



**MACLEAY VALLEY COMMUNITY FM
RADIO STATION INC.**

CONSTITUTION
(as amended 13th June, 2019)

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Amendments from the previous version are indicated by a line at the end of the paragraph |

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MACLEAY VALLEY COMMUNITY FM RADIO STATION INC. CONSTITUTION

(as amended 13th June 2019)

Preamble

Macleay Valley Community FM Radio Station Inc. aims to provide something of interest for everyone with programs produced and presented by ordinary members of the community. The Association will adhere to the Broadcasting Code of Practice issued by the C.B.A.A./A.C.M.A.

Its aims are to:-

1. Provide their services in the public interest as defined in the licence application to the licensing authority.
2. Have organisational mechanisms, to provide for active participation by the community in its management, development and operations.
3. Be controlled and operated by an autonomous body which is a representative of the Kempsey/Macleay community.
4. Operate on a 'not-for-profit' basis.
5. Demonstrate independence in their programming as well as in their editorial and management decisions.
6. Incorporate programming policies that oppose and attempt to break down prejudice on the basis of race, sex, nationality, religion, disability, ethnic background, age or sexual preference.
7. Present programs that contribute to and expand the variety of viewpoints broadcast in public.
8. Establish programming practices that protect children from harmful material.
9. Seek to widen the community's involvement in broadcasting and to encourage participation by those denied access, and to those not adequately served by other media.
10. Encourage programming flexibility consistent with changing community expectations.

PART I - PRELIMINARY INTERPRETATION

DEFINITIONS

- 1)
- In these rules, except in so far as the context or subject matter otherwise indicates or requires;
- (a) **“Association”** refers to all the members of *“Macleay Valley Community FM Radio Station Inc.”*, (Trading as Tank FM), with the official A.C.M.A. ‘call sign’ 2WET).
 - (b) **“ordinary member”** means a member of the committee who is not an office bearer of the association, as referred to in rule 16 (b);
 - (c) **“secretary”** means; The person holding office under these rules a secretary of the association; or; (see also Rule 44 for other definition)
 - (i) the person holding office under these rules as secretary of the association; or;
 - (ii) where no such person holds that office the public officer of the association;
 - (d) **“general meeting”** means a meeting other than a special general meeting or an annual general meeting;
 - (e) **“special general meeting”** means a meeting of the association convened to deal with those matters that require a special resolution under these rules.
 - (f) **“the Act”** means the Associations Incorporation Act 2009, No. 7;
 - (g) **“the Regulation”** means the Associations Incorporation Regulation 2010
 - (h) a reference to a function includes, where the function is a duty, a reference to the performance of that duty; and;
 - (j) a reference to the exercise of a function includes, where the function is a duty, a reference to the performance of the duty
 - (k) the provisions of the Interpretation Act 1987 No. 15, apply to and in respect of these rules in the same manner as those provisions would apply if these rules were an instrument in the Act.
 - (l) **“Presenter”** is a person who has been trained and qualified as a radio presenter to the standards of the Association, and referred to in Appendix – 4.
 - (m) **“Volunteer”** is a person, who is a financial member of the Association, and does not receive a wage payment from the Association. This includes all presenters and those assisting in station and office activities.
 - (n) **“expel”** means to permanently discharge and refers to a member and their resulting status.
 - (o) **“member”** is a financial member of the association in a given financial year.
 - (p) **“Cancel”** – with reference to Rule 13 (a) (ii) means to revoke a person’s membership immediately, for the remainder of the current membership year. |
 - (q) **“Suspend”** – with reference to Rule 13 (b) (iii) means to revoke a person’s membership for a specified period of time. |

PART II – MEMBERSHIP

MEMBERSHIP QUALIFICATIONS

2)

A person is qualified to be a member of the association if, but only if:-

- (a) they are a natural person,
- (b) the person has applied and been approved for membership as provided by rule 3.

APPLICATION FOR MEMBERSHIP

3)

An application for membership of the association:-

- (a) shall be made by the applicant in writing in the form set out in Appendix 1 to these rules: and
- (b) shall be lodged, with the relevant fee(s), with the secretary of the association.

As soon as practicable after receiving an application for membership, the secretary shall refer the application to the committee, which shall determine whether to approve or reject the application. An application may only be rejected if:-

- (i) there are reasonable grounds to believe that the applicant would not abide by the rules and objectives of the association; or
- (ii) required by law; or
- (iii) the applicant has been convicted of an indictable offence; or
- (iv) there are reasonable grounds to believe that the applicant would not abide by the Community Broadcasting Code of Practice; or
- (v) there are reasonable grounds to believe that the applicant would pose a security risk to the members or premises of the association.

Where the committee resolves:-

- (c) to approve an application for membership, the secretary shall, as soon as practicable after that resolution, notify the applicant of that approval and issue a membership card. and annually
- (d) to reject an application for membership, the applicant shall have the right of reply and appeal under rule 4 and 5. Where the applicant exercises the right of reply the resolution of the committee is of no effect unless the committee, at a meeting held not earlier than 14 days and not later than 28 days after the service on the applicant of a notice under clause 4, confirms the resolution in accordance with this rule.

The secretary shall:-

- (e) upon resolution of the committee to reject an application being overturned on reply or appeal, enter the applicant's name in the register of members and, on the name being so entered, the applicant becomes a member of the association.
- (f) where the committee resolves to confirm rejection of membership, the secretary shall within 28 days refund in full any membership fee paid by the rejected applicant.

RIGHT OF REPLY OF REJECTED APPLICANT

4)
Where the committee passes a resolution rejecting an application for membership the secretary shall, within 14 days, cause a notice in writing to be served on the applicant:

- (a) setting out the resolution of the committee and the grounds on which the decision is based
- (b) stating that the applicant may address the committee at a meeting to be held not later than 35 days after service of notice to the secretary
- (c) stating the date, place and time of that meeting and
- (d) informing the applicant that they may do either or both of the following;
 - (i) attend and speak at that meeting
 - (ii) submit to the committee at or prior to the date of the meeting written representations relating to the resolution

REPRESENTATION

5)
At the meeting of the committee referred to in clause 4 (b) the committee shall;

- (a) give the applicant an opportunity to make oral presentations
- (b) give due consideration to any written representations submitted to the committee by the applicant at or prior to the meeting
- (c) resolve to uphold or reject the original motion regarding the membership

CESSATION OF MEMBERSHIP

6)
A person ceases to be a member of the association if the person;-

- (a) dies,
- (b) resigns that membership,
- (c) is expelled from the association,
- (d) has not paid the annual membership fee by the 31st of December of any given year. Re-application for membership is to be carried out in accordance with Rule 3.

MEMBERSHIP ENTITLEMENTS ARE NOT TRANSFERABLE

7)
A right, privilege or obligation which a person has by reason of being a member of the association;-

- (a) is not capable of being transferred or transmitted to another person, and
- (b) terminates upon cessation of the person's membership.

RESIGNATION OF MEMBERSHIP

8)

- (a) A member of the association is not entitled to resign that membership except in accordance with this rule.
- (b) A member of the association who has paid all accounts in respect of the person's membership may resign from the membership of the association by first giving notice (being not less than such period as the committee may determine) in writing to the secretary of the member's intention to resign and, upon the expiration of the period of notice, the member ceases to be a member.
- (c) Where the member ceases to hold membership, the secretary shall make an appropriate entry in the register of members recording the date on which the person ceased to be a member.

REGISTER OF MEMBERS

9)

- (a) The secretary of the association shall establish and maintain a register of members of the association specifying the name and address of each person who is a member of the association together with the date on which the person became a member.
- (b) The Register of Members must be kept at the principal place of administration and must be open for inspection, free of charge, by any member of the association at any reasonable hour, by appointment, subject to the provision of Rule 41(b).
- (c) A member is entitled to a hard copy of their details only, with payment of not more than one dollar per sheet.
- (d) The committee may refuse to allow a member to inspect or obtain copies of records in certain circumstances.

FEEES, SUBSCRIPTIONS, ETC

10)

- (a) A nomination for membership of the association shall be accompanied by the annual membership fee, and proportional rates shall not apply, except that a person joining in November or December shall be deemed to be a financial member until the 31st December in the following year.
- (b) The annual membership fee is due at the 31st December of any given year. Membership fees are not refundable.
- (c) The amount of the annual membership fee for each grade of membership, and concession rates, if any, shall be determined at or prior to the December General Meeting in the current calendar year, as a Special Resolution.
 - (i) Honorary members and Life members of the association will pay no membership fee
 - (ii) Life Members of the Association are determined only by a Special Resolution at the Annual General Meeting.

MEMBER'S LIABILITIES

11)

The liability of a member of the association to contribute towards the payment of debts and liabilities of the association or the costs, charges and expenses of winding up the association is limited to the amount, if any, unpaid by the member in respect of membership of the association as required by Rule 10.

RESOLUTION OF INTERNAL DISPUTES

GRIEVANCE PROCEDURE

12)

- (i) A dispute between a member and another member (in their capacity as members) of the association, or a dispute between a member or members and the association, is to be referred to a Community Justice centre for mediation under the Community Justice Centres Act 1983.
- (ii) If a dispute is not resolved under the Community Justice Centres Act within three (3) months of the referral to the Community Justice Centre, the dispute is to be referred to arbitration.
- (iii) Any grievance shall be in writing and received by the Secretary who will accept them conscientiously, impartially and without discrimination against any party. The secretary will acknowledge in writing all written grievances received, within seven (7) days.
 - (a) The Secretary will forward a copy of the grievance to the person against whom the grievance is made requesting that the person reply to the grievance within 14 days. The Secretary will inform the Management Committee that a grievance exists between two members and the date of the grievance. Should a reply not be received from the person against whom the grievance is made within the allotted time frame the process moves to rule 12(c).
 - (b) The Secretary will forward a copy of the reply to the complainant.
 - (c) The Secretary will then refer the grievance to a Community Justice Centre for mediation under the Community Justice Centres Act 1983, and advise the Management Committee of the date of this action.
 - (d) When agreement has been reached, the Community Justice Centre will inform the Secretary of the conclusion of the process.
 - (e) The Secretary will confirm by mail each party's individual commitment and acknowledge their efforts.
 - (f) The Secretary will inform the Management Committee of the result of the process.
 - (g) Should the grievance not be resolved within the Community Justice Centre, the Committee will decide on appropriate action under Section 13 of the Constitution.

DISCIPLINING OF MEMBERS

13)

A complaint may be made by any member of the association that some other member of the association has persistently refused or neglected to comply with a provision or provisions of these rules; or

- (a) has persistently and wilfully acted in a manner prejudicial to the interests of the association, the committee may by resolution:-
 - (i) Issue a written warning.
 - (ii) Cancel the person's membership of the Association, or
 - (iii) Suspend the person's membership for a stated period of time.
 - (iv) Suspend the member from broadcasting for a fixed period of time.
 - (v) Expel the member from the Association.
 - (vi) Suspension shall be in accordance with the association's By-Laws, at the time of the offence.
- (b) Where the committee passes a resolution under this Clause, the secretary shall, within fourteen days, cause a notice in writing to be served to the member,
 - (i) Setting out the resolution of the committee and the grounds on which it is based
 - (ii) Stating that the member may address the committee at a meeting to be held not earlier than 14 days and not later than 28 days after the service of the notice;
 - (iii) Stating the date, place and time of that meeting; and
 - (iv) Submit to the committee at or prior to the date of that meeting written representation relating to the resolution.
- (c) At a meeting of the committee held as referred to in Rule 13 (b.), the committee shall;
 - (i) give the member an opportunity to make oral representations;
 - (ii) give due consideration to any written representations submitted to the committee by the member at or prior to the meeting; and
 - (iii) by resolution determine whether to confirm or revoke the resolution.
- (d) Where the committee confirms a resolution under Rule 13 (b.), the Secretary shall, within 7 days after that confirmation, by notice in writing, inform the member of the fact and of the member's right of appeal under Rule 14.
- (e) A resolution confirmed by the committee under Rule 13 (d.) takes effect immediately but the member does have the right of appeal as per Rule 14.

RIGHT OF APPEAL OF DISCIPLINED MEMBER

14)

- (a) A member may appeal to the association in general meeting against a resolution of the committee which is confirmed under Rule 13 (d.), within 14 days after notice of the resolution is served on the member by lodging with the secretary, a notice to that effect.
- (b) Upon receipt of a notice from a member under Rule 14 (a.), the secretary shall notify the committee, which shall convene a special general meeting of the association to be held within 28 days after the date on which the secretary received the notice.
- (c) At a special general meeting of the association convened under Rule 14 (b.);
 - (i) No business other than the question of the appeal shall be transacted; and
 - (ii) The committee and the member shall be given the opportunity to state their respective cases orally or in writing, or both; and
 - (iii) The members present shall vote by secret ballot on the question of whether the resolution should be confirmed or revoked.
 - (iv) If at the special general meeting the association passes a special resolution in favour of confirmation of the resolution, the resolution is confirmed. The member who appealed shall be informed in writing of the decision within 14 days.

PART III – THE COMMITTEE

POWERS ETC OF COMMITTEE

15)

The committee shall be called the committee of management of the association and, subject to the Act, the Regulation and these rules and to any resolution passed by the association in general meeting:-

- (a) The committee must include 3 or more members, each of whom is aged 18 years or more and at least 3 of whom are ordinarily resident in Australia;
- (b) shall control and manage the affairs of the association;
- (c) may exercise such functions as may be exercised by the association other than those functions that are required by these rules to be exercised by a general meeting of members of the association; and
- (d) has power to perform all such acts and do all such things as appear to the committee to be necessary or desirable for the proper management of the affairs of the association.
- (e) The committee may exercise such of the association's powers as are not required by this Act or its constitution to be exercised by the association in general meeting.
- (f) A committee member's acts are valid despite any defect in his or her appointment.
- (g) Within 14 days after vacating office, a former committee member of an association must ensure that all documents in his or her possession that belong to the association are delivered to the public officer for delivery to his or her successor.

CONSTITUTION AND MEMBERSHIP

16)

- (a) Subject in the case of the first of the committee to section 21 of the Act, the committee shall consist of:-
 - (i) the office-bearers of the association; and
 - (ii) up to 7 ordinary members, all of whom shall be elected at the annual general meeting of the association pursuant to Rule 17.
 - (iii) one position on the committee shall be an Aboriginal/Torres Strait Islander. This representative must be of Aboriginal or Torres Strait Islander descent. In addition to such duties as would ordinarily be performed by an ordinary member, the Indigenous member of committee is required to liaise with the indigenous community to enable the association to formulate policy consistent with the indigenous community's needs.
 - (iv) one position on the committee shall be a Youth Representative. The Youth Committee Member shall be no more than 30 years of age when elected to the position. In addition to such duties as would ordinarily be performed by an ordinary member, the Youth member of committee is required to liaise with the youth in the community to enable the association to formulate policy consistent with the youth community's needs.
- (b) The office-bearers are:-
 - (i) President;
 - (ii) Vice president;
 - (iii) Treasurer; and
 - (iv) Secretary.
- (c) Each member of the committee shall, subject to these rules, hold office until the conclusion of the annual general meeting following the date of the member's election, but is eligible for re-election.

Cont.

- (d) In the event of a casual vacancy occurring in the membership of the committee, the committee may appoint a member of the association to fill the vacancy and the member so appointed shall hold office, subject to these rules, until the conclusion of the annual general meeting next following the date of the appointment.
- (e) A Management Committee member may not serve more than six (6) consecutive years.
- (f) Two Management Committee members must step down at each Annual General Meeting (AGM), and not be eligible for re-election until the following year's AGM.

ELECTION OF MEMBERS

17)

- (a) Nominations of candidates for election as office-bearers of the association or as ordinary members of the committee;
 - (i) shall be made in writing and signed by one member of the association and accompanied by the written consent of the candidate (which may be endorsed on the form of nomination). A person may self-nominate:
and
 - (ii) shall be mailed to the secretary of the association, at the current postal address, not less than 21 days before the date fixed for the holding of the annual general meeting at which the election is to take place: and
 - (iii) the nomination shall be in the form set out in Appendix 2 to these rules.
- (b) If insufficient nominations are received to fill the vacancies on the committee, the candidates nominated shall be deemed to be elected and further nominations shall be received at the annual general meeting.
- (c) If insufficient further nominations are received, any vacant positions remaining on the committee shall be deemed to be casual vacancies.
- (d) If the number of nominations received is equal to the number of vacancies to be filled, the persons nominated shall be deemed to be elected.
- (e) If the number of nominations received exceeds the number of vacancies to be filled, a ballot shall be held.
- (f) The ballot for the election of office-bearers and ordinary members of the committee shall be conducted at the annual general meeting in such usual and proper manner as the committee shall direct.
- (g) That a nomination of a candidate for election under this Clause is not valid if that candidate has been elected to another office at the same election.
- (h) If no quorum of the committee has been elected within 2 months of the AGM, then the association will be wound up.
- (j) The consecutive terms of office bearers on the committee will be open

SECRETARY

18)

- (a) The secretary of the association shall, as soon as practicable after being appointed as secretary, lodge notice with the association of his or her address.
- (b) It is the duty of the secretary to keep minutes of –
 - (i) all appointments of office-bearers and members of the committee;
 - (ii) the names of members of the committee present at a committee or a general meeting; and
 - (iii) all proceedings at committee meetings and general meetings.
- (c) Minutes of proceedings at a meeting shall be signed by the chairperson of the next succeeding meeting.

TREASURER

19)

- (a) It is the duty of the treasurer of the association to ensure that:
 - (i) all money due to the association is collected and received and that all payments authorised by the association are made; and
 - (ii) correct books and accounts are kept showing the full financial affairs of the association including full details of all receipts and expenditure connected with the activities of the association.

CASUAL VACANCIES

20)

For the purposes of these rules, a casual vacancy on the office of a member of the committee occurs if the member –

- (a) dies;
- (b) ceases to be a member of the association;
- (c) becomes insolvent under administration within the meaning of Corporations Law;
- (d) resigns office by notice in writing given to the secretary;
- (e) is removed from office under Rule 21;
- (f) becomes a mentally incapacitated person; or
- (g) is absent without consent of the committee from any two consecutive meetings, be they committee, general or special general meetings.

REMOVAL OF MEMBER

21)

- (a) The association in special general meeting may by resolution remove any member of the committee from the office of member before the expiration of the member's term of office and may by resolution appoint another person to hold office until the expiration of the term of office of the member so removed.
- (b) Where a member of the committee to whom a proposed resolution referred to in Rule 21(a) relates makes representations in writing to the secretary or president (not exceeding a reasonable length and requests that the representations be notified to the members of the association, the secretary or the president shall send a copy of the representations to each member of the association or, if the representations are not so sent, the member is entitled to require that the representations be read out at the meeting at which the resolution is considered.

MEETINGS AND QUORUM

22)

- (a) The committee shall meet at least ten times in each period of 12 months at such place and time as the committee may determine and such meetings will be minuted.
- (b) Additional meetings of the committee may be convened by the president or by any member of the committee.
- (c) Oral or written notice of a meeting of the committee shall be given by the secretary to each member of the committee at least 48 hours (or such other period as may be agreed upon by the committee before the time appointed for the holding of the meeting.
- (d) Notice of a meeting given under Rule 22(c) shall specify the general nature of the business to be transacted at the meeting and possibly may not include business that the committee members present at the meeting agree to treat as business essential for the proper management of the association, or if a quorum is not present, then ratification of business conducted by those present may be done electronically, by a closed, private email group.
- (e) Any five members of the committee constitute a quorum for the transaction of business of a meeting of the committee.
- (f) No business shall be transacted by the committee 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 stands adjourned to the same place and at the same hour of the same day in the following week.
- (g) If at the adjourned meeting a quorum is not present within half an hour of the time appointed for the meeting, the meeting shall be dissolved.
- (h) At a meeting of the committee:-
 - (i) the president or, in the president's absence, the vice-president, shall preside; or
 - (ii) if the president and the vice-president are absent or unwilling to act, one of the remaining members of the committee may be chosen by the members present at the meeting to preside.

DELEGATION BY COMMITTEE TO SUB-COMMITTEE

23)

- (a) The committee may, by instrument in writing, delegate to one or more subcommittees (consisting of such member or members of the association as the committee thinks fit) the exercise of such functions of the committee as are specified in the instrument, other than –
 - (i) this power of delegation; and
 - (ii) a function which is a duty imposed upon the committee by the Act or by any other law.
- (b) A function, the exercise of which has been delegated to a sub-committee under this rule may, while the delegation remains unrevoked, be exercised from time to time by the sub-committee in accordance with the terms of delegation.
- (c) A delegation under this section may be made subject to such conditions or limitations as to the exercise of any functions, the subject thereof, or as to time or circumstances, as may be specified in the instrument of delegation.
- (d) Notwithstanding any delegation under this rule, the committee may continue to exercise any function delegated.
- (e) Any act or thing done or suffered by a sub-committee acting in the exercise of a delegation under this rule has the same force and effect as it would have had been done or suffered by the committee.
- (f) The committee may, by instrument in writing, revoke wholly or in part any delegation under this rule.
- (g) A sub-committee may meet and adjourn as it thinks proper.

VOTING AND DECISIONS

24)

- (a) Motions arising at a meeting of the committee or of any sub-committee appointed by the committee shall be determined by a majority of the votes of members of the committee or sub-committee present at the meeting.
- (b) Each member present at a meeting of the committee or any sub-committee appointed by the committee (including the person presiding at the meeting) is entitled to one vote but, in the event of an equality of votes on any motion, the person presiding may exercise a second or casting vote.
- (c) Subject to Rule 20 (e), the committee may act notwithstanding any vacancy on the committee.
- (d) Any act or thing done or suffered, or purporting to have been done or suffered, by the committee or by any sub-committee appointed by the committee, is valid and effectual notwithstanding any defect that may afterwards be discovered in the appointment or qualification of any member of the committee or sub-committee.

PART IV - GENERAL MEETINGS

ANNUAL GENERAL MEETINGS –HOLDING OF

25)

- (a) With the exception of the first annual general meeting of the association, the association shall at least once in each calendar year within the period of 6 months after the expiration of each financial year of the association, convene an annual general meeting of its members.
- (b) Rule 25(a) has effect subject to any extension granted by the Commissioner of Department of Fair Trading NSW, under Part 3, Division 3, Section 37 (2) (b) of the Act.

ANNUAL GENERAL MEETINGS – CALLING OF AND BUSINESS AT

26)

- (a) The annual general meeting of the association shall, subject to the Act and to Rule 25, be convened on such date and at such place and time as the committee thinks fit. The secretary shall, at least 21 days before the date fixed for the holding of the annual general meeting, cause to be sent by prepaid post to each member's home address appearing in the register of members, a notice specifying the place, date and time of the meeting. Notices sent to an electronic mail address supplied by the member will be deemed to be in compliance with this rule, pursuant to Rule 42.
- (b) In addition to any other business which may be transacted at an annual general meeting, the business of an annual general meeting shall be –
 - (i) to confirm the minutes of the last preceding annual general meeting and of any special general meeting held since that meeting;
 - (ii) to receive from the committee reports upon the activities of the association during the last preceding financial year;
 - (iii) to elect office-bearers of the association and ordinary members of the committee; and
 - (iv) to receive and consider the duly audited statement of accounts which is required to be submitted to members under Part 5, Division 1, Section 44 or Part 5, Division 2, Section 48 of the Act.
 - (v) An annual general meeting shall be specified as such in the notice convening it.

SPECIAL GENERAL MEETINGS - CALLING OF

27)

- (a) The committee may, whenever it thinks fit, convene a special general meeting of the association.
- (b) The committee shall, on the requisition in writing of not less than 5 percent of the total number of members, convene a special general meeting of the association.
- (c) A requisition of members for a special general meeting,
 - (i) shall state the purpose or purposes of the meeting; and
 - (ii) shall be signed by the members making the requisitions; and
 - (iii) shall be lodged with the secretary; and
 - (iv) may consist of several documents in a similar form, each signed by one or more of the members making the requisition.
- (d) If the committee fails to convene a special general meeting to be held within 1 month after the date on which a requisition of members for the meeting is lodged with the secretary, any one or more of the members who made the requisition may convene a special general meeting to be held not later than 3 months after that date.
- (e) A special general meeting convened by a member or members as referred to in Clause (d) shall be convened as nearly as practical in the same manner as general meetings are convened by the committee.

NOTICES

28)

- (a) Except where the nature of the business proposed to be dealt with at a general meeting requires a special resolution of the association, the secretary shall, at least 21 days before the date fixed for the holding of the general meeting, cause to be sent by prepaid post to each member's home address appearing in the register of members, a notice specifying the place, date and time of the meeting and the nature of the business proposed to be transacted at the meeting. Notices included in association newsletters, and notices included in association newsletters, sent to an electronic mail address supplied by the member will be deemed to be in compliance with this rule, pursuant to Rule 42.
- (b) Where the nature of the business proposed to be dealt with requires a special resolution of the association, the secretary shall, at least 21 days before the date fixed for the holding of the special general meeting, cause notice to be sent to each member in the manner provided under Rule 28(a) specifying, in addition to the matter required under Rule 28(a), the intention to propose the resolution as a special resolution.
- (c) Business other than that specified in the notice convening a general meeting may be transacted at that meeting, subject to consensus of the members in attendance, and subject to Rule 28(b).
- (d) A member desiring to bring any business before a general meeting may give notice in writing of that business to the secretary, who shall include that business in the next notice calling a general meeting given after receipt of the notice from the member.

PROCEDURE

29)

- (a) No item of business shall be transacted at a General Meeting or Special General Meeting unless a quorum of members entitled under these rules to vote, is present during the time the meeting is considering the item.
- (b) A total number representing twice the quorum number of Management Committee members present plus one (1), constitutes a quorum for the transaction of business of an AGM, General Meeting, or Special General Meeting.

Note: The quorum number of Management Committee members is a minimum of five (5) present at any Meeting.

- (c) 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 members shall be dissolved and in any other case shall stand adjourned to the same time and (unless another place is specified at the time of the adjournment by the person presiding at the meeting or communicated by written notice to members given before the day to which the meeting is adjourned at the same place.
- (d) If at the adjourned meeting a quorum is not present within half an hour after the time appointed for the commencement of the meeting, the members present (being not less than 6) shall constitute a quorum.

PRESIDING MEMBER

30)

- (a) The president or, in the president's absence, the vice-president, shall preside as chairperson at each meeting of the association.
- (b) If the president and vice-president are absent or unwilling to act, the members present shall elect one of their number to preside as chairperson at the meeting.

ADJOURNMENT

31)

- (a) The chairperson of a general meeting at which a quorum is present may, with the consent of the majority of members present at 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.
- (b) Where a general meeting is adjourned for 14 days or more, the secretary shall give written notice of the adjourned meeting to each member of the association stating the place, date and time of the meeting and the nature of the business to be transacted at the meeting.
- (c) Except as provided in Clauses (a) and (b), notice of an adjournment of a general meeting or of the business to be transacted at an adjourned meeting is not required to be given.

MAKING OF DECISIONS

32)

- (a) A question arising at a meetings of the 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, or an entry to that effect in the minute book of the association, is evidence of the fact without proof of the number or proportion of votes recorded in favour or against that resolution.
- (b) At a general meeting of the association, a poll or secret ballot may be demanded by the chairperson or by not less than 3 members present in person at that meeting.
- (c) Where a poll is demanded at a general meeting, the poll shall be taken -immediately in the case of a poll which relates to the election of the chairperson of the meeting or to the question of an adjournment; or
- (d) in any other case, in such manner and at such time before the close of the meeting as the chairperson directs, and the resolution on the matter shall be deemed to be the resolution of the meeting on that matter.

SPECIAL RESOLUTION

33)

A resolution of the association is a special resolution if it is passed by a majority of at least seventy-five percent of the members entitled to vote at the meeting.

VOTING

34)

- (a) upon any question arising at a general meeting of the association, a member has one vote only.
- (b) All votes shall be given personally
- (c) In the case of an equality of votes on a question at a meeting, the chairperson of the meeting is entitled to exercise a second or casting vote.
- (d) A member is not entitled to vote at any meeting of the association unless all money due and payable by the member to the association has been paid, other than the amount of the annual subscription payable in respect of the then current year.
- (e) No proxy voting will be undertaken at or in respect of a general meeting.
- (f) No postal ballots will be undertaken at or in respect of a general meeting, either by post or electronic means.
- (g) No member under the age of 16 at the time of a general meeting is entitled to vote.

PART V - MISCELLANEOUS

INSURANCE

35)

The association shall effect and maintain adequate insurance.

FUNDS – SOURCE

36)

- (a) The funds of the association shall be derived from entrance fees and annual subscriptions of members, donations and, subject to any resolution passed by the association in general meeting, such other sources as the committee determines.
- (b) All money received by the association shall be deposited as soon as practicable and without deduction to the credit of the association's bank account.
- (c) The association shall, as soon as practicable after receiving any money, issue an appropriate receipt.

FUNDS MANAGEMENT

37)

- (a) Subject to any resolution passed by the association in a general meeting, the funds of the association shall be used in pursuance of the objects of the association in such manner as the committee determines.
- (b) All cheques, drafts, bills of exchange, promissory notes and other negotiable instruments shall be signed by any 2 members of the committee, or employees of the association, authorised to do so by the committee.

ALTERATION OF OBJECTS AND RULES

38)

- (a) The statement of objects and these rules may be altered, rescinded or added to only by a special resolution of the association. A copy of such changes shall be forwarded to the N.S.W. Department of Fair Trading and the Australian Communications and Media Authority.

COMMON SEAL

39)

- (a) The common seal of the association shall be kept in the custody of the public officer, or the secretary, at the discretion of the management committee.
- (b) The common seal shall not be affixed to any instrument except by the authority of the committee and the affixing of the common seal shall be attested by the signatures either of 2 members of the committee or of 1 member of the committee and of the public officer or secretary.

CUSTODY OF BOOKS ETC.

40)

- (a) Except as otherwise provided by these rules, all records, books and other documents relating to the association shall be kept at the principal place of business, as approved by the management committee.

INSPECTION OF BOOKS ETC.

41)

- (a) The records, books and other documents of the association shall be open to inspection at the association's principal place of business, free of charge, by a member of the association, by appointment, at any reasonable hour.
- (b) Inspection of the association's records, books and other documents shall be subject to the provisions of any privacy legislation that is in force, from time to time.

SERVICE OF NOTICES

42)

- (a) For the purpose of these rules, a notice may be served on or given to a person;
 - (i) by delivering it to the person personally, or
 - (ii) by sending it by pre-paid post to the address of the person, or
 - (iii) by sending it by facsimile transmission or some other form of electronic transmission to an address specified by the person for giving or serving the notice.
- (b) For the purpose of these rules, a notice is taken, unless the contrary is proved, to have been given or served;
 - (i) in the case of a notice given or served personally, on the date on which it is received by the addressee, and
 - (ii) in the case of a notice sent by pre-paid post, on the date when it would have been delivered in the ordinary course of post, and
 - (iii) in the case of a notice sent by facsimile transmission or some other form of electronic transmission, on the date it was sent or, if the machine from which the transmission was sent produces a report indicating that the notice was sent on a later date, on that date.

COMPLIANCE CLAUSE

43)

- (a) The rules of Macleay Valley Community FM Radio Station Incorporated are amended in accordance with The Act, and contain those matters specified in Schedule 1 of the Association Incorporation Act, 2009, No. 7.

WINDING-UP OF THE ASSOCIATION

44)

Winding up on Secretary's Certificate

Interpretation: "**Secretary**" in **Rule 44**, and **46** refers to:-

- (a) the Commissioner for Fair Trading, Department of Finance, Services and Innovation, or
 - (b) if there is no such position in the Department, the Secretary of the Department.
- (1) The association may be wound up on a certificate of the Secretary if:-
 - (a) the association ceases operations, or
 - (b) the association ceases to have 5 or more members, or
 - (c) the association's committee has not been able to form a quorum for 2 months, or
 - (d) the Secretary is satisfied that there is a significant public interest in winding up the association or that not winding up the association may place public funds at risk.

Cont

- (2) Before giving a certificate, the Secretary:
 - (a) must give notice of the proposed certificate to be given to the association stating the ground or grounds referred to in subsection (1) that the Secretary believes exist, and
 - (b) must give the association and its members at least 28 days within which to make submissions to the Secretary with respect to the proposed certificate, and
 - (c) must give due consideration to any submissions that are made within that period.
- (3) A notice to be given to an association under subsection (2) must be sent:
 - (a) by post addressed to the association at the association's official address, or
 - (b) if the Secretary suspects that the association's official address is no longer in use:
 - (i) by post addressed to the association at another address that appears to the Secretary to be an address that is used by the association, or
 - (ii) by email addressed to the association at an email address that appears to the Secretary to be an email address that is used by the association.
- (4) A winding up on a certificate of the Secretary starts when the certificate is given.
- (5) On the giving of a certificate, the Secretary may appoint a person to be the liquidator of the association.
- (6) The liquidator must, within 10 days after appointment, give notice of his or her appointment in the manner prescribed by the regulations (if any).
- (7) A vacancy occurring in the office of liquidator is to be filled by a person appointed by the Secretary.
- (8) The Secretary may fix:-
 - (a) the security to be given by a liquidator, and
 - (b) the fees payable to a liquidator.

VOLUNTARY WINDING UP

45)

An association may be wound up voluntarily if the association so resolves by special resolution.

DISTRIBUTION OF SURPLUS PROPERTY

46)

- (1) In this section, a reference to the surplus property of an association is a reference to that property of the association remaining after satisfaction of the debts and liabilities of the association and the costs, charges and expenses of the winding up of the association.
- (2) In a winding up of an association, the surplus property of the association is to be distributed in accordance with a special resolution of the association.
- (3) Any such distribution of surplus property:-
 - (a) must be approved by the Secretary, and
 - (b) is not to be made to or for the benefit of:-
 - (i) any member or former member of the association, or
 - (ii) any person to be held on trust for any member or former member of the association, unless the member or former member is an association (whether incorporated or unincorporated) whose constitution, at the time of the distribution, prohibits the distribution of property to its members, and
 - (c) is subject to any trust affecting that property or any part of it.
- (4) Surplus property or any part of it that consists of property supplied by a government department or public authority, including any unexpended portion of a grant, must be returned to the department or authority that supplied it or to a body nominated by the department or authority.
- (5) A person aggrieved by the operation of this section in relation to an association's surplus property may apply to the Supreme Court for an order as to its disposal.
- (6) The Supreme Court may deal with such an application by making such orders as it thinks fit with respect to the disposal of the association's surplus property.

APPEAL

47)

- (1) A person aggrieved by any act, omission or decision of an association's liquidator or provisional liquidator may appeal to the Supreme Court in respect of the act, omission or decision.
- (2) The Supreme Court may deal with such an appeal by confirming, reversing or modifying the act or decision, or remedying the omission, as the case may be, and by making such other orders as it thinks fit.

Appendix 1 (of the Constitution)

APPLICATION FOR MEMBERSHIP OF ASSOCIATION

Macleay Valley Community FM Radio Station Inc.

(Incorporated under the Associations Incorporated Act, 2009 No. 7)

THIS APPLICATION WILL NOT BE PROCESSED UNLESS ACCOMPANIED BY THE RELEVANT FEE

I,

(full name of applicant - include title - Mr, Mrs, Ms, Doctor, Reverend, etc, if required – please print clearly)

of Postcode

(postal address)

Email Address

Occupation (optional).....

D.O.B (optional if over 18)//

Telephone (home) (mobile)

hereby apply to become a member of Macleay Valley Community FM Radio Station Inc. In the event of my admission as a member, I agree to be bound by the rules of the association for the time being in force.

Signed

Date / /

Received Date / /

To Committee Date / /

Approval Yes/No

Receipt issued by – Name Date / /

Receipt Book No.

Membership No.

The information declared on this form is for Tank FM records only and will not be divulged to a third party, except as required by law.

Appendix 2 of the Constitution
Macleay Valley Community FM Radio Station Incorporated
Nomination Form to the Committee of Management

This form is for one committee position only. Separate forms are required for additional nominations.

I hereby nominate (please print)

for the position of:

- President
- Vice-President
- Secretary
- Treasurer
- Indigenous Representative (Must be of Aboriginal or Torres Islander descent)
- Youth Representative (Must be 18 and no more than 30 years of age when elected)
- General Member

Proposed by (print)

Date

Signature

I (name), being over the age of 18, accept the nomination and declare the following information is correct;

Residential Address

..... Postcode

Postal Address (if different from residential address)*

Email Address* Phone (Day)* (Night)*

D.O.B. / / Signed Date / /

* Indicates an optional field.

The information declared on this form is for Tank FM records only and will not be divulged to a third party, except as required by law.



Appendix – 3 of the Constitution MEMBERSHIP RENEWAL



TANK FM, PO Box 3200 WEST KEMPSEY NSW 2440

Have you changed any details in the last year?

 No Yes

Name:

Date:

Address:

Home Tel: Work Tel:

Mobile No:

E-Mail address:

Receipt No: Book –
(Signature)

Single Membership fee \$5 for 2017, \$5 extra for postage of Newsletters (optional)

Thanks for Supporting Community Radio. Please fill in and send it off today



Appendix – 3 of the Constitution MEMBERSHIP RENEWAL



TANK FM PO Box 3200 WEST KEMPSEY NSW 2440

Have you changed any details in the last year?

 No Yes

Name:

Date:

Address:

Home Tel: Work Tel:

Mobile No:

E-Mail address:

Receipt No: Book –
(Signature)

Single Membership fee \$5 for 2017 \$5 extra for postage of Newsletters (optional)

Thanks for Supporting Community Radio. Please fill in and send it off today

Appendix – 4 of the Constitution

PRESENTERS

- (1) Must be a financial member of the association in any given financial year.
- (2) Must have paid a training fee and successfully completed training which includes competent use of studio equipment, and a working knowledge of the A.C.M.A. Regulations and Codes of Practice; and
- (3) must have read, understood, and signed the current Presenters Contractual Agreement (Appendix 4 Addendum).

Addendum to Appendix – 4 of the Constitution Presenter's Contractual Agreement

**Macleay Valley Community FM Radio Station Inc.
hereafter referred to as Tank FM**

Preamble

Being a presenter and having a show **IS NOT A RIGHT**, but is a privilege given to the applicant, who, being current with their annual membership fees, agrees to follow the policies and guidelines of Tank FM.

During your allotted slot, you are the person in charge, and are responsible for Tank FM property. If guests steal or damage or deface Tank FM property, swear 'on-air', or violate any of the rules and guidelines governing Tank FM, the presenter will be held responsible for the actions of their guests.

The 'on-air' privileges, and/or membership of any Tank FM presenter may be suspended and/or terminated, due to one or more of the reasons relating to breaches of Tank FM rules 1-37 as listed below; remembering also that Presenters, as are all other members, subject to the same articles governing conduct, which appear in the Tank FM Constitution. Presenters are also subject to the CBAA code of practice.

Programming, Training, and Station Equipment

1. I will commence my program as per the scheduled time and arrive at the studio at least 15 minutes before my program's scheduled start time.
2. I will abide by the programming ideals adopted by Tank FM, (as outlined in the Constitution), which aims to break down prejudices on the grounds of race, nationality, ethnic background, sex, religion, sexual preference and mental/physical condition.
3. I will follow the Program Run Sheets as closely as possible.
4. I will wear headphones when the microphone is open.
5. I understand that the musical tastes and opinions of members may be different from my own, and will undertake to respect the rights of members to hold their own opinions.
6. I agree not to play any music, or other recorded material with offensive language **except** in accordance with Tank FM's policy document on coarse language in broadcast material. (See also 10c. below)
7. In the event of transmitter failure, I will continue broadcast to internet listeners.
8. I agree to attend as many Training Sessions per annum, as is deemed necessary by Tank FM, on Broadcasting Techniques and Standards, in order to keep me 'current' with Broadcasting Equipment, Policies, and Practices, and OH&S procedures.
9. I will treat all station equipment with respect and report any problems immediately to a Technical Sub-Committee member. I will not attempt to make repairs or adjustments to station equipment, unless authorised by a member of the Technical Sub-Committee.

Station Policies

10. I will obey the legal and station requirements of being a presenter:-
 - a. There will be no personal attacks on private individuals, or business organisations.
 - b. I will not use my position as a presenter for Tank FM, to further personal causes.
 - c. No defamatory, blasphemous, obscene, or seditious statements will be made, nor any statements which may be considered to be in contradiction of any Anti-Terrorism legislation.
 - d. There will be no offensive material broadcast, in keeping with the current policy document of the station, and guidelines of the Australian Communications and Media Authority,
 - e. There will be no advertising during my program, unless an authorised sponsorship announcement is present on the Run Sheet.
 - f. I will not glorify suicide or, recommend it as a solution to life's problems. I will not name suicide victims, the location where the suicide occurred or, the method used.
11. I will follow the station policy in receiving complaints at the studio, and will document all incoming phone and fax calls, which require further action by the station, and will follow procedures relating to this, as set out in the 'On-Air' Presenter Guide.
12. I will immediately contact the Programming Manager prior to arranging an alternate presenter or alternate mechanism should I become unavailable, or will be late, for a rostered broadcast; cases of emergency are exempted.
13. I will not use the Studio to entertain my friends, or consume alcohol, or drugs on the premises.
14. I will facilitate a smooth changeover at the end of my shift and complete my program on time.
15. I will not make personal comments on air about any member, or program, or use my program for the conducting of personal conversations.

Cont...

16. I am responsible for any damage caused to the studio and/or equipment by me or any of my guests.
17. I will not hang posters, advertising, plaques, etc. without the prior approval of the Management Committee.
18. **The following situations are not acceptable, and are considered to be serious breaches of this Agreement.**
19. Failure to show up^①, or being late^② for his/her allotted time slot.
20. Failure to complete his/her allotted time slot or fill-in.^③
21. Failure to follow the run sheets.
22. Interfering with another presenter's show; this includes running into the next presenter's time-slot.
23. Use of profane language or derogatory remarks concerning race, religion, gender, sexuality, during 'on-air' broadcast.
24. Allowing guests to use profane language or derogatory remarks concerning race, religion, gender, sexuality, during 'on-air' broadcast.
25. Airing a song, interview, or other recorded material containing profane language or derogatory remarks concerning race, religion, gender or sexuality.^④
26. Airing descriptions of sex acts, vivid descriptions of crimes involving rape, mayhem, child abuse, assaults, or vivid descriptions of accidents involving serious injury or death.
27. 'On-air' denigration of Tank FM presenters, management or programs.
28. 'On-air' complaints concerning equipment failures or other presenters.
29. 'On-air' comments condoning unlawful acts or comments that are likely to incite lawlessness, rioting or other acts that are detrimental to the community.
30. 'On-air' wilful lying or distortion of facts.
31. Un-authorized possession of any Tank FM material or equipment outside of the station's premises.
32. Use of alcohol and/or drugs or narcotics or being under the influence of alcohol or drugs/narcotics, or allowing guests to consume or be under the influence of alcohol or drugs/narcotics at the station.
33. Removal any property from Tank FM, including CD's, records, tapes, documents, pens, paper, current newspapers and magazines, etc, without prior approval of the President, Vice-President or Secretary; this also includes other presenters' property.
34. Negligent use or abuse of Tank FM property or the property of other presenters.
35. Accepting, or attempting to secure, any conditions, favours, goods, money or material from outside interests, in exchange for 'on-air' promotions or endorsements.
36. Reconfiguring the technical layout of the studio or replacing equipment, without prior approval of the Technical Sub-Committee.
37. Failure to contact the station technician, when equipment fails. i.e. at start-up, during, or at shut-down of a presenter's show (after the presenter has followed the appropriate procedures as set out in the 'On-Air' Presenter Guide).
38. Failure to follow the station's policy and guidelines when conducting 'Talkback' interviews.

① If a presenter is unable to do his/her show, it is the presenter's responsibility to arrange for fill-ins. If a presenter is unable to secure a fill-in, he/she MUST notify the Programming Manager at least two hours prior to the commencement of his/her show. Cases of emergency are exempt from the two-hour rule.

② It is the presenter's responsibility to be at the station at least 15 minutes prior to his/her show or notify the preceding on-air presenter at the station, or the Programming Manager that he/she will be late.

③ Cases of emergency are exempted.

④ If a presenter arrives late for their show and the TDN is providing the program, then they MUST wait until the top of the NEXT hour before they can commence their program.

⑤ The presenter must be familiar with the material that he/she plans to 'air', and must be fully conversant with the current Tank FM document, regarding Tank FM's policy on coarse language in broadcast material.

The management of Tank FM reserves the right to substitute a presenter into another presenter's program, where it is considered that the choice of substitute presenter is more appropriate, taking into consideration such criteria as knowledge and experience on a particular subject, e.g. special events. This substitution would take place as a matter of courtesy, between the management committee and the presenter who is to be substituted.

I understand these rules and conditions and agree to abide by the Presenters' Contractual Agreement as set out above. I understand that disciplinary action can, and/or will, be taken against me for breaches of the agreement.

Presenter(s) Name (print) Presenter(s) Signature

Date:

Amendments = |

Appendix 5 – Confidentiality

Confidentiality Agreement - Volunteers

I, the undersigned, in consideration of my participation as a volunteer with Macleay Valley Community FM Radio Station Incorporated, trading as 'Tank FM', hereby agree to the following Confidentiality Agreement.

I understand that I may be given access to confidential and/or proprietary information to the extent necessary in order to perform my duties as a volunteer with Tank FM. I shall not, at any time either during or subsequent to this participation with Tank FM, make unauthorised disclosures or unauthorised use of any information that is considered to be proprietary or confidential by Tank FM. Proprietary information includes, but is not limited to, all information, data, reports, analyses, processes, know-how, designs, plans, marketing data, business plans and strategies, negotiations and contracts, research, and volunteer, donor or vendor lists, compilations, trade secrets, and confidential information, whether in written, oral or electronic form. Confidential information includes, but is not limited to, any personal information of any Tank FM employee, volunteer, agency partner, or donor, whether in written, oral or electronic form.

All employer records and information relating to Tank FM or its volunteers, agency partners, and donors are confidential and I will treat all matters accordingly. This includes any information protected under any applicable state or federal privacy law. No Tank FM related information, including without limitation, documents, notes, files, records, oral information, computer files or similar materials (except in the ordinary course of performing duties on behalf of Tank FM may be removed from Tank FM premises without permission from Tank FM management. Additionally, the contents of Tank FM's records or information otherwise obtained in regard to business may not be disclosed to anyone, except where required for an authorised business purpose and/or required by law. I will not disclose any confidential information, purposefully or inadvertently (through casual conversation), to any unauthorised person inside or outside Tank FM. If I am unsure about the confidential nature of specific information, or whether specific information may be protected under state or federal law, I will ask the Tank FM staff member supervising my actions as a project for clarification before disclosing the information.

Proprietary information and trade secrets are created at substantial cost and expense to Tank FM. Unauthorised use or disclosure of confidential or proprietary information would cause irreparable injury to Tank FM. I agree that monetary damages would not be a sufficient remedy for any breach of this agreement by me, and that, in addition to all other remedies, Tank FM shall be entitled to seek:-

- (a) specific performance and,
- (b) injunctive or other equitable relief as a remedy for any such breach, and I further agree to waive any requirement for any bond in connection with such remedy.

When I cease my participation as a volunteer with Tank FM, I will return all Tank FM-related information and property that I have in my possession, including without limitation documents, files, records, manuals, information stored on a personal computer, personal data assistant or computer disk, supplies, and equipment or office supplies.

Executed this day of, 20

Name (Print) Signature

Chronological Changes to Constitution.

6th December 2007

- Numerous corrections to the name of the society.
- Numerous grammatical corrections
- Numbering sequence tidied up and given a common format
- Numerous changes to reflect correct references to other rules
- Preamble:
 - Grammatical correction to paragraph (7)
 - Additional paragraph (10)
 - Rule 1(c) – define general meeting
 - Rule 4 – change time to 14 days
 - Rule 5 – word change????
 - Rule 6(d) – Sunset clause brought from April 30th
 - Rule 8(b), (c) – grammatical corrections
 - Rule 9(b) – wording change?
 - Rule 9(c) – additional clause
 - Rule 10(b) – membership renewal brought forward from AGM date
 - Rule 10(c) – brought fee setting forward from AGM to December
 - Rule 12(a) – grammatical and wording changes ???
 - Rule 12(c) – grammatical/wording ???
 - Rule 12(d) (viii) – wording
 - Rule 12(d) (ix) – wording
 - Rule 12(d) (x) – additional clause
 - Rule 12(d) (xi) – wording change
 - Rule 13 a (v) – additional clause ???
 - Rule 13(b) – time frame change ???
 - Rule 14(c) (iv) – wording change ???
 - Rule 16(a) (ii) – increase committee from 5 to 7
 - Rule 16(a) (iii) – define eligibility and duties
 - Rule 16(a) (iv) – define eligibility and duties
 - Rule 20(f) – simplify wording
 - Rule 20(g) – include all meetings
 - Rule 22(h) (ii) – grammatical ???
 - Rule 23(c) – grammatical ???
 - Rule 24(c) – wording ???
 - Rule 26(a) – additional sentence referencing electronic mail
 - Rule 26(iv) – change to require audited statement of accounts
 - Rule 28(a) – redefine to suit SOP
 - Rule 28(c) – additional text providing for non-agenda items
 - Rule 34(d) – wording changes ???
 - Rule 37(b) – additional authority to employees
 - Rule 38 – change from ABA to ACMA
 - Rule 39(a) – greater flexibility with regard to keeping of seal
 - Rule 40 – wording change to permit greater flexibility
 - Rule 41(a) – grammatical
 - Rule 41(b) – additional clause referencing to privacy legislation

14th January 2010

- Rule 3 – Include reasons for rejecting membership of association
replace Appendix 1 (removes need for proposer and seconder)
- Rule 10 – provide for new member in Nov/Dec to be financial for up to 14 months
- Rule 16 – change maximum age of youth representative from 25 to 30
- Rule 17 – remove need for seconder on Nomination to committee form
change form submission time from 14 days to one month from AGM
add Nomination to Committee form as Appendix 2 to Constitution

12th June 2011*

* Note: From this point forward, for ease of recognition, each amendment in the document will be indicated with a vertical line to the right of the sentence or paragraph. Where a paragraph is named with the letter (i), it will be changed to the letter (j) to avoid confusion with sub-paragraph naming, which uses the Roman numeral (i).

- Rule 1(e) – Change Version of the Associations Incorporation Act from 1984 to 2009, No. 7;
- Rule 1(f) – Change Version of the Associations Incorporation Regulation 1999 to Incorporation Regulation 2010
- Rule 1(i) – Changed (i) to (j) to avoid confusion between the letter (i) and the Roman numeral (i).
Change to Interpretation Act 1987 No. 15, from Interpretation Act 1987.
- Rule 25 (c) – Changed
- Rule 43 (a) – References to the Act changed.
- Appendix 1 – Change in Title from Inc. to Incorporated, change in version of Associations Incorporation Act from 1984 to 2009, No. 7;

30th October, 2014

- Rule 1 (k) – New paragraph added; definition of “presenter”.
- Rule 1 (l) – New paragraph added; definition of “volunteer”.
- Rule 6 (d) – Changed “commencement of the Annual General Meeting” to “31st of December prior to the AGM”.
- Rule 10 (b) – Changed “31st December in the current calendar year” to “31st December prior to the AGM”.
- Rule 12 – Complete revision of the procedures to include the Community Justice Centre, and the Community Justice Centres Act 1983.
- Rule 13 (a) (ii) – Change “Suspend the person’s membership of the Association”, to read “Cancel the person’s membership of the Association, or”
- Rule 13 (a) (v) – Changed “Suspension shall be in accordance with the association’s By-Laws, as in force from time to time” to read “Expel the member from the Association”.
- Rule 13 (a) (vi) – New paragraph “Suspension shall be in accordance with the association’s By-Laws, as in force from time to time” [used to be paragraph (v)]
- Rule 26 (b) (iv) – Changed Section 26 (6) of the Act to read Part 5, Division 1, Section 44 or Part 5, Division 2, Section 48 of the Act.
- Rule 28 (a) – Changed 21 to 7.
- Appendix 1 – Added Line for “Receipt Book No.” recording
- Appendix 2 – Some formatting changes, nomination acceptance highlighted with black border.

9th February, 2017

Cover page – (as amended 30th October 2014) to (as amended 9th February, 2017)

Page 3 – (as amended 30th October 2014) to (as amended 9th February, 2017).

Preamble – line 3 C.B.A.A add /A.C.M.A.

Part 1 – “DEFINITIONS” added as title for Rule 1.

Rule 1 (a) – complete new paragraph.

Rule 1 – all other paragraphs re-numbered sequentially as a result of (a).

Rule 1 (c) – reference to Rule 44 for other definition of secretary.

Rule 1 (l) – reference to Appendix – 4 added.

Rule 1 (n) – new paragraph.

Rule 1 (o) – new paragraph.

Rule 2 (a) – paragraph removed and replaced with new paragraph (a)

Rule 2 (b) – “and been approved” added

Rule 3 – paragraphs (a) and (b) under “**Where the committee resolves:-**”, renumbered (c) and (d) – there is already paragraph (a) and (b) preceding; correction of sequence.

Rule 3 – paragraphs (a) and (b) under “**The secretary shall:-**”, renumbered (e) and (f) – same reason as previous.

Rule 5 – “REPRESENTATION” added as a title.

Rule 6 (d) – “prior to the AGM” removed, and “of any given year substituted. New sentence added referring to Re-application.

Rule 8 (b) – close parenthesis added after the word “determine.

Rule 9 (c) – remove complete paragraph and insert new paragraph (c) “A member is entitled..... one dollar per sheet”.

Rule 10 (b) – remove “prior to the AGM’ and replace with “of any given year”.

Rule 13 (a) (vi) – Replace “as in force from time to time.” with “at the time of the offence”.

Rule 15 – insert a new paragraph (a), the previous paragraph (a) now becomes (b) etc.

Rule 15 – new paragraphs (e), (f), and (g) added.

Rule 17 (a) (ii) – 30 changed to 21.

Rule 17 – new paragraphs (h) and (j) added.

Rule 22 (d) – “or if a quorum, private email group”, added after “association”.

Rule 24 (a) – remove “Questions” and replace with “Motions”.

Rule 24 (b) – remove “question” and replace with “motion”.

Rule 25(b) (i) and (ii) – remove entirely.

Rule 25 (b) – remove “Commission” and replace with “Commissioner of Department of Fair Trading NSW”.

Rule 25 (c) – Remove entirely.

Rule 28 (a) – remove “7” and replace with “21”.

Rule 28 (b) – remove “7” and replace with “21”.

Rule 29 (b) – close parenthesis added after “meeting” and before “constitute”.

Rule 34 – new paragraphs (e), (f), and (g) added.

Rule 35 – “INSURANCE” added as a title.

Rule 44 – new rule “WINDING UP OF THE ASSOCIATION”

Rule 45 – new rule “VOLUNTARY WINDING UP”

Rule 46 – new rule “DISTRIBUTION OF SURPLUS PROPERTY”

Rule 47 – new rule “APPEAL”.

Appendix 1 – Old Appendix 1 removed, and replaced new page entirely.

Appendix 2 – Old Appendix 2 removed, and replaced new page entirely. Conditions for “Youth Representative” modified. Conditions for eligibility to vote, in the outlined box at bottom of page altered to include “being over the age of 18”.

Appendix 3 – new appendix added. “MEMBERSHIP RENEWAL”.

Appendix 4 – new appendix added “PRESENTERS”

Addendum to Appendix 4 – “Presenter’s Contractual Agreement” (2 pages) added.

Appendix 5 – new appendix “Confidentiality Agreement – Volunteers”.

13th June, 2019

Rule 16: Insert new Clause 16 (e) – A Management Committee member may not serve more than six (6) consecutive years.

Insert new Clause 16 (f) – Two Management Committee members must step down at each Annual General Meeting (AGM), and not be eligible for re-election until the following year’s AGM.

Rule 29: Clause (a) to read: No item of business shall be transacted at a General Meeting or Special General Meeting unless a quorum of members entitled under these rules to vote, is present during the time the meeting is considering the item.

Insert the following after Clause (a) of Rule 29 – Note: The quorum number of Management Committee members is a minimum of five (5) present at any Meeting.

Paragraphing Mistake (Typo)

Amend Rule 13 (b) (iii) 2)

Amend to: Rule 13 (b) (iv)

Definitions

Insert Definitions for:-

Cancel, with reference to Rule 13 (a) (ii)

(p) “**Cancel**” – with reference to Rule 13 (a) (ii) means to revoke a person’s membership immediately, for the remainder of the current membership year.

Suspend, with reference to Rule 13 (b) (iii)

(q) “**Suspend**” – with reference to Rule 13 (b) (iii) means to revoke a person’s membership for a specified period of time.

**DELIBERATELY
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