

**RULES OF MILTON-ULLADULLA  
FAMILY HISTORY SOCIETY INC.**

**Adopted by the Society on 8 July 2007**

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1. The name of the Society shall be *Milton Ulladulla Family History Society Incorporated*, herein referred to as “the Society”.
2. *The aims of the Society are to encourage research and friendship in genealogy; to promote the study and foster the knowledge of family history in the local community*

## **Part 1 – Preliminary**

### **1. Definitions**

- (1) In these rules:

**Commissioner** means the Commissioner of the Office of Fair Trading.

**ordinary member** means a member of the committee who is not an office-bearer of the Society, as referred to in rule 14(2).

**secretary** means:

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

**special general meeting** means a general meeting of the Society other than an annual general meeting.

**the Act** means the *Associations Incorporation Act 1984*.

**the Regulation** means *the Associations Incorporation Regulation 1994*.

- (2) In these rules:

- (a) a reference to a function includes a reference to a power, authority and duty, and

- (b) a reference to the exercise of a function includes, 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 these rules in the same manner as those provisions would so apply if these rules were an instrument made under the *Act*.

## **Part 2 – Membership**

### **2. Membership qualifications**

- (a) Membership is open to all persons interested in family history.
- (b) The society shall consist of:
  - (i) Ordinary members;
  - (ii) Life Members. Life membership may be conferred on a person for outstanding service to the society upon recommendation of the Committee, submitted to the Annual General Meeting and ratified by a vote of 75% of members eligible to vote at the Annual General Meeting

### **3. Application for Membership**

- (a) *Application for membership of the Society must be made in writing in the form set out in Appendix 1 of these rules.*
- (b) *The membership shall be recorded numerically and all members will receive a receipt and membership card, with renewal of their number from year to year.*

- (c) *Every member shall be supplied with a copy of the Rules of the Society.*
- (d) *Payment of membership and/or joining fees constitutes acceptance of a membership application.*
- (e) *The Treasurer must allocate a membership number to the applicant and arrange for the Public Officer to enter the applicant's details in the register of members.*

**4. Cessation of membership**

A person ceases to be a member of the Society if the person:

- (a) dies, or
- (b) resigns membership, or
- (c) is expelled from the Society.

**5. Membership entitlements not transferable**

A right, privilege or obligation which a person has by reason of being a member of the Society:

- (a) is not capable of being transferred or transmitted to another person, and
- (b) terminates on cessation of the person's membership.

**6. Resignation of membership**

- (1) *A member of the Society who has paid all amounts due to the Society in respect of membership may resign from membership of the Society by giving the secretary written notice of intention to resign and, on the expiration of the period of notice, the member ceases to be a member.*
- (2) *When a member of the Society ceases to be a member under clause (1), and in every other case where membership ceases, the secretary must inform the Public Officer so that the register of members may be updated.*

**7. Register of members**

- (1) The public officer of the Society must establish and maintain a register of members of the Society specifying the name and address of each person who is a member of the Society 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 Society and must be open for inspection, free of charge, by any member of the Society at any reasonable hour.

**8. Fees and subscriptions**

- (1) The subscription rates shall be determined from time to time by the committee and shall be endorsed by the general members at a general meeting.
- (2) Annual subscriptions shall be payable by the March general meeting of each financial year.
- (3) If the member becomes a member after the March general meeting in any calendar year the amount of subscription for that year shall be calculated on a pro-rata basis according to the number of months remaining in that calendar year.
- (4) Ordinary Members who fail to renew their subscriptions by the last day of March each year, shall be deemed unfinancial and have their names removed from the membership list.

- 9. Members' liabilities**  
The liability of a member of the Society to contribute towards the payment of the debts and liabilities of the Society or the costs, charges and expenses of the winding up of the Society is limited to the amount, if any, unpaid by the member in respect of membership of the Society as required by rule 8.
- 10. Resolution of internal disputes**  
Disputes between members (in their capacity as members) of the Society, and disputes between members and the Society, are to be referred to a community justice centre for mediation in accordance with the *Community Justice Centres Act 1983*.
- 11. Disciplining of members**  
The procedure for disciplining members shall be determined by the Committee. Anyone who wishes to appeal against a decision refusing membership, expelling them from membership or otherwise disciplining them may do so at the next general meeting of the Group.

*At a general meeting of the Society convened under this section:*

- (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.*

*If at the general meeting the Society passes a special resolution in favour of the confirmation of the resolution, the resolution is confirmed.*

- 12. Repealed**

**Part 3 – The committee**

- 13. Powers of the committee**  
The committee is to be called the committee of management of the Society and, subject to the *Act*, the Regulation and these rules and to any resolution passed by the Society in general meeting:
- (a) is to control and manage the affairs of the Society, and
  - (b) may exercise all such functions as may be exercised by the Society, other than those functions that are required by these rules to be exercised by a general meeting of members of the Society, 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 Society.
- 14. Constitution and membership**
- (1) The committee is to consist of:
    - (a) the office-bearers of the Society, and
    - (b) 1 ordinary members elected at the annual general meeting of the Society under rule 15.
  - (2) The office-bearers of the Society are:

- |     |                |     |                    |
|-----|----------------|-----|--------------------|
| (a) | president      | (f) | publicity officer  |
| (b) | vice-president | (g) | editor             |
| (c) | treasurer      | (h) | research officer   |
| (d) | secretary      | (i) | activities officer |
| (e) | librarian      |     |                    |

- (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 of the Society 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.
- (5) No office bearer shall hold the same position for more than 3 consecutive years, unless approved by a vote of 75% of financial members present at the Annual General Meeting.

**15. Election of members**

- (1) Nominations of candidates for election as office-bearers of the Society or as ordinary members of the committee:
  - (a) must be made in writing, signed by 2 members of the Society and accompanied by the written consent of the candidate (which may be endorsed on the form of the nomination), and
  - (b) must be delivered to the secretary of the Society 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 secret ballot is to be held.
- (6) The ballot for the election of office-bearers and ordinary 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 Society must, as soon as practicable after being appointed as secretary, lodge notice with the Society of his or her address.
- (2) It is the duty of the secretary to keep minutes of:
  - (a) all appointments of office-bearers;
  - (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 Society to ensure:

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

and

- (b) that correct books and accounts are kept showing the financial affairs of the Society, including full details of all receipts and expenditure connected with the activities of the Society.

**18. Casual vacancies**

For the purposes of these rules, 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 Society, or
- (c) becomes an insolvent under administration within the meaning of the *Corporations Act 2001* of the Commonwealth, or
- (d) resigns office by notice in writing given to the secretary, or
- (e) is removed from office under rule 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 member**

- (1) The Society 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 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 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 Society, the secretary or the president may send a copy of the representations to each member of the Society 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 written notice of a meeting of the committee must be given by the secretary to each member of the committee at least 48 hours (or 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 clause (3) must specify the general nature of the business to be transacted at the meeting and no business other than that business is to be transacted at the meeting, except business which the committee members present at the meeting unanimously agree to treat as urgent business.
- (5) Any 3 members of the committee constitute a quorum for the transaction of the business of a meeting of the committee.
- (6) No business 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 or, in the president's absence, the vice president is to preside, or
  - (b) if the president and the vice-president are absent or unwilling to act, such one of the remaining members of the committee as may be chosen by the members present at the meeting is to preside.

**21. Delegation by committee to sub-committee**

The Committee shall have the power to form sub-committees, who shall be responsible to the Committee, and to co-opt additional eligible members to serve on such Committees from time to time.

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

**24. Annual general meetings – calling of and business at**

- (1) The annual general meeting of the Society is, subject to the *Act* and to rule 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,
  - (b) to receive from the committee reports on the activities of the Society during the last preceding financial year,
  - (c) to elect office-bearers of the Society,

(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 Society.

(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 Society.

(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 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 Society 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 Society, 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 Society, 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 (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 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 these rules to vote is present during the time the meeting is considering that item.

(2) Five 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 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 presiding at the meeting or communicated by written notice to members given before the day to which the meeting is adjourned) at the same place.
- (4) If at the adjourned meeting a quorum is not present within half an hour after the time appointed for the commencement of the meeting, the members present (being at least 3) is to constitute a quorum.

**28. 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 Society.
- (2) If the president and the vice-president are absent or unwilling to act, the members present must elect one of their number to preside as chairperson at 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 14 days or more, the secretary must give written or oral notice of the adjourned meeting to each member of the Society 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.

**30. Making of decisions**

- (1) A question arising at a general meeting of the Society 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 Society, 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 Society, a poll may be demanded by the chairperson or by at least 3 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 Society is a special resolution:

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

- (b) where it is made to appear to the Commissioner 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 Commissioner.

**32. Voting**

- (1) On any question arising at a general meeting of the Society 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 Society unless all money due and payable by the member or proxy to the Society has been paid, other than the amount of the annual subscription 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 2 to these rules.

**Part 5 – Miscellaneous**

**34. Insurance**

The Society may effect and maintain insurance.

**35. Funds – source**

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

**36. Funds<sup>1</sup> and Assets – Management**

- (1)
  - (i) The assets and income of the society shall be applied solely in furtherance of its objectives, as set out in item (2) of the preamble to these rules. No portion shall be distributed directly or indirectly to the members of the association except as bona fide compensation for services rendered or expenses incurred on behalf of the organisation, and,
  - (ii) In the event of the society being dissolved, the amount that remains after such dissolution and the satisfaction of all debts and liabilities shall be transferred to any organisation with similar purposes which is not carried on for the profit or gain of its individual members.
- (2) All cheques, drafts, bills of exchange, promissory notes and other negotiable instruments must be signed by any 2 members of the committee or employees of the Society, being members or employees authorised to do so by the committee.
- (3) At each annual general meeting the Treasurer shall present a statement of receipts and expenditure for the previous financial year together with a balance sheet as at the close of the year.
- (4) An honorary auditor shall be appointed at each annual general meeting.

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<sup>1</sup> Rule 36 (1) amended at General Meeting on 14 October 2007. *Old text: 36 (1) Subject to any resolution passed by the Society in general meeting, the funds of the Society are to be used in pursuance of the objects of the Society in such manner as the committee determines.*

**37. Alteration of objects and rules**

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

**38. Common seal**

- (1) The common seal of the Society must be kept in the custody of the public officer.
- (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 either of 2 members of the committee or of 1 member of the committee and of the public officer or secretary.

**39. Custody of books**

Except as otherwise provided by these rules, 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 Society.

**40. Inspection of books**

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

**41. 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 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.

**Appendix 1 (Rule 3 (a))**

**Milton Ulladulla Family History Society Incorporated**

***APPLICATION FOR MEMBERSHIP***  
***CONFIDENTIAL***

**SURNAME** \_\_\_\_\_ **GIVEN NAMES** \_\_\_\_\_

**ADDRESS** \_\_\_\_\_ **POSTCODE** \_\_\_\_\_

I hereby apply to become a member of the above named incorporated Society. In the event of my admission as a member, I agree to be bound by the rules of the Society.

Tel No. Home \_\_\_\_\_ Work \_\_\_\_\_

Mobile No. \_\_\_\_\_

Have Computer Yes/No

Email address \_\_\_\_\_

**I agree/do not agree to have my contact details published in the society's Journal**

**Signature of Applicant** \_\_\_\_\_ **Date** \_\_\_\_\_

Names I am researching \_\_\_\_\_

\_\_\_\_\_

***The information on this form is collected solely for the purposes of the Milton Ulladulla Family History Society and will not be shared with any third party without the permission of the person supplying the information.***

\_\_\_\_\_  
OFFICE USE ONLY

Membership No. \_\_\_\_\_ [ ]

Name Tag [ ] Members Address List [ ]

**Appendix 2**

(Rule 33 (2))

FORM OF APPOINTMENT OF PROXY

I, .....  
(full name)

of .....  
(address)

being a member of .....  
(name of incorporated association)

hereby appoint .....  
(full name of proxy)

of .....  
(address)

being a member of that incorporated association, as my proxy to vote for me on my behalf at the general meeting of the Society (annual general meeting or special general meeting, as the case may be) to be held on the.....day of ..... and at any adjournment of that meeting. (month and year)

\* My proxy is authorised to vote in favour of/against (delete as appropriate) the resolution (insert details).

\* *to be inserted if desired.*

.....  
Signature of member appointing proxy

Date

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

**Appendix 3**

**Rule 15 (1) (a)**

**MILTON ULLADULLA FAMILY HISTORY SOCIETY INC**

***NOMINATION FORM – ELECTION OF OFFICE BEARERS***

I have pleasure in nominating \_\_\_\_\_

for the position of \_\_\_\_\_

Signature of proposer .....

Signature of seconder .....

**I am willing to accept the above nomination:**

Signature of nominee ..... Date .....