



Children's Week Council of Australia Inc Constitution

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Part 1.1 Preliminary

1. Definitions for model rules

In these rules:

Note A definition applies except so far as the contrary intention appears (see Legislation Act, s 155).

Financial year means the year ending on 31 December.

Member means a member, however described, of the Council.

Ordinary committee member means a member of the Council who is not an office-bearer of the Council as mentioned in section 13 (1).

Secretary means the person holding office under these rules as secretary of the Council or, if no such person holds that office, the public officer of the Council.

The Act means the *Associations Incorporation Act 1991*.

The regulation means the *Associations Incorporation Regulation 1991*.

1A Application of Legislation Act 2001

The *Legislation Act 2001* applies to these rules in the same way as it would if they were an instrument made under the Act.

Name

The name of the Association will be the Children's Week Council of Australia Inc (the Council).

- Membership – Children's Week Committees in each state and territory in Australia.
- Membership of Council – Representatives of each state and territory Children's Week Committee.

Vision

The rights of all children are recognised in Australia.

Purpose

Provide an effective peak body for national Children's Week™ in Australia and promote awareness of children's rights as defined in the United Nations Convention on the Rights of the Child (UNCRC).

Objectives

The objectives of the Council are:

1. Facilitate national engagement with Children's Week across Australia with a focus on promoting understanding of the United Nations Convention on the Rights of the Child.
2. Encourage active engagement of children across Australia in planning and implementing Children's Week activities and in promoting recognition of children's rights.
3. Co-ordinate the development and delivery of quality resources for Children's Week informed by ongoing research and evaluation.
4. Facilitate support between member organisations, where possible and appropriate.
5. Develop strategic partnerships with philosophically aligned organisations to ensure sustainability and to progress Children's Week Council objectives.

Part 1.2 Membership

2 Membership Qualifications

An organisation whether incorporated or unincorporated is qualified to be a member of the Council if it:

- i. Is responsible for the State/Territory Children's Week co-ordination
- ii. Supports the rights and wellbeing of young children and the objectives of the Council
- iii. Agrees to actively promote the objectives of the Council
- iv. Is a financial member of the Council.

3 Nomination for membership

- (1) A nomination of an organisation for membership of the Council must be made by a member of the organisation in writing in the form set out in appendix 1; and lodged with the secretary of the Council.
- (2) As soon as is practicable after receiving a nomination for membership, the secretary must refer the nomination to the Council which must decide whether to approve or to reject the nomination.
- (3) If the Council decides to approve a nomination for membership, the secretary must as soon as practicable after that decision notify the nominee of that approval and request the nominee to pay within 28 days after receipt of the notification the sum payable under these rules by a member as the entrance fee and the first year's annual subscription.
- (4) The secretary must, on payment by the nominee of the amounts mentioned in subsection (3) within the period mentioned in that subsection, enter the nominee's name in the register of members and, on the name being so entered, the nominee becomes a member of the Council.
- (5) While the register must contain the above particulars, a member of the Council may request that the Council restrict access to the representative's personal information.

4 Membership entitlements not transferable

A right, privilege or obligation that an organisation has because of being a member of the Council

- (a) cannot be transferred or transmitted to another organisation and
- (b) terminates on cessation of the organisation's membership.

5 Cessation of membership

An organisation ceases to be a member of the Council if the organisation:

- (a) is no longer responsible for the state/territory Children's Week coordination
- (b) resigns from membership of the Council
- (c) is expelled from the Council
- (d) is more than 6 months in arrears in the payment of membership fees.

6 Resignation of membership

- (1) A member is not entitled to resign from membership of the Council except in accordance with this section.
- (2) A member who has paid all amounts payable by the member to the Council may resign from membership of the Council by first giving notice (of not less than 1 month or, if the Council has determined a shorter period, that shorter period) in writing to the secretary of the member's intention to resign and, at the end of the period of notice, the member ceases to be a member.
- (3) If an organisation ceases to be a member, the secretary must make an appropriate entry in the register of members recording the date the member ceased to be a member.

7 Membership Fee

- (1) The annual membership fee will be set at the Annual General Meeting and determined by resolution of the Council.
- (2) The annual membership fee is payable –
 - (a) except as provided by paragraph (b) – before 30 June in each calendar year; or
 - (b) if an organisation becomes a member of Council on or after December in any calendar year – before 1 July in each succeeding calendar year.

8 Members' liabilities

The liability of a member to contribute towards the payment of the debts and liabilities of the Council or the costs, charges and expenses of the winding up of Council is limited to the amount (if any) unpaid by the member in relation to membership of the Council as required by section 7.

9 Disciplining of members

- (1) If the Council is of the opinion that a member –
- (a) has refused or neglected to comply with a provision of these rules,
or
 - (b) has acted in a manner prejudicial to the interests of the
association; the committee may, by resolution –
 - (i) caution or suspend the member from the rights and privileges of
membership of the Council that the Council may decide for a
specified period.
 - (ii) expel the member from the Council.
- (2) A resolution of the Council under subsection (1) is of no effect unless
the Council, at a meeting held not earlier than 14 days and not later
than 28 days after service on the member of a notice under
subsection (3), confirms the resolution in accordance with this section.
If the Council passes a resolution under subsection (1), the secretary
must, as soon as practicable, serve a written notice on the member –
- (a) setting out the resolution of the Council and the grounds on
which it is based; and
 - (b) stating that the member may address the Council at a meeting
to be held not earlier than 14 days and not later than 28 days
after service of the notice; and
 - (c) stating the date, place and time of that meeting; and
 - (d) informing the member that the member may do either or both of
the following:
 - (i) attend and speak at that meeting
 - (ii) submit to the Council at or before the date of that
meeting written representations relating to the
resolution.
- (3) Subject to the Act, section 50, at a meeting of the Council mentioned in
subsection (2), the Council must –
- (a) give to the member mentioned in subsection (1) an opportunity
to make oral representations; and
 - (b) give due consideration to any written representations
submitted to the Council by that member at or before the
meeting; and
 - (c) by resolution decide whether to confirm or to revoke the
resolution of the Council made under subsection (1).
- (4) If the Council confirms a resolution under subsection (3), the

secretary must, within 7 days after that confirmation, by written notice inform the member of that confirmation and of the members' right of appeal under section 10.

- (5) A resolution confirmed by the Council under subsection (3) does not take effect –
- (a) until the end of the period within which the member is entitled to appeal against the resolution if the member does not exercise the right of appeal within that period; or
 - (b) if within that period the member exercises the right of appeal – unless and until the association confirms the resolution in accordance with section 10 (4).

10 Right of appeal of disciplined member

- (1) A member may appeal to the Council in general meeting against a resolution of the Council that is confirmed under section 9 (4), within 7 days after notice of the resolution is served on the member, by lodging with the secretary a notice to that effect.
- (2) On receipt of a notice under subsection (1), the secretary must notify the Council which must call a general meeting of the Council to be held within 21 days after the date when the secretary received the notice or as soon as possible after that date.
- (3) Subject to the Act, Section 50, at a general meeting of the Council called under subsection (2) –
- (a) no business other than the question of the appeal may be transacted; and
 - (b) the Council and the member must be given the opportunity to make representations in relation to the appeal orally or in writing, or both, and
 - (c) the members present must vote by secret ballot on the question of whether the resolution made under section 9(3) should be confirmed or revoked.
- (4) If the meeting passes a special resolution in favour of the confirmation of the resolution made under section 9(3), that resolution is confirmed.

11 Dispute Resolution

- (1) In the case of a dispute arising between the Council and any of its members or between 2 or more members, a meeting will be called within 14 days of notification of the dispute to the secretary, to attempt to resolve the dispute by negotiation.

- (2) If this is unsuccessful, the Council may appoint a mediator, such person to be acceptable to both parties in the dispute. If there is a cost for the mediation service, the Council and member will agree beforehand how this cost is to be apportioned.
- (3) As a last resort, the Council or member may seek legal advice. Such advice to be at own cost.

Part 1.3 Council

12 Powers of Council

The Children's Week Council of Australia Inc., subject to the Association Incorporation Act 1991, the regulation, these rules, and to any resolution passed by the council in general meeting –

- 1) controls and manages the affairs of the Council to further the Purpose of the Council; and
- 2) may perform all functions other than those required to be undertaken in a general meeting; and
- 3) may raise, collect and expend monies, which in the opinion of the Council are necessary to progress the objectives of the Council, and
- 4) has power to perform all acts and do all things that appear to the Council to be necessary or desirable for the proper management of the affairs of the Council.

13 Constitution and membership

- (1) The Council consists of state and territory coordination organisations represented by up to 2 representatives.
- (2) The office bearers (Executive) of the Council are elected from within the Council membership and consist of –
 - (a) the president; and
 - (b) the vice-president; and
 - (c) the treasurer; and
 - (d) the secretary.
- (3) The Election of office bearers (Executive) occurs by vote at the AGM and for a term mutually agreed by states and territories. In general, the Executive is represented by at least 2 states/territories with each representative representing the state/territory coordination organisation

member.

- (4) All Executive of the Council must be current endorsed representatives of the state / territory members
- (5) If there is a vacancy in the membership of the executive, the Council may appoint an endorsed representative to fill the vacancy and they will hold office, subject to these rules, until the conclusion of the next annual general meeting after the date of the appointment.
- (6) Each office bearer in the executive holds office, subject to these rules, until the conclusion of the annual general meeting following the date of their election, but is eligible for re-election.
- (7) The Public Officer will be one of the nominated representatives from the ACT Children's Week Committee.

14 Election of Executive

- (1) Nominations of candidates for election as office-bearers of the Council are decided by agreement of Council.
- (2) The ballot for the election of office bearers must be conducted at the annual general meeting in the way the committee may direct.
- (3) A person is not eligible to simultaneously hold more than 1 position on the Executive.

15 Secretary

- (1) The secretary of the Council must, as soon as practicable after being appointed as secretary, notify the association of his or her address.
- (2) The secretary must keep minutes of –
 - (a) all elections and appointments of office-bearers and Council members and
 - (b) the names of members of the committee present at a Council meeting or a general meeting; and
 - (c) all proceedings at Council meetings and general meetings.
- (3) Minutes of proceedings at a meeting must be signed by the person presiding at the meeting or by the person presiding at the next succeeding meeting.

16 Treasurer

The treasurer of the Council must –

- (a) collect and receive all amounts owing to the Council and make all payments authorized by the association; and
- (b) keep correct accounts and books showing the financial affairs of the Council with full details of all receipts and expenditure connected with the activities of the Council.

17 Vacancies

For these rules, a vacancy in the office held by a representative on the Council happens if the representative –

- (a) dies, or
- (b) ceases to be the nominee of the state/ territory committee, and or ceases to be a member of the state/ territory committee
- (c) resigns the office; or
- (d) is removed from office under section 18 (Removal of committee members) or by their own member association; or
- (e) becomes bankrupt or personally insolvent; or
- (f) suffers from mental or physical incapacity that prevents effective participation; or
- (g) is disqualified from office under the Act, section 63 (1); or
- (h) is absent without the consent of the Council from all meetings of the Council held during a period of 6 months.

18 Council meetings and quorum

- (1) The Council must meet at least once in each calendar year at the place and time that the Council may decide.
- (2) Additional meetings of the Council may be called by any member of the Council.
- (3) Oral or written notice of a meeting of the Council must be given by the secretary to each member of the committee at least 48 hours (or any other period that may be unanimously agreed to by the members of the committee) before the time appointed for the holding of the meeting.
- (4) Notice of a meeting given under subsection (3) must specify the general nature of the business to be transacted at the meeting and no business other than that business may be transacted at the meeting, except business that the Council members present

at the meeting unanimously agree to treat as urgent business.

- (5) A quorum for the transaction of the business of a meeting of the Council shall be 50% of membership plus one.
- (6) No business may be transacted by the Council unless a quorum is present and, if within half an hour after the time appointed for the meeting a quorum is not present, the meeting stands adjourned to the same place and at the same hour of the same day in the following week.
- (7) If at the adjourned meeting a quorum is not present within half an hour after the time appointed for the meeting, the meeting is dissolved.
- (8) At meetings of the Council –
 - (a) the president or, in the absence of the president, the vice president presides; or
 - (b) if the president and the vice-president are absent, one of the remaining members of the Council may be chosen by the representatives present to preside.

19 Delegation by Council to subcommittee

- (1) The Council may, in writing, delegate to one or more subcommittees (consisting of the member or members of the Council that the Council considers appropriate) the exercise of the functions of the Council that are specified in the instrument, other than –
 - (a) this power of delegation, and
 - (b) a function that is a function imposed on the Council by the Act, by any other Territory law, or by resolution of the Council in general meeting.
- (2) A function, the exercise of which has been delegated to a subcommittee under this section may, while the delegation remains unrevoked, be exercised from time to time by the subcommittee in accordance with the terms of the delegation.
- (3) A delegation under this section may be made subject to any conditions or limitations about the exercise of any function, or about time or circumstances that may be specified in the instrument of delegation.
- (4) Despite any delegation under this section, the Council may continue to exercise any function delegated.
- (5) Any act or thing done or suffered by a subcommittee 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 Council.

- (6) The Council may, in writing, revoke wholly or in part any delegation under this section.
- (7) A subcommittee may meet and adjourn as it considers appropriate.

20 Voting and decisions

- (1) Questions arising at a meeting of the Council or of any subcommittee appointed by the Council are decided by a majority of the votes of members of the Council or subcommittee present at the meeting.
- (2) Each member may have two delegates representing them at meetings and participating in discussions and providing feedback to Council.
- (3) Each member represented at a meeting of the Council or of any subcommittee appointed by the Council (including the person presiding at the meeting) is entitled to only one vote regardless of number of delegates representing them. If the votes on any question are equal, the person presiding may exercise a second or casting vote.

Part 1.4 General meetings

21 Annual General Meetings - holding of

- (1) With the exception of the first Annual General Meeting of the Council, the Council must, at least once in each calendar year and within 5 months after the end of each financial year of the Council, call an annual general meeting of its members.
- (2) The Council must hold its first Annual General Meeting –
 - (a) within 18 months after its incorporation under the Act; and
 - (b) within 5 months after the end of the first financial year of the Council.
- (3) Subsections (1) and (2) have effect subject to the powers of the registrar-general under the Act, section 120 in relation to extensions of time.

22 Annual General Meetings — calling of and business at

- (1) The Annual General Meeting of the association must, subject to the Act, be called on the date and at the place and time that the Council considers appropriate.
- (2) In addition to any other business that may be transacted at an annual general meeting, the business of an annual general meeting is –
 - (a) to confirm the minutes of the last Annual General Meeting and

of any general meeting held since that meeting; and

(b) to receive from the committee reports from each State/Territory member on the activities of their association/organisation during the last financial year; and

(c) to elect members of the Executive, or office-bearers; and

(d) to receive and consider the statement of accounts and the reports that are required to be submitted to members under the Act, section 73(1).

(3) An Annual General Meeting must be specified as such in the notice calling it in accordance with section 25 (Notice).

(4) An Annual General Meeting must be conducted in accordance with the provisions of this part.

23 General meetings — calling of

(1) The Council may, whenever it considers appropriate, call a general meeting of the Council.

(2) On the requisition in writing, of not less than 25% of members, the Council must call a General meeting

(3) A requisition of members for a general meeting –

(a) must state the purpose or purposes of the meeting; and

(b) must be signed by the members making the requisition; and

(c) must be lodged with the secretary; and

(d) may consist of several documents in a similar form, each signed by 1 or more of the members making the requisition.

(4) If the Council fails to call a general meeting within 1 month after the date when a requisition of members for the meeting is lodged with the secretary, any 1 or more of the members who made the requisition may call a general meeting to be held not later than 3 months after that date.

(5) A general meeting called by a member or members mentioned in subsection (4) must be called as nearly as is practicable in the same way as general meetings are called by the Council and any member who thereby incurs expense is entitled to be reimbursed by the Council for any reasonable expense so incurred.

24 Notice

(1) Except if the nature of the business proposed to be dealt with at a general meeting requires a special resolution of the Council, the

secretary must, at least 14 days before the date fixed for the holding of the general meeting, send electronically or by post to each member at the member's address shown in the register of members, a notice 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 the Council, the secretary must, at least 21 days before the date fixed for the holding of the general meeting, send notice to each member in the way provided in subsection (1) specifying, in addition to the matter required under that subsection, the intention to propose the resolution as a special resolution.
- (3) No business other than that specified in the notice calling a general meeting may be transacted at the meeting except for an annual general meeting, business that may be transacted under section 22(2).
- (4) A member desiring to bring any business before a general meeting may give written notice 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.

25 General meetings — procedure and quorum

- (1) No item of business may be transacted at a general meeting unless a quorum of members entitled under these rules to vote is present during the time the meeting is considering that item.
- (2) Fifty percent of members plus one (who are entitled under these rules to vote at a general meeting) constitute a quorum for the transaction of the business of a general meeting.
- (3) If within 30 minutes after the appointed time for the start of a general meeting a quorum is not present, the meeting if called on the requisition of members is dissolved and in any other case stands adjourned to the same day in the following week at the same time and (unless another place is specified at the time of 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 adjournment meeting a quorum is not present within 30 minutes after the time appointed for the start of the meeting, the members present (being not less than 3) constitute a quorum.

26 Presiding member

- (1) The president, or in the absence of the president, the vice-president, presides at each general meeting of the Council.
- (2) If the president and the vice-president are absent from a general meeting, the members present must elect 1 of their number to preside at the

meeting.

27 Adjournment

- (1) The person presiding at 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 may 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 the Council 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 subsections (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.

28 Making of decisions

- (1) A question arising at a general meeting of the Council is to be decided on a show of hands and, unless before or on the declaration of the show of hands a poll is demanded, a declaration by the person presiding 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 Council, is evidence of the fact without proof of the number or proportion of the votes recorded in favour of or against that resolution.
- (2) At a general meeting of the Council, a poll may be demanded by the person presiding or by not less than 3 members present in person or by proxy at the meeting.
- (3) If the poll is demanded at a general meeting, the poll must be taken –
 - (a) immediately if the poll relates to the election of the person to preside at the meeting or to the question of an adjournment; or
 - (b) in any other case – in the way and at the time before the close of the meeting that the person presiding directs, and the resolution of the poll on the matter is taken to be the resolution of the meeting on that matter.

29 Voting

- (1) Subject to subsection (3), on any question arising at a general meeting of the Council a member has 1 vote only.
- (2) All votes must be given personally or by proxy but no member may

hold more than 1 proxy.

- (3) If the votes on a question at a general meeting are equal, the person presiding is entitled to exercise a second or casting vote.
- (4) A member or proxy is not entitled to vote at any general meeting of the Council unless all money due and payable by the member or proxy to the Council has been paid, other than the amount of the annual subscription payable for the then current year.

30 Appointment of proxies

- (1) Each member is entitled to appoint another member as proxy by notice given to the secretary no later than 24 hours before the time of the meeting for which the proxy is appointed.
- (2) The notice appointing the proxy must contain all the information as set out in Appendix 2.
- (3) Notification can be received in writing or by email.

Part 1.5 Miscellaneous

31 Funds — source

- (1) The funds of the Council must be derived from grants and annual subscriptions of members, donations and, subject to any resolution passed by the Council in general meeting and subject to the Act, section 114, any other sources that the Council decides.
- (2) All money received by the Council must be deposited as soon as practicable and without deduction to the credit of the Council's bank account.
- (3) The Council must as soon as practicable after receiving any money issue an appropriate receipt.

32 Funds — management

- (1) Subject to any resolution passed by the Council in general meeting, the funds of the Council must be used for the objects of the Council in the way that the Council decides.
- (2) All cheques, electronic funds transfer, drafts, bills of exchange, promissory notes and other negotiable instruments must be signed by any 2 members of the Council or employees of the Council, being members of the council or employees authorised to do so by the Council.

33 Alteration of objects and rules

The objects of the Council and these rules may be altered in accordance with the Act:

- a) This Constitution may be repealed, altered or amended by resolution of two-thirds of members present and voting at a General Meeting of which not less than 7 days written or electronic notice, including notice of the proposed repeal, alteration or amendment, has been distributed to all members.
- b) A General Meeting may make, repeal, alter or amend Rules for the proper administration of meetings or business provided that not less than 7 days written or electronic notice of the proposed new Rule or repeal, alteration or amendment has been distributed to all members.

34 Custody of books

Subject to the Act, the regulation and these rules, the secretary must keep in his or her custody or under his or her control all records, books, and other documents relating to the Council.

35 Inspection of books

The records, books and other documents of the Council must be open to inspection at a place in the ACT, free of charge, by a member of the association at any reasonable hour.

36 Service of notice

For these rules, the Council may serve a notice on a member by sending it electronically or by post to the member at the member's address shown in the register of members.

Note For how documents may be served, see the Legislation Act, pt 19.5.

37 Surplus property

(1) At the first general meeting of the Council, the Council must pass a special resolution nominating –

- (a) another association for the Act, section 92 (1)(a); or
- (b) a fund, authority or institution for the Act, section 92(1)(b); in which it is to vest its surplus property in the event of the dissolution or winding up of the Council.

(2) An association nominated under subsection (1) (a) must fulfill the requirements specified in the Act, Section 92(2).

38 Dissolution and winding up

The Council shall not be dissolved except by approval of not less than two-thirds of members present and voting at a meeting called for that purpose of

which not less than one calendar month's written or electronic notice, including notice of the proposed dissolution, has been given to all members.

Appendix 1

(see s 3 (1))

Application for membership of association

.....

Incorporated (incorporated under the *Associations Incorporation Act 1991*) I,

.....
(full name of applicant)

of

.....
(address)

..... apply to become
(position in organisation)

a member of the incorporated association. If I am admitted as a member, I agree to be bound by the rules of the association for the time being in force.

.....
(Signature of applicant)

Date

I,

(full name)

On behalf of _____, (name of organisation

a member of the association, nominate the applicant, who is personally known to me, for the membership of the association.

.....
(Signature of proposer)

Date

I,

(full name)

On behalf of _____, (name of organisation)

a member of the association, second the nomination of the applicant, who is personally known to me, for membership of the association.

.....
(Signature of seconder)

Date

Appendix 2

Appointment of Proxy (see section 31 (2))

I,

.....
(full name of representative)

a member of

.....
(name of member)

appoint

.....
(full name of proxy)

of

.....
(organisation)

a member of that organisation, as my proxy to vote for me on my behalf at the general meeting of the association (annual general meeting or other general meeting, as the case may be) to be held on

.....
And at any adjournment of that meeting.

*My proxy is authorised to vote in favour of/against (delete as appropriate)
the resolution (insert details).

.....
(Signature of representative of member appointing proxy)

(*To be inserted if desired.)

Date

Note A proxy vote may not be given to a person who is not a representative of a member of the association.