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Constitution

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1. Name of Society

The name of the Society is:

Tasmanian Deaf Society Inc Trading as Tasdeaf

2. Interpretation

In these rules –

- ❖ **"Act"** means the *Societys Incorporation Act 1964*;
- ❖ **"Society"** means the Society referred to in rule 1;
- ❖ **"auditor"** means the person appointed as the auditor of the Society under rule 9;
- ❖ **"basic objectives of the Society"** means the objects and purposes of the Society as stated in an application under section 7 of the Act for the incorporation of that Society;
- ❖ **"Board"** means a Committee of members as defined by the Act; Also can be known as Director
- ❖ **"Chair"** Is the person either President of the society or is elected by the President to run the meeting in the President absence.
- ❖ **"Cheque"** means payments can be made and received by cheques, internet banking, credit card, cash and any other way that is of legal tender.
- ❖ **"Executive Committee"**
Means the four (4) office Bearers
- President, Vice president, Treasurer and Secretary
- ❖ **"General meetings"**
Means the annual general meeting;
- ❖ **"Special general meeting"**
means any general meeting other than the annual general meeting.
- ❖ **"ordinary business of the annual general meeting"**
means the business specified in rule 11(5);
- ❖ **"Board member"**
means a member of the Board to whom rule 22(1) (b) relates;
- ❖ **"Treasurer and/ or the delegate"**
means the Treasurer of the Society and/or the person employed by the Board to managed the day to day running of the organisation

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- ❖ “Proxy” means members who are unable to attend annual general or special member but give their voting right to another member on the approved Proxy form
 - ❖ “Public Officer” Means the employee of the Society delegated by the Board to manage the Society

3. **Society's office**

The office of the Society shall be at Ground Floor 334 Elizabeth St North Hobart, or such other place as the Board may, from time to time determine.

4. **Objectives and Purposes of Society**

In addition to the basic objects of the Society, the objects and purposes of the Society include the following:

- (a) the purchase, taking on lease or in exchange, and the hiring or acquiring of any real or personal property necessary or convenient for any of the objects or purposes of the Society;
- (b) the buying, selling and supplying of, and dealing in, goods of all kinds;
- (c) the construction, maintenance and alteration of buildings or works necessary or convenient for any of the objects or purposes of the Society;
- (d) the accepting of any gift for any one or more of the objects or purposes of the Society;
- (e) the taking of any step the Board or the members in general meeting consider expedient for the purpose of procuring contributions to the funds of the Society;
- (f) the printing and publishing of any newspapers, periodicals, books, leaflets or other documents the Board or the members in general meeting consider desirable for the promotion of the objects and purposes of the Society;



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- (g) the borrowing and raising of money in any manner and on terms –
 - (i) the Board thinks fit; or
 - (ii) approved or directed by resolution passed at a special general meeting;
 - (h) subject to the provisions of the *Trustee Act 1898*, the investment of any moneys of the Society not immediately required for any of its objects or purposes in any manner the Board determines;
 - (i) the making of gifts, subscriptions or donations to any of the funds, authorities or institutions to which *section 78(1)(a) of the Income Tax Assessment Act 1936* of the Commonwealth relates;
 - (j) the establishment and support, or aiding in the establishment or support, of any other Society formed for any of the basic objects of the Society
 - (k) the purchase or acquisition, and undertaking, of all or any part of the property, assets, liabilities and engagements of any Society with which the Society is amalgamated in accordance with the provisions of the Act and the rules of the Society;
 - (l) the doing of any lawful thing incidental or conducive to the attainment of the basic objects of the Society or of any of the objects and purposes specified in this rule.

5. Membership of Society

- (1) A person who is nominated and approved for membership as provided in these rules is eligible to be a member of the Society on payment of the annual subscription fixed under these rules.
- (2) A nomination of a person for membership of the Society is to be –
 - (a) made in writing on a Tasdeaf membership form;



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- (b) lodged at the reception at Tasdeaf office who will act on behalf of public officer of the Society.
- (3) As soon as practicable after the receipt of a nomination, the public officer is to refer the nomination to the Board.
- (4) On the nomination being approved by the Board, the public officer –
- (a) is to notify the nominee, in writing, that they has been approved for membership of the Society;
- and
- (b) upon receipt of the sum payable as the first year's subscription, is to enter the nominee's name in a register of members.
- (5) A member of the Society may resign by delivering or sending by post/email/fax to the public officer a written notice of resignation.
- (6) On receipt of a notice from a member under [subrule \(5\)](#), the public officer is to remove the name of the member from the register of members.
- (7) A person –
- (a) becomes a member of the Society when their name is entered in the register of members; and
 - (b) ceases to be a member of the Society when his or her name is removed from the register of members.
- (8) Any right, privilege or obligation of a person as a member of the Society –
- (a) is not capable of being transferred or transmitted to another person; and
 - (b) terminates on the cessation of the membership.



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- (9) If the Society is wound up –
- (a) every member of the Society; and
 - (b) every person who, within the period of 12 months immediately preceding the commencement of the winding up, was a member of the Society – is liable to contribute –
 - (i) to the assets of the Society for payment of the debts or liabilities of the Society; and
 - (ii) for the costs, charges and expenses of the winding up; and
 - (iii) for the adjustment of the rights of the contributories among themselves.
- (10) Any liability under [subrule \(9\)](#) is not to exceed \$5.
- (11) A former member is not liable to contribute under [subrule \(9\)](#) in respect of any debt or liability of the Society contracted after he or she ceased to be a member.

6. Income, property and Payment by the Society

- (1) The income and property of the Society is to be applied solely towards the promotion of the objects and purposes of the Society.
- (2) No portion of the income and property of the Society is to be paid or transferred to any member of the Society.
- (3) The Society is not to –
 - (a) appoint a person who is a member of the Board to any paid position within the Society that is payable in the way of salary, fees or allowances; or
 - (b) pay to any such person any remuneration or other benefit in money or money's worth, other than the repayment of out-of-pocket expenses.



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- (4) An employee or member of the Society may be paid –
- (a) remuneration in return for services rendered to the Society or for goods supplied to the Society in the ordinary course of business;

7. Accounts of receipts and expenditure

- (1) True accounts are to be kept of –
 - (a) all monies received and expended by the Society
 - (b) assets, credits and liabilities of the Society.
- (2) The accounts are to be open to inspection by the members of the Society with 72 hours notice given and that the accounts may be inspected during normal business hours. A Director will also need to be present during the inspection.
- (3) The Treasurer and/or the delegate of the Society is to keep all records of accounting books connected with the operations and business of the Society in the form and manner the Board directs and is consistent with government regulations.
- (4) The accounts, books and records are to be kept at the Society's office as per (Rule 3- Society's office).

8. Banking and Finance

- (1) The treasurer, or the delegate, on behalf of the Society, is to –
 - (a) receive all money paid to the Society; and
 - (b) after receiving money immediately give receipts.



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- (2) The Board may provide the Treasurer with a sum to meet urgent expenditure, subject to any conditions in relation to the use and expenditure the Board may impose.
 - (3) All monies, drafts, bills of exchange, promissory notes and other negotiable instruments are to be –
 - (a) signed by the at least two (2) of four (4) people
 - ❖ President, Vice President, Treasurer and/or Employee appointed by the Board

9. Auditor

- (1) Every two years at the annual general meeting of the Society, the members present or by proxy are to appoint a company as the auditor of the Society.
- (2) The auditor is to hold office for two years
- (3) Where an appointment is not made at an annual general meeting, the Board is to appoint an auditor for the current financial year of the Society until the next annual general meeting.
- (4) Except as provided in subrule (3), the auditor may only be removed from office by special resolution which will be determine by the Board.
- (5) If a casual vacancy occurs in the office of auditor during the course of a financial year of the Society, the Board may appoint a person as the auditor to hold office until the next succeeding annual general meeting.

10. Audit of accounts

- (1) The auditor is to examine the accounts of the Society at least once in each financial year of the Society.
- (2) The auditor is to –
 - (a) certify as to the correctness of the accounts of the Society; and



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- (b) report to the members present at the annual general meeting.
- (3) In the report and in certifying to the accounts, the auditor is to state if –
- (a) They have obtained the required information; and
 - (b) in their opinion, the accounts are properly drawn up so as to exhibit a true and correct view of the financial position of the Society –
 - (i) according to the information at his or her disposal and the explanations given; and
 - (ii) as shown by the books of the Society; and
 - (c) the rules relating to the administration of the funds of the Society have been observed.
- (4) The Public Officer of the Society is to cause to be delivered to the auditor a list of all the accounts, books and records of the Society.
- (5) The auditor may –
- (a) have access to the accounts, books, records, vouchers and documents of the Society; and
 - (b) require from the employees of the Society any information and explanations they considered necessary for the performance of the duties as auditor; and
 - (c) in relation to the accounts of the Society, examine any member of the Board or any employee of the Society.



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11. Annual General Meeting

- (1) The Society is to hold an annual general meeting each year.
- (2) The annual general meeting is to be held on any day (being not later than 4 months after the close of the financial year of the Society) the Board determines.
- (3) The notice convening the annual general meeting is to specify the purpose of the meeting.
- (4) The ordinary business of the annual general meeting is to be as follows:
 - (a) to confirm the minutes of the last preceding annual general meeting and of any special general meeting held since that meeting;
 - (b) to receive from the Board, auditor and employee of the Society reports on the transactions of the Society during the last preceding financial year;
 - (c) to elect the officers of the Society and the ordinary Board members to any vacant position;
 - (d) to appoint the auditor when their term has expired
- (5) The annual general meeting may transact special business of which notice is given in accordance with these rules.
- (6) A quorum is (ten) 10 paid/life members of the existing financial year.



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12. Notices of Annual General Meetings

The Public Officer of the Society, shall inform members, at least 14 days before the date fixed for holding an Annual General Meeting of the Society and is to inserted in at least one newspaper published in this State an advertisement –

- (a) specifying the place, day and time for the holding of the meeting; and
- (b) the nature of the business to be transacted at the meeting.

13. Special General Meetings

- (1) The Board may convene a special general meeting of the Society at any time.
- (2) The Board, on the request of at least 10 members, may convene a special general meeting of the Society.
- (3) A request for a special general meeting –
 - (a) is to state the objects of the meeting;
 - (b) is to be signed by the requisitionists;
 - (c) is to be deposited at the office of the Society by person, post, email or fax; and
 - (d) may consist of several documents, each signed by one or more of the requisitionists.
- (4) If the Board does not cause a special general meeting to be held within 21 days from the day on which a requisition is deposited at the office of the Society, the requisitionists, or any of them, may convene the meeting anytime within 3 months from the day of the deposit of the requisition.
- (5) A special general meeting convened by requisitionists is to be convened in the same



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manner as nearly as possible as meetings are convened by the Board.

- (6) All reasonable expenses incurred by requisitionists in convening a special general meeting are to be refunded by the Society subject to the Executive approval.

14. Notices of Special General meetings

The Public Officer of the Society, shall inform members, at least 14 days before the date fixed for holding a Special General Meeting of the Society, is to cause to be inserted in at least one newspaper published in this State an advertisement –

(a) specifying the place, day and time for the holding of the meeting; and

(b) the nature of the business to be transacted at the meeting.

15. Business and Quorum at Special General Meetings

- (1) All business transacted at a special general meeting, except the ordinary business of the Annual General Meeting, is called special business.
- (2) Business is not to be transacted at a special general meeting unless a quorum of members entitled to vote is present at the time the meeting is considering that business.
- (3) A quorum for the transaction of the business of a general meeting is (ten) 10 members present and entitled to vote.
- (4) If a quorum is not present within half an hour from the appointed time for the commencement of a Special General Meeting, the meeting –
- (a) if convened on the requisition of members, is to be dissolved; or



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(b) in any other case, is to be adjourned as determine by the Chair.

- (5) If at an adjourned meeting a quorum is not present one hour after the time appointed for the commencement of the meeting, the meeting is to be dissolved.

16. Chair of all Meetings

- (1) The president, or in their absence, the Vice-President is to preside as chairperson at every general meeting of the Society.
- (2) If the president and vice-president are absent from a general meeting, the members present are to elect one of their members to preside as chair for that meeting only.

17. Determination of questions arising at Annual and Special General Meetings

- (1) A question arising at a general meeting of the Society is to be determined by the Chair of the meeting
- (2) A declaration by the Chair that a resolution has, by vote, been carried, or carried unanimously, or carried by a particular majority, or lost, and an entry to that effect in the minute book of the Society is evidence of the fact, without proof of the number or proportion of the votes recorded in favour of, or against, that resolution.

18. Votes

- (1) On any question arising at a general meeting of the Society, a member has one vote only.
- (2) All votes are to be given personally or by proxy to a paid member of the Society in that financial year.



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- (3) In the case of an equality of voting on a question, the Chair has a casting vote.

19. Taking of Poll

If at a meeting a poll on any question is demanded –

- (a) it is to be taken at that meeting in the manner the Chair directs; and
- (b) the result of the poll is taken to be the resolution of the meeting on that question.

20. Affairs of Society to be managed by a Board

- (1) The affairs of the Society are to be managed by a Board of Directors.
- (2) The Board –
- (a) is to control and manage the business and affairs of the Society; and
- (b) may exercise all the powers and perform all the functions of the Society, other than those powers and functions that are required by these rules to be exercised by Annual and Special General Meetings of members of the Society; and
- (c) has power to do anything that appears to the Board to be essential for the proper management of the business and affairs of the Society.

21. Nomination to the Board

- (1) Nominations of candidates for election as officers of the Society or as ordinary Board members are to be –
- (a) made in writing signed by 2 members of the Society and accompanied by the written consent of the candidate (which may be endorsed on the nomination); and



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- (b) delivered to the Secretary of the Society at least 10 days before the date fixed for the holding of the annual general meeting.
- (2) If insufficient nominations are received to fill all vacancies on the Board –
- (a) the candidates nominated are taken to be elected; and
- (b) further nominations can be received at the annual general meeting or thereafter.
- (3) If the number of nominations received is equal to the number of vacancies to be filled, the persons nominated are taken to be elected.
- (4) If the number of nominations exceeds the number of vacancies to be filled, a ballot is to be held.
- (5) The ballot for the election of officers and ordinary Board members is to be conducted at the annual general meeting in the usual manner as directed by the Board.

22. Election of the Board

- (1) The Board consists of the following members elected at the annual general meeting of the Society in each year:
- (a) the officers of the Society (four);
- (b) Five other members.
- (2) A Board member is to hold office for a period of two years from the date of their election until the annual general meeting and is eligible for re-election.
- (3) If a casual vacancy occurs within the Board, the Board may appoint a member of the Society to fill the vacancy until the next Annual General Meeting.

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23. Executive Officers of the Society

- (1) The Executive officers of the Society are as follows:
 - (a) a president;
 - (b) a vice-president;
 - (c) a treasurer;
 - (d) a secretary.
- (2) Each officer of the Society is to hold office until the annual general meeting and is eligible for re-election.
- (3) If a casual vacancy in any office referred to in subrule (1) occurs, the Board may appoint one of its Board members to the vacant office, to hold the office up to and including the conclusion of the Annual General Meeting next following the date of the appointment.

24. Vacancy of the Board

For the purpose of these rules, the office of an officer of the Society or of an ordinary Board member becomes vacant if the officer or Board member –

- (a) dies; or
- (b) becomes bankrupt or applies to take or takes advantage of any law relating to bankrupt or insolvent debtors or compounds with his or her creditors, or makes any assignment of his or her estate for their benefit; or
- (c) becomes of unsound mind; or
- (d) resigns office in writing addressed to the Board; or
- (e) ceases to be resident in the State; or
- (f) fails, without leave granted by the Board, to attend 3 consecutive meetings of the Board; or



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(g) ceases to be a member of the Society; or

(h) fails to pay all arrears of subscription due, within 14 days after receiving a notice in writing signed by the public officer stating that he or she has ceased to be a financial member of the Society.

25. Meetings of the Board and of the Sub-Committee

- (1) The Board is to meet more than six times at any place and time the Board determines.
- (2) Notice is to be given to members of the Board of any special meeting, specifying the general nature of the business to be transacted.
- (3) Any 6 members of the Board constitute a quorum for the transaction of the business of a meeting of the Board.
- (4) Business is not to be transacted unless a quorum is present.
- (5) If half an hour after the time appointed for the meeting a quorum is not present, the meeting is to be adjourned as determine by the Chair.
- (6) At a meeting of the Board, the following is to preside:
 - (a) the president, or in their absence the vice-president, or in the absence of both the president and the vice-president, then the president nominated person can chair the meeting in their absence
- (7) Each member present at a meeting of the Board or of any sub- committee appointed by the Board (including the person presiding at the meeting) is entitled to one vote.



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- (8) If there is an equality of votes on any question, the person presiding has a casting vote.
 - (9) Written notice of each Board meeting is to be served on each member of the Board by –
 - (a) delivering it at a reasonable time before the meeting; or
 - (b) sending it by post or email.

26. Disclosure of interest in contracts

- (1) A member of the Board who is interested in any contract or arrangement made or proposed to be made with the Society is to disclose the interest –
 - (a) at the first meeting of the Board at which the contract or arrangement is first taken into consideration, if the interest then exists; or
 - (b) in any other case, at the first meeting of the Board after the acquisition of the interest.
- (2) If a member of the Board becomes interested in a contract or arrangement after it is made or entered into, he or she is to disclose the interest at the first meeting of the Board after he or she becomes so interested.
- (3) A member of the Board is not to vote in respect of any contract or arrangement in which they are interested and any such vote is not to be counted.

27. Sub committee

- (1) The Board may –
 - (a) appoint a subcommittee from the Board;and
 - (b) prescribe the powers and functions of that sub –committee

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- (2) The Board may co-opt any person as a member of a sub committee without voting rights, whether or not the person is a member of the Society.
- (3) A quorum at a meeting of the sub committee is 2 appointed members.
- (4) Any member of the Board has the right to attend as observers.
- (5) Written notice of each sub committee meeting is to be served on each member of the sub committee by –
 - (a) delivering it at a reasonable time before the meeting; or
 - (b) by sending it by post/email or fax.

28. Executive Committee Meetings

- (1) The President, Vice-President, Treasurer and Secretary constitute the executive Board.
- (2) The executive Board may issue instructions to the public officer and the employee of the Society in matters of urgency connected with the management of the affairs of the Society during the period between meetings of the Board.
- (3) The executive Board is to report on any instructions issued under subrule (2) to the next meeting of the Board.

29. Annual subscription

- (1) The annual subscription payable is determined by the Board on behalf of members in April each year.
- (2) The annual subscription may be altered by the members via a special resolution at a special or annual meeting.



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- (3) The annual subscription of a member is due and payable on or before the first day of the financial year of the Society. (i.e. 1st July)

30. Financial year

The financial year of the Society is the period beginning on 1st July in one year and ending on the 30th June the next following year.

31. Notices

A notice may be served by or on behalf of the Society on any member –

- (a) personally;
- (b) by sending it through the post or
- (c) via email or sms or fax

32. Expulsion of members

- (1) The Board may expel a member from the Society if, in the opinion of the Board, the member is guilty of conduct detrimental to the interests of the Society.
- (2) The expulsion of a member under subrule (1) does not take effect until whichever of the following is the later date:
 - (a) the expiration of 14 days after the service on the member of a notice under subrule (3);
 - (b) if the member exercises their right of appeal under this rule, the conclusion of the special general meeting convened to hear the appeal.
- (3) If the Board expels a member from the Society, the public officer of the Society, without undue delay, is to cause to be served on the member a notice in writing –
 - (a) stating that the Board has expelled the member; and



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(b) specifying the grounds for the expulsion; and

(c) informing the member of a right to appeal against the expulsion under rule 34.

33. Appeal against expulsion

- (1) A member may appeal against an expulsion under rule 33 by delivering or sending by post to the public officer of the Society, within 14 days after the service of a notice under rule 33(3), a requisition in writing demanding the convening of a special general meeting for the purpose of hearing the appeal.
- (2) On receipt of a requisition –
 - (a) the public officer is to immediately notify the Board of its receipt; and
 - (b) the Board is to cause a special general meeting of members to be held within 21 days after the date on which the requisition is received.
- (3) At a special general meeting convened for the purpose of this rule –
 - (a) no business other than the question of the expulsion is to be transacted; and
 - (b) the Board may place before the meeting details of the grounds of the expulsion and the Board's reasons for the expulsion; and
 - (c) the expelled member is to be given an opportunity to be heard; and



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- (d) the members present are to vote by secret ballot on the question whether the expulsion should be lifted or confirmed.
- (4) If at the special general meeting a majority of the members present vote in favour of the lifting of the expulsion –
- (a) the expulsion is to be taken to have been lifted; and
- (b) the expelled member is entitled to continue as a member of the Society.
- (5) If at the special general meeting a majority of the members present vote in favour of the confirmation of the expulsion –
- (a) the expulsion takes effect; and
- (b) the expelled member ceases to be a member of the Society.

34. Disputes

- (1) A dispute between a member of the Society in the capacity as a member and the Society is to be determined by arbitration in accordance with the provisions of the *Commercial Arbitration Act 1986*.
- (2) This rule does not affect the operation of rule 34.

35. Seal of Society

- (1) The seal of the Society is to be in the form of a rubber stamp, inscribed with the



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name of the Society encircling the word "Seal".

- (2) The seal of the Society is not to be affixed to any instrument except by the authority of the Board.
- (3) The affixing of the seal is to be attested by the signatures of –
 - (a) 2 members of the Board; or
 - (b) one member of the Board and the public officer of the Society other person the Board may appoint for that purpose.
- (4) Attestation under subrule (3) is sufficient for all purposes that the seal was affixed by authority of the Board.
- (5) The seal is to remain in the custody of the public officer.

36. Life Member of the Society

From time to time the Board can elect Life Members of the Society. The Board will follow guidelines as set out in the Life Membership Policy.

Life Members will be exempted from paying Membership to the Society however can retain one vote.

37. Patron of the Society

From time to time the Board can elect Patrons of the Society. The Board will follow guidelines as set out in the Patron Policy.