

**The Christian Counsellors Association of Australia Inc  
Rules and Statement of Purposes**

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# **The Christian Counsellors Association of Australia Inc**

## **Rules and Statement of Purposes**

### **Table of Contents**

#### **Rules**

##### **Rule**

1. Name
2. Interpretation
3. Membership
- 4-6. Cessation of Membership
7. Disputes and Mediation
8. Register of Members and Councillors
9. Entrance Fee and Annual Subscription
- 10-12. National Council
- 13-14. Proceedings of Council
15. Officers
16. Vacancies
17. Annual General Meeting
- 18-19. Special General Meetings
20. Notice of Meetings
- 21-27. Proceedings at General Meetings
28. Returns
29. Secretary
30. Treasurer
31. Cheques
32. Seal
33. Alterations of Rules and Statement of Purposes
34. Notices
35. Winding Up or Cancellation
36. Custody of Records
37. Funds

#### **Statement of Purposes**

1. Name
2. Purposes

## **RULES OF AN INCORPORATED ASSOCIATION CHRISTIAN**

### **COUNSELLORS ASSOCIATION OF AUSTRALIA INC**

#### **NAME**

1. The name of the Incorporated Association is "Christian Counsellors Association of Australia" (in these Rules called "the National Association").

#### **INTERPRETATION**

2. (1) In these Rules, unless the contrary intention appears:-  
"Council" means the National Council of the National Association.  
"Councillor" means a delegate of a Member Association and an ordinary member of the Council who is not an officer of the Association under Rule 14.  
"Financial Year" means the year ending on 30 June.  
"General Meeting" means a general meeting of members convened in accordance with Rule 19.  
"Member" means a Member Association of the National Association.  
"Public Officer" means the Public Officer as defined in the Act.  
"The Act" means the *Associations Incorporation Act 1981*.  
"The Regulations" means Regulations under the Act.  
  
(2) In these Rules, a reference to the Secretary of the Association is a reference -  
  - (a) where a person holds office under these Rules as Secretary of the National Association - to that person; and
  - (b) in any other case, to the Public Officer of the National Association.  
(3) Words or expressions contained in these Rules shall be interpreted in accordance with the *Interpretation of Legislation Act 1984* and the Act as in force from time to time.

#### **MEMBERSHIP**

3. (1) The members of the National Association are:  
  
Christian Counsellors' Association (Victoria) Inc  
Christian Counsellors' Association (Queensland) Inc  
Christian Counsellors' Association (New South Wales)  
Christian Counsellors' Association (South Australia)  
Christian Counsellors' Association (Western Australia) Inc  
  
(2) The Council may by special resolution admit such other organisation or association whether incorporated or otherwise as a Member Association where it is satisfied that the constitution or rules of such organisation or association conform to the requirements, aims, objectives and standards of accreditation set by the Council.  
  
(3) An application for membership shall be in writing and shall be lodged with the secretary together with the constitution or rules of the applicant.  
  
(4) Prior to the granting of approval to an applicant for membership the Council may require the variation or amendment of the constitution or rules of the applicant in any manner it deems appropriate.

- (5) The Council may refuse any application for membership and shall not be required to give reasons for such refusal.

#### **CESSATION OF MEMBERSHIP**

4. (1) A Member Association ceases to be a member of the National Association if its membership is cancelled, or it is expelled or it withdraws in accordance with these rules.
- (2) If a Member Association ceases to be a member of the National Association whether by cancellation, expulsion or withdrawal it shall not directly or indirectly hold itself out to be associated with the National Association and must not carry out its activities under the name "Christian Counsellors Association" or under any name which may be confused with the National Association or the Member Associations.
5. (1) Subject to these Rules, the Council may by resolution-
- (a) expel a Member Association from the National Association; or
  - (b) warn a Member Association that it may be expelled if it continues to act in the specified manner of which the National Association disapproves; if it is of the opinion that the Member Association:-
  - (c) has refused or neglected to comply with these Rules or the by-laws of the Council; or
  - (d) has been guilty of conduct unbecoming a Member Association or prejudicial to the interests of the National Association.
- (2) A resolution of the Council under sub-clause (1) does not take effect unless the Council, at a meeting held not earlier than 14 and not later than 28 days after the service on the Member Association of a notice under sub-clause (3) confirms the resolution in accordance with this clause.
- (3) If the Council passes a resolution under sub-clause (1), the Secretary shall, as soon as practicable, cause to be served on the Member Association a notice in writing-
- (a) setting out the resolution of the Council and the grounds on which it is based;
  - (b) stating that a representative or representatives of the Member Association may address the Council at a meeting to be held not earlier than 14 and not later than 28 days after service of the notice;
  - (c) stating the date, place and time of that meeting;
  - (d) informing the Member Association that it may do one or more of the following:
    - (i) Appoint a representative to attend that meeting; and/or
    - (ii) Give to the Council before the date of that meeting a written statement seeking the revocation of the resolution.
- (4) At a meeting of the Council held in accordance with sub-clause (2), the Council-
- (a) shall give to the Member Association an opportunity to be heard;
  - (b) shall give due consideration to any written statement submitted by the Member Association; and
  - (c) shall by resolution determine whether to confirm or to revoke the resolution.
- (5) A representative of a Member Association appointed to attend a meeting of the Council held in accordance with sub-clause (2) shall not be entitled to vote unless the representative is also a Councillor.

- (6) On expulsion under this rule or if a Member Associations withdraws under rule 6, all moneys paid to the National Association by the Member Association shall remain the property of the National Association.
6. (1) If a Member Association wishes to withdraw from the National Association it must:
- (a) call a special council meeting of the Member Association to pass a resolution seeking cancellation of its membership, and to record any reasons it may wish to advance together with any remedial action by the National Association which might alter its position;
  - (b) forward copies of the resolution together with the other resolutions of the meeting to each of the other Member Associations and to the secretary;
  - (c) forward a request for a special general meeting of the National Association to the secretary.
- (2) The special general meeting of the National Association may decide to accept the cancellation of membership or to call for a period of not more than six months negotiation between the National Association and the withdrawing Member Association and shall draft a statement in reply to the statement of the Member Association.
- (3) (a) If the National Association calls for a period of negotiation in accordance with sub-clause (2) the withdrawing Member Association must call a second special council meeting to consider the statement received from the National Association and to determine whether to confirm or revoke its resolution.
- (b) If the council of the Member Association confirms the resolution it must then convene a special general meeting of its members and give notice of the proposed special resolution and include each of the statements prepared in accordance with clauses (1) and (2).
- (c) If the special resolution is approved by two thirds of those present and voting at that special general meeting the Member Association shall cease to be a member of the National Association.

## **DISPUTES AND MEDIATION**

7. (1) The grievance procedure set out in this rule applies to disputes under these Rules between:-
- (a) a Member Association and another Member Association; or
  - (b) a Member Association and the Association.
- (2) The parties to the dispute, must meet and discuss the matter in dispute, and, if possible, resolve the dispute within 14 days after the dispute comes to the attention of all the parties.
- (3) If the parties are unable to resolve the dispute at the meeting, or if a party fails to attend that meeting, then the parties must, within 10 days, hold a meeting in the presence of a mediator.
- (4) The mediator must be:-
- (a) a person chosen by agreement between the parties; or
  - (b) in the absence of agreement:-
    - (i) in the case of a dispute between a Member Association and another Member Association, a person appointed by the Council;

or

- (ii) in the case of a dispute between a member and the Association, a person who is a mediator appointed or employed by the Dispute Settlement Centre of Victoria (Department of Justice).
- (5) A member of a Member Association can be a mediator.
  - (6) The mediator cannot be a member of a Member Association who is a party to the dispute.
  - (7) The parties to the dispute must, in good faith, attempt to settle the dispute by mediation.
  - (8) The mediator, in conducting the mediation, must:-
    - (a) give the parties to the mediation process every opportunity to be heard; and
    - (b) allow due consideration by all parties of any written statement submitted by any party; and
    - (c) ensure that natural justice is accorded to the parties to the dispute throughout the mediation process.
  - (9) The mediator must not determine the dispute.
  - (10) If the mediation process does not result in the dispute being resolved, the parties may seek to resolve the dispute in accordance with the Act or otherwise at law.

#### **REGISTER OF MEMBERS AND COUNCILLORS**

- 8. The Secretary shall keep and maintain a register of members and Councillors in which is registered the name, contact address and date of joining of each Member Association and Councillor and the register shall be available for inspection and copying by Member Associations upon request.

#### **ENTRANCE FEE AND ANNUAL SUBSCRIPTION**

- 9. (1) The annual subscription consists of a capitation fee based on the membership of each Member Association as at 30 September in the previous year. It is determined at the annual general meeting, and must be paid to the treasurer by 31 May.
- (2) There is no joining fee.

#### **NATIONAL COUNCIL**

- 10. (1) The affairs of the National Association shall be managed by the National Council who shall consist of no more than two delegates, to be referred to as Councillors, from each Member Association.

(2) The first Councillors of the National Association shall be:

- Victoria: .....
- New South Wales: .....
- Queensland: .....
- Western Australia: .....
- South Australia: .....

At the conclusion of:

- (a) the first annual general meeting of the National Association the first named Councillor from each Member Association shall offer to retire;
- (b) the second annual general meeting of the National Association the second named Councillor from each Member Association shall offer to retire;

but in each case the retiring Councillor shall be eligible for re-appointment by his or her Member Association.

- (3) Each Member Association shall in every year appoint one of its members to the office of Councillor and the Councillor so appointed shall hold office from the conclusion of the annual general meeting of the National Association next following his or her appointment until the conclusion of the second annual general meeting after taking office or until such appointment is revoked by his or her Member Association.
- (4) In the event of any revocation of an appointment by a Member Association pursuant to subclause (3) or any casual vacancy in the office of Councillor the appointing Member Association may appoint one of its members to the vacant office and the member so appointed shall continue in office until the conclusion of the term of office for which the retiring Councillor was appointed. If no appointment is made by the Member Association within sixty days of the vacancy occurring the Council may appoint any member of the Member Association to the vacant office and such appointment shall be as if the appointment was made by the Member Association.

11. The Council-

- (a) shall control and manage the business and affairs of the National Association;
- (b) may, subject to these Rules, the Regulations and the Act, exercise all such powers and functions as may be exercised by the National Association other than those powers and functions that are required by these Rules to be exercised by the National Association in general meeting; and
- (c) subject to these Rules, the Regulations and the Act, has power to perform all such acts and things as appear to the Council to be essential for the proper management of the business and affairs of the National Association.

12. The Council may make by-laws not inconsistent with these rules for the better management of the affairs of the National Association including but not limited to:

- (a) the qualifications and requirements for levels of membership of Member Associations including such educational and practical qualifications as the Council may deem appropriate;

- (b) the establishment and regulation of any Board or Committee of the National Association or of any disciplinary or complaints body of the Member Associations;
- (c) the establishment and administration of a Code of Ethics for observation by Member Associations;
- (d) regulate procedures for the hearing of complaints by Member Associations against accredited members with regard to the due observance of the ethical standards, reputation and the objects of the National Association and to prescribe forms of penalty which the Council deem appropriate; and
- (e) establish and administer guidelines and standards of supervision for Christian counselling to be observed by Member Associations.

### **PROCEEDINGS OF COUNCIL**

13. (1) The Council shall meet at least twice in each year at such place and such times as the Council may determine.
- (2) Special meetings of the Council may be convened by the President or by half of the Councillors representing no less than one half of the Member Associations.
- (3) (a) A meeting of the Council may be held as a telephone or video conference and the procedure for such meeting is the same as for a normal Council meeting except that it is not necessary for the participating members to be present in the same room.
- (b) If a draft resolution is circulated in writing to all Councillors and is signed by not less than three quarters of the Councillors such resolution shall be deemed as valid and effectual a resolution as if it had been passed at a meeting of the Council duly convened and held. Such resolution may consist of several documents in like form each signed by one or more Councillors.
- (4) Notice shall be given to Councillors of any special meeting specifying the general nature of the business to be transacted and no other business shall be transacted at such a meeting.
- (5) (a) The quorum at a meeting of the Council is one half of the total Councillors present in person or by proxy and representing at least three Member Associations.
- (b) In the event of Counsellor informing his/her member association that he/she is unable to attend a meeting of the National Council, that member association may appoint a proxy who may attend and vote at the nominated meeting.
- (6) No business shall be transacted unless a quorum is present and if within half an hour of the time appointed for the meeting a quorum is not present the meeting shall stand adjourned to the same place and at the same hour of the same day in the following week unless the meeting was a special meeting in which case it lapses.
- (7) At meetings of the Council-
  - (a) the President shall preside; or
  - (b) if the President is absent, the Councillors shall elect one of their number to preside.
- (8) Each Councillor at a meeting of the Council or of any sub-committee appointed by the Council (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 matter in question shall be deferred for re-consideration at a subsequent meeting of the Council whether convened for that purpose or otherwise.

- (9) Written notice of each Council meeting shall be served on each Councillor by delivering it to the Councillor or by sending it by pre-paid post addressed to him or her at his or her usual or last known place or abode at least ten business days before the date of the meeting.
  - (10) Subject to sub-clause (5) the Council may act notwithstanding any vacancy on the Council.
14. (1) The Council may delegate any of its powers to such sub-committees consisting of Councillors and such other persons whether or not such persons are members of a Member Association as it thinks fit and shall appoint a Chairperson to chair the meeting of the sub-committee. Any sub-committee so formed shall in the exercise of the power so delegated conform to any rules which may be imposed on it by the Council.
- (2) A sub-committee may meet and adjourn as it thinks proper.

### **THE OFFICERS**

15. (1) The officers of the National Association shall be-
- (a) a President;
  - (b) a Treasurer; and
  - (c) a Secretary.
- (2) The officers shall be elected from among the Councillors at each annual general meeting of the National Association in such manner as shall be determined by the Council and the officers so elected shall hold office until the annual general meeting next following their election.
- (3) Only one Councillor from any one Member Association may be appointed an officer in any year.
- (4) In the event of a casual vacancy in any office referred to in sub-clause (1), the Council may notwithstanding sub-clause (3) appoint one of its members to the vacant office and the member so appointed may continue in office until the conclusion of the term of office for which the retiring officer was elected.

### **VACANCIES**

16. For the purposes of these Rules, the office of an officer of the National Association or of a Councillor shall become vacant if his or her appointing Member Association ceases to be a member of the National Association or the officer or Councillor-
- (a) ceases to be a member of the appointing Member Association;
  - (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.

### **ANNUAL GENERAL MEETING**

17. (1) The National Association shall in each calendar year convene an annual general meeting.
- (2) The annual general meeting shall be held on such day as the Council determines.

- (3) The annual general meeting shall be specified as such in the notice convening it.
- (4) The ordinary business of the annual general meeting shall be -
  - (a) to confirm the minutes of the last preceding annual general meeting and of any general meeting held since that meeting;
  - (b) to receive from the Council reports upon the transactions of the National Association during the last preceding financial year;
  - (c) to elect the officers of the National Association;
  - (d) to set the annual subscriptions payable by each Member Association to the National Association; and
  - (e) to receive and consider the statement submitted by the National Association in accordance with section 30 (3) of the Act.
- (5) The annual general meeting may transact special business of which notice is given in accordance with these Rules.
- (6) The annual general meeting shall be in addition to any other general meetings that may be held in the same year.

#### **SPECIAL GENERAL MEETING**

18. All general meetings other than the annual general meeting shall be called special general meetings.
19.
  - (1) The Council may, whenever it thinks fit, convene a special general meeting of the National Association and where, but for this sub-clause, more than fifteen months would elapse between annual general meetings, shall convene a special general meeting before the expiration of that period.
  - (2) The Council shall convene a special general meeting of the National Association:
    - (a) upon receipt of a written request for a special general meeting signed by two thirds of the Councillors;
    - (b) upon receipt of a written request for a special general meeting signed by the secretary of a Member Association pursuant to Rule 6; or (b) where more than fifteen months would elapse between annual general meetings.
  - (3) The written request for a special general meeting shall state the objects of the meeting and shall be signed by the Councillors making the request and be sent to the address of the Secretary and may consist of several documents in a like form, each signed by one or more of the Councillors making the request.
  - (4) If the Council does not cause a special general meeting to be held within the month after the date on which the request is sent to the address of the Secretary, the Councillors making the request, or any of them, may convene a special general meeting to be held not later than three months after that date.
  - (5) A special general meeting convened by Councillors in pursuance of these rules shall be convened in the same manner as nearly as possible as that in which those meetings are convened by the Council.

## **NOTICE OF MEETING**

20. (1) The Secretary of the National Association shall, at least 14 days before the date fixed for holding a general meeting of the National Association, cause to be sent to the secretary of each Member Association and to each Councillor of the National Association a notice by pre-paid post stating the place, date and time of the meeting and the nature of the business to be transacted at the meeting.
- (2) No business other than that set out in the notice convening the meeting shall be transacted at the meeting.
- (3) A Councillor desiring to bring any business before a meeting may give notice of that business in writing to the Secretary, who shall include that business in the notice calling the next general meeting after the receipt of the notice.

## **PROCEEDINGS AT GENERAL MEETINGS**

21. (1) Any general meeting of the National Association may be held as a telephone or video conference and the procedure for such meeting is the same as for a special general meeting or an annual general meeting as the case may be except that it is not necessary for the participating members to be present in the same room.
  - (2) All business that is transacted at a special general meeting and all business that is transacted at the annual general meeting with the exception of that specially referred to in these Rules as being the ordinary business of the annual general meeting shall be deemed to be special business.
  - (3) No item of business shall be transacted at a general meeting unless a quorum of Councillors entitled under these Rules to vote is present during the time when the meeting is considering that item.
  - (4) The quorum at a general meeting shall be one half of the Councillors present in person or by proxy and representing at least three Member Associations.
  - (5) If within half an hour after the appointed time for the commencement of a general meeting, a quorum is not present, the meeting if convened upon the requisition of Councillors shall be dissolved and in any other case shall stand adjourned to the same day in the next week at the same time and (unless another place is specified by the Chairperson at the time of the adjournment or by written notice to the Councillors given before the day to which the meeting is adjourned) at the same place and if at the adjourned meeting the quorum is not present within half an hour after the time appointed for the commencement of the meeting, the Councillors present (being not less than 3) shall be a quorum.
22. (1) The President shall preside as Chairperson at each general meeting of the National Association
  - (2) If the President is absent from a general meeting, the Councillors present shall elect one of their number to preside as Chairperson at the meeting.
23. (1) The Chairperson of a general meeting at which a quorum is present may, with the consent of the meeting, adjourn the meeting from time to time and place to place, but no business shall be transacted at an adjourned meeting other than the business left unfinished at the meeting at which the adjournment took place.

- (2) Where a meeting is adjourned for fourteen days or more, a like notice of the adjourned meeting shall be given as in the case of the general meeting.
  - (3) Except as provided in sub-clauses (1) and (2), it is not necessary to give notice of an adjournment or of the business to be transacted at an adjourned meeting.
24. A question arising at a general meeting of the National Association shall be determined on a show of hands and unless before or on the declaration of the show of hands a poll is demanded, a declaration by the Chairperson that a resolution has, on a show of hands, 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 National Association is evidence of the fact, without proof of the number or proportion of the votes recorded in favour of, or against, that resolution.
25.
  - (1) Upon any question arising at a general meeting of the National Association, a Councillor has one vote only.
  - (2) All votes shall be given personally or by proxy.
  - (3) In the case of an equality of voting on a question, the Chairperson of the meeting is entitled to exercise a second or casting vote.
26.
  - (1) If at a meeting a poll on any question is demanded by not less than two Councillors, it shall be taken at that meeting in such manner as the Chairperson may direct and the resolution of the poll shall be deemed to be a resolution of the meeting on that question.
  - (2) A poll that is demanded on the election of a Chairperson or on a question of an adjournment shall be taken forthwith and a poll that is demanded on any question shall be taken at such time before the close of the meeting as the Chairperson may direct.
27.
  - (1) A Councillor shall only be entitled to appoint another Councillor proxy and such appointment shall be made by notice given to the Secretary prior to the commencement of the meeting in respect of which the proxy is appointed.
  - (2) The notice appointing the proxy shall be in the form set out in Appendix 1.

## **RETURNS**

28.
  - (1) On or before 31 May in each year each Member Association must forward to the Secretary:
    - (a) a membership list of the Member Association; and
    - (b) a notice of appointment of Councillor for the following year in the form set out in Appendix 2.
  - (2) Each Member Association must notify the Secretary of any alteration or amendment to its constitution within fourteen days of its approval by the Member Association.

## **SECRETARY**

29. The Secretary of the National Association shall keep minutes of the resolutions and proceedings of each general meeting and each Council meeting in books provided for that purpose together with a record of the names of persons present at Council meetings.

## **TREASURER**

30. The Treasurer of the National Association—
- (a) shall collect and receive all moneys due to the National Association and make all payments authorised by the National Association; and
  - (b) shall keep correct accounts and books showing the financial affairs of the National Association with full details of all receipts and expenditure connected with the activities of the National Association.

## **CHEQUES**

31. All cheques, drafts, bills of exchange, promissory notes and other negotiable instruments shall be signed, by two members of the Council.

## **SEAL**

32. (1) The Common Seal of the National Association shall be kept in the custody of the Secretary.
- (2) The Common Seal shall not be affixed to any instrument except by the authority of the Council and the affixing of the Common Seal shall be attested by the signatures either of two Councillors or of one Councillor and of the Public Officer of the National Association.

## **ALTERATION OF RULES AND STATEMENT OF PURPOSES**

33. (1) These rules and the Statement of Purposes of the National Association may only be amended by a special resolution passed by the Council and approved by not less than one half of the Member Associations.
- (2) If the Council passes a special resolution under sub-clause (1) the secretary shall within fourteen days of the passing of the special resolution forward to each Member Association a copy of the resolution and any explanatory memorandum which the Council may in its discretion prepare with regard to the resolution.
- (3) Upon receipt of the resolution and explanatory notes (if any) under sub-clause (2) each Member Association shall determine whether or not to approve the resolution and shall notify the secretary of the National Association in writing of its decision. If a Member Association does not approve the resolution it shall provide the secretary of the National Association with a statement setting out the reasons for its decision.
- (4) If the secretary having complied with sub-clause (2) does not receive from any Member Association notice in writing of the approval or otherwise of the resolution within sixty days of its being passed by the Council such Member Association shall be deemed to have approved the resolution.

## **NOTICES**

34. (1) A notice may be served by or on behalf of the National Association upon any Member Association or Councillor:-
- (a) personally; or
  - (b) by sending it by post to the Member Association or Councillor at the address shown in the Register of Members and Councillors; or
  - (c) by sending it by fax or electronic mail if the Member Association or Councillor has notified an address applicable to that system.
- (2) Where a document is properly addressed pre-paid and posted to a person as a letter, the document shall, unless the contrary is proved, be deemed to have been given to the person at the time at which the letter would have been delivered in the ordinary course of post.
- (3) Where a document is sent by fax or electronic mail it shall be deemed to have been received when the sender receives acknowledgment that the addressee has personally seen it or on the first business day after the date of sending.

## **WINDING UP OR CANCELLATION**

35. (1) The National Association shall not make any distribution to its members, whether in money, property or in any other way, of any assets belonging to the National Association. This does not prevent the payment in good faith of remuneration of any officers or servants of the National Association for any services actually rendered.
- (2) If upon the winding up or of the cancellation of the incorporation of the National Association there remains, after satisfaction of all its debts and liabilities any property, it must be given or transferred to some other institution or institutions having objects similar in whole or in part to the objects of the National Association and which prohibits the distribution of any surplus to at least the same extent as is required by these rules.
- (3) The institution or institutions must be nominated by special resolution of the Council at the time of winding up.

## **CUSTODY OF RECORDS**

36. (1) Except as otherwise provided in these Rules, the Secretary shall keep in his or her custody or under his control all books, documents and securities of the National Association.
- (2) The accounts of the National Association shall be available for inspection and copying by any Member Association of the National Association upon request.

## **FUNDS**

37. The funds of the National Association shall be derived from:-
- (a) annual subscriptions payable by each Member Association the amount of which shall be determined by the National Association at each Annual General Meeting; and
  - (b) all donations, seminar fees and such other sources as the Committee determines.

**Appendix 1**

**FORM OF APPOINTMENT OF PROXY**

I, .....  
(Name)

of.....  
(Address)

being a member of the Council of Christian Counsellors of  
Australia me

appoint .....  
(Name)

of.....  
(Address)

being a member of the Council of Christian Counsellors  
Association of Australia as my proxy to vote

for me on my behalf at the general meeting of the Association  
(annual general meeting or special

general meeting, as the case may be) to be held on

..... 20 ..... and at any adjournment

of that meeting.

My proxy is authorised to vote in favour of/against (delete as  
appropriate) the resolution (insert details).

Signed.....

Dated.....