



RULES FOR AN INCORPORATED ASSOCIATION **CONTENTS**

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ASSOCIATIONS INCORPORATION ACT 1981

Section 5(b)

STATEMENT OF PURPOSES

The name of the incorporated association is Community West Incorporated.

1. The purposes for which the incorporated association is established are:-
 - a) To provide a diverse range of programs and services which are targeted at the disadvantaged and have a focus which reflects both the Government Social Justice Strategy and our communities needs. All Centre programs and services will remain open to all members of the community without discrimination. All programs and services will have a community development focus.
 - b) To provide emotional support and resources for the alleviation of poverty, distress, misfortune, destitution and helplessness.
 - c) To provide an information and referral service which aims to inform people about their rights to services and entitlements and in addition provide information on all other essential services and programs run by other providers. Wherever possible we aim to have this information translated into the relevant languages.
 - d) To provide a friendly informal environment where people in our community feel comfortable to drop in whenever they wish.
 - e) To provide advancement of education for those most disadvantaged in our community.
 - f) To provide a forum where collective resident action can be facilitated.
 - g) To develop community awareness and involvement in environmental conservation matters by increasing education opportunities for the community.
 - h) To lead by example in promoting environmentally sound practices and procedures within the Centre and its structure.

RULES OF COMMUNITY WEST INCORPORATED

1. Name

The name of the incorporated association is Community West Incorporated (in these Rules called "the Association").

2. Definitions

(1) In these Rules, unless the contrary intention appears-

"**Act**" means the **Associations Incorporation Act 1981**;

"**Board**" means the board of management of the Association;

"**Executive Officer**" means the person appointed by the Board to the office of executive officer of the Association under rule 20;

"**financial year**" means the year ending on 30 June;

"**general meeting**" means a general meeting of members convened in accordance with rule 12.

"**member**" means a member of the Association;

"**Regulations**" means regulations under the Act;

"**relevant documents**" has the same meaning as in the Act.

(2) In these Rules, a reference to the secretary of the Association is a reference--

(a) if a person holds office under these Rules as secretary of the Association--to that person; and

(b) in any other case, to the public officer of the Association.

3. Alteration of the rules

These Rules and the statement of purposes of the Association must not be altered except in accordance with the Act.

4. Membership, entry fee and subscription

(1) A person who applies for and is approved for membership as provided in these Rules is eligible to be a member of the Association on payment of any entrance fee determined by the Board and any annual subscription payable under these Rules.

(2) A person who is not a member of the Association at the time of the incorporation of the Association (or who was a member at that time but has ceased to be a member) must not be admitted to membership unless-

(a) he or she applies for membership in accordance with sub-rule (3);
and

(b) the admission as a member is approved by the Board.

(3) An application of a person for membership of the Association must-

(a) be made in writing in the form set out in Appendix 1 or in such other form approved by the Board from time to time or in any particular case; and

(b) be lodged with the secretary of the Association.

(4) As soon as practicable after the receipt of an application, the secretary must refer the application to the Board.

(5) The Board must determine whether to approve or reject the application.

(6) If the Board approves an application for membership, the secretary must, as soon as practicable-

(a) notify the applicant in writing of the approval for membership; and

(b) request payment within 28 days after receipt of the notification of any sum payable under these Rules as the entrance fee and the first year's annual subscription.

(7) The secretary must, within 28 days after receipt of the amounts referred to in sub-rule (6), enter the applicant's name in the register of members.

(8) An applicant for membership becomes a member and is entitled to exercise the rights of membership when his or her name is entered in the register of members.

(9) If the Board rejects an application, the Board must, as soon as practicable, notify the applicant in writing that the application has been rejected.

(10) A right, privilege, or obligation of a person by reason of membership of the Association-

(a) is not capable of being transferred or transmitted to another person; and

(b) terminates upon the cessation of membership whether by death or resignation or otherwise.

(11) The annual subscription for a financial year is the relevant amount (if any) set by the Board from time to time and is payable in advance on or before a date determined from time to time by the Board.

(12) The Board may in its discretion waive all or part of the subscription fee payable by a member or a group or class of members.

5. Register of members

(1) The secretary must keep and maintain, or arrange to be kept and maintained, a register of members containing-

(a) the name and address of each member; and

(b) the date on which each member's name was entered in the register.

(2) The register is available for inspection free of charge by any member upon request.

(3) A member may make a copy of entries in the register.

6. Ceasing membership

(1) A member who has paid all moneys due and payable by a member to the Association may resign from the Association by giving notice in writing to the secretary of his or her resignation.

(2) On receipt of the notice referred to in sub-rule (1)--

(a) the member ceases to be a member; and

(b) the secretary must record in the register of members the date on which the member ceased to be a member.

7. Discipline, suspension and expulsion of members

(1) Subject to these Rules, if the Board is of the opinion that a member has refused or neglected to comply with these Rules, or has been guilty of conduct unbecoming a member or prejudicial to the interests of the Association, the Board may by resolution--

(a) fine that member an amount not exceeding \$500; or

(b) suspend that member from membership of the Association for a specified period; or

(c) expel that member from the Association.

(2) A resolution of the Board under sub-rule (1) does not take effect unless--

(a) at a meeting held in accordance with sub-rule (3), the Board confirms the resolution; and

(b) if the member exercises a right of appeal to the Association under this rule, the Association confirms the resolution in accordance with this rule.

(3) A meeting of the Board to confirm or revoke a resolution passed under sub-rule (1) must be held not earlier than 14 days, and not later than 28 days, after notice has been given to the member in accordance with sub-rule (4).

(4) For the purposes of giving notice in accordance with sub-rule (3), the secretary must, as soon as practicable, cause to be given to the member a written notice--

(a) setting out the resolution of the Board and the grounds on which it is based; and

(b) stating that the member, or his or her representative, may address the Board at a meeting to be held not earlier than 14 days and not later than 28 days after the notice has been given to that member; and

(c) stating the date, place and time of that meeting; and

(d) informing the member that he or she may do one or both of the following--

(i) attend that meeting;

(ii) give to the Board before the date of that meeting a written statement seeking the revocation of the resolution;

(e) informing the member that, if at that meeting, the Board confirms the resolution, he or she may, not later than 48 hours after that meeting, give the secretary a notice to the effect that he or she wishes to appeal to the Association in general meeting against the resolution.

(5) At a meeting of the Board to confirm or revoke a resolution passed under sub-rule (1), the Board must-

(a) give the member, or his or her representative, an opportunity to be heard; and

(b) give due consideration to any written statement submitted by the member; and

(c) determine by resolution whether to confirm or to revoke the resolution.

(6) If at the meeting of the Board, the Board confirms the resolution, the member may, not later than 48 hours after that meeting, give the secretary a notice to the effect that he or she wishes to appeal to the Association in general meeting against the resolution.

(7) If the secretary receives a notice under sub-rule (6), he or she must notify the Board and the Board must convene a general meeting of the Association to be held within 21 days after the date on which the secretary received the notice.

(8) At a general meeting of the Association convened under sub-rule (7)--

(a) no business other than the question of the appeal may be conducted; and

(b) the Board may place before the meeting details of the grounds for the resolution and the reasons for the passing of the resolution; and

(c) the member, or his or her representative, must be given an opportunity to be heard; and

(d) the members present must vote by secret ballot on the question whether the resolution should be confirmed or revoked.

(9) A resolution is confirmed if, at the general meeting, not less than two-thirds of the members vote in person, or by proxy, in favour of the resolution. In any other case, the resolution is revoked.

8. *Disputes and mediation*

(1) The grievance procedure set out in this rule applies to disputes under these Rules between-

(a) a member and another member; or

(b) a member and the Association.

(2) The parties to the dispute must meet and discuss the matter in dispute, and, if possible, resolve the dispute within 14 days after the dispute comes to the attention of all of the parties.

(3) If the parties are unable to resolve the dispute at the meeting, or if a party fails to attend that meeting, then the parties must, within 10 days, hold a meeting in the presence of a mediator.

(4) The mediator must be-

(a) a person chosen by agreement between the parties; or

(b) in the absence of agreement-

(i) in the case of a dispute between a member and another member, a person appointed by the Board; or

(ii) in the case of a dispute between a member and the Association, a person who is a mediator nominated by the Dispute Settlement Centre of Victoria (Department of Justice).

(5) A member can be a mediator.

(6) The mediator cannot be a member who is a party to the dispute.

(7) The parties to the dispute must, in good faith, attempt to settle the dispute by mediation.

(8) The mediator, in conducting the mediation, must--

(a) give the parties to the mediation process every opportunity to be heard; and

(b) allow due consideration by all parties of any written statement submitted by any party; and

(c) ensure that natural justice is accorded to the parties to the dispute throughout the mediation process.

(9) The mediator must not determine the dispute.

(10) If the mediation process does not result in the dispute being resolved, the parties may seek to resolve the dispute in accordance with the Act or otherwise at law.

9. Annual general meetings

- (1) The Association must in each calendar year convene an annual general meeting of its members.
- (2) The Board may determine the date, time and place of the annual general meeting of the Association.
- (3) The notice convening the annual general meeting must specify that the meeting is an annual general meeting.
- (4) The ordinary business of the annual general meeting shall be-
 - (a) to confirm the minutes of the previous annual general meeting and of any general meeting held since that meeting; and
 - (b) to receive from the Board reports upon the transactions of the Association during the last preceding financial year; and
 - (c) to elect members of the Board; and
 - (d) to receive and consider the statement submitted by the Association in accordance with section 30(3) of the Act.
- (5) The annual general meeting may conduct any special business of which notice has been given in accordance with these Rules.

10. *Special general meetings*

- (1) In addition to the annual general meeting, other general meetings may be held in the same year.
- (2) All general meetings other than the annual general meeting are special general meetings.
- (3) The Board may, whenever it thinks fit, convene a special general meeting of the Association.
- (4) If, but for this sub-rule, more than 15 months would elapse between annual general meetings, the Board must convene a special general meeting before the expiration of that period.
- (5) The Board must, on the request in writing of members representing not less than 5 per cent of the total number of members, convene a special general meeting of the Association.
- (6) The request for a special general meeting must--
 - (a) state the objects of the meeting; and

(b) be signed by the members requesting the meeting; and

(c) be sent to the address of the secretary.

(7) If the Board does not cause a special general meeting to be held within one month after the date on which the request is sent to the address of the secretary, the members making the request, or any of them, may convene a special general meeting to be held not later than 3 months after that date.

(8) If a special general meeting is convened by members in accordance with this rule, it must be convened in the same manner so far as possible as a meeting convened by the Board and all reasonable expenses incurred in convening the special general meeting must be refunded by the Association to the persons incurring the expenses.

11. *Special business*

All business that is conducted at a special general meeting and all business that is conducted at the annual general meeting, except for business conducted under the rules as ordinary business of the annual general meeting, is deemed to be special business.

12. *Notice of general meetings*

(1) The secretary of the Association, at least 14 days, or if a special resolution has been proposed at least 21 days, before the date fixed for holding a general meeting of the Association, must cause to be sent to each member, a notice stating the place, date and time of the meeting and the nature of the business to be conducted at the meeting.

(2) No business other than that set out in the notice convening the meeting may be conducted at the meeting.

(3) A member intending to bring any business before a meeting may notify the secretary in writing, or by electronic transmission, of that business. The secretary must include that business in the notice calling the next general meeting.

(4) The accidental omission to give notice of a meeting to, or the non-receipt of notice of a meeting by, any member does not invalidate any proceedings or resolutions at the general meeting.

13. *Quorum at general meetings*

(1) No item of business may be conducted at a general meeting unless a quorum of members entitled under these Rules to vote is present at the time when the meeting is considering that item.

(2) Ten members personally present (being members entitled under these Rules to vote at a general meeting) constitute a quorum for the conduct of the business of a general meeting.

(3) If, within half an hour after the appointed time for the commencement of a general meeting, a quorum is not present-

(i) in the case of a meeting convened upon the request of members or convened by members - the meeting must be dissolved; and

(ii) in any other case - the meeting shall stand adjourned to the same day in the next week at the same time and (unless another place is specified by the chairperson of the meeting at the time of the adjournment or by written notice to members given before the day to which the meeting is adjourned) at the same place.

(4) 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 personally present (being not less than 3 members entitled under these Rules to vote at a general meeting) shall be a quorum.

14. *Presiding at general meetings*

(1) The Chairperson of the Board shall preside as chairperson at each general meeting of the Association.

(2) If the Chairperson of the Board is absent from a general meeting, or is unable or unwilling to preside, the members present must select one of their number to preside as chairperson.

15. *Adjournment of meetings*

(1) The person presiding may, with the consent of a majority of members present at the meeting, adjourn the meeting from time to time and place to place.

(2) No business may be conducted at an adjourned meeting other than the unfinished business from the meeting that was adjourned.

(3) If a meeting is adjourned for 14 days or more, notice of the adjourned meeting must be given in accordance with rule 12(1). Except as provided in sub-rule (3), it is not necessary to give notice of an adjournment or of the business to be conducted at an adjourned meeting.

16. Voting at general meetings

- (1) Upon any question arising at a general meeting of the Association, a member has one vote only.
- (2) All votes must be given personally. Voting by proxy is not permitted.
- (3) The chairperson of the meeting is not entitled to exercise a second or casting vote.
- (4) A member is not entitled to vote at a general meeting unless all moneys due and payable by the member to the Association have been paid.

17. Poll at general meetings

- (1) If at a meeting a poll on any question is demanded by not less than 3 members, it must be taken at that meeting in such manner as the chairperson of the meeting may direct and the resolution of the poll shall be deemed to be a resolution of the meeting on that question.
- (2) A poll that is demanded on the election of a chairperson of the meeting or on a question of an adjournment must be taken immediately and a poll that is demanded on any other question must be taken at such time before the close of the meeting as the chairperson of the meeting may direct.

18. Manner of determining whether resolution carried

If a question arising at a general meeting of the Association is determined on a show of hands-

(a) a declaration by the chairperson of the meeting that a resolution has been-

- (i) carried; or
- (ii) carried unanimously; or
- (iii) carried by a particular majority; or
- (iv) lost; and

(b) an entry to that effect in the minute book of the Association -

is evidence of the fact, without proof of the number or proportion of the votes recorded in favour of, or against, that resolution.

19. Board of management

- (1) The affairs of the Association shall be managed by the Board.
- (2) The Board--
 - (a) shall control and manage the business and affairs of the Association;
 - (b) may, subject to these Rules, the Act and the Regulations, exercise all such powers and functions as may be exercised by the Association other than those powers and functions that are required by these Rules to be exercised by a general meeting of the members; and
 - (c) subject to these Rules, the Act and the Regulations, has power to perform all such acts and things as appear to the Board to be necessary or desirable for the proper management of the business and affairs of the Association.
- (3) The Board shall consist of--
 - (a) seven members, each of whom shall be elected at the annual general meeting of the Association in each year; and
 - (b) the Executive Officer, who shall be an ex officio member of the Board.

20. Executive Officer and delegations

- (1) The Board may:
 - (a) appoint a person to the office of executive officer of the Association for the period and on the terms they think fit;
 - (b) subject to the terms of any contract between the Executive Officer and the Association, at any time remove any person from the office of executive officer;
 - (c) appoint another person to the office of executive officer.
- (2) Subject to any applicable law, the Board may:
 - (a) confer on the Executive Officer such of the powers exercisable by them, on such terms and conditions and with such restrictions, as they think fit;
 - (b) withdraw or vary any of the powers conferred on the Executive Officer.
- (3) Subject to any applicable law, the Board may delegate any of their powers to a committee or committees consisting of at least one member of the Board and such other persons as they think fit.

(4) A committee to which any powers have been delegated under sub-rule (3) must exercise those powers in accordance with any directions of the Board. A power so exercised is taken to have been exercised by the Board.

(5) The members of a committee may elect one of their number as chairperson of their meetings. If a meeting of a committee is held and:

- (a) a chairperson has not been elected; or
- (b) the chairperson is not present or is unable or unwilling to act,

the members of the committee may elect one of their number to be chairperson of the meeting.

(6) A committee may meet and adjourn as it thinks proper.

(7) A conferral or delegation of power by the Board under this rule does not prevent the Board from itself exercising the power.

21. Office holders

(1) The Board shall elect one of their number to each of the following offices at the conclusion of the annual general meeting or at the Board meeting immediately following the annual general meeting:

- (a) Chairperson;
- (b) Deputy Chairperson;
- (c) Treasurer; and
- (d) Secretary.

(2) Each person holding an office referred to in sub-rule (1) shall hold that office until the earlier of:

- (a) the conclusion of the annual general meeting next after the date of his or her election by the Board to the office, but is eligible for re-election by the Board to the office;
- (b) the resignation of the person from the office by notice in writing given to the secretary;
- (c) the person ceasing to hold office as a Board member.

(3) In the event of a casual vacancy in any office referred to in sub-rule (1), the Board may appoint one of its members to the vacant office and the Board member appointed may continue in office up to and including the conclusion of the annual general meeting next following the date of the appointment.

(4) For the avoidance of doubt, the provisions of this rule apply to the holding of an office referred to in sub-rule (1) and not to membership of the Board.

(5) Each person holding an office referred to in sub-rule (1) at the time of adoption of these Rules continues in office subject to these Rules.

22. Membership of the Board

(1) Subject to these Rules, each member of the Board (other than the Executive Officer) shall hold office until the conclusion of the annual general meeting next after the date of his or her election to the office of member of the Board, but is eligible for re-election.

(2) The Board may at any time appoint a member of the Association to be a member of the Board, either to fill a casual vacancy occurring in the office of a member of the Board (other than the Executive Officer) or as an addition to the existing Board members, provided the total number of Board members (disregarding the Executive Officer) does not exceed seven. The member appointed shall hold office, subject to these Rules, until the conclusion of the annual general meeting next following the date of the appointment.

(3) The Board members in office at the time of adoption of these Rules continue in office subject to these Rules.

23. Election of Board members

(1) Nominations of candidates for election as members of the Board must be -

(a) made in writing, signed by two members of the Association and accompanied by the written consent of the candidate (which may be endorsed on the form of nomination); and

(b) delivered to the secretary of the Association not less than 7 days before the date fixed for the holding of the annual general meeting.

(2) A candidate for office as a member of the Board must be a member of the Association.

(3) With the exception of the Executive Officer, an employee of the Association is not eligible to be a member of the Board of Management.

(4) If the number of nominations received is less than or equal to the number of vacancies to be filled, the persons nominated shall be deemed to be elected.

(5) If the number of nominations exceeds the number of vacancies to be filled, a ballot must be held.

(6) The ballot for the election of members of the Board must be conducted at the annual general meeting in such manner as the Board may direct.

24. Vacancies in Board membership

The office of a member of the Board becomes vacant if the member -

- (a) becomes an insolvent under administration within the meaning of the Corporations Act 2001 (Cth);
- (b) resigns from office by notice in writing given to the secretary;
- (c) is absent from three consecutive Board meetings without the consent of the Board and the Board resolves to remove the member from office as a Board member;
- (d) with the exception of the Executive Officer, is removed from office pursuant to rule 30;
- (e) with the exception of the Executive Officer, becomes an employee of the Association; or
- (f) with the exception of the Executive Officer, ceases to be a member of the Association.

25. Meetings of the Board

- (1) The Board must meet at least 3 times in each year at such place and such times as the Board may determine.
- (2) Special meetings of the Board may be convened by the Chairperson or by any 3 members of the Board.

26. Notice of Board meetings

- (1) Written notice of each Board meeting must be given to each member of the Board at least 2 business days before the date of the meeting.
- (2) Written notice must be given to members of the Board of any special meeting specifying the general nature of the business to be conducted and no other business may be conducted at such a meeting.

27. Quorum for Board meetings

- (1) Any 4 members of the Board constitute a quorum for the conduct of the business of a meeting of the Board.
- (2) No business may be conducted unless a quorum is present.
- (3) If within half an hour of the time appointed for the meeting a quorum is not present:
 - (i) in the case of a special meeting - the meeting lapses;

(ii) in any other case - the meeting shall stand adjourned to the same place and the same time and day in the following week.

(4) The Board may act notwithstanding any vacancy on the Board.

28. Presiding at Board meetings

At meetings of the Board-

(a) the Chairperson or, if the Chairperson is absent or unable or unwilling to act, the Deputy Chairperson, presides; or

(b) if the Chairperson and the Deputy Chairperson are absent, or are unable or unwilling to act, the Board members present must choose one of their number to preside.

29. Voting at Board meetings

(1) Questions arising at a meeting of the Board, or at a meeting of a committee appointed by the Board under rule 20, shall be determined on a show of hands or, if a member requests, by a poll taken in such manner as the person presiding at that meeting may determine.

(2) Each member present at a meeting of the Board, or at a meeting of any committee appointed by the Board under rule 20 (including the person presiding at the meeting), is entitled to one vote and, in the event of an equality of votes on any question, the person presiding may not exercise a second or casting vote.

30. Removal of Board member

(1) The Association in general meeting may, by resolution, remove any member of the Board (other than the Executive Officer) before the expiration of the member's term of office and appoint another member in his or her place to hold office until the expiration of the term of the first-mentioned member.

(2) A member who is the subject of a proposed resolution referred to in sub-rule (1) may make representations in writing to the secretary or Chairperson of the Association (not exceeding a reasonable length) and may request that the representations be provided to the members of the Association.

(3) The secretary or the Chairperson may give a copy of the representations to each member of the Association or, if they are not so given, the member may require that they be read out at the meeting.

31. Minutes of meetings

The secretary of the Association must keep, or arrange to be kept, minutes of the resolutions and proceedings of each general meeting, and each Board meeting, together with a record of the names of persons present at Board meetings.

32. Funds

(1) The Executive Officer is responsible to the Board for:

- (a) the collection and receipt all moneys due to the Association and the making all payments authorised by the Association; and
- (b) the keeping of correct accounts and books showing the financial affairs of the Association with full details of all receipts and expenditure connected with the activities of the Association.

(2) All cheques, drafts, bills of exchange, promissory notes and other negotiable instruments must be signed by two members of the Board, or by one member of the Board and another person to whom the power to sign such instruments has been delegated by the Board, or in such other manner as the Board determines from time to time.

(3) The funds of the Association shall be derived from entrance fees, annual subscriptions, donations and such other sources as the Board determines.

33. Seal

(1) The common seal of the Association must be kept in the custody of the secretary of the Association or the Executive Officer.

(2) The common seal must not be affixed to any instrument except by the authority of the Board and the affixing of the common seal must be attested by the signatures either of two members of the Board or, of one member of the Board and of the public officer of the Association.

34. Notice to members

Any notice that is required to be given to a member, by on behalf of the Association, under these Rules may be given by-

- (a) delivering the notice to the member personally;
- (b) sending it by prepaid post addressed to the member at that member's address shown in the register of members;
- (c) facsimile transmission, if the member has requested that the notice be given to him or her in this manner; or

(d) electronic transmission, if the member has requested that the notice be given to him or her in this manner.

35. *Winding up*

In the event of the winding up or dissolution of the Association there remains after the satisfaction of all debts and liabilities any property whatsoever, the same shall not be paid to or distributed among the members of the Association, but shall be given or transferred to some other charitable organisation with similar purposes to the Association.

36. *Custody and inspection of books and records*

(1) Except as otherwise provided in these Rules, the Executive Officer must keep in his or her custody or under his or her control all books, documents and securities of the Association.

(2) Except as otherwise provided in these Rules, a member may only inspect any of the relevant documents of the Association with the approval of the Board.

37. *Authority to trade*

The Association is authorised to trade in accordance with section 51 of the Act.

APPENDIX 1

**APPLICATION FOR MEMBERSHIP OF
COMMUNITY WEST INCORPORATED**

I,....., ofdesire to
become a
(full name) (address)

member of Community West Incorporated.

In the event of my admission as a member, I agree to support the Statement of Purposes of the Association for the time being in force and to be bound by the rules of the Association for the time being in force.

.....

Signature of Applicant

Date :

Home telephone number:

Work telephone number:

Email address:

I,....., a member of the
Association,
(name)

nominate the applicant for membership of the Association.

.....

Signature of Proposer

Date:

I,....., a member of the Association,
second
(name)

the nomination of the applicant for membership of the Association.

.....

Signature of Seconder

Date:

