



ANZAC DAY  
DAWN SERVICE TRUST Inc.

# CONSTITUTION

APPROVED BY ANNUAL GENERAL MEETING  
OF THE TRUST ON  
23rd OCTOBER, 2019.

# ANZAC DAY DAWN SERVICE TRUST INC.

(An association incorporated in New South Wales  
under the Association's Incorporation Act 1984)

## CONSTITUTION

being the Constitution of the Anzac Day Dawn Service Trust Inc.  
it replaces the Rules of the Anzac Day Dawn Service Trust Inc.  
which was made on 7 April 2000

### Part 1: Preliminary

#### 1.1 Definitions

In this Constitution, except in so far as the context or subject matter otherwise indicates or requires:

- (1) **"Act"** means the Associations Incorporation Act 2009;
- (2) **"Chairperson"** means the Committee Member appointed to and holding the office or chairperson pursuant to Clause 4.4;
- (3) **"Committee"** means the Anzac Day Dawn Service Trust Inc. Committee;
- (4) **"Committee Member"** means a member of the Committee appointed pursuant to Clause 3.4;
- (5) **"Ex-Service Personnel"** shall mean any person who has served in the Armed Forces or the Merchant Navy of Australia or any country of the British Commonwealth or their allies;
- (6) **"Member"** and **"Members"** means a member of the Anzac Day Dawn Service Trust Inc. appointed in accordance with Clauses 3.2 and 3.4;
- (7) **"Regulations"** means the Associations Incorporation Regulations, 2010;
- (8) **"Secretary"** means:
  - (a) the Committee Member appointed to and holding the office of Secretary pursuant to Clause 4.3; and
  - (b) if no such person holds that office, the Public Officer of the Anzac Day Dawn Service Trust Inc.
- (9) **"Treasurer"** means the Committee Members appointed to and holding the office of Treasurer pursuant to Clause 4.3;
- (10) **"Cenotaph"** means the War Memorial known as the Cenotaph located in Martin Place, Sydney, New South Wales; and
- (11) **"The Trust"** means Anzac Day Dawn Service Trust Inc.
- (12) **"Director General"** means the Director-General of the Department of Services, Technology and Administration or a successor public office.

1.2 In this Constitution:

- (1) a reference to a function includes a reference to a power, authority and duty; and
- (2) a reference to the exercise of a function includes, where the function is a duty, a reference to the performance of the duty.
- 1.3 The provisions of the Interpretation Act 1987, apply and in respect of these Rules in the same manner as those provisions would so apply if these Rules were an instrument under the Act.

## **Part 2: Objects**

2.1 The primary objects of the Trust shall be:

- (1) To organise the Sydney Anzac Day Dawn Service at the Cenotaph or elsewhere and by co-operation with other organisations with similar objects, to otherwise fittingly celebrate Anzac Day and other occasions that may merit commemoration.

2.2 Further objects of the Trust shall be:

- (1) To perpetuate the close and kindly ties of friendship created by a mutual service in all wars and the recollections associated with these experiences;
  - (2) To maintain the proper standard of dignity and honour among all Ex-Service Personnel and to set an example of public spirit and noble-hearted endeavour.
  - (3) To encourage, promote and assist in establishing Ex-Service organisations, if called upon by a number of responsible people.
  - (4) To accept donations and bequests and establish trust funds in the furtherance of the aims and objects herein stated.
  - (5) To promote inter-club social and recreational activities and exchange fraternal visits.
  - (6) To undertake the welfare of the wounded and needy among those who have served and their dependants.
  - (7) To at all times guard and uphold the good name and preserve the interests of all Ex-Service personnel.
  - (8) To negotiate with Government Departments and other bodies on any matter affecting Ex-Service personnel or their dependants or which may in any way concern the affiliated organisations.
  - (9) To affiliate with other organisations having similar aims and objects upon such terms and conditions as may be mutually agreed upon.
  - (10) To raise funds by subscriptions, entertainment and any other lawful means.
  - (11) To pay out of the funds of the Trust, all expenses incidental to its management or the carrying out of its objects.
  - (12) To publish books and any literature deemed necessary to further the objects and such lawful acts which may be conducive to the said objects of the Trust.
- 2.3 The assets and income of the Trust must be applied solely in furtherance of its abovementioned objects and no portion shall be distributed directly or indirectly to the members of the Trust except as bona fide compensation for services rendered or expenses incurred on behalf of the organisation.

- 2.4 The Trust shall be non-political and non-sectarian, but this shall not prevent the organisation from participating in any religious ceremony in connection with the observance of Anzac Day, or other special occasions.

### **Part 3: Membership**

#### **3.1 Patron**

The Governor of the State of New South Wales shall be invited to become Patron-in-Chief of the Trust during his/her term of office. Other Patrons may be elected from time to time.

#### **3.2 Membership Qualifications and Structure**

The maximum number of Members of the Trust shall be 22 persons being:

- (1) Two Members appointed by Cabra-Vale Diggers' Club;
- (2) Two Members appointed by Club Lakemba;
- (3) Two Members appointed by Australian Flying Corp and Royal Australian Air Force Association (New South Wales) Incorporated;
- (5) Two Members appointed by the National Servicemen's Association NSW and Affiliates Inc.;
- (6) Two Members appointed by the Merchant Navy Association;
- (7) Two Members appointed by the Royal United Service Institution of New South Wales Inc.;
- (8) Two Members appointed by the Returned and Services League of Australia (New South Wales Branch);
- (8) Two Members appointed by the Mounties Group (Harbord Diggers Club);
- (9) Two Members appointed by the Australian Intelligence Corps Assocn (NSW) Inc;
- (10) Two members appointed by the Royal Australian Army Nursing Corps – Association (NSW & ACT Branch).
- (11) Two members appointed by an organisation of Ex-Service personnel granted affiliation by the Trust.

#### **3.3 Affiliation**

Any organisation of Ex-Service personnel having similar aims and objects to the Trust shall be eligible for affiliation:

- (1) Application for an affiliation shall be in writing and shall be accompanied by a copy of the Constitution of the applicant;
- (2) The Trust reserves the right to refuse the affiliation of any organisation;
- (3) Any organisation granted affiliation shall on payment of the requisite affiliation fee be entitled to appoint two members to the Trust;
- (4) Any organisation granted affiliation shall pay an annual affiliation fee as determined by the Committee from time to time;





A right, privilege or obligation which a person has by reason of being a Member:

- (1) is not capable of being transferred or transmitted to another person; and
- (2) terminates upon cessation of the person's membership.

### 3.11 **Resignation of Membership**

- (1) A Member is not entitled to resign that membership except in accordance with this Rule.
- (2) A Member may resign by first giving notice (being not less than one 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 termination of the period of notice, the Member ceases to be a Member.
- (3) If a Member of the Trust ceases to be a Member under subclause (1), and in every other case where a Member ceases to hold membership, the Secretary must make an appropriate entry in the register of Members recording the date on which the Member ceased to be a Member.

### 3.12 **Register of Members**

- (1) The public officer of the Trust must establish and maintain a register of Members of the Trust specifying the name and postal address or residential address of each person who is a Member together with the date on which the person became a Member and details of the appointment of the Member.
- (2) Where a person ceases to be a member pursuant to Clause 3.9, the Secretary must make an appropriate entry in the register of members recording the date on which the person ceased to be a Member.
- (3) The register of Members must be kept **in** New South Wales at the principal place of administration of the Trust and shall be open for inspection, free of charge, by any Member of the Trust at any reasonable hour.
- (4) A Member of the Trust 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 Trust or other material relating to the Trust, or
  - (b) any other purpose necessary to comply with a requirement of the Act or the Regulation.

### 3.13 **Fees, Subscriptions, Etc**

- (1) A Member Club or Association of the Trust must upon admission to membership and annually pay to the Trust a fee as determined by the Annual General Meeting of the Trust.

### 3.14 **Member's Liabilities**

The liability of a Member of the Trust to contribute towards the payment of the debts and liabilities of the Trust or the cost, charges and expenses of the winding up of the Trust is limited to an amount of \$10.00.

### **3.15 Disciplining of Members**

- (1) A complaint may be made to the Committee by any person that a Member of the Trust:
  - (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 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 Trust or suspend the Member from membership of the Trust 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 3.16.
- (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 Trust confirms the resolution under Clause 3.16whichever is the later.

### **3.16 Right of Appeal of Disciplined Member**

- (1) A Member may appeal to the Trust in general meeting against a resolution of the Committee under Clause 3.15, 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 Trust to be held within 28 days after the date on which the Secretary received the notice.
- (4) At a general meeting of the Trust 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 Trust.

### 3.17 **Resolution of Internal Disputes**

- (1) Disputes between Members (in their capacity as Members) of the Trust, and disputes between Members and the Trust, are, unless otherwise agreed by the relevant Members, to be referred to a community justice centre for mediation in accordance with 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.

The *Commercial Arbitration Act 1984* applies to any such dispute referred to in arbitration.

### 3.18 **Honorary Life Members**

- (1) In addition to the maximum number of Members of the Trust of 22 persons as provided in clause 3.2, the Trust may from time to time appoint Honorary Life Members of the Trust.
- (2) The qualification for Honorary Life Membership shall be that any Member, former Member of the Trust or any other person who has rendered distinguished service to the Trust and/or the Anzac Day Dawn Service may be elected at a general meeting of the Trust an Honorary Life Member of the Trust.
- (3) The following procedure shall be observed in the election of an Honorary Life Member-
  - (a) Notice of Nomination signed by at least two (2) Members of the Trust shall be given to the Secretary.
  - (b) The Secretary shall report such nomination to the first Committee meeting after the receipt of the nomination and at the ensuing meeting the Committee shall resolve with the consent of three-fourths of the Members present and voting to forward the nomination to a general meeting of the Trust for consideration.
  - (c) The election of Honorary Life Members shall be made at a general meeting provided that such election is made with the consent of three-fourth of the Members present and voting in favour of the election.
- (4) Honorary Life Members may attend any meeting of the Trust provided however an Honorary Life Member shall not be entitled to vote unless that person is currently serving as a Committee Member.

## **Part 4: The Committee**

### **4.1 Powers of the Committee**

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

- (1) shall control and manage the affairs of the Trust;
- (2) may exercise all such functions as may be exercised by the Trust; and
- (3) 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 Trust.

### **4.2 Composition and Membership of the Committee**

- (1) All Members are deemed to be Committee members by virtue of their appointment as Members pursuant to Clause 3.2 and all Committee Members must be Members.
- (2) In the event of a casual vacancy occurring in the membership of the Committee, the vacancy shall be filled by the new Member pursuant to Clause 3.9(2).

### **4.3 Appointment of Office Bearers**

The Committee at its first Committee meeting in each year shall appoint one Committee Member to each of the following offices:

- (1) President;
- (2) Vice President
- (3) Treasurer;
- (4) Assistant Treasurer;
- (5) Secretary;
- (6) Assistant Secretary;
- (7) Dawn Service Convenor;
- (8) Dawn Service Marshall; and
- (9) Dawn Service Assistant Marshall.

### **4.4 Chairperson**

The President shall be the Chairperson who shall preside at all meetings of the Committee. In the absence of the President the Vice President shall be the Chairperson. In the absence of both the President and the Vice President the Committee shall nominate one of the members to preside for the duration of the meeting.

### **4.5 Treasurer/Assistant Treasurer**

- (1) The Committee at its first meeting in each year shall appoint one Committee Member to act as Treasurer and one Committee Member to act as Assistant Treasurer of the Trust and any vacancy that may occur in those positions shall be filled by the Committee without undue delay.

- (2) It is the duty of the Treasurer to ensure that:
  - (a) all money due to the Trust is collected and received and that all payments authorised by the Trust are made; and
  - (b) correct books and accounts are kept showing the financial affairs of the Trust including full details of all receipts and expenditure connected with the activities of the Trust.
- (3) The Assistant Treasurer shall assist the Treasurer in the discharge of the Treasurer's duties and in the absence of the Treasurer shall have like duties, powers and authorities.

#### 4.6 **Secretary/Assistant Secretary**

- (1) The Committee at its first meeting in each year shall appoint one Committee Member to act as Secretary and one Committee Member to act as Assistant Secretary of the Trust and any vacancy that may occur in those positions shall be filled by the Committee without undue delay.
- (2) It is the duty of the Secretary to keep minutes of:
  - (a) all appointments of office bearers and Members;
  - (b) the names of Members 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 shall be signed by the Chairperson and the Secretary.
- (4) Unless the Committee otherwise decides, the Secretary will be responsible for performing all duties of the public officer.
- (5) The Assistant Secretary shall assist the Secretary in the discharge of the Secretary's duties and in the absence of the Secretary shall have like duties, powers and authorities.

#### 4.7 **Dawn Service Convenor**

- (1) The Committee at its first meeting each year shall appoint one Committee Member to act as Dawn Service Convenor.
- (2) The Dawn Service Convenor shall assist the Committee in the preparation and presentation of the Sydney Anzac Day Dawn Service and shall carry out such duties as the Committee shall from time to time direct.

#### 4.8 **Dawn Service Marshall**

- (1) The Committee at its first meeting each year shall appoint one Committee Member to act as Dawn Service Marshall.
- (2) The Dawn Service Marshall shall assist the Committee in the conduct of the Sydney Anzac Day Dawn Service and shall carry out such duties as the Committee shall from time to time direct.

#### 4.9 **Dawn Service Assistant Marshall**

- (1) The Committee at its first meeting each year shall appoint one Committee Member to act as Dawn Service Assistant Marshall.

- (2) The Dawn Service Assistant Marshall shall assist the Committee in the conduct of the Sydney Anzac Day Dawn Service and shall carry out such duties as the Committee shall from time to time direct.

#### 4.10 **Executive Committee**

- (1) The Executive Committee shall consist of the President, the Vice President, the Treasurer, the Assistant Treasurer, the Secretary, the Assistant Secretary, the Dawn Service Convenor, the Dawn Service Marshall and the Dawn Service Assistant Marshall.
- (2) The Executive Committee shall have power to act in all matters pertaining to the Management and welfare of the Trust between Committee meetings and in all urgent matters.
- (3) Members of the Executive Committee may be ex officio at any sub-committee created under Clause 4.12(1)

#### 4.11 **Committee Meetings and Quorum**

- (1) The Committee shall meet at least four times in each period of 12 months at such place and time as the Committee may determine and all such meetings of the Committee shall be deemed to be general meetings of the Trust.
- (2) Additional meetings of the Committee may be convened by the chairperson or by any member of the Committee.
- (3) Except where the nature of the business proposed to be dealt with at a meeting requires a special resolution of the Trust, oral or written notice of a meeting of the Committee or a general meeting shall be given by the Secretary to each member of the Committee at least 14 days (or such other period as may be unanimously agreed upon by the Committee Members) before the time appointed for the holding of the meeting.
- (4) Where the nature of the business proposed to be dealt with at a meeting of the Committee or a general meeting requires a special resolution of the Trust, the Secretary shall give written notice of a meeting to each Member, at least 21 days before the date fixed for the holding of the meeting specifying the place, date and time of the meeting and the nature of the business proposed to be transacted at the meeting and the proposed special resolution.
- (5) Notice of a meeting of the Committee or a general meeting given under Clause 4.11(3) and (4) shall specify the general nature of the business to be transacted at the meeting and no business other than that business shall be transacted at the meeting, except business which the Committee Members present at the meeting unanimously agree to treat as urgent business.
- (6) Six Member Associations constitute a quorum for the transaction of the business of a meeting of the Committee or a general meeting.
- (7) No business shall be transacted at a meeting of the Committee or a general meeting 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 stands adjourned to the same place and at the same hour of the same day in the following week.
- (8) If at the adjourned meeting of the Committee or general meeting a quorum is not present within half an hour of the time appointed for the meeting, the meeting shall be dissolved.

#### 4.12 **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 or other persons 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 Rule 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 section may be made subject to such conditions or limitations as the exercise of any function the subject thereof, or as to time or circumstance 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 subcommittee may meet and adjourn as it thinks proper.
- (8) The sub-committee shall report annually to the Annual General Meeting made in accordance with Clause 5.2(3)(b) a listing of persons and organisations that have assisted the Committee in the exercise of its functions.

#### 4.13 **Voting and Decisions**

- (1) Questions arising at a meeting of the Committee or of a subcommittee appointed by the Committee shall be determined by a majority of the votes of Committee Members or members of the subcommittee present at the meeting.
- (2) Each Committee Member present at a meeting of the Committee or of any subcommittee appointed by the Committee (including the person presiding at the meeting) is entitled to one vote but, in the event of any equality of votes on any question, the person presiding as Chairperson may exercise a second or casting vote.
- (3) Subject to Clause 4.11(6) the Committee may act notwithstanding 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 notwithstanding any defect that may afterwards be discovered in the appointment or qualification of any Member of the Committee or subcommittee.
- (5) Each Member shall be entitled to appoint another Member as proxy by notice given to the Secretary no later than 24 hours before the time of the meeting in respect of which the proxy is appointed.

## **Part 5: General Meetings**

### **5.1 Annual General Meetings – holding of**

- (1) The Trust must hold its first annual general meeting within 18 months after its registration under the Act.
- (2) The Trust must hold its annual general meetings:
  - (a) within 6 months after the close of the Trust's financial year, or
  - (b) within such later time as may be allowed by the Director-General or prescribed by the Regulation.

### **5.2 Annual General Meeting – calling of and business at**

- (1) The Trust shall convene an annual general meeting of Members each year in September or such other time as the Committee thinks fit.
- (2) The annual general meeting of the Trust shall, subject to the Act and to Clause 5.2(1) be convened on such date and at such place and time as the Committee thinks fit.
- (3) In addition to any other business which may be transacted at an annual general meeting, the business of an annual general meeting shall be:
  - (a) to confirm the minutes of the last preceding annual general meeting and of all special general meetings held since that meeting;
  - (b) to receive from the Committee reports upon the activities of the Trust during the last preceding financial year;
  - (c) to confirm the appointment of office bearers of the Committee appointed pursuant to Clause 4.3; and
  - (d) to receive and consider any financial statement or report required to be submitted to Members under the Act.
- (4) An annual general meeting must be specified as such in the notice convening it.

### **5.3 General Meetings**

All meetings of the Committee shall be deemed to be general meetings of the Members.

### **5.4 Procedures at General and Annual General Meetings**

- (1) Subject to Clause 5.1, annual general meetings and general meetings shall be convened in accordance with Clause 4.11.
- (2) Voting and decisions at annual general meetings and general meetings shall be in accordance with 4.13.

### **5.5 Special Resolutions**

- (3) A notice referred to in subclause (2)(a) must include the terms of the resolution and a statement to the effect that the resolution is intended to be passed as a special resolution.

- (4) A postal ballot referred to in subclause (2)(b) may only be conducted in relation to resolutions of a kind that this Constitution permits to be voted on by means of a postal ballot and, if conducted, must be conducted in accordance with the regulations.

## **Part 6: Miscellaneous**

### **6.1 Insurance**

- (1) The Trust may effect and maintain insurance.
- (2) In addition to the insurance required under clause 6.1(1) the Trust may effect and maintain other insurance.

### **6.2 Funds - Source**

- (1) The funds of the Trust shall be derived from affiliation fees, membership fees, contributions, advertising revenue and, subject to any resolution passed by the Trust in general meeting, such other sources as the Committee determines.
- (2) All money received by the Trust shall be deposited as soon as practicable and without deduction to the credit of the Trust's bank account or other authorised deposit taking institution account.
- (3) The Trust shall as soon as practicable after receiving any money issue an appropriate receipt.

### **6.3 Funds - Management**

- (1) Subject to any resolution passed by the Trust in general meeting, the funds of the Trust shall be used in pursuance of the objects of the Trust in such manner as the Committee determines.
- (2) All cheques, drafts, bills of exchange, promissory notes and other negotiable instruments shall be signed by the Treasurer and another Member of the Committee, being Members authorised to do so by the Committee.
- (3) The Committee shall cause proper books of account to be kept showing particulars of all income and expenditure.
- (4) The Committee shall make its own arrangements with regard to the raising of funds and the expenditure of monies provided that any monies which the Committee receives or raises in any manner are to be expended strictly for the purpose of which the Committee was constituted.
- (5) The Committee shall after providing for the payment of necessary outgoings expend all monies received for the purpose of furthering its objectives.
- (6) Surplus funds from time to time may be invested only in those forms of investment applicable to trustee investments i.e. there must be absolute security of the investment and physical possession taken of the security. The security must be either one issued by the Commonwealth and State Government or one of their instrumentalities; or a security which bears an endorsement by means of which a Bank (which has lender of the last resort with the Reserve Bank of Australia) undertakes to meet the repayment should the original issuer default.
- (7) The Auditor, who shall be appointed by the Committee at each annual general meeting and who is eligible for re-appointment at each annual general meeting, shall examine all accounts, vouchers, receipt books, etc of the organisation and shall furnish a copy of the accounts and a report on the financial statement of the Committee to the annual general meeting of the Trust.

#### **6.4 Change of Name, Objects and Constitution**

An application to the Director-General for registration in the Trust'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.

#### **6.5 Custody of Books Etc**

Except as otherwise provided by this Constitution, the Secretary shall keep in his or her custody or under his or her control all records, books and other documents relating to the Trust.

#### **6.6 Inspection of Books Etc**

- (1) The following documents must be open to inspection, free of charge, by a Member of the Trust at any reasonable hour:
  - (a) records, books and other financial documents of the Trust;
  - (b) this Constitution; and
  - (c) minutes of all Committee meetings and general meetings of the Trust.
- (2) A Member of the Trust 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.

#### **6.7 Service of Notice**

- (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 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.

#### **6.8 Payments of Office Bearers and Members**

A Member of the Committee shall not be appointed to any salaried office of the Trust or any office of the Trust paid by fees, and no remuneration or other benefit in money or money's worth shall be given by the Trust to any member of the committee except:

- (1) repayment of out of pocket expenses;



- (2) interest at a rate not exceeding interest at the rate for the time being which is or would be charged by the Trust's bankers for money lent to the Trust;
- (3) as provided in Clause 2.2; and
- (4) pursuant to a contract or arrangement approved by resolution of the Committee, in which the relevant member of the Committee did not vote.

#### **6.9 Dissolution of Anzac Day Dawn Service Trust**

- (1) The Trust may be dissolved at any time by a special resolution of the Committee. Should for any reason the Trust become incapable of carrying out its objects it shall be dissolved by Special Resolution of the Committee.
- (2) In the event of dissolution of the Trust all of the assets and surplus funds of the Trust would revert to the control of the Australian Legion of Ex-Service Clubs or be applied by the Committee in accordance with their powers to any funds, institution or authority which has similar aims and objects which itself is exempt from income tax.