CONSTITUTION OF

ECHUCA COMMUNITY EDUCATION GROUP (INCORPORATED)

1999

Trading as

Campaspe College of Adult Education

Amended Version 2002
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CURRENT REGULATIONS

1. Meetings
General Board Meetings are to be held on the third Monday in each month for February to December inclusive, commencing at 5.30 pm and concluding at 7.00pm with provision for Board resolution to extend the finishing time.

All reports will be received with the request that all reports, minutes and agenda sheet be forwarded to the Board members one clear week prior to the Board meetings.

2. Entitlements
Committee or Management members and voluntary workers be entitled to two (2) course enrollments per annum, free of charge but at no cost to the College with regard to course equipment, sundries etc, provided a vacancy exists in the course(s) requested. Voluntary workers are to have such entitlements extended to them at the CEO’s discretion.

3. Performance Bonuses
A .5 % incentive bonus, based on non grant funds raised will be made available to staff on a pro data basis.

4. Reporting
The CEO provide the Board with an “Enrollment Report” at each meeting. Such meeting to include;
   a.) List of current classes
   b.) Class numbers
   c.) Course cancellations
   d.) Trends in above
   e.) Admin Officers comments

5. Private use
a.) That the College display the current policy regarding private use of College equipment and
b.) That the College display the current policy regarding use of private equipment for College projects.

6. Overtime
As per Award

7. Vehicle use
The Board will be given a schedule of vehicle use on a monthly basis as part of the CEO’s report.

8. Emergency evacuation
An emergency evacuation plan be displayed in each room and the corridor and that all tutors be given instructions regarding emergency procedures and services.

9. Employment statements
No statement of employment status be given without the approval of the Board of Management.

10. Expenditure
All purchases over $1000.00 to be brought before the Board of Management prior to purchase.
NAME AND INTERPRETATION

1. NAME

1. The name of the incorporated association is
   ECHUCA COMMUNITY EDUCATION GROUP INCORPORATED trading as
   Campaspe College of Adult Education.
   (in these rules called “the Association”)

2. INTERPRETATION

2.1 In these rules, unless the contrary intention appears: “Committee” means the Board of Management
   of the Association.
   “The office bearers” or “Executive” means the elected Chairperson, Deputy Chairperson, Secretary
   and Treasurer.
   “Financial year” means the year ending on 31st December.
   “General Meeting” means a general meeting of members convened in accordance with Rule 9.
   “Member” means a member of the Association.
   “Ordinary Member of the Committee” means a member of the Board of Management who is not a
   office bearer of the Association under rule 13.
   “Officer” or “CEO” means the executive officer or his/her assistant as designated by the Board of
   Management.
   “Regulations” means regulations under the act.

2.2 In these Rules, a reference to the Secretary of an Association is a reference:
   a) where a person holds office under these Rules as Secretary of the Association – to that person, or
   b) where the Association appoints an employee to undertake secretarial duties at its direction, to
      that person and ;or
   c) in any other case, to the Public Officer of the Association.

2.3 Words or expressions contained in these rules shall be interpreted in accordance with the provisions
   of the Acts Interpretation Act 1958 and the Act as in force from time to time.

IMPACT LEGISLATION

1. Associations Incorporations Act 1981
3. MEMBERSHIP

APPLICATION FOR MEMBERSHIP

3.1 Membership of the Association shall be available to any person eligible to use the educational services of the CCAE (i.e. all adults resident in Echuca Moama and surrounding districts) who subscribes to the stated purposes of the Association.

Or

3.2 A nomination of a person for membership of the Association
   a) shall be made in writing in the form set out in Appendix C; and
   b) shall be lodged with the CEO of the Association.

3.3 As soon as is practical after the receipt of a nomination, the CEO shall refer the nomination to the Board.

3.4 Upon a nomination being referred to the Board, the Board shall determine whether to approve or reject the nomination.

3.5 Upon a nomination being approved by the Board, the Secretary shall with as little delay as possible, notify the nominee in writing that he or she is approved for membership of the Association.

3.6 The CEO shall enter the nominee’s name in the register of members and, upon the name being so entered, the nominee becomes a member of the Association.

3.7 A right, privilege or obligation of a person or group by reason of his membership of the Association
   a) is not capable of being transferred or transmitted to another person or group.
   b) terminates upon the cessation of membership whether by death or resignation or otherwise.

4. ANNUAL SUBSCRIPTION

4.1 The annual subscription is considered to have been paid upon enrolment in any course or class under the control of the Association, or

4.2 An annual subscription may be determined by the Board, and will become operative upon confirmation by an Annual General Meeting or Special General Meeting.
5. RESIGNATION, EXPULSION OF MEMBER

RESIGNATION AND EXPULSION

5.1 Resignation - Members may resign from the Association by written notice or by non payment of membership fees within one month of a notice that such fees are due.

5.2 Upon the expiration of a notice given under sub – clause (1), Public Officer shall make in the register of members an entry recording the date on which the member by whom the notice was given, ceased to be a member.

5.3 Removal – The Board may suspend or expel any member of the Association
   a) who commits any breach of any rule or by – law of the Association; or
   b) who, in the opinion of the Board, acts in a matter which is contrary to the interests of the Association; or
   c) no longer complies with the membership requirements of the Association.

   The member shall be informed of the allegation and be invited to present a personal or written explanation to the Board meeting at which the matter is to be considered.

REMOVAL OF BOARD MEMBER (ORDINARY AND EXECUTIVE)

5.4 A member of the Board of Management who is absent for 3 consecutive Board of Management meetings without apology, may by decision of the Board of Management at a Board of Management meeting, be removed from office.

5.5 The Association in General Meeting may by resolution remove any member of the Board of Management before the expiration of his / her term of office and appoint another member in his / her place to hold office until the expiration of the term of the first mentioned member.

5.6 The member may require the Secretary or Chairperson to send a copy of the reason(s) to each member of the Association or, if they are not sent, the member may require that they be read out at the meeting.

5.7 Appeals
   a) Any member of the Association who feels aggrieved by any decision of the Board under rule 5.3 and 5.5 may by notice in writing given to the Secretary within one calendar month from the date thereof, appeal against such decision to a General Meeting.

   b) Such notice shall state the ground of appeal and such appeal shall be heard at a General Meeting to be held not later than one month from the giving of such notice to the Secretary;

   d) On the hearing of any such appeal the member who feels aggrieved shall be afforded a full opportunity of being heard.
   e) Until the hearing of any such appeal the decision of the Board of Management shall have full force and effect.

5.8 The decision of the General Meeting shall be final.
6. ANNUAL GENERAL MEETING

6.1 The Association shall in each calendar year convene an Annual General Meeting of its members.
6.2 The Annual General Meeting shall be held on such day as the Board determines.
6.3 The Annual General Meeting shall be specified as such in the notice convening it.
6.4 Notice of the Annual General Meeting shall be advertised in the local press of the district at least fourteen (14) days prior to meeting.
6.5 The ordinary business of the Annual General Meeting shall be;
   a) to confirm the minutes of the preceding Annual General Meeting,
   b) to receive from the Board reports upon transactions of the Association during the last preceding financial year;
   c) to elect the ordinary members of the Board, and
   d) to receive and consider the financial statement submitted by the Association in accordance with section 30 (3) of the Act.
   e) appointment of registered Association auditor.

6.6 The Annual General Meeting may transact special business of which notice is given in accordance with 6.4.

6.7 The Annual General Meeting shall be in addition to any other general meetings that may be held in the same year.

7. SPECIAL GENERAL MEETING

7.1 All General Meetings other than the Annual General Meeting shall be called Special General Meetings.

7.2 The Board may whenever it thinks fit, convene a Special General Meeting of the Association and where, but for this sub – clause, more than 15 months would elapse between Annual General Meetings, shall convene a Special General Meeting before the expiration of that period.

7.3 The Board shall, on requisition in writing of members representing not less than 5% of the total number of members, convene a Special General Meeting of the Association.

7.4 The requisition for a Special General Meeting shall state the objectives of the meeting and shall be signed by the members making the requisition and be sent to the address of the Secretary and may consist of several documents in a like form, each signed by one or more members making the requisition.

7.5 If the Board does not cause a Special General Meeting to be held within one month after the date on which the requisition is sent to the address of the Secretary, the members making the requisition, or any of them may convene a Special General Meeting to be held not later than 3 months after that date.

7.6 A Special General Meeting convened by members in pursuance of these rules shall be convened in the same manner or as nearly as possible as that in which those meetings are convened by the Board and all responsible expenses incurred in convening the meeting shall be refunded by the Association to the persons incurring the expenses.
8. NOTICE OF A SPECIAL GENERAL MEETING

8.1 The Secretary of the Association shall, at least 14 days before the date fixed for holding a General Meeting of the Association, cause a notice of such meeting to be advertised in the local press of the district, stating the place, date and time of the meeting and the nature of the business to be transacted at the meeting.

8.2 No business other than that set out in the notice convening the meeting shall be transacted at the meeting.

8.3 A member desiring to bring any business before a meeting may give notice of that business in writing to the Secretary, who shall include that business in the notice calling the next General Meeting after the receipt of the notice.

9. PROCEEDINGS AT GENERAL MEETINGS

9.1 The Chairperson, or in his/ her absence, the Deputy Chairperson shall preside as Chairperson at each General Meeting of the Association.

9.2 If the Chairperson and the Deputy Chairperson are absent from a General Meeting, the members present shall elect one of their number to preside as Chairperson at the meeting.

9.3 All business that is transacted at a Special General Meeting and all business that is transacted at the Annual General Meeting with the exception of that specially referred to in these rules as being the ordinary business of the Annual General Meeting shall be deemed to be special business.

9.4 No item of business shall be transacted at a General Meeting unless a quorum of members entitled under these rules to vote is present during the time when the meeting is considering that item.

9.5 Six (6) members including two (2) Executive Members personally present (being members entitled under these rules to vote at a General Meeting) shall constitute a quorum for the transaction of the business of a General Meeting.

9.6 If within half an hour after the appointed time for the commencement of a General Meeting a quorum is not present the meeting, if convened upon the requisition of members shall be dissolved, and in any other case shall stand adjourned to the same day in the next week at the same time and (unless another place is specified by the Chairperson at the time of the adjournment or by written notice to members given before the day in which the meeting is adjourned) at the same place, and if at the adjourned meeting the quorum is not present within half an hour after the time appointed for the commencement of the meeting, the members present (being not less than 3) shall be a quorum.

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

9.8 Where a meeting is adjourned for 14 days or more, a like notice of the adjourned meeting shall be given as in the case of the General Meeting.

9.9 Except as provided in sub – clause 9.7 and 9.8, it is not necessary to give notice of an adjournment or of the business to be transacted at an adjourned meeting.
10. VOTING AT GENERAL MEETINGS

10.1 A question arising at a General Meeting of the Association shall be determined on a show of hands and declared by the Chairperson.

10.2 Upon a question arising at a General Meeting of the Association, a member has one vote only.

10.3 All votes shall be given personally or by proxy.

10.4 Each member shall be entitled to appoint another member as his proxy by notice given to the Secretary no later than 24 hours before the time of the meeting in respect of which the proxy is appointed. (See appendix A)

10.5 A member is not entitled to vote at any General Meeting unless all monies due and payable by them to the Association have been paid.

10.6 In the case of an equality of voting on a question, the Chairperson of the meeting is entitled to exercise a second or casting vote.

10.7 If at a meeting a poll on any question is demanded by not less than three members, it shall be taken at that meeting in such manner as the Chairperson may direct and the resolution of the poll shall be deemed to be a resolution of the meeting on that question.

10.8 A poll that is demanded on the election of a Chairperson or on a question of an adjournment shall be taken forthwith, and a poll that is demanded on any other question shall be taken at such time before the close of the meeting as the Chairperson may direct.

11. MINUTES FOR GENERAL MEETINGS

11.1 Minutes of the proceedings of every General Meeting, shall be kept in a minute book, which shall be available at the Association’s official address for inspection by members.
12. MANAGEMENT OF THE ASSOCIATION

12.1 The affairs of the Association shall be managed by the Board of Management.

COMPOSITION

12.2 The Board of Management of the CCAE shall consist of a maximum of twelve (12) members.

   a) Of the twelve (12) Board of Management positions, ten (10) shall be elected at the A.G.M. by community members in attendance; two (2) positions may be filled by Board of Management appointment for a minimum of a period of six (6) months.
   b) The C.E.O shall be a member ex officio but will have no voting rights.

ROLE OF BOARD OF MANAGEMENT

12.3 The Board has overall responsibility for the College, the protection of its assets, and the quality of its service.

12.4 The key functions of the Board of Management are:

   a) Establishing the strategic direction of the organization and ensuring overall goals, mission and objectives are adhered to. It is also the role of the Board of Management to support the CEO in implementing these directives.

   b) Determining management policies that ensure efficient and effective management of all resources in accordance with professional, legal and ethical standards. To monitor the performance of the College, including the achievement of objectives, personnel, financial and resource management and the performance of all staff, against the Best Practice Standards.

   c) Delegating authority and accountability, by establishing an appropriate organizational structure and system for communications and reporting.

   d) Overseeing financial management and safeguarding of assets.

   e) Ensuring the Board of Management itself works effectively and members are appropriately skilled.

   f) Promoting the organization and lobbying on its behalf in the community.

   g) Ensuring proper working relationships are established and maintained with other organizations, the community and consumers of our services.

   h) Ensuring appropriate staff are employed to carry out the work of the College.

   i) To appoint sub – committees consisting of at least one(1) member of the Board of Management and such other members as are deemed necessary.

      (i) Such sub – committees shall provide considered opinion and advise on issues referred to it to the Board of Management within its prescribed jurisdiction.

      (ii) Such sub – committees should provide cost effective recommendations to the Board of Management.
13. ELECTION OF BOARD OF MANAGEMENT

13.1 Nominations of candidates for election as ordinary members of the Board
   a) shall be made in writing, signed by two members of the Association and accompanied by the
      written consent of the candidate (see Appendix B) and
   b) shall be delivered to the CEO of the Association 14 days before the date fixed for the holding of
      the AGM.

13.2 a) Election of the Board of Management Executive shall be undertaken at the first meeting of the
   Board of Management after the AGM.
   b) The Board of Management Executive shall consist of:
      * Chairperson
      * Deputy Chairperson
      * Secretary – this position may be undertaken by the CEO at the direction of the Board.
      * Treasurer

13.3 a) If insufficient numbers are received to fill all Board vacancies, the candidates nominated shall be
   duly elected.
   b) Any nominations subsequent to the AGM for unfilled Board of Management positions may be
      considered by the Board of Management at any Board meeting.

13.4 If the number of nominations received is equal to the number of vacancies to be filled, the persons
   nominated shall be deemed to be elected.

13.5 If the number of nominations received are more than the required ten in number a secret ballot shall
   be held at the AGM in such visual and proper manner as the current Board of Management may
   direct.

13.6 For the purpose of the above rules the position of an Executive member or ordinary Board of
   Management member becomes vacant if the member resigns his/her position by written notice given
   to the Chairperson.

14. PROCEEDINGS OF BOARD OF MANAGEMENT

14.1 The Board shall meet at least 10 times in each year at such places and times as the Board may
   determine.

14.2 Each Board member shall receive written notice of Board Meetings at least 5 days prior to the
   meeting.

14.3 Special Meetings of the Board may be convened by the Chairperson or by any 5 of the members of
   the Board.

14.4 Notice shall be given to members of the Board of any Special Meeting specifying the general nature
   of the business to be transacted and no other business shall be transacted at such a meeting.

14.5 Six members of the Board including two Executive members constitute a quorum for the transaction
   of the business of a meeting of the Board.

14.6 No business shall be transacted unless a quorum is present. If within half an hour of the time
   appointed for the meeting a quorum is not present the meeting shall stand adjourned to the same
   place and at the same hour of the same day in the following week unless the meeting was a Special
   Meeting in which case it lapses.
15 ROLES WITHIN BOARD OF MANAGEMENT

15.1 Chairperson: The Chairperson shall:
   a) Chair monthly Board meetings and other Special Meetings as required.
   b) Promote a harmonious working relationship with all staff.
   c) Undertake day to day communication with Management.
   d) Ensure that the Board members understand and carry out their roles.
   e) Have the power of the casting vote should a tied vote occur.
   f) Preside at the Annual General Meeting.
   g) Act as a member of the Executive.
   h) Uphold the Constitution and Rules of the Association.

15.2 Deputy Chairperson: The Deputy Chairperson shall:
   a) Act in the absence of the Chairperson.
   b) Act as a member of the Executive.
   c) Uphold the Constitution and the Rules of the Association.

15.3 The Secretary: The Secretary shall:
   a) Arrange for the minutes, resolutions and proceedings of each meeting, to be recorded in a book provided for that purpose.
   b) Shall record the names of persons at each meeting.
   c) Ensure that the Common Seal of the College is kept in safe custody.
   d) Act as a member of the Executive.
   e) Ensure that all Annual Reports are sent to the Office of Fair Trading and Business Affairs after the AGM each year along with the appropriate fee.

15.4 The Treasurer: The Treasurer shall:
   a) Ensure correct accounts / records are kept and that an Annual Audit is carried out by the AGM nominated Accountant.
   b) Act as a member of the Executive.
   c) Uphold the Constitution and the Rules of the Association.

15.5 Public Officer: The Public Officer shall:
   a) Be the CEO and shall undertake such duties as are specified under the Act, and organize other duties as the Association shall from time to time determine.
   b) Uphold the Constitution and the Rules of the Association.

15.6 General Members: The General Members shall:
   a) Attend all General Board Meetings
   b) Assist as requested the other members of the Board of Management in the performance of their duties.
   c) Uphold the Constitution and the Rules of the Association.
16. CHEQUES
16.1 All cheques, drafts, bills of exchange, promissory notes and other negotiable instruments shall be signed by two persons of those approved as signatories by the Board at the first meeting after the AGM.

17 SEAL
17.1 The Common Seal of the Association shall be kept in the custody of the CEO.
17.2 The Common Seal shall be affixed to all business documents.
17.3 The Common Seal shall not be affixed to any instrument except by the authority of the Board of Management and the affixing of the Common Seal shall be attested by the signatures either of two members of the Board of Management or of one member of the Board and of the CEO of the Association.

18. ALTERATION / WINDING UP AND RECORDS / FUNDS
18.1 ALTERATION OF RULES
No rule of the Association shall be repealed or amended and no new rule shall be made except by a special resolution at an AGM or Special General Meeting called for such purpose. The resolution must be passed by the majority of members.

18.2 WINDING UP
In the event of the winding up or the cancellation of the Incorporation of the Association, the assets of the Association shall be disposed of in accordance with the provisions of the Act or shall be transferred to some other organization having objectives similar to the objectives of this Association, or a charitable institution.

18.3 CUSTODY OF RECORDS
Except as otherwise provided in these Rules, the Secretary shall keep in his / her custody or under his / her control all books, documents and securities which shall be available for inspection by members of the Association upon reasonable notice to the Secretary.

18.4 FUNDS
The funds of the Association shall be derived from enrolment fees, grants, subsidies, membership fees, donations and such other sources as the Board determines.

19. AUDITOR / ANNUAL REPORTS
19.1 AUDITOR
The auditor appointed at the AGM shall be a currently registered auditor whose qualifications are recognised in the State of Victoria.

19.2 ANNUAL REPORT, FINANCIAL STATEMENT AND EVALUATION
A copy of the annual report, audited statement of financial affairs and evaluation report on progress and activities of the Association shall be forwarded to any appropriate authorities and organizations after endorsement by the Annual General Meeting.
APPENDIX A
PROXY VOTING FORM

Proxy Voting – Every member shall be entitled to one vote at every General Meeting and may appoint any other member by proxy, which shall be deposited with the Secretary no later than 24 hours before the time of the meeting in respect of which the proxy is appointed.

The instrument appointing a proxy may be in the following form or in a common or usual form:

………………………………….. Incorporated

I ……………………………….. of …………………………………being a

member of the ……………………………..Incorporated hereby

appoint ………………………………….. as my proxy to vote for me

on my behalf at the Annual (or Special) General Meeting of the Association, to

be held on the………………..day of………………..20 …..

and any adjournment thereof.

My proxy is hereby authorized to vote in favor of / against the following resolutions.

Signed this ……………………..day of ……………………..20 …..

Signature of Member: …………………………………………………

Printed name of Member: …………………………………………………

Address of Member:………………………………………………
APPENDIX B
NOMINATION FORM (COMMITTEE)

This instrument nominates and individual for membership of the ECEG Committee of Management:

I ……………………………….. of …………………………………..being a
member of the …………………………………..Incorporated hereby

nominate ……………………………………………for membership of the
ECCG Committee of Management the election of which is to be held on

the: ……………………………… Day of …………………19 ……. / 20 ……

Signed this …………………day of …………………19 ……. / 20 ……

Signature of Nominator: …………………………………………………

Printed name of Nominator: …………………………………………………

Address of Nominator:…………………………………………………………

I ……………………………….. of ………………………………….[Address]

accept nomination for membership of the ECCG Committee of Management the
election of which is to be held on

the: ……………………………… Day of …………………19 ……. / 20 ……

Signed this …………………day of …………………19 ……. / 20 ……

Signature of Nominee: …………………………………………………

Printed name of Nominee: …………………………………………………

Address of Nominee:…………………………………………………………
APPENDIX C
NOMINATION FORM (MEMBER)

This instrument nominates an individual for membership of the ECEG Incorporated. The nomination must be made by two existing members of the ECEG Incorporated.

Member 1.

I ........................................... of .............................................being a member of the Echuca Community Education Group Incorporated do hereby nominate ............................................. for membership of the Echuca Community Education Group.

Signed this ....................................day of ...........................................20 ....

Signature of Nominator: ............................................. .................................

Printed name of Nominator: .................................................................

Address of Nominator: ..............................................................................

Member 2.

I ........................................... of .............................................being a member of the Echuca Community Education Group Incorporated do hereby nominate ............................................. for membership of the Echuca Community Education Group.

Signed this ....................................day of ...........................................20 ....

Signature of Seconder: ............................................. .................................

Printed name of Seconder: .................................................................

Address of Seconder: ..............................................................................

I ........................................... of .............................................[Address] accept nomination for membership of Echuca Community Education Group Inc.

Signed this ....................................day of ...........................................20 ....

Signature of Nominee: .................................................................

Printed name of Nominee: .................................................................

Address of Nominee: ..............................................................................