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Constitution of Brisbane Boys' College Old Collegians' Association

Contact

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Constitution

1. Title

This is the constitution of Brisbane Boys' College Old Collegians' Association (**Association**), an unincorporated association.

2. Commencement

This constitution is deemed to have commenced on Tuesday 2 June 2015.

3. Interpretation

- (1) **College** means Brisbane Boys' College;
- (2) **Committee** means the Committee of Brisbane Boys' College Old Collegians' Association constituted under this constitution for the time being;
- (3) **disqualified person** means a person who:
 - (a) is, or within the last 5 years has been, an insolvent under administration;
 - (b) has been convicted of an indictable offence, whether or not the person was tried summarily;
 - (c) is, or within the last 5 years has been, subject to an order disqualifying the person from managing a corporation; and
 - (d) is otherwise disqualified by law from being a member of the Committee;
- (4) **Headmaster** means the headmaster of the College from time to time;
- (5) **Honorary Member** means a person admitted as an honorary member in accordance with rule 8;
- (6) **Member** means any person who becomes a member of the Association under this constitution;
- (7) **Committee Member** means a person who for the time being is appointed as a member of the Committee from time to time in accordance with this constitution;
- (8) **Old Boy** means a person who has at some time attended at the College, or, as it was formerly known and called, The Clayfield College or Rudd's College, as a student;
- (9) **Vintage Collegian** means an Old Boy who is 60 years of age or older; and

- (10) **Young Old Boy** means an Old Boy who has been a member of the Association for less than 5 years.

4. Objects

4.1 The objects of the Association are:

- (1) to establish and maintain good fellowship between Old Boys of the College;
- (2) to establish and maintain good fellowship between Old Boys of the College and current students of the College;
- (3) to maintain the sense of loyalty to the College in all Old Boys;
- (4) to help ensure all Old Boys uphold the traditions of the College;
- (5) to promote and advance the interests of the College in all its branches and activities in such manner as the Association thinks fit provided all such activities are consistent with the mission, values and vision of the College;
- (6) to assist in the education at the College of sons of Old Boys and such other people as the Association may from time to time think fit by such means and at such times as the Association determines;
- (7) to promote the welfare of the Members of the Association in terms of religion, morality, education and social welfare;
- (8) to promote, advance, carry out, and do such other acts, matters and things, which may be conducive to the general wellbeing of the Members of the Association and the College;
- (9) to do all such other acts and things as may be necessary to carry out and give effect to all or any of the above objects; and
- (10) to raise money for and to devote such parts of the funds of the Association to the College as the Committee may decide from time to time for the promotion of any College activity or purpose as may be agreed upon at any Committee meeting of the Association.

5. Non-profit

5.1 The Association is a non-profit organisation and the assets and income of the Association are to be applied solely towards:

- (1) the promotion of its objects as set out in constitution rule 4; and
- (2) exercising the Association's powers.

5.2 The Association will not carry on any activities for the purpose of profit or gain to its Members.

5.3 No portion of the Association's income, property, profits and financial surplus may be paid, distributed or transferred, directly, indirectly by way of dividend, property, bonus

or otherwise by way of profit to its Members, Committee Members or their relatives except as provided by this constitution.

6. Classes of Members

6.1 Subject to rule 9, all Old Boys are members of the Association and remain a Member for life.

6.2 In addition, the following may be admitted to membership of the Association, after nomination by a Member, with the approval of the Committee:

- (1) the Headmaster; and
- (2) such other persons as may be accepted by the Committee to be honorary members of the Association, but such persons will have no right to vote at any meeting of the Association.

6.3 The number of members is unlimited.

7. Membership fees

7.1 The membership fee (if any) for Members:

- (1) is the amount decided by the Members from time to time at a general meeting; and
- (2) is payable when, and in the way, the Committee decides.

7.2 The Association will be funded on an annual basis from the payment to the Association by the College of an amount from each enrolment fee that the College receives from prospective students. The amount will be the sum agreed between the College and Committee from time to time.

8. Admission and rejection of Honorary Members

The Committee must consider a nomination for Honorary Membership at the next meeting of the Committee held after it receives the nomination.

8.1 Basic criteria for Honorary Membership:

- i) Minimum of 20 years' service to the College as a teacher, coach or serving the College in other ways.
- ii) A record of contribution to the life of the College and accepted into the College Community.
- iii) A person who irrespective of their years of service is considered to be an icon within the College Community.
- iv) Nominees should be vetted by and may appear before the Vintage Collegians prior to recommending to the OCA Executive.

- 8.2 The Committee must decide at the meeting whether to accept or reject the nomination based on such honorary membership criteria it may specify. For example, tenure of office as an employee of the College or other commitment to the College.
- 8.3 If a majority of the Committee Members present at the meeting vote to accept the nominee as an Honorary Member, the nominee must be accepted as an Honorary Member.
- 8.4 The secretary of the Association must, as soon as practicable after the Committee decides to accept or reject a nomination, give the nominee a written notice of the decision.

9. When Membership ends

- 9.1 An Honorary Member may resign from the Association by giving a written notice of resignation to the secretary.
- 9.2 The resignation takes effect at:
- (1) the time the notice is received by the secretary; or
 - (2) if a later time is stated in the notice, the later time.
- 9.3 The Committee may terminate a Member's membership if the Member:
- (1) is convicted of an indictable offence;
 - (2) does not comply with any of the provisions of this constitution;
 - (3) has membership fees in arrears for at least 4 months; or
 - (4) conducts himself or herself in a way considered to be injurious or prejudicial to the character or interests of the Association.
- 9.4 Before the Committee terminates a Member's membership, the Committee must give the Member a full and fair opportunity to show why the membership should not be terminated.
- 9.5 If, after considering all representations made by the Member, the Committee decides to terminate the membership, the secretary of the Committee must give the Member a written notice of the decision.

10. Register of members

- 10.1 The College must keep a register of Members.
- 10.2 The register of Members must, where possible, include the following particulars for each Member:
- (1) category of membership;
 - (2) the full name and residential address of the Member;

- (3) the date of admission as a Member which, for Old Boys, is the date they leave the College;
 - (4) the date of death of the Member;
 - (5) the date of resignation; in the case of an Honorary Member;
 - (6) details about the termination or reinstatement of membership; and
 - (7) any other particulars the Committee or Members at a general meeting decide.
- 10.3 The register must be open for inspection at all reasonable times.
- 10.4 However, before a Member may inspect the register, the Member must apply to the secretary to inspect it.

11. Composition of the Committee

- 11.1 The Committee of the Association consists of a president, vice-president, a nominee of the Vintage Collegians, a nominee of the Young Old Boys and any other members that the Members elect or appoint at a general meeting.
- 11.2 A Committee Member must be a Member or a member of College staff.
- 11.3 A disqualified person is not eligible for appointment to the Committee.
- 11.4 The number of Committee Members will be no fewer than 4 and no greater than 10.
- 11.5 The Committee may appoint a secretary and treasurer who may, but need not be, a Committee Member.
- 11.6 The Committee at the time of adoption of this constitution will be constituted by the persons set out in the attached Schedule 1.
- 11.7 The president's term of office is 2 years. At each annual general meeting of the Association, all other Committee Members must retire from office, but are eligible, on nomination, for re-election.

12. Electing the Committee

- 12.1 A Committee Member may only be elected as follows:
- (1) any 2 members of the Association may nominate another member (candidate) to serve as a Committee Member;
 - (2) the nomination must be:
 - (a) in writing;
 - (b) signed by the candidate and the Members who nominated him or her; and
 - (c) given to the secretary at least 7 days before the annual general meeting at which the election is to be held;

- (3) each Member present at the annual general meeting may vote for any number of candidates not more than the number of vacancies;
 - (4) if, at the date of the meeting, there are not enough candidates nominated, nominations may be taken from the floor of the meeting.
- 12.2 A list of the candidates' names in alphabetical order, with the names of the Members of the Association who nominated each candidate, must be posted on the Association's website at least 7 days immediately preceding the annual general meeting.
- 12.3 If required by the Committee, balloting lists must be prepared containing the names of the candidates in alphabetical order.

13. Resignation or removal from office of Committee Member

- 13.1 The office of a Committee Member will become vacant if the Committee Member:
- (1) dies;
 - (2) resigns his or her office by notice in writing to the president;
 - (3) becomes a disqualified person; and
 - (4) is absent without prior leave granted by the Committee for three consecutive meetings of the Committee of which due notice was given.
- 13.2 If a Committee Member resigns his or her office under rule 13.1(2), the resignation takes effect on:
- (1) the day and at the time the notice is received by the president; or
 - (2) if a later day is stated in the notice – the later day.
- 13.3 If a position on the Committee becomes vacant, the Committee may fill the position until such time as a replacement is appointed by the Members.
- 13.4 A Committee Member may be removed from office at a general meeting of the Association if a majority of the Members present at the meeting vote in favour of removing the Committee Member.
- 13.5 Before a vote of Members is taken about removing the Committee Member from office, the Committee Member must be given a full and fair opportunity to show cause why he or she should not be removed from office.
- 13.6 A Committee Member has no right of appeal against the Member's removal from office under this rule 13.

14. Vacancies on Committee

- 14.1 If a casual vacancy occurs on the Committee, the continuing Committee Members may appoint another Member of the Association to fill the vacancy until the next annual general meeting or carry on notwithstanding any vacancy. Any Committee Member so appointed must retire at the next annual general meeting, but may be

eligible for election as a Committee Member at such a meeting in accordance with rule 12.

- 14.2 The continuing Committee Members may act despite a casual vacancy on the Committee.
- 14.3 However, if the number of Committee Members is less than the minimum number fixed under rule 11.4, the continuing Committee Members may act only to:
- (1) increase the number of Committee Members to the minimum number required; or
 - (2) call a general meeting of the Association.

15. Powers and duties of the Committee

- 15.1 The Committee is charged with the control, management and strategic direction of the Association and the maintenance and protection of its resources.
- 15.2 Without in any way limiting clause 15.1 the specific powers and duties of the Committee will be to:
- (1) generally do all things, subject to this constitution, as are necessary for the proper and efficient administration of the Association and for the advancement of its objects;
 - (2) develop and approve guiding principles for the operation and control of the Association not inconsistent with this constitution;
 - (3) develop and approve guiding principles for the Members of the Association not inconsistent with this constitution;
 - (4) adopt such means for promoting and making known the objects the Association as may seem expedient and appropriate to the Committee;
 - (5) do all such other things as may be deemed incidental or conducive to the attainment of the objects of the Association or any of them; and
 - (6) exercise all powers usually incidental to the operation of an organisation of a like nature.
- 15.3 The Committee will have the power to nominate from time to time one of their number to be appointed as a director of BBC Foundation Limited.

16. Meetings of Committee

- 16.1 The Committee may meet and conduct its proceedings as it considers appropriate.
- 16.2 Meetings of the Committee must be convened by the secretary by giving not less than 7 days' notice in writing to each Committee Member of the time and place of such meeting.
- 16.3 At a Committee meeting, 4 Committee Members present in person will form a quorum.

- 16.4 Minutes of the proceedings of the Committee meeting must be taken by the secretary and circulated to the Committee Members within one week after the close of the meeting.
- 16.5 The minutes of the Committee meeting will be open to the inspection by any Member applying to the secretary.
- 16.6 The chairperson of the Committee meeting will be the president, or in his absence, the vice-president. In the absence of both, the Committee must elect one of their number to be chairperson of the meeting.
- 16.7 A question, matter or resolution arising at a Committee meeting is to be decided by a majority vote of Committee Members present at the meeting and, if the votes are equal, the question is decided by the chairperson.
- 16.8 If the secretary receives a written request signed by at least 4 Committee Members, the secretary must call a special meeting of the Committee.
- 16.9 A request for a special meeting must state:
- (1) why the special meeting is called; and
 - (2) the business to be conducted at the meeting.
- 16.10 The secretary must give each Committee Member at least 14 days' notice of a special meeting of the Committee, unless a shorter time is unanimously agreed by the Committee.
- 16.11 A notice of a special meeting must state:
- (1) the day, time and place of the meeting; and
 - (2) the business to be conducted at the meeting.
- 16.12 The president or, if there is no president or if the president is not present within 10 minutes after the time fixed for a Committee meeting, the vice-president is to preside as chairperson at the meeting.
- 16.13 If the president and the vice-president are absent from a Committee meeting, the Committee Members present may choose 1 of their number to preside as chairperson at the meeting.
- 16.14 If a quorum is not present within 30 minutes after the time fixed for a Committee meeting called on the request of Committee Members under rule 16.8, the meeting lapses.
- 16.15 If a quorum is not present within 30 minutes after the time fixed for a Committee meeting called other than on the request of Committee Members, the meeting is to be adjourned to:
- (1) the same day, time and place in the next week; or
 - (2) a day, time and place decided by the Committee.
- 16.16 If, at an adjourned meeting mentioned in rule 16.15, a quorum is not present within 30 minutes after the time fixed for the meeting, the meeting lapses.

17. Sub-committees

- 17.1 The Committee may delegate the whole or part of its powers to a sub-committee. A sub-committee will conduct its business in accordance with the directions of the Committee and will periodically report their proceedings to the Committee.
- 17.2 Members of sub-committees may be Members of the Association, members of staff of the College, members of the community with particular skills relevant to the work of the sub-committee, or any other person considered appropriate by the Committee.
- 17.3 A sub-committee may meet and adjourn as it considers appropriate.
- 17.4 A question, matter or resolution arising at a sub-committee meeting is to be decided by a majority vote of the members of the sub-committee present at the meeting and, if the votes are equal, the question is decided in the negative.
- 17.5 The president, the vice-president, the secretary and the treasurer may be ex-officio members of all sub-committees.

18. Resolutions of Committee without meeting

- 18.1 A written resolution signed by each Committee Member for the time being entitled to receive notice of a Committee meeting is as valid and effectual as if it had been passed at a Committee meeting that was properly called and held.
- 18.2 A resolution mentioned in rule 18.1 may consist of several documents in like form, each signed by 1 or more Committee Members.

19. Patron

- 19.1 The Committee may appoint any person they think fit as Patron of the Association.
- 19.2 The Patron may or may not be a Member.
- 19.3 Unless the Patron is a Member, the Patron has no rights and privileges of membership, other than the right to receive notices of and attend and be heard at any general meeting, and is otherwise subject to this constitution.
- 19.4 A Patron is appointed for a 3 year term. A Patron is eligible for re-appointment by the Committee within 2 months of the third anniversary of the Patron's appointment.

20. Resignation or removal of Patron

- 20.1 A Patron may resign by notice in writing to the president.
- 20.2 If a Patron resigns under rule 20.1, the resignation takes effect on:
- (1) the day and at the time the notice is received by the president; or
 - (2) if a later day is stated in the notice – the later day.
- 20.3 The Committee may terminate a Patron's appointment if:

- (1) the Committee, in its discretion, resolves to terminate the Patron's appointment;
- (2) the Patron is convicted of an indictable offence;
- (3) the Patron does not comply with any of the provisions of this constitution;
- (4) the Patron conducts himself or herself in a way considered to be injurious or prejudicial to the character or interests of the Association; or
- (5) the Patron was employed by the College at the time of his or her appointment and ceases to be employed by the College.

21. Annual General Meetings

21.1 The Association must hold an annual general meeting of its Members:

- (1) at least once each year; and
- (2) within 6 months after the end of the Association's previous financial year.

21.2 At least 30 days' written notice of the annual general meeting must be displayed on the Association's website.

21.3 The Committee must decide the way in which the notice must be given.

21.4 Any Member may, not less than 21 days prior to the holding of the annual general meeting, give notice to the secretary requesting that a special matter be placed on the agenda. If the Committee so decides, such matter will be included in the business of the meeting.

22. Business to be conducted at annual general meeting

22.1 The following business must be conducted at each annual general meeting:

- (1) receiving the president's report for the last financial year;
- (2) receiving the financial reports of the Association for the last financial year; and
- (3) electing Committee Members.

23. General meetings

23.1 The secretary only may call a general meeting by giving each Member notice of the meeting within 14 days after:

- (1) being directed to call the meeting by the Committee; or
- (2) being given a written request signed by:
 - (a) at least 33% of the Committee Members; or
 - (b) 5% of the Members.

- 23.2 A request mentioned in rule 23.1(2) must state:
- (1) why the special general meeting is being called; and
 - (2) the business to be conducted at the meeting.
- 23.3 Notice of a general meeting must be given in accordance with rule 23.
- 23.4 Any meeting of Members must be held for a proper purpose.

24. Notice of general meeting

- 24.1 The secretary may call a general meeting of the Association.
- 24.2 The secretary must give at least 21 days' notice of the meeting to each Member.
- 24.3 The Committee may decide the way in which the notice must be given.
- 24.4 However, notice of a meeting must be displayed on the Association's website where the meeting is called to hear and decide a proposed special resolution of the Association.
- 24.5 A notice of a general meeting must state the business to be conducted at the meeting.

25. Quorum for, and adjournment of, general meeting

- 25.1 Subject to rule 25.5, at a general meeting 10 Members present in person or by proxy form a quorum.
- 25.2 No business may be conducted at a general meeting unless a quorum of Members is present when the meeting proceeds to business.
- 25.3 If a quorum is not present within 30 minutes after the time fixed for a general meeting called on the request of Members or Committee Members, the meeting lapses.
- 25.4 If a quorum is not present within 30 minutes after the time fixed for a general meeting called other than on the request of Members or Committee Members, the meeting is to be adjourned to:
- (1) the same day, time and place in the next week; or
 - (2) a day, time and place decided by the Committee.
- 25.5 If, at an adjourned meeting, a quorum under rule 25.1 is not present within 30 minutes after the time fixed for the meeting, the Members present form a quorum.
- 25.6 The chairperson may, with the consent of any meeting at which a quorum is present, and must if directed by the meeting, adjourn the meeting from time to time and from place to place.
- 25.7 If a meeting is adjourned under rule 25.6, only the business left unfinished at the meeting from which the adjournment took place may be conducted at the adjourned meeting.

- 25.8 The secretary is not required to give the Members notice of an adjournment or of the business to be conducted at an adjourned meeting unless a meeting is adjourned for at least 30 days.
- 25.9 If a meeting is adjourned for at least 30 days, notice of the adjourned meeting must be given in the same way notice is given for an original meeting.

26. Procedure at general meeting

26.1 Subject to this constitution, at each general meeting:

- (1) the president or, if there is no president or if the president is not present within 15 minutes after the time fixed for the meeting or is unwilling to act, the vice-president is to preside as chairperson;
- (2) if the vice-president is absent or unwilling to act as chairperson, the Members present must elect 1 of their number to be chairperson of the meeting;
- (3) the chairperson must conduct the meeting in a proper and orderly way;
- (4) each question, matter or resolution must be decided by a majority of votes of the Members;
- (5) each Member may take part and vote in a general meeting in person or by proxy;
- (6) each Member present and entitled to vote is entitled to 1 vote only and, if the votes are equal, the chairperson has a casting vote as well as a primary vote;
- (7) a Member is not entitled to vote at a general meeting if the Member's membership fees are in arrears at the date of the meeting;
- (8) voting may be by a show of hands or a division of members, unless at least 20% of the Members present demand a secret ballot;
- (9) if a secret ballot is held, the chairperson must appoint 2 Members to conduct the secret ballot in the way the chairperson decides;
- (10) the result of a secret ballot as declared by the chairperson is taken to be a resolution of the meeting at which the ballot was held;
- (11) the secretary must ensure full and accurate minutes of all questions, matters, resolutions and other proceedings of each Committee meeting and general meeting are electronically recorded; and
- (12) the secretary must ensure that electronic copies of minutes for each general meeting is open for inspection at all reasonable times by any Member who previously applies to the secretary for the inspection.

26.2 To ensure the accuracy of the minutes recorded under rule 26.1(11):

- (1) the minutes of each Committee meeting must be signed by the chairperson of the meeting, or the chairperson of the next Committee meeting, verifying their accuracy;

- (2) the minutes of each general meeting must be signed by the chairperson of the meeting, or the chairperson of the next general meeting, verifying their accuracy; and
- (3) the minutes of each annual general meeting must be signed by the chairperson of the meeting, or the chairperson of the next meeting of the Association that is a general meeting or annual general meeting, verifying their accuracy.

27. Proxies

27.1 An instrument appointing a proxy must be in writing and be in the following or similar form:

Brisbane Boys' College Old Collegians' Association

I, _____ of _____, being a member of the Association, appoint

_____ of

as my proxy to vote for me on my behalf at the (annual) general meeting of the Association, to be held on the _____ day of _____ 20____ and at any adjournment of the meeting.

Signed this _____ day of _____ 20____

Signature.

27.2 The instrument appointing a proxy must be signed by the appointer or the appointer's attorney properly authorised in writing.

27.3 A proxy must be a member of the Association.

27.4 The instrument appointing a proxy is taken to confer authority to demand or join in demanding a secret ballot.

27.5 Each instrument appointing a proxy must be given to the secretary at least 7 days before the start of the meeting or adjourned meeting at which the person named in the instrument proposes to vote.

27.6 Unless otherwise instructed by the appointer, the proxy may vote as the proxy considers appropriate.

27.7 If a member wants a proxy to vote for or against a resolution, the instrument appointing the proxy must be in the following or similar form:

Brisbane Boys' College Old Collegians' Association

I, _____ of _____, being a member of the Association, appoint

of

as my proxy to vote for me on my behalf at the (annual) general meeting of the Association, to be held on the _____ day of _____ 20

and at any adjournment of the meeting.

Signed this _____ day of _____ 20

Signature

This form is to be used *in favour of/*against [*strike out whichever is not wanted*] the following resolutions:

[*List relevant resolutions*]

28. Financial records and documents

28.1 Keeping of financial records

- (1) The financial year of the Association will commence on 1 January and end on 31 December in the same year.
- (2) The Committee will ensure the relevant accounting standards and auditing requirements of unincorporated associations are duly complied with.
- (3) All monies received on account of the Association will be banked in the name of the Association in a bank account at such bank as the Committee may from time to time direct.

28.2 Keeping other documents

The Committee must ensure the safe custody of books, documents, instruments of title and securities of the association.

29. Badge and Insignia

- 29.1 The insignia and badge of the Association will be such as the Committee may from time to time determine.

30. Distribution of surplus assets to another entity

- 30.1 This rule applies if the Association:

- (1) is disbanded or wound up; and
- (2) has surplus assets.

30.2 The surplus assets must not be distributed among the Members of the Association.

30.3 The surplus assets may be given to the College.

30.4 Otherwise, the surplus assets must be given to another entity determined by the Committee:

- (1) having objects similar to the Association's objects; and
- (2) the rules of which prohibit the distribution of the entity's income and assets to its members.

31. Amendment to the constitution

31.1 This constitution may be amended from time to time by a general meeting of the Members entitled to vote called for the purpose provided that:

- (1) notice in writing of the proposed amendments has been given to all Members not less than 14 days before the date of the general meeting; and
- (2) the proposal to amend the constitution is supported by not less than two thirds of the Members present who are entitled to vote.

31.2 A record of all amendments to this constitution will be recorded in an Annexure A attached to this constitution. The record will include the dates on which the amendments were approved and the full text of the amendments made.

Schedule 1

List of Inaugural Committee Members

OCA Executive Committee 2015/16

President: Alex Persley

Vice President: Chris Beech

Foundation Representative: Steve Pyman

Vintage Collegian Representative: John Stewart

Young Old Boys Representative: Tom Law

Committee Member: Harley Cowlshaw

Committee Member: Barney Dell

Committee Member: Guy Edgecombe

Committee Member: Chris Hartley

Committee Member: Lewis Torkington

Annexure A

Date	Amendment No.	Amendment	Reference

End of document