

# CONSTITUTION

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# BANKSTOWN LIQUOR ACCORD

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## **1. Nature and name of the accord**

The name of the accord is 'Bankstown Liquor Accord'. The accord is a liquor accord constituted in accordance with section 135 of the *Liquor Act 2007*.

## **2. Objects of the accord**

The objects of the accord are to prevent / reduce alcohol related harm / crime or anti-social behaviour on, and in the immediate vicinity of, licenced premises in the Bankstown area by:

- encouraging the responsible service of alcohol
- addressing venue related safety and security issues
- working with other community partners to improve local outcomes and the perception of the Bankstown area and,
- working towards the agreed terms of the accord.

## **3. Terms of the Accord**

The terms of the Accord are a list of actions to be undertaken by the Accord that seek to achieve the objectives stated in (2).

Licensed premises in the Accord consent to exclude from their premises persons confirmed by NSW Police as current members of OMCG's listed within Clause 98 of the Liquor Regulation 2018.

Terms will be set on an annual basis and must be voted on and agreed to by members.

## **4. Eligible parties**

Each of the following bodies or persons may be a party to an accord:

- a. a licensee
- b. Government agencies and other stakeholders:
  - i. NSW Office of Liquor, Gaming and Racing
  - ii. The NSW Police
  - iii. Bankstown Council
  - iv. Anybody or organisation (such as Chamber of Commerce) representing commercial or business interests in the relevant local area
  - v. A community or residents group with an interest in alcohol-related harm or the amenity of the relevant local area
  - vi. Any other person or body (or person or body belonging to a class of persons or bodies) prescribed by the regulations.

Eligible parties may attend and contribute to Liquor Accord meeting discussions and report on issues affecting the area. Eligible parties that are not licensees cannot be members of the accord and therefore cannot vote.

## **5. Definition of members**

The members of the Bankstown Liquor Accord will be the persons who have been or are admitted to membership of the accord in accordance with this constitution.

## **6. Membership application and admission**

The application for membership must be on an application form and be accompanied by evidence, where required, of eligibility of the particular class of membership.

On acceptance as a member, the secretary will give the applicant for membership a:

- a. written notice of acceptance
- b. copy of this constitution and the accord's business plan (if available). and
- c. request to pay (within the period of 28 days after receipt by the applicant of the notification) the sum payable under this constitution by a member as entrance fee and annual subscription.

## **7. Eligible members**

Representatives from the following licence categories are eligible for membership of the accord:

- a. hotel licence
- b. club licence
- c. on-premises licence
- d. packaged liquor licence
- e. producer/wholesaler licence
- f. limited licence

## **8. Nomination fees, annual subscriptions and levies**

There will be an annual general fee for all financial members.

**\$100 hotels & clubs                      \$50 bottle shops                      \$25 all other licence types**

## **9. Non-profit clause**

The assets and income of the organisation shall be applied solely in furtherance of the above-mentioned 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.

## **10. Disciplinary Provision**

1. If a member refuses or neglects to comply with any of the provisions of this Constitution or is in the opinion of the Executive, guilty of any conduct prejudicial to the interests of the accord the Executive has the power to inquire into any possible breach or non observance of this Constitution provided that:
  - (a) The member must be notified of any charge against that member pursuant to this Rule by notice in writing to the member at least 7 clear days before the meeting of the Executive at which such charge is to be heard. The notice must set out the facts, matters and circumstances giving rise to the charge and include details of any action that the Executive may take if the member is found guilty.
  - (b) The member charged is entitled to attend the meeting for the purpose of answering the charge or may answer the charge in writing, and is entitled to call witnesses in the member's defence.
  - (c) The voting by the officers of the Executive present at such meeting will be in such manner as is decided by the Executive. No resolution by the Executive at the meeting is deemed to be passed unless at least a three quarters majority of the Officers present vote in favour of such resolution.

- (d) If the member fails to attend such meeting the charge may be heard and dealt with and the Executive may decide on the evidence before it, the member's absence notwithstanding, but having regard to any representations made to it in writing by the member charged.
- (e) After the Executive has considered all the evidence put against the member it must come to a decision as to the member's guilt in relation to the charge. Once it has decided the issue of guilt, the Executive must, if the member has attended the meeting and has been found guilty, inform the member prior to considering any further action.
- (f) If having attended the meeting, the member charged must be given a further opportunity at the meeting to address the Executive in relation to any action proposed appropriate to the charge of which the member has been found guilty.
- (g) The Executive has the power to reprimand the member and require the member to comply with the provisions of this Constitution. If the member fails to then comply the Executive may report the member for further action to Office of Liquor Gaming and Racing for further investigation.

## **11. Register and addresses of members**

The secretary must ensure that the accord maintains an appropriate form and register of members setting out the name, address, telephone number and email address of each member of the accord.

Every member must communicate in writing his or her change of address and other particulars required by the executive.

## **12. Members eligible for office and to vote at elections**

Only current financial members will be entitled to be elected as the chairperson of the accord.

Only financial members are entitled to vote. Every member present in person will be entitled to vote on a show of hands or as a poll. Members can send a representative to vote on their behalf.

Non-financial members are ineligible to vote.

## **13. Officers of the accord**

The officers of the accord are the:

- a. chairperson (coordinator for the purposes of the legislation)
- b. vice-chairperson
- c. secretary
- d. treasurer

## **14. Executive committee members**

The executive (in this constitution referred to as the executive) will be constituted by the officers of the accord (as provided in clause 11).

## **15. Election of officers**

The officers are elected by members at the annual general meeting.

Any members of the accord will be at liberty to nominate and second any licensee member to serve as the chairperson. Any member may act as the publicity officer. A member will be permitted to be nominated by more than one position as an officer as aforesaid but will not be eligible to hold more than one position at any one time.

The nomination will be called for at the meeting and involve a proposer and seconder.

## **16. Terms of office**

Officers of the accord will hold office for a period of one year commencing from the conclusion of the annual general meeting at which they are elected. Individuals may seek re-election at the next AGM for the same positions.

Office holders can resign from their positions at any meeting but must submit their resignation in writing to the secretary. A bi-election will be held during the meeting in which the resignation was tendered to elect the new office holder.

## **17. General meetings**

General meetings will be held twice yearly.

At least three weeks notice must be given for a meeting.

Prior to the meeting, the secretary will contact all members asking for agenda items.

## **18. Annual general meetings**

An annual general meeting will be held every year in November at the commencement of the general meeting.

A fortnight's notice must be given for an annual general meeting.

## **19. Special general meetings**

The executive may, whenever it thinks fit, convene a special general meeting of the accord.

The executive must also, on the requisition in writing of at least five per cent of the total number of members, convene a special general meeting of the accord.

## **20. Notice of meetings**

Notices must:

- a. set out the place, date and time for the meeting
- b. state the general nature of the business to be transacted at the meeting, and
- c. if a special resolution is to be proposed at the meeting, set out an intention to propose the special resolution and state the resolution.

## **21. Attending meetings**

Only members and invited guests of the accord may attend the meetings.

## **22. Proceedings at meetings**

No business may be transacted and no resolution may be passed at any meeting unless a quorum of members is present at the time when the meeting proceeds to business. Five accord members constitute a quorum.

If within half an hour from the time appointed by the general meeting a quorum is not present, the meeting stands adjourned until the next scheduled time and date.

The chairperson must chair every general meeting of the accord, or if there is no chairperson, or if he or she is not present within 15 minutes after the time appointed for the holding of the meeting or is unwilling to act, the members present may elect one of their members to be chairperson of the meeting.

## **23. Voting at meetings**

All questions arising at any meeting of the accord will be decided by a majority of votes and where the voting is tied, the chairperson will have a second or casting vote.

A member must vote in person. Each financial member is entitled to have one vote. Members can send a representative to meetings. The representative must identify themselves during the vote on whom they are representing.

## **24. Minutes**

Minutes of meetings and resolutions will be sent to all members within 14 days of the last meeting date.

## **25. Changes to constitution**

Changes to the constitution can be made at any accord meeting.

## **26. Dissolution**

In the event of the accord being dissolved, any monetary 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.