
Constitution

Association for Christian Education Incorporated

Original Constitution – 27 May 1964

Previous Revision – 26 January 1989

This Revision – 30 March 2015

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Association for Christian Education (Inc)
Constitution

BACKGROUND

- A God, by His Wise Covenant arrangements, has appointed the parents to be responsible for the training of the child. Consequently, we believe that it is our duty and privilege as Christian parents to provide Christian education for our children and as this can be best accomplished by concerted action, such as the establishing of Christian parent-controlled schools, we do hereby make and adopt the following Constitution.
- B On 27 May 1964, at an Annual General Meeting, the Association was formed and a constitution was adopted (“**Original Constitution**”). Pursuant to that Original Constitution, the Association has established and continuously operated since that date the Rehoboth Christian School (now Rehoboth Christian College).
- C The five foundation members of the Board as recorded in the Original Constitution were:
- (a) Annig Hetebrij of 22 Marquis Street, Bentley;
 - (b) Jakob Swarts of 187 Riverton Street, Wilson;
 - (c) Hendrik Carl Gotthilf Samuel Siegismund Roelofs of 21 Mayfair Street, West Perth;
 - (d) Hendrik Van Dijken of 81 Armadale Road, Rivervale;
 - (e) Sijbe Knol of 14 Randall Street, Dianella.
- D The Original Constitution has been amended from time to time by the Association, with the most recent amendments occurring in 1989.
- E In 2013 and 2014, the Board has reviewed the Original Constitution and received advice that the Original Constitution is not compliant with the basic requirements for constitutions that are required at law under the *Associations Incorporation Act 1987 (WA)*.
- F The Board has elected to prepare this Constitution based on the model rules provided by the Department of Commerce of Western Australia which comply with the Associations Incorporation Act.
- G This Constitution preserves the majority of the terms of the Original Constitution (as amended in 1989) and incorporates those terms into the framework of the model rules.

- H It is intended that the Original Constitution will be amended in accordance with its terms by replacing the Original Constitution with this Constitution.

RULES

1 NAME OF ASSOCIATION

The name of the Association is the Association for Christian Education Incorporated of Perth, Western Australia.

2 DEFINITIONS AND INTERPRETATION

2.1 Definitions

In this Constitution, unless the contrary intention appears:

- (a) “**Act**” means the Associations Incorporation Act 1987 (WA);
- (b) “**Affiliate**” means a Single Person or a Married Couple who fulfils all the requirements of Membership, except for a Life Long Commitment. Affiliates are encouraged to attend but are ineligible to vote at Meetings of the Association;
- (c) “**Annual General Meeting**” is the meeting convened under rule 17.6;
- (d) “**Association**” means the Association referred to in rule 1;
- (e) “**Bible**” means the Holy Scriptures, as defined in Article 4 of the Belgic Confession;
- (f) “**Board**” means the Board of Management of the Association referred to in rule 10.1;
- (g) “**Board Meeting**” means a meeting referred to in rule 15.1;
- (h) “**Board Member**” means person referred to in rule 10.1;
- (i) “**Chairman**” means the person referred to in rule 10.1(a)(i) and in relation to the proceedings at a Board Meeting or General Meeting, the person presiding at the Board Meeting or General Meeting will be deemed to be the Chairman for the purposes of that meeting;
- (j) “**College**” means any institution of learning operated by the Association;
- (k) “**Commissioner**” means the Commissioner for Consumer Protection exercising powers under the Act;
- (l) “**convene**” means to call together for a formal meeting;
- (m) “**department**” means the government department with responsibility for administering the *Associations Incorporation Act 1987*;
- (n) “**Education Philosophy**” is as follows:

It is the responsibility of Christian parents to provide for their children an education in keeping with their own Christian faith. This education must be of such a nature that the entire curriculum is taught in a Christian manner and with a Christian world view. The Biblical revelation of God, creation, man, sin, Christ, the Holy Spirit, and redemption shall pervade the whole curriculum.

- (o) **“Executive Officer”** means the person referred to in rule 16;
- (p) **“financial year”** means a period commencing 1 January and ending on 31 December in that year;
- (q) **“General Meeting”** means a meeting to which all Members are invited;
- (r) **“Learning Principles”** are as follows:

It is the role of educators of the Association to orient students Biblically toward the knowledge of God, humanity, and the rest of God’s creation. This is done in order that they would seek God’s will, to see things as God sees them, and to engage with and influence the culture in which we live. The Association achieves this by partnering with parents to develop the “whole child”; that is, his or her spiritual and moral growth, academic growth, and personal and social development, in order to inspire students to excel.

- (s) **“Life Long Commitment”** means, in relation to a Member, a commitment to prayerfully, actively and financially support Christian education for his/her entire life;
- (t) **“Married Couple”** means a husband and a wife;
- (u) **“Member”** means a member of the Association, being a Single Person or a Married Couple, being a Member of the Association, either junior, life, honorary or financial and (where the context requires) an Affiliate;
- (v) **“Ordinary Resolution”** means resolution other than a Special Resolution;
- (w) **“Parent”** means any parent or guardian or any person liable to maintain or who has actual custody of any child;
- (x) **“poll”** means voting conducted in written form (as opposed to a show of hands);
- (y) **“Principal”** means a teacher specifically appointed to the position of Principal or Headmaster of a particular College by the Board;
- (z) **“Secretary”** means the Secretary referred to in rule 10.1(a)(iii);
- (aa) **“Special General Meeting”** means a General Meeting other than the Annual General Meeting;
- (bb) **“Single Person”** means an individual person;

- (cc) "**Special Resolution**" has the meaning given by section 24 of the Act, that is:
- (i) A resolution is a special resolution if it is passed by a majority of not less than three-fourths of the Members of the Association present and who are entitled under the rules of the Association to vote and vote in person or, where proxies or postal votes are allowed by the rules of the Association by proxy or postal vote, at a General Meeting of which notice specifying the intention to propose the resolution as a special resolution was given in accordance with those rules.
 - (ii) At a meeting at which a resolution proposed as a special resolution is submitted, a declaration by the person presiding that the resolution has been passed as a special resolution shall be evidence of the fact unless, during the meeting at which the resolution is submitted, a poll is demanded in accordance with the rules of the Association or, if the rules do not make provision as to the manner in which a poll may be demanded, by at least 3 Members of the Association present in person or, where proxies are allowed, by proxy.
 - (iii) If a poll is held, a declaration by the person presiding as to the result of a poll is evidence of the matter so declared.
- (dd) "**Staff Member**" means an individual (other than a Teacher or a Principal) who is employed by the Association;
- (ee) "**Student**" means a student attending a College operated by the Association;
- (ff) "**Teacher**" means a person professionally qualified and appointed by the Board to hold a teaching position at a College;
- (gg) "**Three Doctrines of Unity**" means:
- (i) The Belgic Confession;
 - (ii) The Heidelberg Catechism; and
 - (iii) The Canons of Dordt.
- (hh) "**Treasurer**" means the Treasurer referred to in rule 10.1(a)(iv);
- (ii) "**Vice-Chairman**" means the Vice-Chairman referred to in rule 10.1(a)(ii).

2.2 Interpretation

The following interpretation rules apply to the interpretation of this Constitution:

- (a) The singular includes the plural and conversely.
- (b) A gender includes all genders.
- (c) If a word or phrase is defined, its other grammatical forms have a corresponding meaning.

- (d) A reference to a person, corporation, trust, partnership, unincorporated body or other entity includes any of them.
- (e) A reference to a rule, schedule or annexure is a reference to a rule of, or a schedule or annexure to, this Constitution.
- (f) A reference to a provision of legislation includes a modification or re-enactment of it, a legislative provision substituted for it and a regulation or statutory instrument issued under it.
- (g) Headings are for convenience only and do not affect interpretation.

3 OBJECTS OF ASSOCIATION

3.1 Objects

The objects of the Association are as follows:

- (a) To establish, acquire, maintain and carry on at Perth in the State of Western Australia and elsewhere a College or Colleges for children irrespective of age, race or creed, where students may obtain the highest standard of education in order to fit them to take a worthy place as Christians in church, state and society;
- (b) In the conduct of a College or Colleges:
 - (i) to acknowledge and foster Christian ideals at all times;
 - (ii) to believe that the Bible is the infallible Word of God and to accept it as a guide and final authority in matters pertaining to faith and life;
 - (iii) to encourage and promote the knowledge, worship and service of God by every member of such College;
 - (iv) to implement the Learning Principles and the Education Philosophy;
 - (v) to provide an environment that fosters and develops an educational framework to provide students with the opportunity to reach their full educational potential; and
 - (vi) to involve the school community in the governance of the Colleges to strengthen and support education in the Association's community.
- (c) To found and maintain exhibitions and scholarships for maintaining or partially maintaining students for such amounts and for such purpose or purposes and periods as the Board may from time to time determine and to discontinue in whole or in part any exhibitions or scholarships and apply the money for other objects permitted by this Constitution;
- (d) To provide any child or children as the Board may from time to time elect with all necessary and proper clothing, board, lodging and medical attendances and discontinue the same at will; and

- (e) To conduct activities and events for any other purpose that facilitates and promotes the above objectives.

3.2 Application of Property and Income

The property and income of the Association shall be applied solely towards the promotion of the objects of the Association and no part of that property or income may be paid or otherwise distributed, directly or indirectly, to Members, except in good faith in the promotion of those objects.

4 POWERS OF ASSOCIATION

4.1 Powers of Association

The powers conferred on the Association are the same as those conferred by section 13 of the Act, so that the Association may do all things necessary or convenient for carrying out its objects and purposes, and in particular, may:

- (a) acquire, hold, deal with, and dispose of any real or personal property;
- (b) open and operate bank accounts;
- (c) invest its money:
 - (i) in any security in which trust monies may lawfully be invested; or
 - (ii) in any other manner authorised by the rules of the Association;
- (d) borrow money upon such terms and conditions as the Association thinks fit;
- (e) give such security for the discharge of liabilities incurred by the Association as the Association thinks fit;
- (f) appoint agents to transact any business of the Association on its behalf;
- (g) establish and conduct, or arrange for the conduct of, facilities and services to enhance the education, development, care safety, health or welfare of children and students;
- (h) enter into any other contract it considers necessary or desirable; and
- (i) act as trustee and accept and hold real and personal property upon trust, but does not have power to do any act or thing as a trustee that, if done otherwise than as a trustee, would contravene this Act or the rules of the Association.

4.2 Additional Powers of Association

In addition to the powers conferred by rule 4.1, the Association is conferred the following additional powers:

- (a) erect and to improve, repair, pull down and rebuild buildings and other structures;

- (b) amalgamate, co-operate, affiliate and enter into reciprocal arrangements with any other associations having objects wholly or in part similar to those of the Association, provided that this may not be exercised unless authorised by a Special Resolution;
- (c) appoint, employ and pay officers, employees, contractors and servants and to dismiss or suspend any officers, employees, contractors or servants; and
- (d) to do all such things as are incidental or conducive to the attainment of the objects of the Association.

5 QUALIFICATIONS FOR MEMBERSHIP OF ASSOCIATION

5.1 Membership Criteria

Membership of the Association is open to any Single Person or Married Couple who:

- (a) is 18 years old or above;
- (b) is interested in furthering the objects of the Association;
- (c) declares his or her (or their) agreement with the objects of the Association; and
- (d) declares that they have a Life Long Commitment.

5.2 Membership Applications

A Single Person or a Married Couple who wishes to become a Member must apply for membership to the Board in writing:

- (a) signed by that Single Person or on behalf of the Married Couple; and
- (b) in the form set out in Appendix A to this Constitution as the Board from time to time amends.

5.3 Honorary and Life Members

The Board may, at a Board Meeting held pursuant to rule 15.1, nominate any person as an Honorary Member for any period and without limitation of period. The Board may in like manner also elect a Member who has in the opinion of the Board rendered special services to the Association as a Life Member. Honorary Members and Life Members have the full rights of Members but shall not be required to pay Subscriptions.

5.4 Junior Members

- (a) Any Single Person who is between the age of 15 years and 20 years and otherwise meets the membership criteria in rule 5.1 is able to become a Junior Member by making an application under rule 5.2
- (b) The annual subscription for Junior Members will be a proportion of the Annual Subscription that is set under rule 7.1 as follows:

- (i) For Junior Members who are 15 or 16 years old – 30% of the Annual Subscription;
 - (ii) For Junior Members who are 17 years old – 40% of the Annual Subscription;
 - (iii) For Junior Members who are 18 years old – 60% of the Annual Subscription;
 - (iv) For Junior Members who are 19 years old – 80% of the Annual Subscription.
- (c) The Rules in relation to the rights and obligations of Members apply to all Junior Members except that Junior Members are only eligible to vote at a General Meeting if they are over the age of 18.

5.5 Affiliate Members

- (a) Any Single Person or Married Couple who meets the membership criteria in rule 5.1, except in relation to the Lifelong Commitment is able to become an Affiliate Member by making an application under rule 5.2.
- (b) The Rules in relation to rights and obligations of Members apply to all Affiliates, except Affiliates are ineligible to vote at General Meetings of the Association.

5.6 Board to Consider Applications

The Board Members must consider each application made under rule 5.2 at a Board Meeting and must at the Board Meeting or the next Board Meeting accept or reject that application by vote.

5.7 Rejection and Appeal

An applicant whose application for membership of the Association is rejected under rule 5.6 must, if he or she wishes to appeal against that decision, give notice to the Secretary of his or her intention to do so within a period of 14 days from the date he or she is advised of the rejection.

5.8 Final Decision by Association

When notice is given under rule 5.7, the Association in a General Meeting no later than the next Annual General Meeting, must either confirm or set aside the decision of the Board to reject the application, after having afforded the applicant who gave that notice a reasonable opportunity to be heard by, or to make representations in writing to, the Association in the General Meeting.

6 REGISTER OF MEMBERS OF ASSOCIATION

6.1 Register

The Secretary, on behalf of the Association, must comply with section 27 of the Act by keeping and maintaining in an up to date condition a register of the Members of the Association and their postal or residential addresses and, upon the request of a Member of the Association, shall make the

register available for the inspection of the Member and the Member may make a copy of or take an extract from the register but shall have no right to remove the register for that purpose.

6.2 Place of Register

The register must be so kept and maintained at the College, or at such other place as the Members at a General Meeting decide.

6.3 Upkeep of Register

The Secretary must cause the name of a person who dies or who ceases to be a Member under rule 8 to be deleted from the register of Members referred to in rule 6.1.

7 SUBSCRIPTIONS AND FEES

7.1 Annual Subscriptions

The Members may from time to time at a General Meeting determine the amount of the annual subscription to be paid by each Member (except Honorary Members and Life Members).

7.2 Annual Tuition Fees

The Members may from time to time at a General Meeting determine the amount of the annual tuition fee based on the annual budget submitted at such meeting by the Board for approval by the Members.

7.3 Payment

Each Member (except Life Members and Honorary Members) must pay to the Association, annually on such date as the Board from time to time determines, the amount of the subscription determined under rule 7.1.

7.4 Consequence of Non-Payment

Subject to rule 7.5, a Member whose subscription or tuition fee is not paid within 3 months after the relevant date fixed by or under rule 7.3 ceases on the expiry of that period to be a Member, unless the Board decides otherwise.

7.5 Exercise of Rights

A person exercises all the rights and obligations of a Member for the purposes of this Constitution if his or her subscription and/or tuition fee is paid on or before the relevant date fixed by or under rule 7.3 or within 3 months thereafter, or such other time as the Board allows.

8 TERMINATION OF MEMBERSHIP OF THE ASSOCIATION

8.1 Termination of Membership

Membership of the Association may be terminated upon:

- (a) receipt by the Secretary of a notice in writing from a Member of his or her resignation from the Association. Such person remains liable to pay to the Association the amount of any subscription or tuition fees due and payable by that person to the Association but unpaid at the date of termination; or
- (b) non-payment by a Member of his or her subscription or tuition fees within three months of the date fixed by the Board for subscriptions or tuition fees to be paid, unless the Board decides otherwise in accordance with rule 7.4; or
- (c) expulsion of a Member in accordance with rule 9.1.

9 SUSPENSION OR EXPULSION OF MEMBERS OF ASSOCIATION

9.1 Suspension and Expulsion

If the Board considers that a Member should be suspended or expelled from membership of the Association because the Board forms the reasonable opinion that the Member no longer meets the eligibility criteria in rule 5.1 or because his or her conduct is detrimental to the interests of the Association, or because the Member is otherwise guilty of conduct unworthy of a Christian, the Board must communicate, either orally or in writing, to the Member:

- (a) notice of the proposed suspension or expulsion and of the time, date and place of the Board Meeting at which the question of that suspension or expulsion will be decided; and
- (b) particulars of that conduct,

not less than 30 days before the date of the Board Meeting referred to in Rule 9.1(a).

9.2 Procedure

At the Board Meeting referred to in a notice communicated under rule 9.1, the Board may, having afforded the Member concerned a reasonable opportunity to be heard by, or to make representations in writing to the Board, suspend or expel or decline to suspend or expel that Member from membership of the Association and must, forthwith after deciding whether or not to suspend or expel that Member, communicate that decision in writing to that Member.

9.3 Effect of Suspension or Expulsion

Subject to rule 9.5, a Member has his or her membership suspended or ceases to be a Member 14 days after the day on which the decision to suspend or expel a Member is communicated to him or her under rule 9.2.

9.4 Rights of Appeal

A Member who is suspended or expelled under rule 9.2 must, if he or she wishes to appeal against that suspension or expulsion, give notice to the Secretary of his or her intention to do so within the period of 14 days referred to in rule 9.3 which notice shall include the names of two Members nominated by that Member to a Committee of Appeal.

9.5 Procedure at Appeal Meeting

When notice is given under rule 9.4:

- (a) Within 7 days of receiving the notice, the Board shall nominate two Members to the Committee of Appeal by notice to the Member who is appealing suspension or expulsion;
- (b) The four Members who have been nominated to the Committee of Appeal pursuant to rule 9.4 and rule 9.5(a) shall nominate one further Member to the Committee of Appeal. If the four nominees to the Committee of Appeal are unable to nominate a fifth member within 14 days of appointment they must inform the Board and the Board shall request in writing that the Chief Executive Officer of Christian Education National appoints the fifth member who must be a Member of the Association;
- (c) Neither the appealing Member nor any Board Member are eligible for appointment to a Committee of Appeal;
- (d) the Committee of Appeal must by majority decision either confirm or set aside the decision of the Board to suspend or expel the Member, after having afforded the Member who gave that notice a reasonable opportunity to be heard by, or to make representations in writing to, the Committee of Appeal; and
- (e) the Member who gave that notice is not suspended or does not cease to be a Member unless and until the decision of the Board to suspend or expel him or her is confirmed under this rule.

9.6 Decision Final

The decision of the Committee of Appeal on any appeal shall be final and conclusive and shall bind the Association.

10 BOARD OF MANAGEMENT

10.1 Number of Members

- (a) Subject to rule 10.10, the affairs of the Association will be managed by a Board of Management consisting of up to a maximum of nine Board Members as follows:
 - (i) a Chairman;
 - (ii) a Vice-Chairman;

- (iii) a Secretary;
 - (iv) a Treasurer; and
 - (v) up to five other people.
- (b) The number of Board Members may be increased or decreased by way of special resolution at a General Meeting provided that the number must always be odd and may never be less than a minimum of five Board Members.

10.2 Eligibility

- (a) The Executive Officer, Principal, Teachers and Staff Members are ineligible for nomination or election to the Board while they are employed by the Association.
- (b) Prior to his election or subsequently thereto, being not later than fourteen days thereafter, every Board Member elected to the Board shall subscribe to the following declaration and hand the same to the Secretary:

“I declare that I agree with the Three Doctrines of Unity, or the Westminster Confession.”

- (c) A Member who defaults in furnishing such declaration within the requisite period (which may be extended by resolution of the Board for a further period not exceeding one month) shall be deemed automatically to be no longer a Board Member.

10.3 Appointment of Board Members

Board Members must be elected to membership of the Board at an Annual General Meeting or appointed under rule 10.9.

10.4 Term and Retirement

- (a) Subject to rule 10.9, a Board Member's term will be from his or her election at an Annual General Meeting until the earlier of a term of three (3) years or their retirement under rule 10.4(b), but he or she is eligible for re-election to membership of the Board.
- (b) At each Annual General Meeting one third of the total Board Members (to the nearest whole number) shall retire from office in order of seniority of election. If the number of Board Members has been increased under rule 10.1(b) the number of Board Members to retire at each Annual General Meeting shall be proportionately increased.

10.5 Nomination

Except for nominees under rule 10.6, a person is not eligible for election to membership of the Board unless two Members have nominated him or her for election by delivering notice in writing of that nomination, signed by:

- (a) each of the nominators; and
 - (b) the nominee to signify his or her willingness to stand for election,
- to the Secretary not less than 14 days before the day on which the Annual General Meeting concerned is to be held.

10.6 Self Nomination

A person who is eligible for election or re-election as a Board Member under this rule 10 may:

- (a) propose or second himself or herself for election or re-election under rule 10.5; and
- (b) vote for himself or herself.

10.7 Voting for Board Members

Voting for Board Members at Annual General Meetings shall be conducted as follows:

- (a) The Board shall prepare the ballot paper listing all nominees in alphabetical order with the intention that the number of nominees should be double the number of vacancies to be filled;
- (b) Members shall be entitled to vote for the number of vacancies in accordance with rule 20.1;
- (c) Ballot papers marked with more votes than the number of vacant positions shall be declared invalid;
- (d) Where the number of nominees is equal to or exceeds double the number of vacancies, the nominees who shall be deemed to be elected as Board Members will be determined as follows:
 - (i) After counting of the valid votes cast in favor of each nominee, the nominees will be ranked according to the number of votes received from highest to lowest;
 - (ii) The nominees elected as Board Members will be the number of nominees equivalent to the number of vacancies starting with the highest ranked nominee.
- (e) Where the number of nominees is less than double the number of vacancies, the nominees who shall be deemed to be elected as Board Members will be determined in accordance with rule 10.7(d) with the additional requirement that to become a Board Member, the nominee must receive more than 50% of the valid votes cast.

10.8 Appointment of Sole Nominees

If the number of persons nominated in accordance with rule 10.5 for election to membership of the Board does not exceed the number of vacancies to be filled:

- (a) the Secretary must report accordingly to the Annual General Meeting; and

- (b) the Chairman must declare those nominated persons to be duly elected as Board Members at the Annual General Meeting concerned.

10.9 Filling Casual Vacancies

If a vacancy remains on the Board after an Annual General Meeting, or when a casual vacancy within the meaning of rule 14 occurs in the membership of the Board:

- (a) the Board may appoint a Member to fill that vacancy; and
- (b) a Board Member appointed under this rule will:
 - (i) hold office until the election referred to in rule 10.4; and
 - (ii) be eligible for election to membership of the Board at the next following Annual General Meeting.

10.10 Delegation to Sub-Committees and Officers

The Board may delegate, in writing, to one or more sub-committees (consisting of such Member or Members of the Association as the Board thinks fit) or to employed officers of the Association, the exercise of such functions of the Board as are specified in the delegation other than:

- (a) the power of delegation; and
- (b) a function which is a duty imposed on the Board by the Act or any other law.

10.11 Conditions of Delegation

Any delegation under rule 10.10 may be subject to such conditions and limitations as to the exercise of that function or as to time and circumstances as are specified in the written delegation and the Board may continue to exercise any function delegated.

10.12 Revocation of Delegation

The Board may, in writing, revoke wholly or in part any delegation under rule 10.10.

11 CHAIRMAN AND VICE-CHAIRMAN

11.1 Chairman to Preside

Subject to this rule, the Chairman must preside at all General Meetings and Board Meetings.

11.2 Replacement Chairman of General Meeting

In the event of the absence from a General Meeting of:

- (a) the Chairman, the Vice-Chairman; or
- (b) both the Chairman and the Vice-Chairman,

a Member elected by the other Members present at the General Meeting must preside at the General Meeting.

11.3 Replacement Chairman of Board Meeting

In the event of the absence from a Board Meeting of:

- (a) the Chairman, the Vice-Chairman; or
- (b) both the Chairman and the Vice-Chairman,

a Board Member elected by the other Board Members present at the Board Meeting must preside at the Board Meeting.

12 SECRETARY

12.1 Responsibilities

The Secretary must:

- (a) co-ordinate the correspondence of the Association;
- (b) keep full and correct minutes of the proceedings of the Board and of the Association;
- (c) comply on behalf of the Association with:
 - (i) section 27 of the Act with respect to the register of Members of the Association, as referred to in rule 6;
 - (ii) section 28 of the Act by keeping and maintaining in an up to date condition the rules of the Association and, upon the request of a Member of the Association, must make available those rules for the inspection of the Member and the Member may make a copy of or take an extract from the rules but will have no right to remove the rules for that purpose; and
 - (iii) section 29 of the Act by maintaining a record of:
 - (A) the names and residential or postal addresses of the persons who hold the offices of the Association provided for by this Constitution, including all offices held by the persons who constitute the Board and persons who are authorised to use the common seal of the Association under rule 22; and
 - (B) the names and residential or postal addresses of any persons who are appointed or act as trustees on behalf of the Association.
- (d) unless the Members resolve otherwise at a General Meeting, have custody of all books, documents, records and registers of the Association, including those referred to in rule 12.1(c) but other than those required by rule 13 to be kept and maintained by, or in the custody of, the Treasurer; and

- (e) perform such other duties as are imposed by this Constitution on the Secretary.

12.2 Inspection of Records

The Secretary must, upon the request of a Member of the Association, make available the register of Members for the inspection of the Member and the Member may make a copy of or take an extract from the register of Members but will have no right to remove the register of Members for that purpose.

13 TREASURER

13.1 Responsibilities

The Treasurer must:

- (a) be responsible for the receipt of all moneys paid to or received by the Association and must ensure receipts are issued for those moneys in the name of the Association;
- (b) ensure all moneys referred to in rule 13.1(a) are paid into such account or accounts of the Association as the Board may from time to time direct;
- (c) ensure payments are made from the funds of the Association with the authority of the Board and in so doing ensure that all payments are authorised by himself or herself and at least one other authorised Board Member, or by any two signatories as authorised by the Board;
- (d) comply on behalf of the Association with sections 25 and 26 of the Act with respect to the accounting records of the Association by:
 - (i) keeping such accounting records as correctly record and explain the financial transactions and financial position of the Association;
 - (ii) keeping its accounting records in such manner as will enable true and fair accounts of the Association to be prepared from time to time;
 - (iii) keeping its accounting records in such manner as will enable true and fair accounts of the Association to be conveniently and properly audited; and
 - (iv) submitting to Members at each Annual General Meeting of the Association accounts of the Association showing the financial position of the Association at the end of the immediately preceding financial year.
- (e) whenever directed to do so by the Chairman, submit to the Board a report, balance sheet or financial statement in accordance with that direction;
- (f) unless the Members resolve otherwise at a General Meeting, ensure safe custody of all securities, books and documents of a financial nature and accounting records of the Association, including those referred to in Rules 13.1(d) and 13.1(e); and

- (g) perform such other duties as are imposed by this Constitution on the Treasurer.

14 CASUAL VACANCIES IN MEMBERSHIP OF BOARD

14.1 Casual Vacancies

A casual vacancy occurs in the office of a Board Member and that office becomes vacant if the Board Member:

- (a) dies;
- (b) resigns by notice in writing delivered to the Chairman or, if the Board Member is the Chairman, to the Vice-Chairman and that resignation is accepted by resolution of the Board;
- (c) ceases to meet the eligibility criteria in rule 10.2;
- (d) is convicted of an offence under the Act;
- (e) is permanently incapacitated by mental or physical ill-health;
- (f) is absent from more than 3 consecutive meetings of the Board without permission of the Board;
- (g) ceases to be a Member of the Association; or
- (h) is the subject of a special resolution passed by a General Meeting of Members terminating his or her appointment as a Board Member.

14.2 Power of Board during Vacancies

The powers of the Board shall continue during vacancies provided always that not less than a simple majority of the Board Members remain qualified to act.

15 PROCEEDINGS OF BOARD

15.1 Meetings

The Board must meet together for the dispatch of business as is deemed expedient but not less than once every two months and the Chairman, or at least half the Board Members upon notice to the Secretary, may at any time convene a meeting of the Board.

15.2 Officers of the Board

The Chairman, Vice-Chairman, Treasurer and Secretary shall be elected annually by the Board at its first meeting after the most recent Annual General Meeting to hold office for a year. Where an office falls vacant during a year, the Board Members shall elect one of their number to hold such office for the remaining balance of the term thereof.

15.3 Voting

Each Board Member has a deliberative vote. A question arising at a Board Meeting must be decided by a majority of votes cast.

15.4 No Casting Vote

The person presiding at the Board Meeting will not have a casting vote in addition to his or her deliberative vote.

15.5 Quorum

At a Board Meeting a simple majority of the Board Members constitutes a quorum.

15.6 Procedure

Subject to this Constitution, the procedure and order of business to be followed at a Board Meeting must be determined by the Board Members present at the Board Meeting.

15.7 Disclosure of Conflict of Interest

As required under sections 21 and 22 of the Act, a Board Member having any direct or indirect pecuniary interest in a contract, or proposed contract, made by, or in the contemplation of, the Board (except if that pecuniary interest exists only by virtue of the fact that the Board Member is a member of a class of persons for whose benefit the Association is established), must:

- (a) as soon as he or she becomes aware of that interest, disclose the nature and extent of his or her interest to the Board; and
- (b) not take part in any deliberations or decision of the Board with respect to that contract.

15.8 Recording of Disclosure

The Secretary must cause every disclosure made under rule 15.7(a) by a Board Member to be recorded in the minutes of the meeting of the Board at which it is made.

15.9 Powers and Functions of the Board

- (a) The Board may exercise all powers of the Association that are not required to be exercised at General Meetings of the Association, subject to this Constitution and any regulations adopted at a General Meeting of the Association (which regulations may not be retrospective in effect).
- (b) In the context of the Board's responsibility for the governance and strategic planning of the Colleges, the Board will perform the following functions:
 - (i) Involve the school community in the governance of the Colleges;
 - (ii) Set the broad direction and vision of the Colleges;

- (iii) Strategic planning for the Colleges;
 - (iv) Determine policies for the Colleges including policies for the safety, welfare and discipline of students;
 - (v) Determine the application of total financial resources available to the Colleges including the regular review of the budget; and
 - (vi) Determine policies which shall delegate responsibilities and describe the functions of the Executive Officer.
- (c) The Board shall ensure that:
- Each member of the teaching staff shall be required to subscribe to a declaration in similar terms to that referred to in rule 10.2 thereof.
- (d) Without limiting rule 15.9(a), the Board shall have the power to:
- (i) pay any charges or expenses incidental to the Association;
 - (ii) establish an Association premises Building Fund and to direct specified moneys to the credit of such fund. Any moneys so paid shall not be expended except for the purchase or erection of premises for the Association;
 - (iii) in consultation with the Association, to select and appoint the Executive Officer, Principals, Teachers, and Staff Members and other College staff;
 - (iv) appoint any person whose services may be deemed necessary for carrying out the secretarial duties of the Association;
 - (v) determine the salaries and employment conditions of all employees of the Association;
 - (vi) determine College policies in harmony with this Constitution and in conformity with decisions made at General Meetings of the Association;
 - (vii) devise ways and means for obtaining funds required to run a College or Colleges and to determine ways that such funds should be allocated;
 - (viii) appoint from amongst its number one or more Members to visit each College at least twice a year and to report to the Board on the educational standards of each College and the degree to which the programme laid down for the College by the Association is being adhered to;
 - (ix) organise in conjunction with the Principal a parents' night to be held at least once a year; and
 - (x) make such rules as are not inconsistent with this Constitution to govern the administrative matters of the Association that are not otherwise provided for in this Constitution.

16 EXECUTIVE OFFICER

16.1 Role

The Executive Officer is responsible for oversight of the Principals in the day to day management of the operation of the Colleges.

16.2 Reporting

The Executive Officer is answerable to the Board for providing educational leadership in the Colleges, the day to day running of the Colleges and for other general responsibilities associated with running Colleges.

16.3 Functions

The Executive Officer must:

- (a) Implement the educational plans and policies of the Colleges;
- (b) Provide accurate and timely reports, information and advice relevant to the Board's functions;
- (c) Provide an up to date report of the financial position of the Colleges at each Board meeting;
- (d) Report on learning, care, training and participation outcomes;
- (e) Supervise and promote the development of staff employed by the Association;
- (f) Be responsible for the financial, physical and human resource management of the Colleges;
and
- (g) Contribute to the formulation of the agenda of Board meetings.

17 GENERAL MEETINGS

17.1 Time for Convening of Meetings

The Board:

- (a) may at any time convene a Special General Meeting;
- (b) must convene a Special General Meeting in the month of October each year to provide reports on the activities of the Association and the Colleges;
- (c) must convene Annual General Meetings which shall be held in the month of March in each year or, where a meeting in the month of March is not feasible, within the time limits provided for the holding of such meetings by section 23 of the Act, that is, in every calendar year within 4 months after the end of the Association's financial year or such longer period as may in a particular case be allowed by the Commissioner;

- (d) must, within 30 days of receiving a request in writing to do so from not less than one quarter of all Members, convene a Special General Meeting for the purpose specified in that request;
- (e) must, after receiving a notice under rule 5.7, convene a General Meeting, no later than the next Annual General Meeting, at which the appeal referred to in the notice will be dealt with. Failing that, the applicant is entitled to address the Association at that next Annual General Meeting in relation to the Board's rejection of his or her application and the Association at that meeting must confirm or set aside the decision of the Board.

17.2 Content of Member Request

The Members making a request referred to in rule 17.1(d) must:

- (a) state in that request the purpose for which the Special General Meeting concerned is required; and
- (b) sign that request.

17.3 Rules if Meeting not convened

If a Special General Meeting is not convened within the relevant period of 30 days referred to in rule 17.1(d), the Members who made the request concerned may themselves convene a Special General Meeting as if they were the Board.

17.4 Expenses of Meeting

When a Special General Meeting is convened under rule 17.3 the Association must pay the reasonable expenses of convening and holding the Special General Meeting.

17.5 Special General Meeting

Subject to rule 17.7, the Secretary must give to all Members not less than 14 days' notice of a Special General Meeting and that notice must specify:

- (a) when and where the Special General Meeting concerned is to be held; and
- (b) particulars of the business to be transacted at the Special General Meeting concerned and of the order in which that business is to be transacted.

17.6 Annual General Meeting

Subject to rule 17.7, the Secretary must give to all Members not less than 21 days' notice of an Annual General Meeting and that notice must specify:

- (a) when and where the Annual General Meeting is to be held in the Perth metropolitan area;
- (b) the particulars and order in which business is to be transacted, as follows:
 - (i) confirmation of minutes of previous General Meetings;

- (ii) receipt of the annual balance sheet, profit and loss and accompanying accounts and reports of the Board and the auditor and the adoption of the same (or otherwise). The said balance sheet shall be prepared as at 31 December for the preceding year and the other accounts shall cover the 12 months ending on 31 December of the preceding year immediately preceding the Annual General Meeting;
- (iii) the election of Board Members to replace outgoing Board Members;
- (iv) the appointment of an auditor;
- (v) the consideration of any special business proposed by the Board; and
- (vi) any other business requiring consideration by the Association at the Annual General Meeting.

17.7 Special Resolution

A Special Resolution may be moved either at a Special General Meeting or at an Annual General Meeting, however the Secretary must give to all Members not less than 21 days' notice of the meeting at which a Special Resolution is to be proposed. In addition to those matters specified in rule 17.5 or 17.6, as relevant, the notice must also include the resolution to be proposed and the intention to propose the resolution as a Special Resolution.

17.8 Giving of Notice

The Secretary must give a notice under rule 17.5, 17.6, and 17.7 by:

- (a) serving it on a Member personally; or
- (b) sending it by post to a Member at the address of the Member appearing in the register of Members kept and maintained under rule 6.

17.9 Notice by Post

When a notice is sent by post under rule 17.8(b), sending of the notice will be deemed to be properly effected if the notice is sufficiently addressed and posted to the Member concerned by ordinary prepaid mail.

18 QUORUM AND PROCEEDINGS AT GENERAL MEETINGS

18.1 Quorum

The quorum at a General Meeting will be one quarter of the total Members eligible to vote (being all Members except Affiliate Members and Junior Members under the age of 18) as recorded in the register of Members at the date of the provision of notice pursuant to rule 17.5 or rule 17.6 as the case may be.

18.2 Procedure where no Quorum Present

If within 60 minutes after the time specified for the holding of a General Meeting in a notice given under rule 17.5 or 17.6:

- (a) as a result of a request or notice referred to in rule 17.1(d) or as a result of action taken under rule 17.3 a quorum is not present, the General Meeting lapses; or
- (b) otherwise than as a result of a request, notice or action referred to in rule 18.2(a), the General Meeting stands adjourned to the same time on the same day in the following week and to the same venue.

18.3 Quorum for Adjourned Meeting

If within 15 minutes of the time appointed by rule 18.2(b) for the resumption of an adjourned General Meeting a quorum is not present, the Members who are present in person may nevertheless proceed with the business of that General Meeting as if a quorum were present.

18.4 Adjournment by Consent

The Chairman may, with the consent of a General Meeting at which a quorum is present, and must, if so directed by such a General Meeting, adjourn that General Meeting from time to time and from place to place.

18.5 Business of Adjourned Meeting

There must not be transacted at an adjourned General Meeting any business other than business left unfinished or on the agenda at the time when the General Meeting was adjourned.

18.6 Adjournment for more than 30 Days

When a General Meeting is adjourned for a period of 30 days or more, the Secretary must give notice under rule 16 of the adjourned General Meeting as if that General Meeting were a fresh General Meeting.

18.7 Voting at a Meeting

At a General Meeting:

- (a) an Ordinary Resolution put to the vote will be decided by a majority of votes cast on a show of hands, subject to rule 18.9; and
- (b) a Special Resolution put to the vote will be decided in accordance with section 24 of the Act as defined in rule 2, and, if a poll is demanded, in accordance with rules 18.9 and 18.11.

18.8 Voting Procedure

A declaration by the Chairman of a General Meeting that a resolution has been passed as an Ordinary Resolution at the meeting will be evidence of that fact unless, during the General Meeting at which the resolution is submitted, a poll is demanded in accordance with rule 18.9.

18.9 Demanding a Poll

At a General Meeting, a poll may be demanded by the Chairman or by three or more Members present in person or by proxy and, if so demanded, must be taken in such manner as the Chairman directs. Where voting is conducted by way of a poll, the Chairman shall appoint 3 scrutineers from the Members present at the General Meeting.

18.10 Result of Poll

If a poll is demanded and taken under rule 18.9 in respect of an Ordinary Resolution, a declaration by the Chairman of the result of the poll (which shall be decided by a simple majority) is evidence of the matter so declared. The Secretary shall keep all ballot papers for a minimum period of 12 months.

18.11 Poll to be taken Immediately

A poll demanded under rule 18.9 must be taken immediately on that demand being made.

19 MINUTES OF MEETINGS OF ASSOCIATION

19.1 Secretary to take Minutes

The Secretary must cause proper minutes of all proceedings of all General Meetings and Board Meetings to be taken and then to be entered within 30 days after the holding of each General Meeting or Board Meeting, as the case requires, in a minute book kept for that purpose.

19.2 Chairman to Sign Minutes

The Chairman must ensure that the minutes taken of a General Meeting or Board Meeting under rule 19.1 are checked and signed as correct by the Chairman of the General Meeting or Board Meeting to which those minutes relate or by the Chairman of the next succeeding General Meeting or Board Meeting, as the case requires.

19.3 Status of Minutes

When minutes have been entered and signed as correct under this rule, they are, until the contrary is proved, evidence that:

- (a) the General Meeting or Board Meeting to which they relate (in this rule called "**the meeting**") was duly convened and held;

- (b) all proceedings recorded as having taken place at the meeting did in fact take place at the meeting; and
- (c) all appointments or elections purporting to have been made at the meeting have been validly made.

20 VOTING RIGHTS OF MEMBERS OF ASSOCIATION

20.1 Voting Entitlements

Subject to this Constitution, each Member (being a Single Person or a Married Couple) present in person at a General Meeting is entitled to a deliberative vote.

20.2 No Proxies

Voting by proxy is not permitted.

20.3 Absentee Votes

Absentee votes will only be permitted where received by the Chairman prior to the Vote on the official form set out in Appendix B as amended by the Board from time to time.

21 RULES OF ASSOCIATION

21.1 Entrenched Rules

Rules 3.1(b) (i), (ii) and (iii), 10.2(b), 10.2(c) and 15.9(c) are entrenched and may not be amended.

21.2 Changes to the Rules

Except in relation to the entrenched rules provided for in rule 21.1, the Association may alter or rescind this Constitution, or make rules additional to this Constitution, in accordance with the procedure set out in sections 17, 18 and 19 of the Act, which is as follows:

- (a) Subject to rule 21.2(d) and 21.2(e), the Association may alter its rules by special resolution but not otherwise;
- (b) Within one month of the passing of a special resolution altering its rules, or such further time as the Commissioner may in a particular case allow (on written application by the Association), the Association must lodge with the Commissioner notice of the special resolution setting out particulars of the alteration together with a certificate given by a Board Member certifying that the resolution was duly passed as a special resolution and that the rules of the Association as so altered conform to the requirements of this Act;
- (c) An alteration of the rules of the Association does not take effect until rule 21.2(b) is complied with;

- (d) An alteration of the rules of the Association having effect to change the name of the Association does not take effect until rules 21.2(a) to 21.2(c) are complied with and the approval of the Commissioner is given to the change of name;
- (e) An alteration of the rules of the Association having effect to alter the objects or purposes of the Association does not take effect until rules 21.2(a) to 21.2(c) are complied with and the approval of the Commissioner is given to the alteration of the objects or purposes.

21.3 Constitution Is Binding

- (a) This Constitution binds every Member and the Association to the same extent as if every Member and the Association had signed and sealed this Constitution and agreed to be bound by all their provisions.
- (b) The Association will provide to Members on request a copy of this Constitution upon payment of a reasonable sum of money which the Board shall from time to time determine.

22 COMMON SEAL OF ASSOCIATION

22.1 Common Seal

The Association must have a common seal on which its corporate name appears in legible characters.

22.2 Rules for Use of Common Seal

The common seal of the Association must not be used without the express authority of the Board and every use of that common seal must be recorded in the minute book referred to in rule 19.

22.3 Witnesses to Affixing

The affixing of the common seal of the Association must be witnessed by any two of the Chairman, the Secretary and the Treasurer.

22.4 Custody of Common Seal

The common seal of the Association must be kept in the custody of the Secretary or of such other person as the Board from time to time decides.

23 INSPECTION OF RECORDS, ETC. OF ASSOCIATION

A Member may at any reasonable time inspect without charge the books, documents, records and securities of the Association.

24 AUDITOR

24.1 Examination of Accounts by Auditor

At least once, in each financial year, the accounts of the Association shall be examined by the Auditor who shall also report on the correctness of the balance sheet, profit and loss account and accompanying accounts and schedules to be submitted to the Annual General Meeting and who shall also report as to the yearly accounts which shall be submitted to the Board.

24.2 Payment of Auditor

The Auditor may be a Member of the Association but no person shall be eligible as an Auditor who is interested otherwise than as a Member in any transaction of the Association. The Auditor may be paid for his services such sum as the Board may from time to time determine.

25 DISTRIBUTION OF SURPLUS PROPERTY ON WINDING UP OF ASSOCIATION

If upon the winding up or dissolution of the Association there remains after satisfaction of all its debts and liabilities any property whatsoever, the same must not be paid to or distributed among the Members, or former Members. The surplus property must be given or transferred to another association incorporated under the Act which has similar objects and which is not carried out for the purposes of profit or gain to its individual Members, and which association shall be determined by resolution of the Members.

APPENDIX A

Member Application

To the Board of the Association for Christian Education Incorporated

I desire to become a member/affiliate of the Association for Christian Education Incorporated. I acknowledge my agreement with the objects of the Association and agree to be bound by the terms of the Constitution and rules and I am willing to participate in the activities of the Association.

Dated this _____ day of _____ 20__

Signed

APPENDIX B

Absentee Vote Form

I _____, a Member of the Association for Christian Education Incorporated entitled to attend and vote at General Meetings of the Association give notice that I will be absent from the General Meeting to be held on _____ and that I hereby wish to record my absentee vote on the business of the General Meeting as follows:

Resolution 1 In favour of / against *

Resolution 2 In favour of / against

[insert further resolutions as necessary]....

(* delete which ones do not apply)

Dated this _____ day of _____ 20__

Signed
