

CONSTITUTION

OF

BRISBANE SIKH TEMPLE
(GURDWARA) INC.

Associations Incorporation Act 1981

Registered On

19 MAR 2013


Delegate of the Director-General

Incorporated Under Associations Incorporation Act 1981.

CONSTITUTION OF BRISBANE SIKH TEMPLE (GURDWARA) INC.

1. NAME

The name of the incorporated association shall be BRISBANE SIKH TEMPLE (GURDWARA) INC. (in these rules called "The Association").

2. OBJECTS

The objects for which the Association is established are:-

- (a) To establish and maintain a Sikh Temple (Gurdwara) in Brisbane to serve the religious and cultural needs of the Sikh community.
- (b) To promote an understanding of the religious and philosophical traditions of Sikhism.
- (c) To encourage and promote educational needs associated with Sikhism.
- (d) To provide a means of communication with other Sikh communities nationally and internationally.
- (e) To provide and maintain a library on the religious, philosophical and cultural aspects of Sikhism.
- (f) To promote and conduct regular meetings of religious and cultural activities including the holding of prayer meetings, religious lectures, Shabad Kirtin.
- (g) To promote teaching of all Sikh Guru and Gurbani.
- (h) To establish a fund to acquire properties for the purpose of building a Sikh Temple Gurdwara.
- (i) To invite scholars, priests and Ganyes to lecture and preach on Sikh's religious and cultural activities.
- (j) To promote the general welfare of the members of the Association, and for this purpose to engage in any activities in furtherance of the objects of the Association.
- (k) To encourage and promote brotherhood, truth, peace and justice in the practice of Sikhism.
- (l) To promote mutual co-operation, tolerance and understanding among various religions.

- (m) To establish and maintain educational institution(s) related to Sikh religion.

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3. **POWERS**

The powers of the Association are:-

- 1) To take over the funds and other assets and ~~liabilities of the~~ unincorporated association known as the "Brisbane Sikh Temple Gurdwara";
- 2) To subscribe to, become a member of and co-operate with any other association, club or organisation, whether incorporated or not, whose objects are altogether or in part similar to those of the Association provided that the Association shall not subscribe to or support with its funds any club, association or organization which does not prohibit the distribution of its income and property among its members to an extent at least as great as that imposed on the Association under or by the virtue of rule **29(10)**.
- 3) In furtherance of the objects of the Association to buy, sell and deal in all kinds of articles, commodities and provisions, both liquid and solid, for the members of the Association or persons frequenting the Association's premises;
- 4) To purchase, take on lease or in exchange, hire and otherwise acquire any lands, buildings, easements or property, real and personal, and any rights or privileges which may be requisite for the purposes of, or capable of being conveniently used in connection with, any of the objects of the Association: Provided that in case the Association shall take or hold any property which may be subject to any trusts the Association shall only deal with the same in such manner as is allowed by law having regard to such trusts;
- 5) To enter into any arrangements with any Government or Authority that are incidental or conducive to the attainment of the objects and the exercise of the powers of the Association; to obtain from any such Government or Authority any rights, privileges and concessions which the Association may think it desirable to obtain; and to carry out, exercise and comply with any such arrangements, rights, privileges and concessions;
- 6) To appoint, employ, remove or suspend such managers, clerks, secretaries, workmen and other persons as may be necessary or convenient for the purposes of the Association;
- 7) To remunerate any person or body corporate for services rendered, or to be rendered, and whether by way of brokerage or otherwise in placing or assisting to

place or guaranteeing the placing of any unsecured notes, debentures or other securities of the incorporated association, or in or about the incorporated association or in the furtherance of its objects;

- 8) To construct, improve, maintain, develop, work, manage, carry out, alter or control any houses, buildings, grounds, works or conveniences which may seem calculated directly or indirectly to advance the Association's interests, and to contribute to, subsidise or otherwise assist and take part in the construction, improvement, maintenance, development, working, management, carrying out, alteration or control thereof;
- 9) To invest and deal with the money of the Association not immediately required in such manner as may from time to time be thought fit;
- 10) To take, or otherwise acquire, and hold shares, debentures or other securities of any company or body corporate;
- 11) In furtherance of the objects of the Association to lend and advance money or give credit to any person or body corporate; to guarantee and give guarantees or indemnities for the payment of money or the performance of contracts or obligations by any person or body corporate, and otherwise to assist any person or body corporate;
- 12) To borrow or raise money either alone or jointly with any other person or legal entity or any other religious body in Australia and overseas in such manner as may be thought proper and whether upon fluctuating advance account or overdraft or otherwise to represent or secure any moneys and further advances borrowed or to be borrowed alone or with others as aforesaid by notes secured or unsecured debentures or debenture stock perpetual or otherwise, or by mortgage, charge, lien or other security upon the whole or any part of the incorporated association's property or assets present or future and to purchase, redeem or pay-off any such securities;
- 13) To draw, make, accept, endorse, discount, execute and issue promissory notes, bills of exchange, bills of lading and other negotiable or transferable instruments;
- 14) In furtherance of the objects of the Association to sell, improve, manage, develop, exchange, lease, dispose of, turn to account or otherwise deal with all or any part of the property and rights of the Association;
- 15) To take or hold mortgages, liens or charge, to secure payment of the purchase price, or any unpaid balance of the purchase price, or any part of the Association's

property of whatsoever kind sold by the Association, or any money due to the Association from purchasers and others;

- 16) To take any gift of property whether subject to any special trust or not, for any one or more of the objects of the Associations but subject always to proviso in sub-rule (4);
- 17) To take such steps by personal or written appeals, public meetings or otherwise, as may from time to time be deemed expedient for the purpose of procuring contributions to the funds of the Association, in the shape of donations, annual subscriptions or otherwise;
- 18) To print and publish any newspapers, periodicals, books, or leaflets that the Association may think desirable for the promotion of its objects;
- 19) In furtherance of the objects of the Association to amalgamate with any one or more Sikh **religious** associations having objects altogether or in part similar to those of the Association and which shall prohibit the distribution of its or their income and property among its or their members to an extent at least as great as that imposed upon the Association under or by virtue of rule **29(10)**;
- 20) In furtherance of the objects of the Association to purchase or otherwise acquire and undertake all or any part of the property, assets, liabilities and engagements of any one or more of the Sikh religion associations with which the Association is authorised to amalgamate;
- 21) In furtherance of the objects of the Association to transfer all or any part of the property, assets, liabilities and engagements of the Association to any one or more of the Sikh religion associations with which the Association is authorised to amalgamate;
- 22) To make donations for patriotic, charitable or community purposes;
- 23) To transact any lawful business in aid of the Commonwealth of Australia in the prosecution of any war in which the Commonwealth of Australia is engaged;
- 24) To do all such other things as are incidental or conducive to the attainment of the objects and the exercise of the powers of the Association.

4. CLASSES OF MEMBERS

- 1) The membership of the association shall consist of ordinary members, and any of the following classes of members:-
 - (a) Associate Members
 - (b) Life Members
 - (c) Honorary Members
- 2) The number of ordinary members shall be unlimited.
- 3) **A person may become an ordinary member only if that person qualifies for ordinary membership.**

5. QUALIFICATIONS FOR MEMBERSHIPS

1) Ordinary Member

- (a) Any Sikh who is a resident of Brisbane or in the vicinity of Brisbane as determined by the management committee and is 18 years of age or older, who does not owe allegiance to any other religion and who faithfully believes in One Immortal God being Ek-Ongkaar, the Ten Sri Guru Sahib Ji, the Sri Guru Granth Sahib Ji, the utterances and teachings of the Ten Sri Guru Sahib Ji and the initiation ceremony of Amrit bequeathed by the Tenth Guru, Sri Guru Gobind Singh Ji may become an ordinary member.
- (b) Applicants for ordinary membership must pay membership fees and sign a Statutory Declaration stating SIKHISM to be their only religion.
- (c) Ordinary members who satisfy Rule 5(7) shall have the right to vote in any proceedings of the Association.

2) Life Member

- (a) Any Ordinary member who:-
 - is a well regarded senior member of the Sikh community; and
 - has made outstanding contributions to the Association; and

- is considered by the management committee as worthy of recognition shall be eligible for Life membership.
- (b) An ordinary Member may only be admitted as a life member of the association after a resolution of the members of the management committee is passed with a two thirds majority.
 - (c) Subject to the rules of the Association, Life members shall enjoy the same privileges as an ordinary member including the right to vote, and the right to be elected to the management committee.
 - (d) A Life member shall be admitted as a Life member for the remainder of their life unless that person resigns or is expelled from the Association.
 - (e) The provisions of these rules relating to payment of a membership fee or any other subscription do not apply to Life members.

3) Associate Membership

Any person who subscribes to the objects of the association but who does not qualify for ordinary membership may be considered for admission to the association as an associate member. An associate member shall not be eligible for election as an office bearer and shall not have the right to vote in any proceedings or meetings of the association. The management committee may from time to time make rules relating to the admission as an associate member to the association.

4) Honorary Member

- (a) Any person who does not qualify for ordinary membership but who over a period of time has made an outstanding contribution to the promotion of Sikhism and/or the welfare of the association may be considered for honorary membership. The management committee shall make any such nomination by notice of motion before a meeting of the management committee. An honorary member shall not be eligible for election as an office bearer and shall not have the right to vote in any proceedings or meetings of the association.
- (b) The provisions of these rules relating to payment of annual subscriptions do not apply to honorary members.

5) **Spouses and Children**

Subject to the rules of the Association, the spouse and any children of any ordinary member under the age of eighteen (18) shall be entitled to use and enjoy the facilities of the association without the payment of an annual subscription fee or a requirement for membership.

6) The number of members shall be unlimited.

7) Residential and financial requirements for ordinary/life members who can vote at any general or other meeting of the association are:-

(a) The person must be a financial ordinary or life member; and

(b) The person must be a resident of Brisbane or within the vicinity of Brisbane as determined by the management committee.

6. **MEMBERSHIP**

1) A person who qualifies under rule 5 for membership, may apply to the Association for such class of membership as may be applicable to that person. Any such application shall be in writing and signed by the applicant and be in a form and contain such information as prescribed by the management committee.

2) The decision of the management committee shall be final in any matter relating to membership.

7. **MEMBERSHIP FEES**

1) The membership fees and building fund contribution for each class of membership shall be such sum as the Management Committee determines from time to time.

2) The membership fees for each class of membership shall be payable at such time and in such manner as the Management Committee shall from time to time determine.

8. ADMISSION AND REJECTION OF MEMBERS

- 1) At the next meeting of the Management Committee after the receipt of any application and the fee applicable for any class of membership, such application shall be considered by the Management Committee, who shall thereupon determine the admission or rejection of the applicant.
- 2) Any applicant who receives a majority of the **affirmative** votes of the Management Committee present at the meeting at which such application is being considered shall be accepted as a member to the class of membership applied for.
- 3) Upon the acceptance or rejection of an application for any class of membership the secretary shall forthwith give the applicant notice in writing of such acceptance or rejection **and shall upon acceptance enter that person's name on the register of members.**

9. TERMINATION OF MEMBERSHIP

- 1) A member may resign from the Association at any time by giving notice in writing to the secretary. Such resignation shall take effect at the time such notice is received by the secretary unless a later date is specified in the notice when it shall take effect on that later date. Such member shall not be entitled to any pro-rata refund of subscription for any unexpired period of membership.
- 2) **If a member (Ordinary, Life, Associate or Honorary):**
 - (a) **is convicted of an indictable offence; or**
 - (b) **fails or willfully refuses or neglects to comply with any of the provisions of these rules; or**
 - (c) **has membership fees in arrears for a period of two months or more; or**
 - (d) **the conduct of that member is considered to be injurious to the principles of the Sikh religion (for example smoking or consuming alcohol on the premises, carrying or wearing shoes or being abusive or violent inside the Gurdwara) or behaves in a manner prejudicial to the character or interest of the Association.**

The management committee shall consider whether the member's membership shall be terminated or suspended (either with or without conditions).

- 3) The management committee shall cause notice to be given to the member concerned of the matter in issue or as to what may be alleged against that member prior to any determination being made to terminate or suspend membership.
- 4) Prior to the management committee considering the termination or suspension of that person's membership the member shall be given a full and fair opportunity of presenting a case (either orally or in writing) to the management committee as to the matters in issue or alleged before passing of any resolution by the management committee in that regard.
- 5) Should the management committee pass a resolution to terminate the membership of that person, then such determination shall become effective from the passing of the resolution and similar provisions shall apply to any suspension of membership or any condition that may be imposed in respect of such suspension.
- 6) If the management committee resolves to terminate or suspend a member's membership it shall instruct the secretary to advise the relevant member in writing accordingly.

10. **APPEAL AGAINST REJECTION OR TERMINATION OF MEMBERSHIP**

- 1) A person whose application for membership has been rejected or whose membership has been terminated may within two months of receiving written notification thereof, lodge with the secretary written notice of that person's intention to appeal against the decision of the Management Committee.
- 2) Upon receipt of a notification of intention to appeal against rejection or termination of membership the secretary shall convene, within three months of the date of receipt by the Secretary of such notice, a general meeting to determine the appeal. At any such meeting the applicant shall be given the opportunity to fully present his or her case and the Management Committee or those members thereof who rejected the application for membership or terminated the membership subsequently shall likewise have the opportunity of presenting its or their case. The appeal shall be determined by the two thirds majority of vote of the members present at such meeting.
- 3) Where a person whose application is rejected, does not appeal against the decision of the Management Committee within the time prescribed by these Rules or so appeals but the appeal is unsuccessful. The secretary shall forthwith refund the amount of any fee paid.

11. REGISTER OF MEMBERS

- a) The Management Committee shall cause a Register to be kept in which shall be entered the names and residential addresses of all persons admitted to membership of the Association and the dates of their admission.
- b) Particulars shall also be entered into the Register of deaths, resignations, terminations and reinstatements of membership and any further particulars as the Management Committee or the members at any general meeting may require from time to time.
- c) The Register shall be open for inspection at all reasonable times by any member who previously applies to the secretary for such inspection.

12. MEMBERSHIP OF THE MANAGEMENT COMMITTEE

- 1) (a) The management committee of the Association shall consist of a minimum of nine (9) members or any other odd number as the ordinary and life members entitled to vote may by special resolution decide.
- (b) The elected members of the management committee shall appoint from amongst themselves a President, a Vice President, a Secretary and a Treasurer.
- (c) All of the members of the management committee shall be financial ordinary or life members of the Association.
- 2) (a) The members of the management committee shall hold office for a period of two (2) years from the date of their election at an annual general meeting.
- (b) All members of the management committee shall retire from office at the second annual general meeting after they were elected and shall be eligible for nomination and re-election.
- 3) The election of the members of the management committee shall take place every two (2) years in the following manner:-
 - (a) Any two (2) ordinary/ life members of the association shall be at liberty to nominate any other ordinary / life member to serve as a member of the management committee.

- (b) The nomination, which shall be in writing and signed by the nominator member, his proposer and seconder and accepted by the nominee, shall be lodged with the secretary at least fourteen (14) days before the annual general meeting at which the election is to take place.
- (c) A list of candidates' names in alphabetical order with the proposers' and seconds' names, shall be posted in a conspicuous place in the office or usual place for meeting of the Association for at least seven (7) days immediately preceding the annual general meeting.
- (d) Balloting lists shall be prepared (if necessary) containing the names of the candidates in alphabetical order and each member present at the annual general meeting shall be entitled to vote for any number of such candidates not exceeding the number of vacancies.
- (e) Should there be an insufficient number of candidates nominated by the commencement of the meeting, nominations may be taken from the floor of the meeting.
- (f) The meeting may grant an exemption from the strict observance of these rules.

4) Qualification for election as a member of the management committee

A person shall only be eligible for nomination and subsequent election as a member of the management committee if that person satisfies all of the following requirements:-

- (a) A financial and ordinary or life member who is a permanent resident of Brisbane or in its vicinity and is a Permanent Resident or Citizen of Australia as determined by the management committee.
- (b) A member of the Association continuously for at least five (5) years.
- (c) Had not previously been employed by the Association in any capacity for a period of five (5) years prior to nomination.
- (d) Has for a period of five (5) years prior to nomination paid building fund contributions to the Association.

13. RESIGNATION OR REMOVAL OF A MEMBER OF THE MANAGEMENT COMMITTEE

- a) Any member of the management committee may resign from the membership of the management committee at any time by giving notice in writing to the Secretary and such resignation shall take effect at the time such notice is received by the secretary unless a later date is specified in the notice when it shall take effect on that later date..
- b) A member of the management committee may be removed from office at a general meeting of the Association where that member shall be given the opportunity to fully present his/her case. The question of removal shall be determined by the vote of the members present at such general meeting.
- c) The office of a member of the management committee shall become vacant if the member:-
 - (1) ceases to be a member of the Association;
 - (2) becomes bankrupt or makes an arrangement or composition with his creditors;
 - (3) becomes prohibited under the Corporations Act from holding the office of a Director of a company;
 - (4) becomes of unsound mind or a person who's person or estate is liable in any way to be dealt with under the law relating to mental health;
 - (5) is suspended or terminated from the Association in accordance with these rules;
 - (6) is removed or resigns in accordance with the procedure set forth in rules 13(a) or (b).

14. VACANCIES ON THE MANAGEMENT COMMITTEE

- 1) Subject to the provisions of sub-rule 3 of this rule the management committee shall have power at any time to appoint any ordinary member of the association who qualifies as a member of the management committee to fill any casual vacancy on the management committee until the next annual general meeting when elections of management committee members would be conducted.

- 2) The continuing members of the management committee may act notwithstanding any casual vacancy in the management committee.
- 3) If the number of members of the committee is reduced below the number fixed by or pursuant to these rules as the necessary quorum of the management committee the continuing members may only act for the purpose of increasing their numbers to that required number for summoning a general meeting of the association, but for no other purpose.

15. **FUNCTIONS OF THE MANAGEMENT COMMITTEE**

- 1) Except as otherwise provided by these Rules and subject to resolutions of the members of the Association carried at any general meeting the Management Committee:-
 - (a) Shall have the general control and management of the administration of the affairs, property and funds of the Association; and
 - (b) Shall have authority to interpret the meaning of these Rules and any matter relating to the Association on which these Rules are silent.
- 2) The Management Committee may exercise all the powers of the Association:-
 - (a) To borrow or raise or secure the payment of money in such manner as the members of the Association may think fit and to secure the payment or performance of any debt, liability, contract, guarantee or other engagement incurred or to be entered into by the Association in any way and in particular by the issue of debentures, perpetual or otherwise, charged upon all or any of the Association's property, both present and future, and to purchase, redeem or pay off any such securities;
 - (b) To borrow money from members at a rate of interest not exceeding interest at the rate for the time being charged by bankers in Brisbane for overdrawn accounts on money lent, whether the term of the loan be short or long, and to mortgage or charge its property or any part thereof and to issue debentures and other securities, whether outright or as security for any debt, liability or obligation of the Association, and to provide and pay off any such securities; and
 - (c) To invest in such manner as the members of the Association may from time to time determine.

16. **MEETINGS OF THE MANAGEMENT COMMITTEE**

- 1) The Management Committee shall meet at least once every two calendar month to exercise its functions.
- 2) A special meeting of the Management Committee shall be convened by the secretary on the requisition in writing signed by not less than one-third of the members of the Management Committee, which requisition shall clearly state the reason why such special meeting is being convened and the nature of the business to be transacted thereat.
- 3) At every meeting of the Management Committee a simple majority of a number equal to the number of members elected and / or appointed to the Management Committee as at the close of the last general meeting of the members, least shall constitute a quorum.
- 4) Subject as previously provided in this rule, the Management Committee may meet together and regulate its proceedings as it thinks fit: Provided that questions arising at any meeting of the Management Committee shall be decided by a majority of votes and, in the case of equality of votes, the question shall be deemed to be decided in the negative.
- 5) A member of the Management Committee shall not vote in respect of any contract or proposed contract with the Association in which he is interested, or any matter arising thereout, and if he does so vote his vote shall not be counted.
- 6) **The Secretary of the management committee shall give seven (7) days notice to the members of the management committee of any proposed meeting. Such notice shall clearly state the nature of the business to be transacted at that meeting.**
- 7) The president shall preside as Chairman at every meeting of the Management Committee, or if there is no President, or if at any meeting he is not present within ten minutes after time appointed for holding the meeting, the Vice-President shall be the Chairman or if the Vice-President is not present at the meeting then the members may choose one of their number to be Chairman of the meeting.
- 8) If within half an hour from the time appointed for the commencement of the Management Committee meeting a quorum is not present, the meeting, if convened upon the requisition of members of the Management Committee, shall lapse. In any other case it shall stand adjourned to the same day in the next week at the same time and place, or to such another day and at such other time and

place as the Management Committee may determine, and if at the adjourned meeting a quorum is not present within half an hour from the time appointed for the meeting, the meeting shall lapse.

17. 1) The Management Committee may delegate any of its powers to a sub-committee consisting of such **ordinary member** or members of the Association as the Management Committee thinks fit. Any sub-committee so formed shall in the exercise of the powers so delegated conform to any regulations that may be imposed on it by the Management Committee.
- 2) A sub-committee may elect a Chairman of its meetings. If no such Chairman is elected, or if at any meeting the Chairman is not present within ten minutes after the time appointed for holding the meeting, the members present may choose one of their number to be Chairman of the meeting.
- 3) A sub-committee may meet and adjourn **any convened meetings** as it thinks proper. Questions arising at any meeting shall be determined by a majority of votes of the members present and, in the case of an equality of votes, the question shall be deemed to be decided in the negative.

18. **All acts done by any meeting of the management committee or of any sub-committee or by any person acting as a member of the management committee shall, notwithstanding that it is afterwards discovered that there was some defect in the appointment of any such person or that such person was disqualified in holding office, be as valid as if every such person had been duly appointed or was not disqualified.**

19. **A resolution in writing signed by all of the members of the management committee shall be valid and effectual as if it had been passed at an actual meeting of the management committee duly convened and held. Any such resolution may consist of several documents in like form, each signed by such members of the management committee as would constitute a quorum had the meeting actually been held.**

20. **ANNUAL GENERAL OR GENERAL MEETING**

The first general meeting shall be held at such time, not being less than one month nor more than three months after the incorporation of the Association and at such place as the Management Committee may determine.

21. 1) The annual general meeting shall be held within two months of the close of the financial year.
- 2) The business to be transacted at every annual general meeting shall be:-
- a) The receiving of the Management Committee's report and the statement of income and expenditure, assets and liabilities and mortgages, charges and securities affecting the property of the association for the preceding financial year;
 - b) The receiving of the auditor's report upon the books and accounts for the preceding financial year;
 - c) **The appointment of an auditor.**
- 3) **The business transacted at every second annual general meeting shall include the matters referred to in the preceding sub-rule 21. (1) and (2) together with the election of members to the management committee.**
22. The secretary shall convene a special general meeting:-
- a) When directed to do so by the Management Committee; or
 - b) On the requisition in writing signed by not less than one-third of the members presently on the Management Committee or not less than the number of ordinary members of the Association which equals double the number of members presently on the Management Committee plus one. Such requisition shall clearly state the reasons why such special general meeting is being convened and the nature of the business to be transacted thereat; or
 - c) **The secretary shall convene a general meeting on receipt of a notice in writing of an intention to appeal against a decision of the management committee, to reject an application for ordinary membership or to terminate the membership of any person.**
23. 1) At any general meeting the number of members required to constitute a quorum shall be double the number of members presently on the Management Committee plus one,
- 2) No business shall be transacted at any general meeting unless a quorum of members is present at the time when the meeting proceeds to business. For the purposes of this rule "member" includes a person attending as a proxy or as representing a corporation which is **an ordinary or life member.**

- 3) **If within a half an hour from the time appointed for the commencement of a general meeting a quorum is not present, the meeting, if convened upon the requisition of members of the management committee or upon requisition of the members of the association shall be cancelled and the subject matter of the requisition shall lapse. In any other case the meeting shall stand adjourned to the same day next week at the same time and place, or to such other day and at such other time and place as the management committee may determine and if at the adjourned meeting a quorum is still not present within half an hour from the time appointed for the meeting, the members then present at such adjourned meeting shall constitute a quorum.**
 - 4) The Chairman may, with the consent of any meeting at which a quorum is present (and shall if so directed by the meeting), adjourn the meeting from time to time and from place to place, but no business shall be transacted at any adjourned meeting other than the business left unfinished at the meeting from which the adjournment took place. When a meeting is adjourned for thirty days or more, notice of the adjourned meeting shall be given as in the case of an original meeting. Save as aforesaid it shall not be necessary to give any notice of that adjournment or of the business to be transacted at that adjourned meeting.
- 24.
- 1) The secretary shall convene all general meetings of the Association by giving not less than fourteen (14) days notice of any such meeting to the members of the Association.
 - 2) The manner by which such notice shall be given shall be determined by the Management Committee: Provided that notice of any meeting convened for the purpose of hearing and determining the appeal of a member against the rejection or termination of his membership by the Management Committee, shall be given in writing. Notice of a general meeting shall clearly state the nature of business to be discussed thereat. **Without limiting the generality of the foregoing, the management committee may determine that where appropriate, any notice of meeting or notice of hearing to determine an appeal may in addition to the conventional means of giving writing notice, be given by electronic means such as email or SMS (short message service) text message, digital media and local print media.**

25. Unless otherwise provided by these Rules, at every general meeting:-

- 1) The President shall preside as Chairman, or if there is no President, or if **the President** is not present within fifteen minutes after the time appointed for the holding of the meeting or is unwilling to act, the Vice-President shall be the Chairman or if the Vice-President is not present or is unwilling to act **then** the members **then** present shall elect one of their number to be chairman of the meeting;
- 2) The Chairman shall maintain order and conduct the meeting in a proper and orderly manner;
- 3) Every question, matter or resolution shall be decided by a majority of votes of the members present;
- 4) Every member present shall be entitled to one vote and in the case of an equality of votes the Chairman shall have a second or casting vote: Provided that no member shall be entitled to vote at any general meeting if **that member's** annual subscription is more than two months in arrears at the date of the meeting;
- 5) Voting shall be by show of hands or a division of members, unless not less than one-fifth of the members present demand a ballot, in which event there shall be a secret ballot. The Chairman shall appoint two members to conduct the secret ballot in such manner as **the Chairman** shall determine and the result of the ballot as declared by the Chairman shall be deemed to be the resolution of the meeting at which the ballot was demanded;
- 6) A member may vote in person or by proxy or by attorney and on a show of hands every person present who is a member or representative of a member shall have one vote and in secret ballot every member present in person or by proxy or by attorney or other duly authorised representative shall have one vote;
- 7) The instrument appointing a proxy shall be in writing, in the common or usual form under the hand of the appointer or of his attorney duly authorised in writing or, if the appointer is a corporation, either under seal or under the hand of an officer or attorney duly authorised. A proxy may but need not be a member of the Association. The instrument appointing a proxy shall be deemed to confer authority to demand or join in demanding a secret ballot;
- 8) Where it is desired to afford members an opportunity of voting for or against a resolution the instrument appointing a proxy shall be in the following form or a form as near thereto as circumstances permit:-

BRISBANE SIKH TEMPLE (GURDWARA) INC.

I, _____ of _____, being a financial
member of the above named Association, hereby appoint _____ of _____
, or failing him, _____ of _____,
as my proxy to vote for me on my behalf at the (annual) general meeting of the Association, to be
held on the _____ day of _____ 20 ..

Signature.

This form is to be used * in favour of the resolution.
* against

* Strike out whichever is not desired. (Unless otherwise instructed, the proxy may vote as he thinks fit.);

- 9) The instrument appointing a proxy shall be deposited with the secretary prior to the commencement of any meeting or adjourned meeting at which the person named in the instrument proposes to vote; and
- 10) The secretary shall cause full and accurate minutes of all questions, matters, resolutions and other proceedings of every Management Committee meeting and general meeting to be entered in a book to be open for inspection at all reasonable times by any financial member who previously applies to the secretary for that inspection. For the purposes of ensuring the accuracy of the recording of such minutes, the minutes of every Management Committee meeting shall be signed by the Chairman of that meeting or the Chairman of the next succeeding Management Committee meeting verifying their accuracy. Similarly, the minutes of every general meeting shall be signed by the Chairman of that meeting or the Chairman of the next succeeding general meeting: Provided that the minutes of any annual general meeting shall be signed by the Chairman of that meeting, or the Chairman of the next succeeding general meeting or annual general meeting.
- 11) **No person shall hold proxies or be entitled to vote on behalf of more than 20 financial ordinary or life members of the Association. At any meeting or business of the Association, all votes cast by a person who holds in excess of 20 Proxies (whether on behalf of that person or on behalf of other members) shall be disregarded.**

26. BY LAWS AND CODE OF CONDUCT

- 1) The management committee may from time to time make, amend or repeal by-laws consistent with these rules for the internal management of the Association and in any by-laws so made may only be set aside by a general meeting of members.
- 2) As any code of conduct that relates to the religious proceedings conducted on the Gurdwara Sahib Brisbane Association premises, that code of conduct must accord with Sikh Rehat Maryada issued by Shri Akaal Takht Sahib, Amritsar and published by the Dharam Parchar Committee of SGPC Amritsar, Punjab India.
- 3) In the event of a dispute or disagreement with respect to the interpretation of the code of conduct relating to religious proceedings, the formal dispute resolution process will be as follows:-
 - (a) All members of the management committee shall discuss, consider and decide on any matters brought forward.
 - (b) The members of the management committee plus an equal number of ordinary or life members plus one ordinary/life member will review the decision taken by the management committee.
 - (c) Should the matter still be in dispute because of the inability of the forums referred to in sub clauses (a) and (b) to arrive at a satisfactory conclusion or decision, the secretary will, on instruction call a general meeting of the association where the issue will be resolved only by a two thirds majority of members present and entitled to vote.

27. ALTERATION OF RULES

- 1) Subject to the provisions of the "Associations Incorporation Act 1981" these rules may be amended, rescinded or added from time to time by a special resolution carried at any general meeting by a two-thirds majority of the financial ordinary or life members of the association present at the meeting in person or by proxy and entitled to vote.
- 2) An amendment, rescission or addition to these rules is valid only if it is subsequently registered by the Chief Executive as defined in the Associations Incorporation Act.

28. COMMON SEAL

- 1) The Management Committee shall provide for a Common Seal and for its safe custody. The Common Seal shall only be used by the authority of the Management Committee and every instrument to which the seal is affixed shall be signed by a member of the Management Committee and shall be countersigned by the secretary or by a second member of the Management Committee or by some other person appointed by the Management Committee for the purpose.
- 2) The Association may seek incorporation under any relevant Act.

29. **FUNDS AND ACCOUNTS**

- 1) The funds of the Association shall be banked in the name of the Association in such bank as the Management Committee may from time to time direct.
- 2) Proper books and accounts shall be kept and maintained either in written or printed form in the English language showing correctly the financial affairs of the Association and the particulars usually shown in books of a like nature.
- 3) All moneys shall be banked as soon as practicable after receipt thereof.
- 4) **The management committee may from time to time determine what amounts of Association funds shall only be paid by cheque and what amounts may be drawn or paid by cash. All cheques must be signed by any two of the president, secretary, treasurer or other committee member authorised from time to time by the management committee for that purpose.**
- 5) Cheques shall be crossed "not negotiable" except those in payment of wages, allowances or petty cash recoupments which may be open.
- 6) The Management Committee shall determine the amount of petty cash which shall be kept on the imprest system.
- 7) All expenditure shall be approved or ratified at a Management Committee meeting.
- 8) As soon as practicable after the end of each financial year the treasurer shall cause to be prepared a statement containing particulars of:-
 - (a) The income and expenditure for the financial year just ended; and
 - (b) The assets and liabilities and of all the mortgages, charges and securities affecting the property of the Association at the close of that year.
- 9) All such statements shall be examined by the auditor who shall present a report upon such audit to the secretary prior to the holding of the annual general meeting next following the financial year in respect of which such audit was made.
- 10) The income and property of the Association **lawfully** derived shall be used and applied solely in promotion of its objects and in the exercise of its powers as set out herein and no portion thereof shall be distributed, paid or transferred directly or indirectly by way of dividend, bonus or otherwise by way of profit to or amongst the members of the Association provided that nothing herein contained shall prevent the payment in good faith of interest to any such member in respect of moneys advanced by **such member** to the Association or otherwise owing by the Association to **such member** or of remuneration to any officers or servants of the Association or to any member of the Association or other person in return for any services actually rendered to the Association provided further that nothing

herein contained shall be construed so as to prevent the payment or repayment to any member of out of pocket expenses, money lent, reasonable and proper charges for goods hired by the Association or reasonable and proper rent for the premises demised or let to the Association.

30. DOCUMENTS

The Management Committee shall provide for the safe custody of books, documents, instruments of title and securities of the Association.

31. FINANCIAL YEAR

The financial year of the Association shall close on **31st** March in each year.

32. DISTRIBUTION OF SURPLUS ASSETS

If the Association shall be wound up in accordance with the provisions of the Associations Incorporation Act 1981, and there remains, after satisfaction of all its debts and liabilities, any property whatsoever, the same shall not be paid to or distributed among the members of the Association, but shall be given or transferred to some other Institution or Institutions having objects similar to the objects of the Association and which shall prohibit the distribution of its or their income and property among its and their members to an extent at least as great as is imposed on the Association under and by virtue of Rule 29(10), such institution or institutions to be determined by the members of the Association.