



REVISED RULES OF THE

ILLAWARRA JAZZ CLUB INCORPORATED

www.illawarrajazzclub.com

Registered No. Y 1191046

(Incorporating amendments adopted 21 August 2012)

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REVISED RULES OF THE ILLAWARRA JAZZ CLUB INCORPORATED

1 INTRODUCTORY

1.1 The Revised Rules

The Illawarra Jazz Club Incorporated ("the Club") was incorporated on 5 June 1991, under the provisions of the *Associations Incorporation Act 1984* ("the Act") with the adoption of Rules and Objects contained in separate documents. The Club members have considered those documents and have resolved by special resolution to adopt these revised Rules in lieu of the former Rules and Objects.

1.2 Date Of Commencement Of Revised Rules

These revised Rules come into effect on 17th August 2012.

1.3 Transitional Provisions

Notwithstanding the adoption of these Revised Rules, decisions made by the Club or the Committee of Management (in these Rules referred to as "the Committee") under the former Rules, including the election of the Committee and Public Officer at the Annual General Meeting immediately preceding the adoption of the Revised Rules, and membership granted in accordance with the previous Rules, continue to be of full force and effect.

2. OBJECTS OF THE CLUB

The Objects of the Club are:

1. To promote the performance and appreciation of all forms of jazz;
2. To support local talent and, in particular, to encourage young people to perform, listen to and develop an appreciation of jazz;
3. To organise activities for the presentation and promotion of jazz and for members and others to participate in the enjoyment of this music;
4. To liaise with other clubs with similar aims and interests;
5. To raise funds, and acquire property, and to do all other things as may be necessary and conducive to enable the Club to carry out its objects effectively.

3 MEMBERSHIP

3.1 Qualifications for Membership

- 3.1.1 There are three forms of membership of the Club:
- (i) Ordinary membership;
 - (ii) Life membership;
 - (iii) Honorary membership;

- 3.1.2 An Ordinary member is admitted in accordance with Rule 3.2
- 3.1.3 A Life Member is an ordinary member who, in consideration of long or meritorious service to the Club or for any other commendable reason, is elected by the Committee as a life member.
- (a) Life membership may be proposed by any two Club members, by submission in writing to the Secretary at least 14 days in advance of the Committee meeting at which it is proposed the nomination will be considered;
 - (b) A life member is not required to pay any annual subscription fees;
 - (c) A life member is entitled to all the rights, privileges and advantages of ordinary membership.
- 3.1.4. An honorary member is a person who is not an ordinary or life member of the Club who is elected by the Committee in acknowledgment of a significant contribution by that person to the Club or to the advancement of jazz
- (a) Honorary membership may be nominated by any member of the Club in writing to the Secretary at least 14 days in advance of the meeting at which it is proposed that the nomination be considered.
 - (b) An honorary member is entitled to the social privileges of the Club for such period of time and upon such conditions as determined by the Committee.
 - (c) An honorary member is not required to pay any annual subscription fees.
 - (d) An honorary member is not entitled to attend any meeting of the Club, except upon invitation by the Committee.
 - (e) An honorary member has no voting rights.

3.2 Application For Ordinary Membership

- 3.2.1 A person over the age of 14 years may apply for ordinary membership of the Club by completing and signing the form in Appendix 1 of these Rules, and paying the annual subscription fee. The application form is then submitted to the next meeting of the Committee which will formally accept or reject it..
- 3.2.2 Membership of the Club commences from the date of formal acceptance by the Committee.
- 3.2.3 Upon formal acceptance of the application, the Secretary will enter the member's name into the Club Membership Register, and send to the member a copy of the Rules of the Club.

3.3 Fees And Subscriptions

- 3.3.1 The annual membership fee is due for payment on 1 July in each year, or upon the date of application for membership.
- 3.3.2 The annual membership fee, including any concessional fees, will be determined by the Committee.

Concessional fees may be granted to pensioners, full-time students and family groups. "Family groups" means:

- (a) a couple (whether married or de facto);
- (b) plus any child who is living at the same address as the couple and is;
 - (i) a student under 21 years or a dependant child or;
 - (ii) on a disability pension.

3.4 Membership Rights And Liabilities

- 3.4.1. A financial member of the Club is entitled to all the rights, privileges and advantages of Club membership.
- 3.4.2. The rights, privileges or advantages of Club membership are personal to the member and may not be transferred to any other person.
- 3.4.2. A member who fails to renew their annual subscription within 2 months of it becoming due is deemed to be "unfinancial" and is not entitled to exercise any voting rights or to any other privileges or advantages of club membership while remaining unfinancial.
- 3.4.3 The liability of a member of the Club to contribute to the payment of the debts or liabilities of the Club is limited to the amount, if any, of any unpaid annual membership fees accrued during the period of their membership of the Club.

3.5 Cessation Of Membership

- 3.5.1 A person ceases to be a member of the Club if the person:
 - (a) dies;
 - (b) resigns from membership;
 - (c) is unfinancial for more than 12 months;
 - (d) is expelled from the Club.
- 3.5.2. A person may resign from membership of the Club upon giving notice to the Secretary in writing of their intention to do so, but shall not be entitled to any refund of membership fees paid for that membership year.
- 3.5.3 Upon cessation of membership, the Secretary will record the date of and reason for cessation of that person's membership in the Membership Register.

3.6 Resolution Of Internal Disputes (Grievance Procedures)

- 3.6.1 Disputes between members of the Club or between members of the Club and the Committee shall be resolved with the assistance of an independent mediator jointly agreed upon by the parties to the dispute, or failing agreement appointed by the President.
- 3.6.2 Any such dispute shall be notified to the secretary in writing and mediation shall be arranged to commence within 7 days of that notification.
- 3.6.3 Any other policy or procedures to facilitate mediation shall be determined by the Committee.

3.7 Discipline procedures

- 3.7.1 Where the Committee of management is of the opinion that an ordinary member of the Club has persistently neglected or refused to comply with the Rules of the Club, or has persistently and willfully acted in a manner prejudicial to the interests of the Club, the Committee may by resolution require the member to show cause why the member should not be disciplined by the Committee for that behaviour.
- 3.7.2 Where the Committee passes such a resolution, the Secretary will:
- (a) advise the member of the terms of the resolution and the grounds upon which it is based; and
 - (b) give not less than 14 days notice to the member inviting the member to either attend and speak at a meeting of the committee, or to make a written submission to the committee, or both, to respond to the resolution; and
 - (c) advise that the member may present other written submissions from other members in support of the member's support, and have another member attend and speak in support at the meeting; and
 - (d) give notice of the date, time and place of that meeting.
- 3.7.3 At the meeting of the committee referred to in 3.7.2, the committee shall:
- (a) give to the member the opportunity to make oral representations;
 - (b) give due consideration to those representations and to any additional written submissions made to the committee by the member or by any other members in support of the member;
 - (c) by resolution determine whether to:
 - (i) reprimand the member; or
 - (ii) suspend the member from the privileges of membership for a specified time not exceeding six months; or
 - (iii) expel the member from membership; or
 - (iv) take no further action.
- 3.7.4 The secretary will notify the member of the committee's resolution and of the member's right of appeal under 3.7.5 in writing, within 7 days of the meeting.
- 3.7.5 The member may give notice of appeal against the committee's resolution, in writing, within 14 days of receiving the notice of the resolution, by serving a notice to that effect on the secretary.
- 3.7.6 The committee's decision made under 3.7.4 does not take effect until the expiration of the time for exercising the right of appeal has expired, or if notice of appeal has been given, unless and until the appeal is determined by the Club.
- 3.7.7 On receiving notice of appeal under 3.7.5 the secretary shall convene a special general meeting of the Club to be held within 28 days after the date upon which the secretary has received notice of the appeal.
- 3.7.8 At the general meeting convened under 3.7.7:
- (a) no general business other than the appeal shall be dealt with;
 - (b) the committee and the member shall be given the opportunity to state their respective cases orally or in writing, or in the case of the member through another member;
 - (c) after those cases have been presented, members present (other than committee members and the affected member) may vote:

- (i) in support of the committee's resolution; or
 - (ii) in support of an alternative lesser penalty; if proposed; or
 - (iii) to revoke the committee's resolution.
- (d) where a clear majority of members present (other than committee members and the affected member) does not vote for one such option, the least favoured option shall be withdrawn and the members present (other than committee members and the affected member) shall vote on the remaining options;
- (e) the option finally supported by a clear majority of members present (other than committee members and the affected member) shall prevail; or if there is no clear majority the committee's resolution shall be deemed to have been revoked.

4 MEETINGS OF MEMBERS

4.1. Annual General Meeting

4.1.1 The Annual General Meeting of the Club will be held within 6 months after the expiration of the previous financial year.

4.1.2. The Committee will give at least 21 days notice in writing to all members of the Annual General meeting, and of the date and place where it will be held, and of the business to be transacted at the meeting.

4.1.3. The business of the Annual General Meeting shall be:

- (a) to confirm the minutes of the last Annual General meeting;
- (b) to receive a report from the President and such other relevant Committee members on the activities of the Club during the preceding financial year;
- (c) to receive and consider the Statement which is required to be submitted to members pursuant to section 26(6) of the *Associations Incorporation Act* (being a statement as to the financial affairs of the Club);
- (d) to elect the office bearers and other Committee members of the Club;
- (e) to appoint an auditor if the Committee votes that this is deemed necessary.

4.2 Ordinary General Meetings

4.2.1 Ordinary general meetings will be convened at least quarterly by not less than 14 days notice in writing to all members of the Club of the date and place of the meeting and the business to be transacted at it.

4.2.2. The business of ordinary general meetings shall include:

- (a) confirmation of the minutes of the previous ordinary general meeting;
- (b) reports from office bearers and the Committee on the activities of the Club since the previous ordinary general meeting;
- (c) a report from the Treasurer on the financial affairs of the Club since the previous ordinary general meeting of the Club and may also include;
- (d) the formation and election of subcommittees to organise activities of the Club;
- (e) the development of Club policies on proposals submitted by the Committee or by members of which at least 21 days notice has been given in writing;
- (f) such other matters as the members present shall wish to raise for discussion and resolution, not being a special resolution.

4.3 Special General Meetings

- 4.3.1 A special general meeting may be convened at any time by the Committee on its own resolution, and must be convened where the Committee has received a request in writing from at least five percent of the total financial membership of the Club to call such a meeting, or where the meeting is required to deal with a special resolution. If the Committee fails to convene a requested special general meeting within 1 month of receiving the request, any one or more of the members making the request may convene the special general meeting within the following two months.
- 4.3.2 Notice of a special general meeting must give at least 21 days' notice of the date and place of the meeting, and of the special resolution proposed to be submitted to the meeting, and of the intention to propose it as a special resolution. No other business may be proposed at a special general meeting.

4.4 Special Resolutions

A special resolution is one which, in accordance with the *Associations Incorporation Act* or these Rules, requires adoption by at least 75% of those members present and voting at a special general meeting.

4.5 Quorums

- 4.5.1 No business shall be transacted at any meeting of members of the Club unless a quorum of members is present.
- 4.5.2 A quorum at an Annual General Meeting or a special general meeting shall be at least five per cent of the total financial membership of the Club as at the date of calling the meeting, or fifteen members whichever is the greater number.
- 4.5.3 Where a quorum is not present at an Annual General Meeting or a special general meeting within 30 minutes of the time specified, the meeting will be adjourned for one week to the same time and place. If at the adjourned meeting a quorum is not present, the meeting will be abandoned.
- 4.5.4 A quorum at an ordinary general meeting will be at least 5 financial committee members of the Club.
- 4.5.5 Where a quorum is not present at any ordinary general meeting, the meeting will be abandoned.

5. CLUB MANAGEMENT

5.1 Committee of Management

- 5.1.1 The Annual General Meeting will elect a Committee of Management ("the Committee") which will, subject to the provisions of the *Associations Incorporation Act*, the *Regulations*, these Rules and any resolution passed by the members at a general meeting:
- (a) manage the affairs of the Club;
 - (b) exercise the functions of the Club members and to do all such things as may be necessary or desirable for the proper management of the affairs of the Club on behalf of its members, other than those things which must be exercised by an Annual General Meeting or special general meetings of members of the Club;

- (c) report to ordinary general meetings to membership on the affairs of the Club;
- (d) develop policies for the Club;
- (e) set the agenda for meetings;
- (f) accept or reject applications for membership.

5.1.2 The Committee will be elected at the Annual General Meeting and will consist of the Office bearers of the Club, being:

- (i) the President;
- (ii) the Vice-president;
- (iii) the Secretary;
- (iv) the Treasurer;

and 4 other members.

5.1.3 Unless there are insufficient nominations from members who are not professional or semi-professional musicians, not more than half of the Committee may be professional or semi-professional musicians.

5.1.4 Nominations for office bearers or ordinary members of the committee will be made in writing, signed by two nominating members of the Club and with the written consent of the candidate, and delivered to the Secretary at least 7 days before the date of the Annual General Meeting.

5.1.5 If only one nomination is received for each office bearer's position, that person shall be deemed to have been elected to that position.

5.1.6 If only four or less nominations are received to fill the ordinary members positions on the committee, those persons shall be deemed to have been elected. to those positions.

5.1.7 If insufficient nominations are received for the committee, then after election of those who have previously nominated, further nominations for any remaining vacancies may be received at the Annual General Meeting, and where the number of nominations exceeds the remaining number of vacancies, an election will be held.

5.1.8 Where the full committee is not elected at the Annual General Meeting, any remaining vacancies will be deemed to be casual vacancies to be filled in accordance with Clause 5.4.2.

5.1.9 Each member of the Committee shall hold office until the conclusion of the Annual General Meeting following the date of the member's election, but is eligible for re-election to the Committee subject to 5.1.10.

5.1.10 The members of the Committee shall not be eligible for re-election after serving three consecutive terms unless no other nomination is received for the replacement of a retiring committee member. Committee members re-elected after 3 consecutive terms must retire at the end of the following Annual General Meeting.

5.2 Office Bearers

5.2.1. The President, or in their absence, the Vice-President, shall preside as Chairperson at meetings of the Club and Committee meetings. If both are absent from or unwilling to preside at any meeting, the members present will elect one of their number to preside as chairperson at the meeting.

- 5.2.2. The functions and duties of the Secretary are:
- (a) to maintain the Register of members;
 - (b) to give proper notice of all meetings of members or of the Committee;
 - (c) to keep minutes of all general meetings of members and of Committee meetings.
- 5.2.3 The functions and duties of the Treasurer are:
- (a) to ensure that all moneys due to the Club are collected and received and all payments authorised by the Club are made;
 - (b) to maintain proper books and accounts showing the financial affairs of the Club including all receipts and expenditure connected with the activities of the Club;
 - (c) to maintain a record of the assets of the Club.
- 5.2.5 A member of the Committee shall not be paid any salary, fees or remuneration by the Club except for:
- (a) reimbursement of any expenses properly incurred on behalf of the Club; or
 - (b) as a member of a band which the Committee or a subcommittee has by resolution engaged to play at a function organised by the Club for a specified fee.

5.3 Committee Meetings

- 5.3.1 The Committee shall meet at least 10 times in each financial year, upon such dates as it determines.
- 5.3.2. The business of the meeting of the Committee will include:
- (a) confirmation of the minutes of the previous meeting of the Committee;
 - (b) reports on the activities of the Club;
 - (c) a statement from the Treasurer as to the financial affairs of the Club;
 - (d) such other business of which notice has been given, or added with the consent of the meeting.
- 5.3.3. Any five members of the Committee constitute a quorum for the transaction of the business of the meeting. If a quorum is not present within half an hour of the time appointed for the meeting, the meeting will be abandoned and the business adjourned to the next proposed meeting of the committee.
- 5.3.4 Any member of the Club may attend a meeting of the Committee as an observer but will not be counted as part of a quorum, not will be entitled to speak without the consent of the Chairperson, nor will be entitled to vote.

5.4 Casual vacancies

- 5.4.1 A casual vacancy in the office of a member of the Committee will occur if
- (i) the member:
 - (a) dies; or
 - (b) ceases to be a member of the Club; or
 - (c) is absent without apology or the consent of the Committee from 3 consecutive meetings of the Committee; or
 - (d) becomes insolvent within the meaning of the *Bankruptcy Act* (Cwlth); or
 - (e) resigns office by notice in writing to the Secretary; or

- (f) except as provided in Clause 5.2.5., is employed by or has direct or indirect interest in any contract or proposed contract with the Club; or
- (g) becomes incapable of carrying out the functions and duties of the office, through illness or unsound mind, for a period of 6 months; or

(ii) if insufficient nominations are received at the Annual General Meeting.

5.4.2 A casual vacancy may be filled by the election of a person from among the membership of the Club at an ordinary general meeting, to fill the vacancy until the end of the next Annual General Meeting.

5.5 Sub Committees

5.5.1 (i) One or more subcommittees can be formed to each carry out a specific function, delegated by the Committee;
(ii) They can only be formed at a general meeting or a committee meeting;
(iii) Subcommittees when formed cannot be granted the power of delegation.

5.5.2 Each subcommittee will include at least one member of the Committee, and a Committee member will be the chairperson of the subcommittee.

5.5.3 The Committee will by resolution determine the terms of reference for each subcommittee.

5.5.4 Anything done by a subcommittee under this rule will have the same force and effect as if it had been done by the committee.

5.5.5. A subcommittee may meet and adjourn as it thinks proper.

5.5.6 A subcommittee will maintain minutes of its meetings.

5.5.7 A subcommittee will report on its activities and decisions to each Committee meeting, and will maintain proper accounts and records of any moneys received or expenditure incurred by it, and those accounts will be submitted to the Treasurer for inclusion in the general accounts of the Club.

5.5.8 Sub-committees will not operate bank accounts independently of the Club bank account except by resolution of the Committee for a specific function or activity of the Club.

If such an account is authorised by the committee:

- (a) all cheques, drafts, bills of exchange or other negotiable instruments will be signed by at least two members of the sub-committee, one of whom must be the chairperson of the sub committee;
- (b) the account shall be closed at the conclusion of the function or activity and any surplus forthwith paid into the Club account; and
- (c) All records of moneys received and expenditure incurred shall be submitted with the Club accounts each year for audit.

5.5.9 Notwithstanding any delegation under this rule, the Committee may continue to exercise any function delegated, and may by resolution revoke wholly or in part any delegation made to a subcommittee.

6 FINANCIAL MANAGEMENT

6.1 Financial year

The financial year of the Club is 1 July to 30 June of the following calendar year.

6.2 Club Funds

6.2.1 The funds of the Club will be derived from:

- (a) Membership fees and subscriptions;
- (b) Such other activities the Club conducts in the furtherance of its objectives.

6.2.2 The Treasurer or such other person authorised by the Club shall as soon as practicable after receiving funds on behalf of the Club, issue an appropriate receipt.

6.2.3 All moneys received by the Club will be deposited as soon as practicable without deduction to the credit of an account with a bank or other financial institution performing that function in the name of the Club.

6.2.4 The funds of the Club will be used for the furtherance of the objectives of the Club, in such manner as the Committee determines or authorises by resolution.

6.3 Operation Of Accounts

All cheques, drafts, bills of exchange or other negotiable instruments will be signed by any two members of the Committee, one of whom must be an office bearer.

6.4 Audit

There is no longer a legal requirement for the annual accounts of the Club to be audited by an independent auditor unless the Committee feels this process is necessary. If so, the auditor needs to be appointed at the Club's AGM,

7 PUBLIC OFFICER

7.1. Appointment of Public Officer

The Secretary or another member of the Committee appointed by resolution of the Committee will undertake the role of Public Officer under the *Associations Incorporation Act*. The Public Officer must be at least 18 years old.

7.2. Responsibilities of Public Officer

7.2.1 The Public Officer will fulfil the responsibilities and functions specified in the *Associations Incorporation Act*, including:

- (a) maintaining and having custody or control of all records, books and other documents relating to the Club;
- (b) notifying the Office of Fair Trading of any changes in the Rules, Objectives, office of Public Officer or other matters within the time specified in the *Associations Incorporation Act*;
- (c) filing the Statement required annually under s.26(6) of the *Associations Incorporation Act*.

7.2.2 The Public Officer will have custody of the Common Seal of the Club and ensure that it is not affixed to any document except by authority of the Committee and in the

presence of either 2 members of the Committee or 1 member of the Committee and the Public Officer.

8. MISCELLANEOUS

8.1 Insurance

8.1.1 The Club will take out and maintain insurance pursuant to Section 44 of the *Associations Incorporation Act*.

8.1.2 The Committee may by resolution take out and maintain any other insurance it considers necessary for the preservation or protection of assets of the Club or to meet any other statutory obligations.

8.2 Minutes

8.2.1 The Club will maintain minutes of all general, committee and subcommittee meetings.

8.2.2 Minutes of meetings will be submitted for confirmation at the next succeeding meeting of the same type, and signed by the chairperson of the meeting or the next succeeding meeting.

8.3 Voting and Decisions

8.3.1 Questions arising at any meeting for decision will be determined by a majority of votes cast by those entitled to vote at the meeting.

8.3.2 Each financial member has one vote only on any question, which may be exercised personally or by proxy, but no member may hold more than 5 proxies.

8.3.3. A member may appoint another member as proxy by notice in writing in the form of Appendix 2, given to the secretary not less than 24 hours before the time of the meeting for which the proxy is appointed. Both the member appointing the proxy, and the proxy member, must be financial.

8.3.4. Each member present or represented by proxy at a meeting is entitled to one vote, but in the event of an equality of votes on any matter, the person presiding may exercise a second or casting vote.

8.3.5 Decisions made by a general or Committee meeting will be valid and effectual notwithstanding that it may be later discovered that a person present and voting was not qualified to do so.

8.3.6 Voting on a question at a meeting, unless the meeting determines otherwise, will be by show of hands.

8.3.7 Voting for the election of a member of the Committee, unless the meeting determines otherwise, will be by secret ballot.

8.4 Notices

8.4.1 A notice may be served by or on behalf of the Club upon any member either personally or by posting it to the member's address shown in the register of members.

8.4.2. It is the responsibility of members to notify the Secretary in writing of any change of address.

8.4.3 Where a document is sent to a member by pre-paid post to the member at the address in the Member's register, then unless the contrary is proved, it will be deemed to have been delivered to the member at that address within 48 hours of the date of posting.

8.4.4 Any notices to be served on the Club may be served on the Public Officer.

8.5 Inspection of Books and Records

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

8.6 Alteration of Objects and Rules

These Rules including the Objects of the Club may only be altered, rescinded or added to by special resolution passed at a special general meeting of members.

8.7 Winding Up or Cancellation of Incorporation

8.7.1. The Club may be wound up at a special general meeting convened by the Committee only by special resolution passed at a special general meeting of members.

8.7.2 Upon winding up or cancellation of the incorporation of the Club, any assets of the Club may by special resolution passed at a special general meeting of members, be paid or transferred either to:

- (a) an association incorporated under the *Associated Incorporation Act* having similar aims and objects as the Club; or
- (b) to a nominated registered charity which fulfils the requirements of s. 53(2)(a) -
- (c) of the *Associations Incorporation Act*.

APPENDIX 1



Illawarra Jazz Club Inc.

ABN: 65 558 356 300
 PO Box 6017
 Wollongong NSW 2500
 www.illawarrajazzclub.com

Fill out the form below and send it with your cheque or money order to our Post Office Box above.

By signing this form you are agreeing to be bound by the Constitution of the Illawarra Jazz Club Inc. for the time being in force. If you provide your email address below, we will assume you are happy to receive your newsletter via email. If not, you will receive a printed version via standard Australia Post.**

Name(s):	
Membership Category:	<input type="checkbox"/> New Member <input type="checkbox"/> Renewal
Cost per year:	<input type="checkbox"/> \$20 Single <input type="checkbox"/> \$15 Single Pension Concession <input type="checkbox"/> \$25 Family <input type="checkbox"/> \$20 Family Pension Concession
Postal Address:	
Email Address for Newsletter (Optional)**	
Phone:	
Signature:	
Date:	

APPENDIX 2



Illawarra Jazz Club Inc.

ABN: 65 558 356 300
PO Box 6017
Wollongong NSW 2500
www.illawarrajazzclub.com

ILLAWARRA JAZZ CLUB INCORPORATED
Registered No. Y 1191046

FORM OF APPOINTMENT OF PROXY

I,
(Full name of member*)

Of
(Current address or member)

Appoint
(Full name of Proxy)

Of
(Current address of Proxy)

As my proxy to vote for me on my behalf at the ordinary / annual / special general meeting,
(Circle type of meeting)

to be held on **or any adjournment of that meeting.**
(Date of Meeting)

Signature: **Date:**

* Both the member appointing the proxy and the proxy must be financial members of the Club.