

# CONSTITUTION

## PRELIMINARY DEFINITIONS:

In these rules:

~~"Ordinary Member" means a member of the Management Committee who is not an office bearer of the Association, as referred to in rule 8.2—~~

**"Ordinary Member"** means any member of the Association.

**"Minute Secretary"** means a person holding office under these rules as Minute Secretary of the Association; or, if no such person holds that office — the Public Officer of the Association.

**"Special General Meeting"** means a General Meeting of the Association other than an Annual General Meeting.

**"The Act"** means the Associations Incorporation Act.

**"The Regulation"** means the Associations Incorporation Regulation.

## 1.0 NAME:

(a) The name of the Association is **Tamar FM (Inc)** herein referred to as the "Association".

(b) The Office of the Association shall be at 29-67 Macquarie Street, George Town, Tasmania 7253 or such place as the committee may, from time to time determine.

## 2.0 OBJECTS: The objects of the Association are:

**2.1** To apply for and hold a Community Broadcasting License and any other telecommunications licenses.

**2.2** To establish and operate a Community Broadcasting Station, and to erect, furnish and equip audio studios and production facilities of broadcast standard, for use by the George Town and Tamar Valley Community.

**2.3** To operate the Association as a Not For Profit community institution and to undertake all measures necessary to provide a radio broadcasting service which will foster community group co-operation, by bringing together a diverse range of groups and individuals to discuss, develop and work on

2/..

community media activities, which will have broad and ongoing benefits to the George Town and Tamar Valley community in general, and in particular:

**2.3 (i)** to enable and facilitate communication within the community by broadcasting programs dealing with local issues, events, culture and activities.

**2.3 (ii)** to promote the work of Australian, Tasmanian and local musicians and performers, and regularly play throughout the day, new material and music of upcoming Australian, Tasmanian and local bands and performers, or those not recorded or distributed by major record companies, and to this end, to provide broadcasting and recording facilities to encourage Australian, Tasmanian and local music talent.

**2.3 (iii)** to exceed at all times the minimum Australian content provisions outlined in the Community Broadcasting Code of Practice.

**2.3 (iv)** to provide the opportunity for community groups and related associations, organisations and individuals to be involved in the production and presentation of original programs.

**2.4** In accordance with the previous point, and as the Association determines, to provide programming of a type not adequately covered by existing broadcasters serving the George Town and Tamar Valley community, in particular:

**2.4 (i)** to encourage and develop uses of radio for community and public affairs, education, culture, information, entertainment and recreation by, for and directed to the local community including the disabled, the elderly, parents, teachers, and children etc.

**2.4 (ii)** to be an advocate of cultural and community information by compiling community resource data and information with respect to local activities, events and developments affecting the community.

**2.4 (iii)** to promote and encourage innovative, original, creative and experimental uses of radio.

**2.4 (iv)** to commission musical, dramatic and literary works for use relating to the objects of the Association.

**3/..**

**2.5** To teach, train, instruct, prepare and assist volunteers to provide material for broadcasting, and to provide facilities for volunteers to learn and practice the technical and aesthetic aspects of radio broadcasting and production.

~~**2.6** To foster the development and ideals of Community Broadcasting in such ways as the Association may determine, and to become a member of the Community Broadcasting Association of Australia, and to subscribe to the Community Broadcasting Code of Practice, and in particular:~~

**2.6** To foster the development and ideals of Community Broadcasting in such ways as the Association may determine.

**2.6 (i)** to seek all possible participation of members in all aspects of the association, including management, operations, programming and program production.

**2.6 (ii)** to actively discourage the broadcast of material, which is in any way discriminatory or offensive in terms of race, gender, religious beliefs, physical or mental disabilities, age, political beliefs, academic ability etc.

**2.7** To conduct, either solely or jointly with others entertainments, promotions, concerts, cultural activities, meetings, conferences, community information resource centres, lectures, seminars, courses, on matters of interest relating to the objects of the Association, (and to broadcast same as relevant), and to publish either solely or jointly with others, program and other material relating to the objects of the Association.

**2.8** To carry out research into radio and other media including all technical, economic, social and marketing aspects specifically related to the use of these means towards the objects of the Association.

**2.9** To produce, either solely or jointly with others, publications and other products for sale, loan or hire including recorded programs suitable for dissemination through access arrangements with other Community Broadcasters and programmers and other outlets.

**2.10** To inform members and other interested individuals about the aims and operations of the Association, about Community Broadcasting, Australian and alternative music, and about the aims and activities of participating groups

4/..

and individuals, through station programming and the establishment of a newsletter or programming guide.

**2.11** To support and co-operate with any kindred body.

**2.12** To appoint, employ, remove or suspend staff (paid or unpaid) as may be necessary or convenient for the purposes of the Association.

~~**2.13** To promote volunteer effort as a strong force for social and economic change, enabling citizens to participate fully in the democratic process, determining their own lives and benefiting the community. The efforts of those involved will be seen as a partnership between volunteers and the listening public, celebrating the differences between social and ethnic groups and between individuals, based on mutual trust, respect and honour.~~

**2.13** To promote volunteer effort enabling citizens to participate fully in the community.

**2.14** To do or cease to do from time to time any other such things as may be determined to be in keeping with the general aims of the Association.

### **3.0 POWERS OF THE ASSOCIATION:**

**3.1** To acquire, hold, deal with, and dispose of any real or personal property.

**3.2** To open and operate bank accounts

**3.3** To invest its money

**3.3 (i)** in any security in which trust moneys may be invested; or

**3.3 (ii)** in any other manner authorised by the rules of the Association;

**3.4** the borrowing and raising of money in such manner and on such terms as the committee may think fit or as may be approved or directed by resolution passed at a general meeting;

**3.5** to give such security for the discharge of liabilities incurred by the Association as the Association thinks fit.

**5/..**

**3.6.** to appoint agents to transact any business of the Association on its behalf.

**3.7** to enter into any other contract the Association considers necessary or desirable.

**3.8** the construction, maintenance, and alteration of buildings or works necessarily convenient for any of the objects or purposes of the Association.

**3.9** the accepting of any gifts, whether subject to a special trust or not, for any one or more of the objects or purposes of the Association.

~~**4.0** the taking of such steps from time to time as the committee or procuring contributions to the funds of the members in general meeting may deem expedient for the purpose of the Association, whether by way of donations, subscriptions, or otherwise.~~

**4.0** the taking of such steps from time to time as the committee or the members in general meeting may deem expedient, to procure contributions for the purpose of the Association, whether by way of donations, subscriptions, or otherwise.

**4.1** the printing and publishing of such newspapers, periodicals, books, leaflets, or other documents as the committee or the members in general meeting may think desirable for the promotion of the objects and purposes of the Association;

~~**4.2** the making of gifts, subscriptions, or donations to any of the funds, authorities, or institutions as the Association sees fit.~~

## **5.0 MEMBERSHIP:**

**5.1** A person who has applied and been approved for membership as provided in these rules is eligible to be a member of the Association on payment of the annual subscription prescribed in, or fixed under, these rules.

**5.2** A person who is not a member of the Association at the time of the incorporation of the Association shall not be admitted to membership unless —

(a) he/she has applied as provided in sub-rule (3) of this rule

6/..

(b) his/her admission as a member is approved by the committee.

**5.3** An application ~~of a person~~ for membership of the Association –

(a) shall be made in writing and signed by the applicant **and accompanied by the relevant fee;**

(b) shall be lodged with an office bearer of the Association.

~~5.4 – soon as is practicable after the receipt of an application the office-bearer shall refer the nomination application to the committee who shall determine whether to accept or reject the application.~~

**5.4** (not used)

**5.5 An applicant may only be rejected if:**

(a) there is reasonable grounds to believe that the applicant would not abide by the rules and objectives of the Association; or

(b) required by the law; or

(c) the applicant has been convicted of an indictable offense; or

(d) there are reasonable grounds to believe that the applicant would not abide by the Community Broadcasting Code of Practice; or

(e) there are reasonable grounds to believe that the applicant would pose a security risk to the members, property or premises of the Association.

**5.6 Upon an application being –**

(a) approved by the Management Committee (**where required**), or

~~(b) upon the resolution of the committee to reject an application being overturned on right of reply/appeal the public officer or a representative of the Management Committee shall, with as little delay as possible, notify by the issuing of a "Certificate of Membership" signed by an office bearer of the Association, notify the applicant that he/she the application has been approved for membership of the Association and, '~~

7/..

~~upon receipt of the sum payable by or on behalf of the applicant as his/her first year's subscription, shall enter the applicants name in a register of members to be kept by the public Public Officer, whereupon the applicant becomes a member of the association.~~

(b) upon the resolution of the committee to reject an application being overturned on right of reply/appeal, the Management Committee shall notify the applicant that the application has been approved for membership of the Association and shall enter the applicant's name in a register of member to be kept by the Public Officer, whereupon the applicant becomes a member of the Association.

**5.7** Where an application is rejected by the committee, ~~the Public Officer or a nominated representative of~~ the Management Committee shall, without undue delay, cause to be served on the applicant a notice in writing:

- (a) setting out the decision of the committee and the grounds on which it is based;
- (b) stating that the applicant shall have the right of reply/appeal to the general members of the Association **within 14 days** under rule 7.0

**5.8** A member of the Association may, at any time, resign from the Association by delivering or sending ~~by post~~ to the Public officer a written notice of resignation.

**5.9** Upon receipt of a notice under sub-rule (5.8) of this rule, the public officer shall remove the name of the member to whom the notice was given, from the register of members, whereupon that member ceases to be a member of the Association.

**5.10** Any right, privilege, or obligation of a person as a member of the Association —

- (a) is not capable of being transferred or transmitted to another person; and
- (b) terminates upon the cessation of membership, whether by death, resignation, or otherwise.

**8/..**

**5.11** Membership subscription. Each member to pay subscription renewal annually by the thirtieth day of June **or as determined by the Management Committee.**

**5.12** Members joining after the notice of a General Meeting has been publicised may not exercise voting rights or be elected to the Management Committee at that General Meeting. He/she will have full membership rights at any ensuing General Meeting.

## **6.0 EXPULSION OF MEMBERS:**

**6.1** Subject to this rule, the Management Committee may expel a member from the Association if, the member has been guilty of conduct detrimental to the interests of the Association, **or no longer complies with the requirements of sub-rule 5.5.**

**6.2** The expulsion of a member pursuant to sub-rule (6.1) of this rule does not take effect —

- (a) until the expiration of fourteen days after the service on the member of a notice under sub-rule (6.3) of this rule; or
- (b) if the member exercises **his/her their** right of appeal under this rule, until the conclusion of the special general meeting convened to hear the appeal, whichever is the later date.

**6.3** Where the Management Committee expels a member from the Association, ~~the Public Officer of the Association~~ it shall without undue delay cause to be served on the member a notice in writing —

- (a) stating that the Management Committee has expelled the member;
- (b) specifying the grounds for the expulsion; and

~~(c) — informing the member that if he so desires may, within fourteen days after the service of the notice on him/her, be given the right of reply/appeal against the expulsion as provided in the rule.~~

**(c) informing the member of their right to appeal against the expulsion within 14 days.**



9/..

## **7.0 RIGHT OF REPLY/APPEAL AGAINST EXPULSION OR REJECTION OF MEMBERSHIP**

**7.1** Subject to these rules, a member or rejected membership applicant may appeal against an expulsion under rule 6 or rejection of membership under sub-rule (5.6) by delivering or sending ~~by post~~ to the ~~the public office of the~~ Association, within 14 days after the service of that notice, a ~~requisition request~~ **requisition request** in writing demanding the convening of such a meeting for the purpose of hearing his/her appeal.

~~**7.2** Upon receipt of a requisition request under sub-rule (1) of this rule, the public officer shall forthwith notify the Management Committee of its receipt and the Management Committee shall there upon cause a special general meeting of members to be held within 21 days after the date on which the requisition request is received by the public officer~~

**7.2** Upon receipt of a request under sub-rule (1) of this rule, the Management Committee shall cause a special general meeting of members to be held within 21 days after the date on which the request is received by the Public Officer.

**7.3** At a special meeting convened for the purpose of this rule —

- (a) no business other than the question of the expulsion shall be transacted;
- (b) the Management Committee may place before the meeting details of the grounds of the expulsion and the Management Committee's reasons for the expulsion;
- (c) the rejected applicant or expelled member shall be given an opportunity to be heard; and or make written representations;
- (d) the members present shall vote by secret ballot on the question whether the rejection or expulsion should be lifted or confirmed.
- (e) if at the special general meeting, a majority of the members present vote in favour of the Management Committee's decision it is confirmed, if not it is revoked.

10/..

~~(f) If the volunteer/member still feels the need for any reason they may take their grievance to ACMA, details of contact will be supplied by Management Committee.~~

## **8.0 MANAGEMENT COMMITTEE**

**8.1** Management of the Association shall be vested in the Management Committee. Subject in the case of the first members of the committee to section 21 of The Act, the Committee is to consist of:

~~— **8.1 (1)** the office bearers of the Association; and~~

A minimum of ~~eight~~ **three** and maximum of ~~ten~~ **eight** members, each of whom is to be elected at the Annual General Meeting of the Association, **or appointed to fill a casual vacancy under sub-rule 8.4.**

**8.2** Office bearers of the Association are to be **members of the Management Committee and may include:**

- 8.2 (1)** President
- 8.2 (ii)** Vice President
- 8.2 (iii)** Treasurer
- 8.2 (iv)** Minute Secretary
- 8.3 (v)** Public Officer

**8.3** Each member of the Management Committee is subject to these rules, to hold office until the conclusion of the Annual General Meeting following the date of the member's election, but is eligible for re-election.

**8.4** In the event of a casual vacancy occurring in the membership of the Management Committee, the Management Committee may appoint a member of the Association to fill the vacancy, and the member so appointed is to hold office, subject to these rules, until the Annual General Meeting next following the date of the appointment.

**8.5** A quorum of the Management Committee shall be a half plus one **of the Management Committee Members.**

**11/..**

**8.6** If the President or Vice President is unable to attend, then a chairperson nominated by the meeting shall chair the meeting.

**8.7** The Public Officer may be any financial member of the Association over the age of eighteen, and may be nominated by the Management Committee, and may also be a member of the Management Committee, whether an office bearer or an ordinary member.

~~**8.8.** The management committee members not serve more than three (3) consecutive terms, where a term is two (2) or three (3) years. with a at least two (2) members stepping down at each AGM and not be eligible for re-election until the following year.~~

~~**8.8.** Where possible, the management committee members not serve more than three (3) consecutive terms, where a term is two (2) years.~~

## **9.0 ELECTION OF MANAGEMENT COMMITTEE:**

**9.1** Nominations of candidates for election as office bearers of the Association or as ordinary members of the Management Committee:

(a) must be made in writing, signed by one to two members of the Association and accompanied by the written consent of the candidate (which may be endorsed on the form of nomination); and

(b) must be delivered to the Minute Secretary of the Association at least seven days before the date fixed for the holding of the Annual General Meeting at which the election is to take place.

**9.2** If insufficient nominations are received to fill all vacancies on the Management Committee, the candidates nominated are taken to be elected and further nominations are to be received at the Annual General Meeting.

~~**9.3**— If insufficient further nominations are received, any vacant positions remaining on the Management Committee are taken to be casual vacancies.~~

~~— **9.4**— If the number of nominations received is equal to the number of vacancies to be filled, the persons nominated are taken to be elected.~~

**12/..**

~~9.5 If the number of nominations received exceeds the number of vacancies to be filled, a ballot is to be held.~~

~~9.6~~ **9.3** The ballot for the election of office bearers and ordinary members of the Management Committee is to be conducted at the Annual General Meeting in such usual and proper manner as the Management Committee may direct.

## **10.0 POWERS OF THE MANAGEMENT COMMITTEE**

**10.1** The committee is to be called the Management Committee 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) is to control and manage the affairs of the Association; and
- (b) may exercise all 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
- (c) 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.

## **11.0 AUDITOR:**

**11.1** The Annual General Meeting shall elect or appoint an Auditor or Auditors.

**11.2** The Auditor's shall examine and audit all the books and accounts of the Association annually, and have the power to call for all books, papers, accounts, receipts etc. of the Association and report thereon to the Annual General Meeting.

## **12.0 GENERAL MEETINGS:**

### **12.1 Annual General Meeting**

**12.1(i)** The Annual General Meeting of the Association must be held within four months of the end of the Associations financial year.

## **13/..**

**12.1 (ii)** The secretary shall give at least fourteen (14) days notice of the date of the Annual General Meeting, to members.

**12.1 (iii)** All financial members may attend the Annual General Meeting;

**12.1 (iv)** The (**preferred**) agenda for the Annual General Meeting:

- Opening of the meeting
- Apologies
- Confirmation of Minutes of previous Annual General Meeting
- Presentation of Annual Report
- Adoption of Annual Report
- Presentation of Treasurer's statement
- Election of New **Executive Management Committee** and Appointment of Auditor
- Vote of thanks to outgoing **Executive Management Committee**
- Determination of Annual Membership fee
- Notice/s of Motion
- Urgent general business
- Closure

## **12.2 Special General Meetings:**

**12.2 (i)** The Management Committee may, whenever **links it thinks** fit, convene a Special General Meeting of the Association.

**12.2 (ii)** The Management Committee must, on the **requisition request** in writing of at least 5 per cent of the total number of members, convene a Special General Meeting of the Association

**14/..**

**12.2 (vi)** The Minute Secretary shall give at least seven (7) days notice, in writing, of the date of the Special General Meeting to the members. Notice of the Special General Meetings shall set out clearly the business for which the meeting has been called. No other business shall be dealt with at that Special General Meeting.

### **13.0 VOTING:**

**13.1** Voting powers at the Annual General Meeting and Special General Meetings:

**13.1 (i)** The President shall be entitled to a deliberative vote and in the event of a tied vote, the President shall exercise a casting vote.

**13.1 (ii)** Each individual financial member present shall have one (1) vote, **subject to sub rule 5.12**

**13.2** Voting powers at Management Committee Meetings;

**13.2 (i)** The President shall be entitled to a deliberative vote, and in the event of a tied vote, shall exercise a casting vote.

**13.2 (ii)** Each individual committee member present shall have one (1) vote.

### **14.0 FINANCE:**

**14.1** All funds of the Association shall be deposited into the Association's accounts at such bank or recognised financial institution as the Management Committee may determine.

**14.2** All accounts due by the Association shall be paid by cheque endorsed by a minimum of two nominated signatories **or by electronic means**.

**14.3** More than a set amount of Petty Cash will not be spent without the consent of the Management Committee and the Treasurer will keep a record of Petty Cash expenditure.

**14.4** A statement showing the financial position of the Association shall be tabled at each Management Committee Meeting by the Treasurer.

## **15/..**

**14.5** A statement of Income and Expenditure, Assets and Liabilities shall be submitted to the Annual General Meeting. The auditor's report shall be attached to such financial report.

**14.6** The financial year of the Association shall commence on July 1st each year. The accounts, books and all financial records of the Association shall be audited each year.

~~**14.7** The signatories of the Association's account's will be the Treasurer and any one (1) from the following:~~

- ~~President~~
- ~~Vice President~~
- ~~Minute Secretary~~

~~**14.7** The signatories of the Association's account's will be as determined by the Management Committee.~~

**14.8** The income and property of the Association is to be applied solely towards the promotion of the objects and purposes of the Association.

## **15.0 COMMON SEAL:**

~~—(A rubber stamp on which is engraved the Association's Name)~~

~~The common seal of the Association shall be kept in the care of the Minute Secretary. The seal shall not be used or affixed to any deed or other document except pursuant to a resolution of the Management Committee and in the presence of at least the President and one other member of the Management Committee, both of whom shall subscribe their names as witnesses.~~

## **16.0 ALTERATIONS TO THE CONSTITUTION AND REGULATIONS:**

**16.1** No alterations, repeal or addition shall be made to the Constitution except at the Annual General Meeting, or Special General Meeting called for the purpose. Notice of all motions to alter, repeal or add to the Constitution shall be given to members fourteen (14) days prior to the Annual General Meeting, or seven (7) days prior to the Special General Meeting called for such a purpose.

~~As well:-~~

**16/..**

~~16.2 The minute Secretary shall forward such notices of motion to each member at least fourteen (14) days prior to the Annual General Meeting or seven (7) days prior to the Special General Meeting.~~

**17.0 WINDING UP:**

**17.1** The Association shall be wound up if a resolution to that effect is carried by a vote of a three quarter majority of the financial members present at a Special General Meeting convened to consider the resolution.

**17.2** If, on the winding up of the Association, any property of the Association remains after satisfaction of the debts and liabilities of the Association and the costs, changes and expenditures of that winding up, that property shall be distributed.

**(a)** to another incorporated association having objects similar to those of the Association: or

**(b)** for charitable or benevolent purposes, which incorporated association or purposes, as the case requires, shall be determined by resolution of the members.