

BATTLE FOR AUSTRALIA ASSOCIATION (NSW) INC

CONSTITUTION

Adopted by special resolution passed on 11 August 2015

BATTLE FOR AUSTRALIA ASSOCIATION (NSW) INCORPORATED

CONSTITUTION

PART 1 – PRELIMINARY

1. Name

The name of the association is **Battle for Australia Association (NSW) Incorporated**.

2. Aims

The aims of the association are:

- (a) to commemorate and honour the courage, sacrifice and service of members of the Australian armed services who defended Australia from invasion in 1942, and the civilians who risked their lives and died for Australia,
- (b) to educate young Australians to appreciate that courage, sacrifice and service, and to learn from it,
- (c) to encourage young Australians to continue the important work of preserving the memories of war veterans and relevant memorabilia in local communities,
- (d) to foster closer links between returned service organisations and local schools with a view to encouraging young Australians to appreciate and support the work and legacy of those organisations,
- (e) to foster the teaching of Australian history in Australian schools, and
- (f) to build goodwill between the people of Australia and the people of Papua New Guinea.

3. Definitions

- (1) In this constitution:

the association means Battle for Australia Association (NSW) Incorporated.

the committee means the committee of the association.

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

member means an individual member or a service organisation member of the association.

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 such person holds that office – the public officer of the association.

service organisation means a body, whether corporate or unincorporated, which exists to promote the interests of serving or past members of any or all of the armed services of Australia or their relatives.

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*.

(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, where 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.

PART 2 – MEMBERSHIP

4. Patron

The association may invite any distinguished person to become patron of the association for such term as it thinks fit.

5. Individual membership

A person is eligible to be an individual member of the association if:

- (a) the person is a natural person, and
- (b) the person has applied for membership in accordance with clause 7 and been approved for membership in accordance with clause 9.

6. Service organisation membership

A service organisation is eligible to be a service organisation member of the association if it has applied for membership in accordance with clause 8 and been approved for

membership in accordance with clause 9.

7. Application for individual membership

An application for individual membership of the association must be:

- (a) in writing in or to the effect of the form set out in appendix 1 to this constitution,
- (b) accompanied by the sum payable under this constitution by an individual member as entrance fee (if any) and annual subscription, and
- (c) lodged with the secretary of the association.

8. Application for service organisation membership

An application for service organisation membership of the association must:

- (a) be in writing in or to the effect of the form set out in appendix 2 to this constitution,
- (b) nominate a natural person as the authorised representative of the applicant,
- (c) be accompanied by the sum payable under this constitution by a service organisation member as entrance fee (if any) and annual subscription, and
- (d) be lodged with the secretary of the association.

9. Becoming a member

- (1) As soon as practicable after receiving an application for membership in accordance with clause 7 or clause 8, the secretary must refer the application to the committee, which must determine whether to accept or reject the application.
- (2) 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 application (whichever is applicable), and
 - (b) if the committee rejected the application, return to the applicant the sum paid by him, her or it as entrance fee (if any) and annual subscription.

10. Authorised representative of service organisation member

- (1) The authorised representative for the time being of a service organisation member is the only person entitled to exercise the powers conferred on a service organisation member under this constitution.
- (2) For the purposes of this constitution, any communication, whether oral or written, made or given to the authorised representative for the time being of a service

organisation member is taken to have been made or given to the service organisation member itself.

- (3) A service organisation member must notify the secretary forthwith of any change to its duly authorised representative.

11. Cessation of membership

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

- (a) in the case of an individual member, the member dies, or
- (b) the member resigns in writing that membership, or
- (c) the member is expelled from the association, or
- (d) the member fails to pay the annual membership fee under subclause 15(2) within 3 months after the fee is due and the committee determines that the member's membership is to be terminated.

12. Membership entitlements not transferable

A right, privilege or obligation which a member 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 upon cessation of the membership.

13. Resignation of membership

- (1) A member of the association is not entitled to resign that membership except in accordance with this clause.
- (2) A member of the association who has paid all amounts payable by the member to the association in respect of the member's membership may resign from membership of the association by first giving notice (being not less than 1 month or not less than such other period as the committee may determine) in writing to the secretary of the member's intention to resign and, upon the expiration of the period of notice, the member ceases to be a member.
- (3) If a member of the association ceases to be a member under subclause (2), 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.
- (4) If a member resigns or ceases to be a member, the member must return property of the association which may be in his, her or its possession.

14. Register of members

- (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 member of the association (and, in the case of a service organisation member, of its duly authorised representative) together with the date on which the member became a member.
- (2) The register of members must be kept in New South Wales 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 \$1 for each page copied or, if some other amount is determined by the committee, that other amount.
- (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.

15. Fees and subscriptions

- (1) A member of the association must, on admission to membership, pay to the association such entrance fee (if any) as is determined by the committee from time to time.
- (2) In addition to any amount payable by the member under subclause (1), a member of the association must pay to the association an annual membership fee of such amount as is determined by the committee from time to time:
 - (a) except as provided by paragraph (b), before 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.

16. 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 15.

17. 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.

18. 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 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 19.
- (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 19, whichever is the later.

19. Right of appeal of disciplined member

- (1) A member may appeal to the association in a general meeting against a resolution of the committee under clause 18, 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.

PART 3 – THE COMMITTEE

20. Powers of the committee

Subject to the Act, the Regulation and this constitution, and to any resolution passed by the association in a 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.

21. Composition and membership of committee

- (1) The committee is to consist of:
 - (a) the office-bearers of the association, and
 - (b) at least three other members of the association, each of whom is to be elected at the annual general meeting under clause 22.
- (2) The office-bearers of the association are as follows:
 - (a) the president,
 - (b) the vice-president,
 - (c) the secretary, and
 - (d) the treasurer
- (3) A committee member may hold up to 2 offices (other than both the president and vice-president offices).
- (4) 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.

22. 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 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 is to be conducted at the annual general meeting in such usual and proper manner as the committee may direct.
- (7) A nomination of a candidate for election under this clause is not valid if that candidate has been elected to another office at the same election.
- (8) A person nominated as a candidate for election as an office-bearer or as an ordinary committee member must be a member of the association or a duly authorised representative of a service organisation member of the association.

23. 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.
- (3) It is the duty of the secretary to keep minutes of:
 - (a) all appointments of office-bearers and ordinary committee members,
 - (b) the names of members of the committee present at committee meetings and general meetings,
 - (c) all proceedings at committee meetings and general meetings,

24. 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,

25. 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 the duly authorised representative of a service organisation 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 to the secretary, or
 - (e) is removed from office under clause 26, 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.

26. 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.

27. 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 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 48 hours (or such other period as may be unanimously agreed 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 two-thirds of the committee members present at the meeting agree to treat as urgent business.
- (5) Any 3 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 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 are 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.

28. Delegations by committee to subcommittees

- (1) The committee may, by instrument in writing, delegate to one or more subcommittees (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.

- (2) A function the exercise of which has been delegated to a subcommittee under this clause may, while the delegation remains unrevoked, be exercised from time to time by the subcommittee in accordance with the terms of the delegation.
- (3) A delegation under this clause may be made subject to such conditions or limitations as to the exercise of any function the subject thereof, or as to time or circumstances, as 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 subcommittee 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 subcommittee may meet and adjourn as it thinks proper.

29. Voting and decisions

- (1) Questions arising at a meeting of the committee or any subcommittee are to be determined by a majority of the votes of members of the committee or subcommittee present at the meeting.
- (2) Each member present at a meeting of the committee or at any subcommittee (including the person presiding at the meeting) is entitled to one 1 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 subclause 27(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 subcommittee 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 subcommittee.

PART 4 – GENERAL MEETINGS

30. Annual general meetings – holding of

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.

31. Annual general meetings – calling of and business at

- (1) The annual general meeting of the association is, subject to the Act and to clause 30, to be convened on such date and at such place and time as 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 which is required to be submitted to members under the Act,
- (3) An annual general meeting must be specified as such in the notice convening it.

32. Special general meetings – calling of

- (1) The committee, whenever it thinks fit, may convene a special general meeting of the association.
- (2) The committee must, on the requisition in writing of not less than 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 and any member who consequently incurs expenses is entitled to be reimbursed by the association for any expense so incurred.

33. 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 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 pursuant to subclause 31(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.

34. 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) 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.
- (3) If within half an hour after of the appointed time for the commencement of a general meeting, a quorum is not present, the meeting:
- (a) if convened upon 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 3) are to constitute a quorum.

35. Presiding member

- (1) The president or, in the president's absence, the vice-president, is to preside 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 at the meeting.

36. 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 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.

37. Making of decisions

- (1) A question arising at a general meeting of the association is to be determined by either:
- (a) a show of hands, or
 - (b) if on the motion of the chairperson or if 5 or more members present at the meeting decide that the question should be determined by a written ballot – a written ballot.
- (2) If the question is to be determined by a show of hands, a declaration by the chairperson that the 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.
- (3) 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.

38. Special resolutions

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

39. 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.

40. Proxy votes not permitted

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

41. Postal ballots

- (1) The association may hold a postal ballot to determine any issue or proposal (other than an appeal under clause 19).
- (2) A postal ballot is to be conducted in accordance with Schedule 3 to the Regulation.

PART 5 – MISCELLANEOUS**42. Insurance**

The association may effect and maintain insurance.

43. Funds – source

- (1) The funds of the association are to be derived from entrance fees and annual subscriptions of members, donations 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 cash, issue an appropriate receipt.

44. Funds – management

- (1) The assets and income of the association must be applied solely in furtherance of its aims and objects, and no portion may be distributed directly or indirectly to the members of the association except as bona fide compensation for services rendered to or expenses incurred on behalf of the association.
- (2) Subject to subclause (1) and to any resolution passed by the association in general meeting, the funds of the association are to be used in such manner as the committee determines.
- (3) 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.

45. 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.

46. 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.

47. 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 \$1 for each page copied or, if some other amount is determined by the committee, that other amount.

48. Service of notices

- (1) For the purposes 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 was received by the addressee, and
 - (b) in the case of a notice sent by pre-paid post, on the date when on which 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.

49. Financial year

The financial year of the association is to be the period commencing on 1 July in each year and ending on 30 June in the following year, or such other period as may be determined by the committee from time to time.

50. Surplus Property

In the event of the winding up or the cancellation of the incorporation of the association, the association must pass a special resolution nominating an association as the association in which it is to vest its property as required by subsection 65(2) of the Act. This nominated association must have similar objects and rules prohibiting the distribution of its assets and income to its members.

51. Audit

- (1) The committee must cause the association's financial records to be audited each year by a person who is a registered company auditor within the meaning of the *Corporations Act 2001*.
- (2) The auditor's report under subclause (1) must state whether the association's financial records:
 - (a) have been properly kept, and
 - (b) give a true and fair view of the association's affairs.

BATTLE FOR AUSTRALIA ASSOCIATION (NSW) INC
APPLICATION FOR INDIVIDUAL MEMBERSHIP

I, hereby apply for individual membership of the association. My personal details are as follows:

Address:
.....

Telephone: Mobile:

Email:

I enclose a cheque/money order payable to Battle for Australia to cover:

Entrance fee (if any)	\$
*One year membership	\$
*Three year membership	\$
*Donation	\$ <u> </u>
Total	\$
<i>*Delete as appropriate</i>	

Signed:

Date:

BATTLE FOR AUSTRALIA ASSOCIATION (NSW) INC
APPLICATION FOR SERVICE ORGANISATION MEMBERSHIP

..... hereby applies for service organisation membership of the association. Details of the applicant are as follows:

Name of authorised representative:

Address:

.....

Telephone: Mobile:

Email:

A cheque/money order payable to Battle for Australia is enclosed to cover:

Entrance fee (if any)	\$
*One year membership	\$
*Five year membership	\$
*Donation	\$ <u> </u>
Total	\$

**Delete as appropriate*

Signed:
Authorised representative

Date: