

# Local Government Association of New South Wales

## Constitution

### NAME AND REGISTERED OFFICE

1. (a) The name shall be the Local Government Association of New South Wales (the Association) but may also be known as Local Government NSW.
- (b) The registered office of the Association is situated at Level 8, 28 Margaret Street, Sydney, New South Wales.

### DEFINITIONS

2. Unless the context otherwise requires:

“Aboriginal Land Council” shall mean the New South Wales Aboriginal Land Council as constituted under the *Aboriginal Land Rights Act 1983* (NSW).

“Act” means the *Industrial Relations Act 1996* (NSW) and its Regulations as they provide from time to time, together with any amendments to those instruments, or any Act replacing that Act.

“Administrator” shall mean an Administrator appointed in accordance with Division 6 of Part 2 of chapter 9 of the *Local Government Act 1993* or Division 2 of Part 11 of the *Aboriginal Land Rights Act 1983*.

“Association” shall mean the Local Government Association of New South Wales, the Association governed by this Constitution.

“Council” shall mean a council constituted under the *Local Government Act 1993*.

“Country Council” shall mean any council that is not a metropolitan council.

“Delegate” shall mean an elected member of a council or an elected member of the Aboriginal Land Council or an elected board member of a Local Aboriginal Land Council or an administrator who are by virtue of this constitution entitled to vote at an Annual Conference.

“Financial year” shall mean the period from 1 July in one year to 30 June in the following year.

“Local Aboriginal Land Council” shall mean a Local Aboriginal Land Council as constituted under the *Aboriginal Land Rights Act 1983* (NSW).

“Member” means a council or Aboriginal Land Council that are members of the Association.

“Metropolitan Council” shall be a council identified in Annexure A of these rules.

“Office Holder” shall mean the President, Vice Presidents (Metropolitan, Country and General) and Treasurer.

“Secretary” shall mean the Secretary General of the Association appointed by the Executive Committee.

### OBJECTS

3. The objects of the Association shall be in New South Wales and elsewhere:
  - (a) To encourage, promote, protect and foster an efficient and effective autonomous, democratic system of Local Government elected by and responsible to local communities with its position

constitutionally guaranteed and with adequate resources including revenue from State and Commonwealth Governments.

- (b) To promote, maintain and protect the interests, rights and privileges of Local Government in New South Wales and of the constituent members of the Association.
- (c) To encourage and assist Local Government to seek out, determine, assess and respond to the needs and aspirations of its constituents.
- (d) To encourage, assist, promote and foster the achievement and maintenance of the highest level of integrity, justice, competence, effectiveness and efficiency of Local Government.
- (e) To develop, encourage, promote, foster and maintain consultation and co-operation between councils and State and Commonwealth Governments and their instrumentalities.
- (f) To develop, encourage, promote, foster and maintain the financial and economic well-being and advancement of Local Government and for such purposes to undertake, establish, acquire, conduct or dispose of any business, enterprise, undertaking or venture which in the opinion of the Association is necessary, desirable or convenient.
- (g) To represent the members and Local Government generally in their dealings with State and Commonwealth Governments, with statutory and other corporations, with the media and with the public.
- (h) To promote, support and encourage Local Government at the national level.
- (i) To provide an industrial relations service to members including:
  - 1. obtain registration and thereafter act as an industrial union of employers pursuant to the Industrial Relations Act 1996;
  - 2. represent the interests of members in matters before the industrial tribunals;
  - 3. assist in negotiations relating to the settlement of disputes between members and their employees;
  - 4. represent the interests of members in negotiating the establishment of and/or variation of industrial awards and agreements;
  - 5. promote training programs aimed at enhancing the performance of Local Government.

## **POWERS**

4. The Association is empowered:

- (a) To purchase, take on lease or in exchange, hire, invest in and otherwise acquire any real and personal property and any interest therein and any rights or privileges and in particular any land, buildings, easements, machinery, plant, shares, debentures, mortgages and securities.
- (b) To enter into with the Shires Association of New South Wales, any government or authority, local or otherwise, or any incorporated or unincorporated body or any association of persons any arrangement, joint venture, union of interest or field of co-operation intended directly or indirectly to advance the interests or objects of the Association.
- (c) To apply for, promote and obtain any statute, order, regulation, ordinance or other authorisation or enactment which may seem calculated directly or indirectly to benefit the interests or objects of the Association and to oppose any bills, proceedings or applications which may seem calculated directly or indirectly to prejudice the Association's interests or objects.

- (d) To construct, improve, maintain, develop, manage, carry out or control any buildings and other works intended directly or indirectly to advance the Association's interests and to contribute to, subsidise or otherwise assist or take part in the construction, improvement, maintenance, development, working, management, carrying out or control thereof.
- (e) To invest, deposit, lend, pay out, grant, donate and deal with money of the Association in such manner as may from time to time be thought fit but subject to legislative requirements;
- (f) To draw, make, accept, endorse, discount, execute and issue promissory notes, bills of exchange, bills of lading and other negotiable or transferable instruments.
- (g) To borrow or raise or secure the payment of money in such manner as the Association may think fit and to secure the same or the repayment or performance of any debt, liability, contract, guarantee or other engagement incurred or to be entered into by the Association in any way and in particular by charges upon all or any of the Association's property (both present and future) and to redeem or repay any such securities.
- (h) To sell, improve, manage, develop, exchange, lease, dispose of, turn to account or otherwise deal with all or any part of the property and rights of the Association.
- (i) To do all such other things as are incidental or conducive to the attainment of the objects, the furtherance of the interests and the exercise of the powers of the Association.

## MEMBERSHIP

5. (a) Membership of the Association shall be limited to:
    - (i) ordinary members
    - (ii) associate members.
  - (b) **Ordinary Member** - All councils within the State of New South Wales and the Aboriginal Land Council shall be eligible for ordinary membership of the Association subject to the payment of an annual subscription in accordance with Clause 9, Annual Subscriptions.
  - (c) **Associate Member** - A council which is a member of the Shires Association of New South Wales may secure associate membership by the payment of such fee as the Executive Committee may determine from time to time. Payment of such fee shall entitle such an Associate Member to all the rights and privileges of ordinary membership except that:
    - (i) a councillor or an administrator of an Associate Member shall not be eligible for nomination or election to an office of the Association or as a member of the Executive Committee; and
    - (ii) a delegate from an Associate Member shall not be entitled to vote in any election of office-bearers of the Association or of members of the Executive Committee.
6. The Association shall keep a register of its members in such form as it thinks fit and in accordance with any requirements of the *Industrial Relations Act 1996*. A person may inspect the register at any time during the ordinary office hours of the Association.
7. (a) A member of the Association may resign on written notice to the Secretary.
  - (b) Resignation shall take effect on the receipt of notice by the Association or such later date as is specified in the notice.
  - (c) An applicant for membership of the Association shall be informed in writing of:
    - (i) the financial obligations arising from membership; and

- (ii) circumstances, and the manner, in which a member may resign from the Association.
8. When a council which is a member of the Association merges with another council or when a council is dissolved such council shall notify the Association of the change.

#### **ANNUAL SUBSCRIPTIONS**

9. (a) All members must pay an annual subscription of such an amount as may be determined by the Executive Committee from time to time.
- (b) The Executive Committee may determine the amount of subscriptions to be paid by members and in doing so may determine different subscriptions for different classes of members as it sees fit.
- (c) The Secretary must give written notice to each member specifying the amount of its subscription.
- (d) A member's subscription is payable within 30 days after notice of the amount of its subscription has been given to it. A member who is in arrears of subscriptions for more than thirty (30) days shall be regarded by the Association as an unfinancial member until such time as such subscriptions are paid.
- (e) Whosoever a member is an unfinancial member that member shall not be entitled to any of the benefits or privileges of membership, including voting at any meeting, conference or election conducted within or by the Association, and shall be precluded from having any delegate stand for office in the Association.
- (f) If payment is not made within six months from the due date, the member concerned shall thereupon cease to be a member of the Association.
- (g) Should a member join the Association after more than half of the financial year has expired then the subscription for the remaining period of that financial year shall be 50 per cent of the annual fee as may be determined by the Executive Committee.

#### **ANNUAL CONFERENCE**

10. (a) The Annual Conference shall be held each year at a time and place determined by the Executive Committee.
- (b) A Special Conference of the Association may be convened:
- (i) by the President; or
  - (ii) by the resolution of the Executive Committee; or
  - (iii) by a petition signed by at least 25% of the member councils of the Association.
- (c) Where a Special Conference is called for under subclause (b) the Secretary shall convene a Special Conference for a date not later than 4 weeks after the receipt of the notice calling for the Conference. If a Special Conference is not convened within 4 weeks then members may themselves make arrangements for the holding of a Special Conference.
11. Control and governance of the Association shall be by members at a Conference. Between conferences this power shall be vested in the Executive Committee. Any decision by the Executive Committee may be reviewed, amended or quashed by a Conference.
12. (a) The Annual Conference shall consist of the Executive Committee of the Association and Delegates from each member appointed in accordance with the scale as under. Each member of the Executive Committee of the Association and each Delegate from a member shall have one vote.

Group No. Population Delegates

(1)	Less than 10,000	1
(2)	10,000 - 20,000	2
(3)	20,000 - 50,000	3
(4)	50,000 - 100,000	4
(5)	100,000 - 150,000	5
(6)	Over 150,000	7
(7)	County councils and Associate Members	2
(8)	Aboriginal Land Council	27*

(\* Maximum of three Delegates from any one Region as defined by the *Aboriginal Land Rights Act 1983*)

- (b) Each member shall nominate its delegates to the Annual Conference by such date as the Secretary may specify. Thereafter no alteration to the list of delegates shall be permitted other than as hereinafter provided.
- (c) If it is desired to change the nomination of a delegate prior to the first day of the Annual Conference, written notice shall be given to the Secretary or his or her nominee of the name of the delegate being replaced and the name of the substituted delegate. Such notification shall be signed by either the Mayor or the General Manager of the council, or the Chairperson or Chief Executive Officer of the Aboriginal Land Council. The delegate's badge shall be surrendered to the Secretary or his or her nominee and replaced with a new badge.
- (d) If it is desired to change the nomination of a delegate on or after the first day of the Annual Conference written notice in accordance with subclause (c) shall be given. In addition, the delegate's badge for the retiring delegate shall be surrendered to and destroyed by the Secretary or his or her nominee before a fresh badge is issued to the incoming delegate.
13. (a) A member may bring any matter before the Annual Conference of the Association for opinion or action by forwarding a statement to the Secretary who, subject to any direction from the Executive Committee of the Association, shall place it upon the Business Paper for the consideration of Conference.
- (b) A notice of an Annual Conference shall be issued by prepaid mail at least four (4) months before the holding of the Conference. This shall be notice of a general meeting. The business paper shall be issued by pre-paid mail prior to the Conference.
14. The Annual Conference shall have power, should a majority of the members present so approve, to consider any business not introduced as provided for by the foregoing paragraph, subject to at least 24 hours notice thereof being given.
15. The Conference shall be presided over by the President, and in his or her absence by one of the Vice Presidents. Should neither of the Vice Presidents be present, a member of the Executive Committee of the Association shall preside. The person so presiding shall have an original and, in the case of an equality of votes, a second or casting vote.
16. (a) A Conference shall be conducted in accordance with Sessional Orders.
- (b) The Sessional Orders shall be as set out in Annexure B of these rules. For the good order of the Conference, such Sessional Orders may be varied by a resolution of Conference.
17. (a) A person may not appoint a proxy to vote at the Annual Conference.
- (b) Nothing in sub-clause (a) shall prevent the appointment of substitute delegates in accordance with clause 12.

**EXECUTIVE COMMITTEE**

18. The Executive Committee of the Association (the Executive Committee) shall consist of a President, two Vice Presidents (one from a country council and the other from a metropolitan council), a Treasurer, 20

Committee members (10 from country councils and 10 from metropolitan councils) and in addition one officer who shall be either the Immediate Past President or Vice President General, whichever office is required pursuant to Rule 22(c).

19.
  - (a) It shall be a prerequisite for any person to be nominated for the offices of President, Vice Presidents or Treasurer or as a member of the Executive Committee, that he or she be a councillor of a council which is an ordinary member of the Association. No delegate from a council which is an associate member shall be qualified to be, nor shall be, a member of the Executive Committee.
  - (b) An administrator of a council that is an ordinary member shall not be eligible for nomination or election to an office of the Association or as a member of the Executive nor be entitled to vote in any such election.
20. Members of the Executive Committee shall be elected biennially at an Annual Conference.
21. Subject to sub-rule 22(c) the term of office for all members of the Executive Committee shall commence at the conclusion of the Annual Conference at which they are elected, and shall continue until the conclusion of the second Annual Conference thereafter.
22.
  - (a) The office of President shall alternate between members of country councils and members of metropolitan councils.
  - (b) Notwithstanding sub-rule 22(a) it shall be permissible for an incumbent President to seek re-election.
  - (c) Upon the election of a President of the Association or upon a person succeeding to the office of President in accordance with this constitution, the immediately preceding President shall assume the office of Immediate Past President.
  - (d) A person who assumes the office of Immediate Past President in accordance with sub-rule 22(c) shall continue in that office for a maximum of two years. If after two years there is no new Immediate Past President (i.e. because the successor President is elected to serve two or more consecutive terms) then the office of Immediate Past President shall lapse and be replaced by the office of Vice President (General) until a different person is eligible to assume the office of Immediate Past President.
  - (e) Where the office of Vice President (General) is required, that office shall be filled by the same process for election as is prescribed by these Rules for the office of Vice President.
  - (f) Any person who held the office of Immediate past President is eligible to be elected to the office of Vice President (General) when that office is in existence.
23. A casual vacancy in an office occurs when the holder of that office-
  - (a) Dies;
  - (b) Resigns the position by notice in writing delivered or sent by post to the Secretary and such resignation be accepted;
  - (c) Is absent (except upon leave granted by the Executive Committee) from three consecutive meetings without an apology satisfactory to the Executive Committee;
  - (d) Is found mentally ill, or becomes of unsound mind, or is incapable of performing his or her duties;
  - (e) Ceases to hold office as a member of a council affiliated to the Association.
  - (f) Is removed from office in the manner provided for in Clause 24.

24. (a) The Executive Committee may remove from office any Executive Committee Member if the person has been found guilty, under the rules of the Association, of:
- (1) misappropriation of the funds of the organisation; or
  - (2) a substantial breach of the rules of the organisation; or
  - (3) gross misbehaviour or gross neglect of duty;
- or has ceased, under the rules of this organisation, to be eligible to hold office.
- (b) If a person is believed to by the Executive Committee to be guilty of any of the offences specified in subclause (a) of this clause the Executive Committee shall call on such person to appear before the next meeting of the Executive Committee to show cause why that person should not be expelled from his or her position as an office holder of the Executive Committee.
- (c) The person called to show cause pursuant to subclause (b) of this clause shall be given at least fourteen (14) days' notice of the time and place of the meeting to which that person is called. The notice calling such person shall also specify the ground or grounds upon which it is proposed to consider such removal.
- (d) The Executive Committee shall give to any person so called an opportunity to show cause why that person should not be removed as an office holder of the Executive Committee.
- (e) The Executive Committee may proceed to hear and determine the matter under this Clause notwithstanding the absence of the person called if due notice of the hearing has been given in accordance with this Constitution.

#### **CASUAL VACANCIES**

25. In the event of the office of President becoming vacant the following provisions shall apply:
- (a) if the former President came from a country council the Vice President coming from a country council shall succeed to the office of President;
  - (b) if the former President came from a metropolitan council the Vice President coming from a metropolitan council shall succeed to the office of President.
- If there be no such Vice President then in office, the position shall be filled by the Executive Committee by the election thereto of a member of such Committee.
26. (a) A vacancy in the office of Vice President, Vice President (General) or Treasurer shall be filled by the Executive Committee by the election thereto of a member of the Executive Committee.
- (b) A vacancy in the office of Immediate Past President shall be filled by the Executive Committee by the election of a member of the Executive Committee as Vice President (General).
27. A vacancy in the position of Committee member of the Executive Committee shall be filled by the Executive Committee by the appointment thereto of a candidate at the most recent election for the Executive Committee.
28. If there be no such candidate, the position shall be filled by the Executive Committee by the election thereto of a person then qualified to hold such position.
29. A casual vacancy shall be filled within 90 days of the occurrence of that vacancy, provided that non-compliance with this clause shall not invalidate or otherwise prejudicially affect the proceedings or business carried out or performed by the Executive Committee during the continuance of any such vacancy beyond 90 days.

30. Notwithstanding clauses 25 to 29, where a casual vacancy or further casual vacancy is to be filled for so much of the part of the term as exceeds:

- (i) 12 months; or
- (ii) three quarters of the term of the office;

the vacancy shall be filled by way of secret postal ballot in accordance with the provisions appropriate to the election for the vacant office.

#### **EXECUTIVE COMMITTEE MEETINGS**

31. Meetings of the Executive Committee shall be held at least once a year and thereafter as may be decided by it, subject to the proviso that a special meeting shall be called by the President on receipt of a requisition duly signed by four members of the Executive Committee. The business shall be clearly stated in the notice convening the meeting, of which at least seven days' notice, wherever possible, shall be given.

32. Meetings shall be presided over by the President and, in his or her absence, by one of the Vice Presidents; should neither of these be present, the Executive Committee may elect a chairman. The person so presiding shall have an original and, in the case of an equality of votes, a second or casting vote.

33. The Executive Committee, of whom thirteen shall constitute a quorum, shall deal with all business of the Association arising between Conferences. The Executive Committee shall have the power to appoint such officers as it may consider to be necessary.

34. The President, or person presiding over the Executive Committee meeting, shall have control of the meeting and shall call upon members to speak.

35. The Executive Committee may exercise any of its powers, duties and functions by itself or by its servants or agents.

36. (a) The Executive Committee shall appoint one or more auditors, and shall fix the fee thereof. No member of the Executive Committee or employee of the Association shall be eligible for the appointment of auditor. The auditor shall be appointed for a term of four years.

(b) The position of auditor becomes vacant on the following grounds:

- (i) the written resignation of the appointed auditor; or
- (ii) a resolution by the Executive Committee on the following grounds
  - the service is executed to an unprofessional standard; or
  - the auditor's costs are considered excessive; or
  - if he or she ceases to be a registered company auditor.

(iii) at the expiration of the term of appointment.

#### **ELECTIONS**

37. (a) The Executive Committee may determine the form of any nomination form(s) subject to legislative regulation.

(b) The Returning Officer may in any notice calling for nominations specify a facsimile number to which nominations can be forwarded. The Returning Officer may then accept nominations lodged at that facsimile number before the time and date specified for receipt of nominations. The Returning Officer shall require that the original of the facsimile nomination be forwarded within a time specified by the Returning Officer. Receipt of nomination by facsimile shall be deemed to be formal receipt of the nomination.

38. The Returning Officer shall be either the Electoral Commissioner or a person or entity approved by the Industrial Registrar under the *Industrial Relations Act*.
39. (a) The Returning Officer shall cause an election notice inviting nominations for the offices of President, Treasurer, Vice Presidents and Executive Committee members to be published in the Association's official journal or sent to each ordinary member council at least fourteen (14) weeks prior to the first day of the Annual Conference. The Returning Officer shall close nominations at least eight (8) weeks prior to the first day of the Annual Conference.
- (b) The persons proposing and seconding a nomination for the offices of President, Treasurer, Vice Presidents and Executive Committee members must be elected members of any council which is an ordinary member of the Association. Nominations shall be signed by the proposer and seconder, and consented to in writing by the candidate.
- (c) Details of such nominations, together with details of Local Government service, shall be placed before constituent councils before the Annual Conference.
- (d) A nomination for election may be withdrawn by a candidate, provided that notice of withdrawal in writing is received by the Returning Officer no later than seven days before the holding of the ballot.
- (e) All candidates shall declare any current or recent (within the past two years) membership of a registered political party on their nomination forms and on all "how to vote" material. Ballot papers will show candidates declared current registered party memberships. "How to vote" material may not be caused to be distributed without registered party memberships being declared or without details of the authorisation of the material.
40. (a) In the event of the Returning Officer receiving nominations in excess of the number of positions to be filled in any election for the offices of President, Vice Presidents, Treasurer the election shall be conducted by the preferential system of voting.
- (b) In the event of the Returning Officer receiving nominations in excess of the number of positions to be filled in any election for the offices of Executive Committee member the election shall be conducted by the proportional system of voting.
- (c) The elections shall be conducted in the following order:
- i) The election for the office of President shall commence at 8.30am on the first business day of the Annual Conference and shall be declared not later than 11am on that day.
- ii) The election for the offices of Vice President (Metropolitan) and Vice President (Country) shall commence at 11am on the first business day of the Annual Conference and shall be declared not later than 1.30pm on that day.
- iii) The election for the office of Treasurer, and if required, the office of Vice President (General), shall commence at 1.30pm on the first business day of the Annual Conference and shall be declared not later than 4pm on that day.
- iv) The election for the offices of Executive Committee member shall commence at 8.30am on the second business day of the Annual Conference and shall be declared by 4pm on that day. Separate ballot papers shall be issued for the election of the country and metropolitan members of the Executive Committee.
- (d) Where two or more candidates have an equal number of votes, the candidate who is first drawn by lot by the Returning Officer shall be declared elected.
- (e) In the event that for any position to be filled the number of persons does not exceed the number of persons to be elected then the persons nominated shall be elected to those positions.

- (f) The Returning Officer shall declare the candidate or candidates receiving the greatest number of votes or elected by lot duly elected after the counting of each ballot and prior to the opening of the next ballot.
- 41. Where the nominations received are insufficient to fill all vacancies, the Executive Committee at its first meeting after the Annual Conference at which it was elected shall make appointments to the number required.
- 42. Election to the offices of President, Vice President or Treasurer shall automatically exclude the member so elected from election to any other position on the Executive Committee.

## **FINANCE**

- 43. (a) All moneys received for and on behalf of the Association shall be placed to the credit of the Association at such bank or such other financial institution as the Executive Committee shall from time to time direct and all cheques, promissory notes, drafts, bills of exchange and other negotiable instruments and all receipts and moneys paid to the Association shall be signed, drawn, accepted, endorsed or otherwise executed as the case may be by any two of the President, Treasurer, Secretary or in such other manner as the Executive Committee may from time to time determine.
- (b) A loan, grant or donation must not be made by the Association unless the Executive Committee has approved the making of the loan, grant or donation and has satisfied itself:
  - (i) that the making of the loan, grant or donation would be in accordance with the other rules of the organisation; and
  - (ii) in the case of a loan - that, in the circumstances, the security proposed to be given for the repayment of the loan is adequate and the proposed arrangements for the repayment of the loan are satisfactory.
- (c) No levy is to be imposed on members for political objects and no donations or other payment for political objects (as defined by section 434 (4) of the *Industrial Relations Act 1996*) is to be made out of amounts levied by the Association.
- 44. The Executive Committee shall have management of the Association's property and investment of funds.
- 45. The Association's funds shall be expended on the objects of the Association.
- 46. Within three months of the close of each financial year the Treasurer shall prepare a statement of income and expenditure and a balance sheet and shall forthwith submit the same to the auditors.
- 47. The Treasurer shall cause to be kept proper books of account and shall present at each meeting of the Executive Committee a statement showing all payment and bank reconciliations for the period since the date of the last meeting of the Executive Committee. He or she shall also present duly audited income and expenditure accounts and a balance sheet at each Annual Conference.
- 48. The annual report and financial statements, unless otherwise directed by the Executive Committee, shall be placed before the Executive Committee at least one month before the holding of the Annual Conference. A copy of the annual report and financial statements, as approved by the Executive Committee, shall be forwarded to each delegate attending the Conference.
- 49. The financial statements of the Association and the Treasurer's Report shall be published in full and circulated to all members within three months from the date on which the audited accounts are made available to the Association.
- 50. The sources from which the Association's funds may be derived are as follows:
  - (i) amounts of entrance fees, subscriptions, fines, fees, levies or commissions received by the Association;

- (ii) interest, rents or dividends derived from investments of the Association's funds;
- (iii) the proceeds of any disposal of parts of the funds;
- (iv) any monies or credits received in pursuance of the Association's objects, as defined in Clause 3, or in the exercise of powers, as defined under Clause 4 of this Constitution.

#### **SECRETARY**

- 51. The Secretary shall be responsible for the day to day administration of the affairs of the Association and shall give effect to all directions given to him or her by the Executive Committee or the President.
- 52. (a) Except as provided by this clause, all records, books, documents, and securities of the Association shall be in the custody of the Secretary.
- (b) A duly authorised representative of a member of the Association shall be given access to the Association's documents.
- (c) Notwithstanding paragraph (b), the Association may refuse access to a document in accordance with the *Freedom of Information Act 1989* as if the Association were an agency within the meaning of the Act.
- (d) In this clause, "document" means a document as defined in the *Freedom of Information Act 1989*.

#### **SEAL**

- 53. (a) The Association shall have a seal in a form from time to time adopted by the Executive Committee.
- (b) The Executive Committee shall provide for the safe custody of the seal.
- (c) The seal shall only be used by authority of the Executive Committee or a subcommittee consisting of the President and one or more of the Vice Presidents or Treasurer.
- (d) Every instrument to which the seal is affixed shall be signed by a member of the Executive Committee and counter-signed by either the Secretary, a second member of the Executive Committee or some other person appointed by the Executive Committee for that purpose.

#### **PATRON OF THE ASSOCIATION**

- 54. In order to recognise the outstanding service to Local Government and to the Association, the position of patron is created, such office to be honorary only. It shall be open to serving or former elected members including former Presidents of the Association.

In the case of serving or former elected members, the Annual Conference shall determine such appointment on the recommendation of the Executive Committee.

In the case of former Presidents, the Executive Committee shall determine such appointment.

#### **AMENDMENT**

- 55. No alteration, amendment or rescission shall be made to the Constitution unless by resolution of the Annual Conference and after due notice by inclusion in the Business Paper to all persons eligible to attend the Conference.

## **DISSOLUTION**

56. In the event that the Association is dissolved or wound up:

- (a) a member shall not be required to contribute to the payment of the debts and liabilities of the Association or the costs, charges and expenses of the dissolution or winding up in an amount which is more than 10% of the member's annual subscription for the financial year in which the dissolution or winding up takes place; and
- (b) any surplus funds remaining after the dissolution or winding up shall be paid to the members of the Association in proportion with each member's subscription for the year in which the dissolution or winding up occurred bears to the total amount of subscriptions collected for that year.