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PO Box 1708, Canning Vale DC WA 6970
Telephone: (08) 9256 1314 / 9445 7220
Web: www.sikhwa.org.au

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1. INTRODUCTION

1.1 PURPOSE

SAWA is a Charitable Organisation and shall be managed with complete transparency, compliances and set targets. The binding principle of SAWA EXCO is to treat everyone with Care, Respect, Integrity, Honesty and Humility. Similar attributes are expected from Members, volunteers and wider Sikh community attending the Canning Vale Gurdwara.

Purpose of this document is to specify the By-Laws, required for day to day running of the Association to meet the Objectives of SAWA as specified in its constitution. This By-Laws shall be read together with SAWA Constitution 2018.

This By-Laws outlines the envelope decisions SAWA EXCO mode of operation in safeguarding SAWA and Members. Decisions to be made shall be in the Best Interest of SAWA.

1.2 SCOPE

This document shall define the By-Laws and list the related reference documents.

1.3 TERMINOLOGY

A list of the terminology and acronyms used within this document:

SAWA	Sikh Association of WA Inc., 280 Shreeve Road, Canning Vale, WA 6155
ACNC	Australian Charities and Not-for-profits Commission
EXCO	Executive Committee of SAWA
AGM	Annual General Meeting
SGM	Special General Meeting

1.4 BULLYING

Australia has Federal and State legislation in relation to bullying which is outlined in Fair Work Act 2009, Human Rights Commission Act 1986, Disability Discrimination Act 1992, Racial Discrimination Act 1992, Sex Discrimination Act 1984 and Dept. Commerce WA definition on harassment and bullying. Bullying is repeated, unreasonable behaviour that is directed towards someone that creates a risk to health and safety.

Following are examples of bullying deemed unacceptable by SAWA.

Yelling, screaming, angry outburst, name calling, insults, belittling, inappropriate comments about a person behaviour, malicious teasing, threatening or intimidating (facial or nonverbal behaviour) or retaliation (on someone who has raised valid concern), raising hand and throwing objects.



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1.5 REFERENCES

Following document forms are to be read and applied together with SAWA Constitution and SAWA By-Laws;

- i. SAWA EXCO, Trustees and Auditor- Conflict of Interest
- ii. Conflict of Interest Declaration Register.

2. OVERVIEW

SAWA is a Charitable Organisation registered as Incorporated under the Associations Incorporation Act 2015 (WA). This registration is well defined and has its own advantages. SAWA to take every measurable step to maintain this registration and shall abide to Australian Legislation system.

SAWA By-Laws shall provide a clear understanding how day to day activities are managed. Although, there are 16 elected members in every AGM, there are unaccounted Members and non-members who provides volunteering services but do not get involved in the decision making process within SAWA.

SAWA Constitution 2018 meets the Model of Association own rules guideline provided by Associations Incorporation Act 2015. However, where SAWA Constitution is silent or not addressing the point clearly, the Associations Act takes precedence.

It is absolutely incorrect for SAWA member to interpret that the Associations Act takes precedence on SAWA Constitution (*Refer to Association Act 2015, Part 3, Division 1, para 21*) and) (<https://www.acnc.gov.au/tools/guides/governance-for-good-acncs-guide-for-charity-board-members>).

SAWA shall also comply to ACNC Act and Regulations, ATO obligations and any other applicable State or Federal Legislation.

3. OBJECTIVES OF SAWA

Following objectives, in addition to those listed at rule 5 of the SAWA Constitution.

- Day to day Religious Services including Marriages, Births & Deaths
- Elementary level Punjabi School
- Seniors support activities
- Community Kitchen
- Library Services, Punjabi social and religious books
- Financial aid to natural disaster victims
- Food for homeless
- Hosting Sports & Cultural events
- Community participation
- Multicultural learning visits
- Support for people in hospitals, detention centers or confined to home.



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4. MEMBERSHIPS

Membership of SAWA is capped at 500 as per the constitution 2018. If vacancy(ies) occurs, new members can be accepted as per rule 7 of the SAWA Constitution.

Selection of new members shall be based on merit, where new members with bachelors degree shall be given priority. This year (2022-2023), preference shall be focused on professionals and build SAWA Sustainable talent for the future.

5. SAWA EXCO ROLES AND RESPONSIBILITIES

EXCO Comprises of President, Vice President, Treasurer, 2 Assistant Treasurers, Secretary, 2 Assistant Secretaries & 8 General Committee Members. Every EXCO member is expected to have best interest for SAWA.

Below are the Roles and Responsibilities of SAWA EXCO members;

President

- Presides all SAWA Meetings, Functions and Official spokesperson of SAWA
- Single focal point in interface management between SAWA and external party
- Holds appointed committee member in compliance to SAWA Constitution and Common Law
- Ensure Conflict of Interest is disclosed by all members during deliberations
- Present Non Disclosure Agreement to EXCO for acceptance and signature
- Provides authorization for Federal/State Grant application to proceed and authorized signatory on Grants
- Presides over all mediations and lead the dispute management process, Internal of SAWA or External.
- Lead and participate mediation between SAWA and members or between members

Vice President

- Presides all SAWA Meetings during absence of President or through delegation of authority
- Provide a plan for the development of SAWA Punjabi school
- Single focal point for SAWA Punjabi school and provide monthly update report to President
- Organize 'Akandh Path' pathies, develop a schedule with consultation with priest
- Organize posters for educational purpose for 'Akandh Path' historical moment. This educational posters shall be displayed during 'Akandh Path' and provide history on the purpose of the historical moment.
- Prepare a plan on number of Program to be held for next 11 months based on Nanakshahi Calendar for EXCO planning. This includes Sangrad, 'Akandh Path', Katha (external Jetha). This program is required for EXCO review by end of October.
- Provide a plan on number of pathies required for a sustainable development of pathies for 'Akandh Path' based on 5 'Kandh Path' per quarter i.e. 3 months
- Provide a plan of visits by external Jathas or preachers for President consideration



Secretary

- Authorized to speak to Congregation and provide update
- Single focal point of receiving written communication and present to Committee Members for consideration (after consulting with President)
- Manages membership list after performing audit
- Manages all minutes of meetings, including managing disputes and interfacing with SAWA Trustees.
- Prepare SAWA Newsletter for President final approval
- Broadcast announcement (including poster) via email or text to members
- Including duties mentioned in SAWA Constitution
- Investigate, evaluate and implement new broadcast/communication system for the wider Sikh Community in Western Australia.
- Investigate, evaluate, implement new online program booking function on SAWA webpage.

Assistant Secretary 1

- Create whatsapp group for current EXCO and single point for maintaining communication
- Manage SAWA Radio program with Collaboration with other (volunteers)
- Performs duties as delegated by President and Secretary on program to program basis

Assistant Secretary 2

- Authorized to speak to Congregation on Istri Sat Sang program and provide update on programs
- Support woman program initiative currently planned to be lead by Committee Member
- Performs duties as delegated by President and Secretary on program to program basis

Treasurer

- Accountable for safe keeping SAWA money, including records and provide text message to President when money is deposited in Bank.
- Money deposited into bank shall be perform by Treasurer and shall not be delegated to anyone else
- All cheque presented for final signature shall be presented as complete cheque i.e. details filled.
- Authorized applicant and signatory on Grants. Responsible for Grant Accruals.
- Prepare monthly accrual. Year End Financial statement to be completed by mid July for EXCO review and deliberation.
- Prepare submission as described in Section 6.
- Including duties mentioned in SAWA Constitution

Assistant Treasurer 1

- Performs duty of collecting donation money, keeping record of the day and handing collection over to Treasurer
- Preparing list of summary for Priest (for Ardas purpose)
- Perform duties delegated by Treasurer, Secretary or President



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Assistant Treasurer 2

- Performs duties as delegated by Treasurer and Asst Treasurer 1
- Update Facebook page based on ongoing program and broadcast announcement system (to be decided)

Committee Member 1

- Maintenance of all Electrical work in Gurdwara premises, including Priest residence from time to time. This also include maintenance of bore pump (electrical only)
- Organize and lead external lighting for major event at premises
- Perform duty as delegated by President
- Provide budget for Electrical maintenance for EXCO review and approval

Committee Member 2

- Performs duties as delegated by President

Committee Member 3

- Manage and supervise cooking for weekday and Saturday programs
- Maintain cleanliness, dispose waste in bin and maintain kitchen safety.

Committee Member 4

- Develop Health, Safety, Environment plan for SAWA by Dec 2022. This includes developing traffic management plan for coming Diwali.
- Develop a security plan for SAWA as soon as possible which includes security management during large program, Akandh path (security for night) and security during VIP presence. This shall include preventing entrance for those intoxicated with alcohol.
- Enforce NO 'Metha Tekhna' during Ardaas and during final Waak.
- First contact person during security breach and update President immediately

Committee Member 5

- Darbar sewa which includes managing cleanliness of Darbar before congregation and after each program and ensure Darbar protocols are maintained.
- Ensure Darbar is vacuumed on weekly basis, all lights operational and no tripping hazard
- Lead the cleanliness of Palki/rumalas, ensure Deg utensils are clean, PA system is working and manage laptop display inline with Priest recitation of Guru Granth Sahib

Committee Member 6

- Ensure langgar hall is clean before and after program, including sitting area outside
- Assist Committee Member 3 and Committee Member 8 in managing kitchen

Committee Member 7

- Ensure lawn is maintained, fertilized, and reticulation is in working order
- Single point of contact for maintenance i.e. anything deemed not working, seek a quotation and present to EXCO for review and approval



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- Lead and supervise installation of any temporary shelter, coordinating with Committee Member 1 on electrical installation.
- Lead the preparation of Nishan Sahib sewa which includes new Australia & Aboriginal Flag. All preparation is completed which also includes PA system.

Committee Member 8

- Manage and supervise cooking for Sunday Asa De Vaar and afternoon program
- Maintain cleanliness, dispose waste in bin and maintain kitchen safety.

Any of the EXCO are free to set up their own sub-committee, working with collaboration and bringing Community together. However, names of the sub-committee shall be provided to Secretary for record keeping.

Roles and responsibilities mentioned above and inline with ACNC guideline (*Governance for Good: The ACNC's Guide for Charity Board members*).

Employees

In Order to facilitate the smooth running of the premises, there are 3 full time employees. They are;

- a. Priest – Lead all prayer functions in Congregation Hall including prayers performed outside of SAWA premises. Authorised to delegate service while away with consultation with President.
- b. Priest Wife – Prepares Deg and assist Priest in managing or preparing functions, as delegated by Priest, President, Secretary, Treasurer.
- c. Kitchen Manager - Lead and manages all Kitchen activities, supported by volunteers. Authorised to make decision on menu, places order for shopping and provide directions to volunteers in performing kitchen services Safely, Timely while maintaining Quality. Authorised to delegate service while away with consultation with President.

6. REPORTING

Following reporting to be prepared timely and submitted as required

- a. Consumer Protection, Annually & submitting AGM Minutes.
- b. Submitting Financials to Consumer Protection.
- c. ACNC: Annual Information Statement (AIS) once a year, before December. This can be done online via the ACNC Portal. Any changes to the Committee members (Responsible Persons) and governing documents like constitution, rules or trust deed must be reported to ACNC within 28 days of the change.
- d. City of Perth – Quarterly for Food for Homeless
- e. Annual Acquittal to OMI for School funding
- f. Acquittal for any other grant received as per its requirement.



7. INCOME

Following are the sources of SAWA income based on Australian Legislation for Charity Organisation:

- a. Cash offerings
- b. Donations
- c. Building Fund
- d. Membership subscriptions
- e. Premise's rental
- f. Grants
- g. Fund raising
- h. Bank interest from term deposits

7.1 CASH OFFERINGS

Following is the practise in place for Cash Offering

- a. This is the major income, from offerings by devotees collected in the cash box placed in front of Guru Granth Sahib (Holy Book of Sikhs) at the Gurdwara.
- b. The Cash Box has 2 locks. The keys are held by 2 Responsible persons (EXCO member). It is opened every Sunday at the end of Sunday Asa Di Vaar program. The cash is transferred to a bag & brought to the office for final book keeping. These funds are counted by mix of EXCO and volunteers. The funds are recorded, packed and deposited into Bankwest. No cash is kept at premises.
- c. Offerings provided to Priest during home prayers, receipt is issued at premises and cash is provided to Treasurer for final depository.

7.2 DONATIONS

Donations for all purposes (other than cash box offerings) are receipted.

7.3 BUILDING FUND

Anyone wishes to donate for current and future building funds can do so. These donations are tax deductible and accounted through a separate SAWA Building Fund account.

7.4 MEMBERSHIP SUBSCRIPTIONS

Membership Subscriptions are received in cash or from online transfers. Receipts are issued for each payment received.



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7.5 PREMISE'S RENTAL

Following are the form of income from premises rental;

a. The Priest rents the house owned by SAWA. The rent is deposited to SAWA bank account fortnightly.

b. Prayer Hall, Dining Hall, Kitchen are hired for weddings & other occasions. Receipt for each booking is issued. Below is the breakdown;

i. Prayer and Dining Hall – \$ 0

iii. Kitchen - \$ 250 (Each Function)

iii. Deposit for Cleaning

c. Classrooms are rented to Punjabi School.

d. Seniors program

7.6 GRANTS

Grants received by SAWA are for SAWA purpose ONLY. Grants final acquittal report is submitted to Government Agency and copy to be presented in SAWA Financial year report.

Grants provided to external organisation through SAWA shall be disclosed to SAWA members.

7.7 FUND RAISING APPEALS

Fund raising exercise is performed for natural disasters or for someone in desperate need for funds. The collected funds are sent to appropriate authority or person in need. These appeals are authorized at EXCO meetings.

8. SECURITY

Security and Safety is one of SAWA key priority. To ensure security is maintained, 34 CCTV cameras are installed and recorded. Safety is everyone's responsibility and SAWA will take necessary steps if an unsafe situation arises.

Any access to CCTV recording or view requires prior authorization from President.

9. DISBURSEMENT/PAYMENTS

There are 3 signatories to the SAWA account in Bankwest with security token provided by the bank. Any payment requires 2 signatories. One initiates the payment to be authorized by the second signatory.

All invoices are paid by online transfers. NO CASH payment.

Reimbursement payment (for out of pocket expense), receipt shall be provided to Treasurer with BSB and account details for payment.



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10. PROJECTS

SAWA undertakes many projects on it's own or sponsorship of events.

Any project undertaken by SAWA beyond \$1,000 less than \$35,000 project description shall be announced and notice displayed on notice board. Financial decision of the project shall be based on 3 competitive quotes. In the event, 3 competitive quotes are not available, comprehensive report (from subject matter expert) shall be provided.

Any project or sponsorship to external organisation, following guideline shall be used;

- a. Disaster Relief – Max 2K
- b. Community, Sporting and Cultural – Max 1K per annum
- c. Youth development- Max 2K

These funds to be disbursed, once all requested information is submitted to EXCO.

11. SAWA CALENDER

Following is the list of yearly events held and celebrated at the Canning Vale SAWA Gurdwara.

- New Year's Day
- Guru Gobind Singh's Birthday Gurburab
- Australian Sikh Heritage Day: 1st Saturday of March
- Religious - Vaisakhi 13th April
- Cultural - Vaisakhi Festival/Open Day or Sports Day
- Anzac Day – Cannington RSL on Anzac Day
- Anzacs of Indian Origin Day – Kings Park War memorial: 1st Saturday of June.
- Saragarhi Battle Day – 12 September
- Diwali – 24 Oct
- Guru Nanak Dev ji's Birthday Gurburab – 8 Nov
- Other significant days: Guru Arjun Dev ji and Guru Tegh Bahadur's Shahidi Gurburab
- Istri Sat Sang – Every Saturday 2-5pm (unless cancelled)
- Naujawan Program – Bi-weekly on Thursday 6-9pm (unless cancelled)
- Asa Di Vaar – Every Sunday 6-9am and afternoon program (unless cancelled)

12. DISPUTE MANAGEMENT (RULE 8, RULE 21 AND RULE 22)

Following steps are placed in managing disputes;

a. All disputes correspondence shall be managed by Secretary. President presides over all disputes until completion of Rule 22. President is also involved in mediations managed by external party.

b. All evidence of the dispute shall be "Private and Confidential" and can only be shared with non EXCO (including Trustees) with written authorization from President.



c. To maintain separation of power between EXCO and Trustees, EXCO member who's family member (Husband/Wife/Son/Daughter) is a Trustee, is prohibited in participating in debate or voting and disputed matter(s).

d. Table below forms a guide in managing a dispute decision;

Description of Dispute	Type of Decision
Unauthorised use of SAWA Membership Register by Ex-office bearers i.e. breach of data protection	1 year suspension
Unauthorised use of Private & Confidential matter against SAWA members	2 year suspension or Expulsion
Person not involved in Mediation and Interfering in a Mediation process (internal or external to SAWA)	Expulsion
Unauthorised representation by a SAWA Member as SAWA EXCO or Trustee or Auditor.	Expulsion
Misleading or deceiving SAWA i.e. failure to disclose 'Conflict of Interest' on financial matters	Expulsion
False accusation of SAWA member with the intention to cause harm i.e. financially or mental stress.	Expulsion
Failure to abide to SAWA Constitution despite repeated reminder i.e. means more than once.	Expulsion
Bullying, Harassment (sexual, racial or disability), Intimidation, use of vulgar language and aggressive behaviour (shouting, yelling, raising of hand, throwing objects)	Expulsion

13. SUB COMMITTEES' RULE OF ENGAGEMENT

Following guidelines shall be adopted for performing sub-committee;

- a. Abide to SAWA Constitution and By-laws,
- b. A non-member can be part of sub committee but must be 18 years and above,
- c. Willing to work together for the greater benefit of wider Community,
- d. Treat everyone with Respect, Care, Humility, Integrity and Honesty for the spirit of unity.

14. CONFLICT OF INTEREST

A conflict of interest is when a person's personal interests conflict with their responsibility to act in the best interests of SAWA.



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A conflict of interest may be actual, potential or perceived and may be financial or non-financial.

One of the fundamental responsibilities of EXCO is to always act in the best interests of the SAWA and in a way that furthers its charitable purpose. There may be times when a personal interest can come into conflict with this responsibility, but through good governance, these conflicts can be identified and resolved, or even prevented, Refer to Appendix 1 for further details. Refer to Appendix 2 for Conflict of Interest Declaration.

15. PASSWORDS

Bank passwords/signatories and security token change every year with the incoming new committee.

16. INDEMNIFICATION OF OFFICERS

SAWA always holds an insurance policy which covers the indemnity of EXCO members.

17. DISABLE CAR PARK

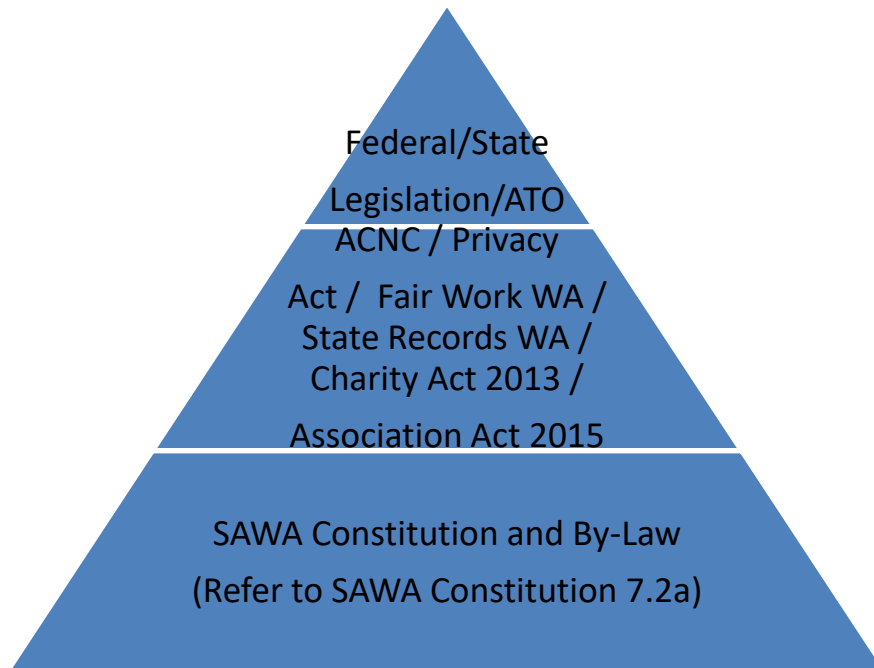
Disable car park provided in SAWA premises is meant **ONLY** for those who has displayed ACCROD sticker at their car. Members are encouraged to police and advise those without ACCROD sticker to park their car in common area. SAWA Community needs to demonstrate duty of care and provide any assistance to those who need this car parking space.

If the approach of educating the legal requirement of displaying ACCROD sticker, collaboration and persuasion doesn't work, SAWA will seek City of Canning assistance in managing this disable car park.



18. HIERARCHY

Following diagram illustrates hierarchy in interpretation of SAWA Constitution.



19. EMAIL ADDRESS OF OFFICE BEARERS

Following SAWA office bearers are approved to use SAWA email address for SAWA purpose only. Use of personal email address while managing SAWA affairs is discouraged.

President – president@sikhwa.org.au

Secretary – secretary@sikhwa.org.au

Treasurer – treasurer@sikhwa.org.au

SAWA Punjabi school – sawaps@skihwa.org.au

SAWA Returning officer – RO@sikhwa.org.au

20. HANDOVER

Following details are the minimum requirement expected during Handover process.

- a. ACNC Login details
- b. Membership Register
- c. Login details of President, Secretary and Treasurer email. RO account details are maintained by Secretary.



- d. Banking details including token
- e. Login and password details for Grant Applications
- f. Open disputes register
- g. Minutes of Meeting of EXCO and with Trustees
- h. Employment Contract (if newly hired)
- i. Financial report from 1 July till end Sept including Grant Accruals
- j. List of Grant applied (pending disbursement of money)
- k. Any open Contract, which requires follow-up
- l. Private and Confidential Correspondences
- m. Signed declaration of not in possession of SAWA members private details i.e. house address, email address and phone number.
- n. Program list (if available)
- o. Key interfaces list with external parties i.e. meeting dates, responsible person etc.
- p. CCTV room access and remote login (username and password).
- q. Associations Online login details

21. AMENDMENTS TO BY-LAWS

By-laws are held by the SAWA Secretary. It can be updated/amended with suggestions from any member in the EXCO meetings and agreed in the meeting. Proposed changes to improve Safety and Operations of SAWA shall be approved i.e. Changes to the Best Interest of SAWA.

The comments and resolution provided shall be captured at attached to By-law in Appendix 3. This will provide a complete history and transparency on the management of this Charitable organisation.

22. DATA PROTECTION POLICY

Membership details such as email, phone number, date of birth, residence status, house address provided by members when member sign membership form and captured in SAWA membership database, remains property of SAWA and shall not be re-produced or distributed or used by anyone beside President and Secretary.

Any person not authorised by SAWA found to be in possession of SAWA members details are in breach of Association Act 2015 (WA), State Records Act 2000 (WA) and Privacy Act may face expulsion from SAWA.



23. SAWA MEMBERSHIP BENEFIT

Every Charity Organisation provides fringe benefit to their members. We would like to hear some feedback from members, kind of benefit expected being SAWA member(s).

24. SAWA SUBSCRIPTION TO EXTERNAL ORGANISATION

Following fee are paid to external organisation for the benefit of SAWA.

- Microsoft 365 Business license of AUD 75 paid early May every year.
- Insurance Renewal of approximately AUD 18.3K paid every September.
- Management Liability insurance of AUD 2.4K paid every September.
- National Grant – Annual Subscription fee of AUD 319 every year.
- ANSSACC – Annual Subscription fee of AUD 200 paid early April every year.

25. MAINTENANCE PLAN

Following is Maintenance plan required to maintain SAWA facility Safe for congregation use;

Maintenance Description	Frequency of Maintenance				
	Monthly	6 months	Yearly	Bi Yearly	As required
Pest and Termite Control			X		
Australian & Aboriginal Flag replacement		X			
Nishan Sahib		X			
Reticulation			X		X
Lawn fertilisation					X
Electrical, Plumbing, Gas, Cooking appliances	X				X
Disable Lift Service				X	
Roof Inspection and Gutter Cleaning			X		
Tree pruning			X		



Weed management		X			X
Building or Structural Maintenance					X
Carpet Management	X				X
House Maintenance					X
Community Kitchen Utensils & Equipment					X
Water Heater Anode replacement				X	X
First Aid Kit and ADT device		X			X

26. APPOINTMENT OF SAWA MEMBER TO EXTERNAL ORGANISATION

SAWA encourages SAWA members to get appointed to other Charitable organisation from time to time for the development of SAWA and Collaboration with other charitable organisation. However, SAWA member needs to disclose the members involvement to SAWA and might need to disclose their Conflict of Interest to President (Refer to Appendix 2).

SAWA member participating as representative shall forward all minutes of meetings received to SAWA Secretary part of record keeping.

27. EMERGENCY MANAGEMENT PLAN

EXCO are required to know SAWA Emergency Management Plan, location of fire hydrant and muster point. EXCO should step in as Fire Warden if required. Safety is paramount.

28. TRAINING

ACNC provides training for 'Responsible Person' and EXCO are encouraged to sign up and complete their training. Completion of training certificate shall be provided to SAWA Secretary for safe keeping and audit purpose (if the need arises).



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APPENDIX 1

Conflict of interest policy

1. Purpose

The purpose of this policy is to help EXCO, Trustees and Auditor of SAWA to effectively identify, disclose and manage any actual, potential or perceived conflicts of interest in order to protect the integrity of SAWA and manage risk.

This policy shall cover all SAWA elected member during AGM or SGM. In definition, SAWA elected member shall include EXCO, Trustee and Auditor.

2. Objective

SAWA EXCO aims to ensure that EXCO, Trustees and Auditors are aware of their obligation to disclose any conflicts of interest that they may have, and to comply with this policy to ensure they effectively manage those conflicts of interest as representatives of SAWA.

3. Scope

This policy applies to the EXCO, Trustees and Auditor of SAWA.

4. Definition of conflicts of interests

A conflict of interest occurs when a person's personal interests conflict with their responsibility to act in the best interests of the Association.

Personal interests include direct interests, as well as those of family, friends, businesses, or other organisations a person may be involved with or have an interest in (relationship between EXCO, Trustees and Auditor).

It also includes a conflict between an EXCO member's duty to SAWA and another duty that the external organisation has (for example, to another charity). A conflict of interest may be actual, potential or perceived and may be financial or non-financial.

These situations present the risk that a person will make a decision based on, or affected by, these influences, rather than in the best interests of the *Association*.

Therefore these situations must be managed accordingly.

5. Policy

This policy has been developed to address conflicts of interest affecting the *Association*.

It is the policy of SAWA, as well as a responsibility of the EXCO, Trustees and Auditor, that ethical, legal, financial or other conflicts of interest be avoided and that any such conflicts (where they do arise) do not conflict with the obligations to SAWA.

SAWA will manage conflicts of interest by requiring EXCO, Trustees and Auditor to:

- avoid conflicts of interest where possible
- identify and disclose any conflicts of interest



- carefully manage any conflicts of interest, and
- follow this policy and respond to any breaches.

5.1. Responsibility of the EXCO

The EXCO is responsible for:

- establishing a system for identifying, disclosing and managing conflicts of interest across the *Association*
- monitoring compliance with this policy, and
- reviewing this policy on an annual basis to ensure that the policy is operating effectively.

5.2. Identification and disclosure of conflicts of interest

Once an actual, potential or perceived conflict of interest is identified, it must be entered into SAWA's register of interests (Appendix 2), as well as being raised in EXCO meeting.

Where every other SAWA EXCO, Trustee or Auditor shares a conflict, the board should refer to ACNC Governance Standard 5 to ensure that proper disclosure occurs.

The register of interests must be maintained by the President of SAWA. The register must record information related to a conflict of interest (including the nature and extent of the conflict of interest and any steps taken to address it).

5.3 Confidentiality of disclosures

The Register of Interest shall be maintained by President.

6. Action required to manage conflicts of interest

6.1. Conflicts of interest of SAWA EXCO, Trustee and Auditor

Once the conflict of interest has been appropriately disclosed, SAWA EXCO (excluding the member who has made the disclosure, as well as any other conflicted member) must decide whether or not those conflicted members should:

- vote on the matter (this is a minimum),
- participate in any debate, or
- be present in the room during the debate and the voting.

In exceptional circumstances, such as where a conflict of interest is very significant or likely to prevent a member from regularly participating in discussions, it may be worth the member considering if it is appropriate for the person conflicted to resign from the being an elected member of SAWA (EXCO, Trustee and Auditor).

6.2. What should be considered when deciding what action to take

In deciding what approach to take, SAWA will consider:

- whether the conflict of interest needs to be avoided or simply documented
- whether the conflict of interest will realistically impair the disclosing person's capacity to impartially participate in decision-making
- alternative options to avoid the conflict of interest



280 Shreeve Road, Canning Vale WA 6155
PO Box 1708, Canning Vale DC WA 6970
Telephone: (08) 9256 1314 / 9445 7220
Web: www.sikhwa.org.au

- the charity's objects and resources, and
- the possibility of creating an appearance of improper conduct that might impair confidence in, or the reputation of, the Association.

The approval of any action requires the agreement of at least a majority of the SAWA (excluding any member/s declared conflict of interest) who are present and voting at the meeting.

The action and result of the voting will be recorded in the minutes of the meeting and in the register of interests.

7. Compliance with this policy

If the EXCO has a reason to believe that a person subject to the policy has failed to comply with it, it will investigate the circumstances and take appropriate action to safeguard the Integrity of SAWA.

If it is found that this person has failed to disclose a conflict of interest, the EXCO may take action against them. This may include seeking to terminate their relationship with the SAWA EXCO.

If a person suspects that a EXCO member, Trustee and Auditor has failed to disclose a conflict of interest, they must commence with dispute process (Rule 8.1 or Rule 21) and take the appropriate action.

Contacts

For questions about this policy, contact SAWA President.



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APPENDIX 2

Conflict of Interest Declaration

Name of SAWA elected member	Description of Interest	Has the SAWA EXCO been notified?	Date of disclosure	Steps taken by board for dealing with the conflict	Board member actions to address the conflict



APPENDIX 3

EXCO REVIEW AND RESOLUTION

No.	COMMENT RECEIVED	RESOLUTION
1	Hard copy comments received, with gaps to be addressed; <ul style="list-style-type: none"> • Maintenance Plan • Emergency Management Plan • Appointment of SAWA Member to External Organisation • Update Hierarchy • SAWA subscription to External Organisation 	Comments incorporated.
2	Comments received, with gaps marked; <ul style="list-style-type: none"> • Handover list • Description of Dispute • Update Security access • Training 	Comments incorporated
3	In my opinion several portions of the proposed bylaws ver 3 contravene SAWA's constitution and The Incorporated Associations Act.	No evidence provided what is Contravened.
4	Comments received by email, <ul style="list-style-type: none"> • Is there Code of Conduct of EXCO • Fair Work is for employment and doesn't cover Charitable Organisation on Bullying. • Hierarchy of document • Not accepting assigned duty. • Document poorly formatted 	Refer to SAWA Constitution 7.2a. & ACNC Code of Conduct for Responsible Person. Refer to Human Rights Commission Act 1986, Disability Discrimination Act 1992, Racial Discrimination Act 1992, Sex Discrimination Act 1984, Dept. Commerce WA definition on harassment and bullying, Equal Opportunity Act 1984. Refer to Association Act 2015, para 21, Australian Charities and Not-for-profits Commission Act 2012, Division 10, Division 15 and Charities Act 2013, Division 1, Division 2, Part 3. Assigned duty removed. Document re-format and Issue for Use Document updated to reflect additional information.
5	By-Law to be approved through SGM	Refer to SAWA Constitution 10.2.3d(ii), 19
6	Authors names not revealed and not supportive of By-Law changes.	No details provided why unsupportive.
7	Not supportive of By-Law changes	No details provided why unsupportive.