

The Rules of the Society of Mountain Artists Inc.

**As Approved at a Special General Meeting
Held at St Bonaventure's Hall cnr Railway Pde and Hartley Espl. Leura
On Thursday 20th March 2003**

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The Rules of the Society of Mountain Artists Inc.

Part 1- PRELIMINARY

1. Name and objects.

- A. The name of the Association shall be "**Society of Mountain Artists Inc.**"
- B. The objects of the Association shall be
 - (a) to foster and to promote visual arts and enhance the status of artists,
 - (b) to promote the recognition of the importance of the visual arts in education, community life, commerce and industry and appreciation of the arts throughout the community,
 - (d) to promote discussion, display and constructive criticism of the works of members,
 - (e) to hold lectures, demonstrations and lessons by members and invited guests,
 - (f) to hold exhibitions for the raising of funds or display of the works of members and selected other persons at such times and at such location as the Committee may determine,
 - (g) to do all or any of the abovementioned things either singly or in conjunction with any other society, corporation, firm, association, club or person and either as principals, agents, contractors, trustees or otherwise.

2. Definitions

- (1.) **Director- General** means the Director - General of the Department of Fair Trading.

Ordinary Member means a member of the committee of management who is not an office bearer of the Association as referred to in 15.2.

Secretary means:

- a. the person holding office under these rules as secretary ,or
- b. if no such person holds that office - the public officer.

Public Officer means that person appointed by the committee in accordance with the Act.

Special General Meeting means a general meeting of the Association other than an annual general meeting.

NOTE: Customary meetings held at, say, monthly intervals are not general meetings under the provisions of the Act. However, a special general meeting can be convened to coincide with such meetings provided the required notice has been given in accordance with clause 27 of these rules.

The Act means the Associations Incorporation Act 1984.

The Association means the entity recognised by law under the name "**Society of Mountain Artists Inc**".

The Regulation means the Associations Incorporation Regulation 1999.

- (2.) In these rules a reference to a function includes a reference to a power, authority and duty and a reference to the exercise of a function is a reference to the performance of a duty.

Part 2 - MEMBERSHIP

3. Membership qualifications

A person is qualified to be a member of the Association 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 Association at any time after incorporation under the Act, or
- b. the person is a natural person:
 - i. who has been nominated for membership of the Association by rule 4, **and**
 - ii. has been approved by the committee

4. Nomination for membership

- (1.) A nomination of a person for membership must be made in writing by a member in the form as set out in appendix 1. and must be lodged with the secretary.
- (2.) The secretary must refer the nomination to the committee which is to determine whether to approve or to reject the nomination.
- (3.) The secretary must notify the nominee of the committee's decision and if approved request the nominee to pay within 28 days the sum payable by a member under these rules as annual subscription.
- (4.) The secretary must, on payment of the amount referred to, enter the nominee's name in the register of members and, on the name being so entered, the nominee becomes a member of the Association.

- (5.) Life membership and/or honorary membership may be bestowed by the Association, on recommendation of the management committee, in a general meeting.

5. Cessation of membership

A person ceases to be a member if a person:

- a. dies, **or**
- b. resigns membership, **or**
- c. is expelled from the Association, **or**
- d. has not paid the annual subscription within four months from the date on which the amount was due and payable.

6. Membership entitlements not transferable

A member of the Association cannot transfer a right, privilege or obligation which a member has by reason of his membership.

7. Resignation of membership

- (1.) A member who has paid all amounts payable to the Association may resign from membership by giving written notice of the member's intention to resign,
- (2.) If a person ceases to be a member the secretary must make an appropriate entry in the register.

8. Register of members

- (1.) The secretary of the Association must maintain a register of members specifying name, address and date of joining the Association of each person who is a member of the Association,
- (2.) The register of members must be kept at the principal place of administration and must be open for inspection by any member at any reasonable hour.

9. Fees and subscription

- (1.) A member must, on admission to membership, pay to the Association a fee, determined by the committee from time to time and agreed to at a general meeting. Such fee, if paid after 31st August, shall be considered to cover the annual membership fee for the year commencing 1st January in the following year.
- (2.) In addition to any amount payable by the member under clause 9(1), a member must pay to the Association an annual membership fee equal to the fee referred to in 9(1).

10. Members Liabilities

The liability of a member of the Association to contribute towards the payment of the debts and liabilities of the Association or the costs, charges and expenses of the winding up of the Association *is* limited to the amount, if any, unpaid by the member in respect of membership as required by rule 9.

11. Resolution of internal disputes

- (1.) Disputes between members (in their capacity as members) of the Association and disputes between members and the Association, are to be referred for mediation in accordance with the Community Justice Centres Act 1983.
- (2.) At least 7 days before a mediation session is to commence the parties are to exchange statements of the issues that are in dispute between them and supply them to the mediator.

12. Disciplining of members

- (1.) A complaint may be made to the committee by any person that a member of the Association:
 - 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 Association.
- (2.) On receiving such a complaint, the committee:
 - a. must cause notice of the complaint to be served on the member concerned, and
 - b. must give the member at least 14 days from the time the notice is served within which to make submissions to the committee in connection with the complaint, and
 - c. must take into consideration any submissions made by the member in connection with the complaint.
- (3.) The committee may, by resolution, expel the member from the Association or suspend the member from membership of the Association if, after considering the complaint and any submissions made in connection with the complaint, it is satisfied that the facts alleged in the complaint have been proved.
- (4.) If the committee expels or suspends a member, the secretary must, within 7 days after the action is taken, cause written notice to be given to the member of the action taken, of the reasons given by the committee for having taken the action and of the member's right of appeal under rule 13,
- (5.) The expulsion or suspension does not take effect:

- a. until the expiration of the period within which the member is entitled to appeal against the resolution concerned, or
- b. if within that period the member exercises the right of appeal, unless and until the Association confirms the resolution under rule 13(4). whichever is the later.

13. Right of appeal of disciplined member

- (1.) A member may appeal against a resolution under rule 12 within 7 days by lodging with the secretary a notice to that effect.
- (2.) The notice may, but need not, be accompanied by a statement of the grounds on which the member intends to rely for the purposes of the appeal.
- (3.) On receipt of the notice the secretary must notify the committee which is to convene a general meeting of the Association to be held within 28 days from the date the notice was received.
- (4.) At a general meeting convened under clause 13(2)
 - a. no business other than the question of the appeal is to be transacted, and
 - b. the committee and the member must be given the opportunity to state their respective cases orally or in writing or both, and
 - c. members present are to vote by secret ballot on the question of whether the resolution should be confirmed or revoked.
- (5.) If a special resolution is passed in favour of the confirmation of the resolution, the resolution is confirmed.

Part 3 - THE COMMITTEE

14. Powers of the committee

The committee of management of the Association, hereinafter called "the Committee" and, subject to the Act, the Regulation and these rules and to any resolution passed by the Association in general meeting:

- (1.) is to control and manage the affairs of the Association, and
- (2.) may exercise all such functions as may be exercised by the Association, other than those functions that are required by these rules to be exercised by a general meeting of members, and
- (3.) has the power to perform all such acts and do all such things as appear to the committee to be necessary for the proper management of the affairs of the Association.

15. Constitution and membership

- (1.) Subject, in the case of the first members of the committee, to sec.21 of the Act, the committee is to consist of:
 - a. the office bearers of the Association, and

- b. 5 ordinary members,

each of whom is to be elected at the annual general meeting of the Association under rule 16.

- (2.) The office bearers of the Association are to be:
 - i. the president
 - ii. the vice-president
 - ii. the treasurer
 - iv. the secretary
- (3.) Each member of the committee is, subject to these rules, to 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 to fill the vacancy and the member so appointed is to hold office, subject to these rules, until the conclusion of the annual general meeting next following the date of the appointment.

16. Election of committee members

- (1.) Nominations of candidates for election as office-bearers or as ordinary members of the committee;
 - a. must be in writing, signed by 2 members of the Association and must be accompanied by the written consent of the candidate, and
 - b. must be delivered to the secretary of the Association 7 days before the date fixed for the holding of the annual general meeting.
- (2.) If insufficient nominations are received, the candidates nominated are taken to be elected and further nominations are to be received at the annual general meeting.
- (3.) If insufficient further nominations are received, any vacant positions remaining on the committee are taken to be casual vacancies.
- (4.) If the number of nominations received is equal to the number of vacancies to be filled, the persons nominated are taken to be elected.
- (5.) If the number of nominations received exceeds the number of vacancies to be filled, a ballot is to be held.

17. Secretary

- (1.) It is the duty of the secretary to keep minutes of:
 - a. All appointment of office bearers and members of the committee
 - b. Names of members of the committee present at a committee meeting or a general meeting, and

- c. All proceedings at committee and general meetings.
- (2.) Minutes of proceedings at a meeting must be signed by the chairperson of the meeting or by the chairperson of the next succeeding meeting.

18. Treasurer

It is the duty of the treasurer to ensure:

- (1.) that all money due to the Association is collected and received and that all payments authorised by the Association are made, and
- (2.) that correct books and accounts are kept showing the financial affairs of the Association, including full details of all receipts and expenditure connected with the activities of the Association.

19. Casual vacancies

For the purposes of these rules, a casual vacancy occurs if a member:

- (1.) dies, **or**
- (2.) ceases to be a member of the Association, **or**
- (3.) becomes an insolvent under administration within the meaning of the Corporations Law, **or**
- (4.) resigns office, **or**
- (5.) is removed from office under rule 20, **or**
- (6.) becomes mentally incapacitated, **or**
- (7.) is absent without consent from four consecutive meetings

20. Removal of member

- (1.) The Association in general meeting may by resolution remove any member of the committee from the office of member before the expiration of the member's term and may appoint another person to hold office until the expiration of the term of office of the member so removed.
- (2.) If a member of the committee to whom a proposed resolution referred to in clause 20(1.) relates makes representations in writing to the secretary or president and requests that the representation be notified to the members of the Association, the secretary or the president may send a copy of the representations to each member or, if the representations are not so sent, the member is entitled to require that the representations be read out at the meeting at which the resolution is considered.

21. Meetings and quorum

- (1.) The committee must meet at least 3 times in each period of 12 months at such place and time as the committee may determine.

- (2.) Additional meetings of the committee may be convened by the president or by any member of the committee.
- (3.) Oral or written notice of a meeting must be given by the secretary to each member of the committee at least 48 hours (or such other period as may be unanimously agreed on by the members of the committee) before the time appointed for the holding of the meeting.
- (4.) Any 5 members of the committee constitute a quorum for the transaction of the business of a meeting of the committee.
- (5.) No business is to be transacted by the committee unless a quorum is present and if, within half an hour of the time appointed for the meeting, a quorum is not present, the meeting is to stand adjourned to the same place and at the same hour of the same day in the following week.
- (6.) If at the adjourned meeting a quorum is not present within half an hour of the time appointed for the meeting, the meeting is to be dissolved.
- (7.) At a meeting of the committee:
 - a. the president or, in his absence, the vice-president is to preside, or
 - b. if either 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 is to preside.

22. Delegation by committee to sub-committee

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

- (5.) Any act or thing done or suffered by a sub-committee acting in the exercise of a delegation under this rule has the same force and effect as it would have if it had been done by the committee.
- (6.) The committee may, by instrument in writing revoke wholly or in part any delegation under this rule.
- (7.) A sub-committee may meet and adjourn, as it thinks proper.

23. Voting and decisions

- (1.) Questions arising at meetings of the committee or of any sub-committee appointed by the committee are to be determined by a majority of the votes of members of the committee or sub-committee present at the meeting.
- (2.) Each member present at a meeting of the committee or of any 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 despite any vacancy on the committee.
- (4.) Any act done or suffered, or purporting to have been done or suffered, by the committee or by the sub-committee appointed by the committee is valid and effectual despite any defect that may afterwards be discovered in the appointment or qualification of any member of the committee or sub-committee.

Part 4 - GENERAL MEETINGS

24. Holding of annual general meetings

- (1.) With the exception of the first annual general meeting of the Association, the Association must, at least once in each calendar year and within the period of 6 months after the expiration of each financial year convene an annual general meeting of its members.
- (2.) The Association must hold its first annual general meeting:
 - a. within the period of 18 months after its incorporation, and
 - b. within the period of 6 month after the expiration of the first financial year.
- (3.) Clauses 24(1) and 24 (2) have effect subject to any extension or permission granted by the Director-General under Sec.26 (3) of the Act.

25. Calling of and business at annual general meetings

- (1.) The annual general meeting of the Association is, subject to the Act and rule 24 is to be convened on such date and such place and time as the committee thinks fit.
- (2.) In addition to any other business which may be transacted at an annual general meeting, the business of an annual general meeting is to include the following:
 - a. To confirm the minutes of the last preceding annual general meeting and any special general meeting held since that meeting,
 - b. to receive from the committee reports on the activities of the Association during the last preceding financial year,
 - c. to elect office- bearers of the Association and ordinary members of the committee,
 - d. to receive and consider the statement which is required to be submitted to members under Sec.26 (6) of the Act.
- (3.) An annual general meeting must be specified as such in the notice convening it.

26. Calling of special general meetings

- (1.) The committee may, whenever it thinks fit, convene a special general meeting of the Association.
- (2.) The committee must convene a special general meeting if requested in writing to do so by at least 10% of the total number of members.
- (3.) The request must state the purpose of the meeting, and
 - a. must be signed by the members making the request, and
 - b. must be lodged with the secretary, and
 - c. 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 the meeting within 1 month anyone or more of the members who made the request may convene a meeting to be held no later than 3 months after that date.
- (5.) A special general meeting as referred to in clause 26(4) must be convened as nearly as practicable in the same manner as general meetings are by the committee and any member who consequently incurs expenses is entitled to be reimbursed by the Association for any expenses so incurred.

27. Notice

- (1.) Except if the nature of the business proposed to be dealt with at a general meeting requires a special resolution of the Association, the secretary must at least 14 days before the date fixed for the holding of the general meeting, give a notice to each member specifying the place, date and time of the meeting and the nature of the business proposed to be transacted at the meeting.

- (2.) If the nature of the business proposed to be dealt with at a general meeting requires a special resolution of the Association, the secretary must, at least 21 days before the date fixed for the holding of the general meeting, cause notice to be given to each member specifying, in addition to the matter required under clause 27(1), the intention to propose the resolution as a special resolution.
- (3.) No business other than that specified in the notice convening a general meeting is to be transacted at the meeting except, in the case of an annual general meeting, business which may be transacted under rule 25(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.

28. Procedures

- (1.) No item of business is to 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.) 25 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 meeting:
 - a. if convened on the requisition of members, is to be dissolved
 - and**
 - b. in any other case, is to stand adjourned to a time and place to be decided by the person presiding at the meeting within 2 days and this time and place to be communicated to members by written notice.
- (4.) If at the adjourned meeting a quorum is not present within half an hour after the time appointed for the commencement of the meeting the members present (being at least 20) is to constitute a quorum.

29. Presiding member

- (1.) The president or, in the president's absence, the vice-president, is to preside as chairperson at each general meeting of the Association.
- (2.) If the president and the vice-president are absent, the members present must elect one of their number to preside as chairperson at the meeting.

30. Adjournment

- (1.) The chairperson of a general meeting at which a quorum is present may, with the consent of the majority of members present at the meeting, adjourn the meeting from time to time and place to place, but no business is to be

transacted at the 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 Association stating the place, date, and time of the meeting and the nature of the business to be transacted at the meeting.
- (3.) Except as provided in clauses (1) and (2), notice of an adjournment of a general meeting or of the business to be transacted at an adjourned meeting is not required to be given.

31. Making of decisions

- (1.) A question arising at a general meeting of the Association is to 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 Association, 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 a poll may be demanded by the chairperson or by at least 5 members present in person or by proxy at the meeting.
- (3.) If a poll is demanded at a general meeting, the poll must be taken:
 - a immediately in the case of a poll which relates to the of election of the chairperson 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 is taken to be the resolution of the meeting on the matter.

32. Special resolution

A resolution of the Association is a special resolution:

- (1.) if it is passed by a majority which comprises at least two third of such members of the Association as, being entitled under the rules so to do, vote in person or by proxy at a general meeting of which at least 21 days written notice specifying the intention to propose the resolution as a special resolution was given in accordance with these rules, or
- (3.) where it is made to appear to the Director-General that it is not practicable for the resolution to be passed in the manner specified in section (1), if the resolution is passed in a manner specified by the Director-General.

33. Voting

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

- (2.) All votes must be given personally or by proxy but no member may hold more than 5 proxies.
- (3.) In the case of an equality of votes at a general meeting the chairperson may exercise a second or a casting vote.
- (4.) A member or proxy is not entitled to vote unless all money due has been paid.

34. 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 prior to the meeting.
- (2.) The notice is to be in the form set out in appendix 2.

Part 5 - MISCELLANEOUS

35. Insurance

The Association must effect and maintain insurance under section 44 of the Act.

36. Funds - source

- (1.) The funds of the Association are to be derived from annual subscriptions of Members, donations and such other sources as the committee determines.
- (2.) All money received must be deposited as soon as practicable to the credit of the Association's bank account.
- (3.) The Association must, as soon as practicable after receiving any money, issue an appropriate receipt.

37. Funds - management

- (1.) Subject to any resolution passed by the Association in general meeting, the funds of the Association are to be used in pursuance of the objects of the Association in such manner as the committee determines.
- (2.) All cheques, drafts and other negotiable instruments must be signed by any 2 members of the committee being authorised to do so.

38. Alteration of objects of rules

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

39. Common seal

- (1.) The common seal of the Association must be kept in the custody of the secretary.

- (2.) The common seal must not be affixed to any instrument except by the authority of the committee and the affixing of the common seal must be attested by the signatures of 2 members of the committee.

40. Custody of books

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

41. Inspection of books

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

42. Auditors

The committee may, if it sees fit, appoint an auditor, who shall not be a member of the committee, to audit the annual accounts.

43. Service of notices

- (1.) For the purpose of these rules, a notice may be served on or given to a person:
 - a. by delivering it to the person personally, or
 - b. by sending it by pre-paid post to the address of the person, or
 - c. by sending it by facsimile transmission or some other form of electronic transmission to an address specified by the person for giving or serving the notice.

- (2.) For the purpose of these rules, a notice is taken, unless the contrary is proved, to have been given or served:
 - a. in the case of a notice given or served personally, on the date on which it is received, and
 - b. in the case of a notice sent by mail, on the date when it would have been delivered in the ordinary course of post, and
 - c. in the case of a notice sent by electronic transmission, on the date it was sent.

APPENDIX 1



APPLICATION FOR SINGLE OR JOINT MEMBERSHIP
Incorporated under the Associations Incorporation Act 1984

Patron: John Wilson Society Website: www.mountainartists.org E-mail: societymountainartists@hotmail.com

Send Forms and Payment to: Society of Mountain Artists Inc., PO Box 76, Wentworth Falls, NSW

TITLE: Dr. Mr. Mrs. Miss Ms. (please circle)	SINGLE MEMBERSHIP
GIVEN NAMES: _____	
If you prefer to use a particular name, please indicate: _____	
SURNAME: _____ OCCUPATION: _____	

TITLE: Dr. Mr. Mrs. Miss Ms. (please circle)	JOINT MEMBERSHIP At same address
GIVEN NAMES: _____	
If you prefer to use a particular name, please indicate: _____	
SURNAME: _____ OCCUPATION: _____	

↑ ADDRESS: _____

POSTCODE: _____

E-MAIL ADDRESS: _____ Newsletter by E-MAIL ? (Y/N) _____

↓ PHONE: _____ MOBILE PHONE: _____

Do you have any talents (other than art) that you would like to share with the society ? _____ _____ _____

1. I/we hereby apply to be admitted as a member of the above mentioned Society
2. If this application is approved, I/we agree to pay all charges required by the Society, a list of which has been supplied to me/us and I/we agree to be bound by the rules of the Society and by any alterations thereof registered in accordance with the above mentioned Act.

SIGNATURE OF APPLICANT(S): (1) _____ (2) _____

DATED THIS _____ DAY OF _____ 20__

PROPOSED (Society Member) _____ SECONDED (Society Member) _____

COSTS TO JOIN THE SOCIETY: Renewable on 1st January each year

Membership One Person	Joint Membership (same address)
Fees apply to one person (Includes badge): \$50	Fees apply to two persons (Includes 2 badges): \$90
Yearly Renewal in January \$40 -- Replacement Badge \$10	Yearly Renewal in January \$70 -- Replacement Badge \$10

HOBBYIST YES NO Please tick ✓ <input type="checkbox"/> <input type="checkbox"/>	ABN <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/>
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OFFICE USE ONLY:
 Payment by: Cheque Cash Postal Order Received on: ____/____/20__
 Board Approval Dated ____/____/20__
 List _____ Newsletter _____ Receipt Number _____ Badge(s) _____

APPENDIX 2 Appointment of Proxy, Clause 34(2)

I.....(member's name)

appoint.....(proxy's name)

To vote for me at the Society's General Meeting to be held on/...../.....

.....Member's signature

To be given to the Secretary no later than 24 hours prior to the meeting