

**BEI LOON DRAGON BOAT CLUB  
INCORPORATED**

***Constitution***

*May 2014*

# BEI LOON DBC CONSTITUTION

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## Contents

- 1 Name of Association
- 2 Definitions
- 3 Club Objects
- 4 Membership - Application, Fees, Liabilities
- 5 Register of Members
- 6 Cessation of Membership
- 7 Resolution of disputes
- 8 Dispute determination and disciplining of members
- 9 Right of appeal of disciplined member
- 10 Powers of the Committee
- 11 Composition and membership of Committee
- 12 Election of Committee members
- 13 Secretary
- 14 Treasurer
- 15 Casual vacancies
- 16 Removal of Committee members
- 17 Committee meetings and quorum
- 18 Delegation by Committee to sub-committee
- 19 Voting and decisions
- 20 Annual general meeting
- 21 Special general meetings
- 22 Notice
- 23 Quorum for general meetings
- 24 Presiding member
- 25 Adjournment
- 26 Making of decisions
- 27 Voting
- 28 Proxy votes
- 29 Insurance
- 30 Records
- 31 Funds
- 32 Custody of books etc
- 33 Inspection of books etc
- 34 Financial year
- 35 Change of name, objects and Constitution
- 36 Service of notices

# BEI LOON DBC CONSTITUTION

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## **1. Name of Association**

The name of the association in respect of which this Constitution applies is Bei Loon Dragon Boat Club Incorporated.

## **2. Definitions**

(1) In this Constitution:

**AUSDBF** means Australian Dragon Boat Federation (National organisation)

**Club** means Bei Loon Dragon Boat Club Incorporated.

**DBNSW** means Dragon Boat New South Wales Incorporated (state organisation).

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

**Committee** means the committee of members elected in accordance with Clause 12 of this Constitution.

**member** means a person who has applied for membership of the Club, been accepted as a member by the Committee and has paid all required membership fees that are due and payable.

**Member Protection Information Officer** is a volunteer member of the Club who is designated to be the central contact for any concerns or information about harassment, sexual abuse or inappropriate behaviour.

**Pittwater Pinks** refers to the Pittwater Pinks Dragon Boat Team Incorporated, Incorporation No. INC1300113.

**President** means the member holding that office as elected from time to time in accordance with this Constitution,

**Registrar** means the member holding that office as elected from time to time in accordance with this Constitution.

**Secretary** means:

- (a) the person holding office under this Constitution as Secretary of the Club; or
- (b) if no such person holds that office - the public officer of the Club.

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

**the Act** means the *Associations Incorporation Act 2009*.

**the Regulation** means the *Associations Incorporation Regulation 2010*.

# BEI LOON DBC CONSTITUTION

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***Treasurer means*** the member holding that office as elected from time to time in accordance with this Constitution

A reference to a function includes a reference to a power, authority and duty, and a reference to the exercise of a function includes, if the function is a duty, a reference to the performance of the duty.

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***

#### ***Club Objects***

The Club is established solely for the objects as set out in this clause. The objects of the Club are to:

- (a) Promote, conduct and administer the sport of Dragon Boating, primarily in the Pittwater area or such other precincts as the Committee may determine from time to time for the benefit of Club members, as the primary objective of the Club;
- (b) Raise the fitness levels, general health and well being of the Club members via the promotion of and participation in Dragon Boating and associated, safe, training activities;
- (c) Participate in affiliations and memberships and/or association with: (i) the Pittwater Pinks, are designated subset of Paddlers within the Club, who are eligible for Club membership; (ii) DBNSW; (iii) AusDBF; and (iv) such other sporting bodies or organized events, as the Committee may determine to be consistent with these objects, including the adoption of the rules and policies of DBNSW and AusDBF as such apply to participating clubs and associations and members thereof;
- (d) Represent the interests of the Club and Club members in any meetings and activities or events in connection with DBNSW or AusDBF or any other appropriate sporting organization, event or activity;
- (e) Provide ancillary services for Club paddlers; protect the interests and safety of Club members and members of the public in connection with activities pursuant to these Objects; and promote dragon boating activities;
- (f) Create, use and protect intellectual property of the Club;
- (g) Acquire property in the interests of the Club and for the use and benefits of Club members;

## BEI LOON DBC CONSTITUTION

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(h) Formulate and apply policies and practices dealing with Club administration; coaching; training; member protection; social gatherings; health and safety; child protection; behavioral governance; dispute resolution;

(i) Exercise such powers as may be necessary and as permitted under the Act to effect these Objects; and

(j) Do all other things as are reasonable incidental to or necessary to give effect to these Objects and to facilitate these objects for the benefit of Club members and the Club.

### **4. Membership**

(1) Application for membership

An application for membership must be:

- (a) In a form with information required by the Club; and
- (b) Accompanied by the appropriate membership fee

(2) Fees

The annual membership fees or other fees payable by members to the Club shall be determined by the Committee. The Committee may determine discounted annual membership fees as being applicable from time to time for promotional purposes or for other concessional reasons, including members joining part way through a full membership year.

(3) Result of Application

- (a) Where the Club accepts an application for membership, the applicant shall become a Member upon acceptance.
- (b) Where the Club rejects an application for membership, the reason(s) will be provided and the funds refunded to the applicant.

(4) Members' Liabilities

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

### **5. Register of Members**

Club to Keep Register:

The Club shall keep and maintain a Member's register (the "Register"). Members shall provide the Club with details of any changes to update the Register. Subject to the Act and Privacy Laws, the Register may be used in appropriate ways by the Club to fulfill its objectives.

## BEI LOON DBC CONSTITUTION

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### ***6. Cessation of membership***

A person ceases to be a member of the Club if the person resigns membership, or is expelled from the Club

### ***7. Resolution of disputes***

A dispute, other than a complaint referred to the Committee as identified in clause 8 below, between a member and another member (in their capacity as members) of the Club, or a dispute between a member or members and the Club, are to be first resolved by discussion and conciliation between the relevant members with assistance of the Club Member Protection Officer if requested by any of the members in dispute and if not resolved by such process shall be referred to the Club Committee for mediation with the relevant members in dispute. If mediation fails to resolve a dispute to the satisfaction of all involved members, a member who remains dissatisfied may either make a complaint pursuant to clause 8 below, if the circumstances warrant that action or shall accept that the dispute shall not be subject to any further actions.

### ***8. Dispute determination and disciplining of members***

- (1) A complaint may be made to the Committee by any person that a member of the Club:
  - (a) has refused or neglected to comply with a provision of this Constitution; or
  - (b) has willfully acted in a manner prejudicial to the interests of the Club.
- (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 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 Club or suspend the member from membership of the Club 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 9.

## BEI LOON DBC CONSTITUTION

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- (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 Club confirms the resolution under clause 12, whichever is the later.

### ***9. Right of appeal of disciplined member***

- (1) A member may appeal to the Club in general meeting against a resolution of the Committee under clause 8, 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 Club to be held within 28 days after the date on which the Secretary received the notice.
- (4) At a general meeting of the Club 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 Club. All members agree that as a condition of membership of the Club there shall be no further right of review or appeal from a determination that is made by simple majority if votes cast by members of the Club in a secret ballot as described above.

### ***10. Powers of the Committee***

Subject to the Act, the Regulation and this Constitution and to any resolution passed by the Club in general meeting, the Committee:

- (a) is to control and manage the affairs of the Club having regard to the best interests of the Club;
- (b) may exercise such functions as may be exercised by the Club, other than those functions that are required by this Constitution to be exercised by a general meeting of members of the

## BEI LOON DBC CONSTITUTION

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Club; and

(c) has power to perform such acts and do such things as appear to the Committee to be necessary or desirable for the proper management of the affairs of the Club.

### ***11. Composition of Committee***

(1) The Committee is to consist of four (4) office-bearers who are members of the Club and three (3) ordinary committee members of the Club.

(2) The office-bearers of the Club are:

(a) the President,

(b) the Registrar

(c) the Treasurer, and

(d) the Secretary.

(3) The 3 ordinary committee members will be club members who are elected to act in the interests of the members and to assist with the running of the Club, with one of the 3 committee members to be a Pittwater Pinks Representative for so long as the Pittwater Pinks is a part of the Club.

(4) A Committee member may hold up to 2 offices. Each Committee member is entitled to a single vote, even if that member holds more than one office.

(5) 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 and is eligible for re-election.

(6) Roles and duties of the elected Secretary and Treasurer shall include those matters specified in this Constitution in accordance with clauses 13 and 14 respectively and such other responsibilities as the Committee may determine.

(7) Roles and duties of the elected Committee shall include such matters as are determined during Committee meetings and any specific duty or responsibility as set out in this Constitution.

(8) No Committee member shall, in acting as a representative and Committee member of the Club exceed the authority and duties given to that person under this Constitution and in accordance with the roles and responsibilities given to that Committee member as described herein.

### ***12. Election of Committee members***



## BEI LOON DBC CONSTITUTION

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- (1) Nominations of members for election to the Committee:
  - (a) must be made in writing (including email), signed (or authorized by email) by 2 members of the Club and accompanied by the written (including email) consent of the candidate (which may be endorsed on the form of the nomination), and
  - (b) must be delivered (or emailed) to the Secretary of the Club 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 Committee members is to be conducted either:
  - (a) at the annual general meeting in a proper manner; or
  - (b) in the event that full complement of Committee members required by this Constitution is deficient then at a properly convened general meeting of members.

### ***13. Secretary***

- (1) The Secretary of the Club must, as soon as practicable after being appointed as Secretary, lodge notice with the Club of his or her address.
- (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.
- (3) Minutes of proceedings at a meeting must be signed by the chairperson of the meeting and be approved by two other members who were present at the meeting.

## BEI LOON DBC CONSTITUTION

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### ***14. Treasurer***

It is the duty of the Treasurer of the Club to ensure:

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

### ***15. 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 Club 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 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 Club, or
  - (c) becomes a bankrupt, or
  - (d) resigns office in writing given to the Secretary, or
  - (e) is removed from office under clause 19, or
  - (f) becomes of unsound mind, 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.

### ***16. Removal of Committee members***

- (1) The Club in general meeting may by resolution remove any member from the Committee and may by resolution appoint another member in place of the removed member.
- (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

## **BEI LOON DBC CONSTITUTION**

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reasonable length) and requests that the representations be notified to the members of the Club, the Secretary or the President may send a copy of the representations to each member of the Club 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.

### ***17. Committee meetings and quorum***

- (1) The Committee must meet at least 3 times in each period of 12 months.
- (2) Additional meetings of the Committee may be convened by any member of the Committee.
- (3) Notice of a meeting of the Committee must be given by the Secretary to each member of the Committee at least 48 hours (or such other period as may be unanimously agreed on by the members of the Committee) before the time appointed for the holding of the meeting.
- (4) Notice of a meeting given under subclause (3) must specify the general nature of the business to be transacted at the meeting. The business of the Committee meeting shall include the matters specified in the notice of meeting and any other business which the Committee members present at the meeting unanimously agree constitutes a matter of urgent business.
- (5) Any 4 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 shall act as the chairperson of the meeting;
  - (b) if the President is absent, or is unable or unwilling to act as chair, those present may elect a chairperson from their midst.

### ***18. Delegation by Committee to sub-committee***

- (1) The Committee may, by instrument in writing, delegate to one or more sub-committees (consisting of member(s) of the Club Committee) the exercise of such of the functions of the Committee as are specified in the instrument, other than:
  - (a) this power of delegation, and

## BEI LOON DBC CONSTITUTION

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- (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 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.
- (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.

### ***19. 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. However, 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 17 (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 despite any defect that may afterwards be discovered in the appointment or qualification of any member of the Committee or sub-committee.

### ***20. Annual general meeting***

- (1) The Club must hold its annual general meeting in accordance with the Act and the Regulation and this Constitution at such date, time and venue as the Committee determine.

## BEI LOON DBC CONSTITUTION

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(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 Club during the last preceding financial year,
- (c) to elect Committee members,
- (d) to receive and consider any financial statement, audit or report required to be submitted to members under the Act.

### ***21. Special general meetings***

- (1) The Committee may, whenever it thinks fit, convene a special general meeting of the Club.
- (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 Club.
- (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.
- (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 no 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.

### ***22. Notice***

- (1) Except if the nature of the business proposed to be dealt with at a general meeting requires a special resolution of the Club, 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.

## BEI LOON DBC CONSTITUTION

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(2) If the nature of the business proposed to be dealt with at a general meeting requires a special resolution of the Club, the Secretary must, at least 21 days before the date fixed for the holding of the general meeting, give notice 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 20 (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.

### ***23. 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 (10) per cent of members being present (being members entitled under this Constitution to vote at a general meeting) constitute a quorum for the transaction of the business of a general meeting.

(3) If within half an hour after the appointed time for the commencement of a general meeting a quorum is not present, the meeting:

- (a) if convened on the requisition of members, is to be dissolved; and
- (b) in any other case, is to stand adjourned to the same day in the following week at the same time and (unless another place is specified at the time of the adjournment by the person presiding at the meeting or communicated by written notice to members given before the day to which the meeting is adjourned) at the same place.

(4) If at the adjourned meeting a quorum is not present within half an hour after the time appointed for the commencement of the meeting, the members present (being at least 10 per cent of total members) are to constitute a quorum.

### ***24. Presiding member***

(1) The President is to preside as chairperson at each general meeting of the Club.

(2) If the President is absent or unwilling to act, the members present must elect one of their number to preside as chairperson at the meeting.

### ***25. 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

## BEI LOON DBC CONSTITUTION

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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 Club 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.

### ***26. Making of decisions***

(1) A question arising at a general meeting of the Club 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.

(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 Club, 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.

### ***27. Voting generally***

(1) On any question arising at a general meeting of the Club a member has one vote only. Votes may be made at a general meeting in person or by proxy. Postal ballots are not allowed, except to the extent that such ballots are votes made by way of proxy.

(2) In the case of equal votes, 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 Club unless all money due and payable by the member to the Club has been paid.

(4) A member is not entitled to vote at any general meeting of the Club if the member is under 18 years of age.

### ***28. Proxy votes***

(1) Proxy voting will be accepted in a general meeting. Proxy votes must:

- (a) be in writing (including emails);
- (b) be signed by the member (or authorized by email);
- (c) indicate the person authorised to act as proxy for purposes of voting;

## BEI LOON DBC CONSTITUTION

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- (d) specify the subject matter of the particular vote and the way in which the vote is to be cast; and
  - (e) be presented at the meeting by another member who is present.
- (2) Proxy votes may be submitted to the Secretary (emails accepted) prior to a meeting or presented by any member during the meeting at the time of voting.

### ***29. Insurance***

The Club may effect and maintain insurance.

### ***30. Records***

- (1) The Club shall maintain proper records, accounts, and minutes with regard to all Club transactions, meetings and business dealings.
- (2) Proper accounting and records shall be kept by the Club in accordance with the Act.
- (3) The Committee shall submit the Club's statements of account to the members at the Annual General Meeting.
- (4) The Secretary shall send to all members the notice of annual general meetings in accordance with this Constitution, a copy of the Statements of Account, the Committee's reports, and any other report required under the Act.

### ***31. Funds***

- (1) The income of the Club shall be derived from membership fees, fund raising and sponsorship as the Club or Committee determines from time to time.
- (2) Subject to any resolution passed by the Club in general meeting, the funds of the Club are to be used in pursuance of the objects of the Club 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, who hold the position of either Treasurer, President, Secretary or Registrar or employees of the Club, being members or employees authorised to do so by the Committee.

### ***32. Custody of books etc***

Except as otherwise provided by this Constitution, the Secretary must keep and control all records, books and other documents relating to the Club.

### ***33. Inspection of books etc***

- (1) The following documents must be open to inspection, free of charge, by a member of the Club at any reasonable hour:



## BEI LOON DBC CONSTITUTION

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- (a) records, books and other financial documents of the Club;
  - (b) this Constitution; and
  - (c) minutes of all Committee meetings and general meetings of the Club.
- (2) A member of the Club 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.

### **34. *Financial year***

The financial year of the Club is each period of 12 months expiring on 31 May each year.

### **35. *Change of name, objects and Constitution***

An application for registration of a change of the Club's name, objects and/or Constitution may be made in accordance with the Act and by resolution at a general meeting in accordance with this Constitution.

### **36. *Service of notices***

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