

GETAWAY 4WD CLUB Inc.

CLUB CONSTITUTION

**AS AMENDED BY SPECIAL RESOLUTION
28 MARCH 2007**

**AS AMENDED BY SPECIAL RESOLUTION
22 AUGUST 2012 (S 20.1 – 20.6)**

**AS AMENDED BY SPECIAL RESOLUTION
28 AUGUST 2013 (S 18 and 26)**

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ANNEXURE 1 – Rescind Clause

CONSTITUTION

of the

GETAWAY 4WD CLUB INC.

DEFINITIONS:

- Club:** Is the reference given to the Association as named in Section 1, Name of this Constitution.
- Club Member:** Club Member (or Member) is a person who has paid Membership Fees for the current financial year.
- Membership:** Is referring to all Members of the Club.
- Office bearers:** Are those Club Members elected to positions as described within this document.
-

1 NAME

The name of the club formed under this Constitution shall be
GETAWAY 4WD CLUB INC.
hereafter referred to as the Club.

2 OBJECTIVES

The objectives of the Club shall be:

- To encourage responsible and skilful use of four wheel drive vehicles in all situations.
- To encourage Members to respect and preserve the natural environment, the location of historical relics and historical sites.
- To enhance the social activities between owners and users of 4 wheel drive vehicles.

3 FINANCIAL

The Club shall be a non-profit organisation.

Club funds are to be deposited into a bank account, and that account to be operated by any two (2) of the Executive Committee Members.

The income and property of the Club, shall be applied solely for the promotion of its objectives and no part thereof shall be paid or otherwise transferred directly or indirectly by way of dividend, bonus or other means of pecuniary profit to the Members, provided that remuneration may be paid in good faith, to Committee Members, Club Members and servants of the Club, in return for services incurred on behalf of the Club.

4 FINANCIAL YEAR

The Financial year of the Club shall be from the first (1st) day in July and conclude on the thirtieth (30th) day in June the following year.

5 MANAGEMENT OF THE CLUB

Management of the Club shall be vested in the Committee who shall act on behalf of all Club Members.

The elected Committee shall consist of the four (4) Executive Committee Members and no less than three (3) other Members or more than seven (7) other members.

6 ELECTION OF OFFICE BEARERS

Each candidate for each office position must be a Member, nominated and seconded by Club Members.

All Office Bearers shall retire at the end of each financial year, except for the Executive Committee, who is subject to the terms of their Office. Refer to Section 6.4 Terms of Office and payment of Membership subscription as required by Section 13 Membership of this Constitution.

6.1 Nominations

The President may call for nominations at the next General, Annual or Special Meeting by accepting:

- (a) Nominations on the prescribed form, forwarded to the Committee prior to the meeting at which the election is to be held, signed by the nominees to show their acceptance and by two (2) Club members, one as the proposer and one as the seconder;

And/or

- (b) Nominations may be called from the floor. The nominees must indicate their acceptance and then a proposer and a seconder for each nomination must be sought.

6.2 Ballot

If only one nomination is received, then the President shall declare that position filled by that nominee.

If more than one nomination is received, then a ballot shall be held.

A show of hands may be used for the ballot, or, at the request of the Committee, a secret ballot may be required.

If a show of hands is used, then the nominees must clear the floor so that they cannot see or hear the ballot taking place.

A majority of votes shall carry the nomination.

6.3 Casual Vacancies in the Committee

If during the Club year, any Office becomes vacant, then the President shall call for nominations at the next General or Special Meeting to fill the vacancy until the term of the vacant Office expires.

Committee positions may become vacant if:

- (a) The Member resigns from the Committee.
- (b) The Member resigns from the Club.
- (c) The Member is absent from 3 or more meetings without leave of absence.
- (d) If 75% of the Club Members elect to expel the Member from the Committee.

If the Office of President becomes vacant for any reasons as described in this clause, then the Vice President will fill the Office of President for the duration of the President's term.

The Office of Vice President shall then become vacant and nominations sought for that Office followed by an election.

Should the positions of President and Vice President become vacant at the same time, then a Member of the Club, who is not a nominee for the Office of President, shall be appointed by a consensus of the Membership to conduct the election for the Office of President.

6.4 Terms of Office for Executive and Committee Office Positions

To maintain knowledge continuity, Executive Committee Office Bearers are elected to hold Office for two (2) years, except for the year after the club's incorporation, when half the elected Executive Committee Office Bearers will cease to hold Office as described below:

(a) **Executive Office Positions**

The following Office positions will become vacant and expire at the end of the 2003 financial year and on future odd numbers in the following years:

- Vice President
- Treasurer

The following Office positions will become vacant and expire at the end of the 2004 financial year and on future even numbers in the following years:

- President
- Secretary

(b) **Committee Office Positions**

All other Office Positions are for a term of one (1) year and expire at the end of each financial year.

6.5 Member's Eligibility for Office Positions

All Members are eligible for nomination to Office positions.

Members may hold more than one Office position.

All past Office Bearers are eligible for re-election.

Both adults from the same Family Membership may hold Committee and non-Committee Office positions, at the same time, except for Executive Committee positions.

7 EXECUTIVE COMMITTEE

The Executive Committee shall consist of the following Office Bearers:

- President;
- Vice President;
- Secretary;
- Treasurer.

Any two Executive Committee Members are required to sign cheques on behalf of the Club.

8 POWERS OF THE EXECUTIVE COMMITTEE

The Executive Committee may be given specific duties and powers, by resolution, in accordance to Section 19 Club Rules of this Constitution.

9 POWERS OF THE COMMITTEE

The Committee shall have the power to deal with all matters and transact any business that may affect the Club or its members, notwithstanding the provisions of Section 19 Club Rules of this Constitution.

10 DUTIES OF THE OFFICE BEARERS

The conduct and procedure of all meetings and all elections shall be as described in the Constitution and the Club Rules.

Duties prescribed for the listed Office Bearers are not limited to the following and may also have other duties attached, from time to time as required by any Club Rules.

10.1 President

The President shall preside at all meetings of the Club in an impartial manner and preserve order, so that business may be conducted in due form and with propriety.

The President shall be responsible for the organisation of the Club

The President is the Club's nominated spokesperson for all business and to the media.

The President is a member of any Club Committee; whether a standard Committee or an ad hoc Sub Committee and may attend those meetings at any time.

10.2 Vice President

The Vice president shall assist the President in the performance of his duties and shall exercise powers and perform the duties of the President in the absence of the President.

10.3 Secretary

The Secretary shall be responsible for keeping minutes of all meetings of the Club and shall attend to all correspondence and associated records of the club as required by the President (or Vice President) and as may be in the Club Rules.

The Secretary shall:

- (a) Keep and maintain an up to date register of the members of the Club with their postal or resident addresses.
- (b) Have custody of the Club's Seal.
- (c) Keep and maintain an up to date register of all Club carried Resolutions.
- (d) Keeping and maintain an up to date register of all Club Rules.
- (e) Conduct all the day to day matters of the Club as required by the President (or Vice President) and described in the Club Rules.
- (f) Upon the request of a Member of the Club, the Secretary shall make the register available for the inspection by the Member, who may make a copy of, or take an extract from the register; but shall have no right to remove the register for that, or any other purpose.

10.4 Treasurer

The treasurer shall be responsible for all monies of the Club and keep all associated records and attend to any other financial matter as required by the President (or Vice President) and as may be described in the Club Rules.

The Treasurer shall present a written report of the Club finances to all General and Annual General Meetings.

The Treasurer has custody of the Club's cheque book.

10.5 Other Committee Members

Committee Members duties shall be as required by the President (or vice President) and as may be described in the Club Rules.

11 SUB COMMITTEE

Sub Committees may be formed from time to time, for specific purpose, by a resolution carried at a General Meeting, Special Meeting, the Annual General Meeting, or appointed by the Committee.

12 INDEMNITY

Office Bearers of the Club, who by authority of the Club, accept or incur any pecuniary liability on behalf of the Club, shall be indemnified by the Club, against any personal loss in respect of such liability.

13 MEMBERSHIP

13.1 Classes of Membership

Membership of the Club shall consist of the following classes:

- Single membership
- Family membership
- Life membership
- Honorary membership

(a) Single Membership

Being defined as a person over the age of 17 years who satisfy the Committee that they are the owner of a 4 wheel drive vehicle.

A person, who wishes to become a member and is under the age of 18 years, will require their guardian's approval and signature on the Membership Application Form.

(b) Family Membership

Being defined as a unit of up to 2 adults and their children under the age of 18 years; who satisfy the Committee that they are the owner of a 4 wheel drive vehicle. Each adult Family Member can hold Office positions.

(c) Life Membership

A single Member or one or both the adults from a family Membership, with a minimum of 10 years continuous membership, may be nominated to the Committee for Life Membership.

The nomination to be in writing on such form as the Committee, from time to time may direct.

The nomination form to contain the signature of the Nominee/s to show their acceptance of the nomination and by two (2) Club Members, one as the proposer and one as the seconder.

The Committee is to investigate all nominations and make its recommendation to the Annual General Meeting for voting.

Life Membership is only granted to a person, or in the case of a family Membership, to one or both adult Members, if the Life Membership so warrants, who had/have been recognized for exemplary dedication, invaluable assistance and service over a significant exceptional meritorious deeds in the furtherance of the Club's activities over a significant period to the Club and any other Rules that may be in place at the time of the nomination.

Only one Life Membership may be granted per year.

A life Membership requires 75% of the vote in favour at the Annual General Meeting to be carried.

Life Membership is for the life of the recipient or until the person resigns from the Club or their membership is withdrawn as per Section 2.5 Expulsion of a Member of this Constitution, or the Club dissolves.

A Life Member can hold Club office positions.

The annual Membership subscription fee is waived, however, ancillary fees within the Membership subscription fee, may be required to be paid by the Life Member, at the discretion of the Committee.

(d) **Honorary Membership**

A person or partnership, who is not a Club Member, may be nominated to the Committee for Honorary Membership.

The nomination is to be in writing on such form as the Committee, from time to time, may direct.

The nomination form is to contain the signature of the nominee to show their acceptance of the nomination and by two (2) Club Members, one as the proposer and one as the seconder.

The Committee is to investigate all nominations and make its recommendation to the Annual General Meeting for voting.

Honorary Membership is only granted to a person or partnership that has been recognized for exemplary dedication, invaluable assistance and service and/or exceptional meritorious deeds in the furtherance of the Club's activities over a significant period to the Club.

Only one Honorary Membership may be granted per year.

An Honorary Membership requires 75% of the vote in favour at the Annual General Meeting to be carried.

Honorary Membership is for one year, or if their Honorary Membership is withdrawn as per Section 25 Expulsion of a Member of this Constitution or the Club dissolves.

The recipient/s of an Honorary Membership may be re-nominated.

An Honorary Member cannot hold any club position.

13.2 Application for Membership

Family and Single membership shall be dependent on the Member paying Membership subscription fees and fulfilling the requirements described by the Club's Rules and/or as may be determined from time to time by the Committee and/or any carried resolution.

A person who wishes to become a Member shall apply for membership to the Committee, in writing, on the Club's Form for Membership. The Form for Membership shall be signed by the applicant and by two (2) Club Members, one as the proposer and one as the seconder.

The Committee shall, at a Committee meeting, consider each application made and shall accept or reject that application.

Each application for membership, upon acceptance and approval of that application shall, on becoming a Member of the Club, be bound by the Constitution, Rules and Codes and of the Club.

The Committee may refuse any application for membership without assigning any reason.

13.3 Cessation of Membership

Membership will expire on the last day of the Club's financial year. At such time, all voting rights and eligibility to hold positions will be forfeited until prescribed Membership subscription fees for the current financial year have been paid in full and that payment is made within one month of the due date.

Membership shall be forfeited if a member ceases to own or drive a four wheel drive vehicle.

Where a Member is in between four wheel drive vehicles for a short period, that is, disposing of their current four wheel drive vehicle and awaiting the arrival of their replacement four wheel drive vehicle, then approval to retain their Membership may be given by the Committee as follows:

- (a) The Member must advise the Committee of this circumstance, the date of disposal or proposed date of disposal of their current four wheel drive vehicle and the date of replacement or proposed date of replacement of their four wheel drive vehicle.
- (b) Where a Member has not replaced their four wheel drive vehicle and the time for replacement has lapsed, the Member may seek an extension of time; however, the maximum time period a Member can continue is for six months from the date of disposal of their four wheel drive vehicle.

13.4 Resignation

A Member who states their wish to resign from the Club during general business of a General, Annual or Special meeting, or who delivers a notice in writing of his or her resignation from the Club to the Secretary or another Committee Member, ceases on delivery of that notice to be a Member of the Club.

A person who ceases to be a Member of the Club, remains liable to pay the Club, the amount of any Membership subscription fee due and payable by that person to the Club, but unpaid at the date of that cessation of Membership.

14 VOTING RIGHTS OF MEMBERS

At any General, Annual or Special meeting, the voting rights of members shall be as follows:

- Family Membership 2 Votes
- Single Membership 1 Vote
- Life Membership 1 Vote
- Honorary Membership No Vote

To exercise both votes in the event of a Family Membership, both adult Members must be present at the meeting or a Proxy Vote cast on behalf of the adult not present in accordance with Section 15 Proxy of this Constitution.

A majority of votes cast shall decide any motion except for amendments to the Constitution where 75% of the Club Members present and voting are required to be in favour.

In the case of equality of votes, the Chairperson of the meeting has a dissenting vote for status quo.

15 PROXY VOTE

A Member may appoint, in writing, another Member to be their proxy and to attend and vote on behalf of that Member, at any General, Annual or Special meeting.

16 MOTIONS

16.1 Motions without Notice

Motions without Notice may be accepted from the floor and dealt with at that meeting. However, the Chairperson can request that a motion be carried over and may require the motion to be a Motion with Notice. Refer to Section 16.2 Motions With Notice of this Constitution.

16.2 Motions with Notice

Motions with Notice shall be advised to all Members by giving a minimum 14 days notice in writing, which can include the Club's Magazine, a facsimile or e-mail, to Club Members for discussion at the next General, Annual or Special meeting.

16.3 Motions for Constitutional Changes

Motions for amendments to the Constitution shall be advised to all Members by giving a minimum 21 days notice in writing, which can include the Club's Magazine, a facsimile or e-mail, to Club Members for discussion at the next General, Annual or Special meeting.

17 RESOLUTIONS

All resolutions carried at any meeting of the Club shall be binding on all Members of the Club.

18 CONSTITUTION CONSTRUCTION AND AMENDMENTS

This Constitution may be altered, added to, or repealed at any General, Annual or Special Meeting by Special Resolution, by a majority of 75% members present and eligible to vote at that meeting, provided that notice of the proposed alternation, addition or repeal shall have been notified to all Members at least twenty one (21) days prior to the General, Annual or Special Meeting.

In the event of any questions arising as to the construction of any of the foregoing rules or as to any matter not provided for by these rules, the Committee shall have the power to decide the same and its decision shall be final.

19 CLUB RULES

The Committee and/or Club Members, shall have the right, from time to time, to propose rules and or alterations to existing rules which are not inconsistent with the Constitution, where these are considered necessary and desirable for the proper control, administration and management of the Club operations, finances, affairs, contributions, duties, obligations and responsibilities of the Members and to amend or rescind from time to time any such rules.

Proposed amendments may need to meet the requirements of the Rescind Clause (see annexure 1) and require a 75% majority of the vote to be carried.

Proposed rules will require a majority of the vote to be carried.

The Chairperson shall have the right to defer any motion and seek the opinion of the Committee as to whether the content of the motion is necessary and/or desirable.

If the Committee considers the motion is necessary and/or desirable, then it shall be put to the Membership at a subsequent General, Annual or Special Meeting.

20 MEETINGS

The President, or if the President is absent, the Vice President, shall preside as the Chairperson at General Meetings, the Annual General Meeting, Special Meetings and Committee Meetings. If both the President and the Vice President are absent, or if they both choose not to act as Chairperson, the Members present shall choose a Member to be Chairperson for that meeting.

20.1 Quorum for Meetings

No business shall be transacted at any General Meeting, Annual General Meeting or a Special Meeting, Committee Meeting or Sub Committee Meeting unless a Quorum of Members is present at the time when the meeting proceeds to business, unless as otherwise stated below. A quorum shall consist of 30 % of membership.

If, within fifteen minutes from the time appointed for a General Meeting or a Special Meeting, a quorum is not present the meeting shall stand adjourned except to receive and adopt the previous meetings minutes and the treasurer's report. No other business shall be transacted.

20.2 General Meetings

General Meetings shall be held at such time and place as directed by the Committee, by giving a minimum 21 days notice in writing, which can include the Club's Magazine, a facsimile or e-mail to Club Members.

A minimum of three (3) general meetings must be held within any financial year. One meeting to be held in June to ratify the Club's budget and another to be held in August of each year; which can also be the Annual General meeting. The Committee shall determine the date of the third meeting.

No business shall be transacted at any General Meeting unless a quorum of Members is present. A quorum shall consist of 30% of the Membership. The meeting shall stand adjourned except to receive and adopt the previous meetings minutes and the treasurer's report. No other business shall be transacted.

20.3 Annual General Meeting

The Annual General Meeting shall be held in the month of August each year. The General Meeting held in August may include the Annual General Meeting, by giving a minimum 21 days notice in writing, which can include the Club's Magazine, a facsimile or e-mail to Club Members.

No business shall be transacted at any General meeting unless a quorum of Members is present. A quorum shall consist of 30% of the Membership. The meeting shall stand adjourned except to receive and adopt the previous meetings minutes and the treasurer's report. No other business shall be transacted.

20.4 Committee Meetings

Committee meetings, may be held at such time and place and as frequently as the Committee determines, by giving a minimum 7 days notice in writing, which can include the Club's Magazine, a facsimile or e-mail to Club Committee Members.

No business shall be transacted at any Committee meeting unless a quorum of members is present. A quorum shall consist of 30% of the Committee membership.

The meeting shall stand adjourned except to receive and adopt the previous meetings minutes and the treasurer's report. No other business shall be transacted.

20.5 Special Meetings

A Special Meeting may be held at such time and place as directed by the Committee, or by a carried resolution at any General or Annual General Meeting, by giving a minimum 14 days notice in writing, which can include the Club's Magazine, a facsimile or e-mail to Club Members.

No business shall be transacted at any Special Meeting unless a quorum of Members is present. A quorum shall consist of 30% of the Membership.

The meeting shall stand adjourned except to receive and adopt the previous meetings minutes and the treasurer's report. No other business shall be transacted.

20.6 Sub Committee Meetings

Sub Committee Meetings may be held at such time and place as directed by the Committee, or by the elected Chairperson of the Sub Committee, by giving a minimum 14 days notice in writing, which can include the Club's Magazine, a facsimile or e-mail to Club Sub Committee members.

No business shall be transacted at any Sub Committee Meeting unless a quorum of Members is present. A quorum shall consist of 30% of the Sub Committee Membership.

The meeting shall stand adjourned except to receive and adopt the previous meetings minutes and the treasurer's report. No other business shall be transacted.

21 AUDIT

A qualified Auditor shall be appointed each year to examine all accounts, vouchers, receipts and books and furnish a report to the Treasurer for presentation at the next Annual General Meeting.

22 COMMON SEAL

The Common Seal of the Club, engraved with the name of the Club, shall be kept in the custody of the Secretary, or such other person as the Committee from time to time may decide.

The Common Seal shall not be used or affixed to any document except by the authority of the Committee and every document to which such seal is affixed shall be countersigned by at least two (2) members of the Executive Committee.

23 INSPECTION OF CLUB RECORDS

A member of the Club may, at any reasonable time, inspect without charge the Books, Documents, Records and Securities of the Club.

Such inspection will be made at the next General Meeting following fourteen (14) days written notice from the Member requesting inspection.

24 DISCIPLINARY ACTION

The Membership, through its Committee, may take disciplinary action against a Member. The Club may make rules and set guidelines for the forms that disciplinary action may take.

25 EXPULSION OF A MEMBER

The Committee may withdraw Membership from any Member, including an Honorary Member, if in the opinion of the Committee:

- (a) the Member has acted in a manner contrary to the objectives of the Club;
- (b) the Member has contravened the Club's Constitution or Rules;
- (c) the Member has acted contrary to the Club's Code of Ethics;
- (d) for misconduct; or
- (e) for any other reason the Committee sees fit.

The Member shall be invited to the Committee meeting, at which the Member's membership withdrawal is to be discussed and may provide information and evidence for their own defence and bring witnesses.

The Committee will have the right to defer any decision in order to seek further information or evidence or for consultation purposes. A majority of votes cast shall decide the Member's outcome.

The Member may choose to have the matter considered at a General Meeting instead of the Committee Meeting. A majority of votes cast at the General Meeting shall decide the Member's outcome.

All Members, either at a Committee or a General Meeting, which may have an interest in the matter will be required to step down from voting.

If the Committee or the General Meeting's outcome is for the Member to be expelled, then that decision shall be effective immediately.

An expelled Member shall not be entitled to any of fees paid, nor to reapply for Membership.

A Member, who has their Club Membership withdrawn, shall have no claims monetary or otherwise on the Club, its funds or property, nor does is distinguish any liability for monies owed and Club property held, to the Club.

An expelled Member shall immediately remove all identifying marks from their vehicle and clothing which indicates they are Members of the Club.

26 DISSOLUTION OF CLUB

The Club may be dissolved or wound up by Special Resolution of a majority of 75% of members present and eligible to vote at a General Meeting or a Special Meeting called for such purpose by a minimum of twenty eight (28) days written notice, which can include the Club's Magazine, a facsimile or e-mail to all members and having a quorum of one half (50%) of the Club's membership.

Proposed resolution to dissolve the Club will require a 75% majority of the vote to be carried

Upon dissolution or winding up of the Club, all Club assets remaining after debts and liabilities are paid, shall be distributed to:

- (a) another Incorporated Association having similar objectives;
- (b) for charitable purpose, by donating to a Registered Charity of the Members' choice; or
- (c) in accordance with the Associations Act as decided by a meeting of Members.

END OF DOCUMENT

ANNEXURE 1 – Rescind Clause

No resolution of the Club shall be rescinded at any subsequent meeting except by a notice of motion, setting out the proposed rescission being given to the secretary in writing at least 21 days prior to the next meeting at which the notice is to be considered. The secretary shall give in writing to every member due notice of such proposed rescission at least 14 days prior to the next meeting. At the time of proceedings of the meeting when the proposal for rescission is put for determination the Chair will call for a seconder. Upon a seconder coming forward, the proposal shall be open for debate and subsequently put to the vote. Should no seconder come forward the proposal shall lapse.

Voting in this instance shall be by a show of hands with a simple majority determining the outcome.