

LMU3A CONSTITUTION APRIL 2021

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Part 1 Preliminary

1 Name

The name of the association is Lake Macquarie U3A Inc.

2 Definitions

(1) In this constitution:

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

secretary means:

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

(b) if no 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 2016.

LMU3A means Lake Macquarie U3A Inc.

(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.

3 Objects

The objects of the association, which shall be non-political, non-sectarian and not for profit, are to:

(1) provide adult education for retired or semi-retired people over the age of 50 years, in accordance with the aims of the worldwide organisation, University of the Third Age.

- (2) provide courses at a minimal cost to members.
- (3) conduct courses on a purely voluntary basis.
- (4) encourage members to act as course leaders or tutors, to suggest courses, or offer assistance in various ways within the association.
- (5) strive for good governance.
- (6) encourage members at all times to act with respect, restraint and kindness to all members of the association and course leaders.

Part 2 Membership

4 Membership

- (1) Membership shall be open to all retired or semi-retired people over the age of 50 years who are interested in participating in adult education.
- (2) Admission to membership shall be by filling in the approved membership form and paying the prescribed annual fee.
- (3) Members may apply to enrol in as many courses as they wish during their membership.
- (4) Membership shall be for one year from February to January.
- (5) Membership must be ratified each year by the filling in of the membership form and the payment of the annual fee.
- (6) Membership shall cease if the member:
 - (a) resigns in writing from the association
 - (b) fails to renew membership by filling in the membership form and paying the annual fee before enrolling in courses or
 - (c) has had membership rescinded by the committee.
- (7) Notwithstanding the provisions of subclause (2), a course leader who is visiting and giving a talk or talks, or a course leader who runs a course or courses but does not enrol in or attend any other course, shall be admitted to honorary membership during his/her period of service to the association.
- (8) A register of members shall be kept by the association showing the name, address and telephone number of each member, the date of commencement of membership and each subsequent year of membership. The register of

members shall be kept by the membership officer and shall be available to the public officer at all times.

5 Membership entitlements

- (1) 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.
- (2) The register of members must be open for inspection, free of charge, by any member of the association at any reasonable hour.
- (3) Notwithstanding subclause (2), 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.
- (4) 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.

6 Membership Fees

- (1) The annual membership fee shall become due and in accordance with clause 4 (2)
- (2) Once the membership fee has been paid there shall be no refund of the whole or any part thereof, except in extraordinary circumstances as deliberated upon and agreed by the committee.
- (3) People who seek to become a member after the commencement of the first semester in each year shall pay the full membership fee.

7 Members' liabilities

A member of the association shall have no liability to contribute to the payment of debts and liabilities of the association, or the costs, charges and expenses of the winding up of the association, except to the amount of any unpaid membership fees as required by clause 6.

8 Conduct of members

Any member whose conduct is found to be contrary to the association's constitution or by-laws may have his/her membership suspended temporarily or permanently by the committee. The member may appeal the decision either in writing or by personal representation. The committee may then either rescind or uphold the member's suspension and forward the decision to the member in writing.

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 the committee for resolution and/or referral to a Community Justice Centre for mediation under the Community Justice Centres Act 1983.
- (2) If a dispute is not resolved by mediation within three months of the referral to a Community Justice Centre, the dispute is to be referred to arbitration.
- (3) The Commercial Arbitration Act 2010 applies to a 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

- (b) must give the member at least fourteen 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 seven 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 11.
- (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 11 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 10, within seven 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 twenty eight 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

- (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.

Part 3 The committee

12 Powers of the committee

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

- (1) is to control and manage the affairs of the association
- (2) may exercise all the functions that 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
- (3) has power to perform all the acts and do all things that appear to the committee to be necessary or desirable for the proper management of the affairs of the association and
- (4) may from time to time make, repeal, or amend such by-laws as it thinks expedient for the internal management of the association. All by-laws made by the committee shall be binding upon members unless and until repealed by the committee or set aside by a special resolution at a general meeting.

13 Composition and membership of committee

- (1) The committee is to consist of:
 - (a) the office bearers of the association and
 - (b) six or more ordinary committee members

each of whom is to be elected at the annual general meeting of the association under clause 26.

- (2) The total number of committee members is to be at least ten.
- (3) The office bearers of the association are as follows:
 - (a) the president
 - (b) the vice-president

- (c) the treasurer and
 - (d) the secretary.
- (4) No committee member may hold any particular office for more than three consecutive years unless the committee, by unanimous decision, decides otherwise.
 - (5) Each member of the committee is, subject to this constitution, to hold office until immediately before the election of committee members at the annual general meeting next following the date of the member's election and is eligible for re-election.

14 Election of committee members

- (1) The office bearers and other members of the committee shall be elected at the at the annual general meeting.
- (2) Nominations of candidates for election as office bearers or as committee members:
 - (a) shall be made in writing, signed by two members of the association and accompanied by the written consent of the candidate and
 - (b) shall be delivered to the secretary at least seven days before the date fixed for the holding of the annual general meeting.
- (3) If one nomination only is received for a vacant position, the person nominated shall be taken to be elected.
- (4) If more than one nomination is received for a vacant position, a secret ballot is to be held. At the conclusion of the election, all ballot papers shall be destroyed immediately by the secretary or returning officer.
- (5) If insufficient nominations are received to fill all vacant positions, such positions may be filled by members appointed by the committee.

15 President

The president shall preside at all meetings of the association. If the president is absent, or unable to preside, the vice-president or another member of the committee may be appointed to preside. The person presiding shall have a second or casting vote at all meetings where there is an equal division of votes.

16 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
 - (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 subclause (3).

17 Treasurer

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

- (1) all money due to the association is collected and received and that all payments authorised by the association are made
- (2) 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
- (3) all such accounts in the name of the association are opened and maintained with such banks or other financial institutions as the committee may from time to time direct
- (4) all the money received by the association is deposited as soon as practicable and without deduction to the credit of the association's account
- (5) as soon as practicable after receiving any money on behalf of the association, an appropriate receipt or other acknowledgement is issued
- (6) at each meeting of the committee, a statement of all accounts paid since the date of the last meeting shall be presented for ratification by the committee and shall make interim financial reports as necessary
- (7) all insurance policies determined by the committee to be required by the association are current and that all necessary premiums have been paid
- (8) financial statements shall be prepared for consideration by the members at the annual general meeting and
- (9) a statement of the association's accounts in accordance with subclause (2) for the purposes of section 71 of the Act shall be presented to the committee as soon as practicable following completion of the financial year.

18 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 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
 - (b) ceases to be a member of the association
 - (c) is or becomes an insolvent under administration within the meaning of the Corporations Act 2001 of the Commonwealth
 - (d) resigns office by notice in writing given to the secretary
 - (e) is removed from office under clause 19
 - (f) becomes a mentally incapacitated person
 - (g) is absent without the consent of the committee from three consecutive meetings of the committee
 - (h) is convicted of an offence involving fraud or dishonesty for which the maximum penalty on conviction is imprisonment for not less than three 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.

19 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 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.

20 Committee meetings and quorum

- (1) The committee must meet at least six times in each period of twelve months at the place and time that the committee may determine.
- (2) Additional meetings of the committee may be convened by the president 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 forty eight hours (or any other period that 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) At least three members of the committee constitute a quorum for the transaction of the business of a meeting of the committee, at least two of whom shall be office bearers.
- (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 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, one of the remaining members of the committee chosen by the members present at the meeting is to preside.

21 Appointment of association members as committee members to constitute 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 the quorum to be constituted.
- (2) A member of the committee so appointed is to hold office, subject to this

constitution, until the annual general meeting next following the date of the appointment.

- (3) This clause does not apply to the filling of a casual vacancy to which clause 18 applies.

22 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.

23 Delegation by committee to sub-committee

- (1) The committee may, by instrument in writing, delegate to one or more Sub-committees (consisting of the member or members of the association that the committee thinks fit) the exercise of any of the functions of the committee that 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.
- (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.
- (3) A delegation under this clause may be made subject to any conditions or limitations as to the exercise of any function, or as to time or circumstances, that may be specified in the instrument of delegation.
- (4) Despite any delegation under this clause, the committee may continue to exercise any function delegated.
- (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.
- (6) The committee may, by instrument in writing, revoke wholly or in part any delegation under this clause.
- (7) A sub-committee may meet and adjourn as it thinks proper.

24 Voting and decisions

- (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 members of the committee or sub-committee present at the meeting.

- (2) Each 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.
- (3) Subject to clause 20 (5), the committee may act despite any vacancy on the committee.
- (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.

Part 4 General meetings

25 Annual general meetings - holding of

- (1) The association must hold its first annual general meeting within eighteen months after its registration under the Act.
- (2) The association must hold its annual general meetings:
 - (a) within six months after the close of the association's financial year, or
 - (b) within any later time that may be allowed or prescribed under section 37 (2) (b) of the Act.

26 Annual general meetings - calling of and business at

- (1) The annual general meeting of the association is, subject to the Act and to clause 25, to be convened on the date and at the place and time that the committee thinks fit.
- (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 and
 - (e) to determine annual membership fees.
- (3) An annual general meeting must be specified as that type of meeting in the notice convening it.

27 Special general meetings - calling of

- (1) The committee may, whenever it thinks fit, convene a special general meeting of the association.
- (2) The committee must, on the requisition of at least five 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 be in writing
 - (b) must state the purpose or purposes of the meeting
 - (c) must be signed by the members making the requisition
 - (d) must be lodged with the secretary and
 - (e) 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 one month after the 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 three 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) For the purposes of subclause (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.

28 Notice

- (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 fourteen 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 twenty one 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 26 (2).
- (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.

29 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) Ten per cent of the total membership (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 five per cent) are to constitute a quorum.

30 Presiding member

- (1) The president or, in the president's absence, the vice-president, is to preside as chairperson at each general meeting of the association.
- (2) If the president and the vice-president are absent or unwilling to act, the members present must elect one of their number to preside as chairperson at the meeting.

31 Adjournment

- (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.
- (2) If a general meeting is adjourned for fourteen 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.

32 Making of decisions

- (1) A question arising at a general meeting of the association is to be determined by:
 - (a) a show of hands or any appropriate corresponding method that the committee may determine or
 - (b) a written ballot, if on the motion of the chairperson or a decision by five or more members present at the meeting it is decided that the question be so determined.
- (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 is recorded 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.
- (3) Subclause (2) applies to a method determined by the committee under subclause (1) (a) in the same way as it applies to a show of hands.
- (4) If the question is to be determined by a written ballot, the ballot is to be

conducted in accordance with the directions of the chairperson.

33 Special resolutions

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

34 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.

35 Postal or electronic ballots

- (1) 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 12).
- (2) A postal or electronic ballot is to be conducted in accordance with Schedule 3 to the Regulation.

Part 5 Miscellaneous

36 Insurance

The association may effect and maintain insurance.

37 Funds – source

- (1) The funds of the association are to be derived from annual membership fees, donations and, subject to any resolution passed by the association in general meeting, any other sources that 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 via the treasurer.

38 Funds - management

- (1) Subject to any resolution passed by the association in general meeting, the funds of the association are to be used solely in pursuance of the objects of the association in the manner that the committee determines.
- (2) All cheques, drafts, bills of exchange, promissory notes and other negotiable instruments must be signed by two authorised signatories.

39 Association is non-profit

Subject to the Act and the Regulation, the association must apply its funds and assets solely in 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.

40 Public Officer

The committee shall appoint a financial member of the association as public officer. Should a vacancy occur in the position of public officer, the committee shall, within fourteen days, inform the Office of Fair Trading and appoint a new public officer. The public officer shall hand over to a new incumbent to a committee position all relevant material within fourteen days of receipt of the material.

41 Distribution of property on winding up of association

- (1) Subject to the Act and the Regulation, in a winding up of the association, any surplus property of the association is to be transferred to another organisation with similar objects and which is not carried on for the profit or gain of its individual members.
- (2) In this clause, a reference to the surplus property of an association is a reference to that property of the association remaining after satisfaction of the debts and liabilities of the association and the costs, charges and expenses of the winding up of the association.

42 Change of name, objects and constitution

An application 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, all records, books and other documents relating to the association must be kept in New South Wales:

- (1) 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

- (2) if the association has no premises, in the custody of the secretary.

44 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 and
 - (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.
- (3) Notwithstanding subclauses (1) and (2), the committee may refuse to permit a member of the association to inspect or obtain a copy of records of the association that relate to confidential, personal, employment, commercial or legal matters or where to do so may be prejudicial to the interests of the association.

45 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
 - (b) by sending it by pre-paid post to the address of the person or
 - (c) by sending it by some 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
 - (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 or
 - (c) in the case of a notice sent by some form of electronic transmission, on the date it was sent or, if the device 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:

- (1) the period of time commencing on the date of incorporation of the association and ending on the following 31 October and
- (2) each period of twelve months after the expiration of the previous financial year of the association, commencing on 1 November and ending on the following 31 October.