



Constitution of the Australian Sign Language Interpreters' Association (NSW) Incorporated

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Part 1 Preliminary

1 Definitions

(1) In this constitution:

ASLIA(National) means the Australian Sign Language Interpreters' Association that is managed at a national level.

ASLIA(NSW) means the New South Wales and Australian Capital Territory branch of ASLIA known as Australian Sign Language Interpreters' Association of New South Wales Incorporated.

Credentials means formal interpreter credentials issued by an authorised body such as the National Accreditation Authority for Translators and Interpreters (NAATI).

NAATI means the National Accreditation Authority for Translators and Interpreters (NAATI).

Committee means the committee of management of ASLIA(NSW).

special general meeting means a general meeting of the association other than an annual general meeting.

Secretary means the person holding office under this constitution as secretary of the association.

The Act means the *Associations Incorporation Act 2009*

The Regulation means the *Associations Incorporation Regulation 2016*

(2) In this constitution:

(a) a reference to a function includes a reference to a power, authority and duty, and

(b) a reference to the exercise of a function includes, if the function is a duty, a reference to the performance of the duty.

(3) The provisions of the Interpretation Act 1987 apply to and in respect of this constitution in the same manner as those provisions would so apply if this constitution were an instrument made under the Act.

2 Statement of Objects

The Objects of the ASLIA(NSW) are -

- (1) To promote, foster, and improve the skill and professionalism of Auslan Interpreters.
- (2) To provide professional development and social networking opportunities.
- (3) To support regional and remote interpreters in New South Wales and the Australian Capital Territory.
- (4) To liaise with stakeholders to further the profession of interpreters.

- (5) To support and protect the rights of interpreters.
- (6) To collate, disseminate and provide relevant information to ASLIA(NSW) members.

Part 2 Membership

3 Membership

- (1) The classes of members for ASLIA(NSW) and the eligibility requirements for each category are determined and governed by the constitution of ASLIA(National).
- (2) The benefits and rights – including voting rights – of members of ASLIA(NSW) are determined and governed by the constitution of ASLIA(National).
- (3) A member of ASLIA(National) whose permanent residence is in New South Wales or the Australian Capital Territory automatically becomes a member of ASLIA(NSW).

4 Application for Membership

An application for membership:

- (a) must be in the form prescribed by ASLIA(National)
- (b) must be lodged with ASLIA(National)

5 Cessation of Membership

A person ceases to be a member of ASLIA(NSW) if the person:

- (a) ceases to be a member of ASLIA(National) as per the ASLIA(National) Constitution
- (b) ceases to be a permanent resident of New South Wales or the Australian Capital Territory.

6 Register of Members

- (1) Upon the acceptance of an application to ASLIA(National), the member's name and postal, residential or email address, interpreter credentials, and date of joining ASLIA(National) will be provided to ASLIA(NSW) and will be entered by the secretary into the register of members held by ASLIA(NSW).
- (2) The secretary on behalf of the management committee must keep a register of members of ASLIA(NSW).
- (3) The register of members must be open for inspection by members of ASLIA(NSW) at all reasonable times, given notice. To maintain the privacy of members, such inspections should be limited to name, membership type and status, date of admission as a member.
- (4) A member must not use information about a person obtained from the register to contact or send material to the person, other than for:
 - (i) the purposes of sending the person a newsletter, a notice in respect of a meeting or other event relating to the association or other material relating to the association, or

- (ii) any other purpose necessary to comply with a requirement of the Act or the Regulation.

7 Fees and subscriptions

- (1) Membership categories and associated fees are as determined by ASLIA(National) in the manner set out by the ASLIA(National) Constitution.
- (2) Annual subscription from members of all classes shall be paid directly to ASLIA(National) and a proportion as determined in the manner set out in the ASLIA(National) constitution will be disbursed to ASLIA(NSW).
- (3) The financial year of ASLIA(NSW) shall commence on 1 July each year, and will end on 30 June of the following year.

8 Members' liabilities

The liability of a member of ASLIA(NSW) to contribute towards the payment of the debts and liabilities of ASLIA(NSW) or the costs, charges and expenses of the winding up of ASLIA(NSW) is limited to the amount, if any, unpaid by the member in respect of membership of ASLIA(NSW).

9 Resolution of disputes

- (1) Dispute between members must first follow the ASLIA(National) Grievance Policy as ratified by the board.
- (2) A dispute between a member and another member (in their capacity as members) of ASLIA(NSW), or a dispute between a member or members and ASLIA(NSW), are to be referred to a Community Justice Centre for mediation under the *Community Justice Centres Act 1983*.
- (3) 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.
- (4) The *Commercial Arbitration Act 2010* applies to a dispute referred to arbitration.

10 Disciplining of members

- (1) Any complaints made to the committee by any person in relation to a member of ASLIA(NSW) shall be dealt with in accordance with ASLIA(NSW) guidelines and in accordance with the spirit of the ASLIA(National) Constitution.
- (2) Complaints concerning ASLIA(NSW) members may be referred to ASLIA(National) for further advice and resolution.
- (3) The process relating to disciplining members will be as detailed in the ASLIA(National) Constitution.

11 Right of appeal of disciplined member

- (1) A member may appeal to ASLIA(NSW) or ASLIA(National) in relation to any resolution made in accordance with the rules set out in the ASLIA(National) Constitution.

Part 3 The Committee

12 Powers of the Committee

Subject to the Act, the Regulation, this constitution and to any resolution passed by ASLIA(NSW) in general meeting, the committee:

- (a) Is to control and manage the affairs of ASLIA(NSW), and
- (b) may exercise all such functions as may be exercised by ASLIA(NSW), other than those functions that are required by this constitution to be exercised by a general meeting of members of ASLIA(NSW), and
- (c) has power to perform all such acts and do all such things as appear to the executive to be necessary or desirable for the proper management of the affairs of ASLIA(NSW).

13 Composition and membership

(1) The committee is to consist of:

- (a) The office-bearers of ASLIA(NSW)
- (b) 2 or more ordinary committee members to a maximum of 10 committee members total.

(2) The office-bearers of ASLIA(NSW) are to be:

- (a) the President
- (b) the Vice-president
- (c) the Treasurer
- (d) the Secretary

One of the appointed executive committee members outlined above shall be designated as public officer of ASLIA(NSW).

- (3) The term of election for a committee member is 2 years. A year is considered to be time between Annual General Meetings.
- (4) Officer bearers may only be elected for a maximum of 5 consecutive terms.
- (5) There is no maximum number of consecutive terms for which a committee member may be elected.
- (6) In the event of a casual vacancy occurring in the membership of the committee, the committee may appoint an ordinary member of ASLIA(NSW) to fill the vacancy and the member is appointed, subject to the constitution, for a 2 year term expiring on the second Annual General Meeting from their date of appointment, at which they stand for re-election.

14 Election of members

(1) Nominations of candidates for election as office-bearers of ASLIA(NSW) or as ordinary committee members:

- (a) Must be made in writing, signed by 2 members of ASLIA(NSW) and accompanied by the written consent of the candidate (which may be endorsed on the form of nomination), and
 - (b) Must be delivered to the secretary of ASLIA(NSW) at least 48 hours before the time fixed for the holding of the annual general meeting at which the election is to take place.
- (2) If insufficient nominations are received to fill all vacancies on the committee, the candidates nominated are taken to be elected and further nominations are to be received at the annual general meeting.
 - (3) If insufficient further nominations are received, any vacant positions remaining on the committee are taken to be casual vacancies.
 - (4) If the number of nominations received is equal to the number of vacancies to be filled, the persons nominated are taken to be elected.
 - (5) If the number of nominations received exceeds the number of vacancies to be filled, a ballot is to be held.
 - (6) The ballot for the election of office-bearers and ordinary committee members is to be conducted at the annual general meeting in any usual and proper manner that the committee directs.
 - (7) A person nominated as a candidate for election as an office-bearer or as an ordinary committee member of the association must be a member of the association.

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Secretary

- (1) The Secretary of ASLIA(NSW) must, as soon as practicable after being appointed as secretary, lodge notice with ASLIA(NSW) of his or her address.
- (2) It is the duty of the secretary to keep minutes of:
 - (a) all appointments of office-bearers and members of the committee,
 - (b) the names of members of the committee present at a committee meeting or a general meeting, and
 - (c) all proceedings at committee meetings and general meetings.
- (3) To ensure the accuracy of the minutes, the minutes of each management committee meeting must be moved at the next meeting, as a true representation of the meeting by chairperson of the meeting, or another person who was present and can verify their accuracy.

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Treasurer

It is the duty of the treasurer of ASLIA(NSW) to ensure:

- (a) that all money due to ASLIA(NSW) is collected and received and that all payments authorised by ASLIA(NSW) are made,
- and

- (b) that correct books and accounts are kept showing the financial affairs of ASLIA(NSW), including full details of all receipts and expenditure connected with the activities of ASLIA(NSW).

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Casual Vacancies

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

- (a) dies, or
- (b) ceases to be a member of ASLIA(NSW), or
- (c) becomes an insolvent under administration within the meaning of the Corporations Act 2001 of the Commonwealth, or
- (d) resigns office by notice in writing given to the secretary, or
- (e) is removed from office under section 18, or
- (f) becomes a mentally incapacitated person, or
- (g) is absent without the consent of the committee from 3 consecutive meetings of the committee.

18

Removal of member

- (1) ASLIA(NSW) in general meeting may by resolution remove any member of the committee from the office of member before the expiration of the member's term of office and may by resolution appoint another person to hold office until the expiration of the term of office of the member so removed.
- (2) If a member of the committee to whom a proposed resolution referred to in clause (1) relates makes representations in writing to the secretary or president (not exceeding a reasonable length) and requests that the representation be notified to the members of ASLIA(NSW), the secretary or the president may send a copy of the representations to each member of ASLIA(NSW) or, if the representations are not so sent, the member is entitled to require that the representations be read out at the meeting at which the resolution is considered.

19

Meetings and quorum

- (1) The committee must meet at least 3 times in each period of 12 months at such place and time as the committee may determine.
- (2) Additional meetings of the committee may be convened by the president or by any member of the committee.
- (3) Oral or written notice of a meeting of the committee must be given by the secretary to each member of the executive at least 48 hours (or such other period as may be unanimously agreed on by the members of the executive) before the time appointed for the holding of the meeting.
- (4) Notice of a meeting given under clause (1) must specify the general nature of the business to be transacted at the meeting and no business other than that business is to be transacted at the meeting, except business which the

committee members present at the meeting unanimously agree to treat as urgent business.

- (5) Any 2 office bearers plus any 2 other members of the committee constitute a quorum for the transaction of the business of a meeting of the committee.
- (6) No business is to be transacted by the committee unless a quorum is present and if, within half an hour of the time appointed for the meeting, a quorum is not present, the meeting is to stand adjourned to the same place and at the same hour of the same day in the following week, or at another time agreed by a majority of the committee.
- (7) If at the adjourned meeting a quorum is not present within half an hour of the time appointed for the meeting, the meeting is to be dissolved.
- (8) At a meeting of the committee:
 - (a) the president or, in the president's absence, the vice-president is to preside, or
 - (b) if the president and the vice-president are absent or unwilling to act, one of the remaining members of the committee as chosen by the members present at the meeting is to preside.

20

Use of technology at committee meetings

- (1) A committee meeting may be held at 2 or more venues using any technology approved by the committee that gives each of the committee's members a reasonable opportunity to participate.
- (2) A committee member who participates in a committee meeting using that technology is taken to be present at the meeting and, if the member votes at the meeting, is taken to have voted in person.

21

Delegation by committee to sub-committee

- (1) The committee may, by instrument in writing, delegate to one or more sub-committees (consisting of such member/s or associate members of ASLIA(NSW) as the committee thinks fit) the exercise of such of the functions of the committee as are specified in the instrument, other than:
 - (a) this power of delegation, and
 - (b) a function which is a duty imposed on the committee by the Act or by any other law.
- (2) A function the exercise of which has been delegated to a sub-committee under this section may, while the delegation remains unrevoked, be exercised from time to time by the sub-committee in accordance with the terms of the delegation.
- (3) A delegation under this section may be made subject to such conditions or limitations as to the exercise of any function, or as to time or circumstances, as may be specified in the instrument of delegation.

- (4) Despite any delegation under this section, 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 section 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 section.
- (7) A sub-committee may meet and adjourn, as it thinks proper.

22

Voting and decisions

- (1) Questions arising at a meeting of the committee or of any sub-committee appointed by the committee are to be determined by a majority of the votes of members of the committee or sub-committee present at the meeting.
- (2) Each member present at a meeting of the committee or of any sub-committee appointed by the committee (including the person presiding at the meeting) is entitled to one vote but, in the event of an equality of votes on any question, the person presiding may exercise a second or casting vote.
- (3) Subject to clause 19(5), the committee may act despite any vacancy on the committee.
- (4) Any act or thing done or suffered, or purporting to have been done or suffered, by the committee or by a sub-committee appointed by the executive, is valid and effectual despite any defect that may afterwards be discovered in the appointment or qualification of any member of the committee or sub-committee.

Part 4

General Meeting

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Annual general meetings – holding of

- (1) With the exception of the first annual general meeting of ASLIA(NSW), the association must, at least once in each calendar year and within the period of 6 months after the expiration of each financial year of ASLIA(NSW), convene an annual general meeting of its members or within any later time that may be allowed or prescribed under section 37(2)(b) of the Act.
- (2) ASLIA(NSW) must hold its first annual general meeting:
 - (a) within the period of 18 months after its incorporation under the Act, and
 - (b) within the period of 6 months after the expiration of the first financial year of ASLIA(NSW).

24

Annual general meetings – calling of and business at

- (1) The annual general meeting of ASLIA(NSW) is, subject to the Act and to clause 23, to be convened on such date and at such place and time as the committee thinks fit.

- (2) In addition to any other business which may be transacted at an annual general meeting, the business of an annual general meeting is to include the following:
 - (a) to confirm the minutes of the last preceding annual general meeting and of any special general meeting held since that meeting,
 - (b) to receive from the committee reports on the activities of ASLIA(NSW) during the last preceding financial year,
 - (c) to elect office-bearers of ASLIA(NSW) and ordinary committee members,
 - (d) to receive and consider any financial statement or report required to be submitted to members under the Act.
- (3) An annual general meeting must be specified as that type of meeting in the notice convening it.

25

Special general meetings – calling of

- (1) The committee may, whenever it thinks fit, convene a special general meeting of ASLIA(NSW).
- (2) The committee must, on the requisition of at least 5 percent of the total number of members, convene a special general meeting of ASLIA(NSW).
- (3) A requisition of members for a special general meeting:
 - (a) must be in writing
 - (b) must state the purpose or purposes of the meeting, and
 - (c) must be signed by the members making the requisition, and
 - (d) must be lodged with the secretary, and
 - (e) may consist of several documents in a similar form, each signed by one or more of the members making the requisition.
- (4) If the executive fails to convene a special general meeting to be held within 1 month after that date on which a requisition of members for the meeting is lodged with the secretary, any one or more of the members who made the requisition may convene a special general meeting to be held not later than 3 months after that date.
- (5) A special general meeting convened by a member or members as referred to in clause (4) must be convened as nearly as is practicable in the same manner as general meetings are convened by the committee and any member who consequently incurs expenses is entitled to be reimbursed by ASLIA(NSW) for any expense so incurred.
- (6) For the purposes of clause (3)
 - (a) A requisition may be in electronic form, and
 - (b) A signature may be transmitted, and a requisition may be lodged, by electronic means.

Notice

- (1) Except if the nature of the business proposed to be dealt with at a general meeting requires a special resolution of ASLIA(NSW), the secretary must, at least 14 days before the date fixed for the holding of the general meeting, give a notice to each member specifying the place, date and time of the meeting and the nature of the business proposed to be transacted at the meeting.
- (2) If the nature of the business proposed to be dealt with at a general meeting requires a special resolution of ASLIA(NSW), the secretary must, at least 21 days before the date fixed for the holding of the general meeting, cause notice to be given to each member specifying, in addition to the matter required under clause (1), the intention to propose the resolution as a special resolution.
- (3) No business other than that specified in the notice convening a general meeting is to be transacted at the meeting except, in the case of an annual general meeting, business which may be transacted under subclause 24(2).
- (4) A member desiring to bring any business before a general meeting may give notice in writing of that business to the secretary who must include that business in the next notice calling a general meeting given after receipt of the notice from the member.

Quorum for general meetings

- (1) No item of business is to be transacted at a general meeting unless a quorum of members entitled under this constitution to vote is present during the time the meeting is considering that item.
- (2) Five members present in person (being members entitled under this constitution to vote at a general meeting) constitute a quorum for the transaction of the business of a general meeting.
- (3) If within half an hour after the appointed time for the commencement of a general meeting a quorum is not present, the meeting:
 - (a) if convened on the requisition of members, is to be dissolved,

and
 - (b) in any other case, is to stand adjourned to the same day in the following week at the same time and (unless another place is specified at the time of the adjournment by the person presiding at the meeting or communicated by written notice to members given before the day to which the meeting is adjourned) at the same place.
- (4) If at the adjourned meeting a quorum is not present within half an hour after the time appointed for the commencement of the meeting, the members present (being at least 3) are to constitute a quorum.

Presiding member

- (1) The president or, in the president's absence, the vice-president, is to preside as chairperson at each general meeting of ASLIA(NSW).

- (2) If the president and the vice-president are absent or unwilling to act, the members present must elect one of their number to preside as chairperson at the meeting.

29

Adjournment

- (1) The chairperson of a general meeting at which a quorum is present may, with the consent of the majority of members present at the meeting, adjourn the meeting from time to time and place to place, but no business is to be transacted at an adjourned meeting other than the business left unfinished at the meeting at which the adjournment took place.
- (2) If a general meeting is adjourned for 14 days or more, the secretary must give written or oral notice of the adjourned meeting to each member of ASLIA(NSW) stating the place, date and time of the meeting and the nature of the business to be transacted at the meeting.
- (3) Except as provided in clauses (1) and (2), notice of an adjournment of a general meeting or of the business to be transacted at an adjourned meeting is not required to be given.

30

Making of decisions

- (1) A question arising at a general meeting of ASLIA(NSW) is to be determined by:
 - (a) on a show of hands or, if the meeting is one to which section (34) applies, any appropriate corresponding method that the committee may determine, or
 - (b) if on the motion of the chairperson or if 5 or more members present at the meeting decide that the question should be determined by a written ballot – a written ballot.
- (2) If the question is to be determined by a show of hands, a declaration by the chairperson that a resolution has, on a show of hands, been carried or carried unanimously or carried by a particular majority or lost, or an entry to that effect in the minute book of the association is evidence of the fact without proof the number or proportion of votes recorded in favour or against that resolution.
- (3) Clause (2) applies to a method determined by the committee under Subclause (1)(a) in the same way as it applies to a show of hands.
- (4) If the question is to be determined by a written ballot, the ballot is to be conducted in accordance with the directions of the chairperson.

31

Special resolutions

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

32

Voting

- (1) On any question arising at a general meeting of ASLIA(NSW) a member has one vote only.

- (2) All votes must be given personally or by proxy but no member may hold more than 5 proxies.
- (3) In the case of an equality of votes on a question at a general meeting, the chairperson of the meeting is entitled to exercise a second or casting vote.
- (4) A member or proxy is not entitled to vote at any general meeting of ASLIA(NSW) unless all money due and payable by the member or proxy to ASLIA(NSW) has been paid, other than the amount of the annual subscription payable in respect of the then current year.

33 Appointment of proxies

- (1) Each member is to 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.
- (2) The notice appointing the proxy is to be in writing on a proxy form provided by ASLIA(NSW).

34 Use of technology at general meetings

- (1) A general meeting may be held at 2 or more venues using any technology approved by the committee that gives each of the ASLIA(NSW) members a reasonable opportunity to participate.
- (2) A member of ASLIA(NSW) who participates in a general meeting using that technology is taken to be present at the meeting and, if the member votes at the meeting, is taken to have voted in person.

Part 5 Miscellaneous

35 Insurance

ASLIA(NSW) may effect and maintain insurance.

36 Funds – source

- (1) The funds of ASLIA(NSW) are to be derived from annual subscriptions of members, donations and, subject to any resolution passed by ASLIA(NSW) in general meeting, any other sources that the committee determines.
- (2) All money received by ASLIA(NSW) must be deposited as soon as practicable and without deduction to the credit of ASLIA(NSW) 's bank account.
- (3) ASLIA(NSW) must, as soon as practicable after receiving any money, issue an appropriate receipt.

37 Funds – management

- (1) Subject to any resolution passed by ASLIA(NSW) in general meeting, the funds of ASLIA(NSW) are to be used solely in pursuance of the objects of ASLIA(NSW) in the manner the committee determines.
- (2) All cheques, drafts, bills of exchange, promissory notes and other negotiable instruments must be signed and/or authorised by any 2 office bearers of the committee.

- 38 **Association is non-profit**
Subject to the Act and the Regulation, the ASLIA(NSW) must apply its funds and assets solely in the pursuance of the objects of the association and must not conduct its affairs so as to provide a pecuniary gain for any of its members.
- 39 **Alteration of name, objects and constitution**
(1) The statement of objects and this constitution may be altered, rescinded or added to only by a special resolution of ASLIA(NSW).

(2) An application for the registration of a change in the association's name, objects or constitution in accordance with section 10 of the Act is to be made by the public officer or a committee member.
- 40 **Custody of books**
Except as otherwise provided by this constitution, the public officer must keep in his or her custody or under his or her control all records, books and other documents relating to ASLIA(NSW).
- 41 **Inspection of books**
The records, books and other documents of ASLIA(NSW) must be open to inspection, by any member of ASLIA(NSW) Inc at any reasonable hour (this does not include access to confidential details of other members of the ASLIA(NSW)).
- 42 **Distribution of property on winding up of association**
(1) Subject to the Act and the Regulations, in a winding up of the association, any surplus property of the association is to be transferred to another organisation with similar objects and which is not carried on for the profit or gain of its individual members.

(2) In this section, a reference to the surplus property of an association is a reference to that property of the association remaining after satisfaction of the debts and liabilities of the association and the costs, charges and expenses of the winding up of the association.
- 43 **Service of notices**
(1) For the purpose of this constitution, a notice may be served on or given to a person:

 (a) by delivering it to the person personally, or

 (b) by sending it by pre-paid post to the address of the person, or

 (c) by sending it by facsimile transmission or some other form of electronic transmission to an address specified by the person for giving or serving the notice.

(2) for the purpose of this constitution, a notice is taken, unless the contrary is proved, to have been given or served:

 (a) in the case of a notice given or served personally, on the date on which it is received by the addressee, and

- (b) in the case of a notice sent by pre-paid post, on the date when it would have been delivered in the ordinary course of post, and
- (c) in the case of a notice sent by facsimile transmission or some other form of electronic transmission, on the date it was sent, or if the machine from which the transmission was sent produces a report indicating that the notice was sent on a later date, on that date.