

# SIKH SOCIETY OF SOUTH AUSTRALIA INCORPORATED

(Registration No: A7903)



## CONSTITUTION

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22nd April 2023

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**SIKH SOCIETY OF SOUTH AUSTRALIA INC.**

**CONSTITUTION (REG NO: A 7903) DATED 22 APRIL 2023**

**1. PREAMBLE**

“SABHNA JEEAAN KA IK DHATA SO MAIN VISAR NA JAAEE”

*There is One God for all Living beings, let us not forget Him*

*“ The Sikh religion is Universal “*

**2. NAME**

The name of the society upon incorporation and thereafter shall be Sikh Society of South Australia Incorporated (Registration No. A7903) herein after referred to as the **Society**.

**3. DEFINITIONS**

The following words are to have the following meanings wherever they appear herein where the context so admits:

- 3.1 **Act:** means the *Associations Incorporation Act 1985 of South Australia*.
- 3.2 **Adelaide Metropolitan Area:** means the Adelaide Urban District, the Adelaide Hills and Onkaparinga Districts as defined by the Australian Local Government Association.
- 3.3 **AGM:** means the Annual General Meeting.
- 3.4 **Associate Member:** means an individual who have been admitted as Associate Members in accordance with the Provisions of this Constitution.
- 3.5 **Associate Financial Member:** means a Associate Member that has paid his / her annual subscriptions on or before 30 June being the last day of the Financial Year.
- 3.6 **Caretaker:** means the GC when it is tasked to manage the affairs of the Society.

- 3.7 **Caretaker Period:** means the duration when the GC assumes the powers of the MC to manages the affairs of the Society pending the election of a new MC.
- 3.8 **Constitution:** means the Constitution of the Sikh Society of South Australia Inc as amended from time to time.
- 3.9 **EGM:** means the Extraordinary General Meeting.
- 3.10 **Elections Return Form:** means a form to be completed by the RO upon completion of the counting ballot papers cast by Members when elections are held.
- 3.11 **Financial Member:** means a member who has paid the annual subscription applicable to his / her category or subcategory of membership by 30 June being the last day of that Financial Year.
- 3.12 **Financial Year:** means a period of 12 months commencing on 1 July of a year and ending on 30 June the following year.
- 3.13 **GC:** means the Governing Council.
- 3.14 **General Meeting:** means a AGM or EGM as the case may be.
- 3.15 **Gurdwara:** means the place of worship owned and managed by the Society and known as Gurdwara Sahib Glen Osmond, presently located at 10 Mt. Barker Road (Princess Highway), Glen Osmond, South Australia including associated and adjoining facilities for the purposes of the conduct of worship in accordance with Appendix A.
- 3.16 **MC:** means the Management Committee.
- 3.17 **Member:** means a Ordinary Financial Member.
- 3.18 **Non-Financial Member:** means a member who has not paid the annual subscription amount applicable to his or her category or subcategory membership by 30 June being the last day of that Financial Year.
- 3.19 **Ordinary Member:** means an individual who have been admitted as Ordinary Members of in accordance with Provisions of this Constitution.
- 3.20 **Ordinary Financial Member:** means a Ordinary Member that has paid his / her annual subscriptions on or before 30 June being the last day of the Financial Year.
- 3.21 **Organ:** means any one of the following MC, GC, SC, SUC or all of them collectively.

- 3.22 **Period:** means the tenure that elected members of the GC of the Society are entitled to hold office. The tenure shall commence from the conclusion of the AGM at which a GC member is elected to hold office and shall conclude at the third consecutive AGM during which the GC member will retire in the manner set out in Clause 38.2 of this Constitution
- 3.23 **President:** means the person holding the office of President of the Society under this Constitution.
- 3.24 **Principal Officers:** means any one of the following President, Vice-President, Secretary and Treasurer or all of them collectively.
- 3.25 **Provisions:** means a Clause or Sub clause of this Constitution (as the case may be).
- 3.26 **Punjabi Culture:** This refers to all aspects of language, literature, music, songs, dances, dress, foods and social habits which have originated from Punjab.
- 3.27 **Property:** means 10-14 Mount Barker Road held under Certificate of Title Volume 5396 Folios 151, 153, 154, and 155 and any further landed properties or interest there in acquired in the name of Society.
- 3.28 **RO:** means the Returning Officer.
- 3.29 **SC:** means a Standing Committee.
- 3.30 **Scrutineers:** means any two (2) Members of the Society (other than Principal Officers) appointed by the RO to witness the counting of ballot papers during elections.
- 3.31 **Secretary:** means the person holding the office of Secretary of the Society under this Constitution.
- 3.32 **Sikh:** means any person who believes in one God and accepts the teachings of the ten Sikh Gurus (teachers) and who looks upon the "Adi Granth" as the holy scriptures of his or her religion.
- 3.33 **SRM:** means the Sikh Rehat Maryada, being the code of conduct and conventions for Sikhism approved by the Shiromani Gurdwara Parbandhak Committee, Amritsar, Punjab in 1945.
- 3.34 **SUC:** means a Sub Committee.

3.35 **Term:** means the tenure that elected office bearers of the MC of the Society are entitled to hold office. The tenure shall commence from the conclusion of the AGM at which a MC member is elected to hold office and shall conclude at the second consecutive AGM during which the MC member will retire in the manner set out in Clause 38.2 of this Constitution.

For example

If a Member is elected to the MC during the AGM held on 29 August 2020, that Member shall be entitled to hold office from the conclusion of the 2020 AGM and shall retire immediately before the RO takes over as the presiding officer of the 2022 AGM for elections purposely only.

3.36 **Treasurer:** means the person holding the office of Treasurer of the Society under this Constitution.

3.37 **Vice - President:** means the person holding the office of Vice -President of the Society under this Constitution.

In this Constitution:

The singular includes the plural and the masculine gender includes the feminine gender and vice versa.

Headings are for convenience only and will be disregarded for the interpretation of the Constitution.

#### 4. OBJECTS

The objects of the Society are:

- 4.1 To promote the understanding of the Sikh faith and Punjabi Culture (which originates from Punjab) within the wider South Australian community.
- 4.2 To promote harmony between Sikhs and people of other beliefs in South Australia.
- 4.3 To promote the interest of Sikh residents working in, or travelling through Australia in accordance with Australian law.
- 4.4 To liaise with all relevant government bodies and public agencies to protect and enhance the rights and interests of Sikhs.
- 4.5 To act as a representative body of Sikhs in South Australia in liaison and co-operation with similar bodies inside and outside of South Australia.

- 4.6 To provide religious, cultural, educational, social, sporting and welfare activities and facilities for the benefit of the Society's members and members of the Punjabi community.
- 4.7 To provide facilities and activities enabling members and their friends to participate in meetings, seminars, and conferences pertaining to the practice of the Sikh religion and promote its understanding amongst those not of the Sikh faith.
- 4.8 To establish and operate educational facilities for the teaching of Sikh philosophy together with Punjabi language, culture and other like subjects not generally taught within schools in South Australia
- 4.9 To raise funds through membership fees and all other legitimate means to assist the Society to carry out its objects.
- 4.10 To print, publish, and sell books, papers, periodicals, badges and emblems, and engage in any other literary undertaking as may seem conducive to the attainment of the objects of the Society, including the use of internet and electronic media.
- 4.11 To consider all questions and issues affecting the interests of Sikhs and Sikhism, to initiate and watch over, promote or oppose by lawful means any general or particular measures affecting them, and to advocate changes in any law, by-law or regulation detrimental to Sikhs and Sikhism.
- 4.12 To ensure there is provision of adequate facilities for the elderly and people with a disability at the Society's premises.
- 4.13 To ensure that the Society's activities and the Sikh religion are not misrepresented.

## **5. MEMBERSHIP**

The Society shall have two principal categories of membership:

### **5.1 Ordinary Memberships and related subcategories of Ordinary Membership.**

There shall be four subcategories of Ordinary Membership, each subject to the eligibility criteria described below in addition to the criteria applicable generally to Ordinary Memberships:

- 5.1.1 Individual Membership – this subcategory is available to a Sikh who is 16 years of age or older.



5.1.2 Family Membership – this subcategory is available to a husband and wife (one of whom must be a Sikh) or single parent family and may include their children below 16 years of age. Any person who has been a member of the Society as a child as part of a Family Membership who becomes an Individual Member upon reaching 16 years of age shall be deemed a continuing member for all matters dependent upon tenure of membership. Each adult who is part of a Family Membership has the right to vote in a General Meeting.

5.1.3 Pensioner – this subcategory is available to a person who holds a valid Commonwealth Pension Card.

5.1.4 Life Membership.

5.2 Associate Memberships and subcategories of Associate Membership.

There shall be two subcategories of Associate Membership:

5.2.1 Outside of Adelaide Metropolitan Area, Interstate and Overseas Membership – this subcategory is available to any Sikh resident outside of the Adelaide Metropolitan Area, including outside of South Australia or Australia.

5.2.2 Non-Sikh Membership: this subcategory is open to a person who is not a Sikh but wishes to associate with, participate in and/or contribute to the activities of the Society.

**6. ORDINARY MEMBERS**

6.1 Eligibility

The ordinary membership category is open to all permanent residents or citizens of Australia who are Sikh and whose principal place of residence is in the Adelaide Metropolitan Area.

6.2 Rights of Ordinary Financial Members

In addition to the specific rights and restrictions described in this Constitution and unless otherwise specified in this Constitution, all Ordinary Financial Members shall be entitled to:

6.2.1 attend General Meetings;

6.2.2 speak at General Meetings;

- 6.2.3 move a motion at General Meetings;
- 6.2.4 vote on any matter arising for determination at a General Meeting;
- 6.2.5 nominate or be nominated for election to the MC;
- 6.2.6 serve as a member of the MC;
- 6.2.7 serve as a Principal Officer;
- 6.2.8 nominate or be nominated for election to the GC; and
- 6.2.9 serve as a member of the GC.

6.3 Rights of Ordinary Non-Financial Members:

Ordinary Non- Financial Members shall have the right to attend and speak at General Meetings but shall not be entitled to:

- 6.3.1 move a motion at General Meetings;
- 6.3.2 vote on any matter arising for determination at General Meetings; and
- 6.3.3 nominate or be nominated for election to the MC, GC or to hold any office in any of the Organ established by this Constitution.

6.4 Rights of New Ordinary Members

New Ordinary Members will have a one (1) year waiting time from approval and date of full payment of the applicable membership subscription before having the right to vote on any matter at a General Meeting of the Society.

**7. ASSOCIATE MEMBERS**

7.1 Eligibility

The Associate Membership category is open to any person not eligible to be admitted as an Ordinary Member of the Society.

7.2 Rights of Associate Financial and Non – Financial Members

Associate Financial and Non – Financial Members shall be entitled to attend and speak at General Meetings but shall not be entitled to:

- 7.2.1 move a motion at a General Meeting;

- 7.2.2 vote on any matter arising for determination at a General Meeting;
- 7.2.3 nominate or be nominated for election to the MC;
- 7.2.4 serve as a member of the MC;
- 7.2.5 serve as a Principal Officer;
- 7.2.6 nominate or be nominated for election to the GC; or
- 7.2.7 serve as a member of the GC.

## **8. ADMISSION TO MEMBERSHIP**

- 8.1 Any person wishing to be admitted to any subcategory of membership of the Society shall apply in writing to the MC by completing and returning an application form together with the necessary documentary evidence confirming that the applicant is either a permanent residence of Australia or citizen of Australia or citizen of a third country.
- 8.2 The MC will consider each application for membership it receives and may seek such further information from the applicant as it sees fit prior to determining whether to accept or reject it.
- 8.3 The MC will determine each application for membership of the Society.
- 8.4 The Secretary will inform the applicant in writing the outcome of the application.
- 8.5 The MC is not required to give any reason or reasons for rejecting an application for membership to the applicant.
- 8.6 There shall be no presumption for or against the acceptance of an application for membership on account of the applicant having previously been a member of the Society.

## **9. SUBSCRIPTIONS**

- 9.1 The MC shall recommend annual subscription applicable for each Financial Year. This may include different subscription rates applicable to different categories or sub-categories of membership. The Members shall approve any changes to the annual subscription rates recommended by the MC at the AGM.

- 9.2 A member shall be deemed Financial for a Financial Year if he or she pays the annual subscription applicable to their category or subcategory of membership on or before 30 June being the last day of that Financial Year.
- 9.3 A member shall be deemed Non-Financial for a Financial Year if an annual subscription amount applicable to his or her category or subcategory for the preceding Financial Year was not paid by or on 30 June being the last day of that Financial Year.
- 9.4 A Non-Financial Member shall be deemed to be in arrears until such time as all outstanding subscription fees are paid in full. Notwithstanding full payment of the arrears, a Non-Financial Member shall remain as such for the balance of the Financial Year in which such payment of arrears is made. He or she will again be deemed 'Financial' in relation to the following Financial Year upon compliance with subclause 9.2. in relation to such year.
- 9.5 A Non-Financial Member who remains in arrears for a period of two (2) consecutive Financial Years shall automatically cease to be a member of the Society and thereafter must, if he or she wishes to become a member of the Society again then, he or she must submit a fresh application form for admission in accordance with Provisions of this Constitution.
- 9.6 All members of the MC, GC, SC and SUC who are also members of the Society must be Financial Members at all times failing which that member shall automatically cease to be a member of any of the aforementioned bodies.

## **10. CONFLICT OF INTEREST**

- 10.1 Any member who holds any elected or appointed position in any other association in South Australia that is wholly or substantially concerned with the promotion of the affairs or interests of Sikhs and/or Punjabi culture is ineligible to hold or continue to hold any office established by this Constitution, including (but not limited to) membership of the Organs.
- 10.2 Any member who is in breach of Clause 10.1 shall automatically cease to hold any office of the Society established by this Constitution.

## **11. MEMBERS BENEFITS**

All Financial Members shall:

- 11.1 have priority in participating in religious, cultural, educational, sporting, and other activities organized by the Society;
- 11.2 have priority for the use of Gurdwara premises, its equipment, and facilities;

- 11.3 receive assistance in the organization of any religious function whether it be in the Gurdwara or an external location;
- 11.4 receive financial assistance for sporting and cultural events whilst representing the Society;
- 11.5 have priority in representation when dealing with Government Departments and Statutory Authorities; and
- 11.6 be entitled to preferential charges that may be applicable for the hire of Gurdwara facilities and equipment.

## **12. VOTING**

- 12.1 At any General Meeting a resolution put to the vote of the meeting shall be decided by a show of hands unless otherwise determined by the person presiding at the meeting. For avoidance of doubt this mode of voting shall not be used when electing office bearers for the MC and GC.

## **13. CAPPING AND QUEUING OF MEMBERSHIP**

- 13.1 The MC shall recommend a cap or limit on the number of memberships and/or subcategories of membership which can be approved during each Financial Year. The MC shall table the recommended cap or limit at the AGM for approval by the Members.
- 13.2 The MC shall not approve or purport to approve a membership application where by doing so would result in a cap or limit determined by the Members at AGM being exceeded. Upon a cap being reached, the Secretary shall maintain a list of applications which shall be considered and determined in the order in which they were received, if and when membership positions become available within the applicable cap or limit.

## **14. ESTABLISHMENT OF MANAGEMENT COMMITTEE (MC)**

- 14.1 There shall be a MC of the Society, which shall have the power to administer the affairs of the Society and constitute the 'committee of the association' for the purpose of Part 4 of the Act.
- 14.2 Membership of the MC shall comprise of the following:
  - 14.2.1 four (4) Principal Officer positions:
    - i. President.

- ii. Vice-President.
- iii. Secretary.
- iv. Treasurer.

14.2.2 two (2) positions to provide assistance to the Principal Officers:

- i. Assistant Secretary.
- ii. Assistant Treasurer.

14.2.3 four (4) Committee Members, and

14.2.4 one (1) Youth Member.

14.3 The members of the MC shall be elected by the Members at a AGM in accordance with the Constitution, and shall serve for a Term. All MC members who have completed their Term of office shall automatically retire from their positions at the AGM in accordance with Clause 38.2 of this Constitution and a new MC will be elected.

14.4 No Member shall hold the same Principal Officer position for more than two full consecutive Terms. A Member's Principal Office position shall automatically fall vacant upon the conclusion of the second full consecutive Term. If, however, no Member is nominated for the position automatically vacated, the incumbent may continue in the same Principal Officer position for a further Term. The position will automatically fall vacant at the conclusion of such further Term or Terms as are served in accordance with this clause.

14.5 All positions on the MC shall be honorary and no member shall receive any remuneration from the assets of the Society in consideration for discharging the responsibilities related to that position. This clause does not prevent the reimbursement of expenses properly incurred for the benefit of the Society, on such terms as the MC may direct.

14.6 The President shall:

14.6.1 be the principal executive officer of the Society and its official spokesperson;

14.6.2 preside at all MC and General Meetings;

14.6.3 have the authority to convene MC meetings;

14.6.4 confer with the Secretary regarding the business to be conducted at MC and General Meetings;

14.6.5 be authorised signatory to the Society's bank account;

14.6.6 carry out any other lawful duties assigned by the MC; and

14.6.7 have casting vote in the event there is a tie in the number of votes cast in favour of nominees during the elections for GC members.

14.7 The Vice President shall:

14.7.1 assist the President to perform his / her duties and stand-in for the President when required to do so;

14.7.2 be authorised signatory to the Society's bank account; and

14.7.3 carry out any other lawful duties assigned by the MC.

14.8 The Secretary shall:

14.8.1 attend to all correspondence received by the Society;

14.8.2 be the Public Officer of the Society and deal with the government departments, etc;

14.8.3 confer with the President regarding the business to be conducted at each MC meeting and General Meeting;

14.8.4 prepare and send out Notices and Agenda for MC and General Meetings;

14.8.5 maintain on behalf of the Society a up to date copy of the Constitution;

14.8.6 ensure safe custody of the records of the Society (including the Common Seal of the Society) other than the Financial Records, Financial Statements, reports etc;

14.8.7 maintain full and accurate minutes of MC and General Meetings;

14.8.8 be authorised signatory to the Society's bank account; and

14.8.9 carry out any other lawful duties assigned to the Secretary by the MC.

14.9 The Treasurer shall:

14.9.1 issue receipts for all monies received by the Society (including monies directly credited to the Society's bank account);

- 14.9.2 ensure that the Golak and all other cash collections are deposited into the Society's bank account as soon as possible;
  - 14.9.3 ensure all payment vouchers are properly supported and approved prior to the release of funds to vendors/ suppliers and be authorised signatory to the Society's bank account;
  - 14.9.4 prepare monthly management accounts and to circulate them to MC members;
  - 14.9.5 maintain on behalf of the Society the Register of Members and record in the Register of Members any changes in membership in accordance with provisions of the Constitution;
  - 14.9.6 prepare annual financial statements and notes thereto and to submit them together with all other relevant documents to the auditors for the annual audit;
  - 14.9.7 provide assistance to the auditor if requested;
  - 14.9.8 negotiate on behalf of the Society for financing facilities with financial institutions / brokers to meet the funding requirements of the Society;
  - 14.9.9 annually review the insurance policies with insurance brokers so as to ensure that the insurance covers and the sum insured are adequate;
  - 14.9.10 ensure the safe custody of the Society's Financial Records, Financial Statements, etc;
  - 14.9.11 quarterly file Goods Service Tax Returns through the Society's tax agent;
  - 14.9.12 annually secure the Income Tax Exemption Certificate through the Society's tax agent if necessary; and
  - 14.9.13 carry out any other lawful duties assigned to the Treasurer by the MC.
- 14.10 The assistant secretary and assistant treasurer shall support the Secretary and the Treasurer respectively in the performance of their duties and carry out any other lawful duties assigned to them by the MC.



**15. ELIGIBILITY TO BE NOMINATED AND TO SERVE ON THE MC**

- 15.1 Subject to Clause 6.4 only a Member may nominate or be nominated to serve as a Member of the MC.
- 15.2 To be eligible to be nominated and to serve on the MC in any position (other than Principal Officers), a member must have been a Financial Member in the Ordinary Membership category for at least one full Financial Year prior to the General Meeting at which his or her nomination will be considered.
- 15.3 To be eligible to be nominated and to serve on the MC in a Principal Officer position (other than that of President), a member must have been a Financial Member in an Ordinary Membership category for at least three consecutive Financial Years prior to the General Meeting at which his or her nomination will be considered.
- 15.4 To be eligible to be nominated and serve on the MC in the Principal Officer position of President, a member must have been a Financial Member in the Ordinary Membership category and have served at least one (1) full Term on the MC in a period of five (5) Financial Years prior to the General Meeting at which his or her nomination will be considered.
- 15.5 A member of the GC or a Principal Officer of a SC may not accept a nomination to serve as a member of the MC without first resigning from the GC or SC.
- 15.6 A member of the MC may not accept a nomination for a different position on the MC for election at a General Meeting without first resigning from the existing MC position.
- 15.7 No Member may be nominated to serve as a member of the MC or otherwise take part in the management of the Society if prohibited from doing so by section 30 of the Act.

**16. NOMINATION PROCESS FOR MANAGEMENT COMMITTEE POSITIONS**

- 16.1 Nomination forms for MC positions will be available for collection by any Member at least six (6) weeks before any General Meeting date from the Society's registered office.
- 16.2 All nomination forms shall bear the signature of the proposer, seconder, and the nominee (each of whom must be a Member of the Society).

- 16.3 Completed nomination forms shall be returned to Returning Officer by email or be deposited in the dedicated ballot box by the date printed on the nomination form and which in any event shall be no later than three (3) weeks before the General Meeting date.
- 16.4 The complete list of nominations shall be posted on the notice board of the Society's registered office by the RO no later than seven (7) days before the General Meeting date.
- 16.5 A Member may not accept multiple nominations be it for positions between the MC or GC or for positions on the MC. If a Member accepts multiple nominations all the nominations will be declared as invalid ( by the RO for MC Positions and the Secretary for GC position ) and the Member will be disqualified from standing in the elections.

**17. MEETINGS OF THE MANAGEMENT COMMITTEE (MC)**

- 17.1 The MC shall meet no less than once every two calendar months.
- 17.2 The quorum for MC meetings shall be seven (7) members or two thirds (2/3) of the total MC membership who are present in person.
- 17.3 The President shall preside at each meeting of the MC.
- 17.4 The Vice-President shall preside at a meeting of the MC in the event of the President's absence.
- 17.5 In the event that both the President and Vice-President are absent or unable for any reason to preside at a meeting of the MC, those present will select one among their number to preside at such meeting.
- 17.6 Each member present at a meeting of the MC may exercise one vote on any matter to be determined.
- 17.7 All matters arising for determination at a meeting of the MC shall be determined by simple majority vote to be conducted by show of hands or such other method as the person presiding shall determine. In the event of equality of votes on any matter the President or the member presiding at the meeting shall have a second or casting vote.
- 17.8 The MC may appoint one of its members to serve as a Principal Officer in an acting capacity in the event that the holder of such position is unable or unwilling to discharge his or her duties.

## **18. POWERS OF THE MANAGEMENT COMMITTEE**

- 18.1 The MC has the management and control of the day to day affairs of the Society and may make and implement such decisions as it considers necessary and proper so long as it does not act in a manner inconsistent with the Provisions of this Constitution in any respect.
- 18.2 The MC may cause the Society to exercise any of the powers vested in it by virtue of Section 25 of the Act as it sees fit provided the exercise of such powers by the MC does not in any way contradict any specific Provisions relating to the subject matter in this Constitution.
- 18.3 Amongst its other functions and responsibilities, the MC is the sole Organ of the Society vested with the day to day control of the Gurdwara premises and all other co-located buildings.
- 18.4 Further, the MC shall have the power to:
- 18.4.1 determine the number of religious appointments and voluntary cultural positions for the Society. These religious appointments and voluntary positions may include one or more granthi(s), jatha(s) or sewadar(s)]
  - 18.4.2 determine the terms and conditions upon which any person is to be appointed by the Society;
  - 18.4.3 terminate the services of any person so appointed; and
  - 18.4.4 ensure no member is denied the opportunity to conduct or take part in any ceremony in accordance with the SRM on any grounds other than their competency to do so.
- 18.5 The MC is vested with the power to interpret this Constitution, in relation to:
- 18.5.1 matters where this Constitution is silent or ambiguous.

## **19. STANDING RULES AND GUIDELINES**

- 19.1 The MC shall, following the adoption and commencement of this Constitution, administer and adhere to the Standing Rules and Guidelines stated in Appendix A.
- 19.2 The MC may, however, make such changes as it sees fit to the Standing Rules and Guidelines by a resolution approved at a meeting of the MC.

19.3 The Secretary shall at all times maintain a current consolidated version of the Standing Rules and Guidelines reflecting any and all changes made by the MC utilising its power to do so established in this Clause.

## **20. SUBCOMMITTEES (SUC)**

20.1 The MC may from time to time establish one or more SUC's to be responsible for a specific project, task or undertaking on such terms as it determines. Any SUC so established shall cease to exist automatically upon the conclusion of such purpose, unless the MC determines otherwise.

20.2 The powers and authority of a SUC shall be in accordance with MC's resolution approving its establishment. All SUC's shall at all times be accountable and subordinate to the MC on all matters.

20.3 A SUC may with the written approval of the MC open a designated bank account to facilitate the organisation of a event or function. On the completion of such event or function the SUC shall submit a full statement of account to the MC for their review and approval. Any surplus funds in the designated bank account shall be transferred to the MC bank account and the designated bank closed immediately thereafter.

## **21. STANDING COMMITTEES [ SC ]**

21.1 The Members may at a General Meeting establish one or more SC's to undertake any specific activity or undertaking. The terms of reference, tenure and authority of the SC are to be clearly defined in writing at the time of its establishment.

21.2 A SC shall be directly responsible to the MC.

21.3 A SC may conduct elections for office bearer positions, provided that any chairperson and treasurer (or equivalent) are to be Members of the Society.

21.4 A SC shall have the right to open and operate bank accounts in its own name. The SC is however not authorised to obtain a bank overdraft facility from any financial institutions or borrow money from any other source or go into deficit.

21.5 The SC shall submit on a monthly basis copies of their bank statements and their meeting minutes to the MC. The SC shall also submit to the MC a copy of their full financial statements for each quarter within forty-five days (45) of the end of the relevant quarter.

- 21.6 The SC can seek funding or a grant from the Society to carry out any project or specific activity by submitting a written proposal to Members (which must include cost projections, risk and benefits) for their review and approval at a General Meeting.
- 21.7 The MC has the power to obtain such further information from the SC as it sees fit. In the event of any form of mismanagement by the SC, the MC shall have the authority to terminate the office bearers of the SC and take charge of all the assets of the SC including bank accounts pending the election of new office bearers.
- 21.8 The SC can only be dissolved by the passing of a resolution approved by the majority of the Members at General Meeting.
- 21.9 The MC shall nominate one of its member as its representative on the SC.

## **22. THE GOVERNING COUNCIL [ GC ]**

### **22.1 ESTABLISHMENT**

- 22.1.1 There will be an Organ of the Society known as the GC.
- 22.1.2 The GC shall exercise such duties and responsibilities as are set out in this Constitution.

### **22.2 RESPONSIBILITIES**

The primary role of the GC is to provide advice to both the MC and the members of the Society and in addition to the aforementioned it also has the responsibility to:

- 22.2.1 ensure that the Society's real property is protected and preserved.
- 22.2.2 ensure that the MC and the members of the Society adhere to the Provisions of the Constitution whilst conducting the affairs of the Society.
- 22.2.3 receive any complaints against a member or Organ of the Society. All complaints must be in writing providing relevant information such as name of the complainant, details of the complaint and name of the member or Organ against whom the complaint is being lodged. The GC may carry out such inquiries as it deems fit to evaluate the complaint before forwarding it to the Secretary of the MC for their action.

22.2.4 exercise all reasonable endeavours to resolve complaints referred to in clause 22.2.3 through collaborative discussions including holding meetings with the MC (if necessary). In the event the complaint cannot be resolved through discussions, the GC must inform the member in writing and the member is at liberty to raise it at a General Meeting for discussion and resolution.

22.2.5 review any disciplinary decision and action by the MC if there is an appeal by a member in accordance with the Provisions of this Constitution.

22.2.6 grant their consent for the winding up of the Society to fulfil the requirement of clause 52.1.1. if so warranted.

### 22.3 FURTHER PROVISIONS

22.3.1 In relation to its stated responsibilities in this Constitution, the GC shall not interfere or purport to interfere with the day to day running of the Society by the MC including the management of its assets.

### 22.4 COMPOSITION

22.4.1 The GC shall comprise of five (5) members.

22.4.2 The members of the GC shall be elected by the Members at a AGM in accordance with the Provisions of this Constitution, and shall serve for a Period. All GC members who have completed their Period of office shall automatically retire from their positions at a AGM in accordance with Provisions of the Constitution and a new GC will be elected.

22.4.3 No person shall serve as a member of the GC for more than two full consecutive Periods.

22.4.4 There shall be a chairperson and secretary of the GC, to be elected by and from its members.

22.4.5 A member of the MC or Principal Officer of a SC may not accept a nomination to serve on the GC without first resigning from the MC or SC ( as the case maybe ).

22.4.6 In the event that a GC member resigns or is unable to serve due to incapacity, the remaining GC members shall continue to constitute the GC until the next AGM or EGM at which time a replacement member will be elected.

22.4.7 The GC may only be abolished by a resolution being passed by a majority of at least seventy five percent (75%) of all the Members of the Society [not seventy five percent (75%) of the Members in attendance] at a General Meeting convened for this purpose.

22.4.8 In the event there is an equality of votes cast in favour of nominees during an election for any MC positions the chairperson of the GC shall have the casting vote to break the tie.

### **23. ELIGIBILITY FOR MEMBERSHIP OF GOVERNING COUNCIL**

To be eligible to be nominated for a position on the GC, the nominee must have:

23.1 been a Member of the Society for not less than ten continuous Financial Years; or

23.2 served as a member of the MC for at least two (2) full Terms.

### **24. NOMINATIONS AND ELECTIONS OF THE GOVERNING COUNCIL MEMBERS**

24.1 Nomination forms for GC positions will be available for collection by all Members at least six (6) weeks before the General Meeting date from the Society's registered office.

24.2 All nomination forms shall bear the signature of the proposer, seconder, and the nominee (each of whom must be Members of the Society).

24.3 All completed nomination forms must be returned to the Secretary of the MC by email or be deposited in the dedicated ballot box by the date printed on the nomination form and which shall in any event be no later than three (3) weeks before the General Meeting date.

24.4 The MC on receipt of nominations shall peruse all the nominations and, if minor discrepancies are identified, consult with the nominee and facilitate amendment(s) if reasonably practicable.

24.5 A Member may not accept a nomination for a position on both the GC and MC at the same time which is to be determined at the same General Meeting. If a Member accepts nominations for both the MC and GC then in such a situation the MC will declare the nomination for the GC position as invalid and disqualify the Member from standing for election. The Secretary will inform the Member in writing of the MC'S decision.

24.6 The Secretary shall post a complete list of valid nominations on the notice board of the Society's registered office no later than seven (7) days before the General Meeting date and a copy of this list will be given to the RO.

24.7 The election of the GC members shall be conducted by the RO in accordance with the procedures set out in Appendix B.

## **25. OPERATION OF THE GOVERNING COUNCIL**

25.1 The GC shall meet at least three times during the Financial Year.

25.2 Each member of the GC shall be entitled to one vote.

25.3 All decisions of the GC must be supported by at least three (3) affirmative votes by its members, with the GC documenting a detailed explanation for their decision in their meeting minutes.

25.4 The GC shall be provided with minutes of every MC meeting within seven (7) days of the said meeting.

25.5 The secretary of the GC shall keep minutes of all meetings. Any GC decision relevant to the affairs, activities and management of the Society shall be conveyed to the MC's Secretary in writing.

25.6 All confirmed meeting minutes shall be kept by the secretary to the GC and be accessible to any Financial Member for information only.

25.7 In the event that the GC receives a formal motion of no-confidence against the MC signed by not less than twenty percent (20%) of the Members of the Society, it shall:

25.7.1 call for an EGM no later than forty -five (45) days from the date of receipt of the formal motion of no – confidence against the MC for the purpose of discussing the motion and voting thereon to dissolve the MC;

25.7.2 if such a resolution is approved by the Members, the GC shall take on the role of a Caretaker and shall be responsible for overseeing the calling of a EGM to elect a new MC in accordance with the Provisions of this Constitution. The newly elected MC shall immediately take office and constitute the MC of the Society.



## **26. CARETAKER PROTOCOL**

- 26.1 In the event that the GC forms a majority view and resolves that the MC is dysfunctional such that the assets of the Society are at risk or that there is a risk that the financial standing of the Society is jeopardised on account of inability to make payments to creditors as and when they fall due, the GC shall assume the role of a Caretaker and assume and exercise all the powers of the MC established in this Constitution for no longer than is reasonably necessary to:
- 26.1.1 convene an EGM for the purpose of considering a resolution to dissolve the MC; and
  - 26.1.2 if such resolution is approved by the Members, oversee the election of a new MC at an EGM convened for that purpose. The newly elected MC shall immediately take office and constitute the MC of the Society.
- 26.2 During the Caretaker Period the GC shall exercise only such powers and enter into only such transactions that are reasonably necessary to preserve the financial standing and continuity of the Society pending election of a new MC.
- 26.3 Powers of the MC are temporarily vested in the GC during the Caretaker Period pursuant to this clause and will automatically cease upon the election and establishment of a new MC.

## **27. COMPLAINTS, DISPUTE RESOLUTION AND DISCIPLINARY ACTION**

### **27.1. COMPLAINTS AND DISPUTES**

- 27.1.1 Any member of the Society may lodge a written complaint with the MC against a fellow member if that member has:
- i. acted in a manner that is detrimental to the Society or has refused or neglected to comply with the Provisions of this Constitution; or
  - ii. wilfully acted in a manner that is disruptive and prejudicial to the harmonious functioning of the Society.
- 27.1.2 A complaint against a member or dispute between a member and another member (in their capacity as members of the Society), or a dispute between member against an Organ of the Society:
- i. must be made in writing to the Secretary; and

- ii. must contain name of the member or Organ which is subject of the complaint or dispute and full information of the nature of the complaint or dispute.

## 27.2 INVESTIGATION OF COMPLAINTS AND DISPUTES

27.2.1 The Secretary shall table all complaints or disputes received in writing at the MC meeting held following the receipt of the said complaints or disputes. The MC shall complete all the necessary inquiries during the succeeding MC meeting and make a decision on the complaint or dispute. The MC may decide not to take any further action on the complaint or dispute if it considers the complaint or dispute to be trivial or vexatious in nature in which case the Secretary will write to the complainant to advise him or her of the MC's decision.

27.2.2 In the event the MC decides to deal with a complaint or dispute it shall within seven (7) days of making the decision establish a complaints panel ( hereinafter referred to as "Complaints Panel" ) comprising of the four (4) Principal Officers all of whom must not have any conflict interest in the complaint or dispute to be dealt by them. In the event of a conflict of interest, the Principal Officers have to recuse themselves from the Complaints Panel and they are to be replaced by other members of the MC who have no conflict of interest.

27.2.3 The Complaints Panel to:

- i. issue a notice within seven (7) days of its establishment to the member concerned informing him or her details of the alleged complaint or dispute lodged against him or her.
- ii. give the member at least fourteen (14) days from date the notice is served on the member concerned to submit a written response to the alleged complaint or dispute lodged against him or her.
- iii. take into consideration any submission received from the member in response to the alleged complaint or dispute lodged against him or her.
- iv. carry out its own independent investigation into the complaint or dispute and seek external professional advice and assistance if it considers it necessary.

- v. notify the member in writing of the date, time and venue when the Complaints Panel will meet to deliberate on the alleged complaint or dispute against the member at least seven (7) days before the meeting date.
- vi. allow the member during the meeting with Complaints Panel to make a written and oral submission against the alleged complaint or dispute supported by a representative.

27.2.4 The Complaints Panel to submit their findings and recommendations to the MC in writing for their final decision. Any MC member who has conflict or vested interest in the complaint or dispute shall recuse him or herself from the MC meeting for the duration of the deliberations and final decision.

### 27.3 DISCIPLINING MEMBERS

27.3.1 In the event the MC finds that the member is innocent of the alleged complaint or dispute made against him or her, the Secretary will inform him or her in writing within seven (7) days of the decision being taken by the MC.

27.3.2 In the event the MC is satisfied that the facts alleged in the complaint have been proven, it shall take disciplinary action against the member. The disciplinary action may consist of one or more of the following:

- i. a letter of warning or reprimand.
- ii. suspension of membership for a predetermined period and loss of membership privileges and all positions in the Organs of the Society.
- iii. expulsion from the Society.

27.3.3 In the event the MC decides to suspend or expel a member, the Secretary must within seven (7) days after the decision is taken by the MC, give written notice to the member of the decision by the MC and the reasons for the MC's decision and inform the member of his or her right to appeal to the GC within fourteen (14) days of date of the written notice.

27.3.4 The expulsion or suspension does not take effect:-

- i. until the expiration of the period within which the member is entitled to appeal against the decision of the MC; or

- ii. if within the period the member exercises the right to appeal, unless and until the GC's secretary confirms in writing the decision of the GC to expel or suspend the member.

#### **27.4 RIGHT OF APPEAL OF DISCIPLINED MEMBER**

- 27.4.1 A member may appeal to the GC against a decision of the MC within fourteen (14) days of the date of written notice served on the member by the Secretary by lodging a written notice of appeal with the secretary to the GC.
- 27.4.2 The notice to the GC may, but need not be, accompanied by a statement of the grounds on which a member intends to rely upon for the purpose of appeal. Any GC member who has a conflict or vested interest in the appeal to be dealt by them shall recuse him or herself and the appeal shall be heard by the remaining members of the GC.
- 27.4.3 On receipt of the notice from the member, the secretary to the GC must notify its members and convene a meeting within twenty-one (21) days from the date of notice.
- 27.4.4 The secretary to the GC is to notify the member in writing on the date, time and venue when the GC will meet to deliberate the member's appeal at least seven (7) days before the meeting date.
- 27.4.5 The member and a representative may attend the meeting and make written and oral submissions to the GC against the suspension or expulsion.
- 27.4.6 The GC will document the reasons for its decision in its meeting minutes. The GC's decision will be final and will be conveyed by the GC's secretary in writing to both member and MC.
- 27.4.7 In the event the GC decides to suspend or expel the member, the suspension or expulsion shall be effective from the date of the GC's secretary notice informing the member of their decision.

#### **28. LEGAL ACTION AGAINST THE SOCIETY**

- 28.1 In the event legal action is taken by any member or group of members against the Society, its activities and its office bearers, the membership of that member or group of members will be suspended immediately including all positions held in the Organs of the Society until the legal matter has been

resolved. The Secretary shall issue the requisite notice to the member or group of members informing them of the suspension of their memberships.

**29. AUDITOR**

29.1 The Members shall appoint an auditor at the AGM. Any person who is a member of the MC shall be ineligible to accept such an appointment or have any involvement with the person or entity so appointed to undertake this responsibility.

29.2 The Members at the AGM can delegate the responsibility of appointing an auditor to the MC, in which case MC shall appoint an independent, qualified, professional and registered external auditor to audit the accounts of the Society. The Auditor need not be a Sikh.

**30. PUBLIC OFFICER**

30.1 The Secretary or such other person determined by the MC (from time to time) shall be the Public Officer of the Society.

30.2 The MC shall ensure that all relevant government bodies are notified as to the identity of the Public Officer as required by law.

**31. RETURNING OFFICER (RO)**

31.1 The RO shall be elected by Members at an AGM for the purpose of conducting elections for MC and GC positions. The RO's tenure of office shall commence from the conclusion of the AGM at which the RO is elected until the second consecutive AGM at which the RO shall retire after having fulfilled all the duties and obligations set out in this Constitution after which the position shall be declared vacant and a RO elected by the Members present at the AGM.

31.2 In the event the RO resigns before the General Meeting at which elections are to be held then in such a situation the MC will appoint a Member (who is not a member of the MC) to perform the duties of the RO and the appointment shall automatically cease once the election process as set out in this Constitution has been completed.

31.3 In the event the RO is not present at a General Meeting at which elections are to be held or does not wish to perform or is unable to perform the duties of the RO, then the person presiding at the General Meeting may appoint any Member present (who is not a member of the MC) to perform the duties of

the RO and the appointment shall automatically cease once the whole election process as set out in this Constitution has been completed.

31.4 The RO shall:

31.4.1 be responsible for conducting the elections in accordance with the Provisions of this Constitution and the procedures set out in Appendix B. The procedures set out in Appendix B are an integral part of this Constitution and can only be amended in accordance with the provisions set out in Clause 50.1 of this Constitution; and

31.4.2 follow such directions as may be given by the person presiding at the General Meeting.

## **32. WEBSITE MANAGEMENT**

32.1 The MC may, at its discretion, establish or maintain a website or other online presence on the Society's behalf on such terms as it sees fit.

32.2 The administration and control of the Society's website shall be the responsibility of the MC.

32.3 Misuse or abuse of the Society's web site is prohibited.

32.4 All of the Society's registered internet domain names are the absolute property of the Society. The MC will be responsible for the registration of domain names and the maintenance of such registrations at all times.

## **33. HONORARY LEGAL ADVISOR**

33.1 The Members may by resolution at a General Meeting, appoint a suitably qualified person to serve as honorary legal advisor to the Society or any one of its Organs.

33.2 A person appointed as honorary legal advisor need not be a member of the Society, however if he or she is a member of the Society then he or she must not be a member of the Society's Organs.

## **34. INSURANCE POLICIES**

34.1 The MC shall purchase and maintain an association liability insurance policy (or an insurance policy similar in nature) in the name of the Society to protect the Society and all the office bearers of the Organs ( hereinafter collectively referred to as "Officers") against any losses suffered by the

Society and its Officers as a result of claims made by any person arising from the alleged mismanagement or failure by the Officers of the Society to carry out their duties in a responsible and diligent manner.

- 34.2 The MC shall insure all the insurable property of the Society against loss or damage whether by fire or otherwise for an amount not less than its full replacement value by purchasing and maintaining insurance policies including but not limited to property and income protection, general public and product liability, association liability, volunteers accident, theft, etc.

### **35. VACANCIES**

- 35.1 In the event any position of the MC (other than that of Principal Officers) become vacant between AGM's, the MC can nominate any Member to fill the vacancy.
- 35.2 Any mid-term vacancies for the position of Principal Officers can only be filled by the Members at an EGM called for that purpose.

### **36. ANNUAL GENERAL MEETING (AGM)**

- 36.1 The AGM shall be held no later than the thirty-first day of August each year.
- 36.2 All members shall be informed of the AGM at least 6 weeks before the event by way of a circular notice to either their postal or email address as recorded in the register of members.
- 36.3 Any Member may give a notice of motion to be tabled at the AGM duly proposed and seconded by giving twenty one (21) days clear notice to the Secretary.
- 36.4 The agenda of the AGM shall be made available to all Financial Members at least seven (7) days before the AGM and shall include:
- 36.4.1 Annual reports of the MC, GC, SCs, SUCs and minutes of the previous AGM.
  - 36.4.2 The tabling and passing of the audited accounts for the previous Financial Year.
  - 36.4.3 The nomination and election of the MC, GC and RO (if required), and appointment of auditors.
  - 36.4.4 Subscriptions.

36.5 To deal with any other matters that may arise in the course of the AGM which requires a urgent decision by the Members to protect the interest of the Society.

36.6 All items on the agenda and any other matter referred to in clause 36.5 requiring a vote shall be passed by a simple majority vote of Members attending unless this Constitution provides otherwise.

### **37. EXTRAORDINARY GENERAL MEETING (EGM)**

37.1 The MC can call for an EGM at any time it deems fit.

37.2 The GC can call an EGM in the circumstances contemplated in this Constitution.

37.3 The MC shall on the requisition in writing of not less than twenty percent (20%) of Members convene an EGM. The requisition for the EGM shall state the purpose or purposes of the meeting, signed by the Members making the requisition and be lodged with the Secretary.

37.4 The MC shall within twenty-one (21) days of lodgement of the requisition with the Secretary call for a EGM.

37.5 The Secretary shall send out a written notice to all members at least twenty - one (21) clear days before the EGM date clearly setting out the date, time, venue and matters to be discussed and voted upon at the EGM.

37.6 In the event the MC does not call for a EGM within twenty one (21) days of lodgement of the requisition with Secretary, any one or more of the Members who made the requisition may convene a EGM as nearly as is practicable in the same manner as a EGM would have been convened by the MC.

37.7 Any Member elected to the office of MC or GC at a EGM shall automatically retire at the ensuing AGM in accordance with clause 38.2 of this Constitution.

37.8 For avoidance of doubt a Member who is elected to the office of MC or GC at a EGM and who automatically retires at the ensuing AGM to comply with clause 37.7, that Member's tenure of office as a Member of the MC or GC will be disregarded when determining compliance with the provisions of clause 14.4, 15.4, 22.4.3 and any other relevant Provisions of this Constitution.

### **38. ELECTIONS AND RETIREMENTS**

38.1 Voting by proxy is expressly prohibited.



- 38.2 Immediately before the RO takes over as the presiding officer of the AGM for the purposes of the elections only, all MC and GC office bearers who are due to retire at the AGM pursuant to the Provisions of this Constitution shall do so.
- 38.3 The RO shall announce the nominations received for each position, nominations that were disqualified, the number of votes received by each of the qualifying nominees and declare the winners for each of the positions.
- 38.4 The RO shall appoint two (2) Members of the Society (who are not Principal Officers) to act as Scrutineers during elections. The two scrutineers will supervise the counting of the ballot papers by the RO (including recounting the ballot papers if they deem necessary). The RO and one scrutineer must sign and date all the ballot papers and present them together with the completed Elections Return Form to the newly elected Secretary.
- 38.5 Save for the Principal Officer positions, the MC shall have the discretion and power to fill any other remaining positions on the MC that were not filled at the AGM. In the event any Principal Officer position remains vacant at the AGM and the incumbent does not wish to carry on for a further Term, then in such a situation the MC shall convene a EGM as soon as practicable to fill the vacancy in accordance with Provisions of this Constitution.

### **39. QUORUM**

- 39.1 The quorum at a General Meeting shall be at least one third (1/3) of the Members. If the quorum is not reached the meeting shall be adjourned and reconvened after half an hour of the appointed time and the Members present shall then constitute the quorum.

### **40. MINUTES OF MEETINGS**

- 40.1 Each organ of the Society shall keep minutes of its meetings and confirm the accuracy of such at its next meeting. The confirmed minutes are to be signed by the President or the person who chaired the meeting.
- 40.2 All confirmed minutes of MC meetings and General Meetings shall be kept by the Secretary.
- 40.3 A Financial Member may with written notice to the Secretary have access and inspect confirmed General Meeting minutes and confirmed MC meeting minutes in accordance with the Secretary's directions. A Financial Member will be allowed to make notes but not photocopies or photos of the minutes.

40.4 Financial Members will not be permitted to use the information in the minutes for any other purpose except for a purpose directly connected to the affairs of the Society.

#### **41. RECORDS**

41.1 The MC shall keep all records, accounts, and associated documentation. These shall be brought to the AGM and made available for reference if necessary and ready to be handed over to the incoming MC.

#### **42. REGISTER OF MEMBERS**

42.1 A register of all members shall be kept by the Treasurer and shall be accessible to all members and the auditor at all times. Any member who changes his or her address (postal or email) shall inform the Treasurer in writing within twenty one (21) days of such change to enable the Treasurer to update the register of members.

42.2 The Treasurer shall update the register for all subscriptions received during the Financial Year.

42.3 The Treasurer shall by 15 July of each calendar year post on the notice board of the Society's registered office a list of Financial Members as at 30 June being the last day of the Society's Financial Year.

#### **43. COMMON SEAL**

43.1 The Common Seal of the Society shall be held by the Secretary for safe custody.

43.2 The Common Seal of the Society can only be affixed to any document with the prior approval of the MC and shall be attested by the signatures of any two (2) of the Principal Officers.

#### **44. BANK ACCOUNTS AND MODE OF OPERATION**

44.1 The MC shall open and operate such number of bank accounts in the name of the Society as it deems fit.

44.2 The Principal Officers shall be authorised signatories to any bank accounts in the name of the Society. Any two of the authorised signatories can make payments from any such account either electronically or by signing written instruments (cheques etc) on behalf of the Society.

**45. BANKING FACILITIES**

45.1 The MC shall not apply and secure a bank overdraft facility or Line of Credit in excess of fifty thousand dollars (>\$50,000.00) without the approval of the Members at a General Meeting.

45.2 The MC shall not apply and secure any term loans from any financial institution without the approval of the Members at a General Meeting.

**46. FINANCIAL YEAR**

46.1 The financial year of the Society shall be for a period of 12 months commencing on the first day of July each year and ending on the thirtieth day of June of the following year.

**47. DISPOSAL OF PROPERTY AND FUTURE ACQUISITIONS**

47.1 The MC can only sell or dispose the Property registered in the name of the Society with approval of not less than seventy five percent (75%) of all the Members of the Society [and not seventy-five (75%) of the Members in attendance] at a EGM convened for that purpose.

47.2 The MC may not acquire any real property or any interest there in the name of the Society either solely or jointly with other parties without the approval of not less than seventy five percent (75%) of the Members present at a General Meeting.

**48. BORROWING AND CAPITAL EXPENDITURE**

48.1 The MC shall have the power to spend up to thirty thousand dollars (\$30,000.00) per single capital expenditure item (with or without borrowings) without having to seek any approval.

48.2 The MC shall have the power to spend up to fifty thousand dollars (\$50,000.00) per single capital expenditure item (with or without borrowings) with the written approval of the GC.

48.3 The MC will require the approval of the Members at a General Meeting to spend more than fifty thousand dollars (> \$50,000.00) per single capital expenditure item (with or without borrowings).

48.4 The limits of authority set out in clauses 48.1, 48.2 and 48.3 above shall not apply to the MC where the Society has received donations from individuals and / or grants from the authorities for specific capital expenditure item that does not require any funding from the Society.

For avoidance of doubt in the event the Society is required to contribute funds towards the specific capital expenditure item referred to above (with or without borrowings) the Provisions of clauses 48.1 to 48.3 will continue to apply.

48.5 The restrictions set out in the abovementioned clauses will not apply to a SC which has been given a specific grant at a General Meeting with approval of the Members.

#### **49. ACCESS TO ACCOUNTS**

49.1 The Auditor shall be granted full access to all books, documents, and accounts of the Society and shall audit the accounts annually, or as required by law.

#### **50. AMENDMENTS TO THE CONSTITUTION**

50.1 The Provisions of this Constitution can only be amended by a resolution passed at a General Meeting by not less than seventy five percent (75%) of the Members in attendance, provided always that members have been given not less than twenty-one (21) clear days written notice specifying date, time, venue for the General Meeting and details of the proposed amendments to the Constitution and otherwise in accordance with section 24A of the Act.

50.2 Any amendment to the Provisions of this Constitution shall come into force at the time the amendment is passed at the General Meeting.

#### **51. VOTE OF NO CONFIDENCE AND DISMISSAL**

51.1 A vote of no confidence passed against a Member of the MC at a EGM convened for that purpose shall result in the immediate dismissal of that Member from the MC. In the event vacancy arising from the dismissal relates to a Principal Officer, the vacancy shall be filled at EGM convened for that purpose in accordance with Provisions of this Constitution. Should the

vacancy arising from the dismissal relate to a Non – Principal Officer, the MC shall fill the vacancy pursuant to clause 35.1 of this Constitution.

- 51.2 A vote of no confidence passed against the MC at a EGM convened for that purpose shall result in the immediate dismissal of the MC. Immediately upon the dismissal of the MC, the GC shall take over the management of the Society in a Caretaker capacity until the election of a new MC in accordance with Provisions of this Constitution.
- 51.3 Any Member of the Organs who fails to attend three consecutive meetings without a reasonable explanation shall be deemed to have vacated his or her office.

## **52. DISSOLUTION OF THE SOCIETY AND DISTRIBUTION OF SURPLUS ASSETS**

- 52.1 The Society can only be dissolved with the:
- 52.1.1 written approval of the GC; and
  - 52.1.2 a resolution approved by at least seventy five percent (75%) of all the Members of the Society [not seventy five percent (75%) of the Members in attendance] at a EGM convened for that purpose.
- 52.2 Upon securing both the approvals referred to in clause 52.1 the MC in office shall realize all the assets of the Society, and after payment of all outstanding debts and liabilities, there remains surplus of funds, such surplus shall be distributed to other Sikh societies and associations (within Australia) having similar objectives as the Society and which prohibits the distribution of surplus assets to its members and otherwise in accordance with sections 45 and 46 of the Act.

[Revised and adopted on 2 July 1989]  
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[Revised and adopted 15<sup>th</sup> June 2019] & amended through Legal advice 8<sup>th</sup> July 2019]  
[Revised and adopted on 22 April 2023]

# SIKH SOCIETY OF SOUTH AUSTRALIA INC.

## APPENDIX A

### STANDING RULES & GUIDELINES

#### 1. GURDWARA PREMISES

- [a] The control and running of the Gurdwara premises and all other buildings at the site shall be under the absolute control of the Management Committee elected at the time. This includes the conduction of any ceremonies at the premises.
- [b] Use of Gurdwara premises for any occasion requires the approval of the Management committee.

#### 2. CORE TIME FRAME FOR PRAYER SESSIONS

The Gurdwara will be open on every Sunday or any other day when a Gurburab or other religious event is being celebrated. It is recommended that except for an Akhand Path the following time frame, particularly the commencement and the conclusion, be strictly observed.

8.30 a.m.	Designated Path
10.00 a.m.	Kirtan/Katha
11.30 a.m to 12-00pm	Anand Sahib /Hukamnama at the discretion of the MC

The persons in charge of Darbar Sahib shall be responsible for ensuring that the recommended times are observed

#### 3. CONDUCT, ATMOSPHERE & DÉCOR IN THE PRAYER HALL

- [a] The attire worn should be consistent with the dignity of the place and the occasion. No shoes may be worn in the prayer hall, and the head must be covered at all times with a turban, scarf or a piece of cloth.
- [b] No article or item that may give offence to members of the congregation be placed before the Granth Sahib. Generally monetary donations, flowers, ramalas may be placed. All weapons not legally allowed in Australia to be carried shall not be permitted in the Gurdwara premises- inside or outside.

Any person flouting this shall be asked to leave the premises cordially, but if necessary, can be removed through proper actions.

- [c] Pictures and other ornaments in the Gurdwara should reflect the good taste and aesthetic sense of the community and as such need to be co-ordinated. Members wishing to donate such items should pass them on to the Management Committee who will try to find a place for them.
- [d] Donation of any books, audio and videotapes should also be handed over to the Management Committee so that they may be acknowledged, kept in a suitable place, and procedures set up for other members to have access to them.
- [e] There must always be discrete silence in the prayer hall so that what is read and said can be heard and appreciated by the congregation. Members should not talk, and parents should restrain their children from making noise or running around.
- [f] The Management committee may permit photographs and videos to be taken in the Gurdwara. This must be done discretely, without intrusion or interruption of the proceedings.
- [g] Chairs may be placed at the rear of the hall for elderly and disabled people who are unable to sit on the floor.

#### **4. KIRTAN / KATHA**

- [a] Kirtan/Katha in accordance to SGGGS will be done within the stipulated time frame.
- [b] Individuals or groups requesting time to do kirtan katha must liaise with the person in charge of Darbar Sahib so that their request can be incorporated into the day's programme.
- [c] Requests should preferably be made a week in advance or at the latest a day before the programme.
- [d] Individuals or groups doing kirtan katha must be present in the prayer hall by 10 a.m.

#### **5. ARDAS**

- [a] Individuals wishing to do ardas should liaise with the person in charge of the Darbar Sahib.

- [b] All information that needs to be addressed in the ardas should be passed on to the Secretary or Treasurer by 11.30 a.m. at the latest.

## **6. ANNOUNCEMENTS & SPEECHES**

- [a] All announcements in the Gurdwara will be made by the Secretary, a member of the Management Committee or any person designated by the Management Committee.
- [b] All speeches in the Gurdwara may only be made with the approval of the Management committee.
- [c] All literature to be distributed or notices/posters to be put up must be approved by the Management Committee.

## **7. PRIVATE FUNCTIONS**

- [a] All private functions held in the Gurdwara must be approved by the Management committee. These include weddings or other occasions marking a special family event.
- [b] The involved individuals or families should adhere to the core time frame if their function is to be held on a Sunday.
- [c] The individual or families responsible for the private function shall be responsible for cleaning up and tidying up of the premises after the function.

## **8. VISITING JATHAS**

Persons organising or hosting visiting jathas must communicate with the Management committee and the person responsible for the Darbar Sahib.

## **9. GUESTS TO THE GURDWARA**

Hosts should brief their guests on the conduct and requirements in the Gurdwara.

## **10. ALCOHOL & DRUGS**

No alcohol, tobacco, or drugs of any kind are permitted in the precincts of the Gurdwara, nor is any one who is under the influence of these to be allowed in the said area.



## **12. TABIA AND HUKAM NAMA**

- [a] A person performing this service should be mature and responsible.
- [b] A person while performing this service may read the Granth Sahib, explain and interpret the prayers for the benefit of the congregation.
- [c] Individuals wishing to read the Hukamnama should liaise with the person in charge of Darbar Sahib.

## **13. ARDAS**

- [a] The ardas should be as given in Sikh 'Rehat Maryada' or SRM.
- [b] References to money donations in the ardas should only be made in general terms without listing the specific sums.

## **14. JANAM SANSKAR / BAPTISM**

This ceremony may be performed at the time arranged with the MC.

## **15. STANDING GUIDELINES - THE ANAND KARAJ CEREMONY**

The following sequence is recommended for all weddings:

- [a] The bride and bridegroom sit among the audience and listen to the kirtan.
- [b] The couple is asked to come and sit in front of the Granth Sahib, the bride on the left of the groom.
- [c] The couple is addressed by the Celebrant.
- [d] A few words of advice are given to the couple (optional and very brief)
- [e] The couple and their parents/guardians stand up for a short ardas.
- [f] The bride's father/guardian garlands the groom and the bride, and places the scarf.
- [g] The lavan are read, and sung. The couple goes round the Granth Sahib clockwise.
- [h] On the completion of the fourth lavan, the couple sits in front of the Granth Sahib – appropriate shabad to be sung.

[i] The groom's father/guardian garlands the bride and groom.

[j] The couple rejoins the congregation.

[The wedding ceremony should take no more than half an hour and fit into the core time frame].

## **16. WEDDINGS**

All weddings in the Gurdwara shall be strictly to standard Anand Karaj Ceremony and conducted or supervised by an appointed and approved celebrant or Granthi.

A Celebrant for Sikh weddings should be a person who is fully knowledgeable and able to perform the Sikh marriage ceremony and is well versed with Australian legal requirements.

Sikh religion does not recognize or condone same sex marriage and as such shall not be permitted.

Persons getting married shall fulfil Australian legal requirements as determined by the Celebrant.

Couples who are already officially registered as married in a civil ceremony and desire to have the Anand Karaj, shall be allowed to do so without further scrutiny or supervision by a celebrant.

Application for marriage shall be in writing to the Committee with six weeks notice for a celebrant to assess and do the legal requirements. The Committee shall appoint at least two members from the Committee to be officially responsible. The marriage couple shall pay all legal fees and fees of the celebrant.

## **17. ANTAM SANSKAR/FUNERAL SERVICE**

[a] At the crematorium kirtan sohila will be recited followed by Ardas before cremation takes place.

[b] At the Gurdwara Allahnia and Ram Kali Sadh may be read and followed by Ardas.

## **18. HEALTH AND SAFETY**

The MC elected at the time shall ensure the public adheres to the Health and Safety Regulations at all times in the Gurdwara premises and all other buildings at the site.

## SIKH MARRIAGE TEXT

(to be delivered to the couple before the commencement of the lavan)

It is customary and incumbent upon me to remind

\_\_\_\_\_ and  
\_\_\_\_\_

and

that among the Sikhs marriage is a very sacred institution. It is much more than a union between two human beings; it is the fusion of two souls into one.

For this union to thrive, prosper, and endure it is essential that, in accordance with the teachings of Sikhism, you, in the presence of the Guru Granth Sahib and the sangat, pledge to: love and respect each other, recognise each other's individuality and equality as a human being and life-partner, strive to reach amicable solutions that generate happiness and harmony, share joys and sorrows, show kindness and consideration, value faithfulness and fidelity, guide, support, and comfort each other in affluence and adversity, and be active and useful members of your community.

To strive towards perfect and happy union on all planes of life you should embrace and reflect on the strong spiritual bond that the Sikh marriage bestows on you.

It is also my duty to ascertain from you that you come before the Guru Granth Sahib with the full knowledge and understanding of your life long commitment to each other, and of your own accord and free will, and that you accept this as the religious ceremony you will undertake, and are willing to sign the marriage certificates on completion of the ceremony, if not already done so in a civil procedure.

Please signify your assent to all that has been said by bowing in front of the Guru Granth Sahib now so that the marriage ceremony may commence.

1. The lavan are read and sung. The couple circumambulates the Guru Granth Sahib clockwise.
2. On the completion of the fourth lavan, the couple bow and sit in front of the Guru Granth Sahib – appropriate shabads to be sung.
3. The groom's father/guardian garlands the bride and the groom.
4. The couple re-joins the congregation.

(The wedding ceremony should fit in with the recommended time frame given in the Rules and Guidelines).

[Revised and adopted on 2 July 1989]  
[Revised and adopted 15th November 2003]  
[Revised and adopted 21st of May 2007]  
[Revised and adopted 25<sup>th</sup> of August 2012]  
[Revised and adopted 19<sup>th</sup> of January 2013]  
[Revised and adopted 15<sup>th</sup> June 2019]  
[Revised and adopted on 22 April 2023]

# SIKH SOCIETY OF SOUTH AUSTRALIA INC.

## APPENDIX B

### DUTIES AND RESPONSIBILITIES OF THE RETURNING OFFICER

The role of the RO is to manage the entire election process of office bearers during a General Meeting at which elections are to be held in accordance with the Society's Constitution. The RO cannot be seen to have any affiliation with or show support to any particular nominee or group of nominees.

#### 1. PRE-ELECTION ADMINISTRATIVE PROCEDURES FOR MANAGEMENT COMMITTEE POSITIONS

- a. The MC to set the date of the General Meeting.
- b. MC to convene a meeting with the RO within two days (2) of setting the date for a General Meeting. During the meeting the MC to inform the RO of the General Meeting date, the closing date of for nominations and agree on such other dates, time and venue where they are to meet (as necessary) to ensure compliance with the time lines set out in the succeeding paragraphs of this Appendix.
- c. The MC to prepare the nomination papers with relevant closing details. The email address of the RO to be included with RO's consent.
- d. The RO shall be responsible for the establishment of an Election Working Group ("EWG") by appointing two (2) Members of the Society who are not Principal Officers. The two (2) Members shall assist the RO in performing his/her duties during the elections. All EWG meetings are to be chaired by the RO who will also keep minutes of all meetings. The EWG will be automatically dissolved once the elections process has been completed
- e. The RO shall appoint two (2) Members of the Society who are not Principal Officers to act as Scrutineers during the election. Their appointments will automatically cease once the election process has been completed
- f. The Secretary to send out either by post or email notice of the General Meeting to all the members together with the nomination forms and the RO to be notified of the same. Copies of nomination forms will also be made available to Members at the Society's office.

- g. The RO to arrange date and time (preferably prior to the notice of General Meeting being sent out to members) to lock the nomination boxes located at the Society's building foyer and retain its keys.
- h. Completed nomination forms to be returned to the RO by email or be deposited in the nomination box by the stipulated date printed on the nomination form and which shall be no later than three weeks before the General Meeting date.
- i. The RO in the presence of the EWG, to open the nomination box immediately following the closing date and time (or by 10.00 am the next day). All nominations received by email and collected from the box are to be listed out by the RO in the presence of the EWG. The RO and a EWG Member to sign and date the list and a copy is to be provided to the MC.
- j. Within two (2) days of the opening of the nomination box, the RO to meet the Principal Office Bearers of the Society at the Society's office to scrutinize all the nominations that have been received. Any Principal Officer who is nominated for any MC position will have to recuse him or herself for the duration when his or her nomination is being scrutinized by the RO and the rest of the Principal Officers. The RO to keep minutes of the meeting with Principal Office Bearers. All conflicts of interest are to be duly noted in the meeting minutes."
- k. Any discrepancies in the nomination forms noted during the scrutinization process to be taken up by the RO in writing with the nominee(s) concerned within two (2) days of the meeting (with a copy to the Society's Secretary).
- l. The nominee(s) will be given two (2) days to respond to the RO in writing (with a copy to the Society). If the nominee(s) fails to clarify the discrepancy to the satisfaction of the RO and the Principal Office Bearers, the nominee(s) will be disqualified.
- m. In the event the RO and Principal Office Bearers cannot agree on the validity of any nomination or response received from a nominee, they shall jointly seek the advice of an independent legal counsel on the point(s) of disagreement. The advice of the legal counsel shall be binding on both the RO and the Principal Office Bearers.
- n. A Member cannot accept nomination for more than one (1) position on the MC. In the event a Member accepts multiple nominations for positions on the MC the RO will declare all the nomination(s) for MC position(s) as invalid and the Member will be disqualified from standing in the elections. The RO to inform the Member in writing and a copy to be extended to the Secretary.

- o. The final list of valid candidates shall be prepared by the RO and forwarded to the Society's Secretary no later than one (1) day before the Secretary is required to send out the AGM or EGM agenda no later than seven (7) days before the General Meeting date.
- p. The RO shall also post the complete list of nominations on the notice board of the Society's registered office no later than seven (7) days before the General Meeting date.
- q. The RO shall be responsible for the printing of the ballot papers.

## **2. ELECTION DAY – PROCEDURES FOR MANAGEMENT COMMITTEE POSITIONS**

- a. The Treasurer and his assistant to oversee the signing in of members for the General Meeting and hand out ballot papers and voting card to Members only.
- b. The RO to witness the voting process and direct Members to deposit their ballots in the appropriate boxes.
- c. Once the voting process has been completed the RO to open the ballot boxes and count the ballot papers in the presence of the two (2) Scrutineers. The Scrutineers have the right to recount the ballots if they deem necessary.
- d. Upon completion of the counting of the ballot papers, the RO to summarize the results of the election on the Elections Return Form which has to be signed by the RO and counter signed by one of the two appointed Scrutineers.
- e. In accordance with the Agenda the RO to take over as the chairman of the General Meeting. The RO to announce the number of nominations received for each position and their names, nominations that were declared invalid and their names (if any), number of votes received by each of the valid nominees and declare the winners for each position.
- f. The RO to address any queries raised by the members relating to the entire election process.
- g. The RO and one (1) Scrutineer to sign and date all the ballot papers and present them together with the completed Elections Returns Form to the newly elected Secretary.

- h. In the event one or both of the Scrutineers fail to attend the General Meeting or refuse or are unable to carry out their duties at the General Meeting then the person presiding at the General Meeting shall fill the vacancy or vacancies by appointing a Member or Members of the Society (as may be required to fulfill the 2 Scrutineers requirement) present at the meeting to perform the duties of the Scrutineers.

**3. RESPONSIBILITIES OF THE RETURNING OFFICER FOR GOVERNING COUNCIL POSITIONS AND ELECTION DAY PROCEDURES**

- a. The MC will hand over to the RO a final list of valid nominees that qualify to stand for election for Governing Council Positions seven (7) days before the General Meeting date. A copy of the list will also be simultaneously posted by the Secretary on the notice board of the registered office of the Society.
- b. The RO shall appoint two (2) Members of the Society (who are not Principal Office Bearers) to act as Scrutineers during elections. Their appointments will automatically cease once the election process has been completed.
- c. The MC to arrange to print the ballot papers based on the final list of valid nominees.
- d. The Treasurer and his assistant to oversee the signing in of members hand out the ballot papers to Members only during the registration process.
- e. The RO to witness the voting process and direct members to deposit their ballots in the appropriate box.
- f. Once the voting process has been completed the RO to open the ballot boxes and count the ballots in the presence of the two (2) Scrutineers. The Scrutineers have the right to recount the ballots if they deem necessary.
- g. Upon completion of the counting of the ballot papers, the RO to summarize the result of the election on the Elections Return Form which has to be signed by the RO and counter signed by one of the two appointed Scrutineers.
- h. In accordance with the Agenda the RO to take over as the chairman of the General Meeting. The RO to announce the number valid nominations received and their respective names, number of votes received by each of them and declare the winners.
- i. The RO to address any queries raised by the members relating to the entire election process.



- j. The RO and one (1) Scrutineer to sign and date all the ballot papers and present them together with the completed Elections Return to the Secretary.
- k. In the event one or both of the Scrutineers fail to attend the General Meeting or refuse or are unable to carry out their duties at the General Meeting then the person presiding at the General Meeting shall fill the vacancy or vacancies by appointing a Member or Members of the Society (as may be required to fulfil the 2 Scrutineers requirement) present at the meeting to perform the duties of the Scrutineers.

[Adopted on 22 April 2023]



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