

Holt Challenge Incorporated
Rules of the Branches

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Holt Challenge Incorporated
Rules of the Branches

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1. Name

- 1.1. The name of the incorporated association is the Holt Challenge Incorporated (Insert Branch Name) Branch.

2. Purpose

- 2.1. The purpose of the Branch is to:
- a) Conduct trials annually (except where exceptional circumstances are applicable such as a Pandemic, Natural Disaster, Government regulations do not permit or circumstances beyond our control) within their Branch to determine their representative team of bowlers with averages not exceeding 184 in the Men's Division and 174 in the Women's Division in a handicapped competition;
 - b) Conduct trials annually within their Branch to determine their representative team of bowlers with averages not exceeding 199 for Men and 189 for Women in a scratch competition; and
 - c) To foster, develop and advance a spirit of good sportsmanship and fellowship, to promote and maintain a good relationship amongst the representative teams and to provide an opportunity for a combination of graded and handicapped competition for all ages and abilities.

3. Definitions

- 3.1. In these Rules, unless the contrary intention appears:

“Act” means the Associations Incorporation Act 1981 of Victoria.

“Committee” means the Committee of Management of the Branch.

“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 Branch and National Association.

- 3.2. In these Rules, a reference to the Secretary of the Branch is a reference:

- a) If a person holds office under these Rules as Secretary of the Branch to that person; and
- b) In any other case, to the public officer of the Association.

4. Alteration of the Rules

- 4.1. These Rules and purpose of the Branch must not be altered except in accordance with the Act.

5. Memberships and Subscription

- 5.1. Any person who applies for membership as provided in this Constitution is eligible to be a member of the Branch on payment of

the annual membership fee payable under the Rules of the National Association.

- 5.2. Any application for membership shall not be rejected unless there are justifiable reasons for doing so and these reasons shall not be capricious.
- 5.3. The annual membership fee shall be set at the National Association's Annual General Meeting and is set out in Appendix 4 to those Rules.
- 5.4. The annual membership subscription to be payable within 2 weeks of the Branch roll off of the Branch or upon application of coaches, managers or invited bowlers, if applying after the period has elapsed.

6. Register of Members

- 6.1. The Secretary must keep and maintain a register of members containing:
 - a) the name, address, telephone number, email address and TBA registration number of each member; and
 - b) the date on which each member's name was entered in the register.
- 6.2. The Secretary of the Branch must forward a copy of the register of members to the Secretary and Treasurer of the National Body at the end of each month so a National Register of Members can be maintained.
- 6.3. The register of members shall be available for inspection free of charge by any member upon request.
- 6.4. A member may make a copy of the entries in the register.

7. Cessation of Membership

- 7.1. All memberships lapse at the completion of each calendar year on 31 December.

8. Discipline, Suspension and Expulsion of Members

- 8.1. A Branch may exercise the power to not accept the nomination of any member for the Branch Trials if that member has acted in a manner prejudicial to the sport following a motion at a General Meeting, Special General Meeting or Annual General Meeting has been duly passed by those voting delegates in attendance.
- 8.2. Subject to these Rules, any member of the Branch 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 Branch/Association, the Committee in which the member resides,

upon receipt of a formal complaint, may by resolution recommend to the National Association:

- a) suspension of that member from membership of the Branch/Association for a specified period; or
 - b) expulsion of that member from the Branch/Association.
- 8.3. A resolution of the Committee under clause 8.1 does not take effect unless:
- a) the recommendation of the Committee has been ratified by the National Association; or
 - b) if the member exercises a right of appeal to the National Association under this clause, the National Association confirms the recommendation in accordance with this clause.
- 8.4. A meeting of the Committee to determine a resolution to be passed under clause 8.1 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 clause 8.5.
- 8.5. For the purposes of giving notice in accordance with clause 8.4, the Secretary of the Branch Committee must, as soon as practicable, cause to be given to the member a written notice:
- a) setting out the complaint and the grounds on which it is based;
 - b) stating that the member, or his representative, may address the Committee at a meeting to be held not earlier than 14 days and not later than 28 days after the notice has been given to the member;
 - c) stating the date, place and time of that meeting;
 - d) informing the member that he or she may do one or both of the following:
 - i. attend that meeting;
 - ii. give to the Committee before the date of that meeting a written statement in respect of the complaint;
 - e) informing the member that, if at that meeting, the Committee recommends a penalty under Clause 8.1, he or she may, not later than 7 days after that meeting, give the Secretary of the Committee a notice to the effect that he or she wishes to appeal to the National Association against the resolution.
- 8.6. At a meeting of the Committee to determine a resolution passed under clause 8.1, the Committee must:
- a) give the member, or his or her representative, an opportunity to be heard;
 - 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.

- 8.7. If at the meeting of the Committee, the Committee confirms the resolution, the member may, not later than 7 days after that meeting, give the Secretary a notice to the effect that he or she wishes to appeal to the National Committee against the resolution.
- 8.8. The Committee must provide a fully detailed copy of the minutes (including any written submissions) to the Association.
- 8.9. The final decision of the National Association must receive at least two-thirds of the eligible votes to confirm the recommendation of the Branch Committee or in any other case the recommendation is revoked. The decision of the National Association is final and binding on all parties.

9. Disputes and Mediation

- 9.1. 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 Branch.
- 9.2. The parties to the dispute must meet and discuss the matter in dispute, and, if possible, resolve the dispute within 28 days after the dispute comes to the attention of all the parties.
- 9.3. 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 14 days, hold a meeting in the presence of a mediator.
- 9.4. 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 committee; or
 - ii. in the case of a dispute between a member and the Branch, a person who is employed as a professional mediator.
- 9.5. A member of the Branch can be a mediator.
- 9.6. The mediator cannot be a member who is a party to the dispute.
- 9.7. The parties to the dispute must, in good faith, attempt to settle the dispute by mediation.
- 9.8. The mediator, in conducting the mediation, must:
 - a) give the parties to the mediation process every opportunity to be heard;
 - 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.
- 9.9. The mediator must not determine the dispute.

9.10. 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.

10. Annual General Meetings

10.1. The Committee shall conduct the annual general meeting at a date, time and place to be advised within 90 days of the conduct of the Annual General Meeting of the National Association.

10.2. The notice convening the annual general meeting must specify that the meeting is an annual general meeting.

10.3. The ordinary business of the annual general meeting shall be:

- a) to confirm the minutes of the previous annual general meeting (if applicable), and of any General Meeting held since that meeting;
- b) to receive from the committee reports upon the transactions of the Branch during the last preceding financial year;
- c) to elect officers of the Branch; and
- d) to receive and consider the statement submitted by the Branch in accordance with section 30(3) of the Act.

10.4. The annual general meeting may conduct any special business of which due notice has been given in accordance with these Rules.

11. General Meetings

11.1. In addition to the annual general meeting, the Committee of Management shall conduct at least two general meetings in each year. These General Meetings may be conducted by electronic means (e.g. teleconferencing).

11.2. The order of business at these General meetings shall be:

- a) Roll call;
- b) Minutes of previous meeting;
- c) Business arising from minutes;
- d) Acceptance of minutes;
- e) Reports of office bearers (as applicable);
- f) Acceptance of reports;
- g) General business; and
- h) Next meeting date.

12. Special General Meetings

12.1. All general meetings other than the annual general meeting are special general meetings.

12.2. In addition to the Annual General Meeting, any other general meetings may be held in the same year.

- 12.3. The committee may, whenever it thinks fit, convene a special general meeting of the Branch.
- 12.4. If, but for this rule, more than 15 months would elapse between annual general meetings, the committee must convene a special general meeting before the expiration of that period.
- 12.5. The committee must, on the request in writing of members representing not less than 10 percent of the total number of members, convene a special general meeting of the Branch.
- 12.6. The request for a special general meeting must:
 - a) state the purposes of the meeting;
 - b) be signed by the members requesting the meeting; and
 - c) be sent to the address of the Secretary.
- 12.7. If the committee does not cause a special general meeting to be held within 30 days 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 90 days after that date.
- 12.8. 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 Committee and all reasonable expenses incurred in convening the special general meeting must be refunded by the Branch to the persons incurring the expenses.

13. Notices of General Meetings and Special General Meetings

- 13.1. The Secretary of the Branch, 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 Branch, must cause to be sent to each member of the Branch, a notice stating the place, date and time of the meeting and nature of the business to be conducted at the meeting.
- 13.2. Notice may be sent:
 - a) by prepaid post to the address appearing in the register of members; or
 - b) if the member requests, by facsimile transmission or by electronic transmission.
- 13.3. A member intending to bring any business before a meeting may notify in writing, or by electronic transmission, the Secretary of that business, who must include that business in the notice calling the next general meeting.

14. Quorum at General Meetings and Special General Meetings

- 14.1. Half the members personally present (being members entitled to vote under these Rules at a general meeting) constitute a quorum for the conduct of the business of a general meeting.
- 14.2. Half the members personally present (being members entitled to vote under these Rules at a general meeting) constitute a quorum for the conduct of the business of a special general meeting.
- 14.3. If, within half an hour after the appointed time for the commencement of a general meeting, a quorum is not present:
 - a) in the case of a meeting convened upon the request of members, the meeting must be dissolved; and
 - b) in any other case, the meeting shall stand adjourned to the same day in the next week at the same time and place (unless another place is specified by the Chairperson at the time of the adjournment or by written notice to members given before the day to which the meeting is adjourned).
- 14.4. No item of business may be conducted at a meeting unless a quorum of members entitled to vote under these Rules is present at the time when the meeting is considering that item.
- 14.5. In the event that a quorum is not present for a branch General Meeting or Special General Meeting, any resolution carried will be deemed to be ratified by the Branch members if no objection or petition is received within 28 days of the minutes of that meeting being distributed. Minutes are to be distributed no later than 7 days after the said meeting. Any objections received will place the resolution in dispute in abeyance until the next meeting.

15. Presiding at General Meetings and Special General Meetings

- 15.1. The Chairperson, or in the Chairperson's absence, the Deputy Chairperson, shall preside as Chairperson at each general meeting of the Branch.
- 15.2. If the Chairperson and the Deputy Chairperson are absent from a general meeting, or are unable to preside, the members present must select one of their number to preside as Chairperson

16. Adjournment of Meetings

- 16.1. 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.
- 16.2. No business may be conducted at an adjourned meeting other than the unfinished business from the meeting that was adjourned.

- 16.3. If a meeting is adjourned for 14 days or more, notice of the adjourned meeting must be given in accordance with Rule 13.
- 16.4. Except as provided in Rule 16.3, it is not necessary to give notice of an adjournment or of the business to be conducted at an adjourned meeting.

17. Voting Rights at General Meetings and Special General Meetings

- 17.1. Upon any question arising at a general meeting of the Branch, a member has one vote only with the exception of the Chairperson.
- 17.2. All votes must be given personally or by proxy.
- 17.3. In the case of an equality of voting on a question, the Chairperson of the meeting is entitled to exercise a casting vote.
- 17.4. A member is not entitled to vote at a general meeting unless all moneys due and payable by the member to the Branch have been paid, other than the amount of the annual subscription payable in respect of the current financial year.

18. Conduct of a Vote at General Meetings and Special General Meetings

- 18.1. If at a meeting a vote on any question is demanded by not less than 3 members, it must be taken at that meeting in such manner as the Chairperson may direct and the resolution of the vote shall be deemed to be a resolution of the meeting on that question.
- 18.2. A poll that is demanded on the election of a Chairperson 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 may direct.

19. Manner of Determining Whether a Resolution Is Carried

- 19.1. If a question arising at a general meeting of the Branch is determined on a show of hands:
- a) a declaration by the Chairperson 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 is recorded in the minutes of the meeting;
 - c) is evidence of the fact, without proof of the number or proportion of the votes recorded in favour of, or against, that resolution.

20. Proxies

- 20.1. Each member is entitled to appoint another member as a proxy by notice given to the Secretary no later than 48 hours before the time of the meeting in respect of which the proxy is appointed. Only members who are financial members (refer Clause 5.4) are able to vote at the Branch AGM either in person or by proxy. Any member attending the branch AGM may only hold 3 proxy votes
- 20.2. The notice appointing the proxy must be:
- a) for a meeting of the Branch convened under Rule 7.7, in the form set out in Appendix 2; or
 - b) in any other case, in the form set out in Appendix 3.

21. Committee of Management

- 21.1. The affairs of the Branch shall be managed by the committee of management.
- 21.2. The Committee:
- a) shall control and manage the business and affairs of the Branch;
 - b) may, subject to these Rules, the Act and the Regulations, exercise all such powers and functions as may be exercised by the Branch other than those powers and functions that are required by these Rules to be exercised by general meetings of the members of the Branch; and
 - c) subject to these Rules, the Act and the Regulations, has power to perform all such acts and things as appear to the Committee to be essential for the proper management of the business and affairs of the Branch.
- 21.3. Subject to Section 23 of the Act, the Committee shall consist of the officers of the Branch each of whom shall be elected at the annual general meeting of the Branch in each year.

22. Office Bearers

- 22.1. The officers of the Committee of Management shall be:
- a) a Chairperson;
 - b) a Deputy Chairperson;
 - c) a Secretary;
 - d) a Treasurer;
 - e) a Tournament Director;
- 22.2. The positions of Secretary and Treasurer may be combined.
- 22.3. All positions shall be deemed vacant at the AGM with the exception of the Chairperson and Secretary's position, who's position shall be for a term of two years and the said positions shall be deemed vacant on alternate years. Other elected officer bearers

and committee members of the Branch shall hold office until the annual general meeting next after the date of his or her election but is eligible for re-election.

22.4. In the event of a casual vacancy in any office referred to in Rule 22.1, the Committee may appoint one of its members to the vacant office and the member appointed may continue in office up to and including the conclusion of the annual general meeting next following the date of the appointment.

23. Duties of Office Bearers

23.1. **Chairperson:** The Chairperson shall be the Chief Executive Officer of the Branch, performing all duties pertaining to this office, including:

- a) presiding at all meetings of the Branch;
- b) supervising the enforcement of the objects, provisions and purposes of the Branch and these rules; and
- c) representing the Branch in its dealings with others.

23.2. **Deputy Chairperson:** In the absence of the Chairperson, the Deputy Chairperson shall perform the duties of the Chairperson.

23.3. **Secretary:** The Secretary shall perform those duties assigned by the Chairperson and the Branch including the following:

- a) keep a permanent record of the proceedings of all meetings of the Branch, which shall at all times be available to, and the property of the Branch;
- b) conduct and maintain copies of all correspondence of the Branch including notices of meetings;
- c) keep a record of all scores made in tournaments conducted by the Branch.

23.4. **Treasurer:** The Treasurer shall perform the following duties:

- a) receive, receipt record and report all monies paid to and from the Branch;
- b) keep an account of all receipts and disbursements and present a report of all financial transactions of the Branch at the Annual General Meeting of the Branch;
- c) maintain a statement of the current financial condition of the Branch and table all current books of account and bank statements at all meetings of the Branch for verification by the Chairperson;

NOTE: no two members of the same immediate family, including de facto relationships may be co-signatories of the Branch's Bank Account.

23.5. **Tournament Director:** The Tournament Director shall perform the following duties:

- a) prepare the tournament entry form for each annual event;
- b) lead the conduct of the annual tournament including the maintenance of all data associated with that tournament; and
- c) pass all final results of the tournament to the Secretary of the Branch.

24. Election of Office Bearers

24.1. Nominations of candidates for election as officers of the Branch must be:

- a) a current financial member in good standing;
- b) made in writing, signed by two members of the Branch and accompanied by the written consent of the candidate (which may be endorsed on the form of nomination);
- c) delivered to the Secretary of the Branch not less than 14 days prior to the date fixed for the holding of the annual general meeting.

24.2. A candidate may nominate for more than one office prior to the annual general meeting but may only be elected to one position.

24.3. If insufficient nominations are received to fill all vacancies on the Committee, the candidates nominated shall be deemed to be elected and further nominations may be received at the annual general meeting.

24.4. 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.

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

24.6. The ballot for the election of officers of the Committee must be conducted at the annual general meeting in such manner as the Committee may direct.

24.7. Each Branch Committee is to notify the Secretary of the Association of the name and contact details of their representative with 14 days of the completion of the Branch annual general meeting.

25. Vacancies

25.1. The office of an officer of the Branch becomes vacant if the officer:

- a) ceases to be a member of the Branch; or
- b) becomes an insolvent under administration within the meaning of the Corporations Law; or
- c) resigns from office by notice in writing given to the Secretary.

26. Meetings of the Committee

- 26.1. The Committee must meet at least 2 times in each year at such place and such times as the Committee may determine.
- 26.2. Special meetings of the Committee may be convened by the Chairperson or by any 2 members of the Committee.

27. Notice of Committee Meetings

- 27.1. Written notice of each committee meeting must be given to each member of the Committee at least 7 days prior to the date of the meeting.
- 27.2. Written notice must be given to members of the Committee 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.

28. Quorum for Committee Meetings

- 28.1. A quorum shall consist of a minimum of half the elected Committee.
- 28.2. No business may be conducted unless a quorum is present.
- 28.3. If within half an hour of the time appointed for the meeting a quorum is not present:
 - a) in the case of a special meeting, the meeting lapses; and
 - b) in any other case, the meeting shall stand adjourned to the same place and the same time and day in the following week.
- 28.4. The Committee may act notwithstanding any vacancy on the Committee.

29. Presiding at Committee Meetings

29.1. At meetings of the Branch:

- c) **the President or, in the President's absence, the Vice-President presides; or**
if the President and Vice-President are absent, or are unable to preside, the members present must choose one of their number to preside.

30. Voting at Committee Meetings

- 30.1. Questions arising at a meeting of the Committee, or at a meeting of any sub-committee appointed by the Committee, 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.
- 30.2. Each member present at a meeting of the Committee, or at a meeting of any sub-committee appointed by the Committee

(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 Chairperson may exercise a second or casting vote.

31. Removal of a Committee Member

- 31.1. The Branch in general meeting may, by resolution, remove any member of the Committee 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.
- 31.2. A member who is the subject of a proposed resolution referred to in Rule 31.1 may make representations in writing to the Secretary or Chairperson of the Branch (not exceeding a reasonable length) and may request that the representations be provided to the members of the Branch.
- 31.3. The Secretary or the Chairperson may give a copy of the representations to each member of the Branch or, if they are not so given, the member may require that they be read out at the meeting.

32. Minutes of Meetings

- 32.1. The Secretary of the Branch must keep minutes of the resolutions and proceedings of each general meeting, and each committee meeting, together with a record of the names of persons present at the meetings.

33. Funds

- 33.1. The Treasurer of the Branch must:
- a) collect and receive all moneys due to the Branch and make all payments authorised by the Branch; and
 - b) keep correct accounts and books showing the financial affairs of the Branch with full details of all receipts and expenditure connected with the activities of the Branch.
- 33.2. All cheques, drafts, bills of exchange, promissory notes and other negotiable instruments must be signed by two members of the Committee.
- 33.3. The funds of the Branch shall be derived from annual subscriptions, donations and such other sources as the Committee determines.

34. Seal

- 34.1. The common seal of the Branch must be kept in the custody of the Secretary.

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

35. Notice to Members

35.1. Except for the requirement in Rule 13, any notice that is required to be given to a member, by or on behalf of the Branch, under these Rules may be given by:

- a) delivering the notice to the member personally; or
- b) sending it by prepaid post addressed to the member at the member's address shown in the register of members; or
- 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.

36. Winding Up

36.1. In the event of the winding up or the cancellation of the Incorporation of the Branch, the assets of the Branch must be disposed of to an organisation of similar purpose.

37. Custody and Inspection of Books and Receipts

37.1. Except as otherwise provided in these Rules, the Secretary must keep in his or her custody, or under his or her control all books, documents and securities of the Branch.

37.2. All accounts, books, securities and any other relevant documents of the Branch must be available for inspection free of charge by any member upon request.

37.3. A member may make a copy of any accounts, books, securities and any other relevant documents of the Branch.

**APPLICATION FOR MEMBERSHIP OF
HOLT CHALLENGE INCORPORATED**

SURNAME: _____ CHRISTIAN NAMES:

STREET ADDRESS:

SUBURB: _____ STATE: _____ POST
CODE: _____

PHONE: HOME: _____ BUSINESS:

MOBILE: _____

E-mail ADDRESS:

DATE OF BIRTH: _____ CENTRE:

AMOUNT PAID: _____ RECEIVED BY:

APPENDIX 2
FORM OF APPOINTMENT OF PROXY FOR MEETING OF
BRANCH CONVENED UNDER RULE 8.5

I,

(Full Name)

of

(Address)

being a member of Holt Challenge Incorporated (INSERT BRANCH
NAME)

appoint

(Name of Proxy Holder)

of

(Address of Proxy Holder)

being a member of Holt Challenge Incorporated, as my proxy to vote for
me on my behalf at the appeal to the general meeting of the Branch
convened under Rule 8.5, to be held on

(Date of Meeting)

and at any adjournment of that meeting.

I authorise my proxy to vote on my behalf at their discretion in respect of
the following resolution

Holt Challenge Incorporated
Rules of the Branches

(insert details of the resolution)

(Signed) (Dated)

APPENDIX 3

FORM OF APPOINTMENT OF PROXY

I,

(Full Name)
of

(Address)

being a member of Holt Challenge Incorporated (INSERT BRANCH
NAME)
appoint

(Name of Proxy Holder)
of

(Address of Proxy Holder)

being a member of Holt Challenge Incorporated, as my proxy to vote for
me on my behalf at the *annual/special/general (delete those not
applicable)* meeting of the Branch, to be held on

(Date of Meeting)

and at any adjournment of that meeting.

I authorise my proxy to vote on my behalf at their discretion in respect of
the following resolution

Holt Challenge Incorporated
Rules of the Branches

(insert details of the resolution)

(Signed) (Dated)