



No5G Inc.

Constitution of the association

Constitution effective 13 April 2020

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Part 1 - Preliminary

1. Definitions

(1) In this constitution:

association means No5G Inc., formed to operate as a national political party, the association shall register the national political party with the Australian Electoral Commission and the registered national political party shall be named the No5G Party which may also be registered with relevant State or Territory electoral bodies as No5G Party (ACT), No5G Party (NSW), No5G Party (NT), No5G Party (QLD), No5G Party (SA), No5G Party (TAS), No5G Party (VIC) or No5G Party (WA).

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

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.

extraordinary 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*.

(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.

Part 2 Objectives and Philosophy

2. Objectives and Philosophy

The objectives of the association is to promote legislative schemes, enactments, and policies to regulate 5G and associated technology and to establish a moratorium until such technologies are proven safe to human health flora, fauna and property. To achieve the said objective it will do so by registering a new political party and nominating and endorsing candidates for elected public office in Commonwealth, State and Territory parliaments, and Local Government bodies in all Australian jurisdictions and will promote the said objective as follows by;

1. encouraging and supporting the development of safe wired and wireless electromagnetic radiation emitting technologies but not limited to in regards to WiFi routers, mobile phones, computers and smart devices, 2G, 3G, 4G, 5G and subsequent generations, antennae and

receivers, the internet of things (IoT), telecommunication and broadcast towers, mobile phone base stations, small cell facilities, autonomous vehicles, outer space satellites, high altitude balloons, high altitude pseudo satellites (HAPS) inclusive of drone aircraft and the like, and

2. encouraging and supporting research and development in regards to wired and wireless technologies, similar to and inclusive of technologies that have been and are planned for development in Australia via the international Square Kilometre Array (SKA) project. These technologies protect radio astronomy receivers from interference from electromagnetic radiation in electromagnetic radiation free quiet zones. The association will promote the introduction of these protective technologies into all mobile wireless and wired technologies to reduce electromagnetic radiation exposure to the Australian public, flora and fauna, and
3. promoting a moratorium on the rollout and deployment of wireless 5G technology in Australia until it is recognised as both a medical and scientific certainty that electromagnetic radiation emitted from the technology does not present a risk of harm to the health of human beings, flora and fauna, and
4. promoting the use of fibre optic cable technology and to continue with wired options for consumers instead of wireless technology such as 5G in that wireless electromagnetic radiation transmits data at a maximum of 10 gigabits per second which is extremely slow compared to the latest fibre optic technologies that can transmit 64000 gigabits per second. 5G can only span over a short distance and thus requires a plethora of 5G macro towers, 4 G small cells, satellites, HAPS (each HAPS is equivalent to 1800 macro towers within a 200 klm radius) and new 5G wireless smart devices, all of the aforesaid will emit electromagnetic radiation that poses an extreme risk of harm to the health of the Australian public, flora and fauna. 5G is not immune from electromagnetic and radiofrequency interference. In contrast the latest fibre optical technology developed with the assistance of the Australian Government via Infrastructure Australia (INAU) under the *Infrastructure Australia Act 2008* has the ability to transmit data at an average of 64000 gigabits per second, can be transmitted over great distance, is immune to electromagnetic and radio frequency interference and poses no risk to human health at all as it cannot emit electromagnetic radiation since there is no electricity involved. The data is transmitted using pulses of light along silica based glass threads, and
5. promoting evidence-based independent research maximising health and safety outcomes in relation to the provision of public and non-public wired and wireless technologies, and
6. initiating the Australian Government's agency 'Infrastructure Australia' design and evaluate an infrastructure plan and to advise governments, industry and the Australian community on the investments and reforms needed to deliver an environmentally sustainable national fibre optic cable telecommunications infrastructure to service all Australians and further that the said infrastructure plan is listed on the national Infrastructure Priority List, and
7. regulating via domestic law Artificial Intelligence (AI) and the IoT with the objective to ensure that national security is not compromised and that the collection and access to metadata by both the Australian Government, corporations and other entities both domestic and foreign are restricted so as not to interfere with the privacy of Australian citizens, and
8. promoting the assent of a national Human Rights Act to ensure that the Australian public are protected from Federal, State and Corporate persecution concerning the application and use

of AI and the IoT and, and that the application of the said technology does not violate fundamental human rights as recognised in the Universal Declaration of Human Rights and in common law, and

9. regulating smart devices and associated technology sold or distributed in Australia so as they do not irradiate a magnetic field on or above 0.3 μT , as children exposed to long term man-made magnetic fields over 0.3 μT may have an increased risk of developing childhood leukaemia as per the advice of the World Health Organisation's (WHO) - International Agency for Research of Cancer (IARC), hence the reason why the IARC classified non-ionising electromagnetic radiation in 2002 as a 'class 2B possible carcinogen'. This classification was based on pooled analyses of epidemiological studies demonstrating a consistent pattern of a two-fold increase in childhood leukaemia associated with average exposure to magnetic fields above 0.3 to 0.4 μT , and
10. promoting regulation to ensure that 0.3 μT becomes the maximum long term exposure limit for man-made magnetic fields in order to protect Australian children from being exposed to potentially harmful man-made magnetic fields above 0.3 μT , and
11. calling for a parliamentary enquiry or Royal commission investigating the Australian Radiation Protection and Nuclear Safety Agency (ARPANSA) and the Australian Centre for Electromagnetic Bioeffects Research (ACEBR) as to;
 - a. why they have failed to set 0.3 μT as the safety limit for exposure to harmful man-made magnetic fields as found in microwaves and electromagnetic radiation emitted from 2G, 3G, 4G and 5G technology, and
 - b. why these organisations have been grossly inadequate in educating the public of the health risks associated with exposure to long term magnetic and electric fields, and
 - c. why these organisations who are recognised as peak health advisory bodies are advising the Australian and State Governments inclusive of their health departments and the Australian public on health effects when the board's, members and employees giving such advice are not medically qualified to do so, and
 - d. why they fail to heed medical advice as to the risk of harm to health to the Australian public, and
 - e. why they provide health advice when not qualified to do so and providing advice that is in conflict to the WHO's publication called the International Classification of Diseases known as the ICD-10. The ICD-10 has been adopted by the medical profession not only in Australia but around the world. Code W90 of the ICD-10 provides a code for diagnosis and recognises expressly that that exposure to non-ionizing radiation in particular radio frequency is classed as an adverse health effect, and
 - f. why their health advice contradicts with the Australian Government's Specialist Medical Review Council and its declaration that there is sound medical-scientific evidence to include non-ionising radiation as a factor applying to chronic lymphocytic leukaemia in the same category as benzene, dioxin and asbestos, and
 - g. why these organisations follow the recommendations of a non-government organisation called the International Commission for Non-Ionizing Radiation Protection (ICNIRP) safety standard as 200 μT instead of IARC and the World Health Organisations (WHO) recommendation of 0.3 μT , and

- h. why these organisation choose to follow ICNIRP when international courts and tribunals have ruled that ICNIRP's health and safety advice is conflicted as it has strong ties to the telecommunications industry, and
 - i. to investigate whether members of ARPANSA and ACEBR have similar conflicts of interest, and
 - j. why the ARPANSA has not published safety standards to protect the Australian public from electromagnetic radiation between the 0 to 3 kilohertz range, a range which is used in 5G technology, and
 - k. why the ARPANSA provide electromagnetic field meters for hire to the Australian public that are not suitable for the measurement of radiofrequency fields, electric fields and magnetic fields emitted from telecommunications sources such as mobile phones, mobile phone towers, Wi-Fi, smart meters, and the like, and
 - l. why ARPANSA gives conflicting advice on the one hand when it promotes and advises that there are no adverse health effects when on the other it acknowledges in its own supporting documents to the ARPANSA RFS-3 Standard that long term exposure to non-ionizing electromagnetic radiation can cause radiation poisoning and that there is no cure, and
 - m. why the industry under the Australian Mobile Telecommunications Association fails to disclose to the public via reports on the regulated Radio Frequency National Site Archive (RFNSA) as to magnetic field (uT) exposure from mobile phone base stations, small cell facilities, and
12. promoting that the ARPANSA amends its current '*Radiation Protection Series 3 - Radiation Protection Standard for Maximum Exposure Levels to Radiofrequency Fields - 3 kHz to 300 GHz (2002)*' to change from 3kHz to 300 GHz to 0 to 300 GHz, and
 13. promoting legislation and regulation to assist and protect persons affected by radiation poisoning caused by exposure to electromagnetic radiation and diagnosed as such by medical practitioners are not discriminated against by ensuring they are afforded the full protection of the law and provided with social security assistance to assist with disability support income payments and costs of electromagnetic radiation shielding in the home and workplace, and
 14. enabling organisations such as the Australian Medical Association, the *Oceania Radiofrequency Scientific Advisory Association* Inc (ORSAA), the Australasian Society of Building Biologists (ASBS), Australian Government's Specialist Medical Review Council, Physicians for Safe Technology (PST) and the like to participate as members of advisory boards to the ARPANSA, ACEBR and ACMA and similar agencies that advise the Australian government, Industry and the Australian Public on electromagnetic radiation health and safety issues, and
 15. banning the Mosquito MK4 Multi-Age anti-loitering device and like devices that are currently legal and deployed by various local councils, corporations and individuals within communities across Australia. These devices inflict pain and cause nausea, headache, dizziness, physical and mental impairment and are intentionally targeted to effect specific classes of people such as young persons under the age of 25 by means of irradiating this group with non-ionising electromagnetic radiation on or about the 17.5 kilohertz RF frequency or to irradiate the homeless at any age at 8 kilohertz or similar in order to disperse them from parks, shopping centres, public spaces, residences and the like, and

16. providing for the establishment of non-ionizing electromagnetic radiation free zones in Australia as environmental conservation sanctuaries for human beings, flora and fauna. To introduce non-ionising electromagnetic radiation free zones similar in design to the current zones Australia has set aside to protect radio astronomy receivers from harmful interference. Australia has already established the Australian Radio Quiet Zone WA (ARQZWA) the future site of Australian infrastructure for the international Square Kilometre Array (SKA) project, the *Radiocommunications (Mid West Radio Quiet Zone) Frequency Band Plan 2011* (the Band Plan), *RALI MS 32*, as well as the *Radio Telescope Mineral Resource Management Area* and *Section 19 zones* under the *WA Mining Act 1978*, administered by the WA Government Department of Mines and Petroleum, and
17. ensuring regulation is enacted so that smart devices and associated technologies are hardwired via fibre optic and Ethernet when used in schools, paediatric wards in hospitals and childcare facilities across Australia and to place a ban on wireless technology in the aforesaid until it is established by a unanimous consensus of all the State, Territory and Federal Chief Medical Officers that wireless technology poses no risk of harm to the health of children, and
18. promoting and keep intact current legislative protection mechanisms that ensure that Australian citizens are not subjected to violence via the non-consensual application of force in the form of non-ionising electromagnetic radiation against their person and property and that any person who is being and/or will be irradiated by potential harmful non-ionizing electromagnetic radiation in the home, workplace, public transport, educational institutions and public places is afforded the full protection of the Crown, the Australian Courts and respective law enforcement agencies against such violence, and to promote the establishment of a constitutional or legislated national Human Rights Act that ratifies via domestic law various international conventions and treaties to ensure that Australian citizens are protected from State persecution from such violence, and
19. promoting the revocation/repeal of certain legislative and statutory provisions restricting Local Government (Council) powers in regards to low impact telecommunication infrastructure, facilities and development and to promote amendments in order to include mandatory environmental impact statements for all telecommunication development and to reinstate the authority of Local Governments to object or approve low impact telecommunication developments, and
20. promoting legislation to ensure that designers, manufacturers, employers, suppliers of plant and equipment, telecommunications carriers and the like are covered adequately by public liability insurance to indemnify against claims for personal injury, death and damage to property caused directly or indirectly by non-ionising electromagnetic radiation surrounding their activities, and
21. promoting the establishment of a statutory authority made up of an independent medical board comprising but not limited to each of the State and Territories Chief Medical Officers and chaired by Australia's Chief Medical Officer to oversee the ARPANSA and the ACEBR. The statutory authority will have the regulatory power to approve or reject safety standards set by the ARPANSA and to also consider the advice of the ARPANSA and the ACEBR. The medical board will be the sole statutory authority to advise governments and their respective agencies, chief medical officers, industry and the Australian public on health matters concerning non-ionising electromagnetic radiation. The association has no confidence in the current ability of the ARPANSA and the Australian Centre for Bio Electromagnetic Research (ACEBR) to be the primary advisors to Federal, State and Territory government agencies, industry and the Australian public on health advice concerning exposure to non-ionising electromagnetic radiation as specialist medical practitioners advise that the Australian public

are exposed to an extreme risk of harm to health due to the ARPANSA safety standards not providing a sufficient buffer of protection., and

22. promoting a moratorium on 5G technology as a precautionary measure until the current uncertainty as to the safety of 5G technology is confirmed safe by a consensus of the Australian Medical Association, State, Territory and Federal Chief Medical Officers, local councils, State and Territory Governments and
23. promoting the formation of a statutory authority independent of the industry backed Australian Mobile Telecommunications Association (AMTA), the ARPANSA, the ACMA and ACEBR to measure, monitor and police the amount of non-ionising radiation emitted or proposed to be emitted in all technology on Australian waters, land and airspace (inclusive of outer space) as to compliance with ARPANSA radiation emission standards and ACMA licensing conditions, and
24. promoting and regulating a moratorium on telecommunications satellites flying over Australian airspace such as Space X's proposed 42,000 telecommunications satellites until it is established that electromagnetic radiation emissions beamed onto Australian soil, waters, airspace does not pose a risk of harm to health, property and privacy. And further, until liability insurance of \$750 million per satellite as was found in the *Space Activities Act* (Cth), but now recently repealed is reinstated to ensure that any property or health damage caused to Australian citizens is adequately covered by compensation insurance.

Part 3 - Membership

3. Membership generally

(1) A person is eligible to be a member of the association if:

- (a) the person is a natural person, and
- (b) the person has applied and been approved for membership of the association in accordance with part 3.

(2) A person is taken to be a member of the association if:

- (a) the person is a natural person, and
- (b) the person was:
 - (i) in the case of an unincorporated body that is registered as the association - a member of that unincorporated body immediately before the registration of the association

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

(4) The assets and income of the organisation shall be applied solely to the furtherance of its abovementioned objects and no portion shall be distributed directly or indirectly to the members of the organisation except as bona fide compensation for services rendered or expenses incurred on behalf of the organisation.

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

(6) Individual membership shall include membership of the national political party and any subordinate bodies to which the applicant is, by virtue of their location, entitled to belong, including State or Territory bodies.

4. Application for membership

(1) The application of a person for membership of the association:

(a) must be made in writing (including by email or other electronic means, if the committee so determines) in the form determined by the committee, and

(b) must be lodged (including by email or other electronic means, if the committee so determines) with the secretary of the association.

(2) As soon as practicable after receiving an application for membership, the secretary or president must determine whether to approve or to reject the application.

(3) As soon as practicable after the secretary or president makes that determination, the secretary or president or a designated employee must:

(a) notify the applicant, in writing, that the application was approved or rejected (whichever is applicable), and

(b) if the application is approved, request the applicant to pay (within the period of 14 days after receipt by the applicant of the notification) the sum payable under this constitution by a member as entrance fee and annual subscription.

(4) The committee member or employee must, on payment by the applicant of the amount(s) referred to in subclause (3) (b) within the period referred to in that provision, enter or cause to be entered the applicant's name in the register of members and, on the name being so entered, the applicant becomes a member of the association.

5. Cessation of membership

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

(a) dies, or

(b) resigns membership, or

(c) is expelled from the association, or

(d) fails to pay any compulsory annual membership fee under clause 9 (2) within 3 months after the fee is due.

6. Membership entitlements not transferable

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

(a) is not capable of being transferred or transmitted to another person, and

(b) terminates on cessation of the person's membership.

7. Resignation of membership

(1) A member of the association may resign from membership of the association by first giving to the secretary or president or authorised employee written notice of at least one day (or such other period as the committee may determine) of the member's intention to resign and, on the expiration of the period of notice, the member ceases to be a member.

(2) If a member of the association ceases to be a member under subclause (1), and in every other case where a member ceases to hold membership, the secretary or president or authorised employee must make an appropriate entry in the register of members recording the date on which the member ceased to be a member.

8. Register of members

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

(2) The register of members must be kept in New South Wales: (a) at the main premises of the association, or (b) if the association has no premises, at the association's official address.

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

(4) A member of the association may obtain a copy of any part of the register on payment of a fee of not more than \$1 for each page copied.

(5) If a member requests that any information contained on the register about the member (other than the member's name) not be available for inspection, that information must not be made available for inspection.

(6) A member must not use information about a person obtained from the register to contact or send material to the person, other than for: (a) the purposes of sending the person a newsletter, a notice in respect of a meeting or other event relating to the association or other material relating to the association, or (b) any other purpose necessary to comply with a requirement of the Act or the Regulation.

9. Fees and subscriptions

(1) Membership of the association is free until the association registers itself as a political party. After the association is registered as a political party all members must become financial members of the association and must, on annual renewal or admission to membership, pay an annual joining fee of \$10 or, if some other amount is determined by the committee, that other amount. (2) In addition to any amount payable by the member under subclause (1), a member of the association must pay to the association any compulsory annual membership fee as determined by the committee.

10. 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 9.

11. Resolution of disputes

(1) In the case of disputes between a member and another member, or a member and the association, the parties to the dispute must meet and discuss the matter in dispute and, if possible, resolve the dispute within 28 days after the dispute comes to the attention of all the parties. If the parties are unable to resolve the dispute at the meeting the parties may choose to meet and discuss the dispute before an independent third person agreed to by the parties.

12. 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 objectives, interests or philosophy of the association.

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

(3) If the committee decides to deal with the complaint, the committee: (a) must cause notice of the complaint to be served on the member concerned, and (b) must give the member at least 14 days from the time the notice is served within which to make submissions to the committee in connection with the complaint, and (c) must take into consideration any submissions made by the member in connection with the complaint.

(4) The committee may, by resolution, expel the member from the association or suspend the member from membership of the association if, after considering the complaint and any submissions made in connection with the complaint, it is satisfied that the facts alleged in the complaint have been proved and the expulsion or suspension is warranted in the circumstances.

(5) If the committee expels or suspends a member, the secretary must, within 7 days after the action is taken, cause written notice to be given to the member of the action taken, of the reasons given by the committee for having taken that action and of the member's right of appeal under clause 13.

(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 13, whichever is the later.

(7) No member should stand as an independent candidate or candidate for another political party at a federal election or by-election. Any such member must resign their membership within 7 days of their nomination to stand being lodged with the Australian Electoral Commission. If the member does not resign they shall be expelled forthwith upon written notice by the president or secretary on behalf of the committee.

13. 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 12, 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 4 - The Committee

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

(a) is to control and manage the affairs of the association, and

(b) may exercise all such functions as may be exercised by the association, other than those functions that are required by this constitution to be exercised by a general meeting of members of the association, and

(c) has power to perform all such acts and do all such things as appear to the committee to be necessary or desirable for the proper management of the affairs of the association, and

(d) shall take account of membership feedback when managing the affairs of the association and formulating party policy, and

(e) shall adhere to the following guidelines when endorsing candidates for elections:

(i) Outline and promote candidate guidelines,

(ii) Publicly call for nominations based on those guidelines, and

(iii) Interview and select appropriate candidates for endorsement.

(f) may approve the establishment of subordinate bodies of the association, including State and Territory branches with democratically elected committees, and delegate them certain powers including the power to:

(i) Recommend candidates for State, Territory and Local Government elections;

(ii) Operate a bank account;

(iii) Raise and accept donations;

(iv) Recommend to the national committee policies specific to the region;

(v) Recommend to the national committee the appointment of a Registered Officer, Secretary and any other official positions required under electoral law for the region; and

(vi) Operate subject to this Constitution and within the powers delegated to it.

15. Composition and membership of committee

- (1) The first committee of the incorporated association will be the association office bearers and ordinary committee members at the time of incorporation.
- (2) The total number of committee members is to be between 3 and 10, as determined at the annual general meeting.
- (3) The committee is to consist of:
 - (a) the office-bearers of the association, and
 - (b) at least 1 ordinary committee member, each of whom is to be elected at the annual general meeting of the association under clause 16.
- (4) The office-bearers of the association are as follows:
 - (a) the president,
 - (b) the vice-president,
 - (c) the treasurer,
 - (d) the secretary,
 - (e) the public officer/registered officer
- (5) A committee member may hold up to 2 offices (other than both the president and vice-president offices).
- (6) Each member of the first committee following incorporation is, subject to this constitution and their agreement, to hold office until the conclusion of the 2020 annual general meeting. At this time, one half (rounded down in the case of an odd number of committee members), who shall be chosen by majority committee agreement, shall retire from the committee, but are eligible for re-election. The remaining members shall be automatically re-elected for a further annual term. At the next annual general meeting and at all subsequent annual general meetings, all serving members shall retire, but are eligible for re-election.
- (7) There is no maximum number of consecutive terms for which a committee member may hold office.

16. Election of committee members

- (1) Nominations of candidates for election as office-bearers of the association or as ordinary committee members:
 - (a) must be made in writing, signed by 2 members of the association and accompanied by the written consent of the candidate (which may be endorsed on the form of the nomination), and
 - (b) must be delivered to the secretary of the association at least 7 days before the date fixed for the holding of the annual general meeting at which the election is to take place.
- (2) If insufficient nominations are received to fill all vacancies on the committee, the candidates nominated are taken to be elected and further nominations are to be received at the annual general meeting.

(3) If insufficient further nominations are received, any vacant positions remaining on the committee are taken to be casual vacancies.

(4) If the number of nominations received is equal to the number of vacancies to be filled, the persons nominated are taken to be elected.

(5) If the number of nominations received exceeds the number of vacancies to be filled, a ballot is to be held.

(6) The ballot for the election of office-bearers and ordinary committee members of the committee is to be conducted at the annual general meeting in such usual and proper manner as the committee may direct.

(7) A person nominated as a candidate for election as an office-bearer or as an ordinary committee member of the association must have been a continuing member of the association for at least three months before the date of the general meeting.

17. 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 of:

- (a) all appointments of office-bearers and members of the committee, and
- (b) the names of members of the committee present at a committee meeting or a general meeting, and
- (c) all proceedings at committee meetings and general meetings.

(3) Minutes of proceedings at a meeting must be signed by the chairperson of the meeting or by the chairperson of the next succeeding meeting.

18. 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.

19. Casual vacancies

(1) In the event of a casual vacancy occurring in the membership of the committee, the committee may appoint a member of the association to fill the vacancy and the member so appointed is to hold office, subject to this constitution, until the conclusion of the annual general meeting next following the date of the appointment.

(2) A casual vacancy in the office of a member of the committee occurs if the member:

- (a) dies, or
- (b) ceases to be a member of the association, or

- (c) becomes an insolvent under administration within the meaning of the Corporations Act 2001 of the Commonwealth, or
- (d) resigns office by notice in writing given to the secretary, or
- (e) is removed from office under clause 20, 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.

20. Removal of committee members

- (1) The association in general meeting may by special 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.

21. Committee meetings and quorum

- (1) The committee must meet at least 4 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.
- (3) Oral or written notice of a meeting of the committee must be given by the secretary to each member of the committee at least 48 hours (or such other period as may be unanimously agreed on by the members of the committee) before the time appointed for the holding of the meeting.
- (4) Notice of a meeting given under subclause (3) must specify the general nature of the business to be transacted at the meeting and no business other than that business is to be transacted at the meeting, except business which the committee members present at the meeting unanimously agree to treat as urgent business.
- (5) One half or more of the members of the committee shall 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 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.

22. Delegation by committee to sub-committee

(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 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 and may co-opt members or other persons as it sees fit to form part of the sub-committee.

23. 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 21 (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 5 - General Meetings

24. Annual general meetings - holding of

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

(2) The association must hold its annual general meetings:

(a) within 6 months after the close of the association's financial year, or

(b) within such later time as may be allowed by the Director-General or prescribed by the Regulation.

25. Annual general meetings - calling of and business at

(1) The annual general meeting of the association is, subject to the Act and to clause 24, 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 extraordinary 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.

(3) An annual general meeting must be specified as such in the notice convening it.

26. Extraordinary general meetings - calling of

(1) The committee may, whenever it thinks fit, convene an extraordinary general meeting of the association.

(2) The committee must, on the requisition in writing of at least 5 per cent of the total number of members, convene an extraordinary general meeting of the association.

(3) A requisition of members for an extraordinary 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 an extraordinary 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 an extraordinary general meeting to be held not later than 3 months after that date.

(5) An extraordinary 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.

27. 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 under clause 25 (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.

28. 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 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 3) are to constitute a quorum.

29. 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.

30. 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.

31. 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.

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

(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.

32. Special resolutions

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

33. 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.

34. Proxy votes not permitted

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

35. Postal ballots

(1) The association may hold a postal ballot to determine any issue or proposal (other than an appeal under clause 13).

(2) A postal ballot is to be conducted in accordance with Schedule 3 to the Regulation.

Part 6 - Miscellaneous

36. Insurance

The association may effect and maintain insurance.

37. 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 money, issue an appropriate receipt.

38. Funds - management

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

(2) All cheques, drafts, bills of exchange, promissory notes and other negotiable instruments must be signed by two members of the committee or, the president authorised in writing to do so or two employees of the association whilst authorised in writing by the committee to do so.

39. 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.

40. 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.

41. 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 with 7 days notice:

- (a) records, books and other financial documents of the association,
- (b) this constitution,
- (c) minutes of all committee meetings and general meetings of the association.

42. 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.

43. Financial year

The financial year of the association is:

(a) the period of time commencing on the date of incorporation of the association and ending on the following 30 June, and

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

44. Constitution

This constitution can be altered (including an alteration to the association's name) by special resolution of the members of the association. The change must be consistent with the rest of the Act and the constitution.

45. Matters not dealt with within the constitution

When considering any matter or situation not specifically addressed in this constitution, the Committee shall deal with the matter in a manner consistent with the spirit of this constitution and the objectives of the association.