



# Mackie Cricket Club Incorporated

## By-Laws

Date of Incorporation 31st July 1985  
Date of these By-Laws 2nd October 2013

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## History of Changes

<i>Version</i>	<i>Date</i>	<i>Details</i>
1.01	27 August 2013	By-laws for Committee review
1.01a	9 September 2013	By-laws approved and amended by Committee to be adopted by resolution of a Special General Meeting 2 <sup>nd</sup> October 2013

## By-Laws

### A. PRELIMINARY

#### A1. *Obligations of Members*

Each Member will be responsible to become fully aware of his/her duties and responsibilities to the Association, and is required to observe these By-Laws.

#### A2. *Administration of the By-laws*

##### (1) Adding new By-laws and changing existing By-laws

The By-laws may be changed only by special resolution of a General Meeting of the Association in accordance with Rule 78 of the Rules.

##### (2) Members wishing to change the By-laws

Members may, subject to the provisions of Rule 32 of the Rules, call a special general meeting at which a special resolution to change the By-laws may be made.

#### A3. *Definitions*

For the purpose of these By-laws the following meanings will apply—

<b>Committee</b>	<b><i>means</i></b> the management committee of the Association under the Rules;
<b>Member</b>	<b><i>means</i></b> a member of the Association under Rule 14 of the Rules;
<b>Subcommittee</b>	<b><i>means</i></b> a subcommittee of the Committee formed under Rule 43(1) and Rule 79 of the Rules.
<b>the Rules</b>	<b><i>means</i></b> the Rules of the Association;
<b>the Act</b>	<b><i>means</i></b> The Associations Incorporation Reform Act 2012;
<b>the Association</b>	<b><i>means</i></b> the Mackie Cricket Club Incorporated. A0005909G;
<b>the President</b>	<b><i>means</i></b> the president of the Association under Rule 44 of the Rules;
<b>the Secretary</b>	<b><i>means</i></b> the secretary of the Association under Rule 44 of the Rules;
<b>the Treasurer</b>	<b><i>means</i></b> the treasurer of the Association under Rule 44 of the Rules;
<b>the Committee</b>	<b><i>means</i></b> the Committee of the Association under the Rules;

## **B. GOVERNANCE**

### ***B1. Trading Name***

The Association may register the Business Name “***Mackie Cricket Club Inc***”

- (1) The Committee may by resolution determine that an activity, service, product, operation or publication of the Association be done or marketed or traded under the name “Retired Ambulance Victoria”.
- (2) The Committee may by resolution determine that use of the name “Retired Ambulance Victoria” for a particular activity, service, product, operation or publication be revoked.
- (3) In all respects, the Rules and the By-laws of the Association apply equally to everything under the name “Mackie Cricket Club”.

### ***B2. General Meetings***

#### **(1) Proxy Form**

- (a) The Committee has approved for appointment as a proxy, the form set out in Appendix 1 *Appointment of Proxy form*. This form should be used for appointment of a proxy for Annual General Meetings and for Special General Meetings.
- (b) Voting by proxy is not permitted for a Disciplinary Appeal Meeting.

### ***B3. Election of Committee Members***

#### **(1) Nomination for Committee**

The Committee has approved for nomination for a position on the Committee, the form set out in Appendix 2 *Nomination for Committee Position form*. This form should be used for nomination of a candidate for a Committee position at the Annual General Meeting or a Special General Meeting.

### ***B4. Subcommittee Structure and Terms of Reference***

- (1) One Committee Member shall be a member of each Subcommittee other than a disciplinary subcommittee.
- (2) The Secretary shall maintain the *Register of Subcommittees* that is attached to these By-laws as Appendix 5.
- (3) The *Register of Subcommittees* may be amended by the Secretary from time to time and is not subject to the requirements of By-law A2(1).
- (4) The *Register of Subcommittees* will contain for each subcommittee—
  - (a) its name;
  - (b) the date of creation if created during the current year;
  - (c) the name of the Convenor;
  - (d) the name of its Minutes Secretary;
  - (e) the names of members of the Subcommittee as approved by the Committee;
  - (f) the date of its cessation, if any.
- (5) The purpose of a Subcommittee shall be to—
  - (a) carry out the stated aims, objectives and duties as specified by the Committee; and
  - (b) make recommendations to Committee for its evaluation; and

- (c) foster goodwill and a spirit of cooperation throughout the Association and with kindred societies.
  - (6) A Subcommittee shall operate within the terms and conditions set out in its Subcommittee Operating Instructions as follows—
    - (a) Operating Instructions for a subcommittee shall be set by the Committee; and
    - (b) changes to a Subcommittee Operating Instructions may be made only by resolution of the Committee.
  - (7) These provisions shall apply—
    - (a) the Convenor shall call meetings as required in order effectively to carry out the directions of the Committee; and
    - (b) a Notice of Meeting shall be prepared and circulated to Subcommittee members for each meeting giving details of the Agenda; and
    - (c) the proceedings of the meeting shall be in accordance with the Agenda with provision for the addition of any other matters of relevance; and
    - (d) meetings shall require a quorum to be present as required under By-law B4(8); and
    - (e) a Subcommittee member who is deemed by the Convenor to have acted in an unbecoming way or who demonstrates inappropriate behaviour may be suspended from the meeting and the matter shall be minuted and referred to the Committee for consideration of disciplinary action.
  - (8) Quorum for Subcommittee meetings
    - (a) A resolution may not be made at a Subcommittee meeting unless a quorum is present.
    - (b) The quorum for a Subcommittee meeting is the presence of a majority of the members of the Subcommittee excluding the President.
    - (c) If a quorum is not present the business on the Agenda may still be discussed but as required by clause B4(8)(a) no resolution may be made until a quorum is present
    - (d) If no quorum eventuates the meeting should be reconvened at a later date.

## **C. CONFLICT OF INTEREST**

Conflicts of interest arise whenever a Member of the Association becomes involved in a situation where their personal interests conflict with their duties and obligations to the Association. Such interests may be regarded as financial or non-financial and may be direct or indirect.

- (1) A Subcommittee member who has a material personal interest in a matter being considered at a Subcommittee meeting must disclose the nature and extent of that interest to the Subcommittee.
- (2) The Member must not vote on the matter.
- (3) The failure of a Subcommittee member to comply with this By-law will result in disciplinary action being taken against the individual concerned.

## **D. MEMBERS AND MEMBERSHIP**

### ***D1. Membership fees***

- (1) The Committee may prescribe that the first year's subscription for a new member shall be in proportion to the remaining months in that financial year.

- (2) The amount of each form of subscription is set out in the Appendix 3 *Schedule of Membership And Other Fees*.
- (3) The *Schedule of Membership And Other Fees* may be amended by the Secretary from time to time and is not subject to the requirements of By-law A2(1).
- (4) The due date for payment of subscription is 1 September of each year.

#### **D2. Honorary Members**

The Committee shall at its first meeting after the Annual General Meeting review the list of Honorary Members and may amend the list by resolution. The Secretary shall notify in writing each former Honorary Member whom it is decided is to be removed from the list.

#### **D3. Privacy**

- (1) Membership details of members shall be held securely and shall be disclosed only to—
  - (a) the Committee; and
  - (b) other Membersto the extent necessary to fulfil the obligations of the Association.
- (2) Members shall respect the privacy of other Members and shall not:-
  - (a) seek to obtain personal details of another Member not otherwise on the public record; or
  - (b) take a photograph of a particular Member without permission of that Member.
- (3) If special circumstances exist in accordance with section 59 of the Act a Member may request that certain details be withheld from the Register of Members.

The Committee has approved for requesting details to be withheld the form set out in Appendix 4 *Access restriction request for Register of Members*.

#### **D4. Change of registered address of Member**

- (1) A Member should inform the Secretary of any change to the Member's registered address, whether residential, postal or electronic.

#### **D5. Delivery Address**

- (1) A Member may provide a delivery address, including electronic, different from the Member's registered address held in the Register of Members.
- (2) A Member should inform the Secretary of any change to the Member's delivery address.
- (3) If no delivery address has been supplied, then the delivery address will be deemed to be the registered address.
- (4) The Association will send Newsletters, notice of meeting or other correspondence to the delivery address.
- (5) The Association will not be responsible for failure to receive any Newsletter, notice of meeting or other correspondence addressed and sent to the delivery address.

#### *D6. Obligations of Members*

- (1) A Member shall comply with the Rules of the Association; and
- (2) A Member shall comply with these By-laws; and
- (3) Unless authorised by the Committee a Member—
  - (a) shall not represent that he or she is authorised by the Association to act on its behalf; and
  - (b) shall not speak on its behalf; and
  - (c) shall not use the name of the Association for the purpose of gaining entrance to any place or obtaining any right or privilege (whether or not a right or privilege of Members)

provided that the provisions of this clause shall not be construed so as to restrict or prevent any Member from informing any other person or organisation of his membership of the Association.

#### *D7. Guidelines for the Appointment of Life Members*

The election of a Member to Life Membership is the ultimate expression of the Association's gratitude to that Member for his or her generous support of the aims and objectives of the Association.

- (1) The proposed Life Member should be highly respected and of unquestioned integrity in the eyes of the community and the Association.
- (2) The Member should have demonstrated a continuing involvement in furthering the aims and objects of the Association.
- (3) The Member should have attained the age of 80 years.

#### *D8. Alcohol and Drugs*

- (1) Use of Alcohol or Drugs
  - (a) The use of intoxicants or drugs by a member except where used as prescribed by a medical practitioner is prohibited; and
  - (b) The Committee may for special occasions allow a temporary suspension of this By-law by express resolution or by causing to be published a notice of a social function at which alcohol is customarily consumed.
- (2) Member to Leave

An office holder, if they find a Member intoxicated or under the influence of drugs—

- (a) may cause that Member to be suspended from duty for the remainder of the day, and
- (b) may require that Member to leave and not re-enter any premises under the control of the Association that day.

#### *D9. Smoking*

Smoking is not permitted—

- (a) in any building; or
- (b) in any other area as may be defined by the Committee.



## **E. ADMINISTRATION**

### ***E1. Insurance***

The Association shall enter into arrangements to provide protection for the Association from damages claims, and may additionally provide insurance for Members against personal injury arising from participation in Association activities or obtain other forms of insurance for the benefit of the Association.

The Association may join with other like organisations to arrange collective insurance for these matters.

The cost of such insurance shall be an integral component of the membership fees.

### ***E2. Membership of other organisations***

The Association may, by resolution of the Committee, affiliate with other organisations whose Statement of Purposes is sympathetic to that of the Association.

### ***E3. Advertising***

- (1) The Association may accept advertising for inclusion in its publications or in its Members' Newsletter, provided that all such material submitted for inclusion is in sympathy with the Purposes of the Association that are set out in Rule 2 of the Rules.
- (2) The editor of any publication shall in consultation with a nominated member of the Committee, have the authority to accept or reject advertising material submitted for publication.
- (3) The Association may place advertisements to seek members or promote its activities. The details of such advertisements must be approved by the Committee prior to placement.

### ***E4. Product endorsement***

The Association shall not endorse commercial products. This requirement shall not preclude due recognition of the generosity of those organisations who have donated goods and or services to the Association.

### ***E5. Electronic communication***

Where a notice or other document is required by the Rules to be sent to a Member, or by a Member, and is sent by electronic means in accordance with the Rules, then it will be sufficient evidence of delivery that:

- (1) if transmitted from a hard copy, the sender retains the original hard copy and either—
  - (a) annotates it with the time and date of transmission, together with the electronic address to which the document had been sent, or
  - (b) if the transmitting device produces a record of transmission, initials that record and attaches it to the original document
- (2) if transmitted otherwise than from a hard copy, the sender prints out, initials and retains a copy of the original document, ensuring that details of the addressee are shown.

## **F. COMMITTEE MATTERS**

### ***F1. Committee Meetings***

The Committee will normally meet quarterly at a suitable date, time and venue.

### ***F2. First Committee meeting after the Annual General Meeting***

At the first Committee meeting after the AGM, the Committee shall—

- (1) Review the list of Honorary Members of the Association and by resolution—
  - (a) remove those who it is resolved no longer are to be granted Honorary Membership; and
  - (b) add those who it is resolved are to be invited to become Honorary Members; and
  - (c) the Secretary will write to each person who is to be invited to become an Honorary Member inviting that person to accept the invitation;
  - (d) the Secretary will notify in writing each person who is to be removed from the list of Honorary Members;
- (2) Review the Register of Subcommittees and by resolution—
  - (a) change the list of Subcommittees as it resolves; and
  - (b) change the convenors and minutes secretaries as it resolves;
  - (c) change the members as it resolves;
- (3) Set the date for Committee Meetings and for any Finance subcommittee meetings;
- (4) Review the schedule of regular financial transactions and approve or adjust by resolution.
- (5) Review any Petty Cash Float and approve or adjust by resolution.

### ***F3. Delegation***

The Secretary must maintain a Register of Delegations determined by the Committee containing—

- (a) the detailed function being delegated; and
- (b) the name of the person or company to whom the function is delegated; and
- (c) the date of commencement of the delegation; and
- (d) the date of cessation of the delegation; and
- (e) the limits, if any, of the delegation;

### ***F4. Delegation of Secretary functions***

Upon the advice of the Secretary—

- (1) The Committee may by resolution delegate to office holders any of the following secretarial functions—
  - (a) Membership;
  - (b) preparation but not signature of correspondence;
  - (c) minutes;
  - (d) agendas;
  - (e) maintenance of correspondence files;
  - (f) such other functions as may be recommended.

## ***F5. Delegation of Treasury functions***

Upon the advice of the Treasurer—

- (1) The Committee may by resolution delegate to another office holder any of the following treasury functions under the direction of the Treasurer—
  - (a) keeping accounts;
  - (b) payment of accounts payable;
  - (c) receiving of accounts receivable;
  - (d) banking of monies received by the Association.
- (2) The Committee may engage the services of an external service provider or company to perform the task of bookkeeping of the financial records of the Association;
- (3) The Committee may by resolution delegate to the bookkeeper the duty of maintaining the financial records of the Association;

## **G. CORRESPONDENCE**

### ***G1. Form of Correspondence***

- (1) All outgoing correspondence from the Association shall be written on the Association letterhead as approved by the Committee from time to time.
- (2) Each item of outgoing correspondence shall be recorded in the correspondence log for the Committee or the subcommittee.
- (3) The correspondence log shall be included in the minutes of the Committee or subcommittee.

## **H. SECRETARIAL MATTERS**

### ***H1. Inward Correspondence***

- (1) All inward correspondence shall be directed or delivered to the Secretary.
- (2) The Secretary shall record the details of each item of incoming correspondence in the inwards correspondence log.
- (3) The Secretary shall forward inwards correspondence to the appropriate office holder or shall table it at the next Committee meeting. The Secretary may copy an item of inwards correspondence for tabling at the next Committee meeting.

### ***H2. Outgoing correspondence from an Association subcommittee***

- (a) Each item of correspondence from a subcommittee shall be entered in the subcommittee correspondence log and minuted;
- (b) each outward Association correspondence from a subcommittee, shall be notated “cc: Secretary” and shall be copied to the Secretary;
- (c) the Secretary shall place the item of correspondence in the Outgoing Correspondence files.

### *H3. Official Association Correspondence*

- (a) All outward correspondence must be endorsed by Committee for good business practice and for the protection of the writer from any claims that may arise from the correspondence;
- (b) All outward official correspondence shall be signed by the Secretary or by an office holder authorised by the Committee to do so;
- (c) the Secretary shall place the item of correspondence in the Outgoing Correspondence files.

### *H4. Keeping of Correspondence*

The safe keeping of correspondence files is the responsibility of the Secretary

### *H5. Record Keeping*

The Secretary or the Secretary's delegate under By-law F4 shall keep records of the Association including—

- (a) minutes of general meetings, Committee meetings and subcommittee meetings;
- (b) copies of incoming and outgoing correspondence;
- (c) documents including leases and other documents.

### *H6. Records of Meetings*

The Secretary shall—

- (a) prepare an Agenda for the each Committee meeting listing all items for which notice has been given;
- (b) attend all Committee meetings and general meetings;
- (c) prepare minutes that record attendance, apologies, inward and outward correspondence, documents tabled, resolutions and proceedings of such meetings;
- (d) prepare an notice of meeting for each general meeting in compliance with Rule 33 of the Rules;
- (e) distribute minutes of general and Committee meetings to Committee members.

### *H7. Annual Report*

The Secretary shall coordinate, assemble and edit the Annual Report.

## **I. TREASURY MATTERS**

### *I1. Unauthorised Expenditure*

- (1) No Member shall spend money on behalf of the Association without the permission of the Committee.
- (2) Should reimbursement of any authorised expenditure be required, adequate documentation shall be provided to the Treasurer. No approval shall be provided unless the expenditure is part of a project approved by the Committee.

### *I2. Bank Account Signatories*

- (1) Cheque Accounts

A Committee member as authorised by the Committee, may be a signatory to the General Account and any other cheque account authorised by the Committee.

## (2) Investment Accounts

As authorised by the Committee, the President, the Vice President, the Secretary and the Treasurer may be signatories to all investment accounts.

## (3) “Cash Float” Cheque Accounts

Separate cheque accounts may be established by resolution of the Committee when necessary and—

- (a) A subcommittee member as authorised by the Committee, may be a signatory to a “Cash Float” Cheque Account; and
- (b) Each cheque must be signed by 2 Members who are duly authorised by the Committee.

## (4) Cheque Books

Except for the General Account there shall for a cheque account be only one cheque book in use at any time.

### ***I3. Regular Payments***

These transactions include but are not limited to—

- (a) Utilities and telephones;
- (b) Accounting and bookkeeping fees;
- (c) Lease, rental and other premises fees;
- (d) Prizes and awards;
- (e) Postage.

### ***I4. Payment of Invoices and Accounts***

- (1) Invoices should be mailed to the current address marked for the attention of the Treasurer.
- (2) Invoices are to be tabled as Accounts Payable and presented to the Committee to authorise payment.
- (3) Out-of-pocket claims with relevant receipts and Tax Invoices are to be forwarded to the Treasurer to be tabled as Accounts Payable and presented to the Committee to authorise payment.

### ***I5. Petty Cash Floats***

- (a) The Committee may by resolution issue a specified amount for petty cash, to a Sub-Committee to be used for approved Association activities.
- (b) The Treasurer or another office holder (if delegated) will replenish the petty cash float when all receipts have been received.

## **J. ASSOCIATION PROPERTY**

### ***J1. Care of Association Property***

- (1) All articles loaned to, leased by or belonging to the Association shall be properly cared for.
- (2) Members shall promptly notify the relevant office holder of any loss or damage occasioned to Association property.
- (3) The office holder shall gather all the facts and details of the loss or damage and shall report them in writing to the Committee within 10 normal working days.

## **K. GIFTS AND DONATIONS**

### **(1) Donor Form and Deed of Gift—**

- (a) In keeping with the requirements of Rule 81 of the Rules, the Committee has approved the form set out in Appendix 6. This form should be used for receiving Gifts and Donations into the Association;

### **(2) For each bequest, donation, or gift—**

- (a) Two original forms must be completed and signed by the Donor and by an office holder of the Association; and
- (b) One original copy of the completed and signed form must be given to the Donor and the other must be given to the Secretary.

## Appendix 1 APPOINTMENT OF PROXY FORM

I,

..... (name in full)

Of ..... (address in full)

being a Member of Mackie Cricket Club Inc. A0005909G

### APPOINT

..... (name of proxy holder in full)

of ..... (address of proxy holder)

being a Member of that Incorporated Association, **annual \*** general meeting of  
as my proxy to vote for me on my behalf at the / the Association  
**special \***

(strike out which does not apply)

to be held on ..... / ..... / ..... (date of meeting)

and at any adjournment of that meeting.

My proxy is authorised to vote

**\*in favour of** / **\*against** / **\*abstain** (strike out which does not apply)

the following resolution(s):

(insert details of resolution(s))

..... Signed

..... / ..... / ..... Date

## ***Appendix 2 NOMINATION FOR COMMITTEE POSITION FORM***

I,

*(name in full)*

of

*(address in full)*

being a Member of

the Mackie Cricket Club Inc. A0005909G **NOMINATE**

*(name of nominee)*

for the position of

*(insert title of position)*

**Signed**

..... / ..... / ..... Date

---

I,

*(name of nominee)*

**ACCEPT** the nomination.

**Signed**

..... / ..... / ..... Date



### ***Appendix 3 SCHEDULE OF MEMBERSHIP AND OTHER FEES***

These fees apply to the year commencing 1 May 2013

#### **Annual Subscription Renewal Fee**

<i>Fee</i>	<i>Amount</i>
Full Member	
Associate Member	

#### **Membership Fee - New Member**

The Membership fee for a new member is currently \$    per annum.

## ***Appendix 4 ACCESS RESTRICTION REQUEST FOR REGISTER OF MEMBERS***

Name of member .....

Please restrict member access to the Register of Members so that my personal information is made available to:

☐

Secretary and members of the Committee only

☐

Secretary and members of the Committee only other than:

.....

.....

**Special circumstances for the making of this access restriction request:**

☐

I have sought or been granted an Apprehended Violence Order against another Member of the Association or a person associated with a Member of the Association

☐

I am involved in a matrimonial, relationship or child protection dispute with another Member of the Association or a person associated with a Member of the Association

☐

Other special circumstances as set out below:

.....

.....

Member signature ..... Date .....

The Secretary is obliged to consider and determine whether your special circumstances justify denying members access to your personal details in the membership register. If the Secretary refuses your request you will be given notice of and reasons for that refusal. You may then apply within 28 days of that refusal for VCAT to review that decision. No release of your personal information will occur until 28 days after the refusal or the outcome of any VCAT review. *[section 59 Associations Incorporation Reform Act 2012]*

The completed and signed access restriction request should be scanned and emailed to: [\(insert details as required\)](#).

## ***Appendix 5 REGISTER OF SUBCOMMITTEES***

This table contains the list of subcommittees.

Subcommittee	Date of creation	Convenor	Minutes Secretary	Subcommittee Members	Date of Cessation

## **Appendix 6 DONOR FORM and DEED of GIFT**

Registration Number: .....

I/We ..... hereby give to the Committee of the Mackie Cricket Club Inc. absolute and unconditional ownership of the following items together with all copyright and associated rights.

Name of Item: .....

Description: .....

.....

.....

I/We declare that:

To the best of my/our belief, the subject of this gift is free and clear of all encumbrances and restrictions;  
this gift shall enure for the benefit of the Association, its successors, and transferees in perpetuity;  
this gift shall not be determined upon my death and shall bind my Legal personal representatives.

Name: ..... Donor's Signature: .....

Date: .....

Address of Donor: .....

.....

Telephone Number: .....

---

The Mackie Cricket Club Inc. hereby accepts the gift of items described above

Name: ..... Signature: .....

Date: ..... Position: .....

**Note: Two copies of this Form and Deed are to be signed – one to be retained by the Donor and one to be retained by the Secretary.**

---

RAAV administration only: ..... Copy of this form to interested parties: .....

.

Donated item/s to be stored at: .....

.....

Catalogued: Yes / No ..... Catalogue item number: .....