



The Constitution

of the

**Motor Neurone Disease Association of Tasmania
Incorporated**

Approved at the Annual General Meeting
Sunday 2nd March 2014

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1. Name of Association

(1) The name of the Association is as follows:

Motor Neurone Disease Association of Tasmania, Incorporated hereinafter called “the Association”.

(2) The name of the Incorporated Association may be abbreviated to MNDTas.

2. Interpretation

In these rules, unless the context otherwise requires:

accounting records has the same meaning as in the Act

Act means the Associations Incorporation Act 1964.

annual general meeting means an annual general meeting of the Association held under rule 10.

Association means the association referred to in rule 1.

Association has the same meaning as in the Act.

auditor means the person appointed as the auditor of the Association under rule 8.

authorised deposit-taking institution means a body corporate that is an authorised deposit-taking institution for the purposes of the Banking Act 1959 of the Commonwealth.

basic objectives of the Association means the objectives and purposes of the Association as stated in an application under section 7 of the Act for the incorporation of the Association.

Board means the governing body referred to in rule 20.

financial year has the same meaning as in the Act.

general meeting means:

(1) an annual general meeting or

(2) a special general meeting.

officer of the Association means a person elected as an officer of the Association at an annual general meeting or appointed as an officer of the Association under rule 19.

ordinary business of an annual general meeting means the business specified in rule 10.

ordinary Board member means a member of the Board other than an officer of the Association.

special Board meeting means a meeting of the Board that is convened under rule 22.4 by the president or any 4 of the members of the Board.

special general meeting means a meeting of the Association, other than an annual general meeting, convened under rule 11.

special resolution has the same meaning as in the Act.

3. Objectives and purposes of Association

The objectives and purposes of the Association are:

(1) to provide the best possible care and support for people living with MND.

(2) to collect and share the best available advice on living with MND.

(3) to create and foster links between people living with MND by providing opportunities for interaction.

(4) to raise awareness of MND and the needs it creates.

(5) to develop and maintain relations with MND Associations within Australia and overseas.

(6) to foster and maintain links that help the Association achieve its mission.

(7) to encourage and support research initiatives and disseminate knowledge of research progress.

(8) to achieve the Association's mission through innovation and influence.

(9) to raise money in any manner and on terms

(a) the Board thinks fit or

(b) approved or directed by resolution passed at a general meeting.

(10) subject to the provisions of the *Trustee Act 1898*, the investment, in any manner the Board determines, of any money the Association does not immediately require for any of the objectives or purposes of the Association.

(11) the making of a gift, subscription or donation to any of the funds, authorities or institutions to which section 78A of the Income Tax Assessment Act 1936 of the Commonwealth relates

(12) the purchase, or acquisition, and the undertaking of all or part of the property, assets, liabilities or engagements of any association with which the Association is amalgamated in accordance with the provisions of the Act and the rules of the Association.

(13) the doing of any lawful thing incidental or conducive to the attainment of the objectives or purposes of the Association.

(14) to meet physically as often as is possible.

4. Membership of Association

(1) A person who is nominated and approved for membership in accordance with this rule is eligible to be a member of the Association on payment of the annual subscription as determined by the Board.

(2) People living with MND and their carers are offered free membership.

(3) A person shall not be admitted to membership unless

(a) They have completed and lodged the membership application form approved by the Board and

(b) paid the appropriate fees.

(4) Upon receipt of the application and fees the Secretary or delegate shall enter the nominee's name in the Register of Members, and upon the name being so entered, the nominee becomes a Member of the Association.

(5) The rights, privileges and obligations of membership of the Association

(a) are not transferable to another person

(b) terminate upon the cessation of membership.

(6) The Board may establish procedures and rules to provide for the awarding of Life Membership. Life membership may be awarded at the discretion of the Board to recognise special service to the Association. Life members will have all the rights of membership but will not be required to pay a membership fee.

(7) A member of the Association may resign by serving on the Secretary a written notice of resignation.

(8) On receipt of a notice from a member of the Association under rule 4.7 the Secretary is to remove the name of the member from the register of members.

5. Income and property of Association

(1) The income and property of the Association is to be applied solely towards the promotion of the objectives and purposes of the Association.

(2) No portion of the income or property of the Association is to be paid or transferred to any member of the Association unless the payment or transfer is made in accordance with this rule.

(3) The Association may:

(a) pay a servant or member of the Association

(i) remuneration in return for services rendered to the Association, or for goods supplied to the Association, in the ordinary course of business of the servant or member or

(ii) remuneration that constitutes a reimbursement for out-of-pocket expenses incurred by the servant or member for any of the objectives or purposes of the Association or

(iii) interest at a rate not exceeding 7.25% on money lent to the Association by the servant or member or

(iv) a reasonable amount by way of rent for premises, or a part of premises, let to the Association by the servant or member and

(b) if so requested by or on behalf of any other association, organisation or body, appoint or nominate a member of the Association to an office in that other association, organisation or body.

(4) Despite rule 5.3, the Association is not to pay a person any amount under that rule unless the Board has first approved that payment.

(5) Despite rule 5.3, the Association is not to appoint or nominate a member of the Association under that rule to an office in respect of which remuneration is payable unless the Board has first approved:

(a) that appointment or nomination and

(b) the receipt of that remuneration by that member.

6. Accounts of receipts and expenditure

(1) True accounts are to be kept of the following:

(a) each receipt or payment of money by the Association and the matter in respect of which the money was received or paid

(b) each asset or liability of the Association.

(2) The accounts are to be open to inspection by the members of the Association at any reasonable time, and in any reasonable manner, determined by the Board.

(3) The Treasurer of the Association is to keep all accounting books, and general records and records of receipts and payments, connected with the business of the Association in the form and manner the Board determines.

(4) The accounts, books and records are to be kept at the Association's office or at any other place the Board determines.

7. Banking and finance

(1) On behalf of the Association, the Treasurer of the Association is to:

(a) receive any money paid to the Association and

(b) immediately after receiving the money, issue an official receipt in respect of the money and

(c) cause the money to be paid into the account opened under rule 7.2 as soon as practicable after it is received.

(2) The Board is to open with an authorised deposit-taking institution an account in the name of the Association.

(3) The Board may:

(a) receive from an authorised deposit-taking institution a cheque drawn by the Association on any of the Association's accounts with the authorised deposit-taking institution and

(b) release or indemnify the authorised deposit-taking institution from or against any claim, or action or other proceeding, arising directly or indirectly out of the drawing of that cheque.

(4) Except with the authority of the Board, a payment of an amount exceeding \$50 is not to be made from the funds of the Association otherwise than by cheque drawn on the Association's account.

(5) The Board may provide the Treasurer with an amount of money to meet urgent expenditure, subject to any conditions the Board may impose in relation to the expenditure.

(6) A cheque is not to be drawn on the Association's account except for the purpose of making a payment that has been authorised by the Board.

(7) All cheques drawn or all other financial transactions shall be signed by any two of the President, Vice-President, Honorary Treasurer, approved Board Member.

8. Auditor

(1) At each annual general meeting, the members of the Association present at the meeting are to appoint a person as the auditor of the Association.

(2) If an auditor is not appointed at an annual general meeting under rule 8.1, the Board is to appoint a person as the auditor of the Association as soon as practicable after that annual general meeting.

(3) The auditor is to hold office until the next annual general meeting and is eligible for re-appointment.

(4) The auditor may only be removed from office by special resolution.

(5) If a casual vacancy occurs in the office of auditor, the Board is to appoint a person to fill the vacancy until the next annual general meeting.

9. Audit of accounts

(1) The auditor is to audit the financial affairs of the Association at least once in each financial year of the Association.

(2) The auditor, after auditing the financial affairs of the Association for a particular financial year of the Association, is to:

(a) certify as to the correctness of the accounts of the Association and

(b) at the next annual general meeting, provide a written report to the members of the Association present at that meeting.

(3) In the report and in certifying to the accounts, the auditor is to:

(a) specify the information, if any, that he or she has required under rule 9.5 and obtained and

(b) state whether, in his or her opinion, the accounts exhibit a true and correct view of the financial position of the Association according to the information at his or her disposal and

(c) state whether the rules relating to the administration of the funds of the Association have been observed.

(4) The treasurer of the Association is to deliver to the auditor a list of all the accounting records, books and accounts of the Association.

(5) The auditor may:

(a) have access to the accounting records, books and accounts of the Association and

(b) require from any servant of the Association any information the auditor considers necessary for the performance of his or her duties and

(c) employ any person to assist in auditing the financial affairs of the Association and

(d) examine any member of the Board, or any servant of the Association, in relation to the accounting records, books and accounts of the Association.

10. Annual general meeting

(1) The Association is to hold an annual general meeting each year.

(2) An annual general meeting is to be held on any day (being not later than 3 months after the end of the financial year of the Association) the Board determines.

(3) An annual general meeting is to be in addition to any other general meeting that may be held in the same year.

(4) The notice convening an annual general meeting is to specify the purpose of the meeting.

(5) The ordinary business of an annual general meeting is to be as follows:

(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 Board, auditor and servants of the Association reports on the transactions of the Association during the last preceding financial year of the Association

(c) to elect the officers of the Association and the ordinary Board members

(d) to appoint the auditor and determine his or her remuneration

(e) to determine the remuneration of servants of the Association.

(6) An annual general meeting may transact special business of which notice is given in accordance with rule 12.

11. Special general meetings

(1) The Board may convene a special general meeting of the Association, which shall include the Annual General Meeting, and be held not less than once each calendar year to further the objectives of the Association.

(2) The Board, on the requisition in writing of at least 10 members, or two-thirds of the membership whichever is less, of the Association, can convene a special general meeting of the Association by written notice of not more than 28 days and not less than 7 days of all special general meetings.

(3) A requisition for a special general meeting

(a) is to state the objectives of the meeting and set out the date, time and place and

(b) is to be signed by each of the requisitionists and

(c) is to be deposited with the Secretary by mail, email or by hand and

(d) may consist of several documents, each signed by one or more of the requisitionists and

(e) the Secretary will distribute such documents as soon as possible to all members and, if deemed necessary, display in the press.

(4) If the Board does not cause a special general meeting to be held within 28 days after the day on which a requisition is deposited to the Secretary of the Association, any one or more of the requisitionists may convene the meeting within 3 months after the day of the deposit of the requisition.

(5) A special general meeting convened by requisitionists is to be convened in the same manner, as nearly as practicable, as the manner in which a special general meeting would be convened by the Board.

12. Notices of general meetings

At least 14 days before the day on which a general meeting of the Association is to be held, the Public officer of the Association is to publish in at least one newspaper circulating in Tasmania an advertisement specifying:

- (1) the place, day and time at which the meeting is to be held and
- (2) the nature of the business that is to be transacted at the meeting.

13. Business and quorum at general meetings

(1) All business transacted at a general meeting, other than the ordinary business of an annual general meeting, is special business.

(2) Business is not to be transacted at a general meeting unless a quorum of members of the Association entitled to vote is present at the time the meeting considers that business.

(3) A quorum for the transaction of the business of a general meeting is 10 members, or two-thirds of the membership whichever is less, of the Association entitled to vote.

(4) If a quorum is not present within one hour after the time appointed for the commencement of a general meeting, the meeting:

- (a) if convened on the requisition of members of the Association, is dissolved or
- (b) if convened by the Board, is to be adjourned to the same day in the next week at the same time and:
 - (i) at the same place or
 - (ii) at any other place specified by the chairperson
 - (iii) at the time of the adjournment or
 - (iv) by notice in a manner determined by the chairperson.

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

14. Chairperson at general meetings

At each general meeting of the Association, the chairperson is to be the President or the Vice-president or a member of the Association delegated by the meeting to that role.

15. Adjournment of general meetings

(1) The chairperson of a general meeting at which a quorum is present may adjourn the meeting with the consent of the members of the Association who are present and entitled to vote at the meeting, but no business is to be transacted at an adjourned meeting other than the business left unfinished at the meeting at which the adjournment took place.

(2) If a meeting is adjourned for 14 days or more, notice of the adjourned meeting is to be given in the same manner as the notice of the original meeting.

(3) If a meeting is adjourned for less than 14 days, it is not necessary to give any notice of the adjournment or of the business to be transacted at the adjourned meeting.

16. Determination of questions arising at general meetings

(1) A question arising at a general meeting of the Association is to be determined on a show of hands.

(2) A declaration by the chairperson that a resolution has, on a show of hands, been lost or carried, or carried unanimously or carried by a particular majority, together with an entry to that effect in the minute book of the Association, is evidence of that fact unless a vote is demanded on or before that declaration.

17. Voting

(1) On any question arising at a general meeting of the Association, a member of the Association (including the chairperson) has one vote only.

(2) All votes are to be by show of hands except that

(a) any contested election at an Annual General Meeting or a General Meeting shall be by secret ballot

(b) the meeting may, by show of hands, require any other vote to be by secret ballot.

(3) Despite rule 17.1 in the case of an equality of votes, the chairperson has a second or casting vote.

(4) A person entitled to vote at any General Meeting, including an Annual General Meeting, may do so by proxy in writing to be lodged with the Secretary at least 7 days prior to such meetings.

18. Affairs of Association to be managed by a Board

(1) The affairs of the Association are to be managed by a Board of management constituted as provided in rule 19 & 20.

(2) The Board:

(a) is to control and manage the business and affairs of the Association and

(b) may exercise all the powers and perform all the functions of the Association, other than those powers and functions that are required by these rules to be exercised and performed by members of the Association at a general meeting 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 Association.

19. Officers of the Association

(1) The officers of the Association are as follows:

(a) President

(b) Vice-president

(c) Treasurer

(d) Secretary

(e) Public Officer, who may be the Vice-president or Secretary

(f) Two (2) ordinary members

(g) At least 4 members of the Board shall be persons with motor neurone disease, carers, partners or close associates.

(2) Each officer of the Association is to hold office until the next annual general meeting after that at which he or she is elected and is eligible for re-election.

(3) If a casual vacancy in an office referred to in rule 19.1 occurs, the Board may appoint one of its members to fill the vacancy until the next annual general meeting after the appointment.

20. Election of the Board

(1) A nomination of a candidate for election as an officer of the Associations is to be:

(a) made in writing, signed by 2 members of the Association and accompanied by the written or verbal consent of the candidate (which may be endorsed on the nomination) and

(b) delivered to the Secretary of the Association to arrive at least 7 days before the day on which the annual general meeting is to be held, by post, fax or email.

(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 are to be received at the annual general meeting.

(3) If the number of nominations received is equal to the number of vacancies on the Board to be filled, the persons nominated are taken to be elected.

(4) If the number of nominations received exceeds the number of vacancies on the Board to be filled, a ballot is to be held.

(5) If the number of further nominations received at the annual general meeting exceeds the number of remaining vacancies on the Board to be filled, a ballot is to be held in relation to those further nominations.

(6) The ballot for the election of officers and ordinary Board members is to be conducted at the annual general meeting in the manner determined by the Board.

21. Vacation of office

For the purpose of these rules, the office of an officer of the Association, or of an ordinary Board member, becomes casually vacant if the officer or Board member:

(1) dies or

(2) becomes bankrupt, applies to take the benefit of any law for the relief of bankrupt or insolvent debtors, compounds with his or her creditors or makes an assignment of his or her remuneration or estate for their benefit or

(3) becomes a represented person within the meaning of the *Guardianship and Administration Act 1995* or

(4) resigns office in writing addressed to the Board or

(5) ceases to be ordinarily resident in Tasmania or

(6) is absent from 3 consecutive meetings of the Board without the permission of the other members of the Board or

(7) ceases to be a member of the Association or

(8) fails to pay all arrears of subscription within 14 days after receiving a notice in writing signed by the Secretary of the Association stating that the officer or Board member has ceased to be a financial member of the Association.

22. Meetings of the Board

(1) The Board is to meet not less than twice in each calendar year at any place and time the Board determines.

(2) A meeting of the Board, other than a meeting referred to in rule 22.1, may be convened by the President or any 4 of the members of the Board.

(3) Written notice of any special Board meeting is to be served on members of the Board and is to specify the general nature of the business to be transacted.

(4) A special Board meeting may only transact business of which notice is given in accordance with rule 22.3.

(5) A quorum for the transaction of the business of a meeting of the Board is 4 members or two thirds of the members whichever is less.

(6) Business is not to be transacted at a meeting of the Board unless a quorum is present.

(7) If a quorum is not present within half an hour after the time appointed for the commencement of:

(a) a meeting of the Board (other than a special Board meeting), the meeting is to be adjourned to the same day in the next week at the same time and at the same place or

(b) a special Board meeting, the meeting is dissolved.

(8) At each meeting of the Board, the chairperson is to be:

(a) the President or

(b) in the absence of the President and the Vice-president a member of the Board will be elected to preside as chairperson by the members of the Board present at the meeting.

(9) Any question arising at a meeting of the Board is to be determined:

(a) on a show of hands or

(b) by a vote, either by secret ballot or in a manner the chairperson determines.

(10) On any question arising at a meeting of the Board, a member of the Board (including the chairperson) has one vote only.

(11) Despite rule 22.10, in the case of an equality of votes, the chairperson has a second or casting vote.

(12) Written notice of each Board meeting is to be served on each member of the Board by:

(a) giving it to the member during business hours before the day on which the meeting is to be held or

(b) leaving it, during business hours before the day on which the meeting is to be held, at the member's postal or residential address or place or address of business or employment last known to the server of the notice or

(c) sending it by post to the person's postal or residential address or address of business or employment last known to the server of the notice in sufficient time for it to be delivered to that address in the ordinary course of post before the day on which the meeting is to be held or

- (d) faxing it to the member's fax number or
- (e) emailing it to the member's email address.

23. Disclosure of interests

(1) If a member of the Board or a member of a subcommittee has a direct or indirect pecuniary interest in a matter being considered, or about to be considered, by the Board or subcommittee at a meeting, the member is to, as soon as practicable after the relevant facts come to the member's knowledge, disclose the nature of the interest to the Board.

(2) If at a meeting of the Board or a subcommittee a member of the Board or subcommittee votes in respect of any matter in which the member has a direct or indirect pecuniary interest, that vote is not to be counted.

24. Subcommittees

(1) The Board may:

- (a) appoint a subcommittee from the Board and
- (b) prescribe the powers and functions of that subcommittee.

(2) The Board may co-opt any person as a member of a subcommittee without voting rights, whether or not the person is a member of the Association.

(3) A quorum for the transaction of the business of a meeting of the subcommittee is 3 appointed members entitled to vote.

(4) The Board of the Association is to convene meetings of a subcommittee.

(5) Any question arising at a meeting of a subcommittee is to be determined:

- (a) on a show of hands or
- (b) if demanded by a member, by a vote taken at that meeting in the manner the chairperson determines.

(6) On any question arising at a meeting of a subcommittee, a member of the subcommittee (including the chairperson) has one vote only.

(7) Written notice of each subcommittee meeting is to be served on each member of the subcommittee by:

- (a) giving it to the member during business hours before the day on which the meeting is to be held or
- (b) leaving it, during business hours before the day on which the meeting is to be held, at the member's postal or residential address or place or address of business or employment last known to the server of the notice or

(c) sending it by post to the person's postal or residential address or address of business or employment last known to the server of the notice in sufficient time for it to be delivered to that address in the ordinary course of post before the day on which the meeting is to be held or

(d) faxing it to the member's fax number or

(e) emailing it to the member's email address.

25. Executive officers of the Board

(1) The President, the Vice-president, the Treasurer and the Secretary constitute the Board executive.

(2) During the period between meetings of the Board, the Executive Board may issue instructions to the Public officer and servants of the Association in matters of urgency connected with the management of the affairs of the Association.

(3) The Executive Board is to report on any instructions issued under rule 25.2 to the next meeting of the Board.

26. Service of notices and requisitions

Except as otherwise provided by these rules, a document may be served under these rules on a person by:

(1) giving it to the person or

(2) leaving it at, or sending it by post to, the person's postal or residential address or place or address of business or employment last known to the server of the document or

(3) faxing it to the person's fax number or

(4) emailing it to the person's email address.

27. Expulsion of members

(1) The Board may expel a member from the Association if, in the opinion of the Board, the member is guilty of conduct detrimental to the interests of the Association.

(2) The expulsion of a member under rule 27.1 does not take effect until the later of the following:

(a) the fourteenth day after the day on which a notice is served on the member under rule 27.3

(b) if the member exercises his or her 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 Association, the Public officer of the Association, 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

(b) specifying the grounds for the expulsion and

(c) informing the member of the right to appeal against the expulsion under rule 28.

28. Appeal against expulsion

(1) A member may appeal against an expulsion under rule 27 by serving on the Public Officer of the Association, within 14 days after the service of a notice under rule 27.3 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, the Public Officer is to immediately notify the Board of the receipt.

(3) The Board is to cause a special general meeting to be held within 21 days after the day on which the requisition is received.

(4) At a special general meeting convened for the purpose of hearing an appeal under 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 must be given an opportunity to be heard and

(d) the members of the Association who are present are to vote by secret ballot on the question of whether the expulsion should be lifted or confirmed.

(5) 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 lifted and

(b) the expelled member is entitled to continue as a member of the Association.

(6) 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 Association.

29. Disputes

(1) A dispute between a member of the Association, in the capacity as a member, and the Association 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 28.

30. Dissolution of the Association

(1) In the event of the Association being wound up or dissolved, any surplus assets remaining after the payment of the Association's liabilities shall be transferred to another organisation with similar objectives and which is a not for profit organisation.

(2) If the Association is wound up, each member of the Association, and each person who was a member of the Association within the period of 12 months immediately preceding the commencement of the winding-up, is liable to contribute:

(a) to the assets of the Association for payment of the liabilities of the Association and

(b) for the costs, charges and expenses of the winding-up and

(c) for the adjustment of the rights of the contributors among themselves.

(3) Any liability under rule 30.2 is not to exceed \$5.00.

31. Seal of Association

(1) The seal of the Association is to be in the form of a rubber stamp inscribed with the name of the Association encircling the word "Seal".

(2) The seal 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) two members of the Board or

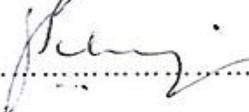
(b) one member of the Board and the Public officer of the Association or any other person the Board may appoint for that purpose.

(4) If a sealed instrument has been attested under rule 31.3, it is presumed, unless the contrary is shown, that the seal was affixed to that instrument by the authority of the Board.

(5) The seal is to remain in the custody of the Public Officer of the Association.

We the undersigned, certify that the constitution contained on the attached pages are the Constitution of the Motor Neurone Disease Association of Tasmania Incorporated which were approved at the Annual General Meeting on Sunday 2nd March 2014.

President 

Vice President 

Date 