

*ILLAWARRA
BIRD OBSERVERS' CLUB
INCORPORATED*

OBJECTIVES & RULES



CONSUMER AFFAIRS
Associations Incorporation Act 1984

Registered No.:

Y2030415

**CERTIFICATE OF INCORPORATION OF
ASSOCIATION**

This is to certify that

ILLAWARRA BIRD OBSERVERS' CLUB INCORPORATED

is on and from the sixth day of September 1994 incorporated under
the Associations Incorporation Act 1984.

Issued by the Department of Consumer Affairs and given under my hand
this sixth day of September 1994.

A handwritten signature in black ink, appearing to read 'Hawaway', is written in a cursive style.

Director, Consumer Affairs.

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PART I PRELIMINARY

NAME

1. The Club shall be called Illawarra Bird Observers Club (hereinafter called "the Club").
"the Club" means the group formed and functioning since 1977 as the Illawarra Bird Observers Club, to be incorporated under the name Illawarra Bird Observers Club Incorporated.

OBJECTIVES

2. The objectives of the Club shall be -
 - (a) to join together people with a common interest who wish to further their knowledge and enjoyment of the birdlife around them; and
 - (b) to encourage bird observing as a leisure time activity.

INTERPRETATION

3. (1) In these rules, except in so far as the context or subject matter otherwise indicates or requires -
 - "*ordinary member*" means a member of the committee who is not an office-bearer of the Club, as referred to in rule 15(2);
 - "*secretary*" means -
 - (a) the person holding office under these rules as secretary of the Club; or
 - (b) where no person holds that office - the public officer of the Club;
 - "*special general meeting*" means a general meeting of the Club other than annual general meeting;
 - "*the Act*" means the Associations Incorporation Act, 1984;
 - "*the Regulations*" means the Association Incorporation Regulations, 1985.
- (2) In these rules -
 - (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, where the function is a duty, a reference to the performance of the duty.
- (3) The provisions of the Interpretation Act, 1897, apply to and in respect of these rules in the same manner as those provisions would so apply if these rules were an instrument made under the Act.
- (4) Family membership means a family unit which includes no more than two adults and any dependent children.

PART II MEMBERSHIP

MEMBERSHIP QUALIFICATIONS

4. A person is qualified to be a member of the Club if, but only if -
 - (a) the person is a person referred to in Section 15(1) (a), (b) or (c) of the Act and has not ceased to be a member of the Club at any time after incorporation of the Club under the Act; or
 - (b) the person is a natural person who -
 - (i) has applied for membership of the Club as provided by rule 6; and
 - (ii) has been approved for membership of the Club by the committee of the Club

CLASSES OF MEMBERSHIP

5. (a) The committee may from time to time as it sees fit provide for different classes of membership, including Patron, Junior, Single, Honorary Life and Family members.
- (b) Honorary Life Members shall be limited to no more than five at any time, and shall be elected by the annual general meeting after appropriate Notice of Motion.
- (c) Family membership carries an entitlement to one vote.

APPLICATION FOR MEMBERSHIP

6. (1) An application of a person for membership of the Club -
 - (a) shall be made in writing and accompanied by the prescribed membership fee; and
 - (b) shall be lodged with the secretary of the Club.
- (2) As soon as practicable after receiving an application for membership, the secretary shall refer the application to the committee which shall determine whether to approve or to reject the application.
- (3) Where the committee determines an application for membership, the secretary shall as soon as practicable after that determination, notify the person of the decision.
- (4) The secretary shall then enter the approved person's name in the register of members and, upon the name being so entered, the person becomes a member of the Club.

CESSATION OF MEMBERSHIP

7. (1) A person ceases to be a member of the Club if the person -
 - (a) dies;
 - (b) resigns that membership;
 - (c) is expelled from the Club; or
 - (d) is unfinancial on 1st June in any year.
- (2) Where a member ceases to hold membership, the secretary shall make an appropriate entry in the register of members recording the date on which the member ceased to be a member.

MEMBERSHIP ENTITLEMENTS NOT TRANSFERABLE

8. A right, privilege or obligation which a person has by reason of being a member of the Club -
 - (a) is not capable of being transferred or transmitted to another person; and
 - (b) terminates upon cessation of the person's membership.

REGISTER OF MEMBERS

9. (1) The public officer of the Club shall establish and maintain a register of members of the Club specifying the name and postal address of each person who is a member of the Club together with the date on which the person became a member.
- (2) The register of members shall be kept at the principal place of administration of the Club and shall be open for inspection, free of charge, by any member of the Club by appointment at a mutually agreeable time.

FEES, SUBSCRIPTIONS, ETC.

10. A member of the Club shall pay to the Club an annual subscription fee of \$10.00 or, where some other amount is determined by the committee, of that other amount -
- (a) except as provided by paragraph (b), before 1st January in each calendar year, or
 - (b) where the member becomes a member on or after 1st January in any calendar year - upon becoming a member and before 1st January in each succeeding calendar year.

MEMBERS' LIABILITIES

11. The liability of a member of the Club to contribute towards the payment of the debts and liabilities of the Club or the cost, charges and expenses of the winding up of the Club is limited to the amount, if any, unpaid by the member in respect of membership of the Club as required by rule 10.

DISCIPLINING OF MEMBERS

12. (1) Where the committee is of the opinion that a member of the Club has persistently and willfully -
- (a) neglected to comply with a provision of these rules; or
 - (b) acted in a manner prejudicial to the interests of the Club;
- the committee may by resolution, cause a notice in writing to be served calling on the member to show cause why the committee should not proceed to deal with the member under rule 12(2). The notice should advise that the member may show cause by either or both of the following -
- (a) attending and speaking at the next committee meeting;
 - (b) submitting to the secretary at or prior to that meeting representations relating to the resolution.
- (2) The committee shall consider any such representations at the meeting (which must be held not less than 14 and no more than 35 days after passage of the resolution), and may then determine by secret ballot to -
- (a) expel the member from the Club, or
 - (b) suspend the member for a specified period, or
 - (c) accept the member's explanation.

RIGHT OF APPEAL OF DISCIPLINED MEMBER

13. (1) A member may appeal to the Club in general meeting against a resolution of the committee which is confirmed under rule 12(2), within 7 days after notice of the resolution is served on the member by lodging with the secretary a notice to that effect.
- (2) Upon receipt of a notice from a member under clause (1), the secretary shall notify the committee which shall convene a general meeting of the Club to be held within 35 days after the date on which the secretary received the notice.

(13 cont.)

- (3) At a general meeting of the Club convened under clause (2) -
 - (a) no business other than the question of the appeal shall be transacted;
 - (b) the committee and the member shall be given the opportunity to state their respective cases orally or in writing, or both; and
 - (c) the members present shall vote by secret ballot on the question of whether the resolution should be confirmed or revoked.
- (4) If at the general meeting the Club passes a special resolution in favour of the confirmation of the resolution, the resolution is confirmed.

PART III THE COMMITTEE

POWERS, ETC. OF COMMITTEE

14. The committee shall be called the committee of management of the Club and, subject to the Act, the Regulation and these rules and to any resolution passed by the Club in general meeting -
 - (a) shall control and manage the affairs of the Club;
 - (b) may exercise all such functions as may be exercised by the Club other than those functions that are required by these rules to be exercised by a general meeting of members of the Club; and
 - (c) has power to perform all such acts and do all such things as appear to the committee to be necessary or desirable for the proper management of the affairs of the Club.

CONSTITUTION AND MEMBERSHIP

15. (1) Subject in the case of the first members of the committee to section 21 of the Act, the committee shall consist of -
 - (a) the office-bearers of the Club; and
 - (b) not more than 4 ordinary members, each of whom shall be elected at the annual general meeting of the Club pursuant to rules 16 and 15(4).
- (2) The office-bearers of the Club shall be
 - (a) the president;
 - (b) the vice-president;
 - (c) the treasurer; and
 - (d) the secretary.
- (3) Each member of the committee shall, subject to these rules, hold office until the conclusion of the annual general meeting following the date of the member's election, but is eligible for re-election.
- (4) In the event of a casual vacancy occurring in the membership of the committee, the committee may appoint a member of the Club to fill the vacancy and the members so appointed shall hold office, subject to these rules, until the conclusion of the annual general meeting next following the date of the appointment.

ELECTION OF MEMBERS

16. (1) Nominations of candidates for election as office-bearers of the Club or as ordinary members of the committee -
- (a) shall 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 form of nomination); and
 - (b) shall be delivered to the secretary of the Club not less than 7 days before the date 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 shall be deemed to be elected and further nominations shall be received at the annual general meeting.
- (3) If insufficient further nominations are received any vacant positions remaining on the committee shall be deemed to be casual vacancies.
- (4) If the number of nominations received is equal to the number of vacancies to be filled, the persons nominated shall be deemed to be elected.
- (5) If the number of nominations received exceeds the number of vacancies to be filled, a ballot shall be held.
- (6) The ballot for the election of office-bearers and ordinary members of the committee shall be conducted at the annual general meeting in such usual and proper manner as the committee may direct.

SECRETARY

17. (1) The secretary of the Club shall, as soon as practicable after being appointed as secretary, lodge notice with the Club 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) Minutes of proceedings at a meeting shall be signed by the chairperson of the meeting or by the chairperson of the next succeeding meeting.

TREASURER

18. It is the duty of the treasurer of the Club to ensure that -
- (a) all money due to the Club is collected and received and that all payments authorised by the Club are made; and
 - (b) correct books and accounts are kept showing the financial affairs of the Club including full details of all receipts and expenditure connected with the activities of the Club.

CASUAL VACANCIES

19. For the purposes of these rules, a casual vacancy in the office of a member of the committee occurs if the member -
- (a) dies;
 - (b) ceases to be a member of the Club;
 - (c) becomes an insolvent under administration within the meaning of the Companies (New South Wales) Code;
 - (d) resigns office by notice in writing given to the secretary;

(19. cont.)

- (e) is removed from office under rule 20;
- (f) becomes of unsound mind or a person whose person or estate is liable to be dealt with in any way under the law relating to mental health; or
- (g) is absent without the consent of the committee from all meetings of the committee held during a period of 3 months.

REMOVAL OF MEMBER

20. The Club in a 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 provided always that the member shall be duly notified of the proposed resolution and is afforded a fair and reasonable opportunity of making representation and being heard at such general meeting.

MEETINGS AND QUORUM

21. (1) The committee shall meet at least 6 times in each period of 12 months at such place and times as the committee may determine.
- (2) Additional meetings of the committee may be convened by the president or by any 3 members of the committee.
- (3) Oral or written notice of a meeting of the committee shall be given by the secretary to each member of the committee at least 48 hours (or such other period as may be unanimously agreed upon by the members of the committee) before the time appointed for the holding of the meeting.
- (4) Notice of a meeting given under clause (3) shall specify the general nature of the business to be transacted at the meeting and no business other than that business shall be transacted at the meeting, except business which the committee members present at the meeting unanimously agree to treat as urgent business.
- (5) Any 4 members of the committee constitute a quorum for the transaction of the business of a meeting of the committee.
- (6) No business shall 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 shall be dissolved.
- (7) At a meeting of the committee -
- (a) the president or, in the president's absence, the vice president shall preside; or
 - (b) if the president and the vice-president are absent or unwilling to act such one of the remaining members of the committee as may be chosen by the members present at the meeting shall preside.

DELEGATION BY COMMITTEE TO SUB-COMMITTEE

22. The committee may refer any matter or thing to a sub-committee (consisting of such member or members of the club as the committee thinks fit) and for that purpose may delegate any powers deemed necessary and not inconsistent with these rules.

VOTING AND DECISIONS

23. (1) Questions arising at a meeting of the committee or of any subcommittee appointed by the committee shall 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 subcommittee 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 rule 21(5), the committee may act notwithstanding 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 committee, is valid and effectual notwithstanding any defect that may afterwards be discovered in the appointment or qualification of any member of the committee or sub-committee.

PART IV

GENERAL MEETING

ANNUAL GENERAL MEETINGS - HOLDING OF

24. (1) With the exception of the first annual general meeting of the Club, the Club shall, at least once each calendar year and within a period of 6 months after the expiration of each financial year of the Club, convene an annual general meeting of its members.
- (2) The Club shall 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 2 months after the expiration of the first financial year of the Club.
- (3) Clauses (1) and (2) have effect subject to any extension or permission granted by the Commission under section 26(3) of the Act.

ANNUAL GENERAL MEETINGS - CALLING OF AND BUSINESS AT

25. (1) The annual general meeting of the Club shall, subject to the Act and to rule 24 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 shall be -
- (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 upon the activities of the Club during the last preceding financial year;
 - (c) to elect office-bearers of the Club and ordinary members of the committee; and
 - (d) to receive and consider the statement which is required to be submitted to members pursuant to section 26(6) of the Act.
- (3) An annual general meeting shall be specified as such in the notice convening it.

SPECIAL GENERAL MEETINGS - CALLING OF

26. (1) The committee may, whenever it thinks fit, convene a special general meeting of the Club.
- (2) The committee shall, on the requisition in writing of not less than 5 per cent of the total number of members, convene a special general meeting of the Club.
- (3) A requisition of members for a special general meeting -
 - (a) shall state the purpose or purposes of the meeting;
 - (b) shall be signed by members making the requisitions;
 - (c) shall be lodged with the secretary; and
 - (d) may consist of several documents in a similar form, each signed by one or more of the members making the requisition.
- (4) If the committee fails to convene a special general meeting to be held within 65 days after the date on which a requisition of members for the meeting is lodged with the secretary, anyone 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 shall be convened as nearly as is practicable in the same manner as general meetings are convened by the committee.

GENERAL MEETINGS - CALLING OF AND BUSINESS AT

27. (1) General meetings of the Club shall be held at such place, date and times as the committee shall from time to time determine.
- (2) At least 21 days notice of such meetings shall be conveyed to members through the Newsletter of the Club or by such other means as the committee determines.
- (3) No business other than that specified in the notice convening a general meeting shall be transacted at the meeting except, in the case of an annual general meeting, business may be transacted pursuant to rule 25(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 shall include that business in the next notice calling a general meeting given after receipt of the notice from the member.

PROCEDURE

28. (1) No item of business shall 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) Twelve members present in person (being members 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 half an hour after the appointed time for the commencement of a general meeting a quorum is not present the presiding member may dissolve the meeting.

PRESIDING MEMBER

29. (1) The president or, in the president's absence, the vice-president, shall preside as chairperson at each general meeting of the Club.
- (2) If the president and the vice-president are absent from a general meeting or unwilling to act, the members present shall elect one of their number to preside as chairperson at the meeting.

ADJOURNMENT

30. (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 shall be transacted at an adjourned meeting other than the business left unfinished at the meeting at which the adjournment took place.
- (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.

MAKING OF DECISIONS

31. (1) A question arising at a general meeting of the Club shall be determined 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 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 Club, 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 Club, a poll may be demanded by the chairperson or not less than 3 members present in person or by proxy at the meeting.
- (3) Where a poll is demanded at a general meeting, the poll shall be taken -
- (a) immediately in the case of a poll which relates to the election of the chairperson of the meeting or to the question of an adjournment; or
 - (b) in any other case, in such manner and at such time before the close of the meeting as the chairperson directs, and the resolution of the poll on the matter shall be deemed to be the resolution of the meeting on that matter.

SPECIAL RESOLUTION

32. A resolution of the Club is a special resolution if -
- (a) it is passed by a majority which comprises not less than three quarters of such members of the Club as, being entitled under these rules so to do, vote in person or by proxy at a general meeting of which no less than 21 days' written notice specifying the intention to propose the resolution as a special resolution was given in accordance with these rules; or
 - (b) where it is made to appear to the Commission that it is not possible or practicable for the resolution to be passed in the manner specified in paragraph (a) - the resolution is passed in a manner specified by the Commission.

VOTING

33. (1) Upon any question arising at a general meeting of the Club a member has one vote only.
- (2) All votes shall be given personally or by proxy but no member shall hold more than 2 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 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 in respect of the then current year.

APPOINTMENT OF PROXIES

34. (1) Each member shall 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 will be available by application to the secretary.

PART V MISCELLANEOUS

INSURANCE

35. (1) The Club shall effect and maintain insurance pursuant to section 44 of the Act.
- (2) In addition to the insurance required under clause (1), the Club may effect and maintain other insurance.

FUNDS - SOURCE

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

FUNDS - MANAGEMENT

37. (1) Subject to any resolution passed by the Club in general meeting, the funds of the Club shall be used in pursuance of the objects of the Club in such manner as the committee determines.
- (2) All cheques, drafts, bills of exchange, promissory notes and other negotiable instruments shall be signed by any 2 members of the committee of the Club, being members authorised to do so by the committee.
- (3) The Club shall not make any distribution, whether in money, property or otherwise, to its members, with the exception of prizes for competitions or exhibitions.
- (4) All expenses of the committee and members reasonably incurred on behalf of the Club for stationery, printing, postage and for other contracts and things expressly authorised by the committee shall be paid out of the funds of the Club.
- (5) No member shall receive remuneration for any services rendered on behalf of the Club.

ALTERATION OF OBJECTS AND RULES

38. The statement of objects and these rules may be altered, rescinded or added to only by a special resolution of the Club.

COMMON SEAL

39. (1) The common seal of the Club shall be kept in the custody of the public officer.
- (2) The common seal shall not be affixed to any instrument except by the authority of the committee and the affixing of the common seal shall be attested by the signatures of 2 office-bearers of the Club.

CUSTODY OF BOOKS, ETC.

40. Except as otherwise provided by these rules, the public officer shall keep in his or her custody or under his or her control all records, books and other documents relating to the Club.

INSPECTION OF BOOKS, ETC.

41. The records, books and other documents of the Club shall be open to inspection, free of charge, by a member of the Club by appointment at a mutually agreeable time.

SERVICE OF NOTICES

42. (1) For the purpose of these rules, a notice may be served by or on behalf of the Club upon any member either personally or by sending it by post to the member at the member's address shown in the register of members.
- (2) Where a document is sent to a person by properly addressing, pre-paying and posting to the person a letter containing the document, the document shall unless the contrary is proved, be deemed for the purposes of these rules to have been served on the person at the time at which the letter would have been delivered in the ordinary course of post.

SURPLUS PROPERTY

43. (1) At the first general meeting of the Club, the Club shall pass a special resolution nominating an incorporated association as the association in which it is to vest its surplus property pursuant to section 53(2) of the Act in the event of the winding up or the cancellation of the incorporation of the Club.
- (2)..The incorporated association so nominated shall be one which fulfils the requirements specified in section 53(2)(a)-(c) of the Act.

Note: This document was reconstituted from the original typed copy used for incorporation (1984).
A soft copy of this document is held by the public officer of the Club. C.C. 18 Jan 2010

APPLICATION FOR MEMBERSHIP OF ASSOCIATION
[Rule 6 (1)]

ILLAWARRA BIRD OBSERVERS' CLUB INCORPORATED
[Incorporated under the Associations Incorporation Act, 1984]

I,.....
[full name of applicant]
of.....
[address]
.....
[occupation]

hereby apply to become a member of the abovementioned incorporated association. In the event of my admission 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 association nominate the applicant, who is personally known to me, for membership of the association.

.....
[Signature of Proposer]

Date.....

I,.....
[full name]

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.....