

CONSTITUTION
FOR
SHREE SWAMINARAYAN TEMPLE (MANDIR),
PERTH, AUSTRALIA Inc.

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CONTENTS

1. NAME.....	3
2. DEFINITION.....	3
3. AIMS & OBJECTIVES.....	3
4. LIMITATIONS AND POWER.....	4
5. MEMBERSHIP.....	6
6. MANAGING COMMITTEE.....	6
7. DUTY OF OFFICERS.....	8
8. SUB COMMITTEE.....	9
9. ELECTIONS.....	9
10. TRUSTEES.....	10
11. ANNUAL GENERAL MEETING.....	11
12. SPECIAL GENERAL MEETING.....	11
13. CONDUCT OF MEETINGS.....	12
14. QUORUM.....	12
15. VOTING.....	12
16. INSPECTION OF RECORDS.....	13
17. RESIGNATION.....	13
18. LIABILTY AND INDEMNITY.....	13
19. COMMON SEAL OF THE ORGANISATION.....	13
20. DISSOLUTION.....	14
21. RULES OF ASSOCIATION.....	14

SHREE SWAMINARAYAN TEMPLE (MANDIR), PERTH, AUSTRALIA Inc.
CONSTITUTION

1. NAME

The name of the Organisation shall be **Shree Swaminarayan Temple (Mandir), Perth, Australia Inc**, herein after referred to as **‘The Organisation’**.

2. DEFINITION

Through out this constitution the following terms and abbreviations apply:

“Said Seats” shall mean the seats of “Shree Nar-Narayan Dev Diocese (in Ahmedabad) and Shree Laxmi-Narayan Dev Diocese (in Vadtal)” as established by Lord Shree Sahajanand Swami in India.

“Shree Swaminarayan Temple Bhuj” shall mean the Swaminarayan Temple Nar Narayan Dev, Bhuj, Kutch, India (A Public Religious Trust registered under the Bombay Public Trust Act 1950, Registration number A-23 (KUTCH) at Bhuj-Kutch, in the state of Gujarat, India.)

“Bhuj Executive Committee” shall mean the Executive Committee of Swaminarayan Temple Bhuj – for this constitution this is made up of the Mahant Swami, Deputy Mahant Swami, and three other senior Swamis.

“Faith” shall mean the original teachings and principles of Shree Swaminarayan faith ordained by Lord Shree Sahajanand Swami as set out in the *Shikshapatri*, *Vachnamrutam* and *Satsangi Jivan*.

“Act” shall mean the Associations Incorporation Act 1987 (WA)

3. AIMS & OBJECTIVES

The objectives of The Organisation shall be:

- a) To propagate and promote the true and original precepts and tenets of Shree Swaminarayan Faith ordained by Lord Shree Sahajanand Swami and under the guidance of Swaminarayan Temple Bhuj.
- b) To observe, promote and follow the Panch Vartman (five fundamental Vows) introduced by Lord Shree Sahajanand Swami;
 - i. Thou shall not eat meat.
 - ii. Thou shall not take any intoxicating drugs.
 - iii. Thou shall not commit adultery.
 - iv. Thou shall not steal.
 - v. Devotees of Lord Swaminarayan must practise non-conversion i.e. they must follow the other four vows closely and not stray from these rules or persuade or encourage others to stray from this path.

- c) To manage the affairs of The Organisation in accordance with the customs and traditions followed by the temples established by the Said Seats for the achievement of wider goals of the Sanatan Dharma and Hinduism.
- d) To install in the temple the idols and images of Lord Shree Sahajanand Swami and his various manifestations as approved and recognised by Lord Shree Sahajanand Swami and the Acharyas of the Said Seats.
- e) To only use such scriptures and religious texts of the Faith as have been approved by the Acharyas of the Said Seats or published with their authority shall be read and preached in The Organisation. All religious discourses, hymns, prayers and verses shall be recited as per the prevalent customs of the Faith.
- f) To offer all possible support and assistance to the organisations and institutions connected or associated with the Said Seats and offering selfless service within the Swaminarayan Faith.
- g) To propagate and promote the literature of the Faith including publicizing its activities in the leading publications of the Faith which comply with the objectives and beliefs of The Organisation.
- h) To establish and administer appropriate educational institutions, medical centres and health care centres and to render material assistance to such other institutions who carry out such activities for devotees and the wider Australian Community.
- i) To assist the devotees and the public at large at times of unexpected disasters or natural calamities and support similar organizations providing such services.
- j) The property and income of The Organisation shall be applied solely towards the promotion of the objectives or purpose of The Organisation and no part of that property or income may be paid or otherwise distributed directly or indirectly to members of The Organisation or to any other external parties, except in good faith in the promotion of these objectives or purpose.

4. LIMITATIONS AND POWER

The powers conferred on The Organisation are the same as those conferred by Section 13 of the Associations Incorporations Act 1987 (“Act”), so that subject to the Act and any additions, exclusions or modifications as referred to below, The Organisation may do all things necessary or convenient for carrying out its objects and purposes and in particular may:-

- a) acquire, hold, deal with, and dispose of any real or personal property;
- b) open and operate bank accounts;

- c) invest its money:-
 - i. in any security in which trust monies may lawfully be invested; or
 - ii. in any other manner authorised by the rules of the Association;
- d) borrow money upon such terms and conditions as The Organisation thinks fit;
- e) gives such security for the discharge of liabilities incurred by The Organisation as The Organisation thinks fit;
- f) appoint agents to transact any business of The Organisation on its behalf;
- g) enter into any other contract it considers necessary or desirable;
- h) may act as trustee and accept and hold real and personal property upon trust, but does not have power to do any act or thing as a trustee, if done otherwise than as a trustee, would contravene this act or the rules of the Association;
- i) in the event of a dispute or disagreement regarding the interpretation or clarification of any religious matter referred to in the objectives of the constitution, then reference shall be made to the Bhuj Executive Committee who in consultation with the Archarya of Nar-Narayan Dev Diocese will provide a resolution which shall be binding and conclusive;
- j) any follower of the Faith ordained by either Acharya of the Said Seats, viz, an ascetic (Tyagi), saints (Swami), Brahmachari or an initiate (Parshad) ordained by the Mahant Swami of Swaminarayan Temple Bhuj may visit and stay at the premises of The Organisation provided they have sought written permission as a form of introduction from Acharya of the Shree Nar-Narayan Dev Diocese or the Bhuj Executive Committee. However, the Managing Committee shall have the right to make a final decision on whether or not to grant such permission. This clause 4(j) shall only be amended or deleted upon prior written approval by the Bhuj Executive Committee;
- k) the visitors staying at the premises of The Organisation shall abide by the rules and regulations of The Organisation and shall not be allowed to raise funds other than for The Organisation. However, the Managing Committee shall have the right to make the final decision on whether or not to allow them to raise funds;
- l) raise funds by all lawful means to fulfil its aims and objectives;
- m) print, publish, sell or gratuitously distribute any leaflets, magazines, periodicals, newsletters or books for the promotion of its aims and objectives.

5. MEMBERSHIP

Any person irrespective of gender, caste, race, or creed, who is a follower or devotee of the Said Seats and believes in original teachings of Lord Shree Sahajanand Swami, the founder of the Swaminarayan Faith and participates actively in daily routine, activities, events and festivals celebrated by The Organisation shall be eligible for Ordinary and Subscribed Membership.

All members shall be permitted to participate in general functions and activities.

5.1 Membership Fees

i. Ordinary Member.

No fee is payable for this membership.

ii. Subscribed Member.

A subscribed member shall pay a one off life time membership fee as determined by the Managing Committee from time to time. Qualifying age for membership shall be 18 years of age and above.

5.2 Subscribed membership application shall be made in the prescribed form and proposed by one existing subscribed member and submitted to the Secretary who after approval thereof by the Managing Committee shall collect the applicable membership fee and thereafter shall record such membership in the members' register.

5.3 Subscribed membership fees shall not be refundable in any circumstances.

5.4 Any member who takes part directly or indirectly in any activity which is detrimental to The Organisation and the Swaminarayan Faith may be declared unfit for membership and expelled from membership by sixty-six percent vote of the members present at the general meeting convened for the purpose. The expelled member shall not be refunded membership fees or any donations.

6. MANAGING COMMITTEE

6.1 The Annual General Meeting (AGM) of The Organisation's subscribed members shall elect the Managing Committee which shall be responsible for managing the day to day affairs of The Organisation.

6.2 The Managing Committee shall comprise of the President, the Vice-President, the Secretary, the Assistant Secretary, the Treasurer, the Assistant Treasurer, an Internal Auditor and 4 other committee members.

6.3 After the election, the outgoing office bearers shall hand over all the title deeds, ornaments and jewellery, files, books of accounts, keys and other property of The Organisation which may have been in their custody to the newly elected office bearers

- within ten days. However, the outgoing office bearers' duties and responsibilities shall not cease until the new office bearers have taken over full charge of the administration.
- 6.4 All members of the Managing Committee shall retire annually, but shall be eligible for re-election or nomination as a co-opt member. However, the President, the Secretary and the Treasurer shall not hold the same post for more than 3 consecutive years.
- 6.5 The Managing Committee shall have the power to co-opt up to 2 subscribed members to fill any short-term vacancies. The vacancy shall be filled at the next AGM or a general meeting.
- 6.6 The Financial year for The Organisation shall be from 1st July to 30th June.
- 6.7 The Managing Committee shall meet at least once every two months under the chairmanship of the President or the Vice-President. The presence of 60% of the Managing Committee members shall form the *quorum* for the meeting. In the event of both the President and the Vice-President being absent, the members present may nominate a chairman from amongst themselves and shall proceed with the agenda of the meeting.
- 6.8 Normally the meetings of the Managing Committee shall be held at The Organisations offices. The Secretary shall call a meeting in consultation with the President to decide the day, time and agenda of the meeting and shall send notice of every such meeting to all members of the Managing Committee at least seven days before the date of the meeting.
- 6.9 At the meeting of the Managing Committee the secretary shall present the minutes of its previous meeting and the treasurer shall present matters relating to financials. Furthermore, the Secretary shall record the proceedings under the agenda in the minute book of The Organisation.
- 6.10 Any member of the Managing Committee or sub-committee remaining absent at three consecutive meetings without assigning reasons for such absenteeism shall be deemed to have relinquished his membership of the relevant committee. Also the office of a member of the committee shall be deemed vacated if they resign, is declared insolvent, dies, is convicted of an offence under the Act, is permanently incapacitated by mental or physical ill-health, ceases to be a subscribed member of the Organisation or is the subject of a resolution passed at a general meeting of subscribed members terminating their appointment as a Committee member.
- 6.11 If three Office Bearers or one third (1/3) of the Managing Committee members resign at the same time, a special general meeting shall be convened for holding elections to fill the vacancy for the remaining term of the resigning members.
- 6.12 The holding Trustees shall be entitled to attend any meeting of the Managing Committee

7. DUTY OF OFFICERS

President

The President shall represent the views of The Organisation as outlined in section 3 of this constitution and shall preside at all general and committee meetings. They shall promote and represent The Organisation on all occasions whenever possible.

The President shall review and sign the minutes after approval at the subsequent meeting.

Vice President

The vice-president shall assume the duties and responsibilities of the President in an absence or resignation of the President. They shall support and work closely with the President in sharing the responsibilities.

General Secretary

The General Secretary shall:

- i. Coordinate the receipt and dispatch of correspondence of The Organisation;
- ii. Keep full and correct minutes of the proceedings of the Managing Committee, general and other meetings of The Organisation. These shall be filed within 30 days of the meeting.
- iii. Keep the records of office bearers and the register of subscribed members. The register shall be kept and maintained in an up to date condition and to contain the name and postal or residential address of the subscribed members. Upon request, the register is to be made available for inspection of subscribed members, who may make a copy or take an extract of the register;
- iv. Have custody and keep safe the Common Seal of The Organisation and all books, documents, records and registers of The Organisation apart from those kept by the Treasurer;
- v. Issue notices of meetings;
- vi. Accept receipt of any notices required by the constitution to be served on The Organisation; and perform such duties as are imposed by the constitution on the secretary.

Assistant Secretary

The Assistant Secretary shall assume the duties and responsibilities of the Secretary in the event of an absence or resignation of the Secretary. The Assistant Secretary shall support and work closely with the secretary sharing the responsibilities.

Treasurer

The Treasurer shall:

- i. be responsible for the receipt of all money paid to or received on behalf of The Organisation and shall issue all receipts in the name of The Organisation;
- ii. pay all money referred to in paragraph (i) above into the account of The Organisation;

- iii. make payments from The Organisation funds with authority from the Managing Committee or a general meeting. All approvals will require at least two signatories from the following: the President, Secretary and Treasurer;
- iv. comply on behalf of The Organisation with section 25 and 26 of the Act in respect of the accounting records of The Organisation;
- v. submit to the Committee at each meeting a financial report in accordance with Committee requirements;
- vi. have custody of and keep safe all securities, books and documents of a financial nature and accounting records of The Organisation;
- vii. ensure the preparation and audit of annual financial statements including a budget, a balance sheet and profit and loss account in conformity with generally accepted accounting principles;
- viii. present audited financial statements to the Annual General Meeting;
- ix. Keep a small amount of petty cash for the day to day expenses as determined by the Managing Committee.
- x. open the donation-boxes holding the religious offerings, in the presence of two other witnesses, note the amount there-in properly and obtain the witnesses signatures as a recording of the count. In the absence of the Treasurer either the Assistant Treasurer or the President or the Secretary shall be present. The Treasurer shall deposit all cash amounts so collected, including also those cash donations or offerings received by the Priest on behalf of The Organisation in the bank account or accounts of The Organisation.

Assistant Treasurer

The Assistant Treasurer shall assume the duties and responsibilities of the Treasurer in the event of an absence or resignation of the Treasurer. The Assistant Treasurer shall support and work closely with the Treasurer sharing the responsibilities.

8. SUB COMMITTEE

The Managing Committee shall have the power to form various sub-committees to undertake different activities. All sub-committees shall:

- i. have at least one member of the Managing Committee;
- ii. all sub committee members shall be subscribed members;
- iii. operate within the terms of reference and guidelines given by the Managing Committee;
- iv. refer all resolutions passed to the Managing Committee for ratification and The Managing Committee has the power to dissolve any sub-committee.

9. ELECTIONS

- 9.1 Any candidate seeking election to the Managing Committee or to any Sub-Committee or Trustee who qualifies under clause 15.2 shall be eligible for such election.

- 9.2 Only those members who have served at least one year as a member in the Managing Committee of The Organisation and have therefore acquired experience and knowledge in the administration of The Organisation shall be eligible to be candidates for the principal seats of the President, the Secretary and the Treasurer.
- 9.3 Persons who are owners or administrators of institutions or firms which transgress the Panchvartman or those who are currently members of the Managing Committee or a sub-Committee or a Trustee of any religious faith or organisation or its branch which has parted ways with the temples under the leadership of and following the customs and traditions of the Said Seats shall not be eligible to be candidates for election as trustee, office bearer, or member of any committee of The Organisation.
- 9.4 At every election any member wishing to be a candidate for the post of an Office Bearer or committee member of the Managing Committee or a Trustee shall be present at the time of the general meeting and sign the attendance book. However, due to unavoidable circumstances, if such member is unable to attend the meeting he shall send his signed letter of consent through a proxy to reach the Secretary two days before the meeting and the proxy shall present such letter of consent personally and signed by him as a witness.

10. TRUSTEES

- 10.1 Five trustees shall be elected every five years at the AGM of The Organisation, the function of the trustees to ratify the powers exercised by The Organisation pursuant to Clause 4(a) and 4(d) of this constitution.
- 10.2 The members who satisfy the provisions of clause 5.2 and 9 above shall be eligible as candidates for election to these five positions.
- 10.3 The Trustees shall execute their responsibilities with the approval and authorization of at least three trustees.
- i. The Trustees shall first seek approval from the Shree Swaminarayan Temple Bhuj followed by approval of a general meeting to purchase, sell, mortgage, lease, hire, charge and give as gift or donate any of the immovable assets of The Organisation
 - ii. The Trustees shall first seek approval of a general meeting to purchase, sell, mortgage, lease, hire, charge and give as gift or donate any of the cash and the moveable assets of The Organisation over \$10,000.
- 10.4 The Trustees shall not misuse their authority by interfering with any general or special meeting where deliberation and resolutions on the administration or activities of The Organisation are considered and passed in accordance with the objectives and regulations of this constitution. A trustee accused of such misconduct may have his election nullified by a sixty six percent (66%) vote of members at a general or special meeting convened for the purpose. At the same meeting the vacancy thus created may be filled by election as new trustee of a suitable member who meets the requirements of clause 9 above for the remaining tenure of the outgoing trustee. However during the committee meetings trustees will be allowed to contribute their advice and guidance.

- 10.5 The office of a trustee shall be deemed vacated if they resign, is declared insolvent, dies, is convicted of a criminal offence, becomes of unsound mind, or if they remain out of the country for a continuous period of more than one year. Any vacancy so created shall be filled for the remaining tenure of such trustee by a general meeting electing as new trustee a suitable member who meets the requirements of clause 9 above.
- 10.6 In addition to the five elected Trustees, the Mahant Swami of Shree Swaminarayan Temple Bhuj will remain as a life time Honorary Trustee of the Organisation. The Function of this role will be to provide guidance to the Organisation on the objectives of the Organisation and matters related to 4(a) and 4(d) of this Constitution prior to tabling resolutions to the Subscribed Members for final approval at a General Meeting.

11. ANNUAL GENERAL MEETING

The Managing Committee shall call an AGM within 3 months of the end of the financial year by giving not less than 21 days notice to subscribed members. The purpose of the AGM shall be:

- i. To confirm the minutes of the previous AGM;
- ii. To receive and approve the Secretary's, Treasurer's and the President's report;
- iii. To approve the audited financial statement for the preceding year;
- iv. To approve the budget for the following year;
- v. To discuss and vote as appropriate, on any other business that has been duly notified to all subscribed members;
- vi. To nominate the electing officer and elect members of the Managing Committee;
- vii. To elect an honorary auditor;
- viii. Any other business.

12. SPECIAL GENERAL MEETING

The President or the Secretary of The Organisation shall call a Special General Meeting by giving not less than 21 days notice to subscribed members for any of the following purposes;

- i. To satisfy the written request of subscribed members to call a meeting provided that such a request is supported by the signatories of at least 33% of the subscribed membership;
- ii. To satisfy a written request from at least 7 members of the Managing Committee stating the business to be considered;

An extraordinary special general meeting shall be called with 7 days notice to transact any urgent business.

Only specific business mentioned in the agenda shall be transacted during such meeting.

13. CONDUCT OF MEETINGS

At any general meetings of The Organisation any member may, with the permission of the Chairman:

- i. Express his view on the subject matter under discussion.
- ii. If during the proceedings any member creates a provocative situation or anybody utters inappropriate or obscene language then the Chairman of the meeting may order such member to leave the meeting.
- iii. The chairman of the meeting may adjourn a meeting if the atmosphere at such a meeting becomes unruly or disorderly.

14. QUORUM

- 14.1 Quorum for all general meetings shall be 40% of the subscribed membership with a minimum of 50 subscribed members.
- 14.2 If the quorum is not reached within 30 minutes after the specified start time then the meeting shall lapse.
- 14.3 In case of an adjournment as above, another meeting shall be called within 7 days. For such adjourned meetings no quorum is required to carry on with the business on the agenda.

15. VOTING

- 15.1 All resolutions that are proposed at the General or Annual General Meetings of The Organisation shall be decided by simple majority vote. Voting shall be by show of hands or if the Chairman of the meeting deems it appropriate it shall be by secret ballot and in case of equality of votes, the Chairman shall have a casting vote.
- 15.2 Only subscribed members shall be allowed to vote and be eligible to be candidates for election to any office of The Organisation.
- 15.3 All constitutional changes shall require a majority of no less than three quarters of those subscribed members in attendance. The proposed amendments and details thereof shall be displayed prominently on the Notice board of The Organisation for information to all the members at least 30 days prior to the date of the general meeting where the amendments are to be deliberated and put to a vote.
- 15.4 In case of a general meeting called for the voluntary wind up of the organisation, this too shall require a majority of no less than three-quarters of those subscribed members in attendance.

16. INSPECTION OF RECORDS

A subscribed member may at any reasonable time inspect any records and documents of The Organisation by giving 7 days notice in writing to the Secretary or the President.

17. RESIGNATION

Any member or Office Bearer of the Managing Committee or a Trustee who wishes to be relieved of their current duties due to personal or any other reason may do so by submitting their resignation in writing to the Secretary. If the Secretary wishes to resign then the written resignation shall be addressed to the President. Such resignation shall be considered and dealt with by the Managing Committee within a period of fifteen (15) days but until the resignation is sanctioned the member shall not be relieved of their assigned duties. Upon sanction of the resignation the resigning member, Office Bearer or the Trustee shall promptly hand over all articles, documents, deeds files, cash, cheque books, keys and other assets of The Organisation in their possession or under their control to the member appointed by the Managing Committee to take over.

18. LIABILITY AND INDEMNITY

The Trustees and the Office Bearers of the Managing Committee individually and/or collectively shall be indemnified against all costs and expenses arising out of all law suits instituted against one or more of the members. These expenses shall be borne and paid by The Organisation provided such loss and expense arise while discharging their duties in good faith in pursuance of the decisions or resolutions of the Managing Committee or of any general or special meeting or by reasons of such lawful acts that they may be called upon to perform as per this constitution.

19. COMMON SEAL OF THE ORGANISATION

- 19.1 The Organisation must have a common seal on which its corporate name appears in legible characters.
- 19.2 The common seal of The Organisation must not be used without the express authority of the Managing committee and The Organisation must record use of that common seal.
- 19.3 The fixing of the common seal of The Organisation must be witnessed by any two of the Chairperson, the Secretary and the Treasurer.
- 19.4 The common seal of The Organisation must be kept in the custody of the secretary or such other person as the management committee from time to time decides.

20. DISSOLUTION

If due to any circumstances The Organisation ceases to exist, the Trustees for the time being with the consent of the subscribed members of The Organisation and the members of the Managing Committee present at the time, shall take charge of The Organisation and all its moveable and immovable assets and funds of The Organisation.

The trustees shall inform and brief the Acharya of the Nar Narayan Dev Diocese or the Bhuj Executive Committee on the prevailing situation.

If upon the winding up or dissolution of The Organisation there remains after satisfaction of all debts and liabilities any property whatsoever, the same shall not be paid to or distributed among the members, or former members, but shall be given or transferred to:

- i. another association incorporated under the Act which has similar objects; or
- ii. for charitable purposes

which association or purposes, as the case requires, shall be determined by resolution of the subscribed members

21. RULES OF ASSOCIATION

The Organisation may alter or rescind this constitution, or make rules additional to this constitution, in accordance with the procedure set out in Section 17 of the Act ~~except for clauses 1, 3(a), 3(b), 3(c), 3(d), 3(e) and this clause of this constitution shall not be added to or amended.~~