2.1 shall also apply for nomination and election of Trustees. Election for vacant Trustee position(s) shall be conducted at the first AGM after the vacancy is created.
- c. Three Trustees acting together shall constitute the quorum for the purposes of exercising their functions and duties under these Rules, which are as follows:
 - i. perform the duties of the EXCO in the event the EXCO is not elected at an AGM or is voted out of office PURSUANT TO RULE 10.4(A);
 - ii. hold fresh elections within three months of the date of either of the above;
 - iii. act as mediators for mediation process in accordance with rule 22;
 - iv. if the EXCO fails to call a SGM which has been requisitioned by members in accordance with Clause 13.1(a) of the Constitution, the Trustees have the power to call the SGM; and
 - v. act jointly as one unit.
- d. Trustees shall be disqualified if they:
 - i. have been convicted at any time of any offence involving deception or dishonesty, unless the conviction is legally regarded as spent;
 - ii. are undischarged bankrupts;
 - iii. have made compositions or arrangements with their creditors from which they have not been discharged;
 - iv. have at any time been removed from being a Trustee because of misconduct;
 - v. are disqualified from being company directors; or

- vi. have a criminal record.
- e. The appointment of Trustees shall cease occurrence of any of the following events:
 - i. death
 - ii. medical unfitness to perform required duties
 - iii. resignation as Trustee or from SAWA
 - iv. expulsion from SAWA
 - v. Absence from Western Australia for a continuous period exceeding **180** days

13. GENERAL MEETINGS

13.1 Special General Meeting (SGM)

- a. An SGM may be convened by the EXCO of its own volition.
- b. EXCO shall call an SGM within 45 days of a written requisition signed by not less than 20% members with voting rights, notwithstanding that the specified purpose may be within the powers of the EXCO. Where an SGM is requisitioned under this provision in respect of a matter, that matter is to be resolved at the SGM, irrespective of whether or not the matter would otherwise be wholly or partly within the powers or discretion of the EXCO.
- c. The Secretary must give to all members not less than 14 days' notice of an SGM and the Notice must specify the venue, date and time of the meeting and the business to be transacted at the SGM.
- d. An SGM requisitioned by members can only commence and continue if there are at least 60% of the members requisitioning the SGM present in person at the SGM, from the commencement of the SGM until the outcome of the matter is determined.
- e. Minutes of meetings for an SGM should be placed on the Notice Board and the Association's Website within 6 weeks of the date of the SGM.
- f. Comments to the Minutes of meetings for an SGM should be returned in writing to the Secretary within 4 weeks of the date of issue of the Minutes of meeting for consideration at subsequent the AGM where the Minutes of meeting will be presented for acceptance.

13.2 Annual General Meetings (AGM)

- a. SAWA shall convene its AGM within 3 months of the close of each financial year by issuing not less than 21 days prior written notice to all classes of members, complying substantially with the form prescribed in the schedule of these Rules, specifying the date, time, venue and agenda.
- b. A notice or other document that is to be given to a member under these rules is taken not to have been given to a member unless it is in writing and —
 - i. delivered by hand to the recorded address of the member; or
 - ii. sent by prepaid post to the recorded postal address of the member; or

- iii. sent by electronic transmission to an appropriate recorded number or recorded electronic address of the member.
- c. The business to be conducted at the AGM should include the following matters and in the order noted below:
 - i. President's Report;
 - ii. Confirmation of the last preceding AGM and any other SGM held since then;
 - iii. Presentation and acceptance of the Association's financial statements for the last financial year;
 - iv. Presentation and acceptance of the Auditors' report;
 - v. Presentation of sub-committee or project team reports;
 - vi. Deliberation on Motions;
 - vii. Endorsement of the Auditor;
 - viii. Endorsement of the composition of Project Teams;
 - ix. Authorisation of incoming EXCO expenditure limit for all elements linked to a single event;
 - x. Such other matters specified in the Notice convening the AGM;
 - xi. Declaration of election results and appointment of office bearers of the EXCO and Trustees; and
 - xii. Elected President's address.
- d. Minutes of Meetings for an AGM should be placed on the Notice Board and Association's Website within 6 weeks of the date of the AGM.
- e. Comments to the Minutes of meetings for an AGM should be returned in writing to the Secretary within 4 weeks of the date of issue of the Minutes of meeting for consideration at subsequent AGM's where the Minutes of meeting are presented for acceptance.

13.3 Quorum

- a. The quorum at GMs shall be 33% of members eligible to vote and present in person.
- b. If the quorum is not achieved at the time specified for the GM then:
 - i. In the case of an AGM or an EXCO convened SGM, the President may reconvene the meeting after the lapse of 15 minutes after the appointed time, whereafter the members then present shall be deemed sufficient quorum to carry out the Agenda matters. However no vote shall be taken on non-essential business if the number of attendees falls below 30; and
 - ii. In the case of member requisitioned SGM, the meeting shall forthwith lapse and shall not be requisitioned again for the same subject matter for the remainder of the term of that EXCO.

14. VOTING AND PARTICIPATION

- a. Only Life Members and Ordinary Members who are financial at the time of the Notice of the Meeting and who are not under suspension shall be entitled to attend, participate and vote at GMs
- b. The conduct of meetings and debate will be in accordance with the guidelines appearing at Schedule D of these Rules;
- c. Subject to the usual rules governing meetings, voting at GMs shall be conducted by a show of hands or if decided by the Chair under clause 14.d then by ballot;
- d. Five or more members present and eligible to vote may request the Chair to conduct vote by ballot. If such a request is made, the Chair will seek the opinion of the members present by show of hands and decide in favour of the majority;
- e. Each eligible member present in person is entitled to a deliberative vote;
- f. Proxy and postal votes are not permitted at GMs of the Association;
- g. The Chair shall appoint a polling officer(s) from members present (excluding candidates for posts of office bearers) to conduct the usual process of voting and certifying the results;
- h. A declaration by the Chair after duly consulting the polling officers shall reflect the outcome of the vote.

15. MOTIONS & RESOLUTIONS

- a. All motions including budget requests, shall be clearly classified and outlined in the Notice for Meetings, or issued to the Secretary, within 7 days of receipt of notice for a GM.
- b. Members may submit motions containing budget requests to the Secretary, no later than 30 June of respective year prior to the AGM for inclusion in the Notice of that AGM. Budget requests shall not be considered at the AGM unless they are included in the AGM notice and have been circulated to all members.
- c. Members may submit ordinary motions other than budget requests to the Secretary within 7 days after issue of notice for an AGM. Such motions shall be placed on the notice board until the motions are addressed in the respective meeting. Motions received 7 days after issue of notice for a meeting, shall not be considered for the respective meeting.
- d. All motions shall have a valid proposer and a seconder. The motion shall be introduced by either the proposer or the seconder at the meeting. The motion shall lapse if the proposer and seconder are not present to move and second the motion.
- e. Ordinary motions shall be decided by a simple majority of votes of eligible members.
- f. Motions to be voted upon as Special Resolutions shall be decided by a majority of not less than three-fourths of the members present and entitled to vote. Special resolutions shall be required for the following matters and such other matters as the Association may determine:

- i. Amendments to the Rules;
- ii. Change of name of the Association;
- iii. Change to the Common Seal;
- iv. Removal of President, Vice President, Secretary and Treasurer;
- v. Winding up of the Association; and
- vi. Items defined by law as requiring a Special Resolution.

16. COMMITTEES & PROJECT TEAMS

- a. All committees and project teams of SAWA setup by the EXCO shall be valid only for the term of that particular EXCO
- b. All outgoing committees shall ensure that all relevant records and documents pertaining to their activities are duly delivered to the incoming EXCO within 14 days of the changeover.
- c. All project teams setup at a GM shall remain valid for the duration defined at the GM. The composition of the project teams shall be presented for endorsement at every AGM.
- d. The project teams shall report to the EXCO and shall operate in accordance with the mandated terms and conditions and the direction of the EXCO. Any vacancy shall be filled by members approved by the EXCO.
- e. All committee or project team members shall make a written declaration to SAWA EXCO of no conflict of interest in the matter pertaining to the purpose of the committee or project team at the commencement of the committee or project team. In cases where there is a conflict of interest or if the member refrains from providing such a declaration, the member shall be replaced. Where direct or indirect pecuniary interests develop during the term of the committee or project team the member should make it known in writing to the EXCO and may be requested by the EXCO to withdraw from the committee or project team respectively.

17. FUNDS, ACCOUNTS & PROPERTY

17.1 Funds

- a. The funds of the Association are principally derived from membership fees, offerings, donations, and any other source considered suitable by the EXCO, however, consistent with any resolution passed by the Association in any GM and principles upheld by the Association.
- b. The EXCO must upon receipt of any money received by the Association deposit the same as soon as practicable to the credit of SAWA's relevant bank account.
- c. The Treasurer shall keep and maintain true and proper accounts and records of all monies, valuable gifts and other non-monetary gifts received by the Association and forthwith issue official receipts.

17.2 Control of Funds & Property

- a. The funds of the Association must be kept in the name of the Association, in an account or accounts, in a financial institution approved by the EXCO, and be used in pursuance of the objectives of the Association in a manner determined by the EXCO subject to any resolution passed by the Association in a GM.
- b. All expenditure and purchases must be approved or ratified at an EXCO meeting.
- c. All cheques and other negotiable instruments of SAWA must be signed by two signatories from a pool comprising the President, Treasurer and Secretary.
- d. Any purchase, sale, disposal or other dealing with any real estate property of SAWA, including any significant alteration of the assets of the Association, must first be approved by the Association in a General Meeting by an appropriate resolution.
- e. The EXCO or a member thereof shall be responsible for returning all relevant assets to the Association within 14 days of ceasing to be the EXCO or a member thereof.

17.3 Books & Records

- a. The custody and control of all Books of the Association shall be with the Secretary unless otherwise decided by the EXCO.
- b. A member is able to inspect the Books of the Association free of charge at such time and place as mutually convenient to the Secretary upon prior arrangement. The member may copy details from the Books by hand but shall have no right to remove the Books for that purpose.
- c. A member may not use or disclose information from the Books except for a purpose directly connected with the affairs of the Association or related to administering the Act.
- d. Outgoing members of the EXCO and any committee or project team are responsible for transferring all relevant Books, Records, Keys, Common Seal, Documentation and Accounts of the Association to the new EXCO or committee or project team within 14 days of ceasing to be a part of the EXCO or committee or project team.
- e. Documents of the Association shall be validly executed if signed by the President and the Secretary or their authorised nominees from within the EXCO.

17.4 Common Seal

- a. The Common Seal shall bear the "Khanda" insignia of the Sikh faith, with the name of SAWA inscribed on it. Any proposed change to the Common Seal shall require a Special Resolution.
- b. The Common Seal shall be kept in the safe custody of the SAWA President or Secretary.
- c. The Common Seal shall be used and affixed where required by Law or on specific request by an interested party, and be witnessed by the President and the Secretary, or in their absence, two EXCO approved nominees.

- d. Every use of the Common Seal must be recorded in a dedicated Common Seal Use Register.

17.5 Payments to committee members

- a. In this rule committee member includes a member of EXCO and all other committees and project teams.
- b. A committee member is entitled to be paid out of the funds of the Association for any out-of-pocket expenses for travel and accommodation properly incurred in connection for the Association's business as approved by EXCO.

18. AMENDMENTS TO CONSTITUTION

These Rules may be amended or altered only by a special resolution and any amendment or change shall take effect from the date of approval and certification by the Commissioner designated in accordance with the Act.

19. BY LAWS

- a. The EXCO may implement from time to time such bylaws it considers necessary for good governance of SAWA provided the bylaws are consistent with the spirit of these Rules.
- b. The retention or repeal of any bylaws shall be at the discretion of each EXCO.

20. WINDING UP AND DISTRIBUTION OF SURPLUS PROPERTY

- a. The Association may be wound up and its incorporation cancelled in accordance with the Act.
- b. Upon the winding up and satisfaction of all debts and liabilities of the Association and any costs of winding up, there remains any surplus funds or property, such surplus funds or property shall be distributed among Sikh Associations incorporated under the Act and incorporated Associations having similar objectives to those of the Association and which prohibit distribution of surplus assets among their members.

21. RESOLVING DISPUTES

21.1 Application

The procedure set out in this rule (the grievance procedure) applies to disputes —

- a. between members; or
- b. between one or more members and the Association.

21.2 Parties to attempt to resolve dispute

The parties to a dispute must attempt to resolve the dispute between themselves within 14 days after the dispute has come to the attention of each party.

21.3 How grievance procedure is started

- a. If the parties to a dispute are unable to resolve the dispute between themselves within the time required by 21.3 any party to the dispute may start the grievance procedure by giving written notice to the secretary of —
 - i. the parties to the dispute; and
 - ii. the matters that are the subject of the dispute.
- b. Within 28 days after the secretary is given the notice, a committee meeting must be convened to consider and determine the dispute.
- c. The secretary must give each party to the dispute written notice of the committee meeting at which the dispute is to be considered and determined at least 7 days before the meeting is held.
- d. The notice given to each party to the dispute must state —
 - i. when and where the committee meeting is to be held; and
 - ii. that the party, or the party's representative, may attend the meeting and will be given a reasonable opportunity to make written or oral (or both) submissions to the committee about the dispute.
- e. If —
 - i. the dispute is between one or more members and the Association; and
 - ii. any party to the dispute gives written notice to the secretary stating that the party;
 - A. does not agree to the dispute being determined by the committee; and
 - B. requests the matter to be referred to the Trustees for mediation under rule 22,

the committee must not determine the dispute.

21.4 Determination of dispute by committee

- a. At the committee meeting at which a dispute is to be considered and determined, the committee must —
 - i. give each party to the dispute, or the party's representative, a reasonable opportunity to make written or oral (or both written and oral) submissions to the committee about the dispute; and
 - ii. give due consideration to any submissions so made; and
 - iii. determine the dispute.
- b. The committee must give each party to the dispute written notice of the committee's determination, and the reasons for the determination, within 7 days after the committee meeting at which the determination is made.
- c. A party to the dispute may, within 14 days after receiving notice of the committee's determination under subrule (a)(iii), give written notice to the secretary requesting the matter to be referred to the Trustees for mediation under rule 22.
- d. If notice is given under subrule (c), each party to the dispute is a party to the mediation.

22. MEDIATION

22.1 Application

- a. Rule 22 applies if written notice has been given to the secretary requesting the matter to be referred to the Trustees for mediation—
 - i. by a member under rule 8.2(g); or
 - ii. by a party to a dispute under rule 21.3(e)(ii)(B) or 21.4(c).
- b. If this rule applies, the matter must be referred to the Trustees for mediation.

22.2 Mediators:

Trustees shall act as mediators.

22.3 Mediation process

- a. The parties to the mediation must attempt in good faith to settle the matter that is the subject of the mediation.
- b. Each party to the mediation must give the Trustees a written statement of the issues that need to be considered at the mediation at least 5 days before the mediation takes place.
- c. In conducting the mediation, the Trustees must —
 - i. give each party to the mediation every opportunity to be heard; and
 - ii. allow each party to the mediation to give due consideration to any written statement given by another party; and
 - iii. ensure that natural justice is given to the parties to the mediation throughout the mediation process.
- d. A Trustee cannot determine the matter that is the subject of the mediation.
- e. The mediation must be confidential, and any information given at the mediation cannot be used in any other proceedings that take place in relation to the matter that is the subject of the mediation.
- f. The costs (if any) of the mediation are to be paid by the party or parties to the mediation that requested the matter to be referred to the Trustees.

22.4 If Mediation Results in Decision to Suspend or Expel Being Revoked

If —

- a. mediation takes place because a member whose membership is suspended or who is expelled from the Association gives notice under rule 8.2(g); and
- b. as the result of the mediation, the decision to suspend the member's membership or expel the member is revoked,

that revocation does not affect the validity of any decision made at a committee meeting or general meeting during the period of suspension or expulsion.

23. SCHEDULES

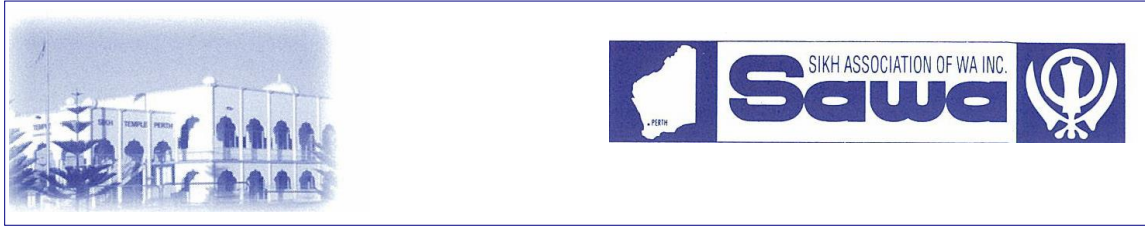
The following schedules are attached:

SCHEDULE A: NOTICE BY RETURNING OFFICER

SCHEDULE B: NOTICE FOR ANNUAL GENERAL MEETING

SCHEDULE C: DECLARATION ON APPLICATION FORM

SCHEDULE D: GUIDELINES FOR GENERAL MEETINGS



**SCHEDULE A:
NOTICE BY RETURNING OFFICER**

Call for Nominations for Positions on the Executive Committee

To

Member

Sikh Association of Western Australia

Annual General Meeting to be held on XX August 20XX :

Call for Nominations for Positions on the Executive Committee *and Vacant Positions Of Trustees*

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 XX August 20XX.

Nominations are also invited for xx positions of Trustees, from Life Members of not less than 10 years of membership.

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 and declaration on the nomination form. An entitled member may nominate only one person for each position stated in items 1 to 6 below.

Nomination forms must be returned to the Returning Officer in the attached form no later than 10:00am (noon), Day /Month / 20XX. Incomplete, invalid and late forms will be rejected.

Positions for Election:

EXCO

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

TRUSTEES:

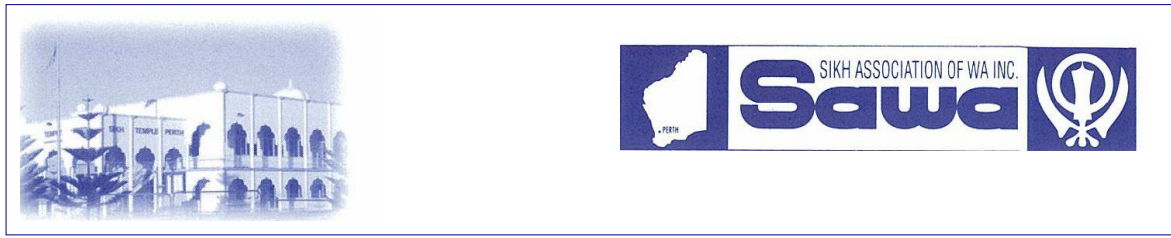
X positions

It is noted that candidates, proposers and seconders must be eligible to attend the Annual General Meeting, vote and hold elected positions as prescribed in the SAWA Constitution.

Signed by Returning Officer

Returning Officer

Dated:



NOMINATION FORM (EXCO)

ELECTIONS OF EXECUTIVE MEMBERS AT ANNUAL GENERAL MEETING 20XX

Nominated Position	Name of Nominee	Membership Number

DECLARATION by Nominee:

I accept my nomination and hereby declare that I

- have not been convicted at any time of any offence involving deception or dishonesty;
- am not an undischarged bankrupt;
- am not disqualified from being a company director
- do not have a criminal record
- have sufficient time to devote to the nominated position.
- hold a strong belief in Sikhism and the teachings of Guru Granth Sahib Ji

Signature of Nominee:

Date:

Name of Proposer & Membership Number	Signature of Proposer	Date

Name of Seconder & Membership Number	Signature of Seconder	Date

NOTES:

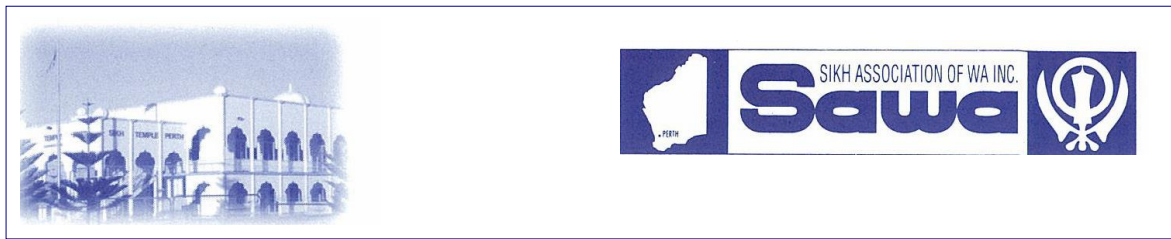
- i. The Nominee, Proposer and Secunder must be Ordinary or Life Members.
- ii. Nominees for President, Secretary, Treasurer, Assistant Secretary and Assistant Treasurer should have served for at least 2 year in another capacity in the Executive Committee
- iii. Members can be nominated in a maximum of one position only. Nomination for more than one position will automatically disqualify member for all positions
- iv. Separate Nominations Forms must be used for each nomination.
- v. Nomination Form to reach the Returning Officer before the closing time and date.
- vi. Incomplete Forms, in any form whatsoever, **may** result in an invalid nomination

For use of Returning Officer

Nomination: Accepted / Rejected

Reason for Rejection:

Signature: **Date:**



NOMINATION FORM (TRUSTEES)

ELECTIONS OF XX TRUSTEE(S) AT ANNUAL GENERAL MEETING 20XX

Name of Nominee	Membership Number
<p>DECLARATION by Nominee:</p> <p>I accept my nomination and hereby declare that I</p> <ul style="list-style-type: none"> <input type="radio"/> am a Life Member of SAWA with not less than 10 years membership. <input type="radio"/> have not been convicted at any time of any offence involving deception or dishonesty; <input type="radio"/> am not an undischarged bankrupt; <input type="radio"/> do not have a criminal record <input type="radio"/> have sufficient time to devote to the nominated position. <input type="radio"/> hold a strong belief in Sikhism and the teachings of Guru Granth Sahib Ji <p>Signature of Nominee: _____ Date: _____</p>	

Name of Proposer & Membership Number	Signature of Proposer	Date

Name of Seconder & Membership Number	Signature of Seconder	Date

NOTES:

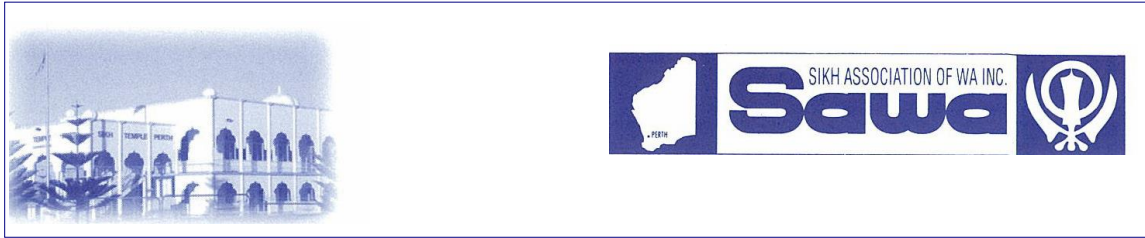
- i. The Nominee, Proposer and Secunder must be Ordinary or Life Members.
- ii. Nomination Form to reach the Returning Officer before the closing time and date.
- iii. Incomplete Forms, in any form whatsoever, may result in an invalid nomination

For use of Returning Officer

Nomination: Accepted / Rejected

Reason for Rejection:

Signature: **Date:**



**SCHEDULE B:
NOTICE FOR ANNUAL GENERAL MEETING**

To:

Member

Sikh Association of Western Australia

Notice for Annual General Meeting to be held on XX August 20XX :

Please note that the Annual General Meeting of SAWA for the year 20XX will be held as follows:

Date:

Location : Gurdwara premises at 280 Shreeve Road, Canning Vale

Time:

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

1. Meeting called to Order
2. President's Report
3. Confirmation of the minutes of the last preceding AGM and any other GM held since then;
4. Presentation and acceptance of the Association's financial statements for the last financial year;
5. Presentation and acceptance of the auditors' report;
6. Deliberation on Motions;
7. Endorsement of the Auditor;
8. Endorsement of the composition of Project Teams;

9. Authorization of incoming EXCO expenditure limit for all elements linked to a single event.
10. Such other matters specified in the Notice convening the AGM;
11. Declaration of election results and appointment of office bearers of the EXCO and the Trustees;
12. Elected President's address / Meeting Closed

Signed By Secretary

Secretary – Sikh Association of Western Australia

Date:

**SCHEDULE C:
DECLARATION TO BE INCLUDED IN THE MEMBERSHIP FORM**

I confirm that I am a Sikh, the information provided in this form is true and correct, and I undertake to abide by the constitution and any regulations of Sikh Association of Western Australia at all times.

Signature of Applicant:

Date :

SCHEDULE D: GUIDELINES FOR GENERAL MEETINGS

Minutes

Recording of Minutes:

The minutes shall be recorded in summary form only. As a general rule only the decisions made at the general meeting and the associated process to make those decisions will be recorded. The summary of questions or debate should be recorded only in the case where it assists in clarifying the intent or the reasons for making respective decisions or a request made to have it minuted.

Acceptance of Minutes:

The decisions made at the previous meeting shall not be debated. Debate, if any, for the acceptance of minutes of a previous meeting shall only relate to the accuracy of minutes.

Business to be Transacted:

At a general meeting, only that business which is listed will be transacted, or for which previous notice has been given. The Executive Committee will propose draft motions, where possible, for each of the proposals listed on the Agenda. New or alternative motions can be moved as long as that business is listed on the Agenda.

The Agenda for an AGM will be substantially in the format of Schedule B of the constitution.

The Agenda for SGM will include the items for which the meeting has been called for.

Motions:

Members may ask questions for clarification of a motion for which the Chairman may provide answers or ask another person to provide a response.

Each motion shall be moved and seconded by a voting member. Debate shall only commence after the motion has been moved and seconded. If a motion does not have a mover and a seconder the motion shall lapse without debate.

Rules for debate:

The Chairman may set the rules for debate, however, the following rules will be applied as a general rule:

- a) Mover and Seconder shall speak first.
- b) A maximum of three members in support and / or three against may speak on each motion/proposal.

- c) The speakers may speak once only for 3 minutes.
- d) After the conclusion of the debate the mover of the motion shall be given the right of reply.
- e) The motion shall then be put to vote and the outcome determined.

Voting:

After the conclusion of the debate, the Chairman will call for voting on the motion. The voting shall be carried out in accordance with the SAWA's constitution.

The Chairman will declare whether the motion is carried or lost

Amendments to Motions:

Only Ordinary Motions may be amended during the meeting in accordance with the following:

- a) A member can move an amendment at any time during the debate, before the vote is taken.
- b) If the mover and seconder accepts the amendment, it shall form part of the motion and the debate may continue.
- c) If the mover and/or the seconder of the motion does not accept the amendment, the amendment can only be moved if there is a seconder. In such cases the amendment will be decided by using the same rules for debate and voting as for the motions.
- d) If the amendment is lost, the debate will resume on the primary motion.
- e) If the amendment is carried, the amendment will form part of the motion and the debate will resume on the substantive motion inclusive of amendment.
- f) A maximum of two amendments may be allowed to the original motion.

New or alternative Motions:

If a motion lapses or is lost, an alternative motion relating to the same matter may be moved by any voting member. The same rules for debating and voting shall be applicable to new or alternative motions.