



CONSTITUTION

A RESPONSIBLE SERVICE OF ALCOHOL INITIATIVE

Supported by

Local Licensees

NSW Police Service Harbourside Local Area Command

North Sydney Council

Mosman Council

Office of Liquor, Gaming & Racing

Northern Sydney Drug & Alcohol Service

Amended as at 19 October 2016

TABLE OF CONTENTS

PAGE

Part 1 - Preliminary

1 Definitions.....4
 2 Name of the association.....4
 3 The object of the accord4

Part 2 - Membership

4 Membership generally.....5
 5 Application for membership5
 6 Cessation of membership5
 7 Membership entitlements not generally transferable6
 8 Membership fees are transferable in certain circumstances.....6
 9 Resignation of membership.....6
 10 Register of members6
 11 Fees and subscriptions.....7
 12 Financial members’ liabilities7
 13 Associate members7
 14 Resolution of disputes7
 15 Disciplining of members7
 16 Right of appeal of disciplined member.....8

Part 3 - The committee

17 Powers of the committee9
 18 Composition and membership of committee.....9
 19 Election of committee members.....10
 20 Secretary10
 21 Treasurer10
 22 Casual vacancies10
 23 Removal of committee members.....11
 24 Committee meetings and quorum.....11
 25 Delegation by committee to sub-committee12
 26 Voting and decisions.....12

Part 4 - General meetings

27 Annual general meetings - holding of13
 28 Annual general meetings - calling of and business at.....13
 29 Special general meetings - calling of13
 30 Notice14
 31 Quorum for general meetings14
 32 Presiding member14
 33 Adjournment15
 34 Making of decisions15
 35 Special resolutions.....15
 36 Voting15
 37 Proxy votes not permitted.....15
 38 Postal ballots.....16

Part 5 - Miscellaneous

39 Insurance.....	16
40 Funds - source	16
41 Funds - management.....	16
42 Change of name, objects and constitution	16
43 Custody of books etc	16
44 Inspection of books etc.....	17
45 Service of notices	17
46 Financial year.....	17
47 Dissolution.....	17

Appendix 1

Application for Membership of the Association	17
---	----

Part 1 – Preliminary

1. Definition

1.1 In this constitution:

ordinary committee member means a member of the committee who is not an office-bearer of the association.

natural person means a real human being, as distinguished from a corporation.

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.

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

the Act means the *Associations Incorporation Act 2009*.

the Regulation means the *Associations Incorporation Regulation 2010*.

1.2 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.

1.3 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. Name of the association

The association will be known as the 'Harbourside Liquor Accord Incorporated' (the accord).

The Accord covers members including businesses located in:

- 1) North Sydney and Crows Nest (North Sydney Precinct)
- 2) Neutral Bay, Cremorne and Mosman (Neutral Bay Precinct)

3. The object of the accord

3.1 The purpose of the accord is to establish and maintain a code of practice, memorandum of understanding or other arrangements that:

- (a) is not limited to, but includes affects on the supply of liquor, the opening and closing of licensed premises or other aspects of the management of or conduct of business on licensed premises, and
- (b) is entered into for the purpose of eliminating or reducing alcohol-related violence or anti-social behaviour or other alcohol-related harm.

3.2 The objects of the Accord are to:

- a) reduce alcohol related harm/crime;
- b) promote responsible behaviour amongst patrons of licensed premises;
- c) responsible service of alcohol;

- d) improve safety and security;
- e) improve the local amenity, and;
- f) co-operate with the police and the community to improve local outcomes.

Part 2 – Membership

4. Membership generally

4.1) A person is eligible to be a financial member of the association if:

- (a) the person is a natural person, and:
- (b) the person is a current licensee or representative of a licensee, owner of a licensed premises within the geographical boundaries of the Harbourside Liquor Accord area.

4.2 There can be only one financial member for each liquor licence.

4.3) A person is taken to be a member of the association if the person was one of the individuals on whose behalf an application for registration of the association under section 6 (1) (a) of the Act was made.

5. Application for membership

5.1 An applicant seeking membership of the association must meet the criteria set in clause 4 to be eligible to apply for membership.

5.2 To apply for membership:

- (a) an application must be made in writing in the form as determined by the committee, and
- (b) must be lodged with the secretary of the association with the applicable membership fee.

5.3 In the case of any membership applications, as soon as practicable after receiving the application, the secretary must refer the application to the committee which is to determine whether to approve or to reject the application.

5.4 As soon as practicable after the committee makes that determination, the secretary must:

- (a) notify the applicant, in writing, that the committee approved or rejected the nomination (whichever is applicable), and
- (b) if the committee approved the nomination, request the nominee to pay (within the period of 28 days after receipt by the nominee of the notification) the sum payable under this constitution by a member as entrance fee and annual subscription.

5.5 The secretary must, on payment by the applicant of the amounts referred to in subclause (2) (b) within the period referred to in that provision, enter or cause to be entered the applicant's name in the register of members and, on the name being so entered, the applicant becomes a member of the association.

6. 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 11 (2) within 3 months after the fee is due, or
- (e) in the case of financial membership, is no longer a licensee within the geographical boundaries of the Harbourside Liquor Accord area.

7. Membership entitlements not generally 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.

8. Membership fees are transferable in certain circumstances

Membership fees will only be transferrable in the event that a licensee, or representative for a licensee who is a current member of the accord terminates membership; and another person now taking up the role of licensee, or representative for the licensee on behalf of that liquor licence becomes a member of the accord.

9. Resignation of membership

9.1 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.

9.2 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.

10. Register of members

10.1 The public officer of the association must establish and maintain a register of members of the association specifying the name and postal or residential address of each person who is a member of the association together with the date on which the person became a member.

10.2 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.

10.3 The register of members must be open for inspection at any accord meeting, free of charge, by any member of the association.

10.4 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.

10.5 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.

11. Fees and subscriptions

11.1 A financial member of the association must, on admission to membership, pay to the association a fee determined by the committee.

11.2 In addition to any amount payable by the financial member under subclause (1), a member of the association must pay to the association an annual membership fee as determined by the committee:

- (a) except as provided by paragraph (b), before 1 July in each calendar year, or
- (b) if the member becomes a financial member on or after 1 July in any calendar year - on becoming a financial member and before 1 July in each succeeding calendar year.

12. Financial members' liabilities

The liability of a financial 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 financial member in respect of membership of the association as required by clause 11.

13. Associate members

There shall be no Associate Member category of the Association.

14. Resolution of disputes

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 the committee of the accord for adjudication.

15. Disciplining of members

15.1A 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.

15.2 The committee may refuse to deal with a complaint if it considers the complaint to be trivial or vexatious in nature.

15.3 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.

15.4 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.

15.5 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 16.

15.6 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 16, whichever is the later.

16. Right of appeal of disciplined member

16.1 A member may appeal to the association in a special meeting against a resolution of the committee under clause 15, within 7 days after notice of the resolution is served on the member, by lodging with the secretary a notice to that effect.

16.2 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.

16.3 On receipt of a notice from a member under subclause (1), the secretary must notify the committee which is to convene a special meeting of the association to be held within 28 days after the date on which the secretary received the notice.

16.4 At a special 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.

16.5 The appeal is to be determined by a simple majority of votes cast by members of the association.

Part 3 - The Committee

17. 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) may exercise all such functions as may be exercised by the association, other than those functions that 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.

18. Composition and membership of committee

18.1 The committee is to consist of:

- (a) the office-bearers of the association, and
- (b) at least 3 ordinary committee members, each of whom is to be elected at the annual general meeting of the association under clause 19.

18.2 The total number of committee members is to be 7.

18.3 The office-bearers of the association are as follows:

- (a) the president,
- (b) the vice-president North Sydney Precinct
- (c) the vice-president Neutral Bay Precinct
- (d) the treasurer,
- (e) the company secretary.

18.4 All committee members must be financial members.

18.5 For the purposes of the *Liquor Act 2007*, the president will also be known as the coordinator.

18.6 A financial member may hold up to 2 offices with the committee (other than both the president and vice-president offices).

18.7 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.

18.8 The Director-General, Communities NSW (or representative), and the representative of the NSW Police Force are ineligible to nominate for election as a committee member.

18.9 There is no maximum number of consecutive terms for which a committee member may hold office.

19. Election of committee members

- 19.1 The nomination of candidates for election as office-bearers of the association or as ordinary committee members will be called for at the annual general meeting and involve a proposer and seconder.
- 19.2 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.
- 19.3 If insufficient further nominations are received, any vacant positions remaining on the committee are taken to be casual vacancies.
- 19.4 If the number of nominations received is equal to the number of vacancies to be filled, the persons nominated are taken to be elected.
- 19.5 If the number of nominations received exceeds the number of vacancies to be filled, a ballot is to be held.
- 19.6 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.
- 19.7 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.

20. Secretary

- 20.1 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.
- 20.2 It is the duty of the secretary to keep minutes 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.
- 20.3 Minutes of proceedings at a meeting must be signed by the chairperson of the meeting or by the chairperson of the next succeeding meeting.
- 20.4 Minutes of all meetings must be sent to all members.

21. 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.

22. Casual vacancies

- 22.1 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.

22.2 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 23, 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.

23. Removal of committee members

23.1 The association in a 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.

23.2 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 president (not exceeding a reasonable length) and requests that the representations be notified to the members of the association, the secretary or the president 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.

24. Committee meetings and quorum

24.1 The committee must meet at least 3 times in each period of 12 months at such place and time as the committee may determine.

24.2 Additional meetings of the committee may be convened by the president or by any member of the committee.

24.3 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.

24.4 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.

24.5 Any 3 members of the committee constitute a quorum for the transaction of the business of a meeting of the committee.

24.6 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.

24.7 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.

24.8 At a meeting of the committee:

- (a) the president or, in the president's absence, the vice-president is to preside, or
- (b) if the president and the vice-president are absent or unwilling to act, such one of the remaining financial members of the committee as may be chosen by the members present at the meeting is to preside.

25. Delegation by committee to sub-committee

25.1 The committee may, by instrument in writing, delegate to one or more sub-committees (consisting of such member or members of the association as the committee thinks fit) the exercise of such of the functions of the committee as are specified in the instrument, other than:

- (a) this power of delegation, and
- (b) a function which is a duty imposed on the committee by the Act or by any other law.

25.2 A function the exercise of which has been delegated to a sub-committee under this clause may, while the delegation remains unrevoked, be exercised from time to time by the sub-committee in accordance with the terms of the delegation.

25.3 A delegation under this clause may be made subject to such conditions or limitations as to the exercise of any function, or as to time or circumstances, as may be specified in the instrument of delegation.

25.4 Despite any delegation under this clause, the committee may continue to exercise any function delegated.

25.5 Any act or thing done or suffered by a sub-committee acting in the exercise of a delegation under this clause has the same force and effect as it would have if it had been done or suffered by the committee.

25.6 The committee may, by instrument in writing, revoke wholly or in part any delegation under this clause.

25.7 A sub-committee may meet and adjourn as it thinks proper.

26. Voting and decisions

26.1 Questions arising at a meeting of the committee or of any sub-committee appointed by the committee are to be determined by a majority of the votes of financial members of the committee or sub-committee present at the meeting.

26.2 Each financial member present at a meeting of the committee or of any sub-committee appointed by the committee (including the person presiding at the meeting) is entitled to one vote but, in the event of an equality of votes on any question, the person presiding may exercise a second or casting vote.

26.3 Subject to clause 24 (5), the committee may act despite any vacancy on the committee.

26.4 Any act or thing done or suffered, or purporting to have been done or suffered, by the committee or by a sub-committee appointed by the committee, is valid and

effectual despite any defect that may afterwards be discovered in the appointment or qualification of any member of the committee or sub-committee.

26.5 Associate members are not entitled to vote at any meetings.

Part 4 - General meetings

27. Annual general meetings - holding of

27.1 The association must hold its first annual general meeting within 18 months after its registration under the Act.

27.2 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.

28. Annual general meetings - calling of and business at

28.1 The annual general meeting of the association is, subject to the Act and to clause 27, to be convened on such date and at such place and time as the committee thinks fit.

28.2 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 any 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 to members under the Act.

28.3 An annual general meeting must be specified as such in the notice convening it.

29. Special general meetings - calling of

29.1 The committee may, whenever it thinks fit, convene a special general meeting of the association.

29.2 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.

29.3 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.

29.4 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.

- 29.5 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.

30. Notice

- 30.1 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.
- 30.2 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.
- 30.3 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 28 (2).
- 30.4 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.

31. Quorum for general meetings

- 31.1 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.
- 31.2 Five 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.
- 31.3 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.
- 31.4 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 3) are to constitute a quorum.

32. Presiding member

- 32.1 The president or, in the president's absence, the vice-president, is to preside as chairperson at each general meeting of the association.

32.2 If the president and the vice-president are absent or unwilling to act, the financial members present must elect a financial member to preside as chairperson at the meeting.

33. Adjournment

33.1 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 the business left unfinished at the meeting at which the adjournment took place.

33.2 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.

33.3 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.

34. Making of decisions

34.1 A question arising at a general meeting of the association is to be determined by a show of hands.

34.2 If the question is to be determined by a show of hands, a declaration by the chairperson that a resolution has, on a show of hands, been carried or carried unanimously or carried by a particular majority or lost, or an entry to that effect in the minute book of the association, is evidence of the fact without proof of the number or proportion of the votes recorded in favour of or against that resolution.

35. Special resolutions

A special resolution may only be passed by the association in accordance with section 39 of the Act.

36. Voting

36.1 On any question arising at a general meeting of the association a financial member has one vote only.

36.2 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.

36.3 A financial 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.

36.4 Associate members are not entitled to vote at any general meeting.

37. Proxy votes not permitted

Proxy voting must not be undertaken at or in respect of a general meeting.

38. Postal ballots not permitted

38.1 The association may hold a postal or electronic ballot (as the committee determines) to determine any issue or proposal (other than an appeal)

38.2 A postal or electronic ballot is to be conducted in accordance with Schedule 3 to the Regulation.

Part 5 - Miscellaneous

39. Insurance

The association may effect and maintain insurance.

40. Funds - source

40.1 The funds of the association are to be derived from entrance fees and annual subscriptions of financial members, donations and, subject to any resolution passed by the association in general meeting, such other sources as the committee determines.

40.2 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.

40.3 The association must, as soon as practicable after receiving any money, issue an appropriate receipt.

41. Funds - management

41.1 Subject to any resolution passed by the association in general meeting, the funds of the association are to be used in pursuance of the objects of the association in such manner as the committee determines.

41.2 All cheques, drafts, bills of exchange, promissory notes and other negotiable instruments must be signed by any 2 members of the committee or employees of the association, being members or employees authorised to do so by the committee.

42. Change of name, objects and constitution

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.

43. Custody of books etc

Except as otherwise provided by this constitution; the public officer must keep in his or her custody or under his or her control all records, books and other documents relating to the association.

44. Inspection of books etc

The following documents must be open to inspection, free of charge, by a member of the association at any accord meeting:

- (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.

45. Service of notices

45.1 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.

45.2 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.

46. Financial year

The financial year of the association is:

- (a) the period of time commencing on the date of incorporation of the association and ending on the following 30 June, and
- (b) each period of 12 months after the expiration of the previous financial year of the association, commencing on 1 July and ending on the following 30 June.

Note: Schedule 1 of the Act provides that an association's constitution is to address the association's financial year.

47. Dissolution

In the event of the Association (accord) being dissolved, any funds that remain, after such dissolution and the satisfaction of all debts and liabilities, shall be transferred to another organisation with similar purposes which is not carried on for the profit or gain of its individual members.

APPENDIX 1 APPLICATION FOR MEMBERSHIP OF THE ASSOCIATION