

CONSTITUTION

SUPPORT ASSOCIATION FOR THE WOMEN OF AFGHANISTAN –SAWA-AUSTRLIA (NSW)
(SEPTEMBER 2016)

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SUPPORT ASSOCIATION FOR THE WOMEN OF AFGHANISTAN: SAWA - AUSTRALIA (NSW)

NAME AND OBJECTS

- (1) The name of the association is SUPPORT ASSOCIATION FOR THE WOMEN OF AFGHANISTAN: SAWA - AUSTRALIA (NSW) INC. (in this constitution called the association)
- (2) The objects of the association are to:
 - raise funds to assist in education, development and relief projects for Afghan women and children;
 - increase community awareness of the needs of Afghan women and children;
 - encourage women, men and young people to join SAWA – AUSTRALIA state associations.
 - support the establishment and operation of SAWA – AUSTRALIA groups throughout Australia

CONSTITUTION

1. Definitions

(1) In this constitution:

Director-General means the Director-General of the Department of Services, Technology and Administration.

“committee” means the committee of management of the association

“financial year” means the year ending 30 June

“member” means a member of the association

“ordinary committee member” means a member of the committee who is not an office-bearer

“special general meeting” means a general meeting of the association other than an annual general meeting

“secretary” means:

(a) the person holding office under this constitution as secretary of the association, or

(b) if no such person holds that office – the public officer of the association

“the Act” means the Associations Incorporation Act 2009

“the Regulation” means the Associations Incorporation Regulation 2016

(2) In this constitution:

(a) a reference to a function includes a reference to a power, authority and duty, and

(b) a reference to the exercise of a function includes, if the function is a duty, a reference to the performance of the duty.

(3) The provisions of the Interpretation Act 1987 apply to and in respect of this constitution in the same manner as those provisions would so apply if this constitution were an instrument made under the Act.

2. Membership

- (1) A person or organisation becomes a member of the association by paying the entrance fee of an amount as determined by the committee.
- (2) An application for membership in the form determined by the committee must accompany the entrance fee and may be sent by email or other electronic means
- (3) In addition to any amount payable by the member under subclause (1), a member of the association must pay an annual membership fee of an amount determined by

the committee:

- a. except as provided by paragraph (b), before the 1 July in each calendar year, or
 - b. if the member becomes a member on or after 1 July in any calendar year, on becoming a member and before 1 July in each succeeding calendar year
- (4) The secretary must, on payment of the amount referred to in subclause (1), enter or cause to be entered, the member's name in the register of members.

3. Local Groups

- (1) residents of a defined local area may establish a local SAWA – Australia group
- (2) local groups must be affiliated with a state association and operate in accordance with the constitution of that state association.
- (3) local groups may raise funds independently but must forward all profits from activities to the state association for distribution to projects supported by that state association.

4. Members' liabilities

The liability of a member of the association to contribute towards the payment of the debts and liabilities of the association or the costs, charges and expenses of the winding up of the association is limited to the amount, if any, unpaid by the member in respect of membership of the association as required by clause 2.4. Cessation of membership

5. Cessation of membership

A person ceases to be a member of the association if the person:

- (a) dies, or
- (b) resigns membership, or
- (c) is expelled from the association, or
- (d) fails to pay the annual membership fee under clause 2 (3) within 3 months after the fee is due.

6. Membership entitlements not transferable

A right, privilege or obligation which a person has by reason of being a member of the association:

- (a) is not capable of being transferred or transmitted to another person, and
- (b) terminates on cessation of the person's membership.

7. Resignation of membership

- (1) A member of the association may resign from membership of the association by first giving to the secretary written notice of at least one month (or such other period as the committee may determine) of the member's intention to resign and, on the expiration of the period of notice, the member ceases to be a member.
- (2) If a member of the association ceases to be a member under subclause (1), and in every other case where a member ceases to hold membership, the secretary must make an appropriate entry in the register of members recording the date on which the member ceased to be a member.

8. Register of members

- (1) The secretary or treasurer must establish and maintain a register of members of the association in either written or electronic form specifying the name and postal, residential or

email address of each person together with the date on which each person became a member

- (2) The register of members must be kept in New South Wales
 - (a) at the main premises of the association, or
 - (b) if the association has no premises, at the association's official address.
- (3) The register of members must be open for inspection, free of charge, by any member of the association at any reasonable hour.
- (4) A member of the association may obtain a copy of any part of the register on payment of a fee of not more than \$1 for each page copied.
- (5) If a member requests that any information contained on the register about the member (other than the member's name) not be available for inspection, that information must not be made available for inspection.
- (6) A member must not use information about a person obtained from the register to contact or send material to the person, other than for:
 - (a) the purposes of sending the person a newsletter, a notice in respect of a meeting or other event relating to the association or other material relating to the association, or
 - (b) any other purpose necessary to comply with a requirement of the Act or the Regulation.
- (7) If the register of members is kept in electronic form:
 - (a) it must be convertible into hard copy, and
 - (b) the requirements of subclauses (2) and (3) apply as if a reference to the register of members is a reference to a current hard copy of the register of members.

9. Resolution of disputes

- (1) A dispute between a member and another member (in their capacity as members) of the association, or a dispute between a member or members and the association, are to be referred to a community justice centre for mediation under the Community Justice Centres Act 1983.
- (2) If a dispute is not resolved by mediation within 3 months of the referral to a community justice centre, the dispute is to be referred to arbitration.
- (3) The Commercial Arbitration Act 1984 applies to any such dispute referred to arbitration.

10. Disciplining of members

- (1) A complaint may be made to the committee by any person that a member of the association:
 - a. has refused or neglected to comply with a provision or provisions of this constitution, or
 - b. has wilfully acted in a manner prejudicial to the interests of the association.
- (2) The committee may refuse to deal with a complaint if it considers the complaint to be trivial or vexatious in nature
- (3) If the committee decides to deal with the complaint, the committee:
 - a. must cause notice of the complaint to be served on the member concerned, and
 - b. must give the member at least 14 days from the time the notice is served within which to make submissions to the committee in connection with the complaint, and
 - c. must take into consideration any submissions made by the member in connection with the complaint.
- (4) The committee may, by resolution, expel the member from the association or suspend the member from membership of the association if, after considering the

complaint and any submissions made in connection with the complaint, it is satisfied that the facts alleged in the complaint have been proved and the expulsion or suspension is warranted in the circumstances.

- (5) If the committee expels or suspends a member, the secretary must, within 7 days after the action is taken, cause written notice to be given to the member of the action taken, of the reasons given by the committee for having taken that action and of the member's right of appeal under clause 10.
- (6) The expulsion or suspension does not take effect:
 - (a) until the expiration of the period within which the member is entitled to appeal against the resolution concerned, or
 - (b) if within that period the member exercises the right of appeal, unless and until the association confirms the resolution under clause 10, whichever is the later.

11. Right of appeal of disciplined member

- (1) A member may appeal to the association in general meeting against a resolution of the committee under clause 9, within 7 days after notice of the resolution is served on the member, by lodging with the secretary a notice to that effect.
- (2) The notice may, but need not, be accompanied by a statement of the grounds on which the member intends to rely for the purposes of the appeal.
- (3) On receipt of a notice from a member under subclause (1), the secretary must notify the committee which is to convene a general meeting of the association to be held within 28 days after the date on which the secretary received the notice.
- (4) At a general meeting of the association convened under subclause (3):
 - (a) no business other than the question of the appeal is to be transacted, and
 - (b) the committee and the member must be given the opportunity to state their respective cases orally or in writing, or both, and
 - (c) the members present are to vote by secret ballot on the question of whether the resolution should be confirmed or revoked.
- (5) The appeal is to be determined by a simple majority of votes cast by members of the association.

12. Powers of the committee

Subject to the Act, the Regulation and this constitution and to any resolution passed by the association in general meeting, the committee:

- (a) is to control and manage the affairs of the association, and
- (b) are required by this constitution to be exercised by a general meeting of members of the association, and
- (c) has power to perform all such acts and do all such things as appear to the committee to be necessary or desirable for the proper management of the affairs of the association.

13. Composition and membership of committee

- (1) The committee is to consist of:
 - (a) the office-bearers of the association, and
 - (b) at least 7 ordinary committee members, each of whom is to be elected at the annual general meeting of the association under clause 14.
- (2) Additional members may be temporarily co-opted by the committee for specific tasks

- (3) The total number of committee members is to be 11
- (4) The office-bearers of the association shall be:
 - (a) convenor
 - (b) assistant convenor
 - (c) secretary
 - (d) treasurer
- (5) A committee member may hold up to 2 offices (other than convenor and assistant convenor)
- (6) The maximum number of consecutive terms for which a committee member may hold office is seven years

- (7) Each member of the committee is, subject to this constitution, to hold office until the conclusion of the annual general meeting following the date of the member's election, but is eligible for re-election
- (8) Officers and members of the association shall
 - (a) offer their services on a voluntary basis and shall not receive remuneration for services to the association
 - (b) not obtain advantages or profit from the assets of the association

14. Election of committee members

- (1) Nominations of candidates for election as office-bearers of the association or as ordinary committee members:
 - (a) must be made in writing, signed by 2 members of the association and accompanied by the written consent of the candidate (which may be endorsed on the form of the nomination), and
 - (b) must be delivered to the secretary of the association at least 7 days before the date fixed for the holding of the annual general meeting at which the election is to take place.
- (2) If insufficient nominations are received to fill all vacancies on the committee, the candidates nominated are taken to be elected and further nominations are to be received at the annual general meeting.
- (3) If insufficient further nominations are received, any vacant positions remaining on the committee are taken to be casual vacancies.
- (4) If the number of nominations received is equal to the number of vacancies to be filled, the persons nominated are taken to be elected.
- (5) If the number of nominations received exceeds the number of vacancies to be filled, a ballot is to be held.
- (6) The ballot for the election of office-bearers and ordinary committee members of the committee is to be conducted at the annual general meeting in such usual and proper manner as the committee may direct.
- (7) A person nominated as a candidate for election as an office-bearer or as an ordinary committee member of the association must be a member of the association.

15. Secretary

- (1) The secretary of the association must, as soon as practicable after being appointed as secretary, lodge notice with the association of his or her address.
- (2) It is the duty of the secretary to keep minutes (whether in written or electronic form) of:
 - (a) all appointments of office-bearers and members of the committee, and
 - (b) the names of members of the committee present at a committee meeting or a general

meeting, and

(c) all proceedings at committee meetings and general meetings.

- (3) Minutes of proceedings at a meeting must be signed by the chairperson of the meeting or by the chairperson of the next succeeding meeting.
- (4) The signature of the chairperson may be transmitted by electronic means for the purpose of sub clause (3)

16. Treasurer

It is the duty of the treasurer of the association to ensure:

- (a) that all money due to the association is collected and received and that all payments authorised by the association are made, and
- (b) that correct books and accounts are kept showing the financial affairs of the association, including full details of all receipts and expenditure connected with the activities of the association

17. Casual vacancies

- (1) In the event of a casual vacancy occurring in the membership of the committee, the committee may appoint a member of the association to fill the vacancy and the member so appointed is to hold office, subject to this constitution, until the conclusion of the annual general meeting next following the date of the appointment.
- (2) A casual vacancy in the office of a member of the committee occurs if the member:
 - (a) dies, or
 - (b) ceases to be a member of the association, or
 - (c) becomes an insolvent under administration within the meaning of the Corporations Act 2001 of the Commonwealth, or
 - (d) resigns office by notice in writing given to the secretary, or
 - (e) is removed from office under clause 17, or
 - (f) becomes a mentally incapacitated person, or
 - (g) is absent without the consent of the committee from 3 consecutive meetings of the committee, or
 - (h) is convicted of an offence involving fraud or dishonesty for which the maximum penalty on conviction is imprisonment for not less than 3 months, or
 - (i) is prohibited from being a director of a company under Part 2D.6 (Disqualification from managing corporations) of the Corporations Act 2001 of the Commonwealth.

18. Removal of committee members

- (1) The association in general meeting may by resolution remove any member of the committee from the office of member before the expiration of the member's term of office and may by resolution appoint another person to hold office until the expiration of the term of office of the member so removed.
- (2) If a member of the committee to whom a proposed resolution referred to in subclause (1) relates makes representations in writing to the secretary or convenor (not exceeding a reasonable length) and requests that the representations be notified to the members of the association, the secretary or the convenor may send a copy of the representations to each member of the association or, if the representations are not so sent, the member is entitled to require that the representations be read out at the meeting at which the resolution is considered.

19. Committee meetings and quorum

- (1) The committee must meet at least 3 times in each period of 12 months at such place and time as the committee may determine.
- (2) Additional meetings of the committee may be convened by the convenor or by any member of the committee.
- (3) Oral or written notice of a meeting of the committee must be given by the secretary to each member of the committee at least 48 hours (or such other period as may be unanimously agreed on by the members of the committee) before the time appointed for the holding of the meeting.
- (4) Notice of a meeting given under subclause (3) must specify the general nature of the business to be transacted at the meeting and no business other than that business is to be transacted at the meeting, except business which the committee members present at the meeting unanimously agree to treat as urgent business.
- (5) Any 5 members of the committee constitute a quorum for the transaction of the business of a meeting of the committee.
- (6) No business is to be transacted by the committee unless a quorum is present and if, within half an hour of the time appointed for the meeting, a quorum is not present, the meeting is to stand adjourned to the same place and at the same hour of the same day in the following week.
- (7) If at the adjourned meeting a quorum is not present within half an hour of the time appointed for the meeting, the meeting is to be dissolved.
- (8) At a meeting of the committee:
 - (a) the convenor or, in the convenor's absence, the assistant convenor is to preside, or
 - (b) if the convenor and the assistant convenor are absent or unwilling to act, such one of the remaining members of the committee as may be chosen by the members present at the meeting is to preside.
- (9) Questions arising at a meeting of the committee or of any sub-committee appointed by the committee shall be determined by consensus or where consensus is not reached by majority vote
- (10) Subject to clause 18 (5), the committee may act despite any vacancy on the committee.

20 Appointment of association members as committee members to constitute a quorum

- (1) If at any time the number of committee members is less than the number required to constitute a quorum for a committee meeting, the existing committee members may appoint a sufficient number of members of the association as committee members to enable a quorum to be constituted.
- (2) A member of the committee so appointed to hold office, subject to this constitution, until the annual general meeting next following the date of appointment.
- (3) This clause does not apply to the filling of a casual vacancy to which clause 17 applies.

21 Use of technology at committee meetings.

- (1) A committee meeting may be held at two or more venues using any technology approved by the committee that gives each of the committee's members a reasonable opportunity to participate.
- (2) A committee member who participates in a committee meeting using that technology is taken to be present at the meeting and, if the member votes at the meeting, is taken to have voted in person.

22. Annual general meetings

- (1) The association must hold its first annual general meeting within 18 months after its registration under the Act.
- (2) The association must hold its annual general meetings:
 - (a) within 6 months after the close of the association's financial year, or
 - (b) within such later time as may be allowed by the Director-General or prescribed by the Regulation.
- (3) The annual general meeting of the association is, subject to the Act and to clause 19. (2) to be convened on such date and at such place and time as the committee thinks fit.
- (4) In addition to any other business which may be transacted at an annual general meeting, the business of an annual general meeting is to include the following:
 - (a) to confirm the minutes of the last preceding annual general meeting and of special general meeting held since that meeting,
 - (b) to receive from the committee reports on the activities of the association during the last preceding financial year,
 - (c) to elect office-bearers of the association and ordinary committee members,
 - (d) to receive and consider any financial statement or report required to be submitted by members under the Act
- (5) An annual general meeting must be specified as such in the notice convening it.

23. Special general meetings

- (1) The committee may, whenever it thinks fit, convene a special general meeting of the association.
- (2) The committee must, on the requisition in writing of at least 5 per cent of the total number of members, convene a special general meeting of the association.
- (3) A requisition of members for a special general meeting:
 - a. must state the purpose or purposes of the meeting, and
 - b. must be signed by the members making the requisition, and
 - c. must be lodged with the secretary, and
 - d. may consist of several documents in a similar form, each signed by one or more of the members making the requisition
- (4) If the committee fails to convene a special general meeting to be held within 1 month after that date on which a requisition of members for the meeting is lodged with the secretary, any one or more of the members who made the requisition may convene a special general meeting to be held not later than 3 months after that date.
- (5) A special general meeting convened by a member or members as referred to in subclause (4) must be convened as nearly as is practicable in the same manner as general meetings are convened by the committee.
- (6) (a) The convenor, or in the convenor's absence, the assistant convenor, is to chair each general meeting of the association
(b) If the convenor and the assistant convenor are absent or unwilling to act, the members present must elect one of their number to chair the meeting.
- 7) "For the purposes of sub clause (3): (a) a requisition may be in electronic form, and (b) a signature may be transmitted and a requisition may be lodged, by electronic means.

24. Notice of general meetings

- (1) Except if the nature of the business proposed to be dealt with at a general meeting requires a special resolution of the association, the secretary must, at least 14 days before the date fixed for the holding of the general meeting, give a notice to each member specifying the place, date and time of the meeting and the nature of the business proposed to be transacted at the meeting.
- (2) If the nature of the business proposed to be dealt with at a general meeting requires a special resolution of the association, the secretary must, at least 21 days before the date fixed for the holding of the general meeting, cause notice to be given to each member specifying, in addition to the matter required under subclause (1), the intention to propose the resolution as a special resolution.
- (3) No business other than that specified in the notice convening a general meeting is to be transacted at the meeting except, in the case of an annual general meeting, business which may be transacted under clause 19 (4).
- (4) A member desiring to bring any business before a general meeting may give notice in writing of that business to the secretary who must include that business in the next notice calling a general meeting given after receipt of the notice from the member.

25. Quorum for general meetings

- (1) No item of business is to be transacted at a general meeting unless a quorum of members entitled under this constitution to vote is present during the time the meeting is considering that item
- (2) Eleven members present (being members entitled under this constitution to vote at a general meeting) constitute a quorum for the transaction of the business of a general meeting.
- (3) If within half an hour after the appointed time for the commencement of a general meeting a quorum is not present, the meeting:
 - (a) if convened on the requisition of members, is to be dissolved, and
 - (b) in any other case, is to stand adjourned to the same day in the following week at the same time and (unless another place is specified at the time of the adjournment by the person presiding at the meeting or communicated by written notice to members given before the day to which the meeting is adjourned) at the same place.
- (4) If at the adjourned meeting a quorum is not present within half an hour after the time appointed for the commencement of the meeting, the members present (being at least 5) are to constitute a quorum.

26: Use of technology at general meetings

- (1) A general meeting may be held at two or more venues using any technology approved by the
- (2) A member of an association who participates in a general meeting using that technology is taken to be present and, if the member votes at the meeting, is taken to have voted in person.

27 Adjournment of general meetings

- (1) The chairperson of a general meeting at which a quorum is present may, with the consent of the majority of members present at the meeting, adjourn the meeting from time to time and place to place, but no business is to be transacted at an adjourned meeting other than
- (2) If a general meeting is adjourned for 14 days or more, the secretary must give written or oral notice of the adjourned meeting to each member of the association stating the place, date

- and time of the meeting and the nature of the business to be transacted at the meeting.
- (3) Except as provided in subclauses (1) and (2), notice of an adjournment of a general meeting or of the business to be transacted at an adjourned meeting is not required to be given.

28: Association is non-profit.

Subject to the Act and Regulation, the association must apply its funds and assets solely to pursuance of the objects of the association and must not conduct its affairs so as to provide a pecuniary gain for any of its members.

29. Voting

- (1) On any question arising at a general meeting of the association a member has one vote only.
- (2) In the case of an equality of votes on a question at a general meeting, the chairperson of the meeting is entitled to exercise a second or casting vote.
- (3) A member is not entitled to vote at any general meeting of the association unless all money due and payable by the member to the association has been paid.
- (4) A member is not entitled to vote at any general meeting of the association if the member is under 18 years of age.
- (5) Proxy voting must not be undertaken at or in respect of a general meeting.
- (6) The association may hold a postal or electronic ballot (as the committee determines) to determine any issue or proposal (other than an appeal under clause 10)
- (7) A postal or electronic ballot is to be conducted in accordance with Schedule 3 to the Regulation [NOTE: a combination of a general meeting and postal or electronic ballot is not allowed]

30. Insurance

The association may effect and maintain insurance.

27. Funds

- (1) The funds of the association are to be derived from entrance fees and annual subscriptions of members, donations, fundraising events and, subject to any resolution passed by the association in general meeting, such other sources as the committee determines.
- (2) All money received by the association must be deposited as soon as practicable and without deduction to the credit of the association's bank or other authorised deposit-taking institution account.
- (3) The association must, as soon as practicable after receiving any money, issue an appropriate receipt.
- (4) Subject to any resolution passed by the association in general meeting, the funds of the association are to be used in furtherance of its objects in such manner as the committee determines and no portion shall be distributed directly or indirectly to members except as compensation for expenses incurred on behalf of the association.
- (5) All cheques, drafts, bills of exchange, promissory notes and other negotiable instruments must be signed by any 2 members of the committee authorised to do so by the committee.

32. Changes to the constitution

- (1) Changes to the association's name, objects or constitution may only be made at an annual

- general meeting or a special general meeting called for that purpose
- (2) Proposed amendments shall be forwarded to the secretary in writing no later than four weeks before the date of the annual general meeting or special general meeting
 - (3) Changes to the constitution shall require an affirmative vote of two thirds of those present and voting.
 - (4) An application to the Director-General for registration of a change in the association's name, objects or constitution in accordance with section 10 of the Act is to be made by the Public Officer or a committee member.

33. Custody of books

Except as otherwise provided by this constitution, all records, books and other documents relating to the association must be kept in New South Wales:

- (a) at the main premises of the association, in the custody of the public officer or a member of the association (as the committee determines) or
- (b) (if the association has no premises, at the association's official address, in the custody of the public officer.

34. Inspection of books etc

- (1) The following documents must be open to inspection, free of charge, by a member of the association at any reasonable hour:
 - a. records, books and other financial documents of the association,
 - b. this constitution,
 - c. minutes of all committee meetings and general meetings of the association.
- (2) A member of the association may obtain a copy of any of the documents referred to in subclause (1) on payment of a fee of not more than \$1 for each page copied.

35. Service of notices

- (1) For the purpose of this constitution, a notice may be served on or given to a person:
 - (a) by delivering it to the person personally, or
 - (b) by sending it by pre-paid post to the address of the person, or
 - (c) by sending it by facsimile transmission or some other form of electronic transmission to an address specified by the person for giving or serving the notice.
- (2) For the purpose of this constitution, a notice is taken, unless the contrary is proved, to have been given or served:
 - (a) in the case of a notice given or served personally, on the date on which it is received by the addressee, and
 - (b) in the case of a notice sent by pre-paid post, on the date when it would have been delivered in the ordinary course of post, and
 - (c) in the case of a notice sent by facsimile transmission or some other form of electronic transmission, on the date it was sent or, if the machine from which the transmission was sent produces a report indicating that the notice was sent on a later date, on that date.

36. Dissolution

- (1) The association shall be dissolved by a three fourths majority of members present at a special

- general meeting called to consider the question.
- (2) In the event of dissolution of the association, after satisfaction of all debts and liabilities, any assets will be given or transferred to an organisation or organisations having similar objects to the association and to which income tax deductible gifts can be made.
 - (3) If the endorsement as a deductible gift recipient is revoked, any surplus of the following assets shall be transferred to another organisation or organisations with similar objects to the association to which income tax deductible gifts can be made:
 - a. gifts of money or property for the principal purpose of the organisation
 - b. contributions made in relation to an eligible fundraising event held for the principal purpose of the organisation
 - c. money received by the organisation because of such gifts and contributions
 - (4) The choice of organization(s) to which property and gifts are to be transferred in sub-
 - (5) Clauses (2) and (3) shall be determined by the committee.

Appendix 1 Application for membership of association

(Clause 2 (2))

APPLICATION FOR MEMBERSHIP OF SUPPORT ASSOCIATION FOR THE WOMEN OF
AFGHANISTAN: SAWA – AUSTRALIA (NSW) INC.

(incorporated under the Associations Incorporation Act 2009)

I, [full name of
applicant]

of [address]

..... [occupation]

hereby apply to become a member of the abovenamed incorporated association. I
agree to be bound by the constitution of the association for the time being in force.

.....

Signature of applicant