WESTS ILLAWARRA HOCKEY CLUB

CONSTITUTION

MAY 2003

Incorporated under the Associations Incorporation Act 1984

Constitution of Wests Illawarra Hockey Club

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Part 1 Preliminary

1 Definitions

- (1) In this Constitution:
 - Associate Member means any person who the Committee have approved as being an Associate Member of the Association in accordance with clause 3.
 - **Association** means Wests Illawarra Hockey Club (or any prior or successor names by which the club has or will be known by).
 - **Director-General** means the Director-General of the Department of Fair Trading.
 - Life Member means any person who the Association has awarded a life membership to the Association in accordance with clause 3, and includes any person who was awarded a life membership to the Association prior to the adoption of this Constitution by the Association.

Secretary means:

- (a) the person holding office under this Constitution as Secretary of the Association, or
- (b) if no such person holds that office the Public Officer of the Association.
- **Special general meeting** means a general meeting of the Association other than an annual general meeting.

the Act means the Associations Incorporation Act 1984.

the regulation means the Associations Incorporation Regulation 1999.

- (2) In this Constitution:
 - (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, if the function is a duty, a reference to the performance of the duty.
- (3) The provisions of the *Interpretation Act 1987* apply to and in respect of this Constitution in the same manner as those provisions would so apply if this Constitution were an instrument made under the Act.

Part 2 Membership

2 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 of the Association under the Act, or

- (b) the person is a natural person:
 - (i) who has been nominated for membership of the Association as provided by clause 3, and
 - (ii) who has been approved for membership of the Association by the Committee of the Association.

3 Nomination for membership

- (1) A person may nominate for membership of the Association by completing the nomination form approved by the Committee and lodging this with the Secretary of the Association or any other member of the Committee.
- (2) As soon as practicable after receiving a nomination for membership, the Secretary must refer the nomination to the Committee which is to determine whether to approve or to reject the nomination.
- (3) As soon as practicable after the Committee makes that determination, the Secretary must:
 - (a) notify the nominee that the Committee approved or rejected the nomination (whichever is applicable), and
 - (b) if the Committee approved the nomination, request the nominee to pay (within the period determined by the Committee) the sum payable under this Constitution by a member as entrance fee and annual subscription.
- (4) The Secretary must ensure, on payment by the nominee of the amounts referred to in sub-clause (3)(b) within the period determined by the Committee, that the nominee's name is entered in the register of members and, on the name being so entered, the nominee becomes a member of the Association.
- (5) The Committee may approve any person being an Associate Member of the Association. Any membership fees or other pre-requisites for associate membership of the association are to be determined by the Committee.
- (6) The Association may, by special resolution, award life membership of the Association to any person for significant service to the Association over an extended period of time. Nominations for life membership may only be made to the Association by the Committee. A Life Member receives such benefits as are determined by the Association and Committee from time to time.

4 Cessation of and suspension of membership

- (1) A person ceases to be a member of the Association if the person:
 - (a) dies, or
 - (b) resigns membership, or
 - (c) is expelled from the Association.
- (2) A person's membership of the Association may be suspended where the Committee determines that the member has not paid all amounts payable to the Association within the period determined by the Committee, or for any other reason determined by the Committee.

5 Membership entitlements

- (1) Subject to sub-clause (2), a right, privilege or obligation which a person has by reason of being a member of the Association:
 - (a) is not capable of being transferred or transmitted to another person, and
 - (b) terminates on cessation of the person's membership.
- (2) As approved by the Committee, a parent or guardian of a member may exercise a right or privilege, or undertake an obligation, of that member.

6 Resignation of membership

- (1) A member of the Association is not entitled to resign that membership except in accordance with this clause.
- (2) A member of the Association who has paid all amounts payable by the member to the Association in respect of the member's membership may resign from membership of the Association by first giving to the Secretary or any other member of the Committee notice of at least one month (or such other period as the Committee may determine) of the member's intention to resign and, on the expiration of the period of notice, the member ceases to be a member.
- (3) If a member of the Association ceases to be a member under sub-clause (2), and in every other case where a member ceases to hold membership, an appropriate entry is to be made in the register of members recording the date on which the member ceased to be a member.

7 Register of members

- (1) The Public Officer of the Association, or a member of the Committee, must establish and maintain a register of members of the Association specifying the name and address of each person who is a member of the Association together with the date on which the person became a member.
- (2) The register of members must be kept at the principal place of administration of the Association, or at any other location determined by the Committee, and must be open for inspection, free of charge, by any member of the Association at any reasonable hour.
- (3) A member of the Association may obtain a copy of any part of the register on payment of a fee of \$1 for each page copied or, if some other amount is determined by the Committee, that other amount.

8 Membership fees

- (1) A member of the Association must, on admission to membership, pay to the Association a fee of \$1 or, if some other amount is determined by the Committee, that other amount.
- (2) In addition to any amount payable by the member under sub-clause (1), a member of the Association must pay to the Association an annual membership fee of \$2 or, if some other amount is determined by the Committee, that other amount.

(3) Amounts payable by a member under sub-clauses (1) and (2) must be paid within the period determined by the Committee.

9 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 of the Association as required by clause 8.

10 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 to the Committee for determination in the manner approved by the Committee.
- (2) If requested by the President or Secretary, the member (or members) of the Association involved in the dispute, must provide written details of the issues that are in dispute to the Committee within 14 days of receiving such request from either the President or Secretary.

11 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 or provisions of this Constitution, 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 that action and of the member's right of appeal under clause 12.

- (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 sub-clause 12(5),

whichever is the later.

12 Right of appeal of disciplined member

- (1) A member may appeal to the Association in general meeting against a resolution of the Committee under clause 11, within 7 days after notice of the resolution is served on the member, 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 a notice from a member under sub-clause (1), the Secretary must notify the Committee, which is to convene a general meeting of the Association to be held within 28 days after the date on which the Secretary received the notice.
- (4) At a general meeting of the Association convened under sub-clause (3):
 - (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) the members present are to vote by secret ballot on the question of whether the resolution should be confirmed or revoked.
- (5) If at the general meeting the Association passes a special resolution in favour of the confirmation of the resolution, the resolution is confirmed.

Part 3 The Committee

13 Powers of the Committee

The Committee is to be called the Executive Committee of the Association and, subject to the Act, the Regulation and this Constitution and to any resolution passed by the Association in general meeting:

- (a) is to control and manage the affairs of the Association, and
- (b) may exercise all such functions as may be exercised by the Association, other than those functions that are required by this Constitution to be exercised by a general meeting of members of the Association, 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 Association.

14 Constitution and membership

- (1) Subject in the case of the first members of the Committee to section 21 of the Act, the Committee is to consist of:
 - (a) the office-bearers of the Association, and
 - (b) one Life Member of the Association, and
 - (c) any other member determined by the Association,

each of whom is to be elected at the annual general meeting of the Association under clause 15.

- (2) The office-bearers of the Association are to be the:
 - (a) President,
 - (b) Secretary,
 - (c) Treasurer,
 - (d) Men's Co-ordinator,
 - (e) Women's Co-ordinator, and
 - (f) Juniors Co-ordinator.
- (3) Each member of the Committee is, subject to this Constitution, 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 of the Association to fill the vacancy and the member so appointed is to hold office, subject to this Constitution, until the conclusion of the annual general meeting next following the date of the appointment.

15 Election of members of the Committee

- (1) Nominations of candidates for election as office-bearers of the Association:
 - (a) must be made in the manner approved by the Committee, and
 - (b) must be notified to the Secretary of the Association at least 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 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.

(6) The ballot for the election of office-bearers and any other members of the Committee is to be conducted at the annual general meeting in such usual and proper manner as the Committee may direct.

16 Secretary

- (1) The Secretary of the Association must, as soon as practicable after being appointed as Secretary, lodge notice with the Association 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, and
 - (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 must be signed by the chairperson of the meeting or by the chairperson of the next succeeding meeting.

17 Treasurer

It is the duty of the Treasurer of the Association to ensure:

- (a) that all money due to the Association is collected and received and that all payments authorised by the Association are made, and
- (b) 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.

18 Casual vacancies

For the purposes of this Constitution, a casual vacancy in the office of a member of the Committee occurs if the member:

- (a) dies, or
- (b) ceases to be a member of the Association, or
- (c) becomes an insolvent under administration within the meaning of the *Corporations Act 2001* of the Commonwealth, or
- (d) resigns office by notice given to the Secretary, or
- (e) is removed from office under clause 19, or
- (f) becomes a mentally incapacitated person, or
- (g) is absent without the consent of the Committee from all meetings of the Committee held during a period of 6 months.

19 Removal of a member of the Committee

(1) The Association in general meeting may by resolution remove any member of the Committee from their office before the expiration of the member's term of

- office and may by resolution 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 sub-clause (1) relates makes representations in writing to the Secretary or President (not exceeding a reasonable length) 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 of the Association 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.

20 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 other notice of a meeting of the Committee must be received by 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) Notice of a meeting given under sub-clause (3) must specify the general nature of the business to be transacted at the meeting.
- (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 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.
- (7) 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.
- (8) At a meeting of the Committee:
 - (a) the President is to chair the meeting, or
 - (b) if the President is absent or unwilling to chair the meeting, such one of the remaining members of the Committee as may be chosen by the members present at the meeting is to chair the meeting.

21 Delegation by Committee to sub-committee

(1) The Committee may, by instrument in writing (including the minutes of a Committee or general meeting), delegate to one or more sub-committees (consisting of such member or members of the Association as the Committee thinks fit) the exercise of such of the 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 clause may, while the delegation remains unrevoked, be exercised from time to time by the sub-committee in accordance with the 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 clause, 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 clause has the same force and effect as it would have if it had been done or suffered by the Committee.
- (6) The Committee may, by instrument in writing (including the minutes of a Committee or general meeting), revoke wholly or in part any delegation under this clause.
- (7) A sub-committee may meet and adjourn, as it thinks proper.

22 Voting and decisions

- (1) Questions arising at a meeting 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 sub-committee appointed by the Committee (including the person chairing the meeting) is entitled to one vote but, in the event of an equality of votes on any question, the person chairing may exercise a second or casting vote.
- (3) Subject to sub-clause 20(5), the Committee may act despite 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 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 meeting

23 Annual general meetings – holding of

(1) At least once in each calendar year and within the period of 2 months after the expiration of each financial year of the Association, the Committee must endeavour to convene an annual general meeting of the members of the Association.

(2) Sub-clause (1) has effect subject to any extension or permission granted by the Director-General under section 26(3) of the Act.

24 Annual general meetings – calling of and business at

- (1) The annual general meeting of the Association is, subject to the Act and to clause 23, to 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 is to include the following:
 - (a) to confirm the minutes of the last preceding annual general meeting and of any special general meeting held since that meeting, and
 - (b) to receive from the Committee reports on the activities of the Association during the last preceding financial year, and
 - (c) to elect office-bearers of the Association and members of the Committee, and
 - (d) to receive and consider the statement which is required to be submitted to members under section 26(6) of the Act.
- (3) An annual general meeting must be specified as such in the notice convening it.

25 Special general meetings – calling of

- (1) The Committee may, whenever it thinks fit, convene a special general meeting of the Association.
- (2) The Committee must, on the requisition in writing of at least 5 per cent of the total number of members, convene a special general meeting of the Association.
- (3) A requisition of members for a special 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 one or more of the members making the requisition.
- (4) If the Committee fails to convene a special general meeting to be held within 1 month after that date on which a requisition of members for the meeting is lodged with the Secretary, any one 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 sub-clause (4) must be convened as nearly as is practicable in the same manner as general meetings are convened by the Committee and any member who consequently incurs expenses is entitled to be reimbursed by the Association for any expense so incurred.

26 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, endeavour to 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, endeavour to give a notice to each member specifying, in addition to the matters required under sub-clause (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 sub-clause 24(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 must include that business in the next notice calling a general meeting given after receipt of the notice from the member.

27 Procedure

- (1) No item of business is to be transacted at a general meeting unless a quorum of members entitled under this Constitution to vote is present in person during the time the meeting is considering that item.
- (2) Fifteen members present in person (being members entitled under this Constitution 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 the same day in the following week at the same time and (unless another place is specified at the time of the adjournment by the person chairing 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 half an hour after the time appointed for the commencement of the meeting, the members present (being at least 10) is to constitute a quorum.

28 Chairing the meeting

- (1) The President or, in the President's absence, any other office-bearer, is to chair each general meeting of the Association.
- (2) If the President and all other office-bearers are absent or unwilling to act, the members present must elect one of their number to chair the meeting.

29 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 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 28 days or more, the Secretary must endeavour to 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 sub-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.

30 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 of the Association, 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 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 is taken to be the resolution of the meeting on that matter.

31 Special resolution

A resolution of the Association is a special resolution:

(a) if it is passed by a majority which comprises at least three-quarters of such members of the Association as, being entitled under this Constitution 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 this Constitution, or

(b) 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 paragraph (a) if the resolution is passed in a manner specified by the Director-General.

32 Voting

- (1) On any question arising at a general meeting of the Association 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 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 Association unless all money due and payable by the member or proxy to the Association has been paid, other than the amount of the annual membership fee payable in respect of the then current year.

33 Appointment of proxies

- (1) Each member is to 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 is to be in the form set out in Appendix 1 to this Constitution (or any variation to that form approved by the Committee) or any other method of proxy notice approved by the Committee.

Part 5 Miscellaneous

34 Insurance

The Association may effect and maintain insurance as the Association or the Committee determines.

35 Funds – source

- (1) The funds of the Association are to be derived from entrance fees and annual membership fees of members, donations, sponsorship and, subject to any resolution passed by the Association in general meeting, such other sources as the Committee determines.
- (2) All money received by the Association must be deposited as soon as practicable and without deduction to the credit of the Association's deposit account.
- (3) Unless otherwise approved by the Committee, the Association must, as soon as practicable after receiving any money, issue an appropriate receipt.

36 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) Unless otherwise specifically determined by the Committee, all cheques, drafts, bills of exchange, promissory notes and other negotiable instruments of the Association must be signed by any 2 members of the Committee, being members authorised to do so by the Committee.

37 Alteration of Objects and Constitution

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

38 Custody of books

Except as otherwise determined by the Committee, the Public Officer must keep in his or her custody or under his or her control all records, books and other documents relating to the Association.

39 Inspection of books

Subject to a member providing reasonable notice, 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.

40 Service of notices

- (1) For the purpose of this Constitution, 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 this Constitution, 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 by the addressee, and
 - (b) in the case of a notice sent by pre-paid post, 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 facsimile transmission or some other form of electronic transmission, on the date it was sent, or if the machine from which the transmission was sent produces a report indicating that the notice was sent on a later date, on that date.

PROXY FORM

I,	of
(full name)	(address)
being a member of Wests Illaw	arra Hockey Club, hereby appoint:
(full name of proxy)	of
	arra Hockey Club, as my proxy to vote for me on my behalf a ociation (annual general meeting or special general meeting, a he:
	and at any adjournment of that meeting nonth and year)
My proxy is authorised to vot follows: (insert details).	e in <u>favour</u> / <u>against</u> (<i>delete as appropriate</i>) the resolutions a
*If the proxy does not indicate	above how the proxy holder is to vote (ie. in favour or agains holder may determine how to vote the proxy.
X	

NOTE: A proxy vote may not be given to a person who is not a member of the Association.