

# SIKH SOCIETY OF SOUTH AUSTRALIA INCORPORATED

(Registration No: A7903)

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## CONSTITUTION

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24<sup>th</sup> August 2019

# **SIKH SOCIETY OF SOUTH AUSTRALIA INC.**

## **CONSTITUTION (Reg No: A 7903)**

### **1. PREAMBLE**

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

- a. *There is One God for all Living beings, let us not forget Him*
- b. “The Sikh religion is Universal”
- c. “The Punjabi culture is unique with origins from Punjab”
  - i. [The Society shall uphold and promote both].

### **2. NAME**

The name of the society upon incorporation and thereafter shall be Sikh Society of South Australia Incorporated – referred to hereafter as the Society.

### **3. DEFINITIONS**

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

- a. ACT: the *Associations Incorporation Act 1985*
- b. PRINCIPAL OFFICERS: President, Vice-President, Secretary and Treasurer.
- c. SIKH: 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 religion.
- d. AGM: Annual General Meeting
- e. EGM: Extraordinary General Meeting
- f. GENERAL MEETING: An AGM or EGM
- g. SRM: Sikh Rehat Maryada, being the code of conduct and conventions for Sikhism, approved by the Shiromani Gurdwara Parbandhak Committee, Amritsar, Punjab in 1945.
- h. PUNJABI CULTURE: This applies to all aspects of Language, Literature, Music, Songs, Dances, Dress, Foods and Social Habits which have originated in Punjab.

- i. ADELAIDE METROPOLITAN AREA: includes the Adelaide Urban District, the Adelaide Hills and Onkaparinga Districts as defined by the Australian Local Government Association.
- j. GURDWARA: the place of worship owned and managed by the Society and known as Gurdwara Sahib Glen Osmond, presently located at 10 Mr Barker Road (Princes Highway), Glen Osmond, South Australia including associated and adjoining facilities.
- k. GC: Governing Council
- l. MC: Management Committee
- m. SC: Standing Committee
- n. SUC: Sub Committee
- o. RO: Returning Officer

In this Constitution:

The singular shall include the plural, the masculine the feminine and vice versa.

Headings are for convenience only.

#### **4. OBJECTS**

The objects of the Society are:

- a. To encourage understanding of the Sikh faith and Punjabi Culture;
- b. To promote harmony between Sikhs and people of other beliefs in South Australia.
- c. To promote the interest of Sikhs resident in, working in, or travelling through Australia in accordance with Australian law.
- d. To liaise with all relevant government bodies and public agencies to protect and enhance the rights and interests of Sikhs.
- e. To act as a representative body of Sikhs in South Australia in liaison and co-operation with similar bodies outside of South Australia.
- f. To provide religious, cultural, educational, social, sporting and welfare activities and facilities for the benefit of the Society's members.

- g. 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.
- h. To establish and operate educational facilities for the teaching of Sikh philosophy together with Punjabi language and culture and other like subjects not generally taught within schools in South Australia
- i. To raise funds through membership fees and all other legitimate means to assist the Society to carry out its objects.
- j. 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.
- k. 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.
- l. To ensure there is provision of the Society's facilities for the elderly and people with a disability.
- m. To ensure that The Society's activities and the Sikh religion are not misrepresented.

## **5. MEMBERSHIP**

The Society shall have members, with membership to consist of two principal categories:

- a. Ordinary Members; and
- b. Associate Members.

Each principal category of membership shall be comprised of the sub-categories as described in this Constitution.

## **6. ORDINARY MEMBERS**

- a. Eligibility

The Ordinary Membership category is open to all permanent residents or citizens of Australia who are Sikhs and who live in Australia and whose principal place of residence is in the Adelaide Metropolitan Area.

- b. Rights of Ordinary Members

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

- i. Attend at General Meetings;
- ii. Speak at General Meetings;
- iii. Move a motion at General Meetings;
- iv. Vote on any matter arising for determination at a General Meeting;
- v. Nominate or be nominated for election to the MC;
- vi. Serve as a member of the MC;
- vii. Serve as a Principal Officer;
- viii. Nominate or be nominated for election to the GC; and
- ix. Serve as a member of the GC.

c. 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 Membership:

- i. Individual Membership – this subcategory is available to a Sikh who is 16 years of age or older
- ii. 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 up to 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.
- iii. Pensioner – this subcategory is available to a person who holds a valid Commonwealth Pension Card.
- iv. Life Membership.

## **7. ASSOCIATE MEMBERS**

a. Eligibility

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

b. Rights of Associate Members

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

- i. Move a motion at a General Meeting;
- ii. Vote on any matter arising for determination at a General Meeting;
- iii. Nominate or be nominated for election to the MC;
- iv. Serve as a member of the MC;
- v. Serve as a Principal Officer;
- vi. Nominate or be nominated for election to the GC; or
- vii. Serve as a member of the GC.

c. Subcategories of Associate Membership

There shall be two subcategories of associate membership:

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

## **8. ADMISSION TO MEMBERSHIP**

- a. Any person wishing to be admitted to any subcategory of membership of the Society shall apply in writing to the Management Committee in such form as it may require.
- b. The Management Committee will consider each application for membership it receives and may seek such information from the Applicant as it sees fit prior to determining to accept or reject it.
- c. The MC will determine each application for membership of the Society.
- d. The Secretary will inform an applicant of the outcome of their written application.
- e. The MC need not have or advise any reason or reasons for determining to reject an application for membership.

- f. 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**

- a. The Management Committee may recommend an annual subscription applicable for each financial year. This may include different subscription amounts applicable to different categories or sub-categories of membership. The Society shall determine annual subscription amounts at AGM.
- b. 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 by 30 June being the last day of that financial year.
- c. A Member shall be deemed 'unfinancial' for a financial year if an annual subscription amount applicable to his or her category or subcategory for the previous financial year was not paid by or on 30 June being the last day of that financial year.
- d. An unfinancial member shall be deemed to be 'in arrears' until such time as all outstanding subscription fees are paid in full. Notwithstanding payment in full, an unfinancial member shall remain such for the balance of the financial year in which such payment in arrears is made. He or she will again be deemed 'financial' in relation to the following financial year upon compliance with subclause 9.b. in relation to such year.
- e. An unfinancial member who remains in arrears for a period of two full years shall automatically cease to be a member of the Society and thereafter must, if he or she wishes to maintain involvement with the Society as a member, apply for admission to membership in accordance with this Constitution.

## **10. RIGHTS & PRIVILEGES OF MEMBERS**

- a. The rights of any Ordinary Member to:
  - i. cast a vote at any meeting or upon any motion; and
  - ii. to stand for or hold any office established in this Constitution;shall be suspended for the duration of any period in which that member is unfinancial and/or in arrears.
- b. New members will have a one year waiting period from approval and full payment of the applicable membership subscription before having the right to vote on any matter at any meeting of the Society.
- c. All members of the MC and GC must be financial at all times. A member of the MC or GC who becomes an unfinancial member shall automatically cease to be a member of that body.

## **11. CONFLICT OF INTEREST**

- a. No 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 eligible to hold or continue to hold any office established in this Constitution, including (but not limited to) membership of the MC or GC.
- b. Any member in breach of this provision shall automatically cease to hold any office of the Society established in this Constitution.

## **12. MEMBER BENEFITS**

All members shall have priority and/or concessions in:

- a. Participating in religious, cultural, educational, sporting, and other activities organized by the Society;
- b. The use of Gurdwara premises, its equipment, and facilities;
- c. Assistance in the organisation of any religious function whether it be in the Gurdwara or an external location;
- d. Receiving financial and any other assistance in sporting and cultural events representing the Society;
- e. Representation in dealing with Government Departments and Statutory Authorities; and
- f. Charges that may be applicable in the hire of Gurdwara equipment, and functions.

## **13. VOTING**

Voting upon any question arising in a General Meeting shall (unless otherwise determined by the person presiding) be by a show of hands, except in the case of a vote taking place in relation to:

- a. Election to membership of the MC;
- b. Election to a Principal Officer position; or
- c. Election to membership of the GC.

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

- a. the MC may recommend a cap or limit upon the number of memberships and/or



subcategories of membership which can be approved in each financial year.

- b. the number of applications for membership and/or subcategories of membership that can be approved by the MC in each financial year shall be decided by the Society at AGM.
- c. The MC shall not approve or purport to approve a membership application where doing so would result in a cap determined by the Society at AGM being exceeded. Upon a cap being reached, the MC shall maintain a queue such that applications will be considered and determined in the order in which they were received if and when membership positions become available within the applicable cap

## **15. ESTABLISHMENT OF MANAGEMENT COMMITTEE**

- a. There shall be a Management Committee 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.
- b. Membership of the MC shall consist of the following:
  - (i) Four Principal Officer positions:
    - i. President,
    - ii. Vice-President,
    - iii. Secretary,
    - iv. Treasurer
  - (ii) Two positions to provide assistance to the Principal Officers:
    - i. Assistant Secretary;
    - ii. Assistant Treasurer,
  - (iii) four Committee Members, and
  - (iv) one Youth Member.
- c. The members of the Management Committee shall be elected by the Society in AGM in accordance with the Constitution, and shall serve from the conclusion of the AGM in which they were elected until the second subsequent AGM (**Term**) at which time all positions will be declared vacant and a new Management Committee will be elected.
- d. No person shall hold the same Principal Officer position for more than two consecutive Terms. A person’s Principal Office position shall automatically fall vacant upon the conclusion of two consecutive Terms. If, however, no person nominates 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.

- e. All positions on the Management Committee shall be honorary and no member shall receive any remuneration from the assets of the Society in consideration for discharging the responsibilities that attach to such 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.

#### **16. ELIGIBILITY TO SERVE ON MANAGEMENT COMMITTEE**

- a. Only a person in the ordinary membership category may nominate or be nominated for membership of the MC. No person who is not an ordinary member of the Society may serve as a member of the MC.
- b. To be eligible to serve on the MC in any position, a member must have been a financial member for at least one full year in the period of five years prior to the General Meeting at which their nomination will be considered.
- c. To be eligible to serve on the MC in a Principal Officer position, a member must have been a financial member in an ordinary membership for at least three consecutive years prior to the General Meeting at which their nomination will be considered.
- d. To be eligible to serve on the MC in the Principal Officer position of President, a member must have served at least one Term on the MC in period of five years prior to the General Meeting at which their nomination will be considered.
- e. No member may 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.

#### **17. NOMINATION TO SERVE ON MANAGEMENT COMMITTEE**

- a. Nomination forms for membership of the Management Committee will be made available to all members at least six weeks before the AGM at the Society's registered office.
- b. Completed nomination forms shall be returned to Returning Officer or placed in the dedicated ballot box by the stipulated date which shall be printed on the nomination form and which shall be no later than three weeks before the AGM.
- c. The complete list of nominations shall be posted on the notice board of the Society's registered office no later than two weeks before the AGM,
- d. All nomination forms shall bear the signature of the proposer, seconder, and the nominee (each of whom must be ordinary financial members of the Society).

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

- a. The MC shall meet no less frequently than each two calendar months.
- b. There will be a quorum present in a meeting of the MC if either seven members or two thirds of members are present.

- c. The President shall preside at each meeting of the MC.
- d. The Vice-President shall preside at a meeting of the MC in the event of the President's absence.
- e. 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.
- f. All matters arising for determination in 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.
- g. Each member present at a meeting of the MC may exercise one deliberative vote on any matter to be determined.
- h. The President or such other member who is presiding at a meeting of the MC may exercise a second, casting vote in order to resolve any vote that has resulted in a tie of deliberative votes cast.
- i. 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 the duties of the position.

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

- a. 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 in order to do so long as it does not act in a manner inconsistent with this Constitution in any respect.
- b. Subject to any provision in this Constitution to the contrary, the MC may cause the Society to exercise any of the powers vested in it by Section 25 of the Act as it sees fit.
- c. Amongst its other functions and responsibilities, the MC is the sole organ of the Society vested with day to day control of the Gurdwara premises and all other co-located buildings. All shall be under the absolute control of the Management Committee, subject to this Constitution.
- d. Further, the MC shall have the power to:
  - i. Determine what and how many religious and/or employed or voluntary cultural positions the Society will establish and/or maintain, including one or more Granthi, Jatha or Sewadaar.
  - ii. Determine the basis and conditions upon which any person is to be engaged by the Society; and
  - iii. Discontinue the services of any person so engaged.

- e. The MC is vested with the power to interpret this Constitution, including as to:
  - i. Matters in relation to which this Constitution is silent or ambiguous;
  - ii. Its own powers, including the delineation of such as relates to those vested in other organs of the Society.

## **20. STANDING RULES AND GUIDELINES**

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

## **21. SUBCOMMITTEES**

- a. The Management Committee may from time to time nominate and appoint one or more subcommittees to be responsible for a specific project, task or undertaking on such terms as it determines. Any subcommittee so established ceases to exist automatically upon the conclusion of such purpose, unless the MC determines otherwise.
- b. In all cases, the powers and authority of a subcommittee shall be in accordance with the decision of the MC causing it to be established. All subcommittees shall at all times be responsible and subordinate to the MC on all matters.

## **22. STANDING COMMITTEES**

- a. The Society may from time to time appoint or establish one or more committees to undertake a certain ongoing task or discharge a particular ongoing responsibility.
- b. Such committees shall be appointed at a General Meeting and shall have their terms of reference, tenure, and powers clearly defined out at the time of their appointment.
- c. Such committees shall be directly responsible to the Management Committee
- d. A standing committee may conduct elections for office bearer positions, provided that any chairperson and treasurer (or equivalent) be financial members of the Society
- e. The Standing committee shall not borrow money or go into deficit.

- f. The MC shall be provided with copies of statements relating to any bank account a standing committee operates, together with full financial statement and copies of standing committee minutes.
- g. The MC has the power to obtain such further information from the SC as it sees fit. In the event of misappropriation, the MC shall have the power to terminate the SC and take charge of any property including bank accounts.
- h. The Management Committee shall be represented on standing committees by one of its members.

## **23. THE GOVERNING COUNCIL**

### **a. ESTABLISHMENT**

- i. There will be an organ of the Society known as the Governing Council.
- ii. The Governing Council shall have such functions and exercise such responsibilities as are described in this Constitution.

### **b. RESPONSIBILITIES**

It shall be the primary purpose and responsibility of the GC to provide advice to the MC and the Society generally directed at ensuring that:

- i. The Society's assets are protected and preserved;
- ii. The Society adheres to the Constitution in the conduct of all functions and affairs of the Society; and
- iii. No person is denied the opportunity to conduct or take part in any ceremony or ritual on any grounds other than their competency to do so.

In addition to its advisory function described above the GC must and shall:

- iv. Direct any complaints received to the MC for action; and
- v. Review disciplinary decisions and actions by the MC if there is an appeal pursuant to this Constitution.

### **c. FURTHER PROVISIONS**

- vi. In connection with its stated responsibilities pursuant to this Constitution, the GC Council 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.
- vii. In the event that the GC receives a complaint against the MC, it must exercise all reasonable endeavours to resolve it by informal or collaborative means. The

originator of any such complaint that cannot be resolved by such means is to be notified that they are at liberty to raise it at a General Meeting for discussion and/or resolution.

**d. COMPOSITION**

- i. The Governing Council shall be made up of five members elected at a General Meeting. The term shall be for three years.
- ii. No person shall serve as a member of the GC for more than two consecutive and complete three-year terms.
- iii. There shall be a Chairperson and Secretary of the GC, to be elected by and from its members.
- iv. No person may serve simultaneously as a member of both the MC and the GC.
- v. In the event that a GC resigns or is unable to serve due to incapacity, the balance of GC members shall continue to constitute the GC until the next AGM or EGM at which time a replacement member will be elected.
- vi. The Council may be abolished by a majority of at least seventy five percent of the full membership of the Society (not seventy five percent of attendance) upon a motion directing such moved at a General Meeting.

**24. ELIGIBILITY FOR MEMBERSHIP OF GOVERNING COUNCIL**

To be eligible for membership of the GC, a person must have:

- a. Been a member of the Society for not less than ten continuous years; or
- b. Served as a member of the MC for at least four years.

**25. NOMINATIONS FOR MEMBERSHIP OF THE GOVERNING COUNCIL**

- a. Nominations for membership of the GC must be on prescribed forms and submitted to the MC no later than 15th July prior to the General Meeting at which a vacant GC position shall be filled.
- b. The MC on receipt of nominations shall peruse all the nominations and, if minor discrepancies are identified, consult with the applicant and facilitate amendment if reasonably practicable allow.

**26. OPERATION OF THE GOVERNING COUNCIL**

- a. The GC shall meet at least three times per financial year.
- b. The GC shall be provided with minutes of every MC meeting within seven days of such occurring.

- c. All advisory decisions of the GC shall be on majority basis of three at least and shall be given in writing with detailed explanations.
- d. 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 in writing.
- e. In the event that the GC receives a formal motion of no-confidence in the MC signed by not less than 20% of the Ordinary Members of the Society, it may and shall:
  - i. call an EGM for the purpose of considering a resolution to dissolve the MC;
  - ii. If such resolution succeeds, oversee the election of a new MC that shall immediately take office and constitute the MC of the Society.

## **27. CARETAKER PROTOCOL**

- a. 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 may assume and exercise the powers of the MC established in this Constitution for no longer than is reasonably necessary to:
  - i. convene an EGM for the purpose of considering a resolution to dissolve the MC; and
  - ii. if such resolution succeeds, oversee the election at EGM of a new MC that shall immediately take office and constitute the MC of the Society
- b. Notwithstanding its general assumption of the powers of the MC pursuant to this clause, the GC shall not in the exercise of those powers enter or perform any transaction beyond what is reasonably necessary to preserve the financial standing and continuity of the Society pending election of a new MC (**Caretaker Period**).
- c. Powers of the MC temporarily vested in the GC while undertaking a Caretaker Period pursuant to this clause will automatically cease upon the election and establishment of a new MC.

## **28. DISCIPLINE OF MEMBERS**

### **a. INVESTIGATION OF CONCERNS**

- i. The Management Committee may consider or investigate any matter relating to the conduct of a Member it sees fit, whether upon receipt of a written complaint from any person or of its own motion.

- ii. The President shall assume primary carriage of a matter on the MC's behalf. The MC may, however, resolve that a member of the MC other than the President should assume primary carriage of a matter on the MC's behalf.
- iii. References in this clause to the President are to be interpreted as a reference to the President or such other member of the MC as has been appointed to assume primary carriage of a matter.
- iv. The President shall, in consultation with the MC, determine the means by which a complaint or any other such matter will be considered or investigated. The President will consult with the MC for that purpose.
- v. The President may seek and obtain such external advice or assistance as is considered necessary in connection with any one or more matter to be considered or investigated in accordance with this clause.

b. RESOLUTION OF COMPLAINTS

- i. The President shall, in the first instance, consider and take all reasonable steps towards resolving a complaint by informal and/or internal means.
- ii. Should such attempts fail, or the President considers it impractical to attempt such, the MC will consider and determine the complaint or matter adhering to the requirements of natural justice.
- iii. For that purpose, it will invite the relevant parties to address the MC and provide such information as they may wish prior to any decision being made or any further step taken.

c. DISCIPLINARY PROCESS

- i. The MC may resolve to formulate charges and present them to the member concerned for his or her response in the event that it determines at any time that the member:
  - 1. may have acted contrary to the interests of the Society; and/or
  - 2. may have conducted themselves in a manner disruptive to or inconsistent with the harmonious functioning of the Society.
- ii. The MC shall adhere to the requirements of natural justice in presenting and determining allegations, and will ensure that the charged member has an adequate opportunity be heard prior to any decision being made
- iii. The MC may suspend a Member at any time should it consider it necessary or desirable to do so in connection with an investigation or disciplinary process.

d. OUTCOME TO COMPLAINT OR INVESTIGATION



- i. Should it determine it to be warranted after a process complying with the requirements of natural justice, the MC may take disciplinary action against a member or members on the Society's behalf. The action may consist of (but need not be limited to) one or more of the following: -

1. Written letter of warning and/or reprimand;
2. Suspension of membership and / or from Society activities for a period to be determined; or
3. Expulsion from the Society.

e. **APPEAL FROM OUTCOME OF COMPLAINT OR INVESTIGATION**

- i. Appeal can be made to the GC to review the action decision of the Management Committee or complainant. On hearing any such appeal, the GC shall adhere to the requirements of natural justice.
- ii. If legal action is taken by any member or a group of members against the Society, its activities and office bearers, their membership will be suspended immediately (this includes all positions as office bearers in the Society) until the legal matter is resolved.

**29. AUDITOR**

- a. The Society shall elect an Auditor at AGM. Any person who is a member of the MC shall be ineligible to hold such position or have any involvement with the person or entity so appointed to undertake that responsibility.
- b. The MC shall appoint an independent, qualified, professional and registered external auditor to audit all accounts of The Society. The Auditor need not be a Sikh.

**30. PUBLIC OFFICER**

- a. The Public Officer shall be the Secretary or such other person determined by the MC from time to time.
- b. The MC shall ensure that any government body is notified as to the identity of the Public Officer as required by law.

**31. RETURNING OFFICER**

- a. A returning officer may be appointed by the person presiding at a General Meeting for the purpose of conducting an election for the MC or GC. The returning officer, who need not be a Member of the Society, will conduct such election(s):
  - i. in accordance with the Constitution; and

- ii. subject to such directions as may be given by the person presiding at the General Meeting.

### **32. WEBSITE MANAGEMENT**

- a. The Management Committee 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.
- b. The administration and control of the Society's website shall be the responsibility of the MC
- c. Misuse or misappropriation of The Society's Web site is prohibited
- d. All SSSA registered Internet Domain Names are to be registered centrally by the MC.

### **33. HONORARY LEGAL ADVISOR**

- a. The Society may, by resolution at AGM or EGM, appoint a person to serve as honorary legal advisor to any one or more organs of the Society.
- b. While a person need not be a Member of the Society in order to serve as honorary legal advisor, he or she must not be a member of the MC, GC, any subcommittee or any standing committee of the Society.

### **34. LIABILITY & INDEMNITY**

- a. All members of the MC, GC, a SC or SUC are indemnified by the Society against its assets in relation to any act or omission done in good faith in the performance of their responsibilities and or in the administration of the affairs of the Society.
- b. The MC shall be authorised to procure such policy or policies of insurance as it sees fit and pay for such out of the assets of the Society. Without limitation, such policies may include those indemnifying the Society and/or individual members of any of its organs against loss brought about by:
  - i. Allegations of wrongdoing against the Society; and/or
  - ii. Acts or omissions by individuals serving as members of the MC, GC a SC or SUC.

### **35. VACANCIES**

- a. Should any position of the Management Committee become vacant except at an AGM the Management Committee shall nominate an ordinary member to

fill the position. Any mid-term vacancies for the position of Principal Officers can only be filled by the consent of members at an EGM called for that purpose.

- b. The list of financial members as at 30th June of the calendar year shall be posted on the Notice Board of the Gurdwara by 15th July of the calendar year.

### **36. GENERAL MEETINGS**

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

- a. The AGM shall be held no later than the thirty-first day of August each year.
- b. All members shall be informed of the AGM at least 6 weeks before the event by circular to the postal or email addresses of the members contained in the Register.
- c. Any financial member may give a notice of motion to be tabled at the AGM duly proposed and seconded by giving Twenty One days clear notice to the Secretary.
- d. The agenda of the AGM shall be made available to all financial members at least fourteen days before the AGM and shall include:
  - i. A year's reports of the Management Committee, various sub-committees and minutes of the previous AGM.
  - ii. The presentation and passing of the audited accounts for the previous year.
  - iii. The nomination and election of the incoming Management Committee (if required), Auditor, and Returning Officer.
  - iv. A discussion on an intended curriculum for the financial year in progress.
  - v. Subscriptions.
- e. All items on the agenda requiring a vote shall be passed by a simple majority of financial members attending unless this Constitution otherwise provides.

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

- a. Not less than twenty (20%) of members currently on the Register with the right to vote can request an EGM by circularising by post the reason for such meeting to ALL registered members giving at least fourteen (14) clear days' notice of the date, time, and venue of the meeting.
- b. The MC can call for an EGM at any time.
- c. The GC may call an EGM in the circumstances contemplated in this Constitution.

### **38. ELECTIONS**

- a. After the commencement of the item of business “nomination and elections” at the AGM all positions affected shall become vacant and the Returning Officer shall take over as chairperson for the purposes of elections.
- b. The Returning Officer shall then announce the nominations received by him for each position and call nominations for positions on the Management Committee for which no nominations had been received.
- c. Two impartial scrutineers may be appointed to supervise the counting of any votes by the Returning Officer. The observers and RO must sign and date all voting slips and present to the newly elected MC Secretary.
- d. No voting shall be allowed by proxy.
- e. The Management Committee shall have the discretion and powers to fill any remaining positions on the Management Committee, except those of principal officers, not filled at the AGM.

### **39. QUORUM**

The quorum at a General Meeting shall be at least 33.3% of all registered members entitled to vote on a matter to be determined. If the quorum is not reached the meeting shall be adjourned and reconvened after half an hour of the appointed time. Members present shall then constitute a quorum.

### **40. MINUTES**

- a. Each organ of the Society shall keep minutes of its meetings to be kept, and confirm the accuracy of such at its next meeting.
- b. All confirmed Minutes all meetings shall be kept by the Secretary and accessible to any financial member for information only.
- c. Access and inspection of minutes shall be in accordance with the Secretary’s directions
- d. Members will not use the information in the minutes for any other purposes.

### **41. RECORDS**

The Management Committee 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 Committee.

#### **42. REGISTER**

A register of all financial members shall be kept by the Treasurer and Secretary and shall be accessible to all members and the Auditor at all times. Any member who changes his or her address (physical, postal or Email) shall notify the Secretary.

#### **43. SEAL**

The Common Seal of The Society shall be held by the Secretary for safe custody. Every document to which the Seal is affixed shall be signed by any two of the President, the Secretary, or the Treasurer after resolution has been duly passed at the Management Committee.

#### **44. FINANCES**

- a. The Society shall hold and operate such bank accounts as the MC shall see fit.
- b. No account operated by the Society shall have an overdraft facility exceeding \$50,000.00 (fifty thousand dollars only)
- c. The Management Committee may approve the opening of a bank account by a sub-committee to facilitate the organization of an event or a function, on the completion of which a full statement of account shall be submitted to the Management Committee.

#### **45. FINANCIAL YEAR**

The financial year of The Society shall commence on the first day of July each year and continue to the thirtieth day of June of the following year with the AGM of the said Financial Year no later than 30<sup>th</sup> August.

#### **46. SIGNATORIES**

The Principal Officers shall be signatories to any account held in the Society's name and/or which does or will hold any moneys for it or on its behalf, and any two of which shall be required to sign any instrument effecting the disbursement of funds from any such account.

#### **47. BORROWING AND CAPITAL EXPENDITURE**

- a. The MC shall have the power to borrow and/or spend up to thirty thousand dollars and zero cents (\$30,000) per one item per financial year without requiring the approval of any other organ of the Society.

- b. The MC shall have the power to borrow and/or spend up fifty thousand dollars and zero cents (\$50,000) per one item per financial year with the approval of the GC.
- c. Any borrowing or spending over fifty thousand dollars and zero cents (\$50,000) per one item per financial year shall require the approval of the members at General Meeting.
- d. This clause does not limit the ability of the MC to spend monies received as grants or donations consistent with the purpose for which such monies were received.
- e. This clause also excludes standing committees appointed and granted allowances by EGM or AGM approval, provided they have given to The Society in writing, the projections of costs and the extent of Risks and Benefits at the EGM or AGM for the purpose.

#### **48. ACCESS TO ACCOUNTS**

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

#### **49. AMENDMENTS TO THE CONSTITUTION**

Amendments to the Constitution can only be effected by the Society in General Meeting by 67% of members in attendance and entitled to vote.

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

- a. A majority vote of no confidence in a single member of the committee and subsequent dismissal thereof followed by an election of a replacement may be effected at an EGM called for that purpose in the manner as provided in this Constitution.
- b. A vote of no confidence and dissolution of the committee and a re-election of a new committee mid-term can be brought about at an EGM in the manner as provided herein.
- c. Any committee or sub-committee member who fails to attend three consecutive meetings without satisfactory explanation shall deem to have vacated his or her office.

#### **51. DISSOLUTION**

Having obtained the approval from the Governing Council, the dissolution of The Society shall be resolution carried by at least 75% of the members present and voting at an EGM called for that purpose. If the resolution is carried the Management Committee in

office shall realize all the assets of the Society, and after payment of all outstanding debts and liabilities, the balance shall be transferred to any other similar societies or charities in Australia but not to this Society's or any other organisation's members directly or personally.

[Revised and adopted on 2 July 1989]

[Revised and adopted 15th November 2003]

Revised and adopted 21st May 2005]

[Revised and adopted 21st May 2007]

[Revised and adopted 22nd June 2008]

[Revised and adopted 30th August 2008]

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[Revised and adopted 15th September 2010]

[Revised and adopted 25th August 2012]

[Revised and adopted 19th January 2013]

[Vetted by Law Firm following Revision 15/06/2019. Revised and adopted 24<sup>th</sup> August 2019]

# **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 Anand Sahib /Hukamnama at the discretion of the MC

12-00pm

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 SGGS 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 in charge of 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 Karj 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]

## **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.

## **16. 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.

## **17. SUBSCRIPTIONS**

### **[a] Ordinary Members**

Family Membership (Husband/Wife & children under 16)	\$40.00 per annum
Individual Membership	\$20.00 per annum
Pensioner Membership (Single)	\$10.00 per annum
Life Membership (Single)	\$500.00 (one-off)

<b>[b] Associate Members</b>		
Associate Membership:		\$40.00 (all Categories of Membership except Life)
Outside Adelaide Metropolitan Area, Interstate & Overseas membership:		\$40.00
Associate Life Membership (Single):		\$500.00

## **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 \_\_\_\_\_

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 rejoins 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]