

Woden Valley Gymnastics Club
Incorporated

CONSTITUTION

(Issue Number 5)

Woden Valley Gymnastics Club Incorporated

Document History

Date	Issue	Description of revision
February 2003	1	Initial Draft for comments
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May 2005	3	Inclusion of gymnasts as members
May 2010	4	Change ACTGA to GACT
August 2020	5	Revised Constitution

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Title of the association

The title of the Association shall be the Woden Valley Gymnastics Association (Incorporated) but will trade as Woden Valley Gymnastics Club (Incorporated)

Objects of the association

The primary objective of the Club is to provide quality gymnastics programs for people of all ages and abilities in the Canberra region and to promote and facilitate the sport of gymnastics and related activities within the ACT.

Part 2 Preliminary

2.1 Definitions

In these rules: A definition applies except so far as the contrary intention appears (see Legislation Act, s 155)

The Club means the Woden Valley Gymnastics Club Incorporated.

WVGC means the Woden Valley Gymnastics Club Incorporated.

Gymnastics ACT (GACT) means the Association of that name established in the Australian Capital Territory in 1982 and incorporated in 1984.

financial year means the year ending on 31 December.

member means a member, however described, of the association.

ordinary committee member means a member of the committee who is not an office-bearer of the association as mentioned in Section 4.2

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

the Act means the Associations Incorporation Act 1991.

the regulation means the Associations Incorporation Regulation 1991

2.2 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.

Part 3 Membership

3.1 Membership

A "Register of Members" must contain information about the person, their name and contact details, the class of their membership, the date the person became a member of the association or anything else required by the association's rules of regulation.

A member of the association may request that the committee restrict access to the member's personal information.

The following persons are eligible for membership of the Club.

- a) Gymnasts receiving coaching or undertaking training with the Club (if over the age of 18) or their parent or guardian (if under the age of 18).
 - I. If the gymnast in 3.1.a above is under the age of 18 only one parent or guardian is eligible for membership
- b) Employed staff of the Club (over the age of 18)
- c) Technical members registered with GACT through the Club.
- d) Interested and involved members of the community (including gymnasts or staff under the age of 18) who support the objects of the Club.

3.2 Application for membership

1. An application for membership of the Club -
 - a) For members qualifying in section 3.1 Part a), b) and c) is included in their class enrolment or technical membership
 - b) For members qualifying in section 3.1 Part d)
 - I. Nomination must be made by a member of the Club in writing in the form set out in Appendix 1; and
 - II. must be lodged with the Secretary of the Club.
2. As soon as is practicable after receiving a nomination for membership, the secretary must refer the nomination to the committee which must decide whether to approve or to reject the nomination.
3. If the committee decides to approve a nomination for membership, the secretary must as soon as practicable after that decision –
 - I. notify the nominee of that approval, and
 - II. enter the nominee's name in the register of members and, on the name being so entered, the nominee becomes a member of the Club.

3.3 Membership entitlements not transferable

A right, privilege or obligation that a person has because of being a member of the Club—

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

3.4 Cessation of membership

A person ceases to be a member of the Club if the person—

- a) dies; or
- b) resigns from membership of the Club; or

- c) is expelled from the Club; or
- d) fails to renew membership of the Club; or
- e) no longer meets the membership qualification requirements in section **Error! Reference source not found.**

3.5 Resignation of membership

1. A member is not entitled to resign from membership of the Club except in accordance with this section.
2. A member who has paid all amounts payable by the member to the Club may resign from membership of the Club by first giving notice (of not less than 1 month) 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 a person 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.

3.6 Fee, subscriptions etc

1. The fee to join the Club (joining fee) is detailed in Appendix 3.
2. The fee for annual membership (annual membership fee) of the Club is detailed in Appendix 3.
3. The annual membership fee is payable with the first fee payment that the member is issued in each calendar year.

3.7 Members' liabilities

The liability of a member to contribute towards the payment of the debts and liabilities of the Club or the costs, charges and expenses of the winding up of the Club is limited to the amount (if any) unpaid by the member in relation to membership of the Club as required by section 3.6.

3.8 Disputes of Members

If there is a dispute between members of the association or between a member/s and the association; the dispute shall first be referred to the Member Protection Information Officer for resolution. If the dispute is not resolved then the following procedure will occur.

1. If the committee is of the opinion that a member—
 - a) has persistently refused or neglected to comply with a provision of these rules; or
 - b) has persistently and wilfully acted in a manner prejudicial to the interests of the Club;the committee may, by resolution—
 - a) expel the member from the Club; or
 - b) suspend the member from the rights and privileges of membership of the Club that the committee may decide for a specified period.
2. If the committee 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 committee and the grounds on which it is based; and
 - b) stating that the member may address the committee 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 committee 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 committee mentioned in subsection (2), the committee 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 committee by that member at or before the meeting; and
 - c) by resolution decide whether to confirm or to revoke the resolution of the committee made under subsection (1).
4. If the committee 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 member's right of appeal under section 3.9.
5. A resolution confirmed by the committee 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 Club confirms the resolution in accordance with section 3.9.

3.9 Right of appeal of disciplined member

1. A member may appeal to the Club against a resolution of the committee that is confirmed under section 3.8 (3), within 7 days after notice of the resolution is served on the member, by lodging with the Secretary a notice to that effect.
2. If the dispute cannot be resolved by mediation then on receipt of a notice under subsection (1), the secretary must notify the committee, which must call a general meeting of the Club to be held within 21 days after the date when the secretary received the notice or as soon as possible after that date. Subject to the Act, section 50, at a general meeting of the Club called under subsection 5.3
 - a) no business other than the question of the appeal may be transacted; and
 - b) the committee 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 3.8 (4) should be confirmed or revoked.
3. If the meeting passes a special resolution in favour of the confirmation of the resolution made under section 3.8, that resolution is confirmed.

Part 4 Committee

4.1 Powers of the committee

The committee, subject to the Act, the regulation, these rules, and to any resolution passed by the Club in general meeting –

- a) Controls and manages the affairs of the Club; and
- b) May exercise all functions that may be exercised by the Club other than those functions that are required by these rules to be exercised by the Club in general meeting; and
- c) Has power to perform all acts and do all things that appear to the committee to be necessary or desirable for the proper management of the affairs of the Club.

4.2 Constitution and membership

- 1) The committee consists of –
 - a) The office-bearers of the Club; and
 - b) 3 or more ordinary committee members;
each of whom must be elected under sections 4.3 and 4.4 or appointed in accordance with subsection 4)
- 2) The office-bearers of the Club are –
 - a) The president; and
 - b) The vice-president; and
 - c) The treasurer; and
 - d) The secretary.
- 3) Each member of the committee holds office, subject to these rules, until the conclusion of the annual general meeting following the date of the member's election, but is eligible for re-election.
- 4) If there is a vacancy in the membership of the committee, the committee may appoint a member of the Club to fill the vacancy and the member so appointed holds office, subject to these rules until the conclusion of the next annual general meeting after the date of the appointment.

4.3 Eligibility to serve on the Committee

- 1) All members of the Club satisfying Part 3 can serve as members of the Committee with the exception of paid employees of the Club.
- 2) An immediate family member of Senior Staff of the Club may not be elected to an office-bearer role.
- 3) For the purposes of this clause:
 - a) 'Immediate family member' applies to spouse or domestic partner and dependent children. It may also apply to any other relatives and close friends who live with the employee or with whom the employee has a dependent relationship.
 - b) 'Senior Staff of the Club' includes employees in the roles of Head Coach, Program Coordinator, Gymsports Director or General Manager.

4.4 Election of committee members

- 1) Nominations of candidates for election of office-bearers of the Club or as ordinary committee members –
 - a) must be made in writing, signed by 2 members of the Club and accompanied by the written consent of the candidate (which may be endorsed on the nomination form); and
 - b) must be given to the secretary of the Club not less than 7 days before the date fixed for 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 may 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 vacancies.
- 4) If the number of nominations received is equal to the number of vacancies to be filled, the people nominated are taken to be elected.
- 5) If the number of nominations received exceeds the number of vacancies to be filled, a ballot must be held.
- 6) The ballot for the election of office-bearers and ordinary committee members must be conducted at the annual general meeting in the way the committee may direct.
- 7) A person is not eligible to simultaneously hold more than 1 position on the committee.

4.5 Secretary

- 1) The secretary of the Club must, as soon as practicable after being appointed as secretary, notify the Club of his or her address.
- 2) The secretary must keep minutes of –
 - a) all elections and appointments of office-bearers and ordinary committee members; and

- b) the names of members of the committee present at a committee meeting or general meeting; and
 - c) all proceedings at committee 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.

4.6 Treasurer

- 1) The treasurer of the Club must –
- a) oversee the collection and receipt, or delegation thereof, of all amounts owing to the Club and all payments authorised by the Club; and
 - b) oversee the keeping of correct accounts and books, or delegation thereof, showing the financial affairs of the Club with full details of all receipts and expenditure connected with the activities of the Club.

4.7 Vacancies

For these rules, a vacancy in the office of a member of the committee happens if the member –

- a) dies; or
- b) ceases to be a member of the Club; or
- c) resigns the office by written notice to the public officer; or
- d) is removed from office under section 4.8 (Removal of committee members); or
- e) becomes bankrupt or personally insolvent; or
- f) suffers from mental or physical incapacity; or
- g) is disqualified from office under the Act, section 63 (1); or
- h) is absent without the consent of the committee from all meetings of the committee held during a period of 6 months.

4.8 Removal of committee members

The Club in general meeting may by resolution, subject to the Act, section 50, remove any member of the committee from the office of member of the committee before the end of the member's term of office.

4.9 Committee meetings and quorum

- 1) The committee must meet at least 3 times in each calendar year at the place and time that the committee may decide.
- 2) Additional meetings of the committee may be called 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 committee at least 48 hours (or any other period that may be unanimously agreed on 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 committee members present at the meeting unanimously agree to treat as urgent business.
- 5) Any 3 members of the committee constitute a quorum for the transaction of the business of a meeting of the committee.
- 6) No business may be transacted by the committee 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 committee –
 - a) The president or, in the absence of the president, the vice president presides; or
 - b) If the president and vice-president are absent – 1 of the remaining members of the committee may be chosen by the members present to preside.

4.10 Delegation by committee to subcommittee

- 1) The committee may, in writing, delegate to 1 or more subcommittees (consisting of the member or members of the Club that the committee considers appropriate) the exercise of the functions of the committee that are specified in the instrument, other than –
 - a) This power of delegation; and
 - b) A function that is a function imposed on the committee by the Act, by any other Territory law, or by resolution of the Club 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 committee 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 the committee.
- 6) The committee may, in writing, revoke wholly or in part any delegation under this section.
- 7) A subcommittee may meet and adjourn as it considers appropriate.

4.11 Voting and decisions

- 1) Questions arising at a meeting of the committee or of any subcommittee appointed by the committee are decided by a majority of the votes of members of the committee or subcommittee present at the meeting.
- 2) Each member present at a meeting of the committee or of any subcommittee appointed by the committee (including the person presiding at the meeting) is entitled to 1 vote but, if the votes on any question are equal, the person presiding may exercise a second or casting vote.
- 3) For any questions arising at a meeting of the committee or any subcommittee appointed by the committee, members present at the meeting must first consider any conflicts of interest relating directly and significantly to the question put and follow the Club's Conflict of Interest Policy.

Part 5 General meetings

5.1 Annual general meetings – holding of

- 1) With the exception of the first annual general meeting of the Club, the Club must, at least once in each calendar year and within 5 months after the end of each financial year of the Club, call an annual general meeting of its members.
- 2) The Club 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 Club.
- 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.

5.2 Annual general meeting – calling of and business at

- 1) The annual general meeting of the Club must, subject to the Act, be called on the date and at the place and time that the committee 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 on the activities of the Club during the last financial year; and
 - c) To elect members of the committee, including office-bearers; and
 - d) To appoint a Public Officer; and
 - e) To receive and consider the statement of accounts and the reports that are required to be submitted to members under the Act, section 70 - 76.

- 3) An annual general meeting must be specified as such in the notice calling it in accordance with section 5.4.
- 4) An annual general meeting must be conducted in accordance with the provisions of this part.

5.3 General meetings – calling of

- 1) The committee may, whenever it considers appropriate, call a general meeting of the Club.
- 2) The committee must, on the requisition in writing of not less than 5% of the total number of members, call a general meeting of the Club.
- 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 committee 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 committee and any member who thereby incurs expense is entitled to be reimbursed by the Club for any reasonable expense so incurred.

5.4 Notice

- 1) Except if the nature of the business proposed to be dealt with at a general meeting requires a special resolution of the Club, the secretary must, as least 14 days before the date fixed for the holding of the general meeting, notify each member appearing in the register of members, details 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 Club, the secretary must, at least 21 days before the date fixed for the holding of the general meeting, send notice to each member 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 5.2 (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.

5.5 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) Five members present in person (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 adjourned 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.

5.6 Presiding member

- 1) The president, or in the absence of the president, the vice-president, presides at each general meeting of the Club.
- 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.

5.7 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 Club 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 the business to be transacted at an adjourned meeting is not required to be given.

5.8 Making of decisions

- 1) A question arising at a general meeting of the Club is to be decided by a majority vote. The vote may be conducted by –
 - a) a show of hands; or

- b) a poll of members in attendance.
- 2) The person presiding may choose the method of conducting a vote unless at least 3 members present in person or by proxy call for a poll.
- 3) If the poll is called 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.
- 4) Decisions will be recorded in the Minutes of the Meeting as being either –
 - a) Passed
 - b) Passed Unanimously; or
 - c) Not Passed

5.9 Voting

- 1) Subject to subsection 3), on any question arising at a general meeting of the Club a member has 1 vote only.
- 2) All votes must be given personally or by proxy but no member may hold more than 5 proxies.
- 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 Club unless all money due and payable by the member or proxy to the Club has been paid, other than the amount of the annual subscription payable for the then current year.

5.10 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 be in the form set out in appendix 2.

Part 6 Miscellaneous

6.1 Funds – source

- 1) The funds of the Club must be derived from term fees and annual subscriptions of members, donations, fundraising and, subject to any resolution passed by the Club in general meeting and subject to the Act, section 114, any other sources that the committee decides.

- 2) All money received by the Club must be deposited as soon as practicable and without deduction to the credit of the Club's bank account.
- 3) The Club must, as soon as practicable after receiving any money, issue an appropriate receipt.

6.2 Funds – management

- 1) Subject to any resolution passed by the Club in a committee meeting or general meeting, the funds of the Club must be used for the objects of the Club in the way that the committee decides.
- 2) Payments (by cheque, electronic funds transfer or any other method) made on behalf of the Club must be authorised by –
 - a) any 2 members of the committee; or
 - b) a staff member with appropriate financial delegation.
- 3) Financial delegation under 2b must be awarded by resolution at a general meeting and must include a maximum allowable limit.

6.3 Alteration of objects and rules

Neither the objects of the Club mentioned in the Act, section 29 nor these rules may be altered except in accordance with the Act.

6.4 Conflict of Interest

Officers of the Club cannot make improper use of their position or gain advantage for themselves or another person that is not in the best interests of the association. An officer includes: a member of the committee, the public officer or other office holder and another person responsible for the management of the association's affairs.

6.5 Custody of books

Subject to the Act, the regulation and these rules, the secretary must be responsible, personally or through delegation, for the custody and security of all records, books, and other documents relating to the Club.

6.6 Inspection of books

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

6.7 Service of notice

For these rules, the Club may serve a notice on a member by sending it by post or electronic means 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.

6.8 Surplus property

- 1) At the first general meeting of the Club, the Club passed a special resolution nominating –
 - a) GACT 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 Club.
- 2) GACT nominated under subsection (1) (a) fulfils the requirements specified in the Act, section 92 (2).

Appendix 1 – Application for membership of the Club

(see s 3.2 1 b))

Woden Valley Gymnastics Club Incorporated (incorporated under the Associations Incorporation Act 1991) I,

.....
(full name of applicant)

of

.....
(address)

apply to become 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)

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

.....
(Signature of proposer)

Date

I,
(full name)

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

.....
(Signature of seconder)

Date

Appendix 2 – Form of appointment of proxy

(see s 30 (2))

I,

.....

(full name)

of

.....

(address)

a member of Woden Valley Gymnastics Club

appoint

.....

(full name of proxy)

of

.....

(address)

a member of that incorporated association, 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 member appointing proxy)

(*To be inserted if desired.)

Date

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

Appendix 3 – Schedule of Fees

1) Joining Fee (clause 3.6(1))	\$0
2) Annual membership fee (clause 3.6(2))	\$0