

ADELAIDE UNIVERSITY GLIDING CLUB INC.

CONSTITUTION

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1. NAME

The name of the Club is “The Adelaide University Gliding Club Inc.”

2. DEFINITIONS

In this Constitution, and in all rules made hereunder, the following terms have the following meanings;

“The Act” means the Associations Incorporation Act 1985

“Affiliated Organisation” means an organisation with which the Club is affiliated pursuant to clause 6.1.4.

“Chief Flying Instructor” or “CFI” means the Chief Flying Instructor appointed pursuant to clause 8.2.

“GFA” means the Gliding Federation of Australia Inc.

“Club” means the Adelaide University Gliding Club Inc.

“Club Aviation Facility” means any aircraft, airfield, hangar, launching device, signalling device (including a radio), tool, workshop or other thing directly or indirectly related to the operation, possession, ownership or use of an aircraft by the Club or by any Member.

“Executive” means the board of management of the Club as provided for in clause 6.

“General Meeting” means an Annual General Meeting or Special General Meeting of the members of the Club

“Member” means a member of the Club.

“Membership Fees” means the fees determined by the Executive in accordance with clause 5.7.

“Month” means a calendar month.

“Officer” means a person as provided for in clause 7.

“Special Resolution” means a Special Resolution defined in the Act.

“Sports Association” means the Adelaide University Sports Association Inc.

3. OBJECTS OF THE CLUB

3.1. The objects of the Club are to:

- 3.1.1. Promote gliding in all possible ways,
- 3.1.2. Encourage Members to participate in gliding activities,
- 3.1.3. Provide low cost gliding facilities and training to Members; and
- 3.1.4. Promote all forms of aviation and aeronautical knowledge.

3.2. The Club shall be a not for profit organization.

4. POWERS OF THE CLUB

The Club shall have all the powers conferred by Section 25 of the Act.

5. MEMBERSHIP

5.1. Eligibility

Membership of the Club shall be open to:

- 5.1.1. Members of the Sports Association;
 - 5.1.2. Undergraduates, graduates, postgraduate students and staff of the University of Adelaide and related entities;
 - 5.1.3. Undergraduates, graduates, postgraduate students and staff of tertiary educational institutions and related entities; and
 - 5.1.4. All persons who are interested in aviation.
- 5.2. Existing Members
- A person who is a Member at the time of adoption of this Constitution (and who has not ceased to be a Member) shall continue to be a Member with the same type of membership.
- 5.3. Ordinary Members
- 5.3.1. A person shall not be admitted as an Ordinary Member unless:
 - 5.3.1.1. The person has made written application for membership in the form set out in Appendix 1 or such other form as the Executive may approve;
 - 5.3.1.2. The person has paid the Membership Fees applicable to an Ordinary Member; and
 - 5.3.1.3. The person's admission as a member is not rejected by the Executive.
 - 5.3.2. An application for membership of the Club shall be lodged with the Treasurer.
 - 5.3.3. As soon as is practicable after the receipt of an application, the Treasurer shall refer the application to the Executive and the Executive shall determine whether to approve or reject the application.
- 5.4. Social Members
- 5.4.1. A person shall not be admitted as a Social Member unless the person has:
 - 5.4.1.1. Made application and it has been approved in the same manner provided in clause 5.3; and
 - 5.4.1.2. Paid the Membership Fees applicable to a Social Member.
 - 5.4.2. A Social Member is not entitled to:
 - 5.4.2.1. Vote at a General Meeting;
 - 5.4.2.2. Be a member of the Executive; or
 - 5.4.2.3. Be an Officer.
- 5.5. Honorary Members
- 5.5.1. A person may be elected by a General Meeting as an Honorary Member of the Club in recognition of the interest the person has shown in the Club, and
 - 5.5.2. An Honorary Member is not entitled to vote at a General Meeting or be a member of the Executive unless they are also an Ordinary Member.

5.6. Life Members

5.6.1. A person may be elected by a General Meeting as a Life Member of the Club in recognition of at least ten years outstanding service he or she has given to the Club;

5.6.2. A Life Member is not required to pay Membership Fees. The Club shall, upon written request of a Life Member given to the Treasurer before the 28th February, pay the Sports Association membership fee for the Life Member.

5.6.3. A Life Member is entitled to vote at a General Meeting, be a member of the Executive and/or be an Officer.

5.7. Membership Fees

5.7.1. The Membership Fees, including concession rates, shall be determined by the Executive.

5.7.2. The annual membership fee shall be payable annually on 28th February or at such other time as the Executive shall determine.

5.7.3. Any Member whose Membership Fees are outstanding for more than one month after the due date for payment shall cease to be a Member of the Club, provided always that the Executive may reinstate such a person's membership on such terms as it thinks fit.

5.8. Membership Rights

The Executive shall determine the rights of each class of membership, being rights not inconsistent with this Constitution or the Act. In particular, the Executive may restrict, or impose conditions upon, the right of a class of Members to use all or part of the Club Aviation Facilities.

5.9. Resignations

A Member may resign from membership of the Club by giving written notice to the Treasurer. Any Member so resigning shall be liable for any outstanding Club fees and charges, including Membership Fees, which may be recovered as a debt due to the Club.

5.10. Expulsion of a Member

5.10.1. Subject to giving a Member an opportunity to be heard or to make a written submission, the Executive may resolve to expel a Member upon a charge of misconduct detrimental to the interests of the Club.

5.10.2. Particulars of the charge shall be communicated to the Member at least one month before the meeting of the Executive at which the matter will be determined.

5.10.3. The determination of the Executive shall be communicated to the Member, and, in the event of an adverse determination the Member shall (subject to clause 5.10.4), cease to be a Member 14 days after the Executive has communicated its determination to the Member.

5.10.4. A Member may appeal to a General Meeting against the expulsion. Written notice of appeal shall be given to the Secretary within 14 days after the notice of the determination of the Executive has been given to the

Member.

- 5.10.5. If the Member gives notice of appeal pursuant to clause 5.10.4 then the Secretary shall call a General Meeting to be held within 1 month of the Secretary receiving the notice of appeal.
- 5.10.6. In the event of an appeal under clause 5.10.4, the appellant's membership of the Club shall not be terminated unless the determination of the Executive to expel the Member is upheld by the General Meeting after the appellant has been heard by the General Meeting, and in such event membership will be terminated at the date of the General Meeting at which the determination of the Executive is upheld.
- 5.10.7. If there is no quorum at such General Meeting, or any adjournment thereof whether pursuant to clause 11.4.2 or otherwise, then the determination of the Executive will be deemed to have been upheld.
- 5.10.8. Nothing in this clause 5.10 restricts the power of the CFI, the Instructors Panel or an Instructor to restrict a Member's right to use Club Aviation Facilities as provided for in clause 9.

5.11. Register of Members

- 5.11.1. The Treasurer shall keep a register of Members which shall contain:
 - 5.11.1.1. The name, postal address and email address of each Member;
 - 5.11.1.2. The date on which each Member was admitted to the Club; and
 - 5.11.1.3. The type of membership of the Member.
- 5.11.2. Unless an application pursuant to clauses 5.3 or 5.4 is rejected by the Executive, the Treasurer shall enter the applicant's name in the register of Members and, upon the name being so entered, the applicant becomes an Ordinary Member or Social Member as the case may be.

5.12. Change of Address

Members must inform the Treasurer of any change to their:

- 5.12.1. Name, postal address, email address or telephone numbers; and
- 5.12.2. Membership status with any organisation with which the Club is affiliated.

6. THE EXECUTIVE

6.1. Powers and Duties

- 6.1.1. The Club shall be managed and controlled by the Executive which, in addition to any powers and authorities conferred by the Constitution, may exercise all such powers and do all such things as are within the Objects of the Club, and are not by the Act or by this Constitution required to be done by the Club in General Meeting.
- 6.1.2. The Executive has the management and control of the funds and other property of the Club.
- 6.1.3. The Executive has authority to interpret the meaning of this Constitution and any other matter relating to the affairs of the Club on which this Constitution is silent.

- 6.1.4. The Executive has the power to affiliate the Club with other organisations including the GFA and the Sports Association on such terms as it thinks fit and to terminate any such affiliation.
- 6.1.5. The Executive may set such fees, including airfield levies, flying fees, insurance levies, affiliation fees and launch fees, as it may determine and Members shall pay the same.
- 6.1.6. The Executive shall appoint the Public Officer.
- 6.2. Appointment
 - 6.2.1. The Executive shall consist of a
 - 6.2.1.1. President,
 - 6.2.1.2. Secretary,
 - 6.2.1.3. Treasurer,
 - 6.2.1.4. Social Convener and
 - 6.2.1.5. Fifth Member.
 - 6.2.2. An Executive member shall be a natural person.
 - 6.2.3. An Executive member must be an Ordinary Member or Life Member.
 - 6.2.4. No person shall be elected to more than one Executive position.
 - 6.2.5. At the Annual General Meeting the following positions shall be made open for election
 - 6.2.5.1. All Executive positions, and
 - 6.2.5.2. Any Officer of the type referred to in clause 7.1.4.
 - 6.2.6. The positions referred to in clause 6.2.5 shall be filled in the following manner:
 - 6.2.6.1. The position of President shall be declared vacant and the Secretary shall call for nominations and seconds for the position of President.
 - 6.2.6.2. A retiring President shall be eligible to stand for re-election.
 - 6.2.6.3. If there is only one nominee, the person nominated shall be deemed to be elected.
 - 6.2.6.4. If there is more than one nominee, Members shall be asked to vote on the position of President, and the candidate who polled the highest number of votes shall be elected President.
 - 6.2.6.5. Once the position of President has been filled, the President shall declare all remaining Executive and other Officer positions to be filled vacant, and the President shall ask for nominations and seconds for each position in turn.
 - 6.2.6.6. A retiring Executive member or other Officer shall be eligible to stand for re-election.
 - 6.2.6.7. Each of the positions on the Executive and each Officer shall be elected in like manner to that prescribed for the election of the

President in clauses 6.2.6.3 and 6.2.6.4.

6.2.7. The Executive may appoint a person to fill a casual vacancy on the Executive or in the position of an Officer (other than the CFI), and such person shall hold office until the next Annual General Meeting and shall be eligible for election to such position.

6.3. Proceedings of the Executive

6.3.1. The Executive shall meet together for the dispatch of business at least monthly.

6.3.2. Questions arising at any meeting of the Executive shall be decided by a majority of votes of those members of the Executive present, and in the event of equality of votes the Chairperson shall have a casting vote in addition to a deliberate vote.

6.3.3. A quorum for a meeting of the Executive shall be 3.

6.3.4. A member of the Executive having direct or indirect pecuniary interest in a contract or proposed contract with the Club must disclose the nature and extent of that interest to the Executive as required by the Act and shall not vote with respect to that contract or proposed contract. The member of the Executive must disclose the nature and extent of his or her interest in the contract at the next Annual General Meeting of the Club.

6.4. Disqualification of Executive Members

The office of an Executive member shall become vacant if an Executive member is:

6.4.1. Disqualified from being an Executive member by the Act;

6.4.2. Expelled as a Member under this Constitution;

6.4.3. Permanently incapacitated by ill health; or

6.4.4. Absent without apology from more than 3 meetings in a financial year.

6.5. Resignation

A member of the Executive may resign by notice in writing to the Secretary.

7. OFFICERS

7.1. Officers of the Club include:

7.1.1. The members of the Executive;

7.1.2. A Patron, if a General Meeting deems it appropriate to appoint a patron;

7.1.3. A Public Officer, who may be the Secretary or, alternatively, any other Member, as required by the Act;

7.1.4. Any delegate of the Club to an Affiliated Organisation;

7.1.5. A Chief Flying Instructor;

7.1.6. An Airworthiness Administration Officer;

7.1.7. A Sports Coach; and

7.1.8. Such other officers as shall be required from time to time as determined by the Executive.

- 7.2. All Officers except the Patron must be Ordinary Members, Life Members or Honorary Members.
- 7.3. The CFI shall have power to:
 - 7.3.1. Supervise, control and regulate the training and standards of all Members who are pilots, trainee pilots or ground crew and any person who uses the Club Aviation Facilities;
 - 7.3.2. Supervise, control and regulate any other matter touching on or concerning the safety of aviation operations by Members or any person using the Club Aviation Facilities;
 - 7.3.3. Supervise, control and regulate any other matter touching on or concerning the Club Aviation Facilities which is not within the responsibility of the Airworthiness Administration Officer;
 - 7.3.4. Appoint Instructors to the Instructors Panel;
 - 7.3.5. Delegate the powers of the CFI to Instructors in such manner and to such extent as the CFI may determine; and
 - 7.3.6. Exercise any power delegated to the CFI by the GFA or Civil Aviation Safety Authority.
- 7.4. The Airworthiness Administration Officer shall have:
 - 7.4.1. The power to supervise, control and regulate aircraft airworthiness; and
 - 7.4.2. Such other powers as may be delegated to the Airworthiness Administration Officer by GFA or the Civil Aviation Safety Authority.
- 7.5. The Sports Coach shall promote the participation by all Members in:
 - 7.5.1. Cross country gliding; and
 - 7.5.2. Club, local and national gliding seminars, competitions, regattas and similar activities.
- 7.6. An Officer may resign by notice in writing to the Secretary.

8. INSTRUCTORS PANEL

- 8.1. The Instructors Panel shall consist of such Members who are recognised as instructors by the GFA and approved by the CFI.
- 8.2. The Instructors Panel shall elect the CFI. The CFI must be eligible for appointment as a CFI pursuant to GFA's rules.
- 8.3. The Instructors Panel shall advise the CFI on matters touching upon the CFI's duties and the exercise of the CFI's powers.
- 8.4. The Instructors Panel shall exercise such powers as may be given by the GFA to Instructors Panels.

9. GROUNDINGS

- 9.1. The CFI, the Instructors Panel or an Instructor may remove or restrict the right or rights of a Member to enjoy the benefits of any Club Aviation Facility ("a Grounding").
- 9.2. When determining whether to impose a Grounding, the need to protect the safety of people and property shall be of paramount importance. A person imposing a

Grounding is encouraged, but not required, to extend natural justice to the person being grounded.

- 9.3. A Grounding shall not last for more than 3 months but may be renewed for successive periods of up to 3 months each.
- 9.4. A Member who is subject to a Grounding:
 - 9.4.1. Shall be informed by the person imposing the Grounding as soon as possible of the Grounding and the reasons for such grounding; and
 - 9.4.2. May appeal to the Instructor Panel who shall hear such appeal within 1 month of notice of such appeal being served by the Member upon the CFI.
- 9.5. Any Grounding may be removed or varied by the CFI, the Instructors Panel or the Instructor who imposed the Grounding.
- 9.6. If a Member enjoys the benefits of a Club Aviation Facility contrary to the terms of a Grounding then the Member may be expelled pursuant to clause 5.10.

10. THE SEAL

- 10.1. The Club shall have a common seal upon which its corporate name shall appear in legible characters.
- 10.2. The seal shall not be used without express authorisation of the Executive. Every use of the seal shall be recorded in the minutes of the next Executive meeting. The affixing of the seal shall be witnessed by two members of the Executive appointed by the Executive for that purpose.

11. GENERAL MEETINGS

- 11.1. Annual General Meetings
 - 11.1.1. The Executive shall call an Annual General Meeting in accordance with the Act and this Constitution.
 - 11.1.2. The Annual General Meeting shall be held within 6 months after the end of the financial year.
 - 11.1.3. The order of business at the meeting shall be:
 - 11.1.3.1. The confirmation of the minutes of the previous Annual General Meeting and of any Special General Meeting held since that meeting;
 - 11.1.3.2. The consideration of the accounts and reports of the Executive;
 - 11.1.3.3. The election of Executive members and other Officers; and
 - 11.1.3.4. Any other business requiring consideration by the Club in General Meeting.
- 11.2. Special General Meetings
 - 11.2.1. The Executive may call a Special General Meeting of the Club at any time.
 - 11.2.2. Upon a requisition in writing of not less than 5% of the total number of Members, the Executive shall within one month of the receipt of the requisition, convene a Special General Meeting for the purpose specified in the requisition.
 - 11.2.3. Every requisition for a Special General Meeting shall be signed by the

relevant Members and shall state the purpose of the meeting.

11.2.4. If a Special General Meeting is not convened within one month, as required by 11.2.2 above, the requisitionists, or at least 50% of their number, may convene a Special General Meeting. Such a meeting shall be convened in the same manner as nearly as practical as a meeting convened by the Executive, and for this purpose the Executive shall ensure that the requisitionists are supplied free of charge with particulars of the Members entitled to receive a notice of meeting. The reasonable expenses of convening and conducting such a meeting shall be borne by the Club.

11.3. Notice of General Meetings

11.3.1. Subject to clause 11.3.2, at least 14 days notice of a General Meeting shall be given to Members. The notice shall set out where and when the meeting will be held and particulars of the nature and order of the business to be transacted at the meeting.

11.3.2. Notice of a meeting at which a Special Resolution is to be proposed shall be given at least 21 days prior to the date of the meeting.

11.4. Proceedings at General Meetings

11.4.1. Ten Members present personally or by proxy shall constitute a quorum for the transaction of business at any General Meeting.

11.4.2. If within 30 minutes after the time appointed for the meeting a quorum of Members is not present, a meeting convened upon the requisition of Members shall lapse. In any other case, the meeting shall stand adjourned to the same day of the next week, at the same time and place and if at such adjourned meeting a quorum is not present within 30 minutes of the time appointed for the meeting the Members present shall form a quorum.

11.4.3. Subject to clause 11.4.4, the President shall preside as Chairperson at a General Meeting of the Club.

11.4.4. If the President is not present within 5 minutes after the time appointed for holding the meeting, or he or she is present but declines to take or retires from the chair, the Members may choose an Executive member or one of their own members to be the Chairperson of that meeting

11.5. Voting at General Meetings

11.5.1. Every Ordinary Member and Life Member has only one vote at a General Meeting.

11.5.2. A question for decision at a General Meeting, other than a Special Resolution, must be determined by a majority of Members who vote in person or by proxy at the meeting.

11.5.3. A Special Resolution shall be passed by a majority of not less than three quarters of such Members as, being entitled to do so, vote in person or by proxy at that meeting as required by the Act.

11.5.4. Unless a poll is demanded by at least 2 Members, a question for decision at a General Meeting must be determined by a show of hands.

11.6. Powers of General Meeting

A General Meeting has power to:

- 11.6.1. Remove any member of the Executive and appoint a replacement;
- 11.6.2. Remove any Officer, other than the CFI, and appoint a replacement;
- 11.6.3. Direct the Executive to take, or refrain from taking any action on any matter; and
- 11.6.4. Exercise any power that may be exercised by the Executive.

11.7. Poll at General Meetings

- 11.7.1. If a poll is demanded by at least 2 Members it must be conducted in a manner specified by the person presiding and the result of the poll is the resolution of the meeting on that question.
- 11.7.2. A poll demanded for the election of a person presiding or on a question of adjournment must be taken immediately, but any other poll may be conducted at any time before the close of the meeting.

11.8. Proxies

A Member shall be entitled to appoint in writing, or using the proxy form provided in Appendix 2, a natural person who is also a Member to be their proxy, and attend and vote at any General Meeting.

12. MINUTES

- 12.1. Proper minutes of all proceedings of General Meetings and of meetings of the Executive shall be prepared, and a copy held, by the Secretary or any other Executive member assigned responsibility for club records by the Executive.
- 12.2. The minutes kept pursuant to this rule must be confirmed by the Members or the members of the Executive (as relevant) at a subsequent meeting
- 12.3. The minutes kept pursuant to this rule shall be signed by the Chairperson of the meeting at which the proceedings took place or by the Chairperson of the next succeeding meeting at which the minutes are confirmed.
- 12.4. Where minutes are entered and signed they shall, until the contrary is proved, be evidence that:
 - 12.4.1. The meeting was convened and duly held,
 - 12.4.2. All proceedings held at the meeting were duly and properly held, and
 - 12.4.3. All appointments made at a meeting were valid.

13. NOTICES

- 13.1. Any notice required to be given by the Club to any Member may be given by serving the Members with the notice personally, by sending it by post to the address appearing in the register of Members, or by email to the email address of the Member appearing in the register of Members.
- 13.2. Where a notice is sent by post:
 - 13.2.1. The service is effected by properly addressing, prepaying and posting a letter or packet containing the notice; and
 - 13.2.2. Service will be taken to have been effected at the time at which the letter or packet would be delivered in the ordinary course of post.

13.3. Where a notice is sent by email service will be taken to have been effected at the time that the email is received by the Member's email server.

14. FINANCIAL YEAR

The financial year of the Club shall be a period of 12 months commencing on 1 January and ending on 31 December of each year.

15. ACCOUNTS

15.1. Accounts to be Kept

The Club shall keep and retain such accounting records as are necessary to correctly record and explain the financial transactions and financial position of the Club in accordance with the Act.

15.2. Accounts and Reports to be laid before Members

The accounts, the Executive's report and the Treasurer's report shall be laid before Members at the Annual General Meeting.

15.3. Signatories

A minimum of two members of the Executive specifically appointed by the Executive for the purpose shall jointly sign any documents on the banking accounts of the Club.

15.4. Electronic Banking Accounts

15.4.1. The Executive may operate an electronic banking account where funds are withdrawn and/or transferred out of the account ("Withdrawals") by means of a username, password, personal identification number or similar.

15.4.2. Notwithstanding sub-clause 15.3, the Executive may authorise one or more Members to solely make Withdrawals from an electronic banking account if the Member is:

15.4.2.1. a member of the Executive,

15.4.2.2. the CFI,

15.4.2.3. an Instructor,

15.4.2.4. is admitted as a barrister or solicitor of an Australian court,

15.4.2.5. is a qualified accountant within the meaning of section 88B of the Corporations Act, or

15.4.2.6. a Member of the club for a continuous period of not less than 2 years.

15.4.3. The Executive shall arrange with any financial institution providing an electronic banking account to impose controls on the electronic banking account to limit the possibility of unauthorised transactions.

15.5. Notification of Withdrawal

A Member who makes a withdrawal from a banking account shall forthwith inform the Treasurer of the date, amount, payee, reason and transaction number of the withdrawal.

16. PROHIBITION AGAINST SECURING PROFITS FOR MEMBERS

The income and capital of the Club shall be applied exclusively to the promotion of its objects and no portion shall be paid or distributed directly or indirectly to Members or their associates except as a bona fide remuneration of a Member for services rendered or expenses incurred on behalf of the Club.

17. WINDING UP

The Club may be wound up in the manner provided for in the Act.

18. APPLICATION OF SURPLUS ASSETS

- 18.1. If after the winding up of the Club there remain “surplus assets” as defined in the Act, such surplus assets shall be distributed to any organization which has similar objects and has rules which prohibit the distribution of its assets and income to Members.
- 18.2. Such organization or organizations shall be identified and determined by resolution of Members in General Meeting.

19. AMENDMENT TO CONSTITUTION

This Constitution may be altered (including alteration to the Club’s name) by Special Resolution of the Members. This includes rescision or replacement by substitute provisions.

20. MEMBERS BOUND BY CONSTITUTION

This Constitution shall bind the Club and every Member to the same extent as if they had respectively signed and sealed it and agreed to be bound by all of its provisions.

APPENDIX 1- MEMBERSHIP APPLICATION FORM

I,
(full name)

of.....
(number and street)

State.....

Post Code.....

Date of Birth...../...../.....

Home Phone.....

Business Phone.....
(optional)

Mobile.....
(optional)

Fax
(optional)

Email.....

Student Number.....

apply for membership as

- An Ordinary Member
- A Social Member

of the Adelaide University Gliding Club Inc. and upon my acceptance as a member, agree to be bound by the Club Constitution.

Date/...../.....
(signature)

APPENDIX 2 – PROXY FORM

PROXY FORM FOR VOTING AT A GENERAL MEETING OF THE ADELAIDE
UNIVERSITY GLIDING CLUB INC

I,.....
being a member of the Adelaide University Gliding Club Inc. give power of decision on
my behalf and in my absence to
.....
(who is also a member of the Adelaide University Gliding Club Inc.) with his or her
consent.

This power of proxy shall remain in place for any and all questions which may occur
requiring my decision at a General Meeting of the Adelaide University Gliding Club Inc.
to be held on...../...../..... unless I personally attend the meeting and in
accordance with the rules and limitations of proxy as set out in this Constitution.

Signature of Member.....

Signature of Proxy.....

Date...../...../.....