

CONSTITUTION OF THE AUSTRALIAN BARREL HORSE ASSOCIATION INCORPORATED Y2378311

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CONSTITUTION OF THE AUSTRALIAN BARREL HORSE ASSOCIATION INCORPORATED

1. Name

The name of the incorporated association is Australian Barrel Horse Association Incorporated (in this Constitution called "the ABHA").

2. Interpretation of terms

(1) In this Constitution, unless the context otherwise permits or requires, the terms listed in column 1 of the following table have the meanings ascribed thereto in column 2 of the table.

Column 1	Column 2
Board	The Board of the ABHA constituted pursuant to clause 10
Financial year	The year ending on 30 June in each year with clause 3
General Meeting	A general meeting of members convened in accordance with clause 17
Member	A member of the ABHA, other than a junior member as referred to in clause 4
The Act	The Associations Incorporation Act NSW as amended from time to time
The Regulations	The Regulations under the Act

(2) In this Constitution, a reference to the Secretary/Treasurer is a reference:

- (a) where a person holds the position under this Constitution of Secretary/Treasurer of the ABHA - to that person;
- (b) in any other case - to the public officer of the ABHA.

(3) Words or expressions contained in this Constitution shall be interpreted in accordance with the provision of the Interpretation Act 1987.

3. Financial Year

The financial year of the ABHA is each period of 12 months after the expiration of the previous financial year of the ABHA, commencing on 1 July and ending on the following 30 June.

4. Membership

(1) There shall be the following categories of membership of the ABHA:

- (a) Senior membership - persons of or above the age of 18 years;
- (b) Junior membership - persons younger than 18 years of age;
- (c) Honorary membership
- (d) A person is accepted as a member of the ABHA provided that person has signed the Current Membership Form agreeing to abide by the Rules of the ABHA and has supplied his/her current postal address and details and made

payment to the ABHA the annual membership fee. Junior members are required to have a parent/guardian sign on their behalf.

- (2) The Secretary/Treasurer shall, upon payment of the amount referred to in sub-clause (1), enter the name in the Register of Members and, upon the name being so entered, the person becomes a Senior member or Junior member as the case may be, of the ABHA.
- (3) The Board may, by unanimous resolution, grant to a person honorary membership of the ABHA.
- (4) The following classes of members have the right to vote in the transaction of business of the ABHA:
 - (a) Senior members

5. Annual subscriptions

- (1) The annual subscription is payable each year.
- (2) The annual subscription for each category of membership shall be the amount as determined by the Board from time to time.

6. Members' liabilities

The Liability of a member of the ABHA to contribute towards the payment of the debts and liabilities of the ABHA or the costs, charges and expenses of the winding up of the ABHA is limited to the amount, if any, unpaid by the member in respect of membership of the ABHA as required by clause 4

7. Register of Members

The Secretary/Treasurer shall keep and maintain a Register of Members in which shall be entered the full name, address, date of entry of the name of each member and category of membership.

8. Cessation of membership

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, or
- (d) fails to pay the annual membership fee-under clause 4 within 3 months after the fee is due.

9. Resignation of membership

- (1) A member of the ABHA may resign from membership of the ABHA by first giving the secretary written notice of at least one month (or such other period as the Board 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.
- (2) If a member of the association ceases to be a member under subclause (1) , and every other case where a member ceases to hold membership, the secretary must make an appropriate entry in the register of members recording the date on which member ceases to be a member.

10. Officers of the ABHA

- (1) The officers of the ABHA shall be:
 - (a) a President;
 - (b) one Vice-President;
 - (c) a Secretary/Treasurer.

- (2) The provisions of clause 12 so far as they are applicable and with the necessary modifications, apply to and in relation to the election of persons to the offices of President and Vice-President.
- (3) The President and one Vice-President of the ABHA shall hold office until the second Annual General Meeting next after the date of their election, but each is eligible for re-election.
- (4) In the event of a casual vacancy in any office referred to in sub-paragraph (1)(a) or (1)(b), the Board may appoint one of its members (other than the Secretary/Treasurer) to the vacant office and the member so appointed may continue in that office up to and including the conclusion of the Annual General Meeting next following the date of the appointment.

11. Composition of the Board of the ABHA

- (1) There shall be a Board of the ABHA which shall consist of:
 - (a) the officers of the ABHA; and
 - (b) seven members of the ABHA who, on election in accordance with clause 12, shall be called Directors.
- (2) Each Director shall, subject to the Constitution, hold office until the second Annual General Meeting next after the date of election, but is eligible for re-election.
- (3) In the event of a casual vacancy in the office of a Director, the Board may appoint a member of the ABHA (other than the Secretary/Treasurer) to the vacant office and the member so appointed may continue in that office up to and including the conclusion of the Annual General Meeting next following the date of the appointment.

12. Election of the Board

- (1) A person is eligible to be nominated for the position of:
 - (a) President - if the person has served for 2 years or more as President, a Vice-President or a Director;
 - (b) Vice-President - if the person has served for 2 years or more as a Vice-President or a Director;
 - (c) Director - if the person has been a member of the ABHA for not less than two years prior to the nomination.
- (2) If the nominations received are exactly the number required to fill the vacancies on the Board, the persons nominated shall be deemed to be elected.
- (3) If insufficient nominations are received to fill all vacancies on the Board, then the candidates nominated shall be deemed to be elected and further nominations shall be called for at the Annual General Meeting and voting for the positions related to these nominations shall be conducted at the Annual General Meeting by sub clause (9).
- (4) Nominations of candidates for election as office-bearers of the association or as ordinary committee members:
 - (a) must be made in writing, signed by 2 members of the association and accompanied by the written consent of the candidate (to be endorsed on the form of the nomination)(Appendix 1), and
 - (b) must be delivered 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.
- (5) 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.
- (6) If insufficient further nominations are received, any vacant positions remaining on the committee are taken to be casual vacancies.
- (7) If the number of nominations received is equal to the number of vacancies to be filled, the persons nominated are taken to be elected.
- (8) If the number of nominations received exceeds the number of vacancies to be filled, a ballot is to be held.

- (9) The ballot for the election of office-bearers and ordinary committee members of the committee is to be conducted at the annual general meeting in such usual and proper manner as the committee may direct.
- (10) A person nominated as a candidate for election as an office-bearer or as an ordinary committee member of the association must be a member of the association.

13. Powers of Board of the ABHA

- (1) The affairs of the ABHA shall be managed by the Board.
- (2) The Board:
- (a) shall control and manage the business affairs of the ABHA;
 - (b) may, subject to the Constitution, the Act and the Regulations, exercise all such powers and functions as may be exercised by the ABHA other than those powers and functions that are required by the Constitution to be exercised by general meetings of the members of the ABHA;
 - (c) subject to the Constitution, the Act and the Regulations, has power to perform all such acts and things as appear to the Board to be essential for the proper management of the business affairs of the ABHA;
 - (d) may appoint such members of the Board, being not less than 3, to constitute a committee of the Board to exercise such of the functions of the Board as the Board may confer on such committee; and
 - (e) notwithstanding the generality of the foregoing, has power to promulgate rules and by-laws for the conduct of competitors at affiliated events with, or run under the auspices of, the ABHA.

14. Meetings of Board

- (1) The Board must meet at least 3 times in each period of 12 months at such place and time as the committee may determine.
- (2) A Special Meeting of the Board shall be convened by the Secretary/Treasurer when so requisitioned by not less than two thirds of the members of the Board.
- (3) The Secretary/Treasurer shall give notice to all members of the Board of all meetings convened or requisitioned as referred to in sub-clause (2).
- (4) Any notice shall specify the general nature of the business to be transacted at the meeting and no other business shall be transacted at such meeting.
- (5) Any four members of the Board constitute a quorum for the transaction of the business of the Board.
- (6) No business shall be transacted by the Board unless a quorum is present and if, within half an hour of the time appointed for a meeting, a quorum is not present the meeting stands adjourned to such time and place as the Secretary/Treasurer later notifies unless the meeting was a Special Meeting, in which case it lapses.
- (7) At meetings of the Board:
- (a) the President or in the President's absence the Vice-President shall preside; or
 - (b) if the President and the Vice-President are absent, such one of the remaining members (other than the Secretary/Treasurer) of the Board as may be chosen by the members present shall preside.
- (8) Questions arising at a meeting of the Board or of any committee appointed by the Board shall be determined on a show of hands or, if demanded by a member of the Board or of a committee, by a poll taken in such manner as the person presiding at the meeting may determine.
- (9) Each member (other than the Secretary/Treasurer) present at a meeting of the Board or of a committee appointed by the Board (including the person presiding at the meeting) is entitled to one vote and, in the event of an equality of votes on any question, the person presiding may exercise a second or casting vote.

15. Vacation of Office

For the purpose of the Constitution, the office of an officer of the ABHA or of a Director of the ABHA becomes vacant if the officer or Director:

- (a) ceases to be a member of the ABHA;
- (b) becomes an insolvent under administration within the meaning of the Corporations Act 2001.
- (c) resigns from office by notice in writing given to the Secretary/Treasurer.

16. Removal of Board members

- (1) The ABHA in general meeting may by resolution remove any member of the Board (other than the Secretary/Treasurer) before the expiration of the member's term of office and appoint another member in the first-mentioned member's stead to hold office until the expiration of the term of the first-mentioned member.
- (2) Where the member to whom a proposed resolution referred to in sub-clause (1) relates makes representations in writing to the Secretary/Treasurer or President of the ABHA (not exceeding a reasonable length) and requests that they be entitled to vote, the Secretary/Treasurer or President may send a copy of the representations to each such member or, if they are not so sent, shall read the representations out at the meeting at which the proposed resolution is to be put.

17. Appointment of Secretary/Treasurer

- (1) The Board may appoint a person to the position of Secretary/Treasurer of the ABHA.
- (2) Such person must be a member.
- (3) The Secretary/Treasurer shall be entitled to receive such remuneration as the Board may from time to time determine.
- (4) The Secretary/Treasurer shall hold such position at the pleasure of the Board.

18. Annual General Meeting

- (1) The ABHA must hold its annual general meetings;
 - (a) within 6 months after the close of the association's financial year, or
 - (b) within such later time as may be allowed by the Director General or prescribed regulation.
- (2) The Annual General Meeting shall be held on such day as the Board determines.
- (3) The Annual General Meeting shall be specified as such in the notice convening it.
- (4) The ordinary business of the Annual general Meeting shall be:
 - (a) to confirm the minutes of the last preceding Annual General Meeting and of any other general meeting held since that meeting;
 - (b) to receive from the Board reports upon the transactions of the ABHA during the last preceding financial year;
 - (c) to elect officers of the ABHA and the directors of the Board;
 - (d) to receive and consider any financial statement or report required to be submitted to the members under the Act. Including but not limited to the following particulars:
 - (i) the income and expenditure of the ABHA during its last financial year;
 - (ii) the assets and liabilities of the ABHA at the end of its last financial year;
 - (iii) the mortgages, charges and securities of any description affecting any of the property of the ABHA at the end of its last financial year; and
 - (iv) To consider the auditor's report in respect of the financial records of the ABHA.
- (5) The Annual General Meeting may transact special business of which notice is given in accordance with this Constitution.

19. Special General Meetings

- (1) All general meetings other than the Annual General Meeting shall be called Special General Meetings.
- (2) The President, or the Board, may convene a Special General Meeting of the ABHA and the Board shall, on the requisition in writing of members representing not less than 10 per cent of the total number of members, convene a Special General Meeting of the ABHA.
- (3) A requisition for a Special General meeting shall state the objects of the meeting and shall be signed by the members making the requisition and shall be sent to the address of the Secretary/Treasurer and may consist of several documents in a like form, each signed by one or more of the members making the requisition.
- (4) If the Board does not cause a special general meeting to be held within 60 days after the date on which the requisition is received by the Secretary/Treasurer, the members making the requisition, or any of them, may convene a special General Meeting to be held not later than 120 days after that date.

20. Notice of Meetings

- (1) The Secretary/Treasurer shall, at least 14 days before the date fixed for holding a general meeting, other than a general meeting at which a special resolution is to be proposed, cause to be sent to each member a notice stating the place, date and time of the meeting and the nature of the business to be transacted at the meeting. In the case of a general meeting at which it is proposed to put a resolution as a special resolution, such notice shall be caused to be sent not less than 21 days before the date fixed for holding the general meeting.
- (2) No business other than that set out in the notice convening the meeting shall be transacted at the meeting.
- (3) A member desiring to bring any business before a meeting may give notice of that business in writing to the Secretary/Treasurer, who shall include that business in the notice calling the next general meeting after the receipt of the notice.

21. Conduct of general meetings

- (1) No item of business shall be transacted at a general meeting unless a quorum of members entitled under the Constitution to vote is present during the time when the meeting is considering that item.
- (2) Five members personally present (being members entitled 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 if convened upon the requisition of members shall be dissolved and in any other case shall stand adjourned to the same day in the next week at the same time and (unless another place is specified by the Chairperson at the time of the adjournment or by written notice to members given before the day to which the meeting is adjourned) at the same place and if at the adjourned meeting the quorum is not present within half an hour after the time appointed for the commencement of the meeting, the members present (being not less than 3) shall be a quorum.

22. Adjournment of meetings

- (1) The Chairperson of a general meeting at which a quorum is present may, with the consent of the meeting, adjourn the meeting from time to time and place to place, but no business shall be transacted at an adjourned meeting other than the business left unfinished at the meeting at which the adjournment took place.

- (2) Where a meeting is adjourned for fourteen days or more, a like notice of the adjourned meeting shall be given as in the case of the general meeting.
- (3) Except as provided in sub-clauses (1) and (2), it is not necessary to give notice of an adjournment or of the business to be transacted at an adjourned meeting.

23. Chairperson

- (1) The President, or in the President's absence, a Vice-President, shall preside as Chairperson at each general meeting of the ABHA.
- (2) If the President and the Vice-Presidents are absent from a general meeting, the members present shall elect one of their number to preside as Chairperson at the meeting.

24. Procedure at meetings

- (1) Upon any question arising at a general meeting, a member has one vote only.
- (2) All votes shall be given personally.
- (3) In the case of an equality of voting on a question, the Chairperson of the meeting is entitled to exercise a second or casting vote.
- (4) A question arising at a general meeting of the ABHA shall 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, and an entry to that effect in the Minute Book of the ABHA is evidence of the fact, without proof of the number or proportion of the votes recorded in favour of, or against, that resolution.
- (5) If at a meeting a poll or any question is demanded by not less than three members, it shall be taken at that meeting in such manner as the Chairperson may direct and the resolution of the poll shall be deemed to be a resolution of the meeting on that question.
- (6) A poll that is demanded on the election of a Chairperson or on a question of an adjournment shall be taken forthwith and a poll that is demanded on any question shall be taken at such time before the close of the meeting as the Chairperson may direct.
- (7) A member is not entitled to vote at any general meeting unless all monies due and payable by the member to the ABHA have been paid.

25. Finance

- (1) The funds of the ABHA shall be derived from annual subscription, donations and such other sources as the Board determines.
- (2) All funds received shall be lodged as soon as practicable in a bank account at such bank as the Board determines.
- (3) The Board may invest monies not required for immediate persuance of the objects of the ABHA and interest thereon shall be available for the use of the ABHA.
- (4) All payments out of the bank account or investments of the ABHA shall be made by cheque signed by two members of the Board, one of whom shall be the President or the Secretary/Treasurer.
- (5) The ABHA secretary must as soon as practicable after receiving funds, issue appropriate receipt.

26. Secretary/Treasurer's obligations

- (1) The Secretary/Treasurer of the ABHA shall keep minutes of the resolutions and proceedings of each general meeting and each Board meeting in books provided for that purpose together with a record of the names of the persons present at Board meetings.
- (2) The Secretary/Treasurer of the ABHA:
 - (a) shall collect and receive all monies due to the ABHA and shall make all payments authorised by the ABHA; and
 - (b) shall keep correct accounts and books showing the financial affairs of the ABHA with full details of all receipts and expenditure connected with the activities of the ABHA.
- (3) Except as otherwise provided in the Constitution, the Secretary/Treasurer shall keep custody or control of all books, documents and securities of the ABHA.

27. Access to documents

All accounts, books, documents and securities of the ABHA shall be available for inspection by any member of the ABHA upon request.

28. Audit

- (1) The Board shall appoint an accountant to audit the records of the ABHA and to report thereon and may alter the appointment as and when the Board deems fit.
- (2) The Treasurer shall provide the financial records of the ABHA to the accountant so appointed within 21 days after the end of each financial year.

29. Disciplinary Procedure

- (1) A complaint may be made to the committee by any person that is a member of the association:
 - (a) has refused or neglected to comply with a provision or provisions of this constitution, or
 - (b) has wilfully acted in a manner prejudicial to the interests of the association.
- (2) The committee may refuse to deal with a complaint if it considers the complaint to be trivial or vexatious in nature.
- (3) If the committee decides to deal with the 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.
- (4) 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 and the expulsion or suspension is warranted in the circumstances.
- (5) 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.
- (6) 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 clause 12, which ever is the later.

30. Right of appeal of disciplined member

- (1) A member may appeal to the association in a 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 subclause (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 subclause (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) The appeal is to be determined by a simple majority of votes cast by members

31. Resolution of Disputes

- (1) A dispute between a member and another member (in their capacity as members) of the association, or a dispute between a member or members and the ABHA, are to be referred to a community justice centre for mediation under the Community Justices Centres ACT 1993.
- (2) If a dispute is not resolved by mediation within 3 months of the referral to a community justice centre, the dispute is to be referred to arbitration.
- (3) The Commercial Arbitration Act 1984 applies to any such dispute referred to arbitration.

32. Alteration of Statement of Purposes and Constitution

The Statement of Purposes and Constitution of the ABHA may be amended or altered only by a special resolution carried at a general meeting of the ABHA.

33. Notices

- (1) A notice may be served by or on behalf of the ABHA upon any member either personally or by sending it by ordinary pre-paid post to the member at the address shown in the Register of Members or by lodging the notice on the Australian Barrel Horse Web Site or Facebook pages.
- (2) Where a document is properly addressed pre-paid and posted to a person as a letter, the document shall, unless the contrary is proved, be deemed to have been given to or served on the person on the fourth business day after the date of posting.

34. Dissolution of ABHA

- (1) The ABHA may be dissolved by special resolution at a Special General Meeting.
- (2) Upon the dissolution, winding up or cancellation of the incorporation of the ABHA, the assets of the ABHA shall be disposed of in accordance with the wishes expressed in the special resolution referred to in sub-clause (1) or, if the special resolution does not express the members' wishes with respect to this issue, the assets of the ABHA shall be disposed of to the Australian Breast Cancer Research.

35. Insurance

The ABHA must obtain Public Liability Insurance and maintain same each year.

36. Voting/Notices of Motion

- (1) On any question arising at a general meeting of the ABHA a member has one vote only.
- (2) In the case of and equality of vote on a question at a general meeting, the chairperson of the meeting is entitled to exercise a second or casting vote.
- (3) A member is entitled to vote at any general meeting of the association unless all money due and payable by the member to the ABHA has been paid.
- (4) A member is not entitled to vote at any general meeting of the ABHA if the member is under 18 years of age.
- (5) Notice of Motion Form (Appendix 2) to be uploaded to be available to download from the ABHA website 21 days prior to the Annual General Meeting of the association.
- (6) All notices of motion must be signed by a financial member of the ABHA.
- (7) Voting to be either in person or via postal vote. (Voting Form Appendix 3)

APPENDIX 1

**NOMINATION FOR ELECTION OF MEMBER
TO THE BOARD OF THE AUSTRALIAN BARREL HORSE ASSOCIATION INCORPORATED**

We, (name) of..... (address) and
(name) of..... (address) hereby nominate (name of candidate) for
the position of (tick one box only):

- | | |
|--------------------------|----------------|
| <input type="checkbox"/> | President |
| <input type="checkbox"/> | Vice-President |
| <input type="checkbox"/> | Director |

.....
Signature of Proposer 1
Dated:

.....
Signature of Proposer 2
Dated:

I, (name of candidate) hereby consent to my nomination for the abovementioned position on the
Board of ABHA.

.....
Signature of Candidate
Dated:

APPENDIX 2

NOTICE OF MOTION

TO THE BOARD OF THE AUSTRALIAN BARREL HORSE ASSOCIATION INCORPORATED

I/We, (name) of..... (address) and
..... (name) of..... (address) submit the following notice of motion,
to be address at the Annual General Meeting, on the(date of AGM)

MOTION:

.....

.....

Signature of Mover

Signature of Seconder

Dated:

Dated:

APPENDIX 3

VOTING FORM

TO THE BOARD OF THE AUSTRALIAN BARREL HORSE ASSOCIATION INCORPORATED

I, _____ hereby acknowledge that I am a member in good standing with the ABHA and that the person designated below has the authority to vote for me at the Australian Barrel Horse Association Annual General Meeting.

She/He shall vote: as they wish. as I have designated on this ballot.

This ballot must be presented to the ABHA office no later than seven (7) days in advance of the date of the Annual General Meeting or handed to the Chair person prior to the start of the meeting.

NAME OF THE DESIGNATED VOTER: (please print)

NAME OF THE ABSENTEE VOTER: (please print)

ABHA MEMBER NUMBER OF ABSENTEE VOTER: _____

Notices Of Motion (NOM)

NOM 1.	FOR THE MOTION <input type="checkbox"/> AGAINST THE MOTION <input type="checkbox"/>
NOM 2.	FOR THE MOTION <input type="checkbox"/> AGAINST THE MOTION <input type="checkbox"/>
NOM 3.	FOR THE MOTION <input type="checkbox"/> AGAINST THE MOTION <input type="checkbox"/>
NOM 4.	FOR THE MOTION <input type="checkbox"/> AGAINST THE MOTION <input type="checkbox"/>
NOM 5.	FOR THE MOTION <input type="checkbox"/> AGAINST THE MOTION <input type="checkbox"/>
NOM 6.	FOR THE MOTION <input type="checkbox"/> AGAINST THE MOTION <input type="checkbox"/>

.....

Signature

Date: