LOCAL GOVERNMENT ASSOCIATION OF THE NORTHERN TERRITORY

CONSTITUTION

(Amended April 2015)
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1. NAME

The name of the Association shall be the “Local Government Association of the Northern Territory” hereinafter referred to as "the Association".

2. INCORPORATION

The Association is constituted as a body corporate under section 242 of the Local Government Act of the Northern Territory.

3. DEFINITIONS

“Association” means the Local Government Association of the Northern Territory.

“Associate member” means a body which has been granted associate membership by the Executive in accordance with this constitution.

“Council” means a Municipal Council, a Regional Council or a Shire Council incorporated under the Local Government Act of the Northern Territory.

“Delegate” means a person who is elected and holds the office of Lord Mayor, Mayor, President, Alderman or Councillor of a Council who is appointed by virtue of clause 7 of this constitution.

“Executive” means the Executive of the Association appointed pursuant to this constitution.

“Governance Charter” means the governance charter adopted by the Executive from time to time and setting out the roles, responsibilities and authorities of the Executive, Chief Executive Officer and staff in determining the direction, management and control of the Association.

“Member Council” means a Council which has been granted membership of the Association by the Executive in accordance with this constitution.

“Population” means the latest population figure accepted by the Northern Territory Grants Commission for funding purposes.

4. OBJECTIVES

The objectives of the Association are to:

- encourage members to work together and collaborate in order to develop strong, effective local government throughout the Territory;
- represent, promote, and protect the interests of local government generally;
- act as an advocate for members of the Association and local government generally;
- develop and coordinate responses for legislation enacted or proposed by governments;
- provide information and advice to members on matters affecting local government;
- provide services to members as agreed to by resolution of members and/or the Executive;
- support the Australian Local Government Association and State Local Government Associations and any other organisation committed to objectives similar to those of the Association;
- formulate policy that applies to local government generally in the Northern Territory.

5. POWERS
The Association is empowered to:

- acquire or dispose of any real or personal property by lawful means and any interest therein and rights or privileges relating to property;
- enter into arrangements intended to advance the objectives of the Association with any person or organisation;
- cooperate with Territory and National governments on any issues which may directly or indirectly advance Association objectives;
- take necessary steps to oppose any action by government which may prejudice the achievement of Association objectives;
- construct, maintain and manage, any buildings and other authorised works;
- draw, make, accept, endorse, discount, execute and issue cheques, promissory notes, bills of exchange and other negotiable or transferable instruments;
- expend money for the purposes of the Association and invest or deposit money of the Association;
- borrow money and mortgage, charge or otherwise encumber any of the assets of the Association;
- sell, improve, manage, develop, exchange, lease, and dispose of all or any part of the property and rights of the Association;
- provide an industrial relations service to members including:
  - representing the interests of members and industrial matters before courts and tribunals;
  - assisting in negotiations relating to the settlement of disputes between members and their employees;
  - representing the interests of members and negotiating the establishment of and/or variation of industrial awards and agreements; and
  - promoting training programs aimed at enhancing the performance of local government; and
- do all things which are incidental or conducive to the attainment of the objectives contained in this constitution and to further the interests of the Association.

6. **MEMBERSHIP**

6.1. Any Council in the Northern Territory shall be eligible for membership of the Association.

6.2. Applications for membership shall be in the form prescribed by the Executive and shall be in writing directed to the Chief Executive Officer.

6.3. The Association shall decide to accept, reject or defer any applications for membership submitted under 6.2 in accordance with established policy of the Association at the first Executive Meeting following receipt of the application.

6.4. The Association may admit as an Associate member any other organisation or body which performs substantially the functions of a Council and has members elected from the
community. Associate members shall be admitted on such terms and conditions as the Executive determines pursuant to Association policy.

6.5. Associate members will not be given voting rights at General Meetings.

6.6. Associate members will not be eligible for election to positions on the LGANT Executive Committee.

6.7. The annual fees for associate members shall be as determined by the Executive.

7. REPRESENTATION OF MEMBERS

7.1. Each member Council shall appoint two delegates as their representatives at meetings of the Association and may at any time revoke such appointments and appoint other delegates in their place, in accordance with their own policies or procedures.

7.2. Each member Council shall give notice in writing to the Chief Executive Officer of the Association of the persons appointed to act as its delegates.

7.3. In the event that a delegate is unable to attend a meeting of the Association, the member Council may, by giving written notice to the Chief Executive Officer prior to the commencement of the meeting, appoint another delegate to act as a substitute at the meeting. The appointment will only be valid for the meeting specified in the notice.

8. GENERAL MEETINGS OF MEMBERS

8.1. The Association shall conduct two or more General Meetings each calendar year on dates determined by the Executive with the order of business being in accordance with the Association’s governance charter.

8.2. The Chief Executive Officer shall be responsible for convening meetings and shall ensure that twenty-eight days’ notice of each meeting is given to all members along with the business to be conducted.

8.3. The quorum for a General Meeting shall be fifty percent (50%) plus one of the financial members of the Association.

8.4. All matters arising at any General Meeting shall be decided by a simple majority of votes cast. If the votes cast on any issue are equal, the Chair of the meeting shall declare the motion lost.

8.5. The President of the Association shall chair all General Meetings at which he or she is present. If the President is absent then a Vice President shall chair the meeting. If neither the President or a Vice President are present then the meeting will choose from another Executive member present, a delegate to act as Chair for that meeting.

8.6. Draft minutes of General Meetings shall be maintained and forwarded to all members as soon as possible after each meeting.

8.7. General Meetings may resolve to appoint committees, or reference groups as necessary to achieve Association.
8.8. Recommendations arising from any committee, sub-committee or working party reference group meeting shall be determined by the Executive at one of its meetings and such determination may also include referring committee or reference group recommendations to members at a General Meeting.

8.9. If at the expiration of thirty minutes from the time of commencement of an Association meeting a quorum is not present, the Chair shall determine that the meeting be deferred to a specified time, date and place.

9. **SPECIAL GENERAL MEETING OF MEMBERS**

9.1. The Chief Executive Officer shall convene a Special General Meeting of the Association if:

(a) the President or three or more councils request the Chief Executive Officer in writing to convene the meeting; or

(b) the Executive resolves that the special meeting shall be convened.

9.2. The Chief Executive Officer shall give twenty-eight (28) days notice of a Special General Meeting and the business to be conducted.

9.3. The only business which may be transacted at a Special General Meeting is the business of which notice has been given.

9.4. The quorum for a Special General Meeting shall be fifty percent (50%) of the financial member Councils of the Association, plus one.

9.5. The conduct of a Special General Meeting shall comply with Clauses 8.3, 8.4, 8.5 and 8.8.

10. **ANNUAL GENERAL MEETING OF MEMBERS**

10.1. An Annual General Meeting of the Association must be held between 1st July and 15 December at a time and place determined by the Association.

10.2. Twenty-eight (28) days notice of the Annual General Meeting must be given to all members by the Chief Executive Officer.

10.3. At the Annual General Meeting the order of business will be determined by the Executive.

11. **REGIONAL AND MUNICIPAL COUNCIL MEETINGS**

*(Deleted June 2008 General Meeting)*

12. **VOTING AT MEETINGS OF MEMBERS**

12.1. Each member Council shall be entitled to the following votes at General Meetings, Special General Meetings and Annual General Meetings of the Association:

- a member Council with a population up to and including 3 000 - 1 Vote
- a member Council with a population between 3 001 - 25 000 - 2 Votes
- a member Council with a population of 25 001 and above - 3 Votes
- A member Council, being the Capital City, the City of Darwin - 5 votes
12.2. Voting shall be by the members Council delegate or delegates using voting cards issued by the Chief Executive Officer.

12.3. Proxy votes are not permitted at any Association meeting.

12.4. The rules of debate for Association meetings shall be in accordance with those listed at Appendix A.

13. THE PRESIDENT

13.1. The President is the elected leader and official spokesperson of the Association whose roles and responsibilities shall be defined in the governance charter.

13.2. The President is elected at the Annual General Meeting and shall hold office for a period of two (2) years from that Annual General Meeting.

13.3. The Chief Executive Officer shall call for nominations for the position of President by 15 June of each election year and nominations shall close on 7 August of each election year.

13.4. The Chief Executive Officer shall advise members of the nominations received by 15 August of each election year.

13.5. If a vacancy occurs in the office of President, the Executive shall appoint one of the Vice Presidents to the position to serve out the remainder of the term of office.

14. THE EXECUTIVE - REPRESENTATION

14.1. The Executive is authorised to perform all functions and duties for the proper control and governance of the Association in between General Meetings in accordance with its governance charter.

14.2. Meetings of the Executive are to be held in accordance with the Association’s governance charter.

14.3. The nine (9) person Executive shall comprise the Association President, two (2) Vice Presidents elected pursuant to clause 14.10 and six (6) Executive members. One of the six Executive positions:

14.4. shall be an elected member of the City of Darwin.

14.5. shall be elected by all councils present and voting at the Annual General Meeting

14.6. The quorum for an Executive meeting is five (5) persons

14.7. The Executive shall be elected at the Annual General Meeting every second year and shall hold office for a period of two years from that Annual General Meeting.

14.8. A delegate is eligible to nominate to serve as a member of the Executive provided he/she has received endorsement from the Council he/she is elected to by way of resolution at a Council meeting.
14.9. Where there are multiple nominations from delegates of any one Council for positions on the Executive only one position can be occupied during the term of the Executive. The first delegate to be elected will occupy a position and all other nominations will automatically be withdrawn prior to an election being held for the other positions.

14.10. The Chief Executive Officer shall call for nominations for the Executive positions by 15 June of each election year and nominations shall close on 7 August of each election year.

14.11. The Chief Executive Officer shall advise members of all nominations received by 15 August of each election year.

14.12. For the election of the two (2) Vice Presidents, delegates from Municipal Councils shall elect one (1) Vice President as their representative and delegates from Regional and Shire councils shall elect one (1) Vice President as their representative.

14.13. If a casual vacancy occurs on the Executive for a person other than the Association President, the Chief Executive Officer shall advise members and invite nominations to be forwarded for consideration at the next Executive Meeting. The Executive shall elect an Executive member to fill the vacancy and the person elected will hold office until the next Annual General Meeting at which an election shall be held. If this election results in a further casual vacancy on the Executive the election for that position will be held.

15. THE EXECUTIVE - CASUAL VACANCIES

15.1. The President, Vice Presidents and Executive members shall be entitled to one deliberative vote each at Executive meetings.

15.2. 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 Chief Executive Officer and such resignation is accepted;
(c) is absent (except upon leave granted by the Executive) from three (3) consecutive meetings without apology satisfactory to the Executive;
(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 but not including the period of cessation between that office and his/her nomination and re-election to Council from a general election; or
(f) is removed from office in the manner provided for in Clause 16.1.

16. THE EXECUTIVE - TERMINATION OF OFFICE

16.1. The Executive may remove from office any Executive member if the person has been found guilty, under the rules of the Association, of:

(a) misappropriation of the funds of the organisation;
(b) a substantial breach of the rules of the organisation; or
16.2. If a person is believed by the Executive to be guilty of any of the offences specified in subclause (a) of this clause the Executive shall call on such person to appear before the next meeting of the Executive to show cause why that person should not be expelled from his or her position as an office holder of the Executive.

16.3. 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.

16.4. The Executive 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.

16.5. The Executive 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.

17. THE EXECUTIVE - ALLOWANCES AND TRAVEL

17.1. The Association shall pay an allowance to the President in accordance with the amount set in an annual budget of the Association.

17.2. All allowances and travel of Executive members to do with attendance at Executive Meetings and General Meetings of the Association (other than for the President), shall be met from member Council budgets.

17.3. Where an Executive member is required to travel to meetings which are the business of the Executive (other than Executive meetings) the cost of travel and accommodation shall be met by the Association.

18. THE EXECUTIVE - ELECTION TO TERRITORY OR FEDERAL PARLIAMENTS

18.1. A person who is a member of the Executive and who is, or is to be, nominated for election to the Legislative Assembly, House of Representatives or Senate may give notice in writing to the CEO of the Association of the person’s resignation from the Executive under this section.

18.2. When a member gives notice of resignation under section 18.1 the office of the member becomes vacant but the vacancy cannot be filled until the expiry of the period within which the person may apply under this section to be reinstated to the office.

18.3. A person who has given notice of resignation under 18.1 may apply in writing to the CEO of the Association to be reinstated to the office from which he or she resigned:

(a) before the election in relation to which the resignation was tendered – if the person withdraws his or her consent to act as a member of the Legislative Assembly, House of Representatives or Senate (as the case may be) if elected ceases to be qualified to be a candidate for election; or
(b) if the person was not successful in the election in relation to which the resignation was
tendered – before the expiry of the seventh day after the declaration of the poll for the
election,

and the Executive must reinstate the person to the office from which he or she resigned,
effective on and from the day of the application for reinstatement was received by the CEO.

18.4. a person reinstated to office under this section is not entitled to any remuneration or
allowance as a member during the period in which the resignation had effect.

19. SUBSCRIPTIONS

19.1. The Executive shall recommend to a General Meeting to be held prior to the end of any one
financial year, the annual subscription payable for the following financial year by members
of the Association.

19.2. The annual subscription shall be determined by a General Meeting, payable by members
on 1 July of each year.

19.3. A member whose subscription remains unpaid for more than 60 days from 1 July in each
year or other dates as determined by the Executive shall become an unfinancial member
Council and shall forfeit all rights to attend and vote at any meetings of the Association and
shall not be entitled to membership of any committee or reference groups so long as they
remain unfinancial.

19.4. Member Councils shall not be entitled to any services of the Association so long as they
remain unfinancial.

19.5. Member Councils may with the approval of the Executive enter into an arrangement for
periodic payment of subscriptions to the Association.

19.6. The Chief Executive Officer shall advise the General Meeting following the Annual General
Meeting of the names of unfinancial member Councils.

19.7. Any subscription outstanding can be recovered by the Association as a debt due and
payable.

20. LEVIES

20.1. The Association may by resolution passed at a General Meeting or Special General
Meeting impose a levy on members to establish a fund or funds to defray any extraordinary
expenditure incurred or to be incurred in carrying out the objectives of the Association.
Funds raised by a levy shall only be expended for the purposes of the levy. Any surplus
remaining from the levy shall be refunded to member Councils after the objective of the
levy has been met.

20.2. Written notice of any proposed levy must be forwarded to all member Councils no less than
twenty eight (28) days prior to the meeting which will consider the levy.

20.3. Any levy declared shall be payable within sixty (60) days of the declaration. Any levy
unpaid shall become a debt due by the member Council to the Association.
20.4. At the Annual General Meeting a statement shall be tabled setting out the state of any fund for which a levy has been made.

20.5. The Association may exempt a member Council or group of members Councils from liability to pay a levy where it is satisfied that it is reasonable to do so.

21. THE CHIEF EXECUTIVE OFFICER

21.1. The Executive shall appoint an officer to be known as the Chief Executive Officer who shall be appointed according to the responsibilities stated in a position description and who shall be responsible to the Executive for the management and administration of the Association and for the execution of Association decisions.

21.2. The Executive shall review the performance of the Chief Executive Officer in accordance with the Association’s governance charter.

21.3. The Chief Executive Officer may appoint staff in accordance with an organisational structure and resources approved by the Executive.

21.4. The Chief Executive Officer may direct, and if necessary dismiss employees of the Association.

21.5. The Chief Executive Officer may, by instrument in writing, delegate to an employee of the Association, whether by name or by reference to an office, designation or position, any of the Chief Executive Officer’s powers and functions by or under this Constitution that are within the instrument.

22. ASSOCIATION FINANCES AND ANNUAL REPORT

22.1. The financial year for the Association is from the 1st July to 30th June.

22.2. The Chief Executive Officer shall be responsible for the safekeeping of all assets of the Association and shall cause accounting records to be kept in accordance with relevant accounting standards.

22.3. The Annual Report and audited financial statements of the Association shall be presented to each Annual General Meeting by the Chief Executive Officer.

23. THE AUDITOR

23.1. The Auditor shall be appointed by resolution at the Annual General Meeting at which elections for the Executive are held.

23.2. The Auditor is responsible for auditing the accounts of the Association and providing a report to members on the state of the accounts for the preceding financial year in accordance with relevant audit standards.

24. THE COMMON SEAL

24.1. The common seal of the Association shall be kept under the custody and control of the Chief Executive Officer.
24.2. The common seal shall be affixed to documents and instruments pursuant to a resolution of the Executive and in the presence of two (2) Executive members or one (1) Executive member and the Chief Executive Officer.

25. CONFLICT OF INTEREST

25.1. A delegate shall disclose to any meeting of the Association and any Executive member shall disclose to any Executive meeting, any financial or contractual interest which that member or delegate has or may have in a matter before the meeting. The person must then leave the meeting and not vote on the issue subject to the conflict of interest.

25.2. All disclosures of interest shall be recorded in the minutes of the meeting at which the disclosure was made.

26. RESIGNATION OF MEMBERS

26.1. A member Council may resign from the Association by written notice to the Chief Executive Officer and such resignation shall take effect on the day of the next General Meeting after the notice is received.

26.2. All subscriptions or levies due to the Association at the date of resignation must be paid by the member Council.

26.3. Any outstanding subscription or levy can be recovered by the Association as a debt due and payable.

27. AMENDING THE CONSTITUTION

27.1. This Constitution can only be amended by a resolution carried by a fifty percent (50%) plus one majority of financial member Councils present and voting at a General Meeting, Special General Meeting or Annual General Meeting.

27.2. The Chief Executive Officer must give all member Councils six (6) weeks written notice of any proposal to alter the Constitution.

28. WINDING UP OF THE ASSOCIATION

28.1. The Association may only be wound up by a resolution passed by a fifty percent (50%) plus one majority of financial members Councils present and voting at a Special General Meeting or Annual General Meeting.

28.2. The net assets of the Association at the date of the resolution shall be distributed to member Councils.
Appendix A - Rules of Debate

1. Motion for Debate
   A motion must not be debated unless it is seconded.

2. Motions not to be Withdrawn Without Consent
   When a motion has been moved and seconded, it becomes subject to the control of the General Meeting, and may not be withdrawn without the consent of the General Meeting.

3. Amendment may be Moved
   When a motion has been moved and seconded, any delegate may move an amendment if he/she wants to.

4. Only One Amendment at a Time
   A second or subsequent amendment must not be taken into consideration until the previous amendment has been disposed of.

5. Further Amendment may be Moved on Amended Question
   If an amendment has been carried, the question as amended then becomes the question before the General Meeting.

6. How Subsequent Amendments may be Moved
   If a motion for amendment, whether upon the original question or upon any question amended as aforesaid, has been lost, then a further amendment may be moved to the question to which such first-mentioned amendment was moved, and so on.
   However, not more than one question and one proposed amendment thereof may be done before the General Meeting at any one time.

7. Limitation as to the Number and Duration of Speeches
   The mover of an original motion has:
   a) a right of general reply to all observations which have been made in reference to such motion; and
   b) the right to speak upon every amendment moved in respect of the motion.
   Subject to Rule 15, every delegate, other than the mover of an original motion, has the right to speak once upon such motion, and once upon every amendment in respect of the motion.
   Except with the consent of the General Meeting, a delegate must not speak more than once upon any one motion except when misunderstood or misrepresented, in which case the delegate is permitted to correct or explain the misunderstanding or misrepresentation without adding any further observations than may be necessary for the purpose of such correction or explanation.
   Except with the consent of the General Meeting:
   a) the mover of an original motion, in his or her opening speech, must not speak for more than five minutes;
   b) a speaker must not otherwise speak for more than three minutes at any one time.

8. Speakers Talking in Order
   Despite Rule 14, when a motion or amendment has been moved and seconded, no delegate may speak further in support of the motion until someone has spoken in opposition to the motion, and thereafter speakers are only entitled to speak for or against the motion in rotation.
However, in any case where the same motion has been submitted by more than one member, a representative from each such member is entitled to speak.

9. Speaking About the Proper Agenda Item
   Every delegate speaking must confine his or her remarks to the matter then under consideration.

10. Not Making Personal Remarks or Implying Improper Conduct
   A delegate must not make personal reflections on or impute improper motives to any other delegates.

11. President to Decide who can Speak First
    If two or more delegates rise to speak at the same time, the President decides which of the delegates may speak first.

12. President to Maintain Order
    The President must maintain order, and may, without the intervention of any delegates, call any delegate to order whenever, in his or her opinion, the necessity arises for so doing.

13. Delegates May Raise Question of Order
    A delegate who considers that any other delegate is out of order may call the attention of the President to the matter. The question of order must be dealt with immediately, without further discussion, in accordance with Rule 14.

14. Questions of Order – How Dealt With
    Upon a question of order being raised, the delegate called to order must immediately resume his seat, unless specially permitted by the President to offer an explanation, retraction, or apology. If the delegate is so permitted, he or she may explain, retract, or apologise for the remark alleged to have been out of order. If such explanation, retraction or apology is considered satisfactory by the President, no further discussion on the question of order is permitted.

15. Motions Out of Order to be Rejected
    Whenever it has been decided that any motion, amendment or other matter is out of order, it must be rejected.

16. Irrelevance or Repetition in Debate
    The President may:
    a) call the attention of the General Meeting to continued irrelevance or tedious repetition on the part of any delegate; and
    b) direct the delegate to discontinue his or her speech.

17. Closure of Debate
    The closure of debate may be obtained by a motion made, according to the evident sense of the General Meeting;
    *That the question be now put.*
    No discussion is permitted on that the question.

18. How Questions are to be Put
    The President must put to the General Meeting all questions on which it is necessary that a vote shall be taken, first in the affirmative, and then in the negative, and the delegates present and voting thereon must vote by show of voting cards identifying their voting entitlements.
The President must declare the result to the General Meeting.

19. President May Repeat Question

The President may:

a) put any question as often as may be necessary to enable him or her to form his opinion as to the result of the voting; or

b) appoint tellers, to count the number of votes for and against the question.

20. Question – How Determined

Every question is decided by a majority of votes of the delegates present at any General Meeting and voting on that question.

21. Suspension of Rules

Any one or more of the foregoing rules of procedure for debates may be suspended by resolution at any General Meeting of the Association.

A resolution under Rule 21 must state the purpose of the suspension.
### Amendments

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