

CHEC Constitution

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input from interested members.

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The CHEC Constitution comprises the modified Model Rules for Incorporated Associations for approval at the CHEC Meeting on 10 June 2011 (in Part 1); and sample documents as required (in Appendices).

v1.1

Christian Home Education Canberra

(CHEC) Incorporated in ACT

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CHEC Constitution – Contents

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Part 1: Constitution of CHEC

Part 1.1 Preliminary

1 Definitions for Model Rules

In these rules:

Note A definition applies except so far as the contrary intention appears (see Legislation Act, s 155).

financial year means the year ending on 30 September.

general meeting means the Annual General Meeting and any extraordinary general meeting.

member means a member of CHEC, however described, including members of their immediate family as included on their membership form.

Administration Team member means a member of the Administration Team who is also an office-bearer of CHEC as mentioned in section 12 (1).

Secretary means the person holding office under these rules as Secretary of CHEC or, if no such person holds that office, the public officer of CHEC.

the Act means *The Associations Incorporation Act 1991*.

the regulation means *The Associations Incorporation Regulation 1991*.

1A Application of Legislation Act 2001

The Legislation Act 2001 applies to these rules in the same way as it would if they were an instrument made under the Act.

Part 1.2 Membership

2 Membership Qualifications

2.1 Qualifications of Membership

A person is qualified to be a member if—

- (a) the person is a person mentioned in the Act, section 21 (2) (a) or (b) and has not ceased to be a member of CHEC at any time after incorporation of CHEC under the Act; or
- (b) the person has applied for membership in accordance with section 3 (1); and
- (c) this has been finalised.

2.2 Membership Types

Membership is considered to be held by the primary home educator, on behalf of their immediate family.

A person may, with reference to section 4, apply for —

- (a) full membership if they:
 - live within a 200km radius of Canberra GPO; and
 - are educating one or more children from a home base.
- (b) associate membership if they are:
 - former members who retain an interest in CHEC; or
 - home educators whose youngest child is over the age of 18; or
 - families investigating home education; or
 - families who live beyond a 200km radius of Canberra GPO; or
 - visiting the ACT region for a period less than 3 months; or
 - former full members whose children are currently attending school.

3 Application for Membership

3.1 Process of Application for Membership

- (1) A person applying for membership of CHEC may first refer to the CHEC Membership Officer requesting to become a member, advising suitability for membership.
- (2) As soon as practicable after receiving a request for membership, the Membership Officer may refer the request to the Administration Team;
- (3) The membership officer may then:
 - (a) send the application for membership form
 - (b) advise payment options, and
 - (c) request payment within 14 days;
- (4) On receipt of the completed form and appropriate membership fees, the Membership Officer provides a receipt.
- (5) The Secretary must, on payment by the applicant of the amounts mentioned in section 7, enter the applicant's name in the register of members and, on the name being so entered, the applicant becomes a member of CHEC.

3.2 Conditions of Membership

Members agree, for the duration of their membership, to:

- (1) accept CHEC's definition of "Who We Are";
- (2) be aligned with CHEC's Purpose Statement;
- (3) be supportive of CHEC's "Aims";
- (4) be willing to act in accordance with CHEC's "Code of Conduct"; and
- (5) pay the required Membership Fees.

4 Membership Entitlements

4.1 Entitlements Not Transferrable

A right, privilege or obligation that a person has because of being a member of CHEC —

- (a) cannot be transferred or transmitted outside their immediate family; and
- (b) terminates on cessation of the person's membership.

4.2 Member Entitlements

All Members are entitled to:

- (a) full access to CHEC website, including participation in member area;
- (b) access to any other communication tools utilised by the group; and
- (c) participate in general group discussions.

5 Cessation of Membership

A person ceases to be a member of CHEC if the person—

- (a) dies; or
- (b) resigns from membership of CHEC; or
- (c) is expelled from CHEC; or
- (d) fails to renew membership of CHEC.

6 Resignation of Membership

- (1) A member is not entitled to resign from membership of CHEC except in accordance with this section.
- (2) A member who has paid all amounts payable by the member to CHEC may resign from membership of CHEC by first giving notice (of not less than 1 month or, if the Administration Team has determined a shorter period, that shorter period) in writing to the Secretary of the member's intention to resign and, at the end of the period of notice, the member ceases to be a member.
- (3) If a person ceases to be a member, the Secretary must make an appropriate entry in the register of members recording the date the member ceased to be a member.

7 Fees

- (1) The annual membership fee of CHEC is \$40 or, if any other amount has been determined by resolution of the Administration Team, that other amount.
- (2) The annual membership fee is payable—
 - (a) except as provided by paragraph (b)—before 1 March in each calendar year; or
 - (b) if a person becomes a member on or after 1 March in any calendar year—before 1 March in each succeeding calendar year.

8 Members' Liabilities

The liability of a member to contribute towards the payment of the debts and liabilities of CHEC or the costs, charges and expenses of the winding up of CHEC is limited to the amount (if any) unpaid by the member in relation to membership of CHEC as required by section 7.

9 Disciplining of Members

- (1) If the Administration Team is of the opinion that a member—
 - (a) has persistently refused or neglected to comply with a provision of these rules; or
 - (b) has persistently and wilfully acted in a manner prejudicial to the interests of CHEC;the Administration Team may, by resolution—
 - (c) expel the member from CHEC; or
 - (d) suspend the member from the rights and privileges of membership of CHEC that the Administration Team may decide for a specified period.
- (2) A resolution of the Administration Team under subsection (1) is of no effect unless the Administration Team, at a meeting held not earlier than 14 days and not later than 28 days after service on the member of a notice under subsection (3), confirms the resolution in accordance with this section.
- (3) If the Administration Team passes a resolution under subsection (1), the Secretary must, as soon as practicable, serve a written notice on the member—
 - (a) setting out the resolution of the Administration Team and the grounds on which it is based; and
 - (b) stating that the member may address the Administration Team at a meeting to be held not earlier than 14 days and not later than 28 days after service of the notice; and
 - (c) stating the date, place and time of that meeting; and
 - (d) informing the member that the member may do either or both of the following:
 - i. attend and speak at that meeting;
 - ii. submit to the Administration Team at or before the date of that meeting written representations relating to the resolution.
- (4) Subject to the Act, section 50, at a meeting of the Administration Team mentioned in subsection (2), the Administration Team must—
 - (a) give to the member mentioned in subsection (1) an opportunity to make oral representations; and
 - (b) give due consideration to any written representations submitted to the Administration Team by that member at or before the meeting; and
 - (c) by resolution decide whether to confirm or to revoke the resolution of the Administration Team made under subsection (1).
- (5) If the Administration Team confirms a resolution under subsection (4), the Secretary must, within 7 days after that confirmation, by written notice inform the member of that confirmation and of the member's right of appeal under section 10.
- (6) A resolution confirmed by the Administration Team under subsection (4) does not take effect—
 - (a) until the end of the period within which the member is entitled to appeal against the resolution if the member does not exercise the right of appeal within that period; or
 - (b) if within that period the member exercises the right of appeal—unless and until CHEC confirms the resolution in accordance with section 10 (4).

10 Right of Appeal of Disciplined Member

- (1) A member may appeal to CHEC at a general meeting against a resolution of the Administration Team that is confirmed under section 9 (4), within 7 days after notice of the resolution is served on the member, by lodging with the Secretary a notice to that effect.
- (2) On receipt of a notice under subsection (1), the Secretary must notify the Administration Team which must call a general meeting of CHEC to be held within 21 days after the date when the Secretary received the notice or as soon as practicable after that date.
- (3) Subject to the Act, section 50, at a general meeting of CHEC called under subsection (2)—
 - (a) no business other than the question of the appeal may be transacted; and
 - (b) the Administration Team and the member must be given the opportunity to make representations in relation to the appeal orally or in writing, or both; and
 - (c) the members present must vote by secret ballot on the question of whether the resolution made under section 9 (4) should be confirmed or revoked.
- (4) If the meeting passes a special resolution in favour of the confirmation of the resolution made under section 9 (4), that resolution is confirmed.

Part 1.3 Administration Team

11 Scope and Limitations of Power of Administration Team

The Administration Team, subject to the Act, the regulation, these rules, and to any resolution passed by CHEC in general meeting—

- (a) directs and manages the affairs of CHEC; and
- (b) may exercise all functions that may be exercised by CHEC other than those functions that are required by these rules to be exercised by CHEC in general meeting; and
- (c) has power to perform all acts and do all things that appear to the Administration Team to be necessary or desirable for the proper management of the affairs of CHEC.

12 Constitution and Membership

- (1) The Administration Team are the office-bearers of CHEC; and are—
 - (a) the Coordinator;
 - (b) the Assistant Coordinator;
 - (c) the Treasurer;
 - (d) the Secretary;
 - (e) the Membership Officer.
- (2) The Administration Team agree to honour, uphold and pro-actively display the Christian faith.
- (3) Each member of the Administration Team holds office, subject to these rules, until the conclusion of the annual general meeting following the date of the member's election, but is eligible for re-election.
- (4) If there is a vacancy in the membership of the Administration Team, the Administration Team may appoint a full member of CHEC to fill the vacancy, within 28 days, and the member so appointed holds office, subject to these rules, until the conclusion of the next annual general meeting after the date of the appointment.

13 Election of Administration Team Members

- (1) Nominations of candidates for election as Administration Team members—
 - (a) may be made in writing or advised orally, supported by 2 full members of CHEC and accompanied by the consent of the candidate; and
 - (b) must be provided to a member of the current Administration Team of CHEC prior to or at the annual general meeting at which the election is to take place.
 - (c) must be confirmed by a member of the current Administration Team as having been a financial full member of CHEC for a minimum of three (3) months in the year of their nomination.

- (2) An Administration Team member whose membership is renewed as an associate member during their term in office –
 - (a) may hold office until the next annual general meeting unless this is prevented by a decision or act as outlined in sections 15 or 16;
 - (b) are not eligible for re-nomination to the Administration Team as an associate member at the next annual general meeting.
- (3) If the number of nominations received is equal to the number of vacancies to be filled, the people nominated are taken to be elected.
- (4) If the number of nominations received exceeds the number of vacancies to be filled, a ballot must be held.
- (5) The ballot for the election of Administration Team members must be conducted at the annual general meeting in the way the Administration Team may direct.
- (6) A member is not eligible to simultaneously hold more than 1 position on the Administration Team.

14 Roles and Responsibilities of Administration Team

14.1 Coordinator

The CHEC Coordinator is the overseer of CHEC as a whole, and of the Administration Team, and may perform any duties within that role.

14.2 Assistant Coordinator

The Assistant Coordinator assists the Coordinator and may perform any duties within that role.

14.3 Secretary

- (1) The Secretary of CHEC must:
 - (a) as soon as practicable after being appointed as Secretary, notify CHEC of his or her address.
 - (b) prior to any general meeting confirm whether members of the Communications Team wish to continue in their roles, and if not, advise members of impending vacancies; and
 - (c) keep record of all passcodes associated with communications tools used by CHEC.
- (2) The Secretary must keep minutes of—
 - (a) all elections and appointments of Administration Team members, Sub-Administration Teams and public officer; and
 - (b) the names of members of the Administration Team present at an Administration Team meeting or a general meeting; and
 - (c) all proceedings at Administration Team meetings and general meetings.
- (3) Minutes of proceedings at a meeting must be signed by the person presiding at the meeting or by the person presiding at the next succeeding meeting.

14.4 Treasurer

- (1) The treasurer of CHEC must—
 - (a) collect and receive all amounts owing to CHEC and make all payments authorised by CHEC; and
 - (b) keep correct accounts and books showing the financial affairs of CHEC with full details of all receipts and expenditure connected with the activities of CHEC.

14.5 Membership Officer

The Membership Officer of CHEC must, in liaison with the Secretary and the Treasurer, assist prospective members and finalise applications.

15 Vacancies

For these rules, a vacancy in the office of a member of the Administration Team happens if the member—

- (a) dies; or
- (b) ceases to be a member of CHEC; or
- (c) resigns the office; or
- (d) is removed from office under section 16 (Removal of Administration Team members); or
- (e) becomes bankrupt or personally insolvent; or
- (f) suffers from mental or physical incapacity; or
- (g) is disqualified from office under the Act, section 63 (1); or
- (h) is absent without the consent of the Administration Team from all meetings of the Administration Team held during a period of 6 months.

16 Removal of Administration Team Members

- (1) CHEC, in general meeting may, by resolution, subject to section 50 of the Act, remove any member of the Administration Team from the office of the Administration Team before the end of the member's term of office.
- (2) A member of the Administration Team may be removed from office, consistent with subsection (1), if the Administration Team member demonstrates inconsistency with section 12 (2).

17 Administration Team Meetings and Quorum

- (1) The Administration Team must meet at least three times in each calendar year at the place and time that the Administration Team may decide.
- (2) Additional meetings of the Administration Team may be called by any member of the Administration Team.
- (3) Oral or written notice of a meeting of the Administration Team must be given by the Secretary to each member of the Administration Team at least 48 hours (or any other period that may be unanimously agreed on by the members of the Administration Team) before the time appointed for the holding of the meeting.
- (4) Notice of a meeting given under subsection (3) must specify the general nature of the business to be transacted at the meeting and no business other than that business may be transacted at the meeting, except business that the Administration Team members present at the meeting unanimously agree to treat as urgent business.
- (5) Any 3 members of the Administration Team constitute a quorum for the transaction of the business of a meeting of the Administration Team.
- (6) No business may be transacted by the Administration Team unless a quorum is present and, if within half an hour after the time appointed for the meeting a quorum is not present, the meeting stands adjourned.
- (7) At meetings of the Administration Team—
 - (a) the Co-ordinator or, in the absence of the Co-ordinator, the Assistant Co-ordinator presides; or
 - (b) if the Co-ordinator and the Assistant Co-ordinator are absent—1 of the remaining members of the Administration Team may be chosen by the members present to preside.

18 Delegation by Administration Team to Sub-Administration Team

18.1 Delegation to Sub-Administration Team

- (1) The Administration Team may, in writing, delegate to 1 or more sub-Administration Teams (consisting of the member or members of CHEC that the Administration Team considers appropriate) the exercise of the functions of the Administration Team that are specified in the instrument, other than—
 - (a) this power of delegation; and
 - (b) a function that is a function imposed on the Administration Team by the Act, by any other Territory law, or by resolution of CHEC in general meeting.
- (2) A function, the exercise of which has been delegated to a sub-Administration Team under this section may, while the delegation remains unrevoked, be exercised from time to time by the sub-Administration Team in accordance with the terms of the delegation.
- (3) A delegation under this section may be made subject to any conditions or limitations about the exercise of any function, or about time or circumstances, that may be specified in the instrument of delegation.
- (4) Despite any delegation under this section, the Administration Team may continue to exercise any function delegated.

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

18.2 Communications Team

The Communications Team is a sub-Administration Team, as appointed under section 18.1. Roles may include, but are not necessarily limited to:

- (a) Calendar Clerk
- (b) Education Department Liaison Officer
- (c) Information Officer
- (d) Website & Email Co-ordinator

19 Voting and Decisions

- (1) Questions arising at a meeting of the Administration Team or of any sub-Administration Team appointed by the Administration Team are decided by a majority of the votes of members of the Administration Team or sub-Administration Team present at the meeting.
- (2) Each member present at a meeting of the Administration Team or of any sub-Administration Team appointed by the Administration Team (including the person presiding at the meeting) is entitled to 1 vote but, if the votes on any question are equal, the person presiding may exercise a second or casting vote.

Part 1.4 General Meetings

20 Annual General Meetings—Holding of

- (1) With the exception of the first annual general meeting of CHEC, CHEC must, at least once in each calendar year and within 5 months after the end of each financial year of CHEC, call an annual general meeting of its members.
- (2) CHEC must hold its first annual general meeting—
 - (a) within 18 months after its incorporation under the Act; and
 - (b) within 5 months after the end of the first financial year of CHEC.
- (3) Subsections (1) and (2) have effect subject to the powers of the registrar-general under the Act, section 120 in relation to extensions of time.

21 Annual General Meetings—Calling of and Business at

- (1) The annual general meeting of CHEC must, subject to the Act, be called on the date and at the place and time that the Administration Team considers appropriate.
- (2) In addition to any other business that may be transacted at an annual general meeting, the business of an annual general meeting is—
 - (a) to confirm the minutes of the last annual general meeting and of any general meeting held since that meeting; and
 - (b) to receive from the Administration Team reports on the activities of CHEC during the last financial year; and
 - (c) to elect members of the Administration Team, including office-bearers; and
 - (d) to receive and consider the statement of accounts and the reports that are required to be submitted to members under the Act, section 73 (1).
- (3) An annual general meeting must be specified as such in the notice calling it in accordance with section 23.
- (4) An annual general meeting must be conducted in accordance with the provisions of this part.

22 General Meetings—Calling of

- (1) The Administration Team may, whenever it considers appropriate, call a general meeting of CHEC.
- (2) The Administration Team must, on the requisition in writing of not less than 5% of the total number of members, call a general meeting of CHEC.
- (3) A requisition of members for a 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 1 or more of the members making the requisition.
- (4) If the Administration Team fails to call a general meeting within 1 month after the date when a requisition of members for the meeting is lodged with the Secretary, any 1 or more of the members who made the requisition may call a general meeting to be held not later than 3 months after that date.
- (5) A general meeting called by a member or members mentioned in subsection (4) must be called as nearly as is practicable in the same way as general meetings are called by the Administration Team and any member who thereby incurs expense is entitled to be reimbursed by CHEC for any reasonable expense so incurred.

23 Notice

- (1) When a general meeting is to be held, the Administration Team must, at least 14 days before the date of the meeting:
 - (a) notify each member, at the member's address appearing in the register of members;
 - (b) specify the place, date and time of the meeting; and
 - (c) outline the nature of the business proposed.
- (2) When a general meeting is to be held, requiring a special resolution, the Administration Team must, at least 14 days before the date of the meeting:
 - (a) notify each member, at the member's address appearing in the register of members;
 - (b) specify the place, date and time of the meeting;
 - (c) outline the nature of the business proposed; and
 - (d) advise the intention to propose a special resolution.
- (3) No business other than that specified in the notice calling a general meeting may be transacted at the meeting except, for an annual general meeting, business that may be transacted under section 21 (2).
- (4) A member desiring to bring any business before a general meeting may give written notice of that business to the Secretary who must include that business in the next notice calling a general meeting given after receipt of the notice from the member.

24 General Meetings—Procedure and Quorum

- (1) No item of business may 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) Eight (8) members present in person (who are 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 30 minutes after the appointed time for the start of a general meeting a quorum is not present, the meeting if called on the requisition of members is dissolved and in any other case stands adjourned.

25 Presiding Member

- (1) The Co-ordinator, or in the absence of the Co-ordinator, the Assistant Co-ordinator, presides at each general meeting of CHEC.
- (2) If the Co-ordinator and the Assistant Co-ordinator are absent from a general meeting, the members present must elect 1 of their number to preside at the meeting.

26 Adjournment

- (1) The person presiding at 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, and no business may be transacted at an adjourned meeting.
- (2) The Secretary must give notice to each member that the meeting was adjourned, and notify of the reconvened meeting consistent with section 23.

27 Making of Decisions

- (1) An item can be decided on by:
 - (a) a show of hands at a general meeting; or
 - (b) a poll, which may:
 - (i) be called by the Administration Team or at a general meeting with the consent of a majority of members present at the meeting;
 - (ii) be undertaken:
 1. by paper ballot at a general meeting, or
 2. electronic vote open to all members, and
 - (iii) provide for proxy votes;
 - (iv) be undertaken subsequent to the general meeting according to section 27(2) so all members have an opportunity to vote.
- (2) If at a general meeting a subsequent vote is to be undertaken the Secretary is to advise all members when and how this be augmented.
- (3) At a general meeting, the Secretary will record whether the item has been carried or not by a majority vote.

28 Voting

- (1) Subject to subsection (3) and section 2.2, on any question arising at a general meeting of CHEC:
 - (a) a full member has one vote only (one vote per member family);
 - (b) an associate member is not eligible to vote.
- (2) All votes must be given in person or by proxy but no member may hold more than 5 proxies.
- (3) If the votes on a question at a general meeting are equal, an electronic poll may be held so all members have an opportunity to vote.
- (4) A member or proxy is not entitled to vote at any general meeting of CHEC unless all money due and payable by the member or proxy to CHEC has been paid, other than the amount of the annual subscription payable for the then current year.

29 Appointment of Proxies

- (1) Each member is entitled to appoint another member as proxy by notice given to the Secretary no later than 24 hours before the time of the meeting for which the proxy is appointed.
- (2) The notice appointing the proxy must be in the form set out in appendix 2.

Part 1.5 Miscellaneous

30 Funds — Source

- (1) The funds of CHEC must be derived from annual membership fees, donations and, subject to any resolution passed by CHEC in general meeting and subject to the Act, section 114, any other sources that the Administration Team decides.
- (2) All money received by CHEC must be deposited as soon as practicable and without deduction to the credit of CHEC's bank account.
- (3) CHEC must, as soon as practicable after receiving any money, issue an appropriate receipt.

31 Funds — Management

- (1) Subject to any resolution passed by CHEC in general meeting, the funds of CHEC must be used for the objects of CHEC in the way that the Administration Team decides.
- (2) All cheques, drafts, bills of exchange, promissory notes and other negotiable instruments must be signed by any 2 members of the Administration Team or employees of CHEC, being members of the Administration Team or employees authorised to do so by the Administration Team.

32 Alteration of Objects and Rules

Neither the objects of CHEC mentioned in the Act, section 29 nor these rules may be altered except in accordance with the Act.

33 Common Seal

- (1) The common seal of CHEC must be kept in the custody of the Secretary.
- (2) The common seal must not be attached to any instrument except by the authority of the Administration Team and the attaching of the common seal must be attested by the signatures of 2 members of the Administration Team.

34 Custody of Books

Subject to the Act, the regulation and these rules, the Administration Team must keep securely in their custody or under their control all records, books, and other documents relating to CHEC.

35 Inspection of Books

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

36 Service of Notice

For these rules, CHEC may serve a notice on a member by sending it by post to the member at the member's address shown in the register of members.

Note For how documents may be served, see the Legislation Act, pt 19.5.

37 Surplus Property

- (1) At the first general meeting of CHEC, CHEC must pass a special resolution nominating—
 - (a) another association for the Act, section 92 (1) (a); or
 - (b) a fund, authority or institution for the Act, section 92 (1) (b);in which it is to vest its surplus property in the event of the dissolution or winding up of CHEC.
- (2) An association nominated under subsection (1) (a) must fulfil the requirements specified in the Act, section 92 (2).

Appendix 1: CHEC Membership Form

(Removed for purposes of public display)

Appendix 2: Proxy Form

(Removed for purposes of public display)