



CAMPASPE COLLEGE
of Adult Education Echuca

CONSTITUTION OF

ECHUCA COMMUNITY EDUCATION
GROUP (INCORPORATED)

Trading as

Campaspe College of
Adult Education (Incorporated)

Amended Version 2004



CAMPASPE COLLEGE
of Adult Education Echuca

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CURRENT REGULATIONS

1. Meetings

General Board Meetings are to be held on the third Monday in each month for February to December inclusive, commencing at 5.30 pm and concluding at 7.00pm with provision for Board resolution to extend the finishing time.

All reports will be received with the request that all reports, minutes and agenda sheet be forwarded to the Board members one clear week prior to the Board meetings.

2. Entitlements

Committee or Management members and voluntary workers be entitled to two (2) course enrollments per annum, free of charge but at no cost to the College with regard to course equipment, sundries etc, provided a vacancy exists in the course(s) requested. Voluntary workers are to have such entitlements extended to them at the CEO's discretion.

3. Performance Bonuses

A .5 % incentive bonus, based on non grant funds raised will be made available to staff on a pro data basis.

4. Reporting

The CEO provide the Board with an "Enrollment Report" at each meeting. Such meeting to include;

- a.) List of current classes
- b.) Class numbers
- c.) Course cancellations
- d.) Trends in above
- e.) Admin Officers comments

5. Private use

- a.) That the College display the current policy regarding private use of College equipment and
- b.) That the College display the current policy regarding use of private equipment for College projects.

6. Overtime

As per Award

7. Vehicle use

The Board will be given a schedule of vehicle use on a monthly basis as part of the CEO's report.

8. Emergency evacuation

An emergency evacuation plan be displayed in each room and the corridor and that all tutors be given instructions regarding emergency procedures and services.

9. Employment statements

No statement of employment status be given without the approval of the Board of Management.

10. Expenditure

All purchases over \$1000.00 to be brought before the Board of Management prior to purchase.



NAME AND INTERPRETATION

1. NAME

- 1.01 The name of the incorporated association is:
Echuca Community Education Group (Incorporated) trading as Campaspe College of Adult Education (incorporated). (in these rules called “The Association”)

2. INTERPRETATION

- 2.01 In these rules, unless the contrary intention appears: “Committee” means the Board of Management of the Association.

“The office bearers” or “Executive” means the elected Chairperson, Deputy Chairperson, Secretary and Treasurer.

“Financial year” means the year ending on 31st December.

“General Meeting” means a general meeting of members convened in accordance with Rule 9.

“Member” means a member of the Association.

“Ordinary Member of the Committee” means a member of the Board of Management who is not a office bearer of the Association under rule 13.

“Officer” or “CEO” means the executive officer or his/her assistant as designated by the Board of Management.⁶

“The Act” means the Associations Incorporation Act 1981 as amended.

“Regulations” means regulations under the act.

- 2.02 In these Rules, a reference to the Secretary of an Association is a reference:

- a) where a person holds office under these Rules as Secretary of the Association – to that person, or
- b) where the Association appoints an employee to undertake secretarial duties at its direction, to that person and ;or
- c) in any other case, to the Public Officer of the Association.

- 2.03 Words or expressions contained in these rules shall be interpreted in accordance with the provisions of the Acts Interpretation Act 1958 and the Act as in force from time to time.

IMPACT LEGISLATION

1. Associations Incorporations Act 1981
2. Acts Interpretation Act 1958 or current.



3. MEMBERSHIP

APPLICATION FOR MEMBERSHIP

- 3.01 Candidates applying for membership must be deemed as not having a conflict of interest such as listed below. The association defines conflict of interest as “a conflict between the private or professional interests and official responsibilities of a person in a position of trust”. A member of the Association shall not:
- a) Be directly involved in activities that would undermine the operation of the Association.
 - b) Have a personal, professional or financial interest in any matters related to the capital developments affecting the properties belonging to the Association.
 - c) Be a paid fulltime, part-time or casual employee, nor a consultant or training contractor employed by the Association, nor an ongoing student.
 - d) Former staff members are not eligible for membership for a period of two years after they ceased to be an employee.
 - e) Board members may enroll in courses only with the express permission of the Board of Management.
- 3.02 Candidates nominated for membership of the Incorporation shall declare any pecuniary interests at the time of their acceptance of nomination.
- 3.03 If, during their term as a member of the Association a member’s pecuniary interests change, the member should notify the Board of Management. The member may be required to lodge a new disclosure statement outlining the changes.
- 3.04 Membership of the Association shall be available to any person under the Constitution and who has paid an annual subscription as designated by the Board of Management and who subscribes to the stated purposes of the Association.
- 3.05 A nomination of a person for membership of the Association:
- a) shall be made in writing in the form set out in Appendix C
 - b) shall be lodged with the CEO of the Association.
- 3.06 As soon as is practical after the receipt of a nomination, the CEO shall refer the nomination to the Board.
- 3.07 Upon a nomination being referred to the Board, the Board shall determine whether to approve or reject the nomination.
- 3.08 Upon a nomination being approved by the Board, the Secretary shall with as little delay as possible, notify the nominee in writing that he or she is approved for membership of the Association.
- 3.09 The CEO shall enter the nominee’s name in the register of members and, upon the name being so entered, the nominee becomes a member of the Association.



- 3.10 A right, privilege or obligation of a person or group by reason of his membership of the Association:
- is not capable of being transferred or transmitted to another person or group,
 - terminates upon the cessation of membership whether by death or resignation or otherwise.

REGISTER OF MEMBERS

- 3.11 The Secretary must keep and maintain a register of members containing:
- the name and address of each member; and
 - the date on which each member's name was entered in the register.
- 3.12 The register is available for inspection free of charge by any member upon request.
- 3.13 A member may make a copy of entries in the register.

4. ANNUAL SUBSCRIPTION

- 4.01 The annual subscription may be determined by the Board, and will become operative upon confirmation by an Annual General Meeting or Special General Meeting.
- 4.02 An annual subscription may be determined by the Board, and will become operative upon confirmation by an Annual General Meeting or Special General Meeting.

5. RESIGNATION, EXPULSION OF MEMBER

RESIGNATION AND EXPULSION

- 5.01 Resignation - Members may resign from the Association by written notice or by non payment of membership fees within one month of a notice that such fees are due.
- 5.02 Upon the expiration of a notice given under sub – clause (1), Public Officer shall make in the register of members an entry recording the date on which the member by whom the notice was given, ceased to be a member.
- 5.03 Removal – The Board may suspend or expel any member of the Association
- who commits any breach of any rule or by – law of the Association; or
 - who, in the opinion of the Board, acts in a matter which is contrary to the interests of the Association; or
 - no longer complies with the membership requirements of the Association.

The member shall be informed of the allegation and be invited to present a personal or written explanation to the Board meeting at which the matter is to be considered.



CAMPASPE COLLEGE
of Adult Education Echuca

REMOVAL OF BOARD MEMBER (ORDINARY AND EXECUTIVE)

- 5.04 A member of the Board of Management who is absent for 3 consecutive Board of Management meetings without apology, may by decision of the Board of Management at a Board of Management meeting, be removed from office.
- 5.05 The Association in General Meeting may by resolution remove any member of the Board of Management before the expiration of his / her term of office and appoint another member in his / her place to hold office until the expiration of the term of the first mentioned member.
- 5.06 The member may require the Secretary or Chairperson to send a copy of the reason(s) to each member of the Association or, if they are not sent, the member may require that they be read out at the meeting.

DISPUTES AND MEDIATION

- 5.07 The grievance procedure set out in this rule applies to disputes under these Rules between:
a) member or another member; or
b) member and the Association
- 5.08 The parties to the dispute must meet and discuss the matter in dispute, and, if possible, resolve the dispute within 14 days after the dispute comes to the attention of all the parties.
- 5.09 If the parties are unable to resolve the dispute at the meeting, or if a party fails to attend that meeting, then the parties must, within 10 days, hold a meeting in the presence of a mediator.
- 5.10 The mediator must be:
a) a person chosen by agreement between the parties; or
b) in the absence of agreement:
I. in the case of a dispute between a member and another member, a person appointed by the committee of the Association; or
II. in the case of a dispute between a member and the Association, a person who is a mediator appointed or employed by the Dispute Settlement Centre of Victoria (Department of Justice).
- 5.11 A member of the Association can be a mediator.
- 5.12 The mediator cannot be a member who is a party to the dispute.
- 5.13 The parties to the dispute must, in good faith, attempt to settle the dispute by mediation.
- 5.14 The mediator, in conducting the mediation, must:
a) give the parties to the mediation process every opportunity to be heard; and
b) allow due consideration by all parties of any written statement submitted by any party; and
c) ensure that natural justice is accorded to the parties to the dispute throughout the mediation process.
- 5.15 The mediator must not determine the dispute.
- 5.16 If the mediation process does not result in the dispute being resolved, the parties may seek to resolve the dispute in accordance with the Act or otherwise at law.



6. ANNUAL GENERAL MEETING

- 6.1 The Association shall in each calendar year convene an Annual General Meeting of its members.
- 6.2 The Annual General Meeting shall be held on such day as the Board determines.
- 6.3 The Annual General Meeting shall be specified as such in the notice convening it.
- 6.4 Notice of the Annual General Meeting shall be advertised in the local press of the district at least fourteen (14) days prior to meeting.
- 6.5 The ordinary business of the Annual General Meeting shall be;
 - a) to confirm the minutes of the preceding Annual General Meeting,
 - b) to receive from the Board reports upon transactions of the Association during the last preceding financial year;
 - c) to elect the ordinary members of the Board
 - d) to receive and consider the financial statement submitted by the Association in accordance with section 30 (3) of the Act.
 - e) appointment of registered Association auditor.
 - f) To set an annual membership fee
- 6.6 The Annual General Meeting may transact special business of which notice is given in accordance with 6.4.
- 6.7 The Annual General Meeting shall be in addition to any other general meetings that may be held in the same year.

7. SPECIAL GENERAL MEETING

- 7.01 All General Meetings other than the Annual General Meeting shall be called Special General Meetings.
- 7.02 The Board may whenever it thinks fit, convene a Special General Meeting of the Association and where, but for this sub – clause, more than 15 months would elapse between Annual General Meetings, shall convene a Special General Meeting before the expiration of that period.
- 7.03 The Board shall, on requisition in writing of members representing not less than 5% of the total number of members, convene a Special General Meeting of the Association.
- 7.04 The requisition for a Special General Meeting shall state the objectives of the meeting and shall be signed by the members making the requisition and be sent to the address of the Secretary and may consist of several documents in a like form, each signed by one or more members making the requisition.
- 7.05 If the Board does not cause a Special General Meeting to be held within one month after the date on which the requisition is sent to the address of the Secretary, the members making the requisition, or any of them may convene a Special General Meeting to be held not later than 3 months after that date.



- 7.06 A Special General Meeting convened by members in pursuance of these rules shall be convened in the same manner or as nearly as possible as that in which those meetings are convened by the Board and all responsible expenses incurred in convening the meeting shall be refunded by the Association to the persons incurring the expenses.

8. NOTICE OF A SPECIAL GENERAL MEETING

- 8.01 The Secretary of the Association shall, at least 14 days before the date fixed for holding a General Meeting of the Association, cause a notice of such meeting to be advertised in the local press of the district, stating the place, date and time of the meeting and the nature of the business to be transacted at the meeting.
- 8.02 No business other than that set out in the notice convening the meeting shall be transacted at the meeting.
- 8.03 A member desiring to bring any business before a meeting may give notice of that business in writing to the Secretary, who shall include that business in the notice calling the next General Meeting after the receipt of the notice.

9. PROCEEDINGS AT GENERAL MEETINGS

- 9.01 The Chairperson, or in his/ her absence, the Deputy Chairperson shall preside as Chairperson at each General Meeting of the Association.
- 9.02 If the Chairperson and the Deputy Chairperson are absent from a General Meeting, the members present shall elect one of their number to preside as Chairperson at the meeting.
- 9.03 All business that is transacted at a Special General Meeting and all business that is transacted at the Annual General Meeting with the exception of that specially referred to in these rules as being the ordinary business of the Annual General Meeting shall be deemed to be special business.
- 9.04 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 when the meeting is considering that item.
- 9.05 Five (5) members including two (2) Executive Members personally present (being members entitled under these rules to vote at a General Meeting) shall constitute a quorum for the transaction of the business of a General Meeting.
- 9.06 If within half an hour after the appointed time for the commencement of a General Meeting a quorum is not present the meeting, if convened upon the requisition of members shall be dissolved, and in any other case shall stand adjourned to the same day in the next week at the same time and (unless another place is specified by the Chairperson at the time of the adjournment or by written notice to members given before the day in which the meeting is adjourned) at the same place, and if at the adjourned meeting the quorum is not present within half an hour after the time appointed for the commencement of the meeting, the members present (being not less than 3) shall be a quorum.



- 9.07 The Chairperson of a General Meeting at which a quorum is present may, with the consent of 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.
- 9.08 Where a meeting is adjourned for 14 days or more, a like notice of the adjourned meeting shall be given as in the case of the General Meeting.
- 9.09 Except as provided in sub – clause 9.7 and 9.8, it is not necessary to give notice of an adjournment or of the business to be transacted at an adjourned meeting.

10. VOTING AT GENERAL MEETINGS

- 10.01 A question arising at a General Meeting of the Association shall be determined on a show of hands and declared by the Chairperson.
- 10.02 Upon a question arising at a General Meeting of the Association, a member has one vote only.
- 10.03 All votes shall be given personally or by proxy.
- 10.04 Each member shall be entitled to appoint another member as his 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. (See appendix A)
- 10.05 A member is not entitled to vote at any General Meeting unless all monies due and payable by them to the Association have been paid.
- 10.06 In the case of an equality of voting on a question, the Chairperson of the meeting is entitled to exercise a second or casting vote.
- 10.07 If at a meeting a poll on any question is demanded by not less than three members, it shall be taken at that meeting in such manner as the Chairperson may direct and the resolution of the poll shall be deemed to be a resolution of the meeting on that question.
- 10.08 A poll that is demanded on the election of a Chairperson or on a question of an adjournment shall be taken forthwith, and a poll that is demanded on any other question shall be taken at such time before the close of the meeting as the Chairperson may direct.

11. MINUTES FOR GENERAL MEETINGS

- 11.01 Minutes of the proceedings of every General Meeting, shall be kept in a minute book, which shall be available at the Association’s official address for inspection by members.



12. MANAGEMENT OF THE ASSOCIATION

12.01 The affairs of the Association shall be managed by the Board of Management.

COMPOSITION

12.02 The Board of Management of the Campaspe College of Adult Education shall consist of a maximum of twelve (12) members; with (10) members being the preferred number.

- a) Of the twelve (12) Board of Management positions, ten (10) shall be elected at the A.G.M. by members in attendance; two (2) positions may be filled by Board of Management appointment for a minimum of a period of six (6) months.
- b) The C.E.O shall be a member ex officio and may hold the position of Secretary but will have no voting rights.

ROLE OF BOARD OF MANAGEMENT

12.03 The Board has overall responsibility for the College, the protection of its assets, and the quality of its service. In consultation with the CEO the Board is responsible for setting the vision for the College.

12.04 **The key functions of the Board of Management are:**

- a) Establishing the strategic direction of the organization and ensuring overall goals, mission and objectives are adhered to. It is also the role of the Board of Management to support the CEO in implementing these directives.
- b) Determining management policies that ensure efficient and effective management of all resources in accordance with professional, legal and ethical standards. To monitor the performance of the College, including the achievement of objectives, personnel, financial and resource management and the performance of all staff, against the Best Practice Standards.
- c) Delegating authority and accountability, by establishing an appropriate organizational structure and system for communications and reporting.
- d) Overseeing financial management and safeguarding of assets.
- e) Ensuring the Board of Management itself works effectively and members are appropriately skilled.
- f) Promoting the organization and lobbying on its behalf in the community.
- g) Ensuring proper working relationships are established and maintained with other organizations, the community and consumers of our services.
- h) Ensuring appropriate staff are employed to carry out the work of the Campaspe College of Adult Education.

- i) To appoint sub – committees consisting of at least one(1) member of the Board of Management and such other members as are deemed necessary.
 - (i) Such sub – committees shall provide considered opinion and advise on issues referred to it to the Board of Management within its prescribed jurisdiction.
 - (ii) Such sub – committees should provide cost effective recommendations to the Board of Management.

13. ELECTION OF BOARD OF MANAGEMENT

- 13.1 Nominations of candidates for election as ordinary members of the Board
 - a) shall be made in writing, signed by two members of the Association and accompanied by the written consent of the candidate (see Appendix B) and
 - b) shall be delivered to the CEO of the Association 14 days before the date fixed for the holding of the AGM.

- 13.2 Election process and composition of the Board of Management
 - a) Election of the Board of Management Executive shall be undertaken at the first meeting of the Board of Management after the AGM.
 - b) The Board of Management Executive shall consist of:
 - I.Chairperson
 - II.Deputy Chairperson
 - III.Secretary – this position may be undertaken by the CEO at the direction of the Board.
 - IV.Treasurer

- 13.3 Direct nominations to the Board of Management after the AGM
 - a) If insufficient numbers are received to fill all Board vacancies, the candidates nominated shall be duly elected.

 - b) Any nominations subsequent to the AGM for unfilled Board of Management positions may be considered by the Board of Management at any Board meeting.

- 13.4 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.

- 13.5 If the number of nominations received are more than the required ten in number a secret ballot shall be held at the AGM in such visual and proper manner as the current Board of Management may direct.

- 13.6 For the purpose of the above rules the position of an Executive member or ordinary Board of Management member becomes vacant if the member resigns his/ her position by written notice given to the Chairperson.

- 13.7 In the event of a casual vacancy in any office referred to in sub-rule(13.2), the Board may appoint one of its members to the vacant office and the member appointed may continue in office up to and including the conclusion of the annual general meeting next following the date of the appointment.



14. PROCEEDINGS OF BOARD OF MANAGEMENT

- 14.01 The Board shall meet at least 10 times in each year at such places and times as the Board may determine.
- 14.02 Each Board member shall receive written notice of Board Meetings at least 5 days prior to the meeting.
- 14.03 Special Meetings of the Board may be convened by the Chairperson or by any 5 of the members of the Board.
- 14.04 Notice shall be given to members of the Board of any Special Meeting specifying the general nature of the business to be transacted and no other business shall be transacted at such a meeting.
- 14.05 Six members of the Board including two Executive members constitute a quorum for the transaction of the business of a meeting of the Board.
- 14.06 No business shall be transacted unless a quorum is present. If within half an hour of the time appointed for the meeting a quorum is not present the meeting shall stand adjourned to the same place and at the same hour of the same day in the following week unless the meeting was a Special Meeting in which case it lapses.

15 ROLES WITHIN BOARD OF MANAGEMENT

- 15.01 **Chairperson:** The Chairperson shall:
 - a) Chair monthly Board meetings and other Special Meetings as required.
 - b) Promote a harmonious working relationship with all staff.
 - c) Undertake day to day communication with Management.
 - d) Ensure that the Board members understand and carry out their roles.
 - e) Have the power of the casting vote should a tied vote occur.
 - f) Preside at the Annual General Meeting.
 - g) Act as a member of the Executive.
 - h) Uphold the Constitution and Rules of the Association.
- 15.02 **Deputy Chairperson:** The Deputy Chairperson shall:
 - a) Act in the absence of the Chairperson.
 - b) Act as a member of the Executive.
 - c) Uphold the Constitution and the Rules of the Association.
- 15.03 **The Secretary:** The Secretary shall:
 - a) Arrange for the minutes, resolutions and proceedings of each meeting, to be recorded in a book provided for that purpose.
 - b) Shall record the names of persons at each meeting.
 - c) Ensure that the Common Seal of the College is kept in safe custody.
 - d) Act as a member of the Executive.
 - e) Ensure that all Annual Reports are sent to the Office of Fair Trading and Business Affairs after the AGM each year along with the appropriate fee.
 - f) Uphold the Constitution and the Rules of the Association.



- 15.04 **Treasurer:** The Treasurer shall:
- Ensure correct accounts / records are kept and that an Annual Audit is carried out by the AGM nominated Accountant.
 - Act as a member of the Executive.
 - Uphold the Constitution and the Rules of the Association.
- 15.05 **Public Officer:** The Public Officer shall:
- Be the CEO and shall undertake such duties as are specified under the Act, and organize other duties as the Association shall from time to time determine.
 - Uphold the Constitution and the Rules of the Association.
- 15.06 **General Members:** The General Members shall:
- Attend all General Board Meetings
 - Assist as requested the other members of the Board of Management in the performance of their duties.
 - Uphold the Constitution and the Rules of the Association.

16. CHEQUES

- 16.01 All cheques, drafts, bills of exchange, promissory notes and other negotiable instruments shall be signed by two persons of those approved as signatories by the Board at the first meeting after the AGM.

17 SEAL

- 17.01 The Common Seal of the Association shall be kept in the custody of the CEO.
- 17.02 The Common Seal shall be affixed to all business documents.
- 17.03 The Common Seal shall not be affixed to any instrument except by the authority of the Board of Management and the affixing of the Common Seal shall be attested by the signatures either of two members of the Board of Management or of one member of the Board and of the CEO of the Association.



18. ALTERATION / WINDING UP AND RECORDS / FUNDS

18.01 ALTERATION OF RULES

No rule of the Association shall be repealed or amended and no new rule shall be made except by a special resolution at an AGM or Special General Meeting called for such purpose. The special resolution requires a minimum of 21 days notice to members and $\frac{3}{4}$ vote of members.

18.02 WINDING UP

In the event of the winding up or the cancellation of the Incorporation of the Association, the assets of the Association shall be disposed of in accordance with the provisions of the Act or shall be transferred to some other organization having objectives similar to the objectives of this Association, or a charitable institution.

18.03 CUSTODY OF RECORDS

Except as otherwise provided in these Rules, the Secretary shall keep in his / her custody or under his / her control all books, documents and securities which shall be available for inspection by members of the Association upon reasonable notice to the Secretary.

18.04 FUNDS

The funds of the Association shall be derived from enrolment fees, grants, subsidies, membership fees, donations and such other sources as the Board determines.

19. AUDITOR / ANNUAL REPORTS

19.01 AUDITOR

The auditor appointed at the AGM shall be a currently registered auditor whose qualifications are recognised in the State of Victoria.

19.02 ANNUAL REPORT, FINANCIAL STATEMENT AND EVALUATION

A copy of the annual report, audited statement of financial affairs and evaluation report on progress and activities of the Association shall be forwarded to any appropriate authorities and organizations after endorsement by the Annual General Meeting.



Appendix A

PROXY VOTING FORM

Proxy Voting – Every member shall be entitled to one vote at every General Meeting and may appoint any other member by proxy, which shall be deposited with the Secretary no later than 24 hours before the time of the meeting in respect of which the proxy is appointed.

The instrument appointing a proxy may be in the following form or in a common or usual form:

..... Incorporated

I ofbeing a

member of theIncorporated hereby

appoint as my proxy to vote for me

on my behalf at the Annual (or Special) General Meeting of the Association, to

be held on the.....day of.....20

and any adjournment thereof.

My proxy is hereby authorized to vote in favor of / against the following resolutions.

Signed thisday of20

Signature of Member:

Printed name of Member:

Address of Member:.....



Appendix B

NOMINATION FORM – For Membership of the Association

I wish to nominate for membership of the Association

NAME: _____

ADDRESS: _____

CONTACT PHONE NUMBER: (AH) _____

(BH) _____

Proposed:

Name: _____

Address: _____

Contact Phone Number: _____

Date: _____

Seconded:

Name: _____

Address: _____

Contact Phone Number: _____

Date: _____

Please note: An Annual subscription of \$2.00 must accompany this form

Office Use	
Date received:	
Date receipted:	
Received by:	



Appendix C

NOMINATION FORM – For Membership of the Board of Management

I wish to nominate for membership of the Campaspe College of Adult Education Board of Management.

NAME: _____

ADDRESS: _____

CONTACT PHONE NUMBER: (AH) _____

(BH) _____

Proposed:

Name: _____

Address: _____

Contact Phone Number: _____

Date: _____

Seconded:

Name: _____

Address: _____

Contact Phone Number: _____

Date: _____